# PLANNING COMMISSION MEETING
# MARCH 3, 2016

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

**I. CALL TO ORDER**

**II. ROLL CALL**

**III. APPROVAL OF MEETING MINUTES**

**a. Planning Commission Meeting of 1/7/2016**

**b. Planning Commission Meeting of 2/4/2016**

**IV. ITEMS FROM BOARD MEMBERS**

**V. ITEMS FROM STAFF**

**VI. PUBLIC HEARING**

**a. Z-15-09/V-15-27 Providence Group/DT-LW**
***This Item was deferred by the Applicant until April 13, 2016***
**Consideration of a request to rezone approximately 7 acres from R-12 and O-I to DT-LW(Downtown Live-Work) to construct "for-sale" attached residential and an office building. A variance is requested to allow a gated entrance to the residential portion and a variance to allow front entry homes on the lots 13-27. The property is located on the south side of Old Milton Parkway and east of Haynes Bridge Road. The property is legally described as being located in Land Lots 748 & 749, 1st District, 2nd Section, Fulton County, Georgia.**

**b. PH-15-26 Update to the Downtown Master Plan Map**
***This item was tabled on January 7, 2016***
**Consideration of a map revision to the Downtown Master Plan Map to incorporate additional land along Canton Street.**

**c. CLUP-16-01/Z-16-02 Lehigh Homes/130 Cumming Street**
**Consideration of a request to rezone approximately 3 acres from R-15 to DT-R (Downtown Residential) to construct 9 "for sale" detached homes as well as a request to change the Comprehensive Land Use Plan from "Low Density Residential" to "Medium Density" Residential. The property is located on 130 Cumming Street. The property is legally described as being located in Land Lots 1253 and 1254, 2nd District, 2nd Section, Fulton County, Georgia.**

**d. Z-15-12/V-16-05 Old Milton Holdings/DT-LW**
**Consideration of a request to rezone approximately 2 acres from O-P and R-12 to DT-LW (Downtown-Live-Work) to construct 10 "for sale" detached homes and 7 "for-sale" attached townhomes. Variances are requested for the 40' height limit to build 42' single family homes and 45' townhomes. The property is located on the south side of Thompson Street and east of Haynes Bridge Road. The property is legally described as being located in Land Lot 749 & 802, 1st District, 2nd Section, Fulton County, Georgia.**

e. **Z-15-19/CU-15-15/V-15-34 Old Milton Medical Office/Avitas**
**Consideration of a request to rezone approximately 2 acres from R-12 and R-10M to DT-LW (Downtown Live-Work) in order to develop a medical office. Conditional uses are also requested to allow a "Clinic", medical office use, and an "Accessory retail" use up to 25% of the floor area of an office building as well as a "restaurant" use. Variances are requested for a reduced rear yard setback from 3' to 0', to reduce the 50' transitional buffer to 0', to eliminate the requirement for a 10' wide landscape strip between parking bays, sign variance and variance to parking for more than 120% of the required spaces to be impervious. The property is located on 2505, 2525, and 2545 Old Milton Parkway. The property is legally described as being located in Land Lot 749, 1st District, 2nd Section, Fulton County, Georgia.**

f. **MP-16-01/V-16-03 Parkway 400**
**Consideration of a request to change the condition of zoning from 131 rooms to 132 rooms on MP-14-09 Parkway 400 Hotel. Variances are requested for a reduced side yard setback from 10' to 0' to allow the parking deck to be continuous from Phase 1 to Phase 2 and a variance to the front setback along Kimball Bridge Road from 65' to 25' to allow the parking deck to be closer to the road. The property is located south of Old Milton Parkway across from Avalon. The property is legally described as being located in Land Lot 804, 1st District, 2nd Section, Fulton County, Georgia.**

## VII. ADJOURNMENT

# PLANNING COMMISSION MEETING SUMMARY for JANUARY 7, 2016

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

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

## I. CALL TO ORDER

## II. ROLL CALL

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

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

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

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

## III. ELECTIONS OF OFFICERS

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

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

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

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

## IV. APPROVAL OF MEETING MINUTES

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

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

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

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

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

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

## V. ITEMS FROM BOARD MEMBERS

## VI. ITEMS FROM STAFF

## VII. PUBLIC HEARING

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

Kathi Cook, Director of Community Development, presented.

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

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

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

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

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

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

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

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

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

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

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

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

A conditional use otherwise permitted within a zoning district shall be considered to be compatible with other uses permitted in the district, provided that due consideration is given to the following objective criteria at a public hearing and satisfactory provisions or arrangements are made for:

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

*Response:*

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

The applicant's plan does not meet these requirements.

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

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

*Response:*

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

6. Ensuring that the location and character of the conditional use is considered to be consistent with a desirable pattern of development for the city, in general.

*Response:*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There was discussion from the Board:

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

Tim Zay, presented for the Applicant.

Mr. Zay discussed:

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

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

There was no Public Comment.

There was discussion from the Board:

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

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

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

Kathi Cook, Director of Community Development, presented.

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

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

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

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

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

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

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

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

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

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

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

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

**STANDARDS FOR ZONING CHANGES**

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

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

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

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

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

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

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

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

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

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

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

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

*Not applicable.*

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

*Not applicable.*

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

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

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

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

**COMPREHENSIVE LAND USE PLAN**

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

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

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

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

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

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

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

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

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

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

*Not applicable.*

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

*Demographics and projections have not changed for the area.*

**CONDITIONAL USES**

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

A conditional use otherwise permitted within a zoning district shall be considered to be compatible with other uses permitted in the district, provided that due consideration is given to the following objective criteria at a public hearing and satisfactory provisions or arrangements are made for:

1. Access into and out of the property with regard to traffic and pedestrian safety, volume of traffic flow, and emergency vehicles, as well as the type of street providing access;

*Response:*

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

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

*Response:*

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

3. Ensuring that the conditional use will not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity or diminish and impair property values within the surrounding neighborhood;

*Response:*

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

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

*Response:*

*Not applicable.*

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

*Response:*

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

6. Ensuring that the location and character of the conditional use is considered to be consistent with a desirable pattern of development for the city, in general.

*Response:*

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

**VARIANCE REQUIREMENTS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There was discussion from the Board:

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

Jim Koza presented for the Applicant.

He discussed:

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

There was discussion from the Board:

- No use of alcohol on Commercial property

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

In Favor:

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

Reasons:

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

Opposition:

None.

There was discussion from the Board:

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

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

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

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

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

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

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

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

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

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

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

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

## VIII. ADJOURNMENT

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

# COUNCIL AGENDA REPORT

FROM: Kathi Cook, Community Development Director

SUBJECT: PH-15-26 Update to Downtown Master Plan Map

PLANNING COMMISSION: March 3, 2016

CITY COUNCIL: March 28, 2016

This item was presented to the Planning Commission on January 7, 2016. Staff presented a recommendation for a change to the Downtown Master Plan Map to the north to incorporate additional lots on Canton St. After discussion this item was tabled in order to notify property owners by letter.

**RECOMMENDATION**

Approve amendment to the Downtown Master Plan Map adopted February 23, 2015 in order to incorporate additonal portions along Canton Street.

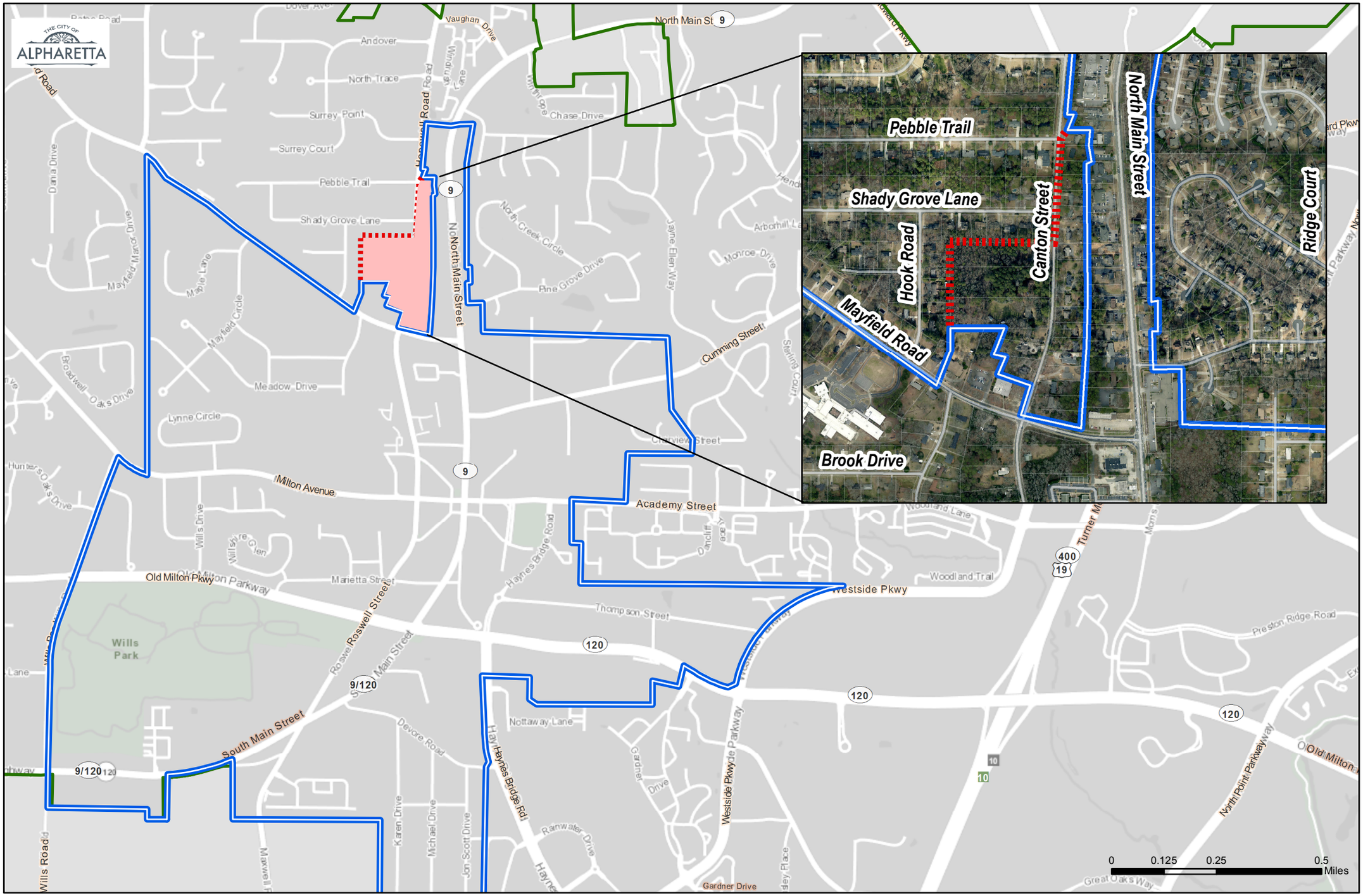
**REPORT-IN-BRIEF**

Staff is recommending a change to the Downtown Master Plan map to the north to incorporate additional properties on Canton Street. Properties along Canton Street are part of the Garden District and re-development should follow architectural guidelines established within the Downtown Master Plan. This change does not impact current zoning. Residents have been notified by a letter of the proposed changes which would only impact redevelopment by requiring architecture to meet guidelines established in the Downtown Master Plan.

**ATTACHMENTS**

Downtown Master Plan Map with Proposed Changes

Notification Letter




# City of Alpharetta Downtown Master Plan Map

*Map Provided by*
*Community Development GIS*

2 PARK PLAZA
ALPHARETTA, GA 30009
PHONE: 678.297.6000
WWW.ALPHARETTA.GA.US

February 11, 2016

Dear Property Owner:

The City of Alpharetta has recently adopted the Downtown Master Plan which outlines architectural guidelines as well as a vision for future development for properties within the boundaries. Your property lies just outside the Downtown Master Plan boundary on Canton Street in an area known as the Garden District. We would like to extend the boundary of the Downtown Master Plan map to include those properties on Canton Street up to Pebble Street as depicted on the attached map.

The change would not impact current zoning or your current structure. The Alpharetta Downtown Code, which would apply to your property, covers building architectural design if your property were redeveloped. The architectural guidelines require building design which is historic in style and materials.

The public hearings for consideration of the change to the Downtown Master Plan map will be held as follows:

Planning Commission Thursday, March 3, 2016 at 6:30 PM and;

City Council Monday, March 28, 2016 at 7:30 PM

Both meetings will be heard in the City Council chambers at City Hall. Please contact me with any questions or concerns you may have.

Respectfully,

Kathi Cook
Director of Community Development

BURGESS JOHN R SR & BURGESS VIRGINIA P
72 MARIETTA ST
ALPHARETTA GA 30009 1940

DANIEL ELISABETH M
393 CANTON ST
ALPHARETTA GA 30009

DEADWYLER STEPHEN
170 SHADY GROVE LN
ALPHARETTA GA 30009

FILIPOWICZ DAVID F & LAURA
260 CANTON ST
ALPHARETTA GA 30009

FULTON COUNTY
141 PRYOR ST SW SUITE 7000
ATLANTA GA 30303

GARRETT D WILLIAM JR
13450 HOPEWELL RD
ALPHARETTA GA 30004 3519

HANSARD VICTOR B SR
310 CANTON ST
ALPHARETTA GA 30004 1339

HUDSON ZACHERY CLEMETH & JENNY ROGERS
205 SHADY GROVE LANE
ALPHARETTA GA 30009

HUGHES CULLENS HARRIET
3944 VINYARD WAY
MARIETTA GA 30062

JAMES DOROTHY
329 CANTON ST
ALPHARETTA GA 30004 1338

JMA HOMES LLC
565 WAYT RD
ROSWELL GA 30076

LIPSCOMB MICHAEL K & SUSAN MARIE
233 CANTON ST
ALPHARETTA GA 30009

MANN ROBERT & SUSAN
273 CANTON ST
ALPHARETTA GA 30004

O SICK MICHAEL W III
361 CANTON ST
ALPHARETTA GA 30004

PRICE CLYDE C JR
371 CANTON ST APT B
ALPHARETTA GA 30009

RODDY JOSEPH H & KIMBERLY A
284 CANTON ST
ALPHARETTA GA 30004 1339

SAMPLES MARY N
113 SEDALIA CT
ALPHARETTA GA 30004

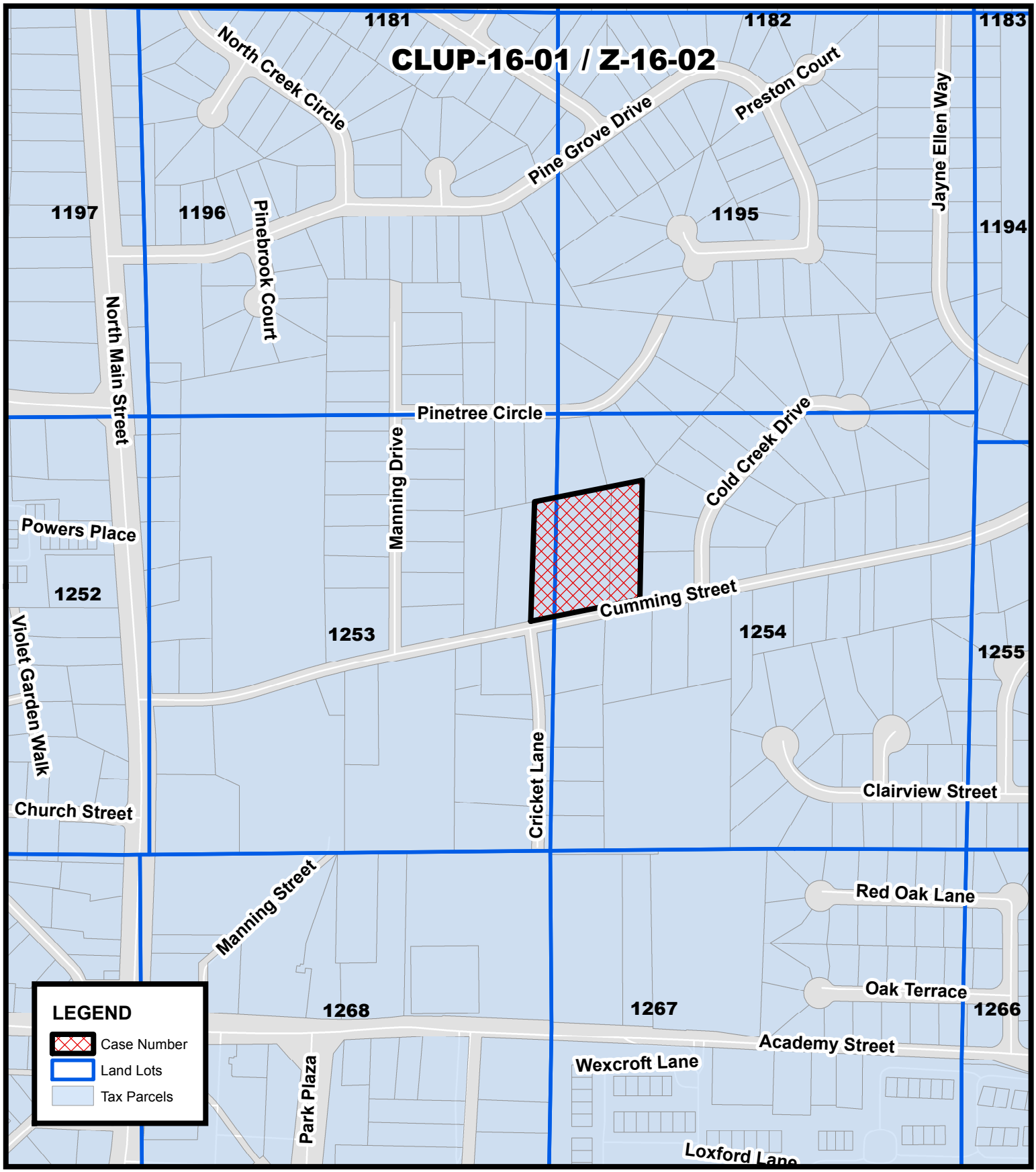
SMITH WILLIAM H & NANCY R
263 CANTON ST
ALPHARETTA GA 30004

STEPHENS HAROLD A STEPHENS PEGGY
319 CANTON ST
ALPHARETTA GA 30009 2338

WALLACE GALE W
324 CANTON ST
ALPHARETTA GA 30004 1339

WATSON RICHARD A & WATSON RENE O
243 CANTON ST
ALPHARETTA GA 30009

ZHL REALTY LLC
5225 HUNTERS OAK DR
ALPHARETTA GA 30004

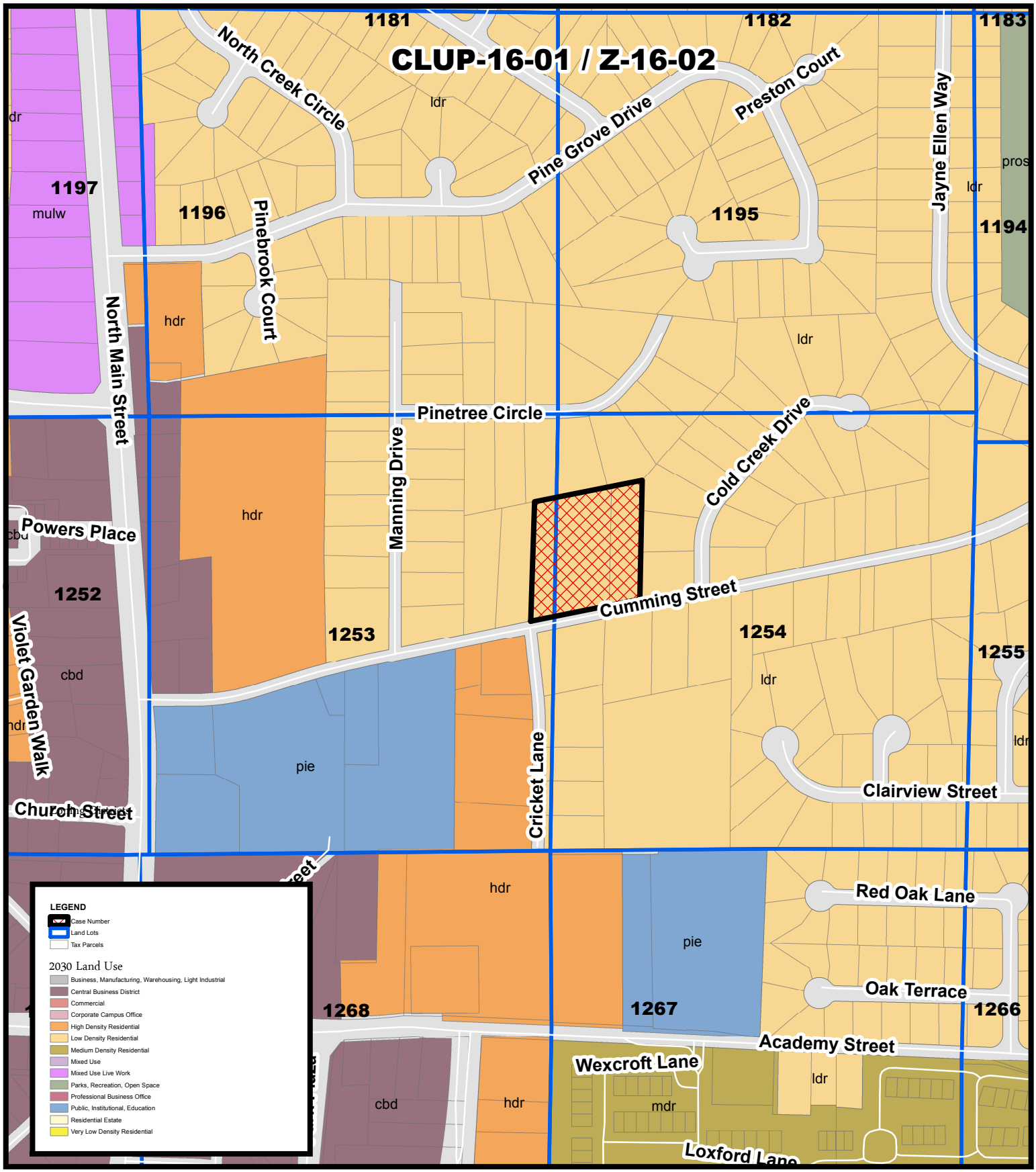



THE CITY OF ALPHARETTA GEORGIA

# Location Map
# Lehigh Homes
# 130 Cumming Street

**CLUP-16-01 Z-16-02**
**D/LL: 2/2/1253,1254**
**PC Date: 3/03/16**
**CC Date: 3/28/16**

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

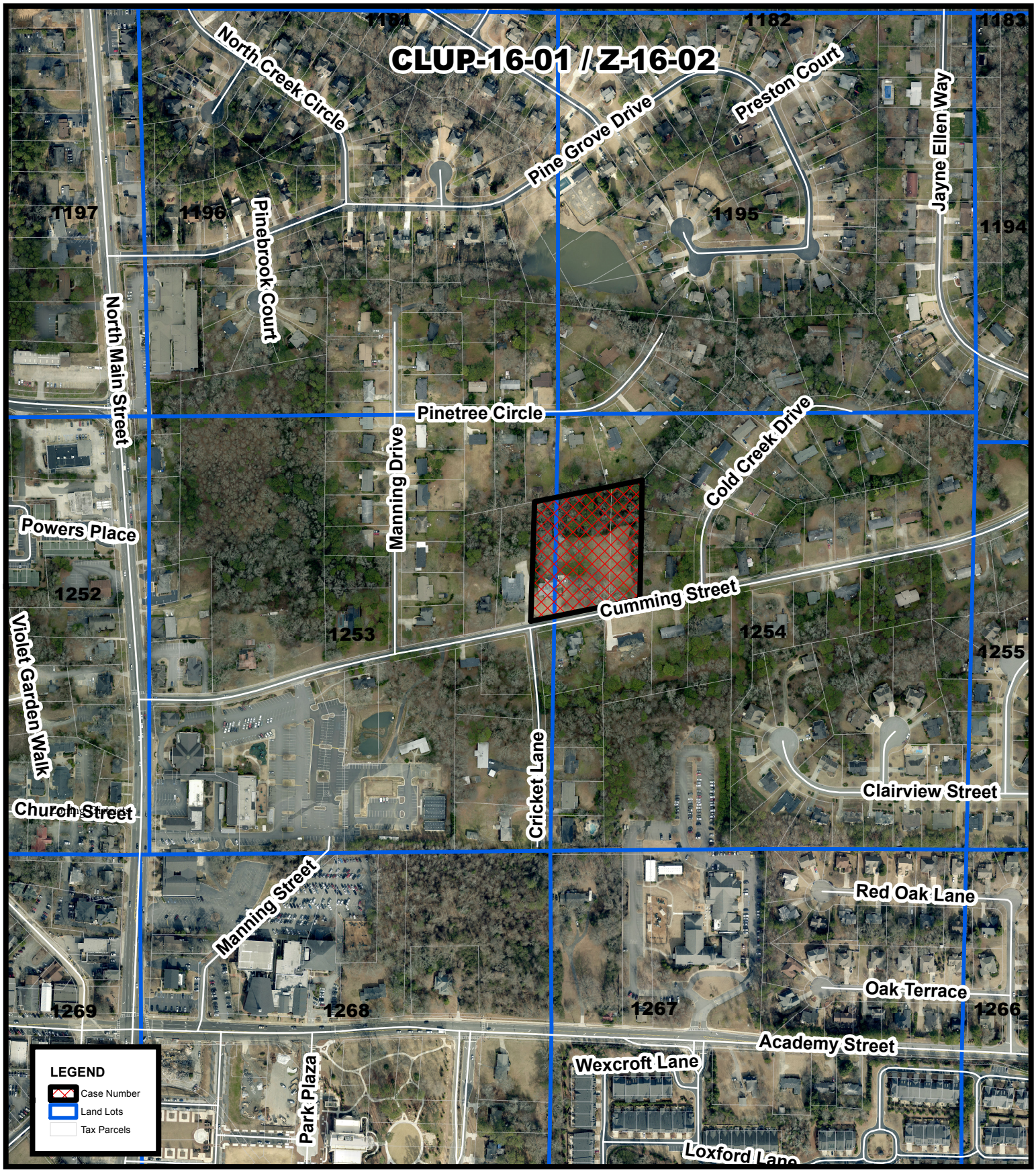



THE CITY OF ALPHARETTA GEORGIA

# 2030 Land Use
# Lehigh Homes
# 130 Cumming Street

**CLUP-16-01 Z-16-02**
**D/LL: 2/2/1253,1254**
**PC Date: 3/03/16**
**CC Date: 3/28/16**

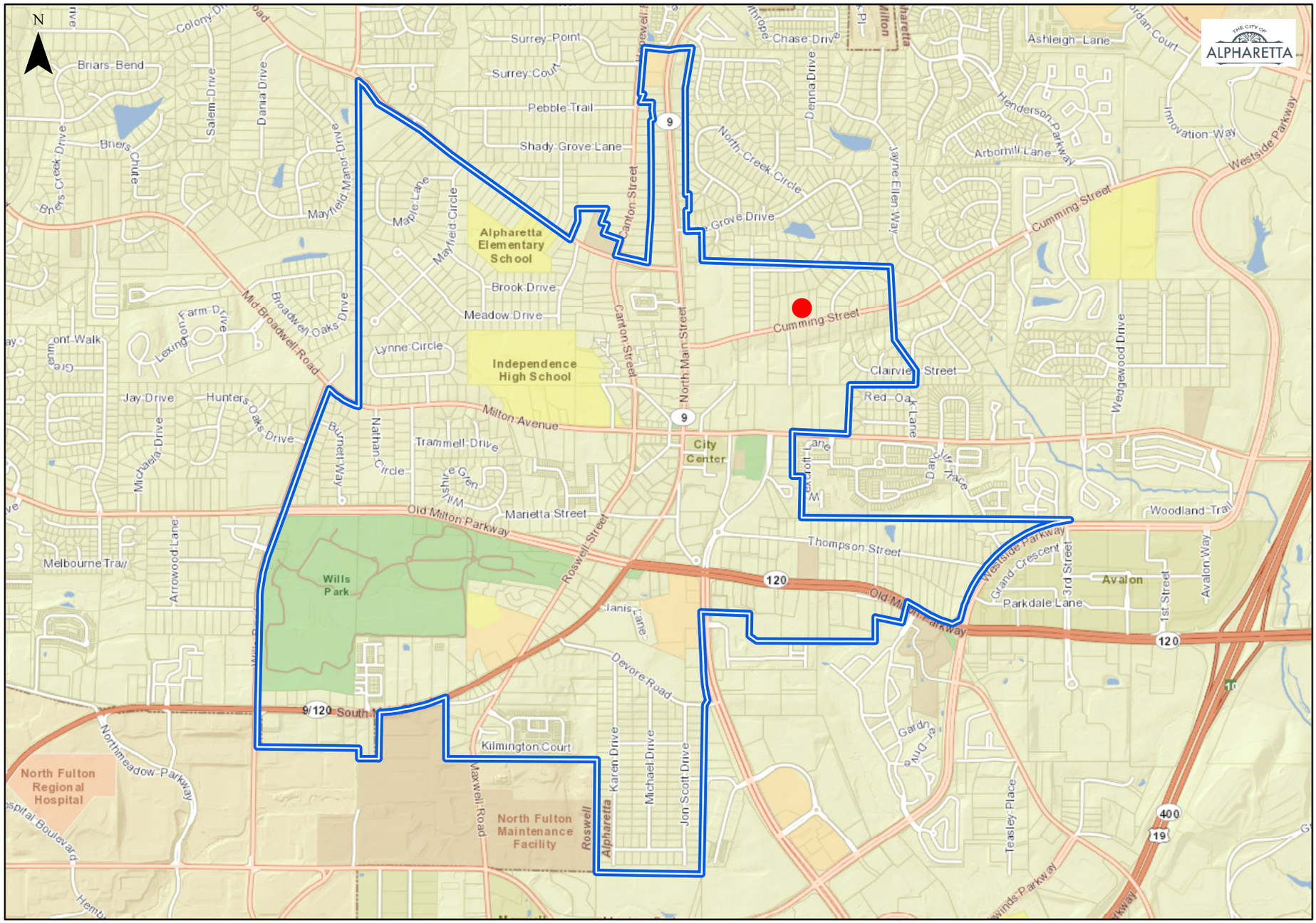
**Location Map Provided by:**
**Community Development - GIS**



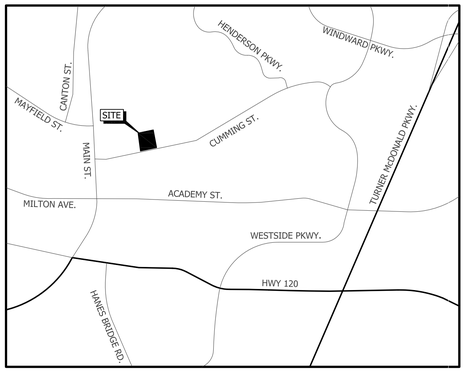

# Aerial Map
# Lehigh Homes
# 130 Cumming Street

CLUP-16-01 Z-16-02
D/LL: 2/2/1253,1254
PC Date: 3/03/16
CC Date: 3/28/16

Location Map Provided by:
Community Development - GIS




# 130 Cumming Street

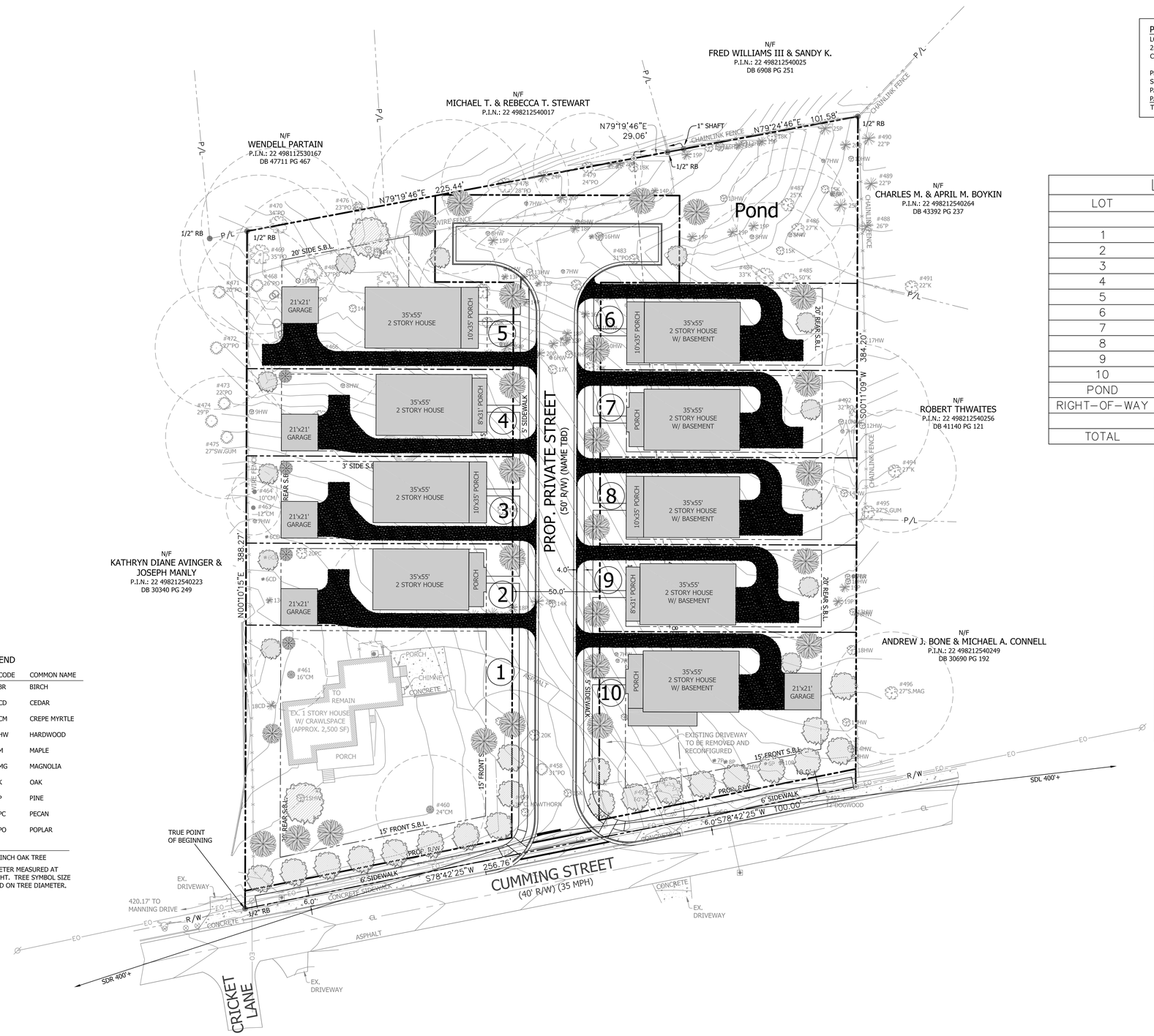



VICINITY MAP
N.T.S.

PARCEL INFORMATION
LOCATED IN LAND LOTS 1253 & 1254
2nd DISTRICT, 2nd SECTION
CITY OF ALPHARETTA, FULTON COUNTY, GA

PROPERTY CURRENTLY CONSISTS OF TWO SEPARATE PARCELS.
PARCEL 1: 91,520 sf (2.101 acres)
PARCEL 2: 43,550 sf (1.000 acres)
TOTAL: 135,070 sf (3.101 acres)

N
GA West Grid




| LOT SUMMARY | | |
|---|---|---|
| LOT | | AREA (acres) |
| | | |
| 1 | 20,883 | 0.479 |
| 2 | 7,176 | 0.165 |
| 3 | 7,634 | 0.175 |
| 4 | 7,634 | 0.175 |
| 5 | 11,846 | 0.272 |
| 6 | 7,350 | 0.169 |
| 7 | 7,350 | 0.169 |
| 8 | 7,350 | 0.169 |
| 9 | 7,350 | 0.169 |
| 10 | 13,705 | 0.315 |
| POND | 10,561 | 0.242 |
| RIGHT-OF-WAY | 26,231 | 0.602 |
| | | |
| TOTAL | 135,070 | 3.101 |

| AMENITY AREA SUMMARY | |
|---|---|
| LOT | LAWN + PATIO |
| | |
| 1 | 9,856 |
| 2 | 954 |
| 3 | 951 |
| 4 | 897 |
| 5 | 1,140 |
| 6 | 974 |
| 7 | 967 |
| 8 | 974 |
| 9 | 897 |
| 10 | 7,690 |
| | |
| TOTAL | 25,300 |
| % AMENITY SPACE PROVIDED | 18.70% |

GENERAL NOTES FROM SURVEY BY
LAND ENGINEERING, INC. dated 12/09/2015:

1. THIS DRAWING WAS CREATED ELECTRONICALLY. THIS MEDIA SHOULD NOT BE CONSIDERED A CERTIFIED DOCUMENT UNLESS IT HAS BEEN PROPERLY SEALED AND ORIGINALLY SIGNED BY A REGISTERED LAND SURVEYOR OF LAND ENGINEERING, INC. AUTHORITY OF O.C.G.A. 43-15-22.
2. THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT. EASEMENTS OF RECORD OR OTHER TITLE MATTERS AFFECTING THE SUBJECT PROPERTY MAY EXIST.
3. TRACT 1 HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 180,236 FEET. TRACT 2 HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 113,536 FEET. A GEOMAX ZOOM 80 ROBOTIC TOTAL STATION WAS USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF ONE FOOT IN 69,859 FEET AND AN ANGULAR ERROR OF 1" PER ANGLE POINT AND WAS ADJUSTED USING THE METHOD OF LEAST SQUARES. ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES.
4. NOT ALL UNDERGROUND UTILITIES ARE SHOWN. UNDERGROUND UTILITIES THAT ARE SHOWN WERE LOCATED BY ABOVE GROUND APPURTENANCES AND OBSERVED EVIDENCE. UTILITIES SHOWN ON THIS SURVEY MAY NOT BE SHOWN IN THEIR EXACT FIELD LOCATION. NO ATTEMPT WAS MADE TO TRACE OR MARK THE LOCATION OF UNDERGROUND UTILITIES WHICH WAS OUTSIDE THE SCOPE OF THIS SURVEY.
5. ANY DIMENSIONAL OR OTHER ZONING REQUIREMENTS SHOWN HEREON WERE OBTAINED FROM WWW.MUNICODE.COM AND MAY NOT REFLECT ANY ALTERNATE OR CONDITIONAL REQUIREMENTS APPLICABLE TO THE SUBJECT PROPERTY. THE SURVEYOR DOES NOT CERTIFY TO ANY MATTERS OF ZONING.
6. THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA PER F.I.R.M. MAP NUMBER 13121C 0058F, EFFECTIVE DATE SEPTEMBER 18, 2013.
7. THIS SURVEY WAS PREPARED BY LAND ENGINEERING, INC.
   REF #: 1023-011
   1601 S ZACK HINTON PARKWAY, MCDONOUGH, GEORGIA 30253
   OFFICE: (678) 814-4346 FAX: (678) 814-4348
   WWW.LAND.ENG

TREE LEGEND

| SYMBOL | CODE | COMMON NAME |
|---|---|---|
| | BR | BIRCH |
| | CD | CEDAR |
| | CM | CREPE MYRTLE |
| | HW | HARDWOOD |
| | M | MAPLE |
| | MG | MAGNOLIA |
| | K | OAK |
| | P | PINE |
| | PC | PECAN |
| | PO | POPLAR |

EXAMPLE
16K = 16 INCH OAK TREE
TRUNK DIAMETER MEASURED AT BREAST HEIGHT. TREE SYMBOL SIZE VARIES BASED ON TREE DIAMETER.

ABBREVIATIONS

| | |
|---|---|
| BLDG | BUILDING |
| CONC. | CONCRETE |
| CTP | CRIMP TOP PIPE |
| DB | DEED BOOK |
| DIST. | DISTURBED |
| L.L. | LAND LOT |
| MON. | MONUMENT |
| N/F | NOW OR FORMERLY |
| N.T.S. | NOT TO SCALE |
| OTP | OPEN TOP PIPE |
| PB | PLAT BOOK |
| PG | PAGE |
| P.O.B. | POINT OF BEGINNING |
| P.O.C. | POINT OF COMMENCEMENT |
| P.I.N. | PARCEL IDENTIFICATION NUMBER |
| P/L | PROPERTY LINE |
| RB | REBAR |
| R/W | RIGHT OF WAY |
| S.F. | SQUARE FEET |
| TW | TOP OF WALL |

LEGEND

| | |
|---|---|
| ● | IRON PIN FOUND |
| ◉ | IRON PIN SET (5/8" REBAR) |
| ○ | CALCULATED POINT |
| ⊠ | RIGHT OF WAY MONUMENT |
| ◈ | WATER METER |
| ⊗ | WATER VALVE |
| | FIRE HYDRANT |
| ∅ | UTILITY POLE |
| ▣ | AIR CONDITIONER UNIT |

CURRENT ZONING
R-15 SINGLE FAMILY DETATCHED RESIDENTIAL
CURRENT SETBACKS
FRONT: 65'
SIDE: 25'
REAR: 50'

PRPOSED ZONING
DT-R DOWNTOWN RESIDENTIAL
MIN. REQ'D. LOT SIZE: 2,500sf
SETBACK SHOWN (EXCEED REQUIREMENT'S):
FRONT: 15'
SIDE: 3'
REAR: 20'

AEC
CIVIL ENGINEERING · PLANNING · LANDSCAPE ARCHITECTURE
50 Warm Springs Circle
Roswell · Georgia · 30075
(770) 641-1942 · www.aecatl.com

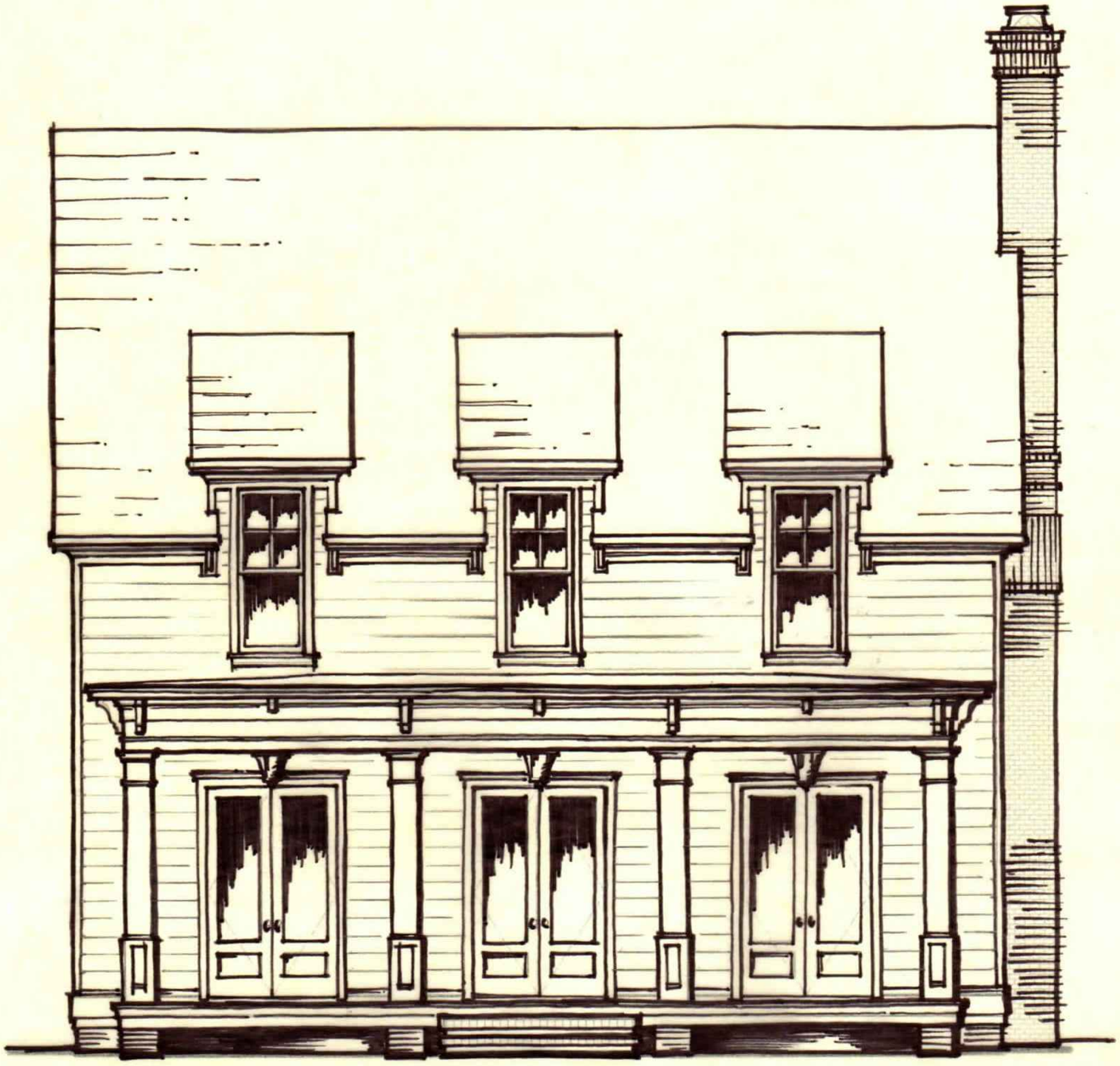
NORTH
30 0 30 60

PRELIMINARY SITE PLAN

# LEHIGH HOMES

130 Cumming Street
Alpharetta, Georgia

PROJECT INFORMATION
PROJECT NO.: 15-3829
DATE: 02-25-2016
SCALE: 1" = 30'
FILE NAME: 15-3829 P01.dwg
DESIGN/DRAWN: CJF



(A) PROPOSED SCHEMATIC EXTERIOR ELEVATION A

SCALE: N.T.S.

NOTE:
THESE DRAWINGS ARE THE PROPERTY OF ARIE KOHN ARCHITECTS, P.C. AND SHALL NOT BE USED, REPRODUCED, AND/OR MODIFIED WITHOUT WRITTEN CONSENT FROM ARIE KOHN ARCHITECTS, P.C.

ARIE KOHN ARCHITECTS, PC
74 WOODSTOCK ROAD, ROSWELL, GA 30075 ~ (770) 642-9030

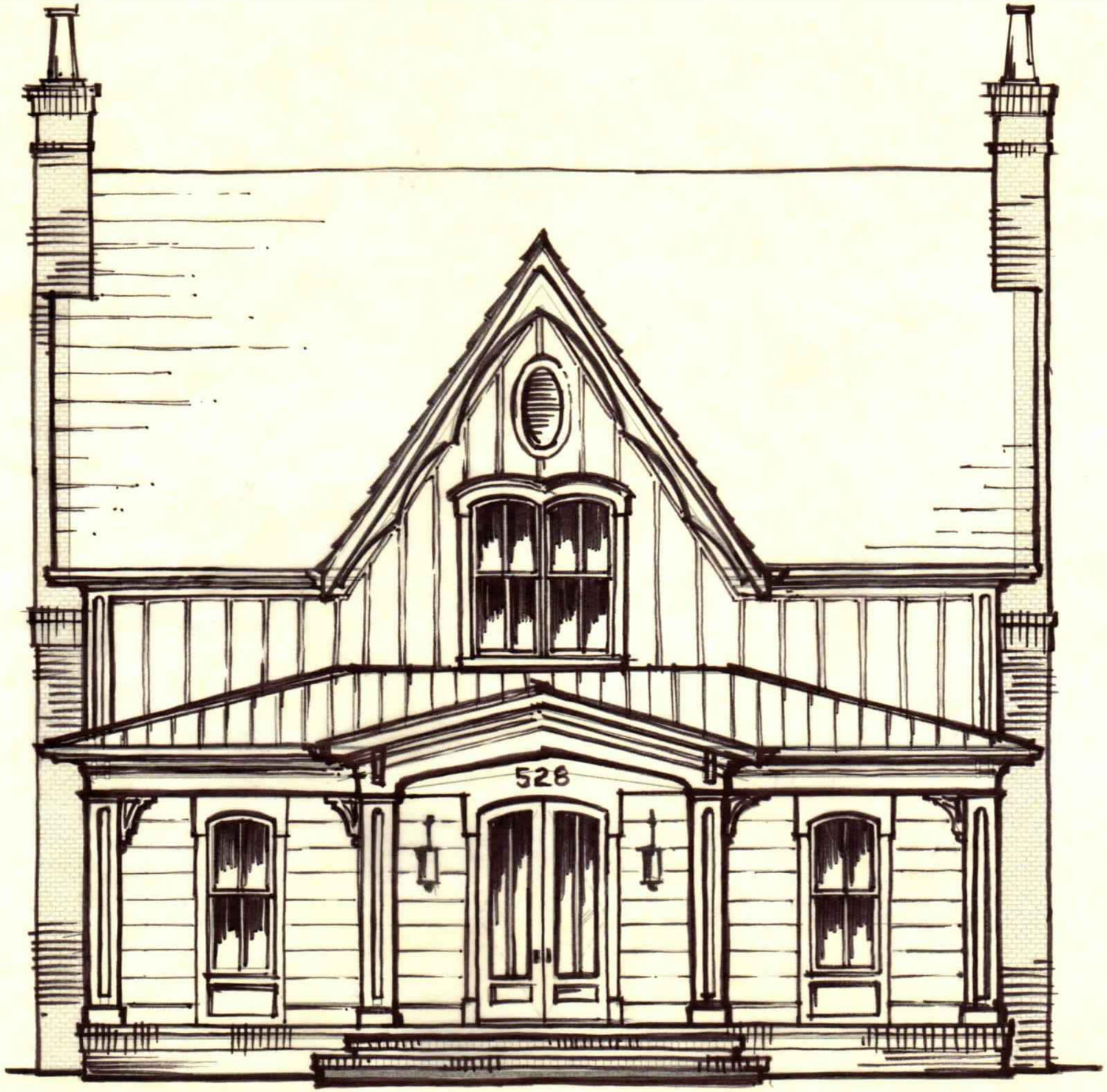
**LeHigh - Alpharetta**
**10 Home Development**

130 CUMMING HIGHWAY
ALPHARETTA, GA 30009

PROJECT: 01601
DATE: 01.15.2015

**A-1**

SCHEM. ELEVATION A




B PROPOSED SCHEMATIC EXTERIOR ELEVATION B

SCALE: N.T.S.

NOTE:
THESE DRAWINGS ARE THE PROPERTY OF ARIE KOHN ARCHITECTS, P.C. AND SHALL NOT BE USED, REPRODUCED, AND/OR MODIFIED WITHOUT WRITTEN CONSENT FROM ARIE KOHN ARCHITECTS, P.C.

ARIE KOHN ARCHITECTS, PC
74 WOODSTOCK ROAD, ROSWELL, GA 30075 ~ (770) 642-9030

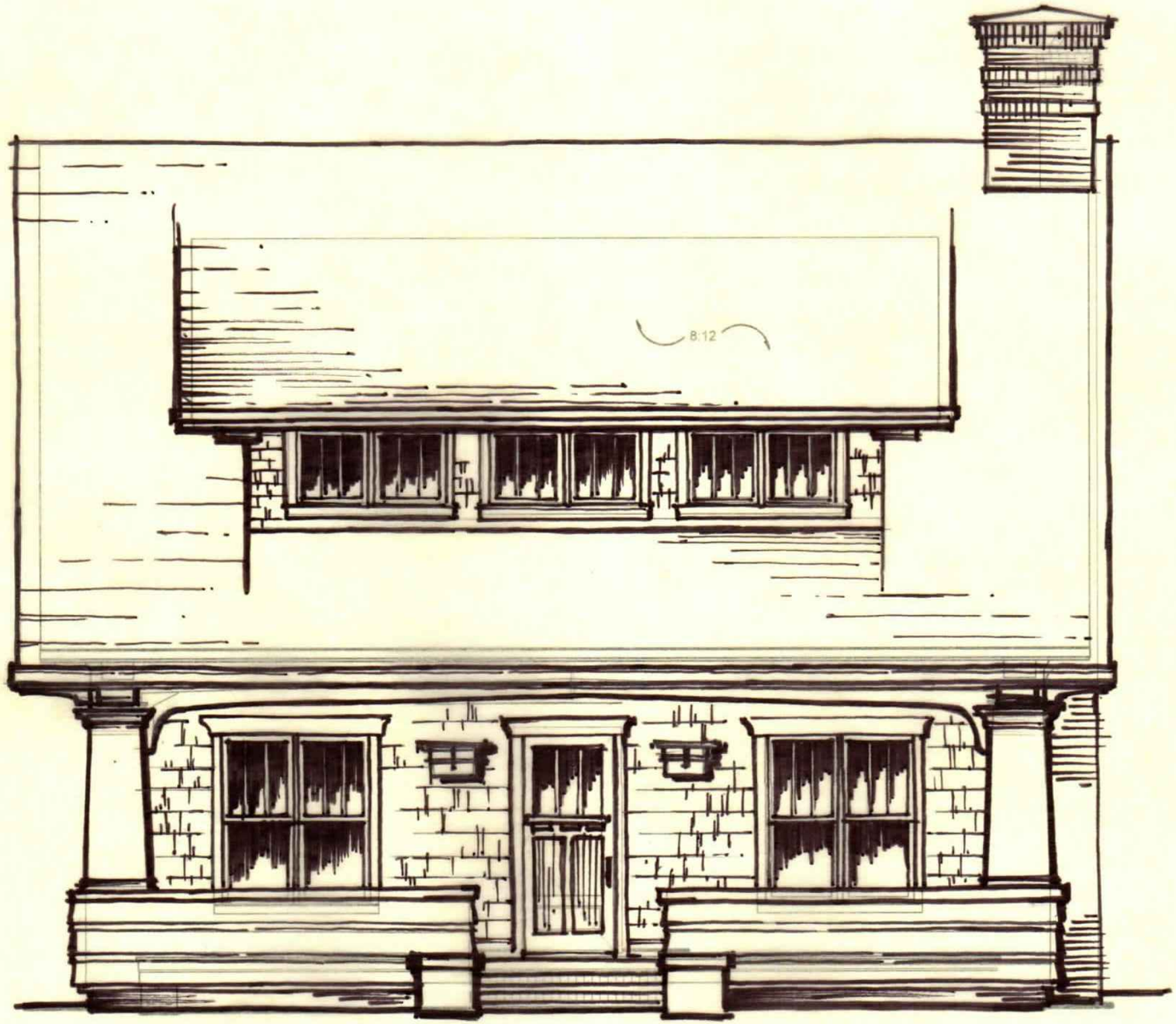
**LeHigh - Alpharetta**
**10 Home Development**

130 CUMMING HIGHWAY
ALPHARETTA, GA 30009

PROJECT: 01601
DATE: 01.15.2015

**A-2**

SCHEM. ELEVATION B




(C) PROPOSED SCHEMATIC EXTERIOR ELEVATION C

SCALE: N.T.S.

NOTE:
THESE DRAWINGS ARE THE PROPERTY OF ARIE KOHN ARCHITECTS, P.C. AND SHALL NOT BE USED, REPRODUCED, AND/OR MODIFIED WITHOUT WRITTEN CONSENT FROM ARIE KOHN ARCHITECTS, P.C.

ARIE KOHN ARCHITECTS, PC
74 WOODSTOCK ROAD, ROSWELL, GA 30075 ~ (770) 642-9030

**LeHigh - Alpharetta**
**10 Home Development**

130 CUMMING HIGHWAY
ALPHARETTA, GA 30009

PROJECT: 01601
DATE: 01.15.2015

**A-3**

SCHEM. ELEVATION C

# 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: Brendan Walsh Telephone: 678-371-8165

Address: 43 Woodstock St Suite: _____

City Roswell State: GA Zip: 30075 Fax: N/A

Mobile Tel: 704-609-2827 Email: bwalsh@lehighinc.com

## Subject Property Information:

Address: 130 Cumming Street Current Zoning: R-15

District: 2 Section: 2 Land Lot: 1253, 1254 Parcel ID: 22 498112530621 and 22 498212540223

Proposed Zoning: DT-R Current Use: Single Family Home

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

☐ Conditional Use

☒ Rezoning

☐ Variance

☒ Comprehensive Plan Amendment

☐ Master Plan Amendment

☐ Master Plan Review

☐ Public Hearing

☐ Other *(Specify)*: _____

# Applicant Request And Intent

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

A residential singe family home neighborhood consisting of ten (10) lots, that will preserve and update the existing historic home on the property.

Applicant's Request (Please itemize the proposal):

Applicant is requesting to rezone the property from R-15 to DT-R (Downtown Residential) and to update the comprehensive use plan to change the classification of the property from low density to medium density.

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

Please refer to the attached letter.

# Alpharetta Planning Commission Review Criteria

How will this proposal be compatible with surrounding properties?

This proposal is for the development of single family homes which is compatible with surrounding properties. The adjoining properties are comprised of single family homes. The proposed homes will fit with the types of homes in the downtown master plan.

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

This proposal will not affect the use of the surrounding properties. Values will be increased as a this product will be comprised of high end custom homes.

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

A change in zoning is required in order to develop the property for a a reasonable economic use, while preserving the existing historic home on site.

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

An increase of nine (9) households, which would not have any meaningful affect. Refer to attached trip generation numbers.

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

An increase of nine (9) households, which would not have any meaningful affect.

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

Follows the downtown master plan, of providing a walkable area, with a mix of housing types. A change to the comprehensive use plan is requested, from low density to medium density residential.

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

A change in zoning is required in order to develop the property for a a reasonable economic use, while preserving the existing historic home on site. Providing single family homes to the downtown area will enhance the City's efforts toward expanding the walkable nature of the downtown area.

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

# Property Owner Authorization

## Property Owner Information:

Contact Name: Michael Connell Telephone: 678-230-8891

Address: 130 Cumming Street Suite:

City Alpharetta State: GA Zip: 30009 -

## Authorization:

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

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

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

## Identify Authorized Applicant:

Name of Authorized Applicant: Lehigh Development Telephone: 678-371-8165

Address: 43 Woodstock St Suite:

City Roswell State: GA Zip: 30075 -

## So Sworn and Attested:

Owner Signature: Date: 1/4/16

Notary:

JASON C CADE
Notary Pubiic
Gwinnett County
State of Georgia
My Commission Expires Feb 19, 2016

Notary Signature: Date: 1/4/16

# 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: Lehigh Development

Subject Public Hearing Case: 130 Cumming Street

## Campaign Contribution Information:

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

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

Name of Official: N/ A Position:

Description of Contribution: N/ A Value:

Description of Contribution: Value:

Description of Contribution: Value:

Description of Contribution: Value:

Description of Contribution: Value:

## Campaign Contribution Information:

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

Signature: Date: 1/4/16

# 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: Lehigh Development

Subject Public Hearing Case: 130 Cumming Street

## Campaign Contribution Information:

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

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

Name of Official: N / A Position:

Description of Contribution: N / A Value:

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: Brendan Walsh Date: 1-4-16

# EXHIBIT "A"

## Description of Property

## 130 Cumming Street, Alpharetta, Georgia

All that tract or parcel of land lying and being in Land Lots 1253 and 1254 of the 2nd District, 2nd Section of the City of Alpharetta, Fulton County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, commence at the northeast intersection of the northerly right-of-way of Cumming Street (40' Public R/W) and the easterly right-of-way of Manning Drive (40' Public R/W), which is the POINT OF BEGINNING; running thence along the northerly right-of-way of Cumming Street (40' Public R/W) to the east a distance of 420.17 feet to an iron pin; said pin being the TRUE POINT OF BEGINNING; leaving said right-of-way and running thence N00°10'15"E a distance of 388.27 feet to a point; running thence N79°19'46"E a distance of 225.44 feet to a point; running thence N79°19'46"E a distance of 29.06 feet to a point; running thence N79°24'46"E a distance of 101.58 feet to a point; running thence S00°11'09"W a distance of 384.20 feet to a point on the northerly right-of-way of Cumming Street (40' Public R/W); continuing along said right-of-way of Cumming Street (40' Public R/W) and running thence S78°42'25"W a distance of 100.00 feet to a point; continuing along said right-of-way of Cumming Street (40' Public R/W) and running thence S78°42'25"W a distance of 256.76 feet to an iron pin, which is the TRUE POINT OF BEGINNING; said property contains 3.101 acres (135,070 sq. feet).

This description is based on information from boundary surveys by Brumbelow-Reese & Assoc., Inc., dated 07/20/94 and Land Engineering, Inc. dated 11/03/15.

50 Warm Springs Circle
Roswell, Georgia 30075-4937
Main: 770.641.1942
Fax: 770.998.6924

January 4, 2016

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

RE: Rezoning Submittal for 130 Cumming Street
Land Lots 1253 & 1254 of the 2nd District, 2nd Section,
City of Alpharetta, Fulton County, Georgia

Dear Mayor and Councilpersons:

Lehigh Development, the applicant in the above referenced application, seeks rezoning approval for a 3.101 acre property on Cumming Street from R-15 to DT-R (Downtown Residential) for the purpose of constructing a ten (10) lot subdivision.

The property is located at 130 Cumming Street, east of Manning Drive. The site includes one existing, historic home structure. The property is surrounded on all sides by single family homes.

It is the intention of Lehigh Development is to develop a walkable, single family home neighborhood, consisting of ten (10) lots, which will preserve and update the existing historic home on the property.

The specific requests are as follows:

1. Rezone property from R-15 to DT-R (Downtown Residential).
2. Request a change to the Comprehensive Plan from low density residential to medium density residential.

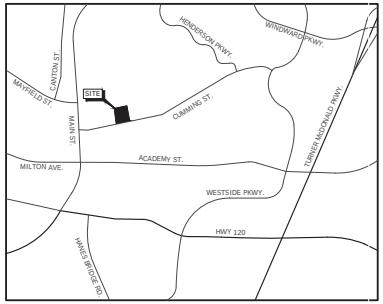
The granting of these requests will have no negative impact on adjoining or nearby properties. This project follows the downtown masterplan by providing a walkable area with a mix of housing types. The development will not unduly tax any City of Alpharetta services, including, but not limited to, fire and police protection, water service and garbage collection. There will be a negligible impact on surrounding school population. Sanitary sewer will be provided by public Fulton County sewer.

In so much as it is believed that this aforementioned development is in the best interest of the City of Alpharetta, its citizens, surrounding property owners and the property owner, the applicant respectfully requests that the City of Alpharetta Mayor and Council approve this application as a part of the approval process.

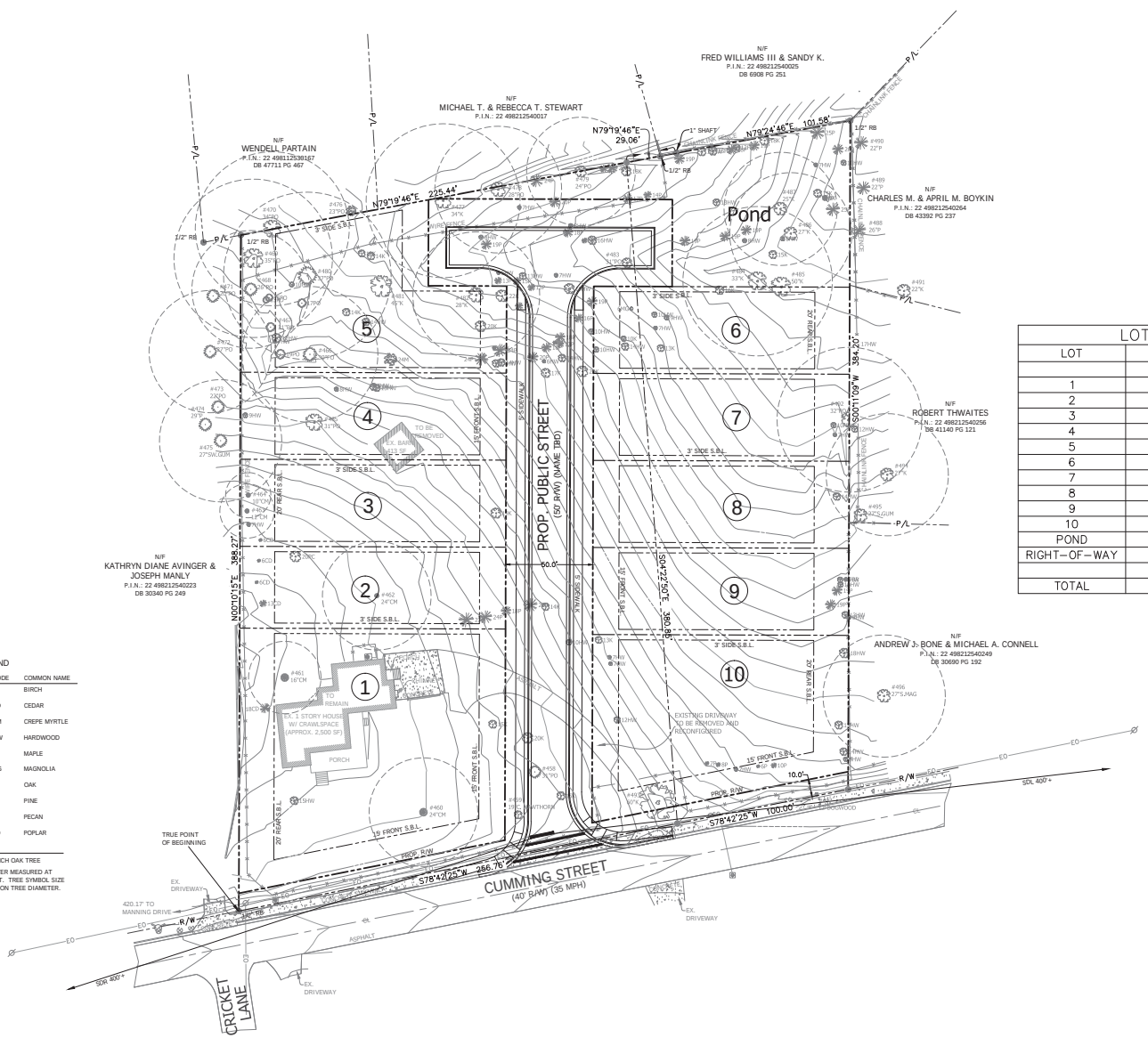
Sincerely,
**AEC, Inc.**

Christopher J. Finke, P.E.
President
CJF/slr
Attachments

M:\2015 JOBS\15-3829 Lehigh Homes-130 Cumming Street Alpharetta\Zoning files\Letter Of Intent.docx




VICINITY MAP
N.T.S.




PARCEL INFORMATION
LOCATED IN LAND LOTS 1253 & 1254
2nd DISTRICT, 2nd SECTION
CITY OF ALPHARETTA, FULTON COUNTY, GA

PROPERTY CURRENTLY CONSISTS OF TWO SEPARATE PARCELS.
PARCEL 1: 91,520 sf (2.101 acres)
PARCEL 2: 43,550 sf (1.000 acres)
TOTAL: 135,070 sf (3.101 acres)

| LOT SUMMARY | | |
|---|---|---|
| LOT | | AREA (acres) |
| | | |
| 1 | 20,883 | 0.479 |
| 2 | 7,176 | 0.165 |
| 3 | 7,634 | 0.175 |
| 4 | 7,634 | 0.175 |
| 5 | 11,846 | 0.272 |
| 6 | 7,350 | 0.169 |
| 7 | 7,350 | 0.169 |
| 8 | 7,350 | 0.169 |
| 9 | 7,350 | 0.169 |
| 10 | 13,705 | 0.315 |
| POND | 10,561 | 0.242 |
| RIGHT-OF-WAY | 26,231 | 0.602 |
| | | |
| TOTAL | 135,070 | 3.101 |

GENERAL NOTES FROM SURVEY BY
LAND ENGINEERING, INC. dated 12/09/2015:

1. THIS DRAWING WAS CREATED ELECTRONICALLY. THIS MEDIA SHOULD NOT BE CONSIDERED A CERTIFIED DOCUMENT UNLESS IT HAS BEEN PROPERLY SEALED AND ORIGINALLY SIGNED BY A REGISTERED LAND SURVEYOR OF LAND ENGINEERING, INC. AUTHORITY OF O.C.G.A. 43-15-22.
2. THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT. EASEMENTS OF RECORD OR OTHER TITLE MATTERS AFFECTING THE SUBJECT PROPERTY MAY EXIST.
3. TRACT 1 HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 180,236 FEET. TRACT 2 HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 113,536 FEET. A GEOMAX ZOOM 80 ROBOTIC TOTAL STATION WAS USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF ONE FOOT IN 69,859 FEET AND AN ANGULAR ERROR OF 1" PER ANGLE POINT AND WAS ADJUSTED USING THE METHOD OF LEAST SQUARES. ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES.
4. NOT ALL UNDERGROUND UTILITIES ARE SHOWN. UNDERGROUND UTILITIES THAT ARE SHOWN WERE LOCATED BY ABOVE GROUND APPURTENANCES AND OBSERVED EVIDENCE. UTILITIES SHOWN ON THIS SURVEY MAY NOT BE SHOWN IN THEIR EXACT FIELD LOCATION. NO ATTEMPT WAS MADE TO TRACE OR MARK THE LOCATION OF UNDERGROUND UTILITIES WHICH WAS OUTSIDE THE SCOPE OF THIS SURVEY.
5. ANY DIMENSIONAL OR OTHER ZONING REQUIREMENTS SHOWN HEREON WERE OBTAINED FROM WWW.MUNICODE.COM AND MAY NOT REFLECT ANY ALTERNATE OR CONDITIONAL REQUIREMENTS APPLICABLE TO THE SUBJECT PROPERTY. THE SURVEYOR DOES NOT CERTIFY TO ANY MATTERS OF ZONING.
6. THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA PER F.I.R.M. MAP NUMBER 13121C 0058F, EFFECTIVE DATE SEPTEMBER 18, 2013.
7. THIS SURVEY WAS PREPARED BY LAND ENGINEERING, INC.
REF #: 1023-011
1601 S ZACK HINTON PARKWAY, MCDONOUGH, GEORGIA 30253
OFFICE: (678) 814-4346 FAX: (678) 814-4348
WWW.LAND.ENG

TREE LEGEND

| SYMBOL | CODE | COMMON NAME |
|---|---|---|
| | BR | BIRCH |
| | CD | CEDAR |
| | CM | CREPE MYRTLE |
| | HW | HARDWOOD |
| | M | MAPLE |
| | MG | MAGNOLIA |
| | K | OAK |
| | P | PINE |
| | PC | PECAN |
| | PO | POPLAR |

EXAMPLE
16K = 16 INCH OAK TREE
TRUNK DIAMETER MEASURED AT BREAST HEIGHT. TREE SYMBOL SIZE VARIES BASED ON TREE DIAMETER.

ABBREVIATIONS

| | |
|---|---|
| BLDG | BUILDING |
| CONC. | CONCRETE |
| CTP | CRIMP TOP PIPE |
| DB | DEED BOOK |
| DIST. | DISTURBED |
| L.L. | LAND LOT |
| MON. | MONUMENT |
| N/F | NOW OR FORMERLY |
| N.T.S. | NOT TO SCALE |
| OTP | OPEN TOP PIPE |
| PB | PLAT BOOK |
| PG | PAGE |
| P.O.B. | POINT OF BEGINNING |
| P.O.C. | POINT OF COMMENCEMENT |
| P.I.N. | PARCEL IDENTIFICATION NUMBER |
| P/L | PROPERTY LINE |
| RB | REBAR |
| R/W | RIGHT OF WAY |
| S.F. | SQUARE FEET |
| TW | TOP OF WALL |

LEGEND

| | |
|---|---|
| | IRON PIN FOUND |
| | IRON PIN SET (5/8" REBAR) |
| | CALCULATED POINT |
| | RIGHT OF WAY MONUMENT |
| | WATER METER |
| | WATER VALVE |
| | FIRE HYDRANT |
| | UTILITY POLE |
| | AIR CONDITIONER UNIT |

CURRENT ZONING
R-15 SINGLE FAMILY DETATCHED RESIDENTIAL
CURRENT SETBACKS
FRONT: 65'
SIDE: 25'
REAR: 50'

PRPOSED ZONING
DT-R DOWNTOWN RESIDENTIAL
MIN. REQ'D. LOT SIZE: 2,500sf
SETBACK SHOWN (EXCEED REQUIREMENT'S):
FRONT: 15'
SIDE: 3'
REAR: 20'

AEC
CIVIL ENGINEERING • PLANNING • LANDSCAPE ARCHITECTURE
50 Warm Springs Circle
Roswell • Georgia • 30075
(770) 641-1942 • www.aecatl.com

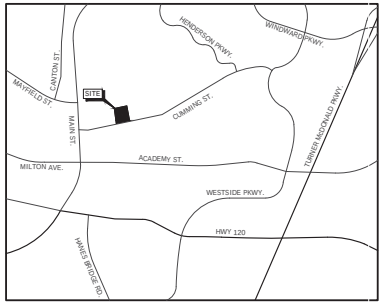
NORTH
30 0 30 60

PRELIMINARY SITE PLAN

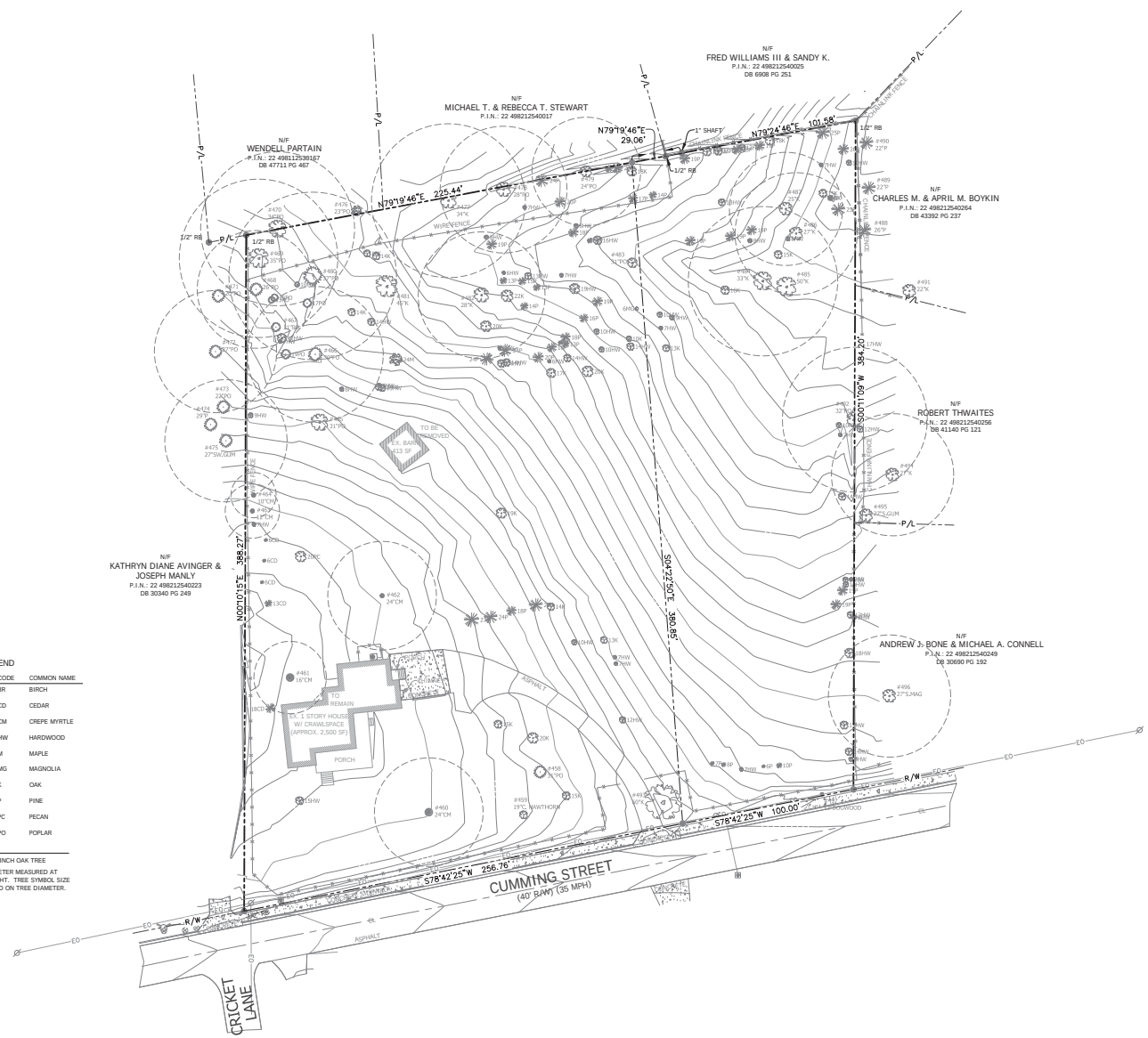
# LEHIGH HOMES

130 Cumming Street
Alpharetta, Georgia

PROJECT INFORMATION
PROJECT NO.: 15-3829
DATE: 01-04-2016
SCALE: 1" = 30'
FILE NAME: 15-3829 P01.dwg
DESIGN/DRAWN: CJF




VICINITY MAP
N.T.S.

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TREE LEGEND

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LEGEND

| | |
|---|---|
| | IRON PIN FOUND |
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DT-R DOWNTOWN RESIDENTIAL
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NORTH
30 0 30 60

TREE SURVEY

# LEHIGH HOMES

130 Cumming Street
Alpharetta, Georgia

PROJECT INFORMATION
PROJECT NO.: 15-3829
DATE: 01-04-2016
SCALE: 1" = 30'
FILE NAME: 15-3829 P01.dwg
DESIGN/DRAWN: CJF

# 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: 130 Cumming Street

Contact Name: Brendan Walsh, Lehigh Development

Telephone: 678-371-8165

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

See attached list

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

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

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

Individuals may contact the applicant with questions or concerns via telephone, e-mail or an in person meeting, if requested.

