



City Council Public Hearing FEBRUARY 27, 2017

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

I. CALL TO ORDER

II. ROLL CALL

III. PLEDGE TO THE FLAG

IV. PROCLAMATIONS

A. North Point Community Church

V. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 02/20/2017)

VI. PUBLIC HEARING

A. PH-017-01 / V-17-03: Newvale Townhomes

Consideration of a request to change previous conditions of zoning in order to allow for the construction of 23 'For-Sale' townhomes. A variance is requested to increase the maximum height from 40' to 45'. The property is located at the northeast corner of Canton Street and Church Street and is legally described as being located in Land Lot 1252, 2nd District, 2nd Section, Fulton County, Georgia.

B. MP-17-03 / CU-17-02: Cutter's Cigar Emporium

Consideration of a request for a conditional use permit and master plan amendment to add 'Smoke Shop and Tobacco Store' as a conditional use in Pod A of the Fulton Greens Master Plan to allow a cigar store in a 3,258 square foot suite located at 4915 Windward Parkway, Suite 100 (Sydney Center on Windward).

C. CLUP-17-01 / Z-17-02 / V-15-05: GRBK Academy, LLC / Ben Manning House

Consideration of a request to rezone approximately 0.39 acres from R-8A/D (Dwelling, 'For-Sale' Attached/Detached Residential) to DT-LW (Downtown Live-Work) in order to allow a historic residential structure to be used for an office or residential use. A change to the Comprehensive Land Use Plan designation from 'Downtown Residential Density' to 'Mixed Use Live Work' and a variance to reduce the buffer requirement between residential and non-residential uses is requested. The property is located at the northwest corner of Academy Street and Cricket Lane (Haynes Bridge Road extension) at 94 Academy Street.

D. PH-17-04: Milton Avenue Commercial Center/Thrive

Consideration of a request for a change to previous conditions of zoning to allow for the conversion of an existing parking structure into a 3024 square foot addition to the existing building. The subject property is located at 44 Milton Avenue near the southeast corner of Milton Avenue and Roswell Street

E. MP-16-11 / CLUP-16-07 / Z-16-09: Sharp Residential Townhomes / Windward POD20A

This item has been withdrawn without prejudice by the Applicant and will be neither heard nor considered during this meeting.

VII. NEW BUSINESS

A. Resolution - City Center Sale

A RESOLUTION OF THE MAYOR AND COUNCIL APPROVING THE SALE OF REAL PROPERTY TO MMS ALPHARETTA, LLC, A GEORGIA LIMITED LIABILITY COMPANY; TO RATIFY CERTAIN PREVIOUS ACTIONS CONCERNING THE SALE OF SUCH PROPERTY; TO AUTHORIZE THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO CARRY OUT SUCH SALE AND CONVEYANCE; AND FOR OTHER PURPOSES

VIII. PUBLIC COMMENT

IX. REPORTS

X. ADJOURNMENT TO EXECUTIVE SESSION



Official Minutes of
Council Meeting on
FEBRUARY 20, 2017
CITY HALL – 2 PARK PLAZA
6:30 PM

Official Minutes

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

I. CALL TO ORDER

❖ *Mayor Belle Isle called the meeting to order at 6:32 p.m.*

II. ROLL CALL

- Council Members
 - Mayor David Belle Isle
 - Chris Owens (Mayor Pro Tem)
 - Jason Binder
 - Jim Gilvin
 - Mike Kennedy
 - Dan Merkel
 - Donald Mitchell
- Staff
 - Bob Regus, City Administrator
 - Kathi Cook, Director of Community Development
 - James Drinkard, Asst. City Administrator
 - John Robison, Director of Public Safety
 - Peter Tokar, Director of Economic Development

- Pete Sewczwicz, Director of Public Works
- Tom Harris, Director of Finance
- Coty Thigpen, City Clerk
- Sam Thomas, City Attorney

III. PLEDGE TO THE FLAG

IV. PRESENTATIONS AND PROCLAMATIONS

A. Proclamation: Arbor Day

B. Proclamation: Friends of the Alpharetta Library - 25th Anniversary

V. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 02/06/2017)

B. Alcoholic Beverage License Applications

C. Financial Management Report: Month Ending December 31, 2016

❖ Council Member Kennedy offered a motion to approve the Consent Agenda

- The motion received a second from Council Member Gilvin
- The motion was approved 7-0

VI. OLD BUSINESS

A. Downtown Parking Deck

- Bob Williams, of Pond and Company, came forward to present this item
- In response to the increasing popularity of Downtown Alpharetta, the City has been working to develop plans for the provision of additional public parking to meet the needs of citizens, businesses, and visitors. As part of that effort City Council directed staff to work to identify potential locations for new structured parking to serve the western district of Downtown.
- Discussion on the location of structured parking originally centered on three sites that came to be referenced as Site A, C and D. Site C (the Made parking Lot) off of Roswell Street has been removed from consideration at this time. Site A (Option A) is located along Old Roswell Street on the site of the existing municipal parking lot, and Site D (Option B) is located on Milton Avenue just west of the veterinary clinic on

property recently purchased by the City. Plans were developed based upon constructing a parking deck on one or the other of these sites. Following a series of public meetings with respect to these concepts, however, there was no clear consensus as to which site would be the best location. While many businesses preferred one of the sites, many residents opposed that site and preferred the other.

- On February 13, 2017 the City introduced to the public a third option (Option C) for addressing the parking needs of Downtown Alpharetta while also addressing the concerns most voiced by residents. That option calls for constructing two decks; one on each of the two previously discussed sites.
- As envisioned, under Option C the deck on Site A would have a below ground level and a level above that at the highest point includes a 10' wall behind the existing tree in order to save the greenspace area and provide positive drainage. The deck on Site D would be three levels, all above ground.

Public Comment

- Alexander Williamson, 12535 Wexcroft Lane, Alpharetta, GA, came forward to speak on this item
 - Tom Miller, 4025 Walnut Creek Trail, Alpharetta, GA, came forward to speak on this item
- ❖ Council Member Kennedy offered a motion to approve 'Option C' as presented with 2 levels of managed parking on Lot A and 3 levels of parking on Lot D
- The motion received a second from Council Member Merkel
 - Council Member Owens offered a friendly amendment to clarify that funding for the development of structured parking would originate from proceeds from the sale of the City Center property and from unallocated capital funds
 - Amendment was accepted by Kennedy and Merkel
 - The motion was approved 7-0

VII. NEW BUSINESS

A. Change Order #1 for Rucker Road Bridge and Roundabout Design Services

- Director of Public Works, Pete Sewczwicz, came forward to present this item
- Staff request approval of Change Order #1 to Purchase Order 17000092-00 in the

amount of \$86,344.00 for the design of a left turn along Rucker Road to serve the City-acquired land at 850 and 860 Old Rucker Road; and authorize the Mayor to execute all necessary documents.

- This change order request is for design modifications to the Rucker Road Corridor plans to incorporate a center left-turn lane to Rucker Road between Selbridge Way and North Hickory Trace. This turn-lane would have immediate benefit to the residents of the Old Station subdivision and would serve to provide a future left-turn lane off of Rucker Road to the park facility to be developed at 850 and 860 Old Rucker Road.
- The design of this left-turn lane would tie to the western leg of the proposed roundabout at Rucker Road and Charlotte Drive designed by AECOM as part of a previously awarded a purchase order for the design of the Bridge Replacements and Roundabouts along the Rucker Road Corridor under their On-Call Transportation Services Contract.
- Also included in AECOM's scope will be the necessary environmental permitting services to address comments received from the Georgia Environmental Protection Division (EPD) at the end of 2016 related to this segment of the corridor. An unnamed tributary to Foe Killer Creek runs parallel to Rucker Road along its north side between Old Station Place and Southerby Lane. Based on the comments received, it will be necessary to apply for both a stream buffer variance from the EPD and acquire a 404 permit from the U.S. Army Corps of Engineers. AECOM's design of the center left-turn lane will also look to minimize the impacts on the stream in this area.
- The fee for this work is \$86,344.00 which includes acquisition of limited additional survey information, design plan modifications to incorporate the center left-turn lane and minimize stream impacts, and the necessary permitting with State and Federal agencies. This will increase the purchase order from \$263,858.00 to \$350,202.00. The design modifications will be completed within six weeks of notice to proceed. Environmental permitting will take approximately four to five months to complete from completion of plans. This work will not delay start of construction.

Public Comment

None

- ❖ Council Member Owens offered a motion to approve Change Order #1 to Purchase Order 17000092-00 in an amount not to exceed \$86,344.00 for the design of a left turn along Rucker Road and environment permitting services with state and federal agencies to support the Rucker Road Improvement Project; and authorize the Mayor to execute all necessary documents.
 - The motion received a second from Council Member Gilvin
 - The motion was approved 7-0

B. Additional Design Work for the Alpharetta Arts Center

- Director of Public works, Pete Sewczwicz, came forward to present this item on behalf of staff
- Staff requests approval of Change Order #2 in the amount of \$11,900.00 to Houser Walker Architecture for additional design cost associated with the Alpharetta Arts Center and authorize the Mayor to execute all necessary documents.
- On July 11, 2016, City Council awarded Houser Walker Architecture the contract for the design of the Alpharetta Arts Center project. The project will renovate the old Fulton County library building at the corner of Mayfield Road and Canton Street. The scope includes exterior renovations, walk paths, decking, entrances and interior renovations in the form of multiuse art studios, a media studio and a black box theater. In Houser Walker's proposal two items were excluded, Audio Visual and IT; this was due to not knowing what the scopes entailed. A change order in the amount of \$15,600.00 for Audio Visual was executed on November, 18, 2016.
- Change order #2 is associated with designing IT components. Specifically, a public address system within the building, connectivity to City of Alpharetta's fiber network for IT/data and a security system including card reader access and cameras.
- The total cost of Change Order #2 is 11,900.00. Thus the contract amount will increase from \$230,800 to \$242,700.00

Public Comment

None

- ❖ Council Member Mitchell offered a motion to approve Change Order #2 in an amount not to exceed \$11,900.00 to Houser Walker Architecture for additional design cost associated with the Alpharetta Arts Center and authorize the Mayor to execute all necessary documents.
- The motion received a second from Council Member Owens
- The motion was approved 7-0

C. Decorative Brick Wall In City Hall

- Council Member Mitchell provided a brief summary of this item
- Staff is requesting to proceed with securing quotes for construction of a decorative brick wall and associated accoutrements adjacent to the entrance to the History Room inside City Hall.
- Funding in the amount of \$21,255.00 has been allocated in the capital budget to fund the construction of a decorative brick wall adjacent to the entrance to the History Room inside City Hall. As envisioned, the decorative wall is to be constructed using bricks salvaged from the former City Hall building.
- While the addition of the decorative wall had been discussed during the planning of City Hall, staff had been directed to delay further action on the item until the planning and design of the History Room had progressed. With that work nearly completed, staff is now seeking authorization to move forward with securing the quotes and cost estimates necessary to select a vendor for construction of the decorative wall and related accoutrements.

Public Comment

None

- ❖ Council Member Mitchell offered a motion to secure the quotes for a decorative brick wall and associated accoutrements adjacent to the entrance of the Alpharetta/Old Milton County History Museum inside City Hall.
 - The motion received a second from Council Member Kennedy
 - The motion was approved 7-0

D. North Hickory Trace Storm Drain Repairs

- Director of Public Works, Pete Sewczwicz, came forward to present this item on behalf of staff
- Staff requests that Mayor and Council award Bid No. 17-004 to Tople Construction & Engineering, Inc. for \$114,770.00 for the North Hickory Trace Storm Drain Repairs Project and authorize the Mayor to execute all necessary documents.
- Through the City's Stormwater inspections, it has been determined that approximately 130-ft of 15-in storm drain pipe is in need of replacement due to its condition and its size. The existing pipe was not installed as part of the development and is undersized. A double run of approximately 230-ft of 18-in HDPE pipe will be installed

and rerouted onto the current drainage easements. A double run is necessary for capacity and due to the limited amount of cover needed for a larger pipe. An existing drop inlet will also be replaced inside the drainage easement. The existing 18-in pipe that runs from the roadway to the drop inlet will be lined using the City's Pipe Lining Contract.

- The project was advertised for competitive bids on January 12, 2017.
- The low bidder, Tople Construction & Engineering, Inc. is an experienced contractor and has successfully worked on Alpharetta projects in the past including both stormwater and roadway projects. They worked on The Burnett Way Drainage Improvements Project last year and performed very well. Based on their low bid and past performance on Alpharetta projects, staff recommends awarding this project to Tople Construction & Engineering, Inc.
- Once a contract with Tople has been finalized, executed and a Notice-to-Proceed is issued, work can begin immediately. The bid documents allow for the work to be completed within 60 days.

Public Comment

None

- ❖ Council Member Owens offered a motion to award bid No. 17-004 to Tople Construction & Engineering, Inc. in an amount not to exceed \$114,770.00 for the North Hickory Trace Storm Drain Repairs Project and authorize the Mayor to execute all necessary documents.
- The motion received a second from Council Member Gilvin
- The motion was approved 7-0

E. Public Safety/E-911 Expansion

- Director of Public works, Pete Sewczwicz, came forward to present this item on behalf of staff
- Staff requests approval of the additional design work associated with the expansion and renovations of E-911 to Pieper, O'Brien, and Herr Architects in an amount not to exceed \$40,500, and authorize the Mayor to execute all necessary documents.
- On March 7, 2016, the City hired Piper, O'Brien, and Herr Architects (POH) to design an expansion to the existing Public Safety Complex. On June 6, 2016, the City hired Winter Construction to perform pre-construction services a Construction Manager at Risk for the expansion. Over the course of several months POH and

Winter worked with Public Safety to develop a floor plan for the expansion. During this time, it was requested that E-911 also be looked at. The design team prepared conceptual floor layouts for renovating the current E-911 space as well as expanding the area into the current lobby and a small covered (non-conditioned) area of Public Safety Headquarters. The original scope of work did not include design costs associated with the E-911 expansion.

- The cost to design the improvements to the lobby and E-911, as well as the minor expansion into the unconditioned space is \$40,500. Winter Construction and POH have been working collaboratively to prepare construction costs estimates during the initial design phase of the project. This collaborative effort will continue as POH works past the conceptual layouts design and into full construction design. Winter Construction will continue to prepare cost estimates and prepare a final guaranteed maximum price (GMP) while POH is preparing the design plans.

Public Comment

None

- ❖ Council Member Owens offered a motion to approve the additional design work associated with the expansion and renovations of E-911 to compliment the public safety expansion project and award that to Pieper, O'Brien, and Herr Architects in an amount not to exceed \$40,500, and authorize the Mayor to execute all necessary documents
 - The motion received a second from Council Member Merkel
 - The motion was approved 7-0

F. Adoption Of The Alpha Loop Master Plan

- Director of Community Development, Kathi Cook, came forward to present this item on behalf of staff
- Staff requests the adoption of the Alpha Loop Master Plan and authorization for the Mayor and staff to engage in communications with outside entities for the purpose of securing funding and land donations to advance development of the path and trail network.
- In an effort to provide safe, inviting pedestrian and bicycle connections between key activity centers in Alpharetta, an idea was born to create a network of off-street trails and paths.

- These multi-use paths involve two interconnected routes including a three-mile inner loop and a five-mile outer loop that would link locations like downtown Alpharetta, Avalon, and the Northwinds area located at Haynes Bridge Road and S.R. 400. The trails will connect existing residential and proposed residential areas to over 3 million square feet of office (equating to almost 1,500 jobs) and over 700,000 square feet of retail, sales, and services.
- The trail will include lighting, and sections of the trail will have a natural feel and be constructed along a creek. The trail is envisioned to include bicycle service areas and pockets of seating areas where people can gather or rest.
- The City has leveraged ongoing developments along the north side of Thompson Street to begin that portion of the Alpha Loop. The developers of those private projects are actually constructing those segments of the network as they build their projects.
- Development of the Alpha Loop is a long-term project for the City and will, like the Big Creek Greenway, take a number of years to complete. We do, however, anticipate some sections (such as the segment connecting Downtown and Avalon) to be completed as early as Spring 2018.

Public Comment

- Jim Fineis, 120 Nottaway Lane, Alpharetta, GA came forward to speak on this item on behalf of Haynes Park HOA
 - Alexander Williamson, 12525 Wexcroft lane, Alpharetta, GA came forward to speak on this item
- ❖ Council Member Owens offered a motion to adopt the Alpharetta City Trail Loop Masterplan as presented by staff.
- The motion received a second from Council Member Kennedy
 - The motion was approved 7-0

VIII. WORKSHOP

A. Discussion on Alcohol Ordinance

- City Clerk, Coty Thigpen, came forward to present this item on behalf of staff
- Staff is looking for direction from Council in regard to recent concepts proposed in the City that are not currently allowed per existing Alcohol Ordinance. Topics for discussion include expansion of downtown district, wine shop/tasting concept, sip and paint concept and alcohol in downtown public parks for special events.

Public Comment

- Jonathan Galaif, of JG Promotions, came forward to speak on this item
- Bryan Smith, of Anthony Gallery, came forward to speak on this item
- Jamie Bendall, 235 Crabapple Chase Court, Alpharetta, GA, came forward to speak on this item

IX. PUBLIC COMMENT
None

X. REPORTS

- Council Member Owens announced that there will be an Input Session for Academy Street on 2/22 6:30 at City Hall
- Council Member Kennedy announced that the City of Alpharetta received 100k from ARC to complete a supplemental LCI for the Northpoint activity center
- Council Member Kennedy also recognized the City's Planner, Ben Kern, for his work on the City website that provides an interactive map for citizens to view current development projects.

XI. ADJOURNMENT TO EXECUTIVE SESSION

- ❖ Council Member Owens offered a motion to adjourn to Executive Session
 - The motion received a second from Council Member Merkel
 - The motion was approved 7-0

Respectfully Submitted,



Coty Thigpen, City Clerk



City Council Public Hearing STAFF REPORT

Submitting Department: Community Development

Submitted By:

Meeting Date: February 27, 2017

I. AGENDA ITEM TITLE: PH-017-01 / V-17-03: NEWVALE TOWNHOMES

CONSIDERATION OF A REQUEST TO CHANGE PREVIOUS CONDITIONS OF ZONING IN ORDER TO ALLOW FOR THE CONSTRUCTION OF 23 'FOR-SALE' TOWNHOMES. A VARIANCE IS REQUESTED TO INCREASE THE MAXIMUM HEIGHT FROM 40' TO 45'. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF CANTON STREET AND CHURCH STREET AND IS LEGALLY DESCRIBED AS BEING LOCATED IN LAND LOT 1252, 2ND DISTRICT, 2ND SECTION, FULTON COUNTY, GEORGIA.

II. RECOMMENDATION:

III. BUDGET IMPLICATIONS:

BUDGETED ITEM: NO

FISCAL IMPACT: NO

INCLUDED IN CURRENT FY CPTL BUDGET: NO

INCLUDED IN CURRENT FY OPRT. BUDGET: NO

TOTAL PROJECT COST:

APPROPRIATIONS:

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

EXTERNAL FUNDING SOURCES:

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

IV. REPORT IN BRIEF:

V. ALTERNATIVES:

VI. ATTACHMENTS:

Council Agenda Report, FLUP Map, Aerial Map, Zoning Map, Location Map, Elevations, Site Section Exhibit B, Open Space, Site Plan, Citizen Part B, Application



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT
SUBMITTED BY: KATHI COOK
DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: PH-17-01/V-17-03 NEWVALE TOWNHOMES/OLMSTEAD PARK

CITY COUNCIL: FEBRUARY 27, 2017

II. RECOMMENDATION:

Approve PH-17-01/V-17-03 Newvale Townhomes/Olmstead Park subject to the following conditions:

1. Property shall be developed substantially similar to site plan dated November 21, 2016 prepared by AEC, except as modified in these conditions. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.
2. Fencing visible from streets shall be limited to black wrought iron or decorative aluminum having a height of no more than 42". Wrought iron/aluminum fencing with gate shall be required in front of each townhome fronting a public right-of-way. Final approval of fence material, type and location is subject to Staff approval.
3. Applicant shall construct new typical section for property along Canton Street, including an 8' brick sidewalk, on-street parking, 5' planting strip with street trees, on-street parking and decorative lighting with final approval by Staff.
4. Applicant shall construct new typical section for property along Lily Garden Place, Violet Garden Walk, and Church Street, including a 6' brick-banded sidewalk, on-street parking, 5' planting strip with street trees, on-street parking and decorative lighting with final approval by Staff. Lily Garden Place and Violet Garden Walk shall be dedicated to the City as public rights-of-way.
5. On-street parallel parking shall be limited to no more than 3 consecutive parking spaces. Bump-outs between on-street parallel parking shall include street trees as approved by Staff.
6. Driveway design shall provide a minimum of 18 feet or a maximum of 5 feet from garage door to back of curb or back of sidewalk.
7. Decks shall not encroach into the building setback and shall be heavily screened. Unfinished wood deck material shall be prohibited. Porches fronting the public right-of-way shall have no more than 10 steps from grade to front doors.
8. Townhome buildings shall be English Tudor Revival style and substantially similar to the elevations provided by the applicant. Buildings shall include, but not limited to, roof-top terrace with optional outdoor kitchen, wrought iron stair railings with rock/brick finished sides on the stair wells, 4-sided brick or stone, decorative window finishes and moldings, brick deck posts, decorative front door, chimneys, shutters and cedar shake shingles. Individual unit elevations shall not be repeated within a set of buildings and buildings shall be treated with similar materials and level of detail on the rear and sides as the front. Each unit shall have a covered entry and decorative garage door styles shall alternate. Townhomes shall have the appearance of separate, individual units and shall not have a common, unified roofline.
9. Each unit shall have a courtyard at the front defined by walls of solid masonry and planted with vines, such as creeping fig or alternative, as approved by Staff. Under ledge wall lighting shall be required.
10. Retaining walls visible from the public right-of-way shall be faced with brick or stone as approved by Staff.
11. Building height shall be limited to 45'.
12. Benches, landscaping and a water feature shall be provided at the corner of Church Street and Canton Street as approved by Staff.

13. Roadways with on-street parking shall incorporate curb extensions at intersections. All entrance drives shall be constructed with decorative pavers approved by Staff.
14. Internal sidewalks to the front of all units shall be provided.
15. Tree save area along Church Street and amenity courtyard between Units 17-21 and 12-16 shall include a mix of trees, shrubs, and ground covers of varying heights, textures and colors as approved by Staff. Amenity courtyard shall be designed to maximize the amount of green area. Tree save area shall include brick sidewalk as depicted on the site plan. Tree save area adjacent to Unit 22 shall be improved with hardscape and landscape as approved by Staff.
16. The 38" Water Oak (#85), 30" Elm (#80), 24", 25" & 22" Sweet Gums (#81, 82 & 83), 24" Pecan (#79), and 24" Red Maple (#90) shall be incorporated into the site plan. Applicant shall make every effort to incorporate any other trees of quality into the site plan with final approval by Staff. Encroachment into the critical root zone (CRZ) of off-site shall be approved by Staff and subject to notification of property owner. Applicant shall be responsible for any recompense.
17. Street trees along public rights-of-way shall be a minimum of 4" caliper at time of planting and shall include the City-approved tree grates as approved by Staff.
18. Applicant shall incorporate traditional southern landscape material in focal point areas and within the overall landscape plan as approved by Staff.
19. A minimum 10' heavily planted landscape buffer shall be provided along the east and south property lines adjacent to C-1 properties and shall incorporate existing trees as approved by Staff.
20. Applicant shall provide an easement to the City for the civic space at the corner of Church Street and Canton Street, as well as the tree save area. The Homeowner's Association shall maintain all civic space.
21. All previous conditions of zoning related to Z-13-14 Olmstead Park Townhomes shall remain in effect, except as modified in the conditions above.

III. REPORT IN BRIEF:

The applicant, D&G Development Group, is requesting changes to previous conditions of zoning on a 2.39-acre property approved as a 23-unit 'For-Sale' townhome development (F.K.A. Olmstead Park Townhomes). The requested changes will allow for modifications to the site plan and building architecture. A variance is proposed to increase the building height from 40' to 45'. The subject property is located at the northeast corner of Canton Street and Church Street.

DISCUSSION

The submitted request, if approved, will allow for changes to previous conditions of zoning for the Olmstead Park Townhomes development in order to construct 23 'For-Sale' townhomes on 2.39 acres. The applicant proposes modifications to the site plan and building architecture. The approved use, number of units, and density will remain the same. The subject property is located at the northeast corner of Canton Street and Church Street.

The subject property was approved on November 18, 2013 for a rezoning to R-10MHD (Dwelling, 'For-Rent' or 'For-Sale' Residential – Historic Downtown) to allow 23 'For-Sale' townhome units with a density of up to ten (10) dwelling units per acre. The property was previously zoned R-10M in November 2006, but reverted to R-15 in June 2008 due to a building permit not being issued. Some grading and infrastructure installation was completed between 2007 – 2008, including a portion of Lily Garden Place, underground utilities, and a detention pond.

Rezoning of the property occurred when the Historic Downtown Incentive Zoning (HDIZ) was in place. The Downtown Master Plan update and associated Alpharetta Downtown Code has since taken the place of the HDIZ. Surrounding properties include The Georgian (R-10MHD) to the west, Appen Properties (R-10MHD) to the north, and various commercial properties (C-1 and C-2) to the east and south.

The applicant proposes the following changes to the previous conditions of zoning related to Z-13-14 Olmstead Park Townhomes (changes reflected in red):

2. Property shall be developed substantially similar to plan dated ~~December 7, 2007~~ November 21, 2016 site plan prepared by AEC, except as noted in these conditions.
4. Fencing visible from streets shall be ~~limited to black wrought iron having a height of no more than 42". Wrought iron fencing with gate may be required in front of each townhome fronting Canton Street as well as 10' minimum front setback along Canton Street. Final approval shall be based upon impacts from new sidewalk/roadway typical section with final approval by Staff approved by Staff.~~
6. Applicant shall construct new typical section for property along Canton Street which includes an 8' sidewalk, ~~5' planting strip~~ with street trees and decorative lighting as shown on Exhibit A with final approval by Staff.
7. Driveway design shall provide a minimum of ~~18~~ 5 feet from garage door to back of curb or back of sidewalk.
9. Decks shall not encroach into the building setback line. Decks shall be heavily screened. Unfinished wood deck material shall be prohibited. Porches fronting public right-of-way shall have no more than 10 steps from grade to front doors.
13. Individual unit elevations shall not be repeated within a set of buildings. Buildings shall be treated with similar materials and level of detail on the rear as the front ~~and shall be substantially similar to previously submitted elevations (attached).~~ Main entrances shall include a covering over the front door, ~~with an awning or other approved structural element. Townhomes shall be Georgian Revival style including, but not limited to, wrought iron stair railings with rock/brick finished sides on the stair wells, four sided brick or stone, decorative window finishes and moldings, balustrades, brick deck posts, and shutters.~~ Garage door styles shall alternate. Townhouses shall have the appearance of separate, individual units and shall not have a common, unified roof line.
16. Retaining walls ~~visible from adjacent to~~ public roadways shall be brick faced.

The applicant also requests a variance to increase the building height from 40' to 45'. The HDIZ designated the subject property as Residential Village, except that the portion of the property with frontage along Church Street was designated Retail/Office Mixed Use. Properties designated Residential Village have a maximum building height of three (3) stories or 40', whichever is less. Whereas, properties in the Retail/Office Mixed Use designation permit a maximum building height of four (4) stories or 60', whichever is less. The applicant proposes 3-story townhome buildings, including a roof-top terrace with the option for an outdoor kitchen. The proposed roof-top amenities trigger the need for the requested height variance.

SITE PLAN ANALYSIS

The applicant's proposed site plan is similar to the approved zoning plan for the subject property with the primary difference being the addition of two (2) townhome units at the northwest corner of Lily Garden Place and Violet Garden Walk adjacent to the existing detention pond. The site plan depicts 23 'For-Sale' townhome units in five (5) buildings. Townhome units are rear-loaded and oriented to Canton Street, Church Street, Lily Garden Place, and an internal amenity courtyard. The table below provides a comparison of the approved zoning plan versus the applicant's proposed site plan.

Comparison – Original vs. Proposed Site Plan

	Original (Approved)	New (Proposed)
Site Acreage	2.39 acre	2.39 acres
Use	'For-Sale' Townhomes	'For-Sale' Townhomes
Number of Units	21*	23
Civic Space	5.0% (5,245 SF)	5.2% (5,429 SF)
Amenity Space	22.1% (23,023 SF)	14.1% (14,710 SF)

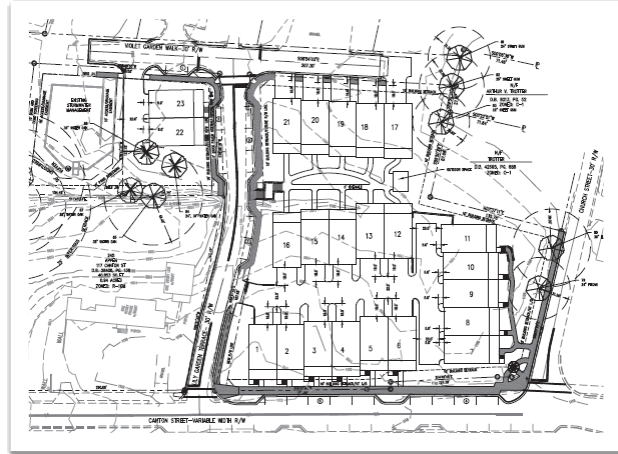
Total Open Space	27.2% (28,268 SF)	19.3% (20,139 SF)
Building Orientation	Public Rights-of-way & Internal Green	Public Rights-of-way & Internal Green
Specimen Tree Impact	Tree save area along Canton St and near the detention pond	Removal of specimen trees near the detention pond – determined to be in poor condition
Building Height	3-Stories w/Gable Roof (40')	3-Stories w/Roof-top Terrace (45')

*Conditions of zoning permitted 23 'For-Sale' townhome units.

Original Site Plan (Approved)



New Site Plan (Proposed)



Residential parking is provided within the garage for each unit. 19 on-street parallel parking spaces are provided along Canton Street, Lily Garden Place and Violet Garden Walk. Access to the rear of the townhomes is provided through driveways off Lily Garden Place and Violet Garden Walk. The site plan depicts an eight-foot (8') brick sidewalk along Canton Street and five-foot (5') brick sidewalks along Church Street, Lily Garden Place, and Violet Garden Walk.

The applicant's site plan depicts open space (civic and amenity areas) at a few locations throughout the subject property. Three (3) tree save areas are provided along Church Street and to the west of Unit 22. Both tree save areas will include improvements for use as civic and amenity space. The corner of Church Street and Canton Street includes a civic space with water feature and seat wall. An amenity courtyard with sidewalks and green area is depicted between Units 17-21 and Units 12-16. Garden areas will be provided along the front of each unit adjacent to Canton Street, Church Street and Lily Garden Place. The proposed site plan reflects an eight-percent (8%) reduction in overall open space from the 2013 approved zoning plan, which is related to the two (2) additional townhome units near the detention pond. However, if the property were developed under the current Downtown zoning districts, a minimum 10% amenity space, or 0.24 acres, would be required. The applicant's site plan depicts 0.462 acres of civic and amenity space.

Three (3) tree save areas are depicted on the site plan along Church Street, to the west of Unit 22 and to the south of Unit 17. The arborist assessment shows that three (3) Water Oaks (#84, 86 & 87) are now in 'Poor' condition due to impacts from construction of the detention pond. The City Arborist has reviewed the applicant's tree assessment, as well as conducted a site visit and concurs with this determination.

BUILDING ELEVATIONS & ARCHITECTURE

The applicant is requesting a change to previous conditions of zoning to allow new building elevations. The HDIZ and the previous conditions of zoning on the property require buildings to be Georgian Revival style architecture with stone/brick on all four (4) sides. For reference, the original approved building elevations are shown below.



The rendering below depicts the applicant's proposed building elevations, which are described to be English Tudor Revival style. Townhomes are proposed to have a gable roof including a roof-top terrace with an option for an outdoor kitchen. The applicant's architect provided the following description of the proposed building architecture and building materials:

"The townhomes are designed in an English Tudor Revival style. This style can be seen in homes within Alpharetta, such as the one converted into "La Casa Italian Grill" on the corner of Roswell St. & Old Roswell, just a few blocks from our site. Each unit features a side gable roof rising front to back, with a prominent front facing, steeply pitched cross gable roof. The townhomes are clad in masonry, brick or stone or some combination thereof.

The brick may have an aged or weathered look or be painted. The windows are tall, multi-paned and often grouped together in bands of glass and painted or stained dark colors. The front entries are small and detailed, with round or square front doors, prominent lanterns, occasional "cut stone" (may actually be cast stone or stucco) flattened gothic arch detailing, recessed doors or simple timber supported overhangs provide protection from the elements for visiting guests. Other architectural characteristics of our design are the incorporation of some roughhewn timbers, "cut stone" details, cantilevers and incorporating a massive chimney with decorative brick work and chimney pots into the overall building design. A 3rd floor, outdoor room will be incorporated into the roof and provide covered private outdoor space with an optional outdoor kitchen and/or a fireplace. These will be supported with post & beam, roughhewn timbers. To promote outdoor living, the townhomes will also have a front patio adjacent to the front door. These patios will be typically be up to 10' deep, slightly raised above the finished grade where applicable, separated from the public side walk by the front yard and a low hedge, iron fence or a masonry wall."



The proposed English Tudor Revival style is not an approved architectural style in the Alpharetta Downtown Code. However, the Downtown Architect reviewed the proposed elevations and believes that the style is appropriate in the Downtown and had no other comments on the elevations.

VARIANCE REQUIREMENTS

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

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

Response: The applicant proposes 3-story townhome buildings, including roof-top terrace and outdoor kitchen. The height variance request is directly related to the applicant's unique townhome product, which is consistent with the vision for residential uses in the Downtown. The HDIZ designated the subject property as Residential Village, except that the portion of the property with frontage along Church Street was designated Retail/Office Mixed Use. Properties in the Residential Village area have a maximum building height of three (3) stories or 40', whichever is less. Whereas, properties in the Retail/Office Mixed Use area permit a maximum building height of four (4) stories or 60', whichever is less.

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

Response: The applicant proposes 3-story townhome buildings, including roof-top terrace and outdoor kitchen. The height variance request is directly related to the applicant's unique townhome product, which is consistent with the vision for residential uses in the Downtown.

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

Response: The applicant proposes 3-story townhome buildings, including roof-top terrace and outdoor kitchen. The height variance request is directly related to the applicant's unique townhome product, which is consistent with the vision for residential uses in the Downtown.

4. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the Ordinance.

Response: The applicant's requested variance will not cause a substantial detriment to the public good. If approved, staff recommends conditions to regulate the building architecture and require tree save areas and open space.

CONCURRENCES

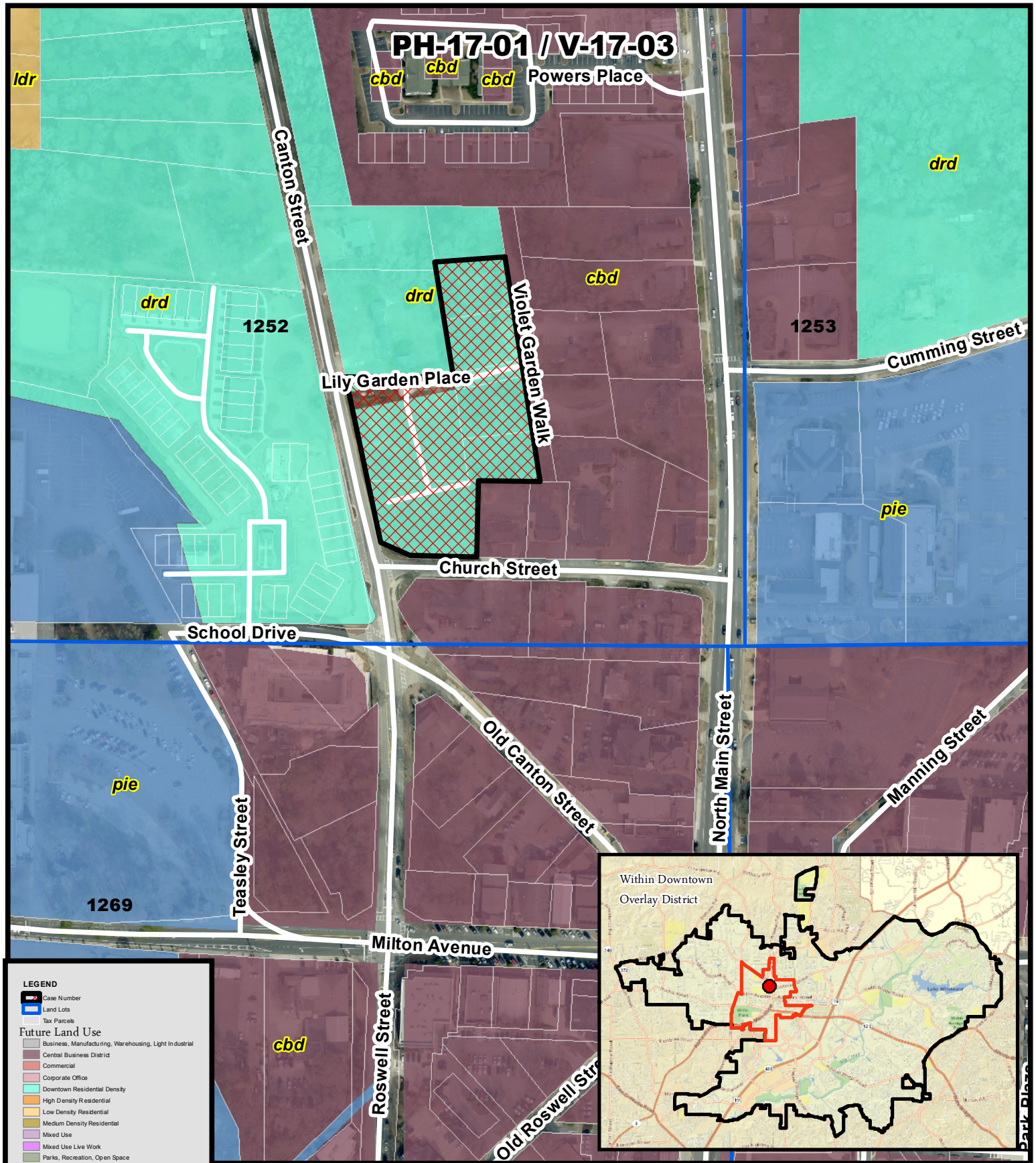
City Staff has reviewed the applicant's proposal and finds that it can generally support the applicant's request for changes to previous conditions of zoning and height variance. The proposed site plan incorporates civic and amenity spaces, as well as tree save areas and the proposed building architecture and design represents a significant improvement over the previously approved building elevations. Although staff has concerns with the number of townhomes approved or under construction, the proposed use and density is already approved and the applicant's proposed architecture and roof-top terrace with outdoor kitchen is unique to the City and consistent with residential building design envisioned in the Downtown Master Plan. Staff recommends architectural standards and site conditions to ensure compatibility of the buildings with the character of the Downtown Overlay and Canton Street corridor.

CITIZEN PARTICIPATION PLAN

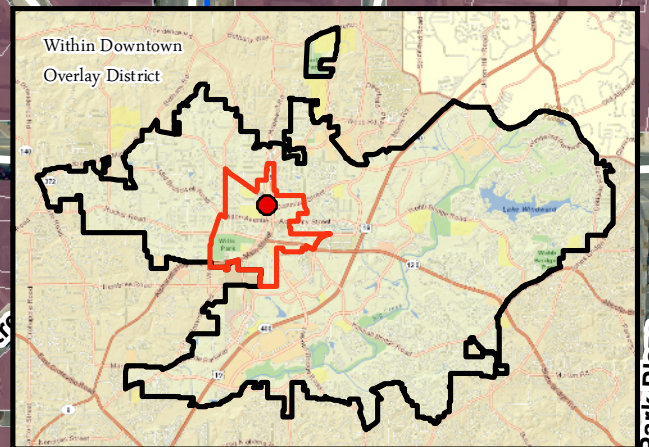
The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that no comments were received.

IV. ATTACHMENTS:

- Site Plan
- Building Elevations



- LEGEND**
- Case Number
 - Land Lots
 - Tax Parcels
- Future Land Use**
- Business, Manufacturing, Warehousing, Light Industrial
 - Central Business District
 - Commercial
 - Corporate Office
 - Downtown Residential Density
 - High Density Residential
 - Low Density Residential
 - Medium Density Residential
 - Mixed Use
 - Mixed Use Live Work
 - Parks, Recreation, Open Space
 - Professional Business Office
 - Public, Institutional, Education
 - Residential Estate
 - Very Low Density Residential

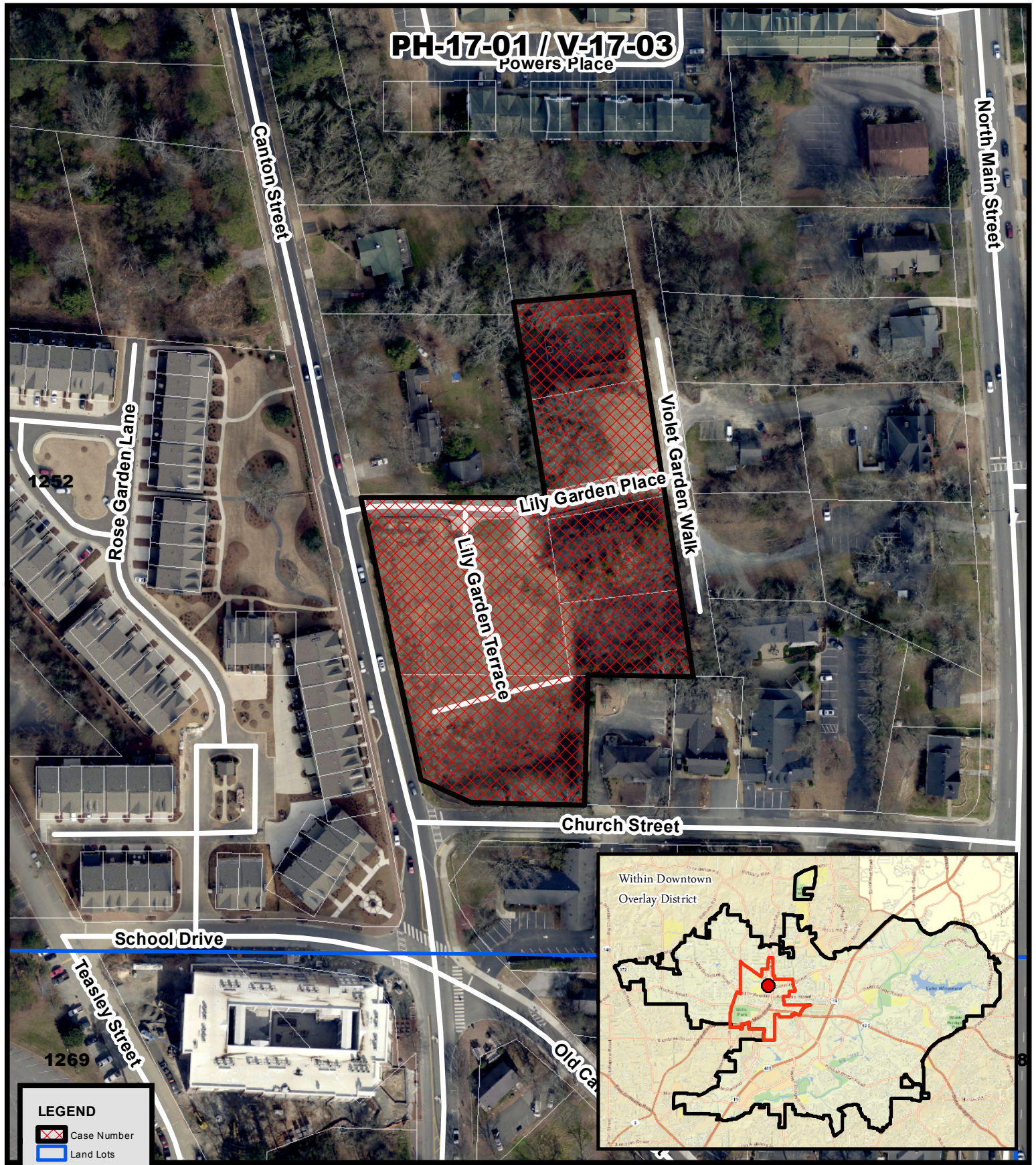


Future Land Use
Newvale Townhomes
Canton Street & Lily Garden Place

PH-17-01/V-17-03
D/LL: 2/2/1252
PC: 1/05/17
CC: 2/27/17



Location Map Provided by:
Community Development - GIS

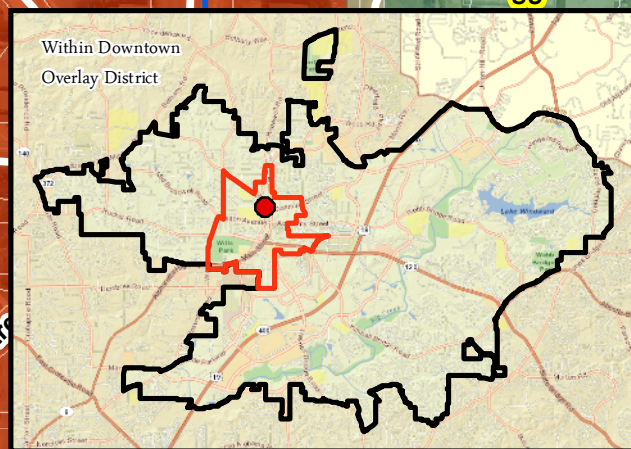
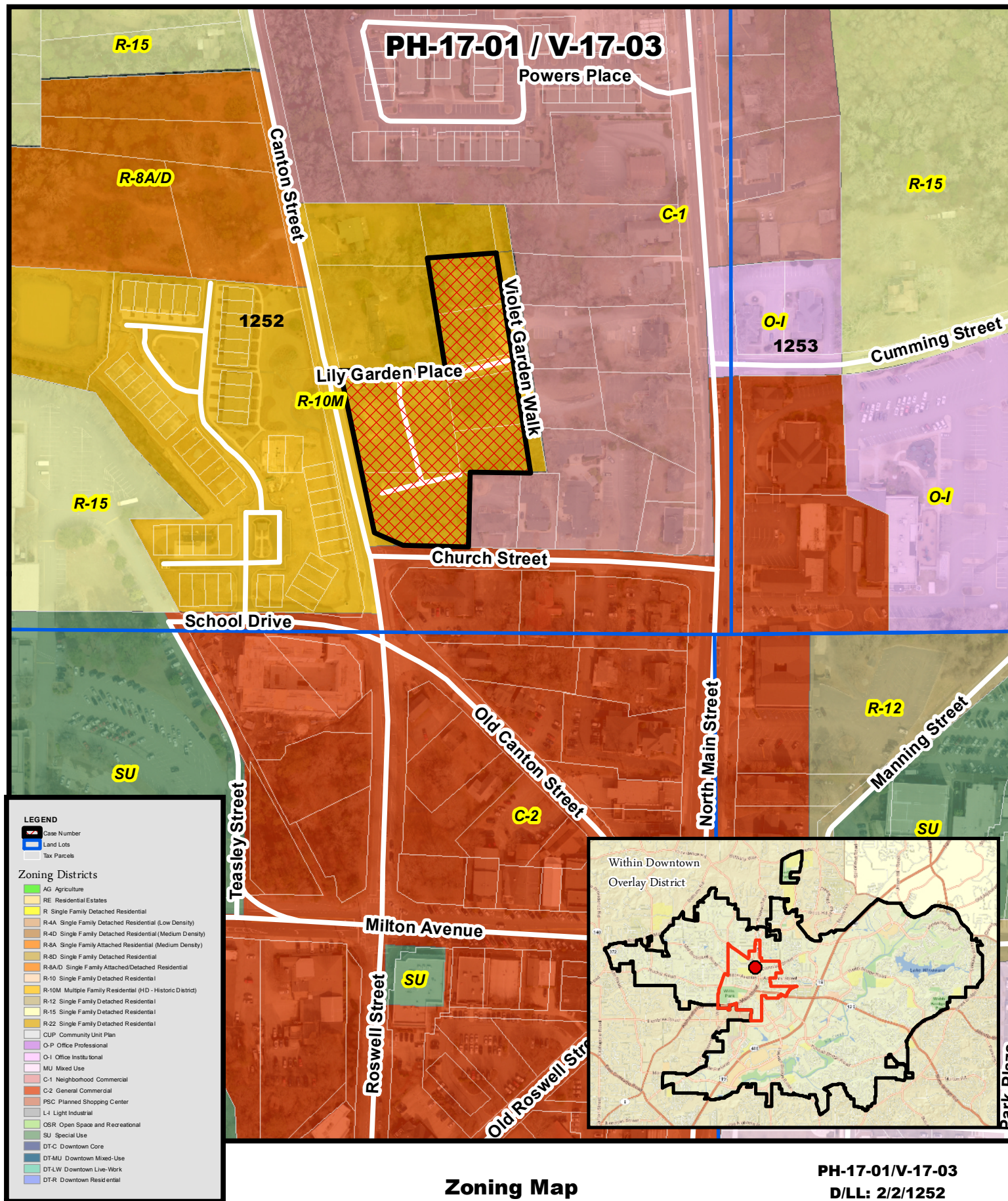


Aerial Map
Newvale Townhomes
Canton Street & Lily Garden Place

PH-17-01/V-17-03
D/LL: 2/2/1252
PC: 1/05/17
CC: 2/27/17



Location Map Provided by:
Community Development - GIS

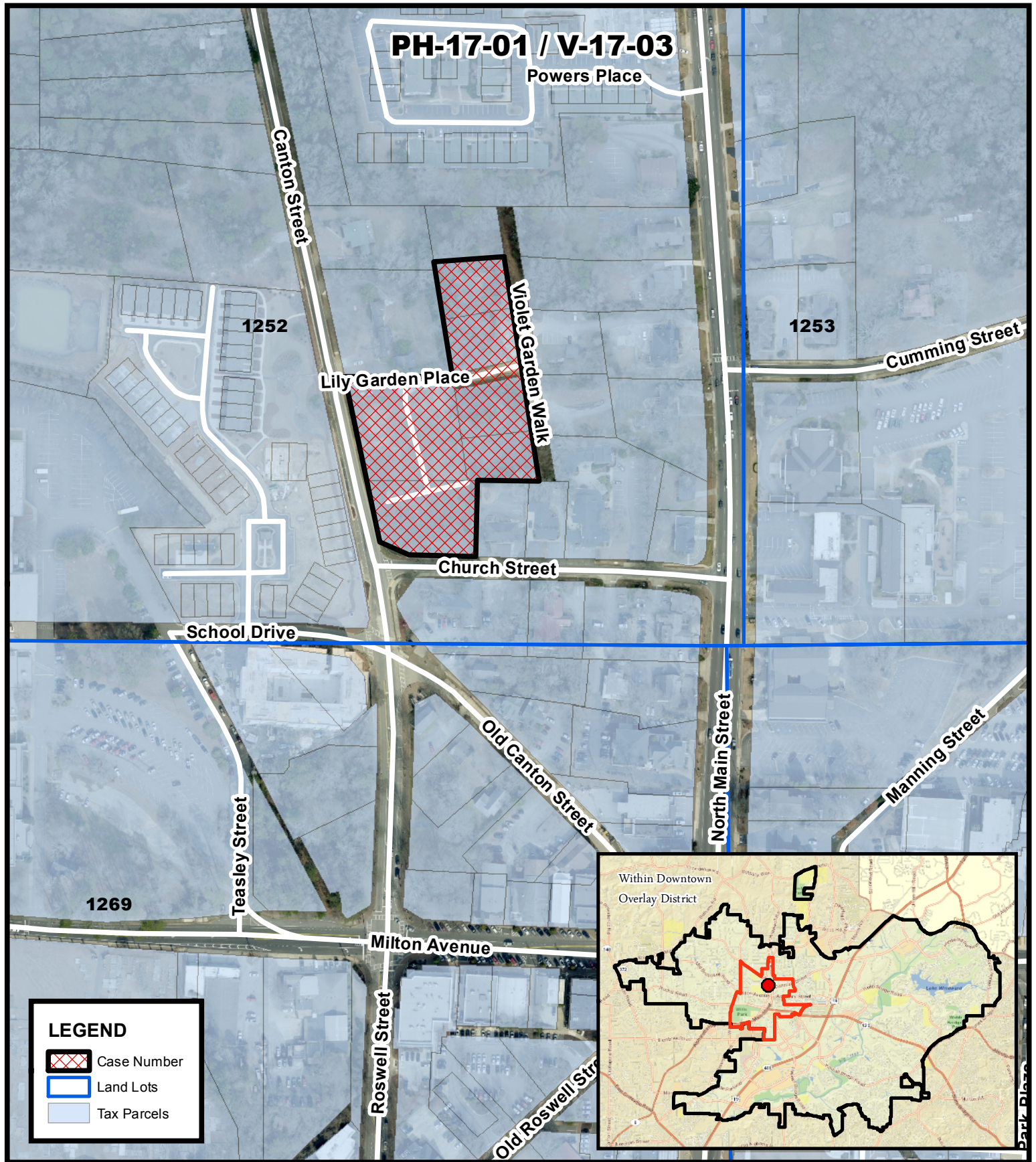


Zoning Map **Newvale Townhomes** **Canton Street & Lily Garden Place**

PH-17-01/V-17-03
D/LL: 2/2/1252
PC: 1/05/17
CC: 2/27/17

Location Map Provided by:
Community Development - GIS





Location Map
Newvale Townhomes
Canton Street & Lily Garden Place

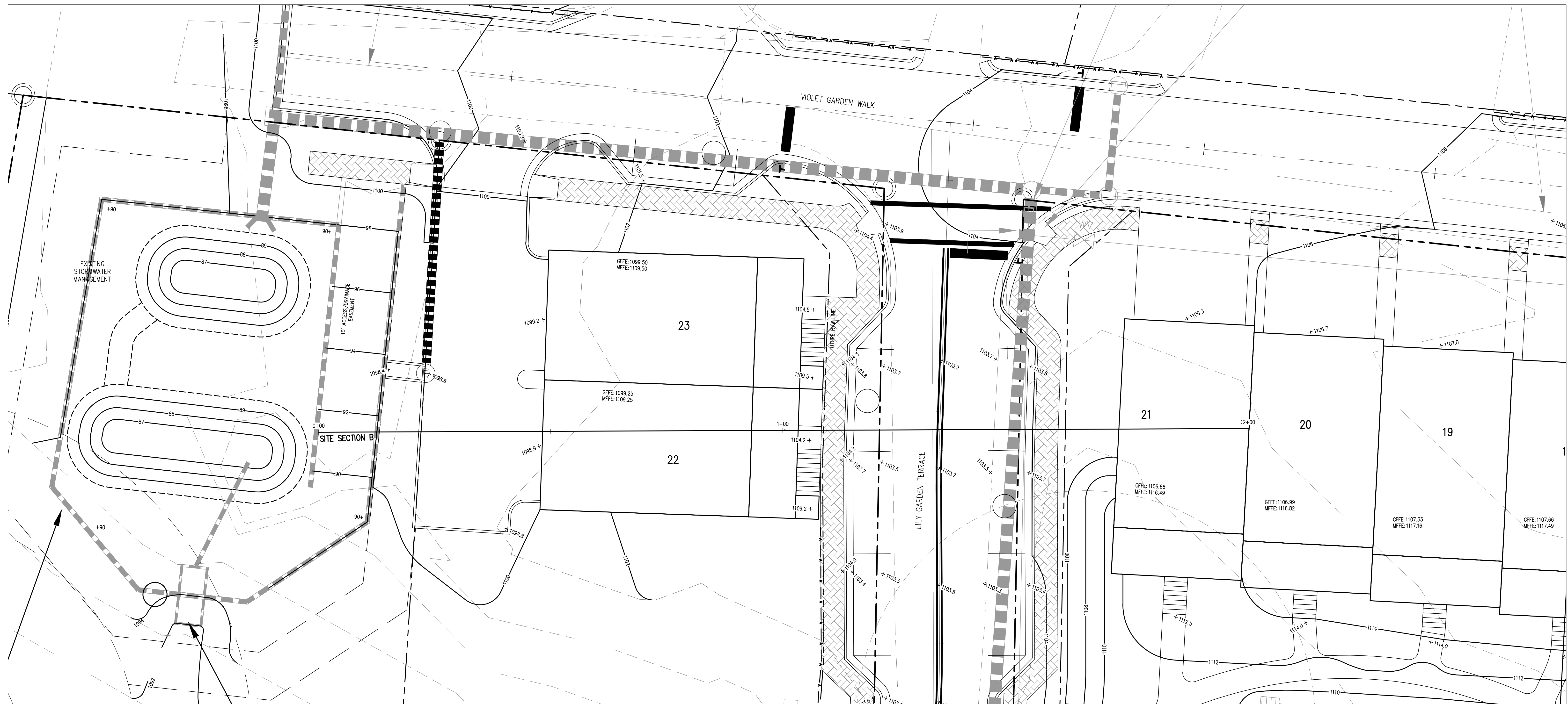
PH-17-01/V-17-03
D/LL: 2/2/1252
PC: 1/05/17
CC: 2/27/17



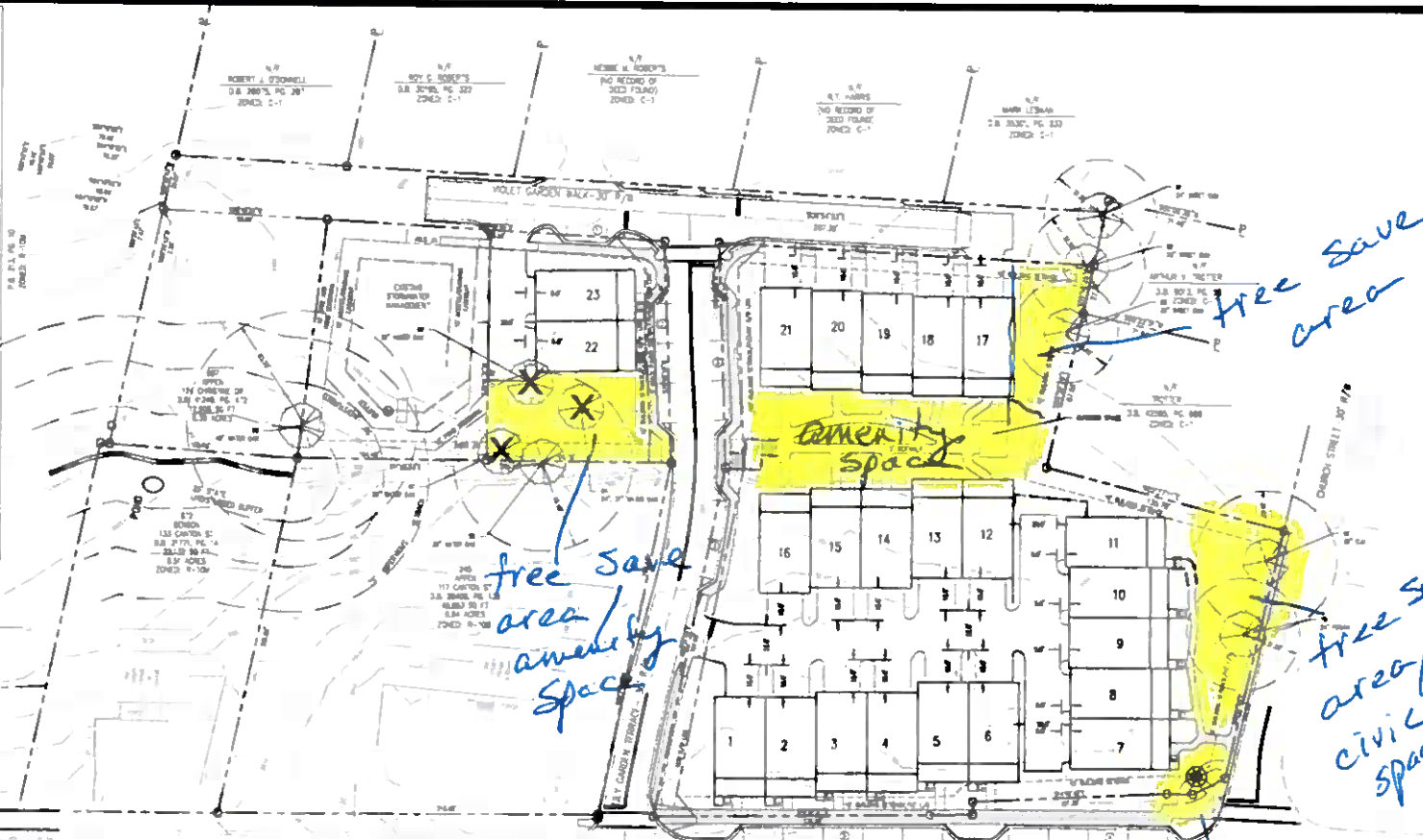
Location Map Provided by:
Community Development - GIS



This architectural section drawing illustrates the vertical and horizontal layout of a townhome unit. The drawing is set against a grid with elevations from 1080 to 1160 feet and stationing from 0+00 to 2+00. The townhome unit is shown with a gabled roof and a large patio area. A set of stairs leads from the patio down to the street level. The surrounding landscape includes a tree, an alleyway, a detention pond, and a retaining wall. The drawing also shows a car parked on the street and a person walking on the sidewalk.



