



PLANNING COMMISSION MEETING

JULY 12, 2018

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

I. CALL TO ORDER

- a. Welcome New Commissioner Martine Zurinskas
- b. Election of Vice-Chair for 2018.

II. ROLL CALL

III. APPROVAL OF MEETING MINUTES

- a. May 10, 2018 Meeting Minutes
- b. June 7, 2018 Meeting Minutes

IV. ITEMS FROM BOARD MEMBERS

V. ITEMS FROM STAFF

VI. PUBLIC HEARING

- a. **CU-18-04 EasyVet Clinic/Animal Hospital**
Consideration of a request for conditional use to allow an 'Animal Hospital, Small Animals' within the Kroger retail center. The property is located at 12850 Highway 9, Suite 2200 and is legally described as being located in Land Lots 1049 and 1112, 2nd District, 2nd Section, Fulton County, Georgia.
- b. **CLUP-18-04/Z-18-06/CU-18-06 1150 Upper Hembree Road/Animal Hospital**
Consideration of a request to rezone approximately 2.48 acres from O-I (Office-Institutional) to C-1 (Neighborhood Commercial) and a conditional use to allow an existing structure to be used for an 'Animal Hospital, Small Animals'. A Comprehensive Land Use Plan amendment is requested to change the designation of the property from 'Professional Business Office' to 'Commercial'. The property is located at 1150 Upper Hembree Road and is legally described as being located in Land Lots 550 & 551, 1st District, 2nd Section, Fulton County, Georgia.
- c. **MP-17-06/CLUP-17-07/Z-17-20/CU-17-18/V-17-44 Greenstone Parkway 400, LLP**
This item has been deferred by the Applicant until Thursday, September 6, 2018. It will not be considered at this meeting.
Consideration of a request to rezone approximately 16.64 acres from O-I (Office-Institutional) to C-2 (General Commercial) in order to develop a mixed-use development consisting of 325 'For-Rent' residential units, 18,000 SF of supportive office/retail uses, 450,000 square feet of office, 10,000 square foot Variety Playhouse Theatre, 6,000 square foot retail/restaurant and ancillary retail/restaurant uses. A master plan amendment to the Parkway 400 Master Plan Pod C is requested to add 'Dwelling, 'For-Rent' to the list of permitted uses and changes to development standards. A Comprehensive Land Use Plan amendment is requested to change the designation of the property from 'Corporate Office' to 'Commercial'. A conditional use permit is requested in order to allow 'For-Rent' residential use. Variances are requested to reduce multi-family and office parking requirements, reduce bicycle parking requirements and reduce requirements for electric vehicle charging stations. The property is located at the end of Amber Park Drive and is legally described as being located in Land Lot 804, 1st District, 2nd Section, Fulton County, Georgia.

- d. **PH-18-05 Unified Development Code Text Amendments/Fire Pit & Clearing and Grading Regulations**
Consideration of text amendments to Unified Development Code, Article III to address clearing and grading activities and Article IV to add Fire Pit regulations.

VII. ADJOURNMENT



PLANNING COMMISSION MEETING

MAY 10, 2018

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

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

I. CALL TO ORDER

II. ROLL CALL

Members Present

- Francis Kung'u(Chair)
- Jamie Bendall
- Fergal Brady
- John Goss
- Steve Usry

Members Absent

- Larry Attig
- Rob Partee
- Candy Waylock

Staff Present

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

III. APPROVAL OF MEETING MINUTES

a. April 12, 2018 Minutes

❖ Commissioner Brady offered a motion to approve

- Commissioner Usry seconded the motion
- The motion was approved 5-0)

IV. ITEMS FROM BOARD MEMBERS

V. ITEMS FROM STAFF

VI. PUBLIC HEARING

a. CLUP-18-02/MP-18-03/Z-18-03/V-18-03 KB400/1699 Land Company

Kathi Cook, Director of Community Development presented consideration of a request to rezone approximately 12.4 acres from O-I (Office-Institutional) to R-8A/D (Dwelling, 'For-Sale', Attached/Detached Residential) to allow for the construction of 62 'For-Sale' single-family detached homes in a gated community. An amendment is requested to the KB400 Master Plan Pod A to add 'Dwelling, 'For-Sale', Detached' to the list of permitted uses. A Comprehensive Land Use Plan amendment is requested to change the designation of the property from 'Corporate Office' to 'High Density Residential'. Variances are requested to reduce minimum lot widths and building setbacks. The property is located at the southwest corner of Kimball Bridge Road and North Point Parkway and is legally described as being located in Land Lots 807, 808, 849 & 850, 1st District, 2nd Section, Fulton County, Georgia.

Staff has reviewed the applicant's proposal and finds that it can generally support the request for master plan amendment, comprehensive land use plan amendment, rezoning and setback variance. However, staff does not support the variance requests to reduce lot widths and to allow a private alley within residential lots. While the property remains a viable office parcel, a portion of the site is located within the North Point Activity Center LCI, which supports a mixed-use, walkable environment. The proposed change in use would have a greater impact on parks and schools; however, traffic impacts would be less.

The variance requests to reduce lot width and allow a private alley within residential lots are not supported. The proposed lot width reduction is requested for over 70% of the lots and would result in approximately four (4) additional lots along North Point Parkway and Kimball Bridge Road and approximately 1 – 2 additional interior lots. In addition, variance requests to allow private streets within residential have generally only been approved in the Downtown.

The subject property is located within a ½-mile of the interchange at Georgia 400 and Haynes Bridge Road. Alpharetta has one of the lowest office vacancy rates in the Atlanta metro area and over 725,000 square feet of office is currently under construction in the City. As parcels zoned for office uses are developed or rezoned for other uses, the result will be less opportunity for growth once the office market picks up. Therefore, the subject property remains a viable office parcel.

The western half of the property is located within the North Point Activity Center LCI, which includes a concept for the North Point area to become an EcoDistrict. The recent LCI plan update describes the EcoDistrict, as follows:

“Establishing measures and standards that would transform North Point into a livable and highly sustainable mixed-use EcoDistrict might prove effective in helping achieve the placemaking, branding, and asset repositioning goals outlined in this report. A future EcoDistrict study should look at strategies and goals to best manage the area’s existing assets and natural resources while establishing targets for improving the area’s economic vitality and environmental health. Towns and cities nationwide are driving economic development and achieving their placemaking goals through detailed EcoDistrict planning and practices that integrate land use, transportation, and environmental planning with high performance infrastructure, buildings, landscapes and urban design. In other words, an EcoDistrict approach seeks to foster harmony and interaction between people and nature.

Within North Point specifically, the EcoDistrict concept might be realized by applying a layer of “eco” thinking to every investment going forward. For example, the City might consider the following paradigm shifts:

- Incentivizing future energy, stormwater, and transportation infrastructure that meets high-performance metrics and goals
- Encouraging non-motorized mobility by connecting activity nodes, parks, and green spaces with new places to walk and bike
- Promoting more efficient use of buildings by establishing minimum building standards such as LEED, Earth Craft, or similar programs
- Incorporating solar panels and/or use of recycled building materials and geothermal energy
- Constructing urban design guidelines to shape the design of new parks, plazas, and public spaces
- Re-imagining streets with low-impact design principles, including bioswales, stormwater collection, native vegetation, trailing plants, and grasses to provide habitat and nature in concert with vibrant places for people”

Generally there are six (6) performance areas associated with an EcoDistrict, including Community (Equity, Health and Cultural Vibrancy), Transportation, Energy, Water, Habitat and Materials. While the applicant’s zoning plan depicts a community garden and walkable improvements along the stream, additional measures are necessary to implement the concepts of the EcoDistrict. The applicant is encouraged to look at a variety of strategies, including but not limited to, community gardens, gathering areas, public art, MARTA bus shelter, Big Creek Greenway wayfinding signage, installation of pedestrian and bicycle infrastructure, energy-efficient building design and materials, renewable energy generation, LEED certification, alternative energy sources, water conservation, smart stormwater management, protect and increase tree canopy, protection of the natural environment, creation of new habitat and recycling and composting programs. Staff showed photographic examples from Vickery and Serenbe developments of appropriate EcoDistrict amenities, such as residential architecture and building materials, community gardens, cisterns, solar panels, and streetscapes.

Pulte is currently developing the Braeden subdivision, which is zoned R-8A/D, on the northeast side of Kimball Bridge Road at Northwinds Parkway. Braeden subdivision was approved for 130 townhomes and single-family detached units at a maximum density of 4.9 dwelling units per acre. If approved, staff recommends that the density not exceed that of the Braeden subdivision. In addition, architectural and site standards are recommended to achieve the EcoDistrict concept of the North Point LCI. This includes a focus on energy-efficient design and materials, preservation and creation of greenspace, placemaking, promoting walkability and green connections and protection of the natural environment.

Staff's recommendation is to approve MP-18-03/CLUP-18-02/Z-18-03/V-18-03 KB400 Master Plan/1699 Land Company LLC; Deny V-18-03 variance request to reduce lot widths and to allow an alley within a residential lot, subject to the following conditions:

1. The property to be rezoned shall have an "R-8A/D" zoning classification with a minimum lot size of 4,500 square feet, minimum lot width of 50' and all lots shall be exclusive of street rights-of-way.
2. The Land Use classification shall be 'High Density Residential'.
3. Property shall be developed substantially as depicted on the zoning plan prepared by Kimley-Horn & Associates, dated 4/12/2018, except for modifications required to comply with these conditions. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning. Current flood plain information shall be required for LDP and may impact lot yield.
4. 'Dwelling, 'For-Sale' Detached' shall be listed as a permitted use in the KB400 Master Plan Pod A, with a maximum density of 4.98 dwelling units per acre.
5. All units facing North Point Pkwy shall be rear-loaded.
6. A minimum 25' undisturbed buffer, replanted where sparse and enhanced similar to Kimball Bridge Walk, shall be maintained along Kimball Bridge Rd. Landscape strips shall be exclusive of utilities and easements.
7. The minimum building setbacks shall be:
 - North Point Parkway and Kimball Bridge Road – 25'
 - Side/Rear (Perimeter) – 10'
 - Interior Setbacks: Front – 10', Side – 0' (10' b/w structures), Rear – 0' (w/alley), 10' (w/o alley)
8. Driveways shall provide a minimum 18' between garage and back of sidewalk.
9. Homes shall be similar to rendering submitted by the applicant, except as required to comply with these conditions, final approval by Staff. Homes shall further the EcoDistrict concept, including energy-efficient design/materials, outdoor spaces (porches, balconies and rooftop amenities), water conservation measures, etc. 50% of homes facing North Point Pkwy shall be 3-sided brick or stone. Front facades of homes facing North Point Pkwy shall be constructed with a minimum 5' setback offset from lot-to-lot, as approved by Staff. Roof style and materials shall not repeat on more than 2 consecutive homes along North Point Pkwy, as approved by Staff.
10. Minimum 75% of landscape material shall be native, drought-tolerant and/or edible (fruit trees, blueberries, etc.), as approved by Staff.
11. A minimum 10,000 square foot civic space, at the corner of North Point Parkway and Kimball Bridge Road, and 2 minimum 5,500 square foot pocket parks shall be developed as generally depicted on the zoning plan prepared by Kimley-Horn & Associates, dated 4/12/18 and including landscaping, focal feature with sculpture and/or water feature, benches or seat wall and brick paver hardscape as approved by Staff.
12. A shared community garden shall be provided in a central location on the property, including individual raised garden beds for at least 50% of approved residential lots within the development at a minimum size of 25 SF/unit. Community garden shall include a shared shed, perimeter landscaping and fencing, irrigation, seating area with rain/shade shelter and individual raised garden beds with a minimum 10% being ADA accessible. Developer shall secure a maintenance agreement for community garden for a period of at least 2 years.
13. Minimum 2.65 acres of open space shall be developed substantially similar to the zoning plan prepared by Kimley-Horn & Associates, dated 4/12/2018. Open space shall include both amenity and civic space and may include a dog walk, trail system, recreation field, and/or passive green space. As depicted on the zoning plan, developer shall construct an amenity trail through the stream buffer.
14. Stormwater management facility shall have a natural appearance, with a permanent pool with aeration system/fountain, as approved by Staff. Smart stormwater design techniques shall be employed to address run-off reduction, as approved by Staff.

15. Privacy fences and unfinished wood decks shall not be visible from North Point Pkwy and Kimball Bridge Rd.
16. Development shall be gated and internal streets shall be private and maintained by the HOA. Pedestrian access shall be unrestricted.
17. All homes shall have connectivity to the sidewalk and trail system.
18. Minimum 5' sidewalks shall be required on one side of internal streets (not including alleys), including minimum 4' planting strips between the street and sidewalk with street trees, pedestrian lighting, as approved by Staff.
19. Alleys shall be at least 20' wide and shall include a cul-de-sac or alternative fire turnaround acceptable to the Fire Marshal for areas greater than 150'. Fire turnaround shall be constructed of grasscrete, or similar product, as approved by Staff.
20. A minimum 20' landscape strip shall be required along North Point Pkwy and Kimball Bridge Rd and shall include decorative walls, as approved by Staff. Landscape strips shall be exclusive of utilities and easements. Subdivision monument sign shall be brick or stone with decorative landscaping, as approved by Staff.
21. Developer shall improve North Point Pkwy frontage with 6' planting strips, 8' sidewalks and street trees and landscape material alternating on both sides of the sidewalk, as approved by Staff. Developer shall improve Kimball Bridge Rd frontage with minimum 4' planting strip or configuration approved by Staff, 8' sidewalks and street trees and landscape material alternating on both sides of the sidewalk, as approved by Staff. Both streetscapes shall include decorative pedestrian lighting.
22. Pedestrian amenities including pathways, lighting, and benches should be included throughout the development and amenity areas.
23. Required frontage improvements along Kimball Bridge Road and North Point Parkway shall include elements of the proposed City improvements. Impact fee credits shall be available for work beyond the site boundaries, for dedication of right-of-way and release of access rights to North Point Pkwy and Kimball Bridge Rd.
24. Developer shall construct depicted Rock Mill Road access driveway, to City roadway standards, over the property obtained by the City from Fulton County Schools. All costs of construction shall be the responsibility of the developer. Developer shall install a 5' sidewalk with a 2' landscape strip on both sides of the access road.
25. Site shall have vehicular access from Rock Mill Road only and pedestrian access to Kimball Bridge Road and North Point Parkway, as depicted on the zoning plan prepared by Kimley-Horn & Associates, dated 4/12/2018. Pedestrian connection to Kimball Bridge Rd shall be located within open space maintained by the HOA and shall be a min. 20' wide with an 5' concrete sidewalk and landscaping, as approved by Staff.
26. Developer shall dedicate a 20' permanent public access easement within the stream buffer for future improvement of a trail by the City, as approved by Staff.
27. Remove exotic and invasive trees and shrubs within stream buffer, as approved by Staff. Replant the stream buffer, where sparse, to buffer standards with native trees, shrubs and groundcover. Plantings shall be 80% evergreen and 20% deciduous. Recompense tree planting may be used towards the stream buffer replanting.
28. The following specimen trees shall be saved: 30" Elm (#202), 26" Red Maple (#635), 40" Elm (#637) and 33" Red Maple (#769).
29. No more than 10% of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.
30. New utilities interior to the site shall be placed underground.
31. If an LDP is not issued by June 4, 2019, KB400 Master Plan Pod A shall revert to original approval.

Applicant presented:

- Conceptual Elevations
- Ecodistrict
- Willing to clarify conditions
- Buffer
- LCI Overlay Areas
- Greenway
- Site Plan
- Community Garden
- Pocket Park
- Walking Trail
- Access to property from Rock Mill Rd
- Floodplain
- Traffic
- Road improvements

There was no public comment.

After discussion:

❖ Commissioner Brady offered a motion to approve CLUP-18-02/MP-18-03/Z-18-03 and deny V-18-03 variance requests with the following adjustments to the conditions

1. The property to be rezoned shall have an "R-8A/D" zoning classification with a minimum lot size of 4,500 square feet, minimum lot width of 50' and all lots shall be exclusive of street rights-of-way
2. The Land Use classification shall be "High Density Residential".
3. Property shall be developed substantially as depicted on the zoning plan prepared by Kimley-Horn & Associates, dated 4/12/2018, except for modifications required to comply with these conditions. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning. Current flood plain information shall be required for LDP and may impact lot yield.
4. 'Dwelling, 'For-Sale' Detached' shall be listed as a permitted use in the KB400 Master Plan Pod A, with a maximum density of 4.98 dwelling units per acre.
- ~~5.~~ All units facing North Point Pkwy shall be rear-loaded and Lots 13-21 shall front on the adjacent open space.
- ~~6.~~ A minimum 25' building setback, including landscaping, shall be maintained along Kimball Bridge Rd. to be approved by Staff.
7. The minimum building setbacks shall be:
 - North Point Parkway and Kimball Bridge Road – 25'
 - Side/Rear (Perimeter) – 10'
 - Interior Setbacks: Front – 10', Side – 0' (10' b/w structures), Rear – 0' (w/alley), 10' (w/o alley)
8. Driveways shall provide a minimum 18' between garage and back of sidewalk.
9. Homes shall be similar to rendering submitted by the applicant, except as required to comply with these conditions, final approval by Staff. Homes shall further the EcoDistrict concept, including energy-efficient design/materials, outdoor spaces (porches, balconies and rooftop amenities), water conservation measures, etc. 50% of homes facing North Point Pkwy shall be 3-sided brick or stone. Front facades of homes facing North Point Pkwy shall be constructed with a minimum 5' setback offset from lot-to-lot, as approved by Staff. Roof style and materials shall not repeat on more than 2 consecutive homes along North Point Pkwy, as approved by Staff.
10. Minimum 75% of landscape material shall be native, drought-tolerant and/or edible (fruit trees, blueberries, etc.), as approved by Staff.
11. A minimum 10,000 square foot civic space, at the corner of North Point Parkway and Kimball Bridge Road, and 2 minimum 5,500 square foot pocket parks shall be developed as generally depicted on the zoning plan prepared by Kimley-Horn & Associates, dated 4/12/18 and including landscaping, focal feature with sculpture and/or water feature, benches or seat wall and brick paver hardscape as approved by Staff.
- ~~12.~~ A shared community garden shall be provided in a central location on the property, Community garden shall include perimeter landscaping and fencing, irrigation, seating area with rain/shade shelter
13. Minimum 2.65 acres of open space shall be developed substantially similar to the zoning plan prepared by Kimley-Horn & Associates, dated 4/12/2018. Open space shall include both amenity and civic space and may include a dog walk, trail system, recreation field, and/or passive green space. As depicted on the zoning plan, developer shall construct an amenity trail through the stream buffer.
14. Stormwater management facility shall have a natural appearance, with a full pond and aeration system/fountain, as approved by Staff. Smart stormwater design techniques shall be employed to address run-off reduction, as approved by Staff.

15. Privacy fences and unfinished wood decks shall not be visible from North Point Pkwy and Kimball Bridge Rd.
16. Development shall be gated and internal streets shall be private and maintained by the HOA. Pedestrian access shall be unrestricted.
17. All homes shall have connectivity to the sidewalk and trail system.
18. Minimum 5' sidewalks shall be required on **one** side-of internal streets (not including alleys), including minimum-4' 2' planting strips between the street and sidewalk with street trees, pedestrian lighting, as approved by Staff.
19. Alleys shall be at least 20' wide and shall include a cul-de-sac or alternative fire turnaround acceptable to the Fire Marshal for areas greater than 150'. Fire turnaround shall be constructed of grasscrete, or similar product, as approved by Staff
20. A minimum 20' landscape strip shall be required along North Point Pkwy and Kimball Bridge Rd and shall include decorative walls, as approved by Staff. Landscape strips shall be **inclusive** of utilities and easements. Subdivision monument sign shall be brick or stone with decorative landscaping, as approved by Staff.
21. Developer shall improve North Point Pkwy frontage with 6' planting strips, 8' sidewalks and street trees and landscape material alternating on both sides of the sidewalk, as approved by Staff. Developer shall improve Kimball Bridge Rd frontage with minimum 4' planting strip or configuration approved by Staff, 8' sidewalks and street trees and landscape material alternating on both sides of the sidewalk, as-approved by Staff. Both streetscapes shall include decorative pedestrian lighting.
22. Pedestrian amenities including pathways, lighting, and benches should be included throughout the development and amenity areas.
- ~~23. Developer shall provide a bus drop-off/pick-up area with shelter along North Point Parkway, Kimball Bridge Road or at an alternative location acceptable to MARTA. Developer shall work in good faith with MARTA to add the development to city bus routes in order to assist with transportation service for residents and guests. MARTA STOP ALREADY THERE~~
24. Required frontage improvements along Kimball Bridge Road and North Point Parkway shall include elements of the proposed City improvements. Impact fee credits shall be available for work beyond the site 20boundaries, **and for dedication of right-of-way and release of access rights to North Point Parkway and Kimball Bridge Road.**
25. Developer shall construct depicted Rock Mill Road access driveway, to City roadway standards, over the property obtained by the City from Fulton County Schools. All costs of construction shall be the responsibility of the developer. Applicant shall install a 5' sidewalk with a 2' landscape strip on one side of the access road.
26. Site shall have vehicular access from Rock Mill Road only and pedestrian access to Kimball Bridge Road and North Point Parkway, as depicted on the zoning plan prepared by Kimley-Horn & Associates, dated 4/12/2018. Pedestrian connection to Kimball Bridge Rd shall be located within open space maintained by the HOA and shall be a min. 20' wide with an 8' concrete sidewalk and landscaping, as approved by Staff.
27. Developer shall dedicate a 20' permanent public access easement within the stream buffer for future improvement of a trail by the City, as approved by Staff.
28. Remove exotic and invasive trees and shrubs within stream buffer, as approved by Staff. Replant the stream buffer, where sparse, to buffer standards with native trees, shrubs and groundcover. Plantings shall be 80% evergreen and 20% deciduous. Recompense tree planting may be used towards the stream buffer replanting.
29. The following specimen trees shall be saved: 30" Elm (#202), 26" Red Maple (#635), 40" Elm (#637) and 33" Red Maple (#769).
- ~~30. Site plan modifications may be required in order to incorporate Trees of Quality and Tree Groupings. Modifications to the site plan may include reconfiguration, construction of walls, limited grading or use of innovative techniques to conserve trees and adequate soil area, as approved by Staff.~~

- ~~31. Off-site tree encroachment shall be limited to no more than 20% on the CRZ and shall require notification/approval by property owner, as approved by Staff.~~
32. No more than 10% of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.
- ~~33. New utilities interior to the site shall be placed underground.~~
- ~~34. If a Land Disturbance permit is not issued by June 4, 2019, KB400 Master Plan Pod A shall revert to original approval.~~

- Commissioner Goss seconded the motion
- The motion failed (2-3)(Kung'u, Usry, Bendall)

The Item moves forward to Council without a recommendation

There was clarification that the conditions not called out in the motion are approved as Staff recommended.

b. CU-18-02 It's My Party Rentals/South Main Street

Commissioner Brady recused himself from this case as he has business dealings with the property owner.

Kathi Cook, Director of Community Development, presented consideration of a request for conditional use to allow a 'Rental Services Establishment without outside storage' within an existing gas station and retail center zoned C-1 (Neighborhood Commercial). The property is located at 1670 Alpharetta Highway, Suites B – D and is legally described as being located in Land Lot 645, 1st District, 2nd Section, Fulton County, Georgia.

The subject property is located in the Downtown Overlay and is designated Mixed Use on the City's Comprehensive Land Use Plan. The applicant's proposed use is a permitted use in the DT-MU (Downtown Mixed-Use) zoning district, which is listed as an appropriate zoning district in the South Main Street Corridor Mixed Use designation. Development along the South Main Street Corridor is typically auto-oriented, free-standing businesses with separate parking lots and curb cuts, which is contrary to the walkable, mixed-use pattern that is desired for the area. In addition, properties in the South Main Street Corridor generally lack aesthetic attractiveness and property maintenance, which usually results in underperforming properties. Given the property's location at the southern entrance into the City and the Downtown Overlay, conditions are recommended requiring screening and aesthetic improvements.

Approve CU-18-02 It's My Party Rentals/South Main Street, subject to the following conditions:

1. Rental Services Establishment with no outside storage' shall be added as a conditional use at 1670 South Main Street, Suites B – D, and limited to no more than 4,240 square feet.
2. Conditional use approval shall be limited to It's My Party Rentals; no additional 'Rental Services Establishment with no outside storage' businesses or subleasing shall be permitted within the approved space.
3. Hours of operation shall be limited to Monday – Friday 9:00 AM – 5:00 PM and Saturday 9:00 AM – Noon.
4. The business shall not have outside storage or outdoor displays, including storage of vehicles associated with the applicant's business.

5. Business shall secure a business license within 10 business days from the approval of the conditional use.
6. The van with rug store advertisement shall be permanently removed from the subject property prior to issuance of a building license for its My Party Rentals.
7. Horse trailers shall not be kept on the property.
8. Property owner shall install the required parking lot landscaping and landscape strips along South Main Street and Wills Road, as approved by Staff. Landscaping shall be installed within 30 days from the approval of the conditional use.
9. Parking and loading spaces of sufficient size shall be provided for delivery trucks associated with the applicant's business. Parking and loading spaces for delivery trucks shall be screened from the public right-of-way, as approved by Staff.
10. Storefront glass shall be clear. Business inventory/equipment shall not be visible through storefront windows, as seen from the public right-of-way.
11. Window signage, for the entire building, shall not exceed 10% of the total window area. There shall be no lighting window trim and no neon signs.

There was no Public Comment

After presentation from the Applicant:

- Allowance for trucks to be there over the weekend
- Storage Container for propane tanks outside the building in enclosed gate
- Hours of operation
- History of what happened with location
- Bring equipment back on weekends
- Clarification of office hours for Condition #3
- Storing a truck with equipment is considered outside storage if left overnight, they should be put to the side of the property.
- Landscaping
- Striping
- Other location with storage of large equipment does not have availability for vehicle storage

Public Comment:

1. Mr. Shaw, Property Owner agreed to work with Staff on Conditions.

After discussion from the Board:

❖ Commissioner Bendall offered a motion to approve with the conditions approved by Staff with modifications

- The motion was seconded by Commissioner Usry

1. Rental Services Establishment with no outside storage' shall be added as a conditional use at 1670 South Main Street, Suites B – D, and limited to no more than 4,240 square feet.
2. Conditional use approval shall be limited to It's My Party Rentals; no additional 'Rental Services Establishment with no outside storage' businesses or subleasing shall be permitted within the approved space.
3. Hours of office operation shall be limited to Monday – Friday 9:00 AM – 5:00 PM and

Saturday 9:00 AM – Noon. Applicant shall be permitted to accept return of equipment or send out equipment outside those hours consistent with actual event rentals.

4. The business shall not have outside storage or outdoor displays, including storage of vehicles associated with the applicant's business.
5. Business shall secure a business license within 10 business days from the approval of the conditional use.
6. ~~The van with rug store advertisement shall be permanently removed from the subject property prior to issuance of a building license for It's My Party Rentals.~~
7. Horse trailers shall not be kept on the property.
8. Property owner shall install the required parking lot landscaping and landscape strips along South Main Street and Wills Road, as approved by Staff. Landscaping shall be installed within 30 days from the approval of the conditional use.
9. Parking and loading spaces of sufficient size shall be provided for delivery trucks associated with the applicant's business . Parking and loading spaces for delivery trucks shall be screened from the public right-of-way, as approved by Staff. There shall be no more than two trucks overnight.
10. Storefront glass shall be clear. Business inventory/equipment shall not be visible through storefront windows, as seen from the public right-of-way.
11. Window signage, for the entire building, shall not exceed 10% of the total window area. There shall be no lighting window trim and no neon signs.
12. No storage shall be visible from Public right of way.

Commissioner Goss offered a Friendly Amendment to Condition #8

Property owner shall install the required parking lot landscaping and landscape strips to include trees where applicable along South Main Street and Wills Road, as approved by Staff. Landscaping shall be installed within 30 days from the approval of the conditional use.

Commissioner Bendall Accepted the Amendment.

- The motion with the Friendly Amendment was approved (4-0)

There was discussion during the motion that a third truck may still be visible.

Chairman Kung'u called a brief recess.

Commissioner Brady returned to the meeting.

c. CLUP-18-01/Z-18-01/CU-18-03/V-18-01 Atlanta Senior Care Services

❖ Commissioner Brady offered a motion to remove this item from the table

- Commissioner Goss seconded the motion
- The motion was approved (X-0)

Michal Woodman, Senior Planner, presented consideration of a request to rezone approximately 17.5 acres from LI (Light Industrial) and O-I (Office-Institutional) to C-2 (General Commercial) in order to develop 200 'For-Sale' attached condominium units and 11,915 square feet of retail and office use. A Comprehensive Land Use Plan amendment is requested to change the designation of the property from 'Corporate Office' to 'Commercial' and a conditional use to allow 'Dwelling, 'For-Sale', Attached'. Variances are requested to increase the height of the building and to reduce stream buffers. The property is located at the southeast corner of Old Milton Parkway and Georgia 400 and is legally described as being located in Land Lots 853 & 856, 1st District, 2nd Section, Fulton County, Georgia.

This item was considered at the April 12, 2018 Planning Commission meeting. Residents voiced concerns over residential use, density and traffic. After discussion, the Planning Commission tabled the item to provide the applicant with an opportunity to address concerns with Staff over stream buffer encroachment, density and overall site layout.

UPDATE: The applicant provided a revised site plan depicting the southernmost building pulled back from the 25' State buffer by approximately 10' – 15', as well as a slight shrinking of the parking deck footprint below. The number of condominium units remains the same from the original proposal of 200 units. The applicant has also made the argument that the buildings would be cantilevered over the stream buffers and that the only disturbance would be from piers. Staff remains concerned with the encroachment on the stream buffer as the natural vegetation on stream banks would not get the necessary light to grow.

Staff's recommendation is to deny.

If Approval is considered, the following conditions are recommended:

1. The former LI (Light Industrial) property, consisting of approximately 14.9 acres, shall be zoned C-2 and developed substantially similar to site plan submitted by AEC, revision dated 5/1/2018, except for modifications required to comply with the conditions below. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.
2. The comprehensive land use plan designation of the 14.9-acre property shall be 'Commercial'.
3. 'Dwelling, 'For-Sale' Attached' shall be a permitted use with a maximum density of 8 dwelling units per acre, or no more than 119 dwelling units on the 14.9-acre property.
4. Maximum building height shall be no more than 6-stories for residential buildings.
5. The O-I property, consisting of approximately 2.4 acres, shall remain zoned O-I and the comprehensive land use plan designation shall remain 'Corporate Office'.
6. Site plan approval shall be required for the O-I property labeled 'Future Office/Retail', as approved by DRB.
7. Retail uses shall be not exceed more than 25% of the floor area of an office building and shall be service retail incidental to office use, restricted to the following uses:
 - a. Bakery.
 - b. Barber Shop.
 - c. Beauty Shop.

- d. Book Store.
 - e. Clinic.
 - f. Drug Store.
 - g. Dry Cleaning Pick-up Station.
 - h. Florist, Retail without Greenhouse.
 - i. Print Shop.
 - j. Restaurant without Drive-through.
8. A minor subdivision plat shall be required to subdivide the property prior to LDP.
 9. Residential structures shall be similar to photographic examples submitted by the applicant and shall be primarily masonry (brick or stone) on all sides of the building, with final approval by DRB. Green roof tops, roof top amenities and balconies shall be provided, as approved by DRB.
 10. Developer may be required to widen sidewalk along Old Milton Parkway, as determined by Staff at LDP. Right-of-way dedication may be required for City project on Old Milton Parkway, as determined by Staff.
 11. Internal sidewalks shall be provided along at least 1-side of the road and shall be minimum 5' wide with 4' planting area for street trees and pedestrian scale lighting.
 12. All buildings shall have connectivity to the sidewalk system.
 13. The location and design of the 20' landscape strip along Old Milton Parkway shall be determined by Staff at LDP. Landscape strip shall be exclusive of utilities and easements.
 14. Prior to LDP, developer shall provide a landscape plan depicting formal landscape areas around the proposed buildings and at the entrance driveway, subject to DRB approval.
 15. As indicated in the submitted application, the developer shall construct a natural trail system substantially similar to the Preliminary Trail Plan, prepared by AEC, dated 12/27/17, as approved by Staff. Trail system shall include a multi-use trail, signage, landscaping and areas for environmental learning opportunities.
 16. Current flood plain information shall be required for Land Disturbance Permit and may impact lot yield.
 17. Pedestrian amenities including pathways, lighting, and benches should be included throughout the development and amenity areas.
 18. Remove exotic and invasive trees and shrubs within stream buffer, as approved by Staff. Replant the stream buffer where sparse to buffer standards with native trees, shrubs, and groundcover plants. Plantings shall be 80% evergreen and 20% deciduous. Recompense tree planting may be used to count towards the stream buffer replanting.
 19. All trees shown to be saved on site plan prepared by AEC, revision dated 5/1/2018, shall be saved.
 20. The applicant's stormwater strategy, as depicted on the site plan, shall require review and approval by Staff prior to submittal of an LDP. Stormwater design shall comply with the City of Alpharetta stormwater ordinance. In order to mitigate impacts to stream and buffer, developer shall comply with the following:
 - a. Address erosive conditions on either side of remaining stream.
 - b. Provide 25% additional runoff reduction or water quality volume above the standard city requirements.
 - c. Provide buffer enhancement on the remaining stream buffer. These can include, removing fallen trees from inside the stream bed that are impeding flow, plant eroded or sparsely vegetated areas of stream banks with live stakes, add enhanced buffer plantings where sparsely vegetated, and remove invasive vines.
 - d. Obtain any necessary state and federal approvals for the stream and buffer impacts.
 - e. Or alternative mitigation measures, as approved by Staff.
 21. No more than 10% of the residential units shall be permitted to be rented, as recorded in

the HOA's declarations and covenants.

22. Developer shall petition the City to abandon the section of Morris Road right-of-way between Old Milton Parkway and the newly constructed section of Morris Road to the south. Developer shall be responsible for the removal of the curb cut at this location, including re-construction of curb and gutter, sidewalk and guardrail.

There was discussion:

- Encroachment into Stream Buffer at this level is not typical. Staff showed Variances given for the past 8 years.

Don Rolader, Steve Rowe and Kayce King presented for the Applicant.

- Reason for Capping the height at 5 stories
- Impact of Buildings on the Stream Buffers
- Amenities in the Stream Buffers
- Old Milton Pky Character Area
- Mix of Housing
- Alternate Architecture for the Buildings
- Density Comparison
- Site Plan w previous footprint
- Trail and Park Concepts
- Applicant Response to Conditions

Public Comment:

In Opposition:

1. Leslie Misch, 4096 Whitehall Way

Concerns:

1. Traffic
2. Impact to Stream Buffers

Applicant gave a rebuttal addressing concerns

- ❖ Commissioner Bendall offered a motion to deny
 - Commissioner Usry seconded the motion
 - The motion was approved (5-0)

VII. ADJOURNMENT



PLANNING COMMISSION MEETING

JUNE 7, 2018

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

I. CALL TO ORDER

- a. Welcome New Board Member - William Perkins

II. ROLL CALL

Members Present

- Francis Kung'u(Chair)
- Larry Attig
- Fergal Brady
- John Goss
- William Perkins
- Candy Waylock

Members Absent

- Fergal Brady
- Steve Usry
- Jamie Bendall

Staff Present

- Kathi Cook, Director of Community Development
- Michael Woodman, Senior Planner
- Ben Kern, GIS Specialist
- Elle Taylor, Planning and Zoning Coordinator

III. APPROVAL OF MEETING MINUTES

The Planning Commission will consider approval of May 10, 2018 Meeting Minutes on July 12, 2018.

IV. ITEMS FROM BOARD MEMBERS

V. ITEMS FROM STAFF

VI. PUBLIC HEARING

a. CLUP-18-03/Z-18-03/V-18-06 Kings Ridge Christian School

Michael Woodman, Senior Planner presented consideration of a request to rezone approximately 2.03 acres from AG (Agriculture) to SU (Special Use) in order to incorporate the property into the King's Ridge Christian School campus and develop the property with a soccer field. A Comprehensive Land Use Plan amendment is requested to change the designation of the property from 'Very Low Density Residential' to 'Public, Institutional, Education'. A variance is requested to reduce tree recompense. The property is located at 13695 Cogburn Road and is legally described as being located in Land Lot 896, 2nd District, 2nd Section, Fulton County, Georgia.

After presentation of:

- Site Plan
- Standards for Zoning Changes

Staff's recommendation is to approve CLUP-18-03/Z-18-03/V-18-06 King's Ridge Christian School/Soccer Field, subject to the following conditions:

1. The site, consisting of approximately 2.03 acres, shall be zoned SU and developed substantially similar to site plan submitted by CP&E, dated 3/29/2018, except for modifications required to comply with the conditions below and subject to meeting all City code requirements and conditions of zoning.
2. Existing trees shall be preserved as depicted on tree plan prepared by TJ Schell, dated 3/26/2018. Tree recompense shall not be required for the removal of Tree #10 (10" Sourwood) and #12 (15" Sourwood).
3. Existing trees shall be saved, where possible, along Cogburn Road, as approved by Staff.
4. Sidewalk connection between the soccer field and parking lot to the north shall be installed with the least impact to existing trees, as approved by Staff. Centerline of sidewalk shall be staked in the field and location reviewed and approved by the City Arborist.
5. Developer shall construct a 10' concrete multi-use path/sidewalk within the Cogburn Road right-of-way or within a dedicated public trail easement with the least impact to existing trees, subject to review by Milton Public Works Director and City Arborist. Centerline of path/sidewalk shall be staked in the field and location reviewed and approved by the City Arborist. Impact fee credits shall be provided for public improvements.
6. Existing residential driveway shall be removed and area shall be stabilized.
7. Stormwater facilities shall not be visible from Cogburn Road, unless constructed as a decorative amenity. Any visible stormwater structures shall be faced with decorative stone.

There was discussion from the Commissioners:

- Extent of school's property on current Master Plan
- Jurisdictional Boundary with City of Milton
- Tree Recompense Variance
- Applicant agreed to Staff Conditions

- School information
- Plans for expansion

There was no Public Comment

- ❖ Commissioner Attig offered a motion to approve with Staff's conditions:
- Commissioner Waylock seconded the motion
- The motion was approved (5-0)

b. MP-18-05/Z-18-04 Lux Atlanta/Northwinds Master Plan

Kathi Cook, Director of Community Development, presented consideration of a request to amend the Northwinds Master Plan to allow 'Athletic Facilities/Fitness Studio' and free-standing 'Retail Establishment' and 'Restaurant' as permitted uses in Pod A, to add approximately 1 acre of land to the Northwinds Master Plan and to amend developments standards in Pod A. A rezoning is requested for approximately 1 acre from O-P (Office-Professional) to O-I (Office-Institutional). The property is located at the west corner of Northwinds Parkway and Kimball Bridge Road and is legally described as being located in Land Lots 805 and 806, 1st District, 2nd Section, Fulton County, Georgia.

After presentation of:

- Applicant's proposal vs. Northwinds Master Plan
- No change to Comprehensive Land Use Plan
- Site Plan Analysis
- Hotel
- Multi-Use Path
- Amenities, Details
- 13% reduction in Traffic
- Environmental Visuals

Staff recommended approval subject to the following conditions:

1. The 1-acre property shall be zoned O-I and shall be incorporated into Pod A of the Northwinds Master Plan. The 4.75-acre site shall be developed substantially similar to the plan prepared by KSGW, dated 5/25/2018, except for modifications required to comply with the conditions below and subject to meeting all City code requirements and conditions of zoning.
2. Development regulations shall be as follows:
 - a. Athletic Facility – Maximum 40,000 square feet and building height of at least 2 stories and no more than 60'. Use square footage shall be deducted from the remaining Master Plan office entitlement.
 - b. Office – Maximum 10,000 square feet and building height no greater than 3-stories or 45'. Use square footage shall be deducted from the remaining Northwinds Master Plan office entitlement.
 - c. Restaurant – Maximum 12,800 square feet and minimum height of 2 stories or 20'. Use square footage shall be deducted from the remaining Northwinds Master Plan office/accessory retail entitlement. Restaurants shall not be drive-through, but shall include outdoor dining areas.
 - d. Hotel – One luxury boutique or full-service hotel, similar to The St. Regis, shall be permitted with a maximum 60 rooms and no greater than 4 stories or 65'. Hotel rooms shall be deducted from the remaining Master Plan hotel entitlement, which has an exchange rate of 800 SF of office per hotel

room or 48,000 square feet of office for 60 hotel rooms. Hotel may not be an extended stay facility.

- e. Parking Decks – Structured parking shall be developed as depicted on the site plan prepared by KSGW, dated 5/25/2018. Parking deck along Northwinds Parkway shall have its top level on-grade with the adjacent surface parking lot and aligned with the finished elevation of Northwinds Parkway. Parking deck visible from Northwinds Parkway and/or Kimball Bridge Road shall be treated with comparable materials and finishes as the buildings they serve and/or shall be screened by over-sized landscaping (12" – 15" caliper trees). Suitability of parking deck elevation, visibility and landscape screening shall be approved by the DRB.
3. Freestanding retail uses shall not be permitted.
4. Architectural style shall require final approval by the DRB.
5. Retaining walls shall receive architectural façade treatment or be heavily landscaped, as approved by DRB. Retaining walls visible from developed areas exceeding 16' in height shall be terraced.
6. Backside of buildings or 'back of house' functions, such as loading or dumpster areas, shall not be visible from the public right-of-way. Parapet walls shall be used to screen roof-top mechanical equipment and views.
7. Corner of Northwinds Parkway and Kimball Bridge Road shall be designed with a minimum 2,000 square foot open space to incorporate decorative hardscape and landscape with a water feature, sculpture or similar focal point feature, as approved by DRB. Corner feature shall be completed with the first CO.
8. A 20' landscape strip with trees and shrubs shall be provided along Kimball Bridge Road and Northwinds Parkway. Existing street trees along Northwinds Parkway shall be saved, as approved by Staff. Pedestrian lights shall be required along Kimball Bridge Road. Existing pedestrian lights along Northwinds Parkway shall be replaced, where necessary, and supplemented with additional lights as approved by Staff.
9. Developer shall construct a minimum 6' sidewalk and 4' planting strip (between curb and sidewalk) along Kimball Bridge Road and Northwinds Parkway, as approved by Staff.
10. A traffic impact study shall be required at LDP to determine the site driveway configuration and potential mitigation measures necessary for the intersection at Kimball Bridge Road and Northwinds Parkway. The scope of the study to be developed with the City's Senior Transportation Planner.
11. Developer shall dedicate necessary right-of-way to accommodate the required streetscape and future traffic signal equipment.
12. Existing curb cut on Northwinds Parkway shall be removed, if not utilized for the development.
13. Specimen trees, tree groupings and trees of quality shall be given special consideration and every attempt to incorporate them into the site plan shall be made, as approved by Staff.
14. Developer shall dedicate a permanent easement to the City and construct a 12' concrete, accessible multi-use path (Alpha Loop) as depicted on the plan prepared by KSGW, dated 5/25/2018, with final alignment/design/materials approved by Staff and construction completed prior to first CO. Width of the path may be reduced, if not designated as the main Alpha Loop path, as approved by Staff. Enhanced crossings shall be provided across Kimball Bridge Road and Northwinds Parkway and shall include design and materials approved by Staff. Path shall including seating/gathering areas, lighting (pedestrian and bollard), landscape, hardscape, bike share station, wayfinding signage and public parking, as approved by Staff. Path entrance gateways/arches shall be provided on Northwinds Parkway and Kimball Bridge Road.
15. Detention facilities shall not be visible from the public right-of-way, except a decorative water feature approved by Staff.
16. All new utilities shall be located underground.

