



PLANNING COMMISSION MEETING NOVEMBER 4, 2021

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

- I. **CALL TO ORDER**
- II. **ROLL CALL**
- III. **APPROVAL OF MEETING MINUTES**
 - a. Approval of Planning Commission meeting minutes from October 7, 2021.
- IV. **PUBLIC HEARING**
 - a. **MP-21-07/CLUP-21-04/Z-21-09/V-21-23 Empire Communities/KB/400 Partners**
Consideration of a comprehensive land use plan amendment, master plan amendment, rezoning and variances to allow for 90 'For-Sale' single-family detached homes to be constructed on approximately 14 acres in the North Point Overlay. A comprehensive land use plan amendment is requested from 'Corporate Office' and 'Public, Institutional, Education' to 'High Density Residential' and a rezoning is requested from O-I (Office-Institutional) and SU (Special Use) to R-8A/D (Dwelling, 'For-Sale', Attached/Detached Residential). A master plan amendment is requested to add 'Dwelling, 'For-Sale', Detached' to Pod A of the KB/400 Partners Master Plan and variances are requested to modify North Point Overlay site design and streetscape standards, reduce setbacks and lot widths, eliminate block requirements with stub-out streets and vehicular cross-access, eliminate minimum driveway spacing, reduce landscape strip along new private road and allow a stream buffer encroachment for new entry road off Rock Mill Road. The property is located at the southwest corner of Kimball Bridge Road and North Point Parkway and is legally described as being located in Land Lots 807, 808, 849 & 850, 1st District, 2nd Section, Fulton County, Georgia.
 - b. **Z-21-08 / CU-21-11 Mayfair on Main / 217 South Main Street**
Consideration of a rezoning from C-2 (General Commercial) to DT-MU (Downtown Mixed-Use) and a conditional use to increase the density above 10 dwelling units per acre to allow for the construction of 13 'For-Sale' single-family detached homes and 11 'For-Sale' townhomes in the Downtown. The property is located at 217 South Main Street and is legally described as being located in Land Lot 694, 2nd District, 2nd Section, Fulton County, Georgia.
 - c. **MP-21-09/CLUP-21-05/V-21-25 Cousins Westside Pod A/Empire Communities**
Consideration of a comprehensive land use plan amendment, master plan amendment and variances to allow 58 'For-Sale' townhomes on 7.35 acres. A comprehensive land use plan amendment is requested from 'Business, Manufacturing, Warehousing, Light Industrial' to 'High Density Residential' and a master plan amendment is requested to add 'Dwelling, 'For-Sale', Attached' as a permitted use in Pod A of the Cousins Westside Master Plan. Variances are requested to modify North Point Overlay site design and streetscape standards, amend block requirements, and eliminate landscape strip requirements along the new internal street. The property is located at 3000 Hembree Road and is legally described as being located in Land Lot 691, 1st District, 2nd Section, Fulton County, Georgia.
 - d. **PH-21-18 Code of Ordinances Text Amendments – Alcoholic Beverages, Distance Requirements and Ancillary Tasting License**
Consideration of text amendments to the Code of Ordinances to add and amend regulations related to ancillary tasting license and to add a distance requirement between retail package sales establishments.

- e. PH-21-17 Unified Development Code (UDC) Text Amendments – Downtown Sign Code
Deferred: This item has been deferred until the December 2, 2021 Planning Commission meeting. This item will not be heard or considered during tonight's agenda.
Consideration of text amendments to the Unified Development Code (UDC) to add regulations for signage in the Downtown Overlay.

V. ITEMS FROM BOARD MEMBERS

VI. ITEMS FROM STAFF

VII. ADJOURNMENT



Planning Commission Meeting MEETING MINUTES OCTOBER 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 Planning Commission, but not quoted or paraphrased. This document includes limited presentation by Planning Commission and invited speakers in summary form. This is not an official record of the Alpharetta Planning Commission meeting proceedings. Official Minutes are recorded and available for review.

I. CALL TO ORDER

- Chairman Kung'u called the meeting to order at 6:30 p.m.

II. ROLL CALL

- **Planning Commissioners Present**
 - Francis Kung'u, Chair
 - Fergal Brady, Vice-Chair
 - William Perkins
 - Dana Davis
 - Candy Waylock
 - Larry Attig
 - Martine Zurinkas
- **Planning Commissioners Absent**
 - Valerie Manley, Alternate
- **Staff Present**
 - Kathi Cook, Director of Community Development and Economic Development
 - Mike Stacy, City Attorney
 - Michael Woodman, Senior Planner
 - Eric Graves, Senior Traffic Engineer / Planner
 - Lauren Shapiro, Planning & Zoning Coordinator

III. APPROVAL OF MEETING MINUTES

A. Approval of the Planning Commission meeting minutes from September 2, 2021.

- ❖ Vice-Chair Brady offered a motion to approve the Planning Commission meeting minutes from September 2, 2021.
 - Commissioner Attig seconded the motion.

- The motion was approved (6-0-1; Chairman Kung'u abstained).

IV. ITEMS FROM BOARD MEMBERS

V. ITEMS FROM STAFF

VI. PUBLIC HEARING

A. CLUP-21-04 / MP-21-07 / Z-21-09 / V-21-23 KB/400 Partners Empire Communities

DEFERRED: This item has been deferred by the Applicant. The item will not be heard or considered during the October 7, 2021 Planning Commission Meeting.

Consideration of a comprehensive land use plan amendment, master plan amendment, rezoning and variances to allow for 90 'For-Sale' single-family detached homes to be constructed on approximately 14 acres in the North Point Overlay. A comprehensive land use plan amendment is requested from 'Corporate Office' and 'Public, Institutional, Education' to 'High Density Residential' and a rezoning is requested from O-I (Office-Institutional) and SU (Special Use) to R-8A/D (Dwelling, 'For-Sale', Attached/Detached Residential). A master plan amendment is requested to add 'Dwelling, 'For-Sale', Detached' to Pod A of the KB/400 Partners Master Plan and variances are requested to modify North Point Overlay site design and streetscape *standards, reduce setbacks and lot widths, eliminate block requirements with stub-out streets and vehicular cross-access, eliminate minimum driveway spacing, reduce landscape strip along new private road and allow a stream buffer encroachment for new entry road off Rock Mill Road. The property is located at the southwest corner of Kimball Bridge Road and North Point Parkway and is legally described as being located in Land Lots 807, 808, 849 & 850, 1st District, 2nd Section, Fulton County, Georgia.*

B. Z-21-06 / V-21-17 Kimball 154

Consideration of a master plan amendment to add 'Day Care Center' as a permitted use in Pod B of the KB/400 Partners Master Plan. The property is located at 5750 North Point Parkway and is legally described as being located in Land Lot 808, 2nd District, 1st Section, Fulton County, Georgia.

