



PLANNING COMMISSION MEETING

JUNE 4, 2020

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

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF MEETING MINUTES
 - a. Planning Commission Minutes 3.5.20
- IV. ITEMS FROM BOARD MEMBERS
- V. ITEMS FROM STAFF
- VI. PUBLIC HEARING
 - a. **MP-20-01/V-20-05 The Providence Group/Notting Hill**
Consideration of a master plan amendment and variance to allow 48 'For-Sale' townhome units on 3.27 acres in the Downtown. The property is currently approved for 42 'For-Sale' condominium units. A variance is requested to allow some front-loaded townhomes. The property is located at the southwest corner of Thompson Street and Park Street and is legally described as being located in Land Lot 749, 1st District, 2nd Section, Fulton County, Georgia.
 - b. **Z-20-04 Diamond Glass Kimball Bridge**
Consideration of a rezoning from AG (Agriculture) to O-P (Office-Professional) to allow a professional office for Diamond Glass. The property is located at 162 Kimball Bridge Road and is legally described as being located in Land Lots 800 & 805, 1st District, 2nd Section, Fulton County, Georgia.
 - c. **CU-20-02/V-20-04/E-20-05 Village Park at Wills Phase 2**
Consideration of a conditional use to allow 'Assisted Living Facility/Congregate Housing' for Phase 2 of the Village Park at Wills Senior Living Facility. A variance is requested to reduce the front building setback and an exception is requested to increase the building height. The property is located at 11940 Alpharetta Highway and is legally described as being located in Land Lot 600, 1st District, 2nd Section, Fulton County, Georgia.
 - d. **PH-20-04 Unified Development Code Text Amendments – Chickens**
Consideration of text amendments to the Unified Development Code related to Chickens in residential zoning districts.

- e. **PH-20-03 Unified Development Code and Code of Ordinances Text Amendments – Floodplain Management, Commercial Car Wash Recycling, Private Decentralized Waste Water Systems**
Consideration of text amendments to the Unified Development Code and Code of Ordinances related to Floodplain Management, Commercial Car Wash Recycling requirements and Private Decentralized Waste Water System regulations

- f. **PH-18-16 Unified Development Code Text Amendments – Historic Preservation Ordinance**
Consideration of text amendments to the Unified Development Code related to Historic Preservation regulations.

VII. ADJOURNMENT



PLANNING COMMISSION MEETING MARCH 5, 2020

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

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

I. CALL TO ORDER

a. Election of Officers for 2020

- ❖ Commissioner Attig offered a motion to nominate Commissioner Francis Kung'u as Chair for 2020-2021
 - Commissioner Brady seconded the nomination
 - Commissioner Kung'u accepted the nomination
 - The motion was approved (6-0-1)(Kung'u)
- ❖ Commissioner Perkins offered a motion to nominate Commissioner Brady as Vice - Chair for 2020-2021
 - Commissioner Zurinskis seconded the nomination
 - Commissioner Brady accepted the nomination
 - The motion was approved (7-0)

II. ROLL CALL

Members

- Francis Kung'u (Chair)
- Fergal Brady (Vice-Chair)
- Larry Attig
- Jill Bernard(Voting Alternate)
- William Perkins
- Candy Waylock
- Martine Zurinskis

- John Goss (Absent)
- Jamie Bendall (Absent)(Alternate)

Staff Present

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

III. APPROVAL OF MEETING MINUTES

a. December 5, 2019

- ❖ Vice-Chair Brady offered a motion to approve
- Commissioner Zurinskis seconded the motion
- The motion was approved (7-0)

IV. ITEMS FROM BOARD MEMBERS

V. ITEMS FROM STAFF

VI. PUBLIC HEARING

a. Z-20-01/V-20-02 AlphaDev/296 & 304 Thompson Street

Michael Woodman, Senior Planner, presented consideration of a rezoning and variance to allow a 17-unit single-family detached subdivision on 2.21 acres in the Downtown. A rezoning is requested from R-12 (Dwelling, 'For-Sale', Residential) to DT-LW (Downtown Live-Work) and a variance is requested to reduce the minimum 20' recess requirement of a street-facing garage associated with a detached home in the Downtown. The property is located at 296 & 304 Thompson Street and is legally described as being located in Land Lot 802, 1st District, 2nd Section, Fulton County, Georgia.

- **Site Plan**
 - New private street and alley
 - Garages facing street
 - Townhomes facing Alpha Loop
 - Aver Lot size 4255 sf
 - Proposed setbacks comply w DT-LW code
 - Parking and driveways
 - Guest Parking
 - Parking exceeds required parking
 - Paved system roadway, shared street provides flexibility of sidewalk to overlap the travel lane as well as infiltration for stormwater
 - o Approved by Senior Transportation Engineer
 - o Will be maintained by HOA
 - Proposed interparcel access at alley for future development

- Open Space
- Civic Space
- Alpha loop 12' Trail shown on northern 30' of property.
 - o Staff would only approve reduction in 12' Trail to accommodate Tree Saves on a case by case basis
- Tree Save Plan
 - o Staff recommends adding trees in the Alpha Loop area to the Tree Save Plan with the understanding that some trees may be removed subject to Staff approval in order to install the trail with least amount of impact to the trees
- Underground Stormwater under Firepit area
- Elevations
- Traffic
- School Impact
- CZIM
- Public Outreach
 - o Applicant held 4 Public Meetings
 - o Applicant states that agreements with the Public are contingent upon completion of 17 lots. Staff recommendation is not tied to a lot yield

Staff's recommendation was to approve Z-20-01/V-20-02 ALPHADEV/296 & 304 THOMPSON STREET, subject to the following conditions:

1. The site, consisting of approximately 2.21 acres, shall be zoned DT-LW and developed substantially similar to site plan submitted by Engineering 303, revised 1/7/2020, except for modifications required to comply with the conditions below. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.
2. Architecture and materials shall be developed substantially similar to the submitted renderings, except for modifications required to comply with these conditions and in compliance with the Alpharetta Downtown Code, subject to final approval by DRB. Detached homes shall include a mix of flat and gable roofs. Townhomes shall have flat roofs, be oriented to the Alpha Loop and include 4-sided architecture and materials, as approved by DRB.
3. Detached lots shall generally utilize existing grades and include decorative walls (brick and/or stone), as depicted on the submitted renderings, with final approval by DRB.
4. Thompson Street streetscape shall generally be improved as follows: 30' half width right-of-way to incorporate 8' sidewalk (concrete with brick paver banding), 6' planter, 8' on-street parking, 10' travel lane and street trees, with final approval by Staff.
5. New shared private roadway shall be a paver system with a 40' right-of-way, as depicted on the plan prepared by Engineering 303, revised 1/7/2020. Roadway shall include 1' concrete bands, 5' paver sidewalks and 12' paver travel lane, with final design approved by Staff. Street shall be marked with "No Parking". Maintenance of paver system shall be addressed in HOA covenants.
6. Final streetscapes shall include decorative pedestrian lights.
7. Shade trees shall be required in the planter along Thompson Street and behind the sidewalk in the 10' landscape strip as a continuation of what has been planted or designed in the Downtown and outside of utility easements, as approved by Staff. In lieu of tree grates, the soil area around street trees shall be planted with evergreen ornamental grasses, groundcovers and/or shrubs.
8. Roadways with on-street parking shall incorporate curb extensions at intersections.
9. Garages may face new street, per the plan prepared by Engineering 303, revised 1/7/2020.
10. Development shall not be gated.

11. Project entrance shall include decorative landscaping and wall (depicted on submitted renderings), as approved by Staff.
12. Amenity space shall be developed with decorative landscaping, hardscape, firepit, fountain, walls and seating. The landscape shall include plant selections promoting the historic Downtown.
13. Trees shall be saved as depicted on the tree save plan prepared by Engineering 303, dated 2/26/2020. The northern 30' of the property shall be a tree save area with limited tree removal as approved by Staff and related to the construction of the Alpha Loop.
14. Developer shall plant minimum 6" caliper canopy trees on either side of project entrance and on either side of the new street at intersection with alley, as approved by Staff.
15. Developer shall plant 5' landscape strips along the East and West property lines with a single row of Evergreen trees, spaced appropriately, along with the required shade trees.
16. As depicted on the submitted site plan, developer shall construct the Alpha Loop (12' concrete, accessible multi-use trail) within the northern 30' of the property, with final alignment, design and materials approved by Staff and construction completed prior to the first CO. Alpha Loop shall be placed within public right-of-way or a permanent easement and shall include seating/gathering areas, lighting (pedestrian and bollards), landscape and hardscape. Wayfinding signage shall be placed at key location(s) along the trail. Alpha Loop improvements shall be eligible for impact fee credits, as approved by Staff. Alpha Loop shall maintain a minimum 10' setback from residential buildings, as approved by Staff.
17. No more than 10% of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.
18. Developer shall provide interparcel access to allow for a future connection to the properties to the East and West, as depicted on the plan prepared by Engineering 303, revised 1/7/2020.
19. Fences and walls visible from the public right-of-way shall be decorative, as approved by Staff. Unfinished wood fences and decks shall not be visible from the street.

Developer agreements with surrounding neighborhoods:

20. New utilities shall be placed underground.
21. Stormwater management facility shall be underground.
22. Stormwater runoff infiltration/detention system shall be designed and installed so that the Post-Development Discharge from the subject property shall not exceed the Pre-Development Discharge for the 1 year through 100-year storm events.
23. Prior to a land disturbance permit on property, developer shall hire and pay for a licensed registered professional engineer(s) to conduct a photo journal of downstream water bodies located within 500' of the property to determine baseline conditions. Developer shall fund a post-development photo journal by the same engineer(s), to be conducted within 90 days following the recordation of the final plat for the last phase of the development. Developer shall remediate any siltation found by the photo journal over and above the predevelopment baseline that is caused by the development of the property and that is not the result of siltation that would have otherwise occurred absent the development of the property. No such study or remediation will be required if any owner of any such respective body of water refuses the developer access to conduct either the photo journal or the remediation.
24. If allowed by the Academy Park HOA to be installed upon its property, the Developer shall install an 8' tall decorative fence with maintenance access gate along the common boundary of the subject property and Academy Park.
25. Developer shall install evergreen landscape material along Alpha Loop, if no impacts to existing trees, with final approval by Staff.
26. Developer shall install additional landscape material on the south side of Thompson Street across from new street, as approved by Staff.
27. Developer shall provide at least 2 additional on-street parking spaces within the development.

Board discussion:

- Not a gated community
- Alpha Loop width
- Variance is requested on garage
- Driveway Length exceeds minimum requirements
- Impact Fee Credits
- Landscape Standards on Alpha Loop
- Rental Condition is consistent
- Sidewalks, shared roadway system similar to Enclave at Wills
- Connections to Alpha Loop at other locations for citizens to access
- No on street parking
- Fire Marshall has reviewed this project

Ethan Underwood presented for the Applicant.

- High end detached product on Thompson St
- \$880 to \$1.1 million price point
- Showed original site plan
- Variance request and result of not approving it.
- Paver System
- Photometric Study
- Site Plan
- Tree Save Plan
- Proposed Density
- Want Staff to have approval to change width of path in order to save trees
- In agreement with Staff Conditions

Board Discussion:

- Price point
- Square footage of homes
- Pervious runoff, water collection, header curb
- Off street parking

Public Comment:

In Favor:

1. Gariel Burchett, 2441 Loxford Ln, representing Academy Park

Board Discussion:

- Tree Save behind Alpha Loop
- Loop has to be accessible to pedestrians and bicyclists
- Burnett Circle project has been submitted for LDP
- Staff does not intend to reduce Alpha Loop width to 8'

- ❖ Vice- Chair Brady offered a motion to approve Z-20-01/V-20-02 AlphaDev/296 & 304 Thompson Street subject to all the conditions presented by Staff as noted
- Commissioner Waylock seconded the motion
- The motion was approved (7-0)

b. Z-20-02/V-20-06 Sedgwick Residence/Devore Road

Michael Woodman presented consideration of a rezoning and variance to allow one (1) single-family detached home on 0.29 acres in the Downtown. A rezoning is requested from C-2 (General Commercial) to DT- MU (Downtown Mixed Use). Variances are requested to reduce the requirement for a street- facing garage to be recessed a minimum 20' behind the front façade in the Downtown and the reduce the minimum 18' driveway requirement. Staff does not support the variance request to reduce the minimum 18' driveway requirement. The Applicant is all right with that. The property is located at 0 Devore Road on the south side of Devore Road and east of Alpharetta Highway and is legally described as being located in Land Lot 693, 1st District, 2nd Section, Fulton County, Georgia.

- Site Plan
- Zoning
- Depth of Lot
- Street Views of Property
- Site Plan for the Maxwell to give perspective of future condition of area
- GDOT project
- Parking
- Driveway
- Open Space within Courtyard
- Rendering of Elevations
- CZIM
- Criteria for Approval

Approve Z-20-02/V-20-06 SEDGWICK RESIDENCE/DEVORE ROAD, subject to the following conditions:

1. The site, consisting of approximately 0.29 acres, shall be zoned DT-MU and developed substantially similar to site plan prepared by Lew Oliver Inc., except for modifications required to comply with the conditions below. Permitted uses above the detached garage shall be limited to the following:
 - a. Dwelling
 - b. Professional Office
 - c. Shop or Studio, Craftsman/Artist
2. Minimum 18' long driveway shall be required.
3. Street-facing garage shall be recessed a minimum 5' behind the front façade of the home.
4. Architecture and materials shall be substantially similar to the submitted renderings, except for modifications required to comply with the Downtown Consultant's markups related to the home and in compliance with the Alpharetta Downtown Code, with final approval by DRB.
5. A mix of shrubs, vines and grasses shall be planted along the proposed wall, as approved by DRB.

Board Discussion:

- Driveway Plan. Staff does not support variance to 18' driveway
- Parking with regard to Professional Office
- Addition of Dwelling to Condition # 1
- Office use is specific to space above garage

Michele Sedgwick, presented for the Applicant.

- Agreed to Staff recommended conditions.
- Vision for property

There was no Public Comment.

❖ Commissioner Perkins offered a motion to approve Z-20-02/V-20-06 Sedgwick Residence/Devore Road subject to the conditions as set forth by Staff to include the words Dwelling/Living Space under #1

- Commissioner Zurinskass seconded the motion
- The motion was approved (7-0)

c. PH-19-09 Unified Development Code Text Amendments – Signs (Mitchell)

Kathi Cook, Director of Community Development presented consideration of text amendments to the Unified Development Code related to Sign regulations.

The following text amendments are proposed to the Sign Code:

1. Subsection 2.6.4 (A) Permit Required. Change to require any change to an existing sign, including only a face change, obtain a permit.
2. Subsection 2.6.8 (26) Prohibited signs and devices. Reduce the maximum height of a monument sign from 15' to 10'.
3. Subsection 2.6.8 (29) Prohibited signs and devices. Prohibit neon signs with exposed neon lighting and any illumination used to create a neon tube look.
4. Subsection 2.6.11 (B)(6) Illumination of Signs. Prohibit the use of neon to illuminate signs.
5. Subsection 2.6.12 (A) (2) and Subsection 2.6.12 (B) (2) (d) Requirements for non-residential zoning districts. Allow unused sign area for wall and perpendicular signs to be aggregated and distributed to particular building elevations, but limited to no more than 2 wall signs and 1 perpendicular sign on the same building elevation and not internally-illuminated.
6. Subsection 2.6.12 (A) (3) Requirements for non-residential zoning districts. Allow rear entrance wall sign to be a maximum 50% of the allowed front facing wall sign. This is to address buildings that have front and rear pedestrian entrances, and those with access from the Big Creek Greenway and future Alpha Loop.
7. Subsection 2.6.12 (B) (1) Reduce the maximum height of a monument sign to 10' or less. Remove subsection (1) (g) which allowed increased copy area when one or more of the monument signs otherwise permitted are foregone. Allow rear entrance wall sign to be a maximum 50% of the allowed front facing wall sign.
8. Subsection 2.6.12 (C) (1) Signs Permitted in Industrial and Office Parks. Reduce the maximum height of a monument sign from 15' to 10' and reduce the permitted copy area of a monument sign from 150 square feet to 75 square feet.

9. Subsection 2.6.12 (C) (2) Signs Permitted in Industrial and Office Parks. Allow a blade sign in lieu of a wall sign with a sign area not to exceed 50% of the allowable wall sign area.
10. Subsection 2.6.12 (D) (1) Add “no digital copy is allowed” for clarification.
11. Subsection 2.6.12 (E) (6) Change buildings of 3 stories to 2 stories are permitted a wall sign at top of the free-standing commercial building.
12. Subsection 2.6.12 (G) Add maximum height of a monument sign not to exceed 6' and remove last sentence, which states the regulation does not apply if only changing sign face.
13. Subsection 2.10.9 North Point Overlay, Signs. Delete subsection (C) regarding rear wall signs.

Board Discussion:

- Discussion of Neon Signs in Downtown Area
- Description of a Monument Sign
- Discussion of height of base of monument signs with regard to scale of total sign
- Internally lit cabinet signs
- Design Review Board process
- Amount of signs that will be out of compliance with proposed changes
- Neon issue is a proactive issue
- Surface area of monument signage w regard to 156sf sign – Staff is able to approve Variance up to 20%
- Grandfathered in” temporary plywood” signs on Main St. Staff stated if they had a sign permit; they are grandfathered. Staff stated if it is a permanent sign; it should be made from durable materials.

There was no Public Comment.

❖ Commissioner Zurinskis offered a motion to approve as presented

- Vice – Chair Brady seconded the motion
- The motion was approved (7-0)

**d. PH-19-28 Unified Development Code and Code of Ordinance Text Amendments –
Massage and Spa Establishments**

Kathi Cook, Director of Community Development, presented consideration of text amendments to the Unified Development Code and Code of Ordinances related to Massage and Spa Establishment regulations. This language that currently exists in several areas in our code. Spa Licensing has been moved from Public Safety to Community Development. Staff met with City Attorney to consolidate the codes. Distance requirements are proposed to be included in the definitions. The one change is to remove the cap of 20 on massage and spa establishment licenses. The proposal is to consider each business as a Conditional Use.

Proposed amendments include:

1. Amend the definitions of 'Massage Therapy' and 'Spa Services' to match the definitions in the City's Code of Ordinances and including distance requirements from the Code of Ordinances Subsection related to Massage and Spa Establishments.

Consideration of text amendments to the Code of Ordinances, Article IX Massage and Spa Establishments. Proposed amendments include:

2. Amend the definitions of 'Massage or Massage Therapy' and 'Spa Establishment' to match the definitions in the Unified Development Code (UDC) and including distance requirements from the Code of Ordinances Subsection related to Massage and Spa Establishments.
3. Replace the City's Public Safety Department with the City's Community Development Department as the administrator of the ordinance.
4. Delete last 2 sentences of subsection 10-279 (a) which limits massage and spa establishment licenses to no more than 20 such licenses.

There was no Public Comment.

Board Discussion:

- With regard to 300' distance requirement existing businesses would be grandfathered specific to that owner or conditions of zoning
 - Changes to Public Safety Code
 - Explanation of "by right"
 - Growth of this type of businesses
 - Process of Code Review for the City of Alpharetta
 - Additional Code Enforcement Officers in Community Development
- ❖ Commissioner Zurinskis offered a motion to approve as Presented
- Commissioner Waylock seconded the motion
 - The motion was approved (7-0)

VII. ADJOURNMENT



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: MP-20-01/V-20-05 THE PROVIDENCE GROUP AT NOTTING HILL/OLD MILTON HOLDINGS

PLANNING COMMISSION: JUNE 4, 2020

CITY COUNCIL: JUNE 15, 2020

II. RECOMMENDATION:

Approve MP-20-01/V-20-05 The Providence Group at Notting Hill/Old Milton Holdings, subject to the following conditions:

1. The site, consisting of approximately 3.27 acres, shall be developed substantially similar to plan prepared by Travis Pruitt & Associates, revised 3/10/2020, except for modifications required to comply with the conditions below. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning. To the extent of any conflict between these conditions and prior Master Plan conditions, these conditions shall control.
2. Old Milton Holdings Master Plan residential density shall be limited to no more than 6.78 du/acre.
3. Building setbacks shall be 30' from existing right-of-way on Thompson St, 10' from existing right-of-way on Park St, 5' to the West and 10' to the South.
4. Thompson Street and Park Street shall be improved as follows: 30' half width right-of-way to incorporate 8' sidewalk (concrete with brick paver banding), 6' planting area, 8' on-street parking (Thompson Street) and 10' travel lane (any right-of-way dedication should not impact building setback; building setbacks shall be measured from existing right-of-way), as approved by Staff. A landscaped tree island shall be required every 3 on-street parking spaces and at the end of parking. Park Street streetscape shall be modified to include the Alpha Loop. Final streetscape shall match the approved streetscape standards and include decorative pedestrian lighting and street furniture, as approved by Staff.
5. Roadways with on-street parking shall incorporate curb extensions at intersections.
6. Open/green space shall be developed as depicted on the plan prepared by Travis Pruitt & Associates, revised 3/10/2020. Open space shall include a mix of trees, shrubs, and ground covers of varying heights, textures and colors, as approved by Staff.
7. 30' linear park along Thompson Street shall include decorative stone, brick or granite wall (with under ledge lighting) or columns with hedge between the linear park and townhomes. Linear park shall include landscape, hardscape, seating and public art, as approved by Staff.
8. Development shall not be gated.
9. Architecture and materials shall be substantially similar to submitted renderings, except for modifications required to comply with these conditions and Downtown Consultant comments, with final approval by DRB. Units 21-48 shall have 4-sided architecture and materials (brick or stone). Units 1-20 shall have 3-sided architecture and materials (brick or stone). Sides of units visible from Thompson Street shall have the same level of architecture and materials as the front.
10. HVAC equipment shall be screened from the public right-of-way.
11. Developer shall construct 8' concrete, accessible Alpha Loop trail along Park Street, with final alignment/design/materials approved by Staff and construction completed prior to the first CO. Alpha Loop shall be placed within the public right-of-way or a permanent easement. Minimum 6' planting strip shall be provided between Park Street and the Alpha Loop. Alpha Loop shall include lighting (pedestrian and bollards), landscape and hardscape. Wayfinding signage shall be

- placed at a key location along the trail. Alpha Loop improvements, outside of required 6' concrete sidewalk, shall be eligible for impact fee credits, as approved by Staff.
12. Decorative walls and/or landscaping shall be used to screen alleys and driveways from Thompson Street at Unit 42, as approved by Staff.
 13. Landscape strips along the south and west property lines shall include screening material and shall be expanded up to 10', where possible.
 14. All buildings shall have connectivity to the public sidewalk system.
 15. Pedestrian-scale lighting shall be provided throughout the development.
 16. Fencing visible from the public right-of-way shall be decorative, as approved by Staff. Unfinished wood fences and decks shall not be visible from the street.
 17. As agreed to by the developer, a minimum of 2 of the required trees shall be signature canopy trees, minimum 6" caliper at planting, and planted within the 30' linear park, as approved by Staff.
 18. Corner of Thompson and Park Street shall be heavily landscaped, including a corner sculpture or other original art such as a mosaic wall, as approved by Staff.
 19. Decorative paver apron shall be required at project entrance, as approved by Staff.
 20. Landscape, hardscape, fences and walls shall compliment materials used within the Master Plan. A detailed landscape plan shall be required, subject to approval by Staff.
 21. Developer shall provide an easement to allow for future interparcel connectivity to the west.
 22. Streets less than 24' wide shall be marked "No Parking".
 23. As agreed to by the developer, existing overhead utilities along Thompson Street shall be placed underground.
 24. No more than 10% of units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.

III. REPORT IN BRIEF:

The applicant, Kathy Zickert on behalf of The Providence Group, is requesting a master plan amendment to the Old Milton Holdings Master Plan and a variance to allow for the construction of 48 'For-Sale' townhome units on 3.27 acres designated as Phase II of the Old Milton Holdings Master Plan. The property is currently approved for 42 'For-Sale' condominium units. A variance is requested to allow some of the townhomes to be front-loaded. The subject property is located at the southwest corner of Park Street and Thompson Street.

DISCUSSION

The submitted request, if approved, would allow for the construction of 48 'For-Sale' townhomes on 3.27 acres designated Phase II of the Old Milton Holdings Master Plan. The property is currently approved for 42 'For-Sale' condominium units. The proposed density for the Old Milton Holdings Master Plan is 6.78 dwelling units per acre. The subject property is located at the southwest corner of Park Street and Thompson Street.

The property is zoned MU (Mixed Use) subject to the Old Milton Holdings Master Plan and was previously developed with seven (7) single-family detached lots, which have since been demolished. Properties surrounding the subject property are zoned MU to the East, DT-LW (Downtown Live-Work) to the North, and O-I (Office-Institutional) and O-P (Office-Professional) to the West. Surrounding properties include The Foundry and Liberty Village to the East, Midwick Subdivision to the North, US Post Office to the West and the Wellstar medical office building to the South. The property has a Comprehensive Land Use Plan designation of Mixed-Use Live Work, which allows the proposed use.

A variance is requested from Appendix A: Alpharetta Downtown Code of the Unified Development Code (UDC) to allow a front-loaded townhome product. Of the proposed 48 townhome units, the applicant requests that twenty (20) be front-loaded. Front-loaded units are

Phase II of the Old Milton Holdings Master Plan represents 5.68-acres on the West side of Park Street. Phase II includes the applicant's 3.27-acre property and the 2.41-acre Wellstar property. The original Master Plan, depicted below, was approved on March 30, 2015 as a mixed-use development and did not initially include the applicant's property. Stacked flat condominiums were previously approved on the portion of the property at the northwest corner of Old Milton Parkway and Park Street (Wellstar property). In early 2017, the Master Plan was amended to allow 42 stacked flats and a 40,000 square foot medical office building in Phase II, which resulted in a 31-unit reduction to the overall number of residential units within the Master Plan. The table below reflects the original and current approvals, as well as the applicant's proposal and net change to the Old Milton Holdings Master Plan.

[illegible]

	Original Master Plan	Current Master Plan	Proposed Master Plan	Net Change
Year	2015	2017	2020 (Current)	
Acreage	21.07 ac	23.89 ac*	23.89 ac	
Residential	21 SFD 111 TH 54 Condo	25 SFD 89 TH 42 Condo	25 SFD 89 + 48 = 137 TH	-42 Condo +48 TH
Density	8.83 du/ac	6.53 du/ac	6.78 du/ac	+0.25 du/ac

The 2015 Downtown Master Plan market study reflects a demand potential of 185 – 210 townhome units in the Downtown over a 5-year period. The demand analysis is intended to be a measure of market viability, not a prediction or recommendation for Downtown development. As shown in the tables below, 246 townhome units have been approved in the Downtown in the five (5) years since the adoption of the Downtown Master Plan update. There has not been an updated market demand study for Downtown since 2015.

Downtown Overlay – Residential Approvals since the 2015 Downtown Master Plan Update

Development Name	Type	Acres	Density
AlphaDev/296 & 304 Thompson St	11 SFD, 6 TH	2.21 acres	7.7 du/ac
Alcovy	10 SFD	1.23 acres	8.1 du/ac
City Center/Voysey	42 SFD, 168 For-Rent	25 acres	8.0 du/ac
Midwick	17 SFD, 23 TH	5.85 acres	6.8 du/ac
Old Milton Holdings (Foundry)	25 SFD, 89 TH, 42 Condo (High)	23.89 acres	6.5 du/ac
Thompson Street Flats (Kairos)	24 Condo (High)	2.39 acres	10.0 du/ac
Burnett Circle (Ouray)	43 TH	5.72 acres	7.5 du/ac
Weyhill	9 SFD	3.1 acres	2.9 du/ac
Teasley Place	24 Condo (High)	2.2 acres	10.9 du/ac
East of Main	60 SFD, 42 TH	13.87 acres	7.35 du/ac
Twelve on Canton	12 SFD	5.46 acres	2.2 du/ac
The Maxwell	58 SFD, 80 Condo (Mid)	12.91 acres	10.7 du/ac
Rowes Downtown (Tiffany Square)	22 SFD	3.26 acres	6.75 du/ac
Chelsea Walk	49 TH	7.04 acres	7.0 du/ac
Manning on the Square	58 SFD	11.7 acres	4.96 du/ac
Villa Magnolia	26 SFD	3.53 acres	7.37 du/ac

Downtown Overlay – Number of Approved Residential Units by Type

Residential Type	Number Approved
Single-Family Detached	339 units
Townhome	246 units
Condominium (Mid-Entry)	80 units
Condominium (High-End)	90 units
For-Rent	168 units
TOTAL	923 units (82% For-Sale/18% For-Rent)

SITE PLAN

As shown below, the current approved plan for the property depicts eight (8), three (3) story condominium buildings over structured parking and oriented to open space and a linear park along Thompson Street. Access is provided from two (2) driveways off Thompson Street, as well as, interparcel access to the WellStar property to the South.

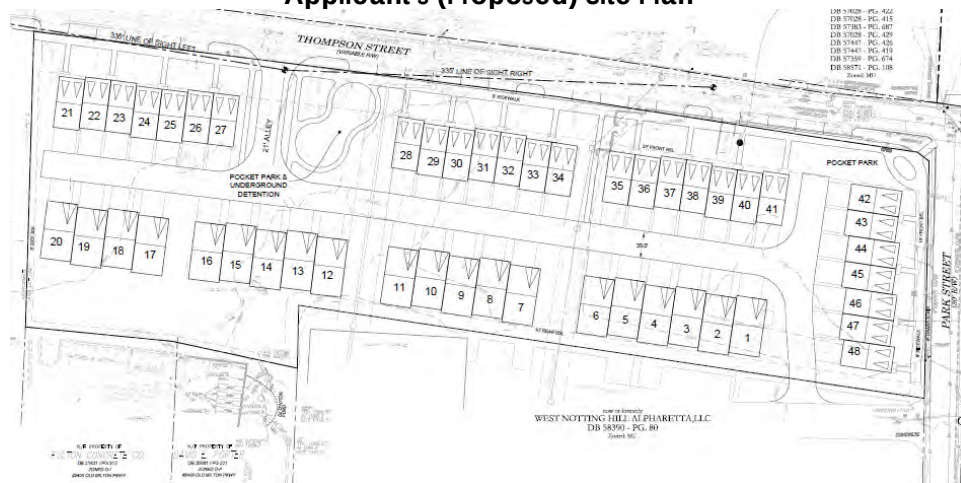
Current (Approved) Site Plan



The applicant's submitted plan, depicted below, proposes 48 townhome units in eight (8), three (3) story buildings. Rear-loaded townhomes are oriented to Thompson Street and Park Street

and front-loaded townhomes (Units 1 – 20) are oriented to a 20' alley. Building setbacks are proposed to be 30' on Thompson Street, 10' on Park Street, 5' along the West property line (side) and 10' along the South property line (rear).

Applicant's (Proposed) Site Plan



The project entrance, located on the West side of the property, provides access to the site from Thompson Street. In addition, interparcel access is depicted to the Wellstar property to the South. Eight-foot (8') sidewalks are depicted along Thompson Street and Park Street. If approved, internal sidewalks should be provided connecting all units to the public sidewalks.

The Unified Development Code (UDC) requires that townhomes (2 bedrooms and up) have two (2) parking spaces, plus 0.5 guest spaces per unit. All townhomes are proposed to have a 2-car garage and a minimum 18' driveway, which would accommodate two (2) additional parking spaces. 22 on-street parking spaces are depicted along Thompson Street; however, that number would likely be reduced by approximately four (4) parking spaces to accommodate additional landscaped tree islands.

According to the applicant, the development would have approximately 1.25 acres of open/green space. A 30' wide linear park is depicted along Thompson Street, which is consistent with the desired streetscape. Two (2) pocket parks are proposed along Thompson Street, at the project entrance and at the corner of Thompson Street and Park Street. If approved, the linear park and pocket parks should include improvements such as seating areas, decorative borders (walls or columns with a hedge), pedestrian lighting, public art, landscape/hardscape and signature canopy trees. Landscape strips along internal property lines should include screening material, especially where the property abuts non-residential development.

A specimen tree is located at the rear of the property. However, the applicant's arborist states that the tree is not an ideal save due to the topography of the site, which would result in the tree sitting down in a 6' – 8' deep well. Previous master plan conditions associated with Phase II required that a Pecan tree to be saved at the Northwest corner of Old Milton Parkway and Park Street, on the Wellstar property. The site plan does not depict tree saves; however, the applicant proposes to plant at least two (2) signature canopy trees, minimum 6" caliper at planting, within the 30' linear park along Thomson Street. Underground detention is proposed within the pocket park adjacent to the project entrance.

BUILDING ELEVATIONS

The Old Milton Holdings Master Plan includes conditions of zoning related to residential architecture, materials, details and orientation of buildings. Residential buildings on the subject property should comply with the Master Plan conditions below and/or comply with the Downtown Code with respect to building architecture, materials and design.

28. Residential architecture shall be representative of southern classic style. Commercial and office shall be European or English style as in picture shown as exhibit A. All uses and/or buildings shall coordinate architecture. Design Review Board shall review townhomes, stacked flats and retail/restaurant and office building architecture. Site and landscape plan for commercial portion shall also require Design Review Board approval.

30. Buildings along Old Milton Parkway, Thompson Street, Westside Parkway and Park Street shall face those streets to the greatest extent possible with garages located to the rear of the buildings. In cases where the side of the building faces those streets, the sides shall be designed to have the appearance of facing those streets. There shall be no visible rear yards along Old Milton Parkway.

Rear-loaded townhome buildings are proposed to be 20' wide and front-loaded buildings are 24' wide. The 3-story townhome buildings are brick with metal roof accents and include balconies and boxed windows. Brick color alternates from unit to unit. The elevations include details such as brick jack arch, brick segmented arch, brick header, wrought iron railing and metal railing. Some end units have sides that would be visible from Thompson Street. Therefore, it is recommended that townhome buildings have 4-sided architecture and materials and sides visible from Thompson Street be designed to have the appearance of a front elevation.

The City's Downtown Consultant had the following comments on the proposed elevations:

- Elevations represent good quality, historically-inspired architecture
- Finish materials, window and door header details, and railing details will be reviewed in conjunction with the DRB review process

TRAFFIC

The applicant submitted trip generation figures for the proposed project. As shown in the table below, the proposed use would generate less than 34 PM Peak Hour trips. The trip generation report below is based on the applicant's initial submittal, which proposed 54 townhome units.

Trip Generation Analysis (10th Ed.) Thompson Street Development											
Land Use	Intensity	Daily			AM Peak Hour			PM Peak Hour			
		Total	In	Out	Total	In	Out	Total	In	Out	
<u>Proposed Site Traffic</u>											
<u>ITE Code</u> 220	<u>Description</u> Multi-Family Housing (Low-Rise)	54 d.u.	368	184	184	27	6	21	34	21	13
<u>Gross Trips</u>			368	184	184	27	6	21	34	21	13

SCHOOLS

Residential development is known to increase school enrollment. Fulton County calculated the potential maximum number of children who may live on the property by using the Fulton County

Schools standard calculation to identify the number of children that a residential development will generate. The following chart outlines these figures:

FULTON COUNTY SCHOOLS – 48 Townhome Units

School	Single Family Average #
Manning Oaks Elementary School	2 to 10 students
Hopewell Middle School	1 to 3 students
Alpharetta High School	3 to 9 students
TOTAL	6 to 22 students

Based on the total figure for all three school levels, it can be assumed that the proposed development could house approximately 6 – 22 school age children. Numbers provided by Fulton County Schools show that Manning Oaks Elementary and Alpharetta High School are currently over capacity.

STANDARDS FOR MASTER PLAN AMENDMENTS

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 be suitable as it relates to the use and development of adjacent or nearby properties. Thompson Street is primarily developed with residential uses.

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

Response: The zoning proposal should not adversely affect the existing use or usability of adjacent or nearby properties, which are primarily developed with residential uses.

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

Response: The applicant's proposal should not have significant impacts on the natural environment. A minimum of two (2) signature canopy trees are proposed by the applicant to be planted in the linear park along Thompson Street.

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

Response: The property is approved for 42 'For-Sale' condominium units. The applicant's request to allow six (6) additional units is 24 units less than the original Master Plan approval.

- 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 represents an increase of 0.25 dwelling units per acre to the overall Master Plan density. However, the applicant's request to allow six (6) additional dwelling units is 24 units less than the original Master Plan approval. The applicant's proposal should not have significant impacts to public facilities and 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: Not applicable.

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

Response: The zoning proposal reflects a reasonable balance. While the applicant is requesting six (6) additional units, the proposal is 24 units less than the original Master Plan.

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

Response: The property is approved for 42 For-Sale condominium units. The request to allow six (6) additional units is 24 units less than the original Master Plan.

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

Response: The zoning proposal is consistent with the Comprehensive Land Use Plan designation of the property, 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 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: Approval of the variance should not cause substantial detriment to the public good. The unusual shape of the property constrains the site layout. In addition, the front-loaded units are located behind the units fronting Thompson Street. This configuration would avoid the backside of units being seen from Thompson Street.

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

Response: The application of the Ordinance would require townhomes to face the WellStar property with their backside being visible from Thompson Street.

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

Response: The unusual shape of the property constrains the site layout. In addition, the front-loaded units are located behind the units fronting Thompson Street. This configuration would avoid the backside of units being seen from Thompson Street.

(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 variance should not cause substantial detriment to the public good. The unusual shape of the property constrains the site layout. In addition, the front-loaded units are located behind the units fronting Thompson Street. This configuration would avoid the backside of units being seen from Thompson Street.

CONCURRENCES

Staff has reviewed the applicant's proposal and finds that it could generally support the request for master plan amendment and variance. The proposal would result in a use that is consistent with the Comprehensive Land Use Plan designation of the property and the proposal to allow six (6) additional units is 24 units less than the original Master Plan approval. If approved, conditions are recommended requiring a linear park along Thompson Street, signature canopy trees and the placement of overhead utilities underground.

Approval of the variance should not cause substantial detriment to the public good. The subject property is shallow and long, which limits site layout. In addition, the front-loaded units are located behind the units fronting Thompson Street. This configuration would avoid the backside of units from being visible from Thompson Street.

CITIZEN PARTICIPATION PLAN

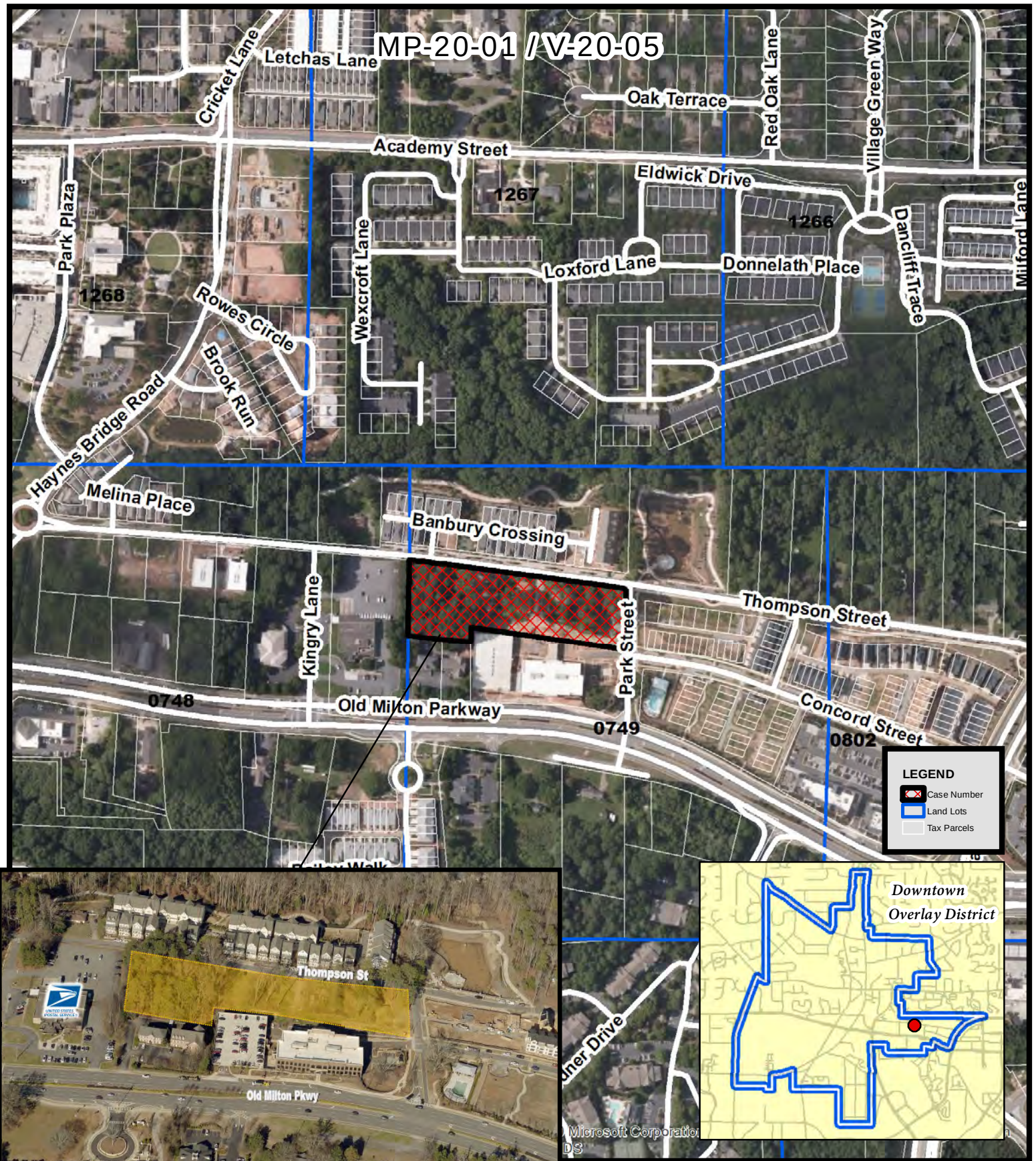
The report submitted by the applicant states that letters were mailed to each property owner within 500' of the subject property stating the applicant's intent. In addition, the applicant met with adjacent property owners to discuss their concerns. According to the applicant's public participation report, there were concerns over traffic, number of units, size of units and orientation of buildings to Thompson Street. In response to the public comments, the applicant revised the site plan to increase townhome sizes from 18' wide to 20' and 24' wide, reduce the number of units from 54' to 48' and align townhome buildings to Thompson Street.

COMMUNITY ZONING INFORMATION MEETING

The CZIM was held on February 12, 2020. At the meeting, the applicant displayed an earlier site plan depicting 54 townhome units in groupings along Thompson Street. There were concerns over traffic, size of units, number of units and layout. Generally speaking, the public thought that the townhomes should be comparable in price and size to the Foundry, Midwick and East of Main and townhome buildings should be oriented to Thompson Street similar to Midwick and the Foundry.

ATTACHMENTS:

- Site Plan
- Elevations

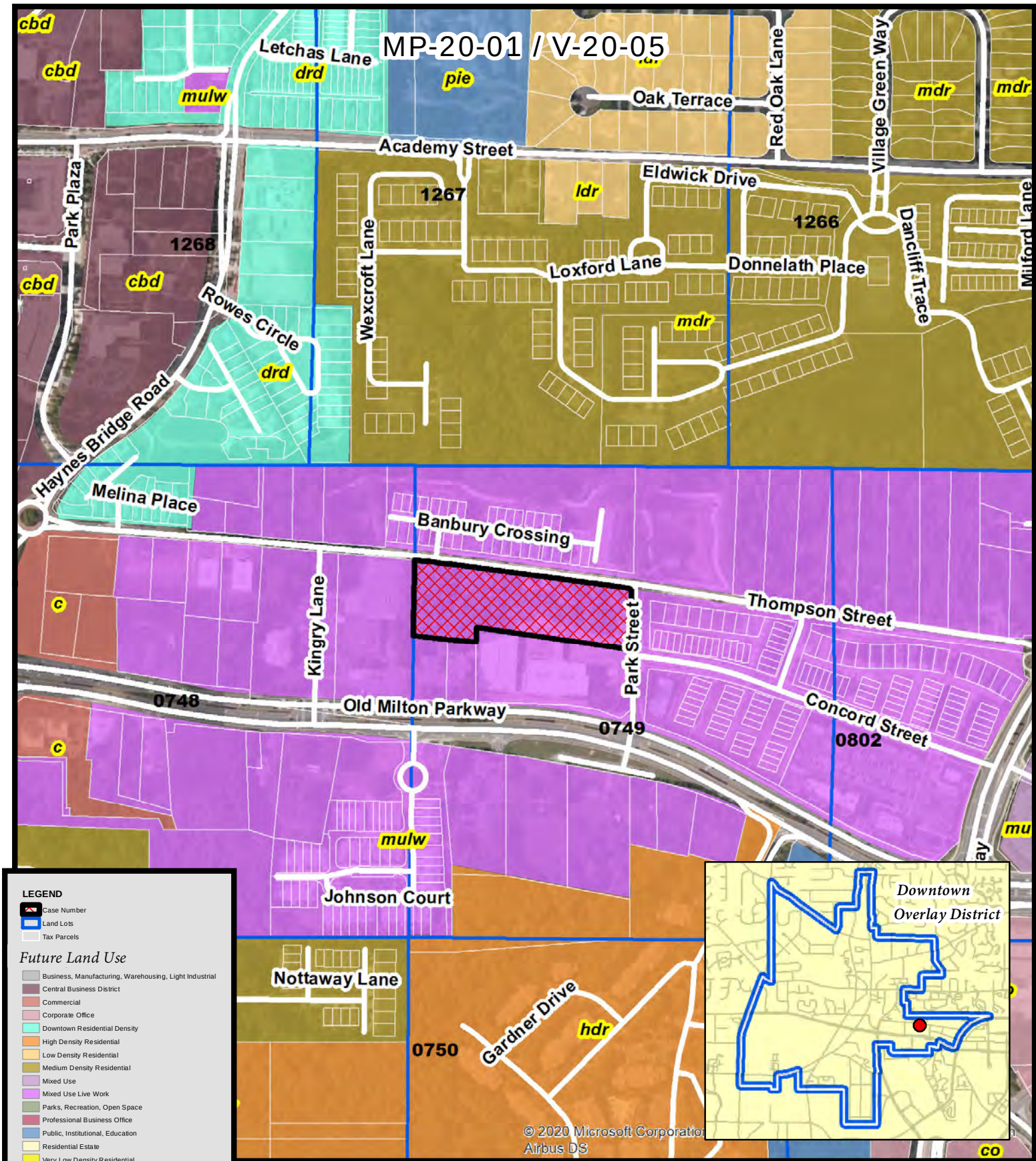


Aerial Map Notting Hill Providence Group

MP-20-01/V-20-05
D/LL: 1/2/695
PC Date: **6/4/20**
CC Date: **6/22/20**

Location Map Provided by:
Community Development - GIS



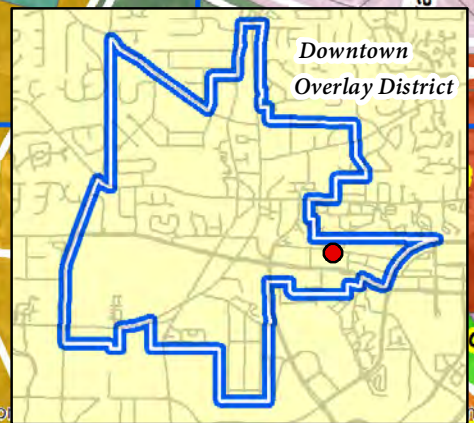
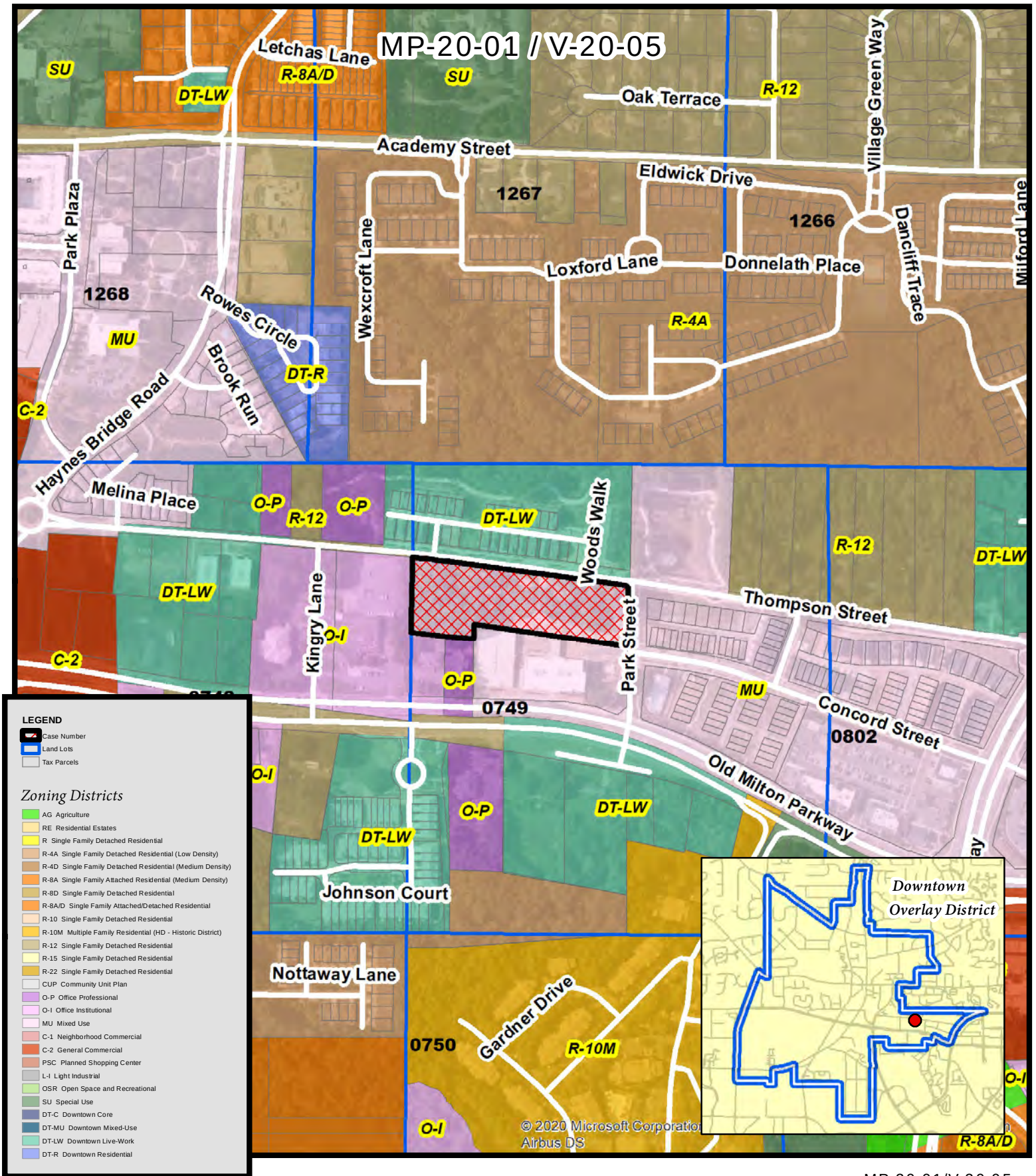


Future Land Use Notting Hill Providence Group

MP-20-01/V-20-05
D/LL: 1/2/695
PC Date: 6/4/20
CC Date: 6/22/20

Location Map Provided by:
Community Development - GIS



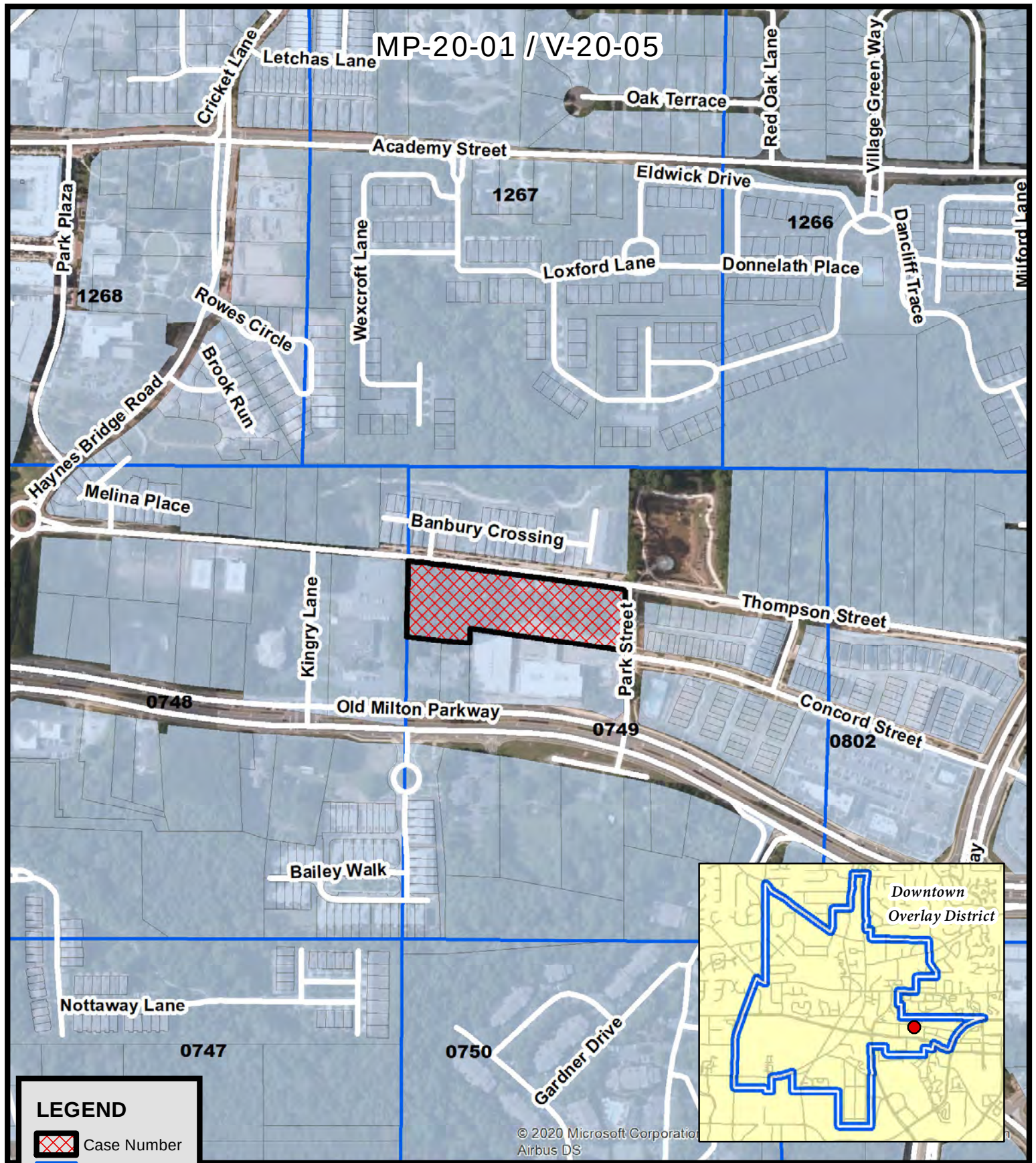


MP-20-01/V-20-05
D/LL: 1/2/695
PC Date: 6/4/20
CC Date: 6/22/20

Zoning Map Notting Hill Providence Group

Location Map Provided by:
Community Development - GIS





Location Map
Notting Hill
Providence Group

MP-20-01/V-20-05
D/LL: 1/2/695
PC Date: **6/4/20**
CC Date: **6/15/20**

Location Map Provided by:
Community Development - GIS



Notting Hill/The Providence Group 2.12.2020

[illegible]

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: **185 Thompson Street/Notting Hill**

Contact Name: **J. Alexander Brock**

Telephone: **404-815-3603**

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.