Applicant presented and discussed:

- Agreement with Staff Conditions
- Juice Bar, Poke Bowl, Wine & Cognac Café
- One Stand alone restaurant

- Technology built within the property
- Public Art
- Shock absorption of trail, misting structures, outside heaters, Live music on weekends
- Alpharetta was chosen due to Community Events, Alpha Loop and Mixed Use location
- Facility is not a traditional gym –
 - o City Club
 - o Co-working spaces
 - o Lounge Area
 - o Basketball Courts, Football, Soccer
 - o PGA Superstore
 - o Free Weights
 - o Membership Fees potentially \$600 per month
 - o Capped at 2000 members
- Hotel
 - ☐ SPA service
 - ☐ Technology
 - ☐ 13 High End Suites
 - ☐ Rooftop Amenities
 - ☐ Aquarium
 - ☐ "LEED", Sustainable architecture
 - ☐ Aquarium for VIP Members
- Goal of Collective Experience
- Parking Deck Visibility from Northwinds Pky
- Rehab Center
- Surgery Center
- First of its kind, one of a kind \$108 million project
- Detention under parking structure

Public Comment:

In Favor:

1. John Walker, Teasley Place, Alpharetta, GA

Great project for the City

In Opposition:

1. Assistant Pastor, Missionary Baptist Church, 2725 Kimball Bridge Rd, Alpharetta, GA

Concerns:

Impact on certain days of week during construction and after.

Applicant gave a rebuttal:

- Plans to practice " Polite Construction"
- Respect Church on property boundary
- Coexist
- Possibly reserve spaces for Church Parking
- Enhance buffer

After discussion of :

- Reasons Applicant chose Alpharetta
- Buffer between Church
- Suggestion of Meeting with Church
- Hours of Construction
- Both parties come before Council with a plan
- Conditon 2A
- Out of Box project
- Well thought out
- Gamechanger for Alpharetta
- Being a good corporate citizen

❖ Commissioner Attig offered a motion to approve subject to the conditions as proposed by Staff.

- Commissioner Goss seconded the motion
- The Motion was Approved (5-0)

c. MP-18-04 North Point Mall/Office Use

Michael Woodman, Senior Planner, presented consideration of a request to amend the North Point Mall Master Plan to allow for the conversion of approximately 27,000 square feet of in-line retail space to professional office use within North Point Mall. The property is located at 1000 North Point Circle and is legally described as being located in Land Lots 700, 701, 742 & 743, 1st District, 2nd Section, Fulton County, Georgia.

After presentation of:

- PSC Zoning designation
- Future Land Use Mixed Use Desigantion
- North Point LCI
- SPACES as tenant
- Floor Plan
- Decrease in Traffic
- Alternate Transportation
- Eco District

Staff recommended approval with the following conditions:

1. North Point Mall Master Plan shall be limited to no more than 27,000 square feet of office use.
2. Floor plan shall be developed substantially in accordance with submitted plan dated 1/18/2018, except for modifications required to comply with the conditions below.
3. Office space shall have clear glass along the common area of the Mall, as approved by Staff. Office space visible from the Mall shall have active uses such as reception area, waiting area, common areas and/or co-working space, as approved by Staff. If visible from the common area of the Mall, opaque cubicles shall not exceed four (4) feet in height.
4. Tables, chairs or other furniture associated with the office space shall be placed in the West Court (common area of the Mall) to activate the area, as approved by Staff.
5. Office space shall include the use of green building materials, as well as energy- and water-efficient fixtures, as approved by Staff.
6. Bicycle racks shall be provided at the outside entrance, as approved by Staff.
7. Developer shall coordinate with MARTA and City Staff for the installation of a bus shelter at the MARTA bus stop in front of SunTrust Bank (6499 North Point Pkwy). Final bus shelter design and location to be approved by Staff with installation complete within 6 months of master plan amendment approval.
8. Outdoor seating area shall be provided at a location near the entrance between Von Maur and AMC Theatre.

Applicant presented:

- Bringing office use into mall
- Floor Plan
- Reduction of Traffic
- Parking
- Master Plan was approved in the 1990's.

There was no Public Comment.

After discussion:

- Bike Racks location
- Bike Lanes in North Point LCI
- Office Space will be taking vacant Retail Space
- Square Footage
- PSC Zoning
- Future Land Use
- This has been done in enclosed mall in Oregon
- Concern of ceasing to be a mall with not enough retail concepts to fill space
- Consistent with North Point LCI
- Thanked Staff for vision for the future
- Importance of North Point Mall to Alpharetta

- Embracing of flexible Office Space
- Property Owner Authorization approval of conditions
- Applicant Response to Staff Conditions
- Staff is fine with changes proposed by the Applicant
- Applicant is commissioning revised Traffic Study to present to Council

❖ Commissioner Attig offered a motion to approve with the conditions as submitted by the Applicant:

1. North Point Mall Master Plan shall be limited to no more than 30,000 square feet of office use.
2. Floor plan shall be developed substantially in accordance with submitted preliminary plan dated 1/18/2018, except for modifications required to comply with the conditions below.
3. Office space shall predominately have clear glass along the common area of the Mall, as approved by Staff. Office space visible from the Mall shall have active uses such as reception area, waiting area, common areas, conference rooms and/or co-working space, as approved by Staff.
4. Tables, chairs or other furniture shall be placed in the West Court (common area of the Mall) to activate the area, as approved by Staff.
5. Office space shall make reasonable efforts to include the use of green building materials, as well as energy- and water-efficient fixtures, as approved by Staff.
6. Bicycle racks shall be provided at the outside entrance, as approved by Staff.
7. Developer shall coordinate with MARTA and City Staff for the installation of a bus shelter at the MARTA bus stop in front of SunTrust Bank (6499 North Point Pkwy). Final bus shelter design and location to be approved by Staff with installation complete within 6 months of master plan amendment approval.
8. Outdoor seating area shall be provided at a location near the entrance between Von Maur and AMC Theatre.

- Commissioner Waylock seconded the motion
- The Motion was Approved (5-0)

VII. ADJOURNMENT

The meeting was adjourned at 8:42 p.m.



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: CU-18-04 EASYVET CLINIC/ANIMAL HOSPITAL

PLANNING COMMISSION: JULY 12, 2018

CITY COUNCIL: AUGUST 6, 2018

II. RECOMMENDATION:

Approve CU-18-04 EasyVet Clinic/Animal Hospital, subject to the following conditions:

1. 'Animal Hospital, Small Animals' shall be added as a conditional use at 12850 Highway 9, Suite 2200 and limited to no more than 1,600 square feet.
2. Conditional use approval shall be limited to EasyVet Clinic; no additional 'Animal Hospital, Small Animals' businesses or subleasing shall be permitted within the approved space.
3. Hours of operation shall be limited to Mon – Tues, Thurs – Sat 10:00AM – 6:00PM.
4. Boarding of animals is limited to short-term care incidental to the hospital use.

III. REPORT IN BRIEF:

The applicant, EasyVet Clinic, is requesting a conditional use permit to allow an 'Animal Hospital, Small Animals' in a 1,600 square foot suite within an existing shopping center. The subject property is located at 12850 Highway 9, Suite 2200 in the Windward Commons (Kroger) shopping center.

DISCUSSION

The submitted request, if approved, will allow the applicant to operate a small animal hospital in a 1,600 square foot suite within an existing retail center. The applicant's business is EasyVet Clinic, which is a new concept for the delivery of small animal medicine and care by focusing on outpatient, preventative and wellness care. The subject property is located at 12850 Highway 9, Suite 2200 in the Windward Commons (Kroger) shopping center.

The property is zoned C-2 (General Commercial), which allows 'Animal Hospital, Small Animals' with approval of a conditional use permit. Surrounding properties are zoned C-1 (Neighborhood Commercial) and City of Milton to the north, City of Milton to the east and south, and C-1 to the west. Mambo Café, Cutter's Cigar & Spirits, Rite Aid and Lowes are located to the west and Wells Fargo Bank and Kroger Fuel Center are located to the south.



The Kroger shopping center is a 125,181 square foot retail strip center with Kroger as the anchor and in-line retail space for retail, restaurant and office uses. The applicant's business is proposed to be located within a 1,600 square foot suite facing Windward Parkway. The applicant's business is proposed in Suite 2200, which is located between Huntington Learning Center and PRO Martial Arts. Other businesses within the Windward Commons shopping center include Roasters, Leslie's Pool Supplies, GNC and Menchie's Frozen Yogurt, to name a few.

Unified Development Code (UDC) Section 1.4.2 defines 'Animal Hospital, Small Animals' as follows:

"A place where dogs, cats, birds or other animals normally kept as household pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use."

There are no other 'Animal Hospital, Small Animals' businesses in the Windward Commons shopping center. The nearest similar use is located at the northeast corner of Highway 9 and Vaughan Drive, approximately one (1) mile away from the subject property. There is, however, a pet grooming business in the Windward Commons shopping center called Dog Wash Café, which is located on the opposite end of the shopping center.

The applicant's business is a new approach to the delivery of small animal medicine and care. The concept includes a focus on outpatient, preventive and wellness care. The business will not provide anesthesia or surgery, radiology, boarding or kenneling, grooming or emergency care facilities. Hours of operation are Monday – Tuesday and Thursday – Saturday: 10:00 AM – 6:00 PM and Wednesday and Sunday: Closed. The applicant anticipates 2-6 employees, in addition to the veterinarian.

CONDITIONAL USE REVIEW CRITERIA

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: Windward Commons shopping center was developed in compliance with site access development standards. The use should not have significant impacts on vehicular and pedestrian access.

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

Response: Windward Commons shopping center is in compliance with regard to refuse areas, loading and service areas, off-street parking, and buffers and screening.

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 proposed use would be compatible with the surrounding retail uses and other locations for this business, which are similarly situated in retail corridors.

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 proposed use would be compatible with the surrounding retail uses and other locations for this business, which are similarly situated in retail corridors.

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 proposed use would be compatible with the surrounding retail uses and other locations for this business, which are similarly situated in retail corridors.

CONCURRENCES

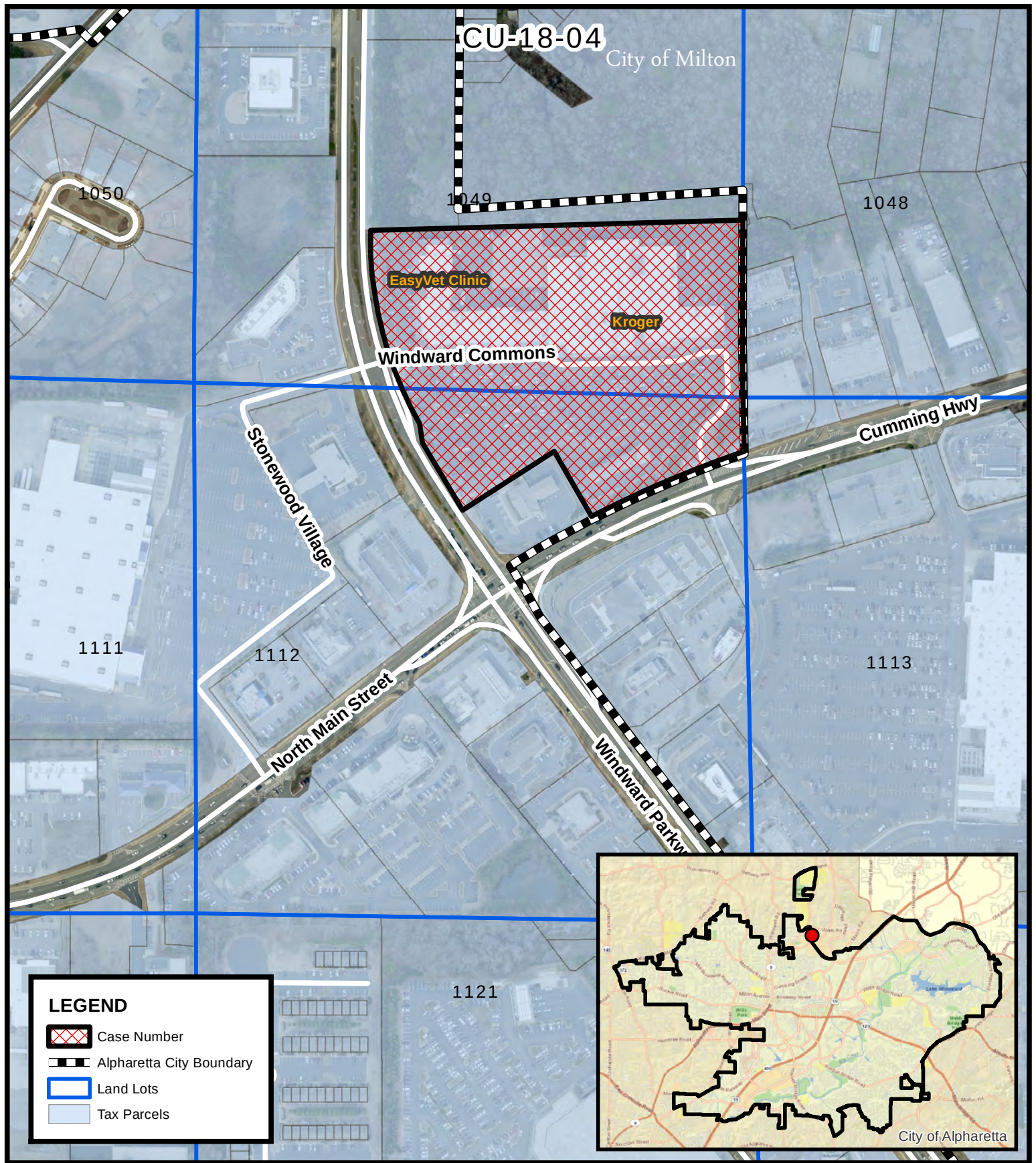
City Staff has reviewed the applicant's proposal and finds that it can generally support the request for conditional use. The request is not in conflict with the established standards. The proposed use would be compatible with the surrounding retail uses and other locations for this business, which are similarly situated in retail corridors. However, it is recommended that conditions be established as part of this application that regulate and limit any expansion of the business.

CITIZEN PARTICIPATION PLAN

The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that no comments were received.

IV. ATTACHMENTS:

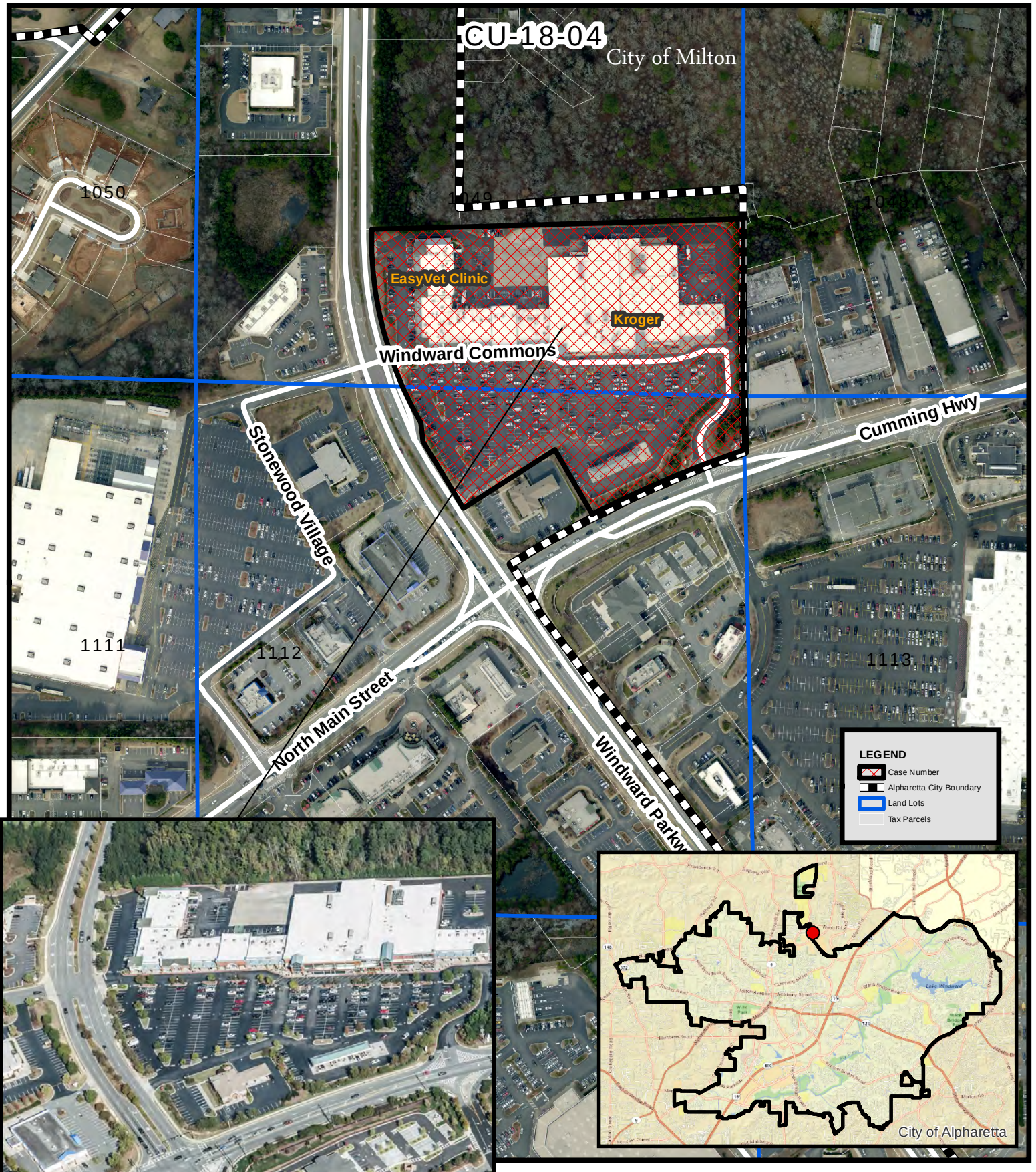
- Site Plan/Floor Plan



Location Map
EasyVet Clinic
12850 Highway 9 Suite 2200

CU-18-04
D/LL: 2/2/1049, 1112
PC: 7/12/18
CC: 8/06/18

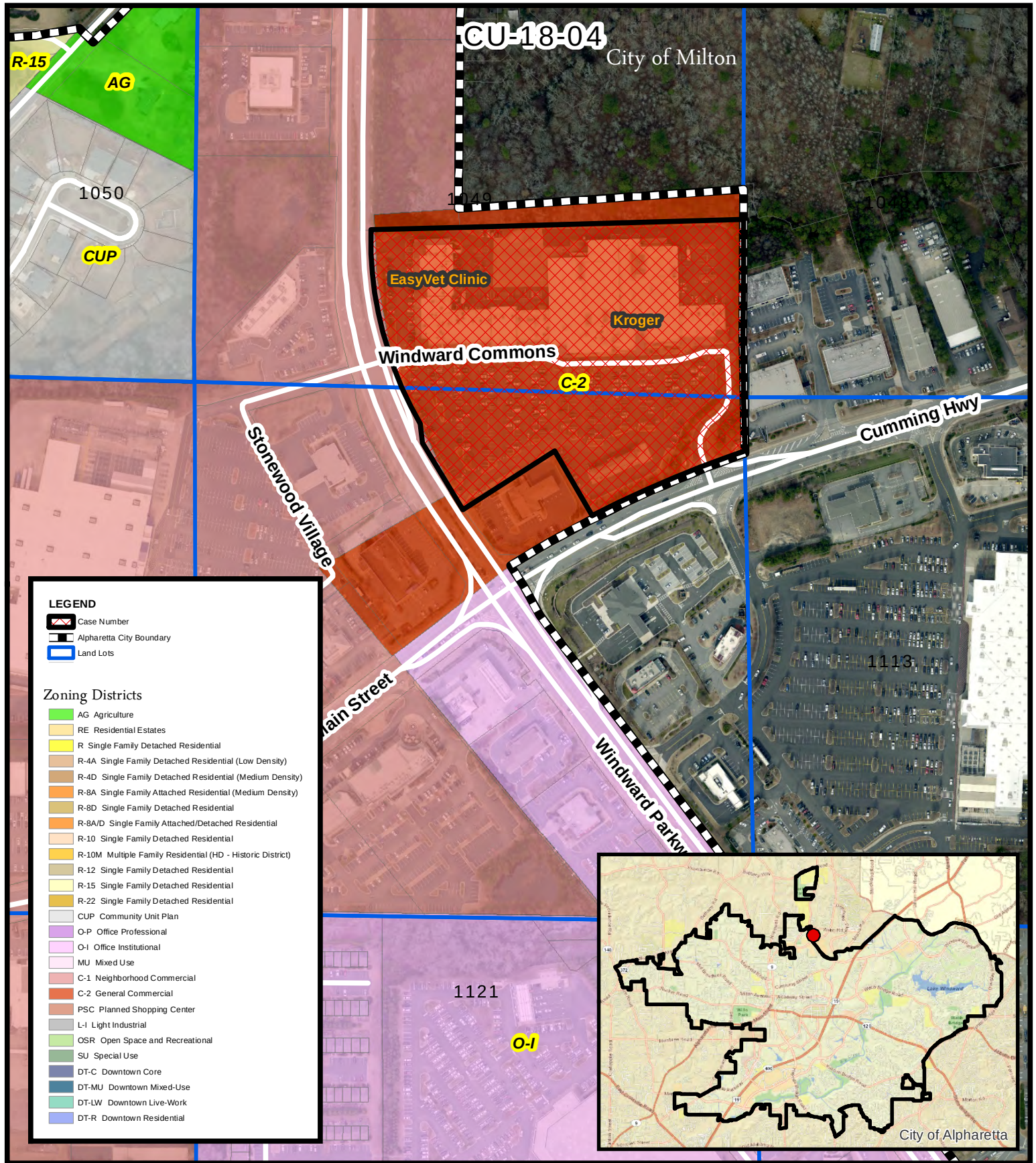
Location Map Provided by:
Community Development - GIS



Aerial Map
EasyVet Clinic
12850 Highway 9 Suite 2200

CU-18-04
D/LL: 2/2/1049, 1112
PC: 7/12/18
CC: 8/06/18

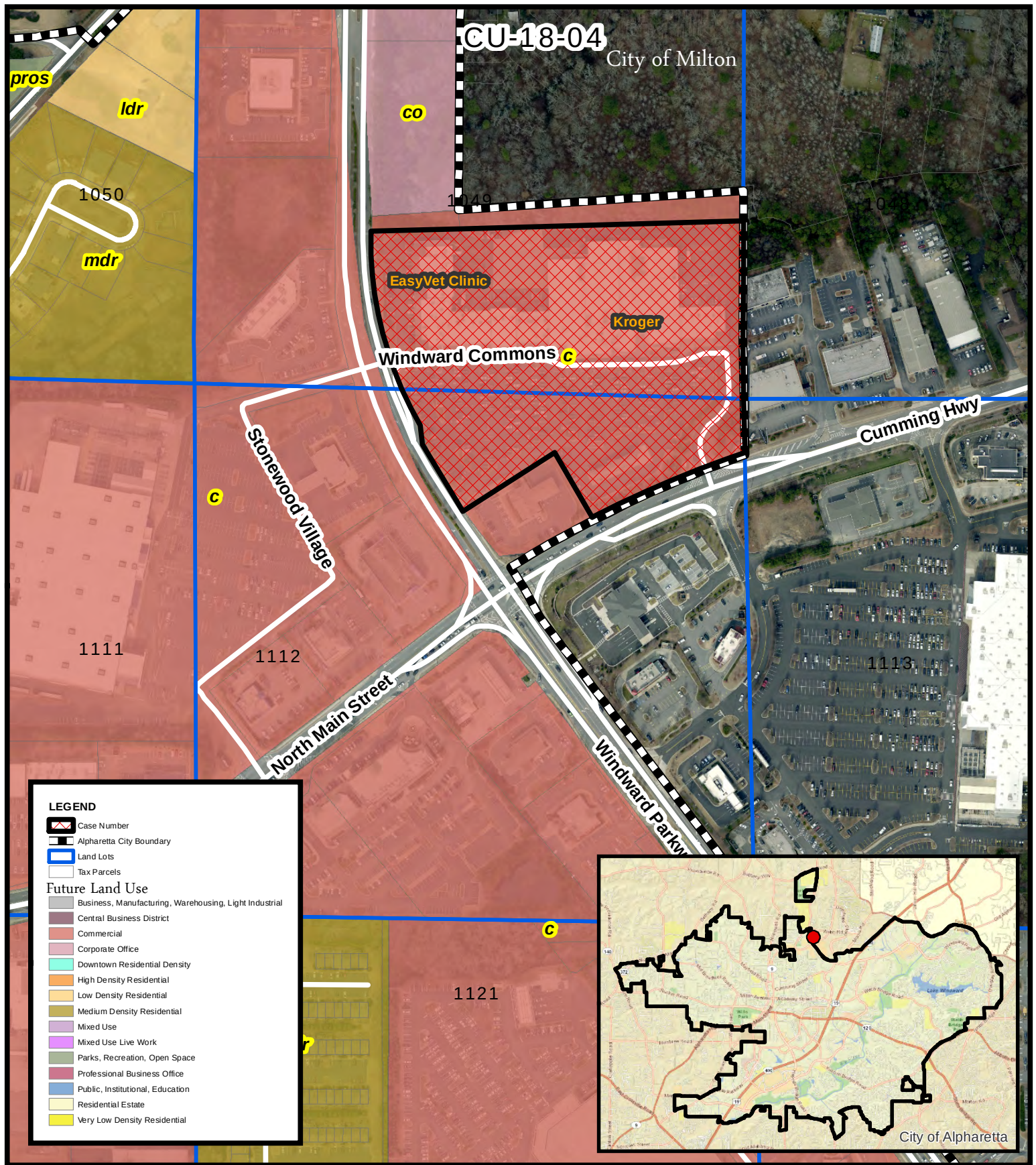
Location Map Provided by:
Community Development - GIS



Zoning Map
EasyVet Clinic
12850 Highway 9 Suite 2200

CU-18-04
D/LL: 2/2/1049, 1112
PC: 7/12/18
CC: 8/06/18

Location Map Provided by:
 Community Development - GIS



Future Land Use
EasyVet Clinic
12850 Highway 9 Suite 2200

CU-18-04
D/LL: 2/2/1049, 1112
PC: 7/12/18
CC: 8/06/18

Location Map Provided by:
Community Development - GIS



CITY OF ALPHARETTA

FOR OFFICE USE ONLY

CU-18-04

EASYVET CLINIC

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: CHRISTIAN CUMBERBATCH

Telephone: 678 543 2935

Address: 137 MANOR NORTH DRIVE

Suite: _____

City ALPHARETTA

State: GA

Zip: 30004

Fax: _____

Mobile Tel: 678 543 2935

Email: CCUMBERBATCH@GMAIL.COM

Subject Property Information:

Address: 12850 Alpharetta Highway, Alpharetta, GA 30004

Current Zoning: C-2

District: 2

Section: 2

Land Lot: 112, 1049

Parcel ID: 22-51201120357

Proposed Zoning: CUP

Current Use:

STRIP SHOPPING CENTER

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 INTERVIEW

CUF18-04

EASYVET CLINIC

4/27/18

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

The subject property at 12850 HWY 9, suite 2200, Alpharetta, GA 30004, comprises a 1600 sq ft in-line retail unit in the Windward Commons shopping plaza.

The proposed use is for the establishment of Georgia's first EasyVet Clinic franchise. EasyVet Clinic is a new and unique approach to the delivery of small animal medicine and care. The concept utilizes a clean, convenient, affordable and friendly environment and is distinguished from traditional veterinary clinics by focusing on outpatient, preventative and wellness care, while eliminating costly surgery, radiology, boarding and grooming facilities.

Applicant's Request (Please itemize the proposal):

The request is for the approval of a Conditional Use Permit at 12850 HWY 9, suite 2200, Alpharetta, GA 30004, to facilitate the implementation of an outpatient small animal clinic, EasyVet Clinic.

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

EasyVet Clinic will provide at the subject location general outpatient and wellness veterinary care including wellness exams, vaccines, and preventative care.

EasyVet Clinic will be open on a daily basis as follows : Mon, Tue, Thur, Fri, Sat - 10am - 6pm
Wed, Sun - closed

Easyvet Clinic will employ 2-6 employees in addition to Dr Christian Cumberbatch, with a mixture of both part-time and full time positions.

Due to EasyVet Clinic's focus on wellness care on an outpatient basis, more of which can be found on our website, EASYVET.COM, at this location there will be :

- NO boarding or kenneling, hence no issues with noise or biological waste.
- NO daycare or grooming, hence no issues with specialized plumbing traps.
- NO anesthesia or surgery facilities, hence no need for specialized waste gas evacuation systems.
- NO radiology services, hence no need for lead lined walls, and reduced risk to staff and clients.
- NO after hours emergency care, thus contributing to the quiet enjoyment of the surroundings during overnight periods.

PROPERTY OWNER AUTHORIZATION

CU-18-04

Property Owner Information: 4/27/18

EASYVET CLINIC

Contact Name: IVT Windward Commons Alpharetta, LLC

Telephone: (630) 570-0700

Address: 3025 Highland Parkway

Suite: 350

City: Downers Grove

State: IL

Zip: 60515

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: CHRISTIAN CUMBERBATCH

Telephone: 678 543 2935

Address: 137 MANOR NORTH DRIVE

Suite: _____

City: ALPHARETTA

State: GA

Zip: 30004

So Sworn and Attested:

IVT Windward Commons Alpharetta, LLC, a Delaware limited liability company
By: IVT OP Limited Partnership, a Delaware limited partnership, its Sole Member
By: IVT OF GA, LLC, a Delaware limited liability company, its general partner
By: Irwin Trust Properties Corp., a Maryland corporation, its sole member

Owner Signature: _____

Christy L. David

Christy L. David, Senior Vice President & General Counsel

Date: 4/24/18

Notary:

Notary Signature: _____

Amy L. Martinez

Date: 4/24/18

AMY L. MARTINEZ

Official Seal

Notary Public - State of Illinois
My Commission Expires Apr 5, 2022

DISCLOSURE FORM

CU-18-04

4/27/18

EASYVET CLINIC

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: CHRISTIAN CUMBERBATCH

Subject Public Hearing Case: EasyVet Clinic, 12850 Hwy 9, STE 2200, Alpharetta, GA 30004

Campaign Contribution Information:

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

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

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

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

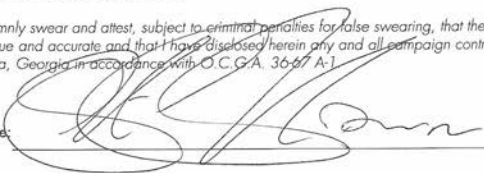
Description of Contribution: _____ Value: _____

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: 13 April 2018

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

4/27/18

EASYVET CLINIC

How will this proposal be compatible with surrounding properties?

As the clinic utilizes an outpatient business model, area and equipment requirements are kept to a minimum hence no exterior construction is required. As can be viewed in the attached photos, the clinic allows for an open concept floor plan, providing for a modern yet comfortable feel, completely in character with Alpharetta and environs.

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

The presence of EasyVet Clinic enhances the value of surrounding properties as it not only offers tremendous synergy with the existing "Dog Spa" within the plaza, but also the other various pet salons and pet supply stores on Windward Parkway and Hwy 9. Families will now have access to quality, walk-in veterinary care while patronizing these local businesses.

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

Current zoning lists the property at 12850 Hwy 9, Ste 2200, Alpharetta, GA, as C-1. EasyVet Clinic's outpatient business model allows the location to be easily and quickly developed within current zoning regulations. Although characterized as a small animal clinic, there will be no kenneling, boarding, grooming, surgery or radiology services offered at the site. However, a Conditional Use Permit is required for all veterinary clinics not located within L-1 zoned areas.

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

Approval of the proposal would not cause any direct population or traffic increases.

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

As an outpatient small animal clinic, the impact to local utilities would be minimal and in line with other similarly sized professional offices. The only impact to schools would be the potential to enhance the educational experience for local students interested in Veterinary Medicine through volunteer and internship opportunities.

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

By situating EasyVet Clinic in a pre-existing retail location, the clinic will, in accordance with the Alpharetta Comprehensive Plan, "preserve and enhance established shopping and business destinations at a major crossroads intersection" while its unique service offering will "create new shopping and business opportunities that support the surrounding neighborhoods".

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

NONE

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

4/27/18

EASYVET CLINIC

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: EasyVet Clinic

Contact Name: CHRISTIAN CUMBERBATCH

Telephone: 678 543 2935

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.

Letters will contain EasyVet Clinic's head office's address and phone number, as well as an email address and phone number for Dr Christian Cumberbatch

RUCKER RALPH & SARAH
1780 BIRMINGHAM RD
ALPHARETTA GA 30004

4/27/18

GENOA DEERFIELD LLC
3330 CUMBERLAND BLVD SUITE 250
ATLANTA GA 30339

01/18/2018
EASYVET CLINIC
THAMAS NEWAZ & FARHANA SHARITA
2703 ROGERON CT
ALPHARETTA GA 30004

ROYAL BRIGHT SERVICES INC
19711 RIDGEWOOD PL
YORBA LINDA CA 92886

DEERFIELD SQUARE ASSOC LLC
1545 PEACHTREE ST # 250
ATLANTA GA 30309

DONIPARTHI HEMA N & NALLNIKRISHNA K
1200 S BENTLEY CREEK DR
ALPHARETTA GA 30004

FIROOZI PEGAH
10895 BRIDGEMOR DR
ALPHARETTA GA 30022

SHUBERT & BOOTH WINDWARD 3 LLC
234 W 44TH ST
NEW YORK NY 10036

D R HORTON INC
8200 ROBERTS DR SUITE 100
SANDY SPRINGS GA 30350

ANDY & MARCI FRIED REALTY LLC
6105 BLUE STONE RD #211
SANDY SPRINGS GA 30328-5905

HAMILTON CHASE ALPHARETTA LLC
828 BALLARD CANYON RD
SOLVANG CA 93463

JW HOMES LLC
4125 ATLANTA RD
SMYRNA GA 30081

STATON LLC
12910 HIGHWAY 9 NE
ALPHARETTA GA 30004-3609

NAVY FEDERAL CREDIT UNION
P.O. BOX 24526
MERRIFIELD VA 22119-4626

TCF CHARITABLE REAL ESTATE
50 HURT PLZ SUITE 449
ATLANTA GA 30303

HASHEMI FARIZAZ
2875 WEBB RD
ALPHARETTA GA 30004

SCOTT H LEE TR
P.O. BOX 8050 MS-0555
BENTONVILLE AR 72712-8050

FULTON GREENS LTD PTNRSHIP
6892 S YOSEMITE CT STE 2-105
CENTENNIAL CO 80112-1464

D2D WINDWARD WAY LLC
11770 HAYNES BRIDGE RD SUITE 205 2
62
ALPHARETTA GA 30009

WINDWARD PROMENADE L L C
210 INTERSTATE NORTH PKWY SE STE 50
ATLANTA GA 30339-2231

K L WALL LLC
6090 LIVELY CT
CUMMING GA 30040-6264

FRG LLC
27904 HWY 281 N #106
SAN ANTONIO TX 78260

PMB WINDWARD LLC
2000 RIVEREDGE PKWY STE 940
ATLANTA GA 30328

MOORE SAMUEL V & CHARLOTTE
2885 WEBB RD
ALPHARETTA GA 30004

D2D WINDWARD WAY L L C
11770 HAYNES BRIDGE RD SUITE 205 2
62
ALPHARETTA GA 30009

FIDELITY BANK
3490 PIEDMONT RD NE STE 1550
ATLANTA GA 30305

HALLMARK INVESTMENTS WINWARD LLC
4875 WINDWARD PKWY
ALPHARETTA GA 30004

TRIPLE R DEVELOPMENT GROUP LLC
1111 HORSESHOE DR
GREENSBORO GA 30642-4842

COGBURN WALK HOMEOWNERS ASSOCIATIO
N INC
8800 ROSWELL RD BLDG/STE B100
SANDY SPRINGS GA 30350

WINDWARD PROFESSIONAL PAVILLION LLC
4895 WINDWARD PKY STE 200
ALPHARETTA GA 30004

MULLINAX DONA JEAN
12975 COGBURN RD
ALPHARETTA GA 30004 4/27/18

CU-18-04
EASYVET CLINIC

D2D WINDWARD WAY LLC
11770 HAYNES BRIDGE RD SUITE 205 2
62
ALPHARETTA GA 30009

LOWES HOME CENTERS INC
1000 LOWE'S BLVD
MOORESVILLE NC 28117

WINDWARD DV LLC
131 ROSWELL ST # B201
ALPHARETTA GA 30009

FULTON GREENS LTD PARTNERSHIP LLC
6892 S YOSEMITE CT STE 2-105
CENTENNIAL CO 80112-1464

FIRST UNION NATIONAL BANK
P.O. BOX 2609
CARLSBAD CA 92018-2609

WINDWARD COMMONS INC
500 N DEARBORN ST STE 400
CHICAGO IL 60654-3386

ARC CAFEUSA001 LLC
2325 E CAMELBACK RD STE 1100
PHOENIX AZ 85016

KMD ALPHARETTA LLC
2424 N FEDERAL HWY # 454
BOCA RATON FL 33431-7746

PROVIDENCE BANK
4955 WINDWARD PKWY
ALPHARETTA GA 30004

EXHIBIT A**SITE PLAN OF SHOPPING CENTER
AND DEPICTION OF LOCATION OF PREMISES**

This Site Plan is presented solely for the purpose of identifying the approximate location and size of the Premises. The size or configuration of the Shopping Center, building sizes, site dimensions, access and parking areas, existing tenant locations, uses and identities are subject to change at Landlord's discretion, except as otherwise expressly restricted in the text of this Lease.



