



PLANNING COMMISSION MEETING FEBRUARY 4, 2021

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

I. CALL TO ORDER

a. Welcome New Commissioners

Dana Davis

Valerie Manley, Alternate

II. ROLL CALL

III. APPROVAL OF MEETING MINUTES

a. January 7, 2021 Meeting Minutes

IV. ITEMS FROM BOARD MEMBERS

V. ITEMS FROM STAFF

VI. PUBLIC HEARING

a. CLUP-21-01/Z-21-02/V-21-03 The 1858 Residential Subdivision

Consideration of a comprehensive land use plan amendment, rezoning and variances to allow for the construction of 11 'For-Sale' single-family detached homes on 1.68 acres in the Downtown. A comprehensive land use plan amendment is requested from 'Public, Institutional, Education' to 'Downtown Residential Density' and a rezoning is requested from O-I (Office-Institutional) and R-15 (Dwelling, 'For-Sale', Residential) to DT-R (Downtown Residential). Variances are requested to allow the alley to count toward the minimum lot size, to reduce stream buffers and to reduce side setbacks. The property is located at 0, 73, 89 and 109 Cumming Street and is legally described as being located in Land Lot 1253, 2nd District, 2nd Section, Fulton County, Georgia.

b. PH-21-03 UDC Text Amendments – Prerequisites for Public Hearing Requests

This item has been deferred by Staff until Thursday, March 4, 2021. It will not be discussed or considered at this meeting.

Consideration of text amendments to the Unified Development Code (UDC) Article IV Procedures, to add regulations requiring that all taxes be paid in-full and all outstanding code violations on the property be rectified prior to a request for public hearing.

c. **Z-20-05/CU-20-09/V-20-14 Alcovy Condominiums 82/92 Thompson Street**

This item has been deferred by the Applicant and will not be discussed or considered at this meeting.

Consideration of a rezoning from O-P (Office-Professional) and R-12 (Dwelling, 'For-Sale', Residential) to DT-LW (Downtown Live-Work) to allow for the construction of 12 'For-Sale' condominium units on 1.13 acres in the Downtown. A conditional use is requested to increase the residential density to 10.62 dwelling units per acre and a variance to allow a stream buffer encroachment. The property is located at 82 and 92 Thompson Street and is legally described as being located in Land Lot 748, 1st District, 2nd Section, Fulton County, Georgia.

VII. ADJOURNMENT



PLANNING COMMISSION MEETING JANUARY 7, 2021

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

Elle Taylor, Planning & Zoning Coordinator, called the meeting to order at 6:30 p.m.

a. Election of Officers for 2021

- ❖ Commissioner Attig nominated Francis Kung'u as Chair
 - Commissioner Perkins seconded the nomination
 - Commissioner Kung'u accepted the nomination
 - The nomination was approved (7-0)
- ❖ Commissioner Perkins nominated Fergal Brady as Vice- Chair
 - Commissioner Attig seconded the nomination
 - The nomination was approved (7-0)

II. ROLL CALL Members

- Francis Kung'u (Chair)
- Larry Attig
- Jamie Bendall (Alternate)
- Jill Bernard (Alternate)
- William Perkins
- Candy Waylock
- Martine Zurinskas
- Fergal Brady (Vice-Chair) (Absent)
- John Goss (Absent)

Staff Present

- Kathi Cook, Director of Community Development
- Michael Woodman, Senior Planner

- Ben Kern, Planner, GIS Specialist
- Elicia Taylor Planning and Zoning Coordinator

III. APPROVAL OF MEETING MINUTES

a. Planning Commission Minutes 11.5.20

❖ Commissioner Bendall offered a motion to approve

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

IV. ITEMS FROM BOARD MEMBERS

V. ITEMS FROM STAFF

VI. PUBLIC HEARING

a. CU-20-08 Peach Coffee Roasters/Henderson Commons

Michael Woodman, Senior Planner, presented consideration of a conditional use to allow a 'Restaurant, with drive-through' for Peach Coffee Roasters. The property is located at 735 North Main Street and is legally described as being located in Land Lot 1122, 2nd District, 2nd Section, Fulton County, Georgia.

Commissioner Attig recused himself due to real estate matters

Applicant presented :

- Response to Staff recommended conditions
- Desire to add more food options to this location
- Coffee is roasted on premise
- Desire to be open additional hours than what was submitted in the application

There was discussion from the Board

- Condition #2
- Staff stated Application was present as a coffee shop, not a restaurant. Staff would not support a restaurant because it would generate a higher number of trips.
- Condition #6 was based on request in the original application
- Condition # 7 requiring DRB approval. Staff explained that property owner had painted buildings without approval from DRB which is required in downtown. Applicant subsequently went to DRB but DRB did not approve what Applicant submitted and must return to DRB
- Applicant's response to Conditions
- Access points, egress, traffic

- Condition # 10 Right of way
- Highway 9 project
- Safety of traffic flow in front of building. Should there be a sidewalk or crosswalk?
- Greenspace, seating area

After discussion, the Planning Commission recommended approval subject to staff's recommended conditions and accepting some changes requested by the applicant

❖ Commissioner Zurinkas offered a motion to approve with the following conditions

- Commissioner Perkins seconded the motion
- The motion was approved (6-0-1)(Attig)

1. 'Restaurant w/Drive-Thru Window' shall be added as a conditional use at 735 North Main Street, Building A and limited to no more than 2,000 square feet.
2. Conditional use approval shall be limited to Peach Coffee Roasters, which is primarily a coffee shop; no additional 'Restaurant w/Drive-Thru Window' use or subleasing shall be permitted on the approved outparcel.
3. Building with drive-thru shall be substantially like the submitted architecture and materials, with final approval by DRB. New buildings shall be non-painted brick, with final approval by DRB.
4. Drive-thru lane shall be screened to car height along its east side with a row of taller growing evergreen shrubs, such as Hollies or Tea Olives.
5. Outside speakers shall not be audible from off-site properties.
6. Hours of operation shall be Monday – Sunday 6:00 AM – 10:00 PM.
7. Pots planted with ornamental trees and shrubs of various sizes and colors shall be provided along the frontage of the main shopping center building. Pots shall be of a material and color that is compatible with the shopping center, with final approval by DRB.
8. Developer shall assess and replace any dead, dying or missing required landscape material.
9. Developer shall provide a pedestrian connection from the Highway 9 sidewalk to the front door of the business, including adequate striping through the parking lot, as approved by Staff.
10. Developer shall provide right-of-way, if needed, for the GDOT Highway 9 project, including right-of-way and permanent and temporary easements. The landscape strip along Highway 9 shall be accommodated with the GDOT Highway 9 project and required landscaping removed as a result of the project shall be replaced at project completion.
11. Developer shall be allowed to install a code-compliant monument sign in front of the building with the drive-thru approved pursuant to CU-20-08. In addition, the existing monument sign may be removed and upon removal, one additional code-compliant monument sign may be installed on the Henderson Commons development, substantially as depicted on Exhibit C.

b. CU-21-01/V-21-01 C'est Vert Nails & Spa/55 Roswell Street

Michael Woodman, Senior Planner, presented consideration of a conditional use to allow 'Spa Services' associated with a nail salon for C'est Vert Nails & Spa. A variance is requested to reduce the minimum distance requirement between 'Spa Services' businesses. The property is located at 55 Roswell Street and is legally described as being located in Land Lot 1269, 2nd District, 2nd Section, Fulton County, Georgia.

Applicant presented:

- Use of ecofriendly products
- Luxury Services
- Extra certifications for technicians
- Ventilation system which exceeds code requirements
- Autoclave sterilization process
- Ergonomic furniture
- Green wall

There was no public comment.

- ❖ Commissioner Bendall offered a motion to approve with Staff recommended conditions
 - Commissioner Zurinksas seconded the motion
 - The motion was approved (7-0)

c. **MP-20-03/CU-20-06 C3 North Atlanta Church/5815 Windward Parkway**

This item was deferred by Staff and was not considered at this meeting.

d. **PH-20-18 Unified Development Code Text Amendments – North Point Overlay**

Kath Cook, Director of Community Development, presented

Consideration of text amendments to the Unified Development Code to amend the North Point Overlay boundary and priority areas.

There are two (2) parcels of land, the Morrison Property at the northwest corner of Haynes Bridge Road and Morrison Parkway and the KB400 Property at the southwest corner of North Point Parkway and Kimball Bridge Road, where common ownership only includes a portion of the property within the North Point Overlay boundaries. In addition, the area south of the Mansell Road and North Point Parkway intersection is proposed to be added to the Overlay and become a priority area. There are currently three (3) shuttered restaurants and undeveloped properties in this area, which provide an opportunity to implement the vision of the Overlay to become a walkable, mixed-use environment.

After presentation and discussion:

- ❖ Commissioner Zurinksas offered a motion to approve
 - Commissioner Bendall seconded the motion
 - The motion was approved (7-0)

VII. ADJOURNMENT

Chair Kung'u adjourned the meeting at 9:35 p.m.



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: CLUP-21-01/Z-21-02/V-21-03 THE 1858

PLANNING COMMISSION: FEBRUARY 4, 2021

CITY COUNCIL: FEBRUARY 22, 2021

II. RECOMMENDATION:

Approve CLUP-21-01/Z-21-02/V-21-03 THE 1858, subject to the following conditions:

1. The site, consisting of approximately 1.68 acres, shall be zoned DT-R and developed substantially similar to site plan prepared by Plum Creek Consulting, revised 1/20/2021, 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. The comprehensive land use designation of the property shall be 'Downtown Residential Density'.
3. Architecture and materials shall be developed substantially similar to the submitted renderings, except for modifications required to comply with comments from the Downtown Consultant and in compliance with the Alpharetta Downtown Code, subject to final approval by DRB. A minimum of six (6) homes shall be 4-sided brick or stone and each home shall have a unique elevation with respect to design, material and color. A minimum of six (6) homes shall have a chimney and a minimum of six (6) homes shall have a front covered porch.
4. Building height shall be limited to no more than 2 stories and 35' along Cumming Street.
5. Lots shall have a front yard defined by a decorative low wall (brick or stone) or hedge with columns (brick or stone), as approved by DRB. Hardscape in front yards is limited to decorative brick pavers and/or stepping stones and shall not cover more than 25% of the front yard.
6. Side setbacks shall be 8' between structures and private alley shall be permitted to count toward meeting the minimum lot size. Variances to the maximum lot coverage shall not be permitted.
7. Cumming Street streetscape shall generally be improved as follows: 30' half width right-of-way to incorporate a min. 4' planter, 8' concrete sidewalk, 10' travel lane, street trees and decorative pedestrian lights, with final approval by Staff.
8. Shade trees shall be required in the planter along Cumming Street and behind the sidewalk within 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 DRB. In lieu of tree grates, the soil area around street trees shall be planted with evergreen ornamental grasses, groundcovers and/or shrubs.
9. Residential alley shall meet the streetscape standards in the Alpharetta Downtown Code.
10. Project entrance shall include decorative paver apron, landscaping and low wall.
11. Northwest corner of the property shall include a community focal feature, as approved by the Art Committee.
12. Pocket park shall be developed with a park-like setting with decorative landscape, hardscape, low walls and seating. Landscape shall include plant selections promoting the historic Downtown. Exotic and invasive trees and shrubs shall be removed in the pocket park, as approved by Staff.
13. Creeping vines shall be planted to cover retaining and low walls, as approved by Staff.
14. Trees shall be saved as depicted on the tree save plan prepared by Plum Creek Consulting, revised 1/20/2021. Developer shall save tree# 145 (18" Magnolia), 146 (17" Magnolia), 148 (14" Redbud) and 149 (13" Redbud), if it is determined by Staff that those trees were incorrectly located on the site plan and reasonable effort can be made to save those trees. Developer shall make reasonable efforts to save additional trees in the pocket park.

15. Developer shall plant the area west of Lot 1 to landscape buffer standards and a 5' landscape strip shall be planted along the eastern property line.
16. 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.
17. Widths/lengths of fire department access road shall comply with Appendix D – Fire Apparatus Access Roads.
18. Prior to the issuance of an LDP, developer shall provide the City with a copy of the parking agreement with AFUMC for 12 off-site parking spaces.
19. Stream buffer encroachment and 80' average width enhanced buffer shall be permitted as depicted on the site plan prepared by Plum Creek Consulting, revised 1/20/2021. In addition to the proposed enhanced buffer (invasive species removal and revegetation north side of stream), developer shall provide additional measures (one or a combination of the measures below) to mitigate the stream buffer encroachment, as approved by Staff, such as using:
 - a. Provide an additional 20% runoff reduction or water quality volume for the project's new impervious area, which is in addition to the standard requirements.
 - b. Provide an ecological assessment of existing vegetation for the off-site riparian buffers on the south side of the stream on the AFUMC property, including recommendations for vegetative management. The plan shall detail means and methods of exotic and invasive plant removal, as well as, revegetation of the area with native riparian plants (trees, shrubs, and groundcovers) in order to fill-in existing gaps or gaps created by the removal of exotic and invasive plants. Provide a list of proposed plants and quantities. Vegetative management plan shall be implemented for four-times (4x) the proposed undisturbed buffer encroachment.
 - c. Provide off-site stream restoration within the watershed.
 - d. Other options that provide an ecological lift, as approved by Staff.
20. Developer shall provide an additional 20% channel protection volume in addition to the standard requirement for the site, as approved by Staff. An exemption from channel protection volume as described in GSMM2.2.4.2 will not be permitted for this project.
21. Garbage pickup shall be from the alley, not Cumming Street.
22. No more than 10% of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.

III. REPORT IN BRIEF:

The applicant, Vision Development Partners, LLC, is requesting a comprehensive land use plan amendment from 'Public, Institutional, Education' to 'Downtown Residential Density' and a rezoning from R-15 (Dwelling, 'For-Sale', Residential) and O-I (Office-Institutional) to DT-R (Downtown Residential) in order to construct eleven (11) 'For-Sale' single-family detached homes on 1.68 acres in the Downtown. Variances are requested to allow a private alley to count toward the minimum lot size, to reduce side setbacks and to allow a stream buffer encroachment. The subject properties are located at 0, 73, 89 and 109 Cumming Street on the south side of Cumming Street and across from Manning Drive.

DISCUSSION

The submitted request, if approved, would allow for the construction of eleven (11) 'For-Sale' single-family detached homes on 1.68 acres in the Downtown. The proposed residential density is 6.55 dwelling units per acre. The applicant proposes to rezone the property from R-15 and O-I to DT-R and a comprehensive land use plan amendment from 'Public, Institutional, Education' to 'Downtown Residential Density'. Variances are requested to allow an alley to count toward the minimum lot size, to reduce side setbacks and to allow a stream buffer encroachment. The subject properties are located at 0, 73, 89 and 109 Cumming Street on the south side of Cumming Street and across from Manning Drive.