Peggy Wiggins commented on the square footage of the townhomes and concerns about traffic.

Lana Wertc agrees with Peggy Wiggins' comments.

See the attached sign-in sheet for further 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.

See attached mailing list.

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

Signature of Authorized Agent: _____

J. Alexander Brock

Date: **02/13/2020**

Print Form

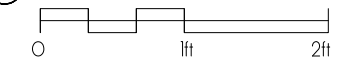
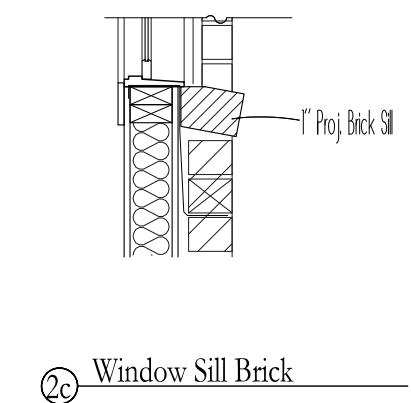
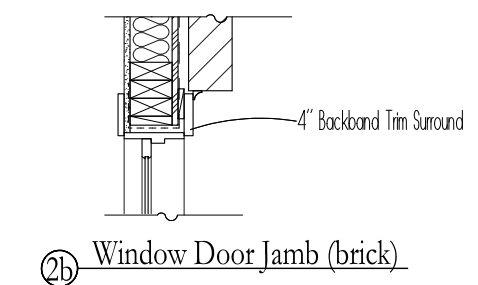
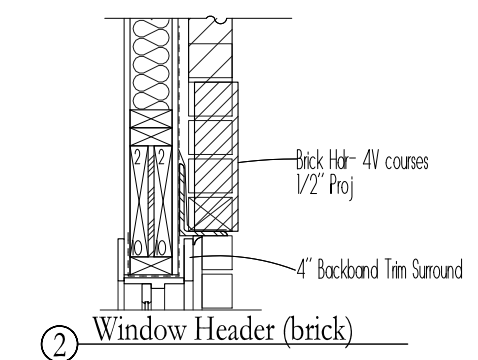
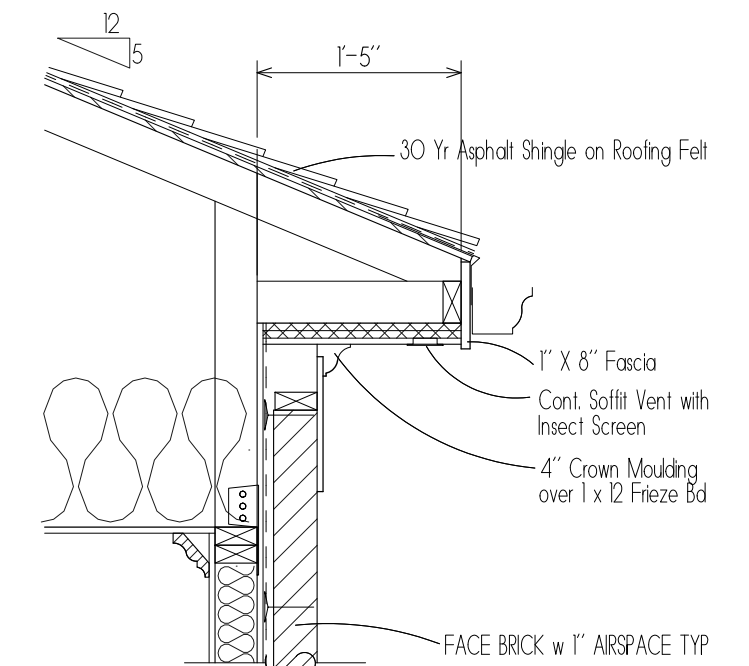
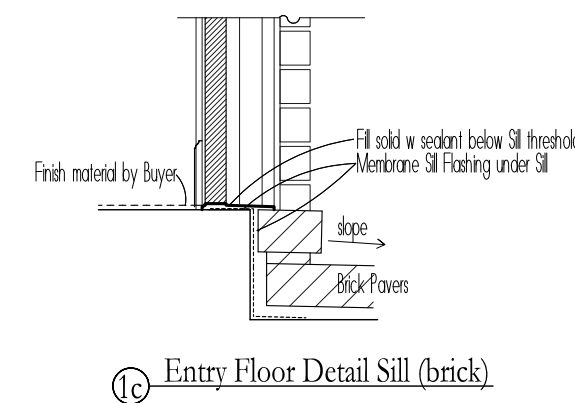
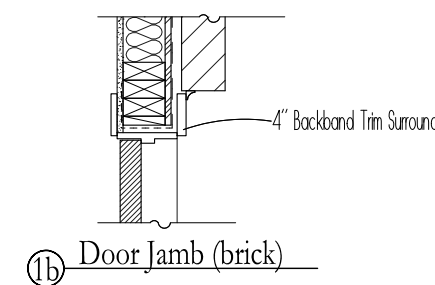
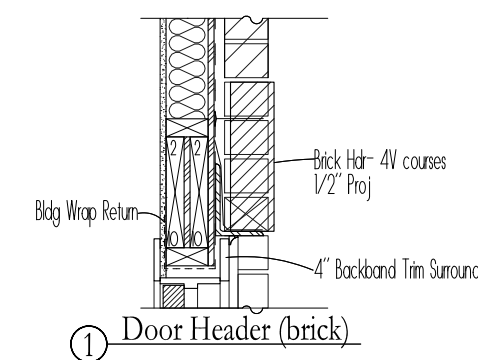
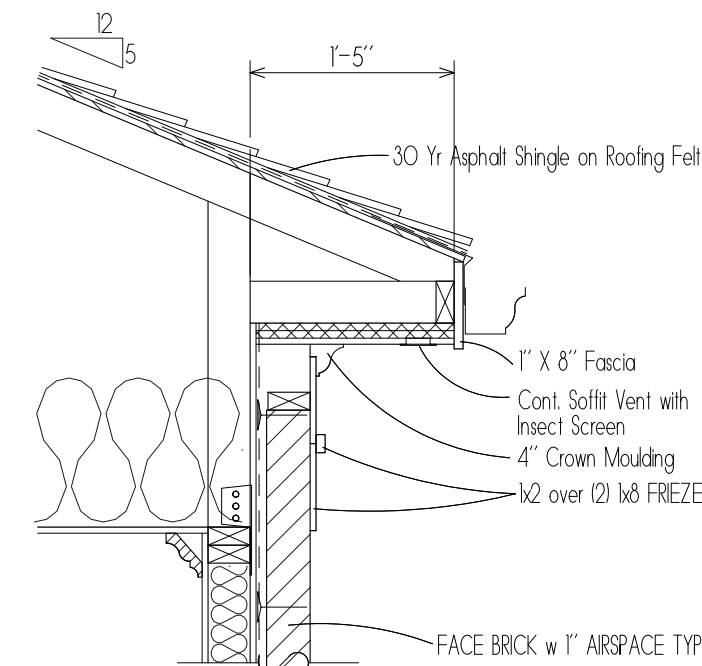
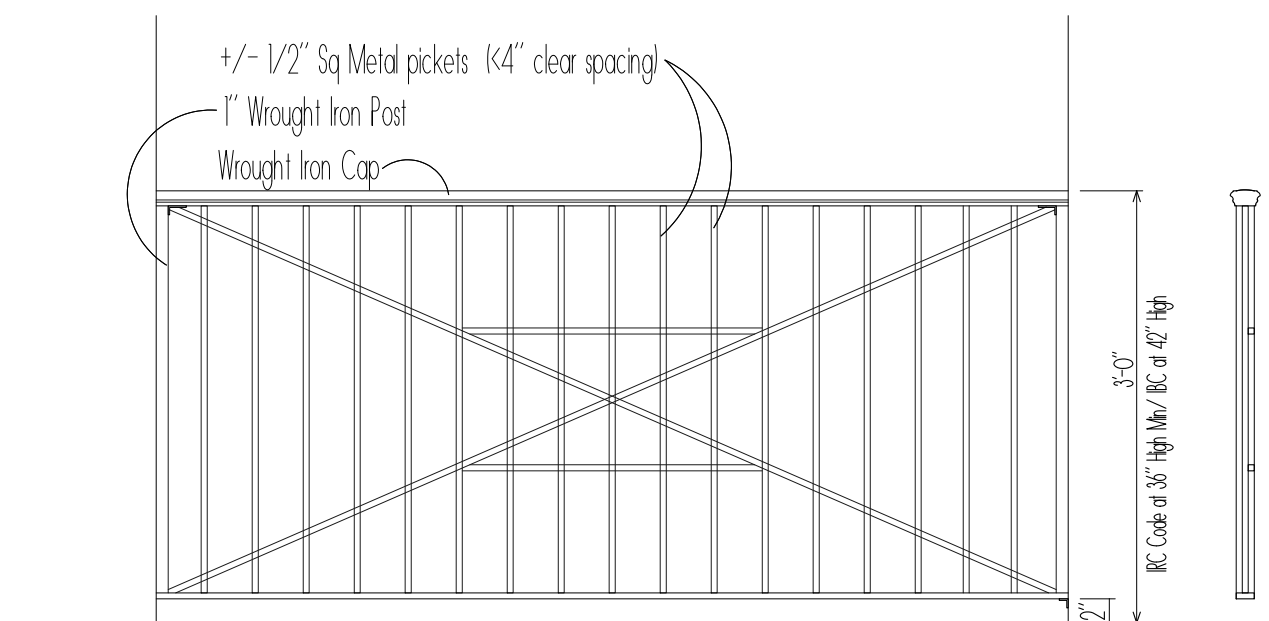
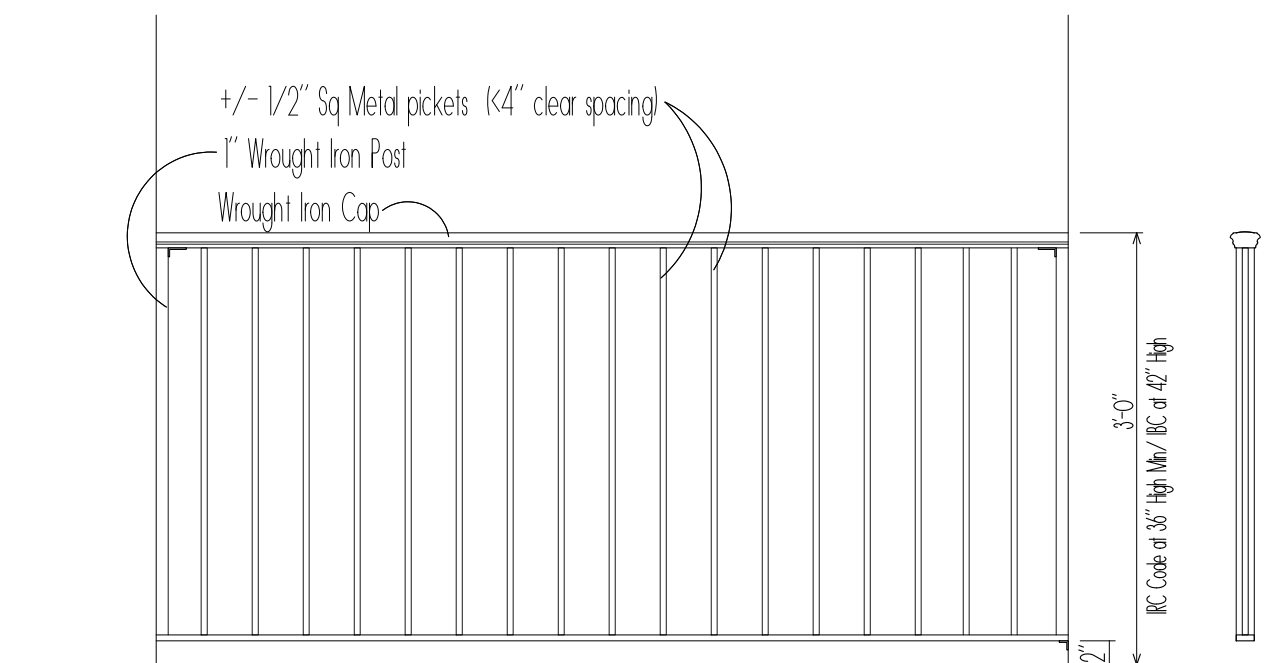


THE
PROVIDENCE
GROUP

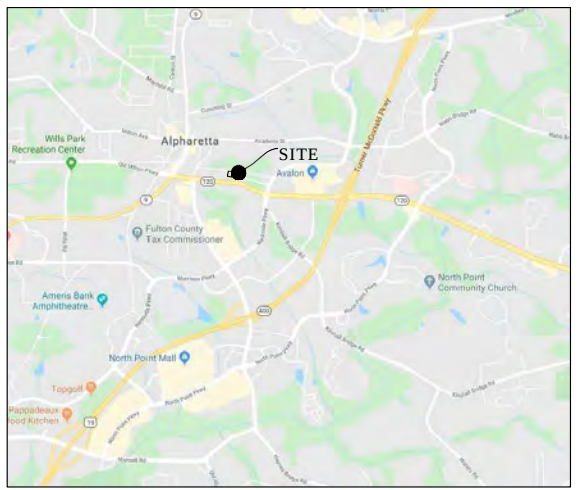
© BDI Architects, Inc

04-24-2020





TRACT 1
3,266 ACRES⁰⁸⁰
PB 415 - PG. 124
now or formerly
ING HILL ALPHARETTA, LLC
DB 57028 - PG. 422
DB 57028 - PG. 415
DB 57383 - PG. 687
DB 57028 - PG. 429
DB 57447 - PG. 426
DB 57447 - PG. 419
DB 57359 - PG. 674
DB 58571 - PG. 108



VICINITY MAP
not to scale

SITE DATA:

TOTAL SITE AREA	3.266 ACRES
-----------------	-------------

ZONING

EXISTING ZONING	MU
PROPOSED ZONING	MU
ZONING JURISDICTION	CITY OF ALPHARETTA

DEVELOPMENT TYPE

TOTAL UNITS	48
3 STORY FRONT ENTRY TOWNS	20
3 STORY REAR ENTRY TOWNS	28
TOTAL DENSITY	14.7 U/A

PARKING

REQUIRED	1 PER BEDROOM/0.5 GUEST PER UNIT
GARAGE	96
DRIVEWAY	96
ON STREET SPACES	22
TOTAL	214

NOTES

1. SPEED LIMIT OF THOMPSON STREET AND PARK STREET IS 30 MPH.
2. ACCORDING TO THE U.S. FISH AND WILDLIFE SERVICE NATIONAL WETLANDS INVENTORY - WETLANDS ARE NOT LOCATED ON THIS SITE.
3. ACCORDING TO THE FEMA FLOOD INSURANCE RATE MAP 1312IC0058F FOR FULTON COUNTY DATED 09-18-2013, THE PROPERTY DOES NOT LIE WITHIN A DESIGNATED FLOOD ZONE "A" (AREAS OF 100 YEAR FLOOD).
4. WATERS OF THE STATED ARE NOT WITHIN 200' OF THIS PROPERTY.
5. THE CHATTAHOOCHEE RIVER IS NOT WITHIN 200' OF THIS PROPERTY.
6. FULTON COUNTY FIRE DEPARTMENT SHALL APPROVE ROAD LAYOUT AND ENTRANCES.
7. WATER SERVICE SHALL BE PROVIDED BY FULTON COUNTY.
8. EXISTING WATER SERVICE WILL BE USED.
9. SANITARY SEWER SERVICE WILL BE PROVIDED BY FULTON COUNTY.
10. EXISTING SEWER WILL BE TAPPED ON SITE.
11. THE PROPOSED DEVELOPMENT MAY BE GATED AND HAVE PRIVATE STREETS.

LEGAL DESCRIPTION

DESCRIPTION OF

Thompson Street Property

All that tract or parcel of land lying and being in Land Lot 749 of the 1st District, 2nd Section, City of Alpharetta, Fulton County, Georgia and being more particularly described as follows:

BEGINNING at a point at the southeasterly meter of the intersection of the southerly right-of-way of Thompson Street (variable right-of-way) and the westerly right-of-way of Park Street (30' right-of-way); THENCE leaving said intersection along the westerly right-of-way of Park Street the following distances: 40.12 feet to a point; THENCE South 81 degrees 08 minutes 35 seconds West a distance of 152.9 feet to a point; THENCE South 01 degrees 08 minutes 35 seconds West a distance of 32.38 feet to a point; THENCE leaving said right-of-way of Park Street North 81 degrees 33 minutes 21 seconds West a distance of 484.62 feet to a point; THENCE South 01 degrees 19 minutes 50 seconds West a distance of 40.12 feet to a point; THENCE South 81 degrees 33 minutes 21 seconds West a distance of 101.85 feet to a point; THENCE North 84 degrees 26 minutes 23 seconds East a distance of 114.07 feet to a point at the westerly line of Land Lot 74; THENCE proceeding along said line of Land Lot 74 North 84 degrees 26 minutes 23 seconds East a distance of 114.07 feet to a point at the southerly right-of-way of Thompson Street (variable right-of-way); THENCE proceeding along said right-of-way the following courses and distances: South 82 degrees 54 minutes 04 seconds East a distance of 115.96 feet to a point; THENCE South 82 degrees 54 minutes 04 seconds East a distance of 99.50 feet to a point; THENCE South 82 degrees 54 minutes 04 seconds East a distance of 99.56 feet to a point; THENCE South 81 degrees 07 minutes 38 seconds East a distance of 100.43 feet to a point; THENCE South 81 degrees 07 minutes 38 seconds East a distance of 100.43 feet to a point; THENCE South 81 degrees 33 minutes 21 seconds East a distance of 81.53 feet to a point at the northwesterly meter of the intersection of the southerly right-of-way of Thompson Street (variable right-of-way) and the westerly right-of-way of Park Street (30' right-of-way); THENCE leaving said intersection along the westerly right-of-way of Park Street the following distances: 11.55 feet to a point, said point being the **TRUE POINT OF BEGINNING**.

Said tract contains 142,720 square feet or 3.266 acres.

VARIANCES:

1. UNITS 1 - 20 TO BE FRONT LOADED GARAGE PRODUCT.

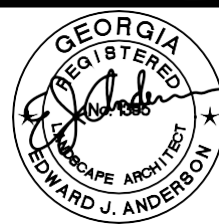
ZONING MODIFICATION PLAN

Notting Hill Residential Tract

185 Thompson Street

City of Alpharetta

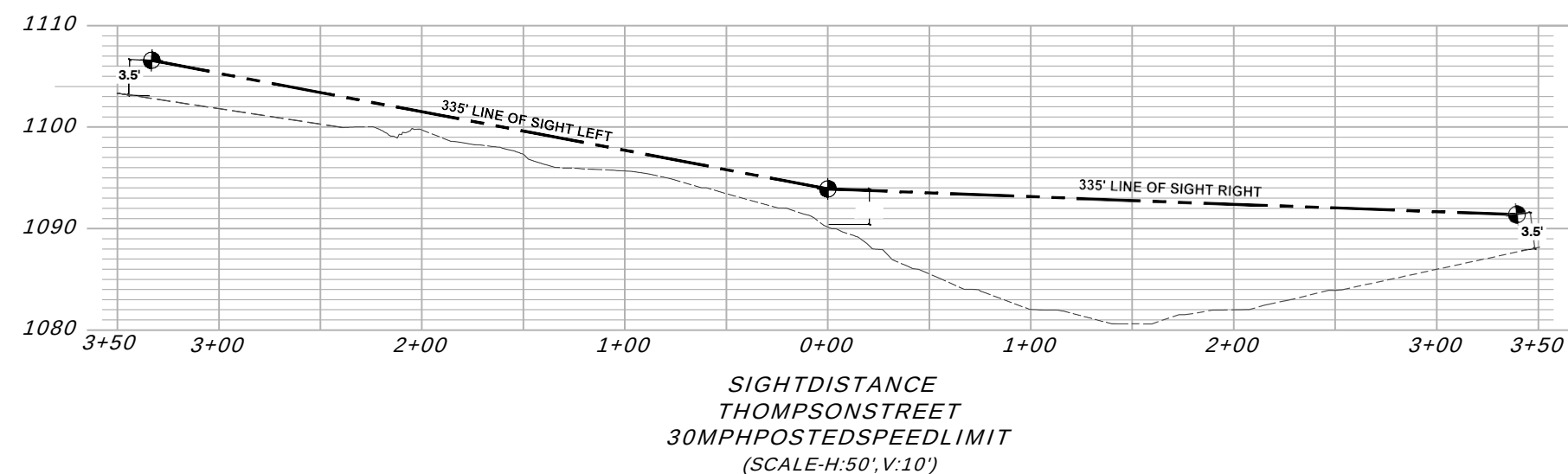
Fulton County, Georgia



For The Firm
Travis Pruitt
&
Associates, Inc.

DATE: 12-20-2019
SCALE: 1" = 30'
IN: 190479CP12
SV:
N:
EV: 3/10/2020

of 2



20' Rear Entry Slab Homes

20' Rear Entry Basement Homes

24' Front Entry Slab Homes

SURVEY NOTES:

NOTE: information regarding the reputed presence, size, character and location of existing underground utilities and structures is shown hereon. There is no certainty of the accuracy of this information and it shall be considered in that light by those using this drawing. The location and arrangement of underground utilities and structures shown hereon may be inaccurate and utilities and structures not shown may be encountered. The owner, his/her employees, his/her consultants and his/her contractors shall hereby distinctly understand that the engineer / surveyor is not responsible for the correctness or sufficiency of this information.

REFERENCE DOCUMENTS:

1. Site Area: 3,266 acres
2. All boundary and topographic information shown on this plan is from the survey by GeoSurvey, Ltd. for Old Milton Holdings on 12-22-2014.
3. Information shown regarding the first phase of this development is from the approved Site Development Plans for Notting Hill. City of Alpharetta LDP# D170040, Fulton County Permit # 17-107WR.

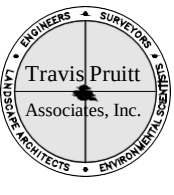
OWNER/DEVELOPER

thePROVIDENCEgroup

Warren Jolly

11340 Lakefield Drive
Building II, Suite 200

Johns Creek, Georgia 30097
Tele: (678) 475-1800



4317 Park Drive, Suite 400
Norcross, Georgia 30093
Phone: (770)416-7511
Fax: (770)416-6759
www.travispruitt.com

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SURVEYOR AND MAY NOT BE REPRODUCED, PUBLISHED, OR USED IN ANY WAY
WITHOUT THE WRITTEN PERMISSION OF THIS SURVEYOR.

TOWNHOME LOT DATA		
	REQUIRED	PROPOSED
FRONT SETBACK		5'
MIN. DISTANCE B/N BUILDINGS		
FRONT TO FRONT		35'
SIDE TO SIDE		15'
REAR TO REAR		50'
FRONT TO SIDE		20'
MINIMUM FLOOR AREA	1,500 SF	1,500 SF
MIN. BUILDING WIDTH		18'

PERIMETER SETBACKS		
	REQUIRED	PROPOSED
FRONT SETBACK THOMPSON STREET & PARK STREET		10'
SIDE SETBACK		5'
REAR SETBACK		10'



■ 20' Rear Entry Slab Homes



THOMPSON STREET - 20' EXTERIOR CONCEPTUAL DESIGN



THOMPSON STREET - 20' EXTERIOR CONCEPTUAL DESIGN



THOMPSON STREET - 24' EXTERIOR CONCEPTUAL DESIGN

1/2/20

CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

MP-20-01
NOTHING BUT USE ONLY

Case #: _____

☐ Fee Paid Initial: _____

COMMUNITY DEVELOPMENT DEPARTMENT

2 PARK PLAZA

ALPHARETTA, GA 30009

1. This page should be the first page in each of your completed application packets.
2. It is preferred that all responses be typed. Illegible applications will not be accepted.
3. Prior to signing and submitting your application, please check all information supplied on the following pages to ensure that all responses are complete and accurate. Incomplete applications will not be accepted.
4. Payment of all applicable fees must be made at the time of application. Payment may be made via cash, credit card (American Express, Master Card or Visa), or check made payable to "City of Alpharetta."
5. Applications will be accepted only on the designated submittal dates between the hours of 8:30 AM and 3:30 PM.
6. If you have any questions regarding this form, please contact the Community Development Department by calling 678-297-6070.

Contact Information:

Contact Name: Warren S. Jolly

Telephone: 770-527-4544

Address: 11340 Lakefield Drive

Suite: 250

City Johns Creek

State: GA

Zip: 30097

Fax: _____

Mobile Tel: _____

Email: wjolly@theprovidencegroup.com

Subject Property Information:

Address: 185 Thompson Street

Current Zoning: MU

District: 1st

Section: 2nd

Land Lot: 749

Parcel ID: 12 270407490212

Proposed Zoning: MU

Current Use: residential vacant land

This Application For (Check All That Apply):

☐ Conditional Use

☒ Master Plan Amendment

☐ Exception

☐ Rezoning

☐ Master Plan Review

☐ Variance

☐ Public Hearing

☐ Comprehensive Plan Amendment

☐ Other (Specify): _____

1/2/20

APPLICANT REQUEST AND INTENT

NOTTING HILL

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

See Letter of Intent

Applicant's Request (Please itemize the proposal):

See Letter of Intent

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

See Letter of Intent

1/2/20

NOTTING HILL

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

See Letter of Intent

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

See Letter of Intent

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

See Letter of Intent

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

See Letter of Intent

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

See Letter of Intent

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

See Letter of Intent

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

See Letter of Intent

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

1/2/20

MP-20-01
NOTTING HILL

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: Bob Cheeley Telephone: 770-861-4100
Address: 2500 Old Milton Pkwy Suite: 200
City: Alpharetta State: GA Zip: 30009

Authorization:

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

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

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

Identify Authorized Applicant:

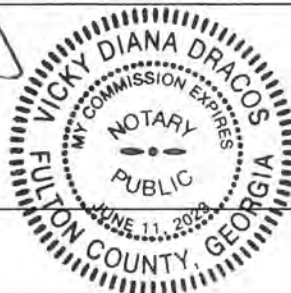
Name of Authorized Applicant: Warren Jolly, The Providence Group of Georgia, LLC Telephone: 678-475-9400
Address: 11340 Lakefield Drive Suite: 250
City: Johns Creek State: GA Zip: 30097

So Sworn and Attested:

Owner Signature: [Signature] Date: 12/16/19

Notary:

Notary Signature: [Signature] Date: 12/16/2019



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: Warren S. Jolly, President, The Providence Group of Georgia, 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 has been made.

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

Name of Official: _____

N/A

Position: _____

Description of Contribution: _____

Value: _____

Description of Contribution: _____

Value: _____

Description of Contribution: _____

Value: _____

Description of Contribution: _____

Value: _____

Description of Contribution: _____

Value: _____

Campaign Contribution Information:

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

Signature: _____

Warren S. Jolly

Date: _____

12/23/19

Property Legal Description

Tract One

(Plat Book 415, Page 124)

(Date 12-27-18)

All that tract or parcel of land lying and being in land lot 749 of the 1st District, 2nd Section, City of Alpharetta, Fulton County, Georgia, and being more particularly described as follows:

Commencing at a concrete monument found at the southwest corner of the mitered right-of-way intersection of the westerly right-of-way of Park Street (having a 30 right-of-way) and the northerly right-of-way of Old Milton Parkway (State Route 120, also known as State Bridge Road, having a variable right-of-way); Thence continuing with said westerly right-of-way of Park Street North 63 degrees 38 minutes 12 seconds East, a distance of 38.46 feet to a concrete monument found at the north end of said miter; Thence North 01 degrees 08 minutes 35 seconds East, a distance of 125.65 feet to a 1/2-inch rebar found; Thence North 01 degrees 08 minutes 35 seconds East, a distance of 67.62 feet to a 5/8-inch rebar set, said 5/8-inch rebar set being the **POINT OF BEGINNING**; Thence leaving said westerly right-of-way of Park Street North 81 degrees 33 minutes 21 seconds West, a distance of 494.02 feet to a 5/8-inch rebar set; Thence South 01 degrees 19 minutes 50 seconds West, a distance of 49.12 feet to a 1/2-inch open top pipe found; Thence North 77 degrees 51 minutes 21 seconds West, a distance of 100.15 feet to a 3/4-inch open top pipe found; Thence North 84 degrees 26 minutes 23 seconds West, a distance of 114.89 feet to a 1/2-inch rebar found; Thence North 01 degrees 37 minutes 47 seconds East, a distance of 230.60 feet to a 5/8-inch rebar found on the southerly right-of-way of Thompson Street (variable public right-of-way); Thence continuing with said right-of-way South 82 degrees 54 minutes 04 seconds East, a distance of 115.00 feet to a 5/8-inch rebar found; Thence South 82 degrees 54 minutes 04 seconds East, a distance of 100.00 feet to a 1/2-inch rebar found; Thence South 82 degrees 54 minutes 04 seconds East, a distance of 99.56 feet to a 5/8-inch rebar set; Thence South 82 degrees 54 minutes 04 seconds East, a distance of 99.56 feet to a 5/8-inch rebar set; Thence South 81 degrees 07 minutes 38 seconds East, a distance of 100.43 feet to a 5/8-inch rebar found; Thence South 81 degrees 07 minutes 38 seconds East, a distance of 100.43 feet to a 1/2-inch rebar found; Thence South 81 degrees 33 minutes 21 seconds East, a distance of 81.53 feet to a 5/8-inch rebar found at the north end of the mitered right-of-way intersection of the westerly right-of-way of Park Street and the southerly right-of-way of Thompson Street; Thence continuing with said westerly right-of-way of Park Street South 52 degrees 13 minutes 08 seconds East, a distance of 11.55 feet to a 5/8-inch rebar found at the south end of said miter; Thence South 01 degrees 08 minutes 35 seconds West, a distance of 152.59 feet to a 5/8-inch rebar set; Thence South 01 degrees 08 minutes 35 seconds West, a distance of 32.38 feet to a 5/8-inch rebar set, which is the **POINT OF BEGINNING**.

Said tract of land contains 3.266 Acres and is the same property as described as Tract One on a Combination & Minor Subdivision Plat of Re-Plat of Lot 1 Notting Hill of Alpharetta for Notting Hill of Alpharetta, LLC, prepared by GeoSurvey, Ltd., dated June 16, 2017, with a plat prepared date of December 3, 2018, and recorded at Plat Book 415, Page 124, in Clerk of Superior Court of Fulton County, Georgia.

THE
PROVIDENCE
GROUP

11340 Lakefield Drive, Suite 250
Johns Creek, Georgia 30097
678-475-9400

Letter of Intent and Review Criteria
City of Alpharetta Zoning Modification Application

Applicant: Warren Jolly, The Providence Group of Georgia, LLC

Property: +/- 3.266 acres located in Land Lots 749 & 802, 2nd Section, 1st District Fulton County, Georgia
185 Thompson Street

I. INTRODUCTION:

By this Application, the Applicant requests approval of a modification of current conditions for the second phase of the Old Milton mixed use development. Specifically, approval is requested to change the 42 stacked flats to 54 townhomes and related modifications. As will be presented in more detail below and in the process, the ability to construct a slightly smaller "for sale" home will meet the needs of residents and provide the diversity in housing options for a thriving walkable area in Alpharetta.

Zoning History

The mixed-use development was originally approved by City Council on March 27, 2015 (Z-14-1 1) for approximately 21 acres on the 2500 block of Old Milton Parkway. The Phase I approval in 2015 provided for 21 single family homes, 111 townhomes, and 54 stacked flats. The total residential density approved was 8.82 for a total of 186 residential units.

In 2016, the owner applied to the City to add 2.90 acres along Thompson Street to the overall mixed-use development, move the residential use to Thompson Street, and add a medical office building on Old Milton Parkway. As a result of the 2016 application, the overall residential density was reduced by 23 units, even though an additional 2.90 acres were added to the development. On January 23, 2017, the City approved MP-16-14/Z-16-15. The overall residential density for the Old Milton Holding Master Plan was reduced to 6.53 dwelling units per acre for a total of 156 units.

This Application seeks to modify the conditions approved in 2017 and does not modify the conditions of zoning approved for the remaining property included in the 2015 zoning case CLUP- 14-07/ Z-14-1 W-14-26 east of Park Street.

Proposed Development

The Applicant proposes to change the housing type from stacked flats to townhomes along Thompson Street. The modification of the housing will be complimentary to the homes on the north side of Thompson Street and the other residential buildings in the overall masterplan. By changing the building type to townhomes, the greenspace can be incorporated through the property, one curb cut onto Thompson Street will be eliminated.

The Applicant's revised plan will allow for quality residential redevelopment along the Thompson Street corridor that is consistent with the City's Downtown Master Plan. The addition of townhomes with a slightly smaller footprint and square footage will provide a newer housing option in the area creating the type of unique planned community that prioritizes livability and Important to note, the approval of this Application would result in 18 fewer residential units than previously

1/2/20

approved in 2015 on 2.90 fewer acres. The overall residential density will be 168 units with a 7.03 units per acre for the mixed-use development.

From the "Downtown Alpharetta Master Plan" page 35:

"The demand is high for lifestyle and convenience housing that provides a desirable mix of attributes in addition to the square footage of the home. Additionally, nearby quality schools, shopping, restaurants, and other services that create a true community feel are increasingly appealing to empty nester Baby Boomers, Millennials, and young professionals who are coming to Alpharetta for high tech job opportunities. These trends bode well for Downtown Alpharetta serving as a housing location over the next several years."

The City's need for a variety of housing options, including a variety of square footages within walking distance to retail, office and restaurant uses will be achieved by the modifications and approval of the exceptions. In particular, the townhomes will provide an option likely to appeal to empty nester Baby Boomers, Millennials, and young professionals. The proposed townhomes will be 18' wide with 2-car garages and 2 cars for guest in the driveway.

The zoning of the Phase II tract will remain Mixed Use (MU). The Applicant's request is to modify certain conditions of zoning to construct townhomes instead of stacked flats. Specifically, Applicant seeks to modify conditions 1, 3, 5, 6, 10, 11, 12, 13, 15, 17, 19, 26 and 28 due to the reference to the stacked flats and site plan reflecting the stacked flats. Applicant seeks approval of the attached site plan and conditions to reflect the proposed development as reflected by the plans.

II. PLANNING COMMISSION REVIEW CRITERIA

The Applicant satisfies all of the criteria as set forth in the City's UDC for zoning modification:

1) **How will this proposal be compatible with surrounding properties?**

The Applicant's modification proposal is compatible with surrounding properties. The revised site plan has a visual and aesthetically pleasing environment for street engagement due to the arrangement of the townhomes on the site. The side view of the townhome buildings will create views from Thompson Street of the mews areas as well as the park area. By changing the residential type from stacked flats to townhomes, the Phase II property will also be more consistent with the other residential uses in the master plan property. The exception to allow for a slightly smaller footprint and home will provide a much-needed housing alternative for buyers in Alpharetta.

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

The proposed townhomes will add variety along the Thompson Street corridor and enhance the connectivity between Alpharetta City Center and Avalon. The proposed development will enhance the area.

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

No, the property cannot be developed for a reasonable economic use with the current conditions. The current zoning condition restrict the development to stacked flats which is detracting from its potential economic use and value.

4) **What would be the increase to population and traffic if the proposal were approved?** The Applicant's proposal is less than the 186 residential units originally approved by the City. The connectivity through the site and the proximity to both Avalon and Alpharetta City Center reduces the dependence on automobiles and encourages walking and biking. Compared to the originally approved density, the approval of this Application will have no increase to population and traffic.

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

Adequate public facilities exist in and around the subject property to support the Applicant's zoning request. The size of the townhomes is likely to appeal to young professionals and/or buyers without children. As such, there is no anticipated negative impact on utilities or school due to the small increase in number of residential units.

- 6) **How is the proposal consistent with the Alpharetta Comprehensive Plan; particularly the Future Land Use Map?**
Yes. The zoning request is consistent with the Master Plan. The Downtown Master Plan designates the Property as Mixed Use-Live Work. The proposed residential use is consistent with the currently approved use and the vision for the Old Milton Corridor. The Comprehensive Plan suggests moderate to high lot coverage with medium to large building footprints in relation to lot size. As such, the zoning request is consistent with the policy, intent, and plain language of the Master Plan.
- 7) **Are there existing or changing conditions which affect the development of the property and support the proposed request?**
Yes. There are changing conditions which affect development of the Property and support the proposed request. The Property is ideally situated as part of the mixed-use development and the change from the stacked flats to townhomes will allow the residential units to move forward and compliment both the mixed use and the Midwick development across Thompson Street. The current zoning conditions of are no longer economically viable or appropriate for the changing conditions in the area. The need for a diversity of housing sizes within the walkable area supports the change in conditions.

CONSTITUTIONAL AND ANTE LITEM NOTICE

Georgia law and the procedures of the City of Alpharetta require us to raise Federal and State constitutional objections during the zoning application process. While the Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Applicant 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:

The portions of the City of Alpharetta Unified Development Code, facially and as applied to the Property, which restrict the Property to any zoning classification, uses, conditions, or to any zoning district other than that proposed by the Applicant are unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I and 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.

The application of the City of Alpharetta Unified Development Code, facially and as applied to the Property, which restricts the Property to any zoning classification, uses, building size, building width, or to any conditions other than the those as proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant'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 Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests. A denial of this Application would constitute an arbitrary and capricious act by the City of Alpharetta without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and 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 Alpharetta City Council to grant this zoning application in accordance with the zoning criteria as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of the 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 zoning of the Property subject to conditions which are different than the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

1/2/20

MP-20-01
NOTTING HILL

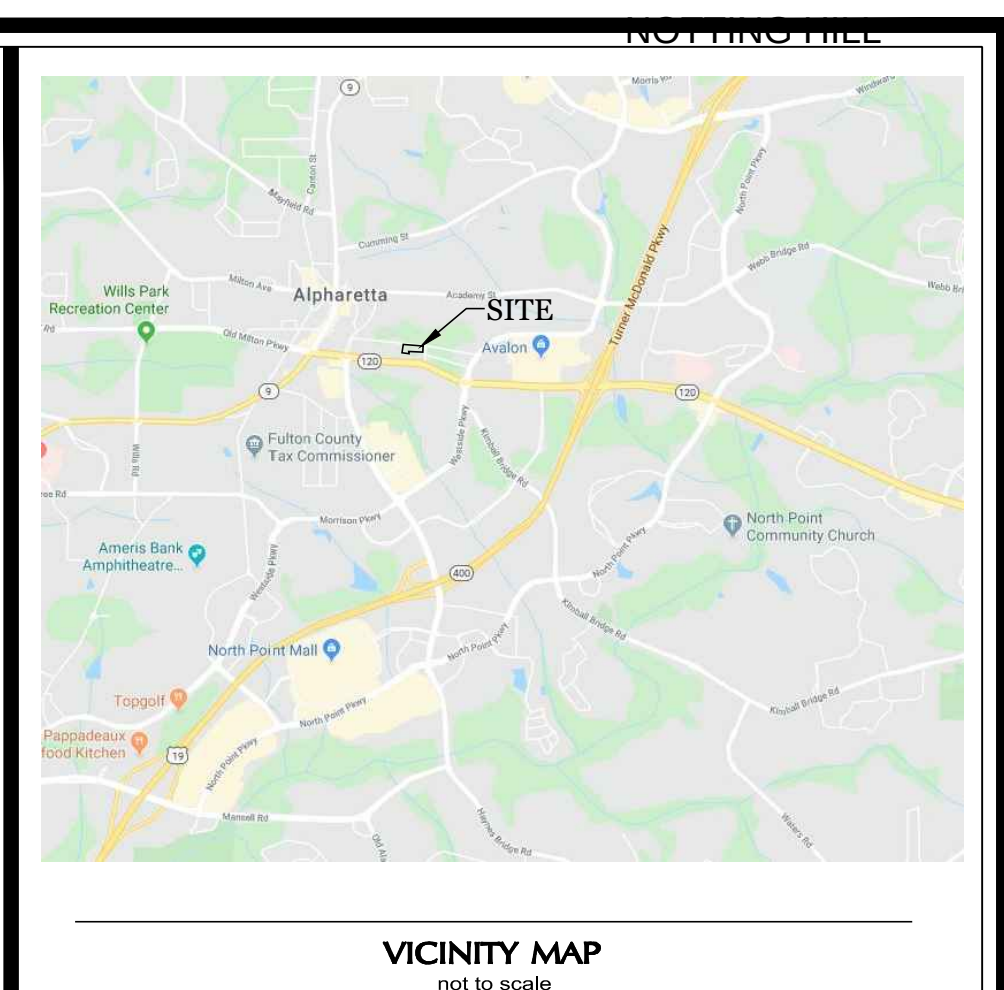
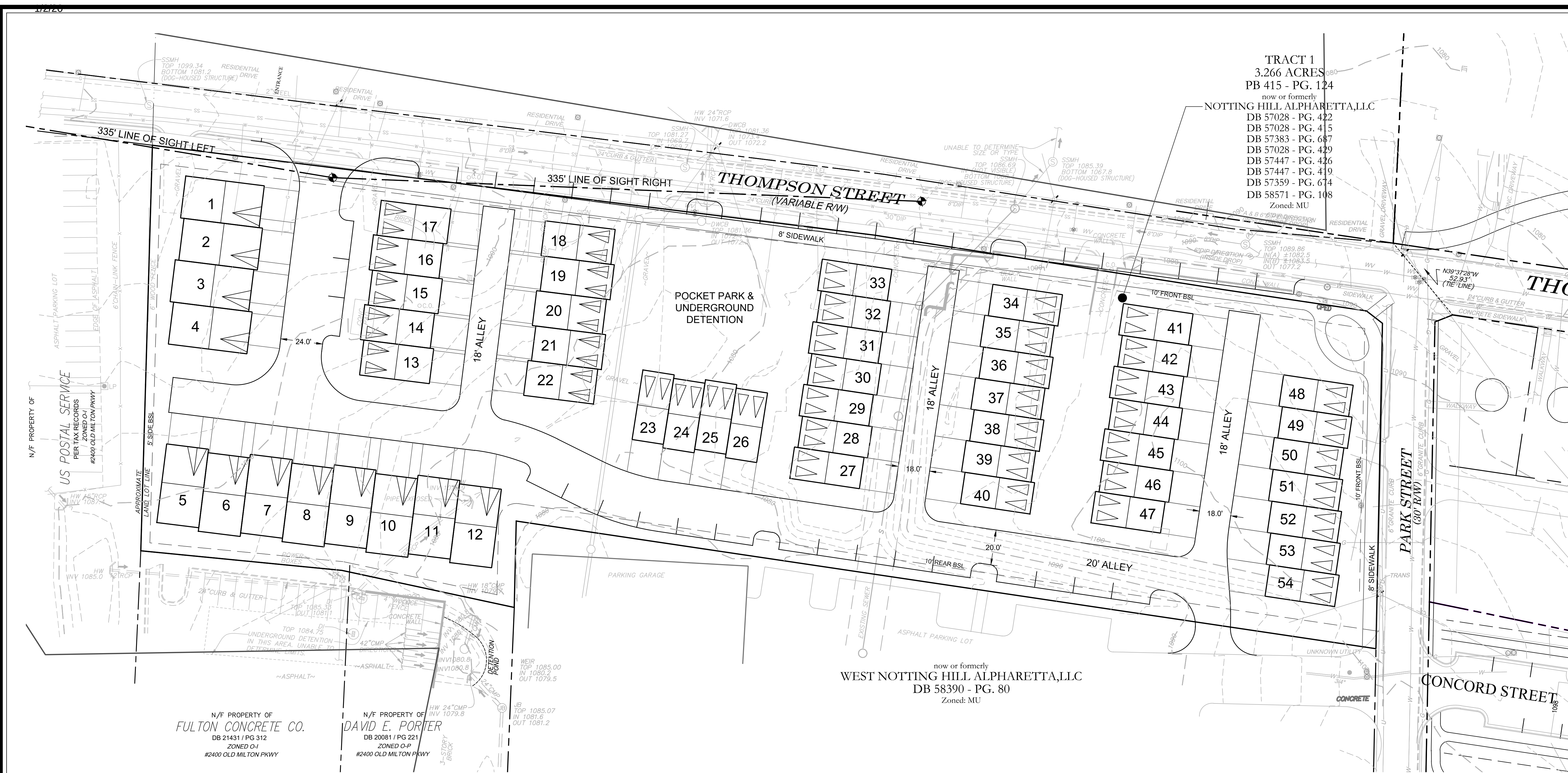
A refusal by the City of Alpharetta City Council to grant any change in conditions requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of the similarly situated property in violation of Article I, Section 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 use restrictions or conditions placed on the Property which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

We respectfully request this Application be granted as requested. If there are any question about this application, please do not hesitate to contact me at 770-527-4544 or wjolly@theprovidencegroup.com

Sincerely,

A handwritten signature in blue ink that reads "Warren S. Jolly".

Warren S. Jolly
President



VICINITY MAP
not to scale

SITE DATA:
TOTAL SITE AREA: 3.266 ACRES

ZONING
EXISTING ZONING: MU
PROPOSED ZONING: MU
ZONING JURISDICTION: CITY OF ALPHARETTA

DEVELOPMENT TYPE
TOTAL UNITS: 54
3 STORY FRONT ENTRY TOWNS: 12
3 STORY REAR ENTRY TOWNS: 42
TOTAL DENSITY: 16.5 U/A

PARKING
REQUIRED: 1 PER BEDROOM/0.5 GUEST PER UNIT
GARAGE: 108
DRIVEWAY: 108
SPACES: 18
TOTAL: 234

- NOTES**
1. SPEED LIMIT OF THOMPSON STREET AND PARK STREET IS 30 MPH.
 2. ACCORDING TO THE U.S. FISH AND WILDLIFE SERVICE NATIONAL WETLANDS INVENTORY - WETLANDS ARE NOT LOCATED ON THIS SITE.
 3. ACCORDING TO THE FEMA FLOOD INSURANCE RATE MAP 13121C0058F FOR FULTON COUNTY DATED 09-18-2013 - THE PROPERTY DOES NOT FALL WITHIN A DESIGNATED FLOOD ZONE "A" (AREAS OF 100 YEAR FLOOD).
 4. WATERS OF THE STATED ARE NOT WITHIN 200' OF THIS PROPERTY.
 5. THE CHATTAHOOCHEE RIVER IS NOT WITHIN 2000' OF THIS PROPERTY.
 6. FULTON COUNTY FIRE DEPARTMENT SHALL APPROVE ROAD LAYOUT AND ENTRANCES.
 7. WATER SERVICE SHALL BE PROVIDED BY FULTON COUNTY. EXISTING WATER SERVICE WILL BE USED
 8. SANITARY SEWER SERVICE WILL BE PROVIDED BY FULTON COUNTY. EXISTING SEWER WILL BE TAPPED ON SITE.
 9. THE PROPOSED DEVELOPMENT MAY BE GATED AND HAVE PRIVATE STREETS.

LEGAL DESCRIPTION

DESCRIPTION OF Thompson Street Property
All that tract or parcel of land lying and being in Land Lot 749 of the 1st District, 2nd Section, City of Alpharetta, Fulton County, Georgia and being more particularly described as follows:

BEGINNING at a point at the southeasterly miter of the intersection of the southerly right-of-way of Thompson Street (variable right-of-way) and the westerly right-of-way of Park Street (30' right-of-way), THENCE leaving said intersection along the westerly right-of-way of Park Street the following courses and distances: South 01 degrees 08 minutes 35 seconds West a distance of 152.59 feet to a point; THENCE South 01 degrees 08 minutes 35 seconds West a distance of 32.38 feet to a point; THENCE leaving said right-of-way of Park Street North 81 degrees 33 minutes 21 seconds West a distance of 494.02 feet to a point; THENCE South 01 degrees 19 minutes 50 seconds West a distance of 49.12 feet to a point; THENCE North 84 degrees 26 minutes 23 seconds West a distance of 114.89 feet to a point at the westerly line of Land Lot 749; THENCE proceeding along said Land Lot Line North 01 degrees 37 minutes 47 seconds East a distance of 230.60 feet to a point at the southerly right-of-way of Thompson Street (variable right-of-way); THENCE proceeding along said right-of-way the following courses and distances: South 82 degrees 54 minutes 04 seconds East a distance of 115.00 feet to a point; THENCE South 82 degrees 54 minutes 04 seconds East a distance of 100.00 feet to a point; THENCE South 82 degrees 54 minutes 04 seconds East a distance of 99.56 feet to a point; THENCE South 82 degrees 54 minutes 04 seconds East a distance of 99.56 feet to a point; THENCE South 81 degrees 07 minutes 38 seconds East a distance of 100.43 feet to a point; THENCE South 81 degrees 07 minutes 38 seconds East a distance of 100.43 feet to a point; THENCE South 81 degrees 33 minutes 21 seconds East a distance of 81.53 feet to a point at the northwesterly miter of the intersection of the southerly right-of-way of Thompson Street (variable right-of-way) and the westerly right-of-way of Park Street (30' right-of-way); THENCE along said miter South 53 degrees 13 minutes 08 seconds East a distance of 11.55 feet to a point, said point being the **TRUE POINT OF BEGINNING**.
Said tract contains 142,270 square feet or 3.266 acres.

VARIANCES:

NO VARIANCES AT THIS TIME.

ZONING MODIFICATION PLAN

Notting Hill Residential Tract

185 Thompson Street
City of Alpharetta
Fulton County, Georgia

For The Firm
Travis Pruitt
&
Associates, Inc.

DATE: 12-20-2019
SCALE: 1" = 30'
CN: 190479CP06
LSV:
JN:
FN:

SURVEY NOTES:

NOTE: Information regarding the reputed presence, size, character and location of existing underground utilities and structures is shown hereon. There is no certainty of the accuracy of this information and it shall be considered in that light by those using this drawing. The location and arrangement of underground utilities and structures shown hereon may be inaccurate and utilities and structures not shown may be encountered. The owner, his/her employees, his/her consultants and his/her contractors shall hereby distinctly understand that the engineer / surveyor is not responsible for the correctness or sufficiency of this information.

REFERENCE DOCUMENTS:

1. Site Area: 3.266 acres
2. All boundary and topographic information shown on this plan is from the survey by GeoSurvey, Ltd. for Old Milton Holdings on 12-22-2014.
3. Information shown regarding the first phase of this development is from the approved Site Development Plans for Notting Hill, City of Alpharetta LDP# D17040, Fulton County Permit # 17-107WR.

OWNER/DEVELOPER

thePROVIDENCEgroup

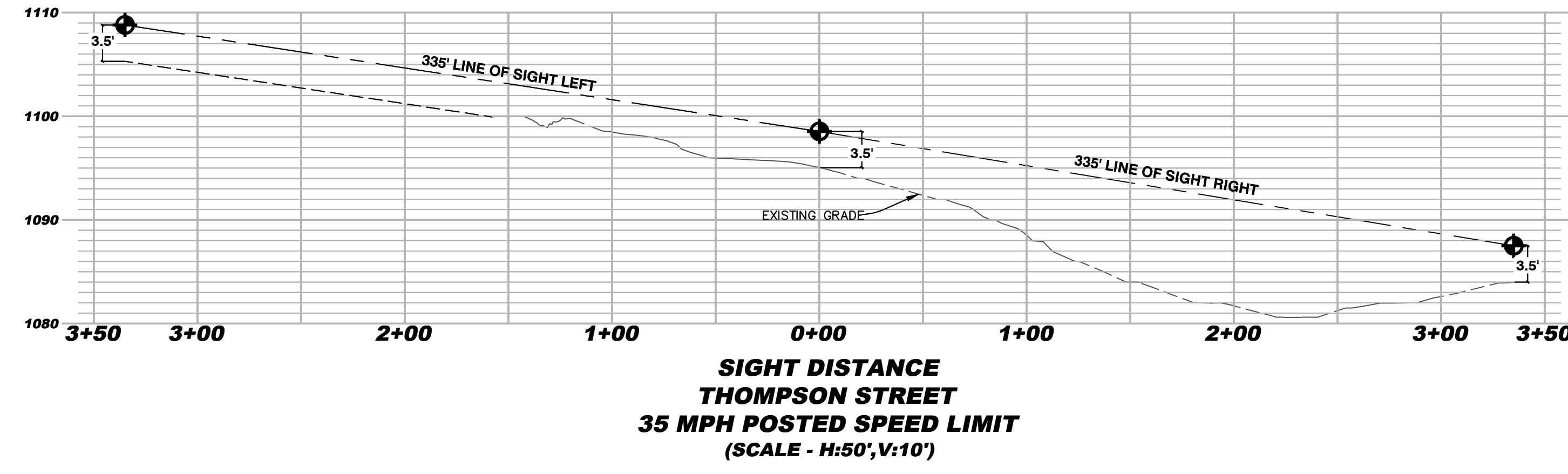
Warren Jolly

11340 Lakeland Drive
Building II, Suite 200

Johns Creek, Georgia 30097
Tele: (678) 475-1800

4317 Park Drive, Suite 400
Norcross, Georgia 30093
Phone: (770)416-7511
Fax: (770)416-6759
www.travispruitt.com

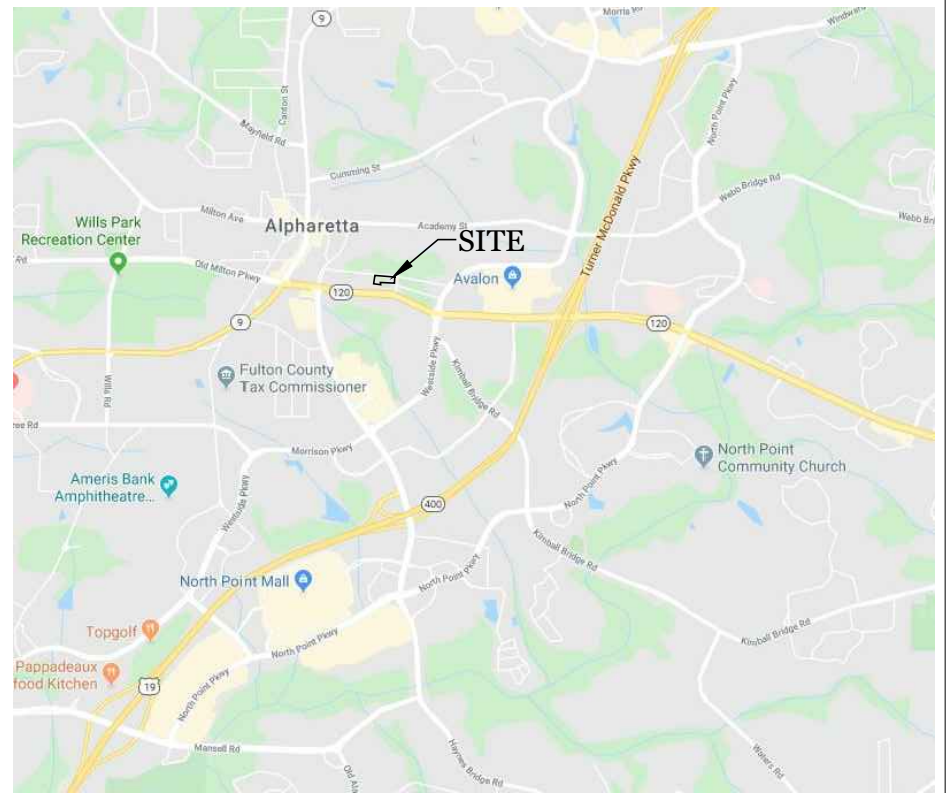
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TOWNHOME LOT DATA		
	REQUIRED	PROPOSED
FRONT SETBACK		10'
MIN. DISTANCE B/N BUILDINGS		
FRONT TO FRONT		35'
SIDE TO SIDE		15'
REAR TO REAR		50'
FRONT TO SIDE		20'
MINIMUM FLOOR AREA	1,500 SF	1,500 SF
MIN. BUILDING WIDTH		18'

PERIMETER SETBACKS		
	REQUIRED	PROPOSED
FRONT SETBACK THOMPSON STREET & PARK STREET		10'
SIDE SETBACK		5'
REAR SETBACK		10'





VICINITY MAP
not to scale

SITE DATA:	
TOTAL SITE AREA	3.266 ACRES
ZONING	
EXISTING ZONING	MU
PROPOSED ZONING	MU
ZONING JURISDICTION	CITY OF ALPHARETTA
DEVELOPMENT TYPE	
TOTAL UNITS	54
FRONT ENTRY TOWNS	12
REAR ENTRY TOWNS	42
TOTAL DENSITY	16.5 U/A

- NOTES
1. SPEED LIMIT OF THOMPSON STREE AND PARK STREET IS 30 MPH.
 2. ACCORDING TO THE U.S. FISH AND WILDLIFE SERVICE NATIONAL WETLANDS INVENTORY - WETLANDS ARE NOT LOCATED ON THIS SITE.
 3. ACCORDING TO THE FEMA FLOOD INSURANCE RATE MAP 13121C0058F FOR FULTON COUNTY DATED 09-18-2013 . THE PROPERTY DOES NOT FALL WITHIN A DESIGNATED FLOOD ZONE "A" (AREAS OF 100 YEAR FLOOD).
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Said tract contains 142,270 square feet or 3.266 acres.