SITE DATA	
LANDLOT	1252
DISTRICT	2nd/2nd
PARCEL #	23-002-1252-001-1
	23-002-1252-001-2
	23-002-1252-001-3
	23-002-1252-001-4
	23-002-1252-001-5
	23-002-1252-001-6
	23-002-1252-001-7
	23-002-1252-001-8
2.4 AC.	
2.1	
1.38	
BUILDING IF	2,500 - 1,000 SF
HEIGHT	3 STORIES 45' TALL
OWNER	
DEVELOPMENT GROUP	OLIVIA STEAD PARK
100 POWERS FERRY ROAD	
ALPHARETTA, GA 30009	
404.3911	
404.3911	
CONTACT: STEPHAN BOBICHAK	
stephan@oliviasteadpark.com	
PLANNING	
PLANNING ZONING	1-100-10
SETBACK YARD SETBACK	10'
REAR YARD SETBACK	10'
YARD SETBACK	10'
NOTES TO BE REMOVED	



Site Plan Check List

1. Verify all lot lines and easements are shown and correct.

2. Verify all setbacks are shown and correct.

3. Verify all building footprints are shown and correct.

4. Verify all parking spaces are shown and correct.

5. Verify all utility lines are shown and correct.

6. Verify all existing structures are shown and correct.

7. Verify all proposed structures are shown and correct.

8. Verify all proposed parking spaces are shown and correct.

9. Verify all proposed utility lines are shown and correct.

10. Verify all proposed easements are shown and correct.

11. Verify all proposed setbacks are shown and correct.

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21. Verify all proposed setbacks are shown and correct.

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24. Verify all proposed utility lines are shown and correct.

25. Verify all proposed easements are shown and correct.

26. Verify all proposed setbacks are shown and correct.

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29. Verify all proposed utility lines are shown and correct.

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44. Verify all proposed utility lines are shown and correct.

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90. Verify all proposed easements are shown and correct.

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92. Verify all proposed building footprints are shown and correct.

93. Verify all proposed parking spaces are shown and correct.

94. Verify all proposed utility lines are shown and correct.

95. Verify all proposed easements are shown and correct.

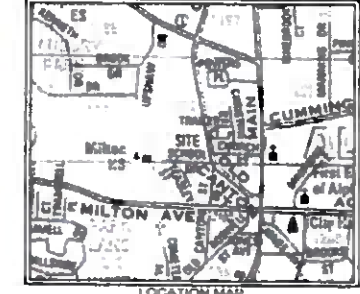
96. Verify all proposed setbacks are shown and correct.

97. Verify all proposed building footprints are shown and correct.

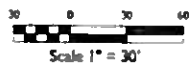
98. Verify all proposed parking spaces are shown and correct.

99. Verify all proposed utility lines are shown and correct.

100. Verify all proposed easements are shown and correct.



GEORGIA811
Call before you dig
Dial 811 or Call 1-800-282-7411



PRELIMINARY SITE PLAN

NEWVALE TOWNHOMES

LAND LOT 132, 2ND DISTRICT, 2ND SECTION
CITY OF ALPHARETTA, FULTON COUNTY, GEORGIA

DATE: _____

REVISIONS: _____

NO: _____

PROJECT NO. 10000
CLIENT: NEWVALE TOWNHOMES
DESIGNER: AEC ENGINEERING, INC.
CHECKED BY: _____
DATE: NOV 1, 2016

PI.0

OWSTEAD PARK TOWNHOMES

SITE DATA	
LANDLOT	1252
DISTRICT/SECTION	2nd/2nd
TAX PARCEL #	22-4822-1252-025-2 22-4822-1252-026-0 22-4822-1252-083-3 22-4822-1252-083-1 22-4822-1252-079-9 22-4822-1252-089-8
ADJACENT	2.4 AC
ADJACENT	23
ADJACENT	9.58
ADJACENT	2,500 - 3,000 SF
ADJACENT	3 STORIES/ 45' TALL
OWNER	
D&G DEVELOPMENT GROUP	
6400 POWERS FERRY ROAD	
ALPHARETTA, GA 30039	
770-453-3911	
770-453-3911	
CONTACT: STEFAN ROBICHAUX	
stefan.robichaux@dgddevelopmentllc.com	
PLANNING	
EXISTING ZONING:	R-10MHD
FRONT YARD SETBACK	10'
REAR YARD SETBACK	10'
SIDE YARD SETBACK	10'
REMARKS	
FREE TO BE REMOVED	

SITE PLAN CHECK LIST

This document is provided as a service to the applicant to assist in the preparation of site plans to be submitted in support of applications for public hearing. The firm has taken care to select the minimum information that must be included on all site plans submitted as part of the public hearing process.

Site plans submitted as part of a public hearing application must be drawn to scale, and the scale must be indicated on the front left corner of the plan page. The maximum page size for original site plan documents is 30" x 42". Plan copies submitted as part of the completed application package may be in a maximum of 11" x 17", must be labeled to scale of 8.5" x 11", and must be checked to each submitted parcel set.

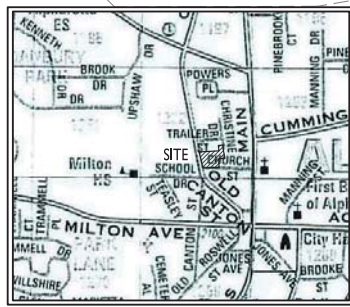
Applications that include site plan documents that do not meet these requirements will not be accepted.

NO.	Element Description
1	Key word to legend and site location map with North arrow
2	Boundary survey of subject property which includes dimensions along property lines that match the notes and boundary of the property's current legal description and clearly indicate the point of beginning
3	Address of the subject property
4	Location of front lot line and identification of front lot
5	Building footprint, use, dedicated, and front setback of all other, roads, and set back distance to and on the subject property
6	Proposed street on the subject site
7	Current survey of the subject site and adjoining properties
8	Existing building footprint, height, and area, and any other structure or improvement on the subject property
9	Location of proposed building with square footage, height, and area
10	Report and minimum lot size of proposed single-family residential lot
11	Topography of subject site
12	Report and proposed setbacks
13	100-year flood plain boundary lines and flood zone designations as shown on maps, or FEMA Flood maps
14	Report and proposed setbacks, and any other structure or improvement on the subject property
15	The lot line, setbacks, square footage, and lot area of the subject property, and any other structure or improvement on the subject property
16	Report and proposed parking spaces, loading, and unloading facilities
17	Utility, water, and other services on the site and adjoining properties
18	Report and proposed setbacks
19	Report and proposed setbacks
20	Report and proposed setbacks
21	Report and proposed setbacks
22	Report and proposed setbacks
23	Report and proposed setbacks
24	Report and proposed setbacks
25	Report and proposed setbacks
26	Report and proposed setbacks
27	Report and proposed setbacks
28	Report and proposed setbacks
29	Report and proposed setbacks
30	Report and proposed setbacks



FIRM MAP
SCALE: 1"=600'

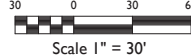
PANEL (F.I.R.M.) NO. 1312100505
REVISED SEPTEMBER 18, 2013
NO FLOODPLAIN OR ADJACENT TO PROPERTY



LOCATION MAP
SCALE: 1"=600'



Know what's below.
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Dial 811 or Call 1-800-282-7411



Scale 1" = 30'



50 Warm Springs Circle
Roswell, Georgia 30075
(770) 641-1942 • www.aec3d.com

PRELIMINARY SITE PLAN

NEWVALE TOWNHOMES

LAND LOT 1252, 2ND DISTRICT, 2ND SECTION
CITY OF ALPHARETTA, FULTON COUNTY, GEORGIA

NO.	REVISIONS	DATE

PROJECT NO: 16-193-00
CIVIL DRAWN BY: JMM, DMM
CIVIL DESIGNED BY: MOV
LANDSCAPE DRAWN BY: —
LANDSCAPE CHECKED BY: —
CHECKED BY: MOV
DATE: NOV. 1, 2016

SHEET

PI.0

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: Olmstead Park PH-17-01 / V-17-03

Contact Name: Dennis J. Webb, Jr.

Telephone: 404-815-3620

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

One woman called asking for additional information which was provided to her during the phone call and by subsequent email

(see attached)

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



Letter



Personal Visits



Telephone



Group Meeting



Email



Other (Please Specify) _____

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

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: 12/13/14

Print Form

Avila, Shawna E.

From: Avila, Shawna E. <SAVILA@SGRLAW.COM>
Sent: Monday, December 05, 2016 12:05 PM
To: sremail2@yahoo.com
Cc: Webb, Dennis (Den)
Subject: D&G Olmstead
Attachments: Attachment C.pdf

Per Den's request, please find attached a copy of Attachment 2 to the City of Alpharetta Variance and Public Hearing Application filed on 11/21/16

SHAWNA E. AVILA | Paralegal

404-815-3558 *phone*
404-685-6858 *fax*
www.sgrlaw.com
SAVILA@SGRLAW.COM

Promenade, Suite 3100
1230 Peachtree Street, N.E.
Atlanta, Georgia 30309-3592



SMITH, GAMBRELL & RUSSELL, LLP

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ATTACHMENT C

1. Property shall be zoned R-10MHD and limited to single family attached, townhomes with a maximum of up to 23 units.
2. Site shall be developed substantially similar to plan dated ~~December 7, 2007~~ November 21, 2016- site plan prepared by AEC except as noted in these conditions.
3. Development shall comply with the requirements of the Historic Downtown Incentive Zoning including architectural style.
4. Fencing visible from streets shall be ~~limited to black wrought iron having a height of no more than 42". Wrought iron fencing with a gate may be required in front of each townhome fronting Canton Street as well as 10' minimum front setback along Canton Street. Final approval shall be based upon impacts from new sidewalk/roadway typical section with final approval by Staff.~~ approved by Staff.
5. Green spaces and tree save areas shall remain substantially as shown.
6. Applicant shall construct new typical section for property along Canton Street which includes an 8' sidewalk, ~~5' planting strip with street trees and decorative lighting as shown on Exhibit A with final approval by Staff.~~
7. Driveway design shall provide a minimum of ~~18.5~~ 18 feet from garage door to back of curb or back of sidewalk.
8. Lily Garden Terrace/Trailer St. and Christine Drive shall be upgraded to city standards as shown on 'exhibit A' for the entire length of road frontage owned by the applicant.
9. Decks shall not encroach into the building setback line. Decks shall be heavily screened. Unfinished wood deck material shall be prohibited. Porches fronting public right-of-way shall have no more than 10 steps from grade to front doors.
10. Benches shall be placed in open space areas and a bronze sculpture representing the Garden District imagery shall be placed at the corner of Trailer Street and Canton Street and shall require Staff approval.

11. Water feature shall be traditional in style and include landscaping and brick surround with final approval by Staff.

12. Sidewalks along Canton Street, and Church Street shall be brick. Stamped concrete shall not be permitted.

13. Individual unit elevations shall not be repeated within a set of buildings. Buildings shall be treated with similar materials and level of detail on the rear as the front and shall be substantially similar to previously submitted elevations (attached). Main entrances shall include a covering over the front door, with an awning or other approved structural element. Townhomes shall be Georgian Revival style including, but not limited to, wrought iron stair railings with rock/brick finished sides on the stair wells, four sided brick or stone, decorative window finishes and moldings, balustrades, brick deck posts, and shutters. Garage door styles shall alternate. Townhouses shall have the appearance of separate, individual units and shall not have a common, unified roof line.

14. Buildings located along Canton Street shall face Canton Street and buildings located along Church Street shall face Church Street.

15. Internal roadways shall remain private and gating of streets shall be prohibited.

16. Retaining walls visible from adjacent to public roadways shall be brick faced.

17. Decorative lampposts shall be required with final approval by Staff.

18. Minimum square footage shall be 2,200 square feet.

19. Applicant shall establish an HOA and HOA shall establish a reserve sufficient to mill and resurface all internal roads and parking areas a minimum of once every 20 years.

Approved by unanimous vote (7-0-0)

Promenade, Suite 3100
1230 Peachtree Street, N.E.
Atlanta, Georgia 30309-3592
Main: 404 815-3500
www.sgrlaw.com

SMITH, GAMBRELL & RUSSELL LLP
Attorneys at Law

Dennis J. Webb, Jr.
Direct Tel: (404) 815-3620
Direct Fax: (404) 685-6920
djwebb@sgrlaw.com

November 30, 2016

Dear Property Owners:

This letter is to inform you that an application to modify zoning conditions and for a variance has been submitted to the City of Alpharetta Community Development Department for property located at 0, 0, 116 and 120 Christine Drive and 89 and 95 Canton Street which is within 500 feet of your property.

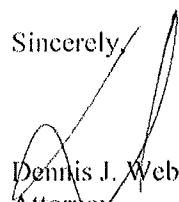
Please be advised of the following information pertaining to the applications and public hearings:

CASE NUMBERS: PIH-17-01 / V-17-03	APPLICANT NAME: D&G Development Group
PUBLIC HEARING REQUEST: Modify zoning conditions VARIANCE REQUEST: Increase the maximum height allowed	PROPERTY SIZE: +/- 2.4 acres
STREET LOCATION: Christine Drive and Canton Street	CONTACT PERSON: Dennis J. Webb, Jr. TELEPHONE NUMBER: (404) 815-3500
PROPOSED DEVELOPMENT: Townhomes	

CITY COUNCIL HEARING January 23, 2017 at 6:30 P.M.	
PUBLIC HEARING LOCATION:	Alpharetta City Hall 2 Park Plaza, Council Chambers Alpharetta, Georgia

If you have any questions regarding this project or would like to meet, please feel free to contact me at the number listed above.

Sincerely,


Dennis J. Webb, Jr.
Attorney

Enclosure: Application filed 11/21/16



ATTACHMENT B

AB REAL ESTATE
INVESTMENTS LLC
1110 POWERS PL
ALPHARETTA, GA 30004

ANDERSON JOHN DAVID
390 ROSE GARDEN LANE
ALPHARETTA, GA 30009

AR INVESTMENTS LLC
555 SUN VALLEY DR UNIT B4
ROSWELL, GA 30076

BAIRD MARGARET R
325 ROSE GARDEN LN
ALPHARETTA, GA 30004

BELL LINDA REESE &
JONES ELLON W
159 NORTH MAIN ST
ALPHARETTA, GA 30009

BOBE & SNELL LLC
1095 POWERS PL
ALPHARETTA, GA 30009

BROWN MONDI PROPERTIES
INC
11675 CENTURY DR STE D
ALPHARETTA, GA 30009

CARUSO GARY J & BARBARA L
745 GLENLEIGH LN
DULUTH, GA 30097

COBERN JOSEPH M & ELAINE J
345 ROSE GARDEN LANE
ALPHARETTA, GA 30009

DRAVINS DEVELOPMENT
GROUP INC
10910 BELL RD
DULUTH, GA 30097

ABDELMUTI HEMZEH R &
SIREAN
555 ROSE GARDEN LANE
ALPHARETTA, GA 30009

APPEN RAYMOND C &
CHRISTIANA A
316 LYNNE CIR
ALPHARETTA, GA 30004

ARGENTIS STAMATIA
475 ROSE GARDEN LANE
ALPHARETTA, GA 30009

BEANIES PROP LLC
233 CANTON ST
ALPHARETTA, GA 30004

BENSON DOROTHY C
133 CANTON ST
ALPHARETTA, GA 30004-1606

BOGGUS BRANNON S
440 ROSE GARDEN LANE
ALPHARETTA, GA 30009

BUNCH DEREK
1255 RIVERSIDE RD
ROSWELL, GA 30076

CHALK2CHAMPIONS LLC
38 N MAIN ST
ALPHARETTA, GA 30009

COLLINS MARINE GROUP LLC
88 ROSWELL ST
ALPHARETTA, GA 30009

DREAM RIVER LLC
522 BUNKERS COVE RD
PANAMA CITY, FL 32401

ALPHARETTA FIRST UNITED
METHODIST CHURCH
INC
69 N MAIN ST
ALPHARETTA, GA 30004

APPEN RAYMOND C &
CHRISTINA B
316 LYNNE CIR
ALPHARETTA, GA 30004

ATTIG LARRY L & MARGE A
225 OAKMERE DR
ALPHARETTA, GA 30009-3268

BELDEN JOHN ASHLEY &
BELDEN LIBBY MARIE
550 ROSE GARDEN LANE
ALPHARETTA, GA 30009

BERMIC RPROPERTIES LLC
1040 POWERS PL
ALPHARETTA, GA 30009

BRCKA TERRY
520 ROSE GARDEN LN
ALPHARETTA, GA 30009

BUTTS ROBERT R
5360 FRANKLIN GOLDMINE RD
CUMMING, GA 30028

CITY OF ALPHARETTA
2 SOUTH MAIN ST
ALPHARETTA, GA 30004

CUSICK RICHARD & LAURA M
350 ROSE GARDEN LANE
ALPHARETTA, GA 30009

DUBROF JOSEPH & JULIE
455 ROSE GARDEN LN
ALPHARETTA, GA 30009

EAST CANTON LLC
11785 NORTHFALL LN SUITE 510
ALPHARETTA, GA 30009

EAST CANTON LLC
11785 NORTHFALL LN SUITE 510
ALPHARETTA, GA 30009

EHORSE L L C
1070 POWERS PL
ALPHARETTA, GA 30004

ERIC S CHOFNAS PC
1100 POWERS PL
ALPHARETTA, GA 30004

FIRST UNITED METHODIST CH
OF
ALPHARETTA GA THE
69 N MAIN ST
ALPHARETTA, GA 30004

FIRST UNITED METHODIST CH
OF ALPHARETTA
69 N MAIN ST
ALPHARETTA, GA 30009-3620

FORD VANDA M
420 ROSE GARDEN LANE
ALPHARETTA, GA 30009

FULTON COUNTY BOARD OF
EDUCATION
786 CLEVELAND AVE
ATLANTA, GA 30315

GALLEGOS ENRIGUE HERRERA
&
HERRERA MARGARITA
330 ROSE GARDEN LANE
ALPHARETTA, GA 30009

GDCI GA 4 L P
5755 DUPREE DR SUITE 130
ATLANTA, GA 30327

GDCI GA 4 L P
5755 DUPREE DR SUITE 130
ATLANTA, GA 30327

GDCI GA 4 L P
5755 DUPREE DR SUITE 130
ATLANTA, GA 30327

GDCI GA 4 L P
5755 DUPREE DR SUITE 130
ATLANTA, GA 30327

GEISEL PAMELA A
1000 POWERS PL
ALPHARETTA, GA 30004

GENERAL CONVENIENCE
STORE INC
174 NORTH MAIN ST
ALPHARETTA, GA 30004

GRABER ALYSSA
540 ROSE GARDEN LN
ALPHARETTA, GA 30009

GRONHOLM SCOTT
12200 KING CIR
ROSWELL, GA 30075

HARMAN DEMPSEY
PROPERTIES LLC
1145 POWERS PL
ALPHARETTA, GA 30009-8358

HARRIS R T & KOVEN ROBERT P
4398 PAPER MILL RD
MARIETTA, GA 30067

HART DESIREE JOY
140 ROSE GARDEN LN
ALPHARETTA, GA 30009

HAYWARD WARREN R &
SHARON A
365 ROSE GARDEN LN
ALPHARETTA, GA 30009

HAYWOOD T ASHLEY
P O BOX 485
ALPHARETTA, GA 30009

HI RIVER PROPERTIES LLC
7917 SONATA BAY POINT
LAKE WORTH, FL 33467-7067

HINOJOSA HENRIETTA NICOLE
& MICHAEL A
465 ROSE GARDEN LN
ALPHARETTA, GA 30009

INEICHEN PHILLIPP A &
ZEHNDER CLAUDIA K
335 ROSE GARDEN LANE
ALPHARETTA, GA 30009

JORDON JEFFREY W
425 ROSE GARDEN LANE
ALPHARETTA, GA 30009

KEATLEY BRANDY MARIA
565 ROSE GARDEN LANE
ALPHARETTA, GA 30009

KEBANLI ARTHUR & BEDRIYE
560 ROSE GARDEN LANE
ALPHARETTA, GA 30009

KIM KON & SOON JA
1160 ALPHARETTA ST
PLAZA 19 - STE 2
ROSWELL, GA 30075

KIRBY RYAN & AMANDA
5780 WINDWARD PKWY STE 200
ALPHARETTA, GA 30005

KLAM INC
4465 PINEHOLLOW CT
ALPHARETTA, GA 30022

KM HOMES LLC
5780 WINDWARD PKWY SUITE
200
ALPHARETTA, GA 30005

KM HOMES LLC
5780 WINDWARD PKWY SUITE
200
ALPHARETTA, GA 30005

KM HOMES LLC
5780 WINDWARD PKWY SUITE
200
ALPHARETTA, GA 30005

KM HOMES LLC
5780 WINDWARD PKWY SUITE
200
ALPHARETTA, GA 30005

KM HOMES LLC
5780 WINDWARD PKWY SUITE
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ALPHARETTA, GA 30005

KM HOMES LLC
5780 WINDWARD PKWY SUITE
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ALPHARETTA, GA 30005

KM HOMES LLC
5780 WINDWARD PKWY SUITE
200
ALPHARETTA, GA 30005

KM HOMES LLC
5780 WINDWARD PKWY SUITE
200
ALPHARETTA, GA 30005

KM HOMES LLC
5780 WINDWARD PKWY SUITE
200
ALPHARETTA, GA 30005

KNOX LYNN &
KNOX RICHARD
430 ROSE GARDEN LANE
ALPHARETTA, GA 30004

KOVEN ROBERT P & HARRIS
ROBT T
4398 PAPER MILL RD
MARIETTA, GA 30067

LANDSTROM JOE
355 ROSE GARDEN LANE
ALPHARETTA, GA 30009

LANIER PATRICE MARIE &
GARY ALLEN
240 ROSE GARDEN LANE
ALPHARETTA, GA 30009

LANPEG, LLC
35 OLD CANTON ST
ALPHARETTA, GA 30004

LATONA CHARLES &
MC NULTY ROBERT DENNIS
110 ROSE GARDEN LANE
ALPHARETTA, GA 30009

LEE ANGELA D
959 BRIDGEGATE DR
MARIETTA, GA 30066

LESSIG JOHN EDMUND
530 ROSE GARDEN LN
ALPHARETTA, GA 30009

LIGHT INVESTMENTS LLC
2296 TRAYWICK CHASE
ALPHARETTA, GA 30004

LORVEN PROPERTIES LLC
1125 GOLDENROD LANE
SUWANEE, GA 30024

LUNSFORD SARA H
245 CHINABERRY DR
ROSWELL, GA 30076

MAIN STREET COMMONS
OFFICE PARK
OWNERS ASSOCIATION INC
1102 ABBEY CT
ALPHARETTA, GA 30004

MAKI ROBIN BECKER
445 ROSE GARDEN LANE
ALPHARETTA, GA 30009

MARUS KENNETH &
MARUS ANDREA
135 ROSE GARDEN LANE
ALPHARETTA, GA 30009

MC MANES A SPENCER &
A SPENCER JR
1015 POWERS PL
ALPHARETTA, GA 30004

MERIDIAN GROUP INC THE
1050 POWERS PL
ALPHARETTA, GA 30004

MITCHELL MARY B
535 ROSE GARDEN LANE
ALPHARETTA, GA 30009

NEWSOME MICHAEL EUGENE &
GAIL EAGAN
4045 ABINGDON PL
CUMMING, GA 30041-5801

O DONNELL ROBERT J &
CHERYL C
134 N MAIN ST
ALPHARETTA, GA 30004-1623

OBEROI MADANJIT
OBEROI MADHU
205 W SMOKETREE TER
ALPHARETTA, GA 30005

OBEROI MADANJIT & MADHU
205 WEST SMOKETREE TER
ALPHARETTA, GA 30005

OBEROI MADANJIT & MADHU
205 WEST SMOKETREE TER
ALPHARETTA, GA 30005

OBEROI MADANJIT & MADHU
205 WEST SMOKETREE TER
ALPHARETTA, GA 30005

OWENS LAURIE B
230 ROSE GARDEN LANE
ALPHARETTA, GA 30009

PAYNE JOHN MARTIN
370 ROSE GARDEN LANE
ALPHARETTA, GA 30009

PCG PROPERTIES LLC
1085 POWERS PL
ALPHARETTA, GA 30004

PROPERTIES OF DUFFY LLC
10 CUMMING ST
ALPHARETTA, GA 30004

RICK DOUGLAS ALAN &
CHRISTINE S
130 ROSE GARDEN LN
ALPHARETTA, GA 30009

RM BILOXI LLC
1075 POWERS PL STE B
ALPHARETTA, GA 30009

ROBERTS JESSIE M
P.O. BOX 535
HOLLY SPRINGS, GA 30142-0009

ROBERTS JESSIE M
P.O. BOX 535
HOLLY SPRINGS, GA 30142-0009

ROBERTS ROY C
126 NORTH MAIN ST
ALPHARETTA, GA 30009

ROBERTSON SHERYL S
1120 POWERS PL
ALPHARETTA, GA 30009-8359

ROUZER KYLE DAVID &
ROUZER KAY L
155 ROSE GARDEN LANE
ALPHARETTA, GA 30009

SBLD PROPERTIES LLC
1030 POWERS PL
ALPHARETTA, GA 30004

SILVERMAN BRENDA ANN &
JAMES P
435 ROSE GARDEN LN
ALPHARETTA, GA 30009

SNYDER MARY KAY
525 ROSE GARDEN LANE
ALPHARETTA, GA 30009

SOLLEY ROBERT A
1105 POWERS PL
ALPHARETTA, GA 30004

SRISAI REALTY LLC
5755 N POINT PKWY SUITE 85
ALPHARETTA, GA 30022

STONE MARTHA
1525 HOLBROOK CAMPGROUND
RD
CUMMING, GA 30040

STONEWALK LOFTS
ALPHARETTA LLC
12611 ITASKA WALK
ALPHARETTA, GA 30004

STONEWALK LOFTS
ALPHARETTA LLC
12611 ITASKA WALK
ALPHARETTA, GA 30004

SUMMERS DOLLEH KIM
1660 HAMIOTA RDG
ALPHARETTA, GA 30004

SWOPE DARRELL & ELKET
310 ROSE GARDEN LANE
ALPHARETTA, GA 30009

THIRTY FOUR THIRTY SIX
CHURCH
STREET LLC
233 CANTON ST
ALPHARETTA, GA 30004

TROTTER HOLDINGS INC
690 E MAIN ST
CANTON, GA 30114

TROTTER HOLDINGS INC
37 CHURCH ST
ALPHARETTA, GA 30004

TSBI ENTERPRISES LLC
1507 DARTMOUTH RD
ALPHARETTA, GA 30004

TURPEN DAVID REED &
HUSSMANN EDNA MILLER
380 ROSE GARDEN LANE
ALPHARETTA, GA 30009

VAZ JOSE
250 ROSE GARDEN LANE
ALPHARETTA, GA 30009

WALLERT RONALD & PAGE W
320 ROSE GARDEN LANE
ALPHARETTA, GA 30009

WARREN KARA LYNN ET AL
545 ROSE GADEN LANE
ALPHARETTA, GA 30009

WASHBOURNE JAMES F &
LUCINDA
360 ROSE GARDEN LANE
ALPHARETTA, GA 30009

WEST CANTON LLC
11785 NORTHFALL LN SUITE 510
ALPHARETTA, GA 30009

WHITMAN ARNOLD
3500 LENOX RD NE STE 510
ATLANTA, GA 30326

WHITMAN ARNOLD M
3820 MANSELL RD SUITE 280
ALPHARETTA, GA 30022

WHITMAN ARNOLD M
3500 LENOX RD NE STE 510
ATLANTA, GA 30326

WILKERSON PETER & JULIETTE
340 ROSE GARDEN LANE
ALPHARETTA, GA 30004

YOUTH MINISTRY RESOURCES
INC
31 CHURCH ST
ALPHARETTA, GA 30009

11/21/16

PH-17-01/V-17-03

OLMSTEAD PARK TOWNHOMES

CITY OF ALPHARETTA

FOR OFFICE USE ONLY

Case #: _____

☐ Fee Paid Initial: _____

PUBLIC HEARING APPLICATION

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: D&G Development Group, c/o Dennis J. Webb, Jr.Telephone: 404-815-3620Address: 1230 Peachtree St., NESuite: 3100City AtlantaState: GAZip: 30309Fax: 404-685-6920

Mobile Tel: _____

Email: dwebb@sgrlaw.com

Subject Property Information:

Address: See Attachment ACurrent Zoning: R-10M HDDistrict: 2Section: 2Land Lot: 1252Parcel ID: See Attachment AProposed Zoning: R-10M HDCurrent Use: Partially developed townhome development

This Application For (Check All That Apply):

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

APPLICANT REQUEST AND INTENT

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

Townhomes

Applicant's Request (Please itemize the proposal):

Modify conditions of zoning for approved townhome development and seek exception variance to increase maximum height on Canton Street to 45'

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

See Statement of Intent

11/21/16

OLMSTEAD PARK TOWNHOMES

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: Canton Street Capital, LLC

Telephone: 770-990-0743

Address: 1430 Wynnton Road

Suite:

City Columbus

State: GA

Zip: 31906

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

Amend zoning conditions to Z-13-14

Identify Authorized Applicant:

Name of Authorized Applicant: D&G Development Group, c/o Dennis J. Webb, Jr. Telephone: 404-815-3620

Address: 1230 Peachtree St., NE

Suite: 3100

City Atlanta

State: GA

Zip: 30309

So Sworn and Attested:

Owner Signature: CANTON STREET CAPITAL LLC

Date: 11/18/16

Notary:

Notary Signature: Karen Collett Owens

Date: 11/18/16



11/21/16

OLMSTEAD PARK TOWNHOMES

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: Canton Street Capital, LLC

Subject Public Hearing Case: Olmstead Park

Campaign Contribution Information:

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

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

Name of Official: _____	Position: _____
Description of Contribution: _____	Value: _____
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: Canton Street Capital, LLC

Date: 1/11/18/16

11/21/16

OLMSTEAD PARK TOWNHOMES

DISCLOSURE FORM

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Name of Applicant or Opponent: D&G Development Group

Subject Public Hearing Case: Olmstead Park

Campaign Contribution Information:

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

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

Name of Official:	_____	Position:	_____
Description of Contribution:	_____	Value:	_____
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: _____

11/15/16

11/21/16

DISCLOSURE FORM

OLMSTEAD PARK TOWNHOMES

The Official Code of Georgia Annotated requires disclosure of campaign contributions to government officials by an applicant or opponent of a rezoning or public hearing petition (O.C.G.A. 36-67 A-1).

Applicants must file this form with the City of Alpharetta Community Development Department within ten (10) days after filing for rezoning or public hearing. Opponents to a rezoning or public hearing petition must file this form five (5) days prior to the Planning Commission meeting at which the subject rezoning or public hearing petition is scheduled to be heard.

Name of Applicant or Opponent: Dennis J. Webb, Jr., Smith, Gambrell & Russell, LLP

Subject Public Hearing Case: Olmstead Park

Campaign Contribution Information:

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

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

Name of Official:	_____	Position:	_____
Description of Contribution:	_____	Value:	_____
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: _____

11/18/16

11/21/16

DISCLOSURE FORM

OLMSTEAD PARK TOWNHOMES

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: Kathryn M. Zickert, Smith, Gambrell & Russell, LLP

Subject Public Hearing Case: Olmstead Park

Campaign Contribution Information:

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

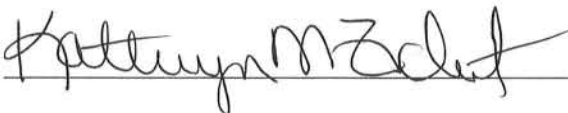
If the individual identified above has made no such contributions to an Alpharetta Official within the past two (2) years, please indicate this by entering "N/A" on the appropriate lines below.

Name of Official:	Position:
Description of Contribution:	Value:
Description of Contribution:	Value:
Description of Contribution:	Value:
Description of Contribution:	Value:
Description of Contribution:	Value:

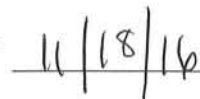
Campaign Contribution Information:

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:



11/21/16

DISCLOSURE FORM

OLMSTEAD PARK TOWNHOMES

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: Vickie B. Chung, Smith, Gambrell & Russell, LLP

Subject Public Hearing Case: Olmstead Park

Campaign Contribution Information:

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

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

Name of Official:	_____	Position:	_____
Description of Contribution:	_____	Value:	_____
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:

11/18/16

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

See Statement of Intent

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

See Statement of Intent

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

See Statement of Intent

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

See Statement of Intent

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

See Statement of Intent

See Statement of Intent

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

See Statement of Intent

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

See Statement of Intent

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

BOARD OF ZONING APPEALS REVIEW CRITERIA

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

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

See Statement of Intent

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

See Statement of Intent

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

See Statement of Intent

Would relief, if granted, cause substantial detriment to the public good or impair the purpose and intent of the Zoning Code? Please defend your response.

See Statement of Intent

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

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: Olmstead Park

Contact Name: Dennis J. Webb, Jr.

Telephone: 404-815-3620

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

See Attachment B

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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) <u>Will offer to meet in letter</u> |

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

STATEMENT OF INTENT

and

Other Material Required by
City of Alpharetta Zoning Ordinance
for the

**Application to Modify Zoning Conditions
Concurrent Exception Variance Application**

of

D&G Development Group, LLC

related to

± 2.4 Acres of Land located in
Land Lot 1252, 2nd District, 2nd Section
City of Alpharetta
(120, 116 Christine Drive, 89, 96 Canton Street)

Submitted for Applicant by:

Dennis J. Webb, Jr.
Vickie B. Chung
Smith, Gambrell & Russell, LLP
Promenade, Suite 3100
1230 Peachtree Street, NE
Atlanta, Georgia 30309
404-815-3500

I. INTRODUCTION

This Application seeks (1) a Modification of Zoning Conditions and (2) a Concurrent Exception Variance related to $\pm$ 2.4 acres of land in Land Lot 1252, 2nd District, 2nd Section and located on the northeast corner of Canton Street and Church Street (the “Subject Property”). The Subject Property was rezoned to R-10M HD in 2013 (Z-13-14) for twenty three (23) townhomes, which were never constructed. The 2013 approval was subject to nineteen (19) conditions. The Applicant has since gone under contract for the Subject Property and hopes to develop the 23 townhomes approved, with minor changes to the site plan and zoning conditions. The Subject Property is located in the Downtown Overlay District and subject to the Historic Downtown Incentive Zoning (Residential Village and Retail/Residential Mixed Use districts). It is within the “Downtown Activity Center” character area and designated as “Downtown Residential Density” on the City’s Future Land Use Map.

In order to develop the Subject Property as 23 townhomes as depicted on the enclosed Site Plan, the Applicant seeks the following:

1. **Modification of Zoning Conditions:** a list of the proposed modifications is submitted as “Attachment C” to this application.
2. **Concurrent Exception Variances** (“Variance”) to increase the maximum height allowed from 40 feet to 45 feet.

In support of these requests, the Applicant submits this Statement of Intent, a Survey Plat of the Subject Property, a Site Plan, a Preliminary Landscape Plan, a Conceptual Rendering, and other supporting material.

II. SUBJECT PROPERTY SPECIFICATIONS

The Subject Property consists of five parcels, all of which are zoned R-10M HD (Dwelling, 'for-rent' or 'for-sale', residential) subject to the 2013 rezoning: (1) 120 Christine Drive, Parcel ID No. 22 482212520823, 0.2925 acres; (2) 116 Christine Drive, Parcel ID No. 22 482212520831, 0.2836 acres; (3) Christine Drive, Parcel ID No. 22 482212520799, 0.2619 acres; (4) Christine Drive, Parcel ID No. 22 482212520898, 0.43 acres; (5) 5. 89 Canton Street, Parcel ID No. 22 482212520260, 0.6107 acres; and (6) 95 Canton Street, Parcel ID No. 22 482212520252, 0.9642 acres.

The Subject Property is located at the northeast intersection of Canton Street and Church Street and bounded by Violet Garden Walk to the east. The Subject Property has been cleared and the infrastructure for the approved townhomes has been laid, but the townhomes have yet to be constructed. South of the Subject Property are properties zoned C-2 used for a variety of commercial purposes, including an event venue, café, restaurant, spa and office, as well as the restaurants and shops on Milton Avenue. To the west of the Subject Property across Canton Street are townhomes zoned R-10M. Further west is Independence High School,

zoned SU. To the east are properties zoned C-1, used for a mix of commercial purposes such as shops, a flower market and a violin store and repair shop.

III. JUSTIFICATION FOR APPLICATION

A. Modification of Zoning Conditions

This Application meets all the criteria for modifications of zoning conditions set forth in the City's Unified Development Code ("UDC"). In July of 2015, the City adopted the new Downtown Overlay, which includes the Subject Property. Section 1.2.3 of the Downtown Code states that zoning conditions in effect prior to the enactment of the Downtown Code may be modified through a zoning change in accordance with Section 4.2 of the UDC. The standards set forth in that section are considered below.

1. The modifications requested will permit a use that is suitable in view of the zoning, use and development of adjacent and nearby properties.

The Subject Property is located in the core of downtown in an area that has seen a development trend toward high-quality, higher-density housing options, including the townhomes on Rose Garden Lane across Canton Street from the Subject Property. This development trend is in line with the City's vision for downtown. The Historic Downtown Incentive Zoning ("HDIZ") Regulations specifically state that the Residential Village district "is envisioned to accommodate higher density residential development in the form of townhouses..." with a maximum density of 10 units per acre. The Downtown

Master Plan also echoes this view: “[l]and use demand in this area should be allocated toward...mid-density residential, including townhomes.”

In the immediate vicinity of the Subject Property are a number of services, shops and restaurants, making it a prime location for a walkable townhome development. In fact, the Downtown Code envisions providing “a range of high-quality and aesthetically compatible housing options” within walking or bicycling distance to basic goods and services. The applicant proposes 23 townhomes ranging in size from 2,500 to 3,000 square feet, at a density of 9.58 units per acre. This proposal is consistent with the development trends in this area, the Downtown Code, Master Plan, and the HDIZ Regulations. The zoning modifications requested by the applicant are relatively minor, and all aspects of the development visible from a public right-of-way are still subject to review by staff, the planning commission and city council.

2. The zoning modification will not adversely affect the existing use or usability of adjacent or nearby property.

In light of development trends in the area, the proposed townhomes will not adversely affect adjacent or nearby property. Moreover, the modifications requested will not increase the nature or intensity of the proposed use. The Subject Property has already been approved for townhomes, and townhomes have already been constructed directly to the west. To the east and south, the Subject Property is bordered by commercial uses that will not be adversely affected by the proposed

townhomes. The development will not generate substantial light or noise, and therefore should not have any negative impact on adjacent properties.

3. The proposed zoning modification will not adversely affect the natural environment.

The applicant submits a specimen tree inventory report as part of its application and will work with the City to preserve as many specimen trees on site as possible. Further, the Applicant will replant trees, grass, and other landscaping materials as part of its redevelopment of the site. There are no streams or other significant natural features on the Subject Property that require special protection.

4. There are substantial reasons why the property cannot or should not be used as currently zoned.

The 2013 rezoning and site plan were submitted and approved by a previous owner of the Subject Property. Although the infrastructure has been laid, none of the previously approved townhomes have been constructed. Since the 2013 approval, the applicant has gone under contract on the site and reworked the site plan to provide a superior layout and design. Because the 2013 approval was site plan-specific, any changes to the site plan necessitate a zoning modification. Under this application, the proposed changes to the zoning conditions are all relatively minor. Moreover, the proposed development remains subject to the architectural requirements of the HDIZ and subject to architectural review by the city.

5. The proposed zoning modification will not result in a use that will or could cause an excessive or burdensome use of public facilities or services, such as existing streets and transportation facilities, schools, water or sewer utilities, and police or fire protection.

Twenty three townhomes have already been approved for this site. Nothing in this request will increase the impact of the already-approved development. If approved, the requested modifications and proposed townhomes will not have a negative impact on any City services. The proposed townhomes should not result in many school-aged children, as the target market consists of young professionals and empty nesters. Further, there is adequate water and sewer capacity to service the site. Finally, the impact of the development on traffic in the area would be minimal. According to the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th Edition, Land Use Category 230: Residential Condominium/Townhouse, the proposed townhomes would generate ten trips during the AM peak hour and twelve trips during the PM peak hour.

6. The proposed zoning modification is supported by new and changing conditions not anticipated or reflected in the existing zoning on the property.

The requested changes to the 2013 site plan and zoning conditions will allow for a development with a superior layout, with the size and number of units and overall density remaining the same. Since the 2013 approval, the demand for higher-density housing in the downtown corridor has only increased. Young professionals and empty nesters are seeking out lower-maintenance housing

options in urban cores all across the metropolitan area, including in downtown Alpharetta. The requested modifications will allow for the development of a high-end, higher-density residential development in line with the goals of the HDIZ, Downtown Master Plan, and Comprehensive Plan.

7. The proposed zoning modification reflects a reasonable balance between the promotion of the public health, safety, morality or general welfare against the right to unrestricted use of property.

The Subject Property has already been approved for townhomes. Through this approval, the City has already recognized that the proposed townhomes are an appropriate use for this area and will add a high-quality housing option for the community.

8. There are substantial reasons why the property cannot be used in accordance with the existing zoning.

Please see Subsection 4 above.

9. The zoning modification is consistent with the City's Comprehensive Plan.

The proposed townhomes are fully consistent with the City's Comprehensive Plan. The Subject Property is identified as being R-10M HD and located within the Downtown Activity Center character area and Downtown Residential Density future land use category, which envision higher-density housing options in the City's downtown core, including townhomes. The proposal

is also in line with the Downtown Master Plan, which similarly advocates for high-quality townhomes in the downtown corridor.

B. Concurrent Exception Variance

Simultaneously with its requests for the Modification of Zoning Condition, the Applicant also seeks an Exception Variance to increase the maximum height allowed from 40 feet to 45 feet for the six townhomes fronting Canton Street. Pursuant to the HDIZ Regulations, Chapter 4, Section 2, the maximum height for buildings is the lesser of 4 stories or 60 feet, except for buildings located within the Residential Village along Canton Street, for which the maximum height is the lesser of 3 stories or 40 feet. In this development therefore, the HDIZ regulations would allow for 17 units up to 60 feet and 6 units at only 40 feet. The applicant proposes to construct rooftop decks with outdoor kitchens, which would require a maximum height of 45 feet. Under Section 4.5.4 of the UDC, City Council may grant an exception variance from a maximum building height, not to exceed 50%, that is requested as part of a zoning application.

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

The purpose of the variance sought is to increase the maximum height for the six townhomes fronting Canton Road by five feet, which would allow the applicant to provide an attractive amenity for the entire development. The HDIZ clearly envisions structures taller than 40' in the Historic Downtown Overlay

District, as it allows 50% additional height for structures within the Residential Village district that are not located along Canton Street, and up to 87.5% additional height for buildings in other districts. The inconsistent treatment of residential structures on Canton Street creates a distinct hardship for the applicant, whose property has frontage on both Canton Street and Church Street. The strict application of the 40 foot height limit on Canton Street would create an unusual situation: all units within the proposed development would be allowed a rooftop deck with outdoor kitchen, with the exception of the six units on Canton Street. There is no public purpose that is served by limiting the maximum height in this way for 26% of a development, yet that would be the result.

2. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the Ordinance.

The variance sought is the minimum necessary, and would not cause substantial detriment to the public good nor impair the purpose of the HDIZ. As previously stated, the HDIZ clearly envisions building heights above 40 feet, and imposes a general maximum of 60 feet. Along with the exception for structures within the Residential Village district on Canton Street, the other exception from the general maximum is for buildings within 100 feet of a common property line with a residential development in existence prior to the adoption of the HDIZ. The only shared property lines for the Subject Property are with commercial properties.

Therefore, the rationale of decreasing building heights to protect adjacent residential developments does not apply here.

**IV. NOTICE OF CONSTITUTIONAL CHALLENGE TO
UNDERLYING ZONING AND PRESERVATION OF
CONSTITUTIONAL RIGHTS**

The Applicant respectfully submits that a refusal to approve the proposed Zoning Modification and Variance (or any attempt to modify the zoning to an intervening designation) would be unlawful, arbitrary, capricious, irrational and a manifest abuse of discretion; all in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

A refusal to approve the proposed Zoning Modification and Variance (or any attempt to modify the zoning to an intervening designation) would amount to a taking of property, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

A refusal to approve the proposed Zoning Modification and Variance (or any attempt to modify the zoning to an intervening designation) would be unjustified from a fact-based standpoint and instead would result only from constituent

opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Constitution of the State of Georgia.

A refusal to approve the proposed Zoning Modification and Variance (or any attempt to modify the zoning to an intervening designation) would be invalid inasmuch as the Unified Development Code of the City of Alpharetta is unlawful, null and void because its adoption and map adoption/maintenance did not and does not comply with the requirements of its predecessor ordinance and/or the Zoning Procedures Law, O.C.G.A. § 36-66-1, *et seq.*

The City's Unified Development Code lacks adequate standards for the City Council to exercise its power to review this Application. Specifically, the "standards" set out in Sections 4.2.3(A)(2) and 4.5.4(B)(1) are not sufficient to contain the discretion of the Council and to provide the Courts with a reasonable basis for judicial review. Because the stated standards (individually and collectively) are too vague and uncertain to provide reasonable guidance, the Unified Development Code is unlawful and violates, among other things, the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraphs I and II of the Constitution of State of Georgia.

Any limitation on the time for presentation of the issues before the Council that has the power to zone and grant variances is a violation of the guarantees of free speech under the First Amendment of the Constitution of the United States and

Article I, Section I, Paragraph V of the Constitution of the State of Georgia. Further, said limitations are in violation of the right to petition and assemble, in violation of the First Amendment of the Constitution of the United States and Article I, Section I, Paragraph IX of the Constitution of Georgia, as well as the due process clauses of the U.S. and Georgia Constitutions.

V. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the proposed Zoning Modification and Variance be approved. The Applicant also invites and welcomes any comments from Staff or other officials of the City of Alpharetta so that such recommendations or input might be incorporated as conditions of approval of this Application.

This 21st day of November, 2016.

Respectfully submitted,



Dennis J. Webb, Jr.