The property represents a few parcels of land with frontage on Cumming Street. There are two (2) single-family detached homes currently developed on the properties. Surrounding properties are zoned DT-R and R-15 to the north, DT-R to the east, O-I, R-15 and DT-R to the south and O-I to the west. The Taylor Morrison residential development and Manning Drive Subdivision are located to the north, East of Main Phase 2 is located to the east and south, and Alpharetta First United Methodist Church (AFUMC) is located to the south and west. The Comprehensive Land Use Plan designation of the property is 'Public, Institutional, Education', which requires a comprehensive land use plan amendment to 'Downtown Residential Density' in order to allow the proposed use.

As summarized below, the applicant is requesting the three (3) variances from Unified Development Code (UDC):

1. UDC Section 1.4 Definitions. A variance is requested to the definition of a 'Lot' to allow a private alley to count toward meeting the minimum lot size on a residential lot. The applicant's site plan depicts a 16' private alley at the rear of each residential lot, which have an average lot width of 36'. The alley represents approximately 572 square feet of the lot area, of which the average proposed lot size is 4,758 square feet. The minimum lot size in the DT-R district is 4,500 square feet and the maximum lot coverage is 70%. There have been a few subdivisions in the Downtown that have been granted variances to allow an alley to count toward the minimum lot size, including East of Main Phase 2, If approved, it is recommended that lots not be permitted to vary the maximum lot coverage requirement. 'Lot' is defined as:

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

2. UDC Appendix A: Alpharetta Downtown Code Subsection 3.8.4. (B) Building Placement, Principal and Accessory Structure Setbacks. A variance is requested to reduce the side setback from a minimum ten-feet (10') between structures to eight-feet (8') between structures. According to the applicant, the variance is necessary to accommodate the tree save area proposed within the 0.20-acre pocket park, which includes two (2) Oak trees (#143 – 24" Post Oak and #140 – 32" White Oak) within the proposed pocket park.
3. UDC Subsection 3.3.6(C)(1)(b) Stream Buffer Protection, Land Development Requirements. A variance is requested to allow an encroachment into the 150' perennial stream buffer. The applicant proposes to provide an 80' average width enhanced stream buffer on the north side of the stream as mitigation for the proposed impact. The enhanced stream buffer would include removal of invasive species and replanting of the buffer. The stream in question has been piped on the AFUMC property, as a result of previously approved stream buffer variances at the State and local level. The City granted the stream buffer variance on the AFUMC property in 2012, which included conditions requiring the church to develop an educational and maintenance program associated with a stormwater management facility that was constructed. In addition, the adjacent property to the east, East of Main Phase 2, received stream buffer variance approval to reduce the perennial stream buffer from 150' to 75'. Justification for that variance was to keep the open stream in its natural state, since the developer could have piped the section due to the upstream portion of the stream on the AFUMC property and downstream section under Cricket Lane being piped.

The Downtown Master Plan 5-Year market demand study reflects a demand potential of 40 – 45 single-family detached units. The demand analysis is intended to be a measure of market viability, not a prediction or recommendation for Downtown development. As shown in the table below, 350 single-family detached homes have been approved in the Downtown in the five (5) years since the adoption of the 2015 Downtown Master Plan update. The applicant's proposed density of 6.55 dwelling units per acre is in-line with past approvals in the Downtown.

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

Development Name	Type	Acres	Density
AlphaDev	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, 137 TH	23.89 acres	6.8 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	350 units
Townhome	300 units
Condominium (Mid-Entry)	80 units
Condominium (High-End)	48 units
For-Rent	168 units
TOTAL	946 units (82% For-Sale/18% For-Rent)

SITE PLAN

The submitted site plan depicts eleven (11) single-family detached lots oriented to Cumming Street and served by a private alley with access from Cumming Street. Lots range in size from 4,537 to 5,780 square feet with an average lot size of 4,785 square feet. Homes are proposed to be 2-stories over a basement and include a front courtyard and rear covered deck over the driveway. A 20' setback is provided along Cumming Street from the current property line. Minimum building setbacks are consistent with the DT-R development standards, except that the applicant requests a reduction in the side setback from ten-feet (10') to eight-feet (8') between structures.

Each home has two (2) side-by-side parking spaces within a garage and a Code-compliant driveway accommodating two (2) additional cars. The Downtown Code requires 28 parking spaces for the proposed subdivision, of which 44 parking spaces are provided on-site. The applicant has negotiated an off-site parking agreement with AFUMC for 12 unassigned parking

spaces located in the existing church parking lot to the west. Parking spaces will be available for use at all times, except for Sunday mornings during church services.

A 16' private alley is depicted at the rear of and within each lot. The alley adds an average of 572 square feet of impervious area to each lot. An eight-foot (8') concrete sidewalk is depicted along Cumming Street.

A 0.20-acre pocket park is provided at the project entrance along Cumming Street, which represents 12% open space. The pocket park includes two (2) tree saves with additional trees likely to be saved in the area. The percentage of open space is likely to be higher within the development, since the front courtyards and rear covered decks were not included in the open space calculation. Either way, the applicant's proposal exceeds the minimum 10% amenity space required in the DT-R district. If approved, amenity areas should include improvements associated with gathering and seating areas.

There are several specimen and trees of quality on the subject property, consisting primarily of Hardwoods. The applicant's site plan depicts two (2) tree saves (tree# 143 - 24" Post Oak and tree# 140 - 32" White Oak) in the 0.20-acre pocket park. There are additional trees within the proposed tree save area (20" Water Oak and 20" Oak), as well as a few boundary trees (Redbuds and Southern Magnolias) that are not depicted to be saved. If approved, it is recommended that the developer make reasonable efforts to save additional specimen trees and trees of quality on the property.

A note on the site plan indicates that the existing AFUMC detention pond, south of Lots 3-5, has sufficient capacity to serve the stormwater management needs of the proposed development.

RENDERINGS

The applicant's proposed renderings reflect the use of multiple architectural styles approved in the Downtown, including Tudor, Georgian, Federal, and Greek Revival. Homes are depicted to be 2-stories over basement with gable rooftops. According to the applicant's architect, homes will be primarily brick or siding with stone and hard coat stucco accents. The City's Downtown Consultant reviewed the renderings and believes the applicant's proposal for a mix of architectural styles is appropriate. If approved, the applicant should comply with the following comments provided by the Downtown Consultant:

1. Varied siding sizes and use of brick is appropriate
2. Window styles and mullion patterns are appropriate
3. Shutters should not be used on a triple window
4. Varied roof colors and textures are appropriate

TRAFFIC

The applicant provided a trip generation report, which estimates that the proposed 11-lot single-family detached subdivision would generate 13 AM Peak Hour trips and 12 PM Peak Hour trips.

SCHOOLS

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

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

FULTON COUNTY SCHOOLS – 11 Detached Homes

School	Single Family Average #
Manning Oaks Elementary School	1 to 4 students
Hopewell Middle School	0 to 2 students
Alpharetta High School	1 to 4 students
TOTAL	2 to 10 students

Based on the total figure for all three school levels, it can be assumed that the proposed development could house approximately 2 – 10 school age children. Numbers provided by Fulton County Schools show that Alpharetta High School is currently over capacity.

COMPREHENSIVE LAND USE PLAN (CLUP) AMENDMENT

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

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

Response: The AFUMC property was assigned a comprehensive land use plan designation of 'Public, Institutional, Education' due to its use and development as a church. A small portion of the property, 109 Cumming Street, and contiguous properties to the east are designated 'Downtown Residential Density', which is consistent with the applicant's request.

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

Response: The applicant's proposal is consistent with the following policies and strategies in the City's 2035 Comprehensive Plan:

ED Policy 1: Maintain a highly viable, growing and attractive downtown.

ED Policy 4: Maintain a high aesthetic standard and enhance architectural quality.

ED Strategy 4.1: Maintain and enforce high aesthetic standards and appropriate architectural guidelines.

LU Policy 1: Encourage the continued revitalization and redevelopment of Downtown Alpharetta for culture, government, dining, residential, entertainment, and retail diversity.

LU Strategy 1.3: Encourage residential uses in the Downtown at higher densities and in mixed use buildings in order to support the viability of Downtown.

H Policy 1: Promote and encourage residential densities and designs that ensure varied living areas and housing types.

H Strategy 1.2: Encourage higher residential densities and appropriate mix of uses close to Downtown Alpharetta and in the GA-400 corridor.

H 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’.

H Policy 5: Design quality and long-term value into residential development to maintain appearance and property values.

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

Response: The proposal would have impacts on public facilities and services as it relates to increased demand on parks and recreation, fire and police and schools. However, the increased demand should be negligible given that the proposal represents a net increase of nine (9) dwelling units.

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

Response: The request to allow ‘For-Sale’ single-family detached homes should not negatively impact public health, safety or welfare. While the proposed rezoning is not consistent with the future land use designation of the property, a portion of the property and contiguous properties to the east are designated ‘Downtown Residential Density’.

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

Response: Development opportunities in the Downtown are limited given the growth the City has seen in the Downtown. The applicant’s request would further Housing Policy 6, as shown below, by adding to the housing opportunities in the City.

H Policy 6: Assure that people who work in Alpharetta have the opportunity to live in Alpharetta by maintaining a housing-to-jobs balance.

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

Response: Not applicable.

STANDARDS FOR ZONING CHANGES

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

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

Response: The zoning proposal would be suitable as it relates to the use and development of adjacent and nearby properties, which are primarily developed with similar residential uses and densities.

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

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

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. The applicant's proposal includes a tree save area including two (2) large Oaks. A stream buffer variance is requested; however, the applicant proposes to mitigate the encroachment with an enhanced stream buffer, including removal of invasive species and revegetation. In addition, the stream in question has been piped on the AFUMC property and a stream buffer variance was granted on the adjacent property to the east, East of Main 2.

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

Response: The subject property could be developed with approximately three (3) additional single-family detached homes on minimum 15,000 square foot lots and/or AFUMC could develop the property with church uses. However, the proposed residential subdivision would contribute to a more balanced jobs to housing ratio and walkable downtown.

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 proposal would have impacts on public facilities and services as it relates to increased demand on parks and recreation, fire and police and schools. However, the increased demand should be negligible given that the proposal represents a net increase of nine (9) dwelling units.

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

Response: The subject property is located in the Downtown Overlay, which includes opportunities for properties to develop under the Downtown zoning districts.

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

Response: The request to allow 'For-Sale' single-family detached homes should not negatively impact public health, safety or welfare. While the proposed zoning is not consistent with the future land use designation of the property, a portion of the property and contiguous properties to the east are designated 'Downtown Residential Density'.

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

Response: The subject property could be developed with approximately three (3) additional single-family detached homes on minimum 15,000 square foot lots and/or AFUMC could develop the property with church uses. However, the proposed residential subdivision would contribute to a more balanced jobs to housing ratio and walkable downtown.

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 'Public, Institutional, Education', which requires a comprehensive land use plan amendment to 'Downtown Residential Density' to allow the proposed use.

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: The property slopes down from Cumming Street due to the presence of a stream at the rear of the property. However, topography does not appear to contribute to the requested variances. The proposed side setback reduction would accommodate a tree save area in the 0.20-acre pocket park. The request to allow an alley to count toward the minimum lot size has been approved at other Downtown subdivisions, including East of Main 2. The average area of a lot minus the alley is 4,213 square feet, representing a 9% reduction. Stream buffer variances have been approved on adjacent properties, with AFUMC piping the section to the west and East of Main 2 granted a reduction in the stream buffer from 150' to 75'. The City's Stormwater Engineer typically does not support requests for stream buffer variance because of the water quality benefits that a stream provides. If approved, Staff recommends additional mitigation to offset the impacts resulting from the stream buffer encroachment.

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

Response: The proposed side setback reduction would accommodate a tree save area in the 0.20-acre pocket park. The request to allow an alley to count toward the minimum lot size has been approved at other Downtown subdivisions, including East of Main 2. The average area of a lot minus the alley is 4,213 square feet, representing a 9% reduction. Stream buffer variances have been approved on adjacent properties, with AFUMC piping the section to the west and East of Main 2 granted a reduction in the stream buffer from 150' to 75'. The proposed density is comparable to other approved densities and the massing and scale is similar to surrounding properties and approvals.

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

Response: The property slopes down from Cumming Street due to the presence of a stream at the rear of the property. However, topography does not appear to contribute to the requested variances. The proposed side setback reduction would accommodate a tree save

area in the 0.20-acre pocket park. The request to allow an alley to count toward the minimum lot size has been approved at other Downtown subdivisions, including East of Main 2. The average area of a lot minus the alley is 4,213 square feet, representing a 9% reduction. Stream buffer variances have been approved on adjacent properties, with AFUMC piping the section to the west and East of Main 2 granted a reduction in the stream buffer from 150' to 75'.

(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 variances should not cause substantial detriment to the public good. The proposed side setback reduction would accommodate a tree save area in the 0.20-acre pocket park. The request to allow an alley to count toward the minimum lot size has been approved at other Downtown subdivisions, including East of Main 2. The average area of a lot minus the alley is 4,213 square feet, representing a 9% reduction. Stream buffer variances have been approved on adjacent properties, with AFUMC piping the section to the west and East of Main 2 granted a reduction in the stream buffer from 150' to 75'.

CONCURRENCES

Staff has reviewed the applicant's proposal and finds that it can generally support the request for comprehensive land use plan amendment, rezoning and variance. The comprehensive land use plan amendment is consistent with the designation of a portion of the subject property and contiguous properties to the east. The zoning proposal is consistent with the vision of the Downtown Master Plan and is suitable as it relates to the use and development of adjacent or nearby properties, which are primarily developed with similar residential uses and densities. Approval of the variances should not cause substantial detriment to the public good, if the stream buffer encroachment is properly mitigated as approved by Staff.

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 the applicant was contacted by three (3) residents requesting informational packets, sales price of homes and developer information.

COMMUNITY ZONING INFORMATION MEETING

CZIM was held on January 13, 2021. There were questions about the size and price point of the homes, as well as parking. Public comments were in support of the applicant's proposal.