ITEMS CORRESPONDING TO SCHEDULE B-II

FIRST AMERICAN TITLE INSURANCE COMPANY
COMMITMENT NUMBER: NCS-801242-CH12
EFFECTIVE DATE: JUNE 13, 2016

12. Terms and provisions of that certain unrecorded lease as evidenced by Subordination, Non-Disturbance and Attornment Agreement by and among The Kroger Co., an Ohio corporation, Windward Commons Inc., a Delaware corporation and Allstate Life Insurance Company, dated October 23, 2001, filed for record December 12, 2001, and recorded in Deed Book 31442, Page 49, Fulton County, Georgia records.
NOT SURVEY RELATED, NOTHING TO PLOT

13. Terms and provisions of that certain unrecorded lease as evidenced by Subordination, Non-Disturbance and Attornment Agreement by and among The Kroger Co., an Ohio corporation, Windward Commons, Inc., a Delaware corporation and Allstate Life Insurance Company, dated October 23, 2001, filed for record January 25, 2002, and recorded in Deed Book 31728, Page 162, aforesaid records.
NOT SURVEY RELATED, NOTHING TO PLOT

14. Easement from Mrs. O. M. Fuller, As executrix of the Will of Robert Anderson Lee Bowen, Deceased recorded in Fulton County Court of Ordinary to Sawnee Electric Membership Corporation, a corporation dated September 15, 1966, filed for record October 10, 1966, and recorded in Deed Book 4651, Page 353, aforesaid records.
NOT ON SUBJECT PROPERTY

15. Permit to Cut or Trim Trees from Fulton Greens Limited Partnership to Georgia Power Company, dated June 10, 1996, filed for record November 12, 1996, and recorded in Deed Book 21762, Page 22, aforesaid records.
NOT ON SUBJECT PROPERTY

16. Terms and provisions of that certain Declaration of Restrictive Covenants, by Fulton Greens Limited Partnership, a Georgia limited partnership dated July 1, 1998, filed for record July 13, 1998, and recorded in Deed Book 24781, Page 1, aforesaid records; as amended by that certain Amendment to Declaration of Restrictive Covenants by Fulton Greens Limited Partnership, a Georgia limited partnership and consented to by The Kroger Co., an Ohio corporation, dated May 12, 1999, filed for record May 28, 1999, and recorded in Deed Book 26760, Page 181, aforesaid records.
NOTHING TO PLOT

17. Terms and provisions of that certain Sanitary Sewer Easement Agreement, by and among Pioneer Real Estate Development, Inc., a Georgia corporation, Martha James Stone, an individual, Fulton Greens Limited Partnership, a Georgia limited partnership and Faison-Fulton Greens, LLC, a Georgia limited liability company, dated August 18, 1998, filed for record August 31, 1998, and recorded in Deed Book 25173, Page 258, aforesaid records; as amended by that certain Amendment to Sanitary Sewer Easement Agreement dated February 25, 1999, filed for record February 26, 1999, and recorded in Deed Book 26187, Page 186, aforesaid records; and as amended by that certain Second Amendment to Sanitary Sewer Easement Agreement dated May 12, 1999, filed for record June 25, 1999, and recorded in Deed Book 26933, Page 305, aforesaid records.
AS SHOWN

18. Terms and provisions of that certain Drainage Easement Agreement, by and between Fulton Greens Limited Partnership, a Georgia limited partnership and G & H Windward, LLC, a Georgia limited liability company, dated February 25, 1999, filed for record February 26, 1999, and recorded in Deed Book 26187, Page 220, aforesaid records.
NOT ON SUBJECT PROPERTY (PARCEL 4, SEE SHEET 3)

19. Sewer Easement from Faison-Fulton Greens LLC to Fulton County, a Political Subdivision of the State of Georgia, dated September 16, 1998, filed for record May 25, 1999, and recorded in Deed Book 26732, Page 25, aforesaid records.
NOT ON SUBJECT PROPERTY (PARCEL 3, PIONEER & STONE TRACTS, SEE SHEET 3)

20. Easement from Faison-Fulton Greens LLC to Sawnee Electric Membership Corporation dated January 14, 1999, filed for record April 26, 1999, and recorded in Deed Book 26823, Page 49, aforesaid records.
NOTHING TO PLOT, NO DESCRIPTION OF LOCATION IN DOCUMENT

21. Terms and provisions of that certain Reciprocal Easement Agreement, by and between Faison-Fulton Greens, LLC, a Georgia limited liability company and Fulton Greens Limited Partnership, a Georgia limited partnership, dated May 12, 1999, filed for record June 25, 1999, and recorded in Deed Book 26933, Page 275, aforesaid records.
IT IS A BLANKET EASEMENT (PARCEL 5, SEE SHEET 3)

22. Terms and provisions of that certain Drainage Easement Agreement, by and between Fulton Greens Limited Partnership, a Georgia limited partnership and Faison-Fulton Greens, LLC, a Georgia limited liability company, dated May 12, 1999, filed for record June 25, 1999, and recorded in Deed Book 26933, Page 286, aforesaid records.
AS SHOWN

23. Easement from Faison-Fulton Greens, LLC to BellSouth Telecommunications, Inc., a Georgia corporation, dated June 17, 1999, filed for record June 25, 1999, and recorded in Deed Book 27196, Page 305, aforesaid records.
AS SHOWN

24. Easement from Faison-Fulton Greens, LLC to Georgia Power Company dated December 21, 1998, filed for record July 13, 1999, and recorded in Deed Book 27281, Page 221, aforesaid records.
IT IS A BLANKET EASEMENT

25. Assignment of unrecorded tenant lease from Faison-Fulton Greens, LLC, a Georgia limited liability company to Windward Commons, Inc., a Delaware corporation, dated December 2, 1999, filed for record January 4, 2000, and recorded in Deed Book 26327, Page 131, aforesaid records.
NOT SURVEY RELATED, NOTHING TO PLOT

26. Easements as conveyed in Right-of-Way Deed from R. L. Bowen to State Highway Board of Georgia dated May 12, 1932, filed for record May 19, 1932 and recorded in Deed Book 1418, Page 403, aforesaid records. (only affects appurtenant easement)
THE LOCATION CANNOT BE DETERMINED FROM THE RECORD DOCUMENT

27. Conveyance of access rights as contained in that certain Right of Way Deed from William B. Orkin to Department of Transportation, State of Georgia, dated September 29, 1986, filed for record September 30, 1986, and recorded in Deed Book 10350, Page 63, aforesaid records. (only affects appurtenant easement)
IT LIMITS ACCESS TO AN OTHERWISE ABUTTING RIGHT OF WAY FOR SUBJECT PROPERTY AND APPURTENANT EASEMENTS ALONG STATE HWY. 9

28. Conveyance of access rights as contained in that certain Right of Way Deed from William B. Orkin to Department of Transportation, State of Georgia, dated September 29, 1986, filed for record September 30, 1986, and recorded in Deed Book 10350, Page 64, aforesaid records. (only affects appurtenant easement)
IT IS NOT ON OR ADJACENT TO APPURTENANT EASEMENTS

29. Easements as contained in that certain Warranty Deed from Oxford Green, Ltd., a Limited Partnership organized and existing under and by virtue of the laws of the State of Georgia to First Union National Bank of Georgia, a National Banking Association of the State of Georgia, County of Fulton, dated July 15, 1987, filed for record July 21, 1987, and recorded in Deed Book 10949, Page 63, aforesaid records. (only affects appurtenant easement)
IT IS NOT ON OR ADJACENT TO APPURTENANT EASEMENTS

30. Right of Way Easement from Oxford Green, Ltd. to Southern Bell Telephone and Telegraph Company, dated April 6, 1988, filed for record April 26, 1988, and recorded in Deed Book 11486, Page 317, aforesaid records. (only affects appurtenant easement)
IT IS NOT ON OR ADJACENT TO APPURTENANT EASEMENTS

31. Terms and provisions of that certain Declaration of Covenants, Conditions, and Restrictions for Oxford Green, by Oxford Green, Ltd., a Georgia Limited Partnership in which Chatham Investment Company serves as its sole general partner dated October 24, 1988, filed for record October 25, 1988, and recorded in Deed Book 11992, Page 267, aforesaid records; as amended by that certain First Amendment to Declaration of Covenants, Conditions and Restrictions for Oxford Green by Pioneer Real Estate Development, Inc., a Georgia corporation, as successor in interest to Oxford Green, Ltd., dated December 13, 1996, filed for record December 16, 1996, and recorded in Deed Book 21902, Page 229, aforesaid records; as amended by that certain Second Amendment to Declaration of Covenants, Conditions and Restrictions for Oxford Green dated July 3, 2000, filed for record August 24, 2000, and recorded in Deed Book 29411, Page 651, aforesaid records; and as amended by that certain Third Amendment to Declaration of Covenants, Conditions and Restrictions for Oxford Green dated November 22, 2004, filed for record November 29, 2004, and recorded in Deed Book 38903, Page 481, aforesaid records. (only affects appurtenant easement)
IT IS A BLANKET EASEMENT THAT INCLUDES AREA OF PARCEL 3 (PIONEER EASEMENT AREA, SEE SHEET 3)

32. Terms and provisions of that certain Ingress-Egress Easement Agreement, by and between Martha J. Stone a/k/a Martha Stone, individually, and Martha James Stone a/k/a Martha J. Stone a/k/a Martha Stone, as Trustee of the Trust under the Last Will and Testament of Steven Robert James a/k/a S. R. James (Probated in the Probate Court of Forsyth County, Georgia) in behalf and benefit of Mary Christine James and Cynthia C. Hodge, as Trustee for Cynthia C. Hodge Trust (as to an undivided 25% interest), G. Parker Johnson (as to an undivided 25% interest), Michael J. Franco (as to an undivided 25% interest), William C. Rawson, Sr. (as to an undivided 12.5% interest), and William C. Rawson, Jr. (as to an undivided 12.5% interest), dated November 10, 1997, filed for record December 23, 1997, and recorded in Deed Book 23728, Page 8, aforesaid records. (only affects appurtenant easement)
IT IS NOT ON THE APPURTENANT EASEMENT

33. Terms and provisions of that certain Ingress-Egress Easement Agreement, by and between Pioneer Real Estate Development, Inc., a Georgia corporation and Cynthia C. Hodge, as Trustee for Cynthia C. Hodge Trust (as to an undivided 25% interest), G. Parker Johnson (as to an undivided 25% interest), Michael J. Franco (as to an undivided 25% interest), William C. Rawson, Sr. (as to an undivided 12.5% interest), and William C. Rawson, Jr. (as to an undivided 12.5% interest), and Martha J. Stone a/k/a Martha Stone, individually, and Martha James Stone a/k/a Martha J. Stone a/k/a Martha Stone, as Trustee of the Trust under the Last Will and Testament of Steven Robert James a/k/a S. R. James (Probated in the Probate Court of Forsyth County, Georgia) in behalf and benefit of Mary Christine James, dated November 10, 1997, filed for record December 23, 1997, and recorded in Deed Book 23728, Page 19, aforesaid records. (only affects appurtenant easement)
IT IS NOT ON THE APPURTENANT EASEMENT

34. Easement from Pioneer Real Estate Development, Inc. to Georgia Power Company dated June 1, 1998, filed for record June 30, 1998, and recorded in Deed Book 24847, Page 3, aforesaid records. (only affects appurtenant easement)
IT IS NOT ON THE APPURTENANT EASEMENT

RECORD DESCRIPTION

Parcel 1
All that tract or parcel of land lying and being in Land Lots 1112 and 1049, 2nd District, 2nd Section, Fulton County, Georgia, and being more particularly described as follows:

Beginning at a right-of-way monument found at the intersection of the northwesterly right-of-way of State Route 9 (80-foot right-of-way) and the Land Lot Line common to Land Lots 1112 and 1113, aforesaid district and county; thence leaving said Land Lot Line and along the northwesterly right-of-way of State Route 9, run along the arc of a curve to the left, said arc having a radius of 2,904.90 feet and a distance of 400.07 feet (being subtended by a chord bearing South 65 degrees 26 minutes 39 seconds West, 399.76 feet) to a point; thence leaving said right-of-way, run North 29 degrees 02 minutes 31 seconds West, 189.00 feet to a point; thence South 80 degrees 24 minutes 13 seconds West, 242.86 feet to a point on the easterly line of Proposed Windward Parkway Extension; thence along the easterly line of said Proposed Extension, run the following three (3) courses and distances: North 34 degrees 05 minutes 15 seconds West, 56.15 feet to a point; along the arc of a curve to the right, having a radius of 1100.00 feet and a distance of 487.62 feet (being subtended by a chord bearing North 21 degrees 23 minutes 18 seconds West, 483.64 feet) to a point; along the arc of a curve to the right, said arc having a radius of 1100.00 feet and a distance of 161.90 feet (being subtended by a chord bearing North 04 degrees 28 minutes 21 seconds West, 161.75 feet) to a point at the Southwest corner of property now or formerly Fulton Greens Limited Partnership; thence leaving said Proposed Extension, and with the southerly line of Fulton Greens, run North 88 degrees 30 minutes 18 seconds East a distance of 22.57 feet to a 1/2 inch rebar found; thence North 88 degrees 02 minutes 04 seconds East a distance of 170.96 feet to a 1/2 inch rebar found in concrete at the Southwest corner of property now or formerly Potts; thence with the southerly line of Potts, run North 88 degrees 05 minutes 58 seconds East a distance of 311.88 feet to a half-inch rebar found at the Northwest corner of property now or formerly Hardeman; thence with the southerly line of Hardeman and the southerly line of property now or formerly Kingsolver, run North 88 degrees 04 minutes 09 seconds East, 381.86 feet to a steering rod on the westerly line of property now or formerly Winsberg, said westerly line also being the Land Lot Line common to Land Lots 1049 and 1048, aforesaid district and county; thence along the westerly line of Winsberg and the Land Lot Line common to Land Lots 1049 and 1048, run South 00 degrees 14 minutes 58 seconds East, 256.73 feet to three-quarter inch open-top pipe found; thence continuing along said common Land Lot Line, run South 00 degrees 09 minutes 41 seconds West, 310.18 feet to a right-of-way monument found at the intersection of the northwesterly right-of-way of State Route 9 and the Land Lot Line common to Land Lot 1112 and Land Lot 1113 and the Point of Beginning.

Said tract contains 11.90 acres and is depicted as "Developer Tract Phase I(A)," and "Developer Tract Phase(B)," and "Kroger Tract" and "Developer Tract Phase II" on that certain ALTA/ACSM Land Title Survey for NationsBank, Faison-Fulton Greens, LLC, and Chicago Title Insurance Company by Armstrong Land Surveying, Inc., certified by Robert T. Armstrong, GRLS No. 1901, dated June 1, 1998, last revised March 17, 1999.

Parcel 2
Easements and other interests in real property contained in that certain Declaration of Restrictive Covenants by Fulton Greens Limited Partnership dated July 1, 1998, filed for record July 13, 1998 and recorded in Deed Book 24781, Page 1, aforesaid records; as affected by Amendment to Declaration of Restrictive Covenants by Fulton Greens Limited Partnership dated May 12, 1999, filed for record May 28, 1999 and recorded in Deed Book 26760, Page 181, aforesaid records.

Parcel 3
Easements and other interests in real property contained in that certain Sanitary Sewer Easement Agreement by and among Pioneer Real Estate Development, Inc., Martha James Stone, Fulton Greens Limited Partnership and Faison-Fulton Greens, LLC dated August 18, 1998, filed for record August 31, 1998 and recorded in Deed Book 25173, Page 258, aforesaid records; as amended by Amendment to Sanitary Sewer Easement Agreement by and among Fulton Greens Limited Partnership and Faison-Fulton Greens, LLC dated February 25, 1999, filed for record February 26, 1999 and recorded in Deed Book 26187, Page 186, aforesaid records; as amended by Second Amendment to Sanitary Sewer Easement Agreement by and among Fulton Greens Limited Partnership and Faison-Fulton Greens, LLC dated May 12, 1999, filed for record June 25, 1999 and recorded in Deed Book 26933, Page 305, aforesaid records.

Parcel 4
Easements and other interests in real property contained in that certain Drainage Easement Agreement between Fulton Greens Limited Partnership and G&H Windward, LLC dated February 25, 1999, filed for record February 26, 1999 and recorded in Deed Book 26187, Page 220, aforesaid records.

Parcel 5
Easements and other interests in real property contained in that certain Reciprocal Easement Agreement by and between Faison-Fulton Greens, LLC and Fulton Greens Limited Partnership dated May 12, 1999, filed for record June 25, 1999 and recorded in Deed Book 26933, Page 275, aforesaid records.

Parcel 6
Easements and other interests in real property contained in that certain Drainage Easement Agreement by and between Faison-Fulton Greens, LLC and Fulton Greens Limited Partnership dated May 12, 1999, filed for record June 25, 1999 and recorded in Deed Book 26933, Page 286, aforesaid records.

THIS BEING THE SAME PROPERTY DESCRIBED IN FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT NUMBER: NCS-801242-CH12 WITH AN EFFECTIVE DATE OF JUNE 13, 2016.

SIGNIFICANT OBSERVATIONS

OBSERVED ENCROACHMENTS ARE AS FOLLOWS:

(A) ELECTRIC TRANSFORMER ENCROACHES OVER PL AS SHOWN: 2'0" x 5'3"

MISCELLANEOUS NOTES

NOTES:

1. REFERENCES FOR THE BOUNDARY INFORMATION SHOWN HEREON WERE MADE TO: DEED REFERENCES.
DEED BOOK 28894, PAGE 209
ALL RECORDS ON FILE WITH THE CLERK OF SUPERIOR COURT OFFICE IN GWINNETT COUNTY, GEORGIA.

2. BASIS OF BEARING: HORIZONTAL DATUM IS ORIENTED TO DEED REFERENCED IN NOTE 1 ABOVE.

3. THE LOCATIONS OF UNDERGROUND UTILITIES SHOWN HEREON IS BASED ON ABOVE GROUND STRUCTURES AND INFORMATION SUPPLIED TO THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES OR STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES OR STRUCTURES MAY EXIST. THE SURVEYOR MAKES NO CERTIFICATION AS TO THE ACCURACY AND COMPLETENESS OF THE LOCATIONS SHOWN HEREON.

4. THE LAST DAY OF FIELD WORK WAS MAY 19, 2016.

5. ALL BUILDING DISTANCES AND DATA SHOWN HEREON ARE REFERENCED FROM OUTSIDE BUILDING DIMENSIONS. ALL SQUARE FOOTAGE SHOWN IS BASED ON GROUND LEVEL FLOOR ONLY.

6. ALL PROPERTY CORNERS SHOWN WITH IPS (IRON PIN SET) ARE 1/2" REBARS WITH PLASTIC CAP MARKED WITH GA. RLS #3105.

7. FIELD INFORMATION FOR THIS SURVEY WAS OBTAINED WITH A TRIMBLE S6 TOTAL STATION. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURES AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 610,100 FEET. THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE OF ONE FOOT IN 20,331 FEET AND AN ANGULAR ERROR OF 2 SECOND PER ANGLE POINT AND WAS ADJUSTED USING COMPASS RULE.

8. THERE IS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK ON GOING WITHIN RECENT MONTHS.

9. ADDRESS SHOWN HEREON WAS TAKEN FROM FULTON COUNTY TAX ASSESSOR INFORMATION. SITE ADDRESS IS 12850 HIGHWAY 9, ALPHARETTA GA.

10. THIS PROPERTY HAS DIRECT ACCESS TO THE PUBLIC RIGHT OF WAY OF GA. HIGHWAY 9 AND WINDWARD PARKWAY.

11. THERE WERE NO OBSERVABLE CHANGES IN THE EXISTING STREET RIGHT OF WAY FOR ANY OF THE STREETS THAT THE SUBJECT PROPERTY ADJOINS.

12. THERE ARE 497 REGULAR PARKING SPACES AND 16 HANDICAP PARKING SPACES FOR A TOTAL OF 513 PARKING SPACES MARKED ON THIS SITE.

13. THERE ARE NO PARTY WALLS ALONG OR NEAR THE PROPERTY LINES OF THE SUBJECT PROPERTY.

14. NO WETLANDS WERE DELINEATED AT THE TIME OF THE FIELD SURVEY FOR PREPARATION OF THIS SURVEY PLAT.

15. ACCORDING TO PREVIOUS SURVEY PLAT, ADDITIONAL ROAD RIGHT OF WAY WAS TAKEN ALONG WINDWARD PARKWAY, BUT WAS NOT REFLECTED IN THE TITLE COMMITMENT. IT IS THE SURVEYOR'S OPINION THAT ADDITIONAL ROAD RIGHT OF WAY MAY OR MAY NOT HAVE BEEN TAKEN. HOWEVER TITLE COMPANY DID NOT PROVIDE ANY DOCUMENTS TO THE SURVEYOR TO CONFIRM ANY TAKING. FIRST AMERICAN TITLE INSURANCE COMPANY PERFORMED AN EXTENSIVE SEARCH FOR ANY RECORDED RIGHT-OF-WAY EASEMENT OR RIGHT-OF-WAY TAKING AND DID NOT FIND ANY.

16. UNDERGROUND POWER AS SHOWN HEREON WAS TAKEN FROM PLANS FURNISHED TO SURVEYOR FROM UTILITY LOCATE COMPANY.

17. ACCORDING TO PLANS FURNISHED TO THE SURVEYOR BY THE UTILITY LOCATION SERVICE, THERE ARE ATLANTA GAS LIGHT (AGL) LINES ON THE OPPOSITE SIDE OF STATE HIGHWAY 9 AND WINDWARD PARKWAY, FROM THE SUBJECT PROPERTY.

ALTA/NSPS LAND TITLE SURVEY

Windward Commons
12850 State Highway 9, Alpharetta, GA 30004

Based on First American Title Insurance Company
Commitment No. NCS-801242-CH12
bearing an effective date of June 13, 2016

Surveyor's Certification

To: IVT Windward Commons Alpharetta, LLC, a Delaware limited liability company; InvenTrust Properties Corp., a Maryland corporation, and each of their lenders, successors and assigns; INVESCO Real Estate; First American Title Insurance Company and Bock & Clark Corporation.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6(a), 6(b), 7(a), 7(b)(1), 7(c), 8, 9, 11, 13, 14, 16, 17, 18 and 20 of Table A thereof. The fieldwork was completed on May 19, 2016.

Gary S. Harvin

Gary S. Harvin, Jr.
Registration No. 31105
In the State of Georgia
Date of Survey: May 26, 2016
Date of Last Revision: August 5, 2016

Network Project No. 201601679-1

Survey Performed By:
EarthPro Land Surveying
138 Jason Pond Way
Jefferson, GA 30549
Phone: 678-640-5500
Fax: 678-546-8381
Email: ghs@earthprolandsurvey.com
COA LSF# 000994



THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.

SHEET 1 OF 3

ZONING INFORMATION

SITE CURRENTLY ZONED C-2 (GENERAL COMMERCIAL)

FRONT SETBACK - NO SPECIFIC REQUIREMENT NOTED ON PROVIDED SITE PLAN
SIDE SETBACK - NO SPECIFIC REQUIREMENT NOTED ON PROVIDED SITE PLAN
REAR SETBACK - 10 FEET
MAXIMUM HEIGHT - 40 FEET
MINIMUM LOT AREA - NONE
MINIMUM LOT WIDTH - NONE
MINIMUM LOT DEPTH - NO REQUIREMENT NOTED
MAXIMUM LOT COVERAGE - 70%
MAXIMUM FLOOR AREA RATIO - NO REQUIREMENT NOTED
PARKING SPACES REQUIRED - 480 SPACES REQUIRED

ZONING DATA TAKEN FROM ZONING REPORT FOR PROJECT NUMBER: 7201600852; REPORT DATE: JULY 19, 2016; FOR WINDWARD COMMONS PROJECT, 12850 HIGHWAY 9, ALPHARETTA, GA; PREPARED FOR: INVEN TRUST PROPERTIES CORP.; PREPARED BY BOCK AND CLARK ZONING RESOURCE COMPANY.

NO REPRESENTATION IS MADE FOR THE ACCURACY OR COMPLETENESS OF SAID THIRD PARTY INFORMATION. THIS FIRM IS NOT AN EXPERT IN THE INTERPRETATION OF COMPLEX ZONING ORDINANCES; COMPLIANCE IS BEYOND THE SCOPE OF THIS SURVEY. ANY USER OF SAID INFORMATION IS URGED TO CONTACT THE LOCAL AGENCY DIRECTLY.

PROJECT REVISION RECORD

DATE	DESCRIPTION	DATE	DESCRIPTION
05/26/2016	FIRST DRAFT	06/28/2016	ADDRESS CLIENT COMMENTS
06/10/2016	ADDRESS CLIENT COMMENTS	07/28/2016	ADDRESS CLIENT COMMENTS
06/14/2016	ADDRESS CLIENT COMMENTS		
FIELD WORK: RJH	DRAFTED: KRM	CHECKED BY: GSH	FB & PG: 16207

LEGAL

THE USE OF THIS DOCUMENT'S FORMAT IS STRICTLY PROHIBITED AND CONTINGENT UPON THE WRITTEN CONSENT AND PERMISSION OF BOCK & CLARK CORP.
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National Coordinators
1-(800)-SURVEYS (787-8397)
Bock & Clark Corporation
3550 W. Market Street, Suite 200,
Akron, Ohio 44333
maywehelpyou@bockandclark.com
www.bockandclark.com

SCHEDULE A (Continued)

File No.: **NCS-801242-CHI2**

Policy No.: **NCS 801242**

Parcel 1

All that tract or parcel of land lying and being in Land Lots 1112 and 1049, 2nd District, 2nd Section, Fulton County, Georgia, and being more particularly described as follows:

Beginning at a right-of-way monument found at the intersection of the northwesterly right-of-way of State Route 9 (80-foot right-of-way) and the Land Lot Line common to Land Lots 1112 and 1113, aforesaid district and county; thence leaving said Land Lot Line and along the northwesterly right-of-way of State Route 9, run along the arc of a curve to the left, said arc having a radius of 2,904.90 feet and a distance of 400.07 feet (being subtended by a chord bearing South 65 degrees 26 minutes 39 seconds West, 399.76 feet) to a point; thence leaving said right-of-way, run North 29 degrees 02 minutes 31 seconds West, 189.00 feet to a point; thence South 60 degrees 24 minutes 13 seconds West, 242.89 feet to a point on the easterly line of Proposed Windward Parkway Extension; thence along the easterly line of said Proposed Extension, run the following three (3) courses and distances: North 34 degrees 05 minutes 15 seconds West, 56.15 feet to a point; along the arc of a curve to the right, having a radius of 1100.00 feet and a distance of 487.62 feet (being subtended by a chord bearing North 21 degrees 23 minutes 18 seconds West, 483.64 feet) to a point; along the arc of a curve to the right, said arc having a radius of 1100.00 feet and a distance of 161.90 feet (being subtended by a chord bearing North 04 degrees 28 minutes 21 seconds West, 161.75 feet) to a point at the Southwest corner of property now or formerly Fulton Greens Limited Partnership; thence leaving said Proposed Extension, and with the southerly line of Fulton Greens, run North 88 degrees 30 minutes 18 seconds East a distance of 22.57 feet to a 1/2 inch rebar found; thence North 88 degrees 02 minutes 04 seconds East a distance of 170.96 feet to a 1/2 inch rebar found in concrete at the Southwest corner of property now or formerly Potts; thence with the southerly line of Potts, run North 88 degrees 05 minutes 58 seconds East a distance of 311.88 feet to a half-inch rebar found at the Northwest corner of property now or formerly Hardeman; thence with the southerly line of Hardeman and the southerly line of property now or formerly Kingsolver, run North 88 degrees 04 minutes 09 seconds East, 381.86 feet to a steering rod on the westerly line of property now or formerly Winsberg, said westerly line also being the Land Lot Line common to Land Lots 1049 and 1048, aforesaid district and county; thence along the westerly line of Winsberg and the Land Lot Line common to Land Lots 1049 and 1048, run South 00 degrees 14 minutes 58 seconds East, 256.73 feet to three-quarter inch open-top pipe found; thence continuing along said common Land Lot Line, run South 00 degrees 09 minutes 41 seconds West, 310.18 feet to a right-of-way monument found at the intersection of the northwesterly right-of-way of State Route 9 and the Land Lot Line common to Land Lot 1112 and Land Lot 1113 and the Point of Beginning.

Said tract contains 11.90 acres and is depicted as "Developer Tract Phase I(A)," and "Developer Tract Phase I(B)," and "Kroger Tract" and "Developer Tract Phase II" on that certain ALTA/ACSM Land Title Survey for NationsBank, Faison-Fulton Greens, LLC, and Chicago Title Insurance Company by Armstrong Land Surveying, Inc., certified by Robert T. Armstrong, GRLS No. 1901, dated June 1, 1998, last revised March 17, 1999.

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Parcel 3

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Parcel 4

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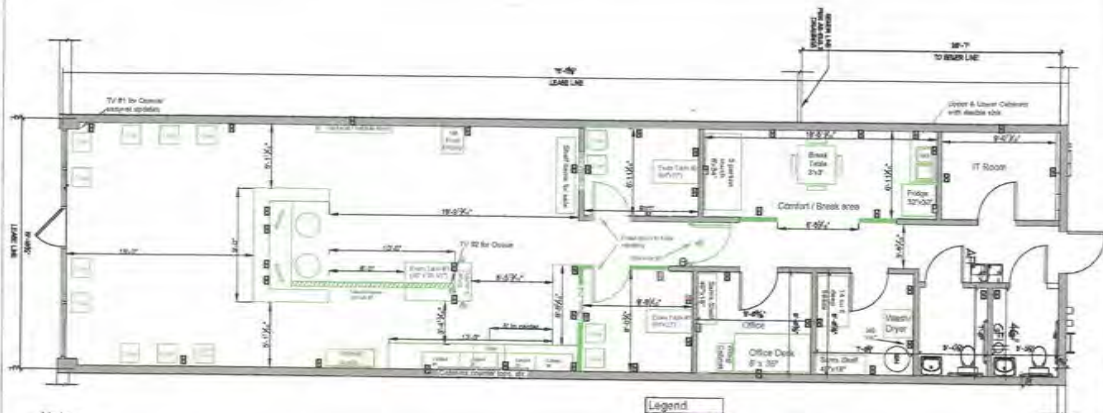
Parcel 5

Easements and other interests in real property contained in that certain Reciprocal Easement Agreement by and between Faison-Fulton Greens, LLC and Fulton Greens Limited Partnership dated May 12, 1999, filed for record June 25, 1999 and recorded in Deed Book 26933, Page 275, aforesaid records.

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4/27/18

CU-18-04
EASYVET CLINIC

Notes:

- 1) Counter tops over 12 in length are usually special ordered (several weeks out)
- 2) Trench to front desk: need 4 - 120 VAC outlets, 2 ethernet lines, and phone lines for 2 phones and the fax machine
- 3) Vent needs to be installed above door to allow air to flow from the back to the front
- 4) Install braces in center of wall for exam tables. Should be 2x4" studs
- 5) Washer and dryer to vented outside and needs 240 VAC

Legend	
240 vac	
120 vac	
Gas, Calorifier	
New Wall	
Existing wall	

Dimensions in feet



1	1-7-18	0
2	1-18-18	1
3	1-20-18	2

No. Date Rev.

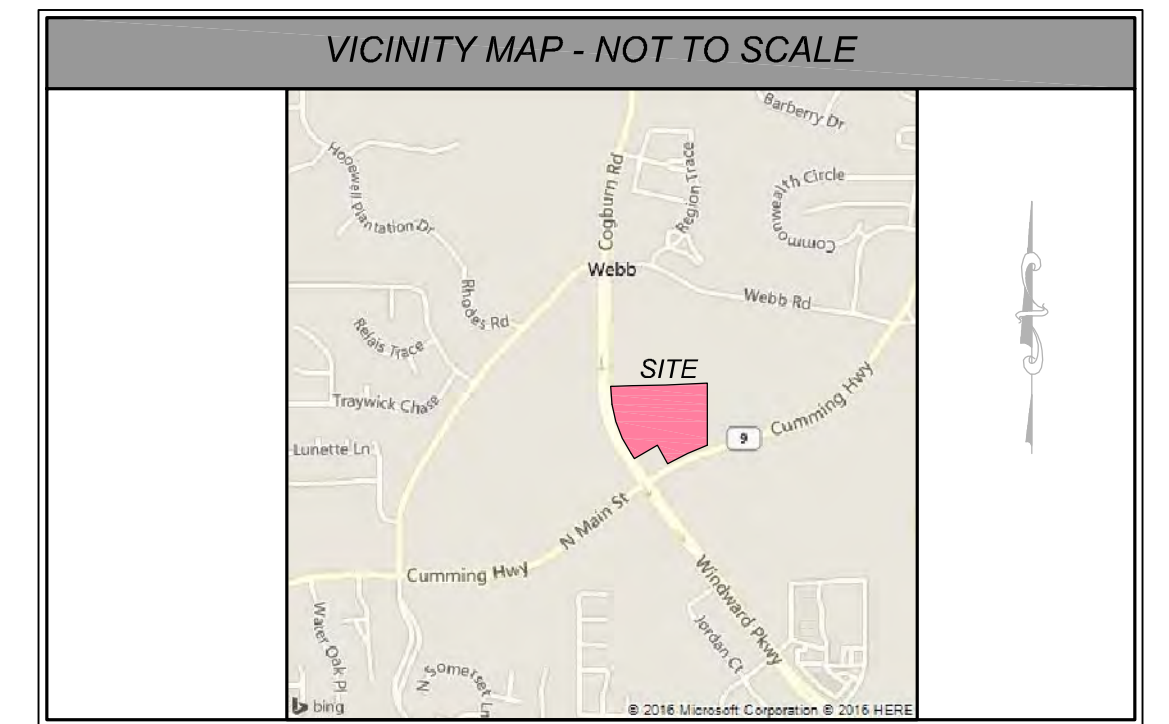
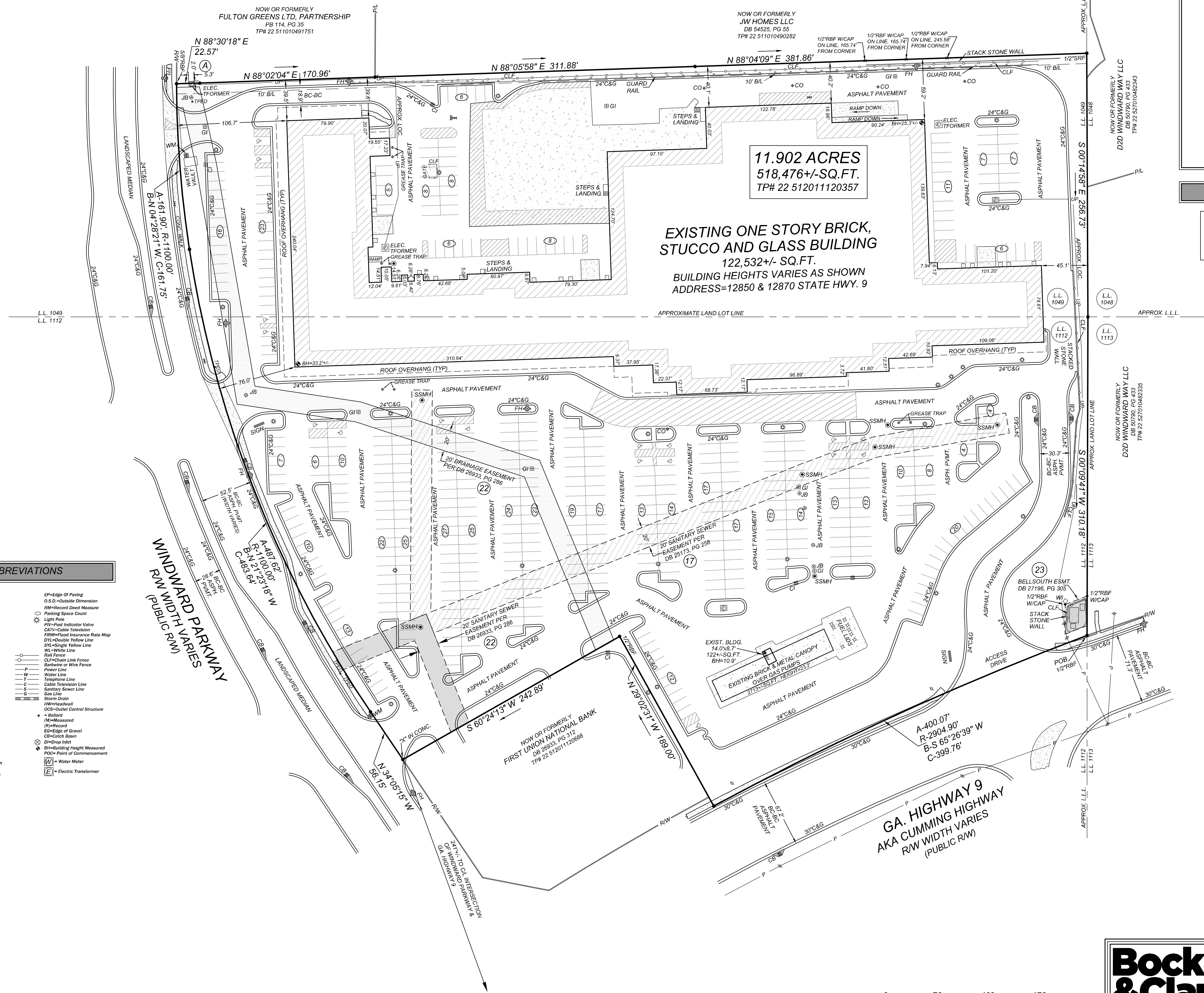
Engineered Aerial Images
engr@eai.comAaron Hawkins
801-607-3728eai
13859 Alpharetta Highway
Suite 20
Alpharetta, GA 30004

Contact:

P-F-18

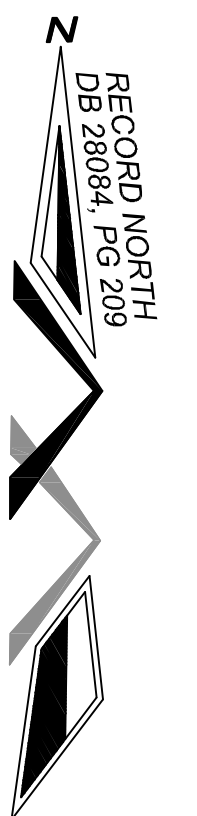
Sheet 1 of 1



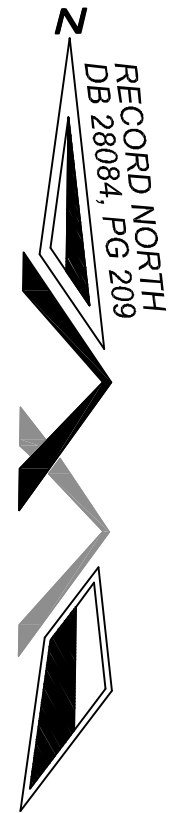


FLOOD NOTE

FLOOD NOTE: By graphic plotting only, this property is in Zone(s)
 "X" of the Flood Insurance Rate Map, Community
 Panel No. 13121C0057F with an effective date of
 09/18/2013 and is not in a Special Flood Hazard Area.



THIS SURVEY WAS PREPARED IN CONFORMITY
WITH THE TECHNICAL STANDARDS FOR
PROPERTY SURVEYS IN GEORGIA AS SET
FORTH IN CHAPTER 180-7 OF THE RULES OF
THE GEORGIA BOARD OF REGISTRATION FOR
PROFESSIONAL ENGINEERS AND LAND
SURVEYORS AND AS SET FORTH IN THE
GEORGIA PLAT ACT O.C.G.A. 15-6-67.



LEGEND OF SYMBOLS & ABBREVIATIONS

○ CP—Calculated Point	◊ W—Water	EP—Edge Of Paving
— NW—Nail Foot	■ BH—Building Height	O.S.D.—Outside Dimension
— IPS—Iron Pin Set With Cap	— CB—Curb Inlet	RM—Record Deed Measure
● OT—Open Top Pipe Foot	— GI—Grate Inlet	Parking Space
— IR—Rebar Pin Foot	— J—JB—Junction Box	⊙ Light Pole
— CMF—Concrete Measurement Found	— P—Pin-Utility Pipe	PI—Post Indicator Value
— CT—Crime Top Of Ground	— W—Water Valve	CTV—Cable Television
— SN—Solid Nail Foot	— FM—Fire Hydrant	FIRM—Flood Insurance Rate Map
— NV—Nail	— W—Water Meter	DV1—Double Yellow Line
— MAG—Magnetic Nail	— W—Water Meter	STL—Single Yellow Line
— BM—Benchmark	— G—Gas Valve	W—Water Line
TPM—Tax Parcel Number	— MW—Monitoring Well	— R—Rail Fence
T/L—Property Line	⊙ Electric Mainline	— CL—Chalk Line/Fence
C/L—Centerline	— C—Concrete	— B—Barbed or Wire Fence
W/W—Water On Way	PI—Square Feet	— W—Water Line
B/L—Building Line	CG—Curb and Gutter	— T—Telephone Line
IR—Rebar Pin Foot	P.O.E.—Point Of Entry	— C—Cable Television
TO—Top Of Curb	EP—Edge Of Paving	— S—Sanitary Sewer Line
LL—Left Lot	O.S.D.—Outside Dimension	— G—Gas Line
LLL—Land Lot Line	RM—Record Deed Measure	— M—Manhole
N—Now Or Formerly	Parking Space Count	SC—Outlet Control Structure
B.D.—Book Deed Book Page	⊙ Light Pole	— B—Building
P.B.—Plot Book Page	PI—Post Indicator Value	— M—Measured
PDB—Point of Beginning	CTV—Cable Television	EC—Edge Of Gravel
TDB—True Point Of Beginning	FIRM—Flood Insurance Rate Map	CB—Catch Basin
SS—Sanitary Sewer Easement	— CT—Cable Television	— D—Drop Inlet
DE—Drainage Easement	STL—Single Yellow Line	⊙ BH—Building Height
SS—Sanitary Sewer	FDC—Fire Department Connection	P.M.C.—Point of Commencement
RCF—Reinforced Concrete Pipe	SSM—Sanitary Sewer Manhole	W—Water Meter
CP—Congregated Metal Pipe	DCWD—Double Wing Catch Basin	⊙ Electric Transformer
PCV—Polyvinyl Chloride Pipe	SWCB—Single Wing Catch Basin	
CM—Clean Out		



CU-18-04
EASYVET CLINIC



Value

Low Cost Events
No Office Fee
Responsibility Shared
Unlimited Plans

Convenient

Open 7 days a week
Hours 11:00 am - 7:00 pm
Our hours work better
for busy schedules

<http://www.sagepub.com>

10

Figure 1

10

easyvetclinic
com.au

Open 7 days a week
Hours 11:00am-7:00pm

Emergency Number
423-822-8304



Parking

Only

4/27/18

CU-18-04
EASYVET CLINIC



4/27/18

CU-18-04
EASYVET CLINIC



4/27/18

CU-18-04
EASYVET CLINIC



4/27/18

CU-18-04
EASYVET CLINIC



RE: CU-18-04, Application for a Conditional Use Permit, EasyVet Clinic

To whom it may concern,

Please accept this letter as notification of EasyVet Clinic's City of Alpharetta Public Hearing application for a Conditional Use Permit.

The Conditional Use Permit is for the establishment of an outpatient veterinary small animal clinic in the Windward Commons shopping plaza at 12850 Hwy 9, Alpharetta, GA 30004.

The public hearings are scheduled to take place on Thursday, July 12, 2018 and Monday, August 6, 2018 at 6:30pm.

Both hearings will take place at the Alpharetta City Hall Council Chambers located at 2 Park Plaza, Alpharetta, Georgia.

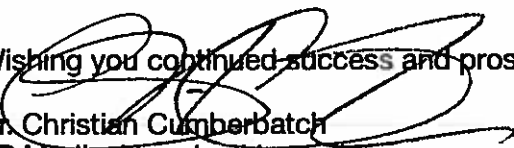
EasyVet Clinic provides quality walk-in, wellness and preventative veterinary care in a convenient, friendly, open concept during regular daily business hours.

EasyVet Clinic differs from traditional veterinary clinics by eliminating costly boarding, grooming, surgical and radiology facilities. This negates concerns about noise, odors, surgical waste gases, and overnight boarding.

We welcome any questions or concerns you may have and encourage you to contact us at:

EasyVet Clinic
2275 Gunbarrel Road
Chattanooga, TN 37421
drchristian@easyvet.com

Wishing you continued success and prosperity,



Dr. Christian Cumberbatch
VP Medical Leadership
EasyVet Clinic

ANDY & MARCI FRIED REALTY LLC

Or Current Property Owner

6105 BLUE STONE RD #211

SANDY SPRINGS GA 30328-5905

ARC CAFEUSA001 LLC

Or Current Property Owner

2325 E CAMELBACK RD STE 1100

PHOENIX AZ 85016

COGBURN WALK HOMEOWNERS ASSOCIATION INC

Or Current Property Owner

500 SUGAR MILL RD BLDG/STE B200

ATLANTA GA 30350

D2D WINDWARD WAY L L C

Or Current Property Owner

11770 HAYNES BRIDGE RD SUITE 205 262

ALPHARETTA GA 30009

DEERFIELD SQUARE ASSOC LLC

Or Current Property Owner

1545 PEACHTREE ST # 250

ATLANTA GA 30309

DONIPARTHI HEMA N & NALLNIKRISHNA K

Or Current Property Owner

1200 S BENTLEY CREEK DR

ALPHARETTA GA 30004

FIDELITY BANK

Or Current Property Owner

3490 PIEDMONT RD NE STE 1550

ATLANTA GA 30305

FIROOZI PEGAH

Or Current Property Owner

10695 BRIDGEMOR DR

ALPHARETTA GA 30022

FIRST UNION NATIONAL BANK

Or Current Property Owner

P.O. BOX 2609

CARLSBAD CA 92018-2609

FRG LLC

Or Current Property Owner

27904 HWY 281 N #106

SAN ANTONIO TX 78260

FULTON GREENS LTD PARTNERSHIP LLC

Or Current Property Owner

6892 S YOSEMITE CT STE 2-105

CENTENNIAL CO 80112-1464

GENOA DEERFIELD LLC

Or Current Property Owner

3330 CUMBERLAND BLVD SUITE 250

ATLANTA GA 30339

HALLMARK INVESTMENTS WINWARD LLC

Or Current Property Owner

4875 WINDWARD PKWY

ALPHARETTA GA 30004

HAMILTON CHASE ALPHARETTA LLC

Or Current Property Owner

828 BALLARD CANYON RD

SOLVANG CA 93463

HASHEMI FARIZAZ

Or Current Property Owner

2875 WEBB RD

ALPHARETTA GA 30004

IVT WINDWARD COMMONS ALPHARETTA LLC

Or Current Property Owner

P.O. BOX 6035

CHICAGO IL 60606

K L WALL LLC

Or Current Property Owner

6090 LIVELY CT

CUMMING GA 30040-6264

KHAN HASAN NEWAZ & FARHANA SHARITA

Or Current Property Owner

2703 AUGERON CT

ALPHARETTA GA 30004

KMD ALPHARETTA LLC

Or Current Property Owner

2424 N FEDERAL HWY # 454

BOCA RATON FL 33431-7746

LOWES HOME CENTERS INC

Or Current Property Owner

1000 LOWES BLVD

MOORESVILLE NC 28117

MULLINAX DONA JEAN

Or Current Property Owner

12975 COGBURN RD

ALPHARETTA GA 30004

NAVY FEDERAL CREDIT UNION

Or Current Property Owner

P.O. BOX 24526

MERRIFIELD VA 22119-4626

PMB WINDWARD LLC

Or Current Property Owner

2000 RIVEREDGE PKWY STE 940

ATLANTA GA 30328

PROVIDENCE BANK

Or Current Property Owner

4955 WINDWARD PKWY

ALPHARETTA GA 30004

PULTE HOME CORPORATION

Or Current Property Owner

2475 NORTHWINDS PKWY STE 600

ALPHARETTA GA 30009

ROYAL BRIGHT SERVICES INC

Or Current Property Owner

19711 RIDGEWOOD PL

YORBA LINDA CA 92886

RUCKER RALPH & SARAH

Or Current Property Owner

111 HENDERSON LAKE DR

CANTON GA 30115

SCOTT H LEE TR

Or Current Property Owner

P.O. BOX 8050 MS-0555

BENTONVILLE AR 72712-8050

SHUBERT & BOOTH WINDWARD 3 LLC

Or Current Property Owner

234 W 44TH ST

NEW YORK NY 10036

SOTO VLADIMIR & OLIVIA

Or Current Property Owner

2750 AUGERON CT

ALPHARETTA GA 30004

STATON LLC
Or Current Property Owner
12910 HIGHWAY 9 NE
ALPHARETTA GA 30004-3609

TCF CHARITABLE REAL ESTATE
Or Current Property Owner
50 HURT PLZ SUITE 449
ATLANTA GA 30303

TRIPLE R DEVELOPMENT GROUP LLC
Or Current Property Owner
1111 HORSESHOE DR
GREENSBORO GA 30642-4842

WINDWARD DV LLC
Or Current Property Owner
131 ROSWELL ST # B201
ALPHARETTA GA 30009

WINDWARD PROFESSIONAL PAVILLION LLC
Or Current Property Owner
4895 WINDWARD PKY STE 200
ALPHARETTA GA 30004

WINDWARD PROMENADE L L C
Or Current Property Owner
210 INTERSTATE NORTH PKWY SE STE 50
ATLANTA GA 30339-2231



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: CLUP-18-04/Z-18-06/CU-18-06 1150 UPPER HEMBREE ROAD/ANIMAL HOSPITAL

PLANNING COMMISSION: JULY 12, 2018

CITY COUNCIL: AUGUST 6, 2018

II. RECOMMENDATION:

Approve CLUP-18-04/Z-18-06/CU-18-06 1150 Upper Hembree Road/Animal Hospital, subject to the following conditions:

1. 'Animal Hospital, Small Animals' shall be added as a conditional use at 1150 Upper Hembree Road and limited to no more than 4,162 square feet.
2. Conditional use approval shall be limited to Paw Patch Animal Clinic; no additional 'Animal Hospital, Small Animals' businesses or subleasing shall be permitted within the approved space.
3. Hours of operation shall be Monday – Saturday 7:00 AM – 7:00 PM.
4. The business shall not have boarding/kenneling facilities, except that animals may be kept over-night for care incidental to the hospital use.
5. Dumpster shall be maintained within a screened dumpster enclosure, as approved by Staff.
6. Grassed area between the sidewalk and parking lot shall be sodded or seeded to fill-in bare areas.
7. Exterior modifications to the existing structure shall be residential in character, as approved by Staff.
8. 50' undisturbed buffers on the north and east sides of the property shall be replanted where sparse, as approved by Staff.

