



PLANNING COMMISSION MEETING AUGUST 4, 2016

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

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF MEETING MINUTES
 - a. July 13, 2016 Minutes
- IV. ITEMS FROM BOARD MEMBERS
- V. ITEMS FROM STAFF
- VI. PUBLIC HEARING
 - a. Z-16-08/V-16-22 Old Rucker Rd/Garrett
Consideration of a request to rezone approximately 3.5 acres from AG (Agricultural) to R (Dwelling 'For-Sale', Residential) in order to develop 3 single-family detached homes on minimum one (1) acre lots. Variances from UDC Section 2.2.3 (D) to reduce the front yard setback from 50' to 35', reduce the side yard setback from 25' to 15' and reduce the rear yard setback from 50' to 25' are requested. The property is located at 825 Old Rucker Road and is legally described as being located in Land Lot 1243, 2nd District, 2nd Section, Fulton County, Georgia.
 - b. MP-16-05/CLUP-16-05/Z-16-06 Duke Land Group/Preston Ridge
This item has been deferred by the Applicant. It will not be heard on August 4, 2016.
Consideration of a request to rezone approximately 13.4 acres from O-I (Office-Institutional) and CUP (Community Unit Plan) to CUP (Community Unit Plan) in order to develop 73 townhomes and a 48,000 square foot office building. An amendment to the Preston Ridge Master Plan Pod H to add 'Dwelling, 'For-Sale' Attached' to the list of permitted uses is requested, as well as, a change to the Comprehensive Land Use Plan from 'Corporate Campus Office' to 'Mixed Use'. The property is located at the southwest corner of Webb Bridge Road and Morris Road and is legally described as being located in Land Lots 909, 1262 & 1263, 1st/2nd District, 2nd Section, Fulton County, Georgia.
 - c. CLUP-16-06/Z-16-07/V-16-17 Westside DayCare Center
Consideration of a request to rezone approximately 1.8 acres from R-10M ('For-Rent' or 'For-Sale', Residential) to O-P (Office-Professional) in order to develop a day care center. A change to the Comprehensive Land Use Plan from 'High Density Residential' to 'Professional Business Office' is requested, as well as, a variance to UDC Section 2.3.5 (A) to eliminate the required 50' undisturbed buffer. The property is located at the southwest corner of Webb Bridge Road and Westside Parkway and is legally described as Land Lots 1263 & 1264, 2nd District, 2nd Section, Fulton County, Georgia.
 - d. MP-16-07 William & Reed Academy
Consideration of a request to amend the Windward Master Plan Pod 21B to add 'School, Academic' to the list of permitted uses in order to allow a private school, grades K-12. The property is located at 1600 Union Hill Road and is legally described as Land Lot 1049, 2nd District, 1st Section, Fulton County, Georgia.

- e. **Z-16-05/V-16-21 Aycock/Thompson St Downtown - Live Work**
Consideration of a request to rezone approximately 1 acre from O-P (Office-Professional) to DT-LW (Downtown Live-Work) in order to develop 7 single-family detached homes. A variance from UDC Appendix A, Section 3.7.3 to reduce the minimum lot size for detached homes and a variance from UDC Section 2.5.5 (D) to allow for crushed stone to be used for internal private streets is requested. The property is located on the north side of Thompson Street east of Haynes Bridge Road and is legally described as being located in Land Lot 748, 1st District, 2nd Section, Fulton County, Georgia.
- f. **CU-16-07/V-16-20 European Wax Center**
Consideration of a request for a conditional use to allow 'Spa Services' use to allow for a skin, nail, hair treatments, and hair removal/waxing business. A variance to UDC Section 1.4.2 to reduce the 2,000 feet separation requirement between similar 'Spa Services' uses is requested. The property is located at 2685 Old Milton Parkway, Suite 140 (The Atwater) and is legally described as Land Lots 801 & 802, 1st District, 2nd Section, Fulton County, Georgia.
- g. **MP-16-06/V-16-16 Academy Sports**
This item has been deferred by the Applicant until September 7, 2016. It will not be heard on August 4, 2016
Consideration of a request to amend the North Point Business Center Master Plan Pod 1 to add additional stand-alone retail density in order to develop a 62,943 square foot Academy Sports retail building. A variance to UDC Section 3.7.2 (2) to reduce the minimum 25% clear glass on a commercial building requirement along roadway facades is requested. The property is located on the north side of North Point Drive west of Haynes Bridge Road and is legally described as Land Lots 743 & 754, 1st District, 2nd Section, Fulton County, Georgia.
- h. **MP-16-09 Odyssey Escape Game/Windward**
Consideration of a request to amend the Windward Master Plan Pod 56 to add 'Recreation Facilities, Indoor' to the list of permitted uses to allow for a team-building entertainment business. The property is located at 1111 Alderman Drive, Suite 210 and is legally described as Land Lot 1047, 2nd District, 1st Section, Fulton County, Georgia.

VII. WORKSHOP

- a. Existing Approved SPA and Massage Locations

VIII. ADJOURNMENT



PLANNING COMMISSION MEETING MINUTES

MEETING OF JULY 13, 2016

PUBLISHED: FRIDAY, JULY 28, 2016

DEPARTMENT OF COMMUNITY DEVELOPMENT

WWW.ALPHARETTA.GA.US

678.297.6070

*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



- The meeting was called to order at 6:30 PM

II. ROLL CALL

- Commission Members Present
 - Larry Attig
 - Fergal Brady
 - John Goss
 - Robert Partee
 - Karen Richard
- Commission Members Absent
 - Francis Kung'u (Chair)
 - Kyle Caswell (Vice Chair)
 - Karen Cashion
- Staff Present
 - Kathi Cook, Director of Community Development
 - James Drinkard, Assistant City Administrator
 - Michael Riddle
 - Michael Woodman, Senior Planner

III. ELECTION OF CHAIR PERSON FOR JULY 13, 2016 MEETING



- In the absence of both the Chair and the Vice Chair, one member in attendance must be elected to serve in the capacity of Chair only for this meeting

- ❖ Commission Member Attig nominated Karen Richards to serve in the capacity of Chair for the July 13, 2016 meeting
 - The nomination received a second from Commission Member Partee
 - The nomination was approved by unanimous vote (5-0-0)
- Commission Member Richards assumed the Chair and presided over the remainder of the proceedings

IV. APPROVAL OF MEETING MINUTES



- ❖ Commission Member Partee offered a motion to approve the minutes of the June 02, 2016 meeting
 - The motion received a second from Commission Member Attig
 - The motion was approved by unanimous vote (5-0-0)

V. ITEMS FROM BOARD MEMBERS

VI. ITEMS FROM STAFF

VII. PUBLIC HEARING

A. CU-16-03: Assisted Living / Hill



- Kathi Cook, Director of Community Development, came forward to introduce the item
 - The applicant is requesting a conditional use permit to allow an assisted living facility at 1080 Upper Hembree Road
 - The subject property is located on the north side of Upper Hembree Road with its west boundary adjacent to the City of Roswell
 - Birch Hollow subdivision is adjacent to the north
 - The zoning of the property is O-I (Office-Institutional), which allows 'Congregate Housing, Assisted Living Facility' as a conditional use.
 - The applicant will utilize the existing structure with no planned alterations to the exterior
 - The existing parking on the site will be utilized by the applicant, with no significant alterations to the site
- Staff recommends approval of the item with ten (10) conditions
 1. Parking area shall be screened and striped in compliance with Unified Development Code (UDC) regulations.
 2. Required parking shall be met on-site and/or at 1130 Upper Hembree Road (Hembree Senior Care Center) as long as both locations are under common ownership.
 3. Remove tree stump at site entrance (southeast corner) and replace with a minimum 4" caliper tree and 2' shrubs, as approved by Staff.
 4. Install a 5' sidewalk along the frontage of the property.
 5. Any additions and modifications to the existing structure shall be residential in character and approved by Staff.
 6. Maintain a minimum 50' undisturbed buffer at the rear of the property.
 7. Maintain and replant where sparse a 10' buffer along the west property line, as approved by Staff.
 8. Signage shall be limited to one ground sign not to exceed 6 feet in height and 16 square feet in size (32 square feet if double faced) with landscaping at the base.
 9. Structure must meet all Life Safety Code requirements.

10. Expansion to accommodate more than 16 beds shall require a public hearing and demonstration that the residential character of the property is maintained and all facility needs can be met on site.

- Rob Hill, the applicant, came forward to speak to the request.

He discussed reasons for opening the facility, no changes to exterior, intent to maintain residential feel, presented statistics on aging population, traffic, agreed to Conditions.

There was discussion on affordable pricing, number of beds, no outside area, services provided, parking, referrals.

- Planning Commissioners posed questions that were responded to by the applicant
- Public comment was invited
 - None

❖ Commission Member Attig offered a motion to approve the item with Staff recommended conditions as presented

- The motion received a second from Commission Member Brady
- The motion passed by unanimous vote (5-0-0)

B. MP-16-04 / CU-16-04: Nail Seasons / Twin Oaks / Preston Ridge



- Michael Woodman, Senior Planner, came forward to introduce the item
 - The applicant, Nail Seasons & Tan, Inc., is requesting a conditional use permit and master plan amendment to allow 'Nail Salon' at 3450 Old Milton Parkway, Suite 100
 - The submitted request, if approved, will permit the applicant to provide nail salon services in a 2,101 square foot suite within an existing shopping center
 - Manicure and pedicure services are the only services proposed by the applicant
 - The subject property is located at the northeast corner of Old Milton Parkway and North Point Parkway
 - The property is zoned CUP (Community Unit Plan) and is located in Pod B of the Preston Ridge Master Plan, which allows 'Nail Salon' as a conditional use
- Staff recommends approval of the application with five (5) conditions
 1. 'Nail Salon' shall be added as a conditional use at 3450 Old Milton Pkwy, Suite 100.
 2. Conditional use approval shall be limited to Nail Seasons & Tan, Inc.; no additional nail salon businesses or subleasing shall be permitted within the approved space.
 3. No services, such as waxing and massage, shall be permitted.
 4. Hours of operation shall be limited to Monday through Sunday from 9:30 AM to 8:00 PM.
 5. Neon window signage within the permitted 20% shall be limited to one 'OPEN' sign.

There was discussion on neon window signage.

- Ethan Underwood, attorney, came forward in representation of the applicant
 - The applicant states that they have been in business for 10 years and currently operate a Nail Seasons & Tan, Inc. location in the Alpharetta Commons shopping Center, located at 4305 State Bridge Road, Suite 106 in Alpharetta
 - The applicant intends to relocate the existing business to the Twin Oaks shopping center, pending approval of the conditional use permit and master plan amendment
- Public comment was invited
 - None

There was discussion of relocation, services offered, saturation in the market.

❖ Commission Member Partee offered a motion to approve the application with Staff recommended conditions as presented

- The motion received a second from Commission Member Brady
- The motion passed by unanimous vote (5-0-0)

C. MP-16-10 / CU-16-05: iNails / Spa Services



- Kathi Cook, Director of Community Development, came forward to introduce the item
 - The applicant, iNails Salon & Spa, is requesting a conditional use permit and master plan amendment to allow 'Nail Salon' and 'Spa Services' for a business located at 7300 North Point Parkway, Suite 104A (North Point Village I)
 - The submitted request, if approved, will permit the applicant to provide nail salon services in a 3,295 square foot suite within an existing shopping center
 - In addition to a nail salon, the applicant's business also offers services such as facials, waxing, and massage
- Staff recommends approval of the application with four (4) conditions
 1. 'Nail Salon' and 'Spa Services' shall be added as a conditional use at 7300 North Point Pkwy, Suite 104A.
 2. Conditional use approval shall be limited to the iNails Salon & Spa; no additional nail salon/spa businesses or subleasing shall be permitted within the approved space.
 3. Hours of operation shall be limited to Monday through Saturday from 9:30 AM to 8:00 PM and Sunday 12:00 PM to 6:00 PM.
 4. Neon window signage within the permitted 20% shall be limited to one 'OPEN' sign.
- Steve Cooper of Coro Realty and David Truong, the applicant, came forward in representation of the application. Applicant stated facials and waxing services would be available, but not massage.
- Public comment was invited
 - None

There was discussion on hours of operation and window signage.

❖ Commission Member Brady offered a motion to approve the application with Staff recommended conditions as presented

- The motion received a second from Commission Member Partee
- The motion was approved by unanimous vote (5-0-0)

D. PH-16-08: Unified Development Code – Text Amendments



- Michael Woodman, Senior Planner, came forward to introduce the item
- Staff is requesting consideration of changes to the Unified Development Code in order to amend Section 1.4.2 definition of “Spa Services”, remove Section 2.7.7 Massage Therapy, add “Equestrian Center” as a conditional use in the RE, R, R-22, and R-15 zoning districts, and delete Section 2.3.7 Conditional Uses
 - Spa Services
 - Due to conflicts between the definition of ‘Spa Services’ in UDC Section 1.4.2 – Definitions and the definition of ‘Spa Establishments’ in UDC Section 2.7.7 Massage Therapy, staff proposes to amend the definition of ‘Spa Services’ to add “personal services that cause a customer to disrobe”
 - In addition, staff proposes the deletion of UDC Section 2.7.7 Massage Therapy as these regulations are enforced by the City’s Public Safety Department and are included in the Code of Ordinances
 - Equestrian Center
 - In an effort to protect the rural and agricultural character of larger residential properties in the City, staff proposes adding ‘Equestrian Center’ as a conditional use in the RE, R, R-22, and R-15 zoning districts
 - ‘Equestrian Center’ is currently listed as a permitted use in the SU zoning district and as a conditional use in the AG, CUP, and MU zoning districts
 - Staff proposes that ‘Equestrian Center’ be listed as a conditional use in the RE, R, R-22, and R-15 zoning districts
 - Approval of a conditional use permit would be subject to the criteria established by the Fulton County Code of Ordinances Section 4.8.1
 - Conditional Uses
 - Due to duplication, staff proposes that UDC Section 2.3.7 Conditional uses be deleted
 - UDC Section 4.2.3 (B) Conditional Use Standards already establishes conditional use standards
- Questions were posed by the Planning Commission and responded to by Staff
 - Board Member Partee requested a map or list of SPA/Massage Establishments at next Workshop.
 - There was discussion on Equestrian Center use having one acre per horse per Fulton County Code.
- Public comment was invited
 - None
- ❖ Commission Member Partee offered a motion to approve PH-16-08
 - The motion received a second from Commission Member Goss
 - The motion passed by unanimous vote (5-0-0)

VIII. ADJOURNMENT



- With no further business to be conducted or items to be heard, the Chair adjourned the meeting at 7:06 PM



COUNCIL AGENDA REPORT

FROM: Kathi Cook, Community Development Director
Prepared by: Michael Woodman, Senior Planner

SUBJECT: Z-16-08/V-16-22 Old Rucker Road/Marie Garrett

PLANNING COMMISSION: August 4, 2016
CITY COUNCIL: August 22, 2016

RECOMMENDATION:

Approve Z-16-08/V-16-22 Old Rucker Road/Marie Garrett subject to the following conditions:

1. The property to be rezoned shall have an “R” zoning classification with single-family detached minimum lot sizes of one (1) acre.
2. Property shall be subdivided substantially as depicted on the site plan prepared by Brumbelow Reese & Associates, dated 6/30/16.
3. Setbacks shall be as follows:
 - Front – 35’
 - Side – 15’
 - Rear – 25’
4. All homes shall be oriented to Old Rucker Road and shall only have access from Old Rucker Road.
5. Crepe Myrtle and privacy fence screening along Rucker Road shall remain and be maintained by each property owner.
6. Provide minimum 5’ landscape strips along the west and east property lines of the 3.5-acre parcel.
7. Specimen trees shall be saved and home sites shall be laid out to minimize impact to the existing tree canopy, as determined by the City Arborist.
8. Driveways may be crushed stone to minimize impacts to specimen trees.
9. Homes shall be a historic architectural style, with final approval by Staff.

REPORT-IN-BRIEF

The applicant, Marie Garrett, is requesting a change in zoning for the 3.5 acres from AG (Agriculture) to R (Dwelling ‘For-Sale’, Residential) and setback variances for the purpose of splitting the subject property into three (3) lots, allowing for three (3) single-family detached dwellings.

DISCUSSION

The submitted request, if approved, will allow for three (3) single-family detached lots. The proposed density is 0.86 units per acre. The property is located on the north side of Rucker Road, the south side of Old Rucker Road, and east of Broadwell Road.

Properties surrounding the subject parcel are zoned AG to the north, east and west and R-15 to the south. The adjacent property to the west is 3.25 acres and the properties to the east are 1.16 acres, 1.12 acres, and 1.28 acres. The three (3) properties to the north are 0.97 acres, 4.76 acres, and 5.76 acres. Hickory Ridge subdivision is located to the south and consists of ½-acre lots.

The site plan submitted depicts three (3) single-family detached lots with an existing 2-story detached home on Lot 2 and an existing barn on Lot 1. Lots 1 and 3 are one (1) acre each and Lot 2 is 1.511 acres. The existing home and two (2) additional lots are shown fronting Old Rucker Road. The proposed minimum lot size is one (1) acre and minimum lot width is 100 feet.

Proposed Setbacks:

Front Setback (Old Rucker Road) – 35 feet

Side Setback – 15 feet

Rear Setback – 25 feet

The applicant is requesting variances to reduce the front setback from 50' to 35', the side setback from 25' to 15', and the rear setback from 50' to 25'.

STANDARDS FOR ZONING CHANGES

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

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

Response: The zoning proposal would allow for 'For-Sale' single-family detached homes, which is consistent with the use of adjacent and nearby properties.

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

Response: The proposal will not adversely affect the existing use or usability of adjacent or nearby properties, if conditions are included protecting the tree canopy and requiring architectural standards and review.

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

Response: The proposed development will not have significant impacts on the natural environment. Staff proposes conditions to protect specimen trees and the tree canopy.

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

Response: The property is currently zoned AG and is developed with one (1) single-family detached home. One (1) additional 'For-Sale' single-family detached home is permitted on properties in the AG district with approval of a conditional use.

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

Response: The two (2) additional lots will not create a significant change in demand on public facilities.

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

Response: The proposal is supported by new or changing conditions.

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

Response: The request to rezone from AG to R reflects a reasonable balance as the Comprehensive Land Use Plan designation of the subject property is Very Low Density Residential.

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

Response: The Comprehensive Land Use Plan designation identifies a density of up to one (1) dwelling unit per acre, which is consistent with the applicant's request for 0.86 dwelling units per acre.

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

Response: The property meets the Comprehensive Land Use Plan designation, which is Very Low Density Residential.

VARIANCE REVIEW CRITERIA

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

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

Response: The proposed setback variances will protect trees and maintain the character of the area.

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

Response: The applicant could comply with the established building setbacks in the R zoning district, but requests the setback variances to protect trees and the character of the area.

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

Response: Not applicable.

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

Response: Approval will not cause a substantial detriment to the public good, if conditions are in place requiring architectural review and protection of trees and landscape screening.

CONCURRENCES

City Staff has reviewed the applicant's proposal and finds that it can support the applicant's requests for rezoning and variance. The lot size depicted of minimum one (1) acre is smaller than some of the adjacent properties; however, architectural standards and review can be added as a condition, as well as, site conditions to maintain the rural character of the area.

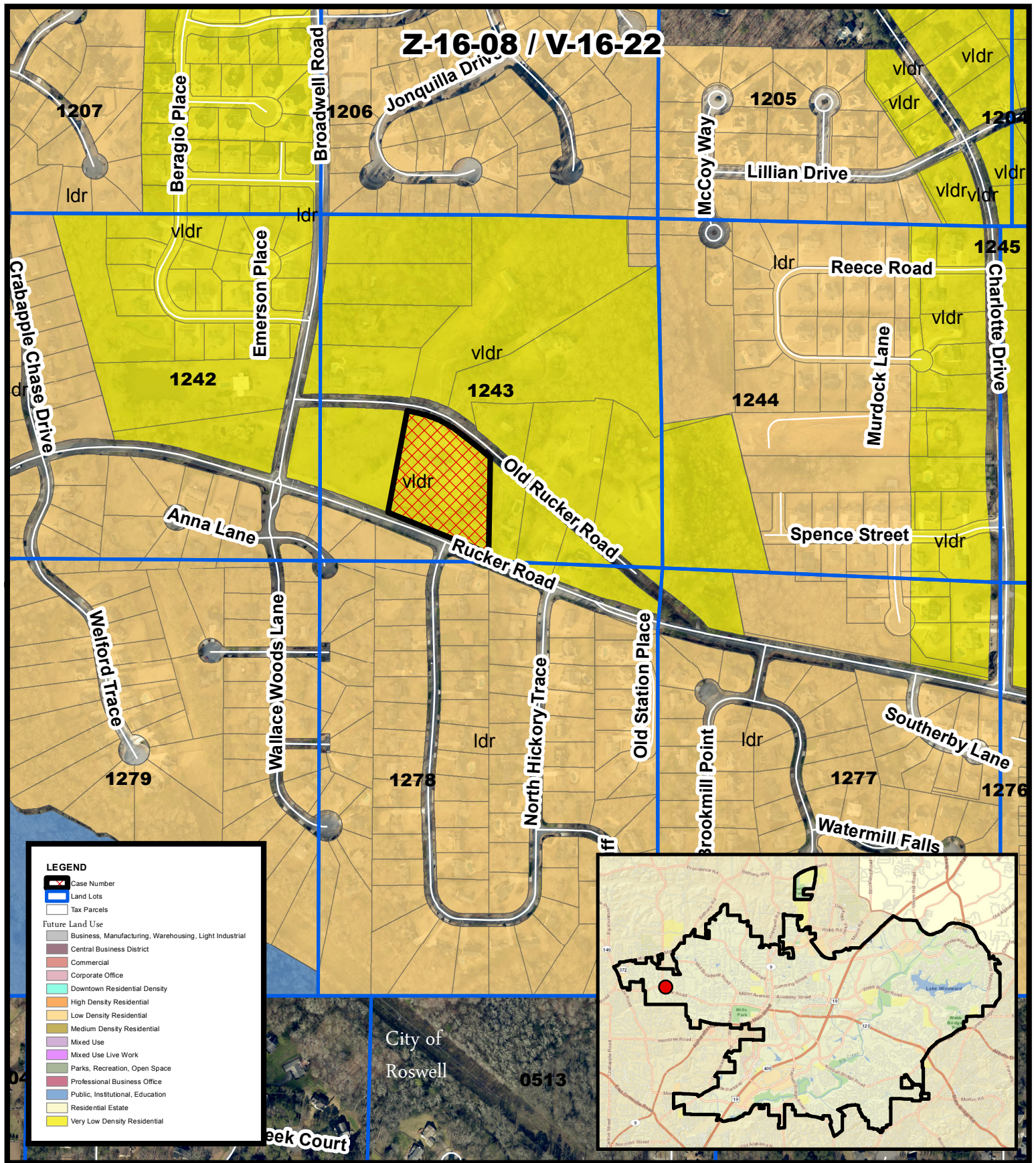
The applicant's request for setback variances will allow for the construction of homes that are consistent with the character and size of homes in the area while protecting the existing tree canopy and landscaping screening along Rucker Road.

CITIZEN PARTICIPATION PLAN

The report submitted by the applicant states that contiguous property owners were contacted by phone or in person regarding the applicant's intent. The applicant held a meeting on the subject property on July 17, 2016, which included four (4) attendees. The report states that no negative comments were received.

Attachments

Site Plan

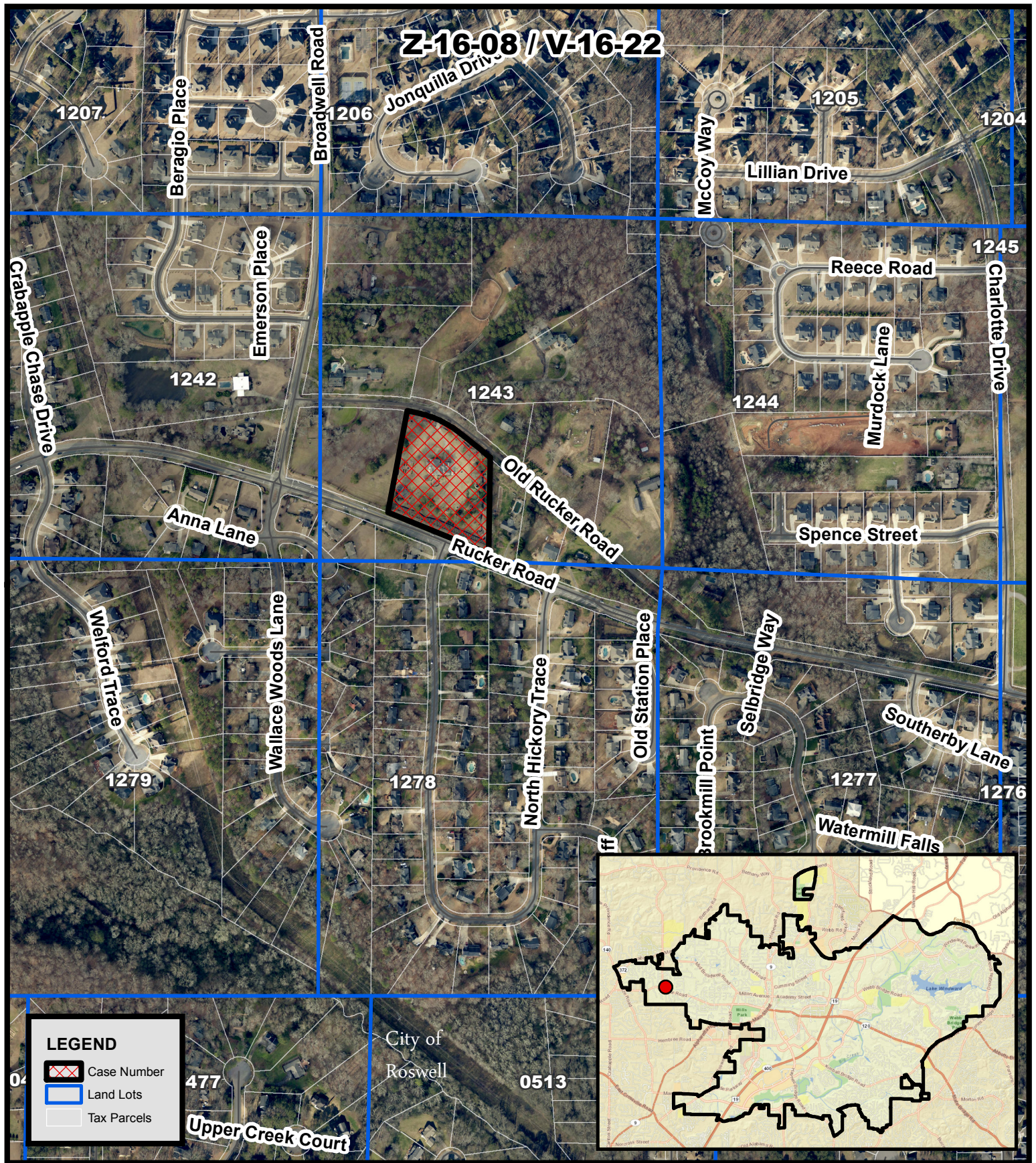


2035 Land Use
Marie Garrett
825 Old Rucker Road

Z-16-08/V-16-22
D/LL: 2/2/1243
PC: 08/04/16
CC: 08/22/16



Location Map Provided by:
Community Development - GIS

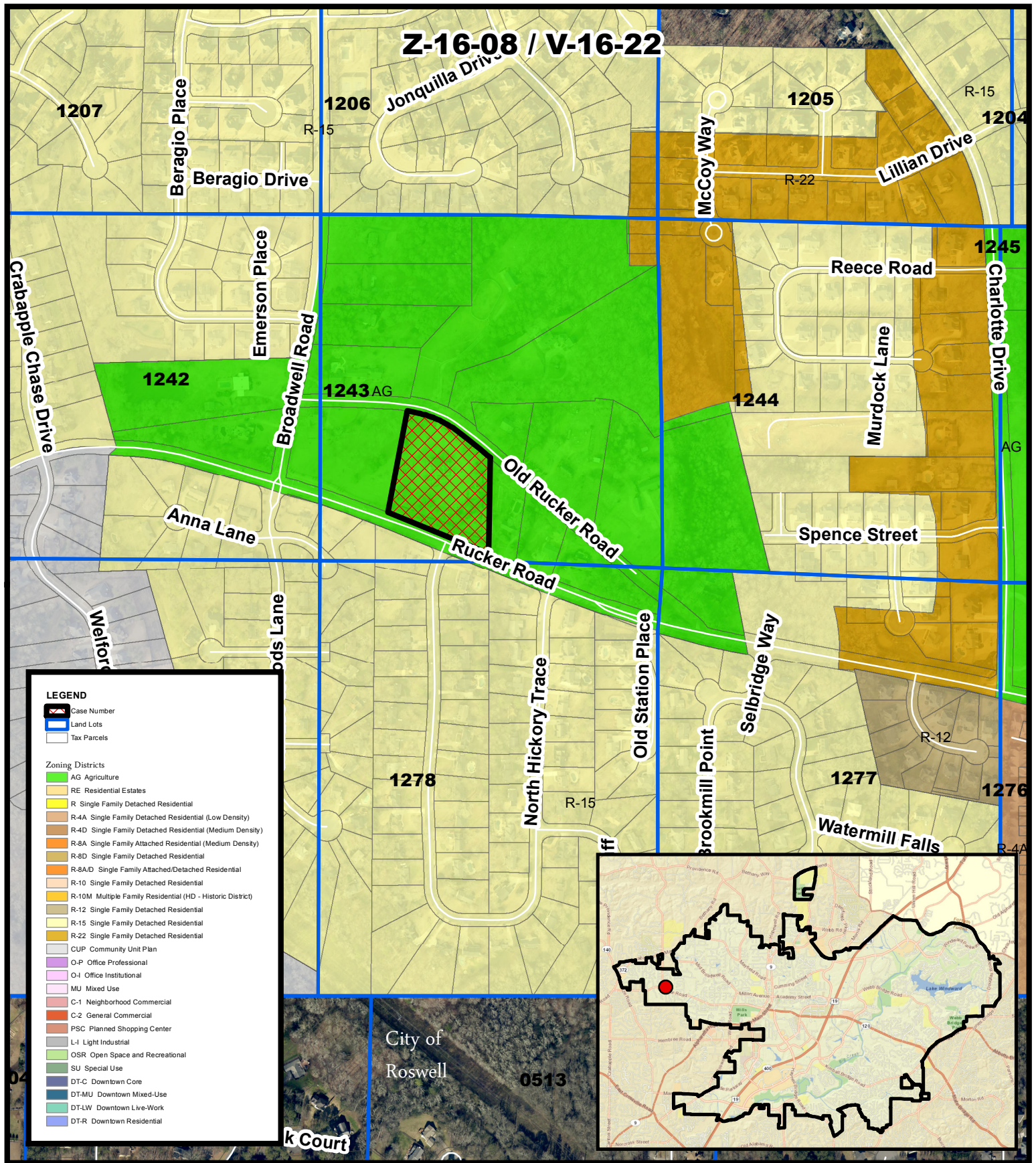


Aerial Map
Marie Garrett
825 Old Rucker Road

Z-16-08/V-16-22
D/LL: 2/2/1243
PC: 08/04/16
CC: 08/22/16



Location Map Provided by:
Community Development - GIS

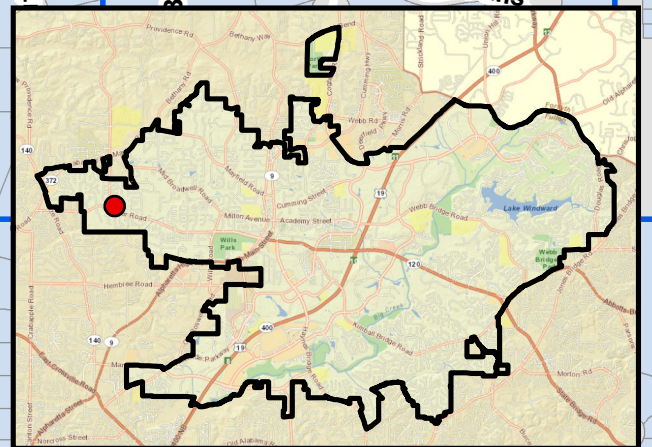
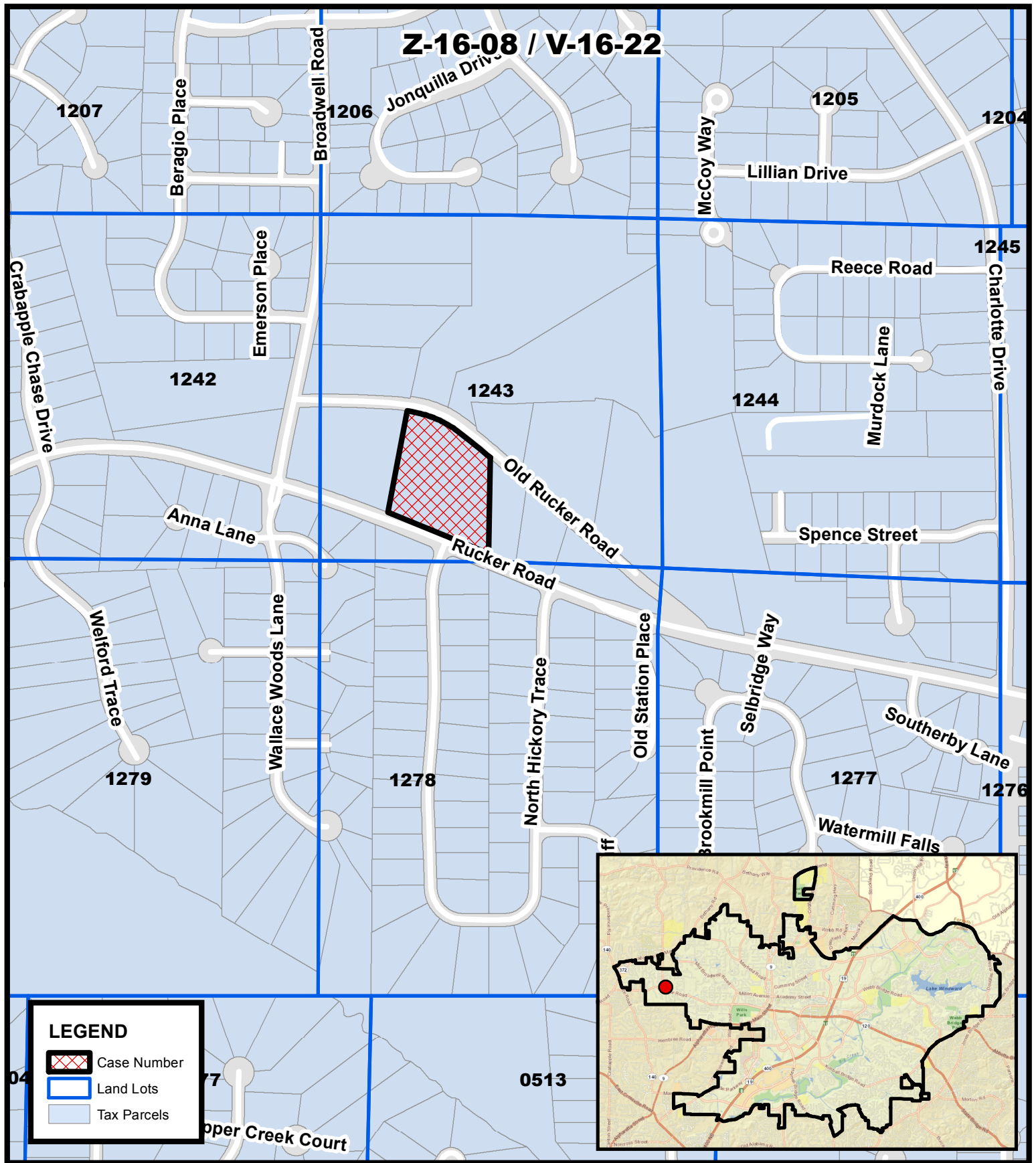


Zoning Map
Marie Garrett
825 Old Rucker Road

Z-16-08/V-16-22
D/LL: 2/2/1243
PC: 08/04/16
CC: 08/22/16



Location Map Provided by:
Community Development - GIS



Location Map
Marie Garrett
825 Old Rucker Road

Z-16-08/V-16-22
D/LL: 2/2/1243
PC: 08/04/16
CC: 08/22/16



Location Map Provided by:
Community Development - GIS

CITIZEN PARTICIPATION FORM - PART B

This form must be completed and submitted to the City of Alpharetta Community Development Department a minimum of twenty (20) working days prior to the scheduled Public Hearing. Failure to do so will result in cancellation of the scheduled hearing.

Public Hearing or Project Name: Garrett Rezoning

Contact Name: Marie L. Garrett

Telephone: 404-663-6180

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.

All contiguous property owners have been contacted by phone or in person. Thus far I have not received any negative

comments. Thus far my neighbors have expressed no negative comments but support and understanding of my request of

subdividing the tract into minimum one acre lots. On Sunday July 17, 2016 a group meeting will be held on my property to

physically walk the tract. When I had the property surveyed, I asked the surveyor to drop survey stakes along the interior

property lines so my neighbors can get a feel for how the lots will lay out and where the setback lines are located.

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

☐

Letter

☒

Personal Visits

☒

Telephone

☒

Group Meeting

☐

Email

☐

Other (Please Specify) _____

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

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

Signature of Authorized Agent: _____

Date: _____

July 15, 2016

Print Form

CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

FOR OFFICE USE ONLY

Case #: PHA 160045

☒ Fee Paid

Initial: SP

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: Marie L. Garrett

Telephone: 404-663-6180

Address: 825 Old Rucker Road

Suite: _____

City: Alpharetta

State: GA

Zip: 30004

Fax: _____

Mobile Tel: 404-663-6180

Email: marie.garrett@icloud.com

Subject Property Information:

Address: 825 Old Rucker Road Alpharetta, GA 30004

Current Zoning: _____

District: 2

Section: 2

Land Lot: 1243

Parcel ID: 22-4180-1243-049-0

Proposed Zoning: R

Current Use: Single Family Detached home

This Application For (Check All That Apply):

☐ Conditional Use

☒ Rezoning

☐ Variance

☐ Comprehensive Plan Amendment

☐ Master Plan Amendment

☐ Master Plan Review

☐ Public Hearing

☐ Other (Specify): _____

APPLICANT REQUEST AND INTENT

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

It is the intent to build a single family detached home on a minimum of one acre lots.

Applicant's Request (Please itemize the proposal):

The applicant seeks to rezone 3.5 acres more or less from AG to R. Said property was annexed by the City of Alpharetta in 2006 and was, at the time, zoned AG by Fulton County. At the time of the city's annexation, the AG zoning district was assigned to the property.

At the time of annexation and zoning by the city, the subject property did not meet the minimum requirements for the AG zoning district of the city, in particular the lot size. Further, all improvements that exist today on the subject property were in place and occupied prior to the time of the city's annexation. The improvements were built in 1999 and 2000 respectfully.

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

Applicant seeks to rezone the 3.5 acre tract more or less to R zoning to allow for the property to be split into three separate parcels consisting of a minimum of one acre parcels.

The area regulations for the three lots are as follows:

Front Yard Setback from a local street right-of-way:	35 feet
Side Yard Setback:	15 feet
Rear Yard Setback:	25 feet
Maximum ground coverage by principal building	25 percent

Return Recorded Document to
STEVE GARRETT
826 OLD RUCKER ROAD
ALPHARETTA, GA 30004

DOCUMENT PREPARATION ONLY TITLE NOT EXAMINED

QUITCLAIM DEED

STATE OF GEORGIA

COUNTY OF FULTON

THIS INDENTURE, Made the 6th day of September, 2013, between Steve Garrett, as party or parties of the first part, hereinafter called Grantor, and Marie L. Garrett as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits)

WITNESSETH that: Grantor, for and in consideration of the sum of one dollar (\$1.00) and other valuable considerations in hand paid at and before the signing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, convey and forever QUITCLAIM unto the said Grantee,

ALL OF THAT TRACT AND PARCEL of land lying and being in Land Lot 1243, 2nd District, 2nd Section, Fulton County, Georgia, and being shown on a plat of survey prepared by Rodney H. Reese, RLS 82072, being more particularly described as follows:

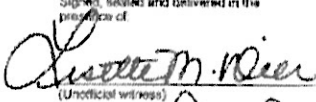
4 BEGINNING at a 1/2 inch iron pin found on the northern right of way of Rucker Road (60 foot right of way) 420 feet easterly (as measured along said right of way) 420 feet easterly (as measured along said right of way) from the intersection of said right of way with the eastern right of way line of Broadwell Road (60 foot right of way) (run thence N 10 degrees 42' 20" E along the eastern boundary of property now or formerly owned by Meritt 399.30 feet to an iron pin set on the southern right of way of Old Rucker Road; run thence the following courses and distances along the southern right of way of Old Rucker Road, and following the curvature thereof:

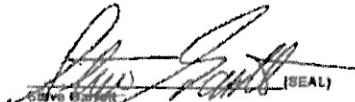
S 78 degrees 56' 55" E 47.79 feet; S 73 degrees 73' 43" E 47.65 feet; S 56 degrees 36' 38" E 47.19 feet; S 59 degrees 78' 28" E 47.65 feet; S 55 degrees 74' 30" E 48.06 feet; S 52 degrees 28' 33" E 49 feet; S 32 degrees 79' 10" E 60.63 feet and S 50 degrees 38' 27" E 48.48 feet to an iron pin set; run thence S 00 degree 15' 00" W 387.72 feet along the western boundary of property now or formerly owned by Coleman to an iron pin found on the northern right of way of Rucker Road; run thence the following courses and distances along the northern right of way of Rucker Road; N 68 degrees 23' 24" W 181.89 feet, N 88 degrees 35' 40" W 196.87 feet and N 88 degrees 37' 12" W 65.75 feet to the POINT OF BEGINNING.

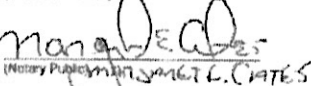
TO HAVE AND TO HOLD the said described premises to grantee, so that neither grantor nor any person or persons claiming under grantor shall at any time, by any means or ways, have, claim or demand any right in title to said premises or appurtenances, or any rights thereof.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year first above written

Signed, sealed and delivered in the presence of


(Unofficial witness)

 (SEAL)


(Notary Public in and for the State of Georgia)



PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: Marie L. Garrett

Telephone: 404-663-6180

Address: 825 Old Rucker Road

Suite:

City Alpharetta

State: GA

Zip: 30004

Authorization:

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

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

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

Identify Authorized Applicant:

Name of Authorized Applicant: Marie L. Garrett

Telephone: 404-663-6180

Address: 825 Old Rucker Road

Suite:

City Alpharetta

State: GA

Zip: 30004

So Sworn and Attested:

Owner Signature:

Date:

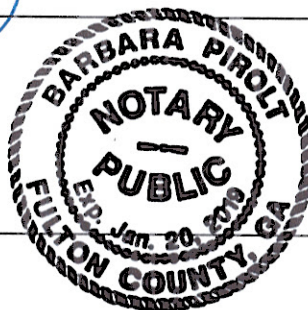
6/30/16

Notary:

Notary Signature:

Date:

6/30/16



DISCLOSURE FORM

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

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

Name of Applicant or Opponent: Marie L. Garrett

Subject Public Hearing Case: Garrett Rezoning; Old Rucker Road

Campaign Contribution Information:

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

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

Name of Official: N/A

Position:

Description of Contribution: N/A

Value: 0

Description of Contribution: N/A

Value: 0

Description of Contribution: N/A

Value: 0

Description of Contribution: N/A

Value: 0

Description of Contribution: N/A

Value: 0

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:

6/30/16

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

The proposed rezoning will be consistent with all contiguous properties to the subject property as they are all developed as single family detached residences.

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

There will be no negative impact on the surrounding properties as the intended use is compatible to the existing built environment (single family detached residences).

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

The property when annexed by the city in 2006 did not conform to the zoning classification the city assigned to the subject tract as it does not meet the minimum lot size of the AG zoning district. By rezoning the property to R will allow the subject tract to be conforming.

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

Minimal as it is anticipated that there will be only two more residential lots created.

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

Minimal as only two homes will be built.

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

The property is currently assigned a land use designation of Very Low Density Residential. With the requested rezoning of R, the property will remain under the same land use designation of Very Low Density Residential and therefore is compliant.

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

What was once rural Crabapple is now disappearing with the construction of commercial and residential units over the last 20 years in the immediate area. Increased traffic along the east/west corridor of Rucker Road has all but erased the low density development of years past. More and more homes are being built on smaller lots as end-users seek less maintenance of properties. The subject tract is just east of Broadwell Road where just in the last 10 years has seen significant change in the development of townhomes, condominiums, detached homes on zero lot lines and office and commercial/retail uses. The subject property is within walking distance to these new developments and is located less than one-half mile from this development.

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: Marie L. Garrett Rezoning

Contact Name: Marie L. Garrett

Telephone: 404-663-6180

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.

Dr. Florence Barnett, 760 & 800 Old Rucker Road

Mr. and Mrs. David Johnson, 875 Rucker Road

Ms Assunta Fiorini, 755 Old Rucker Road

Jonna L. Beiletti, 840 Old Rucker Road

George and Grace Barkett, 820 Old Rucker Road

Mr. and Mrs. Donald Pence, 860 Old Rucker Road

TVS Property, 865 Rucker Road

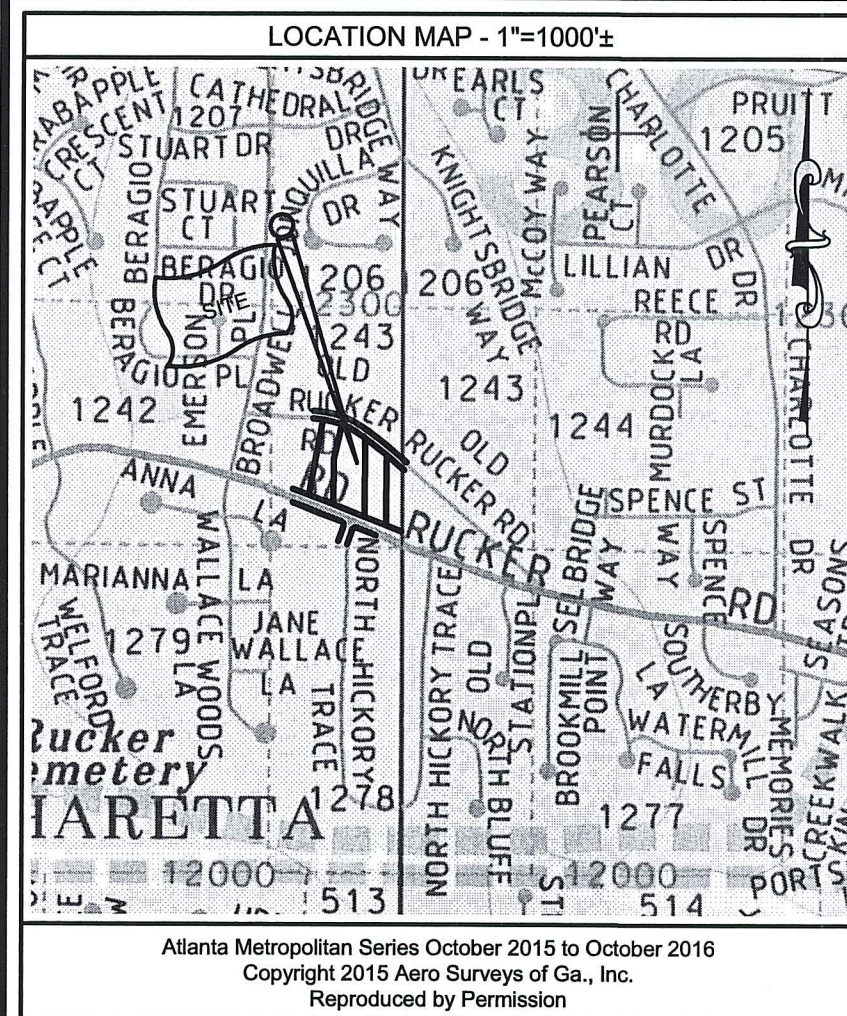
Mr. and Mrs. Coleman, 855 Rucker Road

Mr. Luis Campos, 910 Rucker Road

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

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

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



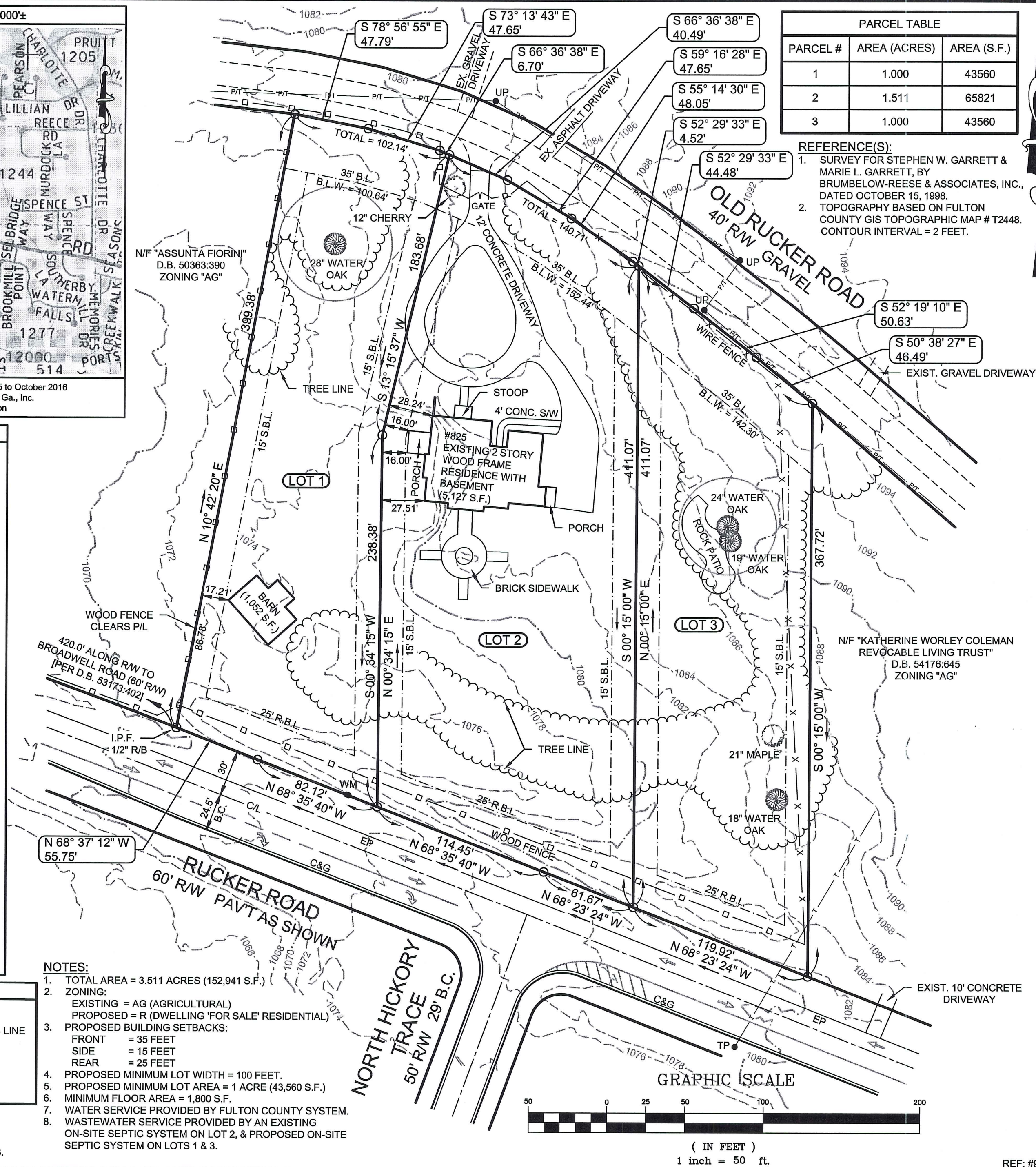
LEGEND: ABBREVIATIONS AND SYMBOLS

ARC	- LENGTH OF CURVE
B.C.	- BACK OF CURB
B.L.	- BUILDING LINE
B.L.W.	- BUILDING LINE WIDTH
C&G	- CURB AND GUTTER
C#	- CURVE NUMBER (SEE CURVE TABLE)
CL	- CENTERLINE
CH	- CHORD OF CURVE
C.M.P.	- CORRUGATED METAL PIPE
CO	- CLEAN OUT
CRZ	- CRITICAL ROOT ZONE
C/T	- CRIMP TOP PIPE
D.B.	- DEED BOOK
EP	- EDGE OF PAVEMENT
FH	- FIRE HYDRANT
F.I.R.M.	- FLOOD INSURANCE RATE MAP
I.P.F.	- IRON PIN FOUND
I.P.S.	- IRON PIN SET (1/2" R/B)
I.R.F.	- INTERMEDIATE REGIONAL FLOOD (100-YR)
L	- LENGTH OF CURVE
L.L.L.	- LAND LOT LINE
NF	- NOW OR FORMERLY
NGVD	- NATIONAL GEODETIC VERTICAL DATUM
O/T	- OPEN TOP PIPE
PAV'T	- PAVEMENT
PB	- POWER BOX
P.B.	- PLAT BOOK
P.O.B.	- POINT OF BEGINNING
P/L	- PROPERTY LINE
R	- RADIUS OF CURVE
R.B.L.	- REAR BUILDING LINE
R.C.P.	- REINFORCED CONCRETE PIPE
R/B	- REINFORCING BAR
R/W	- RIGHT OF WAY
S.B.L.	- SIDE BUILDING LINE
S.F.	- SQUARE FEET
T.B.M.	- TEMPORARY BENCHMARK
TP	- TELECOMMUNICATIONS POLE
UP	- UTILITY POLE
WM	- WATER METER
WV	- WATER VALVE

LEGEND: LINE DEFINITION

—	- STREAM
— P —	- POWER LINE
— P/T —	- POWER/TELECOMMUNICATIONS LINE
— T —	- TELECOMMUNICATIONS LINE
— O —	- CHAIN LINK FENCE
— M —	- METAL FENCE
— X —	- WIRE FARM FENCE
— □ —	- WOOD FENCE

THIS PROPERTY IS NOT LOCATED IN
FLOOD HAZARD AREA ACCORDING TO
F.I.R.M. PANELS NO. 13121C0054-F,
AS LAST REVISED ON SEPTEMBER 18, 2013.



PARCEL TABLE

PARCEL #	AREA (ACRES)	AREA (S.F.)
1	1.000	43560
2	1.511	65821
3	1.000	43560

REFERENCE(S):

- SURVEY FOR STEPHEN W. GARRETT & MARIE L. GARRETT, BY BRUMBELOW-REESE & ASSOCIATES, INC., DATED OCTOBER 15, 1998.
- TOPOGRAPHY BASED ON FULTON COUNTY GIS TOPOGRAPHIC MAP # T2448. CONTOUR INTERVAL = 2 FEET.

BRUMBELOW-REESE AND ASSOC., INC.