**Attachment**

Citizen Participation Form - Part A

| PIN | Address | Owner |
|---|---|---|
| 22 497311950036 | 227 PINETREE CIR | GUREVICH VLADIMIR |
| 22 497311950044 | 221 PINETREE CIR | CHILDRESS JOHN D III & SALLY J |
| 22 497311950051 | 215 PINETREE CIR | HOWARD EFFIE I S ET AL |
| 22 497311950069 | 210 PINETREE CIR | LUTZ MARTY |
| 22 497311950077 | 218 PINETREE CIR | DEMPSEY LINDA |
| 22 497311950101 | 194 COLD CREEK DR | NORTON PHIL |
| 22 497411960026 | 192 PINETREE CIR | FOWLER HAROLD E & MARY H |
| 22 497411960034 | 182 PINETREE CIR | CASTLEBERRY MICHAEL |
| 22 497411960059 | 211 MANNING DR | DEBBAN ANNA M & VIRGO GEORGE E |
| 22 497411960133 | 172 PINETREE CIR | ANGEL DREMA D |
| 22 498112530134 | 195 MANNING DR | DLUGOZIMA SANDY H JR |
| 22 498112530142 | 175 PINETREE CIR | FRIEDRICH FELIX |
| 22 498112530159 | 183 PINETREE CIR | BLANKENSHIP LINDA S |
| 22 498112530167 | 193 PINETREE CIR | PARTAIN WENDELL |
| 22 498112530183 | 112 CUMMING ST | ALPHARETTA WOMANS CLUB INC |
| 22 498112530217 | 155 MANNING DR | 260 WAVETREE DRIVE LLC |
| 22 498112530225 | 165 MANNING DR | EQUITY TRUST COMPANY CUSTODIAN FBO & OF DANIEL M FRIES IRA |
| 22 498112530233 | 175 MANNING DR | STOVALL LINDA STRICKLAND |
| 22 498112530241 | 185 MANNING DR | GALLAGHER KATHERINE |
| 22 498112530316 | 109 CUMMING ST | SCHAEFFER JAMES T |
| 22 498112530357 | 89 CUMMING ST | ALPHARETTA FIRST UNITED METHODIST CHURCH |
| 22 498112530415 | 133 CUMMING ST | MONZO PHILLIP R |
| 22 498112530431 | 0 CUMMING ST | THOMPSON STEPHEN M & THOMPSON DONNA S |
| 22 498112530480 | 145 MANNING DR | MENTO CRAIG JAMES II & KINAST MENTO JENNIFER |
| 22 498112530498 | 135 MANNING DR | LACHGAR REBECCA G |
| 22 498112530522 | 0 CRICKET LN | MONZO PHILLIP R |
| 22 498112530571 | 262 CRICKET LN | CASTLEBERRY EMILY J |
| 22 498112530589 | 241 CRICKET LN | GARDNER JOAN LAUTRELL |
| 22 498112530613 | 120 CUMMINGS ST | AVINGER KATHRYN DIANE & JOSEPH MANLY |
| 22 498112530621 | 130 CUMMINGS ST | CONNELL MICHAEL A AND JOHNNA C |
| 22 498112530639 | 0 CUMMING ST | THOMPSON STEPHEN M & DONNA S |
| 22 498212540017 | 203 PINETREE CIR | STEWART MICHAEL T & REBECCA A |
| 22 498212540025 | 211 PINETREE CIR | WILLIAMSON FRED III & SANDY K |
| 22 498212540173 | 205 CUMMING ST | SHIRLEY GORDON |
| 22 498212540199 | 155 CUMMING ST | H & R PROPERTY HOLDINGS LLC |
| 22 498212540223 | 130 CUMMING ST | CONNELL MICHAEL A |
| 22 498212540249 | 134 COLD CREEK DR | BONE ANDREW J & CONNELL MICHAEL A |
| 22 498212540256 | 144 COLD CREEK DR | THWAITES ROBERT |
| 22 498212540264 | 154 COLD CREEK DR | BOYKIN CHARLES M & APRIL M |

**Attachment**

Citizen Participation Form - Part A

| | | |
|---|---|---|
| 22 498212540272 | 164 COLD CREEK DR | ENABLE OF GEORGIA FOUNDATION INC |
| 22 498212540280 | 174 COLD CREEK DR | HERSHORAN JUSTIN M & HILL STEVEN CHARLES |
| 22 498212540298 | 184 COLD CREEK DR | MC MILLIAN JEANISE & SCHRAFFT BENJAMIN |
| 22 498212540371 | 135 COLD CREEK DR | EWING MICHAEL R & EWING JOANNE S |
| 22 498212540389 | 210 CUMMING ST | CONNELLY MICHAEL J & KRISTINA L |
| 22 498212540439 | 145 CUMMING ST | IVEY WESLEY & ANGELA |
| 22 498212540454 | 165 COLD CREEK DR | SAMUELSON AMY E |
| 22 498212540470 | 145 COLD CREEK DR | BRAMBLETT JOE E & EDITH W |
| 22 498212540488 | 155 COLD CREEK DR | WHITMIRE MARVIN LEE |
| 22 498212540496 | 165 CUMMING ST | ASBURY DEBORAH |
| 22 498212540504 | 0 CUMMING ST REAR | ATLANTA PRESBYTERY INC |
| 22 498212540637 | 2565 CLAIRVIEW ST | ALBERTSON ROBERT C & JULIE K |
| 22 498212540736 | 0 CUMMING ST | ALPHARETTA PRESBYTERIAN CHURCH INC |

alphagis.alpharetta.ga.us/alphagis/#

city of alpharetta

ALPHARETTA

AlphaGIS City of Alpharetta GIS Mapping Application

130 Cumming Street

Clear Map

Map Aerial

Layers

- City Facilities
- Businesses
- Address Points
- Street Centerlines
- Tax Parcels 2015
- Zoning Districts
- Cities

Links

PDF Maps

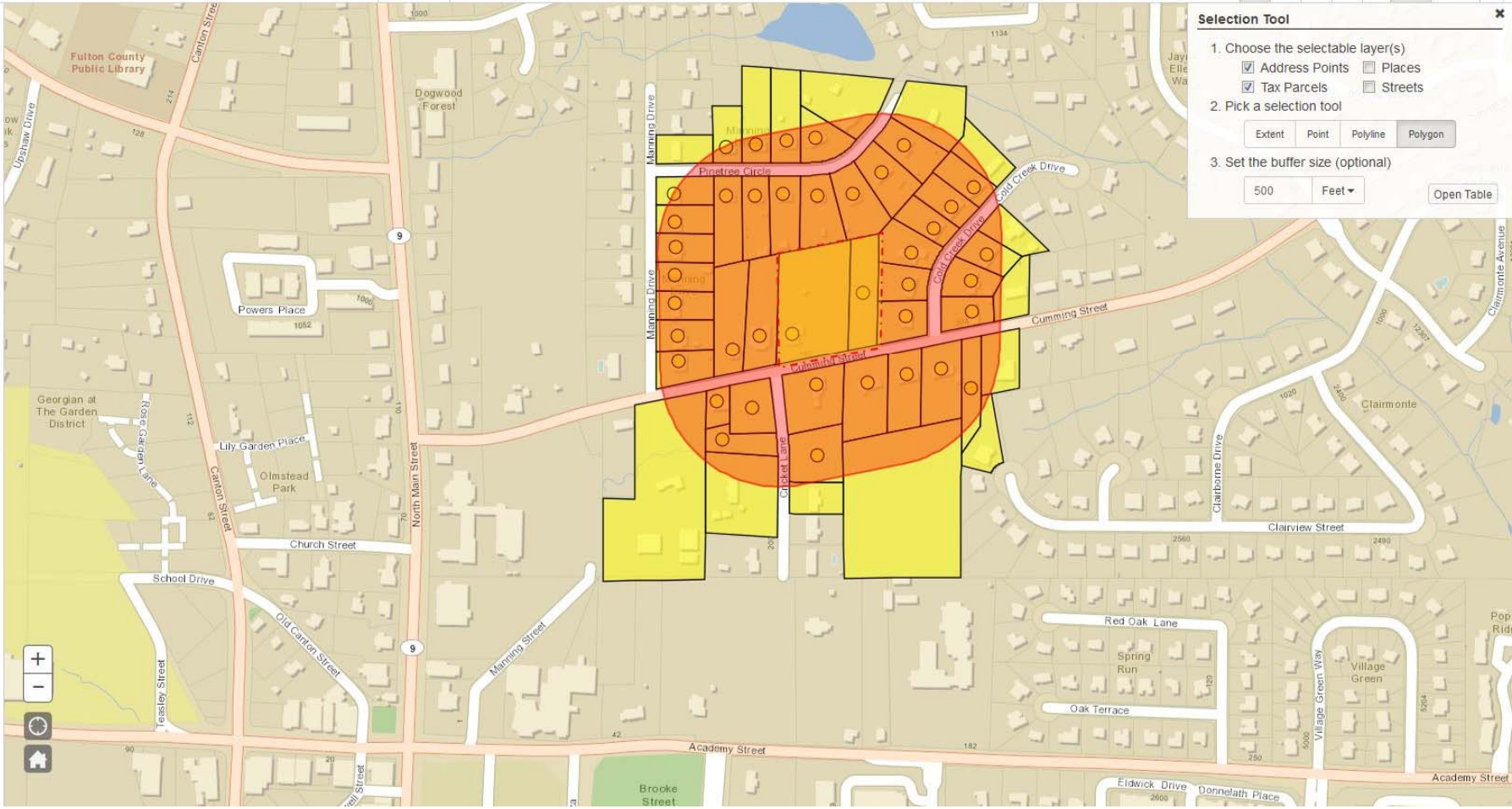
Share

About

Selection Tool

1. Choose the selectable layer(s)
   - Address Points
   - Places
   - Tax Parcels
   - Streets
2. Pick a selection tool
   - Extent
   - Point
   - Polyline
   - Polygon
3. Set the buffer size (optional)
   - 500 Feet

Open Table



# 15-11-17-01 Cumming Street 130 Arborist Report Alpharetta

## Arborist Report

Reference UDC
Alpharetta, Georgia

Location Map

North

All of the following information is based upon visual field observations and 25 years of practical horticultural experience. No scientific or lab tests have been performed. I certify that all information in this report is true and inclusive to the best of my knowledge and is prepared in good faith.

Outdoor Spaces, LLC

By Scott Hall, Owner

On Site Specimen Evaluation Date:December 9, 2015
Report Date: December 12, 2015
Revised Date:

Outdoor Spaces, LLC
Scott Hall, Owner
RLA, Certified Arborist
Certificate Number: SO-5434A
404-328-6561 Cell
678-965-4784 Fax
scottandcyrena@bellsouth.net

Warranty Disclaimer:

No warranties express 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 that have multi-trunks at the base are usually created when two separate trees grow together or the tree branches off at an early age and they 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 always cause decay. In this case these trees become a life safety issue and can not be considered specimen trees.

Some trees are an exception to this rule, such as, but not limited to:

Crape Myrtles, Birches, Wax Myrtles, Red Buds, Fringe Trees, Dogwoods, Hollies, Cedars, Sourwoods, Sweet Bay Magnolias, Red Bays and Live Oaks.

These are an exception because they naturally create sucker growth from the roots and/or trunk or do not typically have the life safety issues because they are not large growing trees.

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

# ARTICLE III. LAND DEVELOPMENT ACTIVITIES

## SECTION 3.2 TREE PROTECTION

### 3.2.1 DEFINITIONS

***Caliper.*** A standard of trunk measurement for understory or replacement trees. Caliper inches are measured at the height of 6 inches above the ground for trees up to and including 4 inch caliper and 12 inches above the ground for trees larger than 4 inch caliper.

***Diameter Breast-Height (DBH).*** The standard measure of overstory tree size (for trees existing on a site). The tree trunk is measured at a height of 4 ½ feet above the ground. If a tree splits into multiple trunks below 4 ½ feet, measure the trunk at its most narrow point beneath the split.

***Hardwood Tree.*** Any tree that is not coniferous (cone bearing). This definition is based on the colloquialism, and does not necessarily reflect any true qualities of the tree.

***Softwood Tree.*** Any coniferous (cone bearing) tree. This definition is based on the colloquialism, and does not necessarily reflect any true qualities of the tree.

***Specimen Tree.*** Any tree which qualifies for special consideration for preservation due to its size, type, condition, location or historical significance. See additional requirements for Specimen Trees in Appendix B.

***Tree.*** Any living, self-supporting woody or fibrous plant which normally obtains a diameter breast height of at least three (3) inches, and typically has one (1) main stem or trunk and many branches.

***Understory.*** Those trees that grow beneath the overstory, and will generally reach a mature height of under 40 feet.

**APPENDIX B**

SPECIMEN TREES

Some trees on a site warrant special consideration and encouragement for conservation. These trees are referred to as Specimen Trees.

The following criteria are used by the Director 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 and is determined by the City Arborist, prior to development, to be in overall good health without the aid of a specialized care plan according to accepted ISA practices, and which also meets the minimum size criteria set forth below.

Size Criteria

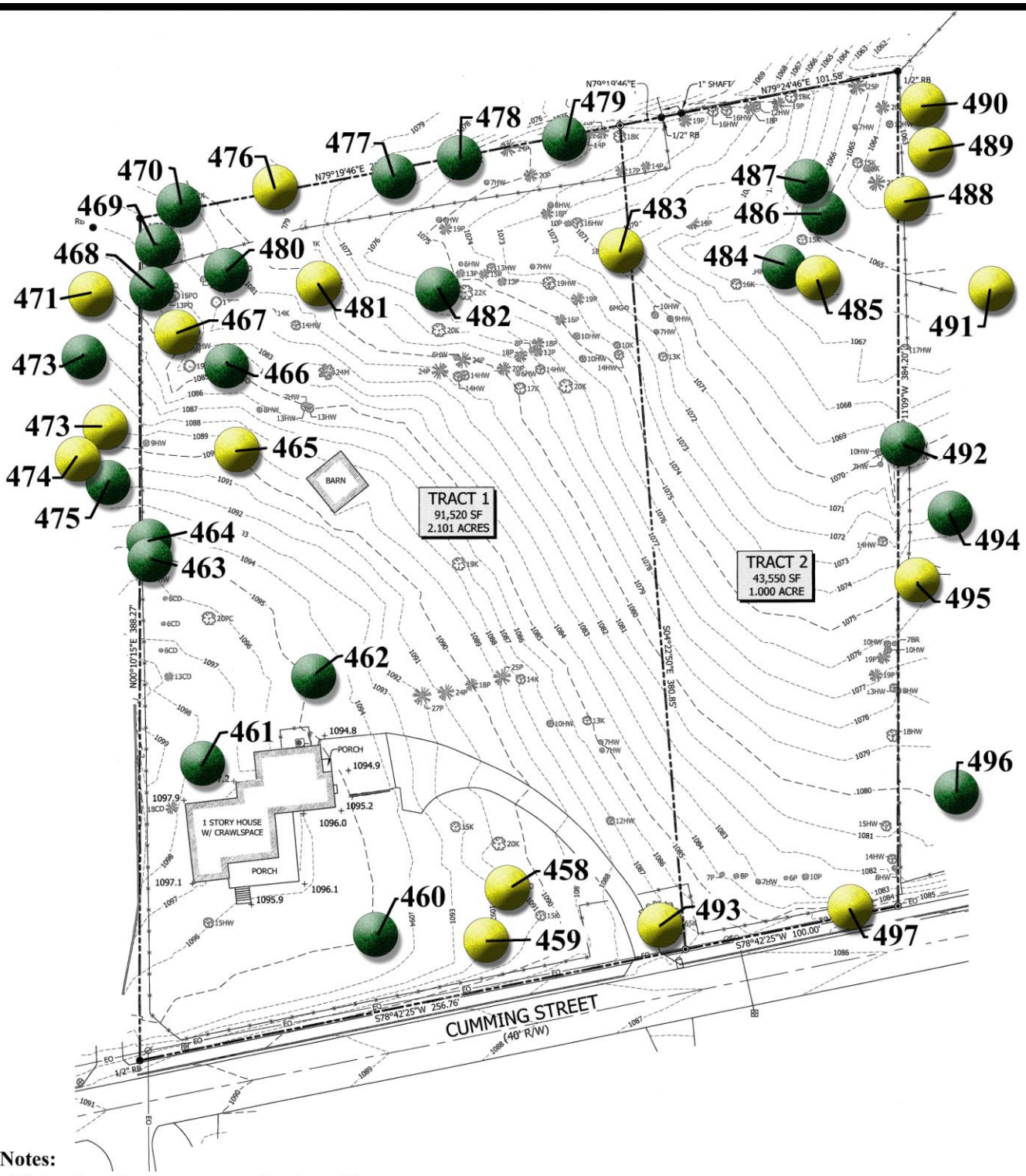
Pine Trees: 30-inch (30") diameter or larger Overstory Trees: 24-inch (24") diameter or larger Understory Trees: 8-inch (8") diameter or larger

In order to encourage the conservation of Specimen Trees and the incorporation of these trees into the design of projects, additional density credit will be given for Specimen Trees, which are successfully saved by a design feature specifically designated for such purpose. Credit for any Specimen Tree thus saved would be two (2) times the assigned unit value shown in Table 3.4. The Critical Root Zone of Specimen Trees will be protected with hog-back/wire-back tree save fencing with metal support poles.

If a Specimen Tree is to be removed, a plan or written document indicating the reason for the removal must be submitted to the Director.

Specimen Trees that cannot be saved (see Section 3.2.13) must be replaced with trees having three (3) times the unit value of the tree removed with a minimum four-inch (4") tree caliper by species with potentials for comparable size and quality.

Any Specimen Tree which is removed without the appropriate review and approval of the Director must be replaced by trees with a total density equal to eight (8) times the unit value of the tree removed with a minimum four-inch (4") tree caliper. Size alone will determine whether a tree was a specimen quality if the tree is removed without approval and there is no evidence of its condition. Violations will be subject to the applicable penalties as described in Section 3.2.19.




**Notes:**

**-All tree locations are approximate and have not been field surveyed. Refer to survey for locations.**

**-All 20" DBH trees within 30' of property line have been identified and specimen size have been evaluated.**

**Specimen**

**Non-Specimen**

**North**

**Not To Scale**

# Specimen Location Plan

Appendix A
Specimen Analysis

| Tree # | Size/ Species | Health Condition | Structural Condition | Specimen | Comments | Photo # (See Attached) |
|---|---|---|---|---|---|---|
| 458 | 31" Tulip Poplar | Poor | Poor | No | Fruiting bodies at root flair indicating rot. Portions of the trunk sounds hollow. | 1 |
| 459 | 19" Cockspur Hawthorn | Poor | Poor | No | Several cavities with decay | 2 |
| 460 | (Estimated) 24" Crape Myrtle | Good | Good | Yes | Size has been estimated because of trunk spacing. | 3 |
| 461 | 16" Carpe Myrtle | Good | Good | Yes | | |
| 462 | (Estimated) 24" Crape Myrtle | Good | Good | Yes | Size has been estimated because of trunk spacing. | 4 |
| 463 | 12" Crape Myrtle | Good | Good | Yes | | |
| 464 | 10" Crape Myrtle | Good | Good | Yes | | |
| 465 | 31" Tulip Poplar | Poor | Poor | No | Large cavity with decay. Trunk sounds hollow. 2 Co-Dominate Leaders with weak crotches and included bark. Due the species, a multi-stem tree at or near the base of the tree is undesirable and a life safety issue. | 5 |
| 466 | 30" Tulip Poplar | Good | Good | Yes | | |
| 467 | 31" Tulip Poplar | Poor | Poor | No | 2 Co-Dominate Leaders with large hollow cavity and decay in crotch. Due the species, a multi-stem tree at or near the base of the tree is undesirable and a life safety issue. | 6 |
| 468 | 26" Tulip Poplar | Good | Good | Yes | | |
| 469 | 35" Tulip Poplar | Good | Good | Yes | | |
| 470 | 34" Tulip Poplar | Good | Good | Yes | | |
| 471 | 20" Tulip Poplar | Good | Good | No | Not of specimen size. | |
| 472 | 27" Tulip Poplar | Good | Good | Yes | | |
| 473 | 22" Tulip Poplar | Good | Good | No | Not of specimen size. | |
| 474 | 29" Pine | Good | Good | No | Not of specimen size. | |
| 475 | 27" Sweet Gum | Good | Good | Yes | | |
| 476 | 23" Tulip Poplar | Good | Good | No | Not of specimen size. | |
| 477 | 34" Southern Red Oak | Fair | Good | Yes | | |
| 478 | 28" Tulip Poplar | Fair | Good | Yes | | |
| 479 | 24" Tulip Poplar | Good | Good | Yes | | |
| 480 | 37" Tulip Poplar | Good | Good | Yes | | |
| 481 | 45" White Oak | Poor | Poor | No | Fruiting bodies on trunk indicating trunk rot. Several limbs dead. | 7-8 |
| 482 | 28" Water Oak | Good | Good | Yes | | |
| 483 | 31" Tulip Poplar | Poor | Poor | No | 2 Co-Dominate Leaders with weak crotches and decay in crotch. Trunks sound hollow. Due the species, a multi-stem tree at or near the base of the tree is undesirable and a life safety issue. | 9 |
| 484 | 33" Water Oak | Fair | Fair | Yes | 1 Trunk gall on trunk. Trunk sounds solid. | 10 |

Appendix A
Specimen Analysis

| Tree # | Size/ Species | Health Condition | Structural Condition | Specimen | Comments | Photo # (See Attached) |
|---|---|---|---|---|---|---|
| 485 | 50" Water Oak | Fair | Poor | No | Cavity at base with decay. 2 Co-Dominate Leaders with weak crotches, included bark and vine growing in crotch.. Due the species, a multi-stem tree at or near the base of the tree is undesirable and a life safety issue. | 11-12 |
| 486 | 27" Water Oak | Fair | Good | Yes | | |
| 487 | 25" Water Oak | Fair | Good | Yes | | |
| 488 | 26" Pine | Good | Good | No | Not of specimen size. | |
| 489 | 22" Pine | Good | Good | No | Not of specimen size. | |
| 490 | 22" Pine | Good | Good | No | Not of specimen size and large cavity in trunk. | 13 |
| 491 | 22" Water Oak | Good | Good | No | Not of specimen size. | |
| 492 | 32" Tulip Poplar | Good | Good | Yes | | |
| 493 | 60" Southern Red Oak | Poor | Poor | No | Has lower branch dieback visible signs of Hypoxlyon Canker | 14-15 |
| 494 | 27" Water Oak | Good | Good | Yes | | |
| 495 | 27" Sweet Gum | Fair | Poor | No | 3 Co-Dominate Leaders with weak crotches and included bark. Due the species, a multi-stem tree at or near the base of the tree is undesirable and a life safety issue. | |
| 496 | 27" Southern Magnolia | Good | Good | Yes | | |
| 497 | 12" Dogwood | Poor | Poor | No | Several cavities with decay. Several dead limbs. | 16 |

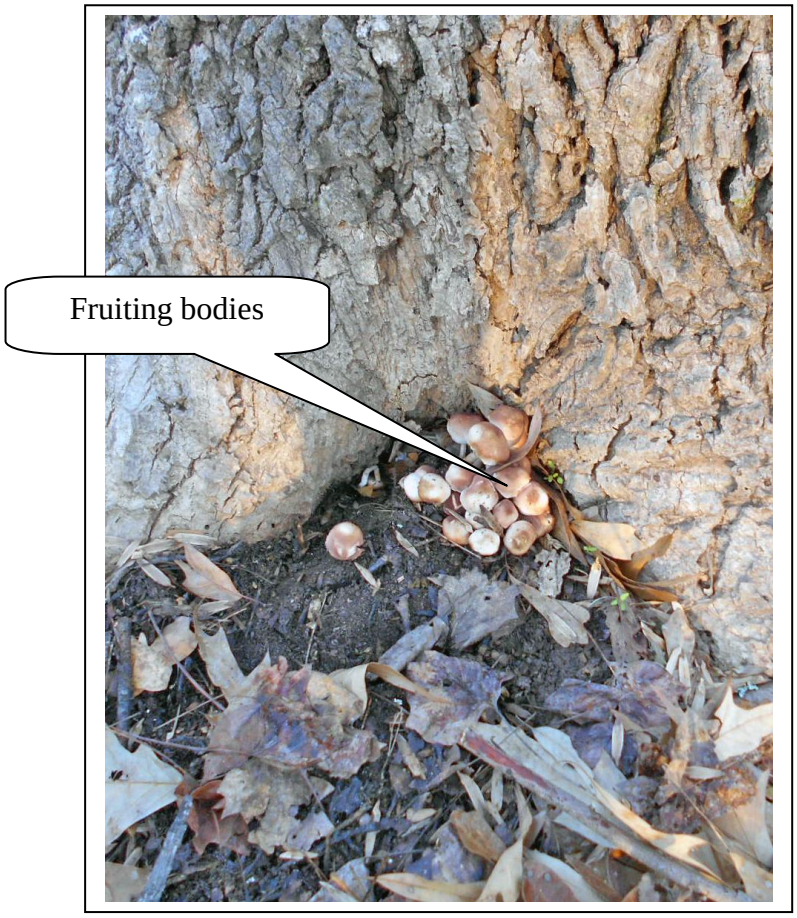



Photo 1

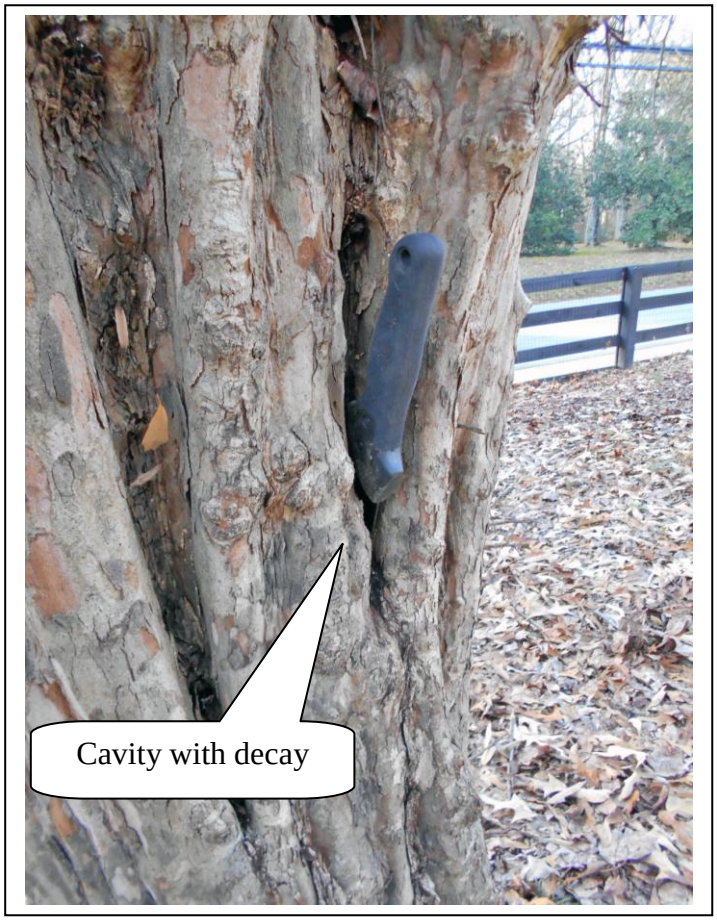
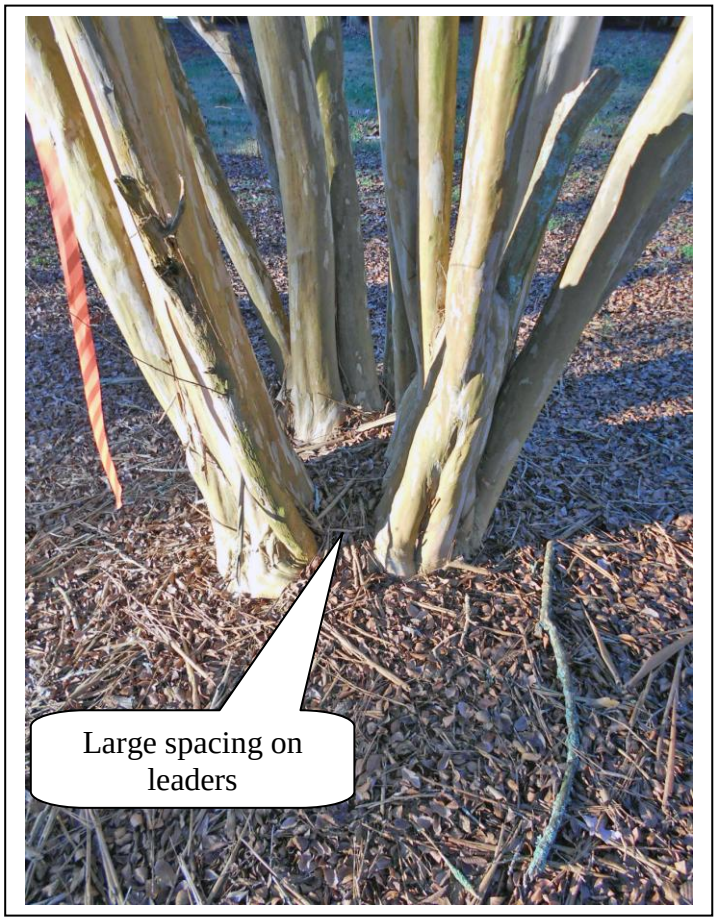



Photo 2

Photo 3

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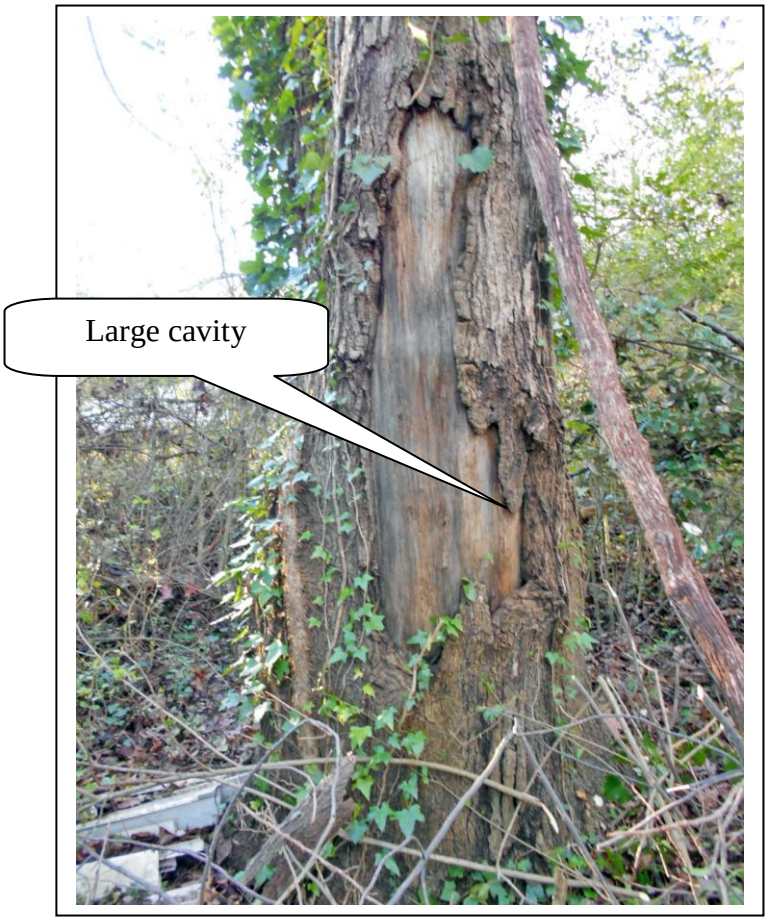


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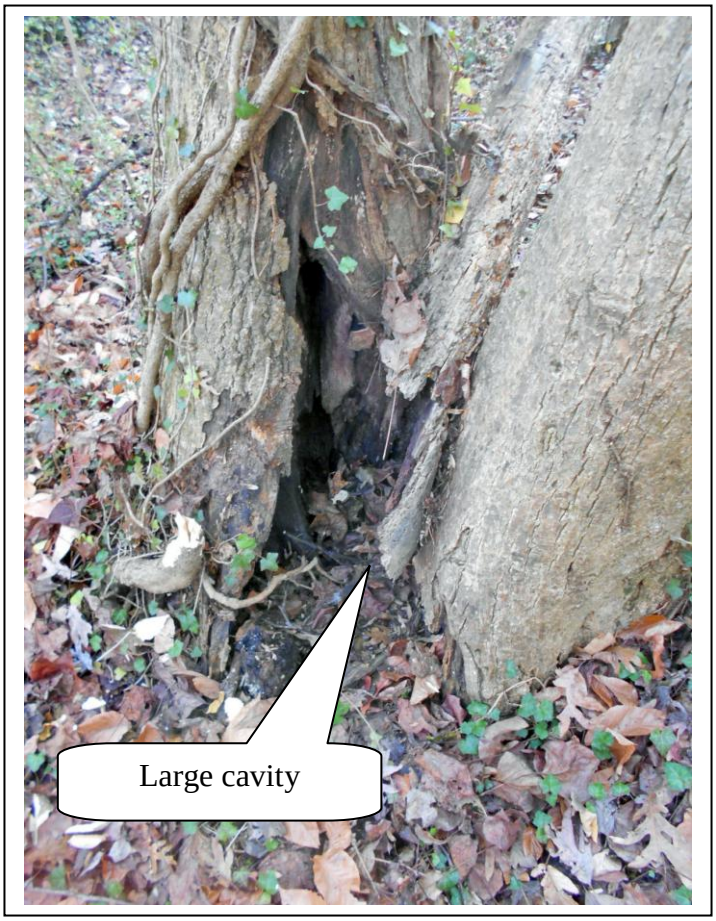


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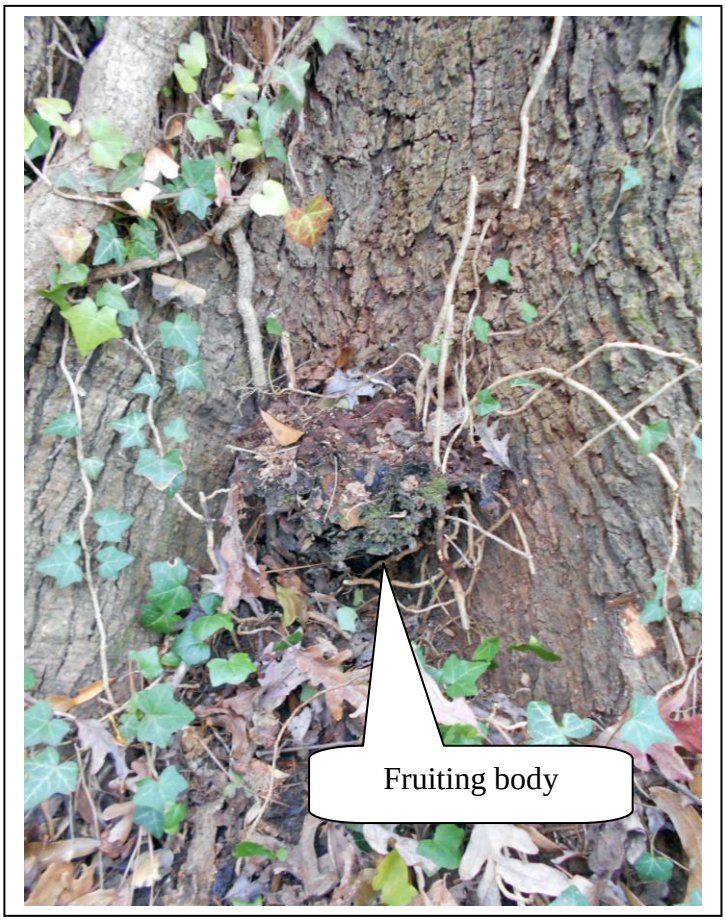


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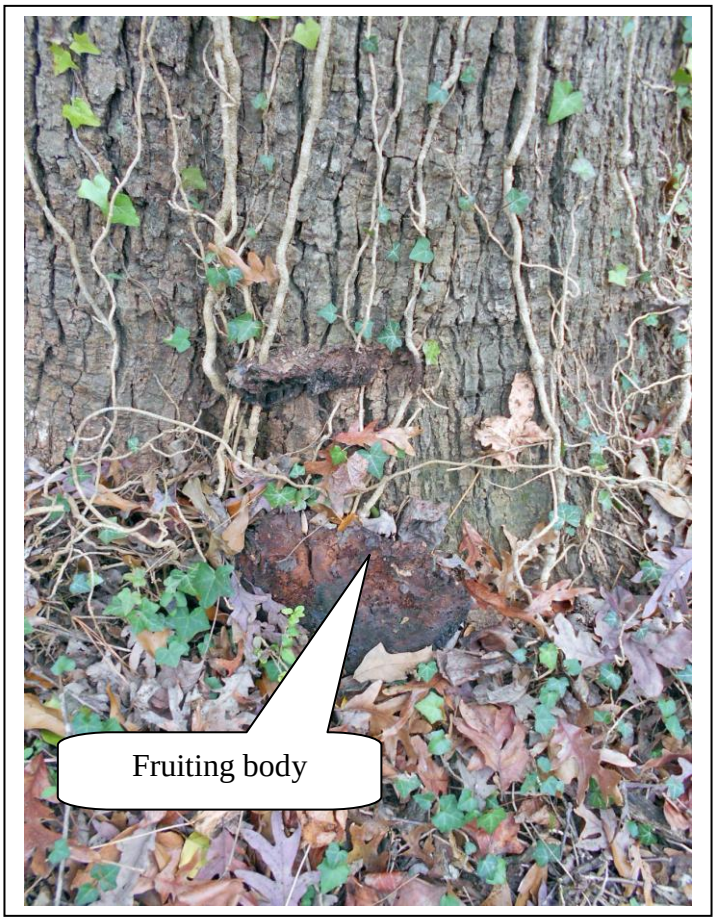



Photo 8

Photo 9

Photo 10

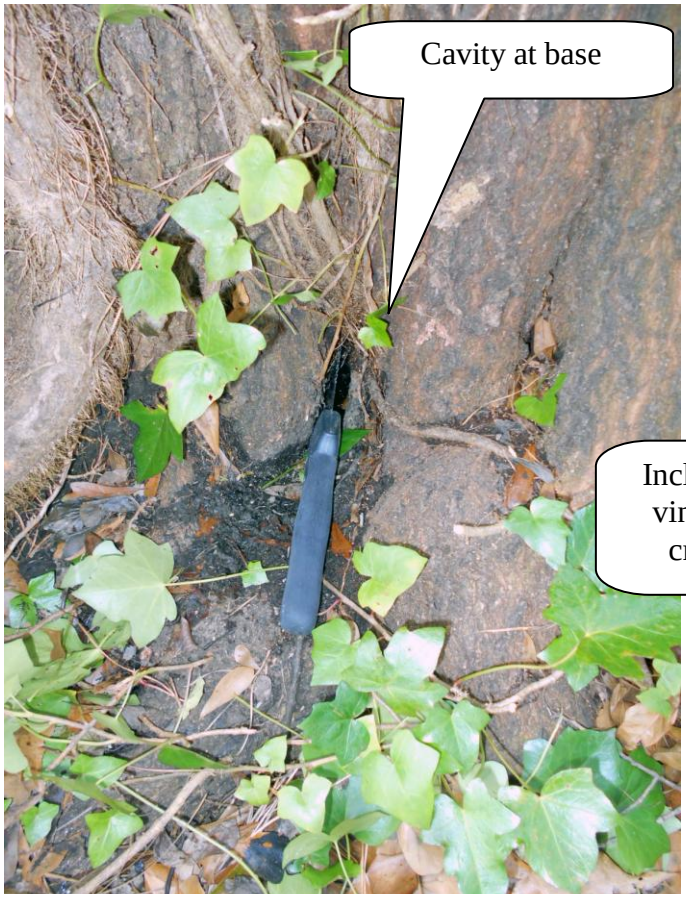



Photo 11

Photo 12

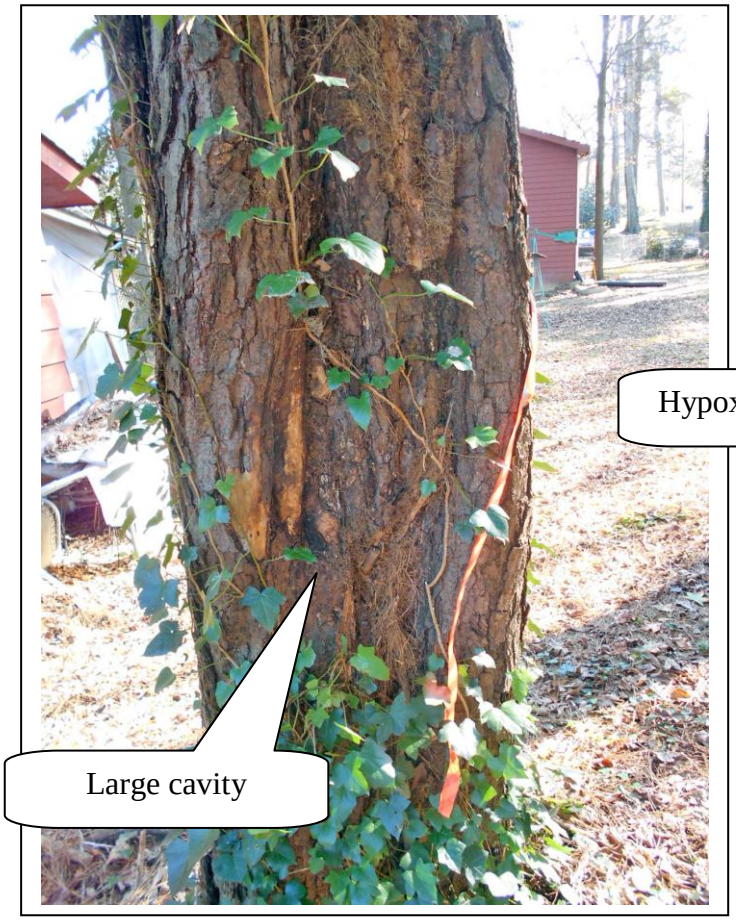



Photo 13

Photo 14

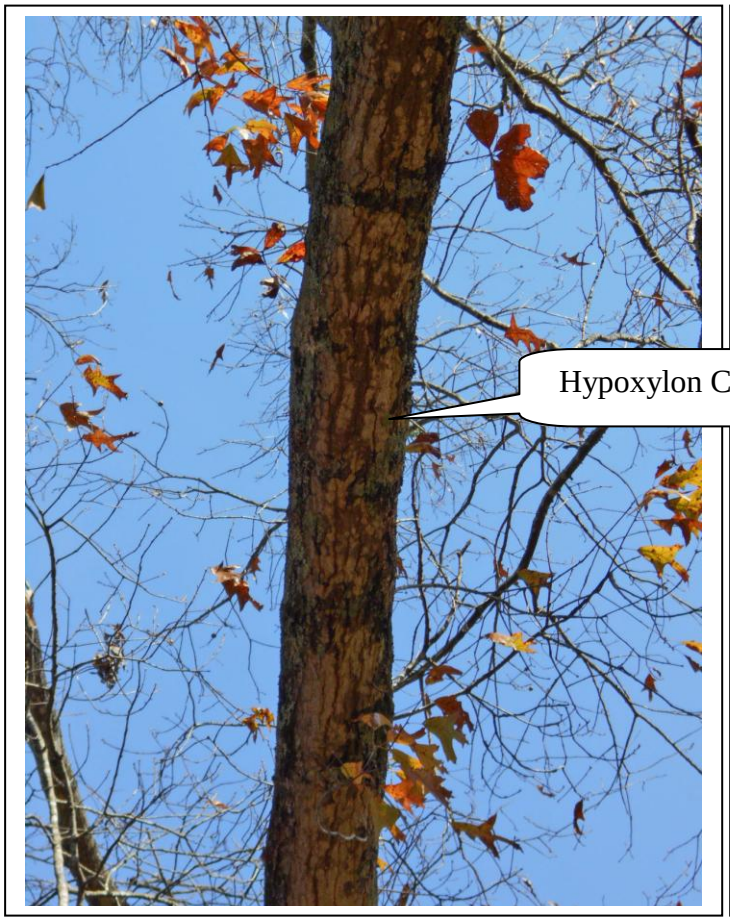



Photo 15

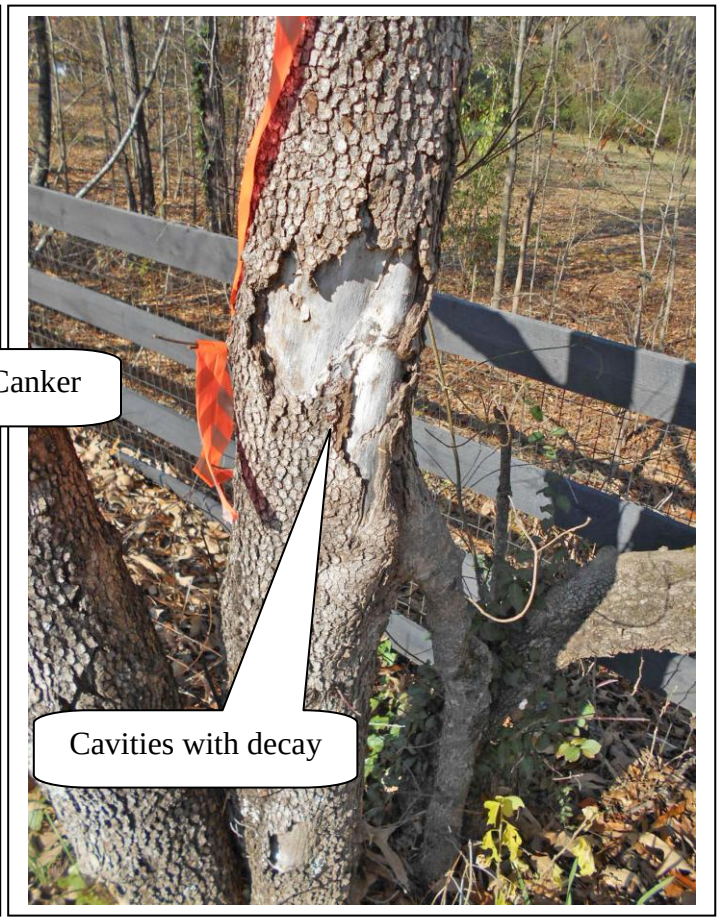



Photo 16

**Traffic**

| USE | PROGRAM TOTAL S.F. | | AM Peak Factor | Total AM Peak | PM Peak Factor | Total PM Peak | Total Trips Per Day Factor | Total Trips Per Day |
|---|---|---|---|---|---|---|---|---|
| Retail | 0 | s.f. | 1.03 | 0 | 3.74 | 0 | 42.92 | 0 |
| Restaurant | 0 | s.f. | 14.62 | 0 | 19.38 | 0 | 130.34 | 0 |
| Office | 0 | s.f. | 1.56 | 0 | 1.49 | 0 | 11.01 | 0 |
| Hotel | 0 | rooms | 0.64 | 0 | 0.74 | 0 | 8.92 | 0 |
| Mini-Warehouse | 0 | s.f. | 0.28 | 0 | 0.29 | 0 | 2.50 | 0 |
| Residential (Senior) | 0 | units | 0.21 | 0 | 0.23 | 0 | 3.48 | 0 |
| Residential (Multi-Family) | 0 | units | 0.44 | 0 | 0.54 | 0 | 5.86 | 0 |
| Residential (Single-Family) | 10 | units | 0.77 | 8 | 1.02 | 10 | 9.57 | 96 |
| Totals | | | | 8 | | 10 | | 96 |

# Site Plan Check List

*This document is provided as a resource for the applicant to assist in the preparation of site plans to be submitted in support of applications for public hearing. The items listed below reflect the minimum information that must be included on all site plans submitted as part of the public hearing process.*

*Site plans submitted as part of a public hearing application must be drawn to scale, and the scale must be displayed in the lower left corner of the plan page. The maximum page size for original full-size plan documents is 30" x 42". Plan copies submitted as part of the completed application packets may be a maximum of 11" x 17", must be folded to a size of 8.5" x 11", and must be attached to each submittal packet set.*

*Applications that include site plan documents that do not meet these requirements will not be accepted.*

| ☒ | Element Description |
|---|---|
| ☒ | Key and/or legend and site location map with North arrow |
| ☒ | Boundary survey of subject property which includes dimensions along property lines that match the metes and bounds of the property's written legal description and clearly indicates the point of beginning. |
| ☒ | Acreage of the subject property. |
| ☒ | Location of land lot lines and identification of land lots. |
| ☒ | Existing, proposed, new dedicated, and future reserved rights-of-way of all streets, roads, and rail lines adjacent to and on the subject property. |
| ☒ | Proposed streets on the subject site. |
| ☒ | Current zoning of the subject site and adjoining properties. |
| ☒ | Existing buildings (with square footages, heights, and stories), wells, driveways, fences, cell towers, and any other structures or improvements on the subject property. |
| ☒ | Location of proposed buildings with square footages, heights, and stories. |
| ☒ | Layout and minimum lot size of proposed single-family residential lots. |
| ☒ | Topography of subject site. |
| ☒ | Required and proposed setbacks. |
| ☒ | 100-year flood plain horizontal limits and flood zone designations as shown on survey or FEMA FIRM maps. |
| ☒ | Required landscape strips, undisturbed buffers, and any other natural areas as required or proposed. |
| ☒ | Tree lines, woodlands, significant trees with critical root zones (1.3 x trunk diameter), and open fields on subject site. |
| ☒ | Required and proposed parking spaces, loading, and unloading facilities. |
| ☒ | Lakes, streams, and other waters on the site and associated buffers. Wetlands shown on GIS maps or survey. |
| ☒ | Proposed stormwater management facilities. |
| ☒ | Entrance distance profile assuming the driver's eye at a height of 3.5 feet. |
| ☒ | Existing driveways located within 150 feet of the subject property on adjacent or nearby parcels (including those parcels on the opposite side of a public street). |
| ☒ | Proposed access driveways and the available intersection sight distance (according to AASHTO Green Book). |

# 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: 130 Cumming Street

Contact Name: Brendan Walsh, Lehigh Development Telephone: 678-371-8165

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.

Mr. Walsh was contacted by one individual, Joe Avinger of 120 Cumming Street. A copy of the email correspondence is attached.

Mr. Avinger asked about landscaping along the property line and sight distance visibility from his driveway on Cumming Street.

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

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

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

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

Signature of Authorized Agent: AEC, Inc. Date: 02-19-16

Print Form

## Chris Finke

**From:** Brendan Walsh <brendanwalsh9@gmail.com>
**Sent:** Friday, February 19, 2016 4:17 PM
**To:** Chris Finke
**Subject:** Fwd: Proposed development of 130 Cumming St

Begin forwarded message:

**Date:** February 17, 2016 at 11:04:06 AM EST
**From:** Joseph Avinger <joeavinger@bellsouth.net>
**Reply-To:** Joseph Avinger <joeavinger@bellsouth.net>
**To:** Brendan Walsh <brendanwalsh9@gmail.com>
**Subject: Re: Proposed development of 130 Cumming St**

Thanks for the info.

Joe Avinger

---

**From:** Brendan Walsh <brendanwalsh9@gmail.com>
**To:** Joseph Avinger <joeavinger@bellsouth.net>
**Sent:** Wednesday, February 17, 2016 10:51 AM
**Subject:** Re: Proposed development of 130 Cumming St

Joe,

At this point we have not specified the exact locations of shrubbery/trees and fencing. As most of our clients will more than likely want some privacy, I do envision some shrubbery/trees being planted along the adjoining property line.

Yes I don't anticipate anything being over 4,000 square feet, and our targeting a price pointing the high 500's and 600's.

Yes we will absolutely consider your site lines when designing the landscaping. We will work with the transportation department and arborist to fine tune those details as the project progresses to make sure we are meeting the Alpharetta standards.

If you have any other questions please feel free to reach out.

Thanks

Brendan

On Feb 15, 2016, at 4:43 PM, Joseph Avinger <joeavinger@bellsouth.net> wrote:

Hi Brendan,

I have a couple quick questions about the development.

Will there be a fence and privacy shrubbery/trees between the development area and our land?

You said the houses will be in the 600s. It looks like they will be around 4000 sq ft. Is that correct?

The proposed site plan appears to have trees lining the front of the property. This may block our ability to see down the street when exiting our driveway. It's the reason the Connels cut the corner on the existing fence. Will your development also take into account our need to be able to see down the road?

Thanks,
Joe Avinger
120 Cumming St
770 753 4135
813 390 1429

Brendan Walsh
brendanwalsh9@gmail.com

50 Warm Springs Circle
Roswell, Georgia 30075-4937
Main: 770.641.1942
Fax: 770.998.6924

January 27, 2016

Attn: Property Owner

RE: **Rezoning and Comprehensive Plan Application**
**130 Cumming Street**
**Alpharetta, Georgia**

Dear Property Owner:

This letter is to notify you that Lehigh Homes and Development has requested a rezoning and comprehensive plan amendment for the approximately 3.101 acres located at 130 Cumming Street.

The Planning Commission and City Council hearing dates for this application are scheduled for March 2016.

The proposed rezoning would allow for the creation of ten (10) single family home lots. The existing, historic residence will be preserved and updated and it will occupy one of the ten lots. The proposed lot and home layout plans are attached for your review.

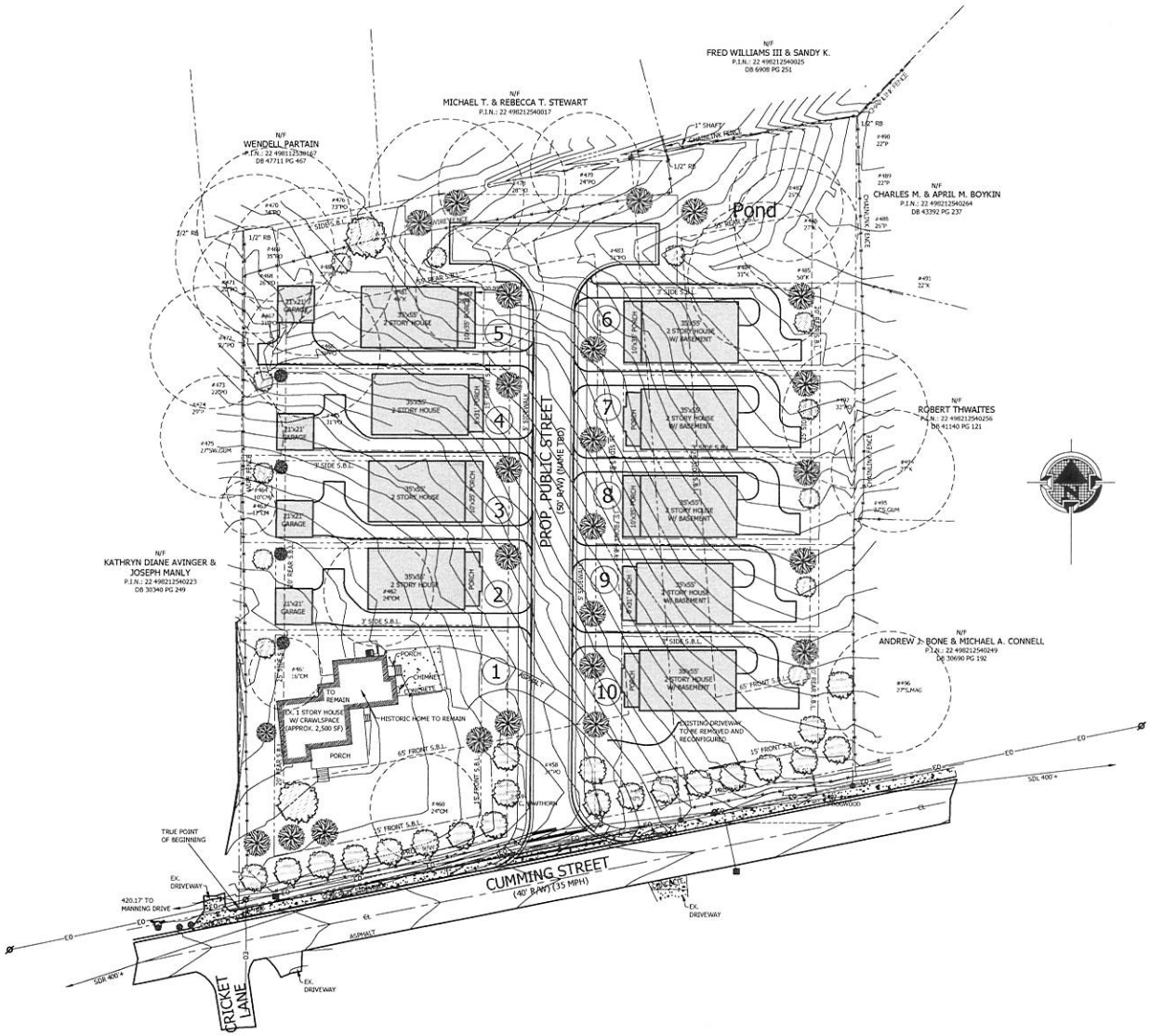
If you need any further information or have any questions regarding the application please feel free to contact Mr. Brendan Walsh, President, Lehigh Homes and Development by phone (704-609-2827) or email bwalsh@lehighinc.com .

Sincerely,
**AEC, Inc.**

Christopher J. Finke, PE, LEED AP
President

CJF/bw

M:\2015 JOBS\15-3829 Lehigh Homes-130 Cumming Street Alpharetta\Documents\15-3829 Homeowner letter - 130 Cumming St Rezoning.docx




1 PROPOSED SITE PLAN

SCALE: 1" = 30'

30 0 30 60 90

GRAPHIC SCALE : 1" = 30'

01601 – Lelligh Alpharetta –10 Home Development – 130 CUMMING STREET–ALPHARETTA, GA 30009

| 01601 | |
|---|---|
| DATE | RELEASE |
| 01.14.16 | PRELIM. PLANS |
| " | " |
| " | " |
| " | " |
| " | " |
| " | " |
| " | " |
| " | " |
| " | " |
| " | " |
| " | " |
| " | " |
| " | " |

CHECKED BY: JBD
DRAWN BY: JBD/HSE

NOTE:
THESE DRAWINGS ARE THE PROPERTY OF ARE KOHN ARCHITECTS, P.C. AND SHALL NOT BE REPRODUCED, TRANSMITTED, AND/OR MODIFIED WITHOUT THE WRITTEN CONSENT FROM ARE KOHN ARCHITECTS, P.C.

10 Home Development FOR:

BRENDAN WALSH
LEHIGH HOMES
43 WOODSTOCK STREET
ROSWELL, GEORGIA 30075
678-371-6165

ARE KOHN ARCHITECTS, PC
74 WOODSTOCK ROAD, ROSWELL, GA. 30075
TEL. (770) 642-8030 FAX. (770)642-3755
EMAIL: are@akohnarch.com

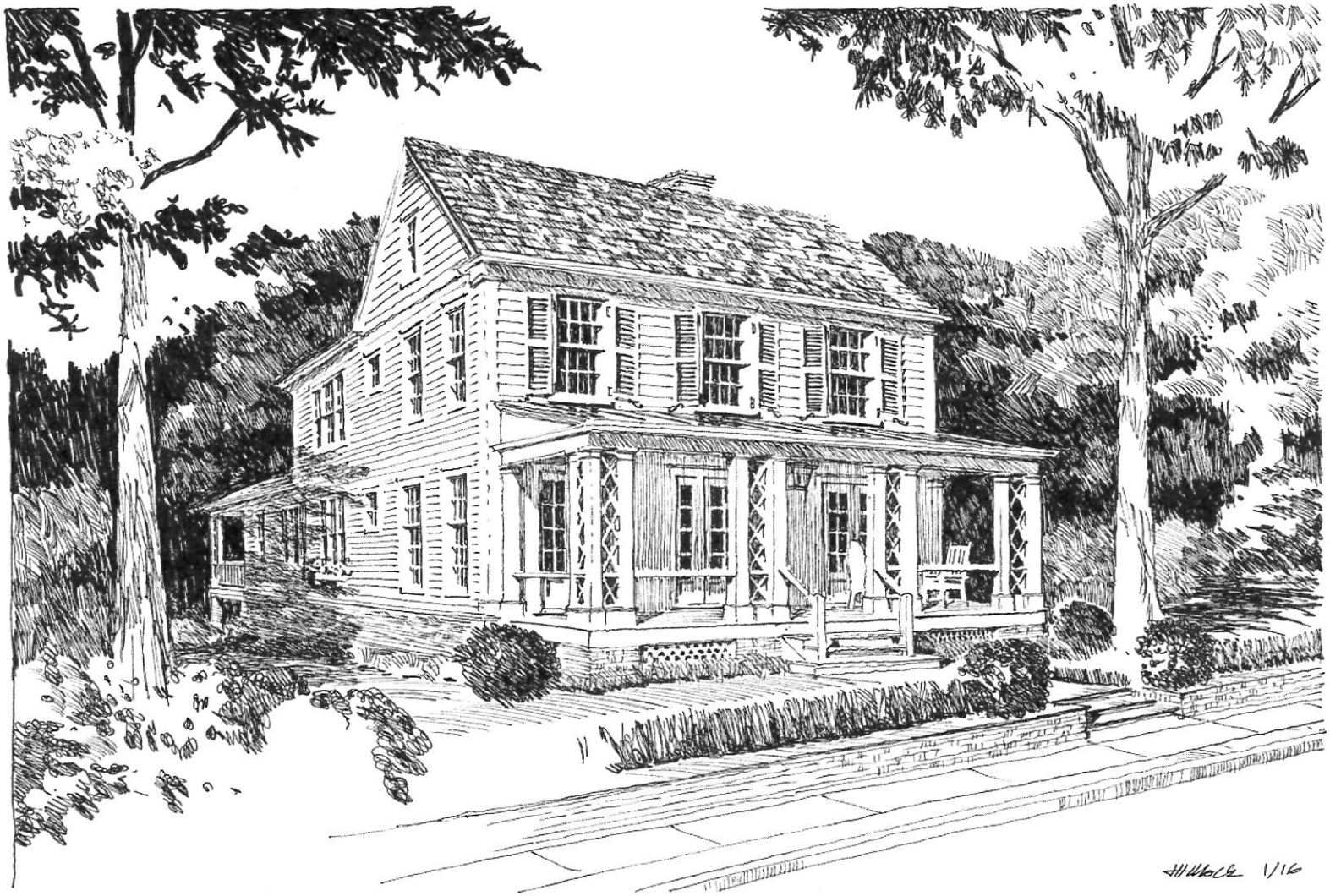
130 CUMMING STREET
ALPHARETTA, GA 30009

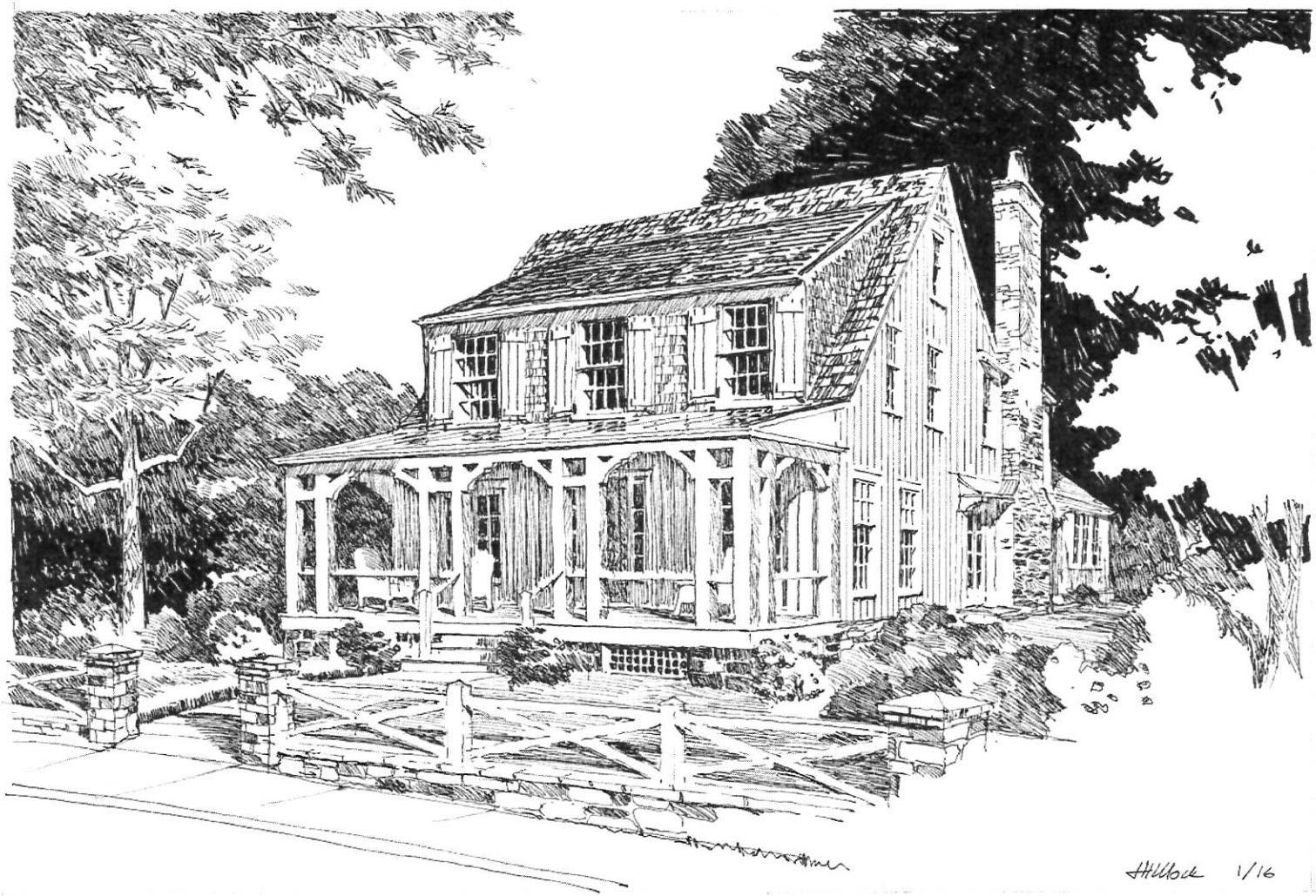
PROJECT: 01601
DATE: 01.15.2016

# LeHigh - Alpharetta
# 10 Home Development

PROPOSED SITE PLAN

SD-1


HHHoCE 1/16


HHollock 1/16

**Attachment**

Citizen Participation Form - Part A

| PIN | Address | Owner |
|---|---|---|
| 22 497311950036 | 227 PINETREE CIR | GUREVICH VLADIMIR |
| 22 497311950044 | 221 PINETREE CIR | CHILDRESS JOHN D III & SALLY J |
| 22 497311950051 | 215 PINETREE CIR | HOWARD EFFIE I S ET AL |
| 22 497311950069 | 210 PINETREE CIR | LUTZ MARTY |
| 22 497311950077 | 218 PINETREE CIR | DEMPSEY LINDA |
| 22 497311950101 | 194 COLD CREEK DR | NORTON PHIL |
| 22 497411960026 | 192 PINETREE CIR | FOWLER HAROLD E & MARY H |
| 22 497411960034 | 182 PINETREE CIR | CASTLEBERRY MICHAEL |
| 22 497411960059 | 211 MANNING DR | DEBBAN ANNA M & VIRGO GEORGE E |
| 22 497411960133 | 172 PINETREE CIR | ANGEL DREMA D |
| 22 498112530134 | 195 MANNING DR | DLUGOZIMA SANDY H JR |
| 22 498112530142 | 175 PINETREE CIR | FRIEDRICH FELIX |
| 22 498112530159 | 183 PINETREE CIR | BLANKENSHIP LINDA S |
| 22 498112530167 | 193 PINETREE CIR | PARTAIN WENDELL |
| 22 498112530183 | 112 CUMMING ST | ALPHARETTA WOMANS CLUB INC |
| 22 498112530217 | 155 MANNING DR | 260 WAVETREE DRIVE LLC |
| 22 498112530225 | 165 MANNING DR | EQUITY TRUST COMPANY CUSTODIAN FBO & OF DANIEL M FRIES IRA |
| 22 498112530233 | 175 MANNING DR | STOVALL LINDA STRICKLAND |
| 22 498112530241 | 185 MANNING DR | GALLAGHER KATHERINE |
| 22 498112530316 | 109 CUMMING ST | SCHAEFFER JAMES T |
| 22 498112530357 | 89 CUMMING ST | ALPHARETTA FIRST UNITED METHODIST CHURCH |
| 22 498112530415 | 133 CUMMING ST | MONZO PHILLIP R |
| 22 498112530431 | 0 CUMMING ST | THOMPSON STEPHEN M & THOMPSON DONNA S |
| 22 498112530480 | 145 MANNING DR | MENTO CRAIG JAMES II & KINAST MENTO JENNIFER |
| 22 498112530498 | 135 MANNING DR | LACHGAR REBECCA G |
| 22 498112530522 | 0 CRICKET LN | MONZO PHILLIP R |
| 22 498112530571 | 262 CRICKET LN | CASTLEBERRY EMILY J |
| 22 498112530589 | 241 CRICKET LN | GARDNER JOAN LAUTRELL |
| 22 498112530613 | 120 CUMMINGS ST | AVINGER KATHRYN DIANE & JOSEPH MANLY |
| 22 498112530621 | 130 CUMMINGS ST | CONNELL MICHAEL A AND JOHNNA C |
| 22 498112530639 | 0 CUMMING ST | THOMPSON STEPHEN M & DONNA S |
| 22 498212540017 | 203 PINETREE CIR | STEWART MICHAEL T & REBECCA A |
| 22 498212540025 | 211 PINETREE CIR | WILLIAMSON FRED III & SANDY K |
| 22 498212540173 | 205 CUMMING ST | SHIRLEY GORDON |
| 22 498212540199 | 155 CUMMING ST | H & R PROPERTY HOLDINGS LLC |
| 22 498212540223 | 130 CUMMING ST | CONNELL MICHAEL A |
| 22 498212540249 | 134 COLD CREEK DR | BONE ANDREW J & CONNELL MICHAEL A |
| 22 498212540256 | 144 COLD CREEK DR | THWAITES ROBERT |
| 22 498212540264 | 154 COLD CREEK DR | BOYKIN CHARLES M & APRIL M |

**Attachment**

Citizen Participation Form - Part A

| | | |
|---|---|---|
| 22 498212540272 | 164 COLD CREEK DR | ENABLE OF GEORGIA FOUNDATION INC |
| 22 498212540280 | 174 COLD CREEK DR | HERSHORAN JUSTIN M & HILL STEVEN CHARLES |
| 22 498212540298 | 184 COLD CREEK DR | MC MILLIAN JEANISE & SCHRAFFT BENJAMIN |
| 22 498212540371 | 135 COLD CREEK DR | EWING MICHAEL R & EWING JOANNE S |
| 22 498212540389 | 210 CUMMING ST | CONNELLY MICHAEL J & KRISTINA L |
| 22 498212540439 | 145 CUMMING ST | IVEY WESLEY & ANGELA |
| 22 498212540454 | 165 COLD CREEK DR | SAMUELSON AMY E |
| 22 498212540470 | 145 COLD CREEK DR | BRAMBLETT JOE E & EDITH W |
| 22 498212540488 | 155 COLD CREEK DR | WHITMIRE MARVIN LEE |
| 22 498212540496 | 165 CUMMING ST | ASBURY DEBORAH |
| 22 498212540504 | 0 CUMMING ST REAR | ATLANTA PRESBYTERY INC |
| 22 498212540637 | 2565 CLAIRVIEW ST | ALBERTSON ROBERT C & JULIE K |
| 22 498212540736 | 0 CUMMING ST | ALPHARETTA PRESBYTERIAN CHURCH INC |

alphagis.alpharetta.ga.us/alphagis/#

city of alpharetta

ALPHARETTA

AlphaGIS City of Alpharetta GIS Mapping Application

130 Cumming Street

Clear Map

Map Aerial

Layers

- City Facilities
- Businesses
- Address Points
- Street Centerlines
- Tax Parcels 2015
- Zoning Districts
- Cities

Links

PDF Maps

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About

# COUNCIL AGENDA REPORT

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

SUBJECT: Z-15-12/V-16-05 Old Milton Holdings/DT-LW

PLANNING COMMISSION: March 3, 2016

CITY COUNCIL: March 28, 2016

**RECOMMENDATION:**

**Approve Z-15-12/V-16-05, Old Milton Holdings/DT-LW request for a Zoning change and height variances with the following conditions:**

1. **Site shall be zoned DT-LW and substantially similar to site plan submitted by AEC and dated 1-22-2016.**
2. **Streetscape shall match the Downtown Code and include decorative pedestrian street lights.**
3. **In order to limit impacts to specimen trees the plan shall be amended to remove Lot 10 which impacts offsite specimen trees. There shall be no encroachment into Trees 178, 102 and 103 except as approved by the City Arborist.**
4. **Plan shall be revised to include saving the 20" Oak and 24" Maple.**
5. **On-street parking shall be expanded to the internal streets west of Park Street.**
6. **Townhomes/Detached residential shall accommodate 18 foot driveway in addition to the two car garage or site shall provide convenient (within 500') on street parking of one per additional bedroom.**
7. **On street parking shall be expanded to the internal streets west of Park Street.**
8. **Linear Park shall be developed along frontage with a minimum width of 12 feet with an improved green space. A minimum easement width of 35 feet which includes the green space along the front with trail to be dedicated to the City of Alpharetta upon completion. Park area shall include heavy landscaping as well as decorative wall along home frontages to be approved by Staff.**
9. **Architecture shall be representative of southern historic vernacular style and townhomes shall have roof top terraces as depicted, however, materials and details require Staff approval.**
10. **Each elevation shall be different for the proposed single family homes along Thompson Street. All architecture will require Staff**

**review and approval. Product along Thompson Street shall be rear entry.**

**11. A 15' heavily planted landscape strip shall be required adjacent to property to the east, west and south.**

## REPORT-IN-BRIEF

The applicant, Old Milton Holdings LLC., is requesting a change in Zoning from R-12 and O-P to DT-LW. Variances for the height of the buildings from the required 40' to 42' for the single family homes and 45' for the townhomes are also requested. The property is 2.2 acres in size. The applicant is requesting approval of 7 townhomes and 10 detached homes on lots that are 3,200 square feet in size.

## DISCUSSION

The submitted request, if approved, will allow Old Milton Holdings to construct a project consisting of residential as part of their adjoining project with residential restaurant, office and commercial uses with park and open space east of the site. The property is located on the north side of Old Milton Parkway and south of Thompson Street and to the west of Park Street across from Andrews Homes.

Applicant is proposing to build 17 residential units which include ten single-family detached homes, 2200-3800 square feet in size and seven townhomes. The site is 2.19 acres in size.

Results from the Downtown Master Plan study show residential demand over the next five years within the downtown area (which includes the Manning site) as follows:

- Townhomes: 185 – 210 units;
- Single-family detached: 40 - 45 units; and,
- For-sale condo: 220- 250 units.

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

1. The Georgian (under construction) – 54 units
2. Windsong Townhomes (land disturbance) – 28 units
3. Olmstead Park Townhomes (land disturbance) – 21 units
4. Stonewalk Mayfield Corners (rezoned) – 20 units
5. Canton Street Townhomes (rezoned) – 40 units
6. Appen Townhomes (rezoned) – 17 units

Total Townhomes Units – 180 units

The applicant has included detached housing as well as attached residential providing a mixed product as recommended by Staff. Elevations will require review by Staff and the City's Downtown Architect. Initial comments were

received by the Architect indicating the style was appropriate however, details, such as the stucco band, would not meet the Downtown Code.

Detached homes will front Thompson Street where other properties have been required to provide a linear path with 12' trail and associated green space to promote the connection between Avalon and Downtown. The applicant's plan should include the linear link which should be dedicated to the City after construction.

The site does not incorporate significant tree save areas and will be required to meet the Tree Ordinance and impacts to offsite specimen trees will not be permitted.

**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 development proposal does match the Downtown Master Plan, however, additional efforts to incorporate tree save as well as develop the linear green park along the frontage should be required.*

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

*The proposal will impact adjacent property by increasing traffic in the residential neighborhood.*

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

*There are several specimen trees will be taken down as part of the project. An alternate plan should be required which incorporates additional trees as well as limits off site impacts.*

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

*The applicant's request is in keeping with the Downtown Master Plan. However, the parcel is currently being used for office and could continue the office use which also meets the Future Land Use Plan.*

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

*Not applicable.*

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

*The project in its current variant fits within the recommendations of the Downtown Master Plan.*

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 R-12 and O-P to a residential reflects a reasonable balance.*

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

*The property could continue to be used for an office use.*

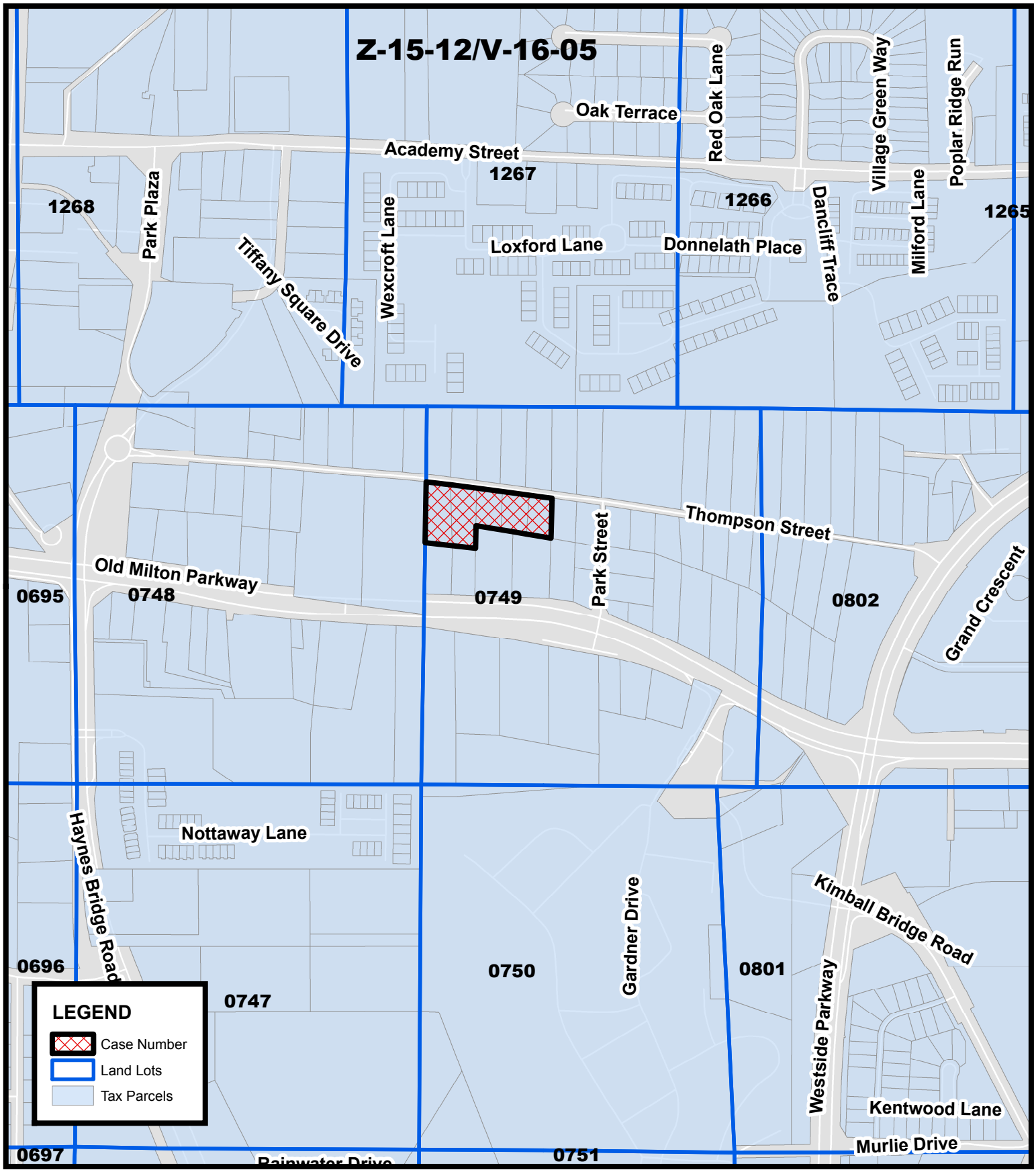
i. The extent to which the zoning proposal is consistent with the Comprehensive Plan.

*Property does meet the Comprehensive Land Use plan.*

**CONCLUSION**

Staff's analysis finds that the requested rezoning can be supported with conditions of zoning. The development should include a mix of detached and attached residential as depicted. However, greater efforts to save trees need to be included in the site plan as well as incorporation of the linear park along the frontage which has been required of other applicants.