IV. ATTACHMENTS:

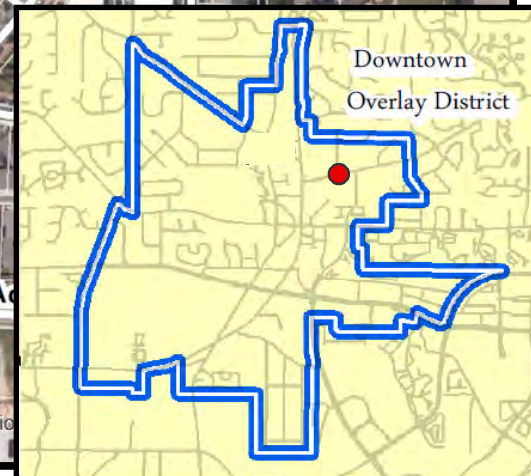
- Site Plan
- Renderings

CLUP-21-01 Z-21-02 V-21-03



LEGEND

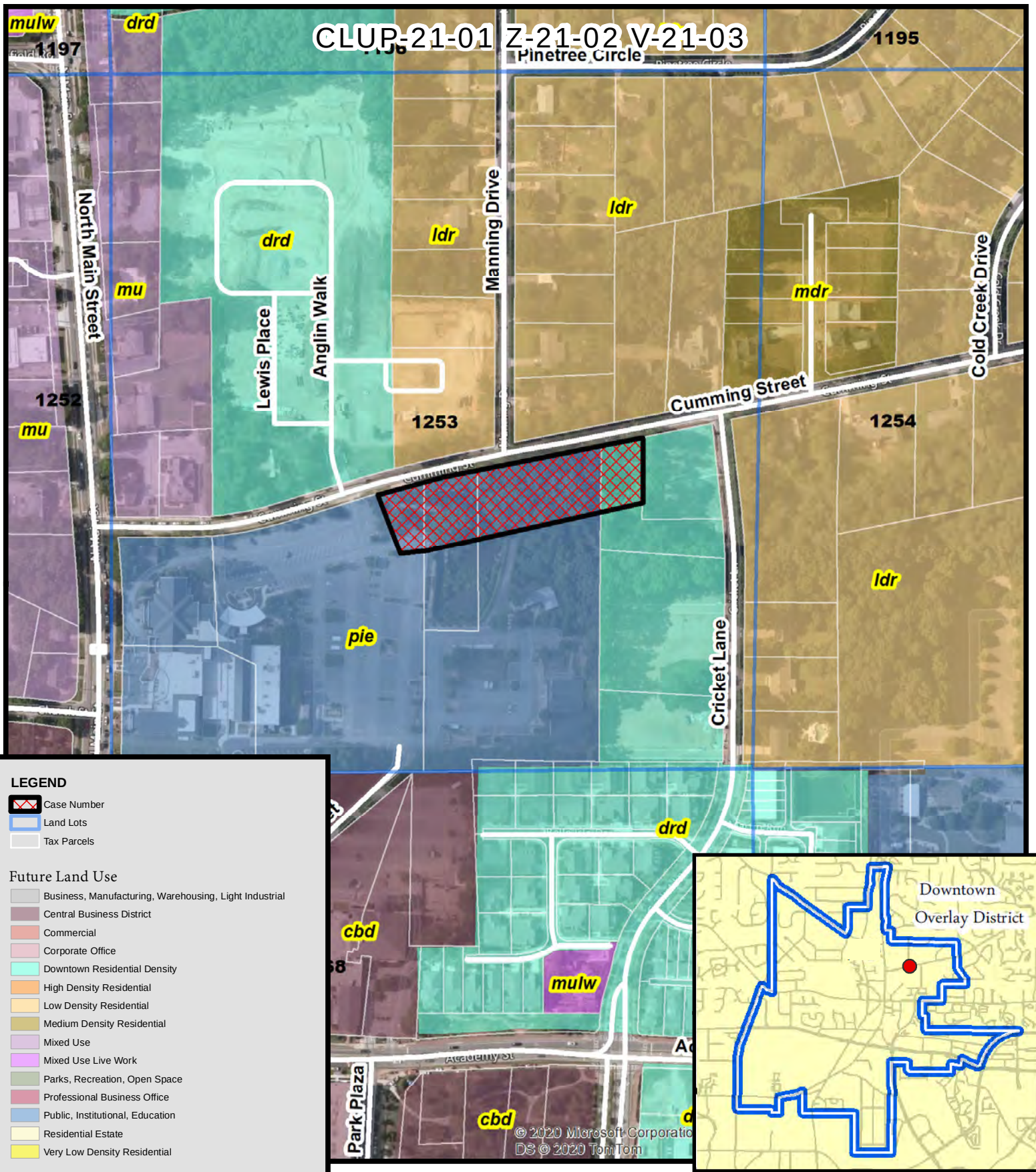
- Case Number
- Tax Parcels

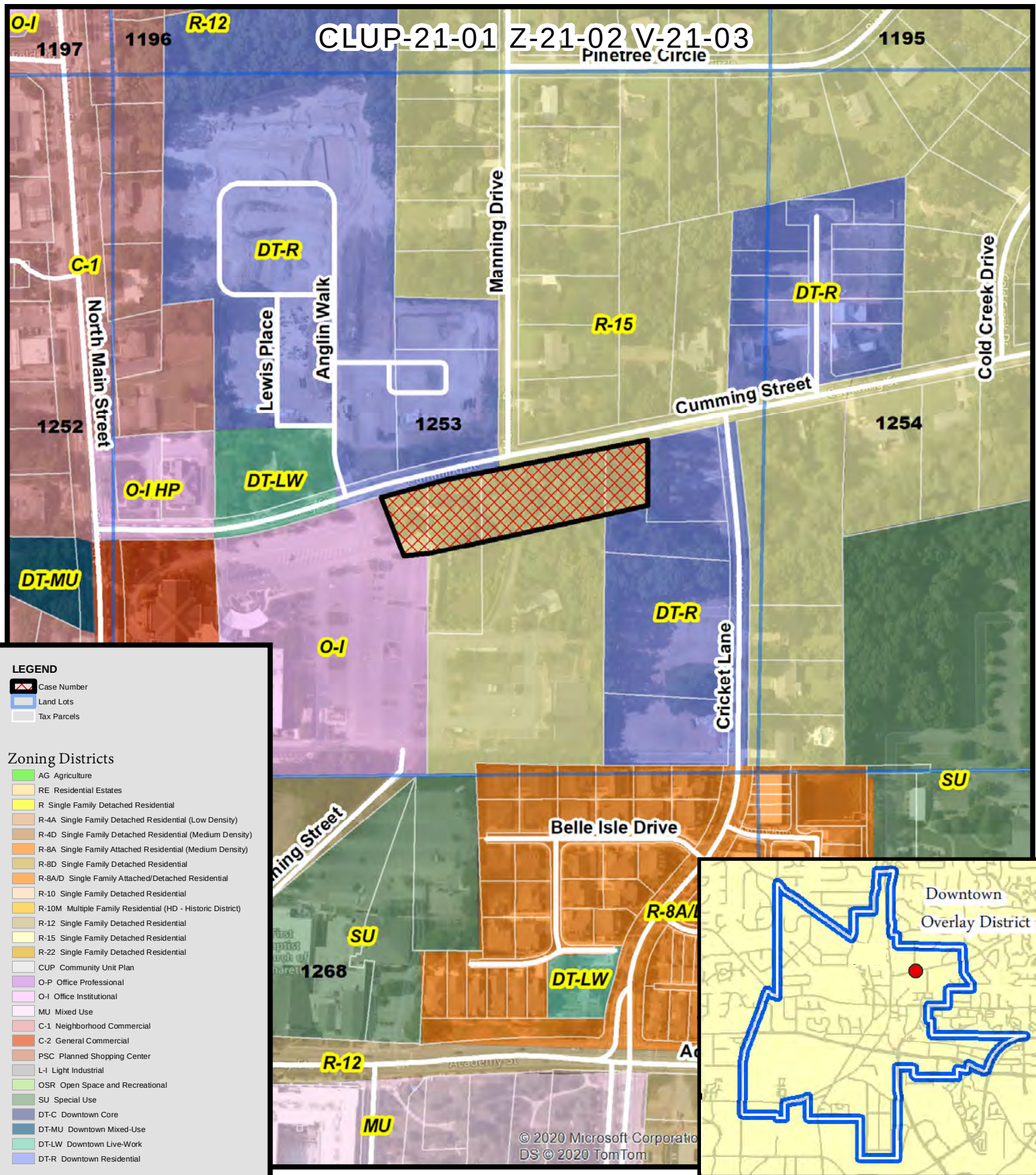


Aerial Map
The 1858
73, 89, 109 Cumming Street

CLUP-21-01 Z-21-02 V-21-03
D/LL: 2/2/253
PC: 2/04/21
CC: 2/22/21

Location Map Provided by:
Community Development - GIS





Zoning Map

The 1858

73, 89, 109 Cumming Street

CLUP-21-01 Z-21-02 V-21-03

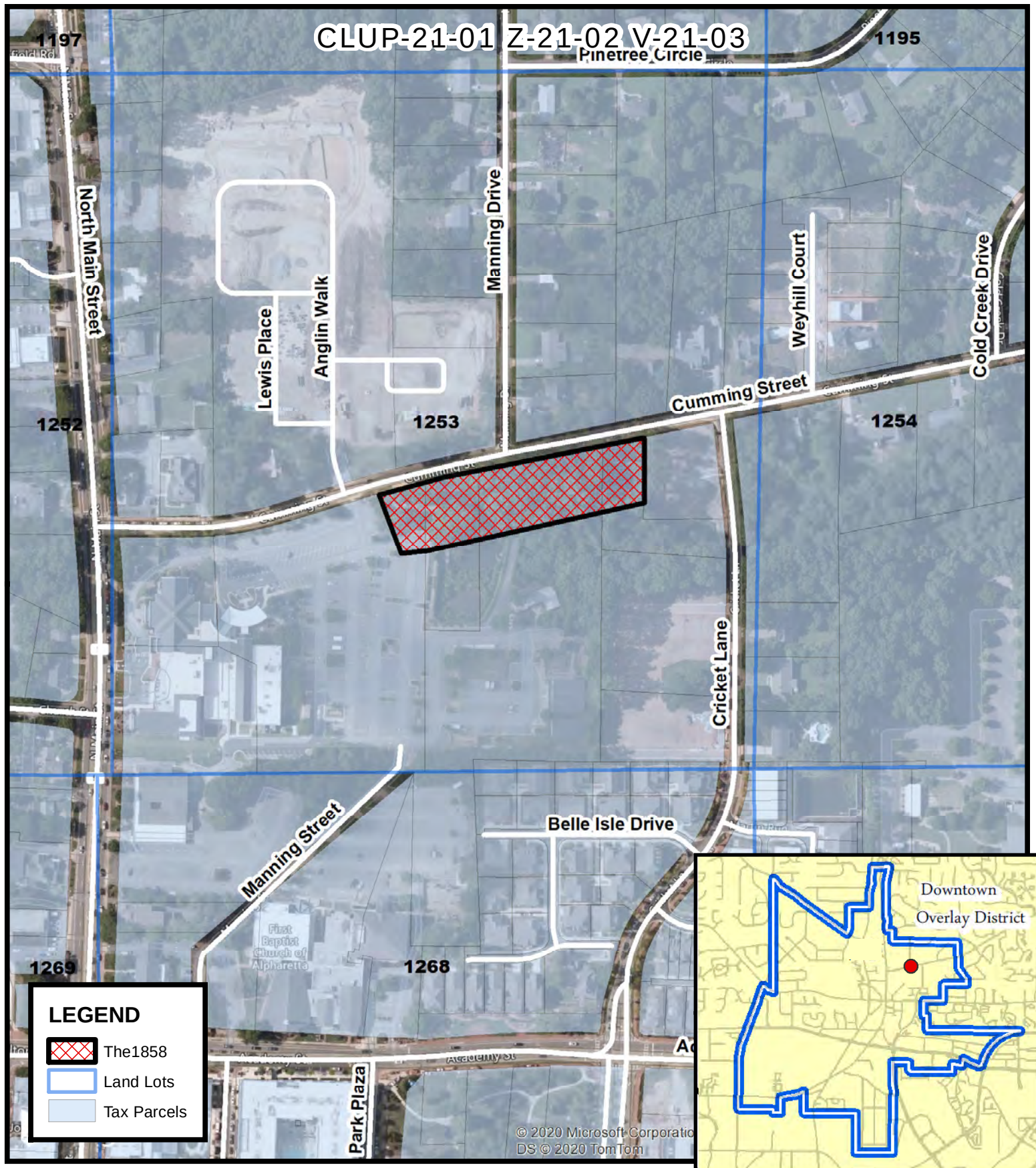
D/LL: 2/2/1253

PC:2/04/21

CC:2/22/21



Location Map Provided by:
Community Development - GIS



CZIM Chat Box Transcript – 1.13.21 6PM

What is the square footage of the units?

price range?

Is parking a concern?

Comment, not question: 1858 looks impressive and in keeping with overall look and feel of Alpharetta

I agree

Great job Chris Owens

CITIZEN PARTICIPATION FORM - PART B

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

Public Hearing or Project Name: The 1858 Residential Development CLUP-21-01/Z-21-02/V-21-03

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.

Buddy Stovall 1)houses to be removed; 2)name of developer; 3)sales price of houses

Sandra Williams 1) requested information package and letter to property owners

Jonathan Freeland 1) requested information package and letter to property owners

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

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

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

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

Signature of Authorized Agent: 

Date: 1/5/21

Print Form



December 15, 2020

ALPHARETTA CHRISTIAN ACADEMY
44 ACADEMY ST
ALPHARETTA GA 30004

RE: Application of Vision Development Partners, LLC / CLUP-21-01; Z-21-02; V-21-03
Cumming Street Single Family Residential Subdivision

Dear Property Owner:

Vision Development Partners, LLC has filed for a rezoning of 1.68 acres on Cumming Street in the City of Alpharetta, Fulton County, Georgia from O&I and R-15 to DT-R. We are seeking approval for an eleven-lot subdivision of single-family homes. A copy of the site plan is attached to this letter.

If you should have any questions regarding this matter, please contact our attorney, Don Rolader. His mailing address is P.O. Box 277, Marble Hill, GA 30148. His phone number is 770-442-0330, his email is don@roladerandrolader.com; and his fax number is 770-442-0641.

The hearings on this matter will be as follows:

Community Zoning Information Meeting (CZIM), January 13, 2021 at 6:00 pm (by ZOOM);
Planning Commission, February 4, 2021 at 6:30 pm; and
City Council, February 22, 2021 at 6:30 pm.