III. REPORT IN BRIEF:

The applicant, Scott Hutchison, requests rezoning of 2.48 acres from O-I (Office-Institutional) to C-1 (Neighborhood Commercial) and a conditional use to allow an 'Animal Hospital, Small Animals' business in an existing free-standing structure. A Comprehensive Land Use Plan amendment is requested to change the designation of the property from 'Professional Business Office' to 'Commercial'. The property is located at 1150 Upper Hembree Road on the north side of Upper Hembree Road and west of Harris Road.

DISCUSSION

The submitted request, if approved, will allow the applicant to operate an 'Animal Hospital, Small Animals' business in a 4,162 square foot existing 1-story office building. The business is Paw Patch Animal Clinic, which is a traditional animal hospital with no boarding or kenneling. The subject property is located at 1150 Upper Hembree Road on the north side of Upper Hembree and west of Harris Road.

The subject property is zoned O-I (Office-Institutional) and received conditional use approval in 2000 for Solutions Counseling Services, which was an adolescent counseling center. Surrounding properties are zoned R-12 (Dwelling, 'For-Sale', Residential) to the north, O-I to the west and south and R-15 (Dwelling,

'For-Sale', Residential) to the east. Birch Hollow subdivision is adjacent to the north, a single-family home to the east, former assisted living facility to the west and medical office and assisted living facility to the south. Upper Hembree Road is designated 'Professional Business Office' and 'Commercial' on the City's Future Land Use Map, with the subject property designated 'Professional Business Office'. The nearest home in the Birch Hollow subdivision is approximately 240', as measured in a straight line, from the applicant's requested location.

The property is developed with a 4,162 square foot 1-story office building, which was converted from a residence in 2000. Approximately 21 parking spaces are provided on the property, which exceeds the City's requirement of one (1) parking space per 200 square feet for the proposed use. The applicant intends to utilize the existing building with no planned exterior modifications. A privacy fence is proposed at the rear of the property for the purpose of providing a secured dog walking area. 50' undisturbed buffers are provided along the north and east sides of the property. If approved, staff recommends enhancement of the buffers where sparse.

Unified Development Code (UDC) Section 1.4.2 defines 'Animal Hospital, Small Animals' as follows:

"A place where dogs, cats, birds or other animals normally kept as household pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use."

There are currently no 'Animal Hospital, Small Animals' businesses on Upper Hembree Road corridor. The nearest similar use is North Roswell Veterinary Clinic located at the southwest corner of Alpharetta Highway and Hembree Road in the City of Roswell and approximately one (1) mile away from the subject property. The nearest similar use in the City is Country Place Animal Hospital, located at 2165 Old Milton Parkway.

The applicant's business is Paw Patch Animal Clinic, which is a traditional animal hospital serving dogs, cats and pocket pets. The business will provide inpatient, outpatient, surgery, radiology, preventive, wellness care and grooming services. The business will not provide boarding, kenneling or emergency care services. Hours of operation will not exceed Monday – Saturday 7:00 AM – 7:00 PM. The applicant anticipates three (3) employees, in addition to Dr. Banner.

CONDITIONAL USE REVIEW CRITERIA

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 subject property was developed in compliance with site access development standards. The proposed use should not have significant impacts on vehicular and pedestrian access.

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 subject property is in compliance with regard to parking, buffers and screening. If approved, staff recommends conditions to enhance the 50' undisturbed buffers, where sparse, and to provide a screened dumpster enclosure.

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 proposed business will be conducted within the existing building and will not offer boarding or kenneling services. Therefore, the proposed use should not diminish or impair surrounding property values.

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 proposed business will be conducted within the existing building and will not offer boarding or kenneling services. Therefore, the proposed use should not impede the normal development of surrounding properties.

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 proposed business will be conducted within the existing building and will not offer boarding or kenneling services. Therefore, the use would be consistent with the development pattern along Upper Hembree Road, which predominately consists of office-institutional and commercial uses.

COMPREHENSIVE LAND USE PLAN

Unified Development Code Section 4.1.3 Standards for CLUP amendment approval, provides the following criteria for consideration when evaluating a request for a change in land use:

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

Response: Not applicable.

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

Response: The proposal is consistent with the development pattern in the area, which predominately consists of office-institutional and commercial uses.

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

Response: Not applicable.

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

Response: The proposed business will be conducted within the existing building and will not offer boarding or kenneling services. Therefore, the use should not have impacts to public health, safety and welfare.

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

Response: Not applicable.

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

Response: Not applicable.

CONCURRENCES

City Staff has reviewed the applicant's proposal and finds that it can generally support the request for comprehensive land use plan amendment, rezoning and conditional use. The proposal is consistent with the development pattern in the area, which predominately consists of office-institutional and commercial uses. The business will be conducted within the existing building and will not offer boarding or kenneling services. In addition, the applicant does not propose any exterior modifications and should not impact the quality of life for adjacent residential properties. However, conditions should be established as part of this application that regulate and limit expansion of the proposed use and require enhancement of landscape buffers and dumpster screening.

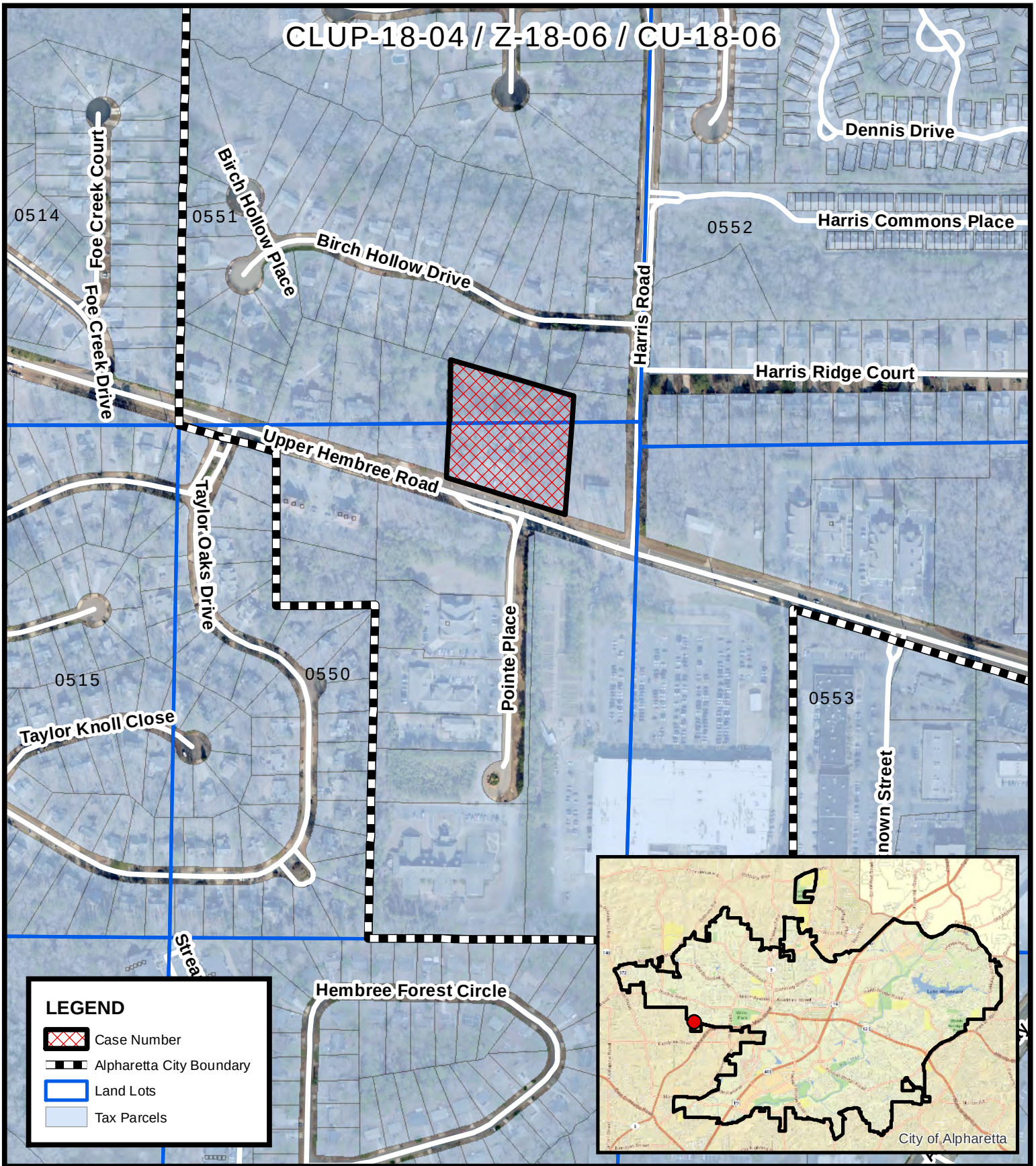
CITIZEN PARTICIPATION PLAN

The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that no comments were received.

IV. ATTACHMENTS:

- Site Plan

CLUP-18-04 / Z-18-06 / CU-18-06



Location Map
Animal Hospital
1150 Upper Hembree Road

CLUP-18-04 / Z-18-06 / CU-18-06

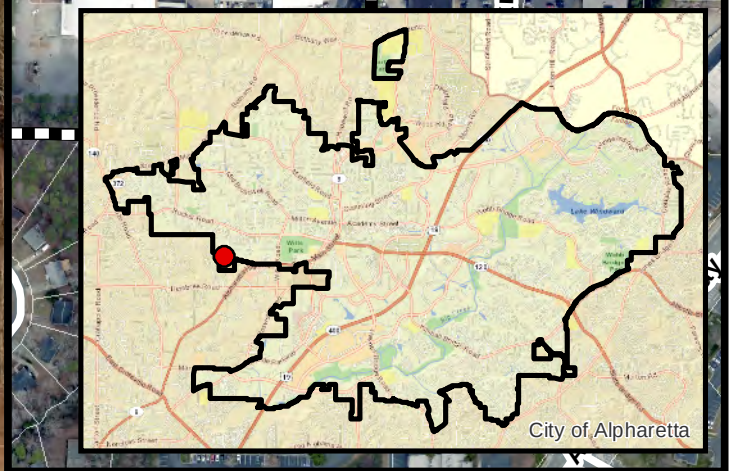
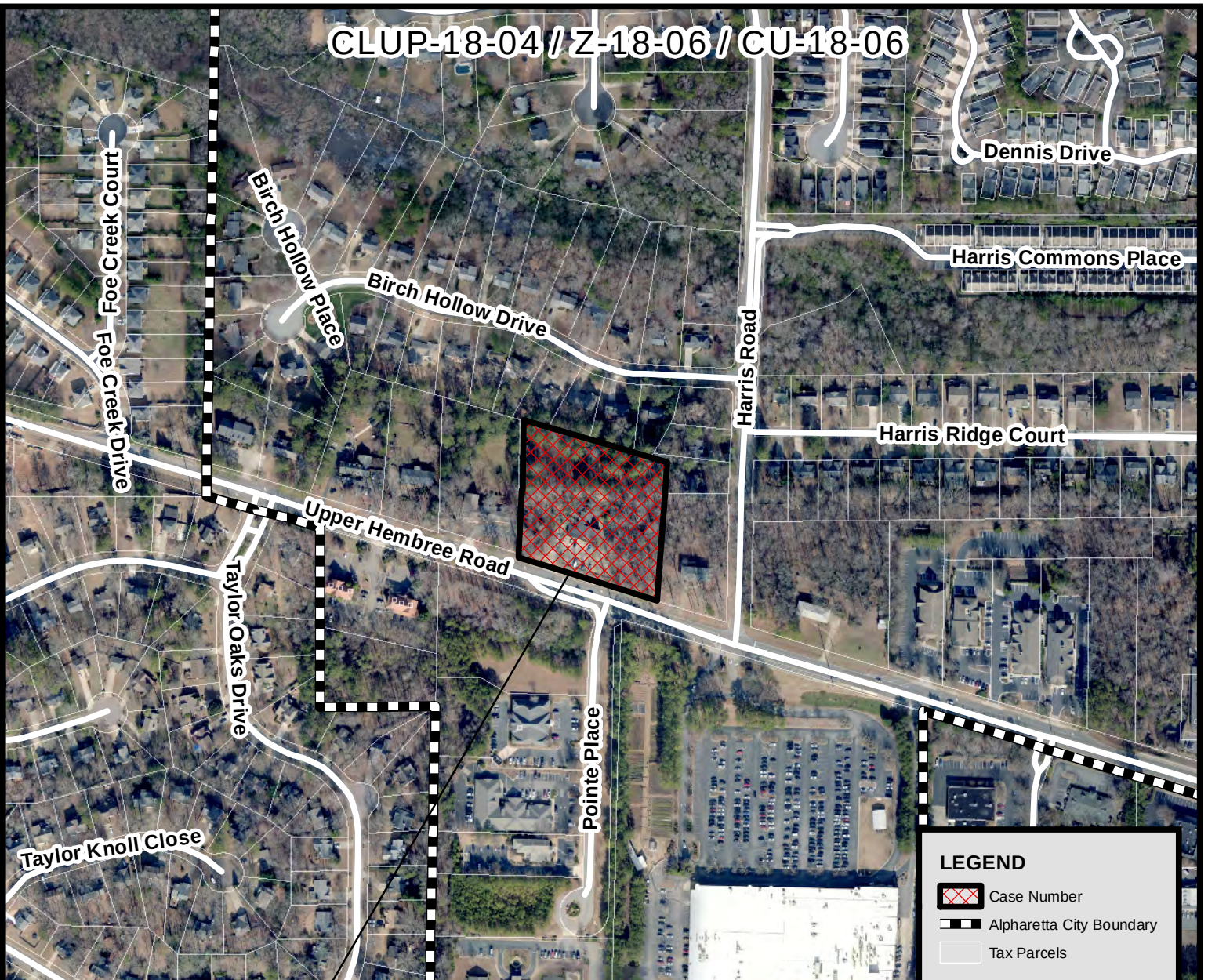
D/LL: 1/2/550,551

PC: 7/12/18

CC: 8/06/18

Location Map Provided by:
Community Development - GIS

CLUP-18-04 / Z-18-06 / CU-18-06



CLUP-18-04 / Z-18-06 / CU-18-06

D/LL: 1/2/550,551

PC: 7/12/18

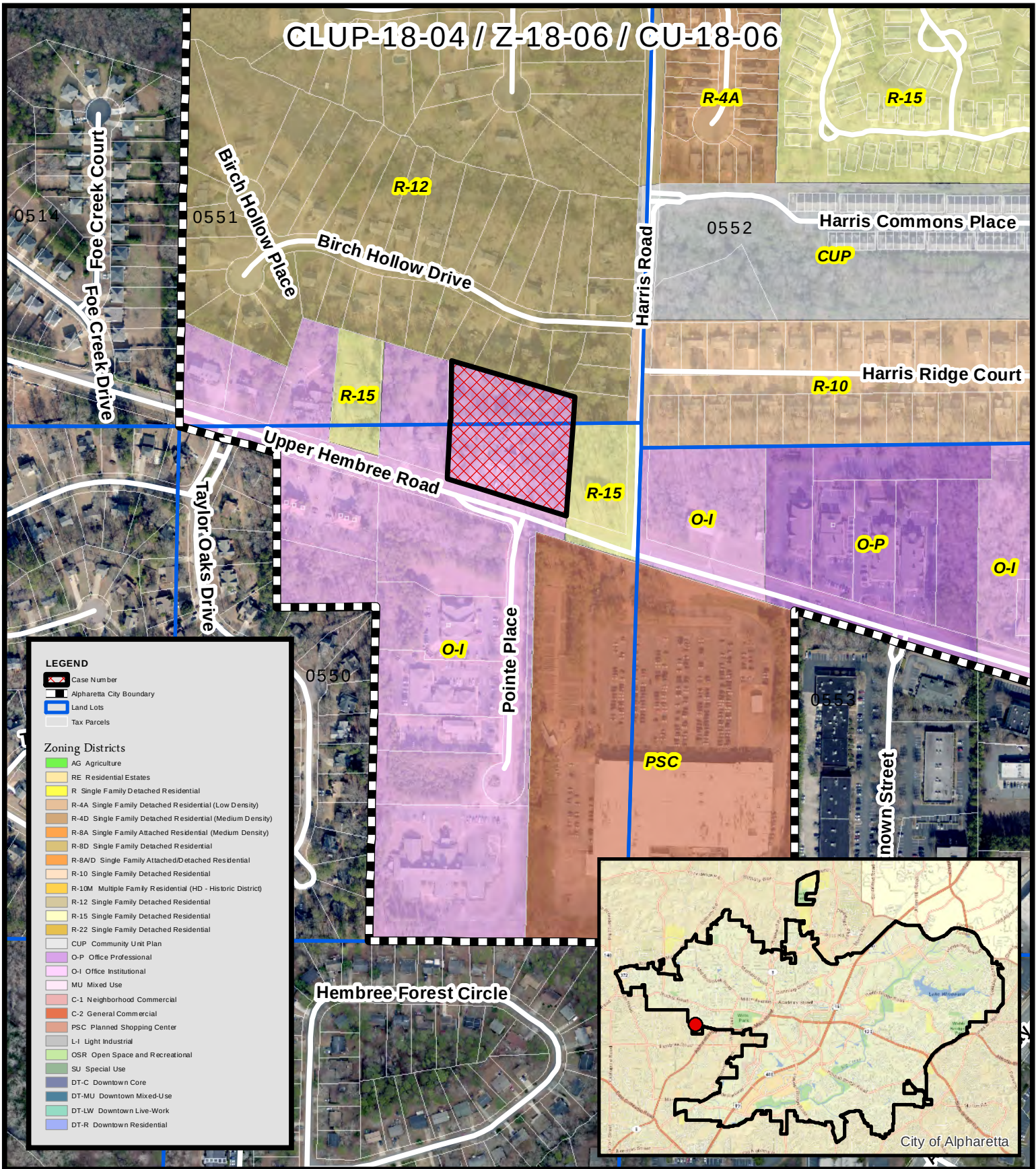
CC: 8/16/18



Aerial Map
Animal Hospital
1150 Upper Hembree Road

Location Map Provided by:
Community Development - GIS

CLUP-18-04 / Z-18-06 / CU-18-06



Zoning Map Animal Hospital 1150 Upper Hembree Road

CLUP-18-04 / Z-18-06 / CU-18-06

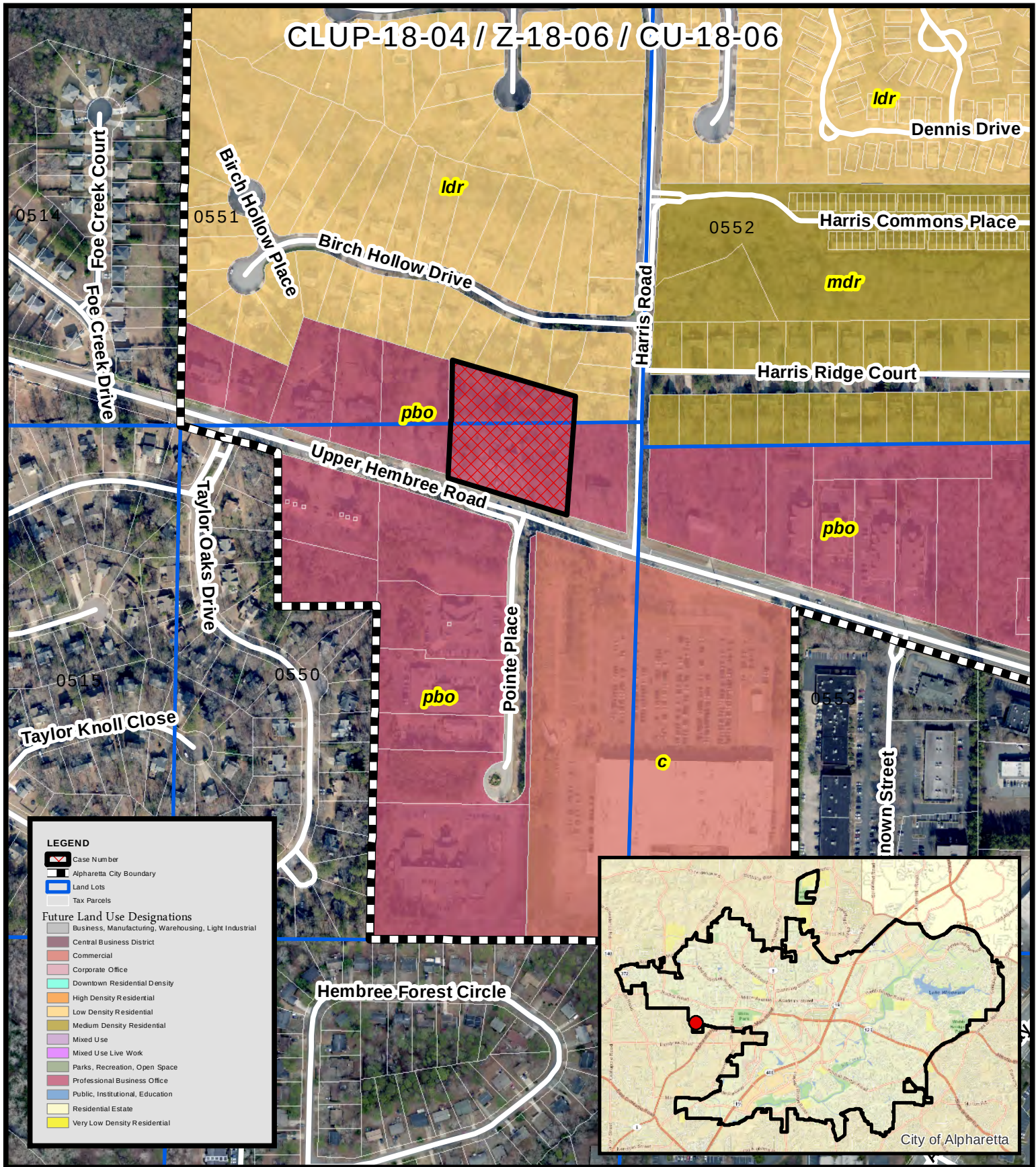
D/LL: 1/2/550,551

PC: 7/12/18

CC: 8/16/18

Location Map Provided by:
Community Development - GIS

CLUP-18-04 / Z-18-06 / CU-18-06



Future Land Use
Animal Hospital
1150 Upper Hembree Road

CLUP-18-04 / Z-18-06 / CU-18-06

D/LL: 1/2/550,551

PC: 7/12/18

CC: 8/16/18

Location Map Provided by:
 Community Development - GIS

CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

FOR OFFICE USE ONLY

Case #: _____

☐ Fee Paid Initial: _____

COMMUNITY DEVELOPMENT DEPARTMENT

2 PARK PLAZA

ALPHARETTA, GA 30009

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

Contact Information:

Contact Name: Scott Hutchison Telephone: 404-234-9740
Address: 5755 North Point Parkway Suite: 44
City: Alpharetta State: GA Zip: 30022 Fax: 678-325-4824
Mobile Tel: 404-234-9740 Email: SCOTT@Wilsonhutch.com

Subject Property Information:

Address: 1150 Upper Hembree Road Current Zoning: O-I
District: _____ Section: _____ Land Lot: _____ Parcel ID: 12 223005500460
Proposed Zoning: C-1 Current Use: Vacant - was therapy office

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?

Veterinary Practice / Animal Hospital

Applicant's Request (Please itemize the proposal):

Applicant is requesting a change in zoning from OI to C1.
with a conditional use of an Animal Hospital.

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

Please see attached.

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: Robert Margolis Telephone: 404-234-3549
Address: 160 Oakhurst Leaf Drive 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 <u>COMPREHENSIVE PLAN AMENDMENT</u> |

Identify Authorized Applicant:

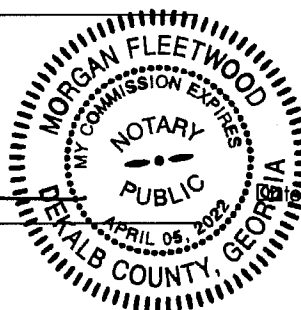
Name of Authorized Applicant: Scott Hutchison Telephone: 404-234-9740
Address: 5755 North Point Parkway Suite: 44
City: Alpharetta State: GA Zip: 30022

So Sworn and Attested:

Owner Signature: [Signature] Date: 5/3/18

Notary:

Notary Signature: [Signature] 5/3/18



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: Scott Hutchison

Subject Public Hearing Case: 1150 Upper Hembree Road

Campaign Contribution Information:

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

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

Name of Official: David Belle Isle Position: Mayor

Description of Contribution: Georgians for Belle Isle, Inc. ²⁰¹⁷ Value: \$ 2,500

Description of Contribution: Georgians for Belle Isle, Inc. ²⁰¹⁸ Value: \$ 2,500

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: 5/10/18

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

The proposed new use will remain in the medical field and office component.

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

New zoning and use will bring activity to deserted area of Alpharetta. Proposed use should bring value to adjacent property owners neighborhood.

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

No. Due to the hospital and other closer buildings to the hospital absorbing all medical uses, the lack of Tenants and Buyers in the market has made subject property incredibly hard to sell or lease.

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

N/A

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

N/A

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

Needs to be amended.

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

Nothing outside of the building will need to be changed.

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

CITIZEN PARTICIPATION FORM - PART A

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

Public Hearing or Project Name:

1150 Upper Hembree Road

Contact Name:

Scott Hutchison

Telephone:

404-234-9740

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.

Carlos Castro & Rosa Perez

Cheryl L Gorman Revocable Trust

Elinor Hare

Gary & Mary Becker

Sairagvi
Kinney Matikeeva & Anthony Robert
Kinney

Jan Latka & Georgina Zambrana

Mark Barnett

Southfund Partners

Annelys & Greg Maguire

Whole Foods Market

Lynlee Garnett

Steven Turner & Jennifer Stewart

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



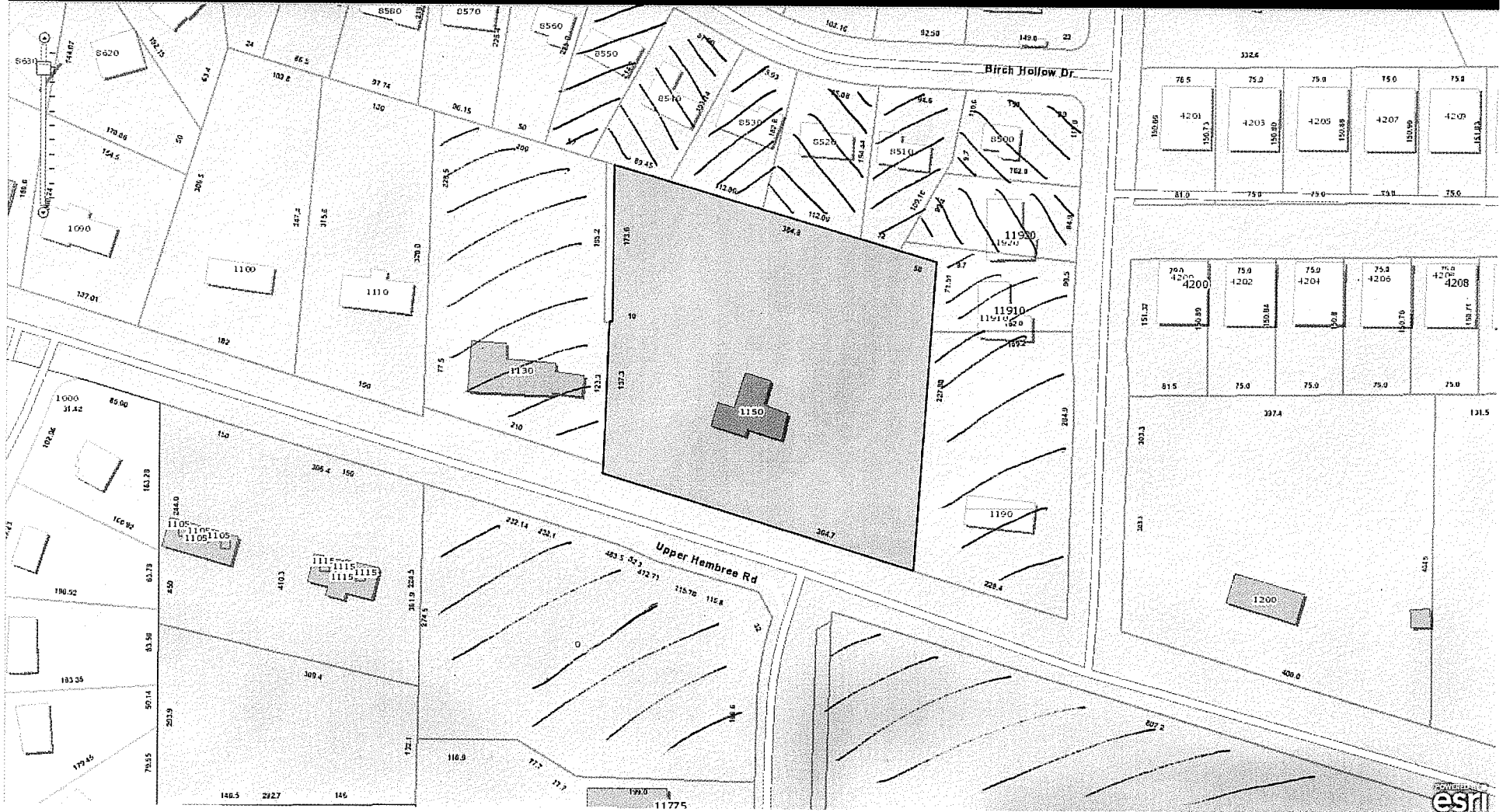
Other (Please Specify) _____

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.

1150 upper hembree

Search
Help

Search
Options



PROJECT:
SOLUTIONS
COUNSELING
SERVICES
1150 UPPER HEMBREE ROAD
ALPHARETTA, GA 30076
FULTON COUNTY, GEORGIA

DR. BOB MARGOLIS
MS. KAREN MARGOLIS
(770) 643-1211
FAX (770) 643-0515

REVISIONS

[illegible]

99436PSI.DWG 10199

PRELIMINARY
SITE
PLAN



SCALE: 1" = 20'



Property Profile for 1190 UPPER HEMBREE RD

Property Tax Information

Tax Year	2018
Parcel ID	12 223005500403
Property Address	1190 UPPER HEMBREE RD
Owner	CASTRO CARLOS M & PEREZ ROSAS ROSA M
Mailing Address	1190 UPPER HEMBREE RD ROSWELL GA 30076
Total Appraisal	\$228,000
Improvement Appraisal	\$129,400
Land Appraisal	\$98,600
Assessment	\$91,200
Tax District	10
Land Area	1.1528 ac
Property Class	Residential Lots
Land Use Class	Residential 1 family
TAD	
CID	

Zoning

Zoning Class	not available
Overlay District	
2035 Future Development	not available

Political

Municipality	Alpharetta
Commission District	2
Commission Person	Bob Ellis
Council District	LRG
Council Person	Dan Merkel, Jason Binder, Jim Gilvin, Chris Owens, Mike Kennedy, Donald Mitchell
Voting Precinct	AP022
Poll Location	Alpharetta Community Cen, 175 Roswell St

Congressional District	006
State Senate District	056
State House District	049

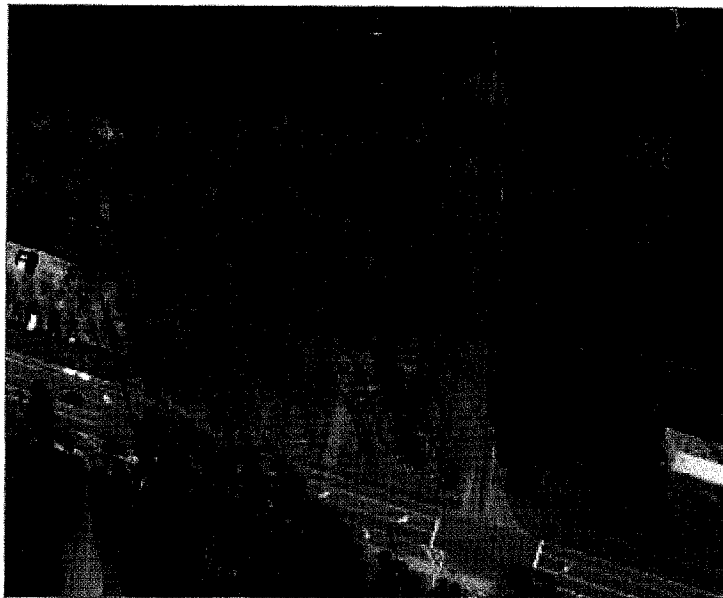
School Zones

Elementary School	Hembree Springs
Middle School	Elkins Pointe
High School	Milton

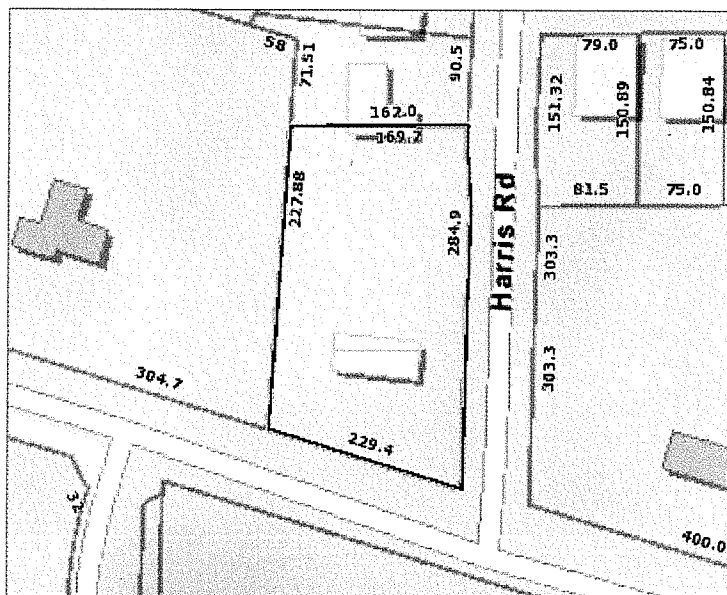
Other Information

Zip Code	30076
Census Tract	116.11
In Less Developed Census Tract	No

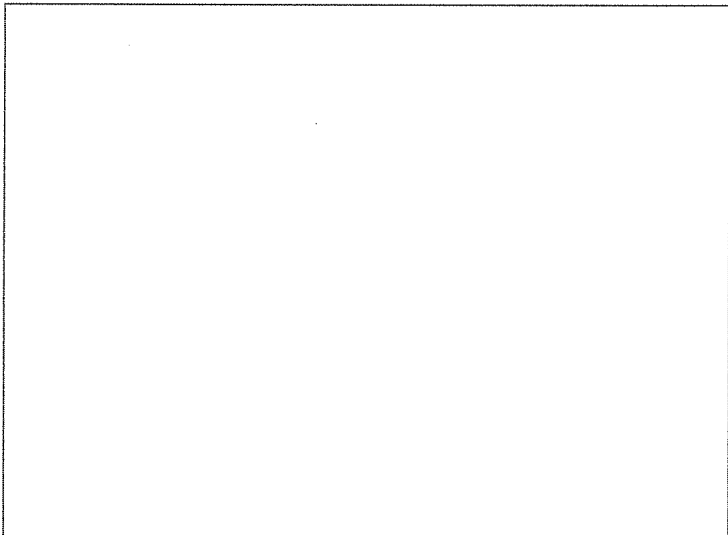
Aerial View



Property Map



Vicinity Map



Property Profile for 1130 UPPER HEMBREE RD

Property Tax Information

Tax Year	2018
Parcel ID	12 223005500833
Property Address	1130 UPPER HEMBREE RD
Owner	HARE ELINOR ET AL
Mailing Address	205 HUNTERS VW ROSWELL GA 30075
Total Appraisal	\$450,000
Improvement Appraisal	\$117,100
Land Appraisal	\$332,900
Assessment	\$180,000
Tax District	10
Land Area	1.4 ac
Property Class	Commercial Lots
Land Use Class	Residential on Commercial Land
TAD	
CID	

Zoning

Zoning Class	not available
Overlay District	
2035 Future Development	not available

Political

Municipality	Alpharetta
Commission District	2
Commission Person	Bob Ellis
Council District	LRG
Council Person	Dan Merkel, Jason Binder, Jim Gilvin, Chris Owens, Mike Kennedy, Donald Mitchell
Voting Precinct	AP022
Poll Location	Alpharetta Community Cen, 175 Roswell St

Congressional District	006
State Senate District	056
State House District	049

School Zones

Elementary School	Hembree Springs
Middle School	Elkins Pointe
High School	Milton

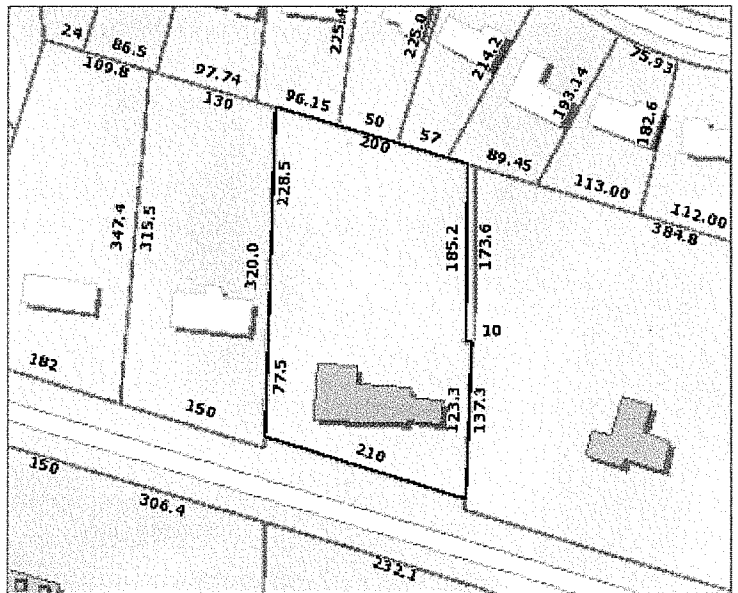
Other Information

Zip Code	30076
Census Tract	116.11
In Less Developed Census Tract	No

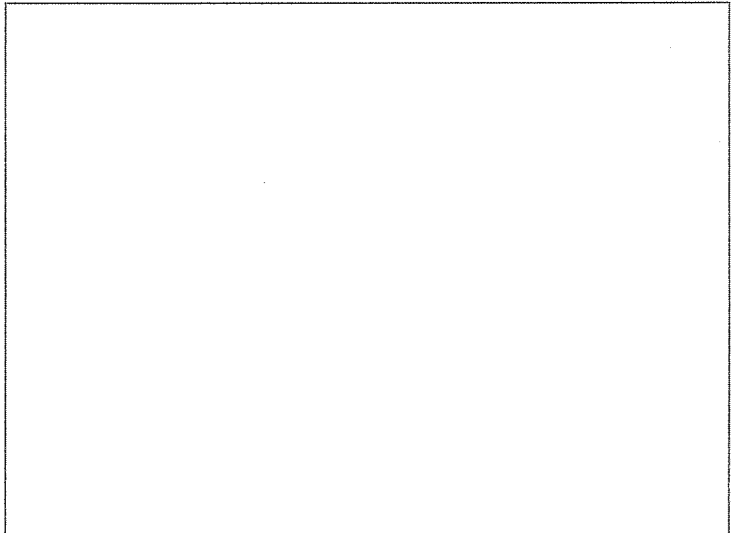
Aerial View



Property Map



Vicinity Map



Property Profile for 11910 HARRIS RD

Property Tax Information

Tax Year	2018
Parcel ID	12 223105510013
Property Address	11910 HARRIS RD
Owner	MATIKEEVA KINNEY SAIRAGUL & KINNEY ANTHONY ROBERT
Mailing Address	11910 HARRIS RD ROSWELL GA 30076
Total Appraisal	\$221,800
Improvement Appraisal	\$191,200
Land Appraisal	\$30,600
Assessment	\$88,720
Tax District	10
Land Area	0.3381 ac
Property Class	Residential Lots
Land Use Class	Residential 1 family
TAD	
CID	

Zoning

Zoning Class	not available
Overlay District	
2035 Future Development	not available

Political

Municipality	Alpharetta
Commission District	2
Commission Person	Bob Ellis
Council District	LRG
Council Person	Dan Merkel, Jason Binder, Jim Gilvin, Chris Owens, Mike Kennedy, Donald Mitchell

