



# PLANNING COMMISSION MEETING

## MAY 9, 2019

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

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF MEETING MINUTES

- a. February 7, 2019 Minutes

- IV. ITEMS FROM BOARD MEMBERS
- V. ITEMS FROM STAFF
- VI. PUBLIC HEARING

- a. Z-19-01 Walker/4360 Webb Bridge Road

Consideration of a request to rezone approximately 7 acres from AG (Agriculture) and CUP (Community Unit Plan) to R (Dwelling, 'For-Sale', Residential – Min. 1 Acre Lots) to allow the property to be subdivided into two (2) lots. The property is located at 4360 Webb Bridge Road is legally described as being located in Land Lot 125, 1st District, 1st Section, Fulton County, Georgia.

- b. CU-19-01 The Parish Anglican Church/11940 Alpharetta Highway  
Consideration of a request for conditional use permit to allow 'Church, Synagogue' for The Parish Anglican Church. The property is located at 11940 Alpharetta Highway, Suite 150 and is legally described as being located in Land Lot 648 1st District, 2nd Section, Fulton County, Georgia

- c. PH-18-17 Unified Development Code and Code of Ordinances Text Amendments – Design Review Board

Consideration of text amendments to Unified Development Code (UDC) Section 1.4 Definitions, Subsection 2.2.15 C-2 General Commercial, Table 2.1 List of Development Standards, Section 2.6 Signs, Subsection 2.7.0 Dwelling, 'For-Rent' Residential, Section 3.3 Stormwater Management – General and Section 5.4 Design Review Board.

- VII. ADJOURNMENT



# PLANNING COMMISSION MEETING FEBRUARY 7, 2019

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

I. CALL TO ORDER

II. ROLL CALL

III.

**Members Present**

- Francis Kung'u (Chair)
- John Goss
- William Perkins
- Steve Usry
- Candy Waylock
- Martine Zurinskas

**Members Absent**

- Larry Attig
- Jamie Bendall

**Staff Present**

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



#### IV. APPROVAL OF MEETING MINUTES

##### a. January 3, 2019 Minutes

- ❖ Commissioner Usry offered a motion approve the meeting minutes
  - Commissioner Perkins seconded the motion
  - The motion was approved (6-0)

#### V. ITEMS FROM BOARD MEMBERS

#### VI. ITEMS FROM STAFF

#### VII. PUBLIC HEARING

##### a. Z-18-13/V-18-21 Kimball Bridge School Adaptive Reuse

This item was not considered.

This item was not considered.

##### b. Z-18-11 1699 Land Co/Hampton Hall Phase VIII

This item was not considered.

##### c. MP-18-07/Z-18-10/CU-18-08/V-18-10 Brookfield/North Point Mall

Kathi Cook, Director of Community Development presented consideration of a request to rezone approximately 83.67 acres from PSC (Planned Shopping Center) to MU (Mixed-Use) to allow for the redevelopment of the Sears with 300 'Dwelling, 'For-Rent' Residential' units and 24,000 square feet of retail/restaurant space. A master plan amendment to the North Point Mall Master Plan is requested to allow the proposed development and a conditional use is requested to allow 'For-Rent' use. Variances are requested to eliminate the required neighborhood grocery associated with 'For-Rent' use, to reduce requirement for ground-floor non-residential uses in the 'For-Rent' building, to allow enclosed amenity space in North Point Mall to count toward required amenity space and to modify mix of use percentages in the MU district. The property is located at 1000 North Point Circle and is legally described as being located in Land Lots 688, 689, 700, 701, 702, 742 & 743, 1st District, 2nd Section, Fulton County, Georgia.

Staff recommended approval with 32 conditions.

There was discussion on:

- Amenity Space
- Green Space
- Application with regard to North Point LCI

- Structured Parking is not required
- Exhibit C Current Proposed ( Greenspace)

The Applicant presented:

- Greenspace
- Possible Traffic Signals
- Applicants changes to interior of the mall
- Ecco District points 26 when they are only required to have 10
- Adherence to NP LCI and code
- Site Plan
- Greenspace would be less in the portion where City would like to construct road
- It would also mean removal of 60 parking spaces, there would be more parking spaces on one side over the other, which would cause an inconvenience to residents
- Discussed previous Site Plans
- Recognized Block pattern in LCI
- Grades on Site Plan at new opening to the Mall
- Details of proposed Site Plan
- Screening of Enclosed Parking Garages
- Trail details
- Project is approved and funded
- Responded to Staff recommended Conditions

Public Comment:

In Favor :

1. Nick Garzia, 1300 Compass Pointe Crossing
2. Sharon Beean, 1875 Mayfield Rd
3. Dennis Carmon, Bike Alpharetta

Reasons:

- Thoughtful plan
- Will have Halo effect on nearby properties
- Will be a destination
- Walkability, Connectivity, Accessibility
- Lifestyle engagement

There was discussion by the Board:

- Trend of Malls
- Prefer Applicants Plan on Greenspace
- Block size
- Meets intent of LCI
- Priority Area
- Intersection

- ❖ Commissioner Usry offered a motion to approve subject to Staff conditions which the Applicant has agreed to the the exception of Condition 4C. To adopt the Applicant block size/2400 with the Exhibit C current proposed.

- Commissioner Perkins seconded the motion
- The motion was approved (6-0)

The following conditions were approved by PC. Red shows changes from Staff original conditions.

1. Property depicted in Exhibit A, approximately 30 acres, shall be rezoned to MU and developed substantially similar to plan submitted by Kimley-Horn & Associates, Inc, dated 2/6/2019 ~~1/8/2019~~, and renderings, except as modified by these conditions. Applicant shall provide a legal description of the 30-acre property prior to issuance of the LDP.
2. 'Dwelling, 'For-Rent' shall be added as a conditional use in the North Point Mall Master Plan.
3. Active uses, including service retail, restaurant and office, shall be required in the 'For-Rent' building ground-floor space along the new Storefront street and shall have a first floor height of 14' 18' and depth of 30' 40'. Ground-floor residential walkouts shall be similar to Exhibit B. At-grade walkouts also are allowed
4. Development regulations shall be as follows:
  - a. Commercial – Maximum ~~24,000~~ 30,000 square feet of retail/restaurant use in freestanding buildings and in a minimum of 16,000 square feet of non-residential uses on the ground-floor of the 'For-Rent' building. Freestanding buildings shall be 2-stories or 40', whichever is less. Drive-through restaurants shall be prohibited. Rooftops and outdoor dining patios are encouraged and shall not count against the retail/restaurant development maximum. Remaining retail/restaurant entitlement for North Point Mall Master Plan shall be 1,237,246 square feet for outparcels and space within North Point Mall.
  - b. Office – Maximum 30,000 square feet within North Point Mall.
  - c. Residential – After July 1, 2020 ~~January 1, 2021~~, up to 50% of the maximum 300 'For-Rent' units shall be permitted a Certificate of Occupancy (CO) in accordance with UDC 'For-Rent' requirements, except as approved below. The remaining 'For-Rent' units shall be permitted a CO after January 1, 2021. 'For-Rent' buildings shall be no greater than 4 stories or 60', whichever is less, and all units shall be one (1) and two (2) bedrooms. A maximum of sixty percent (60%) of units shall be studios or one bedroom and no 3-bedroom units shall be permitted. Studio units shall have a minimum square footage of 550 square feet. One-bedroom units shall have a minimum size of 700 square feet and two-bedroom units shall have a minimum size of 1,050 square feet. 'For-Rent' block shall be as depicted in Exhibit C, Current Proposed. 'For-Rent' units shall be constructed concurrently with all required open space areas, infrastructure and freestanding retail/restaurant uses. A CO shall not be issued for 'For-Rent' use until onsite open space

and infrastructure have been constructed and inspected ~~accepted~~ by the City. Offsite improvements must be under construction. 'For-Rent' units shall have first class amenities and shall include a private pool, fitness center, secured parking, resident's lounge, business center, on-site management office and secure elevator access. Surface parking and garages associated with 'For-Rent' use shall be heavily screened from North Point Circle. If construction does not commence by February 25, 2021, residential units shall revert to 'For-Sale' only.

5. The Master Plan area shall be limited to the following uses and further restricted by conditions of zoning:
  - a. Retail
  - b. Restaurant (no drive-thru)
  - c. Office
  - d. Residential
6. Retail uses shall be those customarily accessory to or amenities for residential and office uses, restricted to the following:
  - a. Art Gallery
  - b. Bakery
  - c. Barber Shop
  - d. Beauty Shop
  - e. Book Store
  - f. Brewery or Distillery
  - g. Copy Center/Print Shop
  - h. Dry Cleaning Pick-up Station
  - i. Fitness or Dance Studio
  - j. Florist, Retail without Greenhouse
  - k. Neighborhood Grocery (min. 3,000 SF)
  - l. Office Supply Store (not to exceed 2,000 SF)
  - m. Package Shipping/Mail Box Store
  - n. Pet grooming/pet day care
  - o. Restaurant (no drive-thru)
  - p. Retail Sales and Services Establishment (Includes financial services, special event space, live music and other performance venues and technology-based entertainment)
  - q. Shop or Studio, Craftsman/Artist
  - r. School, Commercial (Includes Day Care)
  - s. Spa Services (with approval of a conditional use permit)
  - t. Sport event space
  - u. Uses similar to above as approved by Staff
7. The 2 new internal streets shall meet the Type 'D' Corridor regulations, as approved by the City's Traffic Engineer, and streets shall be private. Pedestrian bridges, stairs, elevators and escalators may encroach over and into public spaces provided that they do not impede pedestrian circulation or safety.
8. Minimum 14.67 acres of open space (8.37 acres civic space and 6.30 acres amenity space), consisting of trails, park overlooks, community gardens, passive recreation areas, event space, parks, etc. shall be provided, as depicted on the 2/6/2019 ~~1/8/2019~~ zoning plan. 4.02 acres of common area inside North Point Mall shall be counted as amenity space, if those areas are

renovated/improved, including a new playground area, food court and other internal activated courtyard spaces, prior to final Certificate of Occupancy (CO) for 'For-Rent' buildings.

9. Trail depicted along North Point Circle shall be striped and painted for a 2-way bicycle path, including min. 3' wide protective buffer (striping with ~~delineators~~ ~~bellards~~ every 25') between the vehicular travel lane and the bicycle path, with final design approved by Staff similar to Exhibit D.
10. Developer shall construct a City approved MARTA bus shelter on public right-of-way at existing bus stop at corner of North Point Parkway and at the northernmost access road to the Mall at first entrance at stormwater park.
11. Developer shall accommodate ~~set aside~~ a 30' access area through the civic space for a possible future private roadway extension. Area shall be depicted on LDP plans and may be used until development of the balance of the property in the interim for green space or open space.

#### Design Conditions:

12. Site access driveway at the intersection of North Point Drive and North Point Circle requires special attention to pedestrian and bicycle access. Geometrics, lighting, and materials shall provide emphasis on the pedestrian environment and safety, as approved by the City Transportation Engineer. Assuming the City owns the right-of-way, this Plan shall include a 10' sidewalk, 6' planting strip and decorative pedestrian lighting with the right-of-way spanning the distance to the storm water park on the south side and to the hotel curb cut on the north side. Applicant will receive impact fee credits for off-site work within the City right-of-way.
13. Developer shall meet EcoDistrict measures as requested on Page 6 of the applicant's letter of intent, dated December 21, 2018 (Exhibit E). Developer shall provide detailed information at LDP and building permit regarding compliance with each requested EcoDistrict measure. Total EcoDistrict points to be confirmed by Staff.
14. Applicant shall construct Phase 1 of the stormwater park improvements that are shown on Exhibit E, including trails, landscaping and overlooks with final approval by Staff. Permanent easements Other than the detention ponds themselves and waterways which feed it, the balance of the Phase 1 tract shall be dedicated to and maintained by the City ~~for public access to and within the stormwater park. Developer shall maintain park however impact. Developer and other pond owner shall remain solely and exclusively responsible for maintenance of the detention ponds and waterways which feed it.~~ Impact fee credits will be provided for the off-site public park improvements.
15. At-grade pedestrian and bicycle connections shall be provided throughout the site, including between buildings and recreational facilities within the development and across North Point Circle. Pedestrian crossings throughout development shall be ramped and the surface materials shall be brick pavers, cobblestones or architecturally treated concrete products, as approved by DRB.
16. ~~Entrance off North Point Drive~~ The greenspace denominated as Plaza 3 on the Plan shall be designed with a minimum 5,000 SF greenspace to incorporate a water feature, sculpture or similar focal point feature, as approved by DRB and prior to LDP. Approval and construction of the focal point feature shall be required concurrent with the CO.
17. Retaining walls shall receive architectural façade treatment and be heavily landscaped. Retaining walls visible from developed areas exceeding 16' in height shall be terraced with landscaping to break up large expanse of retaining wall.
18. Developer shall provide bicycle racks, benches, trash receptacles, decorative crosswalks, planters, kiosks and other street furniture, where appropriate, throughout the development.

19. Prior to LDP, applicant shall submit for approval a document to be entitled 'North Point Mall Redevelopment Design Standards'. This document shall include elevations or architectural themes of buildings, specifications for street furniture including benches, trash receptacles, lighting, fountains, bicycle racks, bus shelter, signage landscaping themes and focal point features and shall be substantially similar to the renderings filed with the 2018 application, as amended. Design standards will be presented to Staff and the DRB for review and approval. This document also shall detail entrance treatment for the North Point Drive/North Point Circle intersection with the new private road.
20. Architecture shall require DRB approval. All buildings must be oriented to face the new street aligned with North Point Drive or green or other open space. Backside of buildings or 'back of house' functions (such as loading or dumpster area) shall ~~not~~ be visible screened from new streets or North Point Circle. Parapet walls shall be used as needed to screen roof-top mechanical equipment and views.
21. Prior to the first LDP, applicant shall submit a revised master plan for the entire parcel to the City, which shall incorporate the approved conditions, as well as the following:
  - a. Approved specifications and standards identified for each use within the total development.
  - b. Pedestrian network.
  - c. Overall planned open space areas.
22. Alcohol license distance requirements from residential development shall be waived.
23. Rooftop signs are encouraged and shall be permitted, with approval by DRB.
24. All site plans and civil design plans hereafter submitted to the City of Alpharetta shall state as the first note: "This plan reflects conditions stipulated through public hearing regarding case MP-18-07/Z-18-10/CU-18-08/V-18-10 Brookfield/North Point Mall"
25. Minimum 10' landscape strip shall be required along North Point Circle adjacent to the ~~proposed development and shall~~ 'For-Rent' tract and provide a visual screen of the 'For-Rent' surface parking lot. Shall include the required landscape strip materials, as well as parking lot screening materials.

Other Conditions:

26. Developer shall try to include at least 1 roof-top amenity ~~shall be required~~ within the non-residential portion of the development.
27. Provide detailed street planting for North Point Circle and new private streets. Landscape plan shall be approved prior to issuance of a LDP and shall retain landscape trees, if possible, as approved by DRB.
28. ~~Developer shall dedicate a permanent easement to the City and construct multi-use trail as depicted on the plan prepared by Kimley Horn & Associates, Inc., dated 1/8/2019, with final design/materials approved by Staff and construction completed prior to the first CO for residential units. Multi-use trail shall including protected crossings at intersections, seating/gathering areas, lighting, landscape, hardscape, trail entrance gateways, wayfinding signage, bike share station and public parking. Trail shall be maintained by the developer. Developer's financial responsibility for offsite improvements shall not exceed its impact fees, nor shall credits be given for submitted EcoDistrict improvements or meeting minimum open space requirements.~~

29. It is acknowledged that the approved Site Plan may be subdivided into separately platted parcels with individual tax numbers, that the separate development parcels are to be developed by separate owners/developers, and that the public amenities are to be platted and owned by the Developer. Zoning compliance for conditions uniquely applicable to an individual owner's parcel will be the responsibility of that owner and that non-compliance by such an owner does not render, by itself, the remaining parcels "non-conforming" uses under the Zoning Code.

**d. MP-18-12/CU-18-14/V-18-19 ECCO Park/North Point Business Center Master Plan**

Michael Woodman presented consideration of a request to amend the North Point Business Center Master Plan to add 'Dwelling, 'For-Sale', Attached' as a permitted use in Pod 1 to allow for the construction of 159 'For-Sale' condominium units on 9.2 acres. A conditional use is requested to allow 'Dwelling, 'For-Sale', Attached' and to allow a density in excess of 8 dwelling units per acre. Variances are requested to modify site design and streetscape standards, to increase the maximum block size, to remove the requirement for certain buildings to have a street-facing pedestrian entrance and to allow required parking to be unenclosed. The property is located at 1275 North Point Drive, just west of Haynes Bridge Road and is legally described as being located in Land Lots 743 & 754, 1st District, 2nd Section, Fulton County, Georgia.

Applicant presented with response to Staff's recommendations.

There was discussion

- Rental percentage and potential condition that if be phased out if higher than 10%
- Potential for setting precedent on more than 10% For Rent
- Looking at North Point as a whole
- Pedestrian and Vehicular Traffic
- Eco District Points
- Stormwater Park
- Rental Percentage
- Proposed Intersection improvements
- Elevations
- Site Plans

Public Comment:

Dennis Carmon, Bike Alpharetta

- Make sure traffic improvements are for all users. Consider traffic calming measures as well as signal
  - ❖ Commissioner Perkins offered a motion to approve with Staff recommendations as amended by the applicant with the exception of Condition #25
    - Commissioner Waylock seconded the motion
    - The motion was approved (5-1)( Usry)
1. Property shall be developed substantially as depicted on the plan prepared by Kimley-Horn & Associates, Inc., dated 1/10/2019, except for modifications required to comply with these conditions. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.
  2. 'Dwelling, 'For-Sale', Attached' shall be added as a permitted use in North Point Business Center Master Plan Pod 1. Maximum density of Pod 1 shall be 8.15 dwelling units per acre.
  3. Maximum building height shall be 4-stories.
  4. Architecture and materials shall be developed substantially similar to the submitted renderings, subject to approval by Staff. Buildings shall have 4-sided architecture. Side building elevations visible from North Point Drive and existing private driveways shall have similar architectural details and materials as the front façade and shall have the appearance of a pedestrian entrance, as approved by Staff. The Flats buildings shall have the appearance of individual walkouts on the ground floor, including ~~wood~~ canopy accents over some windows and doors, as well as lighting.
  5. Maximum building setbacks on North Point Drive shall be as depicted on the plan prepared by Kimley-Horn & Associates, Inc., dated 1/10/2019.
  6. Block size shall be as shown on the plan prepared by Kimley-Horn & Associates, Inc., dated 1/10/2019.
  7. Minimum 3.45 acres of open space (2.74 acres of civic space and 0.71 acres of amenity space), consisting of trails, pocket parks, clubhouse and pool, rooftop decks and linear park shall be provided, as depicted on the 1/10/2019 zoning plan.
  8. Civic space shall be developed with a park-like setting as shown on the Plan with decorative landscape, hardscape, seating and pedestrian-scale lighting, as approved by Staff.
  9. Developer shall dedicate a permanent easement and construct the multi-use trail, as depicted on the site plan prepared by Kimley-Horn & Associates, Inc., dated 1/10/2019, with final alignment/design/materials approved by Staff and construction completed prior to the final CO. Multi-use trail shall be field located with the least impact to existing trees, as approved by Staff. A crosswalk shall be provided across North Point Drive and shall be constructed of a material approved by Staff. Multi-use trail shall include seating/gathering areas, lighting, landscape, hardscape and trail entrance gateway at North Point Drive. Applicant shall hand clear undergrowth, invasive species and dead materials within the stream buffer and maintain such condition to the City's satisfaction. Multi-use trail improvements shall ~~not~~ be eligible for impact fee credits and shall be maintained by the HOA, if not used to meet minimum open space and Eco District requirements.



10. Developer shall meet EcoDistrict measures as requested on the applicant's letter of intent (Exhibit A), dated January 8, 2019. Developer shall provide detailed information at LDP and building permit regarding compliance with each requested EcoDistrict measure. Total EcoDistrict points to be confirmed by Staff.
11. Permanent easements shall be dedicated to the City for public access over required civic space. However, the HOA shall be responsible for maintenance. The existing private street shall remain accessible to the public.
12. The corner of North Point Drive and the main project entrance and North Point Drive and the existing north-south driveway shall be designed with a minimum 1,500 square foot greenspace area as shown on the Plan and shall incorporate a focal point feature, as approved by Staff.
13. Vehicular use areas (drive aisles and surface parking) shall be completely visually screened from North Point Drive and existing private driveways, as approved by Staff. This does not include L-shaped private drive.
14. North Point Drive streetscape shall include minimum 10' sidewalk, 6' planting strip and decorative pedestrian lighting. Street trees shall alternate in the planting strip and backside of sidewalk to provide a canopy for pedestrians. Applicant shall continue streetscape to hotel entrance in exchange for impact fee credits, subject to available right-of-way.
15. New internal streets shall be private as per Plan and meet the Type 'D' Corridor regulations, as approved by the City's Traffic Engineer. Internal sidewalks shall connect the front of all units to the public sidewalk system and shall be minimum 5' with 4' planting strip and pedestrian-scale lighting provided throughout the development.
16. Subject to approval by others and the final configuration of the sidewalk, a planted median shall be required at the project driveway, as approved by Staff. This improvement shall be entitled to impact fee credits.
17. Each dwelling unit in Roof Terrace Home and Terrace Home buildings shall have a minimum 18' driveway from garage to back of alley. Required parking shall be 9' x 19' and enclosed tandem parking shall only count as 1 parking space. Up to 20% may be compact spaces, per UDC.
18. Unfinished wood fences and decks shall not be visible from the street.
19. Developer shall remove exotic and invasive trees and shrubs within stream buffers and tree save areas and replant where sparse, as approved by Staff.
20. Existing trees shall be preserved as depicted on the plan prepared by Kimley-Horn & Associates, Inc., dated 1/10/2019. In addition, developer shall assess existing landscape to determine if any trees can be spaded and relocated on-site.
21. ~~Deleted. Developer shall identify locations with significant tree groupings outside of the required undisturbed buffers and stream buffers. Tree groupings shall be incorporated into the final site plan, as approved by Staff.~~
22. New utilities shall be placed underground.
23. Property must meet IFC Appendix D Fire Department access and comply with 2010 ADA guidelines.
24. Developer shall provide an enhanced pedestrian connection from the development to the south side of North Point Court as per Exhibit B. The intersection shall be signalized if required by Staff. ~~Options include midblock crosswalk and/or enhancements with a traffic signal at the intersection of North Point Drive and North Point Court as required and approved by the City Transportation Engineer.~~ Off-site improvement shall be eligible for impact fee credits and construction completed prior to the final CO.

25. Utility structures, headwalls, etc. shall be finished with decorative stone, if visible from the public right-of-way.
26. No more than 10% of residential units shall be permitted to be rented, as recorded in the Condominium Association declarations and covenants.

#### VIII. ADJOURNMENT

DRAFT



# CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

## I. AGENDA ITEM TITLE: Z-19-01 WALKER/4360 WEBB BRIDGE ROAD

PLANNING COMMISSION: MAY 9, 2019

CITY COUNCIL: MAY 28, 2019

## II. RECOMMENDATION:

Approve Z-19-01 Walker/4360 Webb Bridge Road, subject to the following conditions:

1. The site, consisting of approximately 7.23 acres, shall be zoned R and developed substantially similar to site plan prepared by Joe Gayle & Associates, dated 9/24/2018, except for modifications required to comply with the conditions below. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.
2. Homes visible from Webb Bridge Road shall be primarily brick or stone, as approved by Staff.
3. Fencing visible from Webb Bridge Road shall be a continuation of the existing 5-board horse fence.
4. Unfinished wood decks, fences or porches shall not be visible from Webb Bridge Road.
5. New private road shall be located on common property and shall be a minimum 40' right-of-way with 10' landscape strip on both sides of the road, final design approved by Staff. Maintenance responsibility for new private road shall be assigned at final plat.
6. A stream determination shall be conducted on the property prior to LDP.
7. Wetlands and rain garden shall be located on common property with maintenance responsibility assigned at final plat.
8. Home sites and new private road shall be laid out to minimize impact to the existing tree canopy, as approved by Staff.
9. Minimum 25' undisturbed buffer, replanted where sparse with evergreen material, shall be provided along the north, east and south property lines.
10. Provide additional right-of-way along Webb Bridge Road, if necessary, with final configuration of the roadway improvements included on the LDP.
11. Minimum 10' access easement shall be provided from the private road to the rain garden.
12. At a minimum, run-off from residential impervious areas shall be directed to dry well(s) or other BMPs, as approved by Staff and as site conditions allow. There shall be no downstream impacts with final design approved by Staff.

## III. REPORT IN BRIEF:

The applicant, Stan Walker, is requesting a change in zoning for approximately 7.23 acres from AG (Agriculture) and Community Unit Plan (CUP) to R (Dwelling 'For-Sale', Residential – Minimum 1 Acre Lots) for the purpose of subdividing the property into two (2) single-family detached lots. The subject property is located at 4360 Webb Bridge Road on the east side of Webb Bridge Road and south of Shirley Bridge Road.

## DISCUSSION

The submitted request, if approved, would allow for the development of two (2) 'For-Sale' single-family detached lots on approximately 7.23 acres with a proposed residential density of 0.28 dwelling units per acre. The applicant owns the adjacent 4-acre property, which includes a

single-family residence and barn. The subject property is located at 4360 Webb Bridge Road on the east side of Webb Bridge Road and south of Shirley Bridge Road.

The property is currently zoned AG and CUP and is undeveloped. The applicant's home is located on the property immediately adjacent and to the north. Surrounding properties are zoned AG and CUP to the north, CUP to the east and south and SU (Special Use) and CUP to the west. Broadlands Subdivision is located to the north and east, Park Glen Subdivision is located to the south, the applicant's residence is located to the north and two (2), 2-acre unplatted lots and Webb Bridge Middle School are located to the west. Development standards associated with the surrounding subdivisions are shown in the table below.

Surrounding Subdivisions – Development Standards

| Subdivision | Location     | Zoning | Average Lot Size | Density (du/ac) | Setbacks         | Typical Home Size |
|-------------|--------------|--------|------------------|-----------------|------------------|-------------------|
| Broadlands  | North & East | CUP    | 1.27 acres       | 0.64            | F – 30', R – 15' | ~3,600 SF         |
| Park Glen   | South        | CUP    | 17,030 SF        | 1.92            | F – 20', R – 30' | ~3,200 SF         |

The Comprehensive Land Use Plan reflects a 'Low Density Residential' future land use designation for the subject property, which permits R-12 and R-15 zoning districts. As shown in the table above, surrounding subdivisions have average lot sizes between 17,030 square feet (Park Glen) and 1.27 acres (Broadlands). Therefore, the proposed R (minimum 1 acre lots) zoning district would be appropriate for the subject property.