Sincerely,

Steven C. Smith

cc: Don Rolader

Attachment: Zoning Site Plan, dated December 12, 2020

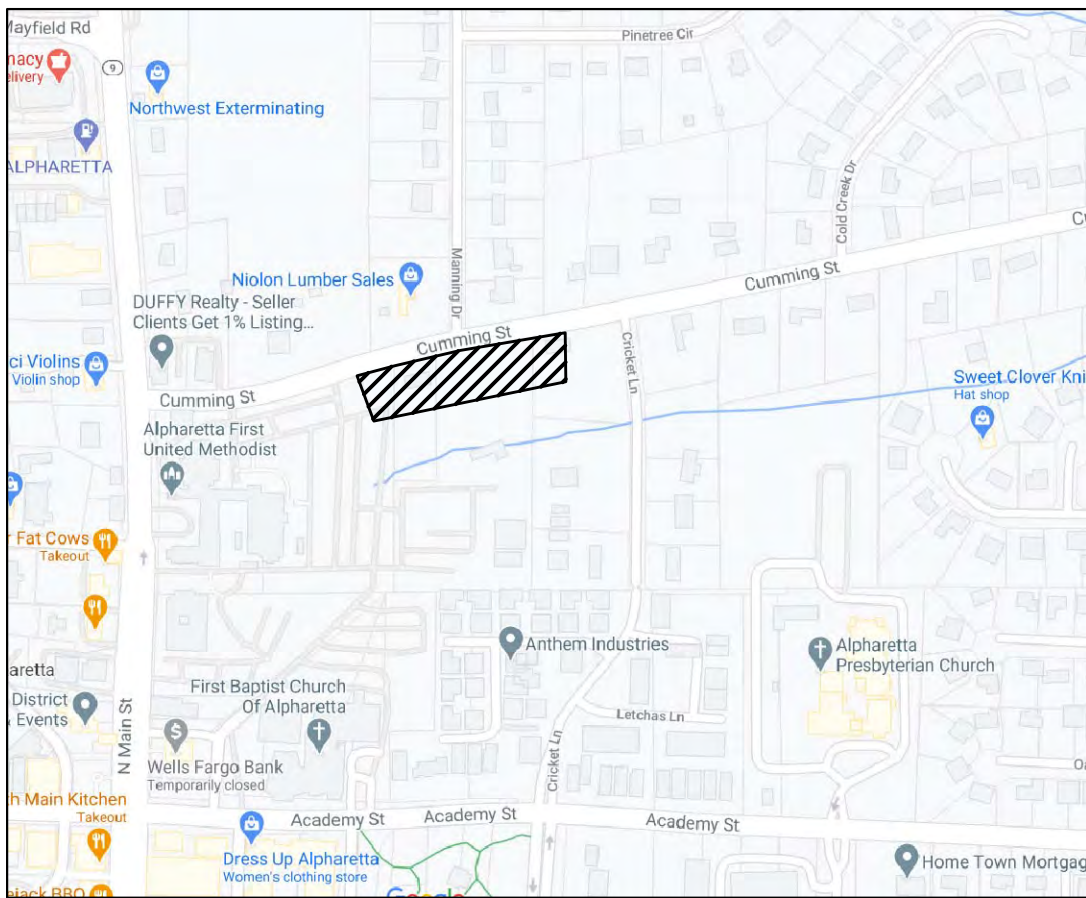
6160 Peachtree Dunwoody Rd, Suite B200, Atlanta, GA 30328
steve@visiondevpartners.com | (770) 330-3233

Citizen Participation Form - Part A Exhibit A

Parcel ID	Name	Address	City, State, Zip
22 498212540223	130 CUMMING LLC	43 WOODSTOCK RD	ROSWELL GA 30075
22 498112530621	130 CUMMING LLC	43 WOODSTOCK RD	ALPHARETTA GA 30009-3612
22 498112530217	260 WAVETREE DRIVE LLC	P O BOX 2033	ALPHARETTA GA 30023
22 498412680779	ALPHARETTA CHRISTIAN ACADEMY	44 ACADEMY ST	ALPHARETTA GA 30004
22 498112530357	ALPHARETTA FIRST UNITED METHODIST CHURCH	13480 HOPEWELL RD	ALPHARETTA GA 30004-3519
22 498112530290	ALPHARETTA FIRST UNITED METHODIST CHURCH INC	73 CUMMING ST	ALPHARETTA GA 30004
22 498112530605	ALPHARETTA FIRST UNITED METHODIST CHURCH INC	73 CUMMING ST	ALPHARETTA GA 30004
22 498412680654	ALPHARETTA FIRST UNITED METHODIST CHURCH INC	69 N MAIN ST	ALPHARETTA GA 30004
22 498112530183	ALPHARETTA WOMANS CLUB INC	P O BOX 896	ALPHARETTA GA 30009
22 498212540504	ATLANTA PRESBYTERY INC	180 ACADEMY ST	ALPHARETTA GA 30004-1704
22 498212540439	BERNARD JILL	145 CUMMING ST	ALPHARETTA GA 30009
22 498112530159	BLANKENSHIP LINDA S	183 PINETREE CIR	ALPHARETTA GA 30004-1626
22 498112530472	BROWN MONDI PROPERTIES INC	11675 CENTURY DR STE D	ALPHARETTA GA 30009
22 498112530068	CONNELL MICHAEL A & BONE ANDREW J	12460 CRABAPPLE RD SUITE 202-647	ALPHARETTA GA 30004
22 498112530506	DEVORE PEGGY W	3023 OAKSIDE CIR	ALPHARETTA GA 30004
22 498112530225	EQUITY TRUST COMPANY CUSTODIAN FBO & OF DANIEL M FRIES IRA	1 EQUITY WAY	WESTLAKE OH 44145-1050
22 498412680571	FIRST BAPTIST CHURCH OF ALPHARETTA INC	44 ACADEMY ST	ALPHARETTA GA 30004
22 498412680522	FIRST BAPTIST CHURCH OF ALPHARETTA INC	44 ACADEMY ST	ALPHARETTA GA 30004
22 498112530597	FIRST UNITED METHODIST CH OF ALPHARETTA	69 NORTH MAIN ST	ALPHARETTA GA 30004-1620
22 498112530266	FIRST UNITED METHODIST CH OF ALPHARETTA	69 N MAIN ST	ALPHARETTA GA 30009-3620
22 498112530258	FIRST UNITED METHODIST CH OF ALPHARETTA GA THE	69 N MAIN ST	ALPHARETTA GA 30004
22 498112530589	GARDNER JOAN LAUTRELL	241 CRICKET LN	ALPHARETTA GA 30009-3607
22 498412680944	GRBK ACADEMY LLC	P.O. BOX 550345	ATLANTA GA 30355
22 498412680951	GRBK ACADEMY LLC	P.O. BOX 550345	ATLANTA GA 30355
22 498412680985	GRBK ACADEMY LLC	P O BOX 550345	ATLANTA GA 30355
22 498112530464	HAYWOOD T ASHLEY	P O BOX 485	ALPHARETTA GA 30009
22 498112530613	JOHNSON JOHN RANDAL & JUDITH P	120 CUMMING ST	ALPHARETTA GA 30009
22 498112530142	KEETER NICHOLAS C & WANAMAKER REBEKAH M	175 PINETREE CIR	ALPHARETTA GA 30009
22 498112530498	LACHGAR REBECCA G	135 MANNING DR	ALPHARETTA GA 30009-3616
22 498112530548	LECAIN THOMAS K & PIXLEY JAMES WILLIAM JR	255 CRICKET LN	ALPHARETTA GA 30009
22 498112530027	MANNING SARAH P	40 CUMMING ST	ALPHARETTA GA 30004-1610
22 498112530084	MANNING SARAH P	40 CUMMING ST	ALPHARETTA GA 30004-1610
22 498112530480	MENTO CRAIG JAMES II & KINAST MENTO JENNIFER	145 MANNING DR	ALPHARETTA GA 30009
22 498112530415	MONZO PHILLIP R	133 CUMMING ST	ALPHARETTA GA 30004
22 498112530365	NIOLOL JOSEPH R JR & SUSAN M	1350 WILD AZALEA LN	ATHENS GA 30606-5354

Citizen Participation Form - Part A Exhibit A

22 498112530167	PARTAIN WENDELL	1316 E WINDSOR ST	KINGSPORT TN 37660-4042
22 498112530563	PIXLEY JAMES W JR & LECAIN THOMAS K	245 CRICKET LN	ALPHARETTA GA 30009
22 498112530399	PROPERTIES OF DUFFY LLC	10 CUMMING ST	ALPHARETTA GA 30004
22 498112530316	SCHAEFFER JAMES T	109 CUMMING ST	ALPHARETTA GA 30004-1611
22 498112530233	STOVALL LINDA STRICKLAND	175 MANNING DR	ALPHARETTA GA 30004
22 498112530639	THOMPSON STEPHEN M & DONNA S	8022 TEA GARDEN RD SE	HUNTSVILLE AL 35802-3954
22 498112530431	THOMPSON STEPHEN M & THOMPSON DONNA S	8022 TEA GARDEN RD	HUNTSVILLE AL 35802
22 498112530076	TUDOR WAYMOND B & PATRICIA J	160 MANNING DR	ALPHARETTA GA 30004-1617
22 498112530571	VAUGHAN JANET T	262 CRICKET LN	ALPHARETTA GA 30009-3661



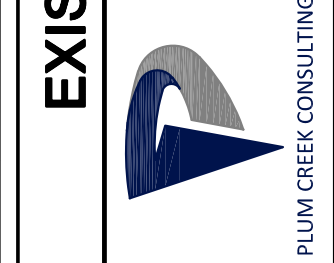
LOCATION MAP

REVISIONS	
NO.	DATE
1	12-13-2020
DATE: 12/01/2020	
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THE MEDIA SHOULD NOT BE CONSIDERED A CONTRACT DOCUMENT UNLESS IT IS PROPERLY BEARED AND SIGNED.	

THE 1858
RESIDENCES ON CUMMING STREET
PREPARED FOR
VISION DEVELOPMENT PARTNERS, LLC
6180 PEACHTREE DUNWOODY ROAD, SUITE B200
ATLANTA, GA 30328

EXISTING CONDITIONS PLAN

Plum Creek Consulting, LLC
7425 Midway Road
Alpharetta, GA 30004
P: (404) 518-5505 E: chris.owens@plumcco.com



DRAWN BY	KO
CHECKED BY	CO
PROJECT NO.	2020105
SHEET	C 200

NOT ISSUED FOR CONSTRUCTION

1/22/21

Revised Architectural Rendering



SITE DATA

AFUMC TOTAL ACREAGE = 14.79 AC
JAMES SCHAEFFER ACREAGE = 0.26 AC

SUBJECT SITE ACREAGE = 1.68 AC (SCHAEFFER + PORTION OF AFUMC)

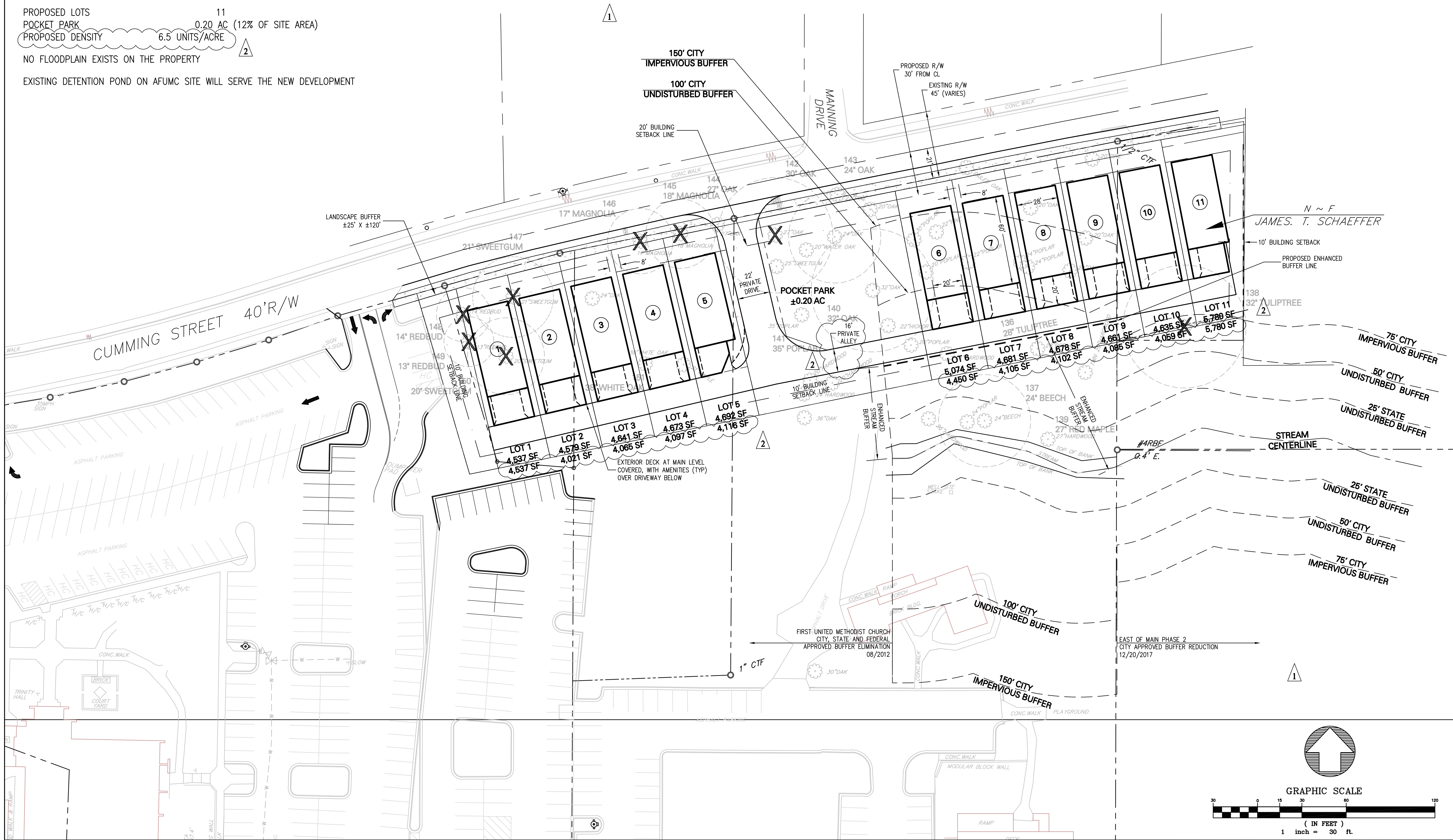
EXISTING ZONING: R-15 AND O&I
PROPOSED ZONING: DT-R

PROPOSED HOMES
HEIGHT 35 FEET
STORIES 2 + BASEMENT
AREA ±5,000 SF

PROPOSED LOTS 11
POCKET PARK 0.20 AC (12% OF SITE AREA)
PROPOSED DENSITY 6.5 UNITS/ACRE

NO FLOODPLAIN EXISTS ON THE PROPERTY

EXISTING DETENTION POND ON AFUMC SITE WILL SERVE THE NEW DEVELOPMENT



REVISIONS	
NO.	DATE
1	12/13/2020
2	01/20/2021
DATE: 12/01/2020	
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THIS DOCUMENT IS NOT TO BE CONSIDERED A CONTRACT DOCUMENT UNLESS IT IS PROPERLY SIGNED AND SEALED.	