LAND SURVEYORS, LAND PLANNERS,
DEVELOPMENT CONSULTANTS
[GEORGIA LICENSE LSF000285]

13685 HIGHWAY 9 N
MILTON, GEORGIA 30004-3616
PHONE: 770-475-6817
FAX: 770-569-4948
EMAIL: BRASSINC@COMCAST.NET



GEORGIA R.L.S. # 2072
MEMBER OF S.A.M.S.O.G.

LOCATED IN:
LAND LOT(S): 1243
DISTRICT: 2, SECTION: 2
CITY OF: ALPHARETTA
COUNTY OF: FULTON
STATE OF GEORGIA

REZONING SITE PLAN FOR

MARIE L. GARRETT

DATE: JUNE 30, 2016

FIELD BY: SDR, KLB, CS

DRAWN BY: MK

CHECKED BY: RHR

DRAWING: GARRETT-REZ

JOB #: 2016-129

REF: #98207



COUNCIL AGENDA REPORT

FROM: Kathi Cook, Community Development Director
Prepared by: Michael Woodman, Senior Planner

SUBJECT: CLUP-16-06/Z-16-07/V-16-17 Westside Day Care Center

PLANNING COMMISSION: August 4, 2016
CITY COUNCIL: August 22, 2016

RECOMMENDATION:

Approve CLUP-16-06/Z-16-07/V-16-17 Westside Day Care Center subject to the following conditions:

1. The property to be rezoned shall have an “O-P” zoning classification and the Land Use classification shall be “Professional Business Office”.
2. Site plan shall be developed substantially as depicted on the site plan prepared by AEC dated 4/27/16, except that the site plan shall be adjusted to remove excess parking to accommodate a reduced buffer along the west and south property lines.
3. Site access from Webb Bridge Road should be provided from Woodland Lane. If this access cannot be accomplished, a raised median shall be constructed between the eastbound and westbound lanes of Webb Bridge Road between the Woodland Lane and Westside Parkway, enforcing the prohibition of westbound left turns.
4. Drop-Off & Pick-Up operations shall be contained on the site. Operations shall not impede traffic along Webb Bridge Road and Westside Parkway.
5. An opaque screen shall be provided around the playground area to screen it from Webb Bridge Road, Westside Parkway and the Woodlands at Webb Bridge subdivision.
6. The building shall have the same level of architectural details and materials on the front and 2 sides, with final approval by the Design Review Board. Design shall be a minimum of 50 percent brick or stone on each elevation and shall have a residential scale and appearance.
7. Fencing visible from Westside Parkway and/or Webb Bridge Road shall be decorative, as approved by the Design Review Board.
8. Walls visible from public right-of-way or adjacent subdivision shall be faced with brick or stone, as approved by the Design Review Board.

9. **Dumpster shall have a brick or stone enclosure with painted metal doors and shall be heavily screened with landscaping, as approved by the Design Review Board.**
10. **A varying width reduced undisturbed buffer, minimum 15-foot wide, shall be provided along all property lines adjacent to Woodlands at Webb Bridge. The applicant shall save specimen trees and significant tree groupings within the reduced undisturbed buffer, as approved by the City Arborist. Side and rear setbacks may be included within undisturbed buffer.**
11. **Specimen trees identified in the arborist report prepared by Outdoor Spaces, dated May 5, 2016, shall be incorporated into the site plan.**
12. **Pedestrian-scale lighting shall be provided along Webb Bridge Road and Westside Parkway, as approved by Staff.**
13. **In addition to the landscape strip requirements along Webb Bridge Road and Westside Parkway, street trees shall be planted in the beauty strip between the road and the sidewalk as approved by Staff.**
14. **Parking spaces shall be located no closer than 75 feet from the project driveways, as measured from the right-of-way line.**

REPORT-IN-BRIEF

The applicant, The Davis Group, is requesting a land use change from “High Density Residential” to “Professional Business Office” and a change in zoning for the 1.795 acres from R-10M to O-P in order to develop a ‘Day Care Center’ at the southwest corner of Westside Parkway and Webb Bridge Road. A variance is requested from the Unified Development Code (UDC) to eliminate the 50’ undisturbed buffer requirement between non-residential and residential uses.

DISCUSSION

The subject property is a triangular-shaped, undeveloped parcel located at the southwest corner of Westside Parkway and Webb Bridge Road. The remnant parcel is the result of the construction of Westside Parkway between Old Milton Parkway and Webb Bridge Road. The property is zoned R-10M (Dwelling, ‘For-Rent or ‘For-Sale’, Residential) and abuts the Woodlands at Webb Bridge subdivision, also zoned R-10M, to the west and south. The property to the east is vacant land owned by the City of Alpharetta, zoned R-10M, and the property to the north is St. James United Methodist Church, zoned O-I.

The submitted site plan depicts a 13,200 square foot, 1-story day care center building fronting on Westside Parkway and Webb Bridge Road. A 12,000 square foot outdoor play area is shown at the rear of the building. 55 parking spaces are proposed between the building and Webb Bridge Road and Westside Parkway. The UDC requires one (1) space per 400 square feet and stacking for six (6) cars; therefore, 33 parking spaces are required. Site access is proposed through two (2) right-in/right-out driveways, one on Westside Parkway and one on Webb Bridge Road.

A 10' landscape strip is shown along Webb Bridge Road and a 20' landscape strip is shown along Westside Parkway. A small portion of the property, on the south side, includes a stream buffer and impervious setback. The site plan indicates that on-site detention facilities will be provided underground.

While the R-10M zoning district allows both 'For-Rent' and 'For-Sale' residential use, the rights to any residential uses on the subject property were extinguished in conjunction with the Prospect Park (now known as Avalon) project located to the south.

The applicant is seeking a variance from UDC Section 2.3.5 (A) to eliminate the required 50' undisturbed buffer between non-residential and residential uses. The site plan only depicts the requirement for the 50' undisturbed buffer along the west property line. However, the requirement applies to both the west and south property lines. A landscape plan was not provided by the applicant and it's unclear if existing trees are proposed to remain and how the non-residential use will be screened from the Woodlands at Webb Bridge subdivision.

The applicant has identified the Carrington Academy as the day care center end user. According to its website, the Carrington Academy provides preschool education, before and after school care, as well as summer camp programs. Hours of operation are from 6:30 AM to 6:30 PM. They currently operate at seven (7) locations in Forsyth County, including South Forsyth, Cumming, and Suwanee.

TRAFFIC

A traffic study was performed by A&R Engineering, Inc., dated June 6, 2016. As shown in the table below, the report projects a trip generation for the day care center use of 163 PM Peak Hour trips.

TABLE 5 – TRIP GENERATION								
Land Use	Size	AM Peak Hour			PM Peak Hour			24-Hour
		Enter	Exit	Total	Enter	Exit	Total	Two-way
ITE 565 – Day Care Center	13,200 sf	85	76	161	77	86	163	978

The traffic study also evaluated the current operations compared to the future conditions with the traffic generated by the proposed development. According to the study, no roadway improvements are warranted or proposed in conjunction with the applicant's request to construct a day care center.

STANDARDS FOR ZONING CHANGES

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

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

Response: The Woodlands at Webb Bridge is developed as a residential use and the property to the north is developed as a place of worship. The north- and southeast corners of Webb Bridge Road and Westside Parkway are vacant land zoned for office use and City property, respectively. The proposed zoning request will allow for a day care center, which represents a neighborhood-level service use that is suitable given the surrounding existing and intended uses.

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

Response: The proposal should not negatively impact the use of adjacent or nearby properties; however, conditions should be put in place to require appropriate screening, landscaping, and architectural review.

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

Response: As proposed, the development does not impact the stream buffer and impervious setback. Staff recommends a condition requiring three (3) specimen trees along the west property line be saved.

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

Response: The property is currently zoned R-10M, which permits Dwelling, 'For-Rent' and 'For-Sale' Residential uses. However, residential density was extinguished on the subject site in conjunction with Prospect Park (now known as Avalon) project.

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

Response: The zoning proposal would not significantly impact public facilities and services. However, staff recommends that site access on Webb Bridge Road be accommodated through Woodland Lane. If that access cannot be accomplished, staff recommends certain road improvements on Webb Bridge Road to prohibit westbound left turns into the site.

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

Response: The proposal is supported by changing conditions. The property is currently zoned R-10M, which permits Dwelling, 'For-Rent' and 'For-Sale'

Residential uses. However, residential density was extinguished on the subject site in conjunction with Prospect Park (now known as Avalon) project.

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

Response: The request to rezone the subject property from R-10M to O-P reflects a reasonable balance as staff has recommended conditions requiring appropriate screening, landscaping, and architectural review.

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

Response: The property is currently zoned R-10M, which permits Dwelling, 'For-Rent' and 'For-Sale' Residential uses. However, residential density was extinguished on the subject site in conjunction with Prospect Park (now known as Avalon) project.

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

Response: Property does not meet the Comprehensive Land Use Plan designation, which is High Density Residential. The applicant is requesting a land use change to 'Professional Business Office'.

COMPREHENSIVE LAND USE PLAN

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

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

Response: The R-10M zoning district permits both 'For-Rent' and 'For-Sale' residential uses. However, residential density was extinguished on the subject property in conjunction with Prospect Park (now known as Avalon) project.

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

Response: The proposed Professional Business Office land use designation will allow a service use at a residential scale that will support the needs of the surrounding residential uses and employment center at Avalon.

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

Response: The proposed designation would not significantly impact public facilities and services. However, staff recommends that site access on Webb Bridge Road be accommodated through Woodland Lane. If that access cannot be accomplished, staff recommends certain road improvements on Webb Bridge Road to prohibit westbound left turns into the site.

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

Response: The proposed designation would not impact the public health, safety and welfare, as long as conditions are included to require appropriate screening, landscaping, and architectural review.

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

Response: Not applicable.

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

Response: Demographics and projections have not changed for the area.

VARIANCE REVIEW CRITERIA

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

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

Response: The subject property has an unusual shape and is located at the intersection of two (2) streets. The remnant parcel is the result of the construction of Westside Parkway between Old Milton Parkway and Webb Bridge Road. However, elements of the site plan, such as parking and site access, could be adjusted to accommodate a reduced undisturbed buffer.

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

Response: The application of the required 50' undisturbed buffer does create a hardship on the subject property due to its unusual shape and location at the intersection of two (2) streets. However, elements of the site plan, such as

parking and site access, could be adjusted to accommodate a reduced undisturbed buffer.

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

Response: Not applicable.

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

Response: Approval at the applicant's request to eliminate the required 50' undisturbed buffer could cause a substantial detriment to the public good. Staff recommends conditions requiring adjustments to the site plan in order to accommodate a reduced undisturbed buffer.

CONCURRENCES

Staff has reviewed the application and is in general agreement with the applicant's request for land use change and to rezone the subject property. However, staff is not in agreement with the applicant's request to eliminate the required 50' undisturbed buffer adjacent to the Woodlands at Webb Bridge subdivision along the west and south property lines. The applicant's site plan provides 55 parking spaces, where only 33 parking spaces are required. Staff believes that the site plan can be adjusted to remove parking spaces to accommodate a reduced undisturbed buffer of varying width.

Eastbound traffic along Webb Bridge Road often backs up across the proposed site access. In addition, the proposed site access is located within a right turn lane for Westside Parkway. The City anticipates traffic demand using that right turn lane to increase, exasperating the safety concerns of the proposed site access. Therefore, access for the site from Webb Bridge Road should be provided through Woodland Lane. If this access cannot be accomplished, staff recommends that a raised median be constructed between the eastbound and westbound lanes of Webb Bridge Road between the Woodland Lane and Westside Parkway, enforcing the prohibition of westbound left turns.

In order to support the applicant's request, staff recommends several conditions, including the provision of a reduced undisturbed buffer, screening, landscaping, site access modifications or roadway improvements, and architectural review.

CITIZEN PARTICIPATION PLAN

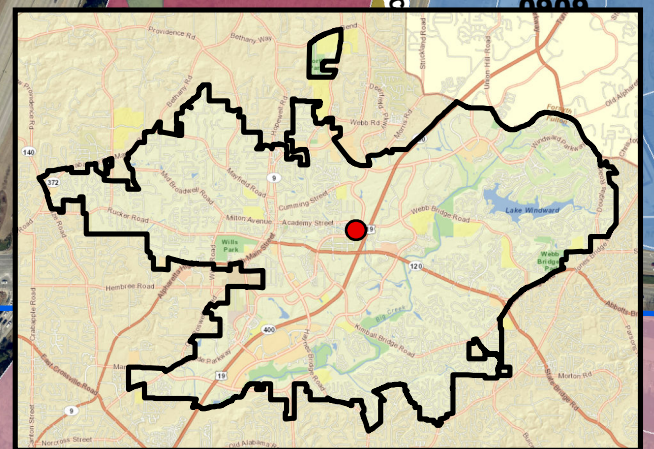
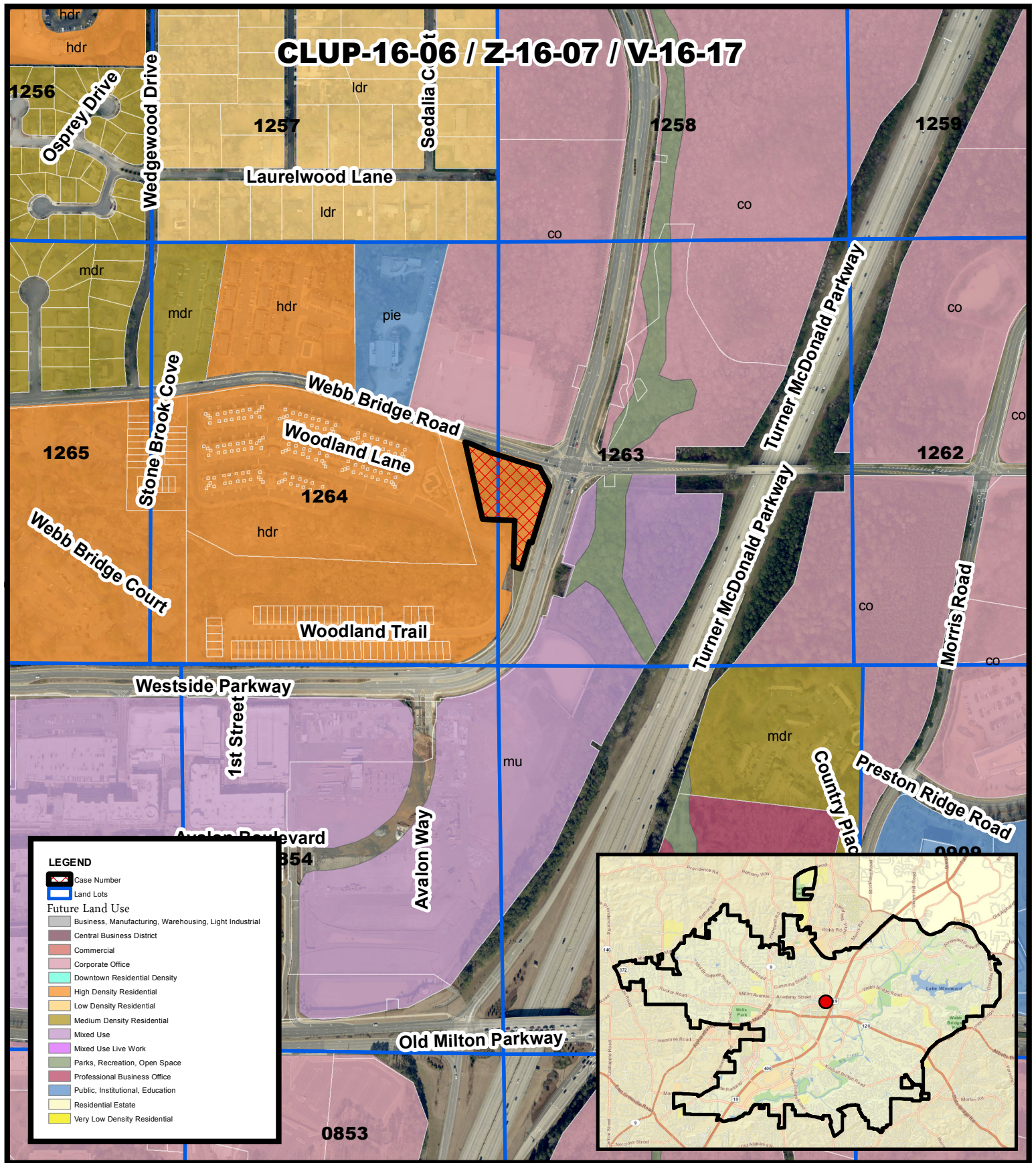
The report submitted by the applicant states that letters were mailed to each property owner within 500' of the subject property stating the applicant's intent. The report states that no comments were received. However, staff received comments from a resident in the Eastwood subdivision, located to the north of the subject site. The resident had the following concerns:

1. Site access on Webb Bridge Road is unsafe as the access is proposed within right hand turn lane for Westside Parkway.
2. Site plan does not depict the outside play area with respect to design, equipment, and general aesthetics.
3. Site plan does not depict the protection of the three (3) specimen trees (#561, #564, and #567).

ATTACHMENTS

Site Plan

Architectural Elevations

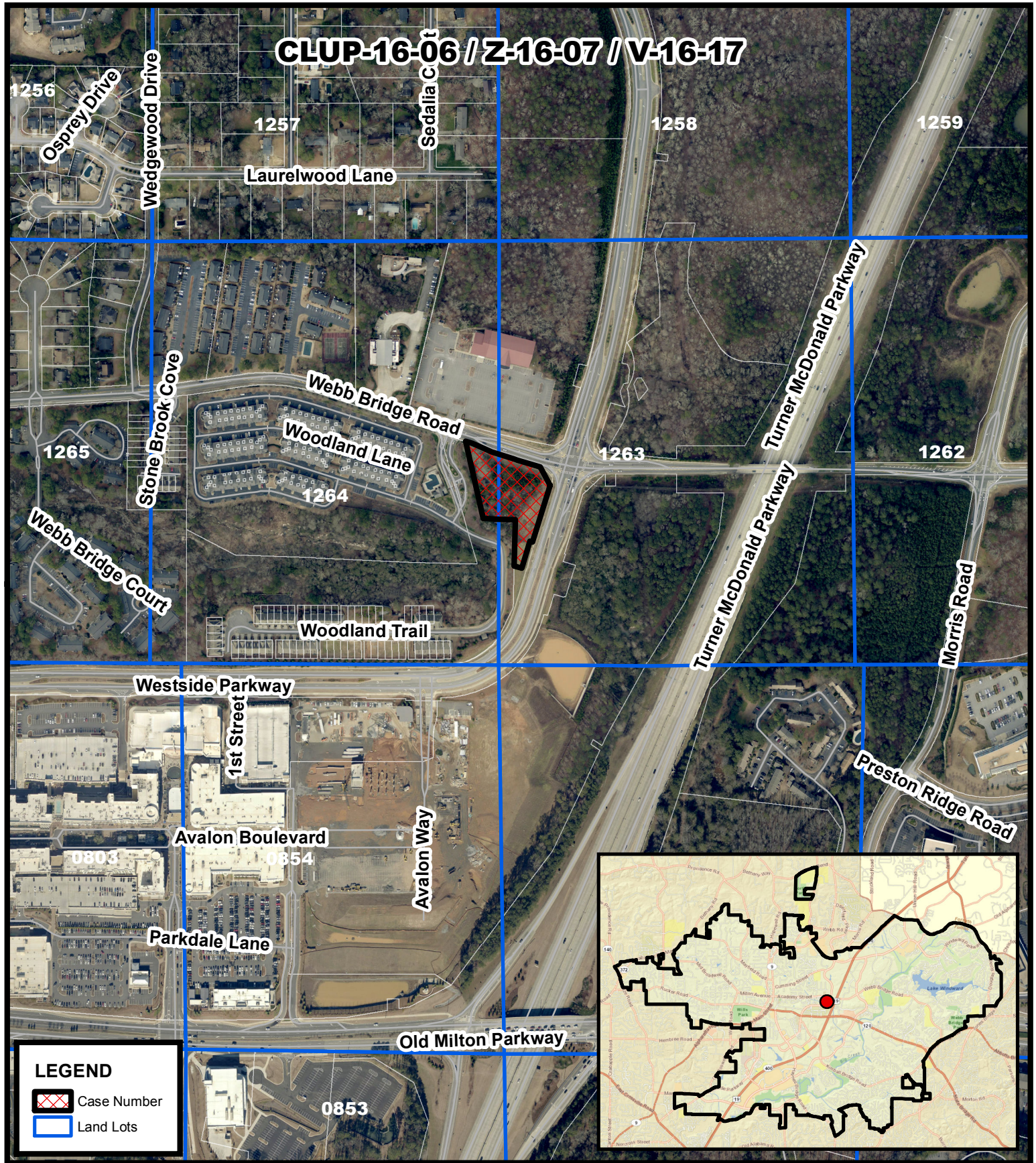


2035 Land Use
Westside Daycare Center
2945 Webb Bridge Road

CLUP-16-06/Z-16-07/V-16-17
D/LL: 2/2/1263,1264
PC: 08/04/16
CC: 08/22/16



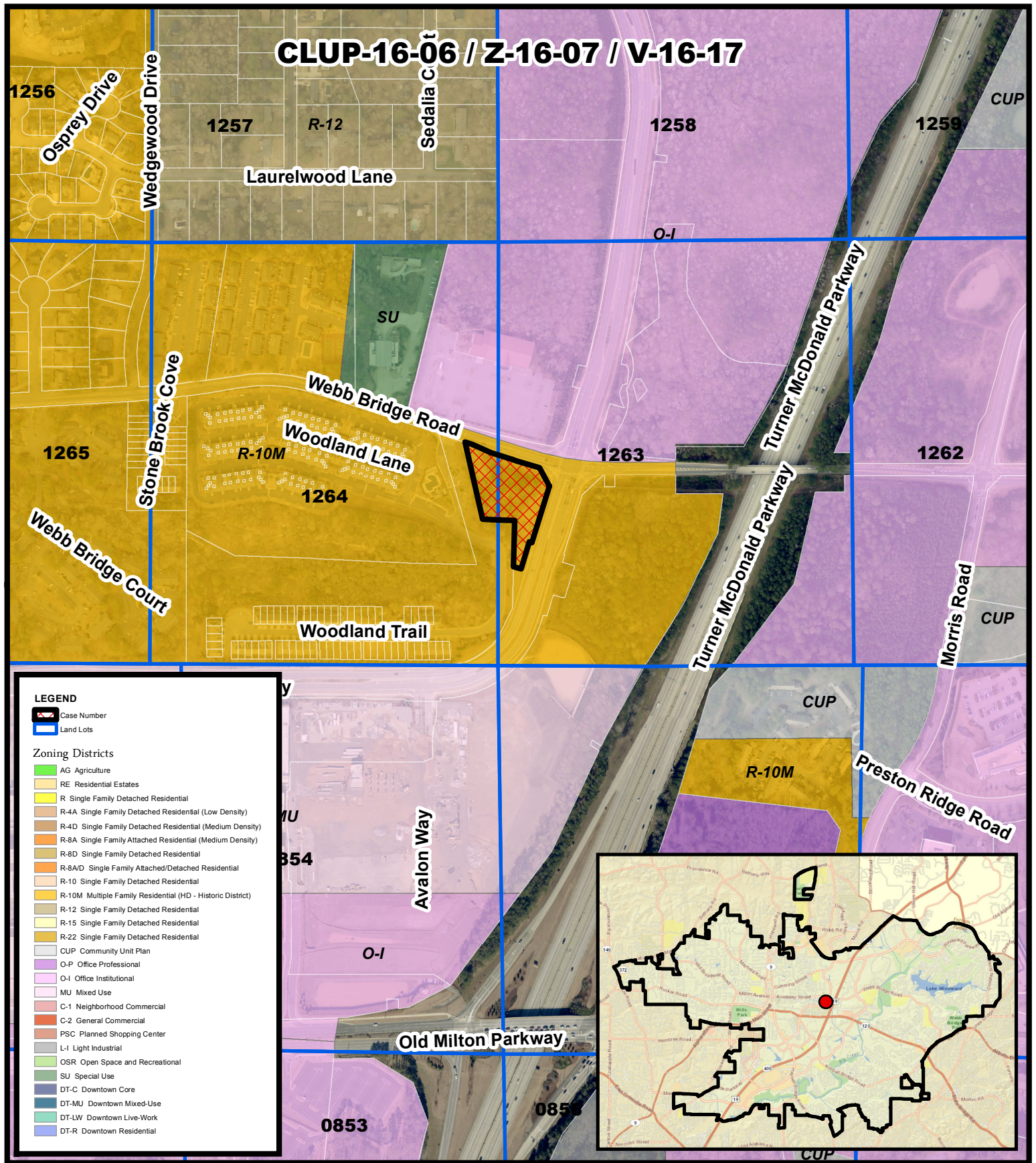
Location Map Provided by:
Community Development - GIS



Aerial Map
Westside Daycare Center
2945 Webb Bridge Road



Location Map Provided by:
Community Development - GIS



Zoning Map
Westside Daycare Center
2945 Webb Bridge Road

CLUP-16-06/Z-16-07/V-16-17

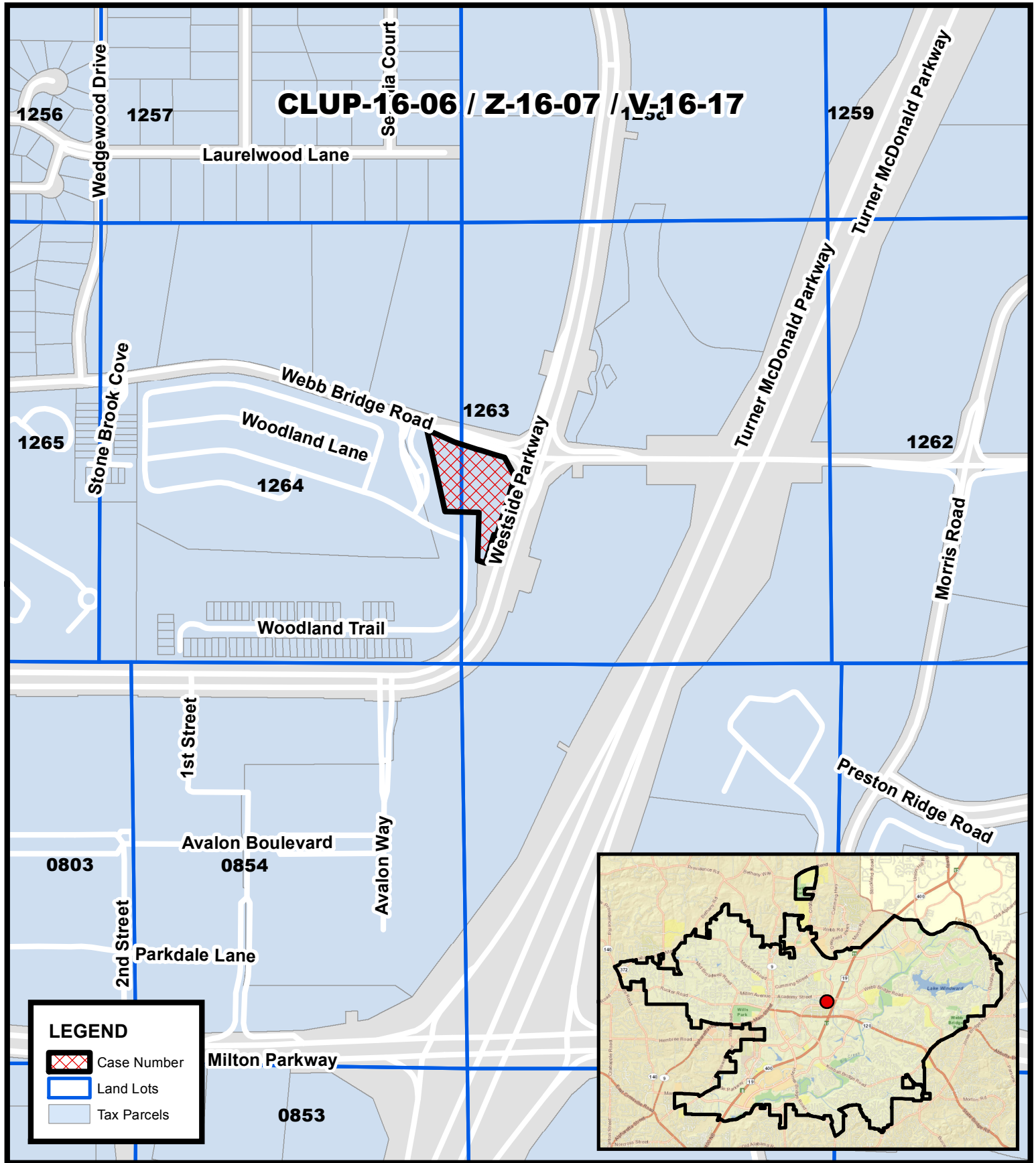
D/LL: 2/2/1263,1264

PC: 08/04/16

CC: 08/22/16

Location Map Provided by:
Community Development - GIS





Location Map
Westside Daycare Center
2945 Webb Bridge Road

CLUP-16-06/Z-16-07/V-16-17

D/LL: 2/2/1263,1264

PC: 08/04/16

CC: 08/22/16

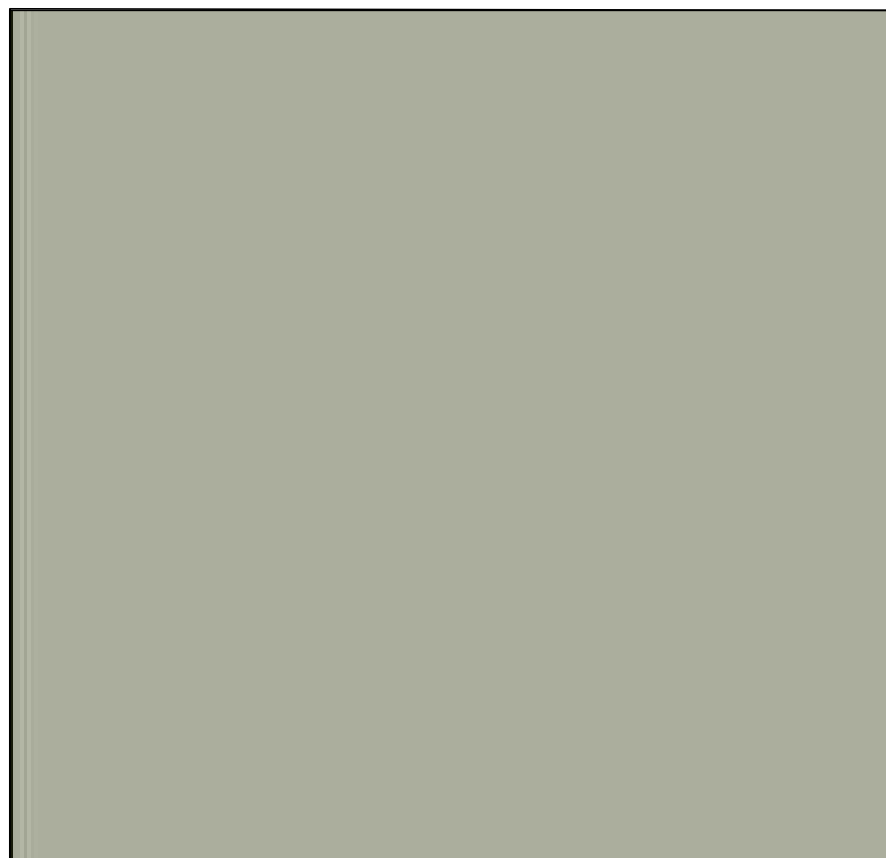


Location Map Provided by:
Community Development - GIS



1 FRONT ELEVATION RENDERING

EXTERIOR MATERIAL SCHEDULE	
TRASH ENCLOSURE GATES, POSTS AND HINGES	PAINT COLOR: SVELTE SAGE, SW 6164 (INDUSTRIAL ENAMEL, EXTERIOR APPLICATION)
EXTERIOR HARDIE SIDING AND PANELS	PAINT COLOR: CHATROOM, SW 6171
EXTERIOR HARDIE TRIM, LOUVERS, FASCIA, FRIEZE, GUTTERS, DOWN SPOUTS, AND SOFFITS	PAINT COLOR: RELAXED KHAKI, SW 6149
WINDOWS	BEIGE
BRICK #1	BODY OF GROUND LEVEL AND FILL OF WALLS, GENERAL SHALE, PLANTATION LIGHT WEIGHT, COLOR: ROME GROUT: BUFF
BRICK #2	WATER TABLE AND ACCENT BANDING, GENERAL SHALE, PLANTATION LIGHT WEIGHT, COLOR: RED, TO BE DETERMINED GROUT: TO BE DETERMINED
ASPHALT SHINGLES	GAF TIMBERLINE SERIES, T-30 WITH SHADOW ACCENT COLOR: WEATHERED WOOD
NOTE: ALL ROOF MOUNTED EQUIPMENT SHALL BE PAINTED TO MATCH ROOFING COLOR.	
STANDING SEAM METAL ROOF	AEP-SPAN, 12" SNAP SEAM COLOR: DARK BRONZE
STONE VENEER	OWENS CORNING CULTURED STONE COUNTRY LEDGESTONE COLOR: CARAMEL GROUT: BUFF



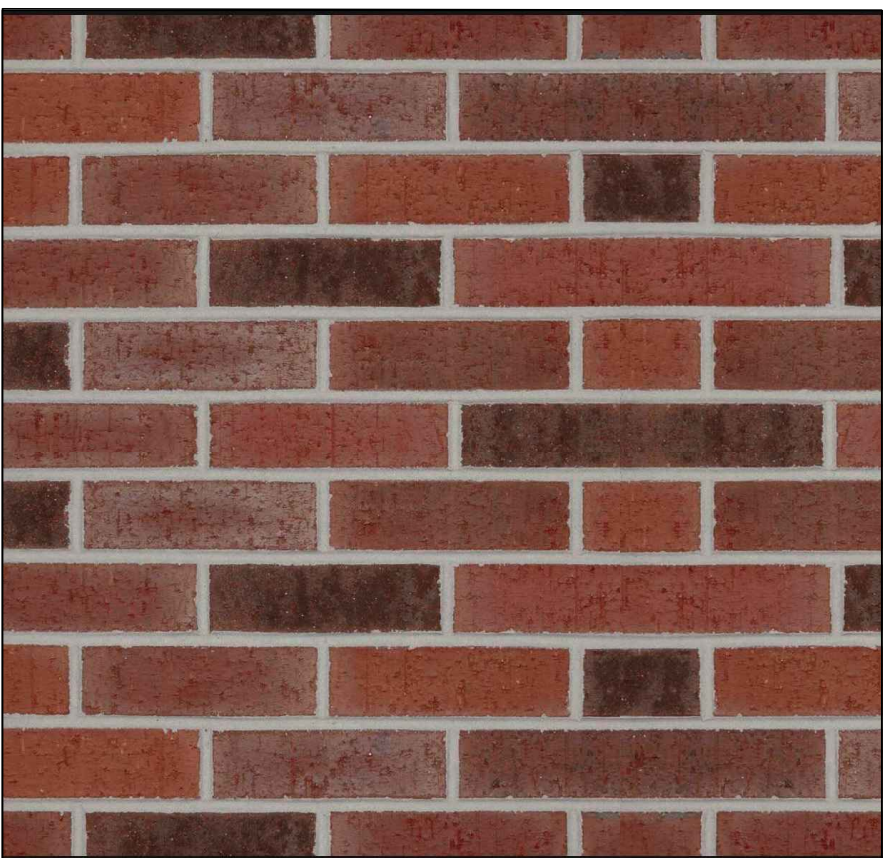
2 SIDING PAINT COLOR



3 TRIM PAINT COLOR



4 BRICK #1



5 BRICK #2



6 WINDOWS

WINDOWS COLOR: BEIGE



7 CEDAR SIDING

CEDAR SIDING, STAGGERED EDGE NATURAL CEDAR



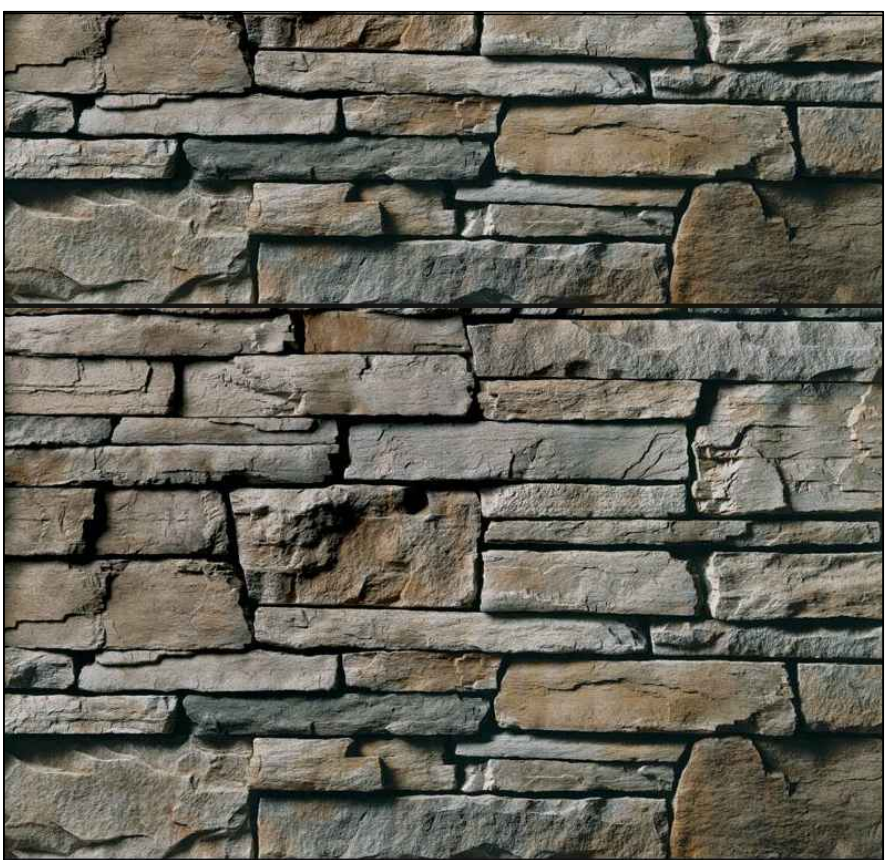
8 ASPHALT ROOFING SHINGLES

ASPHALT SHINGLES GAF TIMBERLINE SERIES, T-30 WITH SHADOW ACCENT COLOR: WEATHERED WOOD



9 STANDING SEAM METAL ROOFING

STANDING SEAM METAL ROOF AEP-SPAN, 12" SNAP SEAM COLOR: DARK BRONZE



10 STONE VENEER

STONE VENEER OWENS CORNING CULTURED STONE COUNTRY LEDGESTONE COLOR: CARAMEL GROUT: BUFF

NOT FOR CONSTRUCTION - FOR ILLUSTRATION PURPOSES ONLY

A Project for:
THE DAVIS GROUP
6728 JAMESTOWN DRIVE
ALPHARETTA, GA 30005
770-680-2721 OFFICE
770-686-3762 FAX

PROJECT LOCATION:

DESCRIPTION:

MATERIAL SAMPLES

EXTERIOR MATERIAL SCHEDULE

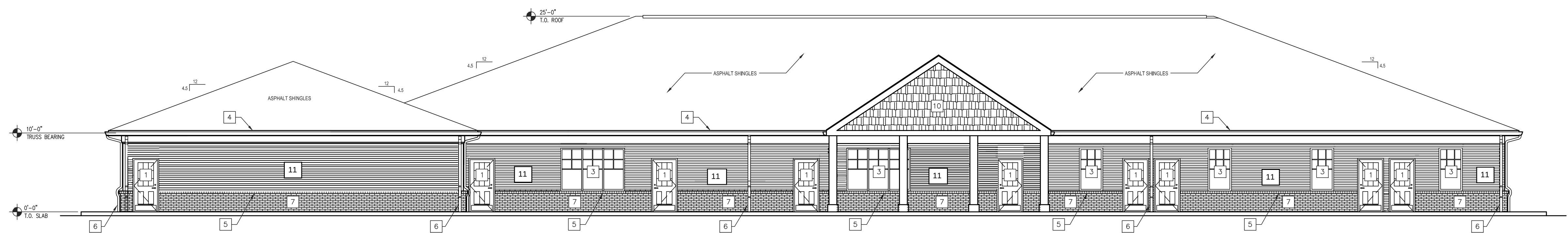
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STONE VENEER	OWENS CORNING CULTURED STONE COUNTRY LEDGESTONE COLOR: CARAMEL GROUT: BUFF

CONSTRUCTION NOTES:

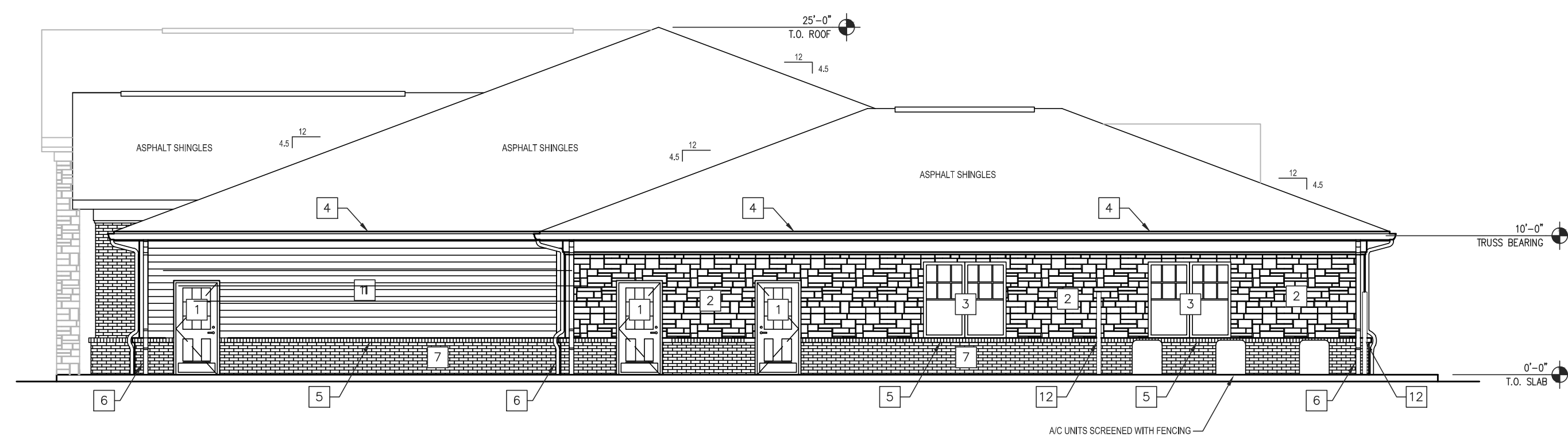
1	HOLLOW METAL DOOR (SEE ELEVATIONS SHEET A5.1)
1A	ALUMINUM STOREFRONT DOOR WITH TINTED GLASS. (SEE ELEVATIONS SHEET A5.1)
2	MANUFACTURED STONE VENEER: SEE SPECIFICATION ABOVE
3	VINYL WINDOW. (SEE ELEVATIONS SHEET A5.1)
4	EXTRUDED ALUMINUM 5" WIDE GUTTERS WITH SPIKE & FERRILLE AT 36" O.C. OGEE PROFILE. CONNECT 4"DIA. DOWNSPOUTS TO UNDERGROUND STORM SYSTEM.
5	BRICK SOLDIER COURSE
6	EXTRUDED ALUMINUM 3" WIDE DOWNSPOUTS TO UNDERGROUND STORM SYSTEM.
7	BRICK VENEER: SEE SPECIFICATION ABOVE
8	ATTIC VENT LOUVERS. PROVIDE PAINTABLE UNIT AND PAINT PER SCHEDULE. HEIGHT AS SHOWN ON ELEVATIONS.
9	STANDING SEAM METAL ROOFING: SEE SPECIFICATION ABOVE.
10	CEDAR SHAKE SIDING
11	HARDI-SIDING W/ 6" PLANK REVEAL
12	4" VINYL PRIVACY FENCING. COLOR, SAND.



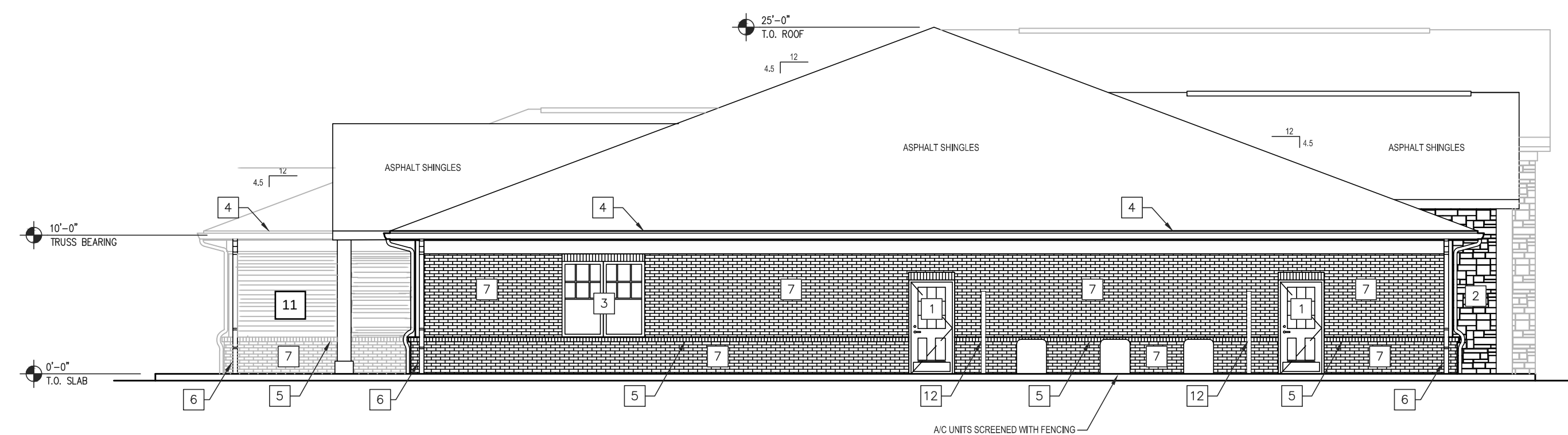
2 FRONT ELEVATION



2 REAR ELEVATION



3 SIDE ELEVATION



4 SIDE ELEVATION

NOT FOR CONSTRUCTION - FOR ILLUSTRATION PURPOSES ONLY

A Project for:

THE DAVIS GROUP
6728 JAMESTOWN DRIVE
ALPHARETTA, GA 30005
770-680-2721 OFFICE
678-686-3762 FAX

EXTERIOR ELEVATIONS

--

CITIZEN PARTICIPATION FORM - PART B

This form must be completed and submitted to the City of Alpharetta Community Development Department a minimum of twenty (20) working days prior to the scheduled Public Hearing. Failure to do so will result in cancellation of the scheduled hearing.

Public Hearing or Project Name: Westside Parkway at Webb Bridge Road Daycare Center

Contact Name: Brent Davis

Telephone: 770-680-2721

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

As of the date of this report, no responses have been received from any interested party.

The report will be amended as responses are received.

Please find attached Exhibit A (property owners within 500' of property) as referenced in previously provided Part A.

Also please find attached copies of all letters sent via USPS to listed property owners.

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



Letter



Personal Visits



Telephone



Group Meeting



Email



Other (Please Specify) _____

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

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

Signature of Authorized Agent: _____

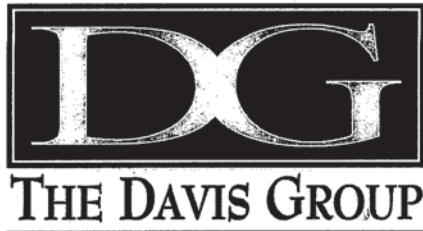


Date: 7/15/2016

Print Form

EXHIBIT "A"

Owner	Address	City Zip
DEVELOPMENT AUTHORITY OF FULTON COUNTY	2200 AVALON BLVD	ALPHARETTA, GA 30009
CITY OF ALPHARETTA	2 SOUTH MAIN ST	ALPHARETTA, GA 30009
WEBB BRIDGE LLC	2870 PEACHTREE RD STE 401	ATLANTA, GA 30305
WEBB BRIDGE RD LTD	2908 N HILLS DR NE	ATLANTA, GA 30305
ST JAMES UNITED METHODIST CHURCH INC	3060 PEACHTREE RD NW # 1750	ATLANTA, GA 30305
THE CITY OF ALPHARETTA	2925 WEBB BRIDGE RD	ALPHARETTA, GA 30009
FOURTH QUARTER PROPERTIES 87 LLC	PO BOX 56607	ATLANTA, GA 30343
WOODLANDS AT WEBB BRIDGE PRESERVE HOMEOWNERS ASSOC INC THE	5901 PEACHTREE DUNWOODY RD NE STE B-525	ALPHARETTA, GA 30009
DEBORAH A SCHUSTER	1001 WOODLAND LN	ALPHARETTA, GA 30009
GERALD L & PEGGY R PRICE	1102 WOODLAND LN	ALPHARETTA, GA 30009
DESMOND D & MAUREEN W DEWEY	1103 WOODLAND LN	ALPHARETTA, GA 30009
SHARON D & REGINALD J COOPER	1104 WOODLAND LN	ALPHARETTA, GA 30009
DEBORAH KOON BURZOTTA	1105 WOODLAND LN	ALPHARETTA, GA 30009
MARIA L CORKERN	1106 WOODLAND LN	ALPHARETTA, GA 30009
MARILYN J PATTISON	1107 WOODLAND LN	ALPHARETTA, GA 30009
RYAN Z SCHRANTZ	1108 WOODLAND LN	ALPHARETTA, GA 30009
VIMALA D & SRI HARI BALUSU	1109 WOODLAND LN	ALPHARETTA, GA 30009
CHERYL M GEARY	1110 WOODLAND LN	ALPHARETTA, GA 30009
DEBORAH M BEMENT	1111 WOODLAND LN	ALPHARETTA, GA 30009
JASON P & COCHRAN STEPHANIE WILLIAMS	1112 WOODLAND LN	ALPHARETTA, GA 30009
SHARON E WAUGH	1113 WOODLAND LN	ALPHARETTA, GA 30009
MICHELLE BRIZENDINE	8001 WOODLAND LN	ALPHARETTA, GA 30009
KURT A LEE	8102 WOODLAND LN	ALPHARETTA, GA 30009
GILBERT & LESLIE RADFORD	8103 WOODLAND LN	ALPHARETTA, GA 30009
JACQUELINE CLELLAND	8104 WOODLAND LN	ALPHARETTA, GA 30009
PATRICIA & LOZANO EVELYN RIVERA	8105 WOODLAND LN	ALPHARETTA, GA 30009
NICHOLAS R & BADENHORST ANMADRI LOESEL	8106 WOODLAND LN	ALPHARETTA, GA 30009
KARIM JANET N ABDUL	8107 WOODLAND LN	ALPHARETTA, GA 30009
MAUREEN L COLE	8108 WOODLAND LN	ALPHARETTA, GA 30009
COLLETTE B HARRIS	8109 WOODLAND LN	ALPHARETTA, GA 30009
MARK & ELENA SEMINE	8110 WOODLAND LN	ALPHARETTA, GA 30009
MICHAEL WALTERS	8111 WOODLAND LN	ALPHARETTA, GA 30009
NATASHA SUTTON	8112 WOODLAND LN	ALPHARETTA, GA 30009
JAMES J & DONNELLY BRENDA DONNELLY	8113 WOODLAND LN	ALPHARETTA, GA 30009
LILIA POSTOLACHI	8114 WOODLAND LN	ALPHARETTA, GA 30009
ROGER D & JANET D OLDENBURGH	8115 WOODLAND LN	ALPHARETTA, GA 30009
PATRICIA CORREIA DINIZ	8116 WOODLAND LN	ALPHARETTA, GA 30009
JOHN & SUZANNE I SHEPHERD	8117 WOODLAND LN	ALPHARETTA, GA 30009
MALAIKA WHITAKER	8118 WOODLAND LN	ALPHARETTA, GA 30009
ERIN J CONNOLLY	9001 WOODLAND TRL UNIT 1	ALPHARETTA, GA 30009
DOLLY FAIRCLOUGH	9003 WOODLAND TRL UNIT 2	ALPHARETTA, GA 30009
YURIE KIM	9002 WOODLAND TRL UNIT 57	ALPHARETTA, GA 30009
JENNIFER TATE KRAMER	9004 WOODLAND TRL UNIT 56	ALPHARETTA, GA 30009
GEOFFREY PEKAREK	9006 WOODLAND TRL UNIT 55	ALPHARETTA, GA 30009



July 13, 2016

Development Authority of Fulton County
2200 Avalon Boulevard
Alpharetta, GA 30009

RE: Rezoning Application, Variance request and Comprehensive Land Use Plan Amendment
Application by The Davis Group for property located on Westside Parkway at Webb Bridge Road,
Alpharetta, GA

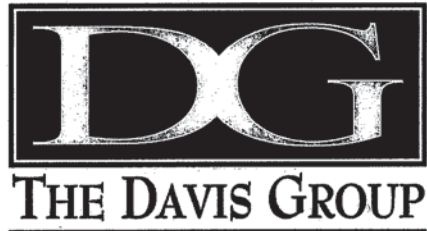
Dear Property Owner:

The Davis Group has filed an application for rezoning from R-10M to O-P, a variance to eliminate the 50' buffer on the west boundary and an amendment to the Comprehensive Land Use Plan on 1.795 acres on Westside Parkway at the south west intersection of Webb Bridge Road for the development of a daycare facility on this property.

The Planning Commission meeting is scheduled for August 4, 2016 at 6:30 p.m. at City Hall. The City Council meeting is scheduled for August 22, 2016 at 6:30 p.m. at City Hall. If you have questions or would like additional information, please contact Don Rolader at 770-442-0330. His fax number is 770-442-0641, and his email is don@roladerandrolader.com. His address is 1865 Lockeway Drive, Suite 601, Alpharetta, GA 30004.

