



City Council Meeting & Public  
Hearing  
OCTOBER 28, 2019

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

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE TO THE FLAG
- IV. PRESENTATIONS
  - A. Winner of the Wire & Wood Drawing
- V. CONSENT AGENDA
  - A. Council Meeting Minutes (Meeting of 10/21/2019)
- VI. PUBLIC HEARING
  - A. PH-19-08 Gardner House/133 Cumming Street  
***NOTE: This item has been deferred by the Applicant and will neither be heard nor considered until Monday, December 9, 2019.***  
*Consideration of a request to allow a structure on the City's Contributing Historic Buildings List to be demolished. The property is located at 133 Cumming Street and is legally described as being located in Land Lot 1253, 2nd District, 2nd Section, Fulton County, Georgia.*
  - B. CU-19-05 Dunkin Donuts/Stonewood Village  
*Consideration of a conditional use to allow 'Restaurant w/Drive-Thru Window' for Dunkin Donuts in the C-1 (Neighborhood Commercial) district. The property is located at 670 North Main Street and is legally described as being located in Land Lot 1110, 2nd District, 2nd Section, Fulton County, Georgia.*
- VII. OLD BUSINESS
  - A. PH-19-07 Unified Development Code Text Amendments – Smoke Shop and Tobacco Store  
**(2nd Reading)**  
Sponsor: Council Member Burnett  
*Consideration of text amendments to the Unified Development Code related to 'Smoke Shop and Tobacco Store' regulations.*
- VIII. NEW BUSINESS
  - A. North Fulton Community Charities Temporary Use Permit
- IX. PUBLIC COMMENT
- X. REPORTS
- XI. ADJOURNMENT



# City Council Meeting & Public Hearing STAFF REPORT

Submitting Department: City Clerk

Submitted By: Erin Cobb

Sponsored By:

Meeting Date: October 28, 2019

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**I. AGENDA ITEM TITLE:** COUNCIL MEETING MINUTES (MEETING OF 10/21/2019)

**II. RECOMMENDATION:**

**III. REPORT IN BRIEF:**

**IV. ALTERNATIVES:**

**V. ATTACHMENTS:**

City Council Meeting draft minutes 10-21-2019 (002)



City Council Meeting  
October 21, 2019  
Office of the City Clerk  
CITY HALL 2 PARK PLAZA  
6:30 PM

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

I. CALL TO ORDER

- *Mayor Pro Tem Mitchell called the meeting to order at 6:30 p.m.*

II. ROLL CALL

- Council Members
  - Mayor Jim Gilvin (absent)
  - Mayor Pro Tem Donald F. Mitchell
  - Jason Binder
  - Ben Burnett (absent)
  - John Hipes
  - Dan Merkel
  - Karen Richard
- Staff
  - Sam Thomas, City Attorney
  - James Drinkard, Asst. City Administrator
  - Peter Sewczwicz, Director of Public Works
  - John Robison, Director of Public Safety
  - Morgan Rodgers, Director of Recreation, Parks & Cultural Services
  - Kathi Cook, Director of Community Development
  - Michael Woodman, Senior Planner
  - Adam Montgomery, Information Technology Manager
  - Amanda Musilli, Community Services Manager
  - Matthew Thomas, Economic Development Manager

### III. PLEDGE TO THE FLAG

### IV. CONSENT AGENDA

#### A. Council Meeting Minutes (Meeting of 10/7/2019)

- ❖ Council Member Binder offered a motion to approve the consent agenda
  - The motion received a second from Council Member Richard
  - The motion was approved unanimously (5-0)

### V. PUBLIC HEARING

#### A. CU-19-06 Glam My I/Spa Services

- Senior Planner, Michael Woodman, came forward to present this item.
- Staff recommends Mayor and Council approve CU-19-06 Glam My i Spa Services, subject to the following conditions:
  1. 'Spa Services' shall be added as a conditional use at 4305 State Bridge Road Suite 103, limited to no more than 1,200 square feet.
  2. Conditional use approval shall be limited to Glam My i Salon; no additional spa services businesses or subleasing shall be permitted within the approved space.
  3. Hours of operation shall be Monday – Saturday 10:00 AM – 7:00 PM and Sunday 12:00 PM – 6:00 PM.
  4. Window signage and window lighting trim shall be prohibited.
- The applicant, Glam My i Salon, is requesting a conditional use permit to allow 'Spa Services' for a business providing eyebrow threading and waxing. The applicant's business is opening as a beauty salon, but would like to add some spa services, such as full body waxing, facials and laser hair removal. The subject property is located at 4305 State Bridge Road, Suite 103, in the Alpharetta Commons (Publix) shopping center on the south side of State Bridge Road and west of Kimball Bridge Road.
- The submitted request, if approved, would permit the applicant to provide facial, full body waxing and laser hair removal services in a 1,200 square foot suite in the Alpharetta Commons shopping center. Glam My i Salon is in the process of opening as a beauty salon but would like to add some spa services to enhance their offerings. The subject property is located at 4305 State Bridge Road, Suite 103, in the Alpharetta Commons (Publix) shopping center on the south side of State Bridge Road and west of Kimball Bridge Road.
- The property is zoned C-1 (Neighborhood Commercial), which allows 'Spa Services' with approval of a conditional use permit. Surrounding properties are zoned C-1 to the east and CUP (Community Unit Plan) to the north, west and south. Businesses in the vicinity of the applicant's request include, Publix to the west, Taco Mac to the east and Wendy's to the north. The Alpharetta Commons shopping center backs up to the Park Brooke Subdivision.
- Alpharetta Commons is a 94,220 square foot shopping center with Publix as the anchor, as well as in-line space for retail, restaurant and office uses. The

applicant's business is proposed in Suite 103, which is a 1,200 square foot suite facing State Bridge Road and to the left of Publix. Other businesses within the Alpharetta Commons shopping center include Taco Mac, Wendy's, Royal Liquor Store, 21st Century Cleaners and Chick-fil-A, to name a few.

- Full body waxing, laser hair removal and facial services are categorized as 'Spa Services' use. Unified Development Code (UDC) Section 1.4.2 defines 'Spa Services' as follows:

"A business that provides services, which may include non-medical massage, other personal services such as skin, nail, hair treatments, and hair removal/waxing, 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."
- The City's Code of Ordinances, Section 12-172 establishes a minimum distance requirement of 300' for spa establishments from State Route 9, State Route 120, churches, schools, public parks, day care facilities and residences. Alpharetta Commons shopping center is located on State Route 120 (Old Milton Parkway/State Bridge Road). However, the applicant's business is approximately 400' from SR 120 and approximately 350' from a residence.
- Glam My i Salon is a new business currently in the process of opening as a beauty salon. If the conditional use to allow Spa Services is approved, the business would provide a variety of services, including eyebrow threading, eyelash extensions, facials, full body waxing, laser hair removal, and microblading (eyebrow tattooing). Hours of operation are Monday – Saturday 10:00 AM – 7:00 PM and Sunday 12:00 PM – 6:00 PM. The applicant anticipates up to three (3) employees at the proposed location.
- Staff's analysis finds that the requested conditional use is not in conflict with the established conditional use standards and should have little impact on the area. The proposed retail service use would complement surrounding commercial uses and sufficient parking exists to support the proposed use. If approved, conditions should be established that regulate and limit an expansion of services.
- 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.
- The CZIM was held on September 11, 2019. There were no public comments on the signed-in sheet.
- The applicant came forward to address any questions from Mayor Pro Tem and Council.

**Public Comment:**

- No Public Comment

- ❖ Council Member Richard offered a motion to approve CU-19-06 Glam My i Spa Services, subject to the following conditions:
  1. 'Spa Services' shall be added as a conditional use at 4305 State Bridge Road Suite 103, limited to no more than 1,200 square feet.
  2. Conditional use approval shall be limited to Glam My i Salon; no additional spa services businesses or subleasing shall be permitted within the approved space.
  3. Hours of operation shall be Monday – Saturday 10:00 AM – 7:00 PM and Sunday 12:00 PM – 6:00 PM.
  4. Window signage and window lighting trim shall be prohibited.
  - The motion received a second from Council Member Binder
  - The motion was approved unanimously (5-0)

#### **B. V-19-13 TPA/360 Tech Village Variance**

- ❖ *Council Member Burnett requested that we note for the record that, had he been present this evening, he would have recused himself from this item.*
  - Director of Community Development, Kathi Cook, came forward to present this item.
  - The applicant, TPA Group, requests a variance to reduce the waiting period for Council consideration of an application for zoning change affecting the same property from one (1) year to six (6) months. A public hearing request to change previous conditions of zoning (PH-18-14 360 Tech Village/Change to Previous Conditions of Zoning) was denied on January 28, 2019 for an extension to the reversion clause associated with 'Dwelling, 'For-Rent' use. The subject property is located on the west side of Haynes Bridge Road and south of Lakeview Parkway.
  - The submitted request, if approved, would allow TPA Group to move forward with a master plan amendment, rezoning and conditional use for Council consideration on the same property within six (6) months of a previous Council consideration. The subject property is located on the west side of Haynes Bridge Road and south of Lakeview Parkway.
  - A public hearing request to change previous conditions of zoning (PH-18-14 360 Tech Village/Change to Previous Conditions of Zoning) was denied on January 28, 2019 for an extension to the reversion clause associated with 'Dwelling, 'For-Rent' use. The applicant is seeking to submit a request for master plan amendment, rezoning and conditional use.
  - The applicant notified surrounding property owners of their application and intent for the property. The report states that no comments were received.
  - The Director of the TPA Group, Crawford Arnold, came forward to speak on behalf of the applicant.

## Public Comment:

- No Public Comment
- ❖ Council Member Richard offered a motion approve V-19-13 TPA/360 Tech Village Variance request to reduce the waiting period for Council consideration of an application for zoning change affecting the same property from one (1) year to six (6) months.
- The motion received a second from Council Member Merkel
- The motion was approved unanimously (5-0)

## VI. NEW BUSINESS

### A. Microsoft Azure Cloud Infrastructure as a Service (IaaS)

- ❖ *Council Member Binder had to excuse himself from the remainder of the meeting.*
- Director of Information Technology, Randy Bundy, came forward to present this item.
- Staff recommends Mayor and Council approve the request to provide for Microsoft Azure Cloud Services (IaaS) using the Statewide Contract (SWC) 99999-SPD-T20190814-0002 for Cloud Solutions for all City Departments in the FY2020 in the amount of \$100,000 and authorize the Mayor to execute all necessary documents.
- This request is for estimated cloud data storage costs in lieu of onsite servers and storage equipment. Cloud Services such as Microsoft Azure offer the ability to move virtual servers in an onsite data center to the cloud providing, in some cases, economy of scale and security that is of higher value. These services can also provide some fail-over capability for the cloud services and onsite services. The goal in the early years is to have a mix of onsite server/storage equipment coupled with leveraging of cloud servers. The future goal is to move most if not all functionality to the cloud when it is proven to be operationally and economically beneficial to do so.
- This initiative will free the city from having to fund large server and data storage equipment initiatives periodically through the capital budget and be able to manage consumption of our information technology systems more efficiently.
- Procurement is through the State of Georgia Statewide Contract (SWC) 99999-SPD-T20190814-0002 for Cloud Solutions. This provides through this recently negotiated state contract the best pricing and support for Microsoft Azure and cloud services using the National Association of State Procurement Officials (NASPO) "ValuePoint" that leverages the expertise and buying power of many states and other participating entities. Also, with the City of Alpharetta being a Microsoft based enterprise with Office 365, Windows 10, and implementation of Hyper V server virtualization technologies, we can leverage existing licensing and enterprise credits to reduce implementation and long-term costs in using cloud services.
- Statements of Work (SOW) are attached for covering the migration to the cloud with a part of the design and deployment cost being covered by Microsoft credits as part of our existing enterprise contract. It is noteworthy that as we move our virtual servers to the Azure cloud that these physical servers that are already at their end

of life in most cases will be retired and not need to be replaced.

**Public Comment:**

- No Public Comment
  
- ❖ Council Member Merkel offered a motion to approve the request to provide for Microsoft Azure Cloud Services (IaaS) using the Statewide Contract (SWC) 99999-SPD-T20190814-0002 for Cloud Solutions for all City Departments in the FY2020 in the amount of \$100,000 and authorize the Mayor to execute all necessary documents.
  - The motion received a second from Council Member Richard
  
  - The motion was approved unanimously (4-0)

**B. Records Storage and Shredding Services (ITB 20-002)**

- City Clerk, Erin Cobb, came forward to present this item.
  
- Staff recommends Mayor and Council please award ITB 20-002 to GRM Information Management Services of Atlanta, LLC. for the City's records storage and shredding services contract for a term of (5) five years and authorize the Mayor to execute all necessary documents.
  
- The award of this bid is for a (5) five-year contract for the City's records storage and shredding services. These services include; new box transfers, box retrievals, box returns, and document destruction of obsolete records. Additionally, both on-site and off-site shredding services, as well as supplies such as new cardboard boxes, tracking sheets, and bar code labels are included for all City departments. In FY 2019 the City spent \$20,398 for these services. The money is allocated in the general fund dispersed amongst each department in their maintenance contracts accounts. The attached cost sheet includes the amount of services requested in FY 2019. This number was used in order to receive the most accurate cost estimate for annual services.
  
- Currently the City has about 3,700 boxes of records in storage. These records are stored according to their retention schedule determined by the Georgia Archives, University System of Georgia. These boxes include items such as accident reports, blueprints and plans, official meeting minutes, and court dispositions.
  
- Our current contract is with GRM Information Management Services of Atlanta. The contract is due to expire in January 2020. In late August we advertised for bids with a deadline of September 12, 2019. We received one bid, which was from our current vendor, GRM. Members of our Finance Department Staff tried reaching out to two other vendors who are top competitors of GRM in order to ask why they did not submit a bid. We did not receive a response from either vendor.
  
- Staff is currently satisfied with the services provided by GRM. They provide next day pick-up and delivery of inventory, as well as a certificate of destruction for the purging of records. Each City Department's Records Officer utilizes their website and their customer service is always exceptional.

- Staff is recommending that Mayor and Council award a (5) five-year contract to GRM Information Management Services of Atlanta, LLC. for the City's records storage and shredding services.

**Public Comment:**

- No Public Comment
- ❖ Council Member Merkel offered a motion to award ITB 20-002 to GRM Information Management Services of Atlanta, LLC. for the City's records storage and shredding services contract for a term of (5) five years and authorize the Mayor to execute all necessary documents.
  - The motion received a second from Council Member Hipes
  - The motion was approved unanimously (4-0)

**C. Event Lighting & Seasonal Décor (RFP # 20-111)**

- Director of Recreation, Parks & Cultural Services, Morgan Rodgers, came forward to present this item.
- Staff recommends Mayor and Council award RFP 20-111 to Universal Concepts for a 5-year service contract to provide comprehensive event lighting and seasonal decor and authorize the Mayor to execute all necessary documents.
- The award of this Request-for-Proposals (RFP) is for comprehensive overhead event lighting and seasonal decor services. Responsibilities under the contract include full-service overhead event lighting installation and removal for the City's Wire & Wood and Season of Celebration events, as well as design consultation, installation, removal, storage and maintenance for Memorial Day and winter decor. The awarded vendor shall manage supervision of contractors and sub-contractors, and act as the key contact for the City. It is further expected that the awarded vendor demonstrates a continuous effort to improve operations, decrease turnaround times, streamline work processes, and work cooperatively and jointly with the City and our other contractors to provide quality seamless customer service.
- The targeted events for overhead lighting include: Wire & Wood (2-day event); and the Season of Celebration (1-day event). Staff recognizes that event details change (e.g. # of days, new events, etc.) and requests flexibility to adjust the awarded contract offerings based on mutual agreement between the selected firm and the City.
- The targeted dates for seasonal decor include Memorial Weekend and the Winter holiday season (Mid-November through Mid-January). The awarded vendor shall manage design consultation with City staff, installation, removal, storage and maintenance of the city-owned décor, as well as newly purchased strands of lights.

- During the off-season, the vendor will store all city-owned décor items in a secure, climate-controlled storage facility. The selected vendor will work directly and closely with city staff on consultation, design, and timeline. The selected vendor will work directly and closely with the City's on-call electrical services vendor for installation.
- The current overhead event lighting and seasonal decor contract expired September 10, 2019.
- Anticipating expiration of the existing overhead event lighting and seasonal decor contract, an RFQ was prepared by a Committee including representatives from Recreation, Parks and Cultural Services and Finance. RFQ 20-1001 was issued on July 11, 2019 with proposals received on August 8, 2019.
- The City received a total of two (2) responses which were submitted to the Evaluation Committee for review and ranking.
- The Evaluation Committee met on August 20, 2019 to tabulate the overall scores. Each proposal was evaluated based on the following criteria: firm experience, references/sample projects, and overall impression of company and response to the RFQ. Neither firm qualified for the Alpharetta Local Vendor Preference. The resulting scores were as follows (ranking of "1" to "5" with "5" being the highest):

Universal Concepts: 4.53

Illuminating Design: 3.82

- Both firms were shortlisted to move onto the 2<sup>nd</sup> phase of the evaluation.
  - Following the RFQ process, an RFP was prepared by a Committee including representatives from Recreation, Parks and Cultural Services and Finance. RFP 20-111 was advertised in August 2019, issued on September 6, 2019, with proposals due on September 20, 2019 by 10 AM.
  - The Evaluation Committee met on September 26, 2019 to tabulate the overall scores. Based on having qualified firms, the proposals were evaluated on method of providing services and costs. The resulting scores were as follows (ranking of "1" to "5" with "5" being the highest):
- Universal Concepts: 4.75
- Illuminating Design 4.38
- The high scoring firm, Universal Concepts, is our current event lighting and seasonal decor service provider. Staff has found them to be knowledgeable, responsive, and focused on delivering an excellent product. From a cost perspective, Universal Concepts provided the lowest cost proposal based on itemized décor items for future ease of budgeting.

- With these factors in mind, staff recommends award of RFP 20-111 to Universal Concepts.

**Public Comment:**

- No Public Comment
- ❖ Council Member Merkel offered a motion to award RFP 20-111 to Universal Concepts for a 5-year service contract in the amount of \$95,000 to provide comprehensive event lighting and seasonal decor and authorize the Mayor to execute all necessary documents
  - The motion received a second from Council Member Hipes
  - The motion was approved unanimously (4-0)

**D. FY20 Portable Woodchipper Replacement**

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- Staff recommends Mayor and Council authorize the purchase of a 2019 Intimidator 18XP Brush Bandit in the amount of \$82,277.20 from Sourcewell Government Sales State Contract # 062117.
- The Public Works Department budgeted for a 2019 18XP Brush Bandit to replace a 1992 Brush Bandit Portable Woodchipper Machine. The 1992 Brush Bandit Portable Woodchipper Machine warrants replacement based on age and increasing repair costs. Due to its age (26 years), the expense of maintaining this 1992 Brush Bandit Portable Woodchipper Machine is rapidly increasing and the repair parts are becoming increasingly harder to locate.
- This piece of equipment is used frequently to clear trees and brush from City Right-of-Way while recycling the debris into usable mulch for other projects. The new Brush Bandits are equipped with the newest safety features, including but not limited to, auto feed, hydraulic chute adjustment, hydraulic wheel feed stops and a rear wench. All these features allow individuals to step away from the machine before feeding the debris through the unit. This unit will be used heavily by the Stormwater group, the rear wench will allow trees to be dragged up to the unit while clearing headwall outlets lowering the risk of injury from trying to cut and carry out in smaller pieces on slippery hillsides. Training on use of this new chipper is included for Public Works staff.
- The 2019 Intimidator 18XP Brush Bandit will be purchased from Mason Tractor Company. On Sourcewell Contract # 062117, the discounted cost of utilizing this contract is \$10,987.80. Staff has contacted local vendors and was unable to get a quote at a better price than the contract pricing. Approximate delivery time is 90-120 days after receipt of Purchase Order. Per policy, the equipment being replaced will be surplus by the Finance Department.

## Public Comment:

- No Public Comment
- ❖ Council Member Merkel offered a motion to approve the purchase of a 2019 Intimidator 18XP Brush Bandit in an amount not to exceed \$82,277.20 from Sourcewell Government Sales State Contract # 062117
  - The motion received a second from Council Member Richard
  - The motion was approved unanimously (4-0)

## E. FY20 Public Works Fleet Replacements

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- Please authorize the purchase of two 2020 Ford F-150 Trucks and one 2020 F-250 Service Cab Truck in the amount of \$117,822.00 from Allan Vigil Ford Government Sales on State Contract # 99999-SPD-ES40199373-002. Please authorize the purchase to expend up to \$15,000 for estimated costs associated with purchasing and installing necessary equipment for the vehicles (e.g. lightbars, graphics, tool racks and boxes).
- As approved in the FY 20 budget, Public Works seeks approval to purchase two 2019 Ford F-150 Trucks and one 2019 F-250 Service Cab Truck in the amount of \$117,822.00. These vehicles will be replacements for older units that have reached the end of service and will be auctioned. The vehicles being replaced are as follows:
  - 1999 Ford F-150 4x4 (unit 81). This vehicle warrants replacement based on age. This will be replaced with a 2020 Ford F-150 4x4 Super Cab in the amount of \$30,911.00.
  - 2003 Crown Victoria (Unit 339). This vehicle warrant replacement based on age and repair needs. This will be replaced with a 2020 Ford F-150 4x4 Crew Cab Truck in the amount of \$33,306.00. This would allow the transportation of staff, and capable of towing and hauling, and use during inclement weather.
  - 2006 Ford F-250 Crew Cab 4x4 with Service Bed (Unit 500). This vehicle warrants replacement based on age and repair needs. This vehicle has recently been out of service due to multiple issues. This will be replaced with a 2020 Ford F-250 4x4 Crew Cab Service Truck in the amount of \$53,605.00.
- All the above vehicles will be purchased from Allan Vigil Ford Government Sales on State Contract # 99999-SPD-ES40199373-002.
- Additionally, Public Works requests approval to expend up to \$15,000 for estimated costs associated with purchasing and installing necessary equipment for the vehicles (e.g. lightbars, graphics, tool racks and boxes).
- Funding for this initiative is requested from the Department's Capital Fleet account. Staff has contacted local vendors and unable to get lower pricing.

## Public Comment:

- No Public Comment
- ❖ Council Member Merkel offered a motion to approve the purchase of two 2020 Ford F-150 Trucks and one 2020 F-250 Service Cab Truck in the amount of \$117,822.00 from Allan Vigil Ford Government Sales on State Contract # 99999-SPD-ES40199373-002 and authorize the purchase to expend up to \$15,000 for estimated costs associated with purchasing and installing necessary equipment for the vehicles (e.g. lightbars, graphics, tool racks and boxes)
  - The motion received a second from Council Member Hipes
  - The motion was approved unanimously (4-0)

## F. FY20 On-Call Pavement Markings

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- Staff recommends Mayor and Council award RFP 20-106 to Blackjack Paving, Sealcoating & Striping, LLC, and approve a task order under this contract in the amount of \$150,175.00 for restoration of pavement markings associated with the FY20 milling and resurfacing project and maintenance or upgrades to existing roads and authorize the Mayor to execute all necessary documents.
- The City of Alpharetta maintains over 500 lane miles of roadway. Each year the City budgets dollars toward the milling, resurfacing and striping of these roads. The scope of the striping work includes, but is not limited to, preparation of site layout, the installation of painted traffic stripe, thermoplastic traffic stripe, high build markings for bike routes, removal of existing pavement markings, and removal of temporary marking tapes.
- The previous contract for Pavement Markings On-Call Services ended on October 5, 2019. The Public Works Department staff, in conjunction with Finance staff, prepared RFP 20-106 and advertised in July 2019. Proposals were received on August 22, 2019 and consisted of three responses which were submitted to the Evaluation Committee for review and ranking. Each proposal was evaluated based on the following criteria: firm experience, capabilities, references (67%); cost (30%); and Alpharetta local vendor preference (3%). The resulting weighted scores, out of 100, were as follows:
  1. Blackjack Paving, Sealcoating & Striping, LLC (77.19 points)
  2. Roadside Specialties, LLC (68.13 points)
  3. Peek Pavement Marking, LLC (56.8 points)
- Based upon the results of the RFP, staff recommends the award of RFP 20-106 to Blackjack Paving, Sealcoating & Striping, LLC for Pavement Markings On-Call Services for 5 years.
- The FY20 request is for the replacement of lane striping, stop bars, crosswalks and high build markings along the following roads listed as part of the FY20 Milling and Resurfacing project:

1. Canton Street from Hopewell Road to Highway 9.
  2. Canton Street from Mayfield Road to Hopewell Road.
  3. Clubhouse Drive from Lake Windward Drive to Lakeshore Overlook.
  4. Clubhouse Drive from Windward Parkway to Lake Windward Drive.
  5. Hopewell Road from Canton Street to City Limits.
  6. Lake Windward Drive from Harbour Ridge Drive to Clubhouse Drive.
  7. Lake Windward Drive from Lake Windward Overlook to Harbour Ridge Drive.
  8. Lake Windward Drive from Webb Bridge Road to Lake Windward Overlook.
  9. Norcross Street from Cul De Sac to end.
  10. North Point Parkway from Old Milton Parkway to Webb Bridge Road.
  11. North Point Parkway from Webb Bridge Road to Windward Parkway.
  12. Old Milton Parkway from Wills Road to Highway 9.
  13. Windward Parkway from Highway 9 to Cogburn Road.
- In addition, this request is for replacement of thermoplastic stop bars and / or crosswalks (no lane striping) at the following roads listed as part of the FY20 Milling and Resurfacing project:
    1. Bellflower Drive from Park Bridge Parkway to Goldenrod Drive.
    2. Brook Forest Court from Park Brooke Trace to Cul De Sac.
    3. Brookview Court from Park Brooke Trace to Cul De Sac.
    4. Brookline Court from Brookline Drive to Cul De Sac.
    5. Brookline Drive from Park Brooke Drive to Cul De Sac.
    6. Caney Creek Landing from Newport Bay Passage to Cul De Sac.
    7. Crabapple Chase Drive from Rucker Road to Highway 372.
    8. Crabapple Tree Court from Crabapple Chase Drive to Cul De Sac.
    9. Golf Club Drive from Windward Parkway to Club Court.
    10. Laurelwood Farm Drive from Rucker Road to Cul De Sac.
    11. Lauren Hall Court from Waters Road to Lauren Hall Court.
    12. Mayfield Manor Drive from Mayfield Road to Richards Circle.
    13. Park Glenn Drive from Webb Bridge Road to Cul De Sac.