VARIANCES:
NO VARIANCES AT THIS TIME.

SPECIMEN TREE PLAN

Notting Hill Residential Tract

185 Thompson Street

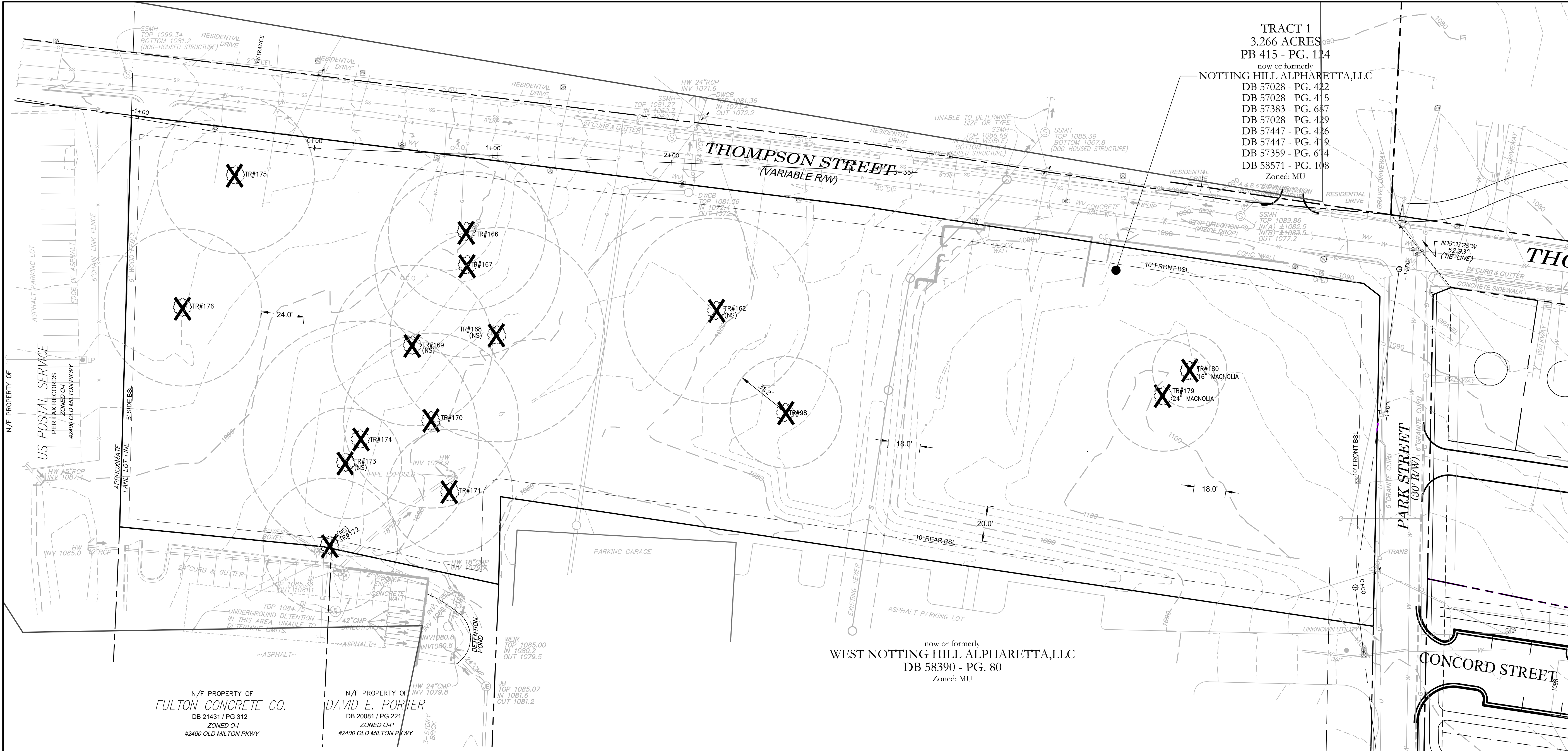
City of Alpharetta

Fulton County, Georgia

GEORGIA REGISTERED PROFESSIONAL ARCHITECT
EDWARD J. ANDERSON

For The Firm
Travis Pruitt & Associates, Inc.

DATE: 12-20-2019
SCALE: 1" = 30'
CN: 190479CP06
LSV:
JN:
FN:



SURVEY NOTES:

NOTE: Information regarding the reputed presence, size, character and location of existing underground utilities and structures is shown hereon. There is no certainty of the accuracy of this information and it shall be considered in that light by those using this drawing. The location and arrangement of underground utilities and structures shown hereon may be inaccurate and utilities and structures not shown may be encountered. The owner, his/her employees, his/her consultants and his/her contractors shall hereby distinctly understand that the engineer / surveyor is not responsible for the correctness or sufficiency of this information.

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 3. Information on the first phase of this development is from the approved Site Development Plans for Notting Hill, City of Alpharetta LDP# D170040, Fulton County Permit # 17-107WR.

OWNER/DEVELOPER

thePROVIDENCEgroup

Warren Jolly

11340 Lakeland Drive
Building II, Suite 200

Johns Creek, Georgia 30097
Tele: (678) 475-1800

Travis Pruitt & Associates, Inc.

4317 Park Drive, Suite 400
Norcross, Georgia 30093
Phone: (770)416-7511
Fax: (770)416-6759
www.travispruitt.com

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TREE INVENTORY CHART

(SEE GENERAL NOTES)
TREES IDENTIFIED ON SURVEY WITH "NS" ARE "NOT SPECIMEN"

Tree #	Dia (inches)	Common Name	Latin Name	Notes	Tree #	Dia (inches)	Common Name	Latin Name	Notes
98	24"	Loblolly Pine	Pinus taeda		167	40"	Yellow Poplar	Liriodendrum tulipifera	
162	40"	Sweetgum	Liquidambar styraciflua	NOT SPECIMEN - BAD FORK - INCLUDED BARK	168	46"	Yellow Poplar	Liriodendrum tulipifera	NOT SPECIMEN - ROOT ROT
					169	35"	Loblolly Pine	Pinus taeda	forked - NOT SPECIMEN - 8' included bark
					170	38"	Water Oak	Quercus nigra	
					171	27"	Yellow Poplar	Liriodendrum tulipifera	
					172	29"	Water Oak	Quercus nigra	NOT SPECIMEN - EXTREMELY LOPSIDED
					173	24"	Sweetgum	Liquidambar styraciflua	NOT SPECIMEN - HOLLOW
					174	51"	Sweetgum	Liquidambar styraciflua	double leader
					175	34"	Loblolly Pine	Pinus taeda	
					176	34"	Loblolly Pine	Pinus taeda	
					177	31"	Sweetgum	Liquidambar styraciflua	NOT SPECIMEN - Cavity in main trunk
					179	24"	Magnolia	Magnolia grandiflora	
					180	16"	Magnolia	Magnolia grandiflora	

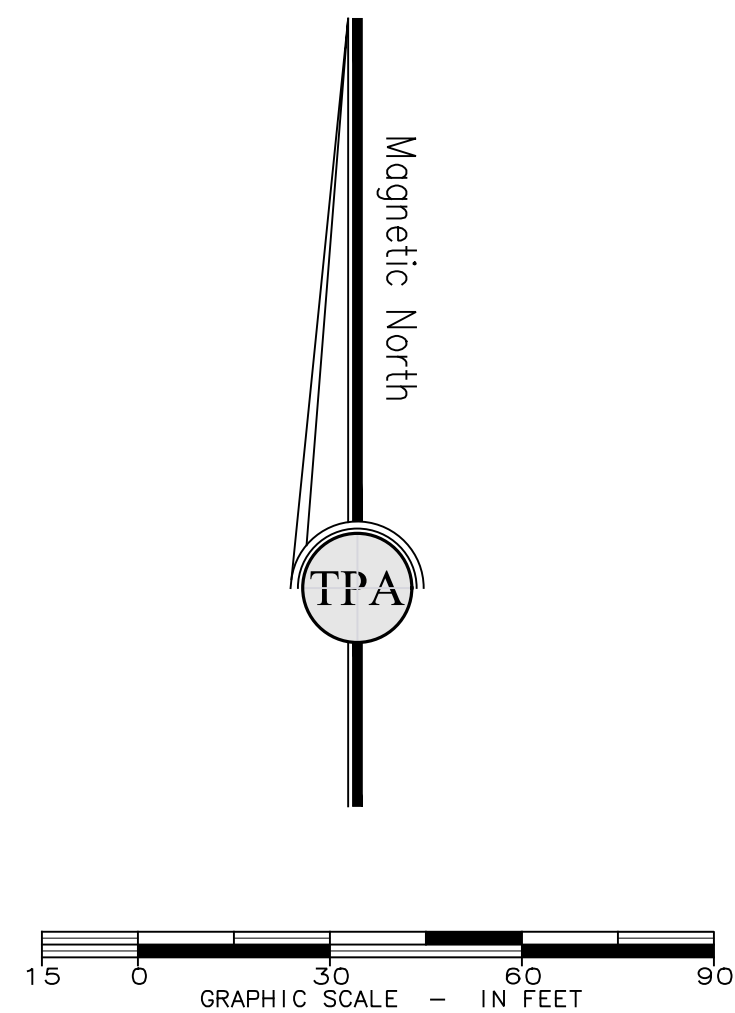
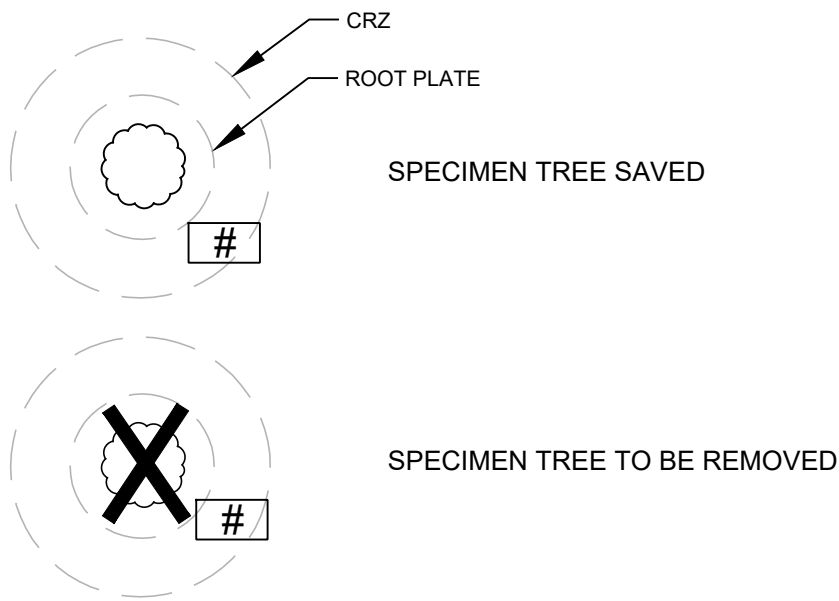
DENSITY CALCULATIONS

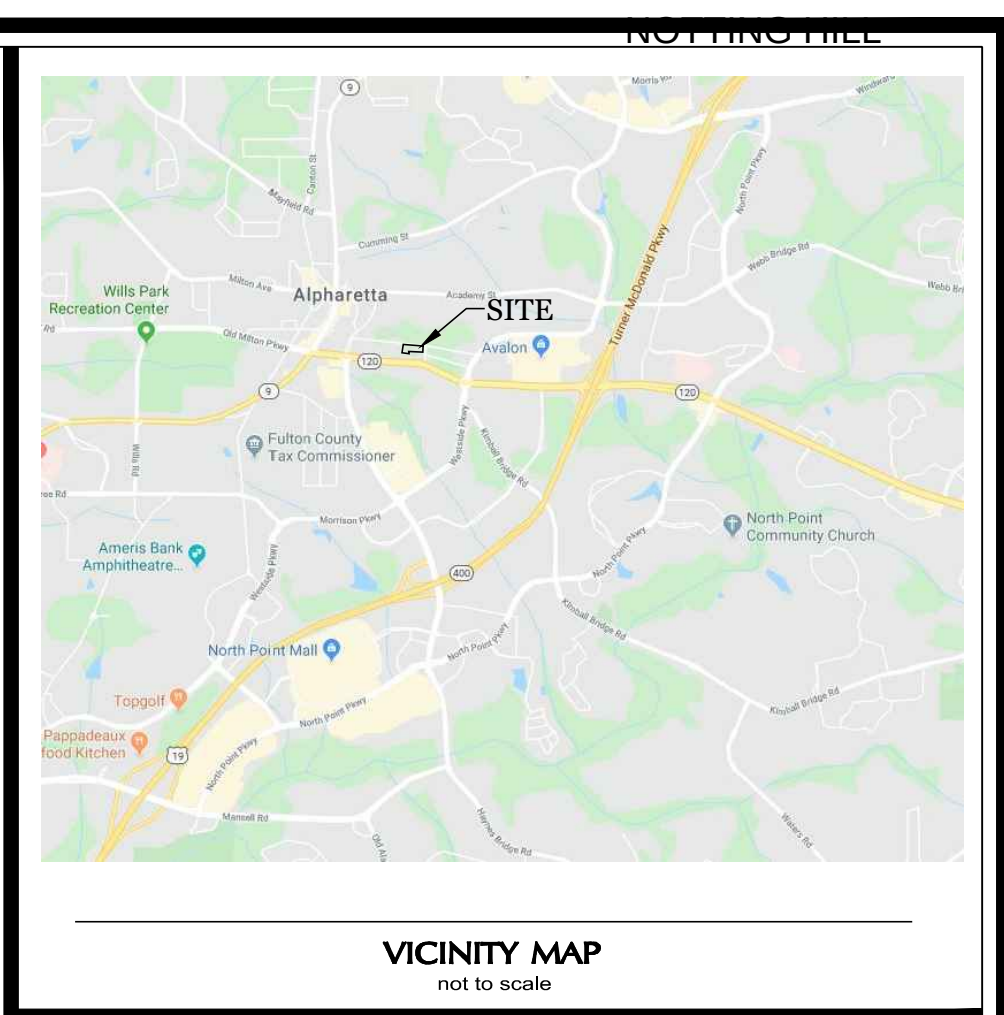
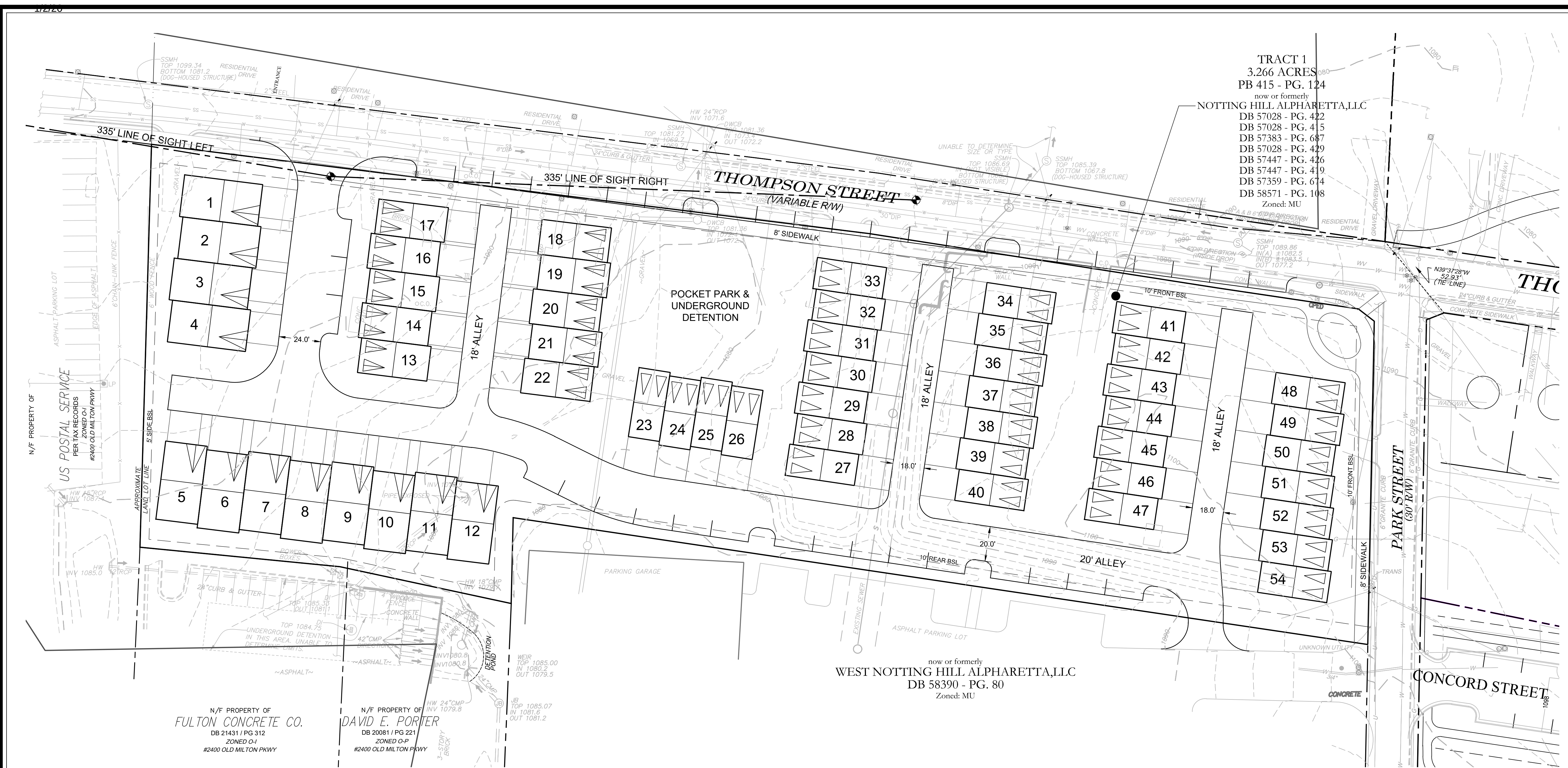
SITE AREA = 3.266 ACRES
3,266 X 130"(REQUIRED DENSITY) = 424.5 INCHES
425.5 INCHES = 107 4" CAL. TREES

SPECIMEN RECOMPENSE

A TOTAL OF 7 SPECIMEN TREES ARE TO BE REMOVED FOR A TOTAL OF 221 INCHES
221" X 3 = 663" REQUIRED
663 INCHES = 166 4" CAL. TREES

LEGEND





SITE DATA:	
TOTAL SITE AREA	3.266 ACRES
ZONING	
EXISTING ZONING	MU
PROPOSED ZONING	MU
ZONING JURISDICTION	CITY OF ALPHARETTA
DEVELOPMENT TYPE	
TOTAL UNITS	54
3 STORY FRONT ENTRY TOWNS	12
3 STORY REAR ENTRY TOWNS	42
TOTAL DENSITY	16.5 U/A
PARKING	
REQUIRED	1 PER BEDROOM/0.5 GUEST PER UNIT
GARAGE	108
DRIVEWAY	108
SPACES	18
TOTAL	234
NOTES	
1. SPEED LIMIT OF THOMPSON STREE AND PARK STREET IS 30 MPH.	
2. ACCORDING TO THE U.S. FISH AND WILDLIFE SERVICE NATIONAL WETLANDS INVENTORY - WETLANDS ARE NOT LOCATED ON THIS SITE.	
3. ACCORDING TO THE FEMA FLOOD INSURANCE RATE MAP 13121C0058F FOR FULTON COUNTY DATED 09-18-2013 - THE PROPERTY DOES NOT FALL WITHIN A DESIGNATED FLOOD ZONE "A" (AREAS OF 100 YEAR FLOOD).	
4. WATERS OF THE STATED ARE NOT WITHIN 200' OF THIS PROPERTY.	
5. THE CHATTAHOOCHEE RIVER IS NOT WITHIN 2000' OF THIS PROPERTY.	
6. FULTON COUNTY FIRE DEPARTMENT SHALL APPROVE ROAD LAYOUT AND ENTRANCES.	
7. WATER SERVICE SHALL BE PROVIDED BY FULTON COUNTY. EXISTING WATER SERVICE WILL BE USED	
8. SANITARY SEWER SERVICE WILL BE PROVIDED BY FULTON COUNTY. EXISTING SEWER WILL BE TAPPED ON SITE.	
9. THE PROPOSED DEVELOPMENT MAY BE GATED AND HAVE PRIVATE STREETS.	
LEGAL DESCRIPTION	
DESCRIPTION OF Thompson Street Property	
All that tract or parcel of land lying and being in Land Lot 749 of the 1st District, 2nd Section, City of Alpharetta, Fulton County, Georgia and being more particularly described as follows:	
BEGINNING at a point at the southeasterly miter of the intersection of the southerly right-of-way of Thompson Street (variable right-of-way) and the westerly right-of-way of Park Street (30' right-of-way), THENCE leaving said intersection along the westerly right-of-way of Park Street the following courses and distances: South 01 degrees 08 minutes 35 seconds West a distance of 152.59 feet to a point; THENCE South 01 degrees 08 minutes 35 seconds West a distance of 32.38 feet to a point; THENCE leaving said right-of-way of Park Street North 81 degrees 33 minutes 21 seconds West a distance of 494.02 feet to a point; THENCE South 01 degrees 19 minutes 50 seconds West a distance of 49.12 feet to a point; THENCE North 84 degrees 26 minutes 23 seconds West a distance of 114.89 feet to a point at the westerly line of Land Lot 749; THENCE proceeding along said Land Lot Line North 01 degrees 37 minutes 47 seconds East a distance of 230.60 feet to a point at the southerly right-of-way of Thompson Street (variable right-of-way); THENCE proceeding along said right-of-way the following courses and distances: South 82 degrees 54 minutes 04 seconds East a distance of 115.00 feet to a point; THENCE South 82 degrees 54 minutes 04 seconds East a distance of 100.00 feet to a point; THENCE South 82 degrees 54 minutes 04 seconds East a distance of 99.56 feet to a point; THENCE South 82 degrees 54 minutes 04 seconds East a distance of 99.56 feet to a point; THENCE South 81 degrees 07 minutes 38 seconds East a distance of 100.43 feet to a point; THENCE South 81 degrees 07 minutes 38 seconds East a distance of 100.43 feet to a point; THENCE South 81 degrees 33 minutes 21 seconds East a distance of 81.53 feet to a point at the northwesterly miter of the intersection of the southerly right-of-way of Thompson Street (variable right-of-way) and the westerly right-of-way of Park Street (30' right-of-way); THENCE along said miter South 53 degrees 13 minutes 08 seconds East a distance of 11.55 feet to a point, said point being the TRUE POINT OF BEGINNING.	
Said tract contains 142,270 square feet or 3.266 acres.	

SURVEY NOTES:

NOTE : Information regarding the reputed presence, size, character and location of existing underground utilities and structures is shown hereon. There is no certainty of the accuracy of this information and it shall be considered in that light by those using this drawing. The location and arrangement of underground utilities and structures shown hereon may be inaccurate and utilities and structures not shown may be encountered. The owner, his/her employees, his/her consultants and his/her contractors shall hereby distinctly understand that the engineer / surveyor is not responsible for the correctness or sufficiency of this information.

- REFERENCE DOCUMENTS:**
1. Site Area: 3,266 acres
 2. All boundary and topographic information shown on this plan is from the survey by GeoSurvey, Ltd. for Old Milton Holdings on 12-22-2014.
 3. Information shown regarding the first phase of this development is from the approved Site Development Plans for Notting Hill, City of Alpharetta LDP# D17040, Fulton County Permit # 17-107WR.

OWNER/DEVELOPER

thePROVIDENCEgroup

Warren Jolly

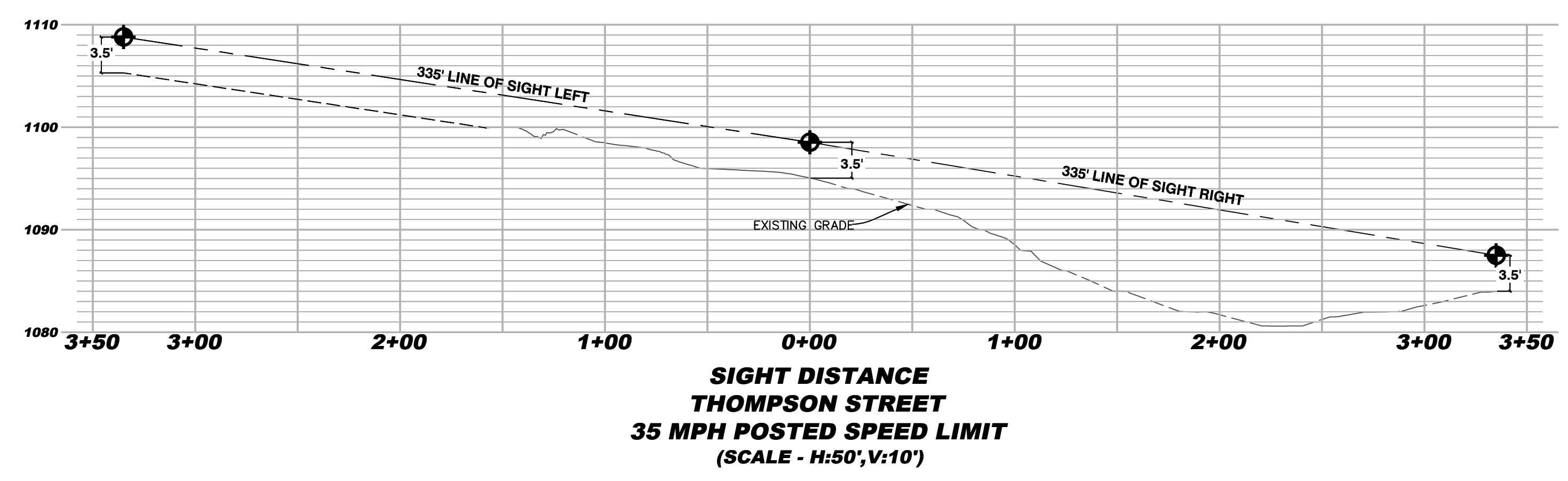
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TOWNHOME LOT DATA		
	REQUIRED	PROPOSED
FRONT SETBACK		10'
MIN. DISTANCE B/N BUILDINGS		
FRONT TO FRONT		35'
SIDE TO SIDE		15'
REAR TO REAR		50'
FRONT TO SIDE		20'
MINIMUM FLOOR AREA	1,500 SF	1,500 SF
MIN. BUILDING WIDTH		18'

PERIMETER SETBACKS		
	REQUIRED	PROPOSED
FRONT SETBACK THOMPSON STREET & PARK STREET		10'
SIDE SETBACK		5'
REAR SETBACK		10'



ZONING MODIFICATION PLAN

Notting Hill
Residential Tract

185 Thompson Street

City of Alpharetta

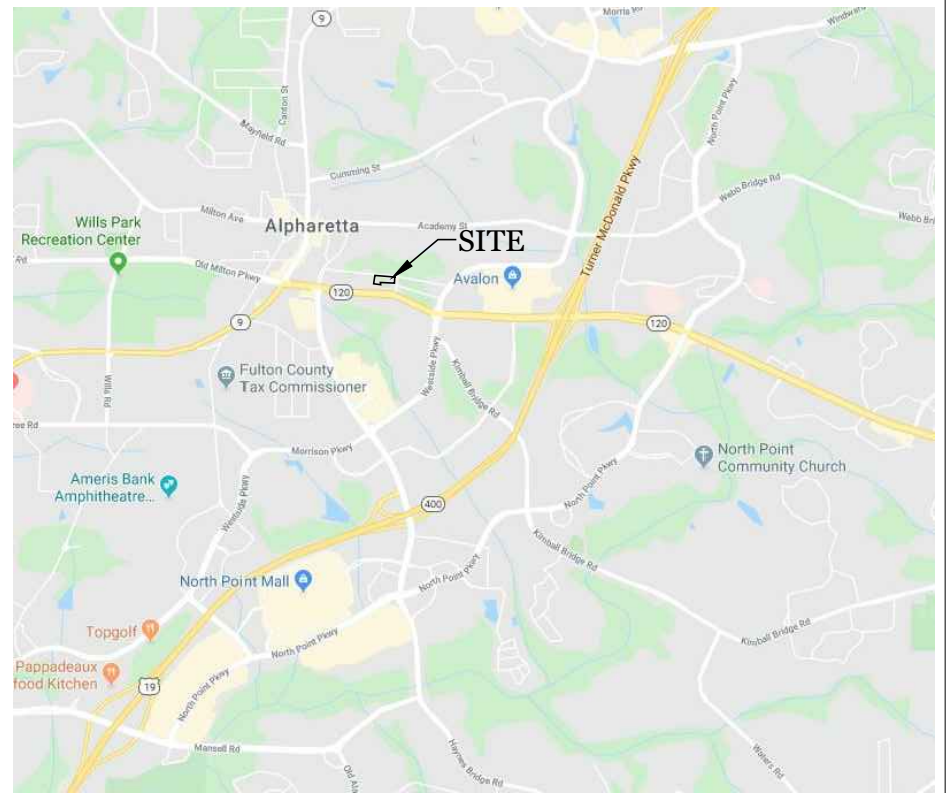
Fulton County, Georgia

GEORGIA REGISTERED PROFESSIONAL SURVEYOR

Travis Pruitt & Associates, Inc.

DATE: 12-20-2019
SCALE: 1" = 30'
CN: 190479CPO6
LSV:
JN:
FN:

1 of 2



VICINITY MAP
not to scale

SITE DATA:
TOTAL SITE AREA 3.266 ACRES

ZONING
EXISTING ZONING MU
PROPOSED ZONING MU
ZONING JURISDICTION CITY OF ALPHARETTA

DEVELOPMENT TYPE
TOTAL UNITS 54
FRONT ENTRY TOWNS 12
REAR ENTRY TOWNS 42
TOTAL DENSITY 16.5 U/A

- NOTES**
1. SPEED LIMIT OF THOMPSON STREE AND PARK STREET IS 30 MPH.
 2. ACCORDING TO THE U.S. FISH AND WILDLIFE SERVICE NATIONAL WETLANDS INVENTORY - WETLANDS ARE NOT LOCATED ON THIS SITE.
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DESCRIPTION OF
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Said tract contains 142,270 square feet or 3.266 acres.

VARIANCES:
NO VARIANCES AT THIS TIME.

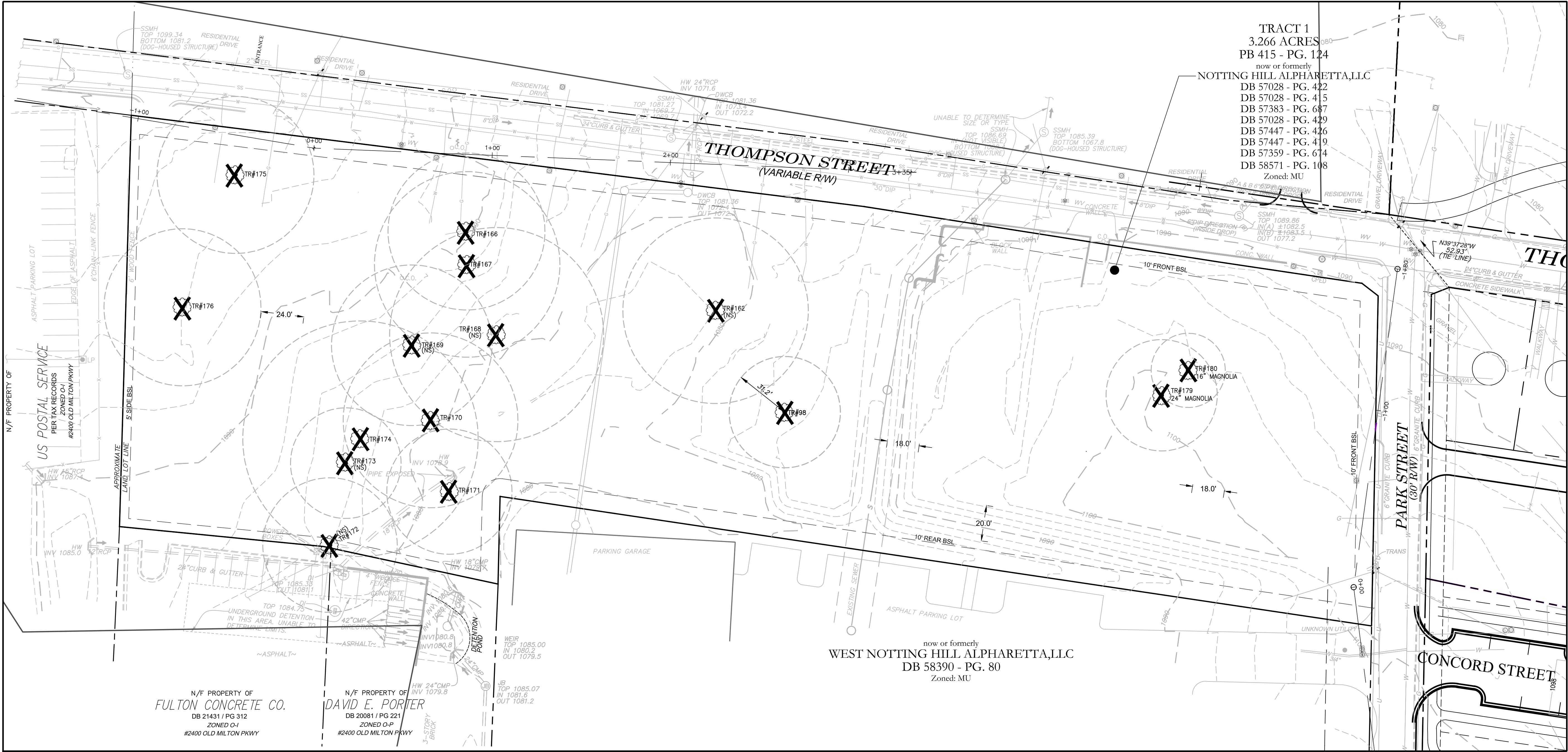
SPECIMEN TREE PLAN

Notting Hill Residential Tract

185 Thompson Street
City of Alpharetta
Fulton County, Georgia

DATE: 12-20-2019
SCALE: 1" = 30'
CN: 190479CP06
LSV:
JN:
FN:

For The Firm
Travis Pruitt
&
Associates, Inc.



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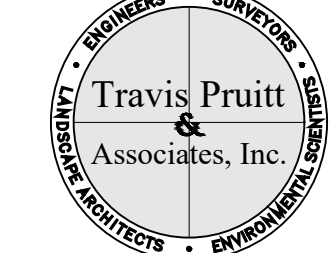
OWNER/DEVELOPER

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TREE INVENTORY CHART

(SEE GENERAL NOTES)
TREES IDENTIFIED ON SURVEY WITH "NS" ARE "NOT SPECIMEN"

Tree #	Dia (Inches)	Common Name	Latin Name	Notes	Tree #	Dia (Inches)	Common Name	Latin Name	Notes
98	24"	Loblolly Pine	Pinus taeda		167	40"	Yellow Poplar	Liriodendrum tulipifera	
162	40"	Sweetgum	Liquidambar styraciflua	NOT SPECIMEN - BAD FORK - INCLUDED BARK	168	46"	Yellow Poplar	Liriodendrum tulipifera	NOT SPECIMEN - ROOT ROT
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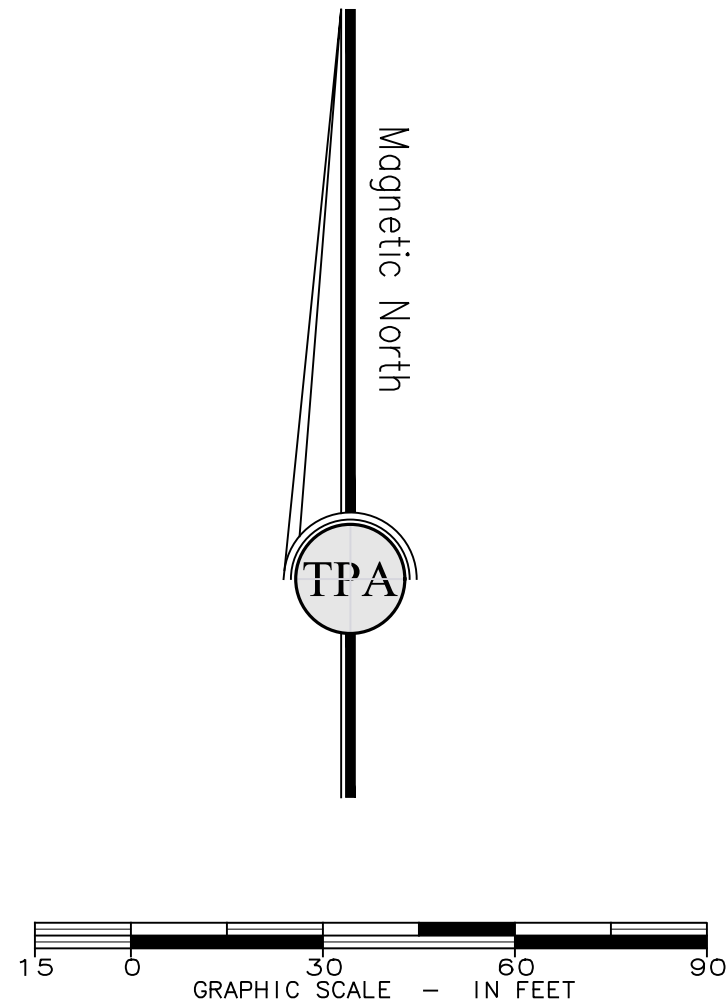
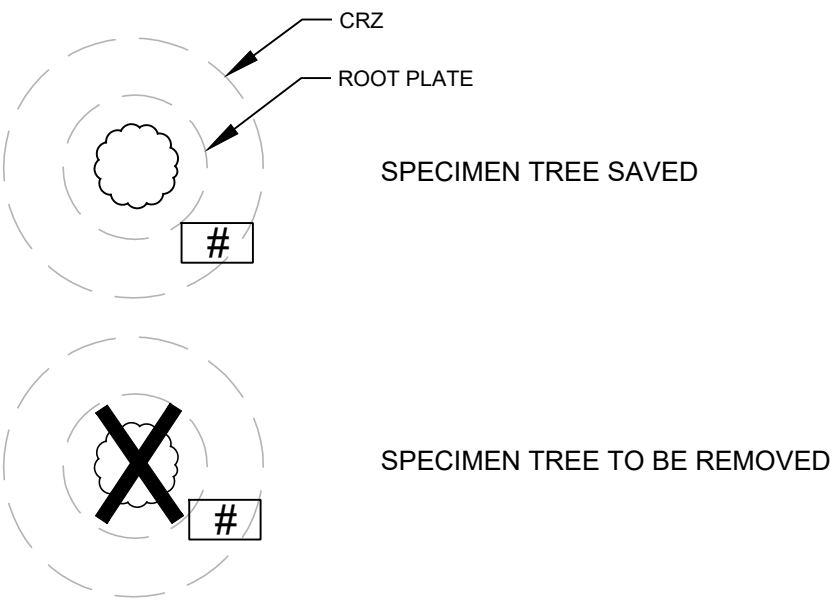
DENSITY CALCULATIONS

SITE AREA = 3.266 ACRES
3.266 X 130"(REQUIRED DENSITY) = 424.5 INCHES
425.5 INCHES = 107 4" CAL. TREES

SPECIMEN RECOMPENSE

A TOTAL OF 7 SPECIMEN TREES ARE TO BE REMOVED FOR A TOTAL OF 221 INCHES
221" X 3 = 663" REQUIRED
663 INCHES = 166 4" CAL. TREES

LEGEND



1/2/20

CITIZEN PARTICIPATION FORM - PART A

NOTTING HILL

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: 185 Thompson Street

Contact Name: Warren S. Jolly Telephone: 770-527-4544

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

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.

Letter, telephone, email, CZIM Meeting.

1/2/20

MP-20-01
NOTTING HILL

LEVY WILLIAM A & LAUREN S
12270 DANCLIFF TRCE
ALPHARETTA GA 30009-8709

CHESTER CHARLES E
2465 OLD MILTON PKWY
ALPHARETTA GA 30004

GLUCK PROPERTIES LLC
2455 OLD MILTON PKWY
ALPHARETTA GA 30004

STEVENS ROBERT & CONNELL DEBORAH
12280 DANCLIFF TRCE
ALPHARETTA GA 30009

CHEELEY ROBERT D
5100 PEACHTREE PKWY STE 200
NORCROSS GA 30092

NOTTING HILL OF ALPHARETTA LLC
5100 PEACHTREE PKWY STE 200
NORCROSS GA 30092

COMSTOCK GREGORY W & KATHLEEN M
12300 DANCLIFF TRCE
ALPHARETTA GA 30009

CRP EAH TS L L C
2303 CUMBERLAND PKWY SE
ATLANTA GA 30339

GILKEY SCOTT L
2095 WILLSHIRE GLN
ALPHARETTA GA 30009

GUSKI BONNIE J
12310 DANCLIFF TRC
ALPHARETTA GA 30009

NOTTING HILL OF ALPHARETTA LLC
5100 PEACHTREE PKWY STE 200
NORCROSS GA 30092

OLD MILTON HOLDINGS LLC
5100 PEACHTREE PKWY SUITE 200
NORCROSS GA 30092

CAMPBELL THOMAS J & KOWALSKI ROBERT E
12320 DANCLIFF TRCE
ALPHARETTA GA 30009

NOTTING HILL OF ALPHARETTA LLC
5100 PEACHTREE PKWY STE 200
NORCROSS GA 30092

OLD MILTON HOLDINGS LLC
5100 PEACHTREE PKWY SUITE 200
NORCROSS GA 30092

MEEKER DAVID A & NANCY S
12330 DANCLIFF TRCE
ALPHARETTA GA 30009-8710

PULTE HOME CORPORATION
2475 NORTHWIND PKWY STE 600
ALPHARETTA GA 30009

OLD MILTON HOLDINGS LLC
5100 PEACHTREE PKWY SUITE 200
NORCROSS GA 30092

CRP EAH TS L L C
2303 CUMBERLAND PKWY SE
ATLANTA GA 30339

OLD MILTON HOLDINGS LLC
5100 PEACHTREE PKWY SUITE 200
NORCROSS GA 30092

OLD MILTON LEASING ENTERPRISES LLC
& NORRIS PROPER
1645 EVERSEDGE DR
ALPHARETTA GA 30004

AVREN DOUGLAS ET AL
205 HEMBREE PARK TER
ROSWELL GA 30076

CRP EAH TS L L C
2303 CUMBERLAND PKWY SE
ATLANTA GA 30339

MARSH BUNDY KING 2012 TRUST THE
PO BOX 20096
ATLANTA GA 30325

ZHOU RICHARD Q
205 ASCALON CT
ALPHARETTA GA 30005

CRP EAH TS L L C
2303 CUMBERLAND PKWY SE
ATLANTA GA 30339

MARSH BUNDY KING 2012 TRUST THE
PO BOX 20096
ATLANTA GA 30325

LISA & BOB CHEELEY FOUNDATION INC
5100 PEACHTREE PKWY STE 200
NORCROSS GA 30092

CRP EAH TS L L C
2303 CUMBERLAND PKWY SE
ATLANTA GA 30339

CRP EAH TS L L C
2303 CUMBERLAND PKWY SE
ATLANTA GA 30339

1/2/20

MP-20-01
NOTTING HILL

PORTER DAVID E
376 AIR ACRES WAY
WOODSTOCK GA 30188-2910

BLACKWATER VENTURES LLC
306 CHAMPIONS CT
WOODSTOCK GA 30188

OLD MILTON HOLDINGS LLC
5100 PEACHTREE PKWY STE 200
NORCROSS GA 30092

JONES JAMES T & JONES CATHERINE G
2305 DINSMORE RD
ALPHARETTA GA 30004

KALDANI NARDEN & KAHVAZADEH HAMID R
145 THOMPSON ST
ALPHARETTA GA 30004

ACADEMY PARK NEIGHBORHOOD ASSN INC
12102 DANCLIFF TRC
ALPHARETTA GA 30009

ACADEMY PARK NEIGHBORHOOD ASSOCIAT
ION INC
12102 DANCLIFF TRC
ALPHARETTA GA 30009

PULTE HOME CORPORATION
2475 NORTHWINDS PKWY STE 600
ALPHARETTA GA 30009

PULTE HOME CORPORATION
2475 NORTHWINDS PKWY STE 600
ALPHARETTA GA 30009

1/2/20

THE
PROVIDENCE
GROUP

MP-20-01
NOTTING HILL

11340 Lakefield Drive, Suite 250
Johns Creek, Georgia 30097

January 2, 2020

Dear Property Owner:

This letter is to inform you that a Zoning Application has been submitted to the City of Alpharetta on land located within 500 feet of your property. Please be advised of the following information pertaining to the Application and public hearings:

Case Number: *TBD*

Applicant Name: Warren Jolly, The Providence Group of Georgia, LLC

Request: Modification to Zoning Conditions approved in zoning case MP-16-14/Z-16-15

Location: 185 Thompson Street, Parcel ID 12 270407490212

Proposed development: 56 Townhomes in place of currently approved stacked flats

CITIZENS INFORMATIONAL MEETING
February 12, 2020
6:00 PM

PLANNING COMMISSION HEARING
March 5, 2020
6:30 PM

CITY COUNCIL HEARING
March 23, 2020
6:30 PM

If you have questions about the zoning application, please contact Warren Jolly at 770-218-1729 or by email at wjolly@theprovidencegroup.com.

Sincerely,

Warren S. Jolly
President

1/2/20

MP-20-01
NOTTING HILL

FILE COPY

Taras Landscape Consulting, LLC
2470 Kingscliff Dr NE
Atlanta, GA 30345
404-861-2719

August 21, 2015

Mr. Bob Cheeley
Butler Wooten Cheeley & Peak LLP
2719 Buford Highway
Atlanta, GA 30324

Re: East Village Specimen Tree Survey - 5 Additional lots on Thompson Street

Mr. Cheeley,

This specimen tree survey includes the 5 additional residential and commercial lots on Thompson Street (145,155,165,175,185 Thompson Street). This is a continuation of the Old Milton Assemblage Specimen Tree Survey now referred to as East Village.

These lots are characterized by large forest grown trees. There were no measurable understory trees present on site.

There are 9 trees already on the survey that were previously trees outside the boundary on the original Old Milton Assemblage. These trees have the same previous tree survey numbers. These are trees # 94 – 102. Of these trees, #98 and #101 no longer meet size specifications of specimen trees.

There were an additional 17 new trees of specimen size. Of these, 6 had significant defects that should disqualify them from specimen trees, which means there are 11 new Specimen trees in this area. Each of the 6 trees with defects have pictures attached. Table 1 lists the specimen trees.

Please contact me if you have any questions or need any additional information.

Sincerely,

Chris Taras
ISA Certified Arborist #304

East Village Specimen Tree Survey - Additional 5 lots on Thompson Street
(Formerly Old Milton Assemblage)

Tree #	Diameter (inches)	Common Name	Latin Name	Notes
<i>Trees 94 - 102 were previously outside boundary</i>				
94	53"	Water Oak	Quercus nigra	Previously Boundary line tree
95	27"	Yellow Poplar	Liriodendron tulipifera	Previously Outside Boundary
96	24"	Sweetgum	Liquidambar styraciflua	Previously Outside Boundary
97	25"	Sweetgum	Liquidambar styraciflua	Previously Outside Boundary
98	24"	Loblolly Pine	Pinus taeda	NOT SPECIMEN - Does not meet size
99	38"	Yellow Poplar	Liriodendron tulipifera	Previously Outside Boundary
100	35"	Southern Red Oak	Quercus falcata	Previously Outside Boundary
101	13"	Southern Magnolia	Magnolia grandiflora	NOT SPECIMEN - Does not meet size
102	28"	Water Oak	Quercus nigra	Previously Outside Boundary
<i>Trees 161 - 178 are newly surveyed</i>				
161	26"	Southern Red Oak	Quercus falcata	
162	40"	Double leader Sweetgum	Liquidambar styraciflua	NOT SPECIMEN - Much included bark - picture
163	34"	Sweetgum	Liquidambar styraciflua	
164	25"	Sweetgum	Liquidambar styraciflua	
165	25"	Sweetgum	Liquidambar styraciflua	
166	34"	Loblolly Pine	Pinus taeda	
167	40"	Yellow Poplar	Liriodendron tulipifera	
168	46"	Yellow Poplar	Liriodendron tulipifera	NOT SPECIMEN - Major root rot - Picture
169	35"	Double leader Loblolly Pine	Pinus taeda	NOT SPECIMEN - 8' included Bark - Picture
170	38"	Water Oak	Quercus nigra	
171	27"	Yellow Poplar	Liriodendron tulipifera	
172	29"	Water Oak	Quercus nigra	NOT SPECIMEN - Severe lean - Picture
173	24"	Sweetgum	Liquidambar styraciflua	NOT SPECIMEN - Hollow - Picture
174	51"	Double leader Sweetgum	Liquidambar styraciflua	
175	34"	Loblolly Pine	Pinus taeda	
176	34"	Loblolly Pine	Pinus taeda	
177	31"	Sweetgum	Liquidambar styraciflua	NOT SPECIMEN - Decay in branch stub - Picture
178	32"	Loblolly Pine	Pinus taeda	Outside Boundary

1/2/20

MP-20-01
NOTTING HILL

1/2/20

#162

1/2/20

NOTTING HILL



#168

1/2/20

NOTTING HILL



169

1/2/20

#172

1/2/20



#173

MP-20-01

NOTTING HILL

1/2/20

#177

1/2/20

MP-20-01
NOTTING HILL

Taras Landscape Consulting, LLC
2470 Kingscliff Dr NE
Atlanta, GA 30345
404-861-2719

Mr. Bob Cheeley
Cheeley Law Group
299 South Main Street
Suite A
Alpharetta, GA 30009

November 22, 2016

RE: Second Supplemental Specimen Tree Survey for Turner and Avren parcels in Notting Hill with the additional tree evaluation criteria.

Dear Mr. Cheeley,

We completed a second inspection of the trees on the Turner lot located at 145 Park Street and the Avren lot located at 195 Thompson Street. There were still no understory specimen trees of merit on either lot. The majority of the over story trees on these lots make up a stand of old growth loblolly pines that are not desirable to save.

There was one specimen tree based on the original survey – Tree # 179. This tree is a low forked southern magnolia of overall good health and has a pleasing aesthetic appearance. Based on the new criteria from the city arborist there was one more "Tree of Quality". This tree is also a magnolia approximately 25 feet from the previously mentioned tree. This second magnolia is labeled as tree #180 and is a 16" Southern Magnolia. This tree will need to be added to the tree survey. Both tree #179 and #180 are of good quality and overall health. Please let me know if you need any additional information.

Regards,

Chris Taras
ISA Certified Arborist # SO-304

Master Tree List for +/- 5.75 Acres

Tree #	Diameter (inches)	Common Name	Latin Name	Notes
85	36"	Water Oak	Quercus nigra	
86	29"	Sweetgum	Liquidambar styraciflua	
87	33"	Water Oak	Quercus nigra	
88	33"	Short Leaf Pine	Pinus echinata	Forked above measurement
89	30"	Pecan	Carya illinoensis	
90	26"	Water Oak	Quercus nigra	
91	36"	Yellow Poplar	Liriodendrum tulipifera	
92	27"	Sweetgum	Liquidambar styraciflua	
93	36"	Sweetgum	Liquidambar styraciflua	
94	53"	Water Oak	Quercus nigra	Previously Boundary line tree
95	27"	Yellow Poplar	Liriodendron tulipifera	Previously Outside Boundary
96	24"	Sweetgum	Liquidambar styraciflua	Previously Outside Boundary
97	25"	Sweetgum	Liquidambar styraciflua	Previously Outside Boundary
98	24"	Loblolly Pine	Pinus taeda	NOT SPECIMEN - Does not meet size
99	38"	Yellow Poplar	Liriodendron tulipifera	Previously Outside Boundary
100	35"	Southern Red Oak	Quercus falcata	Previously Outside Boundary
101	13"	Southern Magnolia	Magnolia grandiflora	NOT SPECIMEN - Does not meet size
102	28"	Water Oak	Quercus nigra	Previously Outside Boundary
103	36"	Water Oak	Quercus nigra	Outside boundary - Critical root zone radius 46.8'
104	44"	Water Oak	Quercus nigra	Triple leader trunk
161	26"	Southern Red Oak	Quercus falcata	
162	40"	Double leader Sweetgum	Liquidambar styraciflua	NOT SPECIMEN - Much included bark - picture
163	34"	Sweetgum	Liquidambar styraciflua	
164	25"	Sweetgum	Liquidambar styraciflua	
165	25"	Sweetgum	Liquidambar styraciflua	
166	34"	Loblolly Pine	Pinus taeda	
167	40"	Yellow Poplar	Liriodendron tulipifera	
168	46"	Yellow Poplar	Liriodendron tulipifera	NOT SPECIMEN - Major root rot - Picture
169	35"	Double leader Loblolly Pine	Pinus taeda	NOT SPECIMEN - 8' included Bark - Picture

1/2/20

MP-20-01
NOTTING HILL

170	38"	Water Oak	Quercus nigra	
171	27"	Yellow Poplar	Liriodendron tulipifera	
172	29"	Water Oak	Quercus nigra	NOT SPECIMEN - Severe lean - Picture
173	24"	Sweetgum	Liquidambar styraciflua	NOT SPECIMEN - Hollow - Picture
174	51"	Double leader Sweetgum	Liquidambar styraciflua	
175	34"	Loblolly Pine	Pinus taeda	
176	34"	Loblolly Pine	Pinus taeda	
177	31"	Sweetgum	Liquidambar styraciflua	NOT SPECIMEN - Decay in branch stub - Picture
178	32"	Loblolly Pine	Pinus taeda	Outside Boundary
179	24"	Southern Magnolia—Forked	Magnolia grandiflora	Forked—condition good
180	16"	Southern Magnolia	Magnolia grandiflora	"Tree of Good Quality"—good overall health



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: Z-20-04 DIAMOND GLASS/162 KIMBALL BRIDGE ROAD

PLANNING COMMISSION: JUNE 4, 2020

CITY COUNCIL: JUNE 22, 2020

II. RECOMMENDATION:

Approve Z-20-04 DIAMOND GLASS/162 KIMBALL BRIDGE ROAD, subject to the following conditions:

1. The property shall be zoned O-P (Office-Professional) and limited to a professional office within the existing structure.
2. Developer shall perform maintenance on the existing structure, including but not limited to replacement of fascia boards, roof (shingles), doors, exterior lighting, gutter and other deteriorating exterior materials. Modifications to the exterior of the structure, not including regular maintenance, shall require approval by the DRB.
3. Site plan shall accommodate future right-of-way for Kimball Bridge Road improvements.
4. Developer shall install a 12' multi-use sidewalk along the frontage of the property. If developer is agreeable and in exchange for impact fee credits, 12' multi-use sidewalk shall be extended to the south to connect with the existing sidewalk in front of Braeden Subdivision.
5. Developer shall install the required 20' landscape strip along Kimball Bridge Road. Landscape strip may be reduced up to 5' in certain areas to accommodate the gravel parking lot. Shrubs required to screen the parking lot may overlap the landscape strip.
6. Foundation plantings shall be required around the perimeter of the building.
7. A sidewalk shall connect the building to the parking lot and the public sidewalk.
8. Existing gravel parking lot shall be permitted to remain on the property and may be reconfigured in order to accommodate additional right-of-way and the required landscape strip. Gravel shall be retained in the driveway and parking area with railroad ties or similar landscape edging. Parking lot shall not be reconfigured to be any closer to Kimball Bridge Road and shall not impact trees on the south end of the property, as approved by Staff. Parking spaces are not required to be striped.
9. Except for driveway and parking lot, gravel in the front yard shall be removed and ground outside of the required landscape strip shall be prepared for seed and straw or sod.
10. Curb cut shall be limited to a 30' driveway providing access to the existing gravel parking lot. No additional curb cuts shall be permitted.
11. Diamond Glass Company commercial vehicles shall only be parked on the property located at 170 Kimball Bridge Road.
12. Tree removal shall be limited to dead, dying or diseased trees only.
13. The historical marker shall remain on the property.