- Director of Community Development and Economic Development, Kathi Cook, came forward to present this item.
- Staff is recommending that Planning Commission Approve Z-21-06/V-21-17 Kimball 154, subject to the following conditions:
 1. The site, consisting of approximately 4.44 acres, shall be zoned O-P (Office-Professional) and developed substantially similar to site plan submitted by Kimley-Horn, dated 8/20/21, except for modifications required to comply with the conditions below. Uses shall be limited to professional office, research and development, and support retail uses and conditional uses listed in the O-P district regulations.
 2. Up to 25% of the office area may be used for support retail uses and Council-approved conditional uses, as listed in the O-P zoning district regulations.
 3. Maximum building height shall not exceed 3 stories and 48', which does not include the below-grade parking podium.
 4. Driveway spacing and impervious area shall be as depicted on the site plan prepared by Kimley-Horn, dated 8/20/21. Impervious area exceeding the maximum 70% shall be offset with pervious hardscape, green roof, etc., with final approval by Staff.
 5. Minimum 20' building setback shall be provided along Kimball Bridge Road, except that building setbacks for the Bailey-Johnson School and Gymnasium buildings shall be as depicted on the site plan prepared by Kimley-Horn, dated 8/20/21.

6. Minimum parking shall be provided at a rate of 2.9 spaces/1,000 SF of office (gross). A 3rd level shall be permitted on the rear parking deck and a 2nd level shall be permitted under the front parking podium.
 7. Architecture and materials of the new office building and renovation of the existing buildings shall be substantially similar to the submitted renderings, except for modifications required to comply with these conditions, subject to final approval by DRB.
 8. Parking decks visible from Kimball Bridge Road shall be clad with a decorative exterior material, with final approval by DRB. A line-of-sight study shall be provided to determine if the rear parking deck would be seen from Kimball Place or Amber Park Drive. The study shall assume a 2-level and 3-level parking deck. If any portion of the rear deck or northern face of parking under the building is visible, it shall be screened with evergreen landscape material or clad with a decorative exterior material, with final approval by DRB.
 9. Unique signage types, as depicted on the submitted renderings, shall be permitted with final approval by DRB.
 10. Developer shall improve the Kimball Bridge Road streetscape to include a 10' travel lane, 4' shoulder/bike lane, 2' curb/gutter, 6' planter, and 8' sidewalk, as approved by Staff. 6' planter may be reduced to 0' at locations adjacent to the gymnasium building, as depicted on the site plan prepared by Kimley-Horn, dated 8/20/21. Developer shall dedicate sufficient right-of-way in order for the City to maintain the sidewalk.
 11. Developer shall improve two-way left turn lane/flush median, as depicted on the site plan prepared by Kimley-Horn, dated 8/20/21, with final approval by Staff.
 12. Minimum 20' landscape strip shall be provided along Kimball Bridge Road, except that reduced landscape strip areas shall be permitted where existing buildings encroach on the landscape strip. Shrubs required to screen parking areas may overlap the landscape strip.
 13. Foundation plantings, consisting of shrubs, vines and/or grasses, shall be required along buildings fronting Kimball Bridge Road, with final approval by DRB.
 14. Decorative lighting and trees in maximum 4' x 4' free-standing planters shall be placed on the upper level of the parking deck, as approved by DRB.
 15. Sidewalks shall connect buildings to parking areas and the public sidewalk.
 16. Developer shall save trees as depicted on the site plan prepared by Kimley-Horn, dated 8/20/21. Developer shall make every effort to save additional trees on the property, including trees of quality of tree groupings.
 17. Property owner shall designate the Bailey-Johnson School and Gymnasium buildings as a historic property under the City's Historic Preservation Incentive Zoning ordinance prior to a Certificate of Occupancy.
 18. A marker shall be placed on the property recognizing the history of the Bailey-Johnson School.
- The submitted request, if approved, would allow for the adaptive re-use of the Bailey-Johnson School and Gymnasium buildings (circa 1950), as well as the construction of a 3-story, 120,000 square feet timber-frame office building and structured parking on 4.44 acres. The applicant's letter of intent indicates that the proposed development would likely be constructed as a single-phase. However, market conditions could dictate two (2) phases with the Bailey-Johnson

buildings rehabilitated in a first phase and the new office building in a second phase. A rezoning is requested from SU (Special Use) to O-P (Office-Professional) and variances are requested to reduce building setbacks, increase maximum impervious area, increase building height, reduce driveway spacing, and reduce parking requirements. The property is located at 154 Kimball Bridge Road on the east side of Kimball Bridge Road and south of Kimball Place.

- The subject property was originally developed as the Bailey-Johnson School in 1950 and most recently used by Fulton County Schools as a maintenance yard. Surrounding properties are zoned O-I (Office-Institutional) to the north and east, O-P to the south and R-8A/D (Dwelling, 'For-Sale', Attached/Detached Residential – Medium Density) to the west. The property has frontage along Kimball Bridge Road, with Parkway 400 Master Plan located to the north and east, Diamond Glass (formerly St. James United Methodist Church) to the south and Kimball Bridge Walk subdivision to the west. The property has a Comprehensive Land Use Plan designation of Corporate Office, which allows the applicant's zoning proposal.
- The table below summarizes of the applicant's requested variances. The applicant's variance hardship is generally related to the re-use of the existing Bailey-Johnson School and Gymnasium buildings. In addition, the property also has an unusual shape and topographic challenges resulting from over 50' of elevation change on the property.

Kimball 154 – Variance Requests

UDC Sections	Regulations	UDC Requirement	Variance Request
2.2.12(D)	Front Building Setback	65'	20'
2.2.12(D)	Maximum Building Height	40'	48'
2.2, Table 2.1	Maximum Impervious Area	70%	75%
3.5.2(G)	Driveway Spacing	Min. 300'	220', 170', 80'
2.5.1(B)	Parking	640 spaces (4/1,000)	7 spaces (2.5/1,000)

- A parking memo was provided by the applicant to justify the requested parking variance. The memo references an administrative parking reduction under Unified Development Code (UDC) Subsection 2.5.5(e), which allows up to a 50% parking reduction for office and commercial uses on a historic property. The Bailey-Johnson School is approximately 71 years old and does not yet qualify for designation as a historic property under the City's Historic Preservation Incentive Zoning ordinance.
- The submitted site plan depicts the one (1) story, 20,000 square foot Bailey-Johnson School building and 2-story, 20,000 square foot Gymnasium building to remain on the southern half of the property. A new three (3) story, 120,000 square foot timber-frame office building with structured parking below and two (2) level parking deck to the rear is depicted on the northern half of the property. The applicant proposes to renovate the existing buildings for use as creative loft office space and service/amenity areas for office users. A 20' building setback is proposed along Kimball Bridge Road. However, the corner of the existing gymnasium is approximately six-foot (6') from Kimball Bridge Road and the southernmost portion of the existing school building is approximately seven-feet (7') from Kimball Bridge Road.
- Four (4) curb cuts are depicted providing access to the property from Kimball Bridge Road. The northernmost driveway provides access to the below grade parking deck, the two (2) southernmost curb cuts provide access to a small surface parking area and the center curb cut is the main entrance to the development and provides access to parking deck. An eight-foot (8') sidewalk is depicted along Kimball Bridge Road.
- The applicant submitted a tree survey and assessment identifying ten (10) 'Good' condition specimen trees on the property, including several Red Oaks, an Elm, a Dogwood and two (2)

Magnolias. The site plan depicts two (2) tree saves, including #353 (22" Magnolia) and #354 (25" Magnolia). It is recommended that the developer identify additional tree saves, which could include tree groupings and trees of quality. The site plan depicts an underground stormwater vault under the rear parking deck.