14. Schooner Ridge from Southlake Drive to Southlake Drive.

**Public Comment:**

- No Public Comment
- ❖ Council Member Merkel offered a motion to approve the RFP 20-106 to Blackjack Paving, Sealcoating & Striping, LLC, and approve a task order under this contract in the amount of \$150,175.00 for restoration of pavement markings associated with the FY20 milling and resurfacing project and maintenance or upgrades to existing roads and authorize the Mayor to execute all necessary documents
  - The motion received a second from Council Member Richard
  - The motion was approved unanimously (4-0)

**G. Resolution and P&S Agreement with Fulton County Board of Education**

- City Attorney, Sam Thomas, came forward to present this item.
- Staff recommends Mayor and Council approve a Resolution and an Agreement for Purchase and Sale of Real Estate with New Prospect Elementary School / Fulton County Board of Education for 1.8 acres located on Kimball Bridge Road in the amount of \$75,000.
- This will provide additional access to New Prospect Elementary from the Kimball Bridge Road area.
- City Attorney, Sam Thomas, read the resolution aloud.

**Public Comment:**

- No Public Comment
- ❖ Council Member Hipes offered a motion to approve the Resolution and an Agreement for Purchase and Sale of Real Estate with New Prospect Elementary School / Fulton County Board of Education for 1.8 acres located on Kimball Bridge Road in the amount of \$75,000
  - The motion received a second from Council Member Merkel
  - The motion was approved unanimously (4-0)

**H. Resolution and Teasley Street IGA with Fulton County Board of Education**

- City Attorney, Sam Thomas, came forward to present this item.
- Staff recommends Mayor and Council approve a Resolution and the Intergovernmental Agreement (IGA) with the Fulton County Board of Education modifying the City's post-closing obligations to construct improvements on Teasley

Street.

- In May 2017, the City acquired a portion of a driveway formerly known as Teasley Street from the Fulton County Board of Education. That agreement required the City to construct certain post-closing improvements following the City's acquisition of the driveway. The attached IGA modifies the City's post-closing obligations.
- City Attorney, Sam Thomas, read the resolution aloud.

**Public Comment:**

- No Public Comment
- ❖ Council Member Hipes offered a motion to approve the Resolution and the Intergovernmental Agreement (IGA) with the Fulton County Board of Education modifying the City's post-closing obligations to construct improvements on Teasley Street
  - The motion received a second from Council Member Richard
  - The motion was approved unanimously (4-0)

**VII. PUBLIC COMMENT**

- Don Nahser, 305 Karen Drive, Alpharetta, came forward to comment on the competition offered by Mayor Pro Tem Mitchell to present the most exciting item at tonight's meeting and win a free dinner with Council Member Richard.

**VIII. REPORTS**

- Mayor Pro Tem Mitchell reminded everyone to vote during early voting for the November 2019 General Election. Additionally, he announced the opening of the new Mid-Broadwell Pop-Up Park and the Alpharetta Arts Center is offering free family portraits on Saturday, October 26<sup>th</sup> from 10:00 AM to 2:00 PM.
- Council Member Merkel commented on the presentations given by Erin Cobb, Pete Sewczwicz, and Morgan Rodgers. Additionally, he announced that the Atlanta Business Chronicle highlighted the City of Alpharetta in their recent publication.
- Council Member Richard announced the success of the North Point Placemaking Event that took place last Thursday. Approximately 400 people attended. Council Member Richard also asked the Director of Public Works, Pete Sewczwicz, to come forward and speak about the Webb Bridge Corridor Improvement Project Public Meeting that took place last Tuesday at City Hall.
- Mayor Pro Tem Mitchell commented on the successful turnout of the City of Alpharetta's Wire and Wood Festival.

**IX. ADJOURNMENT**

- ❖ With no further business to discuss or items to be heard, Mayor Pro Tem Mitchell adjourned the meeting at 7:36 P.M.

Respectfully submitted,

A handwritten signature in black ink that reads "Erin Cobb". The signature is written in a cursive, flowing style.

Erin Cobb, City Clerk



# City Council Meeting & Public Hearing STAFF REPORT

Submitting Department: Community Development

Submitted By:

Sponsored By:

Meeting Date: October 28, 2019

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**I. AGENDA ITEM TITLE:** PH-19-08 GARDNER HOUSE/133 CUMMING STREET

*NOTE: THIS ITEM HAS BEEN DEFERRED BY THE APPLICANT AND WILL NEITHER BE HEARD NOR CONSIDERED UNTIL MONDAY, DECEMBER 9, 2019.*

*CONSIDERATION OF A REQUEST TO ALLOW A STRUCTURE ON THE CITY'S CONTRIBUTING HISTORIC BUILDINGS LIST TO BE DEMOLISHED. THE PROPERTY IS LOCATED AT 133 CUMMING STREET AND IS LEGALLY DESCRIBED AS BEING LOCATED IN LAND LOT 1253, 2ND DISTRICT, 2ND SECTION, FULTON COUNTY, GEORGIA.*

**II. RECOMMENDATION:**

Deny PH-19-08 Gardner House/133 Cumming Street request for demolition permit.

**III. REPORT IN BRIEF:**

Consideration of a request to allow a structure on the City's Contributing Historic Buildings List to be demolished. The property is located at 133 Cumming Street and is legally described as being located in Land Lot 1253, 2nd District, 2nd Section, Fulton County, Georgia.

**IV. ALTERNATIVES:**

**V. ATTACHMENTS:**



Stonewood Village shopping center. The subject property is located at 670 North Main Street at the northwest corner of North Main Street and Cogburn Road.

The property is a 0.32-acre pad-ready site within an existing shopping center with surrounding surface parking. The zoning of the property is C-1 (Neighborhood Commercial), which allows 'Restaurant w/Drive-Thru Window' with approval of a conditional use. Surrounding properties are zoned C-1 to the north, east, south and west. Stonewood Village shopping center is located to the north and west, Addington Place Assisted Living Facility is located to the east and an undeveloped parcel is located to the south. The Comprehensive Land Use Plan designation of the property is 'Commercial'.

Stonewood Village shopping center is approximately 13.75 acres and was developed in 1987 with a 110,282 square foot shopping center. Two (2) pad-ready sites were created in the parking lot for future outparcels, including the applicant's proposed location. Businesses occupying the shopping center include Queen of Hearts Antiques & Interiors, Dover Saddlery, and Anytime Fitness, to name a few. A conditional use (CU-08-11) was approved for a 'Restaurant w/Drive-Thru Window' at the shopping center in 2008. The conditional use was limited to Outparcel 'D', which is generally located along Highway 9 towards the middle of the property but was never developed (see below). Dunkin Donuts was the intended user of Outparcel 'D'; however, the approval was not conditioned to Dunkin Donuts.



The subject property is located within the Highway 9 LCI, which was adopted by the Cities of Alpharetta and Milton in 2012. The property is located in the southern portion of the 'Transitional Area' and includes a vision to improve walkability and overall character of the area. Because the property is already pad-graded with surface parking at the perimeter, the applicant does not intend to bring the building up to the street. However, the applicant has provided additional landscaping within the parking lot and conditions are recommended requiring increased landscaping along Highway 9 and Cogburn Road. In addition, building elevations were revised using traditional architecture with brick and stone exterior materials. The City's Downtown

Consultant believes the revised elevations meet the intent for the area, with the comment that windows and doors should not have glass extending to the ground. Walkability will be addressed with GDOT's roadway project along Highway 9, which includes the installation of 12' sidewalks.

Dunkin Donuts/Baskin Robbins currently has one (1) location in the City at 3630 Old Milton Parkway, Suite 100. The applicant's proposal, if approved, would allow for a 2<sup>nd</sup> location in the City. Hours of operation are proposed to be Monday through Sunday 5:00 AM to 10:00 PM. The applicant anticipates up to 25 employees. According to the ITE trip generation report submitted by the applicant, the use would generate a total of 42 AM Peak Hour trips and 26 PM Peak Hour trips. There are sufficient parking spaces to serve the existing and proposed uses on the property, including 25 parking spaces for the proposed Dunkin Donuts/Baskin Robbins.

#### 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 Highway 9 and Cogburn Road. The proposed use would not have significant impacts on vehicular and pedestrian access. If approved, a condition is recommended requiring a pedestrian connection from the sidewalk along Cogburn Road to the front door of the business, including striping through the parking lot.*

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-mentioned improvements are sufficiently addressed on the applicant's site plan. If approved, a condition is recommended to clarify that parking lot screening, per the UDC requirement, must be provided along Highway 9 and Cogburn Road where not currently existing.*

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 have significant impacts on surrounding properties in the area. The site is a shopping center, which typically have restaurants with drive-through facilities on outparcels. In addition, a conditional use was previously approved for a 'Restaurant w/Drive-Thru Window' within the Stonewood Village shopping center on Outparcel D. If approved, a condition is recommended removing the restaurant with drive-thru window approval on Outparcel D.*

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. The site is a shopping center, which typically have restaurants with drive-through facilities on outparcels. In addition, a conditional use was previously approved for a 'Restaurant w/Drive-Thru Window' within the Stonewood Village shopping center on Outparcel D. If approved, a condition is recommended removing the restaurant with drive-thru window approval on Outparcel D.*

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 site is a shopping center, which typically have restaurants with drive-through facilities on outparcels. In addition, a conditional use was previously approved for a 'Restaurant w/Drive-Thru Window' within the Stonewood Village shopping center on Outparcel D. If approved, a condition is recommended removing the restaurant with drive-thru window approval on Outparcel D.*

#### 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 and the property is a shopping center, which typically have restaurants with drive-through facilities on outparcels. *If approved, a condition is recommended removing the previous 'Restaurant with Drive-Thru Window' conditional use approval on Outparcel D.*

#### 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.

The City received correspondence from a residential property owner within 500' with concerns over increased traffic.

#### COMMUNITY ZONING INFORMATION MEETING

The CZIM was held on September 11, 2019. There were no public comments on the sign-in sheet.

#### IV. ATTACHMENTS:

- Site Plan
- Building Elevations



CU-19-05

Traywick Chase

Lunetta Lane

Cogburn Ridge Road

Cogburn Ridge Way

Cogburn Road

Cogburn Overlook

City of Milton

Cogburn Park

North Main Street

Edgemont Drive

Water Oak Place

Archmont Trace





Henderson Parkway

Winthrope Way Drive

North So

Devon Court

**LEGEND**

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

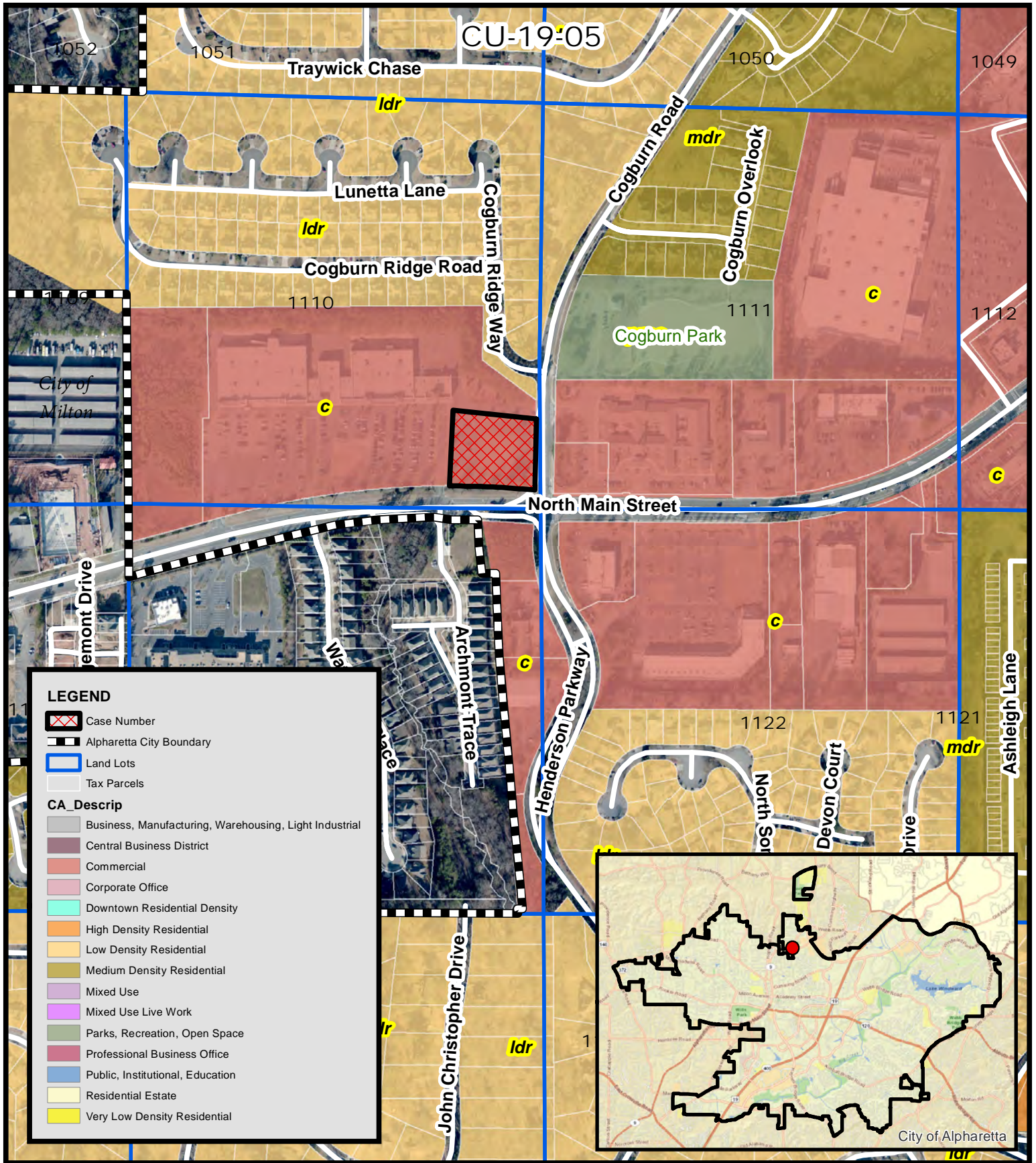
12/26/2018



Aerial Map  
 Dunkin Donuts/Baskin Robbins  
 Stonewood Village

CU-19-05  
 D/LL: 2/2/1110  
 PC: 10/3/19  
 CC: 10/28/19

Location Map Provided by:  
 Community Development - GIS



**LEGEND**

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

**CA\_Descrip**

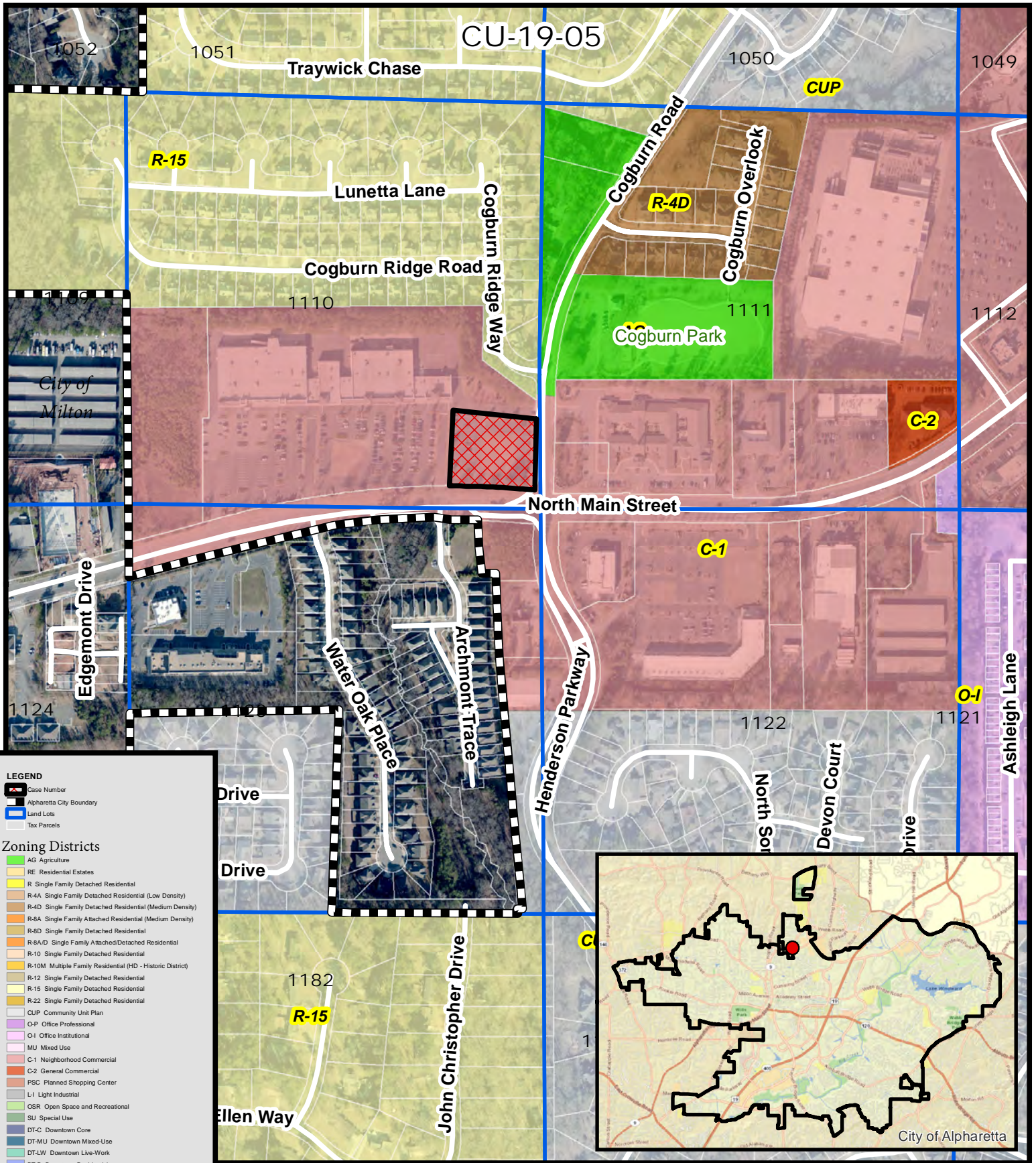
- Business, Manufacturing, Warehousing, Light Industrial
- Central Business District
- Commercial
- Corporate Office
- Downtown Residential Density
- High Density Residential
- Low Density Residential
- Medium Density Residential
- Mixed Use
- Mixed Use Live Work
- Parks, Recreation, Open Space
- Professional Business Office
- Public, Institutional, Education
- Residential Estate
- Very Low Density Residential



Future Land Use  
 Dunkin Donuts/Baskin Robbins  
 Stonewood Village

CU-19-05  
 D/LL: 2/2/1110  
 PC: 10/3/19  
 CC: 10/28/19

Location Map Provided by:  
 Community Development - GIS



**LEGEND**

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

**Zoning Districts**

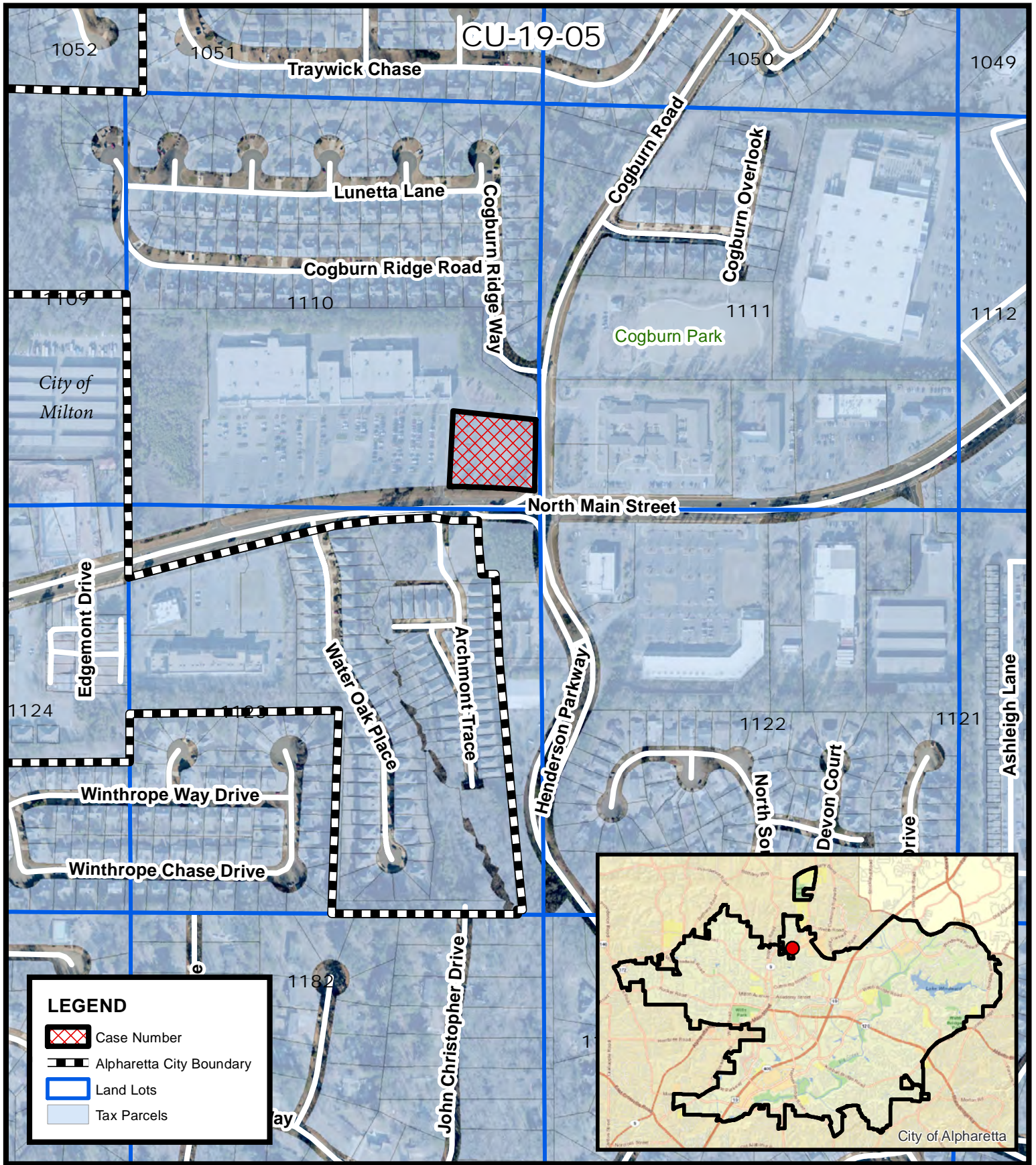
- AG Agriculture
- RE Residential Estates
- R Single Family Detached Residential
- R-4A Single Family Detached Residential (Low Density)
- R-4D Single Family Detached Residential (Medium Density)
- R-8A Single Family Attached Residential (Medium Density)
- R-8D Single Family Detached Residential
- R-8A/D Single Family Attached/Detached Residential
- R-10 Single Family Detached Residential
- R-10M Multiple Family Residential (HD - Historic District)
- R-12 Single Family Detached Residential
- R-15 Single Family Detached Residential
- R-22 Single Family Detached Residential
- CUP Community Unit Plan
- O-P Office Professional
- O-1 Office Institutional
- MU Mixed Use
- C-1 Neighborhood Commercial
- C-2 General Commercial
- PSC Planned Shopping Center
- L-1 Light Industrial
- OSR Open Space and Recreational
- SU Special Use
- DT-C Downtown Core
- DT-MU Downtown Mixed-Use
- DT-LW Downtown Live-Work
- DT-R Downtown Residential



Zoning Map  
 Dunkin Donuts/Baskin Robbins  
 Stonewood Village

CU-19-05  
 D/LL: 2/2/1110  
 PC: 10/3/19  
 CC: 10/28/19

Location Map Provided by:  
 Community Development - GIS



Location Map  
 Dunkin Donuts/Baskin Robbins  
 Stonewood Village

CU-19-05  
 D/LL: 2/2/1110  
 PC: 10/3/19  
 CC: 10/28/19

Location Map Provided by:  
 Community Development - GIS

Elevations 10.18.19



Elevations 10.18.19



Elevations 10.18.19



GENERAL NOTES

THE BOUNDARY LINE INFORMATION SHOWN HEREON IS BASED ON THE FOLLOWING REFERENCE: BOUNDARY AND TOPOGRAPHIC SURVEY FOR NG STONEWOOD VILLAGE, LLC. PREPARED BY BATES-LONG AND ASSOCIATES, DATED MAY 9, 2019.

TOTAL AREA - 0.3247 ACRES

BUILDING LINE SETBACKS: FRONT - 65 FEET, SIDE - 15 FEET, REAR - 15 FEET

PROPOSED BUILDING HEIGHT: 28'

ZONED: C-1

NO ADDITIONAL DRIVEWAY ENTRANCE FROM COGBURN RD. OR NORTH MAIN STREET ARE PROPOSED FOR THIS PHASE OF DEVELOPMENT. EXISTING ENTRANCES WILL SERVE THE PROPOSED DEVELOPMENT.

ENTRANCE MONUMENTS ARE TO BE LOCATED A MINIMUM OF 10 FEET OUTSIDE R/W.

PARKING CALCULATIONS: RESTAURANT: 1 SPACE / 100 SF = 2,400 SF/100 = 24 PARKING SPACES REQUIRED

PARKING PROVIDED: 25 PARKING SPACES PROVIDED TO SERVE THIS DEVELOPMENT.

NOTE: NOTIFY CITY OF ALPHARETTA INSPECTOR 24 HOURS BEFORE THE BEGINNING PHASE OF CONSTRUCTION.

NOTE: ALL STRUCTURES WILL BE REQUIRED TO CONFORM TO THE STANDARD BUILDING CODE'S HORIZONTAL SEPARATION STANDARDS. APPROVAL OF THIS PERMIT WILL NOT JUSTIFY ANY DEVIATION IN HORIZONTAL SEPARATION STANDARDS AS ADOPTED AND AMENDED BY THE GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS.