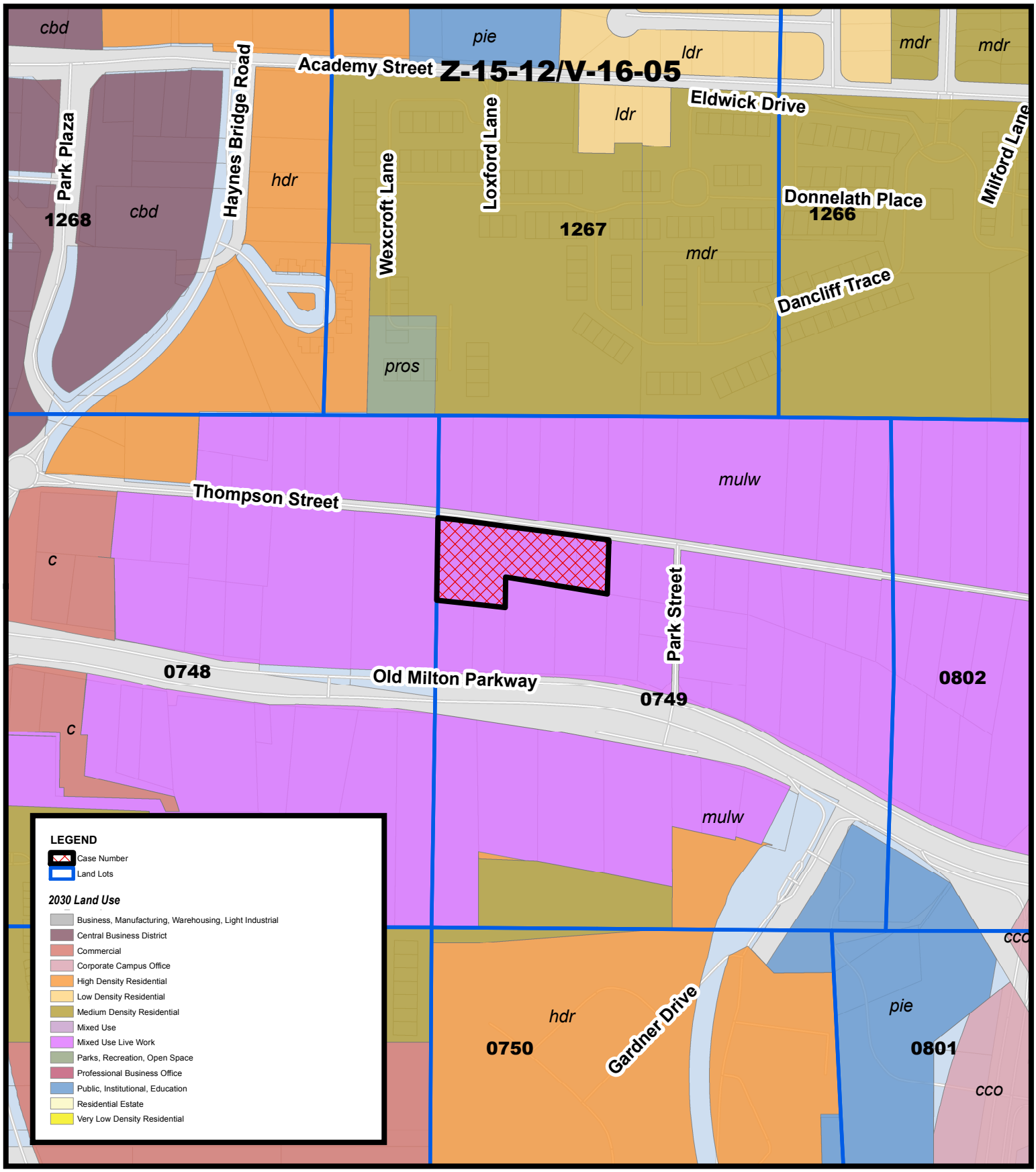
**Attachments**
Site Plan
Architectural Drawings




# Location Map
# Old Milton Holdings
# DT-LW

Z-15-12/V-16-05
D/LL: 1/2/749
PC Date: 3/03/16
CC Date: 3/28/16

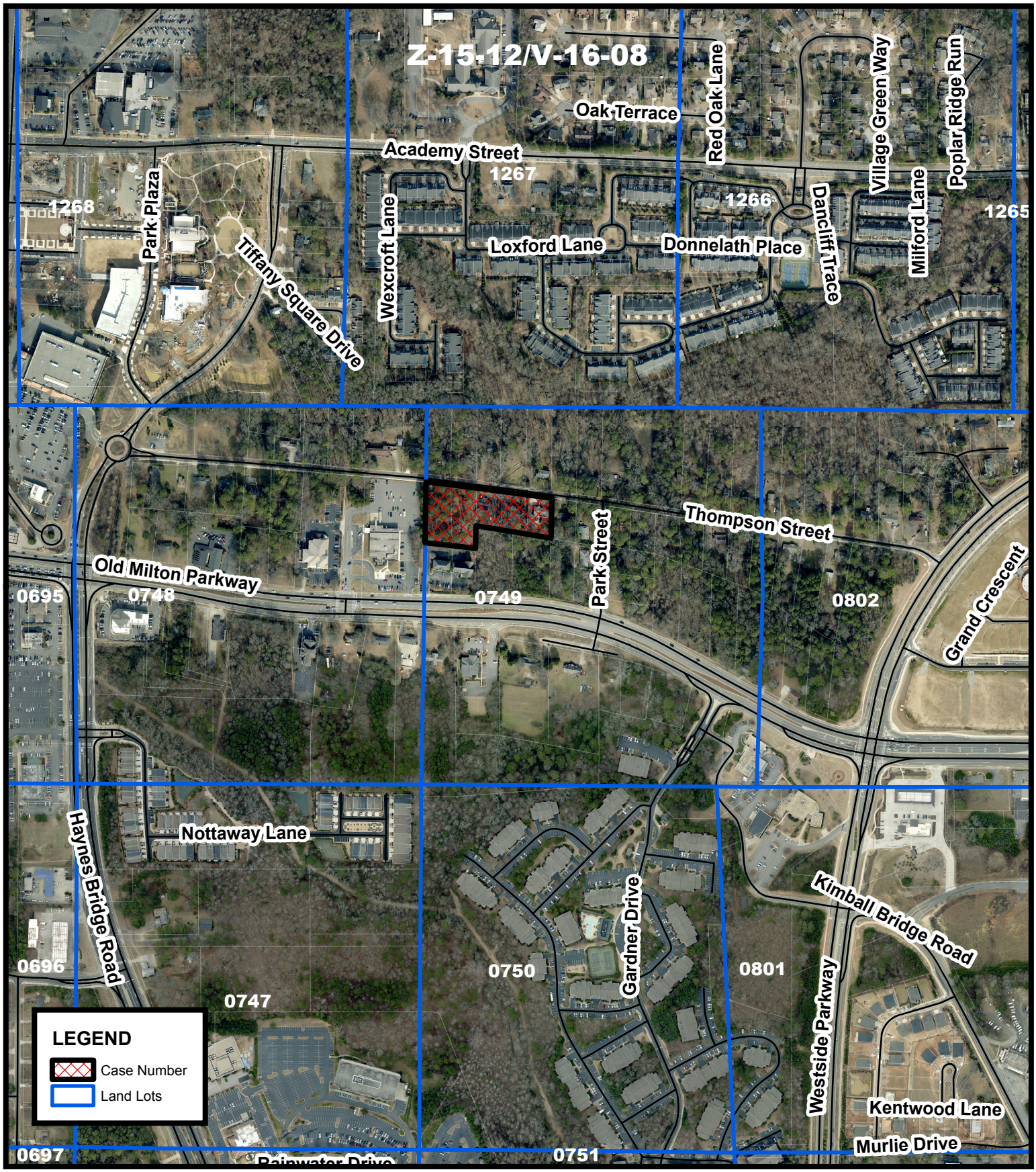
Location Map Provided by:
Community Development - GIS




# 2030 Land Use
# Old Milton Holdings
# DT-LW

**Z-15-12/V-16-05**
**D/LL: 1/2/749**
**PC Date: 3/03/16**
**CC Date: 3/28/16**

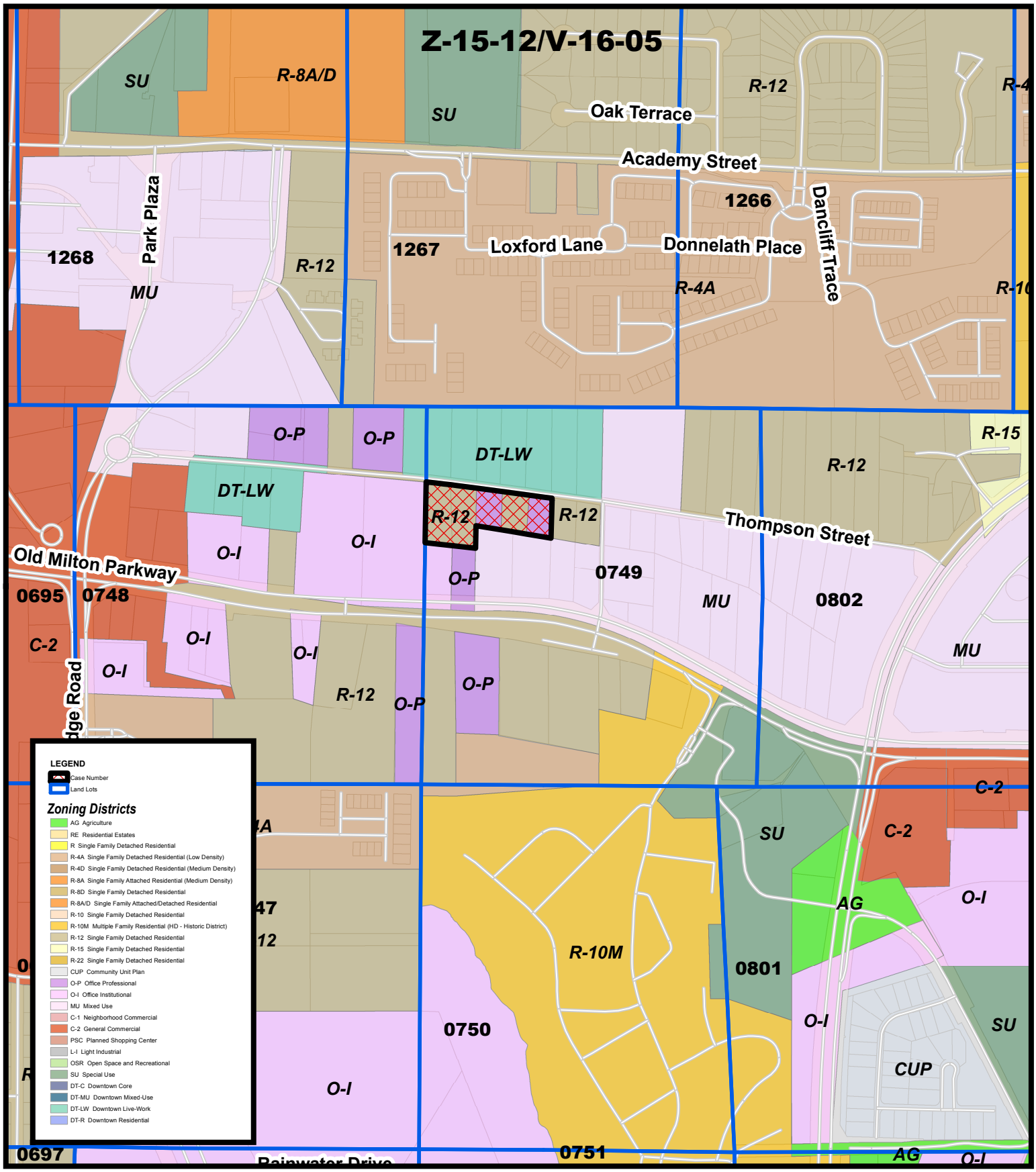
**Location Map Provided by:**
**Community Development - GIS**




# Aerial Map
# Old Milton Holdings
# DT-LW

Z-15-12/V-16-05
D/LL: 1/2/749
PC Date: 3/03/16
CC Date: 3/28/16

Location Map Provided by:
Community Development - GIS




THE CITY OF ALPHARETTA GEORGIA

# Zoning Map
# Old Milton Holdings
# DT-LW

**Z-15-12/V-16-05**
**D/LL: 1/2/749**
**PC Date: 3/03/16**
**CC Date: 3/28/16**

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

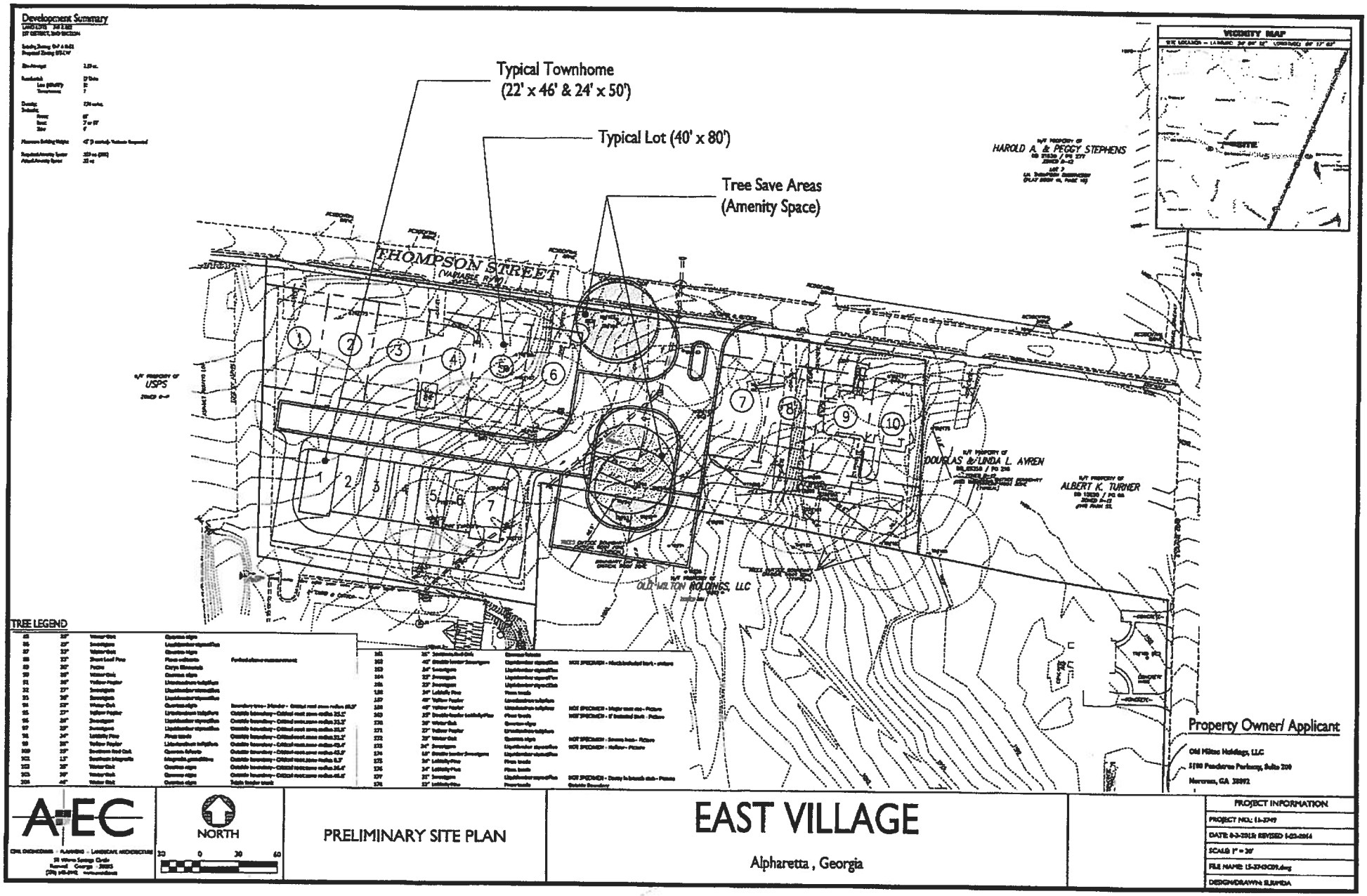

Development Summary
Typical Townhome
(22' x 46' & 24' x 50')
Typical Lot (40' x 80')
Tree Save Areas
(Amenity Space)
THOMPSON STREET
(VARIABLE R/W)
N/F PROPERTY OF
USPS
N/F PROPERTY OF
HAROLD A. & PEGGY STEPHENS
N/F PROPERTY OF
DOUGLAS & LINDA L. AVREN
N/F PROPERTY OF
ALBERT K. TURNER
N/F PROPERTY OF
OLD MILTON HOLDINGS, LLC
VICINITY MAP
TREE LEGEND
Property Owner/ Applicant
Old Milton Holdings, LLC
3100 Pinnacle Parkway, Suite 200
Norcross, GA 30092
AEC
NORTH
PRELIMINARY SITE PLAN
EAST VILLAGE
Alpharetta, Georgia
PROJECT INFORMATION
PROJECT NO.: 13-3749
DATE: 6-3-2013; REVISED 1-23-2014
SCALE: 1" = 30'
FILE NAME: 13-3749CDP.dwg
DESIGN/DRAWN: SJ/MDA

Exhibit 1

PURSLEYFRIESE TORGRIMSON

Jill Arnold
404-665-1243

E-Mail:
jarnold@pftlegal.com

February 10, 2016

**Via Hand Delivery and E-mail: kcook@alpharetta,ga.us**

Kathi Cook, Director of Community Development
City of Alpharetta
2 Park Plaza
Alpharetta, GA 30009

Re: Old Milton Holdings, LLC; Rezoning Application; +/- 2.20 acres of land located in Land Lots 749 and 802, 2nd Section, 1st District of Fulton County

Dear Kathi:

Please find enclosed the Citizen Participation Form – Part B along with the following attachments:

- Notice letter regarding the Citizen Participation Meeting dated January 26, 2016
- Certified mail receipt/mail cards (January 26, 2016 notice letter)
- List of property owners within 500 feet of property
- Notice letter regarding the Citizen Participation Meeting dated February 5, 2016 with corrected Planning Commission time
- Certificate of Mailing (February 5, 2016 notice letter)

Please note that the February 5, 2016 letter was mailed revising the time of the Planning Commission meeting.

Thank you and please contact me with any questions.

Very truly yours,

PURSLEY FRIESE TORGRIMSON

G. Douglas Dillard
Jillian Arnold

Enclosures

# 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: Old Milton Holdings-Thompson Street Rezoning (+/- 2.20 acres)

Contact Name: Jill Arnold Telephone: 404-665-1243

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.

At this time, I have not received any comments or concerns about the rezoning application from individuals contacted as part of the Citizen Participation Program.

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

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

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

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

Signature of Authorized Agent: Date: 2/10/2016

Print Form

**Old Milton Holdings, LLC c/o G. Douglas Dillard, Esq.**
**Pursley Friese Torgrimson**
**Promenade, Suite 1200**
**1230 Peachtree Street NE**
**Atlanta, GA 30309**

January 26, 2016

Dear Property Owner:

This letter is to inform you that a Rezoning and Variance Application (the "Application") has been submitted to the City of Alpharetta on land located within 500 feet of your property. Please be advised of the following information pertaining to the Application and public hearings:

CASE NUMBER: Z-15-12

APPLICANT NAME: Old Milton Holdings, LLC

ZONING CHANGE: O-P and R-12 to Downtown Live Work (DT-LW)

VARIANCE: A Variance to exceed the 40 foot height limitation in the DT-LW zoning district to allow for 42-foot Single-Family Homes and 45-foot Townhomes

STREET LOCATION: 145 Thompson Street, 155 Thompson Street, 165 Thompson Street, 175 Thompson Street, and 185 Thompson Street (+/- 2.20 acres)

PROPOSED DEVELOPMENT: 10 Single-Family Homes; 7 Townhomes

PLANNING COMMISSION HEARING
March 3, 2016
7:30 PM

CITY COUNCIL HEARING
March 28, 2016
7:30 PM

PUBLIC HEARING LOCATION
Alpharetta City Hall
2 Park Plaza
Alpharetta, Georgia 30009

If you have questions about the Application, please contact Jill Arnold at (404) 665-1243 or jarnold@pftlegal.com.

Sincerely,

Jill Arnold

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

HENDERLIGHT CAROL W
12506 WEXCROFT LN
ALPHARETTA GA 30009 8761

Old Milton

9590 9402 1351 5285 3331 22

2. Article Number (Transfer from service label)

7009 2820 0001 0468 1365

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☑ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☑ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

GLEITER LINDA DICKERSON
12500 WEXCROFT LN
ALPHARETTA GA 30004

Old Milton

9590 9402 1351 5285 3331 15

2. Article Number (Transfer from service label)

7009 2820 0001 0468 1259

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

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☐ Addressee

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C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☑ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

TORTORELLO MICHAEL F
12515 WEXCROFT LN
ALPHARETTA GA 30009

Old Milton

9590 9402 1351 5285 3331 08

2. Article Number (Transfer from service label)

7009 2820 0001 0468 1242

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

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☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☑ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MC MAHON KEVIN J
310 OAK RIDGE TER
ALPHARETTA GA 30005 2580

Old Milton

9590 9402 1351 5285 3330 92

2. Article Number (Transfer from service label)

7009 2820 0001 0468 1235

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X ☐ Agent ☐ Addressee

B. Received by (Printed Name) | C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
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☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

2405 OLD MILTON PARKWAY LLC
P O BOX 550345
ATLANTA GA 30355

Old Milton

9590 9402 1351 5285 3330 85

2. Article Number (Transfer from service label)

7009 2820 0001 0468 1228

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X ☐ Agent ☐ Addressee

B. Received by (Printed Name) | C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
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PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

SULLIVAN BEVERLY A
138 MOSSLAND DR
PERRY GA 31069 9213

Old Milton

9590 9402 1351 5285 3330 78

2. Article Number (Transfer from service label)

7009 2820 0001 0468 1211

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X ☐ Agent ☐ Addressee

B. Received by (Printed Name) | C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
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☐ Adult Signature Restricted Delivery
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**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

STEPHENS HAROLD A & PEGGY
319 CANTON ST
ALPHARETTA GA 30009

Old Milton

9590 9402 1351 5285 3330 61

2. Article Number *(Transfer from service label)*

7009 2820 0001 0468 1204

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent
☐ Addressee

B. Received by *(Printed Name)*

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☑ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CHESTER CHARLES E
2465 OLD MILTON PKWY
ALPHARETTA GA 30004

Old Milton

9590 9402 1351 5285 3330 54

2. Article Number *(Transfer from service label)*

7009 2820 0001 0468 1198

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent
☐ Addressee

B. Received by *(Printed Name)*

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☑ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

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- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

PEEVY JACK
485 CARYBELL LN
ALPHARETTA GA 30004

Old Milton

9590 9402 1351 5285 3330 47

2. Article Number *(Transfer from service label)*

7009 2820 0001 0468 1181

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent
☐ Addressee

B. Received by *(Printed Name)*

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☑ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

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- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CITY OF ALPHARETTA
2 S MAIN ST
ALPHARETTA GA 30004

Old Milton

9590 9402 1351 5285 3330 30

2. Article Number (Transfer from service label)

7009 2820 0001 0468 1174

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

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- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MATTS WALTER J & SANDRA L
12504 WEXCROFT LN
ALPHARETTA GA 30009 8761

Old Milton

9590 9402 1351 5285 3330 23

2. Article Number (Transfer from service label)

7009 2820 0001 0467 8273

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

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- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ROBERT M STEVENS LIVING TRUST
12511 WEXCROFT LANE
ALPHARETTA GA 30009

Old Milton

9590 9402 1351 5285 3330 16

2. Article Number (Transfer from service label)

7009 2820 0001 0467 8266

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

RONALD D & LINDA J COLEMAN
TRUST AGREEMENT THE
514 WHITE PELICAN CIR
VERO BEACH FL 32963

Old Milton

9590 9402 1351 5285 3330 09

2. Article Number (Transfer from service label)

7009 2820 0001 0467 8259

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

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- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

DREYFUS PROPERTIES L L C
6094 ODELL ST
CUMMING GA 30040

Old Milton

9590 9402 1351 5285 3329 96

2. Article Number (Transfer from service label)

7009 2820 0001 0467 8242

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☑ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

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- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

RANSOPHER TAD D
82 THOMPSON ST
ALPHARETTA GA 30004

Old Milton

9590 9402 1351 5285 3329 89

2. Article Number (Transfer from service label)

7009 2820 0001 0467 8235

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Restricted Delivery
(over $500)
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

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- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MOSS LESLIE MOSS RHONDA
112 THOMPSON ST
ALPHARETTA GA 30004

Old Milton

9590 9402 1351 5285 3329 72

2. Article Number (Transfer from service label)

7009 2820 0001 0467 8228

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name) | C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Mail
☐ Mail Restricted Delivery
(over $500)
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

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- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

STEPHENS PEGGY & HAROLD
ENTERPRISES L P
319 CANTON ST
ALPHARETTA GA 30009

Old Milton

9590 9402 1351 5285 3329 65

2. Article Number (Transfer from service label)

7009 2820 0001 0467 8211

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name) | C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Mail
☐ Mail Restricted Delivery
(over $500)
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

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1. Article Addressed to:

KYLE A ROBINSON PROPERTIES II L
918 HOLCOMB BRIDGE RD SUITE 100
ROSWELL GA 30076

Old Milton

9590 9402 1351 5285 3329 58

2. Article Number (Transfer from service label)

7009 2820 0001 0467 8204

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name) | C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Mail
☐ Mail Restricted Delivery
(over $500)
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

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- Print your name and address on the reverse so that we can return the card to you.
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1. Article Addressed to:

AVREN LINDA L & DOUGLAS
205 HEMBREE PARK TERR
ROSWELL GA 30076

Old Milton

9590 9402 1351 5285 3329 41

2. Article Number (Transfer from service label)

7009 2820 0001 0467 8198

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☑ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
Restricted Delivery

☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

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- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MAYFIELD TRADING LLC
485 CARYBELL LN
ALPHARETTA GA 30004

Old Milton

9590 9402 1351 5285 3329 34

2. Article Number (Transfer from service label)

7009 2820 0001 0467 8181

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☑ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
ail
ail Restricted Delivery

☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

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- Print your name and address on the reverse so that we can return the card to you.
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1. Article Addressed to:

LUMSDEN DONNA KAY
12502 WEXCROFT LANE UNIT 283
ALPHARETTA GA 30009

Old Milton

9590 9402 1351 5285 3329 27

2. Article Number (Transfer from service label)

7009 2820 0001 0468 0955

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☑ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
Restricted Delivery

☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

EICKHOFF ROBERT W & NIKKI C
12513 WEXCROFT LANE
ALPHARETTA GA 30009

Old Milton

9590 9402 1351 5285 3329 10

2. Article Number (Transfer from service label)

7009 2820 0001 0468 0948

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☑ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

RODDY JOSEPH H & KIMBERLY A
284 CANTON ST
ALPHARETTA GA 30004 1339

Old Milton

9590 9402 1351 5285 3329 03

2. Article Number (Transfer from service label)

7009 2820 0001 0468 0931

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☑ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MULL JAMES R
2385 OLD MILTON PKY
ALPHARETTA GA 30009

Old Milton

9590 9402 1351 5285 3328 97

2. Article Number (Transfer from service label)

7009 2820 0001 0468 0924

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☑ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

RANSOPHER TAD D
82 THOMPSON ST
ALPHARETTA GA 30004

Old Milton

9590 9402 1351 5285 3328 80

2. Article Number (Transfer from service label)

7009 2820 0001 0468 0917

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☑ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

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- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

STEPHENS HAROLD A & PEGGY
319 CANTON ST
ALPHARETTA GA 30009

Old Milton

9590 9402 1351 5285 3328 73

2. Article Number (Transfer from service label)

7009 2820 0001 0468 0900

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☑ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

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- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

AYCOCK ELVIN
185 THOMPSON ST
ALPHARETTA GA 30004

Old Milton

9590 9402 1351 5285 3328 66

2. Article Number (Transfer from service label)

7009 2820 0001 0468 0894

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

WADE JACKIE J
184 THOMPSON ST
ALPHARETTA GA 30004 1726

Old Milton

9590 9402 1351 5285 3328 59

2. Article Number (Transfer from service label)

7009 2820 0001 0468 0887

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

TURNER ALBERT K
145 PARK ST
ALPHARETTA GA 30004 1720

Old Milton

9590 9402 1351 5285 3328 42

2. Article Number (Transfer from service label)

7009 2820 0001 0467 8297

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

LEWIS J PEEVY LIVING TRUST THE
485 CARY BELL LN
ALPHARETTA GA 30004

Old Milton

9590 9402 1351 5285 3328 35

2. Article Number (Transfer from service label)

7009 2820 0001 0467 8280

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

GLUCK PROPERTIES LLC
2455 OLD MILTON PKWY
ALPHARETTA GA 30004

Old Milton

9590 9402 1351 5285 3328 28

2. Article Number (Transfer from service label)

7009 2820 0001 0468 1051

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from Item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

STATE BANK & TRUST COMPANY
4219 FORSYTH RD
MACON GA 31208

Old Milton

9590 9402 1351 5285 3328 11

2. Article Number (Transfer from service label)

7009 2820 0001 0468 1044

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from Item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

GILKEY SCOTT L
2095 WILLSHIRE GLN
ALPHARETTA GA 30009

Old Milton

9590 9402 1351 5285 3328 04

2. Article Number (Transfer from service label)

7009 2820 0001 0468 1037

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from Item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

LEWIS J PEEVY LIVING TRUST
485 CARYBELL LN
ALPHARETTA GA 30004 6302

Old Milton

9590 9402 1351 5285 3327 98

2. Article Number (Transfer from service label)

7009 2820 0001 0468 1020

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

(over $500)

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

WADE JACKIE J & DOROTHY J
184 THOMPSON ST
ALPHARETTA GA 30004 1726

Old Milton

9590 9402 1351 5285 3327 81

2. Article Number (Transfer from service label)

7009 2820 0001 0468 1013

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

BETHEA JOHN D & ZHANG XIAOLING
139 PARK POINTE WAY
SUWANEE GA 30024

Old Milton

9590 9402 1351 5285 3327 74

2. Article Number (Transfer from service label)

7009 2820 0001 0468 1006

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

(over $500)

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MAYFIELD TRADING LLC
485 CARYBELL LN
ALPHARETTA GA 30004

Old Milton

9590 9402 1351 5285 3327 50

2. Article Number (Transfer from service label)

7009 2820 0001 0468 0993

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name) | C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ACADEMY PARK NEIGHBORHOOD
ASSOCIATION INC
1465 NORTHSIDE DR NW STE 128
ATLANTA GA 30318 4244

Old Milton

9590 9402 1351 5285 3327 43

2. Article Number (Transfer from service label)

7009 2820 0001 0468 0986

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name) | C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

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- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

GUSKI STANLEY E & GUSKI BONNIE J
12310 DANCLIFF TRC
ALPHARETTA GA 30009

Old Milton

9590 9402 1351 5285 3327 36

2. Article Number (Transfer from service label)

7009 2820 0001 0468 0979

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name) | C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

FUQUA DOROTHY TODD
260 SHADY GROVE LN
ALPHARETTA GA 30004

Old Milton

9590 9402 1351 5285 3327 29

2. Article Number (Transfer from service label)

7009 2820 0001 0468 0962

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

JONES KEITH A & JILL A
122 THOMPSON ST
ALPHARETTA GA 30004

Old Milton

9590 9402 1351 5285 3327 12

2. Article Number (Transfer from service label)

7009 2820 0001 0468 1150

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

STEPHENS HAROLD A & PEGGY
319 CANTON ST
ALPHARETTA GA 30009

Old Milton

9590 9402 1351 5285 3327 05

2. Article Number (Transfer from service label)

7009 2820 0001 0468 1143

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

LEWIS J PEEVY LIVING TRUST THE
485 CARYBELL LN
ALPHARETTA GA 30004

Old Milton

9590 9402 1351 5285 3326 99

2. Article Number (Transfer from service label)

7009 2820 0001 0468 1136

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☑ Certified Mail®
☑ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

DEPT OF TRANSPORTATION
2 CAPITOL SQUARE
ATLANTA GA 30334

Old Milton

9590 9402 1351 5285 3326 82

2. Article Number (Transfer from service label)

7009 2820 0001 0468 1129

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☑ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

PORTER DAVID E
376 AIR ACRES WAY
WOODSTOCK GA 30188 2910

Old Milton

9590 9402 1351 5285 3326 75

2. Article Number (Transfer from service label)

7009 2820 0001 0468 1112

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☑ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

JONES JAMES T & JONES CATHERINE G
2305 DINSMORE RD
ALPHARETTA GA 30004

Old Milton

9590 9402 1351 5285 3326 68

2. Article Number *(Transfer from service label)*

7009 2820 0001 0468 1105

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent
☐ Addressee

B. Received by *(Printed Name)*

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery (over $500)
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

STEPHENS HAROLD A & PEGGY
319 CANTON ST
ALPHARETTA GA 30009

Old Milton

9590 9402 1351 5285 3326 51

2. Article Number *(Transfer from service label)*

7009 2820 0001 0468 1099

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent
☐ Addressee

B. Received by *(Printed Name)*

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

TIFFANY SQUARE HOMEOWNERS
ASSOC INC
4004 TIFFANY SQ
ALPHARETTA GA 30009 3768

Old Milton

9590 9402 1351 5285 3326 44

2. Article Number *(Transfer from service label)*

7009 2820 0001 0468 1082

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent
☐ Addressee

B. Received by *(Printed Name)*

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CAMPBELL THOMAS J & KOWALSKI
ROBERT E
12320 DANCLIFF TRCE
ALPHARETTA GA 30009

Old Milton

9590 9402 1351 5285 3326 37

2. Article Number *(Transfer from service label)*

7009 2820 0001 0468 1075

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent
☐ Addressee

B. Received by *(Printed Name)*

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

BELL ANCA
P.O. BOX 201962
DENVER CO 80220

Old Milton

9590 9402 1351 5285 3326 20

2. Article Number *(Transfer from service label)*

7009 2820 0001 0468 1068

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent
☐ Addressee

B. Received by *(Printed Name)*

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

UNITED STATES POSTAL SERVICE
1735 NORTH BROWN RD SUITE 200
LAWRENCEVILLE GA 30043 8153

Old Milton

9590 9402 1351 5285 3326 13

2. Article Number *(Transfer from service label)*

7009 2820 0001 0468 1358

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent
☐ Addressee

B. Received by *(Printed Name)*

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

STRAIN MYRON I
233 FIELDS CHAPEL RD
CANTON GA 30114

Old Milton

9590 9402 1351 5285 3326 06

2. Article Number (Transfer from service label)
7009 2820 0001 0468 1341

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature
X ☐ Agent ☐ Addressee

B. Received by (Printed Name) | C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☑ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery (over $500)
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

LEWIS J PEEVY LIVING TRUST THE
485 CARYBELL LN
ALPHARETTA GA 30004

Old Milton

9590 9402 1351 5285 3325 90

2. Article Number (Transfer from service label)
7009 2820 0001 0468 1334

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature
X ☐ Agent ☐ Addressee

B. Received by (Printed Name) | C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☑ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery (over $500)
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

OLD MILTON LEASING ENTERPRISES LLC
& NORRIS PROPERTY HOLDINGS LLC
1645 EVERSEDGE DR
ALPHARETTA GA 30004

Old Milton

9590 9402 1351 5285 3325 83

2. Article Number (Transfer from service label)
7009 2820 0001 0468 1327

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature
X ☐ Agent ☐ Addressee

B. Received by (Printed Name) | C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☑ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

FULTON CONCRETE COMPANY INC
1200 URBAN CENTER DR
BIRMINGHAM AL 35242 2545

Old Milton

9590 9402 1351 5285 3325 76

2. Article Number (Transfer from service label)

7009 2820 0001 0468 1310

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☑ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

KALDANI NARDEN &
KAHVAZADEH HAMID R
145 THOMPSON ST
ALPHARETTA GA 30004

Old Milton

9590 9402 1351 5285 3325 69

2. Article Number (Transfer from service label)

7009 2820 0001 0468 1303

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☑ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ACADEMY PARK NEIGHBORHOOD
ASSN INC
P O BOX 87363
ATLANTA GA 30337

Old Milton

9590 9402 1351 5285 3325 52

2. Article Number (Transfer from service label)

7009 2820 0001 0468 1297

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☑ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

COMSTOCK GREGORY W &
KATHLEEN M
12300 DANCLIFF TRCE
ALPHARETTA GA 30009

Old Milton

9590 9402 1351 5285 3325 45

2. Article Number (Transfer from service label)

7009 2820 0001 0468 1280

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☑ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

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- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MEEKER DAVID A & NANCY S
12330 DANCLIFF TRCE
ALPHARETTA GA 30009 8710

Old Milton

9590 9402 1351 5285 3325 38

2. Article Number (Transfer from service label)

7009 2820 0001 0468 1273

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

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- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

STEPHENS HAROLD A & PEGGY
319 CANTON ST
ALPHARETTA GA 30009

Old Milton

9590 9402 1351 5285 3325 21

2. Article Number (Transfer from service label)

7009 2820 0001 0468 1266

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

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- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MC DANIEL MARK F MC DANIEL LISA J
1556 CENTRAL PKWY
HAROLD FL 32563

old milton

9590 9402 1351 5285 3325 14

2. Article Number (Transfer from service label)

7009 2820 0001 0468 1167

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature
☐ Adult Signature Restricted Delivery
☑ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

HENDERLIGHT CAROL W
12506 WEXCROFT LN
ALPHARETTA GA 30009 8761

MATTS WALTER J & SANDRA L
12504 WEXCROFT LN
ALPHARETTA GA 30009 8761

LUMSDEN DONNA KAY
12502 WEXCROFT LANE UNIT 283
ALPHARETTA GA 30009

GLEITER LINDA DICKERSON
12500 WEXCROFT LN
ALPHARETTA GA 30004

ROBERT M STEVENS LIVING TRUST THE
12511 WEXCROFT LANE
ALPHARETTA GA 30009

EICKHOFF ROBERT W & NIKKI C
12513 WEXCROFT LANE
ALPHARETTA GA 30009

TORTORELLO MICHAEL F
12515 WEXCROFT LN
ALPHARETTA GA 30009

RONALD D & LINDA J COLEMAN TRUST AGREEMENT THE
514 WHITE PELICAN CIR
VERO BEACH FL 32963

RODDY JOSEPH H & KIMBERLY A
284 CANTON ST
ALPHARETTA GA 30004 1339

MC MAHON KEVIN J
310 OAK RIDGE TER
ALPHARETTA GA 30005 2580

DREYFUS PROPERTIES L L C
6094 ODELL ST
CUMMING GA 30040

MULL JAMES R
2385 OLD MILTON PKY
ALPHARETTA GA 30009

2405 OLD MILTON PARKWAY LLC
P O BOX 550345
ATLANTA GA 30355

RANSOPHER TAD D
82 THOMPSON ST
ALPHARETTA GA 30004

RANSOPHER TAD D
82 THOMPSON ST
ALPHARETTA GA 30004

SULLIVAN BEVERLY A
138 MOSSLAND DR
PERRY GA 31069 9213

MOSS LESLIE MOSS RHONDA
112 THOMPSON ST
ALPHARETTA GA 30004

STEPHENS HAROLD A & PEGGY
319 CANTON ST
ALPHARETTA GA 30009

STEPHENS HAROLD A & PEGGY
319 CANTON ST
ALPHARETTA GA 30009

STEPHENS PEGGY & HAROLD ENTERPRISES L P
319 CANTON ST
ALPHARETTA GA 30009

AYCOCK ELVIN
185 THOMPSON ST
ALPHARETTA GA 30004

CHESTER CHARLES E
2465 OLD MILTON PKWY
ALPHARETTA GA 30004

KYLE A ROBINSON PROPERTIES II LLC
918 HOLCOMB BRIDGE RD SUITE 100
ROSWELL GA 30076

WADE JACKIE J
184 THOMPSON ST
ALPHARETTA GA 30004 1726

PEEVY JACK
485 CARYBELL LN
ALPHARETTA GA 30004

AVREN LINDA L & DOUGLAS
205 HEMBREE PARK TERR
ROSWELL GA 30076

TURNER ALBERT K
145 PARK ST
ALPHARETTA GA 30004 1720

CITY OF ALPHARETTA
2 S MAIN ST
ALPHARETTA GA 30004

MAYFIELD TRADING LLC
485 CARYBELL LN
ALPHARETTA GA 30004

LEWIS J PEEVY LIVING TRUST THE
485 CARY BELL LN
ALPHARETTA GA 30004

GLUCK PROPERTIES LLC
2455 OLD MILTON PKWY
ALPHARETTA GA 30004

JONES KEITH A & JILL A
122 THOMPSON ST
ALPHARETTA GA 30004

UNITED STATES POSTAL SERVICE
1735 NORTH BROWN RD SUITE 200
LAWRENCEVILLE GA 30043 8153

STATE BANK & TRUST COMPANY
4219 FORSYTH RD
MACON GA 31208

STEPHENS HAROLD A & PEGGY
319 CANTON ST
ALPHARETTA GA 30009

STRAIN MYRON I
233 FIELDS CHAPEL RD
CANTON GA 30114

GILKEY SCOTT L
2095 WILLSHIRE GLN
ALPHARETTA GA 30009

LEWIS J PEEVY LIVING TRUST THE
485 CARYBELL LN
ALPHARETTA GA 30004

LEWIS J PEEVY LIVING TRUST THE
485 CARYBELL LN
ALPHARETTA GA 30004

LEWIS J PEEVY LIVING TRUST
485 CARYBELL LN
ALPHARETTA GA 30004 6302

DEPT OF TRANSPORTATION
2 CAPITOL SQUARE
ATLANTA GA 30334

OLD MILTON LEASING ENTERPRISES LLC & NORRIS PROPERTY HOLDINGS LLC
1645 EVERSEDGE DR
ALPHARETTA GA 30004

WADE JACKIE J & DOROTHY J
184 THOMPSON ST
ALPHARETTA GA 30004 1726

PORTER DAVID E
376 AIR ACRES WAY
WOODSTOCK GA 30188 2910

FULTON CONCRETE COMPANY INC
1200 URBAN CENTER DR
BIRMINGHAM AL 35242 2545

BETHEA JOHN D & ZHANG XIAOLING
139 PARK POINTE WAY
SUWANEE GA 30024

JONES JAMES T & JONES CATHERINE G
2305 DINSMORE RD
ALPHARETTA GA 30004

KALDANI NARDEN & KAHVAZADEH HAMID R
145 THOMPSON ST
ALPHARETTA GA 30004

MAYFIELD TRADING LLC
485 CARYBELL LN
ALPHARETTA GA 30004

STEPHENS HAROLD A & PEGGY
319 CANTON ST
ALPHARETTA GA 30009

ACADEMY PARK NEIGHBORHOOD ASSN INC
P O BOX 87363
ATLANTA GA 30337

ACADEMY PARK NEIGHBORHOOD ASSOCIATION INC
1465 NORTHSIDE DR NW STE 128
ATLANTA GA 30318 4244

TIFFANY SQUARE HOMEOWNERS ASSOC INC
4004 TIFFANY SQ
ALPHARETTA GA 30009 3768

COMSTOCK GREGORY W & KATHLEEN M
12300 DANCLIFF TRCE
ALPHARETTA GA 30009

GUSKI STANLEY E & GUSKI BONNIE J
12310 DANCLIFF TRC
ALPHARETTA GA 30009

CAMPBELL THOMAS J & KOWALSKI ROBERT E
12320 DANCLIFF TRCE
ALPHARETTA GA 30009

MEEKER DAVID A & NANCY S
12330 DANCLIFF TRCE
ALPHARETTA GA 30009 8710

FUQUA DOROTHY TODD
10745 Morton Chase Way
Alpharetta, GA 30022-5699

BELL ANCA
P.O. BOX 201962
DENVER CO 80220

STEPHENS HAROLD A & PEGGY
319 CANTON ST
ALPHARETTA GA 30009

MC DANIEL MARK F
MC DANIEL LISA J
1556 CENTRAL PKWY
HAROLD FL 32563

OLD MILTON HOLDINGS, LLC
5100 PEACHTREE PKWY, SUITE 200
NORCROSS, GEORGIA 30092

FUQUA DOROTHY TODD
10745 Morton Chase Way
Alpharetta, GA 30022-5699

**Old Milton Holdings, LLC c/o G. Douglas Dillard, Esq.**
**Pursley Friese Torgrimson**
**Promenade, Suite 1200**
**1230 Peachtree Street NE**
**Atlanta, GA 30309**

February 5, 2016

Dear Property Owner:

This letter is to inform you that the previous letter dated January 26, 2016 for Old Milton Holdings, LLC's Rezoning and Variance Application (the "Application") incorrectly listed the time of the City of Alpharetta Planning Commission meeting. Please be advised that the Planning Commission meeting is scheduled for **6:30pm** on March 3, 2016.

CASE NUMBER: Z-15-12

APPLICANT NAME: Old Milton Holdings, LLC

ZONING CHANGE: O-P and R-12 to Downtown Live Work (DT-LW)

VARIANCE: A Variance to exceed the 40 foot height limitation in the DT-LW zoning district to allow for 42-foot Single-Family Homes and 45-foot Townhomes

STREET LOCATION: 145 Thompson Street, 155 Thompson Street, 165 Thompson Street, 175 Thompson Street, and 185 Thompson Street (+/- 2.20 acres)

PROPOSED DEVELOPMENT: 10 Single-Family Homes; 7 Townhomes

**PLANNING COMMISSION HEARING**
**March 3, 2016**
**6:30 PM**

CITY COUNCIL HEARING
March 28, 2016
7:30 PM

PUBLIC HEARING LOCATION
Alpharetta City Hall
2 Park Plaza
Alpharetta, Georgia 30009

If you have questions about the Application, please contact Jill Arnold at (404) 665-1243 or jarnold@pftlegal.com.

Sincerely,

Jill Arnold

UNITED STATES POSTAL SERVICE®

# ccountable Mail

Name and Address of Sender

Jill Arnold, Esq.
Pursley Friese Torgrimson, LLP
1230 Peachtree Street, Suite 1200
Atlanta, GA 30309

Check type of mail or service

- ☐ Adult Signature Required
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery (COD)
- ☐ Insured Mail
- ☐ Priority Mail
- ☐ Priority Mail Express
- ☐ Registered Mail
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation
- ☐ Signature Confirmation Restricted Delivery

UNITED STATES POSTAL SERVICE®

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U.S. POSTAGE
PAID
ATLANTA, GA
30309
FEB 05, 16
AMOUNT
**$18.62**
R2304M115962-20

05 2016

| USPS Tracking/Article Number | Addressee (Name, Street, City, State, & ZIP Code™) | Postage | (Extra Service) Fee | Handling Charge | Actual Value if Registered | Insured Value | Due Sender if COD | ASR Fee | ASRD Fee | RD Fee | RR Fee | SC Fee | SCRD Fee | SH Fee |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1. | HENDERLIGHT CAROL W<br>12506 WEXCROFT LN<br>ALPHARETTA GA 30009 8761 | .49 | .38 | | | | | | | | | | | |
| 2. | GLEITER LINDA DICKERSON<br>12500 WEXCROFT LN<br>ALPHARETTA GA 30004 | .49 | .38 | | | | | | | | | | | |
| 3. | TORTORELLO MICHAEL F<br>12515 WEXCROFT LN<br>ALPHARETTA GA 30009 | .49 | .38 | | | | | | | | | | | |
| 4. | MC MAHON KEVIN J<br>310 OAK RIDGE TER<br>ALPHARETTA GA 30005 2580 | .49 | .38 | | | | | | | | | | | |
| 5. | 2405 OLD MILTON PARKWAY LLC<br>P O BOX 550345<br>ATLANTA GA 30355 | .49 | .38 | | | | | | | | | | | |
| 6. | SULLIVAN BEVERLY A<br>138 MOSSLAND DR<br>PERRY GA 31069 9213 | .49 | .38 | | | | | | | | | | | |
| 7. | STEPHENS HAROLD A & PEGGY<br>319 CANTON ST<br>ALPHARETTA GA 30009 | .49 | .38 | | | | | | | | | | | |
| 8. | CHESTER CHARLES E<br>2465 OLD MILTON PKWY<br>ALPHARETTA GA 30004 | .49 | .38 | | | | | | | | | | | |

Handling Charge - if Registered and over $50,000 in value

Adult Signature Required | Adult Signature Restricted Delivery | Restricted Delivery | Return Receipt | Signature Confirmation | Signature Confirmation Restricted Delivery | Special Handling

| Total Number of Pieces Listed by Sender | Total Number of Pieces Received at Post Office | Postmaster, Per *(Name of receiving employee)* |
|---|---|---|
| 8 | 8 | |

PS Form **3877**, April 2015 *(Page 1 of 2)*
PSN 7530-02-000-9098

**Complete in Ink**

**Privacy Notice: For more information on USPS privacy policies, visit *usps.com/privacypolicy.***

UNITED STATES POSTAL SERVICE®

**ccountable Mail**

Name and Address of Sender

Jill Arnold, Esq.
Pursley Friese Torgrimson, LLP
1230 Peachtree Street, Suite 1200
Atlanta, GA 30309

Check type of mail or service

- ☐ Adult Signature Required
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery (COD)
- ☐ Insured Mail
- ☐ Priority Mail
- ☐ Priority Mail Express
- ☐ Registered Mail
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation
- ☐ Signature Confirmation Restricted Delivery

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U.S. POSTAGE PAID
ATLANTA, GA
30309
FEB 05, 16
AMOUNT
**$4.94**
R2304M115962-20

IN POST OFFICE
0 5 2016

| USPS Tracking/Article Number | Addressee (Name, Street, City, State, & ZIP Code™) | Postage | (Extra Service) Fee | Handling Charge | Actual Value if Registered | Insured Value | Due Sender if COD | ASR Fee | ASRD Fee | RD Fee | RR Fee | SC Fee | SCRD Fee | SH Fee |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1. | MATTS WALTER J & SANDRA L<br>12504 WEXCROFT LN<br>ALPHARETTA GA 30009 8761 | .49 | .38 | | | | | | | | | | | |
| 2. | ROBERT M STEVENS LIVING TRUST<br>12511 WEXCROFT LANE<br>ALPHARETTA GA 30009 | .49 | .38 | | | | | | | | | | | |
| 3. | RONALD D & LINDA J COLEMAN<br>TRUST AGREEMENT THE<br>514 WHITE PELICAN CIR<br>VERO BEACH FL 32963 | .49 | .38 | | | | | | | | | | | |
| 4. | DREYFUS PROPERTIES L L C<br>6094 ODELL ST<br>CUMMING GA 30040 | .49 | .38 | | | | | | | | | | | |
| 5. | RANSOPHER TAD D<br>82 THOMPSON ST<br>ALPHARETTA GA 30004 | .49 | .38 | | | | | | | | | | | |
| 6. | MOSS LESLIE MOSS RHONDA<br>112 THOMPSON ST<br>ALPHARETTA GA 30004 | .49 | .38 | | | | | | | | | | | |
| 7. | STEPHENS PEGGY & HAROLD<br>ENTERPRISES L P<br>319 CANTON ST<br>ALPHARETTA GA 30009 | .49 | .38 | | | | | | | | | | | |
| 8. | KYLE A ROBINSON PROPERTIES II LLC<br>918 HOLCOMB BRIDGE RD SUITE 100<br>ROSWELL GA 30076 | .49 | .38 | | | | | | | | | | | |

Handling Charge - if Registered and over $50,000 in value

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Restricted Delivery

Return Receipt

Signature Confirmation

Signature Confirmation Restricted Delivery

Special Handling

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|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1. | LUMSDEN DONNA KAY<br>12502 WEXCROFT LANE UNIT 283<br>ALPHARETTA GA 30009 | .49 | .38 | Handling Charge - if Registered and over $50,000 in value | | | | Adult Signature Required | Adult Signature Restricted Delivery | Restricted Delivery | Return Receipt | Signature Confirmation | Signature Confirmation Restricted Delivery | Special Handling |
| 2. | EICKHOFF ROBERT W & NIKKI C<br>12513 WEXCROFT LANE<br>ALPHARETTA GA 30009 | .49 | .38 | | | | | | | | | | | |
| 3. | RODDY JOSEPH H & KIMBERLY A<br>284 CANTON ST<br>ALPHARETTA GA 30004 1339 | .49 | .38 | | | | | | | | | | | |
| 4. | MULL JAMES R<br>2385 OLD MILTON PKY<br>ALPHARETTA GA 30009 | .49 | .38 | | | | | | | | | | | |
| 5. | RANSOPHER TAD D<br>82 THOMPSON ST<br>ALPHARETTA GA 30004 | .49 | .38 | | | | | | | | | | | |
| 6. | STEPHENS HAROLD A & PEGGY<br>319 CANTON ST<br>ALPHARETTA GA 30009 | .49 | .38 | | | | | | | | | | | |
| 7. | AYCOCK ELVIN<br>185 THOMPSON ST<br>ALPHARETTA GA 30004 | .49 | .38 | | | | | | | | | | | |
| 8. | WADE JACKIE J<br>184 THOMPSON ST<br>ALPHARETTA GA 30004 1726 | .49 | .38 | | | | | | | | | | | |

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|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1. | | GLUCK PROPERTIES LLC<br>2455 OLD MILTON PKWY<br>ALPHARETTA GA 30004 | .49 | .38 | | | | | | | | | | | |
| 2. | | STATE BANK & TRUST COMPANY<br>4219 FORSYTH RD<br>MACON GA 31208 | .49 | .38 | | | | | | | | | | | |
| 3. | | GILKEY SCOTT L<br>2095 WILLSHIRE GLN<br>ALPHARETTA GA 30009 | .49 | .38 | | | | | | | | | | | |
| 4. | | LEWIS J PEEVY LIVING TRUST<br>485 CARYBELL LN<br>ALPHARETTA GA 30004 6302 | .49 | .38 | | | | | | | | | | | |
| 5. | | WADE JACKIE J & DOROTHY J<br>184 THOMPSON ST<br>ALPHARETTA GA 30004 1726 | .49 | .38 | | | | | | | | | | | |
| 6. | | BETHEA JOHN D & ZHANG XIAOLING<br>139 PARK POINTE WAY<br>SUWANEE GA 30024 | .49 | .38 | | | | | | | | | | | |
| 7. | | MAYFIELD TRADING LLC<br>485 CARYBELL LN<br>ALPHARETTA GA 30004 | .49 | .38 | | | | | | | | | | | |
| 8. | | ACADEMY PARK NEIGHBORHOOD<br>ASSOCIATION INC<br>1465 NORTHSIDE DR NW STE 128<br>ATLANTA GA 30318 4244 | .49 | .38 | | | | | | | | | | | |

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| 1. | | JONES KEITH A & JILL A<br>122 THOMPSON ST<br>ALPHARETTA GA 30004 | .49 | .38 | Handling Charge - if Registered and over $50,000 in value | | | | Adult Signature Required | Adult Signature Restricted Delivery | Restricted Delivery | Return Receipt | Signature Confirmation | Signature Confirmation Restricted Delivery | Special Handling |
| 2. | | STEPHENS HAROLD A & PEGGY<br>319 CANTON ST<br>ALPHARETTA GA 30009 | .49 | .38 | | | | | | | | | | | |
| 3. | | LEWIS J PEEVY LIVING TRUST THE<br>485 CARYBELL LN<br>ALPHARETTA GA 30004 | .49 | .38 | | | | | | | | | | | |
| 4. | | DEPT OF TRANSPORTATION<br>2 CAPITOL SQUARE<br>ATLANTA GA 30334 | .49 | .38 | | | | | | | | | | | |
| 5. | | PORTER DAVID E<br>376 AIR ACRES WAY<br>WOODSTOCK GA 30188 2910 | .49 | .38 | | | | | | | | | | | |
| 6. | | JONES JAMES T & JONES CATHERINE G<br>2305 DINSMORE RD<br>ALPHARETTA GA 30004 | .49 | .38 | | | | | | | | | | | |
| 7. | | STEPHENS HAROLD A & PEGGY<br>319 CANTON ST<br>ALPHARETTA GA 30009 | .49 | .38 | | | | | | | | | | | |
| 8. | | TIFFANY SQUARE HOMEOWNERS ASSOC<br>4004 TIFFANY SQ<br>ALPHARETTA GA 30009 3768 | .49 | .38 | | | | | | | | | | | |

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| 1. | UNITED STATES POSTAL SERVICE<br>1735 NORTH BROWN RD SUITE 200<br>LAWRENCEVILLE GA 30043 8153 | .49 | .38 | Handling Charge - if Registered and over $50,000 in value | | | | Adult Signature Required | Adult Signature Restricted Delivery | Restricted Delivery | Return Receipt | Signature Confirmation | Signature Confirmation Restricted Delivery | Special Handling |
| 2. | STRAIN MYRON I<br>233 FIELDS CHAPEL RD<br>CANTON GA 30114 | .49 | .38 | | | | | | | | | | | |
| 3. | LEWIS J PEEVY LIVING TRUST THE<br>485 CARYBELL LN<br>ALPHARETTA GA 30004 | .49 | .38 | | | | | | | | | | | |
| 4. | OLD MILTON LEASING ENTERPRISES LLC<br>& NORRIS PROPERTY HOLDINGS LLC<br>1645 EVERSEDGE DR<br>ALPHARETTA GA 30004 | .49 | .38 | | | | | | | | | | | |
| 5. | FULTON CONCRETE COMPANY INC<br>1200 URBAN CENTER DR<br>BIRMINGHAM AL 35242 2545 | .49 | .38 | | | | | | | | | | | |
| 6. | KALDANI NARDEN & KAHVAZADEH<br>HAMID R<br>145 THOMPSON ST<br>ALPHARETTA GA 30004 | .49 | .38 | | | | | | | | | | | |
| 7. | ACADEMY PARK NEIGHBORHOOD ASSN<br>P O BOX 87363<br>ATLANTA GA 30337 | .49 | .38 | | | | | | | | | | | |
| 8. | COMSTOCK GREGORY W & KATHLEEN M<br>12300 DANCLIFF TRCE<br>ALPHARETTA GA 30009 | .49 | .38 | | | | | | | | | | | |

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| 1. | CITY OF ALPHARETTA<br>2 S MAIN ST<br>ALPHARETTA GA 30004 | .49 | .38 | | | | | | | | | | | |
| 2. | MAYFIELD TRADING LLC<br>485 CARYBELL LN<br>ALPHARETTA GA 30004 | .49 | .38 | | | | | | | | | | | |
| 3. | LEWIS J PEEVY LIVING TRUST THE<br>485 CARY BELL LN<br>ALPHARETTA GA 30004 | .49 | .38 | | | | | | | | | | | |
| 4. | PEEVY JACK<br>485 CARYBELL LN<br>ALPHARETTA GA 30004 | .49 | .38 | | | | | | | | | | | |
| 5. | AVREN LINDA L & DOUGLAS<br>205 HEMBREE PARK TERR<br>ROSWELL GA 30076 | .49 | .38 | | | | | | | | | | | |
| 6. | TURNER ALBERT K<br>145 PARK ST<br>ALPHARETTA GA 30004 1720 | .49 | .38 | | | | | | | | | | | |
| 7. | GUSKI STANLEY E & GUSKI BONNIE J<br>12310 DANCLIFF TRC<br>ALPHARETTA GA 30009 | .49 | .38 | | | | | | | | | | | |
| 8. | CAMPBELL THOMAS J &<br>KOWALSKI ROBERT E<br>12320 DANCLIFF TRCE<br>ALPHARETTA GA 30009 | .49 | .38 | | | | | | | | | | | |

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|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1. | MEEKER DAVID A & NANCY S<br>12330 DANCLIFF TRCE<br>ALPHARETTA GA 30009 8710 | .49 | .38 | Handling Charge - if Registered and over $50,000 in value | | | | Adult Signature Required | Adult Signature Restricted Delivery | Restricted Delivery | Return Receipt | Signature Confirmation | Signature Confirmation Restricted Delivery | Special Handling |
| 2. | FUQUA DOROTHY TODD<br>10745 Morton Chase Way<br>ALPHARETTA GA 30022-5699 | .49 | .38 | | | | | | | | | | | |
| 3. | BELL ANCA<br>P.O. BOX 201962<br>DENVER CO 80220 | .49 | .38 | | | | | | | | | | | |
| 4. | STEPHENS HAROLD A & PEGGY<br>319 CANTON ST<br>ALPHARETTA GA 30009 | .49 | .38 | | | | | | | | | | | |
| 5. | MC DANIEL MARK F MC DANIEL LISA J<br>1556 CENTRAL PKWY<br>HAROLD FL 32563 | .49 | .38 | | | | | | | | | | | |
| 6. | OLD MILTON HOLDINGS, LLC<br>5100 PEACHTREE PKWY, SUITE 200<br>NORCROSS, GEORGIA 30092 | .49 | .38 | | | | | | | | | | | |
| 7. | | .49 | .38 | | | | | | | | | | | |
| 8. | | .49 | .38 | | | | | | | | | | | |

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PURSLEYFRIESE
TORGRIMSON

G. Douglas Dillard
404-665-1241

E-mail
ddillard@pftlegal.com

January 25, 2016

***Via Hand Delivery and E-mail***

Mayor Belle Isle and Members of the City Council
c/o Kathi Cook, Director of Community Development
City of Alpharetta
2 Park Plaza
Alpharetta, GA 30009

Re: Old Milton Holdings, LLC; Z-15-12; Second Amendment to Rezoning Application

Dear Mayor Belle Isle and Members of the City Council:

Please find enclosed the Applicant's Second Amendment for the above-referenced rezoning application. The Second Amendment includes a revised Letter of Intent and Site Plan.

Thank you and please contact me with any questions.

Very truly yours,

PURSLEY FRIESE TORGRIMSON

G. Douglas Dillard
Jillian Arnold

SECOND AMENDMENT TO
REZONING APPLICATION
CITY OF ALPHARETTA

| | | |
|---|---|---|
| IN RE: | ) | |
| | ) | |
| OLD MILTON HOLDINGS, LLC | ) | Application No. Z-15-12 |
| Applicant, | ) | |
| | ) | |
| +/- 2.20 acres of land located in Land Lots | ) | |
| 749 and 802, 2nd Section, 1st District | ) | |
| of Fulton County | ) | |
| | ) | |

COMES NOW the Applicant, OLD MILTON HOLDINGS, LLC, and respectfully requests that the above-captioned Rezoning Application be amended as follows:

1.

By incorporating the attached Site Plan attached hereto as Exhibit "1" in lieu of the Site Plan filed with the Application on August 3, 2015 and January 11, 2016.

2.

By incorporating the attached Revised Letter of Intent and Review Criteria attached hereto as Exhibit "2" in lieu of the Letter of Intent filed with the Application on August 3, 2015.

WHEREFORE, the Applicant respectfully requests that this Second Amendment be filed; that the Application be amended in accordance with this Second Amendment; and that the Applicant has such other and further relief as is just and proper under the circumstances.

Respectfully submitted,

PURSLEY FRIESE TORGRIMSON

G. Douglas Dillard
Jillian Arnold
Attorneys for Applicant

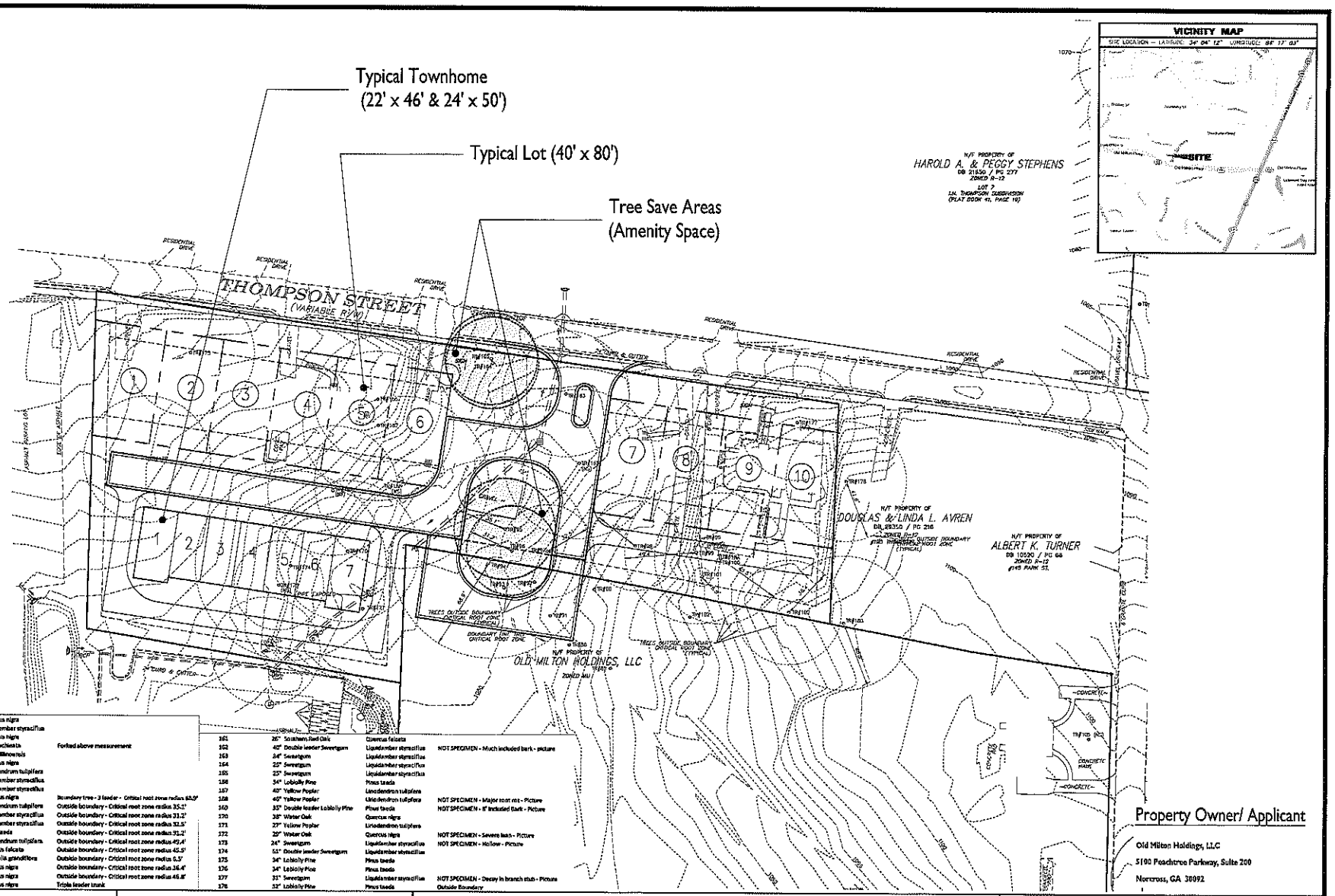
1230 Peachtree Street, NE
Suite 1200, Promenade
Atlanta, GA 30309
404-665-1241

## Development Summary

TAX DISTRICT: 249 & 885
1ST DISTRICT, 2ND SECTION

Existing Zoning: O-P & R-12
Proposed Zoning: OTH-M

| | |
|---|---|
| Site Acreage: | 2.19 ac. |
| Residential: | 17 Units |
| Less (47%MF): | 10 |
| Townhomes: | 7 |
| Density: | 7.76 units/ac. |
| Setbacks: | |
| Front: | 10' |
| Rear: | 3' or 10' |
| Side: | 0' |
| Maximum Building Height: | 45' (3 stories)- Variance Requested |
| Required Amenity Space: | .219 ac. (10%) |
| Actual Amenity Space: | .22 ac |




## TREE LEGEND

| | | | | |
|---|---|---|---|---|
| 85 | 38" | Water Oak | Quercus nigra | |
| 86 | 29" | Sweetgum | Liquidamber styraciflua | |
| 87 | 33" | Water Oak | Quercus nigra | |
| 88 | 35" | Short Leaf Pine | Pinus echinata | Forked above measurement |
| 89 | 30" | Pecan | Carya illinoensis | |
| 90 | 26" | Water Oak | Quercus nigra | |
| 91 | 36" | Yellow Poplar | Liriodendrum tulipifera | |
| 92 | 27" | Sweetgum | Liquidamber styraciflua | |
| 93 | 36" | Sweetgum | Liquidamber styraciflua | |
| 94 | 53" | Water Oak | Quercus nigra | Boundary tree - 3 leader - Critical root zone radius 88.5' |
| 95 | 27" | Yellow Poplar | Liriodendrum tulipifera | Outside boundary - Critical root zone radius 35.2' |
| 96 | 24" | Sweetgum | Liquidamber styraciflua | Outside boundary - Critical root zone radius 31.2' |
| 97 | 25" | Sweetgum | Liquidamber styraciflua | Outside boundary - Critical root zone radius 32.5' |
| 98 | 24" | Loblolly Pine | Pinus taeda | Outside boundary - Critical root zone radius 31.2' |
| 99 | 38" | Yellow Poplar | Liriodendrum tulipifera | Outside boundary - Critical root zone radius 49.4' |
| 100 | 35" | Southern Red Oak | Quercus falcata | Outside boundary - Critical root zone radius 45.5' |
| 101 | 15" | Southern Magnolia | Magnolia grandiflora | Outside boundary - Critical root zone radius 6.5' |
| 102 | 28" | Water Oak | Quercus nigra | Outside boundary - Critical root zone radius 36.4' |
| 103 | 35" | Water Oak | Quercus nigra | Outside boundary - Critical root zone radius 45.8' |
| 104 | 44" | Water Oak | Quercus nigra | Triple leader trunk |
| 161 | 26" | Southern Red Oak | Quercus falcata | |
| 162 | 40" | Double leader Sweetgum | Liquidamber styraciflua | NOT SPECIMEN - Much included bark - picture |
| 163 | 24" | Sweetgum | Liquidamber styraciflua | |
| 164 | 25" | Sweetgum | Liquidamber styraciflua | |
| 165 | 25" | Sweetgum | Liquidamber styraciflua | |
| 166 | 34" | Loblolly Pine | Pinus taeda | |
| 167 | 40" | Yellow Poplar | Liriodendrum tulipifera | |
| 168 | 40" | Yellow Poplar | Liriodendrum tulipifera | NOT SPECIMEN - Major root rot - Picture |
| 169 | 35" | Double leader Loblolly Pine | Pinus taeda | NOT SPECIMEN - 8" included bark - Picture |
| 170 | 38" | Water Oak | Quercus nigra | |
| 171 | 27" | Yellow Poplar | Liriodendrum tulipifera | |
| 172 | 20" | Water Oak | Quercus nigra | NOT SPECIMEN - Severe lean - Picture |
| 173 | 24" | Sweetgum | Liquidamber styraciflua | NOT SPECIMEN - Hollow - Picture |
| 174 | 51" | Double leader Sweetgum | Liquidamber styraciflua | |
| 175 | 34" | Loblolly Pine | Pinus taeda | |
| 176 | 34" | Loblolly Pine | Pinus taeda | |
| 177 | 31" | Sweetgum | Liquidamber styraciflua | NOT SPECIMEN - Decay in branch stub - Picture |
| 178 | 32" | Loblolly Pine | Pinus taeda | Outside Boundary |

### Property Owner/ Applicant

Old Milton Holdings, LLC
5100 Peachtree Parkway, Suite 200
Norcross, GA 30092

AEC
CIVIL ENGINEERING · PLANNING · LANDSCAPE ARCHITECTURE
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Roswell, Georgia · 30075
(770) 641-1942 www.aecoll.com

NORTH
30 0 30 60

PRELIMINARY SITE PLAN

# EAST VILLAGE

Alpharetta, Georgia

| PROJECT INFORMATION |
|---|
| PROJECT NO.: 15-3749 |
| DATE: 8-3-2015; REVISED 1-22-2016 |
| SCALE: 1" = 30' |
| FILE NAME: 15-3749C09.dwg |
| DESIGN/DRAWN: SLR/MDA |

Exhibit 1

# Revised Letter of Intent and Review Criteria

City of Alpharetta Rezoning and Variance Application

Applicant: Old Milton Holdings, LLC

Property:

+/- 2.20 acres of Land
Located in
Land Lots 749 and 802, 2nd Section, 1st District, Fulton County

O-P and R-12 to DT-LW
&
Height Variance

**Submitted for Applicant by:**

G. Douglas Dillard
Jillian Skinner Arnold
PURSLEY FRIESE TORGRIMSON
1230 Peachtree Street, Suite 1200
Atlanta, Georgia 30309
(404) 665-1243
ddillard@pftlegal.com
jarnold@pftlegal.com



Exhibit 2

## I. INTRODUCTION

The subject property is approximately 2.20 acres of land located in Land Lots 749 and 802, 2nd Section, 1st District in Fulton County (the "Property"). The current zoning is a mixture of residential (R-12) and office (O-P) uses, and includes a number of dated single-family detached dwellings. The Property has for the most part become sub-standard as a result of the recently-approved mixed use developments in the area, including the adjacent Old Milton Village mixed use project (Case # CLUP-14-07; Z-14-11; V-14-26), Avalon, and the Alpharetta City Center project. The property's unique position as a corridor between Old Milton Village and Avalon to downtown Alpharetta makes it ideally situated for the proposed mix of residential uses.

The Applicant's intent is to create a truly unique planned community that prioritizes livability and connectivity, and which balances the City's need for a variety of housing options within walking distance to retail, office and restaurant uses. It should be noted that the Property at issue in this zoning application is an extension of the adjacent Old Milton Village community.

## II. REZONING REQUEST

Old Milton Holdings, LLC (the "Applicant") is requesting said Property be rezoned to the Downtown Live-Work (DT-LW) zoning category to allow for 7 "For Sale" attached townhomes and 10 "For Sale" single-family detached residences, for a total of 17 new "For Sale" residences at a residential density of 7.76 units/acre. Concurrent with the rezoning request, the Applicant is also requesting a height variance to allow the proposed townhomes and single-family homes to exceed the height of the DT-LW zoning district. The height and design of the townhomes and single-family homes on the Property will be consistent with the height of the townhomes and single-family homes on the adjacent MU (Old Milton Village) property.

The detached single-family residences will be 2,200-3,800 square foot homes, while the attached single-family townhomes will be 2,200-3,800 square foot residences. The architectural style of the single-family homes and townhomes will be consistent with the Downtown Overlay and adjacent Old Milton Village development. Residential elevations are included in the enclosed application. The proposed residences will seamlessly integrate with the residential and non-residential uses approved in the neighboring Mixed Use zoning district (Old Milton Village) in terms of design, character, and standardized architectural elements.

Finally, the Rezoning Request is consistent with the Downtown Alpharetta Master Plan ("Master Plan"). According to the Master Plan, the Old Milton/Thompson Street Corridor is "envisioned as a primarily residential and residential-compatible, professional-office district capitalizing on the short walk or bike ride to these other areas....[and] buildings in the Thompson Street area should be relatively small and compatible with the character of single-family houses and townhouses."[1] The City's Downtown Master Plan also notes:

> "The demand is high for lifestyle and convenience housing that provides a desirable mix of attributes in addition to the square footage of the home. Additionally, nearby quality schools, shopping, restaurants, and other services that create a true community feel are increasingly appealing to empty nester Baby Boomers, Millennials, and young professionals who are coming to Alpharetta for high tech job opportunities. These trends bode well for Downtown Alpharetta serving as a housing location over the next several years."[2]

The Applicant's Rezoning Request promotes the City's goal of providing more housing options within and around downtown as it is providing 17 new townhomes and single-family homes, which are specifically identified as desirable housing types in the City's Master Plan.

## III. PLANNING COMMISSION REVIEW CRITERIA\

The Applicant satisfies all of the criteria for rezoning as set forth in the City's Unified Development Code.

### 1) How will this proposal be compatible with surrounding properties?

The Applicant's rezoning proposal is compatible with surrounding properties, many of which are in a transitional state or have recently been approved for mixed use development, including attached and detached residential uses. The Property is adjacent to MU, O-P, O-I, and R-12, and is between the new Alpharetta City Center project, a recently-approved 21-acre Mixed Use Project (Old Milton Village) and Avalon. Furthermore, the proposed residences will seamlessly integrate with the residential and non-residential uses approved in the neighboring Mixed Use zoning district in terms of design, character, and standardized architectural elements.

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[1]Downtown Alpharetta Master Plan, p. 97

[2] Downtown Alpharetta Master Plan, p. 35.

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

The proposed residential development will enhance the area and surrounding property values by redeveloping under-utilized properties. The proposed residential development is an extension of the Old Milton Village development approved by the City in March 2015.

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

No, the property cannot be developed for a reasonable economic use as currently zoned. Portions of the property are currently zoned single-family residential and office-professional. The current patchwork zoning on the Property detracts from its potential economic use and value, especially considering the redevelopment projects and mixed use zonings approved for adjacent and nearby properties.

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

The Applicant proposes 17 new "For Sale" residences. The anticipated increase in the total population would be 45-50 residents according to U.S. Census statistics, many of which may simply be moving from within the Alpharetta community. This nominal increase in population will not impact traffic in the area. Moreover, the benefit of providing increased residential options near groceries, retail, restaurants, etc., as the Applicant proposes with this Rezoning Request, reduces the dependence on automobiles which takes traffic off of the streets.

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

The increase in the number of new students will be nominal since the anticipated increase in the total population would only be 45-50 residents, many of which may be families without children or families that choose to send their children to private schools. Adequate public facilities exist in and around the subject property to support the Rezoning Request. As such, there is no expected impact on utilities.

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

Yes. The Rezoning Request is consistent with the Master Plan. The Downtown Master Plan designates the Property as Mixed Use-Live Work. The Mixed Use Live Work character area explicitly identifies the requested zoning district, DT-LW, as an appropriate and compatible zoning district. The Master Plan also specifically identifies townhomes and single-family detached residences as permitted and desirable uses in the Mixed Use Live Work character area and DT-

LW zoning district. The Old Milton/Thompson Street Corridor is "envisioned as a primarily residential and residential-compatible, professional-office district capitalizing on the short walk or bike ride to these other areas....[and] buildings in the Thompson Street area should be relatively small and compatible with the character of single-family houses and townhouses."[3] As such, the Rezoning Request is consistent with the policy, intent, and plain language of the Master Plan.

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

Yes. There are changing conditions which affect the development of the Property and support the proposed request. The Property is ideally situated between the new Alpharetta City Center project and Avalon, and is adjacent to the recently-approved 21-acre Old Milton Village project, all of which are mixed use developments. The current R-12 and O-P patchwork zoning is no longer economically viable or appropriate for the changing conditions in the area.

## IV. VARIANCE REQUEST AND REVIEW CRITERIA

Concurrent with the rezoning request, the Applicant seeks a variance to allow 45-foot townhomes and 42-foot single-family homes on the Property. The variance is necessitated by the fact that the Property will be developed as an extension of the adjacent Old Milton Village planned community, which allows 45-foot townhomes and 42-foot single-family homes. This Application meets the criteria for variances as set forth in the Alpharetta Unified Development Code, § 4.5.3.

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

Yes, there are extraordinary and exceptional conditions pertaining to the subject property because of its size, shape, topography, and location within the City of Alpharetta. In March of 2015, the City Council approved the Old Milton Village mixed use zoning on the adjacent 21-acre parcel, which included townhomes at a height of 45 feet and single-family homes along Thompson Street. As noted above, the Applicant intends to develop the 2.2-acre site as an extension of the 21-acre mixed use property, with identical single-family homes and townhomes. A variance is required to allow the heights of the townhomes and single-family homes on the 2.2-acre site to

[3] Downtown Alpharetta Master Plan, p. 97

match the height of the homes on the adjacent 21-acre property. The height variance will allow uniform residential development along the Thompson Street Corridor.

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

Yes, the application of the Zoning Code standards as they relate to the property would cause an unnecessary hardship. The DT-LW zoning district standards limit the height of residences on the Property to 40 feet, which is an arbitrary height requirement with no relation to the public health, safety, morals or welfare. The imposition of that height limitation on the Property would force a different residential product to be developed on the Property than that which will be developed on the adjacent 21-acre site. Again, the Applicant's intent is to incorporate the 2.20 acre site into the adjacent 21-acre site such that the project is one unified planned development. Uniformity in development along the Thompson Street corridor is critical to the aesthetics of this area as a gateway to the City Center project and Avalon. The requested height variances would allow uniform development along the south side of Thompson Street.