In 2006, the subject property and the applicant's adjacent property to the north were rezoned from AG and CUP to R-12 and R-15 to allow for a 20-lot subdivision. However, the zoning reverted on 12/18/2008 due to the lack of a building permit being issued. A rezoning similar to the 2006 request was submitted for consideration in 2010; however the request was ultimately withdrawn by the applicant.

## SITE PLAN

The submitted site plan depicts two (2) single-family detached lots with access from a new private road by way of the existing curb cut on Webb Bridge Road. Lot 1 is depicted to be 2.25 acres, Lot 2 is 2.95 acres and a 0.43-acre common area with rain garden is depicted in the northeast corner of the property. The applicant's site plan meets or exceeds the development standards in the R zoning district, including minimum lot size and setbacks. If approved, the new private road should be located on a common parcel with final design approved by Staff.

The property is heavily wooded, consisting primarily of hardwoods. The tree survey and assessment from 2010 identifies several specimen trees on the property. If approved, staff recommends a condition requiring that the private road and home sites be laid out to minimize impacts to the existing tree canopy.

A rain garden is depicted at the northeast corner of the property, which is designated as a 0.43 acre common area on the site plan. The survey indicates the presence of wetlands within this area, as well as a natural drainage channel flowing to it. It is possible that a stream is present on the property and a stream determination should be conducted prior to a land disturbance permit.

## TRAFFIC

The zoning proposal, consisting of two (2) single-family detached homes, would generate two (2) PM Peak Hour trips.

## SCHOOLS

Residential development is known to increase school enrollment. Fulton County calculated the potential maximum number of children who may live on the property by using the Fulton County Schools standard calculation to identify the number of children that a residential development will generate. The following chart outlines these figures:

FULTON COUNTY SCHOOLS – 2 Single-Family Detached Homes

| School                          | Single Family Average # |
|---------------------------------|-------------------------|
| Lake Windward Elementary School | 0 to 1 students         |
| Webb Bridge Middle School       | 0 to 0 students         |
| Alpharetta High School          | 0 to 1 students         |
| TOTAL                           | 0 to 2 students         |

Based on the total figure for all three school levels, it can be assumed that the proposed development could house approximately 0 – 2 school age children. Numbers provided by Fulton County Schools show that Lake Windward Elementary School has capacity; however, Webb Bridge Middle School and Alpharetta High School are currently over capacity.

## 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 zoning proposal would allow two (2) 'For-Sale' single-family detached lots, each lot over two (2) acres, which is less dense as compared to adjacent and nearby subdivisions.*

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

*Response: The zoning proposal would allow two (2) 'For-Sale' single-family detached lots, each lot over two (2) acres, which is less dense as compared to adjacent and nearby subdivisions.*

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

*Response: The applicant's proposal should not have significant impacts on the natural environment, if conditions are approved requiring the new private road and home sites be laid out with the least impact to the existing tree canopy.*

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

*Response: The zoning proposal would allow two (2) 'For-Sale' single-family detached lots, each lot over two (2) acres, which is less dense as compared to adjacent and nearby subdivisions.*

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 should not have significant impacts on public facilities or services as the applicant's proposal would result in two (2) residential lots on a property that was previously approved to allow up to 20 lots.*

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

*Response: Not applicable.*

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

*Response: The applicant's zoning proposal generally reflects a reasonable balance as the proposed development is less dense as compared to the compatible zoning districts (R-12 and R-15) identified in the 'Low Density Residential' Comprehensive Land Use Plan designation.*

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

*Response: The zoning proposal would allow two (2) 'For-Sale' single-family detached lots, each lot over two (2) acres, which is less dense as compared to adjacent and nearby subdivisions.*

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

*Response: The request to rezone the property to R (minimum 1 acre lots) is compatible with the Comprehensive Land Use Plan designation of the property, which is 'Low Density Residential'.*

## CONCURRENCES

Staff has reviewed the applicant's proposal and finds that it can generally support the request for rezoning. The proposal is less dense than the Comprehensive Land Use Plan designation of the property and surrounding subdivisions, which is 'Low Density Residential'. Surrounding subdivisions have average lot sizes between 17,030 square feet and 1.27 acres. Therefore, the applicant's proposal to rezone to R (minimum 1 acre lots) is appropriate for use on the subject property. If approved, conditions are recommended requiring the private road be located on a separate parcel of land, protection of the tree canopy and buffers.

## CITIZEN PARTICIPATION PLAN

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

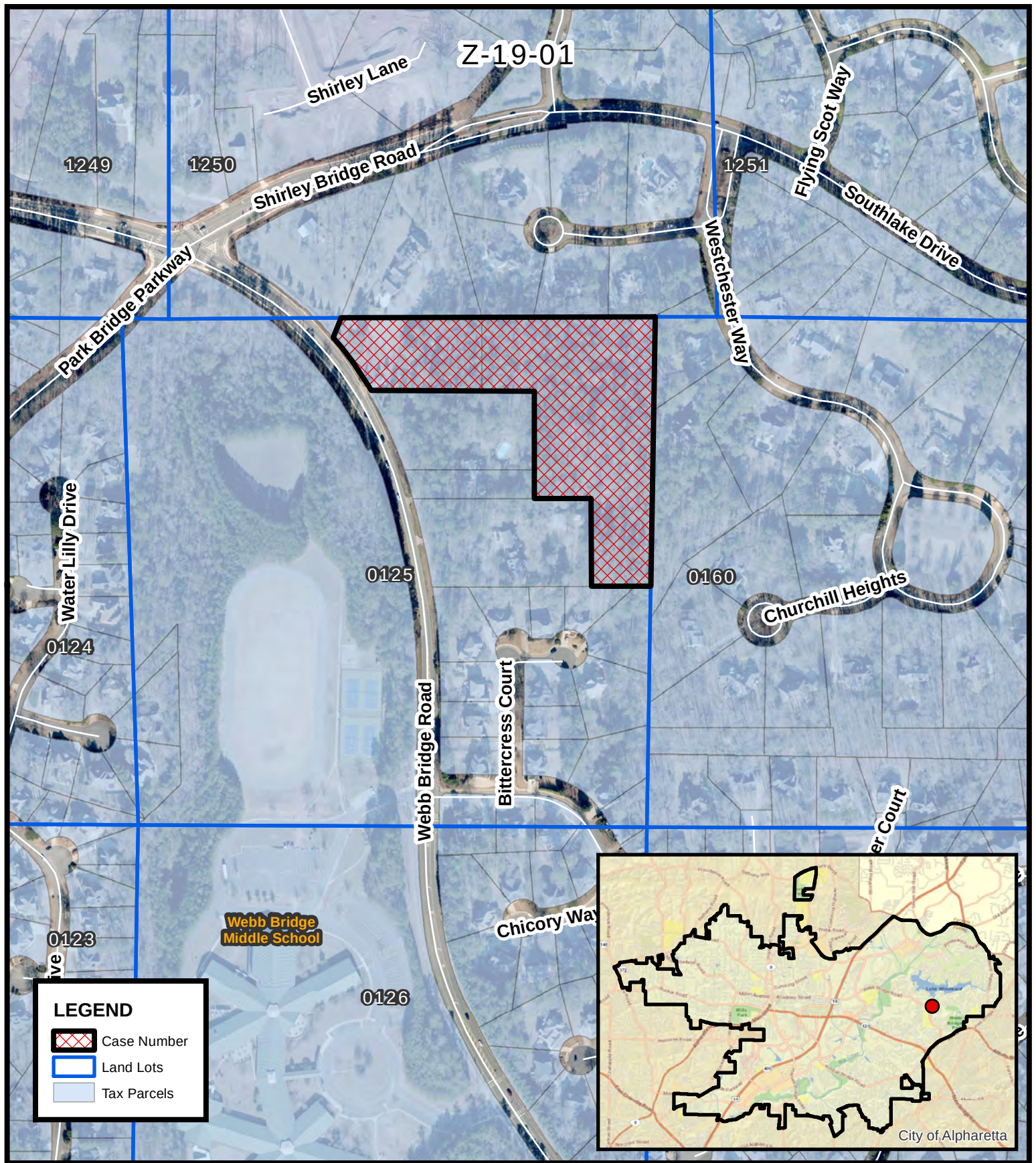
## COMMUNITY ZONING INFORMATION MEETING

The CZIM was held on April 10, 2019. There were no public comments reflected on the sign-in sheet.

### IV. ATTACHMENTS:

- Site Plan





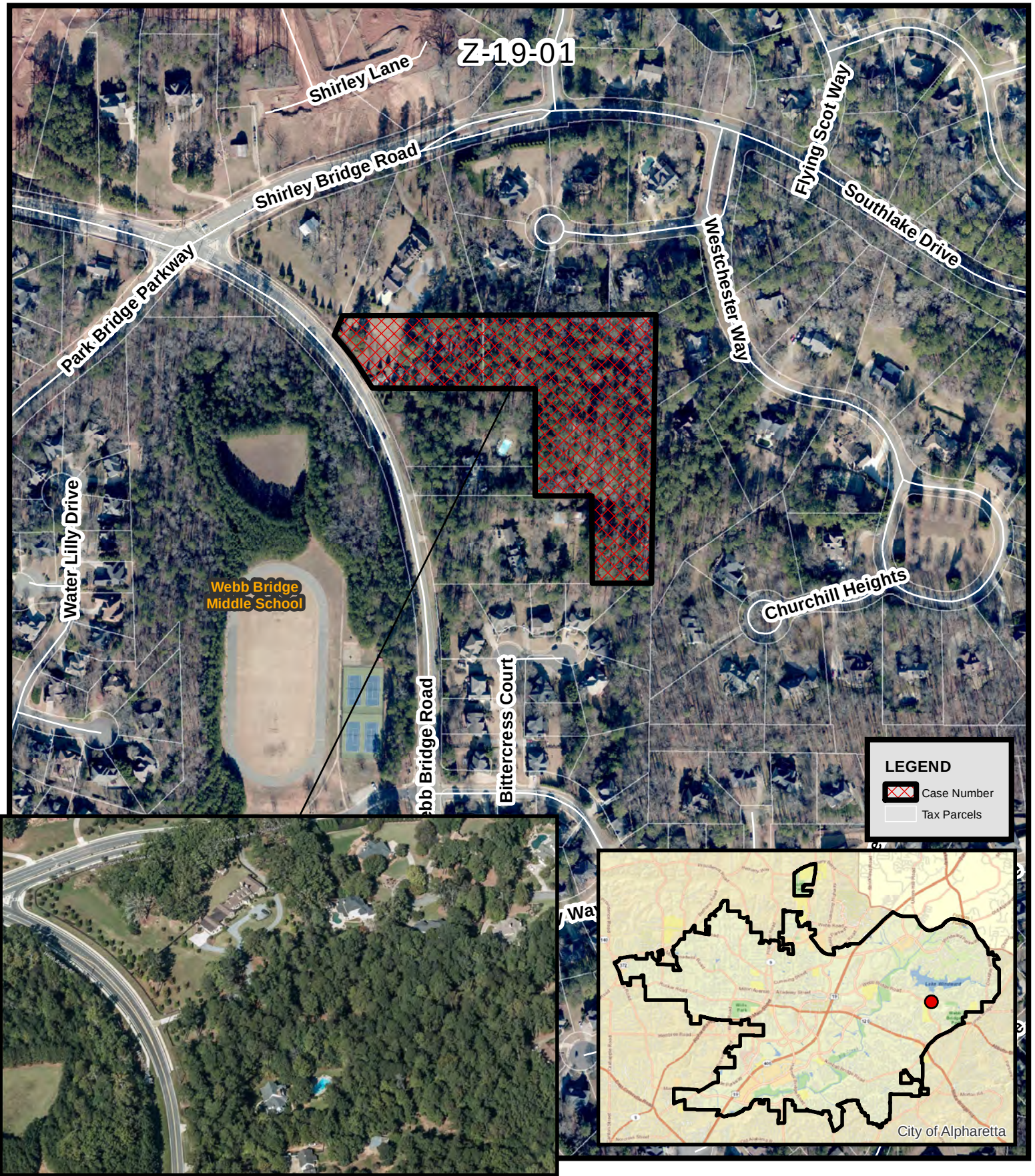
Location Map  
Walker  
4360 Webb Bridge Road

Z-19-01  
D/LL: 1/1/125  
PC: 5/9/19  
CC: 5/28/19



Location Map Provided by:  
Community Development - GIS





Aerial Map  
Stan Walker  
Webb Bridge Road

Z-19-01  
D/LL: 1/1/125  
PC: 5/09/19  
CC: 5/28/19

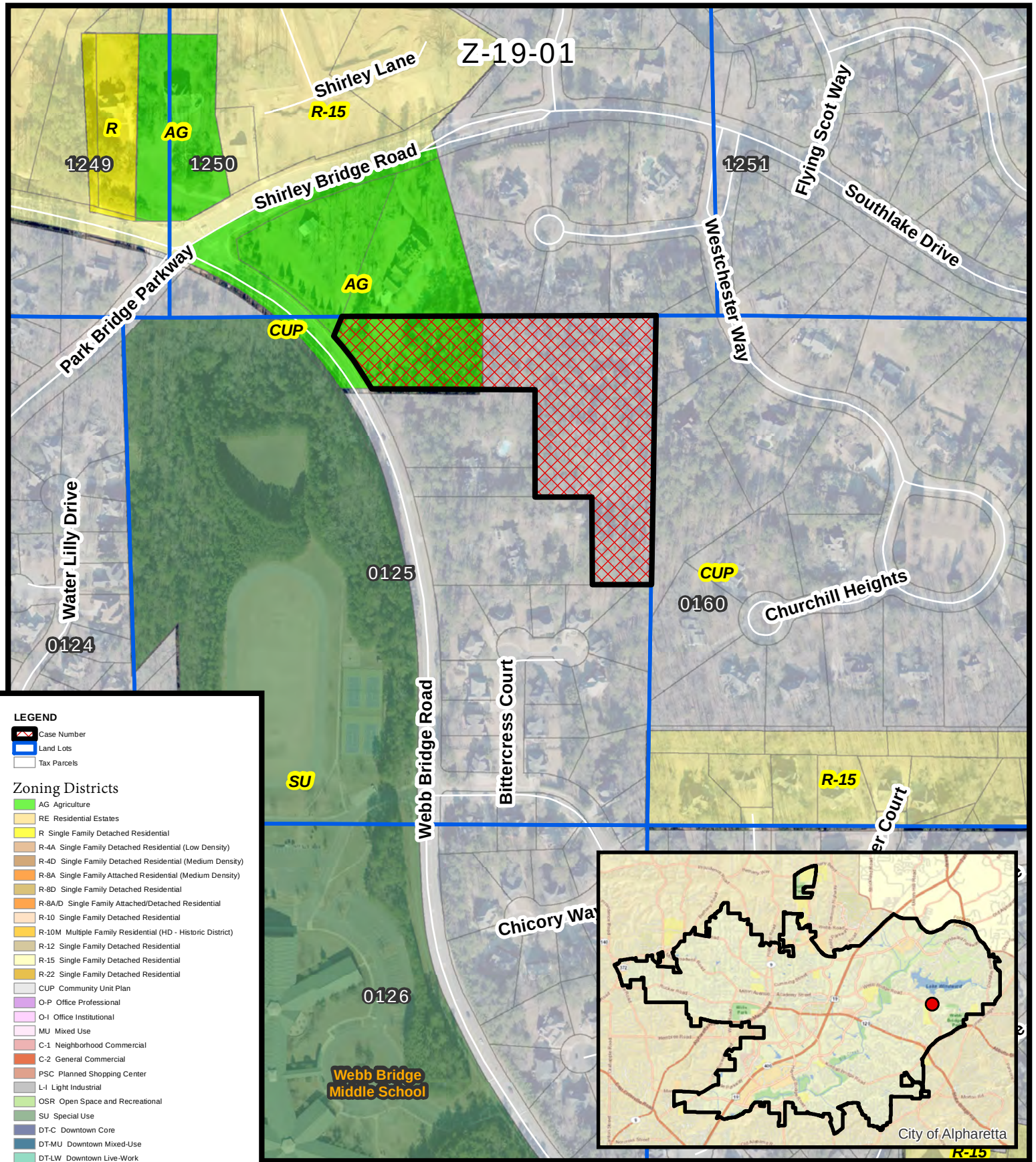


Location Map Provided by:  
Community Development - GIS









Zoning Map  
Stan Walker  
Webb Bridge Road

Z-19-01  
D/LL: 1/1/125  
PC: 5/09/19  
CC: 5/28/19

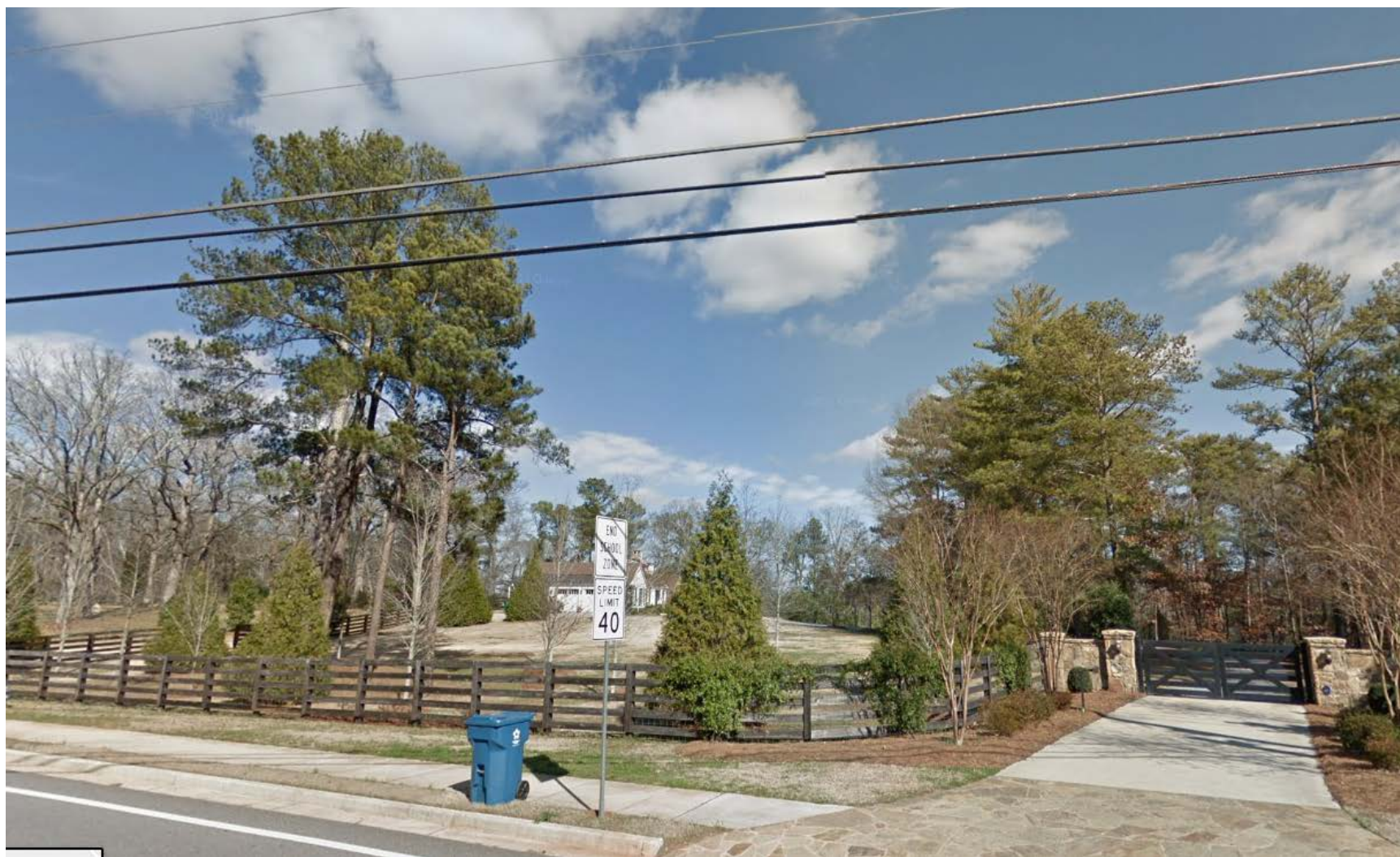


Location Map Provided by:  
Community Development - GIS

















# 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: WALKER PROPERTY REZONING

Contact Name: STAN WALKER Telephone: 770-331-3372

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.

MIKE McFARLAND, 4165 WEBB BR., Telephone call - No Problems - Very Supportive

\* SANDRA BACHARACH, 121 Westchester, phone call & Community hearing - <sup>SEE</sup> ATTACHED

JOANN ALBRIGHT, ? Neighbor - phone message - No problem

KEITH AHLGREN, 1440 Bittercrest, <sup>ATTENDED</sup> NO ISSUES. Community Hearing

\* GREG BIANCHINI, 131 Westchester Way - <sup>ATTENDED</sup> BUFFER / WATER MGMT - <sup>COMMUNITY</sup> HEARING

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

- |                                               |                                                                                                                     |
|-----------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Letter    | <input type="checkbox"/> Personal Visits                                                                            |
| <input checked="" type="checkbox"/> Telephone | <input type="checkbox"/> Group Meeting                                                                              |
| <input type="checkbox"/> Email                | <input checked="" type="checkbox"/> Other (Please Specify) <u>APRIL 10, 2019</u><br><u>Community Public Hearing</u> |

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 List

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: Stan Walker

Date: 4/16/2019

\* OFFERED TOUR OF DRAINAGE / RAIN GARDEN

Print Form



**Please Sign-In with comments or concerns.**

[illegible]



Stan and Kay Walker  
4360 Webb Bridge Road  
Alpharetta, GA 30005

March 26, 2019

Dear Property Owner:

Kay and I have filed a Public Hearing Application with the City of Alpharetta for consideration of a request to rezone approximately 7 acres of our property from Agriculture (AG) and Community Unit Plan (CUP) to Residential (R – minimum 1 acre lots) resulting in two (2) estate-sized lots (2+ acres each lot). The Case # is Z-19-01. Public hearings for this item will be considered by the Planning Commission on Thursday, May 9, 2019 and the City Council on Tuesday, May 28, 2019. Both meetings will take place in the council chambers at City Hall, 2 Park Plaza, Alpharetta, Georgia 30009, at 6:30 p.m.

Prior to this hearing, our application will be available at the Community Zoning Information Meeting (CZIM) on Wednesday, April 10, 2019 in the rotunda of City Hall, 2 Park Plaza, from 6:00 to 7:00 p.m.

If you have any questions, please reach out to me at 770-331-3372.

Sincerely,

  
Stan Walker



ADAMS MICHAEL  
1920 SILVERLEAF WAY  
ALPHARETTA GA 30005

AHLGREN KEITH H  
1440 BITTERCRESS CT  
ALPHARETTA GA 30005

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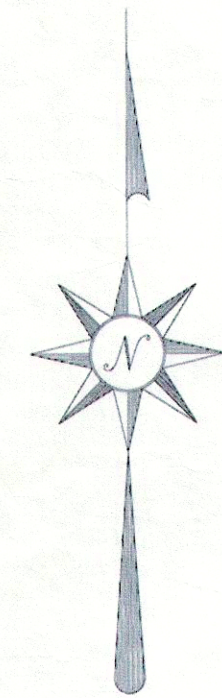
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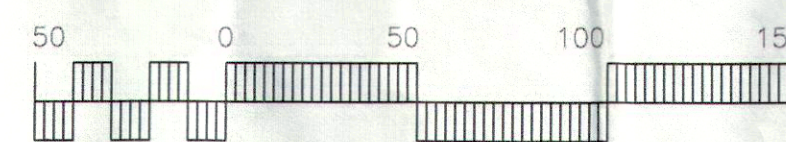




JOE A. GAYLE  
& ASSOCIATES

241 West Wieuca Rd. NE  
Atlanta, Georgia 30342  
Suite 150  
(404) 252-6120

SCALE: 1"=50'.0"  
DATE: SEPT. 28, 2018



# WALKER Residence CONCEPTUAL PLAN









# CITY OF ALPHARETTA

## PUBLIC HEARING APPLICATION

FOR OFFICE USE ONLY

Case #: PHA 19 0005☒ Fee Paid Initial: PC

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: STAN WALKER Telephone: 770-331-3372Address: 4360 WEBB BRIDGE RD. Suite: \_\_\_\_\_City: ALPHARETTA State: GA. Zip: 30005 Fax: \_\_\_\_\_Mobile Tel: 770-331-3372 Email: SWALKER@MMC-LLC.COM

### Subject Property Information:

Address: 4360 WEBB BRIDGE RD Current Zoning: AG.District: 1<sup>st</sup> & 2<sup>nd</sup> Section: - Land Lot: 125  
1250 Parcel ID: TRACT II & TRACT IIIProposed Zoning: \_\_\_\_\_ Current Use: AG - VACANT

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

- |                                                       |                                                 |                                    |
|-------------------------------------------------------|-------------------------------------------------|------------------------------------|
| <input type="checkbox"/> Conditional Use              | <input type="checkbox"/> Master Plan Amendment  | <input type="checkbox"/> Exception |
| <input checked="" type="checkbox"/> Rezoning          | <input type="checkbox"/> Master Plan Review     |                                    |
| <input type="checkbox"/> Variance                     | <input type="checkbox"/> Public Hearing         |                                    |
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Other (Specify): _____ |                                    |



---

WALKER/4360 WEBB BRIDGE RD  
APPLICANT REQUEST AND INTENT

---

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

Divide & Rezone approx. 6 acres of AG into 2 parcels zoned R.  
Land is currently wooded & vacant. Proposed building  
one (1) residential home on each parcel.

Applicant's Request (Please itemize the proposal):

Rezone from AG to R

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

Secure rezoning approval to sell 6 ac's.



WALKER/4360 WEBB BRIDGE RD  
PROPERTY OWNER AUTHORIZATION

**Property Owner Information:**

Contact Name: STAN WALKER Telephone: 770-331-3372  
Address: 4360 WEBB BRIDGE RD Suite: N/A  
City: Alpharetta State: GA Zip: 30005

**Authorization:**

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

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

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

**Identify Authorized Applicant:**

Name of Authorized Applicant: STAN WALKER Telephone: 770-331-3372  
Address: 4360 WEBB BRIDGE RD Suite: N/A  
City: Alpharetta State: GA Zip: 30005

**So Sworn and Attested:**

Owner Signature:  Date: 1/31/19

**Notary:**

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



## DISCLOSURE FORM

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

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

Name of Applicant or Opponent:

Stan Walker

Subject Public Hearing Case:

**Campaign Contribution Information:**

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

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

Name of Official:

N/A

Position:

Description of Contribution:

Value:

Description of Contribution:

Value:

Description of Contribution:

Value:

Description of Contribution:

Value:

Description of Contribution:

Value:

**Campaign Contribution Information:**

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

Signature:

Stan Walker

Date:

1/31/19



---

# ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

---

How will this proposal be compatible with surrounding properties?