- The applicant provided a trip generation report, which shows that the proposed development is expected to generate 177 AM Peak Hour trips and 178 PM Peak Hour trips.
- Kimball Bridge Road is a two (2) lane roadway, which has a capacity of approximately 15,000-18,000 Vehicles Per Day (VPD). According to the City's Transportation Engineer, development traffic can be accommodated at acceptable levels of service (LOS) at existing intersections and the site driveways once the left turn lanes are provided.
- The Planning Commission and the City Council shall consider the following standards in considering a rezoning application, giving due weight or priority to those factors particularly appropriate to the circumstances of each application:

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

Response: The zoning proposal is consistent with the Comprehensive Land Use Plan designation of the property, which is 'Corporate Office'. The current zoning, SU (Special Use), is typically reserved for publicly owned properties.

- Staff has reviewed the applicant's proposal and finds that the request does not conflict with the established review criteria for a rezoning and variance.
- The requested variances generally can be supported given the hardship of an unusually-shaped property, topographic challenges resulting from nearly 50' of elevation change on the property, and the proposed adaptive re-use of the existing Bailey-Johnson School buildings. If approved, it is recommended that the property be designated under the City's Historic Preservation Incentive Zoning ordinance, the development have at least 2.9 spaces/1,000 square feet, and impervious area in excess of 70% be offset with pervious hardscape, green roof, etc.
- 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 held two (2) community meetings on 5/27/2021 and 6/1/2021. According to the applicant, attendees were in support of the proposed development. One area of concern was traffic, particularly the driveway aligning with Stratham Drive and whether or not it would impact traffic in and out of Kimball Bridge Walk. The speed of traffic along Kimball Bridge Road was also a concern.
- The CZIM was held on June 9, 2021. There were questions and comments from area residents, including concerns with the applicant's secondary driveway aligning with their entrance (Stratham Drive) and how that could impact traffic in and out of Kimball Bridge Walk. A resident asked if a roundabout has been considered at that location. A resident asked about the City's long-range plans for this section of Kimball Bridge Road, of which the City does not currently have any funded, final plans. Additional questions included project timeline and if the sidewalk would be extended to the south.
- The applicant, Matt Vyverberg with KB Venture Partners, located at 1099 Alpharetta Street, Roswell, GA 30075, came forward to speak on behalf of this application. The applicant accepted all of staff's recommended conditions and mentioned that if approved, construction would begin in the second quarter of 2022.

Planning Commission questions and comments:

- Curb cuts are within a close proximity of one another.

- Traffic capacity of Kimball Bridge Road into the future. Senior Traffic Engineer, Eric Graves, shared that even with the projected growth over the next 20 years, this road will be able to accommodate traffic with the current 2 lanes (and turn lanes).
- Unusual site (topography); the design for egress and ingress is unusual too.

Public Comment

- Pat Miller, residing at 13040 King Road, Milton, GA 30075, came forward to speak on behalf of this item. Mrs. Miller shared that for many years, black free public education stopped in the seventh grade, and if blacks wanted to continue education, they were required to pay tuition and provide their own transportation. In 1950, the Alpharetta Colored School opened and served four communities in the North Fulton area. This school was later renamed The Bailey-Johnson School, and this school served as the segregated school in North Fulton County until it closed in 1967. Mrs. Miller shared that she has worked with the developers in creating a historical marker for this development, and the marker is currently in storage.
- ❖ Vice-Chair Brady offered a motion to approve Z-21-06/V-21-17 Kimball 154, subject to the following conditions:
 1. The site, consisting of approximately 4.44 acres, shall be zoned O-P (Office-Professional) and developed substantially similar to site plan submitted by Kimley-Horn, dated 8/20/21, except for modifications required to comply with the conditions below. Uses shall be limited to professional office, research and development, and support retail uses and conditional uses listed in the O-P district regulations.
 2. Up to 25% of the office area may be used for support retail uses and Council-approved conditional uses, as listed in the O-P zoning district regulations.
 3. Maximum building height shall not exceed 3 stories and 48', which does not include the below-grade parking podium.
 4. Driveway spacing and impervious area shall be as depicted on the site plan prepared by Kimley-Horn, dated 8/20/21. Impervious area exceeding the maximum 70% shall be offset with pervious hardscape, green roof, etc., with final approval by Staff.
 5. Minimum 20' building setback shall be provided along Kimball Bridge Road, except that building setbacks for the Bailey-Johnson School and Gymnasium buildings shall be as depicted on the site plan prepared by Kimley-Horn, dated 8/20/21.
 6. Minimum parking shall be provided at a rate of 2.9 spaces/1,000 SF of office (gross). A 3rd level shall be permitted on the rear parking deck and a 2nd level shall be permitted under the front parking podium.
 7. Architecture and materials of the new office building and renovation of the existing buildings shall be substantially similar to the submitted renderings, except for modifications required to comply with these conditions, subject to final approval by DRB.
 8. Parking decks visible from Kimball Bridge Road shall be clad with a decorative exterior material, with final approval by DRB. A line-of-sight study shall be provided to determine if the rear parking deck would be seen from Kimball Place or Amber Park Drive. The study shall assume a 2-level and 3-level parking deck. If any portion of the rear deck or northern face of parking under the building is visible, it shall be screened with evergreen landscape material or clad with a decorative exterior material, with final approval by DRB.

9. Unique signage types, as depicted on the submitted renderings, shall be permitted with final approval by DRB.
10. Developer shall improve the Kimball Bridge Road streetscape to include a 10' travel lane, 4' shoulder/bike lane, 2' curb/gutter, 6' planter, and 8' sidewalk, as approved by Staff. 6' planter may be reduced to 0' at locations adjacent to the gymnasium building, as depicted on the site plan prepared by Kimley-Horn, dated 8/20/21. Developer shall dedicate sufficient right-of-way in order for the City to maintain the sidewalk.
11. Developer shall improve two-way left turn lane/flush median, as depicted on the site plan prepared by Kimley-Horn, dated 8/20/21, with final approval by Staff.
12. Minimum 20' landscape strip shall be provided along Kimball Bridge Road, except that reduced landscape strip areas shall be permitted where existing buildings encroach on the landscape strip. Shrubs required to screen parking areas may overlap the landscape strip.
13. Foundation plantings, consisting of shrubs, vines and/or grasses, shall be required along buildings fronting Kimball Bridge Road, with final approval by DRB.
14. Decorative lighting and trees in maximum 4' x 4' free-standing planters shall be placed on the upper level of the parking deck, as approved by DRB.
15. Sidewalks shall connect buildings to parking areas and the public sidewalk.
16. Developer shall save trees as depicted on the site plan prepared by Kimley-Horn, dated 8/20/21. Developer shall make every effort to save additional trees on the property, including trees of quality of tree groupings.
17. Property owner shall designate the Bailey-Johnson School and Gymnasium buildings as a historic property under the City's Historic Preservation Incentive Zoning ordinance prior to a Certificate of Occupancy.
18. A marker shall be placed on the property recognizing the history of the Bailey-Johnson School.
 - o Commissioner Waylock seconded the motion.
 - o The motion was approved unanimously (7-0).

C. MP-21-08 Adora Day Care Center KB/400 Partners

Consideration of a master plan amendment to add 'Day Care Center' as a permitted use in Pod B of the KB/400 Partners Master Plan. The property is located at 5750 North Point Parkway and is legally described as being located in Land Lot 808, 2nd District, 1st Section, Fulton County, Georgia.