Vickie B. Chung

Attorneys for Applicant

Smith, Gambrell & Russell, LLP
Promenade, Suite 3100
1230 Peachtree Street, NE
Atlanta, Georgia 30309
404-815-3500

ATTACHMENT A

1. 120 Christine Drive; 22 482212520823
2. 116 Christine Drive; 22 482212520831
3. Christine Drive; 22 482212520799
4. Christine Drive; 22 482212520898
5. 89 Canton Street; 22 482212520260
6. 95 Canton Street; 22 482212520252

11/21/16

PH-17-01/V-17-03
ATTACHMENT B BOSTEAD PARK TOWNHOMES

AB REAL ESTATE
INVESTMENTS LLC
1110 POWERS PL
ALPHARETTA, GA 30004

ABDELMUTI HEMZEH R &
SIREAN
555 ROSE GARDEN LANE
ALPHARETTA, GA 30009

ALPHARETTA FIRST UNITED
METHODIST CHURCH
INC
69 N MAIN ST
ALPHARETTA, GA 30004

ANDERSON JOHN DAVID
390 ROSE GARDEN LANE
ALPHARETTA, GA 30009

APPEN RAYMOND C &
CHRISTIANA A
316 LYNNE CIR
ALPHARETTA, GA 30004

APPEN RAYMOND C &
CHRISTINA B
316 LYNNE CIR
ALPHARETTA, GA 30004

AR INVESTMENTS LLC
555 SUN VALLEY DR UNIT B4
ROSWELL, GA 30076

ARGENTIS STAMATIA
475 ROSE GARDEN LANE
ALPHARETTA, GA 30009

ATTIG LARRY L & MARGE A
225 OAKMERE DR
ALPHARETTA, GA 30009-3268

BAIRD MARGARET R
325 ROSE GARDEN LN
ALPHARETTA, GA 30004

BEANIES PROP LLC
233 CANTON ST
ALPHARETTA, GA 30004

BELDEN JOHN ASHLEY &
BELDEN LIBBY MARIE
550 ROSE GARDEN LANE
ALPHARETTA, GA 30009

BELL LINDA REESE &
JONES ELLON W
159 NORTH MAIN ST
ALPHARETTA, GA 30009

BENSON DOROTHY C
133 CANTON ST
ALPHARETTA, GA 30004-1606

BERMIC ROPERTIES LLC
1040 POWERS PL
ALPHARETTA, GA 30009

BOBE & SNELL LLC
1095 POWERS PL
ALPHARETTA, GA 30009

BOGGUS BRANNON S
440 ROSE GARDEN LANE
ALPHARETTA, GA 30009

BRCKA TERRY
520 ROSE GARDEN LN
ALPHARETTA, GA 30009

BROWN MONDI PROPERTIES
INC
11675 CENTURY DR STE D
ALPHARETTA, GA 30009

BUNCH DEREK
1255 RIVERSIDE RD
ROSWELL, GA 30076

BUTTS ROBERT R
5360 FRANKLIN GOLDMINE RD
CUMMING, GA 30028

CARUSO GARY J & BARBARA L
745 GLENLEIGH LN
DULUTH, GA 30097

CHALK2CHAMPIONS LLC
38 N MAIN ST
ALPHARETTA, GA 30009

CITY OF ALPHARETTA
2 SOUTH MAIN ST
ALPHARETTA, GA 30004

COBERN JOSEPH M & ELAINE J
345 ROSE GARDEN LANE
ALPHARETTA, GA 30009

COLLINS MARINE GROUP LLC
88 ROSWELL ST
ALPHARETTA, GA 30009

CUSICK RICHARD & LAURA M
350 ROSE GARDEN LANE
ALPHARETTA, GA 30009

DRAVINS DEVELOPMENT
GROUP INC
10910 BELL RD
DULUTH, GA 30097

DREAM RIVER LLC
522 BUNKERS COVE RD
PANAMA CITY, FL 32401

DUBROF JOSEPH & JULIE
455 ROSE GARDEN LN
ALPHARETTA, GA 30009

11/21/16

PH-17-01/V-17-03
OLMSTEAD PARK TOWNHOMES

EAST CANTON LLC
11785 NORTHFALL LN SUITE 510
ALPHARETTA, GA 30009

EAST CANTON LLC
11785 NORTHFALL LN SUITE 510
ALPHARETTA, GA 30009

EHORSE L L C
1070 POWERS PL
ALPHARETTA, GA 30004

ERIC S CHOFNAS PC
1100 POWERS PL
ALPHARETTA, GA 30004

FIRST UNITED METHODIST CH
OF
ALPHARETTA GA THE
69 N MAIN ST
ALPHARETTA, GA 30004

FIRST UNITED METHODIST CH
OF ALPHARETTA
69 N MAIN ST
ALPHARETTA, GA 30009-3620

FORD VANDA M
420 ROSE GARDEN LANE
ALPHARETTA, GA 30009

FULTON COUNTY BOARD OF
EDUCATION
786 CLEVELAND AVE
ATLANTA, GA 30315

GALLEGOS ENRIGUE HERRERA
&
HERRERA MARGARITA
330 ROSE GARDEN LANE
ALPHARETTA, GA 30009

GDCI GA 4 L P
5755 DUPREE DR SUITE 130
ATLANTA, GA 30327

GDCI GA 4 L P
5755 DUPREE DR SUITE 130
ATLANTA, GA 30327

GDCI GA 4 L P
5755 DUPREE DR SUITE 130
ATLANTA, GA 30327

GDCI GA 4 L P
5755 DUPREE DR SUITE 130
ATLANTA, GA 30327

GEISEL PAMELA A
1000 POWERS PL
ALPHARETTA, GA 30004

GENERAL CONVENIENCE
STORE INC
174 NORTH MAIN ST
ALPHARETTA, GA 30004

GRABER ALYSSA
540 ROSE GARDEN LN
ALPHARETTA, GA 30009

GRONHOLM SCOTT
12200 KING CIR
ROSWELL, GA 30075

HARMAN DEMPSEY
PROPERTIES LLC
1145 POWERS PL
ALPHARETTA, GA 30009-8358

HARRIS R T & KOVEN ROBERT P
4398 PAPER MILL RD
MARIETTA, GA 30067

HART DESIREE JOY
140 ROSE GARDEN LN
ALPHARETTA, GA 30009

HAYWARD WARREN R &
SHARON A
365 ROSE GARDEN LN
ALPHARETTA, GA 30009

HAYWOOD T ASHLEY
P O BOX 485
ALPHARETTA, GA 30009

HI RIVER PROPERTIES LLC
7917 SONATA BAY POINT
LAKE WORTH, FL 33467-7067

HINOJOSA HENRIETTA NICOLE
& MICHAEL A
465 ROSE GARDEN LN
ALPHARETTA, GA 30009

INEICHEN PHILLIPP A &
ZEHNDER CLAUDIA K
335 ROSE GARDEN LANE
ALPHARETTA, GA 30009

JORDON JEFFREY W
425 ROSE GARDEN LANE
ALPHARETTA, GA 30009

KEATLEY BRANDY MARIA
565 ROSE GARDEN LANE
ALPHARETTA, GA 30009

KEBANLI ARTHUR & BEDRIYE
560 ROSE GARDEN LANE
ALPHARETTA, GA 30009

KIM KON & SOON JA
1160 ALPHARETTA ST
PLAZA 19 - STE 2
ROSWELL, GA 30075

KIRBY RYAN & AMANDA
5780 WINDWARD PKWY STE 200
ALPHARETTA, GA 30005

11/21/16

PH-17-01/V-17-03
OLMSTEAD PARK TOWNHOMES

KLAM INC
4465 PINEHOLLOW CT
ALPHARETTA, GA 30022

KM HOMES LLC
5780 WINDWARD PKWY SUITE
200
ALPHARETTA, GA 30005

KM HOMES LLC
5780 WINDWARD PKWY SUITE
200
ALPHARETTA, GA 30005

KM HOMES LLC
5780 WINDWARD PKWY SUITE
200
ALPHARETTA, GA 30005

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ALPHARETTA, GA 30005

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ALPHARETTA, GA 30005

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ALPHARETTA, GA 30005

KM HOMES LLC
5780 WINDWARD PKWY SUITE
200
ALPHARETTA, GA 30005

KM HOMES LLC
5780 WINDWARD PKWY SUITE
200
ALPHARETTA, GA 30005

KM HOMES LLC
5780 WINDWARD PKWY SUITE
200
ALPHARETTA, GA 30005

KNOX LYNN &
KNOX RICHARD
430 ROSE GARDEN LANE
ALPHARETTA, GA 30004

KOVEN ROBERT P & HARRIS
ROBT T
4398 PAPER MILL RD
MARIETTA, GA 30067

LANDSTROM JOE
355 ROSE GARDEN LANE
ALPHARETTA, GA 30009

LANIER PATRICE MARIE &
GARY ALLEN
240 ROSE GARDEN LANE
ALPHARETTA, GA 30009

LANPEG, LLC
35 OLD CANTON ST
ALPHARETTA, GA 30004

LATONA CHARLES &
MC NULTY ROBERT DENNIS
110 ROSE GARDEN LANE
ALPHARETTA, GA 30009

LEE ANGELA D
959 BRIDGEGATE DR
MARIETTA, GA 30066

LESSIG JOHN EDMUND
530 ROSE GARDEN LN
ALPHARETTA, GA 30009

LIGHT INVESTMENTS LLC
2296 TRAYWICK CHASE
ALPHARETTA, GA 30004

LORVEN PROPERTIES LLC
1125 GOLDENROD LANE
SUWANEE, GA 30024

LUNSFORD SARA H
245 CHINABERRY DR
ROSWELL, GA 30076

MAIN STREET COMMONS
OFFICE PARK
OWNERS ASSOCIATION INC
1102 ABBEY CT
ALPHARETTA, GA 30004

MAKI ROBIN BECKER
445 ROSE GARDEN LANE
ALPHARETTA, GA 30009

MARUS KENNETH &
MARUS ANDREA
135 ROSE GARDEN LANE
ALPHARETTA, GA 30009

MC MANES A SPENCER &
A SPENCER JR
1015 POWERS PL
ALPHARETTA, GA 30004

MERIDIAN GROUP INC THE
1050 POWERS PL
ALPHARETTA, GA 30004

MITCHELL MARY B
535 ROSE GARDEN LANE
ALPHARETTA, GA 30009

NEWSOME MICHAEL EUGENE &
GAIL EAGAN
4045 ABINGDON PL
CUMMING, GA 30041-5801

O DONNELL ROBERT J &
CHERYL C
134 N MAIN ST
ALPHARETTA, GA 30004-1623

OBEROI MADANJIT
OBEROI MADHU
205 W SMOKETREE TER
ALPHARETTA, GA 30005

11/21/16

PH-17-01/V-17-03
OLMSTEAD PARK TOWNHOMES

OBEROI MADANJIT & MADHU
205 WEST SMOKETREE TER
ALPHARETTA, GA 30005

OBEROI MADANJIT & MADHU
205 WEST SMOKETREE TER
ALPHARETTA, GA 30005

OBEROI MADANJIT & MADHU
205 WEST SMOKETREE TER
ALPHARETTA, GA 30005

OWENS LAURIE B
230 ROSE GARDEN LANE
ALPHARETTA, GA 30009

PAYNE JOHN MARTIN
370 ROSE GARDEN LANE
ALPHARETTA, GA 30009

PCG PROPERTIES LLC
1085 POWERS PL
ALPHARETTA, GA 30004

PROPERTIES OF DUFFY LLC
10 CUMMING ST
ALPHARETTA, GA 30004

RICK DOUGLAS ALAN &
CHRISTINE S
130 ROSE GARDEN LN
ALPHARETTA, GA 30009

RM BILOXI LLC
1075 POWERS PL STE B
ALPHARETTA, GA 30009

ROBERTS JESSIE M
P.O. BOX 535
HOLLY SPRINGS, GA 30142-0009

ROBERTS JESSIE M
P.O. BOX 535
HOLLY SPRINGS, GA 30142-0009

ROBERTS ROY C
126 NORTH MAIN ST
ALPHARETTA, GA 30009

ROBERTSON SHERYL S
1120 POWERS PL
ALPHARETTA, GA 30009-8359

ROUZER KYLE DAVID &
ROUZER KAY L
155 ROSE GARDEN LANE
ALPHARETTA, GA 30009

SBLD PROPERTIES LLC
1030 POWERS PL
ALPHARETTA, GA 30004

SILVERMAN BRENDA ANN &
JAMES P
435 ROSE GARDEN LN
ALPHARETTA, GA 30009

SNYDER MARY KAY
525 ROSE GARDEN LANE
ALPHARETTA, GA 30009

SOLLEY ROBERT A
1105 POWERS PL
ALPHARETTA, GA 30004

SRISAI REALTY LLC
5755 N POINT PKWY SUITE 85
ALPHARETTA, GA 30022

STONE MARTHA
1525 HOLBROOK CAMPGROUND
RD
CUMMING, GA 30040

STONEWALK LOFTS
ALPHARETTA LLC
12611 ITASKA WALK
ALPHARETTA, GA 30004

STONEWALK LOFTS
ALPHARETTA LLC
12611 ITASKA WALK
ALPHARETTA, GA 30004

SUMMERS DOLLEH KIM
1660 HAMIOTA RDG
ALPHARETTA, GA 30004

SWOPE DARRELL & ELKET
310 ROSE GARDEN LANE
ALPHARETTA, GA 30009

THIRTY FOUR THIRTY SIX
CHURCH
STREET LLC
233 CANTON ST
ALPHARETTA, GA 30004

TROTTER HOLDINGS INC
690 E MAIN ST
CANTON, GA 30114

TROTTER HOLDINGS INC
37 CHURCH ST
ALPHARETTA, GA 30004

TSBI ENTERPRISES LLC
1507 DARTMOUTH RD
ALPHARETTA, GA 30004

TURPEN DAVID REED &
HUSSMANN EDNA MILLER
380 ROSE GARDEN LANE
ALPHARETTA, GA 30009

VAZ JOSE
250 ROSE GARDEN LANE
ALPHARETTA, GA 30009

11/21/16

PH-17-01/V-17-03
OLMSTEAD PARK TOWNHOMES

WALLERT RONALD & PAGE W
320 ROSE GARDEN LANE
ALPHARETTA, GA 30009

WARREN KARA LYNN ET AL
545 ROSE GADEN LANE
ALPHARETTA, GA 30009

WASHBOURNE JAMES F &
LUCINDA
360 ROSE GARDEN LANE
ALPHARETTA, GA 30009

WEST CANTON LLC
11785 NORTHFALL LN SUITE 510
ALPHARETTA, GA 30009

WHITMAN ARNOLD
3500 LENOX RD NE STE 510
ATLANTA, GA 30326

WHITMAN ARNOLD M
3820 MANSELL RD SUITE 280
ALPHARETTA, GA 30022

WHITMAN ARNOLD M
3500 LENOX RD NE STE 510
ATLANTA, GA 30326

WILKERSON PETER & JULIETTE
340 ROSE GARDEN LANE
ALPHARETTA, GA 30004

YOUTH MINISTRY RESOURCES
INC
31 CHURCH ST
ALPHARETTA, GA 30009

ATTACHMENT C

1. Property shall be zoned R-10MHD and limited to single family attached, townhomes with a maximum of up to 23 units.
2. Site shall be developed substantially similar to plan dated ~~December 7, 2007~~ November 21, 2016 site plan prepared by AEC except as noted in these conditions.
3. Development shall comply with the requirements of the Historic Downtown Incentive Zoning including architectural style.
4. Fencing visible from streets shall be ~~limited to black wrought iron having a height of no more than 42". Wrought iron fencing with a gate may be required in front of each townhome fronting Canton Street as well as 10' minimum front setback along Canton Street. Final approval shall be based upon impacts from new sidewalk/roadway typical section with final approval by Staff. approved by Staff.~~
5. Green spaces and tree save areas shall remain substantially as shown.
6. Applicant shall construct new typical section for property along Canton Street which includes an 8' sidewalk, ~~5' planting strip~~ with street trees and decorative lighting as shown on Exhibit A with final approval by Staff.
7. Driveway design shall provide a minimum of ~~18~~ 5 feet from garage door to back of curb or back of sidewalk.
8. Lily Garden Terrace/Trailer St. and Christine Drive shall be upgraded to city standards as shown on 'exhibit A' for the entire length of road frontage owned by the applicant.
9. Decks shall not encroach into the building setback line. Decks shall be heavily screened. Unfinished wood deck material shall be prohibited. Porches fronting public right-of-way shall have no more than 10 steps from grade to front doors.
10. Benches shall be placed in open space areas and a bronze sculpture representing the Garden District imagery shall be placed at the corner of Trailer Street and Canton Street and shall require Staff approval.

11. Water feature shall be traditional in style and include landscaping and brick surround with final approval by Staff.

12. Sidewalks along Canton Street, and Church Street shall be brick. Stamped concrete shall not be permitted.

13. Individual unit elevations shall not be repeated within a set of buildings. Buildings shall be treated with similar materials and level of detail on the rear as the front ~~and shall be substantially similar to previously submitted elevations (attached).~~ Main entrances shall include a covering over the front door, ~~with an awning or other approved structural element. Townhomes shall be Georgian Revival style including, but not limited to, wrought iron stair railings with rock/brick finished sides on the stair wells, four sided brick or stone, decorative window finishes and moldings, balustrades, brick deck posts, and shutters.~~ Garage door styles shall alternate. Townhouses shall have the appearance of separate, individual units and shall not have a common, unified roof line.

14. Buildings located along Canton Street shall face Canton Street and buildings located along Church Street shall face Church Street.

15. Internal roadways shall remain private and gating of streets shall be prohibited.

16. Retaining walls ~~visible from adjacent to~~ public roadways shall be brick faced.

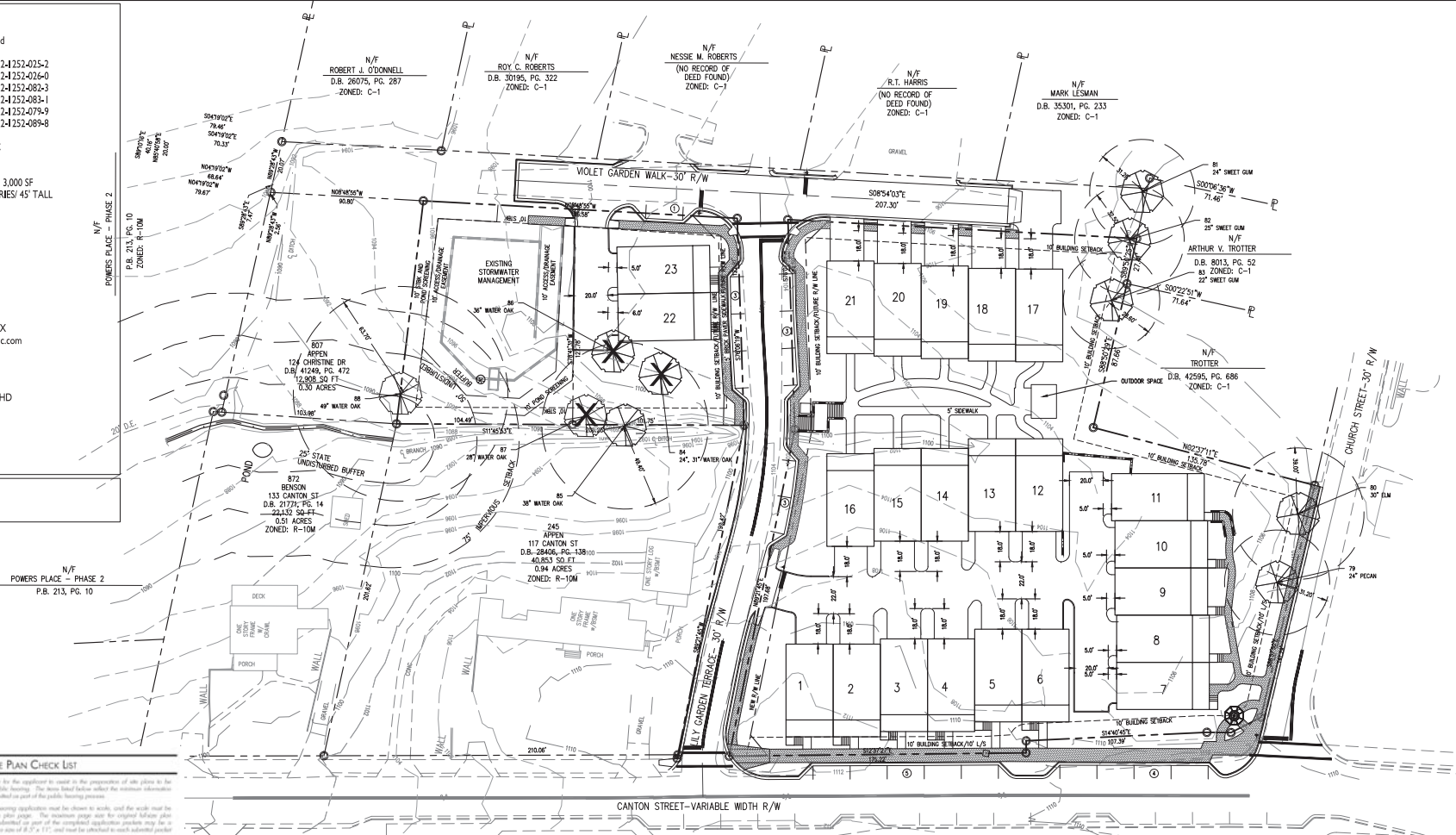
17. Decorative lampposts shall be required with final approval by Staff.

18. Minimum square footage shall be 2,200 square feet.

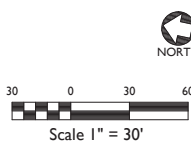
19. Applicant shall establish an HOA and HOA shall establish a reserve sufficient to mill and resurface all internal roads and parking areas a minimum of once every 20 years.

~~Approved by unanimous vote (7-0-0)~~

OLMSTEAD PARK TOWNHOMES

[illegible]

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 (770) 641-1743 • www.aecmd.com

NEWVALE
TOWNHOMES

LAND LOT 1352, 2ND DISTRICT, 2ND SECTION
CITY OF ALPHARETTA, FULTON COUNTY, GEORGIA

PRELIMINARY SITE PLAN

PROJECT NO.: 140463-00
 CEAL DRAWN BY: JMM, DMM
 CIVIL DESIGNED BY: MDM
 LANDSCAPE DRAWN BY: —
 CHECKED BY: MDM
 DATE: NOV. 2, 2016

COMPILED BY: ELC

NO. _____

REVISIONS _____

DATE _____

SHEET _____

PI.0

GRAPHIC SCALE

(IN FEET)
1 inch = 40 ft.

The graphic scale bar is a horizontal line with vertical tick marks. Above the line, the numbers 0, 10, 20, 30, 40, 50, and 60 are placed at regular intervals. Below the line, the text "(IN FEET)" is centered. Below that, the text "1 inch = 40 ft." is centered. The bar is divided into segments by vertical lines, with some segments having additional tick marks.

Sheet #	1
Of	1

Boudell & Associates 10000 Wilshire Blvd., Suite 1000 Los Angeles, CA 90024 Tel: 310.274.2465 Fax: 310.274.2465 Email: info@boudell.com	
#1	
ECUEN RESIDOR	
DATE:	

Exhibit "A"

All tract or parcel of land lying and being in Land Lot 1252 of the 2nd District, 2nd Section, the City of Alpharetta, Fulton County, Georgia, and being more particularly described as follow:

Commencing at a point at the intersection of the westerly right of way of Christine Street and the southerly right of way of Trailer Street, said point being the TRUE POINT OF BEGINNING; thence along the right of way of Christine Street South 08 degrees 54 minutes 03 seconds East for a distance of 207.35 to a point; thence leaving said right of way North 89 degrees 50 minutes 25 seconds West for a distance of 27.41 to an iron pin found; thence North 88 degrees 50 minutes 29 seconds West for a distance of 87.66 feet to an iron pin found; thence South 02 degrees 37 minutes 11 seconds West for a distance of 135.78 feet to a point on the northerly right of way of Church Street; thence along the right of way of Church Street, Canton Street, and Trailer Street the following courses and distances: North 88 degrees 57 minutes 50 seconds West for a distance of 141.29 feet to a point, North 39 degrees 10 minutes 57 seconds West for a distance of 19.97 feet to a point, North 11 degrees 19 minutes 12 seconds West for a distance of 14.35 feet to a point, North 14 degrees 40 minutes 45 seconds West for a distance of 107.39 feet to an iron pin found, South 78 degrees 29 minutes 57 seconds West for a distance of 7.16 feet to an iron pin found, North 12 degrees 37 minutes 27 seconds West for a distance of 176.22 feet to a point, North 89 degrees 21 minutes 45 seconds East for a distance of 197.68 feet to a point, North 76 degrees 06 minutes 19 seconds East for a distance of 124.60 feet to a point, said point being the TRUE POINT OF BEGINNING.

Said parcel or tract containing an area of 1.82 acres

TOGETHER WITH:

All that tract or parcel of land lying and being in Land Lot 1252, of the 2nd District, 2nd Section, the City of Alpharetta, Fulton County, Georgia, and being more particularly described as follows:

Commencing at a point at the intersection of westerly right of way of Christine Drive and the northerly right of way of Trailer Street, said point being the TRUE POINT OF BEGINNING; thence along the right of way of Trailer Street South 76 degrees 06 minutes 19 seconds West a distance of 122.91 feet to an iron pin found; thence leaving said right of way North 11 degrees 45 minutes 53 seconds West a distance of 206.25 feet to an iron pin found; thence North 84 degrees 50 minutes 39 seconds East a distance of 133.31 feet to an iron pin found on the westerly right of way of Christine Street; thence along said right of way South 08 degrees 48 minutes 55 seconds East a distance of 186.59 feet to a point, said point being the TRUE POINT OF BEGINNING.

Said parcel or tract containing an area of 0.57 acres

11/21/16
8/26/2016

Deed Book 56329 Pg 49
 Filed and Recorded Jul-05-2016 04:16pm
 2016-0220700
 Real Estate Transfer Tax \$2,427.00
Cathelene Robinson
 Clerk of Superior Court
 Fulton County, Georgia

After Recording, Return to:
 Andersen, Tate & Carr, P.C.
 1960 Satellite Boulevard, Suite 4000
 Duluth, Georgia 30097

Cross Reference:
 Deed Book 45465, Page 386
 Deed Book 55829, Page 443
 Fulton County, Georgia Records

STATE OF GEORGIA
 COUNTY OF FULTON

DEED UNDER POWER OF SALE

THIS INDENTURE, made and entered into between DRAVINS DEVELOPMENT GROUP, INC., (hereinafter called "Grantor"), by its attorney-in-fact, CANTON STREET CAPITAL, LLC, and CANTON STREET CAPITAL, LLC, as assignee of THE PIEDMONT BANK, formerly known as REPUBLIC BANK OF GEORGIA, (hereinafter called "Grantee"),

WITNESSETH:

WHEREAS, on July 30, 2007, Grantor executed and delivered a Promissory Note to Grantee in the original principal amount of \$2,253,000.00, with principal and interest payable as set forth therein, such promissory note together with all renewals and modifications (hereinafter collectively referred to as the "Note"); and

WHEREAS, on July 30, 2007, Grantor executed and delivered to Grantee, a Deed to Secure Debt and Security Agreement in the original principal amount of \$2,253,000.00, and the same was recorded in Deed Book 45465, Page 386, *et seq.* of the Fulton County Records; and

WHEREAS, the Deed to Secure Debt and Security Agreement was modified by that certain Modification of Deed to Secure Debt and Security Agreement dated May 6, 2008, and

11/21/16

8/26/2016

OLMSTEAD PARK TOWNHOMES

GSCCCA.org - Image Index

Deed Book ~~56329~~ Pg 50

recorded in Deed Book 46709, Page 395, aforesaid records; and was further modified by that certain Modification of Deed to Secure Debt and Security Agreement, dated August 28, 2008 and recorded in Deed Book 47426, Page 493, aforesaid records; and was further modified by that certain Modification of Deed to Secure Debt and Security Agreement dated December 16, 2008, and recorded in Deed Book 47477, Page 381, aforesaid records; and was further modified by that certain Modification of Deed to Secure Debt and Security Agreement dated January 19, 2010 and recorded in Deed Book 48749, Page 230, aforesaid records; and was further modified by that certain Modification of Deed to Secure Debt and Security Agreement dated June 28, 2010 and recorded in Deed book 49162, Page 473, aforesaid records; and was further modified and amended by that certain Modification of Deed to Secure Debt and Security Agreement dated September 9, 2011, recorded in Deed Book 50404, Page 636, aforesaid records; and was further modified and amended by that certain Modification of Deed to Secure Debt and Security Agreement dated January 27, 2012, recorded in Deed Book 50866, Page 417, aforesaid records; and was further modified and amended by that certain Modification of Deed to Secure Debt and Security Agreement dated March 27, 2012, recorded in Deed Book 51099, Page 171, aforesaid record; and was further modified and amended by that certain Modification of Deed to Secure Debt and Security Agreement dated June 15, 2012, recorded in Deed Book 51317, Page 330, aforesaid records; and was further modified and amended by that certain Modification of Deed to Secure Debt and Security Agreement dated July 26, 2013, recorded in Deed Book 53024, Page 542, aforesaid records; and was further modified and amended by that certain Modification of Deed to Secure Debt and Security Agreement dated September 12, 2013, recorded in Deed Book 53173, Page 455, aforesaid records; and was further modified by that certain Modification of Deed to Secure Debt and Security Agreement dated August 22, 2014, recorded in Deed Book

54126, Page 119, aforesaid records; and was further modified and amended by that certain Modification of Deed to Secure Debt and Security Agreement dated December 22, 2014, recorded in Deed Book 54494, Page 284, Fulton County, Georgia records, (hereinafter, the Deed to Secure Debt and Security Agreement with all modifications collectively referred to as the "Security Deed"); and

WHEREAS, the Security Deed secures the Note and related loan documents by Grantor to Grantee, and contains a power of sale authorizing a sale of property conveyed by the Security Deed in the event the debt secured thereby was not paid when due or upon other specific default and constitutes THE PIEDMONT BANK, formerly known as REPUBLIC BANK OF GEORGIA, and its assigns, as attorney-in-fact of Grantor, to make said sale and deliver a sufficient conveyance of said property to the purchaser; and

WHEREAS, the Security Deed was assigned and transferred to CANTON STREET CAPITAL, LLC, pursuant to the Assignment of mortgage from THE PIEDMONT BANK to CANTON STREET CAPITAL, LLC, dated January 28, 2016 and recorded in Deed Book 55829, Page 443 aforesaid records ("Assignment"); and

WHEREAS, default has occurred and continues under the Security Deed by reason of Grantor's failure to pay the debt secured by the Security Deed, and the unpaid principal balance and all other indebtedness secured by the Security Deed are due and payable; and

WHEREAS, the notice required by O.C.G.A. § 44-14-162.2 has been given;

WHEREAS, CANTON STREET CAPITAL, LLC, as successor-in-interest and assignee of THE PIEDMONT BANK (formerly known as REPUBLIC BANK OF GEORGIA), as attorney-in-fact of Grantor, in accordance with the terms of the Security Deed, and in accordance with the law in such cases, after advertising the time, place and manner of said sale in The Fulton

Daily Report once a week for four weeks immediately prior to said sale, which advertisement complied in all respects with the requirements of said sale as required by law and contained in said Security Deed; and

WHEREAS, CANTON STREET CAPITAL, LLC did on June 7, 2016, before the Fulton County Courthouse Door in Atlanta, Georgia, within the legal hours of sale, expose said property for sale at public outcry and the same was knocked down to Grantee, it being the highest and best bidder, at and for the sum of TWO MILLION FOUR-HUNDRED AND TWENTY-SEVEN THOUSAND AND 00/100THS DOLLARS (\$2,427,000.00).

NOW, THEREFORE, in consideration of the foregoing premises and the sums referred to above, in hand paid, the receipt whereof is hereby acknowledged, Grantor, by and through its attorney-in-fact CANTON STREET CAPITAL, LLC, does hereby grant, bargain, sell and convey unto Grantee, its successors and assigns, all of its right, title and interest in and to that certain property more particularly described as follows:

All tract or parcel of land lying and being in Land Lot 1252 of the 2nd District, 2nd Section, the City of Alpharetta, Fulton County, Georgia, and being more particularly described as follow:

Commencing at a point at the intersection of the westerly right of way of Christine Street and the southerly right of way of Trailer Street, said point being the TRUE POINT OF BEGINNING; thence along the right of way of Christine Street South 08 degrees 54 minutes 03 seconds East for a distance of 207.35 to a point; thence leaving said right of way North 89 degrees 50 minutes 25 seconds West for a distance of 27.41 to an iron pin found; thence North 88 degrees 50 minutes 29 seconds West for a distance of 87.66 feet to an iron pin found; thence South 02 degrees 37 minutes 11 seconds West for a distance of 135.78 feet to a point on the northerly right of way of Church Street; thence along the right of way of Church Street, Canton Street, and Trailer Street the following courses and distances: North 88 degrees 57 minutes 50 seconds West for a distance of 141.29 feet to a point, North 39 degrees 10 minutes 57 seconds West for a distance of 19.97 feet to a point, North 11 degrees 19 minutes 12 seconds West for a distance of 14.35 feet to a point, North 14 degrees 40 minutes 45 seconds West for a distance of 107.39 feet to an iron pin found, South 78 degrees 29 minutes 57 seconds West for a distance of 7.16 feet to an iron pin found, North 12 degrees 37 minutes 27 seconds West for a distance of 176.22 feet to a point, North 89 degrees 21 minutes 45 seconds East for a distance of

11/21/16

8/26/2016

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Deed Book 56329 Pg 53

197.68 feet to a point, North 76 degrees 06 minutes 19 seconds East for a distance of 124.60 feet to a point, said point being the TRUE POINT OF BEGINNING.
Said parcel or tract containing an area of 1.82 acres

TOGETHER WITH:

All that tract or parcel of land lying and being in Land Lot 1252, of the 2nd District, 2nd Section, the City of Alpharetta, Fulton County, Georgia, and being more particularly described as follows:

Commencing at a point at the intersection of westerly right of way of Christine Drive and the northerly right of way of Trailer Street, said point being the TRUE POINT OF BEGINNING; thence along the right of way of Trailer Street South 76 degrees 06 minutes 19 seconds West a distance of 122.91 feet to an iron pin found; thence leaving said right of way North 11 degrees 45 minutes 53 seconds West a distance of 206.25 feet to an iron pin found; thence North 84 degrees 50 minutes 39 seconds East a distance of 133.31 feet to an iron pin found on the westerly right of way of Christine Street; thence along said right of way South 08 degrees 48 minutes 35 seconds East a distance of 186.59 feet to a point, said point being the TRUE POINT OF BEGINNING.

Said parcel or tract containing an area of 0.57 acres

TO HAVE AND TO HOLD the said described property unto Grantee, its successors and assigns in fee simple.

This conveyance is subject to all zoning ordinances, covenants and restrictions; all matters which would be disclosed by an accurate survey or by an inspection of the property; all outstanding taxes, including but not limited to ad valorem taxes, which constitute liens upon said property; and all restrictive covenants, easements, rights-of-way and other matters of record superior to said Security Deed.

It is the purpose and intent of this instrument to grant, bargain, sell and convey all of the right, title, equity and interest of Grantor, its legal representatives, successors and assigns, and all persons whomsoever claiming under Grantor, in and to said property

[SIGNATURE PAGE FOLLOWS]

11/21/16

8/26/2016

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Deed Book 56329 Pg 54
 Cathelene Robinson
 Clerk of Superior Court
 Fulton County, Georgia

IN WITNESS WHEREOF, Grantor, by and through its attorney-in-fact, CANTON

STREET CAPITAL, LLC, has hereunto set its hand and seal as of this 30 day of June, 2016.

Signed, sealed and delivered
 in the presence of:

CANTON STREET CAPITAL, LLC BY
 ASSIGNMENT FROM THE PIEDMONT BANK
 FORMERLY KNOWN AS REPUBLIC BANK OF
 GEORGIA, AS ATTORNEY-IN-FACT FOR
 DRAVINS DEVELOPMENT GROUP, INC.

Elizabeth Hays
 Unofficial Witness

BY: Patrick D. Wilson

Janet E. Straka
 Notary Public (Notary Seal)

Printed Name: Patrick D. Wilson

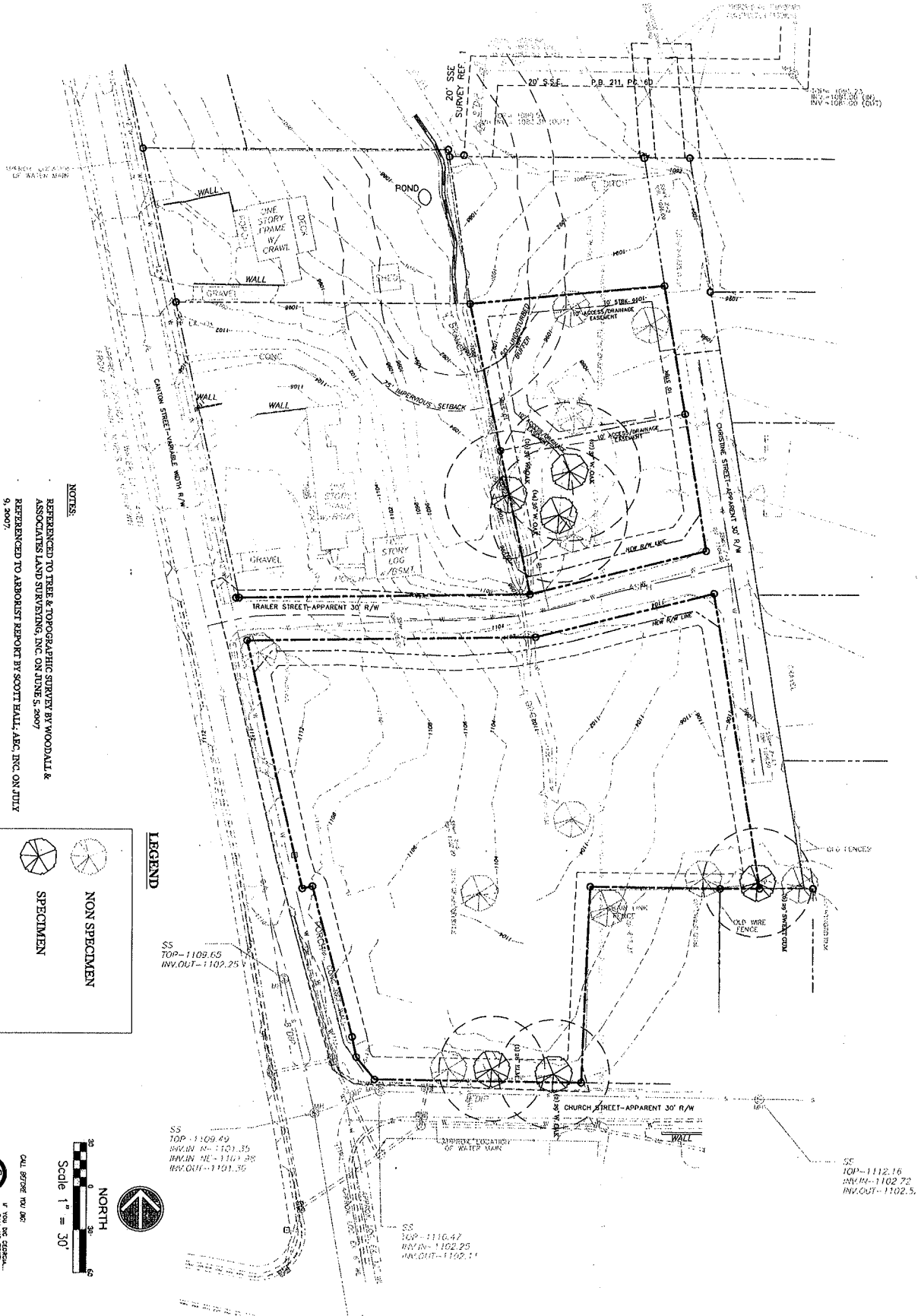
Title: manager

2672842_1.DOCX



11/21/16

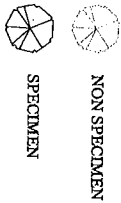
OLMSTEAD PARK TOWNHOMES



NOTES

REFERENCED TO TREE & TOPOGRAPHIC SURVEY BY WOODALL & ASSOCIATES LAND SURVEYING, INC. ON JUNE 5, 2007
 REFERENCED TO AERIAL PHOTO REPORT BY SCOTT HALL, AEC, INC. ON JULY 9, 2007.

LEGEND



CALL BEFORE YOU DIG
 IF YOU ARE CARRYING
 A TOOL OR EQUIPMENT
 THAT MAY BE USED TO
 DIG OR PLOUGH
 IT'S THE LAW!

Scale 1" = 30'



L4.0	PROJECT NO. 01-203	DATE: 11/26/17	OLMSTEAD PARK LAND LOT 1252 2nd DIST 2nd SECTION CITY OF ALPHARETTA FULTON COUNTY, GEORGIA	TREE SURVEY EXHIBIT		
	DRAWN: DJT DESIGNED: DJT CHECKED: DJT DATE: 8/1/17	REVISIONS NO. 1 APPROVED City Comments NO. 2				



95 Canton Street *Specimen Tree Inventory*

Atlanta

Arboguard, Inc.
P.O. Box 477
Avondale Estates, GA 30002
Phone 404-299-5555
Fax 404-294-0090

For:

Stefan Robichaux
D & G Development Group
6400 Powers Ferry Road
Suite 350
Atlanta, GA 30339

Charlotte

Arboguard, Inc.
P.O. Box 26767
Charlotte, NC 28221
Phone 704-688-7237
Fax 704-688-7238

www.arboguard.com

Senior Consulting Arborist:

David Dechant LEED® AP
ISA Board Certified Master Arborist #SO-5335BM
ISA Certified Arborist Municipal Specialist
ISA Qualified Tree Risk Assessor

November 11, 2016
Rev.1

Specimen Tree Inventory

Assignment

Survey, tag and record the following data for specimen trees meeting the size criteria for hardwood trees $\geq 24"$ in Diameter at Breast Height (DBH), softwood trees $\geq 30"$ DBH and flowering understory trees $\geq 8"$ DBH site-wide: tree number, diameter, species, vitality, and other comments relative to condition.

Methods

Information for the following parameters was recorded for each tree and provided in the following survey.

Term	Description
Tree No.	All trees were tagged on the side of the trunk with an aluminum tag, bearing a unique number to identify trees, at about 5 feet.
Species	Listed as the North American common name.
DBH	Diameter of trunk in inches, measured at 4.5' feet above average soil level. Measurements were taken using a forestry diameter tape.
Condition	Good Tree has excellent vigor and is actively growing without any serious pathogenic problems. Tree exhibits a structural form that is safe and typical of the species. Fair Tree is in moderate health, but may have a minor pathogenic problem. Some insects and disease could be present. Tree may have minor structural defects, but does not exhibit optimal form for the species in an urban environment. A tree in fair condition may not react favorably to site developments or additional stress. Poor Tree's vigor is low to moderate. It may also have moderate to severe structural defects or a form that is undesirable for the species. Some trees in poor condition are not recoverable and could degrade into a state of advanced decline leading to death. Dead Tree is dead. Invasive.... Trees that are non-indigenous to the Atlanta area, Piedmont region. Hazardous. Tree with uncorrectable defects severe enough to pose present danger to people or buildings under normal conditions, as determined by a City Arborist or City Forester.
Comments	Additional information regarding health and condition of the trees.

Specimen Tree Survey Data

Tree#	DBH	Species	Condition	Comments
79	24	Pecan	Good	There is a soil cut approximately 20' north of the tree, edge of street curb is approximately 15' to the south
80	30	Elm	Fair	There is an approximate 5-degree lean, co-dominant at approximately 15', weak stem union with included bark, no visible trunk flare, under extreme water stress, soil cut approximately 20' to the north of the tree, edge of street curb approximately 15' to the south. There is also tag #509 on the tree from a previous survey
81	24	Sweet Gum	Fair	Co-dominant at approximately 25', extremely weak stem union with included bark, security light is grown into tree
82	25	Sweet Gum	Good	Moderate vine coverage, few dead limbs present, moderate vine coverage
83	22	Sweet Gum	Good	Asymmetric form, boundary tree
84	24,31	Water Oak	Poor	Co-dominant at root crown, wood decay fungi fruiting bodies present on approximately 30% of the circumference of the root crown, 24" stem has a vertical seam from approximately 4' to 20', the 31" stem has an approximate 15-degree lean to the street. There is also tag #495 on the tree from a previous survey
85	38	Water Oak	Fair	Tri-stem at approximately 25', weak stem unions with included bark, few large dead limbs. There is also tag #496 on the tree from a previous survey
86	36	Water Oak	Poor	Large low 10" stem is dead, multiple large weak stem/scaffold branch attachments, large scaffold limb with stress cracks and cavity, co-dominant stem at

Tree#	DBH	Species	Condition	Comments
				approximately 25 with a cavity and fungal fruiting bodies at the union, multiple large dead limbs. There is also tag #3013 on the tree from a previous survey
87	28	Water Oak	Poor	Co-dominant at 15' extremely weak stem union with included bark, smaller co-dominant stem with severe lean and significant end weight, approximate 5% mistletoe infection, multiple large dead limbs, growing co-dominant at root crown with a 22" southern red oak. There is also tag #497 on the tree from a previous survey.
88	49	Water Oak	Poor	Co-dominant at approximately 10', extremely weak stem union with severely included bark, multiple large scaffold limbs with weak stem attachment, seam of woundwood below point of co-dominance to root crown, one large stem with large cavity, multiple large dead limbs. There is also tag # 491 on the tree from a previous survey.

Summary

9 trees tagged that meet the City of Alpharetta specimen tree size criteria

- 2 trees are in Good condition
- 3 trees are in Fair condition
- 4 trees are in Poor condition

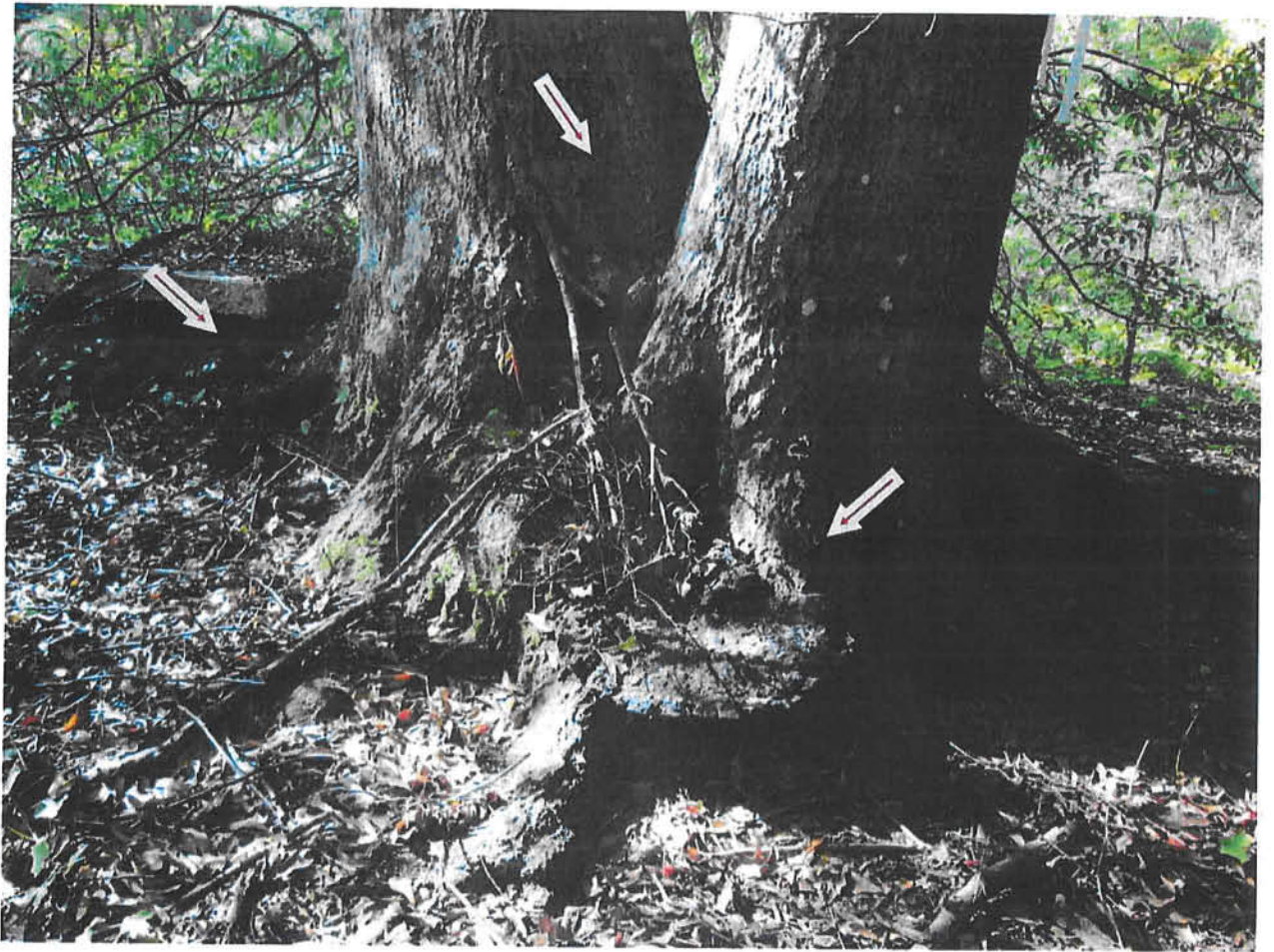
One tree tagged as a 22" boundary tree (#83) and is in good condition

No groupings of trees or trees of quality were identified on this site.

Exhibits



Tree #81 weak stem union with woundwood indicating movement in the union



Tree #84 multiple fungal fruiting bodies, weak stem union



Tree #84 vertical seam



Tree #86 cavity at stem union, dead stub



Tree # 87 extremely weak stem union, included bark



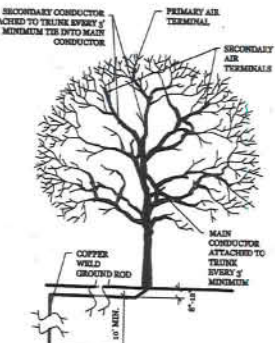
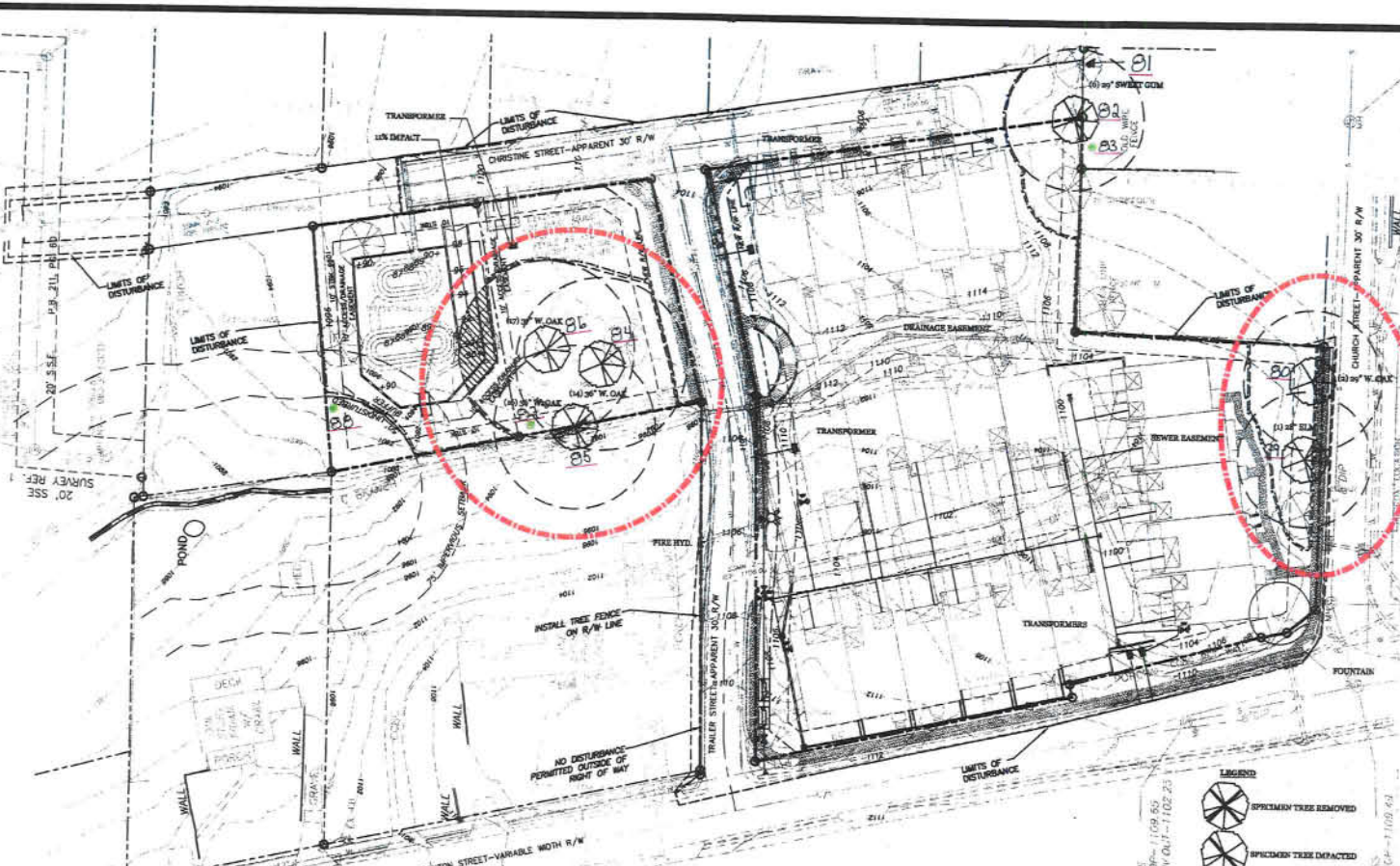
Tree #87 Point of co-dominance with 22" Southern Red Oak



Tree# 88 extremely weak stem union and vertical seam of woundwood
below stem union



Tree #88 large cavity on one large co-dominant stem



Existing Trees To Be Saved					
Quantity	Type	DBH	Units	Multiplier	Units
1	Sweet Gum	29"	4	2	8
1	Winged Elm	20"	2.6	1	2.6
1	Sweet Gum	20"	2.6	1	2.6
1	Water Oak	30"	5.4	2	10.8
Total EDF					24

Existing Specimen Trees To Be Removed/ Impacted					
Quantity	Type	DBH	Units	Specimen Multiplier	Required Recompense Units
1	Sweet Gum	20"	3.8	3	11.4
1	Elm	46"	9	3	27
1	Elm	28"	4	3	12
1	Water Oak	29"	4	3	12
1	Water Oak	37"	5.4	3	16.2
Recompense Required:					78.6
Recompense Provided:					78.6

[illegible]

LIGHTNING PROTECTION DETAIL AND NOTES

1. PROTECTION TREATING REQUIRING SUCH PROTECTION SHALL BE DETERMINED BY THE TYPE OF ARCHITECTURE.
2. IF ALUMINUM SHALL BE PLACED TO PROTECT THE CRITICAL PARTS OF BUILDING DURING INTO CRITICAL ROOMS OR CRITICAL BY EQUIPMENT BY EQUIPMENT.
3. ALL LIGHTNING PROTECTION HARDWARE SHALL BE APPROVED BY THE NATIONAL FLASH PROTECTION ASSOCIATION AND/OR LIGHTNING PROTECTION INSTITUTE.
4. ALL MATERIALS USED OTHERWISE SPECIFIED SHALL BE MADE OF COPPER.
5. CONDUCTORS SHALL BE CONNECTED A MINIMUM OF 3 TIMES.
6. CONDUCTOR SHALL BE ATTACHED TO ALLOW FOR THERMAL MOVEMENT/EXPANSION.
7. IF THERE IS A SURGE CABLE IN THE TRAIL IT SHALL BE CONNECTED TO THE PROTECTION SYSTEM.
8. SEE SHEET 1- FOR GROUND ROD LOCATION.
9. IF EXISTING SURGE CABLE IS FOUND IT SHALL BE POKED INTO MULTIPLE GROUND RODS.
10. IF GROUND ROD CAN NOT BE DRIVEN INTO THE SOIL AT A 16" OR 24" DEPTH THEN THE SURGE CABLE SHALL BE CUT AT THE SURGE AND THE CUT PEECE SHALL BE INSERTED INTO THE GROUND OF A FEET FROM GROUND ROD TO THE ORIGINAL GROUND ROD OR GROUND ROD TO THE ORIGINAL GROUND ROD OR 6" BELOW THE SURFACE.
11. LIGHT PROTECTION SYSTEM SHALL BE CHECKED ANNUALLY AND THE CONDUCTOR CABLES AND TERMINALS SHALL BE EXCHANGED WHEN THE TRAIL HAS 8 PARTS A YEAR.
12. PROTECTION SYSTEM SHALL BE INSTALLED BY A CERTIFIED AIRBORNE AND INSPECTED BY A CITY AIRBORNE PRIOR TO FIRST INSPECTION.
13. REFERENCES: BMP THE LIGHTING PROTECTION SYSTEMS (AMERICAN NATIONAL STANDARDS INSTITUTE ANSI A-900) LIGHTING PROTECTION SYSTEMS (PART 4) DESIGN & INSTALLATION SHALL ALSO BE IN THE LIGHTING PROTECTION SYSTEMS (PART 4) A.

[illegible]



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT
SUBMITTED BY: KATHI COOK
DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: MP-17-03/CU-17-02 CUTTER'S CIGAR EMPORIUM/FULTON GREENS

CITY COUNCIL: FEBRUARY 27, 2017

This item was heard at the January 5, 2017 Planning Commission meeting. Several residents from Cogburn Walk subdivision spoke in opposition to the request, stating concerns with screening and noise associated with the outdoor patio. After discussion, the Planning Commission recommended to table the request. Vote (7-0)

This item was heard at the February 2, 2017 Planning Commission meeting. Residents from Cogburn Walk spoke against the applicant's request stating concerns over screening, noise, smoke intrusion and negative impact on children. After discussion, the Planning Commission recommended to approve the request subject to staff's recommended conditions with some amendments. Vote (7-0)

II. RECOMMENDATION:

Approve MP-17-03/CU-17-02 Cutter's Cigar Emporium/Fulton Greens subject to the following conditions:

1. 'Smoke Shop and Tobacco Store' shall be added as a conditional use in the Fulton Greens Master Plan, Pod A at 4915 Windward Parkway, Suite 100.
2. Conditional use approval shall be limited to the Cutter's Cigar Emporium; no additional smoke shop and tobacco store businesses or subleasing shall be permitted within the approved space.
3. Hours of operation shall be limited to Monday – Thursday 10:00 AM – 11:00 PM, Friday – Saturday 10:00 AM – 12:00 PM and Sunday 12:30 PM – 8:00 PM.
4. Outdoor patio shall be limited to no more than 490 SF and developed substantially similar to plans submitted by the applicant. Outdoor patio and associated furniture shall require approval by the Design Review Board. Outdoor patio area shall be defined with landscaping and all outdoor smoking shall be confined to this area. Outdoor speakers shall not be permitted. Pedestrian access shall be maintained on the sidewalk adjacent to the Sydney Center building.
5. Extend, build or modify the retaining wall up 6' to 8' from the corner of the building to the dumpster enclosure and paint the wall to blend in with the surroundings. Final approval of materials and layout by Staff.
6. All music entertainment shall be conducted within the interior of the space located at 4915 Windward Parkway, Suite 100.
7. The business shall be required to provide a ventilation system that exceeds the ventilation requirements of the International Mechanical Code 2012 to prevent impacts to adjacent businesses.
8. The business shall not sell any vaping products or drug-related paraphernalia.
9. Outdoor patio shall have a minimum of two (2) fans.

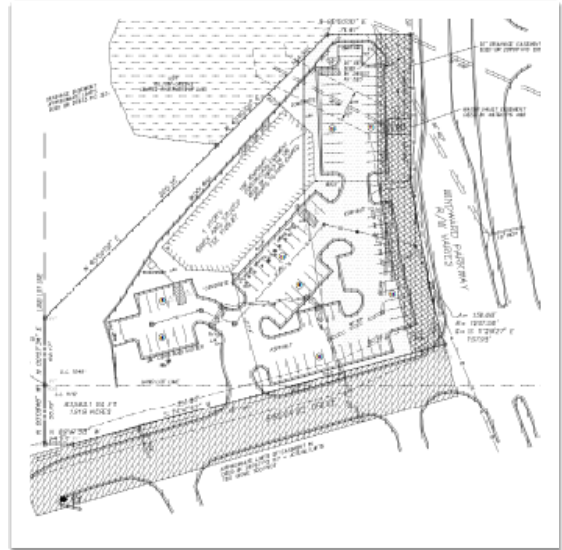
III. REPORT IN BRIEF:

The applicant, Cutter's Cigar Emporium, is requesting a conditional use permit and master plan amendment to add 'Smoke Shop and Tobacco Store' as a conditional use in Pod A of the Fulton Greens Master Plan to allow a cigar store in a 3,258 square foot suite located at 4915 Windward Parkway, Suite 100 (Sydney Center on Windward). Cutter's Cigar Emporium currently operates at 5530 Windward Parkway (The Plaza). If approved, the applicant intends to relocate the business to the proposed location.

DISCUSSION

The submitted request, if approved, will allow the applicant to operate a 'Smoke Shop and Tobacco Store' business in a 3,258 square foot suite within an existing retail center. The subject property is the Sydney Center on Windward retail center on the west side of Windward Parkway, just north of Highway 9. The property is zoned C-1 (Neighborhood Commercial) and is located in Pod A of the Fulton Greens Master Plan. Pod A is approved for a variety of commercial uses, including retail establishments and restaurants.

Sydney Center on Windward is a three (3) tenant, 10,000 square foot retail building currently occupied by Great Harvest Bread and Mambo's Cafe. Suite 100 was formerly occupied by a hair salon. The 87 parking spaces provided at the Sydney Center meet the Code-required parking for the existing and proposed uses at this location.



Unified Development Code (UDC) Section 1.4.2 defines ‘Smoke Shop and Tobacco Store’ as follows:

“Any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, or tobacco instruments; provided, however, that any grocery store, supermarket, convenience store or similar retail use that only sells conventional cigars, cigarettes or tobacco as an ancillary sale shall not be defined as a "smoke shop and tobacco store".

There are no ‘Smoke Shop and Tobacco Store’ uses in the Sydney Center on Windward retail center. Similar businesses in the City include Alpha Smoke at 221 South Main Street, Tinder Box at 131 South Main Street, and Cigars Plus at 4055 Old Milton Parkway, Suite 8.

Cutter’s Cigar Emporium has been in business since 2012, currently operating at 5530 Windward Parkway, Suite 200-B, Alpharetta, GA. The applicant’s business is primarily retail sales of premium cigars and accessories, as well as indoor/outdoor smoking lounge with on-premises alcohol consumption. According to the applicant, alcohol sales represent 10% of all sales associated with the business. Hours of operation are Monday – Thursday 10:00 AM – 11:00 PM, Friday – Saturday 10:00 AM – 12:00 PM and Sunday 12:30 PM – 8:00 PM. The applicant will be relocating their existing business to the new location in order to increase their useable floor space.

The applicant proposes a covered outdoor patio where patrons would be permitted to smoke cigars. The 490 square foot patio is proposed to be located at the front entrance of the suite nearest the parking lot and could accommodate seating for approximately 17 persons. The location of the outdoor patio is approximately 270’ from the nearest home in Cogburn Walk and is separated by a heavily wooded area. Mambo’s Café, which is also located within the Sydney Center building, has a large outdoor seating patio that can accommodate 44 persons. According to a letter of support from the owner of Mambo’s Café, their business has been open for four (4) years and has not experienced any noise complaints related to their outdoor patio. Mambo’s Café opens as early as 11:00 AM and closes as late as 10:30 PM.

According to documentation provided by the applicant, the proposed ventilation system exceeds the requirements for outdoor ventilation air into the space. The applicant proposes a new HEPA filter/smoke filtration system, in addition to the existing smoking area exhaust system.

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 Sydney Center was developed in compliance with site access development standards for retail shopping centers. The proposed retail use will 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 Sydney Center retail 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 retail use is compatible with the existing shopping center and surrounding commercial properties and will not be injurious or diminish the property values of surrounding properties. The Sydney Center is approximately 270' from the nearest home in Cogburn Walk subdivision and are separated by a heavily wooded area. If approved, staff recommends conditions requiring screening of the outdoor patio and no outdoor speakers.

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 retail use is compatible with the existing shopping center and should have little impact on the 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 retail use is compatible with the character of the existing shopping center and is appropriately located within the Windward Parkway commercial corridor.