Voting Precinct	AP022
Poll Location	Alpharetta Community Cen, 175 Roswell St

Congressional District	006
State Senate District	056
State House District	049

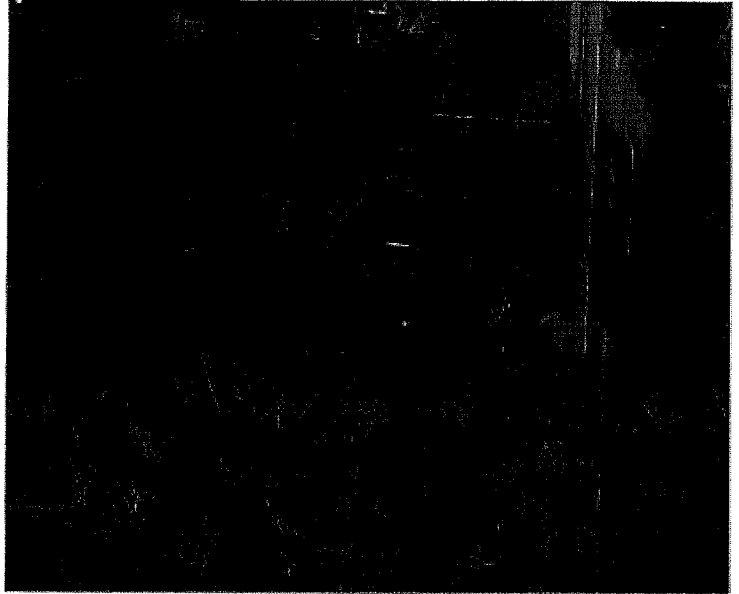
School Zones

Elementary School	Hembree Springs
Middle School	Northwestern
High School	Milton

Other Information

Zip Code	30076
Census Tract	116.11
In Less Developed Census Tract	No

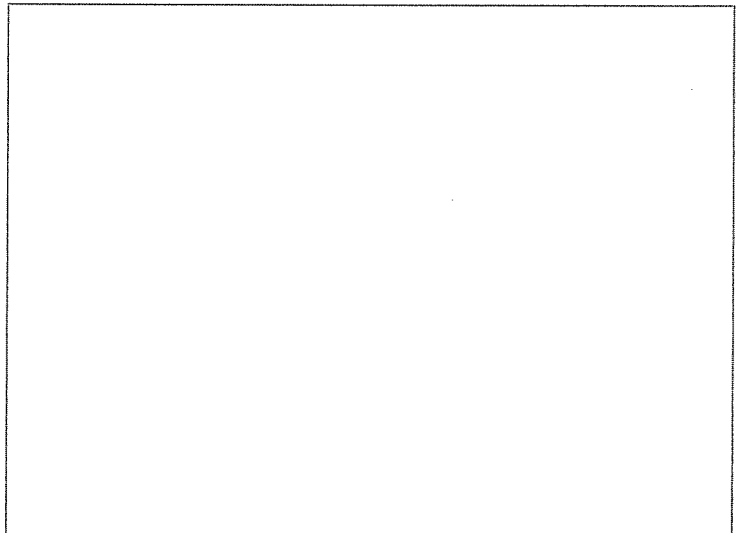
Aerial View



Property Map



Vicinity Map



Property Profile for 11920 HARRIS RD

Property Tax Information

Tax Year	2018
Parcel ID	12 223105510021
Property Address	11920 HARRIS RD
Owner	BARNETT MARK D
Mailing Address	11920 HARRIS RD ROSWELL GA 30076
Total Appraisal	\$362,900
Improvement Appraisal	\$304,100
Land Appraisal	\$58,800
Assessment	\$145,160
Tax District	10
Land Area	0.3825 ac
Property Class	Residential Lots
Land Use Class	Residential 1 family
TAD	
CID	

Zoning

Zoning Class	not available
Overlay District	
2035 Future Development	not available

Political

Municipality	Alpharetta
Commission District	2
Commission Person	Bob Ellis
Council District	LRG
Council Person	Dan Merkel, Jason Binder, Jim Gilvin, Chris Owens, Mike Kennedy, Donald Mitchell
Voting Precinct	AP022
Poll Location	Alpharetta Community Cen, 175 Roswell St
Congressional District	006
State Senate District	056
State House District	049

School Zones

Elementary School	Hembree Springs
Middle School	Northwestern
High School	Milton

Other Information

Zip Code
Census Tract
In Less Developed Census Tract

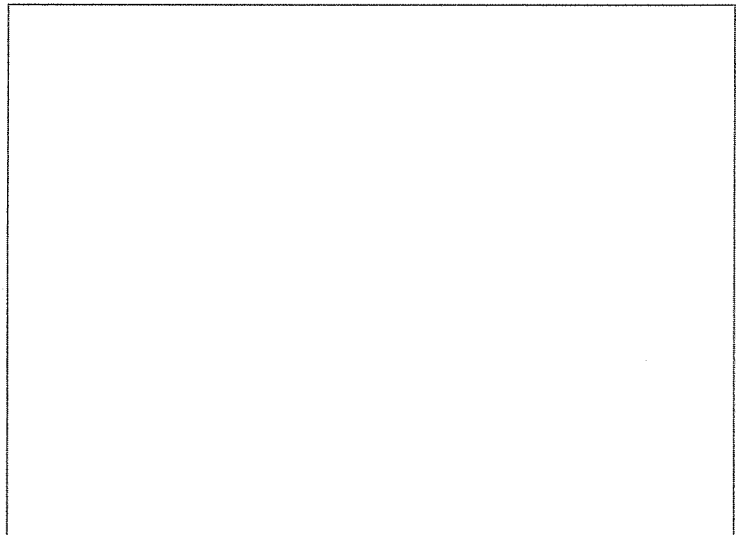
Aerial View



Property Map



Vicinity Map



Property Profile for 8500 BIRCH HOLLOW DR

Property Tax Information

Tax Year	2018
Parcel ID	12 223105510039
Property Address	8500 BIRCH HOLLOW DR
Owner	MAGUIRE ANNELYSS K & MAGUIRE GREG
Mailing Address	8500 BIRCH HOLLOW DR ROSWELL GA 30076
Total Appraisal	\$303,000
Improvement Appraisal	\$225,800
Land Appraisal	\$77,200
Assessment	\$121,200
Tax District	10
Land Area	0.4454 ac
Property Class	Residential Lots
Land Use Class	Residential 1 family
TAD	
CID	

Zoning

Zoning Class	not available
Overlay District	
2035 Future Development	not available

Political

Municipality	Alpharetta
Commission District	2
Commission Person	Bob Ellis
Council District	LRG
Council Person	Dan Merkel, Jason Binder, Jim Gilvin, Chris Owens, Mike Kennedy, Donald Mitchell

Voting Precinct	AP022
Poll Location	Alpharetta Community Cen, 175 Roswell St
Congressional District	006
State Senate District	056
State House District	049

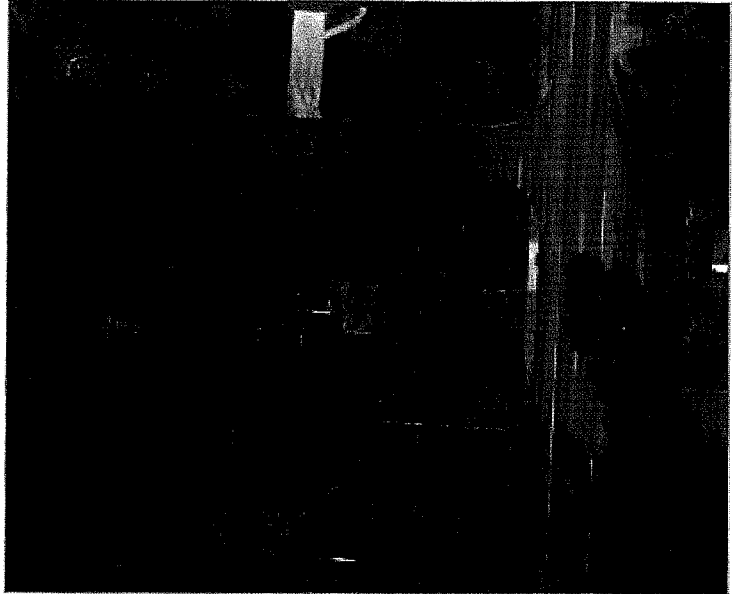
School Zones

Elementary School	Hembree Springs
Middle School	Northwestern
High School	Milton

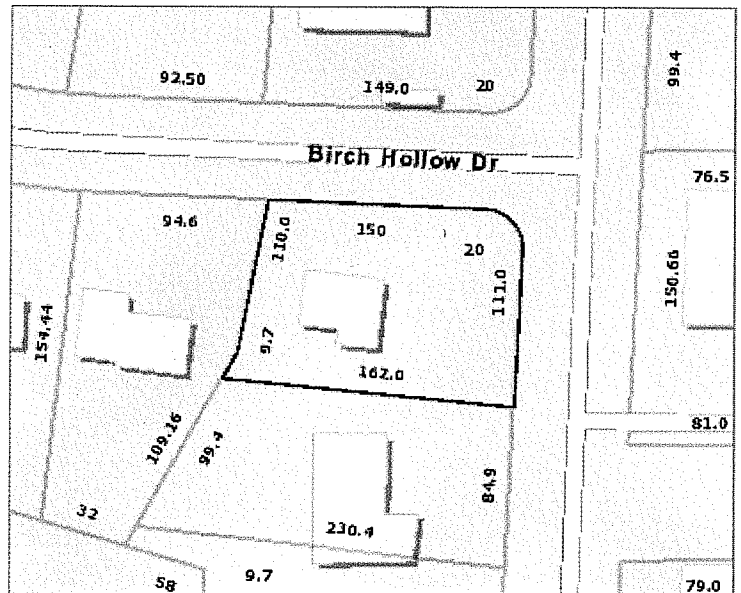
Other Information

Zip Code	30076
Census Tract	116.11
In Less Developed Census Tract	No

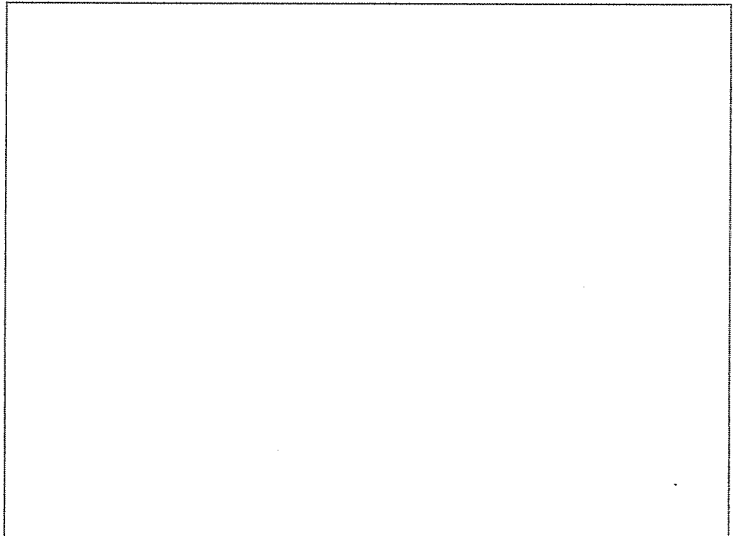
Aerial View



Property Map



Vicinity Map



Property Profile for 8510 BIRCH HOLLOW DR

Property Tax Information

Tax Year	2018
Parcel ID	12 223105510047
Property Address	8510 BIRCH HOLLOW DR
Owner	GARNETT LYNDEE L
Mailing Address	8510 BIRCH HOLLOW DR ROSWELL GA 30076
Total Appraisal	\$304,100
Improvement Appraisal	\$237,300
Land Appraisal	\$66,800
Assessment	\$121,640
Tax District	10
Land Area	0.2697 ac
Property Class	Residential Lots
Land Use Class	Residential 1 family
TAD	
CID	

Zoning

Zoning Class	not available
Overlay District	
2035 Future Development	not available

Political

Municipality	Alpharetta
Commission District	2
Commission Person	Bob Ellis
Council District	LRG
Council Person	Dan Merkel, Jason Binder, Jim Gilvin, Chris Owens, Mike Kennedy, Donald Mitchell
Voting Precinct	AP022
Poll Location	Alpharetta Community Cen, 175 Roswell St

Congressional District	006
State Senate District	056
State House District	049

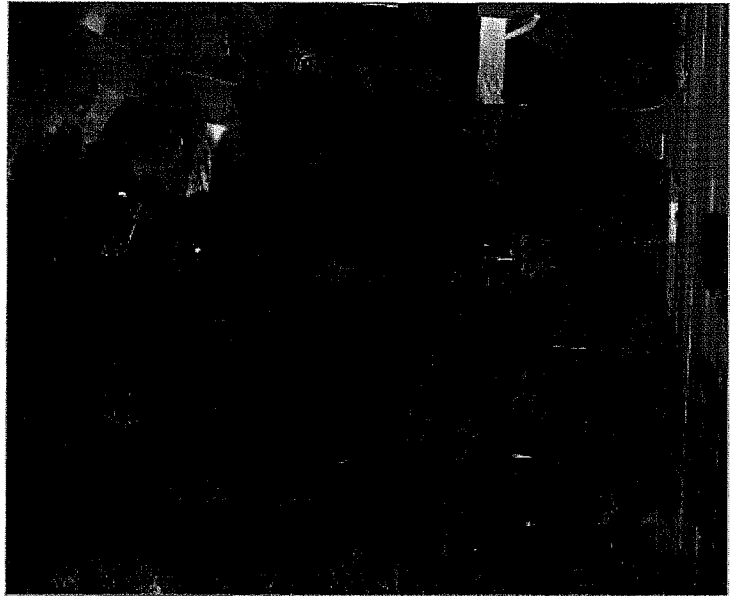
School Zones

Elementary School	Hembree Springs
Middle School	Northwestern
High School	Milton

Other Information

Zip Code	30076
Census Tract	116.11
In Less Developed Census Tract	No

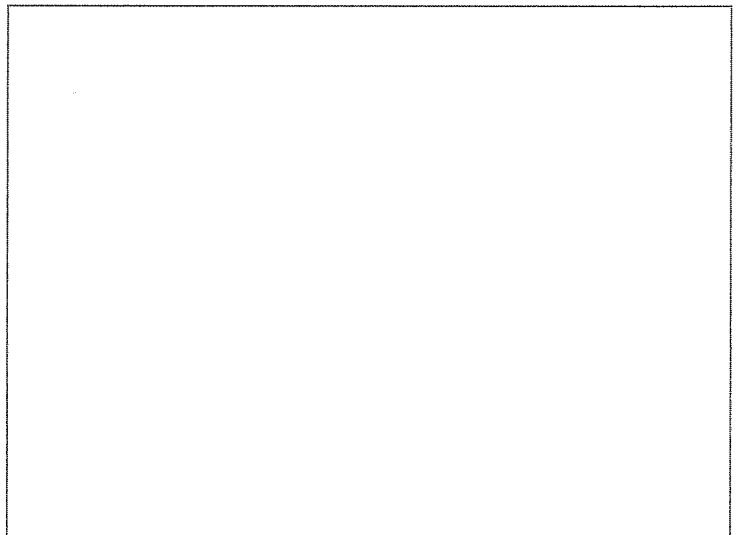
Aerial View



Property Map



Vicinity Map



Property Profile for 8520 BIRCH HOLLOW DR

Property Tax Information

Tax Year	2018
Parcel ID	12 223105510054
Property Address	8520 BIRCH HOLLOW DR
Owner	TURNER STEVEN RUSSELL & STEWART JENNIFER LEE
Mailing Address	8520 BIRCH HOLLOW DR ROSWELL GA 30076
Total Appraisal	\$283,100
Improvement Appraisal	\$209,000
Land Appraisal	\$74,100
Assessment	\$113,240
Tax District	10
Land Area	0.3928 ac
Property Class	Residential Lots
Land Use Class	Residential 1 family
TAD	
CID	

Zoning

Zoning Class	not available
Overlay District	
2035 Future Development	not available

Political

Municipality	Alpharetta
Commission District	2
Commission Person	Bob Ellis
Council District	LRG
Council Person	Dan Merkel, Jason Binder, Jim Gilvin, Chris Owens, Mike Kennedy, Donald Mitchell
Voting Precinct	AP022
Poll Location	Alpharetta Community Cen, 175 Roswell St
Congressional District	006
State Senate District	056
State House District	049

School Zones

Elementary School	Hembree Springs
Middle School	Northwestern
High School	Milton

Other Information

Zip Code	30076
Census Tract	116.11
In Less Developed Census Tract	No

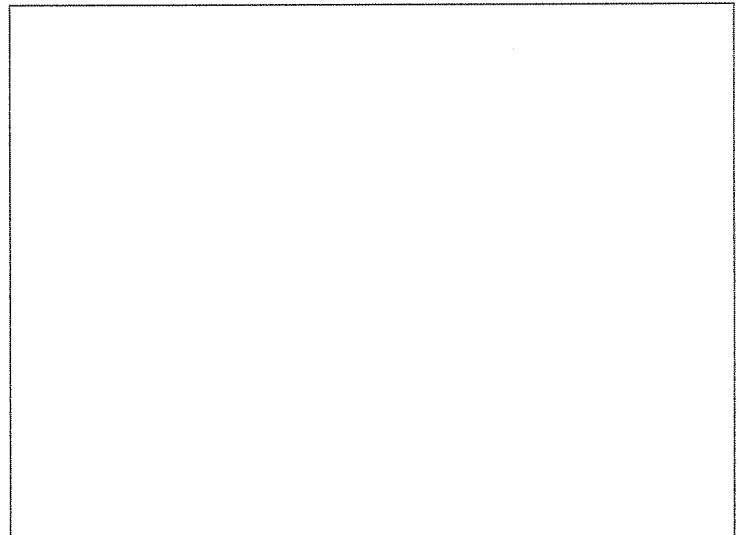
Aerial View



Property Map



Vicinity Map



Property Profile for 8530 BIRCH HOLLOW DR

Property Tax Information

Tax Year	2018
Parcel ID	12 223105510062
Property Address	8530 BIRCH HOLLOW DR
Owner	CHERYL L GORMAN REVOCABLE TRUST THE
Mailing Address	8530 BIRCH HOLLOW DR ROSWELL GA 30076
Total Appraisal	\$283,800
Improvement Appraisal	\$212,500
Land Appraisal	\$71,300
Assessment	\$113,520
Tax District	10
Land Area	0.397 ac
Property Class	Residential Lots
Land Use Class	Residential 1 family
TAD	
CID	

Zoning

Zoning Class	not available
Overlay District	
2035 Future Development	not available

Political

Municipality	Alpharetta
Commission District	2
Commission Person	Bob Ellis
Council District	LRG
Council Person	Dan Merkel, Jason Binder, Jim Gilvin, Chris Owens, Mike Kennedy, Donald Mitchell
Voting Precinct	AP022
Poll Location	Alpharetta Community Cen, 175 Roswell St

Congressional District	006
State Senate District	056
State House District	049

School Zones

Elementary School	Hembree Springs
Middle School	Northwestern
High School	Milton

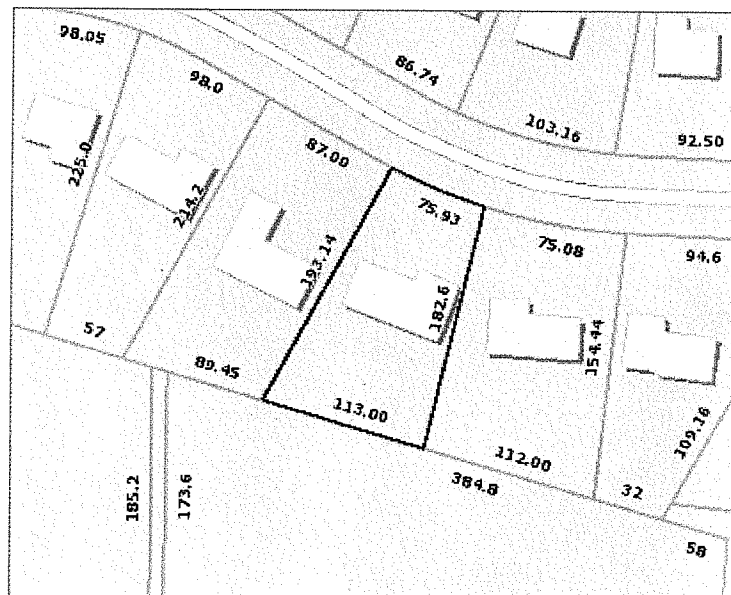
Other Information

Zip Code	30076
Census Tract	116.11
In Less Developed Census Tract	No

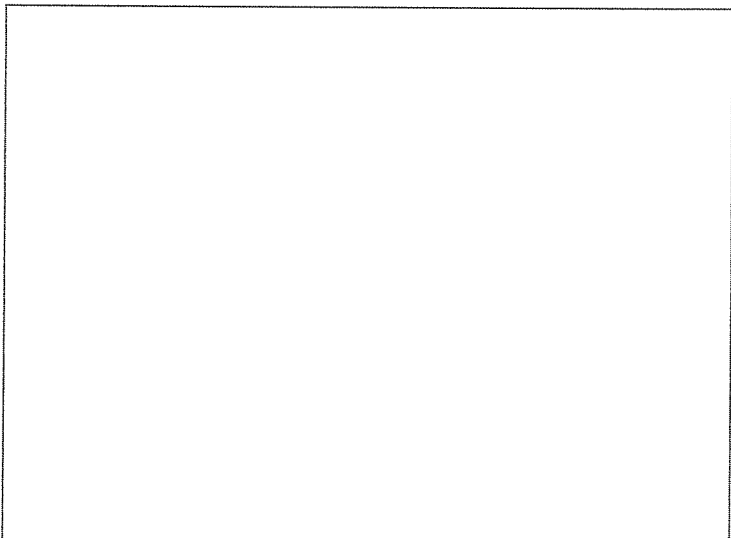
Aerial View



Property Map



Vicinity Map



Property Profile for 8540 BIRCH HOLLOW DR

Property Tax Information

Tax Year	2018
Parcel ID	12 223105510070
Property Address	8540 BIRCH HOLLOW DR
Owner	BECKER GARY L & BECKER MARY L
Mailing Address	8540 BIRCH HOLLOW DR ROSWELL GA 30076
Total Appraisal	\$240,000
Improvement Appraisal	\$190,100
Land Appraisal	\$49,900
Assessment	\$96,000
Tax District	10
Land Area	0.4111 ac
Property Class	Residential Lots
Land Use Class	Residential 1 family
TAD	
CID	

Zoning

Zoning Class	not available
Overlay District	
2035 Future Development	not available

Political

Municipality	Alpharetta
Commission District	2
Commission Person	Bob Ellis
Council District	LRG
Council Person	Dan Merkel, Jason Binder, Jim Gilvin, Chris Owens, Mike Kennedy, Donald Mitchell

Voting Precinct	AP022
Poll Location	Alpharetta Community Cen, 175 Roswell St

Congressional District	006
State Senate District	056
State House District	049

School Zones

Elementary School	Hembree Springs
Middle School	Northwestern
High School	Milton

Other Information

Zip Code	30076
Census Tract	116.11
In Less Developed Census Tract	No

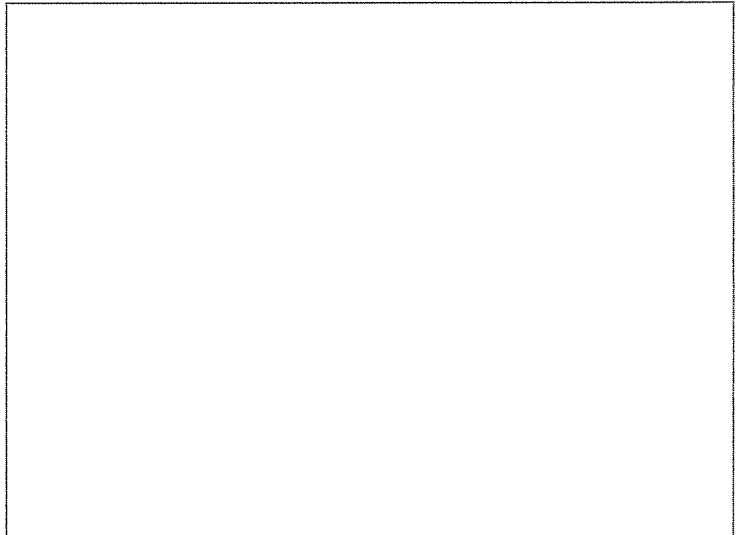
Aerial View



Property Map



Vicinity Map



Property Profile for 8550 BIRCH HOLLOW DR

Property Tax Information

Tax Year	2018
Parcel ID	12 223105510088
Property Address	8550 BIRCH HOLLOW DR
Owner	LATKA JAN P & ZAMBRANA GEORGINA
Mailing Address	8550 BIRCH HOLLOW DR ROSWELL GA 30076-1175
Total Appraisal	\$330,100
Improvement Appraisal	\$256,300
Land Appraisal	\$73,800
Assessment	\$132,040
Tax District	10
Land Area	0.388 ac
Property Class	Residential Lots
Land Use Class	Residential 1 family
TAD	
CID	

Zoning

Zoning Class	not available
Overlay District	
2035 Future Development	not available

Political

Municipality	Alpharetta
Commission District	2
Commission Person	Bob Ellis
Council District	LRG
Council Person	Dan Merkel, Jason Binder, Jim Gilvin, Chris Owens, Mike Kennedy, Donald Mitchell
Voting Precinct	AP022
Poll Location	Alpharetta Community Cen, 175 Roswell St

Congressional District	006
State Senate District	056
State House District	049

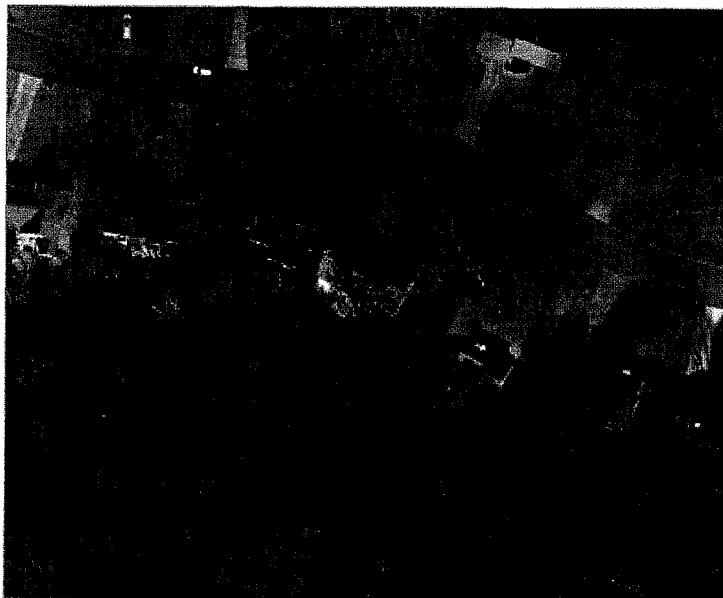
School Zones

Elementary School	Hembree Springs
Middle School	Northwestern
High School	Milton

Other Information

Zip Code	30076
Census Tract	116.11
In Less Developed Census Tract	No

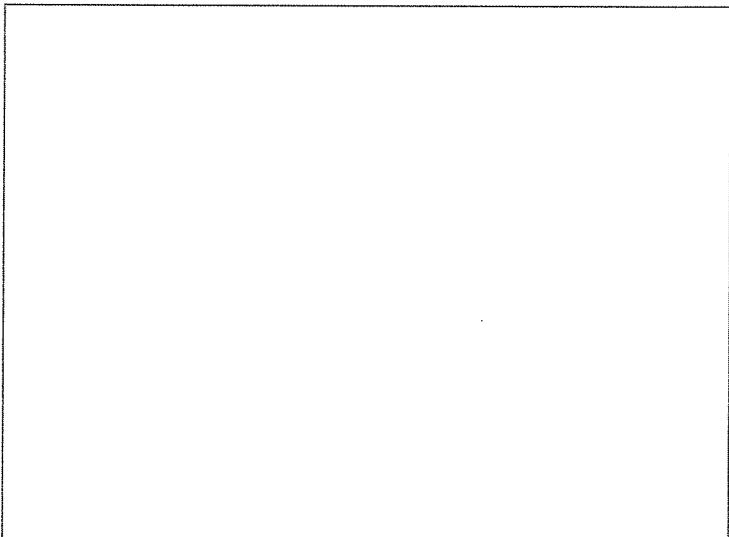
Aerial View



Property Map



Vicinity Map



Property Profile for 0 POINTE RD

Property Tax Information

Tax Year	2018
Parcel ID	12 223005500932
Property Address	0 POINTE RD
Owner	SOUTHFUND PARTNERS I
Mailing Address	270 CARPENTER DR STE 520 ATLANTA GA 30328
Total Appraisal	\$605,100
Improvement Appraisal	not available
Land Appraisal	\$605,100
Assessment	\$242,040
Tax District	10
Land Area	2.22 ac
Property Class	Commercial Small Tracts
Land Use Class	Vacant Commercial Land
TAD	
CID	

Zoning

Zoning Class	not available
Overlay District	
2035 Future Development	not available

Political

Municipality	Alpharetta
Commission District	2
Commission Person	Bob Ellis
Council District	LRG
Council Person	Dan Merkel, Jason Binder, Jim Gilvin, Chris Owens, Mike Kennedy, Donald Mitchell
Voting Precinct	AP022
Poll Location	Alpharetta Community Cen, 175 Roswell St
Congressional District	006
State Senate District	056
State House District	049

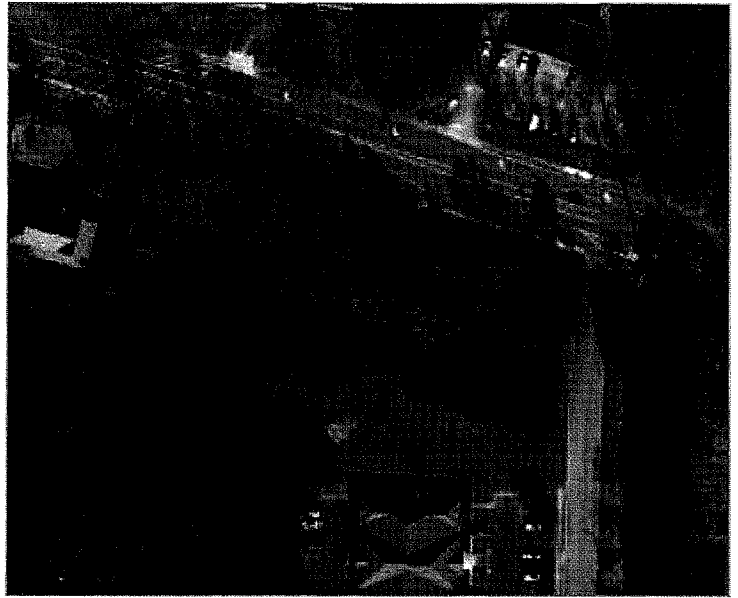
School Zones

Elementary School	Hembree Springs
Middle School	Elkins Pointe
High School	Milton

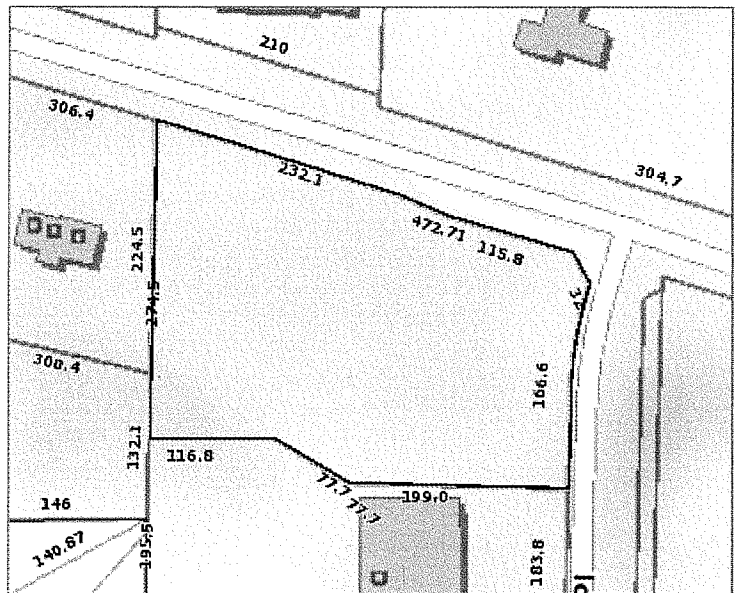
Other Information

Zip Code	30076
Census Tract	116.11
In Less Developed Census Tract	No

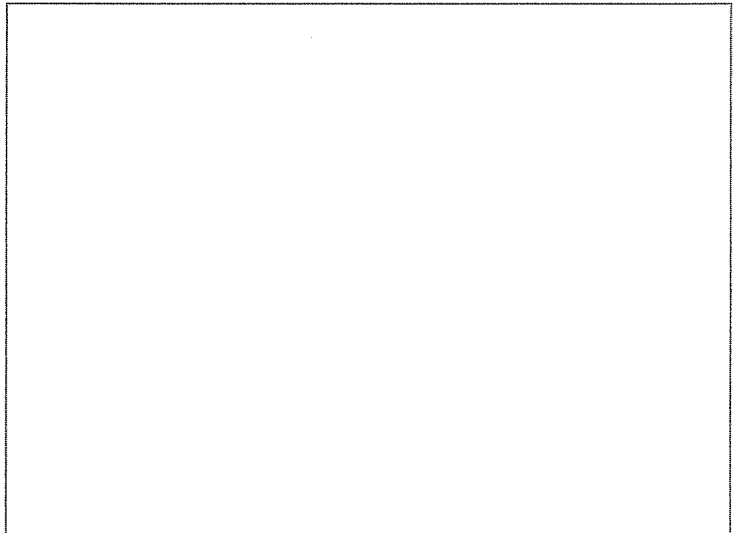
Aerial View



Property Map



Vicinity Map



Property Profile for 1180 UPPER HEMBREE RD

Property Tax Information

Tax Year	2018
Parcel ID	12 223005500825
Property Address	1180 UPPER HEMBREE RD
Owner	WHOLE FOODS MARKET GROUP INC
Mailing Address	550 BOWIE ST AUSTIN TX 78703
Total Appraisal	\$10,022,000
Improvement Appraisal	\$5,203,200
Land Appraisal	\$4,818,800
Assessment	\$4,008,800
Tax District	10
Land Area	19.8 ac
Property Class	Commercial Large Tracts
Land Use Class	Supermarket
TAD	
CID	

Zoning

Zoning Class	not available
Overlay District	
2035 Future Development	not available

Political

Municipality	Alpharetta
Commission District	2
Commission Person	Bob Ellis
Council District	LRG
Council Person	Dan Merkel, Jason Binder, Jim Gilvin, Chris Owens, Mike Kennedy, Donald Mitchell
Voting Precinct	AP022
Poll Location	Alpharetta Community Cen, 175 Roswell St
Congressional District	006
State Senate District	056
State House District	049

School Zones

Elementary School	Hembree Springs
Middle School	Elkins Pointe
High School	Milton

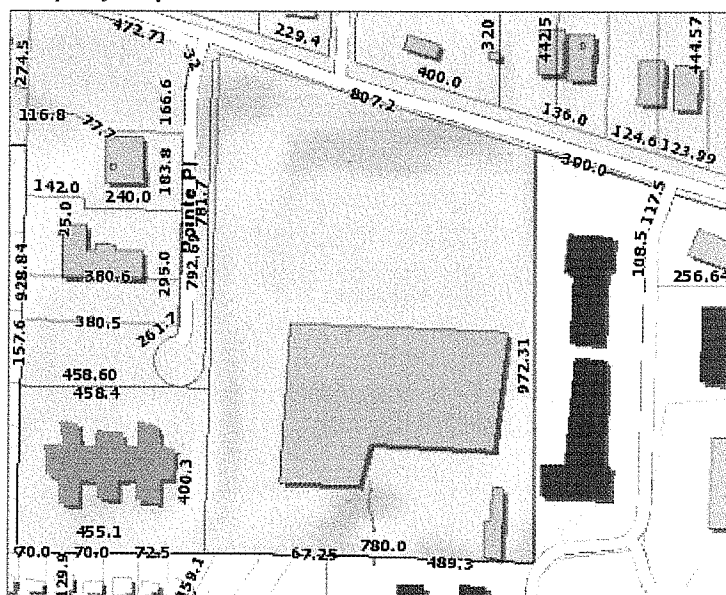
Other Information

Zip Code	30076
Census Tract	116.11
In Less Developed Census Tract	No

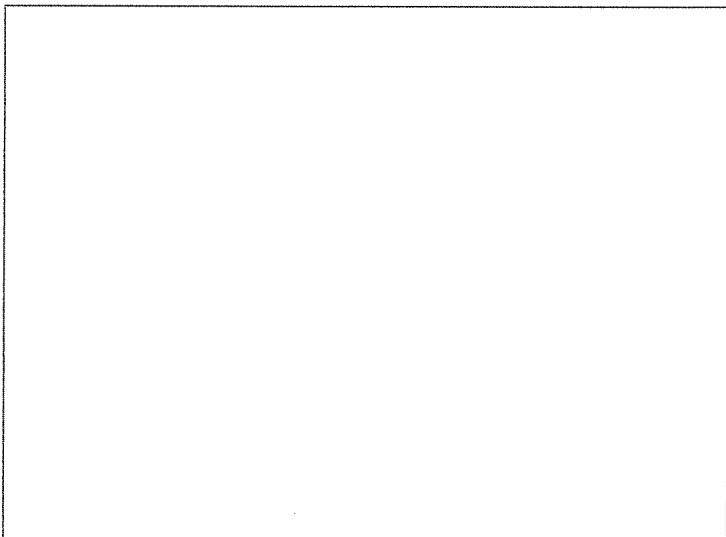
Aerial View



Property Map



Vicinity Map



Dr. Rebecca Lynne Banner, Veterinarian

Dr. Rebecca Lynne Banner will be the sole veterinarian. She started working in an animal hospital when she was eleven years old. It is her passion and it shows. She feels blessed to say that she has never worked a day in her life.

Dr. Banner graduated from Tuskegee University School of Veterinary Medicine in 1993. She worked in Marietta at Animal Medical Care Center for three years before joining Dr. Carl Chapman's practice Pets Are People Too in Roswell Ga. She remained at Pets Are People Too for 15 years. After the first year, she was appointed Hospital Director. This position she held until she left in 2009. The clinic was grossing \$300,000 when Dr. Banner arrived and upon departure was grossing well over 2 million dollars with only two veterinarians.

From July 2009 until July 2011 Dr. Banner worked as an associate at Animal Medical Care Center of Lady's Island, SC after moving closer to her family to take care of her father. She was the only full-time veterinarian at the practice with the owner stepping back to part-time hours. After joining the practice, the clinic's client base grew by 28% and increased its revenue by 34%.

After helping care for her father Dr. Banner moved back "home." From 2011 to 2017 she worked with an internal medicine group, Greater Atlanta Veterinary Medical Group in Marietta. Over the previous 18 years this is the hospital that Dr. Banner referred her clients to for internal medicine when needed. During her tenure, she gathered a dedicated following of clients and rescue groups.

She is currently working, until Paw Patch Animal Clinic is opened, at 2 different clinics to serve her client's needs: Crossville Animal Clinic and Butler Creek Animal Hospital. Her dedicated rescue and private clients have faithfully followed her through this transition.

She has an amazing client base and following that she considers family. Clients have even driven their pets from GA to SC for treatment and surgery. She knows how lucky she is to have such dedicated clients, and she is excited to serve them in her own clinic later this year.

We intend to build a small animal veterinary clinic at the exiting space of 1150 Upper Hembree Road. The practice will primarily focus on dogs and cats, with some small "pocket pets" (such as hamsters, guinea pigs and rabbits) as our patients.

Our primary function will be serving sick animals, surgery and routine wellness care. We will sometimes have hospitalized patients that require overnight monitoring. Hospital patients will be 100% indoor, and no outdoor kennels will be on the premises. Dogs will be leash walked only within a fenced area on property to attend to their needs. Cats and smaller pets will be treated 100% indoors.

We do not foresee the need to make external changes to the existing structure at this time. We intend to use the existing space and grounds to have minimal impact on surrounding businesses and homes. We would like to add a privacy fence to the back area of the property for the security of monitored dog walking.

The management team will consist of Dr. Banner as Veterinarian, and three additional crucial people: office manager, medical manager, and lead technician. We have additional outstanding staff members prepared to come on board with our hospital, all of whom have years of experience and share our vision, values and mission.

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: 1150 Upper Hembree Road

Contact Name: Scott Hutchison Telephone: 404-234-9740

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

We have not received any response or feedback.

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

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

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

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

Signature of Authorized Agent: _____

Date: 6/18/18



June 1st, 2018

City of Alpharetta
2 Park Plaza
Alpharetta, GA 30009

Re: Rezoning Application by Wilson Hutchison Realty, LLC for 1150 Upper Hembree Road, Alpharetta, GA; approval for Veterinary Practice

Dear Property Owner:

Wilson Hutchison Realty, LLC has filed an application for rezoning of 1150 Upper Hembree Road, Alpharetta, GA to permit the space be used as a veterinarian practice. The primary function will be serving sick animals, surgery and routine wellness care. On occasion the practice will have hospitalized patients that require overnight monitoring. Hospital patients will be 100% indoor, and no outdoor kennels will be on the premises. Dogs will be leash walked only within a fenced area on property to attend to their needs. Cats and smaller pets will be treated 100% indoors.

There is no foreseeable need to make external changes to the existing structure at this time. The Vet intends to use the existing space and grounds and to have minimal impact on surrounding businesses and homes. The practice would like to add a privacy fence to the back area of the property for the security of monitored dog walking.

The Planning Commission meeting is Thursday July 12th, 2018 at 6:30 pm located at the Alpharetta City Hall Council at 2 Park Plaza, Alpharetta, GA. The City Council meeting will be on Monday August 6th, 2018 at 6:30 pm also located at the Alpharetta City Hall Council.

Should you have any further questions or would like further information, please contact Scott Hutchison at 770-242-7917 x2 or my assistant Morgan at morgan@wilsonhutch.com.