- Senior Planner, Michael Woodman, came forward to present this item.
- Staff is recommending that Planning Commission approve MP-21-04 Adora Day Care/KB400 Master Plan, subject to the following conditions:
 1. 'Day Care Center' shall be listed as a permitted use in the KB/400 Partners Master Plan Pod B.
 2. Site shall be developed substantially similar to the site plan prepared by Kent Ahrenhold Architect, dated 5/20/2021. Site shall be limited to 'Day Care Center' use only.
 3. Changes to the exterior of the existing building, new additions and signage shall

be subject to approval by the DRB. There shall be no primary colors used on the exterior of the building, including on awnings or signage. At a minimum, existing building shall be pressured washed.

4. Drop-off & Pick-up operations shall be contained on-site. Operations shall not impede traffic along Rock Mill Road and North Point Parkway.
 5. Property owner shall assess site landscaping and replace missing, dead or dying landscape material, with final approval by DRB. New landscape material shall be sustainable landscaping, with final approval by DRB.
 6. Shrub plantings between the street and parking areas shall be upgraded with a double row of shrubs, minimum 2' tall at planting. New landscape material shall be sustainable landscaping, with final approval by DRB.
 7. Fencing visible from North Point Parkway or Rock Mill Road shall be decorative, as approved by DRB.
 8. Playground area shall be screened from North Point Parkway and Rock Mill Road, with final approval by DRB.
 9. Dumpster shall have a brick or stone enclosure with painted metal doors and shall be heavily screened with landscaping, as approved by DRB.
 10. At a minimum, North Point EcoDistrict points shall include the use of sustainable landscaping and/or bioretention, subject to approval by Staff at LDP.
 11. Planter along Rock Mill Road and North Point Parkway shall be planted with a row of shrubs, as approved by DRB.
 12. Existing mechanical equipment on the south side of the building shall be screened, as approved by DRB.
- The applicant, Abdulbasit Aydin, is requesting a master plan amendment to add 'Day Care Center' as a permitted use in Pod B of the KB/400 Partners Master Plan. Adora Childcare proposes to re-use a vacant 4,172 square foot building formerly used as a Wells Fargo bank with drive-through. Drive-through facilities are proposed to be removed and replaced with two (2) building additions totaling 3,614 square feet and a new playground area. The subject property is located at 5750 North Point Parkway at the northeast corner of North Point Parkway and Rock Mill Road.
 - The property is zoned O-I (Office-Institutional) and is subject to the KB400 Master Plan Pod B. The 2.35-acre property was developed in 2004 with a 1-story, 4,172 square foot bank building with drive-through facilities. Surrounding properties are zoned O-I to the west, north and east and CUP (Community Unit Plan) to the south. North Point Park office condominiums is located to the west, Milton Park to the south, and City-owned open space to the north and east.
 - In 1999, the KB/400 Partners Master Plan was approved on 27 acres along North Point Parkway allowing four (4) office buildings, two (2) free-standing restaurants and one (1) free-standing bank.
 - 'Day Care Center' is listed as a permitted use in Pod C and an accessory use in Pod A; however, the use is not listed in Pod B.
 - The site plan depicts the 4,172 square foot bank building to remain and the drive-through facilities being replaced with a 2,564 square foot classroom addition and playground area. A 1,050 square foot addition is also depicted on the north side of the building,

which pushes the dumpster enclosure north into the former exit lane of the drive-through. The total area of the Day Care Center is 7,786 square feet. 35 surface parking spaces are provided on the property. The UDC requires one (1) parking space/400 square feet for a Day Care Center, of which the applicant's proposal exceeds the minimum parking requirement.

- Staff has reviewed the applicant's proposal and finds that the use does not conflict with the established review criteria for a master plan amendment. The zoning proposal would allow a 'Day Care Center', which represents a neighborhood-level service use that would complement surrounding uses. In addition, the master plan allows 'Day Care Center' as a permitted use in Pod C and as an accessory use in Pod A. It is unclear why the use was not allowed in Pod B given that the pod is approved for office and commercial uses such as, bakery, bank, and restaurant.
- The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that no comments were received.
- The applicant, Abdulbasi Akif Aydin, residing at 10 Ridgedale Way, Simpsonville, SC 29681, came forward to speak on behalf of this application.

Planning Commission questions and comments:

- Concern of the vault staying in the existing building
- Existing trail behind this building. Senior Planner Woodman commented that the original Master Plan did have open space requirements, and another current applicant coming before Planning Commission next month does have plans to incorporate a boardwalk and trail system in their project, so the existing trail has potential to connect into that applicant's planned trail.
- This is only a daycare, no pre-school, and the applicant has two (2) other daycare locations in Greenville, South Carolina.
- Appropriate location for a daycare based on the other uses in the area.

Public Comments:

- There were no public comments for this item.
- ❖ Commissioner Waylock offered a motion to approve MP-21-04 Adora Day Care/KB400 Master Plan, subject to the following conditions:
 1. 'Day Care Center' shall be listed as a permitted use in the KB/400 Partners Master Plan Pod B.
 2. Site shall be developed substantially similar to the site plan prepared by Kent Ahrenhold Architect, dated 5/20/2021. Site shall be limited to 'Day Care Center' use only.
 3. Changes to the exterior of the existing building, new additions and signage shall be subject to approval by the DRB. There shall be no primary colors used on the exterior of the building, including on awnings or signage. At a minimum, existing building shall be pressured washed.
 4. Drop-off & Pick-up operations shall be contained on-site. Operations shall not impede traffic along Rock Mill Road and North Point Parkway.
 5. Property owner shall assess site landscaping and replace missing, dead or dying

landscape material, with final approval by DRB. New landscape material shall be sustainable landscaping, with final approval by DRB.

6. Shrub plantings between the street and parking areas shall be upgraded with a double row of shrubs, minimum 2' tall at planting. New landscape material shall be sustainable landscaping, with final approval by DRB.
7. Fencing visible from North Point Parkway or Rock Mill Road shall be decorative, as approved by DRB.
8. Playground area shall be screened from North Point Parkway and Rock Mill Road, with final approval by DRB.
9. Dumpster shall have a brick or stone enclosure with painted metal doors and shall be heavily screened with landscaping, as approved by DRB.
10. At a minimum, North Point EcoDistrict points shall include the use of sustainable landscaping and/or bioretention, subject to approval by Staff at LDP.
11. Planter along Rock Mill Road and North Point Parkway shall be planted with a row of shrubs, as approved by DRB.
12. Existing mechanical equipment on the south side of the building shall be screened, as approved by DRB.
 - o Commissioner Attig seconded the motion.
 - o The motion was approved unanimously (7-0).

D. MP-21-06 / CU-21-12 National Veterinary Associates (NVA) / 3100 Royal Boulevard South

Consideration of a master plan amendment and conditional use to allow an 'Animal Hospital, Small Animal' for National Veterinary Associates (NVA). A master plan amendment is requested to add 'Animal Hospital, Small Animal' to Pod 12 of the Royal 400 Master Plan and a conditional use is requested to allow an 'Animal Hospital, Small Animal' use for NVA. The property is located at 3100 Royal Boulevard South and is legally described as being located in Land Lots 850 & 859, 1st District, 2nd Section, Fulton County, Georgia.