*Less Density than permitted in Master plan*

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

*improves / enhances*

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

*No - Requires Rezoning*

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

*Minimal*

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

*Minimal*

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

*Conforms to plan*

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

*No*

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

*?*



WALKER/4360 WEBB BRIDGE RD  
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: WALKER ROZONE / WEBB BRIDGE RD

Contact Name: STAN WALKER Telephone: 770-331-3372

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

See Attached

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

- |                                            |                                                       |
|--------------------------------------------|-------------------------------------------------------|
| <input checked="" type="checkbox"/> Letter | <input type="checkbox"/> Personal Visits              |
| <input type="checkbox"/> Telephone         | <input type="checkbox"/> Group Meeting                |
| <input type="checkbox"/> Email             | <input type="checkbox"/> Other (Please Specify) _____ |

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



Z-19-01  
WALKER/4360 WEBB BRIDGE RD

ADAMS MICHAEL  
1920 SILVERLEAF WAY  
ALPHARETTA GA 30005

AHLGREN KEITH H  
1440 BITTERCRESS CT  
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521 CAMBRIDGE CT  
ALPHARETTA GA 30005



## WALKER/4360 WEBB BRIDGE RD

PARK FOREST HOMEOWNERS ASSOCIATION  
INC  
P O BOX 670177  
MARIETTA GA 30066

RIFENBERG DONALD L  
262 CHURCHILL HEIGHTS  
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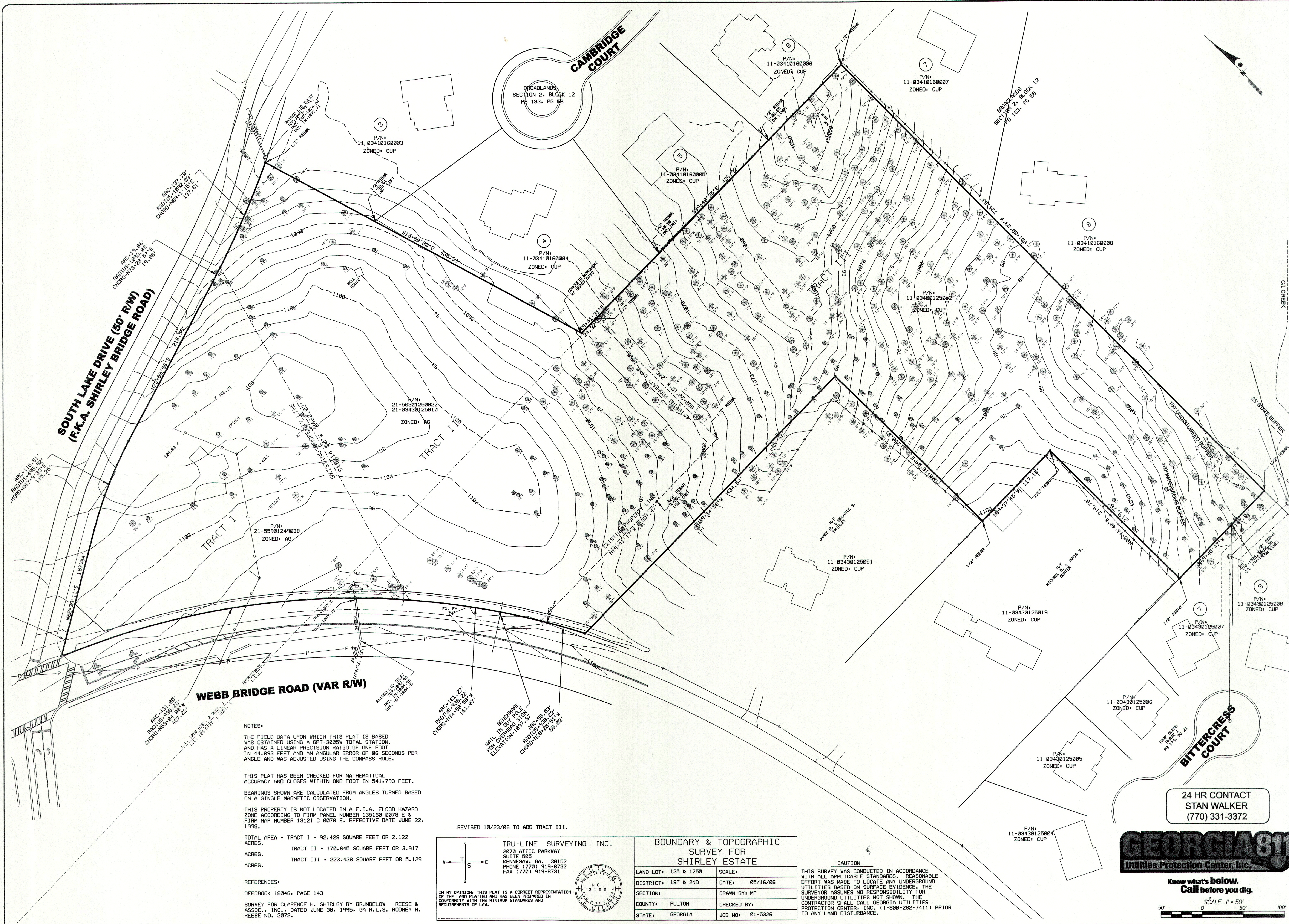


Z-19-01

WALKER/4360 WEBB BRIDGE RD







NOTES:

THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS OBTAINED USING A GTS-3000 TOTAL STATION, AND HAS A LINEAR PRECISION RATIO OF ONE FOOT IN 44,893 FEET AND AN ANGULAR ERROR OF 06 SECONDS PER ANGLE AND WAS ADJUSTED USING THE COMPASS RULE.

THIS PLAT HAS BEEN CHECKED FOR MATHEMATICAL ACCURACY AND CLOSES WITHIN ONE FOOT IN 541,793 FEET.

BEARINGS SHOWN ARE CALCULATED FROM ANGLES TURNED BASED ON A SINGLE MAGNETIC OBSERVATION.

THIS PROPERTY IS NOT LOCATED IN A F.I.A. FLOOD HAZARD ZONE ACCORDING TO FIRM PANEL NUMBER 135160 0078 E & FIRM MAP NUMBER 13121 C 0078 E, EFFECTIVE DATE JUNE 22, 1998.

TOTAL AREA - TRACT I - 92,428 SQUARE FEET OR 2.122 ACRES.  
TRACT II - 170,645 SQUARE FEET OR 3.917 ACRES.  
TRACT III - 223,438 SQUARE FEET OR 5.129 ACRES.

REFERENCES:

DEEDBOOK 18046, PAGE 143

SURVEY FOR CLARENCE H. SHIRLEY BY BRUMBELOW - REESE & ASSOC., INC., DATED JUNE 30, 1995, GA R.L.S. RODNEY H. REESE NO. 2072.

REVISED 10/23/06 TO ADD TRACT III.

TRU-LINE SURVEYING INC.  
2870 ATTIC PARKWAY  
SUITE 508  
KENNESAW, GA. 30152  
PHONE (770) 919-8732  
FAX (770) 919-8731

BOUNDARY & TOPOGRAPHIC  
SURVEY FOR  
SHIRLEY ESTATE

LAND LOT: 125 & 1250  
DISTRICT: 1ST & 2ND  
SECTION:  
COUNTY: FULTON  
STATE: GEORGIA

SCALE:  
DATE: 05/16/06  
DRAWN BY: MP  
CHECKED BY:  
JOB NO: 01-5326

CAUTION  
THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH ALL APPLICABLE STANDARDS. REASONABLE EFFORT WAS MADE TO LOCATE ANY UNDERGROUND UTILITIES BASED ON SURFACE EVIDENCE. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR UNDERGROUND UTILITIES NOT SHOWN. THE CONTRACTOR SHALL CALL GEORGIA UTILITIES PROTECTION CENTER, INC. (1-800-282-7411) PRIOR TO ANY LAND DISTURBANCE.

24 HR CONTACT  
STAN WALKER  
(770) 331-3372

**GEORGIA811**  
Utilities Protection Center, Inc.

Know what's below.  
Call before you dig.

SCALE 1" = 50'

50' 0 50' 100'

PREPARED BY:

**RCI ENGINEERING**

1471 Terrell Mill Rd. Suite D  
Marietta, Georgia 30067

Contact:  
Ken Hammon  
(770) 659-7797

OWNER:

**STAN WALKER**

4360 WEBB BRIDGE ROAD  
ALPHARETTA, GEORGIA 30005

CONTACT:  
STAN WALKER  
770.331.3372

PREPARED FOR APPLICANT:

**STAN WALKER**

4360 WEBB BRIDGE ROAD  
ALPHARETTA, GEORGIA 30005

CONTACT:  
STAN WALKER  
770.331.3372

**WALKER RESIDENCE**

4360 WEBB BRIDGE ROAD  
ALPHARETTA, GEORGIA 30005

1ST & 2ND / L.L. 125, 1250  
DIST. LAND LOT

CITY OF ALPHARETTA, FULTON COUNTY, GEORGIA  
COUNTY STATE

**OVERALL PROPERTY**

SIGNED / SEALED

| REVISION | DATE    | BY | REASON                             |
|----------|---------|----|------------------------------------|
| 1        | 5/27/11 |    | SUBMIT TO CITY FOR REVIEW          |
| 2        | 8/08/11 |    | REVISED PER CLIENT & CITY COMMENTS |
| 3        | 9/30/11 |    | REVISED PER CLIENT & CITY COMMENTS |
| 4        |         |    |                                    |
| 5        |         |    |                                    |

PKI DESIGN SCALE AS SHOWN

PKI DRAWN

PKI CHECKED

05/18/11 DATE

PROJECT ID:

**P-01**



# ADDITIONAL NOTES

TREE PROTECTION FENCING MUST BE INSTALLED AND INSPECTED PRIOR TO OR CONCURRENT WITH ANY CLEARING, GRUBBING OR GRADING. CALL THE DEPARTMENT OF PLANNING AND DEVELOPMENT FOR AN INSPECTION.

TREE PROTECTION SHALL BE ENFORCED ACCORDING TO THE DOUGLAS COUNTY TREE PRESERVATION AND REPLACEMENT ORDINANCE.

THE DENSITY REQUIREMENTS SHOWN ON THE TREE REPLACEMENT AND/OR REPLACEMENT PLAN MUST BE VERIFIED PRIOR TO THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY OR ACCEPTANCE OF THE FINAL PLAT. CALL THE DEPARTMENT OF PLANNING & DEVELOPMENT FOR AN INSPECTION.

WITH THE EXCEPTION OF SINGLE FAMILY RESIDENTIAL DEVELOPMENTS, MAINTENANCE INSPECTION FOR TREES WILL BE PERFORMED AFTER ONE FULL GROWING SEASON FROM THE DATE OF THE FINAL SITE INSPECTION. PROJECT OWNERS AT THE TIME OF THE MAINTENANCE INSPECTION ARE RESPONSIBLE FOR SCHEDULING THIS INSPECTION.

ALL PLANT MATERIALS ARE TO CONFORM TO THE AMERICAN STANDARD FOR NURSERY STOCK 1980 EDITION AMERICAN ASSOCIATION OF NURSERYMEN.

A 24 MONTH LANDSCAPE/TREE MAINTENANCE BOND WILL BE REQUIRED PRIOR TO ISSUANCE OF C.O.

THE CITY ARBORIST MUST INSPECT THE SITE BEFORE INSTALLATION OF EROSION CONTROL MEASURES. LAND DISTURBANCE WITHOUT A SITE INSPECTION AND APPROVAL BY THE ARBORIST WILL RESULT IN A STOP WORK ORDER AND FINES.

IF TREE SURVEY INACCURACIES ARE FOUND ON SITE, A STOP WORK ORDER WILL BE ISSUED UNTIL REVISED PLANS ARE APPROVED AND PROCESSED BASED ON ACCURATE INFORMATION.

THE CITY ARBORIST MUST INSPECT AND APPROVE THE SITE BEFORE THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.

TREES AGREED UPON TO BE SAVED ARE THE RESPONSIBILITY OF THE OWNER.

A 4" LAYER OF MULCH WILL BE REQUIRED FOR THE CRZ OF SPECIMEN TREES. MULCH MUST BE APPLIED TO TREES WITHIN 2 WEEKS OF START OF CONSTRUCTION AND SHALL NOT BE NEXT TO TRUNK.

NO TRENCHING ALLOWED IN TREE SAVE AREAS - INCLUDING IRRIGATION.

SEE CALDWELL LETTER FOR HANDLING OF ASPHALT REMOVAL FROM AROUND CRZ IN THIS AREA ALONG WITH MAINTENANCE AGREEMENT FOR LONG TERM CARE OF SPECIMEN TREES.

ACCESS IN THIS AREA FOR TREE PLANTING AND IRRIGATION ONLY. ACCESS IN THIS AREA TO BE COORDINATED WITH INSPECTOR ONCE PLANTINGS AND IRRIGATION COMPLETE THIS LOCATION IS TO BE RESTRICTED BY BUILDER.

SPECIAL CARE TAKEN IN THIS AREA FOR CRZ LANDSCAPING PLEASE SEE U/A PLAN FOR IRRIGATION AND PLANTINGS.

SOUTH LAKE DRIVE (50' RW) (F.K.A. SHIRLEY BRIDGE ROAD)

WEBB BRIDGE ROAD (VAR R/W)

## NOTES

THE INSTALLATION OF EROSION CONTROL DEVICES CAUSES HARM TO TREES. ON INDIVIDUAL LOTS, USE SILT FENCE ONLY AS NEEDED AND LOCATE IT AS FAR FROM TREE PROTECTION ZONES AS POSSIBLE.

WHEN DIGGING NEAR TREES, THE CONTRACTOR SHALL PRUNE ALL EXPOSED ROOTS ONE (1) INCH IN DIAMETER AND LARGER ON THE SIDE OF THE TRENCH ADJACENT TO THE TREES. PRUNING SHALL CONSIST OF MAKING A CLEAN CUT FLUSH WITH THE SIDE OF THE TRENCH TO PROMOTE NEW ROOT GROWTH.

PRUNING OF TREE LIMBS TO PROVIDE CLEARANCE FOR EQUIPMENT AND MATERIALS SHALL BE DONE ACCORDING TO STANDARD ARBORICULTURAL PRACTICE. (SEE ANSI A300-1995)

PROTECT THE TRUNKS OF ANY TREES WITHIN THE TEMPORARY OR PERMANENT EASEMENT WITH STRAPPED-ON PLANKING OR SIMILAR PROTECTIVE DEVICES.

THE CRZ OF SPECIMEN TREES PLUS ALL STREAM BUFFERS SHALL BE PROTECTED WITH WIRE-BACK TREE SAVE FENCING WITH METAL SUPPORT POSTS AND TREE SAVE SIGNAGE. INSTALLATION OF THE TREE SAVE FENCE WILL INVOLVE NO TRENCHING.

TREE SAVE FENCE FOR ENTIRE SITE MUST BE INSTALLED, INSPECTED AND APPROVED PRIOR TO INSTALLATION OF EROSION CONTROL MEASURES. NO LAND DISTURBANCE OR DEMOLITION IS ALLOWED BEFORE TREE SAVE FENCING HAS BEEN INSPECTED AND APPROVED BY ARBORIST.

**CALDWELL**  
280 East Crowville Road  
Roswell, GA 30075  
(770) 992-1973 Fax: (770) 918-9527  
www.caldwell-tree.com

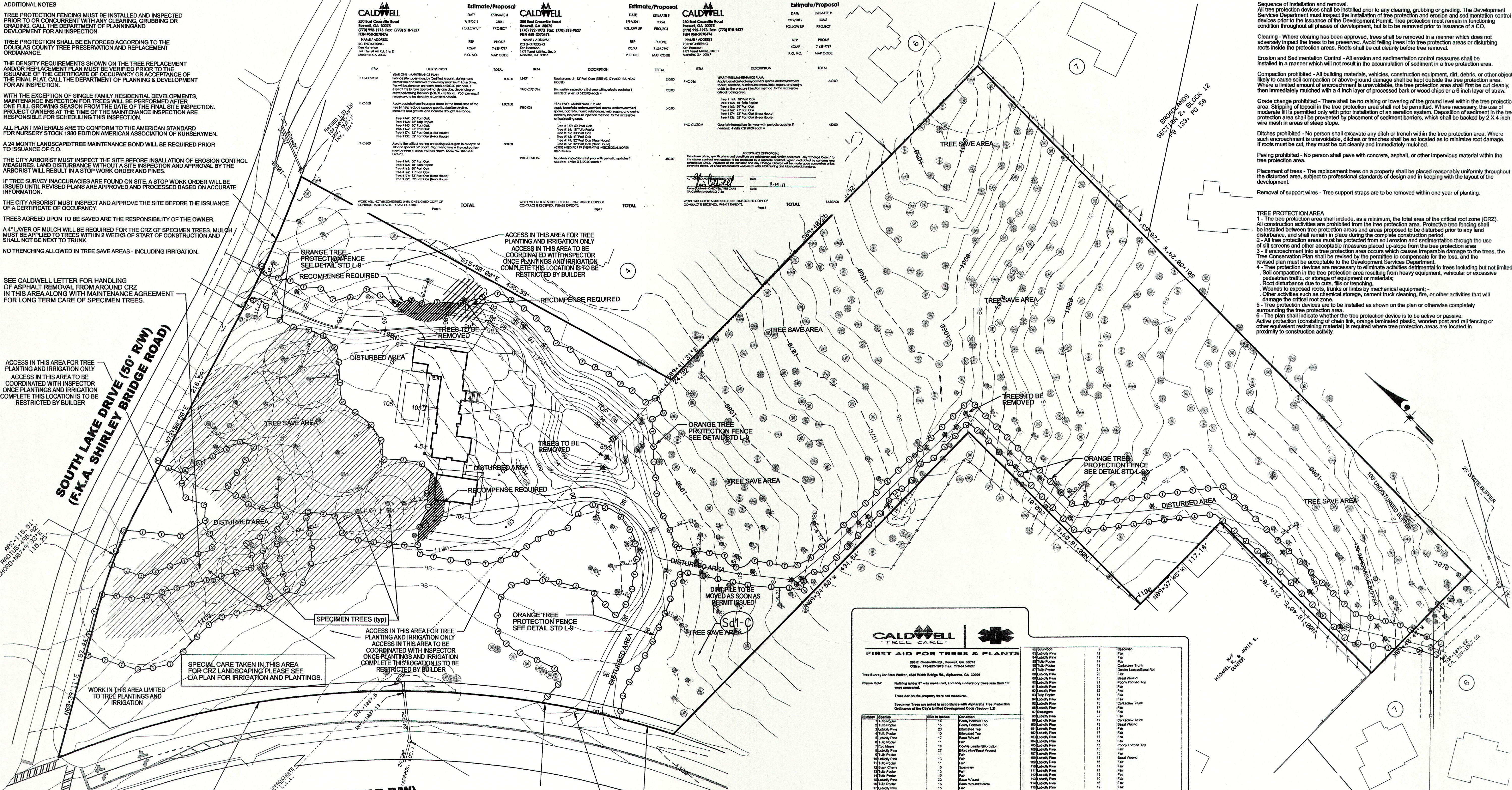
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## CITY OF ALPHARETTA TREE REPLACEMENT CALCULATIONS

|    |                       |                                  |        |                            |         |      |               |      |
|----|-----------------------|----------------------------------|--------|----------------------------|---------|------|---------------|------|
| 1. | 486,565               | sqft                             | -      | 28,707                     | sqft    | =    | 457,858       | sqft |
|    | Total Property Area   |                                  |        | Exempt Area                |         |      | Planting Area |      |
| 2. | 457,858               | sqft                             | x 0.30 | =                          | 137,357 | sqft |               |      |
|    | Planting Area         |                                  |        | 30% Required Planting Area |         |      |               |      |
| 3. | 137,357               | sqft / 500 sqft / overstory tree | =      | 274.7                      |         |      |               |      |
|    | 30% Required Planting |                                  |        | Min. # of Overstory        |         |      |               |      |

## TREE REQUIREMENT CALCULATIONS

Trees to be removed:  
135: 30" Red Oak = 4.4 units x 3 = 13.2 units  
148: 31" Water Oak = 4.4 units x 3 = 13.2 units  
Replacement required: 26.4 units

Trees partially encroached:  
136: 32" Post Oak = 4.6 units x 3 = 13.8 units  
16.5% area disturbed 16.5% x 13.8 = 2.28 units  
174: 32" Post Oak = 4.6 units x 3 = 13.8 units  
16% area disturbed 16% x 13.8 = 2.21 units  
Replacement required: 4.5 units

Total units required: 27.6 + 4.5 = 30.9 units

## EXISTING TREE TO REMAIN

| SIZE (") | COUNT | INDIV UNITS | TOTAL UNITS |
|----------|-------|-------------|-------------|
| 10       | 50    | 0.6         | 30.0        |
| 12       | 74    | 0.8         | 59.2        |
| 14       | 105   | 1.2         | 126.0       |
| 16       | 74    | 1.8         | 133.2       |
| 18       | 74    | 1.8         | 133.2       |
| 20       | 23    | 2.6         | 59.8        |
| 22       | 20    | 2.8         | 56.0        |
| 24       | 20    | 3.4         | 68.0        |
| 26       | 4     | 3.8         | 15.2        |
| 28       | 9     | 4.0         | 36.0        |
| 30       | 4     | 4.3         | 0.0         |
| 32       | 6     | 4.6         | 27.6        |
| 34       | 6     | 5.0         | 30.0        |
| 36       | 4     | 5.4         | 21.6        |
| 38       | 3     | 5.8         | 17.4        |
| 42       | 2     | 7.0         | 14.0        |
| 50       | 2     | 10.0        | 20.0        |
| TOTALS   | 476   |             | 847.2       |

## CALDWELL TREE CARE

## FIRST AID FOR TREES & PLANTS

280 E. Crowville Rd., Roswell, GA 30075  
Office: 770-992-1973 Fax: 770-918-9527

Tree Survey for Stan Walker, 4380 Webb Bridge Rd., Alpharetta, GA 30005

Planting notes: 8" min measured, and only undisturbed trees less than 12" were measured.

Trees not on the property were not measured.

Specimen Trees are noted in accordance with Alpharetta Tree Protection Ordinance of the City's Unified Development Code (Section 5.3)

| Number | Species      | DBH in inches | Condition |
|--------|--------------|---------------|-----------|
| 1      | 21" Live Oak | 15            | Good      |
| 2      | 21" Live Oak | 15            | Good      |
| 3      | 21" Live Oak | 15            | Good      |
| 4      | 21" Live Oak | 15            | Good      |
| 5      | 21" Live Oak | 15            | Good      |
| 6      | 21" Live Oak | 15            | Good      |
| 7      | 21" Live Oak | 15            | Good      |
| 8      | 21" Live Oak | 15            | Good      |
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# CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

---

I. AGENDA ITEM TITLE: CU-19-01 THE PARISH ANGLICAN CHURCH/11940 ALPHARETTA HIGHWAY

PLANNING COMMISSION: MAY 9, 2019

CITY COUNCIL: MAY 28, 2019

II. RECOMMENDATION:

Approve CU-19-01 The Parish Anglican Church/11940 Alpharetta Highway, subject to the following conditions:

1. 'Church, Synagogue' shall be added as a conditional use at 11940 Alpharetta Highway, Suite 128, and limited to no more than 5,000 square feet.
2. The use shall be limited to worship services, pastoral counseling, community classes and other activities customarily associated with a religious facility, except that an academic school shall not be permitted.
3. Conditional use approval shall be limited to The Parish Anglican Church; no additional 'Church, Synagogue' uses or subleasing shall be permitted within the approved space.
4. There shall be no outside speakers or broadcasts, including music which is audible from outside the building or off the property.
5. The Parish Anglican Church shall secure a business license from the City.
6. Sunday hours of operation shall be limited to 6:30 AM to 1:30 PM. The church shall be permitted to operate one (1) additional day per week from 5:00 PM to 10:00 PM.
7. The church shall not have outdoor displays, including displaying vehicles with church advertisements that are visible from Alpharetta Highway.

III. REPORT IN BRIEF:

The applicant, The Parish Anglican Church, is requesting a conditional use to allow a 'Church, Synagogue' to continue to operate in a 5,000 square foot suite within an existing office/industrial center. The proposed use requires approval of a conditional use permit in the O-I (Office-Institutional) zoning district. The subject property is located at 11940 Alpharetta Highway, Suite 128, on the north side of Alpharetta Highway just west of Wills Road.

## DISCUSSION

The submitted request, if approved, would allow The Parish Anglican Church to continue to operate a 'Church, Synagogue' in a 5,000 square foot suite within an existing office/industrial center. The applicant recently became aware that a conditional use permit was necessary for the church to operate at the current location. The subject property is located at 11940 Alpharetta Highway, Suite 128, on the north side of Alpharetta Highway just west of Wills Road.

The property is developed with a 1-story office/industrial building. The zoning of the property is O-I (Office-Institutional), which allows 'Church, Synagogue' with conditional use approval. Surrounding properties are zoned C-1 to the east, R-15 (Dwelling, 'For-Sale', Residential) to the north and C-2 (General Commercial) and O-I to the west. Village Park Assisted Living Facility is



under construction on the property to the east, Arrowood Subdivision is to the north, Cambridge Square and Cash America Pawn to the west and City of Roswell to the south.

The property was developed in 1988 with an 82,973 square foot office/industrial building. Suite 128 is occupied by Legacy Community Academy, who sublets the space to The Parish Anglican Church on Sundays. Other businesses occupying the building include Roswell Farmer's Market, North Fulton Compounding Pharmacy and A-1 Driving School, which recently received conditional use approval for a 'Commercial School'.

The property has 210 surface parking spaces on the property. The Unified Development Code (UDC) requires one (1) space per 500 square feet of assembly area, plus one (1) per 200 square feet for other patron use areas for places of assembly without fixed seats. The applicant's suite is approximately 5,000 square feet, of which the assembly area is roughly  $\frac{1}{4}$  of the space. Therefore, the proposed use would require approximately 21 parking spaces. There are sufficient parking spaces to serve the existing and proposed uses on the property.

Parish Anglican Church has been operating at the subject property since 2015 as a sublease to Legacy Community Academy. The Parish holds Sunday services at 9:00 AM and 10:30 AM, accommodating a congregation of approximately 150 adults and children. Sunday hours of operation are from 6:30 AM to 1:30 PM. The church also holds a service, community class and/or pastoral counseling one (1) night per week from 5:00 PM to 10:00 PM, which could be any day of the week.