Sincerely,

Brent Davis
Vice President
The Davis Group



July 13, 2016

City of Alpharetta
2 South Main Street
Alpharetta, GA 30009

RE: Rezoning Application, Variance request and Comprehensive Land Use Plan Amendment
Application by The Davis Group for property located on Westside Parkway at Webb Bridge Road,
Alpharetta, GA

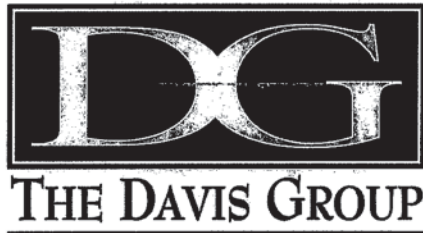
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Sincerely,

Brent Davis
Vice President
The Davis Group



July 13, 2016

Webb Bridge LLC
2870 Peachtree Rd
Suite 401
Atlanta, GA 30305

RE: Rezoning Application, Variance request and Comprehensive Land Use Plan Amendment
Application by The Davis Group for property located on Westside Parkway at Webb Bridge Road,
Alpharetta, GA

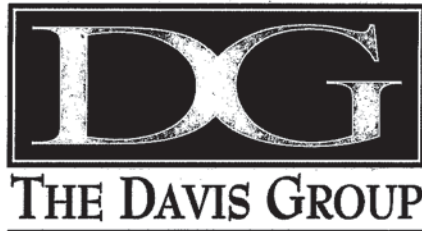
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Sincerely,

Brent Davis
Vice President
The Davis Group



July 13, 2016

Webb Bridge Rd LTD
2908 N Hills Dr NE
Atlanta, GA 30305

RE: Rezoning Application, Variance request and Comprehensive Land Use Plan Amendment
Application by The Davis Group for property located on Westside Parkway at Webb Bridge Road,
Alpharetta, GA

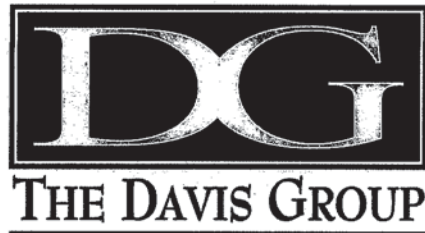
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Sincerely,

Brent Davis
Vice President
The Davis Group



July 13, 2016

St James United Methodist Church INC
3060 Peachtree Rd, NW
#1750
Atlanta, GA 30305

RE: Rezoning Application, Variance request and Comprehensive Land Use Plan Amendment
Application by The Davis Group for property located on Westside Parkway at Webb Bridge Road,
Alpharetta, GA

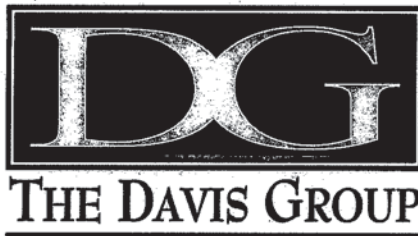
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Sincerely,

Brent Davis
Vice President
The Davis Group



July 13, 2016

The City of Alpharetta
2925 Webb Bridge Rd
Alpharetta, GA 30009

RE: Rezoning Application, Variance request and Comprehensive Land Use Plan Amendment
Application by The Davis Group for property located on Westside Parkway at Webb Bridge Road,
Alpharetta, GA

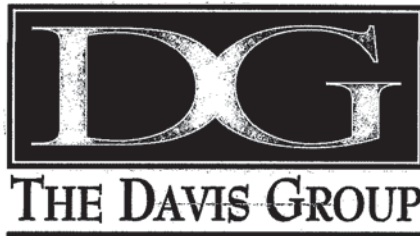
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Sincerely,

Brent Davis
Vice President
The Davis Group



July 13, 2016

Fourth Quarter Properties 87 LLC
PO Box 56607
Atlanta, GA 30343

RE: Rezoning Application, Variance request and Comprehensive Land Use Plan Amendment
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Alpharetta, GA

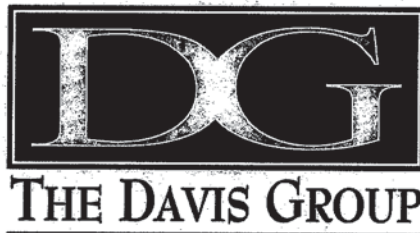
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Sincerely,

Brent Davis
Vice President
The Davis Group



July 13, 2016

The Woodlands at Webb Bridge Preserve Homeowners Assoc INC
5901 Peachtree Dunwoody Rd, NE
Suite B-525
Alpharetta, GA 30009

RE: Rezoning Application, Variance request and Comprehensive Land Use Plan Amendment
Application by The Davis Group for property located on Westside Parkway at Webb Bridge Road,
Alpharetta, GA

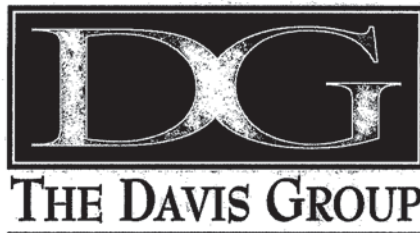
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Sincerely,

Brent Davis
Vice President
The Davis Group



July 13, 2016

Deborah A Schuster
1001 Woodland Lane
Alpharetta, GA 30009

RE: Rezoning Application, Variance request and Comprehensive Land Use Plan Amendment
Application by The Davis Group for property located on Westside Parkway at Webb Bridge Road,
Alpharetta, GA

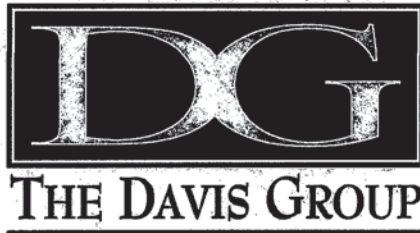
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Sincerely,

Brent Davis
Vice President
The Davis Group



July 13, 2016

Gerald L & Peggy R Price
1102 Woodland Lane
Alpharetta, GA 30009

RE: Rezoning Application, Variance request and Comprehensive Land Use Plan Amendment
Application by The Davis Group for property located on Westside Parkway at Webb Bridge Road,
Alpharetta, GA

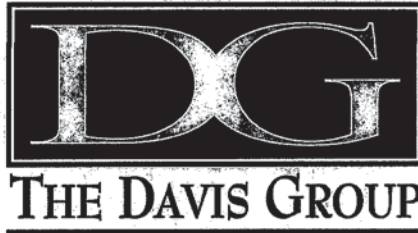
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Sincerely,

Brent Davis
Vice President
The Davis Group



July 13, 2016

Desmond D & Maureen W Dewey
1103 Woodland Lane
Alpharetta, GA 30009

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Application by The Davis Group for property located on Westside Parkway at Webb Bridge Road,
Alpharetta, GA

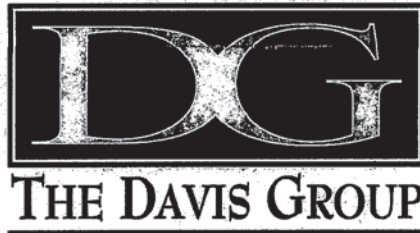
Dear Property Owner:

The Davis Group has filed an application for rezoning from R-10M to O-P, a variance to eliminate the 50' buffer on the west boundary and an amendment to the Comprehensive Land Use Plan on 1.795 acres on Westside Parkway at the south west intersection of Webb Bridge Road for the development of a daycare facility on this property.

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Sincerely,

Brent Davis
Vice President
The Davis Group



July 13, 2016

Sharon D & Reginald J Cooper
1104 Woodland Lane
Alpharetta, GA 30009

RE: Rezoning Application, Variance request and Comprehensive Land Use Plan Amendment
Application by The Davis Group for property located on Westside Parkway at Webb Bridge Road,
Alpharetta, GA

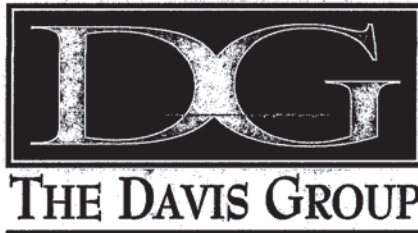
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Sincerely,

Brent Davis
Vice President
The Davis Group



July 13, 2016

Deborah Koon Burzotta
1105 Woodland Lane
Alpharetta, GA 30009

RE: Rezoning Application, Variance request and Comprehensive Land Use Plan Amendment
Application by The Davis Group for property located on Westside Parkway at Webb Bridge Road,
Alpharetta, GA

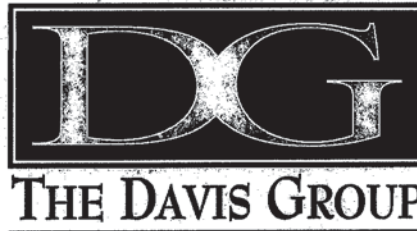
Dear Property Owner:

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Sincerely,

Brent Davis
Vice President
The Davis Group



July 13, 2016

Maria L Corkern
1106 Woodland Lane
Alpharetta, GA 30009

RE: Rezoning Application, Variance request and Comprehensive Land Use Plan Amendment
Application by The Davis Group for property located on Westside Parkway at Webb Bridge Road,
Alpharetta, GA

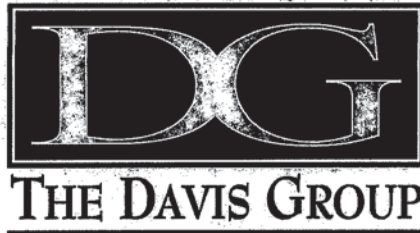
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Sincerely,

Brent Davis
Vice President
The Davis Group



July 13, 2016

Marilyn J Pattison
1107 Woodland Lane
Alpharetta, GA 30009

RE: Rezoning Application, Variance request and Comprehensive Land Use Plan Amendment
Application by The Davis Group for property located on Westside Parkway at Webb Bridge Road,
Alpharetta, GA

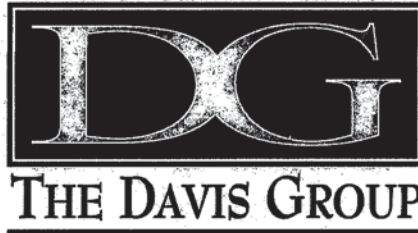
Dear Property Owner:

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Sincerely,

Brent Davis
Vice President
The Davis Group



July 13, 2016

Ryan Z Schrantz
1108 Woodland Lane
Alpharetta, GA 30009

RE: Rezoning Application, Variance request and Comprehensive Land Use Plan Amendment
Application by The Davis Group for property located on Westside Parkway at Webb Bridge Road,
Alpharetta, GA

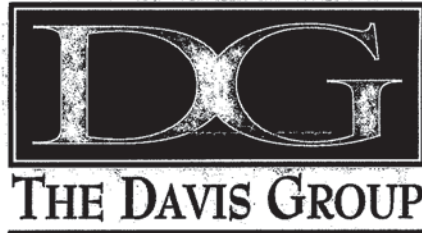
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Sincerely,

Brent Davis
Vice President
The Davis Group



July 13, 2016

Vimala D & Sri Hari Balusu
1109 Woodland Lane
Alpharetta, GA 30009

RE: Rezoning Application, Variance request and Comprehensive Land Use Plan Amendment
Application by The Davis Group for property located on Westside Parkway at Webb Bridge Road,
Alpharetta, GA

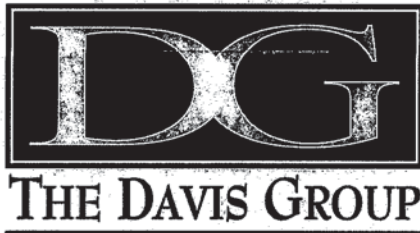
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Sincerely,

Brent Davis
Vice President
The Davis Group



July 13, 2016

Cheryl M Geary
1110 Woodland Lane
Alpharetta, GA 30009

RE: Rezoning Application, Variance request and Comprehensive Land Use Plan Amendment
Application by The Davis Group for property located on Westside Parkway at Webb Bridge Road,
Alpharetta, GA

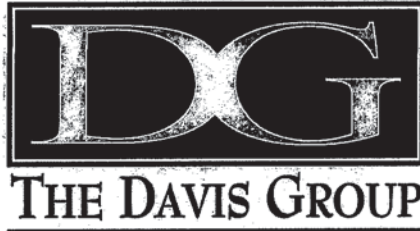
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Sincerely,

Brent Davis
Vice President
The Davis Group



July 13, 2016

Deborah M Bement
1111 Woodland Lane
Alpharetta, GA 30009

RE: Rezoning Application, Variance request and Comprehensive Land Use Plan Amendment
Application by The Davis Group for property located on Westside Parkway at Webb Bridge Road,
Alpharetta, GA

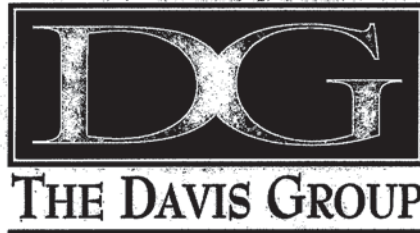
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Sincerely,

Brent Davis
Vice President
The Davis Group



July 13, 2016

Jason P & Cochran Stephanie Williams
1112 Woodland Lane
Alpharetta, GA 30009

RE: Rezoning Application, Variance request and Comprehensive Land Use Plan Amendment
Application by The Davis Group for property located on Westside Parkway at Webb Bridge Road,
Alpharetta, GA

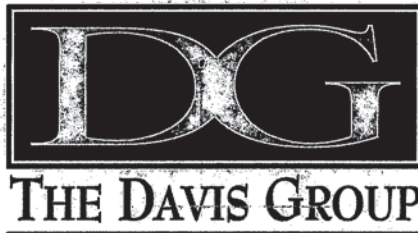
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Sincerely,

Brent Davis
Vice President
The Davis Group



July 13, 2016

Sharon E Waugh
1113 Woodland Lane
Alpharetta, GA 30009

RE: Rezoning Application, Variance request and Comprehensive Land Use Plan Amendment
Application by The Davis Group for property located on Westside Parkway at Webb Bridge Road,
Alpharetta, GA

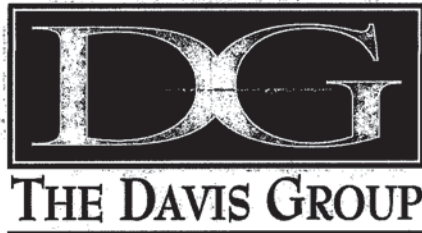
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Sincerely,

Brent Davis
Vice President
The Davis Group



July 13, 2016

Michelle Brizendine
8001 Woodland Lane
Alpharetta, GA 30009

RE: Rezoning Application, Variance request and Comprehensive Land Use Plan Amendment
Application by The Davis Group for property located on Westside Parkway at Webb Bridge Road,
Alpharetta, GA

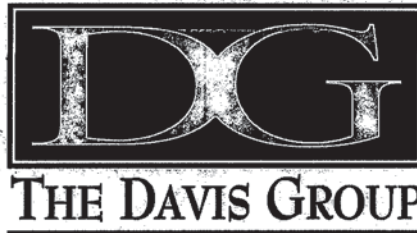
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Sincerely,

Brent Davis
Vice President
The Davis Group



July 13, 2016

Kurt A Lee
8102 Woodland Lane
Alpharetta, GA 30009

RE: Rezoning Application, Variance request and Comprehensive Land Use Plan Amendment
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Alpharetta, GA

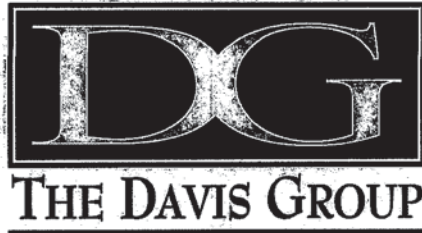
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Sincerely,

Brent Davis
Vice President
The Davis Group



July 13, 2016

Gilbert & Leslie Radford
8103 Woodland Lane
Alpharetta, GA 30009

RE: Rezoning Application, Variance request and Comprehensive Land Use Plan Amendment
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Alpharetta, GA

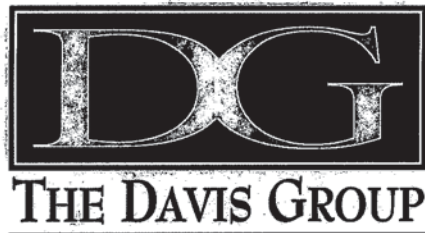
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Sincerely,

Brent Davis
Vice President
The Davis Group



July 13, 2016

Jacqueline Clelland
8104 Woodland Lane
Alpharetta, GA 30009

RE: Rezoning Application, Variance request and Comprehensive Land Use Plan Amendment
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Alpharetta, GA

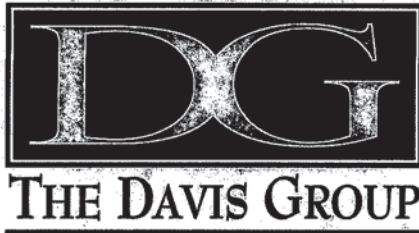
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Sincerely,

Brent Davis
Vice President
The Davis Group



July 13, 2016

Patricia & Lozano Evelyn Rivera
8105 Woodland Lane
Alpharetta, GA 30009

RE: Rezoning Application, Variance request and Comprehensive Land Use Plan Amendment
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Alpharetta, GA

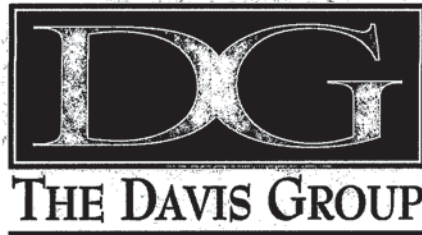
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Sincerely,

Brent Davis
Vice President
The Davis Group



July 13, 2016

Nicholas R & Badenhorst Anmadri Loesel
8106 Woodland Lane
Alpharetta, GA 30009

RE: Rezoning Application, Variance request and Comprehensive Land Use Plan Amendment
Application by The Davis Group for property located on Westside Parkway at Webb Bridge Road,
Alpharetta, GA

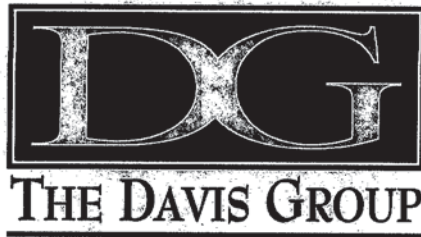
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Sincerely,

Brent Davis
Vice President
The Davis Group



July 13, 2016

Karim Janet N Abdul
8107 Woodland Lane
Alpharetta, GA 30009

RE: Rezoning Application, Variance request and Comprehensive Land Use Plan Amendment
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Alpharetta, GA

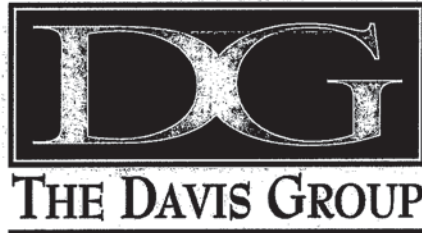
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Sincerely,

Brent Davis
Vice President
The Davis Group



July 13, 2016

Maureen L Cole
8108 Woodland Lane
Alpharetta, GA 30009

RE: Rezoning Application, Variance request and Comprehensive Land Use Plan Amendment
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Alpharetta, GA

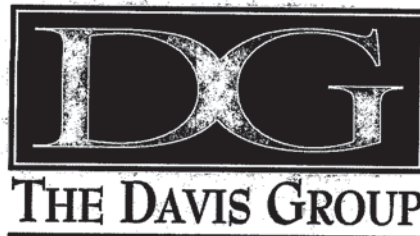
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Sincerely,

Brent Davis
Vice President
The Davis Group



July 13, 2016

Collette B Harris
8109 Woodland Lane
Alpharetta, GA 30009

RE: Rezoning Application, Variance request and Comprehensive Land Use Plan Amendment
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Alpharetta, GA

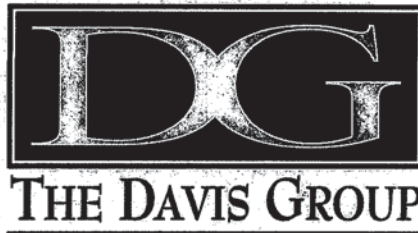
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Sincerely,

Brent Davis
Vice President
The Davis Group



July 13, 2016

Mark & Elena Semine
8110 Woodland Lane
Alpharetta, GA 30009

RE: Rezoning Application, Variance request and Comprehensive Land Use Plan Amendment
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Alpharetta, GA

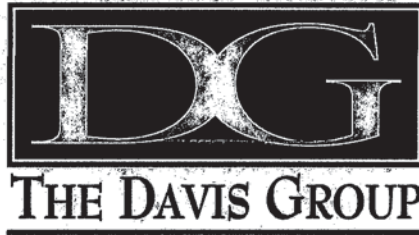
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Sincerely,

Brent Davis
Vice President
The Davis Group



July 13, 2016

Michael Walters
8111 Woodland Lane
Alpharetta, GA 30009

RE: Rezoning Application, Variance request and Comprehensive Land Use Plan Amendment
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Alpharetta, GA

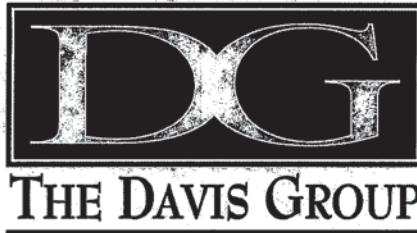
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Sincerely,

Brent Davis
Vice President
The Davis Group



July 13, 2016

Natasha Sutton
8112 Woodland Lane
Alpharetta, GA 30009

RE: Rezoning Application, Variance request and Comprehensive Land Use Plan Amendment
Application by The Davis Group for property located on Westside Parkway at Webb Bridge Road,
Alpharetta, GA

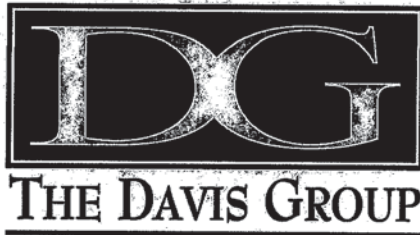
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Sincerely,

Brent Davis
Vice President
The Davis Group



July 13, 2016

James J & Brenda Donnelly
8113 Woodland Lane
Alpharetta, GA 30009

RE: Rezoning Application, Variance request and Comprehensive Land Use Plan Amendment
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Alpharetta, GA

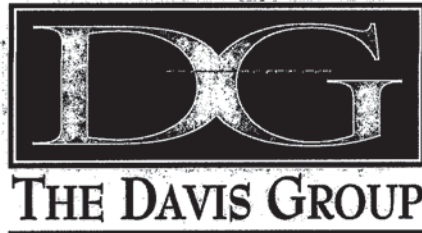
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Sincerely,

Brent Davis
Vice President
The Davis Group



July 13, 2016

James J & Brenda Donnelly
8113 Woodland Lane
Alpharetta, GA 30009

RE: Rezoning Application, Variance request and Comprehensive Land Use Plan Amendment
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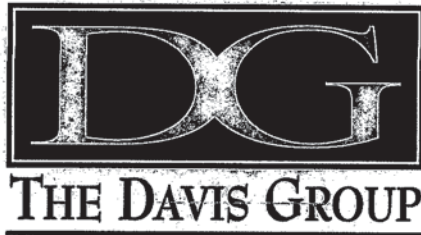
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Sincerely,

Brent Davis
Vice President
The Davis Group



July 13, 2016

Lilia Postolachi
8114 Woodland Lane
Alpharetta, GA 30009

RE: Rezoning Application, Variance request and Comprehensive Land Use Plan Amendment
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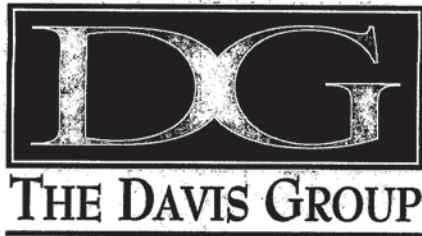
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Sincerely,

Brent Davis
Vice President
The Davis Group



July 13, 2016

Roger D & Janet Oldenburgh
8115 Woodland Lane
Alpharetta, GA 30009

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Alpharetta, GA

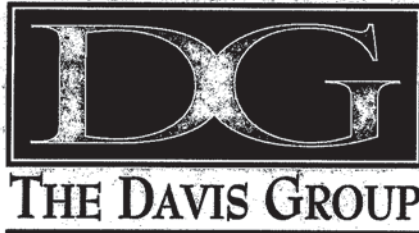
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Sincerely,

Brent Davis
Vice President
The Davis Group



July 13, 2016

Patricia Correia Diniz
8116 Woodland Lane
Alpharetta, GA 30009

RE: Rezoning Application, Variance request and Comprehensive Land Use Plan Amendment
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Alpharetta, GA

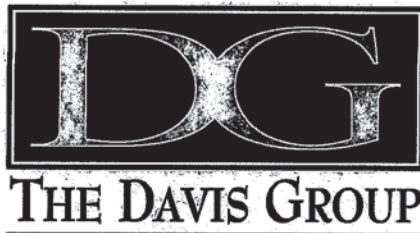
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Sincerely,

Brent Davis
Vice President
The Davis Group



July 13, 2016

John & Suzanne I Shepherd
8117 Woodland Lane
Alpharetta, GA 30009

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Alpharetta, GA

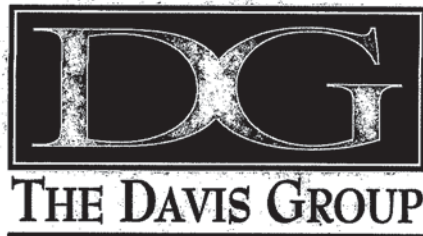
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Sincerely,

Brent Davis
Vice President
The Davis Group



July 13, 2016

Malaika Whitaker
8118 Woodland Lane
Alpharetta, GA 30009

RE: Rezoning Application, Variance request and Comprehensive Land Use Plan Amendment
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Alpharetta, GA

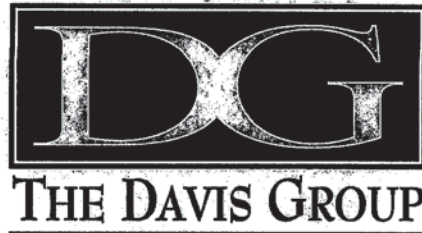
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Sincerely,

Brent Davis
Vice President
The Davis Group



July 13, 2016

Erin J Connolly
9001 Woodland Trail
Unit 1
Alpharetta, GA 30009

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Alpharetta, GA

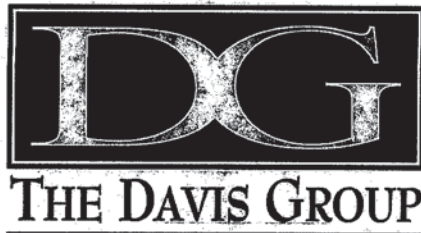
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Sincerely,

Brent Davis
Vice President
The Davis Group



July 13, 2016

Dolly Fairclough
9003 Woodland Trail
Unit 2
Alpharetta, GA 30009

RE: Rezoning Application, Variance request and Comprehensive Land Use Plan Amendment
Application by The Davis Group for property located on Westside Parkway at Webb Bridge Road,
Alpharetta, GA

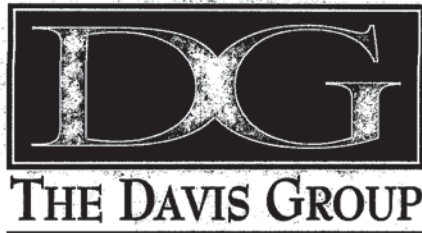
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Sincerely,

Brent Davis
Vice President
The Davis Group



July 13, 2016

Yurie Kim
9002 Woodland Trail
Unit 57
Alpharetta, GA 30009

RE: Rezoning Application, Variance request and Comprehensive Land Use Plan Amendment
Application by The Davis Group for property located on Westside Parkway at Webb Bridge Road,
Alpharetta, GA

Dear Property Owner:

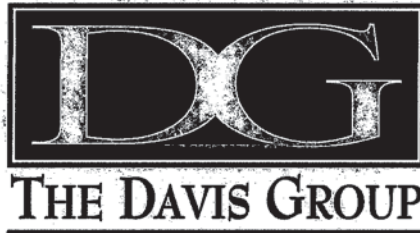
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Sincerely,

Brent Davis
Vice President
The Davis Group

6728 Jamestown Drive, Alpharetta, GA 30005
770-680-2721 office • 770-686-3762 fax



July 13, 2016

Jennifer Tate Kramer
9004 Woodland Trail
Unit 56
Alpharetta, GA 30009

RE: Rezoning Application, Variance request and Comprehensive Land Use Plan Amendment
Application by The Davis Group for property located on Westside Parkway at Webb Bridge Road,
Alpharetta, GA

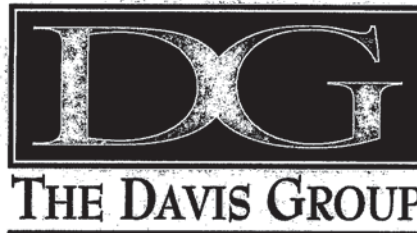
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Sincerely,

Brent Davis
Vice President
The Davis Group



July 13, 2016

Geoffrey Pekarek
9006 Woodland Trail
Unit 55
Alpharetta, GA 30009

RE: Rezoning Application, Variance request and Comprehensive Land Use Plan Amendment
Application by The Davis Group for property located on Westside Parkway at Webb Bridge Road,
Alpharetta, GA

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Sincerely,

Brent Davis
Vice President
The Davis Group

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: The Davis Group - Brent Davis

Telephone: 770-680-2721

Address: 6728 Jamestown Drive

Suite: _____

City Alpharetta

State: GA

Zip: 30005

Fax: 770-686-3762

Mobile Tel: 678-392-3618

Email: brent@davisgroupga.com

Subject Property Information:

Address: Westside Parkway at Webb Bridge Road

Current Zoning: R-10M

District: 2

Section: 2

Land Lot: 1263 & 1264

Parcel ID: 22-5300-1263-256-8

Proposed Zoning: O-P

Current Use: Vacant

This Application For (Check All That Apply):

☐ Conditional Use

☐ Master Plan Amendment

☒ Rezoning

☐ Master Plan Review

☒ Variance

☐ Public Hearing

☒ Comprehensive Plan Amendment

☐ Other (Specify): _____

APPLICANT REQUEST AND INTENT

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

Daycare Center

Applicant's Request (Please itemize the proposal):

To rezone the property from R-10M to O-P with certain variances.

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

The proposal will facilitate the construction of a daycare center with associated playground and parking on the property described in the Application.

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: Fourth Quarter Properties 87, LLC (contact Robert Bergmann)

Telephone: 678-423-5445

Address: 45 Ansley Drive

Suite:

City Newnan

State: GA

Zip: 30263

Authorization:

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

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

- | | |
|---|---|
| ☐ Annexation | ☐ Special Use |
| ☒ Rezoning | ☐ Conditional Use |
| ☒ Variance | ☐ Master Plan |
| ☐ Land Use Application | ☒ Other <u>CLUP Amendment</u> |

Identify Authorized Applicant:

Name of Authorized Applicant: The Davis Group - Brent Davis

Telephone: 770-680-2721

Address: 6728 Jamestown Drive

Suite:

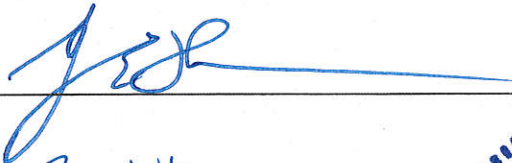
City Alpharetta

State: GA

Zip: 30005

So Sworn and Attested:

Owner Signature:

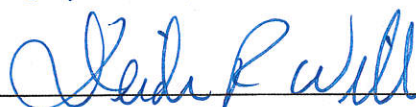


Date:

5/20/16

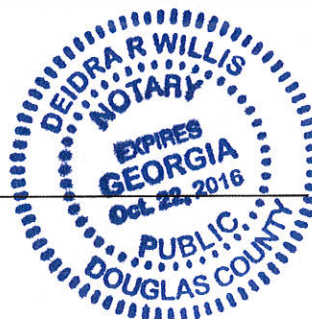
Notary: Deidra R. Willis

Notary Signature:



Date:

5/20/16



DISCLOSURE FORM

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

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

Name of Applicant or Opponent: Fourth Quarter Properties 87, LLC

Subject Public Hearing Case: Westside Parkway at Webb Bridge Road

Campaign Contribution Information:

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

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

Name of Official: N/A

Position: N/A

Description of Contribution: NONE

Value:

Description of Contribution:

Value:

Description of Contribution:

Value:

Description of Contribution:

Value:

Description of Contribution:

Value:

Campaign Contribution Information:

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

Signature:



Date:

5/20/16

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Name of Applicant or Opponent: The Davis Group

Subject Public Hearing Case: Westside Parkway at Webb Bridge Rd

Campaign Contribution Information:

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Name of Official: N/A

Position: N/A

Description of Contribution: None

Value: _____

Description of Contribution: _____

Value: _____

Description of Contribution: _____

Value: _____

Description of Contribution: _____

Value: _____

Description of Contribution: _____

Value: _____

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Signature: _____

Chris Davis

Date: _____

5/17/2016

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Position: N/A

Description of Contribution: None

Value:

Description of Contribution:

Value:

Description of Contribution:

Value:

Description of Contribution:

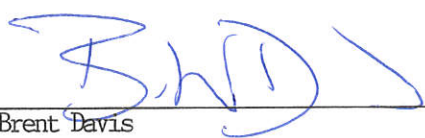
Value:

Description of Contribution:

Value:

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Signature: 

Brent Davis

Date: 5/17/2016

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

Nearby properties are high density residential, mixed use and a church. A daycare center is a desirable amenity to these uses and is compatible with them.

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

The proposed use will have no negative impact on uses and values of surrounding properties. It may serve to increase property values.

+

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

The property is zoned R-10M for high density residential development. The property is too small and oddly shaped precluding meaningful development as high density residential property.

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

Population increase is zero. Population increase during business hours is approximately 220 people. Traffic generation is estimated at 978 trips (161 A.M. peak, 163 P.M. peak)

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

There will be no impact on schools. There are sufficient utilities available to serve the requirements of the proposed use.

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

The proposal is not consistent with the Comprehensive Plan and the Future Land Use Plan.

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

There are changing conditions. The property is a remnant too small for development as R-10M. The area has developed with high density housing and a large mixed use center with 525 apartments. A quality daycare center is an excellent supporting use providing needed childcare services.

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

BOARD OF ZONING APPEALS REVIEW CRITERIA

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

ELIMINATION OF 50 FOOT BUFFER

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

The east property boundary abuts a wooded area, a driveway and pull-off area and then an amenity center. There is no condominium building within 280' of the property line. There is no need for a 50' buffer from an open play area.

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

It would create a hardship in that the 50' buffer would limit the open play area, which would then limit the number of students using the facility. Due to the existing construction of the abutting R-10M condominiums, there is more than adequate buffer existing. It is more than 280' to the nearest condominium building. A 50' buffer would serve no purpose.

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

The property is a remnant R-10M piece which is narrow on a north/south axis and abuts a residential driveway and amenity package, and a multi-lane major collector road. Imposing a 50' buffer where none is needed further narrows the developable area of the property and unduly restricts development with no corresponding benefit to the neighboring property.

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

Granting the requested variance will not cause substantial detriment to the public good or impair the purpose and intent of the Zoning Code (UDC).

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: Westside Parkway at Webb Bridge Road Daycare Center

Contact Name: Brent Davis

Telephone: 770-680-2721

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

All those property owners within 500 feet of the property listed 

on Exhibit A attached hereto and incorporated herein by

reference.

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

☒

Letter

☐

Personal Visits

☐

Telephone

☐

Group Meeting

☐

Email

☐

Other (Please Specify) _____

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

Contacted individuals may contact applicant by letter, phone, fax, email or may request an individual or group meeting.

EXHIBIT "A"

Owner	Address	City Zip
DEVELOPMENT AUTHORITY OF FULTON COUNTY	2200 AVALON BLVD	ALPHARETTA, GA 30009
CITY OF ALPHARETTA	2 SOUTH MAIN ST	ALPHARETTA, GA 30009
WEBB BRIDGE LLC	2870 PEACHTREE RD STE 401	ATLANTA, GA 30305
WEBB BRIDGE RD LTD	2908 N HILLS DR NE	ATLANTA, GA 30305
ST JAMES UNITED METHODIST CHURCH INC	3060 PEACHTREE RD NW # 1750	ATLANTA, GA 30305
THE CITY OF ALPHARETTA	2925 WEBB BRIDGE RD	ALPHARETTA, GA 30009
FOURTH QUARTER PROPERTIES 87 LLC	PO BOX 56607	ATLANTA, GA 30343
WOODLANDS AT WEBB BRIDGE PRESERVE HOMEOWNERS ASSOC INC THE	5901 PEACHTREE DUNWOODY RD NE STE B-525	ALPHARETTA, GA 30009
DEBORAH A SCHUSTER	1001 WOODLAND LN	ALPHARETTA, GA 30009
GERALD L & PEGGY R PRICE	1102 WOODLAND LN	ALPHARETTA, GA 30009
DESMOND D & MAUREEN W DEWEY	1103 WOODLAND LN	ALPHARETTA, GA 30009
SHARON D & REGINALD J COOPER	1104 WOODLAND LN	ALPHARETTA, GA 30009
DEBORAH KOON BURZOTTA	1105 WOODLAND LN	ALPHARETTA, GA 30009
MARIA L CORKERN	1106 WOODLAND LN	ALPHARETTA, GA 30009
MARILYN J PATTISON	1107 WOODLAND LN	ALPHARETTA, GA 30009
RYAN Z SCHRANTZ	1108 WOODLAND LN	ALPHARETTA, GA 30009
VIMALA D & SRI HARI BALUSU	1109 WOODLAND LN	ALPHARETTA, GA 30009
CHERYL M GEARY	1110 WOODLAND LN	ALPHARETTA, GA 30009
DEBORAH M BEMENT	1111 WOODLAND LN	ALPHARETTA, GA 30009
JASON P & COCHRAN STEPHANIE WILLIAMS	1112 WOODLAND LN	ALPHARETTA, GA 30009
SHARON E WAUGH	1113 WOODLAND LN	ALPHARETTA, GA 30009
MICHELLE BRIZENDINE	8001 WOODLAND LN	ALPHARETTA, GA 30009
KURT A LEE	8102 WOODLAND LN	ALPHARETTA, GA 30009
GILBERT & LESLIE RADFORD	8103 WOODLAND LN	ALPHARETTA, GA 30009
JACQUELINE CLELLAND	8104 WOODLAND LN	ALPHARETTA, GA 30009
PATRICIA & LOZANO EVELYN RIVERA	8105 WOODLAND LN	ALPHARETTA, GA 30009
NICHOLAS R & BADENHORST ANMADRI LOESEL	8106 WOODLAND LN	ALPHARETTA, GA 30009
KARIM JANET N ABDUL	8107 WOODLAND LN	ALPHARETTA, GA 30009
MAUREEN L COLE	8108 WOODLAND LN	ALPHARETTA, GA 30009
COLLETTE B HARRIS	8109 WOODLAND LN	ALPHARETTA, GA 30009
MARK & ELENA SEMINE	8110 WOODLAND LN	ALPHARETTA, GA 30009
MICHAEL WALTERS	8111 WOODLAND LN	ALPHARETTA, GA 30009
NATASHA SUTTON	8112 WOODLAND LN	ALPHARETTA, GA 30009
JAMES J & DONNELLY BRENDA DONNELLY	8113 WOODLAND LN	ALPHARETTA, GA 30009
LILIA POSTOLACHI	8114 WOODLAND LN	ALPHARETTA, GA 30009
ROGER D & JANET D OLDENBURGH	8115 WOODLAND LN	ALPHARETTA, GA 30009
PATRICIA CORREIA DINIZ	8116 WOODLAND LN	ALPHARETTA, GA 30009
JOHN & SUZANNE I SHEPHERD	8117 WOODLAND LN	ALPHARETTA, GA 30009
MALAIKA WHITAKER	8118 WOODLAND LN	ALPHARETTA, GA 30009
ERIN J CONNOLLY	9001 WOODLAND TRL UNIT 1	ALPHARETTA, GA 30009
DOLLY FAIRCLOUGH	9003 WOODLAND TRL UNIT 2	ALPHARETTA, GA 30009
YURIE KIM	9002 WOODLAND TRL UNIT 57	ALPHARETTA, GA 30009
JENNIFER TATE KRAMER	9004 WOODLAND TRL UNIT 56	ALPHARETTA, GA 30009
GEOFFREY PEKAREK	9006 WOODLAND TRL UNIT 55	ALPHARETTA, GA 30009

PROPERTY DESCRIPTION

All that tract or parcel of land lying and being in land lots 1263 and 1264 of the 2ND District, 2ND Section, Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at a PK nail set at the intersection of the southerly right-of-way of Webb Bridge Road (variable right-of-way) with the westerly right-of-way of Westside Parkway (variable right-of-way); Thence along said right-of-way of Westside Parkway the following courses and distances: South 28 degrees 10 minutes 39 seconds East a distance of 81.52 feet to a 5/8-inch rebar set; South 17 degrees 18 minutes 02 seconds West a distance of 230.01 feet to a 5/8-inch rebar set; North 72 degrees 42 minutes 31 seconds West a distance of 10.00 feet to a 5/8-inch rebar set; South 17 degrees 18 minutes 03 seconds West a distance of 109.99 feet to a 5/8-inch rebar set; Thence North 72 degrees 41 minutes 59 seconds West a distance of 30.60 feet to a 5/8-inch rebar set; Thence leaving said right-of-way, North 01 degrees 38 minutes 29 seconds East a distance of 158.33 feet to a 5/8-inch rebar found; Thence North 88 degrees 11 minutes 57 seconds West a distance of 112.43 feet to a 1/2-inch rebar found; Thence North 13 degrees 31 minutes 57 seconds West a distance of 329.84 feet to a 5/8-inch rebar set on the southerly right-of-way of Webb Bridge Road; Thence along said right-of-way the following courses and distances: South 71 degrees 58 minutes 35 seconds East a distance of 36.06 feet to a 5/8-inch rebar set; South 65 degrees 48 minutes 59 seconds East a distance of 70.59 feet to a 5/8-inch rebar set; South 72 degrees 39 minutes 32 seconds East a distance of 161.68 feet to a 5/8-inch rebar set; along a curve to the left having a radius of 1038.72 feet and an arc length of 34.80 feet, being subtended by a chord bearing of South 73 degrees 37 minutes 06 seconds East for a distance of 34.80 feet to a PK nail set; said point being the **TRUE POINT OF BEGINNING**.

Said tract of land contains 1.795 acres.

ROLADER & ROLADER, P.C. Westside DayCare Center

ATTORNEYS AND COUNSELORS AT LAW

1865 LOCKEWAY DRIVE, SUITE 601

ALPHARETTA, GEORGIA 30004

Telephone (770) 442-0330

Fax (770) 442-0641

www.roladerandrolader.com

DONALD A. ROLADER
don@roladerandrolader.com

D.W. "Pete" ROLADER
1924 - 2011

May 17, 2016

Mayor and City Council
City of Alpharetta, Georgia
2 Park Plaza
Alpharetta, Georgia 30009

RE: Application of The Davis Group for Amendment to Land Use Plan, Rezoning from R-10M to O-P and Variance on 1.795 acres on Westside Parkway at Webb Bridge Road, City of Alpharetta, Fulton County, Georgia owned by Fourth Quarter Properties XL VII, LLC

Dear Mayor and Councilpersons:

This firm represents The Davis Group, the Applicant, seeking approval of this Amendment to the Land Use Plan, Rezoning from R-10M to O-P and one Variance. This letter shall be construed as the Letter of Intent for this Application.

The subject property contains approximately 1.795 acres and is located on the southwest corner of Westside Parkway and Webb Bridge Road. To the north across Webb Bridge Road is St. James United Methodist Church which is zoned O&I. To the east across Webb Bridge Road is vacant property zoned R-10M. To the south is property zoned R-10M. To the west on Webb Bridge Road is property zoned R-10M and developed as residential condominiums.

Applicant proposes to rezone the property O-P and construct a daycare center. The impact on the surrounding area would be minimal compared to high density residential development and will fill an existing need for quality daycare in the area. The property has been vacant for more than 15 years, and has received no offers for residential development. Due to the small size and shape of the property, this tract may not be expected to be developed in the near future.

Mayor and City Council
City of Alpharetta, Georgia
May 17, 2016
Page 2

The granting of this Zoning Application will have no negative impact on adjoining or nearby properties, but will provide a compatible supporting use. This development will not unduly tax any City of Alpharetta services, including, but not limited to, fire and police protection, water service and garbage collection. Presently sewer is available through Fulton County. The development will have no impact on the Fulton County School System. To fail to approve this Application will be of no benefit to the citizens of Alpharetta, Georgia while causing a financial burden upon the property owners and the developer. There is a current demand for high quality daycare near office campus, mixed use and high density residential development, and that demand is increasing presently. Applicant has an outstanding track record for quality daycare development in North Metro Atlanta.

Applicant requests the following Variance:

1. Elimination of the 50' buffer on the west boundary to allow for an outside play area.

Applicant has attached Constitutional Objections which are incorporated herein by reference and made a part hereof.

Property owner respectfully requests that the Mayor and City Council approve this Application for Amendment to the Land Use Plan, Rezoning and the Variances requested to allow the use of the property as indicated on the site plan.

Very truly yours,
ROLADER & ROLADER, P.C.



Donald A. Rolader

DAR/ddf

CONSTITUTIONAL OBJECTIONS

Georgia Law and the procedures of the City of Alpharetta require us to raise Federal and State Constitutional objections during the rezoning application process. While the Owner anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the owner will be barred from raising important legal claims later in the process. Accordingly, we are required to raise the following constitutional objections at this time:

A denial of the Application would be unconstitutional in that it would destroy the Owner's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

Any application of the Code of the City of Alpharetta, or the Unified Development Code of the City of Alpharetta, to the Subject Property that prohibits the Owner from developing the Subject Property as proposed is unconstitutional, illegal, null and void because such an application constitutes a taking of the Owner's property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I, of the Constitution of the State of Georgia of 1983 and a violation of the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States because such an application denies the Owner an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would also constitute an arbitrary and capricious act by the City of Alpharetta without any rational basis therefore, thereby constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

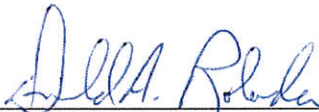
A refusal by the City of Alpharetta to grant the Application would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Owner and Owners of similarly situated property in violation of Article I,

Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any approval of the Application that subjects the Subject Property to conditions that are different from the conditions requested by the Owner, to the extent such different conditions would have the effect of further restricting the Owner's utilization of the Subject Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional category and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

In addition, this constitutes formal written notice to City of Alpharetta, pursuant to O.C.G.A. § 36-33-5, that the Owner plans to seek to recover all damages that it sustains or suffers as a result of the denial of this Application and/or the unconstitutional zoning of the Subject Property by the City of Alpharetta. Such damages may include, but are not necessarily limited to, damages related to the diminution in the value of the Subject Property, attorneys' fees and expenses of litigation.

Accordingly, the Owner respectfully requests that the City of Alpharetta grant the Application as requested.

ROLADER & ROLADER, P.C.

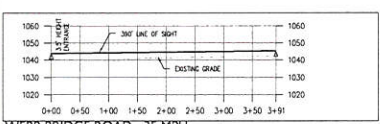
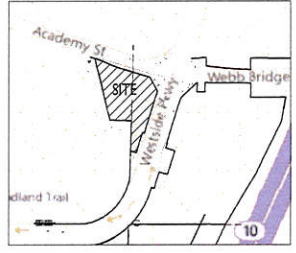
By: 
Donald A. Rolader
Attorney for Owner

1865 Lockeway Drive
Suite 601
Alpharetta, GA 30004
770-442-0330

CLUP-16-06/Z-16-07/V-16-07

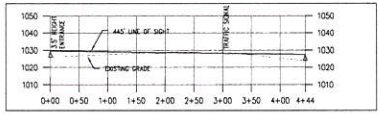
Westside Daycare Center

SITE DATA
LANDLOT 1263, 1264
DISTRICT/SECTION 1st/2nd
PARCEL # 22 530012632568
1.795
TOTAL SQ. FOOTAGE 13,200 SF
PARKING REQUIRED 33 (1 PER 400 SF BUILDING)
PARKING PROVIDED 55
HIC REQUIRED 2
HIC PROVIDED 2
OWNER
FOURTH QUARTER PROPERTIES 87, LLC
100 W. WOODLAND DRIVE
ALPHARETTA, GA 30263
CONTACT: ROBERT BERGMANN
ZONING
EXISTING ZONING: R-10M
PROPOSED ZONING: O-P
FRONT YARD SETBACK 65'
SIDE YARD SETBACK 15'
REAR YARD SETBACK 15'
LANDSCAPE STRIP WESTSIDE 20'
LANDSCAPE STRIP WEBB BRIDGE 10'
ON-SITE DETENTION WILL BE UNDERGROUND.



WEBB BRIDGE ROAD - 35 MPH

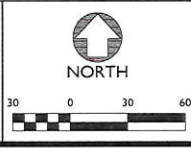
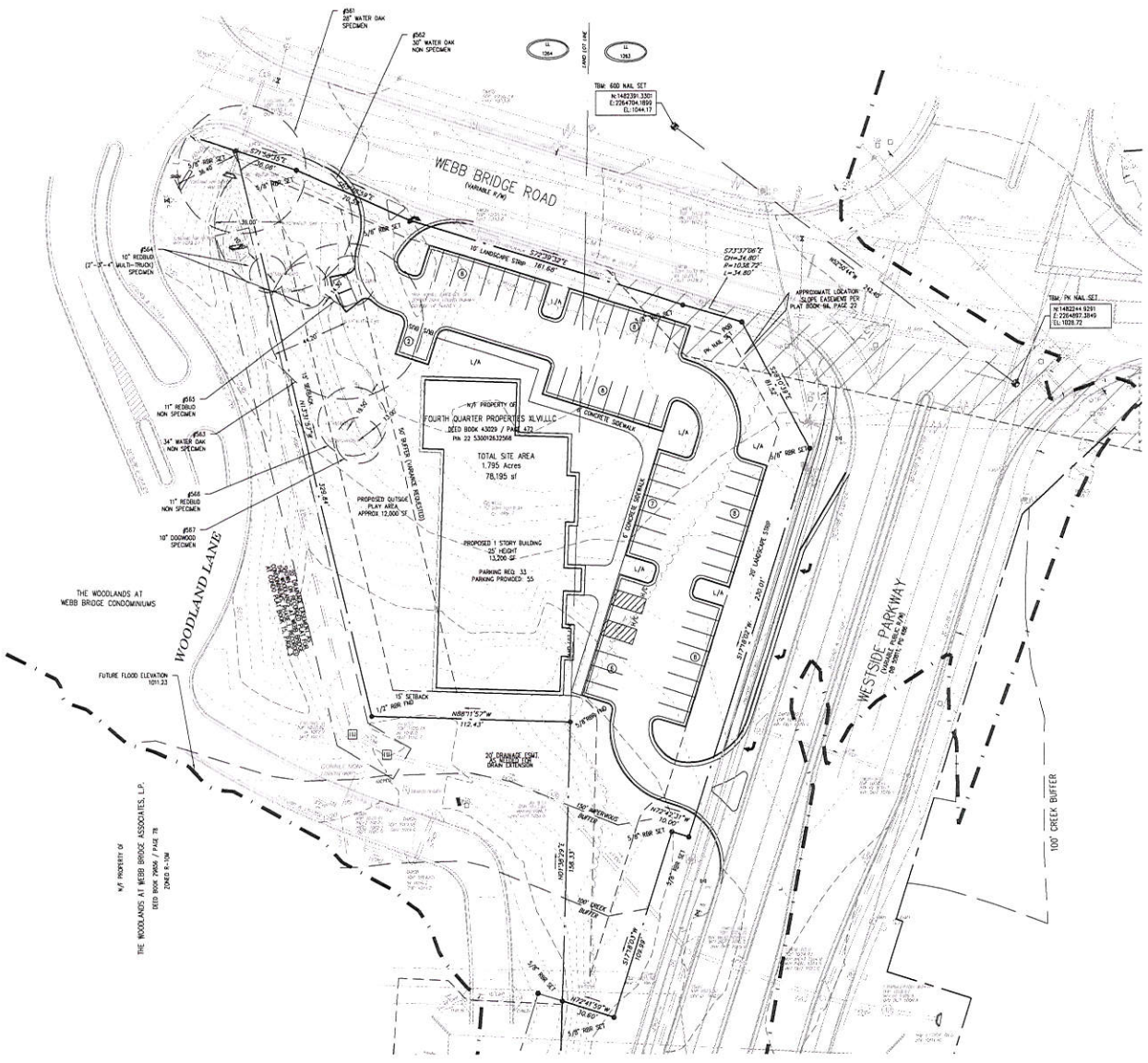
SCALE: 1"=10'



WESTSIDE PARKWAY - 40 MPH

SCALE: 1"=10'

SITE PLAN CHECK LIST	
1. Verify all dimensions and setbacks are correct.	
2. Verify all parking spaces are correctly dimensioned and located.	
3. Verify all landscaping is correctly dimensioned and located.	
4. Verify all building footprints are correctly dimensioned and located.	
5. Verify all site area calculations are correct.	
6. Verify all parking area calculations are correct.	
7. Verify all landscaping area calculations are correct.	
8. Verify all building footprint area calculations are correct.	
9. Verify all site area calculations are correct.	
10. Verify all parking area calculations are correct.	
11. Verify all landscaping area calculations are correct.	
12. Verify all building footprint area calculations are correct.	
13. Verify all site area calculations are correct.	
14. Verify all parking area calculations are correct.	
15. Verify all landscaping area calculations are correct.	
16. Verify all building footprint area calculations are correct.	
17. Verify all site area calculations are correct.	
18. Verify all parking area calculations are correct.	
19. Verify all landscaping area calculations are correct.	
20. Verify all building footprint area calculations are correct.	



PRELIMINARY SITE PLAN

WESTSIDE DAYCARE
Alpharetta, Georgia

PROJECT INFORMATION	
PROJECT NO:	16-3865.10
DATE:	4-27-16
SCALE:	1" = 30'
FILE NAME:	16-3865
DESIGN/DRAWN:	slrich

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WESTSIDE DAYCARE

Alpharetta, Georgia

PROJECT INFORMATION

PROJECT NO.: 16-3865.10
 DATE: 4-27-16
 SCALE: 1" = 30'
 FILE NAME: 16-3865
 DESIGN/DRAWN: sh/ach

TABLE 1								
TRIP GENERATION								
Land Use	Size	A.M. Peak Hour			P.M. Peak Hour			24-Hour
		Enter	Exit	Total	Enter	Exit	Total	2-way
Day Care Center	13,200	85	76	161	77	86	163	978
Total with Reductions		85	76	161	77	86	163	978

LAND USE - 565			
Day Care Center			
Square Feet Gross Floor Area			
13,200			
978	= Average Trip Ends on a Weekday	Entering	Exiting
161	= A.M. Peak Hour - Adj. Street Traffic	85	76
163	= P.M. Peak Hour - Adj. Street Traffic	77	86
22	= Sat. Peak Hour of Generator - *Small Samp	14	8

16-05-04-01 Westside Daycare Arborist Report Alpharetta

Reference UDC
Alpharetta, Georgia



Location Map



All of the following information is based upon visual field observations and 25 years of practical horticultural experience. No scientific or lab tests have been performed. I certify that all information in this report is true and inclusive to the best of my knowledge and is prepared in good faith.

Outdoor Spaces, LLC

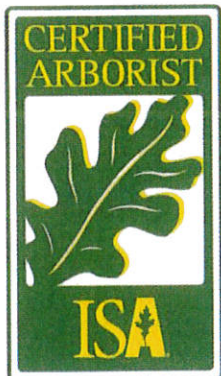
A handwritten signature in blue ink, appearing to be 'Scott Hall'.

By Scott Hall, Owner

On Site Specimen Evaluation Date: May 5, 2016

Report Date: May 5, 2016

Revised Date:



Outdoor Spaces, LLC
Scott Hall, Owner
RLA, Certified Arborist
Certificate Number: SO-5434A
404-328-6561 Cell
678-965-4784 Fax
scottandcyrena@bellsouth.net

Warranty Disclaimer:

No warranties express or implied are made with respect to the report of aforementioned specimen trees. It is understood the OWNER makes use of this report by the ARBORIST at OWNER's sole risk and that the report is provided as best judgment opinion. In no manner does this report guarantee the life or imply any length of life span of the trees that are determined to be specimens.

