



PLANNING COMMISSION MEETING FEBRUARY 2, 2017

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

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF MEETING MINUTES
 - a. January 5, 2017
- IV. ITEMS FROM BOARD MEMBERS
- V. ITEMS FROM STAFF
- VI. PUBLIC HEARING
 - a. CLUP-15-01/MP-15-01/Z-15-01/V-15-01 KB400 Master Plan/1699 Land CO. LLC
This item has been deferred by the Applicant until Thursday, March 2, 2017.
Consideration of an amendment to the KB400 Master Plan to add 'Dwelling, 'For-Sale' Attached and Detached' as permitted uses in order to allow for 25 'For-Sale' townhome units and 57 single-family detached lots in a gated community on 12.46 acres. The applicant also requests a rezoning of the property from O-I (Office-Institutional) to CUP (Community Unit Plan), as well as a change to the Comprehensive Land Use Plan from 'Corporate Campus Office' to 'High Density Residential'. A variance is requested to reduce the minimum 100-acre lot size in the CUP district.
 - b. MP-17-03/CU-17-02 Cutter's Cigar Emporium
This item was tabled by the Planning Commission on January 5, 2017. It must be removed from the Table for consideration.
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-17-03 Update to Comprehensive Land Use Plan - Downtown Residential Development
Consideration of an amendment to the 2035 Comprehensive Plan to add language to the Downtown Activity Center and Kimball Bridge Activity Center character areas in order to clarify the vision for redevelopment of existing residential neighborhoods.
 - e. PH-17-05 UDC Changes - Text Amendments - Signs & Downtown Parking
Consideration of amendments to the Unified Development Code (UDC) Section 2.6.12 (C)(2) to increase the maximum wall sign area permitted in industrial and office parks from 156 square feet to 240 square feet and delete a provision in UDC Appendix A, Section 2.4 (C)(3) Downtown Parking Code.
- VII. ADJOURNMENT



JANUARY 5, 2017

ALPHARETTA CITY HALL
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2 PARK PLAZA
6:30 PM

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

I. CALL TO ORDER

a. Election of Officers for 2017

- ❖ Commission Member Caswell nominated Francis Kung'u for Chairman
 - The nomination received a second from Commission Member Richard
 - The motion passed by vote (7-0)
- ❖ Commission Member Richard nominated Kyle Caswell for Vice-Chairman
 - The nomination received a second from Commission Member Cashion
 - The motion passed by vote (7-0)

II. ROLL CALL

- Commission Members Present
 - Francis Kung'u (Chairman)
 - Kyle Caswell
 - Rob Partee
 - Karen Cashion
 - Larry Attig
 - Ben Burnett
 - Karen Richard
 - John Goss
- Commission Members Absent
 - Fergal Brady
- Staff Present
 - Kathi Cook, Director of Community Development
 - Michael Woodman, Senior Planner

- Eric Graves, Senior Traffic Engineer
- Elle Taylor, Boards Assistant

III. APPROVAL OF MEETING MINUTES

a. December 1, 2016

- ❖ Commission Member Caswell offered a motion to approve
 - The motion received a second from Commission Member Richard
 - The motion passed by vote (7-0)

IV. ITEMS FROM BOARD MEMBERS

V. ITEMS FROM STAFF

a. Planning Commission By Laws

VI. PUBLIC HEARING

a. MP-16-14/Z-16-15 Notting Hill Old Milton Holdings MU

(Tabled by Planning Commission December 1, 2016)

- ❖ Commission Member Caswell offered a motion to remove this item from the table
 - The motion received a second from Commission Member Attig
 - The motion passed by vote (7-0)

Kathi Cook, Director of Community Development, presented consideration of a request to rezone approximately 2.9 acres from R-12 (Dwelling, 'For-Sale' Residential) and DT-LW (Downtown Live-Work) to MU (Mixed-Use) in order to develop 48 'For-Sale' condominium units and 36,000 square foot office building. A master plan amendment is requested to the Old Milton Holdings Master Plan to change previous conditions of zoning and add property to the master plan. The property is located at the southwest corner of Thompson Street and Park Street and is legally described as being located in Land Lot 749, 1st District, 2nd Section, Fulton County, Georgia

Director Cook presented:

- Zoning Designation of surrounding properties
- Old Milton Holdings Master Plan was approved on March 30, 2015 as a mixed-use development.
- Table reflecting currently approved as compared to applicant's proposal

Existing/Proposed Phase II Property & Existing/Proposed Overall Master Plan

	Existing Zoning	Proposed Zoning	Net Change	Existing	Master	Proposed Master Plan
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				Plan	
Acreage	5.68 ac	5.68 ac		21.07 ac	23.89 ac
Residential	12 SFD, 7 TH, 54 Stacked Flats	42 Stacked Flats	-12 SFD - 7 TH -12 Stacked Flats	21 SFD, 111 TH, 54 Stacked Flats	25 SFD, 89 TH, 42 Stacked Flats
Density	12.85 du/ac*	7.39 du/ac	- 5.40 du/ac	8.83 du/ac	6.53 du/ac
Office	0	36,000 SF	+ 36,000 SF	12,000 SF	48,000 SF

- *Overall residential density for Old Milton Holdings Master Plan capped at 8.83 du/ac.

- Downtown Master Plan 5 year Market Study
- Site Plan with 42 stacked flat units in eight (8), three (3) story buildings with parking underneath each building along Thompson Street and Park Street. Each building will consist of six (6) units, except that two (2) small buildings will have three (3) units each. A two (2) story 36,000 square foot office building with surface parking lot is depicted along Old Milton Parkway. Stacked flat buildings are oriented to Thompson Street and the office building is oriented to Old Milton Parkway. As shown below, the original site plan depicted nine (9) stacked flat buildings on the 2.86 acres at the northwest corner of Old Milton Parkway and Park Street.
- Parking
- Access, Sidewalks and Setbacks - Two (2) driveways are depicted on Thompson Street to access the stacked flats. Access for the office building is depicted as one (1) driveway on Park Street and one (1) driveway on Old Milton Parkway. 12' sidewalks are proposed along Thompson Street and Old Milton Parkway and 8' sidewalks are proposed along Park Street. Building setbacks are shown as follows:
 - Old Milton Parkway – 20'
 - Park Street – 10'
 - Thompson Street – 30'
 - Internal Setbacks – 5'
- Linear Park
- Specimen Trees, Arborist Assessment and Tree Protection Ordinance
- Consultant's review and comments on site plan: – recommended revising the site plan depicting greater connectivity and integration of uses.
- Conditions of Zoning related to residential and non- residential buildings
- Building at corner of Thompson St and Park St does not meet Condition #30 as the rear elevation; including garages are facing Park Street. Staff recommends 4-sided architecture and materials, as well as decorative garage doors.
- Downtown Architect Comments regarding revised elevations
- Trip Generations
- MU Review Criteria:

Staff has reviewed the applicant's proposed site plan against the review criteria for the MU district and finds that the proposed site plan does not adequately address and/or does not comply with the following MU review criteria.

3. Large parking areas below grade, in decks or screened. Design efforts to provide shared parking will also be considered.

5. Buildings that face or appear to face public roadways.

8. *Creation of vistas and view corridors within development.*
10. *Incorporation of natural site features.*
15. *Emphasis on a high quality landscape plan.*
16. *Number of office jobs internally captured on-site.*

There is a large parking area associated with the office building. In addition, the site plan depicts parking in excess of the Downtown Code requirement and shared parking is not provided. The stacked flat building at the corner of Thompson Street and Park Street is not oriented to Park Street. Staff recommends a condition that a bicycle and pedestrian connection be accommodated through the site at the entrance to the stacked flats on Thompson Street to the north side of the office building. If accommodated by the applicant, a view corridor will be provided through the development. The applicant's site plan does not save any on-site trees; therefore, the site does not incorporate natural site features. While the site plan depicts landscape strip trees, it does not reflect a detailed landscape plan with trees, shrubs, and ground cover, which will be required at land disturbance permit submittal. The applicant has not provided any information regarding office jobs internally captured on-site. However, several residential housing types are under construction or approved in the Downtown that could work at the office. Office is a good addition to the master plan.

- Zoning Review Criteria:

Whether the zoning proposal will adversely affect the natural environment.

Response: The proposed development will have impacts on the natural environment. The applicant's site plan does not save any trees. Per the City's Tree Protection Ordinance, an alternate plan is required, which incorporates specimen trees into the site design and limits off-site impacts.

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

Response: The properties could be developed under the current zoning districts. However, the proposal will result in a net reduction in the overall residential density and is consistent with the land use designation of the property, which is Mixed Use Live-Work. Additional efforts to incorporate tree saves should be required, as well as pedestrian connections and integration of uses.

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 zoning proposal will result in a net reduction in the overall residential density. Also, the proposed mix of uses are consistent with a live-work environment, which should result in a net trip reduction.

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 within the Downtown Overlay in an area designated Mixed Use Live-Work. Therefore, the proposed uses are consistent with this designation. However, additional efforts to incorporate tree saves should be required, as well as pedestrian connections and integration of uses.

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 rezoning request reflects a reasonable balance as the mix of uses complement the developments proposed along the Thompson Street corridor. However, additional efforts to incorporate tree saves should be required, as well as pedestrian connections and integration of uses.

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

Response: The property can be developed as approved; however, the proposal will result in a net reduction in overall density. However, additional efforts to incorporate tree saves should be required, as well as pedestrian connections and integration of uses.

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

Response: The zoning proposal meets the Comprehensive Land Use Plan designation of the property, which is Mixed Use Live-Work.

City Staff reviewed the applicant's proposal and finds that it cannot support the request for master plan amendment and rezoning. While the proposal will result in uses that are consistent with the Downtown Master Plan and Comprehensive Plan, the applicant's site plan does not incorporate tree save areas and therefore does not comply with the City's Tree Protection Ordinance. In addition, the applicant's site plan lacks connectivity and integration of uses. If approval is considered, architectural and site conditions are recommended to protect the tree canopy, promote pedestrian connectivity and ensure a quality product.

Staff's recommendation was to deny MP-16-14/Z-16-15 Notting Hill/Old Milton Holdings/MU request for master plan amendment and rezoning. Staff gave recommendations for conditions if approval is considered.

There was discussion on:

- Reduction of residential units, addition of office
- Tree Save concerns
- New Site Plan exceeds green space requirements
- Internal Greenspaces
- Downtown Design Guidelines
- Elevations
- Break up of Buildings
- Connectivity, Blend of uses
- Consultant comments
- Impact to schools
- Guest Parking

Jill Arnold, Steve Rowe presented for the Applicant:

- Review of Request
- Transfer of Stacked Flats
- Reduction of residential units, addition of office
- Overview of Site Plan
- Revised Site Plan reduced parking which enabled tree save, underground parking. Building will be raised up for good aesthetic.
- Reason for Gate
- Bicycle Gate
- Linear Park
- Two Crossings
- Stacked Flats
- Gated Entrance on Back side

- Center Building
- 3 bedroom units, 2000-2500sf, \$600k
- Target Market empty nesters
- Response to Staff Conditions

There was discussion on:

- Entrance of Park St
- Pedestrian Gated access point
- Path from Linear Park to Office Building
- Width of Internal Roads (22-24')
- Reason for no sidewalk – Applicant stated it would eliminate greenspace and create need for retaining wall
- Office Building
- MU – High density zoning designation, tradeoff is to make it accessible and walkable

Chairman Kung'u opened the floor to Public Comment at 7:34 p.m.

In Opposition:

Alexander Williamson 12535 Wexcroft Lane

Concern:

1. Drainage

Applicant gave a rebuttal explaining drainage system.

❖ Commission Member Cashion offered a motion to approve subject to the following conditions:

- The motion received a second from Commission Member Richard
 - The motion passed by vote (7-0)
1. The site, consisting of approximately 5.68 acres, shall be zoned MU and developed substantially similar to site plan submitted by AEC, dated 1/4/2017, except for modifications required to comply with the conditions below.
 2. The 5.68-acre property shall be designated Phase II of the Old Milton Holdings Master Plan. To the extent of any conflict between these conditions and prior Master Plan conditions, these conditions control. Additionally, these conditions supersede and replace in their entirety the original conditions applicable to Phase II.
 3. The residential density within Phase II of the Old Milton Holdings Master Plan shall be limited to no more than 7.40 dwelling units per acre. The overall residential density for the Old Milton Holdings Master Plan shall be limited to no more than 6.53 dwelling units per acre.
 4. Office portion of the site shall be limited to a 40,000 square foot, minimum 2-story building and use limited to professional office, medical office, clinic and bank without drive-through. Any additional uses listed as conditional in the O-I zoning district shall require approval of a conditional use permit.

5. Building setbacks shall be: 30' on Thompson Street, 20' on Old Milton Parkway, 10' on Park Street, and 5' internal property lines.
6. Thompson Street shall generally be improved as follows: 36' half width right-of-way to incorporate 8' sidewalk (concrete with brick paver banding), 6' planting area, 8' on-street parking, and 10' travel lane with final approval by Staff. Final streetscape shall match the approved Thompson Street streetscape standards and include decorative pedestrian lighting as approved by Staff.
7. On-street parking shall be provided on Park Street, if feasible, as approved by Staff.
8. Roadways with on-street parking shall incorporate curb extensions at intersections. Internal road shall include on-street parking and sidewalk, if feasible, as approved by Staff.
9. A tree save area shall be set aside at the corner of Old Milton Parkway and Park Street, as identified on the site plan, dated 1/4/2017. Encroachment into the CRZ of the 30" Pecan (#89), 20" Water Oak, 7" Water Oak, 6" Water Oak, 5" Water Oak, and 4" Water Oak shall be limited to no more than 20%, as approved by Staff. Tree save area shall be recorded on the final plat. The applicant shall conduct a climbing inspection of the 30" Pecan to determine the viability of the tree, including a determination that the area where the tree forks is structurally sound. If the 30" Pecan is determined to be a 'good' save, tree care plan shall be provided to staff for approval within 4 weeks of the City Council decision on this matter and shall include cabling, soil compaction reduction, fertilization, and insect and borer control among other items to be approved by the City Arborist. If the 30" Pecan is determined to be unworthy of saving, the tree save area at the corner shall be replanted with 3 times the inches removed (90") with trees that have a minimum caliper of 12" – 15", as approved by Staff.
10. Stacked flats shall accommodate required parking underneath each building. Guest parking may be surface parking and shall be heavily screened from the public right-of-way.
11. Linear Park shall be developed along Thompson Street frontage with a minimum width of 30', including an 8' sidewalk and improved green space as approved by Staff. The linear park shall include stacked stone, brick or granite wall between the stacked flats and the linear park with final approval by Staff. Under ledge wall lighting shall be required. Benches and a public art pedestal shall be provided as approved by Staff.
12. Linear Park, corner of Old Milton Parkway and Park Street, and amenity lawns shall include a mix of trees, shrubs, and ground covers of varying heights, textures and colors as approved by Staff.
13. Applicant shall provide an easement to the City for the linear park, including seating areas along Thompson Street. Linear park shall be maintained by the HOA.
14. Development shall not be gated.
15. Stacked flats architecture and materials shall be developed substantially as submitted and in compliance with the Downtown Code subject to Staff approval. 4-sided architecture and materials shall be required. Garage doors shall be a custom, decorative design and material as approved by Staff.
16. Office building architecture and materials shall be developed substantially as submitted and subject to DRB approval.
17. A pedestrian and bicycle connection shall be provided from the linear park along Thompson Street through the stacked flats and to the rear of the office building. Connection shall be an accessible linear green path as approved by Staff.
18. Parking areas and internal driveways shall be heavily screened from Old Milton Parkway, Park Street and Thompson Street.
19. A minimum 5' heavily planted landscape strip shall be required adjacent to the property to the west, including between the stacked flats and office building parcels and shall be expanded up to 15', where possible.
20. Internal sidewalks shall be provided to the fronts of units and shall be a minimum 5' with pedestrian-scale lighting provided throughout the development.
21. All buildings shall have connectivity to the sidewalk system.
22. Fencing visible from the public right-of-way shall be decorative as approved by Staff.
23. Off-site tree encroachment shall be limited to no more than 20% on the CRZ and shall require notification/approval by property owner, as approved by administrative variance.
24. Delete previous Old Milton Holdings (CLUP-14-07/Z-14-11/V-14-26) zoning condition #35.
25. The corner of Old Milton Parkway and Park Street shall be a minimum 2,000 square feet and heavily landscaped with a seating area and decorative wall or other feature as approved by Staff.

26. The corner of Thompson Street and Park Street shall be heavily landscaped, including a decorative wall and sculpture and/or water feature as approved by Staff. Additional landscaping shall be providing to screen the rear of the building facing Park Street.
27. Decorative paver aprons shall be required at each of the 4 driveways as approved by Staff.
28. Provide a pedestrian crosswalk (brick paver) across Park Street providing a midblock connection between Phase 1 and 2 of the Old Milton Holdings Master Plan, as approved by Staff.
29. Landscape, hardscape, fences and walls shall compliment materials used in Phase 1 of the Master Plan.

b. MP-17-02/CU-17-04 Milton Park Promenade II

Michael Woodman presented consideration of a master plan amendment request to change previous conditions of the Milton Park Master Plan in order to allow an ice cream store within a space designated for office use in the Milton Park Promenade II center. A conditional use is requested to allow an ice cream shop, which is classified as a restaurant use. The property is located at 5950 North Point Parkway at the southwest corner of Mill Creek Avenue and North Point Parkway and is legally described as being located in Land Lot 796, 1st District, 2nd Section, Fulton County, Georgia.

❖ Commission Member Cashion offered a motion to approve with the following conditions

- The motion received a second from Commission Member Partee
 - The motion passed by vote (7-0)
1. Development shall be limited to office, restaurant, and bank use only with up to 13,900 square feet of retail. Of the 13,900 square feet of retail, 5,386 square feet shall be limited to the sole use of Steinway Piano. Upon the cessation or termination of that use by Steinway Piano, said 5,386 square feet shall revert to office use. All other uses shall require City Council approval, remaining 8,514 shall be permitted use from Condition 4 in file MP-08-07/CLUP-08-02/Z-08-02/V-08-05 Milton Park Promenade II. No freestanding retail or restaurants shall be permitted. Applicant agrees to transfer 19,000 square feet of retail density from Town Square in exchange for the 13,900 square feet of retail in this application. No additional retail will be allowed within the Milton Park Master Plan.
 2. Density shall be limited to 15,000 square feet per acre (previously approved). Densities are as follows: Up to 13,900 square feet of retail for Steinway Piano and uses as listed below in Condition 4; up to 10,784 square feet restaurant, with the remaining density O-I, provided the developer meets all zoning conditions
 3. Buildings shall not include one single tenant, shall be multi-tenant with support services. Upper level limited to office uses only. Lower level limited to the following permitted retail uses:
 - Art Gallery/Art Framing/Art Sales
 - Bakery
 - Barber Shop
 - Beauty Salon/Supply
 - Book/Video Store
 - Card/Gift Shop
 - Carpet and Rug Sales
 - Cellular Phone Sales
 - Clinic
 - Clothing Boutique/Tuxedo Rental
 - Coffee/Bagel Shop
 - Commercial School
 - Consumer Electronic Sales
 - Custom Alterations/Tailoring

- Day Spa
 - Drug Store
 - Dry Cleaners – Pick Up Only
 - Florist
 - Food Store (specialty or gourmet only)
 - Hair/Nail Salon
 - Hardware and Garden Supply Store
 - Hobby Shop/Children’s Toy Store
 - Home Décor and Furniture Sales
 - Home Entertainment and recreation sales
 - Ice Cream Shop
 - Jewelry Store
 - Musical equipment sales and showroom
 - Pet Grooming
 - Postal/Package Store
 - Print Shop
 - Recreation/Fitness Facilities
 - Restaurant is a conditional use under the current O-I zoning
 - Travel Agency
4. ‘Ice Cream Shop’ shall be added as a conditional use at 5950 North Point Parkway, Suite 129.
 5. Conditional use approval shall be limited to Scream’N Nuts Donuts & Ice Cream; no additional ‘restaurant’ businesses or subleasing shall be permitted within the approved space.
 6. Provide a double row of shrubs, minimum 2’ at planting, within the landscape strips along North Point Parkway and Mill Creek Avenue to screen the parking lot. Existing shrubs may remain where provided, but shall be supplemented where necessary to meet the Code requirement for parking lot screening.
 7. Provide sod in the areas between the road (North Point Parkway and Rock Mill Avenue) and the sidewalk.
 8. Awning(s) associated with the proposed ice cream store suite and faded awnings throughout the center shall be replaced with black awnings. Any future awning replacement shall be restricted to black awnings for the entire center.
 9. Previous conditions of zoning shall remain in effect, except as modified by these conditions.

c. MP-17-03/CU-17-02 Cutter’s Cigar Emporium/Fulton Greens

Michael Woodman, Senior Planner, presented consideration of a request to amend the Fulton Greens Master Plan, Pod A to add ‘Tobacco Store’ as a permitted use and a request for conditional use permit to allow a ‘Tobacco Store’ within an existing retail center. The property is located at 4915 Windward Parkway and is legally described as being located in Land Lot 1112, 2nd District, 2nd Section, Fulton County, Georgia.

- Definition of a Smoke Shop and Tobacco Store
- History of Business current location at 5530 Windward Pky
- Ratio of 10% alcohol sales

Staff’s Recommendation was to approve 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 to 12:00 PM and Sunday 12:30 PM to 8:00 PM.
4. Outdoor patio and associated furniture shall require approval by the Design Review Board. Outdoor patio area shall be defined with landscaping and/or decorative fencing and all outdoor smoking shall be confined to this area.
5. All music entertainment shall be conducted within the interior of the space located at 4915 Windward Parkway, Suite 100.
6. 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.

Dana Cox and Christine Sutton presented for the Applicant.

- Overview of business
- Products sold at business

Chairman Kung'u opened the floor to Public Comment at 8:43 p.m.