#### CONDITIONAL USE REVIEW CRITERIA

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

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

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

*Response: The subject property has access from Alpharetta Highway. The proposed use should not have significant impacts on vehicular and pedestrian access.*

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

*Response: The above improvements are sufficiently addressed on the subject property.*

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 proposal should not significantly impact surrounding properties in the area. If approved, conditions are recommended limiting expansion and services offered by the church.*



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 proposal should not have significant impacts on development in the area. If approved, conditions are recommended limiting expansion and services offered by the church.*

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 church is proposed in an existing office/industrial center, which has sufficient parking and circulation to serve the use and businesses located in the center typically do not operate on the weekends. If approved, conditions are recommended limiting expansion and services offered by the church.*

#### CONCURRENCES

City Staff has reviewed the applicant's proposal and finds that it can generally support the request for conditional use. The request is not in conflict with the established review criteria for a conditional use. However, it is recommended that conditions be established as part of this application that regulate and limit any expansion of the church.

#### 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.

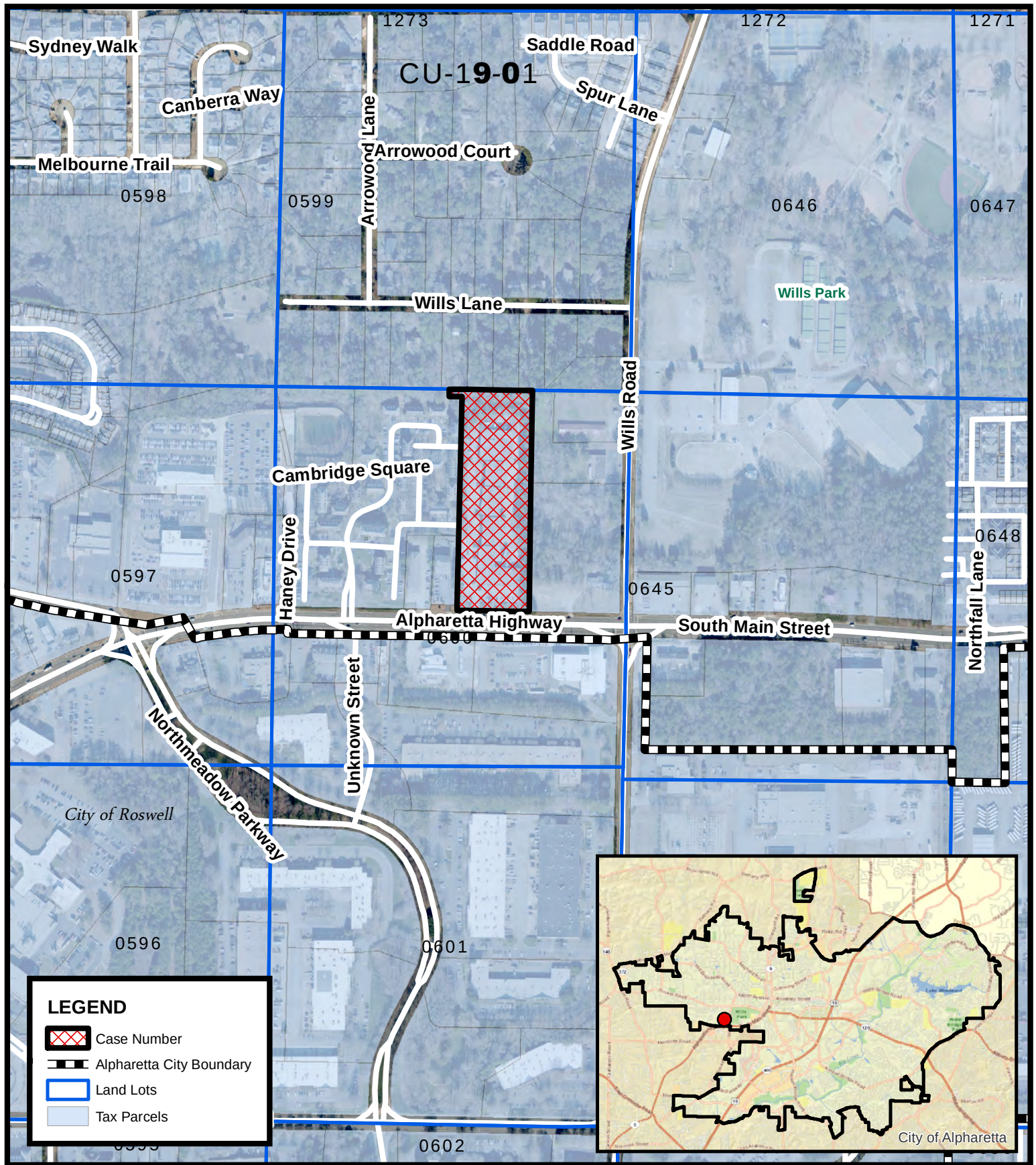
#### COMMUNITY ZONING INFORMATION MEETING

The CZIM was held on March 13, 2018. Three (3) people signed-in with one comment in support of the use.

#### IV. ATTACHMENTS:

- Site Plan





# LEGEND

-  Case Number
-  Alpharetta City Boundary
-  Land Lots
-  Tax Parcels



Location Map  
**Parish Anglican Church**  
 11940 Alpharetta Highway

CU-19-01  
 D/LL: 1/2/600  
 PC: 4/11/19  
 CC: 4/22/19

Location Map Provided by:  
 Community Development - GIS



# 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: **The Parish Anglican Church**

Contact Name: **William Kirkland**

Telephone: **404-644-6068**

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.

**No response, questions or correspondence.**

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



Letter



Personal Visits



Telephone



Group Meeting



Email

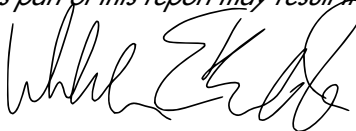


Other (Please Specify)

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

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

Signature of Authorized Agent:



Date: **March 12, 2019**

Print Form



**EXHIBIT A**  
**The Parish Anglican Church, Inc.**

| NAME                                                     | Address                             | City           | State | Zip        |
|----------------------------------------------------------|-------------------------------------|----------------|-------|------------|
| IOAN Office Holdings LLC                                 | 1050 A Cambridge Sq                 | Alpharetta     | GA    | 30004      |
| Quantum Real Estate Invest LLLP                          | 1070 Cambridge Square #B            | Alpharetta     | GA    | 30004      |
| Quantum Real Estate Investments, LLP                     | 1070 Cambridge Square #B            | Alpharetta     | GA    | 30004      |
| SL Premier Management LLC                                | 108 Cambridge SQ                    | Alpharetta     | GA    | 30004      |
| John Proctor                                             | 110 Will Ln                         | Alpharetta     | GA    | 30004      |
| Jeffrey P Hertling                                       | 111 Wills Ln                        | Alpharetta     | GA    | 30004      |
| Charles W Harner                                         | 131 Wills Ln                        | Alpharetta     | GA    | 30004      |
| Javier S Escalante                                       | 150 Wills Ln                        | Alpharetta     | GA    | 30004      |
| Lori Hull                                                | 151 Wills Ln                        | Alpharetta     | GA    | 30004      |
| Robert J Shilt                                           | 161 Wills Ln                        | Alpharetta     | GA    | 30004      |
| Jason R Crouse                                           | 190 Wills Ln                        | Alpharetta     | GA    | 30004      |
| Deborah J & Burgener Bernhard Zemlock                    | 191 Arrowood Ln                     | Alpharetta     | GA    | 30004      |
| City of Alpharetta                                       | 2 South Main St                     | Alpharetta     | GA    | 30004      |
| Peter & Hoan Cao                                         | 200 Wills Ln                        | Alpharetta     | GA    | 30004      |
| Kash Investments FIVE LLC                                | 210 Chelsey Cir                     | Alpharetta     | GA    | 30004      |
| KASH INVESTMENTS FOUR                                    | 210 Chelsey Cir                     | Alpharetta     | GA    | 30004      |
| KASH INVESTMENTS THREE LLC                               | 210 Chelsey Cir                     | Alpharetta     | GA    | 30004      |
| Kash Investments ONE LLC                                 | 210 Chelsey Cir                     | Alpharetta     | GA    | 30004      |
| Kash Investments TWO LLC                                 | 210 Chelsey Circle                  | Alpharetta     | GA    | 30004      |
| The Rock Christian Church Inc                            | 3050 Francis Road                   | Alpharetta     | GA    | 30004      |
| Kokil Enterprise LLC                                     | 653 Citation Trl                    | Alpharetta     | GA    | 30004      |
| TEP Enterprises LLC                                      | 1001 Cambridge Square               | Alpharetta     | GA    | 30009      |
| Letitia T Hudson Ann D Hays Kenneth TJR & Milam Jennifer | 101 Wills Ln                        | Alpharetta     | GA    | 30009      |
| Edward J & Deborah Daniel                                | 1020 Cambridge Sq Ste A             | Alpharetta     | GA    | 30009      |
| Angel Properties LLC                                     | 1021 Cambridge Square               | Alpharetta     | GA    | 30009      |
| Angel Properties LLC                                     | 1021 Cambridge Square               | Alpharetta     | GA    | 30009      |
| SL Premier Management LLC                                | 1030 Cambridge Sq STE C             | Alpharetta     | GA    | 30009      |
| NTIS Holdings, Inc                                       | 1051 Cambridge Square A             | Alpharetta     | GA    | 30009      |
| Sharke Enterprises LLC                                   | 1100 Cambridge Square               | Alpharetta     | GA    | 30009      |
| Sylvia K Morrow Nocon LLC                                | 1125 Cambridge Sq                   | Alpharetta     | GA    | 30009      |
| A-1 Driving School                                       | 11940 Alpharetta Highway, Suite 112 | Alpharetta     | GA    | 30009      |
| Stephen D Hudson                                         | 121 Wills Ln                        | Alpharetta     | GA    | 30009      |
| Susan T & James E Jones                                  | 140 Wills Lane                      | Alpharetta     | GA    | 30009      |
| Abdelkader & Hassin Nashwa                               | 141 Wills Ln                        | Alpharetta     | GA    | 30009      |
| Gordon D Eyre                                            | 160 Wills Ln                        | Alpharetta     | GA    | 30009      |
| D N Shah                                                 | 1670 Hwy 9 South                    | Alpharetta     | GA    | 30009      |
| Wills Road LLC                                           | 5481 Morton Rd                      | Alpharetta     | GA    | 30022      |
| D&C Investment                                           | 4030 Johns Creek Pkwy               | Suwanee        | GA    | 30024      |
| 1091 Cambridge Square LLC                                | 2321 Robinson Road                  | Marietta       | GA    | 30068      |
| JW Elli & CO LLC                                         | 1250 Cox Rd                         | Roswell        | GA    | 30075      |
| S & D Holding Company LLC                                | 11865 Alpharetta Highway            | Roswell        | GA    | 30076      |
| North Meadow Associates                                  | 3950 Shackleford Rd. # S 300        | Duluth         | GA    | 30096      |
| Gulf State Partnership                                   | 1000 Cambridge Square #A            | Alpharetta     | GA    | 30201      |
| Thanh Huyen & Tuyn Hoang                                 | 190 Arrowwood Ln                    | Alpharetta     | GA    | 30201      |
| Voila Investments LLC                                    | 156 Loretta Ln                      | Luthersville   | GA    | 30251      |
| Alpha Bc LLC                                             | 3520 Piedmont Rd NE Ste 410         | Atlanta        | GA    | 30305      |
| Cambridge Inc                                            | 5361 Northland Dr                   | Atlanta        | GA    | 30342      |
| Gulf State Partnership                                   | 5361 Northland Dr NE                | Atlanta        | GA    | 30342      |
| Northmeadow Investors LLC                                | PO Box 56607                        | Atlanta        | GA    | 30343      |
| East Gwinnett Properties LLC                             | PO Box 28138                        | Macon          | GA    | 31221      |
| EHW Investments LLC                                      | PO Box 3507                         | Jackson        | MS    | 39207      |
| UAG Atlanta IV Motors Inc                                | 2555 Telegraph Rd                   | Bloomfield HMI |       | 48302      |
| Alpha Properties L P                                     | P.O. Box 100                        | Chromo         | CO    | 81128      |
| Get Real Partners LP                                     | 915 W Francis St                    | Aspen          | CO    | 81611      |
| Gregory & Jackie G Lefler                                | 100 Wills Lane                      | Alpharetta     | GA    | 30004-1837 |
| Richard & Pamela D Morgan                                | 130 Wills Ln                        | Alpharetta     | GA    | 30004-1837 |
| Terry L & Joan Hensel                                    | 180 Wills Ln                        | Alpharetta     | GA    | 30004-1837 |
| Maryann Strickland                                       | 1000 Cambridge Square               | Alpharetta     | GA    | 30004-1846 |
| Fulton Federal Saving & Loan                             | 1061C Cambridge Sq Ste A            | Alpharetta     | GA    | 30009-1872 |
| Charles G Petrakopoulos                                  | 371 Jon Scott Drive                 | Alpharetta     | GA    | 30009-2109 |
| Gregory Enterprises C                                    | 6515 Talmadge Ct                    | Suwanee        | GA    | 30024-4271 |
| Georgia Power Company Tax Department Bin 10120           | 241 Ralph McGill Blvd NE            | Atlanta        | GA    | 30308-3374 |
| Rise LLC                                                 | 11995 El Camino Real                | San Diego      | CA    | 92130-2539 |





THE PARISH

<<NAME>>

<<ADDRESS1>>

<<CITY>>, <<STATE>> <<ZIP>>

**RE: Conditional Use Permit Application by The Parish Anglican Church, Inc. for leased space at 11940 Alpharetta Highway, Alpharetta, GA**

Dear Property Owner:

The Parish Anglican Church, Inc. has filed an application for a Conditional Use Permit in the Alpharetta Business Center, located at 11940 Alpharetta Highway, Suite 150, Alpharetta GA. This permit would allow the suite to be used as space for a house of worship. There are no other changes to the approved zoning.

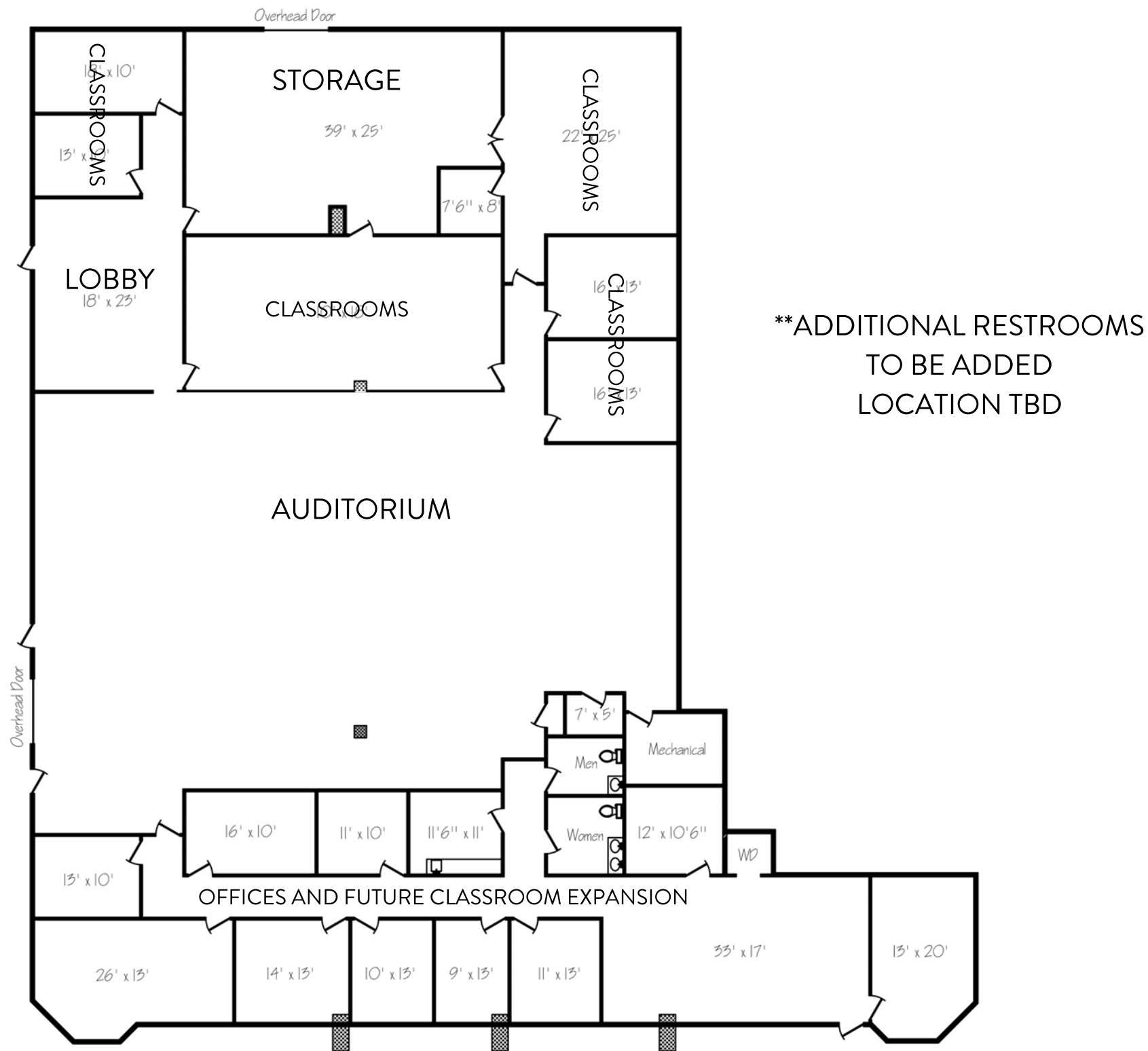
The City will hold a Community Zoning Information Meeting on Wednesday, March 13, 2019 from 6:00pm to 7:00pm in the Multi-Purpose Room at City Hall. The Planning Commission meeting is scheduled for Thursday, April 11, 2019 at 6:30pm at City Hall. The City Council meeting is scheduled for Monday, April 22, 2019 at 6:30pm at City Hall. If you have questions or would like additional information, please contact Jordan Warner at 719-640-4149. His email is [jordanwarner@parishanglican.org](mailto:jordanwarner@parishanglican.org), and his address is 12540 Broadwell Road, Suite 2201, Milton, GA 30004.

A site plan is attached for your consideration.

Sincerely,

**William (Eddie) Kirkland**  
Rector, The Parish Anglican Church







4/3/19

## APPLICANT'S AMENDMENT TO ZONING PROPOSAL 4.2.19

**From:** [Woodman, Michael](#)  
**To:** [Taylor, Elicia](#)  
**Subject:** FW: Update to Special Use application  
**Date:** Wednesday, April 03, 2019 8:42:05 AM  
**Attachments:** [Legacy Layout-3.pdf](#)

---

FYI – The applicant amended their request. Please make sure this email is included with the application. I'd suggest adding a header to the email called it 'Applicant's Amendment to Zoning Proposal'. Also, call the attachment to this email 'Suite 128 Layout'. I updated the staff report to reflect this change. Thanks.

---

**From:** Eddie Kirkland [REDACTED]  
**Sent:** Tuesday, April 02, 2019 10:41 AM  
**To:** Woodman, Michael <mwoodman@alpharetta.ga.us>  
**Cc:** Jordan Warner [REDACTED]; Paul Hanna [REDACTED]  
**Subject:** Update to Special Use application

Michael,

Unfortunately we need to abandon the proposed use of Suite 150 at 11940 Alpharetta Highway (roughly 11,000 square feet) as we could not negotiate a reasonable lease with the landlord. We will be pursuing other options for a more permanent location. In the meantime, we would like to ask for a modification to our request.

Could our application please be adjusted to cover our current meeting location, in the same building but utilizing Suites 128, 122 and 121? This space is subleased from Legacy Community Academy, and the previous tenant in Suite 128 was a church. The size of the combined space we utilize on Sundays is roughly 5,000 square feet. I have attached a rough floorpan, which is the best diagram we have been given for the space. Our desire is to continue meeting in this space for the next 6-12 months while we search for a more permanent location for the church.

As we are only subleasing this space, our usage is much more limited than our previous proposal. We will only utilize the space on Sundays from 6:30am to 1:30pm, and potentially one other evening per week from 5-10pm (this varies based on need, but is typically Sunday or Wednesday evenings). Our current office space is in Milton, at the Thrive co-working location, so we will not need to be officing in this location at all.

Thank you for all the help you have provided to this point. Please let us know if there is anything else you need, we look forward to working with your team to make sure The Parish is in good standing with the city for many years to come.

Blessing and peace,

Eddie+



4/3/19

APPLICANT'S AMENDMENT TO  
ZONING PROPOSAL 4.2.19

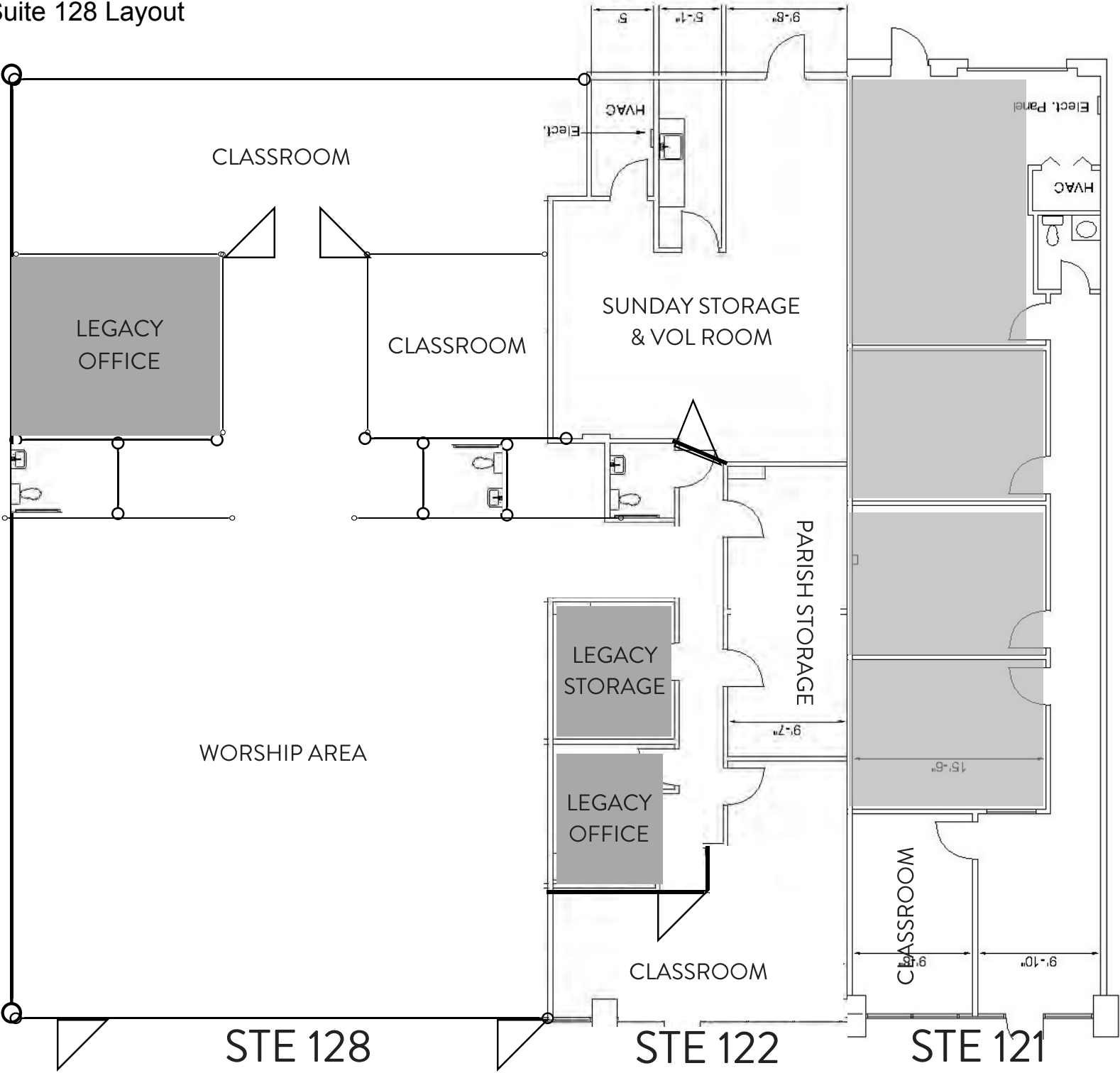
**EDDIE KIRKLAND**

404-644-6068

[REDACTED]  
[REDACTED]



Suite 128 Layout







## THE PARISH

### **RE: CITY OF ALPHARETTA LETTER OF INTENT**

The Parish Anglican Church, Inc. requests a Conditional Use permit approval for a house of worship at 11940 Alpharetta Highway. We would be operating in this space as a church.

The Parish is a church plant with a weekly attendance of roughly 100 adults and 40 children. We are a congregation of the Anglican Church in North America, a province of over 1,000 churches across the continent. The Parish is an emotionally healthy church practicing the contemplative way of Jesus. Our desire is to see the local community flourish as we learn to love God and our neighbor.

The Parish offers Sunday worship services for the community which include adult worship and instructional groups for children. We offer periodic classes in emotional health and contemplative spirituality, as well as small groups which take place in homes throughout the local community. These environments are designed to train people in a practice-based faith which helps us grow in love for God and one another.

Our hours of operation are mostly limited to Sunday worship, which takes place at 9 and 10:30am. At this time, families will arrive on site to both volunteer and attend the worship service. During the week, we will have two full-time staff on site during office hours, from 8am to 4pm Monday through Thursday. Pastoral counseling will take place during these hours on a limited basis, roughly 3-6 appointments per week. Classes for the community would be held in the evening hours on a weekday, from 7-9pm, or during the day on a Saturday. These classes operate on a seasonal basis for 6-weeks at a time and would not be year-round.

The entire property has 56,531 SF of office and offers 210 parking spaces, equaling 3.7 parking spaces per 1,000 SF. Suite 150 is 11,000 SF with 41 parking spaces allocated during normal business hours for our staff of two people. Because all of the other businesses in the office park are closed when we meet, we'll have 210 spaces available, which is 19 spaces per 1,000 SF. We will not have fixed seating and assembly area is 40 x 60 (2,400 SF), requiring 5 spaces, the balance is 8,600 SF/200 SF requiring 43 spaces. Total required parking spaces is 48 and we have 210 available.