ALL STRUCTURES WILL COMPLY WITH THE FIRE SEPARATION DISTANCE REQUIREMENTS OF THE INTERNATIONAL BUILDING CODE AS ADOPTED AND AMENDED BY THE GA DEPARTMENT OF COMMUNITY AFFAIRS. APPROVAL OF THIS PERMIT WILL NOT JUSTIFY ANY DEVIATION FROM THE REQUIRED FIRE SEPARATION DISTANCES.

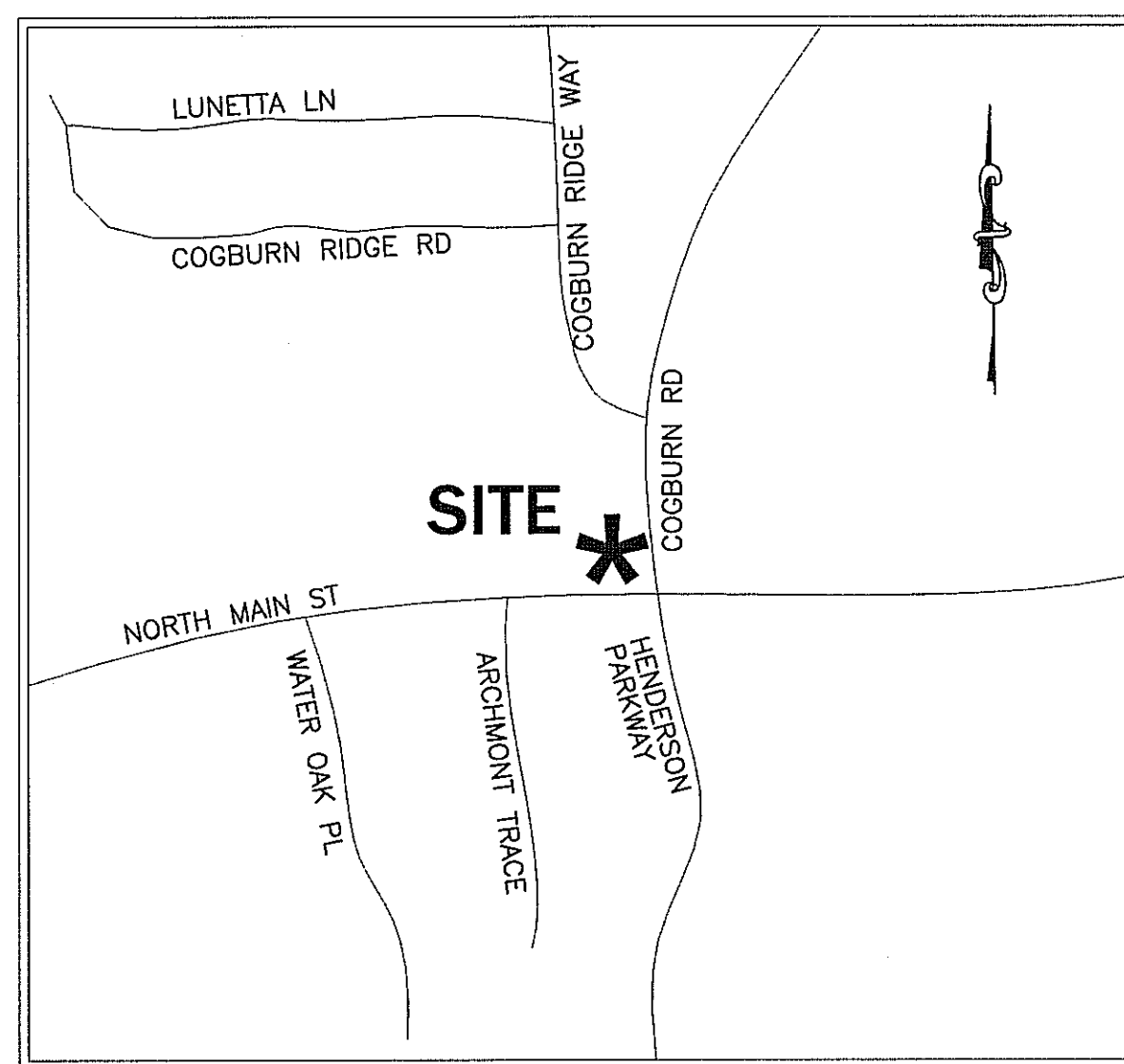
CONSTRUCTION WASTE AND/OR VEGETATIVE MATERIAL MAY NOT BE BURIED AND MUST BE TAKEN TO A STATE APPROVED LANDFILL.

REQUIRED LANDSCAPING MUST BE IN PLACE PRIOR TO THE APPROVAL OF AN ASBUILT.

GROUND MOUNTED EQUIPMENT SUCH AS POWER TRANSFORMERS AND AIR-CONDITIONING UNITS SHALL BE SCREENED FROM VIEW FROM PUBLIC RIGHT-OF-WAY BY FENCING OR LANDSCAPING; IF LANDSCAPING IS PROPOSED TO SCREEN THESE ELEMENTS INCORPORATE THE VEGETATION INTO THE LANDSCAPE PLAN.

ALL ROOFTOP MECHANICAL EQUIPMENT SHALL BE SCREENED FROM THE VIEW FROM THE PUBLIC RIGHT-OF-WAY AND ADJACENT STREETS BY MATERIAL COMPATIBLE WITH THE BUILDING ARCHITECTURE, BY THE USE OF A PARAPET WALL, OR BY SPECIALLY DESIGNED ROOFTOP PENTHOUSE ENCLOSURES.

ALL WATER TOWERS, COOLING TOWERS, STORAGE TANKS, AND OTHER STRUCTURES OR EQUIPMENT INCIDENTAL TO THE PRIMARY USE OF A BUILDING OR SITE SHALL BE ARCHITECTURALLY COMPATIBLE WITH THE PRINCIPAL BUILDING OR EFFECTIVELY SCREENED FROM VIEW FROM THE PUBLIC RIGHT-OF-WAYS.



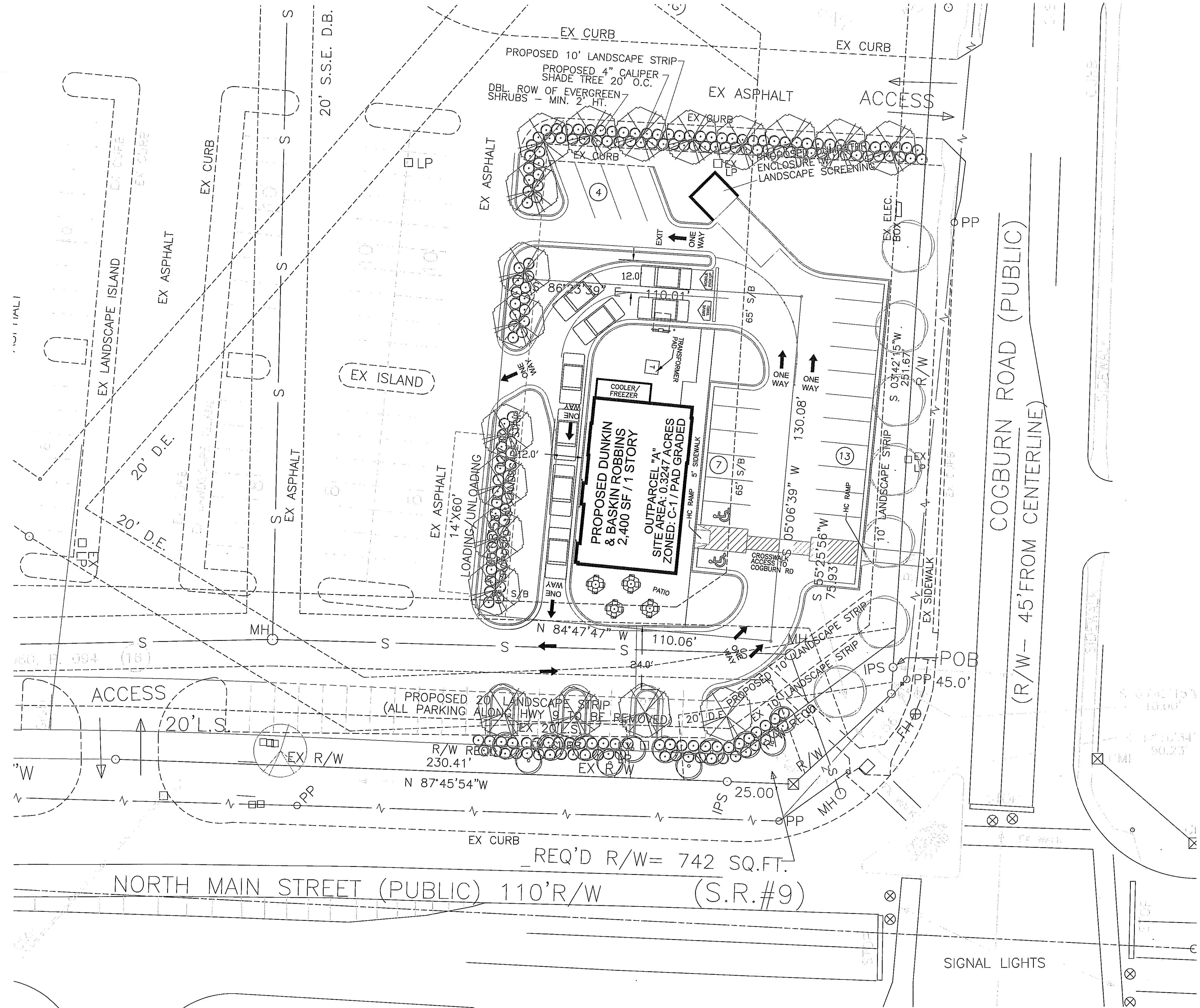
VICINITY MAP NTS

STORMWATER DETENTION REQUIREMENTS FOR THE SUBJECT SITE WILL BE HANDLED BY THE REGIONAL DETENTION POND FOR STONEWOOD VILLAGE.

THERE ARE NO STATE WATERS LOCATED ON THE SUBJECT SITE THAT WOULD REQUIRE ANY ASSOCIATED BUFFERS.

THIS PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD HAZARD ZONE PER F.I.R.M. MAP NO. 13121C0058F DATED 09/18/2013.

OWNER/DEVELOPER: IOAN DONUTS HOLDINGS, LLC 1050 CAMBRIDGE SQUARE, SUITE A ALPHARETTA, GA 30009 PHONE: 772-260-7055



PLANTING WITHIN NEW GDOT R/W

THE GA DOT IS REQUESTING ADDITIONAL R/W ALONG HWY 9. CURRENTLY THE EX. 20' LANDSCAPE STRIP ENCROACHES INTO THE EXISTING ASPHALT PARKING. THE CURRENT LANDSCAPING ALONG HWY 9 FRONTAGE WILL STAY THE SAME WITH THE ADDITION OF CONVERTING 3 EXISTING PARKING SPACES INTO TREE ISLANDS. AT TIME OF PERMITTING WE WILL SHOW THE ADDITION OF 4 CANOPY SHADE TREES ALONG WITH THE EXISTING TREES AND SHRUBS THAT ARE EXISTING. ONCE GDOT COMPLETES IMPROVEMENTS WITHIN THE OBTAINED R/W WE WILL PLANT ADDITIONAL UNDERSTORY TREES AND SHRUBS WITHIN THE GDOT R/W. GDOT HAS EXPRESSED THAT THE AREA BETWEEN THE 12' MULTIUSE SIDEWALK AND NEW R/W WILL BE CALLED AND PERMANENT EASEMENT WHICH WE CAN PLANT ADDITIONAL TREES AND SHRUBS.

0.3247 ACRES ZONED: C-1

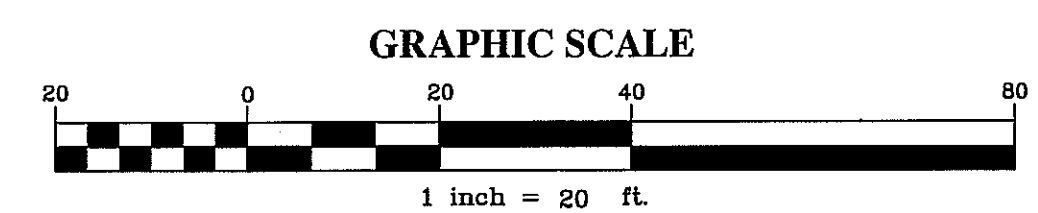
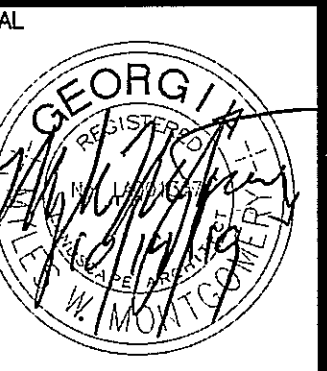


Table with columns: NO., DATE, REVISIONS. Includes entries for 1/9/17/19 and 2/10/14/19.



THIS DRAWING, AS AN INSTRUMENT OF SERVICE, IS AND SHALL REMAIN THE PROPERTY OF THE ENGINEER AND SHALL NOT BE REPRODUCED, PUBLISHED OR USED IN ANY WAY WITHOUT THE PERMISSION OF THE ENGINEER.

THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS AT THE SITE BEFORE PROCEEDING WITH EACH PHASE OF THE WORK.

Civilscapes, Inc. CIVIL ENGINEERING & LANDSCAPE ARCHITECTURE P.O. BOX 2115 CUMMING, GEORGIA 30028 OFFICE: 678-513-8836 CELL: 770-315-8274

CONCEPTUAL SITE PLAN FOR DUNKIN - BASKIN ROBBINS COGBURN ROAD SITE L.L. 1110 / 2ND DISTRICT / 2ND SECTION CITY OF ALPHARETTA \* FULTON COUNTY, GEORGIA

Table with columns: SHEET NUMBER (1), SCALE (1" = 20'), DATE (7/18/19), PROJECT NO. (19-056)

**From:** [Drinkard, James](#)  
**To:** [Cook, Kathi](#); [Taylor, Elicia](#)  
**Cc:** [O'Dwyer, Amber](#)  
**Subject:** Fwd: CONCERNS ABOUT CU-19-05 Dunkin Donuts/Stonewood Village  
**Date:** Sunday, September 29, 2019 8:11:33 PM

---

FYI below.

JAMES T. DRINKARD  
ASSISTANT CITY ADMINISTRATOR  
CITY OF ALPHARETTA, GEORGIA  
WORK: 678.297.6014  
CELL: 770.653.1738  
FAX: 678.802.3293  
EMAIL: [jdrinkard@alpharetta.ga.us](mailto:jdrinkard@alpharetta.ga.us)  
2 Park Plaza  
Alpharetta, GA 30009  
Phone: 678.297.6000  
[www.alpharetta.ga.us](http://www.alpharetta.ga.us)

---

**From:** Gabriela Guerrero [REDACTED]  
**Sent:** Sunday, September 29, 2019 7:02 PM  
**To:** Drinkard, James; [odwyer@alpharetta.ga.us](mailto:odwyer@alpharetta.ga.us)  
**Subject:** Fwd: CONCERNS ABOUT CU-19-05 Dunkin Donuts/Stonewood Village

----- Forwarded message -----

**From:** **Gabriela Guerrero** [REDACTED]  
**Date:** Sun, Sep 29, 2019 at 6:50 PM  
**Subject:** CONCERNS ABOUT CU-19-05 Dunkin Donuts/Stonewood Village  
**To:** <[jgilvin@alpharetta.ga.us](mailto:jgilvin@alpharetta.ga.us)>, <[dmitchell@alpharetta.ga.us](mailto:dmitchell@alpharetta.ga.us)>

Dear Honorable Mayor Jim Gilvin and Councilor Donald Mitchell,

I am a resident of the Gatewood neighborhood behind Stonewood Village and the proposed site of a new Dunkin Donuts. I have the following concerns about this development:

1. The restaurant's speaker post faces the neighborhood and I do not wish to hear orders being taken day and night or be forced to repeatedly bother Alpharetta PD with noise complaints. The proposed buffer may be more than the City requires but is less than suitable for preventing sound from a restaurant speaker this close to a residential area. I request the restaurant re-orient their speaker to face the Stonewood Village parking lot (west facing) so it will not disturb residence. I understand that DD may not wish to make this change but they can and should as a good neighbor.
2. Egress to the east of the lot comes out just south of the Gatewood egress and there is little line of sight currently. There will be an increase in morning traffic as DD's peak hours are in the morning and Gatewood is a child friendly neighborhood with a bus stop and parents who regularly drive their children to the bus and then leave for work. An AT&T switch box and trees are the main opportunity. I ask the City require the switch box(es) be moved and trees cut back to improve line of sight and child safety.
3. The light at Hwy9 and Cogburn Rd will experience higher car counts once DD customers realize they can't easily make a left out of the plaza onto eastbound Hwy 9 and start using the east exit from the plaza to get to the traffic light on Cogburn. Breakfast traffic, DD's peak hours, will be heading to 400 and will want to get to it after coffee. I propose the City lay sensors to turn the left signal green at Hwy9/Cogburn several cars before car counts accumulate past the east egress, blocking that exit and encouraging drivers to pull out and block the other lane and backing up into the children's bus stop.

The McDonalds at 5025 Peachtree Pkwy, Norcross, GA 30092 and the Dunkin Donuts at 5075 Peachtree Pkwy Suite 201, Norcross, GA 30092 are excellent examples of the town protecting residents from speaker post noise in the past as these two locations are too close to residents.

Thank you for watching out for residents as our City continues to grow its tax base in a productive manner.

Respectfully,

Gabriela Guerrero (Gatewood Resident)

2405 Cogburn Ridge Road  
Alpharetta, GA 30004

# Please Sign-In If you wish to Speak on Public Hearing Item

**Dunkin Donuts/Stonewood Village**

**9.11.19**

NAME	ADDRESS	Comments
Christopher Lynd	112 North Main St. Cumming, GA 30040	

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## CITIZEN PARTICIPATION FORM - PART B

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*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: Ioan Donuts Holdings, LLC - CU-19-05

Contact Name: Christopher D. Light Telephone: 770-887-7761

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.

The Applicant's representatives have not received any response from their public participation efforts. Please find attached hereto as Exhibit "A" copy of the letter which was mailed on August 19, 2019 along with Certificates of Mailing showing who was notified.

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 type="checkbox"/> Telephone         | <input type="checkbox"/> Group Meeting                |
| <input type="checkbox"/> Email             | <input type="checkbox"/> 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: 9/6/19

[Print Form](#)

# Exhibit "A"

LAW OFFICES  
LIPSCOMB, JOHNSON, SLEISTER, DAILEY & SMITH, LLP

112 NORTH MAIN STREET  
CUMMING, GEORGIA 30040  
TELEPHONE: 770-887-7761  
FAX: 770-889-8123

EMORY LIPSCOMB  
COY R. JOHNSON, P.C.  
PUTNAM CLARK SMITH, P.C.  
CHRISTOPHER D. LIGHT  
SEAN COURTNEY  
WILLIAM V. HANSARD

MICHAEL R. SLEISTER, P.C.  
*Of Counsel*

RICHARD A. NEWTON, P.C.  
*Of Counsel*

L. LEE DAILEY  
(1939-2013)

August 19, 2019

Re: Applicant: Ioan Donuts Holdings, LLC  
Dunkin Donuts/Baskin Robbins  
Case Number: CU-19-05

Dear Neighbors:

You are receiving this notice because you own property within 500' of outparcel "A" located on the Northwest side of Cogburn Road and North Main Street in the Stonewood Village Shopping Center. The Applicant has submitted a Conditional Use Permit with the City of Alpharetta to facilitate the construction and use of the property as a Dunkin Donuts and Baskin Robbins with a drive-thru. The property is currently zoned C-1 (Neighborhood Commercial) and is approximately 0.3247 acres.

You are invited to participate in the Community Zoning Information Meeting which is scheduled for September 11, 2019 from 6:00 p.m. to 7:00 p.m. in the Multi-Purpose Room at City Hall which is located at 2 Park Plaza, Alpharetta, GA 30009. The Applicant encourages those that have questions and concerns about this application to attend.


**Be advised that this proposal is expected/tentatively scheduled to be considered by the Planning Commission on October 3, 2019 @ 6:30 p.m. (subject to change) and the City Council on October 28, 2019 @ 6:30 p.m. (subject to change). Both of these meetings take place in the Council Chambers in the Alpharetta City Hall Building, located at 2 Park Plaza, Alpharetta, GA 30009.**

For your reference, we have included a copy of the survey and site plan. Additional information will also be posted on the city website at:

<https://www.alpharetta.ga.us/government/departments/community-development/public-hearings>.

**If you are unable to attend and would like more information, feel free to contact Kimberly McBrayer ([kimberly@lipscombjohnson.com](mailto:kimberly@lipscombjohnson.com)) who is handling the public participation for this application, or me ([christopher@lipscombjohnson.com](mailto:christopher@lipscombjohnson.com)).**

We look forward to discussing with you.  
Sincerely,

  
Christopher D. Light  
Attorney for the Applicant

**GENERAL NOTES**

THE BOUNDARY LINE INFORMATION SHOWN HEREON IS BASED ON THE FOLLOWING REFERENCE:  
 - SURVEY AND TOPOGRAPHIC SURVEY FOR NO STONEWOOD VILLAGE, LLC. PREPARED BY BATES-LONG AND ASSOCIATES, DATED MAY 8, 2019.

TOTAL AREA - 0.3247 ACRES

BUILDING LINE SETBACKS

FRONT - 25 FEET

REAR - 15 FEET

PROPOSED BUILDING HEIGHT: 28'

ZONED: C-1

NO ADDITIONAL DRIVEWAY ENTRANCE FROM COGBURN RD. OR NORTH MAIN STREET ARE PROPOSED FOR THIS PHASE OF DEVELOPMENT. EXISTING ENTRANCES WILL SERVE THE PROPOSED DEVELOPMENT.

ENTRANCE MONUMENTS ARE TO BE LOCATED A MINIMUM OF 10 FEET OUTSIDE R/W. PARKING CALCULATIONS: RESTAURANTS: 1 SPACE / 100 SF = 2,400 SF/100 = 24 PARKING SPACES REQUIRED

PARKING PROVIDED:

25 PARKING SPACES PROVIDED TO SERVE THIS DEVELOPMENT.

NOTE: NOTIFY CITY OF ALPHARETTA INSPECTOR 24 HOURS BEFORE THE BEGINNING PHASE OF CONSTRUCTION.

NOTE: ALL STRUCTURES WILL BE REQUIRED TO CONFORM TO THE STANDARD BUILDING CODE'S HORIZONTAL SEPARATION STANDARDS. APPROVAL OF THIS PERMIT WILL NOT JUSTIFY ANY DEVIATION IN HORIZONTAL SEPARATION STANDARDS AS ADOPTED AND AMENDED BY THE GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS.

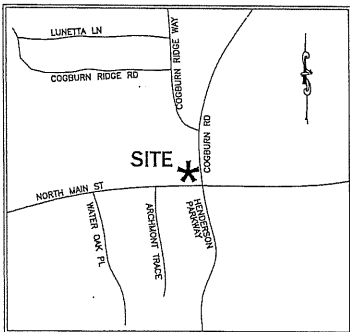
ALL STRUCTURES WILL COMPLY WITH THE FIRE SEPARATION DISTANCE REQUIREMENTS OF THE INTERNATIONAL BUILDING CODE AS ADOPTED AND AMENDED BY THE GA DEPARTMENT OF COMMUNITY AFFAIRS. APPROVAL OF THIS PERMIT WILL NOT JUSTIFY ANY DEVIATION FROM THE REQUIRED FIRE SEPARATION DISTANCES.

CONSTRUCTION WASTE AND/OR VEGETATIVE MATERIAL MAY NOT BE BURIED AND MUST BE TAKEN TO A STATE APPROVED LANDFILL. REQUIRED LANDSCAPING MUST BE IN PLACE PRIOR TO THE APPROVAL OF AN ASBUILT.

GROUND MOUNTED EQUIPMENT SUCH AS POWER TRANSFORMERS AND AIR-CONDITIONING UNITS SHALL BE SCREENED FROM VIEW FROM PUBLIC RIGHT-OF-WAY BY FENCING OR LANDSCAPING. IF LANDSCAPING IS PROPOSED TO SCREEN THESE ELEMENTS INCORPORATE THE VEGETATION INTO THE LANDSCAPE PLAN.

ALL ROOFTOP MECHANICAL EQUIPMENT SHALL BE SCREENED FROM THE VIEW FROM THE PUBLIC RIGHT-OF-WAY AND ADJACENT STREETS BY MATERIAL COMPATIBLE WITH THE BUILDING ARCHITECTURE, BY THE USE OF A PARAPET WALL, OR BY SPECIALLY DESIGNED ROOFTOP PENHOUSE ENCLOSURES.

ALL WATER TOWERS, COOLING TOWERS, STORAGE TANKS, AND OTHER STRUCTURES OR EQUIPMENT INCIDENTAL TO THE PRIMARY USE OF A BUILDING OR SITE SHALL BE ARCHITECTURALLY COMPATIBLE WITH THE PRINCIPAL BUILDING OR EFFECTIVELY SCREENED FROM VIEW FROM THE PUBLIC RIGHT-OF-WAYS.