In Opposition:

- | | |
|-----------------------|--------------------|
| 1. Yash Jonnalagadda | 2630 Augeron Court |
| 2. Bulent Sahinkayasi | 2745 Augeron Court |
| 3. Resident | 2640 Augeron Court |
| 4. Karin Meliani | 2670 Augeron Court |
| 5. Sudheer Mantena | 2725 Augeron Court |
| 6. Venkat Chiluvuri | 2690 Augeron Court |
| 7. Ravi Kadala | 2650 Augeron Court |
| 8. Anand Danajajurba | 2625 Augeron Court |
| 9. Sean Dyer | 2700 Augeron Court |
| 10. Disyanth | 2610 Augeron Court |
| 11. Miza | 2620 Augeron Court |

Concerns:

1. Close Proximity to Residential
2. Introduction of "Entertainment" to area
3. Noise
4. Hours of Operation
5. Encourage minors to smoke
6. Smoke Pollution
7. No fence
8. Possibility of Crime
9. Property Values

Applicant gave a rebuttal:

- No issues at current location
- High End Clientele – Businessman
- Opportunity for Screening – Applicant did not think it would be possible
- Location of outdoor seating will require DRB approval
- Mambo's currently has outdoor seating
- Applicant did not know how many seats would be outside. Possibly 20 seats
- Entertainment will not be outdoors
- Applicant clarified that other businesses in the center support their establishment coming to the center
- No residential nearby at current location
- No outdoor ventilation
- Location of Outdoor Seating
- Distance of 211' – 230' from Cogburn Walk to Outdoor Seating area
- Buffer for noise – canopy may help
- Applicant plans to have outdoor music
- Would like to have an enclosure for inclement weather
- Requested Hours of operation for new location

There was discussion from the Board:

- Concern of outdoor smoking area so close to residential
- Need for screening for noise and visibility
- Being open until midnight may not be conducive to nearby residential
- Potential to not have outdoor seating
- No other Cigar businesses in close proximity to residential

Michael Woodman, Senior Planner stated Staff was not aware of property owners' concerns prior to tonight's meeting. There may be additional conditions that could be considered to support approval:

1. Evergreen trees, shrubs or fencing between property lines.
2. Restrictions on size of outdoor area
3. Possibly enclosing outdoor area

❖ Commission Member Partee offered a motion to table this item

- The motion received a second from Commission Member Attig
- The motion passed by vote (7-0)

There was discussion that Applicant should meet with residents, Staff to work through issues.

Chairman Kung'u clarified what the motion to table means.

Mr. Woodman announced next Planning Commission date as February 2, 2017. Staff will follow up with Public.

VII. ADJOURNMENT



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

PLANNING COMMISSION: FEBRUARY 2, 2017

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)

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 to 12:00 PM and Sunday 12:30 PM to 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. Cogburn Walk subdivision shall approve one of two options to screen the outdoor patio from the subdivision and the applicant shall implement the chosen option. Option #1 – Plant a double row of evergreen trees (min. 10' – 13' at planting) and shrubs (min. 2' – 3' at planting) along the chain-link fence from the corner of the building to the dumpster enclosure. Option #2 – Extend 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.

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 at 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 at 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 approved 2012 land disturbance permit for this site depicted a 2,400 square foot medical office building, which was never constructed. The property owner recently applied for a land disturbance permit to construct the proposed medical office building. The 87 parking spaces provided at the retail center meets 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 currently no ‘Smoke Shop and Tobacco Store’ uses in the Sydney Center at 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. Mambo’s Café, which is also located within the Sydney Center building, has a larger 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 the 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.

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 an expansion of the business and to provide screening of the outdoor patio area.

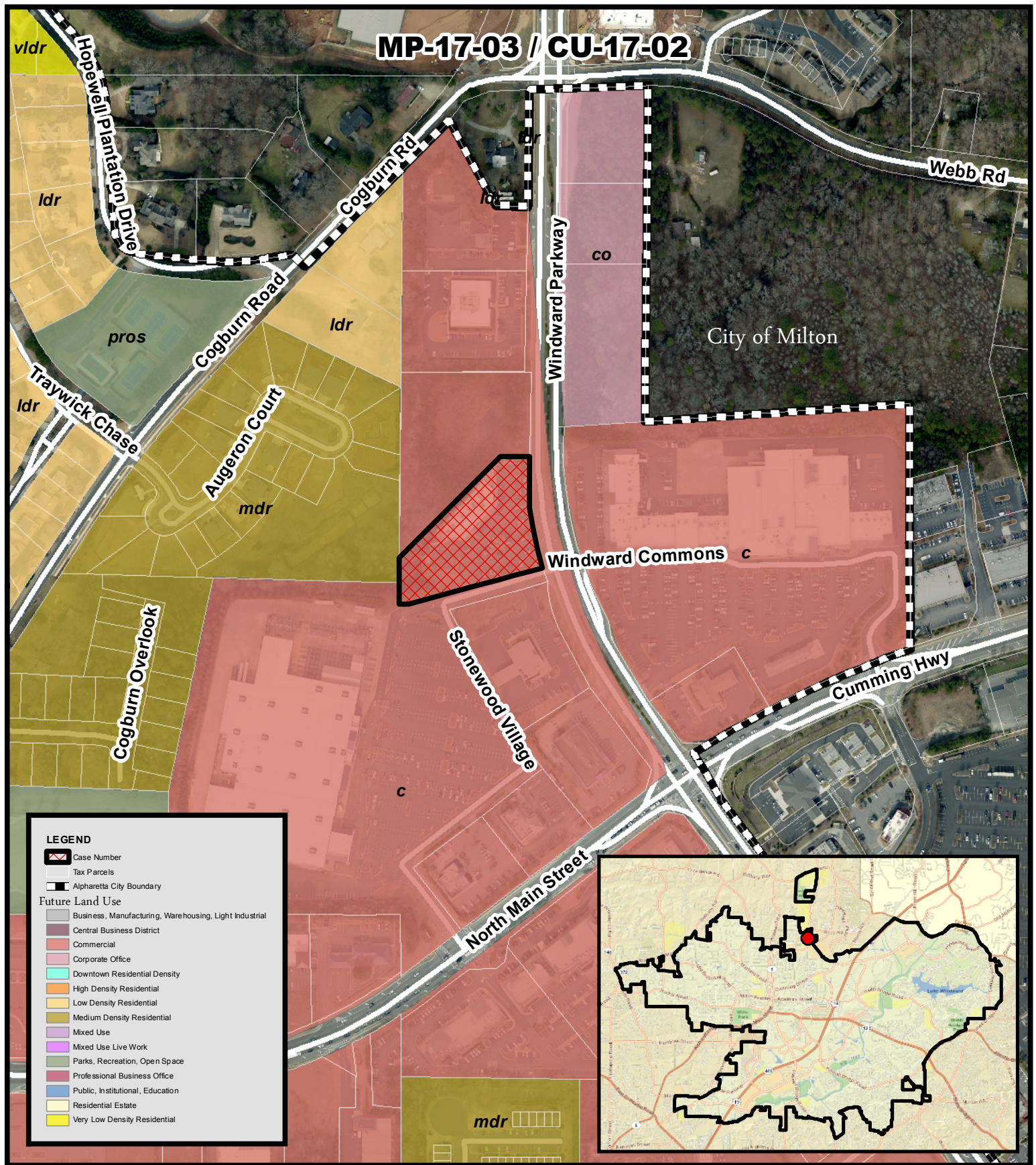
CITIZEN PARTICIPATION PLAN

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' and 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:

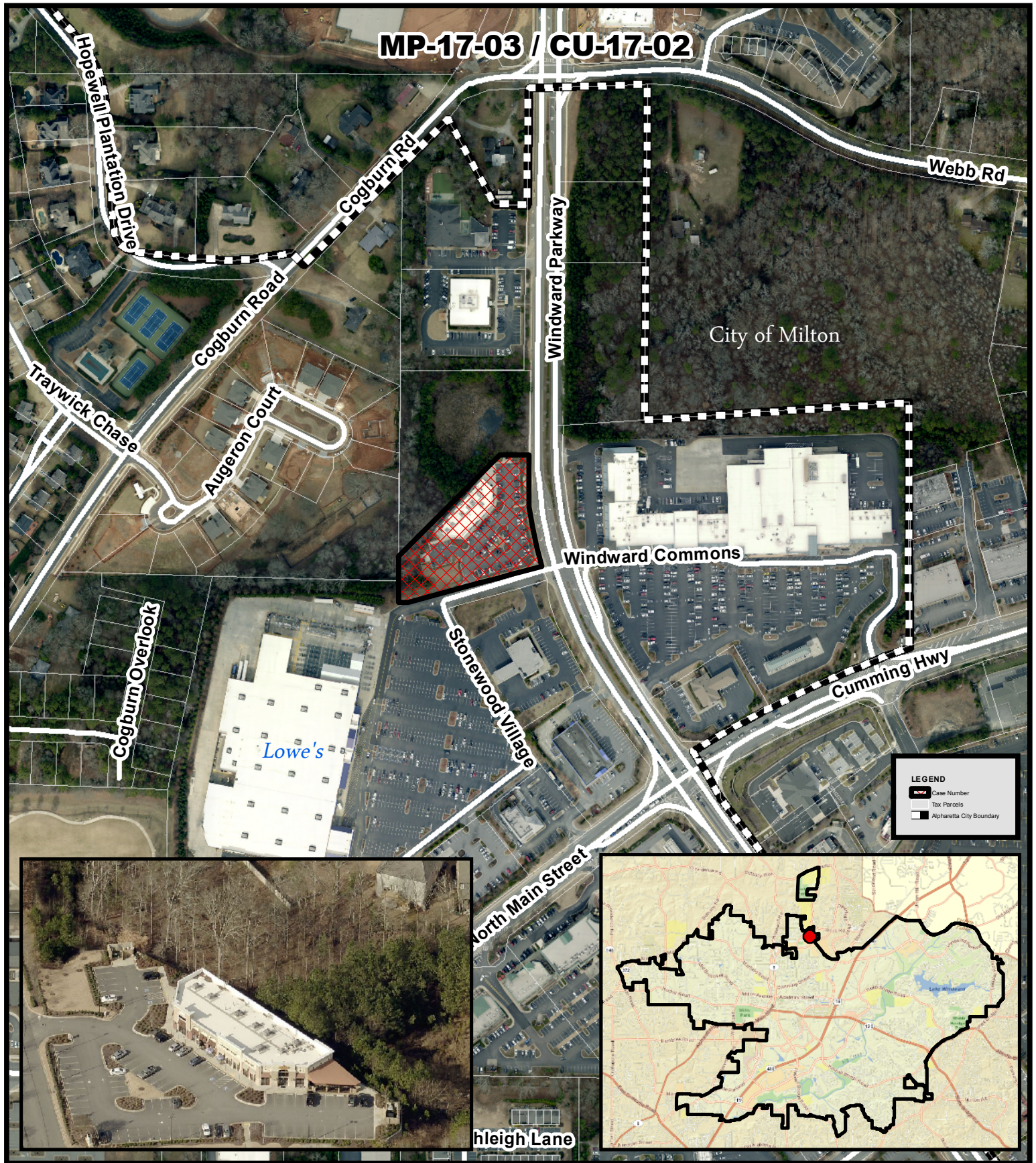
- Site Plan
- Patio Rendering



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



Location Map Provided by:
Community Development - GIS

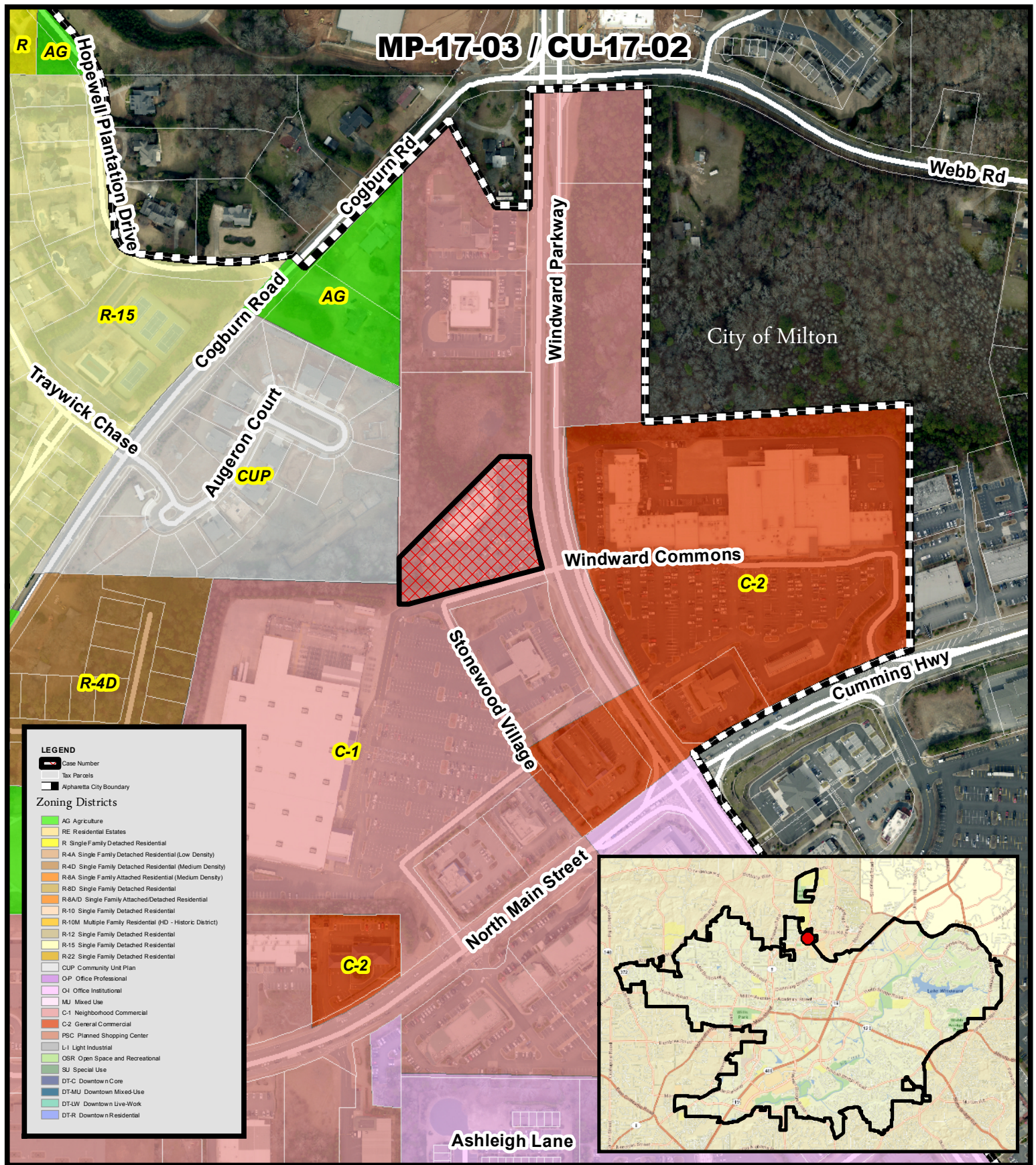


Aerial Map
Cutter's Cigar Emporium
4915 Woodward Parkway Suite 100

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

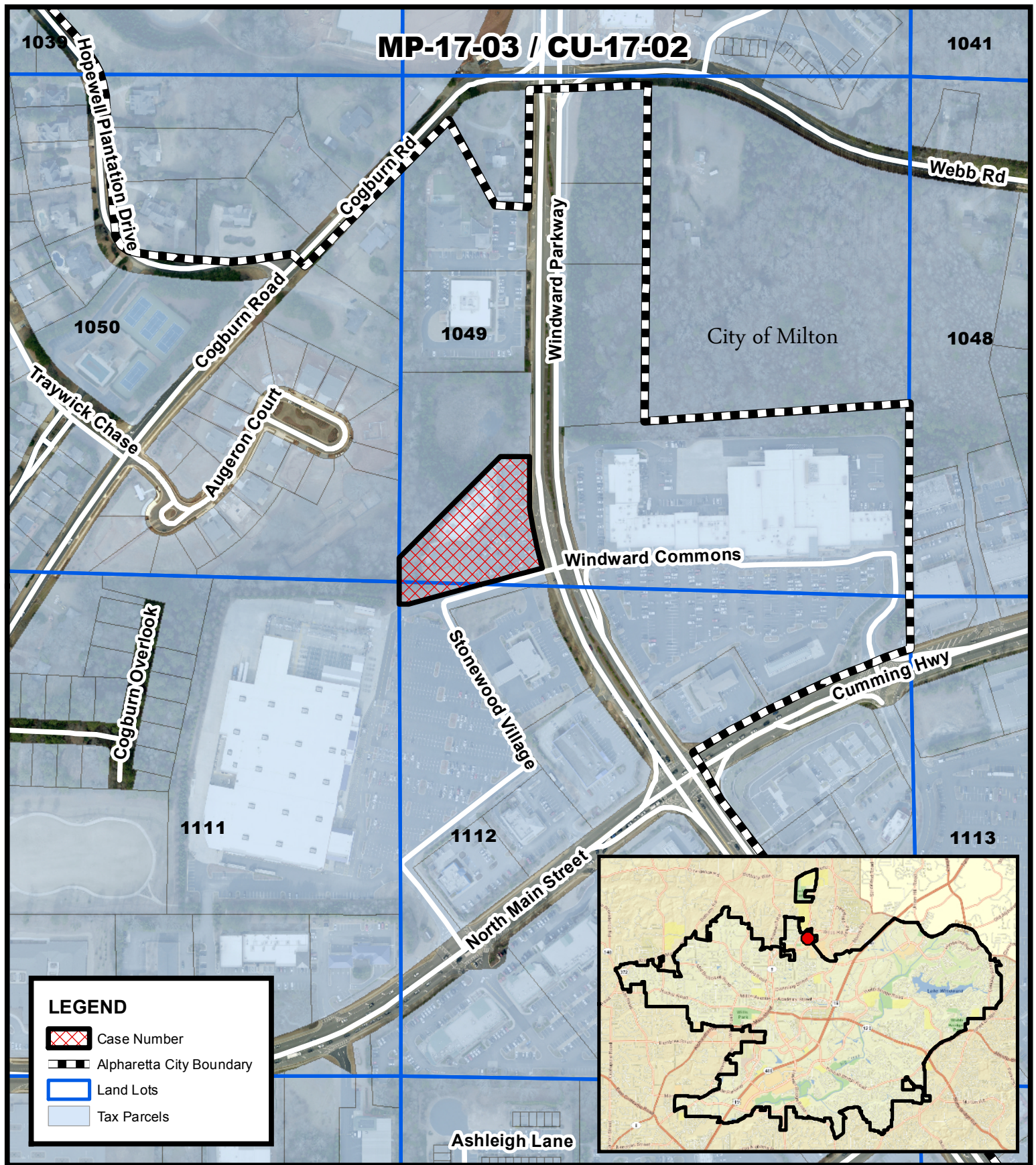


Zoning Map
Cutter's Cigar Emporium
4915 Woodward Parkway Suite 100

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

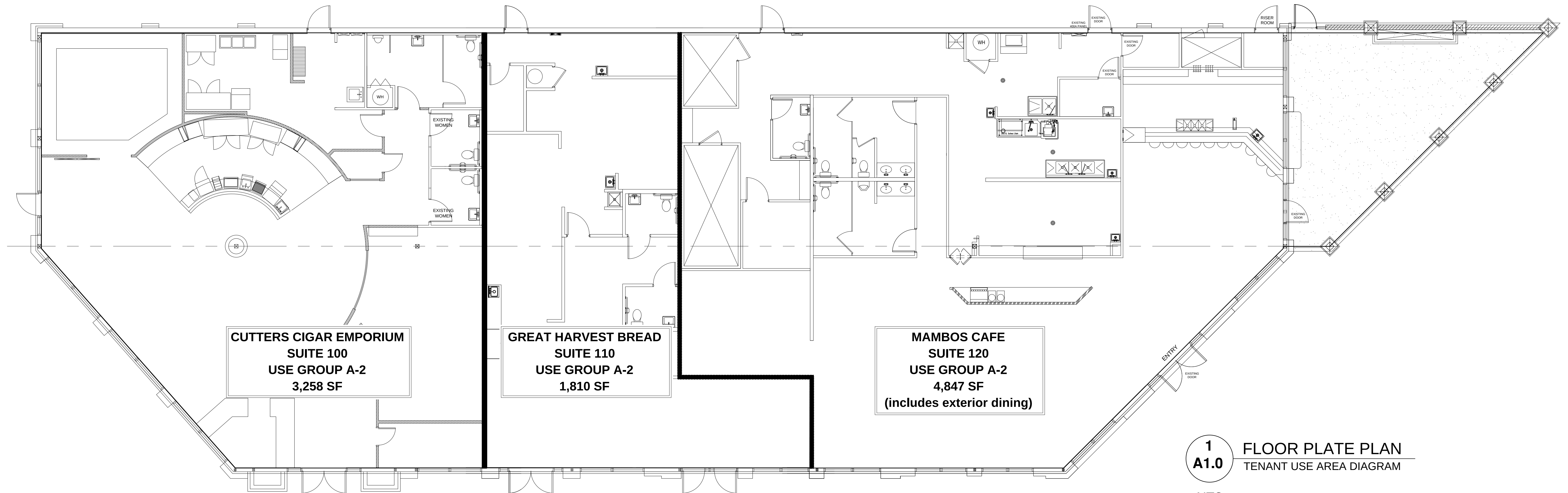


Location Map
Cutter's Cigar Emporium
4915 Woodward Parkway Suite 100

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



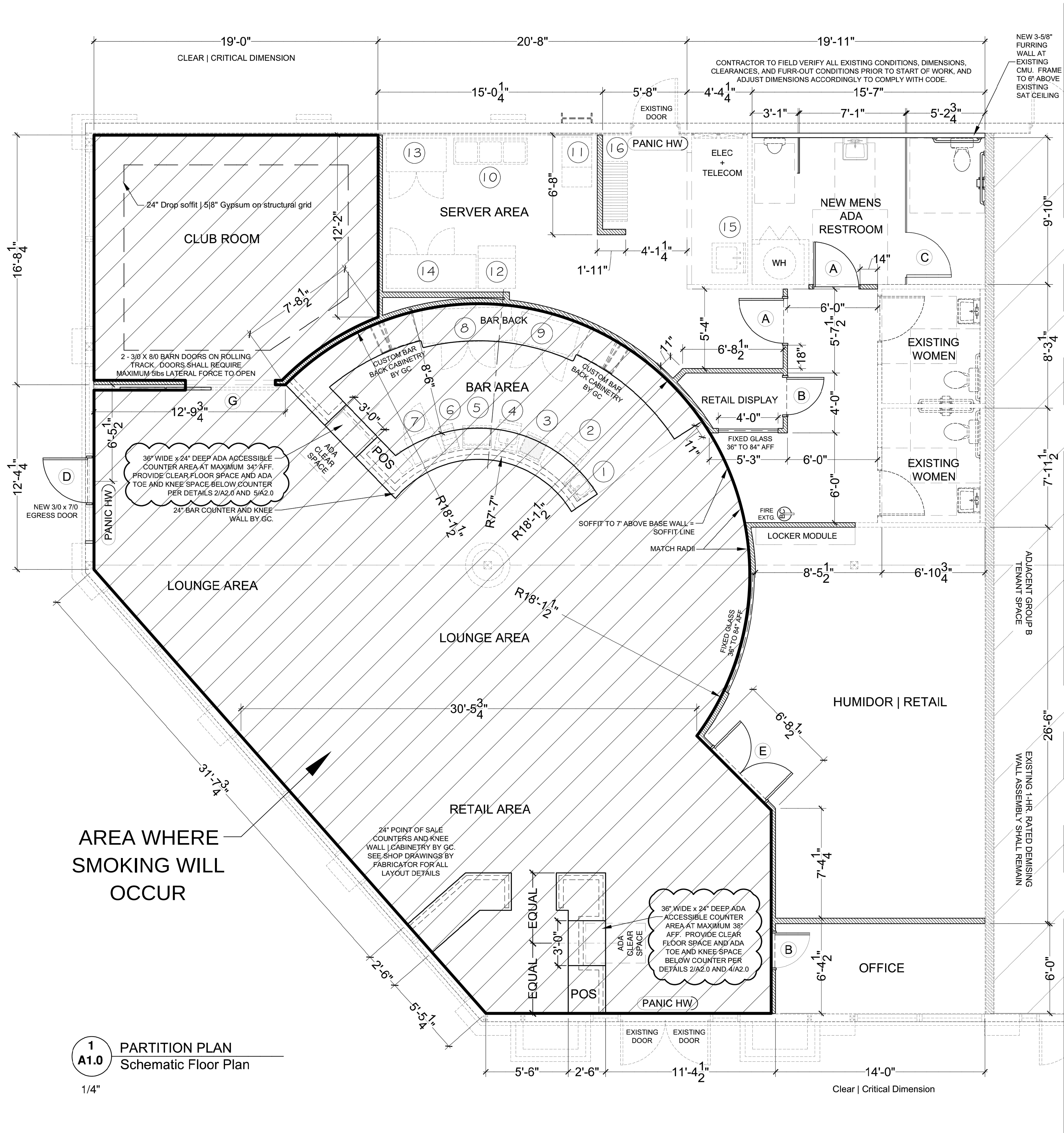
Location Map Provided by:
Community Development - GIS



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

[W0] Existing wall or partition to remain as stands per prior permit and CO

[W1] 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 1/4w 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	Pacor	LOP-504W	23 5/8w x 23 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 x27d 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.