- Senior Planner, Michael Woodman, came forward to speak on behalf of this item.
- Staff is recommending that Planning Commission approve MP-21-06/CU-21-12 NVA Emergency Veterinary/3100 Royal Boulevard South, subject to the following conditions:
 1. Add 'Animal Hospital, Small Animals' to the Royal 400 Master Plan Pod 12 as a conditional use.
 2. 'Animal Hospital, Small Animals' shall be added as a conditional use at 3100 Royal Boulevard South and limited to no more than 20,580 square feet.
 3. Conditional use approval shall be limited to NVA; no additional 'Animal Hospital, Small Animals' businesses or subleasing shall be permitted within the approved space.
 4. The business shall be permitted to operate 24-hours/day, 7 days/week.
 5. Boarding of animals is limited to short-term care incidental to the hospital use.
 6. Pet relief areas shall be substantially similar to locations depicted on the submitted site plan and shall be screened from the street, as approved by Staff.
 7. Mobile resources supporting the business, such as a mobile MRI or X-ray, shall not be ~~parked between the building and the street.~~ visible from North Point Parkway.

- The applicant, National Veterinary Associates (NVA), is requesting a master plan amendment and conditional use to allow an 'Animal Hospital, Small Animals' for NVA in a 20,580 square foot existing building. An amendment to the Royal 400 Master Plan Pod 12 is requested to add the proposed use. The subject property is located at 3100 Royal Boulevard South in the Royal 400 Master Plan.
- Surrounding properties are zoned O-I and are subject to the Royal 400 Master Plan. Low-rise office buildings have been developed on the adjacent properties to the east, south and west and a data center is located to the north.
- The use is permitted by-right in the LI (Light Industrial) district and as a conditional use in the AG (Agriculture), CUP (Community Unit Plan), O-I, C-1 (Neighborhood Commercial), C-2 (General Commercial), and PSC (Planned Shopping Center) districts.
- National Veterinary Associates (NVA) is an emergency veterinary business serving cats and dogs primarily; however, the primary focus will be the practice of veterinary medicine including preventative care and surgery. NVA partners with local veterinarians to help grow the business and network of veterinary hospitals. NVA has over 1,000 partnerships worldwide. The business operates 24 hours per day, seven (7) days per week. The business does not board animals. The applicant anticipates approximately 25 employees. Two (2) pet relief areas are depicted on the site plan.
- There are eight (8) animal hospitals approved in the City, of which one (1) is an emergency veterinary hospital.
- Staff has reviewed the applicant's proposal and finds that the use does not conflict with the established review criteria for a master plan amendment and conditional use. The proposed use would be compatible with surrounding uses and other locations for this business type, which are similarly situated in commercial and office environments. If approved, it is recommended that conditions be established as part of this application that regulate and limit any expansion of the business.
- The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that no comments were received.
- The CZIM was held on October 8, 2021. There was one (1) question regarding whether or not a fence would be provided around the property.
- The applicant, Chandler Bovitz with Bridger Properties, located at 245 North Highland Avenue, Suite 230-383, Atlanta, GA 30307, came forward to speak on behalf of this application.

Planning Commission questions and comments:

- No overnight boarding. City Attorney, Mike Stacy, commented that animals may only stay overnight for medical procedures and for observance.
- The other emergency vet facility is over one (1) mile away.
- Number of animals treated per day. The applicant shared that it may be around 100 animals per day, and that NVA offers a wide array of procedures.

Public Comments:

- There were no public comments for this item.
- ❖ Commissioner Perkins offered a motion to approve MP-21-06/CU-21-12 NVA Emergency Veterinary/3100 Royal Boulevard South, subject to the following conditions:

1. Add 'Animal Hospital, Small Animals' to the Royal 400 Master Plan Pod 12 as a conditional use.
2. 'Animal Hospital, Small Animals' shall be added as a conditional use at 3100 Royal Boulevard South and limited to no more than 20,580 square feet.
3. Conditional use approval shall be limited to NVA; no additional 'Animal Hospital, Small Animals' businesses or subleasing shall be permitted within the approved space.
4. The business shall be permitted to operate 24-hours/day, 7 days/week.
5. Boarding of animals is limited to short-term care incidental to the hospital use.
6. Pet relief areas shall be substantially similar to locations depicted on the submitted site plan and shall be screened from the street, as approved by Staff.
7. Mobile resources supporting the business, such as a mobile MRI or X-ray, shall not be visible from North Point Parkway.
 - Commissioner Davis seconded the motion.
 - The motion was approved unanimously (7-0).
 - There was discussion during the motion about the type of vehicle or transportation for the mobile x-ray machines.

VII. ADJOURNMENT

- Chairman Kung'u adjourned the meeting at 8:11 p.m.

Respectfully submitted,



Lauren Shapiro, City Clerk



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: MP-21-07/CLUP-21-04/Z-21-09/V-21-23 KB/400 PARTNERS/EMPIRE COMMUNITIES

PLANNING COMMISSION: NOVEMBER 4, 2021

CITY COUNCIL: NOVEMBER 15, 2021

II. STAFF RECOMMENDATION:

Approve MP-21-07/CLUP-21-04/Z-21-09/V-21-23 KB/400 Partners/Empire Communities, subject to the following conditions:

1. The 13.98-acre property shall be zoned 'R-8A/D' and shall be developed substantially as depicted on the plan prepared by PEC, revised 10/26/21, except for modifications required to comply with these conditions. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning. Current flood plain information shall be required for LDP and may impact lot yield.
2. The Comprehensive Land Use Plan designation of the property shall be 'High Density Residential'.
3. 'Dwelling, 'For-Sale' Detached' shall be listed as a permitted use in the KB/400 Partners Master Plan Pod A, with a maximum density of 6.44 dwelling units per acre.
4. Minimum lot width shall be 30'.
5. Building setbacks and building separation shall be as depicted on the site plan prepared by PEC, revised 10/26/21.
6. Architecture and materials shall be developed substantially similar to the submitted renderings prepared by Troy King, labeled Exhibit A, subject to final approval by Staff.
7. EcoDistrict measures shall be substantially similar to the description the applicant's letter of intent, dated 7/30/21. Developer shall provide detailed information at LDP and building permit regarding compliance with each requested EcoDistrict measure. EcoDistrict points to be confirmed by Staff.
8. Minimum 5,000 square foot civic space shall be developed at the corner of North Point Parkway and Kimball Bridge Road, including decorative hardscape, landscape, and Empire North Point EcoDistrict Monument Concept, with final approval by the Cultural Arts Commission. Hardscape, landscape and monument shall be maintained by the HOA.
9. Minimum 6.53 acres of open space shall be reserved and improved substantially as depicted on the plan prepared by PEC, revised 10/26/21. Permanent easements shall be dedicated to the City for public access over required civic space. The HOA shall be responsible for maintenance of all open space.
10. Stormwater management facility shall have a natural appearance, having a permanent pool with aeration system/fountain, as approved by Staff. Smart stormwater design techniques shall be employed to address run-off reduction, as approved by Staff. Stormwater management facilities shall be located on a separate lot under the ownership and maintenance responsibility of the HOA.
11. Privacy fences and unfinished wood decks shall not be visible from the public right-of-way.
12. Pedestrian access to Kimball Bridge Road sidewalk shall be unrestricted.
13. Fire access only shall be gated and improved with grasscrete, or similar product, as approved by Staff.
14. Homes shall have connectivity to the public sidewalk system.