Arborist Note:

Due to certain species and undesirable traits, some trees shall be considered in poor condition if the following is true. Numerous trees grown in a native setting may appear to grow as multi-trunk; however this is not desirable in most trees. Most trees that have multi-trunks at the base are usually created when two separate trees grow together or the tree branches off at an early age and they become Co-Dominate Leaders. Either scenario is an undesirable condition for most trees because they both create weak crotches, included bark and/or a prime place for debris and water to get trapped that will always cause decay. In this case these trees become a life safety issue and can not be considered specimen trees.

Some trees are an exception to this rule, such as, but not limited to:

Crape Myrtles, Birches, Wax Myrtles, Red Buds, Fringe Trees, Dogwoods, Hollies, Cedars, Sourwoods, Sweet Bay Magnolias, Red Bays and Live Oaks.

These are an exception because they naturally create sucker growth from the roots and/or trunk or do not typically have the life safety issues because they are not large growing trees.

Reference: **Sinclair, Wayne A., 1936. Diseases of Trees and Shrubs / Wayne A. Sinclair and Howard H. Lyon.-2nd ed. Published 2005**

ARTICLE III. LAND DEVELOPMENT ACTIVITIES

SECTION 3.2 TREE PROTECTION

3.2.1 DEFINITIONS

Caliper. A standard of trunk measurement for understory or replacement trees. Caliper inches are measured at the height of 6 inches above the ground for trees up to and including 4 inch caliper and 12 inches above the ground for trees larger than 4 inch caliper.

Diameter Breast-Height (DBH). The standard measure of overstory tree size (for trees existing on a site). The tree trunk is measured at a height of 4 ½ feet above the ground. If a tree splits into multiple trunks below 4 ½ feet, measure the trunk at its most narrow point beneath the split.

Hardwood Tree. Any tree that is not coniferous (cone bearing). This definition is based on the colloquialism, and does not necessarily reflect any true qualities of the tree.

Softwood Tree. Any coniferous (cone bearing) tree. This definition is based on the colloquialism, and does not necessarily reflect any true qualities of the tree.

Specimen Tree. Any tree which qualifies for special consideration for preservation due to its size, type, condition, location or historical significance. See additional requirements for Specimen Trees in Appendix B.

Tree. Any living, self-supporting woody or fibrous plant which normally obtains a diameter breast height of at least three (3) inches, and typically has one (1) main stem or trunk and many branches.

Understory. Those trees that grow beneath the overstory, and will generally reach a mature height of under 40 feet.

APPENDIX A

SPECIMEN TREES

Some trees on a site warrant special consideration and encouragement for conservation. These trees are referred to as Specimen Trees.

The following criteria are used by the Director to identify specimen trees.

A Specimen Tree is any tree which qualifies for special consideration for preservation due to its size, type, condition, location, or historical significance and is determined by the City Arborist, prior to development, to be in overall good health without the aid of a specialized care plan according to accepted ISA practices, and which also meets the minimum size criteria set forth below.

Size Criteria

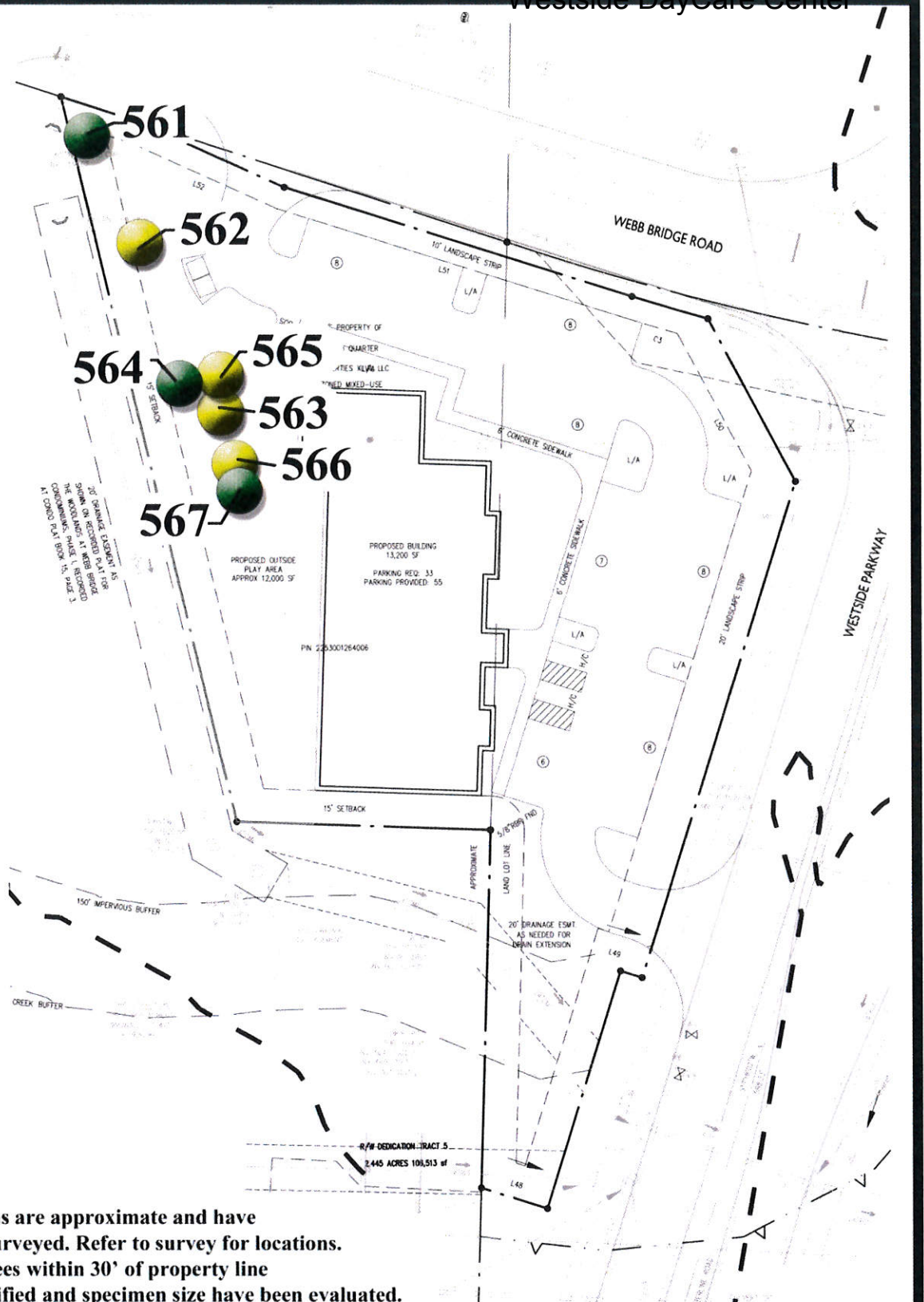
Pine Trees: 30-inch (30") diameter or larger Overstory Trees: 24-inch (24") diameter or larger Understory Trees: 8-inch (8") diameter or larger

In order to encourage the conservation of Specimen Trees and the incorporation of these trees into the design of projects, additional density credit will be given for Specimen Trees, which are successfully saved by a design feature specifically designated for such purpose. Credit for any Specimen Tree thus saved would be two (2) times the assigned unit value shown in Table 3.4. The Critical Root Zone of Specimen Trees will be protected with hog-back/wire-back tree save fencing with metal support poles.

If a Specimen Tree is to be removed, a plan or written document indicating the reason for the removal must be submitted to the Director.

Specimen Trees that cannot be saved (see Section 3.2.13) must be replaced with trees having three (3) times the unit value of the tree removed with a minimum four-inch (4") tree caliper by species with potentials for comparable size and quality.

Any Specimen Tree which is removed without the appropriate review and approval of the Director must be replaced by trees with a total density equal to eight (8) times the unit value of the tree removed with a minimum four-inch (4") tree caliper. Size alone will determine whether a tree was a specimen quality if the tree is removed without approval and there is no evidence of its condition. Violations will be subject to the applicable penalties as described in Section 3.2.19.



Notes:

- All tree locations are approximate and have not been field surveyed. Refer to survey for locations.
- All 20" DBH trees within 30' of property line have been identified and specimen size have been evaluated.

- Landscape Tree
- Specimen
- Non-Specimen



Not To Scale

**Specimen
Location Plan**

CLUP-16-06/Z-16-07/V-16-07
Westside DayCare Center

Specimen Analysis							
Tree #	Size/ Species	Health Condition	Structural Condition	Specimen	Landscape Tree	Comments	Photo # (See Attached)
561	28" Water Oak	Fair	Fair	Yes		Tree is in fair condition. Tree will need proper/corrective pruning due to improper utility pruning. Due to location, this tree should be taken into design consideration.	1
562	30" Water Oak	Poor	Fair	No		Tree is in decline with severe tip die back. Main limb broken with several dead minor limbs. Due to condition tree is not a design consideration.	2-3
563	34" Water Oak	Poor	Poor	No		Exposed decay in trunk. Trunk sounds hollow. Chain imbedded in trunk at base. Root system impacted by existing concrete drive. Due to condition tree is not a design consideration.	4-6
564	10" Redbud (2"-3"-4" Multi-trunk)	Fair	Fair	Yes		Due to condition, this tree should be taken into design consideration.	
565	11" Redbud	Poor	Poor	No		Severe die back and decay in trunks. Due to condition tree is not a design consideration.	7
566	15" Redbud	Fair	Poor	No		Two main limbs split and damaged. Due to condition tree is not a design consideration.	8-9
567	10" Dogwood	Good	Good	Yes		Due to condition, this tree should be taken into design consideration.	



Photo 1

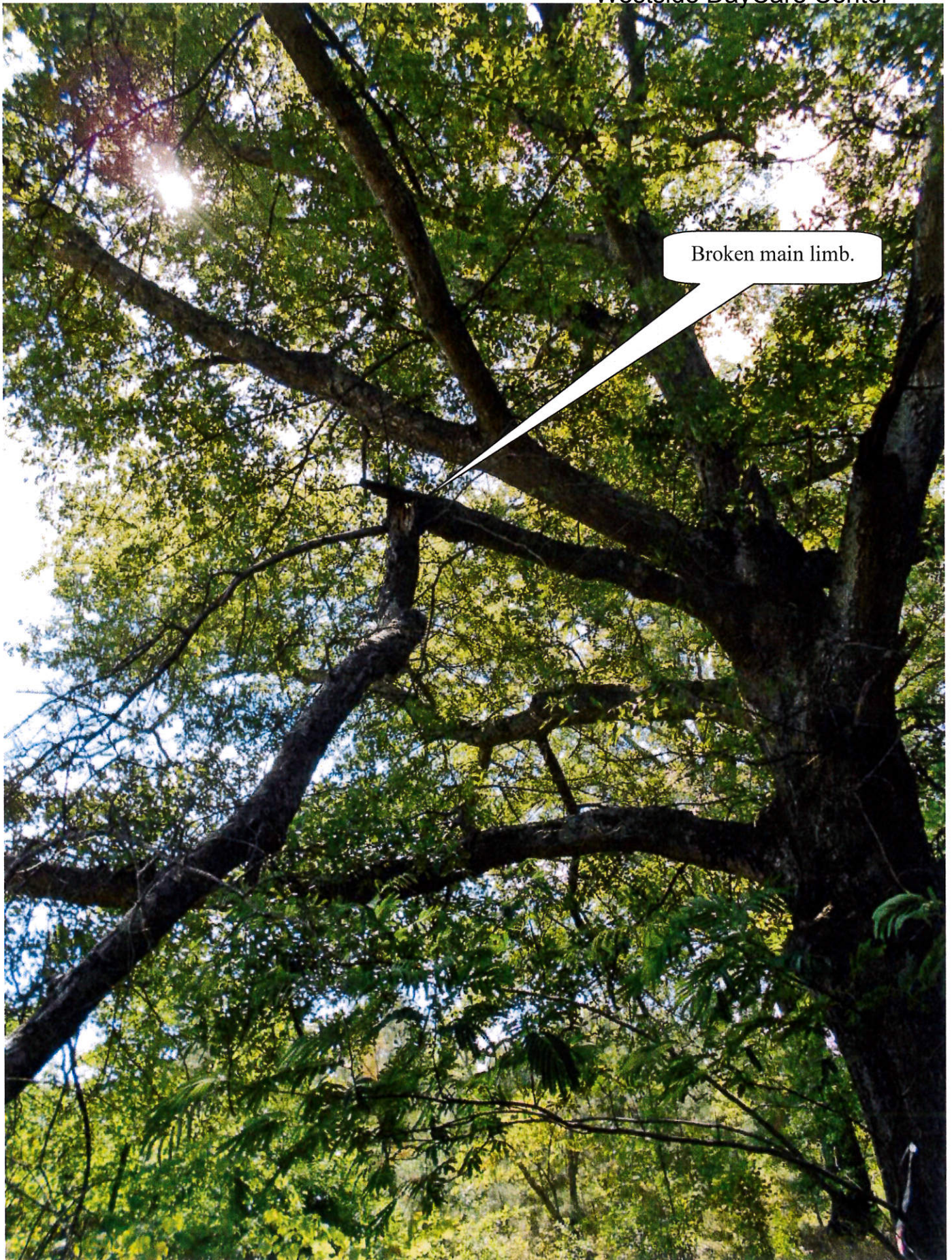


Photo 2

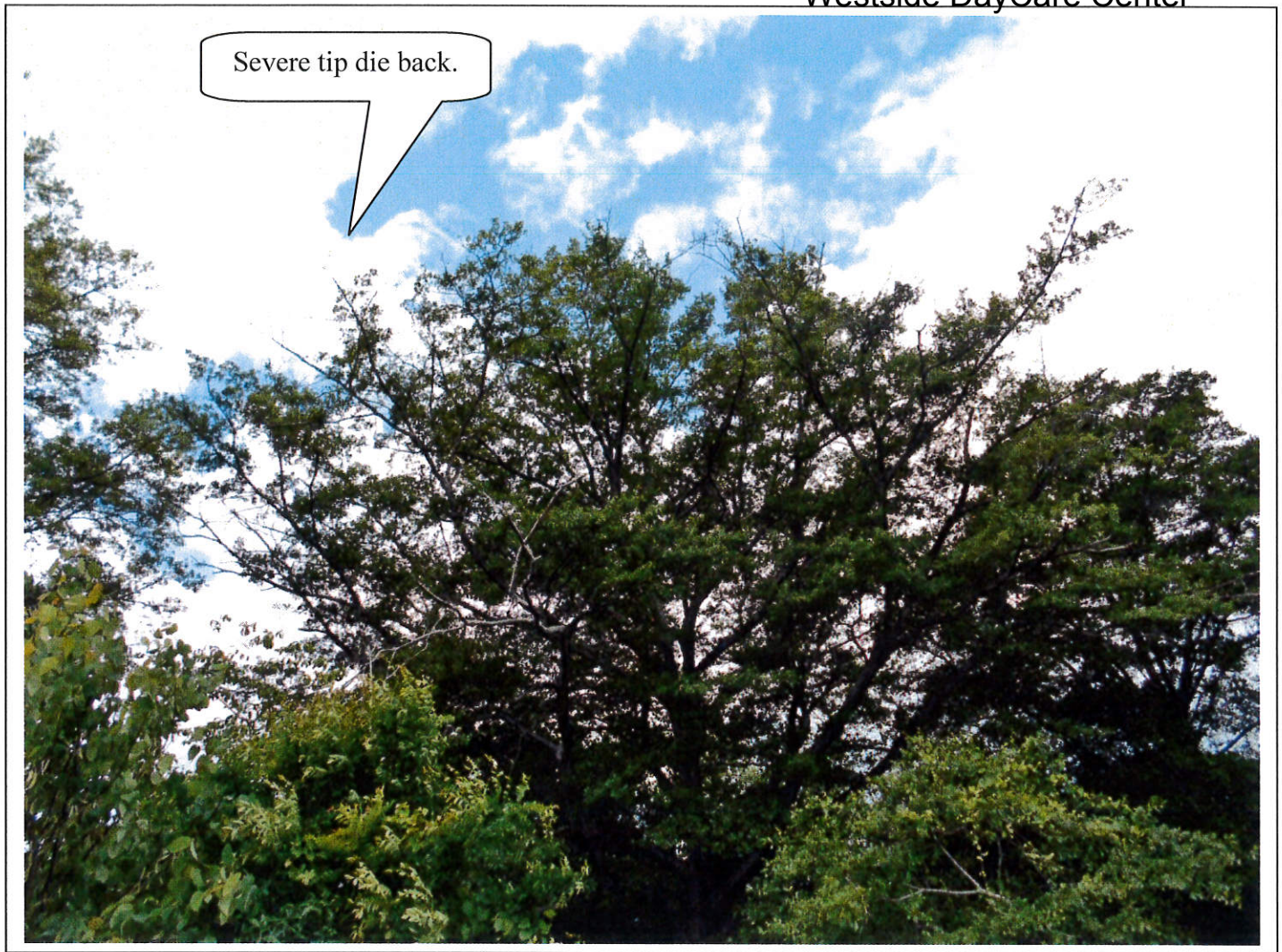


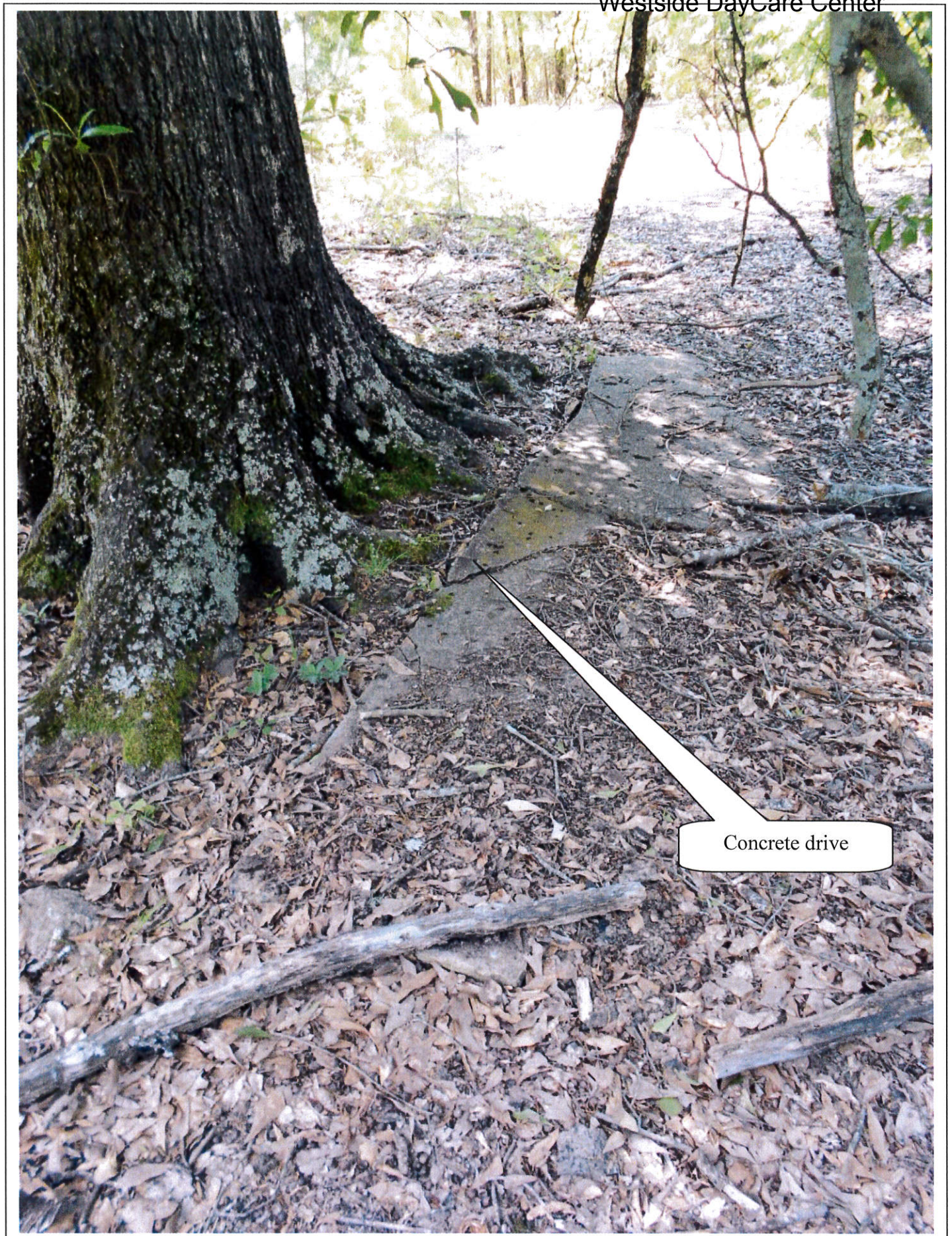
Photo 3



Photo 4



Photo 5



Concrete drive

Photo 6

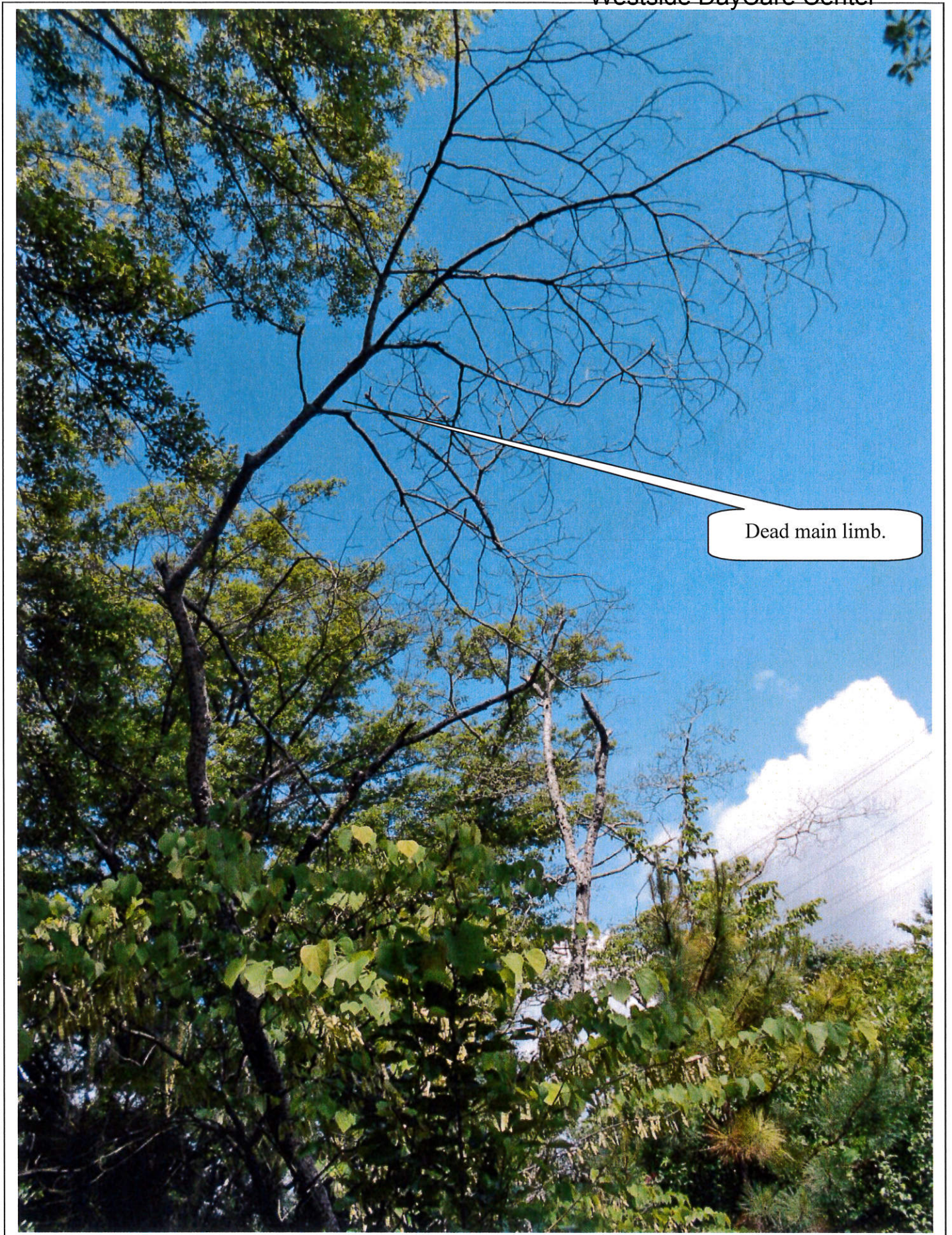


Photo 7



Photo 8

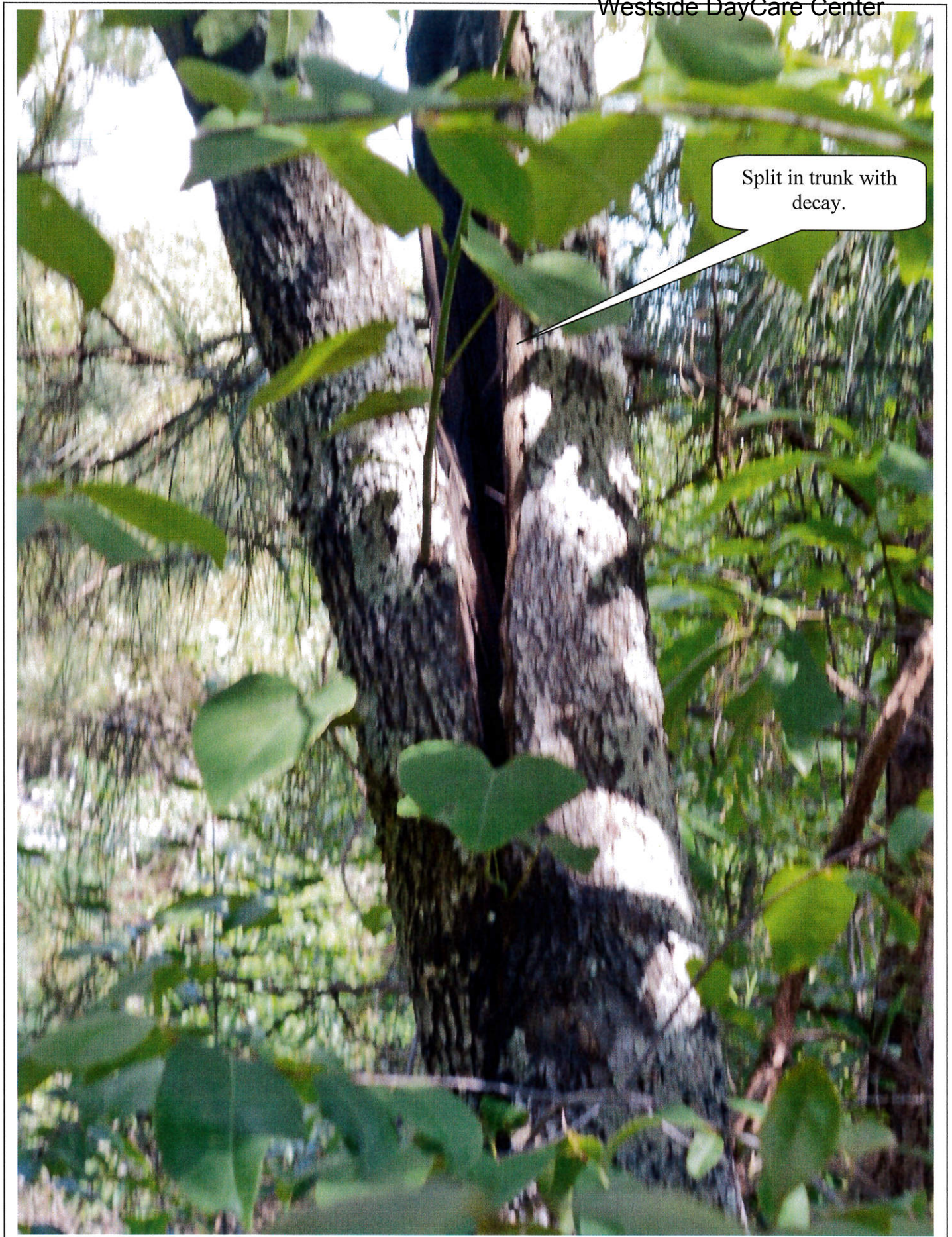


Photo 9



COUNCIL AGENDA REPORT

FROM: Kathi Cook, Community Development Director
Prepared By: Michael Woodman, Senior Planner

SUBJECT: MP-16-07 William & Reed Academy/Windward

PLANNING COMMISSION: August 4, 2016
CITY COUNCIL: August 22, 2016

RECOMMENDATION:

Approve MP-16-07 William & Reed Academy/Windward subject to the following conditions:

1. Add 'School, Academic' as a permitted use in the Windward Master Plan, Pod 21B at 1600 Union Hill Road for William & Reed Academy.
2. Construct a minimum 5' sidewalk along Union Hill Road adjacent to the property.
3. Provide a sidewalk connection from the public sidewalk to the front entrance of the building.
4. Provide pedestrian crosswalk across Union Hill Road at northern driveway aligning with The Ascent at Windward driveway.
5. Parking area shall be screened from Union Hill Road in compliance with Unified Development Code regulations.
6. Pressure wash retaining wall along Union Hill Road and perform maintenance, as necessary.
7. All areas along Union Hill Road shall be sodded, except areas under existing trees shall be mulched.
8. Replace any missing, dead or dying trees within the required landscape strip along Union Hill Road and within the parking areas.
9. Outdoor playground areas shall be screened from the public right-of-way and adjacent properties.
10. If queuing problems are identified by the City Transportation Engineer, the site shall be required to come into compliance.
11. Bicycle parking shall be provided, as approved by the City Transportation Engineer.
12. Expansion to accommodate more than 350 students shall require a public hearing and demonstration that all facility needs can be met on site.
13. Building additions visible from Union Hill Road shall require approval from the Design Review Board.
14. Minimum 10' landscape buffers shall be maintained, replanted where sparse, along internal property lines to the north, west, and south.

REPORT-IN-BRIEF

The applicant, William & Reed Academy, is requesting a master plan amendment to add 'School, Academic' to the list of permitted uses in Pod 21B of the Windward Master Plan to allow for a private school (grades K-12) located at 1600 Union Hill Road.

DISCUSSION

The submitted request, if approved, will permit the applicant to operate a private academic school, serving grades K-12, within an existing 26,200 square foot building on 4.24 acres. The William & Reed Academy is a fully accredited private academic school with a projected maximum capacity of 350 students.

The subject property is located on the west side of Union Hill Road, just north of Windward Parkway. The property is zoned CUP (Community Unit Plan) and is located in Pod 21B of the Windward Master Plan. Pod 21B has a land use designation of Business Center, which permits office-institutional, research and development, office-professional and some light industrial uses such as bakery, day care facility, distribution center, light manufacturing, and research laboratory. Union Hill Road is a business park setting consisting of office and industrial warehouse buildings.

There are no similar uses in the surrounding area. The nearest similar use in the City is King's Ridge Christian School at 2765 Bethany Bend and Fulton Science Academy at 3035 Fanfare Way. The site is surrounded by Etrade Financial to the south, The Ascent at Windward apartments to the east, Union Hill Park to the north, and GE Capital to the west.

According to the applicant, William & Reed Academy has a 144-day school year with classes held Monday – Thursday from 8:00 AM to 12:30 or 2:00 PM. Morning drop-off is staggered, beginning at 7:00 AM and ending at 8:00 AM. If the applicant's request is approved, they intend to move from their currently location at 11877 Douglas Road, Suite 206 in the City of Johns Creek. The applicant has indicated a current enrollment of 105 students, with the existing building accommodating up to 250 students. With future expansion of the building, the school anticipates a maximum capacity of 350 students.

The site plan depicts an existing 26,200 square foot building, with 74 existing parking spaces located in the front and side of the building. Site access is provided at two (2) locations off Union Hill Road near the south and north property lines. The northern point of access consists of a driveway leading to the rear of the property, providing access to a loading area on the back side of the building. A large open, grassed area is located on the south side of the building.

TRAFFIC

A traffic study, prepared by Marc R. Acampora, PE, LLC, was provided by the applicant and addresses trip generation, queuing analysis, and parking analysis. Trip generation for the proposed use is provided in the table below.

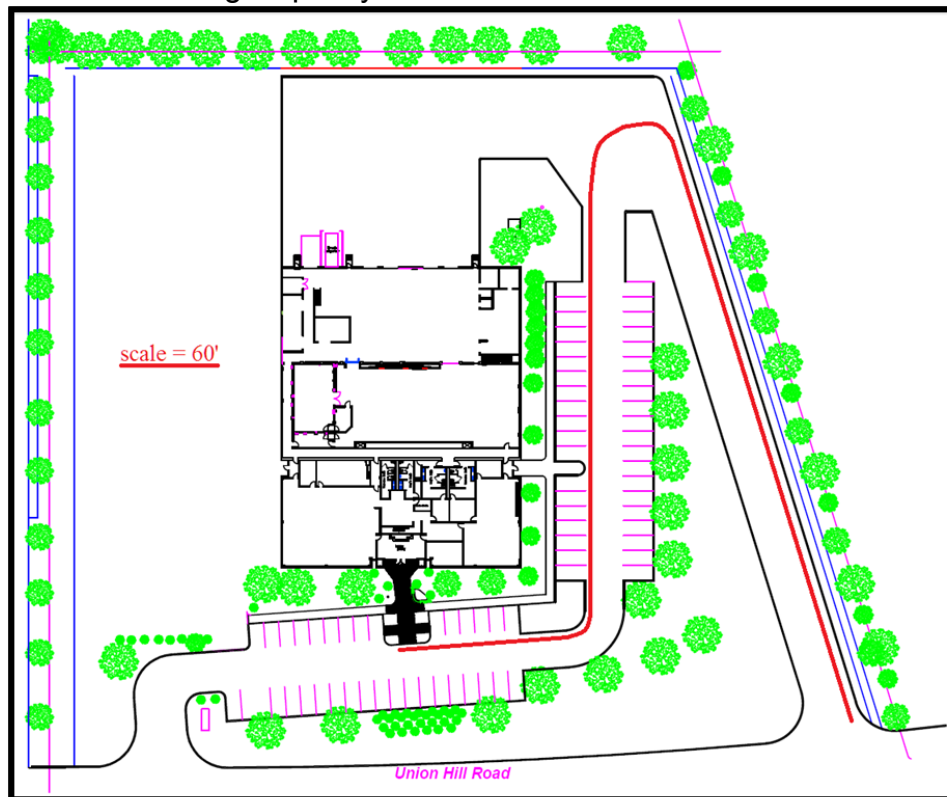
Trip Generation for William & Reed Academy

Land Use	Size	A.M. Peak Hour (School/Street)			12:30/2:00 Pick-Up, Each (½ P.M. Peak Hour of School)			P.M. Peak Hour (Street)			24- Hour
		In	Out	Total	In	Out	Total	In	Out	Total	2- Way
William & Reed Academy	350 students	173	111	284	43	59	102	26	34	60	868

Note: school closed on Fridays

The applicant's traffic engineer indicates that there is sufficient on-site queuing capacity to accommodate a worst-case scenario before queues would extend to Union Hill Road during the afternoon pick-up. The afternoon pick-up time is expected to have longer-duration queueing activity due to cars waiting on students to be released from school. The report estimates that the afternoon queuing length will be 35 vehicles x 20 feet/vehicle = 700 feet. The exhibit below shows a red line representing the queue line, which is approximately 800 feet.

On-Site Queuing Capacity



The subject site has 74 existing parking spaces. Elementary and middle schools require one (1) parking space for each classroom and administrative office plus five (5) spaces for visitors. High schools require one (1) space for each classroom and administrative office plus one (1) space for each four (4) students based on the design capacity of the school. Based on a design maximum capacity of 350 students, approximately 66 parking spaces are required.

CONCURRENCES

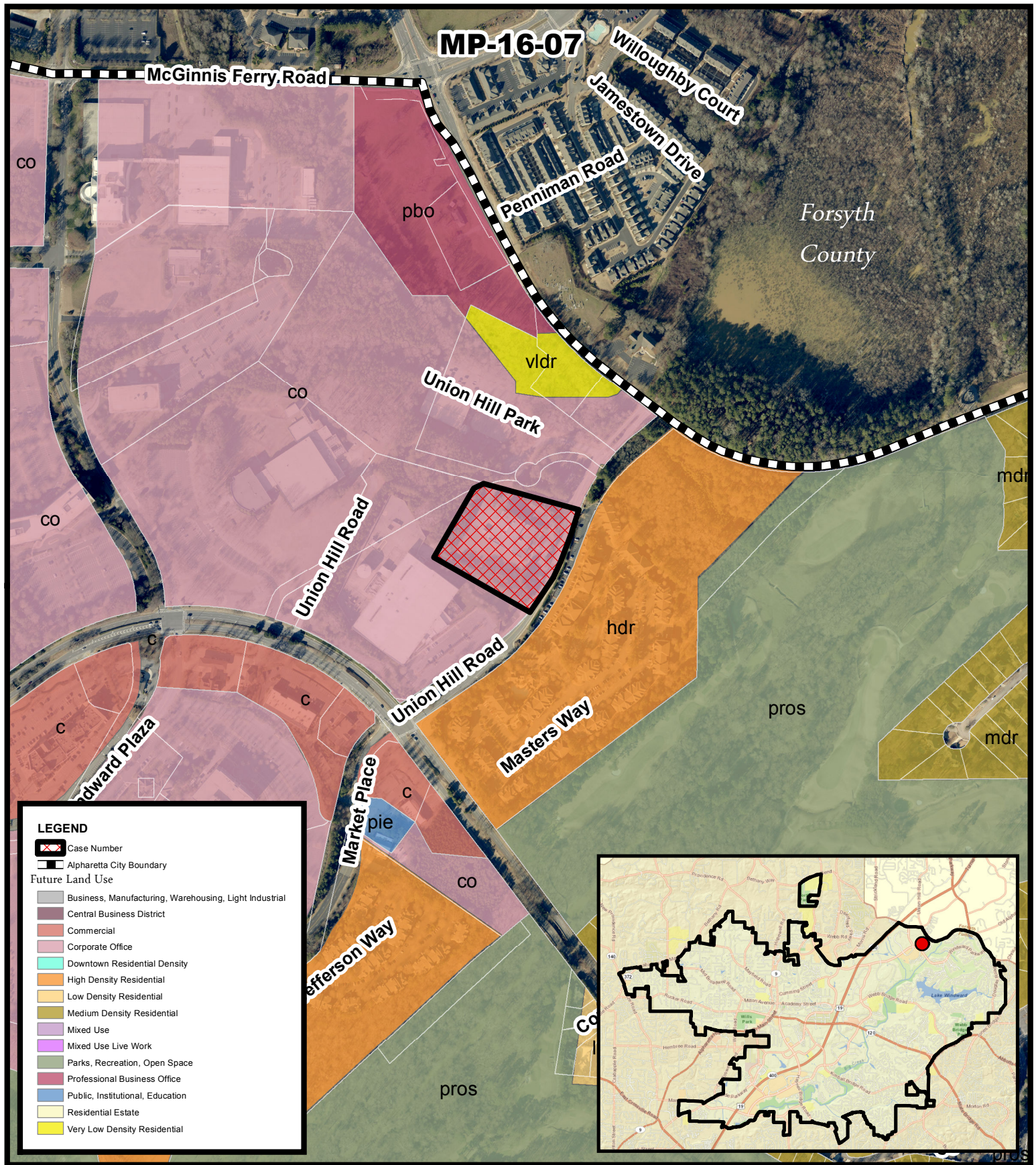
Staff's analysis finds that the requested master plan amendment is not in conflict with other uses and should have little impact on the area. The general layout of the subject site lends itself to being used for an academic school. Queuing and parking requirements are expected to be accommodated within the existing northern driveway and parking areas. In addition, existing landscape buffers provide screening from adjacent properties and the open area provides outdoor activity space. However, conditions should be established as part of this application that regulate and limit expansion of the proposed use and require screening and maintenance of landscape buffers.

CITIZEN PARTICIPATION PLAN

The report submitted by the applicant states that letters were mailed to each property owner within 500' of the subject property stating the applicant's intent and notifying of a public participation meeting on July 11, 2016. No one attended the public participation meeting and the report states that no comments were received. The applicant indicated that discussions have taken place with Kim Matherly, Windward Business Association, with the hope of gaining their support for the project.

ATTACHMENTS

Site Plan

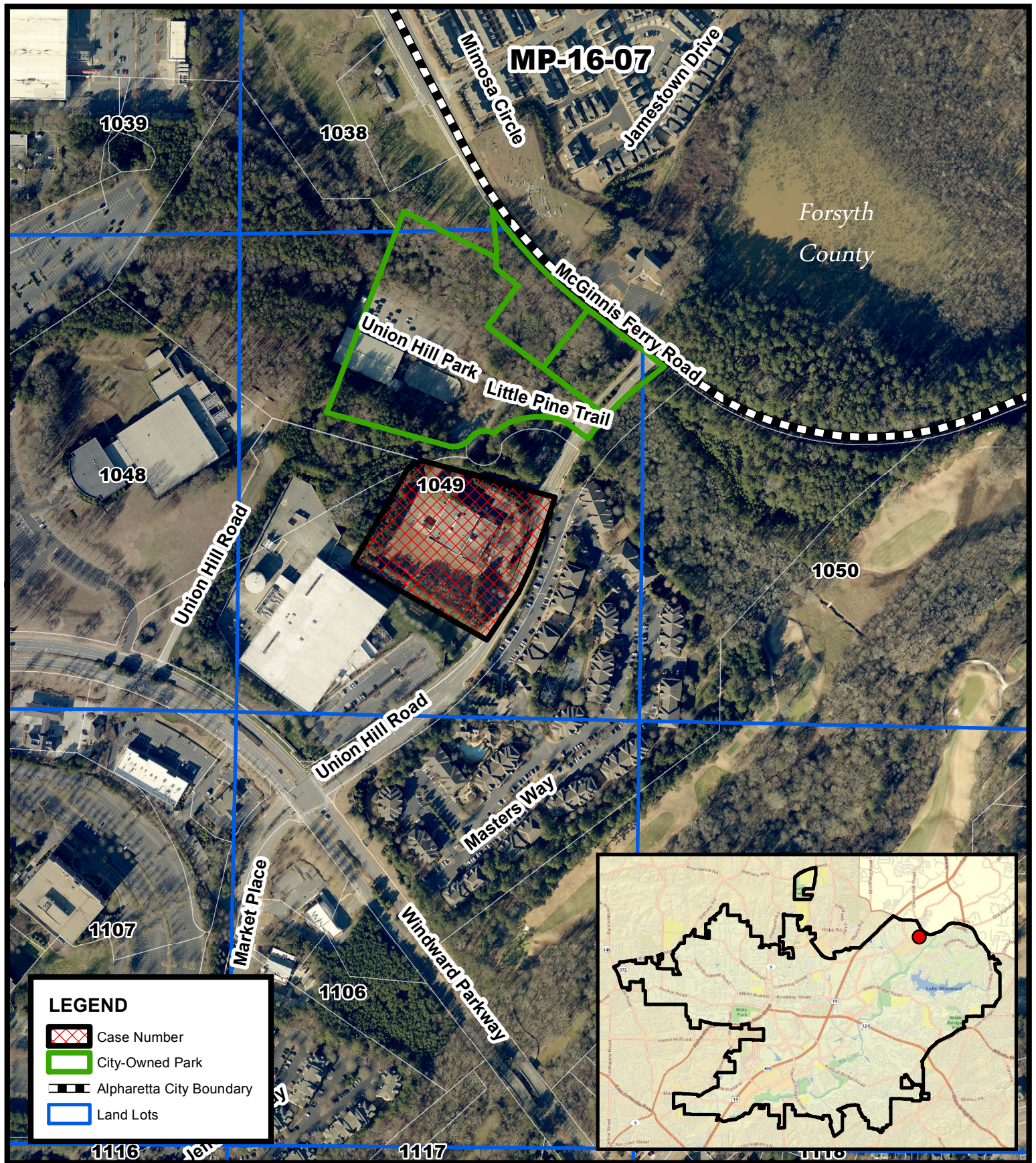


2035 Land Use
William & Reed Academy
1600 Union Hill Road

MP-16-07
D/LL: 2/1/1049
PC: 08/04/16
CC: 08/22/16



Location Map Provided by:
Community Development - GIS

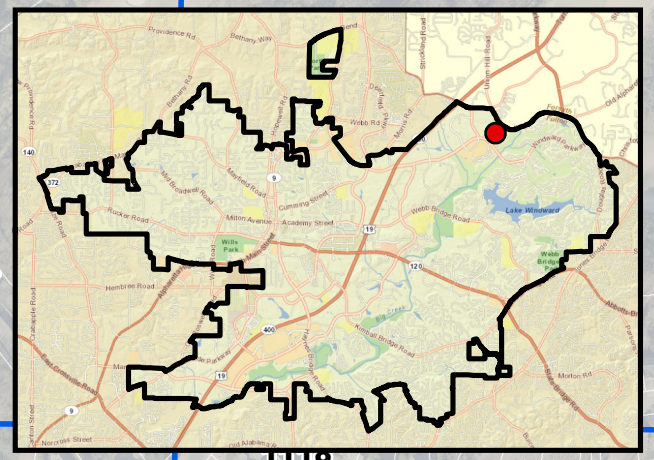
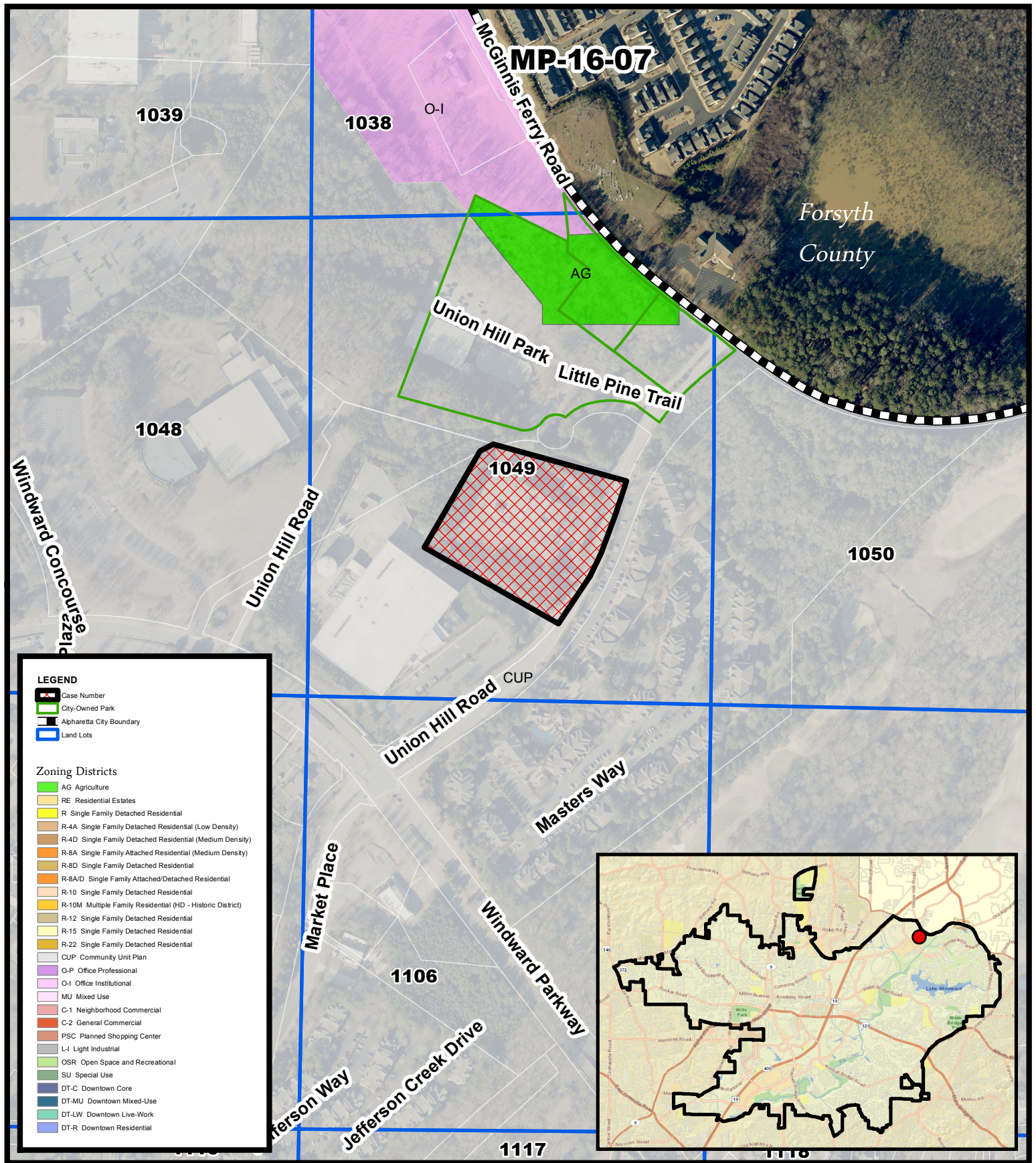


Aerial Map
William & Reed Academy
1600 Union Hill Road

MP-16-07
D/LL: 2/1/1049
PC: 08/04/16
CC: 08/22/16



Location Map Provided by:
Community Development - GIS

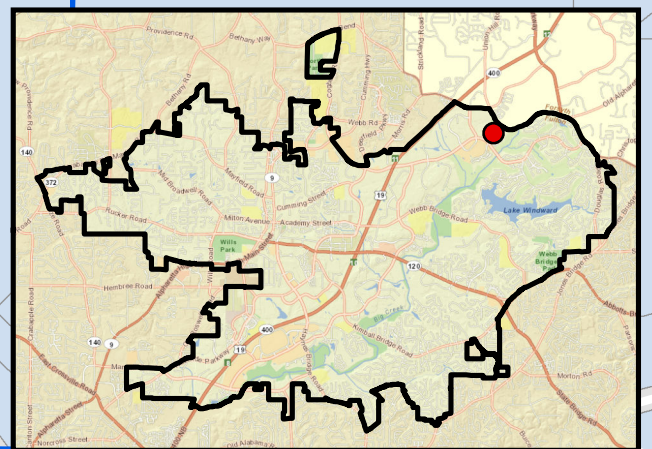
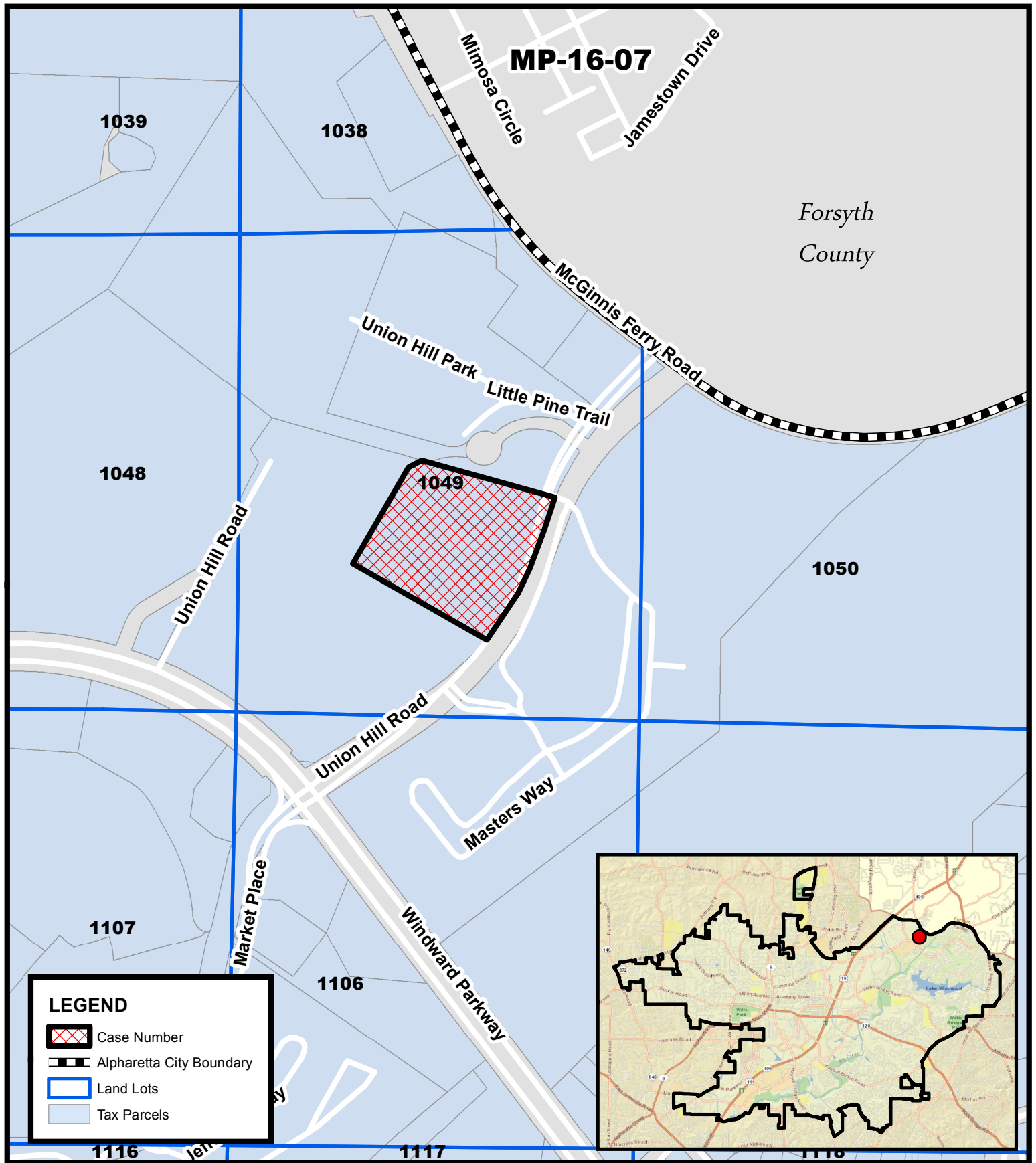


Zoning Map
William & Reed Academy
1600 Union Hill Road

MP-16-07
D/LL: 2/1/1049
PC: 08/04/16
CC: 08/22/16



Location Map Provided by:
Community Development - GIS



Location Map
William & Reed Academy
1600 Union Hill Road

MP-16-07
D/LL: 2/1/1049
PC: 08/04/16
CC: 08/22/16



Location Map Provided by:
Community Development - GIS

CITIZEN PARTICIPATION FORM - PART B

This form must be completed and submitted to the City of Alpharetta Community Development Department a minimum of twenty (20) working days prior to the scheduled Public Hearing. Failure to do so will result in cancellation of the scheduled hearing.

Public Hearing or Project Name: William & Reed Academy LLC (1600 Union Hill Road)

Contact Name: Hunter Cluthe

Telephone: (404) 216-7354 (cell)

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.

Please see attached letter that was sent via certified mail. None of the recipients attended our July 11, 2016 community meeting.

Further, none of the recipients called or emailed with any concerns. Since sending the attached letter via certified mail,

we have not heard any concerns from anyone. We are in the process of speaking with Kim Matherly from the Windward

Business community to gain their support for this project.