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

The subject property is uniquely positioned across Westside Parkway from the new Avalon mixed use development and the recently-approved 21-acre mixed use development. The property's adjacency to these new projects provides the City with an opportunity to capitalize on the rapidly changing uses of surrounding and contiguous properties. The proposed rezoning and associated variances will compliment Avalon and surrounding properties, and the broader changing conditions in this area.

4) **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.**

No, the variance, if granted, would not cause a substantial detriment to the public good or impair the intent of the Zoning Code. On the contrary, the relief, if granted, would allow for the development of a uniform and cohesive mixed-use community along the Thompson Street corridor. Moreover, no precedent is set with this variance request because the Property for which

it is sought is part of a larger development scheme that is already entitled to the height allowances requested herein.

**CONSTITUTIONAL AND ANTE LITEM NOTICE**

Georgia law and the procedures of the City of Alpharetta require us to raise Federal and State constitutional objections during the rezoning and variance application process. While the Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Applicant 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:

The portions of the City of Alpharetta Unified Development Code, facially and as applied to the Property, which restrict the Property to any zoning classification, uses, or to any zoning district other than that proposed by the Applicant are unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, 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.

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, heights, or to any conditions other than the those 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. A denial of this Application would constitute an arbitrary and capricious act by the City of Alpharetta 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 rezone the Property in accordance with the zoning 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. Any rezoning of the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to a unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

A refusal by the City of Alpharetta City Council to grant the variance 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. Any use restrictions or conditions placed on the Property which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

Finally, we would like to go on record challenging the constitutionality of the City of Alpharetta Tree Ordinance ("Tree Ordinance"), both facially and as applied in this case, as it violates both the Constitution of the State of Georgia of 1983 and the Fourteenth Amendment and Fifth Amendment to the Constitution of the United States. The Tree Ordinance unlawfully delegates unbridled discretion to administrative officials without providing sufficient objective criteria by which the administrative officials can evaluate compliance with the Tree Ordinance. Moreover, the Tree Ordinance constitutes a taking of valuable property rights 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. Finally, the Tree Ordinance is unconstitutionally vague and indefinite that men of common intelligence must necessarily guess at its meaning and differ as to its application in violation of due process.

The existing zoning classifications and height restrictions which prohibit the Applicant's use of the property are unconstitutional. 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 revise the Property to a constitutional classification and grant the requested height variance. If action is not taken by the City to rectify this unconstitutional zoning classification 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 not less than $4,000,000.00 in other damages arising out of the unlawful deprivation of the Applicant's property rights.

Accordingly, your Applicant respectfully requests that this Application be granted as requested by the Applicant. If there are any questions about this rezoning request, you may contact me at 404-665-1243 or jarnold@pftlegal.com.

Sincerely,

PURSLEY FRIESE TORGRIMSON

G. Douglas Dillard
Jillian Arnold
Attorneys for Applicant

# CITY OF ALPHARETTA

Z-15-12
OLD MILTON HOLDINGS/DT- LW

# PUBLIC HEARING APPLICATION

☐ 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: Old Milton Holdings, LLC c/o Jill Arnold Telephone: 404-665-1243

Address: Pursley Friese Torgrimson
1230 Peachtree Street, NE Suite: 1200

City Atlanta State: GA Zip: 30309 Fax: 404-876-4757

Mobile Tel: 615-714-1755 Email: jarnold@pftlegal.com

## Subject Property Information:

Address: Please see attached list. Current Zoning: O-P; R-12

District: 1 Section: 2 Land Lot: 0749; 802 Parcel ID: Please see attached list.

Proposed Zoning: DT-LW Current Use: Office; residential

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

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

| Tax Parcel ID | Address | Owner |
|---|---|---|
| 12 -2704-0749-066-7 | 145 Thompson | Hamid |
| 12 -2704-0749-065-9 | 155 Thompson | Jim Jones |
| 12 -2704-0749-023-8 | 165 Thompson | Scott Gilkey |
| 12 -2704-0749-022-0 | 175 Thompson | Myron Strain |
| 12 -2704-0749-021-2 | 185 Thompson | Elvin Aycock |

Thompson Street- Additional Property
Property Description

All that tract or parcel of land lying and being Land Lots 749 and 802, 1st District, 2ND Section, Fulton County, Georgia, and being more particularly described as follows:

**BEGINNING** at the intersection of the northwestern intersection of the northern right-of-way of Thompson Street (variable right-of-way) with the western Right of Way of Park Street (30' right-of-way), said point being the **POINT OF BEGINNING**;
thence running westerly along the Southern Right of Way of Thompson a distance of 185.33 feet to a point, said point being the **TRUE POINT OF BEGINNING**; thence departing the Right of Way of Thompson Street South 2 degrees 3 minutes 19 seconds West a distance of 153.13 feet to a point; thence North 79 degrees 31 minutes 4 seconds West a distance of 99.39 feet to a point; thence South 1 degrees 59 minutes 96 seconds West a distance of 96.42 feet to a point; thence North 80 degrees 22 minutes 13 seconds East a distance of 220.30 feet to a point; thence North 1 degrees 19 minutes 50 seconds East a distance of 235.10 feet to a point, said point being on the Southern Right of Way of Thompson Street; thence South 81 degrees 33 minutes 21 seconds West a distance of 519.52 feet to a point, said point being the **TRUE POINT OF BEGINNING**;

Said tract of land contains 2.19 Acres (95,519.17 sf).

# 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: Old Milton Holdings, LLC; Thompson Street rezoning

Contact Name: Jill Arnold, Esq. Telephone: 404-665-1243

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

Please see attached list.

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

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

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

A letter will be sent to adjacent and nearby property owners with information about the rezoning proposal.

| Owner | OwnerAddr1 | OwnerAddr2 | ParcelID |
|---|---|---|---|
| HENDERLIGHT CAROL W | 12506 WEXCROFT LN | ALPHARETTA GA 30009 8761 | 22 498312671084 |
| MATTS WALTER J & SANDRA L | 12504 WEXCROFT LN | ALPHARETTA GA 30009 8761 | 22 498312671092 |
| LUMSDEN DONNA KAY | 12502 WEXCROFT LANE UNIT 283 | ALPHARETTA GA 30009 | 22 498312671100 |
| GLEITER LINDA DICKERSON | 12500 WEXCROFT LN | ALPHARETTA GA 30004 | 22 498312671118 |
| ROBERT M STEVENS LIVING TRUST THE | 12511 WEXCROFT LANE | ALPHARETTA GA 30009 | 22 498312671126 |
| EICKHOFF ROBERT W & NIKKI C | 12513 WEXCROFT LANE | ALPHARETTA GA 30009 | 22 498312671134 |
| TORTORELLO MICHAEL F | 12515 WEXCROFT LN | ALPHARETTA GA 30009 | 22 498312671142 |
| RONALD D & LINDA J COLEMAN TRUST AGREEMENT | 514 WHITE PELICAN CIR | VERO BEACH FL 32963 | 22 498312671159 |
| RODDY JOSEPH H & KIMBERLY A | 284 CANTON ST | ALPHARETTA GA 30004 1339 | 22 498412680381 |
| MC MAHON KEVIN J | 310 OAK RIDGE TER | ALPHARETTA GA 30005 2580 | 12 270307480347 |
| DREYFUS PROPERTIES L L C | 6094 ODELL ST | CUMMING GA 30040 | 12 270307480396 |
| MULL JAMES R | 2385 OLD MILTON PKY | ALPHARETTA GA 30009 | 12 270307480636 |
| 2405 OLD MILTON PARKWAY LLC | P O BOX 550345 | ATLANTA GA 30355 | 12 270307480644 |
| RANSOPHER TAD D | 82 THOMPSON ST | ALPHARETTA GA 30004 | 12 270307480701 |
| RANSOPHER TAD D | 82 THOMPSON ST | ALPHARETTA GA 30004 | 12 270307480719 |
| SULLIVAN BEVERLY A | 138 MOSSLAND DR | PERRY GA 31069 9213 | 12 270307480743 |
| MOSS LESLIE MOSS RHONDA | 112 THOMPSON ST | ALPHARETTA GA 30004 | 12 270307480776 |
| STEPHENS HAROLD A & PEGGY | 319 CANTON ST | ALPHARETTA GA 30009 | 12 270407490014 |
| STEPHENS HAROLD A & PEGGY | 319 CANTON ST | ALPHARETTA GA 30009 | 12 270407490071 |
| STEPHENS PEGGY & HAROLD ENTERPRISES L P | 319 CANTON ST | ALPHARETTA GA 30009 | 12 270407490170 |
| AYCOCK ELVIN | 185 THOMPSON ST | ALPHARETTA GA 30004 | 12 270407490212 |
| CHESTER CHARLES E | 2465 OLD MILTON PKWY | ALPHARETTA GA 30004 | 12 270407490402 |
| KYLE A ROBINSON PROPERTIES II LLC | 918 HOLCOMB BRIDGE RD SUITE 100 | ROSWELL GA 30076 | 12 270407490493 |
| WADE JACKIE J | 184 THOMPSON ST | ALPHARETTA GA 30004 1726 | 12 270407490568 |
| PEEVY JACK | 485 CARYBELL LN | ALPHARETTA GA 30004 | 12 270407490592 |
| AVREN LINDA L & DOUGLAS | 205 HEMBREE PARK TERR | ROSWELL GA 30076 | 12 270407490618 |
| TURNER ALBERT K | 145 PARK ST | ALPHARETTA GA 30004 1720 | 12 270407490626 |
| CITY OF ALPHARETTA | 2 S MAIN ST | ALPHARETTA GA 30004 | 12 270407490683 |
| MAYFIELD TRADING LLC | 485 CARYBELL LN | ALPHARETTA GA 30004 | 12 270407490709 |
| LEWIS J PEEVY LIVING TRUST THE | 485 CARY BELL LN | ALPHARETTA GA 30004 | 12 270407490733 |
| GLUCK PROPERTIES LLC | 2455 OLD MILTON PKWY | ALPHARETTA GA 30004 | 12 270007490059 |
| JONES KEITH A & JILL A | 122 THOMPSON ST | ALPHARETTA GA 30004 | 12 270307480768 |
| UNITED STATES POSTAL SERVICE | 1735 NORTH BROWN RD SUITE 200 | LAWRENCEVILLE GA 30043 8153 | 12 270307480800 |

| | | | |
|---|---|---|---|
| STATE BANK & TRUST COMPANY | 4219 FORSYTH RD | MACON GA 31208 | 12 270307480818 |
| STEPHENS HAROLD A & PEGGY | 319 CANTON ST | ALPHARETTA GA 30009 | 12 270407490188 |
| STRAIN MYRON I | 233 FIELDS CHAPEL RD | CANTON GA 30114 | 12 270407490220 |
| GILKEY SCOTT L | 2095 WILLSHIRE GLN | ALPHARETTA GA 30009 | 12 270407490238 |
| LEWIS J PEEVY LIVING TRUST THE | 485 CARYBELL LN | ALPHARETTA GA 30004 | 12 270407490279 |
| LEWIS J PEEVY LIVING TRUST THE | 485 CARYBELL LN | ALPHARETTA GA 30004 | 12 270407490287 |
| LEWIS J PEEVY LIVING TRUST | 485 CARYBELL LN | ALPHARETTA GA 30004 6302 | 12 270407490295 |
| DEPT OF TRANSPORTATION | 2 CAPITOL SQUARE | ATLANTA GA 30334 | 12 270407490337 |
| OLD MILTON LEASING ENTERPRISES LLC & NORRIS F | 1645 EVERSEDGE DR | ALPHARETTA GA 30004 | 12 270407490394 |
| WADE JACKIE J & DOROTHY J | 184 THOMPSON ST | ALPHARETTA GA 30004 1726 | 12 270407490550 |
| PORTER DAVID E | 376 AIR ACRES WAY | WOODSTOCK GA 30188 2910 | 12 270407490576 |
| FULTON CONCRETE COMPANY INC | 1200 URBAN CENTER DR | BIRMINGHAM AL 35242 2545 | 12 270407490584 |
| BETHEA JOHN D & ZHANG XIAOLING | 139 PARK POINTE WAY | SUWANEE GA 30024 | 12 270407490634 |
| JONES JAMES T & JONES CATHERINE G | 2305 DINSMORE RD | ALPHARETTA GA 30004 | 12 270407490659 |
| KALDANI NARDEN & KAHVAZADEH HAMID R | 145 THOMPSON ST | ALPHARETTA GA 30004 | 12 270407490667 |
| MAYFIELD TRADING LLC | 485 CARYBELL LN | ALPHARETTA GA 30004 | 12 270407490691 |
| STEPHENS HAROLD A & PEGGY | 319 CANTON ST | ALPHARETTA GA 30009 | 12 270407490741 |
| ACADEMY PARK NEIGHBORHOOD ASSN INC | P O BOX 87363 | ATLANTA GA 30337 | 22 498312670284 |
| ACADEMY PARK NEIGHBORHOOD ASSOCIATION INC | 1465 NORTHSIDE DR NW STE 128 | ATLANTA GA 30318 4244 | 22 514212670503 |
| TIFFANY SQUARE HOMEOWNERS ASSOC INC | 4004 TIFFANY SQ | ALPHARETTA GA 30009 3768 | 22 498512680018 |
| COMSTOCK GREGORY W & KATHLEEN M | 12300 DANCLIFF TRCE | ALPHARETTA GA 30009 | 22 514212671030 |
| GUSKI STANLEY E & GUSKI BONNIE J | 12310 DANCLIFF TRC | ALPHARETTA GA 30009 | 22 514212671048 |
| CAMPBELL THOMAS J & KOWALSKI ROBERT E | 12320 DANCLIFF TRCE | ALPHARETTA GA 30009 | 22 514212671055 |
| MEEKER DAVID A & NANCY S | 12330 DANCLIFF TRCE | ALPHARETTA GA 30009 8710 | 22 514212671063 |
| FUQUA DOROTHY TODD | 260 SHADY GROVE LN | ALPHARETTA GA 30004 | 12 270407490022 |
| BELL ANCA | P.O. BOX 201962 | DENVER CO 80220 | 12 270407490030 |
| STEPHENS HAROLD A & PEGGY | 319 CANTON ST | ALPHARETTA GA 30009 | 12 270407490063 |
| MC DANIEL MARK F MC DANIEL LISA J | 1556 CENTRAL PKWY | HAROLD FL 32563 | 12 270407490428 |

# Letter of Intent and Planning Commission Review Criteria

City of Alpharetta Rezoning Application

Applicant: Old Milton Holdings, LLC

Property:

+/- 2.20 acres of Land
Located in
Land Lots 749 and 802, 2nd Section, 1st District, Fulton County

O-P and R-12 to DT-LW

**Submitted for Applicant by:**

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Atlanta, Georgia 30309
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jarnold@pftlegal.com

## I. INTRODUCTION

The subject property is approximately 2.20 acres of land located in Land Lots 749 and 802, 2nd Section, 1st District in Fulton County (the "Property"). The current zoning is a mixture of residential (R-12) and office (O-P) uses, and includes a number of dated single-family detached dwellings. The Property has for the most part become sub-standard as a result of the recently-approved mixed use developments in the area, including the adjacent Old Milton Village mixed use project (Case # CLUP-14-07; Z-14-11; V-14-26), Avalon, and the Alpharetta City Center project. The property's unique position as a corridor between Old Milton Village and Avalon to downtown Alpharetta makes it ideally situated for the proposed mix of residential uses.

## II. REZONING REQUEST

Old Milton Holdings, LLC (the "Applicant") is requesting said Property be rezoned to the Downtown Live-Work (DT-LW) zoning category to allow for 11 "For Sale" attached townhomes and 7 "For Sale" single-family detached residences, for a total of 18 new "For Sale" residences.

The detached single-family residences will be 2,200-3,800 square foot homes, while the attached single-family townhomes will be 2,200-3,800 square foot residences. The architectural style of the single-family homes and townhomes will be consistent with the Downtown Overlay and surrounding development. Based on the Battle House, the homes will be designed in the style of English and American Classicism. The houses will have a variety of brick and stone and siding. The detailing will range from classical (Battle House) to a simple vernacular that maintains classical principles in modest materials. Transitional buildings would need to maintain good proportions and materials to avoid 'cartoonish' interpretations of classical buildings. Overall, the proposed residences will seamlessly integrate with the residential and non-residential uses approved in the neighboring Mixed Use zoning district (Old Milton Village) in terms of design, character, and standardized architectural elements.

Finally, the Rezoning Request is consistent with the Downtown Alpharetta Master Plan ("Master Plan"). According to the Master Plan, the Old Milton/Thompson Street Corridor is "envisioned as a primarily residential and residential-compatible, professional-office district

capitalizing on the short walk or bike ride to these other areas....[and] buildings in the Thompson Street area should be relatively small and compatible with the character of single-family houses and townhouses."[1]The City's Downtown Master Plan also notes:

> "The demand is high for lifestyle and convenience housing that provides a desirable mix of attributes in addition to the square footage of the home. Additionally, nearby quality schools, shopping, restaurants, and other services that create a true community feel are increasingly appealing to empty nester Baby Boomers, Millennials, and young professionals who are coming to Alpharetta for high tech job opportunities. These trends bode well for Downtown Alpharetta serving as a housing location over the next several years."[2]

The Applicant's Rezoning Request promotes the City's goal of providing more housing options within and around downtown as it is providing 18 new townhomes and single-family homes, which are specifically identified as desirable housing types in the City's Master Plan.

## III. PLANNING COMMISSION REVIEW CRITERIA

The Applicant satisfies all of the criteria for rezoning as set forth in the City's Unified Development Code.

### 1) How will this proposal be compatible with surrounding properties?

The Applicant's rezoning proposal is compatible with surrounding properties, many of which are in a transitional state or have recently been approved for mixed use development, including attached and detached residential uses. The Property is adjacent to MU, O-P, O-I, and R-12, and is between the new Alpharetta City Center project, 21-acre Mixed Use Project (Old Milton Village) and Avalon. Furthermore, the proposed residences will seamlessly integrate with the residential and non-residential uses approved in the neighboring Mixed Use zoning district in terms of design, character, and standardized architectural elements.

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

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[1]Downtown Alpharetta Master Plan, p. 97
[2] Downtown Alpharetta Master Plan, p. 35.

The proposed residential development will enhance the area and surrounding property values by redeveloping under-utilized properties. The proposed residential development is an extension of the Old Milton Village development approved by the City in March.

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

No, the property cannot be developed for a reasonable economic use as currently zoned. Portions of the property are currently zoned single-family residential and office-professional. The current patchwork zoning on the Property detracts from its potential economic use and value, especially considering the redevelopment projects and mixed use zonings approved for adjacent and nearby properties.

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

The Applicant proposes 18 new "For Sale" residences. The anticipated increase in the total population would be 45-50 residents according to U.S. Census statistics, many of which may simply be moving from within the Alpharetta community. This nominal increase in population will not impact traffic in the area. Moreover, the benefit of providing increased residential options near groceries, retail, restaurants, etc., as the Applicant proposes with this Rezoning Request, reduces the dependence on automobiles which takes traffic off of the streets.

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

The increase in the number of new students will be nominal since the anticipated increase in the total population would only be 45-50 residents, many of which may be families without children or families that choose to send their children to private schools. Adequate public facilities exist in and around the subject property to support the Rezoning Request. As such, there is no expected impact on utilities.

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

Yes. The Rezoning Request is consistent with the Master Plan. The Downtown Master Plan designates the Property as Mixed Use-Live Work. The Mixed Use Live Work character area explicitly identifies the requested zoning district, DT-LW, as an appropriate and compatible zoning district. The Master Plan also specifically identifies townhomes and single-family detached residences as permitted and desirable uses in the Mixed Use Live Work character area and DT-LW zoning district. The Old Milton/Thompson Street Corridor is "envisioned as a primarily residential and residential-compatible, professional-office district capitalizing on the short walk or bike ride to these other areas....[and] buildings in the Thompson Street area should be relatively small and compatible with the character of single-family houses and townhouses."[3]As such, the Rezoning Request is consistent with the policy, intent, and plain language of the Master Plan.

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

Yes. There are changing conditions which affect the development of the Property and support the proposed request. The Property is ideally situated between the new Alpharetta City Center project and Avalon, and is adjacent to the recently-approved 21-acre Old Milton Village project, all of which are mixed use developments. The current R-12 and O-P patchwork zoning is no longer economically viable or appropriate for the changing conditions in the area.

## IV. CONSTITUTIONAL AND ANTE LITEM NOTICE

The hereinafter constitutional and ante litem notice is required by Georgia law.

The portions of the City of Alpharetta Unified Development Code, facially and as applied to the Property, which restrict the Property to any zoning classification, uses, or to any zoning district other than that proposed by the Applicant are unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the

[3] Downtown Alpharetta Master Plan, p. 97

Constitution of the State of Georgia of 1983, and the Due Process 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.A denial of this Application would constitute an arbitrary and capricious act by the City of Alpharetta 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 rezone the Property in accordance with the zoning 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. Any rezoning of the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to a unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

The existing zoning classifications which prohibit the Applicant's use of the property are unconstitutional. This notice is being given to comply with the provisions of O.C.G.A. § 36-33-

5to afford the City an opportunity to revise the Property to a constitutional classification. If action is not taken by the City to rectify this unconstitutional zoning classification 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 not less than $4,000,000.00 in other damages arising out of the unlawful deprivation of the Applicant's property rights.

Accordingly, your Applicant respectfully requests that this Application be granted as requested by the Applicant.

If there are any questions about this rezoning request, you may contact me at 404-665-1243 or jarnold@pftlegal.com.

Sincerely,

PURSLEY FRIESE TORGRIMSON

G. Douglas Dillard
Jillian Arnold
Attorneys for Applicant

# PROPERTY OWNER AUTHORIZATION

**Property Owner Information:**

Contact Name: Scott Gilkey Telephone: (770) 560-0996

Address: 165 Thompson St Suite:

City Alpharetta State: GA Zip: 30009 -

**Authorization:**

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

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

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

**Identify Authorized Applicant:**

Name of Authorized Applicant: Old Milton Holdings, LLC Telephone:

Address: Suite:

City State: Zip: -

**So Sworn and Attested:**

Owner Signature: Date: 7/16/15

**Notary:**

Notary Signature: Date:

KATIE NICOLE CRUTS
MY COMMISSION EXPIRES
NOTARY
PUBLIC
OCTOBER 18, 2016
FORSYTH COUNTY, GEORGIA

# PROPERTY OWNER AUTHORIZATION

**Property Owner Information:**

Contact Name: Hamid R. Kahvazadeh / NARDEN KALDAN Telephone: 404-8196886 678-665-1219

Address: 145 Thompson Rd Suite:

City Alpharetta State: GA Zip: 30009 -

**Authorization:**

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

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

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

**Identify Authorized Applicant:**

Name of Authorized Applicant: Old Milton Holdings, LLC Telephone:

Address: Suite:

City State: Zip: -

**So Sworn and Attested:**

Owner Signature: Date: 8/01/2015

**Notary:**

Notary Signature: Irayna Yadegary Date: 8/01/2015

IRYNA YADEGARY
NOTARY PUBLIC
Cherokee County
State of Georgia

# PROPERTY OWNER AUTHORIZATION

**Property Owner Information:**

Contact Name: Elvin Aycock Telephone: 678-297-2565

Address: 185 Thompson st Suite:

City Alpharetta State: GA Zip: 30009

**Authorization:**

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

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

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

**Identify Authorized Applicant:**

Name of Authorized Applicant: Old Milton Holdings, LLC Telephone:

Address: Suite:

City State: Zip:

**So Sworn and Attested:**

Owner Signature: Date: 7-23-15

BAO TRINH HA NOTARY PUBLIC GEORGIA EXPIRES MAY 27, 2017 FULTON COUNTY

**Notary:**

Notary Signature: Date: 7/23/15

# PROPERTY OWNER AUTHORIZATION

**Property Owner Information:**

Contact Name: Myron I. Strain Telephone: 770 479 1776

Address: 175 Thompson Street Suite:

City Alpharetta State: GA Zip: 30009 -

**Authorization:**

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

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

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

**Identify Authorized Applicant:**

Name of Authorized Applicant: Old Milton Holdings, LLC Telephone:

Address: Suite:

City State: Zip: -

**So Sworn and Attested:**

Owner Signature: Myron I. Strain Date: 7-18-15

**Notary:**

Notary Signature: Karen Free Date: 7-18-2015

OFFICIAL SEAL
KAREN FREE
Notary Public, Georgia
CHEROKEE COUNTY
My Commission Expires
JUNE 7, 2018

# PROPERTY OWNER AUTHORIZATION

**Property Owner Information:**

Contact Name: JAMES T. JONES Telephone: 678-230-0849

Address: 155 THOMPSON ST. Suite:

City ALPHARETTA State: GA Zip: 30004

**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: Old Milton Holdings, LLC Telephone:

Address: Suite:

City State: Zip: -

**So Sworn and Attested:**

Owner Signature: Date: 7/29/15

**Notary:**

Notary Signature: Date: 7/29/2015

AMITA MEHROTRA NOTARY PUBLIC EXPIRES GEORGIA October 7, 2018 FULTON COUNTY

# 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: Attorney: Jill Arnold, Pursley Friese Torgrimson

Subject Public Hearing Case: _____

**Campaign Contribution Information:**

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

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

Name of Official: N/A Position: _____

Description of Contribution: None Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

**Campaign Contribution Information:**

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

Signature: _____ Date: 8/3/2015

Jill Arnold, Esq.

Taras Landscape Consulting, LLC
2470 Kingscliff Dr NE
Atlanta, GA 30345
404-861-2719

August 21, 2015

Mr. Bob Cheeley
Butler Wooten Cheeley & Peak LLP
2719 Buford Highway
Atlanta, GA 30324

Re: East Village Specimen Tree Survey - 5 Additional lots on Thompson Street

Mr. Cheeley,

This specimen tree survey includes the 5 additional residential and commercial lots on Thompson Street (145,155,165,175,185 Thompson Street). This is a continuation of the Old Milton Assemblage Specimen Tree Survey now referred to as East Village.

These lots are characterized by large forest grown trees. There were no measurable understory trees present on site.

There are 9 trees already on the survey that were previously trees outside the boundary on the original Old Milton Assemblage. These trees have the same previous tree survey numbers. These are trees # 94 – 102. Of these trees, #98 and #101 no longer meet size specifications of specimen trees.

There were an additional 17 new trees of specimen size. Of these, 6 had significant defects that should disqualify them from specimen trees, which means there are 11 new Specimen trees in this area. Each of the 6 trees with defects have pictures attached. Table 1 lists the specimen trees.

Please contact me if you have any questions or need any additional information.

Sincerely,

Chris Taras
ISA Certified Arborist #304

East Village Specimen Tree Survey - Additional 5 lots on Thompson Street
(Formerly Old Milton Assemblage)

| Tree # | Diameter (inches) | Common Name | Latin Name | Notes |
|---|---|---|---|---|
| *Trees 94 - 102 were previously outside boundary* | | | | |
| 94 | 53" | Water Oak | Quercus nigra | Previously Boundary line tree |
| 95 | 27" | Yellow Poplar | Liriodendron tulipfera | Previously Outside Boundary |
| 96 | 24" | Sweetgum | Liquidambar styraciflua | Previously Outside Boundary |
| 97 | 25" | Sweetgum | Liquidambar styraciflua | Previoulsy Outside Boundary |
| 98 | 24" | Loblolly Pine | Pinus taeda | NOT SPECIMEN - Does not meet size |
| 99 | 38" | Yellow Poplar | Liriodendron tulipfera | Previoulsy Outside Boundary |
| 100 | 35" | Southern Red Oak | Quercus falcata | Previoulsy Outside Boundary |
| 101 | 13" | Southern Magnolia | Magnolia grandiflora | NOT SPECIMEN - Does not meet size |
| 102 | 28" | Water Oak | Quercus nigra | Previoulsy Outside Boundary |
| *Trees 161 - 178 are newly surveyed* | | | | |
| 161 | 26" | Southern Red Oak | Quercus falcata | |
| 162 | 40" | Double leader Sweetgum | Liquidambar styraciflua | NOT SPECIMEN - Much included bark - picture |
| 163 | 34" | Sweetgum | Liquidambar styraciflua | |
| 164 | 25" | Sweetgum | Liquidambar styraciflua | |
| 165 | 25" | Sweetgum | Liquidambar styraciflua | |
| 166 | 34" | Loblolly Pine | Pinus taeda | |
| 167 | 40" | Yellow Poplar | Liriodendron tulipfera | |
| 168 | 46" | Yellow Poplar | Liriodendron tulipfera | NOT SPECIMEN - Major root rot - Picture |
| 169 | 35" | Double leader Loblolly Pine | Pinus taeda | NOT SPECIMEN - 8' included Bark - Picture |
| 170 | 38" | Water Oak | Quercus nigra | |
| 171 | 27" | Yellow Poplar | Liriodendron tulipfera | |
| 172 | 29" | Water Oak | Quercus nigra | NOT SPECIMEN - Severe lean - Picture |
| 173 | 24" | Sweetgum | Liquidambar styraciflua | NOT SPECIMEN - Hollow - Picture |
| 174 | 51" | Double leader Sweetgum | Liquidambar styraciflua | |
| 175 | 34" | Loblolly Pine | Pinus taeda | |
| 176 | 34" | Loblolly Pine | Pinus taeda | |
| 177 | 31" | Sweetgum | Liquidambar styraciflua | NOT SPECIMEN - Decay in branch stub - Picture |
| 178 | 32" | Loblolly Pine | Pinus taeda | Outside Boundary |

#162

#168

# 169

#172

#173

#177

## Development Summary

LAND LOTS: 749 & 802
1ST DISTRICT, 2ND SECTION

Existing Zoning OI-P & R-20
Proposed Zoning DT-LW

| | |
|---|---|
| Site Acreage | 2.09 ac. |
| Residential | 18 Units |
| Lofts (40'x80') | 11 |
| - 3 Story (40') max | |
| Townhomes: | |
| - 22 x 46 units | 5 |
| - 24 x 50 units | 2 |
| - 3 Story (40') max | |
| Density | 8.61 units/ac |
| Setbacks: | |
| Front: | 10' |
| Rear | 3' or 10' |
| Side | 0' |

## TREE LEGEND

| | | | |
|---|---|---|---|
| 161 | 26" Southern Red Oak | Quercus falcata | |
| 162 | 40" Double leader Sweetgum | Liquidambar styraciflua | NOT SPECIMEN - Much included bark |
| 163 | 34" Sweetgum | Liquidambar styraciflua | |
| 164 | 25" Sweetgum | Liquidambar styraciflua | |
| 165 | 25" Sweetgum | Liquidambar styraciflua | |
| 166 | 34" Loblolly Pine | Pinus taeda | |
| 167 | 40" Yellow Poplar | Liriodendron tulipifera | |
| 168 | 46" Yellow Poplar | Liriodendron tulipifera | NOT SPECIMEN - Major root rot - Pic |
| 169 | 35" Double leader Loblolly Pine | Pinus taeda | NOT SPECIMEN - 8' Included Bark - Pi |
| 170 | 38" Water Oak | Quercus nigra | |
| 171 | 27" Yellow Poplar | Liriodendron tulipifera | |
| 172 | 29" Water Oak | Quercus nigra | NOT SPECIMEN - Severe lean - Picture |
| 173 | 24" Sweetgum | Liquidambar styraciflua | NOT SPECIMEN - Hollow - Picture |
| 174 | 51" Double leader Sweetgum | Liquidambar styraciflua | |
| 175 | 34" Loblolly Pine | Pinus taeda | |
| 176 | 34" Loblolly Pine | Pinus taeda | |
| 177 | 31" Sweetgum | Liquidambar styraciflua | NOT SPECIMEN - Decay in branch stu |
| 178 | 32" Loblolly Pine | Pinus taeda | Outside Boundary |

## Property Owner/ Applicant

**Old Milton Holdings, LLC**

**5100 Peachtree Parkway, Suite 200**

**Norcross, GA 30092**


AEC
CIVIL ENGINEERING · PLANNING · LANDSCAPE ARCHITECTURE
50 Warm Springs Circle
Roswell Georgia 30075
(770) 641-1942 · www.aecatl.com


NORTH

30 0 30 60

PROJECT INFORMATION

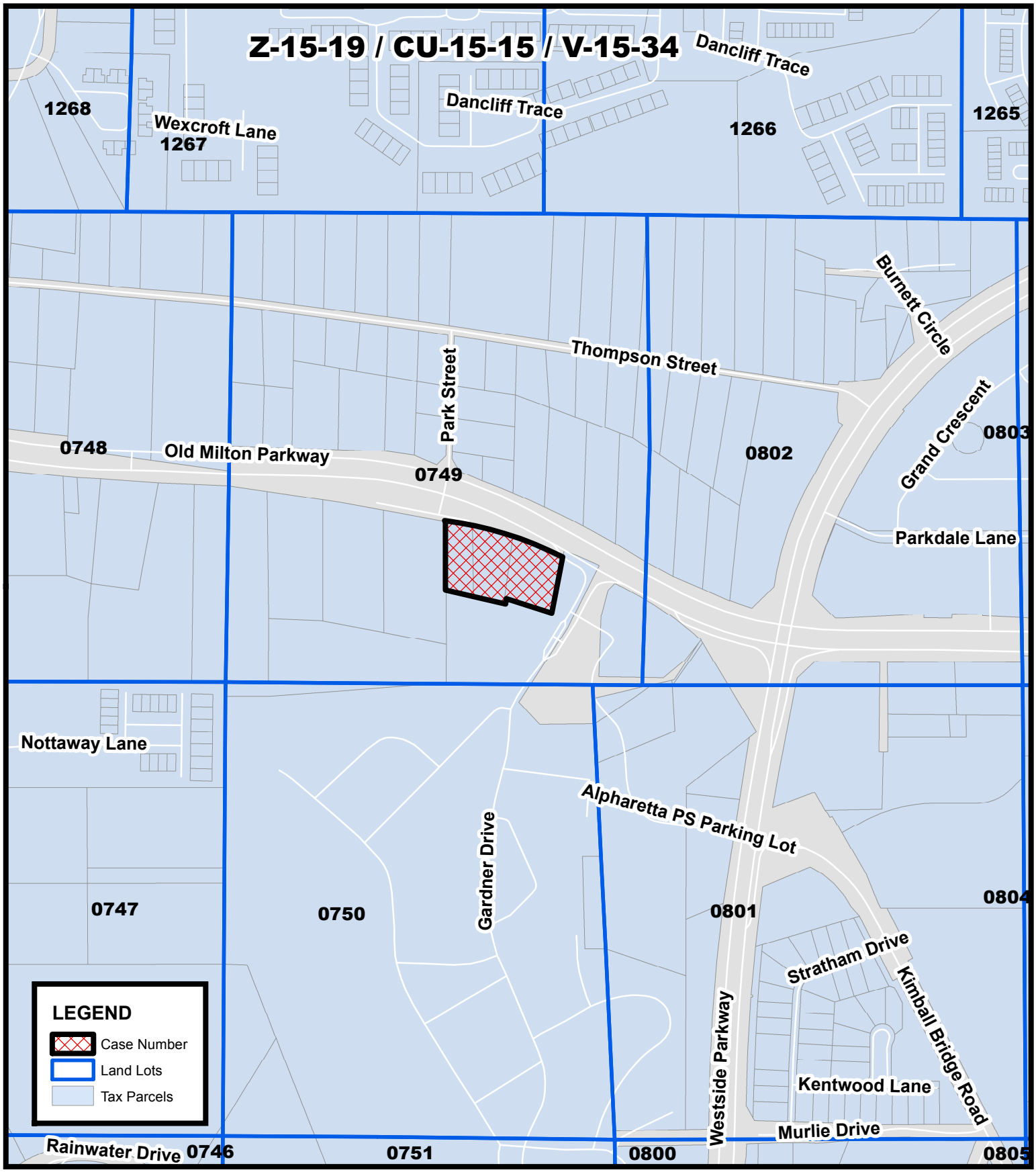
PROJECT NO.: 15-3749

DATE: 8-3-2015; REVISED 8-26-2015

SCALE: 1" = 30'

FILE NAME: 15-3749C09.dwg

DESIGN/DRAWN: SLR/MDA

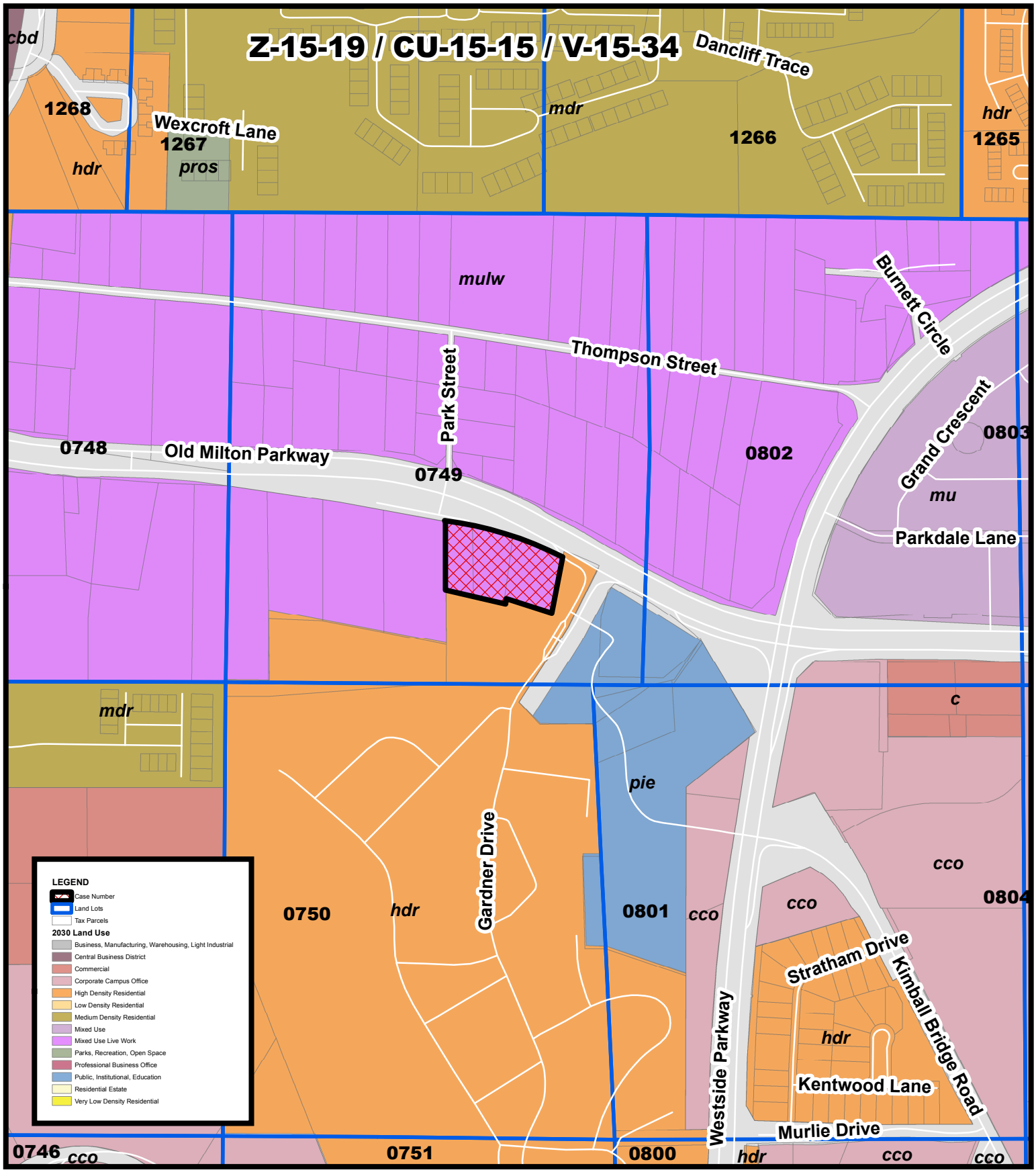



THE CITY OF ALPHARETTA GEORGIA

# Location Map
# Old Milton
# Medical Office

Z-15-19/CU-15-15/V-15-34
D/LL: 1/2/0749
PC Date: 3/03/16
CC Date: 3/28/16

Location Map Provided by:
Community Development - GIS

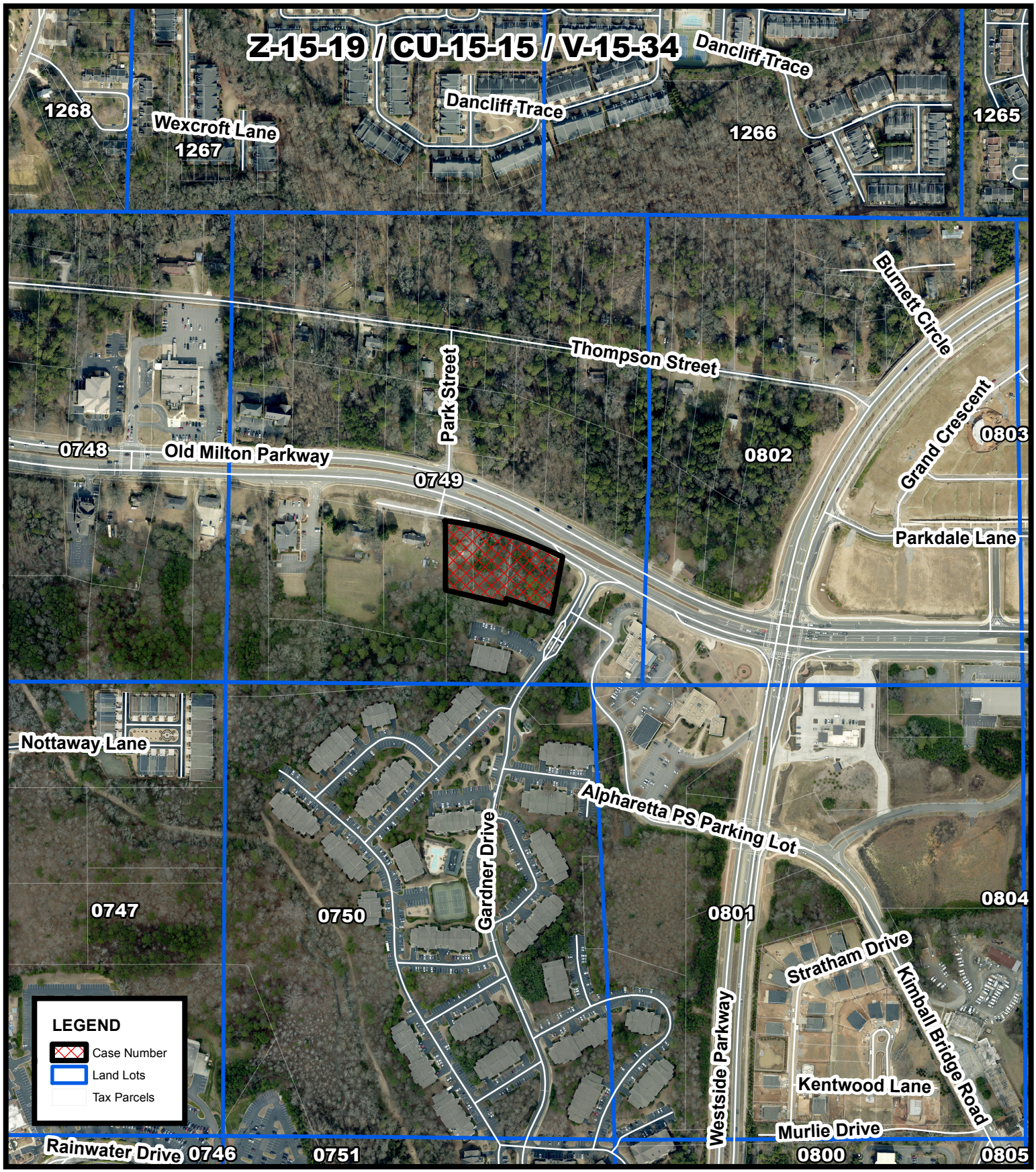



THE CITY OF ALPHARETTA GEORGIA

# 2030 Land Use
# Old Milton
# Medical Office

**Z-15-19/CU-15-15/V-15-34**
**D/LL: 1/2/0749**
**PC Date: 3/03/16**
**CC Date: 3/28/16**

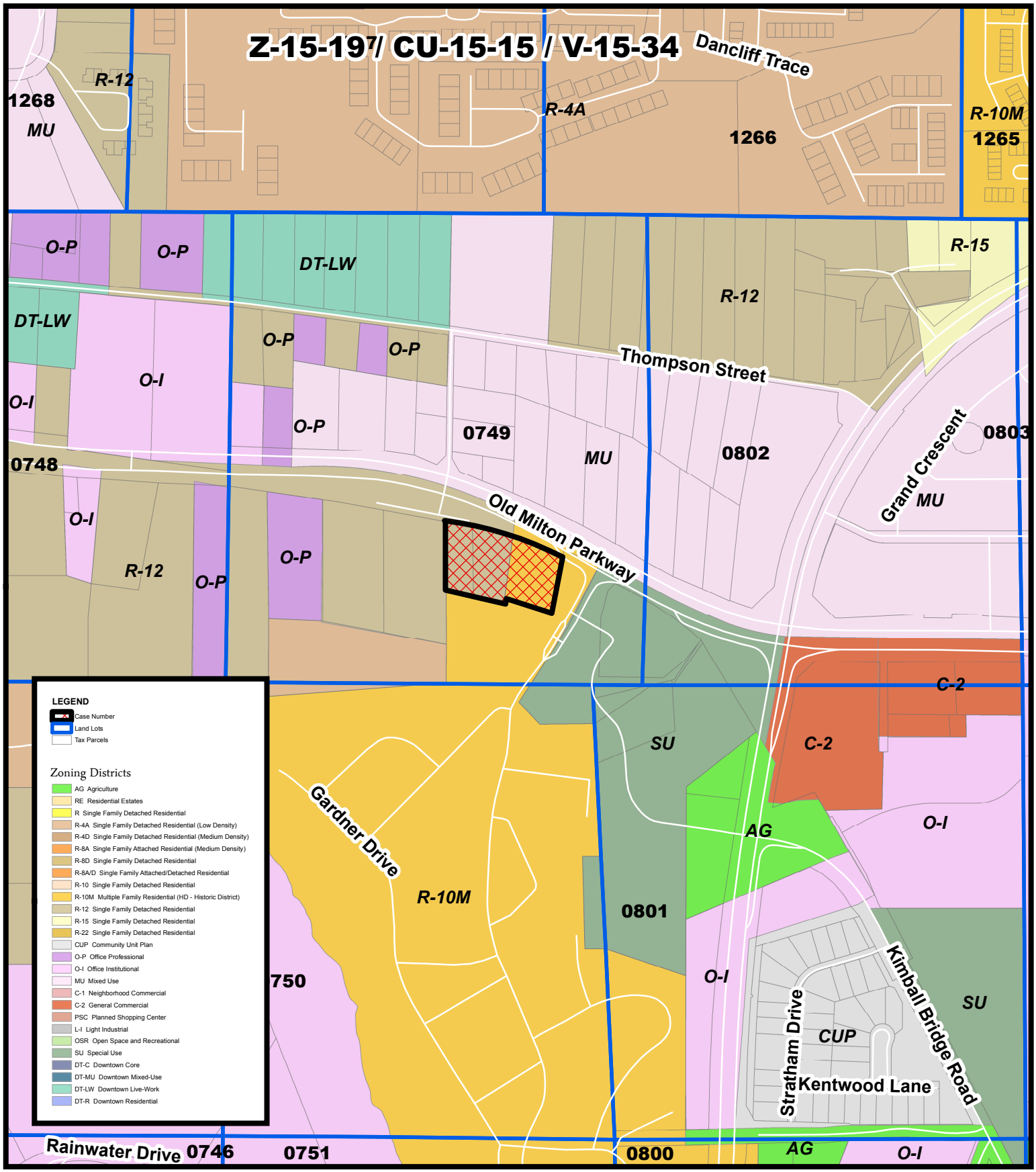
**Location Map Provided by:**
**Community Development - GIS**




# Aerial Map
# Old Milton
# Medical Office

Z-15-19/CU-15-15/V-15-34
D/LL: 1/2/0749
PC Date: 3/03/16
CC Date: 3/28/16

Location Map Provided by:
Community Development - GIS



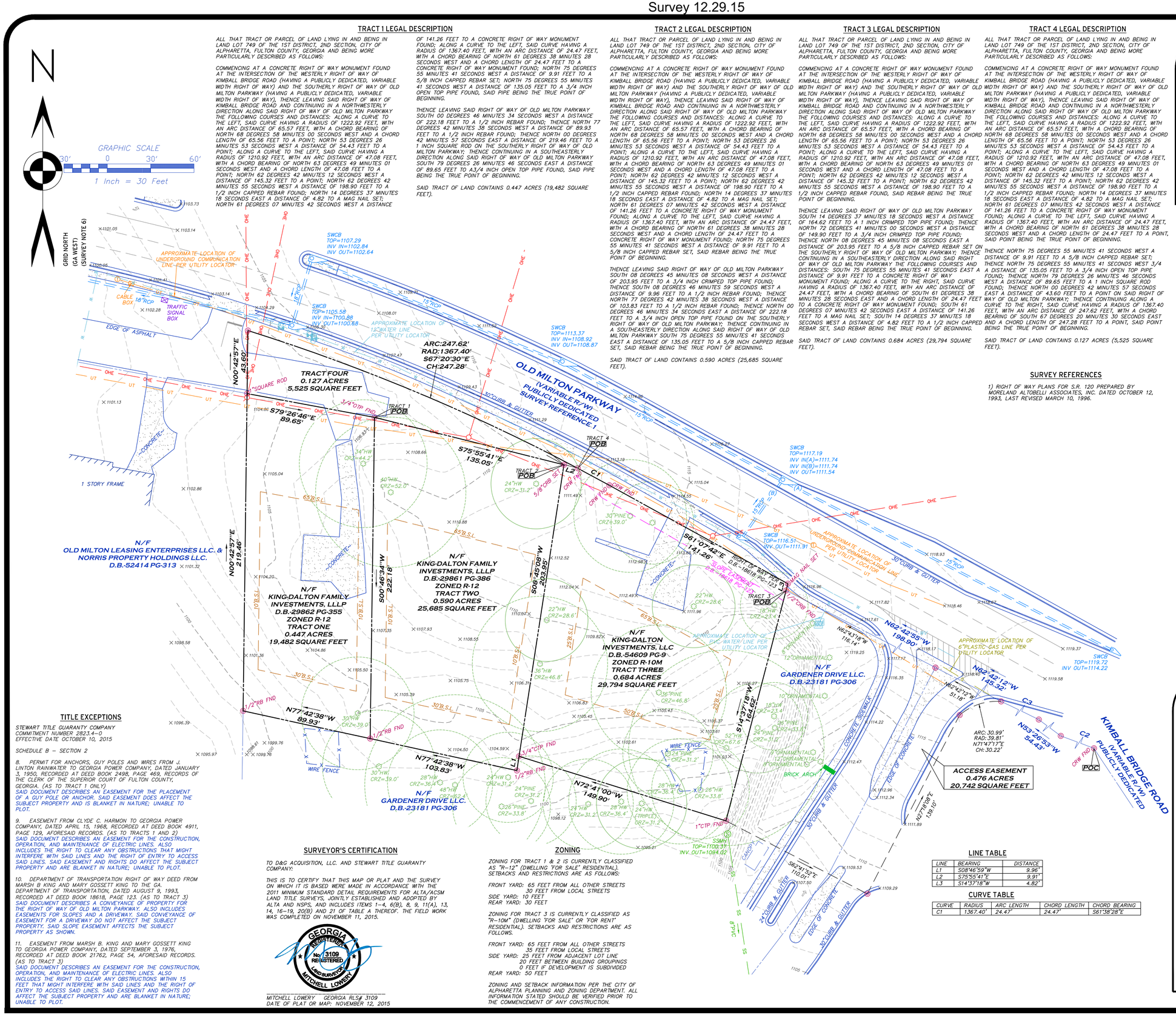

THE CITY OF ALPHARETTA GEORGIA

# Zoning Map
# Old Milton
# Medical Office

**Z-15-19/CU-15-15/V-15-34**
**D/LL: 1/2/0749**
**PC Date: 3/03/16**
**CC Date: 3/28/16**

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

Survey 12.29.15




## TRACT 1 LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING IN AND BEING IN LAND LOT 749 OF THE 1ST DISTRICT, 2ND SECTION, CITY OF ALPHARETTA, FULTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A CONCRETE RIGHT OF WAY MONUMENT FOUND AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY OF KIMBALL BRIDGE ROAD (HAVING A PUBLICLY DEDICATED, VARIABLE WIDTH RIGHT OF WAY) AND THE SOUTHERLY RIGHT OF WAY OF OLD MILTON PARKWAY (HAVING A PUBLICLY DEDICATED, VARIABLE WIDTH RIGHT OF WAY), THENCE LEAVING SAID RIGHT OF WAY OF KIMBALL BRIDGE ROAD AND CONTINUING IN A NORTHWESTERLY DIRECTION ALONG SAID RIGHT OF WAY OF OLD MILTON PARKWAY THE FOLLOWING COURSES AND DISTANCES: ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1222.92 FEET, WITH AN ARC DISTANCE OF 65.57 FEET, WITH A CHORD BEARING OF NORTH 68 DEGREES 58 MINUTES 00 SECONDS WEST AND A CHORD LENGTH OF 65.56 FEET TO A POINT; NORTH 53 DEGREES 26 MINUTES 53 SECONDS WEST A DISTANCE OF 54.43 FEET TO A POINT; ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1210.92 FEET, WITH AN ARC DISTANCE OF 47.08 FEET, WITH A CHORD BEARING OF NORTH 63 DEGREES 49 MINUTES 01 SECONDS WEST AND A CHORD LENGTH OF 47.08 FEET TO A POINT; NORTH 62 DEGREES 42 MINUTES 12 SECONDS WEST A DISTANCE OF 145.32 FEET TO A POINT; NORTH 62 DEGREES 42 MINUTES 55 SECONDS WEST A DISTANCE OF 198.90 FEET TO A 1/2 INCH CAPPED REBAR FOUND; NORTH 14 DEGREES 37 MINUTES 18 SECONDS EAST A DISTANCE OF 4.82 TO A MAG NAIL SET; NORTH 61 DEGREES 07 MINUTES 42 SECONDS WEST A DISTANCE OF 141.26 FEET TO A CONCRETE RIGHT OF WAY MONUMENT FOUND; ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1367.40 FEET, WITH AN ARC DISTANCE OF 24.47 FEET, WITH A CHORD BEARING OF NORTH 61 DEGREES 38 MINUTES 28 SECONDS WEST AND A CHORD LENGTH OF 24.47 FEET TO A CONCRETE RIGHT OF WAY MONUMENT FOUND; NORTH 75 DEGREES 55 MINUTES 41 SECONDS WEST A DISTANCE OF 9.91 FEET TO A 5/8 INCH CAPPED REBAR SET, SAID REBAR BEING THE TRUE POINT OF BEGINNING.

THENCE LEAVING SAID RIGHT OF WAY OF OLD MILTON PARKWAY SOUTH 00 DEGREES 46 MINUTES 34 SECONDS WEST A DISTANCE OF 222.18 FEET TO A 1/2 INCH REBAR FOUND; THENCE NORTH 77 DEGREES 42 MINUTES 38 SECONDS WEST A DISTANCE OF 89.93 FEET TO A 1/2 INCH REBAR FOUND; THENCE NORTH 00 DEGREES 42 MINUTES 57 SECONDS EAST A DISTANCE OF 219.46 FEET TO A 1 INCH SQUARE ROD ON THE SOUTHERLY RIGHT OF WAY OF OLD MILTON PARKWAY; THENCE CONTINUING IN A SOUTHEASTERLY DIRECTION ALONG SAID RIGHT OF WAY OF OLD MILTON PARKWAY SOUTH 79 DEGREES 26 MINUTES 46 SECONDS EAST A DISTANCE OF 89.65 FEET TO A3/4 INCH OPEN TOP PIPE FOUND, SAID PIPE BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 0.447 ACRES (19,482 SQUARE FEET).

## TRACT 2 LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING IN AND BEING IN LAND LOT 749 OF THE 1ST DISTRICT, 2ND SECTION, CITY OF ALPHARETTA, FULTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A CONCRETE RIGHT OF WAY MONUMENT FOUND AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY OF KIMBALL BRIDGE ROAD (HAVING A PUBLICLY DEDICATED, VARIABLE WIDTH RIGHT OF WAY) AND THE SOUTHERLY RIGHT OF WAY OF OLD MILTON PARKWAY (HAVING A PUBLICLY DEDICATED, VARIABLE WIDTH RIGHT OF WAY), THENCE LEAVING SAID RIGHT OF WAY OF KIMBALL BRIDGE ROAD AND CONTINUING IN A NORTHWESTERLY DIRECTION ALONG SAID RIGHT OF WAY OF OLD MILTON PARKWAY THE FOLLOWING COURSES AND DISTANCES: ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1222.92 FEET, WITH AN ARC DISTANCE OF 65.57 FEET, WITH A CHORD BEARING OF NORTH 68 DEGREES 58 MINUTES 00 SECONDS WEST AND A CHORD LENGTH OF 65.56 FEET TO A POINT; NORTH 53 DEGREES 26 MINUTES 53 SECONDS WEST A DISTANCE OF 54.43 FEET TO A POINT; ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1210.92 FEET, WITH AN ARC DISTANCE OF 47.08 FEET, WITH A CHORD BEARING OF NORTH 63 DEGREES 49 MINUTES 01 SECONDS WEST AND A CHORD LENGTH OF 47.08 FEET TO A POINT; NORTH 62 DEGREES 42 MINUTES 12 SECONDS WEST A DISTANCE OF 145.32 FEET TO A POINT; NORTH 62 DEGREES 42 MINUTES 55 SECONDS WEST A DISTANCE OF 198.90 FEET TO A 1/2 INCH CAPPED REBAR FOUND; NORTH 14 DEGREES 37 MINUTES 18 SECONDS EAST A DISTANCE OF 4.82 TO A MAG NAIL SET; NORTH 61 DEGREES 07 MINUTES 42 SECONDS WEST A DISTANCE OF 141.26 FEET TO A CONCRETE RIGHT OF WAY MONUMENT FOUND; ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1367.40 FEET, WITH AN ARC DISTANCE OF 24.47 FEET, WITH A CHORD BEARING OF NORTH 61 DEGREES 38 MINUTES 28 SECONDS WEST AND A CHORD LENGTH OF 24.47 FEET TO A CONCRETE RIGHT OF WAY MONUMENT FOUND; NORTH 75 DEGREES 55 MINUTES 41 SECONDS WEST A DISTANCE OF 9.91 FEET TO A 5/8 INCH CAPPED REBAR SET, SAID REBAR BEING THE TRUE POINT OF BEGINNING.

THENCE LEAVING SAID RIGHT OF WAY OF OLD MILTON PARKWAY SOUTH 08 DEGREES 45 MINUTES 08 SECONDS WEST A DISTANCE OF 203.95 FEET TO A 3/4 INCH CRIMPED TOP PIPE FOUND; THENCE SOUTH 08 DEGREES 46 MINUTES 59 SECONDS WEST A DISTANCE OF 9.96 FEET TO A 1/2 INCH REBAR FOUND; THENCE NORTH 77 DEGREES 42 MINUTES 38 SECONDS WEST A DISTANCE OF 103.83 FEET TO A 1/2 INCH REBAR FOUND; THENCE NORTH 00 DEGREES 46 MINUTES 34 SECONDS EAST A DISTANCE OF 222.18 FEET TO A 3/4 INCH OPEN TOP PIPE FOUND ON THE SOUTHERLY RIGHT OF WAY OF OLD MILTON PARKWAY; THENCE CONTINUING IN A SOUTHEASTERLY DIRECTION ALONG SAID RIGHT OF WAY OF OLD MILTON PARKWAY SOUTH 75 DEGREES 55 MINUTES 41 SECONDS EAST A DISTANCE OF 135.05 FEET TO A 5/8 INCH CAPPED REBAR SET, SAID REBAR BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 0.590 ACRES (25,685 SQUARE FEET).

## TRACT 3 LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING IN AND BEING IN LAND LOT 749 OF THE 1ST DISTRICT, 2ND SECTION, CITY OF ALPHARETTA, FULTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A CONCRETE RIGHT OF WAY MONUMENT FOUND AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY OF KIMBALL BRIDGE ROAD (HAVING A PUBLICLY DEDICATED, VARIABLE WIDTH RIGHT OF WAY) AND THE SOUTHERLY RIGHT OF WAY OF OLD MILTON PARKWAY (HAVING A PUBLICLY DEDICATED, VARIABLE WIDTH RIGHT OF WAY), THENCE LEAVING SAID RIGHT OF WAY OF KIMBALL BRIDGE ROAD AND CONTINUING IN A NORTHWESTERLY DIRECTION ALONG SAID RIGHT OF WAY OF OLD MILTON PARKWAY THE FOLLOWING COURSES AND DISTANCES: ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1222.92 FEET, WITH AN ARC DISTANCE OF 65.57 FEET, WITH A CHORD BEARING OF NORTH 68 DEGREES 58 MINUTES 00 SECONDS WEST AND A CHORD LENGTH OF 65.56 FEET TO A POINT; NORTH 53 DEGREES 26 MINUTES 53 SECONDS WEST A DISTANCE OF 54.43 FEET TO A POINT; ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1210.92 FEET, WITH AN ARC DISTANCE OF 47.08 FEET, WITH A CHORD BEARING OF NORTH 63 DEGREES 49 MINUTES 01 SECONDS WEST AND A CHORD LENGTH OF 47.08 FEET TO A POINT; NORTH 62 DEGREES 42 MINUTES 12 SECONDS WEST A DISTANCE OF 145.32 FEET TO A POINT; NORTH 62 DEGREES 42 MINUTES 55 SECONDS WEST A DISTANCE OF 198.90 FEET TO A 1/2 INCH CAPPED REBAR FOUND, SAID REBAR BEING THE TRUE POINT OF BEGINNING.

THENCE LEAVING SAID RIGHT OF WAY OF OLD MILTON PARKWAY SOUTH 14 DEGREES 37 MINUTES 18 SECONDS WEST A DISTANCE OF 164.62 FEET TO A 1 INCH CRIMPED TOP PIPE FOUND; THENCE NORTH 72 DEGREES 41 MINUTES 00 SECONDS WEST A DISTANCE OF 149.90 FEET TO A 3/4 INCH CRIMPED TOP PIPE FOUND; THENCE NORTH 08 DEGREES 45 MINUTES 08 SECONDS EAST A DISTANCE OF 203.95 FEET TO A 5/8 INCH CAPPED REBAR SET ON THE SOUTHERLY RIGHT OF WAY OF OLD MILTON PARKWAY; THENCE CONTINUING IN A SOUTHEASTERLY DIRECTION ALONG SAID RIGHT OF WAY OF OLD MILTON PARKWAY THE FOLLOWING COURSES AND DISTANCES: SOUTH 75 DEGREES 55 MINUTES 41 SECONDS EAST A DISTANCE OF 9.91 FEET TO A CONCRETE RIGHT OF WAY MONUMENT FOUND; ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1367.40 FEET, WITH AN ARC DISTANCE OF 24.47 FEET, WITH A CHORD BEARING OF SOUTH 61 DEGREES 38 MINUTES 28 SECONDS EAST AND A CHORD LENGTH OF 24.47 FEET TO A CONCRETE RIGHT OF WAY MONUMENT FOUND; SOUTH 61 DEGREES 07 MINUTES 42 SECONDS EAST A DISTANCE OF 141.26 FEET TO A MAG NAIL SET; SOUTH 14 DEGREES 37 MINUTES 18 SECONDS WEST A DISTANCE OF 4.82 FEET TO A 1/2 INCH CAPPED REBAR SET, SAID REBAR BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 0.684 ACRES (29,794 SQUARE FEET).

## TRACT 4 LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING IN AND BEING IN LAND LOT 749 OF THE 1ST DISTRICT, 2ND SECTION, CITY OF ALPHARETTA, FULTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A CONCRETE RIGHT OF WAY MONUMENT FOUND AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY OF KIMBALL BRIDGE ROAD (HAVING A PUBLICLY DEDICATED, VARIABLE WIDTH RIGHT OF WAY) AND THE SOUTHERLY RIGHT OF WAY OF OLD MILTON PARKWAY (HAVING A PUBLICLY DEDICATED, VARIABLE WIDTH RIGHT OF WAY), THENCE LEAVING SAID RIGHT OF WAY OF KIMBALL BRIDGE ROAD AND CONTINUING IN A NORTHWESTERLY DIRECTION ALONG SAID RIGHT OF WAY OF OLD MILTON PARKWAY THE FOLLOWING COURSES AND DISTANCES: ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1222.92 FEET, WITH AN ARC DISTANCE OF 65.57 FEET, WITH A CHORD BEARING OF NORTH 68 DEGREES 58 MINUTES 00 SECONDS WEST AND A CHORD LENGTH OF 65.56 FEET TO A POINT; NORTH 53 DEGREES 26 MINUTES 53 SECONDS WEST A DISTANCE OF 54.43 FEET TO A POINT; ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1210.92 FEET, WITH AN ARC DISTANCE OF 47.08 FEET, WITH A CHORD BEARING OF NORTH 63 DEGREES 49 MINUTES 01 SECONDS WEST AND A CHORD LENGTH OF 47.08 FEET TO A POINT; NORTH 62 DEGREES 42 MINUTES 12 SECONDS WEST A DISTANCE OF 145.32 FEET TO A POINT; NORTH 62 DEGREES 42 MINUTES 55 SECONDS WEST A DISTANCE OF 198.90 FEET TO A 1/2 INCH CAPPED REBAR FOUND; NORTH 14 DEGREES 37 MINUTES 18 SECONDS EAST A DISTANCE OF 4.82 TO A MAG NAIL SET; NORTH 61 DEGREES 07 MINUTES 42 SECONDS WEST A DISTANCE OF 141.26 FEET TO A CONCRETE RIGHT OF WAY MONUMENT FOUND; ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1367.40 FEET, WITH AN ARC DISTANCE OF 24.47 FEET, WITH A CHORD BEARING OF NORTH 61 DEGREES 38 MINUTES 28 SECONDS WEST AND A CHORD LENGTH OF 24.47 FEET TO A POINT, SAID POINT BEING THE TRUE POINT OF BEGINNING.

THENCE NORTH 75 DEGREES 55 MINUTES 41 SECONDS WEST A DISTANCE OF 9.91 FEET TO A 5/8 INCH CAPPED REBAR SET; THENCE NORTH 75 DEGREES 55 MINUTES 41 SECONDS WEST 3/4 A DISTANCE OF 135.05 FEET TO A 3/4 INCH OPEN TOP PIPE FOUND; THENCE NORTH 79 DEGREES 26 MINUTES 46 SECONDS WEST A DISTANCE OF 89.65 FEET TO A 1 INCH SQUARE ROD FOUND; THENCE NORTH 00 DEGREES 42 MINUTES 57 SECONDS EAST A DISTANCE OF 43.60 FEET TO A POINT ON SAID RIGHT OF WAY OF OLD MILTON PARKWAY; THENCE CONTINUING ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1367.40 FEET, WITH AN ARC DISTANCE OF 247.62 FEET, WITH A CHORD BEARING OF SOUTH 67 DEGREES 20 MINUTES 30 SECONDS EAST AND A CHORD LENGTH OF 247.28 FEET TO A POINT, SAID POINT BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 0.127 ACRES (5,525 SQUARE FEET).

## SURVEY REFERENCES

1) RIGHT OF WAY PLANS FOR S.R. 120 PREPARED BY MORELAND ALTOBELLI ASSOCIATES, INC. DATED OCTOBER 12, 1993, LAST REVISED MARCH 10, 1996.

## TITLE EXCEPTIONS

STEWART TITLE GUARANTY COMPANY
COMMITMENT NUMBER 2823.4-0
EFFECTIVE DATE OCTOBER 10, 2015

SCHEDULE B – SECTION 2

8. PERMIT FOR ANCHORS, GUY POLES AND WIRES FROM J. LINTON RAINWATER TO GEORGIA POWER COMPANY, DATED JANUARY 3, 1950, RECORDED AT DEED BOOK 2498, PAGE 469, RECORDS OF THE CLERK OF THE SUPERIOR COURT OF FULTON COUNTY, GEORGIA. (AS TO TRACT 1 ONLY)
SAID DOCUMENT DESCRIBES AN EASEMENT FOR THE PLACEMENT OF A GUY POLE OR ANCHOR. SAID EASEMENT DOES AFFECT THE SUBJECT PROPERTY AND IS BLANKET IN NATURE; UNABLE TO PLOT.

9. EASEMENT FROM CLYDE C. HARMON TO GEORGIA POWER COMPANY, DATED APRIL 15, 1968, RECORDED AT DEED BOOK 4911, PAGE 129, AFORESAID RECORDS. (AS TO TRACTS 1 AND 2)
SAID DOCUMENT DESCRIBES AN EASEMENT FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF ELECTRIC LINES. ALSO INCLUDES THE RIGHT TO CLEAR ANY OBSTRUCTIONS THAT MIGHT INTERFERE WITH SAID LINES AND THE RIGHT OF ENTRY TO ACCESS SAID LINES. SAID EASEMENT AND RIGHTS DO AFFECT THE SUBJECT PROPERTY AND ARE BLANKET IN NATURE; UNABLE TO PLOT.

10. DEPARTMENT OF TRANSPORTATION RIGHT OF WAY DEED FROM MARSH B KING AND MARY GOSSETT KING TO THE GA. DEPARTMENT OF TRANSPORTATION, DATED AUGUST 9, 1993, RECORDED AT DEED BOOK 18618, PAGE 123. (AS TO TRACT 3)
SAID DOCUMENT DESCRIBES A CONVEYANCE OF PROPERTY FOR THE RIGHT OF WAY OF OLD MILTON PARKWAY. ALSO INCLUDES EASEMENTS FOR SLOPES AND A DRIVEWAY. SAID CONVEYANCE OF EASEMENT FOR A DRIVEWAY DO NOT AFFECT THE SUBJECT PROPERTY; SAID SLOPE EASEMENT AFFECTS THE SUBJECT PROPERTY AS SHOWN.

11. EASEMENT FROM MARSH B. KING AND MARY GOSSETT KING TO GEORGIA POWER COMPANY, DATED SEPTEMBER 3, 1976, RECORDED AT DEED BOOK 21762, PAGE 54, AFORESAID RECORDS. (AS TO TRACT 3)
SAID DOCUMENT DESCRIBES AN EASEMENT FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF ELECTRIC LINES. ALSO INCLUDES THE RIGHT TO CLEAR ANY OBSTRUCTIONS WITHIN 15 FEET THAT MIGHT INTERFERE WITH SAID LINES AND THE RIGHT OF ENTRY TO ACCESS SAID LINES. SAID EASEMENT AND RIGHTS DO AFFECT THE SUBJECT PROPERTY AND ARE BLANKET IN NATURE; UNABLE TO PLOT.

## SURVEYOR'S CERTIFICATION

TO D&G ACQUISITION, LLC. AND STEWART TITLE GUARANTY COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1–4, 6(B), 8, 9, 11(A), 13, 14, 16–19, 20(B) AND 21 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON NOVEMBER 11, 2015.

GEORGIA REGISTERED No. 3109 REGISTERED LAND SURVEYOR MITCHELL LOWERY

MITCHELL LOWERY GEORGIA RLS# 3109
DATE OF PLAT OR MAP: NOVEMBER 12, 2015

## ZONING

ZONING FOR TRACT 1 & 2 IS CURRENTLY CLASSIFIED AS "R-12" (DWELLING 'FOR SALE' RESIDENTIAL). SETBACKS AND RESTRICTIONS ARE AS FOLLOWS:

FRONT YARD: 65 FEET FROM ALL OTHER STREETS
30 FEET FROM LOCAL STREETS
SIDE YARD: 10 FEET
REAR YARD: 30 FEET

ZONING FOR TRACT 3 IS CURRENTLY CLASSIFIED AS "R-10M" (DWELLING 'FOR SALE' OR 'FOR RENT' RESIDENTIAL). SETBACKS AND RESTRICTIONS ARE AS FOLLOWS.

FRONT YARD: 65 FEET FROM ALL OTHER STREETS
35 FEET FROM LOCAL STREETS
SIDE YARD: 25 FEET FROM ADJACENT LOT LINE
20 FEET BETWEEN BUILDING GROUPINGS
0 FEET IF DEVELOPMENT IS SUBDIVIDED
REAR YARD: 50 FEET

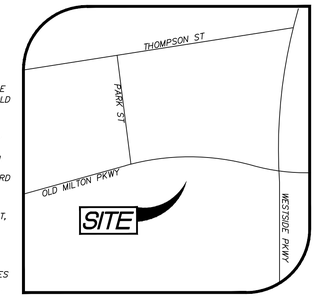
ZONING AND SETBACK INFORMATION PER THE CITY OF ALPHARETTA PLANNING AND ZONING DEPARTMENT. ALL INFORMATION STATED SHOULD BE VERIFIED PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION.

## LINE TABLE

| LINE | BEARING | DISTANCE |
|---|---|---|
| L1 | S08°46'59"W | 9.96' |
| L2 | S75°55'41"E | 9.91' |
| L3 | S14°37'18"W | 4.82' |

## CURVE TABLE

| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING |
|---|---|---|---|---|
| C1 | 1367.40' | 24.47' | 24.47' | S61°38'28"E |




## VICINITY MAP

## SURVEY NOTES

1) PROPERTY SHOWN HEREON WAS SURVEYED NOVEMBER 11, 2015.

2) THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE IF 1' IN 110,806' WITH AN ANGULAR ERROR OF 6.29 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.

3) A TOPCON GPT-3005LW TOTAL STATION, TOPCON HIPER LITE+ GPS RECEIVER, AND CARLSON SURVEYOR+ DATA COLLECTOR WERE USED FOR FIELD SURVEY MEASUREMENTS.

4) TRACT 1 HAS A MAP CLOSURE OF 1' IN 107,334'.
TRACT 2 HAS A MAP CLOSURE OF 1' IN 116,661'.
TRACT 3 HAS A MAP CLOSURE OF 1' IN 230,893'.
TRACT 4 HAS A MAP CLOSURE OF 1' IN 120,853'.

5) SAID DESCRIBED PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION X BY THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT, ON FLOOD INSURANCE RATE MAP NO. 13121C0068F, WITH A DATE OF IDENTIFICATION OF NOVEMBER 12, 2015, FOR COMMUNITY NUMBER 130084, IN FULTON COUNTY, STATE OF GEORGIA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.

6) CONTROL AND BEARING BASIS FOR THIS SURVEY WERE ESTABLISHED USING A TOPCON HIPER LITE+ GPS RECEIVER UTILIZING OPUS-S FOR POST PROCESSING. THE RELATIVE POSITIONAL ACCURACY, AS CALCULATED ACCORDING TO THE FEDERAL GEOGRAPHIC DATA COMMITTEE PART 3: NATIONAL STANDARD FOR SPATIAL DATA ACCURACY, IS .05 FEET HORIZONTAL AND .07 FEET VERTICAL AT THE 95% CONFIDENCE LEVEL.

7) UTILITIES SHOWN PER MARKINGS PLACED BY UTILITY MARKING LLC.. UTILITIES OTHER THAN THOSE SHOWN HEREON MAY EXIST. LOWERY & ASSOCIATES MAKES NO GUARANTEE AS TO THE EXISTENCE OR NON-EXISTENCE OF SAID UTILITIES.

8) NO OBSERVED EVIDENCE OF CEMETERIES, GRAVESITES, AND/OR BURIAL GROUNDS AT TIME OF SURVEY.

9) TRACT 1 LIES WITHIN THE RECORD DESCRIPTION AS STATED IN GENERAL WARRANTY DEED RECORDED IN DEED BOOK 29861, PAGE 386, FULTON COUNTY RECORDS.

TRACT 2 LIES WITHIN THE RECORD DESCRIPTION AS STATED IN GENERAL WARRANTY DEED RECORDED IN DEED BOOK 54609, PAGE 9, FULTON COUNTY RECORDS.

TRACT 3 LIES WITHIN THE RECORD DESCRIPTION AS STATED IN GENERAL WARRANTY DEED RECORDED IN DEED BOOK 29862, PAGE 355, FULTON COUNTY RECORDS.

10) THIS DESCRIBES THE SAME PROPERTY AS DESCRIBED IN STEWART TITLE GUARANTY COMPANY COMMITMENT NO: 2823.4-0, DATED OCTOBER 10, 2015, AT 5:00PM.

11) NO ENCROACHMENTS OTHER THAN THOSE SHOWN HEREON WERE OBSERVABLE AT TIME OF SURVEY.

12) AT THE TIME OF THE SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.

13) AT THE TIME OF THE SURVEY THERE WERE NO PROPOSED CHANGES IN STREET RIGHT OF WAY LINES OR OBSERVABLE EVIDENCE OF STREET OR SIDEWALK REPAIRS.

14) AT THE TIME OF THE SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF THE SITE BEING USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.