THE 1858
RESIDENCES ON CUMMING STREET
PREPARED FOR
VISION DEVELOPMENT PARTNERS, LLC
6180 PEACHTREE DUNWOODY ROAD, SUITE B200
ATLANTA, GA 30328

ZONING SITE PLAN
Plum Creek Consulting, LLC
7425 Midway Road
Atlanta, GA 30304
P: (404) 518-5505 E: chris.owens@plumcc.com

DRAWN BY: KO	CHECKED BY: CO	PROJECT NO: 2020105
SHEET C 300		

NOT ISSUED FOR CONSTRUCTION



The 1858 - Landscape Concept Plan



December 22, 2020

Mr. Chris Owens, PE
Plum Creek Consulting, LLC
7425 Mid Broadwell Trace
Alpharetta, GA 30004

VIA EMAIL

**Subject: Stream and Riparian Area Findings Report
The 1858
Alpharetta, Georgia
Corblu Project No. 02-110320**

Dear Mr. Owens:

Corblu Ecology Group (Corblu) is pleased to submit this report regarding the field investigation of the stream and riparian area within The 1858 site. The project site is located east of The First United Methodist Church on Cumming Street. Corblu conducted the field assessment on November 3, 2020.

Methods

The flow regime of the stream on the project site was assessed using the EPD, Watershed Protection Branch Field Guide for Determining the Presence of State Waters that Require a Buffer. The riparian area was documented photographically for condition and composition.

Results

The stream within the project area is a perennial stream (Photograph No. 1). The base flow could be influenced by the upstream stormwater basin, but the channel appears to have continuous base flow. Review of the U.S. Department of Agriculture 1958 Soil Survey of Fulton County, Georgia reveals two drainages that were filled in the development of the headwaters of the subject stream. There is no way of knowing the

flow regime of the previously impacted drainages; however, whatever base flows these drainages had compared with the increased storm runoff from the impervious developments in the watershed are stored in the stormwater basin that feeds the subject stream on the project site.

The site project site is a former single family residential parcel completely surrounded by institutional and residential development. Riparian areas are dominated by invasive/exotic vegetation (i.e., Chinese privet, thorny olive, and English ivy; Photograph No. 2).

Discussion

We understand you are seeking a local stream buffer variance to reduce the stream buffer to match the parcel downstream of the project site. This would reduce the buffer from 100 feet to 50 feet on the northern stream bank. In order to accomplish this buffer reduction, you are proposing buffer enhancement to provide ecological lift. Based on our observations in the field, we recommend the following enhancement plan to provide this lift.

Invasive species within the enhanced stream buffer will be selectively removed by cutting and stump treatment or foliage spraying with herbicide. Cut stump treatment can be done from late summer to winter with glyphosate immediately after cutting. Foliage spraying with glyphosate can be done prior to fall color change when plants stop feeding roots and foliage sprays become ineffective. Following glyphosate treatments and spring green-up, 2,4-D may be used selectively to kill invasive plants that were not killed by the previous year's glyphosate treatments. The use of 2,4-D should be selective and not broadly sprayed in riparian areas due to its potential to harm aquatic life.

Assuming the initial glyphosate application occurs no later than late fall, followed by a selective application of 2,4-D in early spring, the openings created by the invasive species removal may be replanted during the spring season prior to summer heat. Since the riparian area will need to provide ecological lift and will be in a visible setting, we recommend planting with showy native plants that provide fruits, seeds, or nectar for wildlife while also provide riparian protection.

Since the overstory of the riparian area is intact, the following suggested plantings will focus on the understory and groundcover: A) Small trees - Serviceberry (*Amelanchier arborea*), Carolina silverbell (*Halesia tetraptera*); B) Shrubs - Sweetshrub (*Calycanthus floridus*),

Inkberry (*Ilex glabra*); C) Herbs - Fire Pink (*Silene virginica*), and Ironweed (*Vernonia noveboracensis*). Quantities of these plantings can be determined following the invasive species removal.

Conclusion

Corblu appreciates the opportunity to assist you with this project. If you have any questions regarding this report, please contact me at (770) 591-9990.

Sincerely,

CORBLU ECOLOGY GROUP, LLC

A handwritten signature in blue ink, appearing to read 'Neil E. Blackman', with a long horizontal flourish extending to the right.

Neil E. Blackman, CWB
Principal

Enclosures: Photograph Nos. 1-2



Photograph No. 1: Perennial stream on the project site.



Photograph No. 2: Typical invasive species within the riparian area on the project site.



THE 1858



DECEMBER 1, 2020



THE[®]
1858
DECEMBER 1, 2020





The 1858 - Landscape Concept Plan

12.1.2020



GEORGIAN



FEDERAL





CLASSIC REVIVAL



THE
1858

DECEMBER 1, 2020





VERNACULAR
GREEK REVIVAL



GEORGIAN
REVIVAL



CLASSIC
VERNACULAR



G R E E K R E V I V A L





FOLK VICTORIAN



SHINGLE STYLE



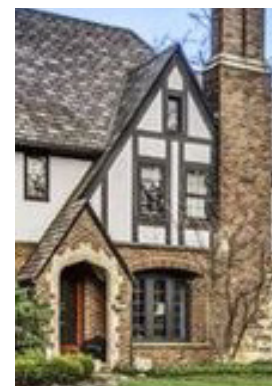
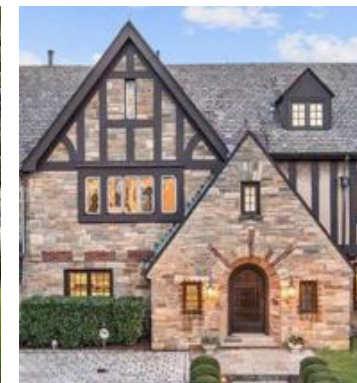
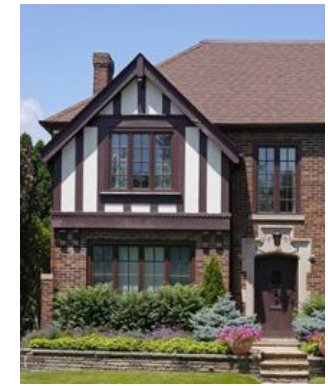
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DECEMBER 1, 2020



QUEEN ANN



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THE
1858
DECEMBER 1, 2020



12.4.20

CLUP-21-01/Z-21-02/V-21-03
THE 1858
ROLADER & ROLADER, P.C.

ATTORNEYS AND COUNSELORS AT LAW
1865 LOCKEWAY DRIVE, SUITE 601
ALPHARETTA, GEORGIA 30004
Telephone (770) 442-0330
Fax (770) 442-0641
www.roladerandrolader.com

DONALD A. ROLADER
don@roladerandrolader.com

D.W. "Pete" ROLADER
1924 - 2011

December 1, 2020

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

RE: Application of Vision Development Partners, LLC for CLUP change PIE to Downtown Residential District; Rezoning from O&I and R-15 to DT-R and Variances on 1.68± acres on Cumming Street, City of Alpharetta, Fulton County, Georgia; Letter of Intent

Dear Mayor and Councilpersons:

This firm represents Vision Development Partners, LLC, the Applicant, which is seeking approval of this CLUP change, Rezoning from O&I and R-15 to DT-R with Variances. This letter shall be construed as the Letter of Intent for this Application.

The subject property contains approximately 1.68± acres and is located on Cumming Street. It is presently owned by Alpharetta First United Methodist Church and James T. Schaffer. Applicant proposes to rezone the property DT-R, for the purpose of developing an 11-lot subdivision of single family detached homes. The impact on the surrounding area would be positive. Recent development in the area includes East of Main with similar sized homes on similar sized lots at a comparable density. Front, side and rear setbacks are similar.

The granting of this Zoning Application and Variances will have no negative impact on adjoining or nearby properties, but will provide a compatible, attractive use and increased property values. This development will not unduly tax any City of Alpharetta services, including, but not limited to, fire and police protection, and garbage collection. Presently water and sewer services are available through Fulton County. The use change will have minimal impact on the Fulton County School System. The design continues the trend of providing quality residential opportunities in downtown Alpharetta in an environment providing walkability to City core services. This application, if approved, provides benefit to the City, the Church, the Applicant and the citizens who want to live in an in-town environment.

Mayor and City Council
City of Alpharetta
December 1, 2020
Page Two

It is the position of the Applicant that the proposed zoning complies with the downtown overlay both as to design and use. Constitutional Objections are attached hereto as Exhibit A, and made a part hereof by reference.

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

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



Donald A. Rolader

CONSTITUTIONAL OBJECTIONS

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

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

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

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

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

12.4.20

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

12.4.20

THE 1858

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: Steve SmithTelephone: 770-330-3233Address: 6160 Peachtree Dunwoody RoadSuite: B200City: AtlantaState: GAZip: 30328

Fax: _____

Mobile Tel: 770-330-3233Email: steve@visiondevpartners.comSubject Property Information:Address: 0, 73, 89 & 109 Cumming Street; 0 Cumming StreetCurrent Zoning: O-I & R-15District: 2ndSection: 2ndLand Lot: 1253 & 1268Parcel ID: 22 498112530316; portions of 22 498112530357, 22 498112530290, 22 498112530605, 22 498112530597Proposed Zoning: DT-RCurrent Use: Church and Single FamilyThis Application For (Check All That Apply):☐ Conditional Use☐ Master Plan Amendment☐ Exception☒ Rezoning☐ Master Plan Review☒ Variance☐ Public Hearing☐ Comprehensive Plan Amendment☐ Other (Specify): _____

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

11 Lot detached single family home subdivision.

Applicant's Request (Please itemize the proposal):

Applicant is requesting that the property be rezoned from O&I and R-15 to DT-R with conditions and variances to permit the development of a single family home subdivision as shown on the attached site plan.

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

Applicant's proposal will permit the construction of 11 new single family homes as allowed under the DT-R zoning classification in the Alpharetta Downtown overlay district.

12.4.20

THE 1858

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: Rene Watson Telephone: 678-867-7503

Address: 69 N Main Street Suite: _____

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: Steve Smith Telephone: 770-330-3233

Address: _____ Suite: _____

City: 6160 Peachtree Dunwoody Road, Suite B200, Atlanta State: GA Zip: 30328

So Sworn and Attested:

Owner Signature:  Date: 11/18/2020

Notary:  Date: 11/18/2020

Notary Signature: _____



12.4.20

THE 1858
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:

Rene O. Watson

Subject Public Hearing Case:

Campaign Contribution Information:

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

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

Name of Official:

N/A - none made

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:

Rene Watson

Date:

11/18/2020

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: James T. Schaeffer Telephone: 770-442-3825
Address: 109 Cumming St Suite: _____
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:

Steven C. Smith
Name of Authorized Applicant: Vision Development Partners, LLC Telephone: 770-330-3233
Address: 6160 Peachtree Dunwoody Rd Suite: B200
City: Atlanta State: GA Zip: 30328

So Sworn and Attested:

Owner Signature: James T. Schaeffer Date: 11/13/20

Notary:

Notary Signature: Cathy Eidson Date: 11-13-2020
My Commission Expires
May 13, 2022



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: **James T. Schaeffer**

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.

N/A

Name of Official: _____ Position: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Campaign Contribution Information:

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

Signature: James T. Schaeffer

Date: 11/30/20

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

The proposal to develop a single family home subdivision is compatible with new single family home subdivisions being developed along Cumming Street, Cricket Lane and Academy Street. Home size, lot size, subdivision layout and amenities are comparable to the other subdivisions in the immediate area which have been developed under the downtown overlay district.

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

The development of an 11 lot new home subdivision should serve to increase the value of surrounding properties with the creation of a desirable, proven residential product which adds to the attraction of downtown Alpharetta.

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

The property is unsuited for development as either an office site (too long and narrow with high parking demand) or as an R-15 subdivision. A large lot subdivision could not be developed on this odd-shaped tract, and the product is not desirable in the immediate vicinity. There is no economic value in either category.

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

The increase in population is estimated to be 31 residents. The increase in traffic is small and is addressed on the trip counts and traffic study filed as a part of this application.

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

The impact to public schools will be included in the Staff Report based on Fulton County computations. It is not significant. There are sufficient utilities presently available to serve the proposed development.

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

NOTE: Chris, can you tell me what the Comp Plan, FLUP and particularly the downtown overlay provide for this site?

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

Since the adoption of the downtown overlay district, conditions in downtown Alpharetta have changed significantly with the creation of City Center, East of Main, the hotel and parking decks on Milton Avenue and the construction of homes, townhomes, apartments and restaurants/retail throughout downtown. The proposed development is a continuation of the metamorphosis of downtown Alpharetta.

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

BOARD OF ZONING APPEALS REVIEW CRITERIA

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

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

Variance to the stream buffer width, reducing from 150-feet to an enhanced buffer of prescribed width as shown on "Zoning Site Plan", dated December 1, 2020, prepared by Plum Creek Consulting, LLC.

An existing stream originates from the Methodist Church parking lot and flow east, behind the proposed 1858 development and through East of Main Phase 2. Based on State-issued Classification Criteria, the stream requires a 150' City buffer along each side. The subject property is long and shallow, causing the application of the buffer to impact the property more than usual.

The property has been developed as single family homes since the 1960s, well before the adoption of stream buffer ordinances by the State or City. Current conditions in the buffer include overgrown, non-native, invasive plant species that do not have the same level of quality or sustainability as a naturally occurring buffer.

Variances were previously granted to the Church (upstream) and East of Main (downstream) to reduce the buffer width. The small stream and water quality can be managed effectively with a reduced stream buffer. With reduced buffers up and downstream, little benefit is provided by requiring a wider buffer on this stream segment. However, a reduced, but enhanced, buffer would function more effectively over the long term than the existing conditions surrounding the stream.

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

Applying the required 150' stream buffer to this property render it impossible to develop economically as a DT-R subdivision, or any residential use compatible with existing development in the immediate area. That represents an unnecessary hardship not imposed upon other properties and uses in the area. The stream may be adequately protected by a reduced buffer with no negative impact to the health, safety and welfare of the residents.

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

The property is long (along Cumming Street) but narrow from the street to the rear property line where the stream is located. Imposing a 150' buffer would make it impossible to build, because the lots would be too shallow for the construction of a home.

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

Granting this variance to permit a reduced stream buffer will cause no detriment to the public good and will not impair the purpose and intent of the zoning code. The stream buffer is already reduced upstream and downstream of this property. The applicant proposes to enhance the reduced buffer by removing invasive species and planting native, sustainable materials that will be more effective than the existing stream buffer conditions and will provide better protection for the stream long term, improving water quality.

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

BOARD OF ZONING APPEALS REVIEW CRITERIA

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

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

Variance to the definition of a "lot", allowing a rear alley to be included in the minimum lot area:

The property is long (along Cumming Street) and shallow. There are existing quality trees in the center of the property that are desirable and create the opportunity for a central pocket park. Minimum lot sizes exceed 4,500 square feet with an average lot size of 4,785 square feet (including the rear alley area). The applicant is requesting to include the rear alley as part of the minimum lot area.

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

Yes. Application of the code would create a hardship by requiring further impact to trees, the stream buffer and discourage the use of rear-entry garages.