# 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: **William Kirkland**

Telephone: **(404) 644-6068**

Address: **12540 Broadwell Road**

Suite: **2201**

City **Milton**

State: **GA**

Zip: **30004**

Fax: \_\_\_\_\_

Mobile Tel: **(404) 644-6068**

Email: **eddiekirkland@parishanglican.org**

### Subject Property Information:

Address: **11940 Alpharetta Highway, Suite 150, Alpharetta, GA 30009**

Current Zoning: **O-I**

District: \_\_\_\_\_ Section: \_\_\_\_\_ Land Lot: \_\_\_\_\_ Parcel ID: \_\_\_\_\_

Proposed Zoning: \_\_\_\_\_ Current Use: \_\_\_\_\_

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

☒ Conditional Use

☐ Master Plan Amendment

☐ Exception

☐ Rezoning

☐ Master Plan Review

☐ Variance

☐ Public Hearing

☐ Comprehensive Plan Amendment

☐ Other (Specify): \_\_\_\_\_



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## APPLICANT REQUEST AND INTENT

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

**Sunday worship services**

**Office hours for pastoral staff (2 full-time)**

**Pastoral counseling on-site**

**Seasonal classes for adults (held on weekday evenings or Saturdays)**

Applicant's Request (Please itemize the proposal):

**To have conditional use of the property so that we can operate as a house of worship.**

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

**This usage would facilitate The Parish operating in O-I space as a house of worship.**



# PROPERTY OWNER AUTHORIZATION

## Property Owner Information:

Contact Name: Alpha/BC, LLC Telephone: 770-886-1963

Address: 19241 Birmingham Hwy Suite: 2201

City: Alpharetta State: GA Zip: 30004

## Authorization:

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

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

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

## Identify Authorized Applicant:

Name of Authorized Applicant: William Kirkland Telephone: 404-644-6068

Address: 12450 Broadwell Road Suite: 2201

City: Milton State: GA Zip: 30004

## So Sworn and Attested:

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

Date: 3/12/19

Notary:

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

Date: 11/30/19





# 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: WILLIAM KIRKLAND

Subject Public Hearing Case: THE PARISH ANGLICAN CHURCH

## Campaign Contribution Information:

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

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

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

Description of Contribution: N/A Value: \_\_\_\_\_

Description of Contribution: N/A Value: \_\_\_\_\_

Description of Contribution: N/A Value: \_\_\_\_\_

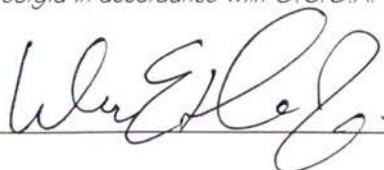
Description of Contribution: N/A Value: \_\_\_\_\_

Description of Contribution: N/A Value: \_\_\_\_\_

## Campaign Contribution Information:

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

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



Date: 1/31/19



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## ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

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How will this proposal be compatible with surrounding properties?

**Our usage of the facility will not interfere with the hours of operation for businesses on or near the property. We have reviewed our usage with the property owner to ensure that we will not interfere with other businesses on the property.**

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

**It will add an organization dedicated to seeking the flourishing of the local community, including efforts to promote health and well-being for the residents who live in the surrounding area.**

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

**N/A**

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

**There would be no increase to population, and an extremely limited increase in traffic during business hours (Mon-Thurs, 8am-4pm). Corporate gatherings held on site will occur during non-working hours, and thus traffic impact will be minimal.**

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

**Schools will have an added resource of a local community focused on mental, emotional, and spiritual health for parents and children. Minor impact to utilities.**

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

**We would be providing a house of worship that can serve the growing number of residents in the downtown district and surrounding area.**

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

**The church would be a beneficial addition to a downtown community which is growing rapidly in population, allowing local residents to worship in the community in which they live, work and do business. It also will bring families into the downtown area for Sunday worship, which will increase the customer base for local restaurants and retail.**

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



# CITIZEN PARTICIPATION FORM - PART A

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

Public Hearing or Project Name: The Parish Anglican Church

Contact Name: William Kirkland Telephone: (404) 644-6068

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

## See Attached Exhibit A

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

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

- |                                            |                                                       |
|--------------------------------------------|-------------------------------------------------------|
| <input checked="" type="checkbox"/> Letter | <input type="checkbox"/> Personal Visits              |
| <input type="checkbox"/> Telephone         | <input type="checkbox"/> Group Meeting                |
| <input type="checkbox"/> Email             | <input type="checkbox"/> Other (Please Specify) _____ |

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

**By letter.**



**EXHIBIT A**  
**The Parish Anglican Church, Inc.**

| NAME                                                     | Address                             | City             | State | Zip        |
|----------------------------------------------------------|-------------------------------------|------------------|-------|------------|
| IOAN Office Holdings LLC                                 | 1050 A Cambridge Sq                 | Alpharetta       | GA    | 30004      |
| Quantum Real Estate Invest LLLP                          | 1070 Cambridge Square #B            | Alpharetta       | GA    | 30004      |
| Quantum Real Estate Investments, LLP                     | 1070 Cambridge Square #B            | Alpharetta       | GA    | 30004      |
| SL Premier Management LLC                                | 108 Cambridge SQ                    | Alpharetta       | GA    | 30004      |
| John Proctor                                             | 110 Will Ln                         | Alpharetta       | GA    | 30004      |
| Jeffrey P Hertding                                       | 111 Wills Ln                        | Alpharetta       | GA    | 30004      |
| Charles W Harner                                         | 131 Wills Ln                        | Alpharetta       | GA    | 30004      |
| Javier S Escalante                                       | 150 Wills Ln                        | Alpharetta       | GA    | 30004      |
| Lori Hull                                                | 151 Wills Ln                        | Alpharetta       | GA    | 30004      |
| Robert J Shilt                                           | 161 Wills Ln                        | Alpharetta       | GA    | 30004      |
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| Deborah J & Burgener Bernhard Zemlock                    | 191 Arrowood Ln                     | Alpharetta       | GA    | 30004      |
| City of Alpharetta                                       | 2 South Main St                     | Alpharetta       | GA    | 30004      |
| Peter & Hoan Cao                                         | 200 Wills Ln                        | Alpharetta       | GA    | 30004      |
| Kash Investments FIVE LLC                                | 210 Chelsey Cir                     | Alpharetta       | GA    | 30004      |
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| KASH INVESTMENTS THREE LLC                               | 210 Chelsey Cir                     | Alpharetta       | GA    | 30004      |
| Kash Investments ONE LLC                                 | 210 Chelsey Cir                     | Alpharetta       | GA    | 30004      |
| Kash Investments TWO LLC                                 | 210 Chelsey Circle                  | Alpharetta       | GA    | 30004      |
| The Rock Christian Church Inc                            | 3050 Francis Road                   | Alpharetta       | GA    | 30004      |
| Kokil Enterprise LLC                                     | 653 Citation Trl                    | Alpharetta       | GA    | 30004      |
| TEP Enterprises LLC                                      | 1001 Cambridge Square               | Alpharetta       | GA    | 30009      |
| Letitia T Hudson Ann D Hays Kenneth TJR & Milam Jennifer | 101 Wills Ln                        | Alpharetta       | GA    | 30009      |
| Edward J & Deborah Daniel                                | 1020 Cambridge Sq Ste A             | Alpharetta       | GA    | 30009      |
| Angel Properties LLC                                     | 1021 Cambridge Square               | Alpharetta       | GA    | 30009      |
| Angel Properties LLC                                     | 1021 Cambridge Square               | Alpharetta       | GA    | 30009      |
| SL Premier Management LLC                                | 1030 Cambridge Sq STE C             | Alpharetta       | GA    | 30009      |
| NTIS Holdings, Inc                                       | 1051 Cambridge Square A             | Alpharetta       | GA    | 30009      |
| Sharke Enterprises LLC                                   | 1100 Cambridge Square               | Alpharetta       | GA    | 30009      |
| Sylvia K Morrow Nocon LLC                                | 1125 Cambridge Sq                   | Alpharetta       | GA    | 30009      |
| A-1 Driving School                                       | 11940 Alpharetta Highway, Suite 112 | Alpharetta       | GA    | 30009      |
| Stephen D Hudson                                         | 121 Wills Ln                        | Alpharetta       | GA    | 30009      |
| Susan T & James E Jones                                  | 140 Wills Lane                      | Alpharetta       | GA    | 30009      |
| Abdelkader & Hassin Nashwa                               | 141 Wills Ln                        | Alpharetta       | GA    | 30009      |
| Gordon D Eyre                                            | 160 Wills Ln                        | Alpharetta       | GA    | 30009      |
| D N Shah                                                 | 1670 Hwy 9 South                    | Alpharetta       | GA    | 30009      |
| Wills Road LLC                                           | 5481 Morton Rd                      | Alpharetta       | GA    | 30022      |
| D&C Investment                                           | 4030 Johns Creek Pkwy               | Suwanee          | GA    | 30024      |
| 1091 Cambridge Square LLC                                | 2321 Robinson Road                  | Marietta         | GA    | 30068      |
| JW Elli & CO LLC                                         | 1250 Cox Rd                         | Roswell          | GA    | 30075      |
| S & D Holding Company LLC                                | 11865 Alpharetta Highway            | Roswell          | GA    | 30076      |
| North Meadow Associates                                  | 3950 Shakleford Rd. # S 300         | Duluth           | GA    | 30096      |
| Gulf State Partnership                                   | 1000 Cambridge Square #A            | Alpharetta       | GA    | 30201      |
| Thanh Huyen & Tuyn Hoang                                 | 190 Arrowood Ln                     | Alpharetta       | GA    | 30201      |
| Voila Investments LLC                                    | 156 Loretta Ln                      | Luthersville     | GA    | 30251      |
| Alpha Bc LLC                                             | 3520 Piedmont Rd NE Ste 410         | Atlanta          | GA    | 30305      |
| Cambridge Inc                                            | 5361 Northland Dr                   | Atlanta          | GA    | 30342      |
| Gulf State Partnership                                   | 5361 Northland Dr NE                | Atlanta          | GA    | 30342      |
| Northmeadow Investors LLC                                | PO Box 56607                        | Atlanta          | GA    | 30343      |
| East Gwinnett Properties LLC                             | PO Box 28138                        | Macon            | GA    | 31221      |
| EHW Investments LLC                                      | PO Box 3507                         | Jackson          | MS    | 39207      |
| UAG Atlanta IV Motors Inc                                | 2555 Telegraph Rd                   | Bloomfield Hills | MI    | 48302      |
| Alpha Properties L P                                     | P.O. Box 100                        | Chromo           | CO    | 81128      |
| Get Real Partners LP                                     | 915 W Francis St                    | Aspen            | CO    | 81611      |
| Gregory & Jackie G Lefler                                | 100 Wills Lane                      | Alpharetta       | GA    | 30004-1837 |
| Richard & Pamela D Morgan                                | 130 Wills Ln                        | Alpharetta       | GA    | 30004-1837 |
| Terry L & Joan Hensel                                    | 180 Wills Ln                        | Alpharetta       | GA    | 30004-1837 |
| Maryann Strickland                                       | 1000 Cambridge Square               | Alpharetta       | GA    | 30004-1846 |
| Fulton Federal Saving & Loan                             | 1061C Cambridge Sq Ste A            | Alpharetta       | GA    | 30009-1872 |
| Charles G Petrakopoulos                                  | 371 Jon Scott Drive                 | Alpharetta       | GA    | 30009-2109 |
| Gregory Enterprises C                                    | 6515 Talmadge Ct                    | Suwanee          | GA    | 30024-4271 |
| Georgia Power Company Tax Department Bin 10120           | 241 Ralph McGill Blvd NE            | Atlanta          | GA    | 30308-3374 |
| Rise LLC                                                 | 11995 El Camino Real                | San Diego        | CA    | 92130-2539 |



PARISH CHURCH SURVEY 11940 Alpharetta Hwy



LEGEND

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#### SITE DEVELOPMENT DATA

50. 360 S.F. OF BLDG. 440W/173 TOTAL PARKING SPACE:  
 25. 47 S.F. GARAGE/DRIVEWAY \*  
 4. 75 S.F. BALUSTE/STAIR WINGS \*  
 1. 75 S.F. DRIVEWAY CAR GARAGE \*  
 1 SPACE/325.00 S.F. OF BLDG.  
 2 BTH PARKING SPACE COMBINATIONS  
 ARE APPROXIMATE.

All plots start in pasture or land being used for cattle and horses in 1 and 2 in 1996, at the 1st District, 2nd Section, Caxias Municipality, Eastern Amazon, Maranhão, and have most species only distributed as follows:

[illegible]

#### LOCATION MAP

NOT TO SCALE

#### REFERENCE SURVEY

NOTIFY FOR JOHN THOMAS MARTIN  
PREPARED BY WESTINGHOUSE  
ENGINEERS, PITTSBURGH, PA.  
DATED MAY 05, 1964

FORWARD BY NOTARY: COMMUNITARIAN  
PLANS FOR ALFRED VITA BERNARDI  
CENTER PREPARED BY DAVID A.  
BURRE - ADAMS, INC DATED JUNE  
05, 1964

## FLOOD HAZARD NOTE

THIS PROPERTY IS NOT CONTAINED  
WITHIN THE LIMITS OF A FLOOD  
HARVEST ZONE AS DEFINED BY THE  
FEDERAL AND STATE MANAGEMENT  
AGENCY FLOOD INSURANCE RATE  
MAP OF SAN ANTONIO COUNTY  
CO. OF L.A. REPEATED AND IT  
AND (COUNTY OF TRAVIS, NC  
3500 CODE B)

AREA THIS TRACT

214, 540. 23 1/2 FT.  
A. 0243 AC.

### PRECISION OF SURVEY

The field data upon which this plan is based has a closure precision of one foot in 43,300 feet and an angular error of 5.63 seconds per angle point and was adjusted using Crandall's Rule.

This plot has been calculated for closure  
and is found to be accurate within one  
foot (~~in all cases~~).

Field angles and linear distances measured using a Leica STN-2 total station.



In my opinion, this plan is a correct representation of the test plan and has been prepared in accordance with the minimum standards of requirements of the law.

David A. Kruze

NOTE: BUILDING DIMENSIONS SHOWN  
REFLECT THE FIRST OR GROUND  
FLOOR OF THE EXISTING BUILDING  
WITH THE MEASUREMENTS  
TAKEN AT 3.0' ABOVE GRADE

SPECIAL UNDERGROUND UTILITY NOTE

STATIONARY INTER. CARS, POWER; TELEPHONE CO-  
PEE LINES; AN UNKNOWN NUMBER ARE APPROXIMATE  
LOCATION; ONLY THEIR LOCATION; MORE PROFILES  
BY OTHERS.

GRAPHIC SCALE

[illegible]

#### ANALYST SURVEY FOR

WDB TRUST, WARREN STEINBERG AS TRUSTEE  
FIRST AMERICAN TITLE INSURANCE COMPANY

THE CITY OF ALPHARETTA, GEORGIA

LAND LOT 600, MONTICUT E. SECTION, FULTON COUNTY, GA.

|          |            |
|----------|------------|
| DRAWN    | W. J. J.   |
| CHECKED  |            |
| APPROVED |            |
| DATE     | 11-08-1999 |
| SCALE    | 1" = 30'   |
| PROJECT  | 99-2-003   |
| SHEET    | 1 OF 1     |



**David A. Burre Engineers & Surveyors, Inc.**  
Consulting — Surveying — Land Planning  
11660 Alpharetta Hwy. Suite 100 Roswell, GA 30076 1-800-443-2422



### Parish Church Location



- APR 1967 APR 1967
- 1 2000 2000
- 2 2000 2000
- 3 2000 2000
- 4 2000 2000
- 5 2000 2000
- 6 2000 2000
- 7 2000 2000
- 8 2000 2000
- 9 2000 2000
- 10 2000 2000
- 11 2000 2000
- 12 2000 2000

50. 360 SF OF OLDLY GROWN  
ITS TOTAL PARKING SPACE:  
RHS: 87% DEDUCTIBLE AREA =  
F. 15' X 10' EXISTING ASPHALT DRIVEWAY =  
F. 70% DEDUCTIBLE CAR GARAGE =  
1 SPACE / 325.00 SF OF OLDLY  
GROWN TREES IN OFFICE BUILDING  
ARE APPROXIMATED.



NOT TO SCALE

RODNEY ROE, JOHN THOMPSON, MARY  
PREPARED BY RUSTENBERG  
ENGINEERS, WILMINGTON, DE.  
DATED MAY 05, 1966

RODNEY ROE, JOHN THOMPSON  
PLANNED BY ALBERTA ENGINEERS  
CENTER PREPARED BY DAVID A  
ALBRE, JR., DATED JUNE  
17, 1966

THIS PROPERTY IS NOT CONTAINED  
WITHIN THE LIMITS OF A FLOOD  
HAZARD ZONE AS DEFINED BY THE  
FEDERAL AND STATE AGENCIES.  
FLOOD RISK: MINOR  
NO. OF DAYS OF FLOODING  
EST. 24 HRS. ESTIMATED  
AND IT  
AND (RISKY CITY-PAVING, NC  
FLOOD RISK)

214,540.23 LB. FT.  
4.0253 AC.

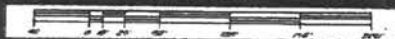
[illegible]

in my opinion, this part is a correct representation of the last plate, and has been prepared in conformity with the British Standard and requirements of the law.

David A. Bruce

NOTE: BUILDING DIMENSIONS SHOWN  
REFLECT THE FIRST OR GROUND  
FLOOR OF THE EXISTING BUILDING  
WITH THE MEASUREMENTS  
TAKEN AT 2.0' ABOVE GRADE.

PLANTER INTER. CARS. POWER. TELEPHONE SER-  
VICE. AND AROUND AREA. ARE APPROPRIATE  
LOCATION. ONLY TRAIL. LOCATION. MORE PROVIDED  
BY CARS.

[illegible]WDB TRUST, WARREN STEINBERG AS TRUSTEE  
FIRST AMERICAN TITLE INSURANCE COMPANY

THE CITY OF ALPHARETTA, GEORGIA

LAND LOT 600 1<sup>ST</sup> DISTRICT 7<sup>TH</sup> SECTION FULTON COUNTY, GA

|          |            |
|----------|------------|
| DRAWN    | ✓✓✓        |
| CHECKED  |            |
| APPROVED |            |
| DATE     | 11-06-1999 |
| SCALE    | 1" = 40'   |
| PROJECT  | 99-245     |
| SHEET    | 1 OF 1     |



**David A. Burre Engineers & Surveyors.**  
Consulting - Surveying - Land Plans  
11560 Alhambra Hwy., Suite 102, Rossmore, CA 95068, (916) 938-1100

11660 Alpharetta Hwy. Suite 100 Roswell, Ga 30076 (404) 442-

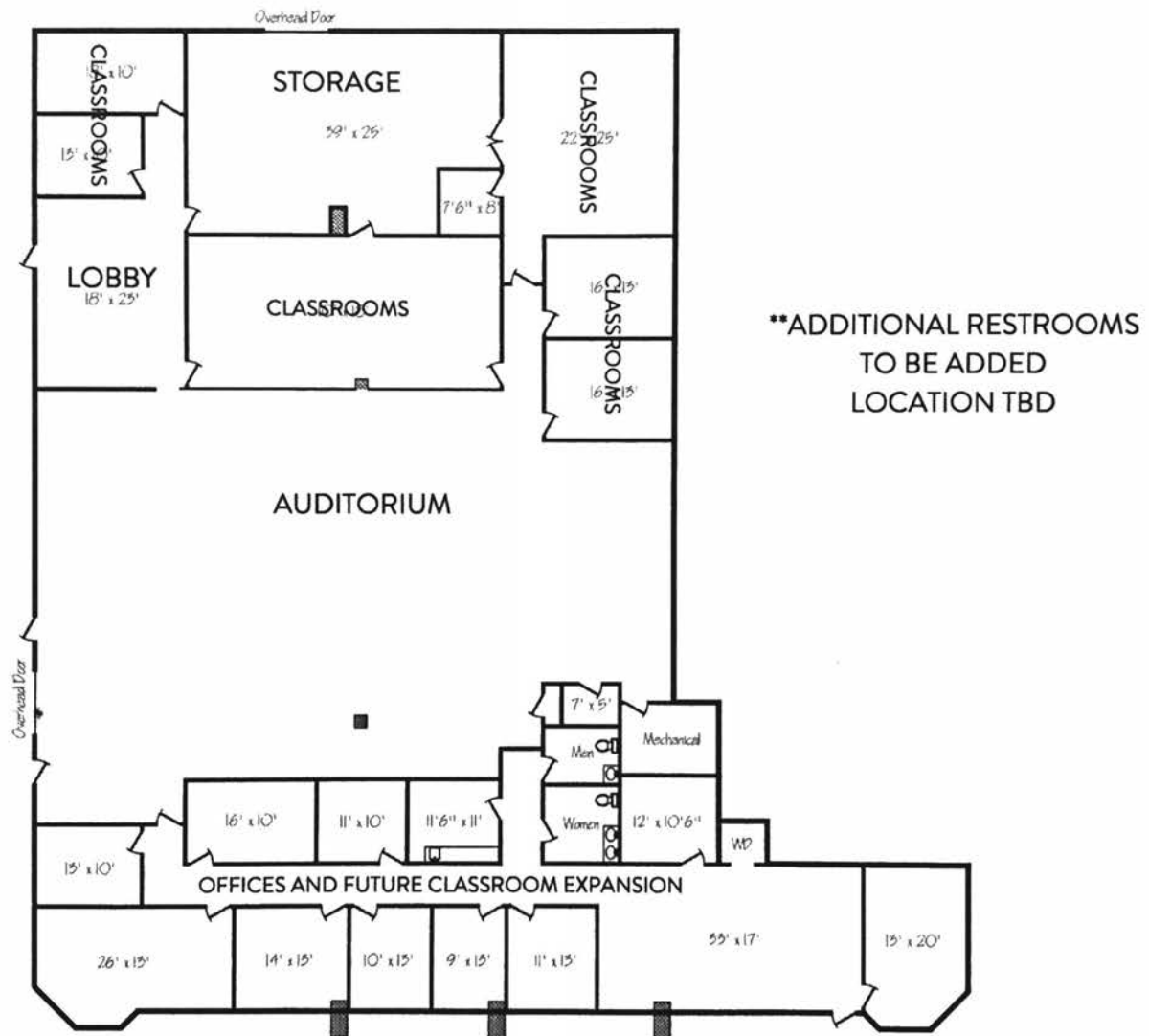


Parish Church proposed space at  
11940 Alpharetta Hwy

11,000 SF TOTAL

Assembly Area = 2,400 SF

All other Area = 8,600 SF





**EXHIBIT "A"**

• 11940 Alpharetta Hwy

Deed Book 28699 Pg 3

All that tract or parcel of land lying and being in Land Lot 600, of the 1st District, 2nd Section, City of Marietta, Fulton County, Georgia, and being more particularly described as follows:

To Find The True Point of Beginning, begin at an iron pin found in the right-of-way of Alpharetta Road (Ga. Hwy. No. 9, having a variable right-of-way width and a pavement width of 67 feet from back of curb to back of curb at this point), which iron pin found is located 647.0 feet Easterly from the point of intersection of the Easterly right-of-way line of Haney Drive (having a 30-foot right-of-way width) with the Northerly right-of-way line of Alpharetta Road, and which iron pin found is located 59.92 feet Northerly from the centerline of said Alpharetta Road; running thence North 03° 54' 15" East a distance of 11.77 feet to an iron pin found on the Northerly right-of-way line of Alpharetta Road at the True Point of Beginning; and from the True Point of Beginning as thus established, thence leaving the Northerly right-of-way line of Alpharetta Road and running North 03° 54' 15" East a distance of 334.67 feet to an iron pin found; running thence South 83° 50' 09" East a distance of 180.64 feet to an iron pin found; running thence South 59° 12' 43" East a distance of 53.54 feet to an iron pin found; running thence South 01° 29' 03" West a distance of 337.38 feet to an iron pin set on the Northerly right-of-way line of Alpharetta Road, and which iron pin set is located 70.42 feet Northerly from the centerline of said Alpharetta Road; running thence Northwesterly along the Northerly right-of-way line of Alpharetta Road the following two courses and distances; North 83° 07' 47" West a distance of 99.99 feet to a point; and North 33° 10' 10" West a distance of 174.43 feet to an iron pin found at the True Point of Beginning.

The above-described tract contains 4.9253 acres and is improved property known as 11940 Alpharetta Road, all as more particularly shown and delineated on that certain As-Built Survey for Grimes Square, Inc., GMAC Commercial Mortgage Corporation and Chicago Title Insurance Company, prepared by David A. Burre Engineers & Surveyors, Inc., dated November 17, 1997, bearing the seal and certification of David A. Burre, Georgia Registered Land Surveyor No. 1965.





# CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

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**I. AGENDA ITEM TITLE:** PH-18-17 UNIFIED DEVELOPMENT CODE AND CODE OF ORDINANCE TEXT AMENDMENTS – DESIGN REVIEW BOARD

PLANNING COMMISSION: MARCH 7, 2019

CITY COUNCIL: MARCH 25, 2019

**II. RECOMMENDATION:**

Approve text amendments to the Unified Development Code Section 1.4 Definitions and Section 5.4 Design Review Board and Code of Ordinances Chapter 36, Division 2 Design Review Board.

**III. REPORT IN BRIEF:**

Consideration of text amendments to Code of Ordinances Section 36-65 to add a definition for 'Downtown Overlay' and to Section 36-66 to require Design Review Board review of new construction applications that are forwarded by the Director of Community Development. The Board currently reviews commercial projects within the Downtown Overlay, Corridors of Influence and Interchange Districts. Staff currently reviews items outside of those areas and is recommending a change to the Code in order to allow the Board to review any commercial project if forwarded by the Director.

Staff also recommends amendments to Unified Development Code (UDC) Section 1.4 Definitions to add a definition for 'Downtown Overlay' and to Section 5.4 Design Review Board adding applicability language to the powers and duties of the Board and requiring demolitions on buildings over 50 years old be reviewed by the Board. The Historic Preservation Incentive Ordinance requires buildings listed as a 'Contributing Historic Building' obtain demolition permit approval from City Council. This section, as proposed, would require that two (2) Boards approve a demolition permit on some structures.

**IV. ATTACHMENTS:**

- Strike Through and Underline Edits



## ARTICLE I. - GENERAL

## SECTION 1.1 - TITLE AND PURPOSE

## 1.4.2 Defined terms.

Words and phrases defined herein shall be interpreted as defined without regard to other meanings in common or ordinary use, unless the context of the word or phrase indicates otherwise. Words and phrases not defined in this Ordinance shall be construed to have the meaning given by common and ordinary use as defined by Webster's New International Dictionary, Latest Edition. Figures associated with defined terms in this Section are provided for illustration only and do not limit or change the meaning of the term as defined in writing.

**Acceleration Lane.** An added roadway lane which permits integration and merging of slower moving vehicles into the main vehicular stream.