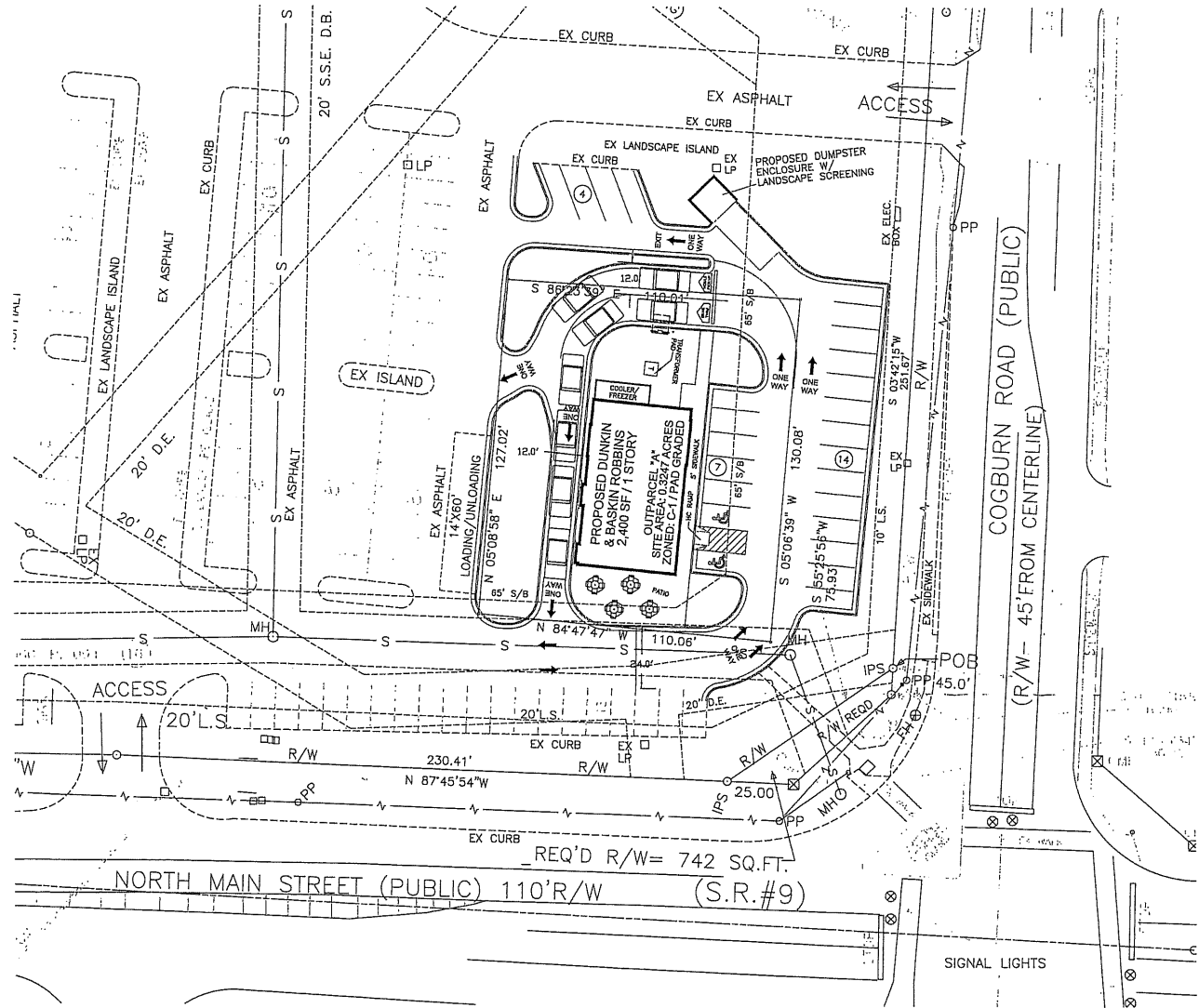


VICINITY MAP  
NTS

STORMWATER DETENTION REQUIREMENTS FOR THE SUBJECT SITE WILL BE HANDLED BY THE REGIONAL DETENTION POND FOR STONEWOOD VILLAGE.

THERE ARE NO STATE WATERS LOCATED ON THE SUBJECT SITE THAT WOULD REQUIRE ANY ASSOCIATED BUFFERS.

THIS PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD HAZARD ZONE PER F.I.R.M. MAP NO. 13121C0058F DATED 09/18/2013.

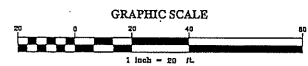


**OWNER/DEVELOPER:**

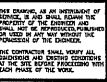
IRON DONUTS HOLDINGS, LLC  
 1050 CAMBRIDGE SQUARE, SUITE A  
 ALPHARETTA, GA 30009  
 PHONE: 772-280-7055

**0.3247 ACRES**

**ZONED: C-1**



NO.	DATE	REVISIONS	REMARKS



THE ENGINEER, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, HAS REVIEWED THE PROJECT AND FOUND IT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE GEORGIA PROFESSIONAL ENGINEERING ACT.

**Civilscapes, Inc.**  
 CIVIL ENGINEERING & LANDSCAPE ARCHITECTURE  
 1000 CAMBRIDGE SQUARE, SUITE A  
 ALPHARETTA, GA 30009  
 OFFICE: 770-315-8274  
 CELL: 770-315-8274

CONCEPTUAL SITE PLAN  
 FOR  
**DUNKIN - BASKIN ROBBINS**  
**COGBURN ROAD SITE**  
 LL-1119 / 2ND DISTRICT / 2ND SECTION  
 CITY OF ALPHARETTA • FULTON COUNTY, GEORGIA

SHEET NUMBER	1
SCALE	1" = 20'
DATE	7/18/19
PROJECT NO.	19-056



Firm Mailing Book For Accountable Mail

Name and Address of Sender  
**Lipscomb & Johnson**  
**112 North Main Street**  
**Cumming, GA 30040**

- Check type of mail or service
- Adult Signature Required
  - Adult Signature Restricted Delivery
  - Certified Mail
  - Certified Mail Restricted Delivery
  - Collect on Delivery (COD)
  - Insured Mail
  - Priority Mail
  - Priority Mail Express
  - Registered Mail
  - Return Receipt for Merchandise
  - Signature Confirmation
  - Signature Confirmation Restricted Delivery

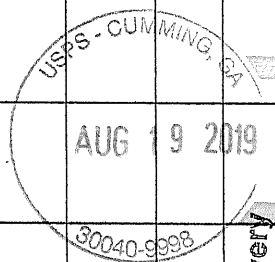
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U.S. POSTAGE PAID  
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 30040  
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**\$19.68**  
 R2304E105728-07

USPS Tracking/Article Number	Addressee (Name, Street, City, State, & ZIP Code™)	Postage	Fee	Fee	Fee	Fee	COD	Fee	Fee	Fee	Fee	Fee	Fee	Fee	Fee	Fee	Fee	SCRD	SH
																		Fee	Fee
1.	FARD JOHN A 296 WATER OAK PL ALPHARETTA GA 30004																		
2.	WATERCREST COMMUNITY ASSOCIATION I NC 1401 PEACHTREE ST STE 430 ATLANTA GA 30309																		
3.	RAMZAN IMTIAZ M & ANBARSERRI SANAA 2504 HIGHGLEN CT ALPHARETTA GA 30009																		
4.	UMAROV SAID 292 WATER OAK PL ALPHARETTA GA 30009																		
5.	GUNTURI SUMANTH SHAH SONAL 2508 HIGHGLEN CT ALPHARETTA GA 30009																		
6.	KUCUKTAS TUNCAY KUCUKTAS NILGUN 288 WATER OAK PL ALPHARETTA GA 30004																		
7.	PHILLIPS ANDREA L 12743 ARCHMONT TRCE MILTON GA 30009																		
8.	SANDERS VALMA K & SANDERS MICHAEL D 2512 HIGHGLEN CT ALPHARETTA GA 30004																		



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

Adult Signature Required  
 Adult Signature Restricted Delivery  
 Restricted Delivery  
 Return Receipt  
 Signature Confirmation  
 Signature Confirmation Restricted Delivery

Total Number of Pieces Listed by Sender: *8*  
 Total Number of Pieces Received at Post Office: *8*

Postmaster, Pgr (Name of receiving employee)  
*Juanita O Neal Lighty*



Firm Mailing Book For Accountable Mail

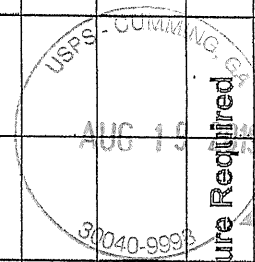
Name and Address of Sender  
**Lipscomb & Johnson**  
**112 North Main Street**  
**Cumming, GA 30040**

Check type of mail or service

<input type="checkbox"/> Adult Signature Required	<input type="checkbox"/> Priority Mail Express
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail
<input type="checkbox"/> Certified Mail	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation
<input type="checkbox"/> Collect on Delivery (COD)	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Insured Mail	
<input type="checkbox"/> Priority Mail	

Affix Stamp Here  
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1.	HPA BORROWER 2016 2 LLC 180 N STETSON SUITE 3650 CHICAGO IL 60601													
2.	ELIAS DAVID L 12739 ARCHMONT TRC ALPHARETTA GA 30009													
3.	CHAUBEY AMARENDRA KUMARI PRITI 2516 HIGHGLEN CT ALPHARETTA GA 30004													
4.	AHMED AMIR & MEGAHED MONA 279 WATER OAK PL ALPHARETTA GA 30009-8382													
5.	KOPPISETTY MURTHY VENKATA SURYA & VITTHANALA LAKSH 12735 ARCHMONT TRC ALPHARETTA GA 30009													
6.	HENDERSON LANDING HOMEOWNERS ASSN INC 5665 ATLANTA HWY ALPHARETTA GA 30004-3932													
7.	OHANU CATHERINE C 283 WATER OAK PL ALPHARETTA GA 30004													
8.	SOLLOGUB JACQUELINE 12731 ARCHMONT TRCE MILTON GA 30004													



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

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 Return Receipt  
 Signature Confirmation  
 Signature Confirmation Restricted Delivery  
 Special Handling

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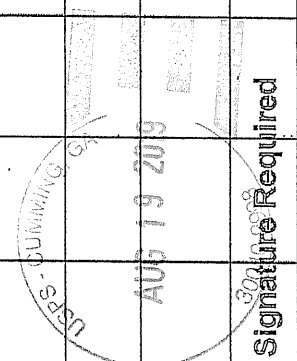
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1.	DAM TRANG THUY & NGUYEN HOAN VAN 940 KNOLL CREST CT ALPHARETTA GA 30004			Handling Charge - if Registered and over \$50,000 in value											
2.	JANNA LYNN WEBB NORDEN LIVING TRUS T THE 12727 ARCHMONT TRCE ALPHARETTA GA 30009														
3.	SOUFATAI BADRY 1270 CREST VALLEY DR ATLANTA GA 30327-4529														
4.	KASTURI SATYAVIKAS & DEVALARAZU DE EPTHI 291 WATER OAK PL ALPHARETTA GA 30004														
5.	YU CHUNG G & YU SHERRYLYN 12719 ARCHMONT TRC ALPHARETTA GA 30009														
6.	LEATHERS JACK & JEANETTE 12890 COGBURN RD ALPHARETTA GA 30004-3601														
7.	BABARINDE OLANREWAJU A BABARINDA O LOLADE TOLULOPE 295 WATER OAK PL ALPHARETTA GA 30004														
8.	DAVIS SARA R 3525 MERGANSER LANE ALPHARETTA GA 30022														



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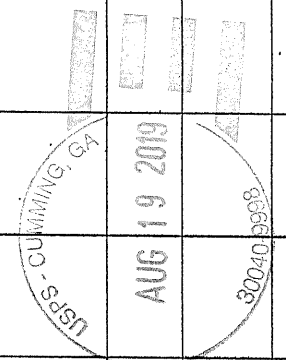
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1.	SARRIS GEORGE S & ANNE B 7665 S SPALDING LAKE DR SANDY SPRINGS GA 30350-1047			Handling Charge - if Registered and over \$50,000 in value											
2.	CHARLES CLAUDE D & LAFRANCE KERLINE 730 CREEK RD ALPHARETTA GA 30004														
3.	CHRISTENSEN EDWARD JAMES JR 2500 HIGHGLEN CT ALPHARETTA GA 30009														
4.	VIII FS ALPHARETTA LLC 591 W PUTNAM AVE GREENWICH CT 06830														
5.	BHATIA HOLDINGS ALPHARETTA LLC 315 HENDERSON VILLAGE PKWY ALPHARETTA GA 30004														
6.	REEVES KAY S 535 COGBURN RIDGE WAY ALPHARETTA GA 30004-3686														
7.	ARHC ALALPGA01 LLC 7621 LITTLE AVE SUITE 200 CHARLOTTE NC 28226														
8.	HENDERSON HEIGHTS LLC 4776 MYSTIC DR NE ATLANTA GA 30342														



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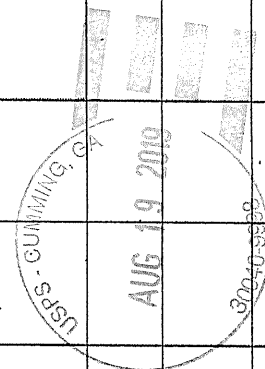
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**Cumming, GA 30040**

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1.	GALVEZ JOSE G 3745 HOMESTEAD RIDGE DR CUMMING GA 30041			Handling Charge - if Registered and over \$50,000 in value											
2.	MCWP LLC 11340 LAKEFIELD DR SUITE 250 DULUTH GA 30097														
3.	NG STONEWOOD VILLAGE LLC 1430 BROADWAY ST SUITE 1605 NEW YORK NY 10018														
4.	MOOR TAMARA 525 COGBURN RIDGE WAY ALPHARETTA GA 30004								Adult Signature Required	Adult Signature Restricted Delivery	Restricted Delivery	Return Receipt	Signature Confirmation	Signature Confirmation Restricted Delivery	Special Handling
5.	SMOLTZ MICHAEL A & KAREN 2525 COGBURN RIDGE RD ALPHARETTA GA 30004														
6.	COOPER NORMAN T 2535 COGBURN RIDGE RD ALPHARETTA GA 30004														
7.	ABIOLA GARTH & CHUNG ABIOLA CATHY JOE P 2495 COGBURN RIDGE RD ALPHARETTA GA 30004														
8.	CHESIN KIMBERLY D & GRANT A 2505 COGBURN RIDGE RD ALPHARETTA GA 30004														



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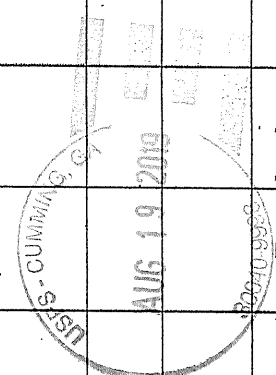
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**112 North Main Street**  
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<input type="checkbox"/> Adult Signature Required	<input type="checkbox"/> Priority Mail Express
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1.	TUDOR LAUREN S 505 COGBURN RIDGE WAY ALPHARETTA GA 30004			Handling Charge - if Registered and over \$50,000 in value											
2.	SHRESTHA RAGHU 2555 COGBURN RIDGE RD ALPHARETTA GA 30004														
3.	EL AYOUBY NADIA 2515 COGBURN RIDGE RD ALPHARETTA GA 30004														
4.	PEGJOON LLC P.O. BOX 76228 ATLANTA GA 30358-1228								Adult Signature Required	Adult Signature Restricted Delivery	Restricted Delivery	Return Receipt	Signature Confirmation	Signature Confirmation Restricted Delivery	Special Handling
5.	ZUNIGA MARIA 2485 COGBURN RIDGE RD ALPHARETTA GA 30004														
6.	CITY OF ALPHARETTA 354 KAREN DR ALPHARETTA GA 30004														
7.	WATERS JERRY L & BOLIGAO ACUILINA 515 COGBURN RIDGE WAY ALPHARETTA GA 30004-3686														
8.	ARHC ALALPGA01 LLC 7621 LITTLE AVE SUITE 200 CHARLOTTE NC 28226														



Total Number of Pieces Listed by Sender <b>8</b>	Total Number of Pieces Received at Post Office <b>8</b>	Postmaster, Per (Name of receiving employee) <b>Juanita O'Neal-Lighty</b>
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# 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: Christopher D. Light/Lipscomb, Johnson, Sleister, Dailey & Smith, LLP

Telephone: **770-887-7761**

Address: **112 North Main Street**

Suite: \_\_\_\_\_

City: **Cumming**

State: **GA**

Zip: **30040**

Fax: **770-889-8123**

Mobile Tel: **770-887-7761**

Email: **christopher@lipscombjohnson.com**

### Subject Property Information:

Address: **670 North Main Street, Alpharetta, GA 30009**

Current Zoning: **C-1**

District: **2nd**

Section: **2nd**

Land Lot: **1110**

Parcel ID: **22 496011100793**

Proposed Zoning: **N/A**

Current Use: **Vacant Outparcel**

### 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):* \_\_\_\_\_

## APPLICANT REQUEST AND INTENT

---

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

Dunkin Donuts and Baskin Robbins

Applicant's Request (Please itemize the proposal):

The Applicant is seeking a Conditional Use Permit in order to utilize the subject property for a Dunkin Donuts and Baskin Robbins restaurant with a drive-thru.

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

The proposal would facilitate the use of a drive-thru.

7/26/19

Dunkin Donuts/Baskin Robbins

### PROPERTY OWNER AUTHORIZATION

**Property Owner Information:**

Contact Name: JOSHUA BARNES Telephone: 678-297-2700  
 Address: 12650 CRABAPPLE ROAD Suite: 200  
 City: MILTON State: GA Zip: 30004

**Authorization:**

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

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

- Annexation
- Rezoning
- Variance
- Land Use Application
- Special Use
- Conditional Use
- Master Plan
- Other

**Identify Authorized Applicant:**

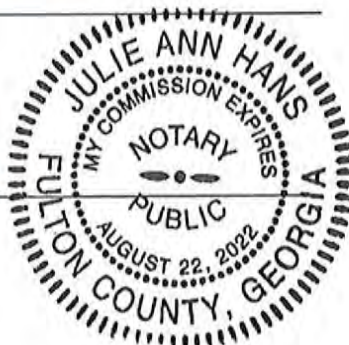
Name of Authorized Applicant: DUNKIN DONUTS HOLDINGS, LLC Telephone: 770-260-7055  
 Address: 1050 CAMBRIDGE SQUARE Suite: A  
 City: ALPHARETTA State: GA Zip: 30009

**So Sworn and Attested:**

Owner Signature: [Signature] Date: 7/12/2019

Notary:

Notary Signature: [Signature] Date: 7/12/19



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: Ioan Donuts Holdings, LLC

Subject Public Hearing Case: Conditional Use Permit

Campaign Contribution Information:

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

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

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

Description of Contribution: \_\_\_\_\_ Value: \_\_\_\_\_

Description of Contribution: \_\_\_\_\_ Value: \_\_\_\_\_

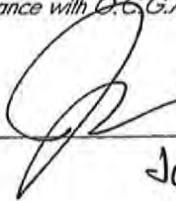
Description of Contribution: \_\_\_\_\_ Value: \_\_\_\_\_

Description of Contribution: \_\_\_\_\_ Value: \_\_\_\_\_

Description of Contribution: \_\_\_\_\_ Value: \_\_\_\_\_

Campaign Contribution Information:

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

Signature:   
James Lasikaris

Date: 7-19-19

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Description of Contribution: \_\_\_\_\_ Value: \_\_\_\_\_

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

Description of Contribution: \_\_\_\_\_ Value: \_\_\_\_\_

Description of Contribution: \_\_\_\_\_ Value: \_\_\_\_\_

### Campaign Contribution Information:

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

Signature: 

Date: 7/19/19

---

## ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

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How will this proposal be compatible with surrounding properties?

Surrounding properties include retail, restaurant and other commercial uses.

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

The proposal will not have any adverse affect of the use and value of surrounding properties.

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

The subject property has been on the market for some time and has not had any interest lately except for the proposed Dunkin Donuts and Baskin Robbins. Therefore, we believe the property can't be developed economically without the Conditional Use Permit.

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

There would be no increase to the population or traffic as it is anticipated that the proposed use would utilize the existing traffic trips and population that live and/or commute in that area.

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

None

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

The proposal is consistent with the Comprehension Plan and Future Land Use Map because the property is already zoned.

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

No

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

# CITIZEN PARTICIPATION FORM - PART A

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

Public Hearing or Project Name: Ioan Donuts Holdings, LLC

Contact Name: Christopher D. Light Telephone: 770-887-7761

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

Please See Attached Exhibit of property owners to be notified

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

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 <i>(Please Specify)</i> |

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.

The Applicant's representative will notify property owners within 500 feet of the subject property by letters which will be mailed via Certificate of Mailing. The Applicant's representative will provide contact information in which they can communicate about any questions or concerns they may have. The letter will also include the purpose of the purposed CUP application along with time, dates and locations of all pertinent meetings.

LAW OFFICES

## LIPSCOMB, JOHNSON, SLEISTER, DAILEY &amp; SMITH, LLP

112 NORTH MAIN STREET  
CUMMING, GEORGIA 30040  
TELEPHONE: 770-887-7761  
FAX: 770-889-8123EMORY LIPSCOMB  
COY R. JOHNSON, P.C.  
PUTNAM CLARK SMITH, P.C.  
CHRISTOPHER D. LIGHT  
SEAN COURTNEY  
WILLIAM V. HANSARDMICHAEL R. SLEISTER, P.C.  
*Of Counsel*RICHARD A. NEWTON, P.C.  
*Of Counsel*L. LEE DAILEY  
*(1939-2013)*

DATE

Re: Applicant: loan Donuts Holdings, LLC  
Case Number: \_\_\_\_\_

Dear Neighbors:

You are receiving this notice because you own property within 500' of outparcel "A" located on the Northwest side of Cogburn Road and North Main Street in the Stonewood Village Shopping Center. The Applicant has submitted a Conditional Use Permit with the City of Alpharetta to facilitate the construction and use of the property as a Dunkin Donuts and Baskin Robbins with a drive-thru. The property is currently zoned C-1 (Neighborhood Commercial) and is approximately 0.3247.

You are invited to participate in the Community Zoning Information Meeting which is scheduled for September 11, 2019 at 6:00 p.m. in the Multi-Purpose Room at City Hall which is located at 2 Park Plaza, Alpharetta, GA 30009. The Applicant encourages those that have questions and concerns about this application to attend.

**Be advised that this proposal is expected/tentatively scheduled to be considered by the Planning Commission on October 3, 2019 @ 6:30 p.m. (subject to change) and the City Council on October 28, 2019 @ 6:30 p.m. (subject to change). Both of these meetings take place in the Council Chambers in the Alpharetta City Hall Building, located at 2 Park Plaza, Alpharetta, GA 30009.**

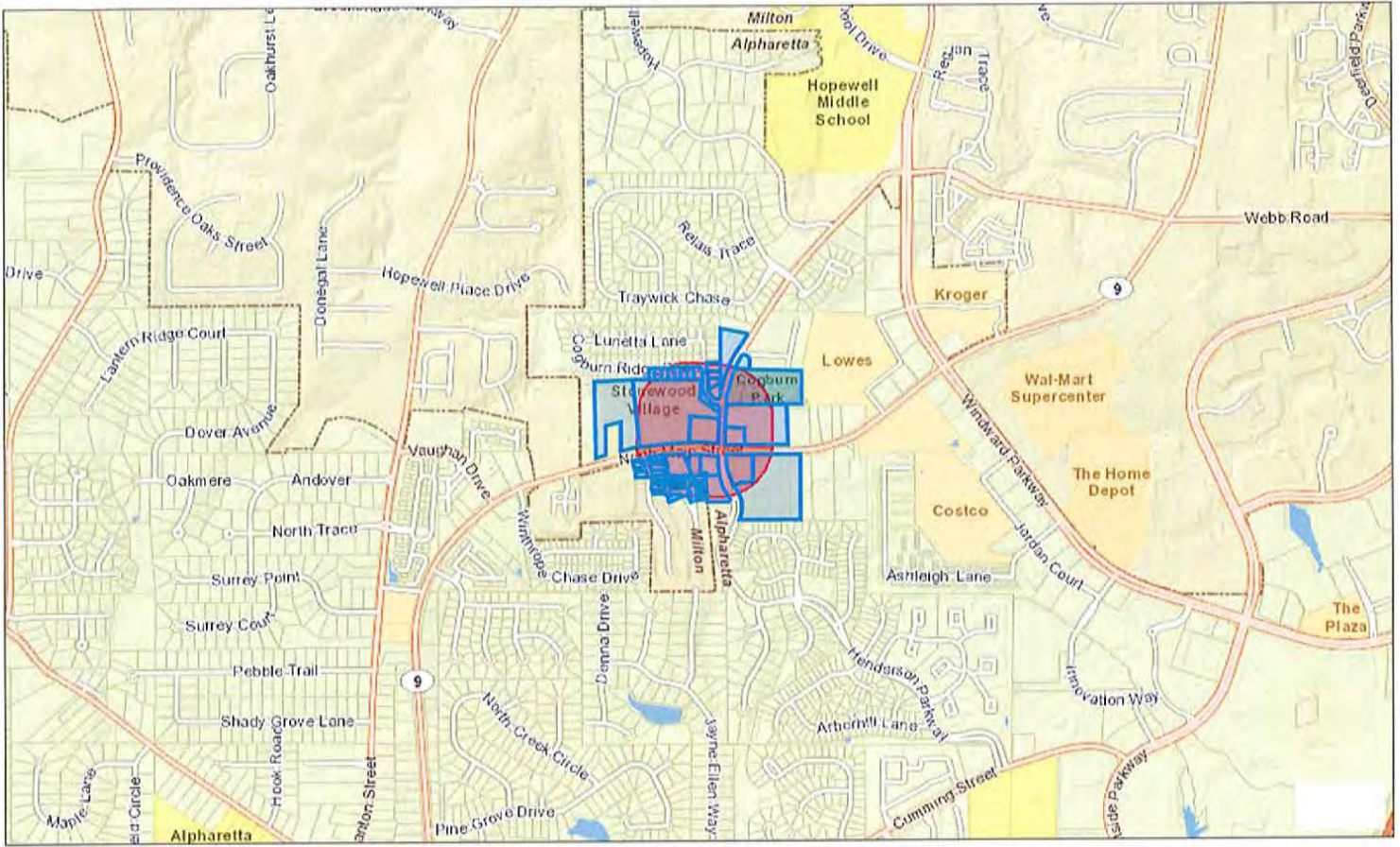
For your reference, we have included a copy of the survey and site plan. Additional information will also be posted on the city website at:

<https://www.alpharetta.ga.us/government/departments/community-development/public-hearings>.