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

Yes. The subject property is long and shallow, being defined by an existing stream to the rear. Many existing trees are either unhealthy or of undesirable species (sweetgum, tulip poplar, etc), but the larger healthy oaks are located in the center of the property.

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

No. Relief from the code will not cause detriment to the public good, will not impact property owners in the surrounding area and will not impair the purpose and intent of the Zoning Code. Granting the request will allow for the preservation of existing quality trees.

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

BOARD OF ZONING APPEALS REVIEW CRITERIA

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

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

Variance to the minimum distance between structures (side yard), reduce from 10-feet to 8-feet with conditions:

The property is long (along Cumming Street) and shallow. There are existing quality trees in the center of the property that are desirable and create the opportunity for a central pocket park. Minimum internal side yards are defined as 0-feet, with a minimum separation between structures of 10-feet. The applicant is requesting to reduce the separation between structures from 10-feet to 8-feet (excluding chimneys or other architectural details, as recommended by Staff and the project Architect).

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

Yes. Application of the code would create a hardship by requiring further impact to the existing oak trees.

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

Yes. The subject property is long and shallow, being defined by an existing stream to the rear. Many existing trees are either unhealthy or of undesirable species (sweetgum, tulip poplar, etc), but the larger healthy oaks are located in the center of the property, limiting the separation between structures.

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

No. Relief from the code will not cause detriment to the public good, will not impact property owners in the surrounding area and will not impair the purpose and intent of the Zoning Code. Granting the request will allow for the preservation of existing quality trees. The minimal reduction requested will not be perceptible once construction is complete.

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

12.4.20

CITIZEN PARTICIPATION FORM - PART A

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

Public Hearing or Project Name: The 1858

Contact Name: Steve Smith

Telephone: 770-330-3233

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 on Exhibit A

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

☒

Letter

☐

Personal Visits

☐

Telephone

☐

Group Meeting

☐

Email

☐

Other *(Please Specify)*

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

Individuals will have the opportunity to call, email or request an in person meeting with the applicant in order to ask any questions or express any concerns that they may have regarding the application.

12.4.20

THE 1858
Citizen Participation Form - Part A Exhibit A

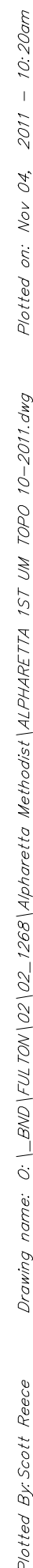
Parcel ID	Name	Address	City, State, Zip
22 498212540223	130 CUMMING LLC	43 WOODSTOCK RD	ROSWELL GA 30075
22 498112530621	130 CUMMING LLC	43 WOODSTOCK RD	ALPHARETTA GA 30009-3612
22 498112530217	260 WAVETREE DRIVE LLC	P O BOX 2033	ALPHARETTA GA 30023
22 498412680779	ALPHARETTA CHRISTIAN ACADEMY	44 ACADEMY ST	ALPHARETTA GA 30004
22 498112530357	ALPHARETTA FIRST UNITED METHODIST CHURCH	13480 HOPEWELL RD	ALPHARETTA GA 30004-3519
22 498112530290	ALPHARETTA FIRST UNITED METHODIST CHURCH INC	73 CUMMING ST	ALPHARETTA GA 30004
22 498112530605	ALPHARETTA FIRST UNITED METHODIST CHURCH INC	73 CUMMING ST	ALPHARETTA GA 30004
22 498412680654	ALPHARETTA FIRST UNITED METHODIST CHURCH INC	69 N MAIN ST	ALPHARETTA GA 30004
22 498112530183	ALPHARETTA WOMANS CLUB INC	P O BOX 896	ALPHARETTA GA 30009
22 498212540504	ATLANTA PRESBYTERY INC	180 ACADEMY ST	ALPHARETTA GA 30004-1704
22 498212540439	BERNARD JILL	145 CUMMING ST	ALPHARETTA GA 30009
22 498112530159	BLANKENSHIP LINDA S	183 PINETREE CIR	ALPHARETTA GA 30004-1626
22 498112530472	BROWN MONDI PROPERTIES INC	11675 CENTURY DR STE D	ALPHARETTA GA 30009
22 498112530068	CONNELL MICHAEL A & BONE ANDREW J	12460 CRABAPPLE RD SUITE 202-647	ALPHARETTA GA 30004
22 498112530506	DEVORE PEGGY W	3023 OAKSIDE CIR	ALPHARETTA GA 30004
22 498112530225	EQUITY TRUST COMPANY CUSTODIAN FBO & OF DANIEL M FRIES IRA	1 EQUITY WAY	WESTLAKE OH 44145-1050
22 498412680571	FIRST BAPTIST CHURCH OF ALPHARETTA INC	44 ACADEMY ST	ALPHARETTA GA 30004
22 498412680522	FIRST BAPTIST CHURCH OF ALPHARETTA INC	44 ACADEMY ST	ALPHARETTA GA 30004
22 498112530597	FIRST UNITED METHODIST CH OF ALPHARETTA	69 NORTH MAIN ST	ALPHARETTA GA 30004-1620
22 498112530266	FIRST UNITED METHODIST CH OF ALPHARETTA	69 N MAIN ST	ALPHARETTA GA 30009-3620
22 498112530258	FIRST UNITED METHODIST CH OF ALPHARETTA GA THE	69 N MAIN ST	ALPHARETTA GA 30004
22 498112530589	GARDNER JOAN LAUTRELL	241 CRICKET LN	ALPHARETTA GA 30009-3607
22 498412680944	GRBK ACADEMY LLC	P.O. BOX 550345	ATLANTA GA 30355
22 498412680951	GRBK ACADEMY LLC	P.O. BOX 550345	ATLANTA GA 30355
22 498412680985	GRBK ACADEMY LLC	P O BOX 550345	ATLANTA GA 30355
22 498112530464	HAYWOOD T ASHLEY	P O BOX 485	ALPHARETTA GA 30009
22 498112530613	JOHNSON JOHN RANDAL & JUDITH P	120 CUMMING ST	ALPHARETTA GA 30009
22 498112530142	KEETER NICHOLAS C & WANAMAKER REBEKAH M	175 PINETREE CIR	ALPHARETTA GA 30009
22 498112530498	LACHGAR REBECCA G	135 MANNING DR	ALPHARETTA GA 30009-3616
22 498112530548	LECAIN THOMAS K & PIXLEY JAMES WILLIAM JR	255 CRICKET LN	ALPHARETTA GA 30009
22 498112530027	MANNING SARAH P	40 CUMMING ST	ALPHARETTA GA 30004-1610
22 498112530084	MANNING SARAH P	40 CUMMING ST	ALPHARETTA GA 30004-1610
22 498112530480	MENTO CRAIG JAMES II & KINAST MENTO JENNIFER	145 MANNING DR	ALPHARETTA GA 30009
22 498112530415	MONZO PHILLIP R	133 CUMMING ST	ALPHARETTA GA 30004
22 498112530365	NIOLON JOSEPH R JR & SUSAN M	1350 WILD AZALEA LN	ATHENS GA 30606-5354

12.4.20

THE 1858

Citizen Participation Form - Part A Exhibit A

22 498112530167	PARTAIN WENDELL	1316 E WINDSOR ST	KINGSPORT TN 37660-4042
22 498112530563	PIXLEY JAMES W JR & LECAIN THOMAS K	245 CRICKET LN	ALPHARETTA GA 30009
22 498112530399	PROPERTIES OF DUFFY LLC	10 CUMMING ST	ALPHARETTA GA 30004
22 498112530316	SCHAEFFER JAMES T	109 CUMMING ST	ALPHARETTA GA 30004-1611
22 498112530233	STOVALL LINDA STRICKLAND	175 MANNING DR	ALPHARETTA GA 30004
22 498112530639	THOMPSON STEPHEN M & DONNA S	8022 TEA GARDEN RD SE	HUNTSVILLE AL 35802-3954
22 498112530431	THOMPSON STEPHEN M & THOMPSON DONNA S	8022 TEA GARDEN RD	HUNTSVILLE AL 35802
22 498112530076	TUDOR WAYMOND B & PATRICIA J	160 MANNING DR	ALPHARETTA GA 30004-1617
22 498112530571	VAUGHAN JANET T	262 CRICKET LN	ALPHARETTA GA 30009-3661



LEGAL DESCRIPTION

For

The 1858 Residential Development

Cumming Street, Alpharetta, GA

Fulton County Tax Parcel IDs:

22 498112530316;

and portions of:

22 498112530357, 22 498112530290, 22 498112530605, 22 498112530597

All that tract or parcel of land lying and being located in Land Lot 1253, 2nd District, 2nd Section, Fulton County, Georgia, located within the City of Alpharetta, and being more particularly described as follows:

Beginning at an iron pin set (1/2" rebar) at the northeast end of an intersection miter of the east right of way line of North Main Street (a variable right of way) with the south right of way line of Cumming Street (a variable right of way);

THENCE along the southern right of way line of Cumming Street, travel:

South 89 degrees 35 minutes 48 seconds East for a distance of 32.68 feet; then,
South 88 degrees 56 minutes 31 seconds East for a distance of 49.83 feet; then,
South 88 degrees 58 minutes 06 seconds East for a distance of 51.06 feet; then,
North 85 degrees 52 minutes 59 seconds East for a distance of 51.88 feet; then,
North 80 degrees 24 minutes 02 seconds East for a distance of 51.35 feet; then,
North 77 degrees 56 minutes 51 seconds East for a distance of 51.14 feet; then,
North 74 degrees 54 minutes 01 seconds East for a distance of 50.89 feet; then,
North 72 degrees 58 minutes 34 seconds East for a distance of 50.86 feet; then,
North 70 degrees 40 minutes 46 seconds East for a distance of 49.49 feet; then,
North 74 degrees 16 minutes 12 seconds East for a distance of 55.51 feet;

which is the TRUE POINT OF BEGINNING.

THENCE continue along the southern right of way of Cumming Street, travel:

North 74 degrees 16 minutes 12 seconds East for a distance of 19.58 feet; then,
North 74 degrees 16 minutes 12 seconds East for a distance of 81.03 feet; then,
North 78 degrees 42 minutes 01 seconds East for a distance of 120.11 feet; then,
North 78 degrees 36 minutes 55 seconds East for a distance of 264.63 feet; then,
North 81 degrees 05 minutes 06 seconds East for a distance of 86.31 feet; then,

THENCE departing the southern right of way of Cumming Street, travel:

South 00 degrees 15 minutes 31 seconds West for a distance of 132.77 feet; then,
South 77 degrees 12 minutes 50 seconds West for a distance of 85.20 feet; then,
South 78 degrees 29 minutes 07 seconds West for a distance of 446.86 feet; then,
North 16 degrees 18 minutes 51 seconds West for a distance of 127.35 feet;

returning to the TRUE POINT OF BEGINNING.

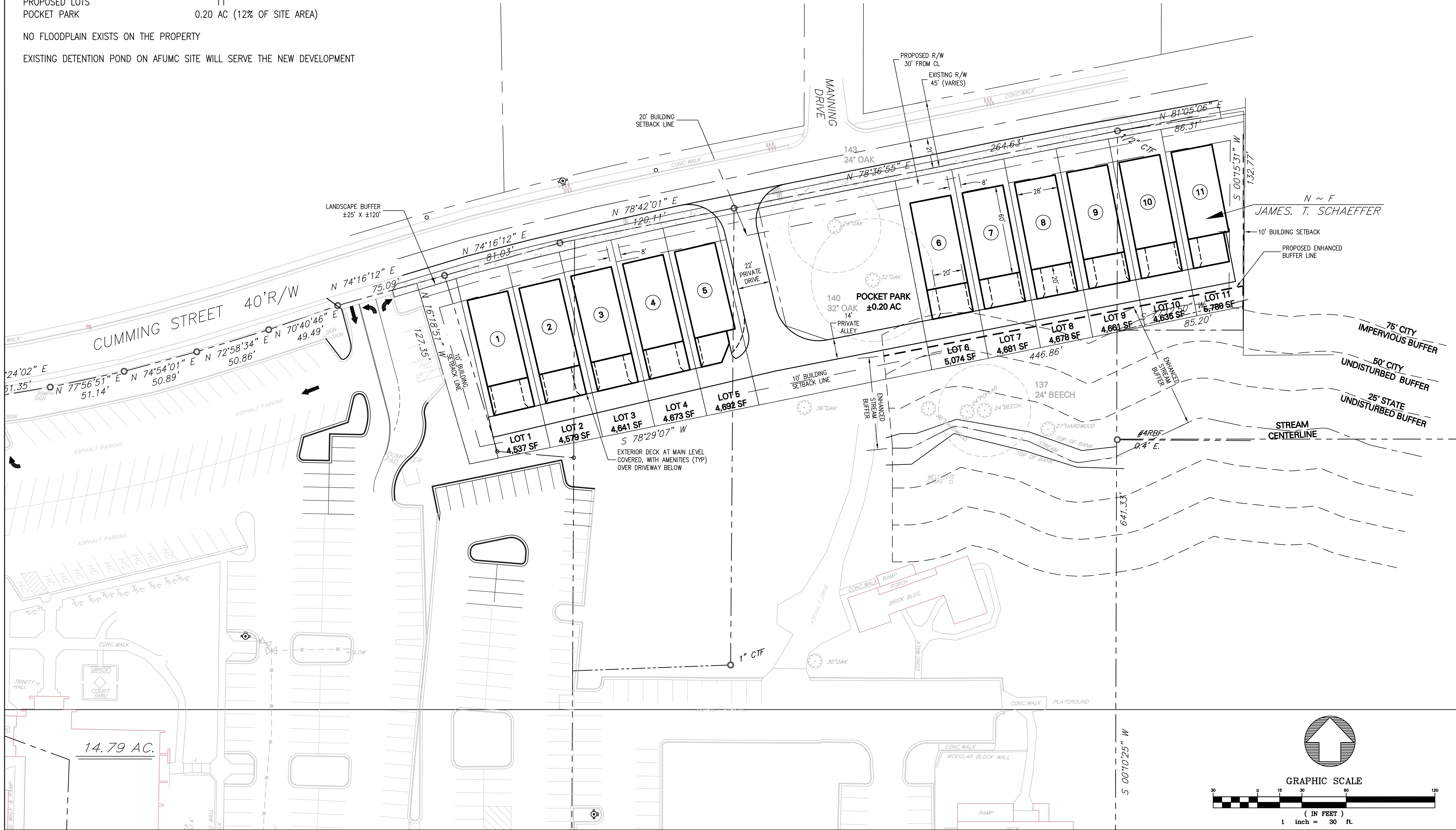
Said property contains 73,139 square feet, or approximately 1.68 acres.