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

- | | |
|--|---|
| ☒ Letter | ☐ Personal Visits |
| ☐ Telephone | ☐ Group Meeting |
| ☐ Email | ☒ Other (Please Specify) <u>Certified Mail (phone numbers and emails not available)</u> |

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

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: 7/12/2016

Print Form



June 20, 2016

Dear Alpharetta Land Owner,

I am Hunter Reed Cluthe, owner and Head of School at William & Reed Academy. W&R is a small private school (grades 6-12) with a unique and flexible weekly academic schedule. W&R's zoning/public hearing application has been submitted to the City of Alpharetta requesting permission to operate at 1600 Union Hill Road. We currently have 110 students and anticipate eventually having an enrollment of approximately 250 students (the capacity of the facility is a maximum of 350 students). Given W&R's Mon-Thurs schedule with operating times of 8:00 a.m. – 12:30 p.m. OR 2:00 p.m. (two staggered release times), we feel that W&R will be a positive addition to the Alpharetta and Windward Business areas by offering parents a top-notch private school option east of GA 400. The property at 1600 Union Hill Road is an ideal property for private school use; there are two main points of entry (McGinnis Ferry Rd. and Windward Pkwy), as well as plenty of parking and on-site driveways to prevent cars from queuing onto Union Hill Road during pick-up times.

We are required to notify you of the following city meetings regarding our application for a Windward Master Plan Amendment that would allow William & Reed Academy to operate at 1600 Union Hill Road:

- **Planning Commission** on Thursday, August 4, 2016 at 6:30 p.m.
- **City Council** on Monday, August 22, 2016 at 6:30 p.m.

The public hearings listed above will take place at the Alpharetta City Hall Council Chambers located at 2 Park Plaza, Alpharetta, Georgia.

In addition to these public meetings, we welcome the opportunity to hear from you BEFORE these meetings to address any concerns that you may have prior to the Planning and Council meetings.

Please Join Us on **Monday July 11, 2016 at 7:00 p.m. at our current location: 11877 Douglas Road, Suite 206 Johns Creek, GA 30005** (Kroger Shopping Center, middle building – upstairs). We welcome the opportunity to meet and speak with you about developing a positive neighborly relationship. Please R.S.V.P. for this meeting by calling (678) 456-5131 or emailing hcluthe@williamreedacademy.com. Please feel free to contact me personally at this number and/or email address with any concerns if you are unable to attend this meeting.

Our goal is to partner with you to ensure that your business has an opportunity to grow and thrive by W&R being a part of the community.

Sincerely,

Hunter Cluthe, Ed.S.
Head of School

BANK OF AMERICA NA
Or Current Property Owner
101 N TRYON ST
CHARLOTTE NC 28255

DC 1001 WINDWARD CONCOURSE LLC
Or Current Property Owner
4890 W KENNEDY BLVD SUITE 650
TAMPA FL 33609

MAIN STREET BANK
Or Current Property Owner
P O BOX 167
WINSTON SALEM NC 27102 0167

MARKET FOREST PARTNERS LLC
Or Current Property Owner
131 ROSWELL ST SUITE B201
ALPHARETTA GA 30009

MFREVF II WINDWARD LLC
Or Current Property Owner
353 N CLARK ST
CHICAGO IL 60654

MRI REAL ESTATE HOLDINGS LLC
Or Current Property Owner
6415 SHILOH RD E
ALPHARETTA GA 30005

OPTIMUM REALTY CORP
Or Current Property Owner
510 STAGHORN CT
ALPHARETTA GA 30004

PNC BANK NATL ASSN
Or Current Property Owner
620 LIBERTY AVE FLOOR 18TH
PITTSBURGH PA 15222 2722

=====

WEBB BRIDGE
4575 WEBB BRIDGE RD
ALPHARETTA
GA
30005-9998
1201880510
(800)275-8777 3:07 PM

06/22/2016

=====

Product Description	Sale Qty	Final Price
First-Class Mail Letter (Domestic) (CHARLOTTE, NC 28255) (Weight:0 Lb 0.40 Oz) (Expected Delivery Day) (Friday 06/24/2016) Certified 1 (USPS Certified Mail #) (70160910000215441405)	1	\$0.47 \$3.30
First-Class Mail Letter (Domestic) (CHICAGO, IL 60654) (Weight:0 Lb 0.40 Oz) (Expected Delivery Day) (Saturday 06/25/2016) Certified 1 (USPS Certified Mail #) (70160910000215441450)	1	\$0.47 \$3.30
First-Class Mail Letter (Domestic) (PITTSBURGH, PA 15222) (Weight:0 Lb 0.40 Oz) (Expected Delivery Day) (Saturday 06/25/2016) Certified 1 (USPS Certified Mail #) (70160910000215441382)	1	\$0.47 \$3.30
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(Domestic)
(TAMPA, FL 33609)
(Weight:0 Lb 0.40 Oz)
(Expected Delivery Day)
(Saturday 06/25/2016)
Certified 1 \$3.30
(USPS Certified Mail #)
(70160910000215441443)

Total	\$26.39
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Standard Message and Data rates may
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All sales final on stamps and postage
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Thank you for your business

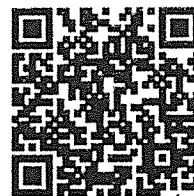
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7016 0910 0002 1544 1382

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PITTSBURGH, PA 15222

Certified Mail Fee \$3.30

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☐ Adult Signature Restricted Delivery	\$0.00

Postage \$0.47

Total Postage and Fees \$3.77

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Street and Apt. No., or PO Box No. **640 Liberty AVE, Floor 19th**

City, State, ZIP+4® **Pittsburgh, PA 15222-2722**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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ALPHARETTA, GA 30004

Certified Mail Fee \$3.30

Extra Services & Fees (check box, add fee as appropriate)

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☐ Return Receipt (electronic)	\$0.00
☐ Certified Mail Restricted Delivery	\$0.00
☐ Adult Signature Required	\$0.00
☐ Adult Signature Restricted Delivery	\$0.00

Postage \$0.47

Total Postage and Fees \$3.77

Sent To **Optimum Realty Corp**

Street and Apt. No., or PO Box No. **510 Staghorn Ct.**

City, State, ZIP+4® **Alpharetta, GA 30004**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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CHICAGO, IL 60654

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Extra Services & Fees (check box, add fee as appropriate)

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☐ Certified Mail Restricted Delivery	\$0.00
☐ Adult Signature Required	\$0.00
☐ Adult Signature Restricted Delivery	\$0.00

Postage \$0.47

Total Postage and Fees \$3.77

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Street and Apt. No., or PO Box No. **353 N. Clark St.**

City, State, ZIP+4® **Chicago, IL 60654**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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ALPHARETTA, GA 30009

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Extra Services & Fees (check box, add fee as appropriate)

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☐ Return Receipt (electronic)	\$0.00
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☐ Adult Signature Required	\$0.00
☐ Adult Signature Restricted Delivery	\$0.00

Postage \$0.47

Total Postage and Fees \$3.77

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Street and Apt. No., or PO Box No. **131 Roswell St., Suite B201**

City, State, ZIP+4® **Alpharetta, GA 30009**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Extra Services & Fees (check box, add fee as appropriate)

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☐ Adult Signature Required	\$0.00
☐ Adult Signature Restricted Delivery	\$0.00

Postage \$0.47

Total Postage and Fees \$3.77

Sent To **Bank of America NAUSPS**

Street and Apt. No., or PO Box No. **101 N. Tryon St.**

City, State, ZIP+4® **Charlotte, NC 28255**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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WINSTON SALEM, NC 27102

Certified Mail Fee \$3.30

Extra Services & Fees (check box, add fee as appropriate)

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☐ Return Receipt (electronic)	\$0.00
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☐ Adult Signature Required	\$0.00
☐ Adult Signature Restricted Delivery	\$0.00

Postage \$0.47

Total Postage and Fees \$3.77

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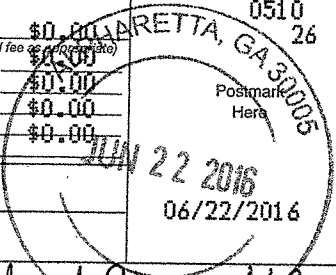
Street and Apt. No., or PO Box No. **P.O. Box 167**

City, State, ZIP+4® **Winston Salem, NC 27102-0167**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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TAMPA, FL 33609	
OFFICIAL USE	
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Extra Services & Fees (check box, add fee)	\$0.00
☐ Return Receipt (hardcopy)	\$0.00
☐ Return Receipt (electronic)	\$0.00
☐ Certified Mail Restricted Delivery	\$0.00
☐ Adult Signature Required	\$0.00
☐ Adult Signature Restricted Delivery	\$0.00
Postage	\$0.47
Total Postage and Fees	\$3.77
Sent To DC 1001 Woodward Concourse LLC Street and Apt. No., or PO Box No. 4890 W. Kennedy Blvd, #650 City, State, ZIP+4® Tampa, FL 33609	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	



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: Hunter Cluthe

Telephone: (404)216-7354

Address: 12545 Sunset Maple Way

Suite: _____

City: Johns Creek

State: GA

Zip: 30005

Fax: (678)456-5131

Mobile Tel: (404)216-7354

Email: hcluthe@williamreedacademy.com

Subject Property Information:

Address: 1600 Union Hill Road

Current Zoning: CUP

District: 2

Section: 1

Land Lot: 1048

Parcel ID: 21556010480165

Proposed Zoning: _____

Current Use: Vacant - Formerly Office, Assembly, and Warehouse Space

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

APPLICANT REQUEST AND INTENT

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

New facility for William & Reed Academy - Private School (currently grades 6-12).

Applicant's Request (Please itemize the proposal):

We are requesting that the City of Alpharetta approves this property for the use of a private school for grades K-12 with a maximum of 350 students.

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

The proposal outlines that Private School use would be an appropriate use for this property with minimal to no impact on traffic.

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: William R. Dunn

Telephone: 770-295-1201

Address: 6675 SHILOH ROAD EAST

Suite:

City ALPHARETTA

State: GA

Zip: 30005

Authorization:

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

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

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

Identify Authorized Applicant:

Name of Authorized Applicant: Hunter Reed Cluthe

Telephone:

Address: 11877 Douglas Road

Suite: 206

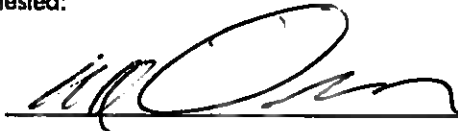
City Johns Creek

State: GA

Zip: 30005

So Sworn and Attested:

Owner Signature:

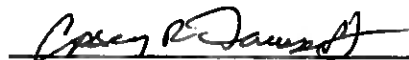


Date:

5/27/2016

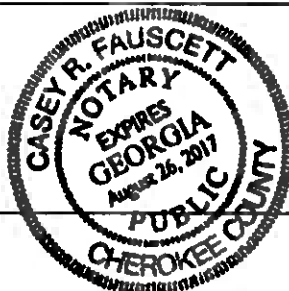
Notary:

Notary Signature:



Date:

5/27/2016



DISCLOSURE FORM

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

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

Name of Applicant or Opponent: Hunter Cluthe

Subject Public Hearing Case:

Campaign Contribution Information:

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

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

Name of Official: N/A

Position:

Description of Contribution:

Value:

Description of Contribution:

Value:

Description of Contribution:

Value:

Description of Contribution:

Value:

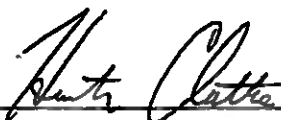
Description of Contribution:

Value:

Campaign Contribution Information:

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

Signature:



Date:

5/31/2016

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

We believe that, given William & Reed Academy's non-traditional schedule and small number of students, allowing William & Reed Academy to operate at 1600 Union Hill Road will not impact the surrounding properties whatsoever.

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

We believe that having a top-notch private school in the area will enhance the surrounding properties; especially for parents that work in the Windward Business District and also have their children in private schools. William & Reed Academy would give them a convenient and relatively inexpensive option.

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

Yes, the current property lends itself to be converted to a private school (it has not only office space for classrooms, but also has warehouse space for arts and an auditorium).

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

The hours of operation for W&R Academy include 144 school days where classes are held Monday - Thursday from 8:00 am - 12:30 pm OR 2:00 pm. There would be a minimum impact on the surrounding areas. Morning drop-off begins at 7:00 am and staggers. Both afternoon pick-up times do not conflict with heavy afternoon traffic times. See attached traffic study.

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

No impact.

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

We believe that having a private school on the east side of 400 on the Windward Corridor would benefit residents and other businesses with respect to having educational options. We also believe that this particular building would look better as a school and this building being used as a school would alleviate heavy trucks on Union Hill (rather than the use being manufacturing, etc.).

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

There is a 1.25 acre expansion lot which may, in the future, be used to expand the school (perhaps a gymnasium, media center, elementary school, additional classrooms, etc.).

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: William & Reed Academy

Contact Name: Hunter Clutha

Telephone: (404) 216-7354

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.

DC 1650 Union Hill Road LLC (E-trade)

City of Alpharetta (Union Hill Park)

Mfrevf li-Windward LLC (Apartments)

Optimum Realty Corp (land between Union Hill and Property)

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

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

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

We will provide written notice of our application (delivered USPS Certified Mail) and offer a phone number for them to respond if they would like to call to voice their questions, concerns, and/or objections. We may, at that time, offer a face-to-face meeting if they would like to meet personally.



May 31, 2016

Dear City of Alpharetta,

William & Reed Academy is a small private school (grades 6-12) currently located in Johns Creek, GA. We are submitting our Public Hearing Application for approval to operate at 1600 Union Hill Road in Alpharetta, GA 30005.

Having spoken with Elicia Taylor (Elle), we will be requesting a Master Plan Amendment to the Windward Master Plan and I believe that our Zoning stays the same (CUP).

We are confident that William & Reed Academy will prove be an excellent addition to the already outstanding businesses and schools in the City of Alpharetta and offer Windward parents (both residents and business district parents) a feasible private school option east of 400. We further believe that William & Reed Academy's non-traditional schedule will prove to ***not pose a logistical issue concerning traffic***, given our small number of students (currently 105) and staggered release times. W&R's schedule is Mon-Thurs from 8:00 a.m. – 12:30 p.m. OR 2:00 p.m. We have included a minor traffic impact study performed by a traffic engineer supporting our position (please see attached).

Please keep in mind that the current facility at 1600 Union Hill Road has a capacity of a maximum of 400 students (if all space was built-out for classrooms). We anticipate having 200-250 students in the current facility (without additional buildings).

Thank you in advance for your consideration, patience, and communication. William & Reed Academy has been completely impressed with the level of support, patience, and customer service given to us by the City of Alpharetta.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hunter Reed Cluthe'.

Hunter Reed Cluthe, Ed.S.
Head of School

**Address:**

1600 Union Hill Road
Alpharetta, GA 30005

Property Description:

All that tract or parcel of land, and all buildings on and improvements to said land, lying and being in Land Lot 1049, 2nd District, 1st Section of Fulton County, Georgia and having an address of 1600 Union Hill Road, Alpharetta, Georgia, containing 4.24 acres or 184,708 square feet, and being more particularly described as follows:

TO FIND THE POINT OF BEGINNING, begin at a point formed by the intersection of the extended westerly right of way line of Union Hill Road (right of way varies) and the northerly extended right of way line of Windward Parkway (right of way varies); thence following the extended westerly right of way line of Union Hill Road (right of way varies) North 52°40'08" East 34.15 feet to an iron pin placed; thence following the westerly right of way line of Union Hill Road (right of way varies) North 52°40'08" East 420.33 feet to an iron pin placed; thence following the westerly right of way line of Union Hill Road (right of way varies) along a curve to the left having a radius of 854.59 feet and an arc length of 295.12 feet, being subtended by a chord having a bearing and distance of North 43°55'52" East 293.65 feet to an iron pin placed, said iron pin placed being the POINT OF BEGINNING; thence leaving the westerly right of way line of Union Hill Road (right of way varies) North 60°06'52" West 440.00 feet to an iron pin placed; thence North 30°21'41" East 360.00 feet to an iron pin placed; thence North 61°20'57" East 52.00 feet to a 1/2 rebar found; thence South 74°45'36" East 341.25 feet to an iron pin placed on the westerly right of way line of Union Hill Road (right of way varies); thence following the westerly right of way line of Union Hill Road (right of way varies) along a curve to the left having a radius of 823.60 feet and an arc length of 120.60 feet, being subtended by a chord having a bearing and distance of South 16°46'45" West 120.49 feet to an iron pin placed; thence following the westerly right of way line of Union Hill Road (right of way varies) South 14°09'27" West 100.00 feet to an iron pin placed; thence following the westerly right of way line of Union Hill Road (right of way varies) along a curve to the right having a radius of 854.59 feet and an arc length of 279.41 feet being subtended by a chord having a bearing and distance of South 24°40'18" West 278.17 feet to an iron pin placed, said iron pin placed being the POINT OF BEGINNING.

The above described property, containing 4.24 acres or 184,708 square feet, more or less, is more particularly shown on and is described according to the Survey for Optimum Realty Corp. and Commonwealth Land Title Insurance Company prepared by EDI Engineers, Inc., bearing the seal and certification of Samuel G. Evans, Jr., Georgia Registered Land Surveyor No. 1159, dated November 17, 2000, last revised May 14, 2003, which said survey is incorporated herein by this reference and made a part of this description. TOGETHER WITH those certain easement rights arising under that certain Declaration of Covenants, Conditions and Restrictions for Windward Business Center Association, dated November 4, 1983, recorded in Deed Book 8700, Page 362, Fulton County, Georgia records and re-recorded in Deed Book 8750, Page 82, aforesaid records, as amended



Memorandum

Date: May 31, 2016

From: Marc R. Acampora, PE

Subject: Traffic Study for Proposed William & Reed Academy
Union Hill Road, City of Alpharetta, Georgia

A traffic study was performed for the proposed William & Reed Academy in the City of Alpharetta. The site is located along the west side of Union Hill Road, between McGinnis Ferry Road and Windward Parkway, as shown in the location map in Figure 1. This traffic study is comprised of three parts – a calculation of trip generation, an analysis of queueing, and a calculation of on-site parking requirements.

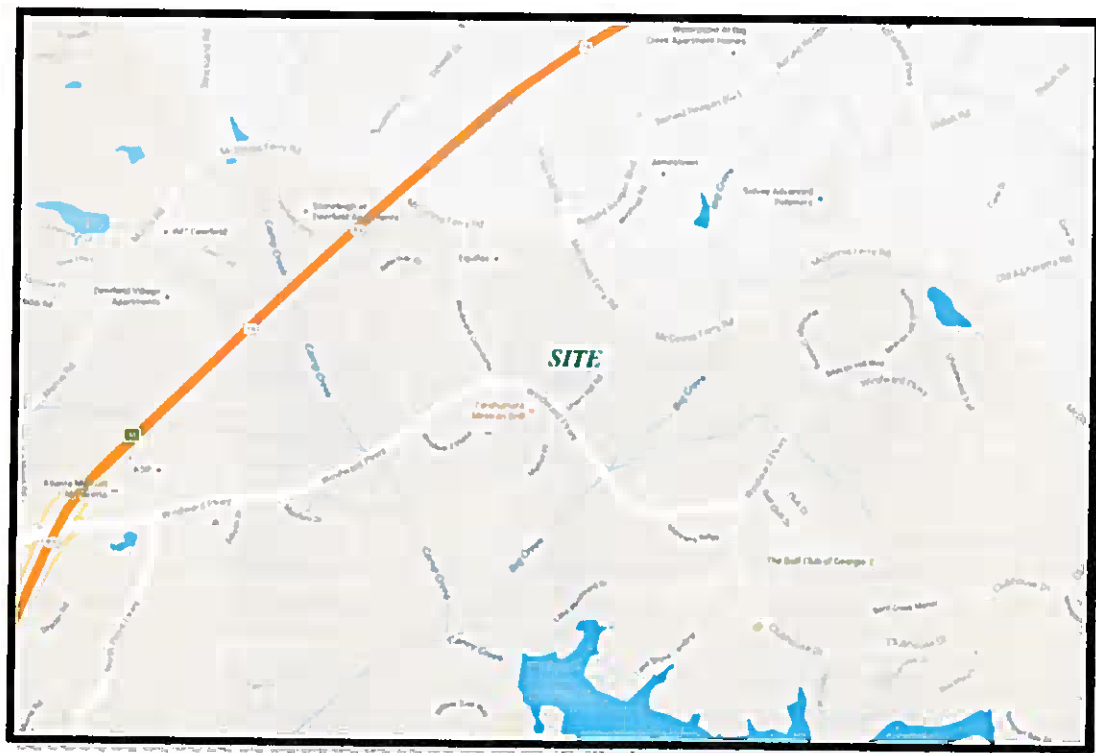


Figure 1 – William & Reed Academy Site Location

The proposed school will initially serve approximately 100 students, with the possibility of future increases in enrollment to a maximum of 300 to 350 students, grades 6 through 12. The school currently exists at a site in Johns Creek and is proposing to relocate to the subject site. Drop-off and pick-up operating characteristics at the existing school will be continued at the Alpharetta campus. Specifically, drop off times are staggered between 7:15 a.m. and 8:00 a.m., and there are two pick-up times, 12:30 p.m. and 2:00 p.m., with approximately 50% of the students picked-up at each time. The school operates Monday through Thursday, with no classes on Friday or the weekends.

At the time of this traffic study, regular classes were in recess for the summer, and, therefore, no traffic counts could be collected at the existing facility. The calculations in this study are based on the potential maximum anticipated number of students, 350. Therefore, the trip generation, queue, and parking requirements in this memorandum are the maximums that will occur if and when the school should reach this 350 student maximum. Before such time, the trips, queues, and parking demands will, logically, be lower than those calculated in this analysis.

Trip Generation

The volume of trips that will enter and exit the school were calculated using standard rates and equations provided in the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 9th edition. Two comparable land uses were reviewed – ITE Land Use 530 – High School and ITE Land Use 536 – Private School K-12. This is due to the fact that the school will have characteristics of both types of school. Table 1 presents the ITE trip generation for each ITE land use. The trip generation for the private school was substantially higher and, therefore, to be conservative, was used for this analysis. For William & Reed, the a.m. peak hour (of both the school and the adjacent street), the p.m. peak hour of the adjacent street, and the 24 hour numbers were all taken directly from the ITE numbers. For the p.m. peak hour of the generator, the ITE values were divided by two, based on information provided by the school that the afternoon dismissal is divided into two time periods with approximately half of the students departing during each. Table 2 presents the trip generation calculated for William & Reed Academy. Again, it is noted that the trip generation in Table 2 is based on the conservatively-higher ITE numbers and for the potential maximum of 350 students, and that the school will not operate on Fridays.

Table 1 – ITE Trip Generation

Land Use	ITE Code	Size	A.M. Peak Hour (Generator/Street)			P.M. Peak Hour of Generator			P.M. Peak Hour of Street			24-Hour
			In	Out	Total	In	Out	Total	In	Out	Total	2-Way
High School	530	350 students	102	49	151	34	68	102	21	25	46	598
Private School K-12	536	350 students	173	111	284	85	118	203	26	34	60	868

Table 2 – Trip Generation for William & Reed Academy

Land Use	Size	A.M. Peak Hour (School/Street)			12:30/2:00 Pick-Up, Each (½ P.M. Peak Hour of School)			P.M. Peak Hour (Street)			24-Hour
		In	Out	Total	In	Out	Total	In	Out	Total	2-Way
William & Reed Academy	350 students	173	111	284	43	59	102	26	34	60	868

note: school closed on Fridays

Queue Analysis

Queueing occurs at schools during the morning drop-off and afternoon pick-up time periods. The characteristics of the morning and afternoon queues are different. The drop-off is typically a shorter duration event – each vehicle stops at the drop-off point, the student disembarks, and the vehicle departs. The pick-up is typically a longer duration event in which the vehicles arrive and form a queue in anticipation of student dismissal. The students then are matched with their vehicle – either independently, or in an organized strategy, and then the vehicles with their students, depart from the premises. Typically, should morning queues form, they tend to be a constantly-moving line, and fairly short in duration, while afternoon queues may involve stopped vehicles for a longer duration. Therefore, for smaller-to-moderate sized schools such as William & Reed, the morning queueing tends to be minimal, even though the trip generation is higher. William & Reed administration has confirmed that morning queueing at the current school (100 students) is negligible. Therefore, the following queue calculation is based on the afternoon pick-up time, which is expected to be the time of longer-duration queueing activity.

Each pick-up time period is projected to have 43 vehicles entering the property and 59 vehicles exiting the property (based on the trip calculations presented above). The slightly higher exiting number will include driving-age students, faculty, staff, and other visitors who arrived outside those peak times, and may leave at those times, in addition to the arriving pick-up vehicles that will also depart during each respective afternoon peak hour. For the maximum queue calculation, it was assumed that 35 of the 43 entering vehicles in each time period will pick up students (some of the 43 entering vehicles will enter the school during those times for other purposes, and some will be picking up students, but may anticipate a longer duration visit, such as a parent wishing to speak with a teacher, and so may park their vehicle and not enter the pick-up queue). Further, it was assumed that the vehicles will all arrive and stop in queue and wait for dismissal. This is intentionally a very conservative assumption – typically a certain percentage of pick-up vehicles will arrive early and queue. Then during the dismissal event, as students are being picked up and the leading end of the queue is being continuously-dispersed, new pick-up vehicles will enter the moving rear of the queue. The purpose of the conservative analysis was to determine if there would be sufficient on-site queue capacity to accommodate a worst-case scenario before queues would extend to Union Hill Road.

Based on the assumptions above, the queueing length that would be required would be 35 vehicles x 20 feet = 700 feet. Figure 2 shows the potential lane where on-site queueing would occur. The red queue line in Figure 2 scales to approximately 800 feet. Therefore, this on-site queue storage length is expected to provide more capacity than the maximum that would be required according to the conservative assumptions above. It is noted

that, should it become necessary, there is additional space to the rear of the building, into which the queue lane could be extended.

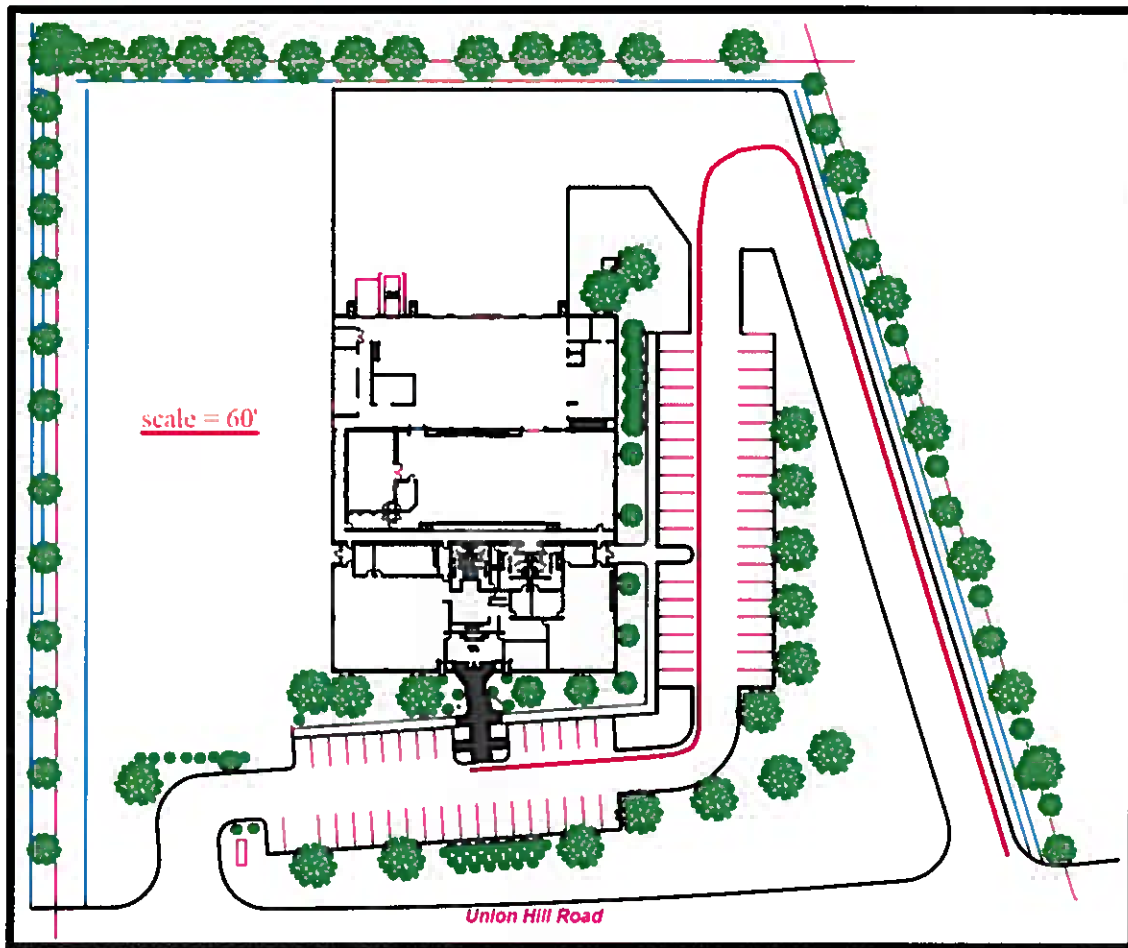


Figure 2 – On-Site Queue Capacity

Parking

The City of Alpharetta Unified Development Code (UDC) specifies the number of parking spaces required for schools in Article II – Use of Land and Structures, Section 2.5.1.D – Parking and Loading, Number of Vehicle Parking Spaces Required, Public and Semipublic Uses, as follows:

Schools, elementary and middle schools: One (1) space for each classroom and administrative office plus 5 spaces for visitors.

Schools, senior high: One (1) space for each classroom and administrative office plus 1 space for each 4 students based on the design capacity of the school.

The school anticipates 12 classrooms initially, with a likely maximum of 20 classrooms and an absolute maximum of 24. Based on the requirements for elementary and middle schools, the school would require 1 x 24 classrooms + 1 administrative + 5 visitors = 30 spaces. Based on the requirements for high schools, the school would require 1 x 24 classrooms + 1 administrative + $350/4 = 113$. The large difference in the two requirements is due to driving age students in high school.

William & Reed Academy will serve grades 6 through 12, which is a blend of elementary, middle, and high school. Driving age students are typically found in grades 11 and 12. Therefore, the code requirement for a high school is expected to over-calculate the actual parking demand for the school, while the code requirement for elementary and middle schools is expected to underrepresent the actual need. Two approaches were taken to refine the requirement for William and Reed. The first is to calculate the weighted average of the two code requirements, with the assumption that grades 6, 7, 8, and 9 will operate closer to an elementary/middle school and grades 10, 11, and 12 will operate as a high school. Weighting the 30 space code requirement for elementary/middle schools and the 113 space code requirement for high schools, based on a 4/7 and 3/7 proportion for elementary/middle and high school, respectively, the parking requirement for William and Reed Academy calculates to 66 parking spaces.

ITE *Parking Generation*, Land Use 522: Middle School/Junior High School (with one observation of data), indicates a peak parking demand rate of 0.11 vehicles per student or 39 spaces for 350 students. ITE Land Use 530 – High School (suburban) has an average peak parking demand rate of 0.26 vehicles per student or 91 spaces for 350 students. These parking demand calculations are slightly higher than the City of Alpharetta code requirement for the middle school, but lower than the code requirement for the high school. The weighted average of the ITE numbers is 61 spaces, using the same ratio presented in the preceding paragraph.

Table 3 summarizes the Alpharetta UDC and ITE *Parking Generation* on-site parking demand calculations

Table 3 – Parking Calculations

Calculation Basis	Middle School	High School	Weighted Average
City of Alpharetta UDC	30 spaces	113 spaces	66 spaces
ITE Parking Generation	39 spaces	91 spaces	61 spaces

The site plan provides 78 parking spaces. Therefore, using the weighted average of either the City's UDC requirement or the ITE peak parking demand calculation, there is sufficient parking capacity provided on-site. It is noted that there is additional surface area to the rear of the building should additional parking capacity become necessary.

The Americans with Disabilities Act (ADA) requires a minimum of 1 handicapped accessible space or 2 percent of the total, whichever is greater, for parking lots with less than 400 spaces. Two percent of the UDC required 66 spaces is 1.3 accessible spaces and 2% of the provided 78 spaces is 1.6 accessible spaces. Therefore, it is recommended that 2 handicap accessible spaces be provided within the 78 space total on-site.

Finally, the UDC requires bicycle parking (racks or equivalent) for schools (public/private) as follows: One (1) bicycle space for every ten (10) employees, plus one (1) space for every four (4) students. With a faculty of 25 and 350 students, this equates to 91 bicycles spaces. It is advised that this number be discussed, and agreed upon, with City staff in the context of realistic bicycle use expectations at this location. The desirable goal of facilitating and encourage students and faculty and other employees to bike to the school should be balanced with the character of, and bicycle safety on, the adjacent roadways, including Union Hill Road, McGinnis Ferry Road, and Windward Parkway.



COUNCIL AGENDA REPORT

FROM: Kathi Cook, Community Development Director
Prepared by: Michael Woodman, Senior Planner

SUBJECT: Z-16-05/V-16-21 Aycock/Thompson Street/DT-LW

PLANNING COMMISSION: August 4, 2016
CITY COUNCIL: August 22, 2016

RECOMMENDATION:

Approve Z-16-05/V-16-21 Aycock/Thompson Street/DT-LW subject to the following conditions:

1. The property to be rezoned shall have a “DT-LW” zoning classification with detached minimum lot sizes of 1,500 square feet.
2. Property shall be developed substantially in accordance with the submitted plan prepared by Atlanta Engineering Services, Inc., dated 6/16/16. However, lot yield depicted is not guaranteed and subject to meeting all City Code requirements and conditions of zoning.
3. Density shall be limited to a maximum of 8 dwelling units per acre.
4. Residential lots shall not include any portion of the State or City stream buffer. Stream buffers shall be located on common area and be maintained by the HOA.
5. All units along Thompson Street shall be oriented to the street with their front door facing Thompson Street.
6. Architecture shall be similar to the Voysey project (Hedgewood Homes) architecture or shall meet the Alpharetta Downtown Code Architectural Guidelines, as approved by Staff. Residential lots shall have formal gardens and stone walls, with final approval by Staff.
7. Visible privacy fence shall be prohibited along Thompson Street and the multi-use path.
8. Reasonable effort shall be made to incorporate specimen trees, trees of quality, and groupings of smaller trees into the site plan as approved by Staff. Site configuration and density may change based on compliance with this condition.
9. Impacts to off-site trees shall be minimized. The owner of the off-site trees shall be notified of any encroachment greater than 10% or as directed by the City Arborist. This notification shall include a letter from the project Arborist detailing the extent of the encroachment and possible outcomes.

10. Applicant shall obtain an inter-parcel access agreement with the Voysey project for access as shown on the submitted site plan.
11. Applicant shall continue the Thompson Street typical section, which includes 10' travel lanes, on-street parking, 8' brick paver sidewalks to match the City brick paver sidewalks on Haynes Bridge Road, street trees, and pedestrian lighting as approved by Staff.
12. Pedestrian-scale lighting and amenities shall be required throughout the development.
13. Dedicate a 20' public access easement to the City and construct a 12' multi-use path through the property in the outer most 50- to 75-foot stream buffer, as depicted on the submitted site plan. Multi-use path shall be ADA accessible and construction shall be the same used for the Voysey project. The path shall meet the Thompson Street Linear Park standards, including landscaping and low-level path lighting as approved by Staff.
14. Exotic and invasive plants within the stream buffer shall be replanted with native trees and shrubs. The path shall be heavily landscaped with a park-like setting and include a seating area. Two (2) areas for future public art shall also be included and along the path (circular concrete path).
15. A stone or paver edging material shall be required around the perimeter of internal roads to maintain rock base.
16. Crushed stone areas visible from Thompson Street shall be screened with heavy landscaping and/or decorative walls.
17. Structural design and calculations appropriate for garbage truck and fire apparatus shall be provided.
18. Each property owner shall sign an affidavit stating that they are aware that this is a private drive and the maintenance is solely the responsibility of the HOA to make sure the City does not take any liability for this. The applicant shall submit all executed affidavits to the Department of Community Development.

REPORT-IN-BRIEF

The applicant, Elvin Aycock, is requesting a change in zoning for the 0.932 acres from O-P (Office-Professional) to DT-LW (Downtown Live-Work) to allow for seven (7) single-family, detached lots. A variance is requested to the Unified Development Code (UDC) to reduce the minimum lot size for single-family detached lots and a variance to the paving requirements to allow for crushed stone on the internal private streets and driveways.

DISCUSSION

The submitted request, if approved, will allow for the construction of seven (7) single-family, detached lots. The proposed density is 7.51 units per acre. The subject property is located on the north side of Thompson Street, immediately adjacent to the Voysey project. The applicant has engaged Hedgewood Homes for an agreement to allow access through the Voysey site. The proposed

development will be similar in design, size, and construction as the Voysey project and will be incorporated into the Voysey HOA.

The site plan submitted depicts seven (7) detached lots with four (4) rear-loaded homes fronting Thompson Street. Three (3) internal lots are shown as side- or rear-loaded. The proposed minimum lot size is 1,500 square feet and the minimum lot width is 25'.

Proposed Setbacks:

Front Setback (Thompson Street) – 10 feet

Side Setback – 0 feet

Rear Setback – 3 feet (no alley) and 10 feet (alley)

Access is shown through the Voysey site at the west property line and internal street and driveways are shown to be crushed stone. Although not depicted on the site plan, the applicant has stated that detention will be provided on-site.

A stream runs along the northern portion of the property and a significant area of the site is located within State and City stream buffers. A 12' multi-use path is shown within the outer 50' to 75' of the City stream buffer.

The applicant's arborist report and survey did not meet all of the requirements of the Arborist Public Hearing Checklist. The tree survey does not include accurate and complete information, such as tree sizes and numbers matching the arborist assessment. As stated in the Arborist report, trees of quality and groupings of trees have not been identified or included in the assessment.

A variance is requested from UDC Appendix A, Section 3.7.3 DT-LW Dimensional standards, to reduce the minimum lot size for detached lots from 2,500 to 1,500 square feet. The Voysey project has similar lot sizes, but was rezoned to the MU (Mixed-Use) zoning district as part of the City Center zoning.

UDC Section 2.5.5 (D) Design Criteria, requires off-street parking lots, whether public or private, to be graded and surfaced with concrete or asphalt on an approved base and maintained in good condition free of weeds, dust, trash and debris. The applicant is seeking a variance to allow the interior street and driveway sections to be constructed on crushed stone, which is a continuation of the sections approved for the Voysey project on April 24, 2016. The crushed stone will be used with an engineered grid system supporting the travel lands and crushed stone will be used outside of the travel lane.

The applicant has acknowledged that the community streets are private and will be maintained by the Voysey HOA and that an affidavit will be required from the homeowner acknowledging maintenance.

The crushed stone section for the heavy duty travel lanes will have the 95% subgrade compaction, 6" graded aggregate base, a 6" terrace grid backfilled with #57 stone and ½" of #89 stone (crusher run). They are proposing the heavy duty

section cover a 16' travel lane; however, the Fire Marshall may require a wider section.

TRAFFIC

The proposed project, consisting of seven (7) single-family detached homes, would generate 10 PM Peak Hour Trips.

SCHOOLS

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

FULTON COUNTY SCHOOLS – 7 Single-Family Detached Residential Units

School	Estimated # New FCS Students Generated
Manning Oaks Elementary School	1 - 3
Hopewell Middle School	0 - 1
Alpharetta High School	1 - 2
Total	2 - 6

Based on the total figure for all three school levels, it can be assumed that the proposed development could house approximately 2-6 school age children. Manning Oaks Elementary School and Alpharetta High School can meet demand; however, Hopewell Middle School is shown to be over capacity.

STANDARDS FOR ZONING CHANGES

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

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

Response: The proposed rezoning will permit a use that is consistent with the Downtown Master Plan and Comprehensive Land Use Plan designation of the property.

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

Response: The proposed rezoning will not adversely affect adjacent and nearby properties. The applicant proposes to be an extension of the adjacent Voysey project.

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

Response: The proposed development respects the on-site stream buffers.

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

Response: Development of the property for an office use under the O-P zoning district would be difficult due to the stream buffer and undisturbed buffers required between residential and non-residential uses. The Downtown Master Plan update reflects a new vision for the Thompson Street corridor and the proposed DT-LW zoning is consistent with that vision.

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

Response: The proposed use will not have significant impacts on public facilities or services.

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

Response: The Downtown Master Plan update reflects a new vision for the Thompson Street corridor. The proposed DT-LW zoning district is consistent with that vision, as well as, the Comprehensive Land Use Plan designation of the property.

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

Response: The request to rezone the property from O-P to DT-LW reflects a reasonable balance as the proposed zoning is consistent with the Comprehensive Land Use Plan designation of the property, which is Mixed Use Live Work.

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

Response: Development of the property for an office use under the O-P zoning district would be difficult due to the stream buffer and undisturbed buffers required between residential and non-residential uses. The Downtown Master Plan update reflects a new vision for the Thompson Street corridor and the proposed DT-LW zoning is consistent with that vision.

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

Response: The subject property is consistent with the Comprehensive Land Use Plan designation, which is Mixed Use Live Work.

VARIANCE REVIEW CRITERIA

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

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

Response: The subject property is within the Downtown Overlay where architecture and landscaping are key components to a successful development. The proposed internal crushed stone enhances the architectural theme and will be maintained by the HOA. The proposed minimum lot size is consistent with the lot sizes approved on the adjacent Voysey site.

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

Response: The applicant could provide minimum 2,500 square foot lots and pave the internal streets and driveways, but requests relief to maintain continuity with the Voysey project.

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

Response: Not applicable.

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

Response: Approval will not cause substantial detriment to the public good, if conditions are in place requiring architectural review and the engineered grid system along the travel paths.

CONCURRENCES

Staff has reviewed the application and is in general agreement with the requests for rezoning and variance. The proposed rezoning to DT-LW is consistent with the vision in the Downtown Master Plan update and Comprehensive Land Use Plan designation for the subject property. Architectural and landscaping

guidelines and conditions will ensure a quality development in Downtown Alpharetta. The proposed project will developed in a similar manner to the Voysey project, including the continuation of the 12' multi-use path along the outer City stream buffer.

With regard to the variance for crushed stone, the internal streets and driveways will require yearly maintenance for grading and top dressing, which will be paid for by the HOA. Additionally, internal streets and driveways will be heavily screened from Thompson Street.

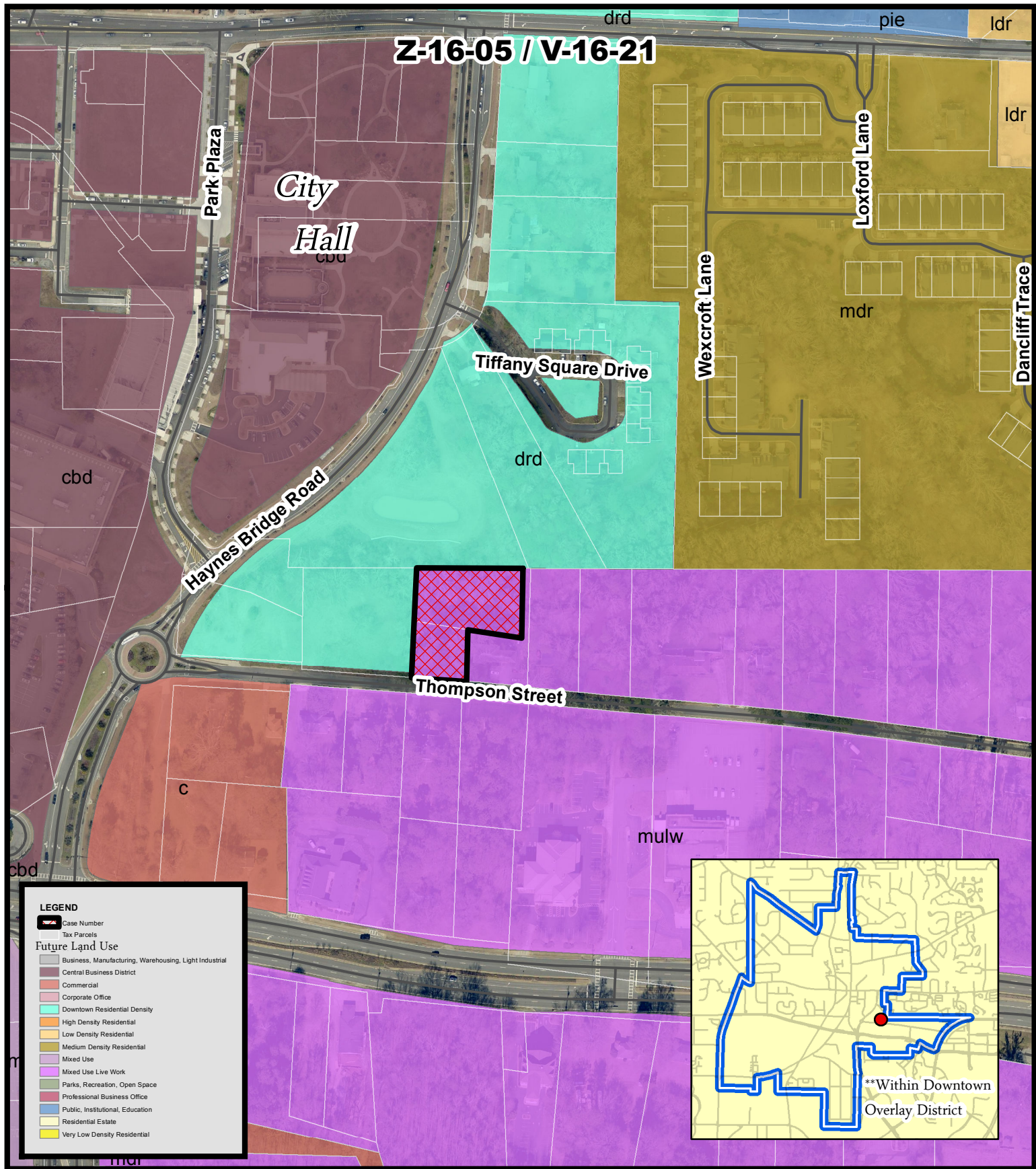
CITIZEN PARTICIPATION PLAN

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

ATTACHMENTS

Site Plan
Architectural Elevations

Z-16-05 / V-16-21



2035 Land Use Aycok DT-LW Thompson Street

Z-16-05 / V-16-21

D/LL: 1/2/748

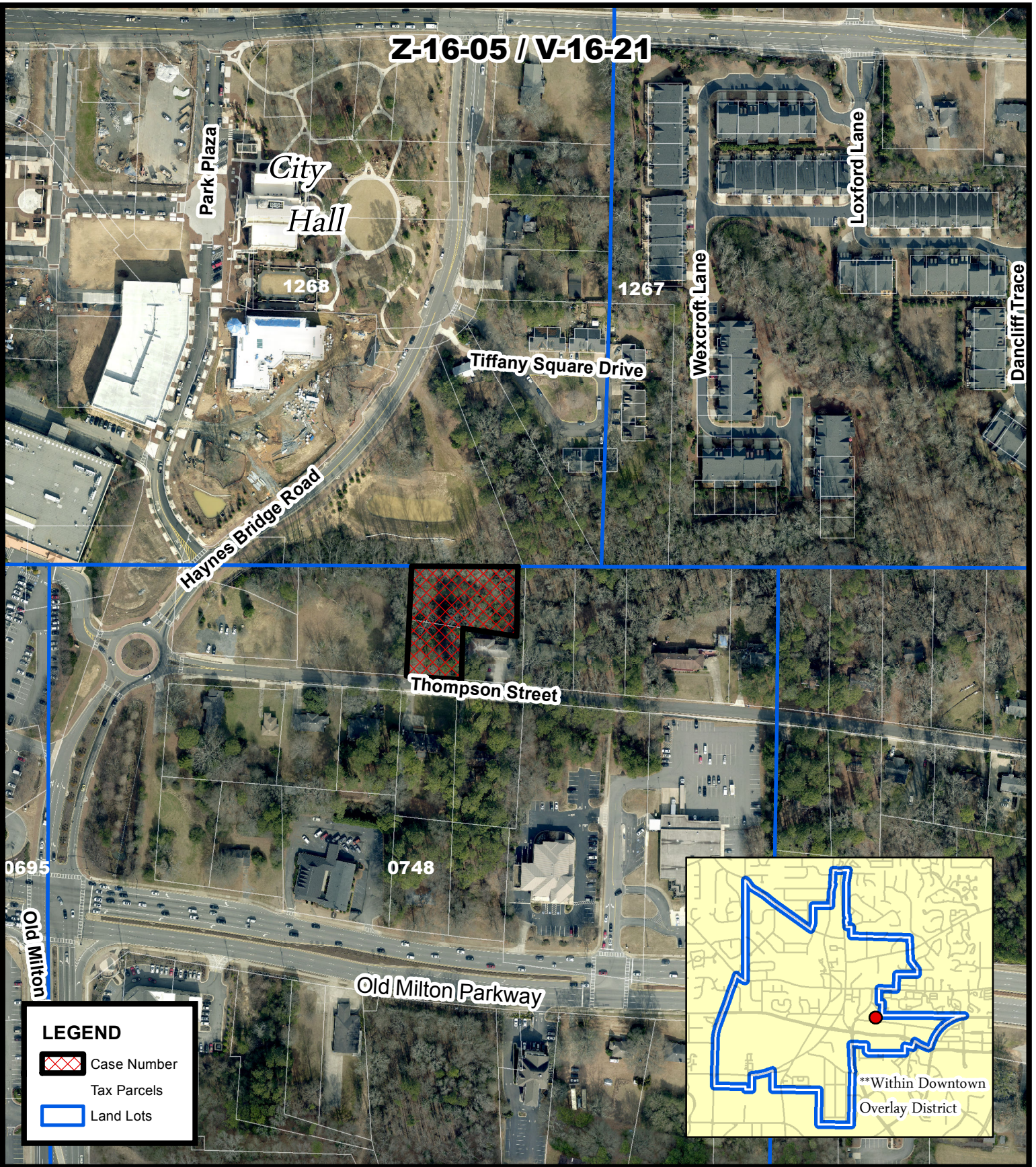
PC Date: 08/04/16

CC Date: 08/22/16

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



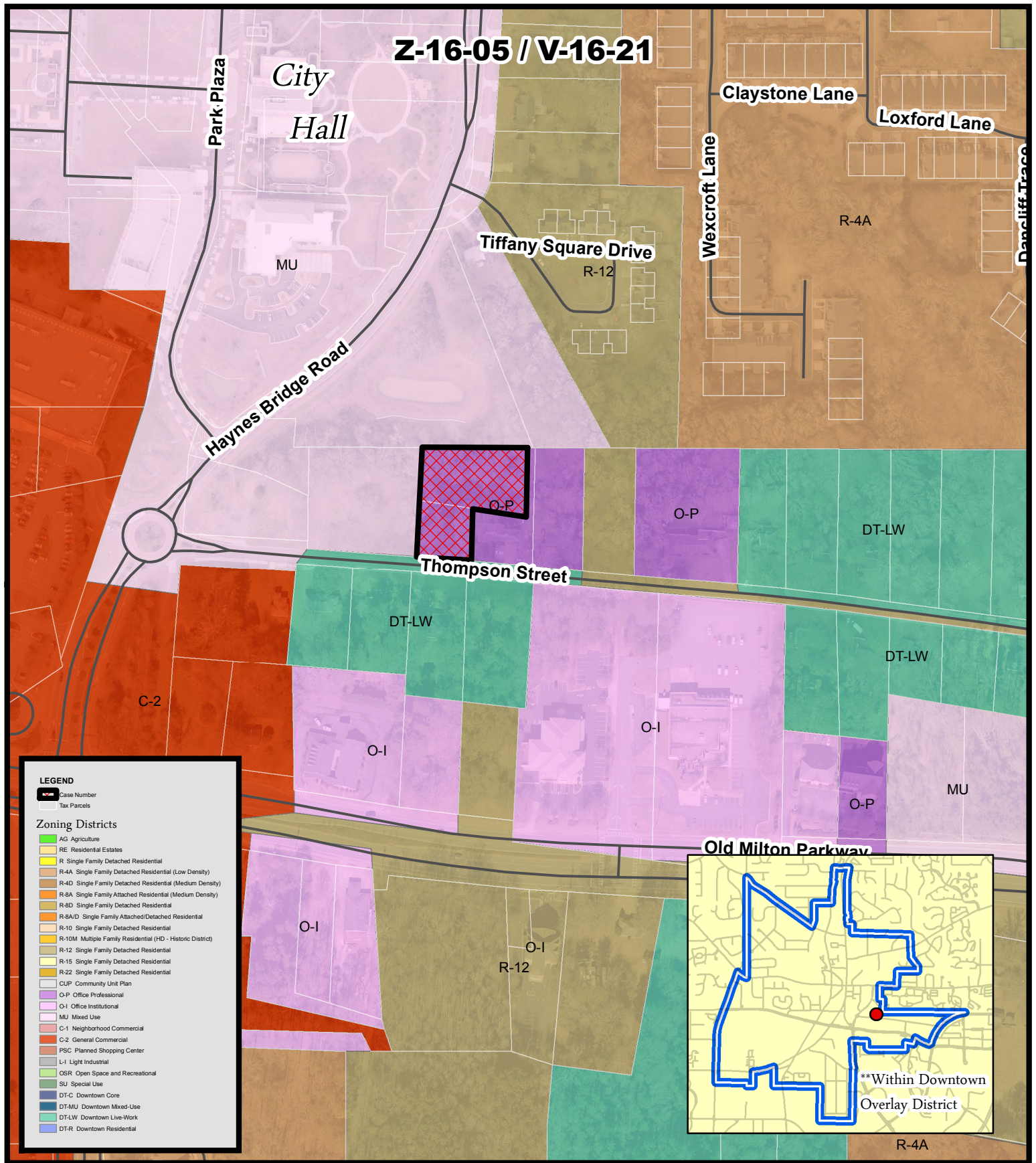
Z-16-05 / V-16-21



Aerial Map Aycock DT-LW Thompson Street

**Z-16-05 / V-16-21
D/LL: 1/2/748
PC Date: 08/04/16
CC Date: 08/22/16**

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

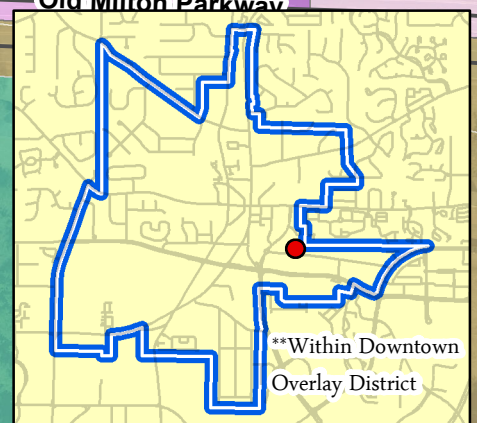


LEGEND

Case Number
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-8AD 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-I Office Institutional
- MU Mixed Use
- C-1 Neighborhood Commercial
- C-2 General Commercial
- PSC Planned Shopping Center
- L-I 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

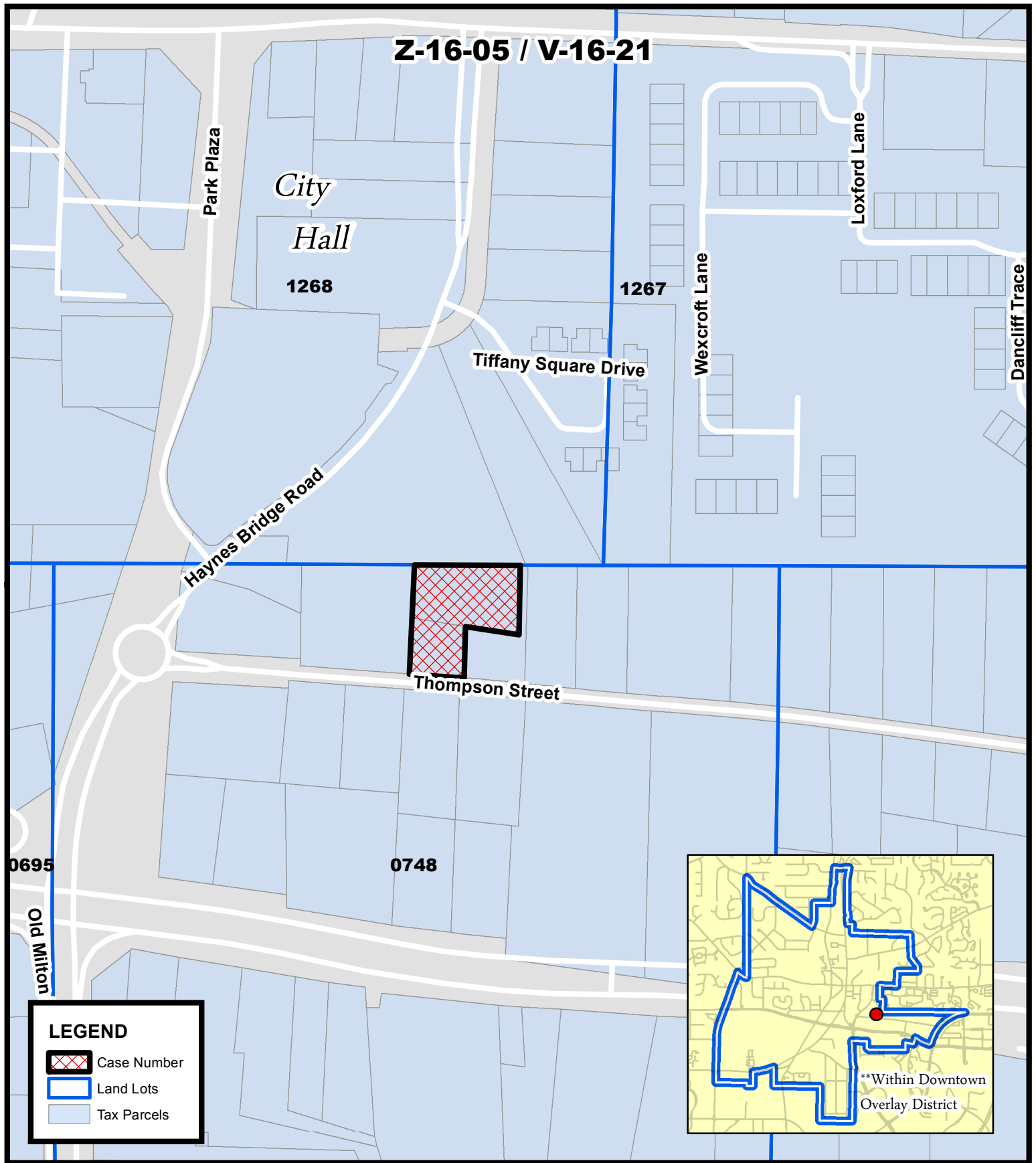


Zoning Map **Aycock DT-LW** **Thompson Street**

Z-16-05 / V-16-21
D/LL: 1/2/748
PC Date: 08/04/16
CC Date: 08/22/16

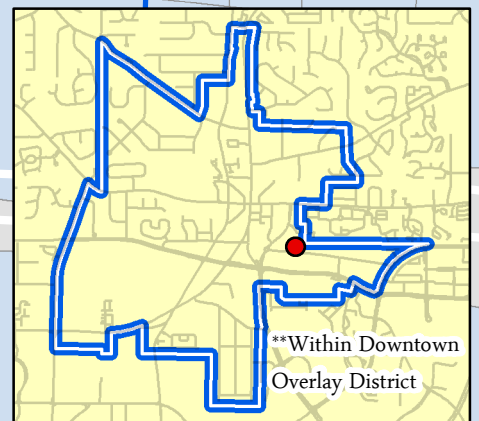


Location Map Provided by:
Community Development - GIS



LEGEND

- Case Number
- Land Lots
- Tax Parcels



Location Map **Aycock DT-LW** **Thompson Street**

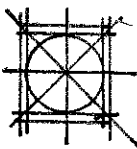
Z-16-05 / V-16-21
D/LL: 1/2/748
PC Date: 08/04/16
CC Date: 08/22/16

Location Map Provided by:
Community Development - GIS



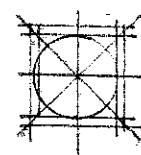


© ARTHUR RUTENBERG HOMES INC. 3/29/16

 TOPSAIL ALTERNATE OPT. "A" ELEVATION
SCALE: $\frac{1}{8}" = 1'-0"$



© ARTHUR RUTENBERG HOMES INC. 3/22/16
REV. 1 3/29/16



TOPSAIL ALTERNATE ELEVATION

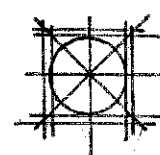
SCALE:

$\frac{1}{8}'' = 1'-0''$

(HORIZ. LAP SIDING / STONE)



© ARTHUR RUTENBERG HOMES INC.