**If you are unable to attend and would like more information, feel free to contact Kimberly McBrayer ([kimberly@lipscombjohnson.com](mailto:kimberly@lipscombjohnson.com)) who is handling the public participation for this application, or me ([christopher@lipscombjohnson.com](mailto:christopher@lipscombjohnson.com)).**

We look forward to discussing with you.  
Sincerely,

Christopher D. Light  
Attorney for the Applicant



22 4960111 00793

7/26/19

CU-19-05  
Dunkin Donuts/Baskin Robbins

FARD JOHN A  
296 WATER OAK PL  
ALPHARETTA GA 30004

WATERCREST COMMUNITY ASSOCIATION I  
NC  
1401 PEACHTREE ST STE 430  
ATLANTA GA 30309

RAMZAN IMTIAZ M & ANBARSERRI SANAA  
2504 HIGHGLEN CT  
ALPHARETTA GA 30009

UMAROV SAID  
292 WATER OAK PL  
ALPHARETTA GA 30009

WATERCREST COMMUNITY ASSOCIATION I  
NC  
1401 PEACHTREE ST STE 430  
ATLANTA GA 30309

GUNTURI SUMANTH SHAH SONAL  
2508 HIGHGLEN CT  
ALPHARETTA GA 30009

KUCUKTAS TUNCAY KUCUKTAS NILGUN  
288 WATER OAK PL  
ALPHARETTA GA 30004

PHILLIPS ANDREA L  
12743 ARCHMONT TRCE  
MILTON GA 30009

SANDERS VALMA K & SANDERS MICHAEL D  
2512 HIGHGLEN CT  
ALPHARETTA GA 30004

HPA BORROWER 2016 2 LLC  
180 N STETSON SUITE 3650  
CHICAGO IL 60601

ELIAS DAVID L  
12739 ARCHMONT TRC  
ALPHARETTA GA 30009

CHAUBEY AMARENDRA KUMARI PRITI  
2516 HIGHGLEN CT  
ALPHARETTA GA 30004

AHMED AMIR & MEGAHED MONA  
279 WATER OAK PL  
ALPHARETTA GA 30009-8382

KOPPISETTY MURTHY VENKATA SURYA &  
VITTHANALA LAKSH  
12735 ARCHMONT TRC  
ALPHARETTA GA 30009

HENDERSON LANDING HOMEOWNERS ASSN  
INC  
5665 ATLANTA HWY  
ALPHARETTA GA 30004-3932

OHANU CATHERINE C  
283 WATER OAK PL  
ALPHARETTA GA 30004

SOLLOGUB JACQUELINE  
12731 ARCHMONT TRCE  
MILTON GA 30004

HENDERSON LANDING HOMEOWNERS ASSN  
INC  
5665 ATLANTA HWY  
ALPHARETTA GA 30004-3932

DAM TRANG THUY & NGUYEN HOAN VAN  
940 KNOLL CREST CT  
ALPHARETTA GA 30004

JANNA LYNN WEBB NORDEN LIVING TRUS  
T THE  
12727 ARCHMONT TRCE  
ALPHARETTA GA 30009

SOUFASTAI BADRY  
1270 CREST VALLEY DR  
ATLANTA GA 30327-4529

KASTURI SATYAVIKAS & DEVALARAZU DE  
EPHI  
291 WATER OAK PL  
ALPHARETTA GA 30004

YU CHUNG G & YU SHERRYLYN  
12719 ARCHMONT TRC  
ALPHARETTA GA 30009

LEATHERS JACK & JEANETTE  
12890 COGBURN RD  
ALPHARETTA GA 30004-3601

BABARINDE OLANREWAJU A BABARINDA O  
LOLADE TOLULOPE  
295 WATER OAK PL  
ALPHARETTA GA 30004

DAVIS SARA R  
3525 MERGANSER LANE  
ALPHARETTA GA 30022

SARRIS GEORGE S & ANNE B  
7665 S SPALDING LAKE DR  
SANDY SPRINGS GA 30350-1047

CHARLES CLAUDE D & LAFRANCE KERLINE  
730 CREEK RD  
ALPHARETTA GA 30004

CHRISTENSEN EDWARD JAMES JR  
2500 HIGHGLEN CT  
ALPHARETTA GA 30009

VIII FS ALPHARETTA L L C  
591 W PUTNAM AVE  
GREENWICH CT 06830

7/26/19

CU-19-05  
Dunkin Donuts/Baskin Robbins

BHATIA HOLDINGS ALPHARETTA LLC  
315 HENDERSON VILLAGE PKWY  
ALPHARETTA GA 30004

REEVES KAY S  
535 COGBURN RIDGE WAY  
ALPHARETTA GA 30004-3686

ARHC ALALPGA01 LLC  
7621 LITTLE AVE SUITE 200  
CHARLOTTE NC 28226

HENDERSON HEIGHTS LLC  
4776 MYSTIC DR NE  
ATLANTA GA 30342

GALVEZ JOSE G  
3745 HOMESTEAD RIDGE DR  
CUMMING GA 30041

MCWP LLC  
11340 LAKEFIELD DR SUITE 250  
DULUTH GA 30097

NG STONEWOOD VILLAGE LLC  
1430 BROADWAY ST SUITE 1605  
NEW YORK NY 10018

MOOR TAMARA  
525 COGBURN RIDGE WAY  
ALPHARETTA GA 30004

NG STONEWOOD VILLAGE LLC  
1430 BROADWAY ST SUITE 1605  
NEW YORK NY 10018

SMOLTZ MICHAEL A & KAREN  
2525 COGBURN RIDGE RD  
ALPHARETTA GA 30004

COOPER NORMAN T  
2535 COGBURN RIDGE RD  
ALPHARETTA GA 30004

ABIOLA GARTH & CHUNG ABIOLA CATHY  
JOE P  
2495 COGBURN RIDGE RD  
ALPHARETTA GA 30004

CHESIN KIMBERLY D & GRANT A  
2505 COGBURN RIDGE RD  
ALPHARETTA GA 30004

NG STONEWOOD VILLAGE LLC  
1430 BROADWAY ST SUITE 1605  
NEW YORK NY 10018

TUDOR LAUREN S  
505 COGBURN RIDGE WAY  
ALPHARETTA GA 30004

SHRESTHA RAGHU  
2555 COGBURN RIDGE RD  
ALPHARETTA GA 30004

EL AYOUBY NADIA  
2515 COGBURN RIDGE RD  
ALPHARETTA GA 30004

PEGJOON LLC  
P.O. BOX 76228  
ATLANTA GA 30358-1228

ZUNIGA MARIA  
2485 COGBURN RIDGE RD  
ALPHARETTA GA 30004

CITY OF ALPHARETTA  
354 KAREN DR  
ALPHARETTA GA 30004

WATERS JERRY L & BOLIGAO ACUILINA  
515 COGBURN RIDGE WAY  
ALPHARETTA GA 30004-3686

ARHC ALALPGA01 LLC  
7621 LITTLE AVE SUITE 200  
CHARLOTTE NC 28226

7/26/19

CU-19-05  
Dunkin Donuts/Baskin Robbins

LAW OFFICES  
LIPSCOMB, JOHNSON, SLEISTER, DAILEY & SMITH, LLP

112 NORTH MAIN STREET  
CUMMING, GEORGIA 30040  
TELEPHONE: 770-887-7761  
FAX: 770-889-8123

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SEAN COURTNEY  
WILLIAM V. HANSARD

MICHAEL R. SLEISTER, P.C.  
*Of Counsel*

RICHARD A. NEWTON, P.C.  
*Of Counsel*

L. LEE DAILEY  
(1939-2013)

July 26, 2019

**VIA HAND DELIVERY**

City of Alpharetta Planning & Zoning  
Attn: Mr. Michael Woodman  
2 Park Plaza  
Alpharetta, GA 30009

Re: Letter of Intent as required for a Conditional Use Permit Application in the City of Alpharetta, Georgia – Conditional Use Permit Application for loan Donuts Holdings, LLC

Dear Mr. Woodman:

This letter of intent is submitted pursuant to the requirements for an application for a Conditional Use Permit in the City of Alpharetta, Georgia and is submitted as part of loan Donuts Holdings, LLC (the "Applicant's") proposed Conditional Use Permit Application (the application and all supplemental documents filed contemporaneously therewith are collectively referred to herein as the "Application"). The Applicant is the agent/authorized representative for the current deed record property owners of the property subject to this application, commonly known as Outparcel "A" located in the Stonewood Village Shopping Center, also known as map and parcel 22 496011100793 (the "Subject Property"). The Applicant seeks the Conditional Use Permit in order to operate a drive-thru restaurant on property that is currently zoned C-1 (Neighborhood Commercial).

The Subject Property is currently a vacant out parcel consisting of approximately 0.3247 acres. The Applicant intends to develop a Dunkin Donuts/Baskin Robbins as depicted on the site plan submitted with this application. The proposed building will be approximately 2,400 square feet with 24 required parking spaces. Hours of operation for this facility are expected to be between 5:00 a.m. to 10:00 p.m. Monday thru Sunday. The number of employees proposed is 25.

The proposed drive-thru restaurant is suitable for the subject property as it is located at a signalized intersection (Cogburn Road and North Main Street/S.R. 9) which helps provide adequate ingress and egress to the Subject Property. Due to the subject property being located within an existing development with road improvements contemplated and installed with the expectation that the proposed outparcel will be developed, it is not anticipated that traffic will be a concern.

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LIPSCOMB, JOHNSON, SLEISTER, DAILEY & SMITH, LLP

Page 2 of 3  
July 26, 2019

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The outparcel will be developed with adequate refuse areas, loading and service areas, parking and screening as required by the City of Alpharetta Unified Development Code.

The proposed use will not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity nor will it diminish and impair property values within the surrounding neighborhood as the subject property lies adjacent or in close proximity to like uses and is located in an area that supports commercial growth.

The proposed use will not increase local or state expenditures in relation to the cost of serving or maintaining neighboring property as the proposed use is expected to help in provided additional tax revenue for the City of Alpharetta, Georgia.

The proposed use will not impede the normal and orderly development of surrounding property for uses predominant in the area as the subject property lies in an area that is largely commercial and supportive of commercial growth.

The proposed use is consistent with the desirable pattern of development for the city.

The portions of the City of Alpharetta Unified Development Code that classify, or may classify, the Subject Property into any non-requested zoning classification or zoning classification that does not permit the proposed use as a matter of right, is, or will be, unconstitutional in that they will constitute a taking of the Applicant's and owners' property rights without first paying fair, adequate, and just compensation for such rights in violation of Art. I, Sec. III, Para. I of the Constitution of the State of Georgia and the Fifth and Fourteenth Amendments to the Constitution of the United States.

The Subject Property is presently suitable for the Applicant's Proposal, as requested by the Applicant. A denial of this Applicant's Proposal, as requested by the Applicant, will constitute an arbitrary and capricious act by the City of Alpharetta City Council without any basis for such, and will constitute an abuse of discretion in violation of Art. I, Sec. I, Para. I of the Constitution of the State of Georgia and the Due Process Clause of the Fifth and Fourteenth Amendments to the Constitution of the United States.

A refusal by the City of Alpharetta City Council to approve the Applicant's Proposal, as requested by the Applicant, will prohibit the only viable economic use of the property, will be unconstitutional, and will discriminate in an arbitrary, capricious, and unreasonable manner between the Applicant and owners, and the owners of similarly situated property, in violation of Art. I, Sec. I, Para. II of the Constitution of the State of Georgia and the Equal

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Page 3 of 3  
July 26, 2019

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Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

The Applicant submits that the City Council cannot lawfully impose more restrictive standards on the development of the Subject Property than presently exist. To do so not only will constitute a taking of the property as set forth above, but will also amount to an unlawful delegation of the Board's authority in response to neighborhood opposition, in violation of Art. IX, Sec. II, Para. IV of the Constitution of the State of Georgia.

The Applicant further asserts that the City of Alpharetta Unified Development Code was not adopted in compliance with the laws or constitutions of Georgia or of the United States, and a refusal to approve the Application based upon provisions illegally adopted would deprive the Applicant of due process of law.

By filing this Letter of Intent, the Applicant reserves all rights and remedies available to it under the United States Constitution, the Georgia Constitution, all applicable federal, state, and local laws and ordinances, and in equity.

Accordingly, the Applicant and owners respectfully request that the Applicant's Proposal be granted, as requested by the Applicant. This Letter of Intent along with the Reservation of Constitutional Rights referenced herein shall be included with the Application. The Applicant also reserves the right to amend this statement and the Application by supplementing further responses and documents.

This request is seemingly the ideal fit for this area of the community and contemplated in the City of Alpharetta ordinances. The relative gain to the public is also estimated to be significant as the proposed use will mesh well into the existing land uses in the area.



Christopher Light,  
Attorney for the Applicant

7/26/19

Dunkin Donuts/Baskin Robbins

**B.C. Engineering, Inc.**

*Civil Engineering*

*Construction Management*

116 North Main St., Cumming, Ga. 30040  
 Phone: 770-205-6181 Fax: 770-205-6162  
 Email: [office@bcengineering-ga.com](mailto:office@bcengineering-ga.com)

July 25, 2019

Christopher Light  
 Attorney at Law  
 Lipscomb, Johnson, Sleister, Dailey, & Smith, LLP  
 112 North Main Street  
 Cumming, GA 30040

RE: Dunkin-Baskin Robins  
 Cogburn Rd. Site

Dear Mr. Light,

After review of the ITE trip generation manual, B.C. Engineering, Inc. has calculated the following analysis:

(ITE Code) Land Use	Intensity	Daily Total	A.M. Peak			P.M. Peak		
			In	Out	Total	In	Out	Total
(937) Coffee/ Donut Shop with Drive-Through Window	2,400 G.S.F	490	34	8	42	16	10	26

Note: All land uses in the 900 series entitles to a "passby" trip reduction of 60% if less than 50,000 SF or a reduction of 40% if equal to or greater than 50,000 SF.

We appreciate the opportunity to provide this report.

Respectfully,

Brian W. Cole, P.E.  
 Georgia Reg. 22093



7/25/19

7/26/19

Dunkin Donuts/Baskin Robbins

**B.C. Engineering, Inc.**

*Civil Engineering*

*Construction Management*

116 North Main St., Cumming, Ga. 30040  
 Phone: 770-205-6181 Fax: 770-205-6162  
 Email: [office@bcengineering-ga.com](mailto:office@bcengineering-ga.com)

July 25, 2019

Christopher Light  
 Attorney at Law  
 Lipscomb, Johnson, Sleister, Dailey, & Smith, LLP  
 112 North Main Street  
 Cumming, GA 30040

RE: Dunkin-Baskin Robins  
 Cogburn Rd. Site

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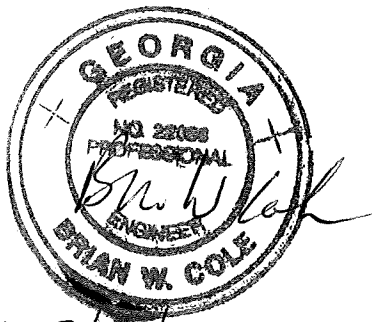
(ITE Code) Land Use	Intensity	Daily Total	A.M. Peak			P.M. Peak		
			In	Out	Total	In	Out	Total
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Respectfully,

Brian W. Cole, P.E.  
 Georgia Reg. 22093



7/25/19

7/26/19

Dunkin Donuts/Baskin Robbins

CU-19-05



HAMBY ARCHITECTURE & DESIGN, INC.  
6370 CORN DRIVE  
CUMMING GEORGIA 30028  
770-887-9124

THESE PLANS ARE CONFIDENTIAL PROPERTY OF DUNKIN' BRANDS, INC., UNDER RESTRICTED ACCESS.

DATE	SCALE	DRAWN	CHKD	APPRD

NO	DESCRIPTION	DATE	BY	APPD

DUNKIN - 116 CANTON RD (HWY 20)  
CUMMING GA 30040  
EXTERIOR ELEVATIONS  
PC #359140 - ARCHITECT #19-001

A-5.0



1 FRONT ELEVATION  
1/8" = 1'-0" NOTE



2 LEFT ELEVATION  
1/8" = 1'-0" NOTE

RELEASED FOR CONSTRUCTION

7/26/19

Dunkin Donuts/Baskin Robbins

CU-19-05



**HAMBY ARCHITECTURE & DESIGN, INC.**  
 6370 CORN DRIVE  
 CUMMING GEORGIA 30028  
 770-887-9124

THESE PLANS ARE CONFIDENTIAL PROPERTY OF DUNKIN' BRANDS, INC. - UNDER RESTRICTED ACCESS.

DATE	SCALE	DRAWN	CHKD	APPR

SET REVISIONS	SHEET REVISIONS
NO DESCRIPTION	

DUNKIN - 116 CANTON RD (HWY 20)  
 CUMMING GA 30040

EXTERIOR ELEVATIONS  
 (CONT.)

PC #359140 - ARCHITECT #19-001

A-5.1



1 REAR ELEVATION  
 1/8" = 1'-0" (SCALE)



2 RIGHT SIDE ELEVATION  
 1/8" = 1'-0" (SCALE)

RELEASED FOR CONSTRUCTION

Deed Book 51546 Pg 413

EXHIBIT "A"  
LEGAL DESCRIPTION

All that tract or parcel of land lying and being located in Land Lot 1110, 2<sup>nd</sup> District, 2<sup>nd</sup> Section, Fulton County, Georgia, City of Alpharetta and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING commence at a concrete right-of-way monument at the intersection of the northerly right-of-way of North Main Street (110' right-of-way), also known as S.R. #9, with the most southwest end of the miter line at the intersection with the westerly right-of-way of Cogburn Road (right-of-way 45' from centerline); thence, leaving said northerly right-of-way line of North Main Street (110' right-of-way) and running North 09°02'59" West a distance of 54.49 feet to a point and the TRUE POINT OF BEGINNING; thence, from the TRUE POINT OF BEGINNING thus established, North 81°47'47" West a distance of 110.06 feet to a point; thence, North 05°08'58" East a distance of 127.02 feet to a point; thence, South 86°23'39" East a distance of 110.01 feet to a point; thence, South 05°06'39" West a distance of 130.08 feet to a point and the TRUE POINT OF BEGINNING.

Said tract contains 14,142 sq. ft. (0.3247 acres) in area and is shown as OUTPARCEL "A" on that certain ALTA/ACSM Land Title Survey prepared by Bates-Long & Associates under seal and certification of Fred Wilson Long, Georgia Registered Land Surveyor Number 1685, dated March 5, 2007, last revised July 25, 2012, prepared for NG Stonewood Village LLC, NG Stonewood Village II LLC, Cantor Commercial Real Estate Lending L.P., and Chicago Title Insurance Company, which survey is incorporated herein by reference.

TOGETHER WITH:

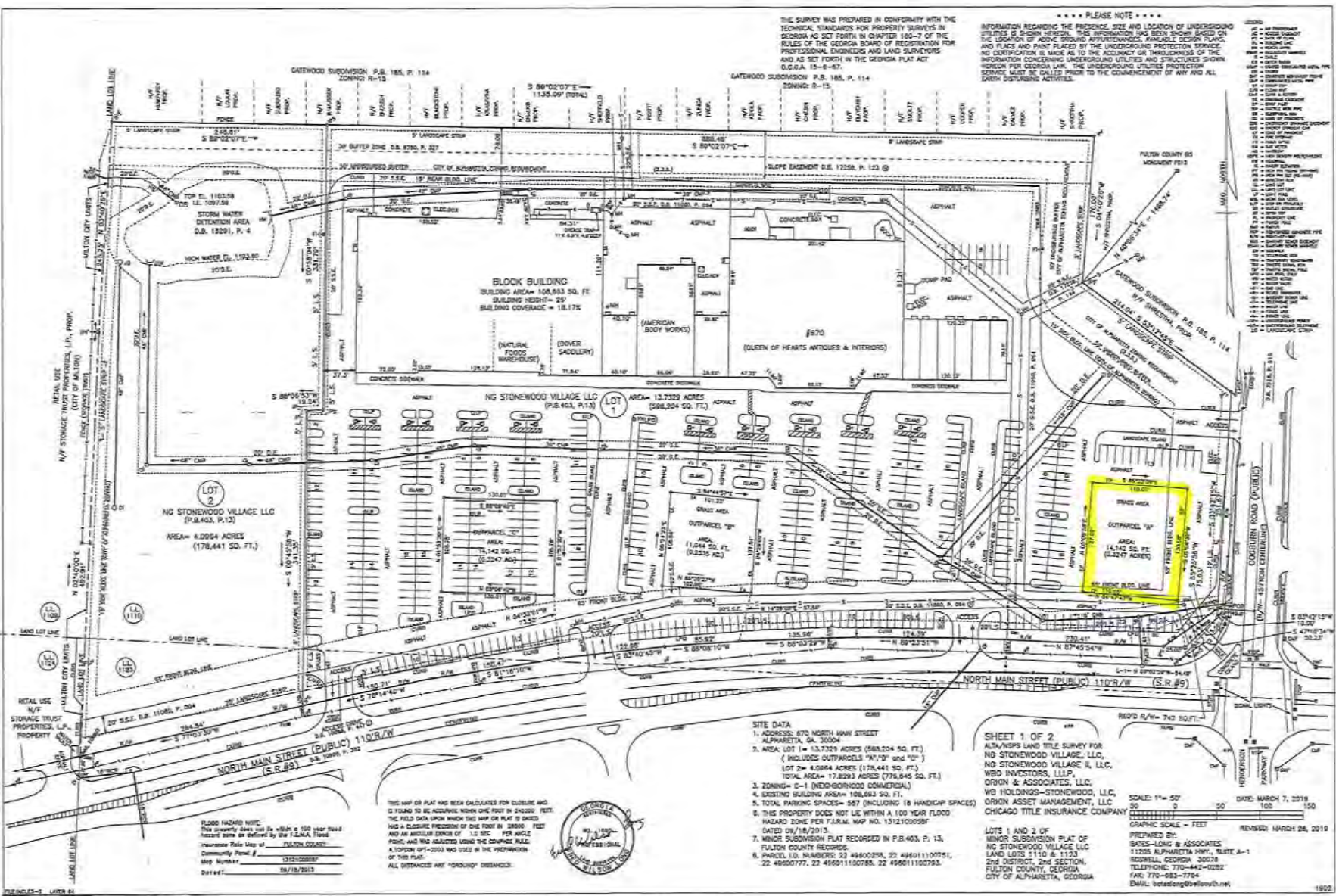
All that tract or parcel of land lying and being located in Land Lot 1110, 2<sup>nd</sup> District, 2<sup>nd</sup> Section, Fulton County, Georgia, City of Alpharetta and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING commence at a concrete right-of-way monument at the intersection of the northerly right-of-way of North Main Street (110' right-of-way), also known as S.R. #9, with the most southwest end of the miter line at the intersection with the westerly right-of-way of Cogburn Road (right-of-way 45' from centerline); thence westerly and along said northerly right-of-way of North Main Street (110' right-of-way) the following courses and distances: North 87°45'54" West a distance of 255.41 feet, North 89°23'51" West a distance of 124.39 feet, South 88°03'29" West a distance of 135.96 feet to a point; thence, leaving said northerly right-of-way line of North Main Street (110' right-of-way) and running North 14°09'06" East a distance of 57.56 feet to a point and the TRUE POINT OF BEGINNING; thence, from the TRUE POINT OF BEGINNING thus established, North 85°28'27" West a distance of 102.96 feet to a point; thence, North 05°24'23" East a distance of 108.84 feet to a point; thence, South 84°44'57" East a distance of 101.22 feet to a point; thence, South 04°29'00" West a distance of 107.54 feet to a point and the TRUE POINT OF BEGINNING.

Said tract contains 11,044 sq. ft. (0.2535 acres) in area and is shown as OUTPARCEL "B" on that certain ALTA/ACSM Land Title Survey prepared by Bates-Long & Associates under seal and certification of Fred Wilson Long, Georgia Registered Land Surveyor Number 1685, dated

Deed Book 51625 Pg 344

243142-2 11031.000190



THE SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 160-7 OF THE RULES OF THE GEORGIA BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.G.C.A. 15-6-67.

\*\*\*\*\* PLEASE NOTE \*\*\*\*\*  
 INFORMATION REGARDING THE PRESENCE, SIZE AND LOCATION OF UNDERGROUND UTILITIES IS SHOWN HEREON. THIS INFORMATION HAS BEEN SHOWN BASED ON THE LOCATION OF ABOVE GROUND UTILITIES, AVAILABLE DESIGN PLANS, AND PLACES AND POINTS PLACED BY THE UNDERGROUND PROTECTION SERVICE AND CERTIFICATION IS MADE TO THE ACCURACY OR THROUGHNESS OF THE INFORMATION CONCERNING UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON. FOR GENERAL USE, THE UNDERGROUND UTILITIES PROTECTION SERVICE MUST BE CALLED PRIOR TO THE COMMENCEMENT OF ANY AND ALL DEEP DISTURBING ACTIVITIES.

- LEGEND**
- 1. EASEMENT
  - 2. SETBACK
  - 3. CURB
  - 4. DRIVE
  - 5. SIDEWALK
  - 6. DRIVEWAY
  - 7. DRIVEWAY
  - 8. DRIVEWAY
  - 9. DRIVEWAY
  - 10. DRIVEWAY
  - 11. DRIVEWAY
  - 12. DRIVEWAY
  - 13. DRIVEWAY
  - 14. DRIVEWAY
  - 15. DRIVEWAY
  - 16. DRIVEWAY
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- SITE DATA**
1. ADDRESS: 670 NORTH MAIN STREET ALPHARETTA, GA. 30004
  2. AREA: LOT 1 = 13.7329 ACRES (588,004 SQ. FT.) ( INCLUDES OUTPARCELS "A", "B" AND "C" )  
 LOT 2 = 4.0064 ACRES (178,441 SQ. FT.)  
 TOTAL AREA = 17.8293 ACRES (776,845 SQ. FT.)
  3. ZONING: C-1 (NEIGHBORHOOD COMMERCIAL)
  4. EXISTING BUILDING AREA = 106,663 SQ. FT.
  5. TOTAL PARKING SPACES = 257 (INCLUDING 18 HANDICAP SPACES)
  6. THIS PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD HAZARD ZONE PER F.A.R.M. MAP NO. 1312100058 DATED 09/16/2013.
  7. MINOR SUBDIVISION PLAT RECORDED IN P.B.403, P. 13, FULTON COUNTY RECORDS.
  8. PARCEL I.D. NUMBERS: 23 49600298, 22 4961110075, 22 49600777, 22 4960115078, 22 4961110073.