## LEGEND

- PROPERTY LINE
- OVERHANG/AWNING
- BUILDING SETBACK LINE
- B.S.L. BUILDING SETBACK LINE
- INDEX CONTOUR
- MINOR CONTOUR
- × SPOT ELEVATION
- W WATER LINE
- OHE OVERHEAD UTILITY LINE
- G GAS LINE
- SS SANITARY SEWER LINE
- UGE UNDERGROUND ELECTRIC LINE
- X X FENCE LINE
- STORM DRAIN PIPE
- WV WATER VALVE
- WM WATER METER
- FH FIRE HYDRANT
- GM GAS METER
- GV GAS VALVE
- PM POWER METER
- S SANITARY SEWER MANHOLE
- DI DROP INLET
- SINGLE-WING CATCH BASIN
- SWCB DOUBLE-WING CATCH BASIN
- DWCB JUNCTION BOX
- RB REBAR
- CRB CAPPED REBAR
- FND FOUND
- OTP OPEN TOP PIPE
- LIGHT POLE
- SIGN
- TREE
- HW HARDWOOD
- CRZ CRITICAL ROOT ZONE
- CRITICAL ROOT ZONE


LOWERY & ASSOCIATES
LAND SURVEYING, LLC
1575 HIGHWAY 411, SUITE 104
CARTERSVILLE, GA 30121
770-334-8186
WWW.LOWERYLANDSURVEYS.COM
INFO@LOWERYLANDSURVEYS.COM
GEORGIA C.O.A.: LSF-001102


PREPARED FOR:
D&G ACQUISITION, LLC.
STEWART TITLE GUARANTY COMPANY

ALTA/ACSM LAND TITLE SURVEY OF: 2505, 2525 AND 2545 OLD MILTON PARKWAY

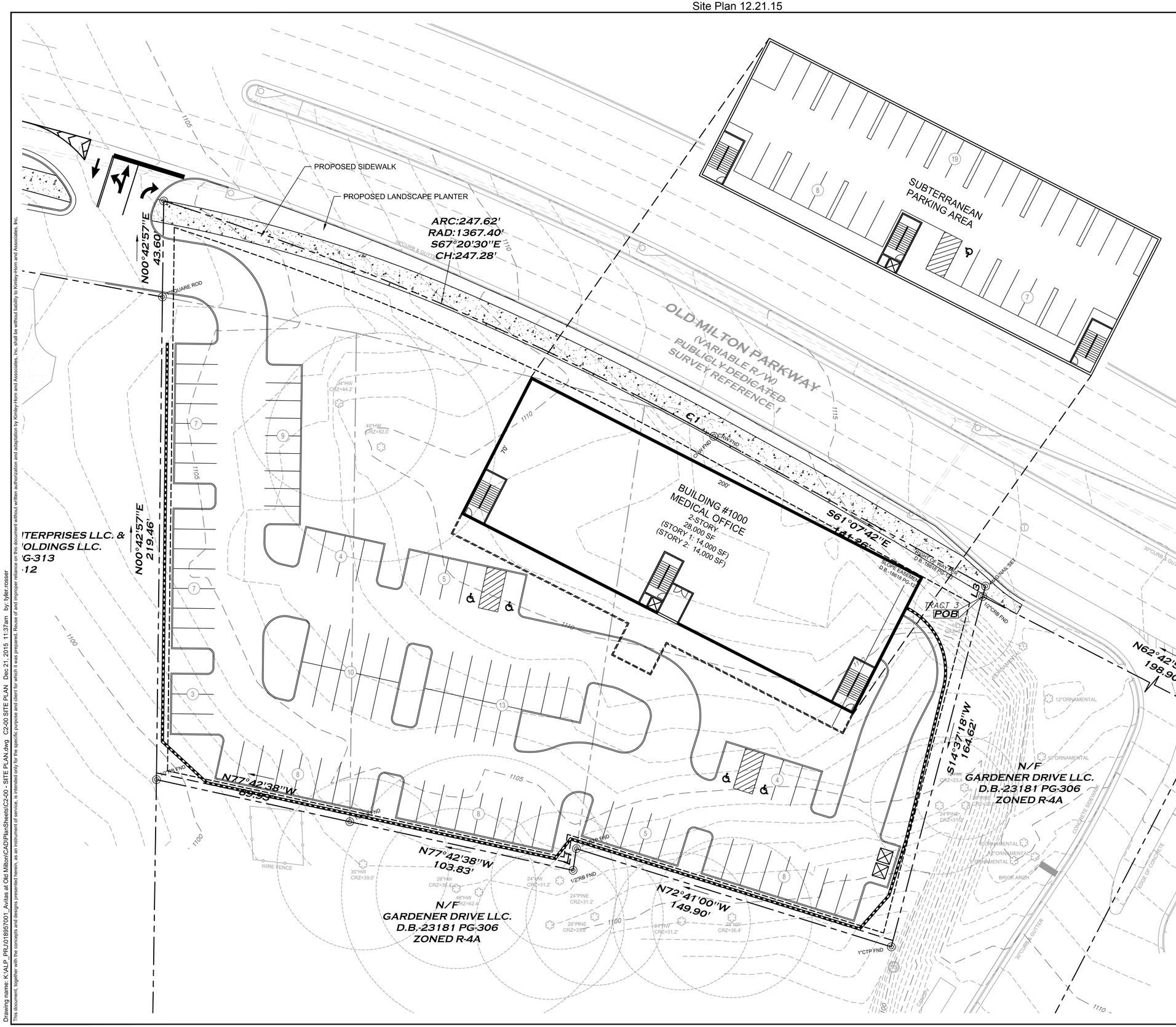
STATE: GEORGIA
COUNTY: FULTON
LAND LOT: 749
DISTRICT: 1ST

REVISIONS

| DATE: | DESCRIPTION |
|---|---|
| 12/29/15 | ADD 4 TREES |

Lowery & Associates LAND SURVEYING, LLC

DATE: NOVEMBER 11, 2015
JOB #: 151053
SCALE: 1"=30'
DRAWN BY: J. BAGLEY



## VICINITY MAP

N.T.S.

## SITE NOTES:

| | | |
|---|---|---|
| CITY OF ALPHARETTA LDP#: | D15-00XX | |
| ZONING: | SU (SPECIAL USE) | |
| PROPOSED USE: | MEDICAL OFFICE BUILDING | |
| MAX BUILDING HEIGHT: | 40' | |
| PROP. BUILDING HEIGHT: | 30' | |
| EXISTING SITE AREA: | 1.72 ACRES | |
| ROW ACQUISITION: | 0.13 ACRES | |
| ADJUSTED SITE AREA: | 1.85 ACRES | |
| BUILDING SETBACK: | FRONT YARD: | 10 FT |
| | SIDE YARD: | 0 FT |
| | REAR YARD: | 3 FT |
| LANDSCAPE SETBACK: | FRONT YARD: | 10 FT |
| | SIDE YARD: | 5 FT |
| | REAR YARD: | 5 FT |

## PARKING SUMMARY:

| | |
|---|---|
| PROPOSED USE: | MEDICAL OFFICE (±28,000 SF) |
| PARKING REQUIRED: | 84 SPACES (3 SPACES / 1,000 SF) |
| PARKING PROVIDED: | 125 SPACES (4.46 SPACES / 1,000 SF) |
| SURFACE PARKING: | 91 SPACES |
| SUB-SURFACE PRKG: | 34 SPACES |
| COMPACT PARKING (INCLUDED IN TOTAL) | |
| PERMITTED: | 16 SPACES (20%) |
| PROPOSED: | 9 SPACES (7.2%) |
| ADA SPACES REQUIRED: | 5 SPACES |
| ADA SPACES PROPOSED: | 5 SPACES |
| PARKING DIMENSIONS: | |
| STANDARD SPACE: | 9'X19' (90°) |
| COMPACT SPACE: | 8'X16' (90°) |
| DRIVE ISLE: | 22' (90°) |

## SITE PLAN LEGEND:

- PROPERTY / RIGHT-OF-WAY LINE
- BUILDING SETBACK LINE
- LANDSCAPE BUFFER LINE
- STANDARD DUTY CONCRETE SIDEWALK

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

NORTH

GRAPHIC SCALE IN FEET 0 10 20 40

| No. | REVISIONS | DATE | BY |
|---|---|---|---|
| 7 | | | |
| 6 | | | |
| 5 | | | |
| 4 | | | |
| 3 | | | |
| 2 | | | |
| 1 | | | |

Kimley»Horn

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10 ROSWELL STREET, SUITE 210
ALPHARETTA, GEORGIA 30009
PHONE (770) 619-4280
WWW.KIMLEY-HORN.COM

PRELIMINARY NOT FOR CONSTRUCTION

SCALE: AS SHOWN
DRAWN BY: JTR
DESIGNED BY: JTR
CHECKED BY: BRM

CLIENT:

D&G DEVELOPMENT GROUP
6400 POWERS FERRY ROAD, SUITE 350
ATLANTA, GEORGIA 30339
PHONE: (678) 384-4428 FAX: (678) 999-5105

PROJECT: AVITAS @ OLD MILTON
2505, 2525, & 2545 OLD MILTON PARKWAY, ALPHARETTA, GEORGIA 30022
LAND LOT 1149, 1st DISTRICT, 2nd SECTION

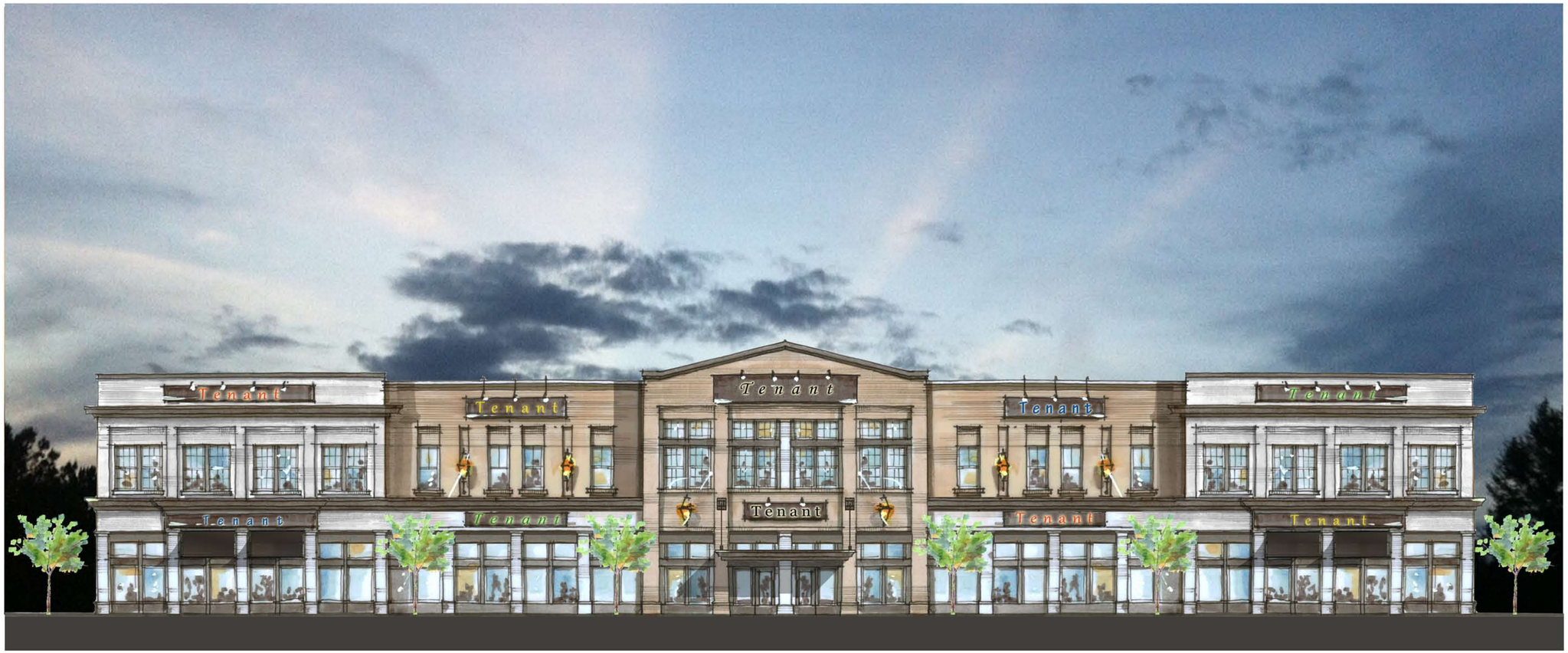
TITLE: SITE PLAN

DATE 12/21/2015

PROJECT NO. 018957001

SHEET NUMBER C2-00

Drawing name: K:\ALP_PRJ\018957001_Avitas at Old Milton\CAD\PlanSheets\C2-00 - SITE PLAN.dwg C2-00 SITE PLAN Dec 21, 2015 11:37am by: tyler.rosser
This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.




NORTH ELEVATION 1/8"=1'-0"

Lyman
Davidson
Dooley, Inc.

Drawing for presentation purposes only. Finish materials and colors do not necessarily reflect final finish selections

D&G
DEVELOPMENT GROUP

02.05.16

01

115042.00

# Avitas at Old Milton

# Alpharetta, Georgia

NORTH ELEVATION 1/8"=1'-0"

Lyman
Davidson
Dooley, Inc.

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D&G
DEVELOPMENT GROUP

02.05.16

01

115042.00

SOUTH ELEVATION 1/8"=1'-0"

Lyman
Davidson
Dooley, Inc.

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D&G
DEVELOPMENT GROUP

02.05.16

02

115042.00

# Avitas at Old Milton

# Alpharetta, Georgia

SOUTH ELEVATION 1/8”=1’-0”

Lyman Davidson Dooley, Inc.

Drawing for presentation purposes only. Finish materials and colors do not necessarily reflect final finish selections

D&G DEVELOPMENT GROUP

02.05.16

02

115042.00

# Avitas at Old Milton

# Alpharetta, Georgia

Two-Story Historic Character Architecture

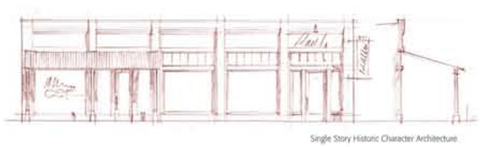
Three-Story Historic Character Architecture

Partial North Elevation

Two-Story Historic Character Architecture

Single Story Historic Character Architecture

Single Story Historic Character Architecture



Single Story Historic Character Architecture

Lyman
Davidson
Dooley, Inc.

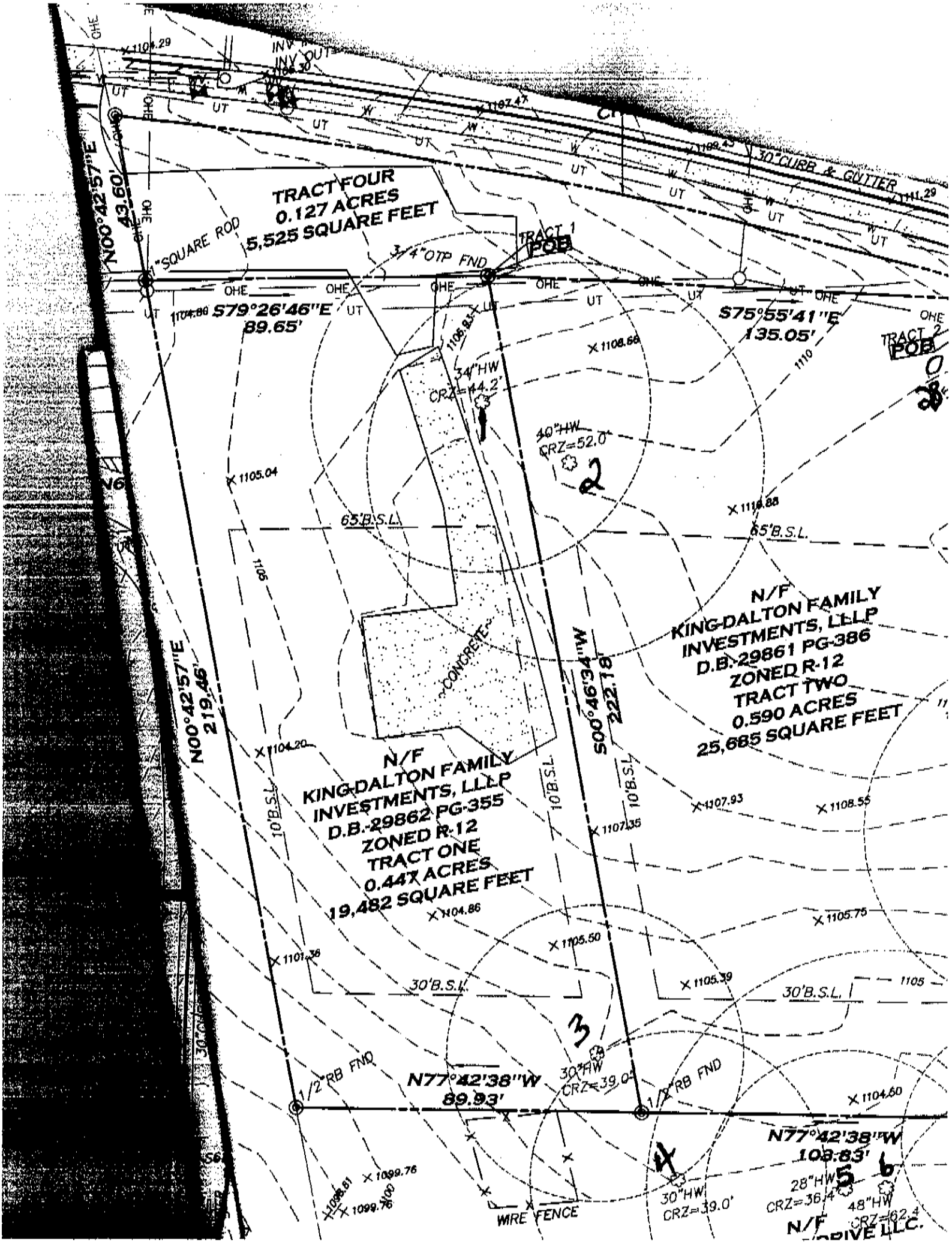
Drawing for presentation purposes only. Finish materials and colors do not necessarily reflect final finish selections

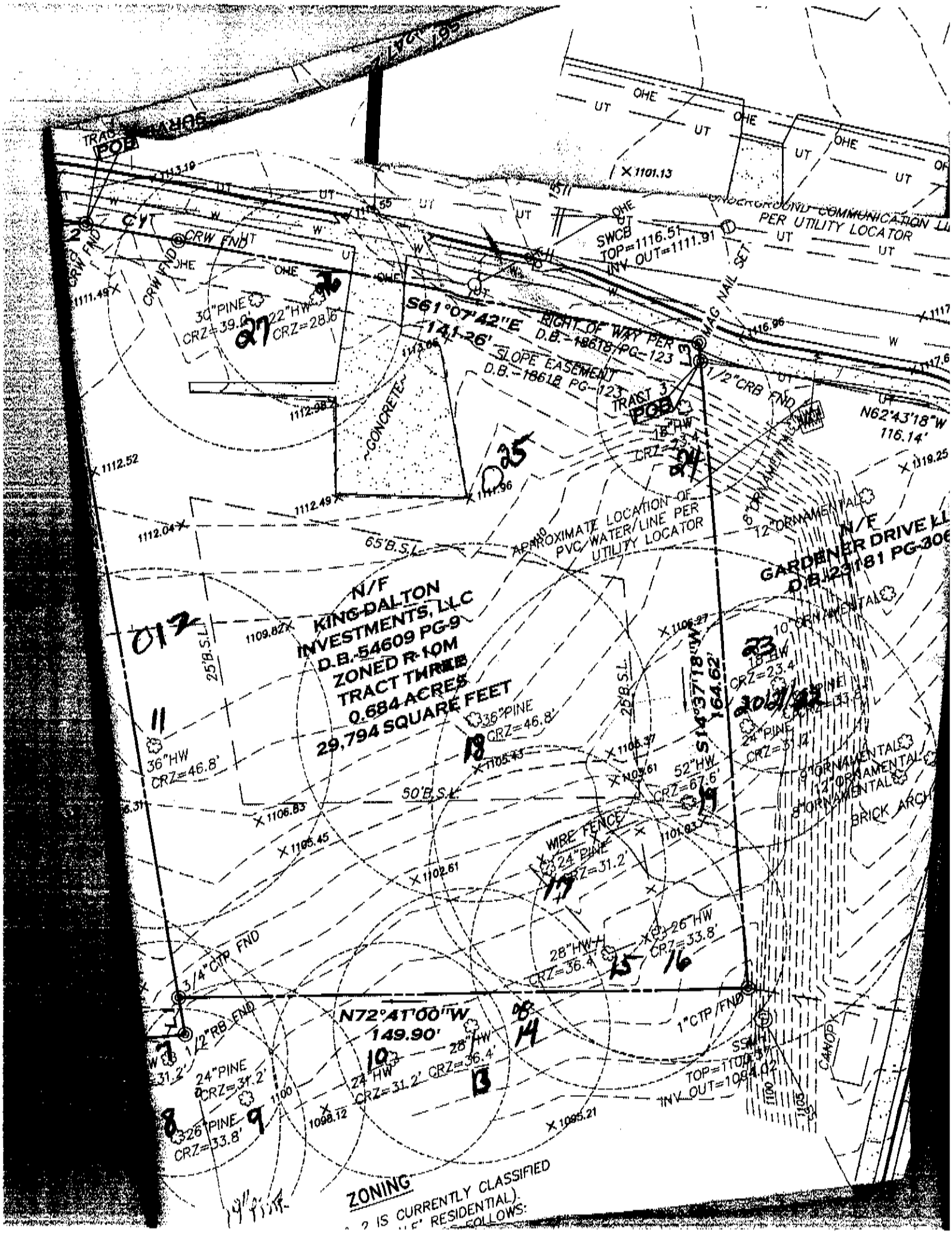
D&G
DEVELOPMENT GROUP

01.20.16

01

115042.00


TRACT FOUR
0.127 ACRES
5,525 SQUARE FEET
N00°42'57"E
43.60'
1" SQUARE ROD
3/4" OTP FND
TRACT 1
POB
S79°26'46"E
89.65'
S75°55'41"E
135.05'
TRACT 2
POB
30" CURB & GUTTER
34" HW
CRZ=44.2'
40" HW
CRZ=52.0'
65'B.S.L.
N00°42'57"E
219.46'
S00°46'34"W
222.18'
CONCRETE
N/F
KING-DALTON FAMILY
INVESTMENTS, LLLP
D.B.-29861 PG-386
ZONED R-12
TRACT TWO
0.590 ACRES
25,685 SQUARE FEET
N/F
KING-DALTON FAMILY
INVESTMENTS, LLLP
D.B.-29862 PG-355
ZONED R-12
TRACT ONE
0.447 ACRES
19,482 SQUARE FEET
10'B.S.L.
30'B.S.L.
1/2" RB FND
N77°42'38"W
89.93'
30" HW
CRZ=39.0'
N77°42'38"W
103.83'
28" HW
CRZ=36.4'
48" HW
CRZ=62.4'
WIRE FENCE
N/F


POB
TRACT 2
CRW FND
CYT
CRW FND
30"PINE
CRZ=39.6'
22"HW
CRZ=28.6'
S61°07'42"E
141.26'
RIGHT OF WAY PER
D.B.-18618 PG-123
SLOPE EASEMENT
D.B.-18618 PG-123
CONCRETE
SWCB
TOP=1116.51
INV OUT=1111.91
MAG NAIL SET
1/2"CRB FND
TRACT 3
POB
18"HW
CRZ=23.4'
N62°43'18"W
116.14'
APPROX. LOCATION OF
PVC WATER LINE PER
UTILITY LOCATOR
65'B.S.L.
N/F
KING-DALTON
INVESTMENTS, LLC
D.B.-54609 PG-9
ZONED R-10M
TRACT THREE
0.684 ACRES
29,794 SQUARE FEET
25'B.S.L.
36"HW
CRZ=46.8'
36"PINE
CRZ=46.8'
50'B.S.L.
WIRE FENCE
24"PINE
CRZ=31.2'
52"HW
CRZ=67.6'
S14°37'18"W
164.62'
N/F
GARDENER DRIVE LL
D.B.-23181 PG-306
12"ORNAMENTAL
10"ORNAMENTAL
18"HW
CRZ=23.4'
24"PINE
CRZ=31.2'
9"ORNAMENTAL
12"ORNAMENTAL
8"ORNAMENTAL
BRICK ARCH
3/4"CTP FND
28"HW
CRZ=36.4'
26"HW
CRZ=33.8'
1"CTP/FND
N72°41'00"W
149.90'
1/2"RB FND
24"PINE
CRZ=31.2'
326"PINE
CRZ=33.8'
24"HW
CRZ=31.2'
28"HW
CRZ=36.4'
SSMH
TOP=1101.57
INV OUT=1094.02
CANOPY
ZONING
IS CURRENTLY CLASSIFIED
RESIDENTIAL).
FOLLOWS:

| Tree # | Common Name | Latin Name | DBH" | Condition | Comments |
|---|---|---|---|---|---|
| 1 | Water Oak | Quercus Nigra | 34 | Poor | Hazard tree 40% die back, major deadwood, Recommend removal |
| 2 | American Elm | Ulmus Americana | 40 | Fair to Poor | 20% die back with lightning strike wound on main stem |
| 3 | Black Walnut | Juglans Nigra | 26 | Fair to Poor | |
| 4 | Water Oak | Quercus Nigra | 30 | Fair | mistletoe and deadwood |
| 5 | Water Oak | Quercus Nigra | 28 | Fair | |
| 6 | Water Oak | Quercus Nigra | 48 | Poor | Hazard tree Bifurcated to ground level, significant deadwood Recommend removal |
| 7 | Water Oak | Quercus Nigra | 24 | Poor | Hazard tree with secondary bifurcation at base, center lead broken and rotting, significant deadwood Recommend removal. |
| 8 | Loblolly Pine | Pinus Taeda | | Good to Fair | some deadwood |
| 9 | Loblolly Pine | Pinus Taeda | 22 | Fair | upper biforcation |
| 10 | Water Oak | Quercus Nigra | 24 | Good to Fair | |
| 11 | Pecan | Carya Illinoinensis | 36 | Good to Fair | |
| 12 | Pecan | Carya Illinoinensis | 22 | Poor | Appears to be dying and stunted, limb failure |
| 13 | Water Oak | Quercus Nigra | 28 | Poor | Hazard tree center lead split down about 30-40' Recommend removal |
| 14 | Water Oak(s) | Quercus Nigra | 24,17,18 | Poor | Hazard trees-dead/dying/rotten Recommend removal |
| 15 | Water Oak | Quercus Nigra | 28 | Poor | Hazard tree-Rotten stem, 70% dead Recommend removal |
| 16 | Water Oak | Quercus Nigra | 26 | Fair | |
| 17 | Loblolly Pine | Pinus Taeda | 24 | Fair | some deadwood |
| 18 | Loblolly Pine | Pinus Taeda | 36 | Fair to Poor | codominant upper canopy, wound at base |
| 19 | Water Oak | Quercus Nigra | 52 | Poor | Hazard tree-recommend removal, 4 primary leads, ganoderma fungal conks on shed side of stem. |
| 20 | Loblolly Pine | Pinus Taeda | 24 | Fair | some deadwood |

| | | | | | |
|---|---|---|---|---|---|
| 21 | Loblolly Pine | Pinus Taeda | 24 | Fair | some deadwood |
| 22 | Loblolly Pine | Pinus Taeda | 18 | Fair | some deadwood |
| 23 | Tulip | Liriodendron Tulipifera Magnoliaceae | 24 | Good | |
| 24 | Boxelder | Acer Negundo | 18 | Poor | Recommend removal, over-mature 50% die back |
| 25 | Boxelder | Acer Negundo | 22 | Poor | Recommend removal-over-mature, 50% die back |
| 26 | Bald Cypress | Taxodium Distichum | 22 | Good to Fair | |
| 27 | Loblolly Pine | Pinus Taeda | 30 | Poor | Dead/rotten- Recommend removal |
| 28 | American Elm | Ulmus Americana | 23 | Fair | Liontailed |
| | | | | | |

# 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: Old Milton Medical Office; Z-15-19; CU-15-15; V-15-34

Contact Name: Dennis J. Webb, Jr. Telephone: 404-815-3620

**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.**

Notice of filing of this Application was mailed to all property owners on January 6, 2016. Copies of the notices are attached.

To date, we have received no inquiries or comments in response to the notices. We will supplement if any inquiries are received at a later date

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

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

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

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

Signature of Authorized Agent: Date: 2/10/16

Print Form

Name and Address of Sender

Don Webb, Jr.
1230 Peachtree St. NE.
Ste. 3100, Atlanta GA
30309

Check type of mail or service:

- ☐ Certified
- ☐ COD
- ☐ Delivery Confirmation
- ☐ Express Mail
- ☐ Insured
- ☐ Recorded Delivery (International)
- ☐ Registered
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation

UNITED STATES POSTAL SERVICE

0000

U.S. POSTAGE
PAID
ATLANTA, GA
30309
JAN 06, 16
AMOUNT
**$2.28**
R2304M115427-03

JAN 06 2015
ATLANTA GA 30309

| Article Number | Addressee (Name, Street, City, State, & ZIP Code) | Postage | RR Fee |
|---|---|---|---|
| 1. | Gardner Drive LLC<br>200 W. Monroe St.<br>Ste. 2200<br>Chicago IL 60606 | | |
| 2. | University of N.G. Foundation<br>60 W. Main St. 3rd Fl.<br>Dahlonega, GA 30533 | | |
| 3. | City of Alpharetta<br>2 Park Plaza<br>Alpharetta GA 30004 | | |
| 4. | JW Homes LLC<br>4124 Atlanta Road<br>Smyrna, GA 30080 | | |
| 5. | Charles E. Chester<br>2465 Old Milton Pkwy<br>Alpharetta, Ga 30004 | | |
| 6. | Old Milton Leasing<br>1645 Eversedge Dr.<br>Alpharetta, GA 30004 | | |
| 7. | | | |
| 8. | | | |

| Total Number of Pieces Listed by Sender | Total Number of Pieces Received at Post Office | Postmaster, Per (Name of receiving employee) |
|---|---|---|
| 6 | 6 | |

**See Privacy Act Statement on Reverse**

PS Form **3877**, February 2002 *(Page 1 of 2)*

**Complete by Typewriter, Ink, or Ball Point Pen**

*Promenade, Suite 3100*
*1230 Peachtree Street, N.E.*
*Atlanta, Georgia 30309-3592*
*Main: 404 815-3500*
*www.sgrlaw.com*

SMITH, GAMBRELL & RUSSELL, LLP
*Attorneys at Law*

*Dennis J. Webb, Jr.*
*Direct Tel: (404) 815-3620*
*Direct Fax: (404) 685-6920*
*djwebb@sgrlaw.com*

January 6, 2016

Old Milton Leasing Enterprises, LLC
Norris Property Holdings, LLC
1645 Eversedge Drive
Alpharetta, Georgia 30004

This letter is to inform you that a Rezone, Conditional Use and Variance application has been submitted to the City of Alpharetta on a tract of land near your property.

Please be advised of the following information pertaining to the applications and public hearings:

| | |
|---|---|
| CASE NUMBERS: **Z-15-19 / CU-15-15 / V-15-34** | APPLICANT NAME: D&G Acquisition, LLC |
| PROPOSED ZONING: DT-LW | PROPERTY SIZE: +/- 1.721 acres |
| STREET LOCATION: 2505, 2525 and 2545 Old Milton Parkway | CONTACT PERSON: Dennis J. Webb, Jr.<br>TELEPHONE NUMBER: (404) 815-3500 |
| PROPOSED DEVELOPMENT: Medical Office Building | |

| | |
|---|---|
| PLANNING COMMISSION HEARING<br>March 3, 2016 at 6:30 P.M. | CITY COUNCIL HEARING<br>March 28, 2016 at 7:30 p.m. |
| PUBLIC HEARING LOCATION: | Alpharetta City Hall, Council Chambers<br>2 Park Plaza<br>Alpharetta, Georgia |

If you have any questions regarding this project or would like detailed information regarding this project, please feel free to contact me at the number listed above.

Sincerely,

Dennis J. Webb, Jr.
Attorney

Enc.: Application filed 12/22/15

*Promenade, Suite 3100*
*1230 Peachtree Street, N.E.*
*Atlanta, Georgia 30309-3592*
*Main: 404 815-3500*
*www.sgrlaw.com*

SMITH, GAMBRELL & RUSSELL, LLP
*Attorneys at Law*

*Dennis J. Webb, Jr.*
*Direct Tel: (404) 815-3620*
*Direct Fax: (404) 685-6920*
*djwebb@sgrlaw.com*

January 6, 2016

Mr. Charles E. Chester
2465 Old Milton Parkway
Alpharetta, Georgia 30004

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Enc.: Application filed 12/22/15

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*Dennis J. Webb, Jr.*
*Direct Tel: (404) 815-3620*
*Direct Fax: (404) 685-6920*
*djwebb@sgrlaw.com*

January 6, 2016

JW Homes LLC
4125 Atlanta Road, SE
Smyrna, Georgia 30080

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January 6, 2016

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2 Park Plaza
Alpharetta, Georgia 30004

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Attorney

Enc.: Application filed 12/22/15

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*Dennis J. Webb, Jr.*
*Direct Tel: (404) 815-3620*
*Direct Fax: (404) 685-6920*
*djwebb@sgrlaw.com*

January 6, 2016

University of North Georgia Foundation, Inc.
60 w. Main St., 3rd Floor
Dahlonega, Georgia 30533

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*Direct Tel: (404) 815-3620*
*Direct Fax: (404) 685-6920*
*djwebb@sgrlaw.com*

January 6, 2016

Gardner Drive LLC
200 W. Monroe St., Ste. 2200
Chicago, Illinois 60606

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Sincerely,

Dennis J. Webb, Jr.
Attorney

Enc.: Application filed 12/22/15

# CITY OF ALPHARETTA

## PUBLIC HEARING APPLICATION

Z-15-19/CU-15-15/V-15-34

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

| FOR OFFICE USE ONLY |
|---|
| Case #: |
| ☐ Fee Paid Initial: |

RECEIVED OCT 2015 RECEIVED BY Community Development

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

FILE COPY

### Contact Information:

Contact Name: D & G Acquisition, LLC c/o Dennis J. Webb, Jr. Telephone: 404-815-3620

Address: 1230 Peachtree St., NE, Suite: 3100

City Atlanta State: GA Zip: 30309 Fax: 404-685-6920

Mobile Tel: Email: djwebb@sgrlaw.com

### Subject Property Information:

Address: 2505, 2525 / 2545 Old Milton Parkway Current Zoning: R-12/R-10M

District: 1 Section: 2 Land Lot: 0749 Parcel ID: 12-270407490535; 12-270407490469/12-270407490451

Proposed Zoning: DT-LW Current Use: Vacant Land

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

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

# Applicant Request And Intent

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

See attached Statement of Intent

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

See attached Statement of Intent

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

See attached Statement of Intent

# PROPERTY OWNER AUTHORIZATION

**Property Owner Information:**

Contact Name: King-Dalton Investments, LLC Telephone: 404-520-8181

Address: 183 Nacoochee Drive Suite:

City Atlanta State: GA Zip: 30305 -

**Authorization:**

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

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

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

**Identify Authorized Applicant:**

Name of Authorized Applicant: D&G Acquisition, LLC c/o Dennis J. Webb, Jr. Telephone: 404-815-3905

Address: 1230 Peachtree St., NE Suite: 3100

City Atlanta State: GA Zip: 30309 -

**So Sworn and Attested:**

Owner Signature: Marsh B. King Date: 11-19-15

**Notary:**

Notary Signature: Arley Sanchez Date: Nov-19-15

ARLEY SANCHEZ
NOTARY PUBLIC
Fulton County
State of Georgia
My Comm. Expires Nov. 20, 2017

# 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: King-Dalton Investments, LLC

Subject Public Hearing Case:

**Campaign Contribution Information:**

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

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

Name of Official: N/A Position:

Description of Contribution: 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: Mark B. King Date: 11-19-15

# DISCLOSURE FORM

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Name of Applicant or Opponent: D+G Acquisition, LLC

Subject Public Hearing Case: _____

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Description of Contribution: N/A Value: _____

Description of Contribution: N/A Value: _____

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Signature: Jon Gellert Date: 12/16/15

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Name of Applicant or Opponent: Smith, Gambrell & Russell, LLP

Subject Public Hearing Case: D'3 G Aquisitions

**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.*

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Description of Contribution: _____ Value: _____

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Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

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Signature: _____ Date: 12/21/15

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Name of Applicant or Opponent: Dennis J. Webb, Jr.

Subject Public Hearing Case: D & G Aquisitions

**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.*

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Description of Contribution: _____ Value: _____

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Signature: _____ Date: 12/21/15

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Name of Applicant or Opponent: Kathryn M. Zickert

Subject Public Hearing Case: D & G Aquisition, LLC

**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.*

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Name of Official: _____ 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: Kathryn M. Zickert Date: 12-16-15

# DISCLOSURE FORM

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Name of Applicant or Opponent: Robert D. Griest

Subject Public Hearing Case: D&G Aquisitions

**Campaign Contribution Information:**

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**Campaign Contribution Information:**

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Signature: _____ Date: 12/17/2015

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Name of Applicant or Opponent: Vickie B. Chung

Subject Public Hearing Case: D3G Aquisitions

**Campaign Contribution Information:**

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Name of Official: _____ Position: _____

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**Campaign Contribution Information:**

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

Signature: _____ Date: 12/17/15

# Alpharetta Planning Commission Review Criteria

How will this proposal be compatible with surrounding properties?

See Statement of Intent

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

See Statement of Intent

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

See Statement of Intent

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

See Statement of Intent

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

See Statement of Intent

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

See Statement of Intent

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

See Statement of Intent

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

# Board Of Zoning Appeals Review Criteria

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

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

See Statement of Intent

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

See Statement of Intent

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

See Statement of Intent

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

See Statement of Intent

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

# Sign Variance Review Criteria

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

☐ Yes

☐ No

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

☐ Yes

☐ No

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

☐ Yes

☐ No

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

☐ Yes

☐ No

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

☐ Yes

☐ No

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

☐ Yes

☐ No

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

☐ Yes ☐ No

# CITIZEN PARTICIPATION FORM - PART A

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

Public Hearing or Project Name: Old Milton Medical Office

Contact Name: Dennis J. Webb, Jr. Telephone: 404-815-3620

**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.***

Old Milton Leasing Enterprises, LLC & Norris Property Holdings, LLC

Gardner Drive, LLC

University of North Georgia Foundation, Inc.

City of Alpharetta

JW Homes, LLC

Charles E. Chester

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

- [x] Letter
- [ ] Personal Visits
- [ ] Telephone
- [ ] Group Meeting
- [ ] Email
- [x] Other *(Please Specify)* Will offer to meet in the letter

**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.**

# STATEMENT OF INTENT

and

Other Material Required by
City of Alpharetta Zoning Ordinance
for the

**Rezoning Application**
**Conditional Use Permit Application**
**Concurrent Exception Variance Application**

of

**D&G Acquisition, LLC**

related to

±1.721 Acres of Land located in
Land Lot 749, 1st District, 2nd Section
City of Alpharetta
(2505, 2525, and 2545 Old Milton Parkway)

Submitted for Applicant by:

Dennis J. Webb, Jr.
Robert D. Griest
Smith, Gambrell & Russell, LLP
Promenade, Suite 3100
1230 Peachtree Street, NE
Atlanta, Georgia 30309
404-815-3500

## I. INTRODUCTION

This Application seeks (1) Rezoning, (2) a Conditional Use Permit, and (3) Concurrent Exception Variances related to ±1.721 acres of land in Land Lot 749, 1st District, 2nd Section and located on the southern side of Old Milton Parkway between Haynes Bridge Road and Westside Parkway (the "Subject Property"). The Applicant hopes to redevelop the Subject Property for a two-story, 28,000 SF Medical Office Building with both underground and surface parking. The Applicant believes that a Medical Office Building is consistent with the City's goals for this stretch of Old Milton Parkway, especially in light of the existing medical offices in the immediate vicinity. The Subject Property is located within the Downtown Overlay and is designated as "Mixed-Use Live/Work District" on the City's Future Land Use Map.

In order to redevelop the Subject Property for the Medical Office Building as depicted on the enclosed Site Plan, the Applicant seeks the following:

1. **Rezoning** of the Subject Property from R-12 and R-10M to the "Downtown Live-Work" ("DT-LW") zoning district.
2. **Conditional Use Permit** to allow for:
    a. "Clinic" medical office uses; and
    b. Accessory retail/restaurant service uses up to 25% of the total floor area.

3. **Concurrent Exception Variances** ("Variances") to:

   a. Reduce the rear yard setback from 3 feet to 0 feet;

   b. Reduce the 50 foot Transitional Buffers bordering "for-sale" residential (to the south, east, and west) to 0 feet; and

   c. Eliminate the requirement for a 10-foot wide landscape strip between parking bays (Alpharetta Downtown Code Sec. 3.7.6).

In support of these requests, the Applicant submits this Statement of Intent, a Survey Plat of the Subject Property, a Site Plan, a Preliminary Landscape Plan, a Conceptual Rendering, and other supporting material.

## II. SUBJECT PROPERTY SPECIFICATIONS

The Subject Property consists of three parcels: (1) 2505 Old Milton Parkway, 0.447 acres zoned R-12 ("Dwelling, For-Sale, Detached Residential"); (2) 2525 Old Milton Parkway, 0.590 acres also zoned R-12, and (3) 2545 Old Milton Parkway, 0.684 acres zoned R-10M ("Dwelling, For-Sale or For-Rent Residential").

The Subject Property is located on the south side of Old Milton Parkway, approximately 1,000 feet west of its intersection with Westside Parkway. 2525 and 2545 are presently vacant, while 2505 contains the remnants of a single-family home. To the west, the Subject Property is bordered by two R-12 properties; however, the R-12 home directly adjacent to the west appears to be used as a

taxidermy shop. Further west are several Office-Professional and Office-Institutional tracts. To the south, the Subject Property is bordered by R-10M property developed for multi-family use (the AMLI Old Milton apartment complex). Finally, to the north and across Old Milton Parkway is a cluster of properties zoned Mixed Use ("MU"), which are largely undeveloped except for some single-family homes.

## III. JUSTIFICATION FOR APPLICATION

### A. Rezoning

1. The proposed rezoning will permit a use that is suitable in view of the zoning, use and development of adjacent and nearby property.

The Subject Property fronts Old Milton Parkway, a major arterial roadway. The surrounding area has already seen drastic changes in terms of land use intensity (i.e., the Avalon development to the east). While this area was historically comprised of single-family homes, there have been significant changes that have caused single-family residential to become incompatible, especially for lots with frontage directly on Old Milton Parkway, which was significantly expanded by the Georgia Department of Transportation ("GDOT"). A prime example of the changes taking place in the immediate area can be seen at 2455 Old Milton Parkway, which was rezoned in 2002 from single-family residential to Office Professional to allow for an office building (Z-02-03/V-02-07). This 2002 rezoning included a variance to the 50-foot transitional buffer, which is also being requested

by the Applicant. Additionally, the property just further west located at 2425 was rezoned in 1996 from R-2 to Office Professional, and is now in use as an educational center (CLUP-96-03/Z-96-04/V-96-02). The 1996 rezoning likewise included a variance to the 50-foot transitional buffer requirement, further illustrating the fact that a variance to the 50-foot buffer is both regularly granted to similarly-situated property owners and also that it is necessary for the economical redevelopment of property in the area.

Also, in July of 2015, the City adopted the new Downtown Overlay, which includes the Subject Property. The Downtown Code specifically states that properties designated as "Mixed-Use Live/Work District" on the City's Future Land Use Map should be rezoned to the DT-LW district, which the Applicant is hereby requesting. Accordingly, the Applicant's proposed use of the Subject Property for a Medical Office Building is consistent with the trend in this area of redeveloping obsolete single-family lots for low to medium intensity uses such as office, professional, and medical, and also would further the intent of the City's new Downtown Overlay.

2. The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property.

In light of the trend in this area of redevelopment for low to medium intensity uses, the proposed Medical Office Building will not adversely affect adjacent or nearby property. To the east and south, the Subject Property is bordered

by the AMLI apartment complex, a high-density multi-family use. The AMLI property to the east is extremely narrow and cannot be developed, negating the policy justification for a transitional buffer. Additionally, the AMLI property to the south has substantial tree growth between it and the Subject Property, and the apartment residences are located even further away on the opposite side of a parking lot. Finally, the proposed Medical Office Building will not generate substantial light or noise, and therefore should not have any negative impact on the apartments given the distance and buffering from the Subject Property.

To the west, the Subject Property is bordered by a single-family home, but upon information and belief it is also being used as a taxidermy shop, "Smith's Taxidermy". As previously discussed, it is likely that this property, as well as the other remaining single-family homes along Old Milton Parkway, will eventually be redeveloped for a higher intensity use. Regardless, the proposed Medical Office Building is a relatively mild commercial use, and will have typical morning-to-evening operational hours.

3. The proposed rezoning will not adversely affect the natural environment.

As with any undeveloped tract, the construction of the Medical Office Building on the Subject Property will inevitably require the removal of trees and other land disturbance activities. That being said, there are no streams or other significant natural features on the Subject Property that require special protection.

Further, the Applicant will replant trees, grass, and other landscaping materials as part of its redevelopment of the site.

4. <u>There are substantial reasons why the property cannot or should not be used as currently zoned.</u>

As previously mentioned, the surrounding area has already seen a trend towards redevelopment of single-family lots to commercial, office, and medical uses. The expansion of Old Milton Parkway and increased vehicular use of same has made the Subject Property an undesirable place to locate a single-family home. The 1996 and 2002 rezonings identified above are evidence of this trend. In fact, the City has for a long time recognized the incompatible nature of single-family homes along Old Milton Parkway: in the 1996 rezoning of 2425 Old Milton Parkway (CLUP-96-03/Z-96-04/V-96-02), the City's Planning Staff noted that single-family homes are "not anticipated in the future due to the increased traffic and the increase in non-residential activity along Old Milton Parkway," and that "it can be assumed that all of the properties along the Old Milton Parkway corridor will eventually be converted into commercial and office uses." Finally, the City's new Downtown Overlay has been implemented as a guideline to govern redevelopment in the area. Accordingly, rezoning to the applicable DT-LW zoning district will further the intent of the Downtown Overlay, which no longer recognizes the R-12 and R-10M districts. Thus, it is clear that the Subject Property is no longer appropriate for single-family residential uses as currently zoned.

5. The proposed rezoning will not result in a use that will or could cause an excessive or burdensome use of public facilities or services, such as existing streets and transportation facilities, schools, water or sewer utilities, and police or fire protection.

If approved, the proposed rezoning should not have a negative impact on any City services. Because it is non-residential, the Medical Office Building would not generate any additional school-aged children. Further, there is adequate water and sewer capacity to service the site. Finally, the impact of the development on traffic in the area would be minimal, as further explained in the "Traffic Impact Study" included in this Application.

6. The proposed rezoning is supported by new and changing conditions not anticipated or reflected in the existing zoning on the property.

As more fully discussed above, the trend along this stretch of Old Milton Parkway is away from single-family residential uses and towards commercial, office, and medical uses. This trend began with the expansion of Old Milton Parkway and has continued in the years since.

7. The proposed rezoning 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 proposed Medical Office Building is an appropriate use for this area and will add necessary medical and clinical services for the benefit of the community. Further, the proposed use is only two stories in height, covers far less than half of

the Subject Property, and is a use that does not generate significant noise, light, or traffic.

8. There are substantial reasons why the property cannot be used in accordance with the existing zoning.

Please see Subsection 4 above.

9. The zoning proposal is consistent with the City's Comprehensive Plan.

The proposed Medical Office Building is fully consistent with the City's Comprehensive Plan. The Subject Property is identified as being with a "Mixed-Use Live/Work District," which envisions a diversity of land uses, including the requested clinical use.

**B. Conditional Use Permit**

1. "Clinic" Medical Offices

In the requested DT-LW zoning district, a "clinic" is a conditional use. Accordingly, the Applicant is also seeking approval of a Conditional Use Permit to allow for private clinical uses at the Medical Office Building. As more fully described above, allowing medical uses at the Subject Property would not adversely affect adjacent or nearby property and thus a Conditional Use Permit is appropriate.

2. Accessory Retail/Restaurant Service Uses up to 25% of Floor Area

To complement the primary "clinical" uses at the Medical Office Building (such as dental and vision clinics), the Applicant seeks a Conditional Use Permit to

allow for a maximum of 25% of the floor area to be used for accessory retail and restaurant uses. Accessory uses such as cafes, print shops, and newsstand-style shops are common in office buildings and allow for the provision of necessary goods and services to both the customers of the clinical uses as well as their employees. Limiting these uses to a maximum of 25% would ensure that they do not cause any adverse effect on adjacent or nearby property.

**C. Concurrent Exception Variances**

Simultaneously with its requests for the Rezoning and Conditional Use Permit, the Applicant also seeks Exception Variances with respect to three (3) strict requirements of the Unified Development Code and Downtown Code: (1) a variance to reduce the rear yard setback from 3 feet to 0 feet; (2) a variance to reduce the required 50-foot transitional buffer bordering "for-sale" residential (to the south, east, and west) to 0 feet; and (3) a variance to eliminate the requirement for 10-foot landscape strips between the parking bays located near the center of the site.

1. <u>The application of the Ordinance to this particular piece of property would create an unnecessary hardship.</u>

If strictly applied to the Subject Property, the applicable setback and transitional buffer requirements would render the Property incapable of being developed. Because the Subject Property is bordered by residentially-zoned tracts, the three (3) required 50 foot transitional buffers would leave barely any buildable

area on the Property. As stated above, the typical justification underlying the 50-foot transitional buffer requirement is absent in this instance: the property to the east is undevelopable and will never have "for sale" residential on it, the AMLI apartments to the south are buffered by significant distance and tree growth (and are not, in fact, "for sale"), and the "residential" property to the west is being used as a taxidermy. Finally, the City has for many years envisioned redevelopment of the obsolete single-family homes in this area, which is further evidence that the policy and intent of the 50 foot transitional buffer is not justified in this particular case.

Additionally, the requested setback variance is necessary to allow for development of the Property, and is a type of variance regularly granted to similarly-situated property owners. More specifically, the reduction of the rear yard setback is to allow for a retaining wall, which is critical to proper grading and erosion control on the site.

Lastly, the strict application of the 10-foot landscape strip between parking bays would drastically limit parking on site, and would not allow for an efficient use of space. It should also be noted that this variance is only requested for the two bays near the middle of the site, and that the Applicant will otherwise fully comply with the applicable parking lot landscaping requirements. Additionally, the

Applicant seeks to enhance landscaping elsewhere on the site and throughout the parking area to account for this requested Variance.

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

Again, the Subject Property is unique in that it is bordered entirely by residential properties that, from a land use planning perspective, do not merit the protection of a transitional buffer. Transitional buffers are meant to protect sensitive land uses from more intense adjacent land uses. In theory, they permit existing land uses to remain indefinitely at a certain location by limiting the impact of nearby redevelopment, usually to the detriment of the redeveloped property. In this particular case, it is clear that the single-family homes will at some point be redeveloped for commercial, office, and medical uses. The City's Comprehensive Plan recognizes this fact. As such, it does not make sense to burden the Applicant with strict buffering requirements in order to protect an obsolete land use that will eventually be replaced.

As for reduction of the 10-foot landscape strip between parking bays, the Applicant is seeking to provide additional parking beyond what is required under the Downtown Overlay Code to eliminate congestion during peak traffic hours. Medical offices, unlike certain other commercial and retail uses, generally require vehicular parking for most customers. Although the Downtown Code only requires 3 spaces per 1,000 SF (84 spaces), the UDC actually requires 1 space per 200 SF

of medical office, which would be a total of 140 spaces. The Applicant is seeking to provide a total of only 125 spaces (less than what would be required under the UDC), and is incurring additional construction costs to locate a significant portion of the parking underground. Finally, while the Downtown Overlay generally seeks to limit vehicular parking to create a more urban and walkable environment, the Subject Property is located at the boundary of the Overlay, and thus granting the requested Variance to allow for additional parking would not go against the intent or policy of the Downtown Code.

## IV. PRESERVATION OF CONSTITUTIONAL RIGHTS

The Applicant respectfully submits that a refusal to approve the proposed Rezoning, Conditional Use Permit, and Variances, or any attempt to rezone the Property to an intervening zoning classification, would be unlawful, arbitrary, capricious, irrational and a manifest abuse of discretion; all in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

A refusal to approve the proposed Rezoning, Conditional Use Permit, and Variances, or any attempt to rezone the Property to an intervening zoning classification, would discriminate unfairly between the owner of the Subject Property and other property owners similarly situated, in violation of the Fifth

Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph II of the Constitution of the State of Georgia.

A refusal to approve the proposed Rezoning, Conditional Use Permit, and Variances, or any attempt to rezone the Property to an intervening zoning classification, would amount to a taking of property, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

A refusal to approve the proposed Rezoning, Conditional Use Permit, and Variances, or any attempt to rezone the Property to an intervening zoning classification, would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Constitution of the State of Georgia.

A refusal to approve the proposed Rezoning, Conditional Use Permit, and Variances, or any attempt to rezone the Property to an intervening zoning classification, would be invalid inasmuch as the Unified Development Code of the City of Alpharetta is unlawful, null and void because its adoption and map adoption/maintenance did not and does not comply with the requirements of its

predecessor ordinance and/or the Zoning Procedures Law, O.C.G.A. § 36-66-1, *et seq.*

The City's Unified Development Code lacks adequate standards for the City Council to exercise its power to review this Application. Specifically, the "standards" set out in Sections 4.2.3(A)(2), 4.2.3(B), and 4.5.4(B)(1) are not sufficient to contain the discretion of the Council and to provide the Courts with a reasonable basis for judicial review. Because the stated standards (individually and collectively) are too vague and uncertain to provide reasonable guidance, the Unified Development Code is unlawful and violates, among other things, the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraphs I and II of the Constitution of State of Georgia.

Any limitation on the time for presentation of the issues before the Council that has the power to zone and grant conditional use permits and variances is a violation of the guarantees of free speech under the First Amendment of the Constitution of the United States and Article I, Section I, Paragraph V of the Constitution of the State of Georgia. Further, said limitations are in violation of the right to petition and assemble, in violation of the First Amendment of the Constitution of the United States and Article I, Section I, Paragraph IX of the Constitution of Georgia, as well as the due process clauses of the U.S. and Georgia Constitutions.

## V. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the proposed Rezoning, Conditional Use Permit, and Variances be approved. The Applicant also invites and welcomes any comments from Staff or other officials of the City of Alpharetta so that such recommendations or input might be incorporated as conditions of approval of this Application.

This 22nd day of December, 2015.

Respectfully submitted,

Dennis J. Webb, Jr.
Robert D. Griest
Attorneys for Applicant

Smith, Gambrell & Russell, LLP
Promenade, Suite 3100
1230 Peachtree Street, NE
Atlanta, Georgia 30309
404-815-3500

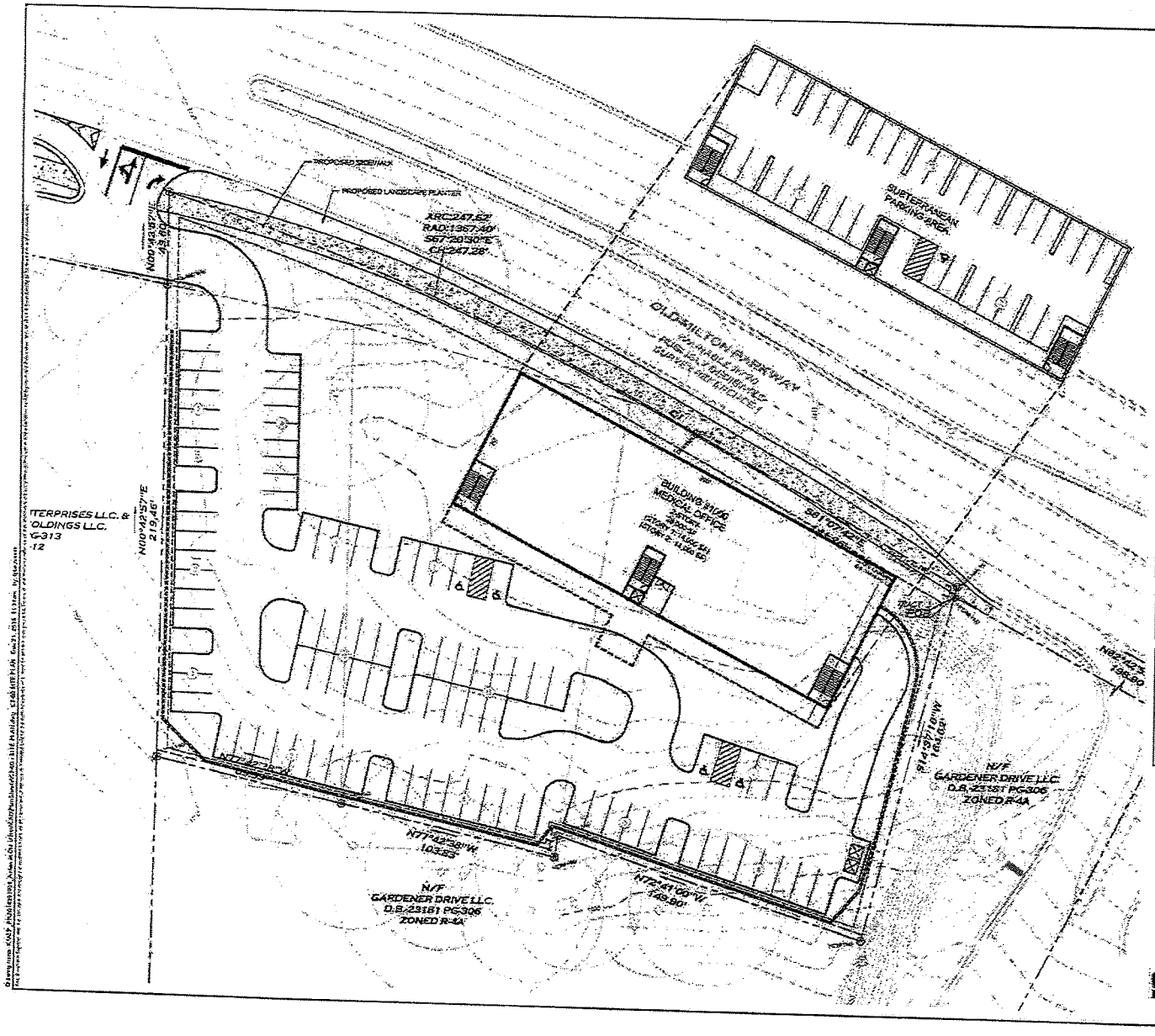
# SITE PLAN CHECK LIST

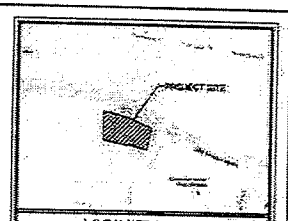
*This document is provided as a resource for the applicant to assist in the preparation of site plans to be submitted in support of applications for public hearing. The items listed below reflect the* ***minimum*** *information that must be included on all site plans submitted as part of the public hearing process.*

*Site plans submitted as part of a public hearing application must be drawn to scale, and the scale must be displayed in the lower left corner of the plan page. The maximum page size for original full-size plan documents is 30" x 42". Plan copies submitted as part of the completed application packets may be a maximum of 11" x 17", must be folded to a size of 8.5" x 11", and must be attached to each submittal packet set.*

*Applications that include site plan documents that do not meet these requirements will not be accepted.*

| ☒ | Element Description |
|---|---|
| ☑ | Key and/or legend and site location map with North arrow |
| ☑ | Boundary survey of subject property which includes dimensions along property lines that match the metes and bounds of the property's written legal description and clearly indicates the point of beginning. |
| ☑ | Acreage of the subject property. |
| ☑ | Location of land lot lines and identification of land lots. |
| ☑ | Existing, proposed, new dedicated, and future reserved rights-of-way of all streets, roads, and rail lines adjacent to and on the subject property. |
| ☒ | Proposed streets on the subject site. |
| ☑ | Current zoning of the subject site and adjoining properties. |
| ☑ | Existing buildings (with square footages, heights, and stories), wells, driveways, fences, cell towers, and any other structures or improvements on the subject property. |
| ☑ | Location of proposed buildings with square footages, heights, and stories. |
| ☒ | Layout and minimum lot size of proposed single-family residential lots. |
| ☑ | Topography of subject site. |
| ☑ | Required and proposed setbacks. |
| ☑ | 100-year flood plain horizontal limits and flood zone designations as shown on survey or FEMA FIRM maps. |
| ☑ | Required landscape strips, undisturbed buffers, and any other natural areas as required or proposed. |
| ☑ | Tree lines, woodlands, significant trees with critical root zones (1.3 x trunk diameter), and open fields on subject site. |
| ☑ | Required and proposed parking spaces, loading, and unloading facilities. |
| ☑ | Lakes, streams, and other waters on the site and associated buffers. Wetlands shown on GIS maps or survey. |
| ☑ | Proposed stormwater management facilities. |
| ☑ | Entrance distance profile assuming the driver's eye at a height of 3.5 feet. |
| ☑ | Existing driveways located within 150 feet of the subject property on adjacent or nearby parcels (including those parcels on the opposite side of a public street). |
| ☑ | Proposed access driveways and the available intersection sight distance (according to AASHTO Green Book). |




VICINITY MAP
N.T.S.

## SITE NOTES:

| | |
|---|---|
| CITY OF ALPHARETTA ZONE: | C-1 (GC) |
| TOWN: | SUP SPECIAL USE |
| PROPOSED USE: | MEDICAL OFFICE SUP |
| MAX BUILDING HEIGHT: | 45' |
| PROP. BUILDING HEIGHT: | 45' |
| EXISTING SITE AREA: | 1.73 ACRES |
| ROW ACQUISITION: | 0.13 ACRES |
| ADJUSTED SITE AREA: | 1.60 ACRES |
| BUILDING SETBACK: | FRONT YARD 50' |
| | SIDE YARD 50' |
| | REAR YARD 50' |
| LANDSCAPE SETBACK: | FRONT YARD 15' |
| | SIDE YARD 5' |
| | REAR YARD 5' |

## PARKING SUMMARY:

| | |
|---|---|
| PROPOSED USE: | MEDICAL OFFICE BUILDING(S) |
| PARKING REQUIRED: | 84 SPACES (5 SPACES / 1,000 SF) |
| PARKING PROVIDED: | 125 SPACES (4.46 SPACES / 1,000 SF) |
| SURFACE PARKING: | 61 SPACES |
| SUBTERRANEAN PRKG: | 64 SPACES |
| COMPACT PARKING (INCLUDED IN TOTAL): | |
| PERMITTED: | 19 SPACES (20%) |
| PROPOSED: | 5 SPACES (3.2%) |
| ADA SPACES REQUIRED: | 5 SPACES |
| ADA SPACES PROPOSED: | 5 SPACES |
| PARKING DIMENSIONS: | |
| STANDARD SPACE: | 9'-0" (90°) |
| COMPACT SPACE: | 8'-0" (90°) |
| DRIVE AISLE: | 22'-0" (90°) |

## SITE PLAN LEGEND:

- PROPERTY / RIGHT-OF-WAY LINE
- BUILDING SETBACK LINE
- LANDSCAPE BUFFER LINE
- STANDARD SUTH. CONCRETE SIDEWALK

Kimley»Horn

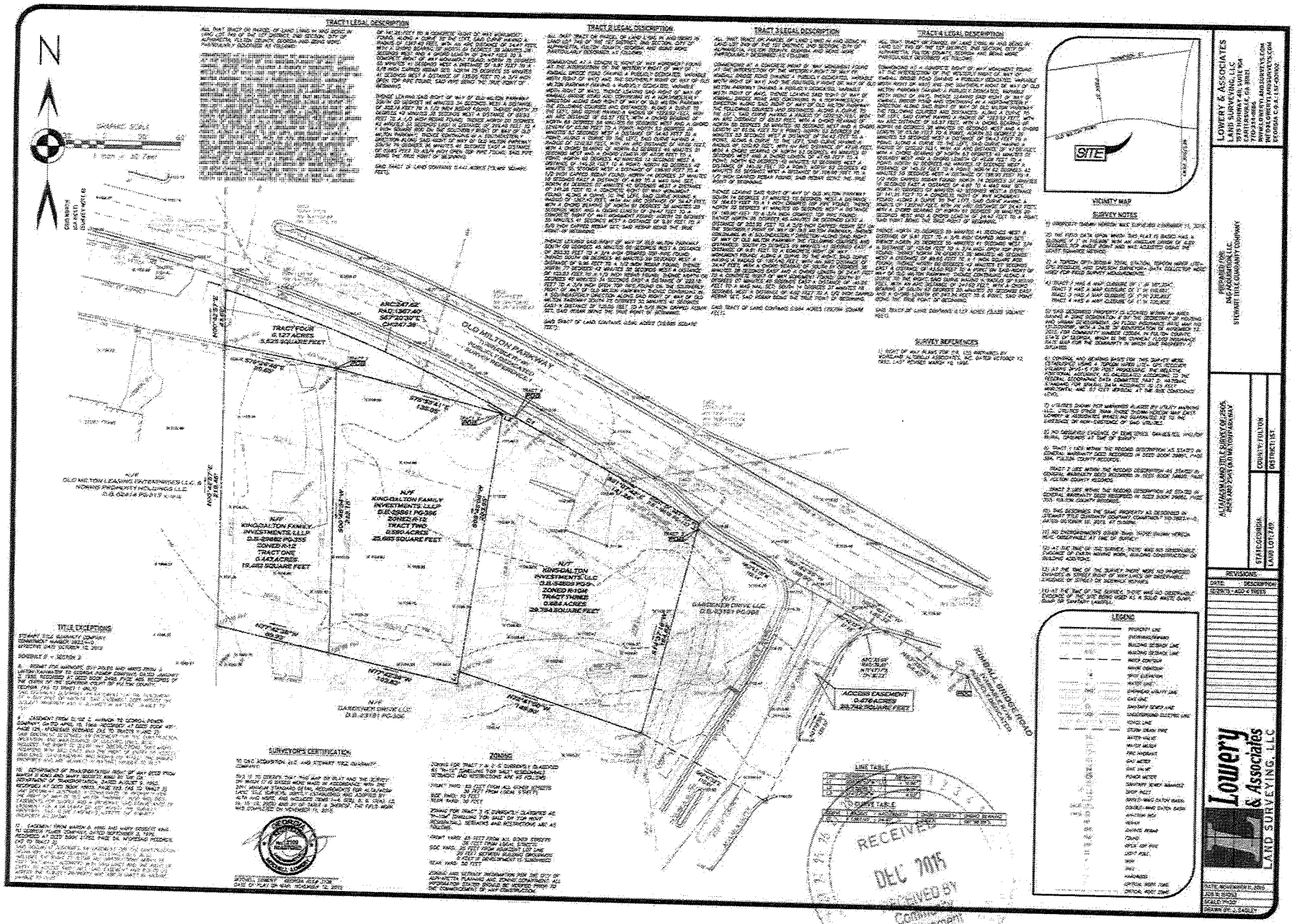
DRAFT

D&G DEVELOPMENT GROUP

AVITAS @ OLD MILTON

SITE PLAN

C2-00


TRACT 1 LEGAL DESCRIPTION
TRACT 2 LEGAL DESCRIPTION
TRACT 3 LEGAL DESCRIPTION
TRACT 4 LEGAL DESCRIPTION
GRAPHIC SCALE
1 inch = 30 feet
GRID NORTH
(US STATE PLANE 1983 SURVEY FOOT ft)
TRACT FOUR
0.127 ACRES
5,525 SQUARE FEET
TRACT ONE
0.447 ACRES
19,482 SQUARE FEET
TRACT TWO
0.590 ACRES
25,695 SQUARE FEET
TRACT THREE
0.684 ACRES
29,794 SQUARE FEET
OLD MILTON PARKWAY
(PUBLIC VARIABLE WIDTH RIGHT OF WAY)
KINGSDALTON FAMILY INVESTMENTS, LLLP
KINGSDALTON INVESTMENTS, LLC
GARDENTON DRIVE, LLC
ACCESS EASEMENT
0.476 ACRES
20,724 SQUARE FEET
KIMBALL BRIDGE ROAD
(PUBLIC VARIABLE WIDTH RIGHT OF WAY)
TITLE EXCEPTIONS
SURVEYOR'S CERTIFICATION
ZONING
LINE TABLE
CURVE TABLE
SITE
VICINITY MAP
SURVEY NOTES
SURVEY REFERENCES
LEGEND
RECEIVED
DEC 2015
RECEIVED BY
Community Development
LOWERY & ASSOCIATES
LAND SURVEYING, LLC
5970 HIGHWAY 49S, SUITE 104
FLORENCE, MS 39073
T/ 601.919.0004
F/ 601.919.0006
SURVEY@LOWERYLANDSURVEYS.COM
INFO@LOWERYLANDSURVEYS.COM
CERTIFICATE NO. C-LAC-000002
PREPARED FOR:
D&D ACQUISITIONS LLC
STEWART TITLE GUARANTY COMPANY
ALTA/ACSM LAND TITLE SURVEY OF LOTS 5, 6, 7, 8 AND 9 OF THE OLD MILTON PARKWAY
STATE: GEORGIA
COUNTY: FULTON
LAND LOT: 1167
DISTRICT: 1ST
REVISIONS
DATE
DESCRIPTION
12/29/15 - ADD 4 TREES
Lowery & Associates
LAND SURVEYING, LLC
DATE: NOVEMBER 11, 2015
SCALE: 1"=30'
DRAWN BY: D. SADLEY

Tract One

All that tract or parcel of land lying in and being in Land Lot 749 of the 1st District, 2nd Section, City of Alpharetta, Fulton County, Georgia and being more particularly described as follows:

Commencing at a concrete right of way monument found at the intersection of the westerly right of way of Kimball Bridge Road (having a publicly dedicated, variable width right of way) and the southerly right of way of Old Milton Parkway (having a publicly dedicated, variable width right of way), thence leaving said right of way of Kimball Bridge Road and continuing in a northwesterly direction along said right of way of Old Milton parkway the following courses and distances: along a curve to the left, said curve having a radius of 1222.92 feet, with an arc distance of 65.57 feet, with a chord bearing of North 68 degrees 58 minutes 00 seconds West and a chord length of 65.56 feet to a point; North 53 degrees 26 minutes 53 seconds West a distance of 54.43 feet to a point; along a curve to the left, said curve having a radius of 1210.92 feet, with an arc distance of 47.08 feet, with a chord bearing of North 63 degrees 49 minutes 01 seconds West and a chord length of 47.08 feet to a point; North 62 degrees 42 minutes 12 seconds West a distance of 145.32 feet to a point; North 62 degrees 42 minutes 55 seconds West a distance of 198.90 feet to a 1/2 inch capped rebar found; North 14 degrees 37 minutes 18 seconds East a distance of 4.82 to a Mag nail set; North 61 degrees 07 minutes 42 seconds West a distance of 141.26 feet to a concrete right of way monument found; along a curve to the left, said curve having a radius of 1367.40 feet, with an arc distance of 24.47 feet, with a chord bearing of North 61 degrees 38 minutes 28 seconds West and a chord length of 24.47 feet to a concrete right of way monument found; North 75 degrees 55 minutes 41 seconds West a distance of 9.91 feet to a 5/8 inch capped rebar set; North 75 degrees 55 minutes 41 seconds West a distance of 135.05 feet to a 3/4 inch open top pipe found, said pipe being the TRUE POINT OF BEGINNING.

Thence leaving said right of way of Old Milton Parkway South 00 degrees 46 minutes 34 seconds West a distance of 222.18 feet to a 1/2 inch rebar found; Thence North 77 degrees 42 minutes 38 seconds West a distance of 89.93 feet to a 1/2 inch rebar found; Thence North 00 degrees 42 minutes 57 seconds East a distance of 219.46 feet to a 1 inch square rod on the southerly right of way of Old Milton Parkway; Thence continuing in a southeasterly direction along said right of way of Old Milton Parkway South 79 degrees 26 minutes 46 seconds East a distance of 89.65 feet to a3/4 inch open top pipe found, said pipe being the TRUE POINT OF BEGINNING.

Said tract of land contains 0.447 acres (19,482 square feet).

Tract Two

All that tract or parcel of land lying in and being in Land Lot 749 of the 1st District, 2nd Section, City of Alpharetta, Fulton County, Georgia and being more particularly described as follows:

Commencing at a concrete right of way monument found at the intersection of the westerly right of way of Kimball Bridge Road (having a publicly dedicated, variable width right of way) and the southerly right of way of Old Milton Parkway (having a publicly dedicated, variable width right of way), thence leaving said right of way of Kimball Bridge Road and continuing in a northwesterly direction along said right of way of Old Milton parkway the following courses and distances: along a curve to the left, said curve having a radius of 1222.92 feet, with an arc distance of 65.57 feet, with a chord bearing of North 68 degrees 58 minutes 00 seconds West and a chord length of 65.56 feet to a point; North 53 degrees 26 minutes 53 seconds West a distance of 54.43 feet to a point; along a curve to the left, said curve having a radius of 1210.92 feet, with an arc distance of 47.08 feet, with a chord bearing of North 63 degrees 49 minutes 01 seconds West and a chord length of 47.08 feet to a point; North 62 degrees 42 minutes 12 seconds West a distance of 145.32 feet to a point; North 62 degrees 42 minutes 55 seconds West a distance of 198.90 feet to a 1/2 inch capped rebar found; North 14 degrees 37 minutes 18 seconds East a distance of 4.82 to a Mag nail set; North 61 degrees 07 minutes 42 seconds West a distance of 141.26 feet to a concrete right of way monument found; along a curve to the left, said curve having a radius of 1367.40 feet, with an arc distance of 24.47 feet, with a chord bearing of North 61 degrees 38 minutes 28 seconds West and a chord length of 24.47 feet to a concrete right of way monument found; North 75 degrees 55 minutes 41 seconds West a distance of 9.91 feet to a 5/8 inch capped rebar set, said rebar being the TRUE POINT OF BEGINNING.

Thence leaving said right of way of Old Milton Parkway South 08 degrees 45 minutes 08 seconds West a distance of 203.95 feet to a 3/4 inch crimped top pipe found; Thence South 08 degrees 46 minutes 59 seconds West a distance of 9.96 feet to a 1/2 inch rebar found; Thence North 77 degrees 42 minutes 38 seconds West a distance of 103.83 feet to a 1/2 inch rebar found; Thence North 00 degrees 46 minutes 34 seconds East a distance of 222.18 feet to a 3/4 inch open top pipe found on the southerly right of way of Old Milton Parkway; Thence continuing in a southeasterly direction along said right of way of Old Milton Parkway South 75 degrees 55 minutes 41 seconds East a distance of 135.05 feet to a 5/8 inch capped rebar set, said rebar being the TRUE POINT OF BEGINNING.

Said tract of land contains 0.590 acres (25,685 square feet).

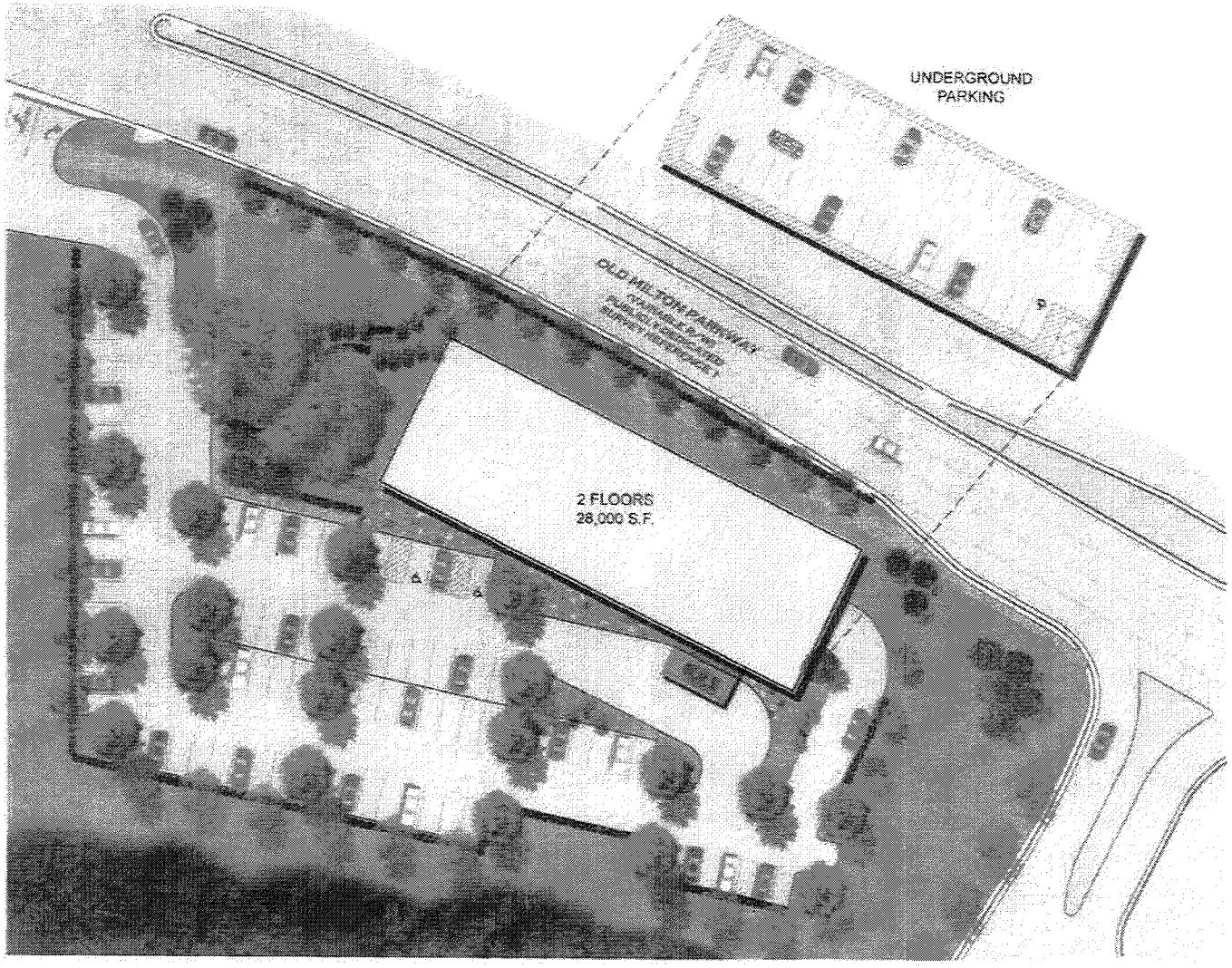
Tract Three

All that tract or parcel of land lying in and being in Land Lot 749 of the 1st District, 2nd Section, City of Alpharetta, Fulton County, Georgia and being more particularly described as follows:

Commencing at a concrete right of way monument found at the intersection of the westerly right of way of Kimball Bridge Road (having a publicly dedicated, variable width right of way) and the southerly right of way of Old Milton Parkway (having a publicly dedicated, variable width right of way), thence leaving said right of way of Kimball Bridge Road and continuing in a northwesterly direction along said right of way of Old Milton parkway the following courses and distances: along a curve to the left, said curve having a radius of 1222.92 feet, with an arc distance of 65.57 feet, with a chord bearing of North 68 degrees 58 minutes 00 seconds West and a chord length of 65.56 feet to a point; North 53 degrees 26 minutes 53 seconds West a distance of 54.43 feet to a point; along a curve to the left, said curve having a radius of 1210.92 feet, with an arc distance of 47.08 feet, with a chord bearing of North 63 degrees 49 minutes 01 seconds West and a chord length of 47.08 feet to a point; North 62 degrees 42 minutes 12 seconds West a distance of 145.32 feet to a point; North 62 degrees 42 minutes 55 seconds West a distance of 198.90 feet to a 1/2 inch capped rebar found, said rebar being the TRUE POINT OF BEGINNING.

Thence leaving said right of way of Old Milton Parkway South 14 degrees 37 minutes 18 seconds West a distance of 164.62 feet to a 1 inch crimped top pipe found; Thence North 72 degrees 41 minutes 00 seconds West a distance of 149.90 feet to a 3/4 inch crimped top pipe found; Thence North 08 degrees 45 minutes 08 seconds East a distance of 203.95 feet to a 5/8 inch capped rebar set on the southerly right of way of Old Milton Parkway; Thence continuing in a southeasterly direction along said right of way of Old Milton Parkway the following courses and distances: South 75 degrees 55 minutes 41 seconds East a distance of 9.91 feet to a concrete right of way monument found; along a curve to the right, said curve having a radius of 1367.40 feet, with an arc distance of 24.47 feet, with a chord bearing of South 61 degrees 38 minutes 28 seconds East and a chord length of 24.47 feet to a concrete right of way monument found; South 61 degrees 07 minutes 42 seconds East a distance of 141.26 feet to a Mag Nail set; South 14 degrees 37 minutes 18 seconds West a distance of 4.82 feet to a 1/2 inch capped rebar set, said rebar being the TRUE POINT OF BEGINNING.

Said tract of land contains 0.684 acres (29,794 square feet).




# AVITAS AT OLD MILTON

Alpharetta, GA

D&G

December 9th, 2015

# Traffic Impact Study

## Medical Office Building
## City of Alpharetta, Georgia

**study prepared for:**

**D&G Development Group**
**6400 Powers Ferry Road**
**Suite 350**
**Atlanta, Georgia 30339**

**December 9, 2015**


MARC R. ACAMPORA, PE, LLC
TRAFFIC ENGINEERING

858 Myrtle Street, NE
Atlanta, Georgia 30308
(678) 637-1763

e-mail: acamporatraffic@comcast.net
web: www.acamporatraffic.com

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## Introduction

This study assesses the traffic impact of a proposed medical office building (MOB) development in the City of Alpharetta, Georgia. The MOB project will consist of a 28,000 square feet of medical office building. The location of the property is along the south side of Old Milton Parkway, across from the median break at Park Street, as shown in Figure 1. One full movement site access will be provided to Old Milton Parkway at the median break.

The purpose of this traffic impact study is to determine existing traffic operating conditions in the vicinity of the proposed development, project future traffic volumes, assess the impact of the subject development, then develop conclusions and recommendations to mitigate the project traffic impact and ensure safe and efficient existing and future traffic conditions in the vicinity of the project.