CONCURRENCES

City Staff has reviewed the applicant's proposal and finds that it can generally support the master plan amendment and conditional use. The request is not in conflict with the established standards and should have little impact on the area. The proposed use would be compatible with the surrounding retail uses and other locations for this

business, which are similarly situated within retail shopping centers. However, conditions should be established as part of this application that regulate and limit any expansion of the business and requires screening of the outdoor patio area.

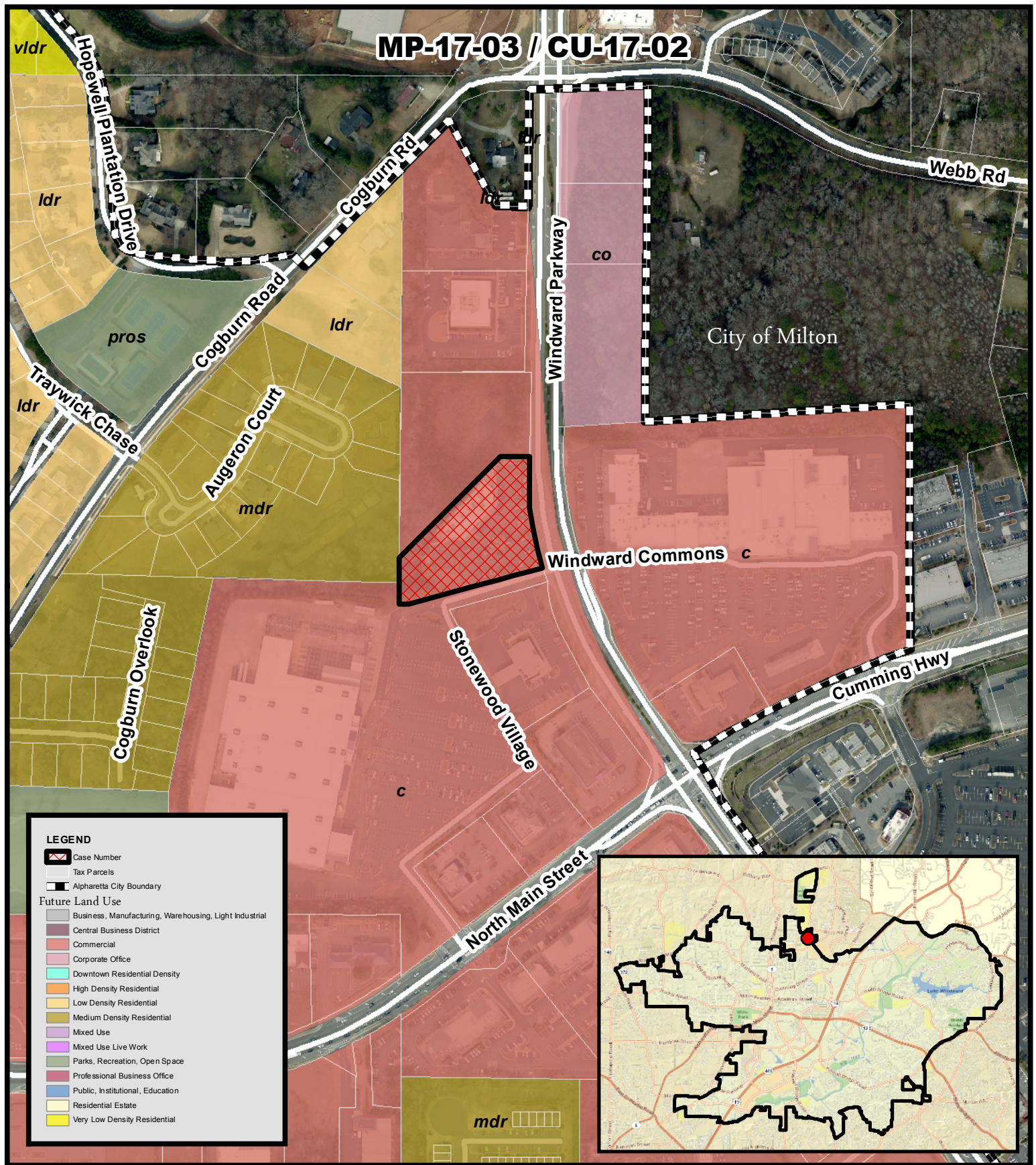
CITIZEN PARTICIPATION PLAN

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.

In response to concerns raised at the January 5, 2017 Planning Commission meeting, the applicant met with the Cogburn Walk HOA President and emailed residents soliciting their input. The applicant presented the proposed location of the outdoor patio, as well as potential solutions to address screening and noise concerns. The applicant proposed two (2) options: 1. Increase the height of the retaining wall by 6' to 8'. 2. Plant landscape screening along the retaining wall. According to the applicant, the HOA president did not have a preference with regard to the proposed options.

IV. ATTACHMENTS:

- Site Plan
- Patio Rendering

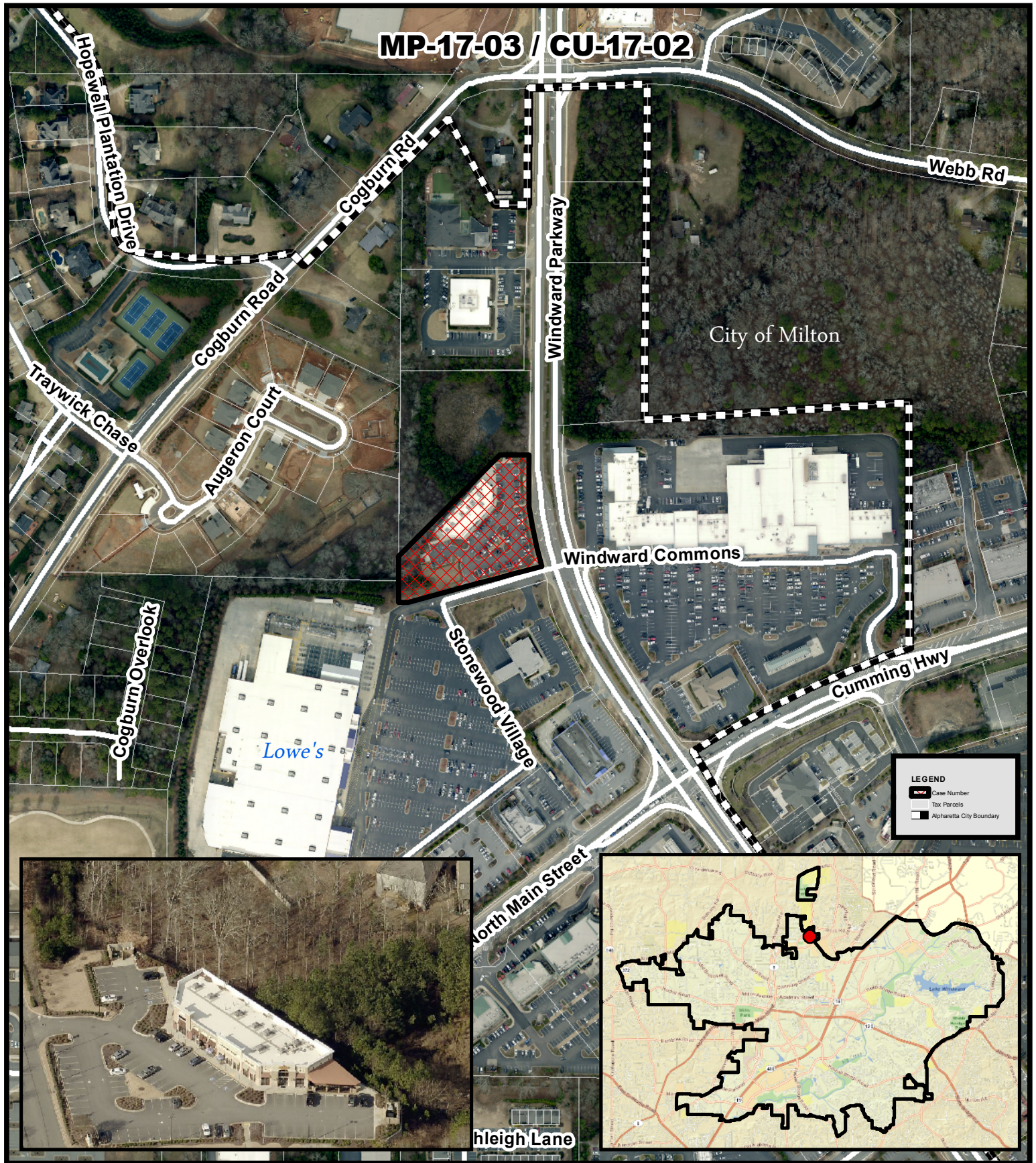


Future Land Use Map
Cutter's Cigar Emporium
4915 Woodward Parkway Suite 100

MP-17-03/CU-17-02
D/LL: 2/2/1049
PC: 2/02/17
CC: 2/27/17



Location Map Provided by:
Community Development - GIS

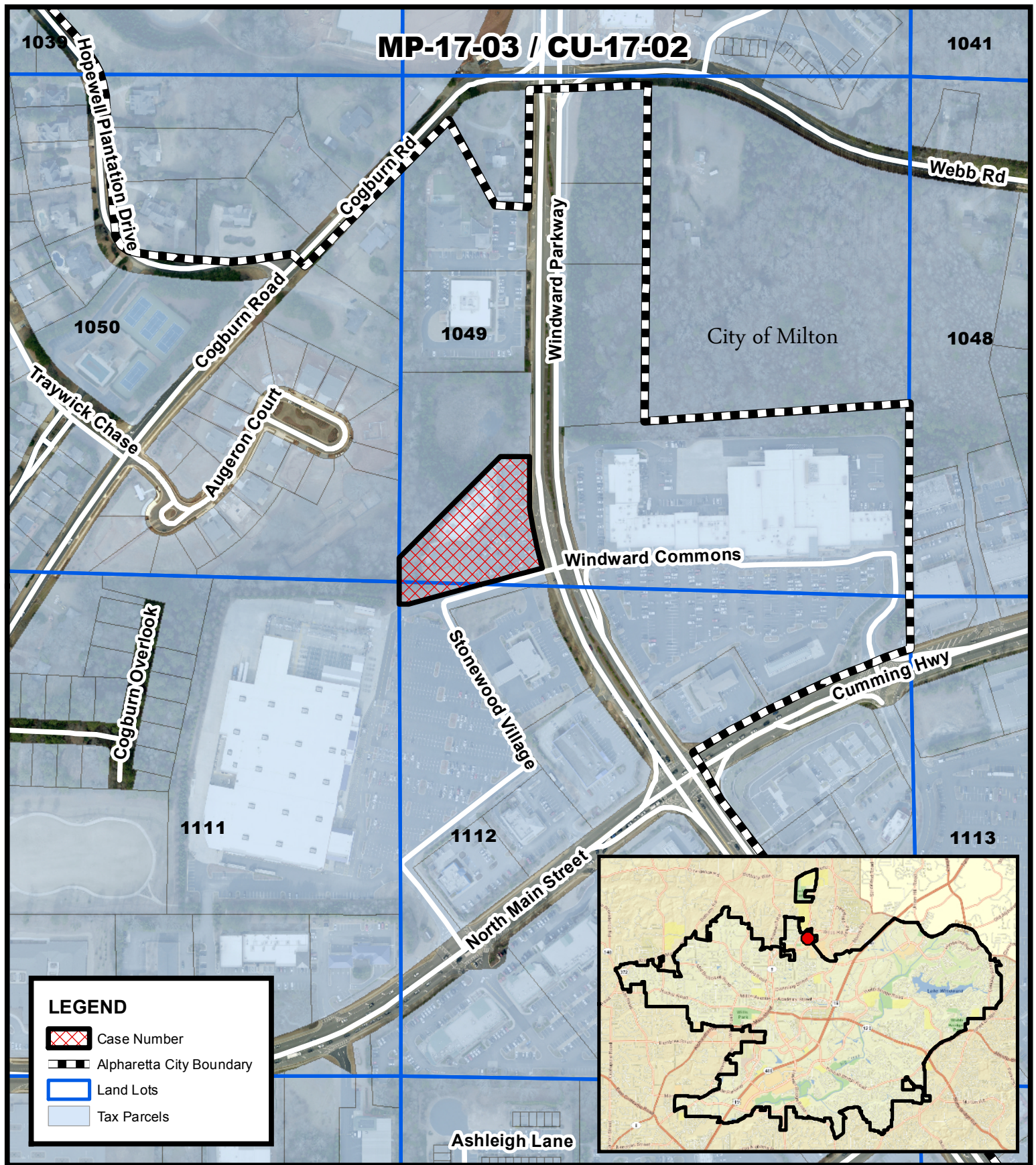


Aerial Map
Cutter's Cigar Emporium
4915 Woodward Parkway Suite 100

MP-17-03/CU-17-02
D/LL: 2/2/1049
PC: 2/02/17
CC: 2/27/17



Location Map Provided by:
Community Development - GIS

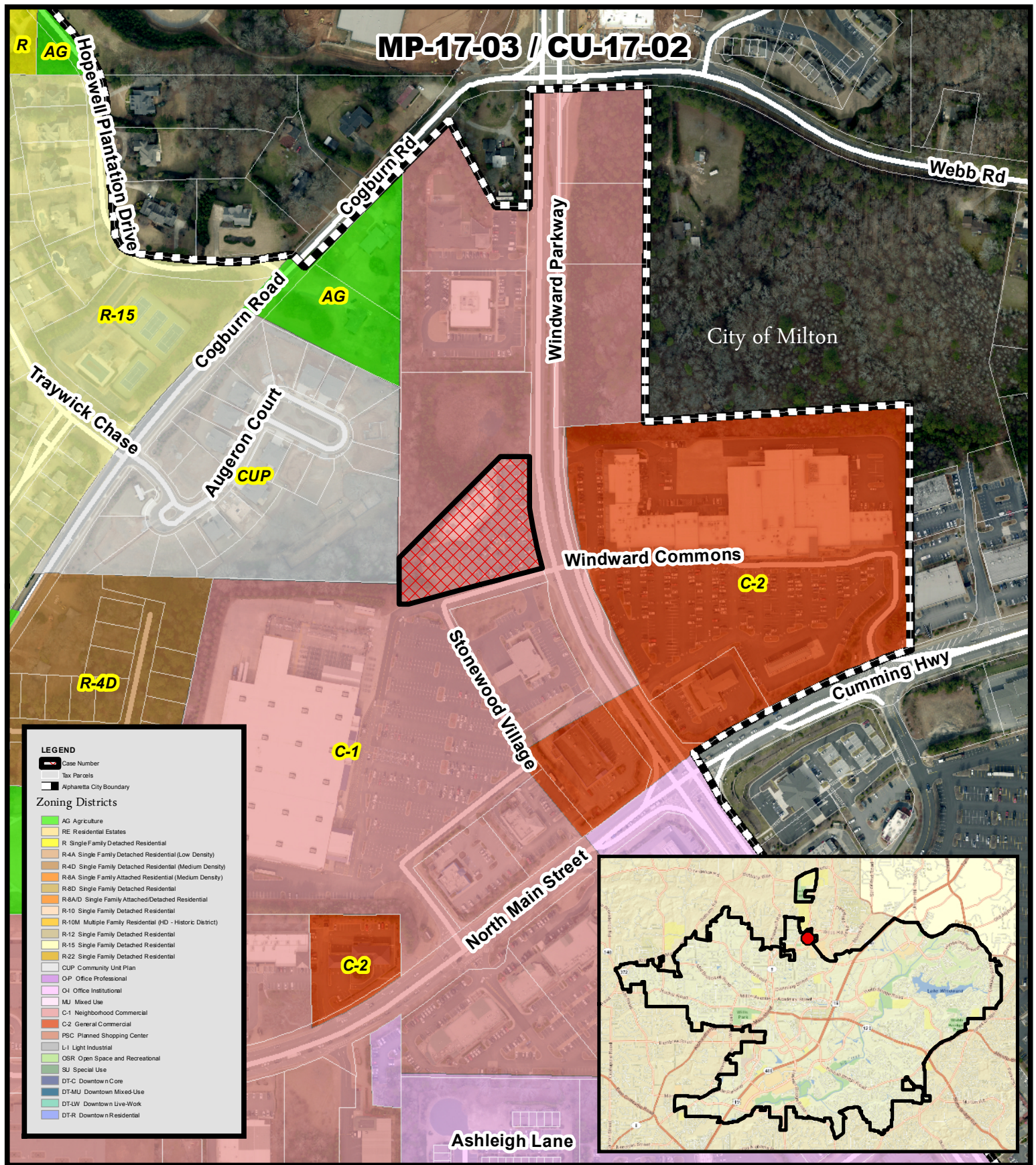


Location Map
Cutter's Cigar Emporium
4915 Woodward Parkway Suite 100

MP-17-03/CU-17-02
D/LL: 2/2/1049
PC: 2/02/17
CC: 2/27/17



Location Map Provided by:
Community Development - GIS



Zoning Map
Cutter's Cigar Emporium
4915 Woodward Parkway Suite 100

MP-17-03/CU-17-02
D/LL: 2/2/1049
PC: 2/02/17
CC: 2/27/17



Location Map Provided by:
Community Development - GIS

TITLE EXCEPTIONS

THIS SURVEY IS BASED ON A TITLE REPORT PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NUMBER 2-29935(M), DATED JUNE 24, 2013.

(G) PERMIT TO CUT OR TRIM TREES FROM FULTON GREENS LIMITED PARTNERSHIP TO GEORGIA POWER COMPANY, A CORPORATION, DATED JUNE 10, 1996, FILED FOR RECORD NOVEMBER 12, 1996 AT 9:51 A.M., RECORDED IN DEED BOOK 21762, PAGE 22, RECORDS OF FULTON COUNTY, GEORGIA. AFFECTS SUBJECT PROPERTY, TOO VAGUE TO PLOT.

(H) SANITARY SEWER EASEMENT AGREEMENT BY AND BETWEEN PIONEER REAL ESTATE DEVELOPMENT, INC., A GEORGIA CORPORATION, MARTHA JAMES STONE, FULTON GREENS LIMITED PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP AND FAISON-FULTON GREENS, LLC, A GEORGIA LIMITED LIABILITY COMPANY, DATED AS OF AUGUST 18, 1998, FILED FOR RECORD AUGUST 31, 1998 AT 8:30 A.M., RECORDED IN DEED BOOK 25173, PAGE 258, AFORESAID RECORDS; AS AMENDED BY THAT AMENDMENT TO SANITARY SEWER EASEMENT AGREEMENT BY AND BETWEEN FULTON GREENS LIMITED PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP AND FAISON-FULTON GREENS, LLC, A GEORGIA LIMITED LIABILITY COMPANY, DATED FEBRUARY 25, 1999, FILED FOR RECORD FEBRUARY 26, 1999 AT 3:33 P.M., RECORDED IN DEED BOOK 26187, PAGE 186, AFORESAID RECORDS; AS FURTHER AMENDED BY THAT CERTAIN SECOND AMENDMENT TO SANITARY SEWER 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 AT 1:10 P.M., RECORDED IN DEED BOOK 26933, PAGE 305, AFORESAID RECORDS. MAY AFFECT SUBJECT PROPERTY, TOO VAGUE TO PLOT.

(I) RECIPROCAL EASEMENT AGREEMENT BY AND BETWEEN G & H WINDWARD, LLC, A GEORGIA LIMITED LIABILITY COMPANY AND FULTON GREENS LIMITED PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP, DATED FEBRUARY 25, 1999, FILED FOR RECORD FEBRUARY 26, 1999 AT 3:33 P.M., RECORDED IN DEED BOOK 26187, PAGE 196, AFORESAID RECORDS. DOES NOT APPEAR TO AFFECT SUBJECT PROPERTY.

(J) 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 AT 3:33 P.M., RECORDED IN DEED BOOK 26187, PAGE 220, AFORESAID RECORDS. DOES NOT APPEAR TO AFFECT SUBJECT PROPERTY.

(K) 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 AT 1:10 P.M., RECORDED IN DEED BOOK 26933, PAGE 286, AFORESAID RECORDS. DOES NOT APPEAR TO AFFECT SUBJECT PROPERTY.

(L) ACCESS EASEMENT AGREEMENT BY AND BETWEEN FULTON GREENS LIMITED PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP AND FIRST UNION NATIONAL BANK, A NATIONAL BANKING ASSOCIATION, DATED JUNE 23, 1999, FILED FOR RECORD JUNE 25, 1999 AT 1:10 P.M., RECORDED IN DEED BOOK 26933, PAGE 316, AFORESAID RECORDS. MAY AFFECT SUBJECT PROPERTY, TOO VAGUE TO PLOT.

(M) DRAINAGE EASEMENT AGREEMENT BY AND BETWEEN FULTON GREENS LIMITED PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP AND FIRST UNION NATIONAL BANK, A NATIONAL BANKING ASSOCIATION, DATED JUNE 23, 1999, FILED FOR RECORD JUNE 25, 1999 AT 1:10 P.M., RECORDED IN DEED BOOK 26933, PAGE 323, AFORESAID RECORDS. AFFECTS SUBJECT PROPERTY AS PLOTTED.

(N) RIGHT-OF-WAY EASEMENT FROM FULTON GREEN LIMITED PARTNERSHIP TO SAV HIE ELECTRIC MEMBERSHIP CORPORATION, DATED AS OF JUNE 7, 1999, FILED FOR RECORD JUNE 28, 1999 AT 8:30 A.M., RECORDED IN DEED BOOK 27206, PAGE 190, AFORESAID RECORDS. MAY AFFECT SUBJECT PROPERTY, TOO VAGUE TO PLOT.

(O) DRAINAGE EASEMENT AGREEMENT BY AND BETWEEN FULTON GREENS LIMITED PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP AND FAISON-WINDWARD GREENS III, LLC, A GEORGIA LIMITED LIABILITY COMPANY, DATED MARCH 21, 2000, FILED FOR RECORD MARCH 29, 2000 AT 10:23 A.M., RECORDED IN DEED BOOK 28767, PAGE 126, AFORESAID RECORDS. AFFECTS SUBJECT PROPERTY AS PLOTTED.

(P) DRAINAGE EASEMENT AGREEMENT BY AND BETWEEN FULTON GREENS LIMITED PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP AND LOWE'S HOME CENTERS, INC., A NORTH CAROLINA CORPORATION, DATED JANUARY 30, 2003, FILED FOR RECORD FEBRUARY 3, 2003 AT 1:41 P.M., RECORDED IN DEED BOOK 34127, PAGE 321, AFORESAID RECORDS. AFFECTS SUBJECT PROPERTY AS PLOTTED.

(Q) DRAINAGE EASEMENT AGREEMENT BY AND BETWEEN FULTON GREENS LIMITED PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP, SHAWN KING AND PAMELA KING, DATED JANUARY 5, 2003, FILED FOR RECORD FEBRUARY 28, 2003 AT 10:01 A.M., RECORDED IN DEED BOOK 34323, PAGE 229, AFORESAID RECORDS. DOES NOT APPEAR TO AFFECT SUBJECT PROPERTY.

(R) DRAINAGE EASEMENT AGREEMENT BY AND BETWEEN FULTON GREENS LIMITED PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP, SCOTT FLEMING AND JOE PAUSA, DATED JANUARY 5, 2003, FILED FOR RECORD FEBRUARY 28, 2003 AT 10:01 A.M., RECORDED IN DEED BOOK 34323, PAGE 257, AFORESAID RECORDS. DOES NOT APPEAR TO AFFECT SUBJECT PROPERTY.

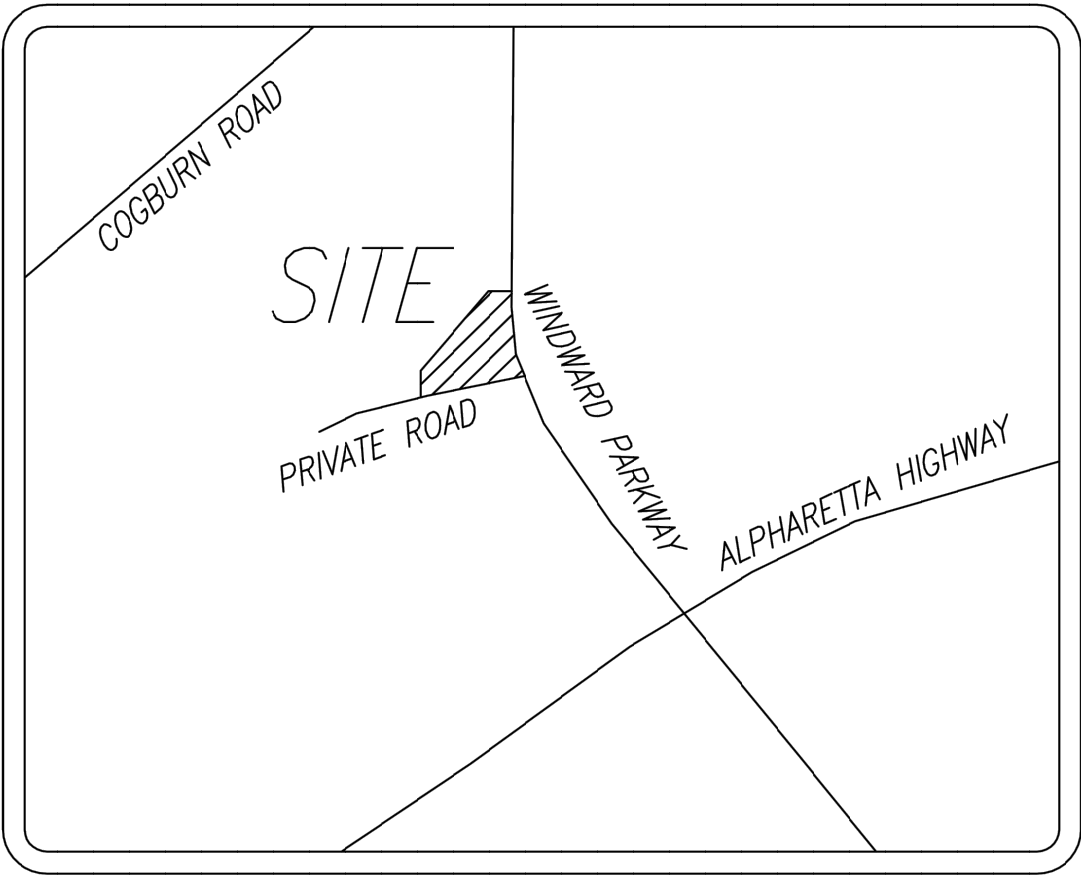
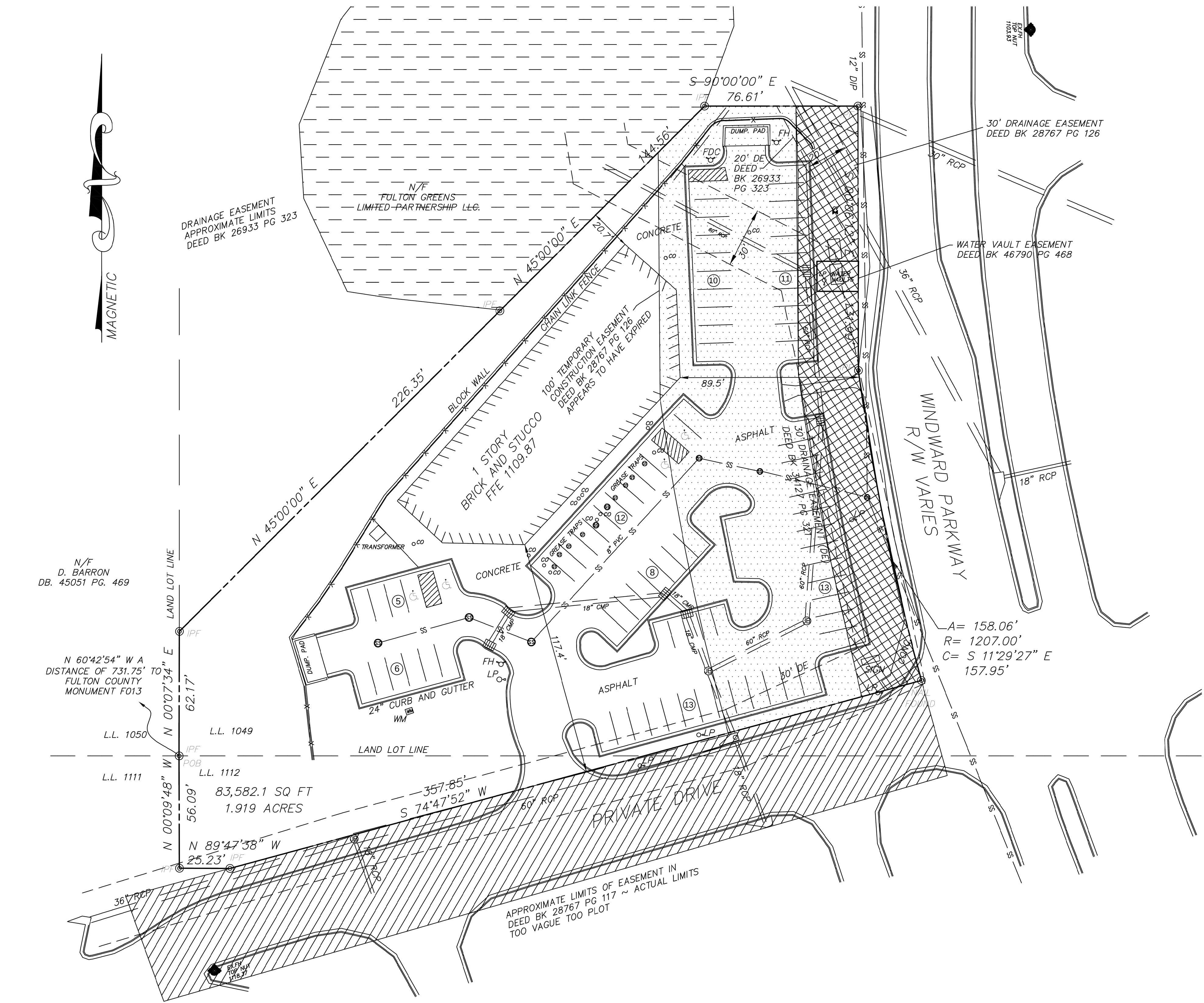
(S) AGREEMENT REGARDING IMPACT FEES BY AND BETWEEN SYDNEY RETAIL, LLC AND FULTON GREENS LIMITED PARTNERSHIP, DATED AS OF OCTOBER 10, 2007, FILED FOR RECORD NOVEMBER 26, 2007 AT 9:17 A.M., RECORDED IN DEED BOOK 46014, PAGE 45, AFORESAID RECORDS.

(T) WATER VAULT EASEMENT FROM SYDNEY RETAIL, LLC TO FULTON COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF GEORGIA, DATED MARCH 13, 2008, FILED FOR RECORD MAY 28, 2008 AT 12:55 P.M., RECORDED IN DEED BOOK 46790, PAGE 468, AFORESAID RECORDS. AFFECTS SUBJECT PROPERTY, TOO VAGUE TO PLOT.

(U) WATER VAULT EASEMENT FROM SYDNEY RETAIL, LLC TO FULTON COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF GEORGIA, DATED MARCH 13, 2008, FILED FOR RECORD MAY 28, 2008 AT 12:55 P.M., RECORDED IN DEED BOOK 46790, PAGE 468, AFORESAID RECORDS. AFFECTS SUBJECT PROPERTY AS SHOWN.

(V) ALL MATTERS SHOWN ON THE AS-BUILT SURVEY FOR SYDNEY CENTER BY LANDPRO SURVEYING AND MAPPING INC. PREPARED FOR WINDWARD DV, LLC, BUCKHEAD TITLE & ABSTRACT COMPANY, INC., CHICAGO TITLE INSURANCE COMPANY AND GEORGIA COMMERCE BANK BY REGISTERED LAND SURVEYOR JAMES H. RADER #3033, DATED MARCH 26, 2012.

CURRENT CONDITIONS SHOWN.



VICINITY MAP

SURVEY NOTES

1. THIS SURVEY IS BASED ON A TITLE REPORT PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NUMBER 2-29935(M), DATED JUNE 24, 2013.
2. THIS PLAT WAS PREPARED FROM A FIELD SURVEY USING A THREE SECOND TOPCON TOTAL STATION.
3. THE PRECISION OF THE FIELD DATA UPON WHICH THIS SURVEY IS BASED WAS VERIFIED WITH REDUNDANT LINEAR MEASUREMENTS. THE RELATIVE POSITIONAL PRECISION IS LESS THAN 0.07 FEET PER POINT. THE FIELD DATA HAS BEEN ADJUSTED USING LEAST SQUARES.
4. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE WITHIN ONE FOOT IN 145,705 FEET.
5. ALL IPF & IPS ARE 1/2" REBAR UNLESS NOTED OTHERWISE.
6. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHT OF WAYS, PUBLIC OR PRIVATE.
7. NO PORTION OF THIS PROPERTY APPEARS TO LIE WITHIN THE 100 YEAR FLOOD PLAIN ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NUMBER 13121C0057 E, EFFECTIVE DATE OF JUNE 22, 1998.
8. DISTANCES SHOWN HEREON ARE GROUND DISTANCES.
9. INFORMATION REGARDING THE PRESENCE, SIZE AND LOCATION OF UNDERGROUND UTILITIES IS SHOWN HEREON. THIS INFORMATION IS BASED ON THE LOCATION OF VISIBLE APPURTENANCES. LANDPRO SURVEYING AND MAPPING, INC MAKES NO CERTIFICATION AS TO THE ACCURACY OR THOROUGHNESS OF THE INFORMATION SHOWN HEREON.

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 1049 AND 1112 OF THE 2ND DISTRICT, 2ND SECTION, CITY OF ALPHARETTA, FULTON COUNTY, GEORGIA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE LAND LOT CORNER COMMON TO LAND LOTS 1049, 1050, 1111 AND 1112 AND RUNNING THENCE ALONG LAND LOT LINE COMMON TO LAND LOTS 1049 AND 1050 NORTH 00°07'34" EAST 67.12 FEET TO AN IRON PIN; THENCE DEPART SAID LAND LOT LINE AND RUN NORTH 45° 00' 00" EAST 370.89 FEET TO AN IRON PIN; RUN THENCE SOUTH 90° 00' 00" EAST 76.61 FEET TO AN IRON PIN ON THE WESTERLY RIGHT-OF-WAY OF WINDWARD PARKWAY EXTENSION (RIGHT-OF-WAY VARIES); RUN THENCE ALONG SAID RIGHT-OF-WAY SOUTH 00° 06' 12" EAST 131.99 FEET TO AN IRON PIN; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY ALONG AN ARC OF CURVE TO THE LEFT AN ARC DISTANCE OF 158.06 FEET, SAID ARC HAVING A RADIUS OF 1,207 FEET AND BEING SUBTENDED BY A CHORD HAVING A BEARING AND DISTANCE OF SOUTH 11° 29' 27" EAST 157.95 FEET TO A NAIL; THENCE DEPART SAID RIGHT-OF-WAY AND RUN SOUTH 74° 47' 52" WEST 357.85 FEET TO AN IRON PIN; RUN THENCE NORTH 89° 47' 38" WEST 25.23 FEET TO AN IRON PIN; RUN THENCE NORTH 00° 09' 48" WEST 56.09 FEET TO AN IRON PIN AND THE TRUE PLACE OR POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINS 1.919 ACRES AND IS DEPICTED ON THAT ALTA/ACSM PLAT OF SURVEY PREPARED BY LANDPRO SURVEYING AND MAPPING, INC., SEALED AND CERTIFIED BY JAMES H. RADER, GRLS NO. 3033, DATED JULY 30, 2013.

LEGEND			
⊙	PROPERTY CORNER	PVC	POLYVINYL CHLORIDE PIPE
IPF	PROPERTY LINE	FW	FIRE HYDRANT
IPS	1/2" REBAR FOUND	WM	WATER VALVE
RBR	1/2" REBAR SET	WM	WATER METER
CTP	REBAR	TP	WATER LINE
OTF	CRIMPED TOP PIPE	TP	TELEPHONE PEDESTAL
OTF	OPEN TOP PIPE	TP	TELEPHONE MANHOLE
OTF	CONCRETE MONUMENT FOUND	TP	UNDERGROUND TELEPHONE
FND	FOUND	TP	CABLE TELEVISION PEDESTAL
FW	POWER POLE	TP	CABLE TELEVISION
FW	POWER METER	TP	STORM DRAIN JUNCTION BOX
FW	POWER BOX	TP	DROP INLET
FW	ELECTRIC MANHOLE	TP	AREA INLET
FW	OVERHEAD POWER	TP	STORM DRAINAGE LINE
FW	UNDERGROUND POWER	TP	CORRUGATED METAL PIPE
FW	GAS VALVE	TP	REINFORCED CONCRETE PIPE
FW	GAS METER	TP	MONITORING WELL
FW	GAS LINE	TP	TREE
FW	SANITARY SEWER MANHOLE	TP	BENCHMARK
FW	SANITARY SEWER CLEAN OUT	TP	LAND LOT LINE
FW	GREASE TRAP	TP	GUARD RAIL
FW	SANITARY SEWER LINE	TP	
FW	DUCTILE IRON PIPE	TP	

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS. FURTHERMORE, 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. THE FIELD WORK WAS COMPLETED ON 07/30/13. DATE OF PLAT 07/30/13.



JAMES H RADER GEORGIA RLS# 3033



LandPro
SURVEYING AND MAPPING
305 CREEKSTONE RIDGE
WOODSTOCK, GA 30188
TELE: 404-386-2170
FAX: 678-213-1519
AUTHORIZATION NO. LSF000838
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WINDWARD DV, LLC

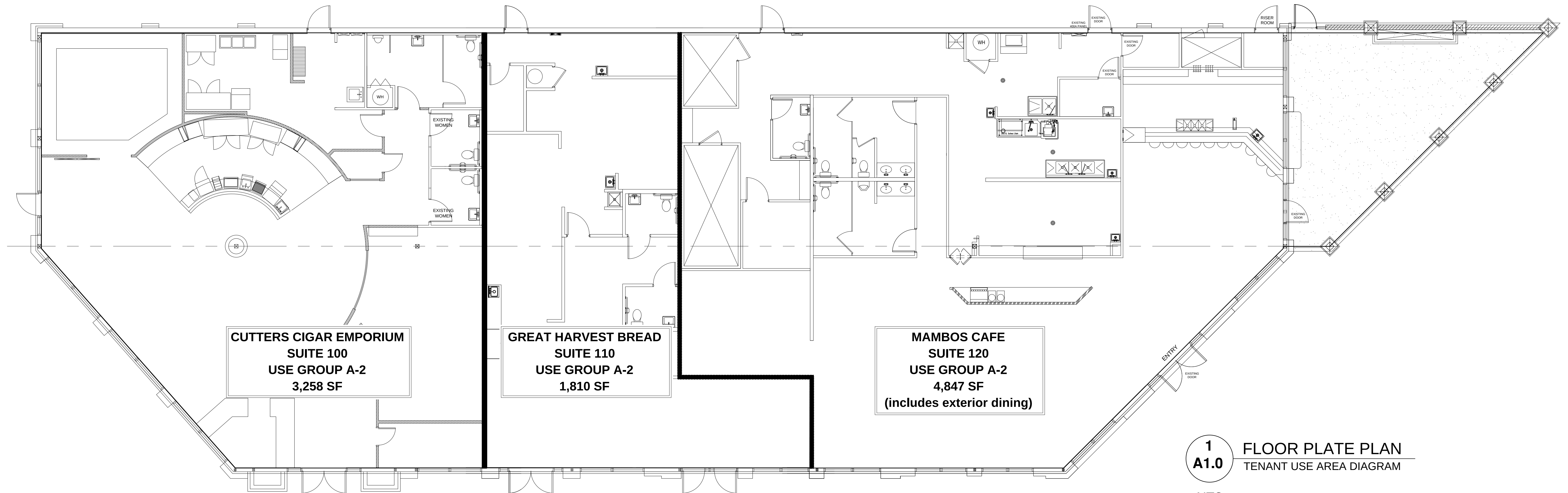
LAND LOTS 1049 & 1112
DISTRICT 2
SECTION 2

SCALE
1" = 30'

DATE
07/30/13

PROJECT NO.
20130730

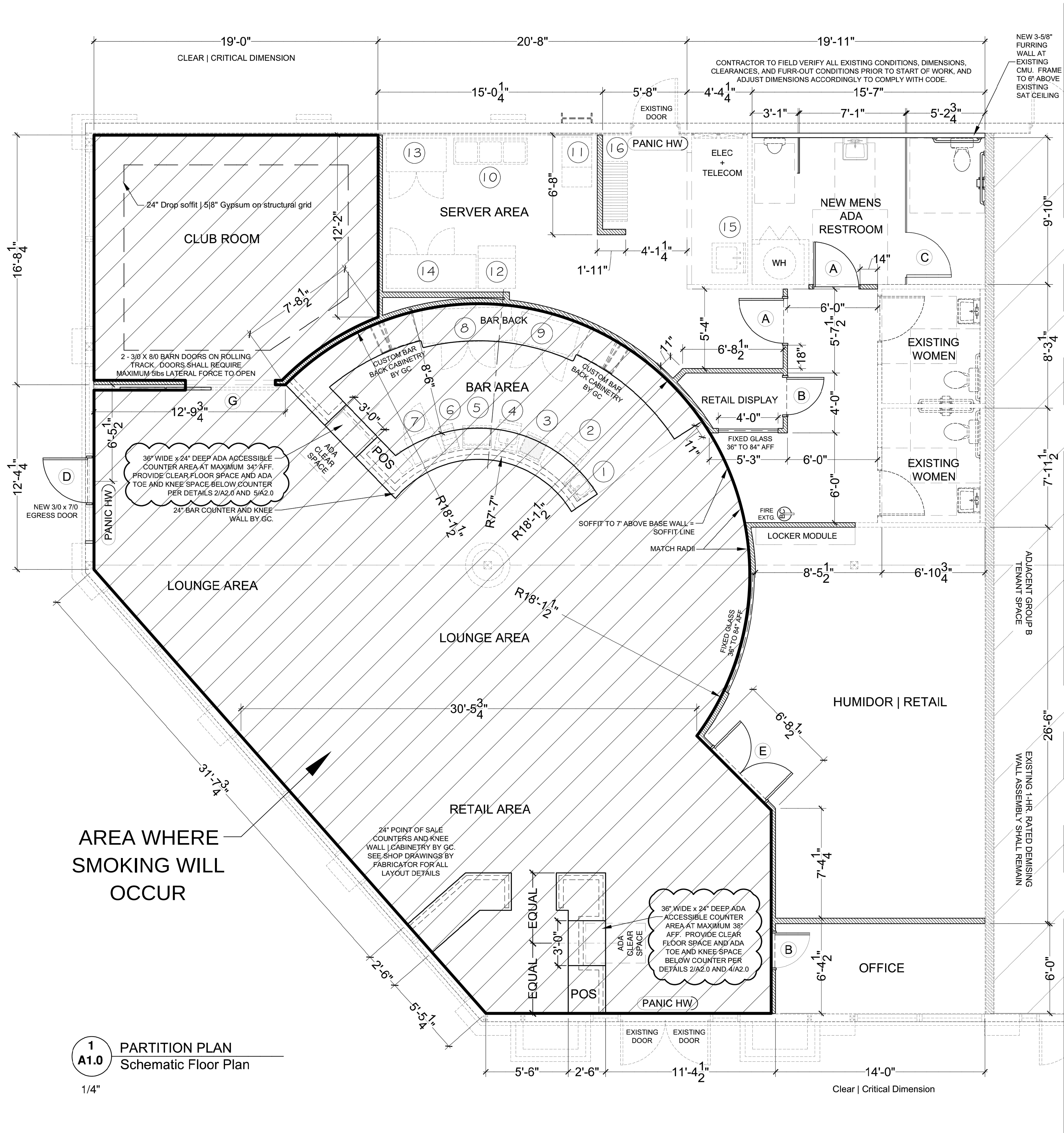
SHEET
1 OF 1



1
A1.0 FLOOR PLATE PLAN
TENANT USE AREA DIAGRAM
NTS

4915 WINDWARD PARKWAY

9,915 SF GROSS



1
A1.0
PARTITION PLAN
Schematic Floor Plan

1/4"

PREMISES IDENTIFICATION REQUIREMENTS

1. VERIFY EXISTING LETTERING AND OR PROVIDE IDENTIFICATION OF ADDRESS ON BUILDING
2. VERIFY EXISTING LETTERING AND OR PROVIDE IDENTIFICATION OF SUITE NUMBER ON OR ABOVE ALL EXTERIOR DOORS

PER IFC SECTION 505

505.1 Address numbers. - New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

505.2 Street or road signs. - Streets and roads shall be identified with approved signs. Temporary signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles. Signs shall be of an approved size, weather resistant and be maintained until replaced by permanent signs.

FIRE EXTINGUISHER LEGEND

Symbol: Discription: Size:



FIRE EXTINGUISHERS PER IFC, NFPA, & LSC.

2-A / 10-BC



CLASS K FIRE EXTINGUISHER SHALL BE WITHIN 30 FEET TRAVEL DISTANCE OF ALL COOKING SURFACES PER NFPA 10, SEC. 5.7, 2002 EDITION

SIZE TBD PER CITY OF ALPHARETTA FIRE MARSHAL

ALL FIRE EXTINGUISHERS TO BE INSTALLED @ 48" ABOVE FFE MAXIMUM

WALL COMPOSITION SYNOPSIS

Existing wall or partition to remain as stands per prior permit and CO

3-5/8" (25 GA) Metal Studs (362S162-18) @ 16" OC. Non-Load Bearing Interior Partition Wall with 1/2" Gypsum Wall Board - Frame to +/- 12'-0" Above FFE. See Sheet A2.0

SEE SHEETS A2.0 FOR ADDITIONAL WALL FRAMING REQUIREMENTS.

ALL WALL AREAS WITHIN 24" OF WATER CLOSETS SHALL RECEIVE A SMOOTH, HARD, EASILY CLEANABLE WALL SURFACE (TILE OR FRP) TO A HEIGHT OF 48" ABOVE FFE - REFER TO OWNER FOR SPECIFIED LIMITS OF WALL COVERING IN ADDITION TO THIS REQUIREMENT.

ALL GYPSUM WALL BOARD APPLIED TO WET WALL | PLUMBING FIXTURE AREAS SHALL BE "MOLD AND MOISTURE RESISTANT" GYPSUM - PER LOCATION

DOOR SCHEDULE

Number:	Size:	Style:	Finish:	Hardware:
A	3 / 0 X 6 / 8	Flush Panel Composite Core Pre-Hung Automatic Closer	Cheery Veneer	ADA Lever Type
B	2 / 4 X 6 / 8	Flush Panel Composite Core	Painted	ADA Lever Type
C	3 / 0	Pre-Fabricated Restroom Stall Door ADA Compliant Hardware Per Stall System Manufacturer	Factory	ADA Per Manufacturer
D	3 / 0 X 7 / 0	Glass Aluminum by GSF fabricator	Anodized Alum. Match Existing GSF	(PANIC HW)
E	(2) 2 / 6 X 7 / 0	Door Style + Composition by GC Automatic Closer	TBD	Fixed Handle Automatic Closer
G	(2) 3 / 0 X 8 / 0	Custom Sliding "Barn Doors" with rolling track above Door shall require maximum 5 LBS lateral force to open	Stained	Fixed Handle

(PANIC HW) PROVIDE NFPA COMPLIANT PANIC HARDWARE TO DOOR @ 42" ABOVE FFE, ALLOWING RELEASE OF ANY LATCHING OR LOCKING DEVICES UPON OPERATION OF THE PANIC HARDWARE

PER IBC 1008.1.10 - GROUP A OCCUPANCIES HAVING AN OCCUPANT LOAD OF 50 OR HIGHER SHALL REQUIRE PANIC HARDWARE ON EXIT DOORS WITH LOCK OR LATCHING DEVICES

CUTTERS CIGAR EMPORIUM

EQUIPMENT SCHEDULE

#	ITEM	MANF.	MODEL	DIMENSIONS
1	Hand Sink	Advance Tabco	7-PS-60	17 1/4" x 15d x 13 h
2	Bar Glass Washert	Ininger	IGW-40	24 w x 24d x 37 5/8 h
3	Freestanding Drainboard	Glas Tender	DTA-18	18w x 18d x 37h
4	Waste Bar Sink	Glas Tender	DHSB-18	18w x 24d x 37h
5	Cocktail Ice Chest	Advance Tabco	SLI-12-24-7	23w x 18d x 33 h
6	Liquor Bottle Rack	CLUR-12	CLUR-12	12w x 21d x 33h
7	Bar Bar Cooler	Continental	IBC24-GD	24w x 22d x 38.5h
8	Underbar Refrigerator	TRUE	TBB-4G-LD	72w x 27d x 37h
9	Winer Refrigerator	TRUE	TBB-24-48G-LD	49w x 24d x 35 5/8h

BACK ROOM EQUIPMENT SCHEDULE

#	ITEM	MANF.	MODEL	DIMENSIONS
10	3 Compartment Sink	Challenger	CRB-53L	59w x 21d x 33h
11	Undercounter Dishwasher	Pager	LOP-504W	23 5/8w x 21 5/8d x 32 3/4h
12	Ice Maker	Manitowoc	I-300	30w x 34d x 55h
13	Reach In Refrigerator	TRUE	T-49	48w x 27 d x 82h
14	Beer Keg Refrigerator	TRUE		72w x 27d x 36h
15	Utility Map Sink	Advance Tabco		24w x 27d x 33h
16	Wire Shelving Units (4 ea)	Lowes		48w x 24d x 72h

GENERAL BUILD-OUT NOTES:

CONTRACTOR SHALL FIELD VERIFY ALL EXISTING CONDITIONS PRIOR TO THE STAR OF WORK.

ALL DISCREPANCIES SHALL BE REPORTED TO POST OAK PARTNERS, ET AL, IN WRITING ALONG WITH AN RFI (REQUEST FOR INFORMATION) WHICH INCLUDES A DESCRIPTION OF RECOMMENDED ACTION.

CERTIFICATION OF USE OF PROPER/REQUIRED MATERIALS PLACEMENT AND INSTALLATION SHALL BE OBTAINED BY THE CONTRACTOR FROM ALL MATERIAL MANUFACTURERS, AS REQUIRED BY POST OAK PARTNERS AND/OR THE OWNER.

CONTRACTOR SHALL COORDINATE ALL PARTITION WALL, SUSPENDED CEILING, MECHANICAL, ELECTRICAL, PLUMBING, AND LIFE SAFETY PROVISIONS WITH FINAL EQUIPMENT SELECTIONS BY TENANT.

DOORS/HARDWARE: HANDLES, PULLS, LATCHES, LOCKS, AND OTHER OPERATING DEVICES ON ACCESSIBLE DOORS SHALL HAVE A SHAPE THAT IS EASY TO GRASP WITH ONE HAND AND DOES NOT REQUIRE TIGHT GRASPING, TIGHT PINCHING, OR TWISTING OF THE WRIST TO OPERATE. LEVER-OPERATED MECHANISMS, PUSH-TYPE MECHANISMS, AND U SHAPED HANDLES ARE ACCEPTABLE DESIGNS.

EXIT LIGHTING: SHALL COMPLY WITH SECTION 5-10 OF THE NFPA 101 LIFE SAFETY CODE. ILLUMINATION OF THE MEANS OF EGRESS SHALL BE PROVIDED PER THE REQUIREMENTS OF THE NFPA 101 - LIFE SAFETY CODE 2012 EDITION.

EXIT DOORS: DOORS SHALL NOT BE SUBJECT TO THE USE OF A KEY OR REQUIRE SPECIAL KNOWLEDGE TO OPERATE PER NFPA 101 LIFE SAFETY CODE 2012 EDITION CHAPTER 5-2.1.5.1.

IF THERE ARE PENETRATIONS INTO OR THROUGH, OF EITHER VERTICAL OR HORIZONTAL FIRE RATED BARRIERS SHALL BE PROTECTED BY A SYSTEM LISTED BY A RECOGNIZED TESTING AGENCY. PROVIDE A DETAIL AND LISTING NUMBER PER NFPA 101 LIFE SAFETY CODE 2012 EDITION CHAPTER 6-2.3.2.4.

FIRE EXTINGUISHERS: EXTINGUISHERS FOR ASSEMBLY OCCUPANCIES AND OFFICE AREAS SHALL BE LOCATED PER THE REQUIREMENTS OF NFPA 10. THE SIZE SHALL BE A MINIMUM OF 2, A 10, BC, AND SHALL BE INSTALLED AT A MAXIMUM OF 48" ABOVE THE FINISHED FLOOR TO THE TOP OF THE HANDLE.

EXISTING RESTROOMS SHALL REMAIN AS STANDS UNDER PRIOR PERMIT AND INSPECTIONS. THIS PROJECT WAS ORIGINALLY DESIGNED, PERMITTED, AND CONSTRUCTED UNDER THE GEORGIA ACCESSIBILITY CODE GSCF RULES & REGS. NO ALTERATION TO SUITE ACCESS, EXISTING RESTROOMS, OR MEANS OF EGRESS ARE INCLUDED IN THIS TENANT ALTERATION SCOPE OF WORK.

NEW RESTROOMS MUST COMPLY WITH THE 2010 ADA STANDARDS FOR ACCESSIBLE DESIGN - SEE SHEET A2.0 FOR ADDITIONAL DETAIL | REQUIREMENTS

PROJECT NUMBER 2016 070



DESIGN MANAGEMENT | ENGINEERING | PROJECT EXPEDITING

Post Oak Partners, LLC

1205 Peachtree Parkway

Suite 1104

Cumming, Georgia 30042

T 678.513.6034

F 678.513.6044

www.postoakpartnersllc.com

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THIS DRAWING IS PROPERTY OF POST OAK PARTNERS, LLC. CONTRACTOR IS SOLELY RESPONSIBLE FOR VERIFYING ALL CONDITIONS & DIMENSIONS PRIOR TO START OF WORK, AND ACCEPTS ALL EXISTING CONDITIONS.

DISCREPANCIES SHALL BE REPORTED TO POST OAK PARTNERS, LLC IN WRITING AND RECONCILED BEFORE PROCEEDING. CONTRACTOR ASSUMES FULL & SOLE RESPONSIBILITY FOR FIELD CHANGES.

THE DUPLICATION, REPRODUCTION, COPYING, SALE, USE, OR DISTRIBUTION OF THESE DRAWINGS & IMAGES DEPICTED THEREON IS STRICTLY PROHIBITED UNLESS AUTHORIZED IN WRITING BY POST OAK PARTNERS, LLC.

TENANT FINISH CONSTRUCTION

CUTTER'S CIGAR EMPORIUM

Suite 100
4915 Windward Parkway
Alpharetta Ga 30004

GENERAL CONTRACTOR:

MONOLITH COMPANIES, LLC
78 Dawson Village Way N.
Suite 140-195
Dawsonville, GA 30534

OWNER:

WINDWARD DV, LLC
131 Roswell Street
Suite B201
Alpharetta, GA 30009

PRINT ISSUE RECORD

NUMBER DATE REVISION

1 092416 Design Development

2 101416 Submittal 1

3 110416 Revised Submittal 2

Alpharetta
GEORGIA • U.S.A

REVIEWED FOR CODE COMPLIANCE
CITY OF ALPHARETTA
BUILDING CONSTRUCTION DIVISION



REVIEWED FOR CODE
COMPLIANCE

Drew Wade

THE CITY OF ALPHARETTA
FIRE MARSHAL'S OFFICE



DRAWING

A1.0

CUTTER'S CIGAR EMPORIUM

Suite 100 | 4915 Windward Parkway
Alpharetta Ga 30004

MECHANICAL | VENTILATION SYNOPSIS

In reference to ePlan submittal BC2016-058 for Cutters Cigar Emporium located in suite 100 of 4915 Windward Parkway, heating, cooling, and ventilation system is comprised of the following items:

- (1) Existing 5 Ton Packaged Heat Pump Unit
- (1) Existing 6 Ton Packaged Heat Pump Unit
- (2) Existing 75 CFM Restroom Exhaust Fans
- (1) Existing 1,500 CFM Smoking Area Exhaust Fan
- (1) New 150 CFM Restroom Exhaust Fan
- (5) New 1,200 CFM Ceiling Mounted Commercial HEPA Filter | Media Air Cleaner | Smoke Filtration

A total of 1,918 CFM (cubic feet per minute) of outdoor ventilation air is provided into the space with total exhaust of 1,950 CFM.

The mechanical design as submitted and approved is based upon IMC Table 403.3 and the following language of section 403.3;

“With the exception of smoking lounges, the ventilation rates in Table 403.3 are based on the absence of smoking in occupiable spaces. Where smoking is anticipated in a space other than a smoking lounge, the ventilation system serving the space shall be designed to provide ventilation over and above that required by Table 403.3 in accordance with accepted engineering practice.”

As such the Airflow Rate in breathing zone has been increased by 33% from 7.5 CFM per person (absence of smoking) to 10 CFM per person (smoking – over and above IMC 403.3) with a “bar, Cocktail Lounge” use classification. This use classification reflects the way the tenants smoking area is used and is in line with the final determination of the fire marshal to classify this space as an A-2 assembly use (restaurants, bars, taverns).