**SHEET 1 OF 2**  
 ALTA/NSPS LAND TITLE SURVEY FOR  
 NG STONEWOOD VILLAGE, LLC,  
 NG INVESTORS, LLLP,  
 ORVIN & ASSOCIATES, L.L.C.,  
 NG HOLDINGS-STONEWOOD, LLC,  
 ORVIN ASSET MANAGEMENT, LLC  
 CHICAGO TITLE INSURANCE COMPANY

SCALE: 1" = 50'  
 1" = 100'  
 DATE: MARCH 7, 2019  
 REVISION: MARCH 28, 2019

PREPARED BY:  
 BATES-LONG & ASSOCIATES  
 11225 ALPHARETTA HWY., SUITE 4-1  
 ROSELLE, GEORGIA 30078  
 TELEPHONING 770-442-0222  
 FAX 770-983-1754  
 EMAIL: bateslong@bateslong.com



**FLOOD HAZARD NOTE:**  
 This property does not lie within a 100 year flood hazard zone as defined by the U.S.N.A. Flood Insurance Rate Map of FULTON COUNTY.  
 Community Panel # 1312100058  
 Map Number 08/18/2013

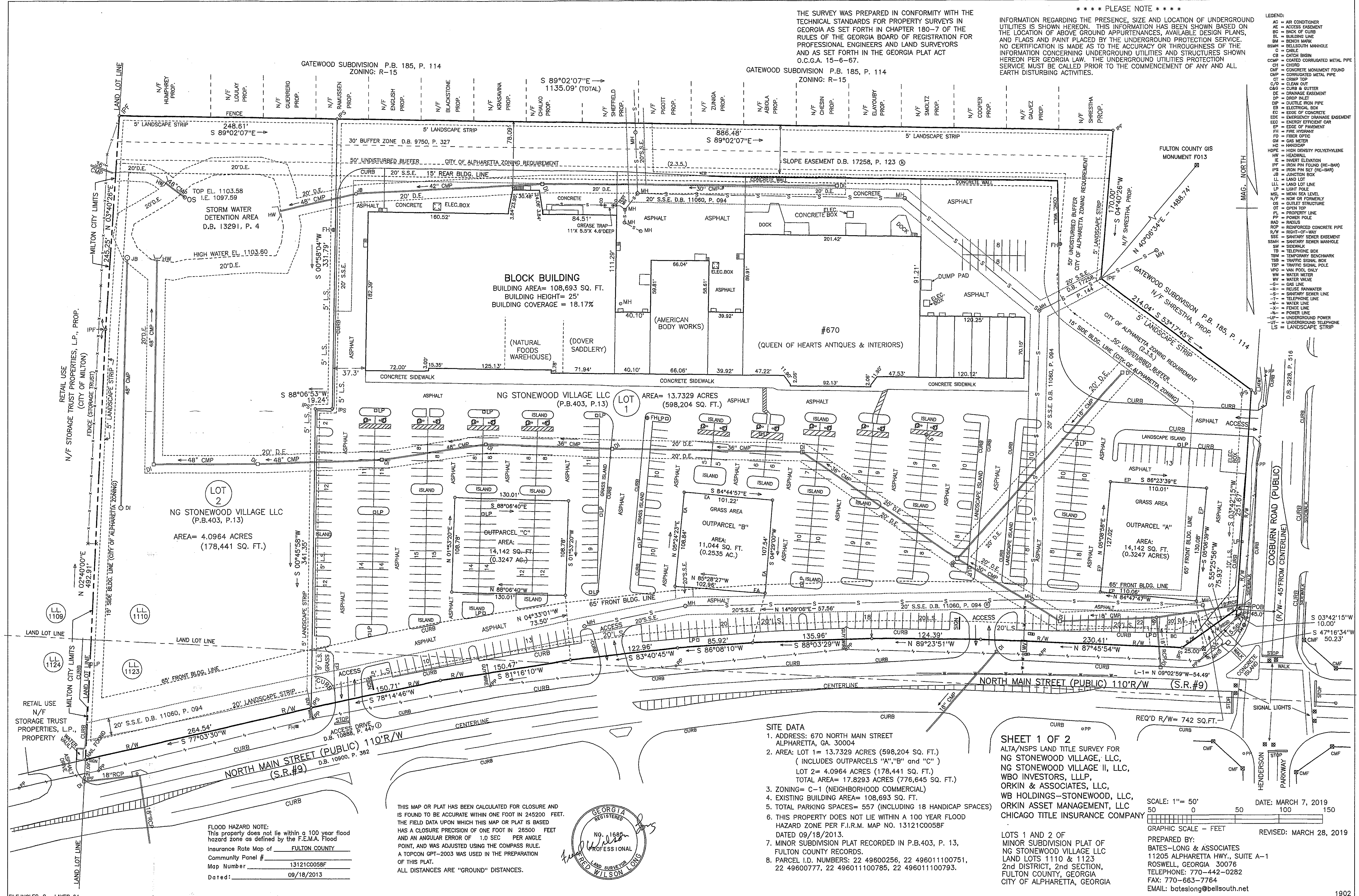
THIS MAP OR PLAT HAS BEEN CALCULATED FOR SQUARE AND D TO BE ACCURATE WITHIN ONE FOOT IN 240,000 FEET. THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 20,000 FEET AND AN ANGULAR ERROR OF 1.5 SEC. PER ANGLE POINT, AND HAS BEEN ADJUSTED USING THE LEAST SQUARES METHOD. A TOLERANCE OF .0020 HAS BEEN USED IN THE VERIFICATION OF THIS PLAT.  
 ALL DISTANCES ARE "GROUND" DISTANCES.



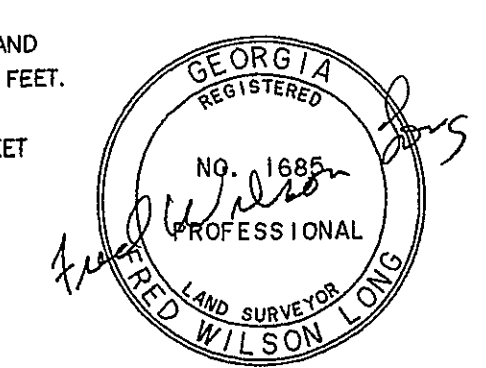
THE SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.

\*\*\*\*\* PLEASE NOTE \*\*\*\*\*  
 INFORMATION REGARDING THE PRESENCE, SIZE AND LOCATION OF UNDERGROUND UTILITIES IS SHOWN HEREON. THIS INFORMATION WAS OBTAINED BASED ON THE LOCATION OF ABOVE GROUND APPURTENANCES, AVAILABLE DESIGN PLANS, AND FLAGS AND PAINT PLACED BY THE UNDERGROUND PROTECTION SERVICE. NO CERTIFICATION IS MADE AS TO THE ACCURACY OR THOROUGHNESS OF THE INFORMATION CONCERNING UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON PER GEORGIA LAW. THE UNDERGROUND UTILITIES PROTECTION SERVICE MUST BE CALLED PRIOR TO THE COMMENCEMENT OF ANY AND ALL EARTH DISTURBING ACTIVITIES.

- LEGEND:
- AC - AIR CONDITIONER
  - AF - ACCESS FASSETMENT
  - BC - BACK OF CURB
  - BL - BUILDING LINE
  - BM - BENCH MARK
  - BSM - BELLWITCH MANHOLE
  - CB - CATCH BASIN
  - CC - CORRUGATED METAL PIPE
  - CH - CHORD
  - CM - CONCRETE MONUMENT FOUND
  - CMP - CORRUGATED METAL PIPE
  - CT - CRIMP TOP
  - CU - CLEAN TOP
  - CG - CURB & GUTTER
  - DE - DRAINAGE EASEMENT
  - DI - DROP INLET
  - DR - DRAINAGE
  - ER - ELECTRICAL RISE PIPE
  - ES - ELECTRICAL BOX
  - ED - EDGE OF CONCRETE
  - EE - EMERGENCY DRIVAGE EASEMENT
  - EE - ENERGY EFFICIENT CAR
  - EP - EDGE OF PAVEMENT
  - FR - FIRE HYDRANT
  - FO - FIBER OPTIC
  - FM - GAS METER
  - HO - HANDICAP
  - HPP - HIGH DENSITY POLYETHYLENE
  - HW - HEADWALL
  - IE - INVERT ELEVATION
  - IPF - IRON PIN FOUND (RE-BAR)
  - IPS - IRON PIN SET (RE-BAR)
  - JB - JUNCTION BOX
  - LL - LAND LOT
  - LL - LAND LOT LINE
  - LP - LIGHT POLE
  - MSL - MEAN SEA LEVEL
  - NO - NOW OR FORMERLY
  - OC - OUTLET STRUCTURE
  - OP - OPEN TOP
  - PL - PROPERTY LINE
  - PP - POWER POLE
  - RAD - RADIUS
  - RC - REINFORCED CONCRETE PIPE
  - R - RIGHT-OF-WAY
  - R/S - SANITARY SEWER EASEMENT
  - SM - SANITARY SEWER MANHOLE
  - SW - SIDEWALK
  - TB - TELEPHONE BOX
  - TR - TEMPORARY BENCHMARK
  - TSS - TRAFFIC SIGNAL BOX
  - TS - TRAFFIC SIGNAL POLE
  - VFO - VAN POOL ONLY
  - WM - WATER METER
  - WV - WATER VALVE
  - W - WATER
  - WV - WASTE WATER
  - SS - SANITARY SEWER LINE
  - TL - TELEPHONE LINE
  - W - WATER LINE
  - PL - POWER LINE
  - UPL - UNDERGROUND POWER LINE
  - UTL - UNDERGROUND TELEPHONE LINE
  - LS - LANDSCAPE STRIP



FLOOD HAZARD NOTE:  
 This property does not lie within a 100 year flood hazard zone as defined by the F.E.M.A. Flood Insurance Rate Map of FULTON COUNTY Community Panel # 13121C0058F  
 Map Number # 13121C0058F  
 Dated: 09/18/2013



- SITE DATA
1. ADDRESS: 670 NORTH MAIN STREET ALPHARETTA, GA. 30004
  2. AREA: LOT 1 = 13.7329 ACRES (598,204 SQ. FT.) ( INCLUDES OUTPARCELS "A", "B" and "C" )  
 LOT 2 = 4.0964 ACRES (178,441 SQ. FT.)  
 TOTAL AREA = 17.8293 ACRES (776,645 SQ. FT.)
  3. ZONING = C-1 (NEIGHBORHOOD COMMERCIAL)
  4. EXISTING BUILDING AREA = 108,693 SQ. FT.
  5. TOTAL PARKING SPACES = 557 (INCLUDING 18 HANDICAP SPACES)
  6. THIS PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD HAZARD ZONE PER F.I.R.M. MAP NO. 13121C0058F DATED 09/18/2013.
  7. MINOR SUBDIVISION PLAT RECORDED IN P.B.403, P. 13, FULTON COUNTY RECORDS.
  8. PARCEL I.D. NUMBERS: 22 49600256, 22 496011100751, 22 49600777, 22 496011100785, 22 496011100793.

SHEET 1 OF 2  
 ALTA/NSPS LAND TITLE SURVEY FOR  
 NG STONEWOOD VILLAGE, LLC,  
 NG STONEWOOD VILLAGE II, LLC,  
 WBO INVESTORS, LLLP,  
 ORKIN & ASSOCIATES, LLC,  
 WB HOLDINGS-STONEWOOD, LLC,  
 ORKIN ASSET MANAGEMENT, LLC  
 CHICAGO TITLE INSURANCE COMPANY

SCALE: 1" = 50'  
 50 0 50  
 GRAPHIC SCALE - FEET  
 PREPARED BY:  
 BATES-LONG & ASSOCIATES  
 11205 ALPHARETTA HWY., SUITE A-1  
 ROSWELL, GEORGIA 30076  
 TELEPHONE: 770-442-0282  
 FAX: 770-663-7764  
 EMAIL: bateslong@bellsouth.net

DATE: MARCH 7, 2019  
 REVISED: MARCH 28, 2019

**GENERAL NOTES**

THE BOUNDARY LINE INFORMATION SHOWN HEREON IS BASED ON THE FOLLOWING REFERENCE:  
 - BOUNDARY AND TOPOGRAPHIC SURVEY FOR NG STONEWOOD VILLAGE, LLC. PREPARED BY BATES-LONG AND ASSOCIATES, DATED MAY 9, 2019.

TOTAL AREA - 0.3247 ACRES

BUILDING LINE SETBACKS  
 FRONT - 65 FEET  
 SIDE - 15 FEET  
 REAR - 15 FEET

PROPOSED BUILDING HEIGHT: 28'

ZONED: C-1

NO ADDITIONAL DRIVEWAY ENTRANCE FROM COGBURN RD. OR NORTH MAIN STREET ARE PROPOSED FOR THIS PHASE OF DEVELOPMENT. EXISTING ENTRANCES WILL SERVE THE PROPOSED DEVELOPMENT.

ENTRANCE MONUMENTS ARE TO BE LOCATED A MINIMUM OF 10 FEET OUTSIDE R/W.

PARKING CALCULATIONS:  
 RESTAURANT: 1 SPACE / 100 SF = 2,400 SF/100 = 24 PARKING SPACES REQUIRED

PARKING PROVIDED:  
 25 PARKING SPACES PROVIDED TO SERVE THIS DEVELOPMENT.

NOTE: NOTIFY CITY OF ALPHARETTA INSPECTOR 24 HOURS BEFORE THE BEGINNING PHASE OF CONSTRUCTION.

NOTE: ALL STRUCTURES WILL BE REQUIRED TO CONFORM TO THE STANDARD BUILDING CODE'S HORIZONTAL SEPARATION STANDARDS. APPROVAL OF THIS PERMIT WILL NOT JUSTIFY ANY DEVIATION IN HORIZONTAL SEPARATION STANDARDS AS ADOPTED AND AMENDED BY THE GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS.

ALL STRUCTURES WILL COMPLY WITH THE FIRE SEPARATION DISTANCE REQUIREMENTS OF THE INTERNATIONAL BUILDING CODE AS ADOPTED AND AMENDED BY THE GA DEPARTMENT OF COMMUNITY AFFAIRS. APPROVAL OF THIS PERMIT WILL NOT JUSTIFY ANY DEVIATION FROM THE REQUIRED FIRE SEPARATION DISTANCES.

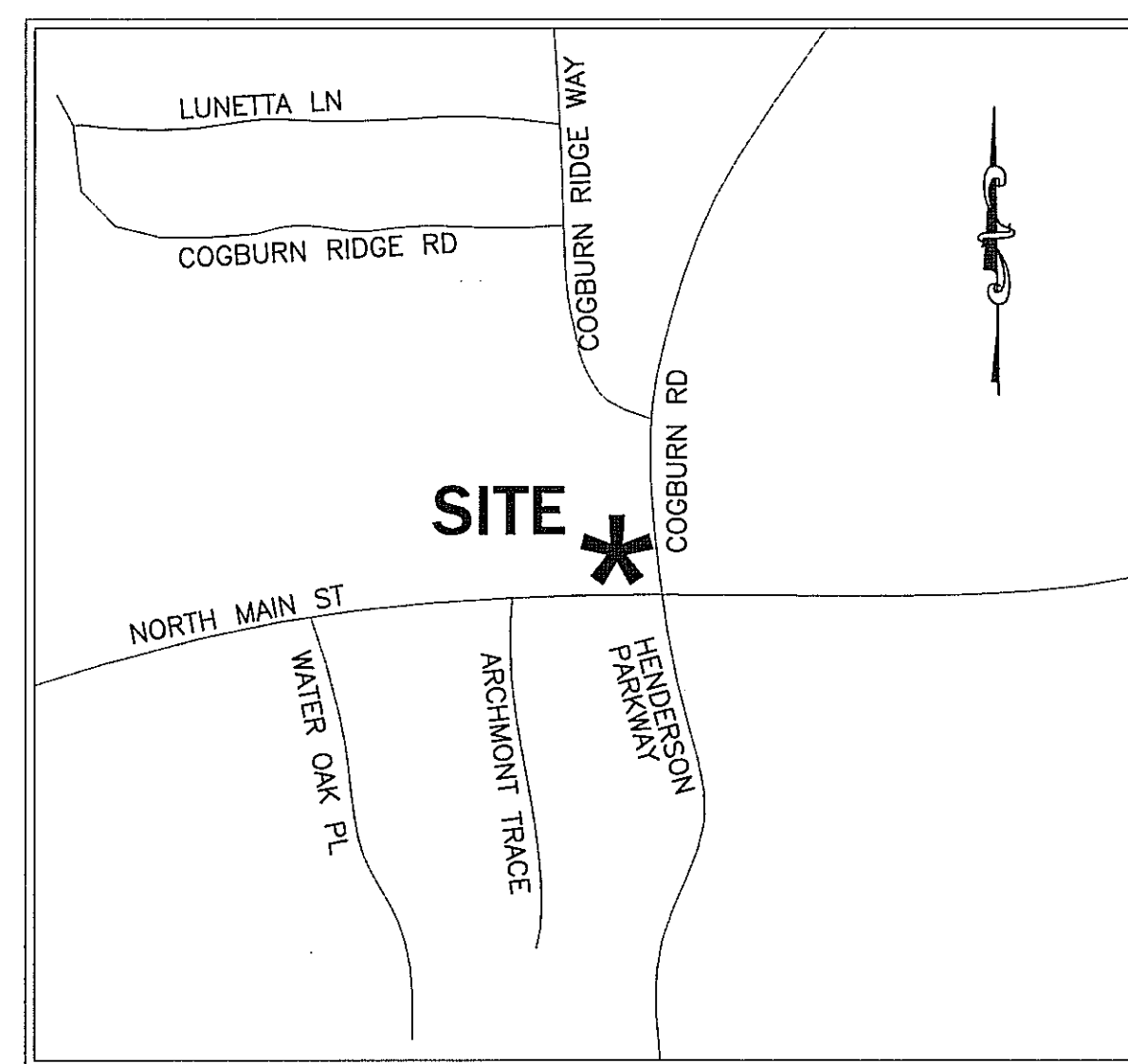
CONSTRUCTION WASTE AND/OR VEGETATIVE MATERIAL MAY NOT BE BURIED AND MUST BE TAKEN TO A STATE APPROVED LANDFILL.

REQUIRED LANDSCAPING MUST BE IN PLACE PRIOR TO THE APPROVAL OF AN ASBUILT.

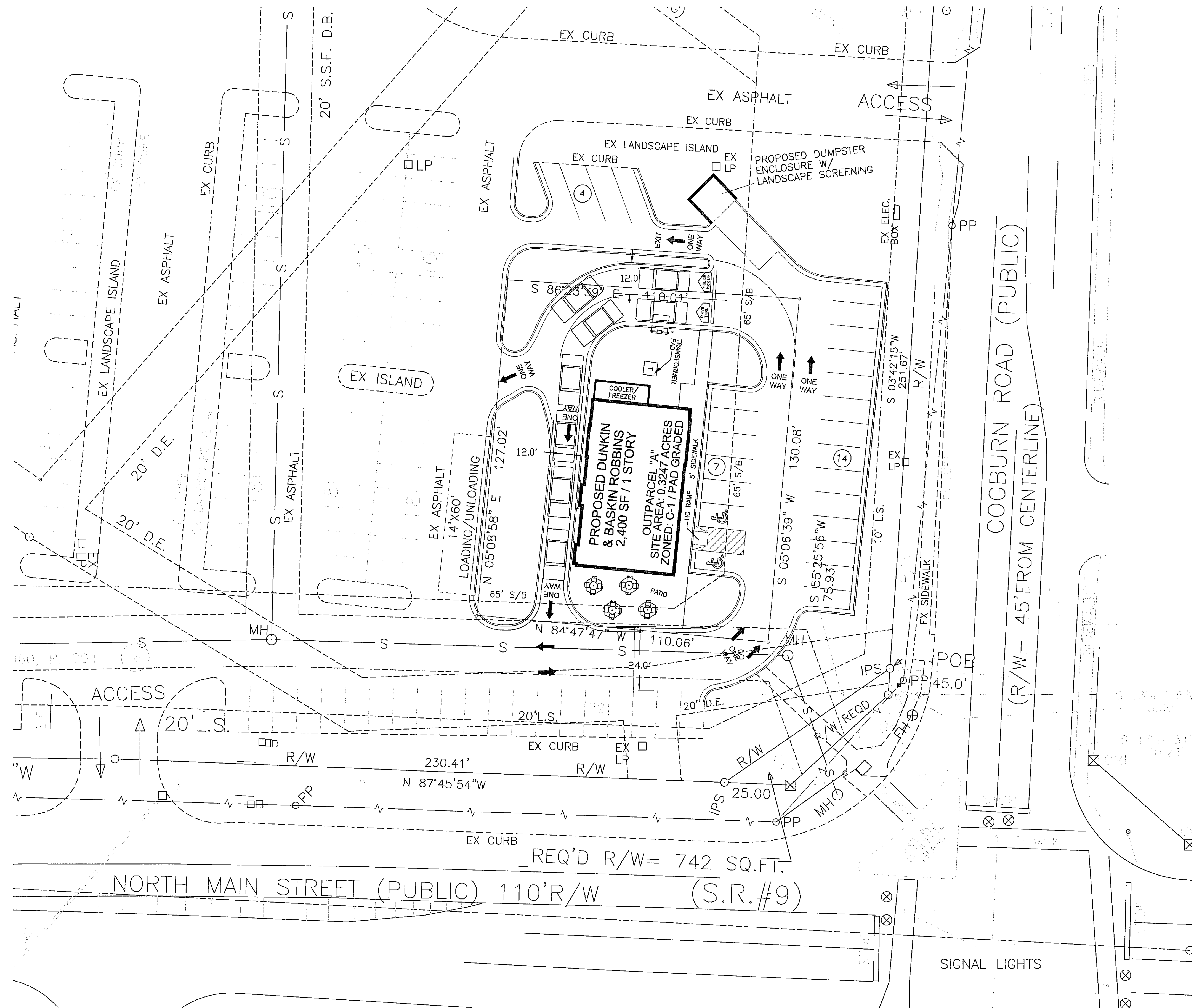
GROUND MOUNTED EQUIPMENT SUCH AS POWER TRANSFORMERS AND AIR-CONDITIONING UNITS SHALL BE SCREENED FROM VIEW FROM PUBLIC RIGHT-OF-WAY BY FENCING OR LANDSCAPING; IF LANDSCAPING IS PROPOSED TO SCREEN THESE ELEMENTS INCORPORATE THE VEGETATION INTO THE LANDSCAPE PLAN.

ALL ROOFTOP MECHANICAL EQUIPMENT SHALL BE SCREENED FROM THE VIEW FROM THE PUBLIC RIGHT-OF-WAY AND ADJACENT STREETS BY MATERIAL COMPATIBLE WITH THE BUILDING ARCHITECTURE, BY THE USE OF A PARAPET WALL, OR BY SPECIALLY DESIGNED ROOFTOP PENTHOUSE ENCLOSURES.

ALL WATER TOWERS, COOLING TOWERS, STORAGE TANKS, AND OTHER STRUCTURES OR EQUIPMENT INCIDENTAL TO THE PRIMARY USE OF A BUILDING OR SITE SHALL BE ARCHITECTURALLY COMPATIBLE WITH THE PRINCIPAL BUILDING OR EFFECTIVELY SCREENED FROM VIEW FROM THE PUBLIC RIGHT-OF-WAYS.



**VICINITY MAP**  
 NTS



STORMWATER DETENTION REQUIREMENTS FOR THE SUBJECT SITE WILL BE HANDLED BY THE REGIONAL DETENTION POND FOR STONEWOOD VILLAGE.

THERE ARE NO STATE WATERS LOCATED ON THE SUBJECT SITE THAT WOULD REQUIRE ANY ASSOCIATED BUFFERS.

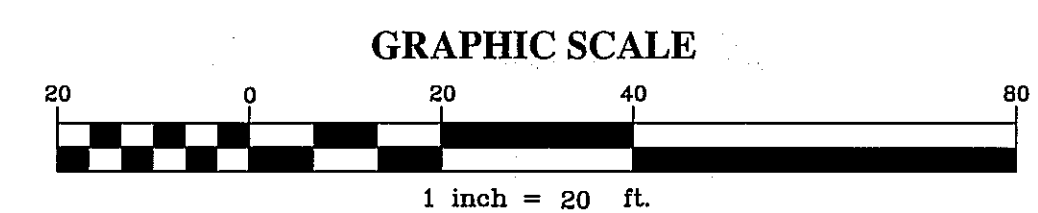
THIS PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD HAZARD ZONE PER F.I.R.M. MAP NO. 13121C0058F DATED 09/18/2013.

**OWNER/DEVELOPER:**

IOAN DONUTS HOLDINGS, LLC  
 1050 CAMBRIDGE SQUARE, SUITE A  
 ALPHARETTA, GA 30009  
 PHONE: 772-260-7055

**0.3247 ACRES**

**ZONED: C-1**



**REVISIONS**

NO.	DATE	REMARKS

**SEAL**



THIS DRAWING, AS AN INSTRUMENT OF SERVICE, IS AND SHALL REMAIN THE PROPERTY OF THE ENGINEER AND SHALL NOT BE REPRODUCED, PUBLISHED OR USED IN ANY WAY WITHOUT THE PERMISSION OF THE ENGINEER.

THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS AT THE SITE BEFORE PROCEEDING WITH EACH PHASE OF THE WORK.