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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

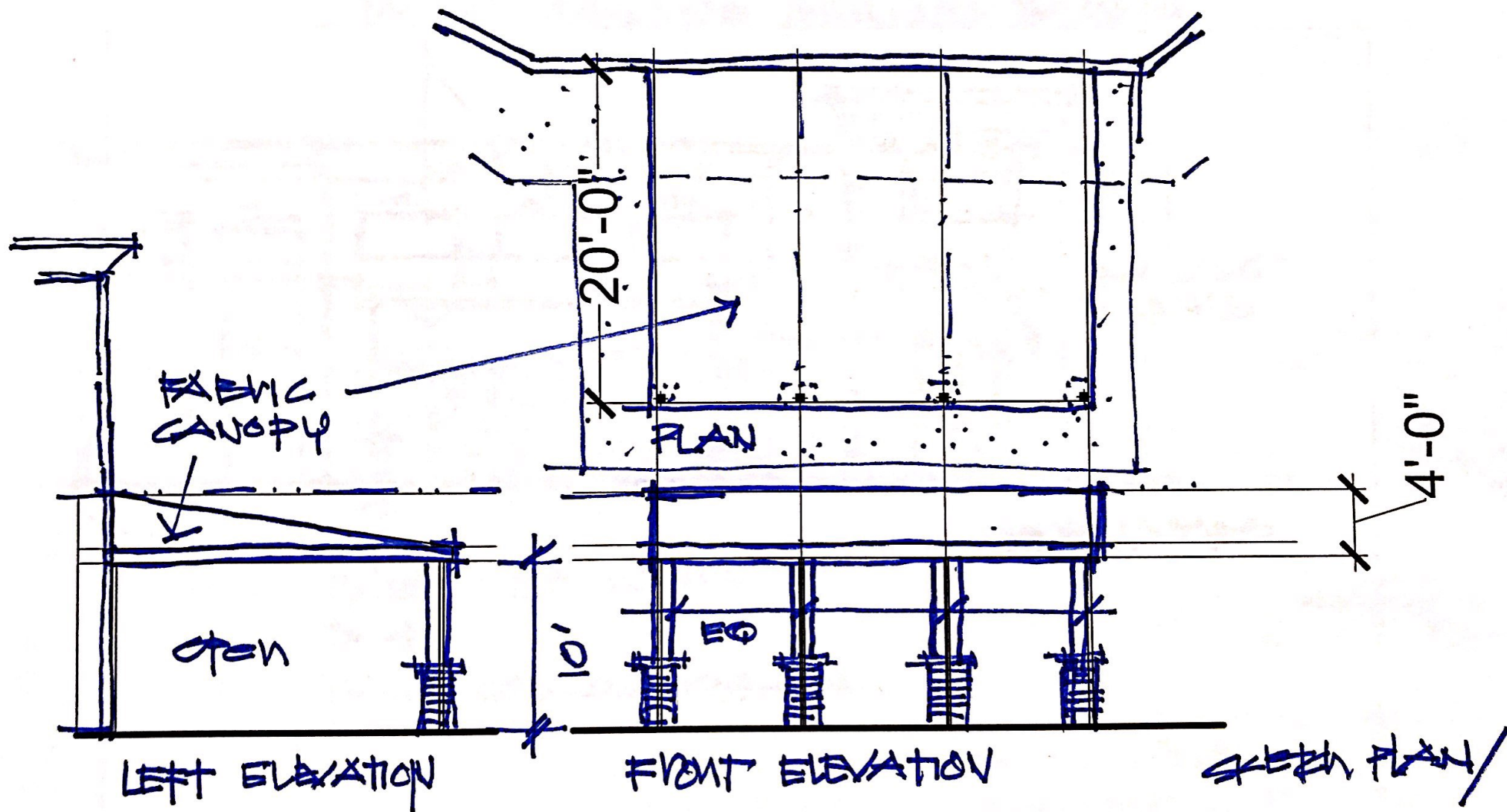
A total of 1,918 CFM (cubic feet per minute) of outdoor ventilation air is provided into the space with total exhaust of 1,950 CFM.

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						



CUTTERS CIGAR EMPORIUM | Outdoor Terrace Concept Plan

SYDNEY CENTER - Alpharetta, GA

Russ Sutton | Owner

SCALE N/A

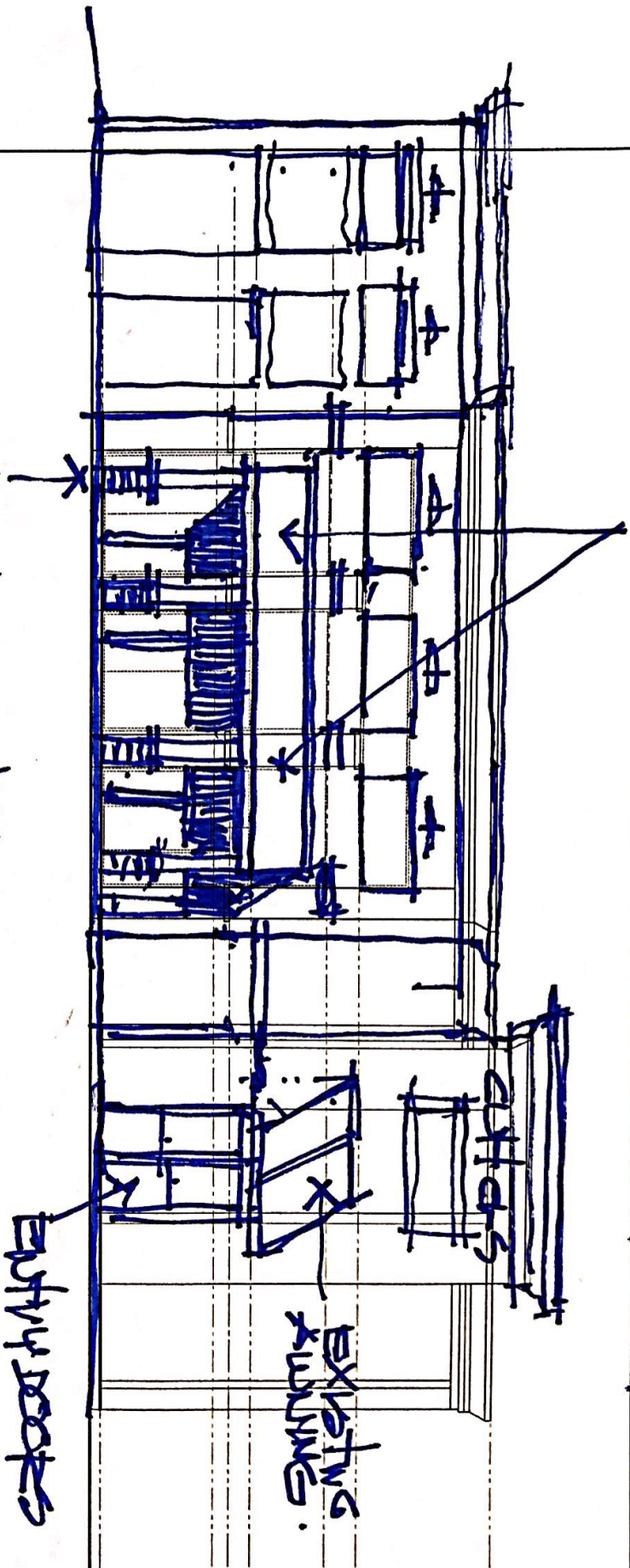
DRAWING **A1**

Post Oak Partners
ENGINEERING | DESIGN MANAGEMENT | EXPEDITING

Post Oak Partners, LLC
1305 Peachtree Parkway
Suite 1104
Cumming, Georgia 30042

T 770.889.8727
F 678.513.8644
rhadaway@postoak.com

NEW 20' WIDE CANOPY
MATCH EXISTING BUILDING FABRIC



10" x 10" PER 14' COLUMNS
TO 48"
12" x 12" WOOD COLUMNS & BEAMS

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

PROJECTING DESIGN MANAGEMENT | CLEVELAND

Post Oak Partners, LLC

100 Post Oak Partners

Atlanta, Georgia 30302

770.666.4272

814.511.0844

post oak@post oak.com

Cutter's Cigar Buffer 1.23.17



Cutter's Cigar Buffer 1.23.17



Petition from Businesses at Current Location

PETITION OF GOOD STANDING

January 13th, 2017

Submitted to: City of Alpharetta
and Penn Hodge Properties

Subject Tenant: CUTTERS CIGAR EMPORIUM

This petition shall acknowledge that we have been a mercantile tenant and neighbor of Cutters Cigar Emporium since June of 2012; over 5 years. Mr. Sutton and his business has served our shopping plaza well. We have enjoyed having them as our neighbor. While we are sad to see them go, we grant them great success at their future location.

MyDreck Store

Tenant:

Paul Villan

Signature and Date

1-20-17

Greater Southern Home Rec

Tenant:

[Signature]

Signature and Date

1-20-17

thai 2

Tenant:

[Signature]

Signature and Date

1-20-17

Complete Nutrition

Tenant:

[Signature]

Signature and Date

1-20-17

Big Peach

Tenant:

[Signature]

Signature and Date

1-20-17

State Farm

Tenant:

[Signature]

Signature and Date

1-20-17

Petition from Businesses at Current Location

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Einstein Bagel Co.
Tenant:

[Signature] 1/21/2017
Signature and Date

Smash Burger
Tenant:

[Signature] 1/21/17
Signature and Date

Tenant:

Signature and Date

Tenant:

Signature and Date

Tenant:

Signature and Date

Tenant:

Signature and Date

Letter of Support Mambo's Cafe

January 10, 2017

RE: Cutter's Cigar Emporium , 4915 Windward Parkway

To Whom It May Concern:

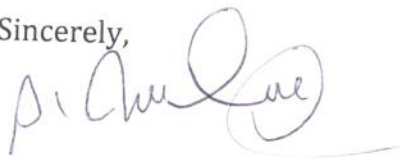
My name is Al Rosales and I am owner and manager of Mambo's Café located in suite 130 at 4915 Windward Parkway. I wanted to write the City staff, planning commission board members and City Council stating my support for the new Cutter's Cigar location in suite 100.

I have met Mr. Sutton and heard about his current business operations. I think that his high-end retail shop/lounge and clientele will bring great foot traffic to the center.

My restaurant has been open for over 4 years now with outdoor seating and dining area. We have had no issues with noise or complaints for our premise and are open late on the weekends.

I hope that the owners and Mr. Sutton can get his new location open soon. We are looking forward to being neighbors.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Al Rosales', with a large, stylized flourish at the end.

Al Rosales
Mambo's Café

If you would like to speak on a public hearing item tonight please register below to ensure our records are accurate.

Thank you.

	NAME	ADDRESS	ITEM
1.	Alexander M. Williamson	12535 Dextroft Lane	Notting Hill, ^{MP. 14.168-15}
2.	Yash Jonnalagadda	2630 Augeron CT	Cigar Emporium
3.	Bulent Sahinkayasi	2725 Augeron CT Alpharetta, GA 30004	"
4.	Sudheer Mohan	2640 "	"
5.	Karim Meliani	2670 "	"
6.	Sudheer Mantena	2725 "	"
7.	VENKAT CHILUVURE	2690 "	"
8.	Pavi Kadala	2650 Augeron ct	"
9.	Anand Dhanrajapur	2625 "	"
10.	SEAN DYER	2700 AUGERON CT. ^{ALPHARETTA, GA} 30004	" "
11.	Disyanth	2610 "	"
12.	MIZA	2620 " "	"
13.			
14.			
15.			
16.			
17.			
18.			

EMAIL
→

2) bulent sahinkayasi@hotmail.com

Yash Jonnalagadda JYashJ@gmail.com 248-390-9455

Sudheer Mantena SUDHEER.MANTENA@gmail.com 678-428-9345

Karim Meliani KARMEL82@GMAIL.COM 404695-3628

Sudheer Mahesh SUDHEERMP HOTMAIL.COM 678-607-9429

RAHMAN_MIZA@YAHOO.COM

⑦ VENKAT.CHILUVURI@GMAIL.COM

RAVI KADALI - KRSRAVIW@GMAIL.COM - 470-330-5260

SEAN DYER EMAIL Seanndyer@gmail.com (404)797-8300

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

Official Petition

Reject Changing Master Plan to Allow Proposed Location for Cutter's Cigar Emporium

To The City of Alpharetta and City of Alpharetta Planning Commission,

We, as residents of Cogburn Walk neighborhood community, strongly **oppose** changing the master plan to allow Cutter's Cigar Emporium to operate their business (including cigar sales and smoking, alcohol sales, playing music on the outdoor patio, both during the day and rather late night hours) at the new proposed location (Lowe's Shopping Center, near Windward Parkway/Cogburn Road), which is in very close proximity to our homes.

Cutter's Cigar business operating in such close proximity to our homes (roughly 200 feet per last Planning Council meeting) creates issues including cigar smoke polluting and negatively impacting our families' air quality (and health), noise pollution from patrons/music, and a smoking/drinking establishment creating an inappropriate influence on neighborhood children.

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This type of business close to our neighborhood would also likely negatively impact our home values, which is unacceptable.

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While we respect free enterprise, the proposed location of this business is not appropriate as it is too close to our children and homes creating undue hardships. We therefore ask you to deny the respective application/proposal and reject changing the master plan for Cutter's Cigar Emporium proposed location.

Best Regards, Residents of Cogburn Walk (Augeron Court, Alpharetta, GA)

Names: Vladimir R. Soto

Address: 2750 Augeron Court, Alpharetta G.A. 30004

Date: 31 Jan 2017

Signatures: 

Official Petition

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Best Regards, Residents of Cogburn Walk (Augeron Court, Alpharetta, GA)

Names: OLIVIA A. SOTO

Address: 2750 Augeron Court, Alpharetta, GA 30004

Date: 31 Jan 2017

Signatures: 

Official Petition

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Best Regards, Residents of Cogburn Walk (Augeron Court, Alpharetta, GA)

Names: Jarno Karmarainen and Linmei Liao

Address: 2710 Augeron Ct, Alpharetta, GA 30004

Date: 1/30/17

Signatures:  

Official Petition

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Best Regards, Residents of Cogburn Walk (Augeron Court, Alpharetta, GA)

Names: Dushyanth Kommuri & Sumitha Parabhakaran

Address: 2610 Augeron Ct. Alpharetta GA 30004

Date: 1/30/17

Signatures: Dushyanth Kommuri
Sumitha

Official Petition

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Best Regards, Residents of Cogburn Walk (Augeron Court, Alpharetta, GA)

Names: Stacy Privaleva

Address: 2705 Augeron Court

Date: 01/30/2017

Signatures: 

Official Petition

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Best Regards, Residents of Cogburn Walk (Augeron Court, Alpharetta, GA)

Names: RAVI KADALI & HEMA PAMARTHY

Address: 2650 AUGERON CT ALPHARETTA GA 30004

Date: 01-29-2017

Signatures: 



Official Petition

Reject Changing Master Plan to Allow Proposed Location for Cutter's Cigar Emporium

To The City of Alpharetta and City of Alpharetta Planning Commission,

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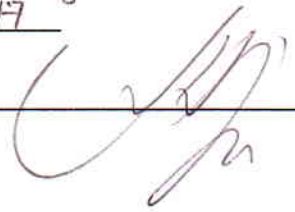
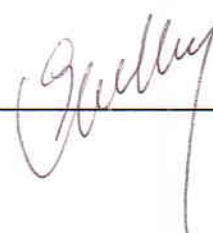
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Best Regards, Residents of Cogburn Walk (Augeron Court, Alpharetta, GA)

Names: Ahmed Ugur & Serda Ugur

Address: 2685 Augeron Ct Alpharetta GA 30004

Date: 1/29/17

Signatures:  

Official Petition

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Best Regards, Residents of Cogburn Walk (Augeron Court, Alpharetta, GA)

Names: SEAN DYER, YUKYUNG KANG (JENNY DYER)

Address: 2700 AUGERON COURT, ALPHARETTA, GA 30004

Date: 1/29/17

Signatures: Sean Dyer, Yukyung Kang

Official Petition

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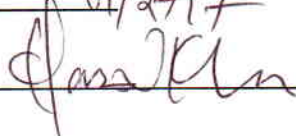
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Best Regards, Residents of Cogburn Walk (Augeron Court, Alpharetta, GA)

Names: Hasan Khan & Sharita Foxhanna

Address: 2730 Augeron Court, Alpharetta, GA

Date: 01/27/17

Signatures:  

Official Petition

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Best Regards, Residents of Cogburn Walk (Augeron Court, Alpharetta, GA)

Names:

Address:

Date:

Signatures:

Jurdean Dawkins & Sunny Onigbo
2735 Augeron Court Alpharetta GA 30004
1/29/17
Jurdean Dawkins & Sunny Onigbo

Official Petition

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Names: VENKAT CHILUVURI & DEEPTHI RUDRARAJU

Address: 2690 AUGERON CT ALPHARETTA GA 30004

Date: 01-29-2017

Signatures: Ch Subbaji & Deepthi

Official Petition

Reject Changing Master Plan to Allow Proposed Location for Cutter's Cigar Emporium

To The City of Alpharetta and City of Alpharetta Planning Commission,

We, as residents of Cogburn Walk neighborhood community, strongly **oppose** changing the master plan to allow Cutter's Cigar Emporium to operate their business (including cigar sales and smoking, alcohol sales, playing music on the outdoor patio, both during the day and rather late night hours) at the new proposed location (Lowe's Shopping Center, near Windward Parkway/Cogburn Road), which is in very close proximity to our homes.

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The majority of Cogburn Walk households have children; we worry about the negative health impact from second-hand smoke/carcinogens on them from numerous cigars being smoked (indoors and outdoors) in such close proximity.

This type of business close to our neighborhood would also likely negatively impact our home values, which is unacceptable.

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While we respect free enterprise, the proposed location of this business is not appropriate as it is too close to our children and homes creating undue hardships. We therefore ask you to deny the respective application/proposal and reject changing the master plan for Cutter's Cigar Emporium proposed location.