III. REPORT IN BRIEF:

The applicant, Diamond Glass Company, Inc., is requesting a rezoning of 0.8 acres from AG (Agriculture) to O-P (Office-Professional) to allow for the reuse of the St. James United Methodist Church building as a professional office for the applicant's neighboring business. The subject property is located at 162 Kimball Bridge Road.

DISCUSSION

The submitted request, if approved, would allow for the reuse of the St. James United Methodist Church building as a professional office for the applicant's neighboring business, Diamond Glass Company. The applicant proposes to rezone the 0.8-acre property from AG to O-P. The subject property is located at 162 Kimball Bridge Road.

The property is developed with a 2,436 square foot church that has been vacant for several years. The church was previously used for St. James United Methodist Church, which was established in 1867 at its first known location on 109 Cumming Street. A historical marker on the property indicates that St. James began holding services on the property in 1968 and continued until 2000. While the building is not at least 75 years old, which is one of the criteria for historical designation, the Alpharetta Historical Society placed the marker on the property as a means to memorialize St. James United Methodist Church in the history of the City.

Surrounding properties are zoned SU (Special Use) and O-I (Office-Institutional) to the North, C-1 (Neighborhood Commercial) to the East and AG to the West and South. The former Fulton County Schools maintenance yard and Parkway 400 Master Plan (office building) are located to the North, Diamond Glass Company is located to the East, and an unplatted lot with a single-family detached home is located to the Southwest. The property has a Comprehensive Land Use Plan designation of Corporate Office, which allows the proposed use.

The City has a TSPLOST project along Kimball Bridge Road, which would include bicycle, pedestrian and operational improvements. At this stage, only concept plans have been developed and the project is not currently funded. The City's On-Call consultant, Kimley-Horn & Associates, Inc., recommends that a 12' multi-use path (sidewalk) be located along the North side of Kimball Bridge Road. The City's Transportation Engineer estimates that approximately 15' of right-of-way would be needed from the applicant's property to accommodate the Kimball Bridge roadway project.

SITE PLAN

The submitted site plan depicts the existing 2,436 square foot church building and gravel parking lot to remain. Two (2) curb cuts are depicted from Kimball Bridge Road, including a new curb cut located on the North side of the existing church building and connecting to the Diamond Glass property to the East. An existing curb cut provides access to a gravel parking lot. The proposed curb cut on the North end of the property does not comply with the minimum 300' separation requirement between curb cuts in the City's Unified Development Code (UDC). The UDC requires one (1) parking space per 250 square feet for professional office. Therefore, a total of ten (10) parking spaces would be required.

The existing church building is legal non-conforming with respect to the front setback along Kimball Bridge Road. The building is approximately 44' from Kimball Bridge Road, whereas, the O-P district requires a 65' setback. Sidewalks are not depicted along Kimball Bridge Road; however, the City will require a 12' multi-use sidewalk along the property's frontage. Additional right-of-way may be needed for future roadway improvements along Kimball Bridge Road, including accommodations for the 12' multi-use sidewalk.

A tree survey and assessment was submitted and the applicant's site plan does not reflect any tree removal. A note on the site plan indicates that new impervious area will be less than 1,000 square feet. Therefore, the applicant does not propose stormwater management.

TRAFFIC

The applicant provided a trip generation report indicating that the proposed development is expected to generate four (4) AM and PM Peak Hour trips.

Kimball Bridge Road is a 2-lane roadway, which has a capacity of approximately 15,000-18,000 Vehicles Per Day (VPD). The City has a TSPLOST project approved to improve Kimball Bridge Road and to better accommodate pedestrians and bicycles.

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 is suitable given the adjacent non-residential uses. The reuse of the former church building as a professional office for the adjacent business, Diamond Glass Company, should not have significant impacts on the area.

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

Response: The zoning proposal should not adversely affect the existing use and usability of adjacent properties. The proposal to reuse the former St. James United Methodist Church building as a professional office should have little to no impact on nearby properties.

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

Response: The proposed development should not adversely affect the natural environment. The applicant's site plan does not reflect any tree removal.

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

Response: The property is zoned AG, which is a zoning district sometimes used as a placeholder for future development given its limited permitted uses. The AG district is intended for agriculturally related uses, as well as large lot 'For-Sale' dwellings.

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 generate four (4) AM and four (4) PM Peak Hour trips. If approved, the site should accommodate the future pedestrian and bicycle improvements planned along Kimball Bridge Road. The proposal would not have any impacts on schools.

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 zoning proposal is supported by the Comprehensive Land Use Plan designation of the property, which is Corporate Office.

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 zoning proposal reflects a reasonable balance. Reuse of the existing church building as a professional office for the neighboring business should not have significant impacts on surrounding properties.

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

Response: The property is zoned AG, which is a zoning district sometimes used as a placeholder for future development given its limited permitted uses. The AG district is intended for agriculturally related uses, as well as large lot 'For-Sale' dwellings.

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

Response: The Comprehensive Land Use Plan designation of the property is Corporate Office, which allows the proposed use.

CONCURRENCES

Staff has reviewed the applicant's proposal and finds that it can generally support the request for rezoning. The zoning proposal is consistent with the Comprehensive Land Use Plan designation of the property, which is Corporate Office. Reuse of the former St. James United Methodist Church building as a professional office for the neighboring business should not have significant impacts on surrounding properties. If approved, the applicant's site plan should accommodate the future pedestrian and bicycle improvements to Kimball Bridge Road.

CITIZEN PARTICIPATION PLAN

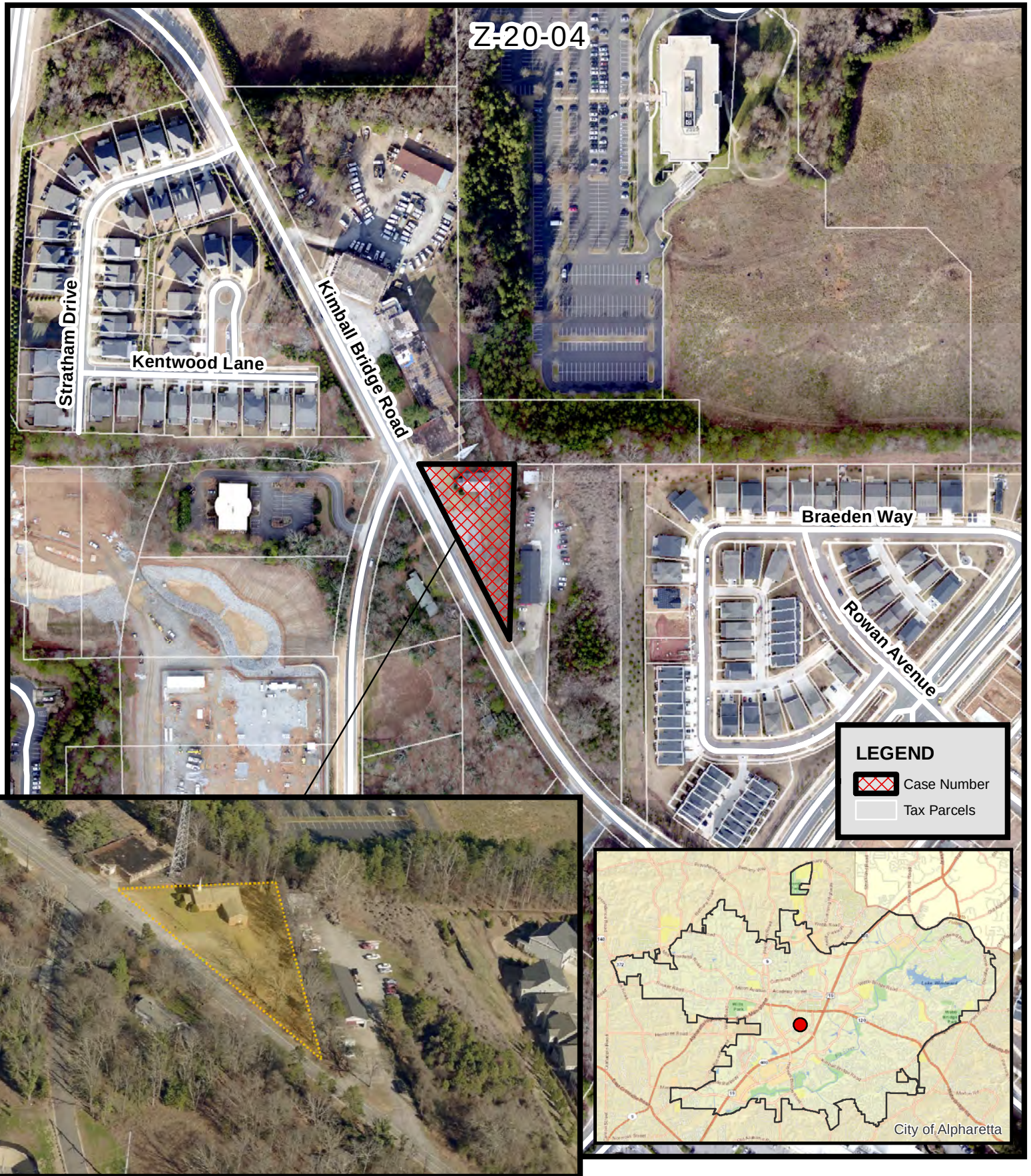
The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that a resident from Kimball Bridge Walk and a resident from Braeden reached out with questions, but did not have concerns.

COMMUNITY ZONING INFORMATION MEETING

The CZIM was held on May 13, 2020. There were no public comments.

IV. ATTACHMENTS:

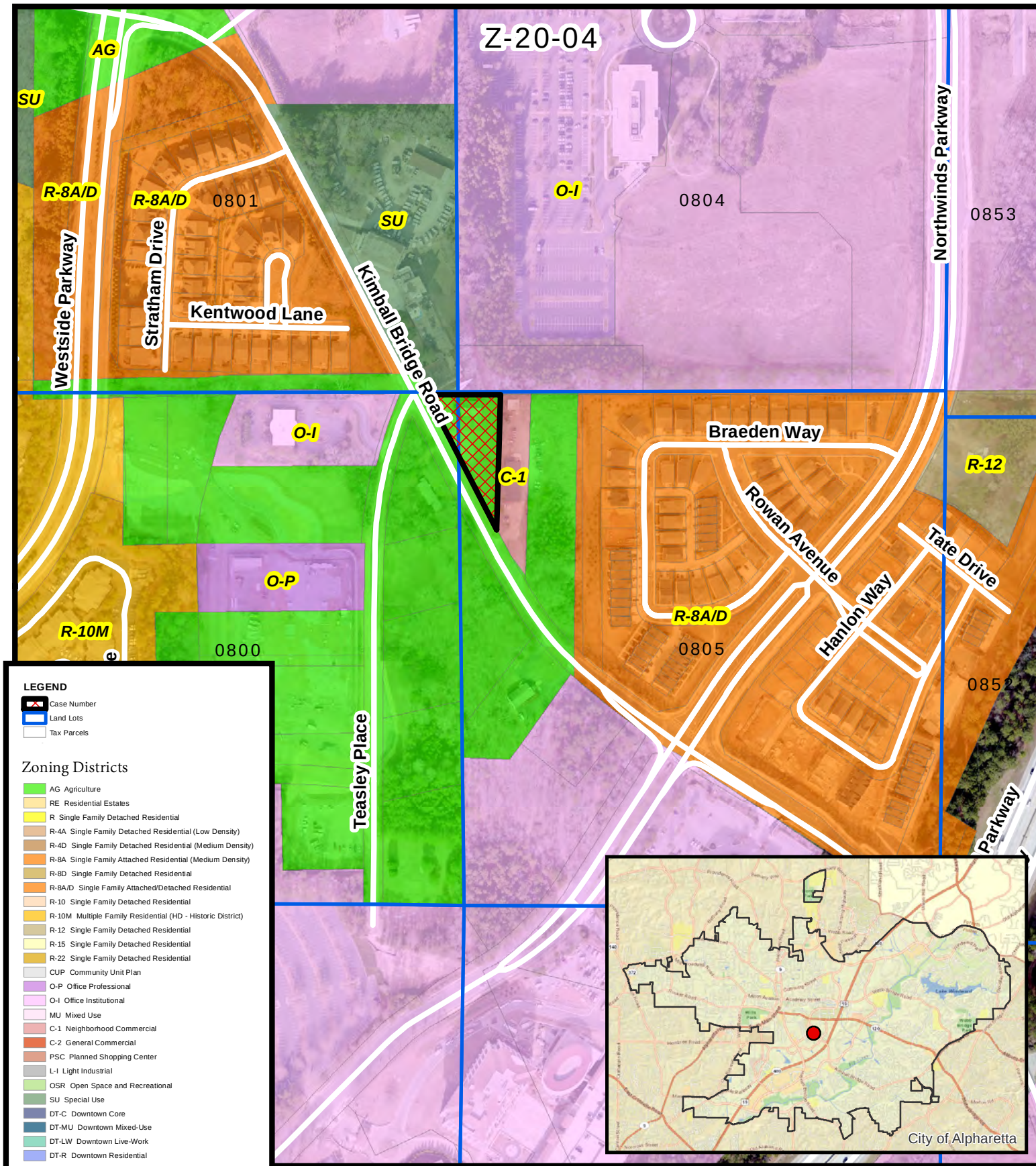
- Site Plan



Aerial Map
Diamond Glass Company
162 Kimball Bridge Road

Z-20-04
D/LL: 1/2/800, 805
PC: 6/4/20
CC: 6/22/20

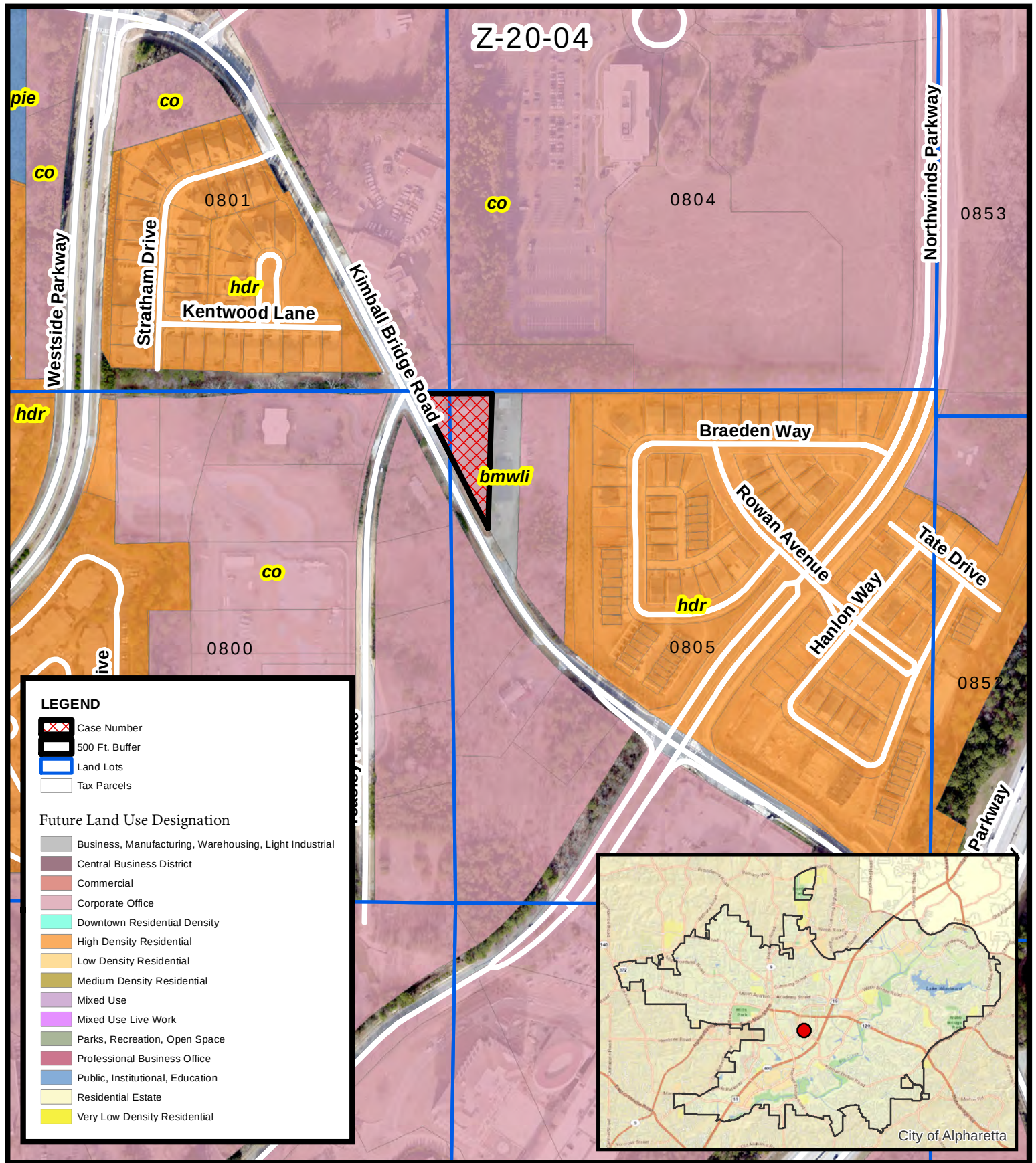
Location Map Provided by:
Community Development - GIS



Zoning Map
Diamond Glass Company
162 Kimball Bridge Road

Z-20-04
D/LL: 1/2/800, 805
PC: 6/4/20
CC: 6/22/20

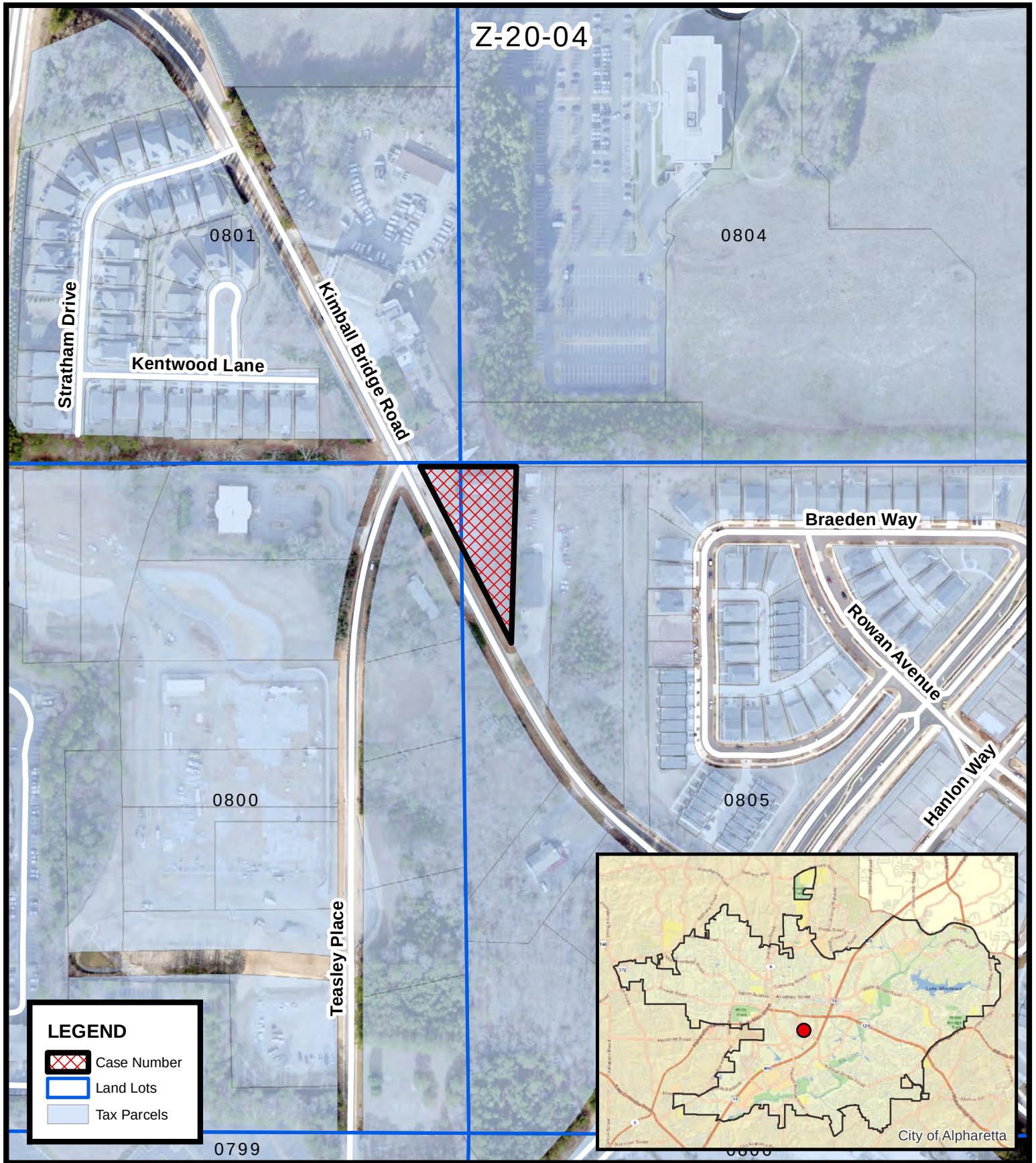
Location Map Provided by:
Community Development - GIS



Future Land Use
Diamond Glass Company
162 Kimball Bridge Road

Z-20-04
 D/LL: 1/2/800, 805
 PC: 6/4/20
 CC: 6/22/20

Location Map Provided by:
 Community Development - GIS



Location Map
Diamond Glass Company
162 Kimball Bridge Road

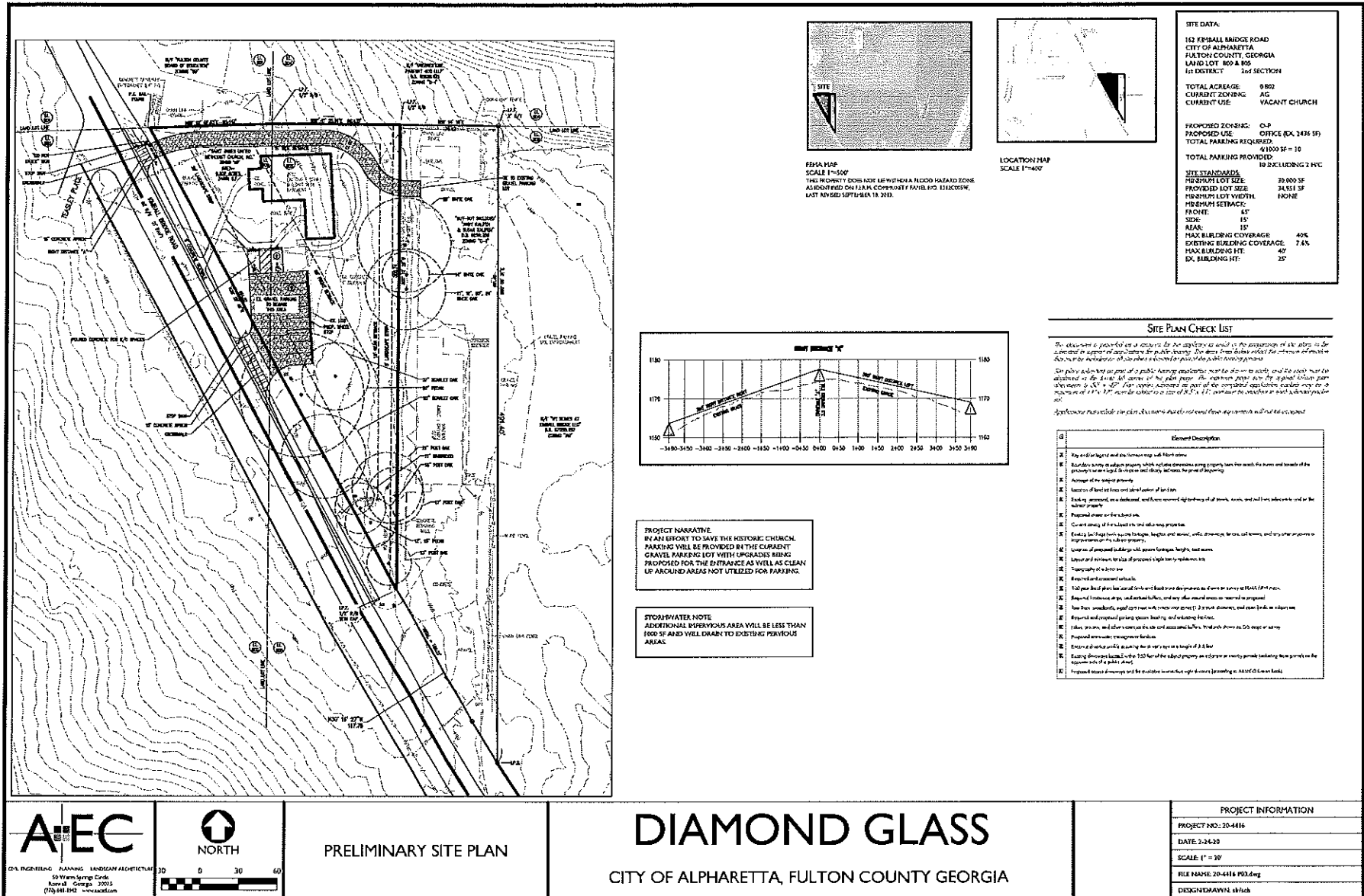
Z-20-04
D/LL: 1/2/800, 805
PC: 6/4/20
CC: 6/22/20

Location Map Provided by:
Community Development - GIS

Applicant's Response to Staff Recommended Conditions

1. The property shall be zoned O-P (Office-Professional) and limited to a professional office within the existing structure.
2. Developer shall perform maintenance on the existing structure, including but not limited to **repair or** replacement of fascia boards, roof (shingles), doors, exterior lighting, gutter and other deteriorating exterior materials. Modifications to the exterior of the structure, not including regular maintenance, shall require approval by the DRB. **NOTE: Applicant does not intend to modify the exterior of the structure.**
3. Site plan shall accommodate future right-of-way for Kimball Bridge Road improvements. **Applicant reserves comment until it has been provided with a complete set of final plans for Kimball Bridge Road improvements in front of the property.**
4. Developer shall ~~install~~ **provide accommodation for** a 12' multi-use sidewalk along the frontage of the property **when the Kimball Bridge Road right of way improvements are constructed by the City.** ~~If developer is agreeable and in exchange for impact fee credits, 12' multi-use sidewalk shall be extended to the south to connect with the existing sidewalk in front of Braeden Subdivision.~~
5. Developer shall install the required 20' landscape strip along Kimball Bridge Road. Landscape strip may be reduced ~~up to~~ **5' wide as shown on the site plan** in certain areas to accommodate the gravel parking lot. Shrubs required to screen the parking lot may overlap the landscape strip.
6. **Low** Foundation plantings shall be required around the perimeter of the building.
7. A sidewalk shall connect the building to the parking lot and the public sidewalk. **NOTE: Shown on submitted site plan**
8. Existing gravel parking lot shall be permitted to remain on the property and may be reconfigured in order to accommodate additional right-of-way and the required landscape strip. Gravel shall be retained in the driveway and parking area with railroad ties or similar landscape edging. Parking lot shall not be reconfigured to be any closer to Kimball Bridge Road and shall not impact trees on the south end of the property, as approved by Staff. Parking spaces are not required to be striped.
9. Except for driveway and parking lot, gravel in the front yard shall be removed and ground outside of the required landscape strip shall be prepared for seed and straw or sod.
10. Curb cut shall be limited to a 30' driveway providing access to the existing gravel parking lot, **the interparcel access driveway shown on the site plan and access directly to the gravel parking lot.** ~~No additional curb cuts shall be permitted.~~
11. Diamond Glass Company commercial vehicles shall only be parked on the property located at 170 Kimball Bridge Road **overnight.**
12. ~~Tree removal shall be limited to dead, dying or diseased trees only.~~ **DELETED**
13. The historical marker shall remain on the property.

3/2/20

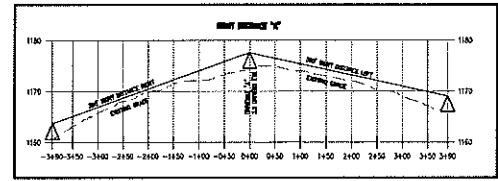


SITE DATA:
142 FERRIS RIDGE ROAD
CITY OF ALPHARETTA
FULTON COUNTY, GEORGIA
LAND LOT: 800 & 805
1st DISTRICT 2nd SECTION

TOTAL ACRES: 0.802
CURRENT ZONING: AG
CURRENT USE: VACANT CHURCH

PROPOSED ZONING: O-P
PROPOSED USE: OFFICE (EX. 2436 SF)
TOTAL PARKING REQUIRED: 61000 SF = 10
TOTAL PARKING PROVIDED: 10 (EXCLUDING 2 NYC

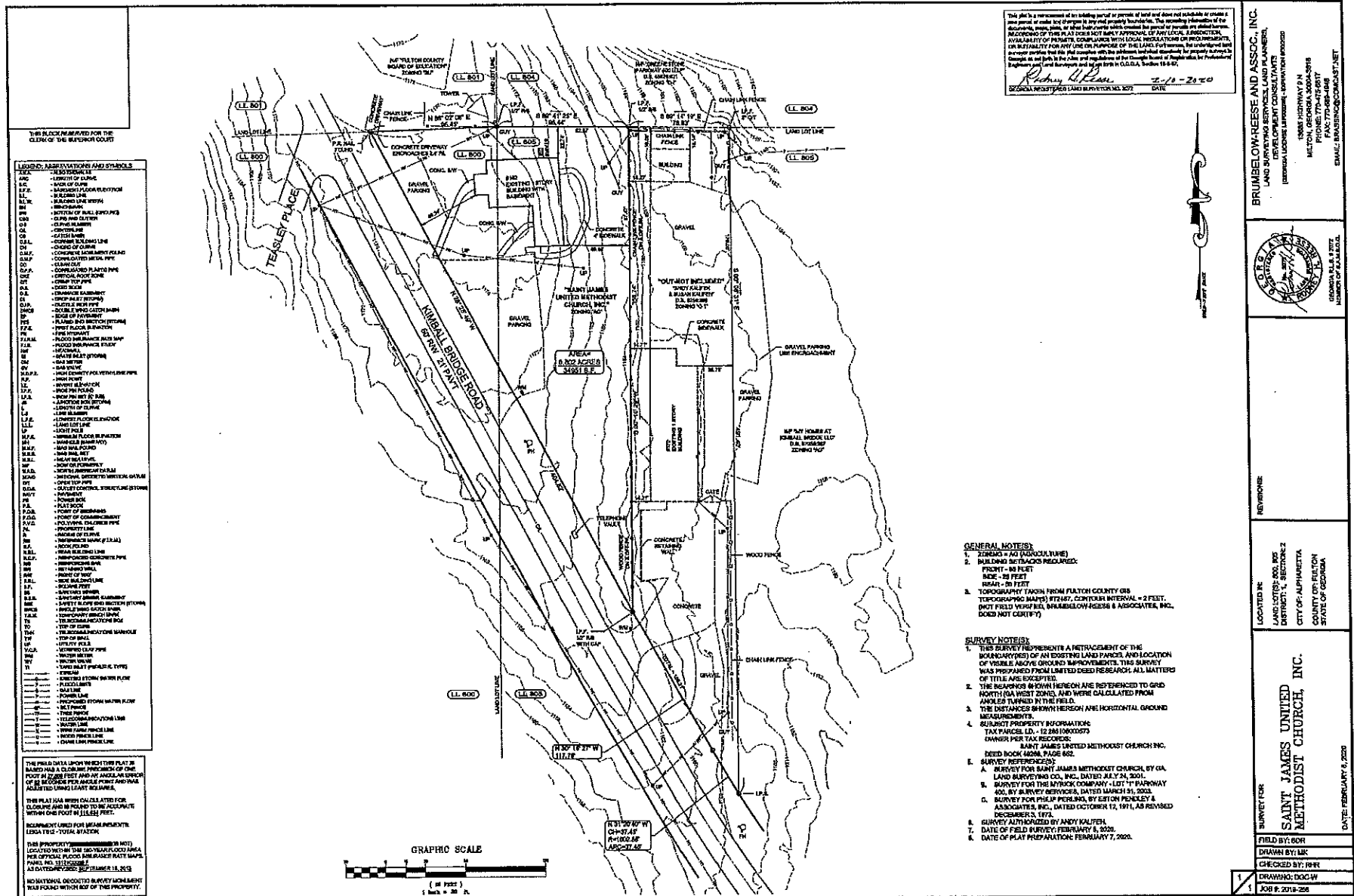
SITE STANDARDS:
MINIMUM LOT SIZE: 20,000 SF
PROPOSED LOT SIZE: 34,931 SF
MINIMUM LOT WIDTH: NONE
MINIMUM SETBACK:
FRONT: 45'
SIDE: 15'
REAR: 15'
MAX BUILDING COVERAGE: 40%
EXISTING BUILDING COVERAGE: 7.6%
MAX BUILDING FTE: 40
EX. BUILDING HT: 25'



- SITE PLAN CHECK LIST**
- The checklist is provided as a courtesy for the applicant to assist in the preparation of the plans. It is not intended to replace the professional review of the plans by the City of Alpharetta. The applicant is responsible for ensuring that the plans comply with all applicable codes and regulations.
- On plans submitted as part of a public hearing application, the applicant must provide a copy of the plans to the City of Alpharetta. The applicant must also provide a copy of the plans to the City of Alpharetta. The applicant must also provide a copy of the plans to the City of Alpharetta.
- Applicant must include the following information on the plans:
1. Name of the project and the applicant.
 2. Location of the project and the applicant.
 3. Description of the project and the applicant.
 4. List of all the proposed buildings and their uses.
 5. List of all the proposed parking spaces and their locations.
 6. List of all the proposed setbacks and their locations.
 7. List of all the proposed easements and their locations.
 8. List of all the proposed utilities and their locations.
 9. List of all the proposed features and their locations.
 10. List of all the proposed materials and their locations.
 11. List of all the proposed colors and their locations.
 12. List of all the proposed textures and their locations.
 13. List of all the proposed sounds and their locations.
 14. List of all the proposed smells and their locations.
 15. List of all the proposed tastes and their locations.
 16. List of all the proposed feelings and their locations.
 17. List of all the proposed thoughts and their locations.
 18. List of all the proposed emotions and their locations.
 19. List of all the proposed actions and their locations.
 20. List of all the proposed reactions and their locations.

PROJECT NARRATIVE:
IN AN EFFORT TO SAVE THE HISTORIC CHURCH, PARKING WILL BE PROVIDED IN THE CURRENT GRATEL PARKING LOT WITH UPGRADERS RING PROPOSED FOR THE ENTRANCE AS WELL AS CLEAN UP AROUND AREAS NOT UTILIZED FOR PARKING.

STORMWATER NOTE:
ADDITIONAL IMPERVIOUS AREA WILL BE LESS THAN 1000 SF AND WILL DRAIN TO EXISTING PERVIOUS AREAS.



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: Z-20-04 DIAMOND GLASS COMPANY

Contact Name: Don Rolader Telephone: 770-442-0330

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

Paul Daniels from Kimball Bridge Walk called and made general inquiries about the project. He was happy that the church building would remain.

Richard Lawson from Kimball Bridge Walk exchanged emails with me regarding the status of the church building. I told him it would remain. (emails attached)

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

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

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: _____

Don A. Rolader

Date: _____

05-13-2020

Print Form

Don Rolader

From: Richard Lawson <rlawsonwriter1@gmail.com>
Sent: Monday, April 20, 2020 2:05 PM
To: Don Rolader
Subject: Re: zoning request

Right on ... thanks ... I'll pass that onto the neighbors ... I should have mentioned that we live in the new neighborhood sort of below Diamond Glass. I wish someone now will take on the old elementary school. First deal fell apart because the city apparently doesn't want density there. The school would be a great rehab project for sure.

On Mon, Apr 20, 2020 at 1:04 PM Don Rolader <don@roladerandrolader.com> wrote:

Richard, the church will remain as it is. It will become the office for Diamond Glass. The church is thrilled that Andy is going to buy it. He will fix up the parking some and that is about it. Thanks, Don

From: Richard Lawson [mailto:████████████████████]
Sent: Monday, April 20, 2020 12:14 PM
To: don@roladerandrolader.com
Subject: zoning request

Don:

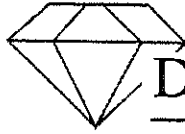
We got the notice for the zoning change request for the Diamond Glass -- the old church. What's their plan? They going to reuse the church or what? I thought that was an historic building.

--

Richard

--

Richard



Diamond Glass Company, Inc. SM

Commercial

•

Residential

•

Retail

April 15, 2020

Property Owner

RE: Z-20-04 Diamond Glass Company, Kimball Bridge Road

Dear Property Owner:

Diamond Glass Company has filed Public Hearing Application with the City of Alpharetta for consideration of a request to rezone the property at 162 Kimball Bridge Road from AG to O-P.

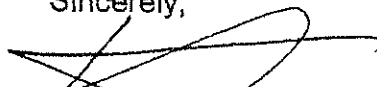
The Community Zoning Information Meeting will be held on Wednesday, May 13, 2020 from 6:00 p.m. to 7:00 p.m. in the Community Room at City Hall. This is an informal, drop in style meeting to allow the Public to view current Applications and speak with the Applicants.

The Planning Commission meeting is scheduled for Thursday, June 4, 2020 at 6:30 p.m. at City Hall.

The City Council hearing is scheduled for Monday, 22, 2020 at 6:30 p.m. at City Hall.

If you have questions or wish further information, please contact Don Rolader at Rolader & Rolader, P.C., 1865 Lockeway Drive, Suite 601, Alpharetta, GA 30004, phone number 770-442-0330, fax number 770-442-0641, email don@roladerandrolader.com.

Sincerely,



Andy Kalifeh, President

170 Kimball Bridge Road • Alpharetta, GA 30009 • 770-475-3468 • Fax 877-561-3545
305 South Palmetto Avenue • Sanford, FL 32711 • 407-330-4738 • Fax 407-330-1502

VELOCIS PARKWAY LP	1720 AMBER PARK DR	Alpharetta	Ga.	30009
GREENSTONE PARKWAY FOUR HUNDRED LLLP	3301 WINDY RIDGE PKWY SUITE 320	Atlanta	Ga.	30339
FULTON COUNTY BOARD OF EDUCATION	786 CLEVELAND AVE	Atlanta	Ga.	30315
AGARWAL ANKITA & SHAH NIKHIL P	2618 KENTWOOD LN	Alpharetta	Ga.	30009
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KIMBALL BRIDGE WALK HOMEOWNERS ASSN INC	2700 CANOPY CIR	Alpharetta	Ga.	30009
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LAWSON KRISTI	290 BRAEDEN WAY	Alpharetta	Ga.	30009
FOSTER WARREN ARTHUR	300 BRAEDEN WAY	Alpharetta	Ga.	30009
LUYKX PIETER M	310 BRAEDEN WAY	Alpharetta	Ga.	30009
QURESHI YASIR S	320 BRAEDEN WAY	Alpharetta	Ga.	30009
PULTE HOME CORPORATION	330 BRAEDEN WAY	Alpharetta	Ga.	30009
WANG CHING SHIH	225 BRAEDEN WAY	Alpharetta	Ga.	30009
SUN AN CHI	235 BRAEDEN WAY	Alpharetta	Ga.	30009
GARCIA RODRIGO & SANCHEZ MARTHA	245 BRAEDEN WAY	Alpharetta	Ga.	30009
FURNEAUX MARTHA D & GLENN M	255 BRAEDEN WAY	Alpharetta	Ga.	30009
REDDYBATTULA NARESH REDDY & BOREDDY LEELA PRASANTHY	265 BRAEDEN WAY	Alpharetta	Ga.	30009
RC CPA PA 401K TRUST	275 BRAEDEN WAY	Alpharetta	Ga.	30009
CHAURASIA MANISH & CHAURASIA RAINA	285 BRAEDEN WAY	Alpharetta	Ga.	30009
LONG JENNIFER MURPHY & ANDREW MORGAN	295 BRAEDEN WAY	Alpharetta	Ga.	30009
PATEL NEIL D & AMISHA	305 BRAEDEN WAY	Alpharetta	Ga.	30009
BRAEDEN NEIGHBORHOOD ASSOCIATION INC	0 BRAEDEN WAY	Alpharetta	Ga.	30009
BRAEDEN NEIGHBORHOOD ASSOCIATION INC	0 BRAEDEN WAY	Alpharetta	Ga.	30009
CONSOR BRUCE J & ROBIN L	214 BRAEDEN WAY	Alpharetta	Ga.	30009
THURMAN ROBERT SCOTT & ASHLEY ANN	216 BRAEDEN WAY	Alpharetta	Ga.	30009
CLINTON JOSHUA R & DEBERRY HEATHER L	218 BRAEDEN WAY	Alpharetta	Ga.	30009
RAWLS JOSEPH & LINDSAY BRANDINO	220 BRAEDEN WAY	Alpharetta	Ga.	30009
CANN CYNTHIA & MILLARD SCOTT	222 BRAEDEN WAY	Alpharetta	Ga.	30009
HENDRICK CHRISTOPHER MICHAEL & TANYA LEE	224 BRAEDEN WAY	Alpharetta	Ga.	30009
HUTTO PHOENIX SHAOJEN	226 BRAEDEN WAY	Alpharetta	Ga.	30009
ANTHONY KEVIN K & KIM	228 BRAEDEN WAY	Alpharetta	Ga.	30009
BOYAPATI PREMCHAND & RAMBABU SOWJANYA BOLLIMPALLI	230 BRAEDEN WAY	Alpharetta	Ga.	30009
ASHFORD GREGORY DEAN & ANN	232 BRAEDEN WAY	Alpharetta	Ga.	30009
BHATIA VISHAL & SHAILA	234 BRAEDEN WAY	Alpharetta	Ga.	30009
MICALE LEONINA	236 BRAEDEN WAY	Alpharetta	Ga.	30009
PARKASH MANJIT	238 BRAEDEN WAY	Alpharetta	Ga.	30009
ELIAS CREWS NANCY C & CREWS ROBERT	240 BRAEDEN WAY	Alpharetta	Ga.	30009

3/10/20

20-02-24-01 Kimball Bridge Arborist Report Alpharetta

Reference UDC
Alpharetta, Georgia



Location Map



All of the following information is based upon visual field observations and 30 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.

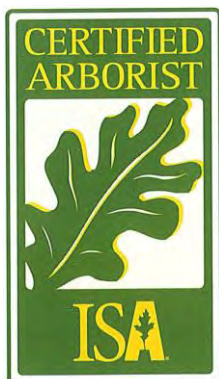
Outdoor Spaces, LLC

By Scott Hall, Owner

On Site Specimen Evaluation Date: March 6, 2020

Report Date: March 7, 2020

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

3/10/20

Warranty Disclaimer:

Although, this report will determine whether or not a tree is a specimen; it is provided as best judgment opinion. Ultimately, the governing body's (Gwinnett County) arborist or representative shall determine whether a tree is classified as a specimen or not.

All specimen tree locations shall be approximate. The provided tree locations shall NOT be GPS located and in no manner shall the provided tree location plan be used or represented as a tree survey. It is the sole responsibility of the OWNER to have all tagged specimen trees located by a Certified Land Surveyor.

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 cannot 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

Smiley, E.. (2003). Does included bark reduce the strength of codominant stems?. Journal of Arboriculture 29.

One of the most common locations for the aboveground portion of a tree to fail is at the junction of two or more codominant stems. Due to the frequency of failures at this point, a study was undertaken to get a better understanding of the mechanical strength of this point and to determine if included bark reduces the strength of the union. Eighty-four codominant stems were removed from 26 felled maple trees. These crotches were securely anchored and split apart using measured force. Breaking force varied from 64 to 2,363 kg. The regression line produced from the comparison of stem diameter and force required for breaking the union when there was no included bark was $\text{Force} = \text{Diameter} * 613 - 1388$, $r^2 = 0.92$. When only those unions with included bark were analyzed, the regression line was $\text{Force} = \text{Diameter} * 537 - 1285$, $r^2 = 0.76$. There was

3/10/20

a significant difference between the regression lines ($p < 0.05$). Codominant stems that have bark trapped in the union are significantly weaker than those that do not have bark included. The differences appear to be greater with smaller-diameter stems than with larger stems.

SECTION 3.2 - TREE CONSERVATION, LANDSCAPE, AND BUFFER REQUIREMENTS (Adopted 05-15-17)

3.2.2 Definitions.

For the purposes of this Section, unless the context indicates otherwise, the following terms shall have the meaning set forth below:

Boundary Tree: Any tree located on adjacent property with a critical root zone that will be impacted by proposed land disturbance activity.

Caliper: A standard of trunk measurement for 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.

Conifer Tree: Any tree with needle leaves and a woody cone fruit including, but not limited to, pine, juniper and cedar species.

Critical Root Zone (CRZ): The minimum area beneath a tree which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The Critical Root Zone will typically be represented by a concentric circle centering on the tree's trunk with a radius equal in feet to one and three-tenths times the number of inches of the trunk diameter. EXAMPLE: The CRZ radius of a twenty (20) inch diameter tree is twenty-six (26) feet.

Dead Tree: Any standing tree which is no longer alive or has the ability to sustain itself through natural processes as determined by a qualified professional.

Diameter Breast-Height (DBH): The standard measure of tree size (for trees existing on a site). The tree trunk is measured at a height of 4 1/2 feet above the ground. If a tree splits into multiple trunks below 4 1/2 feet, the trunk is measured at its most narrow point beneath the split.

Guidance Document: A document maintained by the City of Alpharetta Arborist that includes clarifications to requirements with examples and additional technical standards about tree protection, tree planting, species selection, and other information relevant to the protection and replanting of trees in the City of Alpharetta. The document may be revised by the City Arborist as conditions and technical standards evolve.

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.

International Society of Arboriculture (ISA): A professional organization that promotes the professional practice of arboriculture, sets standards for obtaining professional credentials for arborist, and establishes best practices for tree care, pruning, and protection.

Landscape Tree: A tree or trees that were planted or retained on a developed or previously developed site.

3/10/20

Ornamental Tree: A tree that provides a visual impact in the landscape. The impact may be provided through form, bark, branching structure, leaf color, and / or flower color. Typically a small or medium size tree.

Overstory Tree: Those trees that compose the top layer or canopy of vegetation and will generally reach a mature height greater than 40 feet and typically have a spreading canopy.

Pine Tree: An evergreen coniferous tree that has clusters of needle-shaped leaves.

Pruning (Tree Pruning): To cut away dead, overgrown, or undesirable branches or stems. Pruning of trees to be done in compliance with standard arboricultural practices as outlined in ANSI A300 and shall maintain the trees natural form and structure.

Qualified Professional: An International Society of Arboriculture (ISA) Certified Arborist; an American Society of Consulting Arborists (ASCA) Registered Consulting Arborist, or a Registered Forester.

Shade Tree: Any tree that has a spreading canopy that provides partial to full shade to the ground with a minimum height of 20 feet.

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 and which also meets the minimum size criteria set forth below.

Size Criteria:

Pine Trees: 30-inch diameter or larger for trees in the *Pinus* (Pine) genus.

Coniferous Trees: 20" diameter or larger for trees in the *cedrus* (deodar cedar), *Thuja* (Arborvitae), or other ecologically similar trees,

Overstory Trees: 30-inch diameter or larger for trees in the *Liquidambar* (Sweetgum) or *Liriodendron* (Tulip poplar) genus

- 20-inch diameter or larger for trees in the *Fagus* (Beech), *Nyssa* (Tupelo), *Diospyros* (Persimmon), *Sassafras* (Sassafras), or other ecologically similar trees,
- 20-inch diameter or larger for *Magnolia grandiflora* (Southern magnolia) and those cultivars that generally reach a mature height over 40'
- 24-inch (24") diameter or larger for trees in all other genera

Understory Trees: 8-inch (8") diameter or larger.

- 10-inch (10") diameter or larger for *Oxydendron arboretum* (Sourwood).

See additional requirements for Specimen Trees in The Guidance Document

Street/Streetscape Tree: Any tree located or proposed to be located along a public or private street. The actual location will be determined by the specific zoning district or overlay. In situations where there is limited planting space in the right of way and or safety concerns, street trees may be located at the back of the sidewalk or within the landscape strip on private property and the discretion of the Director.

3/10/20

Structural Root Plate: The zone of rapid root taper that provides the tree stability against wind throw. The radius of the structural root plate is equal to 0.5 feet per inch of DBH.

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.

Tree Care Plan: A plan developed to provide an impacted tree the best possible chance of survival. A tree care plan should be prepared by a qualified professional and conform to the requirements of ANSI A300 and the Guidance Document

Tree Grouping: A community of trees as determined by the Director to merit special consideration as an ecological feature based upon species composition, form, structure, age, and condition. Specimen trees and trees of quality may be included in tree groupings and every alternative should be evaluated to save these trees. Except as otherwise provided in Section 3.2., Tree Groupings will be treated as specimen trees for preservation credits and every alternative should be evaluated to save these trees.

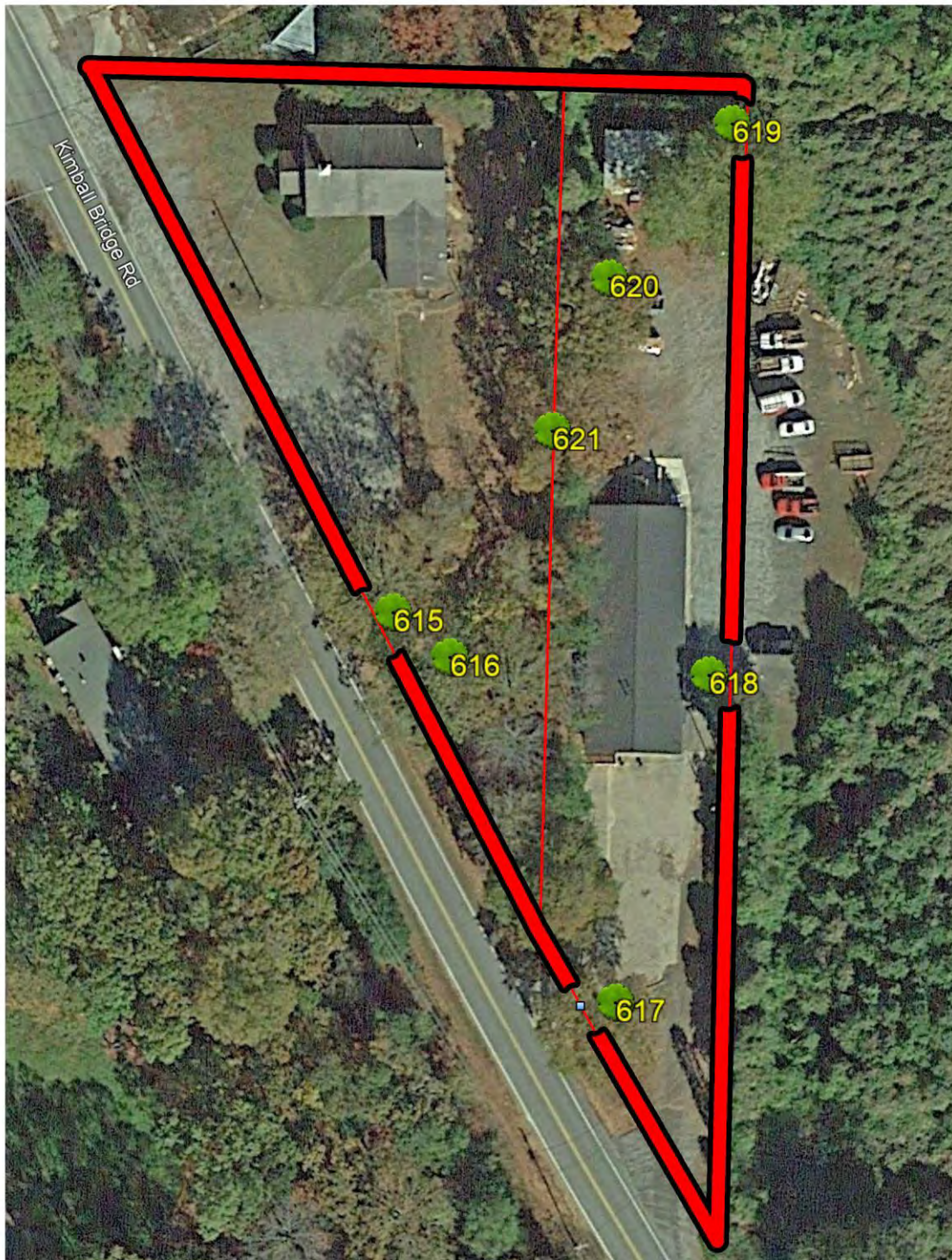
Tree of Quality: A tree that merits special consideration due to historical significance, ideal shape and structure, or uniqueness of the species as determined by the Director. Except as otherwise provided in Section 3.2., Trees of Quality will be treated as specimen trees for preservation credits and every alternative should be evaluated to save these trees.

Tree Planting List: List of preferred tree species for use in the City of Alpharetta. Species not included on this list may be approved at the discretion of the Director. The Tree Planting List is included in the Arborist Guidance Document.

Tree Protection Area: An area encompassing the critical root zone of a tree that shall remain in a previous state.

Tree Save Area: An area designated for the purpose of meeting tree density requirements, saving natural trees, and/or preserving natural buffers that shall remain in a previous state.

Understory Trees: Those trees that grow beneath the overstory, and will generally reach a mature height less than 40 feet. Understory trees may include coniferous trees that meet these same height characteristics.



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.