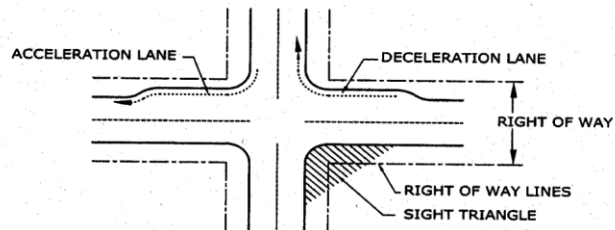
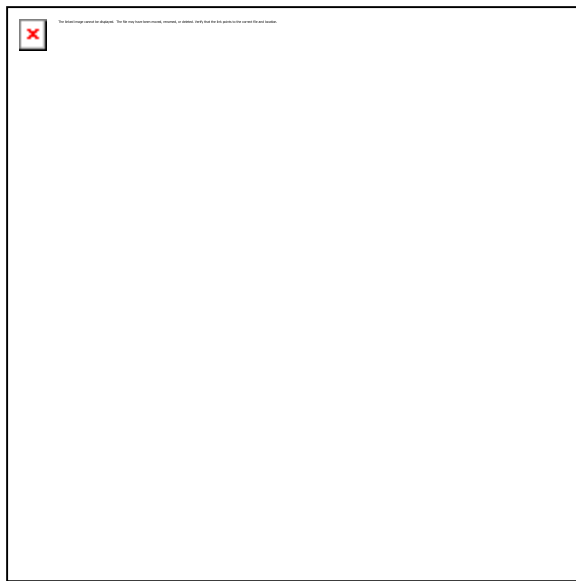


FIGURE 1

**Access.** A way or means of approach to provide physical entrance to a property.

**Accessory Structure.** A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use.



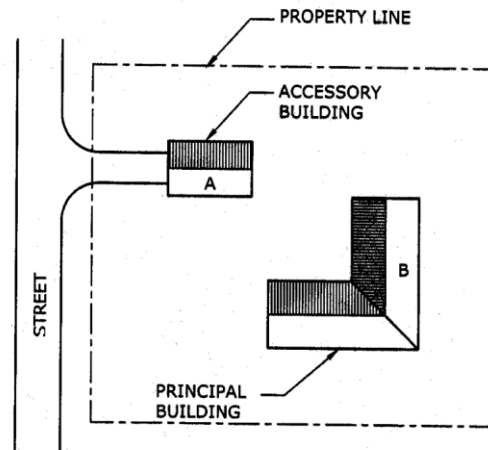
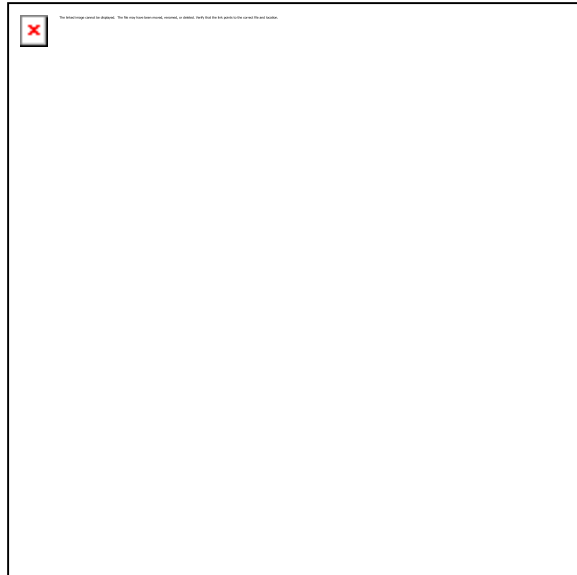


FIGURE 2

**Accessory Use.** A use customarily incidental and subordinate to the principal use and located on the same lot with such principal use.

**Acre.** A measure of land area containing 43,560 square feet.

1. **Acreage, Gross.** The total area of a property measured in acres and fractions thereof rounded to the nearest one-tenth acre.
2. **Acreage, Net.** The total buildable area of a property measured in acres to the nearest one-tenth, as existed when originally approved for its current zoning district, less any flood plain, easements and land dedicated to and accepted for streets or other public improvements by the City.

**Adult Book Store.** A retail establishment, a majority of whose inventory consists of books, magazines, videotapes and similar materials containing sexual activities or specified anatomical parts.

**Airport.** A property or structure licensed and approved by the Federal Aviation Administration where fixed wing aircraft or helicopters can land and take off, which may be equipped with hangars, facilities for refueling and repair and various accommodations for passengers.

**Aisle.** The traveled way, which is not the public right-of-way, by which cars enter and depart parking spaces.



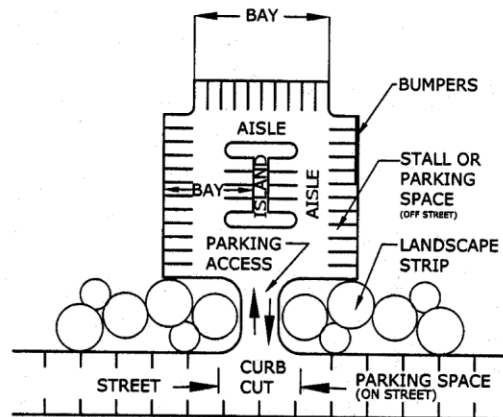
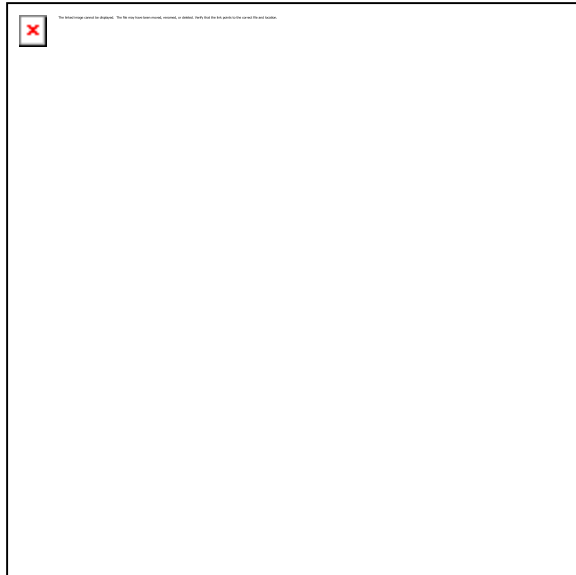


FIGURE 3

**Alley.** A non-exclusive private easement or publicly dedicated service way providing a secondary means of public access to abutting property and not intended for general traffic circulation.

**Alteration of Building.** Any change in the supporting members of a building (such as bearing walls, columns or girders); any change in the non-supporting interior walls of a building; any addition or reduction to a building; any change in use; or any relocation of a building from one location or position to another.

**Amphitheater.** An outdoor area designed or intended for the projection of sound to be heard by a nearby audience.

**Amenity.** A natural or man-made feature which is intended to enhance or make more attractive or satisfying a particular property.

**Animal Hospital, Large Animals.** A place where horses, cattle, sheep or other animals normally kept in agricultural settings are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

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

**Annexation.** The incorporation of a land area into the City with a resulting change in the city limit boundaries.

**Antenna.** See Section 2.8 for definition of 'antenna.'

**Apartment.** One or more rooms comprising an independent dwelling unit in a 'For-Rent' building.

**Applicant.** Any person making a request to the City for any approval, permit or authorization under the procedures contained in this Ordinance.

**Art Galleries.** An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. This does not include libraries, museums, or non-commercial art galleries, or where such display of art is incidental to the primary use.

**Asphalt Plant.** A business which manufactures, mixes, or blends asphaltic products for distribution.

**Assisted Living Facility.** See Congregate Housing.

**Associations.** An organization of persons having common interests or purposes.



*Auditorium.* An indoor building or structure designed or intended for use for the gathering of people as an audience to hear music, lectures, plays, and other presentations.

*Auto Sales and Leasing.* The use of any building, land area, or other premises or portions thereof, for the display, sales or lease of automobiles, trucks, vans, trailers or recreational vehicles, including internet transactions where most vehicles are not stored on site.

*Automobile.* A self-propelled, free moving vehicle, with at least four but no more than six wheels, designed primarily for the transportation of passengers or for conveyance of up to two tons of materials on a street or roadway.

*Automobile Service Station.* Any building, land area or other premises, or portion thereof used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries and similar accessories, or the provision of tune-up or light maintenance services for vehicles.

*Automotive Service Establishment.* A business principally engaged in the repair of automobiles or other motorized vehicles, or the installation or repair of equipment or parts on motorized vehicles such as mufflers, brakes, tires, radios, transmissions, and engines or engine parts.

*Bakery.* An establishment primarily engaged in the retail sale of baked products for consumption off site. The products may be prepared either on or off site. Such use may include incidental food service.

*Bank.* A freestanding building, with or without a drive-up window, for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds. This may include credit unions, savings and loans, and traditional banks.

*Barber Shop.* Any establishment or place of business within which the practice of barbering is engaged in or carried on by one or more barbers.

*Basement.* An area below the first floor of a building used for storage, garages, and utilities or for common use of the occupants of the building. A basement used for any one or more of the above purposes shall not be counted as a story.

*Beauty Shop.* Any commercial establishment, residence, vehicle, or other establishment, place, or event wherein cosmetology is offered or practiced on a regular basis for compensation, excluding such types of services requiring customers to disrobe.

*Bed and Breakfast.* A building in which lodging and meals are provided for no more than 15 guest and meals are served in a common dining room.

*Berm.* A mound of earth, or the act of pushing earth into a mound.

*Block.* A tract of land bounded by streets or a combination of streets and public land, rights-of-way or any other barrier to the community or development.

*Board of Appeals.* The appointed Board of Appeals of the City of Alpharetta.

*Boarding House.* A dwelling where more than two, but fewer than six rooms are provided for lodging for definite periods of times. Meals may or may not be provided, but there is one common kitchen facility. No meals are provided to outside guests.

*Book or Stationery Store.* An establishment for the sale or distribution of books and miscellaneous stationery by direct retail sales to the public.

*Bottled Gas Storage and Distribution.* An establishment where gas is stored for wholesale distribution.

*Boutique Hotel.* A high quality hotel which contains less than 120 rooms located in a unique setting, such as the City's Downtown, mixed-use developments and/or an entertainment district. The building shall reflect a unique exterior architecture and interior design compatible with the area in which the hotel is located. The boutique hotel shall provide guests with high quality services, such as, but not limited to, concierge, on-site restaurant, room service, meeting space, business center, banquet facilities, spas, doormen, valet parking, boutiques and/or other amenities. Guest rooms within the building shall contain



no equipment for food preparation other than a mini-fridge and/or microwave. There shall be no self-serve laundry facilities (for guests use) within the building. Access to each guest room shall be through an inside lobby supervised at all hours.

*Brewery.* A facility where malt beverages are manufactured or brewed.

*Broadcasting Studio.* An establishment for the dissemination of radio, television, satellite, or similar medium, which may include a transmission tower.

*Buffer Area or Buffer Strip.* That portion of a lot set aside for open space and screening purposes pursuant to applicable provisions of this Ordinance to separate different zoning districts or uses on one property from uses on another property. A required set back area may not be included in a required buffer area or visa-versa.

*Buffer, Undisturbed.* An area of land as defined above that exists in its natural state without intrusion or alteration. The addition of landscaping into areas of sparse vegetation within undisturbed buffers does not constitute intrusion or alteration.

*Buildable Area.* See "Lot Building Area."

*Builder's Equipment.* An area designed or intended for the storage and use of equipment or materials common in the construction trade. This may not include sales of such equipment or materials.

*Building.* Any structure built for or intended for occupancy, storage or shelter of persons, animals, personal or business property, or machinery of any kind which is entirely separated from any other structure.

*Building Code.* The latest edition of all codes relating to the construction of buildings and their mechanical, electrical and other systems, as adopted by the City of Alpharetta pursuant to the Georgia Uniform Building Code Act and also referred to as the Standard Building Code.

*Building Frontage.* The linear width of a building facing or most nearly facing a street.

*Building Height.* The vertical distance to the highest point of the roof surface of a flat roof, the deck line of a mansard roof, and to the mean height level between eaves and ridge of a gable, hip or gambrel roof, as measured from the average finished grade across the building frontage.

*Building Inspector.* The Building Official of the City of Alpharetta or the Building Official's designated representative.

*Building Site.* A parcel or lot or land occupied or intended to be occupied by a building or structure having not less than the minimum area permitted by the code.

*Bus Shelter.* A small, roofed structure, having from one to three walls, located near a street, and designed primarily for the protection and convenience of bus passengers.

*Car Wash.* Any building or premises or portions thereof dedicated to use for washing automobiles; or a structure containing facilities for washing automobiles.

*Carpenter Shop.* An establishment utilized for the manufacture or assemblage of wood into usable forms for sale and distribution.

*Carpet and Rug Sales.* An establishment for the retail or wholesale sale of floor coverings.

*Cemetery.* Land used or dedicated to the burial or internment of human or animal remains, including crematoriums, mausoleums, necessary sales, and maintenance facilities.

*Center Line of Street.* Any line surveyed as such by the City of Alpharetta or the Georgia Department of Transportation or their designee, or, if no such survey exists, the line which is midway between the edge of pavement or back of curb of a street.

*Central Business District (CBD).* That portion of the City bounded by Mayfield Road to the North, Old Milton Parkway to the South, Haynes Bridge Road and Highway 9 to the east and Roswell and Canton Streets to the west. (see page 2-103)



*Certificate of Occupancy.* A document issued by the Director indicating that a particular building conforms with the requirements of this Ordinance and the building is complete and ready for use.

*Church.* A facility incorporating one or more buildings where religious services are conducted.

*City.* The City of Alpharetta, Georgia.

*City Administrator.* The Chief Operating Officer of the City of Alpharetta or his designee.

*City Clerk.* The City Clerk of Alpharetta, Georgia, or the City Clerk's designated representative.

*City Council or Mayor and Council.* The legally constituted and elected governing body of the City of Alpharetta, Georgia.

*Clinic.* An establishment where patients are admitted for examination and treatment by one or more physicians, dentists, psychologists, medical professionals, or social workers and where patients are not usually lodged overnight.

*Club.* Buildings and facilities owned or operated by an association or persons for a social or recreational purpose.

*Collection Box.* A container, trailer, vehicle or other structure, used for the purpose of acquiring donated goods, by a for-profit or not-for-profit entity.

*Commercial Parking Lot.* An area or structure dedicated to the temporary storage of automobiles or other vehicles for periods of less than 24 hours for a fee, operated as the principal use of the property or structure.

*Community Development Director.* The Director of the Community Development Department or his designee.

*Comprehensive Plan (CP).* The long-range plan for guiding development in the City of Alpharetta and the City's urban area to a point in time at least 15 years from when the plan was adopted, with the overall goal being to accommodate development in a timely, orderly, and efficient arrangement of land uses and public facilities and services that meet the needs of present and future residents and businesses.

*Concept Plan.* A generalized map presenting an image or representation of a proposed development, and showing those plan elements as further required by this Ordinance.

*Concrete Plant.* A business which manufactures, mixes, or blends concrete products for distribution.

*Conditional Use.* A use that generally would not be appropriate throughout a zoning district but which, if controlled as to visual appearance, number, area, height, location, or relation to abutting or nearby uses, would not be injurious to the public, health, safety, welfare, morals, order, comfort, convenience, appearance or general welfare. Such uses may be permitted only in zoning districts specified in this Ordinance and are subject to conditions and approval by the Mayor and Council.

*Condominium.* A legal form of multiple ownership consisting of a building, or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

*Condominium, Office.* An office building (or group of buildings) organized, owned and maintained as a condominium.

*Condominium, Residential.* A building type consisting of individual units located within a single structure. The structure normally has at least two, but no more than six stories. The structure is designed to appear as a single building with no architectural distinction between the units. Architectural elements such as materials, colors and windows are repeated consistently throughout the building and there is usually a single roof element and a single point of primary entry. The architectural style typically expresses the horizontal lines of the building which then accentuates the floors of the building as a primary visual element. The common areas of the building such as the elevators and lobby may be expressed as special features on the main elevations of the structure.



**Congregate Housing.** Any group dwelling or facility licensed by the state, public or private, which for gain or otherwise, regularly provides one or more persons with assisted living care. The term "assisted living care" means specialized care and services including the provision of personal services, the administration of medications by a certified medication aide and the provision of assisted self-preservation. The term "personal services" includes, but is not limited to, individual assistance with or supervision of self-administered medication, assistance, essential activities of daily living such as eating, bathing, grooming, dressing, toileting, ambulation and transfer. The term "assisted self-preservation" means the capacity of a resident to be evacuated from an assisted living facility to a designated point of safety and within an established period of time as determined by the Office of Fire Safety Commissioner. Assisted self-preservation is a function of all of the following:

1. The condition of the individual.
2. The assistance that is available to be provided to the individual by the staff of the assisted living facility; and
3. The construction of the building in which the assisted living facility is housed, including whether such building meets the state fire safety requirements applicable to an existing health care occupancy.

**Construction Trailer.** A temporary structure used as an office and located on an active construction site.

**Contractor's Office with outside storage.** A room or group of rooms used for conducting business that includes an enclosed exterior space for the storage of business related equipment and supplies.

**Contractor's Office without outside storage.** A room or group of rooms used for conducting business that does not use any exterior storage area.

**Convenience Center with Gas Pumps.** A facility that combines a small retail store with the sale and dispensing of gasoline products.

**Convenience Store.** A retail establishment primarily selling packaged food and household convenience items, which may also dispense automobile fuel, oil and accessories. Excluded from this definition is any establishment providing automotive maintenance services or repairs.

**Craftsman Shop or Studio.** A facility where products are made or serviced on an individual basis without the use of mechanized or assembly line production equipment.

**Curb Break or Curb Cut.** Any interruption or break in the line of a street curb for the purpose of connecting a driveway to a street, or otherwise to provide vehicular access to abutting property.

**Data Center.** A building or complex of buildings in which a substantial portion of the gross square footage is dedicated to the housing of computer or data processing equipment or systems.

**Day Care Center.** Any establishment operated by an individual, partnership, society, agency, corporation, institution or group, and licensed by or registered with the State of Georgia as a group day care home or day care center, which enrolls therein for pay, for supervision and care, seven or more children or adults. Such facility may provide supervision, care, education, recreation and specialized programmings but does not provide overnight accommodations.

**Deed.** An instrument that conveys or transfers title to land or other real property.

**Density.** The average number of dwelling units or gross square feet of building floor area per gross acre of land. For an individual property, the density shall be calculated by dividing the total dwelling units or gross square footage of the building by the total gross acres of the property that existed when originally approved for its current zoning district.

**Design Review Board.** The Design Review Board of the City of Alpharetta, as established by this Ordinance and appointed by the Mayor and Council.

**Development Activity.** The construction of public improvements, site improvements, or buildings, including any alteration of a property in preparation for such construction. Development Activity shall also include the "thinning" or removal of trees from undeveloped land in conjunction with a forest management



program, and the removal of trees incidental to the development of land or to the marketing of land for development.

*Director.* Unless otherwise specified, the Director of Community Development of the City of Alpharetta, Georgia, or the Director's designated representative.

*Discount Store.* A retail store that sells new or used goods or products at prices lower than traditional retail outlets. Discount stores principally engage in offering a category of similar goods or a wide assortment of goods for sale to the general public.

*Distillery.* A facility where distilled spirits are manufactured (distilled, rectified or blended).

*Drainage.* See Article III, Section 3.1 for all definitions relating to drainage and storm water control.

*Drive or Driveway.* A surfaced asphalt or concrete area on a lot which provides direct access for vehicles between a street and a private garage, carport or other permitted parking space or parking area or loading area.

*Dry cleaning, pick-up station.* An establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry-cleaning equipment or machinery on the premises.

*Dry cleaning plant.* A building, portion of a building, or premises used or intended to be used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and/or agitation, and other processes incidental thereto.

*Downtown Overlay.* That portion of the City generally bounded by Canton Street to the North, Wills Road to the West, South Main Street and Old Milton Parkway to the South and Westside Parkway to the East. The study area of the City of Alpharetta Downtown Master Plan shall be shown on the Official Zoning Map and labeled "Downtown Overlay." (See Appendix C – Downtown Overlay District)

*Duplex (or semi-detached).* A building type consisting of two independent units that are attached by a common side wall, floor and/or ceiling. Such units normally have at least two, but no more than four floors. These units may share a common front door and are sometimes designed to appear as a single unit.

*Dwelling, 'For-Rent' (Downtown Overlay).*

- a. Unit—A residential unit designed to be leased or rented and occupied by a single family tenant and located within the Downtown Overlay.
- b. Building—A structure incorporating multiple rental units. (See Apartments.)
- c. See Section 2.7 Standards for Downtown Overlay.

*Dwelling, 'For-Rent' (Outside of Downtown Overlay).*

- a. Unit—A residential unit designed to be leased or rented and occupied by a single family tenant.
- b. Building—A structure incorporating multiple rental units. (See Apartment.)
- c. See Section 2.7 Standards for Units (outside of Downtown Overlay).

*Dwelling, 'For-Sale'.*

- a. Detached—A free-standing residential unit designed to be purchased and occupied by a single family.
- b. Attached—A residential unit attached to other residential units and designed to be purchased and occupied by a single family.
- c. Condominium—A type of property ownership in which a 'For-Sale' unit is purchased and the purchaser of each unit acquires full title to the unit and an undivided interest in the common elements (the land, roof, elevator, etc.).



*Dwelling, Group.* A building or portion of a building occupied or intended for occupancy by a number of unrelated persons or families, but in which separate cooking facilities are not provided for such resident persons or families. The term "group dwelling" includes but is not limited to the terms rooming house, apartment hotel, nursing home, fraternity or sorority house, YMCA or YWCA. A hotel, motel or bed and breakfast tourist home shall not be deemed to be a group dwelling as herein defined.

*Dwelling Unit.* One or more rooms connected together and constituting a separate, independent housekeeping establishment designed for use by one family with provision for cooking, eating, sleeping, bathing and personal sanitation, and physically set apart from any other rooms or dwelling units in the same structure or another structure.

*Easement.* A grant by a property owner of any designated part of a property for the use by another for a specified purpose without transfer of title or right of ownership.

*Egress.* An exit.

*Electric power yards, substation.* All equipment, fixtures, and personal property operated or maintained in connection with the production of electricity using any source of thermal, steam, wind, or solar energy with a generating capacity of more than 500 kilowatts and less than 50 megawatts.

*Existing Use.* The use of a lot or structure at the current time or another time if so designated.

*Extended Stay Hotel.* A building containing guest rooms for lodging, offered to the public for compensation, which are advertised, designed, intended or routinely utilized for weekly or monthly occupancy, or in which at least 30% of all guest rooms have facilities for the refrigeration and preparation of food by guests, such as a refrigerator and a cooktop/stove (or a refrigerator, a microwave, and a dishwasher or kitchenette sink), and a self-serve laundry facility is available for guests use. For the purposes of this Code, extended stay hotels and hotels (or motels) are separate and distinct uses. See, Section 2.7.3.

*Family.* One or more persons related by blood, adoption, guardianship or marriage and/or not more than three unrelated persons, living and cooking together as a single, nonprofit housekeeping unit.

*Family Day Care Home.* An accessory use within a private residence, licensed by or registered with the State of Georgia as a family day care home, operated by the occupant of the dwelling who enrolls for pay, for supervision and care without overnight accommodations, three but not more than six children or adults.

*Fast Food Restaurant.* See Restaurant, Drive-thru or Fast Food.

*Fence.* A structure made of manufactured materials—and used for the purpose of defining a boundary, creating an enclosure, providing security, privacy or screening, or as a means of protection.

*Flood Control.* See Article III, Section 3.4, for definitions relating to flooding and flood control.

*Floor Area.* The total number of square feet of heated floor space within the exterior walls of a building.

*Floor, First.* The location within a building in which the primary egress and ingress are provided.

*Florist, Retail With Greenhouse.* Any business establishment which, as its primary business, sells at retail flowers and ornamental plants. A greenhouse or nursery for the growing of plants, or another open or enclosed supplemental display area outside the establishment, is permitted as a normal accessory use.

*Florist, Retail Without Greenhouse.* Any business establishment which, as its primary business, sells at retail flowers and ornamental plants. A greenhouse or nursery for the growing of plants, or another open or enclosed supplemental display area outside the establishment, is not permitted.

*Frontage Lot or Street Frontage.* The width in linear feet of a lot where it abuts the right-of-way of any street from which access may be directly gained.

*Funeral Home.* A building used for the preparation of deceased human beings for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.



*Future Land Use Map.* The map named as such and contained in the Comprehensive Plan that indicates areas appropriate for various land uses and public facilities over time and as described in the Comprehensive Plan text.

*Garage Sale.* The sale or offering for sale of miscellaneous personal items on a residential zoned lot, (not including churches and schools).

*Garden District.* That portion of Canton Street bounded by Church Street to the south and Hopewell Road to the north.

*Gasoline Station.* A facility where primary use is the dispensation of fuels. (Also see Convenience Center with Gas Pumps)

*Gazebo.* An accessory, open air structure not exceeding 300 sq. ft. in size.

*Governing Body.* The Mayor and Council of the City of Alpharetta, Georgia, under whose authority this Ordinance is enacted into law, administered, and enforced.

*Grade.* The degree rise or descent of a sloping surface. The average elevation of the sidewalk or crown of road surrounding a building site.

*Grade, Finished.* See Section 3.1, "Site Grading and Land Disturbance."

*Greenhouse.* A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of plants for subsequent sale or for personal enjoyment.

*Group Home.* A dwelling shared by four or fewer persons, excluding resident owner, (or no more than six persons including the resident owner), who live together as a single housekeeping unit and in a long term, family-like environment in which the resident owner, serving as the primary caregiver to the residents, provides care, education and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential. 1. No group home shall be located within 2,000 ft. of another group home as measured at the property line. 2. A group home shall be limited to one structure and multiple structures located near one another shall not be considered components of one group home. Each structure shall meet distance requirements. The term "group home" shall not include a halfway house, a treatment center for alcoholism or drug abuse, and work release facility for convicts or ex-convicts, a home for detention and/or rehabilitation of juveniles adjudged delinquent or unruly and placed in custody of the state or other housing facilities serving as an alternate to incarceration. The term "group home" shall also not allow the use of a dwelling as an apartment or duplex. A "group home" shall not allow use of the dwelling as a home for individuals on parole, probation, or convicted and released from incarceration, for any crimes including child molestation, aggravated child molestation, or child sexual abuse, as defined in O.C.G.A. 16-6-4 or individuals required to register as sex offenders pursuant to O.C.G.A. 42-1-12. A group home may include a home for the handicapped. As used in this subsection, the term "handicapped" shall mean:

1. Having a physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently;
2. Having a record of having such an impairment; or
3. Being regarded as having impairment.

However, the term "handicapped" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals.

*Hardware Store.* A facility of 30,000 or fewer square feet gross floor area, primarily engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, housewares and household appliance, garden supplies, etc.; if greater than 30,000 square feet, such a facility is a Home Improvement Center.