**Civilscapes, Inc.**  
 CIVIL ENGINEERING & LANDSCAPE ARCHITECTURE  
 P.O. BOX 3115 CUMMING, GEORGIA 30028  
 OFFICE: 678-513-8850 CELL: 770-315-8274

CONCEPTUAL SITE PLAN  
 FOR  
**DUNKIN - BASKIN ROBBINS  
 COGBURN ROAD SITE**  
 L.L. 1110 / 2ND DISTRICT / 2ND SECTION  
 CITY OF ALPHARETTA \* FULTON COUNTY, GEORGIA

SHEET NUMBER

**1**

SCALE

1" = 20'

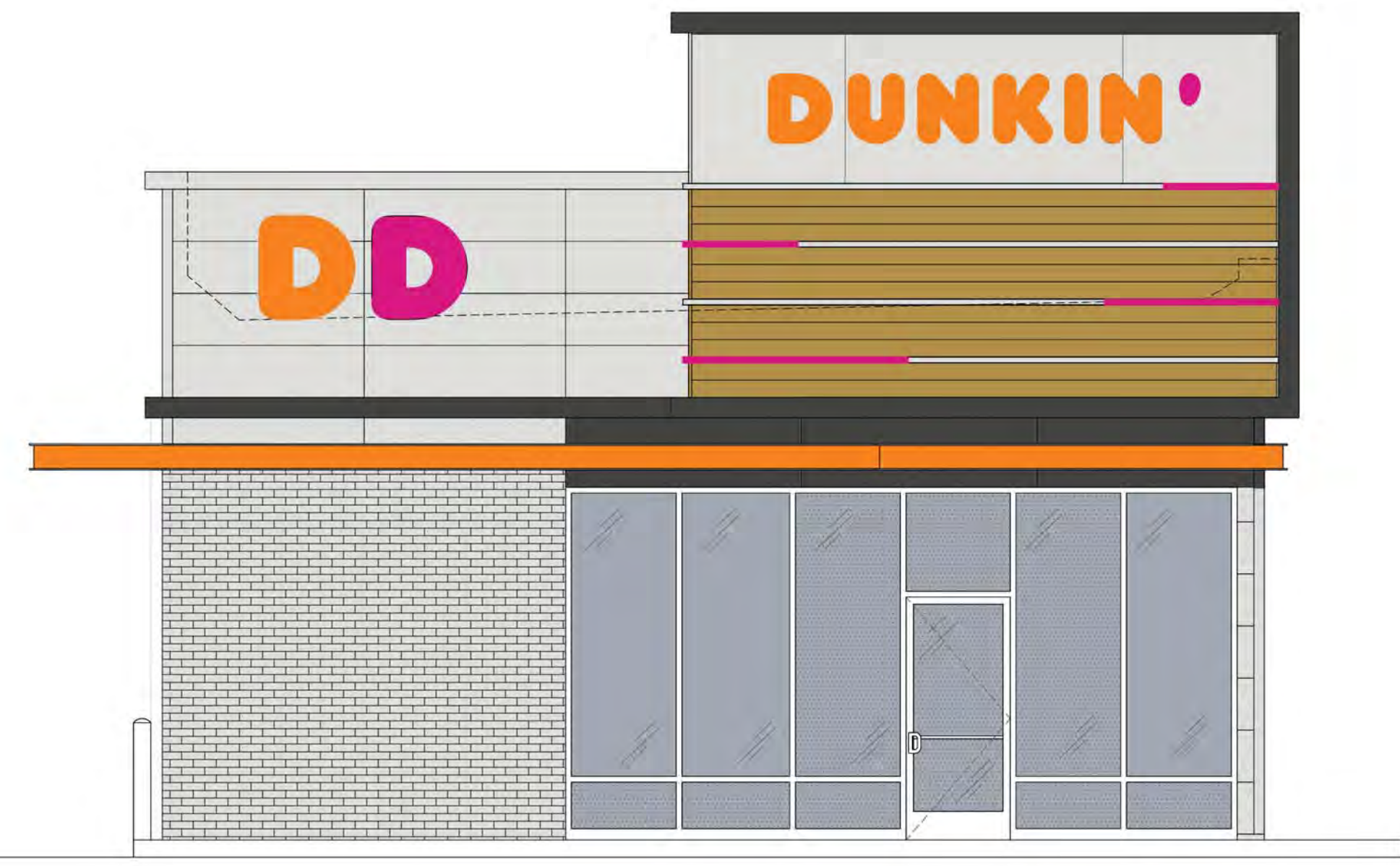
DATE

7/18/19

PROJECT NO.

19-056

- 23'-10" A.F.F.  
TOP OF MONOLITH
- 19'-3" A.F.F.  
TOP OF PARAPET
- 12'-9" A.F.F.  
TOP OF TRIM
- 10'-8" A.F.F.  
BOTTOM OF ORANGE ACCENT BEAM/  
DT WINDOW CANOPY
- 10'-2" A.F.F.  
TOP OF STOREFRONT
- 0'-0" A.F.F.  
TOP OF SLAB



**1 FRONT ELEVATION**

1/4" = 1'-0" NOTE:

- 16'-9" A.F.F.  
TOP OF PARAPET
- 12'-9" A.F.F.  
TOP OF ACCENT PANEL

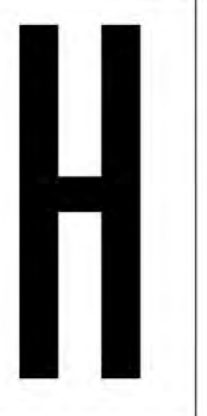


- 23'-10" A.F.F.  
TOP OF MONOLITH
- 19'-3" A.F.F.  
TOP OF PARAPET
- 12'-9" A.F.F.  
TOP OF TRIM
- 10'-8" A.F.F.  
BOTTOM OF ORANGE ACCENT BEAM/  
DT WINDOW CANOPY
- 9'-0" A.F.F.  
TOP OF D/T WINDOW
- 3'-0" A.F.F.  
WINDOW SILL AT DRIVE-THRU
- 0'-0" A.F.F.  
TOP OF SLAB

**2 LEFT ELEVATION**

1/4" = 1'-0" NOTE:

THESE PLANS ARE CONFIDENTIAL PROPERTY OF DUNKIN' BRANDS, INC., UNDER RESTRICTED ACCESS.



**HAMBY ARCHITECTURE & DESIGN, INC.**  
6370 CORN DRIVE  
CUMMING GEORGIA 30028  
770-887-9124

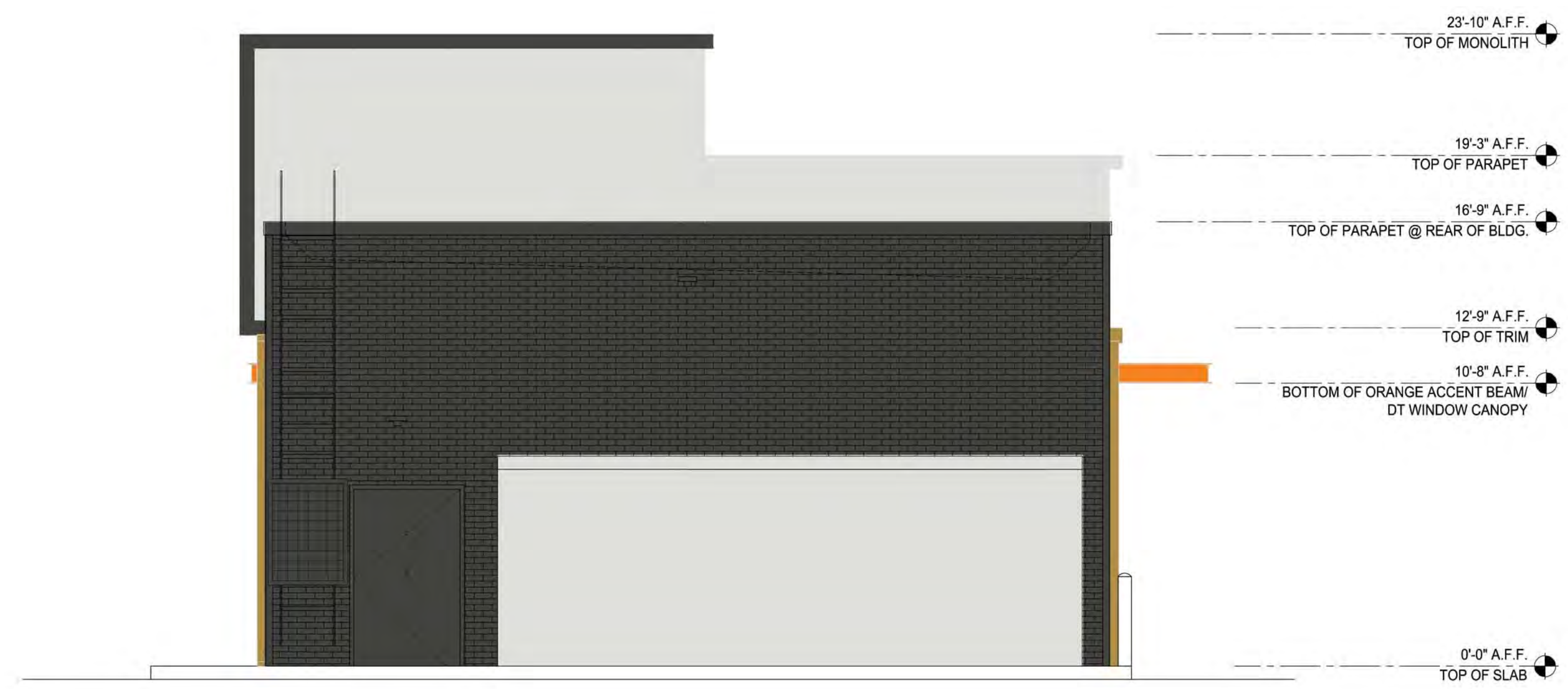
SET REVISIONS	NO	DESCRIPTION	DATE	DATE	SCALE	DRAWN	CKD	APPD

DUNKIN - 116 CANTON RD (HWY 20)  
CUMMING GA 30040

**EXTERIOR ELEVATIONS**

PC #359140 - ARCHITECT #19-001

**A-5.0**

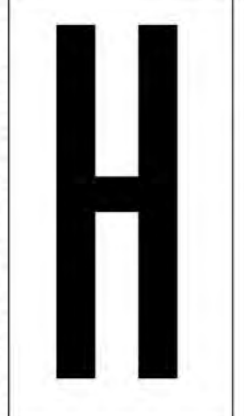
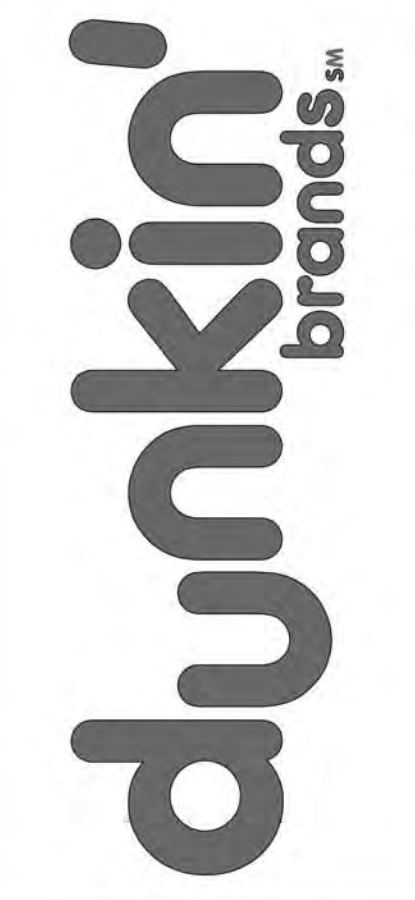


**1 REAR ELEVATION**  
1/4" = 1'-0" NOTE:



**2 RIGHT SIDE ELEVATION**  
1/4" = 1'-0" NOTE:

THESE PLANS ARE CONFIDENTIAL PROPERTY OF DUNKIN' BRANDS, INC., UNDER RESTRICTED ACCESS.



**HAMBY ARCHITECTURE & DESIGN, INC.**  
6370 CORN DRIVE  
CUMMING GEORGIA 30028  
770-887-9124

NO	DESCRIPTION	DATE	SCALE	DRAWN	CKD	APPD
	SET REVISIONS					
	SHEET REVISIONS					

DUNKIN - 116 CANTON RD (HWY 20)  
CUMMING GA 30040

**EXTERIOR ELEVATIONS  
(CONT.)**

PC #359140 - ARCHITECT #19-001

**A-5.1**



# City Council Meeting & Public Hearing STAFF REPORT

Submitting Department: Community Development

Submitted By:

Sponsored By: Council Member Burnett

Meeting Date: October 28, 2019

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**I. AGENDA ITEM TITLE:** PH-19-07 UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS – SMOKE SHOP AND TOBACCO STORE **(2ND READING)**

**SPONSOR:** COUNCIL MEMBER BURNETT

*CONSIDERATION OF TEXT AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE RELATED TO 'SMOKE SHOP AND TOBACCO STORE' REGULATIONS.*

**II. RECOMMENDATION:**

Approve amendments to the Unified Development Code as it relates to 'Smoke Shop and Tobacco Store'.

**III. REPORT IN BRIEF:**

Consideration of text amendments to the Unified Development Code related to 'Smoke Shop and Tobacco Store' regulations.

**IV. ALTERNATIVES:**

**V. ATTACHMENTS:**

UDC Smoke Shop and Tobacco Store CC Staff Report, Ordinance With Exhibit A for Packet 10.7.19, Alpharetta Smoke Vape Shops Map, Alpharetta Vape Shops Only Map



**AN ORDINANCE TO AMEND ARTICLE I OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ALPHARETTA, GEORGIA; TO AMEND THE DEFINITION OF 'SMOKE SHOP AND TOBACCO STORE'; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.**

**WHEREAS**, on or about May 21, 2001, the City of Alpharetta (the "City") adopted a comprehensive zoning ordinance known and cited as the Unified Development Code of the City of Alpharetta, Georgia, which has subsequently been amended from time to time (the "Unified Development Code"); and

**WHEREAS**, the Mayor and Council of the City of Alpharetta (the "City Council" or "Council") are charged with the protection of the public health, safety, and welfare of the citizens of the City of Alpharetta; and

**WHEREAS**, the Unified Development Code was designed to be amended from time to time when circumstances warrant that modifications be made in order to make said Codes more responsive to community needs; and

**WHEREAS**, the City Council finds that ordinances and regulations governing the uses of land and development of land within the City, as well as the City's operations, should be continually improved from time to time and modified as necessary to better protect and promote the public health, safety and welfare of the residents and businesses of the City of Alpharetta; and

**WHEREAS**, the City Council desires to amend Article I of the Unified Development Code for the foregoing purposes; and

**WHEREAS**, the City Council finds that the following amendment to the Unified Development Code promotes the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of the City of Alpharetta;

**NOW THEREFORE**, The Council of the City of Alpharetta hereby ordains, as follows:

**Section 1:** Article I, Subsection 1.4 titled "Definitions" of the Unified Development Code is hereby amended by revising same as set forth in Exhibit "A" attached hereto as if fully set forth herein; and

**Section 2:** If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

**Section 3:** This Ordinance shall be effective immediately upon its adoption by the City Council and the amendments made herein shall be incorporated into the Unified Development Code of the City of Alpharetta, Georgia and The Code of Ordinances of the City of Alpharetta, Georgia, as applicable. This Ordinance hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED this the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Approved:

\_\_\_\_\_  
Jim Gilvin, Mayor

Attest:

**COUNCILMEMBERS**

\_\_\_\_\_  
Erin Cobb, City Clerk  
(Seal)

Approved as to Form:

\_\_\_\_\_  
C. Sam Thomas, City Attorney

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# Exhibit "A"

## SECTION 1.4 - DEFINITIONS

### 1.4.1 Use of words and phrases.

For the purpose of this Ordinance, the following shall apply to the use of words and phrases:

- A. Words used in the present tense include the future tense. Words used in the singular tense include the plural tense, and words used in the plural tense include the singular tense. The masculine person "his" also means "her."
- B. The word "shall" is always mandatory and not discretionary.
- C. The word "may" is permissive.
- D. The word "and" indicates that all of the conditions, requirements, or factors so connected must be met or fulfilled, whereas the word "or" indicates that at least one condition, requirement, or factor so connected must be met.
- E. The term "such as" is intended to introduce one or more examples in illustration of a requirement or point, and is used herein to mean "including but not limited to the following."
- F. The word "structure" includes the word "building."
- G. The word "lot" shall include the words "plot," "tract," "parcel," and "property."
- H. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended," "arranged," or "designed to be used or occupied."
- I. The verbs "zone" and "rezone" have the same meaning and refer to the act of amending the Official Zoning Map through the process established by this Ordinance.
- J. The nouns "zone," "zoning district" and "district" have the same meaning and refer to the Zoning Districts established under this Ordinance.
- K. All words and phrases shall be interpreted within the context of the sentence, Section and Article in which they occur.

### 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.

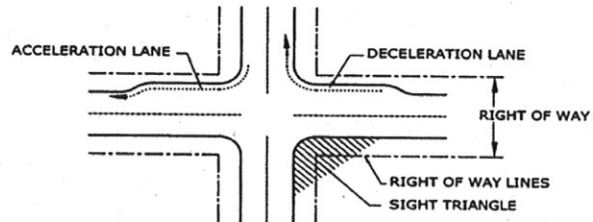
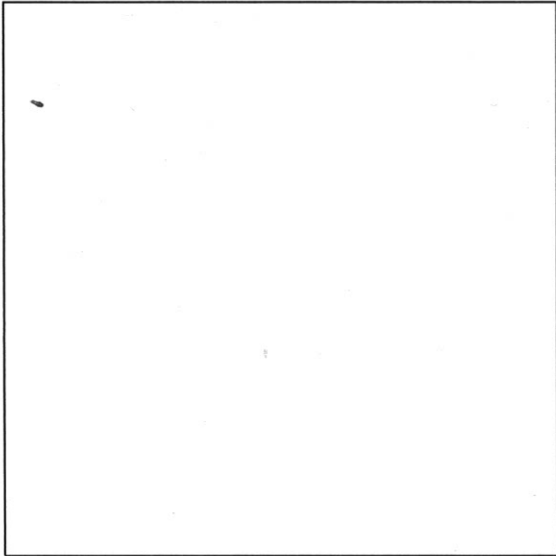


FIGURE 1

*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.

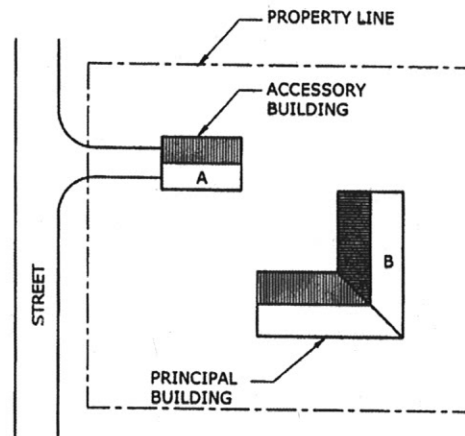
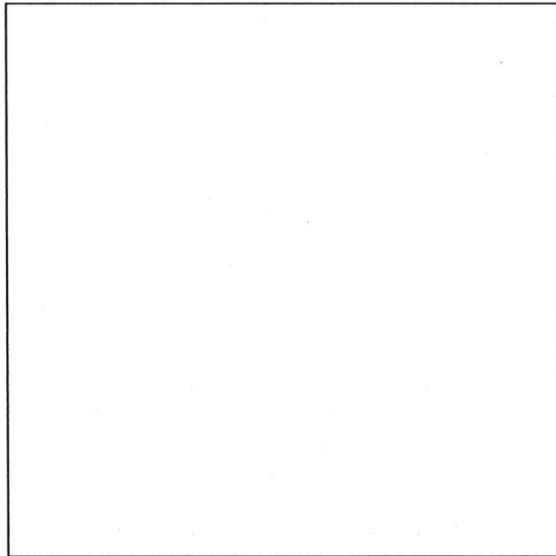


FIGURE 2

*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.

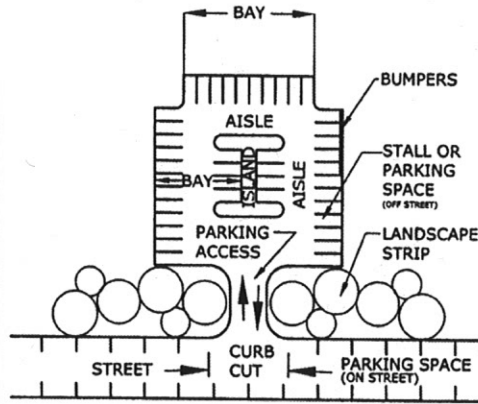
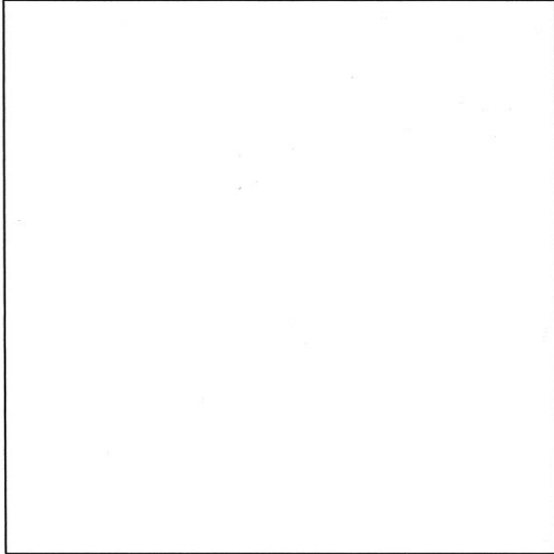


FIGURE 3

**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 interment 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.

*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 (map A).
- 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.

*Greenspace.* All that area of land that can be landscaped or planted, allows natural passage through by water, and is not covered by manmade materials or structures such as buildings or paving.

*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."

*Kenel.* 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.

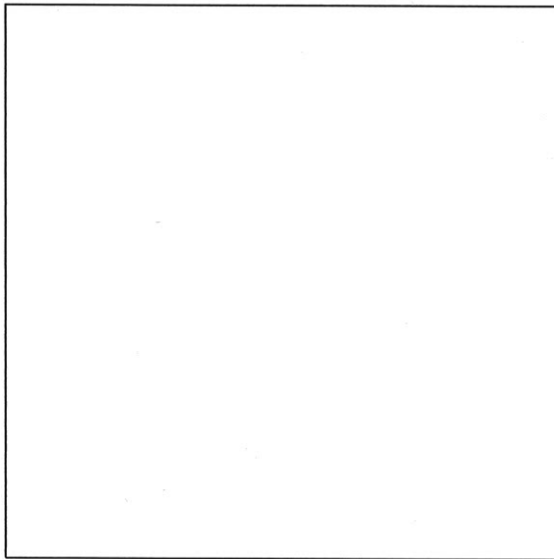
*Land Disturbance Permit.* A permit issued by the City that authorizes Development Activity, and includes, but is not limited to, activity related to soil erosion control, clearing and grubbing, grading, public and site improvements. This permit does not authorize building construction.

*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.

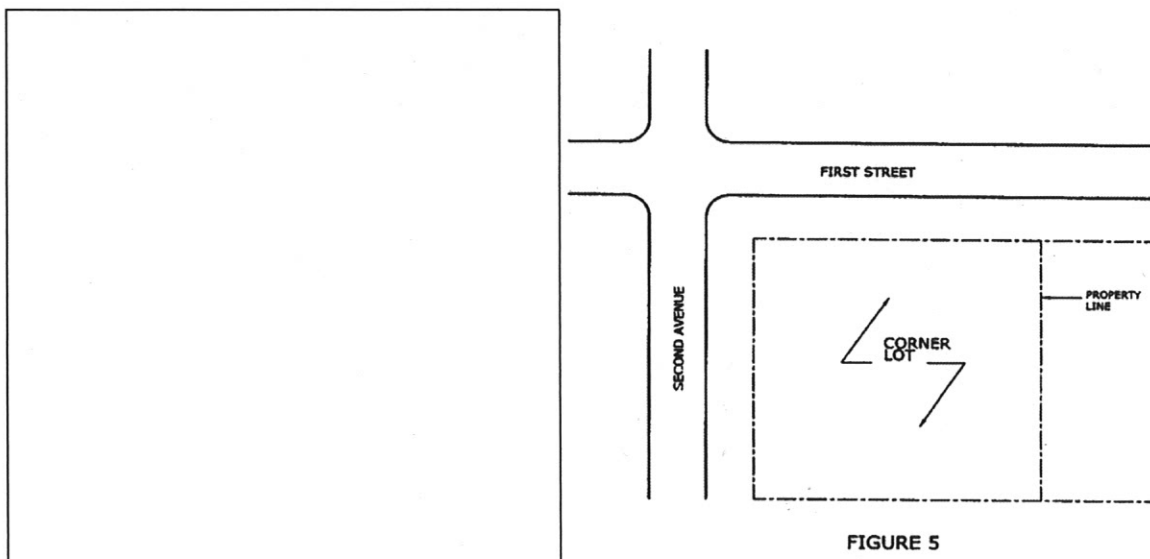


FIGURE 5

*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.

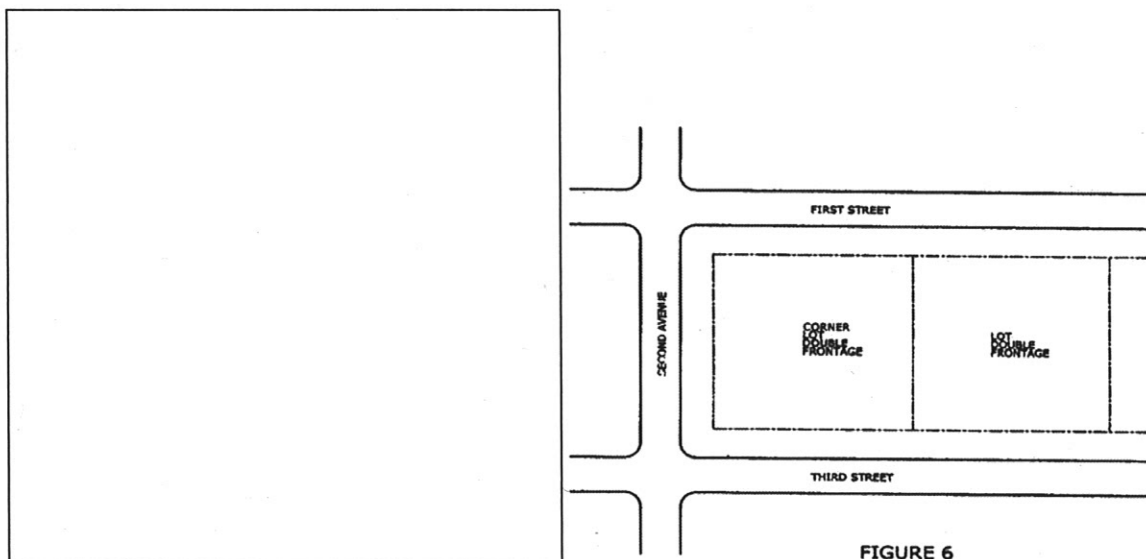


FIGURE 6

*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.