AFUMC TOTAL ACREAGE =	14.79 AC
JAMES SCHAEFFER ACREAGE =	0.26 AC
SUBJECT SITE ACREAGE =	1.68 AC (SCHAEFFER + PORTION OF AFUMC)

PROPOSED HOMES
HEIGHT 35 FEET
STORIES 2 + BASEMENT
AREA ±5,000 SF

NO FLOODPLAIN EXISTS ON THE PROPERTY

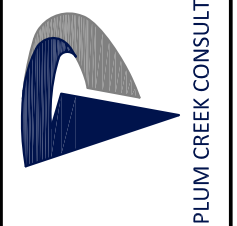
EXISTING DETENTION POND ON AFUMC SITE WILL SERVE THE NEW DEVELOPMENT

[illegible]

THE 1858
RESIDENCES ON CUMMING STREET
PREPARED FOR
VISION DEVELOPMENT PARTNERS, LLC
6160 PEACHTREE DUNWOODY ROAD, SUITE B200
ATLANTA, GA 30328

ZONING SITE PLAN

Plum Creek Consulting, LLC
7425 Mid Broadwell Trace
Alpharetta, GA 30004
P: (404) 518-5505 E: chris.owens@plumcc.com



DRAWN BY: KO	CHECKED BY: CO	PROJECT NO. 2020111
SHEET C 300		



THE 1858



DECEMBER 1, 2020







The 1858 - Landscape Concept Plan



Onebark LLC
88 N. Avondale Road, #450
Avondale Estates GA 30002
p: 678-344-6948 www.onebark.com

Tree Study Report

UMC Cumming Street Parcel, Alpharetta GA

Date of Inspection 10/6/2020

Inspector

Jesse Milton
ISA #SO-1170B
Email: jesse@onebark.com

Design Professional

Chris Owens
cowens@landisevans.com

INTRODUCTION

This inspection was made to verify trees that meet Specimen Tree criteria and/or meet the criteria for an Arborist Report as outlined in the Alpharetta municipal code.

METHODOLOGY

The project site was traversed to identify trees that meet the minimum size criteria for Specimen trees. This inspection uses Level I and Level II assessment standards. Level III standards can be applied at the customers request. All tree sizes were measure as DBH (Diameter at Breast Height, 4.5 feet above soil level).

The project site was traversed to identify trees that meet the minimum size criteria for Specimen trees, including boundary trees within 30 feet outside of the parcel limits and potential 'Trees of Character.' Boundary trees can only be inspected from the subject parcel, unless written permission is given by the neighboring parcel owner. This inspection uses Level I and Level II assessment standards. Level III standards can be applied at the customers request.

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:

30-inch DBH or larger for trees in the Pinus genus
30-inch diameter or larger for trees in the Sweetgum or Tulip poplar genus
20-inch DBH or larger for trees in the Cedrus, Thuja, or other ecologically similar trees
20-inch diameter or larger for trees in the Beech, Nyssa, Persimmon, Sassafras, or other ecologically similar trees
20-inch diameter or larger for Magnolia grandiflora and those cultivars that generally reach a mature height over 40'
24-inch DBH or larger for trees in all other genera
10-inch DBH or larger for Sourwood
Understory Trees: 8-inch DBH diameter or larger

DEFINITIONS OF TREE HEALTH

GOOD - Few if any pathological problems exist; canopy is full, leaf density is above average, and live crown ratio is generally 50% or greater

FAIR - vigor is reasonable but a minor pathological problem may exist; leaf density is average; live crown ratio may be less than 50%. Most urban trees fall in this category.

POOR - vigor is waning, some dieback may be present, leaf density is below average; a significant pathological problem may be present; decay may exist within vital structures.

DECLINING - vigor is terminal, dieback is developing or is inevitable; tree has a limited life expectancy of less than 5 years.

12.4.20

Tree 136

Previous tag old tag 70

Species	28" Tuliptree,	
Status	Not Specimen	
Health/Vigor	Good	No significant problems identified
Structure	Single	No significant problems identified
Other notes	Tree does not meet size criteria	



Tree 137

Previous tag n/a

Species	24" Beech, American, <i>Fagus grandifolia</i>	
Status	Specimen	
Health/Vigor	Good	No significant problems identified
Structure	Single	No significant problems identified

Other notes



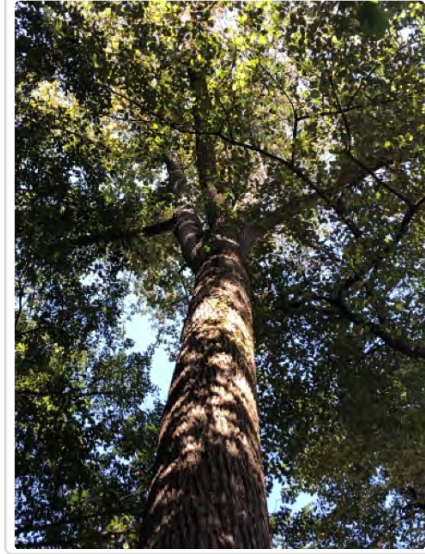
12.4.20

Tree 138

Previous tag n/a

Species	32" Tuliptree,	
Status	Specimen	
Health/Vigor	Fair	No significant problems identified
Structure	Single	No significant problems identified

Other notes

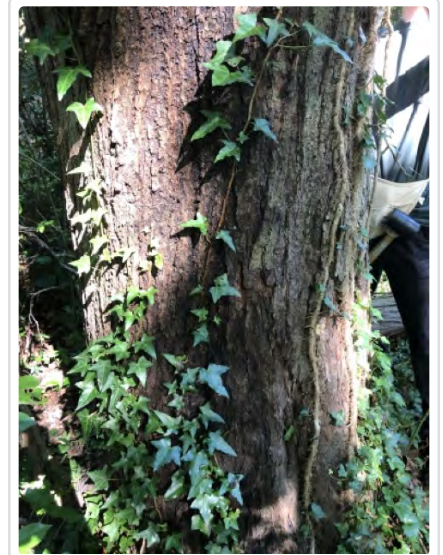


Tree 139

Previous tag n/a

Species	27" Maple, red, <i>Acer rubrum</i>	
Status	Not Specimen	
Health/Vigor	Poor	Broken & damaged canopy; decay progressing into main stem, open cavity at stem terminal
Structure	Asymmetric	Significatn canopy failure

Other notes Does not meet condition criteria



12.4.20

Tree 140

Previous tag 73

Species 32" Oak, white, *Quercus alba*Status **Specimen**

Health/Vigor Good No significant problems identified

Structure Single No significant problems identified; excellent form

Other notes



Tree 141

Previous tag n/a

Species 35" Tuliptree,

Status **Not Specimen**

Health/Vigor Poor Decay observed between stems; open cavity

Structure Multiple trunks Weak stem attachment; likely two separate trees growing from proximate point

Other notes Does not meet condition criteria



12.4.20

Tree 142

Previous tag n/a

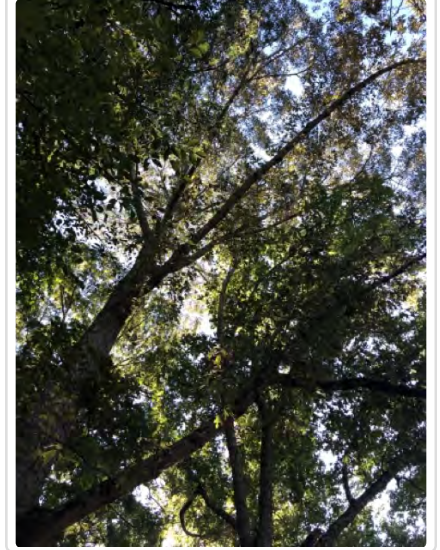
Species 30" Oak, Southern red, *Quercus falcata*

Status **Specimen**

Health/Vigor Fair

Structure Asymmetric

Other notes



Tree 143

Previous tag n/a

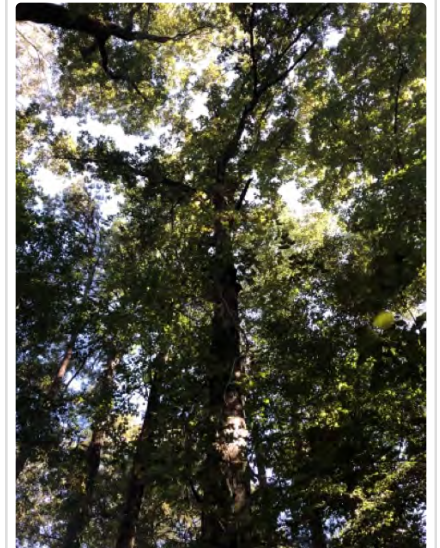
Species 24" Oak, post, *Quercus stellata*

Status **Specimen**

Health/Vigor Fair Multiple dead limb stubs

Structure Single No significant problems identified

Other notes



12.4.20

Tree 144

Previous tag 77

Species	27" Oak, post, <i>Quercus stellata</i>	
Status	Not Specimen	
Health/Vigor	Poor	Early fall leaf drop, leaves may have anthracnose
Structure	Asymmetric	Weighted over Cumming street; broken limb remains; would not make a good candidate for conservation
Other notes	Tree does not meet condition criteria	



Tree 145

Previous tag n/a

Species	18" Magnolia, southern,	
Status	Character/Quality Tree	
Health/Vigor	Fair	Foliage and twig growth exhibiting stress symptoms due to compacted soil conditions; correctable.
Structure	Single	Normal form
Other notes	Possible Character Tree depending on site design	



12.4.20

Tree 146

Previous tag n/a

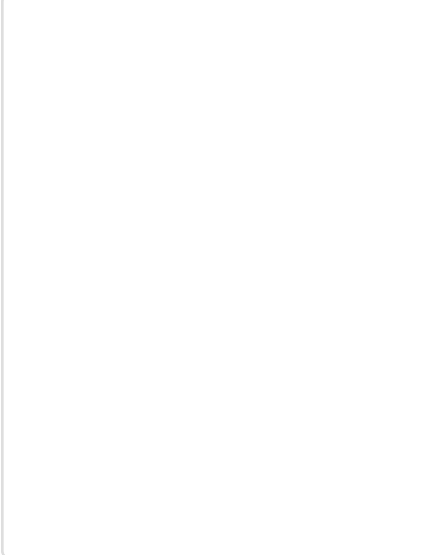
Species	17" Magnolia, southern,	
Status	Character/Quality Tree	
Health/Vigor	Fair	Foliage and twig growth exhibiting stress symptoms due to compacted soil conditions; correctable.
Structure	Single	Normal form
Other notes	Possible Character Tree depending on site design	



Tree 147

Previous tag n/a

Species	21" Sweetgum, <i>Liquidambar styraciflua</i>	
Status	OK	
Health/Vigor	Good	No significant problems identified
Structure	Single	Generally symmetrical
Other notes	Possible Character Tree depending on site design	



12.4.20

Tree 148

Previous tag n/a

Species 14" Redbud, *Cercis canadensis*

Status **Specimen**

Health/Vigor Good Full canopy

Structure Asymmetric Some decay in trunk, but not yet problematic

Other notes



Tree 149

Previous tag n/a

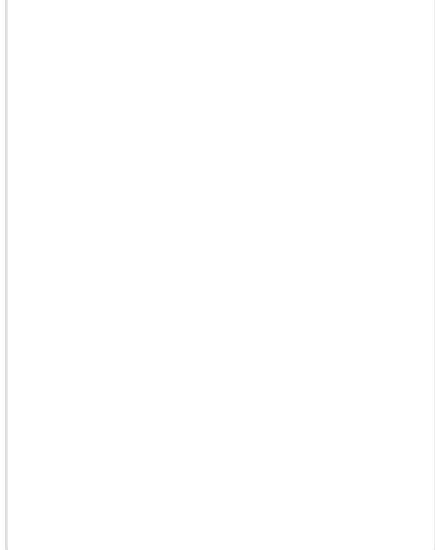
Species 13" Redbud, *Cercis canadensis*

Status **Specimen**

Health/Vigor Fair Foliage density is below average, but not yet problematic

Structure Multiple trunks Asymmetric, typical of some landscape plantings

Other notes



12.4.20

Tree 150

Previous tag n/a

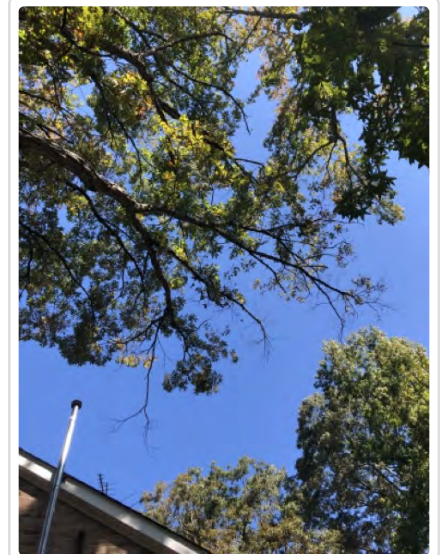
Species	20" Sweetgum, <i>Liquidambar styraciflua</i>	
Status	Character/Quality Tree	
Health/Vigor	Good	No significant problems identified
Structure	Single	No significant problems identified
Other notes	Possible Character Tree depending on site design	



Tree 151

Previous tag n/a

Species	38" Oak, white, <i>Quercus alba</i>	
Status	Not Specimen	
Health/Vigor	Poor	Alcoholic fermentation ; cambial dieback approx 20% of circumference ; dead tips beginning to develop
Structure	Single	Broad voluminous canopy
Other notes	Tree does not meet condition criteria	



12.4.20

Summary

Total specimen trees identified: 7

Additional Recommendations

LIMITATIONS

This report is not meant to override any determination by Alpharetta regarding the status of Specimen trees. Additional tree information may be required by the City once the Specimen Tree Report is submitted to Alpharetta, including but not limited to: Trees of Character, Level III assessments, site meetings with the Municipal arborist, and any Tree Maintenance Plan preparation.

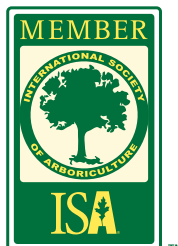
Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments cannot be guaranteed. Clients may choose to accept or disregard the recommendations of the arborists, or to seek additional advice. This inspection was made without the expectation of a particular result.

Certification

Date Certified: 10/6/2020

I certify that all of the statements made in this report are true, complete and correct to the best of my knowledge and belief, and are made in good faith.

Jesse Milton
ISA #SO-1170B





Memorandum

Date: November 24, 2020

From: Marc R. Acampora, PE

Subject: Access Study for Proposed The 1858 Residential Subdivision
Cumming Street at Manning, City of Alpharetta, Georgia

This memorandum documents a review of the proposed access location for The 1858 residential subdivision in Alpharetta. The site is located along the south side of Cumming Street, across from Manning Drive, as shown in the location map in Figure 1. The site will be developed with 11 single family homes. One full-movement vehicular driveway is proposed to serve the project. The proposed site plan is presented in Figure 2.