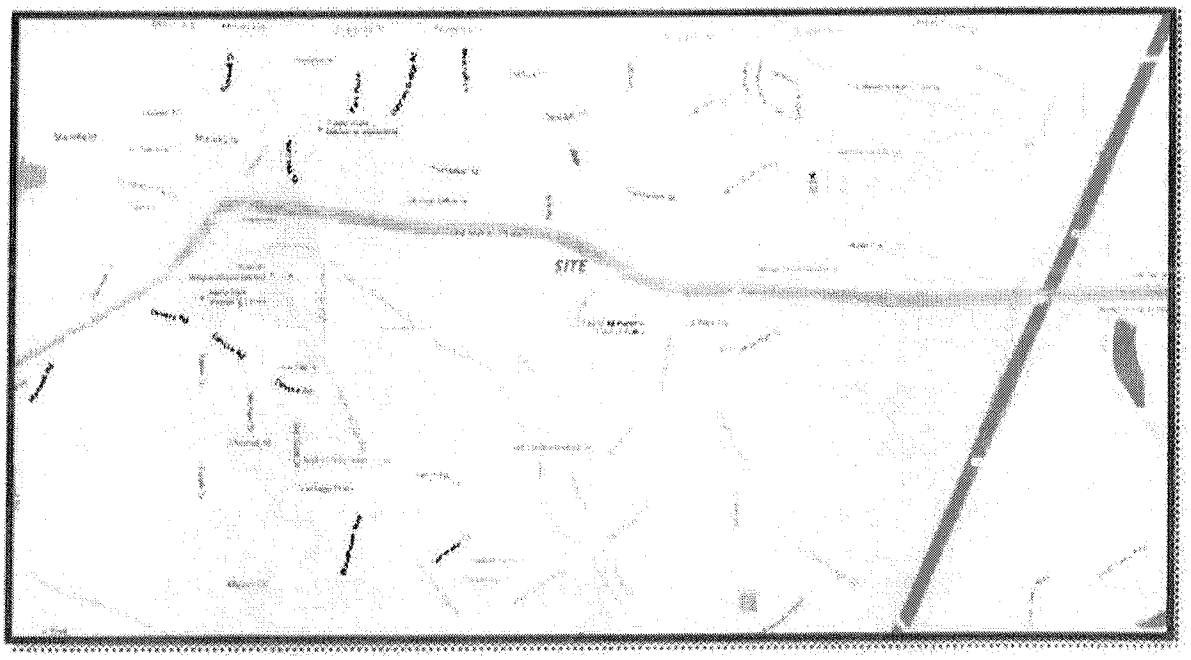



**Figure 1 – Medical Office Building Site Location Map**

## Existing Traffic Conditions

Existing traffic conditions in the vicinity of the proposed MOB development were assessed. The following is a description of existing facilities, volumes, crash data, and intersection operations.

### Description of Roadway Facilities

Old Milton Parkway (Georgia State Route 120) is an east-west major arterial that extends from downtown Alpharetta, to the west, passes the subject property, has an interchange with Georgia 400, then continues to the east where the road name changes at Kimball Bridge Road, to State Bridge Road, while the SR 120 designation follows Kimball Bridge Road to the northeast. In downtown Alpharetta, the SR 120 designation turns to the south at South Main Street, while the Old Milton Parkway name continues to Willis Road, where the road's name changes to Rucker Road. This section of Old Milton Parkway serves a mix of retail, institutional, residential, and undeveloped land uses.

In the vicinity of the MOB site, Old Milton Parkway has six through travel lanes, three per direction, and is median divided. There is an existing median break at Park Street, with exclusive left turn lanes in both directions on Old Milton Parkway (the westbound left turn lane is striped for U-Turns). The terrain along Old Milton Parkway is generally level and the road is gently curving in the vicinity of the subject property. The posted speed limit is 45 mph. One full-movement access for the proposed MOB site will align with Park Street at the median break.

Park Street is a short and narrow two lane local street that connects the median break at Old Milton Parkway to Thompson Street. The current control on southbound Park Street is side street stop sign. A private driveway is located on the south side of Old Milton Parkway at the median break, which will be replaced by the proposed MOB full-movement access. This approach is also currently side street stop sign controlled.

Figure 2 is an aerial photograph of the site and immediate vicinity.

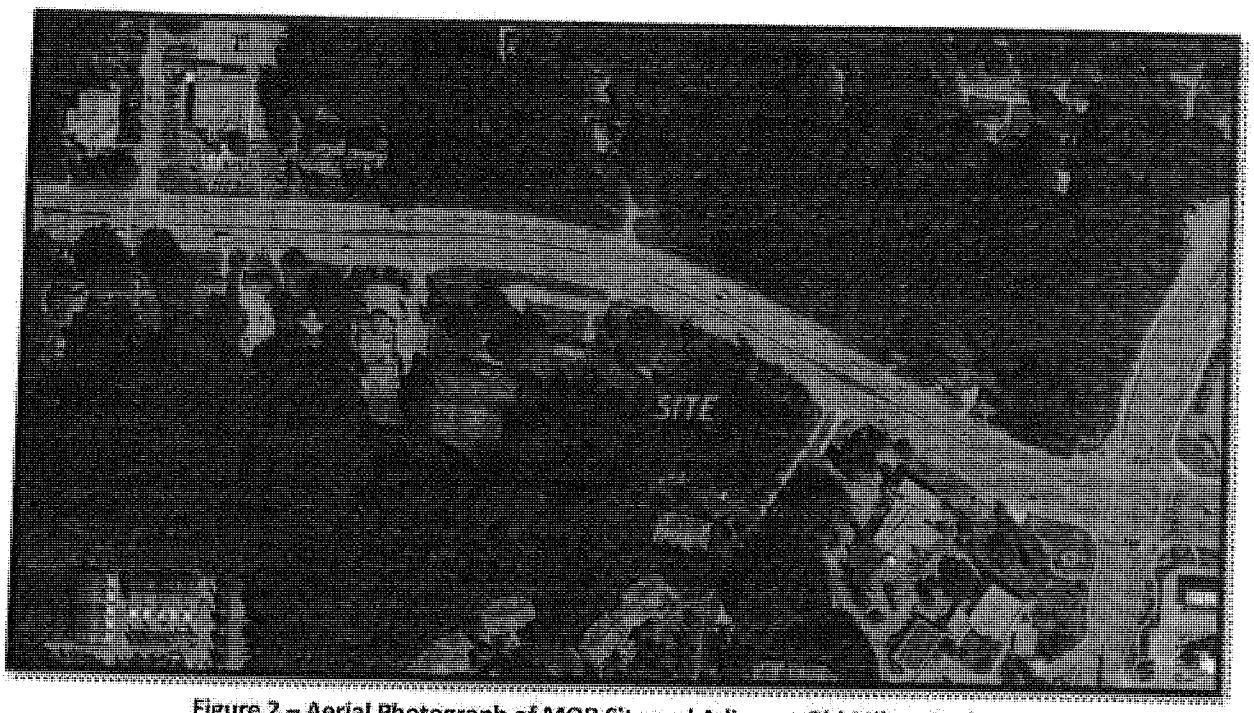



**Figure 2 – Aerial Photograph of MOB Site and Adjacent Old Milton Parkway**

## Transit, Pedestrian, and Bicycle Accessibility

There is no rail transit serving this area. MARTA bus service connects portions of Alpharetta to the rest of metro Atlanta. However, there is no current MARTA bus service along Old Milton Parkway or in the immediate vicinity of the MOB site. There are no bicycle lanes adjacent to, or in the vicinity of the MOB site. Sidewalk is provided along both sides of Old Milton Parkway.

## Existing Traffic Volumes

Existing full turning movement traffic volume counts at the intersection of Old Milton Parkway at Park Street were provided by the City of Alpharetta from a traffic impact study performed for a nearby mixed-use development.

The counts were collected on Tuesday, November 18, 2014, from 7:00 a.m. to 9:00 a.m. and from 4:00 p.m. to 6:00 p.m. Area schools were in session on the date of the traffic counts. From the count data, the highest four consecutive 15-minute interval volumes at each intersection, during each time period, were determined. These volumes make up the typical weekday a.m. and p.m. peak hour traffic volumes at that intersection. The existing a.m. and p.m. peak hour turning movement volumes are shown in Figure 3. The intersection raw count data is found in Appendix A.

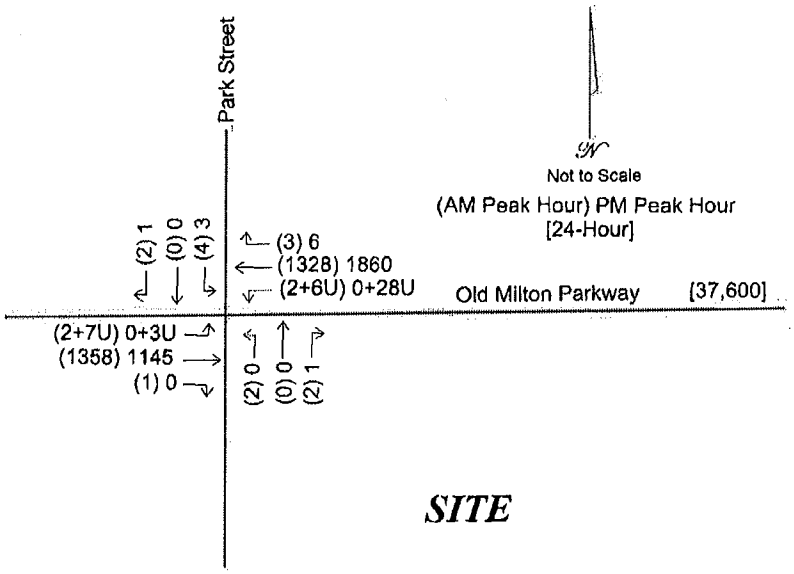



**Figure 3 – Existing Traffic Volumes**

Historic Georgia DOT 24-hour traffic counts were also collected in the vicinity. These counts were performed from 2010 through 2014 (the latest year for which Georgia DOT data is available) and, according to the Georgia DOT, the counts were adjusted for a variety of factors, including season, in order to arrive at the Average Annual Daily Traffic (AADT) Volume. The Georgia DOT AADT counts are summarized in Table 1. The 2014 AADT near the MOB site is also shown, above, in Figure 2.

**Table 1 – Georgia DOT Daily Traffic Volume Counts**

| Year | Old Milton East of 3rd Street | Annual Growth | Old Milton West of Westside | Annual Growth |
|---|---|---|---|---|
| Station ID | 1210310 | | 1210308 | |
| 2010 | 35,520 | na | 32,680 | na |
| 2011 | 41,040 | 15.5% | 32,990 | 1.0% |
| 2012 | 41,740 | 1.7% | 27,630 | -16.3% |
| 2013 | 36,490 | -12.6% | 27,710 | 0.3% |
| 2014 | 36,500 | 0.03% | 37,600 | 35.7% |

*source of counts: Georgia DOT*

The annual growth has fluctuated notably from year to year, with no clear trend either increasing or decreasing. Overall, the volume on Old Milton east of 3rd Street has increased a total of 2.7% over the five year period, while the overall increase west of Westside Parkway was a total of 15.1% over the five year period.

Georgia DOT Crash Data

Crash data was obtained from Georgia DOT for the intersection of Old Milton Parkway at Park Street, for the most current five years available (November 2010 through October 2015). The data is summarized in Table 2.

**Table 2 – Crash Data for Old Milton Parkway at Park Street**

| Date | Time | I | F | Type | Veh 1 | Veh 2 | Dir 1 | Dir 2 | Mnvr 1 | Mnvr 2 | Other Factors |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 12/20/ 2010 | 12:41 | 0 | 0 | Sideswipe- Same Direction | Pickup Truck | Passenger Car | W | W | Changing Lanes | Stopped | Changed Lanes Improperly |
| 6/23/ 2011 | 13:26 | 0 | 0 | Rear End | Passenger Car | Passenger Car | W | E | Straight | Stopped | Following too Close |
| 9/16/ 2011 | 13:05 | 0 | 0 | Sideswipe- Same Direction | Pickup Truck | Passenger Car | W | W | Changing Lanes | Straight | Changed Lanes Improperly |
| 2/28/ 2012 | 13:02 | 0 | 0 | Sideswipe- Same Direction | Passenger Car | Passenger Car | W | W | Enter/Leaving Driveway | Straight | Failed to Yield |
| 5/24/ 2012 | 13:14 | 0 | 0 | Rear End | Vehicle With Trailer | Passenger Car | E | E | Straight | Straight | Following too Close |
| 8/21/ 2012 | 14:37 | 1 | 0 | Angle | Utility Passenger Vehicle | Van | E | W | Turning Left | Straight | Failed to Yield |
| 1/12/ 2013 | 13:54 | 0 | 0 | Angle | Passenger Car | Passenger Car | E | S | Turning Left | Stopped | Improper Turn, Driver Condition |
| 12/10/ 2014 | 16:41 | 0 | 0 | Sideswipe- Same Direction | Passenger Car | Utility Passenger Vehicle | W | W | Changing Lanes | Straight | Changed Lanes Improperly |

Notes: All crashed reported in daylight, dry conditions
I=Injuries, F=Fatalities

The data reveals that there were a total of eight crashes in the five year period (1 in 2010, 2 in 2011, 3 in 2012, 1 in 2013, and 1 in 2014). There was a total of one injury and no fatalities. Four of the crashes were sideswipes of vehicles traveling in the same direction on Old Milton Parkway. Two of the crashes were rear-end collisions on Old Milton Parkway due to following too closely. The remaining two crashes were angle collisions. One involved an eastbound left turn vehicle failing to yield to the westbound through vehicle. This angle crash produced the one reported injury. The other involved an eastbound left turn vehicle making an improper turn and crashing with a southbound vehicle on Park Street (the driver condition was noted as a factor in this crash). Therefore, a total of two of the crashes at this location involved vehicles turning at the intersection, while the remaining six involved only through trips on Old Milton Parkway. It is noted that the volumes turning at Park Street are very low, and, so, a very low crash rate is not unexpected. There is no specific design condition that would lead to an expectation of an unusual crash rate at this intersection, but it is noted that volumes and speeds are high on Old Milton Parkway.

## Existing Intersection Operations

Existing traffic operations were analyzed at the counted intersection using Synchro software, version 8, in accordance with the methodology presented in the Transportation Research Board's 2010 *Highway Capacity Manual* (*HCM 2010*). The *HCM 2010* methodology is presented in Appendix B. The results of the analysis are shown in Table 3. Computer printouts containing detailed results of the analysis are located in Appendix C. Levels of service and delays are provided for the overall intersection and for each approach.

**Table 3 – Existing Intersection Operations**

| Intersection / Approach | A.M. Peak Hour | | P.M. Peak Hour | |
|---|---|---|---|---|
| | LOS | Delay (s/veh) | LOS | Delay (s/veh) |
| **Old Milton Parkway / Park Street** | A | 0.4 | A | 0.7 |
| northbound approach | F | 54.9 | B | 14.3 |
| southbound approach | F | 63.9 | F | 130.2 |
| eastbound left turn | C | 21.2 | D | 31.3 |
| westbound left turn | C | 22.7 | C | 17.2 |

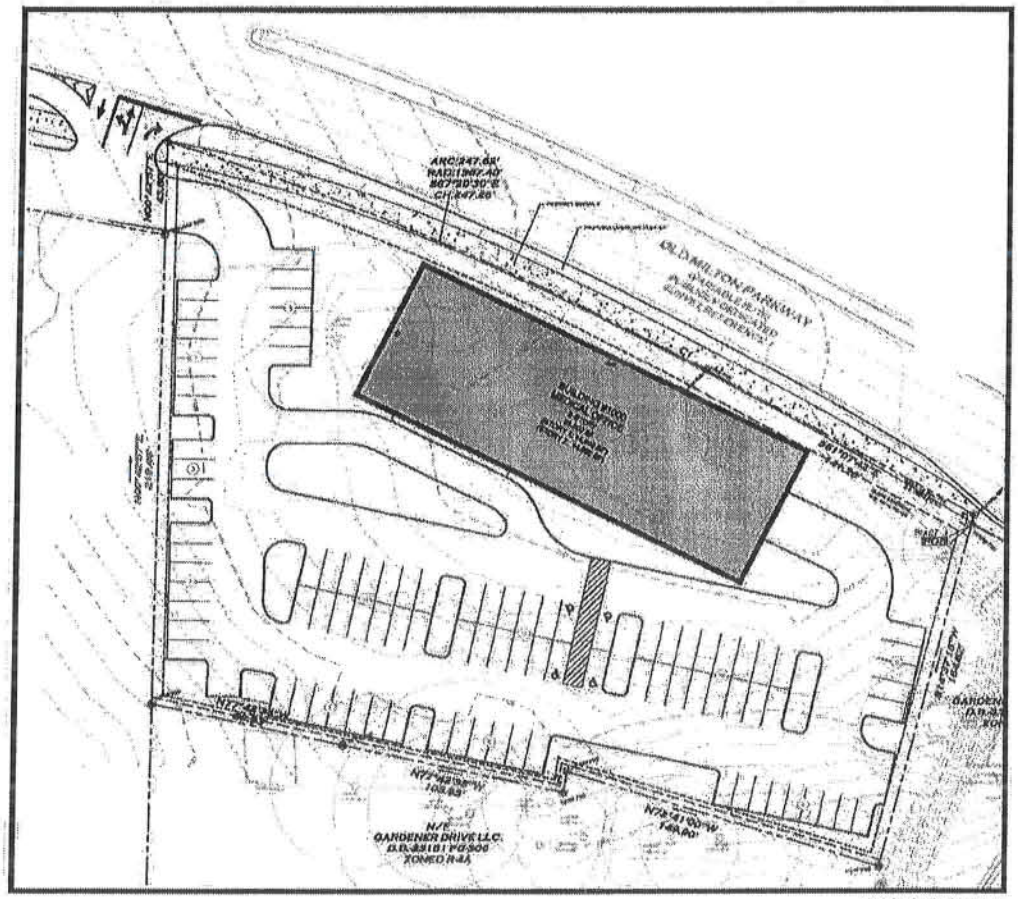
While volumes are heavy in this area, the analysis, coupled with field observations, reveal generally acceptable overall delays at the study intersection. The northbound and southbound approaches on Park Street and the private driveway include levels of service F. This is not unusual on side street stop controlled approaches at major thoroughfares such as Old Milton Parkway. The volumes on these approaches are very low, with 4 and 1 vehicles on the northbound approach, and 6 and 4 vehicles on the southbound approach, in the a.m. and p.m. peak hours, respectively. The side street delays are discussed further, later in this report.

## Proposed Medical Office Building Development Traffic Characteristics

This section describes the anticipated traffic characteristics of the proposed medical office building (MOB) development, including a site description, how much traffic the project will generate, and where that traffic will travel.

### Project Description

The subject property is located on the south side of Old Milton Parkway west of Westside Parkway and east of Park Street. There is one curb cut along the property frontage on Old Milton Parkway aligning with the median opening at Park Street. The site is proposed to be developed with a 28,000 square foot medical office building. Access will be provided at one full movement driveway aligning with Park Street at the existing median break. The site plan is presented in Figure 4.




site plan by Kimley Horn

**Figure 4 – Medical Office Building Site Plan**

## Trip Generation

Trip generation is an estimate of the number of entering and exiting vehicular trips that will be generated by the proposed MOB development. Trip generation was calculated using standard rates and equations from the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 9th edition. ITE Land Use 720 – Medical-Dental Office Building was used. Table 4 summarizes the trip generation calculations for the proposed MOB development.

**Table 4 – Medical Office Building Trip Generation**

| Land Use | ITE Code | Size | AM Peak Hour | | | PM Peak Hour | | | 24-Hour |
|---|---|---|---|---|---|---|---|---|---|
| | | | Enter | Exit | 2-Way | Enter | Exit | 2-Way | 2-Way |
| Medical-Dental Office Building | 720 | 28,000 ft² | 53 | 14 | 67 | 26 | 67 | 93 | 930 |

## Trip Distribution and Assignment

The trip distribution percentages indicate what proportion of the project's trips will travel to and from various directions. The trips were distributed based on the locations and proximity of likely trip origins for the MOB, including population centers and major routes of travel, including Georgia 400. The project trips, shown in Table 4, were assigned to the roadway network based on these percentages. The trip distribution percentages and the total peak hour trips expected to be generated by the MOB project are shown in Figure 5.

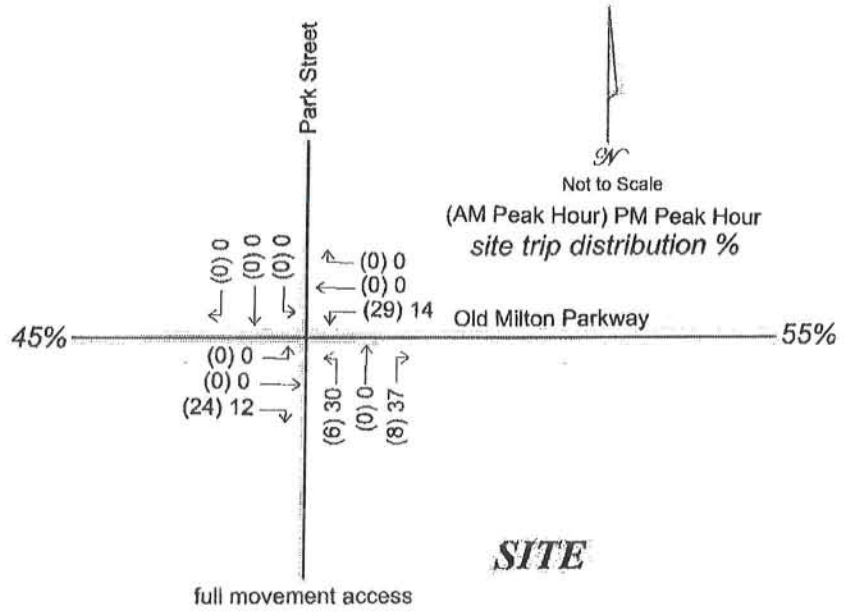



**Figure 5 – Medical Office Building Trip Distribution Percentages and Site-Generated Trips**

## Future Traffic Conditions

This section describes the anticipated future traffic conditions after the MOB project is constructed and operational.

### Future Traffic Volumes

In order to develop future traffic volumes, the trips from several planned or under-construction developments in the immediate vicinity were added to the counted traffic volumes. In addition, a general growth factor was applied to account for other general growth in the area. The trips from three specific projects were added to the counted volumes: 1) Avalon, 2) a mixed-use development planned for the north side of Old Milton Parkway adjacent to Park Street, and 3) Atwater. The Avalon trips are those that have been added, or will be added, from the date of the traffic counts (November 2014) to the build-out of the MOB project. These trips were developed in the traffic impact study for the Atwater project, prepared by Marc R Acampora, PE, LLC in November 2014, which were adjusted from volume projections provided by the City of Alpharetta from the traffic impact study for Avalon. At the time of the traffic counts, a substantial portion of the Avalon retail was operational. However, some of the project, including much of the ultimately-anticipated office and residential components, had yet to be opened. The trips for the mixed-use development on the north side of Old Milton Parkway adjacent to Park Street were provided by the City of Alpharetta, as developed in a traffic impact study for that project performed by A&R Engineering, Inc. in March 2015. The trips for the Atwater retail development were developed in its traffic impact study, and were also applied to the counted volumes in this traffic study.

In addition to the trips from the three specific nearby developments, a general background growth factor was applied to the counted volumes. As discussed previously, Georgia DOT data reveals that traffic volume growth has fluctuated over the past five years, with no clear identifiable trend. To account for general growth in the area a 2% growth factor was also applied to the counted volumes.

The counted volumes, increased by the 2% general growth factor, plus the specific trips from the balance of Avalon, the mixed-use project, and the Atwater development, were combined to produce the future traffic volumes that will be at the study intersection at the time of build-out of the MOB project, not including the MOB trips. The traffic that will be generated by the MOB project was then added to the study intersection. This produces the traffic volumes at the intersection when the MOB project is fully operational. All volumes used in these calculations are shown, by turning movement, in the spreadsheet in Appendix A. The total future traffic volume projections are shown in Figure 6.

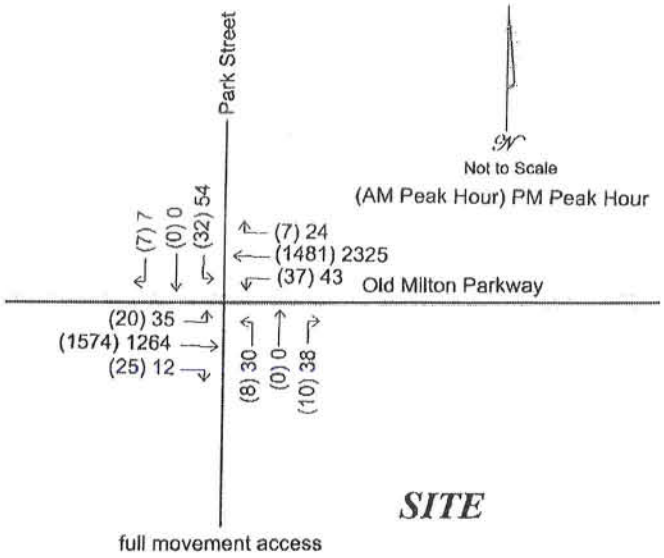



**Figure 6 – Future Peak Hour Traffic Volume Projections**

## Future Intersection Operations

An operational analysis was performed for the future conditions, as described above. The analysis included two outbound lanes on the northbound and southbound approaches. The two southbound lanes were recommended in the traffic study for the planned mixed-use development on the north side of Old Milton Parkway, which was assumed to be in place when the MOB is built, and was included in the background traffic volumes in this analysis. The proposed MOB site plan calls for two northbound lanes exiting the site, and this configuration is discussed later in this report. The future analysis also assumes that an eastbound exclusive right turn lane will be added on Old Milton Parkway at the MOB access. This deceleration lane is included in the MOB site plan, and is discussed later in this report. Table 5 presents the results of the future analysis.

**Table 5 – Future Intersection Levels of Service**

| Intersection / Approach | A.M. Peak Hour | | P.M. Peak Hour | |
|---|---|---|---|---|
| | LOS | Delay (s/veh) | LOS | Delay (s/veh) |
| **Old Milton Parkway / Park Street / Site Access** | A | 7.8 | F | 83.8 |
| northbound left/through | F | 266.2 | F | 720.9 |
| northbound right turn | C | 20.0 | C | 16.4 |
| southbound left/through | F | 595.3 | F | 4660.5 |
| southbound right turn | C | 18.2 | D | 29.4 |
| eastbound left turn | D | 25.4 | F | 80.1 |
| westbound left turn | D | 33.2 | C | 19.8 |

The results of the future analysis reveal that the overall operations at the Park Street / MOB access intersection will deteriorate to LOS F in the p.m. peak hour and the northbound and southbound left/through lanes will operate at LOS F with very high delays. The side street exiting right turns will operate with moderate delays. It is noted that, while the intersection drops to LOS F in the p.m., the eastbound and westbound through movements on Old Milton Parkway remain uncontrolled and, therefore, experience no intersection control delay. The LOS F is due to the fact that the analysis results "blow up" for the side street approaches. While the computer analysis results show delays of as high as 4,660 seconds per vehicle, this is a reflection on the limitations of the model. It is considered highly improbable that vehicles on the southbound approach will experience average delays in excess of one hour. However, delays will be high and signalization merits consideration.

Signalization of the intersection of Old Milton Parkway at the Park Street / MOB access would reduce the side street delays to acceptable levels. With a signal, the overall intersection would operate at LOS A and the side streets would operate at LOS D during the p.m. peak (the time of highest delays). In order to determine if signalization is appropriate, a signal needs study could be performed for this intersection according to the standards proscribed in the Federal Highway Administration's *Manual On Uniform Traffic Control Devices*. It is noted that, with patient/customer activity, the medical office building is likely to generate trips throughout the day, as opposed to the more acute peaking that would typically occur in a more traditional office building. This may increase the times at which a signal would be beneficial. However, it is reiterated here, that while side street delays per vehicle will be high, the volumes that will experience these delays will still be very moderate in the future.

## Georgia DOT Design Standards

Old Milton Parkway adjacent to the MOB project is designated Georgia State Route 120. The project frontage on SR 120 includes one existing full-movement driveway at the median opening. The site plan proposes to replace this driveway with a single full-movement access.

The Georgia DOT driveway spacing and right turn lane standards were reviewed for the proposed MOB site access. No left turn lane analysis was performed because a westbound left turn lane is already provided on SR 120 at the median opening, which will serve the proposed MOB. The standards are proscribed in the Georgia DOT's *Regulations for Driveway and Encroachment Control* (Driveway Manual). The review of the standards is described below and the project site engineer is referred to this Manual for other driveway design standards including interior driveway spacing, driveway width, island design, and curb return radii.

### Right Turn Lanes

The Georgia DOT standards for the need for a right turn (deceleration) lane are set forth in the Driveway Manual Table 4-6, shown below as Table 6.

**Table 6 – Georgia DOT Right Turn Lane Standards**

| POSTED SPEED | 2 LANE ROUTES | | MORE THAN 2 LANES ON MAIN ROAD | |
|---|---|---|---|---|
| | AADT | | AADT | |
| | < 6000 | >=6000 | <10000 | >=10000 |
| 35 MPH OR LESS | 200 RTV a day | 100 RTV a day | 200 RTV a day | 100 RTV a day |
| 40 TO 50 MPH | 150 RTV a day | 75 RTV a day | 150 RTV a day | 75 RTV a day |
| 55 TO 60 MPH | 100 RTV a day | 50 RTV a day | 100 RTV a day | 50 RTV a day |
| >= 65 MPH | Always | Always | Always | Always |

TABLE 4-6 MINIMUM VOLUMES REQUIRING RIGHT TURN LANES

The 2014 Georgia DOT AADT for this section of SR 120 is 37,600 vpd, which exceeds the 10,000 vehicle threshold for a main road with greater than two lanes. The posted speed limit is 45 mph. The right turn volume per day at the MOB driveway is calculated as 930 two way daily trips (from Table 4) divided by 2 equals 465 daily entering trips times 45% site trips that will turn right into the site from SR 120 equals 209 eastbound right turn vehicles (RTV) per day. This exceeds the RTV minimum standard of 75 right turn vehicles per day. Therefore, an exclusive right turn lane is required at the MOB site access, according to the Georgia DOT standard. The MOB site plan includes this deceleration lane.

Table 7, below, is Driveway Manual Table 4-8 which provides the design standards for right turn lanes.

**Table 7 – Georgia DOT Design Standards for Right Turn Lanes**

| SPEED, MPH | FULL WIDTH STORAGE, FT | TAPER, FT |
|---|---|---|
| 25 | | 50 |
| 30 | 75 | 50 |
| 35 | 100 | 50 |
| 40 | 150 | 50 |
| 45 | 175 | 100 |
| 50 | 225 | 100 |
| 55 | 250 | 100 |
| 60 | 300 | 100 |
| 65 | 350 | 100 |

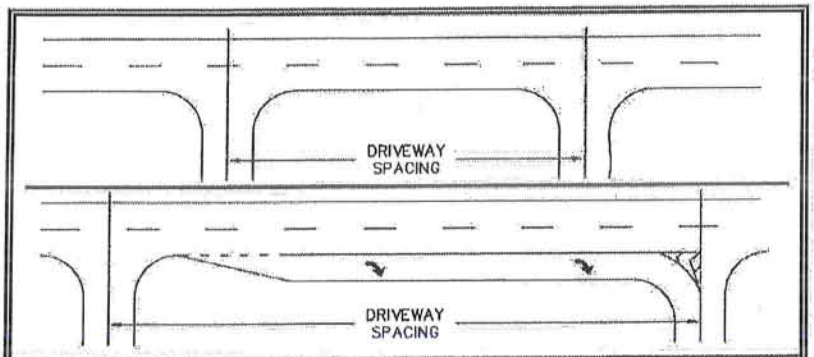
TABLE 4-8 MINIMUM RIGHT TURN DECELERATION LENGTHS

Based on the 45 mph posted speed limit, the right turn lane should have a minimum of 175 feet of full width storage and a 100 foot taper.

**Minimum Driveway Spacing**

The minimum spacing standard is measured from centerline to centerline and applies between driveways to the same property, as well to driveways serving adjacent properties. Table 8 (Driveway Manual Table 3-1) provides the Georgia DOT minimum driveway spacing standards.

**Table 8 – Georgia DOT Minimum Driveway Spacing Standards**




| POSTED SPEED, MPH | MINIMUM DRIVEWAY SPACING WITHOUT RIGHT TURN LANE (FEET) | MINIMUM DRIVEWAY SPACING WITH RIGHT TURN LANE (FEET) |
|---|---|---|
| 25 | 125 | 125 |
| 30 | 125 | 219 |
| 35 | 150 | 244 |
| 40 | 185 | 294 |
| 45 | 230 | 369 |
| 50 | 275 | 419 |
| 55 | 350 | 444 |
| 60 | 450 | 494 |
| 65 | 550 | 580 |

TABLE 3-1 SPACING CRITERIA FOR DRIVEWAYS, PUBLIC ROADS AND SIDE STREETS

At 45 mph, with a right turn lane required (see above), the minimum spacing between the site driveway and the adjacent driveways is 369 feet. The distance from the MOB site access to the existing driveway to the west is approximately 390 feet, so sufficient distance is available. The distance between the MOB site access to Gardner Drive is approximately 540 feet, which provides sufficient distance.

## Summary of Study Findings and Recommendations

The following is a summary of the findings and the recommendations of this traffic impact study:

1. Traffic volumes in the vicinity of the proposed MOB project are heavy but operations are generally acceptable. Side street delays per vehicle are high on the Park Street and private driveway approaches at Old Milton Parkway, but the volumes experiencing these delays are very low.

2. Volumes on Old Milton Parkway will increase in the next few years due to the build-out of Avalon and the proposed Atwater development. Volumes will increase on both Old Milton Parkway and Park Street due to the mixed-use development proposed for the north side of Old Milton Parkway adjacent to Park Street. This mixed-use development will increase delays at the Old Milton Parkway / Park Street intersection, especially the side street delays for southbound trips on Park Street at Old Milton Parkway.

3. Crash data for the intersection of Old Milton Parkway at Park Street reveals a very low crash rate. A total of eight crashes were reported at the intersection over the most recent five years for which data is available. Six of those eight crashes involved only through traffic on eastbound or westbound Old Milton Parkway. Two crashes in the five year period involved vehicles turning to or from Park Street. It is noted that the volumes turning at Park Street are very low, and, so, a very low crash rate is not unexpected. There is no specific design condition that would lead to an expectation of an unusual crash rate at this intersection, but it is noted that volumes and speeds are high on Old Milton Parkway.

4. The proposed medical office building will consist of 28,000 square feet of medical office space. The project will generate 67 new a.m. peak hour trips, 93 new p.m. peak hour trips, and 930 new daily trips.

5. The site plan for the MOB project anticipates one full-movement access to Old Milton Parkway at the existing median opening at Park Street.

6. Trip generation from the MOB development will be modest and some gaps will be provided in the through flows on Old Milton Parkway from adjacent signals, but during peak times side street delays at the MOB access will be high. This is not unusual on side street stop controlled approaches at busy thoroughfares such as Old Milton Parkway.

7. Signalization of the intersection of Old Milton Parkway at Park Street / MOB access would reduce the side street delays to acceptable levels. In order to determine if signalization is appropriate, a signal needs study could be performed for this intersection according to the standards proscribed in the Federal Highway Administration's *Manual On Uniform Traffic Control Devices*. It is noted that, with patient/customer activity, the medical office building is likely to generate trips throughout the day, as opposed to the more acute peaking that would typically occur in a more traditional office building. This may increase the times at which a signal would be beneficial. However, it is reiterated here, that while side street delays per vehicle will be high, the volumes that will experience these delays will still be very moderate in the future.

8. In the absence of signalization, the full movement access should include one entering and two exiting lanes, with the exiting approach striped with a shared left/through lane and a right turn lane. This will allow right turners to exit the site without being trapped behind the more challenging left turning and through vehicles. This exiting approach should be controlled by stop sign and accompanying stop bar.

9. The existing exclusive left turn lane on westbound Old Milton Parkway will serve the MOB site. The current U-Turn arrows should be replaced with left turn arrows. At the City's discretion, a "U-Turns Permitted" sign can be installed adjacent to this lane, in lieu of the U-Turn arrows.

10. An eastbound exclusive right turn lane should be installed on Old Milton Parkway at the MOB site accesses. The Georgia DOT standards for this lane include 175 feet of full-width storage and a 100 foot taper.

11. The spacing between the proposed MOB site access and the existing driveway to the west, and Gardner Drive to the east, satisfies the minimum Georgia DOT access spacing standards.

12. The project site engineer is referred to the Georgia DOT Driveway Manual for other driveway design standards including interior driveway spacing, driveway width, island design, and curb return radii.

Appendix A

Traffic Count Data and Volume Worksheets

Appendix B

Intersection Analysis Methodology

## Intersection Analysis Methodology

The methodology used for evaluating traffic operations at intersections is presented in the Transportation Research Board's *Highway Capacity Manual*, 2010 edition (HCM 2010). Synchro 8 software, which emulates the HCM 2010 methodology, was used for all analyses. The following is an overview of the methodology employed for the analysis of signalized intersections and stop-sign controlled (unsignalized) intersections.

### Signalized Intersections

The criteria for evaluating signalized intersections are capacity and level of service. The capacity analysis of an intersection compares the volume of traffic using the various lane groups at the intersection to the capacity of those lane groups. This produces a volume-to-capacity (v/c) ratio for each lane group. A v/c ratio greater than 1.0 indicates that the volume of traffic has exceeded the capacity available and indicates a temporary excess of demand. The HCM 2010 methodology computes a critical v/c ratio for an intersection based on the critical lane groups or approaches. This critical v/c ratio is an indication of overall intersection sufficiency.

Level of service for a signalized intersection is defined in terms of control delay per vehicle. For signalized intersections, a composite intersection level of service is determined. The thresholds for each level of service are higher for signalized intersections than for unsignalized intersections. This is attributable to a variety of factors including expectation and acceptance of higher delays at signals, and the fact that drivers can relax when waiting at a signal as opposed to having to remain attentive as they proceed through the unsignalized intersection. The level of service criteria for signalized intersections are shown in Table A.

**Table A – Level of Service Criteria for Signalized Intersections**

| Control Delay (s/veh) | Level of Service by Volume-to-Capacity Ratio | |
|---|---|---|
| | ≤1.0 | >1.0 |
| ≤ 10 | A | F |
| > 10 and ≤ 20 | B | F |
| > 20 and ≤ 35 | C | F |
| > 35 and ≤ 55 | D | F |
| > 55 and ≤ 80 | E | F |
| > 80 | F | F |

*Source: Highway Capacity Manual 2010*

### Unsignalized Intersections

The operations at an unsignalized intersection are defined in terms of levels of service. Level of service (LOS) is a measure of driver discomfort, frustration, fuel consumption, and lost travel time. Level of service for an unsignalized intersection is defined in terms of control delay per vehicle. Control delay is that portion of delay attributable to the control device and includes initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay. The delays at unsignalized intersections are based on gap acceptance theory,

factoring in availability of gaps, usefulness of the gaps, and the priority of right-of-way given to each traffic stream.

Levels of service are assigned letters A through F. LOS A indicates operations with very low control delay while LOS F describes operations with high control delay. LOS F is considered to be unacceptable by most drivers, while LOS E is typically considered to be the limit of acceptable delay. The level of service criteria for unsignalized intersections are presented in Table B.

**Table B – Level of Service Criteria for Unsignalized Intersections**

| Control Delay (s/veh) | Level of Service by Volume-to-Capacity Ratio | |
|---|---|---|
| | ≤1.0 | >1.0 |
| 0 – 10 | A | F |
| > 10 and ≤ 15 | B | F |
| > 15 and ≤ 25 | C | F |
| > 25 and ≤ 35 | D | F |
| > 35 and ≤ 50 | E | F |
| > 50 | F | F |

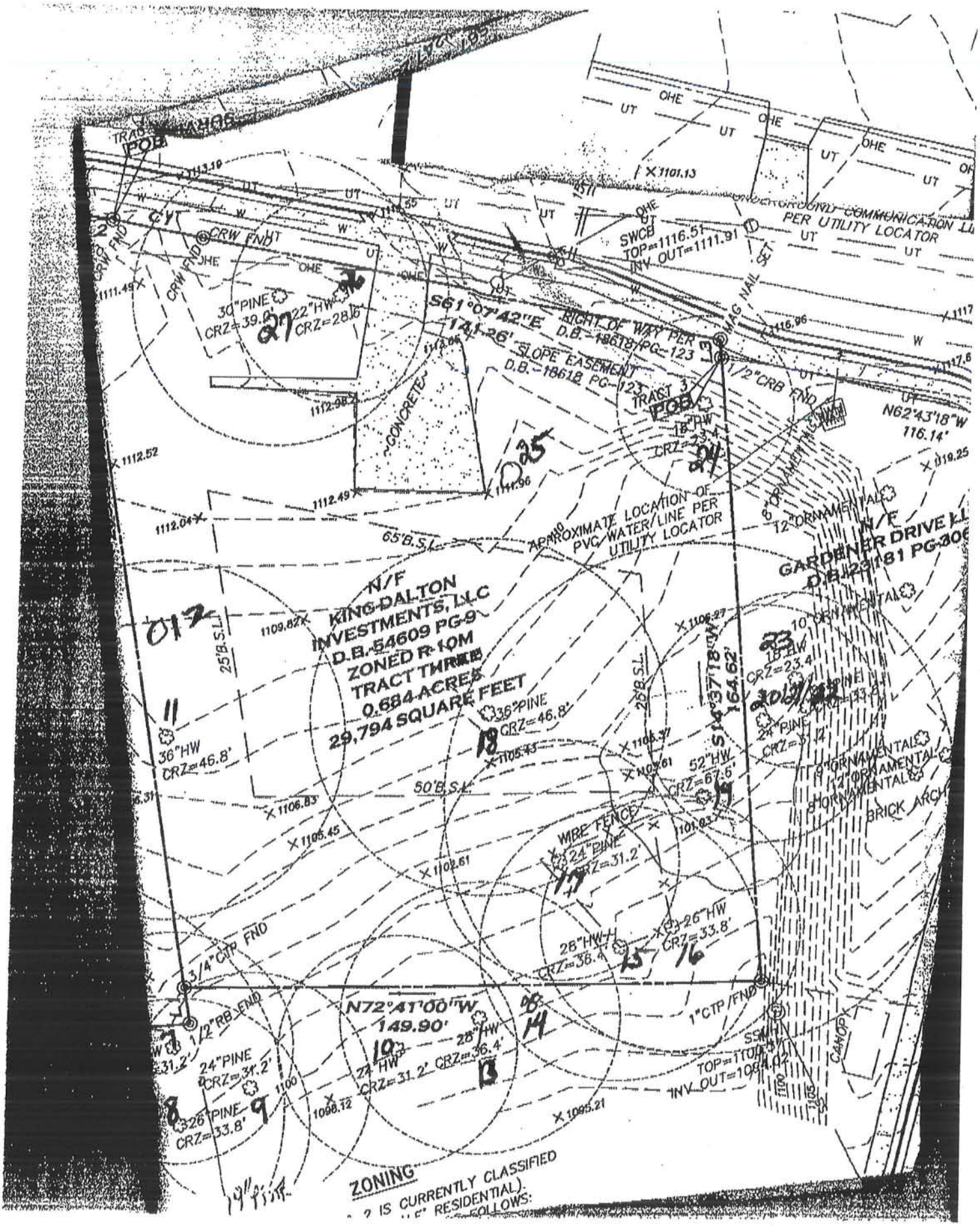
*Source: Highway Capacity Manual 2010*

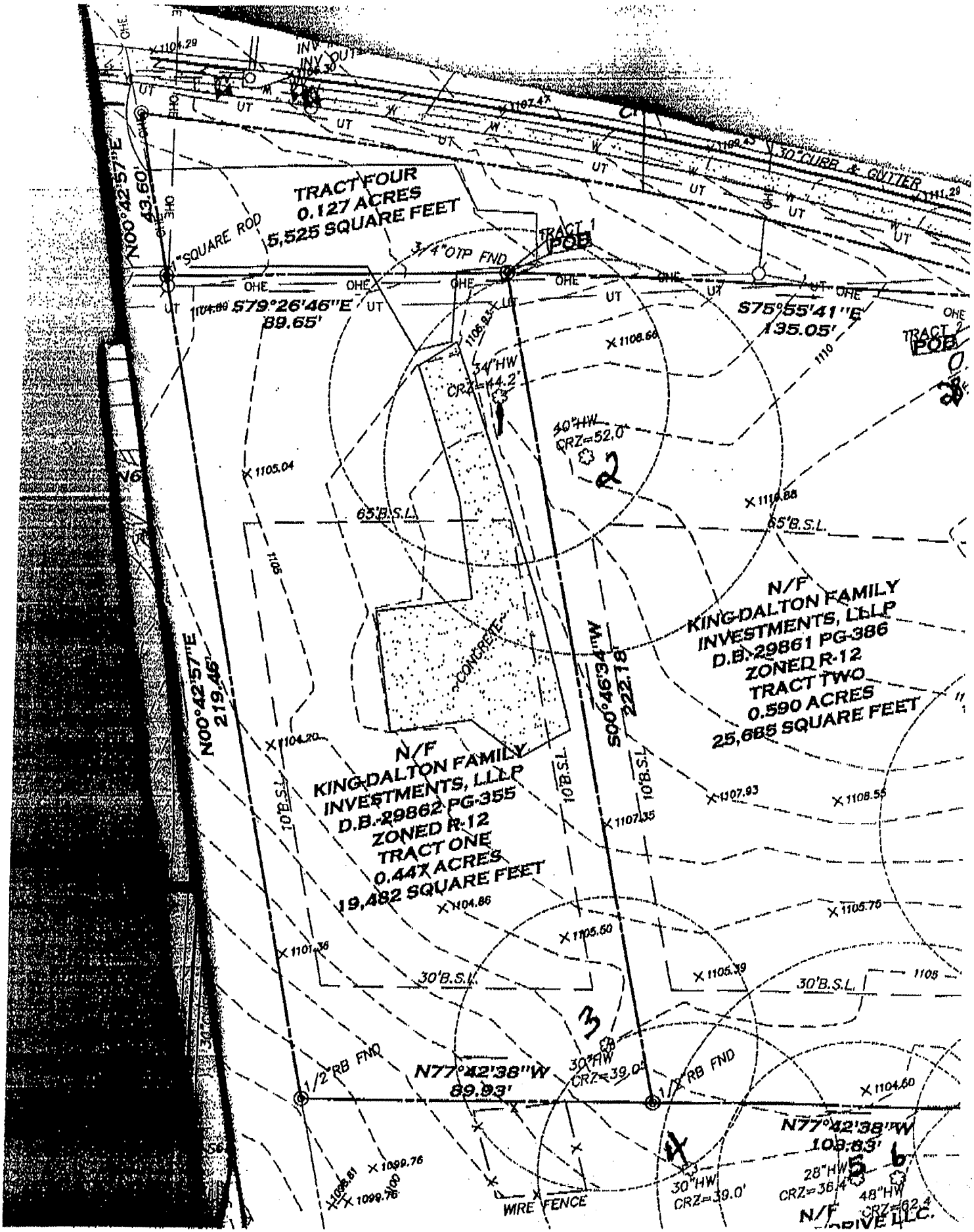
Appendix C

Intersection Operational Analysis

| Tree # | Common Name | Latin Name | DBH" | Condition | Comments |
|---|---|---|---|---|---|
| 1 | Water Oak | Quercus Nigra | 34 | Poor | Hazard tree 40% die back, major deadwood, Recommend removal |
| 2 | American Elm | Ulmus Americana | 40 | Fair to Poor | 20% die back with lightning strike wound on main stem |
| 3 | Black Walnut | Juglans Nigra | 26 | Fair to Poor | |
| 4 | Water Oak | Quercus Nigra | 30 | Fair | mistletoe and deadwood |
| 5 | Water Oak | Quercus Nigra | 28 | Fair | |
| 6 | Water Oak | Quercus Nigra | 48 | Poor | Hazard tree Bifurcated to ground level, significant deadwood Recommend removal |
| 7 | Water Oak | Quercus Nigra | 24 | Poor | Hazard tree with secondary bifurcation at base, center lead broken and rotting, significant deadwood Recommend removal. |
| 8 | Loblolly Pine | Pinus Taeda | | Good to Fair | some deadwood |
| 9 | Loblolly Pine | Pinus Taeda | 22 | Fair | upper biforcation |
| 10 | Water Oak | Quercus Nigra | 24 | Good to Fair | |
| 11 | Pecan | Carya Illinoinensis | 36 | Good to Fair | |
| 12 | Pecan | Carya Illinoinensis | 22 | Poor | Appears to be dying and stunted, limb failure |
| 13 | Water Oak | Quercus Nigra | 28 | Poor | Hazard tree center lead split down about 30-40' Recommend removal |
| 14 | Water Oak(s) | Quercus Nigra | 24,17,18 | Poor | Hazard trees-dead/dying/rotten Recommend removal |
| 15 | Water Oak | Quercus Nigra | 28 | Poor | Hazard tree-Rotten stem, 70% dead Recommend removal |
| 16 | Water Oak | Quercus Nigra | 26 | Fair | |
| 17 | Loblolly Pine | Pinus Taeda | 24 | Fair | some deadwood |
| 18 | Loblolly Pine | Pinus Taeda | 36 | Fair to Poor | codominant upper canopy, wound at base |
| 19 | Water Oak | Quercus Nigra | 52 | Poor | Hazard tree-recommend removal, 4 primary leads, ganoderma fungal conks on shed side of stem. |
| 20 | Loblolly Pine | Pinus Taeda | 24 | Fair | some deadwood |

| | | | | | |
|---|---|---|---|---|---|
| 21 | Loblolly Pine | Pinus Taeda | 24 | Fair | some deadwood |
| 22 | Loblolly Pine | Pinus Taeda | 18 | Fair | some deadwood |
| 23 | Tulip | Liriodendron Tulipifera Magnoliaceae | 24 | Good | |
| 24 | Boxelder | Acer Negundo | 18 | Poor | Recommend removal, over-mature 50% die back |
| 25 | Boxelder | Acer Negundo | 22 | Poor | Recommend removal-over-mature, 50% die back |
| 26 | Bald Cypress | Taxodium Distichum | 22 | Good to Fair | |
| 27 | Loblolly Pine | Pinus Taeda | 30 | Poor | Dead/rotten- Recommend removal |
| 28 | American Elm | Ulmus Americana | 23 | Fair | Liontailed |
| | | | | | |


N/F
KING-DALTON
INVESTMENTS, LLC
D.B. 54609 PG-9
ZONED R-10M
TRACT THREE
0.684 ACRES
29,794 SQUARE FEET
S61°07'42"E
141.26'
RIGHT OF WAY PER
D.B. 18618 PG-123
SLOPE EASEMENT
D.B. 18618 PG-123
TRACT 3
POB
N62°43'18"W
116.14'
APPROXIMATE LOCATION OF
PVC WATER/LINE PER
UTILITY LOCATOR
N/F
GARDENER DRIVE LL
D.B. 23181 PG-306
N72°41'00"W
149.90'
ZONING


TRACT FOUR
0.127 ACRES
5,525 SQUARE FEET
TRACT 1
POB
3/4"OTP FND
1" SQUARE ROD
N00°42'57"E
43.60'
S79°26'46"E
89.65'
S75°55'41"E
135.05'
30" CURB & GUTTER
TRACT 2
POB
34"HW
CRZ=44.2'
30"HW
CRZ=52.0'
65'B.S.L.
N/F
KING-DALTON FAMILY
INVESTMENTS, LLLP
D.B.-29861 PG-386
ZONED R-12
TRACT TWO
0.590 ACRES
25,685 SQUARE FEET
N00°42'57"E
219.46'
S00°49'34"W
222.18'
CONCRETE
N/F
KING-DALTON FAMILY
INVESTMENTS, LLLP
D.B.-29862 PG-355
ZONED R-12
TRACT ONE
0.447 ACRES
19,482 SQUARE FEET
10'B.S.L.
30'B.S.L.
1/2" RB FND
N77°42'38"W
89.93'
30"HW
CRZ=39.0'
1/2" RB FND
N77°42'38"W
108.83'
28"HW
CRZ=36.4'
48"HW
CRZ=62.4'
WIRE FENCE
N/F
DRIVE LLC.

# 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: Old Milton Medical Office

Contact Name: Dennis J. Webb, Jr. Telephone: 404-815-3620

**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.***

Old Milton Leasing Enterprises, LLC & Norris Property Holdings, LLC

Gardner Drive, LLC

University of North Georgia Foundation, Inc.

City of Alpharetta

JW Homes, LLC

Charles E. Chester

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

- [x] Letter
- [ ] Personal Visits
- [ ] Telephone
- [ ] Group Meeting
- [ ] Email
- [x] Other *(Please Specify)* Will offer to meet in the letter

**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.**

Z-15-19 CU-15-15 V-15-34 (12.22.15)

# 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.*

RECEIVED DEC 2015 RECEIVED BY Community Development

**Contact Information:**

Contact Name: D & G Acquisition, LLC c/o Dennis J. Webb, Jr. Telephone: 404-815-3620

Address: 1230 Peachtree St., NE, Suite: 3100

City Atlanta State: GA Zip: 30309 Fax: 404-685-6920

Mobile Tel: _____ Email: djwebb@sgrlaw.com

**Subject Property Information:**

Address: 2505, 2525 / 2545 Old Milton Parkway Current Zoning: R-12/R-10M

District: 1 Section: 2 Land Lot: 0749 Parcel ID: 12-270407490535; 12-270407490469/12-270407490451

Proposed Zoning: DT-LW Current Use: Vacant Land

**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?

See attached Statement of Intent

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

See attached Statement of Intent

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

See attached Statement of Intent

Z-15-19 CU-15-15 V-15-34 (12.22.15)

# PROPERTY OWNER AUTHORIZATION

**Property Owner Information:**

Contact Name: King-Dalton Investments, LLC Telephone: 404-520-8181

Address: 183 Nacoochee Drive Suite:

City Atlanta State: GA Zip: 30305 -

**Authorization:**

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

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

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

**Identify Authorized Applicant:**

Name of Authorized Applicant: D&G Acquisition, LLC c/o Dennis J. Webb, Jr. Telephone: 404-815-3905

Address: 1230 Peachtree St., NE Suite: 3100

City Atlanta State: GA Zip: 30309 -

**So Sworn and Attested:**

Owner Signature: Marsh B. King Date: 11-19-15

**Notary:**

Notary Signature: Arley Sanchez Date: NOV-19-15

ARLEY SANCHEZ
NOTARY PUBLIC
Fulton County
State of Georgia
My Comm. Expires Nov. 20, 2017

Z-15-19 CU-15-15 V-15-34 (12.22.15)

# 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: King-Dalton Investments, LLC

Subject Public Hearing Case:

**Campaign Contribution Information:**

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

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

Name of Official: N/A Position:

Description of Contribution: 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: Marsh B. King Date: 11-19-15

Z-15-19 CU-15-15 V-15-34 (12.22.15)

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Name of Applicant or Opponent: D+G Acquisition, LLC

Subject Public Hearing Case: _____

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Description of Contribution: N/A Value: _____

Description of Contribution: N/A Value: _____

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Signature: Jon Gallant Date: 12/16/15

Z-15-19 CU-15-15 V-15-34 (12.22.15)

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Name of Applicant or Opponent: Smith, Gambrell & Russell, LLP

Subject Public Hearing Case: D'3 G Aquisitions

**Campaign Contribution Information:**

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Description of Contribution: _____ Value: _____

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Description of Contribution: _____ Value: _____

**Campaign Contribution Information:**

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Signature: _____ Date: 12/21/15

Z-15-19 CU-15-15 V-15-34 (12.22.15)

# DISCLOSURE FORM

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Name of Applicant or Opponent: Dennis J. Webb, Jr.

Subject Public Hearing Case: D & G Aquisitions

**Campaign Contribution Information:**

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Signature: _____ Date: 12/21/15

Z-15-19 CU-15-15 V-15-34 (12.22.15)

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Name of Applicant or Opponent: Kathryn M. Zickert

Subject Public Hearing Case: D & G Aquisition, LLC

**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.*

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Name of Official: _____ Position: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

**Campaign Contribution Information:**

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Signature: Kathryn M. Zickert Date: 12-16-15

Z-15-19 CU-15-15 V-15-34 (12.22.15)

# DISCLOSURE FORM

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Name of Applicant or Opponent: Robert D. Griest

Subject Public Hearing Case: D&G Aquisitions

**Campaign Contribution Information:**

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**Campaign Contribution Information:**

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Signature: Date: 12/17/2015

Z-15-19 CU-15-15 V-15-34 (12.22.15)

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Name of Applicant or Opponent: Vickie B. Chung

Subject Public Hearing Case: D3G Aquisitions

**Campaign Contribution Information:**

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Name of Official: _____ Position: _____

Description of Contribution: _____ Value: _____

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Description of Contribution: _____ Value: _____

**Campaign Contribution Information:**

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Signature: _____ Date: 12/17/15

# ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

See Statement of Intent

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

See Statement of Intent

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

See Statement of Intent

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

See Statement of Intent

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

See Statement of Intent

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

See Statement of Intent

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

See Statement of Intent

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

# Board Of Zoning Appeals Review Criteria

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

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

See Statement of Intent

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

See Statement of Intent

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

See Statement of Intent

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

See Statement of Intent

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

Z-15-19 CU-15-15 V-15-34 (12.22.15)

# CITIZEN PARTICIPATION FORM - PART A

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

Public Hearing or Project Name: Old Milton Medical Office

Contact Name: Dennis J. Webb, Jr. Telephone: 404-815-3620

**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.***

Old Milton Leasing Enterprises, LLC

Norris Property Holdings, LLC

Gardner Drive, LLC

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

- [x] Letter
- [ ] Personal Visits
- [ ] Telephone
- [ ] Group Meeting
- [ ] Email
- [x] Other *(Please Specify)* Will offer to meet in the letter

**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.**

Z-15-19 CU-15-15 V-15-34 (12.22.15)

# STATEMENT OF INTENT

and

Other Material Required by
City of Alpharetta Zoning Ordinance
for the

**Rezoning Application**
**Conditional Use Permit Application**
**Concurrent Exception Variance Application**

of

**D&G Acquisition, LLC**

related to

±1.721 Acres of Land located in
Land Lot 749, 1st District, 2nd Section
City of Alpharetta
(2505, 2525, and 2545 Old Milton Parkway)

Submitted for Applicant by:

Dennis J. Webb, Jr.
Robert D. Griest
Smith, Gambrell & Russell, LLP
Promenade, Suite 3100
1230 Peachtree Street, NE
Atlanta, Georgia 30309
404-815-3500

## I. INTRODUCTION

This Application seeks (1) Rezoning, (2) a Conditional Use Permit, and (3) Concurrent Exception Variances related to ±1.721 acres of land in Land Lot 749, 1st District, 2nd Section and located on the southern side of Old Milton Parkway between Haynes Bridge Road and Westside Parkway (the "Subject Property"). The Applicant hopes to redevelop the Subject Property for a two-story, 28,000 SF Medical Office Building with both underground and surface parking. The Applicant believes that a Medical Office Building is consistent with the City's goals for this stretch of Old Milton Parkway, especially in light of the existing medical offices in the immediate vicinity. The Subject Property is located within the Downtown Overlay and is designated as "Mixed-Use Live/Work District" on the City's Future Land Use Map.

In order to redevelop the Subject Property for the Medical Office Building as depicted on the enclosed Site Plan, the Applicant seeks the following:

1. **Rezoning** of the Subject Property from R-12 and R-10M to the "Downtown Live-Work" ("DT-LW") zoning district.
2. **Conditional Use Permit** to allow for:
    a. "Clinic" medical office uses; and
    b. Accessory retail/restaurant service uses up to 25% of the total floor area.

3. **Concurrent Exception Variances** ("Variances") to:

   a. Reduce the rear yard setback from 3 feet to 0 feet;

   b. Reduce the 50 foot Transitional Buffers bordering "for-sale" residential (to the south, east, and west) to 0 feet; and

   c. Eliminate the requirement for a 10-foot wide landscape strip between parking bays (Alpharetta Downtown Code Sec. 3.7.6).

In support of these requests, the Applicant submits this Statement of Intent, a Survey Plat of the Subject Property, a Site Plan, a Preliminary Landscape Plan, a Conceptual Rendering, and other supporting material.

## II. SUBJECT PROPERTY SPECIFICATIONS

The Subject Property consists of three parcels: (1) 2505 Old Milton Parkway, 0.447 acres zoned R-12 ("Dwelling, For-Sale, Detached Residential"); (2) 2525 Old Milton Parkway, 0.590 acres also zoned R-12, and (3) 2545 Old Milton Parkway, 0.684 acres zoned R-10M ("Dwelling, For-Sale or For-Rent Residential").

The Subject Property is located on the south side of Old Milton Parkway, approximately 1,000 feet west of its intersection with Westside Parkway. 2525 and 2545 are presently vacant, while 2505 contains the remnants of a single-family home. To the west, the Subject Property is bordered by two R-12 properties; however, the R-12 home directly adjacent to the west appears to be used as a

taxidermy shop. Further west are several Office-Professional and Office-Institutional tracts. To the south, the Subject Property is bordered by R-10M property developed for multi-family use (the AMLI Old Milton apartment complex). Finally, to the north and across Old Milton Parkway is a cluster of properties zoned Mixed Use ("MU"), which are largely undeveloped except for some single-family homes.

## III. JUSTIFICATION FOR APPLICATION

### A. Rezoning

1. The proposed rezoning will permit a use that is suitable in view of the zoning, use and development of adjacent and nearby property.

The Subject Property fronts Old Milton Parkway, a major arterial roadway. The surrounding area has already seen drastic changes in terms of land use intensity (i.e., the Avalon development to the east). While this area was historically comprised of single-family homes, there have been significant changes that have caused single-family residential to become incompatible, especially for lots with frontage directly on Old Milton Parkway, which was significantly expanded by the Georgia Department of Transportation ("GDOT"). A prime example of the changes taking place in the immediate area can be seen at 2455 Old Milton Parkway, which was rezoned in 2002 from single-family residential to Office Professional to allow for an office building (Z-02-03/V-02-07). This 2002 rezoning included a variance to the 50-foot transitional buffer, which is also being requested

by the Applicant. Additionally, the property just further west located at 2425 was rezoned in 1996 from R-2 to Office Professional, and is now in use as an educational center (CLUP-96-03/Z-96-04/V-96-02). The 1996 rezoning likewise included a variance to the 50-foot transitional buffer requirement, further illustrating the fact that a variance to the 50-foot buffer is both regularly granted to similarly-situated property owners and also that it is necessary for the economical redevelopment of property in the area.

Also, in July of 2015, the City adopted the new Downtown Overlay, which includes the Subject Property. The Downtown Code specifically states that properties designated as "Mixed-Use Live/Work District" on the City's Future Land Use Map should be rezoned to the DT-LW district, which the Applicant is hereby requesting. Accordingly, the Applicant's proposed use of the Subject Property for a Medical Office Building is consistent with the trend in this area of redeveloping obsolete single-family lots for low to medium intensity uses such as office, professional, and medical, and also would further the intent of the City's new Downtown Overlay.

2. The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property.

In light of the trend in this area of redevelopment for low to medium intensity uses, the proposed Medical Office Building will not adversely affect adjacent or nearby property. To the east and south, the Subject Property is bordered

by the AMLI apartment complex, a high-density multi-family use. The AMLI property to the east is extremely narrow and cannot be developed, negating the policy justification for a transitional buffer. Additionally, the AMLI property to the south has substantial tree growth between it and the Subject Property, and the apartment residences are located even further away on the opposite side of a parking lot. Finally, the proposed Medical Office Building will not generate substantial light or noise, and therefore should not have any negative impact on the apartments given the distance and buffering from the Subject Property.

To the west, the Subject Property is bordered by a single-family home, but upon information and belief it is also being used as a taxidermy shop, "Smith's Taxidermy". As previously discussed, it is likely that this property, as well as the other remaining single-family homes along Old Milton Parkway, will eventually be redeveloped for a higher intensity use. Regardless, the proposed Medical Office Building is a relatively mild commercial use, and will have typical morning-to-evening operational hours.

3. <u>The proposed rezoning will not adversely affect the natural environment.</u>

As with any undeveloped tract, the construction of the Medical Office Building on the Subject Property will inevitably require the removal of trees and other land disturbance activities. That being said, there are no streams or other significant natural features on the Subject Property that require special protection.

Further, the Applicant will replant trees, grass, and other landscaping materials as part of its redevelopment of the site.

4. There are substantial reasons why the property cannot or should not be used as currently zoned.

As previously mentioned, the surrounding area has already seen a trend towards redevelopment of single-family lots to commercial, office, and medical uses. The expansion of Old Milton Parkway and increased vehicular use of same has made the Subject Property an undesirable place to locate a single-family home. The 1996 and 2002 rezonings identified above are evidence of this trend. In fact, the City has for a long time recognized the incompatible nature of single-family homes along Old Milton Parkway: in the 1996 rezoning of 2425 Old Milton Parkway (CLUP-96-03/Z-96-04/V-96-02), the City's Planning Staff noted that single-family homes are "not anticipated in the future due to the increased traffic and the increase in non-residential activity along Old Milton Parkway," and that "it can be assumed that all of the properties along the Old Milton Parkway corridor will eventually be converted into commercial and office uses." Finally, the City's new Downtown Overlay has been implemented as a guideline to govern redevelopment in the area. Accordingly, rezoning to the applicable DT-LW zoning district will further the intent of the Downtown Overlay, which no longer recognizes the R-12 and R-10M districts. Thus, it is clear that the Subject Property is no longer appropriate for single-family residential uses as currently zoned.

5. The proposed rezoning will not result in a use that will or could cause an excessive or burdensome use of public facilities or services, such as existing streets and transportation facilities, schools, water or sewer utilities, and police or fire protection.

If approved, the proposed rezoning should not have a negative impact on any City services. Because it is non-residential, the Medical Office Building would not generate any additional school-aged children. Further, there is adequate water and sewer capacity to service the site. Finally, the impact of the development on traffic in the area would be minimal, as further explained in the "Traffic Impact Study" included in this Application.

6. The proposed rezoning is supported by new and changing conditions not anticipated or reflected in the existing zoning on the property.

As more fully discussed above, the trend along this stretch of Old Milton Parkway is away from single-family residential uses and towards commercial, office, and medical uses. This trend began with the expansion of Old Milton Parkway and has continued in the years since.

7. The proposed rezoning 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 proposed Medical Office Building is an appropriate use for this area and will add necessary medical and clinical services for the benefit of the community. Further, the proposed use is only two stories in height, covers far less than half of

the Subject Property, and is a use that does not generate significant noise, light, or traffic.

8. There are substantial reasons why the property cannot be used in accordance with the existing zoning.

Please see Subsection 4 above.

9. The zoning proposal is consistent with the City's Comprehensive Plan.

The proposed Medical Office Building is fully consistent with the City's Comprehensive Plan. The Subject Property is identified as being with a "Mixed-Use Live/Work District," which envisions a diversity of land uses, including the requested clinical use.

**B. Conditional Use Permit**

1. "Clinic" Medical Offices

In the requested DT-LW zoning district, a "clinic" is a conditional use. Accordingly, the Applicant is also seeking approval of a Conditional Use Permit to allow for private clinical uses at the Medical Office Building. As more fully described above, allowing medical uses at the Subject Property would not adversely affect adjacent or nearby property and thus a Conditional Use Permit is appropriate.

2. Accessory Retail/Restaurant Service Uses up to 25% of Floor Area

To complement the primary "clinical" uses at the Medical Office Building (such as dental and vision clinics), the Applicant seeks a Conditional Use Permit to

allow for a maximum of 25% of the floor area to be used for accessory retail and restaurant uses. Accessory uses such as cafes, print shops, and newsstand-style shops are common in office buildings and allow for the provision of necessary goods and services to both the customers of the clinical uses as well as their employees. Limiting these uses to a maximum of 25% would ensure that they do not cause any adverse effect on adjacent or nearby property.

**C. Concurrent Exception Variances**

Simultaneously with its requests for the Rezoning and Conditional Use Permit, the Applicant also seeks Exception Variances with respect to three (3) strict requirements of the Unified Development Code and Downtown Code: (1) a variance to reduce the rear yard setback from 3 feet to 0 feet; (2) a variance to reduce the required 50-foot transitional buffer bordering "for-sale" residential (to the south, east, and west) to 0 feet; and (3) a variance to eliminate the requirement for 10-foot landscape strips between the parking bays located near the center of the site.

1. <u>The application of the Ordinance to this particular piece of property would create an unnecessary hardship.</u>

If strictly applied to the Subject Property, the applicable setback and transitional buffer requirements would render the Property incapable of being developed. Because the Subject Property is bordered by residentially-zoned tracts, the three (3) required 50 foot transitional buffers would leave barely any buildable

area on the Property. As stated above, the typical justification underlying the 50-foot transitional buffer requirement is absent in this instance: the property to the east is undevelopable and will never have "for sale" residential on it, the AMLI apartments to the south are buffered by significant distance and tree growth (and are not, in fact, "for sale"), and the "residential" property to the west is being used as a taxidermy. Finally, the City has for many years envisioned redevelopment of the obsolete single-family homes in this area, which is further evidence that the policy and intent of the 50 foot transitional buffer is not justified in this particular case.

Additionally, the requested setback variance is necessary to allow for development of the Property, and is a type of variance regularly granted to similarly-situated property owners. More specifically, the reduction of the rear yard setback is to allow for a retaining wall, which is critical to proper grading and erosion control on the site.

Lastly, the strict application of the 10-foot landscape strip between parking bays would drastically limit parking on site, and would not allow for an efficient use of space. It should also be noted that this variance is only requested for the two bays near the middle of the site, and that the Applicant will otherwise fully comply with the applicable parking lot landscaping requirements. Additionally, the

Applicant seeks to enhance landscaping elsewhere on the site and throughout the parking area to account for this requested Variance.

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

Again, the Subject Property is unique in that it is bordered entirely by residential properties that, from a land use planning perspective, do not merit the protection of a transitional buffer. Transitional buffers are meant to protect sensitive land uses from more intense adjacent land uses. In theory, they permit existing land uses to remain indefinitely at a certain location by limiting the impact of nearby redevelopment, usually to the detriment of the redeveloped property. In this particular case, it is clear that the single-family homes will at some point be redeveloped for commercial, office, and medical uses. The City's Comprehensive Plan recognizes this fact. As such, it does not make sense to burden the Applicant with strict buffering requirements in order to protect an obsolete land use that will eventually be replaced.

As for reduction of the 10-foot landscape strip between parking bays, the Applicant is seeking to provide additional parking beyond what is required under the Downtown Overlay Code to eliminate congestion during peak traffic hours. Medical offices, unlike certain other commercial and retail uses, generally require vehicular parking for most customers. Although the Downtown Code only requires 3 spaces per 1,000 SF (84 spaces), the UDC actually requires 1 space per 200 SF

of medical office, which would be a total of 140 spaces. The Applicant is seeking to provide a total of only 125 spaces (less than what would be required under the UDC), and is incurring additional construction costs to locate a significant portion of the parking underground. Finally, while the Downtown Overlay generally seeks to limit vehicular parking to create a more urban and walkable environment, the Subject Property is located at the boundary of the Overlay, and thus granting the requested Variance to allow for additional parking would not go against the intent or policy of the Downtown Code.

## IV. PRESERVATION OF CONSTITUTIONAL RIGHTS

The Applicant respectfully submits that a refusal to approve the proposed Rezoning, Conditional Use Permit, and Variances, or any attempt to rezone the Property to an intervening zoning classification, would be unlawful, arbitrary, capricious, irrational and a manifest abuse of discretion; all in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

A refusal to approve the proposed Rezoning, Conditional Use Permit, and Variances, or any attempt to rezone the Property to an intervening zoning classification, would discriminate unfairly between the owner of the Subject Property and other property owners similarly situated, in violation of the Fifth

Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph II of the Constitution of the State of Georgia.

A refusal to approve the proposed Rezoning, Conditional Use Permit, and Variances, or any attempt to rezone the Property to an intervening zoning classification, would amount to a taking of property, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

A refusal to approve the proposed Rezoning, Conditional Use Permit, and Variances, or any attempt to rezone the Property to an intervening zoning classification, would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Constitution of the State of Georgia.

A refusal to approve the proposed Rezoning, Conditional Use Permit, and Variances, or any attempt to rezone the Property to an intervening zoning classification, would be invalid inasmuch as the Unified Development Code of the City of Alpharetta is unlawful, null and void because its adoption and map adoption/maintenance did not and does not comply with the requirements of its

predecessor ordinance and/or the Zoning Procedures Law, O.C.G.A. § 36-66-1, *et seq.*

The City's Unified Development Code lacks adequate standards for the City Council to exercise its power to review this Application. Specifically, the "standards" set out in Sections 4.2.3(A)(2), 4.2.3(B), and 4.5.4(B)(1) are not sufficient to contain the discretion of the Council and to provide the Courts with a reasonable basis for judicial review. Because the stated standards (individually and collectively) are too vague and uncertain to provide reasonable guidance, the Unified Development Code is unlawful and violates, among other things, the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraphs I and II of the Constitution of State of Georgia.

Any limitation on the time for presentation of the issues before the Council that has the power to zone and grant conditional use permits and variances is a violation of the guarantees of free speech under the First Amendment of the Constitution of the United States and Article I, Section I, Paragraph V of the Constitution of the State of Georgia. Further, said limitations are in violation of the right to petition and assemble, in violation of the First Amendment of the Constitution of the United States and Article I, Section I, Paragraph IX of the Constitution of Georgia, as well as the due process clauses of the U.S. and Georgia Constitutions.

## V. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the proposed Rezoning, Conditional Use Permit, and Variances be approved. The Applicant also invites and welcomes any comments from Staff or other officials of the City of Alpharetta so that such recommendations or input might be incorporated as conditions of approval of this Application.

This 22nd day of December, 2015.

Respectfully submitted,

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Attorneys for Applicant

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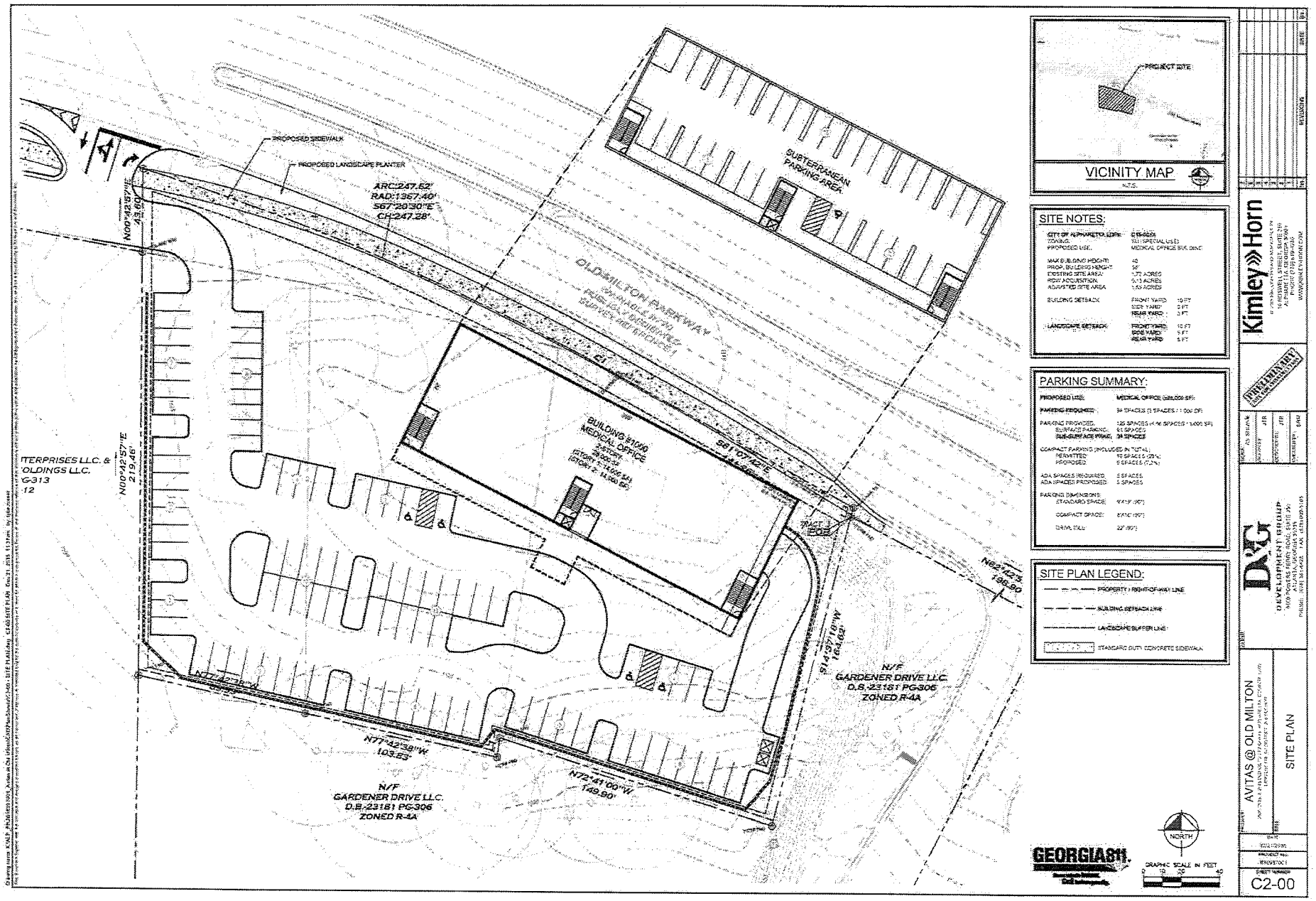
Atlanta, Georgia 30309
404-815-3500

# Z-15-19 CU-15-15 V-15-34 (12.22.15)



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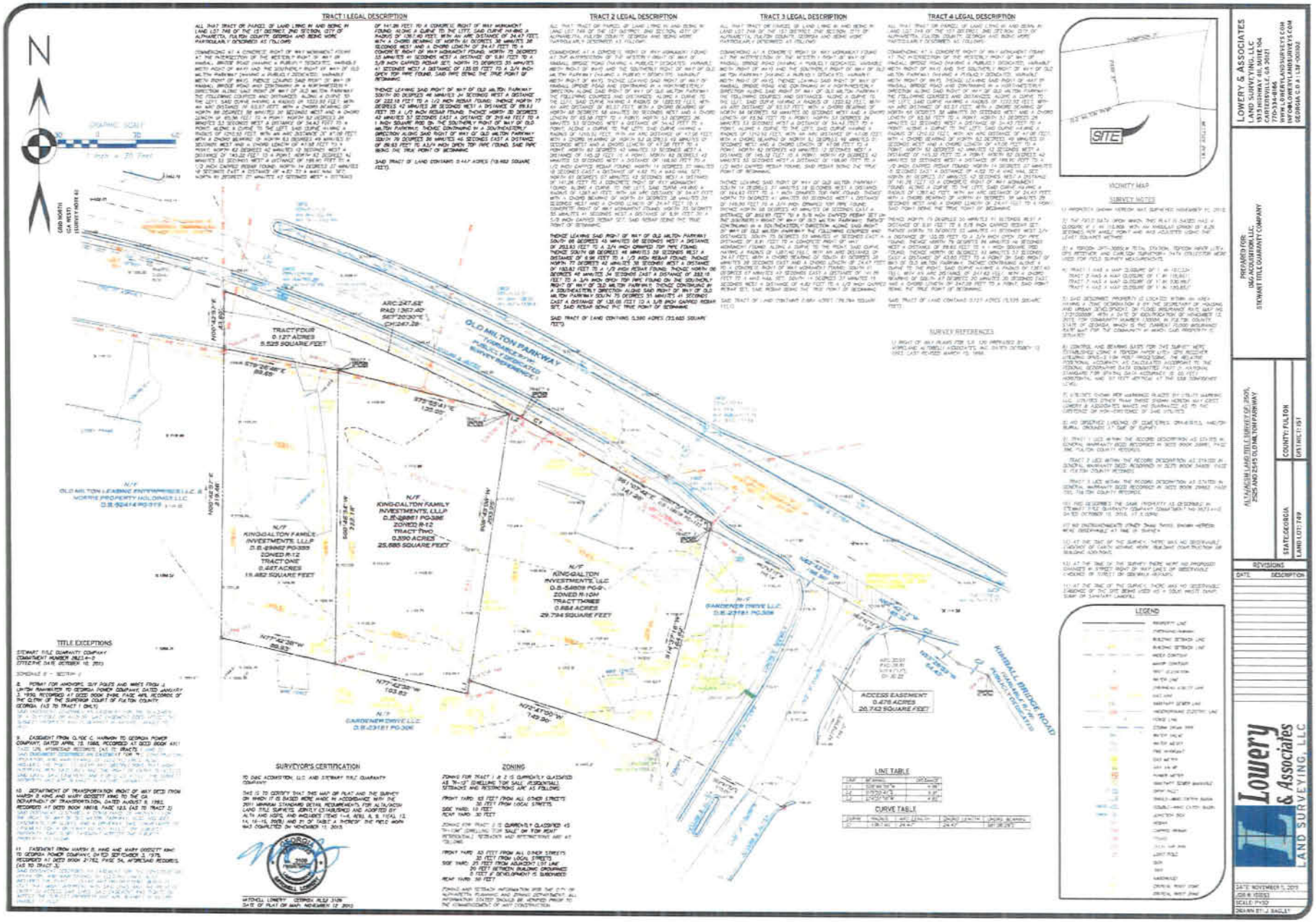

Tract One

All that tract or parcel of land lying in and being in Land Lot 749 of the 1st District, 2nd Section, City of Alpharetta, Fulton County, Georgia and being more particularly described as follows:

Commencing at a concrete right of way monument found at the intersection of the westerly right of way of Kimball Bridge Road (having a publicly dedicated, variable width right of way) and the southerly right of way of Old Milton Parkway (having a publicly dedicated, variable width right of way), thence leaving said right of way of Kimball Bridge Road and continuing in a northwesterly direction along said right of way of Old Milton parkway the following courses and distances: along a curve to the left, said curve having a radius of 1222.92 feet, with an arc distance of 65.57 feet, with a chord bearing of North 68 degrees 58 minutes 00 seconds West and a chord length of 65.56 feet to a point; North 53 degrees 26 minutes 53 seconds West a distance of 54.43 feet to a point; along a curve to the left, said curve having a radius of 1210.92 feet, with an arc distance of 47.08 feet, with a chord bearing of North 63 degrees 49 minutes 01 seconds West and a chord length of 47.08 feet to a point; North 62 degrees 42 minutes 12 seconds West a distance of 145.32 feet to a point; North 62 degrees 42 minutes 55 seconds West a distance of 198.90 feet to a 1/2 inch capped rebar found; North 14 degrees 37 minutes 18 seconds East a distance of 4.82 to a Mag nail set; North 61 degrees 07 minutes 42 seconds West a distance of 141.26 feet to a concrete right of way monument found; along a curve to the left, said curve having a radius of 1367.40 feet, with an arc distance of 24.47 feet, with a chord bearing of North 61 degrees 38 minutes 28 seconds West and a chord length of 24.47 feet to a concrete right of way monument found; North 75 degrees 55 minutes 41 seconds West a distance of 9.91 feet to a 5/8 inch capped rebar set; North 75 degrees 55 minutes 41 seconds West a distance of 135.05 feet to a 3/4 inch open top pipe found, said pipe being the TRUE POINT OF BEGINNING.