Best Regards, Residents of Cogburn Walk (Augeron Court, Alpharetta, GA)

Names: Yaswanth Jonnalagadda & SRUJANA Jonnalagadda
Address: 2630 Augeron CT, Alpharetta GA 30004
Date: 01/29/2017

Signatures: J. Yaswanth K.
S. Srujana

Official Petition

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Best Regards, Residents of Cogburn Walk (Augeron Court, Alpharetta, GA)

Names: RAMEEZ BULTAN ALI

Address: 2715 AUGERON CT ALPHARETTA GA

Date: _____

Signatures: 

Official Petition

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Best Regards, Residents of Cogburn Walk (Augeron Court, Alpharetta, GA)

Names: SUDHEER/RINXY MAHENDRA

Address: 2640 AUGERON COURT, ALPHARETTA, GA 30004

Date: 02/29/2017

Signatures:  

Official Petition

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Names: Sudheer Mantena

Address: 2725 Augeron ct, Alpharetta, GA-30004

Date: 01/30/17

Signatures: M. Sudheer

Official Petition

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Names: M. IZA RAHMAN & BENAZIR HAQUE

Address: 2620 Augeron Ct

Date: 01/30/2017

Signatures: M. Iza Rahman Benazir Haque

Official Petition

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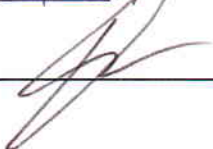
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Names: Bulent Sahinkaya

Address: 2745 Augeron Ct, Alpharetta, GA 30004

Date: 01/30/2017

Signatures: 

Official Petition

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Names: SNEHAL DASHI

Address: 2680 AUGERON CT, ALPHARETTA, GA 30004

Date: 1/30/17

Signatures: 

Official Petition

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Names:

Address:

Date:

Signatures:

Anand Shanara, Pali
2625 Augeron Ct, Alpharetta GA
01/30/2017
[Signatures]

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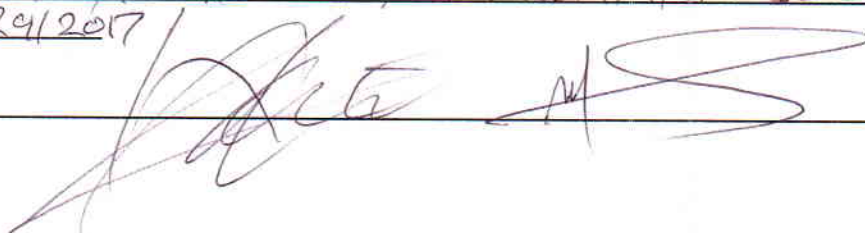
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Names: KARIM MELIANI & HANANE ZEKINI

Address: 2670 AUGERON CT ALPHARETTA, GA 30004

Date: 01/29/2017

Signatures: _____



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 Cigars - 4915 Windward Pkwy

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.

None / N/A

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.

See 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:

Dana Cox

Date:

12/8/16

Print Form

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	Mooresville	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	SHANARAJUPALLANANDA 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	BONIPARTHIHEMA N & NALLNIKISHNA 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	ONUGBO SUNNY	2735 AUGERON CT	2735 AUGERON CT	ALPHARETTA	GA	30004
22 511010501807	PRIVATOVA 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

December 1, 2016

To Whom It May Concern:

This letter is to inform you that Cutter's Cigar Emporium is seeking a Master Plan Amendment as well as a Conditional Use Permit to allow cigar and tobacco use at 4915 Windward Parkway, Suite 100, Alpharetta, GA 30005.

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.

Only 10% of revenue is alcohol sales; 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.

We have submitted a Public Hearing Application to the City of Alpharetta requesting the Master Plan Amendment and Conditional Use Permit. Our Planning Commission hearing date is set as January 5th, 2017 at 6:30pm and we will go before City Council on January 23rd, 2017 at 6:30pm. All recipients of this letter have the option to voice their comments and concerns about the proposed changes. My contact information is below. Please reach out to me at any time with questions or comments.

Sincerely,

Dana Cox
Penn Hodge Properties, as agent for Windward DV, LLC
dcox@pennhodge.com
678-990-0711

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 Atlanta 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:

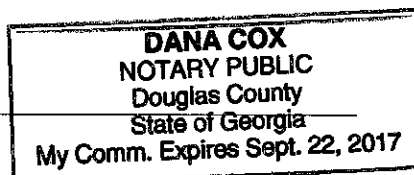
Owner Signature:

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:

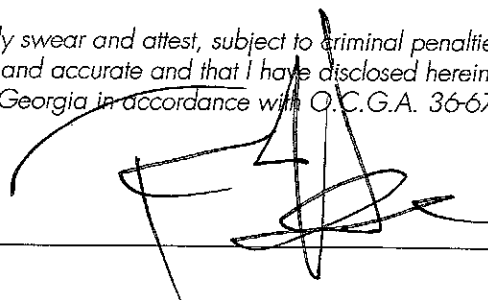
Description of Contribution:

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	Mooresville	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° 09' 44" West 56.09 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, COMMITMENT NUMBER 1-EP00000, DATED JUNE 24, 2013.

(1) DEED TO CUT OR TRIM TREES FROM FULTON GREENS LIMITED PARTNERSHIP TO GEORGIA POWER COMPANY, A CORPORATION, DATED - JUNE 25, 1996, FILED FOR RECORD NOVEMBER 15, 1996 AT 3:40 P.M. RECORDED IN DEED BOOK 0760, PAGE 28, RECORDS OF FULTON COUNTY, GEORGIA. REFERENCE: SURVEY, L.L. 1094, TO DATE.

(2) SANITARY SEWER EASEMENT AGREEMENT BY AND BETWEEN FULTON GREENS LIMITED PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP, AND FULTON GREENS LIMITED PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP, DATED AS OF AUGUST 15, 1990, FILED FOR RECORD AUGUST 30, 1990 AT 3:41 A.M. RECORDED IN DEED BOOK 0570, PAGE 200, RECORDS OF FULTON COUNTY, GEORGIA. REFERENCE: SURVEY, L.L. 1094, TO DATE.

(3) SANITARY SEWER EASEMENT AGREEMENT BY AND BETWEEN FULTON GREENS LIMITED PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP, AND FULTON GREENS LIMITED PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP, DATED FEBRUARY 03, 1991, FILED FOR RECORD MAY 06, 1991 AT 3:30 P.M. RECORDED IN DEED BOOK 0617, PAGE 156, RECORDS OF FULTON COUNTY, GEORGIA. REFERENCE: SURVEY, L.L. 1094, TO DATE.

(4) SANITARY SEWER EASEMENT AGREEMENT BY AND BETWEEN FULTON GREENS LIMITED PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP, AND FULTON GREENS LIMITED PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP, DATED MAY 30, 1993, FILED FOR RECORD JUNE 25, 1993 AT 3:10 P.M. RECORDED IN DEED BOOK 0690, PAGE 106, RECORDS OF FULTON COUNTY, GEORGIA. REFERENCE: SURVEY, L.L. 1094, TO DATE.

(5) EASEMENT AGREEMENT BY AND BETWEEN S & H VIEWWARD, LLC, A GEORGIA LIMITED LIABILITY COMPANY, AND FULTON GREENS LIMITED PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP, DATED FEBRUARY 03, 1991, FILED FOR RECORD MAY 06, 1991 AT 3:30 P.M. RECORDED IN DEED BOOK 0617, PAGE 156, RECORDS OF FULTON COUNTY, GEORGIA. REFERENCE: SURVEY, L.L. 1094, TO DATE.

(6) EASEMENT AGREEMENT BY AND BETWEEN FULTON GREENS LIMITED PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP, AND S & H VIEWWARD, LLC, A GEORGIA LIMITED LIABILITY COMPANY, DATED FEBRUARY 03, 1991, FILED FOR RECORD MAY 06, 1991 AT 3:30 P.M. RECORDED IN DEED BOOK 0617, PAGE 156, RECORDS OF FULTON COUNTY, GEORGIA. REFERENCE: SURVEY, L.L. 1094, TO DATE.

(7) EASEMENT AGREEMENT BY AND BETWEEN FULTON GREENS LIMITED PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP, AND FULTON GREENS LIMITED PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP, DATED MAY 12, 1993, FILED FOR RECORD JUNE 25, 1993 AT 3:10 P.M. RECORDED IN DEED BOOK 0690, PAGE 106, RECORDS OF FULTON COUNTY, GEORGIA. REFERENCE: SURVEY, L.L. 1094, TO DATE.

(8) EASEMENT AGREEMENT BY AND BETWEEN FULTON GREENS LIMITED PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP, AND FIRST UNION NATIONAL BANK, A NATIONAL BANKING ASSOCIATION, DATED JUNE 24, 1993, FILED FOR RECORD JULY 01, 1993 AT 1:04 P.M. RECORDED IN DEED BOOK 0690, PAGE 106, RECORDS OF FULTON COUNTY, GEORGIA. REFERENCE: SURVEY, L.L. 1094, TO DATE.

(9) EASEMENT AGREEMENT BY AND BETWEEN FULTON GREENS LIMITED PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP, AND FIRST UNION NATIONAL BANK, A NATIONAL BANKING ASSOCIATION, DATED JUNE 24, 1993, FILED FOR RECORD JULY 01, 1993 AT 1:04 P.M. RECORDED IN DEED BOOK 0690, PAGE 106, RECORDS OF FULTON COUNTY, GEORGIA. REFERENCE: SURVEY, L.L. 1094, TO DATE.

(10) EASEMENT AGREEMENT BY AND BETWEEN FULTON GREENS LIMITED PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP, AND FIRST UNION NATIONAL BANK, A NATIONAL BANKING ASSOCIATION, DATED JUNE 24, 1993, FILED FOR RECORD JULY 01, 1993 AT 1:04 P.M. RECORDED IN DEED BOOK 0690, PAGE 106, RECORDS OF FULTON COUNTY, GEORGIA. REFERENCE: SURVEY, L.L. 1094, TO DATE.

(11) EASEMENT AGREEMENT BY AND BETWEEN FULTON GREENS LIMITED PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP, AND FULTON GREENS LIMITED PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP, DATED MARCH 25, 1993, FILED FOR RECORD MAY 06, 1993 AT 3:30 P.M. RECORDED IN DEED BOOK 0617, PAGE 156, RECORDS OF FULTON COUNTY, GEORGIA. REFERENCE: SURVEY, L.L. 1094, TO DATE.

(12) EASEMENT AGREEMENT BY AND BETWEEN FULTON GREENS LIMITED PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP, AND FULTON GREENS LIMITED PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP, DATED MARCH 25, 1993, FILED FOR RECORD MAY 06, 1993 AT 3:30 P.M. RECORDED IN DEED BOOK 0617, PAGE 156, RECORDS OF FULTON COUNTY, GEORGIA. REFERENCE: SURVEY, L.L. 1094, TO DATE.

(13) EASEMENT AGREEMENT BY AND BETWEEN FULTON GREENS LIMITED PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP, AND FULTON GREENS LIMITED PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP, DATED MARCH 25, 1993, FILED FOR RECORD MAY 06, 1993 AT 3:30 P.M. RECORDED IN DEED BOOK 0617, PAGE 156, RECORDS OF FULTON COUNTY, GEORGIA. REFERENCE: SURVEY, L.L. 1094, TO DATE.

(14) EASEMENT AGREEMENT BY AND BETWEEN FULTON GREENS LIMITED PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP, AND FULTON GREENS LIMITED PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP, DATED MARCH 25, 1993, FILED FOR RECORD MAY 06, 1993 AT 3:30 P.M. RECORDED IN DEED BOOK 0617, PAGE 156, RECORDS OF FULTON COUNTY, GEORGIA. REFERENCE: SURVEY, L.L. 1094, TO DATE.

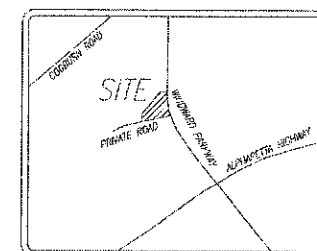
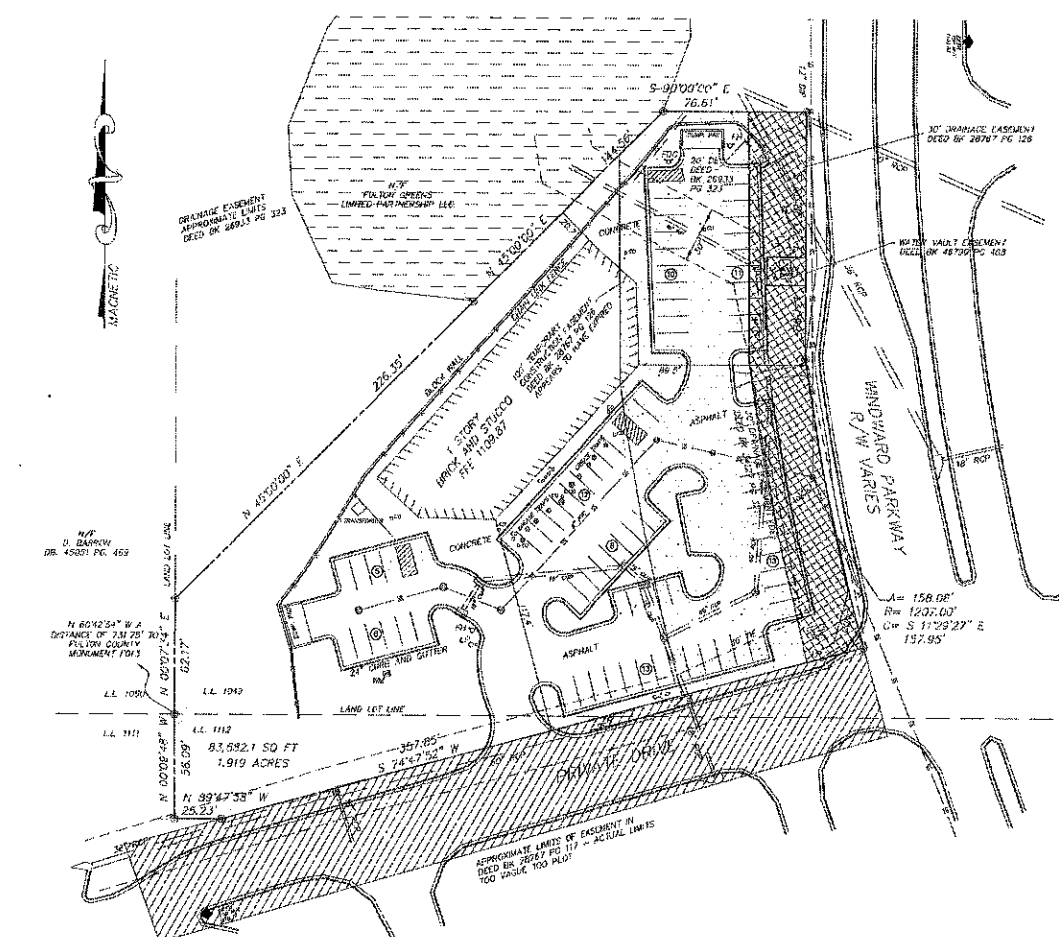
(15) EASEMENT AGREEMENT BY AND BETWEEN FULTON GREENS LIMITED PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP, AND FULTON GREENS LIMITED PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP, DATED MARCH 25, 1993, FILED FOR RECORD MAY 06, 1993 AT 3:30 P.M. RECORDED IN DEED BOOK 0617, PAGE 156, RECORDS OF FULTON COUNTY, GEORGIA. REFERENCE: SURVEY, L.L. 1094, TO DATE.

(16) EASEMENT AGREEMENT BY AND BETWEEN FULTON GREENS LIMITED PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP, AND FULTON GREENS LIMITED PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP, DATED MARCH 25, 1993, FILED FOR RECORD MAY 06, 1993 AT 3:30 P.M. RECORDED IN DEED BOOK 0617, PAGE 156, RECORDS OF FULTON COUNTY, GEORGIA. REFERENCE: SURVEY, L.L. 1094, TO DATE.

(17) EASEMENT AGREEMENT BY AND BETWEEN FULTON GREENS LIMITED PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP, AND FULTON GREENS LIMITED PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP, DATED MARCH 25, 1993, FILED FOR RECORD MAY 06, 1993 AT 3:30 P.M. RECORDED IN DEED BOOK 0617, PAGE 156, RECORDS OF FULTON COUNTY, GEORGIA. REFERENCE: SURVEY, L.L. 1094, TO DATE.

(18) EASEMENT AGREEMENT BY AND BETWEEN FULTON GREENS LIMITED PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP, AND FULTON GREENS LIMITED PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP, DATED MARCH 25, 1993, FILED FOR RECORD MAY 06, 1993 AT 3:30 P.M. RECORDED IN DEED BOOK 0617, PAGE 156, RECORDS OF FULTON COUNTY, GEORGIA. REFERENCE: SURVEY, L.L. 1094, TO DATE.

(19) EASEMENT AGREEMENT BY AND BETWEEN FULTON GREENS LIMITED PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP, AND FULTON GREENS LIMITED PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP, DATED MARCH 25, 1993, FILED FOR RECORD MAY 06, 1993 AT 3:30 P.M. RECORDED IN DEED BOOK 0617, PAGE 156, RECORDS OF FULTON COUNTY, GEORGIA. REFERENCE: SURVEY, L.L. 1094, TO DATE.



SURVEY NOTES

1. THIS SURVEY IS BASED ON A TITLE REPORT PREPARED BY FIRST AMERICAN TITLE ASSURANCE COMPANY, COMMITMENT NUMBER 1-EP00000, DATED JUNE 24, 2013.
2. THIS PLAT WAS PREPARED FROM A FIELD SURVEY USING A THREE SECOND TYPICAL TOTAL STATION.
3. THE PRECISION OF THE FIELD DATA UPON WHICH THIS SURVEY IS BASED WAS VERIFIED WITH RESISTANT 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 APPLICABLES, LANDOWNERS SURVEYS AND PLANNING. THE HAZARD NO CERTIFICATION AS TO THE ACCURACY OR THOROUGHNESS OF THE INFORMATION SHOWN HEREON.

LEGAL DESCRIPTION

ALL THAT TRACT BE PART OF LAND LOTS 1098 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 1098, 1099, 1111 AND 1112 AND RUNNING THENCE ALONG LAND LOT CORNER TO LAND LOTS 1098 AND 1099 NORTH 10°14' EAST 67.12 FEET TO AN IRON PIN, THENCE CORNER SAID 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 HAZARD RUM THENCE ALONG SAID RIGHT-OF-WAY SOUTH 00°00'00" EAST 131.99 FEET TO AN IRON PIN, THENCE CORNER ALONG SAID RIGHT-OF-WAY, SAID ALONG 80'40' OF CURVE TO THE LEFT AN ARC DISTANCE OF 158.00 FEET, SAID ARC HAVING A RADIUS OF 1,507 FEET AND BEING SUBTENDED BY A CHORD HAVING A BEARING AND DISTANCE OF SOUTH 11°29'27" EAST 157.05 FEET TO A NAIL, THENCE CORNER SAID RIGHT-OF-WAY AND RUN SOUTH 74°47'25" WEST 357.85 FEET TO AN IRON PIN, RUN THENCE NORTH 03°42'38" WEST 22.23 FEET TO AN IRON PIN, RUN THENCE NORTH 00°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., SEALED AND CERTIFIED BY JAMES H. RADER, G.S. 1033, DATED JULY 30, 2013.

LEGEND	
0	PROPERTY CORNER
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100	PROPERTY LINE

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. 13-6-67. THE FIELD WORK WAS COMPLETED ON 07/30/13 DATE OF PLAT 07/30/13.



JAMES H. RADER - GEORGIA #3533



LANDPRO
SURVEYING AND MAPPING
808 OAKLEIGH ROAD
WOODSTOCK, GA 30188
TEL: 404-286-2170
AUTHORIZATION NO. LB0000838
WWW.LANDPROSURVEYING.COM
ALTA/ACSM PLAT 1033

ALTA/ACSM SURVEY FOR:

WINDWARD DR., LLC

LAND LOTS 1098 & 1112

SUBTRACT 2

CITY OF ALPHARETTA

DISTRICT 2

FULTON COUNTY, GA

SCALE: 1" = 30'

DATE: 07/30/13

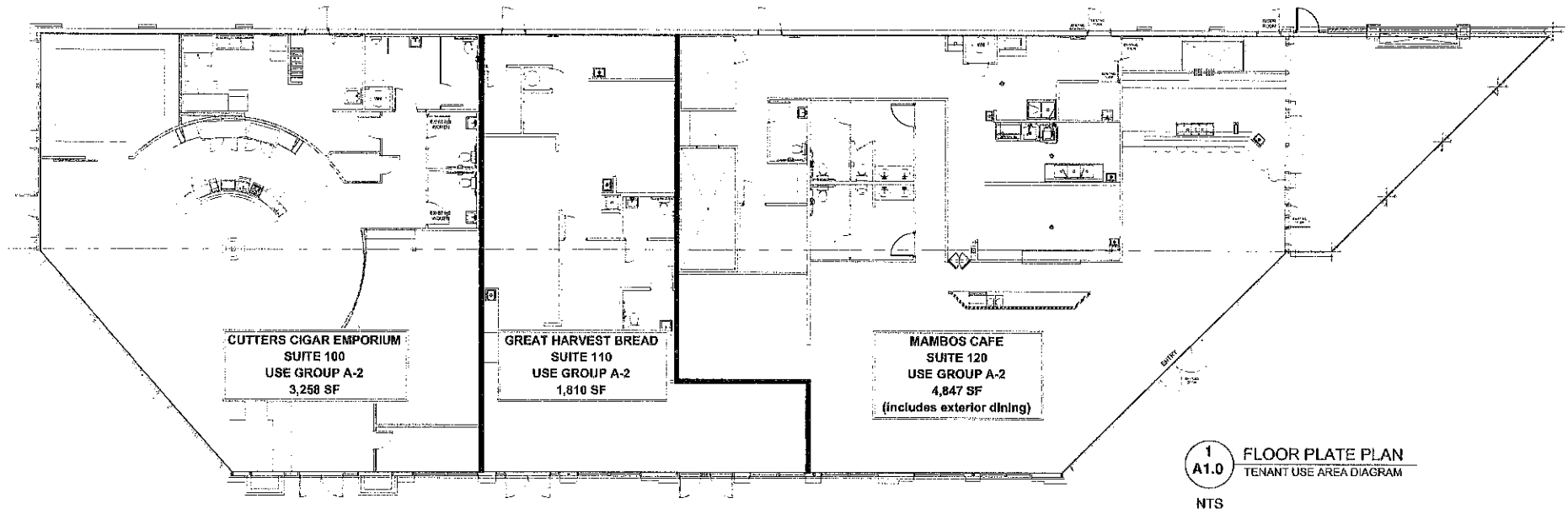
PROJECT NO.: 1033

SHEET: 1 OF 1

Total parking: 83

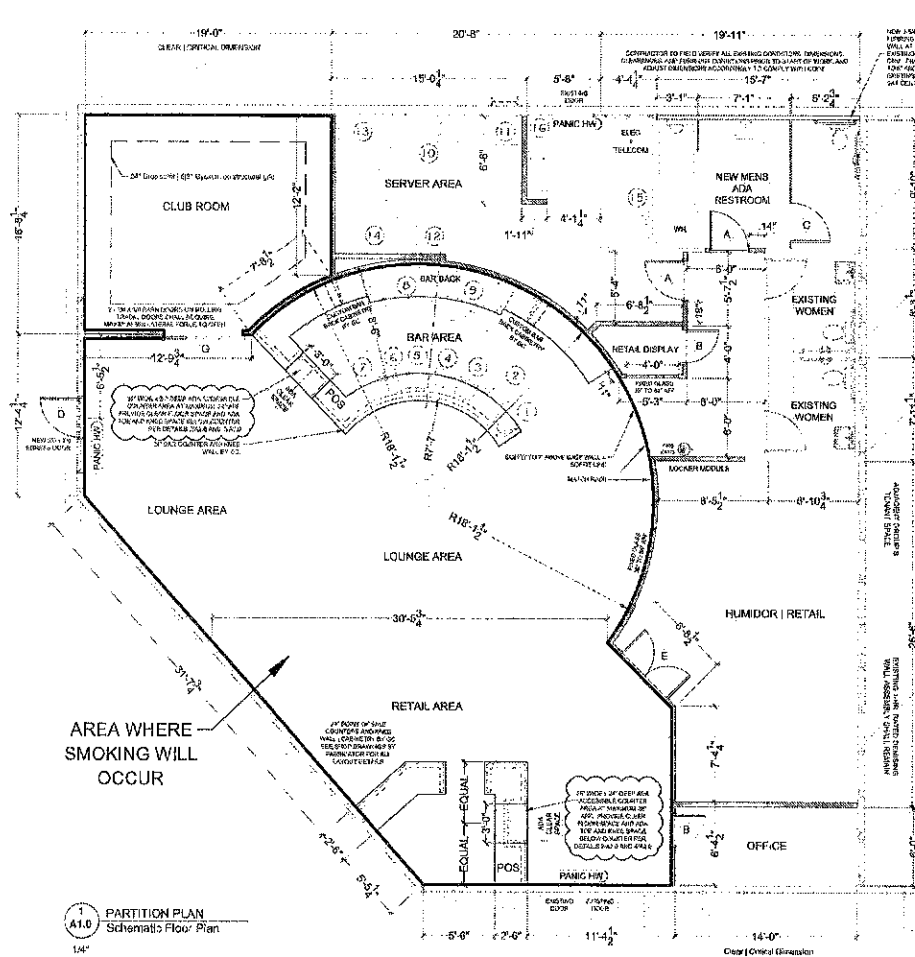
11.21.16

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



11.21.16

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



PREMISES IDENTIFICATION REQUIREMENTS

1. VERIFY EXISTING LEASES AND IDENTIFY IDENTIFICATION OF ADDRESS ON 3-DIGIT.
2. VERIFY EXISTING, EXTERIOR AND/OR INTERIOR IDENTIFICATION OF SUITE NUMBER ON OR ABOVE ALL EXTERIOR DOORS.