~~*Historic Business District.* That portion of the Central Business District bounded by Church Street to the north, Highway 9 to the east, Marietta Street to the south and Milton High School to the west. (see page 2-122)~~

*Home Improvement Center.* A facility of more than 30,000 square feet gross floor area, engaged in the retail sale of various basic hardware lines, such as tools, builders hardware, paint and glass, houseware and household appliances, garden supplies, and cutlery.

*Home Occupation.* Any activity carried out as a business and/or for profit by the resident and conducted as an accessory use in the resident's dwelling unit.

*Hospital.* A building providing primary or tertiary health services and medical or surgical care to persons including in-patients and out-patients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

*Hotel (or Motel).* A building in which lodging along with customary lodging facilities and services, such as meeting rooms, restaurant, maid service and fitness center, are provided for transient guests for an average stay of less than 7 days and offered to the public for compensation. Hotel services shall include the provision of food and beverage services suitable for both guests and groups, on-site restaurant, lounges, group meeting spaces with banquet facilities and selective amenities, such as but not limited to spas, banquet rooms, doormen, valet parking, concierge, and high-end restaurant and boutiques. Guest rooms within the building shall contain no equipment for food preparation other than a mini-fridge and/or microwave. There shall be no self-serve laundry facilities (for guests use) within the building. Access to each guest room shall be through an inside lobby supervised at all hours.

*Improvements.* The buildings, public utilities and facilities, and accessory structures built on or serving a property.

- A. *Public Improvements.* Any structure, owned by or to be dedicated to a government or a utility regulated by the Georgia Public Service Commission, together with its associated public land, easement or right-of-way, necessary to provide transportation, drainage, public or private utilities, or other public services such as education, recreation, or public safety.
- B. *Site Improvements.* Any structure, other than a principal building or a structure intended for dedication to public ownership, constructed to support or provide for the use or occupancy of a property, such as driveways, parking and loading areas, retaining walls and other earthen works, erosion and sedimentation control facilities, stormwater drains and detention facilities, and connections to public water, sewer or other utilities.

*Industrial Park.* A development that contains a number of separate industrial buildings and supporting uses on one or more lots, which is designed, planned, constructed and managed on an integrated and coordinated basis.

*Industrialized Buildings.* Prefabricated structures as defined in O.C.G.A. 110-2 and usually used for a limited time period such as for a site construction office, portable classroom and site real estate office.

*Ingress.* Access or entry.

*Island.* In parking lot and street design, built-up curbs (and in parking lots usually placed at the end of parking rows) as a guide to traffic and also used for landscaping, signing or lighting.

*Junk or Salvage Yards.* Any area, lot, land, parcel, building or structure or part thereof used for the storage, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery or two or more unregistered, inoperable vehicles or other type of junk. See Also "Recycling Center."

*Kennel.* An establishment in which more than six dogs or other domesticated animals more than one year old may be housed, groomed, bred, boarded, trained or sold.

*Land Disturbance Permit.* A permit issued by the City that authorizes Development Activity, and includes, but is not limited to, activity related to soil erosion control, clearing and grubbing, grading, public and site improvements. This permit does not authorize building construction.

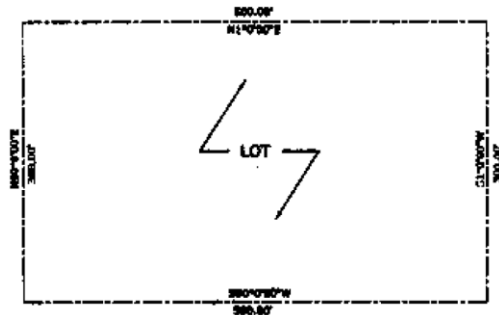
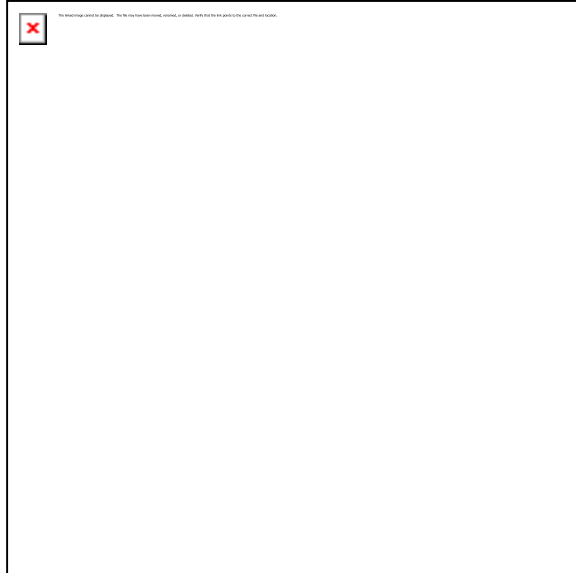


**Land Use.** See "Use," "Principal Use," and "Accessory Use."

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

**Loading Space, Off-street.** A space or berth used for the loading or unloading of commercial vehicles, trucks or other vehicles.

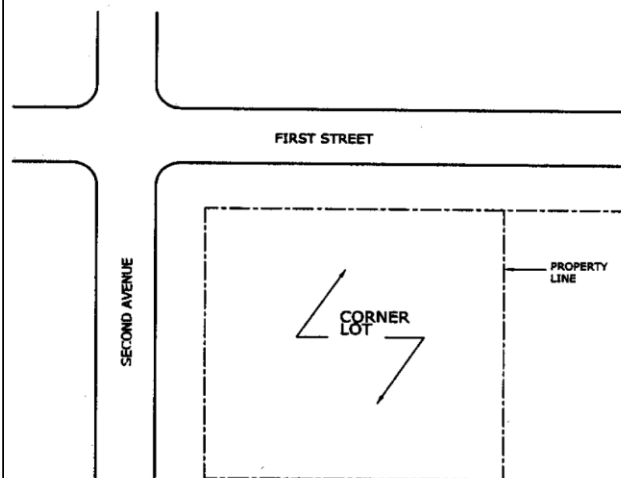
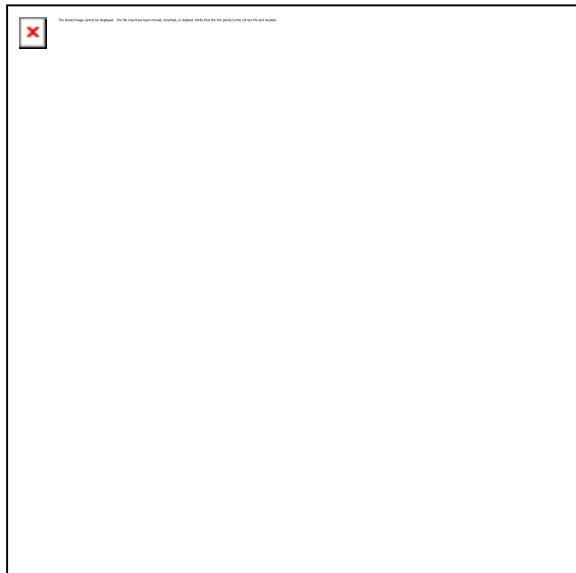
**Lot.** A portion of a subdivision, or any other parcel of land, intended as a unit for transfer of ownership or for development or both. In determining the area and dimensions of a lot, no part of the street right-of-way or private street easement may be included.



**FIGURE 4**

**Lot Building Area.** The portion of a lot located interior to the front, side and rear yard building setback lines; that is, the portion of a lot wherein a building may be located.

**Lot, Corner.** A lot abutting two or more streets at their intersection.



**FIGURE 5**



**Lot Coverage.** That portion of the lot that is covered by buildings, structures, and any other impervious surface.

**Lot Depth.** The distance between front and rear lot lines. If front and rear lines of said lot are not parallel, such least dimension shall be deemed to be the lot depth.

**Lot, Double Frontage.** A lot which has frontage on more than one street, provided however, that no corner lot shall qualify as a double frontage lot unless said corner lot has frontage on three or more streets.

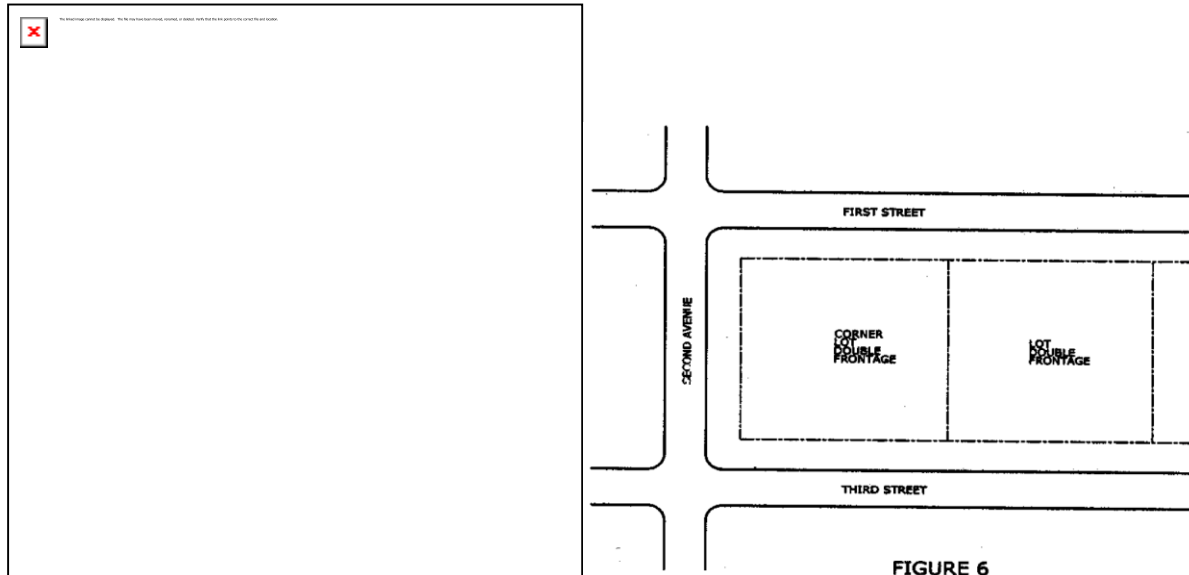


FIGURE 6

**Lot, Flag.** An "L" shaped lot whose frontage is provided by the driveway access which ties the buildable portion of the property to the street.

**Lot Frontage.** See "Frontage."

**Lot Line.** A line of record bounding a lot which divides one lot from another lot or from a street or any public space.

- A. **Front Lot Line.** Any boundary line of a lot which is coterminous with a public street right-of-way line or private street easement line. For a corner lot, the narrow portion is usually considered the front.
- B. **Rear Lot Line.** Any boundary line of a lot which does not intersect with a street right-of-way or private street easement line and which is usually opposite of the front lot line.
- C. **Side Lot Line.** Any boundary line of a lot which intersects with a street right-of-way or private street easement line.

**Lot of Record.** A lot which exists as shown or described on a plat or deed recorded in the Office of the Clerk of the Superior Court of Fulton County.

**Lot Width.** The distance measured between side lot lines at the front minimum setback line between intersecting lot lines.

**Lot Width—Cul-de-sac.** The distance measured between side lot lines at the point of the property that is twice the front setback requirement from the front property line.



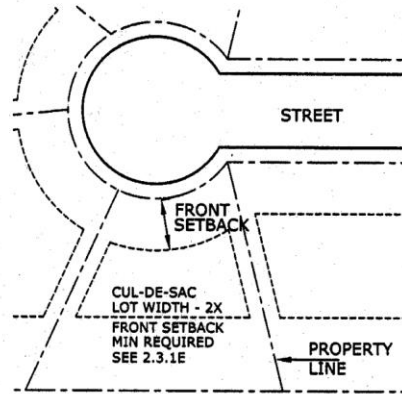
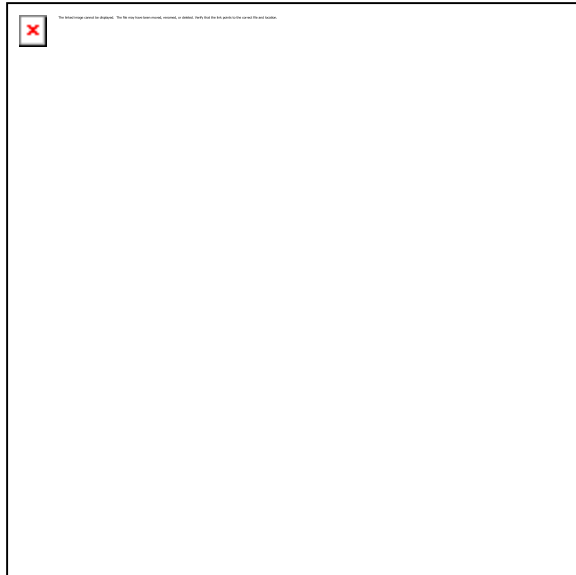


FIG 7

**Mansard Façade.** An architectural appendage or embellishment to a flat topped structure which is attached to the front external wall and if intended to create the appearance of a mansard roof. See also "Roof."

**Manufactured Building.** A factory-built, structure that meets national standards for manufactured buildings.

**Manufacturing, Heavy.** The extraction of natural resources or the transformation of raw materials through mechanical or chemical means into new products ready for assembly, fabrication or use in the production of finished goods.

**Manufacturing, Light.** The fabrication or assembly of parts into a finished product or component products.

**Marquee.** Any hood, canopy, awning or permanent construction which projects from a wall of a building, usually above an entrance.

**Massage Therapy.** Any use, other than a hospital or clinic, where non-medical manipulative devices or exercises are practiced upon the human body by someone other than a licensed medical professional.

**Master Plan.** A plan map and associated statement of intent which, at least, includes a depiction of pods, roads, buffers, flood areas, permitted uses and development regulations which represents the framework for development activity on a property. See also "Concept Plan."

**Median Break or Cut.** Any interruption in the curb separating opposing vehicular travel lanes of a street for the purpose of allowing ingress or egress by left turning movements to a street, or abutting property.

**Metes and Bounds.** A method of describing the boundaries of land by directions and distances from a known point of reference.

**Mezzanine.** An intermediate floor between two other stories that does not contain more than 1/3 of the area of the floor below it.

**Mini-Warehouse.** A structure containing separate storage spaces of varying sizes leased or rented on an individual basis.

**Mobile Home.** A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling. 'For-Sale', with or without a permanent foundation when connected to public. utilities. The term mobile home shall not include motorized vehicles with temporary



living quarters. Mobile homes built after 1976 are referred to as "Manufactured Homes" or "Industrialized Buildings".

*Mobile Home Park.* A site with required public and/or private improvements and utilities for the long-term parking of two or more mobile homes or manufactured homes each on a single lot, and which may include such accessory uses as retail convenience sales, Laundromat, and recreational facilities for the exclusive use of residents.

*Motel.* See "Hotel".

*Nail Salon.* An establishment that offers nail care services such as manicures, pedicures, and nail enhancements, excluding such types of services requiring customers to disrobe.

*Natural Resources Commission.* The appointed natural resources commission (formerly known as the Tree Commission) for the City of Alpharetta.

*Neighborhood Grocery.* A facility with a floor area of at least 3,000 square feet but not more than 50,000 square feet that sells primarily grocery items such as prepackaged food, produce, meats, baked goods, beverages and similar food items intended for off-site consumption. At least 60% of the floor area of the facility shall be dedicated to the sale of said grocery items, including any immediately adjacent circulation and service areas, but not including storage.

*Nonconforming Lot.* A lot of record whose area, frontage, dimensions, or location were lawful prior to the adoption, revision, or amendment of this Ordinance, and which, by reason of such adoption, revision or amendment, no longer meets or exceeds one or more such requirements of the applicable zoning district.

*Nonconforming Sign.* Any structure or sign which was lawfully erected and maintained prior to the adoption, revision, or amendment of this Ordinance, and which by reason of such adoption, revision or amendment fails to conform to all applicable regulations and restrictions of this Ordinance.

*Nonconforming Structure.* A structure or building whose size, dimensions, or location on a property were lawful prior to the adoption, revision, or amendment of this Ordinance, but which, by reason of such adoption, revision, or amendment, no longer meets or conforms to one or more such requirements of this Ordinance.

*Nonconforming Use.* A use or activity that was lawful prior to the adoption, revision, or amendment of this Ordinance, but which, by reason of such adoption, revision, or amendment, is not a use or activity permitted by right or no longer meets or conforms to the requirements of this Ordinance.

*Nursery, Plant.* Land or greenhouses used to raise flowers, shrubs and plants for sale to distributors or for subsequent replanting by the owner, a landscape company or others. See also "Florist, Retail."

*Nursery School.* See "Day Care Center."

*Nursing Home.* An extended or intermediate care facility required to be licensed or approved by the State of Georgia to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

*Office.* A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government.

*Office Building.* A building used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity, that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand.

*Office Park.* A development that contains a number of separate office buildings and supporting uses on one or more lots, which is designed, planned, constructed and managed on an integrated and coordinated basis.

*Opaque.* Impenetrable to view, or so obscuring to view that buildings, structures, and uses become visually indistinguishable.



*Open Space.* A privately owned area on the grounds of a premises outside of any principal building or parking area, which is open to the sky and set aside and intended for the outdoor enjoyment of occupants or visitors to the property, and which may but is not required to include such pedestrian oriented improvements as landscaping, walkway paths, pergolas, gazebos, bikeways, exercise or play equipment, and benches, and which may further include up to 20% of its area in water bodies or areas inappropriate for pedestrian use. Open space shall not include any other required open areas such as required building setbacks, buffers, landscape strips or other similar requirements of this ordinance.

*Outdoor Storage.* The keeping, in an unroofed area of any goods, material, merchandise or vehicles in the same place for more than 24 hours.

*Outdoor Vending.* Sale and/or display of products in an area exposed to open air on two or more sides.

*Owner.* An individual, firm, association, syndicate, partnership or corporation having a majority proprietary interest in land or a building, or their authorized representative.

*Parapet.* That portion of a wall which extends above the roof line.

*Parcel.* A lot or tract of land, or several adjoining lots in common ownership.

*Park Space.* A public- or privately-owned area, which is set aside for the enjoyment for occupants or visitors to the property, and which may include both outdoor and indoor areas developed for active and/or passive recreation.

*Parking Area.* Any public or private area at grade or within a structure used for the express purpose of temporarily parking automobiles and other vehicles otherwise in operation for personal or business use.

*Parking Garage.* An accessory building or portion of a principal building used only for the private storage of motor vehicles as an accessory use.

*Parking Space.* A space identified and set aside for the temporary parking of an automobile or other motor vehicle which is subdivided into the following categories:

- A. *Compact Car Parking Space.* A designated space not less than 8 feet by 16 feet expressly provided within a parking area for purposes of temporarily parking a compact car or other compact motor vehicle.
- B. *Handicapped Parking Space.* A designated space not less than thirteen feet in width (including loading area) and twenty feet in length, laid out and designated by signage in accordance with the requirements of the Georgia Accessibility Code for Buildings and Facilities.
- C. *Handicap - Van Only.* A designated space not less than sixteen feet in width including loading area and twenty feet in length.
- D. *Regular Parking Space.* A designated space not less than 9 feet in width by 19 feet in length.



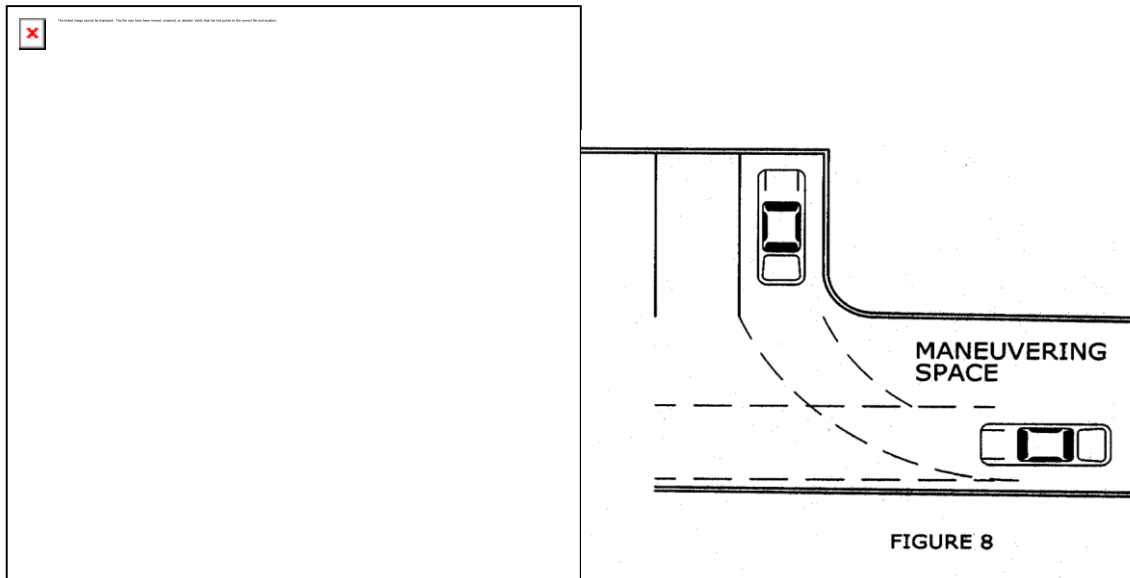


FIGURE 8

**Patio House.** A 'For-Sale' dwelling in which most, or all, of a lot is used with yard space combined instead of divided. Front, rear and side yard are consolidated into one garden area, either partially or completely bordered by rooms or enclosed by walls. See also "Zero Lot Line."

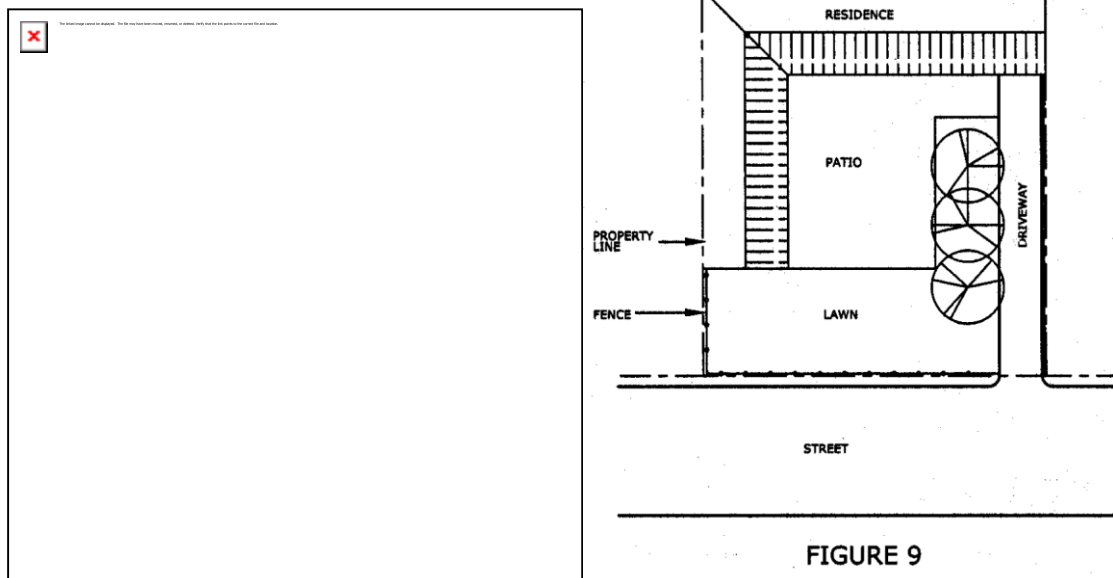


FIGURE 9

**Pedestrian Walkway.** A right-of-way within a block dedicated to public use, five feet or more in width, intended primarily for pedestrians or bicycles and other non-motorized vehicles.

**Perimeter.** The boundaries or borders of a lot, tract or parcel of land.

**Permit.** Written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law, but not allowed without such authorization.

**Permitted Use.** Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

**Person.** Any individual, corporation, association, firm, partnership or other legal entity.

**Pet Day Care.** A facility that provides care on a regular basis to household animals for a period of less than 24 hours with no overnight accommodations.



*Planned Center, Office, Commercial or Industrial.* A group of rental stores, service establishments, offices, industries and any other businesses planned to serve the public, which is in common ownership or condominium ownership.

*Planning Commission.* The appointed Planning Commission of the City of Alpharetta, Georgia.

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

*Plat.* (1) a map representing a tract of land, showing the boundaries and location of individual properties and streets; (2) a map of a subdivision or site plan.

*Plat, Final.* The final map of all or a portion of a subdivision which is presented to the proper review authority for final approval and recorded in the office of the Clerk of Superior Court of Fulton County.

*Plat, Minor.* A division of a tract or parcel of land into not more than four (4) lots and does not dedicate or offer for dedication any new street or require construction of any private road for access to any lots and does not require extension of sanitary sewer, stormwater, or water mains to service lots.

*Plat, Preliminary.* A preliminary map indicating the proposed layout of the subdivision or site plan which is submitted to the proper review authority for consideration and preliminary approval.

*Portable.* See Industrialized Buildings.

*Premises.* An area of land with its appurtenances and buildings which, because of its unity of use, is one unit of real estate.

*Principal Building.* The building or other structure within which is conducted (or intended to be conducted) the principal use of the lot on which said building is situated.

*Principal Use.* The primary or predominant use of any lot.

*Prohibited Use.* A use that is not permitted in a zoning district by right as a principal use, as an accessory use, or as a conditional use.

*Public Space.* A public- or privately-owned area, which is set aside for the enjoyment for occupants or visitors to the property, and which is developed for recreation, entertainment, and/or civic purposes and may include plazas, outdoor theaters, sculpture gardens, parks, playgrounds, community gardens, or other areas where people can gather. Areas that are restricted to the general public, like residential amenities, may not be included within the public space requirement.

*Recreation Facility.* A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.

1. *Recreation Facilities, Indoor.* Recreational uses conducted almost wholly indoors, including bowling alley, skating rink, shooting range, health club, etc.
2. *Recreation Facilities, Outdoors.* Recreational uses conducted almost wholly outdoors, including ball fields, soccer, etc.

*Recycling Center.* A use operated exclusively for the collection and temporary storage of used paper, glass, metal, and similar materials suitable for reprocessing, which are transported elsewhere for separating, processing, or storage.

*Rental Services Establishment.* Any business establishment which rents or leases items of personal property such as tools, appliances and equipment to the general public.

*Residence.* A dwelling unit.

*Restaurant.* An establishment where food and drink are prepared, served and consumed primarily within the principal building, and without a drive-in or drive-thru component.

*Restaurant, Drive-thru or Fast-Food.* Any establishment, building or structure where food or drink are served for consumption, either on or off the premises, with drive-thru components. This definition shall not



include otherwise permitted restaurants where outdoor table service is provided to customers in outdoor dining areas.