Thence leaving said right of way of Old Milton Parkway South 00 degrees 46 minutes 34 seconds West a distance of 222.18 feet to a 1/2 inch rebar found; Thence North 77 degrees 42 minutes 38 seconds West a distance of 89.93 feet to a 1/2 inch rebar found; Thence North 00 degrees 42 minutes 57 seconds East a distance of 219.46 feet to a 1 inch square rod on the southerly right of way of Old Milton Parkway; Thence continuing in a southeasterly direction along said right of way of Old Milton Parkway South 79 degrees 26 minutes 46 seconds East a distance of 89.65 feet to a3/4 inch open top pipe found, said pipe being the TRUE POINT OF BEGINNING.

Said tract of land contains 0.447 acres (19,482 square feet).

Tract Two

All that tract or parcel of land lying in and being in Land Lot 749 of the 1st District, 2nd Section, City of Alpharetta, Fulton County, Georgia and being more particularly described as follows:

Commencing at a concrete right of way monument found at the intersection of the westerly right of way of Kimball Bridge Road (having a publicly dedicated, variable width right of way) and the southerly right of way of Old Milton Parkway (having a publicly dedicated, variable width right of way), thence leaving said right of way of Kimball Bridge Road and continuing in a northwesterly direction along said right of way of Old Milton parkway the following courses and distances: along a curve to the left, said curve having a radius of 1222.92 feet, with an arc distance of 65.57 feet, with a chord bearing of North 68 degrees 58 minutes 00 seconds West and a chord length of 65.56 feet to a point; North 53 degrees 26 minutes 53 seconds West a distance of 54.43 feet to a point; along a curve to the left, said curve having a radius of 1210.92 feet, with an arc distance of 47.08 feet, with a chord bearing of North 63 degrees 49 minutes 01 seconds West and a chord length of 47.08 feet to a point; North 62 degrees 42 minutes 12 seconds West a distance of 145.32 feet to a point; North 62 degrees 42 minutes 55 seconds West a distance of 198.90 feet to a 1/2 inch capped rebar found; North 14 degrees 37 minutes 18 seconds East a distance of 4.82 to a Mag nail set; North 61 degrees 07 minutes 42 seconds West a distance of 141.26 feet to a concrete right of way monument found; along a curve to the left, said curve having a radius of 1367.40 feet, with an arc distance of 24.47 feet, with a chord bearing of North 61 degrees 38 minutes 28 seconds West and a chord length of 24.47 feet to a concrete right of way monument found; North 75 degrees 55 minutes 41 seconds West a distance of 9.91 feet to a 5/8 inch capped rebar set, said rebar being the TRUE POINT OF BEGINNING.

Thence leaving said right of way of Old Milton Parkway South 08 degrees 45 minutes 08 seconds West a distance of 203.95 feet to a 3/4 inch crimped top pipe found; Thence South 08 degrees 46 minutes 59 seconds West a distance of 9.96 feet to a 1/2 inch rebar found; Thence North 77 degrees 42 minutes 38 seconds West a distance of 103.83 feet to a 1/2 inch rebar found; Thence North 00 degrees 46 minutes 34 seconds East a distance of 222.18 feet to a 3/4 inch open top pipe found on the southerly right of way of Old Milton Parkway; Thence continuing in a southeasterly direction along said right of way of Old Milton Parkway South 75 degrees 55 minutes 41 seconds East a distance of 135.05 feet to a 5/8 inch capped rebar set, said rebar being the TRUE POINT OF BEGINNING.

Said tract of land contains 0.590 acres (25,685 square feet).

Tract Three

All that tract or parcel of land lying in and being in Land Lot 749 of the 1st District, 2nd Section, City of Alpharetta, Fulton County, Georgia and being more particularly described as follows:

Commencing at a concrete right of way monument found at the intersection of the westerly right of way of Kimball Bridge Road (having a publicly dedicated, variable width right of way) and the southerly right of way of Old Milton Parkway (having a publicly dedicated, variable width right of way), thence leaving said right of way of Kimball Bridge Road and continuing in a northwesterly direction along said right of way of Old Milton parkway the following courses and distances: along a curve to the left, said curve having a radius of 1222.92 feet, with an arc distance of 65.57 feet, with a chord bearing of North 68 degrees 58 minutes 00 seconds West and a chord length of 65.56 feet to a point; North 53 degrees 26 minutes 53 seconds West a distance of 54.43 feet to a point; along a curve to the left, said curve having a radius of 1210.92 feet, with an arc distance of 47.08 feet, with a chord bearing of North 63 degrees 49 minutes 01 seconds West and a chord length of 47.08 feet to a point; North 62 degrees 42 minutes 12 seconds West a distance of 145.32 feet to a point; North 62 degrees 42 minutes 55 seconds West a distance of 198.90 feet to a 1/2 inch capped rebar found, said rebar being the TRUE POINT OF BEGINNING.

Thence leaving said right of way of Old Milton Parkway South 14 degrees 37 minutes 18 seconds West a distance of 164.62 feet to a 1 inch crimped top pipe found; Thence North 72 degrees 41 minutes 00 seconds West a distance of 149.90 feet to a 3/4 inch crimped top pipe found; Thence North 08 degrees 45 minutes 08 seconds East a distance of 203.95 feet to a 5/8 inch capped rebar set on the southerly right of way of Old Milton Parkway; Thence continuing in a southeasterly direction along said right of way of Old Milton Parkway the following courses and distances: South 75 degrees 55 minutes 41 seconds East a distance of 9.91 feet to a concrete right of way monument found; along a curve to the right, said curve having a radius of 1367.40 feet, with an arc distance of 24.47 feet, with a chord bearing of South 61 degrees 38 minutes 28 seconds East and a chord length of 24.47 feet to a concrete right of way monument found; South 61 degrees 07 minutes 42 seconds East a distance of 141.26 feet to a Mag Nail set; South 14 degrees 37 minutes 18 seconds West a distance of 4.82 feet to a 1/2 inch capped rebar set, said rebar being the TRUE POINT OF BEGINNING.

Said tract of land contains 0.684 acres (29,794 square feet).

Z-15-19 CU-15-15 V-15-34 (12.22.15)

Landscape Plan

# AVITAS AT OLD MILTON

Alpharetta, GA

December 9th, 2015

Z-15-19 CU-15-15 V-15-34 (12.22.15)

Z-15-19 CU-15-15 V-15-34 (12.22.15)

# Traffic Impact Study

## Medical Office Building
## City of Alpharetta, Georgia

study prepared for:

D&G Development Group
6400 Powers Ferry Road
Suite 350
Atlanta, Georgia 30339

December 9, 2015


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TRAFFIC ENGINEERING

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## Introduction

This study assesses the traffic impact of a proposed medical office building (MOB) development in the City of Alpharetta, Georgia. The MOB project will consist of a 28,000 square feet of medical office building. The location of the property is along the south side of Old Milton Parkway, across from the median break at Park Street, as shown in Figure 1. One full movement site access will be provided to Old Milton Parkway at the median break.

The purpose of this traffic impact study is to determine existing traffic operating conditions in the vicinity of the proposed development, project future traffic volumes, assess the impact of the subject development, then develop conclusions and recommendations to mitigate the project traffic impact and ensure safe and efficient existing and future traffic conditions in the vicinity of the project.

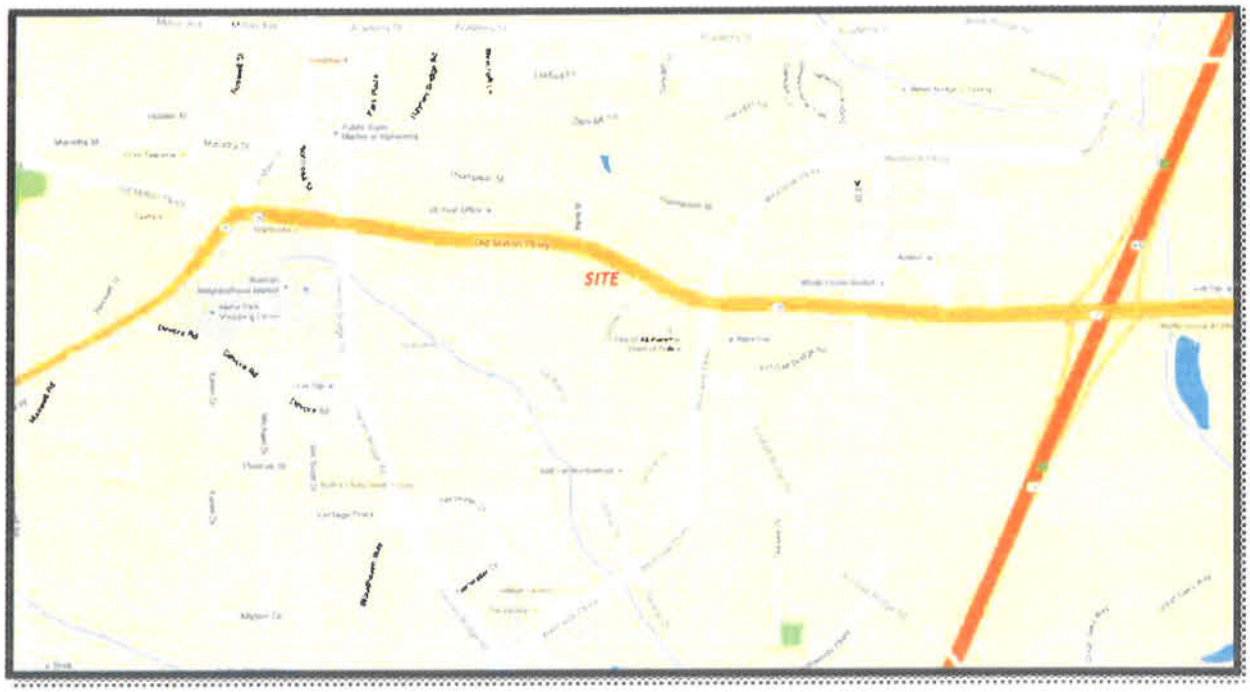



**Figure 1 – Medical Office Building Site Location Map**

## Existing Traffic Conditions

Existing traffic conditions in the vicinity of the proposed MOB development were assessed. The following is a description of existing facilities, volumes, crash data, and intersection operations.

### Description of Roadway Facilities

Old Milton Parkway (Georgia State Route 120) is an east-west major arterial that extends from downtown Alpharetta, to the west, passes the subject property, has an interchange with Georgia 400, then continues to the east where the road name changes at Kimball Bridge Road, to State Bridge Road, while the SR 120 designation follows Kimball Bridge Road to the northeast. In downtown Alpharetta, the SR 120 designation turns to the south at South Main Street, while the Old Milton Parkway name continues to Willis Road, where the road's name changes to Rucker Road. This section of Old Milton Parkway serves a mix of retail, institutional, residential, and undeveloped land uses.

In the vicinity of the MOB site, Old Milton Parkway has six through travel lanes, three per direction, and is median divided. There is an existing median break at Park Street, with exclusive left turn lanes in both directions on Old Milton Parkway (the westbound left turn lane is striped for U-Turns). The terrain along Old Milton Parkway is generally level and the road is gently curving in the vicinity of the subject property. The posted speed limit is 45 mph. One full-movement access for the proposed MOB site will align with Park Street at the median break.

Park Street is a short and narrow two lane local street that connects the median break at Old Milton Parkway to Thompson Street. The current control on southbound Park Street is side street stop sign. A private driveway is located on the south side of Old Milton Parkway at the median break, which will be replaced by the proposed MOB full-movement access. This approach is also currently side street stop sign controlled.

Figure 2 is an aerial photograph of the site and immediate vicinity.

**Figure 2 – Aerial Photograph of MOB Site and Adjacent Old Milton Parkway**

## Transit, Pedestrian, and Bicycle Accessibility

There is no rail transit serving this area. MARTA bus service connects portions of Alpharetta to the rest of metro Atlanta. However, there is no current MARTA bus service along Old Milton Parkway or in the immediate vicinity of the MOB site. There are no bicycle lanes adjacent to, or in the vicinity of the MOB site. Sidewalk is provided along both sides of Old Milton Parkway.

## Existing Traffic Volumes

Existing full turning movement traffic volume counts at the intersection of Old Milton Parkway at Park Street were provided by the City of Alpharetta from a traffic impact study performed for a nearby mixed-use development.

The counts were collected on Tuesday, November 18, 2014, from 7:00 a.m. to 9:00 a.m. and from 4:00 p.m. to 6:00 p.m. Area schools were in session on the date of the traffic counts. From the count data, the highest four consecutive 15-minute interval volumes at each intersection, during each time period, were determined. These volumes make up the typical weekday a.m. and p.m. peak hour traffic volumes at that intersection. The existing a.m. and p.m. peak hour turning movement volumes are shown in Figure 3. The intersection raw count data is found in Appendix A.

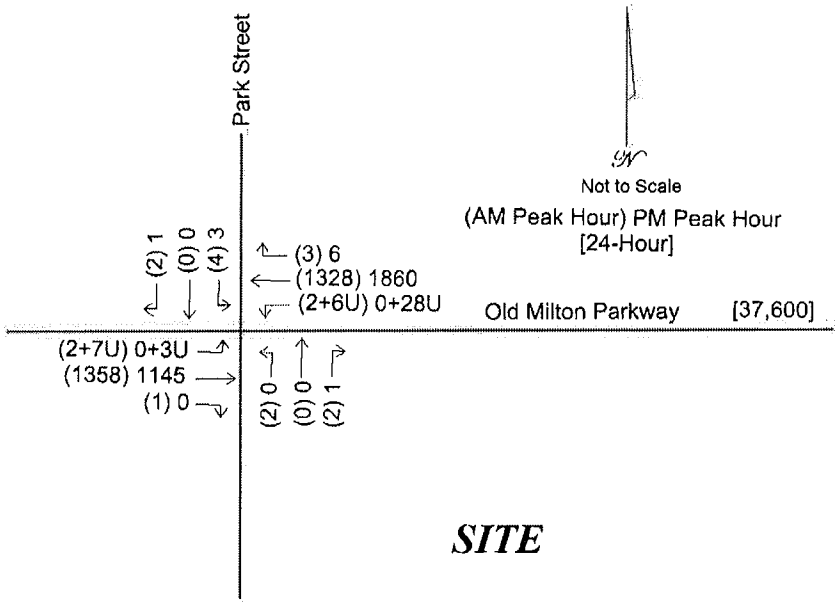



**Figure 3 – Existing Traffic Volumes**

Historic Georgia DOT 24-hour traffic counts were also collected in the vicinity. These counts were performed from 2010 through 2014 (the latest year for which Georgia DOT data is available) and, according to the Georgia DOT, the counts were adjusted for a variety of factors, including season, in order to arrive at the Average Annual Daily Traffic (AADT) Volume. The Georgia DOT AADT counts are summarized in Table 1. The 2014 AADT near the MOB site is also shown, above, in Figure 2.

**Table 1 – Georgia DOT Daily Traffic Volume Counts**

| Year | Old Milton East of 3rd Street | Annual Growth | Old Milton West of Westside | Annual Growth |
|---|---|---|---|---|
| Station ID | 1210310 | | 1210308 | |
| 2010 | 35,520 | na | 32,680 | na |
| 2011 | 41,040 | 15.5% | 32,990 | 1.0% |
| 2012 | 41,740 | 1.7% | 27,630 | -16.3% |
| 2013 | 36,490 | -12.6% | 27,710 | 0.3% |
| 2014 | 36,500 | 0.03% | 37,600 | 35.7% |

*source of counts: Georgia DOT*

The annual growth has fluctuated notably from year to year, with no clear trend either increasing or decreasing. Overall, the volume on Old Milton east of 3rd Street has increased a total of 2.7% over the five year period, while the overall increase west of Westside Parkway was a total of 15.1% over the five year period.

Georgia DOT Crash Data

Crash data was obtained from Georgia DOT for the intersection of Old Milton Parkway at Park Street, for the most current five years available (November 2010 through October 2015). The data is summarized in Table 2.

**Table 2 – Crash Data for Old Milton Parkway at Park Street**

| Date | Time | I | F | Type | Veh 1 | Veh 2 | Dir 1 | Dir 2 | Mnvr 1 | Mnvr 2 | Other Factors |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 12/20/ 2010 | 12:41 | 0 | 0 | Sideswipe- Same Direction | Pickup Truck | Passenger Car | W | W | Changing Lanes | Stopped | Changed Lanes Improperly |
| 6/23/ 2011 | 13:26 | 0 | 0 | Rear End | Passenger Car | Passenger Car | W | E | Straight | Stopped | Following too Close |
| 9/16/ 2011 | 13:05 | 0 | 0 | Sideswipe- Same Direction | Pickup Truck | Passenger Car | W | W | Changing Lanes | Straight | Changed Lanes Improperly |
| 2/28/ 2012 | 13:02 | 0 | 0 | Sideswipe- Same Direction | Passenger Car | Passenger Car | W | W | Enter/Leaving Driveway | Straight | Failed to Yield |
| 5/24/ 2012 | 13:14 | 0 | 0 | Rear End | Vehicle With Trailer | Passenger Car | E | E | Straight | Straight | Following too Close |
| 8/21/ 2012 | 14:37 | 1 | 0 | Angle | Utility Passenger Vehicle | Van | E | W | Turning Left | Straight | Failed to Yield |
| 1/12/ 2013 | 13:54 | 0 | 0 | Angle | Passenger Car | Passenger Car | E | S | Turning Left | Stopped | Improper Turn, Driver Condition |
| 12/10/ 2014 | 16:41 | 0 | 0 | Sideswipe- Same Direction | Passenger Car | Utility Passenger Vehicle | W | W | Changing Lanes | Straight | Changed Lanes Improperly |

Notes: All crashed reported in daylight, dry conditions
I=Injuries, F=Fatalities

The data reveals that there were a total of eight crashes in the five year period (1 in 2010, 2 in 2011, 3 in 2012, 1 in 2013, and 1 in 2014). There was a total of one injury and no fatalities. Four of the crashes were sideswipes of vehicles traveling in the same direction on Old Milton Parkway. Two of the crashes were rear-end collisions on Old Milton Parkway due to following too closely. The remaining two crashes were angle collisions. One involved an eastbound left turn vehicle failing to yield to the westbound through vehicle. This angle crash produced the one reported injury. The other involved an eastbound left turn vehicle making an improper turn and crashing with a southbound vehicle on Park Street (the driver condition was noted as a factor in this crash). Therefore, a total of two of the crashes at this location involved vehicles turning at the intersection, while the remaining six involved only through trips on Old Milton Parkway. It is noted that the volumes turning at Park Street are very low, and, so, a very low crash rate is not unexpected. There is no specific design condition that would lead to an expectation of an unusual crash rate at this intersection, but it is noted that volumes and speeds are high on Old Milton Parkway.

Existing Intersection Operations

Existing traffic operations were analyzed at the counted intersection using Synchro software, version 8, in accordance with the methodology presented in the Transportation Research Board's 2010 *Highway Capacity Manual* (*HCM 2010*). The *HCM 2010* methodology is presented in Appendix B. The results of the analysis are shown in Table 3. Computer printouts containing detailed results of the analysis are located in Appendix C. Levels of service and delays are provided for the overall intersection and for each approach.

**Table 3 – Existing Intersection Operations**

| Intersection / Approach | A.M. Peak Hour | | P.M. Peak Hour | |
|---|---|---|---|---|
| | LOS | Delay (s/veh) | LOS | Delay (s/veh) |
| **Old Milton Parkway / Park Street** | A | 0.4 | A | 0.7 |
| northbound approach | F | 54.9 | B | 14.3 |
| southbound approach | F | 63.9 | F | 130.2 |
| eastbound left turn | C | 21.2 | D | 31.3 |
| westbound left turn | C | 22.7 | C | 17.2 |

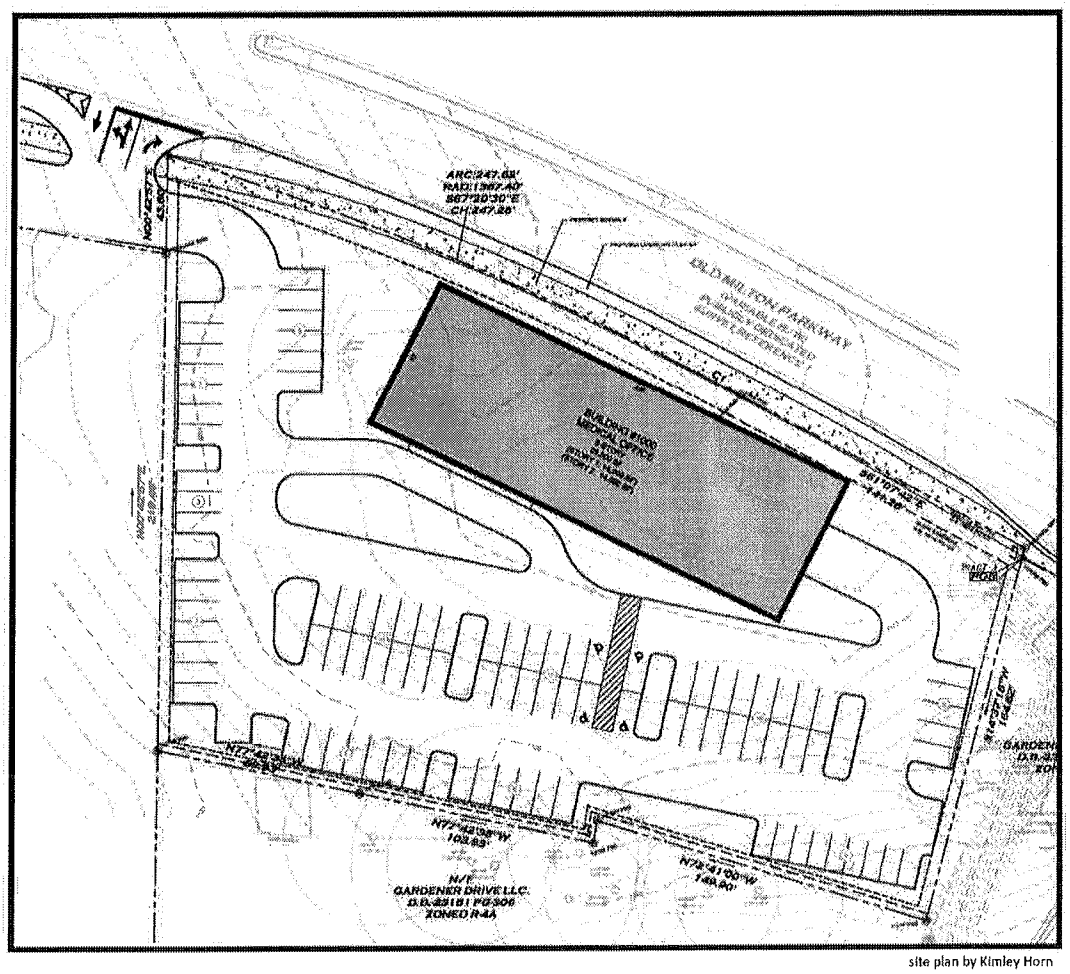
While volumes are heavy in this area, the analysis, coupled with field observations, reveal generally acceptable overall delays at the study intersection. The northbound and southbound approaches on Park Street and the private driveway include levels of service F. This is not unusual on side street stop controlled approaches at major thoroughfares such as Old Milton Parkway. The volumes on these approaches are very low, with 4 and 1 vehicles on the northbound approach, and 6 and 4 vehicles on the southbound approach, in the a.m. and p.m. peak hours, respectively. The side street delays are discussed further, later in this report.

## Proposed Medical Office Building Development Traffic Characteristics

This section describes the anticipated traffic characteristics of the proposed medical office building (MOB) development, including a site description, how much traffic the project will generate, and where that traffic will travel.

### Project Description

The subject property is located on the south side of Old Milton Parkway west of Westside Parkway and east of Park Street. There is one curb cut along the property frontage on Old Milton Parkway aligning with the median opening at Park Street. The site is proposed to be developed with a 28,000 square foot medical office building. Access will be provided at one full movement driveway aligning with Park Street at the existing median break. The site plan is presented in Figure 4.




site plan by Kimley Horn

**Figure 4 – Medical Office Building Site Plan**

## Trip Generation

Trip generation is an estimate of the number of entering and exiting vehicular trips that will be generated by the proposed MOB development. Trip generation was calculated using standard rates and equations from the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 9th edition. ITE Land Use 720 – Medical-Dental Office Building was used. Table 4 summarizes the trip generation calculations for the proposed MOB development.

**Table 4 – Medical Office Building Trip Generation**

| Land Use | ITE Code | Size | AM Peak Hour | | | PM Peak Hour | | | 24-Hour |
|---|---|---|---|---|---|---|---|---|---|
| | | | Enter | Exit | 2-Way | Enter | Exit | 2-Way | 2-Way |
| Medical-Dental Office Building | 720 | 28,000 ft² | 53 | 14 | 67 | 26 | 67 | 93 | 930 |

## Trip Distribution and Assignment

The trip distribution percentages indicate what proportion of the project's trips will travel to and from various directions. The trips were distributed based on the locations and proximity of likely trip origins for the MOB, including population centers and major routes of travel, including Georgia 400. The project trips, shown in Table 4, were assigned to the roadway network based on these percentages. The trip distribution percentages and the total peak hour trips expected to be generated by the MOB project are shown in Figure 5.

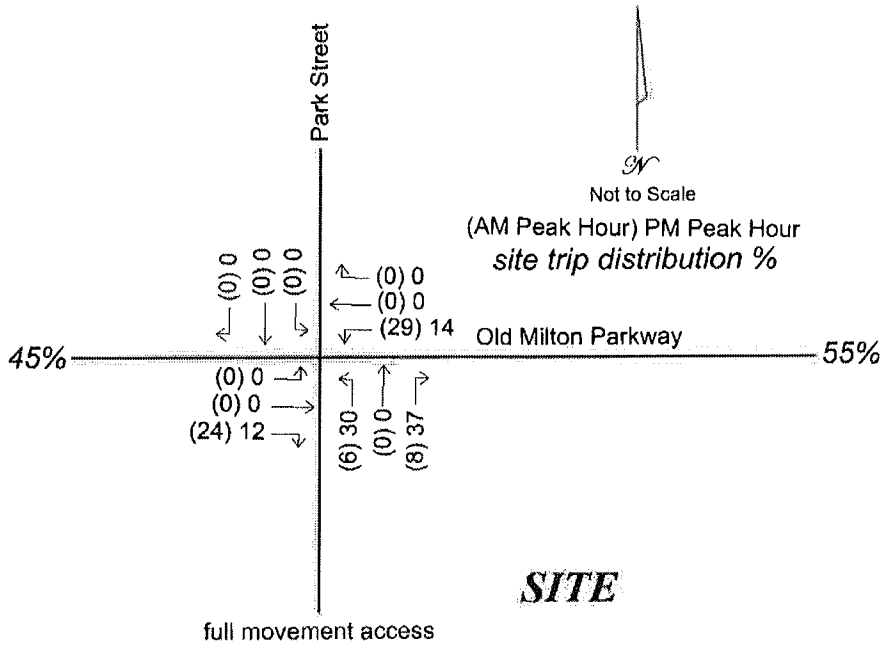



**Figure 5 – Medical Office Building Trip Distribution Percentages and Site-Generated Trips**

## Future Traffic Conditions

This section describes the anticipated future traffic conditions after the MOB project is constructed and operational.

### Future Traffic Volumes

In order to develop future traffic volumes, the trips from several planned or under-construction developments in the immediate vicinity were added to the counted traffic volumes. In addition, a general growth factor was applied to account for other general growth in the area. The trips from three specific projects were added to the counted volumes: 1) Avalon, 2) a mixed-use development planned for the north side of Old Milton Parkway adjacent to Park Street, and 3) Atwater. The Avalon trips are those that have been added, or will be added, from the date of the traffic counts (November 2014) to the build-out of the MOB project. These trips were developed in the traffic impact study for the Atwater project, prepared by Marc R Acampora, PE, LLC in November 2014, which were adjusted from volume projections provided by the City of Alpharetta from the traffic impact study for Avalon. At the time of the traffic counts, a substantial portion of the Avalon retail was operational. However, some of the project, including much of the ultimately-anticipated office and residential components, had yet to be opened. The trips for the mixed-use development on the north side of Old Milton Parkway adjacent to Park Street were provided by the City of Alpharetta, as developed in a traffic impact study for that project performed by A&R Engineering, Inc. in March 2015. The trips for the Atwater retail development were developed in its traffic impact study, and were also applied to the counted volumes in this traffic study.

In addition to the trips from the three specific nearby developments, a general background growth factor was applied to the counted volumes. As discussed previously, Georgia DOT data reveals that traffic volume growth has fluctuated over the past five years, with no clear identifiable trend. To account for general growth in the area a 2% growth factor was also applied to the counted volumes.

The counted volumes, increased by the 2% general growth factor, plus the specific trips from the balance of Avalon, the mixed-use project, and the Atwater development, were combined to produce the future traffic volumes that will be at the study intersection at the time of build-out of the MOB project, not including the MOB trips. The traffic that will be generated by the MOB project was then added to the study intersection. This produces the traffic volumes at the intersection when the MOB project is fully operational. All volumes used in these calculations are shown, by turning movement, in the spreadsheet in Appendix A. The total future traffic volume projections are shown in Figure 6.

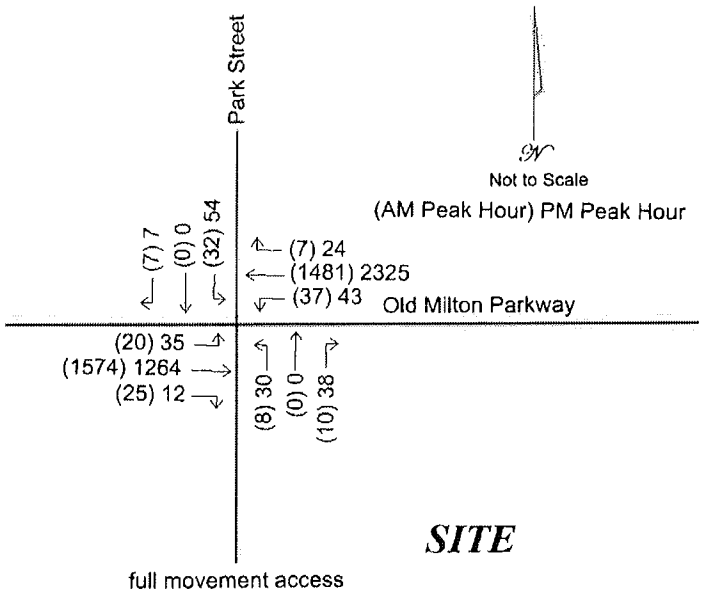



**Figure 6 – Future Peak Hour Traffic Volume Projections**

## Future Intersection Operations

An operational analysis was performed for the future conditions, as described above. The analysis included two outbound lanes on the northbound and southbound approaches. The two southbound lanes were recommended in the traffic study for the planned mixed-use development on the north side of Old Milton Parkway, which was assumed to be in place when the MOB is built, and was included in the background traffic volumes in this analysis. The proposed MOB site plan calls for two northbound lanes exiting the site, and this configuration is discussed later in this report. The future analysis also assumes that an eastbound exclusive right turn lane will be added on Old Milton Parkway at the MOB access. This deceleration lane is included in the MOB site plan, and is discussed later in this report. Table 5 presents the results of the future analysis.

**Table 5 – Future Intersection Levels of Service**

| Intersection / Approach | A.M. Peak Hour | | P.M. Peak Hour | |
|---|---|---|---|---|
| | LOS | Delay (s/veh) | LOS | Delay (s/veh) |
| **Old Milton Parkway / Park Street / Site Access** | A | 7.8 | F | 83.8 |
| northbound left/through | F | 266.2 | F | 720.9 |
| northbound right turn | C | 20.0 | C | 16.4 |
| southbound left/through | F | 595.3 | F | 4660.5 |
| southbound right turn | C | 18.2 | D | 29.4 |
| eastbound left turn | D | 25.4 | F | 80.1 |
| westbound left turn | D | 33.2 | C | 19.8 |

The results of the future analysis reveal that the overall operations at the Park Street / MOB access intersection will deteriorate to LOS F in the p.m. peak hour and the northbound and southbound left/through lanes will operate at LOS F with very high delays. The side street exiting right turns will operate with moderate delays. It is noted that, while the intersection drops to LOS F in the p.m., the eastbound and westbound through movements on Old Milton Parkway remain uncontrolled and, therefore, experience no intersection control delay. The LOS F is due to the fact that the analysis results "blow up" for the side street approaches. While the computer analysis results show delays of as high as 4,660 seconds per vehicle, this is a reflection on the limitations of the model. It is considered highly improbable that vehicles on the southbound approach will experience average delays in excess of one hour. However, delays will be high and signalization merits consideration.

Signalization of the intersection of Old Milton Parkway at the Park Street / MOB access would reduce the side street delays to acceptable levels. With a signal, the overall intersection would operate at LOS A and the side streets would operate at LOS D during the p.m. peak (the time of highest delays). In order to determine if signalization is appropriate, a signal needs study could be performed for this intersection according to the standards proscribed in the Federal Highway Administration's *Manual On Uniform Traffic Control Devices*. It is noted that, with patient/customer activity, the medical office building is likely to generate trips throughout the day, as opposed to the more acute peaking that would typically occur in a more traditional office building. This may increase the times at which a signal would be beneficial. However, it is reiterated here, that while side street delays per vehicle will be high, the volumes that will experience these delays will still be very moderate in the future.

## Georgia DOT Design Standards

Old Milton Parkway adjacent to the MOB project is designated Georgia State Route 120. The project frontage on SR 120 includes one existing full-movement driveway at the median opening. The site plan proposes to replace this driveway with a single full-movement access.

The Georgia DOT driveway spacing and right turn lane standards were reviewed for the proposed MOB site access. No left turn lane analysis was performed because a westbound left turn lane is already provided on SR 120 at the median opening, which will serve the proposed MOB. The standards are proscribed in the Georgia DOT's *Regulations for Driveway and Encroachment Control* (Driveway Manual). The review of the standards is described below and the project site engineer is referred to this Manual for other driveway design standards including interior driveway spacing, driveway width, island design, and curb return radii.

### Right Turn Lanes

The Georgia DOT standards for the need for a right turn (deceleration) lane are set forth in the Driveway Manual Table 4-6, shown below as Table 6.

**Table 6 – Georgia DOT Right Turn Lane Standards**

| POSTED SPEED | 2 LANE ROUTES | | MORE THAN 2 LANES ON MAIN ROAD | |
|---|---|---|---|---|
| | AADT | | AADT | |
| | < 6000 | >=6000 | <10000 | >=10000 |
| 35 MPH OR LESS | 200 RTV a day | 100 RTV a day | 200 RTV a day | 100 RTV a day |
| 40 TO 50 MPH | 150 RTV a day | 75 RTV a day | 150 RTV a day | 75 RTV a day |
| 55 TO 60 MPH | 100 RTV a day | 50 RTV a day | 100 RTV a day | 50 RTV a day |
| >= 65 MPH | Always | Always | Always | Always |

TABLE 4-6 MINIMUM VOLUMES REQUIRING RIGHT TURN LANES

The 2014 Georgia DOT AADT for this section of SR 120 is 37,600 vpd, which exceeds the 10,000 vehicle threshold for a main road with greater than two lanes. The posted speed limit is 45 mph. The right turn volume per day at the MOB driveway is calculated as 930 two way daily trips (from Table 4) divided by 2 equals 465 daily entering trips times 45% site trips that will turn right into the site from SR 120 equals 209 eastbound right turn vehicles (RTV) per day. This exceeds the RTV minimum standard of 75 right turn vehicles per day. Therefore, an exclusive right turn lane is required at the MOB site access, according to the Georgia DOT standard. The MOB site plan includes this deceleration lane.

Table 7, below, is Driveway Manual Table 4-8 which provides the design standards for right turn lanes.

**Table 7 – Georgia DOT Design Standards for Right Turn Lanes**

| SPEED, MPH | FULL WIDTH STORAGE, FT | TAPER, FT |
|---|---|---|
| 25 | | 50 |
| 30 | 75 | 50 |
| 35 | 100 | 50 |
| 40 | 150 | 50 |
| 45 | 175 | 100 |
| 50 | 225 | 100 |
| 55 | 250 | 100 |
| 60 | 300 | 100 |
| 65 | 350 | 100 |

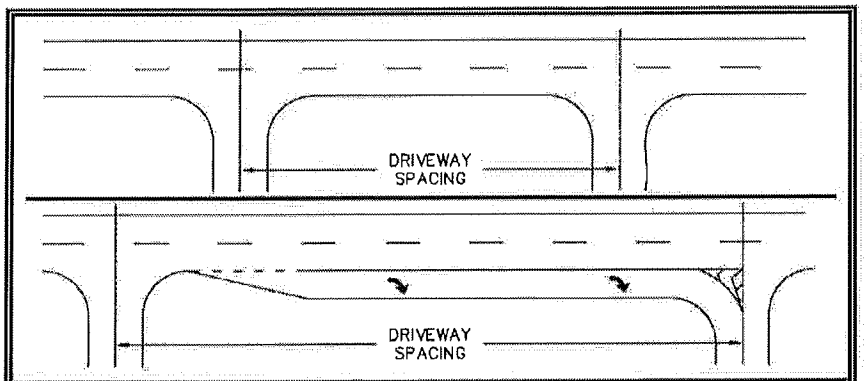
TABLE 4-8 MINIMUM RIGHT TURN DECELERATION LENGTHS

Based on the 45 mph posted speed limit, the right turn lane should have a minimum of 175 feet of full width storage and a 100 foot taper.

**Minimum Driveway Spacing**

The minimum spacing standard is measured from centerline to centerline and applies between driveways to the same property, as well to driveways serving adjacent properties. Table 8 (Driveway Manual Table 3-1) provides the Georgia DOT minimum driveway spacing standards.

**Table 8 – Georgia DOT Minimum Driveway Spacing Standards**




| POSTED SPEED, MPH | MINIMUM DRIVEWAY SPACING WITHOUT RIGHT TURN LANE (FEET) | MINIMUM DRIVEWAY SPACING WITH RIGHT TURN LANE (FEET) |
|---|---|---|
| 25 | 125 | 125 |
| 30 | 125 | 219 |
| 35 | 150 | 244 |
| 40 | 185 | 294 |
| 45 | 230 | 369 |
| 50 | 275 | 419 |
| 55 | 350 | 444 |
| 60 | 450 | 494 |
| 65 | 550 | 540 |

TABLE 3-1 SPACING CRITERIA FOR DRIVEWAYS, PUBLIC ROADS AND SIDE STREETS

At 45 mph, with a right turn lane required (see above), the minimum spacing between the site driveway and the adjacent driveways is 369 feet. The distance from the MOB site access to the existing driveway to the west is approximately 390 feet, so sufficient distance is available. The distance between the MOB site access to Gardner Drive is approximately 540 feet, which provides sufficient distance.

## Summary of Study Findings and Recommendations

The following is a summary of the findings and the recommendations of this traffic impact study:

1. Traffic volumes in the vicinity of the proposed MOB project are heavy but operations are generally acceptable. Side street delays per vehicle are high on the Park Street and private driveway approaches at Old Milton Parkway, but the volumes experiencing these delays are very low.

2. Volumes on Old Milton Parkway will increase in the next few years due to the build-out of Avalon and the proposed Atwater development. Volumes will increase on both Old Milton Parkway and Park Street due to the mixed-use development proposed for the north side of Old Milton Parkway adjacent to Park Street. This mixed-use development will increase delays at the Old Milton Parkway / Park Street intersection, especially the side street delays for southbound trips on Park Street at Old Milton Parkway.

3. Crash data for the intersection of Old Milton Parkway at Park Street reveals a very low crash rate. A total of eight crashes were reported at the intersection over the most recent five years for which data is available. Six of those eight crashes involved only through traffic on eastbound or westbound Old Milton Parkway. Two crashes in the five year period involved vehicles turning to or from Park Street. It is noted that the volumes turning at Park Street are very low, and, so, a very low crash rate is not unexpected. There is no specific design condition that would lead to an expectation of an unusual crash rate at this intersection, but it is noted that volumes and speeds are high on Old Milton Parkway.

4. The proposed medical office building will consist of 28,000 square feet of medical office space. The project will generate 67 new a.m. peak hour trips, 93 new p.m. peak hour trips, and 930 new daily trips.

5. The site plan for the MOB project anticipates one full-movement access to Old Milton Parkway at the existing median opening at Park Street.

6. Trip generation from the MOB development will be modest and some gaps will be provided in the through flows on Old Milton Parkway from adjacent signals, but during peak times side street delays at the MOB access will be high. This is not unusual on side street stop controlled approaches at busy thoroughfares such as Old Milton Parkway.

7. Signalization of the intersection of Old Milton Parkway at Park Street / MOB access would reduce the side street delays to acceptable levels. In order to determine if signalization is appropriate, a signal needs study could be performed for this intersection according to the standards proscribed in the Federal Highway Administration's *Manual On Uniform Traffic Control Devices*. It is noted that, with patient/customer activity, the medical office building is likely to generate trips throughout the day, as opposed to the more acute peaking that would typically occur in a more traditional office building. This may increase the times at which a signal would be beneficial. However, it is reiterated here, that while side street delays per vehicle will be high, the volumes that will experience these delays will still be very moderate in the future.

8. In the absence of signalization, the full movement access should include one entering and two exiting lanes, with the exiting approach striped with a shared left/through lane and a right turn lane. This will allow right turners to exit the site without being trapped behind the more challenging left turning and through vehicles. This exiting approach should be controlled by stop sign and accompanying stop bar.

9. The existing exclusive left turn lane on westbound Old Milton Parkway will serve the MOB site. The current U-Turn arrows should be replaced with left turn arrows. At the City's discretion, a "U-Turns Permitted" sign can be installed adjacent to this lane, in lieu of the U-Turn arrows.

10. An eastbound exclusive right turn lane should be installed on Old Milton Parkway at the MOB site accesses. The Georgia DOT standards for this lane include 175 feet of full-width storage and a 100 foot taper.

11. The spacing between the proposed MOB site access and the existing driveway to the west, and Gardner Drive to the east, satisfies the minimum Georgia DOT access spacing standards.

12. The project site engineer is referred to the Georgia DOT Driveway Manual for other driveway design standards including interior driveway spacing, driveway width, island design, and curb return radii.

# Appendix A

## Traffic Count Data and Volume Worksheets

Appendix B

Intersection Analysis Methodology

## Intersection Analysis Methodology

The methodology used for evaluating traffic operations at intersections is presented in the Transportation Research Board's *Highway Capacity Manual*, 2010 edition (HCM 2010). Synchro 8 software, which emulates the HCM 2010 methodology, was used for all analyses. The following is an overview of the methodology employed for the analysis of signalized intersections and stop-sign controlled (unsignalized) intersections.

### Signalized Intersections

The criteria for evaluating signalized intersections are capacity and level of service. The capacity analysis of an intersection compares the volume of traffic using the various lane groups at the intersection to the capacity of those lane groups. This produces a volume-to-capacity (v/c) ratio for each lane group. A v/c ratio greater than 1.0 indicates that the volume of traffic has exceeded the capacity available and indicates a temporary excess of demand. The HCM 2010 methodology computes a critical v/c ratio for an intersection based on the critical lane groups or approaches. This critical v/c ratio is an indication of overall intersection sufficiency.

Level of service for a signalized intersection is defined in terms of control delay per vehicle. For signalized intersections, a composite intersection level of service is determined. The thresholds for each level of service are higher for signalized intersections than for unsignalized intersections. This is attributable to a variety of factors including expectation and acceptance of higher delays at signals, and the fact that drivers can relax when waiting at a signal as opposed to having to remain attentive as they proceed through the unsignalized intersection. The level of service criteria for signalized intersections are shown in Table A.

**Table A – Level of Service Criteria for Signalized Intersections**

| Control Delay (s/veh) | Level of Service by Volume-to-Capacity Ratio | |
|---|---|---|
| | ≤1.0 | >1.0 |
| ≤ 10 | A | F |
| > 10 and ≤ 20 | B | F |
| > 20 and ≤ 35 | C | F |
| > 35 and ≤ 55 | D | F |
| > 55 and ≤ 80 | E | F |
| > 80 | F | F |

*Source: Highway Capacity Manual 2010*

### Unsignalized Intersections

The operations at an unsignalized intersection are defined in terms of levels of service. Level of service (LOS) is a measure of driver discomfort, frustration, fuel consumption, and lost travel time. Level of service for an unsignalized intersection is defined in terms of control delay per vehicle. Control delay is that portion of delay attributable to the control device and includes initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay. The delays at unsignalized intersections are based on gap acceptance theory,

factoring in availability of gaps, usefulness of the gaps, and the priority of right-of-way given to each traffic stream.

Levels of service are assigned letters A through F. LOS A indicates operations with very low control delay while LOS F describes operations with high control delay. LOS F is considered to be unacceptable by most drivers, while LOS E is typically considered to be the limit of acceptable delay. The level of service criteria for unsignalized intersections are presented in Table B.

**Table B – Level of Service Criteria for Unsignalized Intersections**

| Control Delay (s/veh) | Level of Service by Volume-to-Capacity Ratio | |
|---|---|---|
| | ≤1.0 | >1.0 |
| 0 – 10 | A | F |
| > 10 and ≤ 15 | B | F |
| > 15 and ≤ 25 | C | F |
| > 25 and ≤ 35 | D | F |
| > 35 and ≤ 50 | E | F |
| > 50 | F | F |

*Source: Highway Capacity Manual 2010*

Appendix C

Intersection Operational Analysis

# COUNCIL AGENDA REPORT

FROM: Kathi Cook, Community Development Director
Eric Graves, Senior Engineer/Planner

SUBJECT: MP-16-01/V-16-03 Parkway 400

PLANNING COMMISSION: March 3, 2016

CITY COUNCIL: March 28, 2016

**RECOMMENDATION:**

**Approve MP-16-01/V-16-03 Parkway 400 request for a Master Plan amendment and variances with the following conditions:**

1. **One select service business class hotel (Even Hotel Presented) shall be permitted not to exceed 6 stories in height with a maximum of 132 guest rooms. No extended stay or "suites" hotel shall be permitted.**
2. **Site shall be developed substantially as shown on plan dated January 4, 2016 prepared by AEC, Inc.**
3. **Extensive landscaping and decorative street lights shall be provided along the roadway and at the entrance from Kimball Bridge Road. Corner features with heavy landscaping and decorative stone or brick wall, as approved by the DRB, to be provided on both sides of the private drive at the Kimball Bridge Road intersection.**
4. **Provide a heavy landscape screening along the south Property Line**
5. **A 10 foot minimum aesthetic evergreen landscape screen shall be provided along Private Drive to break up the view of the parking deck from the road.**
6. **Stormwater facilities should be moved and/or completely screened from roadway as approved by staff.**
7. **A planted green wall shall be installed on the sides of the parking deck visible from Private Drive.**
8. **Site plan, landscaping, and architecture shall be approved by Design Review Board.**
9. **Parking decks visible from Kimball Bridge Rd and Northwinds Parkway shall be treated with comparable materials and finishes as the buildings they serve and designed so that its use is not readily apparent. Suitability of**

**parking deck elevation, visibility and landscape screening shall be approved by DRB.**

10. **Minimum 5 foot sidewalk with 4 foot minimum planting strip shall be required along existing private drive.**
11. **Minimum 6 foot sidewalk with 6 foot minimum planting strip shall be required along Kimball Bridge Road.**
12. **Pedestrian access from the private drive to building access points shall be required. Provide pedestrian scale lighting and amenities throughout development.**
13. **Shared parking easement shall be provided on Kimball Bridge parcel for the Hotel site.**
14. **Required focal point feature at the access to Northwinds shall provide a minimum 5,000 square feet greenspace/plaza area.**
15. **All previous conditions in the master plan remain in effect unless explicitly superseded with these conditions.**

## REPORT-IN-BRIEF

The applicant, Greenstone Parkway 400 LLC, is requesting approval of a master plan amendment in order to increase the allowed hotel room count from 131 to 132 rooms. They are also requesting a variance to the side setback from 10' to 0' enabling proposed parking decks to be continuous across Parcel 1 and Parcel 2; and a front setback variance to reduce the front yard setback from 65' to 25' of a parcel along Kimball Bridge Road, allowing construction of a parking deck to be closer to the road.

## DISCUSSION

The subject property, zoned O-I, is located on the south side of Old Milton Parkway west of GA 400. The 41 acre Parkway 400 master planned development is situated roughly between the extension of Northwinds Parkway and Kimball Bridge Road. Located to the north is Avalon, zoned MU which currently contains retail, office, and residential uses. South of the property on the east end is the recently approved Northwinds Residential zoned R-8 A/D. To the east is Gwinnett Technical College. To the west is a Fulton County Schools facility as well as commercial zoned properties including Quick Trip and the Atwater Retail development.

The applicant is requesting a change to conditions of a master plan amendment approved by the City Council in MP-14-09 Parkway 400/Hotel on May 26, 2016. Condition number one states "One select service business class hotel shall be permitted not to exceed 6 stories in height with a maximum of 131 guest rooms. No extended stay or "suites" hotel shall be permitted".

The submitted request, if approved, will allow construction of a 132 room hotel. The approved site plan provides for 110 parking spaces. In addition, the zoning condition allows a reduction in required parking of up to 20%, but requires accommodating overflow hotel parking on the parcel to the north. The increase of one room from 131 to 132 rooms and staying within six stories is consistent with the previously approved conditions.

Two variances are also being requested by the applicant. One is for the reduction of the front setback of a parcel along Kimball Bridge Road from 65 feet to 25 feet in order to better utilize the existing topography. An office building and parking deck are proposed for this parcel. Using the natural topography of the site, the top level of a three level parking deck can be positioned at an elevation approximating a surface lot in relation to the roadway. While surface parking would be allowed in this location, the building setback along Kimball Bridge road is 65 feet prohibiting the construction of the parking deck walls.

The other variance requested is to eliminate the side setback requirement of 10' allowing two parcels to combine parking structures. This variance is in advance of anticipated development of two office buildings and associated structured parking. Council approved a master plan amendment in 2013 in order to increase density and establish a rear building setback at 25 feet. The plan presented then included three new office buildings with two parking structures. At this time, the applicant is proposing to subdivide the property. The 10 foot side setback requirement would require two separate structures along the rear property line. The applicant is requesting Council waive this requirement for the parking deck only in order to allow the two parcels to be constructed at different times and still share the efficiencies of one parking deck. When completed, the two parking decks will have a similar footprint of the parking structure presented at the 2013 hearing.

**VARIANCE REQUIREMENTS**

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

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

*The front setback for the parking deck on Kimball Bridge Road rises slightly up from the road. The parking deck which is three stories in height would be below grade at the setback line and actually resemble a surface lot. Heavy landscaping and streetscape improvements will be required along Kimball Bridge Road in front of the parking deck and water quality pond.*

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

*The ordinance does create a hardship for the property owner due to the 10' requirement of the setback between two parking structures. It is reasonable to stage the construction of the deck presented at the previous hearing.*

*Without the front setback variance of 65' to 25' the parking structure would be fully visible. The topography of the site creates an opportunity to fully screen the parking structure and appear as surface parking from the roadway. Heavy landscaping and streetscape amenities will fully mask the structure.*

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

*The proposed parking structure was approved at a previous hearing as one structure. It is reasonable to stage the construction of the deck presented at the previous hearing.*

*The front setback on Kimball Bridge Road drops down from the road to a point which the deck is below grade and only the top deck will be seen to look like a surface lot from the public right of way.*

(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 side setback is difficulty to see from any road; however the variance does result in a loss of greenspace.*

## CONCLUSION

Staff's analysis finds that the requested parking deck should not have an impact on the surrounding area. The Design Review Board will review and approve the landscape plans and the architecture. The parking deck will meet the 25' setback.

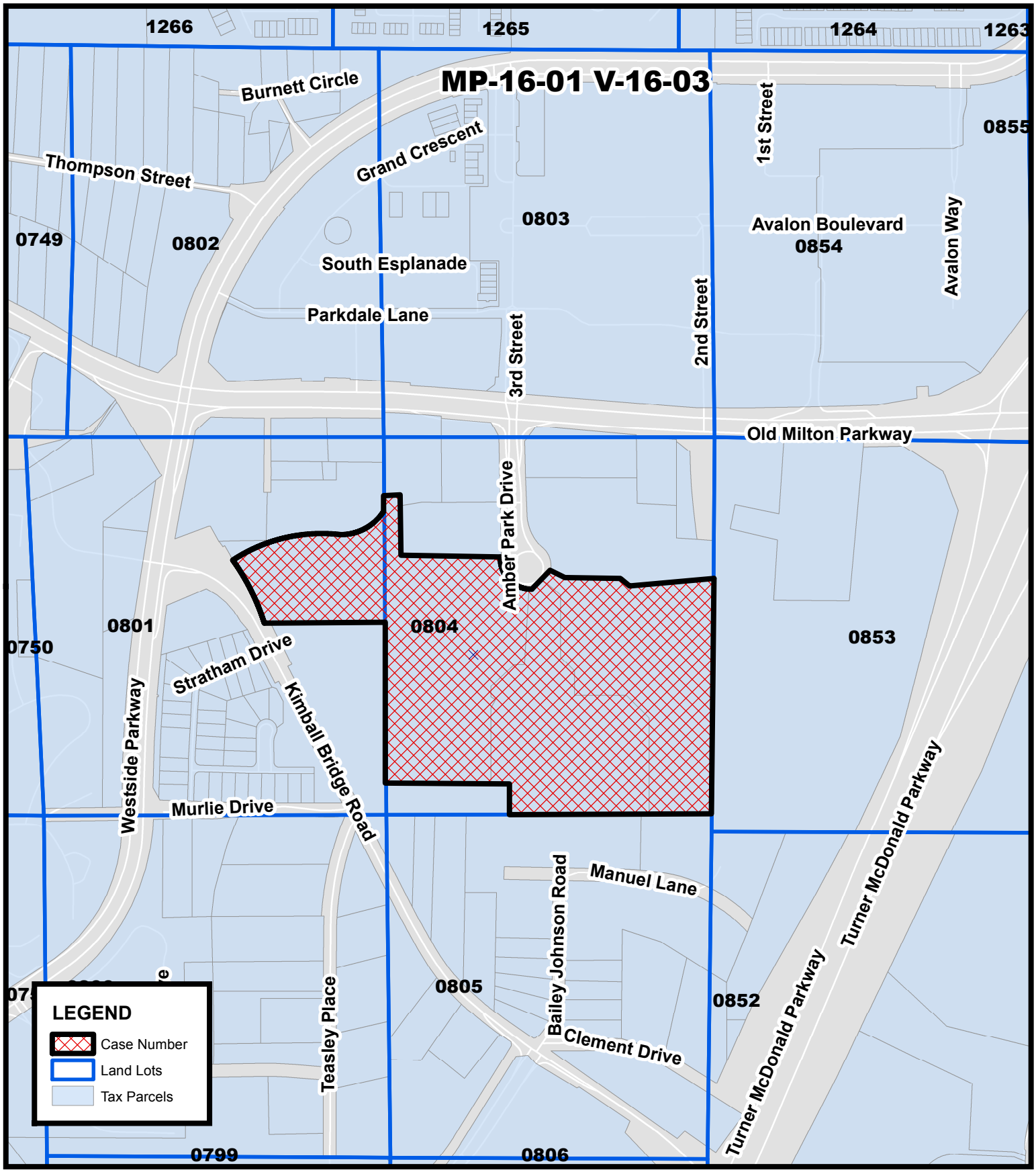
Significant architectural features should be incorporated since the deck will be prominent on Northwinds Parkway and adjacent to residential users.

## CITIZEN PARTICIPATION PLAN

The applicant notified surrounding property owners of their application and intent for the property. The report states that no comments were received.

## ATTACHMENT

Site Plans

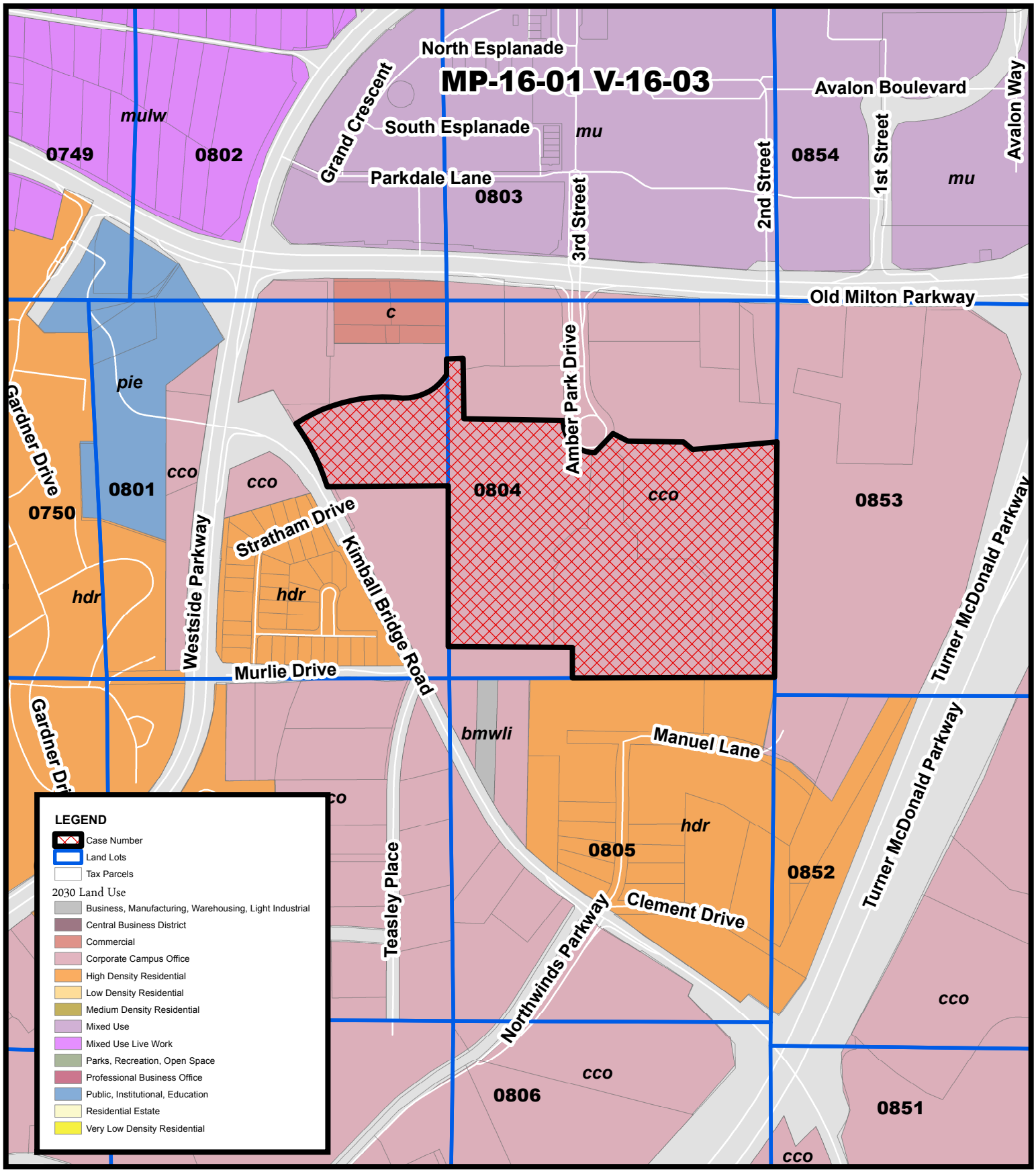



# Location Map
# Parkway 400

MP-16-01 V-16-03
D/LL: 1/2/801,804
PC Date: 3/03/16
CC Date: 3/28/16

THE CITY OF ALPHARETTA GEORGIA

Location Map Provided by:
Community Development - GIS




THE CITY OF ALPHARETTA GEORGIA

# 2030 Land Use
# Parkway 400

**MP-16-01 V-16-03**
**D/LL: 1/2/801,804**
**PC Date: 3/03/16**
**CC Date: 3/28/16**

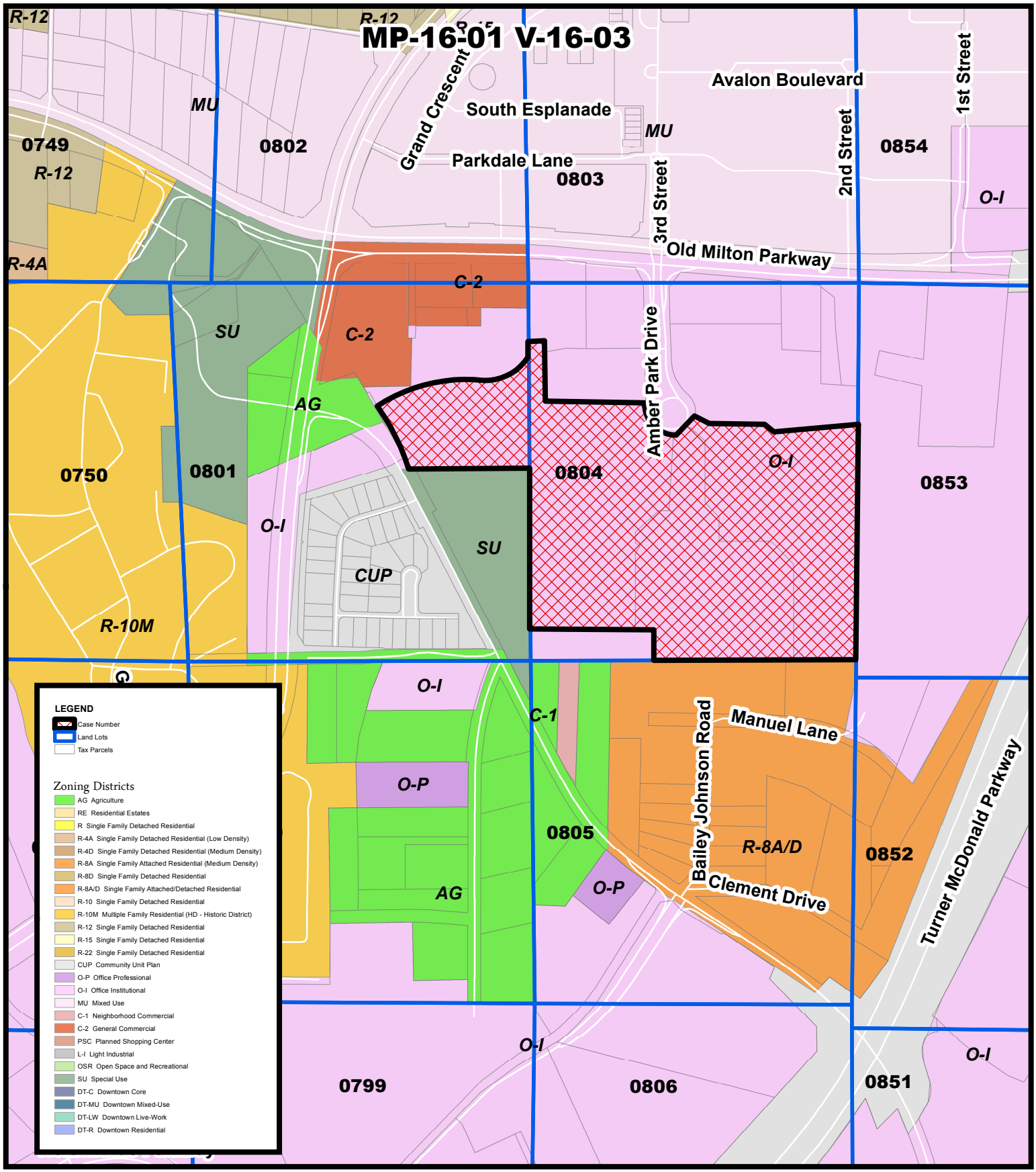
**Location Map Provided by:**
**Community Development - GIS**

THE CITY OF ALPHARETTA GEORGIA

# Aerial Map
# Parkway 400

**MP-16-01 V-16-03**
**D/LL: 1/2/801,804**
**PC Date: 3/03/16**
**CC Date: 3/28/16**

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




THE CITY OF ALPHARETTA GEORGIA

# Zoning Map
# Parkway 400

**MP-16-01 V-16-03**
**D/LL: 1/2/801,804**
**PC Date: 3/03/16**
**CC Date: 3/28/16**

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

# Council Conditions 5.26.15

**Approve MP-14-09 request for a Master Plan amendment adding hotel as an approved use within the Parkway 400 Master Plan with conditions as follow:**

1. **One limited service business class hotel shall be permitted not to exceed 6 stories in height with a maximum of 131 guest rooms. No extended stay or "suites" hotel shall be permitted.**
2. **Sufficient land shall be set aside within the open space to provide for future parking if a parking shortage is determined by the City in the future. Parking may be reduced by up to 20% where sufficient land is determined to be set aside for future parking.**
3. **Site shall be developed substantially as shown on plan dated April 28, 2015 prepared by AEC, Inc.**
4. **A traffic study shall be prepared assessing traffic operations at proposed curb cut, and intersections Private Drive/Kimball Bridge Road and Amber Park Drive/Old Milton Parkway. City Senior Transportation Engineer shall approve the scope of the study.**
5. **Development shall be permitted the following setbacks:**
   - **10' Side Yard**
   - **15' Rear Yard**
   - **65' Front Yard along Kimball Bridge**
6. **Building shall be constructed with architectural detail and ornamental features on all 4 sides with final approval by the Design Review Board. Site plan and landscaping shall also require Design Review Board approval.**
7. **Extensive landscaping and decorative street lights shall be provided along the roadway and at the entrance from Kimball Bridge Road.**
8. **Inter parcel pedestrian access to the north shall be accommodated as feasible.**
9. **Two wall signs shall be approved but each sign shall not be larger than 150 square feet or 300 total square feet.**

# 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: Parkway 400

Contact Name: Dennis J. Webb, Jr. and Robert D. Griest Telephone: 404-815-3620

**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.**

Notice of filing of this Application was mailed to all properties owners on January 19, 2016. Copies of the notices are attached.

To date, we have received no inquiries or comments in response to the notices. We will supplement if any inquiries are received at a later date.

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

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

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

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

Signature of Authorized Agent: Date: 1/25/16

Print Form

Name and Address of Sender

Dennis J. Webb, Jr., Esq.
1230 Peachtree St., NE, Ste. 3100
Atlanta, GA 30309

Check type of mail or service:

- ☐ Certified
- ☐ COD
- ☐ Delivery Confirmation
- ☐ Express Mail
- ☐ Insured
- ☐ Recorded Delivery (International)
- ☐ Registered
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation

Affix Stamp Here
*(If issu certifica or for a copies Postm Date c*

UNITED STATES POSTAL SERVICE

0000

U.S. POSTAGE
PAID
ATLANTA, GA
30309
JAN 19, 16
AMOUNT
**$3.42**
R2304M115745-03

| Article Number | Addressee *(Name, Street, City, State, & ZIP Code)* | Postage | Fe |
|---|---|---|---|
| 1. | Fourth Quarter Properties 87 LLC<br>P.O. Box 56607<br>Atlanta, Georgia 30343 | | |
| 2. | WBCMT 2007 C31 Amber Park Ltd. Partnership<br>1601 Washington Ave., Ste. 700<br>Miami, Florida 33139 | | |
| 3. | Greenstone Parkway Four Hundred LLP<br>3330 Cumberland Blvd., Ste. 475<br>Atlanta, Georgia 30339 | | |
| 4. | Fulton County Board of Education<br>786 Cleveland Avenue<br>Atlanta, Georgia 30315 | | |
| 5. | Joel B. Shirley, Jr.<br>12080 Shirley Bridge Road<br>Alpharetta, Georgia 30005 | | |
| 6. | John Doulgerakis<br>1387 Holbrook Camp Ground Rd.<br>Cumming, Georgia 30040 | | |
| 7. | Fifth Third Bank<br>2755 Old Milton Parkway<br>Alpharetta, GA 30004 | | |
| 8. | Windward Eye Group, LLP<br>2725 Old Milton Parkway, Ste. B<br>Alpharetta, Georgia 30009 | | |

| Total Number of Pieces Listed by Sender | Total Number of Pieces Received at Post Office | Postmaster, Per *(Name of receiving employee)* |
|---|---|---|
| 8 | 8 | |

**See Privacy Act Statement on Reverse**

PS Form **3877**, February 2002 *(Page 1 of 2)*

**Complete by Typewriter, Ink, or Ball Point Pen**

Name and Address of Sender

Dennis J. Webb, Jr., Esq.
1230 Peachtree St., NE, Ste. 3100
Atlanta, GA 30309

Check type of mail or service:

- ☐ Certified
- ☐ COD
- ☐ Delivery Confirmation
- ☐ Express Mail
- ☐ Insured
- ☐ Recorded Delivery (International)
- ☐ Registered
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation

Affix Stamp Here
*(If issued as a certificate of mailing, or for additional copies of this bill)*

*Postmark and Date of Receipt*

| Article Number | Addressee (Name, Street, City, State, & ZIP Code) | Postage | Fee | Handling Charge | Actual Value if Registered | Insured Value | Due Sender if COD | DC Fee | SC Fee | SH Fee | RD Fee | RR Fee |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1. | NNN Parkway Four Hundred, LLC<br>11720 Amber Park Drive<br>Atlanta, Georgia 30308 | | | | | | | | | | | |
| 2. | | | | | | | | | | | | |
| 3. | | | | | | | | | | | | |
| 4. | | | | | | | | | | | | |
| 5. | | | | | | | | | | | | |
| 6. | | | | | | | | | | | | |
| 7. | | | | | | | | | | | | |
| 8. | | | | | | | | | | | | |

MIDTOWN POST OFFICE
JAN 19 2016
ATLANTA GA 30309

| Total Number of Pieces Listed by Sender | Total Number of Pieces Received at Post Office | Postmaster, Per *(Name of receiving employee)* |
|---|---|---|
| 1 | 1 | |

**See Privacy Act Statement on Reverse**

PS Form **3877,** February 2002 *(Page 1 of 2)*

**Complete by Typewriter, Ink, or Ball Point Pen**

*Promenade, Suite 3100*
*1230 Peachtree Street, N.E.*
*Atlanta, Georgia 30309-3592*
*Main: 404 815-3500*
*www.sgrlaw.com*

SMITH, GAMBRELL & RUSSELL, LLP
*Attorneys at Law*

*Dennis J. Webb, Jr.*
*Direct Tel: (404) 815-3620*
*Direct Fax: (404) 685-6920*
*djwebb@sgrlaw.com*

January 19, 2016

Dear Property Owners:

This letter is to inform you that a Master Plan Amendment, Variance and Exception Variance application has been submitted to the City of Alpharetta on a tract of land near your property.

Please be advised of the following information pertaining to the applications and public hearings:

| | |
|---|---|
| CASE NUMBERS: **MP-15-061/V-15-12** | APPLICANT NAME: Hotel Development Partners, LLC |
| PROPOSED ZONING: O-I | PROPERTY SIZE: +/- 1.896 acres |
| STREET LOCATION: Amber Park Drive | CONTACT PERSON: Dennis J. Webb, Jr.<br>TELEPHONE NUMBER: (404) 815-3500 |
| PROPOSED DEVELOPMENT: Hotel | |

| | |
|---|---|
| CITY COUNCIL HEARING<br>February 1, 2016 at 7:30 P.M. | |
| PUBLIC HEARING LOCATION: | Alpharetta City Hall<br>2 Park Plaza, Council Chambers<br>Alpharetta, Georgia |

If you have any questions regarding this project or would like detailed information regarding this project, please feel free to contact me at the number listed above.

Sincerely,

Dennis J. Webb, Jr.
Attorney

# 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: Hotel Development Partners, LLC c/o Dennis J. Webb, Jr., Esq. Telephone: 404-815-3620

Address: 1230 Peachtree St., NE Suite: 3100

City Atlanta State: GA Zip: 30309 Fax: 404-685-6920

Mobile Tel: _____ Email: djwebb@sgrlaw.com

### Subject Property Information:

Address: Amber Park Drive Current Zoning: O-I

District: 1 Section: 2 Land Lot: 804 Parcel ID: 12-284-00804029-2

Proposed Zoning: O-I Current Use: Vacant / undeveloped

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

☐ Conditional Use

☐ Rezoning

☒ Variance

☐ Comprehensive Plan Amendment

☒ Master Plan Amendment

☐ Master Plan Review

☐ Public Hearing

☐ Other *(Specify)*: _____

RECEIVED
APR 2015
RECEIVED BY
Community
Development

# APPLICANT REQUEST AND INTENT

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

Hotel. See Statement of Intent

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

1. Master Plan Amendment to allow proposed hotel use in Pod C, Building Site 6 of the Parkway 400 Master Plan;
2. Special Exception to reduce required parking to 113 spaces;
3. Variance to reduce front-yard setback from 35 feet to 17.8 feet, at certain points, to allow for a porte cochere at the front of the proposed hotel; and
4. Variance to increase lot coverage to 74%.

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

See Statement of Intent

# PROPERTY OWNER AUTHORIZATION

**Property Owner Information:**

Contact Name: Steve Spetnagel - Whileaway Holdings, LLC Telephone: 678-892-6902

Address: 2520 Northwinds Parkway Suite: 285

City Alpharetta State: GA Zip: 30009

**Authorization:**

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

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

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

**Identify Authorized Applicant:**

Name of Authorized Applicant: ~~IRE Capital~~ Hotel Development Partners, LLC c/o Dennis J. Webb, Jr. Telephone: 404-815-3620

Address: 1230 Peachtree St., NE Suite: 3100

City Atlanta State: GA Zip: 30309

**So Sworn and Attested:**

Owner Signature: Date: 4/13/15

**Notary:**

Notary Signature: Date: 4/13/15

LORI MAYER MILES
MY COMMISSION EXPIRES
JAN 24 2016
FULTON CO., GEORGIA
NOTARY PUBLIC

# DISCLOSURE FORM

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

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

Name of Applicant or Opponent: STEVEN E. SPEINAGEL

Subject Public Hearing Case:

**Campaign Contribution Information:**

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

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

Name of Official: N/A Position:

Description of Contribution: Value:

Description of Contribution: Value:

Description of Contribution: Value:

Description of Contribution: Value:

Description of Contribution: Value:

**Campaign Contribution Information:**

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

Signature: Date: 4/13/15

# 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).*

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Name of Applicant or Opponent: Hotel Development Partners

Subject Public Hearing Case: _____

**Campaign Contribution Information:**

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

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

Name of Official: N/A Position: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

**Campaign Contribution Information:**

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

Signature: _____ Date: 4/20/15

# 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: Dennis J. Webb, Jr., Esq.

Subject Public Hearing Case:

**Campaign Contribution Information:**

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

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

Name of Official: NONE 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: Date: 4/16/15

# 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: Smith, Gambrell & Russell, LLP

Subject Public Hearing Case: _____

**Campaign Contribution Information:**

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

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

Name of Official: NONE 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: _____ Date: 4/14/15

# 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: Robert D. Griest, Esq.

Subject Public Hearing Case:

**Campaign Contribution Information:**

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

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Name of Official: NONE 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: Date: 4/16/2015

# ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

See Statement of Intent

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

See Statement of Intent

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

See Statement of Intent

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

See Statement of Intent

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

See Statement of Intent

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

See Statement of Intent

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

See Statement of Intent

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

# Board Of Zoning Appeals Review Criteria

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

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

See Statement of Intent

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

See Statement of Intent

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

See Statement of Intent

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

See Statement of Intent

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

# Sign Variance Review Criteria

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

☐ Yes

☐ No

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

☐ Yes

☐ No

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

☐ Yes

☐ No

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

☐ Yes

☐ No

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

☐ Yes

☐ No

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

☐ Yes

☐ No

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

☐ Yes ☐ No

# CITIZEN PARTICIPATION FORM - PART A

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

Public Hearing or Project Name: Parkway 400

Contact Name: Dennis J. Webb, Jr. Telephone: 404-815-3620

**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.***

| | |
|---|---|
| Fifth Third Bank, 2755 Old Milton Pkwy. | Joel B. Shirley, Jr. |
| Windward Eye Group, LLC, 272 Old Milton Pkwy. | John Doulgerakis |
| NNN Parkway Four Hundred, LLC, 11720 Amber Park Drive. | |
| Fourth Quarter Properties 87, LLC | |
| WBCMT 2007 C31 Amberpark Limited Partnership | |
| Greenstone Parkway Four Hundred LLP | |
| Fulton County Board of Education | |

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

- [x] Letter
- [ ] Personal Visits
- [ ] Telephone
- [ ] Group Meeting
- [ ] Email
- [x] Other *(Please Specify)* Will offer to meet in the letter

**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 will be given contact information (telephone, email and address) for the Applicant's representative.