FIRE EXTINGUISHERS

1. ALL EXISTING FIRE EXTINGUISHERS SHALL BE RE-INSPECTED AND RE-TESTED. ALL EXISTING FIRE EXTINGUISHERS SHALL BE RE-INSPECTED AND RE-TESTED. ALL EXISTING FIRE EXTINGUISHERS SHALL BE RE-INSPECTED AND RE-TESTED.

FIRE EXTINGUISHER LEGEND

Symbol	Description	Size
[Symbol]	FIRE EXTINGUISHERS PER IFC, NFPA, & LSC	2-A-10-BC
[Symbol]	CLASS B FIRE EXTINGUISHER, SHALL BE WITHIN 10 FEET TRAVEL DISTANCE OF ALL EXISTING SURFACES PER NFPA 10, SEC. 6.7, 2002 EDITION	500 TO 1000 GALLONS OF ALPHARETTA FIRE MARSHAL

ALL FIRE EXTINGUISHERS TO BE RE-INSPECTED AT 48\"/>

WALL COMPOSITION SYNOPISE

Existing wall or partition is to remain as shown on data provided and CD.

1.5\"/>

DOOR SCHEDULE				
Number	Size	Material	Finish	Hardware
A	3'-0" x 8'-0"	1/2" Pine (Gypsum Core) Parting (Austrian Elm)	Gloss Veneer	250A-10-100
B	3'-0" x 8'-0"	1/2" Pine (Gypsum Core)	Gloss Veneer	250A-10-100
C	2'-4" x 8'-0"	1/2" Pine (Gypsum Core) Parting (Austrian Elm)	Gloss Veneer	250A-10-100
D	2'-4" x 8'-0"	1/2" Pine (Gypsum Core) Parting (Austrian Elm)	Gloss Veneer	250A-10-100
E	3'-0" x 8'-0"	1/2" Pine (Gypsum Core) Parting (Austrian Elm)	Gloss Veneer	250A-10-100
F	3'-0" x 8'-0"	1/2" Pine (Gypsum Core) Parting (Austrian Elm)	Gloss Veneer	250A-10-100
G	3'-0" x 8'-0"	1/2" Pine (Gypsum Core) Parting (Austrian Elm)	Gloss Veneer	250A-10-100
H	3'-0" x 8'-0"	1/2" Pine (Gypsum Core) Parting (Austrian Elm)	Gloss Veneer	250A-10-100
I	3'-0" x 8'-0"	1/2" Pine (Gypsum Core) Parting (Austrian Elm)	Gloss Veneer	250A-10-100
J	3'-0" x 8'-0"	1/2" Pine (Gypsum Core) Parting (Austrian Elm)	Gloss Veneer	250A-10-100
K	3'-0" x 8'-0"	1/2" Pine (Gypsum Core) Parting (Austrian Elm)	Gloss Veneer	250A-10-100
L	3'-0" x 8'-0"	1/2" Pine (Gypsum Core) Parting (Austrian Elm)	Gloss Veneer	250A-10-100
M	3'-0" x 8'-0"	1/2" Pine (Gypsum Core) Parting (Austrian Elm)	Gloss Veneer	250A-10-100
N	3'-0" x 8'-0"	1/2" Pine (Gypsum Core) Parting (Austrian Elm)	Gloss Veneer	250A-10-100
O	3'-0" x 8'-0"	1/2" Pine (Gypsum Core) Parting (Austrian Elm)	Gloss Veneer	250A-10-100
P	3'-0" x 8'-0"	1/2" Pine (Gypsum Core) Parting (Austrian Elm)	Gloss Veneer	250A-10-100
Q	3'-0" x 8'-0"	1/2" Pine (Gypsum Core) Parting (Austrian Elm)	Gloss Veneer	250A-10-100
R	3'-0" x 8'-0"	1/2" Pine (Gypsum Core) Parting (Austrian Elm)	Gloss Veneer	250A-10-100
S	3'-0" x 8'-0"	1/2" Pine (Gypsum Core) Parting (Austrian Elm)	Gloss Veneer	250A-10-100
T	3'-0" x 8'-0"	1/2" Pine (Gypsum Core) Parting (Austrian Elm)	Gloss Veneer	250A-10-100
U	3'-0" x 8'-0"	1/2" Pine (Gypsum Core) Parting (Austrian Elm)	Gloss Veneer	250A-10-100
V	3'-0" x 8'-0"	1/2" Pine (Gypsum Core) Parting (Austrian Elm)	Gloss Veneer	250A-10-100
W	3'-0" x 8'-0"	1/2" Pine (Gypsum Core) Parting (Austrian Elm)	Gloss Veneer	250A-10-100
X	3'-0" x 8'-0"	1/2" Pine (Gypsum Core) Parting (Austrian Elm)	Gloss Veneer	250A-10-100
Y	3'-0" x 8'-0"	1/2" Pine (Gypsum Core) Parting (Austrian Elm)	Gloss Veneer	250A-10-100
Z	3'-0" x 8'-0"	1/2" Pine (Gypsum Core) Parting (Austrian Elm)	Gloss Veneer	250A-10-100

LISTING GRAY INVENTORY MEASUREMENTS					
ITEM INFORMATION					
ITEM NO.	DESCRIPTION	QTY	UNIT	PRICE	TOTAL
1	1" x 4" x 8" Lumber	100	LF	1.00	100.00
2	2" x 4" x 8" Lumber	100	LF	1.00	100.00
3	2" x 6" x 8" Lumber	100	LF	1.00	100.00
4	2" x 8" x 8" Lumber	100	LF	1.00	100.00
5	2" x 10" x 8" Lumber	100	LF	1.00	100.00
6	2" x 12" x 8" Lumber	100	LF	1.00	100.00
7	2" x 14" x 8" Lumber	100	LF	1.00	100.00
8	2" x 16" x 8" Lumber	100	LF	1.00	100.00
9	2" x 18" x 8" Lumber	100	LF	1.00	100.00
10	2" x 20" x 8" Lumber	100	LF	1.00	100.00
11	2" x 22" x 8" Lumber	100	LF	1.00	100.00
12	2" x 24" x 8" Lumber	100	LF	1.00	100.00
13	2" x 26" x 8" Lumber	100	LF	1.00	100.00
14	2" x 28" x 8" Lumber	100	LF	1.00	100.00
15	2" x 30" x 8" Lumber	100	LF	1.00	100.00
16	2" x 32" x 8" Lumber	100	LF	1.00	100.00
17	2" x 34" x 8" Lumber	100	LF	1.00	100.00
18	2" x 36" x 8" Lumber	100	LF	1.00	100.00
19	2" x 38" x 8" Lumber	100	LF	1.00	100.00
20	2" x 40" x 8" Lumber	100	LF	1.00	100.00
21	2" x 42" x 8" Lumber	100	LF	1.00	100.00
22	2" x 44" x 8" Lumber	100	LF	1.00	100.00
23	2" x 46" x 8" Lumber	100	LF	1.00	100.00
24	2" x 48" x 8" Lumber	100	LF	1.00	100.00
25	2" x 50" x 8" Lumber	100	LF	1.00	100.00
26	2" x 52" x 8" Lumber	100	LF	1.00	100.00
27	2" x 54" x 8" Lumber	100	LF	1.00	100.00
28	2" x 56" x 8" Lumber	100	LF	1.00	100.00
29	2" x 58" x 8" Lumber	100	LF	1.00	100.00
30	2" x 60" x 8" Lumber	100	LF	1.00	100.00
31	2" x 62" x 8" Lumber	100	LF	1.00	100.00
32	2" x 64" x 8" Lumber	100	LF	1.00	100.00
33	2" x 66" x 8" Lumber	100	LF	1.00	100.00
34	2" x 68" x 8" Lumber	100	LF	1.00	100.00
35	2" x 70" x 8" Lumber	100	LF	1.00	100.00
36	2" x 72" x 8" Lumber	100	LF	1.00	100.00
37	2" x 74" x 8" Lumber	100	LF	1.00	100.00
38	2" x 76" x 8" Lumber	100	LF	1.00	100.00
39	2" x 78" x 8" Lumber	100	LF	1.00	100.00
40	2" x 80" x 8" Lumber	100	LF	1.00	100.00
41	2" x 82" x 8" Lumber	100	LF	1.00	100.00
42	2" x 84" x 8" Lumber	100	LF	1.00	100.00
43	2" x 86" x 8" Lumber	100	LF	1.00	100.00
44	2" x 88" x 8" Lumber	100	LF	1.00	100.00
45	2" x 90" x 8" Lumber	100	LF	1.00	100.00
46	2" x 92" x 8" Lumber	100	LF	1.00	100.00
47	2" x 94" x 8" Lumber	100	LF	1.00	100.00
48	2" x 96" x 8" Lumber	100	LF	1.00	100.00
49	2" x 98" x 8" Lumber	100	LF	1.00	100.00
50	2" x 100" x 8" Lumber	100	LF	1.00	100.00
51	2" x 102" x 8" Lumber	100	LF	1.00	100.00
52	2" x 104" x 8" Lumber	100	LF	1.00	100.00
53	2" x 106" x 8" Lumber	100	LF	1.00	100.00
54	2" x 108" x 8" Lumber	100	LF	1.00	100.00
55	2" x 110" x 8" Lumber	100	LF	1.00	100.00
56	2" x 112" x 8" Lumber	100	LF	1.00	100.00
57	2" x 114" x 8" Lumber	100	LF	1.00	100.00
58	2" x 116" x 8" Lumber	100	LF	1.00	100.00
59	2" x 118" x 8" Lumber	100	LF	1.00	100.00
60	2" x 120" x 8" Lumber	100	LF	1.00	100.00
61	2" x 122" x 8" Lumber	100	LF	1.00	100.00
62	2" x 124" x 8" Lumber	100	LF	1.00	100.00
63	2" x 126" x 8" Lumber	100	LF	1.00	100.00
64	2" x 128" x 8" Lumber	100	LF	1.00	100.00
65	2" x 130" x 8" Lumber	100	LF	1.00	100.00
66	2" x 132" x 8" Lumber	100	LF	1.00	100.00
67	2" x 134" x 8" Lumber	100	LF	1.00	100.00
68	2" x 136" x 8" Lumber	100	LF	1.00	100.00
69	2" x 138" x 8" Lumber	100	LF	1.00	100.00
70	2" x 140" x 8" Lumber	100	LF	1.00	100.00
71	2" x 142" x 8" Lumber	100	LF	1.00	100.00
72	2" x 144" x 8" Lumber	100	LF	1.00	100.00
73	2" x 146" x 8" Lumber	100	LF	1.00	100.00
74	2" x 148" x 8" Lumber	100	LF	1.00	100.00
75	2" x 150" x 8" Lumber	100	LF	1.00	100.00
76	2" x 152" x 8" Lumber	100	LF	1.00	100.00
77	2" x 154" x 8" Lumber	100	LF	1.00	100.00
78	2" x 156" x 8" Lumber	100	LF	1.00	100.00
79	2" x 158" x 8" Lumber	100	LF	1.00	100.00
80	2" x 160" x 8" Lumber	100	LF	1.00	100.00
81	2" x 162" x 8" Lumber	100	LF	1.00	100.00
82	2" x 164" x 8" Lumber	100	LF	1.00	100.00
83	2" x 166" x 8" Lumber	100	LF	1.00	100.00
84	2" x 168" x 8" Lumber	100	LF	1.00	100.00
85	2" x 170" x 8" Lumber	100	LF	1.00	100.00
86	2" x 172" x 8" Lumber	100	LF	1.00	100.00
87	2" x 174" x 8" Lumber	100	LF	1.00	100.00
88	2" x 176" x 8" Lumber	100	LF	1.00	100.00
89	2" x 178" x 8" Lumber	100	LF	1.00	100.00
90	2" x 180" x 8" Lumber	100	LF	1.00	100.00
91	2" x 182" x 8" Lumber	100	LF	1.00	100.00
92	2" x 184" x 8" Lumber	100	LF	1.00	100.00
93	2" x 186" x 8" Lumber	100	LF	1.00	100.00
94	2" x 188" x 8" Lumber	100	LF	1.00	100.00
95	2" x 190" x 8" Lumber	100	LF	1.00	100.00
96	2" x 192" x 8" Lumber	100	LF	1.00	100.00
97	2" x 194" x 8" Lumber	100	LF	1.00	100.00
98	2" x 196" x 8" Lumber	100	LF	1.00	100.00
99	2" x 198" x 8" Lumber	100	LF	1.00	100.00
100	2" x 200" x 8" Lumber	100	LF	1.00	100.00

GENERAL BUILD-OUT NOTES:

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

ALL EXISTING CONDITIONS SHALL BE REPORTED TO POST CAR PARTNERS ET AL. IN WRITING, PLACING IN AN EASY TO REACH LOCATION PRIOR TO THE START OF WORK.

CONTRACTOR SHALL COORDINATE ALL MECHANICAL, ELECTRICAL, PLUMBING, AND LIFE SAFETY PROVISIONS WITH FINAL EQUIPMENT SELECTION BY THE OWNER.

CONTRACTOR SHALL COORDINATE ALL MECHANICAL, ELECTRICAL, PLUMBING, AND LIFE SAFETY PROVISIONS WITH FINAL EQUIPMENT SELECTION BY THE OWNER.

Alpharetta

PROVIDED FOR CODE COMPLIANCE
CITY OF ALPHARETTA
BUILDING CONSTRUCTION DIVISION

Drew Wade
CITY OF ALPHARETTA
FIRE MARSHAL'S OFFICE

PROJECT NUMBER 2016 070

Post Oak Partners, LLC
100 Peachtree Parkway
Suite 100
Atlanta, GA 30329

TECHNICAL DRAWING

CUTTER'S CIGAR EMPORIUM

Scale: 1/4\"/>

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



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

PLANNING COMMISSION: FEBRUARY 2, 2017
CITY COUNCIL: FEBRUARY 27, 2017

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 modify in the conditions above.

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, alley way 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 was 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 feet Manning House is 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 proposed change of use 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 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.

(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.