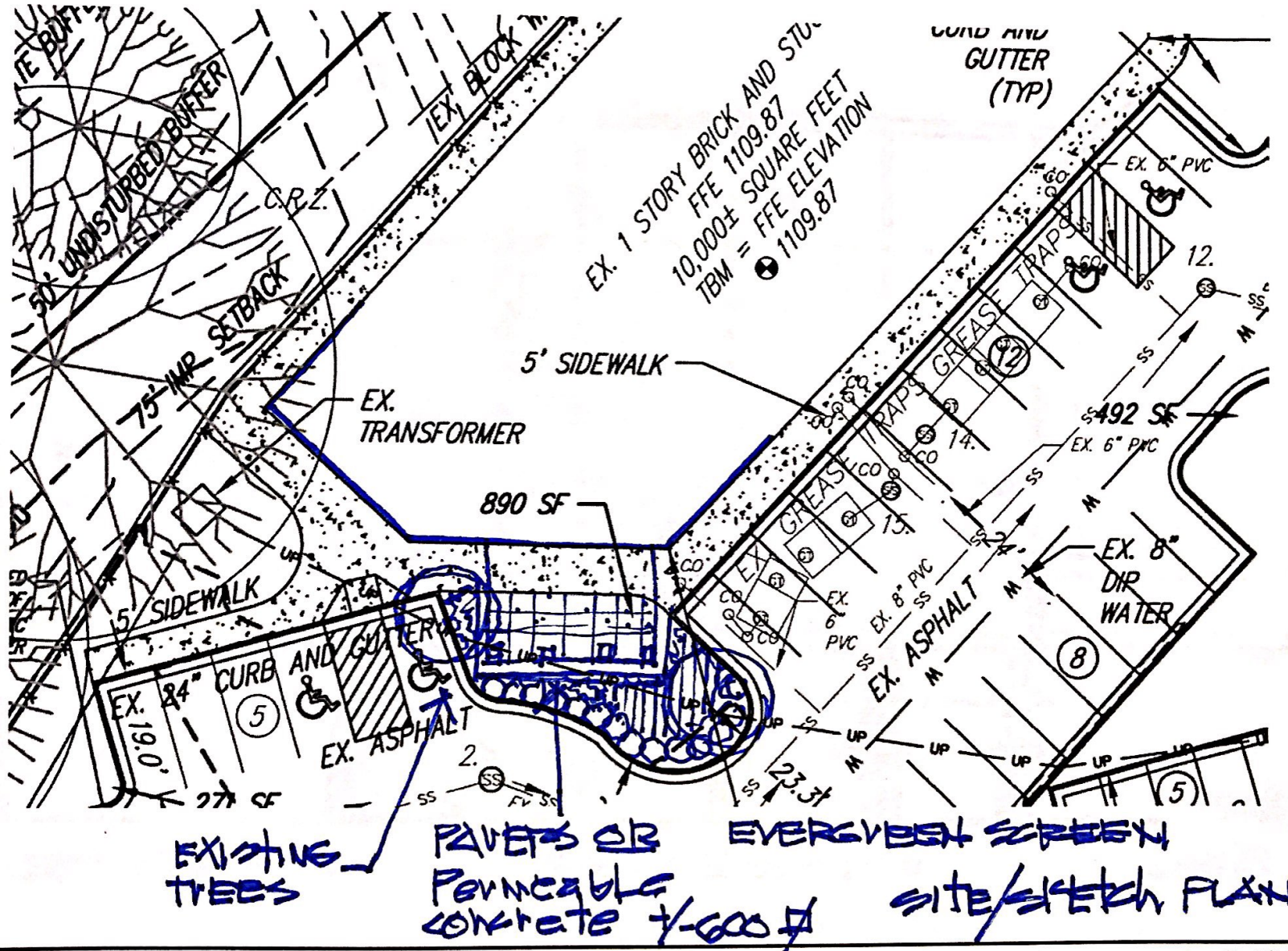
REQUIRED OUTDOOR VENTILATION AIR						
BASED ON INTERNATIONAL MECHANICAL CODE - 2012						
SECTION 403 MECHANICAL VENTILATION TABLE 403.3						
403.3.1.1 BREATHING ZONE OUTDOOR AIR FLOW $V_{bz} = R_p P_p + R_a A_p$						
SPACE	UNIT	SF AREA (A_p)	PEOPLE OUTDOOR AIRFLOW RATE (R_p)	PEOPLE (P_p)	AREA OUTDOOR AIRFLOW RATE (R_a)	TOTAL CFM
CLUB ROOM*	RTU-1	297 SF	* 10 CFM / Person *	30	0.18 CFM / SF = 53.28	353.28
BAR AREA SMOKING*	RTU-1	417 SF	* 10 CFM / Person *	42	0.18 CFM / SF = 75.06	495.06
SERVER AREA	RTU-1	346 SF	7.5 CFM / Person	6	0.12 CFM / SF = 41.52	86.52
HUMIDOR	RTU-1	178 SF	7.5 CFM / Person	3	0.12 CFM / SF = 21.36	43.86
BAR AREA SMOKING*	RTU-2	617 SF	* 10 CFM / Person *	62	0.18 CFM / SF = 111.06	731.06
RETAIL AREA*	RTU-2	493 SF	* 10 CFM / Person *	8	0.12 CFM / SF = 59.16	138.16
OFFICE	RTU-2	85 SF	5 CFM / Person	1	0.06 CFM / SF = 5.1	10.1
HUMIDOR	RTU-2	233 SF	7.5 CFM / Person	4	0.12 CFM / SF = 27.96	57.96
TOTAL GROSS OUTSIDE AIR @ RTU-1						979 CFM
TOTAL GROSS OUTSIDE AIR @ RTU-2						939 CFM
1. Table 403.3 Requires 5 People / 1,000 SF At 5 CFM Per Person & 0.06 CFM / SF (Office Spaces)						
2. Table 403.3 Requires 15 People / 1,000 SF At 7.5 CFM Per Person & 0.12 CFM / SF (Retail Sales)						
3. Table 403.3 Requires 100 People / 1,000 SF At 7.5 CFM Per Person & 0.18 CFM / SF (Bar, Cocktail Lounge)						
Indicates increased ventilation system capacity over and above that required by table 403.3 in anticipation of smoking in occupied spaces not classified as a smoking lounge. IMC 403.3 Outdoor Air Flow Rate						



VENTILATION AIR REQUIREMENTS

Outside Air Calculations Per 2012 IMC 403.3

NTS



CUTTERS CIGAR EMPORIUM | Outdoor Terrace Concept Plan

SYDNEY CENTER - Alpharetta, GA

Russ Sutton | Owner

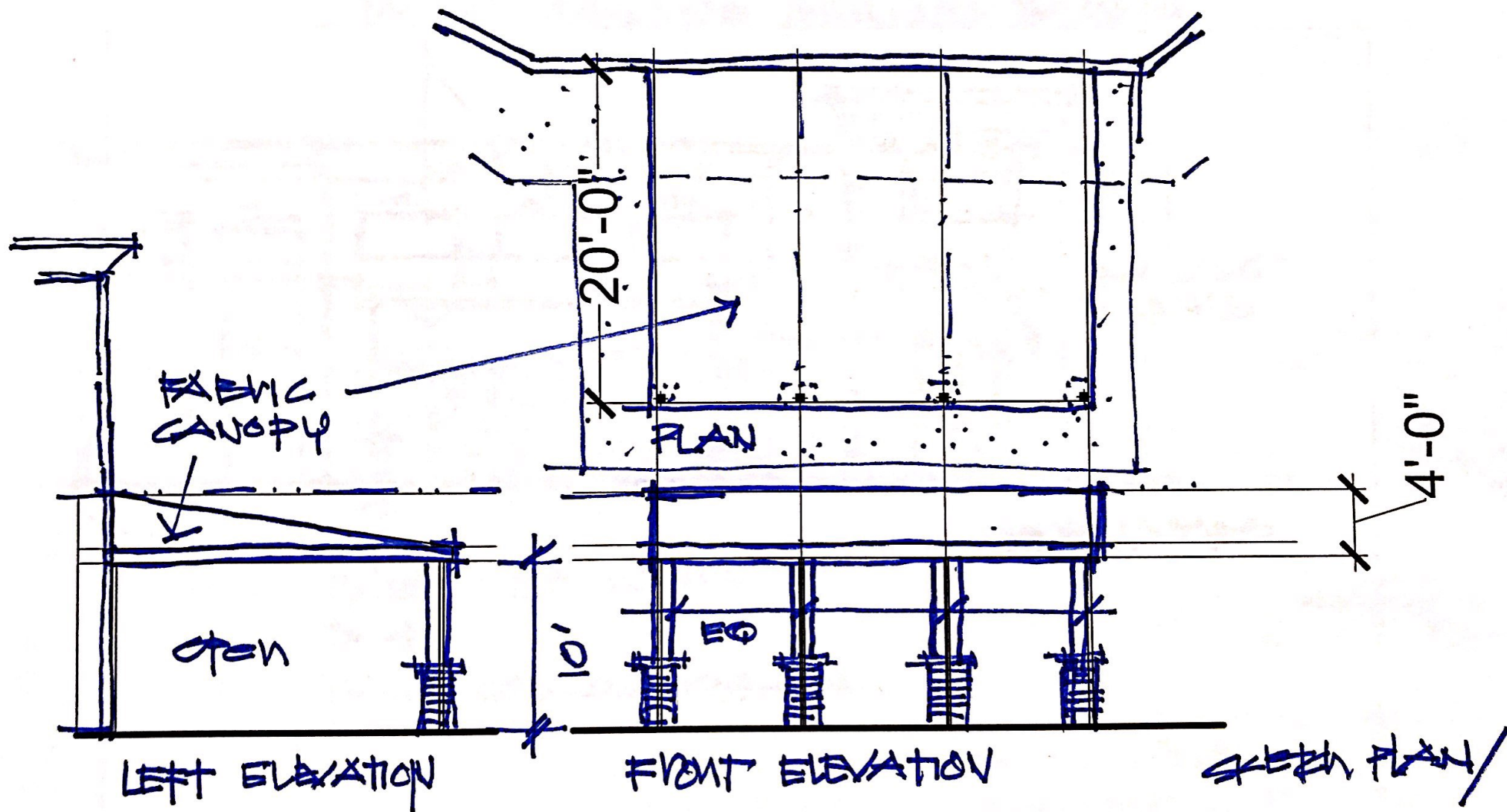
SCALE N/A

DRAWING A0

Post Oak Partners
ENGINEERING | DESIGN MANAGEMENT | EXPERTISING

Post Oak Partners, LLC
1205 Peachtree Parkway
Suite 1104
Cumming, Georgia 30042

T 770.888.9727
F 678.313.8644
info@post-oak.com



CUTTERS CIGAR EMPORIUM | Outdoor Terrace Concept Plan

SYDNEY CENTER - Alpharetta, GA

Russ Sutton | Owner

SCALE N/A

DRAWING **A1**

Post Oak Partners

ENGINEERING | DESIGN MANAGEMENT | EXPEDITING

Post Oak Partners, LLC

1205 Peachtree Parkway

Suite 1104

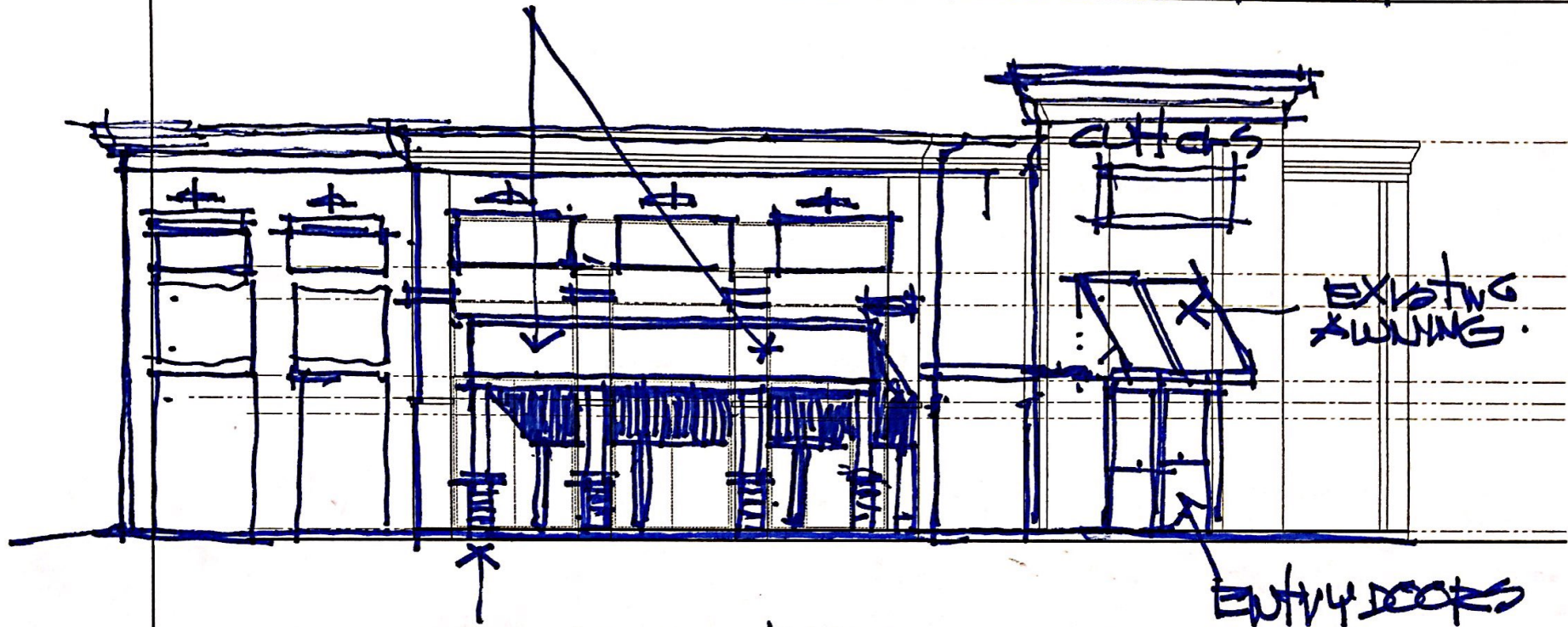
Cumming, Georgia 30042

T 770.889.8727

F 678.513.8644

radaway@post oak.com

NEW 20' WIDE CANOPY
MATCH EXISTING AWNING FABRIC



16" ~~sq~~ BRICK COLUMNS
TO 48"

12" ~~sq~~ WOOD COLUMNS ABOVE

SKETCH PLAN/
FRONT ELEVATION

CUTTERS CIGAR EMPORIUM | Outdoor Terrace Concept Plan

SYDNEY CENTER - Alpharetta, GA

Russ Sutton | Owner

SCALE N/A

DRAWING A2

Post Oak Partners

ENGINEERING | DESIGN MANAGEMENT | EXPEDITION

Post Oak Partners, LLC
1205 Peachtree Parkway
Suite 1100
Cumming, Georgia 30042

T 770 889 6727
F 678 513 0044
info@postoak.com

PUBLIC HEARING APPLICATION

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: Russ Sutton

Telephone: 404-277-4197

Address: 78 Dawson Village Way North

Suite: 140

City: Dawsonville

State: GA

Zip: 30534

Fax: _____

Mobile Tel: 404-277-4197

Email: russ@teammonolith.com

Subject Property Information:

Address: 4915 Windward Parkway, Suite 100

Current Zoning: C-1

District: 2

Section: 2

Land Lot: 1049

Parcel ID: 22 511010490498

Proposed Zoning: C-1

Current Use: Vacant space. Prior tenant was hair salon user.

This Application For (Check All That Apply):

☒ Conditional Use

☒ Master Plan Amendment

☐ Rezoning

☐ Master Plan Review

☐ Variance

☐ Public Hearing

☐ Comprehensive Plan Amendment

☐ Other (Specify): _____

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

Occupy suite 100 at 4915 Windward Parkway, 3,242 SF, as a new location for Cutter's Cigar Emporium. Will feature cigar humidor for retail sales, along with high end tobacco accessories. There will also be a smoking lounge area and spirits tasting area at the bar as shown on the floor plan.

Applicant's Request (Please itemize the proposal):

1. Amend Master Plan to allow cigar/tobacco use
2. Obtain conditional use permit as required by City zoning ordinance

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

Cutters Cigar Emporium was founded in 2012 as a premium cigar retailer and smoking lounge. Our location at 5530 Windward Parkway opened in June of 2012. Our inside and outside lounge serves about 30 people. In December of 2015 we acquired an alcohol by the drink permit. Our customers have the option to enjoy a glass of wine, beer, or scotch with their cigar.

Revenues in 2016 will be approximately \$925,000.00. Only 10% of that is alcohol; the rest is premium cigars and accessories. With our continued growth; we are pursuing the relocation of Cutters Cigar Emporium to a bigger location that will provide additional space for walk in cigar humidor; club room, and smoking lounge and outside patio.

Cutters has become a destination cigar store and lounge. We believe that we provide the City of Alpharetta a great representation of a high end place to relax, socialize, network, and enjoy fine cigars and spirits.

11.21.16

PROPERTY OWNER AUTHORIZATION

MP-17-03/CU-17-02

City of Douglas Emporium

Property Owner Information:

Contact Name: Penn Hodge

Telephone: 404-788-6146

Address: 131 Roswell Street

Suite: B201

City Alpharetta

State: GA

Zip: 30009

Authorization:

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

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

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

Identify Authorized Applicant:

Name of Authorized Applicant: Russ Sutton

Telephone: 404-277-4197

Address: 78 Dawson Village Way North

Suite: 140

City Dawsonville

State: GA

Zip: 30534

So Sworn and Attested:

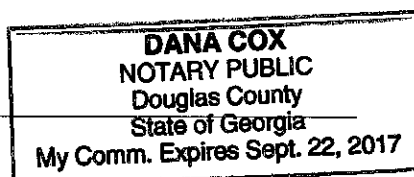
Owner Signature:

Date: 11/17/16

Notary:

Notary Signature:

Date: 11/17/16



11.21.16

DISCLOSURE FORM

MP-17-03/CU-17-02

Cutter's Cigar Emporium

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: Russ Sutton

Subject Public Hearing Case:

Campaign Contribution Information:

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

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

Name of Official: N/A

Position:

Description of Contribution:

Value:

Description of Contribution:

Value:

Description of Contribution:

Value:

Description of Contribution:

Value:

Description of Contribution:

Value:

Campaign Contribution Information:

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

Signature:

Date:

11/18/16

11.21.16

Cutter's Cigar Emporium

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:

Penn Hodge

Subject Public Hearing Case:

Cutter's Cigars - 4915 Windward Pkwy

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:

general donation

Value:

\$1,000.00

Description of Contribution:

Value:

Description of Contribution:

Value:

Description of Contribution:

Value:

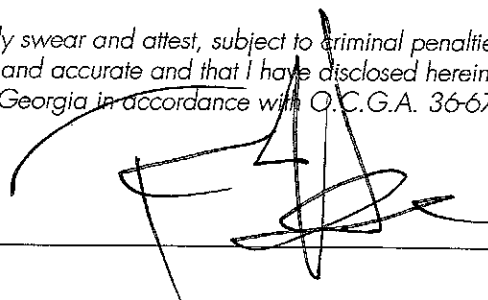
Description of Contribution:

Value:

Campaign Contribution Information:

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

Signature:



Date:

11/22/16

How will this proposal be compatible with surrounding properties?

Cutter's will be compatible with surrounding food and retail spaces

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

N/A

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

Yes, with Conditional Use Permit

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

None

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

None

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

Compatible with surrounding properties as mercantile/retail use

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

N/A

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.

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: Cutter's Cigar Emporium

Contact Name: Dana Cox

Telephone: 678-990-0711

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 separate sheet attached

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

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

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

Individuals will be given the Property Owner's contact info, including phone and email, by which they may contact and address any questions or concerns on the proposal

11.21.16

MP-17-03/CU-17-02
Cutter's Cigar Emporium

Parcel	Property Owner	Property Address	Mailing Address	City	State	Zip
22 512011120738	Providence Bank	4955 Windward Parkway	4955 Windward Parkway	Alpharetta	GA	30004
22 512011110721	Lowes Home Centers, Inc	4925 Windward Parkway	1000 Lowe's Blvd	Mooreville	NC	28117
22 512011120647	KMD Alpharetta, LLC	4975 Windward Parkway	2424 N Federal Highway #454	Boca Raton	FL	33431
22 511010491728	Windward Professional Pavillion, LLC	4895 Windward Parkway	4895 Windward Parkway, Suite 200	Alpharetta	GA	30004
22 512011120357	Windward Commons, Inc	12870 Highway 9	500 N Dearborn St, Suite 400	Chicago	IL	60654
22 512011120688	First Union National Bank	12830 North Main St	PO Box 2609	Carlsbad	CA	92018
22 511010500130	Dona Jean Mullinax	12975 Cogburn Road	12975 Cogburn Road	Alpharetta	GA	30004
22 511010500072	Scott and Ruth Crider	12985 Cogburn Road	12985 Cogburn Road	Alpharetta	GA	30004
22 511010490480	Fulton Greens Limited Partnership, LLC		6892 S YOSEMITE CT STE 2-105	Centennial	CO	80112
22 511010501815	ALI RAMEEZ SULTAN &	2715 AUGERON CT	2715 AUGERON CT	ALPHARETTA	GA	30004
22 511010501906	CHILUVURI VENKATARAMA S &	2690 AUGERON CT	2690 AUGERON CT	ALPHARETTA	GA	30004
22 511010501997	COGBURN WALK HOMEOWNERS ASSOCIATION INC	2620 AUGERON CT	8800 ROSWELL RD BLDG/STE B100	SANDY SPRINGS	GA	30350
22 511010501989	D R HORTON INC	2610 AUGERON CT	8200 ROBERTS DR SUITE 100	SANDY SPRINGS	GA	30350
22 511010501955	D R HORTON INC	2640 AUGERON CT	8200 ROBERTS DR SUITE 100	SANDY SPRINGS	GA	30350
22 511010501948	D R HORTON INC	2650 AUGERON CT	8200 ROBERTS DR SUITE 100	SANDY SPRINGS	GA	30350
22 511010501880	D R HORTON INC	2710 AUGERON CT	8200 ROBERTS DR SUITE 100	SANDY SPRINGS	GA	30350
22 511010501856	D R HORTON INC	2750 AUGERON CT	8200 ROBERTS DR SUITE 100	SANDY SPRINGS	GA	30350
22 511010501849	D R HORTON INC	2745 AUGERON CT	8200 ROBERTS DR SUITE 100	SANDY SPRINGS	GA	30350
22 511010501765	D R HORTON INC	2615 AUGERON CT	8200 ROBERTS DR SUITE 100	SANDY SPRINGS	GA	30350
22 511010501773	DHANARAJUPALI ANANDA BABU &	2625 AUGERON CT	31021 GARDNER DR	ALPHARETTA	GA	30009-2167
22 511010501799	DIXON SUSAN A &	2695 AUGERON CT	2695 AUGERON CT	ALPHARETTA	GA	30004
22 511010501864	DONIPARTHI HEMA N & NALLNIKRISHNA K	2740 AUGERON CT	1200 S BENTLEY CREEK DR	ALPHARETTA	GA	30004
22 511010501914	DOSHI SNEHAL H &	2680 AUGERON CT	10 FURLONG DR	MILLSTONE TWP	NJ	8535
22 511010501898	DYER SEAN N	2700 AUGERON CT	2700 AUGERON CT	ALPHARETTA	GA	30004
22 511010501963	JONNALAGADDA YASWANTH K	2630 AUGERON CT	2630 AUGERON CT	ALPHARETTA	GA	30004
22 511010501872	KHAN HASAN NEWAZ & FARHANA SHARITA	2730 AUGERON CT	2703 AUGERON CT	ALPHARETTA	GA	30004
22 511010501823	MANTENA SUDHEER &	2725 AUGERON CT	2725 AUGERON CT	ALPHARETTA	GA	30004
22 511010501922	MELIANI KARIM &	2670 AUGERON CT	2670 AUGERON CT	ALPHARETTA	GA	30004
22 511010501831	ONUIGBO SUNNY	2735 AUGERON CT	2735 AUGERON CT	ALPHARETTA	GA	30004
22 511010501807	PRIVALOVA STACY	2705 AUGERON CT	2705 AUGERON CT	ALPHARETTA	GA	30004
22 511010501971	RAHMAN MOHAMMED &	2620 AUGERON CT	7985 HIGHLAND BLF	ATLANTA	GA	30328
22 511010501930	SANNA MATTHEW &	2660 AUGERON CT	2250 ASHTON DR	ROSWELL	GA	30076
22 511010501781	UGUR AHMED V	2685 AUGERON CT	2585 AUGERON CT	ALPHARETTA	GA	30004

EXHIBIT "B"
PROPERTY/LEGAL DESCRIPTION

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

Beginning at the West lot corner common to Land Lots 1049, 1050, 1111 and 1112 and running thence along said lot line westward to Land Lots 1049 and 1050 North 00° 07' 34" East 62.17 feet to an iron pin; thence depart said lot line and run North 45° 00' 00" East 370.43 feet to an iron pin; run thence South 50° 00' 00" East 76.21 feet to an iron pin on the westerly right-of-way of Winwood Parkway Extension (right-of-way running) run thence along said right-of-way South 00° 00' 12" East 134.99 feet to an iron pin; thence continue along said right-of-way along an arc of curve to the left an arc distance of 151.66 feet, said arc having a radius of 1,207 feet and being subtended by a chord having a bearing and distance of South 11° 29' 27" East 157.93 feet to a nail; thence depart said right-of-way and run South 74° 47' 52" West 357.85 feet to an iron pin; run thence North 89° 47' 38" West 25.23 feet to an iron pin; run thence North 60° 29' 44" West 56.29 feet to an iron pin and the TRUE PLACE OR POINT OF BEGINNING.

Said property contains 7.019 acres as per survey by LandPro Surveying and Mapping, Inc. for Title Title Mortgage Company, et al., certified by James H. Rader DLSN 3071, dated October 10, 2007.

TOGETHER WITH easement rights arising under Reciprocal Access Easement Agreement dated March 11, 2000 between Fulton County Limited Partnership and Fulton Winwood Georgia, III, LLC, recorded in Deed Book 21717, Page 117, Fulton County, Georgia records.

ALSO TOGETHER WITH easement rights arising under Easement Agreement dated October 23, 2007 between Fulton County Limited Partnership and Spinsky Retail, LLC recorded in Deed Book 21717, Page 256, Fulton County, Georgia records.

11.21.16

TITLE EXCEPTIONS

THIS SURVEY IS BASED ON A TITLE REPORT PREPARED BY FIRST AMERICAN TITLE ASSURANCE COMPANY, CONVENT NUMBER 1-EPHSDAN, DATED JUNE 24, 2013.

(1) DEED TO CUT OR TRIM TREES FROM FULTON GREENS LIMITED PARTNERSHIP TO GEORGIA POWER COMPANY, A CORPORATION, DATED AS OF 1996, FILED FOR RECORD NOVEMBER 15, 1996 AT 3:40 P.M. RECORDED IN DEED BOOK 10760, PAGE 28, RECORDS OF FULTON COUNTY, GEORGIA. REFERENCE: SURVEY, 10760, 10760, 10760.

(2) SANITARY SEWER EASEMENT AGREEMENT BY AND BETWEEN FULTON GREENS LIMITED PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP, AND FULTON GREENS LIMITED PARTNERSHIP, A GEORGIA LIMITED LIABILITY COMPANY, DATED AS OF AUGUST 15, 1990, FILED FOR RECORD AUGUST 30, 1990 AT 3:41 A.M. RECORDED IN DEED BOOK 2570, PAGE 28, RECORDS OF FULTON COUNTY, GEORGIA. REFERENCE: SURVEY, 2570, 2570, 2570.

(3) EASEMENT AGREEMENT BY AND BETWEEN FULTON GREENS LIMITED PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP, AND FULTON GREENS LIMITED PARTNERSHIP, A GEORGIA LIMITED LIABILITY COMPANY, DATED AS OF FEBRUARY 20, 1995, FILED FOR RECORD FEBRUARY 20, 1995 AT 3:41 P.M. RECORDED IN DEED BOOK 2690, PAGE 28, RECORDS OF FULTON COUNTY, GEORGIA. REFERENCE: SURVEY, 2690, 2690, 2690.

(4) EASEMENT AGREEMENT BY AND BETWEEN FULTON GREENS LIMITED PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP, AND FULTON GREENS LIMITED PARTNERSHIP, A GEORGIA LIMITED LIABILITY COMPANY, DATED AS OF FEBRUARY 20, 1995, FILED FOR RECORD FEBRUARY 20, 1995 AT 3:41 P.M. RECORDED IN DEED BOOK 2690, PAGE 28, RECORDS OF FULTON COUNTY, GEORGIA. REFERENCE: SURVEY, 2690, 2690, 2690.

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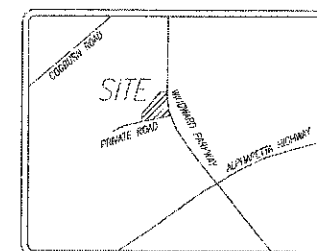
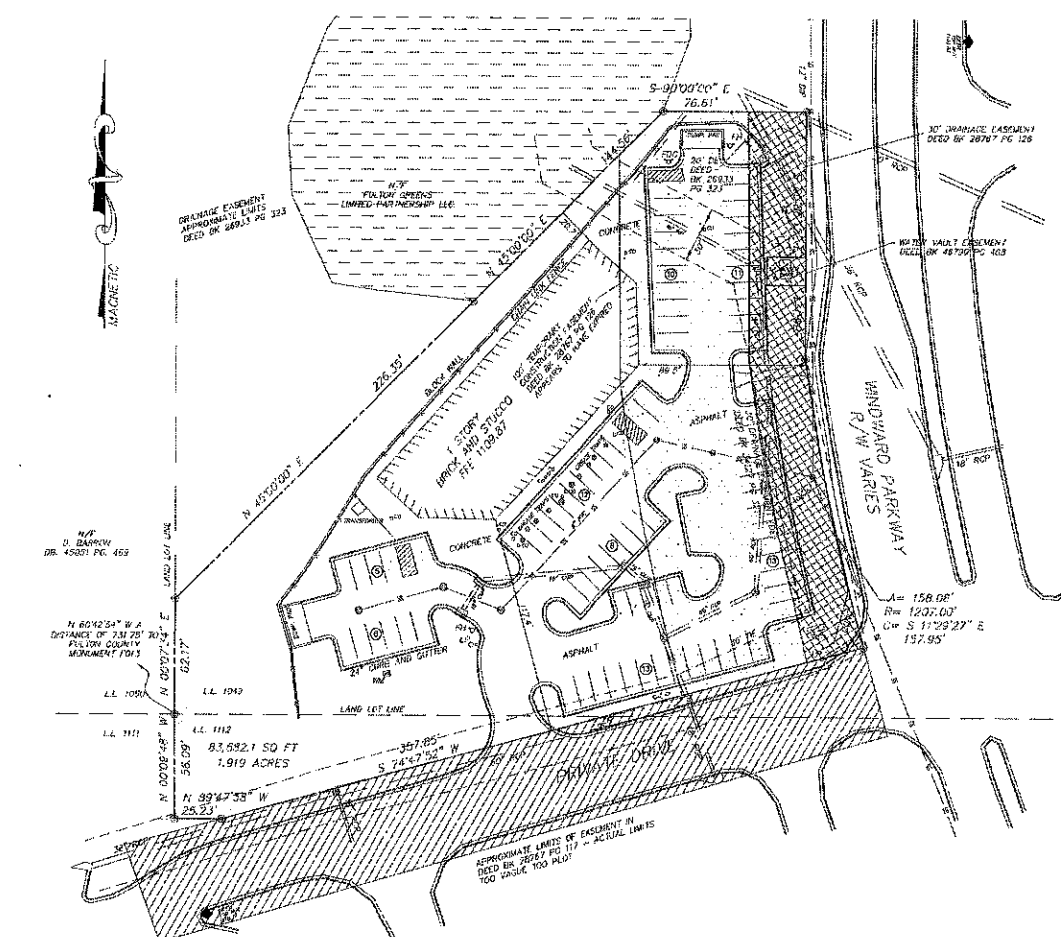
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SURVEY NOTES

1. THIS SURVEY IS BASED ON A TITLE REPORT PREPARED BY FIRST AMERICAN TITLE ASSURANCE COMPANY, CONVENT NUMBER 1-EPHSDAN, DATED JUNE 24, 2013.
2. THIS PLAT WAS PREPARED FROM A FIELD SURVEY USING A THREE SECOND TYPICAL STATION.
3. THE PRECISION OF THE FIELD DATA UPON WHICH THIS SURVEY IS BASED WAS DETERMINED BY RESIDUAL LINEAR MEASUREMENTS. THE RELATIVE PRECISION IS LESS THAN 1/100,000 FEET PER FOOT. THE FIELD DATA HAS BEEN ADJUSTED USING LEAST SQUARES.
4. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE WITHIN ONE FOOT IN 148,700 FEET.
5. ALL BY & B'S ARE 8" HIGHER UNLESS NOTED OTHERWISE.
6. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHT OF WAYS, PUBLIC OR PRIVATE.
7. NO PORTION OF THIS PROPERTY APPEARS TO BE WITHIN THE 100 YEAR FLOOD PLAIN ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NUMBER 1702000202 C, EFFECTIVE DATE OF JUNE 22, 1998.
8. DISTANCES SHOWN HEREON ARE GROUND DISTANCES.
9. INFORMATION REGARDING THE PRESENCE, SIZE AND LOCATION OF UNDERGROUND UTILITIES IS OBTAINED HEREON. THIS INFORMATION IS BASED ON THE LOCATION OF VISIBLE APPLICABLE, LANDOWNERS SURVEYS AND PLANNING, DE. HAD NO CERTIFICATION AS TO THE ACCURACY OR THOROUGHNESS OF THE INFORMATION SHOWN HEREON.

LEGAL DESCRIPTION

ALL THAT TRACT OF PARCEL OF LAND LYING AND BEING IN LAND LOTS 1018 AND 1112 OF THE 2ND DISTRICT, 2ND SECTION, CITY OF ALPHARETTA, FULTON COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE LAND LOT CORNER COMMON TO LAND LOTS 1018, 1020, 1111 AND 1112 AND RUNNING THENCE ALONG LAND LOT CORNER TO LAND LOTS 1018 AND 1020 NORTH 10°14' EAST 67.72 FEET TO AN IRON PIN, THENCE SOUTHWEST ALONG LAND LOT LINE AND RUN NORTH 45°10'00" EAST 370.88 FEET TO AN IRON PIN, RUN THENCE SOUTH 90°00'00" EAST 76.61 FEET TO AN IRON PIN, ON THE NORTHERLY RIGHT-OF-WAY OF SOUTHWEST PARKWAY EXTENSION (RIGHT-OF-WAY) HAVING A RADIUS OF 1,500 FEET, BEING SUBDIVIDED BY A CURVE HAVING A BEARING AND DISTANCE OF SOUTH 11°29'27" EAST 157.05 FEET TO A NAIL, THENCE SOUTHWEST SOUTHWEST 81°00'00" WEST 741.47 FEET WEST 357.85 FEET TO AN IRON PIN, RUN THENCE NORTH 83°42'30" WEST 22.23 FEET TO AN IRON PIN, RUN THENCE NORTH 90°00'00" WEST 50.00 FEET TO AN IRON PIN AND THE TRUE PLACE OR POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINS 1.919 ACRES AND IS DEPICTED ON THAT ALTA/ACSM PLAT OF SURVEY PREPARED BY LANDPRO SURVEYING AND MAPPING, INC., BEALED AND CAPTIONED BY JAMES H. RADER, G.S. 1033, DATED JULY 30, 2013.

LEGEND	
0	PROPERTY CORNER
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96	PROPERTY CORNER
97	PROPERTY CORNER
98	PROPERTY CORNER
99	PROPERTY CORNER
100	PROPERTY CORNER

THIS IS TO CERTIFY THAT THE MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 NATIONAL STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND PILE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND ACSM. FURTHERMORE, THIS SURVEY WAS PREPARED IN CONFORMANCE WITH THE TECHNICAL STANDARDS FOR PROFESSIONAL SURVEYING 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. THE FIELD WORK WAS COMPLETED ON 07/30/13 DATE OF PLAT 07/30/13.

JAMES H. RADER, GEORGIA ALTA 30133

0 30 60 90

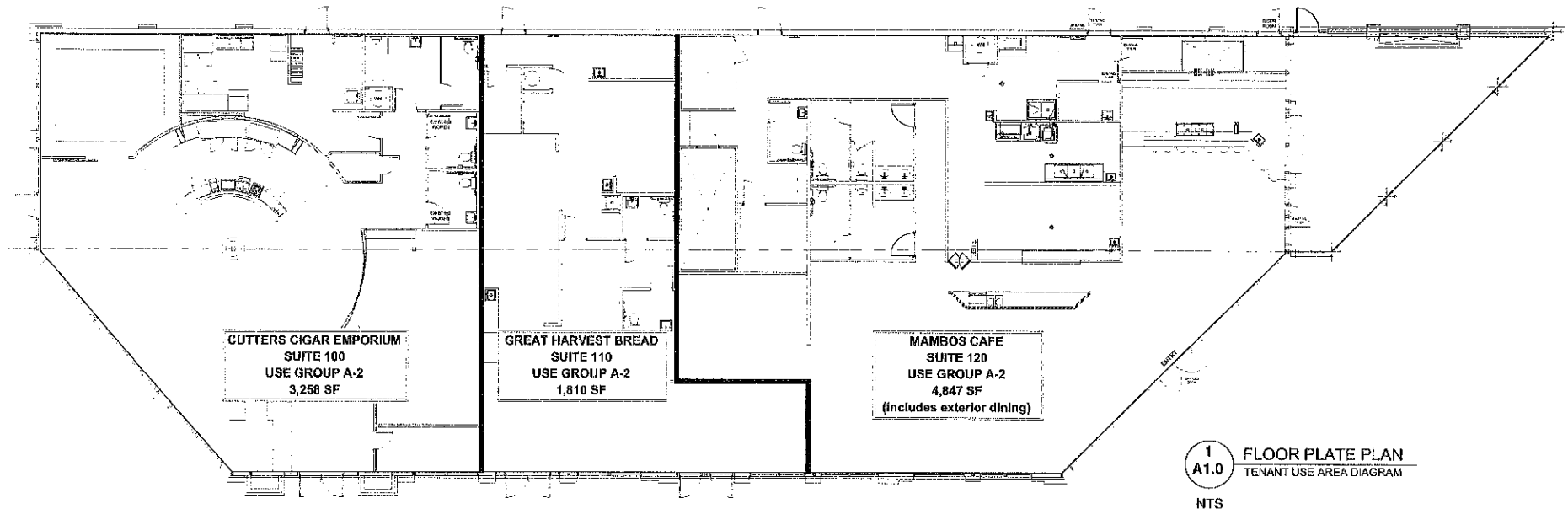
LANDPRO
SURVEYING AND MAPPING
808 OAKLEIGH ROAD
WOODSTOCK, GA 30188
TEL: 404-286-2170
AUTHORIZATION NO. LB0000838
WWW.LANDPROSURVEYING.COM
ALTA/ACSM PLAT 1013

ALTA/ACSM SURVEY FOR:
WINDWARD DR. LLC
LAND LOTS 1018 & 1112
SUBTRACT 2
CITY OF ALPHARETTA
FULTON COUNTY, GA
SECTION 2
SCALE: 1" = 30'
DATE: 07/30/13
PROJECT NO.: 130733
SHEET: 1 OF 1

Total parking: 83

11.21.16

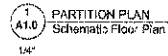
MP-17-03/CU-17-02
Cutter's Cigar Emporium



4915 WINDWARD PARKWAY

9,915 SF GROSS

MP-17-03/CU-17-02
Cutter's Cigar Emporium

[illegible]

Synthetic:	Description:	Size:
	FIRE EXTINGUISHERS PER IFC, NFPA, & USC	2-A 1/2 BC
	CLASS B FIRE EXTINGUISHER SHALL BE WITHIN 10 FEET TRAVEL DISTANCE OF ALL COOKING SURFACES PER NFPA 10, REC. 8.7, 2002 EDITION	5-B 100 PINT OF ALPHANUM 7-B0 UNIVERSAL

[illegible]

DRAWING
A1.0

Post Date: 04/17/2015 09:11 AM; 070 00000000 100 0000000000

11.21.16

MP-17-03/CU-17-02

Cutter's Cigar Emporium

CUTTER'S CIGAR EMPORIUMSuite 100 | 4915 Windward Parkway
Alpharetta Ga 30004**MECHANICAL | VENTILATION SYNOPSIS**

In reference to ePlan submittal BC2016-058 for Cutters Cigar Emporium located in suite 100 of 4915 Windward Parkway, heating, cooling, and ventilation system is comprised of the following items:

- (1) Existing 5 Ton Packaged Heat Pump Unit
- (1) Existing 6 Ton Packaged Heat Pump Unit
- (2) Existing 75 CFM Restroom Exhaust Fans
- (1) Existing 1,500 CFM Smoking Area Exhaust Fan
- (1) New 150 CFM Restroom Exhaust Fan
- (5) New 1,200 CFM Ceiling Mounted Commercial HEPA Filter | Media Air Cleaner | Smoke Filtration

A total of 1,918 CFM (cubic feet per minute) of outdoor ventilation air is provided into the space with total exhaust of 1,950 CFM.

The mechanical design as submitted and approved is based upon IMC Table 403.3 and the following language of section 403.3;

“With the exception of smoking lounges, the ventilation rates in Table 403.3 are based on the absence of smoking in occupiable spaces. Where smoking is anticipated in a space other than a smoking lounge, the ventilation system serving the space shall be designed to provide ventilation over and above that required by Table 403.3 in accordance with accepted engineering practice.”

As such the Airflow Rate in breathing zone has been increased by 33% from 7.5 CFM per person (absence of smoking) to 10 CFM per person (smoking – over and above IMC 403.3) with a “bar, Cocktail Lounge” use classification. This use classification reflects the way the tenants smoking area is used and is in line with the final determination of the fire marshal to classify this space as an A-2 assembly use (restaurants, bars, taverns).

REQUIRED OUTDOOR VENTILATION AIR						
BASED ON INTERNATIONAL MECHANICAL CODE - 2012						
SECTION 403 MECHANICAL VENTILATION TABLE 403.3						
403.3.1 BREATHING ZONE OUTDOOR AIR FLOW $V_{bz} = R_p P_p + R_a A_z$						
SPACE	UNIT	SF AREA (A_z)	PEOPLE OUTDOOR AIRFLOW RATE (R_p)	PEOPLE (P_p)	AREA OUTDOOR AIRFLOW RATE (R_a)	TOTAL CFM
CLUB ROOM*	RTU-1	297 SF	* 10 CFM / Person *	30	0.18 CFM / SF = 53.28	353.28
BAR AREA SMOKING*	RTU-1	417 SF	* 10 CFM / Person *	42	0.18 CFM / SF = 75.06	495.06
SERVER AREA	RTU-1	346 SF	7.5 CFM / Person	6	0.12 CFM / SF = 41.52	86.52
HUMIDOR	RTU-1	178 SF	7.5 CFM / Person	3	0.12 CFM / SF = 21.36	43.86
BAR AREA SMOKING*	RTU-2	617 SF	* 10 CFM / Person *	62	0.18 CFM / SF = 111.06	731.06
RETAIL AREA*	RTU-2	493 SF	* 10 CFM / Person *	8	0.12 CFM / SF = 59.16	139.16
OFFICE	RTU-2	85 SF	5 CFM / Person	1	0.06 CFM / SF = 5.1	10.1
HUMIDOR	RTU-2	233 SF	7.5 CFM / Person	4	0.12 CFM / SF = 27.96	57.96
TOTAL GROSS OUTSIDE AIR @ RTU-1						979 CFM
TOTAL GROSS OUTSIDE AIR @ RTU-2						939 CFM
1. Table 403.3 Requires 5 People / 1,000 SF At 5 CFM Per Person & 0.06 CFM / SF (Office Spaces) 2. Table 403.3 Requires 15 People / 1,000 SF At 7.5 CFM Per Person & 0.12 CFM / SF (Retail Sales) 3. Table 403.3 Requires 100 People / 1,000 SF At 7.5 CFM Per Person & 0.18 CFM / SF (Bar, Cocktail Lounge)						
Indicates increased ventilation system capacity over and above that required by table 403.3 in anticipation of smoking in occupied spaces not classified as a smoking lounge. IMC 403.3 Outdoor Air Flow Rate						

4
M-1 **VENTILATION AIR REQUIREMENTS**
Outside Air Calculations Per 2012 IMC 403.3

NTS

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:

Cutter's Cigar Emporium

Contact Name:

Dana Cox

Telephone:

678-990-0711

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.

From public hearing meeting: noise, smoke, line of sight

No responses have been given after all citizens were emailed. Penn Hodge met with the HOA president of Cogburn Walk. He did not express any serious concerns.

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:

Dana Cox

Date:

1/27/17



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT
SUBMITTED BY: KATHI COOK
DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: CLUP-17-01/Z-17-02/V-17-05 GRBK ACADEMY, LLC/MANNING HOUSE

CITY COUNCIL: FEBRUARY 27, 2017

This item was heard at the February 2, 2017 Planning Commission meeting. No one spoke for or against the request. After discussion, the Planning Commission recommended to approve the request. Vote (7-0)

II. RECOMMENDATION:

Approve CLUP-17-01/Z-17-02/V-17-05 GRBK Academy LLC/Manning House subject to the following conditions:

1. Property shall be zoned DT-LW and shall be developed substantially as depicted on the zoning plan prepared by Travis Pruitt & Associates, dated 12/1/2016.
2. A final plat revision shall be required prior to final site Certificate of Occupancy. Final plat shall specify zoning, development standards, tree save area, and conditions of zoning related to the subject property. An easement shall be recorded on the final plat providing for use of the Ben Manning House yard as amenity space for the East of Main subdivision.
3. A 10' planted buffer shall be provided along the west property line and shall be planted with Evergreen trees and/or shrubs to provide a visual screen between uses, as approved by Staff.
4. Developer shall provide a statement on the final plat and in the HOA covenants, conditions & restrictions providing for the protection and maintenance of the Ben Manning House.
5. Previous conditions of zoning related to file Z-14-15/V-14-32 Academy Street Tract shall remain in effect, except as modified in the conditions above.
6. Monument sign not to exceed 10 square feet to be located at the rear of the property, wall sign not to exceed 4 square feet both to be approved by the Design Review Board. The property will forever be known as the Ben Manning House and will be so designated by a plaque, which will be affixed to the exterior of the structure as approved by the Design Review Board.

III. REPORT IN BRIEF:

The applicant, GRBK Academy, LLC, is requesting to rezone approximately 0.39 acres from R-8A/D (Dwelling, 'For-Sale' Attached/Detached Residential) to DT-LW (Downtown Live-Work) in order to allow a historic residential structure to be used for an office or residential use. A change to the Comprehensive Land Use Plan designation from 'Downtown Residential Density' to 'Mixed Use Live Work' and a variance to reduce the buffer requirement between residential and non-residential uses is requested. The property is located at the northwest corner of Academy Street and Cricket Lane (Haynes Bridge Road extension) at 94 Academy Street.

DISCUSSION

The submitted request, if approved, will allow for a historic residential structure on 0.39 acres to be used for an office or residential use. The Ben Manning House was built sometime between 1908 and 1910 and is currently being renovated in conjunction with the East of Main (F.K.A. Academy Street Tract) residential development. The developer originally intended to save and restore the structure as an amenity clubhouse for the residents of East of Main. The property is located at the northwest corner of Academy Street and Haynes Bridge Road at 94 Academy Street.

The subject property was rezoned to R-8A/D on June 15, 2015 as part of a 10.43-acre residential development to allow for the construction of 83 'For-Sale' Detached and Townhome units. All surrounding properties are zoned R-8A/D and are part of the East of Main subdivision. The property has a comprehensive land use plan designation of

Downtown Residential Density. The applicant requests a comprehensive land use plan amendment to change the designation of the property to Mixed Use Live Work.

The Ben Manning House was saved in conjunction with the rezoning of the Academy Street Tract in 2015. The developer is currently utilizing the Ben Manning House as their sales office for the East of Main subdivision. The condition of zoning below describes the requirement to save and restore the historic structure.

4. The Historic Manning House shall be restored and protected. Minimum lot size for the historic property shall be 15,000 sq. ft. Restoration and modifications shall require review and approval by Staff. The exterior of the home shall be restored with final approval by Staff prior to the first Certificate of Occupancy on the property. Pool area shall be setback from the front of the home as depicted on site plan. Landscaping and fencing style shall be designed to complement the time period of the historic home.

At the time, the developer planned to use the structure as an amenity clubhouse for the residential subdivision. According to the applicant, Building and Life Safety Code requirements, such as adding a fire sprinkler system, make it economically unfeasible to use the structure as an amenity clubhouse. The developer has prepared covenants, conditions and restrictions (CC&R's) that will provide access and use of the Ben Manning House yard and formal gardens by residents of East of Main. The long-term sustainability of the structure will be with a single private owner that will have the funds to properly maintain the structure. The proposed CC&R's for East of Main contemplate the following to ensure a good long-term plan for the building, the use and maintenance:

- 1. The Ben Manning Home is a member of the East of Main HOA and owns 17 of the 100 shares. The owner of the Ben Manning House will be responsible of 17% of the long-term maintenance of the parking lot, alleyway and detention facility.**
- 2. The Ben Manning Home is responsible for paying Common Area Maintenance (CAM) charges to the East of Main HOA to maintain the area surrounding the home, as well as the garden contained on the property.**
- 3. The parking in the rear of the home is shared; the Ben Manning House has exclusive right to the parking area from 7:00 AM – 5:00 PM Monday – Friday. Homeowners can use the parking area during all other hours for overflow resident/guest parking.**
- 4. The HOA has the right to share the garden as “open space” for the common use of the members of the HOA.**

In short, the HOA gains the benefit of the restored home and the beauty it adds to the entrance and in lieu of a long-term liability. The property is income producing for the HOA to offset the maintenance of the community. The HOA has rights to the parking and garden area in documents set forth and recorded in the CC&R's.

A previous condition of zoning exempted the historic home from being included in the overall residential density restriction for the East of Main subdivision, which was capped at no more than eight (8) dwelling units per acre. If the structure were used as a residential use, the overall density of the East of Main subdivision would be 8.05 dwelling units per acre.

The applicant requests a variance to UDC Appendix A, Section 2.6, Neighborhood Compatibility to remove the 50' undisturbed buffer requirement between residential and non-residential uses. A 'For-Sale' detached home will be constructed on the adjacent property to the west. If the subject property is used as an office, a 50' undisturbed buffer would be required. The Ben Manning House is approximately 50' from its west property line and the side yard includes a tree save area. Staff recommends evergreen screening along the west property line to provide a transition between uses.

SITE PLAN

The submitted site plan depicts the 1,890 square foot Ben Manning House on 0.387 acres at the corner of Academy Street and Cricket Lane. Seven (7) parking spaces are provided at the rear of the structure and on-street parking will be provided along Cricket Lane. Conversion of the structure to an office use would generate a need for six (6) parking spaces. Access to the property is depicted through Belle Isle Drive, which is a new local street on the west

side of Cricket Lane and north of Academy Street. A pedestrian connection is provided from the front door of the structure to the sidewalk in the linear park along Academy Street.

The existing structure meets all setback requirements, which includes a 10' front and rear setback and a 0' side setback. The nearest residential lots are 45' (north) and 50' (west) from the Ben Manning House. Five (5) trees have been saved on the subject property, including a grouping of Magnolias on the west side of the structure that should provide screening between the property and the adjacent residential lot. The applicant has planted a row of Evergreens along the west property line to provide screening.

The Alpharetta Downtown Code states that a site's open space requirement shall be considered satisfied when a development incorporates a historic building. The applicant is currently in the process of renovating the Ben Manning House, including the following improvements:

- Stabilize weak foundation piers
- Paint exterior
- Replace rotten cornice and porch materials
- Repair fireplace chimneys
- Replace windows and sills
- Add porch railing
- Replace under pinning between porch piers
- Replace front stoop and add railing
- Add landscaping
- Provide ADA access to structure
- Add rubble wall with fencing/railing
- Interior renovations, including floors, sheetrock walls, ceilings, electrical, water/sewer, HVAC, insulation, refinish wood floors, refinish fireplace mantles, expose pocket doors and restore, add ADA bathrooms

While the applicant intends to use the Ben Manning House for private use, access to the yard will be kept open as an amenity to the East of Main subdivision. The west side of the property has been developed as a formal garden area. The linear park along Academy Street and in front of the structure will remain open for public access. Including the Ben Manning House property, linear park and two (2) pocket parks, the total outdoor amenity area for East of Main is 1.06 acres or 10.2% of the overall development. Therefore, the outdoor amenity space exceeds the requirement provided for in the previous condition of zoning stated below.

16. Site Plan shall include outdoor amenity spaces that comprise 10% of the land area per the Downtown Master Plan recommendations. The calculation shall include the Manning House and grounds.
TRAFFIC

If the 1,890 square foot Manning House were used as a professional office, it would generate 3 PM Peak Hour trips. Whereas, if used as a residence it would generate 2 PM Peak Hour trips.

STANDARDS FOR ZONING CHANGES

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

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

Response: The proposed use of the Ben Manning House for an office or residential use is consistent with the Downtown Master Plan vision of a walkable, mixed-use environment. The applicant has installed evergreen landscape screening along the west property line and has saved a grouping of non-specimen Magnolias that should help screen the use from the adjacent residential lot. Staff also recommends a condition requiring an easement on the final plat providing for access and use of the Ben Manning House yard by the residents of East of Main as an amenity space.

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

Response: The proposal will not adversely affect the existing use or usability of adjacent or nearby properties. The Ben Manning House was required to be saved and restored; however, it was not required to be used as an amenity clubhouse for the residential subdivision. While approval of the applicant's request will result in the structure being used as a private office or residence, the restoration and protection of the structure is a benefit to the Alpharetta community and the yard will remain open to residents of the subdivision as amenity space.

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

Response: The applicant's proposal would not impact the natural environment.

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

Response: The Ben Manning House was saved in conjunction with the rezoning of the Academy Street Tract in 2015. Zoning conditions required the home to be saved and restored. At the time, the developer planned to use the historic home as an amenity clubhouse for the subdivision. Building and Life Safety Code requirements, such as adding a fire sprinkler system, make it economically unfeasible to use the structure as a private clubhouse amenity.

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

Response: The proposed change in use will not have significant impact on public facilities or services.

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

Response: The subject property is located in the Downtown Overlay, which was not adopted at the time of the 2015 rezoning. The proposed use of the Ben Manning House for an office or residential use is consistent with the Downtown Master Plan vision of a walkable, mixed-use environment.

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

Response: The request to change the use of the property from an amenity clubhouse to office or residential use reflects a reasonable balance. The residential use is consistent with the East of Main subdivision and the office use is consistent with the live-work vision in the Downtown.

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

Response: The Ben Manning House was saved in conjunction with the rezoning of the Academy Street Tract in 2015. Zoning conditions required the home to be saved and restored. At the time, the developer planned to use the historic home as an amenity clubhouse for the subdivision. Building and Life Safety Code requirements, such as adding a fire sprinkler system, make it economically unfeasible to use the structure as a private clubhouse amenity.

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

Response: The request to use the historic structure as an office does not meet the Comprehensive Land Use Plan designation of the property, which is Downtown Residential Density. The applicant proposes to change the designation of the property to Mixed Use Live Work.

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: The Ben Manning House was saved in conjunction with the rezoning of the Academy Street Tract in 2015. Zoning conditions required the home to be saved and restored. At the time, the developer planned to use the historic home as an amenity clubhouse for the subdivision. However, Building and Life Safety Code requirements, such as adding a fire sprinkler system, make it economically unfeasible to use the structure as a private clubhouse amenity.

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

Response: The applicant's proposal is consistent with many of the goals and policies in the City's Comprehensive Plan, including promoting a mix of uses and walkability in the Downtown.

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

Response: The proposal would not generate significant impacts on public facilities and services.

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

Response: While approval of the applicant's request will result in the structure being used as a private office or residence, the restoration and protection of the structure is a benefit to the Alpharetta community and the yard will remain open to residents of the East of Main subdivision as amenity space.

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.

VARIANCE REVIEW CRITERIA

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

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

Response: The subject property is already developed with a historic structure and the area between the structure and the adjacent residential lot is a formal garden to be used as an amenity for the East of Main subdivision. The developer has planted a row of Evergreens along the west property line to provide screening between uses.

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

Response: The applicant could develop the site in compliance with the required buffer; however, the formal garden and amenity space would be removed.

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

Response: The subject property is developed with a historic structure and a formal garden to be used as an amenity for residents of the East of Main subdivision. The developer planted a row of Evergreen trees along the west property line to provide screening between uses.

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

Response: Approval will not cause substantial detriment to the public good as the Ben Manning House is nearly 50' from the west property line and the side yard includes a tree save area and formal amenity garden. Staff recommends a condition to provide additional Evergreen screening between the Ben Manning House and the residential lot to the west.

CONCURRENCES

Staff has reviewed the applicant's proposal and finds that it can generally support the applicant's requests for comprehensive land use plan amendment, rezoning and variance. The proposed change of use will. Conditions are recommended to guarantee maintenance and protection of the historic structure, as well as provide screening between

While the change in use will result in a higher demand on government services than that generated by non-residential development, traffic associated with a residential development will reduce the impact on the area's transportation infrastructure.