Sincerely,

Scott Hutchison
Wilson Hutchison Realty, LLC

ACHARYA NARASIMHA & ANURADHA
Or Current Property Owner
8590 BIRCH HOLLOW DR
ROSWELL GA 30076

ATTOKAREN JOHN
Or Current Property Owner
15942 MANOR CLUB DR
ALPHARETTA GA 30004

BARNETT MARK D
Or Current Property Owner
11920 HARRIS RD
ROSWELL GA 30076

BECKER GARY L & BECKER MARY L
Or Current Property Owner
8540 BIRCH HOLLOW DR
ROSWELL GA 30076

BLACKSTAD GARY R & CYNTHIA A
Or Current Property Owner
8561 BIRCH HOLLOW DR
ROSWELL GA 30076

BLANCO MILAGRO
Or Current Property Owner
4201 HARRIS RIDGE CT
ROSWELL GA 30076

BRENNER MARGARET ALEXANDER
Or Current Property Owner
8610 BIRCH HOLLOW DR
ROSWELL GA 30076

BROADWAY MICHAEL J & DEBRA W
Or Current Property Owner
8591 BIRCH HOLLOW DR
ROSWELL GA 30076

CASTRO CARLOS M & PEREZ ROSAS ROSA M
Or Current Property Owner
1190 UPPER HEMBREE RD
ROSWELL GA 30076

DAVIS RAY C
Or Current Property Owner
1105 UPPER HEMBREE RD STE C
ROSWELL GA 30076-0912

DORSETT DAVID EDWARDS & DORSETT LAUREN MARIE
Or Current Property Owner
1060 TAYLOR OAKS DR
ROSWELL GA 30076

DUFFY JAIME & DUFFY GRANT
Or Current Property Owner
4200 HARRIS RIDGE CT
ROSWELL GA 30076

DWM FAMILY TRUST THE
Or Current Property Owner
3522 ASHFORD DUNWOODY RD # 249
ATLANTA GA 30319

DYON WILLIAM C JR
Or Current Property Owner
8551 BIRCH HOLLOW DR
ROSWELL GA 30076

ECHOLS BRANDON T
Or Current Property Owner
1070 TAYLOR OAKS DR
ROSWELL GA 30076

FADDEN GARRETT & FADDEN JESSICA
Or Current Property Owner
8570 BIRCH HOLLOW DR
ROSWELL GA 30076

GALINAITIS RICHARD
Or Current Property Owner
8521 BIRCH HOLLOW DR
ROSWELL GA 30076-1176

GARNETT LYNDEE L
Or Current Property Owner
8510 BIRCH HOLLOW DR
ROSWELL GA 30076

GEORGIA CENTER FOR PSYCHIATRIC SERVICES P C
Or Current Property Owner
1115 UPPER HEMBREE RD SUITE B
ROSWELL GA 30076

GORMAN CHERYL
Or Current Property Owner
8530 BIRCH HOLLOW DR
ROSWELL GA 30076-1175

GRAFT JEANNETTE & JAMES
Or Current Property Owner
140 BAY COLT RD
ALPHARETTA GA 30004

GRIFFIN REVOCABLE TRUST THE
Or Current Property Owner
1050 TAYLOR OAKS DR
ROSWELL GA 30076

GUY-RICE BONNA K RICE DENNIS
Or Current Property Owner
4204 HARRIS RIDGE CT
ROSWELL GA 30076

HARBEN ALAN
Or Current Property Owner
11775 POINTE PL # 103
ROSWELL GA 30076

HARE ELINOR ET AL
Or Current Property Owner
2402 VILLAGE LN
ROSWELL GA 30075

HARRIS COMMONS COMMUNITY ASSOCIATION INC .
Or Current Property Owner
1100 NORTHMEADOW PKWY STE 114
ROSWELL GA 30076

HEMBREE POINTE PROS LLC
Or Current Property Owner
11775 POINTE PL # 101
ROSWELL GA 30076-4636

HEMBREE POINTE PROS LLC
Or Current Property Owner
11775 POINTE PL #104
ROSWELL GA 30076-4636

HEMBREE POINTE PROS LLC
Or Current Property Owner
11775 POINTE PL #102
ROSWELL GA 30076

HPA BORROWER 2016 2 LLC
Or Current Property Owner
180 N STETSON SUITE 3650
CHICAGO IL 60601

ICREATE LLC
Or Current Property Owner
11755 POINTE PL
ALPHARETTA GA 30076

IRVIN GEORGE O & MARTHA A
Or Current Property Owner
1200 UPPER HEMBREE RD
ROSWELL GA 30076

LANCELLOTTI ROBERT J
Or Current Property Owner
1000 TAYLOR OAKS DR
ROSWELL GA 30076

LATKA JAN P & ZAMBRANA GEORGINA
Or Current Property Owner
8550 BIRCH HOLLOW DR
ROSWELL GA 30076-1175

LOWREY ROBERT N & TAMARA L
Or Current Property Owner
4203 HARRIS RIDGE CT
ROSWELL GA 30076

MAGUIRE ANNELYSS K & MAGUIRE GREG
Or Current Property Owner
8500 BIRCH HOLLOW DR
ROSWELL GA 30076

MALONEY JUDITH A
Or Current Property Owner
8501 BIRCH HOLLOW DR
ROSWELL GA 30076

MC ALONAN KIM JEAN
Or Current Property Owner
8580 BIRCH HOLLOW DR
ROSWELL GA 30075

MILLEN STARR S
Or Current Property Owner
3522 ASHFORD DUNWOODY RD
ATLANTA GA 30319

MORESHEAD ANDREW & BRENDA
Or Current Property Owner
8571 BIRCH HOLLOW DR
ROSWELL GA 30076

MOUNTAIN TOP LEGACY LLC
Or Current Property Owner
11960 HARRIS RD
ROSWELL GA 30076

OLANSKY DERMATOLOGY ASSOC
Or Current Property Owner
3379 PEACHTREE RD # 500
ATLANTA GA 30326

ORAM RICHARD A JR & JOANNE R
Or Current Property Owner
4206 HARRIS RIDGE CT
ROSWELL GA 30076

OSWALD GEORGE JR
Or Current Property Owner
195 FOREST AVE
MARIETTA GA 30060

PERKSA INC
Or Current Property Owner
1100 UPPER HEMBREE RD
ROSWELL GA 30076-1142

RKM FAMILY L P
Or Current Property Owner
1150 UPPER HEMBREE RD
ROSWELL GA 30076

RUSSELL ELAINE L
Or Current Property Owner
4202 HARRIS RIDGE CT
ROSWELL GA 30076

SAFSTROM DAVID D & SHIRLEY E
Or Current Property Owner
8620 BIRCH HOLLOW DR
ROSWELL GA 30076

SCHNEIDER DIANNE
Or Current Property Owner
3055 HARBOR DR
FORT LAUDERDALE FL 33316

SMITH KEVIN R & CLAUDIA L
Or Current Property Owner
8600 BIRCH HOLLOW DR
ROSWELL GA 30076

SOUTHFUND PARTNERS I
Or Current Property Owner
270 CARPENTER DR STE 520
ATLANTA GA 30328

SZ CENTURY ALPHA, LLC
Or Current Property Owner
3965 ASHLEY TRACE CT
LILBURN GA 30047

TOSCANO JOSEPH & SUSAN
Or Current Property Owner
8581 BIRCH HOLLOW DR
ROSWELL GA 30076

TURNER STEVEN RUSSELL & STEWART JENNIFER LEE
Or Current Property Owner
8520 BIRCH HOLLOW DR
ROSWELL GA 30076

VORE STEVEN J & HILARY
Or Current Property Owner
8560 BIRCH HOLLOW DR
ROSWELL GA 30076

WEBB MAUDANE D
Or Current Property Owner
1110 UPPER HEMBREE RD
ROSWELL GA 30076

WHOLE FOODS MARKET GROUP INC
Or Current Property Owner
550 BOWIE ST
AUSTIN TX 78703

WILBURN MARCUS WILBURN LAINA
Or Current Property Owner
4205 HARRIS RIDGE CT
ROSWELL GA 30076

WP BUSINESS SOLUTIONS LLC
Or Current Property Owner
4112 E PONCE DE LEON AVE
CLARKSTON GA 30021

WROBLE LINDA R & BERNARD P
Or Current Property Owner
8511 BIRCH HOLLOW DR
ROSWELL GA 30076

ZOLOTAREV PAUL

Or Current Property Owner

8531 BIRCH HOLLOW DR

ROSWELL GA 30076



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: PH-18-05 UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS – FIRE PIT REGULATIONS AND CLEARING & GRADING ACTIVITIES

PLANNING COMMISSION: JULY 12, 2018

CITY COUNCIL: AUGUST 6, 2018

II. RECOMMENDATION:

Approve text amendments to Unified Development Code, Section 3.2 as it relates to clearing and grading activities and Section 4.4 as it relates to adding recreational fire pit regulations.

III. REPORT IN BRIEF:

Consideration of amendments to Unified Development Code (UDC) Section 3.2 Tree Conservation, Landscape, and Buffer Requirements and Section 4.4 Development Permitting and Construction.

Fire Pit Regulations:

Staff proposes to add recreational fire pit regulations to UDC Section 4.4, Development Permitting and Construction. UDC text amendments are proposed in response to questions and complaints received from residents with concerns over smoke intrusion and safety. The UDC does not currently regulate recreational fire pits.

Clearing & Grading:

Staff proposes to add a definition for 'Mass Grading' and regulations to UDC Section 3.2 addressing clearing and grading activities associated with land development.

IV. ATTACHMENTS:

- UDC Strike Through and Underline Edits

SECTION 3.2 - TREE CONSERVATION, LANDSCAPE, AND BUFFER REQUIREMENTS¹¹

3.2.1 General.

In order to maintain and promote the public health, safety and welfare, the City has established regulations governing the conservation, planting, and replacement of trees. The importance of trees is recognized for their contribution toward quality of life, visual quality of the city, and improved property values. It is the City's intent to prevent the indiscriminate removal of trees without denying the reasonable use and enjoyment of real property. It is also the intent of these regulations that all applicable sites within the City maintain or obtain minimum tree density, as defined herein. Consistent with the expressed purpose of these regulations, all persons shall make reasonable efforts to protect and retain certain existing, self-supporting trees as defined herein. Each person shall be responsible for the normal care of trees located on its premises.

- A. Willful injury or disfigurement of any tree growing within the City shall be a violation of this Ordinance.
- B. No person shall:
 - 1. Attach any sign, notice or other object to any tree or fasten wires, cables, nails or screws to any tree in a manner that could prove harmful to the tree.
 - 2. Pour any material on any tree or on nearby ground which could be harmful to the tree.
 - 3. Cause or encourage any unnecessary fire or burning near or around any tree.
 - 4. Construct a concrete, asphalt, brick or gravel sidewalk, significantly compact the soil, place fill material, or create other impervious or semi-impervious surfaces around any tree so as to cut off air, light or water from the roots of the tree so as to adversely impact the tree's root system.
 - 5. Pile building material or equipment around any tree so as to cause injury thereto.
 - 6. Deny routine maintenance, watering and reasonable arboricultural care to existing and newly established trees as may be required as a result of activities taking place under this Section.
 - 7. Remove any tree without Permit.
 - 8. Remove or prune a tree on commercial property during non-development activity unless they follow ISA industry standard protocols for pruning or have written approval from the Director.
 - 9. Park any vehicle on the unpaved area underneath existing tree canopies.

([Ord. No. 739](#), 5-1-2017)

3.2.2 Definitions.

For the purposes of this Section, unless the context indicates otherwise, the following terms shall have the meaning set forth below:

Boundary Tree. Any tree located on adjacent property with a critical root zone that will be impacted by proposed land disturbance activity.

Buffer. An area required to remain undisturbed or replanted where existing vegetation is sparse, as determined by the director.

Caliper. A standard of trunk measurement for 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.

Conifer Tree. Any tree with needle leaves and a woody cone fruit including, but not limited to, pine, juniper and cedar species.

Critical Root Zone (CRZ). The minimum area beneath a tree which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The Critical Root Zone will typically be represented by a concentric circle centering on the tree's trunk with a radius equal in feet to one and three-tenths times the number of inches of the trunk diameter. EXAMPLE: The CRZ radius of a twenty (20) inch diameter tree is twenty-six (26) feet.

Dead Tree. Any standing tree which is no longer alive or has the ability to sustain itself through natural processes as determined by a qualified professional.

Development Activity. Any alteration of the natural environment, which requires the approval of a development or site plan and issuance of a Land Disturbance Permit. Development Activity shall also include the "thinning" or removal of trees from land in conjunction with a forest management program, the removal or destruction of trees incidental to the development of land or to the marketing of land for development, the removal or destruction of trees in conjunction with any grading activity, including the removal or filling (stockpiling) of soil, and logging or the removal of trees not in conjunction with an ongoing forest management program. Nothing in this definition shall be deemed to require or authorize the issuance of a permit for any activity described herein.

Diameter Breast-Height (DBH). The standard measure of tree size (for trees existing on a site). The tree trunk is measured at a height of 4½ feet above the ground. If a tree splits into multiple trunks below 4½ feet, the trunk is measured at its most narrow point beneath the split.

Director. The Director of Community Development or designee shall administer and enforce the provisions of this Ordinance; provided, however, that a designee shall have no authority to revoke permits.

Georgia 400 Tree Protection Zone. All property within a horizontal distance of 120 feet of the right-of-way of Georgia 400. At major intersections on Georgia 400 having exit and/or entrance ramps the protection zone shall be reduced to 60 feet. The reduction shall apply for the length of each such ramp. The Georgia 400 Tree Protection Zone is a Buffer.

Grading Activity. Altering ground surfaces to specified elevations, dimensions and/or slopes; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

Guidance Document. A document maintained by the City of Alpharetta Arborist that includes clarifications to requirements with examples and additional technical standards about tree protection, tree planting, species selection, and other information relevant to the protection and replanting of trees in the City of Alpharetta. The document may be revised by the City Arborist as conditions and technical standards evolve.

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.

International Society of Arboriculture (ISA). A professional organization that promotes the professional practice of arboriculture, sets standards for obtaining professional credentials for arborist, and establishes best practices for tree care, pruning, and protection.

Land Disturbance Permit. A permit issued by the City that authorizes Development Activity and includes, but is not limited to, Soil Erosion Protection, clearing and grubbing, land disturbance and building construction.

Landscape Strip. A portion of a lot required to be reserved for, installed with, and maintained with vegetation. Such a strip may or may not be required to be of a linear form. No utilities or parking shall be allowed within a required landscape strip.

Landscape Tree. A tree or trees that were planted or retained on a developed or previously developed site.

Lot Building Area. The area of a lot encompassed by front sides and rear yard setbacks or building line as required by City Ordinance and Subdivision Regulations.

Mass Grading. The grading across existing or proposed property lines including the removal of trees and disturbance of soils in order to prepare a site for construction and may include the earthwork required for the preparation of a single building pad.

Mulch. An organic material spread around the base of a plant or on a plant bed to enrich and insulate the soil. Types of mulch include Pine Straw, Shredded Hardwood, Wood Chips, and Bark Chips. Mulch should be free of disease and pests. Synthetic or artificial mulches are not acceptable for use in the City of Alpharetta.

Non-Development Activity. Any alteration of the natural environment which does not require development or site plan approval, but which would include the proposed removal or destruction of any tree(s). Any removal of trees that constitutes Development Activity as that term is herein defined shall not constitute non-development activity.

Ornamental Tree. A tree that provides a visual impact in the landscape. The impact may be provided through form, bark, branching structure, leaf color, and/or flower color. Typically a small or medium size tree.

Overstory Tree. Those trees that compose the top layer or canopy of vegetation and will generally reach a mature height greater than 40 feet and typically have a spreading canopy.

Permit (Tree Removal Permit). An official Permit for tree removal issued by the City of Alpharetta.

Pervious Surface. All that area of land that can be landscaped or planted, allows natural passage through by water, and is not covered by man-made materials or structures such as buildings or paving.

Pine Tree. An evergreen coniferous tree that has clusters of needle-shaped leaves.

Plantable Area. The pervious surface area available for the preservation or planting of trees. Plantable Area shall not include that portion of the lot that is covered by buildings and structures permitted pursuant to the maximum lot coverage standards of this Ordinance.

Planted Area. An area of living plant material created for the purpose of establishing open space and consisting of a minimum of 50% of the area devoted to trees and shrubs.

Pruning (Tree Pruning). To cut away dead, overgrown, or undesirable branches or stems. Pruning of trees to be done in compliance with standard arboricultural practices as outlined in ANSI A300 and shall maintain the trees natural form and structure.

Qualified Professional. An International Society of Arboriculture (ISA) Certified Arborist, an American Society of Consulting Arborists (ASCA) Registered Consulting Arborist, or a Registered Forester.

Recompense. Replacement of trees or payment into the City held tree fund for the removal of Specimen Trees.

Replacement Planting. The planting of trees on a site that before development had more trees, and after development shall have less trees per acre.

Responsible Party. Any individual, firm, principal, or other entity who is a signatory to a Tree Removal Permit Application or Land Disturbance Permit for Development Activity or any person or company caught in the act of tree removal without a City-issued permit, or who violates any other provision of this Ordinance.

Shade Tree. Any tree that has a spreading canopy that provides partial to full shade to the ground with a minimum height of 20 feet.

Semi-Pervious. Hardscape, aggregate or porous paver that allows at least fifty percent (50%) of surface water to pass through the manmade material and into the underlying soil.

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 and which also meets the minimum size criteria set forth below.

Size Criteria:

<i>Pine Trees:</i>	30-inch diameter or larger for trees in the Pinus (Pine) genus.
<i>Coniferous Trees:</i>	20" diameter or larger for trees in the cedrus (deodar cedar), Thuja (Arborvitae), or other ecologically similar trees,
<i>Overstory Trees:</i>	30-inch diameter or larger for trees in the Liquidambar (Sweetgum) or Liriodendron (Tulip poplar) genus
	20-inch diameter or larger for trees in the Fagus (Beech), Nyssa (Tupelo), Diospyros (Persimmon), Sassafras (Sassafras), or other ecologically similar trees
	20-inch diameter or larger for Magnolia grandiflora (Southern magnolia) and those cultivars that generally reach a mature height over 40'
	24-inch (24") diameter or larger for trees in all other genera
<i>Understory Trees:</i>	8-inch (8") diameter or larger.
	10-inch (10") diameter or larger for Oxydendron arboretum (Sourwood).

See additional requirements for Specimen Trees in "The Guidance Document."

Street/Streetscape Tree. Any tree located or proposed to be located along a public or private street. The actual location will be determined by the specific zoning district or overlay. In situations where there is limited planting space in the right-of-way and or safety concerns, street trees may be located at the back of the sidewalk or within the landscape strip on private property and the discretion of the Director.

Structural Root Plate. The zone of rapid root taper that provides the tree stability against wind throw. The radius of the structural root plate is equal to 0.5 feet per inch of DBH.

Timber Harvest. Harvesting of timber from sites as a timber management activity as part of a demonstrated ongoing agricultural land use.

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.

Tree Care Plan. A plan developed to provide an impacted tree the best possible chance of survival. A tree care plan should be prepared by a qualified professional and conform to the requirements of ANSI A300 and the Guidance Document

Tree Density. A measurement of trees on a property, expressed as inches per acre. For existing trees density is calculated based on DBH. For proposed trees tree density is calculated based on the caliper.

Tree Grouping. A community of trees as determined by the Director to merit special consideration as an ecological feature based upon species composition, form, structure, age, and condition. Specimen trees and trees of quality may be included in tree groupings and every alternative should be evaluated to save these trees. Except as otherwise provided in Section 3.2., Tree Groupings will be treated as specimen trees for preservation credits and every alternative should be evaluated to save these trees.

Tree of Quality. A tree that merits special consideration due to historical significance, ideal shape and structure, or uniqueness of the species as determined by the Director. Except as otherwise provided in Section 3.2., Trees of Quality will be treated as specimen trees for preservation credits and every alternative should be evaluated to save these trees.

Tree Removal or Removal of Trees. Removal of trees through an act of cutting down a tree or any act which causes a tree to die within 2 years after commission of the act or impedes the ability of the tree to sustain itself, including but not limited to damage inflicted upon the root system, trunk, or canopy as a result of:

1. The improper use of machinery on the trees;
2. The storage of materials in or around the trees;
3. Soil compaction;
4. Altering the natural grade to expose the roots or to cover the tree's root system with more than 4 inches of soil;
5. Causing the infection or infestation of the tree by pests, fungus or harmful bacteria;
6. Pruning judged to be excessive by the Director or not in accordance with the standard set forth by the International Society of Arboriculture (ISA);
7. Paving with concrete, asphalt or other impervious surface within such proximity as to be harmful to the tree or its root system; and
8. Application of herbicides or defoliant to any tree without first obtaining a permit.

Tree Planting List. List of preferred tree species for use in the City of Alpharetta. Species not included on this list may be approved at the discretion of the Director. The Tree Planting List is included in the Arborist Guidance Document.

Tree Protection Area. An area encompassing the critical root zone of a tree that shall remain in an a pervious state.

Tree Save Area. An area designated for the purpose of meeting tree density requirements, saving natural trees, and/or preserving natural buffers that shall remain in a pervious state.

Understory Trees. Those trees that grow beneath the overstory, and will generally reach a mature height less than 40 feet. Understory trees may include coniferous trees that meet these same height characteristics.

Zoning Districts. Those areas as defined in the Zoning Ordinance and shown on the Zoning Map.

([Ord. No. 739](#), 5-1-2017; [Ord. No. 749](#), § 4, 9-18-2017)

3.2.3 Exemptions.

A. The following shall be exempt from the provisions of this section:

1. The removal of trees with a Permit.

2. The removal of trees from horticultural properties such as farms, nurseries or orchards. This exception shall not be interpreted to include timber harvesting incidental to development of the land;
 3. The necessary removal of trees by a utility company within dedicated utility easements;
 4. The removal of trees on public rights-of-way conducted by, on behalf of, or any activity pursuant to work to be dedicated to, a federal, state, county, municipal or other governmental agency in pursuance of its lawful activities or functions in the construction or improvement of public rights-of-way;
 5. The removal of trees from lakes and detention ponds, and drainage easements, unless specifically planted to be part of the stormwater system; or
 6. The removal of any tree which is dead or has become or threatens to become a danger to human life or property;
- B. Notwithstanding the foregoing, all reasonable efforts shall be made to save specimen trees and trees of quality, and tree groupings.
- C. Nothing in this section shall be deemed to authorize, directly or indirectly, the removal of a tree from the Georgia 400 Tree Protection Zone or any buffer.

([Ord. No. 739](#) , 5-1-2017)

3.2.4 Permit required for non-development activity (activity which does not require a building permit, etc.).

- A. Except for routine or seasonal pruning or transplanting of trees, and except as exempted, no person shall engage in any Non-Development Activity as defined without first obtaining a permit. The request for a permit shall be submitted to the Director in the form of a tree removal permit application through the City process and shall include:
1. The reason for the proposed work
 2. Either a site sketch or photograph of the tree(s) proposed to be removed, identifying such tree(s) by size and species.
 3. Specimen Trees shall only be approved for removal if they are in declining health or as approved by the Director. If a request includes a Specimen Tree, the applicant shall provide a risk assessment or similar report, following currently accepted industry standards and protocols, prepared by a qualified professional outlining the condition of the trees and associated risks.

If the request for a permit is complete, complies with the Ordinance, and requests tree removal for one of the purposes identified in Paragraph B below, the Director shall issue a permit no later than ten (10) working days from receipt and shall inform applicant if replanting will be required. If the request is incomplete or denied, the Director shall notify applicant in writing regarding the specific reason for denial.

- B. The Director shall issue a permit for the following:
1. The removal of dead, substantially injured, damaged or diseased trees;
 2. The removal of any non-specimen tree, provided the tree is not a required landscape strip tree, buffer tree, or other code required trees and that the applicable minimum tree density requirement is maintained.
 3. The removal of any specimen tree, landscape strip tree, buffer tree or other code required tree with a replanting agreement approved by the director.

([Ord. No. 739](#) , 5-1-2017)

3.2.5 Land disturbance permit for development activity.

- A. No person shall engage in a Development Activity and no Land Disturbance Permit shall be issued without first obtaining an approved site plan stamped and signed by the Director.
1. Trees and or soils shall not be disturbed or removed in order to pad grade or mass-grade a site unless building construction is imminent. Allowances may be made by the Director to accommodate site earthwork balancing.
- B. Except as provided in Section 3.2.4 and Paragraph (c) of this subsection, no tree removal shall be approved for any site not under active development. For the purposes of this Ordinance, a site is not under active development unless there exists an approved development plan delineating the improvements to be constructed on the site consistent with the use for which the site is zoned, and there is a reasonable certainty that construction is imminent.
- C. A Land Disturbance Permit may be issued for Grading Activity on a site not under active development provided that:
1. The sole purpose of the Grading Activity is for the storage, removal or altering of soil for fill balancing on another site under active development;
 2. The site not under active development must be under common ownership or common development control with the site that is under active development;
 3. The site not under active development must be contiguous to, or located within one (1) mile of, the site under active development. For the purposes of this Section, the measurement of distances shall be from property line to property line along the most direct route of travel on a public road;
 4. The proposed Grading Activity shall not result in the damage or removal of more than ten percent (10%) of the total tree density (inches per acre) on the site not under active development;
 5. The proposed Grading Activity shall not decrease the tree density below the minimum inches per acre required for the site. For the purposes of this Section, trees in Buffers that will be required shall be excluded from minimum density calculations;
 6. The area to be disturbed within the site shall be the area that will have the least adverse impact on existing trees, Specimen Trees, Trees of Quality, and Groupings of Trees as determined by the Director. In addition, the area must be visually screened from public or private roads and drives, developed residential and commercial properties, by a one hundred foot (100') buffer or a buffer of sufficient depth to provide reasonable visual screening. In order to provide reasonable visual screening, it may be necessary to locate access roads to the impacted area in a winding manner to prevent a straight line of site to the impacted area; and
 7. The disturbed area within the site shall be replanted with trees to a tree density of 130 inches per acre no later than eighteen (18) months from the issuance of the Land Disturbance Permit authorizing the Grading Activities. A tree replacement plan and a bond shall be submitted and approved by the Director prior to the issuance of the permit authorizing the Grading Activities. The completion bond shall be held until the planting is complete and at that time transfer to an eighteen (18) month maintenance bond to ensure survival of the replacement trees. The applicant shall be responsible for the irrigation (watering) of trees during the period of the bonds. The replanting requirements of this Section shall not apply, and the initial bond shall be released, if, on or before fifteen (15) months from the issuance of the permit authorizing the Grading Activity, the site becomes under active development pursuant to the issuance of a Land Disturbance Permit and the approval of development plans in compliance with the provisions of this Ordinance.
- D. Nothing in this Section shall be deemed to authorize any Grading Activity or similar activity not otherwise in compliance with the Land Subdivision Regulations of the City of Alpharetta, including,

the Soil and Sedimentation Control Ordinance. Further, nothing in this Section shall be deemed to eliminate the requirement that all reasonable efforts must be taken to save and not adversely impact the Critical Root Zones of Specimen Trees, trees of quality, and tree groupings and that all applicable sites from the City shall maintain or obtain the minimum tree density required by this Ordinance.

([Ord. No. 739](#), 5-1-2017)

3.2.6 Application requirements.

- A. When a person applies for a Land Disturbance Permit as defined herein, such person shall provide the following information:
 - 1. A complete tree survey and inventory, which shall contain the following information:
 - a. All Specimen Trees, Trees of Quality, Tree Groupings, Landscape Trees, and Boundary Trees on the site and within 30 feet of the limits of disturbance; with an indication whether they are to be retained or removed;
 - b. All trees that are to be counted toward the tree density requirement greater than 2" DBH, including size (Caliper or DBH) and species. Sampling methods may be used to determine tree densities for forested areas (over 5 acres) that are to be preserved. Sampling methods must conform to industry standards and protocols and be no less than a 10% sample;
 - c. Tree Protection Zones and Tree Save Areas must be delineated on the plan;
 - d. All buffers with existing trees to be delineated on plans as Tree Save Areas. Land Disturbance within any Buffer is subject to Director approval;
 - e. The tree survey and inventory shall be a to-scale map or a site plan prepared and sealed by a registered surveyor.
 - 2. An integrated site plan showing Specimen Trees, Trees of Quality, Tree Groupings, Boundary Trees, the trees to be saved and those to be removed, existing utilities and those to be installed, grading, the approximate location of all structures, driveways and curb cuts and all proposed tree plantings and other landscaping. It is required that all reasonable efforts be made to save Specimen trees, Trees of Quality, Tree Groupings. (Reasonable efforts shall include, but not be limited to, alternate building design, building location, parking area layout, parking area location, stormwater BMP locations and the like).
 - a. If a Specimen Tree, Tree of Quality, or Tree Grouping cannot be saved a hardship justification in the form of a letter shall be submitted to the Director for review and approval and be included within the plan set;
 - b. If a Boundary Tree cannot be saved or results in an encroachment into the Critical Root Zone of greater than 10%, evidence of notification to the owner of the tree will be required to be provided to the Director. This notification shall generally include the current condition of the tree, % encroachment, potential outcomes of the encroachment, and proposed tree care to offset the encroachment. In no way does this authorize any encroachment into the Structural Root Plate of a Boundary Tree.
 - 3. A detailed plan to protect and preserve landscaping and trees before, during and for a period of two (2) years after construction, which shall contain the following information:
 - a. All items found on the Arborist Checklist located in the Arborist Guidance Document;
 - b. Existing roads, utility lines, drainage and detention facilities, and other pertinent items in the vicinity of the site.
 - c. The locations of existing and proposed structures, paving, driveways, cut and fill areas, detention areas, etc.

- d. Phase lines or limits of construction;
- e. A delineation of all protected zones with any required dimensions;
- f. Calculations showing compliance with the required Tree Density and Recompense per section 3.2.7
- g. Locations of all existing and proposed utility lines and easements;
- h. Locations of any boring sites for underground utilities;
- i. Locations of all Specimen Trees, Trees of Quality, Groupings of Trees, Landscape Trees and Boundary Trees and indications whether they are to be removed or preserved;
- j. Locations of all tree protection devices, materials to be used in each location and details;
- k. A delineation of tree save areas in which trees have been inventoried for density calculations;
- l. If applicable, locations and details of all permanent tree protection measures (tree wells, aeration systems, permeable paving, retaining walls, bollards, etc.); and
- m. A tree care plan developed by a Qualified Professional designed specifically for each tree to be saved that warrants care due to the changes in site conditions or as approved by the Director. The tree care plan shall be prepaid prior to issuance of the land disturbance permit and a paid invoice provided to the City. In the event of a change in ownership, arrangements must be made to allow access for the tree care to continue throughout the required timeframe.
- n. A full landscape plan meeting all of the requirements of this Section including tree density, recompense, landscape strip, parking lot tree coverage and screening, groundcover, hardscapes, etc. The landscape plan submitted shall be the one that is expected to be planted. Permit only plans will not be accepted by the Director.
- o. Additional information as required on a case-by-case basis.

The above items may be integrated into the normal application requirements and submittals.

- B. Minor additions to existing development require only a sketch showing changes to be submitted to the Director for review and approval.

([Ord. No. 739](#), 5-1-2017)

3.2.7 Minimum tree density and recompense requirements.

The intent and goal of these regulations is to insure that a minimum density of trees is maintained on all developed sites and that a significant amount of tree canopy coverage and pervious soil area is maintained throughout the City. The density requirement must be met whether or not a property or site had trees prior to development or any tree removal. The density may be achieved by counting existing trees 2" in diameter or greater to be preserved, planting new trees in accordance with the minimum standards of this Section, or some combination of the two. Vegetated runoff reduction measures which include trees also count toward the tree density requirement. Minimum tree density shall be calculated and established pursuant to the formula and analysis set forth in the Guidance Document.

- A. All sites within the City other than 'For-Sale' residential lots shall maintain or achieve a Minimum Tree Density of 130 inches per acre. The owner shall be subject to the minimum tree density requirement set forth in this paragraph, but the owner shall base the density calculations on the net site area excluding the acreage required for Buffers and infrastructure improvements (roads, utility lines, detention ponds, etc.). In no event shall a parking lot be considered an infrastructure improvement.

- B. All 'For-Sale' residential lots in the City shall maintain a minimum tree density of 130 inches per acre or provide a calculation as described in the Guidance Document that shows the lot meets or exceeds a 30% canopy coverage based upon trees growing within the property lines. For new construction or new plantings this calculation may be based upon the mature spread of the newly planted trees at 20 years after planting. If replacement planting is required on a 'For-Sale' residential lot, it is encouraged to provide at a minimum a two-inch (2") caliper tree or larger in the lawn area in the front yard or landscape strip if space allows.
- C. Owners shall receive a density credit of two (2) times the inches for each Specimen Tree saved by utilizing an alternate design during development. Specimen trees that cannot be saved must be replaced with recompense plantings equal to three (3) times the DBH of the tree(s) removed. Recompense trees shall be a minimum of four-inch (4") caliper at time of planting. Trees of Quality or Tree Groupings shall receive a density credit of one (1) times the inches for each tree saved. Specimen Trees removed without prior approval shall be subject to the recompense replanting requirements as described in section 3.2.10 Tree Damage and subject to the applicable penalties as described in Section 3.2.17.
- D. An owner may request a reduction in recompense plantings, which may be granted at the discretion of the Director. The reduction shall be calculated considering Specimen Trees, Trees of Quality or Tree Groupings and other landscape amenities that are incorporated into the site plan utilizing an approved alternative design.
- E. In the event that Specimen Tree Recompense cannot be achieved through planting on the subject property, two alternative methods of compliance may, at the discretion of the Director, be approved: planting at a location remote from the project site; or, a recompense payment to the City of Alpharetta Tree Replacement Fund. The following standards have been established for administering these alternative recompense methods.
 - 1. The director must review and approve all requests for alternative recompense. In no instance shall 100% of the required recompense be met through these alternative methods. As many trees as can reasonably be expected to survive and thrive must be planted on the subject property. No permit shall be issued until the Director has approved the request and received the necessary documentation and/or funds.
 - 2. If trees are to be planted at another location, the off-site location should be in the same area of the City as the project site and a tree replacement plan meeting all applicable standards must be provided by the owner and reviewed and approved by the City Arborist. If tree planting is proposed on City property all specifications for such planting shall be met as determined by the Director of Public Works or the Director of Recreation and Parks. A completion bond in the amount of 100% of the installation and materials cost shall be provided prior to issuance of any land disturbance permit.
 - 3. If a recompense payment to the City of Alpharetta Tree Replacement Fund is approved, the amount of the donation shall be established by the Director. The amount of the recompense payment shall be 100% of the estimated costs of the average 3 bids from reputable landscape contractors, licensed to do business in the City, for the materials, installation, and care during the trees establishment period (18 months) provided by the owner and reviewed and approved by the City.

([Ord. No. 739](#), 5-1-2017)

3.2.8 Tree Replanting, Buffer, and Landscape standards.

A. Tree Replanting.

- 1. Unless otherwise approved by the Director, it is recommended that trees selected for replanting be on the Recommended Tree List. Trees selected for planting must be free from injury, pests, disease, nutritional disorders or root defects, and must be of good vigor and form in order to assure a reasonable expectation of survivability. Standards for transplanting shall be in keeping

with those established in the International Society of Arboriculture publication Tree and Shrub Transplanting Manual or similar publication. Reference the American Association of Nurserymen publication American Standard for Nursery Stock (ANSI Z60.1-2014) for plant material quality specifications. Reference the Manual of Woody Landscape Plants (Michael Dirr, 2009, Stipes Pub. LLC.) or similar publication for information on tree species and site requirements.

2. It is desirable that replanted trees be ecologically compatible with the site and neighboring sites. Accordingly, the replanted trees shall be of the same or similar species as those removed when practical.
- C. All replanted overstory trees shall be at least six (6) feet tall and have a trunk of not less than two (2) caliper inches. All replanted understory trees shall be at least four (4) feet tall or have a trunk not less than one (1) caliper inch. In order to provide sufficient growing area for planted trees, the following minimum criteria must be observed unless otherwise approved by the Director.
- a. No more than 25% of any one genus may be included in any replanting plan.
 - b. A minimum of 40% of the required tree density on a site is recommended to be met through overstory tree planting.
 - c. Greater than 50% of the trees shall be natives.
- B. Buffer Requirements.
1. A lot zoned or used for a rental dwelling, office, institutional, commercial, industrial uses or occupied by a non 'For-Sale' residential use shall provide a fifty foot wide undisturbed buffer along all property lines adjoining property zoned for or used by 'For-Sale' residential purposes. Where commercial or industrial districts or developments abut R-10M zoning districts, the same buffer requirements apply. The buffer shall be in addition to the required building setback line.
 - a. When a new, 'For-Sale' development is proposed adjacent to an existing, non-residential use with no buffer present, the 50' buffer must be provided by the residential development.
 - b. If a 50' buffer has been provided on the property adjacent to a proposed, non-residential development, the buffer requirement may be waived with the approval of the Director.
 2. Except as otherwise provided, herein, buffer strips shall be preserved in their natural undisturbed state, except that sparsely planted buffers shall be enhanced with additional plant material. Enhancement plants must provide an opaque screen within two (2) years of planting and must consist of trees, shrubs, and groundcover plants meeting the following standards:
 - a. Plant selection will consist of eighty (80) percent evergreen species and twenty (20) percent deciduous species;
 - b. Deciduous trees must be a minimum of 2 inch caliper at time of installation;
 - c. Evergreen trees must be a minimum of 9 feet tall at time of installation;
 - d. Shrubs must be a minimum of 3 feet tall at time of installation;
 - e. Plants will be spaced a maximum of eight (8) feet on center or as approved by the Director;
 - f. Plantings shall be designed with plant palette containing a mixture of colors, textures, and heights.
 3. Undisturbed buffers shall not contain any surface parking or storm water, detention facilities, or any structures except that the Director may approve underground facilities within the buffer or the crossing of the buffer for the purpose of extending utilities.
 4. The Director may approve vegetated runoff reduction measures within the buffer. The planting requirements above may be varied to accommodate vegetated runoff reduction measures as part of an approved stormwater management plan, if properly designed to provide stormwater management and screening functions.

5. Stream buffers must be replanted where disturbed for approved access and utility crossing. Replacement plantings must be native and be arranged to have a natural appearance.
6. All buffer plantings are subject to the approval of the Director.

C. Parking Lot Landscaping.

1. Surface parking lots shall provide a minimum 200 square foot wide landscape island at the end of each parking bay, and a 200 square foot island located each 72 feet of single parking length. Each landscape island shall be planted with one shade tree. Islands shall be excavated to 3 feet deep or to a depth 6 inches greater than the height of the root ball and backfilled with a minimum of 600 cubic feet of friable soil. Islands that are 400 square feet or larger and corner islands shall be planted with a large overstory tree. Parking lot trees must be 2" caliper minimum at time of planting and have a clear trunk to a minimum height of 6 feet. The remainder of a landscape island shall be planted with shrubs, ornamental grasses, and ground covers; and mulch shall be applied. Turf grass will not be accepted. Utilities and lighting shall not be allowed within required parking lot landscape islands.
2. Alternate landscape configurations may be approved if the Director determines that the alternate design exceeds the standards above and/or is part of a smart stormwater design for the site that includes multi-functional, vegetated runoff reduction measures. An alternate configuration could also include a stormwater component or the preservation and enhancement of existing trees which are provided above and beyond other tree preservation requirements; which are deemed of community value by the Director; and shall result in a minimum of 50% parking lot canopy coverage within 15 years.
3. The required tree area shall be protected against compaction and shall provide sufficient area for tree growth. Utilities are not allowed within the minimum area. The trees shall be maintained in accordance with best management practices as defined by the International Society of Arboriculture guidelines, and shall not be removed or pruned without permission from the City Arborists.
4. Shrubs shall be provided to screen paved areas and parking lots from the public right-of-way, private drives and adjacent property year round. Shrubs shall be 2 feet tall at time of planting, 2 rows deep and shall provide a screen within 3 years of planting. Alternate screening methods such as fencing may be approved by the Director.

D. Landscape Strips.

1. The City wants to promote tree lined streets therefore, a minimum of ten (10) feet wide landscape strip shall be provided along all public right-of-ways and private roads. Main streets which are listed below shall have twenty (20) foot landscape strips, except those located within the Downtown Overlay District. which shall have ten (10) feet wide landscape strips or landscaping as approved by the Director.

MAIN STREETS:

Highway 9

Mansell Road

Windward Parkway

Northpoint Parkway

Westside Parkway

Old Milton Parkway

Haynes Bridge Road

Kimball Bridge Road

2. No permanent structures other than signage are permitted within the landscape strip. This includes pavement, retaining walls, drainage structures, detention ponds, flumes, curbing, etc. unless approved by the Director.
 - a. Retaining walls built with decorative masonry and designed as a landscape feature may be located within the landscape strip subject to approval by the Director. All required plantings must be installed so as not to interfere with the structural integrity of the wall.
 3. Actual spacing of street trees is based on the average canopy spread of the species selected as outlined in the Arborist Guidance document. If the spacing of shade trees exceeds 25 feet on center understory trees shall be required to fill in the gaps between each shade tree. Spacing of shade trees shall not exceed 40 feet on center. Shade trees shall be a minimum 4" caliper; ornamental trees shall be a minimum 3" caliper. The use of a combination of shade trees and ornamental trees is recommended.
 4. For commercial development and for master plan subdivisions, a minimum of five (5) foot landscape strip shall be provided along all property lines which do not adjoin a public right-of-way or private road. One (1) shade tree, minimum 4" caliper, shall be provided for every fifty (50) linear feet of landscape strip. For master plan subdivisions, this requirement is only required along the external property line of the overall project.
 5. Shrubs shall be provided in all landscape strips. Shrubs shall be a minimum of 2 feet tall at time of planting. Shrubs located in landscape strips may be used to meet the parking lot screening requirement.
- E. Additional screening shall be provided around all utility areas, detention facilities, dumpster/refuse areas, drive through areas, loading and unloading zones, etc. to screen views from the public right-of-way, private roads, drives, and adjacent properties year round. Screening shall be provided in any combination of the standards below or as approved by the Director.
1. Plant selection will consist of eighty (80) percent evergreen species and twenty (20) percent deciduous species;
 2. Deciduous trees must be a minimum of 2 inch caliper at time of installation;
 3. Evergreen trees must be a minimum of 6 foot tall at time of installation;
 4. Shrubs must be a minimum of 4 foot tall at time of installation;
 5. Screening for detention facilities must incorporate an alternating double row of evergreen shrubs 4 foot tall at time of planting.
 6. A combination of decorative walls, fences, and landscape material may be used with the approval of the Director.
- F. Lighting Fixtures shall be arranged so that the source of any light is screened from residential views and located as to not interfere with the tree canopy at time of planting or in the future.
- G. All required landscape areas shall be provided with a minimum of 1 water spigot or other water source within 150 feet.
- H. A bond shall be required for a minimum of 18 months to ensure the maintenance and irrigation of the landscaping materials.
- I. All landscape plans and tree planting plans for non "For Sale" residential properties shall be prepared as a to-scale map or a site plan prepared and sealed by a Registered Landscape Architect in the State of Georgia. Tree only plans may be prepared by a Qualified Professional.
- J. Outdoor Dining Areas. At-grade outdoor dining areas shall include perimeter landscaping and decorative detectable barriers in order to define the area. Detectable barriers shall include decorative planters, low walls or other improvement approved by the Community Development Director. Uncovered outdoor dining areas shall include one (1) shade tree per 750 square feet.

([Ord. No. 739](#), 5-1-2017)

3.2.9 Tree Protection and Conservation Standards.

Prior to commencement of any grading, construction, or tree removal authorized through the issuance of a land disturbance permit and continuing until a final subdivision plat has been recorded or a certificate of occupancy has been issued, the following system shall be used:

- A. A tree protection area shall be required for any tree located within 30 feet of any proposed grading, construction or tree removal; and shall be established by physical barriers and maintained until such work is complete.
- B. Location and Types of Tree Protection Devices.
 - 1. Tree protection devices are to be installed as shown on the plan or otherwise completely surrounding the Critical Root Zone of all trees to be preserved.
 - 2. The plan shall indicate which types of tree protection are to be installed and where they are to be installed. The types identified on the plan shall be consistent with the City's Tree Protection Details, available in the Arborist Guidance Document.
 - 3. The locations of all tree protection devices will be verified by the City prior to the issuance of the construction permit for clearing and/or grading.
 - 4. Once Protected Zones are established and approved, any changes are subject to Development and Inspections Department review.
- C. Tree Protection measures are to be installed as shown on the City's Tree Protection Details, available in the Arborist Guidance Document.
- D. Sequence of Installation and Removal. All tree protection devices shall be installed prior to any land disturbance permit authorizing tree removal. Community Development Department must inspect the installation of tree protection and erosion and sedimentation control devices prior to the issuance of the land disturbance permit. Tree protection must remain in functioning condition until the certificate of occupancy is issued.
- E. The cleaning of equipment, storage of materials or dirt, disposal of waste materials such as paint, oil, solvents or other harmful substances, or any other such act which may be harmful to the continued vitality of the tree(s) within the tree protection area, is prohibited.