Tree Location



North

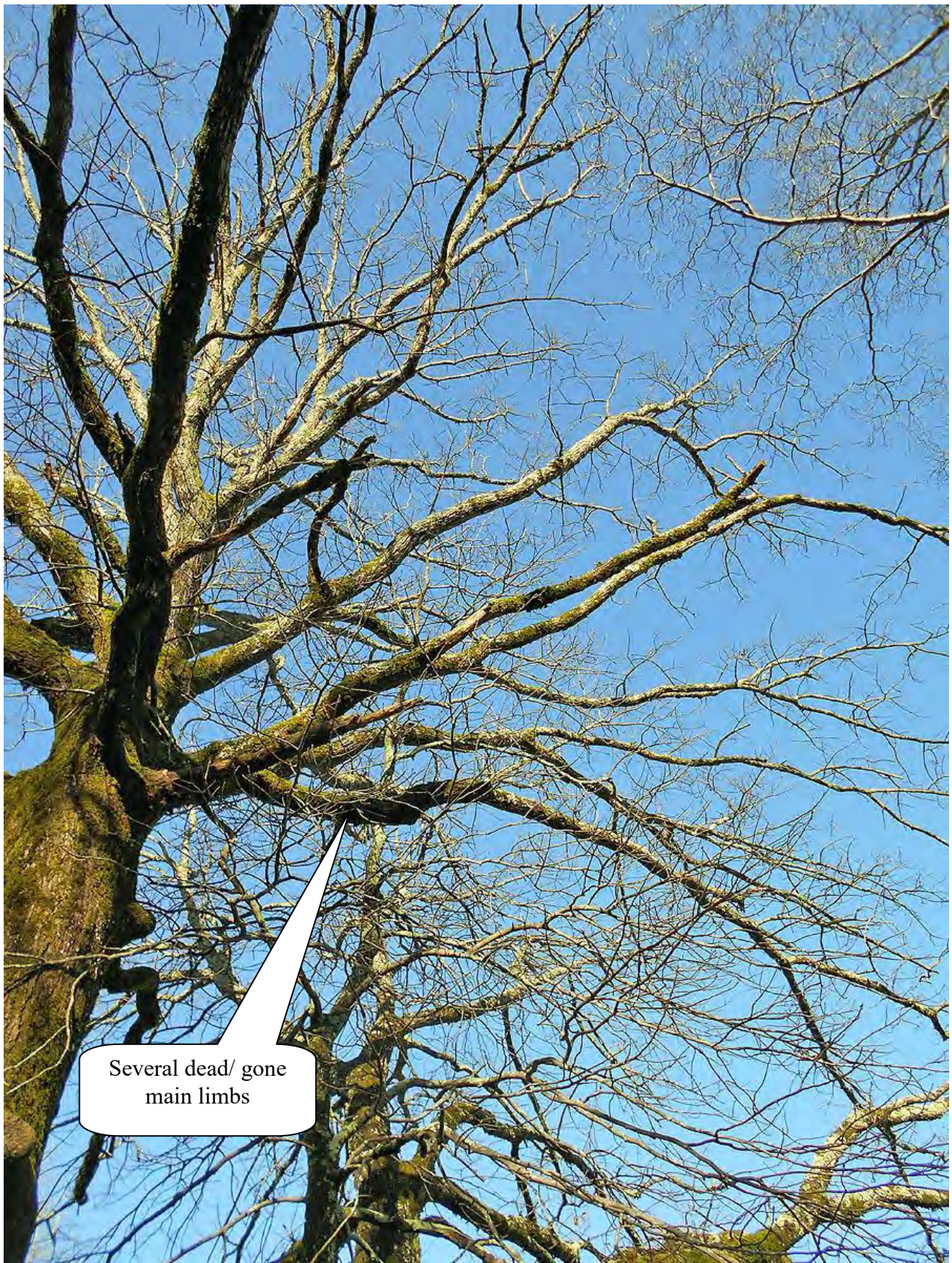
Not To Scale

**Specimen
Location Plan**

20-02-24-01 Kimball Bridge Arborist Report Alpharetta

Tree #	Size/ Species	Health Condition	Structural Condition	Classification	Comments	Design Around	Photo # (See Attached)	City of Alpharetta's Assessment
615	36" Post Oak	Poor	Poor	Non-Specimen	Numerous main limbs dead/ gone. 2 Co-Dominate Leaders with included bark and a coke can grown into crotch. Due the species, a multi-stem tree is undesirable and could be a life safety issue.	No	1-2	
616	25" Post Oak	Fair	Fair	Specimen	Some minor limbs dead/ gone.	Yes		
617	25" Post Oak	Fair	Fair	Specimen	Mistletoe infestation. Some minor limbs dead/ gone.	Yes		
618	15" Flowering Pear (Not a Bradford)	Fair	Poor	Non-Specimen	Deep hollow cavity at base with decay. Main leader gone with poor pruning to correct it.	No	3-4	
619	34" Sycamore	Good	Fair	Specimen	Kudzu growing throughout tree root system.	Yes	3-4	
620	28" Post Oak	Good	Good	Specimen		Yes		
621	47" Post Oak	Poor	Poor	Non-Specimen	4 Co-Dominate Leaders with decay in crotch and included bark. Due the species, a multi-stem tree is undesirable and could be a life safety issue.	No	5	

3/10/20



Several dead/ gone
main limbs

Photo 1

3/10/20



Photo 2

3/10/20



Deep cavity

Photo 3



Photo 4

3/10/20



Photo 5

3/2/20

Z-20-04

DIAMOND GLASS COMPANY

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: Andy KalifehTelephone: 770-475-3468Address: 170 Kimball Bridge Road

Suite: _____

City: AlpharettaState: GAZip: 30009Fax: 877-561-3545

Mobile Tel: _____

Email: akalifeh@diamondglasscompany.com**Subject Property Information:**Address: 162 Kimball Bridge RoadCurrent Zoning: AGDistrict: 1Section: 2Land Lot: 800,805Parcel ID: 12-2851-0800-057-3Proposed Zoning: O-P

Current Use: _____

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

~~3/2/20~~DIAMOND GLASS COMPANY

APPLICANT REQUEST AND INTENT

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

Office for Diamond Glass Company

Applicant's Request (Please itemize the proposal):

Request is to rezone the property from AG to O-P to permit office use of the existing structure.

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

Applicant owns Diamond Glass Company which abuts the subject property. The office for Diamond Glass Company will be relocated to the structure on the subject property. Additional parking will be added and a connecting driveway will be added to connect the two properties and provide an additional access on Kimball Bridge Road.

3/2/20

Z-20-04

DIAMOND GLASS COMPANY

PROPERTY OWNER AUTHORIZATION

Property Owner Information:Contact Name: Derek Everett (St. James United Methodist Church)Telephone: 678-762-1543Address: 3000 Webb Bridge Road

Suite: _____

City AlpharettaState: GAZip: 30009Authorization:

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: Diamond Glass CompanyTelephone: 770-475-3468Address: 170 Kimball Bridge Road

Suite: _____

City AlpharettaState: GAZip: 30009So Sworn and Attested:

Owner Signature: _____

Date: 2/11/20

Derek Everett, Chair, Board of Trustees
St. James UMC

Notary Signature: _____

Date: February 14, 2020

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: **Diamond Glass Company**

Subject Public Hearing Case: **162 Kimball 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 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: _____ 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: **2/21/2020**

ANDY KALIFEH, PRESIDENT

3/2/20

DIAMOND GLASS COMPANY

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

No structures will be added or removed and the use will be office, which is compatible with nearby uses.

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

This proposal will activate the existing vacant structure and can only increase the value of surrounding properties.

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

The property is a vacant church zoned AG. There is no reasonable use of the property for agricultural purposes. Surrounding properties are more intensely zoned and O-P zoning is compatible.

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

There would be no population increase. Existing Diamond Glass employees would use the building as an office.

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

There would be no impact to schools. Adequate utility service is available to provide the intended office use.

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

*

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

The surrounding area is no longer schools and single family residences. There are multiple intense uses in the area which are compatible with O-P zoning and office use.

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

3/2/20

DIAMOND GLASS COMPANY

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: 162 Kimball Bridge Road

Contact Name: Donald Rolader Telephone: 770-442-0330

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 Exhibit "A" attached hereto

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

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

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

3/2/20

EXHIBIT "A"

DIAMOND GLASS COMPANY

VELOCIS PARKWAY LP	1720 AMBER PARK DR	Alpharetta	Ga.	30009
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PULTE HOME CORPORATION	270 BRAEDEN WAY	Alpharetta	Ga.	30009
WENNER SCOTT J & RENAE D	280 BRAEDEN WAY	Alpharetta	Ga.	30009
LAWSON KRISTI	290 BRAEDEN WAY	Alpharetta	Ga.	30009
FOSTER WARREN ARTHUR	300 BRAEDEN WAY	Alpharetta	Ga.	30009
LUYKX PIETER M	310 BRAEDEN WAY	Alpharetta	Ga.	30009
QURESHI YASIR S	320 BRAEDEN WAY	Alpharetta	Ga.	30009
PULTE HOME CORPORATION	330 BRAEDEN WAY	Alpharetta	Ga.	30009
WANG CHING SHIH	225 BRAEDEN WAY	Alpharetta	Ga.	30009
SUN AN CHI	235 BRAEDEN WAY	Alpharetta	Ga.	30009
GARCIA RODRIGO & SANCHEZ MARTHA	245 BRAEDEN WAY	Alpharetta	Ga.	30009
FURNEAUX MARTHA D & GLENN M	255 BRAEDEN WAY	Alpharetta	Ga.	30009
REDDYBATTULA NARESH REDDY & BOREDDY LEELA PRASANTHY	265 BRAEDEN WAY	Alpharetta	Ga.	30009
RC CPA PA 401K TRUST	275 BRAEDEN WAY	Alpharetta	Ga.	30009
CHAURASIA MANISH & CHAURASIA RAINA	285 BRAEDEN WAY	Alpharetta	Ga.	30009
LONG JENNIFER MURPHY & ANDREW MORGAN	295 BRAEDEN WAY	Alpharetta	Ga.	30009
PATEL NEIL D & AMISHA	305 BRAEDEN WAY	Alpharetta	Ga.	30009
BRAEDEN NEIGHBORHOOD ASSOCIATION INC	0 BRAEDEN WAY	Alpharetta	Ga.	30009
BRAEDEN NEIGHBORHOOD ASSOCIATION INC	0 BRAEDEN WAY	Alpharetta	Ga.	30009
CONSOR BRUCE J & ROBIN L	214 BRAEDEN WAY	Alpharetta	Ga.	30009
THURMAN ROBERT SCOTT & ASHLEY ANN	216 BRAEDEN WAY	Alpharetta	Ga.	30009
CLINTON JOSHUA R & DEBERRY HEATHER L	218 BRAEDEN WAY	Alpharetta	Ga.	30009
RAWLS JOSEPH & LINDSAY BRANDINO	220 BRAEDEN WAY	Alpharetta	Ga.	30009
CANN CYNTHIA & MILLARD SCOTT	222 BRAEDEN WAY	Alpharetta	Ga.	30009
HENDRICK CHRISTOPHER MICHAEL & TANYA LEE	224 BRAEDEN WAY	Alpharetta	Ga.	30009
HUTTO PHOENIX SHAOJEN	226 BRAEDEN WAY	Alpharetta	Ga.	30009
ANTHONY KEVIN K & KIM	228 BRAEDEN WAY	Alpharetta	Ga.	30009
BOYAPATI PREMCHAND & RAMBABU SOWJANYA BOLLIMPALLI	230 BRAEDEN WAY	Alpharetta	Ga.	30009
ASHFORD GREGORY DEAN & ANN	232 BRAEDEN WAY	Alpharetta	Ga.	30009
BHATIA VISHAL & SHAILA	234 BRAEDEN WAY	Alpharetta	Ga.	30009
MICALE LEONINA	236 BRAEDEN WAY	Alpharetta	Ga.	30009
PARKASH MANJIT	238 BRAEDEN WAY	Alpharetta	Ga.	30009
ELIAS CREWS NANCY C & CREWS ROBERT	240 BRAEDEN WAY	Alpharetta	Ga.	30009

3/2/20

Z-20-04

DIAMOND GLASS COMPANY

ROLADER & ROLADER, P.C.

ATTORNEYS AND COUNSELORS AT LAW

1865 LOCKEWAY DRIVE, SUITE 601

ALPHARETTA, GEORGIA 30004

Telephone (770) 442-0330

Fax (770) 442-0641

www.roladerandrolader.com

DONALD A. ROLADER
don@roladerandrolader.com

D.W. "Pete" ROLADER
1924 - 2011

February 27, 2020

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

RE: Application of Diamond Glass Company, Inc for Rezoning from AG to O-P on 0.799 acres at 162 Kimball Bridge Road, City of Alpharetta, Fulton County, Georgia owned by St. James United Methodist Church, Inc.; **LETTER OF INTENT**

Dear Mayor and Councilpersons:

This firm represents Diamond Glass Company, Inc., the Applicant, seeking approval of this Rezoning from AG to O-P. This letter shall be construed as the Letter of Intent for this Application.

The subject property contains approximately 0.799 acres and is located on the northeast side of Kimball Bridge Road. To the north is property owned by the Fulton County Board of Education (old school building). To the east Diamond Glass Company which is used as a fabricating facility and office. To the south is Kimball Bridge Road, with property across Kimball Bridge Road to the west of the church building being used for an office building and residences.

Applicant proposes to rezone the property O-P and use the existing church structure as offices for applicant's business. Parking will be increased and an interparcel access driveway will connect the Diamond Glass property to Kimball Bridge Road across the subject property. No variances are requested.

Mayor and City Council
February 27, 2020
Page Two

The impact on the surrounding area will be minimal. The proposed use complies with the Comprehensive Land Use Plan and the Future land Use Plan. There will be no increase in traffic. There will be no impact on schools and there are adequate utilities in place to supply the project. The development will continue quality employment in the area. The proposed use is compatible with existing and planned uses.

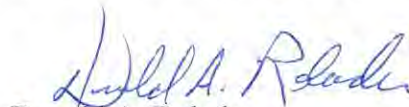
The granting of this Zoning Application will have no negative impact on adjoining or nearby properties. This development will not unduly tax any City of Alpharetta services, including, but not limited to, fire and police protection, water service and garbage collection. Presently sewer is available through Fulton County. 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 office space in downtown Alpharetta.

Applicant has attached Constitutional Objections to this Letter of Intent, and incorporates them herein by reference.

Property Owner/Applicant respectfully requests that the Mayor and City Council approve this Application for Rezoning 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

Legal Description:

All that tract or parcel of land lying and being in Land Lot 800 and 805, 1ST District, 2ND Section, Fulton County, Georgia, and being more particularly described as follows:

To find the point of beginning, commence at the common intersection of Land Lots 800, 801, 804, 805;

Thence, S 89° 41' 25.01" E for a distance of 98.435' to an iron pin found;

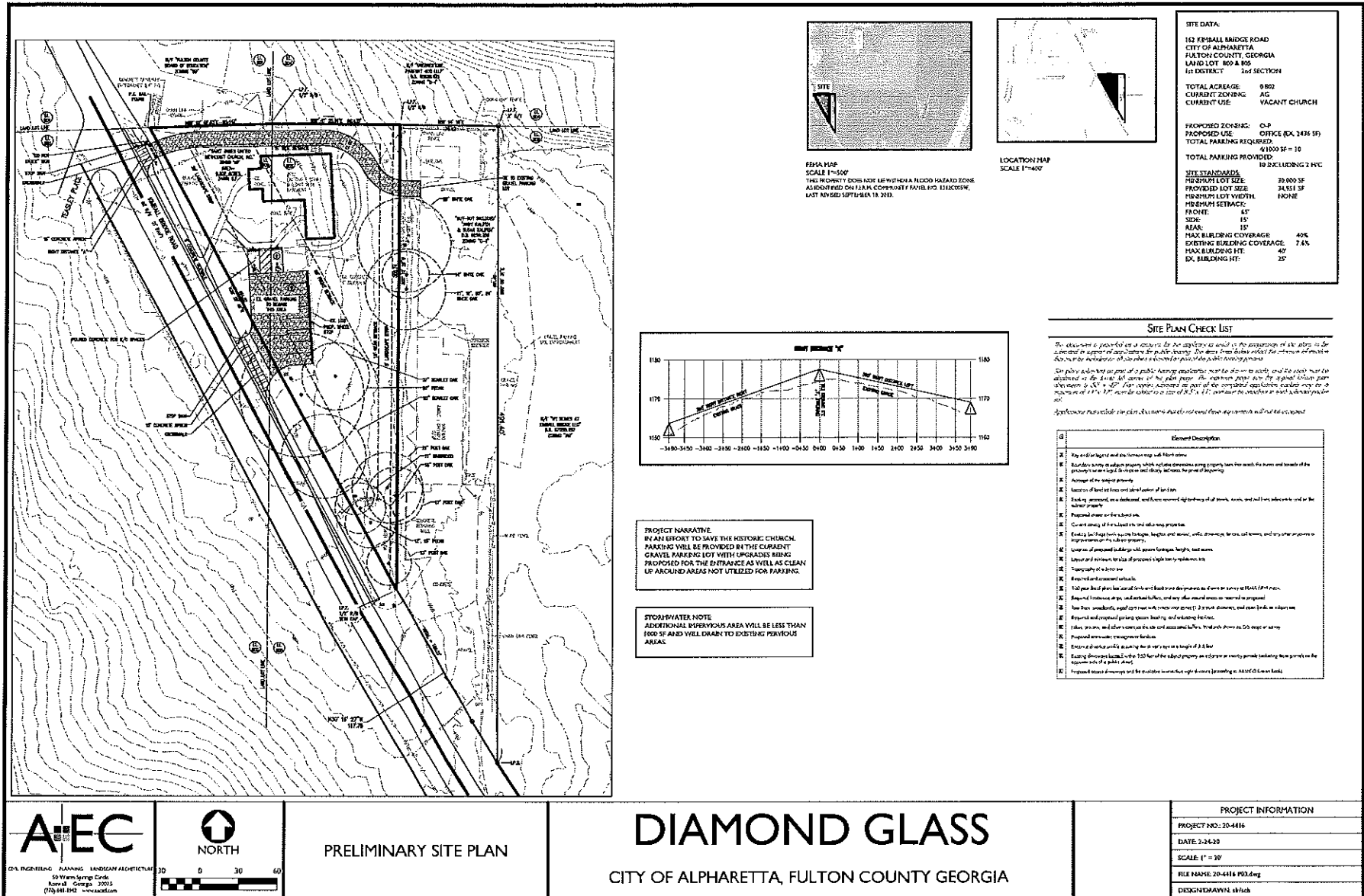
Thence, S 00° 10' 29" W for a distance of 358.74' to an iron pin found;

Thence, N 28° 25' 49" W along the Right of Way of Kimball Bridge Road for a distance of 404.82' to a nail found;

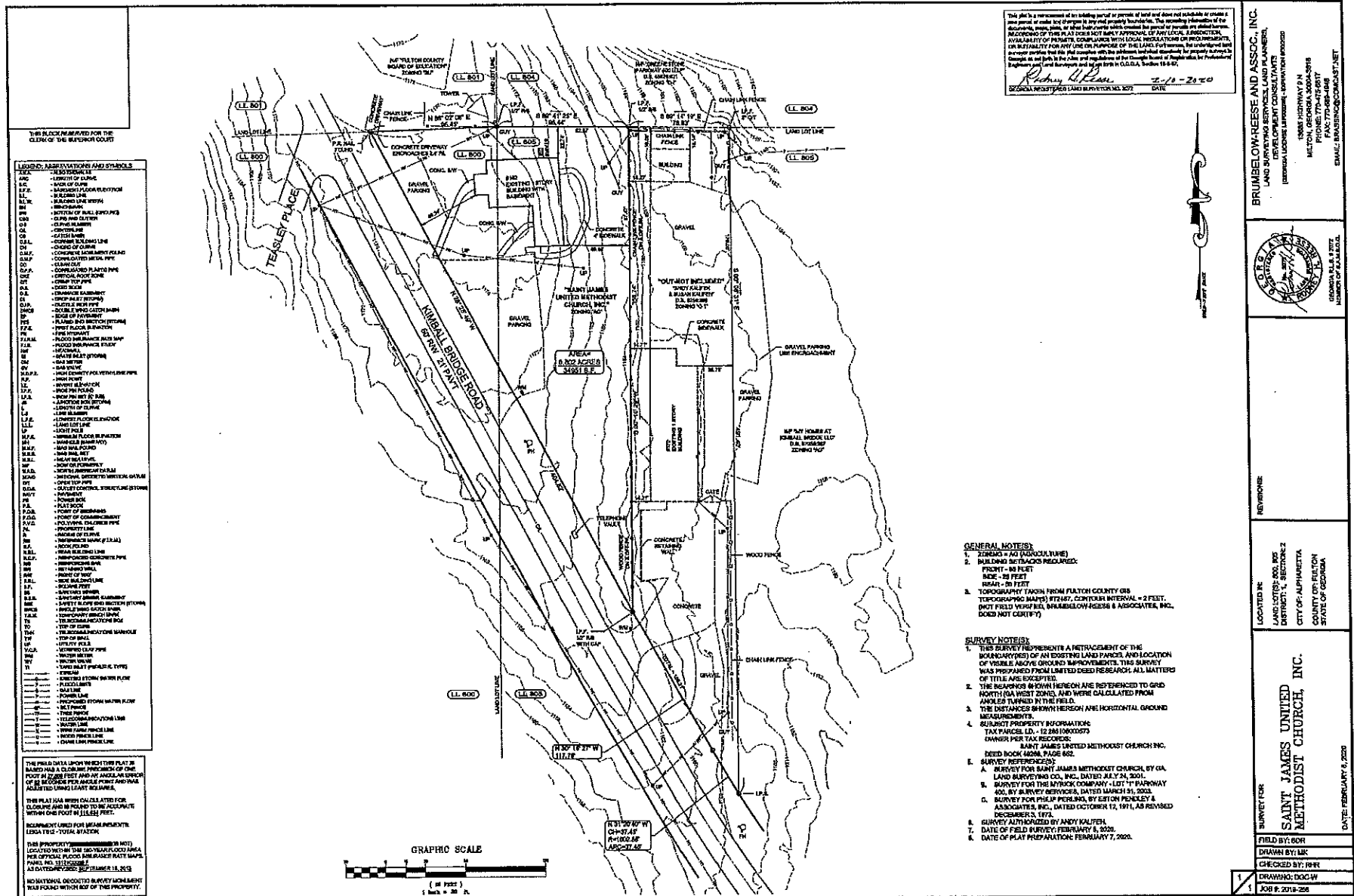
Thence, N 88° 0.73' E for a distance of 95.447' to the point of beginning.

Tract have said area of 0.802 acres or 34,951 SF.

3/2/20



M:\2020 JOBS\20-4416 Diamond Glass\PLANNING\20-4416 P03.dwg, 3/2/2020 10:35:20 AM, skh, ANSI expand B (17.00 x 11.00 inches), 1:2.36243



Traffic

USE	PROGRAM TOTAL S.F.		AM Peak Factor	Total AM Peak	PM Peak Factor	Total PM Peak	Total Trips Per Day Factor	Total Trips Per Day
Retail	0	s.f.	1.03	0	3.74	0	42.92	0
Restaurant	0	s.f.	14.62	0	19.38	0	130.34	0
Office	2,436	s.f.	1.56	4	1.49	4	11.01	27
Hotel	0	rooms	0.64	0	0.74	0	8.92	0
Mini-Warehouse	0	s.f.	0.28	0	0.29	0	2.50	0
Residential (Senior)	0	units	0.21	0	0.23	0	3.48	0
Residential (Multi-Family)	0	units	0.44	0	0.54	0	5.86	0
Residential (Single-Family)	0	units	0.77	0	1.02	0	9.57	0
Totals				4		4		27



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: CU-20-02/V-20-04/E-20-05 VILLAGE PARK AT WILLS PHASE 2

PLANNING COMMISSION: JUNE 4, 2020

CITY COUNCIL: JUNE 22, 2020

II. RECOMMENDATION:

Approve CU-20-02/V-20-04/E-20-05 Village Park at Wills Phase 2, subject to the following conditions:

1. 'Congregate Housing, Assisted Living Facility' shall be a permitted use on the subject property. After January 1, 2022, 91 'Assisted Living Facility' units shall be permitted a Certificate of Occupancy.
2. The site shall be developed substantially similar to site plan prepared by Blue Landworks, revised 3/3/2020, except for modifications required to comply with the conditions below. Site plan shall accommodate GDOT improvements planned along Alpharetta Highway.
3. Buildings shall be substantially similar to the submitted renderings dated 2/9/2020, with final approval by DRB. Elevations shall be a minimum 40% brick or stone.
4. Overall building height shall be limited to no more than 47'.
5. Building setbacks shall be as depicted on the plan prepared by Blue Landworks, revised 3/3/2020.
6. Aerial bridge shall maintain a minimum clearance of 13'-6" to accommodate fire access.
7. Decorative pedestrian street lights shall be required along Alpharetta Highway. Lighting type, quantity and spacing, as approved by Staff.
8. Foundation plantings shall be required around all buildings, as approved by DRB.
9. Developer shall construct sidewalk along Alpharetta Highway, per GDOT improvement plans.
10. Street trees of proper size and location shall be required along internal driveways, as approved by DRB.
11. Minimum 20' landscape strip shall be provided along Alpharetta Highway outside of utility easements and shall not include patio areas, as approved by DRB.
12. Amenity areas shall be developed as depicted on the site plan prepared by Blue Landworks, revised 3/3/2020, and shall include improvements such as seating/gathering areas, hardscape and landscape.
13. Retaining walls visible from Alpharetta Highway shall be decorative and faced with brick or stone. Walls over 5' in height shall be tiered with landscape beds in between.
14. Generators and dumpsters, if located outside of buildings, shall be contained within an enclosure with materials that match buildings, as approved by DRB.
15. Developer shall comply with the following requirements of the City's Stormwater Engineer in order to abandon the existing stormwater management facility.
 - a. The outlet control structure and berm shall be removed and the conveyance shall be restored to a natural condition requiring little to no maintenance.
 - b. The inlet pipe from Village Park Phase I shall be repaired or replaced. Energy dissipation measures will be reviewed at time of LDP.
 - c. Eroded pond banks shall be stabilized and replanted with permanent vegetation.
 - d. The current development will not be eligible for consideration in existing conditions hydrologic analysis. There are known drainage issues in the downstream basin.

- e. Developer shall consider at-surface BMPs for runoff reduction in their stormwater management plan.
16. Developer shall install additional plantings within the existing drainage area at the rear of the property to enhance screening of the development.

III. REPORT IN BRIEF:

The applicant, Tim Gary, is requesting a conditional use, variance and exception in order to redevelop the Alpharetta Business Center (flex office/warehouse center) with a 91-unit 'Congregate Housing, Assisted Living Facility' on 4.97 acres. The proposal represents Phase 2 of the Village Park at Milton senior living facility. A variance is requested to reduce the front setback to allow for a bakery or pharmacy building at the front of the development and an exception is requested to increase the overall building height from 40' to 47'. The subject property is located at 11940 Alpharetta Highway, near the Northwest corner of Wills Road and Alpharetta Highway.

DISCUSSION

The submitted request, if approved, would allow for the redevelopment of the Alpharetta Business Center with a 91-unit 'Congregate Housing, Assisted Living Facility' representing Phase 2 of the Village Park at Milton senior living facility. The proposed development would include twenty (20) independent living cottages and 71 assisted living and memory care units, as well as a variety of amenities and services associated with a state-licensed assisted living facility. The subject property is located at 11940 Alpharetta Highway, near the Northwest corner of Wills Road and Alpharetta Highway.

The 4.97-acre property is zoned O-I (Office-Institutional), which allows 'Congregate Housing, Assisted Living Facility' with approval of a conditional use. The Alpharetta Business Center was developed in 1988 as a 1-story, 82,973 square foot flex office/warehouse building. Businesses occupying the center include Roswell Farmer's Market, North Fulton Compounding Pharmacy, A-1 Driving School and the Parish Anglican Church, to name a few.

Surrounding properties are zoned R-15 (Dwelling, 'For-Sale', Detached Residential) to the North, C-2 (General Commercial) and O-I to the West, City of Roswell to the South and C-1 (Neighborhood Commercial) to the East. The Arrowood Subdivision is located to the North, Village Park at Milton Phase 1 is located to the East, Ferrari Dealership and a former carwash are located to the South, and Cash American Pawn and Cambridge Square office park are located to the West. The Comprehensive Land Use Plan designation of the property is 'Mixed Use', which allows the proposed use.

Phase 1 of Village Park at Milton (CU-17-06/V-17-15 Village Park at Wills Road/Assisted Living Facility) was approved on June 19, 2017 to allow a 130-unit 'Assisted Living Facility' on 7.1 acres. The applicant also constructed the Village Park at Alpharetta senior living facility at the Northwest corner of Webb Bridge Road and Morris Road. The Village Park concept allows residents to age in place by providing independent, assisted and memory care units within a common development.

As shown in the table below, there are 13 assisted/senior living facilities currently operating in the City, consisting of 1,763 units. The average density of assisted/senior living facilities is 17 dwelling units per acre (du/ac), including the Avanti Inspired Living facility on the low end at 7.25 du/ac and the Cottonwood Estates facility on the high end at 33.8 du/ac. As of March 31,

2020, there are 28,162 housing units ('For-Sale', 'For-Rent' and assisted/senior living units) in the City, with assisted/senior living representing 6.3% of the total housing units.

Assisted/Senior Living Housing – Existing/Under Construction

Project Name	Location	Units	Acreage	Density
Applicant's Proposal – Phase 2	11940 Alpharetta Hwy	91	4.97 ac	18.3 du/ac
Village Park at Milton Phase 1	555 Wills Rd	130	7.1 ac	18.3 du/ac
Atria of Alpharetta	100 Somerby Dr	282	18 ac	15.7 du/ac
Alto by Allegro Senior Living	4125 North Point Pkwy	70	2.2 ac	31.8 du/ac
Cottonwood Estates	255 Vaughan Dr	133	3.94 ac	33.8 du/ac
Morningside of Alpharetta	253 North Main St	89	2.7 ac	33 du/ac
Addington Place of Alpharetta	762 North Main St	97	5 ac	19.4 du/ac
Dogwood Square	555 Janis Square	100	3.43 ac	29.2 du/ac
Emblem Alpharetta (f.k.a. Parc Alpharetta)	1000 Fanfare Way	200	7.12 ac	28.1 du/ac
Village Park of Alpharetta (Phase 2 Under Construction)	12300 Morris Rd	187	19.7 ac	10.8 du/ac
The Crossings at Webb Bridge (f.k.a. Autumn Leaves)	3300 Webb Bridge Rd	54	3.4 ac	15.9 du/ac
Avanti Inspired Living	Old Milton Pkwy @ GA 400	145	20 ac	7.25 du/ac
The Mansions	3700 Brookside Pkwy & 3675 Old Milton Pkwy	216	9.1 ac	23.7 du/ac
The Phoenix at Roswell	11725 Pointe Pl	60	2.2 ac	27.3 du/ac
TOTAL*		1,763 Units	103.9 ac	17 du/ac

*Total does not include the applicant's current proposal.

Presently, there are six (6) undeveloped sites, consisting of approximately 56.6 acres, that could be developed as 'Congregate Housing, Assisted Living Facility' without a public hearing (allowed by-right). As shown in the table below, these sites were either approved as part of a master plan or allowed by-right in the L-I (Light Industrial) zoning district.

Assisted/Senior Living Housing – Entitled (Approved) Sites

Master Plan/Property	Location	Acreage
Fulton Greens Pod B	3 Parcels directly north of 12850 Highway 9	3.8 ac
Southfund Partners Pod A	SW Corner of Point Place & Upper Hembree Rd	2.2 ac
Webb Bridge/GA 400 Pods A-F	Parcels North & East of 3000 Webb Bridge Rd	43.6 ac
Preston Ridge Pod A	Parcel South of 4125 North Point Parkway	3 ac
Vacant L-I Parcel	11440 Maxwell Rd	2.8 ac
Vacant L-I Parcel	1350 Rock Mill Way	1.2 ac
TOTAL		56.6 ac

While assisted/senior living facilities have less impact on traffic and schools, the use has greater impacts on public safety. On average, the City's Public Safety Department gets approximately two (2) calls per day from assisted/senior living facilities. Due to liability issues, these facilities call Public Safety for assistance with resident falls. The applicant's business model would likely generate less calls for assistance due to the presence of independent units.

SITE PLAN

The submitted site plan depicts a 5,000 square foot bakery or pharmacy building connected to a 3-story, 145,000 square foot main building (assisted and memory care) fronting Alpharetta

Highway. The bakery/pharmacy building is 1-story with mezzanine level. Twenty (20), 1-story independent living cottages are depicted on the rear half of the property. The main building is connected to the Phase 1 main building by way of an aerial bridge. Amenity areas are depicted throughout the site, including an outdoor seating area for the bakery/pharmacy and pocket park with sidewalk in the vicinity of the cottages. Building setbacks are as follows:

- Alpharetta Highway – Approximately 60' (main building) and 20' (bakery/pharmacy building)
- Side/Rear – 15'

Access to the site is proposed through the existing curb cuts (Alpharetta Highway and Wills Road) associated with Phase 1. Fourteen (14) surface parking spaces are depicted along the driveway on the East side of the main building and 69 parking spaces are provided underneath the main building. Cottages are proposed to include parking in driveways and garages. The proposed parking complies with the UDC requirement of one (1) space per two (2) sleeping rooms. Sidewalk improvements will be required along Alpharetta Highway, per the approved GDOT plans. A proposed crosswalk is depicted in the driveway on the East side of the main building and connecting sidewalks in Phases 1 and 2.

There are few quality trees on the property, except at the rear around the existing stormwater facility. There will be no tree removal in the rear 50' of the property, except to remove dead or dying material.

Stormwater is proposed to be addressed through an underground vault within a driveway at the rear of the property. The existing stormwater pond has had many issues over the years. The developer proposes to abandon the existing pond and revegetate the area, where possible, to screen the development. If approved, conditions are recommended to address the proper abandonment of the existing stormwater pond.

ELEVATIONS

The applicant submitted renderings reflecting a continuation of the Modern Farmhouse architectural style used in Phase 1. Building materials are proposed to include stone, board and batten and siding with metal roof accents. Architectural elements will include cupolas, stone chimneys, porches and balconies, decorative railings, faux barn doors and feature windows.

RENTAL STUDY

The U.S. Census Bureau classifies assisted living, memory care and independent senior living as renter-occupied housing. Careful consideration should be given to maintaining a balance between owner- and renter-occupied housing in the City. The 2035 Comprehensive Plan identifies the following policy as it relates to maintaining a balance of owner-occupied to renter-occupied housing in the City:

Housing Policy 2: Maintain a balance between 'owner-occupied' and 'renter-occupied' in Alpharetta such that at least 68% of the housing stock is 'owner-occupied'.

The *Alpharetta Rental Housing Study Benchmark Update 2019* indicates that the City is moving toward its policy of 68% owner-occupied housing, but not at the previously projected rate. As stated in the study, between 2015 and 2017 it is estimated that the percentage of renter-

occupied housing units in the City decreased from 37.4% to 36.3%, or 63.7% owner-occupied. The City anticipates updated housing data with the 2020 U.S. Census sometime in 2021.

TRAFFIC

The applicant submitted a trip generation report for the proposed development showing that the assisted living facility and bakery/pharmacy would generate 117 PM Peak Hour trips. The proposed development would generate fewer trips than the existing business center development. In addition, removal of the existing curb cut is beneficial to the overall flow of traffic on Alpharetta Highway.

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 applicant proposes to utilize the two (2) Phase 1 project driveways on Alpharetta Highway and Wills Road. A secondary Fire Lane is provided along the driveway to the east of the main building. The proposed use is a low trip generator and should not have significant impacts on vehicular and pedestrian access or on traffic flow.

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 proposed site plan addresses the above-referenced site improvements. The 50' buffer at the rear of the property should be revegetated, where appropriate, to enhance screening between the proposed development and Arrowood Subdivision.

3. Ensuring that the conditional use will not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity or diminish and impair property values within the surrounding neighborhood;

Response: The proposed use and associated site layout provides a transition between the existing non-residential uses along Alpharetta Highway and Arrowood Subdivision. Redevelopment of the property should not diminish surrounding property values.

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 use is compatible with the character of surrounding businesses and the adjacent residential neighborhood. The proposed use would not impede the normal and orderly development and redevelopment of surrounding properties.

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

Response: The proposed use has a residential character and is compatible with surrounding businesses and the adjacent residential neighborhood.

VARIANCE & EXCEPTION 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 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: Approval of the setback variance should not cause substantial detriment to the public good, if conditions are approved limiting the setback reduction to the bakery/pharmacy building. The reduced setback along Alpharetta Highway would contribute to the walkable environment that the City is creating in the area. The height exception is the minimum necessary in order to integrate the different phases of development.

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

Response: The applicant's development could meet the minimum building setback on Alpharetta Highway. However, the subject property is located adjacent to the Downtown Overlay, which includes a vision to increase walkability. The reduced setback for the bakery/pharmacy building would further that vision.

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

Response: The subject property is situated at a lower elevation than the adjacent Phase 1 of the development. The requested height exception is the minimum necessary in order to integrate the different phases of development.

(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 variance should not cause substantial detriment to the public good, if conditions are approved limiting the setback variance to the bakery/pharmacy building and limiting building height.

CONCURRENCES

City Staff has reviewed the applicant's proposal and finds that it can generally support the request for conditional use, variance and exception. The request is not in conflict with the established standards and should have little impact on the area. The proposed use is a low traffic generator and would represent a transition between the adjacent residential subdivision and the non-residential uses along Alpharetta Highway. In comparison to traditional assisted living and memory care facilities, the applicant's business model that includes independent living, would have less impact on Public Safety services. The proposal also represents redevelopment of an aging, underutilized commercial development. If approved, conditions are recommended regulating architecture, layout, building height, landscaping and screening.

The U.S. Census Bureau estimates that the City is currently at 63.7% owner-occupied housing, which is below the City's policy of 68% owner-occupied. However, the proposal does further the following policies and strategies in the 2035 Comprehensive Plan:

- Promote development that is pedestrian-oriented and reduces vehicular trips.
- Promote the redevelopment of greyfield sites (under performing sites).
- Use infrastructure as a tool to guide development into locations where land is most cost-effective to service.
- Provide interparcel connectivity in commercial areas.
- Promote efficient use of existing system through improved operational and maintenance strategies, including access management along major corridors.
- Promote and encourage residential densities and designs that ensure varied living areas and housing types.
- Promote opportunities for 'Aging in Place'.
- Encourage development of housing opportunities for seniors that accommodates the needs of the aging population.
- Encourage the location of senior-oriented and age-restricted housing developments near shopping and health-related services as well as centrally-located areas that provide goods and services such as downtown.

In order to achieve the City's housing policy of 68% owner-occupied housing, it is recommended that a Certificate of Occupancy not be issued for the 91 units until January 2022.

CITIZEN PARTICIPATION PLAN

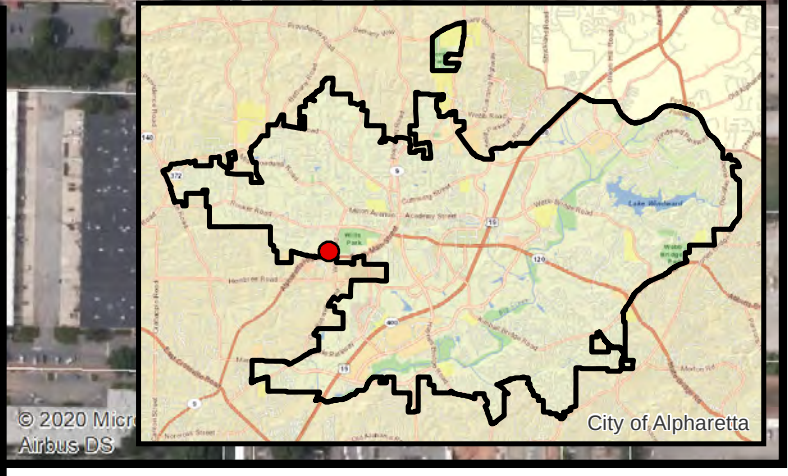
The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that a comment was received from an adjacent property owner in Arrowood Subdivision objecting to the applicant's proposal because it would devalue their property.

COMMUNITY ZONING INFORMATION MEETING

The CZIM was held on February 12, 2020. There were no public comments on the sign-in sheet.

IV. ATTACHMENTS:

- Site Plan
- Renderings



Aerial Map Village Park Senior Living Phase II

CU-20-02/V-20-04/

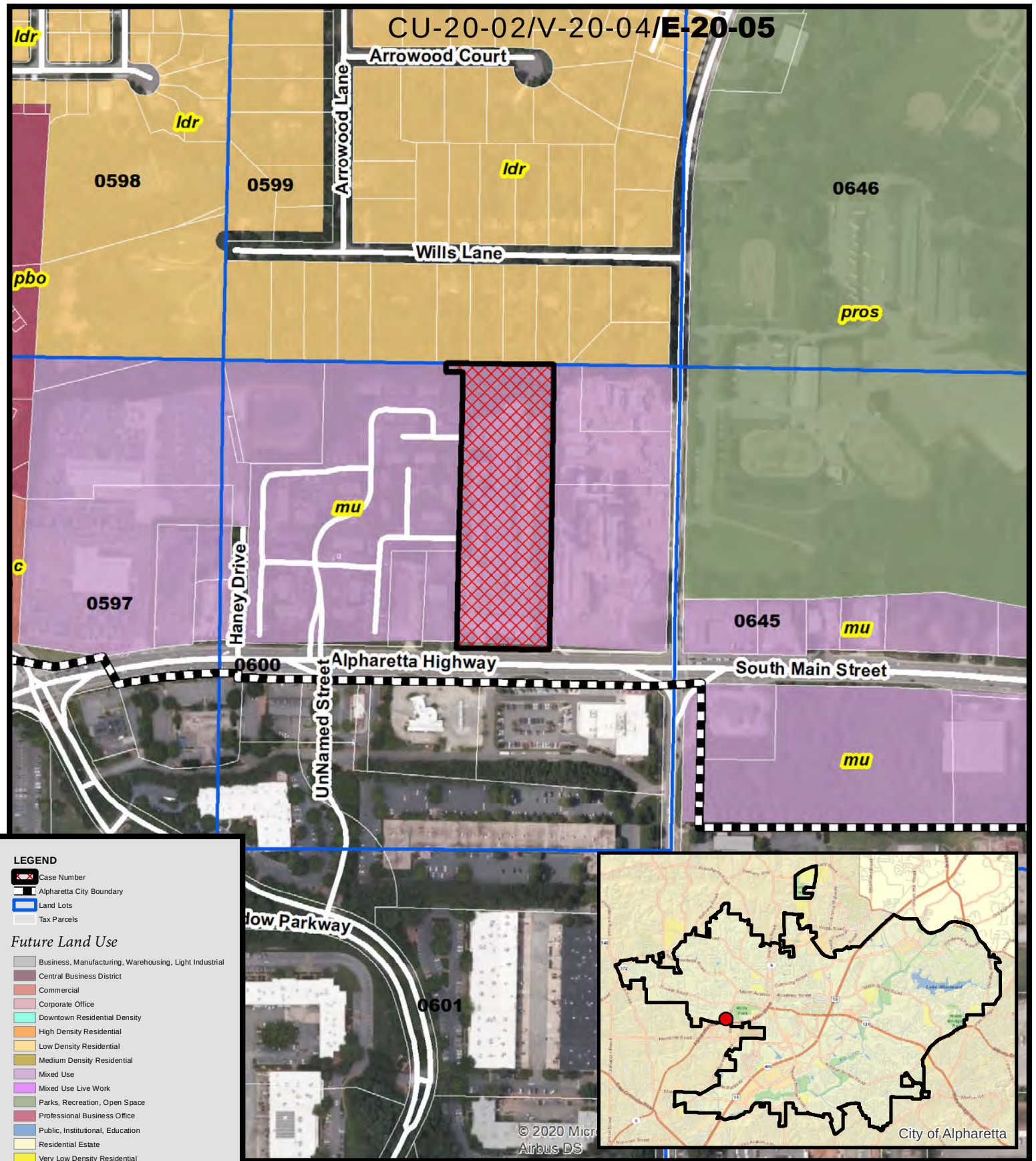
E-20-05

D/LL: 1/2/600

PC: 6/04/20

CC: 6/22/20

Location Map Provided by:
Community Development - GIS



Future Land Use Village Park Senior Living Phase II

CU-20-02/V-20-04/

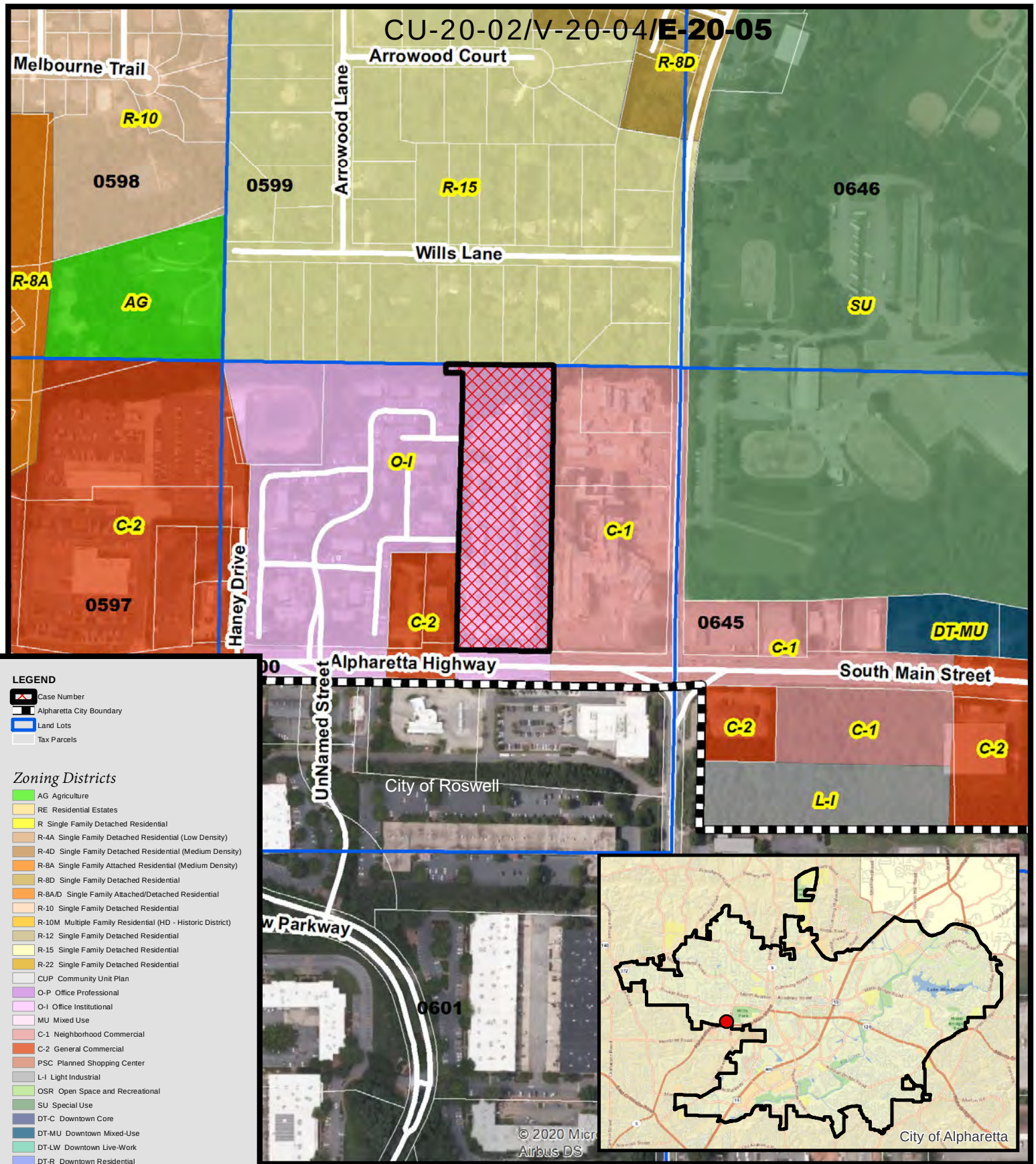
E-20-05

D/LL: 1/2/600

PC: 6/04/20

CC: 6/22/20

Location Map Provided by:
Community Development - GIS



Zoning Map

Village Park Senior Living Phase II

CU-20-02/V-20-04/

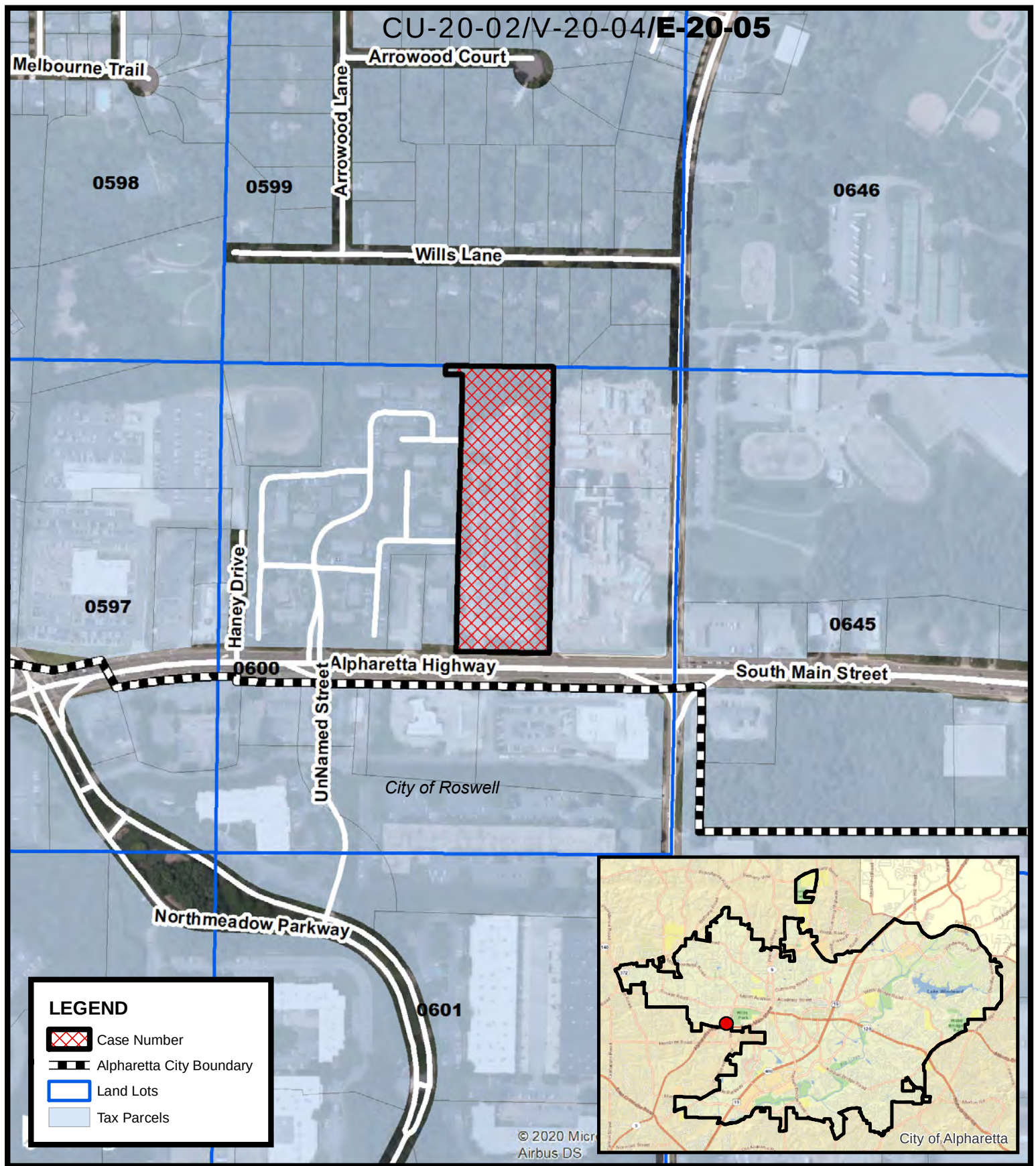
E-20-05

D/L: 1/2/600

PC: 6/04/20

CC: 6/22/20

Location Map Provided by:
Community Development - GIS



Location Map

Village Park Senior Living Phase II

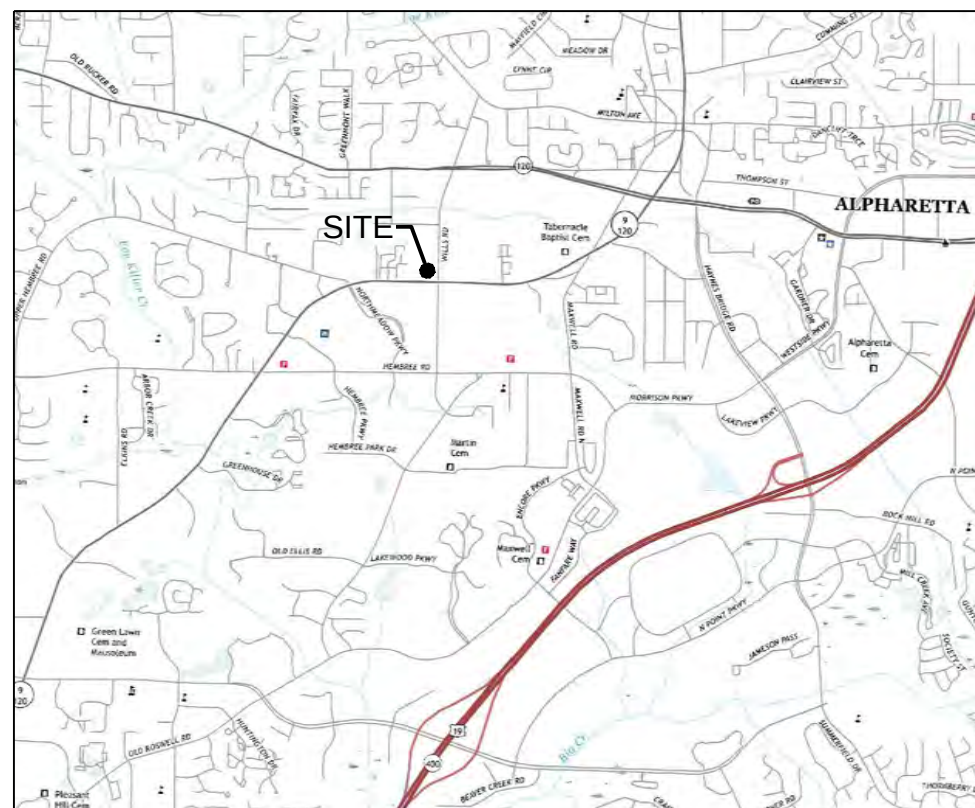
CU-20-02/V-20-04/**E-20-05**

D/LL: 1/2/600

PC: **6/4/20**

CC: **6/22/20**

Location Map Provided by:
Community Development - GIS

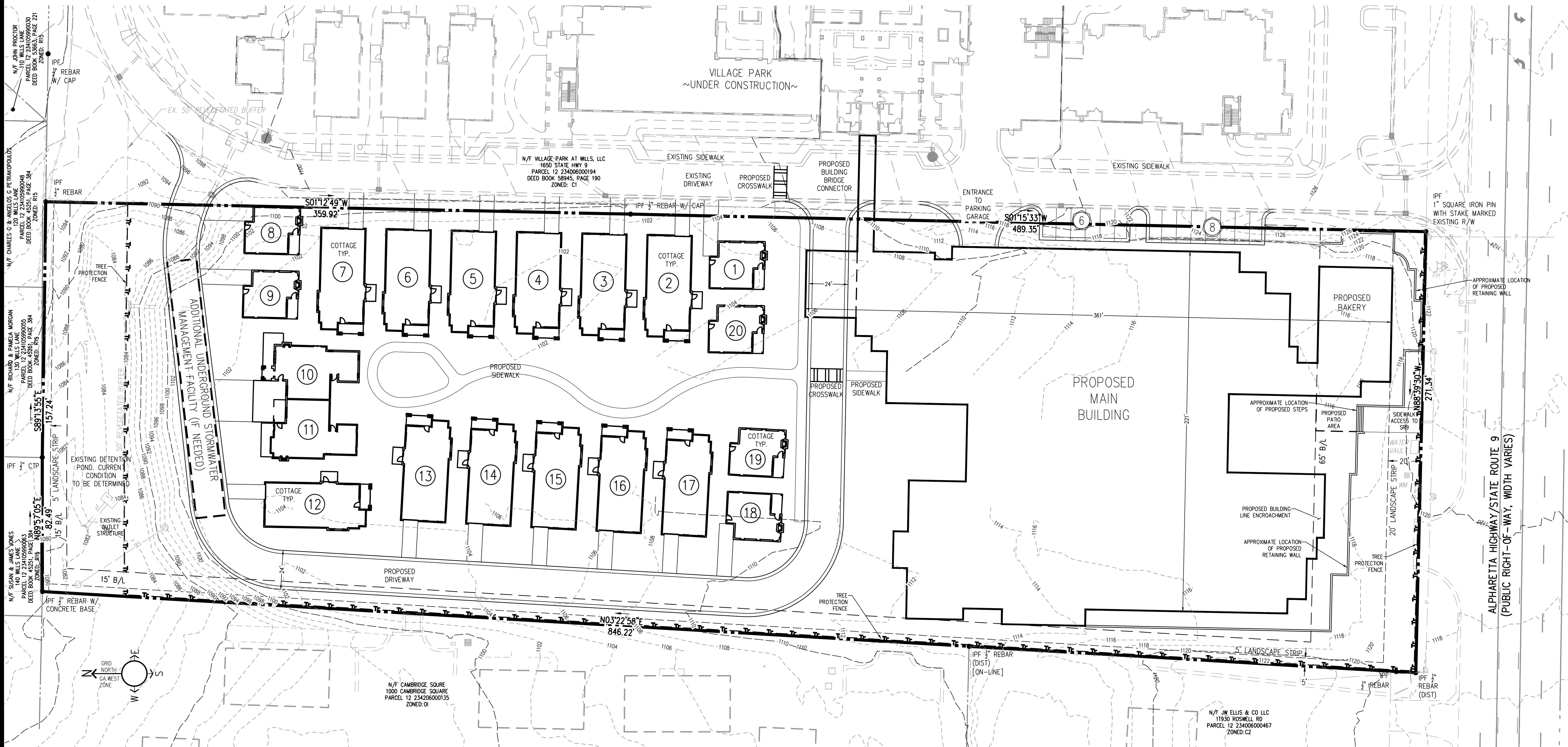


VICINITY MAP
SCALE: NTS
SOURCE: USGS

GENERAL NOTES

- OWNER/DEVELOPER: VILLAGE PARK SENIOR LIVING, LLC
3424 PEACHTREE RD SUITE 1780
ATLANTA, GA 30326
TEL: 678 677-8900
CONTACT: TIM GARY - TIM@VILLAGEPARKSENIORLIVING.COM
- ENGINEER: BLUE LANDWORKS LLC
5019 WEST BROAD STREET
SUITE M230
SUGAR HILL, GEORGIA 30518
TEL: 678-804-8586
CONTACT: TAYLOR ANDERSON, PE
GA PE #28657
GA SSWC LEVEL II CERTIFIED DESIGN PROFESSIONAL #3414
- THIS PROPERTY IS SHOWN ON FULTON COUNTY TAX MAPS AS BEING PART OF THE 1ST LAND DISTRICT, LAND LOT 60, PARCEL ID(S) 12-234006000566 AND CONTAINING 4.97 ACRES.
- THIS PROPERTY IS ZONED O-1 (OFFICE INSTITUTIONAL).
- PROPOSED USE: ASSISTED LIVING
TOTAL AREA = 4.97 ACRES
NUMBER OF UNITS MAIN BUILDING = 71
NUMBER OF COTTAGE UNITS = 20
TOTAL NUMBER OF UNITS = 91
DENSITY UNITS/ACRE = 18.31
INTERIOR SETBACKS:
MINIMUM FRONT SETBACK: 65 FEET
MINIMUM SIDE SETBACK: 15 FEET
MINIMUM REAR SETBACK: 15 FEET
- THERE IS NO FLOODPLAIN ON THIS PROPERTY PER FEMA NFIP FIRM PANEL NO. 13121C0054F, DATED 9/18/13.
- PARKING REQUIRED:
GROUP HOME: 1 SPACE / 2 UNITS
TOTAL UNITS MAIN BUILDING = 69
REQUIRED SPACES = 69/2 = 35 SPACES
(COTTAGES HAVE GARAGE OR DRIVEWAY PARKING)
- PARKING PROVIDED:
PROPOSED STANDARD SPACES = 14 SPACES
PROPOSED PARKING GARAGE SPACES = 65 SPACES
PROPOSED HANDICAP ACCESSIBLE SPACES = 4 SPACES
TOTAL PROPOSED SPACES = 85 SPACES
- THIS SITE DOES NOT CONTAIN AREAS, STREAMS, AND/OR BODIES OF WATER DEPICTED AS WETLANDS ON THE U.S. DEPARTMENT OF INTERIOR, FISH, AND WILDLIFE SERVICE NATIONAL WETLANDS INVENTORY.
- SOURCE OF TOPOGRAPHY IS FULTON COUNTY GIS. CONTOUR INTERVAL IS 2 FEET. REFERENCE DATUM IS NAVD 88.
- WATER DISTRIBUTION AND SANITARY SEWER SERVICE TO BE PROVIDED BY FULTON COUNTY.
- THIS SITE DOES NOT CONTAIN STATE WATERS REQUIRING AN UNDISTURBED 25' STATE WATERS BUFFER.
- "SURVEY FOR 11940 ALPHARETTA HIGHWAY FOR VILLAGE PARK SENIOR LIVING, LLC" BY BLUE LANDWORKS, LLC DATED DECEMBER 30, 2019.