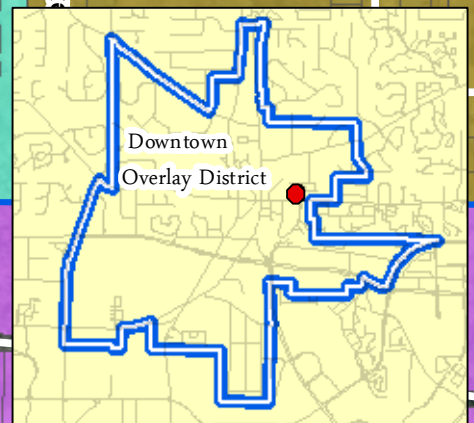
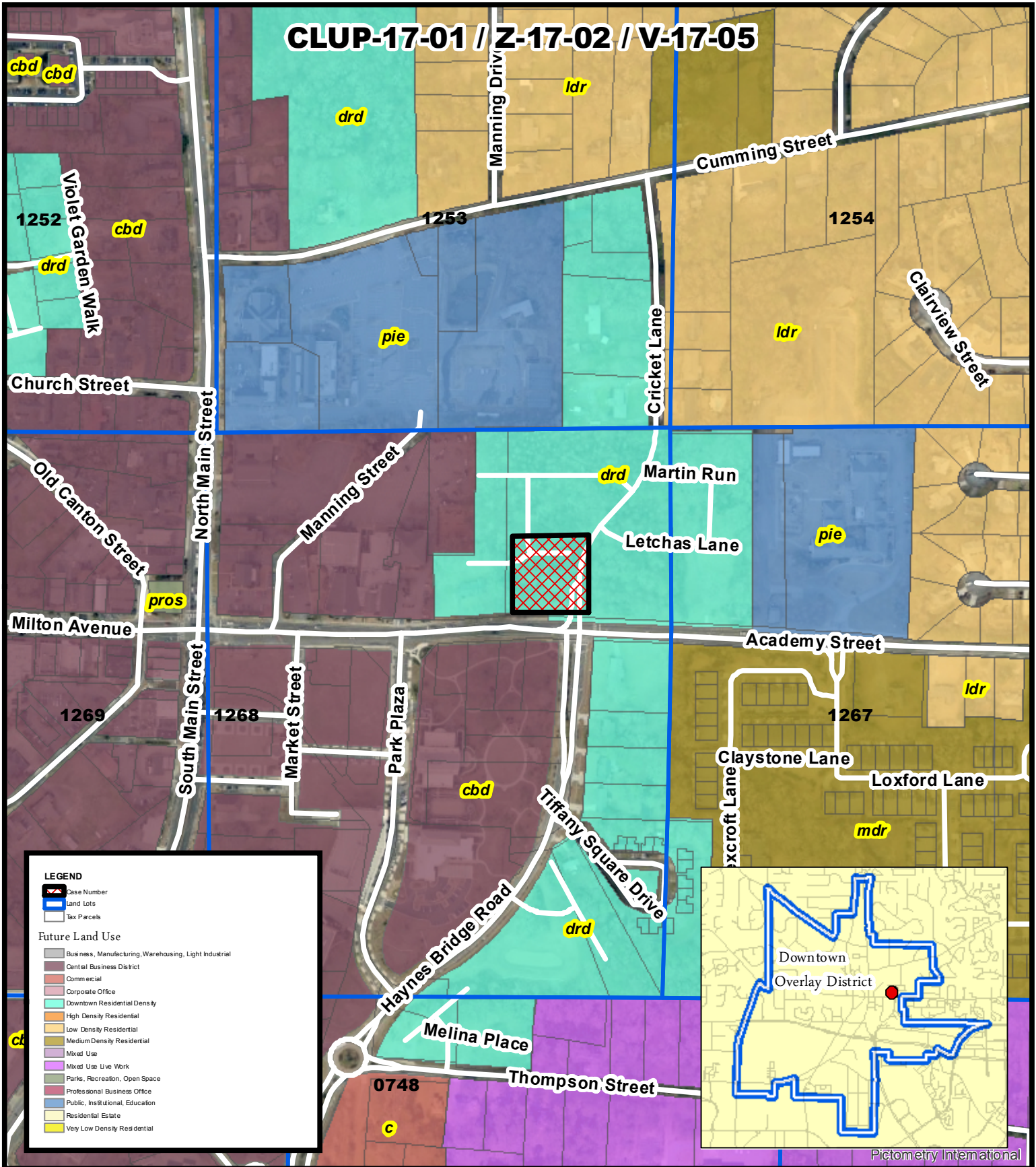
CITIZEN PARTICIPATION PLAN

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

IV. ATTACHMENTS:

- Zoning Plan

CLUP-17-01 / Z-17-02 / V-17-05



Pictometry International

CLUP-17-01 Z-17-02 V-17-05

D/LL: 2/2/1268

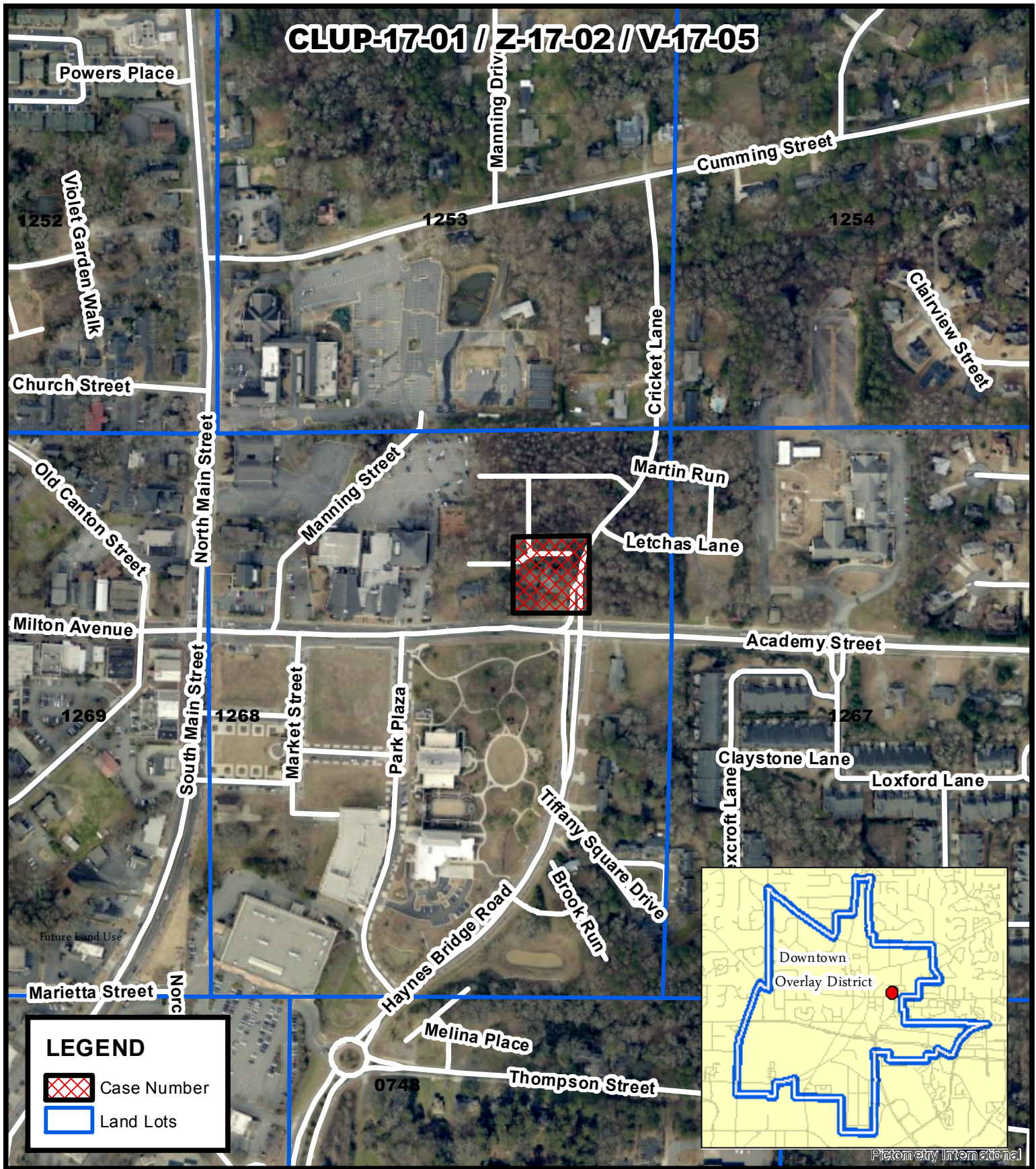
PC Date: 2/02/17

CC Date: 2/27/17

Future Land Use
GRBK Academy LLC/Manning House
94 Academy Street

Location Map Provided by:
Community Development - GIS





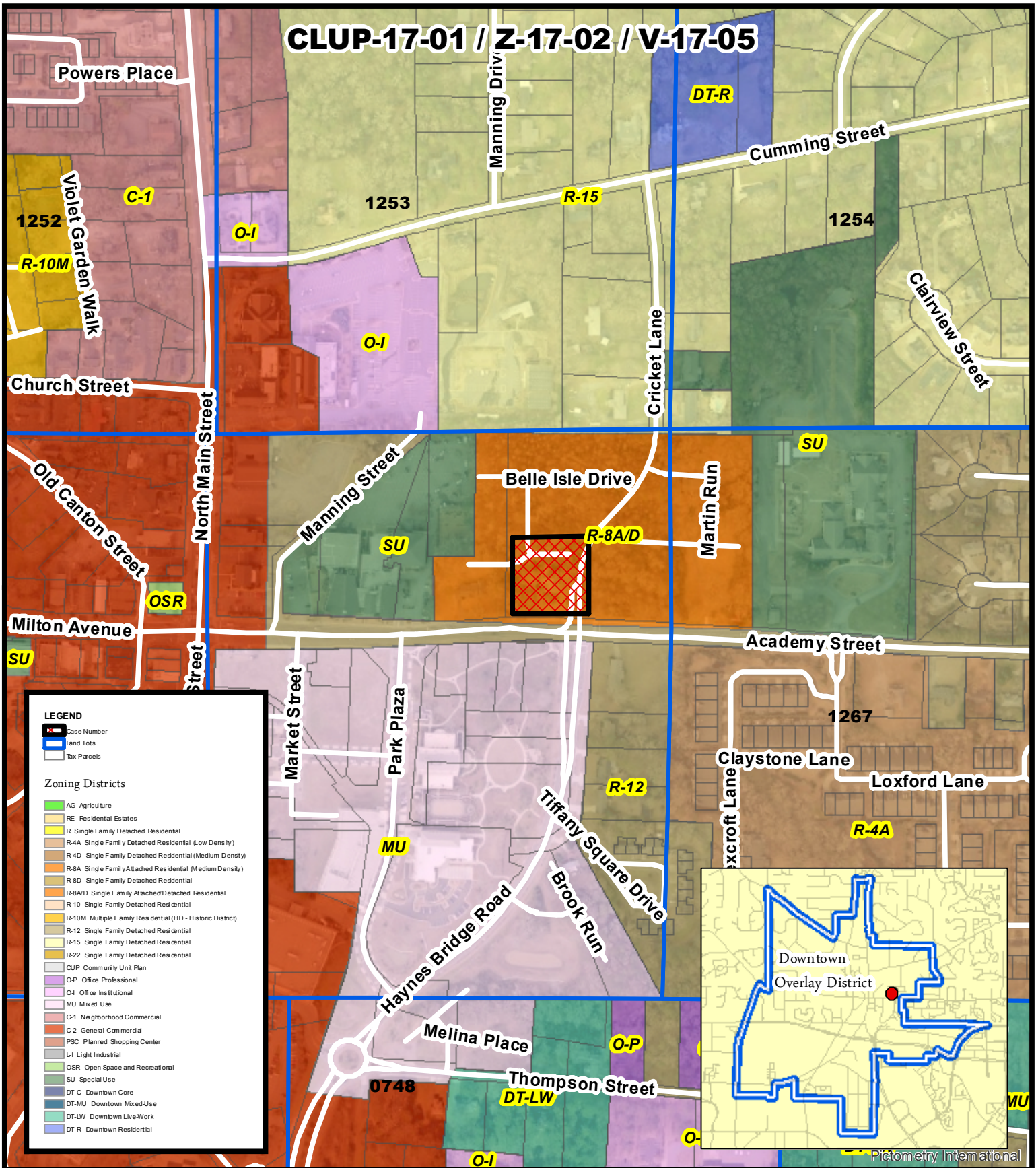
Aerial Map

GRBK Academy LLC/Manning House

94 Academy Street



CLUP-17-01 / Z-17-02 / V-17-05



Zoning Map
GRBK Academy LLC/Manning House
94 Academy Street

CLUP-17-01 Z-17-02 V-17-05

D/LL: 2/2/1268

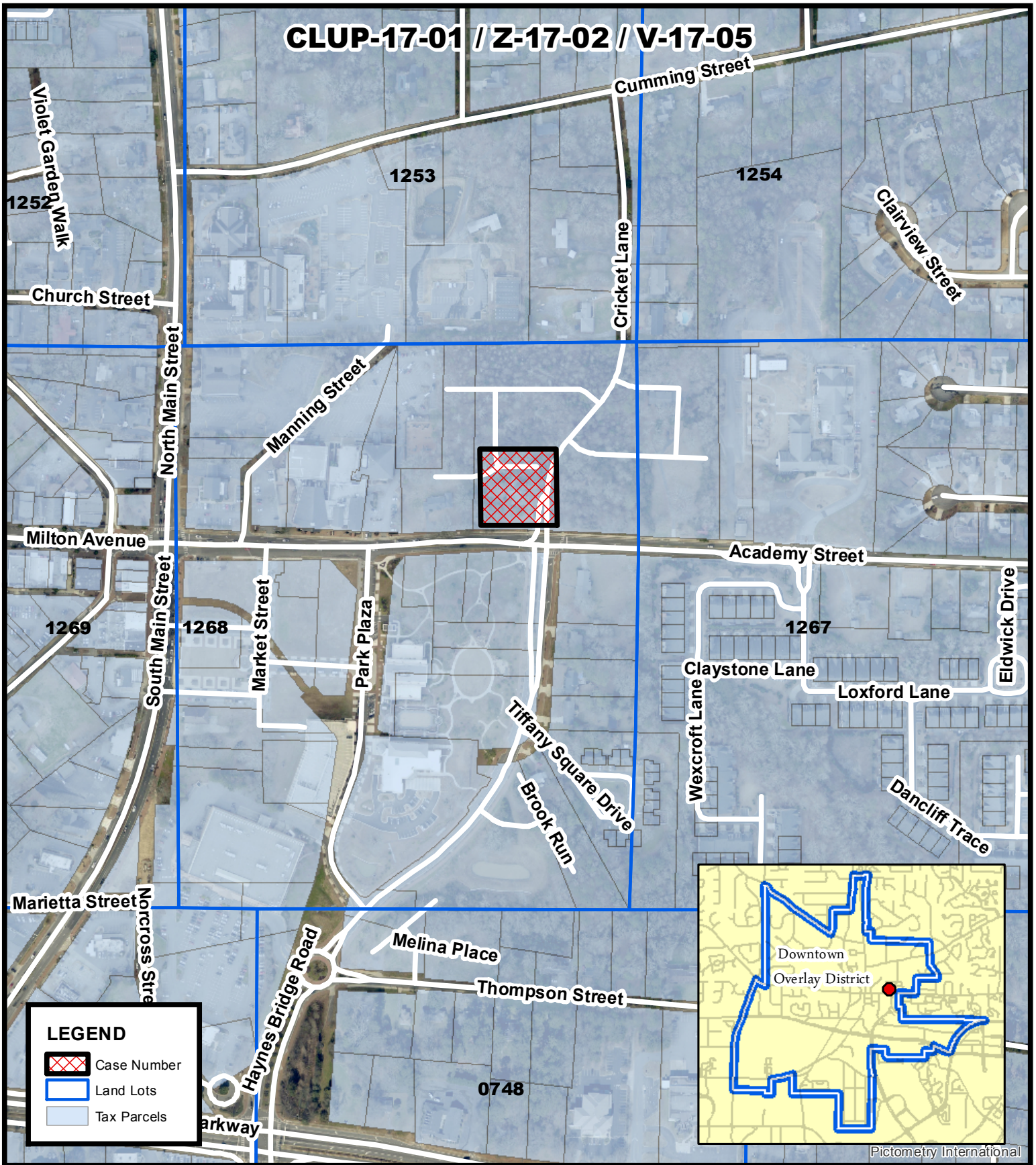
PC Date: 2/02/17

CC Date: 2/27/17

Location Map Provided by:
Community Development - GIS



CLUP-17-01 / Z-17-02 / V-17-05



CLUP-17-01 Z-17-02 V-17-05

D/LL: 2/2/1268

PC Date: 2/02/17

CC Date: 2/27/17

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



Location Map
GRBK Academy LLC/Manning House
94 Academy Street































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: Academy Street DT - LW

Contact Name: Don Rolader

Telephone: 770-442-0330

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

As of the date of this report, Applicant has received no comments or concerns from the public.

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. attached

☒

Letter

☐

Personal Visits

☐

Telephone

☐

Group Meeting

☐

Email

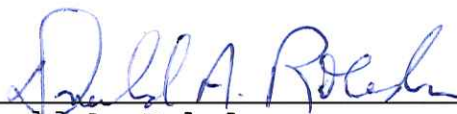
☐

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. attached

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

Signature of Authorized Agent:


Donald A. Rolader

Date: 1/10/2017

Print Form

December 19, 2016

City of Alpharetta
2 Park Plaza
Alpharetta, GA 30009

RE: Rezoning Application by The Providence Group of Georgia, LLC for 0.387 acres located on Old Milton Parkway, Alpharetta, GA; rezoning from R-8A/D to DT-LW.

Dear Property Owner:

The Providence Group of Georgia, LLC has filed an application to rezone 0.387 acres on Old Milton Parkway from R-8A/D to DT-LW to permit the Manning House to be used as office space. There are no other changes to the approved zoning.

The Planning Commission meeting is scheduled for February 2, 2017 at 6:30 p.m. at City Hall. The City Council meeting is scheduled for February 27, 2017 at City Hall. If you have questions or would like additional information, please contact Don Rolader at 770-442-0330. His fax number is 770-442-0641, his email is don@roladerandrolader.com, and his address is 1865 Lockeway Drive, Suite 601, Alpharetta, GA 30004.

A site plan is attached for your consideration.

Sincerely,

Amanda Davenport
The Providence Group of Georgia, LLC

Attachment

Exhibit "A" (page 1)

City of Alpharetta
2 Park Plaza
Alpharetta, GA 30009

William M. Walden
11935 Haynes Bridge Rd.
Alpharetta, GA 30009

Betty R. Stephens
11945 Haynes Bridge Rd.
Alpharetta, GA 30009

Jeff W. Adams
80 Denna Place
Alpharetta, GA 30004

Peggy Turner Enslow
708 E. Gadsden St.
Pensacola, FL 32501

Academy Park Neighborhood Assn. Inc.
PO Box 87363
Atlanta, GA 30337

Linda B. Joyner
12533 Wexcroft Lane
Alpharetta, GA 30009

Alexander & Roberta Williamson
12535 Wexcroft Lane
Alpharetta, GA 30009

Michael & Gloria Marie McGough
12537 Wexcroft Lane
Alpharetta, GA 30009

Thomas & Judy Egan
5412 Buena Vista Drive
Frisco, TX 75034

Wade & Susan Cauthen
12543 Wexcroft Lane
Alpharetta, GA 30009

Kristy Rush
12545 Wexcroft Lane
Alpharetta, GA 30009

David & Sherry Anglin
12547 Wexcroft Lane
Alpharetta, GA 30009

Jerry Harper Sutton & Michelle
Brizendine
12549 Wexcroft Lane
Alpharetta, GA 30009

Michael & Kellie March
2463 Claystone Lane
Alpharetta, GA 30009

Robert & Kimberly Marsh
2461 Claystone Lane
Alpharetta, GA 30009

Steven & Bonnie Stolle
2459 Claystone Lane
Alpharetta, GA 30009

Daniel & Liselotte Mitnick
2455 Claystone Lane
Alpharetta, GA 30009

Freddy & Charlotte Kelly
2457 Claystone Lane
Alpharetta, GA 30009

Gregory & Ellen O'Neill
12568 Wexcroft Lane
Alpharetta, GA 30009

James R. Taylor, IV
12566 Wexcroft Lane
Alpharetta, GA 30009

Robert Bartels
12564 Wexcroft Lane
Alpharetta, GA 30009

Salvatore & Diana Pella
12562 Wexcroft Lane
Alpharetta, GA 30009

Robert & Jackie Taylor
12560 Wexcroft Lane
Alpharetta, GA 30009

Alpharetta Presbyterian Church
180 Academy St.
Alpharetta, GA 30009

Joseph R. Nolon & James Manning
254 Moss Side Drive
Athens, GA 30607

First Baptist Church of Alpharetta, Inc.
44 Academy St.
Alpharetta, GA 30009

Alpharetta Christian Academy
44 Academy St.
Alpharetta, GA 30009

Alpharetta First United Methodist
Church Inc.
69 N. Main St.
Alpharetta, GA 30009

Peggy W. Devore
3023 Oakside Circle
Alpharetta, GA 30004

Exhibit "A" (page 2)

Joan Lautrell Gardner
241 Cricket Lane
Alpharetta, GA 30009

Stephen & Donna Thompson
8022 Gea Garden Rd. SE
Huntsville, AL 35802

Thomas Lecain & William J. Pixley
255 Cricket Lane
Alpharetta, GA 30009

Janet T. Vaughan
262 Cricket Lane
Alpharetta, GA 30009

Phillip R. Monzo
133 Cumming St.
Alpharetta, GA 30004

Atlanta Presbytery Inc.
180 Academy St.
Alpharetta, GA 30004

Rossitza & Tim Rice
2640 Clairview St.
Alpharetta, GA 30009

Thomas & Beverly Bailey
2630 Clairview St.
Alpharetta, GA 30009

Robert W. Brower
2620 Clairview St.
Alpharetta, GA 30009

James & Nancy Berlo
251 Red Oak Lane
Alpharetta, GA 30009

Igor & Natalya Fainberg
250 Red Oak Lane
Alpharetta, GA 30009

Lindsay Caye
371 Oak Ter.
Alpharetta, GA 30009

Yvens J. Consuegra
380 Oak Ter.
Alpharetta, GA 30009

Drew & Mona Jacobs
10185 Autry Mill Rd.
Alpharetta, GA 30009

Judy Machen
2441 Loxford Lane
Alpharetta, GA 30009

Robert & Martha McLaughlin
2439 Loxford Lane
Alpharetta, GA 30009

James & Donna Lotshaw
2451 Claystone Lane
Alpharetta, GA 30009

Keith Van & Susan Duna Cummings
2453 Claystone Lane
Alpharetta, GA 30009

Robert & Diane Scaglione
12531 Wexcroft Lane
Alpharetta, GA 30009

12/2/16

GRBK ACADEMY, LLC/MANNING HOUSE

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: Warren Jolly

Telephone: 770-527-4544

Address: 11340 Lakefield Drive

Suite: 250

City: Johns Creek

State: GA

Zip: 30097

Fax: 678-475-1800

Mobile Tel: 770-527-4544

Email: wjolly@theprovidencegroup.com

Subject Property Information:

Address: Academy Street

Current Zoning: R-8A/D

District: 2

Section: 2

Land Lot: 1286

Parcel ID: 22-498412680738

Proposed Zoning: DT-LW

Current Use: residential subdivision

This Application For (Check All That Apply):☐ Conditional Use☐ Master Plan Amendment☒ Rezoning☐ Master Plan Review☒ Variance☐ Public Hearing☒ Comprehensive Plan Amendment☐ Other (Specify): _____

12/2/16

GRBK ACADEMY LLC/MANNING HOUSE

APPLICANT REQUEST AND INTENT

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

Business office or residential use

Applicant's Request (Please itemize the proposal):

To rezone the Manning House on Academy Street to DT-LW with a buffer variance abutting R-8A/D.

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

Applicant wishes to rezone the Manning House on Academy Street within Applicant's development to permit the house to be used as an office building, clubhouse or residence under the DT-LW zoning category.

12/2/16

CLUP-16-09/Z-17-02/V-17-05
GRBK ACADEMY, LLC/MANNING HOUSE

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: GRBK Academy, LLC (Warren Jolly)

Telephone: 770-527-4544

Address: 11340 Lakefield Drive

Suite: 250

City Johns Creek

State: GA

Zip: 30097

Authorization:

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

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

☐ Annexation

☐ Special Use

☒ Rezoning

☐ Conditional Use

☒ Variance

☐ Master Plan

☐ Land Use Application

☒ Other

comprehensive plan amendment

Identify Authorized Applicant:

Name of Authorized Applicant: GRBK Academy, LLC

Telephone: 770-527-4544

Address: 11340 Lakefield Drive

Suite: 250

City Johns Creek

State: GA

Zip: 30097

So Sworn and Attested:

Owner Signature:

Warren S. Jolly, Vice President

Date:

11/29/2016

Notary:

Notary Signature:

Susan S. Kelley
Susan S. Kelley
NOTARY PUBLIC

Date:

11/29/2016

Forsyth County, GEORGIA

My Commission Expires October 20, 2017

12/2/16

CLUP-16-09/Z-17-02/V-17-05
GRBK ACADEMY, LLC/MANNING HOUSE

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: GRBK Academy, LLC

Subject Public Hearing Case: Academy Street / Manning House

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: Dan Merkel Position: City Council Member

Description of Contribution: Campaign Contribution Value: \$500.00

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Campaign Contribution Information:

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

Signature: _____

Warren S. Jolly, Vice President

Date: _____

11/28/2016

12/2/16

GRBK ACADEMY, LLC/MANNING HOUSE

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

The exterior of the structure will not be altered. The use is compatible with the residential subdivision owned by Applicant being developed presently.

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

This proposal will have no effect on the use and value of the surrounding properties.

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

The property may be developed as zoned. The proposed use is a better use for the existing structure.

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

None as compared to current zoning of the property.

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

The proposed use has no impact to schools or utilities as compared to the current zoning of the property.

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

The property is within the "Downtown Overlay" area and the proposed zoning is an approved zoning category in the Downtown area.

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

The property is under development by Applicant and the proposed zoning gives this house more flexibility of use.

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.

~~12/2/16~~~~GRBK ACADEMY, LLC/MANNING HOUSE~~

BOARD OF ZONING APPEALS REVIEW CRITERIA

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

A – Buffer Variance DT-LW to R-8A/D 50 feet to zero feet

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

There is an approved, existing site plan with applicable buffers and setbacks. The variance is only required because of the change in zoning of the Manning House from R-8A/D to DT-LW.

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

Requiring an additional buffer would disrupt the approved site plan and create an unnecessary hardship. The house location on the site plan remains where it was. Only the use is changing. The building has the appropriate setbacks.

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

The property, including the Manning House, has been approved for a mixed use residential development. The building locations, streets and green spaces have all been approved. Requiring UDC buffers would alter the site plan with no corresponding benefit to the City.

Would relief, if granted, cause substantial detriment to the public good or impair the purpose and intent of the Zoning Code? Please defend your response.

Approving the requested variance will not cause any detriment to the public good, nor will it impair the purpose and intent of the zoning code. The application is for a use change which does not alter the structure of the house or change the approved site plan.

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.

12/2/16

CLUP-16-09/Z-17-02/V-17-05
GRBK ACADEMY, LLC/MANNING HOUSE

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: Academy Street / Manning House

Contact Name: Warren Jolly

Telephone: 770-527-4544

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

All those property owners within 500 feet of the property

lines who are listed on Exhibit "A" attached hereto.

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.

letter, email, phone call, fax or personal meeting

12/2/16

CLUP-16-09/Z-17-02/V-17-05
Exhibit "A" (page 1)
GRBK ACADEMY, LLC/MANNING HOUSE

City of Alpharetta
2 Park Plaza
Alpharetta, GA 30009

William M. Walden
11935 Haynes Bridge Rd.
Alpharetta, GA 30009

Betty R. Stephens
11945 Haynes Bridge Rd.
Alpharetta, GA 30009

Jeff W. Adams
80 Denna Place
Alpharetta, GA 30004

Peggy Turner Enslow
708 E. Gadsden St.
Pensacola, FL 32501

Academy Park Neighborhood Assn. Inc.
PO Box 87363
Atlanta, GA 30337

Linda B. Joyner
12533 Wexcroft Lane
Alpharetta, GA 30009

Alexander & Roberta Williamson
12535 Wexcroft Lane
Alpharetta, GA 30009

Michael & Gloria Marie McGough
12537 Wexcroft Lane
Alpharetta, GA 30009

Thomas & Judy Egan
5412 Buena Vista Drive
Frisco, TX 75034

Wade & Susan Cauthen
12543 Wexcroft Lane
Alpharetta, GA 30009

Kristy Rush
12545 Wexcroft Lane
Alpharetta, GA 30009

David & Sherry Anglin
12547 Wexcroft Lane
Alpharetta, GA 30009

Jerry Harper Sutton & Michelle
Brizendine
12549 Wexcroft Lane
Alpharetta, GA 30009

Michael & Kellie March
2463 Claystone Lane
Alpharetta, GA 30009

Robert & Kimberly Marsh
2461 Claystone Lane
Alpharetta, GA 30009

Steven & Bonnie Stolle
2459 Claystone Lane
Alpharetta, GA 30009

Daniel & Liselotte Mitnick
2455 Claystone Lane
Alpharetta, GA 30009

Freddy & Charlotte Kelly
2457 Claystone Lane
Alpharetta, GA 30009

Gregory & Ellen O'Neill
12568 Wexcroft Lane
Alpharetta, GA 30009

James R. Taylor, IV
12566 Wexcroft Lane
Alpharetta, GA 30009

Robert Bartels
12564 Wexcroft Lane
Alpharetta, GA 30009

Salvatore & Diana Pella
12562 Wexcroft Lane
Alpharetta, GA 30009

Robert & Jackilee Taylor
12560 Wexcroft Lane
Alpharetta, GA 30009

Alpharetta Presbyterian Church
180 Academy St.
Alpharetta, GA 30009

Joseph R. Niolon & James Manning
254 Moss Side Drive
Athens, GA 30607

First Baptist Church of Alpharetta, Inc.
44 Academy St.
Alpharetta, GA 30009

Alpharetta Christian Academy
44 Academy St.
Alpharetta, GA 30009

Alpharetta First United Methodist
Church Inc.
69 N. Main St.
Alpharetta, GA 30009

Peggy W. Devore
3023 Oakside Circle
Alpharetta, GA 30004

12/2/16

Exhibit A
GRBK ACADEMY, LLC/MANNING HOUSE

Joan Lautrell Gardner
241 Cricket Lane
Alpharetta, GA 30009

Stephen & Donna Thompson
8022 Gea Garden Rd. SE
Huntsville, AL 35802

Thomas Lecain & William J. Pixley
255 Cricket Lane
Alpharetta, GA 30009

Janet T. Vaughan
262 Cricket Lane
Alpharetta, GA 30009

Phillip R. Monzo
133 Cumming St.
Alpharetta, GA 30004

Atlanta Presbytery Inc.
180 Academy St.
Alpharetta, GA 30004

Rossitza & Tim Rice
2640 Clairview St.
Alpharetta, GA 30009

Thomas & Beverly Bailey
2630 Clairview St.
Alpharetta, GA 30009

Robert W. Brower
2620 Clairview St.
Alpharetta, GA 30009

James & Nancy Berlo
251 Red Oak Lane
Alpharetta, GA 30009

Igor & Natalya Fainberg
250 Red Oak Lane
Alpharetta, GA 30009

Lindsay Caye
371 Oak Ter.
Alpharetta, GA 30009

Yvens J. Consuegra
380 Oak Ter.
Alpharetta, GA 30009

Drew & Mona Jacobs
10185 Autry Mill Rd.
Alpharetta, GA 30009

Judy Machen
2441 Loxford Lane
Alpharetta, GA 30009

Robert & Martha McLaughlin
2439 Loxford Lane
Alpharetta, GA 30009

James & Donna Lotshaw
2451 Claystone Lane
Alpharetta, GA 30009

Keith Van & Susan Duna Cummings
2453 Claystone Lane
Alpharetta, GA 30009

Robert & Diane Scaglione
12531 Wexcroft Lane
Alpharetta, GA 30009

LEGAL DESCRIPTION
Manning House Parcel

All that tract or parcel of land lying and being in Land Lot 1268 of the 2nd District, 2nd Section, City of Alpharetta, Fulton County, Georgia and being more particularly described as follows:

COMMENCING at the intersection of the easterly proposed R/W line of Cricket Lane (60' R/W) with the northerly existing R/W line of Academy Street (variable width R/W) , **THENCE** running along said proposed R/W line of Cricket Lane along a curve to the right having a radius of 17.00 feet and a length of 18.78 feet, said curve having a chord bearing of North 34 degrees 02 minutes 52 seconds East and a chord distance of 17.84 feet to a point; **THENCE** continuing along said proposed R/W line North 02 degrees 23 minutes 33 seconds East a distance of 24.16 feet to a point; said point being the **TRUE POINT OF BEGINNING**.

THENCE leaving said proposed R/W line North 90 degrees 00 minutes 00 seconds West a distance of 114.86 feet to a point; **THENCE** North 00 degrees 00 minutes 00 seconds East a distance of 114.36 feet to a point; **THENCE** along a curve to the left having a radius of 138.00 feet and a length of 22.86 feet, said curve having a chord bearing of North 60 degrees 24 minutes 26 seconds East and a chord distance of 22.84 feet to a point; **THENCE** along a curve to the right having a radius of 27.00 feet and a length of 16.18 feet, said curve having a chord bearing of North 72 degrees 49 minutes 49 seconds East and a chord distance of 15.94 feet to a point; **THENCE** South 90 degrees 00 minutes 00 seconds East a distance of 98.16 feet to a point; **THENCE** North 00 degrees 00 minutes 00 seconds East a distance of 16.00 feet to a point; **THENCE** North 90 degrees 00 minutes 00 seconds East a distance of 17.46 feet to a point on the easterly proposed R/W line of Cricket Lane; **THENCE** running along said proposed R/W line the following courses and distances: along a curve to the left having a radius of 280.00 feet and a length of 60.66 feet, said curve having a chord bearing of South 13 degrees 30 minutes 48 seconds West and a chord distance of 60.54 feet to a point; **THENCE** South 16 degrees 37 minutes 18 seconds West a distance of 59.24 feet to a point; **THENCE** along a curve to the left having a radius of 113.00 feet and a length of 28.06 feet, said curve having a chord bearing of South 09 degrees 30 minutes 25 seconds West and a chord distance of 27.99 feet to a point; **THENCE** South 02 degrees 23 minutes 33 seconds West a distance of 3.10 feet to a point; said point being the **TRUE POINT OF BEGINNING**.

Said tract contains 16,871 square feet or 0.387 acre.

SITE NOTES

1. Site area - 0.587 acres
2. Total Number of Lots/Units - 1
3. Existing Zoning: R-BAD
4. Proposed Zoning: DT-1W
5. Proposed land use : Commercial

VARIANCES:

1. 50' EXTERIOR BUFFER SHALL BE REDUCED TO 0'

COMMERCIAL LOT DATA		
	REQUIRED	PROPOSED
FRONT SETBACK		1F
SIDE SETBACK		0'
REAR SETBACK		1F
MAX. BUILDING HEIGHT		40' 0"



ZONING PLAN
Manning House
Tract

LL 1762, 2nd District 2nd Section
94 Academy Street, City of Atlanta
Fulton County, Georgia



For The First
Travel Profit
&
Association Inc.

DATE 12/01/16
SCALE 1" = 10'
CN
LSV
JN
PK 2-11-2016CP
1 of 1

REFERENCE PLATS:

1. Survey for the Proprietors of Joseph Richard Wilson II and Elizabeth F. Manning and GRAY Investments, LP prepared by Modest Land Surveying Inc., dated April 6, 2013.
2. Right of Way Plan for Academy Street, Project Number APT13-103 prepared by URS Corporation, dated January 18, 2012.

NOTES:

1. This survey is a reconnaissance survey of an existing bridge or continuation of existing bridge. For accuracy is not planned to create new baselines or change existing bridge of record. This survey is not a construction plan and has not been approved by the normal construction authorities.
2. This plan is prepared for the architect or the owner, persons, or entity named in the title block. This plan does not refer to any existing plans without express permission of the surveying engineer.
3. Shows otherwise specified, or otherwise as indicated on drawings in U.S. Survey feet (1/32.8 ft = 1 meter).
4. By graphic plotting only, this property does not include a title block, nor contain any of the data of the F.C.A. Flood Insurance Rate Map of Fulton County, Georgia, and is not to be used in conjunction with the F.C.A. Flood Insurance Rate Map.
5. Surveyed and plotted September 16, 2013.
6. All project survey work for this project is by public land. Public survey is provided by Fulton County.
7. All project survey work for this project is by private land. Private survey is to be provided by Fulton County.
8. All project survey work is provided by General and A/E/T. Plans is provided by G/T plans.
9. Can be provided by Alterra due right

OWNER/DEVELOPER

thePROVIDENCEgroup

Warren Jolly

11302 Littlefield Drive
Bridgeton, Utah 84306

Johna Crutch, Georgia 30057
John 1176 417-1809

4317 Park Drive, Suite 400
Norcross, Georgia 30093
Phone: (770) 416-7311
Fax: (770) 416-6759
www.travispruit.com



[illegible]

12/2/16

CLUP-16-09/Z-17-02/V-17-05
GRBK ACADEMY, LLC/MANNING HOUSE
ROLADER & ROLADER, P.C.

ATTORNEYS AND COUNSELORS AT LAW
1865 LOCKEWAY DRIVE, SUITE 601
ALPHARETTA, GEORGIA 30004
Telephone (770) 442-0330
Fax (770) 442-0641
www.roladerandrolader.com

DONALD A. ROLADER
don@roladerandrolader.com

D.W. "Pete" ROLADER
1924 - 2011

December 1, 2016

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

RE: Application of Providence Group of Georgia, LLC for Comprehensive Plan Amendment (high density residential to Mixed Use Live Work), Rezoning from R-8 A/D to DT-LW and Variance on 0.387 acres on Academy Street, City of Alpharetta, Fulton County, Georgia; Letter of Intent

Dear Mayor and Councilpersons:

This firm represents The Providence Group of Georgia, LLC, the Applicant, seeking approval of this Comprehensive Plan Amendment, Rezoning from R-8 A/D to DT-LW and a Variance. This letter shall be construed as the Letter of Intent for this Application.

The subject property contains approximately 0.387 acres and is located on Academy Street. It is the location of the Manning House, which is a part of Applicant's approved residential development (Z-14-15/V-14-32). The property is surrounded by Applicant's property zoned R-8 A/D.

Applicant proposes to rezone the property DT-LW, to use the Manning House for office or office use. Applicant seeks a variance to reduce the required 50' buffer to 0 feet between DT-LW and R-8 A/D. The impact on the surrounding area would be minimal. No changes are planned to the structure and office use in the house may have less impact than a residence would. It is a compatible use in the downtown area.

The Variance requested is reasonable and permits the existing, approved site plan to not be altered. Additional buffers beyond those shown on the site plan do not add any value to the proposed development. To deny the request would work a hardship on Applicant, without any resulting benefit to the City.

Mayor and City Council
City of Alpharetta, Georgia
December 1, 2016
Page 2

The granting of this Zoning Application and Variance will have no negative impact on adjoining or nearby properties, but will provide a compatible, attractive use. This development will not unduly tax any City of Alpharetta services, including, but not limited to, fire and police protection, water service and garbage collection. Presently sewer is available through Fulton County. The use change will have no impact on the Fulton County School System. To fail to approve this Application will be of no benefit to the citizens of Alpharetta, Georgia while causing a financial burden upon the property owner/developer. There is a current demand for high quality small office space near downtown to support a live-work-play environment, and that demand is increasing presently. Applicant has an outstanding track record for quality development in North Fulton County.

It is the position of the Applicant that the Alpharetta Zoning Ordinance, in zoning the property R-8 A/D is unconstitutional in that it destroys the marketability of the property. Constitutional Objections are attached hereto as Exhibit A, and made a part hereof by reference.

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

Very truly yours,

ROLADER & ROLADER, P.C.

A handwritten signature in dark ink, appearing to read 'D Rolader', is written over a horizontal line.

Donald A. Rolader

CONSTITUTIONAL OBJECTIONS

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

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

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

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

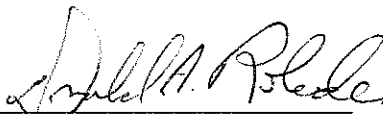
A refusal by the City of Alpharetta to grant the Application would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Owner and Owners of similarly situated property in violation of Article I,

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

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

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

ROLADER & ROLADER, P.C.

By: 
Donald A. Rolader
Attorney for Owner

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



City Council Public Hearing STAFF REPORT

Submitting Department: Community Development

Submitted By:

Meeting Date: February 27, 2017

I. AGENDA ITEM TITLE: PH-17-04: MILTON AVENUE COMMERCIAL CENTER/THRIVE
CONSIDERATION OF A REQUEST FOR A CHANGE TO PREVIOUS CONDITIONS OF ZONING TO ALLOW FOR THE CONVERSION OF AN EXISTING PARKING STRUCTURE INTO A 3024 SQUARE FOOT ADDITION TO THE EXISTING BUILDING. THE SUBJECT PROPERTY IS LOCATED AT 44 MILTON AVENUE NEAR THE SOUTHEAST CORNER OF MILTON AVENUE AND ROSWELL STREET

II. RECOMMENDATION:

III. BUDGET IMPLICATIONS:

BUDGETED ITEM: NO

FISCAL IMPACT: NO

INCLUDED IN CURRENT FY CPTL BUDGET: NO

INCLUDED IN CURRENT FY OPRT. BUDGET: NO

TOTAL PROJECT COST:

APPROPRIATIONS:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT

EXTERNAL FUNDING SOURCES:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT

IV. REPORT IN BRIEF:

V. ALTERNATIVES:

VI. ATTACHMENTS:

Council Agenda Report, FLUP Map, Zoning Map, Aerial Map, Location Map, Approved 2007, Citizen Part B, Citizen Part B Letter, Application



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT
SUBMITTED BY: KATHI COOK
DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: PH-17-04 44 MILTON AVENUE/THRIVE

CITY COUNCIL: FEBRUARY 27, 2017

II. RECOMMENDATION:

Approve PH-17-04 44 Milton Avenue/THRIVE subject to the following conditions:

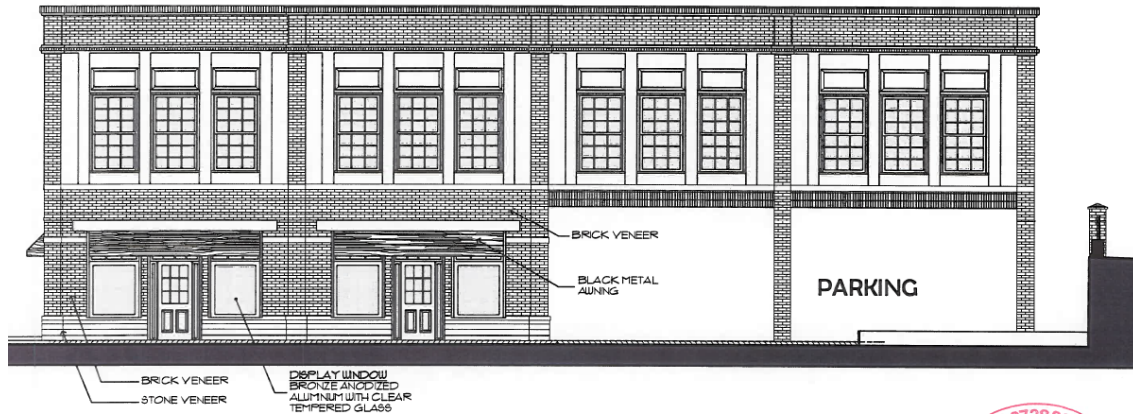
1. Applicant shall reconstruct building in the Georgian Revival style depicted in 3/29/2007 drawing prepared by RJD Architect, LLC, except that the ground-floor parking area shall be enclosed using similar building materials and architectural elements. The west facing building elevation is permitted to include a roll-up door subject to approval by the Design Review Board.
2. Building shall not exceed 11,000 square feet. Building shall be restricted to office and retail.
3. Property owner shall dedicate a permanent easement to the City over the driveway area on the west side of the building for the purpose of providing public access for an outdoor gathering area. If the City does not improve the easement with hardscape and landscape on or before February 27, 2022 and the property owner/applicant has paid \$63,000.00 into the City's parking fund, the easement shall become void and all rights that were transferred to the City by way of the easement shall revert back to the property owner of 44 Milton Avenue. This condition shall be subject to a mutual agreement between the property owner and City.
4. Applicant shall improve the driveway area with outdoor furniture and landscaping as presented to Council.
5. Building elevations for the enclosure of the structured parking shall require approval by the Design Review Board. Windows shall be required on the side (west) and rear building elevations.
6. The existing dumpster shall be removed and the applicant shall make arrangements for a roll-out container. If roll-out container is kept outside, it shall be screened from view as approved by Staff.
7. Foundation landscape areas on the front and west side of the building shall be refreshed with traditional Southern landscape material, as approved by the Design Review Board.

III. REPORT IN BRIEF:

The applicant, Ramon Gonzalez on behalf of THRIVE, is requesting a change to previous conditions of zoning to allow for a 2,451 square foot structured parking area to be enclosed and converted into office space. The applicant proposes to dedicate a permanent easement to the City for an outdoor gathering space in lieu of paying into a parking fund. The subject property is located at 44 Milton Avenue near the southeast corner of Milton Avenue and Roswell Street.

DISCUSSION

The submitted request, if approved, will allow for the conversion of a seven (7) space structured parking area into 2,451 square feet of office space on a 0.16-acre property in the Downtown. The existing 2-story building is approximately 7,598 square feet, not including ground-level parking underneath the building at the rear of the structure. If approved, the enclosure of the parking area will add 2,451 square feet to the existing building for a total of 10,049 square feet. The applicant also intends to improve the existing driveway on the west side of the building as an outdoor workspace to be shared with the public. The subject property is located at 44 Milton Avenue near the southeast corner of Milton Avenue and Roswell Street.



The subject property is zoned C-2 Conditional (General Commercial – Conditional). The property is surrounded by C-2 parcels, including 41 Milton Avenue/Forever Gems to the north, Ceviche to the east and City parking lot to the south. The Rothman Building is located to the west and is zoned SU (Special Use). The property is located within the Downtown Overlay and has a comprehensive land use plan designation of Central Business District.

The property is subject to previous conditions of zoning associated with a parking variance approved on April 16, 2007. At the time of the parking variance, the property was subject to the Historic Downtown Incentive Zoning (HDIZ), which was adopted in 2005 and allowed parking reductions for retail and restaurant uses. The parking variance was approved to allow a reduction in 35 required parking spaces, subject to seven (7) parking spaces being required at the rear of the building and payment into the Downtown Parking Fund of \$4,500.00 per parking space or \$157,500.00. The applicant is now requesting to remove the seven (7) on-site parking spaces. The applicant proposes the following changes to the previous conditions of zoning:

1. Applicant shall reconstruct building in the Georgian Revival style depicted in 3-29-2007 drawing prepared by RJD Architect, LLC, except that the ground-floor parking area shall be enclosed using similar building materials and architectural elements and the west facing elevation of the building may include a roll-up garage door, subject to approval by Staff.
2. Building shall not exceed ~~6,953~~ 11,000 square feet. Restaurant use shall not occupy more than one floor and shall not exceed 4,580 square feet due to parking constraints.
3. ~~A minimum of 7 parking spaces for employees shall be provided to the rear of the building.~~

The Downtown Master Plan Update and Alpharetta Downtown Code requirements replaced the HDIZ in 2015. The current Downtown parking requirements state that office use shall provide three (3) parking spaces per 1,000 square feet. Therefore, the 2,451 square foot space would generate a need for seven (7) additional parking spaces. Downtown parking regulations allow non-residential parking requirements to be met off-site within 500' of the use it serves and/or utilize on-street parking located adjacent to and on the same side of the street as the site it serves. There are four (4) angled on-street parking spaces directly in front of 44 Milton Avenue. Additionally, the property is located directly in front of the Old Roswell Street City Parking Lot and within 500' of the Roswell Street City Parking Lot. The City has plans to develop public parking at 92 Milton Avenue, which is approximately 350' from the property. However, the Code provision allowing parking to be met off-site does not contemplate available capacity in off-site parking areas. The applicant proposes to satisfy parking requirements by dedicating a permanent easement for public access, as well as providing outdoor furniture and landscaping within the driveway on the west side of the building in lieu of payment into a parking fund (see photograph below).



The applicant proposes using the same building materials to enclose the ground-floor parking area underneath the building. A roll-up garage door is proposed on the west side of the building in order to allow for ease of access between indoor and outdoor spaces. The applicant envisions improving the existing driveway on the west side of the building to allow for shared outdoor workspace. Approximately half of the existing driveway is on the applicant's property and the other half is owned by the adjacent property owner to the west (Rothman Building).

City Council is currently considering parking deck locations in the Downtown, including the City property to the rear of the subject site. In an effort to provide ease of access to parking and to create gathering spaces in the Downtown, the area could be further improved by the City in conjunction with building additional parking. The City may pursue working with the owner of the Rothman Building for a permanent easement through the remaining half of the driveway area. As depicted below, the driveway could become a public gathering space including hardscape, landscape and outdoor seating areas.



Based on recent land sales in the area, land value is approximately \$25.00 per square foot. The applicant's portion of the driveway is approximately 1,147 square feet with an estimated land value of \$28,675.00. Since the applicant's driveway area is proposed as a permanent easement, the industry standard is to discount the land value by half (50%). Therefore, the estimated value of a permanent easement on the subject property is \$14,337.50. Depending on the location of the Downtown parking deck, the City may pursue an easement from the adjacent property owner for the remaining 1,750 square feet of the driveway area.

The applicant's business is THRIVE, which offers coworking spaces and shared office amenities for professionals and entrepreneurs. This business concept focuses on creating a unique work environment that fosters a sense of community through a variety of activities and educational opportunities. THRIVE currently operates on the 2nd Floor of the Kell Building at 53 South Main Street, Suite 300 and has over 50 members and tenants. The applicant proposes to move to the 44 Milton Avenue location in order to expand the business.

CONCURRENCES

Staff has reviewed the application and is generally in agreement with the request to change previous conditions of zoning. The applicant's request is consistent with the Alpharetta Downtown Code, which allows non-residential parking requirements to be met off-site. Staff recommends that the building be enclosed using the same materials as the existing building and that a permanent easement be dedicated to the City, including improvements within the existing driveway to provide for a public gathering space. Downtown is in need of public seating areas and it is not ideal to have cars accessing the current parking on the first floor and cutting across the public sidewalk.

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

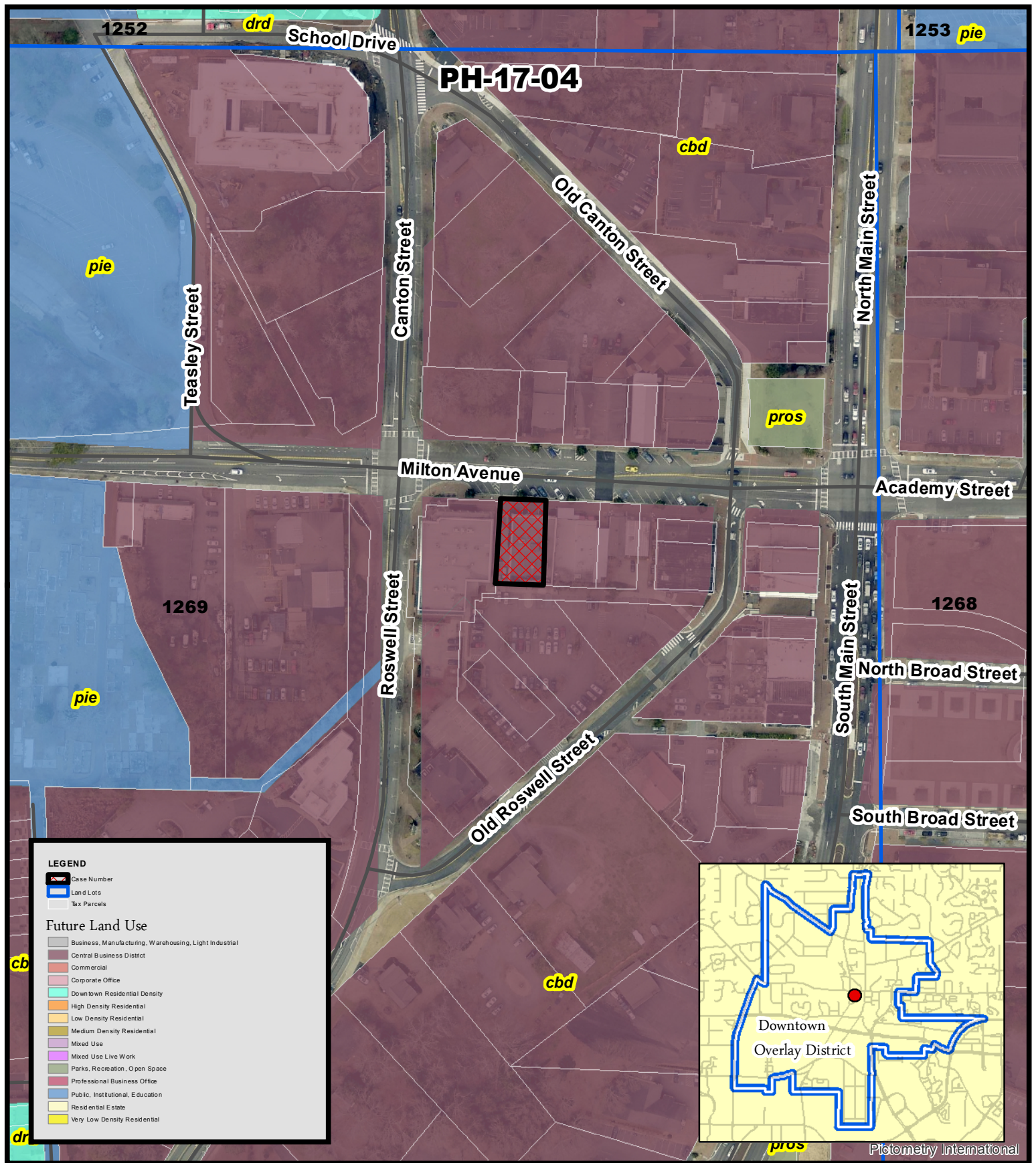
The City has budgeted over \$7 million to construct additional parking in the Downtown. The previous Historic Downtown Incentive Zoning (HDIZ) contemplated the parking issue by offering developers the option of contributing to a parking fund in lieu of providing on-site parking, which would be used to build communal parking deck spaces. That document required half of the parking be provided on-site and the applicant could pay \$4,500.00 per space into the Downtown parking fund to satisfy the remaining parking requirement. In 2007, 44 Milton Avenue paid \$157,500.00 into the Downtown Parking Fund and in 2013 Alpharetta Lofts paid \$66,000.00 for their portion of required parking. In 2014, CORO paid \$36,000.00 for their parking variance approval. If the HDIZ were in place today, the applicant would be required to pay \$63,000.00 into the parking fund for the seven (7) parking spaces to be removed and the seven (7) additional parking spaces needed to support the added office use, minus the value of the permanent easement and public improvements. In lieu of payment into a parking fund, the applicant proposes to dedicate a public access easement within the existing driveway and improve the area with landscape and outdoor furniture.

CITIZEN PARTICIPATION PLAN

The report submitted by the applicant states that letters were mailed to each property owner within 500' of the subject property stating the applicant's intent. The report states that the property owner of 1 South Main Street inquired about the request and thought it was a positive change.