HATTERAS ALTERNATE ELEVATION

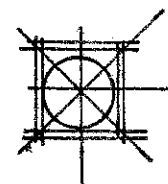
S C A L E:

1/8" = 1'-0"

3/21/16



© ARTHUR RUTENBERG HOMES INC.



HATTERAS ALTERNATE OPT: "A" ELEVATION

SCALE:

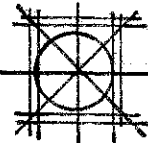
1/8" = 1'-0"

3/28/16



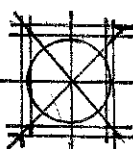
© ARTHUR RUTENBERG HOMES INC.

3/21/16

 LAFAYETTE ALTERNATE ELEVATION
S C A L E : $\frac{1}{8}" = 1'-0"$



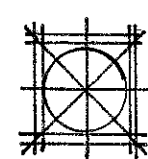
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 LAFAYETTE ALTERNATE OPT: "A" ELEVATION
 SCALE:

1/8" = 1'-0" 3/20/16



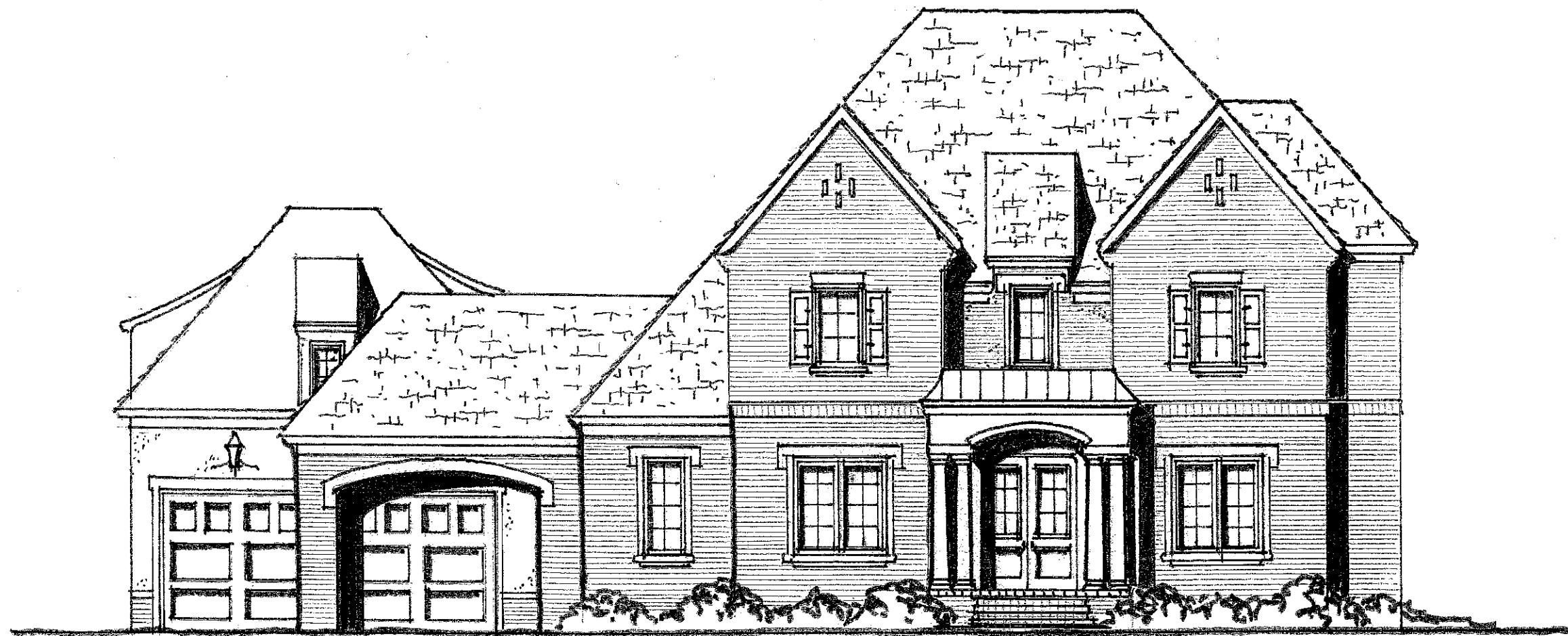
© ARTHUR RUTENBERG HOMES, INC.



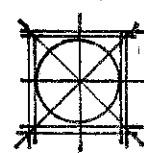
SOUTHPORT ALTERNATE ELEVATION - OPT. "A"

S C A L E:

$\frac{1}{8}'' = 1'-0''$



© ARTHUR RUTENBERG HOMES INC. 3/30/16
REV. 1 4/1/16



SOUTHPORT ALTERNATE ELEVATION
S C A L E: 1/8" = 1'-0"

CITIZEN PARTICIPATION FORM - PART B

This form must be completed and submitted to the City of Alpharetta Community Development Department a minimum of twenty (20) working days prior to the scheduled Public Hearing. Failure to do so will result in cancellation of the scheduled hearing.

Public Hearing or Project Name: Aycock Property ReZoning Request for DT-LW with 7 units

Contact Name: Elvin Aycock

Telephone: 678-297-2565

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

No comments

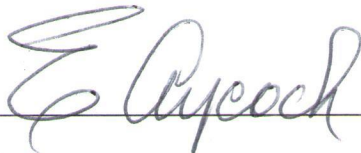
Method by which these individuals were contacted. Please mark all that apply. *Please provide samples of any and all written communications used to provide notification.*

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

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

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

Signature of Authorized Agent: _____



Date: _____

7-19-16

Print Form

CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

Aycokc/Thompson St/DT-LW
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: Elvin Aycokc

Telephone: 678-297-2565

Address: 3295 River Exchange Drive

Suite: 211

City: Peachtree Corners

State: GA

Zip: 30090

Fax: None

Mobile Tel: 770-316-1720

Email: ela@atlantaeng.com

Subject Property Information:

Address: Thompson Street - Vacant Lot

Current Zoning: O-P

District: 1

Section: 2

Land Lot: 748

Parcel ID: 12-270307480404 and 12-270307480511

Proposed Zoning: _____

Current Use: Proposed Zoning is DT-LW Downtown Residential. Current Use is Vacant Lot

This Application For (Check All That Apply):

☐ Conditional Use

☐ Master Plan Amendment

☒ Rezoning

☐ Master Plan Review

☐ Variance

☐ Public Hearing

☐ Comprehensive Plan Amendment

☐ Other (Specify): DT-LW Downtown Residential with 7 Units.

6/20/16

Z-16-05/V-16-21
Aycokc/Thompson St/DT-LW

**Elvin Aycock
3295 River Exchange Drive
Suite 211
Peachtree Corners, GA 30092**

June 16, 2016

Alpharetta Planning Commission and
Alpharetta City Council
2 Park Plaza
Alpharetta, GA 30009

Re: Rezoning Request, Z-16-05, Thompson Street / DT-LW
Application to rezone 0.93-acre parcel of land located on
Thompson Street.

Gentlemen,

I have filed an application to the City of Alpharetta to re-zone my property to Downtown Residential, Live-Work (DT-LW). It is presently zoned OP. The property contains 0.93 acres and is located on Thompson Street, west and north of North Fulton Chiropractor office. Our plans call for 7 single family homes and will be very similar in design, size and construction as the homes Hedgewood Properties will be building. Hedgewood's project, "The Voysey Project," has recently been re-zoned and they have obtained a Land Disturbance permit from the City.

Our properties adjoin and our west property line is their east property line. We have been working with Mr. Don Donnelly and are in agreement that access to our property will be through their driveway. They access "The Voysey Project" from Thompson Street. We will connect to their driveway at our west property line.

Also, Mr. Donnelly has received approval for a natural crushed stone driveway and therefore we have applied for a variance to allow for a continuation of the same type of natural crushed stone driveway surface. Our plans are for the two developments have the look and feel of one community. Both communities will belong to the same Homeowners Association.

Finally, we will connect to and continue the 12-foot Multiuse Path which is shown on "The Voysey Project." We will construct the path from our west property line to our east property line.

Thank you for your consideration to this matter.

Sincerely,

Elvin Aycock
Property Owner

6/20/16

Aycokc/Thompson St/DT-LW

APPLICANT REQUEST AND INTENT

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

To subdivide into 7 lots and to construction 7cottage residential units.

Applicant's Request (Please itemize the proposal):

For the rezoning of the 0.93 acres to DT-LW Downtown Residential for 7 Single Family Residential units.

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

Construction of 7 Single Family Residential Units.

6/20/16

Aycokc/Thompson St/DT-LW

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: Elvin Aycokc

Subject Public Hearing Case: Re-Zoning to DT-LW

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: None

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: _____

E Aycokc

Date: November 18, 2015

6/20/16

Aycokc/Thompson St/DT-LW

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

This re-zoning will allow for construction of single family homes of similar design, style, size and construction as The Voysey Project adjoining us to the west. The property west of this property is owned by Don Donnelly, Hedgewood Homes. The two communities will blend with each other and homeowners will belong to the same Homeowners Association.

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

It will enhance the property on Thompson Street and fit in with the City's intended use of property which is located close to downtown. The development will be developed to appeal to homeowners that want to live and work in a downtown environment.

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

Not at this time. It is currently zoned O-P which allows for Professional Office Space. This area is conducive to residents that want to live near downtown for shopping, dining and working. A 12-foot Multi-Use Path will be constructed to the rear of this development and along the Buffers of the Waters of the State.

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

The seven units would yield approximately 14 persons.

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

This rezoning use would target young professional, both single and couple. This would have minimum impact on the schools and utilities.

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

It is consistent with the Alpharetta Comprehensive Plan and the Future Land Use map. This development will enhance the live-work and plan concept which the City of Alpharetta is promoting.

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

The property immediately west of the property has been re-zoned by Don Donnelly for homes of similar design, style, size and construction. This development will complement "The Voysey Project" by Hedgewood Properties.

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.

6/20/16

Aycokc/Thompson S/DI-LW

PROPERTY OWNER AUTHORIZATION**Property Owner Information:**

Contact Name: Elvin Aycokc

Telephone: 678-297-2565

Address: 3295 River Exchange Drive

Suite: 211

City Peachtree Corners

State: GA

Zip: 30092

Authorization:

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

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

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

Identify Authorized Applicant:

Name of Authorized Applicant: Elvin Aycokc

Telephone: 678-297-2565

Address: 3295 River Exchange Drive

Suite: 211

City Peachtree Corners

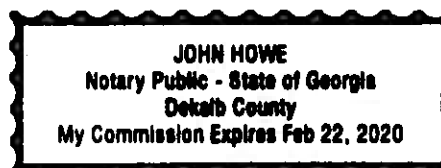
State: GA

Zip: 30092

So Sworn and Attested:Owner Signature: E Aycokc

Date: 04/01/2016

Notary:

Notary Signature: [Signature]Date: 4-1-2016

6/20/1

BOARD OF ZONING APPEALS REVIEW CRITERIA

Z-16-05/V-16-21

Riviera/Thompson St/DT-LW

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

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

The zoning classification DT-LW Downtown Residential allows for 7 units per acre with an approved conditional use. The variance request is for the surface of the drive that serves the property be constructed of grave/stone. This provides continuity with The Voysey Project being developed by Don Donnerly.

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

No. This variance only changes the type of pavement surface for the drive.

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

None

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

No. The variance does not impair the purpose and the intent of the Zoning Code.

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.

6/20/16

Aycock/Thompson St/DT-LW

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: Aycock Property ReZoning Request for DT-LW with 7 units

Contact Name: Elvin Aycock

Telephone: 678-297-2565

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

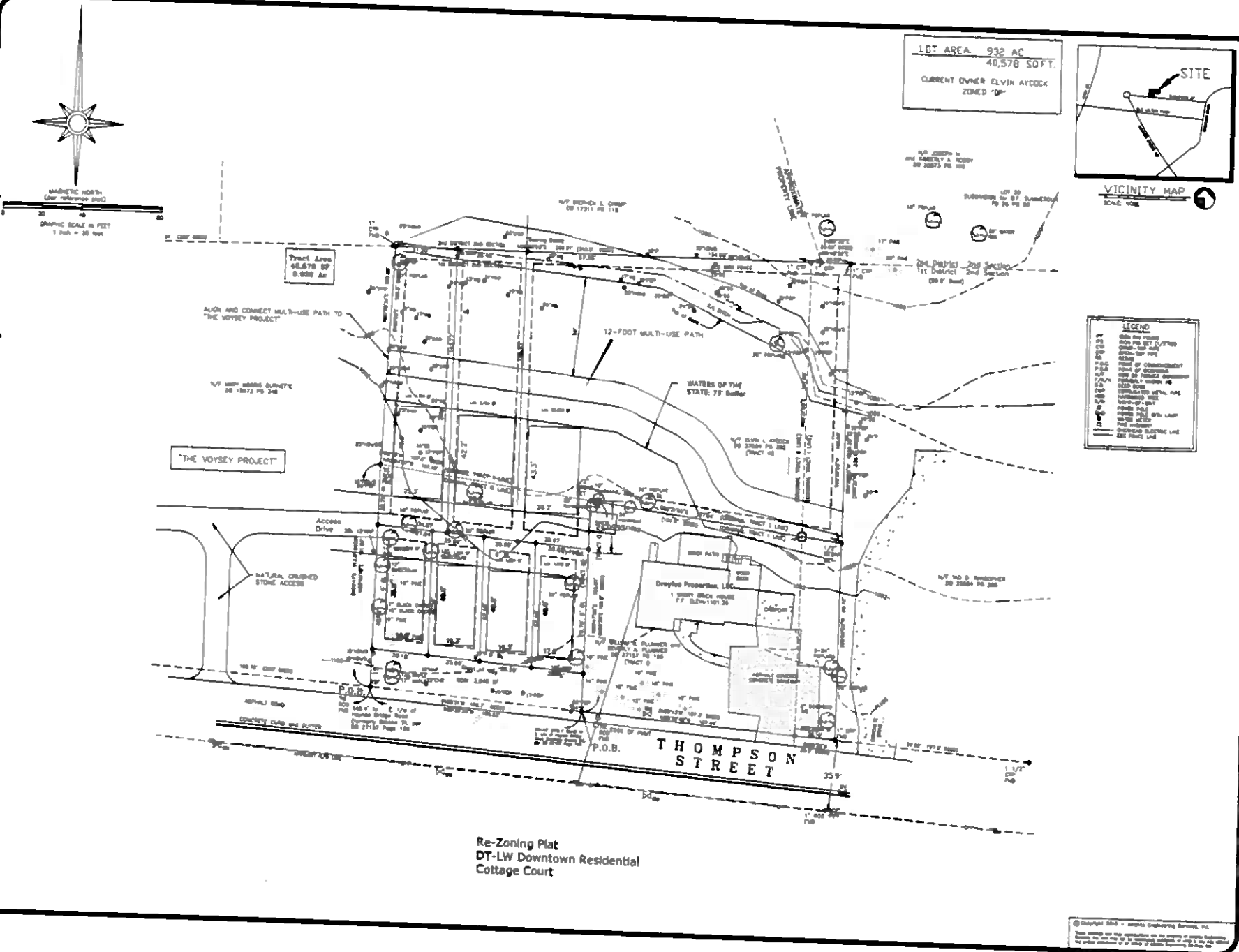
See Attached List

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

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

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

I will provide my telephone number and I will be available to answer any questions.



Re-Zoning Plat
DT-LW Downtown Residential
Cottage Court

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This plat and the information on this plat are the property of Atlantic Engineering Services, Inc. and are not to be reproduced or used in any way without the written permission of Atlantic Engineering Services, Inc.

	Atlantic Engineering Services, Inc. 3208 River Exchange Drive Peachtree Corners, Georgia 30092 Phone: 678-337-0200 www.aesinc.com
	PREPARED FOR: Elvin Aycock 3208 River Exchange Drive Suite 211 Peachtree Corners, GA 30092
SITE PLAN FOR REZONING TO DT-LW	DT-LW Downtown Residential Cottage Court 0.802 Acres - Thompson St Alpharetta, GA 30009
SHEET 1 of 1	

CURRENT ZONING	ADT	SAT	AM Peak Hour			PM Peak Hour			Sat. Peak Hour		
			In	Out	Total	In	Out	Total	In	Out	Total
210: Single Family Detached Housing											
1 Number of Units	15	14	3	7	10	1	1	2	6	6	12
Total Trips (Current Zoning)	15	14	3	7	10	1	1	2	6	6	12
PROPOSED ZONING											
210: Single Family Detached Housing											
7 Number of Units	90	86	4	10	14	6	4	10	9	8	17
Total Trips (Proposed Zoning)	90	86	4	10	14	6	4	10	9	8	17
NET TRIPS INCREASE (DECREASE)	75	73	1	3	4	5	3	8	3	2	5

* Trip Generation, 7th Edition (ITE)



COUNCIL AGENDA REPORT

FROM: Kathi Cook, Community Development Director
Prepared By: Michael Woodman, Senior Planner

SUBJECT: CU-16-07/V-16-20 European Wax Center/Atwater/Spa
Services

PLANNING COMMISSION: August 4, 2016
CITY COUNCIL: August 22, 2016

RECOMMENDATION:

Deny CU-16-07/V-16-20 European Wax Center/The Atwater/Spa Services request for conditional use and variance.

If approved, the following conditions are recommended:

1. 'Spa Services' shall be added as a conditional use at 2685 Old Milton Pkwy, Suite 140.
2. Conditional use approval shall be limited to the European Wax Center; no additional spa services businesses or subleasing shall be permitted within the approved space.
3. No massage services shall be permitted within the approved space.
4. Hours of operation are planned from Monday through Saturday from 9:30 AM to 8:00 PM and Sunday 12:00 PM to 6:00 PM.

REPORT-IN-BRIEF

The applicant, European Wax Center, is requesting a conditional use permit and a variance to the minimum distance requirements to allow 'Spa Services' for a hair removal/waxing business located at 2685 Old Milton Parkway, Suite 140 (The Atwater).

DISCUSSION

The submitted request, if approved, will permit the applicant to provide hair removal/waxing services in a 1,321 square foot suite within an existing shopping center. In addition to hair removal/waxing, the applicant's business also provides skin, nail, and hair treatments, and may have the sale of associated retail products.

The subject property is located on the south side of Old Milton Parkway, just east of Westside Parkway in The Atwater shopping center. The property is zoned C-2 (General Commercial - Conditional), which allows 'Spa Services' as a conditional use. Other businesses in The Atwater include, Mattress Firm, Starbucks, Firebirds Wood Fired Grill, Pieology, AT&T, Bezoria, Casa Blanca, C-2 Education, and Buttermilk Pie Company.

Because the applicant provides hair removal/waxing services, the use is categorized as 'Spa Services'. 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."

In addition, Code of Ordinances Section 12-172 Massage and Spa Establishments - Location and distance requirements, states the following regulations as it relates to Spa Establishments:

"It shall be unlawful to establish a massage establishment or a spa establishment in the city, unless said establishment is located:

- (a) At least 300 feet from State Route 9:**
- (b) At least 300 feet from State Route 120; and**
- (c) At least 300 feet from any parcel occupied by a house of worship, public or private elementary or secondary school, public park, state-licensed day care facility, or any residence.**

The forgoing minimum distance requirements shall not apply to any massage establishment or spa establishment located within a mixed-use development in the MU district. For the purpose of this subsection, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest point on a boundary line of the massage establishment or spa establishment parcel to the closest point on the State Route 9 or State Route 120 right-of-way or to the closest point on a boundary

line of any parcel containing a house of worship, public or private elementary or secondary school, public park, or residence.”

The applicant is requesting a variance to UDC Section 1.4.2 Definitions, to reduce the minimum 2,000 feet distance requirement between comparable ‘Spa Services’ businesses. Exhale Atlanta - Avalon is a comparable business providing ‘Spa Services’ at 5192 Avalon Blvd (Avalon) and is located approximately 1,800 feet away from the subject property. In addition, the applicant requests a variance to Code of Ordinances Section 12-172 Massage and Spa Establishments, to reduce the minimum 300 feet distance requirement for ‘Spa Establishments’ from State Route 120. The Atwater shopping center is located directly on State Route 120 (Old Milton Parkway).

The Atwater received comprehensive land use plan amendment, rezoning, and parking variance approval on February 23, 2015. As it relates to the parking variance, zoning condition #8 required the following:

8. Parking shall be a maximum of 163 spaces or 6.25 spaces per 1,000 square feet, whichever is greater, and a minimum of five (5) spaces per 1,000 square feet.

The applicant justified the parking variance by stating that the tenant mix was unknown, but that the mix would consist of restaurant, retail, and professional office uses. The Atwater consists of five (5) restaurant uses (61% of the total building area), four (4) retail uses (39% of the total building area), and no professional office uses. The Atwater parking was constructed at 6.2 spaces per 1,000 square feet. Based on the current tenant mix, including European Wax Center, 8.1 spaces per 1,000 square feet would be required. The table below details the UDC required parking by tenant at The Atwater.

Address/Suite	Business	Area	Use/Rate	Required Parking
2665 Old Milton Pkwy	Firebirds	6,655 SF	Restaurant (1/100 SF)	66.55
2685 Old Milton Pkwy, Ste.100	AT&T	1,800 SF	Retail (1/200 SF)	9
2685 Old Milton Pkwy, Ste. 110	C-2 Education	1,689 SF	Other Retail (1/200 SF)	8.45
2685 Old Milton Pkwy, Ste. 120	Pieology	2,784 SF	Restaurant (1/100 SF)	27.84
2685 Old Milton Pkwy, Ste. 130	Buttermilk Pie Company	1,104 SF	Retail (1/200 SF)	5.52
2685 Old Milton Pkwy, Ste. 140	European Wax Center (Proposed)	1,321 SF	Retail (1/200 SF)	6.61
2685 Old Milton Pkwy, Ste. 150	Bezoria	2,200 SF	Restaurant (1/100 SF)	22
2705 Old Milton Pkwy, Ste. 100	Mattress Firm	4,009 SF	Retail (1/200 SF)	20.05
2705 Old Milton	Casa Blanca	2,012 SF	Restaurant (1/100 SF)	20.12

Pkwy, Ste. 110				
2705 Old Milton Pkwy, Ste. 120	Starbucks	1,910 SF	Restaurant (1/100 SF)	19.10
Total Req'd (UDC)		25,484 SF	1/124 SF (8.1/1,000 SF)	205
Total Provided		25,484 SF	1/161 SF (6.2/1,000 SF)	158

According to the applicant's website, European Wax Center has been in business for approximately 10 years with several locations in the Atlanta metro area, including Marietta-East Cobb, Brookhaven-N. Buckhead, Kennesaw, and Atlanta-Toco Hills. Additional locations are planned in Snellville, Atlanta-Howell Mill, as well as, the proposed location in Alpharetta.

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 Atwater was developed in compliance with the site access development standards for a retail shopping center. However, when the project was approved a mix of uses was contemplated to justify a parking variance. A shortage of parking could impact vehicular and pedestrian access, if patrons park in non-designated parking areas.

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 justification for The Atwater parking variance was based on a mix of restaurant, retail and professional office uses. At this time, there are five (5) restaurant uses, four (4) retail uses, and no professional office uses. The proposed retail service use represents the final available space at The Atwater and does not meet the intent of the mix of uses presented in the parking variance justification.

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: While retail service uses may generally be compatible with restaurant and retail uses, the proposed use will demand more parking and at a

higher rate of turnover than a professional office use. Approval of the conditional use could be injurious to the use and enjoyment of other businesses in The Atwater shopping center.

4. Ensuring that the conditional use will not increase local or state expenditures in relation to the cost of servicing or maintaining neighboring properties;

Response: Not applicable.

5. Ensuring that the conditional use will not impede the normal and orderly development of surrounding property for uses predominant in the area; and

Response: The proposed 'Spa Services' use does not meet the distance requirements between comparable businesses, as well as, the distance requirements from State Route 120.

6. Ensuring that the location and character of the conditional use is considered to be consistent with a desirable pattern of development for the city, in general.

Response: The proposed 'Spa Services' use does not meet the distance requirements between comparable businesses, as well as, the distance requirements from State Route 120.

VARIANCE REVIEW CRITERIA

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

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

Response: There are neither extraordinary nor exceptional conditions pertaining to the subject property with regard to its size, shape or topography.

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

Response: The application of the Ordinance will not create an unnecessary hardship as there are many C-2 zoning district uses that are permitted by right on the subject property. In fact, the developer indicated office use would be included in the center to limit parking impacts.

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

Response: There are no peculiar conditions on the subject property that affect its reasonable use as currently zoned. There are many C-2 zoning district uses that are permitted by right on the subject property.

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

Response: Approval of the conditional use will set a precedent for the reduction of distance requirements prescribed for the proposed use in the UDC and Code of Ordinances.

CONCURRENCES

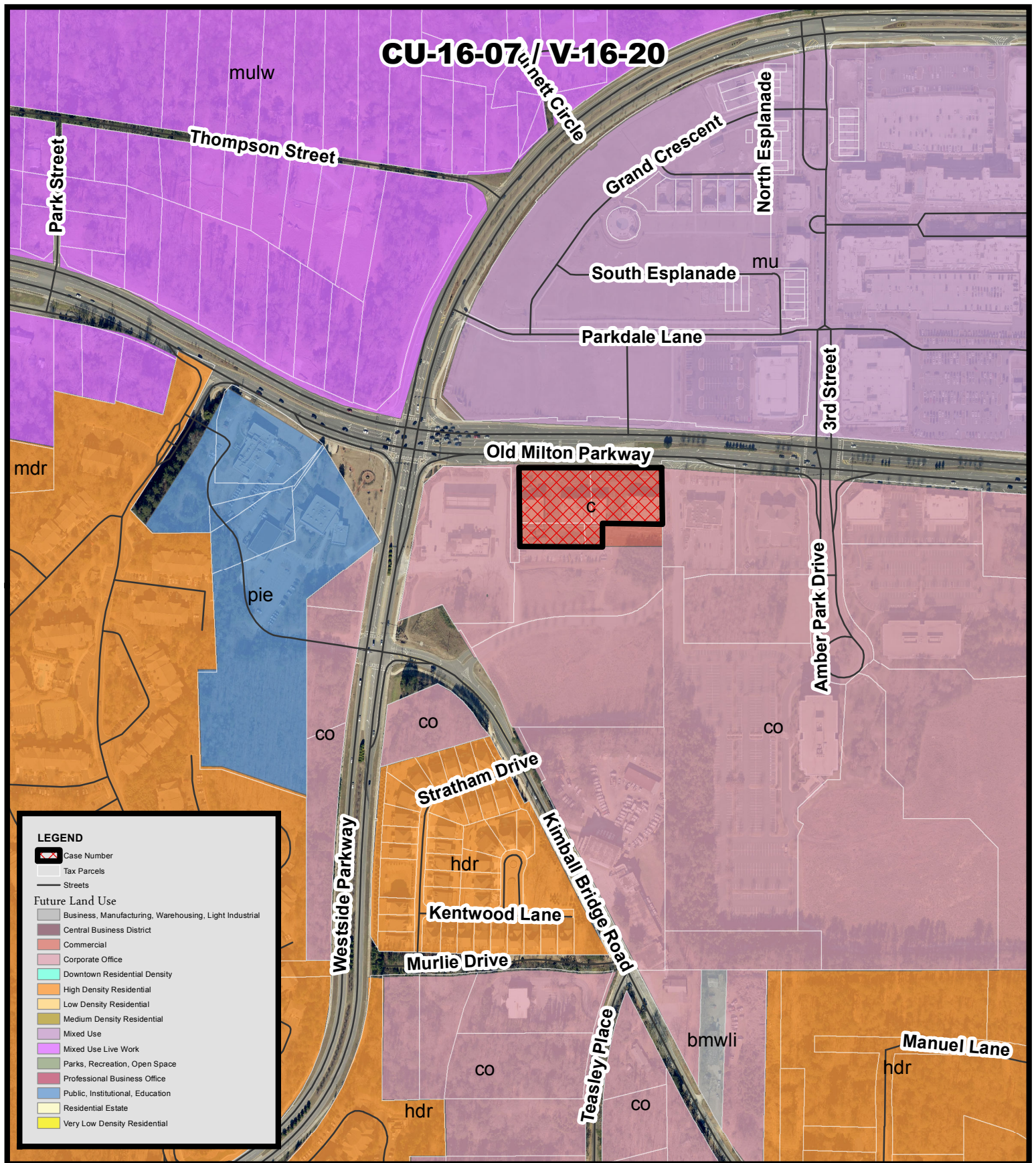
Staff's analysis finds that the requested conditional use is in conflict with the established conditional use standards and that the requested variances to reduce distance requirements do not reflect a hardship. In addition, the proposed retail service use has a higher demand on parking as compared to professional office use and does not meet the intent of the mix of uses presented in the parking variance justification for The Atwater. However, if approved, conditions should be established as part of this application that regulate and limit an expansion of services.

CITIZEN PARTICIPATION PLAN

The report submitted by the applicant states that letters were mailed to each property owner within 500' of the subject property stating the applicant's intent and notifying of a public participation meeting on July 11, 2016. According to the applicant's public participation meeting sign-in sheet, two (2) people attended the meeting and there were no comments.

ATTACHMENTS

Site Plan



2035 Land Use
European Wax Center
2685 Old Milton Parkway

CU-16-07/V-16-20
D/LL: 1/2/801, 802
PC Date: 8/04/16
CC Date: 8/22/16



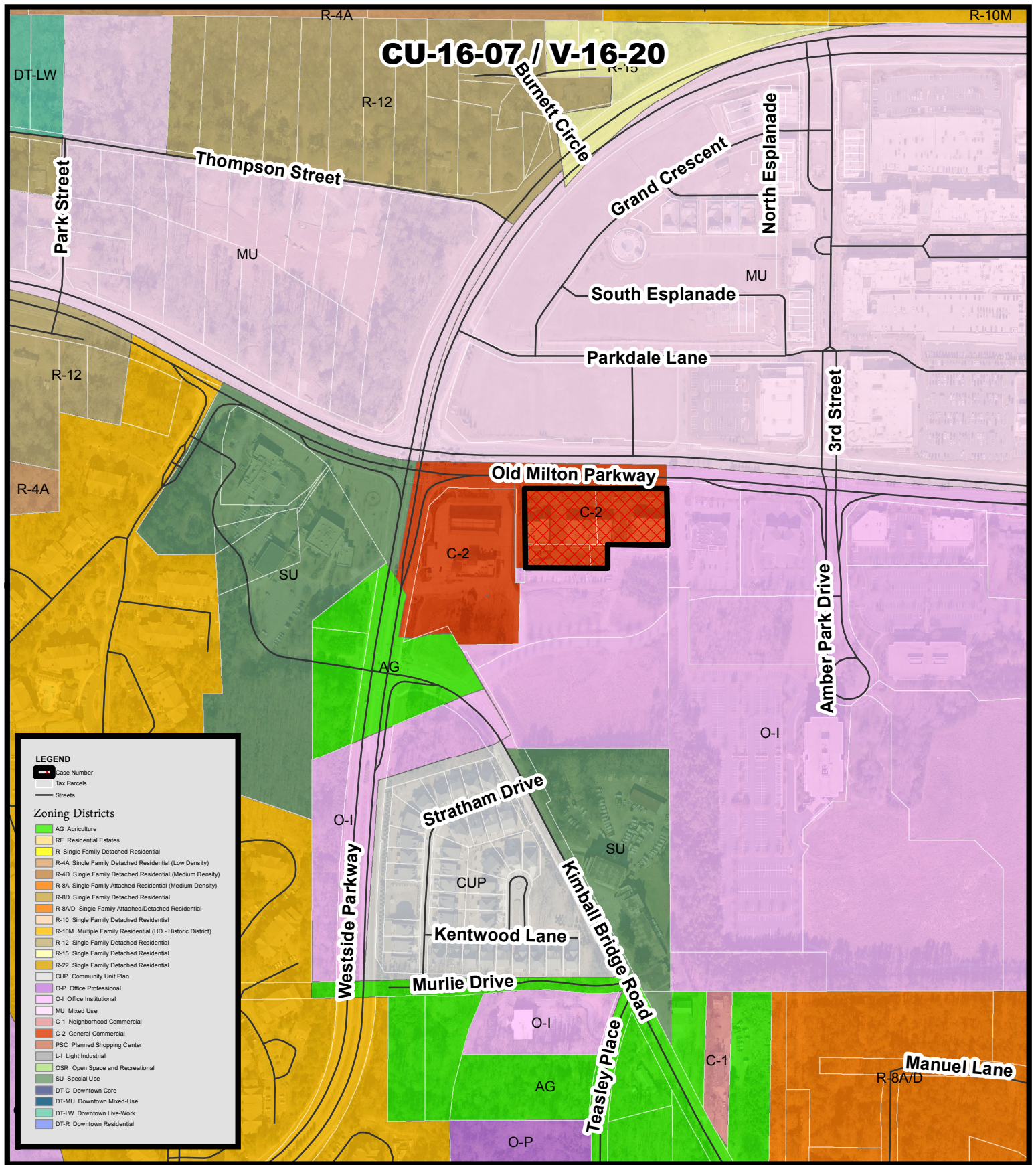
Location Map Provided by:
Community Development - GIS



Aerial Map **European Wax Center** **2685 Old Milton Parkway**

CU-16-07/V-16-20
D/LL: 1/2/801, 802
PC Date: 8/04/16
CC Date: 8/22/16

Location Map Provided by:
Community Development - GIS

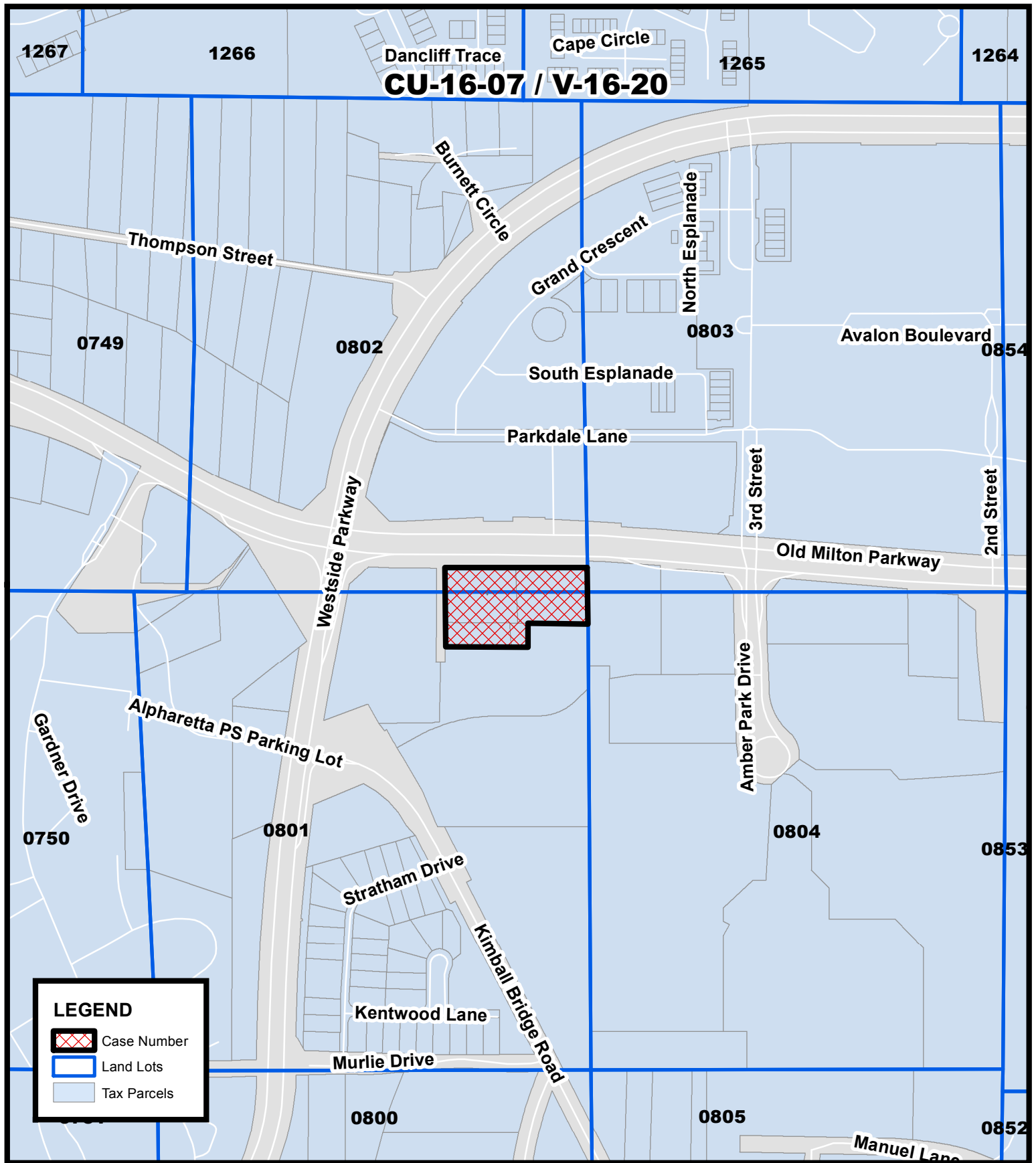


Zoning Map **European Wax Center** **2685 Old Milton Parkway**

CU-16-07/V-16-20
D/LL: 1/2/801, 802
PC Date: 8/04/16
CC Date: 8/22/16



Location Map Provided by:
Community Development - GIS



Location Map
European Wax Center
2685 Old Milton Parkway

CU-16-07/V-16-20
D/LL: 1/2/801, 802
PC Date: 8/04/16
CC Date: 8/22/16



Location Map Provided by:
Community Development - GIS

CITIZEN PARTICIPATION FORM - PART B

This form must be completed and submitted to the City of Alpharetta Community Development Department a minimum of twenty (20) working days prior to the scheduled Public Hearing. Failure to do so will result in cancellation of the scheduled hearing.

Public Hearing or Project Name: Georgia Investment Ventures, LLC- European Wax Center

Contact Name: Miles Hansford & Tallant, LLC - J. Ethan Underwood

Telephone: 770-781-4100

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.

Public Participation Letters were mailed via certificate of mailing on July 1, 2016, notifying adjacent and nearby property owners

of the proposed rezoning application. A copy of the public participation letter and a copy of the mailing receipts are

attached hereto as Exhibit "A". A public participation meeting was held on July 11, 2016 at 6:30 PM at the North Park Adult

Activity Center. A copy of the public participation sign-in sheet is attached hereto as Exhibit "B". A summary of the issues raised by

adjoining property owners and the Applicant's response is attached hereto as Exhibit "C".

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



Letter



Personal Visits



Telephone



Group Meeting



Email



Other (Please Specify) _____

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

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

Signature of Authorized Agent: _____

Date: _____

7/12/2016

Print Form

Exhibit “A”

Copies of the Public Participation Letters and Mailing Receipts



202 Tribble Gap Road | Suite 200 | Cumming, Georgia 30040
770-781-4100 | www.mhtlegal.com

Ethan Underwood
eunderwood@mhtlegal.com

July 1, 2016

Re: European Wax Center- CU-16-07/V-16-20

Dear Neighbors:

In an effort to foster community accord, European Wax Center (the "Applicant") would like to inform interested property owners that it has submitted a zoning application to the City of Alpharetta. The Applicant seeks to use the property for spa services.

A copy of the proposed site plan is enclosed. To facilitate this project, the Applicant is requesting:

- 1) Spa Services be approved as a conditional use for the subject property.
- 2) That a variance be granted to Sec. 1.4.2 of the UDC to allow the proposed Spa Services business to be located within 2000 feet of a comparable business.
- 3) That a variance be granted to Sec. 12-172 of the Alpharetta Massage and Spa Establishments Ordinance to allow the proposed Spa Services business to be located within 300 feet of Old Milton Parkway.

A public participation meeting will be held on July 11, 2016 at 6:30 P.M. at the North Park Adult Activity Center located at 13450 Cogburn Road, Alpharetta, Georgia 30004. This meeting is not the public hearing. Its purpose is to provide neighbors and interested parties the opportunity to meet with the Applicant, ask questions, and voice concerns regarding this application.

The Applicant is committed to keeping the public informed during the process of this application. If you have any questions, comments, or concerns, please contact us. When contacting our office, please reference European Wax Center- CU-16-07/V-16-20 so that we may facilitate your request more efficiently.

Sincerely,

Ethan Underwood,
Attorney for the Applicant
Enclosure

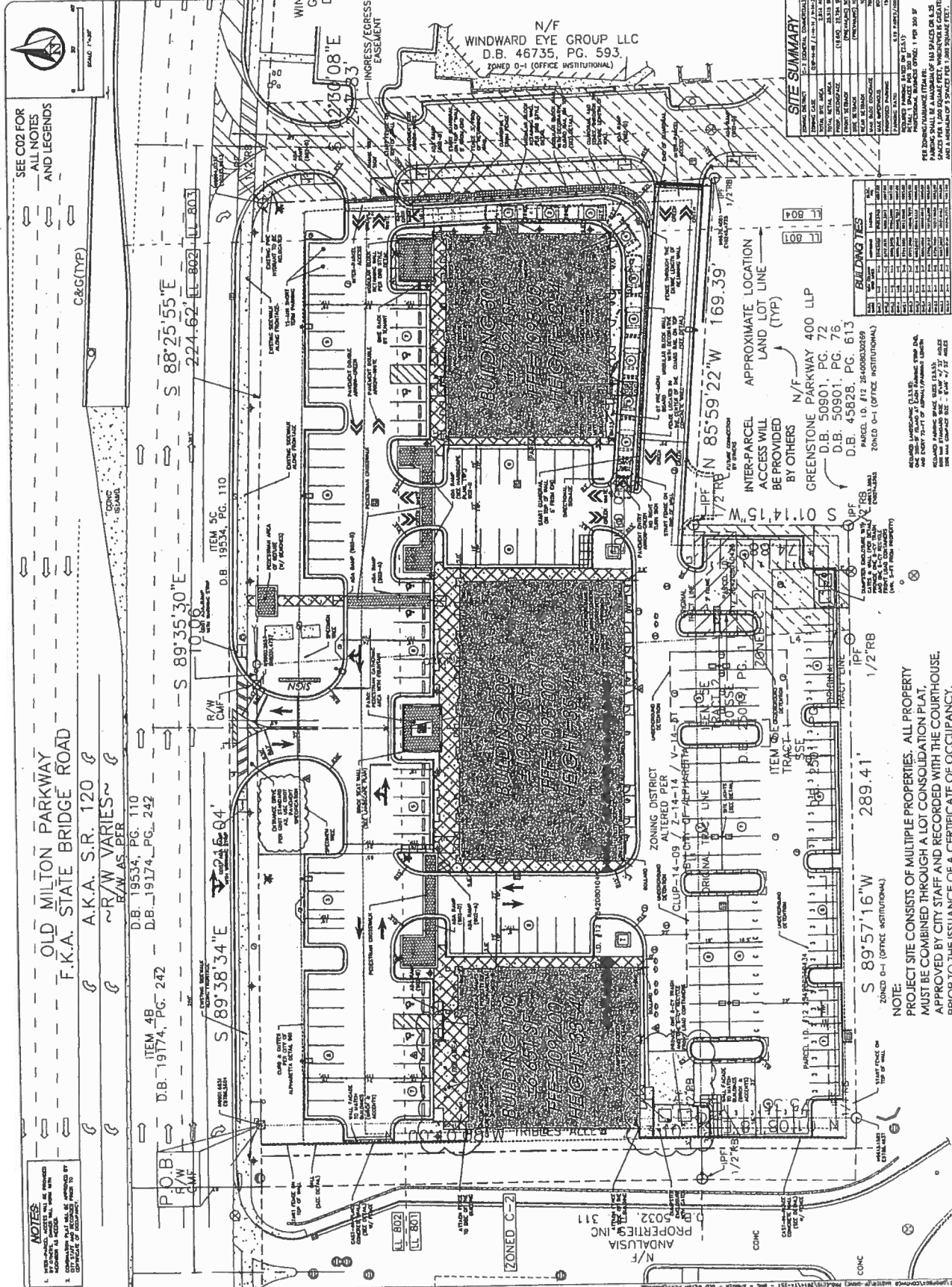


SHULER
PROPERTIES
6400 POWERS FERRY ROAD
SUITE 350
ATLANTA, GA 30339

D&G
DEVELOPMENT GROUP
6400 POWERS FERRY ROAD
SUITE 350
ATLANTA, GA 30339

THE ATWATER
LDP # D15 - 0018
JURISDICTION: CITY OF ALPHARETTA
PARCEL ID: 12 284208010442
LOCATION: 2865 OLD MILTON PARKWAY
ALPHARETTA, GA 30022

SITE PLAN
JOB NO: 14-251
SHEET: C03A
DATE: 12/14/15
REVISION: 1



SEE C02 FOR
ALL NOTES
AND LEGENDS

C&G(TYP)

OLD MILTON PARKWAY
F.K.A. STATE BRIDGE ROAD

A.K.A. S.R. 120 &
~R/W VARIES~
D.B. 19174, PG. 242
D.B. 19174, PG. 242

ITEM 48
D.B. 19174, PG. 242

ITEM 5C
D.B. 19534, PG. 110

ITEM 100
D.B. 19534, PG. 110

ITEM 100
D.B. 19534, PG. 110

SITE SUMMARY

ITEM	DESCRIPTION	AMOUNT
1	TOTAL SITE AREA	1.00 AC
2	TOTAL BUILDING AREA	1.00 AC
3	TOTAL PARKING AREA	1.00 AC
4	TOTAL LOT AREA	1.00 AC
5	TOTAL DRIVEWAY AREA	1.00 AC
6	TOTAL SIDEWALK AREA	1.00 AC
7	TOTAL LANDSCAPE AREA	1.00 AC
8	TOTAL UTILITIES AREA	1.00 AC
9	TOTAL OTHER AREA	1.00 AC

BUILDING TYPES

ITEM	DESCRIPTION	AMOUNT
1	OFFICE	1.00 AC
2	RETAIL	1.00 AC
3	INDUSTRIAL	1.00 AC
4	RESIDENTIAL	1.00 AC
5	COMMERCIAL	1.00 AC
6	AGRICULTURAL	1.00 AC
7	RECREATION	1.00 AC
8	OTHER	1.00 AC

APPROXIMATE LOCATION
INTER-PARCEL
ACCESS WILL
BE PROVIDED
BY OTHERS
GREENSTONE PARKWAY 400 LLP
D.B. 50901, PG. 72
D.B. 50901, PG. 76
D.B. 45828, PG. 613
PARCEL ID: 12 28400002069
ZONED O-1 (OFFICE INSTITUTIONAL)

NOTE:
PROJECT SITE CONSISTS OF MULTIPLE PROPERTIES. ALL PROPERTY
MUST BE COMBINED THROUGH A LOT CONSOLIDATION PLAN.
APPROVED BY CITY STAFF AND RECORDED WITH THE COURTHOUSE.
PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.

NOTE:
PROJECT SITE CONSISTS OF MULTIPLE PROPERTIES. ALL PROPERTY
MUST BE COMBINED THROUGH A LOT CONSOLIDATION PLAN.
APPROVED BY CITY STAFF AND RECORDED WITH THE COURTHOUSE.
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APPROVED BY CITY STAFF AND RECORDED WITH THE COURTHOUSE.
PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.