ABBREVIATIONS		LEGEND	
APPROX	= APPROXIMATE	HP	= HIGH POINT
BC	= BACK OF CURB	INV	= INVERT
BFE	= BOTTOM FLOOR ELEVATION	IE	= INVERT ELEVATION
BM	= BENCHMARK	IPF	= IRON PIN FOUND
BW	= BOTTOM OF WALL	IPS	= IRON PIN SET - 1/2" REBAR
BLDG	= BUILDING	ICV	= IRRIGATION CONTROL VALVE
B/L	= BUILDING LINE	JB	= JUNCTION BOX
CB	= CATCH BASIN	LL	= LAND LOT LINE
C/L	= CENTERLINE	LLP	= LAND LOT LINE
CO	= CLEANOUT	LOWP	= LOW POINT
CONC	= CONCRETE	MH	= MANHOLE
CMP	= CORRUGATED METAL PIPE	MSL	= MEAN SEA LEVEL
CSP	= CORRUGATED STEEL PIPE	OTP	= OPEN TOP PIPE
CF	= CURB FEET	OCS	= OUTLET CONTROL STRUCTURE
C&G	= CURB & GUTTER	PWMT	= PAVEMENT
CTF	= CRIMP TOP FOUND	PE	= PEDESTAL
DIA	= DIAMETER	PKF	= PK NAIL FOUND
DE	= DRAINAGE EASEMENT	PCP	= POLYVINYL CHLORIDE PIPE
DI	= DROP INLET	POB	= POINT OF BEGINNING
DIP	= DUCTILE IRON PIPE	PWR	= POWER
DWCB	= DOUBLE WING CATCH BASIN	PP	= POWER POLE
EP	= EDGE OF PAVEMENT	P/P	= POWER/TELEPHONE POLE
ELEV	= ELEVATION	P/L	= PROPERTY LINE
EX	= EXISTING	PROP	= PROPOSED
FC	= FACE OF CURB	RB	= REBAR
FTE	= FINISHED FLOOR ELEVATION	RCP	= REINFORCED CONCRETE PIPE
FH	= FIRE HYDRANT	R/W	= RIGHT-OF-WAY
FES	= FLARED END SECTION	SSE	= SANITARY SEWER EASEMENT
FM	= FORCE MAIN	SSMH	= SANITARY SEWER MANHOLE
GPMH	= GEORGIA POWER MANHOLE	SWCB	= SINGLE WING CATCH BASIN
GR	= GRATE INLET	S/W	= SIDEWALK
GW	= GUY WIRE	SF	= SQUARE FEET
HW	= HEADWALL	TEL	= TELEPHONE
HDPE	= HIGH DENSITY POLYETHYLENE	TB	= TOP OF BANK
		TC	= TOP OF CURB
		TPOB	= TRUE POINT OF BEGINNING
		TW	= TOP OF WALL
		TRANS	= TRANSFORMER
		UG	= UNDERGROUND



BLUE LANDWORKS
CONSULTING ENGINEERS & SURVEYORS
LICENSE # 15F00144
5019 WEST BROAD STREET
SUITE M230
SUGAR HILL, GEORGIA 30518
TELEPHONE: (678) 804-8586
INFO@BLUELANDWORKS.COM
WWW.BLUELANDWORKS.COM

PREPARED FOR:
VILLAGE PARK SENIOR LIVING, LLC
3424 PEACHTREE RD SUITE 1780
ATLANTA, GA 30326
CONTACT: TIM GARY
TIM@VILLAGEPARKSENIORLIVING.COM

DATE	REVISIONS
07/02/2020	1. SUBMIT FOR REVIEW
02/10/2020	2. ADD WALLS IN FRONT SETBACK AND 50' REAR SETBACK
03/1/2020	3. ADJUST DRIVEWAY LOCATION

SCALE: 1" = 30'

0 30 60 90 feet

VILLAGE PARK MILTON PHASE TWO
1940 ALPHARETTA HIGHWAY

PARCEL(S) 12-234006000566
CITY OF ALPHARETTA
LAND LOT 600 1ST DISTRICT
DRAWN: GC

SITE PLAN

PROJECT# 2019.099

SHEET 1 OF 1

ALPHARETTA HIGHWAY/STATE ROUTE 9
(PUBLIC RIGHT-OF-WAY, WIDTH VARIES)

2.10.20

Front View





DESIGN CONSULTING SERVICES
ARCHITECTURAL DESIGN
10 FEBRUARY 2018

VILLAGE PARK MILTON
PHASE TWO
ALPHARETTA, GEORGIA

VILLAGE
PARK
ARCHITECT



ARTIST'S CONCEPTUAL SKETCH
NOT FOR CONSTRUCTION
9 FEBRUARY 2020

VILLAGE PARK MILTON
PHASE TWO
ALPHARETTA, GEORGIA

VILLAGE
PARK
SENIOR LIVING

STUDY POINT E and 10% STUDY POINT – FLOW SUMMARY

RETURN FREQ	PRE-DEVELOPED FLOW (cfs)	BYPASS FLOW (cfs)	ROUTED POND OUTFLOW (cfs)	POST-DEVELOPED FLOW (cfs)	PERCENT REDUCTION IN POST-DEV FLOW COMPARED TO PRE-DEV (%)	PONDING ELEV (feet)	10% POINT PRE-DEVELOPED FLOW (cfs)	10% POINT POST-DEVELOPED FLOW (cfs)
1	5.3	0.6	2.9	3.1	41.5	1087.24	243.2	243.0
2	7.3	0.7	3.7	3.9	46.6	1087.96	312.9	312.6
5	11.1	1.1	4.7	5.1	54.1	1089.22	436.5	435.7
10	14.5	1.3	5.8	6.1	57.9	1090.33	546.2	545.0
25	19.6	1.7	8.4	9.0	54.1	1091.89	706.5	705.4
50	23.9	2.1	9.9	10.7	55.2	1093.35	838.4	836.7
100	28.5	2.4	25.4	26.6	6.7	1094.56	976.1	974.1

Runoff Reduction

Stormwater management system complies with this requirement, Target Runoff Reduction removal achieved per the GSMM Stormwater Quality Site Development Review Tool in Appendix D.

Runoff Reduction volume will be achieved through providing pervious concrete pavement, parking lot island infiltration planter and stone infiltration below the underground detention system using the 0.75 in/hr infiltration rate from the P-2 boring in the *Report of Supplemental Subsurface Exploration and Geotechnical Engineering Evaluation for Village Park Senior Living Development by Piedmont Geotechnical Consultants, Inc. dated December 29, 2017* contained in Appendix D. The stone infiltration below the underground detention will be separated in to two areas, the first runoff area is from the east side of the site entering the underground detention through structures A3 and E1 and the second runoff area is from the west side of the site entering the underground detention through structures E2 and E3. East side drainage area is 4.18 acres and the west side drainage area is 2.29 acres. See GSMM Pre-Development and Post-Development review tool maps in Appendix D.

East side infiltration calculations:

$$D = I_R \times DDT_{calc} = 0.75 \text{ in/hr} \times 72 = 54 \text{ in or } 4.5 \text{ ft}$$

where

D = maximum depth of practice (inches); I_R = infiltration rate (inches/hour); and
 DDT_{calc} = maximum drawdown time (72 hours)

$$RRv = [(P)(Rv)(A)] / 12 = (1 \times 0.58 \times 4.18 \times 43,560) / 12 = 8,801 \text{ ft}^3$$

$$I = 2.48 / 4.18 = 59\% \text{ and } Rv = 0.05 + (0.009 \times 59) = 0.58$$

Where:

RRv = runoff reduction volume (acre-feet); P = target runoff reduction rainfall (inches)

Rv = volumetric runoff coefficient = $0.05 + 0.009(I)$; A = site area (acres); 12 = unit conversion factor (inches/foot); and I = site imperviousness (%)

$$RRv = V_{sa} \times N \text{ Therefore } V_{sa} = 8,801 / 0.4 = 22,002 \text{ ft}^3$$



Study Point E



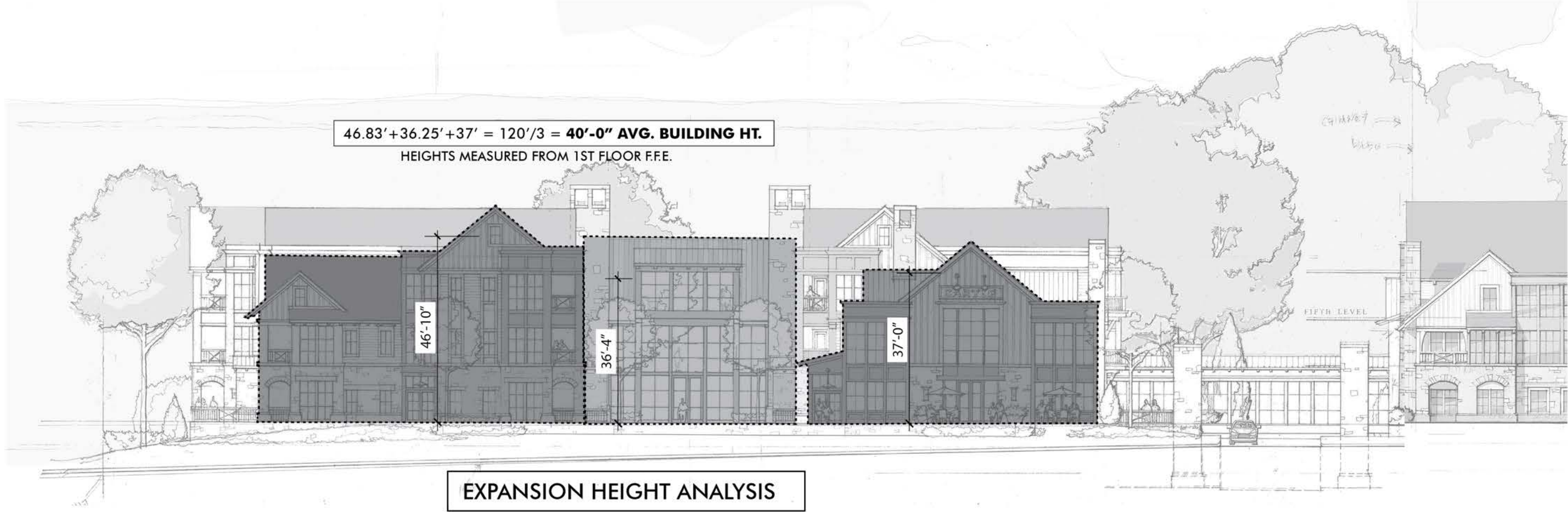
Adjacent Property Existing Detention Pond Downstream of Study Point E



*Existing culvert and creek at Wills Lane downstream of Study Point E
and Existing Detention Pond on adjacent commercial property*



Existing culvert and creek at Arrowood Lane Location of 10% Study Point



From: [Chuck Petrakopoulos](#)
To: [Woodman, Michael](#)
Cc: [Angelos Petrakopoulos](#); [Taylor, Elicia](#)
Subject: RE: 120 Wills Lane 30009 / CI-20-02 / V-20-04 / E-20-05 Village Park at Wills Phase 2
Date: Wednesday, June 3, 2020 10:44:32 AM
Attachments: [image003.png](#)
[image001.png](#)

Michael Woodman,

Our property "120 Wills Lane Alpharetta GA 30009" borders the "CI-20-02 / V-20-04 / E-20-05 Village Park at Wills Phase 2" Project.

Regarding the recent notice dated May 13, 2020 we once again oppose any consideration of a conditional use to allow 'Assisted Living Facility/Congregate Housing' for Phase 2.

We oppose any variances to reduce the front building setback.

We oppose the requested exception to increase the building height from 40 to 47 feet.

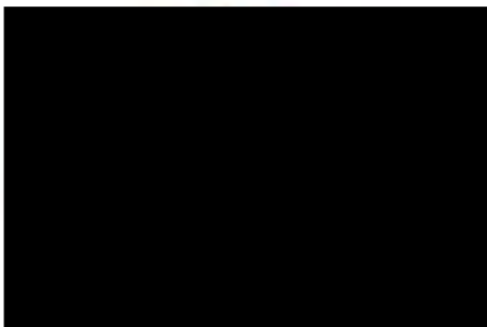
The consideration for conditional use, proposed variances, and exception for height increase would greatly devalue our property.

Thank You

Charles Petrakopoulos



770-778-9954



371 Jon Scott Drive Alpharetta GA 30009

info@susconllc.com

www.susconllc.com

phone 770-778-9954

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deliver it to the intended recipient you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify Charles G Petrakopoulos via telephone at 770-778-9954 (collect if outside of Metropolitan Atlanta) promptly or via return email to info@susconllc.com and DELETE IT FROM YOUR SYSTEM.

From: Woodman, Michael <mwoodman@alpharetta.ga.us>
Sent: Wednesday, March 4, 2020 2:20 PM
To: Chuck Petrakopoulos <info@susconllc.com>
Cc: Angelos Petrakopoulos [REDACTED]; Taylor, Elicia <etaylor@alpharetta.ga.us>
Subject: RE: 120 Wills Lane 30009 / CI-20-02 / V-20-04 / E-20-05 Village Park at Wills Phase 2

Charles,

Thank you for your comments and participating in the public hearing process. I will include your comments with this application moving forward.

Best regards,

Michael A. Woodman, AICP
Senior Planner

City of Alpharetta
Community Development Department
2 Park Plaza
Alpharetta, Georgia 30009
(678) 297-6072
www.alpharetta.ga.us

From: Chuck Petrakopoulos <info@susconllc.com>
Sent: Wednesday, March 04, 2020 1:43 PM
To: Woodman, Michael <mwoodman@alpharetta.ga.us>
Cc: Chuck Petrakopoulos [REDACTED]; Angelos Petrakopoulos [REDACTED]
Subject: 120 Wills Lane 30009 / CI-20-02 / V-20-04 / E-20-05 Village Park at Wills Phase 2

Michael Woodman,

Our property "120 Wills Lane Alpharetta GA 30009" borders the "CI-20-02 / V-20-04 / E-20-05 Village Park at Wills Phase 2" Project.

We oppose any consideration of a conditional use to allow 'Assisted Living Facility/Congregate Housing' for Phase 2.

We oppose any variances to reduce the front building setback.

We oppose the requested exception to increase the building height from 40 to 47 feet.

The consideration for conditional use, proposed variances, and exception for height increase would greatly devalue our property.

Thank You

Charles Petrakopoulos

[REDACTED]
[REDACTED]

[REDACTED]

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From: Woodman, Michael <mwoodman@alpharetta.ga.us>

Sent: Tuesday, May 30, 2017 4:16 PM

To: Chuck Petrakopoulos [REDACTED]

Cc: Taylor, Elicia <etaylor@alpharetta.ga.us>

Subject: RE: Neighboring property does not approve of encroaching onto the 50ft buffer regarding Village Park at Wills Road

Chuck,

Thank you for your comment. We have included a recommended condition that if the applicant is approved, that they provide the required 50' buffer adjacent to 110 and 120 Wills Lane.

Best regards,

Michael A. Woodman, AICP

Senior Planner

City of Alpharetta
Community Development Department
2 Park Plaza
Alpharetta, Georgia 30009
(678) 297-6072
www.alpharetta.ga.us

From: Chuck Petrakopoulos [REDACTED]
Sent: Tuesday, May 30, 2017 4:05 PM
To: Woodman, Michael <mwoodman@alpharetta.ga.us>
Cc: Chuck Petrakopoulos <info@susconllc.com>
Subject: Neighboring property does not approve of encroaching onto the 50ft buffer regarding Village Park at Wills Road

Michael Woodman,

My property "120 Wills Lane Alpharetta GA 30009" borders the "CU-17-06 / V-17-15 Village Park at Wills road / Assisted Living" Project.

I oppose any variances to reduce setbacks, increase building height and reduce the undisturbed buffer requirement between residential and non-residential uses.

The developer Tim Gary relayed "The city is asking us to get approval from you to encroach on the 50ft buffer," per his attached email correspondence below.

I DO NOT approve of encroaching onto the 50ft buffer.

These proposed variances devalue my property.

Thank You

Charles Petrakopoulos
[REDACTED]
[REDACTED]

From: Tim Gary [<mailto:tim@villageparkseniorliving.com>]

Sent: Tuesday, May 23, 2017 5:08 PM

To: Chuck Petrakopoulos [REDACTED]

Subject: Re: Village Park at Wills Road

Chuck

Thanks for the reply.

Tim

Village Park Senior Living

On May 23, 2017, at 4:56 PM, Chuck Petrakopoulos [REDACTED] wrote:

Tim Gary,

I do not approve of encroaching on the 50ft buffer, for any reason.

There is no benefit to my property and it devalues my property.

I will not encourage the city to agree with your proposal.

My cell number is below.

Thank You

Charles Petrakopoulos

<image003.png>

371 Jon Scott Drive Alpharetta GA 30009

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: Tim Gary [<mailto:tim@villageparkseniorliving.com>]
Sent: Monday, May 15, 2017 11:51 AM
To: Chuck Petrakopoulos [REDACTED]; Jeff Smith
<JeffSmith@foleydesign.com>
Subject: Fwd: Village Park at Wills Road

Chuck

Would you have time to meet on site? The city is asking us to get approval from you to encroach on the 50ft buffer. We would like to enhance this area to your benefit. The Architect will join us and make adjustments based on your comments. Please let us know what time works for you.

Tim Gary

Tim Gary / Principal
678 776 7129
3414 Peachtree Rd NE,STE 730
Atlanta, GA 30326

The city has made these suggestions.

Okay, just let me know. The City's Code does require an undisturbed buffer to be replanted where sparse. No matter how large the buffer is, we will propose a condition of zoning requiring heavy evergreen plantings in the buffer. You may also want to consider providing a wall, fence, berm or other means to supplement the landscaping in order to provide an opaque screen between the 2 properties. Just a thought. Park Senior Living

If you agree with the current site plan I will happen to implement everything recommended.

A simply reply will be very helpful. Thanks. I lost you phone number but feel free to give me a call.

[REDACTED]

Tim Gary

On May 11, 2017, at 2:55 PM, Chuck Petrakopoulos [REDACTED] wrote:

Tim Gary,

We spoke yesterday about my property 120 Wills Lane that abuts your development.

Will the rear road/driveways servicing the cottages be in the 50' buffer?

Will the cottages have rear garages? Will the cottages main entrance face the park/pavilion or the rear buffer?

Any more detailed information will be helpful.

Thanks

Charles Petrakopoulos

[REDACTED]

Chuck

Great to talk yesterday. The cottages will face the park and have rear entry. The drive does go into the 50 foot buffer. However there are very few trees there now so should

be a much better buffer. Feel free to ask anything about the project.

Tim

Village Park Senior Living

On May 11, 2017, at 2:55 PM, Chuck Petrakopoulos [REDACTED] wrote:

Tim Gary,

We spoke yesterday about my property 120 Wills Lane that abuts your development.

Will the rear road/driveways servicing the cottages be in the 50' buffer?

Will the cottages have rear garages? Will the cottages main entrance face the park/pavilion or the rear buffer?

Any more detailed information will be helpful.

Thanks

Charles Petrakopoulos
[REDACTED]

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: Village Park at Wills, Phase 2

Contact Name: Tim Gary Telephone: 678-677-8900

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.

Chuck Petrakopoulos- Will devalue property (See attached email (Exhibit A)from Mr. Petrakopoulos)

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.

Please see attached letter (Exhibit B) and mailing list (Exhibit C) used to notify all adjoining Property Owners

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: 3-10-20

Print Form

EXHIBIT A

From: Chuck Petrakopoulos <info@susconllc.com>
Sent: Wednesday, March 04, 2020 1:43 PM
To: Woodman, Michael <mwoodman@alpharetta.ga.us>
Cc: Chuck Petrakopoulos <info@susconllc.com>; Angelos Petrakopoulos <angelospetra@gmail.com>
Subject: 120 Wills Lane 30009 / CI-20-02 / V-20-04 / E-20-05 Village Park at Wills Phase 2

Michael Woodman,

Our property "120 Wills Lane Alpharetta GA 30009" borders the "CI-20-02 / V-20-04 / E-20-05 Village Park at Wills Phase 2" Project.

We oppose any consideration of a conditional use to allow 'Assisted Living Facility/Congregate Housing' for Phase 2.

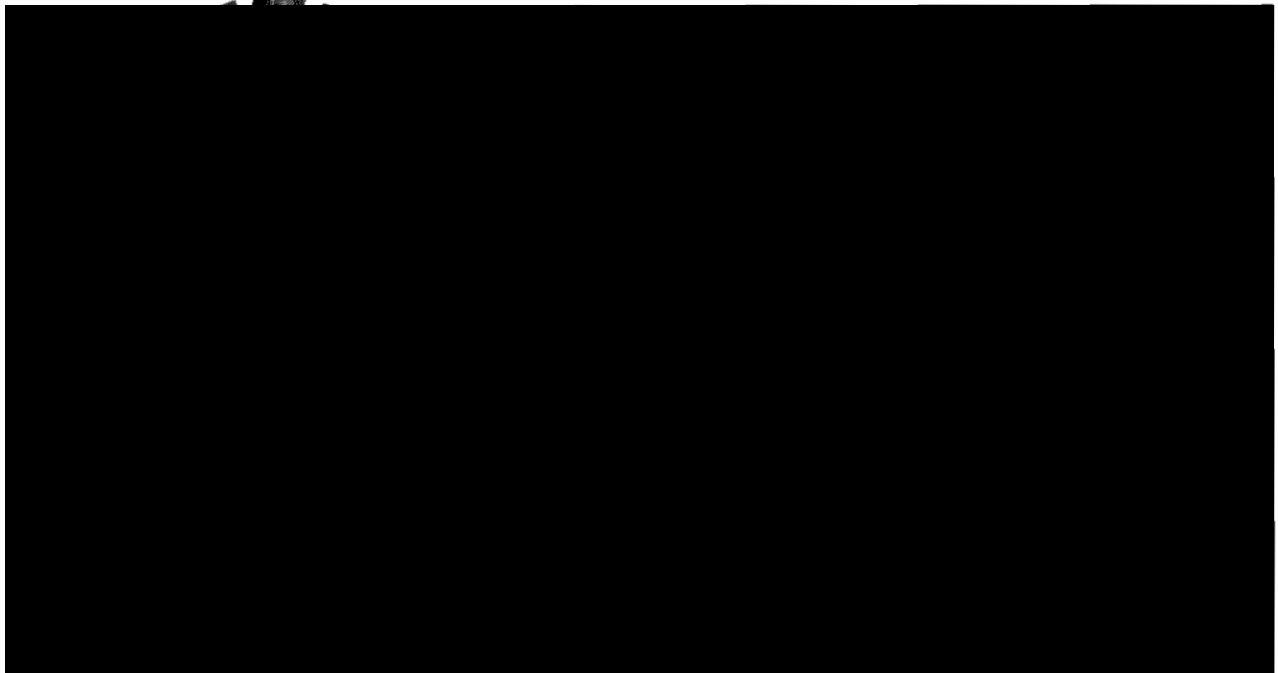
We oppose any variances to reduce the front building setback.

We oppose the requested exception to increase the building height from 40 to 47 feet.

The consideration for conditional use, proposed variances, and exception for height increase would greatly devalue our property.

Thank You

Charles Petrakopoulos

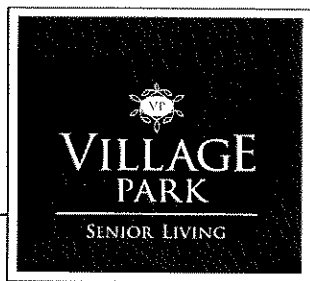


EXHIBIT B

Village Park Senior Living
3424 Peachtree Road NE
Suite 1780
Atlanta, GA 30326

March 2, 2020

City of Alpharetta Building Department
2 Park Plaza
Alpharetta, GA 30009

Regarding: Conditional Use Permit Application for 2nd Phase of the Village Park Senior Living Facility / Variance from Front Setback /Height Exception for 11940 Alpharetta Highway

Dear Property Owner:

Village Park Senior Living has filed an application for a Conditional Use Permit to construct the 2nd Phase of the Village Park Senior Living Facility, which includes a request for a variance from the 65' front building setback line, for the property located at 11940 Alpharetta Highway. Village Park is also seeking approval for a height variance exception for the building.

The Planning Commission meeting is scheduled for April 2, 2020 at 6:30 pm at Alpharetta City Hall, Council Chambers, 2 Park Plaza, Alpharetta, GA 30009. The City Council meeting is scheduled for April 27, 2020 at Alpharetta City Hall, Council Chambers, 2 Park Plaza, Alpharetta, GA 30009.

If you have questions or would like additional information, please contact Tim Gary via phone at 678-677-8900, via email at tgary@vpsl.com, or via letter at 3424 Peachtree Road NE, Suite 1780, Atlanta, GA 30324.

Sincerely,

A handwritten signature in cursive script, appearing to read 'K. Rippeon'.

Karen Rippeon

Vice President - Design & Construction

Village Park Senior Living 3424 Peachtree Road NE · Atlanta, GA 30326
678-677-8900

EXHIBIT C

G E T REAL PARTNERS LP
915 W FRANCIS ST
ASPEN CO 81611

ESCALANTE JAVIER S
150 WILLS LN
ALPHARETTA GA 30004

EYRE GORDON D
160 WILLIS LANE
ALPHARETTA GA 30009

JW ELLIS & CO LLC
1250 COX RD
ROSWELL GA 30075

HENSEL TERRY L & JOAN M
180 WILLS LN
ALPHARETTA GA 30004-1837

ZEMLOCK DEBORAH J & BURGNER BERNH
ARD
191 ARROWOOD LN
ALPHARETTA GA 30004

D & C INVESTMENT
4030 JOHNS CREEK PKWY
SUWANEE GA 30024

CROUSE JASON R
190 WILLS LANE
ALPHARETTA GA 30004

HOANG THANH HUYEN & TUYEN Q
190 ARROWOOD LN
ALPHARETTA GA 30201

RI SE LLC
11995 EL CAMINO REAL
SAN DIEGO CA 92130-2539

CAO PETER & HOANG CAO CINDY
200 WILLS LN
ALPHARETTA GA 30004

SHAH D N
1670 HWY 9 SOUTH
ALPHARETTA GA 30009

NORTH MEADOW ASSOCIATES
3950 SHACKLEFORD RD # S 300
DULUTH GA 30096

SHILT ROBERT J
161 WILLS LN
ALPHARETTA GA 30004

WILLS ROAD LLC
5481 MORTON RD
ALPHARETTA GA 30022

EHW INVESTMENTS LLC
P O BOX 3507
JACKSON MS 39207

HULL LORI
151 WILLS LN
ALPHARETTA GA 30004

UAG ATLANTA IV MOTORS INC
2555 TELEGRAPH RD
BLOOMFIELD HILLS MI 48302

LEFLER GREGORY W & JACKIE G
100 WILLS LN
ALPHARETTA GA 30004-1837

ELASSAR ABDELKADER & HASSIN NASHWA
141 WILLS LN
ALPHARETTA GA 30009

KOKIL ENTERPRISE LLC
653 CITATION TRL
ALPHARETTA GA 30004

PETRAKOPOULOS CHARLES G PETRAKOPOU
LOS ANGELOS G
371 JON SCOTT DR
ALPHARETTA GA 30009-2109

HARNER CHARLES W & LETITIA T
131 WILLS LN
ALPHARETTA GA 30004

ALPHA BC L L C
3520 PIEDMONT RD NE STE 410
ATLANTA GA 30305

MORGAN RICHARD & PAMELA D
130 WILLS LN
ALPHARETTA GA 30004-1837

HUDSON STEPHEN D & HUDSON ANN D
121 WILLS LANE
ALPHARETTA GA 30009

S & D HOLDING COMPANY LLC
11865 ALPHARETTA HWY
ROSWELL GA 30076

JONES SUSAN T & JAMES E
140 WILLS LANE
ALPHARETTA GA 30009

HAYS KENNETH T JR & MILAM JENNIFER
101 WILLS LN
ALPHARETTA GA 30009

NORTHMEADOW INVESTORS LLC
P.O. BOX 56607
ATLANTA GA 30343

CHRISTIAN CHURCH THE ROCK INC
3050 FRANCIS RD
ALPHARETTA GA 30004

GULF STATE PARTNERSHIP II
1000 CAMBERIDGE SQUARE # A
ALPHARETTA GA 30201

ANGEL PROPERTIES L L C
1021 CAMBRIDGE SQUARE
ALPHARETTA GA 30009

CITY OF ALPHARETTA
2 SOUTH MAIN ST
ALPHARETTA GA 30004

GULF STATE PARTNERSHIP II
5361 NORTHLAND DR NE
ATLANTA GA 30342

ANGEL PROPERTIES L L C
1021 CAMBRIDGE SQUARE
ALPHARETTA GA 30009

PROCTOR JOHN
110 WILLIS LN
ALPHARETTA GA 30004

GULF STATE PARTNERSHIP II
5361 NORTHLAND DR NE
ATLANTA GA 30342

ANGEL PROPERTIES L L C
1021 CAMBRIDGE SQUARE
ALPHARETTA GA 30009

HERTLING JEFFERY P
111 WILLS LN
ALPHARETTA GA 30004

GULF STATE PARTNERSHIP II
5361 NORTHLAND DR NE
ATLANTA GA 30342

DANIEL EDWARD J & DEBORAH I
1020 CAMBRIDGE SQ STE A
ALPHARETTA GA 30009

CITY OF ALPHARETTA
2 SOUTH MAIN ST
ALPHARETTA GA 30004-0117

GULF STATE PARTNERSHIP II
5361 NORTHLAND DR NE
ATLANTA GA 30342

DANIEL EDWARD J & DEBORAH I
1020 CAMBRIDGE SQ STE A
ALPHARETTA GA 30009

GEORGIA POWER COMPANY TAX DEPT BIN
10120
241 RALPH MCGILL BLVD NE
ATLANTA GA 30308-3374

TEP ENTERPRISES LLC
1001 CAMBRIDGE SQUARE SUITE A
ALPHARETTA GA 30004

DANIEL EDWARD J & DEBORAH I
1020 CAMBRIDGE SQ STE A
ALPHARETTA GA 30009

TEP ENTERPRISES LLC
1001 CAMBRIDGE SQUARE SUITE A
ALPHARETTA GA 30004

DANIEL EDWARD J & DEBORAH I
1020 CAMBRIDGE SQ STE A
ALPHARETTA GA 30009

CHRISTIAN CHURCH THE ROCK INC
3050 FRANCIS RD
ALPHARETTA GA 30004

TEP ENTERPRISES L L C
1001 CAMBRIDGE SQUARE SUITE D
ALPHARETTA GA 30004

SL PREMIER MANAGEMENT LLC
1081 CAMBRIDGE SQ
ALPHARETTA GA 30004

GULF STATE PARTNERSHIP II
5361 NORTHLAND DR
ATLANTA GA 30342

TEP ENTERPRISES L L C
1001 CAMBRIDGE SQUARE SUITE D
ALPHARETTA GA 30004

SL PREMIER MANAGEMENT LLC
1030 CAMBRIDGE SQ STE C
ALPHARETTA GA 30009

GULF STATE PARTNERSHIP II
5361 NORTHLAND DR NE
ATLANTA GA 30342

ANGEL PROPERTIES L L C
1021 CAMBRIDGE SQUARE
ALPHARETTA GA 30009

SL PREMIER MANAGEMENT LLC
1030 CAMBRIDGE SQ STE C
ALPHARETTA GA 30009

SL PREMIER MANAGEMENT LLC
1030 CAMBRIDGE SQ STE C
ALPHARETTA GA 30009

FULTON FEDERAL SAVING & LOAN
1061 CAMBRIDGE SQ STE A
ALPHARETTA GA 30009-1872

SL PREMIER MANAGEMENT LLC
1030 CAMBRIDGE SQ STE C
ALPHARETTA GA 30009

STRICKLAND MARYANN
1000 CAMBRIDGE SQUARE # A
ALPHARETTA GA 30004-1846

FULTON FEDERAL SAV & LOAN
1061 CAMBRIDGE SQ STE A
ALPHARETTA GA 30009-1872

SL PREMIER MANAGEMENT LLC
1030 CAMBRIDGE SQ STE C
ALPHARETTA GA 30009

STRICKLAND MARYANN
1000 CAMBRIDGE SQUARE # A
ALPHARETTA GA 30004-1846

FULTON FEDERAL SAV & LOAN
1061 CAMBRIDGE SQ STE A
ALPHARETTA GA 30009-1872

1091 CAMBRIDGE SQUARE LLC
2321 ROBINSON RD
MARIETTA GA 30068

STRICKLAND MARYANN
1000 CAMBRIDGE SQUARE # A
ALPHARETTA GA 30004-1846

SL PREMIER MANAGEMENT LLC
1030 CAMBRIDGE SQ STE C
ALPHARETTA GA 30009

1091 CAMBRIDGE SQUARE LLC
2321 ROBINSON RD
MARIETTA GA 30068

STRICKLAND MARYANN
1000 CAMBRIDGE SQUARE # A
ALPHARETTA GA 30004-1846

SL PREMIER MANAGEMENT LLC
1030 CAMBRIDGE SQ STE C
ALPHARETTA GA 30009

1091 CAMBRIDGE SQUARE LLC
2321 ROBINSON RD
MARIETTA GA 30068

NTIS HOLDINGS INC
1051 CAMBRIDGE SQUARE A
ALPHARETTA GA 30009

SL PREMIER MANAGEMENT LLC
1030 CAMBRIDGE SQ STE C
ALPHARETTA GA 30009

1091 CAMBRIDGE SQUARE LLC
2321 ROBINSON RD
MARIETTA GA 30068

NTIS HOLDINGS INC
1051 CAMBRIDGE SQUARE B
ALPHARETTA GA 30009

SL PREMIER MANAGEMENT LLC
1030 CAMBRIDGE SQ STE C
ALPHARETTA GA 30009

QUANTUM REAL ESTATE INVESTMENTS L
L L P
1070 CAMBRIDGE SQUARE # B
ALPHARETTA GA 30004

NTIS HOLDINGS INC
1051 CAMBRIDGE SQUARE C
ALPHARETTA GA 30009

SL PREMIER MANAGEMENT LLC
1030 CAMBRIDGE SQ STE C
ALPHARETTA GA 30009

QUANTUM REAL ESTATE INVEST LLLP
1070 CAMBRIDGE SQ STE B
ALPHARETTA GA 30009-1877

NTIS HOLDINGS INC
1051 CAMBRIDGE SQ
ALPHARETTA GA 30009

SL PREMIER MANAGEMENT LLC
1030 CAMBRIDGE SQ STE C
ALPHARETTA GA 30009

QUANTUM REAL ESTATE INVEST LLLP
1070 CAMBRIDGE SQ STE B
ALPHARETTA GA 30009-1877

FULTON FEDERAL SAV & LOAN
1061 CAMBRIDGE SQ STE A
ALPHARETTA GA 30009-1872

SL PREMIER MANAGEMENT LLC
1030 CAMBRIDGE SQ STE C
ALPHARETTA GA 30009

QUANTUM REAL ESTATE INVEST LLLP
1070 CAMBRIDGE SQ STE B
ALPHARETTA GA 30009-1877

EAST GWINNETT PROPERTIES LLC
P O BOX 28138
MACON GA 31221

SHARKE ENTERPRISES LLC
1100 CAMBRIDGE SQUARE
ALPHARETTA GA 30009

SYLVIA K MORROW NOCON LLC
1125 CAMBRIDGE SQ
ALPHARETTA GA 30009

ALPHA PROPERTIES L P
P.O. BOX 100
CHROMO CO 81128

SHARKE ENTERPRISES LLC
1100 CAMBRIDGE SQUARE
ALPHARETTA GA 30009

CAMBRIDGE INC
5361 NORTHLAND DR
ATLANTA GA 30342

ALPHA PROPERTIES L P
P.O. BOX 100
CHROMO CO 81128

SHARKE ENTERPRISES LLC
1100 CAMBRIDGE SQUARE
ALPHARETTA GA 30009

CAMBRIDGE INC
5361 NORTHLAND DR
ATLANTA GA 30342

ALPHA PROPERTIES L P
P.O. BOX 100
CHROMO CO 81128

GREGORY ENTERPRISES OF GEORGIA L L
C
6515 TALMADGE CT
SUWANEE GA 30024-4271

CAMBRIDGE INC
5361 NORTHLAND DR
ATLANTA GA 30342

ALPHA PROPERTIES L P
P.O. BOX 100
CHROMO CO 81128

GREGORY ENTERPRISES OF GEORGIA L L
C
6515 TALMADGE CT
SUWANEE GA 30024-4271

CAMBRIDGE INC
5361 NORTHLAND DR NE
ATLANTA GA 30342

ALPHA PROPERTIES L P
P O BOX 100
CHROMO CO 81128

GREGORY ENTERPRISES OF GEORGIA L L
C
6515 TALMADGE CT
SUWANEE GA 30024-4271

IOAN OFFICE HOLDINGS LLC
1050 A CAMBRIDGE SQ
ALPHARETTA GA 30004

ALPHA PROPERTIES L P
P O BOX 100
CHROMO CO 81128

GREGORY ENTERPRISES OF GEORGIA L L
C
6515 TALMADGE CT
SUWANEE GA 30024-4271

LOAN OFFICE HOLDINGS LLC
1050 A CAMBRIDGE SQ
ALPHARETTA GA 30004

ALPHA PROPERTIES L P
P O BOX 100
CHROMO CO 81128

SYLVIA K MORROW NOCON LLC
1125 CAMBRIDGE SQ
ALPHARETTA GA 30009

KASH INVESTMENTS ONE LLC
210 CHELSEY CIR
ALPHARETTA GA 30004

ALPHA PROPERTIES L P
P O BOX 100
CHROMO CO 81128

SYLVIA K MORROW NOCON LLC
1125 CAMBRIDGE SQ
ALPHARETTA GA 30009

KASH INVESTMENTS TWO LLC
210 CHELSEY CIR
ALPHARETTA GA 30004

SHARKE ENTERPRISES LLC
1100 CAMBRIDGE SQUARE
ALPHARETTA GA 30009

SYLVIA K MORROW NOCON LLC
1125 CAMBRIDGE SQ
ALPHARETTA GA 30009

KASH INVESTMENTS FIVE LLC
210 CHELSEY CIR
ALPHARETTA GA 30004

VOILA INVESTMENTS LLC
156 LORETTA LN
LUTHERSVILLE GA 30251

SYLVIA K MORROW NOCON LLC
1125 CAMBRIDGE SQ
ALPHARETTA GA 30009

KASH INVESTMENTS THREE LLC
210 CHELSEY CIR
ALPHARETTA GA 30004

KASH INVESTMENTS FOUR LLC
210 CHELSEY CIR
ALPHARETTA GA 30004

QUANTUM REAL ESTATE INVEST L L L P
1070 CAMBRIDGE SQUARE # B
ALPHARETTA GA 30004

QUANTUM REAL ESTATE INVEST L L L P
1070 CAMBRIDGE SQ STE B
ALPHARETTA GA 30009-1877

QUANTUM REAL ESTATE INVESTMENTS LL
LP
1070 B CAMBRIDGE SQ
ALPHARETTA GA 30009

QUANTUM REAL ESTATE INVESTMENTS LL
LP
1070 B CAMBRIDGE SQ # B
ALPHARETTA GA 30009

QUANTUM REAL ESTATE INVESTMENTS LL
LP
1070 B COMBRIDGE SQ
ALPHARETTA GA 30004

ANGEL PROPERTIES L L C
1021 CAMBRIDGE SQUARE
ALPHARETTA GA 30009

SL PREMIER MANAGEMENT LLC
1081 CAMBRIDGE SQ
ALPHARETTA GA 30009

CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

FOR OFFICE USE ONLY

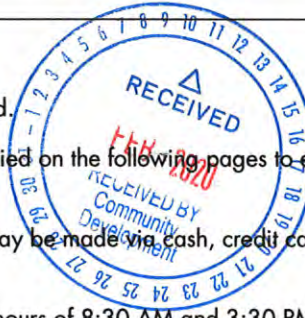
Case #: PH200003☒ Fee Paid Initial: pc

COMMUNITY DEVELOPMENT DEPARTMENT

2 PARK PLAZA

ALPHARETTA, GA 30009

1. This page should be the first page in each of your completed application packets.
2. It is preferred that all responses be typed. Illegible applications will not be accepted.
3. Prior to signing and submitting your application, please check all information supplied on the following pages to ensure that all responses are complete and accurate. Incomplete applications will not be accepted.
4. Payment of all applicable fees must be made at the time of application. Payment may be made via cash, credit card (American Express, Master Card or Visa), or check made payable to "City of Alpharetta."
5. Applications will be accepted only on the designated submittal dates between the hours of 8:30 AM and 3:30 PM.
6. If you have any questions regarding this form, please contact the Community Development Department by calling 678-297-6070.



Contact Information:

Contact Name: Tim GaryTelephone: 678-677-8900Address: 3424 Peachtree Road NESuite: 1780City: AtlantaState: GAZip: 30326Fax: tgary@vpsl.comMobile Tel: 678-776-7129Email: tgary@vpsl.com

Subject Property Information:

Address: 11940 Alpharetta HighwayCurrent Zoning: O-IDistrict: 1stSection: 2ndLand Lot: 600Parcel ID: 12234006000566Proposed Zoning: O-ICurrent Use: Flex Space

This Application For (Check All That Apply):

☒ Conditional Use☐ Master Plan Amendment☐ Exception☐ Rezoning☐ Master Plan Review☒ Variance☐ Public Hearing☐ Comprehensive Plan Amendment☐ Other (Specify): _____

APPLICANT REQUEST AND INTENT

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

Village Park Senior Living is currently constructing Phase I of a new senior living community at the corner of Wills Road and Highway 9. Subject to the approval of this application, Village Park Senior Living intends to expand the Phase I senior living community currently under construction by adding additional units on the proposed property as Phase II.

Phase I will begin accepting residents in the Spring of 2020 into the community's Independent Living stand-alone bungalows and cottages; Independent Living apartments; and Memory Care facilities. The Phase II expansion will offer additional Independent Living stand-alone bungalows and cottages; Independent Living apartments; and Memory Care facilities.

Applicant's Request (Please itemize the proposal):

Approval of a Conditional Use Permit to allow for the expansion to a senior living facility on a property currently zoned O-I.

The property in question currently houses an unremarkable, red brick, flex use office space building. The proposed Phase II expansion will consist of approximately 71 units in the main building as well as 20 cottages, for a total of 91 additional units. As a fully integrated expansion of the Phase I community, Phase II would maintain the same elevated design concept and offer a significant upgrade to the property's aesthetic.

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

Conditioned upon approval of this application, as well as satisfactory completion of other remaining due diligence items, Village Park Senior Living intends to move forward with the purchase of the proposed property. Following purchase of the proposed property, design and construction of the Phase II expansion would begin.

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

The Phase II expansion will be a seamless integration into the Phase I senior living community and, thus, will be compatible with the adjacent property.

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

As a significant improvement upon the current property, the use and value of the surrounding properties is projected to be greatly increased.

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

Yes, the property can be developed as zoned. This application requests a Conditional Use Permit with no request for change in zoning.

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

Implementation of the Phase II expansion would increase the population by approximately 91-182 residents. No adverse effects on peak traffic are anticipated as the trip habits of the community residents do not follow normal patterns. The peak traffic impact of the community's employees is anticipated to approximately equate to that of the current flex office space.

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

Implementation of the Phase II expansion would have no impact on schools. An increase in the utility load is anticipated due to the building's demands.

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

The proposed Phase II expansion supports Alpharetta's stated goals of providing housing opportunities for "aging in place" by offering additional senior living accommodations. Phase I took great care to align with Alpharetta's Comprehensive Plan, particularly related to integrating the unique character of the City into the design. Village Park intends to maintain the same commitment to design in Phase II.

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

N/A

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

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: Ben F. Kushner

Telephone: 770/886-1963

Address: 19241 Birmingham Highway

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: Tim Gary

Telephone: 678-776-7129

Address: 3424 Peachtree Road NE

Suite: 1780

City Atlanta

State: GA

Zip: 30326

So Sworn and Attested:

Owner Signature: _____

Date: 1/2/20

Notary:

Notary Signature: _____

Date: 1-2-20



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: Tim Gary

Subject Public Hearing Case: CUP Application for Parcel 12234006000566

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: N/A

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

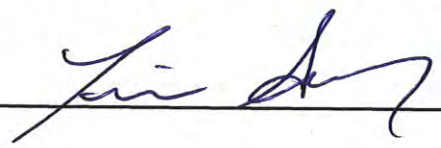
Description of Contribution: N/A Value: N/A

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

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

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: 2-10-20



Village Park Senior Living
3424 Peachtree Road NE
Suite 1780
Atlanta, GA 30326

February 10, 2020

City of Alpharetta
Department of Community Development
2 Park Place
Alpharetta, GA 30009

Regarding: Letter of Intent
Conditional Use and Variance Permit Application
Parcel 12234006000566

To Whom It May Concern:

Village Park Senior Living seeks approval for a Conditional Use Permit to construct and operate a Phase II senior living expansion on the proposed property. Phase I of this senior living community is currently under construction and will begin accepting residents in the Spring of 2020. Phase II proposes to augment the Independent Living stand-alone bungalows and cottages; Independent Living apartments; and Memory Care facilities that are currently under construction in Phase I.

The proposed Phase II expansion includes a main building housing 71 units as well as 20 Independent Living cottages for a total of 91 units. The main building is anticipated to be approximately 155,000 sf with an additional 35,000 sf of underground parking. The 20 Independent Living cottages are anticipated to total approximately 33,000 sf. Ample amenities and green space have been included in the proposed design. Village Park anticipates 21 employees will be in service at the Phase II expansion.

Village Park requests a variance from the front building setback line. The reason for this request is to provide an onsite community plaza that integrates with the planned City of Alpharetta Downtown Overlay District. The onsite community plaza will be partially supported by decorative retaining walls. The decorative retaining walls will be terraced as needed such that the height of each wall will not exceed 4'. With the widening of pedestrian facilities proposed by Georgia DOT along with the active pedestrian area around the Wills Park area, a corner bakery, local pharmacy or similar retail element is proposed to be along the street, helping create a more human scale development, making the project



more people focused and less auto dominant. This will take advantage of the project's high-quality architecture and present an attractive, activated use close to the street. The majority of the building will be more than 65 feet from the property line; however, the retail element and active streetscape will be much closer, inviting pedestrians along the corridor to utilize these publicly accessible spaces. The hardship lies in the fact that this type of building placement would be encouraged within the Downtown Overlay District which currently terminates immediately to the east of the property.

The proposed Phase II expansion will be connected to Phase I using an enclosed pedestrian bridge crossing the internal roadway at the main public level. Residents of the property have difficulties negotiating sloping floors so this connector will be flat, making the main public level of the expansion level with the main public level of Phase I. Highway 9 slopes downward from the intersection of Wills Road through both Phase I and Phase II. The existing facility occupying the Phase II property is lower than Highway 9 and therefore has poor connectivity to the roadway. The proposed main level of Phase II will rest on top of a partially underground parking level, simultaneously filling the recessed site and raising the main level slightly above street level of Highway 9, providing better connectivity, walkability and presentation to Highway 9.

Village Park requests temporary construction access to the rear 50' zoning buffer in order to make necessary repairs to the existing stormwater detention pond. The existing stormwater detention pond is overgrown, generally in poor condition and does not meet current stormwater management regulations. It is Village Parks intent to restore the functional use of this pond and improve the aesthetic for the neighboring residents along the rear of the property. Village Park proposes to provide a 15' planted buffer within this existing 50' zoning buffer, helping to effectively screen the neighbors while addressing some of the drainage concerns that have occurred due to lack of maintenance associated with the current facility.

Village Park Senior Living dedicates itself to providing unparalleled communities with an array of lifestyle and care choices. With the implementation of the proposed Phase II expansion, we look forward to growing in step with the City of Alpharetta.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tim Gary", is written over a horizontal line.

Tim Gary

Chief Executive Officer

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: CUP Application for Parcel 12234006000566

Contact Name: Tim Gary Telephone: 678-776-7129

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.

JW Ellis & Co LLC

Cambridge Square

Susan & James Jones

Richard & Pamela Morgan

Charles & Angelos Petrakopoulos

John Proctor

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

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

Via email to tgary@vpsl.com or via phone at 678-776-7129.