([Ord. No. 739](#), 5-1-2017)

3.2.10 Tree damage.

Any tree designated in the plan to be saved, Including Trees of Quality and Tree Groupings, that is damaged during construction or grading, or as a result of such activities, shall be treated according to accepted International Society of Arboriculture Standards, or replaced with a tree(s) equal to the DBH of the tree removed. However, any Specimen Tree damaged as described above shall be replaced with a tree(s) eight (8) times the DBH of the tree removed with a minimum four-inch (4") tree Caliper. In the event that a damaged specimen tree must be removed, the location occupied by the tree's Critical Root Zone must remain in a pervious state with no structures or buildings placed in this area and violations shall be subject to the applicable penalties as described herein. Any specimen tree damaged on "For-Sale" residential lots as the result of failure to receive tree removal approval for non-construction tree removal or as a result of failure to protect a specimen tree during non-construction tree removal will result in up to three (3) times recompense.

([Ord. No. 739](#), 5-1-2017)

3.2.11 Tree survey inspection.

Following the receipt of the completed tree removal application and supporting data, the Director shall schedule and conduct an inspection of the proposed development site. Following inspection, the Director shall advise the applicant of any recommended changes in the applicant's proposed tree removal, protection or replanting plans necessary to make the plans comply with the provisions of this Ordinance.

([Ord. No. 739](#), 5-1-2017)

3.2.12 Tree removal applications, approval and expiration.

- A. The Director shall review all applications and supporting data and take one (1) of the following actions: approve, approve with conditions or disapprove. Applications, which meet the requirements of this Ordinance, shall be approved.
- B. Development Activity will not be authorized until such time as appropriate Land Disturbance Permits have been issued and approval granted.
- C. Tree removal and replacement shall begin no later than one hundred eighty (180) days after issuance of the permit and shall be completed no later than two (2) years after the issuance of the permit. Except as provided in these regulations authorizing certain cut and fill activities. The Director may refuse to issue any permit for tree removal until the submission of all development plans and receipt of other evidence satisfactory to the Director that there is a reasonable certainty that the Development is imminent.

([Ord. No. 739](#), 5-1-2017)

3.2.13 Tree removal and landscaping compliance inspection.

- A. Following the issuance of a Land Disturbance Permit for the development site, the Director shall from time to time inspect the site for the purpose of certifying compliance with the requirements of the tree removal. In the event of non-compliance, the Director may revoke or modify any City permit pertaining to the Development Activity for which the Land Disturbance Permit has been issued. No certificate of occupancy shall be issued until actual compliance is obtained.
- B. If any required Land Disturbance Permit conditions have not been met within the time specified in the Land Disturbance Permit, and provided the Director has not granted a written extension, the City may use the cash or bond proceeds to insure that these conditions are met. The bond will have an expiration date no longer than one (1) year, and the proceeds will go to the City of Alpharetta Tree Replacement Fund.
- C. After development is complete, the Director shall continue to make random inspections to insure that required trees and landscaping are maintained. Replacement shall be required or bond/letter of credit posted within thirty (30) days of notice by the Director should any of the tree(s) or landscaping die, be removed or be destroyed.
- D. Notwithstanding any other provision of this Ordinance to the contrary, a home builder's responsibility to replace a newly planted tree or trees shall terminate upon the issuance of a certificate of occupancy or at the end of the maintenance bond time frame, whichever is longer, provided that an inspection conducted immediately prior to the issuance of the certificate of occupancy confirms that the replanted tree or trees were planted properly as established in the ISA (International Society of Arboriculture) standards, and are healthy and free of pests and disease. Nothing in this Ordinance shall be deemed to eliminate any other obligation the homebuilder may have pursuant to any private agreement between the homebuilder and homeowner, or any restrictive covenants that are applicable to the property.

([Ord. No. 739](#), 5-1-2017)

3.2.14 Permit fee.

The fee for review of a request for permits shall be \$5.00. The fee for review of an application for a Land Disturbance Permit (which only applies to Development Activity and Grading Activity) shall be \$50.00 per acre and a maximum of \$500.00. These fees may be revised from time to time by resolution of the City Council, or delegated to the Director to be administratively established and revised from time to time.

([Ord. No. 739](#), 5-1-2017)

3.2.15 Enforcement, appeals and variances.

- A. Enforcement. All requests for permits and all applications for tree removal shall initially be submitted to and reviewed by the City Arborist. The City Arborist shall be responsible for recommending to the Director the approval or denial of applications for Land Disturbance Permits.
- B. Appeals.
 - 1. Requests for appeal of any administrative decision shall first be addressed to the Director.
 - 2. Written requests for appeal of any administrative decision are permitted and must be submitted to the Board of Zoning Appeals within ten (10) days after notice of such decision. Such written appeal shall be made in the form of a letter, which outlines the salient points upon which the appeal is based.
 - 3. The Board of Zoning Appeals shall schedule a hearing as soon as reasonably practicable to consider the appeal, and shall issue a written decision within thirty (30) days of the hearing.
 - 4. If the appeal concerns an administrative decision regarding Specimen Trees, Trees of Quality, Tree Groupings, or Boundary Trees it shall be the applicant's burden to demonstrate that reasonable alternatives have been considered in order to save said trees (as described herein). Documented evidence shall be filed by the applicant with the written request for appeal and shall include, but not be limited to the following:
 - a. Boundary survey showing topography, easements, creeks and other features of the property.
 - b. Two alternative development plans, which include the Specimen Tree(s), Trees of Quality, Groupings of Trees, or Boundary Trees.
 - c. An itemized estimate of additional costs associated with saving the trees.
- C. Variance.
 - 1. Written requests for a variance are permitted.
 - 2. The Director shall have the authority to grant variances not to exceed twenty percent (20%) of the minimum or maximum standards of this Ordinance.
 - 3. Variances that exceed twenty percent (20%) or variances that exceed the allowance of administrative variances shall be heard by the Board of Zoning Appeals.
 - 4. Variances can be granted only in the case of extreme hardship or unusual circumstance. The factors to be taken into consideration by the Board may include the following, but shall not be solely economic:
 - a. The ease with which the applicant can alter or revise the proposed development or improvement to accommodate existing trees.

- b. The economic hardship that would be imposed upon the applicant were the variance denied.
 - c. The heightened desirability of preserving tree cover in densely developed or densely populated areas.
 - d. The need for visual screening in transitional zones or relief from glare, blight, commercial or industrial unsightliness or any other visual affront.
 - e. Whether the continued presence of the tree or trees is likely to cause danger to a person or property.
 - f. Whether the topography of the area in which the tree is located is of such a nature to be damaging or injurious to trees.
 - g. Whether the removal of the trees is for the purpose of thinning a heavily wooded area where some trees will remain.
 - h. Whether tree removal would have an adverse impact upon existing biological and ecological systems.
 - i. Whether tree removal would affect noise pollution by increasing source noise levels to such a degree that a public nuisance may be anticipated or a violation of the noise control ordinance will occur.
 - j. Whether the general health and life expectancy of the tree or trees warrant the measures necessary to prolong the life of the trees based upon accepted ISA practices.
- D. Appeal from the Decisions of the Board of Appeals shall be by Writ of Certiorari to the Fulton Superior Court, and must be filed within thirty (30) days of the date of the Board's decision.

([Ord. No. 739](#), 5-1-2017)

3.2.16 Natural Resources Commission.

The Mayor and each City Council member shall appoint one (1) member to a seven (7) member Natural Resources Commission.

- A. The Natural Resources Commission shall give advice to the Council based on an annual re-evaluation of experience under the Ordinance, provide leadership in the development of understanding of the objectives and methods of the tree program, and assist the Director in the development and maintenance of technical specifications and guidelines. In addition, the natural Resources Commission primary objectives shall be:
 - 1. To promote the benefits of maintaining a healthy tree canopy for the City of Alpharetta;
 - 2. To provide educational outreach activities for the purpose of informing the community about resource conservation, protection of the environment, and the maintenance of the city's natural amenities, in particular its trees;
 - 3. To plan and organize Arbor Day and facilitate other events, activities, meetings and projects that support environmental awareness and education;
 - 4. To encourage Alpharetta's citizens to take greater responsibility for improving their community through litter prevention, waste reduction, recycling, tree plantings and other, similar means.
 - 5. To oversee the following:
 - a. Alpharetta's Tree Conservation, Landscape, and Buffer Ordinance.
 - b. Tree City USA designation.
 - c. Keep America Beautiful affiliation.

- B. The Natural Resources Commission shall assist the Arborist in producing and maintaining the Arborist Guidance Document, including the a list of proposed changes to the kinds and species of trees described in the Tree Planting List. Any such changes may be adopted and may be changed from time to time.
- C. The Natural Resources Commission shall enlist technical advisors in the fields of land development, landscape architecture and horticulture or related professions.
- D. The Natural Resources Commission shall have the power and authority to maintain the Tree City USA and Keep America Beautiful (KAB) certifications by:
 - 1. Strengthening environmental outreach opportunities associated with the Tree City USA and KAB organizations by promoting community participation and acting as an advocate of tree and environmental conservation efforts;
 - 2. Supporting the City's efforts through public/private partnerships;
 - 3. Making recommendations for the enhancement of public outreach and education programs concerning environmental and tree related issues;
 - 4. Developing and implementing a sustainable program for their environmental accomplishments; and
 - 5. Providing regular updates to City Council regarding Natural Resources Commission activities.

([Ord. No. 739](#), 5-1-2017)

3.2.17 Penalties.

Any person, firm, corporation, limited liability company, Responsible Party, or other entity found guilty of violating or knowingly assisting in the commission of a violation of this Section shall be subject to the penalties specified herein. Each day any violation of any provision of this Section shall occur and each day any violation shall continue shall constitute a separate offense of this Section.

- A. A violation of this Section shall constitute a misdemeanor punishable by a fine of up to one thousand dollars per incident. Replacement plantings shall also be required. Penalties and fines, including replacement plantings must be satisfied within the timeline stated on the violation and/or stop work order. Appeals can be filed with the Board of Zoning Appeals.
- B. In the event that a Specimen Tree is damaged or removed in violation of this Section on non "For-Sale" residential property or as part of a construction project, violators shall be subject to replace Specimen Trees with trees having a total density equal to eight (8) times the unit value of the tree removed with a minimum four-inch (4") tree caliper. Furthermore, the location and extent of the tree's Critical Root Zone shall permanently remain in a pervious state with no structures or buildings placed on it. In the event that a Specimen Tree is damaged or removed in violation of this Section on a "For-Sale" residential property not in conjunction with a construction project, violators shall be subject to replace Specimen Trees with trees having a total density up to three (3) times the unit value of the tree removed. The city shall take into consideration the amount of trees that can be reasonably placed on the property in violation. If the DBH of the removed tree cannot be determined the measurement shall be taken at the upper most portion of the remaining stump.
- C. In the event that a non-specimen tree, including Trees of Quality and Tree Groupings, is damaged or removed in violation of this Section, violators shall be subject to replacement plantings equal to one (1) times the DBH of the tree removed with a minimum two inch (2") caliper trees. If the DBH of the removed tree cannot be determined the measurement shall be taken as stated in Section 3.2.17.B.

- D. In addition to A. and B., upon notice from the Director, work on any development that is being done contrary to the provisions of this Section shall immediately cease. The stop-work notice shall be in writing and shall go to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. When an emergency exists, the Director shall not be required to give written notice prior to stopping the work. Further, in the event that work on any development is being done contrary to the provisions of this Section, the Director may revoke any permit pertaining to the development activity for which the Land Disturbance Permit has been issued and may refuse to issue any further permit until, at the discretion of the Director, the work on the development is brought into compliance with the provisions of this Section.

([Ord. No. 739](#), 5-1-2017)

Footnotes:

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Editor's note— [Ord. No. 739](#), adopted May 1, 2017, amended Section 3.2 in its entirety to read as herein set out. Former Section 3.2, Subsections 3.2.1—3.2.19, pertained to tree protection, and derived from the original codification.

SECTION 4.4 - DEVELOPMENT PERMITTING AND CONSTRUCTION

No development activity shall commence or proceed except in accordance with the provisions of this Ordinance.

4.4.1 Plan approval.

Any person seeking development activity on land within the City shall first submit to the Director such plans, plats, or construction drawings as may be required by this Ordinance and approved by the Director prior to the initiation of development activities. Approval of plans by City or its authorized agents shall not imply nor transfer acceptance of responsibility for the application of the principles of engineering, architecture, landscape architecture, or any other profession, from the professional corporation or individual under whose hand or supervision the plans were prepared and sealed.

No land disturbance permit shall be interpreted to relieve any owner of the responsibility of maintaining full compliance with all codes, ordinances, and other regulations of the City. Any land disturbance permit issued in error or in contradiction to the provisions of this Ordinance shall be considered to have been null and void upon its issuance.

4.4.2 Preliminary development approval.

A. *Pre-Application Review.* Any person seeking development activity approval is encouraged to schedule a Pre-Application Review with the Community Development Department Staff.

The review would include preliminary documents and graphic exhibits of the proposed development activity application.

The purpose of the review is to expedite applications and reduce application design and development costs.

B. *Preliminary Plat*, (Applies to Residential and Non-Residential Subdivisions which are not included as a part of an approved master plan).

1. *Procedure for approval:*

- a. Application for preliminary plat approval shall be submitted to the Community Development Department. The application shall include:
 - (1) The application in the form furnished by the Community Development Department.
 - (2) Two (2) copies of the preliminary plat showing the entire ownership drawn to the preliminary subdivision plat specifications of this Ordinance.
 - (3) Payment of all preliminary plat application and review fees.
- b. The application forms, fees, and filing deadlines shall be published and made available to the public. The Community Development Department shall review the application for completeness. Incomplete applications will be returned to the owner.
- c. Ten (10) days following the application deadline, the Community Development Department shall indicate on a preliminary subdivision plat or in a written memorandum all comments related to compliance with this Ordinance and conditions of zoning approval. Subject to any action of the City Council, the Director shall have sole authority to determine the applicability of any provisions of this Ordinance.
- d. The owner shall be responsible for all of the comments of the Community Development Department prior to the resubmission of the revised preliminary plat application.
- e. The revised preliminary plat shall be submitted to the Community Development Department.

- f. The Community Development Department may not approve any preliminary plat whereon is shown a lot that would present particularly unusual difficulties for construction, including a building that would clearly require a variance to be reasonably usable whether due to the presence of floodplain, unusual configuration, zoning compliance, lack of public utilities, or for any other reason.
 - g. The owner shall be responsible for compliance with all codes, regulations, and zoning requirements, and for the satisfaction of all the noted and written comments of the Community Development Department.
 - h. When the Community Development Department has determined that the preliminary plat is in compliance with this Ordinance and any conditions of zoning the Director shall sign and date a copy of the plat.
 - i. The preliminary plat approval shall remain in effect for a period of one (1) year, after which time it shall become null and void and a new review may be required if no permit has been issued and development activity begun.
2. *Standards for Approval.* The Preliminary Plat shall be clear and legible at a scale of not greater than one hundred (100) feet to one (1) inch. The recommended maximum dimensions of the sheet size is 24 inches by 36 inches and the minimum dimensions of 17 inches by 22 inches; however, the Director may approve other sheet sizes and scales as appropriate.

The proposed name of the subdivision and proposed street names shall not duplicate or too closely approximate, phonetically, the name of any other subdivision or street in the City of Fulton County. If shown to the contrary, the Director may refuse to accept such subdivision and street names. The subdivision may use letter designations in place of street names on the Preliminary Plat.

Names having historic significance to the City by virtue of their association to events, individuals, local industries, or natural features should be used to the greatest extent possible.

3. *Preliminary Plat shall include:*
- a. Proposed project name.
 - b. Project design and layout including total acreage, proposed use, proposed number of lots, minimum lot size, proposed density and other relevant zoning conditions and regulations in tabular form.
4. *Evidence of preliminary subdivision plat approval.* Each preliminary subdivision plat shall carry the following certificates printed or stamped on the plat:
- a. Approval from the Fulton County Development Services Department for appropriate utilities.
 - b. Preliminary Surveyor's Certificate.

I hereby certify that this proposed preliminary plat correctly represents data compiled or verified through a survey completed by me on _____, 19_____, of property shown and described hereon.

By: _____

Registered Land Surveyor's No. _____

Date: _____

- c. Preliminary subdivision plat approval.

All requirements of the Alpharetta Unified Development Regulations relative to the preparation and submittal of a preliminary plat having been fulfilled, approval of this plat is hereby granted, subject to further provisions of said Ordinance.

Community Development Department

Date: _____

This preliminary plat approval shall expire twelve (12) months from the date of approval provided a Land Disturbance Permit is not issued.

([Ord. No. 718](#), §§ 21, 22, 12-14-2015)

4.4.3 Land disturbance permit.

- A. *Development Activities Authorized.* Persons seeking to perform development activity on land within the City shall not commence or proceed until civil construction drawings are submitted and approved in accordance with this Ordinance.

A Land Disturbance Permit shall be issued to authorize all activities associated with development activity, including, but not limited to, clearing and grubbing, grading, and the construction of such improvements as streets, surface parking areas and drives, sewer systems, domestic water systems, storm water drainage facilities, sidewalks, or other structures permanently placed on or in the property except for buildings or other structures requiring the issuance of a building permit. Utility projects which are reviewed and approved by other agencies, such as Fulton County, must obtain a Land Disturbance Permit from the City of Alpharetta.

- B. *Process for Approval.* The Community Development Department shall be responsible for the coordination and approval of all land disturbance permit applications. For subdivisions, application for the issuance of a land disturbance permit may proceed after approval of the preliminary plat.
1. Application for a land disturbance permit shall be made to the Community Development Department. The application shall include:
 - a. Application in the form furnished by the Community Development Department, requesting review for issuance of a land disturbance permit.
 - b. City checklists with sheet number and/or note number annotated next to each checklist item.
 - c. Five (5) copies of the civil design and construction drawings prepared in conformance with the specifications in this Ordinance.
 - d. Payment of permit application and review fee.
 2. The application forms, fees, and schedule for application processing shall be revised from time-to-time by the Director.
 3. The owner may be required to secure development approval from Fulton County, the State of Georgia, and Federal Review Agencies. Development approval may be required from, but not limited to:
 - a. Fulton County Development Services Department;
 - b. Fulton County Health Department;
 - c. U.S. Army Corps of Engineers;
 - d. U.S. Environmental Protection Agency;
 - e. Georgia Department of Natural Resources.

4. Complete applications received by the application deadline shall be distributed to the City Engineering Department, City Fire Marshall, City Arborist, City Public Works Department, and other City departments deemed appropriate by the Director for review.
5. Ten (10) days following the application deadline, the Community Development Department shall indicate in a written memorandum all comments related to compliance of the civil construction drawings with this Ordinance, conditions of zoning approval, and the regulations of other departments and state agencies, as appropriate. The Director shall forward to the owner's representative all review comments.
6. The owner shall be responsible for compliance with all codes, regulations, and zoning requirements, and for the satisfaction of all of the comments of the Community Development Department. The owner's representative shall review the comments with the appropriate department. Once each department is satisfied that the civil design and construction drawings are in compliance with this Ordinance, each department will sign and date the route sheet, and the approved plans.
7. The owner shall pay the development fee (Land Disturbance Permit Fee), and provide the required performance bonds prior to plan approval. The required performance bonds include the Erosion Control Bond, the Tree Bond and the Existing Roads Improvement Bond.

The Erosion Control Bond shall be calculated at \$3,000.00 per disturbed acre.

The Tree Bond shall be calculated at \$500.00 per tree for every required tree planting within a 25' interior radius of the site perimeter.

The Existing Roads Improvement Bond is calculated at 100% of the cost of any improvements to existing roads.

The amounts of the aforementioned Land Disturbance Permit Fee and performance bonds are determined by the Director of the Community Development Department and may be revised from time to time at his or her discretion.

The release of any performance bond is contingent upon the performance of bonded work and the completion of a satisfactory inspection of said work by the Community Development Department. Should the ownership of any bonded work be altered during the duration of any bond, it shall be the responsibility of the owner specified in the original bond paperwork to ensure that proper sureties be continued irrespective of original ownership.

8. The applicant for land disturbance permit must complete the City's "Fundamentals of Erosion and Sedimentation Control" course prior to receiving a permit. The onsite superintendent of the job must possess a valid certificate of course completion. City of Alpharetta erosion control officers may request the onsite superintendent show the course verification card at any time deemed necessary. If the superintendent does not possess a valid certificate of completion, a Stop Work Order will be issued until an onsite superintendent attends the course.
9. Any person who receives an erosion control violation will be required to attend the "Fundamentals of Erosion and Sedimentation Control" course for a second time. If after completing the course, the person receives another violation, no further land disturbance permits will be issued. The person may appeal by requesting to be placed on the City of Alpharetta Council agenda and appear before City of Alpharetta Council at the regular scheduled meeting to request additional permits.
10. Following the approval by all appropriate City Departments, the Director shall issue a soil erosion control and sedimentation permit authorizing the placement of erosion control and tree protection devices based on the approved civil design and construction drawings.
11. The owner shall request a site soil erosion control inspection from the Engineering Department. Upon site approval, the Land Disturbance Permit will be issued.

C. *Expiration of Land Disturbance Permit.*

1. If the development activity described in any land disturbance permit has not substantially begun within 12 months from the date of the construction plans approval said permit shall expire and be null and void. One 12-month extension may be granted with a written request to the Director, prior to the permit expiration date.
2. If for any reason a land disturbance permit expires after development activities have commenced, the owner shall be responsible for stabilizing the site for erosion control, under the direction of the City Engineer.
3. Any land disturbance permit that has expired may be required, by the Director, to apply for a new land disturbance permit as outlined in the land disturbance permit approval process of this Ordinance.

([Ord. No. 681, § 1, 10-7-2013](#); [Ord. No. 718](#), § 23, 12-14-2015)

4.4.4 Required drawings.

The site construction plans shall be clear and legible; and shall include but not be limited to the following:

- A. Site Plan.
- B. Grading Plan.
- C. Erosion and Sedimentation Control Plan.
- D. Storm Water Management Plan.
- E. Street Improvement Plan and Profile.
- F. Landscape/Tree Removal Plan.
- G. Tree Survey Plan and Inventory.
- H. Domestic Water Plan.
- I. Floodplain Management Plan.
- J. Standard Drawings and Construction Specifications.

4.4.5 Building permit.

- A. *Plan Approval.* Any owner, authorized agent, or prime contractor who desires to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, plumbing, low voltage, energy conservation, or fire protection system, the installation of which is regulated by this Code, including the Georgia State Minimum Standard Codes, or to cause any such work to be done, shall first make application to the Building Division and obtain a permit for the work being done.

Exception No. 1: Permits shall not be required for the following mechanical work:

1. Any portable-heating appliances, ventilation equipment, cooling units, or evaporative coolers.
2. Any steam, hot, chilled water piping within heating and cooling equipment regulated by this Code.
3. Replacement of any part which does not alter its approval or make it unsafe.
4. Any self-contained refrigeration system containing 10 lb. or less of refrigerant and actuated by motors of one horsepower or less.

Exception No. 2:

1. Retaining walls which do not exceed 4 feet in vertical height, as measured from the low side exposed toe of the wall to the top of the wall at any point.
2. Residential storage buildings less than 100 square feet in floor area without electrical, mechanical, or plumbing systems.
3. Play or tree houses less than 50 square feet in floor area without electrical, mechanical, or plumbing systems.
4. Fences which do not exceed 10 feet in vertical height and which do not extend into front yards or side yards which border onto public streets.
5. Basketball goals which are stand-alone and not part of a basketball court.
6. Driveways and parking areas for one and two family dwellings or townhouses, except that no curb cuts leading into a public right-of-way shall be made without City Engineering Department written approval on any property.
7. Roof covering replacements not involving any structure modifications.
8. Decorative water features not intended for human use containing water less than 24 inches in depth or which do not have water filtering equipment that require waste water disposal.

Although structures listed in Exception No. 2 are exempt from requiring a permit, listed structures shall meet the requirements of all other applicable codes, ordinances, and regulations governing same.

Ordinary minor repairs under \$500.00 in total labor and materials cost may be made without a permit providing these minor repairs shall not violate any Code. Examples of minor repairs shall include but not be limited to: exterior painting, installation of a window, air conditioning unit, replacement of windows, and installation of gutters.

- B. *Building Permit Expiration.* Plans and specifications for projects reviewed by the City Building and Fire Departments shall be permitted within six (6) months of the final review and approval date of such plans and specifications to be valid for obtaining a building permit or the project shall be deemed to have been abandoned.

Permits shall expire six (6) months from the date of issue if the permittee fails to request and pass a required first inspection, whether or not construction has been initiated.

Permits shall also expire if the permittee fails to request and pass a required inspection during any six (6) month period after any previous required inspection has been passed.

The Building Official is authorized to grant no more than two (2) permit extensions, not to exceed ninety (90) days each, during which time the permittee shall request and pass a required inspection. Requests for extension shall be made prior to permit expiration, shall be in writing, and shall show justifiable cause.

- C. *Procedure for Processing.* The Director shall be responsible for administering and enforcing the City building codes, as well as coordinating building plan review with the City Fire Marshall.

1. Prior to issuance of a building permit, the owner shall have received tree protection and soil erosion, and sedimentation control approval as required in this Ordinance.
2. Application for a building permit shall be made to the Building Division. The application shall include:
 - a. Application in the form furnished by the Building Division requesting plan review for issuance of a building permit.
 - b. Land disturbance permit or recorded Final Plat.
 - c. One (1) set of the building plans (three [3] sets for non-residential projects) prepared in conformance with this Ordinance and the applicable City building codes.

- d. Fulton County Development Services Department approval for on-site sewage disposal and pretreatment systems and, Fulton County Health Department for on-site food service.
 - e. City business license for all contractors and builders.
 - f. Payment of all building permit application and review fees.
 - g. Payment of all water and sewer permit fees.
 - h. Payment of all impact fees.
- 3. All applications for building permits shall be accompanied by a site plan drawn to scale (minimum 1" = 30'), showing the actual dimensions of the lot to be built upon, the right-of-way of the existing street address, the dimensions of the building to be erected, the location of the building on the lot, the number of dwelling units the building is designed to accommodate (if for a residential structure), the building setback lines, lot and block number the location of all easements, buffers, floodplains, retaining walls and other such information as may be essential for determining whether the provisions of all City Ordinances are being observed.
 - 4. Residential Building Plan Requirements: Refer to the Residential Permitting Procedures.
 - 5. Commercial Building Plan Requirements: Refer to the Commercial Permitting Procedures.
 - 6. For any structure served by an on-site sewage disposal system, a permit issued by the Fulton County Development Services Department shall be required prior to the issuance of a building permit.
- D. *Plan Review.* Each project shall include a Plan Review Submittal form, as furnished by the Department. Applicants are required to supply all information requested on this form in order to have their plans logged into the City review system.

If plans are such that no comment is required, they shall be stamped "Approved as Submitted". If plans are such that only minor "red line" comment is required, they shall be stamped "Approved as Noted" by both the City Building Official and the Fire Marshall, and the designated contact will be notified that the plans are ready for permit issue. It shall be the responsibility of the owner's designated contact person to notify all parties concerned of the plan review comments and to coordinate all responses regarding resubmission of corrected plans for final plan review.

After permitting, one set of plans with the original City signature approvals shall be placed on the job site and shall remain there throughout construction for inspector's reference during scheduled inspections.

- 1. Industrialized Buildings, as defined in O.C.G.A. 110-2, includes such buildings as site construction offices, real estate sales offices, temporary classrooms, and other such similar structures designed for habitable use on a site, usually for a limited time period. Such buildings shall be hereinafter referred to as "portables", whether or not installed on a temporary or permanent foundation or for temporary or permanent use.
- 2. Tool and storage trailers that are properly and currently licensed and apportioned for over-the-road use by Georgia and other states PSC/DOT authority, are not considered as portables for applicability of site or building plans required.
- 3. Two (2) sets of dimensioned site plans, drawn to a legible scale, and two (2) legible copies of the portable manufacturer's approved foundation installation plan and floor plan for the portable to be installed are required to be submitted to the City Building Division for building and zoning compliance review and permit issue prior to moving any portable on site.
- 4. After City review, one site and foundation/floor plan set will be retained by the City for record and one set will be returned to the applicant and must be placed on site and in an accessible location for required inspections prior to use. Site plans shall be drawn to scale and shall show at least the location of the property lines, setback lines, street rights-of-way, easements, buffers existing and proposed site structures, location and size of the portable, and existing and proposed drive entrances and paved areas.

5. All portables, or tool or storage trailers, and their appurtenances shall be located as follows:
 - a. All sites—Portables shall not be located on any public or private street that may be used or openly accessed by the public.
 - b. Commercial/Industrial Sites—Portables or trailers located on commercial or industrial sites shall be located behind setback lines and within buildable areas, outside buffers or easements, and at least twenty feet (20') behind any right of way.
 - c. Residential Site Construction Offices—Portables located on residential lots and used for construction offices or storage of construction materials shall maintain a minimum ten foot (10') setback from property lines, except on corner lots where a minimum twenty foot (20') setback shall be maintained, and shall be located outside any buffer or easement, and at least twenty feet (20') behind any right of way line at road intersections.
 - d. Residential Site Sales Offices—Portables located on residential lots and used for real estate sales offices or other approved uses not directly related to construction shall be located within building setback lines and within buildable areas, outside buffers or easements, and at least twenty feet (20') within any right of way line at road intersections.
6. Temporary installation foundation plans shall show the location and size of the support piers and the location and required restraint ratings of the tie-downs.

Portables installed on permanent foundations shall have a site specific foundation plan designed for a portable and sealed by a Georgia registered architect or engineer. The manufacturer's drawings and specifications are acceptable provided that the necessary information is included.

- E. *Contractor Licenses.* It shall be the duty of every individual or firm doing electrical, gas, mechanical, plumbing, low voltage, utility or fire protection work either as prime, contractor, or subcontractor under contract with a prime contractor, builder, or other contractor, or land or home owner to have a proper City issued subcontractor permit for such work prior to commencing work.

All prime contractors, builders, or other contractors shall furnish written proof of his business license registration including number; expiration date, business street address, name of the owner or responsible party, and a business telephone contact number. Business license registration numbers shall be affixed to the building permit application by the applicant.

The subcontractor shall provide proof of a current business license registration. A current Georgia contractor's license, as issued by the Georgia State Construction Industry Licensing Board, for his respective trade. Both license numbers shall be affixed to the subcontractor permit application by the applicant.

All work performed by a land or home owner or his hired workmen shall meet the provisions of this Code.

A home owner, when building or performing work for his/her own personal one and two family dwelling will not be required to have a business license in order to obtain a City building permit.

- F. *Requirements not Covered by Code.* Any requirement necessary for the strength, stability, fire protection, or proper operation of an existing or proposed building, structure, or electrical, gas, mechanical, plumbing, energy conservation, or fire protection system, or for property protection, or life safety, health, or welfare, not specifically covered by this Code shall be determined by the Building Official and the Fire Marshall.

- G. *Temporary Toilet Facilities.*

1. Construction sites within the City shall be provided with temporary nonsewered toilet facilities for worker use during construction and shall remain in place until permanent access to toilets are provided onsite.

2. For residential 'For-Sale' dwellings, construction sites, one (1) nonsewered toilet shall be provided for up to four (4) work sites, provided all work sites being served are within two hundred feet (200') walking distance of the unit.
3. For commercial sites, and 'For-Rent' dwellings sites, the developer or prime contractor must obtain a Non-Sewered Toilet System (NSTS) permit from the Fulton County Health Department stipulating the minimum number of units required on the project.
4. Inspections will not be made without the required temporary nonsewered or permanent toilets being in place, as required.
5. The developer or prime contractor of a permitted construction site shall be responsible for providing and maintaining required temporary toilet facilities throughout the duration of construction.

H. *Structural Fill and Backfill.*

1. Materials used for structural fill under and directly adjacent to buildings, drives, and walks and for backfill behind foundation and retaining walls shall be unfrozen unsaturated natural soils, clean and free of organic matter, silt, large rocks or stones, or foreign matter and debris. Material used may be coarse gravel, crushed natural stone, or sand free of silt, loam, or soluble materials, or any combination of the above.
2. Structural fills and backfills shall not be placed on subgrades that contain frost, mud, or are frozen.
3. In lieu of specific written direction and supervision by a Georgia licensed architect or engineer, fills shall be placed and compacted in loose layers of 6"—12" thickness and shall be compacted using sheepsfoot rollers, pneumatic tire rollers, tamper rollers, vibrating tampers, or other compaction equipment suitable to obtain the required density throughout the entire layer being compacted.
4. Fills and backfills shall be installed systemically and as early as possible to allow for natural settlement and shall not place over wet, spongy, or porous subgrade materials.
5. Backfill shall be placed against supported foundation walls or backfill shall be placed simultaneously on each side of unsupported walls, until supports are in place.
6. The top or bottom of any cut or fill slope in excess of one foot vertical rise or fall to three foot of horizontal run (1:3) shall not be located any closer than two feet (2') horizontal measure from the edge of drives, walks, paved areas, or retaining walls top or toe of wall.
7. The two foot (2') area adjacent to drives, walks, paved areas, tops or toes of retaining walls shall be graded at a (+/-) 2% slope (1/4"/ft.) and where feasible shall slope away from paved surfaces and walls.

I. *Site Retaining Walls.*

1. Site retaining walls, whether attached or detached from buildings or not, which are over four feet (4') in height at any point along the wall, as measured from the exposed low side toe of the wall to the top of the wall, shall be constructed to City Standard Drawings, City approved Manufactured Systems Drawings, or must be professionally engineered by a Georgia licensed architect or engineer.
2. Retaining walls shall also show planned top of wall heights, as measured above, plus reasonable points of top of wall elevation changes.

J. *Site Wall Safety Barriers.*

1. Any portions of site retaining walls over six feet (6') in height must be provided with a continuous safety barrier mounted at or immediately adjacent to the top of the wall at reasonably accessible areas.

2. Safety barriers shall be of substantial construction for the intended prevention of access, must be at least three feet (3') in height, as measured from grade at the base of the barrier to the top of the barrier; and may be man-made or vegetative in nature.
3. When vegetative barriers are used, they shall be of substantial maturity and density, at the time of Final Building Inspection, to prevent reasonable access to the top of the wall.
4. Site retaining wall construction and safety barrier plan submittals shall include dimensioned drawings, with sufficient clarity, detail, and written explanatory notes to describe the nature of work to be done.

K. *Recreational Fire Pits.* Outdoor burning in recreational fire pits, grills or stoves is permitted subject to the provisions of this Section. All recreational fires shall be in a fire pit meeting the conditions of this Section. Fire pits shall have a diameter of no greater than three feet (3') or a burn area of no greater than seven (7) square feet. Fire pits must be at least twenty-five feet (25') from all structures and twenty-five feet (25') from property lines. Pits closer than twenty-five feet (25') from a property line shall require written approval from the affected neighboring property owner. Fires shall be for recreational or cooking purposes only. The burning of leaves, brush or other yard waste is expressly prohibited. A recreational fire pit shall be constantly attended by a competent adult of eighteen (18) years or older until such fire is extinguished. A garden hose connected to a water supply shall be readily available any time a fire is kindled in addition to any other fire extinguishing equipment that may be present. All fires must be extinguished prior to midnight. All fire pits shall be lined with non-combustible material such as brick, rock or metal. Fire pits shall not be built under low-hanging branches or other combustible materials.

L. Standards for Approval.

1. Building permits shall only be issued on buildable lots of record, as defined in this Ordinance.
2. City Building Codes:
 - a. The Code of The City of Alpharetta, Georgia.
 - b. 1994 Standard Building Code—Chapter 1 for Administration of Building and Technical Codes.
 - c. Georgia State Minimum Standard Building Code.
 - d. Georgia State Minimum Standard One and Two-Family Dwelling Code.
 - e. Georgia State Minimum Standard Electrical Code.
 - f. Georgia State Minimum Standard Plumbing Code.
 - g. Georgia State Minimum Standard Mechanical Code.
 - h. Georgia State Minimum Standard Gas Code.
 - i. Life Safety Code, NFPA 101, latest adopted issue.
 - j. Georgia State Minimum Standard Fire Prevention Code.
 - k. Georgia State Energy Code for Buildings.
 - l. Georgia State Accessibility Code and O.C.G.A. 30-3.
 - m. Georgia State Minimum Standard Swimming Pool Code.
 - n. Standard Existing Building Code.
 - o. Standard Unsafe Building Abatement Code.
 - p. Standard Amusement Device Code.

([Ord. No. 720](#), § 5, 2-22-2016)

4.4.6 Inspections and development activity completion.

- A. *Development Activity.* Following the issuance of the Soil and Erosion and Sedimentation Control Permit.
1. Required erosion and sedimentation control measures must be installed where practical by the owner and inspected and approved by the City Engineer. Areas required to be undisturbed by this Ordinance, conditions of zoning approval, or other ordinance or regulation shall be designated by an active tree protection fence or other appropriate markings and shall be inspected and approved by the City Engineer prior to the commencement of any clearing or grading activities. Additional sediment control measures will be installed if measures shown on plans do not provide sufficient erosion and sediment control.
- B. *Development Activity Inspections.* Requests for inspection shall be made by the owner's representative to the City Engineer at least 24 hours prior to commencement of development activity for each of the following phases as authorized by the land disturbance permit. Inspections shall be made and passed prior to continuation of further activity or proceeding into new phases. The phase inspections are as follows:
1. Erosion Control—Installation of erosion and sediment control and tree protection devices.
 2. Clearing and Grading—Installation of slope stakes shall be required. Upon completion of street grading, inspection, and approval shall be required prior to trenching or continuation with subgrade preparation.
 3. Installation of storm drainage pipe, detention, or other storm water facilities.
 4. Installation of on-site sewerage system or sanitary sewer and appurtenances. This notification shall be made simultaneously with official notification by the developer or contractor to the Fulton County Public Works Department and/or Fulton County Health Department, and, if for informational purposes only, to the City Engineer.
 5. Street Curbing and Gutter—Inspection should be requested before and after the forms or string-line have been set. Street width and vertical and horizontal alignment will be spot-checked.
 6. Sub-Base or Sub-Grade of Streets—After compaction, the sub-grade will be string-lined for depth and crown. The sub-grade shall be roll tested and shall pass, with no movement, to the satisfaction of the City Engineer.
 7. Street Base—The base will be string-lined for depth and crown and shall pass a roll test with no movement to the satisfaction of the City Engineer.
 8. Paving—The City Engineer shall be on site during the paving process to check consistency, depth, and workmanship, as applicable. For asphalt paving, the temperature of the material will be monitored and the street will be cored after completion to check thickness.
- C. *Building Inspections.* Inspections shall be scheduled with the Building Inspection Division. Requests for inspection shall include the street address, building permit number, and type of inspection. The building permit must be displayed on site and legible from the public street at all times.
1. *Posting of Permit.* Work requiring a permit shall not be started until the permittee or his agent, posts the building permit yard card in a conspicuous place at the front of the site where the permitted work is to be done. Cards shall be accessible and readable from the public right-of-way and located in such a position so as to permit City and other governing agency officials to conveniently view and make any required entries thereon.
- The permit holder is responsible for maintaining the permit yard card and all damaged, lost, or stolen permit yard cards must be replaced by the permittee before further inspections may be made.

Permit yard cards shall be maintained in position until all required final inspections have been approved and signed off on the yard card and the building, structure or system is ready for occupancy and use.

2. *Site Inspection Preparation.* No Inspections will be made by City building or fire inspectors on any construction site not having an accessible building permit yard card displayed and "effective" soil erosion control measures in place, per City Engineering Department requirements.

Site silt fences, gravel construction entrances, and other City Engineering Department required erosion control measures shall be constantly maintained in good condition that effectively contains all site erosion within the site limits and out of waterways, streets and paved walkways.

Required inspections will not be performed when the site is in need of erosion control repair and violates City soils erosion control laws. Inspectors will leave a Notice of Violation on the permit yard card for the permittee to contact the City Engineering Department for their inspection and direction for repair.

It is the responsibility of the permittee to obtain written erosion control violation release from the City Engineering Department. No further building inspections will be performed on the site without this written release.

3. *Inspections Not Required.* The City does not normally provide inspection of certain residential construction applications, such as foundation walls with less than eight feet (8') of unbalanced fill, damp-proofing, foundation wall draitile, backfill, exterior wall insulation, and roof covering.

Builders are charged by building code law and the conditions of permit with a responsibility of installing these components to code compliance.

If code violations are detected in any application not normally inspected by City officials or other governing authorities, the permittee shall immediately correct the violations noted and all corrections shall be inspected and approved by City building, fire, or other authorized inspectors prior to proceeding with any other construction.

No waiver letters, statements from builders, owners, architects, or professional engineers, nor "hold harmless" agreements or other similar warrants or releases shall be accepted by the City in lieu of required code violation corrections and full code compliance.

No further inspections will be made, nor shall any Certificate of Occupancy be issued for any work until any noted code violations are corrected and found to be in codes compliance by City officials.

4. *Required Building Inspections.* The Building Official, upon notification from the permittee, shall make the following building inspections and such other inspections as necessary to ascertain codes compliance and shall either release that portion of the construction found to be in compliance by signature at the appropriate section on the permit yard card or shall notify the permittee of any violations which must be corrected in order to comply with this Code, by issuing a Notice of Violation to the permittee.

- a. **FOOTING:** To be made after trenches are excavated and cleaned; forms erected and supported; required reinforcing is properly secured in place and supported; and before any concrete is placed.
- b. **SLAB-PREP:** To be made after footings have been placed (if applicable); underground Mechanical, Electrical, and Plumbing (MEP) systems have been City inspected, approved, and properly backfilled; under-pin areas are excavated and clean; forms are erected and supported; required reinforcing is in place and supported; rock base is in place at below grade slabs; vapor barrier is in place; and before any concrete is placed.

- c. **FOUNDATION (When required):** To be made after required wall reinforcement is in place and at least one side of concrete retaining wall forms are secured in place, wall cavities are cleaned, and second side forms are ready to be placed, or placed and safe access to form tops for inspection is provided, plan listed weep holes and piping sleeves are in place, and before any concrete is placed.

In the case of masonry walls—Block is erected and required wall reinforcing is in place and safe access is provided to wall top for cavity inspection, plan listed weep holes and piping sleeves are in place, and prior to any wall cavity grouting or fill.

In the case of wood foundation or other wood site walls—Timbers are in place and properly spiked together, tee style or other professionally designed style dead heads are in place and properly spiked together, weep holes and filtration cloth is in place, and before backfill is placed.

At all commercial or industrial sites or at a one or two family residential site builder's request, a second inspection of the building foundation walls, by City inspectors shall be required to verify proper placement of wall water proofing measures.