Name ar. Address of Sender

Check type of mail or service:

Check type of mail or service:

☐ Adult Signature Required	☐ Adult Signature Restricted Delivery
☐ Certified Mail	☐ Recorded Delivery (International)
☐ COD	☐ Registered
☐ Delivery Confirmation	☐ Return Receipt for Merchandise
☐ Express Mail	☐ Signature Confirmation
☐ Insured	

Article Number

ADDRESSEE (NAME, STREET, CITY, STATE, & ZIP CODE™)

WINDWARD EVE GROUP LLC
Or Current Property Owner
5315 WINDWARD PKY SUITE F
ALPHARETTA GA 30004

SHIRLEY JOEL B JR
Or Current Property Owner
12080 SHIRLEY BRIDGE RD
ALPHARETTA GA 30005

SHIRLEY IOEL BJR

Or Current Property Owner

12080 SHIRLEY BRIDGE RD

AI PHARETTA GA 30005

AMBERPARK LIMITED PARTNERSHIP

Or Current Property Owner

1601 WASHINGTON AVE SUITE 700

MIAMI FL 33139 3164

WHILEAWAY HOLDINGS LLC

Or Current Property Owner

2520 NORTHWINDS PKWY STE 285

ALPHARETTA GA 30009

GREENSTONE PARKWAY 400 LLLP

Or Current Property Owner

3330 CIMMERLAND BLVD SUITE 475

ATLANTA GA 30339

DOULGERAKIS JOHN

Or Current Property Owner

1387 HOLBROOK CAMP GROUND RD

CLIMMING: CA 30040

Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office	
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100	100	100	100

Received at Post Office

PS Form 3877, June 2011 (Page 1 of 2)

Complete by Typewriter, Ink, or Ball Point Pen

See Privacy Act Statement on Reverse



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\$4.08
R2305K133950-16

U.S. POSTAGE
PAID
CUMMING, GA
30040
JUL 01, 16
AMOUNT

**Affix Stamp Here
(If issued as a
certificate of mailing
or for additional
copies of this bill)
Postmark and
Date of Receipt**

Fee	Handling Charge

Postage

0.45

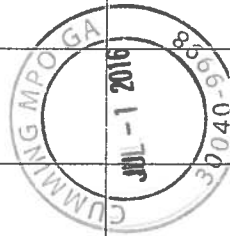
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0.475

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0.465

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Name and Address of Sender

Check type of mail or service:

- ☐ Adult Signature Required
☐ Certified Mail
☐ COD
☐ Delivery Confirmation
☐ Express Mail
☐ Insured
☐ Adult Signature Restricted Delivery
☐ Recorded Delivery (International)
☐ Registered
☐ Return Receipt for Merchandise
☐ Signature Confirmation

Affix Stamp Here
(If issued as a
certificate of mailing
or for additional
copies of this bill)
Postmark and
Date of Receipt

Article Number	Postage	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	DC Fee	SC Fee	SH Fee	RD Fee	RR Fee
1. FIFTH THIRD BANK Or Current Property Owner 38 FOUNTAIN SQUARE PLAZA CINCINNATI OH 45202 3191	0.465											
2. DEVELOPMENT AUTHORITY OF FULTON COUNTY Or Current Property Owner 141 PRYOR ST SW SUITE 1031 ATLANTA GA 30303	0.465											
3. GIANT REALTY LLC Or Current Property Owner 225 SELKIRK LANE DULUTH GA 30097	0.465											
4. DOULGERAKIS ELIZABETH W Or Current Property Owner 355 HARROWGROVE CT ALPHARETTA GA 30022	0.465											
5. ANDALUSIA PROPERTIES INC Or Current Property Owner 3225 CUMBERLAND BLVD SUITE 100 ATLANTA GA 30339	0.465											
6. AVALON LAND LLC Or Current Property Owner 264 19TH ST SUITE 2200 ATLANTA GA 30363	0.465											
7. AVALON NORTH LLC Or Current Property Owner 212 E 3RD ST CINCINNATI OH 45202 5500	0.465											
8.												
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office										

Complete by Typewriter, Ink, or Ball Point Pen

See Privacy Act Statement on Reverse

Exhibit "B"

Public Participation Sign-In Sheet

[illegible][illegible]

Exhibit "C"

**Summary of the Issues/Questions Raised and the Applicant's Responses during
the Public Participation Meeting**

NONE

6/7/16

CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

CU-16-07/V-16-20
European Wax Center
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: Miles Hansford & Tallant, LLC - J. Ethan Underwood

Telephone: 770-781-4100

Address: 202 Tribble Gap Road

Suite: 200

City: Cumming

State: GA

Zip: 30040

Fax: 770-781-9191

Mobile Tel: _____

Email: eunderwood@mhtlegal.com

Subject Property Information:

Address: 2665 & 2705 Old Milton Parkway, Alpharetta, GA

Current Zoning: C-2

District: 1

Section: 2

Land Lot: 801, 802, 803

Parcel ID: 12 284208010269, -426, -434, & -442

Proposed Zoning: C-2

Current Use: Retail Strip Center

This Application For (Check All That Apply):

☐ Conditional Use

☐ Master Plan Amendment

☐ Rezoning

☐ Master Plan Review

☒ Variance

☒ Public Hearing

☐ Comprehensive Plan Amendment

☐ Other (Specify) _____

6/7/16

CU-16-07/V-16-20
European Wax Center



202 Tribble Gap Road | Suite 200 | Cumming, Georgia 30040
770-781-4100 | www.mhtlegal.com

Ethan Underwood

June 1, 2016

Re: Applicant: Georgia Investment Ventures, LLC
Subject Property: 2.814 Acres Designated as Fulton County Tax Parcel(s):
12 284208010269, 12 284208010269426,
12 284208010269434, & 12 284208010269442
Current Zoning: C-2
Proposed Zoning: C-2 with Conditional Use Permit and Variances
Proposed Use: Spa Services
ROW Access: Old Milton Parkway

To Whom It May Concern:

Pursuant to Section 36-67A-3 of the Official Code of Georgia Annotated, adopted by the Georgia General Assembly, effective July 1, 1986, please be advised that Miles, Hansford & Tallant, LLC has given no campaign contributions to local officials of Alpharetta.

This letter constitutes the disclosure of campaign contributions with respect to the above-referenced application.

Sincerely,

Ethan Underwood

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: Arun Madadi

Subject Public Hearing Case: Conditional Use Permit Application, with Variances

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:

Arun Madadi

Date:

5/31/2016

DISCLOSURE FORM

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

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

Name of Applicant or Opponent: Georgia Investment Ventures, LLC

Subject Public Hearing Case: Conditional Use Permit Application, with Variances

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: N/A

Description of Contribution: N/A

Value:

Description of Contribution:

Value:

Description of Contribution:

Value:

Description of Contribution:

Value:

Description of Contribution:

Value:

Campaign Contribution Information:

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

Signature:

Date:

6/7/16

CU-16-07/V-16-20
European Wax Center

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: The Alwater at Old Milton, LLC

Telephone: 678.932.8236

Address: 6400 Powers Ferry Road

Suite: 350

City: Atlanta

State: GA

Zip: 30339

Authorization:

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

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

☐ Annexation

☐ Special Use

☐ Rezoning

☒ Conditional Use

☒ Variance

☐ Master Plan

☐ Land Use Application

☐ Other _____

Identify Authorized Applicant:

Name of Authorized Applicant: Georgia Investment Ventures, LLC

Telephone: 770.356.5564

Address: 2375 Saxon Trace

Suite: _____

City: Alpharetta

State: GA

Zip: 30005

So Sworn and Attested:

Owner Signature: _____

Date: 5/31/16

Notary:

Notary Signature: _____

Date: 5/31/16

JON GALLANT
NOTARY PUBLIC
DeKalb County
State of Georgia
My Comm. Expires Oct. 17, 2017



**Miles Hansford
& Tallant, LLC**
ATTORNEYS AT LAW

202 Tribble Gap Road | Suite 200 | Cumming, Georgia 30040
770-781-4100 | www.mhtlegal.com

Ethan Underwood
eunderwood@mhtlegal.com

RESERVATION OF CONSTITUTIONAL AND LEGAL RIGHTS

Re:	Applicant:	Georgia Investment Ventures, LLC
	Subject Property:	2.814 Acres Designated as Fulton County Tax Parcel(s): 12 284208010269, 12 284208010269426, 12 284208010269434, & 12 284208010269442
	Current Zoning:	C-2
	Proposed Zoning:	C-2 with Conditional Use Permit and Variances
	Proposed Use:	Spa Services
	ROW Access:	Old Milton Parkway

This Reservation of Constitutional and Other Legal Rights ("the Reservation") is intended to supplement and form a part of the land use application (including any request for zoning, conditional use permit and variances)(the "Application") of the Applicant and the owners of the Subject Property and to put the City of Alpharetta on notice of the Applicant's assertion of its constitutional and legal rights.

The Applicant has filed a timely application, has provided all required information and has submitted the appropriate application fees. The application meets all judicial and statutory requirements for approval.

The Current Zoning of the Subject Property is unconstitutional in that it affords no reasonable use of the Subject Property and no resulting benefit to the public from designation under this zoning classification. The Applicant and the owners of the Subject Property have filed the Application to remedy this unconstitutionality.

A refusal by the City of Alpharetta to approve the Application, as requested by the Applicant, will impose a disproportionate hardship on the Applicant and owners of the Subject Property without benefiting any surrounding property owners. There is no reasonable use of the Subject Property under any other zoning classification and no resulting benefit to the public from designation to any other classification.

Any provisions in the City of Alpharetta Unified Development Code (the "UDC") 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, or at a density less than as requested by the Applicant, are, 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 Article I, Section III, Paragraph I of the Georgia Constitution of 1983, as amended, and the Fifth and Fourteenth Amendments to the Constitution of the United States.

The Subject Property is suitable for development under the Proposed Zoning district requested by the Applicant and it is not suitable for development under any other zoning classification, including without limitation the Current Zoning category of the Subject Property, or at a density or use less than that requested by the Applicant. A denial of the Application, as requested by the Applicant, will constitute an arbitrary and capricious act by the City of Alpharetta without any basis for such, and will constitute an abuse of discretion.

Page 2 of 2
June 7, 2016

in violation of Article I, Section I, Paragraph I of the Georgia Constitution of 1983, as amended 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 to approve the Application, as requested by the Applicant, will prohibit the only viable economic use of the Subject Property, will be unconstitutional and will discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owner and the owners of similarly situated properties in violation of Article I, Section I, Paragraph II of the Georgia Constitution of 1983, as amended and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

The City of Alpharetta cannot lawfully impose more restrictive standards on the Subject Property's development than are presently set forth in the UDC. To do so will constitute a taking of the Subject Property as set forth above, and also amount to an unlawful delegation of the Board's authority in response to neighborhood opposition, in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution of 1983, as amended. Any zoning conditions or other restrictions imposed on the Subject Property without the consent of the Applicant and property owners that do not serve to ameliorate the negative impacts of the development are invalid and void. As such, the Applicant and owners reserve the right to challenge any such zoning conditions and other restrictions. The Applicant and owners also reserve the right to challenge any unlawful exactions, whether they are in the form of illegal impact fees or otherwise.

Furthermore, this Reservation also constitutes an Ante Litem Notice pursuant to O.C.G.A. § 36-11-1, which places the City of Alpharetta and all other agents of the City on notice of the Applicant's and owners' intent to seek monetary damages and attorney's fees against the City of Alpharetta for any rezoning action, zoning condition, illegal impact fee and any other unlawful restrictions and exactions that are imposed on the Subject Property, the Applicant and the owners.

Finally, the Applicant and owners assert that the UDC, Future Development Map and Comprehensive Plan were not adopted in compliance with the laws or constitutions of the State of Georgia or of the United States, and a denial of the Applicant's request based upon provisions illegally adopted will deprive the Applicant and owners of due process under the law.

By filing this Reservation, 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.

The Applicant and owners respectfully request that this Application be approved as requested by the Applicant and in the manner shown on the Application, which is incorporated herein by reference. This Reservation forms an integral part of the Application, and we ask that the City of Alpharetta include this Reservation with the Applicant's other application documents. The Applicant and owners reserve the right to amend and supplement this Reservation at any time.

Sincerely,



Ethan Underwood,
Attorney for the Applicant

**Miles Hansford
& Tallant, LLC**
ATTORNEYS AT LAW202 Tribble Gap Road | Suite 200 | Cumming, Georgia 30040
770-781-4100 | www.mhtlegal.com**Ethan Underwood**
euunderwood@mhtlegal.com**LETTER OF INTENT FOR LAND USE APPLICATION**

Re: Applicant: Georgia Investment Ventures, LLC
Subject Property: 2.814 Acres Designated as Fulton County Tax Parcel(s):
12 284208010269, 12 284208010269426,
12 284208010269434, & 12 284208010269442
Current Zoning: C-2
Proposed Zoning: C-2 with Conditional Use Permit and Variances
Proposed Use: Spa Services
ROW Access: Old Milton Parkway

This statement is intended to comply with the application procedures established by The City of Alpharetta, GA for submittal of applications for land use approval as required by the City of Alpharetta Unified Development Code (the "UDC"), City of Alpharetta Public Hearing Application Requirements, and other City of Alpharetta Ordinances and Standards and is intended to serve as the letter of intent required by the UDC and to reserve all constitutional and statutory protections available to the Applicant. The Applicant has filed a timely application, has provided all required information and has submitted the appropriate application fees. The application meets all judicial and statutory requirements for approval.

The Applicant asserts the statements contained in the application package submitted herewith, incorporated herein by reference, and as may be amended (the "Application") describing justification for the requested conditional use permit and for any request of variances, in any, as if such were fully stated herein. The Applicant incorporates all statements made in the Public Hearing Application submitted concurrently herewith as its letter of intent required by the City of Alpharetta.

The Applicant seeks to develop a Spa Services business on the Subject Property. The Proposed Use and the requested conditional use permit will be located within an existing Retail Strip Center known as The Atwater. The proposed business will be a nationally recognized franchise, known as European Wax Center. Materials regarding this franchise are attached and incorporated herein.

To facilitate the Proposed Use, the Applicant requests:

- 1) that Spa Services be approved as a conditional use for the subject property.
- 2) that a variance be granted to Sec. 1.4.2 of the UDC to allow the proposed Spa Services business to be located within 2000 feet of a comparable business.

Page 2 of 2
June 7, 2016

3) that a variance be granted to Sec. 12-172 of the Alpharetta Massage and Spa Establishments Ordinance to allow the proposed Spa Services business to be located within 300 feet of Old Milton Parkway.

The Subject Property is located in the Old Milton Corridor character area of the Alpharetta 2030 Comprehensive Plan. The Subject Property is depicted as Commercial on the Future Development Map. As such, the Proposed Use complies with both the letter and intent of the Comprehensive Plan.

Accordingly, the Applicant respectfully requests that the Application, as requested by the Applicant, be approved. The Applicant also reserves the right to amend this statement and the Application by supplementing further responses and documents.

Sincerely,



Ethan Underwood

APPLICANT REQUEST AND INTENT

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

Spa Services

Applicant's Request (Please itemize the proposal):

The Applicant requests:

- 1) that Spa Services be approved as a conditional use for the subject property.
- 2) that a variance be granted to Sec. 1.4.2 of the UDC to allow the proposed Spa Services business to be located within 2000 feet of a comparable business.
- 3) that a variance be granted to Sec. 12-172 of the Alpharetta Massage and Spa Establishments Ordinance to allow the proposed Spa Services business to be located within 300 feet of Old Milton Parkway.

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

The Applicant seeks to operate a Spa Services business on the subject property, which will provide personal services such as skin, nail, hair treatments, and hair removal/waxing, and may have the sale of associated retail products.

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: The Atwater at Old Milton, LLC

Telephone: 678-932-8236

Address: 6400 Powers Ferry Road

Suite: 350

City Atlanta

State: GA

Zip: 30339

Authorization:

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

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

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

Identify Authorized Applicant:

Name of Authorized Applicant: Georgia Investment Ventures, LLC

Telephone: 770-356-5564

Address: 2375 Saxon Trace

Suite: _____

City Alpharetta

State: GA

Zip: 30005

So Sworn and Attested:

Owner Signature: _____

Date: _____

Notary:

Notary Signature: _____

Date: _____

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

The Subject Property is located within a Retail Strip Center, and will be a compatible use for surrounding retailers.

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

The proposed use will not negatively affect the use or value of surrounding properties, in that the surrounding properties are similar to the use proposed. The proposed use will increase the usability and value of surrounding properties by increasing commercial traffic and potential consumers, creating a synergistic increase in commerce for area businesses.

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

The Subject Property contains vacant commercial space, indicating there is not another reasonable economic of this property without approval of the conditional use permit for the proposed Spa Services business.

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

As the Subject Property will be a commercial use, any increase to population would be due to relocation of employees to the Alpharetta area. The proposed Spa Services business will increase traffic to the area, as projected in the Trip Generation Report, incorporated with this Application.

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

The proposed commercial use will have no impact on schools, other than due to relocation of employees to the Alpharetta area. The projected impact on utilities will be in keeping with projected growth.

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

The Subject Property is located in the Old Milton Corridor character area of the Alpharetta 2030 Comprehensive Plan. The subject property is depicted as Central Business District on the Future Development Map. As such, the proposed use complies with both the letter and intent of the Comprehensive Plan.

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

The Subject Property is bounded to the south and east by properties zoned O-I, to the west by property zoned OP, the north by Old Milton Parkway. The developing trend in this area supports development of high quality commercial and personal services and use of the property for such.

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

BOARD OF ZONING APPEALS REVIEW CRITERIA

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

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

Alpharetta's use separation requirements in Sec. 1.4.2 of the UDC prohibit the proposed use without a variance, because another business located within the Avalon project that performs primarily cosmetology and hair services offers waxing services. This business setback requirement unduly and unnecessarily restricts the use of the subject property.

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

The Subject Property contains an existing Retail Strip Center near the corner of Old Milton Parkway and Westside Parkway. This area is the premier area of Alpharetta for high end retail and personal services. The proposed Spa Services business will comply with all Georgia and Alpharetta licensing requirements and will offer high end spa services; however, the business separation requirements prohibit the proposed use without a variance, because another business located within the Avalon project that performs primarily cosmetology and hair services offers waxing services. This business setback requirement unduly and unnecessarily restricts the use of the subject property, without any appreciable benefit to the City or surrounding property owners.

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

The Subject Property has been zoned C-2 for many years, and approval of Spa Services requires the approval of a conditional use permit. That requirement alone protects the interests of the City. Requiring a 2000 foot separation between uses deemed merely "comparable" is an unreasonable land use restriction that deprives of the subject property owner and the Applicant of valuable property rights. In addition, the UDC does not specify how the distance between "comparable" business is measured and the Applicant is uncertain as to whether this variance is necessary.

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

Approval of the proposed variance would not create a safety hazard or noxious condition, and would facilitate the UDC's intent to develop a viable commercial use on the Subject Property.

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: Georgia Investment Ventures, LLC

Contact Name: Miles Hansford & Tallant, LLC - J. Ethan Underwood

Telephone: 770-781-4100

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.

Owners of properties located w/i 500 ft of the subject property

Affected government departments

City Officials

Interested parties noted on list provided by City

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



Letter



Personal Visits



Telephone



Group Meeting



Email



Other (Please Specify) _____

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

The Applicant will notify interest parties of and conduct a public participation meeting to discuss the application. The Applicant will contact any other persons of whom it becomes aware have an interest in the application. Interested parties are encouraged to contact the Applicant via telephone, email, letter, and personal meetings to discuss the application.

CITIZEN PARTICIPATION FORM - PART B

This form must be completed and submitted to the City of Alpharetta Community Development Department a minimum of twenty (20) working days prior to the scheduled Public Hearing. Failure to do so will result in cancellation of the scheduled hearing.

Public Hearing or Project Name: Georgia Investment Ventures, LLC

Contact Name: Miles Hansford & Tallant, LLC - J. Ethan Underwood

Telephone: 770-781-4100

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.

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

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

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

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

Signature of Authorized Agent: _____

Date: _____

Print Form

EXHIBIT B

All that tract or parcel of land lying and being in Land Lots 801, 802, 803 & 804 1st District, 2nd Section, Fulton County, Georgia, and being more particularly described as follows:

Beginning at a concrete monument found on the eastern right-of-way of Tribble Alley and the southern right-of-way of Old Milton Parkway (a.k.a. Georgia Highway 120) thence continuing along said right-of-way of Old Milton Parkway the following courses and distances: South 89 degrees 38 minutes 34 seconds East a distance of 215.04 feet to a concrete monument found; thence South 89 degrees 35 minutes 30 seconds East a distance of 10.06 feet to a point; thence South 88 degrees 25 minutes 55 seconds East a distance of 224.62 feet to a ½ inch rebar found; thence leaving said right-of-way South 02 degrees 30 minutes 08 seconds East a distance of 217.83 feet to a ½ inch rebar found; thence North 85 degrees 59 minutes 22 seconds West a distance of 169.39 feet to a ½ inch rebar found; thence South 01 degrees 14 minutes 15 seconds West a distance of 74.88 feet to a ½ inch rebar found; thence South 89 degrees 57 minutes 16 seconds West a distance of 289.41 feet to a ½ inch rebar found on the eastern right-of-way of Tribble Alley; thence North 89 degrees 07 minutes 43 seconds West a distance of 14.40 feet to a point; thence North 00 degrees 39 minutes 48 seconds East a distance of 75.06 feet to a point; thence North 00 degrees 04 minutes 49 seconds West a distance of 213.21 feet to a point on the southerly right-of-way of Old Milton Parkway; thence along said right-of-way South 89 degrees 47 minutes 52 seconds East a distance of 14.70 feet to a right-of-way monument found, said monument being THE TRUE POINT OR PLACE OF BEGINNING.

Said tract or parcel of land containing 2.814 acres of land and being shown as 2665 & 2705 Old Milton Parkway and Tribble Alley on a survey for D&G Acquisitions by Adam & Lee Land Surveying dated November 12, 2015 and bearing the seal of Gary L. Cooper R.L.S. 2606

202 Tribble Gap Road | Suite 200 | Cumming, Georgia 30040
770-781-4100 | www.mhtlegal.comEthan Underwood
eunderwood@mhtlegal.com**LETTER OF INTENT FOR LAND USE APPLICATION**

Re: Applicant: Georgia Investment Ventures, LLC
Subject Property: 2.814 Acres Designated as Fulton County Tax Parcel(s):
12 284208010269, 12 284208010269426,
12 284208010269434, & 12 284208010269442
Current Zoning: C-2
Proposed Zoning: C-2 with Conditional Use Permit and Variances
Proposed Use: Spa Services
ROW Access: Old Milton Parkway

This statement is intended to comply with the application procedures established by The City of Alpharetta, GA for submittal of applications for land use approval as required by the City of Alpharetta Unified Development Code (the "UDC"), City of Alpharetta Public Hearing Application Requirements, and other City of Alpharetta Ordinances and Standards and is intended to serve as the letter of intent required by the UDC and to reserve all constitutional and statutory protections available to the Applicant. The Applicant has filed a timely application, has provided all required information and has submitted the appropriate application fees. The application meets all judicial and statutory requirements for approval.

The Applicant asserts the statements contained in the application package submitted herewith, incorporated herein by reference, and as may be amended (the "Application") describing justification for the requested conditional use permit and for any request of variances, in any, as if such were fully stated herein. The Applicant incorporates all statements made in the Public Hearing Application submitted concurrently herewith as its letter of intent required by the City of Alpharetta.

The Applicant seeks to develop a Spa Services business on the Subject Property. The Proposed Use and the requested conditional use permit will be located within an existing Retail Strip Center known as The Atwater. The proposed business will be a nationally recognized franchise, known as European Wax Center. Materials regarding this franchise are attached and incorporated herein.

To facilitate the Proposed Use, the Applicant requests:

- 1) that Spa Services be approved as a conditional use for the subject property.
- 2) that a variance be granted to Sec. 1.4.2 of the UDC to allow the proposed Spa Services business to be located within 2000 feet of a comparable business.

Page 2 of 2
June 7, 2016

3) that a variance be granted to Sec. 12-172 of the Alpharetta Massage and Spa Establishments Ordinance to allow the proposed Spa Services business to be located within 300 feet of Old Milton Parkway.

The Subject Property is located in the Old Milton Corridor character area of the Alpharetta 2030 Comprehensive Plan. The Subject Property is depicted as Commercial on the Future Development Map. As such, the Proposed Use complies with both the letter and intent of the Comprehensive Plan.

Accordingly, the Applicant respectfully requests that the Application, as requested by the Applicant, be approved. The Applicant also reserves the right to amend this statement and the Application by supplementing further responses and documents.

Sincerely,



Ethan Underwood

Trip Generation Report

		A.M. Peak			P.M. Peak		
Land Use	Daily Total Vehicle Trips	In	Out	Total	In	Out	Total
Spa Services	140	10	9	19	13	11	24

6/7/16

CU-16-07/V-16-20
European Wax Center

**EUROPEAN
WAX
CENTER®**

THE FOREMOST BODY
WAXING CENTER.
A THRIVING NATIONAL
FRANCHISE.
AN IDEAL TENANT.

OUR VISION IS TO BECOME AN
ICONIC BEAUTY BRAND
THAT DELIVERS PROFITABLE GROWTH
WITHOUT COMPROMISING
OUR AUTHENTIC CULTURE.

A SUCCESSFUL BUSINESS MODEL

INSIDE AND OUT

FACILITIES DESIGNED TO DRIVE BUSINESS

- Upscale, clean facilities with a Fortune 500 brand appearance
- Professionally designed displays, strong proprietary products and marketing collateral
- Soothing treatment rooms designed to promote comfort and drive revenue
- Easily maintained facilities

CORPORATE SYSTEMS THAT SUPPORT SUCCESS

- Centralized management controls
- Extensive education, training, and coaching provided to all associates
- Compliance Program designed to ensure centers meet current brand standards



EUROPEAN WAX CENTER

REAL ESTATE PROFILE

MORE REASONS EUROPEAN WAX CENTER IS YOUR IDEAL TENANT

- Drives traffic to your center
- Requires minimal parking usage: Guest are booked in 15 minute increments
- Provides a robust business: We average 2000 guests a month

OUR IDEAL DEMOGRAPHIC

- Female Population: Females between ages of 16-64
- Average household income greater than \$65K

OUR IDEAL LOCATION

- Strong brand visibility + ease of access
- 1,200 – 1,600 sq. ft.
- Ideal frontage of 20 ft. min.
- Bookended by “quiet” co-tenants
- Displays our corporate signage on fascia and marquee/monument signage
- Combination daily needs and regional draw centers
- Close proximity and/or visibility to interstate, freeway, highway, etc.

OUR IDEAL NEIGHBORS

- Prefer centers anchored by national big box and specialty food tenants.
- Female-driven businesses (Target, Jo-Ann Fabrics and Crafts, Kohl's, HomeGoods, T.J. Maxx etc.)
- Health/wellness concepts (Whole Foods, Trader Joe's, GNC, Yoga & Pilates studios, etc.)
- National bookstores (Barnes & Noble, etc.)
- National coffee companies (Starbucks, Coffee Bean & Tea Leaf)
- Fast, Casual and other restaurants (Panera Bread, Chipotle, Bonefish Grill, Pei Wei, etc.)
- Grocery Stores (AJ's, Publix, QFC, Kroger, etc.)
- Health clubs/gyms (L.A. Fitness, 24 Hour Fitness, Lifetime Fitness, etc.)
- Women's Fashion and Specialty retailers (DSW, Bath & Body, Ann Taylor, Chico's, etc.)

IDEAL FACILITY REQUIREMENTS

- HVAC: 1 ton per 250 sq. ft.
- Electrical: 200 amp service
- IT: High Speed Internet at a minimum of 10MB

HOW I TURNED A MESS

INTO A MONEYSMAKER

EUROPEAN WAX CENTER'S DAVID COBA (WITH HIS SIBLINGS)
TURNED A DISASTROUS SIDELINE OF HIS FATHER'S SALON
BUSINESS INTO A NATIONAL FRANCHISE.

APRIL JOYNER | INC. MAGAZINE

OCT 7, 2011

From the beginning, David and Josh knew they eventually wanted to expand nationally, but they weren't sure of the best route to accomplish their goals. Their father suggested franchising. None of them, however, knew anything about the process. After months of research, the brothers decided the model would be a good fit for the business: it had high profit margins, and they had already developed a series of repeatable systems that could easily be adopted by new associates. Early in 2006, they decided to register European Wax Center as a franchiser, and they brought on their sister, Jessica, to manage the franchise development process. At the end of that year, they completed the registration process. Three months later, in March 2007, they sold their first franchise, which opened in Kendall, Florida.

In their first couple of years of operation, the Cobas awarded only three to four franchises a year. But since then, the company has added franchises at a brisk pace. European Wax Center, unlike some franchisers, does not require its franchisees to open multiple locations, but most franchise owners have gone on to do so anyway, David says. In the next few months, the company plans to introduce a system to identify ideal franchisees based on the profiles of their most successful franchise owners.

David attributes much of the company's success to its approach to leadership development. Few members of European Wax Center's senior staff come from traditional corporate backgrounds. Most of them, in fact, began as guest services associates in the company's first salons. For instance, Christelle Christie, the company's head of guest services, first worked as a receptionist and later trained to become a wax specialist. David eventually tapped her for a position in the company's corporate office. The company's marketing production manager, Sofia Collado, also started out as a guest services associate. After moving to the corporate office, she expressed an interest in marketing. "Today, I watch these young individuals who have been here since they were 21, 22, 23," David says. "It's amazing how much they've grown."

Although his career made an unexpected turn 16 years ago, David is now exceptionally grateful to his father for urging him to change his path. "I loved building, but I wanted to use my head instead of my hands," he says. "He allowed us to dive in 100 percent."



Founders Jessica, Joshua, and David Coba

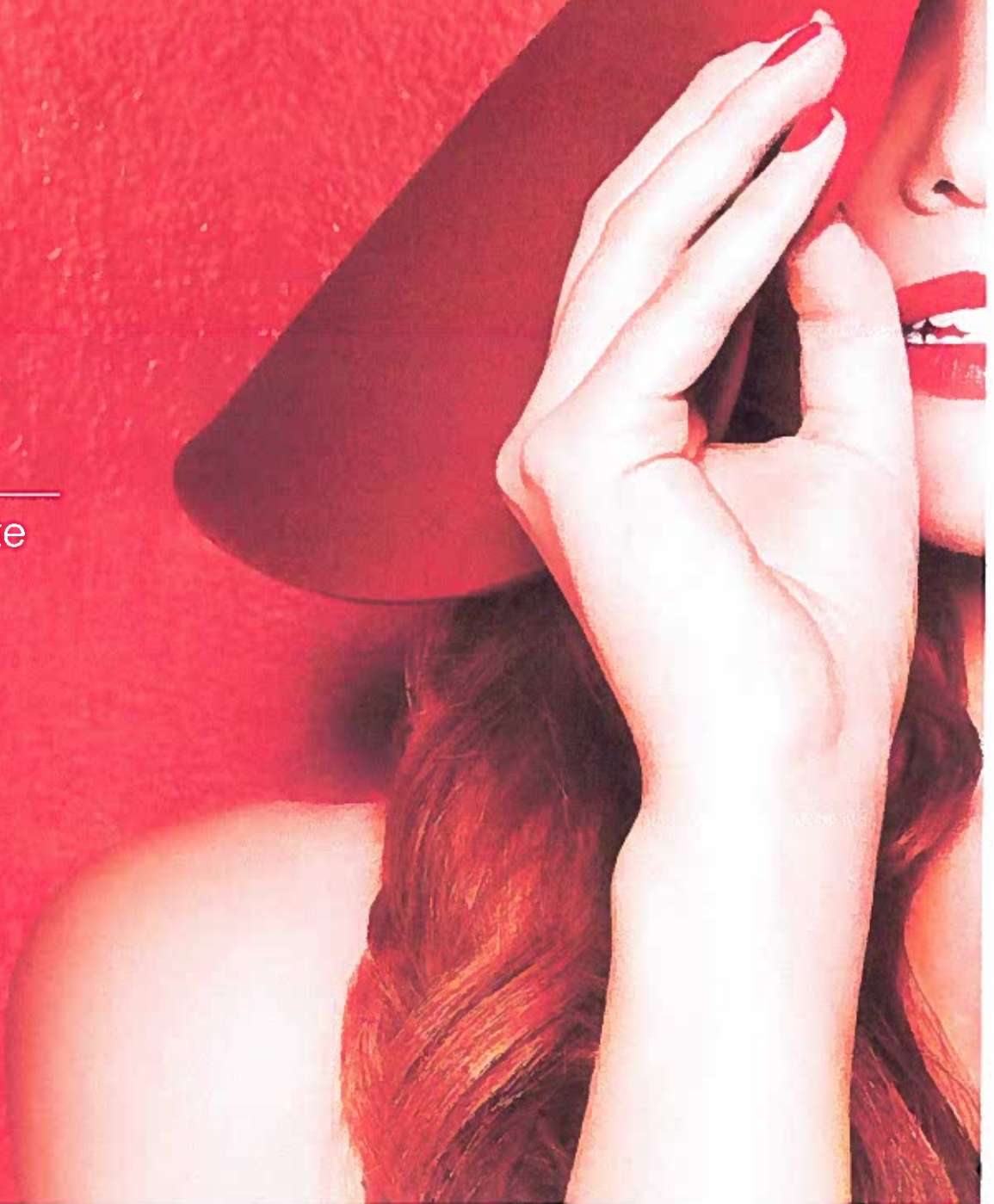


6/7/16

CU-16-07/V-16-20
European Wax Center

EWC Corporate Headquarters

954 455 8000
waxcenter.com



NOTES

1. ALL PLACED ACCESS SHALL BE PROVIDED BY OTHERS. OWNER SHALL NOW INTERFERED AS NEEDED.
2. COMBINATION PLAT WILL BE APPROVED BY CITY STAFF AND RECORDED PRIOR TO CERTIFICATE OF OCCUPANCY.

OLD MILTON PARKWAY
F.K.A. STATE BRIDGE ROAD
A.K.A. S.R. 120
~R/W VARIES~
R/W AS PFR

SEE C02 FOR
ALL NOTES
AND LEGENDS



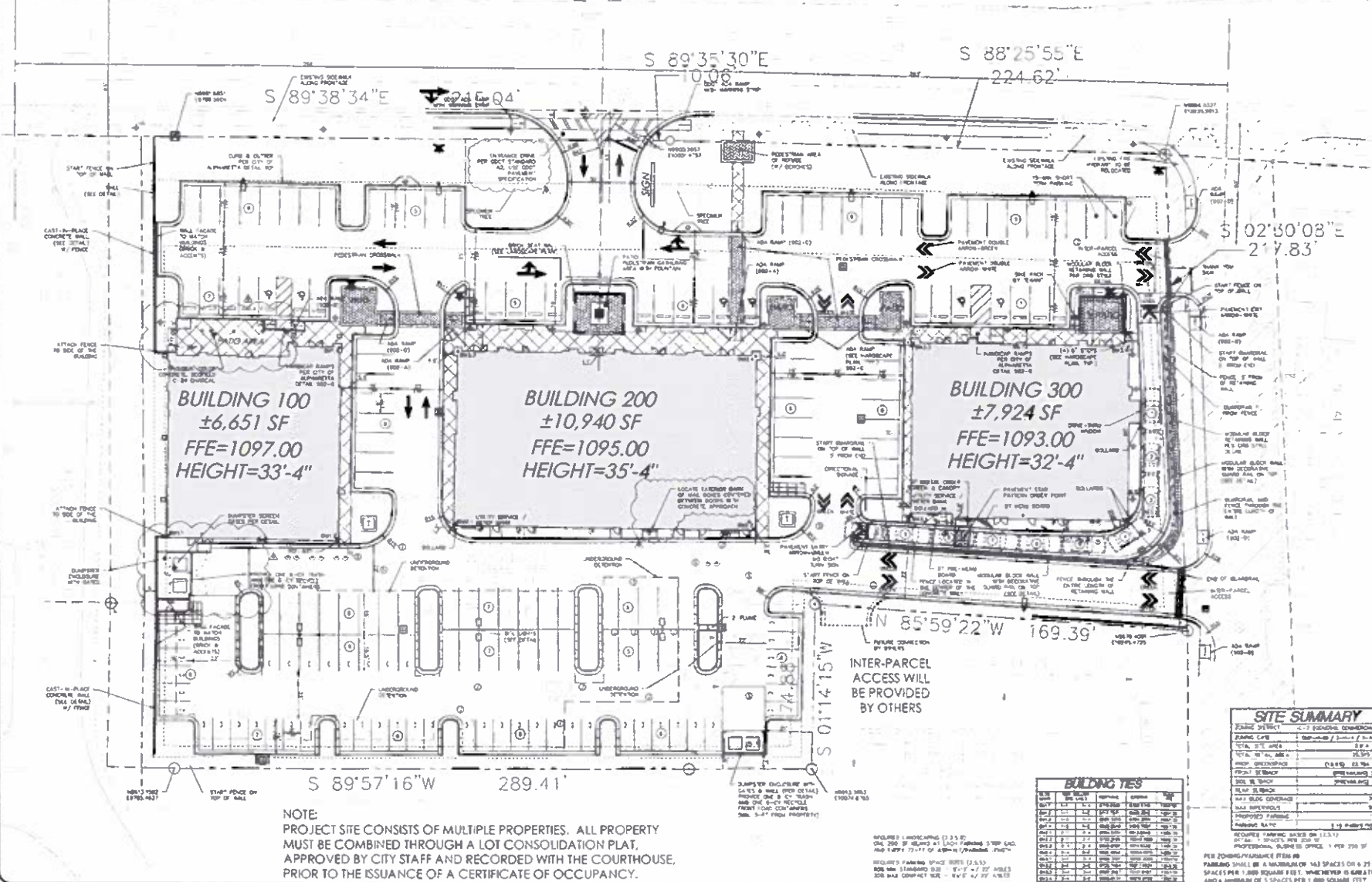
SHULER
PROPERTIES
6400 POWERS FERRY ROAD
SUITE 350
ATLANTA, GA 30333

D&G
DEVELOPMENT GROUP
6400 POWERS FERRY ROAD
SUITE 350
ATLANTA, GA 30333

THE AIRWAY
11111 #1115 - 0018
LOCATED IN CITY OF ATLANTA
PARCEL NO. (P-1) 12 12 04200010042

CHECKED BY
KIC
DRAWN BY
LEB
SITE PLAN
JOB NO.
14-251
DATE
12/14/15

CU-16-07/N-16-20





COUNCIL AGENDA REPORT

FROM: Kathi Cook, Community Development Director
Prepared By: Michael Woodman, Senior Planner

SUBJECT: MP-16-09 Odyssey Escape Games/Windward

PLANNING COMMISSION: August 4, 2016
CITY COUNCIL: August 22, 2016

RECOMMENDATION:

Approve MP-16-09 Odyssey Escape Game/Windward subject to the following conditions:

1. Add 'Recreation Facilities, Indoor' as a permitted use in the Windward Master Plan, Pod 56 at 1111 Alderman Drive, Suite 210.
2. Approval shall be limited to the Odyssey Escape Game, LLC; no additional indoor recreation facilities businesses or subleasing shall be permitted within the approved space.
3. Hours of operation shall be limited to Monday – Sunday 9:00 AM to 10:00 PM.
4. Business shall only be open to the general public after 6:00 PM on week nights and on the weekends and holidays.
5. The business shall not be permitted to serve alcohol.
6. Signage shall be limited to signs permitted in industrial and office parks.

REPORT-IN-BRIEF

The applicant, Odyssey Escape Game, is requesting a master plan amendment to add 'Recreation Facilities, Indoor' to the list of permitted uses in Pod 56 of the Windward Master Plan to allow for a team-building, entertainment business located at 1111 Alderman Drive, Suite 210.

DISCUSSION

The submitted request, if approved, will permit the applicant to operate an escape room business in a 3,758 square foot suite within an existing business park complex, 400 North Business Park. The applicant's primary business is a team-building escape room geared toward corporate groups, but will also be open to the general public.

The subject property is located on the east side of Alderman Drive, just north of Windward Parkway. The property is zoned CUP (Community Unit Plan) and is located in Pod 56 of the Windward Master Plan. Pod 56 has a land use

designation of Light Industrial, which permits low density industrial park for light manufacturing facilities, office distribution facilities, small scale warehousing and small office buildings. Alderman Drive is a business park setting consisting of office and industrial warehouse buildings.

There are no similar uses in the 400 North Business Park. The nearest similar use in the City is Urban Escape Games, located at 20 Mansell Court East, Suite 275. That property is zoned LI (Light Industrial) and is located in a multi-tenant business park with a mix of office and industrial uses.

Windward Master Plan Pod 56 requires one (1) parking space per 250 square feet. The 400 North Business Park was developed with one (1) space per 228 square feet. For indoor recreation, the UDC requires one (1) space for each 500 square feet of playing court, rink, playing field and spectator area, plus one (1) space for each 200 square feet of gross floor space directed to other patron use areas. Based on the applicant's floor plan, a total of 15 spaces are required for the 3,758 square foot indoor recreation use, which is approximately one (1) space per 250 square feet. Therefore, the required parking for the proposed use is consistent with the required parking in the Windward Master Plan for Pod 56.

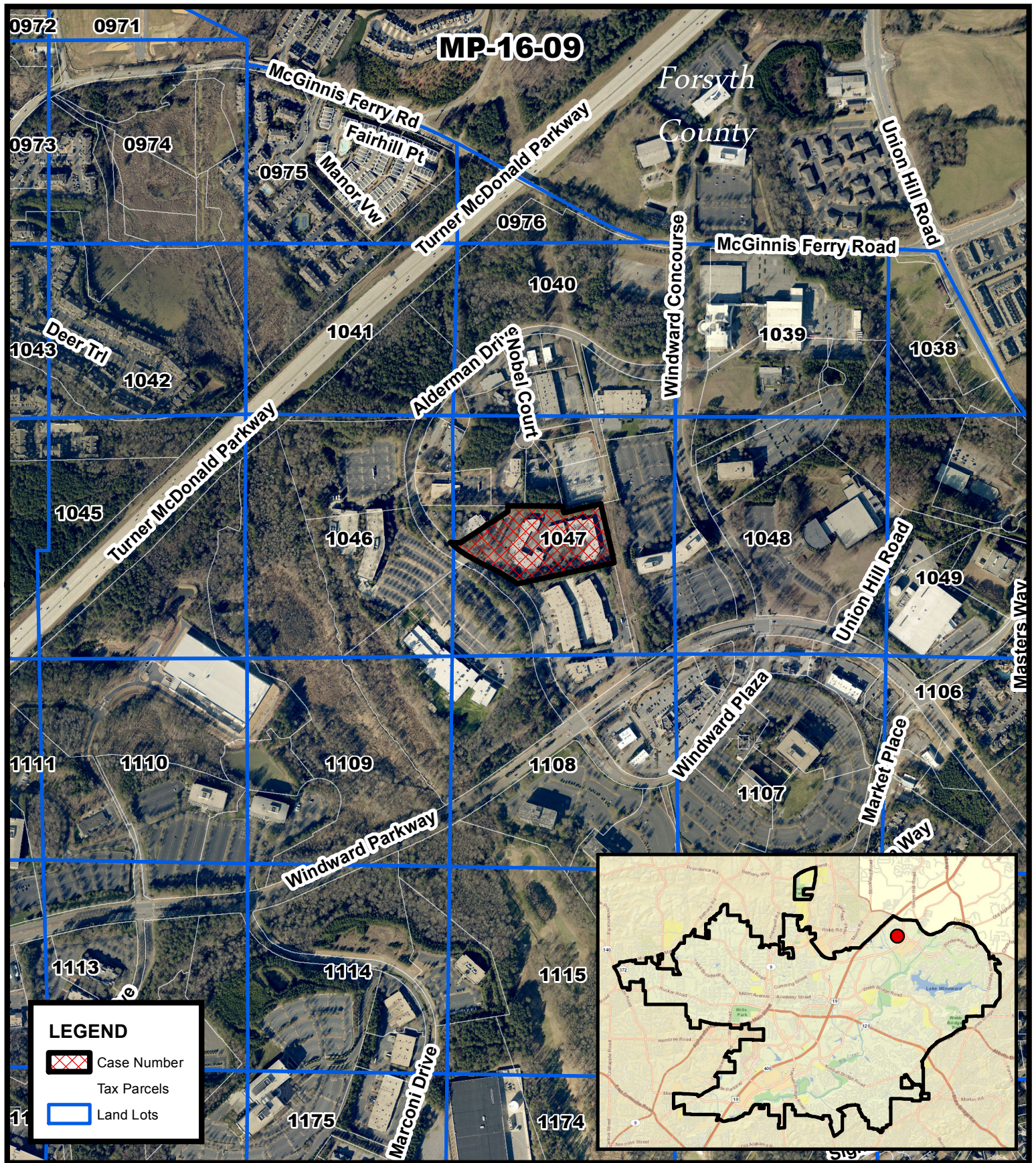
According to the applicant, escape rooms are a new industry with the first business opening in the US in 2013. If the applicant's request is approved, it will be Odyssey Escape Game's first location. The applicant has requested operating hours of Tuesday – Thursday from Noon to 8:00 PM, Friday – Saturday from 10:00 AM to Midnight and Sunday from 10:00 AM to 8:00 PM. Also, the applicant states that the business will be open to the general public on week nights and weekends.

CONCURRENCES

Staff's analysis finds that the requested master plan amendment is not in conflict with other uses and should have little impact on the area. The proposed use would be compatible with the surrounding office and industrial uses and other locations for this business, which are similarly situated within business parks and open to the general public during hours when surrounding uses are closed. However, conditions should be established as part of this application that regulate and limit an expansion of services and hours of operation.

CITIZEN PARTICIPATION PLAN

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

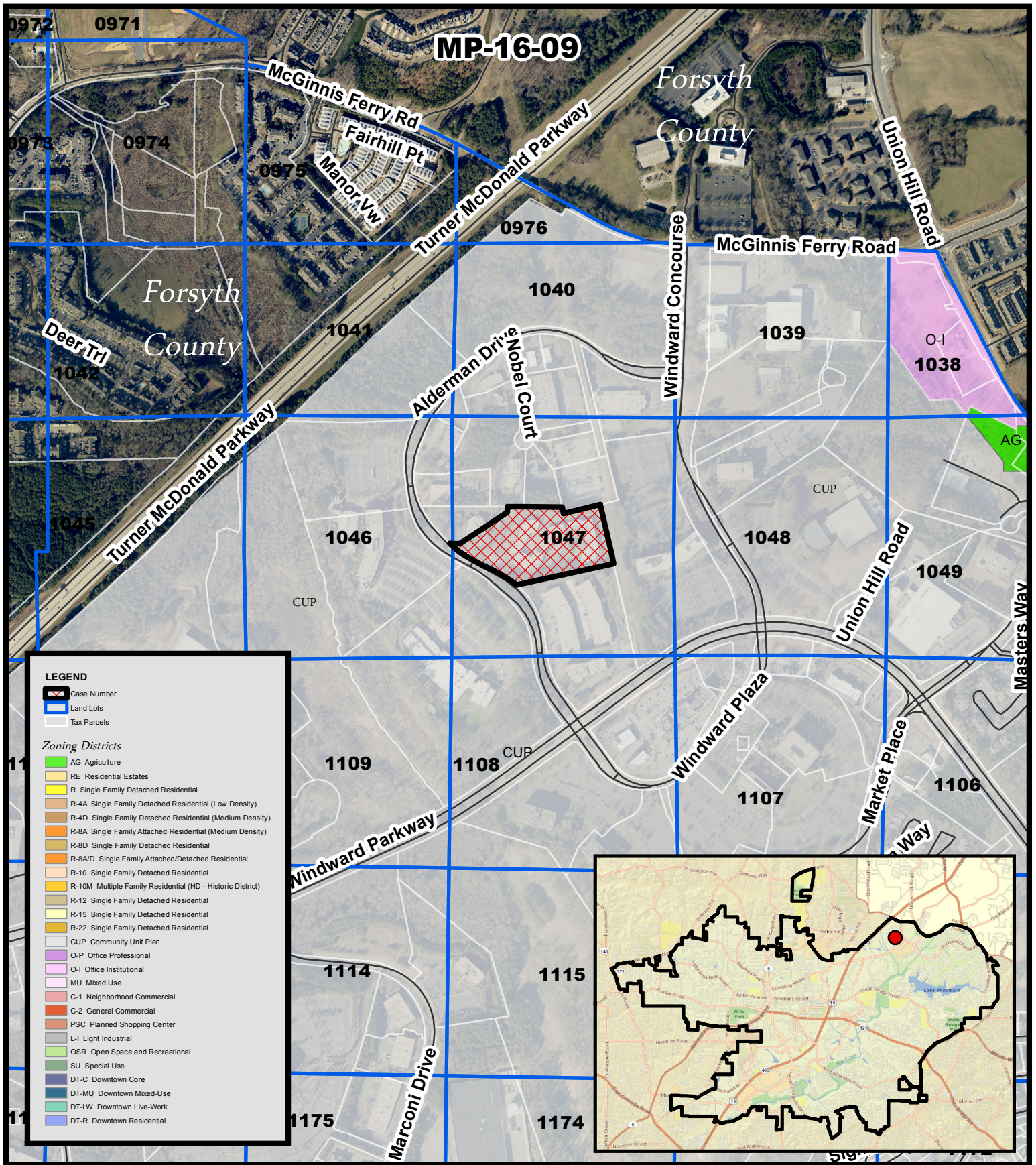


Aerial Map
Odyssey Escape Game
Windward
1111 Alderman Drive

MP-16-09
D/LL: 2/1/1047
PC: 08/04/16
CC: 08/22/16

Location Map Provided by:
Community Development - GIS



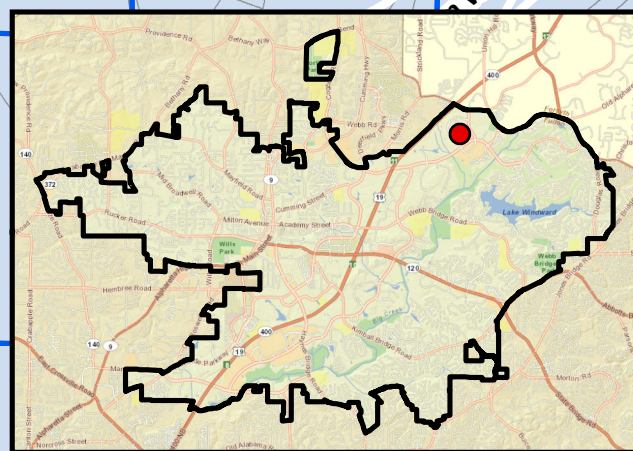
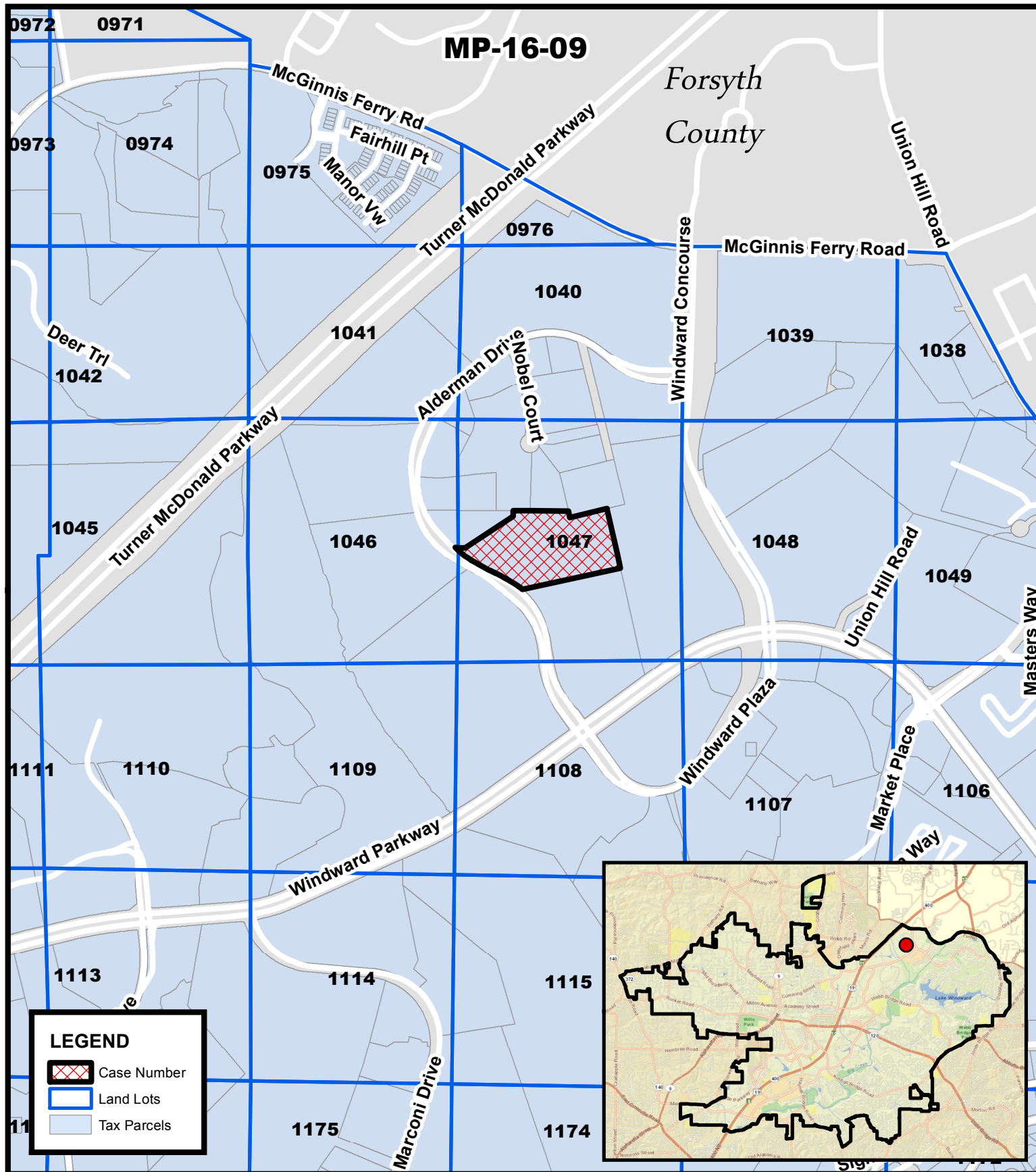


Zoning Map **Odyssey Escape Game** **Windward**

MP-16-09
D/LL: 2/1/1047
PC: 08/04/16
CC: 08/22/16

Location Map Provided by:
Community Development - GIS

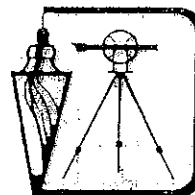




Location Map
Odyssey Escape Game
Windward

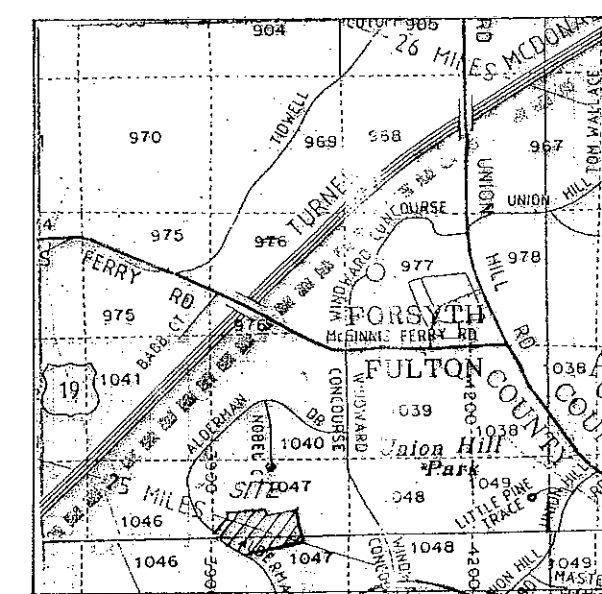
MP-16-09
D/LL: 2/1/1047
PC: 08/04/16
CC: 08/22/16

Location Map Provided by:
Community Development - GIS



Pearson & Associates, Inc.