15. New internal streets shall include a 4' planter and 5' sidewalk on one side of the street (not including alleys), as approved by Staff. Decorative pedestrian lighting shall be required throughout the development. Internal streets shall be private and maintained by the HOA.
16. Developer shall improve North Point Parkway streetscape with a 3' planter, 8' sidewalk and street trees and landscape material alternating on both sides of the sidewalk, as approved by Staff. Tree grates, tree wells, or alternative option shall be used to accommodate minimum 4' planting space for required street trees in the planter, as approved by Staff. Streetscape shall include decorative pedestrian lighting.
17. Developer shall improve Kimball Bridge Road streetscape with street trees (if not installed by the City with the Kimball Bridge Rd improvements) and landscape material alternating on both sides of the sidewalk, as approved by Staff. Streetscape shall include decorative pedestrian lighting.
18. Minimum 20' landscaped buffer shall be required along Kimball Bridge Road and minimum 30' landscaped buffer shall be required along North Point Parkway. Existing trees shall be preserved, where possible, within the buffers and the remaining areas planted to buffer standards. Landscape buffers shall be enhanced similar to Kimball Bridge Walk buffer, as approved by Staff. Landscape buffers shall be on a separate lot under the ownership and maintenance responsibility of the HOA.
19. Minimum 10' landscape strip shall be required along both sides of new internal streets, not including alleys. Landscape strips and buffers shall be exclusive of utilities and easements.
20. Pedestrian amenities including pathways, lighting, and benches should be included throughout the development and amenity areas.
21. Required frontage improvements along Kimball Bridge Road and North Point Parkway shall include elements of the proposed City improvements. Impact fee credits shall be available for work beyond the site boundaries, for dedication of right-of-way and release of access rights to North Point Pkwy and Kimball Bridge Rd.
22. Developer shall construct the depicted Rock Mill Road access driveway, to City roadway standards. All costs of construction shall be the responsibility of the developer. Developer shall install 5' sidewalks and a 2' planter on both sides of the access road. Tree recompense shall not be required for development activities associated with the construction of the access driveway.
23. Developer shall dedicate a permanent public access easement over the area depicted as civic space on the site plan prepared by PEC, revised 10/26/21, as approved by Staff.
24. Remove exotic and invasive trees and shrubs within stream buffer, as approved by Staff. Replant the stream buffer, where sparse, to buffer standards with native trees, shrubs and groundcover. Plantings shall be 80% evergreen and 20% deciduous. Recompense tree planting may be used towards the stream buffer replanting.
25. Tree line and trees depicted in the civic space area to the west of the new project driveway shall be saved, except that trees shown to be impacted by the new driveway may be removed.
26. Site plan shall comply with IFC Appendix D, as determined by the Fire Marshal.
27. No more than 10% of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.

Conditions requested by the Applicant as the result of citizen comments:

28. In an effort to reduce stormwater runoff rates leaving the site at the study point, the stormwater hydrology model for the site will be completed using the following methodology:
 - a. Reduce the stormwater runoff rates in the proposed development condition at the site study point by the following parameters:
 - i. 2-year storm reduced to 1 year storm flow rate
 - ii. 5-year storm reduced to 2-year storm flow rate
 - iii. 10-year storm reduced to 5-year storm flow rate
 - iv. 25-year storm reduced to 10-year storm flow rate
 - v. 50-year storm reduced to 25-year storm flow rate
 - vi. 100-year storm reduced to 50-year storm flow rate
29. Developer will work with City's Transportation Department to create a right-turn lane at the northbound exit of Rock Mill Road onto North Point Parkway, to the extent that there is available

right-of-way to construct the turn lane. This improvement shall not be eligible for impact fee credits.

30. If a land disturbance permit is not applied for within 12 months of Council approval of the rezoning, the zoning of the property shall revert to the original zoning subject to the original KB/400 Partners Pod A development standards.

III. REPORT IN BRIEF:

The applicant, Empire Communities, is requesting an amendment to KB/400 Partners Master Plan Pod A to add 'Dwelling, 'For-Sale' Detached' to the list of permitted uses to allow for the construction of 90 'For-Sale' single-family detached lots on 13.98 acres. The applicant requests a rezoning of the property from O-I (Office-Institutional) and Special Use (SU) to R-8A/D (Dwelling, 'For-Sale', Attached/Detached Residential), as well as a change to the Comprehensive Land Use Plan designation from 'Corporate Office' and 'Public, Institutional, Education' to 'High Density Residential'. Variances are requested to modify North Point Overlay site design and streetscape standards, reduce setbacks and lot widths, eliminate block requirements with stub-out streets and vehicular cross-access, eliminate minimum driveway spacing and allow a stream buffer encroachment for new entry road off Rock Mill Road. The subject property is located at the southwest corner of North Point Parkway and Kimball Bridge Road.

DISCUSSION

The submitted request, if approved, would allow for the development of 90 'For-Sale' single-family detached lots on 13.98 acres with a proposed density of 6.44 dwelling units per acre. A master plan amendment is requested to amend the KB/400 Partners Master Plan Pod A to add 'Dwelling, 'For-Sale' Detached' to the list of permitted uses. The applicant requests a rezoning of the property from O-I (Office-Institutional) and Special Use (SU) to R-8A/D (Dwelling, 'For-Sale', Attached/Detached Residential), as well as a change to the Comprehensive Land Use Plan designation from 'Corporate Office' and 'Public, Institutional, Education' to 'High Density Residential'. Variances are requested to modify North Point Overlay site design and streetscape standards, reduce setbacks and lot widths, eliminate block requirements with stub-out streets and vehicular cross-access, eliminate minimum driveway spacing and allow a stream buffer encroachment for new entry road off Rock Mill Road. The subject property is located at the southwest corner of North Point Parkway and Kimball Bridge Road.

The undeveloped, wooded property is zoned O-I and is subject to the KB400 Master Plan Pod A. Surrounding properties are zoned O-I, except the property to the south is zoned SU (Special Use). Non-residential uses surround the property, including Verizon to the north, Royal 400 South office park to the east, North Point Park office condominiums to the west, the former Wells Fargo Bank to the southwest and New Prospect Elementary School to the south. The comprehensive land use plan designation of the property is 'Corporate Office'. The applicant proposes a comprehensive land use plan amendment from 'Corporate Office' and 'Public, Institutional, Education' to 'High Density Residential' and a rezoning from O-I and SU to R-8A/D.

The KB400 Master Plan was approved in 1999 and allows 252,200 square feet of office and accessory retail in Pod A. A master plan amendment (MP-06-10) was approved for Pod A in 2007; however, a building permit was never issued and Pod A reverted to the original master plan and conditions. KB400 Pod B is developed with the former Wells Fargo Bank and Pod C is developed as North Point Park office condominiums. The City has considered several public hearing requests on the subject property over the last few years. Past public comments opposed direct access from the property to North Point Parkway and Kimball Bridge Road. To address this concern, additional land area was acquired from New Prospect Elementary School to allow

access to the property from Rock Mill Road. Previous zoning proposals on the subject property have consisted primarily of townhomes.

The property is located on the eastern edge of the North Point Overlay in an area that is designated 'Transition Area' in the original North Point LCI. At this location, North Point Parkway transitions from suburban office parks to a commercial corridor. The Overlay includes a vision to become a walkable, mixed-use village with a focus on sustainability, greenspace and connectivity. A market potential of 183 – 197 'For-Sale' residential units, over the next five (5) years, is identified in the recent LCI update.