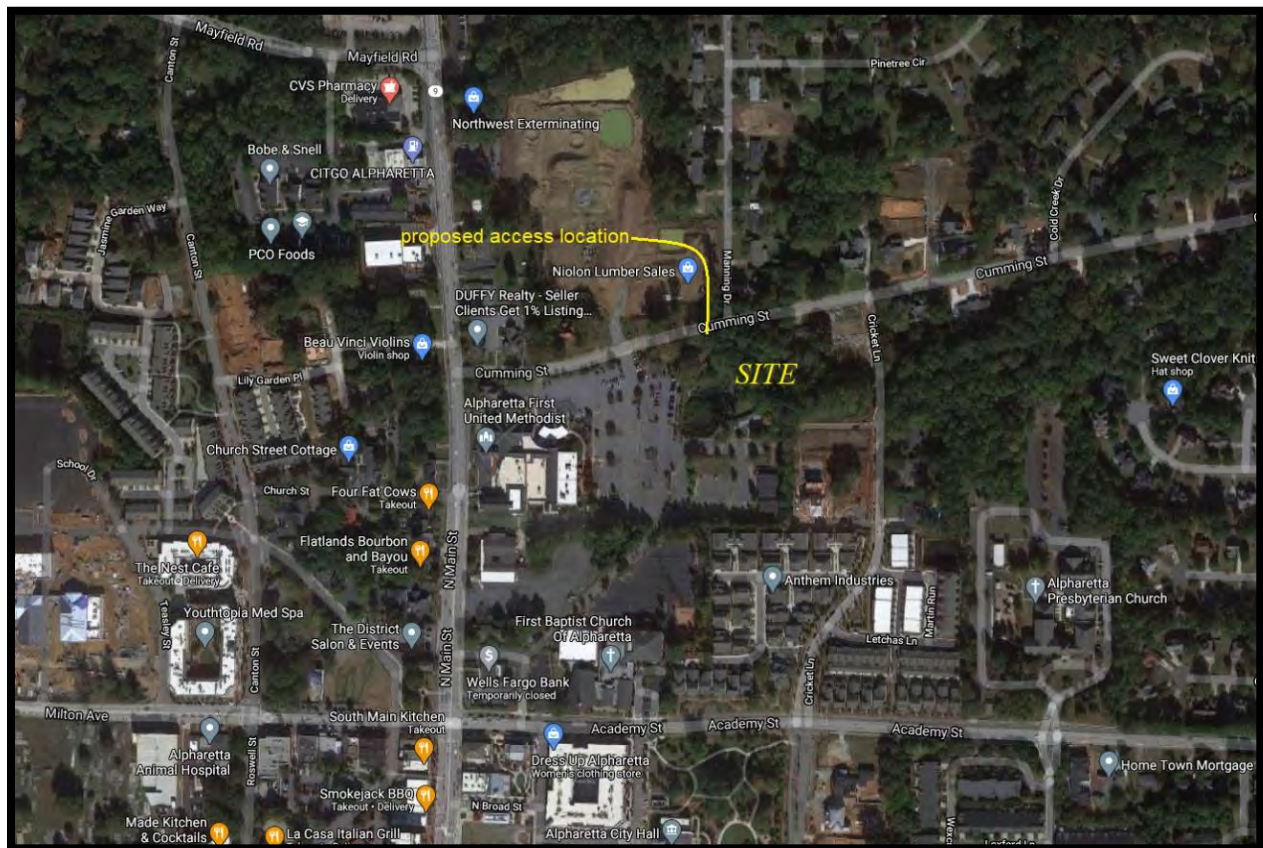


Figure 1 – Site Location Map

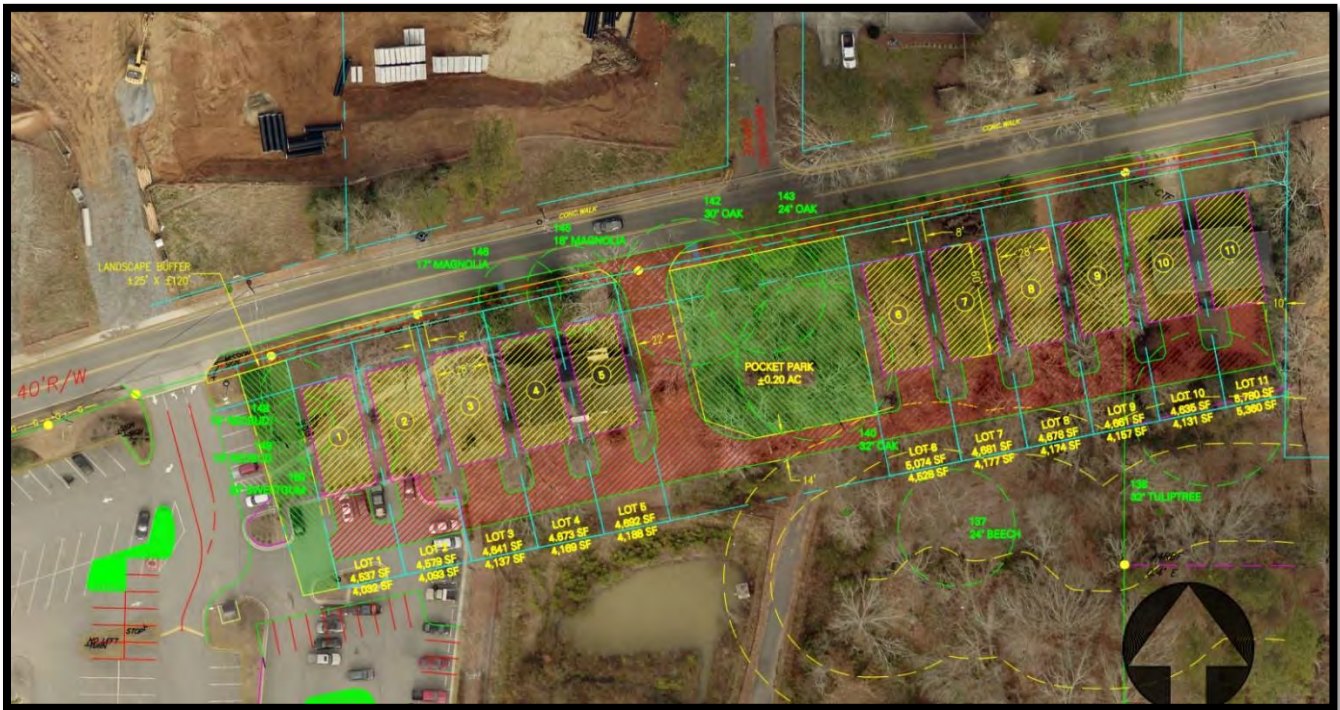


Figure 2 – Site Plan

In order to preserve large old-growth trees on the property, the subdivision driveway is proposed to be offset from Manning Drive. The access is proposed to be offset approximately 70 feet, centerline-to-centerline, west of Manning Drive and approximately 260 feet east of the Alpharetta First United Methodist church driveway which aligns with the driveway to an under-construction 58-home subdivision. A basic traffic engineering design principle is to directly align opposing legs at an intersection (such that the site access would be located directly across from Manning Drive). This provides the highest level of safety and operational efficiency by minimizing conflict points, meeting driver expectation, reducing driver confusion of assignment of right-of-way, and maximizing lines of sight. If opposing legs at an intersection cannot be aligned, then they should be sufficiently separated so as to create two separate intersections that do not conflict with one another. The following is a traffic engineering review of this proposed offset design.

Existing Conditions

Cumming Street is a two-lane local urban street that begins at a signalized intersection at North Main Street, passes the subject site, then terminates at a signalized intersection at Westside Parkway. The 2019 Georgia DOT Annual Average Daily Traffic (AADT) volume on Cumming Street east of Manning Drive was recorded as 4,920 vehicles per day in 2019. A 24-hour bi-directional count was collected for this study on Manning Drive at the proposed subdivision access location on Wednesday, November 18, 2020. The eastbound volume was 1,963 and the westbound volume was 1,862, for a two-way 24-hour volume of 3,825 vehicles, which is an approximately 22% decrease from the 2019 AADT, likely attributable to the COVID-19 pandemic. Cumming Street has a straight

alignment adjacent to the subject site, with a very gentle curve between the site and North Main Street. The terrain is level and the posted speed limit is 35 mph.

Manning Drive is a two-lane local residential street with side-street stop sign control at its T-intersection with Cumming Street. The terrain is level on Manning Drive and the posted speed limit is 25 mph.

A weekday a.m. and p.m. peak hour turning movement volume count was collected at the intersection of Cumming Street at Manning Drive on Wednesday, November 18, 2020. These volumes are shown coupled with the projected subdivision trips, later in this memorandum, in Figure 3.

Intersection Sight Distance

There is a clear line of sight between Manning Drive and the location of the proposed subdivision access. The intersection sight distance is clear to and from the west of the proposed access location. The City of Alpharetta recognizes the intersection sight distance standards prescribed by the American Association of State Highway and Transportation Officials (AASHTO). The AASHTO minimum intersection sight distance to the east for vehicles turning left from the proposed access is 390 feet. The intersection sight distance was measured to/from the east of the proposed access location as 231 feet. However, it is noted that this sight distance is limited by small vegetation along the subject site frontage, which can be easily cleared. It appears that clearing some of this vegetation would significantly increase the line of sight to well beyond the 390 foot requirement. Photographs 1 through 3 document the field conditions. Photograph 1 shows the clear line of sight to the west from the proposed access location. Photograph 2 shows the clear line of sight between the proposed access location and Manning Drive. The yellow arrow in Photograph 2 identifies the vegetation that can be removed to increase the sight distance to the east. Photograph 3 shows the straight, level section of Cumming Street facing east, with the site frontage to the right.



Photograph 1 – View to West (Left) from Proposed Access Location



Photograph 2 – View to East (Right) from Proposed Access Location, Yellow Arrow Shows Vegetation



Photograph 3 – View to East on Cumming Street Along Townhomes Frontage (to right)

Intersection Volumes

In order to document the potential turning movement volumes that may conflict between the offset Manning Drive / subdivision access, the volume of traffic that will be generated by the subdivision was calculated using the equations in the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 10th Edition – with Supplement* (the current edition). ITE Land Use 210 – Single Family Detached Housing was selected as representative of the project. The calculated trip generation is presented in Table 1.

Table 1 – The 1858 Trip Generation

Land Use	ITE Code	Size	A.M. Peak Hour			P.M. Peak Hour			24-Hour
			Enter	Exit	2-Way	Enter	Exit	2-Way	2-Way
Single Family Homes	210	11 units	3	10	13	7	5	12	136

The proposed subdivision will generate 13 new trips in the morning peak hour, 12 new trips in the evening peak hour, and 136 new daily trips. These trips were assigned to the proposed site access at the same percentages as the volumes turning to and from Manning Drive. The a.m. and p.m. peak hour turning movement volumes collected at Manning Drive, as discussed previously, were combined with the volumes projected to turn to and from the proposed subdivision access. These volumes are presented in Figure 3. It was noted above that counted volumes appear to be reduced due to the COVID-19 pandemic. The differences on the Manning Drive side-street volumes

are expected to be minimal (Even large percentage increases to such low volumes equate to low volumes. For example, a 22% increase in the highest movement volume turning from Manning Drive, changes the 7 vehicles to 9 vehicles). The through volumes on Cumming Street will likely increase somewhat post-pandemic, but, for the same reasoning – that the volumes are moderate – these volumes are still anticipated to remain moderate.

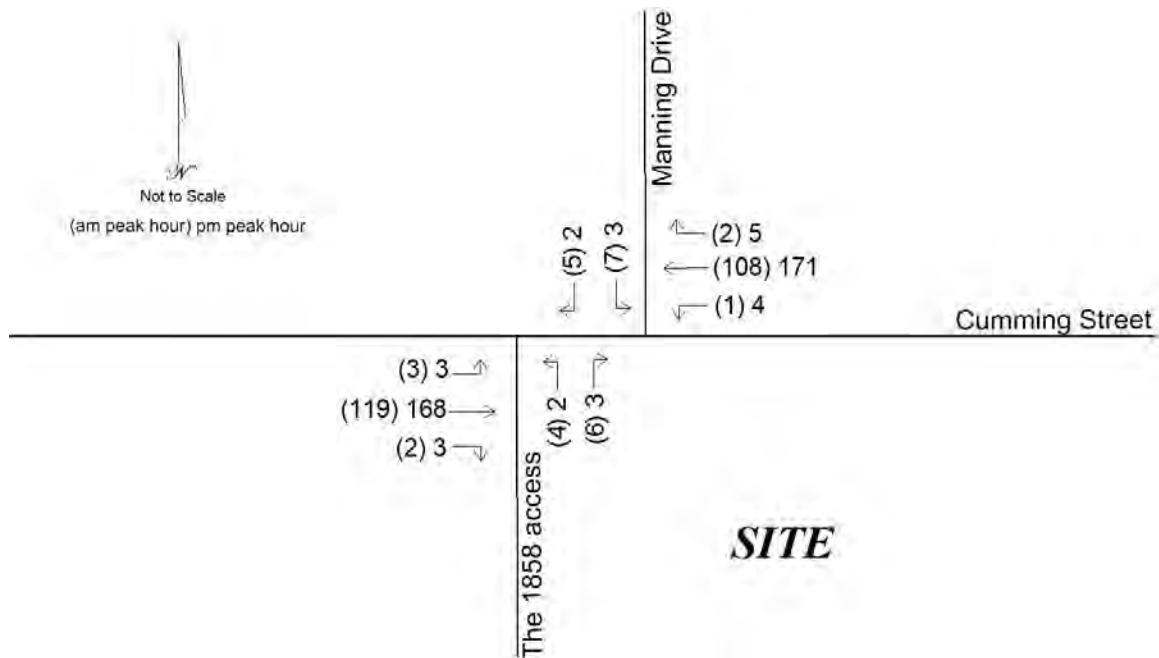


Figure 3 – Weekday A.M. and P.M. Peak Hour Volumes with Proposed Subdivision

Discussion of Findings

As proposed, the subdivision access is closer to the adjacent church access and, when completed, the aligning access to a new subdivision on the north side of Cumming Street. While no excessive queuing was observed along Cumming Street, the hatched out “Don’t Block the Box” condition at the Cumming Street / Manning Street intersection suggests that queuing may be an issue from North Main Street during certain peak times. Relocation of the site access to the east of Manning Drive, further from North Main Street and the church and aligning new subdivision access could reduce potential proximity and queuing issues. Conversely, the location of the site access, as proposed, eliminates the potential for conflicts between left turners from the two side street approaches. Based on the extremely low side street volumes, the modest volumes on Cumming Street, the clear line of sight between the side street approaches, and the low 35 mph speed on Cumming Street, the proposed site access is expected to operate safely and with minimal delays, offset from Manning Drive in either direction.