# FOURTH AMENDED STATEMENT OF INTENT

and

Other Materials Required by
City of Alpharetta Zoning Ordinance
for the
**Master Plan Amendment Application**
**Concurrent Variance Application**
**Concurrent Variance Exception Application**

of

**HDP Acquisitions, LLC**
**c/o Hotel Development Partners, LLC**
**("Applicant")**

related to

±1.896 Acres of Land located in
Land Lot 804, 1st District, 2nd Section

Submitted for Applicant by:

Dennis J. Webb, Jr.
Robert D. Griest
Smith, Gambrell & Russell, LLP
Promenade, Suite 3100
1230 Peachtree Street, NE
Atlanta, Georgia 30309
404-815-3500

## I. INTRODUCTION

This Application seeks a (a) Master Plan Amendment (b) Concurrent Variance and (c) Concurrent Exception Variance to allow for development of a hotel on ± 1.896 acres of land located in Land Lot 804, 1st District, 2nd Section, in the southwest quadrant of the intersection of Kimball Bridge Road and Amber Park Drive (the "Subject Property"). The Subject Property is designated as Building Site 6 in the Parkway 400 Master Plan (MP-98-01) and zoned OI (Office-Institutional). Further, pursuant to the City's Comprehensive Land Use Plan, the Subject Property is designated as "Corporate Office Campus" and located in the Old Milton Corridor, neither of which prohibits the use proposed.

Parkway 400 was zoned by Fulton County in 1998 and annexed into the City of Alpharetta in 2004. Parkway 400 is approved for 557,100 square feet of development. Despite the passage of 17 years, however, roughly 60% of the Master Planned area remains undeveloped, including the Subject Property.

While growth in Parkway 400 has lagged, growth in the area around it has not. For example, Avalon recently opened its initial phase north of the Subject Property and across Old Milton Parkway. It includes 500,000 square feet of retail space, 350 residential units (100 single-family detached units and 250 multifamily units), 1,000,000 square feet of office space and a full service hotel. Additionally, Gwinnett Technical College owns and is building a satellite campus to serve 10,000 students on 26 acres just east of the property.

These and other changes have markedly transformed the area around Parkway 400. Yet, Parkway 400 remains subject to a static Master Plan adopted almost two (2) decades ago. In light of changes in the area, the Applicant believes that the highest and best use for the Subject Property is a business hotel given (a) the lack of hotels in immediate proximity and (b) the

existing and proposed retail, restaurant, commercial, office and university uses within walking distance. The Applicant also notes that hotels are an attractive amenity for office uses, so the proposed use could serve as a catalyst for additional office development in Parkway 400.

The Applicant is planning to construct a 115 room, six (6)-story Marriott Courtyard Hotel. A mid-priced hotel catering to both the business and leisure traveler, Courtyard is the largest brand in the Marriott portfolio. The hotel structure has been designed to provide guests with the right blend of services and spaces. The hotel includes dining options like The Bistro, which offers breakfast, dinner and beverage services, and the 24/7 Market, which offers "grab and go" options. It has meeting rooms and a Business Library with computer, printer and internet access. It also provides fitness equipment and a pool and outdoor spaces with comfortable seating and fire pits.

This document is submitted both as a Statement of Intent with regard to this Application and as a written response to the Planning Commission Review Criteria. A survey plat of the property has been filed contemporaneously with the Application.

## II. HISTORY

The Subject Property is a ± 1.896 acre parcel zoned OI. It is located in Pod C (Building Site 6) of Parkway 400, a master-planned development (MP-98-01) approved by Fulton County in 1998. The Subject Property is vacant and undeveloped and has been since the Parkway 400 Master Plan was approved 17 years ago. Pursuant to the City's Comprehensive Land Use Plan, the Subject Property is designated as "Corporate Office Campus" and located in the Old Milton Corridor.

## III. REVIEW CRITERIA

1.

THE PROPOSAL IS COMPATIBLE WITH SURROUNDING PROPERTIES

The Subject Property is in Pod C (Building Site 6) of the Parkway 400 Master Planned development (MP-98-01) and is located on the South Side of Kimball Bridge Road, west of its intersection with Amber Park Drive. It is immediately adjacent to a number of existing office uses. It also is one block off Old Milton Parkway at a lighted intersection directly across from a primary entrance into Avalon, a mixed-use development whose first phase includes 500,000 square feet of retail space, 350 residential units (100 single-family detached units and 250 multifamily units), 1,000,000 square feet of office space and a full service hotel. The Subject Property is also west of Gwinnett Technical College, a university designed to serve 10,000 students on 26 acres.

The proposed use is therefore consistent with the uses approved for developments on the surrounding properties. The intended final appearance of this development will compare favorably to the projects in this community. Appropriate attention has been given by the Applicant to ensure that this project will blend harmoniously with its surroundings.

2.

THIS PROPOSAL WILL IMPROVE THE USE AND VALUE OF SURROUNDING PROPERTIES

The planning files of the City of Alpharetta were reviewed by the Applicant in advance of the filing of this Application, and the Applicant believes that this proposal will improve the use and value of surrounding properties. Importantly, it will place into service a vacant property that has sat dormant for 17 years and will compliment the nearby mix of uses which include offices, restaurants, retail and commercial.

3.

THE PROPERTY DOES NOT HAVE A
REASONABLE ECONOMIC USE AS CURRENTLY ZONED

The Applicant, on behalf of the owner of the tract of land at issue in this Master Plan Amendment, Variance, and Exception Variance Application, respectfully submits that the Zoning Ordinance of the City of Alpharetta, Georgia, as amended from time to time and known as the "Unified Development Code, City of Alpharetta, Georgia," to the extent that it limits the Subject Property in such a manner to preclude the development of this proposal, is unconstitutional as a taking of property, a denial of equal protection, an arbitrary and capricious act, and an unlawful delegation of authority under the specific constitutional provisions set forth below. Any existing zoning limitations of the Subject Property pursuant to the City of Alpharetta Zoning Ordinance deprives the current owner of any alternative reasonable use and development of the Subject Property. Additionally, all other zoning limitations, including ones intervening between the existing limitation and the one requested herein, would deprive the current owner of any reasonable use and development of the Subject Property. Further, an attempt by the City Council to impose greater restrictions upon the manner in which the Subject Property will be developed than presently exist, such as by way of approving the Application but limiting development to standards allowed under more stringent zoning classifications, would be equally unlawful.

The Applicant submits that the current limitations on development on the Subject Property constitute an arbitrary and unreasonable use of the zoning and police powers because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Subject Property owners. All limitations between the existing limitation and the use requested would constitute an arbitrary and unreasonable use of

the zoning and police powers because they bear or would bear no substantial relationship to the public health, safety, morality or general welfare of the public and would substantially harm the Subject Property owners. Further, the existing limitations applicable to the Subject Property and its adjoining properties constitute, and all zoning and Master Plan limitations intervening between the existing limits and that required to develop this project would constitute, a taking of the owners' private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Due Process Clause of the Fourteenth Amendment of the United States Constitution and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

Further, the Applicant respectfully submits that the City Council's failure to approve the Application would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Subject Property owner and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

Finally, the Applicant respectfully submits that the City Council cannot lawfully impose more restrictive standards upon the development of the Subject Property than presently exist as to do so not only would constitute a taking of property as set forth above, but also would amount to an unlawful delegation of authority, in response to public opposition, in violation of Article IX, Section IV, Paragraph II of the Georgia Constitution.

This Application meets favorably the prescribed test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning and planning as an expression of the government's police power, Guhl v. Holcomb Bridge Road, 238 Ga. 322 (1977).

4.

THIS PROPOSAL WILL NOT ADVERSELY AFFECT POPULATION AND TRAFFIC

The proposal would have no effect on population. Further, it should have minimal effect on traffic. According to the Master Plan, the site already is approved for office uses up to eight (8) stories in height. An eight (8) story office use would generate 1.56 trips per 1,000 square feet of gross floor area in the weekday am peak hour and 1.49 trips per 1,000 square feet of gross floor area in the weekday pm peak hour. ITE Trip Generation Manual (9th Ed.), General Office Building (710). By comparison, a business hotel will generate .56 trips per occupied room in the weekday am peak and .62 trips per occupied room in the weekday pm peak. ITE Trip Generation Manual (9th Ed.), Business Hotel (312). The Applicant projects average weekly occupancy at 75%. This occupancy will generate 48 trips in the weekday am peak and 53 trips in the weekday pm peak. Hence, traffic generation under the use requested should be comparable to traffic generation under the currently approved use.

5.

THIS PROPOSAL WILL NOT ADVERSELY IMPACT SCHOOL OR UTILITIES

This project, if approved, will not adversely impact schools or utilities. No new residential development is part of this application, thus no impact on schools will result. Capacity is available to service waste generated by this project. The Big Creek/Johns Creek Reclamation Plants currently serve the Subject Property and have adequate capacity. Sufficient

water capacity also is available for the development. Water is supplied by Fulton County via the North Area Water Treatment Plant.

6.

THIS PROPOSAL IS CONSISTENT WITH
THE COMPREHENSIVE LAND USE PLAN

Pursuant to the City's Comprehensive Land Use Plan, the Subject Property is designated as "Corporate Office Campus" and located in the Old Milton Corridor, neither of which prohibits the use proposed.

7.

OTHER EXISTING OR CHANGING CONDITIONS
AFFECTING THE DEVELOPMENT OF THE PROPERTY
AND WHICH SUPPORT THIS PROPOSAL

The Master Plan Amendment requested conforms to the ideals and spirit of both the City of Alpharetta Zoning Ordinance and the Parkway 400 Master Plan while, at the same time, proposing a progressive, valuable development that will revitalize currently unused property into an asset for the immediate area and the City as a whole.

8.

CONCURRENT VARIANCE AND CONCURRENT EXCEPTION VARIANCE

The Applicant seeks two (2) variances and one (1) exception variance concurrent with this Application. First, the Master Plan requires a 35 foot front yard building setback on Kimball Bridge Road. The Applicant seeks to reduce this requirement to 17.8 feet to allow for the placement of a porte cochere; notably, the building itself is outside of the 35 foot setback. Moving the driveway and porte cochere closer to the street is consistent with new urbanist policies and recent developments in the area.

Second, the staff has stated that lot coverage on the Subject Property is limited to 70% under the OI Ordinance. The applicant respectfully disagrees. According to § 2.2.13 of the Zoning Code, the OI District "is intended for the development of planned office areas which allow for design flexibility through a master plan." The OI zoning district also requires at least 25 acres of lot area. See Table 2.1. In light of these provisions, the Code appears to put a maximum lot coverage of 70% for an office park as a whole, not the individual lots within the office park. In this case and as stated above, 60% of the Parkway 400 office park is undeveloped and, hence, lot coverage for the office park as a whole is well below 70%. Nonetheless and out of an abundance of caution, the Applicant is requesting lot coverage of 74% for the Subject Property. The Applicant notes that this modest increase is well below the maximum lot coverage allowed in comparable districts (ie. C-1 has a maximum lot coverage of 80%; C-2 of 90-95%; PSC of 80%; L-1 of 80%; OSR has no lot coverage maximum; SU of 80%; and MU of 80%). The increased lot coverage requested here is typical in a more urban, walkable environment (which is why MU has a maximum lot coverage of 80%) and mitigated in this case by the extensive landscaping proposed for this site, as shown on the landscape plan submitted with the application.

Third, UDC Section 2.5.1.A. states that a hotel must provide "one space per guest room," among other requirements. The Applicant states that this ratio is not appropriate for the Subject Property and seeks to reduce required parking to a total of 114 spaces for several reasons. First, the Subject Property is within walking distance of existing office, restaurant, retail and commercial uses. The City has allowed for parking reductions on other sites in proximity (i.e. Avalon, Atwater (CLUP-14-09/Z-14-14/V-14-31)), acknowledging that the full complement of parking is not warranted in this pedestrian-oriented area. Further, the Subject Property proposes

only a small amount of meeting space; it is not designed to and will not host parking-intensive functions. Finally, industry data demonstrates that the site does not need the amount of parking required by code. The industry treatise, Hotel Design Planning and Development (2nd Edition, p. 369) (attached), outlines the formula that design professionals use to determine the maximum parking needed for overnight guests. The formula is as follows:

$$\frac{\text{(Rooms) x (\% Occupancy) x (People/Room) x (\% Arriving by Car)}}{\text{(People/Car)}} = \text{Spaces Needed}$$

The Applicant projects maximum weekly occupancy at 75%. It anticipates that at least 10% of guests will share a room. It also anticipates that 85% will arrive by car and at least 10% of cars will have more than one (1) occupant. Using this data, the formula yields the following:

$$\frac{(115) \times (.75) \times (1.1) \times (.85)}{1.1} = 73.313$$

Hence, according to industry experts, the site needs only 73 spaces for overnight guests, but is providing a total of 113, which will allow for fluctuations.

Pursuant to § 4.5.4, the Applicant shows that the criteria for the variance and exception variance are met. First, there are extraordinary and exceptional conditions pertaining to the Subject Property. As noted above, the Development Tract lies in the Old Milton Corridor. To facilitate the transition of the area to a more modern, urban and walkable environment, the City has in the past recognized the need to grant developers variances to reduce parking and other development standards. The Applicant requires similar concessions to create a development that complements and enhances on-going development in the area and to avoid being deprived of rights and privileges enjoyed by other property owners in the same district. Second, the application of the ordinance to the Subject Property would create unnecessary hardship and adversely affect its reasonable use or usability; again, the variances the Applicant seeks are

consistent with variances granted for other properties in the area, all of which have allowed the corridor to transition. Finally, the grant of the variances will not be materially detrimental to the public welfare or injurious to the property or improvements in the relevant zoning district; to the contrary, the variances sought support the intent of the City's Comprehensive Plan and current development patterns in the area.

## IV. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the Master Plan Amendment and Concurrent Variances at issue be approved. The Applicant also invites and welcomes any comments from Staff or other officials of the City of Alpharetta so that such recommendations or input might be incorporated as conditions of approval of this Application.

This *19th* day of January, 2015.

Respectfully submitted,

Dennis J. Webb, Jr.
Robert D. Griest
Attorneys for Applicant

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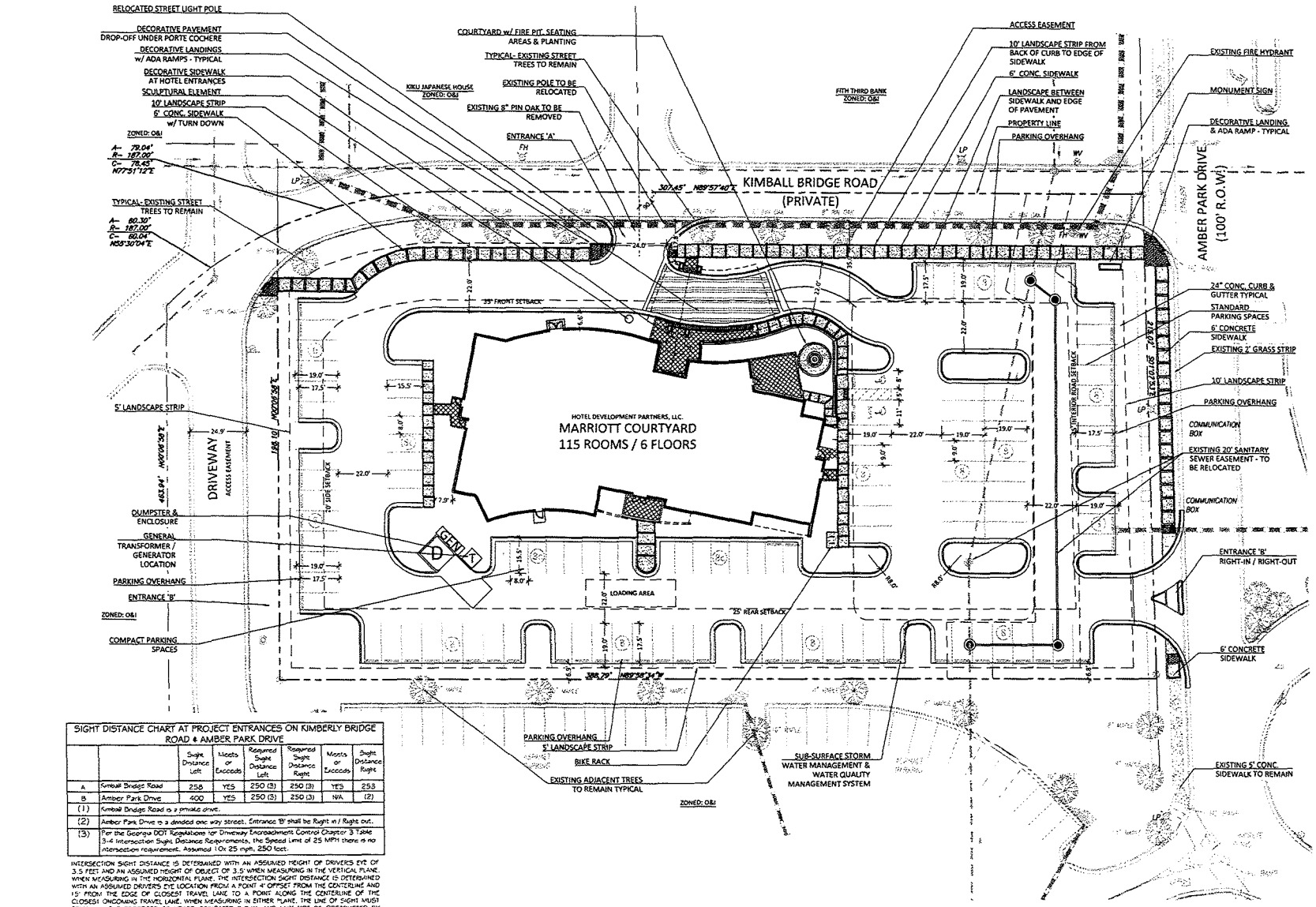
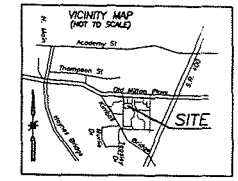



GENERAL NOTES:

1. SITE AREA : 1.896 ACRES (82,589.83 SQFT.), ZONED O&I (OFFICE-INDUSTRY)
2. LOCATION : KIMBALL BRIDGE ROAD & AMBER PARK DRIVE
   LAND LOT 804, 1st DISTRICT, 2nd SECTION FULTON COUNTY.
   BUILDING SITE 6 IN THE PARKWAY 400 MASTER PLAN (MP-98-01)
4. LAST EXISTING USE : UNDEVELOPED LAND
5. PROPOSED USE: HOTEL AND PARKING LOT
   MEETING SPACE: 1,200 SQFT, RESTAURANT: 1,000 SQFT
6. OWNER/DEVELOPER : HOTEL DEVELOPMENT PARTNERS, LLC
   3414 PEACHTREE ROAD NE, SUITE 1075
   ATLANTA, GEORGIA 30326
   CONTACT PERSON: STEVE SMITH, 770-350-3233
   DESIGNER/ENGINEER : MCFARLAND - DYER & ASSOCIATES, INC.
   4174 SILVER PEAK PARKWAY
   SUWANEE, GEORGIA 30024
   CONTACT PERSON: JEFF DYER (770) 932-6550 , JDyer@gamda.net
7. BOUNDARY, TOPOGRAPHY & SITE INFORMATION PREPARED BY REGISTERED LAND SURVEYORS, INC DATED JUNE 15, 2004 LAST UPDATED SETEMBER 21, 2004.
8. ALL CONSTRUCTION SHALL CONFORM TO THE CITY OF ALPHARETTA DEVELOPMENT REGULATIONS. ALL CONSTRUCTION SHALL ALSO COMPLY WITH ALL APPLICABLE COUNTY, STATE AND FEDERAL CODES, STANDARDS AND REGULATIONS.
9. FIRM MAP NUMBER 13121C0058F, EFFECTIVE SEPTEMBER 18, 2013, INDICATES THAT THIS TRACT DOES NOT LIE IN AN AREA DESIGNATED AS HAVING FLOOD HAZARD. THE SUBJECT SITE IS LOCATED IN A FLOOD ZONE "X" AREA DETERMINED TO BE OUTSIDE OF THE 500 YEAR FLOOD PLAIN.
10. COVERAGE: PROPERTY: 82,589.83 SQFT
    ACCESS EASEMENT: 7,741.92 SQFT
    SITE: 77,595.26 SQFT
    IMPERVIOUS AREA: 57,249.78 SQFT
    PLANTED AREA: 20,345.48 SQFT
    (IMPERVIOUS SQFT / SITE SQFT)X100% = 73.78% COVERAGE
11. STORM WATER MANAGEMENT SHALL BE PROVIDED ON SITE IN SUB-SURFACE FACILITIES.
12. THERE ARE NO LAKES, STREAMS, WETLANDS OR WATERS OF STATE OR THEIR ASSOCIATED BUFFERS ON THIS SITE.
    REQUIRED SETBACKS:
    FRONT SETBACK: 35'
    REAR SETBACK: 25'
    SIDE SETBACK: 20'
13. HEIGHT OF BUILDING:
    4 STORIES OR 85' WITHIN FIRST 200' FROM RESIDENTIAL PROPERTY.
    6 STORIES OR 110' WITHIN SECOND 200' FROM RESIDENTIAL PROPERTY.
    8 STORIES OR 140' REMAINDER OF POD 'C'.
    PROPOSED HOTEL = UP TO 6 STORIES
    MAXIMUM COVERAGE BY PRINCIPAL BUILDING 40%; 19% PROPOSED.
14. COMPACT PARKING SPACES: MAXIMUM OF 20% MAY BE COMPACT SPACES.
15. FINAL LANDSCAPE PLAN SHALL BE IN ACCORDANCE WITH THE MASTER PLAN.
16. THERE ARE NO LAKES, STREAMS AND OTHER WETLANDS ON THE SITE AND ASSOCIATED BUFFERS

## PARKING

| Required Parking Spaces | |
|---|---|
| Hotel (115 rooms) | 115 |
| Hotel Employee (1 per 20 rooms) | 6 |
| Convention/Conf./Ball Rm (1 per 500 SqFt) | 2 |
| Restaurant / Retail (1 per 500 SqFt) | 2 |
| TOTAL PARKING REQUIRED | 125 |
| **Proposed Parking Spaces** | |
| Standard Parking Space (9'X19') | 89 |
| Compact Parking (8'X15'-6" max 20%) | 24 |
| TOTAL PARKING PROPOSED | 113 |

SIGHT DISTANCE CHART AT PROJECT ENTRANCES ON KIMBERLY BRIDGE ROAD & AMBER PARK DRIVE

| | | Sight Distance Left | Meets or Exceeds | Required Sight Distance Left | Required Sight Distance Right | Meets or Exceeds | Sight Distance Right |
|---|---|---|---|---|---|---|---|
| A | Kimball Bridge Road | 258 | YES | 250 (3) | 250 (3) | YES | 253 |
| B | Amber Park Drive | 400 | YES | 250 (3) | 250 (3) | N/A | (2) |
| (1) | Kimball Bridge Road is a private drive. | | | | | | |
| (2) | Amber Park Drive is a divided one way street. Entrance 'B' shall be Right in / Right out. | | | | | | |
| (3) | Per the Georgia DOT Regulations for Driveway Encroachment Control Chapter 3 Table 3-4 Intersection Sight Distance Requirements, the Speed Limit of 25 MPH there is no intersection requirement. Assumed 10x 25 mph, 250 feet. | | | | | | |

INTERSECTION SIGHT DISTANCE IS DETERMINED WITH AN ASSUMED HEIGHT OF DRIVERS EYE OF 3.5 FEET AND AN ASSUMED HEIGHT OF OBJECT OF 3.5 WHEN MEASURING IN THE VERTICAL PLANE. WHEN MEASURING IN THE HORIZONTAL PLANE, THE INTERSECTION SIGHT DISTANCE IS DETERMINED WITH AN ASSUMED DRIVER'S EYE LOCATION FROM A POINT 4' OFFSET FROM THE CENTERLINE AND 15' FROM THE EDGE OF CLOSEST TRAVEL LANE TO A POINT ALONG THE CENTERLINE OF THE CLOSEST ONCOMING TRAVEL LANE. WHEN MEASURING IN EITHER PLANE, THE LINE OF SIGHT MUST REMAIN IN THE PROPOSED STANDARD DEDICATED R.O.W. AND MAY NOT BE OBSTRUCTED BY MONUMENTS, WALLS, FENCES, TREES, HEDGES OR OTHER VISUAL IMPEDIMENTS / OBSTRUCTIONS.

# PARKWAY 400 - MARRIOTT COURTYARD

## ZONING SITE PLAN

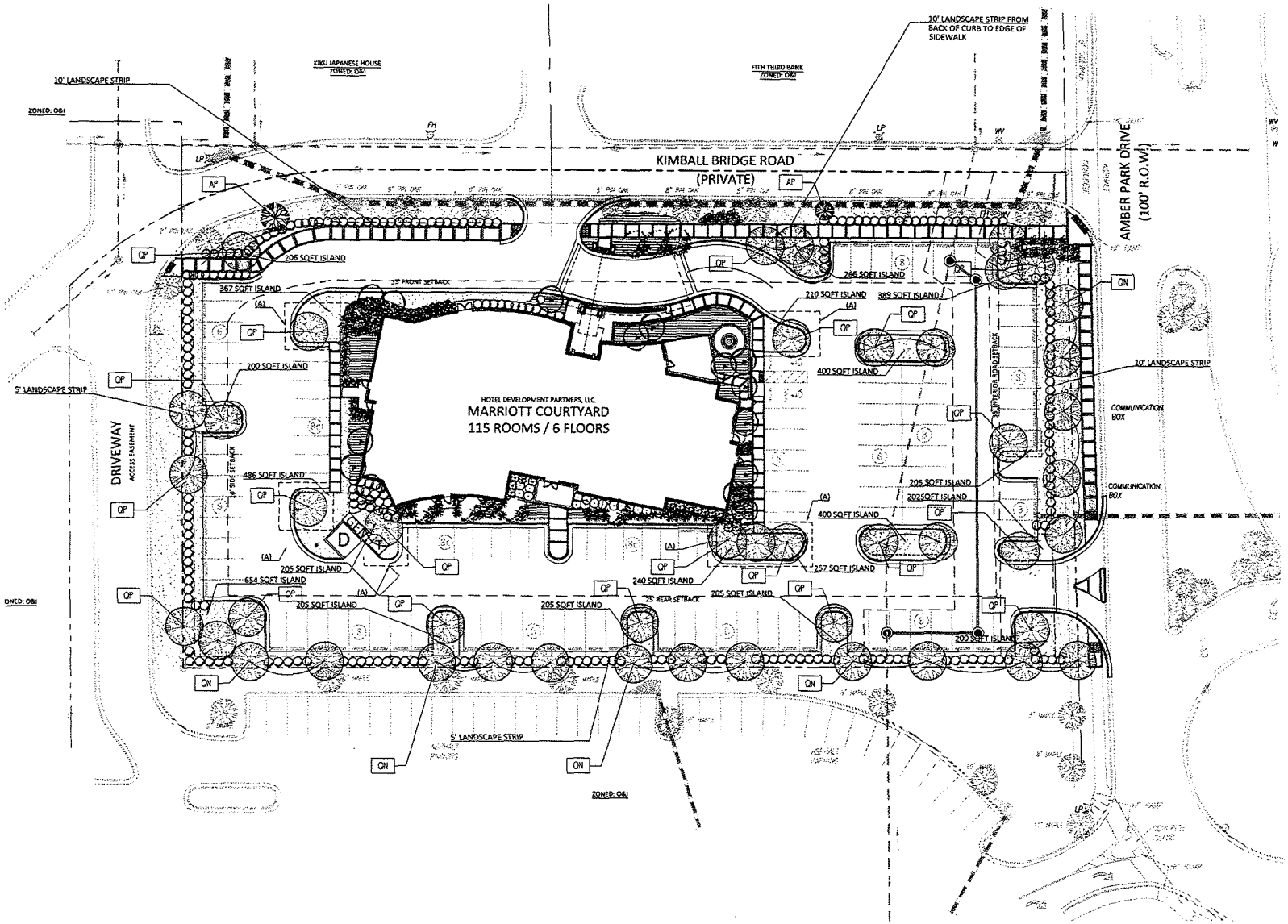
KIMBALL BRIDGE DRIVE, ALPHARETTA, GEORGIA

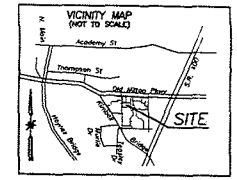
JANUARY 18, 2016

20' 0 20' 60'

GRAPHIC SCALE (in feet)
1 INCH = 20 FT.

MDA
MCFARLAND-DYER & ASSOCIATES
4174 SILVER PEAK PARKWAY, SUWANEE, GEORGIA 30024
PHONE (770) 932-6550 FAX (770) 932-6551
WWW.GAMDA.NET




LEGEND

LARGE SHADE TREE
[QP] WILLOW OAK
QUERCUS PHELLOS
[QN] NUTTAL OAK
QUERCUS NUTTALLII

SHADE TREE
[AP] PIN OAK
ACER PALUSTRIS

UNDERSTORY TREE
[ICB-T] TREE FORM BURFORD HOLLY
ILEX CENATA 'BURFORD'
[CJ] JAPANESE CEDAR
CRYPTOMERIA JAPONICA
[ICB] NATCHEZ CRAPE MYRTLE
LAGERSTOMIA 'NATCHEZ'

SHRUBBERY
[MSG] MAIDEN GRASS
MISCANTHUS SINENSIS 'GRACILLIMUS'
[PAH] FOUNTAIN GRASS
PENNISETUM ALOPECUROIDES 'HAMELN'
[ICB] DWARF BURFORD HOLLY
ILLEX CRENATA 'DWARF BURFORD'

GROUND COVER

SOD / GRASS

(A) STRUCTURAL SOIL VAULT

# PARKWAY 400 - MARRIOTT COURTYARD

## ZONING LANDSCAPE PLAN

KIMBALL BRIDGE DRIVE, ALPHARETTA, GEORGIA

JANUARY 18, 2016

20' 0 20' 60'

GRAPHIC SCALE (in feet)
1 INCH = 20 FT.

MDA
MCFARLAND-DYER & ASSOCIATES
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## EXHIBIT-A

All that tract or parcel of land lying and being in Land Lot 804 of the 1st District, 2nd Section Fulton County, Georgia and being more particularly described as follows:

To find the **POINT OF BEGINNING** commence at the Land Lot Corner common to Land Lots 801, 802, 803 and 804; thence South 02°29'25" East, a distance of 182.9 feet to a point on the common line of Land Lots 801 and 804; thence South 00°02'30" East, a distance of 81.93 feet to a point; thence South 89°56'40" East, a distance of 50.00 feet to a point; thence South 00°07'23" West a distance of 36.94 feet to the **POINT OF BEGINNING**; thence South 00°07'23" West, a distance of 22.23 feet to a point; thence South 00°07'23" West, a distance of 175.81 feet to a point; thence South 89°56'40" East, a distance of 388.77 feet to a point on the 100 foot right of way of Amberpark Drive; thence along said right of way, North 01°06'04" West, a distance of 215.06 feet to a point; thence leaving said right of way, South 89°58'59" West, a distance of 223.76 feet to a point; thence South 89°58'59" West, a distance of 83.69 feet to a point; thence 79.10 feet along a curve to the left, said curve having a chord bearing of South 77°51'53" West and a chord length of 78.52 feet and a radius of 187.00 feet to the **POINT OF BEGINNING.**

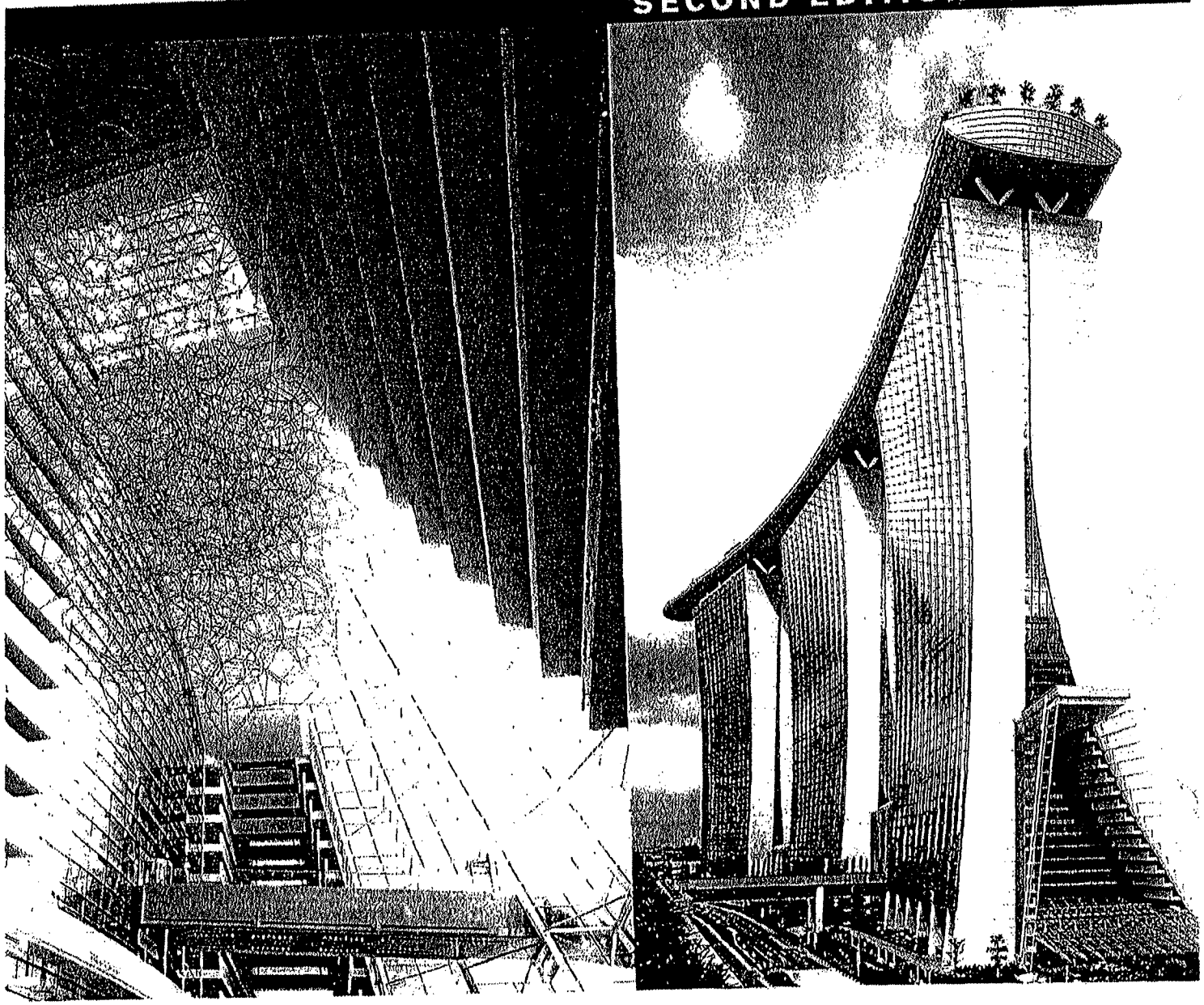
Said tract contains 1.896 acres (82,589.83 square feet) more or less.

# HOTEL DESIGN

## PLANNING AND DEVELOPMENT

Richard H. Penner
Lawrence Adams, AIA
Stephani K. A. Robson

SECOND EDITION



- *Safety:* Do not provide a diving board; include slip-free deck surface, depth markings, underwater lighting, safety or "pool rules" signage.
- *Wading pool, whirlpool:* Include additional pools within view of the swimming pool but slightly separated.
- *Indoor pool:* Design either operable roof or glass walls to provide direct sunlight and ventilation.

### Spa and Health Club

A second major component of hotel recreational facilities is the spa or, in smaller properties, the health club, a feature that for many types of hotel has become more central than the pool. The focus of the spa is on the guest's experience, and introduces unique images, sounds (flowing water or music), scents (aromatherapy), and more to soothe and relax the individual. At a destination resort, there might be as many as one treatment room for every five guestrooms, dropping to one to every 50 or 100 in urban locations. In contrast, a simple health club may feature little more than a combination of exercise equipment (such as Nautilus or Universal machines) and such specialized facilities as whirlpool baths, steam rooms, and saunas. Larger complexes may add a unisex hair salon, a multi-purpose room for aerobic exercise—even racquetball courts. The spa at the Terranea Resort in Southern California is representative of how a medium-size, upscale resort property can cater to guests and the local community. Its 20,000 sq ft (1,850 sq m) spa, not including the adjoining fitness center and pool, has 23 treatment rooms for about 380 hotel guestrooms, plus many casitas and golf villas. See the further discussion of spa facilities in the discussion of resort hotels in Chapter 7. The following items should be considered during the planning phase:

- *Location:* Plan the spa so that guests can reach it directly from the guestroom elevators, and local members have access from the street or parking area, without passing through the hotel lobby.
- *Program:* Include the following, depending on the market:
  - Reception area with attendant
  - Retail sales area
  - Salon
  - Lockers, showers, and toilets
  - Exercise room
  - Sauna, steam room, and whirlpool
  - Treatment rooms
  - Relaxation lounges
  - Spa café and support areas
- *Adjacencies:* Plan the complex with the control area and lounge most visible, and with the private functions either shared (exercise room) or back-to-back (saunas and restrooms).

## Parking

The provision of sufficient parking can be a crucial element in both the budgeting and conceptual planning, for a hotel or motel. And its design often influences the guest's first and last impressions of the property. Roadside inn developers know they must provide

**Table 17.12** Parking needed for different types of hotel

| Hotel type | Number of spaces/room | Comment |
|---|---|---|
| Business (downtown) | 0.4–0.8 | Assumes limited function space |
| Boutique hotel | 0.3–0.8 | Higher factor in resort areas |
| Suburban hotel | 1.2–1.4 | Heavy local meeting and banquet use |
| Airport hotel | 0.6–1.0 | Moderate rental-car use |
| Roadside inn | 1.0–1.2 | Very limited local banquet and F&B use |
| Resort (all types) | 0.2–1.4 | Varies by market, location, and proximity to urban centers or major attractions |
| Convention hotel | 0.8–1.4 | Regional convention hotels need more parking |
| Conference center | 1.0–1.3 | If full house, minimum local use |
| Condominium hotel | 1.2–2.0 | May need two spaces/condominium |
| All-suite hotel | 0.8–1.2 | Limited F&B and function areas |
| Super-luxury hotel | 1.0–1.2 | Limited function areas |
| Mega-hotel | 1.0–1.2 | Limited local business; high rental-car use |
| Mixed-use hotel | 0.6–1.2 | Highly variable depending on other activities |
| Casino hotel | 0.8–2.0 | Varies by location (for example, Atlantic City requires extensive bus parking) |

**Table 17.13** Parking analysis

The following steps describe an approach to calculating parking requirements based on the changing needs of the guestrooms and other hotel facilities throughout the day. The maximum parking demand in most properties is created not by the rooms but by the meeting and banquet space. The provision of parking must recognize the sum of the various components and the interrelationship of the peaks and valleys over a 24-hour period.

1. Determine the components of the parking requirement: overnight guests, restaurant and bar patrons, meeting attendees, and other visitors (see Step 3).
2. Calculate the maximum number of cars that might be reasonably anticipated, planning to accommodate full demand on 80–85 percent of all days, but not peak demand for each component. The overnight guest calculation is illustrated by the following example:

| | |
|---|---|
| Number of rooms | 400 |
| Percent occupancy | 85 |
| People per room | 1.4 |
| Percent arriving by car | 40 |
| People per car | 1.5 |

Each calculation will be slightly different; the equation for calculating the overnight guests' parking requirement is:

$$\frac{(\text{Rooms}) \times (\%\ \text{occupancy}) \times (\text{people/room}) \times (\%\ \text{by car})}{(\text{People/car})}$$

Example: $\frac{400 \times 0.85 \times 1.4 \times 0.40}{1.5} = 127$ cars

The calculation for the other components includes similar factors as appropriate, such as food and beverage covers, percentage of diners arriving by car, and number of employees by shift.

3. Develop a table (see below) showing hourly parking use factors (example shows four-hour periods). For example, the parking facility needs to accommodate all (100 percent or 1) overnight guest cars from midnight to 4:00 A.M. but, because of checkouts, only 60 percent (0.6) during the midday periods.
4. Combine the parking requirements for each component (Step 2) with the use table (Step 3) to calculate the total amount of parking necessary during each time period. In this example, hotel guests would require 127 parking spaces (1 x 127) at midnight but only 76 spaces (0.6 x 127) at noon. Recognize that high evening demand, for example, might be partially met by available parking nearby.

| User | Morning | | | Afternoon | | |
|---|---|---|---|---|---|---|
| | Midnight–4:00 | 4:00–8:00 | 8:00–noon | Noon–16:00 | 16:00–20:00 | 20:00–midnight |
| Hotel guests | 1.0 | 0.95 | 0.6 | 0.6 | 0.9 | 0.95 |
| Restaurant and bar patrons | 0.05 | 0.1 | 0.1 | 0.1 | 0.2 | 0.25 |
| Meeting/banquet attendees | 0.05 | — | 0.1 | 0.1 | 0.4 | 0.4 |
| Health club members | — | 0.2 | 0.1 | 0.2 | 0.2 | 0.05 |
| Visitors | — | 0.1 | 0.2 | 0.1 | 0.2 | 0.4 |
| Employees | 0.25 | 0.25 | 0.4 | 0.4 | 0.35 | 0.35 |

one space per room; full-service hotels need additional spaces for employees and for any public areas—restaurants, bars, meeting space, or recreational facilities—that attract guests from the community. An otherwise successful hotel can be seriously affected—especially its ability to attract local banquet business—by insufficient or inconvenient parking.

The key objective should be to provide optimum but not excessive amounts of parking. Unless unusual conditions (sports complex, large banquet facility, retail center) exist, the parking provision for different types of lodging properties falls within the ranges shown in Table 17.12. Land cost is an increasing problem in suburban and rural locations, where parking usually is on grade, often covering more land than the building itself, making it necessary for developers to program their parking requirements more carefully. However, the more critical concern is at downtown hotels, and at those other properties where high land costs preclude extensive amounts of surface parking or require the construction of a garage, often below the hotel. It is not uncommon for the developer and architect to appeal zoning regulations, if justified, based on an analysis by traffic experts. One technique is to project hourly parking requirements, recognizing that hotel guests, conferees, banquet guests, and employees create peak demands on parking at different periods of the day (see example, Table 17.13).

In addition to programming the parking, the design team must consider the impact it makes on the lasting impression the guest has of the hotel. Designers need to address concerns about convenience, safety, and possible claustrophobia:

MP-16-01 V-16-03
PARKWAY 400

# 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.

RECEIVED JAN 2016 Community Development

### Contact Information:

Contact Name: De Little Telephone: 770-988-8222

Address: 3301 Windy Ridge Parkway Suite: 320

City Atlanta State: Ga Zip: 30339 Fax: 770-988-8228

Mobile Tel: 404-863-1545 Email: delittle@greenstone-properties.com

### Subject Property Information:

Address: Parkway 400 (various parcels) Current Zoning: O-I

District: 1 Section: 2 Land Lot: 804 Parcel ID: 12-28400803043, 12-28400803027, 12-2842080104

Proposed Zoning: O-I Current Use: Hotel, Office, 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)*: Change of Condition

# APPLICANT REQUEST AND INTENT

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

The proposed use of the property is office and hotel.

Applicant's Request (Please itemize the proposal):

We are requesting the following change of conditions and variances for the Parkway 400 Development.

1. Request a change to zoning condition 1 changing the number of rooms from 131 to 132.

2. Resuest a variance to the require side building setback from 10' to 0' to allow for the parking deck to be continuous from Phase 1 to Phase 2.

3. Request a variance to the front setback along Kimball Bridge Road from 65' to 25' to allow teh parking deck to be constructed closer to the road.

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

See Letter of Intent attached

# PROPERTY OWNER AUTHORIZATION

## Property Owner Information:

Contact Name: De Little Telephone: 770-988-8222

Address: 3301 Windy Ridge Parkway 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.*

- ☐ Annexation
- ☐ Special Use
- ☐ Rezoning
- ☐ Conditional Use
- ☒ Variance
- ☐ Master Plan
- ☐ Land Use Application
- ☒ Other Change of Zoning Condition

Identify Authorized Applicant:

Name of Authorized Applicant: Telephone:

Address: Suite:

City State: Zip: -

So Sworn and Attested:

Owner Signature: Date: 12/21/15

Notary:

Notary Signature: Date: 12-21-15

CHRISTINE M JAYNES
Notary Public, Georgia
Cobb County
My Commission Expires
May 29, 2017

# DISCLOSURE FORM

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

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

Name of Applicant or Opponent: _____

Subject Public Hearing Case: _____

## Campaign Contribution Information:

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

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

Name of Official: _____ Position: _____

Description of Contribution: _____ Value: 0

Description of Contribution: _____ Value: 0

Description of Contribution: _____ Value: 0

Description of Contribution: _____ Value: 0

Description of Contribution: _____ Value: 0

## Campaign Contribution Information:

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

Signature: _____ Date: 1/5/16

# BOARD OF ZONING APPEALS REVIEW CRITERIA

MP-16-01 V-16-03
PARKWAY 400

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.

V1- N/A (Change of Condition)
V2- No, the variance is because of building the parking deck in 2 phases.
V3- Yes, the topograph of the property allows for a smaller setback since teh parking deck will look like a surface lot from the Public Right of Way.

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

V1- N/A (Change of Condition)
V2- Yes, constructing the parking deck in two separate structures does not allow for an effective use of the land.
V3- Yes, the parking deck in the proposed location will be set back further than a typical parking lot.

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

V1- N/A (Change of Condition)
V2- No
V3- The topography of the site allows the parking deck to be constructed to appear as a surface parking lot.

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.

V1- No, a change in the condition will cause no negative impact to the public welfare.
V2- No, allowing the two phases of the parking deck to attach will cause no negative impact to the public welfare.
V3- No, the reduction in teh building setback for teh parking deck only will not cause any negative impact to the public welfare.

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

MP-16-01 V-16-03
PARKWAY 400

*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: Parkway 400- Variances

Contact Name: De Little

Telephone: 770- 988-8222

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

See attached list

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

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

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

Impacted property owners will be able to contact us via telephone, letter, e-mail or an in person meeting if requested.

AEC

50 Warm Springs Circle
Roswell, Georgia 30075-4937
Main: 770.641.1942
Fax: 770.998.6924

January 4, 2016

The Mayor and City Council
City of Alpharetta
Alpharetta City Hall
Two South Main Street
Alpharetta, Georgia 30004

RE: Parkway 400 Variance submittal
Land Lot 804 of the 1st District, 2nd Section, Fulton County, Georgia.

Dear Mayor and Councilpersons:

Greenstone Properties, the Applicant, in the above referenced application seeks variance approval on various sites in Parkway 400 zoned O-I (Conditional) for the purpose of constructing a development including office and hotel uses.

To the east of the property is the newly constructed Gwinnett Tech campus. To the south of this property is existing and proposed residential use. To the west of this property is the existing Fulton County School Property and the Racetrac service station. To the north of this property is the Avalon mixed use development.

The specific variances are as follows:

1. We are requesting a change to the zoning condition #1 (MP-14-09 Parkway 400 Hotel) to change the maximum number of rooms from 131 to 132.
2. We are requesting a reduction in the side building setback from 10' to 0' for the purposes of allowing the parking deck to be continuous from Phase I to Phase II.
3. We are requesting a reduction of the front building setback along Kimball Bridge Road from 65' to 25' for the parking deck only. This will allow the parking deck to be constructed closer to the road with most of the parking deck being screened by the change of grade between the road and building. The parking deck will appear to be a surface lot from the Public Right of Way.

The granting of these variances will have no negative impact on adjoining or nearby properties; in fact, this project provides an exceptional opportunity to complete development in this area of the city while maintaining Alpharetta's highest standards for quality. The development will not unduly tax any City of Alpharetta services, including, but not limited to, fire and police protection, water service and garbage collection. There will be no impact on surrounding school population. Sewer is available on site by public Fulton

County sewer.

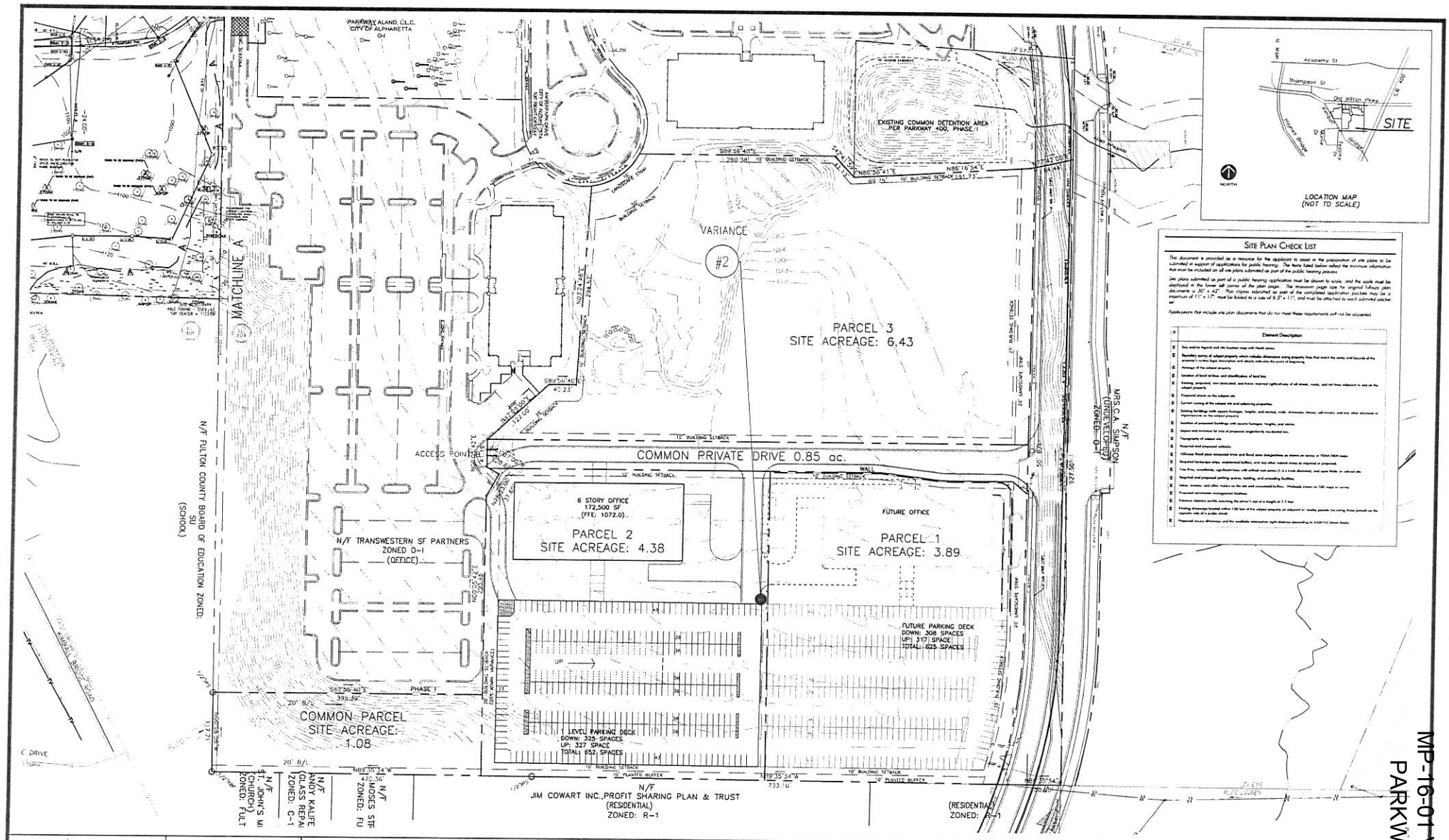
In so much as it is believed that this aforementioned Development is in the best interest of the City of Alpharetta, its citizens, surrounding property owners and the Property Owner, Applicant respectfully requests that the City of Alpharetta Mayor and Council approve this Application as a part of the approval process.

Sincerely,
**AEC, Inc.**

Steven L. Rowe, ASLA
Vice President

SLR//slr
Attachments

M:\2015 JOBS\15-3799 Greenstone Parkway 400\Variance Request 1-2016\Letter Of Intent.doc.docx




AEC

CIVIL ENGINEERING • PLANNING • LANDSCAPE ARCHITECTURE
50 Warm Springs Circle
Roswell • Georgia • 30075
(770) 641-1942 • www.aecsd.com

NORTH

60 0 60 120

PARCEL PLAN

# GREENSTONE- PARKWAY 400

Alpharetta , Georgia

| PROJECT INFORMATION |
|---|
| PROJECT NO.: 15-3799.00 |
| DATE: 1-4-16 |
| SCALE: 1" = 60' |
| FILE NAME: 15-3799 P01.dwg |
| DESIGN/DRAWN: SCH/SLR |

MP-16-01 V-16-03
PARKWAY 400

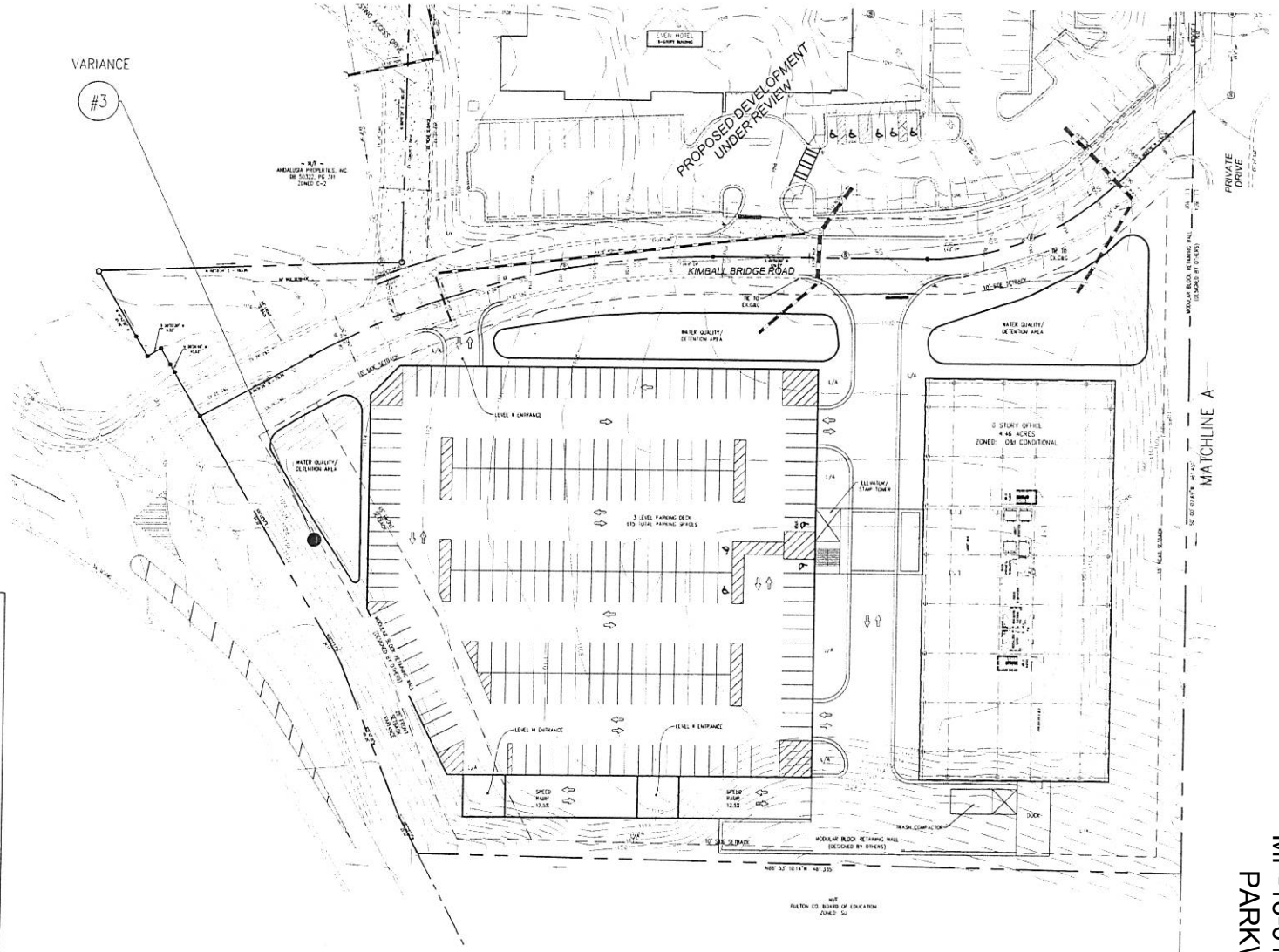
## Site Plan Check List

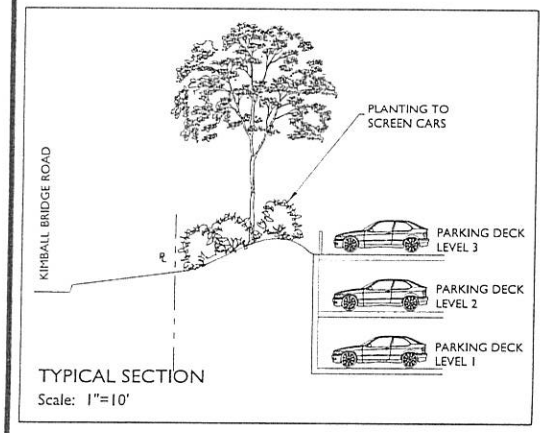
This document is provided as a resource for the applicant to assist in the preparation of site plans to be submitted in support of applications for public hearing. The items listed below reflect the minimum information that must be included on all site plans submitted as part of the public hearing process.

Site plans submitted as part of a public hearing application must be drawn to scale, and the scale must be displayed in the lower left corner of the plan page. The maximum page size for original 8-house plan documents is 30" x 42". Plan copies submitted as part of the completed application packets may be a maximum of 11" x 17", must be folded to a size of 8.5" x 11", and must be attached to each submitted packet set.

Applications that include site plan documents that do not meet these requirements will not be accepted.

| Y/N | Element Description |
|---|---|
| Y | Key and/or legend and site location map with North arrow. |
| Y | Boundary survey of subject property which includes dimensions along property lines that match the metes and bounds of the property's written legal description and clearly indicates the point of beginning. |
| Y | Acreage of the subject property |
| Y | Location of land lot lines and identification of land lots. |
| Y | Existing, proposed, new dedicated, and future reserved rights-of-way of all streets, roads, and rail lines adjacent to and on the subject property. |
| Y | Proposed access on the subject site. |
| Y | Current zoning of the subject site and adjoining properties. |
| Y | Existing buildings (with square footages, heights, and stories), roads, driveways, fences, rail fences, and any other structures or improvements on the subject property. |
| Y | Location of proposed buildings with square footages, heights, and stories. |
| Y | Layout and minimum lot size of proposed single-family residential lots. |
| Y | Topography of subject site. |
| Y | Proposed and proposed contours. |
| Y | 100-year flood plain (proposed lines and flood plain designations as shown on survey or FEMA FIRM maps). |
| Y | Required landscape strips, undisturbed buffers, and any other natural areas as reserved or preserved. |
| Y | Tree lines, woodlands, significant trees with critical root zones (1.5 x trunk diameter), and stream flows on subject site. |
| Y | Required and proposed parking spaces, loading, and unloading facilities. |
| Y | Lakes, streams, and other waters on the site and associated buffers. Wetlands shown on GIS maps or survey. |
| Y | Proposed stormwater management facilities. |
| Y | Previous traffic counts showing the driver's eye at a height of 3.5 feet. |
| Y | Existing driveways located within 150 feet of the subject property on adjacent or nearby parcels (including those parcels on the opposite side of a public street). |
| Y | Proposed access dimensions and the nearbiest intersection sight distance (according to AASHTO Green Book). |





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NORTH

30 0 30 60

PRELIMINARY SITE PLAN

# GREENSTONE- PARKWAY 400

Alpharetta , Georgia

| PROJECT INFORMATION |
|---|
| PROJECT NO.: 15-33833.00 |
| DATE: 1-4-16 |
| SCALE: 1" = 30' |
| FILE NAME: 15-3833 P02.dwg |
| DESIGN/DRAWN: SCH/SLR |

MP-16-01 V-16-03
PARKWAY 400

| | | | | | |
|---|---|---|---|---|---|
| Drive | Alpharetta | GA | 30009 | Undeveloped | 12 284008040292 |
| 0 Amber Park Drive | Alpharetta | GA | 30009 | Undeveloped | 12 284008030350 |
| 0 Amber Park Drive | Alpharetta | GA | 30009 | Undeveloped | 12 284008030343 |
| 11720 Amber Park Drive | Alpharetta | GA | 30009 | Commercial - Single Structure | 12 284008030327 |
| 11720 Amber Park Drive 100 | Alpharetta | GA | 30009 | Commercial - Suite | 12 284008030327 |
| 11720 Amber Park Drive 130 | Alpharetta | GA | 30009 | Commercial - Suite | 12 284008030327 |
| 11720 Amber Park Drive 140 | Alpharetta | GA | 30009 | Commercial - Suite | 12 284008030327 |
| 11720 Amber Park Drive 150 | Alpharetta | GA | 30009 | Commercial - Suite | 12 284008030327 |

| | | | | | |
|---|---|---|---|---|---|
| 11720 Amber Park Drive 160 | Alpharetta | GA | 30009 | Commercial - Suite | 12 284008030327 |
| 11720 Amber Park Drive 600 | Alpharetta | GA | 30009 | Commercial - Suite | 12 284008030327 |
| 11800 Amber Park Drive | Alpharetta | GA | 30009 | Commercial - Single Structure | 12 284008030319 |
| 11800 Amber Park Drive 140 | Alpharetta | GA | 30009 | Commercial - Suite | 12 284008030319 |
| 2700 Canopy Circle | Alpharetta | GA | 30009 | Residential - Common Area | 12 284208010889 |
| 2710 Canopy Circle | Alpharetta | GA | 30009 | Residential - Single Structure | ALPH1361 |
| 2711 Canopy Circle | Alpharetta | GA | 30009 | Residential - Single Structure | 12 284208010756 |

| | | | | | |
|---|---|---|---|---|---|
| 2713 Canopy Circle | Alpharetta | GA | 30009 | Residential - Single Structure | 12 284208010749 |
| 0 Duluth Road | Alpharetta | GA | 30009 | Undeveloped | 12 284208010384 |
| 0 Duluth Street | Alpharetta | GA | 30009 | Undeveloped | 12 284108020806 |
| 2622 Kentwood Lane | Alpharetta | GA | 30009 | Residential - Single Structure | 12 284208010707 |
| 2624 Kentwood Lane | Alpharetta | GA | 30009 | Residential - Single Structure | 12 284208010715 |
| 2626 Kentwood Lane | Alpharetta | GA | 30009 | Residential - Single Structure | 12 284208010723 |
| 143 Kimball Bridge Road | Alpharetta | GA | 30009 | Nonbuilding Structure - Monument/Sign | 12 284208010913 |

| | | | | | |
|---|---|---|---|---|---|
| 0 Kimball Bridge Road | Alpharetta | GA | 30009 | Undeveloped | 12 284208010459 |
| 0 Kimball Bridge Road | Alpharetta | GA | 30009 | Residential - Situs Address | 12 284208010178 |
| 0 Kimball Bridge Road | Alpharetta | GA | 30009 | Undeveloped | 12 284208010483 |
| 0 Kimball Bridge Road | Alpharetta | GA | 30009 | Undeveloped | 12 284208010368 |
| 0 Kimball Bridge Road | Alpharetta | GA | 30009 | Undeveloped | 12 284208010061 |
| 0 Kimball Bridge Road | Alpharetta | GA | 30009 | Undeveloped | 12 284208010343 |
| 110 Kimball Bridge Road | Alpharetta | GA | 30009 | Residential - Single Structure | 12 284208010392 |
| 113 Kimball Bridge Road | Alpharetta | GA | 30009 | Nonbuilding Structure - Right Of Way | 12 284208010236 |

| | | | | | |
|---|---|---|---|---|---|
| 123 Kimball Bridge Road | Alpharetta | GA | 30009 | Nonbuilding Structure - Right Of Way | 12 284208010376 |
| 154 Kimball Bridge Road | Alpharetta | GA | 30009 | Commercial - Single Structure | 12 284208010111 |
| 155 Kimball Bridge Road | Alpharetta | GA | 30009 | Residential - Single Structure | 12 284208010137 |
| 157 Kimball Bridge Road | Alpharetta | GA | 30009 | Residential - Single Structure | 12 284208010145 |
| 162 Kimball Bridge Road | Alpharetta | GA | 30009 | Commercial - Single Structure | 12 285108000573 |
| 165 Kimball Bridge Road | Alpharetta | GA | 30009 | Residential - Single Structure | 12 285008000194 |
| 170 Kimball Bridge Road | Alpharetta | GA | 30009 | Commercial - Single Structure | 12 285108050057 |

| | | | | | |
|---|---|---|---|---|---|
| 0 Manuel Lane | Alpharetta | GA | 30009 | Undeveloped | 12 285108050677 |
| 1400 Manuel Lane | Alpharetta | GA | 30009 | Nonbuilding Structure - Cell Tower | 12 285108050719 |
| 0 Old Milton Parkway | Alpharetta | GA | 30009 | Undeveloped | 12 284208010475 |
| 0 Old Milton Parkway Rear | Alpharetta | GA | 30009 | Undeveloped | 12 284008040250 |
| 2645 Old Milton Parkway | Alpharetta | GA | 30009 | Commercial - Single Structure | 12 284208010129 |
| 2660 Old Milton Parkway | Alpharetta | GA | 30009 | Undeveloped | 12 284108020715 |
| 2665 Old Milton Parkway | Alpharetta | GA | 30009 | Commercial - Single Structure | 12 284208010442 |
| 2665 Old Milton Parkway Rear | Alpharetta | GA | 30009 | Undeveloped | 12 284208010434 |

| | | | | | |
|---|---|---|---|---|---|
| 2685 Old Milton Parkway | Alpharetta | GA | 30009 | Commercial - Single Structure | 12 284208010442 |
| 2685 Old Milton Parkway 100 | Alpharetta | GA | 30009 | Commercial - Suite | 12 284208010442 |
| 2685 Old Milton Parkway 110 | Alpharetta | GA | 30009 | Commercial - Suite | 12 284208010442 |
| 2685 Old Milton Parkway 120 | Alpharetta | GA | 30009 | Commercial - Suite | 12 284208010442 |
| 2685 Old Milton Parkway 130 | Alpharetta | GA | 30009 | Commercial - Suite | 12 284208010442 |
| 2685 Old Milton Parkway 140 | Alpharetta | GA | 30009 | Commercial - Suite | 12 284208010442 |
| 2685 Old Milton Parkway 150 | Alpharetta | GA | 30009 | Commercial - Suite | 12 284208010442 |

| | | | | | |
|---|---|---|---|---|---|
| 2700 Old Milton Parkway | Alpharetta | GA | 30009 | Undeveloped | 12 284108020426 |
| 2705 Old Milton Parkway | Alpharetta | GA | 30009 | Commercial - Single Structure | 12 284208010269 |
| 2705 Old Milton Parkway 100 | Alpharetta | GA | 30009 | Commercial - Suite | 12 284208010269 |
| 2705 Old Milton Parkway 110 | Alpharetta | GA | 30009 | Commercial - Suite | 12 284208010269 |
| 2705 Old Milton Parkway 120 | Alpharetta | GA | 30009 | Commercial - Suite | 12 284208010269 |
| 2725 Old Milton Parkway | Alpharetta | GA | 30009 | Commercial - Single Structure | 12 284008030269 |
| 2725 Old Milton Parkway A | Alpharetta | GA | 30009 | Commercial - Suite | 12 284008030269 |

| | | | | | |
|---|---|---|---|---|---|
| 2725 Old Milton Parkway B | Alpharetta | GA | 30009 | Commercial - Suite | 12 284008030269 |
| 2740 Old Milton Parkway | Alpharetta | GA | 30009 | Undeveloped | 12 284108020814 |
| 2755 Old Milton Parkway | Alpharetta | GA | 30009 | Commercial - Single Structure | 12 284008030277 |
| 0 State Bridge Road | Alpharetta | GA | 30009 | Undeveloped | 12 284008030202 |
| 0 State Bridge Road | Alpharetta | GA | 30009 | Undeveloped | 12 284208010426 |
| 11750 Stratham Drive | Alpharetta | GA | 30009 | Residential - Single Structure | 12 284208010830 |
| 11760 Stratham Drive | Alpharetta | GA | 30009 | Residential - Single Structure | 12 284208010848 |
| 11770 Stratham Drive | Alpharetta | GA | 30009 | Residential - Single Structure | 12 284208010855 |

| | | | | | |
|---|---|---|---|---|---|
| 11775 Stratham Drive | Alpharetta | GA | 30009 | Residential - Single Structure | 12 284208010566 |
| 11780 Stratham Drive | Alpharetta | GA | 30009 | Residential - Single Structure | 12 284208010863 |
| 11785 Stratham Drive | Alpharetta | GA | 30009 | Residential - Single Structure | 12 284208010558 |
| 11790 Stratham Drive | Alpharetta | GA | 30009 | Residential - Single Structure | 12 284208010871 |
| 11795 Stratham Drive | Alpharetta | GA | 30009 | Residential - Single Structure | 12 284208010541 |
| 11805 Stratham Drive | Alpharetta | GA | 30009 | Residential - Single Structure | 12 284208010533 |
| 11815 Stratham Drive | Alpharetta | GA | 30009 | Residential - Single Structure | ALPH1345 |

| | | | | | |
|---|---|---|---|---|---|
| 101 Teasley Place | Alpharetta | GA | 30009 | Residential - Single Structure | 12 285008000228 |
| 11690 Teasley Place | Alpharetta | GA | 30009 | Commercial - Single Structure | 12 285008000079 |
| 0 Thompson Street | Alpharetta | GA | 30009 | Undeveloped | 12 284008040060 |

MP-16-01 V-16-03
PARKWAY 400

## SURVEYED LEGAL DESCRIPTION

BUILDING SITE 3 & 4, COMMON PARCEL, AND LESS AND EXCEPT RIGHT OF WAY FOR NORTHWINDS PARKWAY

ALL THAT LOT, TRACT OR PARCEL OF LAND CONTAINING 16.634 ACRES LYING AND BEING IN LAND LOTS 804 OF THE 1ST DISTRICT, 2ND SECTION, IN THE CITY OF ALPHARETTA, FULTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE LAND LOT CORNER COMMON TO LAND LOTS 804, 805, 852, 853 BEING A POINT; THENCE ALONG THE LAND LOT LINE BETWEEN LAND LOTS 804 AND 805 NORTH 89 DEGREES 37 MINUTES 41 SECONDS WEST A DISTANCE OF 95.29 FEET TO A 1/2" REBAR SET, SAID POINT BEING THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID LAND LOT LINE THENCE NORTH 89 DEGREES 37 MINUTES 41 SECONDS WEST A DISTANCE OF 146.14 FEET TO A 1/2" REBAR SET;

THENCE CONTINUING ALONG SAID LAND LOT LINE NORTH 89 DEGREES 37 MINUTES 41 SECONDS WEST A DISTANCE OF 541.68 FEET TO A 1/2" REBAR SET;

THENCE CONTINUING ALONG SAID LAND LOT LINE NORTH 89 DEGREES 37 MINUTES 41 SECONDS WEST A DISTANCE OF 75.46 FEET TO A 1/2" REBAR SET;

THENCE CONTINUING ALONG SAID LAND LOT LINE NORTH 89 DEGREES 37 MINUTES 41 SECONDS WEST A DISTANCE OF 394.90 FEET TO A 1/2" REBAR FOUND AT THE CORNER COMMON TO LAND LOTS 800, 801, 804, AND 805;

THENCE LEAVING SAID LAND LOT LINE AND ALONG THE LAND LOT LINE BETWEEN LAND LOTS 801 AND 804 NORTH 00 DEGREES 11 MINUTES 06 SECONDS WEST A DISTANCE OF 117.59 FEET TO A POINT;

THENCE LEAVING SAID LAND LOT LINE SOUTH 89 DEGREES 58 MINUTES 47 SECONDS EAST A DISTANCE OF 395.40 FEET TO A 1/2" REBAR SET;

THENCE NORTH 00 DEGREES 03 MINUTES 35 SECONDS EAST A DISTANCE OF 293.47 FEET TO A 1/2" REBAR SET;

THENCE NORTH 28 DEGREES 50 MINUTES 53 SECONDS EAST A DISTANCE OF 37.60 FEET TO A 1/2" REBAR SET;

THENCE NORTH 61 DEGREES 09 MINUTES 07 SECONDS WEST A DISTANCE OF 20.66 FEET TO A 1/2" REBAR SET;

THENCE NORTH 00 DEGREES 03 MINUTES 35 SECONDS EAST A DISTANCE OF 41.19 FEET TO A 1/2" REBAR SET;

THENCE NORTH 47 DEGREES 06 MINUTES 53 SECONDS EAST A DISTANCE OF 122.00 FEET TO A 1/2" REBAR SET;

THENCE SOUTH 89 DEGREES 58 MINUTES 47 SECONDS EAST A DISTANCE OF 40.23 FEET TO A 1/2" REBAR SET;

THENCE NORTH 03 DEGREES 22 MINUTES 41 SECONDS EAST A DISTANCE OF 294.56 FEET TO A 1/2" REBAR SET ON THE RIGHT OF WAY MARGIN OF AMBER PARK DRIVE;

THENCE ALONG THE RIGHT OF WAY MARGIN OF AMBER PARK DRIVE AND A CURVE TO THE LEFT A DISTANCE OF 60.92 FEET WITH A RADIUS OF 92.00 FEET AND BEING SUBTENDED BY A CHORD WITH A BEARING OF NORTH 63 DEGREES 54 MINUTES 36 SECONDS EAST AND A DISTANCE OF 59.81 FEET TO A NAIL SET;

THENCE CONTINUING ALONG SAID RIGHT OF WAY MARGIN AND A CURVE TO THE LEFT A DISTANCE OF 61.21 FEET WITH A RADIUS OF 92.00 FEET AND BEING SUBTENDED BY A CHORD WITH A BEARING OF NORTH 25 DEGREES 52 MINUTES 57 SECONDS EAST AND A DISTANCE OF 60.08 FEET TO A 1/2" REBAR SET;

THENCE LEAVING SAID RIGHT OF WAY MARGIN SOUTH 56 DEGREES 41 MINUTES 12 SECONDS EAST A DISTANCE OF 59.31 FEET TO A 1/2" REBAR SET;

THENCE SOUTH 89 DEGREES 58 MINUTES 45 SECONDS EAST A DISTANCE OF 230.55 FEET TO A 1/2" REBAR SET;

THENCE SOUTH 42 DEGREES 44 MINUTES 04 SECONDS EAST A DISTANCE OF 41.12 FEET TO A 1/2" REBAR SET;

THENCE NORTH 86 DEGREES 54 MINUTES 36 SECONDS EAST A DISTANCE OF 69.75 FEET TO A 1/2" REBAR SET;

THENCE NORTH 86 DEGREES 14 MINUTES 49 SECONDS EAST A DISTANCE OF 191.73 FEET TO A 1/2" REBAR SET;

THENCE NORTH 77 DEGREES 39 MINUTES 55 SECONDS EAST A DISTANCE OF 6.32 FEET TO A 1/2" REBAR SET ON THE RIGHT OF WAY MARGIN OF NORTHWINDS PARKWAY;

THENCE ALONG SAID RIGHT OF WAY MARGIN AND A CURVE TO THE RIGHT A DISTANCE OF 3.02 FEET WITH A RADIUS OF 1447.00 FEET AND BEING SUBTENDED BY A CHORD WITH A BEARING OF SOUTH 00 DEGREES 16 MINUTES 46 SECONDS WEST AND A DISTANCE OF 3.02 FEET TO A 1/2" REBAR SET;

THENCE CONTINUING ALONG SAID RIGHT OF WAY MARGIN SOUTH 00 DEGREES 20 MINUTES 21 SECONDS WEST A DISTANCE OF 689.38 FEET TO A 1/2" REBAR SET;

THENCE CONTINUING ALONG SAID RIGHT OF WAY MARGIN AND ALONG A CURVE TO THE RIGHT A DISTANCE OF 226.00 FEET WITH A RADIUS OF 747.00 FEET AND BEING SUBTENDED BY A CHORD WITH A BEARING OF SOUTH 09 DEGREES 00 MINUTES 23 SECONDS WEST AND A DISTANCE OF 225.14 FEET TO A 1/2" REBAR SET, SAID REBAR BEING THE POINT OF BEGINNING.

# LEGAL DESCRIPTION

All that tract or parcel of land lying in land lot 801, 1st district, 2nd section, Fulton County, Georgia, and being more particularly described as follows:

Commencing at intersection of land lots 800, 801, 804 and 805 said point being the **Point of Beginning**. Thence N 00°08'58" W, a distance of 700.90 feet to a point; said point being the **TRUE POINT OF BEGINNING**; thence

N 88°44'38" W, a distance of 461.32 feet to a point; thence

N 27°26'46" W, a distance of 25.61 feet to a point; thence

N 21°36'12" W, a distance of 100.74 feet to a point; thence

N 30°25'37" W, a distance of 171.09 feet to a point; thence

N 61°03'57" E, a distance of 75.95 feet to a point; thence

Along a curve to the right, a distance of 252.43 feet, a radius of 500 feet, a chord bearing of N 75°31'44" E, and a chord length of 249.75 feet; thence

N 89°59'30" E, a distance of 129.67 feet to a point; thence

Along a curve to the left, a distance of 125.08 feet, a radius of 163 feet, a chord bearing of N 68°00'32" E, and a chord length of 122.03 feet; thence

N 46°03'40" E, a distance of 64.75 feet to a point; thence

S 00°07'23" W, a distance of 27.83 feet to a point; thence

S 00°07'23" W, a distance of 463.84 feet to a point; said point being the **TRUE POINT OF BEGINNING.**

The said tract contains 4.46 acres (194,477 square feet) more or less. This description was completed by AEC, Inc., dated May 1, 2007 based upon a survey by Registered Land Surveyors, Inc. dated June 5, 2006.

WBA ARCHITECTURE - INTERIORS - PLANNING

PERSPECTIVE VIEW

GREENSTONE PROPERTIES

KIMBALL BRIDGE OFFICE BUILDING
ALPHARETTA, GA

WAKEFIELD BEASLEY & ASSOCIATES

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