The requested variances are outlined in the table below. The existence of floodplain, stream buffers, sewer easements and site topography are listed by the applicant as the hardships justifying the requested variances. In addition, the applicant states that the low width reduction is needed in order to develop a detached product similar to their Midwick development on Thompson Street.

Applicant's Requested Variances

UDC Section	Applicant's Request	Staff Comments
North Point Overlay - Site Layout & Streetscape Standards	Reduce sidewalks and planters along Kimball Bridge Road, North Point Parkway and new internal streets. Eliminate sidewalk on one side of internal streets and allow parking b/w street and front-loaded home	Generally supported, subject to changes including minimum 4' planter and landscape strips on all streets
North Point Overlay – Blocks & Access	Eliminate block, stub-out street and vehicle cross-access	Supported, due to presence of topography, stream and floodplain
North Point Overlay - Driveways	Eliminate 200' driveway separation	Supported, regulation not intended for residential developments
R-8A/D District	Reduce minimum lot width from 50' to 30'	Supported, due to presence of topography, stream and floodplain. Applicant also provided a townhome layout resulting in a total of 111 units, 21 units more than the single-family detached layout. Therefore, variance does not gain density.
Stream Buffers	Allow stream buffer encroachment for new entry road	Supported, location of entry road is fixed given the limited frontage on Rock Mill Road

SITE PLAN

The submitted site plan depicts a 90-lot single-family detached subdivision with access from a new driveway off Rock Mill Road. All lots are internally oriented within the development, including perimeter buffers along North Point Parkway and Kimball Bridge Road. Homes are proposed to have a reduced 30' lot width, with a typical home footprint of 22' x 38'. The average lot size is approximately 2,025 square feet. Lots 1-48 are depicted to be front entry and Lots 49-90 are rear entry. New internal streets and alleys will be private. Building setbacks are proposed, as follows:

- North Point Parkway – 55' building setback and 30' landscape screening strip
- Kimball Bridge Road – 40' building setback and 20' landscape strip
- Side/Rear (Perimeter) – 5' building setback and 5' landscape strip
- Interior Setbacks:
 - Front – 10'
 - Side – 0' (8' b/w homes)
 - Rear – 20' (no alley), 0' (alley)

Vehicular access to the site is depicted from a new road connection to Rock Mill Road, through property acquired from New Prospect Elementary School. A sidewalk connecting to the Kimball Bridge Road sidewalk provides connectivity between the proposed subdivision and New Prospect Elementary School. Access depicted in the same area is limited to Fire access only and will be gated at all times. Eight-foot (8') sidewalks are depicted along North Point Parkway and Kimball Bridge Road and five-foot (5') sidewalks are depicted along the new internal streets on at least one (1) side.

Assuming all homes are three (3) bedrooms, the Unified Development Code (UDC) Parking regulations and North Point Overlay requirements would require 216 parking spaces for the 90 single-family detached homes. Parking in the North Point Overlay includes a required 20% reduction in parking, due to the abundance of parking and having the largest number of bus routes in the City. Each home is proposed accommodate two (2) side-by-side parking spaces in a garage, as well as two (2) spaces in the code-compliant driveway, for a total of 360 parking spaces. An additional 25 guest parking spaces are interspersed throughout the development.

The North Point Overlay requires a minimum five percent (5%) amenity space and ten percent (10%) civic space, or a total of 2.1 acres of open space. The site plan depicts 6.53 acres, or 47%, of the property as open space. Civic space is depicted at the corner of North Point Parkway and Kimball Bridge Road, which will include the applicant's proposed Empire North Point EcoDistrict Monument Concept. Two (2) pocket parks, approximately 16,000 square feet each, are depicted at the center of the development with homes fronting on the amenity space. A clubhouse and pool are proposed at the entrance to the community and adjacent to a landscaped park with boardwalk/overlook with seating. The landscaped park with boardwalk is proposed within the area of the site designated as floodplain.

At least two (2) lots, Lots 1-2, are depicted within the floodplain. A stormwater management and flood recompense area is depicted adjacent to North Point Parkway and the stream, outside of the required stream buffers. The property is wooded, consisting of a mix of hardwoods and Pines. A tree line and tree saves are depicted within the floodplain on the west side of the property and along North Point Parkway.

According to the applicant, homes will be range in size from 1,800 to 2,200 square feet with prices starting in the \$500,000 – \$550,000's. Renderings were provided depicting 3-story homes with a brick 1st floor and board and batten on the 2nd and 3rd floors. A recessed front entry is provided from the 1st floor and a recessed porch is provided on the 2nd floor. Architectural details and materials are provided on all four (4) sides of the homes.

ECODISTRICT

The North Point Overlay requires that EcoDistrict measures be incorporated into all new developments, of which a minimum seven (7) EcoDistrict points are required. According to the

applicant's letter of intent, the development proposes eleven (11) EcoDistrict points. EcoDistrict points are requested for Building Energy Efficiency, Bio-retention and Sustainable Landscaping, Enhanced Bicycle Amenities and Additional Landscaped Civic Space.

EcoDistrict Measure	Description	Available Points	Requested Points
Building Energy Efficiency	Home construction will demonstrate an average 10% improvement over City's energy code	3	3
Bio-retention & Sustainable Landscaping	Bio-retention and drought-tolerant landscaping to be scattered throughout the development	2	2
Enhanced Bicycle Amenities	Provide bicycle amenities to encourage alternative transportation, such as bicycle repair station and supplemental bicycle parking	1	1
Additional Landscaped Civic Space	An additional 22% of landscaped civic space is proposed (min. 10% required, 32% proposed)	1-5	5
TOTAL		7 - 11	11

TRAFFIC

As shown in the table below, Staff estimated the trips generated from the existing approval on the property and the applicant's proposed 90 single-family detached homes. The applicant's proposal would generate 321 fewer trips in the AM Peak Hour and 264 fewer trips in the PM Peak Hour.

	Avg Weekday Trips	Avg Saturday Trips	AM Peak Hour			PM Peak Hour		
			Entering	Exiting	Total	Entering	Exiting	Total
CURRENT ZONING								
710: GENERAL OFFICE								
252,200 Sq. Ft. Floor Area	2,720	558	346	47	393	61	300	361
210: Single Family Detached Housing								
Number of Units								
Total Trips (Current Zoning)	2,720	558	346	47	393	61	300	361
PROPOSED ZONING								
710: GENERAL OFFICE								
0 Sq. Ft. Floor Area								
210: Single Family Detached Housing								
90 Number of Units	944	953	18	54	72	62	35	97
Total Trips (Proposed Zoning)	944	953	18	54	72	62	35	97
NET NEW TRIPS INCREASE (DECREASE)	(1,776)	395	(328)	7	(321)	1	(265)	(264)

The applicant provided a traffic study showing that the intersection at North Point Parkway and Rock Mill Road would continue to operate at an acceptable level of service (LOS D) without and with the applicant's development. In addition, the City's Public Works Department recently adjusted the signal timing at this intersection, which was in response to concerns voiced by business owners in the office condominiums to the south of the proposed development. Based

on this adjustment, the average delay experienced by drivers on Rock Mill Road should have been reduced by 60% during the AM Peak Hour and by nearly 50% in the PM Peak Hour.

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 – 90 Single-Family Detached Residential Units

School	Single Family Average #
New Prospect Elementary School	5 to 33 students
Webb Bridge Middle School	2 to 14 students
Alpharetta High School	8 to 31 students
TOTAL	15 to 78 students

Based on the total figure for all three school levels, it can be assumed that the proposed development could house approximately 15 – 78 school age children. Numbers provided by Fulton County Schools show that all schools have capacity.