- d. **WALL/CEILING COVER (Commercial Only):** To be made after the roof or other effective overhead weather seal is complete; all framing, bracing, fire and draft stops and blocking are effectively in place; exterior walls and gabled ends are sheathed and doors and windows are installed to effectively weather protect the structure interior; mechanical, electrical, and plumbing rough-ins at the area to be inspected are complete and under required tests; fabricated fireplaces or other fuel burning appliances are installed with flues and vents stubbed clear to the next level or area to be inspected or through the roof and weather capped; and before any wall or ceiling cover has been placed, except that walls may be one side covered so as to not restrict safe and readily accessible full wall cavity view for inspection.
- e. **FRAMING (Residential Only):** To be made after roof is complete; all framing, bracing, fire stops and blocking are effectively in place; exterior walls and gabled ends are sheathed and doors and windows are installed to effectively weather protect a structure interior; mechanical, electrical, and plumbing rough-ins are complete and under required tests; pre-fabricated fireplace or other fuel burning appliances are installed with chimneys, flues, and vents through the roof and weather capped; or dedicated masonry fireplace openings are structurally independent and temporarily provide weather protection to interior spaces until masonry is completed; and before any insulation or wall or ceiling cover has been placed.
- f. **GEORGIA ENERGY CODE (GEC) COMPLIANCE:** To be made at various stages of construction, by direct reference to the GEC Compliance Report submitted at initial permit issue, as follows:
 - (1) **Residential Construction**—Exterior wall cavity insulation and sloped, vaulted, or flat ceiling or floor closed cavity insulation may be inspected after the Framing inspection and before any wall or ceiling cover is placed at these concealed areas. Exposed and visible insulation at attics, accessible concealed spaces, unheated crawl spaces, and basements will be inspected as part of the Final building inspection.
 - (2) **All Other Construction**—Interior and exterior wall and ceiling insulation, as listed on the building plans, may be inspected as part of the Wall/Ceiling Cover inspection provided that all wall or ceiling structural and MEP components may be viewed and properly inspected and verified from either or both sides of the wall or ceiling assembly, in the opinion of the inspector. If wall or ceiling construction cannot be properly inspected with the plan required insulation in place during the Wall/Ceiling Cover inspection, a separate insulation inspection shall be performed prior to covering these areas. Exposed and visible insulation at attics, accessible concealed spaces, unheated crawl spaces, and basements will be inspected as part of the Final building

inspection. General Energy Code Compliance Certificates and must be on file at the City Building Department, prior to issue of a Certificate of Occupancy.

- g. **BUILDING FINAL:** To be made after a building or structure is complete and ready for safe occupancy and use. Building, mechanical, electrical, and plumbing finals shall be made at the same time. Prior to requesting a building final inspection a permittee shall assure that all inspections and written approvals required prior to final inspections are signed off on the permit yard card.

All site work, walks, drives, paved areas, striping, handicap access routes, signage, landscaping, and other appurtenances or protectants listed on the plans for commercial work or as required by this Code or other laws for residential work, are completed, final inspected, and signed off on the permit yard card by the various other governing authorities listed and checked on the permit yard card and as required by State or County regulations.

- 5. *Mechanical, General.* The Building Official, upon notification from the permittee, shall make the following mechanical systems inspections and such other inspections as necessary and shall either release that portion of the construction by signature at the appropriate section on the permit yard card, or shall notify the permit holder, of any violations which must be corrected in order to comply with this Code, by issuing a Notice of Violation to the permittee.

- a. **SLAB PREP:** To be made after trenches or ditches are excavated, underground ducting, conduits and sleeves are installed and ready for test and before any backfill is put in place.
- b. **WALL/CEILING COVER (Commercial Only):** To be made with the wall/ceiling cover building inspection and after all mechanical equipment, ducting, duct insulation, piping, piping insulation, fire stops and fire dampers are installed, control wiring, or other concealed mechanical system components in the area to be inspected are in place, complete, supported properly, required pressure tests are applied, flues and vents are stubbed clear to the next level or area to be inspected or through the roof and weather capped; and before any wall/ceiling covers are installed.

Large or multiple floor buildings over 15,000 sq. ft. in total area may be inspected in stages and partially approved for the continuation of construction at the Building official's discretion.

- c. **ROUGH-IN (Residential Only):** To be made with the framing inspection and after all mechanical equipment, ducting, duct insulation, piping, piping insulation, fire stops, control wiring, or other concealed mechanical system components are in place, completed, supported properly, required pressure tests are applied, and flues and vents are stubbed through the roof and weather capped; and before any wall or ceiling covers are installed.
- d. **GAS LINE:** (To be made at various stages of construction, as follows)
 - (1) **Residential, Rough Piping Inspection:** To be made with the framing inspection and shall include all system piping from the point of delivery (gas meter) to within six feet (6') of and in the same room as all outlets or appliances that may be connected. A gas piping pressure test is required for this inspection.
 - (2) **Commercial, Rough Piping Inspection:** To be made with the wall/ceiling cover inspection and shall include all system piping from the point of delivery (gas meter) to within six feet (6') of and in the same room as all outlets or appliances that may be connected in the area to be inspected and shall include piping run stubouts to the next area to be inspected. A gas piping pressure test is required for this inspection.
- e. **METERS:** To be made after rough piping inspection and before the final inspection; when all mechanical equipment and other gas fired appliances and equipment and controls are in place and ready for safe test operation; venting, vent connectors, and flues are installed into final position and supported; piping runs are complete to the final appliance connector or union connection at the appliance or equipment; all gas shut off valves are in place and

in the "off" or closed position, with appliances or equipment disconnected; and the gas piping system is ready for public utility connection and testing. A gas piping pressure test is required for this inspection. The sole purpose of this Meters inspection is to allow the installer to check installed mechanical systems and equipment for proper and safe operation, prior to Final inspection. Public utility connection shall not be made to the permitted work until this inspection has been approved.

- f. **FINAL:** To be made with the building final inspection and after public utilities have been connected and all conditioned air systems and gas fired appliances are in full operation; all controls, compressors, condensate drains, insulation, ties and supports, and other system designed components are in place and final connected, all final trim and required labeling is in place, filters or other air purifying components are cleaned and in place, and all systems have been tested and balanced and the installation is ready for its intended use.
6. **Electrical, General.** The Building Official, upon notification from the permittee, shall make the following electrical systems inspections and such other inspections as necessary and shall either release that portion of the construction by signature at the appropriate section on the permit yard card, or shall notify the permit holder, of any violations which must be corrected in order to comply with this Code, by issuing a Notice of Violation to the permittee.
 - a. **TEMPORARY POLE:** To be made after a minimum 4 × 4 size temporary electrical power pole has been set into the ground with a minimum two feet (2') buried and the pole firmly supported.

An eight foot (8') minimum length grounding electrode (rod) is required to be installed, with an unspliced grounding electrode conductor connected and sized per Code requirements, and a listed weather-proof enclosure shall be connected and firmly attached to the pole.

The City requires at least one (1) 115V/20A weather-proof duplex service outlet with GFCI protection and at least one (1) 230V/20A service outlet to be installed at the pole.

At least one (1) temporary power pole shall be installed at each permitted construction site for use during construction, unless approved by the Building official. No temporary power shall be used for more than one permitted site.
 - b. **SLAB PREP:** To be made after trenches or ditches are excavated, underground conduits, sleeves, or other devices are installed and before any backfill is put in place.
 - c. **WALL/CEILING COVER (Commercial Only):** To be made with the wall/ceiling cover building inspection of the area to be inspected and after all services and branch circuit distribution wiring that service the area to be inspected is in place, boxes are secured, required conduit serving the area to be inspected and conduit passing through that area to other areas to be inspected at a later date is in place and fastened properly, wiring is protected from physical damage, panel boards and switching gear servicing the area are set and secured to the structure with service and distribution wiring stubbed into their approved enclosures, disconnects are in place and secured, bonding and grounding rough wiring is stubbed out near its termination point, and before any wall or ceiling cover is installed.

Large or multiple floor buildings over 15,000 sq. ft. in total area may be inspected in stages and partially approved for the continuation of construction at the Building Official's discretion.
 - d. **ROUGH-IN (Residential Only):** To be made with the building framing rough-in inspection and after all service cable, branch circuit distribution wiring, and low voltage wiring to be concealed is in place and stubbed into panel boxes set and secured to the structure; outlet, junction, and fixture boxes are in place and secured; required conduit is in place and fastened properly; wiring is protected from physical damage; and before any wall or ceiling cover is installed.

In situations where a dwelling unit's exterior siding or finish veneer has not been installed, cables, feeders, and fixture wiring to be concealed shall be stubbed close or into exterior wall cavities closest to the point of final connection and coiled into place. Wall or ceiling cavities containing stubbed cables or wiring shall not be covered until inspection of terminal runs has been approved.

- e. **METERS:** To be made after framing and all wall and ceiling coverings are in place and before final inspection; when all electrical service and control equipment is set, wired, fused, bonded and grounded, required disconnects are connected, all outlet devices and switch controls are connected, lighting fixtures, appliances, and equipment are set or boxed out and ready for safe operation, and the electrical system is ready for connection to public utilities.

The sole purpose of this Meters inspection is to allow the installer to check out all installed electrical systems and equipment for proper and safe operation, per its listing. Public utility connection shall not be made to permit work until this inspection has been approved.

- f. **LOW VOLTAGE:** To be made with the wall/ceiling cover or rough-in inspection, as applicable to type of construction, where low voltage wiring systems are to be concealed; or with the meters inspection, where low voltage wiring systems are to be surface mounted.

Where concealed, inspection shall include review of distribution wiring/cable types and rating, boxes and connections, wiring protection from physical damage, grounding and bonding, disconnects, control panel cabinets or enclosures, and other system components.

Where surface mounted, inspection shall include review of raceway types and mounting, wire fills to manufacturer's specifications, connection points (must be open to view, except that plug-in types shall be connected), grounding and bonding, disconnects, outlets and plugs, control panel cabinets or enclosures, and other system components.

- g. **POOL BOND:** To be made when all metallic parts of a pool structure, including the metal reinforcing of the pool shell and decking; forming shells and mounting brackets of no-niche fixtures; metal fittings within or attached to a pool structure; metal parts of pool equipment to include pumps, motors, covers, and other features; cables, raceways, and piping within five feet of the inside edge of the pool or within twelve feet above the pool maximum water level; are connected together with approved pressure connectors into a common bonding grid with a minimum #8 solid copper conductor, bare or insulated, and the system is ready to be concealed. Dependent upon site conditions, this inspection may have to be done in several separate trips to be completed and shall be at the inspector's discretion.
- h. **IRRIGATION:** To be made when all irrigation system wiring and conduit is in place; control panels, transformers, and their enclosures are mounted; junction boxes and splice points are open to view, high voltage power wiring is in place and GFCI protected, and the system is ready for safe operation.

GFCI protection for irrigation system wiring and controls is mandatory and may be provided by direct plug and cord connection from the transformer primary to a GFCI protected wall outlet or hard wired from the primary to a disconnect that is protected by a GFCI breaker located at the electrical panel.

- i. **FINAL:** To be made with the building final inspection, after all public utilities have been connected and all installed electrical systems are in full operation; all equipment, motors, appliances, fixtures, controls, guards, and other related systems have been labeled, tested, and balanced and the completed electrical installation is ready for its intended use.

- 7. **Plumbing, General.** The Building Official, upon notification from the permittee, shall make the following plumbing systems inspections and such other inspections as necessary and shall either release that portion of the construction by signature at the appropriate section on the

permit yard card, or shall notify the permit holder, of any violations which must be corrected in order to comply with this Code, by issuing a Notice of Violation to the permittee.

- a. SLAB PREP: To be made after trenches or ditches are excavated and all under slab drainage and water service and distribution piping and sleeves and protectants are installed and under required tests and before any backfill is placed.
 - b. SEWER TAP: To be made any time during construction, but before requesting final building inspection. This inspection is an open trench inspection of the exterior sewer piping from the building or structure foundation edge, to and including connection to the public or site sewer. Sewer piping shall be inspected for proper bedding, fall, materials, fittings, cleanout positions, and connection to the public or site sewer.
 - c. WALL/CEILING COVER (Commercial Only): To be made with the building wall/ceiling cover inspection and after all drainage, waste, vent, and water service and distribution piping is in place at the area to be inspected and stubouts are installed to the next area to be inspected, all piping and fixture roughs are properly fastened into place and protected from physical damage. All concealed fixture connections shall be made, rated assemblies installed and fire safe, concealed piping insulation installed, rough trim boxes, enclosures, access panels or vaults are secured in place, boots and flashings are installed, required pressure tests are applied, and before any wall or ceiling cover is installed.
 - d. ROUGH-IN (Residential Only): To be made with the framing rough-in inspection and after all drainage, waste, vent, and water service and distribution piping is in place and fastened and protected against physical damage. All concealed fixture connections shall be made, concealed piping insulation installed, rough trim boxes, enclosures, access panels/vaults secured in place, boots and flashings installed, required air or water pressure tests are applied and ready for inspection, and before any wall or ceiling cover is installed.
 - e. BACK FLOW: To be made prior to or with the final building inspection and shall include inspection of all water and irrigation systems requiring backflow prevention measures.
 - f. FINAL: To be made with the building final inspection, after all public utilities have been connected and all plumbing fixtures are properly set, trapped and connected to the drainage system, properly valved, protected against back siphonage, and connected to the potable water system. All water heating and other plumbing devices and appliances must be connected, valved, vented, pressure protected, secured in place, insulated and sealed, cleaned and tested for proper operation, and the completed plumbing system installation is ready for its intended safe use.
- D. *Responsibility for Quality and Design.* The completion of inspections by the City and authorization for work continuation shall not transfer responsibility for the quality of the work performed or materials used from the owner, nor imply or transfer acceptance of responsibility for project design or engineering from the professional corporation or individual under whose hand or supervision the plans were prepared.
1. Stop Work Orders: Work which is not authorized by an approved permit, or which is not in conformance to the approved plans for the development activity project, or which is not in compliance with the provisions of this Ordinance or any other adopted code, regulation, or ordinance of the City, shall be subject to immediate stop work order by the Director, Building Official or City Engineer.
- E. *Tree Removal Compliance Inspection.*
1. Following the issuance of a land disturbance permit for the development activity, the Arborist shall, from time-to-time, inspect the property for the purpose of certifying compliance with the requirements of the permit. In the event of non-compliance, the Arborist shall issue a stop work order. No Certificate of Occupancy shall be issued until actual compliance is obtained.

2. If any required tree removal conditions have not been met within the time specified in the permit and provided the Director has not granted a written extension, the City may use the cash or bond proceeds to insure that these conditions are met.
3. After development activity is concluded, the Arborist shall continue to make random inspections to insure that required trees are maintained. Replacement shall be required or bond/letter of credit posted within thirty (30) days of notice by the Arborist should any of these trees die, be removed, or be destroyed within two (2) years after completion of development.

F. *Floodplain.*

1. Properties containing or adjacent to the established Areas of Special Flood Hazard and Areas of Future-conditions Flood Hazard shall provide an elevation certificate or floodproofing certification using the FEMA floodproofing certificate along with the design and operation/maintenance plan to the Building Official after the lowest floor is completed, after placement of the horizontal structural members of the lowest floor upon placement of the lowest floor, or floodproofing by whatever construction means, whichever is applicable in accordance with Article III Section 3.4.5.B
2. Said certification shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same in accordance with Article III Section 3.4.5.B. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Director shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

G. *As-Built Drawings.* Upon completion of the development activity as authorized by the land disturbance permit and prior to final inspection of public and private improvements, the owner shall submit to the City Engineer for review and approval a complete set of record drawings showing "as-built" conditions prepared by land surveyor registered in the State of Georgia. These drawings shall show actual location, true vertical and horizontal alignment, and finished elevations of:

1. Drainage System.
2. Detention Volume Certification.
3. Sanitary Sewer System (approved by Fulton County if served by Fulton County).
4. Public Water System (approved by Fulton County if served by Fulton County).

H. *Final Subdivision Plat.*

1. Process for Approval—Prior to the application for final subdivision plat approval; all storm water drainage and detention facilities, water and sewer utilities, street base, sidewalks, and curbing construction required for approval of the Final Subdivision Plat shall have been properly installed and completed in accordance with this Ordinance.

The Community Development Department shall be responsible for the coordination and approval of all final subdivision plats.

- a. Application for a final subdivision plat approval shall be made to the Community Development Department. The application shall include:
 - (1) Application in the form furnished by the Community Development Department requesting final subdivision plat review.
 - (2) Two (2) copies of final subdivision plat prepared in conformance with the specifications in this Ordinance.
 - (3) One copy of as-built drawings pursuant to the requirements of this Ordinance, sealed by a land surveyor registered in the State of Georgia, for projects served by City water supply.

- (4) Payment of all final subdivision plat application and review fees.
- b. Ten (10) days following the application deadline, the Community Development Department shall indicate in a written memorandum all comments related to compliance with this Ordinance and conditions of zoning approval.
 - c. The owner shall be responsible for all of the plan review comments prior to the resubmission of the revised final subdivision plat. All revisions to previous submittals shall be noted in the revision block and dated.
 - d. Proof of payment for streetlights shall be provided to the City Engineer, prior to his approval of the final subdivision plat. At a minimum, this proof shall be in the form of a letter from the approved utility provider.
 - e. Payment for materials and installation of traffic control devices shall be made to the City Engineer in accordance with the traffic engineering requirements in this Ordinance. Payment of the cost of street striping or required signalization, if required and not completed by the owner, shall also be received by the City Engineer prior to approval of the final subdivision plat.
 - f. Provide one set water and sewer as-built with proof of approval by Fulton County Development Services Department, prior to approval by the Public Works Department.
 - g. The Community Development Department shall not sign the final subdivision plat until all requirements of this Ordinance and other applicable regulations have been met. The final subdivision plat shall be accompanied by a bond, letter of credit, or other acceptable surety providing for the maintenance of all installations and improvement required by this Ordinance in the subdivision for a period of twelve (12) months following the date of final approval of the public improvements. The maintenance period may be extended by the Director at the request of the owner, provided it is in the best interest of the City.
 - h. Once the Director has approved the final subdivision plat and all other affected departments and agencies of government as required have certified compliance, the Community Development Department shall certify by signature on the original of the final subdivision plat that all of the requirements of this Ordinance, and the conditions of zoning approval have been met, and that all other affected departments have approved the plat. The final subdivision plat shall not be deemed approved until the CERTIFICATE OF FINAL PLAT APPROVAL has been signed by the Community Development Department, City Engineer and the Fulton County Health Department.
 - i. The owner shall be responsible for recording the approved final plat at Fulton County; and shall provide to the Community Development Department a reproducible Mylar copy showing the stamp of the Fulton County Court Clerk, and two (2) full size copies.
- (1) Standards for Approval—The Final Subdivision Plat shall be clear and legible at a minimum scale of 100 feet to the inch. The Director may approve other scales as appropriate. The maximum sheet size shall not exceed 42" × 30". The maximum size acceptable for recording is 17" × 22", or as required by the Fulton County Superior Court Clerk. If the complete plat cannot be shown on one sheet, then said final subdivision plat shall be shown on several sheets with an index map indicated on each sheet. The minimum sheet size shall not be less than 17" × 22". All letters, numbers and other information shall be legible on the recorded copy. There shall be sufficient space available for the certificates as required. Graphic standards shall comply with the Georgia Plat Act.

The final subdivision plat shall conform substantially to the preliminary subdivision plat and it shall constitute only that portion of the approved preliminary subdivision plat which the owner proposes to record and develop at any one time, provided that such portion conforms to the requirements of this Ordinance. Any substantial deviation from the Preliminary Plat shall require revision and approval of the Preliminary Plat.

The final subdivision plat shall contain the following information:

- (a) Name of the subdivision, unit number and street names.
- (b) Name, address, and phone number of owner of record.
- (c) Name, address and phone number of each professional firm associated with a portion of the final plat (engineers, surveyors, etc.).
- (d) Site acreage.
- (e) Site zoning, case numbers, zoning conditions and date of approval for any applicable rezoning, master plan, variance, or special use permit affecting this site.
- (f) Date the final subdivision plat drawing, graphic scale, north point, notation as to the reference or bearings to magnetic, true north, or grid north, and indication whether bearings shown are calculated from angles turned.
- (g) Land District, Land Section, and Land Lot.
- (h) Name of the former subdivision, if any, or all the entire final subdivision plat if it has been previously subdivided.
- (i) Location map.
- (j) Courses and distances to the nearest Fulton County GIS monument.
- (k) Boundary lines of the property, to be indicated by a heavy line, giving distances to the nearest one hundredth (1/100) foot and bearing to the nearest second, which shall be balanced and closed with an error of closure not to exceed one (1) to ten thousand (10,000). The error of closure shall be stated.
- (l) City and Fulton County political boundary lines accurately tied to the lines of the property by distance and angles when such lines traverse the subdivision.
- (m) Locations, widths, and names of all streets and alleys within and immediately adjoining the final subdivision plat, address numbers, the location and widths of all public crosswalks, sidewalks, greenway trails and other public rights of way.
- (n) Street centerlines showing angles of deflection and standard curve data, radii, length of tangents and arcs, and degree of curvature with basis of curve data.
- (o) Lot lines with dimensions to the nearest one-tenth (1/10) foot, and bearing to the nearest second radii of rounded corners, as necessary to describe each lot.
- (p) Front and rear setback lines with dimensions.
- (q) Location of all buffers, landscape strips, greenway easements, and no access easements, etc., are required by this Ordinance.
- (r) When lots are located on a curve or when side lot lines are at angles other than ninety (90) degrees, the lot width at the building line shall be shown.
- (s) Lots or sites numbered in numerical order and blocks lettered alphabetically.
- (t) Location and size of all drainage structures, location, dimension and purpose of any easements, including slope easements, if required, public and private service utility right-of-way lines, fire hydrants and water mains.
- (u) Any areas to be reserved, donated, or dedicated to public use or sites for other than residential use with notes stating their purpose and limitations; and of any lands to be reserved by deed covenant for common uses of all property owners. Include statement that all common areas are to be maintained by the homeowners.

- (v) Statement "The City of Alpharetta does not enforce restrictive covenants."
- (w) Certificates and statements are shown below, as follows.
- (x) A statement that the private covenants are to be recorded separately and the following statement provided: "This final subdivision plat is subject to the covenants set forth in the separate document(s) attached hereto, dated _____, which hereby becomes a part of this final subdivision plat," recorded and signed by the owner.
- (y) Accurate location, material, and description of monuments and markers. Monuments to be placed prior to approval of the Final Plat.
- (z) Extent of the Areas of Special Flood Hazard and Areas of Future-conditions Flood Hazard and a flood plain chart showing the area within and outside the floodplain and a minimum allowable lowest finished floor elevation for a/each lot containing or adjacent to any portion of the Area of Special Flood Hazard and Area of Future-conditions Flood Hazard.
- (aa) The information required by the current Georgia Recording of Maps, Plats, etc., by Clerks of Superior Court Act must be shown.
- (bb) All other applicable notes and notations as may be required by the Director.
- (2) Certificate of Final Subdivision Plat Approval—Each final subdivision plat shall carry the following certificates printed or stamped on the plat.
 - (a) Approval from the Fulton County Health Department.
 - (b) Surveyor's Certificate.

It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments shown thereon actually exist or are marked as "future" and will be placed during construction of the improvements shown on this plat; and their location, size, type, and material are correctly shown.

By: _____

Registered Georgia Land Surveyor Survey No. _____

Date: _____

- (c) Owner's Certificate of Dedication and Acknowledgement:

(STATE OF GEORGIA)

(COUNTY OF FULTON)

The owner of record of the land shown on this plat and whose name is subscribed thereto, in person, or through a duly authorized agent, hereby acknowledges that this final subdivision plat was made from an actual survey, dedicates to the City of Alpharetta the complete ownership, and use of all streets (_____ acres), public water facilities, storm drains, easements (_____ acres), greenway easements (_____ acres), and other public facilities and appurtenances thereon shown (_____ acres).

Subdivider: _____

Date: _____

Owner: _____

Date: _____

(d) Certificate of Final Subdivision Plat Approval.

The Community Development Department of the City of Alpharetta, Georgia, certifies that this plat complies with all requirements of the Alpharetta Unified Development Regulations including the City of Alpharetta Zoning requirements.

Community Development Department

Engineering Department

I. *Final Development Activity Inspection and Approval.*

1. *Final Inspection by the City Engineer.*

- a. A final development inspection may be requested when all site work and/or public improvements have been accomplished according to the terms of the approved site construction drawings and with this Ordinance, codes, and regulations.
- b. As-built drawings shall be approved, in accordance with the requirements of this Ordinance, prior to the performance of a final development inspection.
- c. The owner shall be responsible for correcting any deficiencies identified in the final development inspection prior to issuance of a letter of Final Development Inspection Approval.

2. *Maintenance Bond and Landscape Maintenance Bond.*

- a. Following issuance of Final Development Inspection Approval and prior to approval of the final subdivision plat or issuance of a certificate of occupancy, a maintenance bond and a landscape maintenance bond in a form acceptable to the Director is required. For the Maintenance Bond, the owner shall be responsible for maintenance/public improvements for one (1) year from the date of Final Development Inspection Approval, or longer if requested by the City Engineer. A performance bond may be required if deemed necessary by the City Engineer. For the Landscape Maintenance Bond, the owner shall be responsible for maintenance for eighteen (18) months from the date of Final Development Inspection Approval.
 - (1) The value of the Maintenance Bond shall be determined by the Director based on the dollar value of the improvements and the requirements of the City.
 - (2) The value of the Landscape Maintenance Bond shall be calculated by the property owner and shall be sufficient for the costs of labor, materials and maintenance for all landscaping improvements as set forth in the improvement plans.

3. *Acceptance of Public Improvements.*

- a. Prior to expiration of the maintenance bond, a final inspection of the public improvements shall be conducted by the City Engineer.
- b. The owner shall correct all defects or deficiencies in materials or workmanship.
- c. The maintenance bond shall not be released until the City Engineer is satisfied that all public improvements are in conformance with the specifications of this Ordinance.
- d. The City shall not accept the public improvements into perpetual maintenance until such time as said improvements are certified by the City Engineer as being in conformance with the specifications of this Ordinance.

J. *Certificate of Occupancy.* It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or parts thereof hereafter created, erected, changed, converted, or

wholly or partly altered or enlarged in its use or structure until a Certificate of Occupancy shall have been issued therefor by the Director, stating that the proposed use of the building or land conforms to the requirements of this Ordinance and other codes and ordinances adopted by the City.

- K. *A temporary Certificate of Occupancy* may be issued for a period not to exceed six months during alterations or partial occupancy of a building or structure pending its completion, provided that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.
- L. *A Certificate of Occupancy shall be required for any of the following:*
 - 1. Occupancy and use of building or structure constructed or enlarged.
 - 2. Change in use of existing buildings to uses of a different classification.

([Ord. No. 681, § 1, 10-7-2013](#) ; [Ord. No. 693, 9-2-2014](#) ; [Ord. No. 718](#) , §§ 21, 24, 12-14-2015)

4.4.7 Assignment of names and addresses.

A. *Street and Development names.*

- 1. Proposed street and development names must be reviewed and approved by the Community Development Department prior to issuance of the land disturbance permit. Any changes to existing names must also be approved by the Director of the Community Development Department. Street names may be reserved through approval as shown on the Preliminary Plat if so requested. Names may be chosen from a historic street name bank available upon request from Community Development.
- 2. Street names shall consist of a root name of the developer's choosing or from the historic street name bank, and a suffix designation. The following suffixes are acceptable: Street, Road, Avenue, Court, Place, Way, Trace, Terrace, Drive, Lane, Parkway, Trail, Close, Circle, Cove, Highway, Pass, Entry, Loop, and Boulevard.

The following affixes are acceptable for private drives: Close, cove, entry, lane, pass, place, terrace, trace and trail.

Directional prefixes (i.e., north, south) and the prefixes "old" or "new" shall not be used.

- 3. Except within the same development, no proposed street name shall duplicate (be spelled the same or be phonetically the same) as an existing street name within the City of Alpharetta or surrounding municipalities regardless of the use of such suffix designations as "Street," "Avenue," "Boulevard," "Drive," "Place," "Way," "Court," or however otherwise designated. In the same subdivision, a root name may not occur more than twice. No street names will be allowed which begin with "River," or "Peachtree".
- 4. All street root names and suffix designations are subject to approval of the Director. Unacceptable language, abbreviations, contractions or initials may not be used.
- 5. Root names shall consist of no more than 13 characters including space, hyphens, etc. Letters not occurring in the English alphabet, and numerals, shall not be used. Only suffixes will be abbreviated.

B. *Street Address Assignments.*

- 1. A street address number must be assigned prior to issuance of a building permit. For any new structure proposed in a property which has not been assigned an address, a street number will be assigned upon confirmation or establishment of the property as a buildable lot of record under the requirements of this Ordinance.

2. Subdivision house numbers will be assigned when the Final Plat is submitted for review and is approved for the property. Submit two (2) copies of the approved plat to the Department. (Legible reductions are acceptable.)
3. Non-residential Projects will be numbered after the issuance of the Land Disturbance Permit.
4. Residential and commercial properties will be addressed on the road that the building is facing, regardless of access. The property must have frontage on the street on which it is addressed.
5. Apartments and Condominium Projects will be numbered when a Land Disturbance Permit is issued. Apartment Projects example:

John
2101
Alpharetta, GA 30202

Cypress

Smith
Court

2 101 is building two

2 1 01 is first floor

21 01 is unit one

Units with breezeways will have even numbered units on right and odd numbered unit on left. Each building is required to have a sign indicating the building number. Each breezeway is required to have a sign at the breezeway entrance indicating the unit numbers. The sign at the extreme left of the breezeway of building two (having a 3-story building with basement level) for example will read:

2001-2003
2101-2103
2201-2203

At the point where the main road splits, a permanent location sign is required to be posted as follows:

Buildings
5-8
←
9-15
⇒

6. The Certificate of Occupancy will not be issued without the above requirements being met and the street number clearly posted on the property.

([Ord. No. 681, § 1, 10-7-2013](#))

4.4.8 Surveying and mapping.

- A. This section sets forth requirements for the City of Alpharetta mapping and surveying monuments as described:
 1. The City of Alpharetta Mapping and Surveying Monuments System will coexist with the Official System of Mapping and Surveying Landmark Monuments of Fulton County and be an expansion thereof.
 2. The term "monument" shall consist of one azimuth monument and one monument with established northing, easting and elevation based on The North American Datum of 1983 (NAD 83), strategically placed, being composed of concrete with a brass cap stamped with an identifying number furnished or approved by the City Engineer.

3. The City Engineer shall keep a current copy of the reference maps and tables. Such information shall be made available for purchase by the public.
4. All maps or construction plans must include coordinate references to the City of Alpharetta Surveying Monuments, prior to issuance of the Land Disturbance Permit.
5. If, in the opinion of the City Engineer, a monument which is part of the Official City of Alpharetta Surveying Monuments is endangered by the proposed land disturbance, the applicant/owner shall be notified and disturbance shall not be permitted until: The applicant/owner shall pay to the City a fee to replace said monument. This fee shall be based upon 105% of the monument replacement cost; to be negotiated by the City with a Registered Land Surveyor, qualified to set the monument to the City of Alpharetta Standards.
6. For any proposed development, the developer will set one new monument, two monuments for twenty acres and at least one additional monument for each additional ten acres or major fraction thereof. All control monuments shall be located and tied together by traverse, with a positional tolerance that meets the standards of Second Order, Class Two surveys.

The City Engineer shall have the authority to stop all land disturbance activity, until such time as proper fees have been paid to replace the damaged or disturbed monument.

- B. All plats shall conform to the Georgia Code Section 15-6-67 and Chapter 180-7 of the rules of State Board of Registration for Professional Engineers and Land Surveyors.
- C. Construction plans and as-built drawings shall be furnished as a digital file, as requested by City personnel.

1. Minor Subdivision Plat. (Replaces exemption plat)

- a. The Community Development Department shall be responsible for the coordination and approval of all minor subdivision plats.
 - (1) Application for a minor subdivision plat approval shall be made to the Community Development Department. The application shall include:
 - (a) Application in the form furnished by the Community Development Department requesting minor subdivision plat review.
 - (b) Two (2) copies of minor subdivision plat prepared in conformance with the specifications in this Ordinance.
 - (c) Payment of minor subdivision plat review fees.
 - (2) Ten (10) days following the application deadline, the Director shall indicate in a written memorandum all comments related to compliance with this Ordinance and conditions of zoning approval. Subject to any action of the City Council, the Director shall have sole authority to determine the applicability of any provisions of this Ordinance.
 - (3) The owner shall be responsible for all of the plan review comments prior to the resubmission of the revised minor subdivision plat. All revisions to previous submittals shall be noted in the revision block and dated.
 - (4) The Community Development Department shall not sign the minor subdivision plat until all requirements of this Ordinance and other applicable regulations have been met.
 - (5) Once the Director has approved the minor subdivision plat and all other affected departments and agencies of government as required have certified compliance, the Community Development Department shall certify by signature on the original of the minor subdivision plat that all of the requirements of this Ordinance, and the conditions of zoning approval have been met, and that all other affected departments have approved the plat. The final subdivision plat shall not be deemed approved until

the CERTIFICATE OF MINOR PLAT APPROVAL has been signed by the Community Development Department.

- (6) The owner shall be responsible for recording the approved plat at Fulton County; and shall provide two (2) full size copies showing the stamp of the Fulton County Court Clerk.
- (7) Standards for Approval—The Minor Subdivision Plat shall be clear and legible at a recommended scale of 100 feet to the inch. The Director may approve other scales as appropriate. The maximum sheet size shall not exceed 42" × 30". The maximum size acceptable for recording is 17" × 22", or as required by Fulton County. If the complete plat cannot be shown on one sheet, then said plat shall be shown on several sheets with an index map indicated on each sheet. The minimum sheet size shall not be less than 17" × 22". All letters, numbers and other information shall be legible on the recorded copy. There shall be sufficient space available for the certificates as required.

The minor subdivision plat shall contain the following information:

- (a) Name of the subdivision, unit number and street names.
- (b) Name and address and phone number of owner of record.
- (c) Name, address, and phone number of each professional firm associated with the portion of the final plat (engineers, surveyors, etc.).
- (d) Site acreage.
- (e) Zoning, case numbers with conditions, and date of approval for any applicable rezoning, master plan, variance, or special use permit affecting the site.
- (f) Date of drawing, graphic scale, north point, notation as to the reference or bearings to magnetic, true north, or grid north, and indication whether bearings shown are calculated from angles turned.
- (g) Land District, Land Section, and Land Lot.
- (h) Name of the former subdivision, if any, or of the entire plat if it has been previously subdivision.
- (i) Location map.
- (j) Courses and distances to the nearest Fulton County GIS monument.
- (k) Boundary lines of the property, to be indicated by a heavy line, giving distances to the nearest one hundredth (1/100) foot and bearing to the nearest second, which shall be balanced and closed with an error of closure not to exceed one (1) to ten thousand (10,000). The error of closure shall be stated.
- (l) City and Fulton County political boundary lines accurately tied to the lines of the property by distance and angles when such lines traverse the subdivision.
- (m) Locations, widths, and names of all streets and alleys within and immediately adjoining the final subdivision plat, address numbers, the location and widths of all public crosswalks, sidewalks, greenway trails and other public rights-of-way.
- (n) Lot lines with dimensions to the nearest one-tenth (1/10) foot, and bearing to the nearest second radii of rounded corners, as necessary to describe each lot.
- (o) Front and rear setback lines with dimensions.
- (p) Location of any buffer, landscape strip and greenway easements, no access easement, etc., are required by this Ordinance or the Zoning Regulations.
- (q) Lots or sites numbered in numerical order and blocks lettered alphabetically.

- (r) Location and size of all drainage structures, location, dimension and purpose of any easements, including slope easements, if required, public and private service utility right-of-way lines, fire hydrants and water mains.
 - (s) Accurate location, material, and description of monuments and markers. Monuments to be placed prior to approval of the Plat.
 - (t) Extent of the Areas of Special Flood Hazard and Areas of Future-conditions Flood Hazard and a floodplain chart showing the area within and outside the floodplain and a minimum allowable lowest finished floor elevation for each lot containing or adjacent to any portion of the Area of Special Flood Hazard and Area of Future-conditions Flood Hazard.
 - (u) The information required by the current Georgia Recording of Maps, Plats, etc., by Clerks of Superior Court.
 - (v) All other applicable notes and notations as may be required by the Director.
- (8) Certificate of Minor Subdivision Plat Approval—Each minor subdivision plat shall carry the following certificates printed or stamped on the plat.
- a. *Surveyor's Certificate.* It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments shown thereon actually exist or are marked as "future" and will be placed during construction of the improvements shown on this plat; and their location, size, type and material are correctly shown.

By: _____

Registered Georgia Land Surveyor Survey No. _____

Date: _____

- b. *Owner's Certificate of Dedication and Acknowledgement:*

(STATE OF GEORGIA)

(COUNTY OF FULTON)

The owner of record of the land shown on this plat and whose name is subscribed thereto, in person, or through a duly authorized agent, hereby acknowledges that this subdivision plat was made from an actual survey, and that there are no public dedications on this property.

Subdivider:

Date:

Owner:

Date:

- c. *Certificate of Minor Subdivision Plat Approval.* The Community Development Department of the City of Alpharetta, Georgia, certifies that this plat complies with all requirements of the Alpharetta Unified Development Code including Zoning Requirements.

([Ord. No. 693, 9-2-2014](#) ; [Ord. No. 718](#) , §§ 21, 24, 12-14-2015)

4.4.9 Maintenance and performance securities.

- A. *Maintenance Securities.* A maintenance bond, letter of credit, cash bond, or other equivalent form of security as approved by the City, shall be posted with the City by all developers where street or other improvements are made and offered to the City for acceptance and maintenance. The amount of this security will be calculated by the Community Development Department and shall be provided before the final plat can be recorded. Any bond, except cash bond, letter of credit or other equivalent form of approved security shall be on forms supplied or approved by the City and shall not be terminated or otherwise allowed to expire without at least thirty (30) days prior written notice to that effect to both the City and the subdivider or person. Separate bonds are required for each subdivision unit, phase or like entity. The developer shall maintain all improvements in the subdivision, to be dedicated to the City, for a minimum of one (1) year from the date of final plat recording. No dedication of improvements shall be accepted by the City until the expiration of one (1) year from such date and inspection from the public, action may be taken by the City Council by majority of those voting approving, approving with changes, or rejecting the proposal, or the City Council may table the proposal for consideration at its next regular meeting, or the City Council may refer the matter back to the Planning Commission for further consideration.
- B. *Referral to Planning Commission for Further Consideration.* The Director shall conduct such further studies as appropriate and shall present any proposed text amendment to the Planning Commission that has been heard by the City Council and referred back to it for further consideration. Public notice of the Planning Commission and City Council's hearing shall be given in the same manner as prescribed herein, and the Planning Commission shall conduct its public hearing and take action as described above.

July 9, 2018

Michael Woodman AICP
Senior Planner
Community Development Department
2 Park Plaza
Alpharetta, GA 30009
(678) 297-6072
mwoodman@alpharetta.ga.us

RE: Revised comments concerning fire pit regulations

Dear Mr. Woodman,

Thank you so much for contacting our family about the city's pending fire pit regulations. I enjoyed meeting you today and look forward to working with you.

We are grateful that the pending legislation deals with the potential fire hazards created by fire pits. Indeed, our family is very concerned that sparks from our neighbor's fires will reach our cedar-shake home. There has already been one terrible death from fire in our community and we certainly do not want to add our names to that list.

However, the proposed legislation does not deal with the problems created by wood smoke. Our request is that strong wording and penalties be added to prohibit a fire pit owner from smoking out a neighbor.

The Nature of the Problem

Fire pits are not fire places. They do not have chimneys that lift smoke high into the air where it will dissipate. Instead, the smoke created by a fire pit lies much closer to the ground.

Three families on our street have experienced major problems with the smoke created by one neighbor's fire pit.

- The fire pit owner is able to make a choice every time he lights a fire. Neighbors have no choices.
- Smoke, fumes and particulates trespass over property lines and pour into our homes. We cannot escape this smoke; closing doors and windows does not stop it.
- These wood smoke fumes are far more potent and dangerous than cigarette smoke. The fumes are noxious, offensive, unpleasant and unhealthy. This smoke makes life untenable in our yards, porches, decks and patios and inside our homes.
- While *exterior* smoke dissipates, smoke that enters a home becomes trapped there, creating a significant long-term problem. Over time, as the residue from the fire pit accumulates it will impact bedding, upholstery, carpeting, cabinets, furniture and sheet rock.

- Our neighbors' wood smoke has already affected the value of our homes as we must disclose this problem to any potential buyer. We have also read that smoky odor in a home can reduce its value by 29%.

Potential solutions

We believe that the responsibility for a problem fire pit should be placed on the people who own the fire pit, not their victims.

The Georgia Administrative Code from Department 391, Chapter 391-3 says that you can't produce air contaminants or pollution that injure someone or which unreasonably interfere with the enjoyment of life or the use of one's property.

Would you please considering adding this phrase to the regulations?

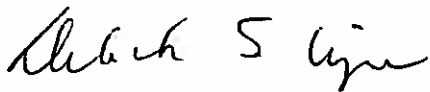
"A wood-fueled fire pit should be placed in a way that avoids smoke nuisance to neighboring property and takes loose sparks and embers into consideration."

Additionally, we request that language be added to Alpharetta Public Safety Department regulations:

"Smoke from any device cannot create a nuisance or health hazard in the neighborhood. If smoke from a fire disturbs neighbors, damages their property or otherwise causes a nuisance, it must immediately be extinguished. Fines for illegal fires typically start at \$____ plus the cost to reimburse the fire department at \$ ____ per hour for their response efforts."

Thank you very much for considering our requests.

Yours truly,
Debi Wingate



610 Flying Scot Way
Alpharetta, GA 30005
678-29608916 or 770-442-1261 (no answering machine)

cc: Kathi Cook

Enclosure: "North American Fire Pit Regulations"
"Impact of Wood Smoke"

The wording from legislation in several cities' faced with this problem follows:

- SEATTLE, WASHINGTON, PUGET SOUND CLEAN AIR AGENCY: "It is always illegal to . . . Smoke out your neighbor. . . If smoke from your fire bothers your neighbors, damages their property or otherwise causes a nuisance, you must immediately put it out. Fines for illegal fires typically start at \$2,000 plus the cost to reimburse the fire department for their response efforts."
- COLLINGSWOOD, NEW JERSEY: "If we receive complaints of smoke or embers and have to respond we will make you extinguish the fire for the night. If the city receives multiple calls to a house or an owner does not abide by the above, the city will issue a citation and possible fines."
- COLUMBUS, OHIO: "If there are ANY complaints from neighbors, immediate extinguishment must be done. Complaints might include, but are not limited to, smoke drifting into their house, embers drifting to their property and/or fire getting out of control."
- NORTH ANDOVER, MASSACHUSETTS: "The fire and/or smoke cannot pose a hazard to any property. The smoke from any device cannot create a nuisance or health hazard to the neighborhood. If the North Andover Fire Department is called to a home for any type of outside fire, they reserve the right to order any fire be extinguished at the officer's discretion."