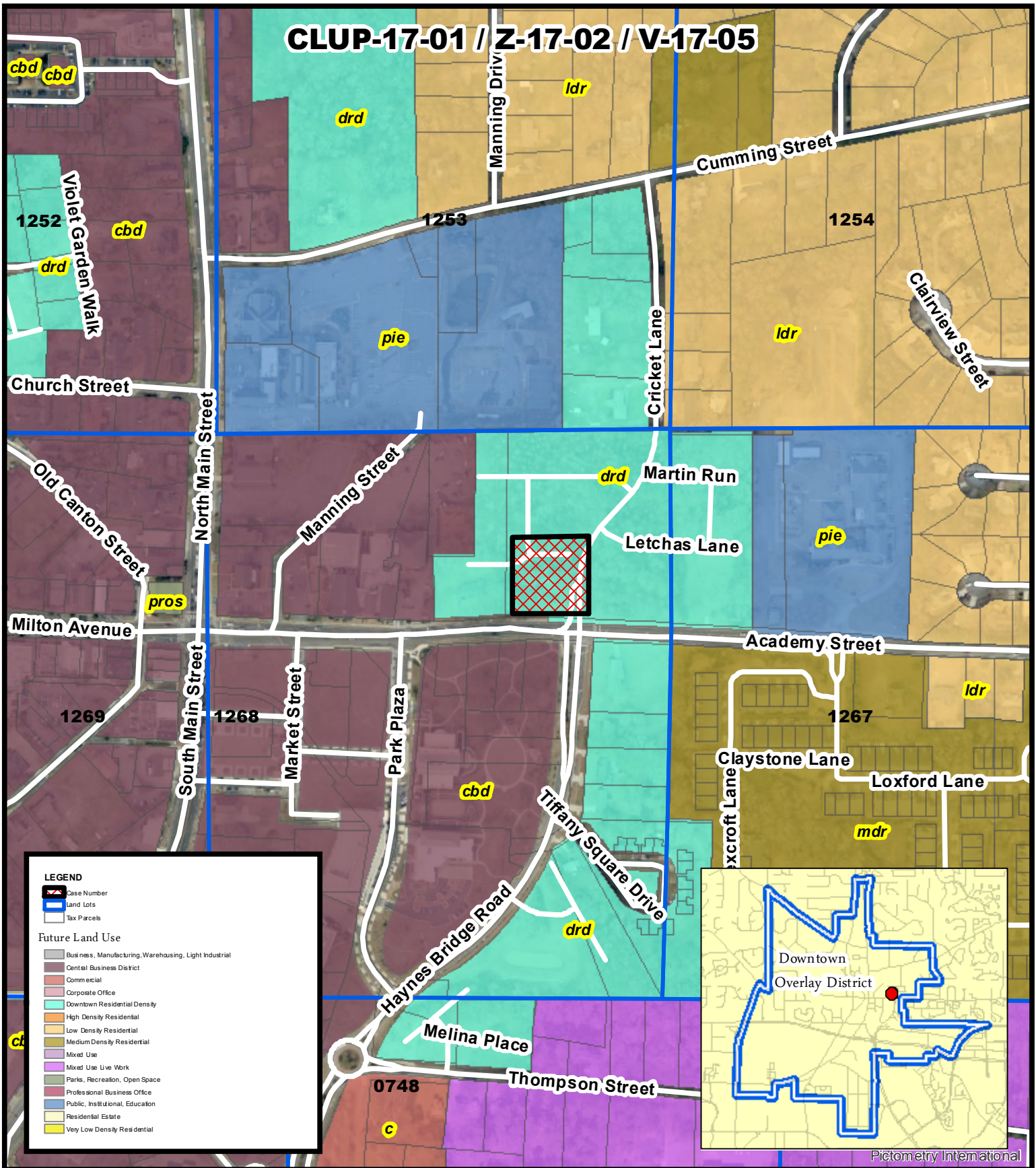
CITIZEN PARTICIPATION PLAN

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



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

D/LL: 2/2/1268

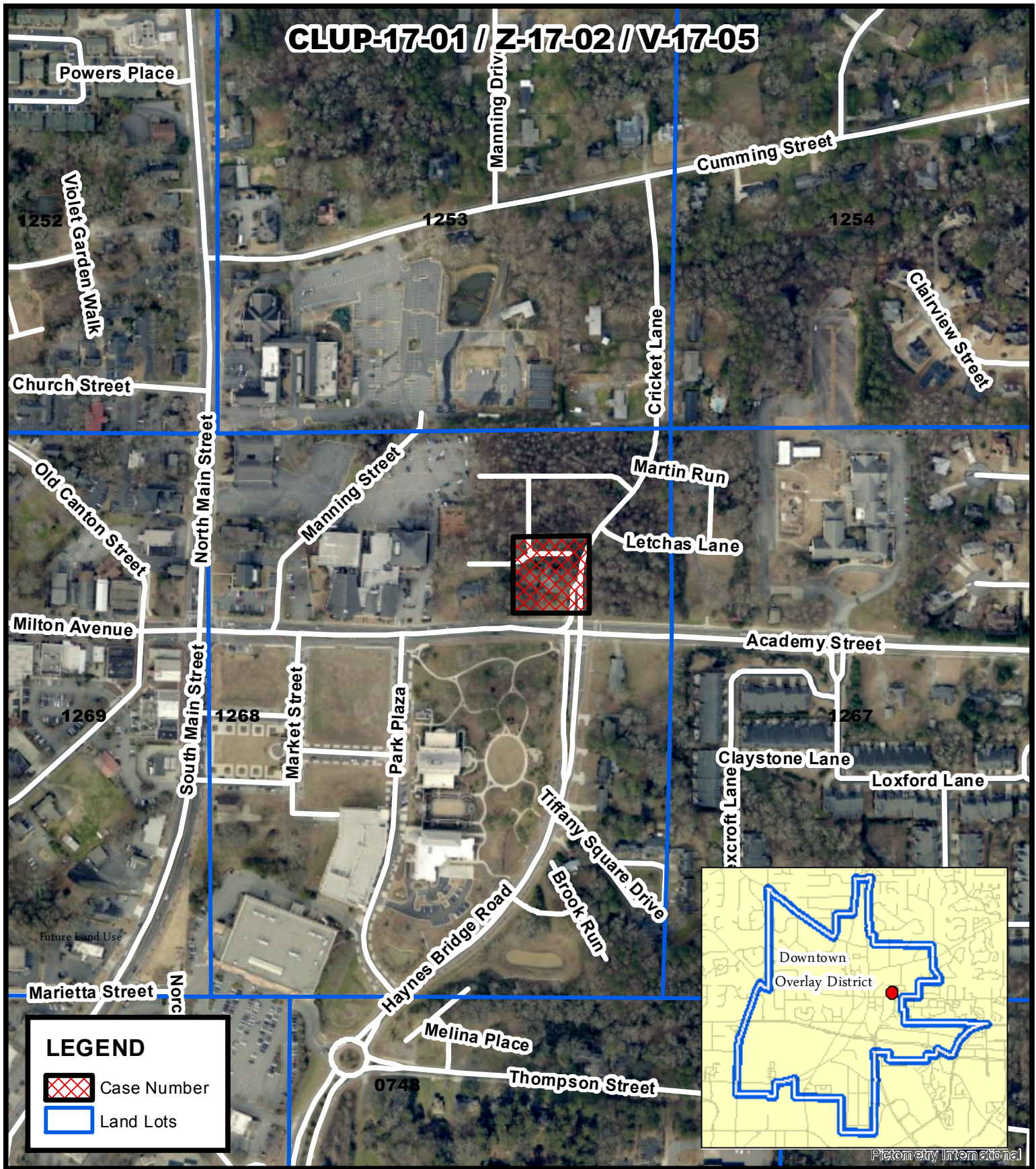
PC Date: 2/02/17

CC Date: 2/27/17

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

Location Map Provided by:
Community Development - GIS





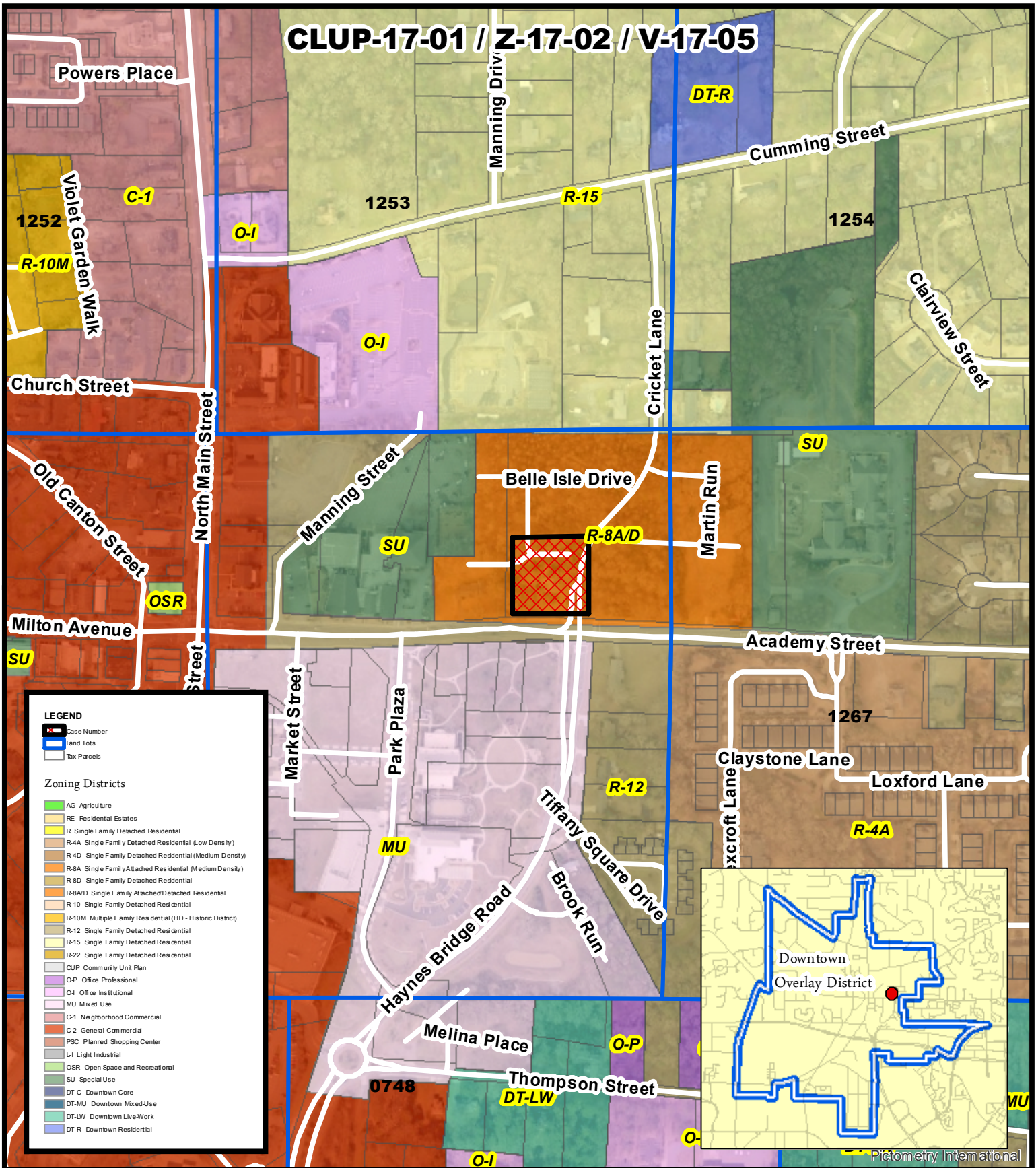
Aerial Map

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

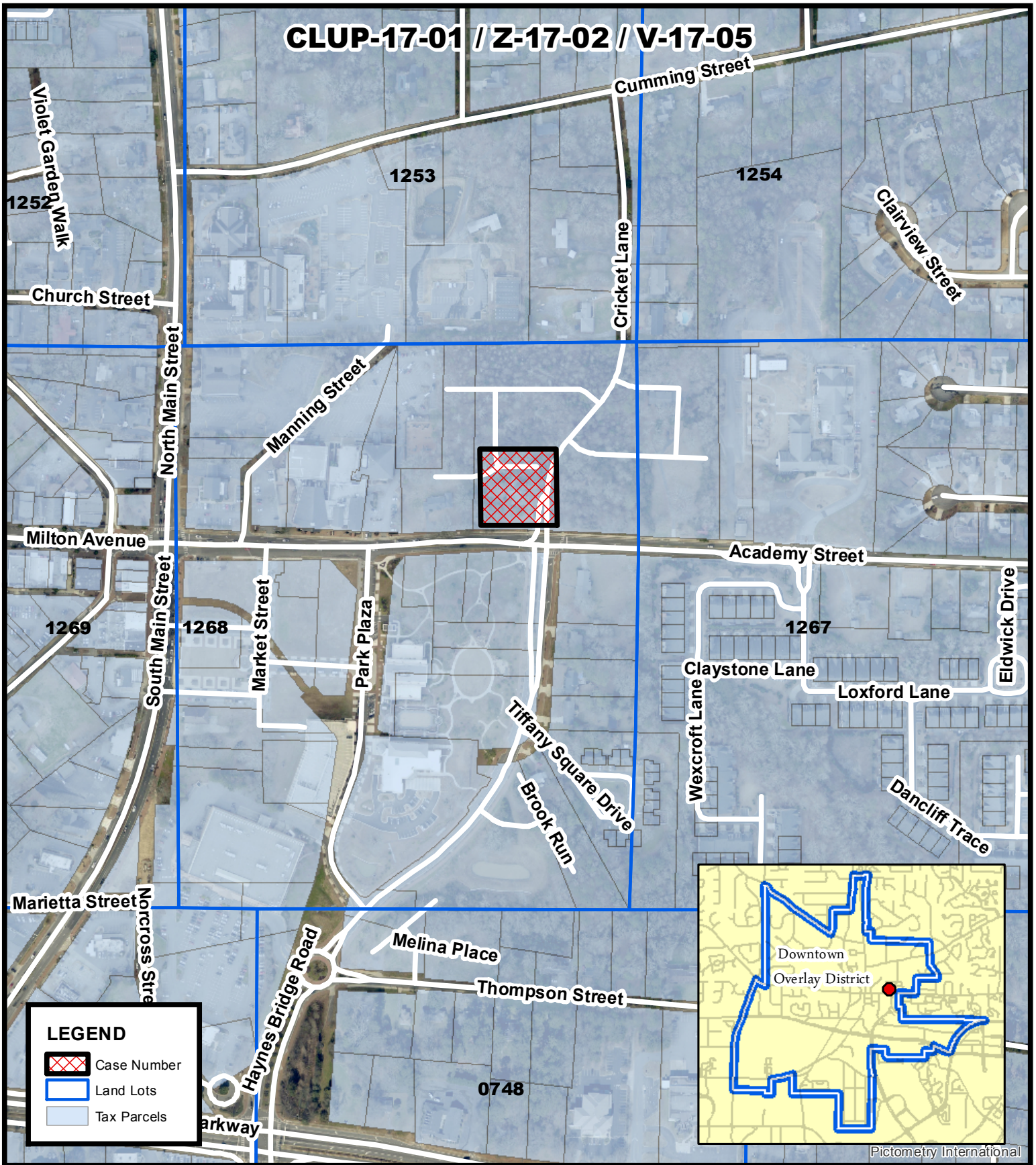
PC Date: 2/02/17

CC Date: 2/27/17

Location Map Provided by:
Community Development - GIS



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



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

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



Location Map
GRBK Academy LLC/Manning House
94 Academy Street





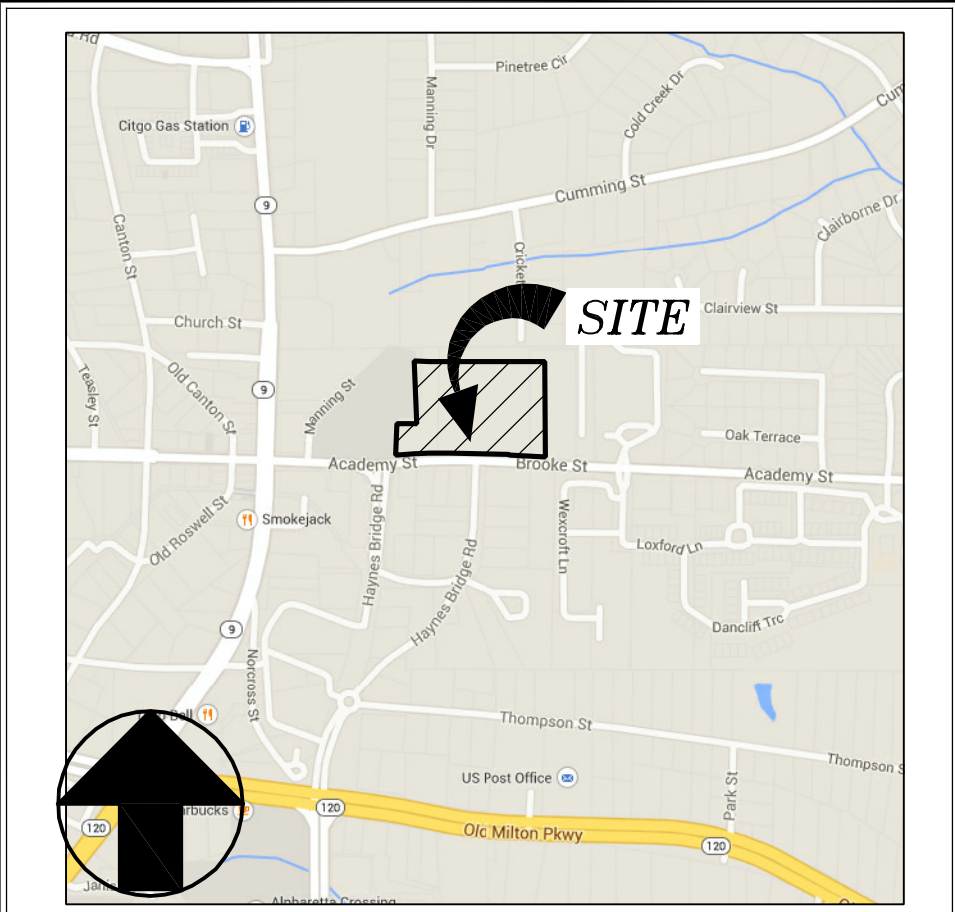
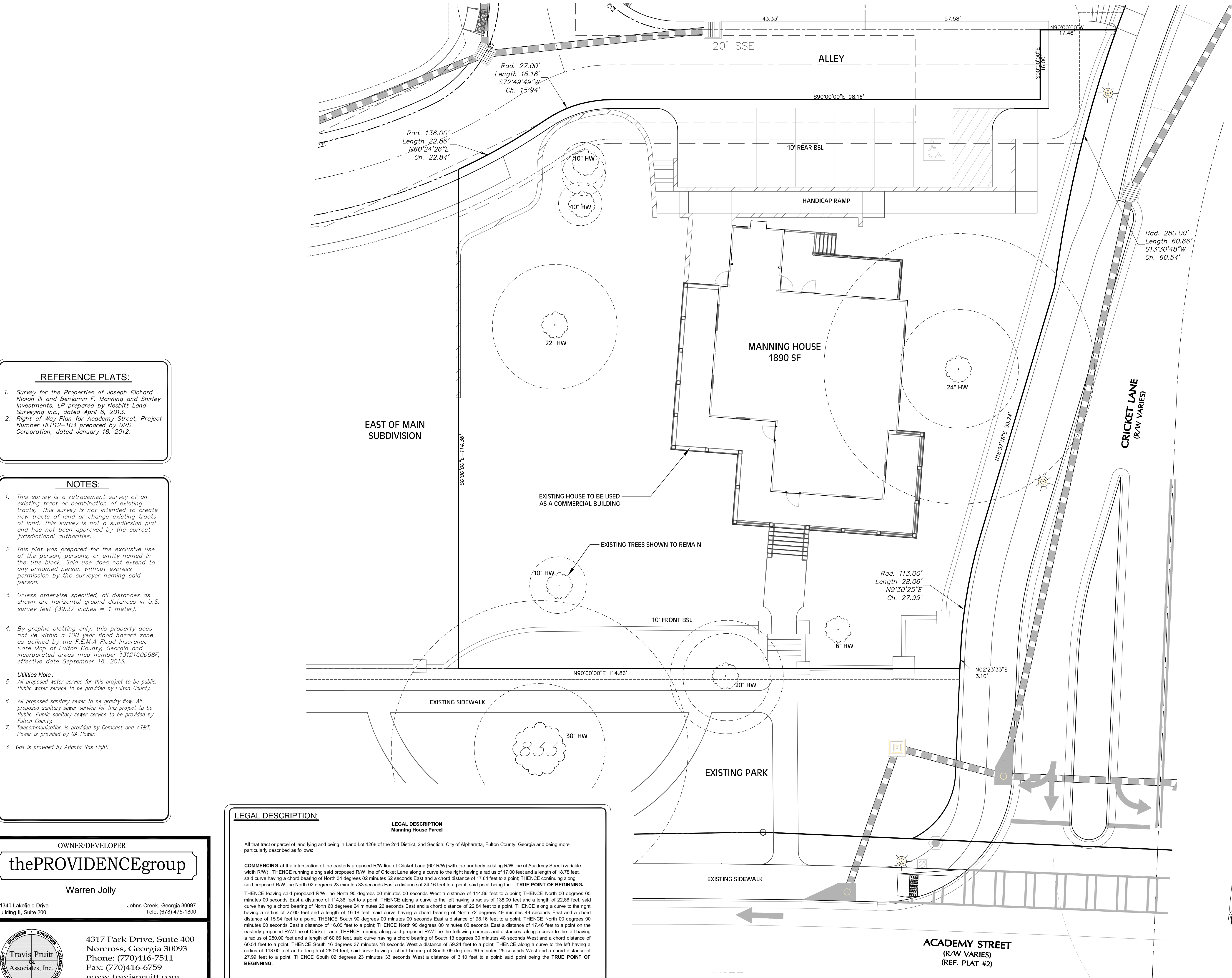










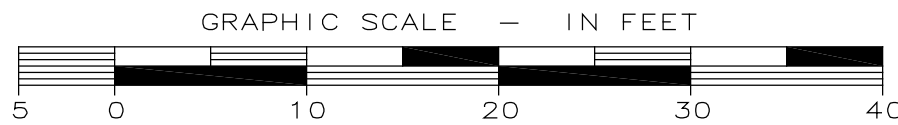


LOCATION MAP
not to scale

- SITE NOTES**
1. Site area - 0.387 acres
 2. Total Number of Lots/Units - 1
 3. Existing Zoning: R-8A/D
 4. Proposed Zoning: DT-LW
 5. Proposed land use : Commercial

- VARIANCES:**
1. 50' EXTERIOR BUFFER SHALL BE REDUCED TO 0'.

COMMERCIAL LOT DATA		
	REQUIRED	PROPOSED
FRONT SETBACK		10'
SIDE SETBACK		0'
REAR SETBACK		10'
MAX. BUILDING HEIGHT		40'-0"
PARKING SPACES		7 SPACES



ZONING PLAN

Manning House Tract

LL 1268, 2nd District, 2nd Section
94 Academy Street, City of Alpharetta
Fulton County, Georgia



For The Firm
Travis Pruitt
&
Associates, Inc.

DATE 12/01/16
SCALE 1" = 10'
CN
LSV
JUN
FN 2-14-0044CP10

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

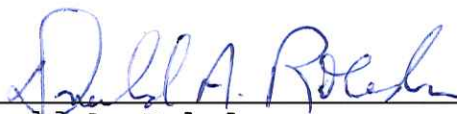
☐

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. 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

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 V. Pm
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.

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

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-8A/D
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 Vice Training Program & Association Inc.	DATE 12/01/86
	SCALE 1" = 10'
	CN
	LOV
	JPC
	PK 2-11-2011CP
	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.

[illegible][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.

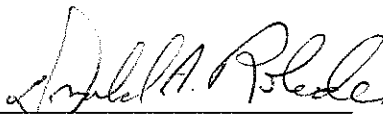
A refusal by the City of Alpharetta to grant the Application would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Owner and Owners of similarly situated property in violation of Article I,

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

Kimball Bridge Activity Center

Intent: **PRESERVE** and **ENHANCE** corporate campuses, businesses, parks and shopping areas as well as connectivity to neighborhoods, corridors and other communities with vehicular, pedestrian, bicycle and public transportation improvements. **CREATE** development and redevelopment that incorporates a variety of businesses, employment opportunities, retail and commercial services as well as residential options, particularly near Downtown.

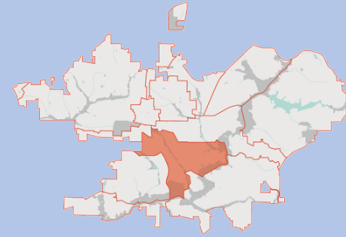
General Description: Kimball Bridge Activity Center includes a mix of commercial, office, residential and civic uses. The general development pattern is defined by corporate campuses, business parks and single use activity on individual lots. The street network has curvilinear streets and moderate to short distances between intersections. Buildings have moderate to shallow setbacks and use the building structure or streetscape features to frame the street.

Green space is accommodated within corporate campuses, on individual lots as well as shared spaces such as along streets or in public parks. Neighborhood and community parks take the form of pocket parks, plazas, greens and greenways that provide recreation and community gathering opportunities. Streetscape enhancements that include street trees and other plantings are appropriate to define and enhance the character of streets.

Connectivity is moderate to high for vehicles, pedestrians, bicycle users and public transportation riders. Roadway cross sections are typically defined by the roadway, curb and gutter, sidewalks and a well-defined pedestrian environment.

Future development should emphasize connectivity and accommodate the unique needs of corporate campuses and business parks, as well as commercial and residential areas. Focus should be on expanding the street network, enhancing public transportation service, creating a pedestrian-friendly environment by adding sidewalks, and supporting bicycle use with infrastructure that makes biking safe and convenient. This complete transportation system should link adjacent residential, office and commercial areas to major destinations within the activity center or serve as a safe and convenient connection to other destinations in the community.

Application: Kimball Bridge Activity Center is located along GA-400 in central Alpharetta. It is generally bound by the Kimball Bridge Neighborhoods, the South Main and Old Milton Corridors, and the North Point Activity Center. The area is zoned for a mix of office, commercial, residential or is part of a planned community development. The area is envisioned to continue to evolve as a job center and hub for major businesses. Commercial, mixed-use and residential development should be clustered west of GA-400 or between North Point Parkway and the Big Creek Greenway. The Downtown Master Plan envisioned redevelopment of the Alpha Park neighborhood to occur as part of an assemblage of several properties as opposed to a piecemeal, lot-by-lot approach.