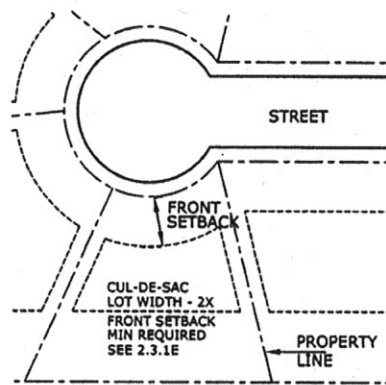
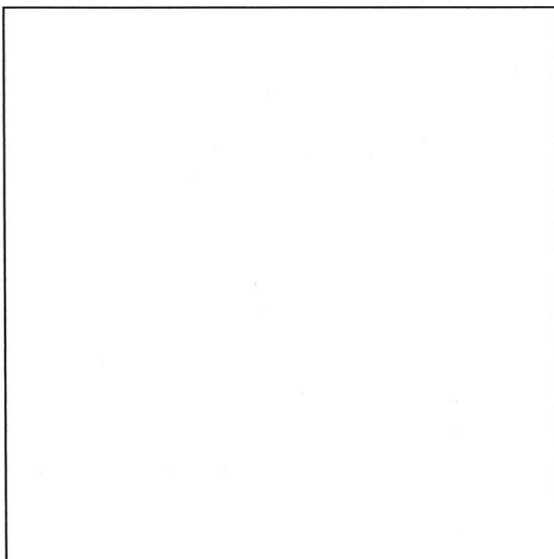


FIG 7

*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 or publicly 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. There are 2 types of open space: Civic space and Amenity space.

1. *Civic Space.* Portion of open space for public use defined by the combination of certain physical constants including the relationships among their intended use, their size, their landscaping, and their adjacent buildings. Civic space may include the following types: park, square, plaza, pocket park and playground.
2. *Amenity Space.* The covered or uncovered, but unenclosed, outdoor areas of at least 100 square feet each for use by the occupants, invitees and guests of the development and specifically excluding civic spaces and required sidewalks. Amenity spaces may include the following types: rooftop deck, balconies, patios and porches, outdoor dining areas, pool areas, athletic courts and similar uses, yards and lawns, gardens, hardscape areas improved for pedestrian enjoyment, wooded areas and runoff reduction measures such as bioretention areas and cisterns.

*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.

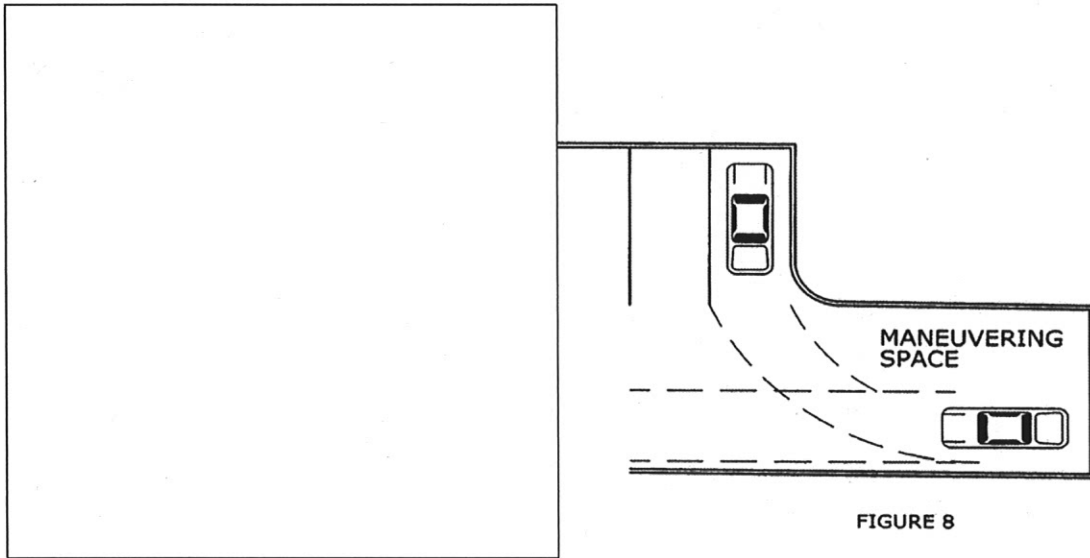


FIGURE 8

*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."

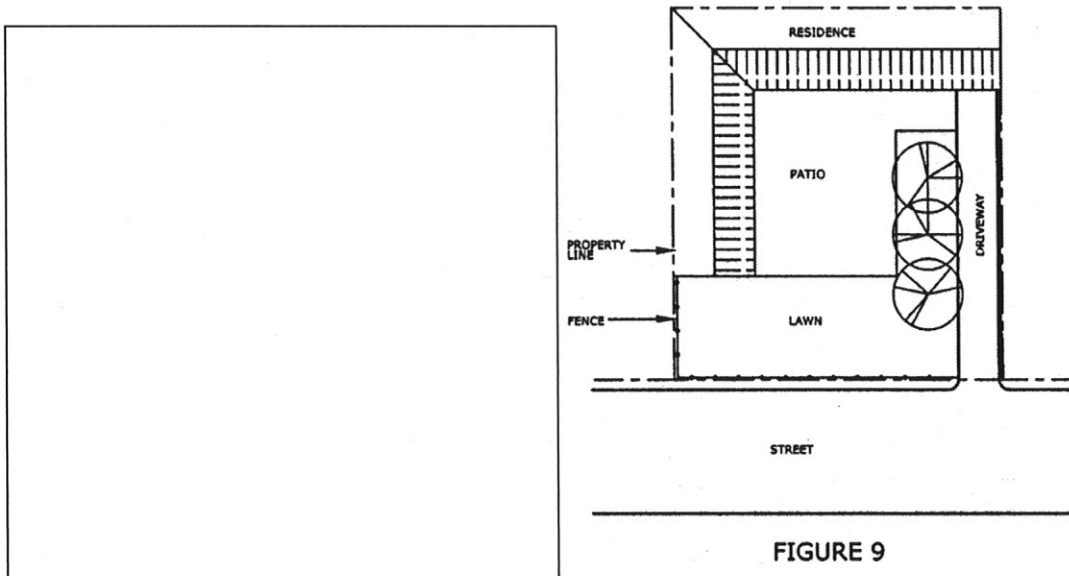


FIGURE 9

*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.

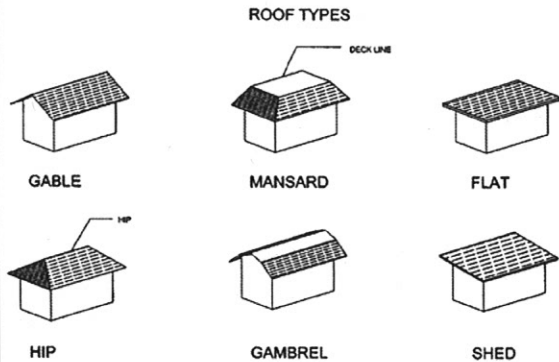
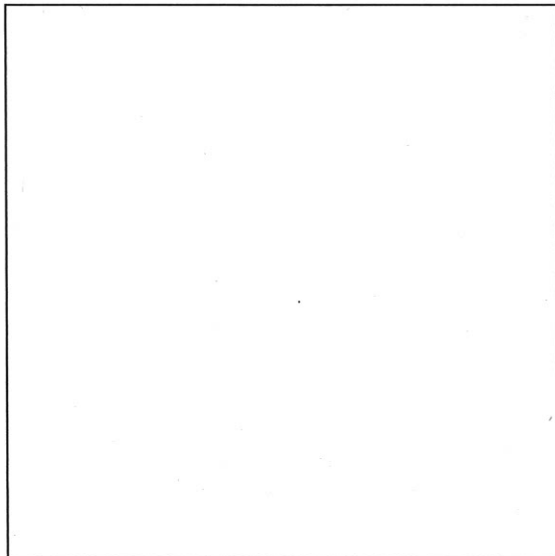
**Retail Sales Establishment.** A business principally engaged in offering a category of similar goods or products for sale to the general public, such as grocery store, hardware store, pharmacy, clothing shop, home furnishings store, office supplies store, and the like.

**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.*

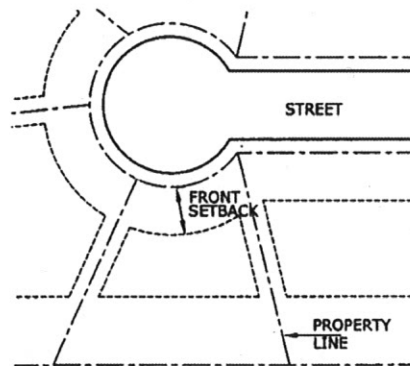
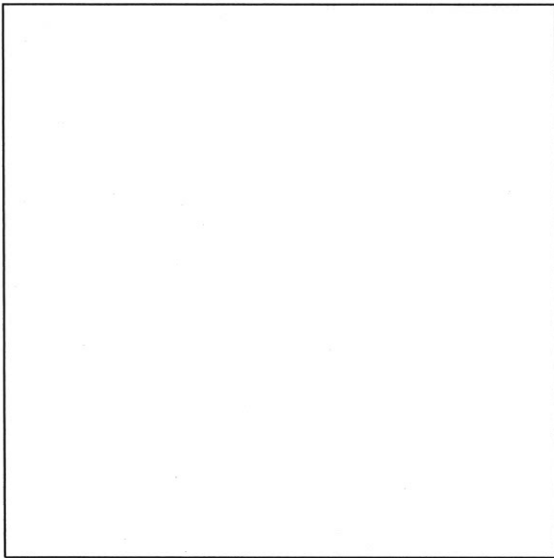


FIG 11

*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 **business** premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products **or instruments, vape products** ~~tobacco instruments; provided, however,~~ **or any combination thereof. 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"** Such businesses shall be located within a retail center and shall not be closer than 2,000 ft. **to a school, religious institution, government building, park, residential dwelling or to a comparable business or each other.** Distance shall be measured by the straight-line distance from premises to premises. "Smoke shop and tobacco store" shall not include any grocery store, supermarket, convenience store or similar retail use that only sells conventional cigars, cigarettes, vape or tobacco as an ancillary sale (ten percent (10%) or less of total sales).

*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.

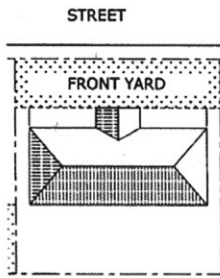
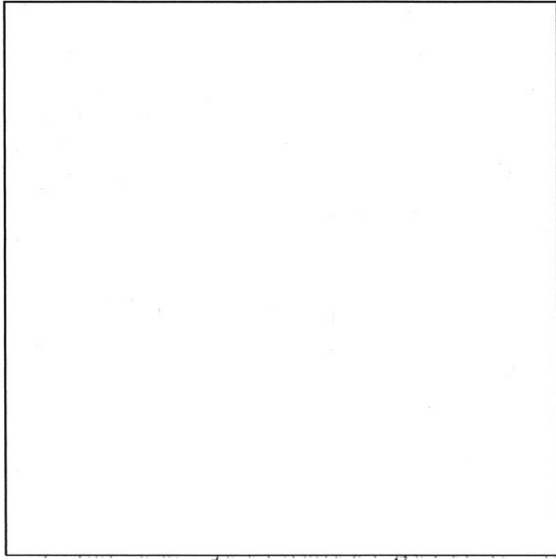


FIG 12

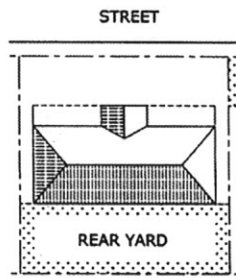


FIG 13

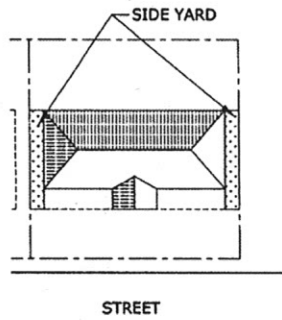


FIG 14

**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.

*Zoning Map.* The Official Zoning Map of the City of Alpharetta, Georgia, which may include a series of maps in section.

( [Ord. No. 689, § 1, 6-2-2014](#); [Ord. No. 702, § 1\(Exh. A\), 3-2-2015](#); [Ord. No. 704, § 1, 6-1-2015](#); [Ord. No. 715, § 1, 9-28-2015](#); [Ord. No. 718, § 1, 12-14-2015](#); [Ord. No. 730, § 1, 12-5-2016](#); [Ord. No. 741, § 1, 6-5-2017](#); [Ord. No. 744, § 1, 7-10-2017](#); [Ord. No. 749, § 1, 9-18-2017](#); [Ord. No. 772, § 1, 2-4-2019](#))

# Smoke Shops in Alpharetta

## Conditional Use Approved

- CU-18-01 - V8P Bar Alpharetta (Windward Promenade)
- CU-17-02 - Cutter's Cigar (4915 Windward Pkwy)

## Pre-existing

- Big Bang Vape Co.
- Alpha Smoke
- Tinder Box
- Water Cloud Vapor Co.
- Cigar Plus

 Vape Sales  
 No Vape Sales

**Big Bang Vape Co.**  
800 N. Main St. Ste. 210

**Cutter's Cigar & Spirits**  
4915 Windward Pkwy

**V8P Bar Alpharetta**  
875 North Main St Ste. 356

**Liberty Hall**  
33 S. Main St.

**Tinder Box**  
131 S. Main St. Ste. G

**Alpha Smoke**  
1805 Hembree Rd

**Water Cloud Vapor Co.**  
3710 Old Milton Pkwy Ste. 103

**Cigar Plus**  
4055 Old Milton Pkwy Ste. 8

# Alpharetta

## Smoke Shops with Vape Sales

**Big Bang Vape Co.**

800 N. Main St. Ste. 210

**V8P Bar Alpharetta**

875 North Main St Ste. 356

**Alpha Smoke**

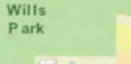
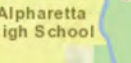
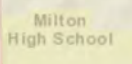
1805 Hembree Rd

**Water Cloud Vapor Co.**

3710 Old Milton Pkwy Ste. 103

**Cigar Plus**

4055 Old Milton Pkwy Ste. 8





# City Council Meeting & Public Hearing STAFF REPORT

Submitting Department: Community Development

Submitted By:

Sponsored By:

Meeting Date: October 28, 2019

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**I. AGENDA ITEM TITLE:** NORTH FULTON COMMUNITY CHARITIES TEMPORARY USE PERMIT

**II. RECOMMENDATION:**

**III. REPORT IN BRIEF:**

Council consideration to allow a temporary use permit for its annual Holiday Assistance Program. The subject property is located at 310 North Point Cir, between North Point Pkwy and North Point Circle.

**IV. ALTERNATIVES:**

**V. ATTACHMENTS:**

NFCC Temp Use Staff Report 102819, Letter of Intent, 2019 Holiday Program Volunteer Dates, 2019 Holiday Program Overview, 2019 Security Schedule, Temporary Banner



# CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: NORTH FULTON COMMUNITY CHARITIES TEMPORARY USE PERMIT

CITY COUNCIL:                      OCTOBER 28, 2019

II. RECOMMENDATION:

Approve request for temporary use permit for North Fulton Community Charities Holiday Assistance Program through December 31, 2019.

III. REPORT IN BRIEF:

North Fulton Community Charities (NFCC) requests Council consideration to allow a temporary use permit for its annual Holiday Assistance Program. The temporary use regulations in the Unified Development Code (UDC), Subsection 2.3.2, **do not address the applicant's specific circumstances**, but allow the Community Development Director to forward such requests to Council for consideration. The subject property is located at 310 North Point Cir, between North Point Pkwy and North Point Cir.

The 1.5-acre property is developed with a 16,000 square foot building, formerly Thomasville Furniture Store, and 88 parking spaces. Surrounding properties include California Pizza Kitchen to the east, North Point Mall and Cheesecake Factory to the north, Total Wine to the west and the former Fuddruckers building to the south.

The former Thomasville Furniture Store has been donated to NFCC for temporary use from October 18, 2019 to December 31, 2019. NFCC's Holiday Assistance Program includes the following events: Warm Coat Distribution, Thanksgiving Senior Basket Delivery, Thanksgiving Meal Distribution, Christmas – Santa Shop, Christmas Senior Basket Delivery and Christmas – Family Sponsorship. NFCC will provide liability insurance, security, traffic control, utilities and sanitation. As shown in the table below, the number of families that will be served at the premises varies depending on the event.

Program	Thanksgiving Meal	Sponsored Families	Santa Shop	Senior Baskets
Number of Families	400	100	560	145
Dates/Times	11/24/19 1 PM-4 PM	12/21/19 10 AM-1 PM	12/14/19 10 AM-5 PM 12/15/19 1 PM-4 PM	Delivered

NFCC also requests a temporary banner for a total of 59 days to be placed on the existing Thomasville Furniture monument sign located along North Point Circle.

IV. ATTACHMENTS:

- Letter of Intent
- 2019 Holiday Program - Volunteer Dates
- 2019 Holiday Program Overview
- Security Schedule
- Temporary Banner



**NFCC**  
North Fulton  
Community Charities

October 21, 2019

Mr. Mike Woodman  
City of Alpharetta  
Alpharetta City Hall  
2 Park Plaza  
Alpharetta, GA 30009

North Fulton Community Charities (NFCC) is respectfully requesting a temporary zoning variance for property located at **310 North Point Circle, Alpharetta, GA 30022** (formerly the Thomasville Furniture Store, currently zoned retail), containing approximately 16,00SF and 1.5 acres of common areas comprised of parking lots and access ways for the purpose of operating its annual Holiday Assistance Program. NFCC has entered into an agreement with Hubert Realty, dated October 18, 2019, for temporary use of the donated premises through December 31, 2019. NFCC will provide liability insurance, security, traffic control, and pay for all necessary utilities and sanitation. A detailed security schedule and program dates is attached.

As part of our temporary zoning variance request, we are also asking that the Council approve the temporary signage permit needed for the program be extended beyond the typical 14 days to a total 59 days, based upon the term of premise occupancy and program duration.

For over 25 years, NFCC's Holiday Assistance Program brings together hundreds of local businesses, civic and religious groups, and caring individuals to help less fortunate families in our community stay warm, celebrate family traditions and enjoy a holiday meal, while remaining stably housed. Low income families who have been pre-qualified for assistance will be provided warm coats in October, supplies for a Thanksgiving dinner in November, and will return in December to receive gifts for their children donated by our community supporters. Detailed information about NFCC and the Holiday Program is available on our website at [www.nfcchelp.org](http://www.nfcchelp.org).

NFCC seeks to prevent homelessness in North Fulton (Alpharetta, Johns Creek, Milton, Mountain Park and Roswell) by supporting and stabilizing local families and individuals in their homes during a financial crisis or when threatened with homelessness. By pooling resources from the local community, NFCC assists families with rental and utility assistance, food, clothing, transportation and other emergencies needs. In 2018, NFCC assisted over 4,000 local families, including 1,141 Alpharetta households.

During the 2018 Holiday Assistance Program, NFCC assisted over 700 families, 74 seniors, and 2,000 children with warm coats, food for Thanksgiving and a holiday meal, and gifts and toys. In addition, a total of 1,524 community volunteers served, including Bike Alpharetta's Bike for Kids Drive, which partners with the City of Alpharetta Fire Department to clean and refurbish bikes donated for the program.

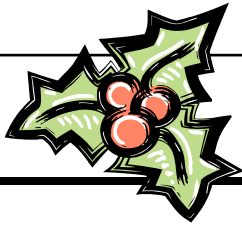
Thank you for considering this request. If there is additional information I can provide that would assist you in granting this request, please contact me.

Sincerely,

Eden Purdy  
Director of Programs

11270 Elkins Rd, Roswell, GA 30076 Phone: 678-387-4458  
Email: [epurdy@nfcchelp.org](mailto:epurdy@nfcchelp.org) [nfcchelp.org](http://nfcchelp.org)

**Together, we can help.**



# The 2019 Holiday Program North Fulton Community Charities

## **Volunteer Dates**

The NFCC Holiday Program has many volunteer opportunities October through December. **Please note:** Individual volunteers must be at least 16 to serve without an adult. Groups of teens ages 6-18 must have an adult chaperone for every group of four. Teens 13-15 must be accompanied by an adult. Children under the age of 13 cannot volunteer. **All** volunteer activities for the Holiday Program are at the Distribution Site: 310 North Point Circle, Alpharetta, GA 30022 (formerly Thomasville Furniture)

**PLEASE dress appropriately for the weather and wear comfortable shoes. Activities may involve lifting up to 30lbs, and be inside or outside. End times are subject to change.**

### **WARM COAT DISTRIBUTION**

Thursday, October 24	2:00pm - 5:00pm ( <i>Site Prep., sorting coats</i> )
Friday, October 25	10:00am - 1:00pm <u>or</u> 2:00pm - 5:00pm ( <i>Prep for Clients</i> )
<b>Saturday, October 26</b>	<b>9:30am - 1:30pm (<i>Coat Distribution Day, 10-1</i>)</b>
Monday, October 28	10:00am-1:00pm ( <i>Loading /unloading coats to storage</i> )

### **THANKSGIVING SENIOR BASKET DELIVERY**

<b>Saturday, November 23</b>	<b>1:00pm - 4:00pm (<i>Deliver baskets to seniors</i>)</b>
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### **THANKSGIVING**

Thursday, November 21	4:00pm - 7:00pm ( <i>Food and Basket Receiving</i> )
Friday, November 22	4:00pm - 7:00pm ( <i>Food and Basket Receiving</i> )
Saturday, November 23	10:00am - 1:00pm <u>or</u> 2:00pm - 5:00pm ( <i>Prep for Clients</i> )
<b>Sunday, November 24</b>	<b>12:30pm - 2:30pm <u>or</u> 2:00pm - 4:30pm (<i>Distribution Day, 1-4</i>)</b>

### **CHRISTMAS - SANTA SHOP**

Monday, December 9	10:00am - 1:00pm ( <i>Toys &amp; Gifts Receiving</i> )
Tuesday, December 10	4:00pm - 6:00pm ( <i>Toys &amp; Gifts Receiving</i> )
Wednesday, December 11	4:00am - 6:00pm ( <i>Toys &amp; Gifts Receiving &amp; Set up</i> )
Thursday, December 12	10:00am-1:00pm and 4:00pm-6:00pm ( <i>Toys &amp; Gifts Receiving &amp; Set Up</i> )
Friday, December 13	2:00pm-5:00pm ( <i>Organizing and Final Site Set Up</i> )
<b>Saturday, December 14</b>	<b>9:30am- 12:30pm, 12:00pm-3:00pm; 2:30pm-5:30pm(SS#1, 10-5)</b>
<b>Sunday, December 15</b>	<b>12:30pm- 4:30pm (SS#2, 1-4)</b>

### **CHRISTMAS SENIOR BASKET DELIVERY**

<b>Sunday, December 15</b>	<b>11:30am - 2:00pm (<i>Deliver baskets to seniors</i>)</b>
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### **CHRISTMAS - FAMILY SPONSORSHIP**

Wednesday, December 18	4:00pm - 7:00pm ( <i>Set Up, Gift Receiving &amp; Organizing 5-7</i> )
Thursday, December 19	4:30pm - 7:00pm ( <i>Gift Receiving &amp; Organizing</i> )
<b>Saturday, December 21</b>	<b>9:30am- 1:30pm (<i>Gift Distribution Day, 10-1</i>)</b>

**IMPORTANT: For programs to run smoothly, Volunteers must arrive promptly at their shift start time and are expected to stay for their entire shift. Please reschedule if you arrive more than 15 minutes late!**

Please visit our website at [www.nfccholiday.org](http://www.nfccholiday.org) to sign up to help.



## 2019 NFCC Holiday Program Overview

**Registration:** Registration for clients begins Tuesday, October 1, at the NFCC Education Center.

**Holiday Distribution Site:** TBD

Program	Date/Time	Description
 <p>Warm Coat Day</p>	<p>Saturday, October 26 10:00am-1:00pm 12:00pm-1:00pm Childless Households &amp; Individuals (49-64)</p>	<p>All registered, qualified families &amp; individuals may attend with children. Each family member receives coat/accessories.</p>
 <p>Senior Baskets</p>	<p>Saturday, November 23 Delivery: 1:00-4:00pm  Sunday, December 15 Delivery: 11:30am-2:00pm</p>	<p>All registered, qualified seniors will receive holiday baskets (one for Thanksgiving and one for Christmas). Must be 65+ or disabled, and not be participating in any other part of the Holiday Program. Baskets will be delivered by volunteers.</p>
 <p>Thanksgiving Food</p>	<p>Sunday, November 24 1:00-4:30pm  3:30-4:30pm – Childless Households &amp; Individuals (49-64)</p>	<p>All registered, qualified families and households will get 2/3 bags of Thanksgiving food, plus a turkey and/or grocery store gift card. No children at pickup.</p>
 <p>Sponsored Families</p>	<p>Saturday, December 21 10:00am-1:00pm</p>	<p>Reserved for the most medically challenged families, this program is invitation only. Invited families fill out an application and wish list. Families have a sponsor who provides gifts/toys for the family. No children at pickup.</p>
 <p>Santa Shop</p>	<p>Saturday, December 14 10:00am-5:00pm  Sunday, December 15 1:00pm-4:00pm</p>	<p>If a registered family does not qualify for Sponsored Families, they are invited to Santa Shop. Most families are in this program. Set up like a toy store, families get to select 3 toys/gifts per child, plus extras. No children allowed.</p>

# 2019 HOLIDAY PROGRAM SECURITY REQUIREMENTS

	Date	Activity	Officer(s) Needed	Officer Name	Officer Name	Total Hours
<b>Coat Day</b>	Saturday, October 26	Distribution	1			
	<i>9:00-1:30pm</i>					4.5
<b>Thanksgiving</b>	Sunday, November 24	Distribution	1			4.0
	<i>12pm-4pm</i>					
<b>Christmas</b>	Monday, December 9	Gift Drop Off	1			14.0
	<i>Start at 10:00am</i>					
	Tuesday, December 10	Gift Drop Off	1			24.0
	Wednesday, December 11	Gift Drop Off	1			24.0
	Thursday, December 12	Gift Drop Off	1			24.0
	Friday, December 13	Gift Drop Off	1			24.0
Saturday, December 14	Santa Shop	1			24.0	
Sunday, December 15	Santa Shop	1			16.5	

<i>Finish at 4:30pm</i>					
					<b>Total 159.0</b>



# Holiday Program



**NFCC**  
North Fulton  
Community Charities

310 North Point Circle

PRESENTED BY:

HUBERT  
REALTY

★ macy's

WELLSTAR.  
North Fulton Hospital

[NFCCHoliday.org](http://NFCCHoliday.org)