IV. ATTACHMENTS:

- Site Plan
- Architectural Elevations

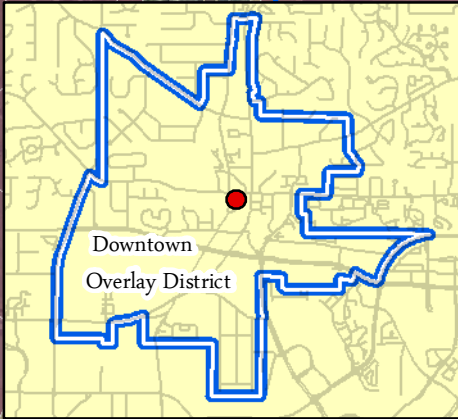


LEGEND

- Case Number
- Land Lots
- Tax Parcels

Future Land Use

- Business, Manufacturing, Warehousing, Light Industrial
- Central Business District
- Commercial
- Corporate Office
- Downtown Residential Density
- High Density Residential
- Low Density Residential
- Medium Density Residential
- Mixed Use
- Mixed Use Live Work
- Parks, Recreation, Open Space
- Professional Business Office
- Public, Institutional, Education
- Residential Estate
- Very Low Density Residential



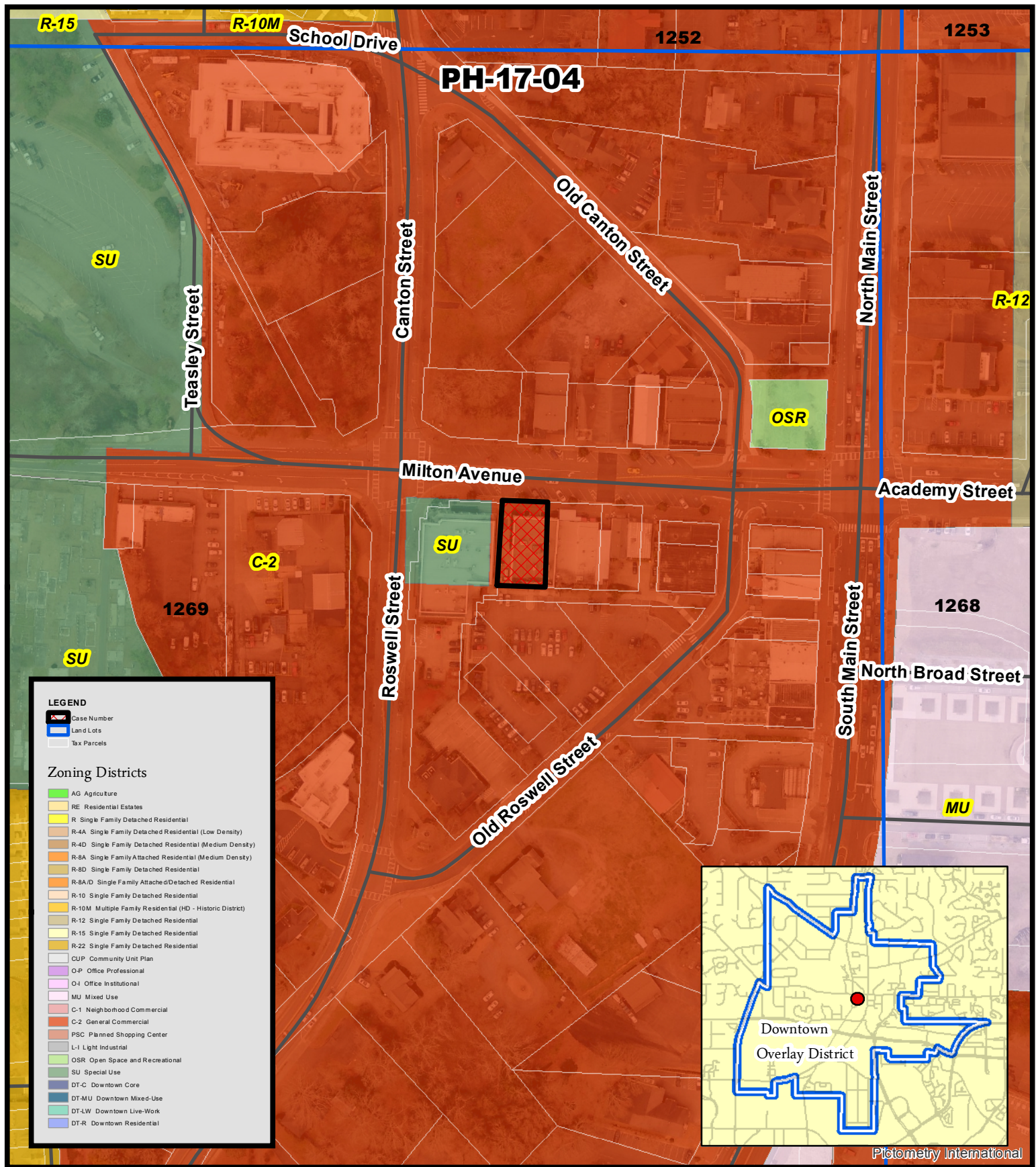
Pictometry International

Future Land Use
Milton Avenue Commercial Center/Thrive
44 Milton Avenue

PH-17-04
D/LL: 2/2/1269
CC Date: 2/27/17



Location Map Provided by:
Community Development - GIS



Zoning Map
Milton Avenue Commercial Center/Thrive
44 Milton Avenue

PH-17-04
D/LL: 2/2/1269
CC Date: 2/27/17

Location Map Provided by:
Community Development - GIS



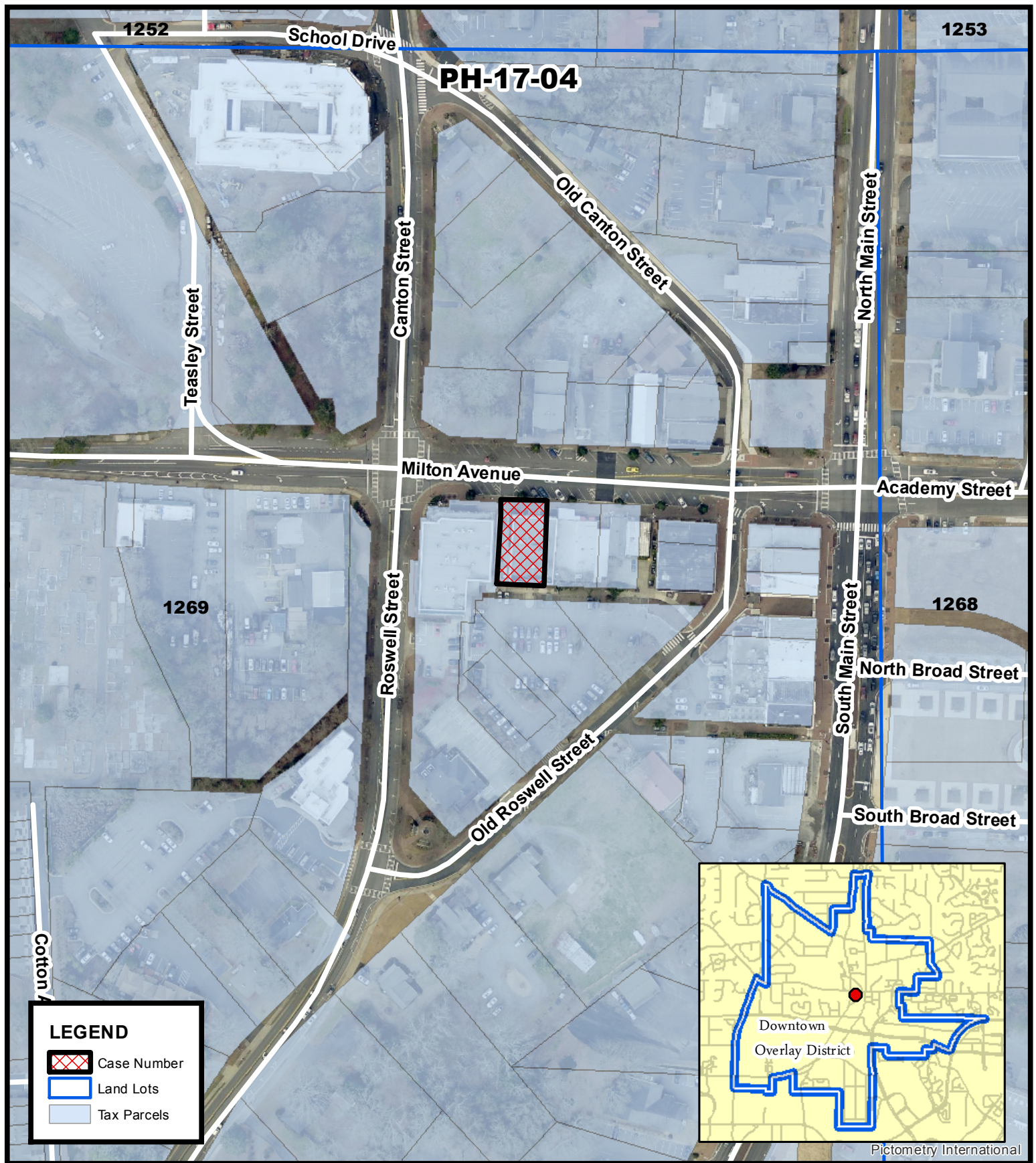


Aerial Map
Milton Avenue Commercial Center/Thrive
44 Milton Avenue

PH-17-04
D/LL: 2/2/1269
CC Date: 2/27/17

Location Map Provided by:
Community Development - GIS





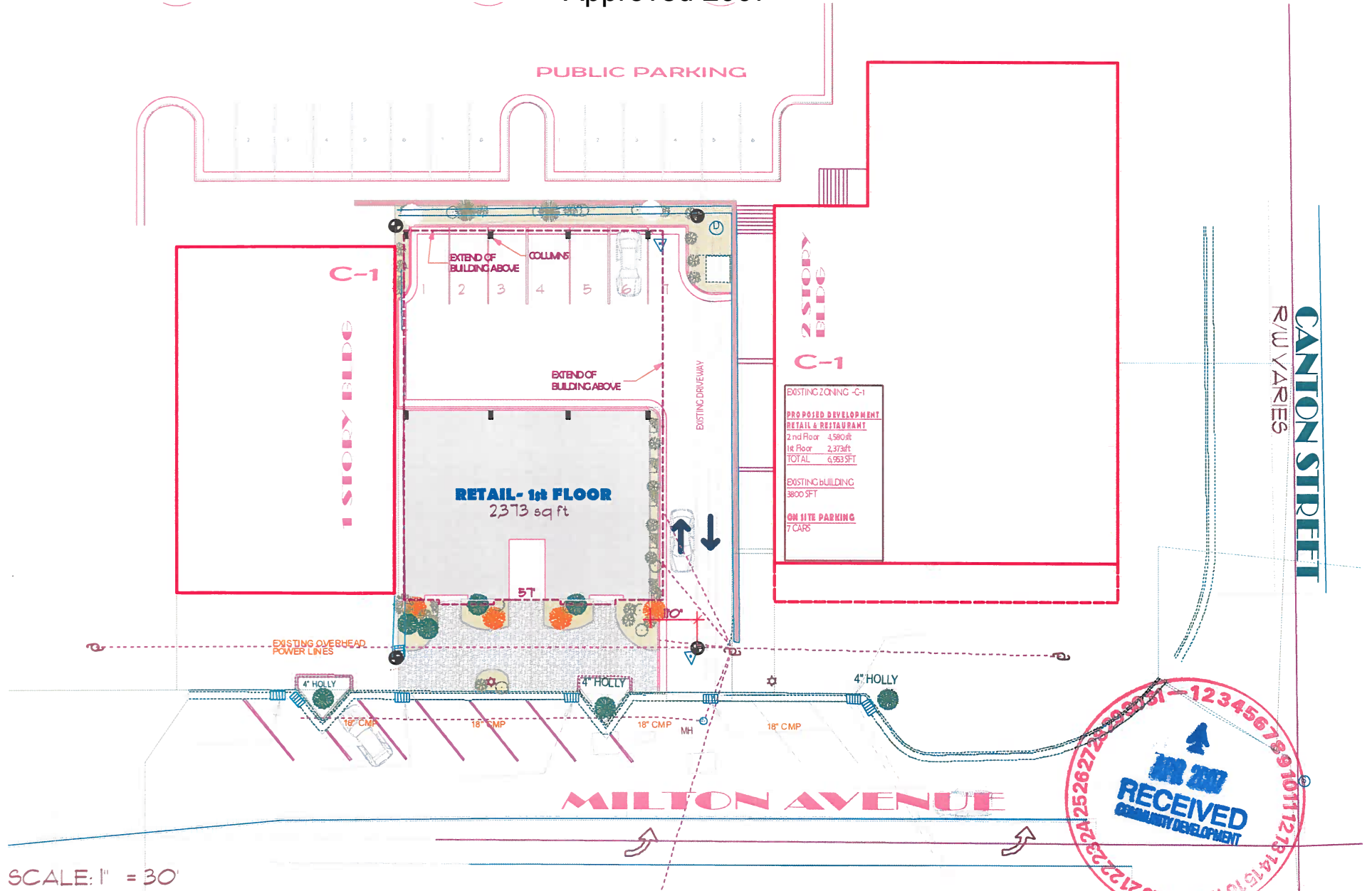
Location Map
Milton Avenue Commercial Center/Thrive
44 Milton Avenue

PH-17-04
D/LL: 2/2/1269
CC Date: 2/27/17

Location Map Provided by:
Community Development - GIS



Approved 2007



SCALE: 1" = 30'

BR-1-SITE PLAN

DEVELOPERS:
HOBGOOD CONSTRUCTION COMPANY, INC
CONTACT PERSON:
RICK HOBGOOD
TEL: (770) 527-1887

THE 44 MILTON AVENUE CENTER
2nd DISTRICT, 2nd SECTION, LAND LOT #180
ALPHARETTA, Fulton County, GA

Sheet
BR-1
Job No.
2005-61

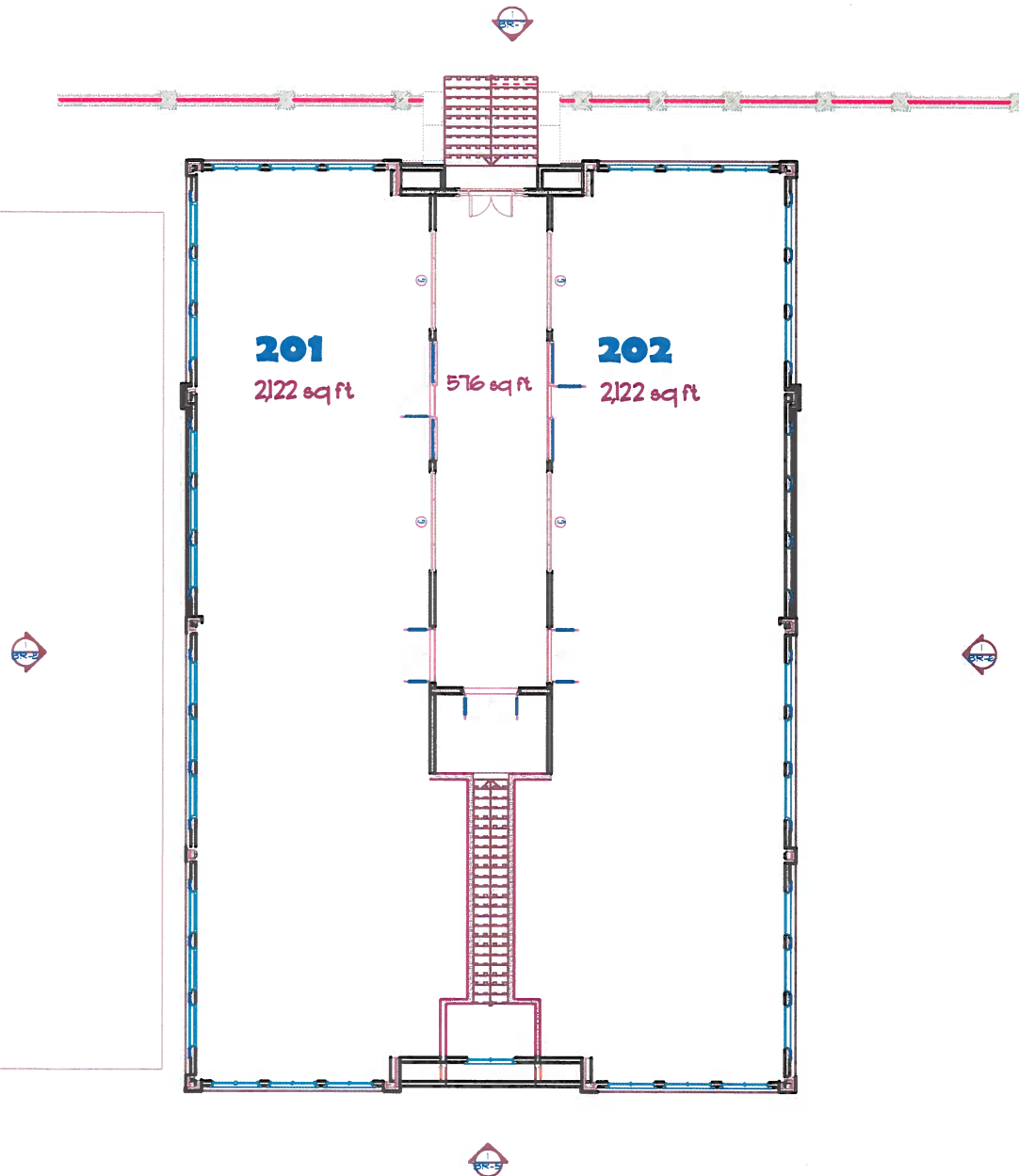
Architect
rjd architect, llc
233 CANTON STREET
ALPHARETTA, GA. 30004
Phone: (770) 791-3393
Fax: (678) 393-9341
rjdarchitect@midnap.com

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OR USED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF RICHARD J. DESHAR, ARCHITECT. COPYRIGHT 2006

presentations
3/29/2007 -KS



Approved 2007



SCALE: 1/16" = 1'-0"

BR-3-2nd FLOOR PLAN

DEVELOPERS:
HOBGOOD CONSTRUCTION COMPANY, INC
CONTACT PERSON:
RICK HOBGOOD
TEL: (770) 527-1887

**THE 44 MILTON AVENUE
CENTER**
2nd DISTRICT, 2nd SECTION, LAND LOT #1180
ALPHARETTA, Fulton County, GA

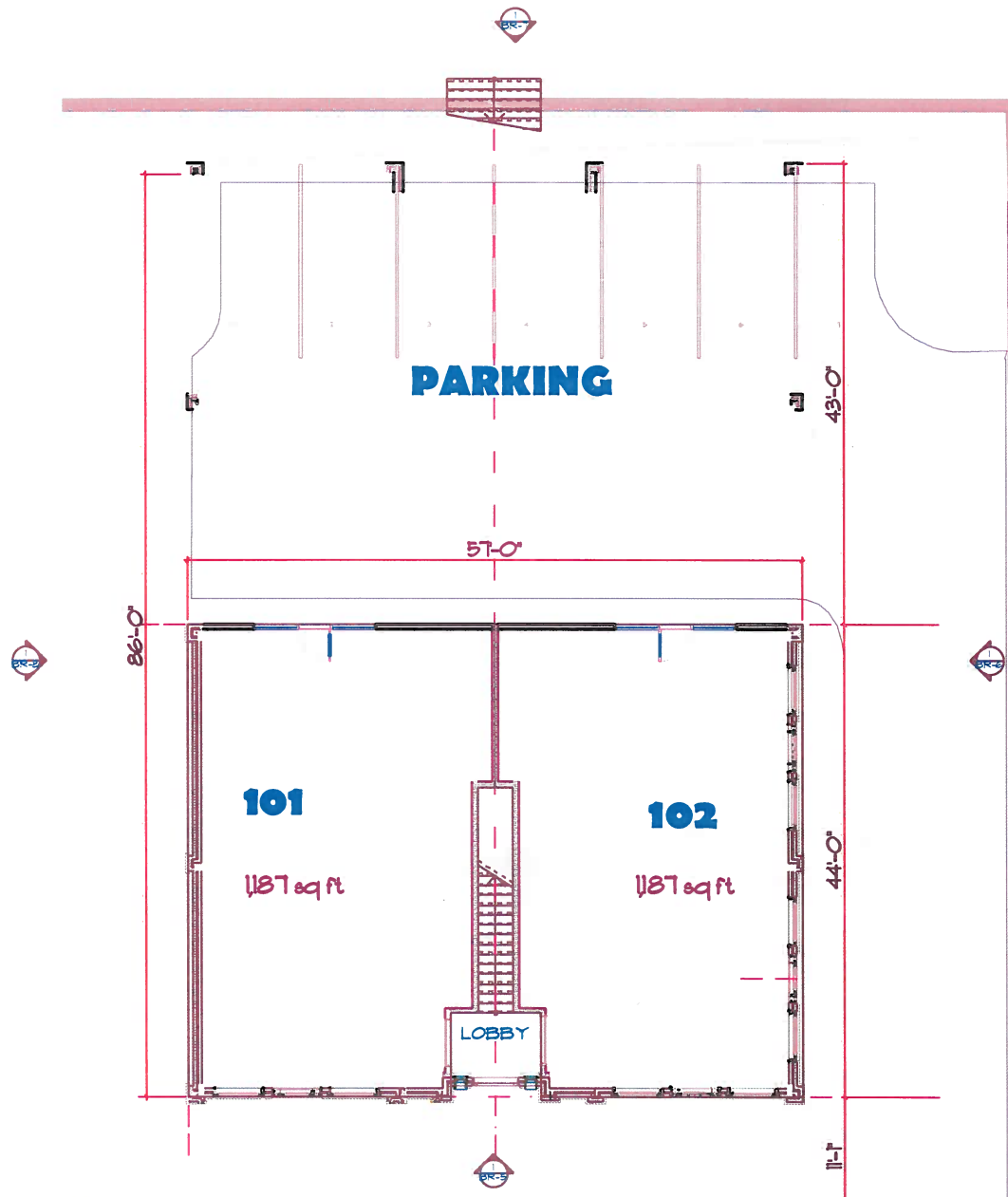
Sheet
BR-3
Job No.
2005-61

Architect
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233 CANTON STREET
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rjdarchitect@midspring.com
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presentations
3/29/2007 -KS

Approved 2007



presentations
3/29/2007 -K5

SCALE: 1/16" = 1'-0"
BR-2-1 st FLOOR PLAN

DEVELOPERS:
HOBGOOD CONSTRUCTION COMPANY, INC
CONTACT PERSON:
RICK HOBGOOD
TEL: (770) 527-1887

**THE 44 MILTON AVENUE
CENTER**
2nd DISTRICT, 2nd SECTION, LAND LOT #180
ALPHARETTA, Fulton County, GA

Sheet
BR-2
Job No.
2005-61

Architect
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rjdarchitect@earthlink.net
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BR-4-MILTON AVENUE

DEVELOPERS:
HOBGOOD CONSTRUCTION COMPANY, INC
CONTACT PERSON:
RICK HOBGOOD
TEL: (770) 527-1887

THE 44 MILTON AVENUE CENTER

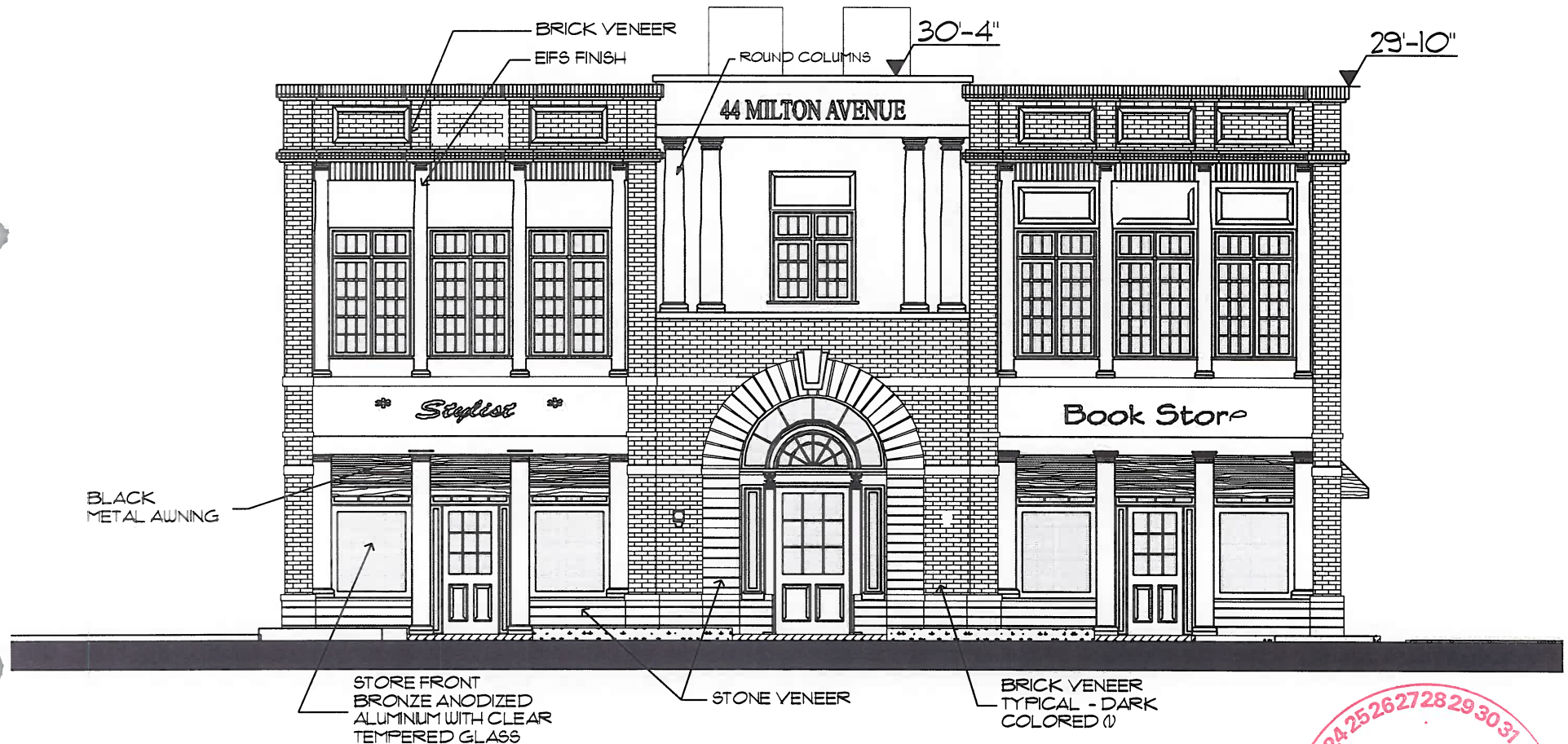
2nd DISTRICT, 2nd SECTION, LAND LOT #1180
ALPHARETTA, Fulton County, GA

presentations
3/29/2007 -K8

Sheet
BR-4
Job No.
2005-61

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FRONT ELEVATION

SCALE: 1/8" = 1'-0"

BR-5-FRONT ELEVATION

DEVELOPERS:
HOBGOOD CONSTRUCTION COMPANY, INC
CONTACT PERSON:
RICK HOBGOOD
TEL: (770) 527-1887

**THE 44 MILTON AVENUE
CENTER**
2nd DISTRICT, 2nd SECTION LAND LOT #180
ALPHARETTA, Fulton County, GA

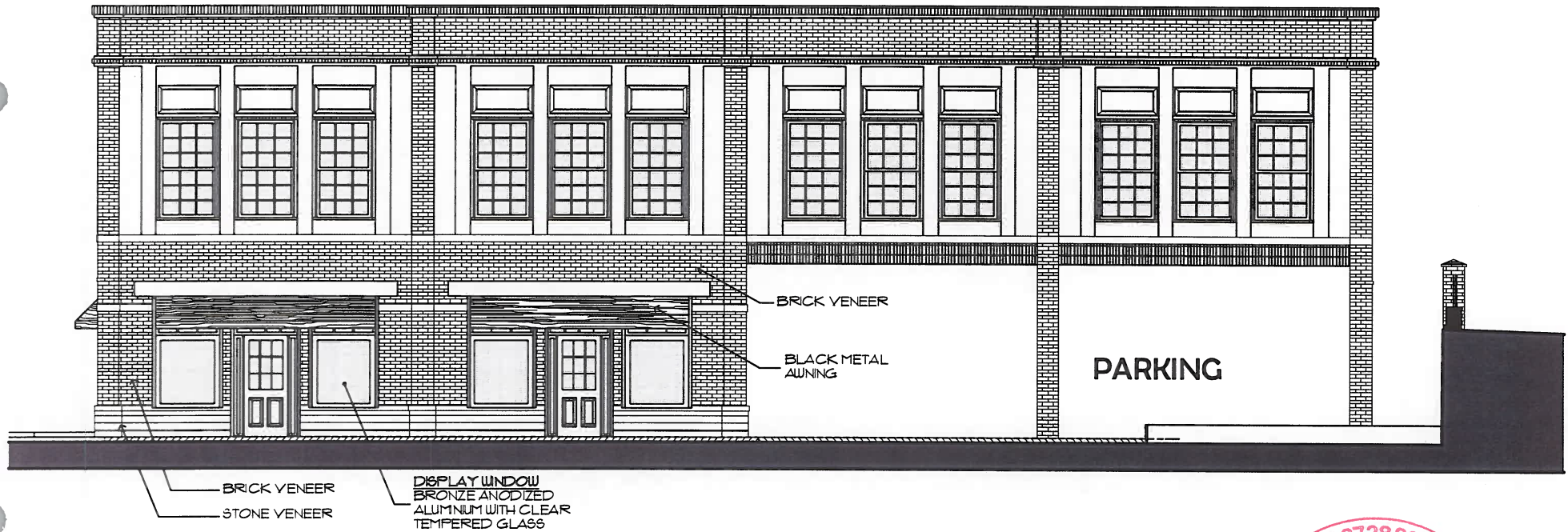
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BR-5
Job No.
2005-61

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ALPHARETTA, GA. 30004
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rjdarchitect@windstream.net

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Approved 2007



RIGHT SIDE ELEVATION-Canton St

SCALE: 1" = 10'

BR-6-RIGHT SIDE ELEVATION

DEVELOPERS:
HOBGOOD CONSTRUCTION COMPANY, INC

CONTACT PERSON:
RICK HOBGOOD
TEL: (770) 521-1881

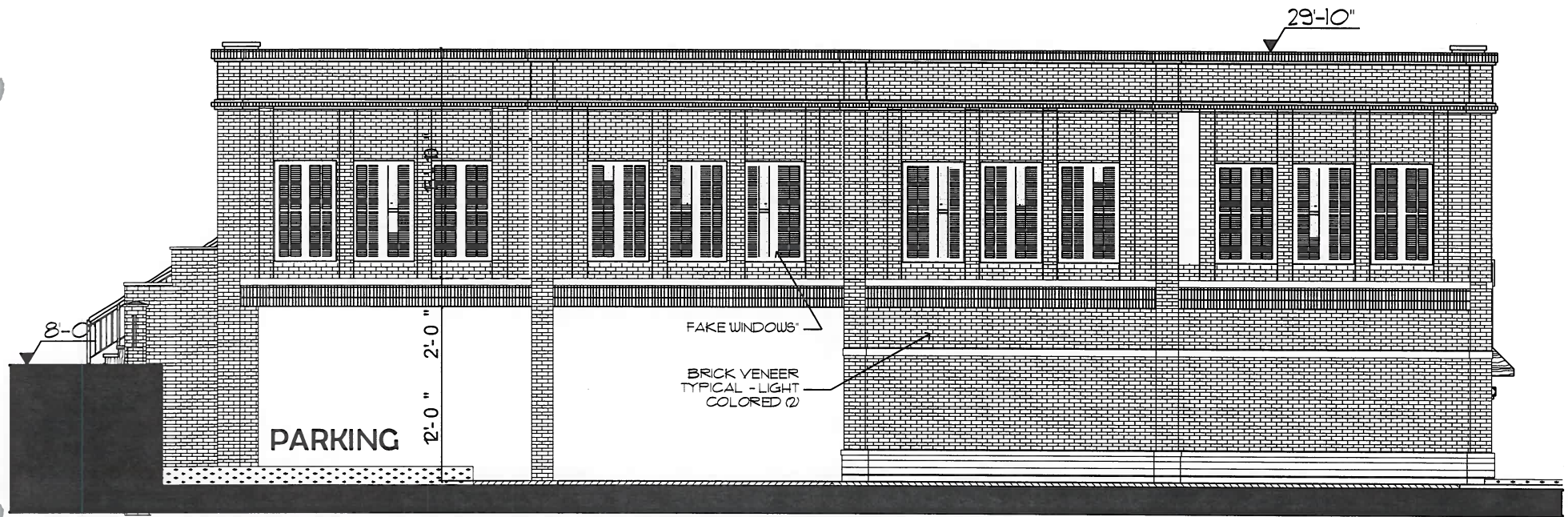
**THE 44 MILTON AVENUE
CENTER**
2nd DISTRICT, 2nd SECTION LAND LOT #1180
ALPHARETTA, Fulton County, GA

Sheet
BR-6
Job No.
2005-61

Architect
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LEFT SIDE ELEVATION

SCALE: 1" = 10'

BR-8-LEFT SIDE ELEVATION

DEVELOPERS:
HOBGOOD CONSTRUCTION COMPANY, INC
CONTACT PERSON:
RICK HOBGOOD
TEL: (770) 527-1881

**THE 44 MILTON AVENUE
CENTER**
2nd DISTRICT, 2nd SECTION, LAND LOT #180
ALPHARETTA, Fulton County, GA

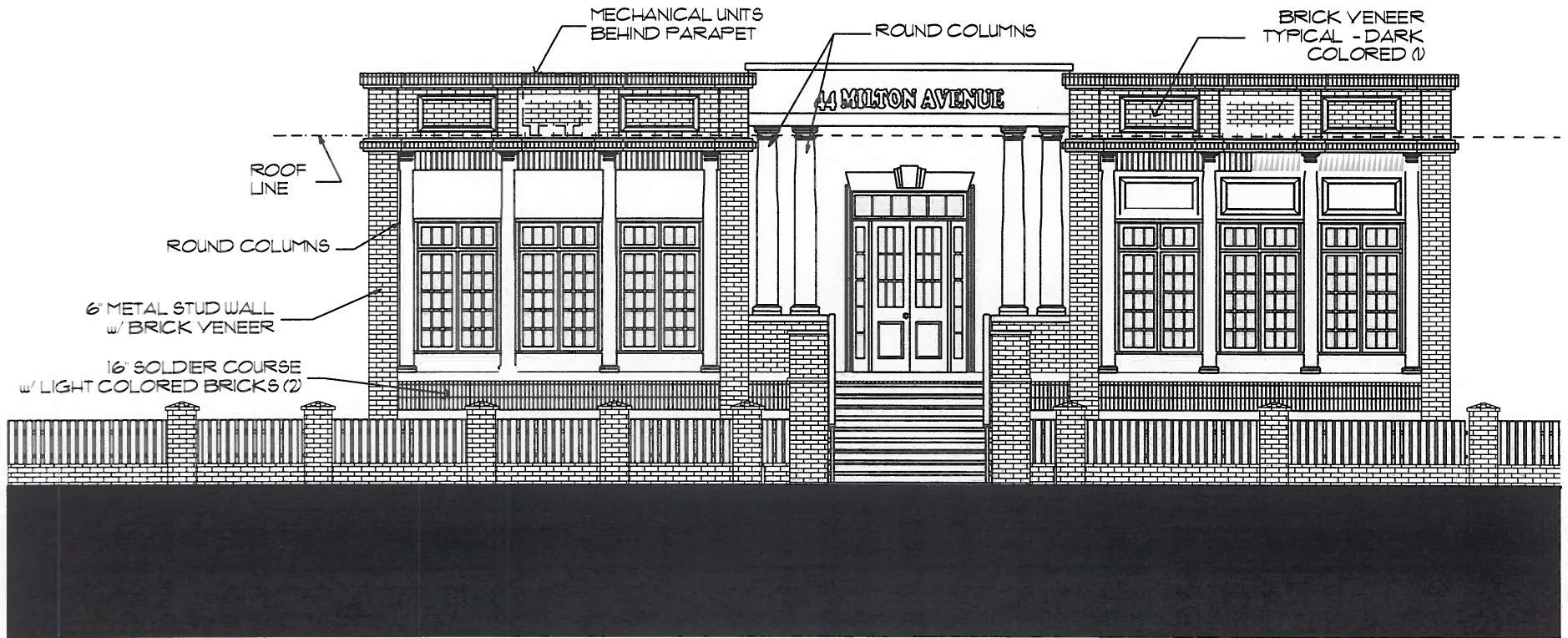
Sheet	BR-8
Job No.	2005-61

	rjd architect, llc
	233 CANTON STREET ALPHARETTA, GA. 30004 Phone: (770) 781-3383 Fax: (678) 333-9341 rjdarchitect@midnapark.com

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Approved 2007



REAR ELEVATION

SCALE: 1/8" = 1'-0"



BR-1-REAR ELEVATION

DEVELOPERS:
HOBGOOD CONSTRUCTION COMPANY, INC
CONTACT PERSON:
RICK HOBGOOD
TEL: (770) 527-1881

**THE 44 MILTON AVENUE
CENTER**
2nd DISTRICT, 2nd SECTION, LAND LOT #180
ALPHARETTA, Fulton County, Ga

Sheet
BR-1
Job No.
2005-61

Architect
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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: 44 Milton Ave - THRIVE

Contact Name: Ramon Gonzalez

Telephone: 404-805-7071

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.

1 S. Main St LLC Comments: He and I spoke at length about the plans for the building and he was impressed with the concept and

thought that it was a positive change for downtown Alpharetta. He stated he reached out mostly out of curiosity.

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: 1-11-17

Print Form

44 Milton Avenue Partners
53 S. Main Street, Suite 300
Alpharetta, GA 30009

December 30, 2016

Re: Application to Change Conditions for an existing building located 44 Milton Avenue.

Dear Property Owner,

The owners of 44 Milton Avenue have filed an application to the City of Alpharetta to change the conditions which were set during development of the property in 2007. We are seeking to remove conditions 1 – 3 as stipulated in the City Council Agenda Action Summary dated April 16, 2007; hereto attached. We are also seeking approval to add windows to the east wall of the second story of the building under the contingency that it's permitted by fire and building codes.

The aforementioned conditions are as follows:

1. Applicant shall reconstruct building in the Georgian Revival style as depicted in 3-29-2007 drawing prepared by RJD Architect, LLC.
2. Building shall not exceed 6,953 square feet.
3. A minimum of 7 parking spaces for employees shall be provided to the rear of the building.

Our application also requests approval to enclose a ~2,400 square foot parking area and convert it to offices and shared workspace. Our commitment to maintaining and enhancing the quality and character that makes 44 Milton an exceptional downtown building is very strong. Our plan is to use the same building materials to enclose the space but to also add some exciting features such as a large 16 foot glass and aluminum overhead garage door. This would allow people in the workspace to pass between the indoor and outdoor workspaces with ease. A vibrant outdoor alley with seating and gathering spaces would replace the current driveway and would connect to the outdoor workspace planned for the front of the building. Our aim is to create a unique workplace experience for not only the tenants and members of our space but for the city of Alpharetta.

The Planning Commission meeting is scheduled for February 2, 2017 at 6:30 pm at Alpharetta City Hall located at 2 Park Plaza, Alpharetta, GA 30009. The City Council meeting is scheduled for February 27, 2017 at City Hall at 6:30 pm. Your comments and participation will be greatly appreciated.

If you have any questions or would like additional information, please contact me at 404-805-7071 or email me at Ramon@WorkAtThrive.com

Sincerely,

Ramon Gonzalez
Property Owner, 44 Milton, LLC

44 Milton Avenue Partners
53 S. Main Street, Suite 300
Alpharetta, GA 30009

December 30, 2016

Re: DATE CORRECTION: Application to Change Conditions for an existing building located 44 Milton Avenue.

Dear Property Owner,

The owners of 44 Milton Avenue have filed an application to the City of Alpharetta to change the conditions which were set during development of the property in 2007. We are seeking to remove conditions 1 – 3 as stipulated in the City Council Agenda Action Summary dated April 16, 2007; hereto attached. We are also seeking approval to add windows to the east wall of the second story of the building under the contingency that it's permitted by fire and building codes.

The aforementioned conditions are as follows:

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Our application also requests approval to enclose a ~2,400 square foot parking area and convert it to offices and shared workspace. Our commitment to maintaining and enhancing the quality and character that makes 44 Milton an exceptional downtown building is very strong. Our plan is to use the same building materials to enclose the space but to also add some exciting features such as a large 16 foot glass and aluminum overhead garage door. This would allow people in the workspace to pass between the indoor and outdoor workspaces with ease. A vibrant outdoor alley with seating and gathering spaces would replace the current driveway and would connect to the outdoor workspace planned for the front of the building. Our aim is to create a unique workplace experience for not only the tenants and members of our space but for the city of Alpharetta.

The City Council meeting is scheduled for February 27, 2017 at City Hall at 6:30 pm. Your comments and participation will be greatly appreciated.

If you have any questions or would like additional information, please contact me at 404-805-7071 or email me at Ramon@WorkAtThrive.com

Sincerely,

Ramon Gonzalez
Property Owner, 44 Milton, LLC

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: Ramon Gonzalez

Telephone: 404-805-7071

Address: 53 S. Main Street

Suite: 300

City: Alpharetta

State: GA

Zip: 30009

Fax: N/A

Mobile Tel: 404-805-7071

Email: Ramon@WorkAtThrive.com

Subject Property Information:

Address: 44 Milton Avenue

Current Zoning: C-2

District: 2

Section: 2

Land Lot: 1269

Parcel ID: 22 482312690203

Proposed Zoning: C-2

Current Use: 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): Changing Conditions

APPLICANT REQUEST AND INTENT

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

Request to enclose an approximately 2,400 square foot area (5 parking spots) and convert it to an office and shared workplace area. Our commitment to maintaining and enhancing the quality and character that makes 44 Milton an exceptional downtown building is very strong. Our plan is to use the same building materials to enclose the space but to also add some exciting features such as a large 16 foot glass and aluminum overhead garage door. This would allow people in the workspace to pass between the indoor and outdoor workspaces with ease. This vibrant outdoor workspace ally would replace the current driveway and would connect to the outdoor workspace area planned for the front of the building. Our aim is to create a unique workplace experience for our members, their guest and the community of Alpharetta. Something which increases the vibrancy of our downtown core.



Applicant's Request (Please itemize the proposal):

We are seeking to eliminate condition 1,2 and 3 as described in the attached City Council Agenda Action Summary.

We also intend to add glass to the east wall of the second story of the building under the contingency that it's permitted by Fire and building codes.

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

THRIVE| Coworking currently operates a successful coworking space in Alpharetta; which was recently recognized as one of the top coworking spaces in the country. We are currently located on the top floor of the "Kell Building" located at 53 S. Main Street. With over 50 members and tenants currently making use of the space, THRIVE has a broad cross section of industries housed within it. We have served clients large and small, from Apple to local tutors and counselors. Our community at THRIVE is truly unique and fantastic; and we only expect it to get bigger and better in our new location at 44 Milton Ave.

Approval of this variance would allow us to more effectively and successfully deliver an innovative workspace and meeting place in downtown Alpharetta. We truly believe that in order for us to aptly serve the demand we are seeing in the market and to provide the environment and amenities the community is asking for, we need your approval of the requested variance.

See Exhibit A for a visual inspiration board for the exterior.

See Exhibit B for visuals of the interior of our current space

See Exhibit C for visual inspiration for the interior of the space @ 44 Milton

See Exhibit D for additional information on THRIVE | Coworking

CITY COUNCIL AGENDA ACTION SUMMARY

Public Hearing Date: April 16, 2007

Item#: V-05-25 Milton Avenue Commercial Center

V-05-25 Milton Avenue Commercial Center Consideration of a variance from the parking requirements for a proposed two-story building to be located at 44 Milton Avenue. The property is legally described as being located in Land Lot 1269, 2nd District, 2nd Section, Fulton County, Georgia.

Motion: Approved with Conditions
Motion: Gibson
Second: Monson
Vote: 6-0

Approve with the following conditions:

1. Applicant shall reconstruct building in the Georgian Revival style as depicted in 3-29-2007 drawing prepared by RJD Architect, LLC.
2. Building shall not exceed 6,953 square feet. Restaurant use shall not occupy more than one floor and shall not exceed 4,580 square feet due to parking constraints.
3. A minimum of 7 parking spaces for employees shall be provided to the rear of the building.
4. Applicant shall pay \$157,500 to the Downtown Parking Fund prior to receiving a Land Disturbance Permit as stipulated in the Historic Downtown Incentive Zoning Ordinance.
5. Restaurant tenant may not use public parking for valet spaces (this specifically applies to parking spaces facing Milton Avenue).

Exhibit A

Visual Inspiration for Exterior Modifications

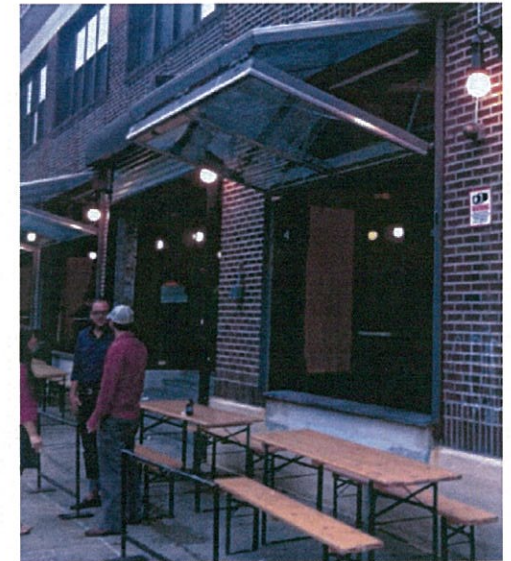


Exhibit B

Visuals of Current Space
@ 53 S. Main St.

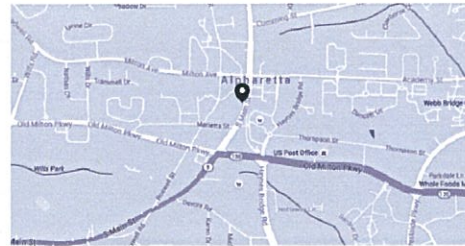
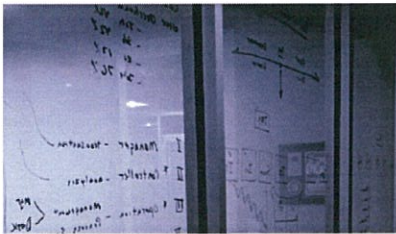




Exhibit C

Visual Inspiration for THRIVE @ 44 Milton Ave

- Focus on Office, Dedicated Desk & Meeting Room Offerings with strategic placement of shared workspaces
- First class creative design
- Amenity Rich: Game Room - Snack Stations - Bike Rental
- Delivered in vibrant town centers and mixed use developments



Exhibit D

What THRIVE Delivers

SPACE



*INNOVATIVE,
COLLABORATIVE
& PRODUCTIVE*

High-amenity, high-energy workspaces. Kitchens, conference rooms, lounges. All the basics: wifi, coffee, snacks printers, supplies. No up front hassle or long term contracts.

COMMUNITY



*WORK TOGETHER,
NOT ALONE*

Demos, panels, happy hours. Education, inspiration, connections. Member lunches. Build your professional network, innovate with other members

CAPACITY



*SCALE & RESOURCES AT
YOUR FINGERTIPS*

Create or transform your business to one which is more nimble, more competitive with simple + scalable business solutions.

ENVIRONMENT



*LOCATED IN VIBRANT
SUBURBAN DOWNTOWN
DISTRICTS*

Live. Work. Play. Situated in convenient and desirable locations offering walkability, inspiring energy, event-filled, great places for business lunch or after work Happy Hours.

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: 44 Milton Avenue Partners Telephone: 404-805-7071
Address: 53 S. Main Street Suite: 300
City: Alpharetta State: GA Zip: 30009 - 1508

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: Ramon Gonzalez Telephone: 404-805-7071
Address: 53 S. Main Street Suite: 300
City: Alpharetta State: GA Zip: 30009 - 1508

So Sworn and Attested:

Owner Signature: [Signature] Date: 12/14/14

Notary:

Notary Signature: [Signature] Date: 12/14/14

A rectangular notary seal stamp for Dana Cox, a Notary Public in Douglas County, Georgia. The seal includes the text "DANA COX", "NOTARY PUBLIC", "Douglas County", "State of Georgia", and "My Comm. Expires Sept. 22, 2017".

DISCLOSURE FORM

The Official Code of Georgia Annotated requires disclosure of campaign contributions to government officials by an applicant or opponent of a rezoning or public hearing petition (O.C.G.A. 36-67 A-1).

Applicants must file this form with the City of Alpharetta Community Development Department within ten (10) days after filing for rezoning or public hearing. Opponents to a rezoning or public hearing petition must file this form five (5) days prior to the Planning Commission meeting at which the subject rezoning or public hearing petition is scheduled to be heard.

Name of Applicant or Opponent: Ramon Gonzalez

Subject Public Hearing Case:

Campaign Contribution Information:

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

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

Name of Official: N/A

Position:

Description of Contribution:

Value:

Description of Contribution:

Value:

Description of Contribution:

Value:

Description of Contribution:

Value:

Description of Contribution:

Value:

Campaign Contribution Information:

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

Signature:

Date:

12-15-16

DISCLOSURE FORM

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Name of Applicant or Opponent: Grant Schneelk

Subject Public Hearing Case: _____

Campaign Contribution Information:

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

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

Name of Official: N/A Position: _____

Description of Contribution: _____ 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: 12/20/2016

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: John Carter Barrett

Subject Public Hearing Case: _____

Campaign Contribution Information:

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

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

Name of Official: N / A Position: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Campaign Contribution Information:

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

Signature: J. Carter Barrett

Date: 12/20/16

DISCLOSURE FORM

The Official Code of Georgia Annotated requires disclosure of campaign contributions to government officials by an applicant or opponent of a rezoning or public hearing petition (O.C.G.A. 36-67 A-1).

Applicants must file this form with the City of Alpharetta Community Development Department within ten (10) days after filing for rezoning or public hearing. Opponents to a rezoning or public hearing petition must file this form five (5) days prior to the Planning Commission meeting at which the subject rezoning or public hearing petition is scheduled to be heard.

Name of Applicant or Opponent: Tripp Crosby

Subject Public Hearing Case: _____

Campaign Contribution Information:

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

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

Name of Official: N/A Position: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Campaign Contribution Information:

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

Signature: 

Date: 12/20/2016

DISCLOSURE FORM

The Official Code of Georgia Annotated requires disclosure of campaign contributions to government officials by an applicant or opponent of a rezoning or public hearing petition (O.C.G.A. 36-67 A-1).

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Name of Applicant or Opponent: Ben HABECK

Subject Public Hearing Case: _____

Campaign Contribution Information:

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

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

Name of Official: N/A Position: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Campaign Contribution Information:

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

Signature: Ben Habek

Date: 12/20/16

DISCLOSURE FORM

The Official Code of Georgia Annotated requires disclosure of campaign contributions to government officials by an applicant or opponent of a rezoning or public hearing petition (O.C.G.A. 36-67 A-1).

Applicants must file this form with the City of Alpharetta Community Development Department within ten (10) days after filing for rezoning or public hearing. Opponents to a rezoning or public hearing petition must file this form five (5) days prior to the Planning Commission meeting at which the subject rezoning or public hearing petition is scheduled to be heard.

Name of Applicant or Opponent: Penn Hodge

Subject Public Hearing Case: _____

Campaign Contribution Information:

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

Description of Contribution: general donation Value: \$1,000.00

Description of Contribution: _____ Value: _____

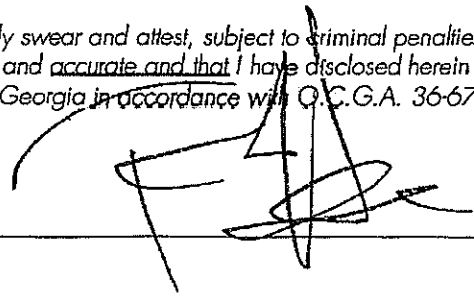
Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Campaign Contribution Information:

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

Signature: 

Date: 12/20/16

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

The additional work and meeting space we are proposing will serve to further support the area shops and restaurants by bring more businesses and entrepreneurs in to the downtown area. My current client base drives economic activity in the area as they are frequent patrons of downtown businesses.

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

It will enhance the value because of the aesthetic improvements and the increased vibrancy our concept will bring to the area. We will help deliver more of the sorely needed work element of the live, work, play dynamic which is taking shape downtown.

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

This portion of the property can not be further developed without a variance.

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

It will not impact the population in the area and would have a minimal impact on traffic due to the fact that we are only seeking to develop an additional 2,400 sf.

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

Students would have the ability to join our community and get exposure to the an innovative work environment full of exceptional professionals and business people. The impact on utilities will be negligible in our estimation.

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

It is completely consistent. We are within the permitted uses and generally speaking promote the spirit of what the land use map is attempting to encourage which is to create a vibrant walkable suburban vibrant center.

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

No

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: 44 Milton Ave - THRIVE

Contact Name: Ramon Gonzalez

Telephone: 404-805-7071

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 separate sheet attached

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

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

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

They will be given an email address, phone number and mailing address to respond to.

MILTON COMMERCIAL CENTER/THRIVE

Parcel	Property Address	Property Owner	Mailing Address	City	State	Zip
22 482312690773	56 CANTON ST	STONEWALK LOFTS ALPHARETTA LLC	12611 ITASKA WALK	Alpharetta	GA	30004
22 482312690021	39 TEASLEY ST	STONEWALK LOFTS ALPHARETTA LLC	12611 ITASKA WALK	Alpharetta	GA	30004
22 482312690047	50 CANTON ST	WEST CANTON LLC	11785 NORTHFALL LN SUITE 510	Alpharetta	GA	30009
22 482312690815	OLD CANTON ST	WEST CANTON LLC	11785 NORTHFALL LN SUITE 510	Alpharetta	GA	30009
22 482112690536	MILTON AVE	WEST CANTON LLC	11785 NORTHFALL LN SUITE 510	Alpharetta	GA	30009
22 482112510023	86 SCHOOL DR	FULTON COUNTY BOARD OF EDUCATION	786 CLEVELAND AVE	Atlanta	GA	30315
22 482312690617	MILTON AVE	CEMETERY	3693 STEWART ROAD	Atlanta	GA	30340
22 482312690674	90 MILTON AVE	FREDENBERG GARY A & PAMELA	294 SOUTH MAIN ST # 300	Alpharetta	GA	30004
22 482312690682	92 MILTON AVE	FREDENBERG GARY A & PAMELA	294 SOUTH MAIN ST # 300	Alpharetta	GA	30004
22 482312690625	80 MILTON AVE	HINES JAN C	80 MILTON AVE	Alpharetta	GA	30009
22 482312690658	ROSWELL ST	SEDG INVESTMENTS LLC	13050 BETHANY RD	Alpharetta	GA	30009
22 482312690781	ROSWELL ST	CITY OF ALPHARETTA	6765 KALI CT	Suwanee	GA	30024
22 482312690302	55 ROSWELL ST	55 ROSWELL ST LLC	15144 TAYLOR RD	Milton	GA	30004
22 482312690823	45 ROSWELL ST	JWJ REAL ESTATE LLC	45 ROSWELL ST SUITE A	Alpharetta	GA	30009
22 482312690419	54 ROSWELL ST	ARIEL HOLDINGS II FIFTY FOUR ROSWELL ST L L C	54 ROSWELL ST	Alpharetta	GA	30009
22 482312690401	48 OLD ROSWELL ST	ARIEL HOLDINGS LLC	48 OLD ROSWELL ST	Alpharetta	GA	30009
22 482312690641	40 Old Roswell St	Carlos L Bagwell Revocable Trust The	40 ROSWELL ST	Alpharetta	GA	30009
22 482312690468	71 S MAIN ST 9	BLALOCK ESTATE HOLDINGS LLC	7215 DONCASTER CT	Cumming	GA	30040
22 482312690377	53 S MAIN ST	KELL BUILDING PARTNERS LLC	131 ROSWELL ST SUITE B201	Alpharetta	GA	30009
22 482312690484	43 SOUTH MAIN ST	PARSONS JAMES J	10465 STONEFIELD LNDG	Duluth	GA	30097
22 482312690559	26 JONES AVE	PALMER FAMILY INVESTMENTS LLC	79 S MAIN ST	Alpharetta	GA	30009
22 482312690849	JONES AVE	PARSONS ACE HARDWARE INC	10465 STONEFIELD LNDG	Duluth	GA	30097
22 482312690567	33 MAIN ST	PRASANTH PROPERTIES LLC	416 PIRKLE FERRY RD SUITE H400	Cumming	GA	30040
22 482512690201	23 S MAIN ST	PARSONS ACE HARDWARE INC	10465 STONEFIELD LNDG	Duluth	GA	30097
22 482512690144	21 S MAIN ST	PARSONS ACE HARDWARE INC	10465 STONEFIELD LNDG	Duluth	GA	30097
22 482512690136	9 SOUTH MAIN ST	LOCKWOOD JOSEPH K	369 DORRIS RD	Alpharetta	GA	30004
22 482512690128	3 S MAIN ST 9	LOCKWOODY JOSEPH K	369 DORRIS RD	Alpharetta	GA	30004
22 482512690110	1 S MAIN ST #	ONE SOUTH MAIN LLC	710 COOPER SANDY CV	Alpharetta	GA	30004
22 498412680696	30 MAIN ST	CITY OF ALPHARETTA GA THE	2 S MAIN ST	Alpharetta	GA	30009
22 498412680605	20 MAIN ST	CITY OF ALPHARETTA	2667 CRESTWORTH LN	Buford	GA	30519
22 498412680670	2 MAIN ST	CITY OF ALPHARETTA	287 SOUTH MAIN ST	Alpharetta	GA	30004
22 498412680613	21 NORTH MAIN ST	GEORGIA FED SAV & LOAN ASSN	P.O. BOX 2609	Carlsbad	CA	92018
22 482512690029	STATE HWY 9	CITY OF ALPHARETTA	P.O. BOX 33275	Decatur	GA	30033
22 482512690011	20 N MAIN ST 9	TWENTY NORTH MAIN LLC	233 CANTON ST	Alpharetta	GA	30004
22 482312690583	28 MAIN ST	28 NORTH MAIN STREET LLC	3270 COCHISE DR SE	Atlanta	GA	30339

MILTON COMMERCIAL CENTER/THRIVE

22 482312690591	30 NORTH MAIN ST	DELSON STORES INC	3270 COCHISE DR SE	Atlanta	GA	30339
22 482312690161	38 MAIN ST	CHALK2CHAMPIONS LLC	38 N MAIN ST	Alpharetta	GA	30009
22 482312690146	52 MAIN ST	ATTIG LARRY L & MARGE A	255 OAKMERE DR	Alpharetta	GA	30009
22 482312690138	51 OLD CANTON ST	LUNSFORD SARA H	245 CHINABERRY DR	Roswell	GA	30076
22 482312690153	35 OLD CANTON ST	LANPEG, LLC	35 OLD CANTON ST	Alpharetta	GA	30004
22 482312690054	44 OLD CANTON ST	EAST CANTON LLC	11785 NORTHFALL LN SUITE 510	Alpharetta	GA	30009
22 482312690062	38 OLD CANTON ST	EAST CANTON LLC	11785 NORTHFALL LN SUITE 510	Alpharetta	GA	30009
22 482312690070	32 OLD CANTON ST	EAST CANTON LLC	11785 NORTHFALL LN SUITE 510	Alpharetta	GA	30009
22 482312690609	CANTON ST	WATERS BUILDING LLC THE	241 LAKE FORREST LN	Atlanta	GA	30342
22 482312690104	21 MILTON AVE	WATERS BUILDING LLC THE	241 LAKE FORREST LN	Atlanta	GA	30342
22 482512690219	21 MILTON AVE	WATERS BUILDING LLC THE	241 LAKE FORREST LN NE	Atlanta	GA	30342
22 482512690052	29 MILTON AVE	PHILLIPS ERMINE B	205 SLATON CIR	Roswell	GA	30075
22 482512690060	35 MILTON AVE	WATERS BUILDING LLC THE	241 LAKE FORREST LN	Atlanta	GA	30342
22 482512690078	41 MILTON AVE	MILTON CAPITAL FUND LLC	705 WINDWALK DR	Roswell	GA	30076
22 482312690690	CANTON ST	EAST CANTON LLC	1785 NORTHFALL LANE SUITE 510	Alpharetta	GA	30009
22 482312690831	37 OLD ROSWELL ST	ALPHARETTA TOWN COMMONS LLC	2801 BUFORD HWY NE SUITE T 70	Atlanta	GA	30329
22 482312690336	31 OLD ROSWELL ST	CITY OF ALPHARETTA CORO REALTY LESSEE	P O BOX 450233	Atlanta	GA	31145
22 482312690344	25 OLD ROSWELL ST	CITY OF ALPHARETTA	1065 CHANTILLY DR	Alpharetta	GA	30004
22 482312690351	15 OLD ROSWELL ST	CITY OF ALPHARETTA	2 SOUTH MAIN ST	Alpharetta	GA	30201
22 482512690102	7 OLD ROSWELL ST	WATERS BUILDING LLC THE	241 LAKE FORREST LN	Atlanta	GA	30342
22 482512690094	24 MILTON AVE	WATERS BUILDING LLC THE	241 LAKE FORREST LN	Atlanta	GA	30342
22 482312690187	30 MILTON AVE	LEAFE STEPHEN P	30 MILTON AVE	Alpharetta	GA	30004
22 482312690195	42 MILTON AVE	D & R MILLER HOLDINGS LLC	980 BIRMINGHAM RD SUITE 501-391	Alpharetta	GA	30004
22 482312690203	44 MILTON AVE	SEA MIST IOP LP	185 N PLAZA CT	MOUNT PLEA SC		29464

Legal Description**For Grant Schmeelk****Tax map/Parcel #22 482312690203****44 Milton Avenue**

All that tract or parcel of land lying in Land Lot 1269 of the 2nd District, 2nd Section of Fulton County, Georgia, in the City of Alpharetta, and being more fully described as follows:

Beginning at a P/K Nail Set, located 105.24 feet along the projected Right of Way of Milton Avenue from the intersection of said Right of Way with the Easterly Right of Way of Roswell Street, this being the True Point of Beginning;

From said True Point of Beginning,

Thence continuing along said Milton Avenue Right-of-Way,

SOUTH 86 DEGREES 44 MINUTES 48 SECONDS EAST A Distance of 70.00 Feet

To An P/K Nail Set;

Thence leaving said Right-of-Way, SOUTH 03 DEGREES 15 MINUTES 12 SECONDS WEST A Distance of 100.50 Feet To A P/K Nail Set;

Thence NORTH 86 DEGREES 44 MINUTES 48 SECONDS WEST

A Distance of 70.00 Feet To A P/K Nail Set;

Thence NORTH 03 DEGREES 15 MINUTES 12 SECONDS EAST

A Distance of 100.50 Feet To A P/K Nail Set on the southerly Right-of-Way of Milton Avenue, Thus Being The True Point Of Beginning.