DESIGN PRINCIPLES

Site Design

- Vehicular access from private driveways, alleys and side streets
- Moderate to shallow setbacks are generally 40 feet or less in depth
- Moderate to high lot coverage with medium to large building footprint in relation to lot size
- Alpha Park redevelopment to occur as part of an assemblage of properties, not lot-by-lot

Density/Intensity

- Moderate to high density/intensity
- 1 to 10 story buildings

Green Space

- Formal landscaping with built areas
- Neighborhood Parks
- Community Parks

Transportation

- Moderate to high pedestrian and bicycle connectivity with sidewalks, bikeways and greenways
- Moderate to high vehicular connectivity with curvilinear streets and moderate to short distance between intersections
- Moderate to high access to public transportation

Supporting Plans/Studies

- N. Fulton Comp. Transportation Plan
- 2008-13 Recreation & Parks Master Plan
- North Point Activity Center LCI Study
- Downtown Circulation Plan
- Big Creek Watershed Study
- 2015 Downtown Master Plan

Future Land Use Categories with Compatible Zoning Districts

- Medium Density Residential: R-10, R-4A, CUP¹ and DT-R
- High Density Residential: R-8A, R-10M, CUP² and DT-R
- Corporate Campus Office: O-I and CUP³
- Professional/Business Office: O-P and CUP⁴
- Commercial: C-1, C-2, PSC and CUP⁵
- Mixed Use: MU
- Public/Institutional/Education: SU
- Parks/Recreation/Open Space: OSR, SU, CUP⁶

Unique Issues and Opportunities

- Centrally located within Alpharetta
- Near GA-400 and residential areas
- Growing issue with traffic congestion along major roads at the edge of the character area as well as those that pass through the area

Visual Character Description



¹ With single-family detached residential designation and single-family attached residential designation

² With single-family attached residential designation and multi-family residential designation

³ With office and light industrial designation

⁴ With office and light industrial designation

⁵ With commercial designation

⁶ With open space designation



CITY COUNCIL MEETING STAFF REPORT

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

I. AGENDA ITEM TITLE: PH-17-03 COMPREHENSIVE PLAN 2035 AMENDMENT – DOWNTOWN RESIDENTIAL REDEVELOPMENT

PLANNING COMMISSION: FEBRUARY 2, 2017

CITY COUNCIL: MARCH 6, 2017

II. RECOMMENDATION:

Approval of an amendment to the 2035 Comprehensive Plan.

III. REPORT IN BRIEF:

Consideration of an amendment to the 2035 Comprehensive Plan to add language to the Downtown Activity Center and Kimball Bridge Activity Center character areas in order to clarify the vision for redevelopment of existing residential neighborhoods.

The 2015 Downtown Master Plan update identified existing residential areas as potential redevelopment opportunities. The Master Plan envisioned redevelopment to occur as part of a larger land assembly as opposed to a piecemeal, lot-by-lot approach. This would ensure existing residents are protected from piecemeal redevelopment. Piecemeal redevelopment has the potential to have negative impacts on existing residential properties and does not represent the best development plan for the area. A land assembly approach to redevelopment provides greater opportunities to protect the natural environment, provide a better site layout, provide larger and more useable civic and amenity spaces, and reduce infrastructure costs. Additionally, there are potential negative stormwater management implications since single lot redevelopment would not trigger stormwater requirements. This is especially concerning given that older residential areas in need of redevelopment were likely developed with little to no stormwater management requirements.

Existing residential areas identified as potential redevelopment opportunities are designated Downtown Residential Density on the Comprehensive Land Use Plan, which identifies DT-R (Downtown Residential) as an appropriate zoning district. DT-R may permit densities of up to eight (8) dwelling units per acre, if an appropriate plan is presented, as compared to the existing zoning districts of R-12 (3.6 dwelling units per acre) and R-15 (2.9 dwelling units per acre). DT-R also allows a wider variety of residential types, as well as reduced setbacks and lot sizes. Therefore, Staff requests this important clarification in the Comprehensive Plan.

IV. ATTACHMENTS:

- Downtown Activity Center Edits
- Kimball Bridge Activity Center Edits



CITY COUNCIL MEETING STAFF REPORT

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

I. AGENDA ITEM TITLE: PH-17-05 UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS – SIGNS & DOWNTOWN PARKING

PLANNING COMMISSION: FEBRUARY 2, 2017

CITY COUNCIL: MARCH 6, 2017

II. RECOMMENDATION:

Approval of text amendments to the Unified Development Code – Signs & Downtown Parking.

III. REPORT IN BRIEF:

Consideration of amendments to the Unified Development Code (UDC) Section 2.6.12 (C)(2) to increase the maximum wall sign area permitted in industrial and office parks from 156 square feet to 240 square feet and delete a provision in UDC Appendix A, Section 2.4 (C)(3) Downtown Parking Code.

UDC Section 2.6.12 (C)(2):

The Sign Code allows industrial and office parks to have a maximum wall sign area of 20 square feet per floor or story above road grade, not to exceed 156 square feet. The regulation, as currently written, allows for a proportionately larger wall sign area for buildings up to eight (8) stories. The maximum wall sign area of 156 square feet does not allow for larger wall signs on buildings over eight (8) stories. There are several office properties in the City that have entitled building heights greater than eight (8) stories, including at Avalon, Northwinds, North Point Parkway, and Preston Ridge, to name a few. These heights are now being realized in Alpharetta although zoning has allowed these heights for many years. Therefore, staff recommends a change to allow 20 square feet of sign area per floor or story above road grade for buildings up to 12 stories with a maximum wall sign area not to exceed 240 square feet. The City of Dunwoody allows a maximum sign area of up to 300 square feet.

UDC Appendix A, Section 2.4 (C)(3):

The City has experienced parking shortages in the Downtown and as a result has a consultant under contract to prepare a parking study and parking management plan. The Alpharetta Downtown Code currently allows required non-residential parking to be met off-site, if the parking is located within 500 feet of the use it serves. However, this regulation does not consider the capacity available in off-site parking areas. Therefore, staff believes that the following provision should be deleted in its entirety until a solution is identified.

“Parking in the following locations may be used to satisfy the minimum requirements of the Vehicular Parking Requirements Table: 3. Off-site parking within 500 feet of the use it serves (as measured along a pedestrian walkway from the door of the use the parking serves).”

It should also be noted that parking requirements are reduced within the Downtown Overlay.

IV. ATTACHMENTS:

- UDC Section 2.6.12 (C)(2) Proposed Amendments
- UDC Appendix A, Section 2.4 (C)(3) Proposed Amendments

Sec. 2.4. - Parking and Loading.

2.4.1. Vehicle Parking.

A. Every use must provide and maintain vehicular parking in accordance with the Vehicular Parking Requirements Table.

B. Vehicular Parking Requirements Table.

Use	Parking Space Ratio
Residential Activities	
Dwelling, 'For-Sale,' Attached	Min. 1 per bedroom (up to 2 bedrooms), plus 0.15 visitor space per unit
Dwelling, 'For-Sale,' Detached	Min. 1 per bedroom (up to 2 bedrooms), plus 0.15 visitor space per unit
Dwelling, 'For-Rent'	Min. 1 per bedroom (up to 2 bedrooms), plus 0.15 visitor space per unit
Bed & Breakfast	Min. 1 per guest bedroom
Hotel	Min. 1 space per guest room, plus 1 employee space per 20 guest rooms, plus 1 per 500 sf of convention rooms, conference rooms, ballrooms, restaurant and retail shops
Congregate Housing, Assisted Living Facility	Min. 1 per 2 sleeping rooms
Home-Elderly, Children, Nursing	Min. 1 per 2 sleeping rooms
Business Uses	
Bank, Savings & Loan, Mortgage Company	Min. 3 per 1,000 sf
Day Care Center	Min. 1 per 400 sf, plus stacking for 6 cars on the lot
Funeral Home (with no cemetery or mausoleum)	Min. 1 per 4 seats in chapel or parlor, plus sufficient space to park or store all company vehicles
Medical, dental and optical offices	Min. 3 per 1,000 sf

Professional and business offices not otherwise specifically enumerated	Min. 3 per 1,000 sf
Auto, truck and mobile home sales, outdoor equipment and machinery sales, commercial nurseries	Min. 3 per 1,000 sf of showroom, sales office or other conditioned space
Restaurant	Min. 1 per 500 sf
Retail businesses, not otherwise specifically enumerated	Min. 1 per 500 sf
Theaters, night clubs and other such places of public assembly	Min. 1 per 4 seats, plus 1 (employee space) per 10 seats
Service and repair establishments not otherwise specifically enumerated	Min. 3 per 1,000 sf, excluding storage
Service Station, Automotive	Min. 2 per fueling station, plus 1 per 250 sf of retail
Technology Centers/Data Processing Centers	Min. 1 per 500 sf of unmanned areas and min. 1 per 300 sf of manned areas
Wholesale/Industrial Uses	
Wholesaling and industrial uses including lumber, brick, coal, junk and supply yards	Min. 1 per 1,000 sf
Public and Semipublic Uses	
Hospital	Min. 1 per bed, plus 1 per 200 sf for outpatient treatment areas
Church, Synagogue, Other Place of Worship	Min. 1 per 2 seats in the principal assembly room
Places of assembly or indoor recreation without fixed seats	Min. 1 per 500 sf playing court, rink, playing field and spectator area, plus 1 per 200 sf of patron use areas
Schools, elementary and middle schools	Min. 1 per classroom and administrative office, plus 5 visitor spaces

Schools, senior high	Min. 1 per classroom and administrative office, plus 1 per 4 students (based on the design capacity of the school)
Other public building	Min. 1 per 300 sf

- C. Parking in the following locations may be used to satisfy the minimum requirements of the Vehicular Parking Requirements Table:
1. Off-street parking located on the same site or lot as the use it serves;
 2. On-street parking located adjacent to and on the same side of the street as the site or lot containing the use it serves; and
 3. ~~Off-site parking within 500 feet of the use it serves (as measured along a pedestrian walkway from the door of the use the parking serves).~~
- D. When a use provides more than 120% of the minimum number of spaces required by the Vehicular Parking Requirements Table, any additional spaces in a surface parking lot must be constructed of pervious paving materials. For the purpose of conforming to this requirement, any on-street spaces or off-street spaces in parking structures must be counted towards satisfying the minimum requirement.

2.4.2. Bicycle Parking.

- A. Facilities that provide or require 25 or more vehicle parking spaces must provide a minimum of 1 bicycle parking space, plus 1 space for each additional 25 provided vehicle parking spaces, provided that no site may have fewer than 3 spaces nor be required to exceed 30 bicycle spaces.
- B. Bicycle parking facilities must comply with the following provisions.
1. Each required bicycle parking space must be at least 2 feet by 6 feet. Where a bike can be locked on both sides of a bicycle rack without conflict, each side can be counted as a required space.
 2. Bicycle racks must be securely anchored, be easily usable with both U-locks and cable locks, and support a bicycle at 2 points of contact to prevent damage to the bicycle wheels and frame.
 3. Bicycle parking must be provided in a well-lit area.
 4. Spacing of the bicycle racks must provide clear and maneuverable access.
 5. Bicycle parking may be placed within the public right-of-way, provided the encroachment is approved by the City Transportation Engineer.
 6. Bicycle parking spaces must be as close as or closer than the nearest vehicle parking space (as measured along a pedestrian walkway from the door of the use the parking serves).

2.4.3. Driveways.

- A. Applicability. The following applies to driveways, including those serving alleys, but not to new streets in conformance with Section 2.3.3.
- B. Width. Unless approved by the City Transportation Engineer or required by the Georgia Department of Transportation along a State highway, the maximum width of curb cuts, not including flares or returns at the throat of the facility, for entrances, exits, service drives and similar facilities shall be 24 feet for two-way entrances and 12 feet for one-way entrances.

- C. Number. The maximum number of driveways allowed on a site shall not exceed an amount equal to one driveway for every 300 feet of total street frontage or fraction thereof. All parcels are permitted at least one driveway.
- D. Location. Driveways may not be located on an arterial street when access is available from a collector or local street.

2.4.4. Design of Parking Structures.

- A. When a parking structure fronts an arterial or collector street its ground story must have active uses (such as, but not limited to, residential, commercial, office or civic space) located between the parking structure and the closest adjacent street (not including an alley). Such active use shall have a minimum depth of 20 feet.
- B. Where upper stories of structured parking are adjacent to or visible from any street, they must be screened so that cars and ramps are not clearly visible from ground level view from the adjacent parcel or the adjacent street (not including an alley).
- C. Structured parking facades adjacent to or visible from any street must have the appearance of a horizontal storied building.

2.4.5. Loading.

- A. On-site loading space is not required.
- B. Loading areas must be located to the rear of buildings. Loading areas must not be placed between a building and the closest adjacent street.
- C. Screening. If a loading area is provided, it must meet the following.
 - 1. Where a loading dock designed for tractor-trailers is placed between a shared lot line or building and the closest adjacent street (not including an alley), the entire length of the loading area must be screened.
 - 2. Screening must consist of either:
 - a. An 8-foot high wall compatible with the principal building in terms of texture, quality, material and color; or
 - b. Evergreen plant material that can be expected to reach a height of 8 feet with a spread of 4 feet within 3 years of planting.

2.4.6. Vehicle Access and Parking Locations.

- A. No driveway or off-street parking lots may be located between a building and the closest street unless an intervening approved building type exists.
 - B. Off-street parking for the following must be accessed from alleys:
 - 1. Townhouses on lots of any width.
 - 2. All other building types on lots less than 50 feet in width.
 - C. Where a garage faces a street the garage must be recessed a minimum distance of 20 feet behind the front building façade.
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SECTION 2.6 - SIGNS^[2]

2.6.1 Findings, purpose and intent.

A. *Findings.*

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

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

1. To protect the health, safety, general welfare and property values of the citizens of the City, and to implement the policies and objectives of the Comprehensive Plan of the City through enactment of a comprehensive set of regulations governing signs in the City;
2. To regulate the erection and placement of signs within the City in order to provide safe operating conditions for pedestrian and vehicular traffic without unnecessary and unsafe distractions to drivers and pedestrians;
3. To preserve the value of property on which signs are located and from which signs may be viewed;

4. To maintain an aesthetically attractive city in which signs are compatible with the surrounding area;
5. To maintain for the City's residents, workers and visitors a safe and aesthetically attractive environment and to advance the aesthetic interests of the City;
6. To prevent the destruction of the natural beauty and environment of the City and maintain and maximize tree coverage within the City;
7. To establish comprehensive sign regulations which effectively balance the protection of legitimate business and development needs and the rights of individuals and businesses to convey their messages through signs with the promotion of a safe and aesthetically attractive environment for residents, workers and visitors to the City and the protection of the public health, safety, and general welfare;
8. To ensure the protection of free speech rights under the State and United States Constitution within the City;
9. To promote economic development;
10. To establish a permit system to allow specific types of signs in zoning districts consistent with the uses, intent and aesthetic characteristics of the areas where the signs are to be located;
11. To provide temporary signs in limited circumstances;
12. To place reasonable controls on non-conforming signs that are by definition contrary to the public health, safety and welfare while protecting the constitutional rights of the owners of said non-conforming signs;
13. To provide for the maintenance of signs;
14. To avoid the harmful aspects of the unrestricted proliferation of signs; and
15. To ensure the fair and consistent enforcement of sign regulations.

([Ord. No. 720](#), § 2(Exh. A), 2-22-2016)

2.6.2 Scope of regulations.

- A. The provisions and standards of this Ordinance shall apply to all signs located or erected within the corporate limits of the City.
- B. Protected non-commercial speech shall be permitted in any place commercial speech is permitted under this Ordinance. Any sign provided for in any zoning district may contain non-commercial messages. To the extent any conflict arises between this provision and any other language found in this Ordinance, this provision shall control.
- C. Nothing herein shall be construed to permit display of any message which is obscene, illegal or speech which is otherwise unprotected under the First Amendment of the United States Constitution. Nothing herein shall be construed to prohibit a prosecution for violation of a criminal statute by the City or other duly constituted government authority or a civil action by the City or other private person or entity.

([Ord. No. 720](#), § 2(Exh. A), 2-22-2016)

2.6.3 Definitions.

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

Abandoned Sign. Any sign that contains or exhibits broken panels, visible rust, visible rot, damaged support structures, or deteriorated copy through lack of maintenance, or which is otherwise dilapidated, unsightly, or unkempt, and for which no person accepts maintenance responsibility.

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

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

Banner. Any sign of lightweight fabric, plastic or similar material that is intended to be hung either with a frame or without a frame. Neither flags nor canopy signs are considered banners.

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

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

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

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

City. The City of Alpharetta, Georgia.

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

Copy Area. The area in square feet of the smallest rectangle enclosing the actual copy of a sign.

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

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

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

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

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

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

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

Flashing Sign. A sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits marked changes in lighting effects.

Free-standing Sign. Any sign erected on a free-standing base, foundation, or frame, or otherwise supported by structures, supports or posts that are attached to, placed on, or anchored in the ground, and which are independent from and not attached to any building or other structure. All permanent free-standing signs shall be self-supporting structures erected on and permanently attached to solid bases or foundations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sign. Any identification, description, illustration, device, fixture, structure, display or visual representation, which is visible from any public place and affixed to, or supported or suspended by, a stationary object, structure, building or the ground that uses any color, form, character, symbol, graphic, image, illumination, or writing to announce, direct attention to, identify, or advertise an object, idea, location, place, person, institution, organization, business, product, service, activity or event or to otherwise visually communicate information, ideas or messages of any kind to the public. "Sign" includes the sign face and sign structure..

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

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

Standard Informational Sign. A non-illuminated, temporary free-standing sign, which shall contain no reflecting elements, flags, projections or unpainted wooden surfaces, mounted on a post, stake or metal frame (with a thickness or diameter not greater than three and one-half inches) that is attached to, or anchored in, the ground. Standard informational signs are limited per lot to either one (1) sign that is twelve (12) square feet in area or up to four (4) signs not to exceed an aggregate of twelve (12) square feet in area. In addition, each sign shall not exceed a height of five (5) feet. These signs shall be set back not less than ten (10) feet from public right-of-way or ten (10) feet from the back of curb of a private roadway. Standard informational signs do not require a permit.

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

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

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

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

Temporary Sign. Any sign that is not a permanent sign.

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

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

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

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

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

Wall Sign. A sign attached to or erected against the outside wall of a building, with the face parallel to the building wall and extending not more than 1 foot (1 ft.) therefrom, and which displays only one sign face.

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

([Ord. No. 720](#), § 2(Exh. A), 2-22-2016)

2.6.4 Permits and labels.

- A. PERMIT REQUIRED. Except as specifically exempted from the provisions of this Ordinance, it shall be unlawful for any person to post, display, materially change, or erect a sign in the City without first having obtained a sign permit. Notwithstanding the foregoing, signs which are not visible from a public right-of-way or from neighboring properties shall not be subject to the standards of this Ordinance. A change in only the copy of a sign shall not constitute a material change.
- B. PERMIT APPLICATION. Applications for sign permits shall be filed by the sign owner or its agent with the Director. The application shall describe and set forth the following:
 - 1. The street address of the property upon which the subject sign is to be located and a site plan of the property which bears the scaled and labeled proposed location of the sign.
 - 2. The aggregate area and copy area for all signs on the parcel.
 - 3. The name(s) and address(es) of the owner(s) of the real property upon which the subject sign is to be located.
 - 4. Name, address, telephone number, business license number and signature of the business owner authorizing placement of the sign.
 - 5. Name, address, telephone number, fax number, business license number and signature of the sign contractor.
 - 6. The type of sign to be erected, the area and copy area of the sign, the height of the sign, (if free-standing) the shape of the sign, the color(s) of the sign, the material of the sign and details showing how the sign will be mounted, installed or erected.
 - 7. For permanent free-standing, ground and monument signs only, show dimensioned sign location on site plan and include structural foundation and mounting details. Indicate the location and size of all existing permanent free-standing, ground and monument signs on the property.
 - 8. The cost of the sign (materials and installation).
 - 9. All applicants for signs which incorporate electricity must obtain an electrical permit or, if previously issued, a copy of the electrical permit. Signs connected to an approved, existing wired outlet or junction box do not require electrical permits.
- C. PERMIT FEES, LABELS AND EXPIRATION DATE.
 - 1. No permit shall be issued until the appropriate application has been filed with, and approved by, the Director and fees have been paid. Fees and any required deposits shall be established from time to time by resolution of the City Council. No application shall be deemed to be accepted by the Director unless and until all fees and deposits are paid and all information reasonably required by the Director is provided by the applicant.
 - 2. The Director may inspect all existing signs in the City to determine if such signs conform to the provisions of the Ordinance. The Director is authorized and empowered to revoke any permit issued upon failure of the holder thereof to comply with any provision of this Ordinance or other Ordinances of the City, or to take other action lawful and necessary to assure correction of

violations. Appeal from a revocation of a permit shall be in accordance with the provisions for appeal of a permit denial as set forth in paragraphs #5 and #6.

3. A sign permit shall become null and void if the sign for which the permit was issued has not been completed and erected within the time frame specified by the permit or six (6) months after the date of issuance.
4. A sign permit shall be issued or denied by the Director within 30 days of the filing of a complete and conforming permit application, payment of the appropriate deposits and fee(s), and compliance with all requirements under this Ordinance. If the City fails to act within the thirty-day period, the permit shall be deemed to have been granted.
5. In the event a permit application is denied, the Director shall provide the applicant a written denial, indicating the reason(s) for denial. The applicant may appeal a denial to the Board of Appeals by filing a notice of appeal with the Director within 10 days of written notice of the permit denial. The notice shall state the reasons for the appeal.
6. The Board of Appeals shall take final action on the appeal within 60 days of the notice. If the Board of Appeals fails to act within 60 days, the permit shall be deemed to have been granted. Should the Board of Appeals vote to uphold the denial, the Board of Appeals shall issue a written decision, indicating the reason(s) to the applicant. Appeal from the decision of the Board of Appeals is by writ of certiorari to the Fulton County Superior Court and must be filed within 30 days of the date of the Board's decision.

([Ord. No. 720](#), § 2(Exh. A), 2-22-2016)

2.6.5 Variances.

- A. Where a literal application of terms of this Ordinance, due to special circumstances, would result in an unusual hardship in an individual case, a variance may be granted pursuant to procedures set forth in this Code where all the following conditions exist:
 1. a. Exceptional conditions pertaining to the property where the sign is to be located as a result of its size, shape or topography, which are not applicable to other lands or structures in the area; or
 - b. The natural features of the lot on which the sign is located or to be located, or of the land immediately adjacent to the lot, impairs the visibility of the sign such that it cannot be seen;
2. The applicant would be deprived of rights that are commonly enjoyed by others similarly situated;
3. Granting the variance would not confer on the applicant any significant privileges which are denied to others similarly situated;
4. The exceptional circumstances are not the result of action by the applicant;
5. The requested variance is the minimum variance necessary to allow the applicant to enjoy the rights commonly enjoyed by others similarly situated;
6. Granting of the variance would not violate more than one standard of this Ordinance; and
7. Granting the variance would not result in allowing a sign that interferes with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic.