CU-20-02/V-20-04
VILLAGE PARK SENIOR LIVING PHASE 2

ENGINEERS | SURVEYORS | CONSULTANTS

Village Park – Milton – Phase 2 – Project Trip Generation

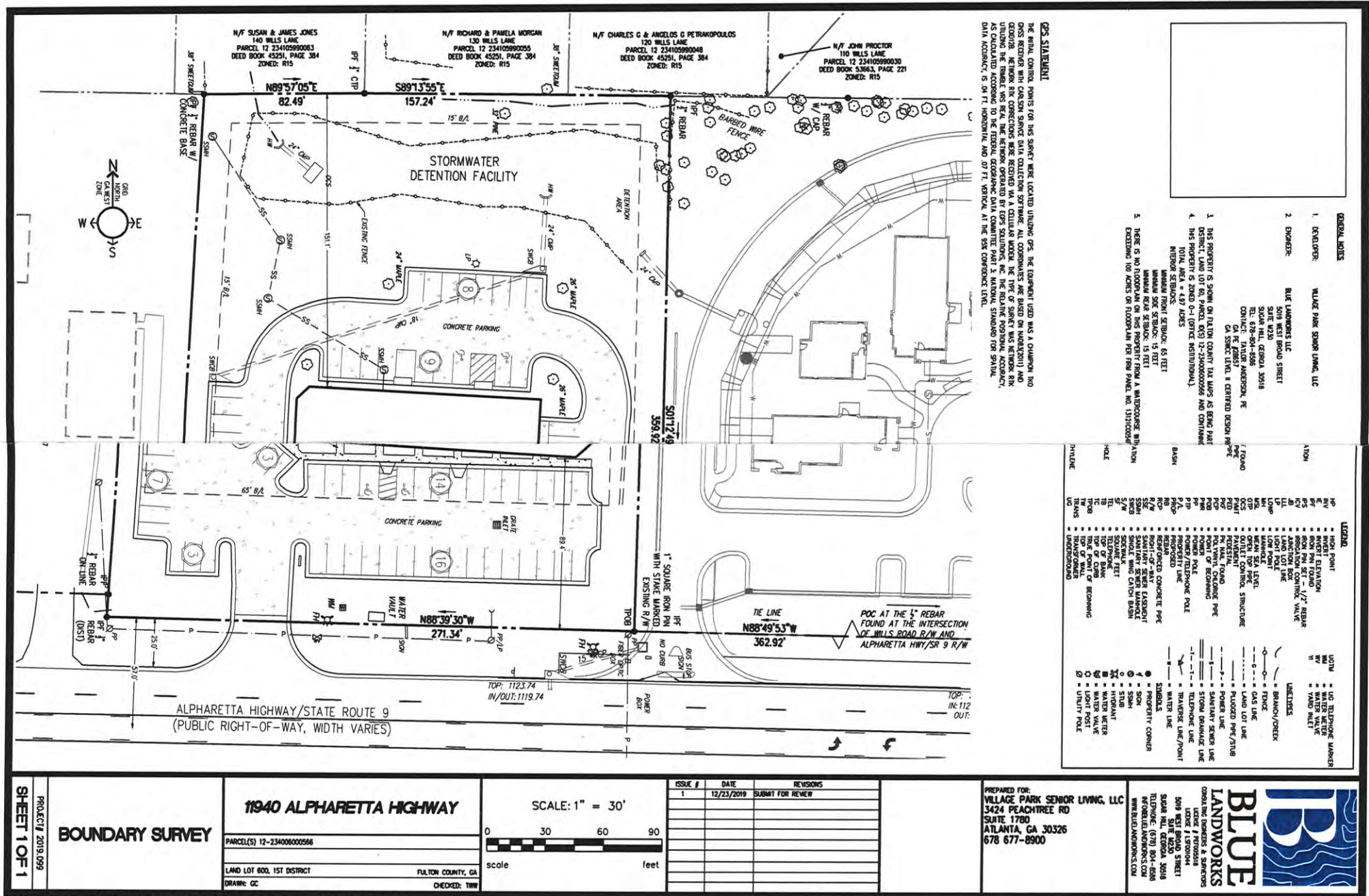


Project traffic, for the purposes of this evaluation, is defined as the vehicle trips expected to be generated by the proposed development. Anticipated trip generation for the Village Park – Milton – Phase 2 development was calculated using rates and equations contained in the Institute of Transportation Engineers' (ITE) *Trip Generation Manual*, 9th Edition, 2012. The proposed density and the anticipated project trip generation are shown below in Table 1.

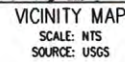
Table 1: Trip Generation						
Land Use	ITE Code	Daily Traffic			AM Peak Hour	PM Peak Hour
		Total	Enter	Exit	Total	Total
Village Park - Milton - Phase 2 - City of Alpharetta						
Senior Adult Living - Detached (20 units)	251	77	43	44	5	6
Senior Adult Housing - Attached (71 units)	252	237	119	118	13	16
Retail (3,400 square feet)	939	N/A	N/A	N/A	239	95
Total		314	162	162	257	117

Your Project. Successful.

5019 West Broad Street | Suite M230 | Sugar Hill, Georgia 30518 P (678) 804-8586 www.bluelandworks.com



SHEET 1 OF 1



- | ABBREVIATIONS | | LEGEND | | |
|---------------|---------------------------|----------|----------------------------|--------------------------------|
| APPROX | APPROXIMATE | HP | HIGH POINT | UGTM = UG TELEPHONE MARKER |
| BACK | BACK OF CURB | INV | INVERT | WM = WATER METER |
| BFE | BOTTOM FLOOR ELEVATION | INVE | INVERT ELEVATION | WV = WATER VALVE |
| BKCH | BKCH=MARK | IRN | IRON PIPEN END | WY = WARE YARD |
| BWD | BOTTOM OF WALL | IPV | IRON PIPN SET - 1/2" REBAR | |
| BULG | BUILDING | IRC | IRRIGATION CONTROL VALVE | |
| BLD | BUILDING LINE | J | JUNCTION BOX | |
| C | CATCH BASIN | L | LAND LOT | |
| C/C | CENTERLINE | LL | LAND LOT LINE | |
| CLEANOUT | CLEANOUT | LPL | LIGHT POLE | —○— BRANCH/OCK |
| CONC | CONCRETE | LOP | LOW POINT | —○— FENCE |
| CMP | CONCRETE MONUMENT FOUND | MAN | MANHOLE | —○— GAS LINE |
| COR | CORNER | MSL | MEAN SEA LEVEL | — — — LAND LOT LINE |
| CSP | CORRUGATED STEEL PIPE | OPN | OPEN TOP LEVEL | — — — OUTLET CONTROL STRUCTURE |
| CUB | CUBIC FEET | PAINT | PAINT | — — — PLUGGED PIPE/STUB |
| C/C | CURB & GUTTER | PEDESTAL | PEDESTAL | — — — POWER LINE |
| C&F | CRAMP TYP FOUND | PK | PK NAIL FOUND | — — — SANITARY SEWER LINE |
| CR | CRAWLER | POB | POB | — — — STORM DRAINAGE LINE |
| DE | DRAINAGE EASEMENT | POB | POINT OF BEGINNING | — — — TELEPHONE LINE |
| DIP | DITCH | PWP | POWER POLE | — — — TRAVERSE LINE/POINT |
| DN | DOWN | PT | PROPERTY LINE | — — — WATER LINE |
| DWC | DOUBLE WING CATCH BASIN | P/A | PROPOSED | |
| ELEV | ELEVATION | PROP | PROPOSED | |
| EX | EXISTING | REBAR | REINFORCED CONCRETE PIPE | |
| EXT | FACE OF CURB | R/W | RIGHT-OF-WAY | |
| FE | FEET | SEW | SANITARY SEWER EASEMENT | |
| FIN | FINISHED FLOOR ELEVATION | SMH | SANITARY SEWER MANHOLE | |
| FL | FIRE HYDRANT | SWB | SINGLE WING CATCH BASIN | |
| FLD | FLARED END SECTION | S/W | SIDEWALK | |
| FM | FORCE MAIN | SF | SQUARE FEET | |
| GRN | GEORGIA POWER MANHOLE | TEL | TELEPHONE | |
| GR | GRATE INLET | TB | TOP OF BANK | |
| GRD | GROUND | TB | TOP OF CURB | |
| GRV | GUY WIRE | TB | TRUE POINT OF BEGINNING | |
| HW | HEADWALL | TB | TOP OF WALL | |
| HI | HIGH DENSITY POLYETHYLENE | TR | TRANSFORMER | |
| | | UG | UNDERGROUND | |



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PARCEL(S) 12-234000000566	PUL
CITY OF ALPHARETTA	
LAND LOT 600, 1ST DISTRICT	
DEWING, CC	

SITE PLAN

PROJECT# 2019.099
SHEET 1 OF 1



CITY COUNCIL MEETING STAFF REPORT

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

I. AGENDA ITEM TITLE: PH-20-04 UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS – BACKYARD CHICKENS

PLANNING COMMISSION: JUNE 4, 2020

CITY COUNCIL: JUNE 15, 2020 2ND READING – JUNE 22, 2020

II. REPORT IN BRIEF:

Staff has received several requests over the years requesting changes to the Unified Development Code (UDC) to permit chickens on property other than in the AG (Agriculture) zoning district. Currently, only AG zoned properties in the City allow chickens, subject to Fulton County Health Department regulations. Staff researched several jurisdictions and found the following regulations for chickens:

Backyard Chicken Regulations in Other Jurisdictions

City	Minimum Lot Size	Setbacks of Structures	Maximum # Allowed	Other Information
Roswell	0.33 acres (14,374 sf)	25'	6	
Milton	1.01 acres	25'	12/acre, max 36	
Johns Creek	any	100'	75	
Marietta	15,000 SF	20' from property lines, 10' from principal structure	4	Required to have fenced area for chickens, minimum 25 SF per chicken

Staff contacted several Code Enforcement offices in other jurisdictions and found they had no significant complaints regarding chickens. Staff is recommending the UDC be amended to allow a maximum of six (6) chickens on a minimum one (1) acre lot, no roosters, and structures must maintain a minimum 25' setback.

III. ATTACHMENTS:

- UDC Strike Through and Underline Edits

SECTION 2.2 - PERMITTED USE DISTRICTS AND REGULATIONS

The following provisions apply to each of the zoning districts, as noted. In addition, requirements are contained in the Supplementary Regulations and in other Sections that apply to some or all of the Zoning Districts collectively.

SECTION 2.2 a - CONDITIONAL USE REVIEW CRITERIA

When reviewing a conditional use, consideration shall be given to factors associated with the use including, but not limited to, the following:

1. Site design.
2. Property access.
3. Hours of operation of the business.
4. Vehicular trips generated by the use.
5. Impact of the use on surrounding properties.
6. Impact of the use on the natural features of the site.

2.2.1 AG agriculture.

- A. *Permitted Principal Uses.* A property in the AG district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:
1. Agricultural and Residential Uses.
 - a. Bed and Breakfast.
 - b. Dwelling, 'For-Sale' Detached.
 - c. Farmlands, including livestock, poultry
 2. Business Uses.
 - a. Taxidermist.
 3. Semipublic Uses, Utilities.
 - a. Park or Playground.
- B. *Accessory Uses.* A property in the AG district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

Permitted accessory structures and uses include but are not limited to the following:

1. Privacy and decorative fences and walls.
2. Home Occupation in a residence.
3. Family Day Care Home in a residence.
4. Group Home.
5. Special Care Home in a detached 'For-Sale' dwelling.
6. Swimming pool, tennis court, detached garage, play house, green house, storage shed, patio, gazebo and other private recreation facilities.
7. Clubhouse, swimming pool, or community recreation facilities serving a development.

8. Barns, stables and similar structures for the housing, repair, storing, or processing of farm products of the property.
9. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
10. Signs, subject to all of the requirements regulating signage herein.
11. Retaining walls and other site improvement structures approved as part of the development permit.
12. Backyard chickens on minimum one (1) acre properties, limited to no more than six (6) chickens, with no roosters allowed. Associated structures (chicken coop, etc.) shall maintain a minimum 25' setback from rear and side property lines.

C. *Conditional Uses.* A property in the AG district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Residential and Agricultural Uses.
 - a. Additional 'For-Sale' detached dwelling.
 - b. Greenhouse, Nursery.
2. Business Uses.
 - a. Animal Hospital, Veterinarian.
 - b. Broadcasting (Radio or TV).
 - c. Builder's Equipment.
 - d. Carpenter Shop, Woodworking.
 - e. Equestrian Center.
 - f. Golf Course, Driving Range.
 - g. Kennel.
3. Semipublic Uses, Utilities.
 - a. Airport.
 - b. Athletic Facility.
 - c. Auditorium.
 - d. Cemetery.
 - e. Church, Synagogue or any other religious institution.
 - f. Club or Lodge.
 - g. Country Club.
 - h. Heliport, Public/Private.
 - i. Utility Substation.
 - j. Wireless Tower.

D. *District Regulations.*

Minimum lot size—5 acres.

Minimum Lot Width—200 feet.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—50 feet.

From right-of-way of all other streets—65 feet.

Side yard—25 feet.

Rear yard—50 feet.

Maximum Ground Coverage By Principal Buildings—25%.

Maximum Building Height—35 feet.

Minimum Floor Area of a Dwelling Unit—1,800 square feet.

([Ord. No. 744](#), § 6, 7-10-2017)

2.2.2 Re-residential estate.

- A. *Permitted Principal Uses.* A property in the RE district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:
1. Agricultural and Residential Uses.
 - a. Dwelling, 'For-Sale' Detached.
 2. Semipublic Uses, Utilities.
 - a. Park or Playground.
- B. *Accessory Uses.* A property in the R-E district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

Permitted accessory structures and uses include but are not limited to the following:

1. Privacy and decorative fences and walls.
2. Home Occupation in a residence.
3. Family Day Care Home in a residence.
4. Group Home.
5. Special Care Home in a 'For-Sale' detached dwelling.
6. Swimming pool, tennis court, detached garage, play house, green house, storage shed, patio, gazebo and other private recreation facilities.
 - a. Clubhouse, swimming pool, or community recreation facilities serving a development.
 - b. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
 - c. Signs, subject to all of the requirements regulating signage herein.
 - d. Retaining walls and other site improvement structures approved as part of the development permit.

- e. Backyard chickens on minimum one (1) acre properties, limited to no more than six (6) chickens, with no roosters allowed. Associated structures (chicken coop, etc.) shall maintain a minimum 25' setback from rear and side property lines.

C. *Conditional Uses.* A property in the R-E district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Semipublic Uses, Utilities.

- a. Church, Synagogue, or any other religious institutions.
- b. Golf course or golf driving range.
- c. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.
- d. Bed and Breakfast.
- e. Equestrian Center.

D. *District Regulations.*

Minimum Lot Size—3 acres.

Minimum Lot Width—100 feet.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—50 feet.

From right-of-way of all other streets—65 feet.

Side yard—25 feet.

Rear yard—50 feet.

Maximum Ground Coverage By Principal Buildings—25%.

Maximum Building Height—35 feet.

Minimum Floor Area of a Dwelling Unit—1,800 square feet.

Accessory Structure setback see Sec. 2.3 (c).

([Ord. No. 730](#), § 2, 12-5-2016)

2.2.3 R-Dwelling, 'for-sale', residential.

A. *Permitted Principal Uses.* A property in the R district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

- 1. Agricultural and Residential Uses.
 - a. Dwelling, 'For-Sale', Detached.
- 2. Semipublic Uses, Utilities.
 - a. Park or Playground.

- B. *Accessory Uses.* A property in the R district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

Permitted accessory structures and uses include but are not limited to the following:

1. Privacy and decorative fences and walls.
2. Home Occupation in a residence.
3. Family Day Care Home in a residence.
4. Group Home.
5. Special Care Home in a 'For-Sale' detached dwelling.
6. Swimming pool, tennis court, detached garage, play house, green house, storage shed, patio, gazebo and other private recreation facilities.
7. Clubhouse, swimming pool, or community recreation facilities serving a development.
8. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
9. Signs, subject to all of the requirements regulating signage herein.
10. Retaining walls and other site improvement structures approved as part of the development permit.
11. Backyard chickens on minimum one (1) acre properties, limited to no more than six (6) chickens, with no roosters allowed. Associated structures (chicken coop, etc.) shall maintain a minimum 25' setback from rear and side property lines.

- C. *Conditional Uses.* A property in the R district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Semipublic Uses, Utilities.
 - a. Bed and Breakfast.
 - b. Church, Synagogue, or any other religious institutions.
 - c. Country Club.
 - d. Golf course or golf driving range.
 - e. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.
 - f. Equestrian Center.

D. *District Regulations.*

Minimum Lot Size—1 acre (43,560 square feet).

Minimum Lot Width—100 feet.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—50 feet.

From right-of-way of all other streets—65 feet.

Side yard—25 feet.

Rear yard—50 feet.

Maximum Ground Coverage By Principal Buildings—25%.

Maximum Building Height—35 feet.

Minimum Floor Area of a Dwelling Unit—1,800 square feet.

Accessory Structure Setback see Sec. 2.3 (c).

([Ord. No. 730](#), § 2, 12-5-2016)

2.2.4 R-22 dwelling, 'for-sale', residential.

A. *Permitted Principal Uses.* A property in the R-22 district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. Agricultural and Residential Uses.
 - a. Dwelling, 'For-Sale' Detached.
2. Semipublic Uses, Utilities.
 - a. Park or Playground.

B. *Accessory Uses.* A property in the R-22 district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

Permitted accessory structures and uses include but are not limited to the following:

1. Privacy and decorative fences and walls.
2. Home Occupation in a residence.
3. Family Day Care Home in a residence.
4. Group Home.
5. Special Care Home in a 'For-Sale' detached dwelling.
6. Swimming pool, tennis court, detached garage, play house, green house, storage shed, patio and other private recreation facilities.
7. Clubhouse, swimming pool, or community recreation facilities serving a development.
8. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
9. Signs, subject to all of the requirements regulating signage herein.
10. Retaining walls and other site improvement structures approved as part of the development permit.
11. Backyard chickens on minimum one (1) acre properties, limited to no more than six (6) chickens, with no roosters allowed. Associated structures (chicken coop, etc.) shall maintain a minimum 25' setback from rear and side property lines.

C. *Conditional Uses.* A property in the R-22 district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Semipublic Uses, Utilities.

- a. Church, Synagogue or any other religious institution.
- b. Country Club, Association or Lodge.
- c. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.
- d. Bed and Breakfast.
- e. Golf Course, Driving Range.
- f. Equestrian Center.

D. *District Regulations.*

Minimum Lot Size—22,000 square feet.

Minimum Lot Width—100 feet.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—35 feet.

From right-of-way of all other streets—65 feet.

Side yard—25 feet.

Rear yard—30 feet.

Maximum Ground Coverage By Principal Buildings—25%.

Maximum Building Height—35 feet.

Minimum Floor Area of a Dwelling Unit—1,500 square feet.

Accessory Structures Setback see Sec. 2.3 (c).

([Ord. No. 730](#) , § 2, 12-5-2016)

2.2.5 R-15 dwelling, 'for-sale', residential.

A. *Permitted Principal Uses.* A property in the R-15 district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

- 1. Agricultural and Residential Uses.
 - a. Dwelling, 'For-Sale', Detached.
- 2. Semipublic Uses, Utilities.
 - a. Park or Playground.

B. *Accessory Uses.* A property in the R-15 district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

Permitted accessory structures and uses include but are not limited to the following:

- 1. Privacy and decorative fences and walls.

2. Home Occupation in a residence.
3. Family Day Care Home in a residence.
4. Group Home.
5. Special Care Home in a 'For-Sale' detached dwelling.
6. Swimming pool, tennis court, detached garage, play house, storage shed, patio and other private recreation facilities.
7. Clubhouse, swimming pool, or community recreation facilities serving a development.
8. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
9. Signs, subject to all of the requirements regulating signage herein.
10. Retaining walls and other site improvement structures approved as part of the development permit.
11. Backyard chickens on minimum one (1) acre properties, limited to no more than six (6) chickens, with no roosters allowed. Associated structures (chicken coop, etc.) shall maintain a minimum 25' setback from rear and side property lines.

C. *Conditional Uses.* A property in the R-15 district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Semipublic Uses, Utilities.
 - a. Associations, (Clubs and Lodges).
 - b. Church, Synagogue or other religious institution.
 - c. Country Club with golf course or driving range.
 - d. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.
 - e. Bed and Breakfast.
 - f. Equestrian Center.

D. *District Regulations.*

Minimum Lot Size—15,000 square feet

Minimum Lot Width—100 feet.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—35 feet.

From right-of-way of all other streets—65 feet.

Side yard—10 feet.

Rear yard—25 feet.

Maximum Ground Coverage By Principal Buildings—25%.

Maximum Building Height—35 feet.

Minimum Floor Area of a Dwelling Unit—1,500 square feet.

([Ord. No. 730](#) , § 2, 12-5-2016)

2.2.6 R-12 dwelling, 'for-sale', residential.

A. *Permitted Principal Uses.* A property in the R-12 district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. Agricultural and Residential Uses.
 - a. Dwelling, 'For-Sale', Detached.
2. Semipublic Uses, Utilities.
 - a. Park or Playground.

B. *Accessory Uses.* A property in the R-12 district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

Permitted accessory structures and uses include but are not limited to the following:

1. Privacy and decorative fences and walls.
2. Home Occupation in a residence.
3. Family Day Care Home in a residence.
4. Group Home.
5. Special Care Home in a 'For-Sale' detached dwelling.
6. Swimming pool, tennis court, detached garage, play house, storage shed, patio and other private recreation facilities.
7. Clubhouse, swimming pool, or community recreation facilities serving a development.
8. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
9. Signs, subject to all of the requirements regulating signage herein.
10. Retaining walls and other site improvement structures approved as part of the development permit.

C. *Conditional Uses.* A property in the R-12 district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Semipublic Uses, Utilities.
 - a. Associations, (Clubs and Lodges).
 - b. Church, Synagogue, or any other religious institutions.
 - c. Country Club with golf course or driving range.
 - d. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

D. *District Regulations.*

Minimum Lot Size—12,000 square feet.

Minimum Lot Width—80 feet.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—30 feet.

From right-of-way of all other streets—65 feet.

Side yard—10 feet.

Rear yard—30 feet.

Maximum Ground Coverage By Principal Buildings—25%.

Maximum Building Height—35 feet.

Minimum Floor Area of a Dwelling Unit—1,500 square feet.

Accessory Structure Setback see Sec. 2.3 (c).

2.2.7 R-10 dwelling, 'for-sale', residential.

A. *Permitted Principal Uses.* A property in the R-10 district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. Agricultural and Residential Uses.
 - a. Dwelling, 'For-Sale', Detached.
2. Semipublic Uses, Utilities.
 - a. Park or Playground.

B. *Accessory Uses.* A property in the R-10 district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

Permitted accessory structures and uses include but are not limited to the following:

1. Privacy and decorative fences and walls.
2. Home Occupation in a residence.
3. Group Home.
4. Family Day Care Home in a residence.
5. Special Care Home in a 'For-Sale' detached dwelling.
6. Swimming pool, tennis court, detached garage, play house, storage shed, patio and other private recreation facilities.
7. Clubhouse, swimming pool, or community recreation facilities serving a development.
8. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
9. Signs, subject to all of the requirements regulating signage herein.
10. Retaining walls and other site improvement structures approved as part of the development permit.

C. *Conditional Uses.* A property in the R-10 district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Semipublic Uses, Utilities.
 - a. Associations, (Clubs and Lodges).
 - b. Church, Synagogue, or any other religious institution.
 - c. Country Club with golf course or driving range.
 - d. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

D. *District Regulations.*

Minimum Lot Size—10,000 square feet.

Minimum Lot Width—75 feet.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—30 feet.

From right-of-way of all other streets—65 feet.

Side yard—10 feet.

Rear yard—25 feet.

Maximum Ground Coverage By Principal Buildings—25%.

Maximum Building Height—35 feet.

Minimum Floor Area of a Dwelling Unit—1,500 square feet.

Accessory Structures Setback see Sec. 2.3 (c).

2.2.8 R-4A dwelling, 'for-sale', attached residential—Low density.

A. *Permitted Principal Uses.* A property in the R-4A district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. Agricultural and Residential Uses.
 - a. Dwelling, 'For-Sale' Attached.
2. Semipublic Uses, Utilities.
 - a. Park or Playground.

B. *Accessory Uses.* A property in the R-4A district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

Permitted accessory structures and uses include but are not limited to the following:

1. Privacy and decorative fences and walls.
2. Home Occupation in a residence.
3. Family Day Care Home in a residence.

4. Swimming pool, tennis court, detached garage, play house, storage shed, patio and other private recreation facilities.
 5. Clubhouse, swimming pool, or community recreation facilities serving a development.
 6. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
 7. Signs, subject to all of the requirements regulating signage herein.
 8. Retaining walls and other site improvement structures approved as part of the development permit.
- C. *Conditional Uses.* A property in the R-4A district may be used for any of the following only upon approval as a conditional use by the City Council:
1. Semipublic Uses, Utilities.
 - a. Associations, (Clubs and Lodges).
 - b. Church, Synagogue, or other religious institutions.
 - c. Country Club with golf course or driving range.
 - d. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

D. *District Regulations.*

Minimum Lot Size—1 acre.

Maximum Density of Dwelling Units—4 per acre.

Minimum Lot Width—30 feet for each individual lot, if the development is subdivided or 30 feet for each dwelling unit.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—35 feet.

From right-of-way of all other streets—65 feet.

Side yard:

From lot line of adjacent property—20.

Between building groupings—20 feet.

Between individual lots, if the development is subdivided—none.

Rear yard—30 feet.

Maximum Coverage By Principal Buildings—40%.

Maximum Building Height—35 feet.

Minimum Floor Area of a Dwelling Unit—1,200 square feet.

2.2.8a R-4D dwelling, 'for sale' detached residential—Low density.

A. *Permitted Principal Uses.* A property in the R-4D district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. Agricultural and Residential Uses.
 - a. Dwelling, Single-Family Detached.
2. Semipublic Uses, Utilities.
 - a. Park or Playground.

B. *Accessory Uses.* A property in the R-4D district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

Permitted accessory structures and uses include but are not limited to the following:

1. Privacy and decorative fences and walls.
2. Home Occupation in a residence.
3. Family Day Care Home in a residence.
4. Swimming pool, tennis court, detached garage, play house, storage shed, patio and other private recreation facilities.
5. Clubhouse, swimming pool, or community recreation facilities serving a development.
6. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
7. Signs, subject to all of the requirements regulating signage herein.
8. Retaining walls and other site improvement structures approved as part of the development permit.

C. *Conditional Uses.* A property in the R-4D district may be used for any of the following only upon approval as a conditional use by the City Council.

1. Semipublic Uses, Utilities.
 - a. Associations, (Clubs and Lodges).
 - b. Church, Synagogue, or other religious institutions.
 - c. Country Club with golf course or driving range.
 - d. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

D. *District Regulations.*

Minimum Lot Size—5,000 sf.

Maximum Density of Dwelling Units—4 per acre.

Minimum Lot Width—50 ft.

Minimum Setbacks.

Front yard—from all street frontages.

From right-of-way of local street—35 feet.

From right-of-way of all other streets—65 feet.

Side yard—5 feet.

Corner Side Yard—10 feet.

Rear yard:

With Rear Alley—0'.

No Rear Alley—20'.

Maximum Coverage By Principal Buildings—40%.

Maximum Building Height—35 feet.

Minimum Floor Area of a Dwelling Unit—1,500 square feet.

([Ord. No. 692, § 1\(Exh. 1\), 7-21-2014](#))

2.2.9 R-8A/D dwelling, 'for-sale', attached/detached residential—Medium density.

A. *Permitted Principal Uses.* A property in the R-8A/D district may be used for those uses in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. Agricultural and Residential Uses.
 - a. Dwelling, 'For-Sale', Attached and Detached.
2. Semipublic Uses, Utilities.
 - a. Park or Playground.

B. *Accessory Uses.* A property in the R-8A district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

Permitted accessory structures and uses include but are not limited to the following:

1. Privacy and decorative fences and walls.
2. Home Occupation in a residence.
3. Family Day Care Home in a residence.
4. Swimming pool, tennis court, play house, storage shed, patio and other private recreation facilities.
5. Clubhouse, swimming pool, or community recreation facilities serving a development.
6. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
7. Signs, subject to all of the requirements regulating signage herein.
8. Retaining walls and other site improvement structures approved as part of the development permit.

C. *Conditional Uses.* A property in the R-8A district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Semipublic Uses, Utilities.

- a. Associations, (Clubs and Lodges).
- b. Church, Synagogue, or other religious institutions.
- c. Country Club with golf course or driving range.
- d. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

D. District Regulations.

Minimum Lot Size—the development shall occupy a total of at least 1 acre Attached, 4,500 sq. ft. Detached. No minimum lot size is required for each dwelling unit within the development.

Maximum Density of Dwelling Units—8 per gross acre.

Minimum Lot Width—50 feet for each individual lot, if the development is subdivided or 30 feet for each dwelling unit.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—35 feet.

From right-of-way of all other streets—65 feet.

Side yard.

From lot line of adjacent property—5 feet.

Between building groupings—10 feet.

Between individual lots, if the development is subdivided—none.

Rear yard—W/Rear Alley—0', No Rear Alley—20'.

Maximum Coverage By Principal Buildings—40%.

Maximum Building Height—35 feet.

Minimum Floor Area of a Dwelling Unit—1,200 square feet.

Rear Yard: Alley—0', No Rear Alley—20'

([Ord. No. 675, § 1, 6-3-2013](#))

2.2.10 R-10M dwelling, 'for-rent' or 'for-sale', residential.

A. *Permitted Principal Uses.* A property in the R-10M district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

- 1. Agricultural and Residential Uses.
 - a. Dwelling, 'For-Sale', Attached.
 - b. Dwelling 'For-Rent'.
 - c. Bed and Breakfast.
- 2. Semipublic Uses, Utilities.

a. Park or Playground.

- B. *Accessory Uses.* A property in the R-10M district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

Permitted accessory structures and uses include but are not limited to the following:

1. Privacy and decorative fences and walls.
2. Home Occupation in a residence.
3. Family Day Care Home in a residence.
4. Swimming pool, tennis court, storage shed, play house, patio and other private recreation facilities.
5. Clubhouse, swimming pool, or community recreation facilities serving a development.
6. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
7. Signs, subject to all of the requirements regulating signage herein.
8. Retaining walls and other site improvement structures approved as part of the development permit.

- C. *Conditional Uses.* A property in the R-10M district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Business Uses.
 - a. Dwelling, Group (congregate housing, nursing home, etc.).
2. Semipublic Uses, Utilities.
 - a. Associations, (Clubs and Lodges).
 - b. Church, Synagogue, or other religious institutions.
 - c. Country Club with golf course or driving range.
 - d. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

D. *District Regulations.*

Minimum Lot Size—the development shall occupy a total of at least one acre. No minimum lot size is required for each dwelling unit within the development.

Maximum Density of Dwelling Units—10 per gross acre.

Minimum Lot Width.

For the property to be developed—75 feet.

If the development is subdivided—20 feet for each individual lot, or 20 feet for each dwelling unit.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—35 feet.

From right-of-way of all other streets—65 feet.

Side yard.

From lot line of adjacent property—25 feet.

Between building groupings—20 feet.

Between individual lots, if the development is subdivided—none.

Rear yard—50 feet.

Maximum Coverage By Principal Buildings—none.

Maximum Building Height—35 feet.

Minimum Floor Area of a Dwelling Unit—none.

([Ord. No. 730](#), §§ 3, 4, 12-5-2016)

2.2.11 CUP community unit plan.

This district is intended to allow for the development of a mix of uses within the framework of a masterplan. The district regulations are intended to allow greater design flexibility without increasing overall density.

- A. *Permitted Principal Uses.* A property in the CUP district may be used only for those uses approved as part of the conditions of approval of the CUP zoning on the property and for related accessory uses, as further limited under "Accessory Uses" and "Conditional Uses" below. The use of land within an overall CUP development is further limited by the following requirements:

Dwelling, 'For-Sale', Detached Residential: A minimum of 25% of the gross land area of the CUP shall be utilized for 'For-Sale' detached dwellings and related accessory uses, streets and other facilities.

Dwelling, 'For-Sale', Attached Residential: No more than 20% of the gross land area of the CUP may be used for 'For-Sale' attached dwellings and related accessory uses, streets and other facilities.

Dwelling, 'For-Rent', Residential: Rental units and related accessory uses, streets and other facilities shall not exceed 20% of the gross land area of the CUP.

Commercial: Uses permitted in the C-1 category shall not exceed (in aggregate) 10% of the gross land area of the CUP.

Open Space: A minimum of 15% of the gross land area must be set aside as open space.

Office and Light Industrial: The following uses shall not exceed (in aggregate) 25% of the gross land area of the CUP:

Office buildings or office parks and related accessory uses, streets and other facilities.

Wholesale, storage or industrial uses and related accessory uses, streets and other facilities.

- B. *Accessory Uses.* A property in the CUP district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted under the conditions of approval for the CUP zoning on the property.

Permitted accessory structures and uses include but are not limited to the following:

1. Privacy and decorative fences and walls.
2. Home Occupation in a residence.
3. Family Day Care Home in a residence.
4. Special Care Home in a 'For-Sale' detached dwelling.

5. Swimming pool, tennis court, play house, storage shed, patio and other private recreation facilities.
 6. Clubhouse, swimming pool, or community recreation facilities serving a development.
 7. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
 8. Signs, subject to all of the requirements regulating signage herein.
 9. Retaining walls and other site improvement structures approved as part of the development permit.
- C. *Conditional Uses.* A property in the CUP district may be used for those uses listed in Table 2.2, including any of the following uses if the uses have been included in the conditions of approval for the CUP zoning on the property; or if the uses are designated on the CUP's Concept Plan; or if the CUP's concepts plan identifies district categories (i.e. commercial, office) wherein the use would otherwise be permitted by right or as a conditional use:
1. Agricultural and Residential Uses.
 - a. Dwelling, Group (rooming house, assisted living facility, nursing home, fraternity, congregate housing).
 - b. Dwelling, 'For-Sale' Attached.
 - c. Dwelling, 'For-Sale' Detached.
 - d. Dwelling, 'For-Rent'.
 - e. Reserved.
 - f. Bed and Breakfast.
 2. Business Uses.
 - a. Animal Hospital, small animals.
 - b. Art Galleries.
 - c. Automobile Sales and Leasing.
 - d. Automobile Service Station.
 - e. Automotive Parts.
 - f. Automotive Service.
 - g. Bakery.
 - h. Barber Shop.
 - i. Bank, Savings and Loan.
 - j. Beauty Shop.
 - k. Billiards.
 - l. Book Store or Stationery.
 - m. Boutique Hotel.
 - n. Bowling Alley.
 - o. Brewery.
 - p. Broadcasting Studio (radio or TV).
 - q. Building Materials, retail with enclosed storage.
 - r. Clinic.

- s. Commercial Parking Lot.
- t. Contractor's Office without outside storage.
- u. Contractor's office with outside storage.
- v. Convenience Market with or without gas pumps.
- w. Dance Studio.
- x. Day Care Center.
- y. Distillery.
- z. Drug Store.
- aa. Dry Cleaning Pick-up Station.
- bb. Equestrian Center.
- cc. Extended stay hotel (see Section 2.7).
- dd. Florist, Retail without Greenhouse.
- ee. Funeral Home w/ no cemetery or mausoleum.
- ff. Golf Course, Driving Range.
- gg. Golf, Miniature.
- hh. Grocery Store.
- ii. Hardware and Garden Supply Store.
- jj. Hotel or Motel.
- kk. Laboratory, Research or Commercial.
- ll. Laundry, Self-Serve, Pick-up.
- mm. Liquor Store.
- nn. Manufacturing.
- oo. Office Building or Office Park.
- pp. Outdoor Recreation Facilities.
- qq. Park, playground.
- rr. Pet Day Care.
- ss. Pet Grooming.
- tt. Print Shop.
- uu. Public Building.
- vv. Radio or TV, Transmitter or Studio.
- ww. Rental Services Establishment without outside storage.
- xx. Restaurant.
- yy. Restaurant, with Drive-thru window.
- zz. Retail Sales and Services Establishments not otherwise listed for this zoning district.
- aaa. Retail Establishment, Mixed Sales.
- bbb. School, Commercial.
- ccc. Shop or Studio, Craftsman/Artist.

ddd. Spa Services.

eee. Theater, Cinema.

3. Wholesale, Storage and Industrial Uses.

a. Laundry, Industrial.

b. Locker, Frozen Food or Cold Storage.

c. Manufacturing, Light.

d. Wholesale Establishment.

4. Semipublic Uses, Utilities.

a. Airport, public or private.

b. Amphitheater.

c. Athletic Facility.

d. Auditorium.

e. Church, Synagogue, or any other religious institution.

f. Club, association or lodge.

g. Country Club.

h. Fire Station.

i. Heliport, public or private.

j. Hospital.

k. Library.

l. Museum.

m. School, Academic.

n. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

o. Wireless Tower.

D. *District Regulations.* Minimum Lot Size; the minimum area permitted to be zoned for a CUP is 100 acres.

Lot sizes in use areas: Each area within the CUP shall be designated for use in accordance with one of the various zoning districts in this Ordinance, and shall comply with the minimum lot size required by such designated zoning district or, if more restrictive, the conditions of approval of the CUP zoning on the property.

Maximum Density of Dwelling Units: Each area within the CUP shall be designated for use in accordance with one of the various zoning districts in this Ordinance, and shall comply with the lot size or, when applicable, density limitations of such designated zoning district or, if more restrictive, the conditions of approval of the CUP zoning on the property.

Minimum Lot Width, Minimum Setbacks, Maximum Coverage by Principal Buildings, Maximum Building Height, Minimum Floor Area of a Dwelling Unit, Screening and Buffers: Each area within the CUP shall be designated for use in accordance with one of the various zoning districts in this Ordinance, and shall comply with the requirements of such designated zoning district or, if more restrictive, the conditions of approval of the CUP zoning on the property.

Open space: Each CUP shall have a minimum of 15% of the gross acres of the CUP dedicated or set aside as open space. Amenities may be included within the 15% open space requirement. However,

open space shall not include any other required open areas such as required building set backs, buffers, landscape strips or other similar requirements of this Ordinance or other applicable laws.

([Ord. No. 718](#), §§ 2, 4, 12-14-2015; [Ord. No. 741](#), § 4, 6-5-2017; [Ord. No. 744](#), §§ 2, 6, 7-10-2017)

2.2.12 O-P office-professional.

This district is intended to provide for the development of business and professional offices, hospitals, medical and dental facilities and limited commercial activity.

- A. *Permitted Principal Uses.* A property in the O-P district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:
1. Residential Uses.
 - a. Bed and Breakfast.
 2. Business Uses.
 - a. Bank, Savings and Loan.
 - b. Barber Shop and Beauty Shop.
 - c. Clinic (medical/dental).
 - d. Contractor's office without outside storage.
 - e. Day care center.
 - f. Office (professional/administrative).
 - g. Print Shop.
 - h. Public Building.
 - i. Staffing/personnel office.
 - j. Stock brokerage/financial services office.
 - k. Tax preparation office.
 - l. Travel agency.
 3. Semipublic Uses, Utilities.
 - a. Park or Playground.
 4. The following support retail uses are allowed provided that they are located within an office building and (in total) do not constitute more than 25% of the floor area of the office building in which they are located:
 - a. Book store.
 - b. Computer/computer supply store.
 - c. Copy center.
 - d. Jewelry store (not to exceed 1,200 sq. ft.).
 - e. Office supply store (not to exceed 1,200 sq. ft.).
 - f. Optometrist/Eye wear.
 - g. Package shipping/mail box store.
 - h. Phone store.

- i. Print Shop.
 - j. Stationery/card store.
- B. *Accessory Uses.* A property in the O-P district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

Permitted accessory structures and uses include but are not limited to the following:

1. Dwelling, 'For-Sale', Accessory: A 'For-Sale' accessory dwelling shall be permitted under the following conditions:

The dwelling shall be located above or to the rear of the commercial or office structure to which it is an accessory.

The dwelling shall be attached by a common wall with the commercial or office structure to which it is accessory.

The dwelling shall be occupied by a single family, a member of whom is the owner or tenant of the commercial or office structure to which it is accessory.

The square footage of the dwelling shall not exceed 40% of the combined square footage of the commercial or office structure and the dwelling.

The dwelling and the commercial or office structure to which it is an accessory shall be in compliance with and decorative fences and walls all applicable provisions of the life safety code, the building code, and other standard codes of the City.

2. Privacy and decorative fences and walls.
3. Swimming pool, tennis court, patio and other private recreation facilities.
4. Clubhouse, swimming pool, or community recreation facilities serving a development.
5. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
6. Signs, subject to all of the requirements regulating signage herein.
7. Retaining walls and other site improvement structures approved as part of the development permit.

- C. *Conditional Uses.* A property in the O-P district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Business Uses.
 - a. Art Gallery.
 - b. Bakery.
 - c. Dry Cleaning Pick up station with drive-thru.
 - d. Fitness studio.
 - e. Florist.
 - f. Restaurant without drive-thru.
 - g. Shop or studio, Craftsman/Artist.
 - h. School Commercial.
 - i. Spa Services.

2. Semipublic Uses, Utilities.

- a. Auditorium.
- b. Church, Synagogue.
- c. Club, association or lodge.
- d. School, Academic.
- e. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

D. *District Regulations.*

Minimum Lot Area—30,000 square feet.

Minimum Lot Width—none.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—50 feet.

From right-of-way of all other streets—65 feet.

Side yard—15 feet.

Rear yard—15 feet.

Maximum Coverage By Principal Buildings—40%.

Maximum Building Height—40 feet.

E. *Screening and buffers (See Sec. 2.3.5).*

2.2.13 O-I office-institutional.

This district is intended for the development of planned office areas which allow for design flexibility through a master plan. Commercial activities are permitted as subordinate uses to the office development.

A. *Conditional Principal Uses.* A property in the O-I district may be used for the uses listed below and shown in Table 2.2 in accordance with an approved masterplan, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use. Lots of less than five (5) acres in size may be developed for bank or office use without public hearing subject to Design Review Board Approval.

1. Residential Uses.

- a. Dwelling, Group (limited to nursing home, children's home congregate housing or assisted living facility).

2. Business Uses.

- a. Bank, Savings and Loan.
- b. Broadcasting Studio (radio or TV).
- c. Clinic.
- d. Congregate Housing.
- e. Day Care Center.

- f. Drug Store.
 - g. Golf Course, Driving Range.
 - h. Office Building or Office Park.
 - i. Recreational Facilities (Indoor or Outdoor).
 - j. Theater, Cinema.
3. Semipublic Uses, Utilities.
- a. Church, Synagogue, or other religious institutions.
 - b. Club, association or lodge.
 - c. Heliport.
 - d. Library.
 - e. Museum.
 - f. Public Building.
 - g. School, Academic.
 - h. Recreation Facilities (Indoor or Outdoor).
- B. *Accessory Uses.* A property in the O-I district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

Permitted accessory structures and uses include but are not limited to the following:

1. Dwelling, 'For-Sale', Accessory: A 'For-Sale' accessory dwelling shall be permitted under the following conditions:

The dwelling shall be located above or to the rear of the commercial or office structure to which it is an accessory.

The dwelling shall be attached by a common wall with the commercial or office structure to which it is accessory.

The dwelling shall be occupied by a single family, a member of whom is the owner or tenant of the commercial or office structure to which it is accessory.

The square footage of the dwelling shall not exceed 40% of the combined square footage of the commercial or office structure and the dwelling.

The dwelling and the commercial or office structure to which it is accessory shall be in compliance with all applicable provisions of the life safety code, the building code, and other standard codes of the City.
2. Privacy and decorative fences and walls.
3. Swimming pool, tennis court, patio and other private recreation facilities.
4. Clubhouse, swimming pool, or community recreation facilities serving a development.
5. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
6. Signs, subject to all of the requirements regulating signage herein.
7. Retaining walls and other site improvement structures approved as part of the development permit.

8. Retail service uses up to 25% of the floor area of an office building for services incidental to the associated office use.
- C. *Conditional Subordinate Uses.* A property in the O-I district may be used for any of the following listed uses upon approval as a conditional use by the City Council provided that the uses in aggregate do not constitute more than 25% of the total project and are not segregated so as to create a retail strip center.
1. Residential Uses.
 - a. Reserved.
 2. Business Uses.
 - a. Art Galleries.
 - b. Automobile Service Station.
 - c. Bakery.
 - d. Barber Shop.
 - e. Beauty Shop.
 - f. Book Store.
 - g. Boutique Hotel.
 - h. Bowling Alley.
 - i. Brewery.
 - j. Car Wash.
 - k. Contractor's Office without outside storage.
 - l. Commercial Parking Lot.
 - m. Convenience Market with or without gas pumps.
 - n. Dance Studio.
 - o. Distillery.
 - p. Dry Cleaning Pick-up Station.
 - q. Extended Stay Hotel (see Sec. 2.7).
 - r. Florist, Retail without Greenhouse.
 - s. Funeral Home w/out cemetery or mausoleum.
 - t. Hotel/motel.
 - u. Golf, Miniature, or Golf Driving Range.
 - v. Laboratory, Research or Commercial.
 - w. Liquor Store.
 - x. Print Shop.
 - y. Radio or TV, Transmitter or Studio.
 - z. Restaurant.
 - aa. Restaurant, Drive-In or Fast-Food.
 - bb. Retail Sales and Services Establishments subject to the limitation of [subsection] 2.2.13 B 8.
 - cc. School, Commercial.

- dd. Spa Services.
- 3. Wholesale, Storage and Industrial Uses.
 - a. Manufacturing, Light.
- 4. Semipublic Uses, Utilities.
 - a. Airport.
 - b. Amphitheater.
 - c. Athletic Facility.
 - d. Auditorium.
 - e. Country Club.
 - f. Hospital.
 - g. Fire Station.
 - h. Park or Playground.
 - i. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.
 - j. Wireless Tower.

D. *District Regulations.*

Minimum Lot Area—the development shall occupy a total of not less than 25 acres. No minimum lot size is required for each building within the development.

Minimum Lot Width—none.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—50 feet.

From right-of-way of all other streets—65 feet.

Side yard—15 feet.

Rear yard—15 feet.

Maximum Coverage By Principal Buildings—40%.

Maximum Building Height—40 feet.

E. *Screening and buffers (See Sec. 2.3.5.).*

- F. *Open space.* All areas zoned O-I shall have a minimum of 10% of the gross acres dedicated or set aside as open space for developments up to 100 acres, and shall have a minimum of 15% of the gross acres dedicated or set aside as open space for developments containing 100 acres or more. Amenities may be included and are encouraged within the open space requirement. However, open space shall not include any other required open areas such as required building setbacks, buffers, landscape strips or other similar requirements of this ordinance.

([Ord. No. 718](#), §§ 3, 6, 12-14-2015; [Ord. No. 741](#), § 4, 6-5-2017; [Ord. No. 744](#), §§ 2, 6, 7-10-2017)

2.2.14 C-1 neighborhood commercial.

A. *Permitted Principal Uses.* A property in the C-1 district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. Residential Uses.

- a. Dwelling, 'For-Sale'—in an existing or historic structure only.
- b. Reserved.
- c. Bed and Breakfast.

2. Business Uses.

- a. Art Gallery.
- b. Bakery.
- c. Barber Shop.
- d. Bank, Savings and Loan.
- e. Beauty Shop.
- f. Book Store.
- g. Carpet and Rug Sales.
- h. Clinic.
- i. Contractor's Office without outside storage.
- j. Day Care Center.
- k. Drug Store.
- l. Dry Cleaning Pick-up Station.
- m. Florist, Retail Without Greenhouse.
- n. Gourmet Food Store.
- o. Hardware and Garden Supply Store.
- p. Jewelry Store.
- q. Laundry, Self-Serve, Pick-up.
- r. Office Building or Park.
- s. Pet Day Care.
- t. Pet Grooming.
- u. Print Shop.
- v. Reserved.
- w. Restaurant, without Drive-thru or Drive-In facilities.
- x. Retail Sales and Services (Establishments not otherwise listed for this zoning district as a permitted or conditional use).
- y. School, Commercial.
- z. Shop or Studio, Craftsman/Artist.
- aa. Theater, Cinema.

3. Semipublic Uses, Utilities.

- a. Club, association or lodge.
- b. Library.
- c. Museum.
- d. Park or Playground.
- e. Public Building.

- B. *Accessory Uses.* A property in the C-1 district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

Permitted accessory structures and uses include but are not limited to the following:

1. Dwelling, 'For-Sale', Accessory: A 'For-Sale' accessory dwelling shall be permitted under the following conditions:

The dwelling shall be located above or to the rear of the commercial or office structure to which it is accessory.

The dwelling shall be attached by a common wall with the commercial or office structure to which it is accessory.

The dwelling shall be occupied by a single family, a member of whom is the owner or tenant of the commercial or office structure to which it is accessory.

The square footage of the dwelling shall not exceed forty percent (40%) of the combined square footage of the commercial or office structure and the dwelling.

The dwelling and the commercial or office structure to which it is accessory shall be in compliance with all applicable provisions of the life safety code, the building code, and other standard codes of the City.

2. Privacy and decorative fences and walls.
3. Swimming pool, tennis court, patio and other private recreation facilities.
4. Clubhouse, swimming pool, or community recreation facilities serving a development.
5. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations, herein.
6. Signs, subject to all of the requirements regulating signage herein.
7. Retaining walls and other site improvement structures approved as part of the development permit.

- C. *Conditional Uses.* A property in the C-1 district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Residential Uses.
 - a. Reserved.
 - b. Dwelling, Group (congregate housing, nursing home, etc.).
2. Business Uses.
 - a. Animal Hospital, small animals.
 - b. Assisted Living, Congregate housing
 - c. Automotive Parts.

- d. Bowling Alley.
 - e. Brewery.
 - f. Check Cashing.
 - g. Church, Synagogue.
 - h. Commercial Parking Lot.
 - i. Contractor's Office with outside storage.
 - j. Distillery.
 - k. Funeral home with no cemetery or mausoleum.
 - l. Grocery Store.
 - m. Golf, Miniature.
 - n. Hotel/Motel.
 - o. Liquor Store.
 - p. Pest Control Business.
 - q. School, Academic.
 - r. Rental Services Establishment without outside storage.
 - s. Restaurant, Drive-In or Fast-Food.
 - t. Retail Establishment, Mixed Sales.
 - u. Smoke Shop and Tobacco Store.
 - v. Spa Services.
3. Semipublic Uses, Utilities.
- a. Athletic Facility.
 - b. Auditorium.
 - c. Hospital.
 - d. Parking Lot, Commercial.
 - e. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

D. District Regulations.

Minimum Lot Area—30,000 square feet.

Minimum Lot Width—none.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—50 feet.

From right-of-way of all other streets—65 feet.

Side yard—15 feet.

Rear yard—15 feet.

Maximum Coverage By Principal Buildings—45%.

Maximum Building Height—35 feet.

E. *Screening and buffers* (See Sec. 2.3.5).

([Ord. No. 704](#), § 2, 6-1-2015; [Ord. No. 718](#), §§ 6—8, 12-14-2015; [Ord. No. 730](#), §§ 3, 4, 12-5-2016; [Ord. No. 741](#), § 4, 6-5-2017; [Ord. No. 744](#), § 4, 7-10-2017; [Ord. No. 772](#), § 2, 2-4-2019)

2.2.15 C-2 general commercial.

A. *Permitted Principal Uses.* A property in the C-2 district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. Residential Uses.

- a. Dwelling, 'For-Sale'—in an existing or historic structure only.
- b. Bed and Breakfast.

2. Business Uses.

- a. Art Gallery.
- b. Automobile Service Station.
- c. Automotive Parts.
- d. Automotive Service.
- e. Bakery.
- f. Barber Shop.
- g. Bank, Savings and Loan.
- h. Beauty Shop.
- i. Book Store.
- j. Bowling Alley.
- k. Broadcasting Studio (radio or TV).
- l. Building Materials, retail with enclosed storage.
- m. Carpet and Rug Sales.
- n. Clinic.
- o. Clubs, fraternity, association or lodge.
- p. Commercial Parking Lot.
- q. Reserved.
- r. Contractor's Office with and without outside storage.
- s. Convenience Market with or without gas pumps.
- t. Dance Studio.
- u. Day Care Center.
- v. Drug Store.
- w. Dry Cleaning Pick-up Station.

- x. Florist, Retail Without Greenhouse.
- y. Grocery Store.
- z. Hardware Store.
- aa. Home Improvement Store.
- bb. Laundry, Self-Serve, Pick-up.
- cc. Liquor Store.
- dd. Office Building or Park.
- ee. Pet Day Care.
- ff. Pet Grooming.
- gg. Print Shop.
- hh. Public Building.
- ii. Recreation Facilities (Indoor).
- jj. Rental Services Establishment without outside storage.
- kk. Restaurant.
- ll. Restaurant, Drive-In or Fast-Food.
- mm. Retail Sales and Services Establishments not otherwise listed for this zoning district as a permitted or conditional use.
- nn. Retail Establishment, Mixed Sales.
- oo. School, Commercial.
- pp. Shop or Studio, Craftsman/Artist.
- qq. Theater, Cinema.
- 3. Semipublic Uses, Utilities.
 - a. Athletic Facilities.
 - b. Club, association or lodge.
 - c. Hospital.
 - d. Library.
 - e. Museum.
 - f. Park or Playground.
 - g. Parking Lot, Commercial.
 - h. School, Academic.

B. *Accessory Uses.* A property in the C-2 district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

Permitted accessory structures and uses include but are not limited to the following: (See also Supplementary Regulations in this Article.)

- 1. Dwelling, 'For-Sale' Accessory: A 'For-Sale' accessory dwelling shall be permitted under the following conditions:

The dwelling shall be located above or to the rear of the commercial or office structure to which it is accessory.

The dwelling shall be attached by a common wall with the commercial or office structure to which it is accessory.

The dwelling shall be occupied by a single family, a member of whom is the owner or tenant of the commercial or office structure to which it is accessory.

The square footage of the dwelling shall not exceed 40% of the combined square footage of the commercial or office structure and the dwelling.

The dwelling and the commercial or office structure to which it is accessory shall be in compliance with all applicable provisions of the life safety code, the building code, and other standard codes of the City.

2. Privacy and decorative fences and walls.
3. Swimming pool, tennis court, patio and other private recreation facilities.
4. Clubhouse, swimming pool, or community recreation facilities serving a development.
5. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
6. Signs, subject to all of the requirements regulating signage herein.
7. Retaining walls and other site improvement structures approved as part of the development permit.

C. *Conditional Uses.* A property in the C-2 district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Residential Uses.
 - a. Reserved.
 - b. Reserved.
 - c. Dwelling, Group (congregate housing, nursing home, etc.).
2. Business Uses.
 - a. Animal Hospital, small animals.
 - b. Assisted Living, Congregate housing.
 - c. Automobile Sales and Leasing.
 - d. Boutique Hotel.
 - e. Brewery.
 - f. Car Wash.
 - g. Check Cashing.
 - h. Church, Synagogue.
 - i. Distillery.
 - j. Extended Stay Hotel (see Sec. 2.7).
 - k. Florist, Retail with Greenhouse.
 - l. Funeral Homes.
 - m. Golf, Miniature.

- n. Greenhouse with nursery.
- o. Hotel or Motel.
- p. Limousine Service and Taxi.
- q. Massage Therapy (see Sec. 2.7).
- r. Spa Services.
- s. Radio or TV, Transmitter or Studio.
- t. Recreation Facilities (Outdoor).
- u. Small Appliance Repair Shop.
- v. Smoke Shop and Tobacco Store.
- 3. Wholesale, Storage and Industrial Uses.
 - a. Wholesale Establishment.
- 4. Semipublic Uses, Utilities.
 - a. Auditorium.
 - b. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.
 - c. Recreational Facilities (Outdoor).
 - d. Wireless Tower.

D. District Regulations.

Minimum Lot Area—none.

Minimum Lot Width—none.

Minimum Setbacks.

Front yard—Conditional (based on prevailing development patterns).

Side yard—Conditional (based on prevailing development patterns).

Rear yard—10 feet.

Maximum Coverage By Principal Buildings—70% (for development within Downtown Overlay—90%).

Maximum Building Height—40 feet.

E. Screening and buffers (See Sec. 2.3.5).

([Ord. No. 703](#), § 1, 6-1-2015; [Ord. No. 704](#), § 2, 6-1-2015; [Ord. No. 718](#), §§ 5—7, 9, 12-14-2015; [Ord. No. 730](#), §§ 3, 4, 12-5-2016; [Ord. No. 741](#), § 4, 6-5-2017; [Ord. No. 744](#), §§ 2, 6, 7-10-2017; [Ord. No. 772](#), § 3, 2-4-2019)

2.2.16 PSC planned shopping center.

All uses in the PSC zoning district shall be located within, or as part of a shopping center or specialty shopping center.

- A. *Conditional Principal Uses.* A property in the PSC district may be used for those uses listed in Table 2.2, only upon approval as a conditional use by the city council:

1. Residential Uses

- a. Dwelling, 'For-Sale', Attached (only allowed in the North Point Overlay and not exceeding (8) dwelling units/acre unless additional density is authorized in accordance with said overlay).
- b. Dwelling, 'For-Sale', Detached (only allowed in the North Point Overlay and not exceeding (8) dwelling units /acre unless additional density is authorized in accordance with said overlay).