LAND SURVEYING-ENGINEERING-SITE PLANNING
DEVELOPMENT-CONSTRUCTION-LAND SURVEY
5304 FOREST PARKWAY
FULTON, GA 30057
(404)368-7715 (404)368-0813 (FAX)
E-Mail: pearsonsurvey@earthlink.net



PROPERTY ADDRESS: 1111 ALDERMAN DRIVE
PROPERTY KNOWN AS: 400 NORTH BUSINESS PARK

Legal Description

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 1047, 1st Section, 2nd District, Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at a one-half inch rebar set along the northerly right-of-way of Alderman Drive (having a variable right-of-way width) said one-half inch rebar set being located 941.27 feet northwesterly from the intersection of said right-of-way line of Alderman Drive and the westerly right-of-way of Windward Parkway (aka Union Hill Road) and also being located North 39 degrees 07 minutes 33 seconds East a distance of 776.62 feet from the southwest corner of Land Lot 1047; FROM SAID POINT OF BEGINNING AS THUS ESTABLISHED, running thence along said right-of-way of Windward Parkway the following courses and distances, along the arc of a curve to the left (said arc being subtended by a chord bearing North 57 degrees 21 minutes 22 seconds West having a chord distance of 134.67 feet and a radius of 524.50 feet) an arc distance of 135.05 feet to a point; North 61 degrees 13 minutes 57 seconds West a distance of 164.73 feet to a one-half inch rebar set; thence leaving said right-of-way of Alderman Drive and running along the arc of a curve to the left (said arc being subtended by a chord bearing North 48 degrees 31 minutes 32 seconds East having a chord distance of 18.45 feet and a radius of 27.27 feet) an arc distance of 18.82 feet to one-half inch rebar found; running thence North 28 degrees 45 minutes 18 seconds East a distance of 326.82 feet to a one-half inch rebar found; running thence along the arc of a curve to the right (said arc being subtended by a chord bearing North 38 degrees 05 minutes 21 seconds East having a chord distance of 23.46 feet and a radius of 72.31 feet) an arc distance of 23.56 feet to a one-half inch rebar found; running thence North 01 degree 11 minutes 54 seconds East a distance of 36.53 feet to a three-quarter inch rebar found; running thence South 88 degrees 48 minutes 06 seconds East a distance of 335.97 feet to a one-half inch rebar set, running thence South 13 degrees 03 minutes 37 seconds East a distance of 51.16 feet to a one-half inch rebar set; thence North 76 degrees 56 minutes 24 seconds East a distance of 252.50 feet to a one-half inch rebar found; said point also being the centerline of a 125' Georgia Power easement; running thence South 13 degrees 01 minutes 36 seconds East a distance of 389.38 feet to a one-half inch rebar found; thence leaving said centerline of said Georgia Power easement and running thence South 76 degrees 56 minutes 24 seconds West a distance of 628.78 feet to a one-half inch rebar set on said right-of-way of Alderman Drive, said one-half inch rebar set marking the POINT OF BEGINNING; containing 1.2795 acres of land, more or less, as shown on Boundary and Above Ground "As Built" Survey for Highwoods/Forsyth Limited Partnership and Chicago Title Insurance Company, prepared by Pearson & Associates, Inc., certified by Mark A. Buckner, Georgia Registered Land Surveyor No. 2422, dated December 18, 1995, last revised April 2, 1997.

TOGETHER WITH right contained in that certain Reservation of Drainage Easement between 400 North Associates, a Georgia joint venture, and T2 Medical, Inc., a Delaware corporation, dated as of August 9, 1990, recorded in Plat Book 1536, Page 195, Records of Fulton County, Georgia.

ZONING REQUIREMENTS (LIGHT INDUSTRIAL DISTRICT)

MIN. LOT SIZE - 1 ACRE
MIN. LOT WIDTH - 100'
MIN. SETBACKS: FRONT - 65', SIDE - 15' & REAR - 15'
MAX. LOT COVERAGE BY PRINCIPAL BUILDING - 35%
MAX. BUILDING HEIGHT - 35'
MAX. IMPERVIOUS AREA - 80%

PARKING REQUIREMENTS BASED ON PROFESSIONAL & BUSINESS OFFICES-ONE SPACE PER 250 SQ. FT. GROSS FLOOR AREA

PROPERTY ZONED: CUP (COMMUNITY UNIT PLAN)

MAJOR ZONING DESIGNATION: L-1 (LIGHT INDUSTRIAL DISTRICT)

SETBACKS: FRONT - 65', SIDE - 15' & REAR - 15'

TOTAL ACREAGE = 7.2795

317,095.1 SQ. FT.

TOTAL PARKING SPACES = 362 (THIS INCLUDES 7 HANDI-CAP SPACES)
AVERAGE BUILDING HEIGHT - 19.6'

ALTA/ACSM LAND TITLE SURVEY FOR:

GENERAL ELECTRIC CAPITAL CORPORATION, LEHMAN BROTHERS HOLDINGS INC., HIGHWOODS REALTY LIMITED PARTNERSHIP, HIGHWOODS PROPERTIES, INC., CAPITAL PARTNERS, INC. & CHICAGO TITLE INSURANCE COMPANY

LAND LOT 1047 1st Section 2nd DISTRICT
FULTON COUNTY, GEORGIA
SCALE 1" = 40'
DEC. 18, 1995

GRAPHIC SCALE
REVISED & UPDATED 4/18/96
UPDATED 4/12/97 TO SHOW CHANGES.

REVISED & UPDATED 10/12/05 TO SHOW CHANGES
REVISED 11/22/05 FOR COMMENTS

PLAT NO. 95-1256970 C
DSC 268

LEGEND		
C.M.L. - Conc. Manhole Found	m.h. - Manhole	c.b. - Catch Basin
L.L.L. - Land Lot Line	D.E. - Drainage Easement	T.B.M. - Temp. Bench Mark
R/W - Right-of-way	S.S.E. - Sanitary Sewer Easement	c.t. - Catch Basin
B - Building Line	d.t. - Drop Inlet	U.E. - Utility Easement
P.O.B. - Point of Beginning	J.B. - Junction Box	C.E. - Construction Easement
L.H. - Fire Hydrant	H.W. - Headwall	M.V. - Meter Valve
W.M. - Water Meter	G.V. - Gas Valve	L.R.P. - Alter. Regional Flood
U.P. - Utility Pole	L.P. - Light Pole	C.M.P. - Corrugated Metal Pipe
C.L.S. - Crimp Top Found	F.E.S. - Flood End Section	R.E.P. - Reinforced Conc. Pipe
Pole w/ Guy Wire	C - Cantilever	V.C.P. - Vitrified Clay Pipe
d.t.p. - Double Iron Pipe	P.H.G. - Polyethylene Gas Pipe	C.C. - Cast Clay
p.m. - gas meter	S.B.M. - Southern Bell Monument	P.S. - Parking Space
	H.C. - Handicap	Telephone Line (UT) - Underground
		Fence
		Sewer Line
		Water Line
		Gas Line
		Cable T.V.

LIST OF SPECIAL EXCEPTIONS, SCHEDULE B-SECTION 2, COMMITMENT NO. RCTA050347(NORTH BUSINESS PARK), ISSUED BY CHICAGO TITLE INSURANCE COMPANY, WITH AN EFFECTIVE DATE OF: 8/15/05

7. Easement for Right of Way from David Caudill Detached to Georgia Power Company, dated July 31, 1965, filed October 21, 1965, and recorded in Deed Book 4580, Page 480, aforesaid records. SHOWN ON SURVEY

8. Declaration of Covenants, Conditions and Restrictions for Windward Business Center Association by Windward Properties, Inc., a Delaware corporation, dated May 28, 1983, filed October 2, 1983, and recorded in Deed Book 4780, Page 355, aforesaid records, as amended by that certain First Amendment to the Declaration of Covenants, Conditions and Restrictions for Windward Business Center Association by Windward Properties, Inc., a Delaware corporation, dated September 14, 1984, filed September 14, 1984, and recorded in Deed Book 4160, Page 155, aforesaid records, as further amended by that certain Amendment Withdrawing Certain Real Property from the Declaration of Covenants, Conditions and Restrictions for Windward Business Center Association by Windward Properties, Inc., a Delaware corporation, dated October 4, 1984, filed October 4, 1984, and recorded in Deed Book 9197, Page 242, aforesaid records, as further amended by the certain Amendment Withdrawing Certain Real Property from the Declaration of Covenants, Conditions and Restrictions for Windward Business Center Association by Windward Properties, Inc., a Delaware corporation, dated November 18, 1984, filed November 18, 1984, and recorded in Deed Book 9197, Page 242, aforesaid records, as further amended by that certain Amendment to the Declaration of Covenants, Conditions and Restrictions for Windward Business Center Association by Windward Properties, Inc., a Delaware corporation, dated December 1, 1987, filed December 8, 1987, and recorded in Deed Book 11215, Page 115, aforesaid records, as further amended by that certain Amendment to the Declaration of Covenants, Conditions and Restrictions for Windward Business Center Association by Windward Properties, Inc., a Delaware corporation, dated November 18, 1988, filed November 23, 1988, and recorded in Deed Book 12076, Page 122, aforesaid records, as further amended by that certain Amendment to the Declaration of Covenants, Conditions and Restrictions for Windward Business Center Association by Windward Properties, Inc., a Delaware corporation, dated November 13, 1990, filed November 13, 1990, and recorded in Deed Book 13833, Page 336, aforesaid records, as further amended by that certain Amendment to the Declaration of Covenants, Conditions and Restrictions for Windward Business Center Association by Windward Properties, Inc., a Delaware corporation, dated December 1, 1991, filed December 1, 1991, and recorded in Deed Book 14188, Page 281, aforesaid records, as further amended by that certain Amendment to the Declaration of Covenants, Conditions and Restrictions for Windward Business Center Association by Windward Properties, Inc., a Delaware corporation, dated January 6, 1994, filed January 12, 1994, and recorded in Deed Book 17671, Page 1, aforesaid records, as further amended in Deed Book 20420, Page 200, aforesaid records, as further amended in Deed Book 20472, Page 45, aforesaid records, as further amended in Deed Book 20720, Page 48, aforesaid records, as further amended in Deed Book 20720, Page 51, aforesaid records, as further amended in Deed Book 20683, Page 262, aforesaid records, as further amended in Deed Book 20728, Page 39, aforesaid records, as further amended by that Amendment dated January 30, 1997, filed February 5, 1997 and recorded in Deed Book 22120, Page 81, aforesaid records, as further amended by that Amendment of Declaration and Covenants "B" Member Status And Rights For Windward Business Center, dated November 26, 1996, filed May 14, 1997 and recorded in Deed Book 22603, Page 276, aforesaid records, as further amended by that Amendment dated July 22, 1997, filed July 28, 1997 and recorded in Deed Book 22881, Page 90, aforesaid records, as further amended by that Amendment dated July 22, 1997, filed July 28, 1997 and recorded in Deed Book 22881, Page 90, aforesaid records, as further amended by that Amendment dated November 26, 1996, filed May 14, 1997 and recorded in Deed Book 22603, Page 276, aforesaid records, as further amended by that Amendment dated December 13, 1997, filed December 30, 1997 and recorded in Deed Book 23469, Page 122, aforesaid records, as further amended by that Amendment dated April 15, 1998, filed April 15, 1998 and recorded in Deed Book 24250, Page 289, aforesaid records, as further amended by that Amendment dated June 22, 1998, filed June 26, 1998 and recorded in Deed Book 24464, Page 25, aforesaid records, as further amended by that Amendment of Declaration Rights And Termination Of Class "B" Member Status, dated March 1, 2001, filed March 15, 2001 and recorded in Deed Book 32041, Page 227, aforesaid records.

AFFECTS SUBJECT PROPERTY, TOO GENERAL IN DESCRIPTION TO BE SHOWN ON SURVEY

9. Sewer Easement from 400 North Associates to Fulton County, dated January 14, 1985, filed March 13, 1985, and recorded in Deed Book 9419, Page 475, aforesaid records.

SHOWN ON SURVEY

10. Sewer Easement from 400 North Associates to Fulton County, dated December 29, 1986, filed February 13, 1987, and recorded in Deed Book 11330, Page 39, aforesaid records.

SHOWN ON SURVEY

11. Access Easement Agreement by and between 400 North Associates, a Georgia joint venture, and T2 Medical, Inc., a Delaware corporation, dated August 1, 1990, filed August 8, 1990, and recorded in Deed Book 13613, Page 133, aforesaid records.

SHOWN ON SURVEY

12. Easement from 400 North Associates to Georgia Power Company, dated August 6, 1990, filed August 15, 1990, and recorded in Deed Book 13636, Page 221, aforesaid records, as limited by that certain containment letter dated January 3, 1996, the Georgia Power Company values no further interest in the aforementioned easement, except the right to operate, maintain, rebuild and renew its existing facilities within its presently maintained right-of-way. SHOWN ON SURVEY

Surveyor's Certification

To: General Electric Capital Corporation, Lehman Brothers Holdings Inc., Highwoods Realty Limited Partnership, Highwoods Properties, Inc., Capital Partners, Inc. & Chicago Title Insurance Company

This is to certify that this map or plat and the survey on which it is based were made in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys", jointly established and adopted by ALTA, ACSM, and NSPS in 1990, and includes items 1, 2, 3, 4, 6, 7(a), 7(b), 7(c), 8, 9, 10, 11(b), 12, 14, 15 and 16 of Table A thereof and meets the Accuracy Standards, as defined therein. In addition, this will further certify that (i) this survey is true and correct and was made on the ground under my supervision as per the field notes; (ii) I have personally examined the boundaries, lines and dimensions and area of the land indicated hereon and each individual parcel thereof indicated hereon (the "Property"); (iii) all measurements shown hereon actually exist, and the location, size and type of such measurements are correctly shown; (iv) the Property described in this survey is the same land as described in the title commitment referenced below; (v) this survey and the foundation, courses and distances shown on the survey are true and correct; (vi) this survey correctly shows the size, location and type of all buildings, structures and other improvements, and visible items on the Property and that all buildings and improvements are within the boundary lines and dimensions of all alleys, streets, roads, right-of-way, easements, and other matters of record which the undersigned has been advised affecting the Property according to the legal description in such easements and other matters (with instruments book and page indicated) and (vii) except as shown, there are no conditions, (a) party walls or encroachments or adjoining properties, streets, alleys or rights-of-way by any buildings, structures, or other improvements, (b) encroachments on the Property by buildings, structures, or other improvements situated on adjoining premises or (c) encroachments on any easement, building setback line or other restricted area by any buildings, structures or other improvements on the Property; (viii) the distance from the nearest intersecting street or road to any building, structure or other improvement is as shown hereon; (ix) the Property shall be dedicated public street(s) or road(s) and that direct legal access, ingress and egress is shown hereon with no gaps or gaps shown; (x) all utility services required for the operation of the subject property either enter the property through adjoining public property or this survey shows the point of the entry and location of any utility utilities that pass through or are located on the adjoining property; (xi) any discharge into streams, rivers or other waterways, or into the waters of the State, shall be subject to the laws of the State and the undersigned has no knowledge of any discharge into such waters; (xii) the Property is not located within any flood hazard or flood way area or district designated by federal, state or municipal authority or within any area subject to regulation by federal, state or municipal authority as inland or coastal wetlands, beach nourishment or the like and (x) the street known as Alderman Drive shown on and provide direct and legal ingress, egress and access to the Property with no gaps or gaps shown; (xiii) the Property is not located within any flood hazard or flood way area or district designated by federal, state or municipal authority as inland or coastal wetlands, beach nourishment or the like and (x) the street known as Alderman Drive shown on and provide direct and legal ingress, egress and access to the Property with no gaps or gaps shown; (xiv) the Property is not located within any flood hazard or flood way area or district designated by federal, state or municipal authority as inland or coastal wetlands, beach nourishment or the like and (x) the street known as Alderman Drive shown on and provide direct and legal ingress, egress and access to the Property with no gaps or gaps shown; (xv) the Property is not located within any flood hazard or flood way area or district designated by federal, state or municipal authority as inland or coastal wetlands, beach nourishment or the like and (x) the street known as Alderman Drive shown on and provide direct and legal ingress, egress and access to the Property with no gaps or gaps shown; 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6/7/16

MP-16-09

Odyssey Game/Windward

CITY OF ALPHARETTA

FOR OFFICE USE ONLY

PUBLIC HEARING APPLICATION

Case #: _____

☐ Fee Paid Initial: _____

COMMUNITY DEVELOPMENT DEPARTMENT

2 PARK PLAZA

ALPHARETTA, GA 30009

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

Contact Information:

Contact Name: Michael Cook

Telephone: 678-358-4060

Address: 3575 Fallen Oak Lane

Suite: _____

City: Buford

State: GA

Zip: 30519

Fax: _____

Mobile Tel: 678-358-4060

Email: cookmichael1212@gmail.com

Subject Property Information:

Address: 1111 Alderman Dr. 400 North Business Park Building 200 Suite 210

Current Zoning: CUP

District: _____

Section: _____

Land Lot: _____

Parcel ID: _____

Proposed Zoning: CUP

Current Use: Vacant office space

This Application For (Check All That Apply):

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

EXHIBIT "B"
DESCRIPTION OF THE LAND

400 NORTH BUSINESS PARK

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 1047, 1st Section, 2nd District, Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at a one-half inch rebar set along the northeasterly right-of-way of Alderman Drive (having a variable right-of-way width) said one-half inch rebar set being located 941.27 feet northwesterly from the intersection of said right-of-way line of Alderman Drive and the westerly right-of-way of Windward Parkway (a/k/a Union Hill Road) and also being located North 39 degrees 07 minutes 33 seconds East a distance of 776.62 feet from the southwest corner of Land Lot 1047; FROM SAID POINT OF BEGINNING AS THUS ESTABLISHED, running thence along said right-of-way of Alderman Drive the following courses and distances; along the arc of a curve to the left (said arc being subtended by a chord bearing North 53 degrees 51 minutes 22 seconds West having a chord distance of 134.67 feet and a radius of 524.50 feet) an arc distance of 135.05 feet to a point; North 61 degrees 13 minutes 57 seconds West a distance of 164.73 feet to a one-half inch rebar set; thence leaving said right-of-way of Alderman Drive and running along the arc of a curve to the left (said arc being subtended by a chord bearing North 48 degrees 31 minutes 32 seconds East having a chord distance of 18.45 feet and a radius of 27.27 feet) an arc distance of 18.82 feet to one-half inch rebar found; running thence North 28 degrees 45 minutes 18 seconds East a distance of 326.82 feet to a one-half inch rebar found; running thence along the arc of a curve to the right (said arc being subtended by a chord bearing North 38 degrees 05 minutes 21 seconds East having chord distance of 23.46 feet and a radius of 72.31 feet) an arc distance of 23.56 feet to a one-half inch rebar found; running thence North 01 degree 11 minutes 54 seconds East a distance of 36.53 feet to a three-quarter inch rebar found; running thence South 88 degrees 48 minutes 06 seconds East a distance of 335.97 feet to a one-half inch rebar set; running thence South 13 degrees 03 minutes 37 seconds East a distance of 51.16 feet to a one-half inch rebar set; thence North 76 degrees 56 minutes 24 seconds East a distance of 252.50 feet to a one-half inch rebar found; said point also being the centerline of a 125' Georgia Power easement; thence running along said centerline of said Georgia Power easement South 13 degrees 03 minutes 36 seconds East a distance of 380.38 feet to a one-half inch rebar found; thence leaving said centerline of said Georgia Power easement and running thence South 76 degrees 56 minutes 24 seconds West a distance of 628.78 feet to a one-half rebar set on said right-of-way of Alderman Drive, said one-half inch rebar set marking the POINT OF BEGINNING; containing 7.2795 acres of 317,095.1 square feet as shown on Boundary and Above Ground "As Built" Survey for Highwoods/Forsyth Limited Partnership and Chicago Title Insurance Company, prepared by Pearson & Associates, Inc. certified by Mark A. Buckner, Georgia Registered Land Surveyor No. 2422, dated December 18, 1995, last revised April 2, 1997.

TOGETHER WITH right contained in that certain Reservation of Drainage Easement between 400 North Associates, a Georgia joint venture, and T2 Medical, Inc., a Delaware corporation, dated as of August 9, 1990, recorded in Deed Book 13636, Page 195, Records of Fulton County, Georgia.

APPLICANT REQUEST AND INTENT

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

*Corporate team building events offered at discount to corporations in and around the city of Alpharetta.

*Escape Game team building entertainment - to families, churches, and educational institutions.

*Corporate offices for Odyssey Escape Game, LLC

To offer businesses a service for the purposes of team building exercises for their employees in the form of escape rooms. To offer the same service to the public, educational institutions, religious affiliations and anyone interested in collaborative team-building exercises.

Odyssey Escape Game, LLC will also use the space for its corporate offices that will support future growth.



Applicant's Request (Please itemize the proposal):

We are seeking an Amendment to Master Plan pod #56

Our team-building/Corporate training business thrives in corporate office environment/setting.

We request the use of said office space as it perfectly suites our business model. We feel the professional and public community will benefit from our presence in the Windward corridor.

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

Odyssey Escape Game is seeking a Master Plan Amendment (Pod #56)

See PPT attached to this application.

PROPERTY OWNER AUTHORIZATION

Property Owner Information:Contact Name: Craig BernsteinTelephone: 404-751-3350Address: 800 Mt Vernon Hwy NESuite: 425City: AtlantaState: GAZip: 30328**Authorization:**

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

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

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

Identify Authorized Applicant:

Name of Authorized Applicant: _____

Telephone: _____

Address: _____

Suite: _____

City: _____

State: _____

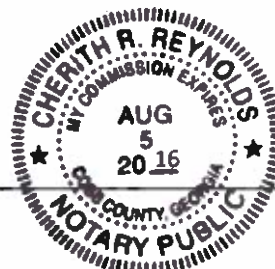
Zip: _____

So Sworn and Attested:

Owner Signature: _____

Date: 6/1/16

Notary: _____

Notary Signature: Cherith R ReynoldsDate: 6/1/16

DISCLOSURE FORM

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

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

Name of Applicant or Opponent: Michael Cook - Owner of Odyssey Escape Game, LLC

Subject Public Hearing Case:

Campaign Contribution Information:

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

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

Name of Official:

Position:

Description of Contribution: None

Value: \$ 0.00

Description of Contribution: None

Value: \$ 0.00

Description of Contribution: None

Value: \$ 0.00

Description of Contribution: None

Value: \$ 0.00

Description of Contribution: None

Value: \$ 0.00

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: 06/01/2016

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

We don't look to change the environment that we occupy. We will for the most part be transparent to surrounding properties.

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

It will enhance the value as we add a team building option for their company and employees. Additionally, other corporate professionals will be exposed to the Windward Parkway/Alderman area and have a fond opinion of it as a great place to work and conduct business.

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

We plan to enhance the interior space of 1111 Alderman Drive suite #210 but have no plans to develop outside of our space.

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

Minimal. Employees workforce would be 3 - 5 employees daily. Customer population on weekdays would be 8-30 and on weekends 150-200 customers would visit the site when all offices Alderman and surrounding offices were closed.

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

No negative impact on either.

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

We seek to change nothing about how the current business community functions.

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 B

This form must be completed and submitted to the City of Alpharetta Community Development Department a minimum of twenty (20) working days prior to the scheduled Public Hearing. Failure to do so will result in cancellation of the scheduled hearing.

Public Hearing or Project Name: ODYSSEY ESCAPE GAMES

Contact Name: MICHAEL COOK Telephone: 678-358-4060

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

AS OF 7/14/16 NO ONE HAS RESPONDED

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

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

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

SEE PART A.

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: 7/14/16

Print Form

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: Odyssey Escape Games

Contact Name: Michael Cook

Telephone: 678-358-4060

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.

GEORGIA POWER CO -241 RALPH MCGILL BLVD NE ATLANTA, GA 30328

ALDERMAN DRIVE HOLDINGS LLC -1255 ALDERMAN DRIVE ALPHARETTA, GA 30004

MERITEX ATLANTA INDUSTRIAL LLC -24 UNIVERSITY AVE N ALPHARETTA, GA 30004

SETTI HOLDINGS LLC -1275 ALDERMAN DRIVE ALPHARETTA, GA 30004

ATLANTIC FINANCIAL GROUP LTD -14651 N DALLAS PKWY ALPHARETTA, GA 30004

CHOICEPOINT INC -5915 IRON GATE TRC CUMMING, GA 30041

HARDIN REALTY LLC -1121 ALDERMAN DR ALPHARETTA, GA 30004

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



Letter



Personal Visits



Telephone



Group Meeting



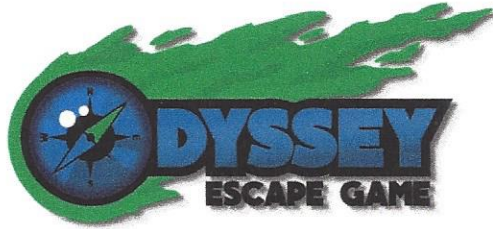
Email



Other (Please Specify) _____

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

They will be given the option to reach out to Michael Cook via email at cookmichael1212@gmail.com or phone number at 678-358-4060.



Odyssey Escape Game, LLC
c/o Michael Cook
3575 Fallen Oak Lane
Buford, GA. 30519

Date: June 23, 2016

Dear Property Owner,

I am Michael Cook, owner of Odyssey Escape Game, LLC. We recently signed a 39 month lease for Suite 210 at 1111 Alderman Drive Alpharetta, Georgia. We are excited to be your new neighbor.

The business we will be conducting at the 1111 Alderman Dr. location is two-fold. 1. We will be using the space as our corporate office. 2. We will be using the space to offer corporate team-building Training activities/services to corporate management teams in the surrounding area as well as offer our team building services to the general public during non-business hours, Friday night through Sunday night.

Currently we are in the process of seeking an amendment to the Windward Master Plan as our industry is still emerging and there is precious little written in the existing constitution regarding our type of business. As a courtesy and a requirement to the application process I am extending myself in an effort to answer any/all questions that you may have regarding our occupancy of above stated location. Additionally, we will appear before the City Council on Monday, August 22nd at 6:30pm to answer any/all questions.

Please contact me by mail, email or telephone.

Regards,

Michael Cook
Mobile: 678-358-4060
Email: michaelc@odysseyscapedgame.com

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: Odyssey Escape Games

Contact Name: Michael Cook

Telephone: 678-358-4060

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.

GEORGIA POWER CO - 241 RALPH MCGILL BLVD NE ATLANTA, GA

ALDERMAN DRIVE HOLDINGS LLC - 1255 ALDERMAN DRIVE ALPHARETTA, GA

MERITEX ATLANTA INDUSTRIAL II LLC - 24 UNIVERSITY AVENUE ALPHARETTA, GA

SETTI HOLDINGS LLC - 1275 ALDERMAN DRIVE ALPHARETTA, GA

ATLANTIC FINANCIAL GROUP LTD - 14651 N DALLAS PKWY ALPHARETTA, GA

CHOICEPOINT INC - 5915 IRON GATE TRC CUMMING, GA

HARDIN REALTY LLC - 1121 ALDERMAN DR ALPHARETTA, GA

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



Letter



Personal Visits



Telephone



Group Meeting



Email



Other (Please Specify) _____

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

They will be given the option to reach out to Michael Cook via email at cookmichael1212@gmail.com or phone number at 678-358-4060



Odyssey Escape Game, LLC
c/o Michael Cook
3575 Fallen Oak Lane
Buford, GA. 30519

Date: June 1, 2016

Dear Property Owner,

I am Michael Cook, owner of Odyssey Escape Game, LLC. We recently sign a 39 month lease for Suite 210 at 1111 Alderman Drive Alpharetta, Georgia. We are excited to be your new neighbor.

The business we will be conducting at the 1111 Alderman Dr. location is two-fold. 1. We will be using the space as our corporate office. 2. We will be using the space to offer corporate team-building Training activities/services to corporate management teams in the surrounding area as well as offer our team building services to the general public during non-business hours, Friday night through Sunday night.

Currently we are in the process of seeking an amendment to the Windward Master Plan as our industry is still emerging and there is precious little written in the existing constitution regarding our type of business. As a courtesy and a requirement to the application process I am extending myself in an effort to answer any/all questions that you may have regarding our occupancy of above stated location.

Please contact me by mail, email or telephone.

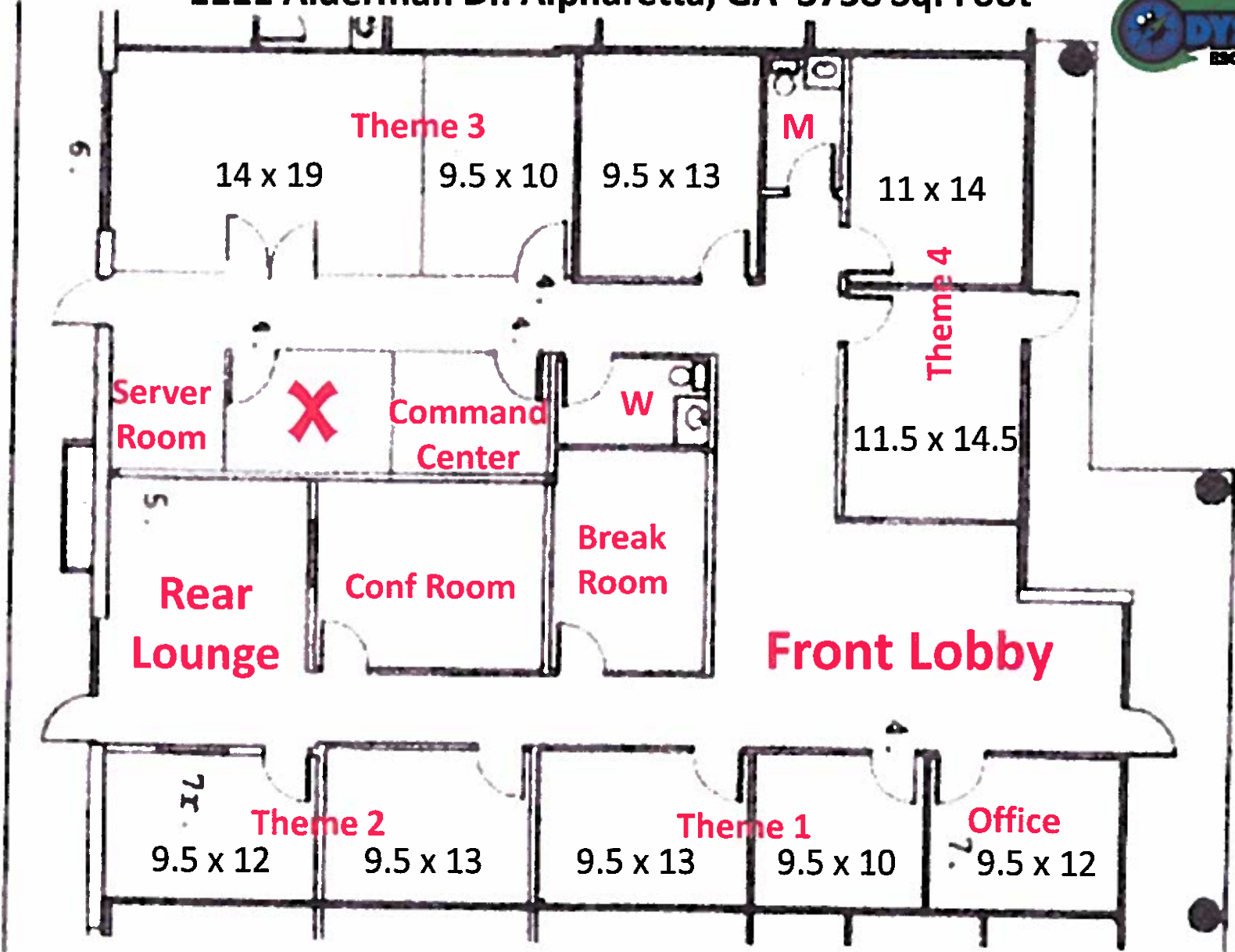
Regards,

Michael Cook
Mobile: 678-358-4060
Email: cookmichael1212@gmail.com

1111 Alderman Dr. Alpharetta, GA 3758 Sq. Foot

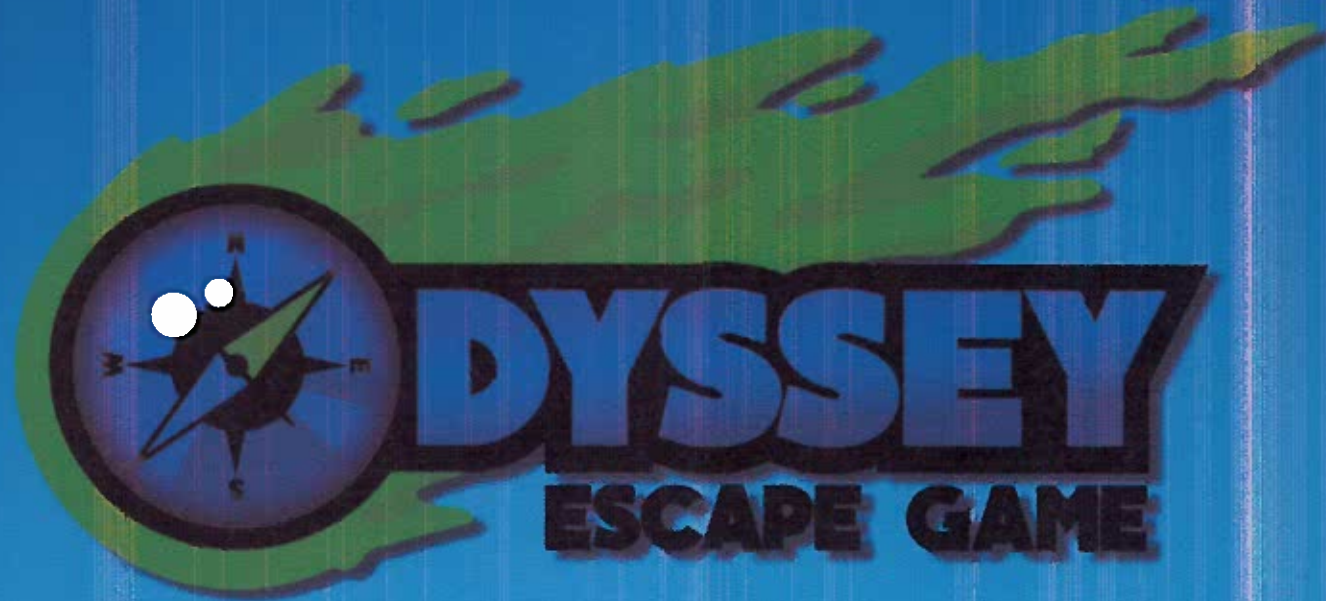


6/7/16



Odyssey Game/Windward

MP-16-09



Executive Summary 2016

June 2016



Executive Summary

- Odyssey Escape Game is a Limited Liability Company founded by Michael Cook with an ownership split of 33/33/33 percent with investors Piyush Bhula and Mayoor Patel.
- Odyssey Escape Game (OEG) will offer its primary service, corporate team-building, to all corporations in Alpharetta and all of its neighboring suburbs.
- OEG will also offer its services to the general public on nights & weekends.
- OEG will offer additional accommodations to its corporate customers that its competitors do not.
 - A conference room for meetings and a comfortable lounge for debriefing.

The Escape Game Industry

- The Escape Game industry has been around internationally for more than 15 years.
 - There are roughly 1200 worldwide
- The first Escape Game hit the US in the Fall of 2013
 - Today there are more than 325 in the US
 - In Fall of 2015 there were 9 locations in the state of Georgia and now there are 19
 - The first escape room in Georgia, Urban Escape Games, was founded in 2013 is located in Alpharetta
 - Escape Room Directory:
 - <http://escaperoomdirectory.com>



6/7/16

The Escape Game Industry

- Escape Rooms are all the rage around the world because they encourage communication and collaboration amongst groups; personal and professional.
- Escape Rooms focus on team-building activities for both corporations and educational institutions but also offer fun, family & friend excursions as well.
- Escape Rooms are typically located in office park environments and cater to HR managers looking for a team-building alternative.

Odyssey Game/Windward
MP-16-09



6/7/16

Who is Odyssey Escape Game and what do we offer?

- Odyssey Escape Game, LLC is the newest escape game company in Georgia.
- OEG will offer a higher quality experience by residing in areas where businesses flourish, Alpharetta/John's Creek.
- OEG will cater to corporations first and individual customers second.
- OEG will offer conference room accommodations so that when the escape room experience is over senior management can debrief with their teams about the experience of group collaboration while under pressure.
- OEG will offer senior management the opportunity to view their management teams remotely and be able to better assess who are its leaders versus non-leaders.

Odyssey Game/Windward
MP-16-09



6/7/16

Who is Odyssey Escape Game?

- Odyssey Escape Game, LLC will also be open to the public beginning Friday nights through Sunday evening.
- OEG will serve nearby Alpharetta and John's Creek residents and encourage them to partake in the escape game rage.
- OEG will offer corporations the ability to schedule team-building events 6 days per week.
- OEG will offer an experience that is superior to its competitors.
 - OEG will place a great deal of emphasis on the escape game environment, quality of our rooms and level of service.
 - OEG will offer meeting rooms to its corporate guests as well as a lounge for comfortable debriefing.

Odyssey Game/Windward
MP-16-09



6/7/16

Growth Goals & Financial Expectations

- We believe, based off of 10 months of sales and customer data, that Odyssey Escape Game, LLC at (1111 Alderman Drive Alpharetta, GA) will do \$750,000 of revenue in its first 12 full months of operation, with a 48% margin.
- OEG expects to expand to Charlotte, NC and Gainesville, FL in the next 12 months with a fourth location in Q3 of 2017.

Odyssey Game/Windward
MP-16-09

Escape Game Team-Building

- **How the Escape Room experience benefits the corporate team:**
 - Escape Rooms escape the cubicle with fun, team-building exercises that stimulate creative thought, synergy, and efficiency in the workplace through a myriad of puzzles, hidden clues and mind games in an escape room experience that will leave your employees energized and inspired.
 - By encouraging teams to rely on each other's individual strengths through unique obstacles and tasks, the Escape Room experience provides an environment that literally that brings out the best your team has to offer.
 - Create cohesion in your workplace and your team; customers and companies alike will benefit!

Escape Game Family-Building

- **How the Escape Room experience benefits the family/community:**
 - Escape Rooms help individuals escape the social media bubble that young and middle-aged Americans find themselves in. Today, individuals would rather text or email each other as opposed to communicate face to face with words and with feeling.
 - By encouraging people to think out loud, and share their thoughts and opinions, the escape room experience will bring friends and family members closer together.
 - Escape Rooms provide an environment that brings out the best in people.



6/7/16

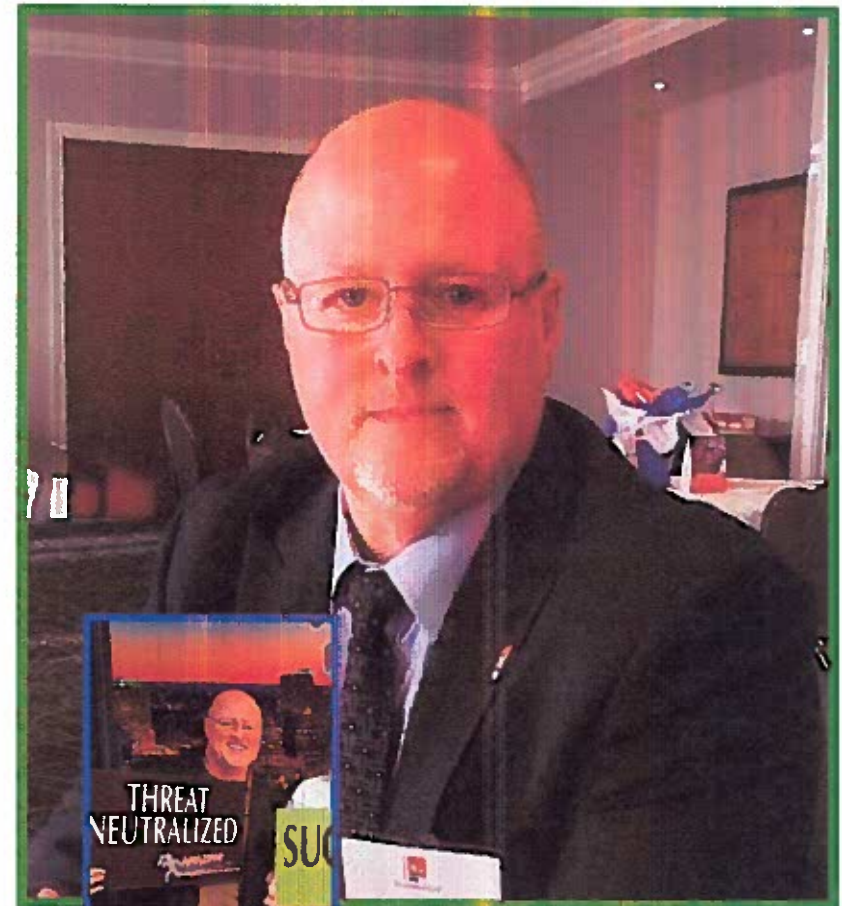
Who owns and operates OEG?

- **Michael Cook**, a Buford resident and operating partner, is joined buy Piyush Bhula and Mayoor Patel of Suwanee.
 - Michael Cook has led retail and concierge operations for more than 30 years and offers the experience of working for both large and small organizations; Footlocker, Coca-Cola and Lids to name a few.
- Michael is currently the Chief Operation Officer for Amazing Escape Game, LLC but is transitioning away to launch Odyssey Escape Game.
- **Piyush Bhula** has owned and operated businesses throughout Gwinnett County for 20 years and is the owner of Majik Touch Cleaners in Suwanee.
- **Mayoor Patel** is the owner of Craniofacial Pain & Dental Sleep Center of Georgia and is the co-owner of MAP Laboratory.

Odyssey Game/Windward
MP-16-09

Odyssey Escape Members

- **Michael Cook** is an accomplished retail and business professional, experienced in retail start-ups, business operations, sales, marketing, mobile marketing, and advertising.
- Michael has served in the retail and customer service industries for 30 years in the capacity of CEO, COO, Vice President of Operations, and Regional Manager for companies ranging in revenues of \$15-\$350 million annually.
- Michael has been featured in several news publications in and around Metro Atlanta, Georgia regarding his expertise in the Escape Room industry.
- Additionally, Michael has launched 10 escape room operations in three states.





6/7/16

Odyssey Escape Members

Michael Cook is a subject matter expert on the escape room industry and has been interviewed and quoted in several news publications in and around Metropolitan Atlanta.

AMAZING ESCAPE ROOM
Michael Cook, Chief Operating Officer

What is it about the new "You that makes people want to try something new?"
I think people spend more time in a room than they do in a car. The car is a safe space and it's not a car. The car is a safe space and it's not a car. The car is a safe space and it's not a car.

What's one of the most unexpected things about the experience?
The feedback we get from our customers is that they are having a great time. They are having a great time. They are having a great time.

What kinds of games do you find make the greatest escape?
People who are creative and who are able to think outside the box. They are able to think outside the box. They are able to think outside the box.

Can You ESCAPE In Time??

BOOK NOW!

SANDY SPRINGS
5625 GLENWOOD DRIVE
BUILDING 4, SUITE 200
ATLANTA, GA 30328

404-480-3852

PEACHTREE CITY
297 DIXIE DRIVE
PEACHTREE CITY, GA 30269

AmazingEscapeRoom.com

spotlight

Amazing Escape Brings Exciting New Entertainment to PTC

Amazing Escape Room brings one of today's hottest international entertainment options to Peachtree City. Home to five completely different escape rooms, Amazing Escape invites participants to pit their wits against a series of themed challenges while working against a ticking clock. Quality of service and entertainment are the company's top priority.

By MICHAEL WORTH

You're locked in a room with a half dozen friends — or maybe just strangers. You're tasked with solving a series of puzzles and riddles to escape the room. The clock is ticking. For the next 60 minutes, your team will use its collective wits to solve the puzzles and escape the room. The clock is ticking. For the next 60 minutes, your team will use its collective wits to solve the puzzles and escape the room.

“This is a whole new way to do something fun and interactive together. It's a whole new level.”

Opening February 5, 2016 with three amazing new rooms to follow soon.

- Three exciting themes of interactive entertainment
- Fun for all ages and skill sets
- Standing parties and other special event options available
- Great for date night, company team-building, corporate parties, and more
- Regional chain headquartered in Georgia
- Committed to creative games, high-quality rooms, and friendly service

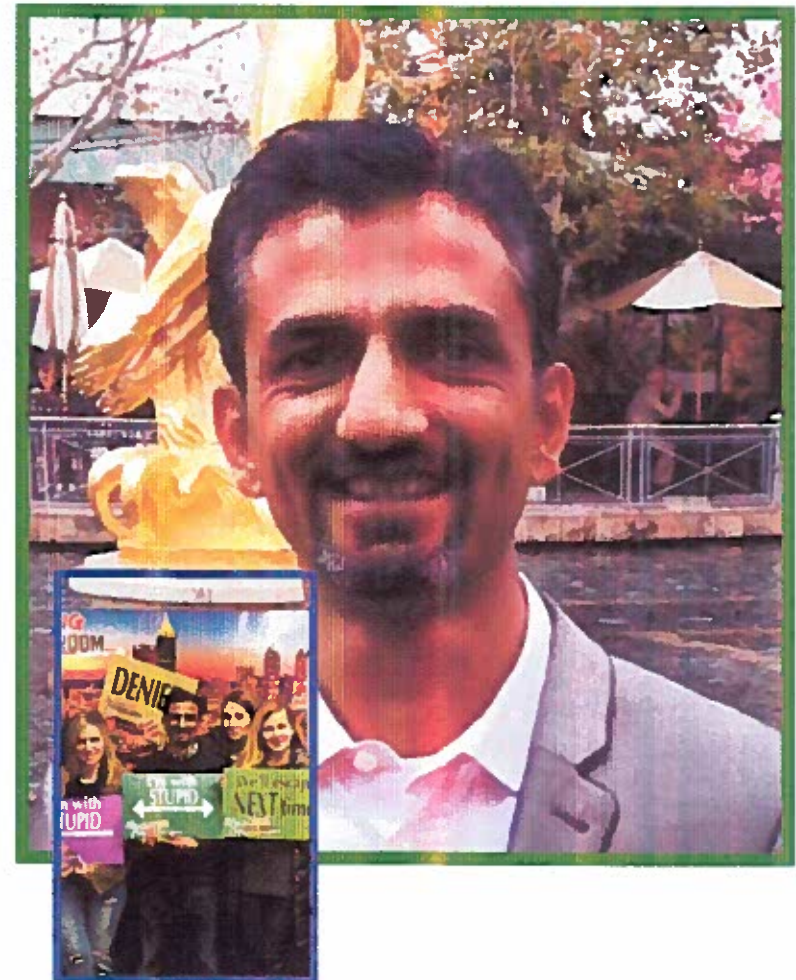
Amazing Escape Room
297 Dixie Dr., PTC
404-788-9541
www.amazingescaperoom.com
facebook.com/amazingescaperoomptc

Odyssey Game/Windward

MP-16-09

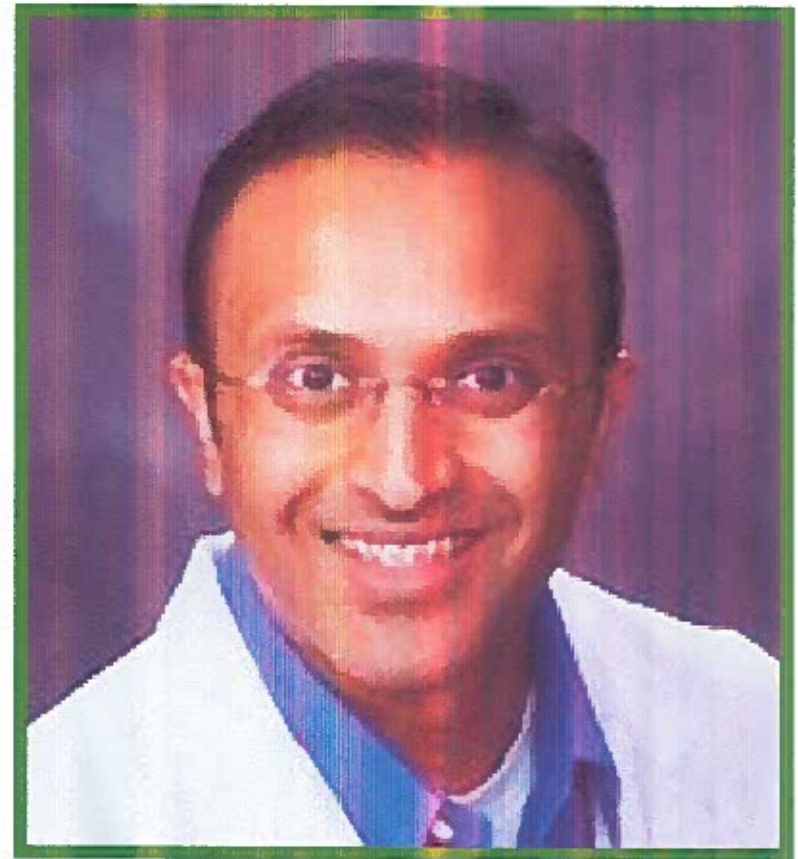
Odyssey Escape Members

- **Piyush Bhula** is a successful business owner and has owned and operated more than a dozen Dry Cleaning businesses in Gwinnett, Fulton, Forsythe and DeKalb counties.
- Piyush is part of the Angel investment group (MIG) Millennium Investment Group and has more than two million dollars currently invested in Dry Cleaning and Hotel properties as well a pet supply company start-up called Lucky's Leash. Co-Investor with former 'Shark Tank' Shark Kevin Harrington.
- Piyush is an Escape Room enthusiast and has partnered with Michael Cook in two other start-ups, JulesMadison & Lucky's Leash.



Odyssey Escape Members

- **Mayoor Patel** is a renowned Doctor of Dental Surgery and is widely respected in his professional community. Mayoor is also an entrepreneur and investor.
- Mayoor is the owner of Craniofacial Pain & Dental Sleep Center of Georgia.
- Mayoor also serves many other organizations and is an Adjunct Clinical Instructor for the Department of Oral Health & Diagnostics Sciences.
- Mayoor is also an Escape Room enthusiast and is very excited to be a part of the Odyssey Escape ownership team!





6/7/16

Marketing

- Odyssey Escape Game, LLC will launch advertising campaigns on the following sites:
 - Groupon
 - Living Social
- Odyssey will direct mail and phone solicitation campaigns to hundreds of corporations.
- Odyssey Escape Game, LLC will employ a full-time Corporate Sales Manager that will target corporations and their HR Departments as well as their Department Managers.

Odyssey Game/Windward
MP-16-09



6/7/16

Hours of Operation

- Monday – Closed
- Tuesday – 12-8
- Wednesday – 12-8
- Thursday – 12-8
- Friday – 10-Midnight
- Saturday – 10-Midnight
- Sunday – 10-8

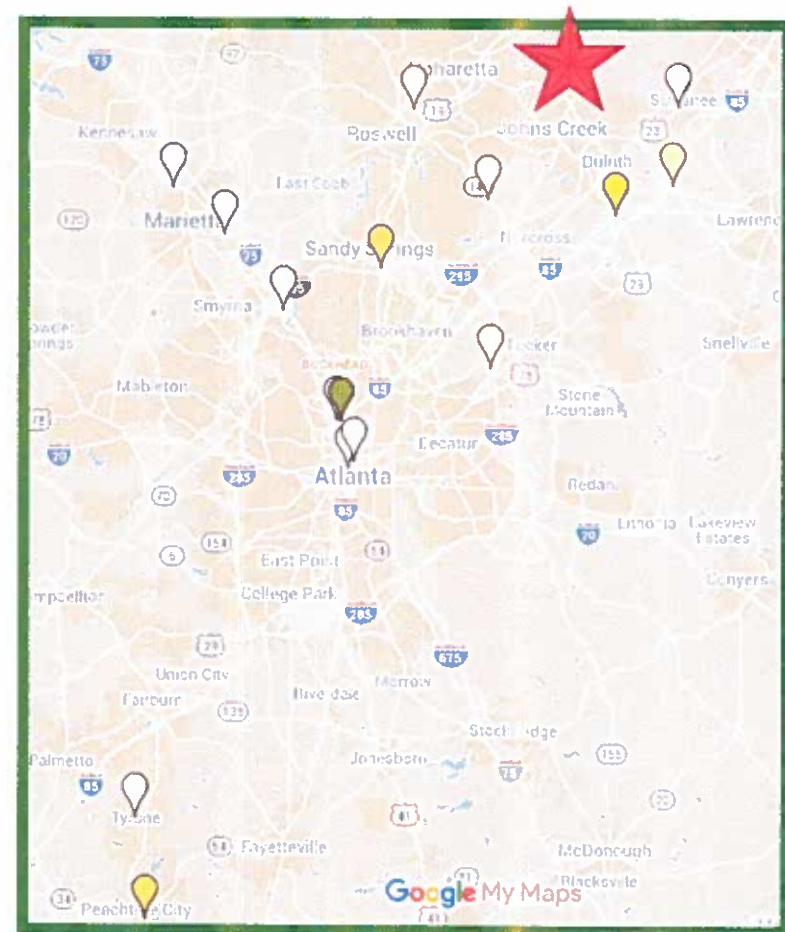


MP-16-09
Odyssey Game/Windward

Escape Room Locations - GA

The Escape Room model is nearing a billion dollar industry and is taking the US by storm. OEG wants to be a integral part of the Windward Parkway corridor and it family of businesses.

Come escape with us at:
Odyssey Escape Game



Escape Room Images



About us:

Odyssey Escape Room, LLC, is a national, retail entertainment chain. Escape Rooms are the rage around the world and Odyssey Escape Room brings a higher quality experience to people of all ages. Located in Alpharetta, GA we are a team-building alternative to simply going bowling or going camping.

We challenge the mind and your



Can your team **ESCAPE** from one of our rooms?

- Titanic: The final hour
- Runaway Train
- Escape the Zombie Apocalypse
- Escape the Nuclear Reactor



Communication Leadership Creativity Perseverance Teamwork

This challenge is designed to dissolve communication barriers and heighten collaboration by requiring real teamwork. Once the countdown has begun there is no time for second guessing. With so much going on in the room you must make sure your idea or discovery is heard by the group. Communication skills for all are heightened in this scenario with the added time pressure!

This is a unique opportunity to see who in your organization may have hidden leadership capabilities

Creative problem solving and the ability to perform under pressure are invaluable skills to have if your team. Everyone on your team is equal and could very easily hold the creative genius inside of them that is required to find the key.

Escape Today!

Reference Links:

- <https://www.youtube.com/watch?v=4fBjAeKd7hY>
- <https://www.youtube.com/watch?v=Y2y5m95-gM8>
- https://www.youtube.com/watch?v=v9Px_ZMF8LA

Escape Rooms are the Corporate Team Building Activity of the Present & Future

- <https://www.linkedin.com/in/michael-cook-b4575b15>
- <https://www.linkedin.com/in/piyushbhula>
- <https://www.linkedin.com/in/pateldds>



Trip Generation (Report A)

Odyssey Escape Game, LLC

Trip Generation (Report A) trip generation report is required for all public hearing applications. It indicates the number of new average daily and peak hour vehicle trips the proposal could be expected to generate (per the latest edition of ITE Trip Generation, as applicable).

We expect:

Employees – No more than 5 employee vehicles will commute to 1111 Alderman Drive daily.

Customers/Weekdays – We expect that no more than 15 cars per weekday will drive to 1111 Alderman Drive. Corporate customers usually car pool from their work location to an escape room team-building event.

Customers/Weekends – We expect that 4 escape rooms holding an average of 8 participants, with each room having scheduled 10 games per day, or 40 games multiplied by 8 participants equals 320 customers. Customers usually arrive in groups of 2-4.

- 4 games per 1 hour and 15 minutes would generate 8 cars per hour and 15 minutes.
- Or a total of 80 cars over a 13 hour period.

Weekdays – (12pm – 8pm)

Land Use	Intensity	Daily Total	A.M. In	A.M. Out	Total	P.M. In	P.M. Out	Total
Office	3758		2	0	2	16	18	18
Total			2	0	2	16	18	18

Weekends – (10am – 12am)

Land Use	Intensity	Daily Total	A.M. In	A.M. Out	Total	P.M. In	P.M. Out	Total
Office	3758		5	3	5	80	82	82
Total			5	3	5	80	82	82