**Retail Establishment, Mixed Sales.** Any business establishment selling a wide variety of goods arranged in several departments including, but not limited to, hardware, automotive, sporting goods, audio and video equipment, and clothing.

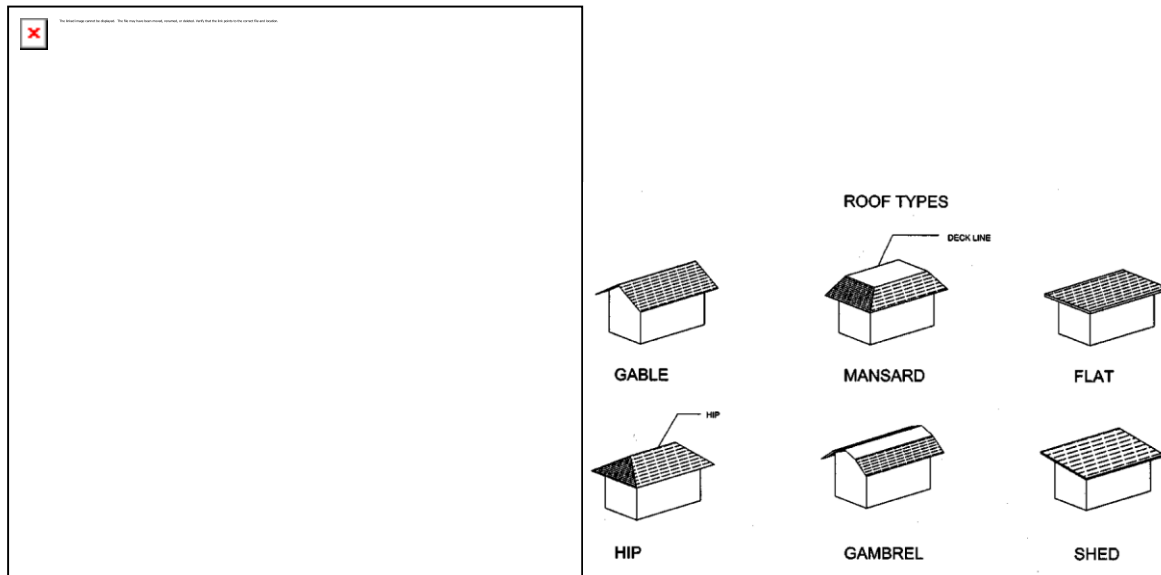
**Retail Sales Establishment.** A business principally engaged in offering a category of similar goods or products for sale to the general public, such as grocery store, hardware store, pharmacy, clothing shop, home furnishings store, office supplies store, and the like.

**Retail Services Establishment.** A business principally engaged in providing a service, as opposed to products, to the general public, such as a banking or financial institution, real estate or insurance office, barber or beauty shop, travel agency, amusement or recreation center, health clinic, legal firm, professional service, and the like.

**Retail Strip Center.** A group of retail stores designed as one development and being less than 50,000 square feet in size.

**Right-of-Way.** A strip of land occupied or intended to be occupied by a street, sidewalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special purpose use. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use in fee simple.

**Roof.** The outside top covering of a building.



**Salvage Yard.** A facility or area for storing, keeping, selling, dismantling, shredding, compressing, or salvaging scrap or discarded material.

**School, Academic.** Any building or part thereof which is designed, constructed or used for education or instruction following the same curriculum offered in a public elementary, secondary, trade or technical, or higher education facility, and accredited to award diplomas as such.

**School, Commercial.** Any building or part thereof which is designed, constructed or used for education or instruction in any branch of knowledge or vocational pursuit, other than an academic school.

**Semipublic Use.** A use owned or operated by a nonprofit, religious, or educational institution for the purpose of providing educational, cultural, recreational, religious, or social services to the general public.



**Service Drive.** A minor, permanent, public right-of-way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

**Setback.** The straight line distance between a street right-of-way or a lot line and the nearest point of a structure or building or projection therefrom (excluding steps, roof overhang, chimneys, bay windows and patios).

**Setback, Front Cul-de-Sac.**

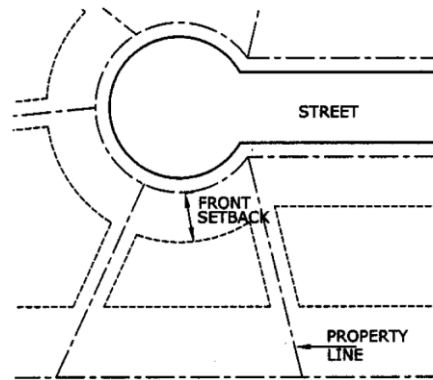
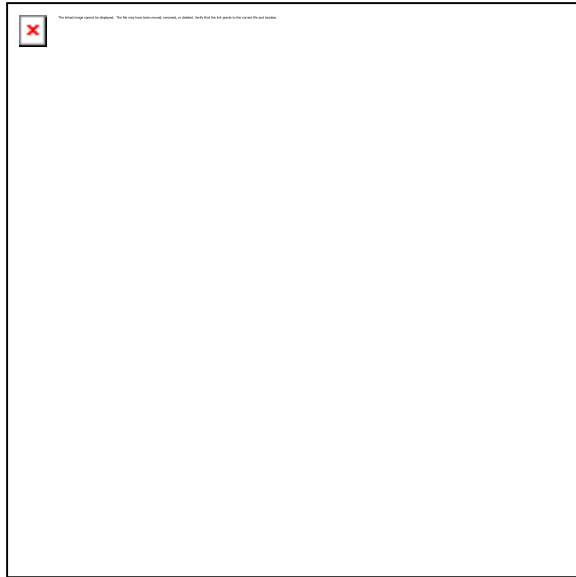


FIG 11

**Setback, Minimum.** The shortest distance allowed between a property line and any principal or accessory building on a lot, not including any required buffer areas. Minimum setback requirements for buildings are associated with the type of lot line from which the setback is taken; for instance, a "side yard setback" is measured from a side lot line.

**Shopping Center.** A group of retail sales or services establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements with a total size of at least 50,000 square feet.

**Shopping Center, Specialty.** A shopping center whose shops cater to a specific market and are linked together by an architectural, historical or geographic theme or by a commonality of goods and services.

**Sidewalk.** A paved, surfaced or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

**Sign.** See Article II, Section 2.6, for all definitions relating to signs.

**Site Plan.** A plan accurately drawn to scale of a development project, depicting the buildings proposed to be placed on the property, related public and site improvements on the site, and additional information as required by this Ordinance or conditions of zoning approval, and other applicable ordinances.

**Smoke Shop and Tobacco Store.** 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".

**Spa Services.** A business that provides services, which may include non-medical massage, other personal services such as skin, nail, hair treatments, hair removal/waxing, and such types of services



requiring a customer to disrobe, and may have the sale of associated retail products. Such business shall be located within a retail center, shall not occupy more than 4,000 sq. ft. and shall not be closer than 2,000 ft. to a comparable business.

*Special Care Home.* An accessory use in a 'For-Sale' dwelling occupied by one or more persons related by blood, adoption, guardianship or marriage and/or not more than three unrelated persons, some of whom are in need of special care, living together as a nonprofit housekeeping unit. The term "special care home" shall include a home for adolescents, a home for physically handicapped persons and a home for mentally handicapped persons. The term "special care home" shall not include the business of operating a boarding house, rooming house or other similar establishment. Additionally, the term shall not include a penal institution, any place for persons convicted of a crime or any place for persons found to be juvenile delinquents.

*Storage, Climate Controlled.* A facility consisting of a building or group of buildings that contain individual storage units of varying sizes in a climate controlled environment where customer access is through a lobby and where no commercial transactions or activities take place other than the rental of the storage units (permitted in L-I only).

*Storage, Mini-Warehouse.* A facility consisting of a building or group of buildings that are surrounded by a security fence with controlled access and which contains individual storage units of varying sizes whose doors open directly to the outside and where no commercial transactions or activities take place other than the rental of the storage units.

*Storefront Street.* A street, that by virtue of its pre-existing pedestrian-supportive qualities, or its future importance to pedestrian connectivity, requires that new development along it achieves a high standard of design and pedestrian orientation.

*Storm Water Management Report.* A report prepared by a Professional Engineer registered in the State of Georgia that details the pre and post development activity hydrologic conditions.

*Story.* That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above, or if there is no floor above, the space between the floor and the ceiling next above. Each floor or level in a multi-story building used for parking, even if below grade, shall be classified as a story.

*Street.* A dedicated and accepted public right-of-way for vehicular traffic from which direct access may be gained to abutting properties, or an easement or private right-of-way approved by the City Council to serve such purpose. The term "street" shall refer to the full width located between the limits of the right-of-way or easement, and not be limited to the roadway itself.

- A. *Principal Arterials* —are those streets and highways which serve major activity centers and emphasize traffic service rather than access to abutting land access. Principal arterials include all limited access freeways, expressways or parkways, and carry a high proportion of total area travel on a minimum of mileage.
- B. *Major Arterials* —are those streets which interconnect with the principal arterial system and provide service to trips of moderate length with emphasis on both traffic service and land access and generally do not penetrate identifiable single family residential neighborhoods.
- C. *Minor Arterials* —provide intra-community continuity but should not penetrate identifiable neighborhoods.
- D. *Collector Streets* —distribute trips from arterial street to their ultimate origin or destination. Collector streets provide a greater level of land access than arterial streets, may enter or traverse identifiable neighborhoods, and rarely serve significant volumes of through traffic.
- E. *Local Streets* —comprise all facilities not classified as arterial or collector. Local streets provide land access with service to through traffic being actively discouraged.

*Street, Future Right-of-Way Line.* The right-of-way line which is anticipated by the City, State or other agency for future development.



*Street Right-of-Way Line.* The limit of public ownership or private easement for property containing or intended to contain a street, dividing it from an adjacent lot.

*Structure.* A combination of materials to form a construction for use, occupancy or ornamentation which is fastened or attached to the ground.

*Structure Height.* The vertical distance to the highest point of a structure, as measured in the same manner as "Building Height" herein.

*Subdivision.* The division of a lot, tract or parcel of land into 2 or more lots, tracts, parcels or other divisions of land for sale, development, finance or lease.

*Swimming Pool.* A water-filled enclosure, permanently constructed or portable, having a depth of more than 18 inches below the level of the surrounding land, or an above-surface pool having a depth of more than 30 inches, designed, used and maintained for swimming and bathing.

*Temporary Use.* A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

*Theater.* A building or part of a building devoted to showing motion pictures, or for dramatic, musical or live performances.

*Townhouse/Rowhouse.* A building type consisting of at least three, but not more than eight independent units that are attached by common side walls in a linear arrangement. Each unit occupies the space from the ground to the roof and normally has at least two, but no more than four floors. Such units typically feature a primary entrance on the front elevation and variations in materials, colors and/or windows to create a visual distinction between each of the attached units.

*Tract.* See "Lot."

*Tree.* See Article III, Section 3.2, for definitions relating to tree protection.

*Use.* The purpose for which a property or structure is designed, intended, reserved, or occupied.

*Use, Accessory.* See "Accessory Use."

*Use, Conditional.* See "Conditional Use."

*Use, Principal.* See "Principal Use."

*Variance.* Permission granted under circumstances prescribed herein to depart from the specific requirements of this Ordinance.

*Vehicle for Hire Company.* An establishment offering to transport passengers for a fee in any motorized or animal-drawn vehicle, the charges for which are determined by agreement, mileage or by the length of time for which the vehicle is engaged and also described as a taxi or limousine service.

*Warehouse.* A building used primarily for the storage of goods and materials. See also "Mini-Warehouse."

*Wholesale Trade.* Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

*Wireless Telecommunications Facilities.* See Section 2.8 for definition of 'wireless tower.'

*Yard.* An area that lies between the buildings on a lot and the nearest lot line.

1. *Front Yard.* A yard situated along any public street right-of-way or private street easement.
2. *Rear Yard.* A yard situated along a rear lot line.
3. *Side Yard.* A yard situated along a side lot line.



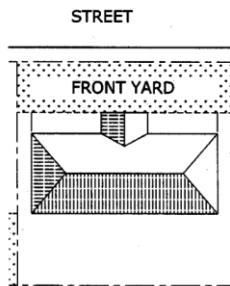
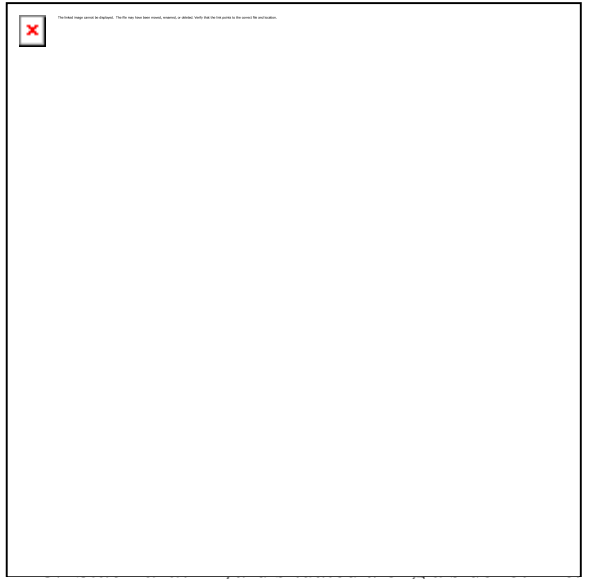


FIG 12

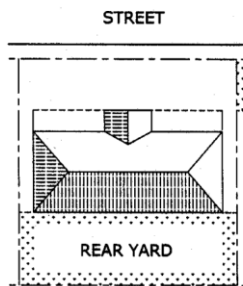


FIG 13

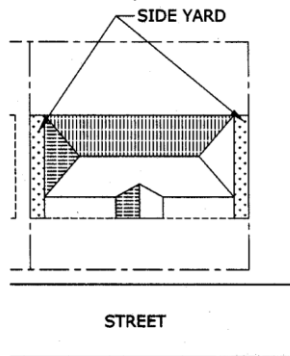


FIG 14

**Zero Lot Line.** The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

**Zoning Change.** An amendment to the Official Zoning Map or other action having the result of rezoning a property, approval of a Conditional Use on a particular property, or a change in conditions of approval applied to the zoning or conditional uses pertaining to a property.



## SECTION 5.4 - DESIGN REVIEW BOARD

### 5.4.3 Powers and duties of the design review board.

The restrictions imposed by this section shall apply to all non-single-family detached buildings, structures, sites, and areas and the property on which they are located, within the Downtown Overlay, Corridors of Influence, Interchange Districts, to all projects which otherwise expressly include, as a condition of development, review by the Design Review Board and other requests for new construction forwarded to the Board by the Director of Community Development. The Design Review Board shall:

- A. Review for design approval applications for:
  - 1. All exterior features of new construction;
  - 2. All exterior features of construction, alteration, restoration, moving, demolition or repair of existing buildings or improvements involving or resulting in a change in the existing structural composition or architectural design or character of such building or improvement;
  - 3. All proposed changes to existing plot plans, site layout, off-street parking areas and other features such as walls, walks, terraces, fences, signs and lights, except as otherwise provided herein;
  - 4. All proposed screening of dumpsters, satellite antennas, parking lots, and rooftop and other mechanical equipment;
  - 5. All proposed outdoor play yards and/or equipment, and outdoor patios with or without seating.
  - 6. All demolition of buildings or portions of buildings that are over 50 years old and may be of significance.
- B. Review for design approval all applications for signs within the Downtown Overlay and all applications for master sign plans. Further, the Board shall review for design approval any application for a sign that is referred by the Director to the Design Review Board for design review in accordance with other provisions of this Code or the Design Review Board Ordinance.
- C. Grant or deny applications based upon a design review of the proposed development activity for compliance with design standards.
- D. The following shall not be subject to review by the Board:
  - 1. Repainting of a structure to the same color if that color has received previous Board approval;
  - 2. The ordinary maintenance or repair of any exterior elements of any building or structure;
  - 3. The construction, reconstruction, alteration or demolition of any such elements which the authorized City officers shall certify as required for public safety.
  - 4. Signs located outside the Downtown Overlay, unless design review is specifically referred to the Board by the Director or is performed in conjunction with the review of an application for a master sign plan.
- E. Act in an advisory role to other City departments, boards and commissions.
- F. Develop from time to time further design standards consistent with the purposes, intents, and standards established in the Design Review Board Ordinance.
- G. Hear and decide appeals of administrative decisions denying design approval of signs reviewed by the Director for compliance with the design standards set forth in the Design Review Board Ordinance.



## ARTICLE II. - DESIGN STANDARDS

### DIVISION 2. - DESIGN REVIEW BOARD

#### Sec. 36-65. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Accessory structure* means a structure detached from a principal building on the same lot, and customarily incidental and subordinate to the principal building or structure.

*Action* means any decision made by the board including approval, deferral or tabling.

*Adaptive use* means the process of converting a building to a use other than that for which it was designed (e.g., changing a factory into housing). Such conversions are accomplished with varying alterations to the building.

*Alpharetta Highway (State Route 9) corridor of influence* means any and all properties contiguous with or within the portion of the city along Alpharetta Highway or State Route 9, extending from Upper Hembree Road to the south, to Windward Parkway to the north.

*Alteration of building* means any change in the supporting members of a building (such as bearing walls, columns or girders); any change in the non-supporting interior walls of a building; any addition or reduction to the building; any change in use; or any relocation of a building from one location or position to another.

*Board* means the city design review board, as established by the Unified Development Code and appointed by the mayor and city council.

*Building* means a structure created to shelter any form of human activity, such as a house, barn, church, hotel, accessory building or similar structure.

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

*Central business district (CBD)* means that portion of the city bounded by Mayfield Road to the north, Old Milton Parkway to the South, Haynes Bridge Road and Highway 9 to the east and Roswell and Canton Streets to the west (see Map A).

*Certificate of design approval* means a document issued by the design review board allowing an applicant to proceed with a proposed alteration, demolition, removal or new construction based upon a design review process and determination of the submitted proposal's suitability according to adopted criteria.

*Community development director* means the director of the community development department for the city, or his designee.

*Construction* means the act of erecting a new principal building or structure, and/or adding an accessory building or structure; the act of adding to an existing building, structure or other improvement.

*Corridors of influence* means the roadways and transportation routes having the greatest visual impact within the city and those roads which are considered to be gateways into the city. The corridors of influence include Alpharetta Highway or State Route 9 (except those portions which are considered to be in the Downtown Overlay, Haynes Bridge Road, Mansell Road, North Point Parkway, Old Milton Parkway, Westside Parkway, and Windward Parkway (from State Route 9 to Georgia 400).

*Demolition* means any act or process that destroys, in part or in whole, any existing condition.

*Demolition by neglect* means neglect in any maintenance of any building or structure which results in its deterioration.



*Design review* means the process of ascertaining whether modifications to a particular building, structure, site, area, district, landscape feature or any part thereof meets the standards of appropriateness (design guidelines) established by the design review board.

*Design standards, guidelines or criteria* means adopted and written standards of appropriate activity that will preserve or enhance the historical, cultural, architectural, archaeological, educational, social, or aesthetic character, function and value of a particular resource, district or area of the city as a whole.

*Development activity* means all new construction, modification, addition, alteration, moving, destruction or demolition which would affect the exterior appearance of any structure, building, land, site or other object, including, but not limited to, the following:

- (1) The demolition of any building, structure or object.
- (2) The moving or relocation of any building, structure or object.
- (3) Except for housecleaning, any material work on the exterior appearance of existing buildings by additions, reconstruction, rehabilitation, alteration or any maintenance (including exterior color), or any exterior material changes.
- (4) Any new construction of a principal building or accessory building or structure subject to view from a street or public way.
- (5) Changes in existing walls, fences, steps, sidewalks, streets and paving or construction of new walls, fences, steps, sidewalks, streets and paving, if along street rights-of-way, public lanes or public alleys.
- (6) The erection or display on any lot, building or structure of any sign, light, artwork, mural, sculpture or other appurtenant feature.

*Director* means the director of the community development department for the city.

*District* means a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of buildings, structures, sites, spaces, or objects united by past events or aesthetically by plan or physical development.

*Downtown Overlay.* That portion of the City generally bounded by Canton Street to the North, Wills Road to the West, South Main Street and Old Milton Parkway to the South and Westside Parkway to the East. The study area of the City of Alpharetta Downtown Master Plan shall be shown on the Official Zoning Map and labeled "Downtown Overlay." (See Appendix C – Downtown Overlay District)

*Exterior features* means the architectural style, design, general arrangement and components of all or any of the outer surfaces of an improvement, as distinguished from the interior surfaces enclosed by said exterior surfaces, including, but not limited to, the type, color and texture of the building materials and the type and style of all windows, doors, lights, signs and all other features appurtenant to such improvements.

*Facades* means the exterior face of a building or structure exposed to public view.

*Footcandles* means a unit of luminance on a surface that is one foot from a uniform point source of light of one candle and equal to one lumen per square foot.

*Garden district* means that portion of Canton Street bounded by Church Street to the south and Hopewell Road to the north.

*Gazebo* means an accessory, open air structure not exceeding 300 square feet in size.

*Haynes Bridge Road corridor of influence* means any and all properties contiguous with or within the portion of the city along Haynes Bridge Road, extending from Academy Street to the north to Mansell Road to the south.

~~*Historic business district (HBD)* means that portion of the central business district bounded by Church Street to the north, Highway 9 to the east, Marietta Street to the south and the former Milton High School site to the west (see Map A).~~



*Improvement* means any building, structure, parking facility, fence, gate, wall, landscape feature, work of art or other object constituting a physical change of real property, or any part of such change.

*Interchange districts* means all properties within 1,000 feet of each interchange along Georgia 400. These districts include Mansell Road Interchange District, Haynes Bridge Road Interchange District, Old Milton Parkway Interchange District and the Windward Parkway Interchange District.

*Island* means, in parking lot and street design, built-up curbs (and in parking lots, usually placed at the end of parking rows) as a guide to traffic, and also used for landscaping, signage or lighting.

*Landscape strip* means a portion of a lot required to be reserved for, installed with, and maintained with vegetation. Such a strip may or may not be required to be of a linear form.

*Mansell Road corridor of influence* means any and all properties contiguous with or within the portion of the city along Mansell Road, extending from Haynes Bridge Road to the east to Warsaw Road to the west.

*Master sign plan* means a plan that includes all types of signage on a specific property. It shall include colors, design, placement and mounting styles for each sign type.

*Mural* means any piece of artwork painted directly on a wall, ceiling, or other permanent surface. If the artwork conveys a message about a product or service, it shall be considered a sign.

*North Point Parkway corridor of influence* means any and all properties contiguous with or within the portion of the city along North Point Parkway, extending from Kimball Bridge Road to the north to Mansell Road to the south.

*Object* means a material item of functional, aesthetic, cultural, historic or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

*Old Milton Parkway corridor of influence* means any and all properties contiguous with or within the portion of the city along Old Milton Parkway, extending from Wills Road to the west, and to the eastern city limits.

*Ordinary repairs or maintenance* means work done to prevent deterioration of a building or any part thereof by restoring the building as nearly as practical to its condition prior to its deterioration, decay or damage.

*Owner* means the title owner and his agents or assignees.

*Parapet* means that portion of a wall which extends above the roof line.

*Preservation* means the act or process of applying measures to sustain, in the existing form, the integrity and material of a building or structure, and the existing form and vegetative cover of a site (i.e., saving from demolition or deterioration buildings, sites, structures and objects and providing for their continued use by means of restoration, rehabilitation or adaptive use).

*Principal building* means the building or other structure within which is conducted (or intended to be conducted) the principal use of the lot on which said building is situated.

*Reconstruction* means the act or process of reproducing by new construction the exact form and detail of a vanished building, structure or object, or part thereof, as it appeared at a specific period of time.

*Rehabilitation* means the act or process of returning property to a state of utility through repair or alteration which makes possible an efficient contemporary use, while preserving those portions of features of the property which are significant to the historical and architectural values.

*Restoration* means the act or process of accurately recovering the form and details of a property and its settings as it appeared at a particular period of time by means of the removal of the later work or by the replacement of earlier work.

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



*Sign* means any identification, description, illustration, symbol, statue or device, illuminated or non-illuminated, which is visible from any public place, each designed to advertise, identify or convey information, including any landscaping where letters or numbers are used for the purpose of directing the public's attention to a product or location, with the exception of window displays and state or national flags. For the purpose of removal, the term "sign" shall also include all sign structures.

*Sign structure* means any structure which supports, has supported or is designed to support a sign. A decorative cover is part of a sign structure.

*Site* means the location of a significant event or activity, or a building or a structure, whether standing, ruined, or vanished, where the location itself maintains special or unique value regardless of the value of the existing structure.

*Site plan* means a plan accurately drawn to scale of a development project, depicting the buildings proposed to be placed on the property, related public and site improvements on the site, and additional information as required by this article or conditions of zoning approval, and other applicable ordinances.

*Solar panel* means the following two types of devices that collect energy from the sun:

- (1) Solar photovoltaic modules use solar cells to convert light from the sun into electricity; and
- (2) Solar thermal collectors that use the sun's energy to heat water or another fluid such as oil or antifreeze.

*Structure* means a combination of materials to form a construction for use, occupancy or ornamentation which is fastened or attached to the ground.

*Style* means a type of architecture distinguished by special characters or features of a structure and ornament and often related in time; also a general quality of distinctive character.

*Westside Parkway corridor of influence* means any and all properties contiguous with or within the portion of the city along Westside Parkway, extending from Sanctuary Parkway to the southwest to Windward Parkway to the north.

*Windward Parkway corridor of influence* means any and all properties contiguous with or within the portion of the city along Windward Parkway, extending from State Route 9 to the west to Georgia 400 to the east.

(Code 1989, § 16-40; Ord. No. 437, § 4, 12-20-1999; Ord. No. 473, § 4, 5-7-2001; Ord. No. 637, §§ 1(exh. A), 2, 12-7-2009; Ord. No. 698, § 4, 12-1-2014)

#### Sec. 36-66. - Scope of division.

The restrictions imposed by this division shall apply to all non-single-family detached buildings, structures, sites, and areas and the property on which they are located, within the Downtown Overlay (as defined and depicted on Map A attached to the ordinance from which this article is derived and incorporated by reference), Corridors of Influence (as defined and depicted on Map B attached to the ordinance from which this article is derived and incorporated by reference), Interchange Districts (as defined and depicted on Map B attached to the ordinance from which this article is derived and incorporated by reference), and to all projects which otherwise expressly include, as a condition of development, review by the design review board [and other requests for new construction forwarded to the Board by the Director of Community Development](#).

(Code 1989, § 16-41; Ord. No. 437, § 5, 12-20-1999; Ord. No. 473, § 5, 5-7-2001; Ord. No. 637, §§ 1(exh. A), 2, 12-7-2009; Ord. No. 698, § 5, 12-1-2014)