2. Business Uses.

- a. Art Galleries.
- b. Automobile Service Station.
- c. Automotive Parts.
- d. Bakery.
- e. Barber Shop.
- f. Bank, Savings and Loan.
- g. Beauty Shop.
- h. Brewery.
- i. Book Store.
- j. Car Wash.
- k. Carpet and Rug Sales.
- l. Clinic.
- m. Convenience Market with or without gas pumps.
- n. Dance Studio.
- o. Day Care Center.
- p. Distillery.
- q. Florist, Retail without Greenhouse.
- r. Grocery Store (max. 50,000 SF in the North Point Overlay).
- s. Hardware Store (max. 50,000 SF in the North Point Overlay).
- t. Home Improvement Store.
- u. Laundry, Self-Serve, Pick-up.
- v. Liquor Store.
- w. Office Building or Park.
- x. Pest Control Business.
- y. Pet Grooming.
- z. Public Building.
- aa. Recreational Facilities (Indoor).
- bb. Rental Services Establishment without outside storage.
- cc. Restaurant.
- dd. Restaurant, Drive-In or Fast-Food.

- ee. Retail Sales and Services Establishments not otherwise listed for this zoning district as a permitted or conditional use.
- ff. Retail Establishment, Mixed Sales.
- gg. Theater.
- hh. Drug Store (Pharmacy).

B. *Accessory Uses.* A property in the PSC district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

Permitted accessory structures and uses include but are not limited to the following:

- 1. Privacy and decorative fences and walls.
- 2. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
- 3. Signs, subject to all of the requirements regulating signage herein.
- 4. Retaining walls and other site improvement structures approved as part of the development permit.

C. *Conditional Subordinate Uses.* A property in the PSC district may be used for any of the following only upon approval as a conditional use by the City Council and provided that these uses in aggregate do not constitute more than 50% of the site area:

- 1. Residential Uses.
 - a. Reserved.
- 2. Business Uses.
 - a. Animal Hospital, small animals.
 - b. Automotive Parts.
 - c. Automotive Service.
 - d. Bowling Alley.
- e. Boutique Hotel.
 - f. Broadcasting Studio (radio or TV).
 - g. Building Materials, retail with enclosed storage.
 - h. Commercial Parking Lot.
 - i. Convenience Center with gas pumps.
 - j. Dry Cleaning Plant.
 - k. Dry Cleaning Plant with pick-up station.
 - l. Florist, Retail with Greenhouse.
 - m. Funeral Home with no cemetery or mausoleum.
 - n. Golf, Miniature.
 - o. Hotel or Motel.
 - p. Pet Day Care.
 - q. Pet Grooming.

- r. Print Shop.
 - s. Radio or TV, Transmitter or Studio.
 - t. School, Commercial.
 - u. Shop or Studio, Craftsman/Artist.
3. Semipublic Uses, Utilities.
- a. Athletic Facility.
 - b. Auditorium.
 - c. Church, Synagogue.
 - d. Club, fraternity, association or lodge.
 - e. Heliport, public or private.
 - f. Museum.
 - g. Park or Playground.
 - h. Recreational Facilities (Outdoor).
 - i. School, Academic.
 - j. Spa Services.
 - k. Reserved.
 - l. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.
 - m. Wholesale Establishment.
 - n. Wireless Tower.

D. *District Regulations.*

Minimum Lot Area—the planned development shall occupy a total of at least 10 acres. No minimum lot size is required for each building or related development site within the overall development.

Minimum Lot Width—none.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—50 feet.

From right-of-way of all other streets—65 feet.

Side yard—15 feet.

Rear yard—15 feet.

Maximum Coverage By Principal Buildings—40%.

Maximum Building Height—40 feet.

E. *Screening and buffers (See Sec. 2.3.5).*

F. *Review Criteria.* The PSC district is intended to promote specific objectives. Therefore, the following shall be considered when reviewing a PSC master plan:

1. Pedestrian connectivity to all uses.
2. Large parking areas below grade, in decks or screened. Design efforts to provide shared parking will also be considered.
3. Accommodations for public transportation.
4. Buildings that face or appear to face public roadways.
5. Appearance standards for buildings and structured parking.
6. Limitations on uninterrupted building elevations.
7. Creation of vistas and view corridors within development.
8. Focal point features at prominent locations and ends of vistas.
9. Incorporation of natural site features.
10. Block lengths conducive to pedestrian traffic.
11. Detention and retention facilities designed to be aesthetically pleasing.
12. Creative methods for stormwater management to provide additional open space.
13. Attractive and usable street furniture in public spaces.
14. Emphasis on a high quality landscape plan.

([Ord. No. 715](#), § 2, 9-28-2015; [Ord. No. 718](#), §§ 3, 4, 12-14-2015; [Ord. No. 741](#), § 4, 6-5-2017; [Ord. No. 744](#), §§ 2, 4, 6, 7-10-2017; [Ord. No. 767](#), §§ 1—3, 10-22-2018)

2.2.17 L-I industrial.

A. *Permitted Principal Uses.* A property in the L-I district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. Agricultural and Residential Uses.
 - a. Greenhouse, Nursery.
2. Business Uses.
 - a. Animal Hospital, small and large animals.
 - b. Art Gallery.
 - c. Automobile Service Station.
 - d. Automotive Parts.
 - e. Automotive Sales and Leasing.
 - f. Automotive Service.
 - g. Bakery.
 - h. Bank, Savings and Loan.
 - i. Book Store.
 - j. Bowling Alley.
 - k. Brewery.
 - l. Broadcasting Studio (radio or TV).
 - m. Building Materials with Outdoor Storage.

- n. Building Materials, Retail with enclosed storage.
- o. Car Wash.
- p. Carpenter Shop, Woodworking.
- q. Carpet and Rug Sales.
- r. Check Cashing.
- s. Church, Synagogue.
- t. Commercial Parking Lot.
- u. Congregate Housing.
- v. Contractor's Office with and without outside storage.
- w. Convenience Market with or without gas pumps.
- x. Dance Studio.
- y. Day Care Center.
- z. Discount Store.
- aa. Distillery.
- bb. Drug Store.
- cc. Dry Cleaning Pick-up Station.
- dd. Fireworks Sales.
- ee. Funeral Home.
- ff. Greenhouse, Nursery.
- gg. Grocery Store.
- hh. Hardware and Garden Center.
- ii. Home, Elderly, Children, Nursing.
- jj. Heliport.
- kk. Home Improvement Store.
- ll. Kennel.
- mm. Laboratory, Research or Commercial.
- nn. Laundry, Self-Serve, Pick-up.
- oo. Liquor Store.
- pp. Massage Therapy (see Sec. 2.7).
- qq. Office Building or Office Park.
- rr. Pawn Shop.
- ss. Pest Control.
- tt. Pet Day Care.
- uu. Pet Grooming.
- vv. Print Shop.
- ww. Radio or TV, Transmitter or Studio.
- xx. Recreation Facilities (Indoor).

- yy. Rental Services Establishment with outside storage.
- zz. Rental Services Establishment without outside storage.
- aaa. Restaurant.
- bbb. Restaurant, Drive-In or Fast-Food.
- ccc. Retail Sales and Services Establishments not otherwise listed for this zoning district as a permitted or conditional use.
- ddd. Retail Establishment, Mixed Sales.
- eee. Shop or Studio, Craftsman/Artist.
- fff. Small Appliance Repair Shop.
- ggg. Smoke Shop and Tobacco Store.
- hhh. Spa Services.
- iii. Storage, Inside.
- jjj. Tattoo Parlor, Body Piercing.
- kkk. Taxidermist.
- III. Tire Retreading.
- mmm. Vehicle for Hire Company.
- 3. Wholesale, Storage and Industrial Uses.
 - a. Bottled Gas, storage and distribution.
 - b. Builder's Equipment.
 - c. Concrete Plant.
 - d. Dry Cleaning Plant.
 - e. Locker, Frozen Food or Cold Storage.
 - f. Machine Shop.
 - g. Manufacturing, Light.
 - h. Mini-Warehouse.
 - i. Septic Tank Sales, Construction.
 - j. School, Commercial.
 - k. Storage, Outside.
 - l. Warehouse.
 - m. Welding Shop.
 - n. Wholesale Trade Establishment.
- 4. Semipublic Uses, Utilities.
 - a. Athletic Facility—Outdoor.
 - b. Amphitheater.
 - c. Auditorium.
 - d. Park or Playground.
 - e. Hospital.

- f. School, Academic.
 - g. Switching Station, Telecom.
- B. **Accessory Uses.** A property in the L-I district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

Permitted accessory structures and uses include but are not limited to the following:

 - 1. Privacy and decorative fences and walls.
 - 2. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
 - 3. Signs, subject to all of the requirements regulating signage herein.
 - 4. Retaining walls and other site improvement structures approved as part of the development permit.
- C. **Conditional Uses.** When reviewing a conditional use, consideration shall be given to factors associated with the use including, but not limited to, the following:
 - 1. Site design.
 - 2. Property access.
 - 3. Hours of operation of the business.
 - 4. Vehicular trips generated by the use.
 - 5. Impact of the use on surrounding properties.
 - 6. Impact of the use on the natural features of the site.

A property in the L-I district may be used for any of the following only upon approval as a conditional use by the City Council:

1.0 *Business Uses.*

- a. Adult Entertainment Establishment (see Sec. 2.7).
- b. Airport, Public/Private.
- c. Boutique Hotel.
- d. Extended Stay Hotel.
- e. Golf Driving Range.
- f. Glass Fabrication.
- g. Taxidermist.
- h. Tire Retreading.
- i. Theater, Cinema.

2.0 *Wholesale, Storage and Industrial Uses.*

- a. Asphalt Plant.
- b. Dry Cleaning Plant.
- c. Concrete Plant.
- d. Indoor Shooting Range (see Sec. 2.7).
- e. Junk or Salvage Yard.

- f. Laundry Industrial.
- g. Manufacturing, Heavy.
- h. Power Station.
- i. Recycling Center.
- j. Salvage Yard.
- k. Sawmill.
- l. Sewage Disposal Plant.
- m. Transfer Station.

3.0 *Semipublic Uses, Utilities.*

- a. Airport, public or private.
- b. Reserved.
- c. Church, Synagogue, or other religious institutions.
- d. Museum and Library.
- e. Power Station.
- f. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.
- g. Wireless Tower.

4.0 *Transfer Station.* Any facility associated with waste or a facility used to transfer solid waste from one transportation vehicle to another for transportation to a disposal facility or processing operation.

4.1 *General Standards.*

- a. No access to transfer station facility shall be allowed from streets that primarily access residential developments;
- b. Access streets shall be paved and shall be able to withstand maximum load limits established by the State of Georgia as approved by the Engineering Director;
- c. No portion of a new transfer station shall be located within a three-mile radius of the property lines of an existing transfer station;
- d. A minimum 200 foot undisturbed buffer and ten-foot improvement setback shall be required along all property lines except public rights-of-way;
- e. A minimum 50 foot buffer and ten-foot improvement setback shall be required along all public rights-of-way;
- f. A minimum six foot high solid fence or wall shall be located on property lines or interior to the required buffers and improvement setback;
- g. Operation of the facility shall be limited to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday; 9:00 a.m. to 7:00 p.m., Saturday; 12:00 p.m. to 5:00 p.m., Sunday (for routine maintenance and other non-operational facility activities).
- h. Only municipal solid waste is accepted at the facility. No treated or untreated regulated medical waste, treated and destroyed medical waste or asbestos waste debris shall be accepted;
- i. All solid waste is removed from the transfer station within 24 hours of receipt;
- j. A transfer station with permanent operating mechanical equipment must have an attendant on duty whenever the facility is open;

- k. The facility shall be designed and constructed in a manner to ensure that odor will not be emitted from the site;
- l. The transfer facility must be cleaned at least once every 24 hours;
- m. The entrance and exit shall be cleaned at a frequency which prevents the tracking or off-site migration of waste materials;
- n. The operator shall take adequate measures to minimize the creation, emission, or accumulation of excessive dust and particulates;
- o. The operator shall take adequate steps to control or prevent the propagation, harborage and attraction of pests;
- p. All floors must be free from standing water. All drainage from cleaning areas must be discharged to sanitary sewers, authorized cleaning areas must be discharged to sanitary sewers, authorized sanitary waste treatment facilities, or a corrosion-resistant holding tank;
- q. The facility shall provide fire suppression equipment as directed by the City of Alpharetta Fire Department;
- r. All solid waste passing through the transfer station must be ultimately treated or disposed of at an authorized facility;
- s. The transfer station must have adequate storage space for incoming solid waste;
- t. Operational records must be maintained at facilities with permanent operating mechanical equipment. These records must include a daily log of the quantity of solid waste received and transported, specifying the origin by hauler and the destination of the solid waste transported daily;
- u. The facility shall not generate more than 150 total vehicle trips per day;
- v. An annual report must be submitted to the Community Development Department which summarized the information gathered in (t), above;
- w. The facility shall be developed, operated and maintained in a safe, nuisance-free manner; and
- x. The facility and its operation must be in compliance with GA EPD requirements.

4.2 *Additional Permit Application Requirements.*

- a. Application requirements. An application for a solid waste transfer station permit must confirm to the requirements set forth herein. Applications for initial permits to construct and operate a solid waste transfer station must include the following:
 - (1) Regional plan or map. The regional plan or map must delineate the service area of the proposed transfer station.
 - (2) Site plan. The site plan must include:
 - (a) Site conditions and projected site utilization, including all site structures (such as buildings, fences, gates, entrances and exits, parking areas);
 - (b) Property boundaries, access roads, the locations of all surface water bodies, and 100-year floodplain boundaries;
 - (c) All proposed structures and areas designated for unloading, sorting, storage, and loading, including dimensions, elevations and floor plans of these structures and areas, and the general process flow; and
 - (d) Adjacent properties, including the location of public and private water supplies on these properties.
 - (3) Engineering report. The engineering report must include:

- (a) A description of the general operating plan for the proposed facility, including the origin, composition, and expected weight or volume of all solid waste to be accepted, the maximum time any such waste will be stored, where all waste will be disposed of, and the proposed capacity operating hours, and the expected life of the facility;
- (b) A description of all machinery and equipment, including the design capacity;
- (c) A proposed transfer plan specifying the transfer route, the number and type of transfer vehicles to be used, and how often solid waste will be transferred to the disposal site;
- (d) A description of the facility's drainage system and water supply system; and
- (e) A contingency plan that details an alternative solid handling system for periods when not operating, or for delays in transporting solid waste due to undesirable conditions, such as delivery of unauthorized waste, fires, dust, odor, vectors, unusual traffic conditions, equipment breakdown or other emergencies.

4.3 *Design Standards.* All transfer stations must meet minimum design requirements as follows:

a. Unloading and loading areas.

- (1) The unloading area must be adequate in size and design to facilitate efficient unloading from the collection vehicles and the unobstructed movement of vehicles;
- (2) The unloading and loading pavement areas must be constructed of concrete or asphalt paving material and equipped with adequate drainage structures;
- (3) Processing, tipping, sorting, storage, and compaction areas must be located within an enclosed building;
- (4) Provisions must be made for weighing or measuring all solid waste transferred to the facility;
- (5) Sufficient internal storage areas must be provided for incoming solid waste;
- (6) Exhaust removal systems must be installed in enclosed areas; and
- (7) The facility must be designed to accommodate expected traffic flow in a safe and efficient manner.

4.4 *Expansion or Modification of Existing Facilities.* No transfer station facility existing as of 12/06/04 may make modifications which require a permit, make changes that require a permit modification from the GA EPD or increase the square footage of any buildings on site without City Council approval. When reviewing modification or expansion plans, the Council may consider the extent to which the proposed modification or expansion meets the standards established in Sections 4.1 and 4.3, herein; however, any existing buildings which do not meet setback requirements shall be considered non-conforming and shall remain, but may not be expanded with regard to the setback non-conformity pursuant to UDC Sec. 2.4.2.

D. *District Regulations.*

Minimum lot size—one acre.

Minimum Lot Width—none.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—50 feet.

From right-of-way of all other streets—65 feet.

Side yard—15 feet.

Rear yard—15 feet.

Maximum Coverage By Principal Buildings—35%.

Maximum Building Height—35 feet.

Development on property over 25 acres in size requires masterplan approval through a Public Hearing process.

E. *Screening and buffers* (See Sec. 2.3.5).

([Ord. No. 708](#), § 1, 8-10-2015; [Ord. No. 715](#), § 3, 9-28-2015; [Ord. No. 718](#), §§ 7, 10—12, 12-14-2015; [Ord. No. 741](#), §§ 2, 3, 6-5-2017; [Ord. No. 744](#), §§ 2, 3, 5, 6, 7-10-2017)

2.2.18 OSR open space and recreational.

A. *Permitted Principal Uses.* A property in the OSR district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. Semipublic Uses, Utilities.
 - a. Community Center.
 - b. Park or Playground.

B. *Accessory Uses.* A property in the OSR district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

Permitted accessory structures and uses include but are not limited to the following:

1. Privacy and decorative fences and walls.
2. Clubhouse, swimming pool, tennis courts or other community recreation facilities.
3. Vehicle access and public parking areas.
4. Signs, subject to all of the requirements regulating signage herein.
5. Retaining walls and other site improvement structures approved as part of the development permit.

C. *Conditional Uses.* A property in the OSR district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Semipublic Uses, Utilities.
 - a. Amphitheater.
 - b. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

D. *District Regulation.*

Minimum Lot Size—none.

Minimum Lot Width—none.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—50 feet.

From right-of-way of all other streets—65 feet.

Side yard—15 feet.

Rear yard—30 feet.

Maximum Coverage By Principal Buildings—20%.

Maximum Building Height—75 feet.

Screening and buffers—none.

2.2.19 SU special use.

A. *Permitted Principal Uses.* A property in the SU district may be used for any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. Business Uses.

- a. Golf Course, Golf Driving Range.
- b. Golf, Miniature.

2. Semipublic Uses, Utilities.

- a. Airport.
- b. Club, association or lodge.
- c. Equestrian Center.
- d. Fire Station.
- e. Golf Course.
- f. Heliport, Public/Private.
- g. Library.
- h. Hospital.
- i. Municipal facilities.
- j. Museum.
- k. Park or Playground.
- l. Public Building.
- m. Recreation Facilities, Outdoor.
- n. School, Academic.
- o. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

B. *Accessory Uses.* A property in the SU district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

Permitted accessory structures and uses include but are not limited to the following:

1. Privacy and decorative fences and walls.
 2. Swimming pool, tennis court, patio and other recreation facilities.
 3. Clubhouse, swimming pool, or community recreation facilities serving a development.
 4. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
 5. Signs, subject to all of the requirements regulating signage herein.
 6. Retaining walls and other site improvement structures approved as part of the development permit.
- C. *Conditional Uses.* A property in the SU district may be used for any of the following only upon approval as a conditional use by the City Council:
1. Semipublic Uses, Utilities.
 - a. Cemetery.
 - b. Church, Synagogue, or other religious institutions.
 - c. Prison.
 - d. Wireless Tower.

D. *District Regulations.*

Minimum Lot Size—none.

Minimum Lot Width—none.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—50 feet.

From right-of-way of all other streets—65 feet.

Side yard—10 feet.

Rear yard—10 feet.

Maximum Coverage By Principal Buildings—70%.

Maximum Building Height—40 feet.

Screening and buffers—Where a property in this district abuts a residential use or zoning district, a 50 foot wide buffer strip shall be provided along the abutting property lines, in addition to the minimum setback requirements.

([Ord. No. 744](#), § 6, 7-10-2017)

2.2.20 MU mixed use district.

This district is intended to allow for the development of a mix of uses within the framework of a master plan. The district regulations are intended to allow greater design flexibility in order to accommodate a pedestrian focused environment that provides opportunities for living, working, shopping, recreation and entertainment.

A. *Applicability.* This zoning district is applicable to properties located within:

1. Areas that are primarily non-residential in character; or
 2. Along major roadways that are primarily commercial in character; or
 3. Historic Downtown Alpharetta; or
 4. As noted in the Comprehensive Land Use Plan.
- B. *Permitted Principal Uses.* A property in the MU district may be used only for those uses approved as part of the conditions of approval of the MU zoning on the property and as further limited below.
1. *Dwelling, attached or detached:* At least 25% of the MU development shall be utilized as residential dwellings. Land use calculations shall utilize gross floor area for vertical mix of uses and land area for horizontal mix of uses.

Dwelling, 'For-Rent' and 'For-Sale' units shall require conditional use approval as set forth in Table 2.2.
 2. *Commercial:* At least 10% of the MU development shall be utilized as commercial uses (as approved in the MU master plan). Land use calculations shall utilize gross floor area for vertical mix of uses and land area for horizontal mix of uses.
 3. *Open Space:* MU developments shall incorporate the following amounts and types of open space:
 - a. *All developments:* A minimum of 10% of the gross land area shall be designed for use as civic space in conformance with Sec. 2.10.10.C of the North Point Overlay.
 - b. *Developments with residential uses:* In addition to the requirements of "a" immediately above, each MU development containing residential uses shall provide a minimum of one acre of open space/100 population generated by residential uses. Household size shall be calculated using the most current US Census data for the City of Alpharetta. This requirement shall not apply in the North Point Overlay, where alternate standards apply.
 4. *Office/Institutional:* At least 25% of the MU development shall be utilized for office buildings. Land use calculations shall utilize gross floor area for vertical mix of uses and land area for horizontal mix of uses.
 5. Redevelopment projects that incorporate existing buildings and do not conform to the dwelling, commercial, or office/institutional percentages set forth in "1","2" or "4" above (prior to redevelopment) are not subject to said requirements when all of the following are met:
 - a. At least 75% of the total existing floor area remains after redevelopment; and
 - b. The total floor area of new construction does not exceed the total floor area of existing buildings to remain; and
 - c. The redevelopment does not increase the degree of non-conformity with regards to the percentages set forth in "1"," 2" or "4" above.

As determined by City staff, uses shall be calculated using one of the following methods:

Horizontal Mixed Use: Land Use Land Area (acres)/Total MU Land Area (acres) = % Land Use of MU Development

Example: 25 acres of Residential Land Use/100 acres of MU Land Area = 25% Residential Land Use of MU Development

Vertical Mixed Use: Land Use Gross Floor Area (square feet)/Total Gross Floor Area of All MU Development (square feet) = % Land Use of MU Development

Example: 25,000 SF of Commercial Land Use/100,000 SF for All Vertical Development = 25% Commercial Land Use of MU Development

Combination of Horizontal and Vertical Mixed Use:

Land Use Gross Floor Area (square feet)/Total Gross Floor Area of All MU Vertical and Horizontal Development (square feet) = % Land Use of MU Development

Example: [25,000 SF of Vertical Commercial Land Use + 25,000 SF of Horizontal Commercial Development]/200,000 SF for All Vertical and Horizontal Development = 25% Commercial Land Use of MU Development

- C. *Conditional Uses.* A property in the MU district may be used for those uses listed below and in Table 2.2, as well as, any additional uses included in the conditions of approval for the MU zoning on the property. Conditional uses not included in the master plan shall require a public hearing by the Planning Commission and approval by the City Council.

1. *Residential Uses:*

- a. Dwelling, Group (assisted living facility, progressive care facility).
- b. Dwelling, 'For-Rent'.
- c. Dwelling, 'For-Sale', Attached and Detached.
- d. Bed and Breakfast.

2. *Commercial Uses:*

- a. Bank, Savings & Loan.
- b. Boutique Hotel.
- c. Brewery.
- d. Contractor's Office (no on site storage).
- e. Day Care Center.
- f. Distillery.
- g. Entertainment Venue (jazz club, comedy club, dinner theater, etc.).
- h. Hotel/Motel.
- i. Liquor Store.
- j. Outdoor/Indoor Recreation Facilities.
- k. Religious Institution.
- l. School, Commercial.
- m. Spa Services.
- n. Theater, Cinema.
- o. Grocery Store (max. 50,000 SF in the North Point Overlay).
- p. Drug Store (Pharmacy).
- q. Hardware Store (max. 50,000 SF in the North Point Overlay).

3. *Semipublic Uses, Utilities:*

- a. Athletic Facilities.
- b. Public Building.
- c. School, Academic.

- D. *District Regulations.*

Minimum Lot Size: The minimum area permitted to be zoned for an MU development is 25 acres.

Maximum Density of Dwelling Units: The MU master plan shall establish maximum density for each area within the development. Density for all residential units combined shall not exceed eight (8) dwelling units/acre, except when City Council approves greater density by conditional use in the North Point Overlay. Density shall be calculated based on the gross acreage of the entire MU master plan.

Development Standards: Regulations governing lot size, lot width, setbacks, principal building coverage, floor area of dwelling unit, and height shall be established for each area within the MU master plan and approved through the public hearing process.

Maximum Impervious Area: 80% for the entire MU development.

Civic Space: See Sec. 2.20.B.3.

Open Space: Open space may include residential recreational amenities. However, at least 50% of the required open space shall be provided in passive land area(s).

- E. *Review Criteria.* The MU district is intended to promote specific objectives. Therefore, the following shall be considered when reviewing an MU master plan:
1. Retail, restaurant, office, and personal service uses at ground level.
 2. Pedestrian connectivity to all uses.
 3. Large parking areas below grade, in decks or screened. Design efforts to provide shared parking will also be considered.
 4. Accommodations for public transportation.
 5. Buildings that face or appear to face public roadways.
 6. Appearance standards for buildings and structured parking.
 7. Limitations on uninterrupted building elevations.
 8. Creation of vistas and view corridors within development.
 9. Focal point features at prominent locations and ends of vistas.
 10. Incorporation of natural site features.
 11. Block lengths conducive to pedestrian traffic.
 12. Detention and retention facilities designed to be aesthetically pleasing.
 13. Creative methods for stormwater management to provide additional open space.
 14. Attractive and usable street furniture in public spaces.
 15. Emphasis on a high quality landscape plan.
 16. Number of office jobs internally captured on-site.
- F. *Time Linkage/Concurrency.* In order to ensure that the objectives of MU district are met and development occurs which incorporates a mix of uses, a development phasing strategy or time line shall be established for each MU project, subject to the following:
1. *Open Space and Civic Space.* No certificate of occupancy for any use shall be issued until a proportional amount of required open space and civic space has been installed.

Furthermore, when reviewing the phasing strategy or timeline, the City Council may link the issuance of other permits and/or certificates of occupancy for a portion of the development with the completion of other portions of the development.

([Ord. No. 702, § 1\(Exh. A\), 3-2-2015](#) ; [Ord. No. 732](#) , § 1, 2-6-2017; [Ord. No. 741](#) , § 4, 6-5-2017; [Ord. No. 744](#) , § 2, 7-10-2017; [Ord. No. 749](#) , §§ 2, 3, 9-18-2017; [Ord. No. 767](#) , § 4(Exh. A), 10-22-2018)

Table 2.1 List of Development Standards

District	Lot Area	Lot ^B Width	Front Yd. Set Back (ft.) ^F	Side Yards (ft.)	Corner Side Yards (ft.)	Rear Yards (ft.)	Total Bldg. Coverage	Max. Ht. In (ft.)	Min. Flr. Area in Sq. Ft.	Max. Impervious Area ^A
AG	5 acres	200	50' local street 65' all other streets	25	35	50	25%	35	1,800	40%
RE	3 acres	100	50'/65'	25	35	50	25%	35	1,800	40%
R ^E	One acre	100	50'/65'	25	35	50	25%	35	1,800	50%
R-22 ^E	22,000 sq. ft.	100	35' local street 65' all other streets	25	35	30	25%	35	1,500	50%
R-15 ^E	15,000 sq. ft.	100	35' local street 65' all other streets	10	20	25	25%	35	1,500	50%
R-12 ^E	12,000 sq. ft.	80	30' local street 65' all	10	20	30	25%	35	1,500	50%

O-P	30,000 sq. ft.	NONE	50' local street 65' all other streets	15	50' local street 65' all other streets	15	40%	40		70%
O-I ^D	25 acres	None	50/65	15	50/65	15	40%	40		70%
C-1	30,000 sq. ft.	NONE	50' local street 65' all other streets	15	50' local street 65' all other streets	15	45%	35		80%
C-2	NONE	NONE	Cond.	Cond.	Cond.	10	70% 90% DT Overlay	40		90% (95% DT Overlay)
PSC ^D	10 acres	NONE	50/65	15	50/65	15	40	40		80%
L-I	One acre	NONE	50' local street 65' all other streets	15	50' local street 65' all other streets	15	35%	35		80%
OS & R	NONE	NONE	50/60	15	50/65	30	20	75	NONE	NONE
SU	NONE	NONE	50/65	10	50/65	10	70%	40		80%
MU	25 acres	Cond.	Cond.	Cond.	Cond.	Cond.	Cond.	Cond.		80%

A - Includes surface or deck parking.

B - Minimum lot width at setback line per unit.

C - Side yard set back from project boundaries and building groupings.

D - Area regulations conditional and are subject to a master plan.

E - All minimum lot sizes as noted are allowable if served by sanitary sewer. If sanitary sewer is not available to the property, then Fulton County Health Department (lot size) regulation shall apply for septic tank approval.

F - Tree save areas may overlap the building lot and building setback area. Such tree save areas must be identified on the land disturbance permit and dedicated on the final plat for permanent preservation.

([Ord. No. 718](#), § 13(Exh. A), 12-14-2015; [Ord. No. 732](#), § 1, 2-6-2017)

TABLE 2.2 LIST OF PERMISSIBLE AND CONDITIONAL USES																					
On the following table, an open circle "O" means that the use will be permitted in that district only if a Conditional Use Permit is granted by the City Council. An "X" means that the use is permitted in the zone district subject to the general provisions of the Unified Development Code. For uses not included in this list or when the Director of Community Development is unable to determine placement, application shall be made to the Board of Appeals for interpretation.																					
USES	A G	R E R	R- 2 2	R- 1 5	R- 1 2	R- 1 0	R- 4 A	R- 4 D	R- 8A/ D	R- 10 M	CUP *	OI *	O P	C - 1	C - 2	PS C	L I	OS -R	S U	M U	
Adult Entertainment Establishment																	O				
Airport, Public/Private	O										O						O		X		
Amphitheater											O	O					X	O	X		
Animal Hospital, Small Animal (Veterinarian)	O										O			O	O	O	X				
Animal Hospital, Large Animal	O																X				
Art Galleries											O	O	O	X	X	O	X			O	

Asphalt Plant																		O			
Associations, (Clubs and Lodges)	O			O	O	O	O	O	O	O	O	O	O	O	X	X	O			X	
Athletic Facilities/Fitness Studio	O											O	O	O	X	X	O	X			O
Auditorium	O											O	O	O	O	O	O	X			
Auto Sales and Leasing (Trucks, Vans, Cars and Accessories)												O				O		X			
Automotive Parts												O				O	X	O	X		
Automotive Service												O				X	O	X			
Bakery												O	O	O	X	X	O	X			O
Bank, Savings and Loan, Mortgage Company												O	O	X	X	X	O	X			O
Barber Shop												O	O	X	X	X	O				O
Beauty Shop												O	O	X	X	X	O				O
Bed and Breakfast	X	O	O	O	O						X	O		X	X	X					O
Book Store or Stationery												O	O		X	X	O	X			O
Bottle Gas Storage and Distribution																		X			

Boutique Hotel													O	O			O	O	O				O
Bowling Alley													O	O			X	O	X				
Brewery													O	O		O	O	O	X				O
Broadcasting Studio (Radio and TV)	O												O				X		X				
Builder's Equipment/Material	O												O				X		X				
Car Wash														O			O	O	X				
Carpenter Shop, Woodworking	O																		X				
Carpet and Rug Sales																	X	X	O	X			
Cemetery	O																					O	
Check Cashing																	O	O		X			
Church, Synagogue	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	X		O	O
Clinic, Public/Private													O	O	X	X	X	O					O
Concrete Plant																			O				
Congregate Housing, Assisted Living Facility												O	O	O		O	O		X				O

Dwelling, Group													O	O	O		O	O						O
Equestrian Center	O	O	O	O	O									O									X	O
Extended Stay Hotel (see Section 2.7)														O	O			O		O				
Family Day Care Home (accessory use)	X	X	X	X	X	X	X	X	X	X	X	X	X	O										
Farmlands (including Livestock, poultry)	X																							
Fire station														O	O								X	
Fireworks Sales																				X				
Florist, Retail														O	O	O	X	X	O					O
Florist, Retail with greenhouse																		O	O					
Funeral Homes with no cemetery or mausoleum														O	O		O	O	O	X				
Glass Fabrication																				O				
Golf Course, Driving Range	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O								X	
Golf, Miniature														O	O		O	O	O					
Greenhouse, Nursery	O																O		X					

Grocery Store														O				O	X	O	X				O
Group Home, Special Care Home (accessory use)	X	X	X	X	X	X	X																		
Hardware and Garden Supply Store														O				X	X	O	X				O
Heliport, Public/Private	O													O	O					O	X		X	O	
Home Improvement Store																		X	O	X					
Home-Elderly, Children, Nursing													O	O	O			X	X		X				
Hospital														O	O			O	X		X		X		
Hotel or Motel														O	O			O	O	O					O
Indoor Shooting Range																					O				
Junk Yard																					O				
Kennel	O																				X				
Laboratory, Research Commercial														O	O						X				
Laundry, Industrial														O							O				

Laundry, Self-Serve, Pick-Up												O			X	X	O	X			
Limousine Service and Taxi (with or without outside vehicle storage)																O		X			
Liquor Store												O	O		O	X	O	X			O
Locker, Frozen Food or Cold Storage												O						X			
Machine Shop																		X			
Manufacturing, Heavy, General																		O			
Manufacturing, Light, Limited												O	O					X			
Massage Therapy															O			X			
Mini-warehouse Storage, Conditioned or Unconditioned space																		X			
Museum and Libraries												O	O		X	X	O	X		X	O
Nail Salon												O	O		X	X	O	X			O
Office												O	O	X	X	X	O	X			O
Outdoor Recreational Facilities												O	O		O	O	O	X		X	O

(Commercial) (Playfields, etc.)																						
Park and Playground	X	X	X	X	X	X	X	X	X	X	X	O	O	X	X	X	O	X	X	X	O	
Parking Lot, Commercial												O	O		O	X	O	X				
Pawn Shop																		X				
Pest Control Business (with or without onsite chemical storage)															O	O		X				
Pet Day Care												O			X	X	O	X				
Pet Grooming												O			X	X	O	X			O	
Power Station												O						O		O		
Print Shop												O	O	X	X	X	O	X			O	
Prison																				O		
Public Building												O	O	X	X	X	O	X		X	O	
Radio, TV, Transmitter, Studio	O											O	O			O	O	X				
Recreation Facilities, Indoor (Health Clubs, Bowling Alleys, Skating Rink, Billiards, Children's event facilities, etc.)												O	O			X	O	X			O	

Recycling Center																	O			
Rental Services Establishment with no outside storage											O				O	X	O	X		
Rental Services Establishment with outside storage (other than auto related)																		X		
Restaurant											O	O	O	X	X	O	X			O
Restaurant w/Drive-thru window											O	O		O	X	O	X			
Retail Establishment											O	O		X	X	O	X			O
Retail Establishment (Mixed Sales)											O			O	X	O	X			
Salvage Yards																	O			
Sawmill																	O			
School, Academic											O	O	O	X	X	O	X		X	O
School, Commercial (Beauty, Business)											O	O	O	X	X	O	X			O
Septic Tank, Sales, Construction																	X			

Service Station, Automotive													O	O			X	O	X			
Sewage, Disposal Plant																			O			
Shop or Studio, Craftsman/Artist													O		O	X	X	O	X			
Small Appliance Repair Shop																O			X			
Smoke Shop and Tobacco Store																O	O		X			
Spa Services													O	O	O	O	O	O	X			O
Storage, Inside																			X			
Storage, Outside																			X			
Switching Station (Telecom)													O						X			
Tattoo Parlor and Body Piercing																			X			
Taxidermist	X																		O			
Theater, Cinema													O	O		X	X	O	O			O
Tire Retreading																						
Transfer Station																			O			
Utility Substation	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	X	
Welding Shop																			X			

Wholesale (storage and distribution)													O						O	X				
Wireless Tower (subject to approval of conditional use permit in accordance with Section 2.8.7)	O												O	O					O	O	O			O

([Ord. No. 671, § 1, 2-4-2013](#) ; [Ord. No. 675, § 1, 6-3-2013](#) ; [Ord. No. 692, § 1\(Exh. 1\), 7-21-2014](#) ; [Ord. No. 703, § 1, 6-1-2015](#) ; [Ord. No. 704, § 2, 6-1-2015](#) ; [Ord. No. 708, § 1, 8-10-2015](#) ; [Ord. No. 715, § 4, 9-28-2015](#) ; [Ord. No. 718, § 14\(Exh. B\), 12-14-2015](#) ; [Ord. No. 730, § 5, 12-5-2016](#) ; [Ord. No. 741, § 5\(Exh. A\), 6-5-2017](#) ; [Ord. No. 744, § 7\(Exh. A\), 7-10-2017](#) ; [Ord. No. 767, § 7\(Exh. C\), 10-22-2018](#) ; [Ord. No. 772, § 8\(Exh. A\), 2-4-2019](#))

* Uses under the CUP and OI Zoning Districts shall be permissible through an approved master plan amendment and statement of intent.

SECTION 2.2 a. CONDITIONAL USE REVIEW CRITERIA	
When reviewing a conditional use, consideration shall be given to factors associated with the use including, but not limited to, the following:	
1. Site design	4. Vehicular trips generated by the use
2. Property access	5. Impact of the use on surrounding properties
3. Hours of operation of the business	6. Impact of the use on the natural features of the site

Backyard Chickens



Residential Properties of *at least 1 Acre:*

-  AG - Agricultural
-  RE - Residential Estate
-  R - Residential
-  R-22 - Residential 22,000+ Sq. Ft Lot
-  R-15 - Residential 15,000+ Sq. Ft Lot

652 Total Properties



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: PH-20-03 UNIFIED DEVELOPMENT CODE AND CODE OF ORDINANCES TEXT AMENDMENTS – FLOODPLAIN MANAGEMENT, COMMERCIAL CAR WASH RECYCLING, & PRIVATE DECENTRALIZED WASTEWATER SYSTEMS

PLANNING COMMISSION: JUNE 4, 2020

CITY COUNCIL: JUNE 15, 2020

II. RECOMMENDATION:

Approve amendments to the Unified Development Code as it relates to Floodplain Management and amendments to the Code of Ordinances as it relates to Commercial Car Wash Recycling and Private Decentralized Wastewater Systems.

III. REPORT IN BRIEF:

Consideration of text amendments to Unified Development Code (UDC), Subsection 3.4.1(E)(1) General – Basis for Establishing Areas of Special Flood Hazard. Proposed amendments include:

From time to time, FEMA undertakes the task of updating its flood risk maps and studies to include new technology and better reflect the development of the area. Over the last year, FEMA has been working again to update maps in the county. This latest update does not include any changes to the floodplains inside city limits but does change the map and study dates. As a participant in the National Flood Insurance Program, Alpharetta is required to update our ordinance to reflect the date change. These date changes can be found in UDC Article III Section 3.4.1 E 1. One additional change is proposed for clarification of applicability. Since the Floodplain Ordinance applies to the entire city, the language in UDC Article III Section 3.4.1 C Applicability has been updated.

Consideration of text amendments to the Code of Ordinances, Article VIII to add Commercial Car Wash Recycling regulations and Article IX to add Private Decentralized Wastewater Systems regulations.

In 2001 the Georgia General Assembly created the Metropolitan North Georgia Water Planning District to develop comprehensive regional and watershed-specific water resource management plans to be implemented by local governments. In accordance with the June 2017 Water Resources Management Plan, Alpharetta is required to adopt policies, ordinances, and regulations that match the surrounding 15 counties and 93 municipalities that make up The District.

Car Wash Recycle Water Ordinance:

The Plan requires cities and counties to enforce recycling on at least 50% of water used by commercial conveyor car washes. The District has developed a model ordinance for local governments to adopt for this compliance. The ordinance presented here for adoption and approval is the model ordinance.

Private Decentralized Wastewater System Ordinance:

Private decentralized wastewater systems are defined as any privately owned wastewater collection, treatment, or disposal system that: (1) serves more than one residential lot or business, (2) has a daily flow in excess of 2,000 gallons, or (3) flows between more than one parcel or tract of land. In Alpharetta, these are regulated by Fulton County Wastewater (sewer system) or by Fulton County Department of Public Health (septic systems).

Per the Plan, each local government is required to adopt a private wastewater system ordinance that either prohibits private decentralized wastewater treatment systems or provides technical specifications for these systems. Even though Fulton County regulates these systems and includes provisions in their ordinance for private decentralized wastewater systems (Fulton County Code of Ordinances Chapter 82, Article III, Division 3, Section 82-194), the Plan still requires Alpharetta to adopt our own ordinance. The attached ordinance spells out Fulton County's role in collection, maintenance, treatment, and operation of the sanitary sewer system; Fulton County's role in the regulation of all septic systems in the County; and prohibits use of private decentralized wastewater systems unless meeting the requirements of Fulton County.

IV. ATTACHMENTS:

- UDC Strike Through and Underline Edits

UDC Article III Section 3.4.1 E1

Floodplain updates:

- E. *Basis for Establishing Areas of Special Flood Hazard.* Areas of Future-Conditions Flood Hazard and Associated Floodplain Characteristics - Flood Area Maps and Studies.

For the purposes of defining and determining "Areas of Special Flood Hazard," "Areas of Future - conditions Flood Hazard," "Areas of Shallow Flooding," "Base Flood Elevations," "Floodplains," "Future-conditions Flood Elevations," "Future-conditions Floodplains," potential flood hazard or risk categories as shown on FIRM maps, and other terms used in this ordinance, the following documents and sources may be used for such purposes and are adopted by reference thereto:

1. The Flood Insurance Study (FIS), dated ~~September 18, 2013~~ June 19, 2020, with accompanying maps and other supporting data and any revision thereto. For those land areas acquired by a municipality through annexation, the current effective FIS and data for Fulton County, dated ~~September 18, 2013~~ June 19, 2020, with accompanying maps and other supporting data and any revision thereto.
2. Other studies which may be relied upon for the establishment of the base flood elevation or delineation of the base or one-percent (100-year) floodplain and floodprone areas including:
 - a. Any flood or flood-related study conducted by the United States Army Corps of Engineers, the United States Geological Survey or any other local, State or Federal agency applicable to the City; and
 - b. Any base flood study conducted by a licensed professional engineer which has been prepared utilizing FEMA approved methodology and approved by the City.
3. Other studies which may be relied upon for the establishment of the future-conditions flood elevation or delineation of the future-conditions floodplain and flood-prone areas including:
 - a. Any flood or flood-related study conducted by the United States Army Corps of Engineers, the United States Geological Survey or any other local, State or Federal agency applicable to the City; and
 - b. Any future-conditions flood study conducted by a licensed professional engineer which has been prepared utilizing FEMA approved methodology approved by the City.
4. The repository for public inspection of the FIS, accompanying maps and other supporting data is located at the Public Works Department.

Section 3.4.1 C

Applicability. This ordinance shall be applicable to all ~~areas~~ Areas of Special Flood Hazard within the jurisdiction of the City.

ARTICLE VIII. – COMMERCIAL CAR WASH RECYCLING REQUIREMENTS

Sec. 8-190. – General Provisions.

Purpose and Intent – The purpose of this provision is to reduce water consumption from commercial car wash facilities by requiring all new conveyor car washes to install operational recycled water systems.

Applicability –

- a. This ordinance applies to all new conveyor car washes permitted and constructed after June 22, 2020, regardless of the water source.
- b. The provisions of this ordinance do not apply to conveyor commercial car washes that were permitted or constructed before June 22, 2020.
- c. The provisions of this ordinance do not apply to self-service car washes or in-bay car washes.

Sec. 8-191. - Definitions.

The following words and phrases, whenever used in this ordinance, have the meaning defined in this section:

In-bay automatic car wash – means a commercial car wash where the driver pulls into the bay and parks the car. The vehicle remains stationary while a machine moves back and forth over the vehicle to clean it, instead of the vehicle moving through the tunnel.

Conveyor car wash – means a commercial car wash where the car moves on a conveyor belt during the wash. The driver of the vehicle can remain in vehicle or wait outside of the vehicle.

Recycled water system – means a water system that captures, and reuses water previously used in wash or rise cycles.

Self-service car wash – means a commercial car wash where the customers wash their cars themselves with spray wands and brushes.

Sec. 8-192. – Commercial Car Wash Water Recycling Requirement.

All new commercial conveyor car washes, permitted and constructed after June 22, 2020, must install operational recycled water systems. A minimum of 50% of water utilized will be recycled.

Reserved Sec. 8-193-195 Reserved.

ARTICLE IX. – Private Decentralized Wastewater Systems.

Sec. 8-196. – General Provisions.

- a. All sanitary sewer collection, maintenance and treatment in the city is owned and operated by Fulton County.
- b. Use of private decentralized wastewater systems by multiple property owners and construction or reconstruction of private decentralized wastewater systems capable of servicing multiple property owners is prohibited unless such private decentralized wastewater systems meet the requirements of Fulton County.
- c. Private decentralized wastewater systems shall be designed and constructed in accordance with plans and specifications required by Fulton County Ordinance and in compliance with the Fulton County Department of Health and Wellness Environmental Health Services Division regulations.

Reserved Sec. 8-197-200 Reserved.



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: PH-18-17 UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS – HISTORIC PRESERVATION INCENTIVE ZONING

PLANNING COMMISSION: JUNE 4, 2020

CITY COUNCIL: JUNE 22, 2020

II. RECOMMENDATION:

Approve text amendments to the Unified Development Code (UDC) related to the Historic Preservation Incentive Zoning Ordinance.

III. REPORT IN BRIEF:

Consideration of text amendments to Unified Development Code (UDC) Section 2.9 Historic Preservation Incentive Zoning.

Staff proposes UDC text amendments allowing 'parcel of land', not just structures, to be designated as historic. In addition, staff proposes an amendment allowing historic property plaques or markers to be made of a material other than 'bronze'.

IV. ATTACHMENTS:

- Strike Through and Underline Edits

SECTION 2.9 - HISTORIC PRESERVATION INCENTIVE ZONING

2.9.4 Recommendation and designation of historic properties.

A. Preliminary Research by HPC.

1. Survey of Local Historic Resources. The HPC shall compile and collect information on historic resources within the City, including the preparation and maintenance of an inventory of all property within the City having the potential for designation as historic. Records shall be maintained in accordance with the City's records management plan.
2. Recommendation for Historic Designation. Pursuant to the procedure provided herein for consideration of properties for designation as historic, the HPC shall present to the City Council recommendations regarding the designation of historic properties. Notwithstanding any other provision of the UDC or City Code to the contrary, the HPC, not the Planning Commission, shall make recommendations to the City Council regarding the designation of a historic property.
3. Documentation Supporting Recommendation for Designation of Historic Property. Prior to the HPC's recommendation to the City Council of a property to designate as historic, the HPC shall prepare a report for recommendation consisting of:
 - a. A detailed physical description of the proposed historic property; and
 - b. A statement of the historical, cultural, architectural, and/or aesthetic significance of the proposed historic property; and
 - c. A map showing the boundaries of the proposed property; and
 - d. A statement justifying the boundaries of the proposed property; and
 - e. Representative photographs of the proposed property.

B. Criteria for Designation of a Historic Property. In order to be designated a historic property, the property must be an individual building or parcel of land that meets the following criteria:

- a. Is of historic, cultural, aesthetic or architectural significance to the City, the region, the State, or the nation; or
- b. Possesses historic integrity (in terms of its location, design, setting, materials, workmanship, feeling, and association) for all periods related to the significance of the property; and
- c. Is deemed worthy of preservation (and the benefits available due to such status) by reason of value to the City, the region, the State, or the nation for one or more of the following reasons:
 - i. It is an outstanding example of a building representative of its era and over 75 years old;
 - ii. It is one of the few remaining examples of a past architectural style or type and over 75 years old; or
 - iii. It is a place associated with an event or person(s) of historic or cultural significance to the City, the region, the State, or the nation and over 75 years old.

([Ord. No. 712](#), § 1(Exh. A), 9-8-2015; [Ord. No. 738](#), § 2, 5-1-2017)

2.9.5 Incentives available to historic properties following designation.

Following designation by the City Council and subject to compliance with the regulations and provisions set forth in this Section 2.9 and any other applicable City, State or federal ordinances, statutes, laws, or regulations, owners of historic properties may utilize or are otherwise eligible for the following zoning incentives, construction code exemptions and other benefits, as applicable:

- A. Zoning and Development Incentives. The following zoning incentives and benefits are available to historic properties, as applicable:
 - 1. Permitted Residential Uses in C-1 and C-2 Districts. 'For-Sale' Dwelling is a permitted principal use for historic properties located within the C-1 and C-2 zoning districts.
 - 2. Permitted Mixed-Use.
 - a. Historic properties with non-residential principal use: May utilize up to 40% of the heated interior square footage of the principal building for a residential ('For-Sale' dwelling) use. The use of the residence is restricted to the property owner or tenant of the non-residential portion of the building.
 - b. Historic properties with residential principal use located in Downtown Alpharetta: May utilize up to 40% of the heated interior square footage of the principal building for a non-residential use, as listed below, provided no more than two (2) total employees and/or independent contractors, who do not also reside at the property, shall be allowed to work in the premises in connection with such non-residential use at any one time. No more than one (1) patron per 250 sq. ft. of gross floor area may patronize the non-residential space at any one time. Except as previously provided, the use of non-residential portion of the building is restricted to the property owner or tenant of the residence. Non-residential uses are limited to the following permitted uses:
 - i. Art gallery;
 - ii. Barber shop, with no more than two (2) chairs;
 - iii. Beauty shop, with no more than two (2) chairs;
 - iv. Bed and Breakfast;
 - v. Book store;
 - vi. Florist;
 - vii. Medical office, no surgery; and
 - viii. Professional office.
 - 3. Open Space and Amenity Space.
 - a. General. The area of a historic property incorporated into a development as a community amenity may be applied to and included as part of the minimum area required to be set aside as open space pursuant to regulations and requirements governing the CUP District, Conservation Subdivisions, and the Downtown Overlay District.
 - b. Permitted Uses. In addition to the uses allowed for an open space pursuant to the underlying zoning regulations or conditions of zoning, provided such use is not otherwise prohibited by this Section 2.9, the property may be used as a community amenity or amenity space for use by the occupants, licensees or guests of the development.

- c. Lot and Development Requirements. The minimum lot size of a historic property eligible for use as an amenity/open space shall be 4,500 square feet. The area of the historic property shall be designated on any required site plans and/or development plans, and shall be subdivided and platted as an individual lot of record on the final plat. To the greatest extent practicable, the layout of the development shall be designed in a manner that allows the historic property to serve as a focal point of the surrounding neighborhood and the community. Other development improvements should be planned and designed in a manner that provides maximum visibility of the historic property from public right-of-way exterior to the development or subdivision. The use of the historic property shall be restricted in perpetuity, or for such other term of years as required by the City, through the use of an approved legal instrument, as further set forth herein.
 - d. Additional Requirements - Permanent Protection of Historic Property. An applicant or owner seeking to utilize a historic property as an open space or amenity space shall be required to comply with the additional requirements regarding the ownership, preservation and maintenance of the historic property, including the execution and recording of an instrument providing for the permanent protection of the historic property, set forth in Paragraph F below.
 - 4. Setback Reduction.
 - a. Side setbacks required per the underlying zoning regulations may be reduced by up to 50%.
 - b. Rear setbacks required per the underlying zoning regulations may be reduced by up to 25%.
 - 5. Parking reduction. Parking for office and commercial uses may be reduced up to 50%. Historic properties within Downtown Alpharetta shall not be required to contribute to the Parking Fund as a result of parking reduction.
- B. Building, Construction and Property Maintenance Code Exemptions. Designated historic properties may be exempt from certain building, construction and property maintenance code regulations.
- 1. Building and Construction Code Exemptions. The following types of exemptions from building and construction code requirements and other regulations are available to certain historic properties based on the provisions of the subject code, as determined by the building official:
 - a. Exemptions from the International Energy Conservation Code;
 - b. Exemptions from and compliance alternatives to certain requirements of the International Building Code (2012 Edition) regarding the construction, repair, alteration, addition, restoration and movement of buildings or structures, and change of occupancy, provided the subject condition does not constitute a distinct life safety hazard;
 - c. Exemptions from certain flood hazard area requirements;
 - d. Exemptions from the International Fire Code (2012 Edition); and
 - e. Exemptions from (or compliance alternatives to) Americans with Disabilities Act (ADA) regulations and other related code regulations providing standards for accessibility.
 - 2. International Property Maintenance Code Exemptions. Compliance with requirements of the International Property Maintenance Code may not be mandatory for historic properties when such buildings or structures are determined to be safe and in the public interest of health, safety, and welfare by the code official.
- C. State and Federal Tax Incentive Programs. Several state and federal tax incentive programs are available to owners who rehabilitate historic properties listed, or certified as eligible for

listing, in the Georgia Register of Historic Places or National Register of Historic Places, as applicable, including the State Preferential Property Tax Assessment for Rehabilitated Historic Property, the State Income Tax Credit for Rehabilitated Historic Property, and the Federal Rehabilitation Investment Tax Credit (RITC). The HPC provides additional information regarding such programs. The provisions set forth in this Paragraph are provided for information purposes only and do not constitute any representation, commitment or assurance by the City regarding a property owner's qualification for such tax incentive programs or the continuation of such programs.

- D. Economic Incentives—Facade Grants. Subject to the City Council's adoption of an ordinance(s) providing for the appropriation of funding for the subject grant program and annual appropriations thereafter, historic properties are eligible to receive facade grants for the purpose of funding improvements for the preservation, restoration or rehabilitation of historic properties. In addition to meeting any and all other requirements of the City facade grant program for historic properties, as approved by the City Council, an owner of a historic property receiving facade grant funds shall be required to convey to the City a facade easement complying with the applicable requirements set forth in Paragraph F below. Further, any and all proposed improvements constituting a material change in the appearance of the historic property shall require the prior approval of a certificate of appropriateness by the HPC. Notwithstanding any other provision hereof to the contrary, nothing set forth in this Paragraph shall be deemed to create or confer any vested rights to such grant funds or create any obligation of the City to grant or otherwise appropriate funds for the aforementioned purposes. The City's award of facade grant funds in accordance with any facade grant program is subject to funding availability and, in accordance with O.C.G.A. § 36-30-3, any facade grant program may be terminated immediately and absolutely if the City determines that adequate funds are not appropriated or funds are de-appropriated such that the City cannot sufficiently fund the subject grant program, which determination is at the City's sole discretion and shall be conclusive.
- E. Other Available Benefits and Incentives. The following additional benefits and incentives are available to historic properties:
 - 1. Free Design Assistance from the HPC. The HPC provides pre-application technical and design assistance regarding proposed preservation, restoration and/or rehabilitation work and its conformance with the U.S. Secretary of the Interior's Standards and Guidelines to owners of historic properties applying for a building permit or seeking to rezone historic property to the TDR-HC Overlay District.
 - 2. ~~Bronze~~—Historic Property Plaque. The City will install a ~~bronze~~ plaque on or within the public right-of-way adjacent to each property designated as historic by the City Council.
- F.

([Ord. No. 712](#), § 1(Exh. A), 9-8-2015)

Proposed Historic Site

Historic Farm House Community

*Original Settlement of Alpharetta
(1828)*

Historic Trade Route

*From Lebanon Community
(near Roswell) into Forsyth County*