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

([Ord. No. 720](#), § 2(Exh. A), 2-22-2016)

2.6.6 Non-conforming signs.

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

- A. The City finds that non-conforming signs may adversely affect the public health, safety and welfare. Such signs adversely affect the aesthetic characteristics of the city and may adversely affect public safety due to the visual impact of said signs on motorists and the structural characteristics of said signs. Accordingly, the following registration requirements are found to be necessary in order to minimize these possible adverse effects through annual inspections and maintenance and allow the City to remain cognizant of the locations and maintenance of said signs.
- B. The owner(s) or authorized agent(s) of each non-conforming sign located within the City shall register said non-conforming sign with the Director no later than 90 days after the effective date of this Ordinance and shall renew this registration annually thereafter. Any non-conforming sign that does not comply with the registration requirements herein shall be deemed to be an illegal sign and shall be subject to the regulations applicable to illegal signs and all other enforcement provisions of this Ordinance. The Director shall promulgate a form for the registration of non-conforming signs and shall annually inspect said signs to assure that they continue in all other respects in conformity with all other provisions of this Ordinance and any other applicable ordinance or regulation of the City.
- C. The Director may inspect existing signs in the City from time to time to determine if such signs conform to the provisions of this Ordinance.
- D. Any non-conforming sign which is not used or leased for a continuous period of 1 year shall not be reused for sign purposes unless and until it fully conforms with the terms and requirements of this Ordinance.
- E. No change in shape, size or design, shall be permitted except to make a non-confirming sign comply with all requirements of this Ordinance.
- F. A non-conforming sign may not be replaced by another non-conforming sign.

([Ord. No. 720](#), § 2(Exh. A), 2-22-2016)

2.6.7 Exemptions from permit requirements.

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

- A. Standard informational signs.
- B. Address numerals, not exceeding six (6) inches in height in residential districts and twelve (12) inches in height in non-residential districts, for the sole purpose of displaying street numbers as may be required by other ordinances and other signs required by law.
- C. Flags provided that the height of a flag pole shall not exceed the allowed height provided for a structure or a building in the applicable zoning district, or sixty (60) ft., whichever is less, and in residential districts shall not exceed twenty-five (25) ft. in height or the height of the primary structure on the lot, whichever is less. In addition, the maximum dimensions of any flag shall be proportional to the flag pole height and the hoist side of the flag shall not exceed twenty percent (20%) of the vertical height of the flag pole. Each lot shall be allowed a maximum of three (3) flag poles unless a special land use permit or variance is obtained. A maximum of 2 flags per pole is allowed.
- D. Non-governmental traffic control devices in or adjacent to internal parking areas and driveways in private developments, located so as not to interfere with, or detract from, official traffic control

devices, and which conform to MUTCD (current edition) standards, including, but not limited to, standards regarding size, height, design and location.

- E. Window signs meeting the standards of this Ordinance.
- F. Legally authorized public notices when posted by a government officer in the performance of his or her duties.

([Ord. No. 720](#), § 2(Exh. A), 2-22-2016)

2.6.8 Prohibited signs and devices.

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

1. Balloons, pennants, streamers, feather signs, air or gas filled figures, or similar attention-getting devices or wind-activated devices, excluding flags.
2. Swinging signs.
3. Rotating signs.
4. Animated signs, flashing signs, and intensely lighted signs.
5. Beacons, search lights or laser lights or images.
6. Variable message boards used for purposes other than traffic management.
7. Signs which purport to be, or are an imitation of, or resemble an official traffic sign or signal.
8. Window signs which, in aggregate, exceed 20% of the window area or otherwise fail to meet the standards of this Ordinance.
9. A-frame signs, sandwich board, sidewalk or curb signs are prohibited except when placed within 5 ft. of the front door of a building.
10. Signs painted on or attached to utility poles, trees, rocks or other similar objects, except signs lawfully placed on utility poles by a government, public authority or public utility.
11. Signs which obstruct a fire escape, required exit, window or door opening used as a means of ingress or egress, or which interfere with any opening required for ventilation, or which violate any code of the City, including the Life Safety Code and the Fire Prevention Code.
12. Signs occupying a parking space required under the minimum parking requirements of this Ordinance, other than signs designating the space as reserved for handicapped or other use.
13. Signs which do not conform to City-adopted building and electrical codes.
14. Signs which emit audible sound, odor or visible matter.
15. Portable signs.
16. [Reserved].
17. [Reserved].
18. Signs attached to any street signs or traffic control devices, or to any pole supporting same, or any sign attached to any utility pole, other than those signs lawfully placed by a government, public agency, or public utility.
19. Signs projected on a building.
20. Signs in a public right-of-way other than publicly owned or maintained signs.
21. Signs which are in violation of the rules and regulations of any zoning overlay district presently existing or as may later be enacted.

22. Signs located on any substandard lot.
23. Abandoned signs.
24. Any sign that is structurally unsound, or is a hazard to traffic or pedestrians.
25. Dilapidated or neglected signs. A sign (including sign structure) will be dilapidated or neglected if it does not present a neat and orderly appearance, which may be manifested by the following: rust or holes on or in the sign or sign structure, or broken, missing, loose or bent parts, faded or flaking paint, non-operative or partially non-operative illuminating or mechanical devices or missing letters in sign copy.
26. Signs exceeding 156 sq. ft. in copy area **if located on a single story commercial building, 240 sqft if located at the top of a minimum 12 story commercial building**, and/or signs and sign structures in excess of 15 ft. in height (measured from the ground to the highest point of the structure).
27. Signs in any area designated as an undisturbed buffer pursuant to a federal, state or local law, a condition of zoning, or approved plat.
28. Internally illuminated window signs, including neon or LED signs (except as otherwise permitted herein). Additionally, LED, string or similar lighting outlining the windows, doors or other similar building features shall be prohibited.

([Ord. No. 720](#), § 2(Exh. A), 2-22-2016)

2.6.9 Remedies.

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

([Ord. No. 720](#), § 2(Exh. A), 2-22-2016)

2.6.10 Severability.

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

([Ord. No. 720](#), § 2(Exh. A), 2-22-2016)

2.6.11 General provisions.

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

A. MAINTENANCE AND APPEARANCE OF SIGNS.

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

B. ILLUMINATION OF SIGNS.

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

C. MEASUREMENT OF SIGN AREA.

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

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

D. STANDARDS FOR MONUMENT SIGNS.

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

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

1. Banners shall be permitted for either one (1) fourteen (14) day period per calendar year per lot or two (2) seven (7) day periods per calendar year per lot. An individual banner permit may be divided into two (2) non-consecutive seven (7) day periods provided the dates are stated on the permit. However, in the case of lots which contain a shopping center (or strip shopping center) with multiple tenant spaces, each tenant space shall be allowed to erect or place a banner for either one (1) fourteen (14) day period per calendar year or two (2) seven (7) day periods per calendar year.
2. In addition to the foregoing, banners shall be allowed on private property during an approved temporary use, as defined in Section 2.3.2 of the U.D.C., for the approved period of such temporary use, but not to exceed forty-five (45) days; provided, however, the placement of banners on lots during approved temporary uses shall not be permitted more than two (2) times per calendar year per lot. Any such banners shall be removed upon termination of the temporary use or within forty-five (45) days from the date it is first placed on the lot, whichever is first to occur. Upon removal, no banner shall be placed on the same lot for a period of sixty (60) days.
3. Banners shall not exceed 24 sq. ft. total area in size.
4. Banners must either be free-standing or mounted to the wall of a tenant space or the lot's existing monument sign. If free-standing, the height of the banner shall not exceed five (5) [feet] above grade. If mounted to the wall of a tenant space, the width of the banner shall not exceed tenant frontage and shall not extend above the horizontal plane of the roof where the building wall and roof meet. If mounted to the lot's existing monument sign, the banner shall not extend beyond the sign face of the monument sign.

5. Banners shall be erected with supports or other means so that they do not sag or become dilapidated.
- F. **PLACEMENT OF SIGNS.** Except within the Central Business District, all free-standing signs must be set back at least ten (10) ft. from the public right-of-way. Within the Central Business District, all free standing signs must be set back at least five (5) feet from the public right-of-way.
- G. **CHANGEABLE COPY.** Any monument sign permitted under this Ordinance may contain up to sixty-five percent (65%) changeable copy if the sign is located on a lot zoned and used (as its principal existing use) for an institutional, public or semi-public use and which includes an indoor public assembly place accommodating one hundred (100) or more persons.

([Ord. No. 720](#), § 2(Exh. A), 2-22-2016)

2.6.12 Requirements for non-residential zoning districts.

- A. *Signs Permitted in Strip Shopping Centers (less than 50,000 sq. ft. enclosed leasable space).*
 1. *Primary Free-standing Sign (Monument Sign).* One (1) primary monument sign no greater than ten (10) ft. in height with no more than forty-two (42) sq. ft. of copy area shall be permitted in a strip shopping center. The monument sign may have up to four (4) tenant panels, which shall be calculated as part of the copy area. This sign shall be set back 20 ft. from the public right-of-way.
 2. *Wall Signs.* One wall sign per road frontage for each tenant space no greater than one (1) sq. ft. of sign area per one (1) ln. ft. of tenant space frontage shall be permitted; provided, however, no more than two (2) wall signs shall be allowed for a tenant space (i.e. Corner tenants within strip shopping centers may have a wall sign on the end of the building in addition to the wall sign on the front of the building for a maximum of two (2) wall signs).
 3. *Rear Entrance Sign.* One (1) rear entrance sign is allowed for each tenant space within the strip shopping center. Rear entrance signs shall be located on the tenant space's rear entrance door and shall not exceed two (2) sq. ft. in area. Rear entrance signs shall not require a permit from the Director.
 4. *Window Signs.* Window signs, as defined in this Ordinance, are permitted for each tenant space in a shopping center. The aggregate copy area of such signs, however, shall not exceed a maximum of twenty percent (20%) of the total window area of the subject tenant space. One (1) illuminated window sign is permitted for each tenant space provided that such sign does exceed a maximum of four (4) sq. ft. in area. Illuminated window signs shall be included in the maximum aggregate window sign area calculation. Any illuminated window sign shall be constant in its light emission, shall not be animated, and shall not be so large or of character to obscure vision into the premises from the outside. Window signs shall not require a permit from the Director. However, each tenant shall immediately remove any window sign upon receipt of written notification from the Director stating that such window sign obscures the vision of police or other security or safety personnel into the premises in a manner that endangers public safety.
 5. *Under-Canopy Sign.* One (1) under-canopy sign is permitted for each tenant space within a strip shopping center, which shall not exceed 8 sq. ft. in area.
 6. *Sign During Construction.* One (1) temporary free-standing sign per strip shopping center project shall be permitted during the construction of the strip shopping center or the principal building of any outparcel. Such sign shall be allowed upon the commencement of construction for which a land disturbance permit has been issued, and terminating upon the issuance of a certificate of occupancy, installation of a permanent sign, or expiration/termination of the land development permit, whichever is first to occur. The sign shall not exceed ten (10) ft. in height, thirty-two (32) sq. ft. in area, and must be set back ten (10) ft. from the public right-of-way (five (5) ft. in the Central Business District). Further, the location of the sign be confined to the site of construction, and only one (1) such sign may be permitted per project.

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

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

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

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

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

- b. The monument sign may have up to four (4) tenant panels, which shall be calculated as part of the copy area.
- c. No such sign shall be located within twenty (20) ft. of the public right-of-way of the street which affords the principal means of access to the shopping center. The sight distance of each sign shall conform to City standards, and evidence of conformity shall be provided to the Director.
- d. The maximum height of any such sign shall be twelve (12) ft. and the maximum area permitted for any such sign is as follows:

Height	Area of Sign	Copy Area
10 feet or less	420 sq. ft.	78 sq. ft.
Over 10 ft. but not more than 12 ft.	360 sq. ft.	64 sq. ft.

- f. The name and street number of the shopping center may be set forth on the monument sign. The calculation of the permitted copy area shall not include the street number.
- g. The owner or developer of a shopping center which exceeds 150,000 sq. ft. may elect to forego one or more of the monument signs otherwise permitted under this subsection. For each sign that is foregone, the owner or developer may elect to increase the copy area of one remaining sign up to 100% of the square footage that is otherwise permitted under this subsection, or, in the event there is more than one remaining sign, this percentage may be allocated among the remaining signs. In no event shall the copy area of any sign be increased by more than 100%. By way of illustration, if an owner of a shopping center exceeding 200,000 sq. ft. elects to forego one of the four permitted monument signs, he might elect to increase the copy area of one of the

remaining signs by 100%, or he might elect to increase the copy area of one remaining sign by 50% and the two other signs by 25% each, etc.

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

2. *Canopy Signs and Wall Signs.*

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

3. *Under-Canopy Signs.*

- a. One (1) under-canopy sign is permitted for each tenant space within a shopping center.
- b. Under-canopy signs shall extend perpendicular to the wall of the tenant space, shall not exceed 8 sq. ft. in area, and shall be attached at a uniform height sufficient to assure the safety of pedestrians. Under-canopy signs shall match the wall or canopy signage for the subject tenant space unless otherwise approved by the Director.

4. *Rear Entrance Sign.*

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

5. *Signs During Construction.*

- a. One (1) temporary free-standing sign per shopping center project shall be permitted during the construction of the shopping center or the principal building of any outparcel. Such sign shall be allowed upon the commencement of construction for which a land disturbance permit has been issued, and terminating upon the issuance of a certificate of occupancy, the installation of a permanent sign, or the expiration/termination of the land development permit, whichever is first to occur.
- b. The size of the sign shall not exceed thirty-two square feet (32 sq. ft.) in area and the height of such sign shall not exceed ten feet (10 ft.). Further, the location of the sign shall be confined to the site of construction, and only one (1) such sign may be permitted per project.

7. *Window Signs.*

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

stating that such window sign obscures the vision of police or other security or safety personnel into the premises in such a manner that endangers public safety.

8. *Reserved.*

9. *Signs Permitted for Cinema Complexes.*

- a. In addition to the primary monument signs permitted for the shopping center, one (1) monument sign, which may include changeable copy board, shall be permitted for a lot containing a cinema complex; provided, however, if the cinema complex is located on an outparcel, any cinema monument signs erected shall be in lieu of the monument sign that is otherwise permitted for the outparcel pursuant to this subsection. If the cinema complex is on a corner lot, one (1) cinema monument sign for each street frontage is permitted.
- b. The changeable copy board shall be constructed in such a fashion to prevent wind, rain or other elements from altering the position of the copy.
- c. The height of a monument sign for a cinema complex shall not exceed fifteen (15) ft.
- d. *Reserved.*
- e. The copy area of a monument sign for a cinema complex shall not exceed one-hundred-and-twenty (120) sq. ft.
- f. One (1) wall sign, which may include changeable copy board, or canopy sign shall be permitted for a cinema complex; provided, however, if theaters are contained within separate buildings then one such sign shall be permitted for each building. Signage for each building shall be treated as a separate sign. The aggregate area of wall signs or canopy signs for a cinema complex shall not exceed 1 sq. ft. for each linear foot of building frontage.
- g. No wall sign or canopy sign shall be located so that any part of the sign or its support extends above the top of the wall or canopy, and no copy shall be located within five (5) in. of the top of the sign. The provisions of this subsection pertaining to signage in cinema complexes shall also apply to cinemas not located within a shopping center.

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

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

C. *Signs Permitted in Industrial and Office Parks.*

1. *Free-Standing Signs.*

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

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

Over 1,500 feet	200 square feet	150 sq. ft.
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- b. *Secondary Free-Standing (Monument) Signs.* One secondary monument sign shall be permitted for each building in the industrial or office park, not to exceed 32 sq. ft. in area. The height of a secondary monument sign shall not exceed 10 ft.
 2. *Wall Signs.* Buildings of two (2) stories or greater may have a wall sign located at the top of the building. The maximum area of such sign shall not exceed 20 sq. ft. per floor or story above road grade, not to exceed ~~156~~ 240 sq. ft.
 3. *Door or Wall Sign.* One (1) sign of up to three square feet (3 sq. ft.) is permitted for each tenant space within a building. Such signs shall be located on the door of the suite, or on a wall immediately adjacent to the door of the suite for business establishments located in a building without a common front entry.
 4. *Directory Signs.* Directory signs are permitted in industrial or office parks. Each exterior directory sign shall be a monument sign. Height of a directory sign shall not exceed ten feet (10 ft.).
 5. *Reserved.*
 6. *Rear, Secondary or Delivery Entrance Signs.* Rear, secondary or delivery entrance signs are permitted at appropriate locations within an industrial or office park. All such signs shall be free-standing and shall not exceed eight square feet (8 sq. ft.) in size and ten feet (10 ft.) in height.
 7. *Signs During Construction.* One (1) temporary free-standing sign for each subdivided tract within an industrial or office park is permitted during construction. Such sign shall be allowed upon the commencement of construction for which a land disturbance permit has been issued, and terminating upon the issuance of a certificate of occupancy, the installation of a permanent sign, or the expiration/termination of the land development permit, whichever is first to occur.

The size of such sign shall not exceed thirty-two square feet (32 sq. ft.) and the maximum height of such sign shall be ten feet (10 ft.). Further, the location of the sign shall be confined to the site of construction.
 8. *Standard Informational Signs.* Standard informational signs, as defined in this Section, shall be permitted for each lot. Standard informational signs do not require a permit from the Director.
- D. *Signs Permitted for Convenience Centers with Gasoline Pumps.*
1. One monument sign per road frontage not to exceed ten feet (10 ft.) in height and thirty-two square feet (32 sq. ft.) in area. The monument sign may include changeable copy board, not to exceed four (4) square feet in area, which shall be calculated as part of the copy area.
 2. Wall signage for convenience store and accessory buildings shall not exceed an aggregate area of eighty square feet (80 sq. ft.).
 3. One canopy sign per road frontage not to exceed twenty square feet (20 sq. ft.) per sign.
 4. Signs on pumps shall not exceed three square feet (3 sq. ft.) per pump.
 5. Window signs, as defined in this Ordinance, are permitted. The aggregate copy area of such signs, however, shall not exceed a maximum of twenty percent (20%) of the total window area of the subject building or tenant space. One (1) illuminated window sign is permitted for each tenant space provided that such sign does not exceed four (4) sq. ft. in area.
 6. *Standard Informational Signs.* Standard informational signs, as defined in this Section, shall be permitted for each lot. Standard informational signs do not require a permit from the Director.

- E. *Signs Permitted for Free-Standing Commercial Establishments not Located within a Shopping Center, Office Park or Industrial Park.*
1. One (1) monument sign per road frontage no greater than ten feet (10 ft.) in height with no more than thirty-two square feet (32 sq. ft.) of area. Each sign shall be set back not less than ten feet (10 ft.) from the public right-of-way, except in the Central Business District where the setback shall be not less than five feet (5 ft.) from the public right-of-way.
 2. One (1) wall sign per road frontage for each tenant space no greater than one square foot (1 sq. ft.) of area per one linear foot (1 ln. ft.) of tenant frontage; provided, however, no more than 2 wall signs shall be allowed for a tenant space.
 3. One (1) rear door sign not to exceed three square feet (3 sq. ft.) in area.
 4. Window signs not exceeding twenty percent (20%) of the glass area.
 5. One (1) sign no greater than three square feet (3 sq. ft.) located on the front door or on a wall immediately adjacent to the front door.
 6. Buildings of three (3) stories or greater may have a wall sign located at the top of the building and is not greater than forty-eight square feet (48 sq. ft.) in area.
 7. One (1) temporary free-standing sign shall be permitted during the construction of the principal building for the lot. Such sign shall be allowed upon the commencement of construction for which a land disturbance or building permit has been issued, and terminating upon the issuance of a certificate of occupancy, the installation of a permanent sign, or the expiration/termination of the land development or building permit, whichever is first to occur. The sign shall not exceed ten feet (10 ft.) in height, thirty-two square feet (32 sq. ft.) in area, and must be set back ten feet (10 ft.) from the public right-of-way (five feet (5 ft.) in the Central Business District).
 8. Standard Informational Signs. Standard informational signs, as defined in this Section, shall be permitted for each lot. Standard informational signs do not require a permit from the Director.
- F. *Signs permitted within the Historic Business District and MU zoned properties.* In addition to the signs authorized under a designated category, each business in the Historic Business District and within MU zoned properties may utilize the following additional signage:
1. Each located on the ground floor of a building shall be permitted one (1) perpendicular sign which shall not exceed eight (8) square feet in size and shall be placed at least eight (8) feet, but no more than twelve (12) feet above sidewalk. In order to foster originality, the shape of the sign may not incorporate more than one set of parallel edges and words may only comprise up to 50% of the sign face area. The remaining sign face area must incorporate some form of graphic design. In addition, signs must be mounted on decorative black brackets.
 2. Businesses located within the first two floors of a building that backs onto a parking lot, alley, park or other public space may have an additional wall sign up to twenty-four (24) square feet in size. This additional wall sign shall be located on the back of the building facing the parking lot, alley, park or other public space and placed within general proximity of the associated business.
- G. Building Ground Signs (monument signs) within the Central Business District shall not be internally illuminated. Where illumination is needed, lighting fixtures may be placed at the top of the sign and aimed downward or may be placed on the ground and aimed in such a way as to illuminate the sign without creating spillover into the night sky. This regulation shall apply only to new signs. The changing of a sign face or panel shall not constitute a new sign.

([Ord. No. 720](#), § 2(Exh. A), 2-22-2016)

2.6.13 Requirements for residential zoning districts.

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

([Ord. No. 720](#), § 2(Exh. A), 2-22-2016)

Footnotes:

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Editor's note— [Ord. No. 720](#), § 2(Exh. A), adopted 2-22-2016, repealed former § 2.6 (2.6.1—2.6.14), and enacted a new § 2.6 as set out herein. The former § 2.6 pertained to similar subject matter and derived from the original codification and [Ord. No. 713](#), §§ 1—8, adopted Sept. 28, 2015.