Said Tract Having An Area Of 0.162 Acres ~ 7035.00 Square Feet,

7,035.00 SQUARE FEET



THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS OF PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN GEORGIA PLAT ACT O.C.G.A. 15-6-87. AUTHORITY O.C.G.A. SECS 15-6-87, 43-15-4, 43-15-6, 43-15-10, 43-15-22.

PROPERTY OWNER ACKNOWLEDGES THAT ANY SEPTIC SYSTEMS CONFORM TO ALL SETBACK REQUIREMENTS. APPROVAL OF PLAT DOES NOT GUARANTEE THAT THE FULTON COUNTY HEALTH DEPARTMENT WILL ISSUE A SEPTIC SYSTEM PERMIT.

STATE WAJERS ARE NOT LOCATED ON THIS PROPERTY.

DATE OF SURVEY: APRIL 21, 2016

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN N/A (OPEN) FEET AN ANGULAR ERROR OF N/A SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING THE LEAST SQUARED METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE TO WITHIN ONE FOOT IN INFINITY FEET.

BEARINGS SHOWN ARE BASED ON ANGLES
TURNED FROM A SINGLE MAGNETIC OBSERVATION
AND ARE SUBJECT TO FIELD CONDITIONS.

THE EQUIPMENT USED FOR ANGULAR AND DISTANCE MEASUREMENTS WAS A LEICA ROBOTIC TOTAL STATION TS12.

THIS PROPERTY IS NOT LOCATED WITHIN
THE 100-YEAR FLOOD HAZARD AREA AS PER
FLOOD INSURANCE RATE MAP NO.
13121C0058 F, DATED 9/18/13.

NOTES & REFERENCES

1. TAX MAP/PARCEL
#22 482312690203
2. PARCEL IS ZONED C-1
3. PARCEL IS SERVICED BY
PUBLIC WATER AND SEPTIC
SYSTEMS.
4. DEED BOOK 53688 PAGE 552
5. DEED BOOK 54517 PAGE 16
6. DEED BOOK 55404 PAGE 222

Surveyor's Certificate

It is hereby certified that all monuments and improvements shown hereon actually exist except as otherwise indicated and that their locations, size, type, and material are correctly shown.

$$V = 1.22 \text{ mm}^3$$

Registered Georgia Land Surveyor No. 3081



JOB NO. 16061

[illegible]

ROSWELL STREET
(ASPH WIDTH AND R/W VARIES)

105.24' FROM INTERSECTION OF
ROSWELL STREET R/W & THE
PROJECTED SOUTH R/W OF
MILTON AVENUE AS PER REF. #6

N/T ALPHARETTA TOWN COMMONS LLC
M/P #22 482312690831

MILTON AVENUE
(ASPH WIDTH AND R/W VARIES)

CITY OF ALPHARETTA
#22 482312690344

SURVEY FOR:

GRANT SCHMEELK

CITY OF ALPHARETTA

LAND LOT 1269

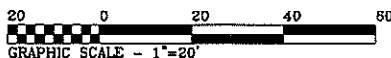
2ND DISTRICT

2ND SECTION

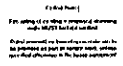
FULTON COUNTY, GEORGIA

PLAT DATE: APRIL 25, 2016

REVISIONS



McCLURE
SURVEYING, INC.
2505 JOHNSON DRIVE - SUITE C
CUMMING, GA 30040
O: (470) 297-5592 C: (678) 283-8764
NATHAN@MCCLURESURVEYING.COM



Building Area Analysis |
BOMA EGA

Lease Criteria

Floor 1 4,887.9751
Floor 2 4,887.9751

GROSS SF 9,775.9502

Int'l 2,442.552

GROSS SF 12,218.5022 | Post
Int'l

Tenant | THRIVE

Project	44 Milton
Suite	Floor 1
Size	See Chart
Owner	44 Milton Building Partners, LLC

DRAWING A2

BACK VERIFICATION

This drawing is just one example of
revised graphic notation of text and
related topics below

1. Verification of bank drawing provided by
Shaw
 2. Verification of survey as map copy
 3. Verification of related documents

• **Protein**

- [illegible]

BEYOND CONSIDERATIONS

1. This is a lease plan | Subject to review
2. LL must approve LL and ALL Tenant plans + work scope
3. All work outside LL Lease Exhibit "C" is at Tenant expense
4. Main revisions may be required based upon:
 - Building code | I Codes
 - Fire LSC code
 - Fire Marshall | Fire Department review
 - CDO | Building department review
 - Egress requirements
 - Exit widths | Number
 - Travel distance + paths
 - Verification of existing signage
 - Verification of egress conditions
 - Verification of egress materials in place

WORK-SHOP MODEL

1. All written, verbatim, printed, electronic, and electronic data to this contract by Contractor is due to date of work.

A. The same shall be for London with some responsibility. I.L. shall not be in the end of, and the one responsibility of Ford.

John Jay College of Criminal Justice, City University of New York

- Space planning
- Budget
- Floor plan preparation
- Permit plan submitted
- Permit expediting
- Contractor report received
- H&M / Mechanical
- Electrical
- Lighting
- Paint
- Commission of parties with
- Polished
- F&C
- Occupied
- Building Phase

3. This plan is based on construction drawings only!

Abstract

Tenant _____ Date _____
Landlord _____ Date _____

Pool Deck Partners, LLC
1705 Peachtree Parkway
Suite 1104
Cumming, Georgia 30042

T 770,699,8122
F 879,513,9044
www.ppsicopsiethan.it

PROJECT NUMBER 2016 107

SPACE VERIFICATION

This drawing (if any) may be revised.
The owner hereby warrants that the space shown on this drawing is the space that will be provided for the use of the tenant.

1. Verification of space shown on this drawing is the responsibility of the tenant.

2. Verification of space to be used is the responsibility of the tenant.

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60. Verification of space to be used is the responsibility of the tenant.

Interior layout is approximate |
Clearances + dimensions to be
field verified prior to permit
drawing preparation

Building Area Analysis |
BOMA EGA

Lease Criteria

Floor 1 4,887.9751

Floor 2 4,887.9751

GROSS SF 9,775.9502

InRt 2,442.552

GROSS SF 12,218.5022 | Post

InRt

A2.1 Level 2 FLOOR PLAN | Damisad
1 Schematic | For reference only

1/8"
@ 24 X 36

Tenant | THRIVE

Project | 44 Milton

Suite | Floor 1

Size | See Chart

Owner | 44 Milton Building Partners, LLC

DRAWING A2.1

APPROVAL

Tenant Date

Landlord Date

PROJECT MANAGER | PROJECT MANAGER | PROJECT MANAGER

Project Manager, LLC

1705 Peachtree Parkway

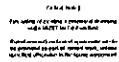
Suite 1104

Lawrenceville, Georgia 30047

T 770.599.5129

F 770.513.0544

www.44milton.com



Building Area Analysis |
BOMA EGA

Lease Criteria

Floor 1 4,867.9751
Floor 2 4,867.9751

GROSS SF 9,735.9502

in 2,442.552

GROSS SF 12,218.5022 | Post
in

Tenant | THRIVE

Project	44 Milton
Suite	Floor 1
Size	See Chart
Owner	44 Milton Building Partners, LLC

DRAWING A1

BLACK VERIFICATION

This checklist is what may be awarded if student provides verification of each not listed below following:

1. Verification of home address provided by client
2. Verification of survey on way copy
3. Verification of cellid, direction, cellular.

- Network
- T-Mobile
- GPS Location | direction | cellular
- Cell direction | direction
- Cell | cellular direction
- GPS | direction
- Cell | cellular direction
- Other might be direction | not

PERMIT CONSIDERATIONS

1. This is a lease plan (subject to revision)
2. LL must approve LL and ALL Tenant plans - work scope
3. All work outside LL Lease Exhibit "C" is at Tenant expense
4. Plan revisions may be required based upon:
 - Building code () Codes
 - Fire LSC code
 - Fire Marshall (Fire Department review)
 - CBO (Building department review)
 - Egress requirements
 - Exit widths (Number)
 - Travel distance - parking
 - Verification of existing work/unwork
 - Verification of existing conditions
 - Verification of existing materials in place

WEEK SEVEN REVIEW

1. of conditions, configurations and dimensions
shall be determined and dimensions
shall be determined by Contractor -
Contractor shall be responsible
2. The owner shall "be" for the location
and dimensions of the building
shall be determined by Contractor -
Contractor shall be responsible
3. The location shall be determined by Contractor -
Contractor shall be responsible
4. The location shall be determined by Contractor -
Contractor shall be responsible
5. The location shall be determined by Contractor -
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Contractor shall be responsible
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Contractor shall be responsible
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Contractor shall be responsible
10. The location shall be determined by Contractor -
Contractor shall be responsible

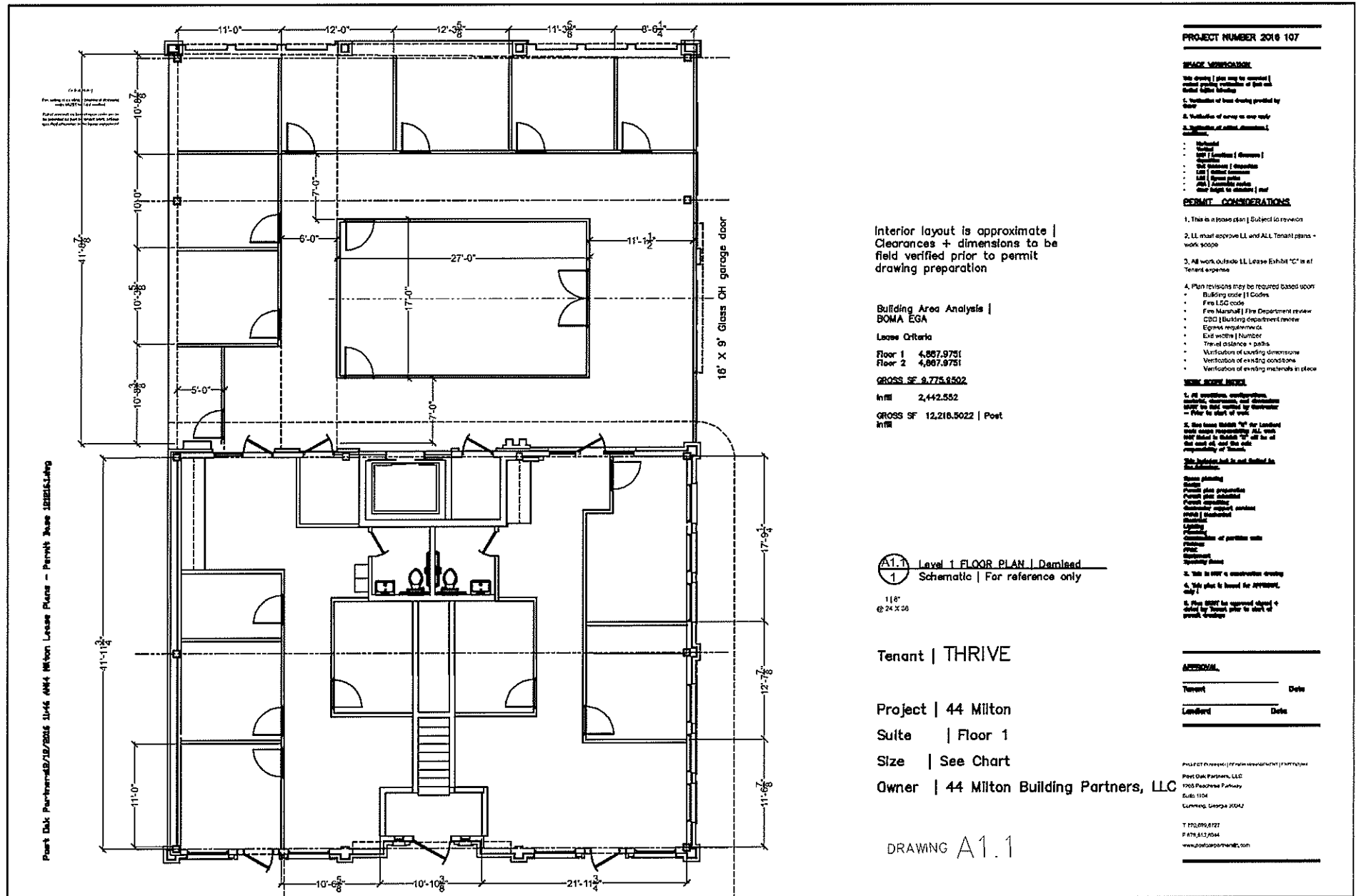
APPROVAL

Tenant _____ Date _____

Landlord _____ Date _____

Pool Oak Partners, LLC
1205 Peachtree Parkway
Suite 1154
Cumming, Georgia 30042

T 770.899.6727
F 678.513.4044
www.pooloakpartnersllc.com





City Council Public Hearing STAFF REPORT

Submitting Department: Community Development

Submitted By:

Meeting Date: February 27, 2017

I. AGENDA ITEM TITLE: MP-16-11 / CLUP-16-07 / Z-16-09: SHARP RESIDENTIAL TOWNHOMES / WINDWARD POD20A

THIS ITEM HAS BEEN WITHDRAWN WITHOUT PREJUDICE BY THE APPLICANT AND WILL BE NEITHER HEARD NOR CONSIDERED DURING THIS MEETING.

II. RECOMMENDATION:

III. BUDGET IMPLICATIONS:

BUDGETED ITEM: NO

FISCAL IMPACT: NO

INCLUDED IN CURRENT FY CPTL BUDGET: NO

INCLUDED IN CURRENT FY OPRT. BUDGET: NO

TOTAL PROJECT COST:

APPROPRIATIONS:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT

EXTERNAL FUNDING SOURCES:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT

IV. REPORT IN BRIEF:

V. ALTERNATIVES:

VI. ATTACHMENTS:

A RESOLUTION OF THE MAYOR AND COUNCIL APPROVING THE SALE OF REAL PROPERTY TO MMS ALPHARETTA, LLC, A GEORGIA LIMITED LIABILITY COMPANY; TO RATIFY CERTAIN PREVIOUS ACTIONS CONCERNING THE SALE OF SUCH PROPERTY; TO AUTHORIZE THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO CARRY OUT SUCH SALE AND CONVEYANCE; AND FOR OTHER PURPOSES

WHEREAS, the City of Alpharetta, Georgia (the "City") is the owner of that certain tract or parcel of land located in Land Lots 1268 and 1269, 2nd District, 2nd Section, Fulton County, Georgia, consisting of approximately 5.113 acres of land, which is more specifically described in the attached Exhibit "A", which exhibit is hereby incorporated herein by reference (the "Property"); and

WHEREAS, Section 6.30(a) of the Charter of the City of Alpharetta authorizes the City Council to sell and convey any real or personal property owned or held by the city for governmental or other purposes as provided by general state law; and

WHEREAS, after due consideration and investigation, the Mayor and Council of the City of Alpharetta (the "City Council") previously determined that the Property (together with other adjacent parcels) is surplus property and the sale of the Property was in the best interest of the public health, safety, and welfare of the citizens of the City of Alpharetta; and

WHEREAS, thereafter, the City published notice of its intent to sell the Property and requested proposals for the purchase of the Property; and

WHEREAS, after giving due consideration to all proposals responsive to such request, the City Council determined MMS Alpharetta, LLC, a Georgia limited liability company to be the highest and best responsible offeror with the proposal most responsive to the City's requirements and conditions for such sale; and

WHEREAS, the City desires to sell the Property for the purchase price and upon all other terms, conditions and purposes delineated in that certain Agreement of Purchase and Sale entered into on or about December 28, 2015, as amended from time to time through the date hereof, (collectively the "Agreement of Purchase and Sale"); and

WHEREAS, the City Council desires to authorize the Mayor, City Administrator, City Clerk, and City Attorney, and such other officials as may be necessary, to execute all agreements, legal

instruments and other documents required to effect the sale of the Property and to deed, convey or otherwise transfer the Property to MMS Alpharetta, LLC;

NOW, THEREFORE, BE IT RESOLVED by the City of Alpharetta, Georgia, and **IT IS HEREBY RESOLVED** by the authority of the Mayor and Council of the City of Alpharetta, Georgia, as follows:

1. The execution by the Mayor of the Agreement of Purchase and Sale is hereby ratified and approved; and

2. The sale of the Property by the City to MMS Alpharetta, LLC in accordance with the Agreement of Purchase and Sale is hereby approved; and

3. The execution and delivery by the Mayor on behalf of the City of a deed and other necessary and appropriate closing documents conveying the Property to MMS Alpharetta, LLC is hereby approved; and

4. The Mayor, City Administrator, City Clerk, and City Attorney, and such other officials as may be necessary, are hereby authorized to execute all agreements, legal instruments and other documents required to effectuate the intent of this resolution; and

5. All acts heretofore taken to effectuate the intent of this resolution are hereby ratified and approved; and

6. This Resolution shall take effect immediately upon its adoption, and all resolutions or proceedings or parts in conflict with this resolution be, and the same are, hereby repealed.

SO RESOLVED AND EFFECTIVE, this _____ day of February, 2016.

CITY OF ALPHARETTA, GEORGIA

By: _____
David Belle Isle, Mayor

[SIGNATURES CONTINUED ON FOLLOWING PAGE]

[SIGNATURES CONTINUED FROM PRECEDING PAGE OF
RESOLUTION APPROVING SALE OF REAL PROPERTY]

COUNCIL MEMBERS

Jason Binder

Jim Gilvin

Mike Kennedy

Dan Merkel

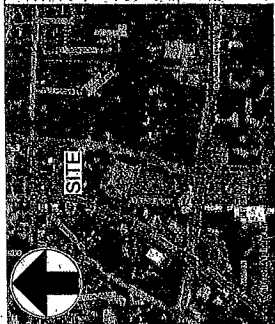
Donald Mitchell

Chris Owens

(SEAL)

Attest:

Coty Thigpen, City Clerk



FINAL PLAT

ALPHARETTA CITY CENTER

MIXED USE DEVELOPMENT

Land Lots 1268 & 1269, 2nd District, 2nd Section
City of Alpharetta, Fulton County, Georgia

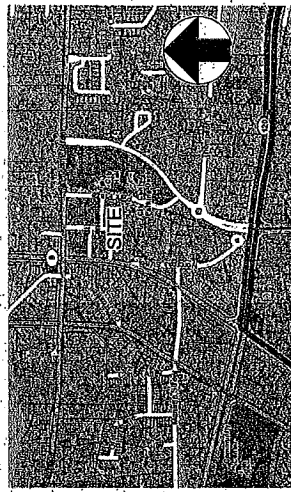
City of Alpharetta LDP #: D160016

FLOOD MAP

NOT TO SCALE

LOCATION MAP

NOT TO SCALE



OWNER

CITY OF ALPHARETTA

2 PARK PLAZA
ALPHARETTA, GA 30009
Mr. Bob Regus
(678) 297-6000

24 HOUR CURRENT CONTACT
Mr. Bob Regus
(678) 297-6010

OWNER'S CERTIFICATE

OF DEDICATION AND ACKNOWLEDGEMENT:

THE OWNER OF RECORD ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED HERETO, IN PERSON, OR THROUGH A DULY AUTHORIZED AGENT, HAS MADE FROM AN ACTUAL SURVEY, DEDICATES TO THE CITY OF ALPHARETTA THE COMPLETE OWNERSHIP, AND USE OF ALL STREETS, PUBLIC WATER FACILITIES, STORM DRAINAGE EASEMENTS, GREENWAY EASEMENTS, AND OTHER PUBLIC FACILITIES AND APPURTENANCES HEREON SHOWN.

SUBSCRIBER: *Robert Davis* DATE: 1/20/2017

OWNER: *Robert Davis* DATE: 1/20/2017

OWNER'S ACKNOWLEDGEMENT:

THE OWNER OF RECORD OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED HERETO, IN PERSON, OR THROUGH A DULY AUTHORIZED AGENT, HAS MADE FROM AN ACTUAL SURVEY, DEDICATES TO FULTON COUNTY, THE COMPLETE OWNERSHIP AND USE OF ALL WATER AND SEWER IMPROVEMENTS CONSTRUCTED OR TO BE CONSTRUCTED IN ACCORDANCE WITH THE PLAT AND TO THE USE OF THE PUBLIC FOREVER THE FOLLOWING:

PUBLIC WATER EASEMENTS: 0.15 ACRES

PUBLIC WATER EASEMENTS: 0 ACRES

TYPED NAME OF OWNER/OF RECORD: *Robert Davis*

SIGNATURE OF OWNER/OF RECORD: *Robert Davis*

SIGNATURE OF OWNER/OF RECORD: *Robert Davis*

DATE: 1/20/2017

CITY OF ALPHARETTA STATEMENTS

1. THE CITY OF ALPHARETTA DOES NOT ENFORCE THE CITY OF ALPHARETTA ZONING ORDINANCE ON THIS PLAT.
2. THE CITY OF ALPHARETTA DOES NOT ENFORCE THE CITY OF ALPHARETTA ZONING ORDINANCE ON THIS PLAT.

Signature of Property Owner: *Robert Davis* DATED: 1/20/2017

FULTON COUNTY DEPARTMENT OF HEALTH AND WELLNESS ENVIRONMENTAL HEALTH SERVICES

THIS DEVELOPMENT IS APPROVED PROVIDED THE FOLLOWING REQUIREMENTS AND PREVENTIONS ARE IN COMPLIANCE WITH THE FULTON COUNTY CODE OF ORDINANCES, CHAPTER 24, ARTICLE IV, DRAINAGE, WATER, AND ARTICLE 14, SEWER DISPOSAL.

- WATER SUPPLY: ☒ PUBLIC WATER ☐ INDIVIDUAL ORNSTE SERVICE (WATER SUPPLIES)
- SEWER DISPOSAL: ☒ PUBLIC SANITARY SEWER SYSTEM ☐ INDIVIDUAL ORNSTE SERVICE (SEWER DISPOSAL)

REVISION DATE: 1/20/2017

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. THAT THE LOCATION, SETTING, AND MATERIAL ARE CORRECTLY SHOWN.

BY: *Robert Davis* FOR THE TRAVIS PRUITT & ASSOCIATES, INC. REGISTERED P.L.S. NO. 7045

DATE: 1/20/2017

FINAL SUBDIVISION PLAT APPROVAL CERTIFICATE

THE COMMUNITY DEVELOPMENT DEPARTMENT OF THE CITY OF ALPHARETTA HAS REVIEWED THIS PLAT AND HAS DETERMINED THAT IT COMPLIES WITH ALL REQUIREMENTS OF THE CITY OF ALPHARETTA ZONING ORDINANCE.

CITY OF ALPHARETTA DEPARTMENT DATE: 1/23/17

REFERENCE PLATS:

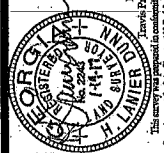
1. Topographic, utility and tree survey for Alpharetta City Center Parcels One thru Six prepared by Travis Pruitt & Associates, Inc., dated April 28, 2016.
2. Final plat for survey for Hagan Bridge Road prepared by Travis Pruitt & Associates, Inc., dated March 15, 2016 (Fulton Co. 071205007).
3. Preliminary plat of Alpharetta Downtown City Center prepared by URS Corporation, last revised September 24, 2013.
4. Construction plans for Alpharetta City Center Mixed Use prepared by Travis Pruitt & Associates, Inc., dated March 15, 2016 (Fulton Co. 071205007).
5. Final plat for survey for Hagan Bridge Road prepared by Travis Pruitt & Associates, Inc., dated March 15, 2016 (Fulton Co. 071205007).

FLOOD HAZARD NOTE:

PORTIONS OF THIS PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD HAZARD ZONE AS SHOWN ON THE FULTON COUNTY FLOOD INSURANCE RATE MAP OF FULTON COUNTY, GEORGIA, COMMUNITY PANEL NUMBER 1312100058F, REVISED SEPTEMBER 18, 2013.

FULTON COUNTY GIS MONUMENT

NUMBER	ELEVATION	NORTHING	EASTING
F320	1133.40'	1480250.38'	2256647.53'



4377 Park Drive, Suite 400
Norcross, Georgia 30092
Phone: (770) 416-7511 Fax:
(770) 416-6759
www.travisprutt.com

Contact Person: H. Lander Dunn
Certificate of Authorization Number 013

COVER SHEET
ALPHARETTA
CITY CENTER
MIXED USE DEVELOPMENT
Land Lots 1268 & 1269, 2nd District, 2nd Section, City of Alpharetta, Fulton County, Georgia

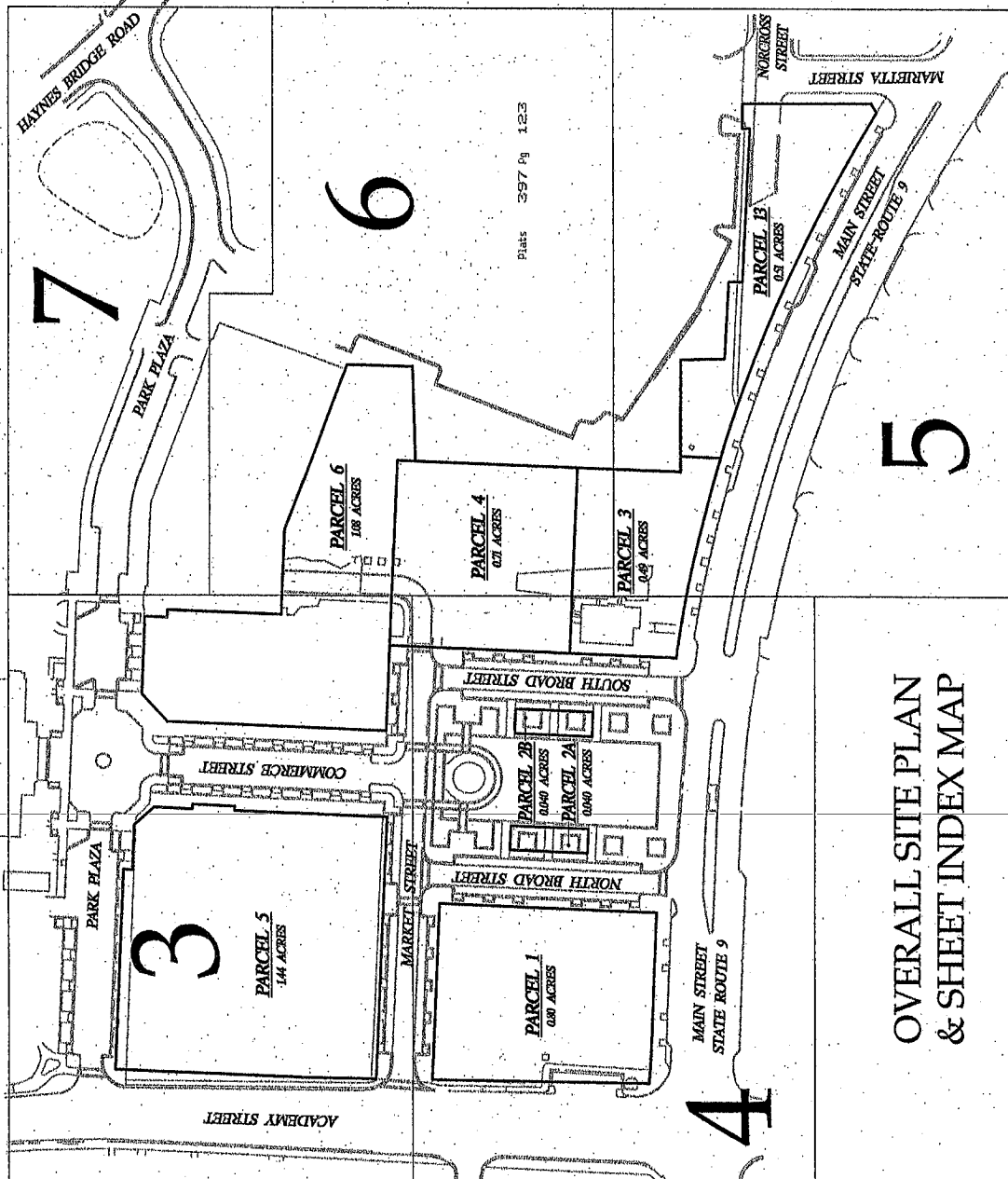
NOT TO SCALE

DATE: 01/18/2017
SCALE: N/A
LSV: BT
CIN: 150503.60DF2.DWG
JUN: 1-15-0503
FN: 116-D-2916
SHEET 1 OF 9

REVISIONS

NO.	DATE	DESCRIPTION	BY
1			
2			
3			
4			
5			
6			
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8			

Grid North (GA West Zone)



OVERALL SITE PLAN & SHEET INDEX MAP

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THESE DRAWINGS AND THEIR REPRODUCTIONS ARE THE PROPERTY
OF TRAUTTS FRUIT & ASSOCIATES, INC. AND ARE NOT TO BE
USED IN ANY WAY WITHOUT THE WRITTEN PERMISSION OF THIS SURVEYOR.

NOTES:
1. See sheet 1 for general notes and certification.
2. See sheet 6 for legend.

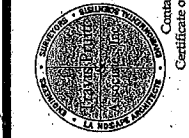
AREA SUMMARY:
Parcel 1 = 0.3016 acres or 34,917 square feet
Parcel 2A = 0.0403 acres or 1,758 square feet
Parcel 2B = 0.0403 acres or 1,758 square feet
Parcel 3 = 0.4889 acres or 21,341 square feet
Parcel 4 = 0.0702 acres or 3,076 square feet
Parcel 5 = 1.4117 acres or 61,452 square feet
Parcel 6 = 0.1619 acres or 7,045 square feet
Parcel 13 = 0.5140 acres or 22,392 square feet

NO.	DATE	DESCRIPTION	BY
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2			
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REVISIONS

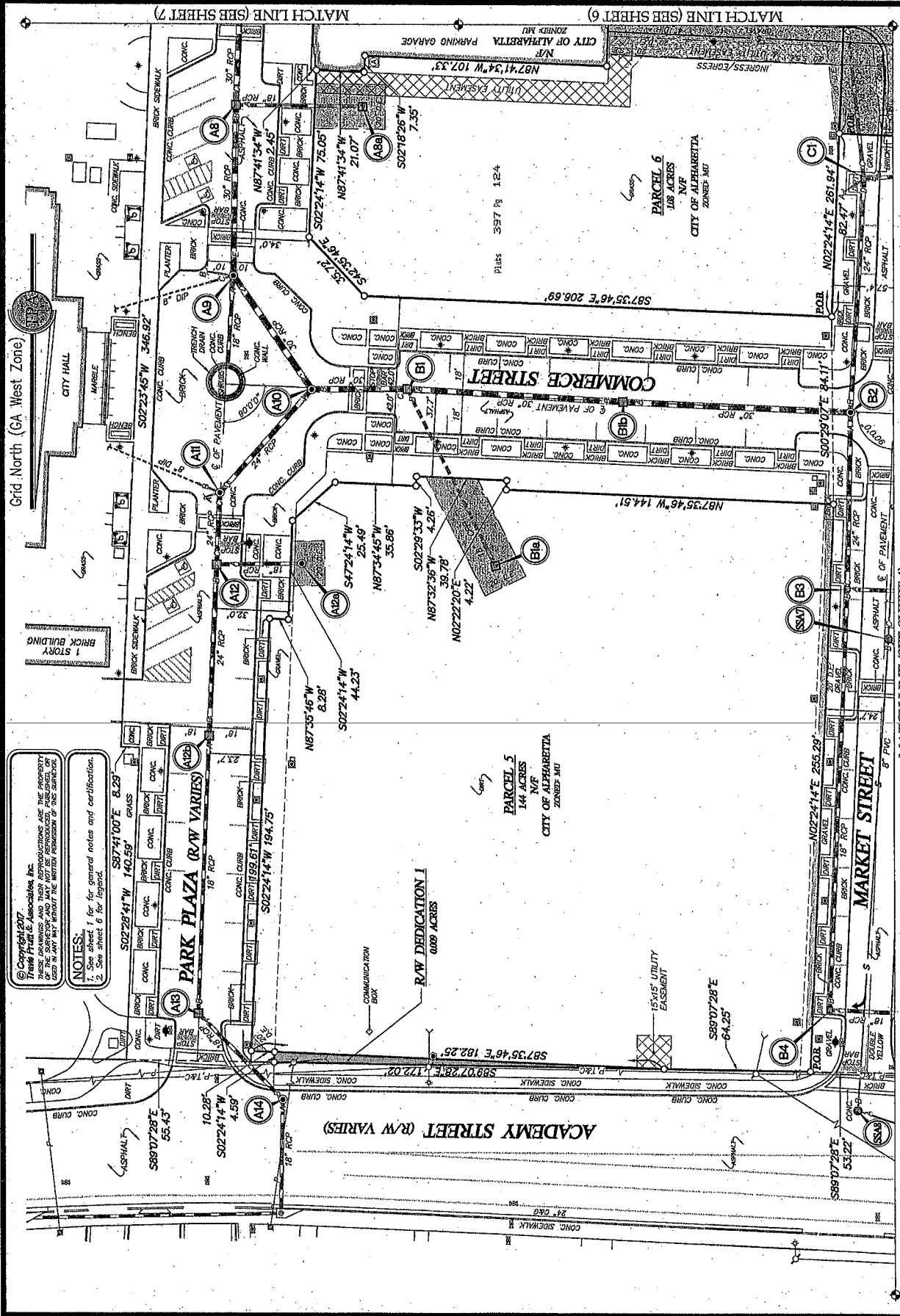


4317 Park Drive, Suite 400
Norcross, Georgia 30093
Phone: (770) 416-7511 Fax:
(770) 416-6759
www.trauttsfruit.com
Contact Person: H. Lander Dunn
Certificate of Authorization Number 613



OVERALL SITE PLAN
ALPHARETTA
CITY CENTER
MIXED USE DEVELOPMENT
Land Lots 1288 & 1289, 2nd District, 2nd Section, City of Alpharetta, Fulton County, Georgia
DATE: 01/18/2017
SCALE: N/A
LSV: BT
GN: 150505.GDDFP.DWG
JN: 1-15-0503
FN: 116-C-2916
SHEET 2 OF 9

For The Firm
Trautts Fruit & Associates, Inc.
This survey was prepared in conformity with the National Standards for Property Surveys in
Georgia as set forth in Chapter 3007 of the Rules of the Georgia Board of Professional Surveyors.
Signature and Seal of Surveyor: Travis Fruit & Associates, Inc. License No. 30993, 150505.



NO. DATE DESCRIPTION BY

1			
2			
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7			
8			

REVISIONS

DATE: 01/18/2017
SCALE: 1"=20'
LSV: BT
CN: 150503.600DFP.DWG
JN: 1-15-0503
FN: 116-P-2916
SHEET 3 OF 9

FINAL SUBDIVISION PLAT

ALPHAIRETTA

CITY CENTER

MIXED USE DEVELOPMENT

Land Lots 1268 & 1269, 2nd District, 2nd Section, City of Alpharetta, Fulton County, Georgia

GRAPHIC SCALE - IN FEET 15 30 60 90 120

NOTES:

1. See sheet 1 for general notes and certification.

2. See sheet 6 for legend.

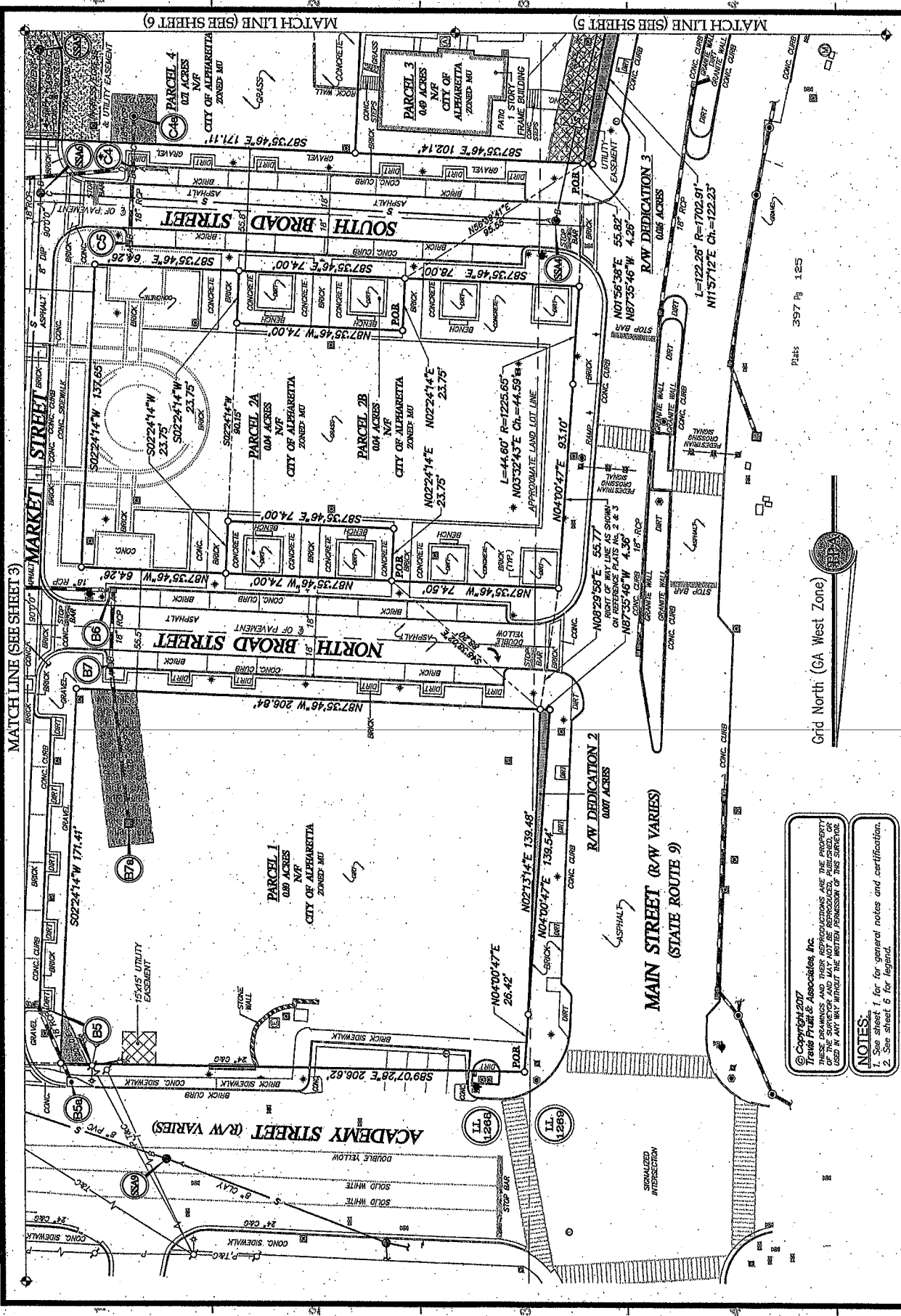
FOR THE FIRM

Travis Pruitt & Associates, Inc.

4317 Park Drive, Suite 400
Norcross, Georgia 30093
Phone: (770) 416-7511 Fax:
(770) 416-6759
www.travispruit.com

Contact Person: H. Lanier Dunn
Certificate of Authorization Number 613

Exhibit "A"
Page 3 of 9



FINAL SUBDIVISION PLAT

ALPHARETTA CITY CENTER

MIXED USE DEVELOPMENT

Long Lots 1288 & 1289, 2nd District, 2nd Section, City of Alpharetta, Fulton County, Georgia

15 0 120

GRAPHIC SCALE 60 IN FEET 90 120

DATE: 01/18/2017

SCALE: 1"=30'

LEV: 6T

CN: 150503.600FP.DWG

JN: 1:15-0503

PN: 118-C-2916

SHEET 4 OF 9

NOTES:

1. See sheet 1 for general notes and certification.

2. See sheet 6 for legend.

REVISIONS

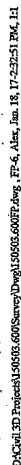
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For The Firm:
Travis Pratt & Associates, Inc.
 4317 Park Drive, Suite 400
 Norcross, Georgia 30093
 Phone: (770) 416-7311 Fax: (770) 416-6759
 www.travispratt.com

Contact Person: H. Lanier Dunn
 Certificate of Authorization Number 613

Exhibit "A"
Page 4 of 9



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NOTES:
 1. See sheet 1 for general notes and certification.
 2. See sheet 6 for legend.

STORM AND SANITARY SEWER DATA TABLE

1	DROP INLET TOP=116.97 INV OUT (15" RCP)=110.92'	B7b	DROP INLET TOP=112.58' INV OUT (18" RCP)=121.58'	C5	CURB INLET GRATE=113.32' INV IN (A 6" PVC)=132.42' INV OUT (B 18" RCP)=112.17'	S19	MANHOLE TOP=113.98' INV IN (A 8" CLAY)=124.33' INV OUT (B 6" PVC)=112.68'
A14	MANHOLE TOP=117.40' INV IN (A 18" RCP)=117.60' INV OUT (B 18" RCP)=117.50'	B7	CURB INLET TOP=113.77' INV OUT (B 18" RCP)=122.47'	C4b	MANHOLE TOP=113.77' INV IN (A 6" PVC)=130.70' INV OUT (B 18" RCP)=123.35'	S18	MANHOLE TOP=113.98' INV IN (A 8" PVC)=120.80' INV OUT (B 6" PVC)=112.60'
A13	DROP INLET TOP=112.17' INV IN (A 18" RCP)=112.36' INV OUT (B 18" RCP)=112.28'	B6	CURB INLET TOP=113.95' INV IN (A 18" RCP)=121.65' INV OUT (B 18" RCP)=121.55'	C1	CURB INLET GRATE=113.45' INV IN (A 6" PVC)=130.70' INV OUT (B 18" RCP)=123.35'	S17	MANHOLE TOP=113.37' INV IN (A 8" PVC)=119.37' INV OUT (C 8" DIP)=118.12'
A12b	DROP INLET TOP=112.17' INV IN (A 18" RCP)=112.36' INV OUT (B 24" RCP)=116.17'	B5b	CATCH BASIN TOP=112.07' INV OUT (B 18" RCP)=126.37'	C3	MANHOLE TOP=112.18' INV IN (A 4" PVC)=121.59' INV OUT (C 18" RCP)=120.98'	S16	MANHOLE TOP=113.11' BOTTOM BOX=114.66' INVERTS INACCESSIBLE DUE TO DEPTH
A12	MANHOLE TOP=112.73' INV OUT (B 18" RCP)=121.13'	B5	CURB INLET TOP=113.44' INV IN (A 18" RCP)=126.29'	C2b	MANHOLE TOP=112.11' INV OUT (B 18" RCP)=125.36'	S15	MANHOLE TOP=113.11' BOTTOM BOX=114.66' INVERTS INACCESSIBLE DUE TO DEPTH
A11	DROP INLET TOP=112.16' INV IN (A 18" RCP)=120.95' INV IN (B 24" RCP)=115.58'	B4	CURB INLET GRATE=113.47' INV OUT (B 18" RCP)=125.92'	C2a	CURB INLET TOP=112.11' INV OUT (B 18" RCP)=125.36'	S14	MANHOLE TOP=113.11' BOTTOM BOX=114.66' INVERTS INACCESSIBLE DUE TO DEPTH
A10	MANHOLE TOP=112.65' INV IN (A 18" RCP)=120.95' INV IN (B 24" RCP)=115.58'	B3	CURB INLET GRATE=113.03' INV IN (A 18" RCP)=120.73' INV OUT (C 24" RCP)=120.63'	C2	CURB INLET GRATE=112.14' INV IN (A 18" RCP)=124.64' INV OUT (C 18" RCP)=118.14'	S13	MANHOLE TOP=113.08' BOTTOM BOX=110.18' INVERTS INACCESSIBLE DUE TO DEPTH
A9	MANHOLE TOP=112.53' INV IN (A 24" RCP)=114.38' INV OUT (C 30" RCP)=113.93'	B2	MANHOLE TOP=113.45' INV IN (A 24" RCP)=118.20' INV IN (B 24" RCP)=117.15'	C1	CURB INLET GRATE=112.01' INV IN (A 18" RCP)=126.11' INV IN (C 18" RCP)=116.51'	S12	MANHOLE TOP=112.45' BOTTOM BOX=110.18' INVERTS INACCESSIBLE DUE TO DEPTH
A8a	MANHOLE TOP=112.65' INV IN (A 18" RCP)=120.95' INV IN (B 24" RCP)=115.58'	B1b	DROP INLET TOP=112.02' INV OUT (B 30" RCP)=115.92'		INV IN (C 18" RCP)=116.51' INV OUT (D 24" RCP)=118.41'	S11	MANHOLE TOP=112.01' INV IN (A 8" DIP)=110.733'
A8	DROP INLET TOP=112.16' INV IN (A 18" RCP)=115.94' INV IN (B 30" RCP)=112.51'	B1	DROP INLET TOP=112.15' INV IN (A 30" RCP)=114.59'		INV OUT (C 30" RCP)=114.49'	E1	MANHOLE TOP=110.97' INV IN (A 8" PVC)=110.77'
A7	DROP INLET TOP=112.01' INV IN (A 30" RCP)=111.26'	B1a	DROP INLET TOP=112.15' INV OUT (C 30" RCP)=114.49'		INV OUT (C 30" RCP)=114.49'	E2	MANHOLE TOP=113.42' INV IN (A 8" DIP)=110.327'

Plats 397 Pg 129

NO. DATE DESCRIPTION BY		FINAL SUBDIVISION PLAT ALPHARETTA CITY CENTER MIXED USE DEVELOPMENT		DATE: 01/18/2017 SCALE: N/A LSV: BT CMT: 150503.6007P.DWG JN: 1-15-0503 FN: 116-C-2916 SHEET: 8 OF 9
1 2 3 4 5 6 7 8		REVISIONS		LONG LOTS 1288 & 1289, 2nd District, 2nd Section, City of Alpharetta, Fulton County, Georgia

4307 Peach Drive, Suite 400
 Norcross, Georgia 30093
 Phone: (770) 416-5711 Fax:
 (770) 416-5759
www.travisfrute.com

Contact Person: H. Lanier Drum
 Certificate of Authorization Number: 613



Travis Frute & Associates, Inc.
 This survey was prepared in conformity with the Technical Standards for Professional Surveyors in Georgia as set forth in Chapter 300 of the Rules of the Georgia Board of Registration of Professional Surveyors. It is hereby certified that the survey was made in accordance with the Georgia Professional Surveyor Act of 1998.

CITY COUNCIL AGENDA ACTION SUMMARY

Public Hearing Date: May 18, 2015

Item: Z-15-02(CU-15-02) 15-13 City Center

Consideration of rezoning approximately 26 acres from C-2 and SU to MU in order to allow a mix of use for office, civic, commercial, residential, park and open space. A conditional use to allow for-rent dwellings is also requested. The property is generally described as being located east of Main Street and south of Academy Street, north of Thompson Street near the intersection with Haynes Bridge. The property is legally described as being located in Land Lot 1268, 2nd District, 2nd Section, and Land Lot 748, 1st District, 2nd Section, Fulton County, Georgia.

Motion: Approved with Conditions

Second: Kennedy
Vote: 5-2

Approve Z-15-02(CU-15-02) 15-13 Mid-City Road Estate Partners/City Center request for a zoning change from SU, OP, C-2 and R-12 to MU with the following conditions:

1. Property shall be zoned "MU" with a "Mixed Use" land use category.
2. Retail/Restaurant and Residential shall be constructed concurrently.
3. Property shall be developed substantially similar to the site plan presented.
4. Residential density shall be limited to a maximum of 8 residential units per acre. For-rent residential shall be limited to 168 units.
5. Square Footage Limitations:
Commercial (Retail/Restaurant) 104,400 square feet
Office 104,400 square feet
Residential 104,400 square feet
6. Professional shall be limited to following uses:
Art Galleries
Academic Services/Tutoring
Athletic Facilities/Fitness
Alkardons
Bakery
Barber Shop, Beauty Shop, Skin Care
Book Store/Stationery
Dry Cleaning-Pick Up Station
Florist-Retail
Gourmet Food Store
Wine Store
Office (including medical and dental)
Restaurant
Retail
Shop or Studio
Spa Services (conditional use)
Nail Salon
Fine Arts Performance Center

7. Parcel 11 (Corner of Thompson and Haynes Bridge Road) shall include a 10 foot wide multi-use trail from Haynes Bridge Road east through the property in the order most 50 to 75 foot stream buffer.
8. The Detention Retention Area shall be heavily landscaped and/or made into an amenity area with final approval by staff.
9. Residential buildings 1-5 and buildings 21, 43-45 shall have their front door facing towards Haynes Bridge Road to create a strong, consistent edge. Architecture of For-Sale homes shall be similar to submitted elevations and include formal gardens and stone walls as depicted. Final approval by Staff.
10. Buildings adjacent to town green shall not exceed of 1700 square feet to the town green buildings with the final elevations to be approved by Council as a conditional use at a Public Hearing. 750 of each and 50% of the total perimeter walls shall be transparent.
11. For buildings facing Main Street, facade have a minimum of 24 feet high with exception of Jones House and any buildings along the town green.
12. Buildings 1-5 shall have a 3 story height with mixed roof types in order to appear as separate buildings, some being flat and other with gables with final approval to be by staff and DRB.
13. All "store front" streets shall contain retail and restaurant on the first floor. A retail/restaurant use shall not be required on Parcel 7 and Parcel 4 on the side fronting Park Plaza or Academy Street. Office uses are permissible on the interior corners facing City Hall. One (1) first floor space, approximately 20 feet wide, for a Retail Estate Sales office is permitted on Parcel 4.
14. There shall be one entrance/exit of approximately 15 feet wide on Parcel 7 facing Parcel 4 for residential entrances/exits.
15. Existing plans will be submitted for review and will be approved by Design Review Board.
16. Brick sidewalks abutting lots of 100 feet or more shall be required and be finished. The corner of Haynes Bridge Road and Thompson Street shall be finished with brick sidewalks and seating area. Final approval by Staff.
17. "For-rent" residential shall follow standards established for dwellings within the Central Business and ground floor residential units shall:
a. Be oriented to the sidewalk.
b. Provide individual unit entrance from the exterior of the building.
c. Provide individual stoops or porches.
18. Brick sidewalks abutting lots of 100 feet or more shall be required and be finished. The corner of Haynes Bridge Road and Thompson Street shall be finished with brick sidewalks and seating area. Final approval by Staff.
19. All building architecture including the parking garage addition shall adhere to the Alpharetta Downtown City Center Development Guidelines with final approval to be by staff and DRB.
20. Property adjacent to Public shall require a minimum 5' landscape buffer.
21. Property located north of Haynes Bridge Road roundabout shall be heavily landscaped with final approval by staff.
22. Solid waste deposit locations shall be screened and location to be approved by staff.

NO.	DATE	DESCRIPTION	BY
1			
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5			
6			
7			
8			

REVISIONS



4317 Park Drive, Suite 400
Norcross, Georgia 30056
Phone: (770) 416-9511 Fax
(770) 416-9529
www.alpharetta.com

Contract Person: H. Lanier Dunn
Certificate of Authorization Number 033



The survey was prepared in conformity with the Technical Standards for Property Surveys in Georgia as set forth in Chapter 88V of the Rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in the Georgia Public Code Official Code 24-2-2.

ZONING/NOTES
ALPHARETTA
CITY CENTER
MIXED USE DEVELOPMENT
Land Lots 1268 & 1269, 2nd District, 2nd Section, City of Alpharetta, Fulton County, Georgia
NOT TO SCALE

DATE: 01/18/2017
SCALE: N/A
LSV: BT
GN: 150505.600FP.DWS
JN: 11-15-0503
FN: 11-15-0503
SHEET 9 OF 9

Plate 397 by 130
Carter, H. Robinson
City of Alpharetta
Fulton County, Georgia

SURVEY NOTES:
1. The survey shown hereon was prepared without reference to any previous surveys, plat records, H. Robinson & Associates, Inc. or any other source. It is the responsibility of the surveyor to make no guarantee or representation regarding information shown hereon pertaining to easements, rights of way, setback lines, agreements, reservations, and other similar matters.
2. Unless otherwise specified, all distances are in feet and all bearings are in U.S. survey feet (39.37 inches = 1 meter).
3. The project horizontal datum is relative to the North American Datum 1983 (NAD83), 2011 adjustment, projected to the Georgia State Plane Coordinate System, West zone. The vertical datum is relative to the North American Vertical Datum of 1988 (NAVD88) using the National Geodetic Survey (NGS) Geoid 2011.
4. The field data upon which this survey is based has a closure precision of one foot in 142,325 feet, and an angular error of 3" per angle point, and was adjusted using the compass rule method. Angular and linear measurements were made using a Leica TS 15 Robotic Total Station. A portion of this survey was performed using Leica GS 15 GPS receivers with network adjusted real time kinematic measurements (RTK) using the NGS CORS network. The survey included redundant measurements with positional accuracy better than 0.07'.
5. This map or plat has been calculated for closure and is found to be accurate within one foot in 84,721 feet.

ZONING: MU
(Z-15-02 / CU-15-02)
Front Yard Setback: 60'
Side Yard Setback: 20'
Rear Yard Setback: 30'
This information is reported from public information and is not guaranteed. It is the responsibility of the surveyor to interpret or make adjustments regarding the zoning designation shown hereon.

DATUM:
CONTROL IS BASED ON GEORGIA WEST STATE PLANE COORDINATES, NORTH AMERICAN HORIZONTAL DATUM OF 1983 (NAD83) AND NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) MEASURED IN US SURVEY FEET.

NOTES:
1. See sheet 1 for general notes and certification.
2. See sheet 6 for legend.

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