COMPREHENSIVE LAND USE PLAN

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

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

Response: The property is located within the North Point Overlay, which includes a vision to create a mixed-use, walkable environment with an emphasis on sustainability, greenspace and connectivity.

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 goals and policies in the City's Comprehensive Plan that promote a walkable, mixed-use environment in the North Point area.

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

Response: The proposed change in use from office to residential would generate significantly fewer vehicular trips.

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

Response: The property is located within the North Point Overlay, which includes a vision to create a mixed-use, walkable environment with an emphasis on sustainability, greenspace and connectivity.

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

Response: The property is located within the North Point Overlay, which includes a vision to create a mixed-use, walkable environment with an emphasis on sustainability, greenspace and connectivity.

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

Response: Not applicable.

STANDARDS FOR MASTER PLAN AMENDMENT AND ZONING CHANGES

The Planning Commission and the City Council shall consider the following standards in considering a master plan amendment or 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: KB/400 Partners Master Plan Pod A was designated for office use, which is consistent with the development pattern along North Point Parkway and the property remains a viable office parcel. However, the property is located within the North Point Overlay, which envisions a mixed-use, walkable environment with an emphasis on sustainability, greenspace and connectivity. If approved, conditions are recommended that further the concepts of an EcoDistrict.

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

Response: KB/400 Partners Master Plan Pod A was designated for office use, which is consistent with the development pattern along North Point Parkway and the property remains a viable office parcel. However, the property is located within the North Point Overlay, which envisions a mixed-use, walkable environment with an emphasis on sustainability, greenspace and connectivity. If approved, conditions are recommended that further the concepts of an EcoDistrict.

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

Response: The proposed development should not adversely impact the natural environment. The applicant's site plan identifies specimen tree saves and respects the stream buffers.

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

Response: KB/400 Partners Master Plan Pod A was designated for office use, which is consistent with the development pattern along North Point Parkway and the property remains a viable office parcel. However, the property is located within the North Point Overlay, which envisions a mixed-use, walkable environment with an emphasis on sustainability, greenspace and connectivity. If approved, conditions are recommended that further the concepts of an EcoDistrict.

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

Response: The proposed change in use from office to residential would produce fewer vehicular trips than an office use, reducing traffic impacts. However, the change to residential would have a greater impact on public facilities and services, such as parks and schools.

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

Response: KB/400 Partners Master Plan Pod A was designated for office use, which is consistent with the development pattern along North Point Parkway and the property remains a viable office parcel. However, the property is located within the North Point Overlay, which envisions a mixed-use, walkable environment with an emphasis on sustainability, greenspace and connectivity. If approved, conditions are recommended that further the concepts of an EcoDistrict.

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 change the use of the property from office to residential reflects a reasonable balance, if conditions are included that further the concept of the area becoming an EcoDistrict.

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

Response: KB/400 Partners Master Plan Pod A was designated for office use, which is consistent with the development pattern along North Point Parkway and the property remains a viable office parcel. However, the property is located within the North Point Overlay, which envisions a mixed-use, walkable environment with an emphasis on sustainability, greenspace and connectivity. If approved, conditions are recommended that further the concepts of an EcoDistrict.

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

Response: The zoning proposal does not meet the Comprehensive Land Use Plan designation of the property, which is 'Corporate Office' and 'Public, Institutional, Education'. The applicant proposes an amendment to the Comprehensive Land Use Plan designation of the property to 'High Density Residential'.

VARIANCE REVIEW CRITERIA

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

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

Response: The property has an unusual shape with road frontage on three (3) sides, as well as the presence of a perennial stream and floodplain on the south side of the property. To support the reduction in the minimum lot width, the applicant provided a site plan demonstrating that 111 townhome units could be developed on the property representing an increase of 21 units above the single-family detached plan. Therefore, variance does not gain density.

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

Response: The application of the UDC would create an unnecessary hardship to the property given the unusual shape of the property, the presence of stream and floodplain and three (3) different road frontages on the property.

(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 has an unusual shape with road frontage on three (3) sides, as well as the presence of a perennial stream and floodplain on the south side of the property. To support the reduction in the minimum lot width, the applicant provided a site plan demonstrating that 111 townhome units could be developed on the property representing an increase of 21 units above the single-family detached plan. Therefore, variance does not gain density.

(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: Relief, if granted, would not cause a substantial detriment to the public good. The property has several hardships that support the applicant's proposed variances.

CONCURRENCES

Staff has reviewed the applicant's proposal and finds that it can generally support the request for master plan amendment, comprehensive land use plan amendment, rezoning and variances. The property is located in the North Point Overlay where walkability, mix of uses, site design and EcoDistrict measures are key components to a successful development. The proposal to allow residential use would add to the mix of uses in the North Point area, bringing people closer to where they work and shop. Additionally, residential use would produce significantly fewer vehicular trips on the surrounding roadway network.

The variance requests can be supported, given the unusual shape of the property, multiple road frontages, and presence of a perennial stream and floodplain. In addition, the applicant provided a site plan demonstrating that 111 townhome units could be developed on the property representing an increase of 21 units above the single-family detached plan. If approved, it is recommended that landscape buffers be provided along North Point Parkway and Kimball Bridge Road and tree grates or tree wells are used to accommodate street trees along North Point Parkway.

CITIZEN PARTICIPATION PLAN

The report submitted by the applicant states that letters were mailed to each property owner within 500' of the subject property stating the applicant's intent. The report states that the applicant was contacted by adjacent property owners with questions and concerns over vehicular trips and turning movements at North Point Parkway and Rock Mill Road. The report also states that the applicant reached out to the Kimball Farms HOA President to set up a meeting.

The City has received correspondence from nearby residents and business owners with concerns over increased traffic, capacity of the Rock Mill Road and North Point Parkway intersection to handle added traffic, use of open space by the public, high density, school overcrowding, aesthetics and lack of public notice.

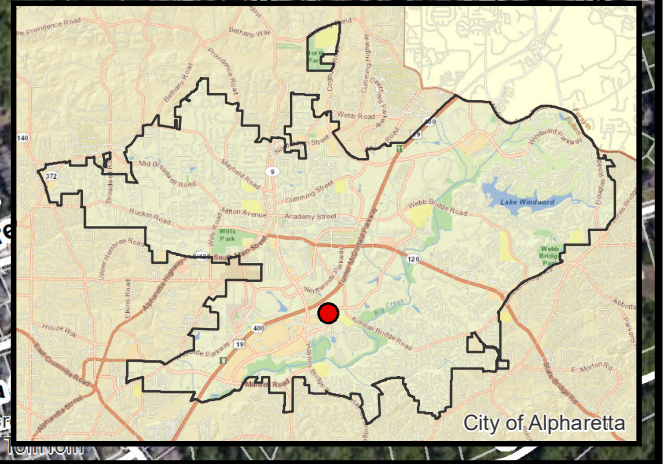
COMMUNITY ZONING INFORMATION MEETING

The CZIM was held on September 8, 2021. There were several public comments and questions with concerns over impacts to the stream, look of the development, price point, whether a cut-through is planned adjacent to New Prospect, schools and traffic impacts, high density, safety issues for children, what is the bike repair shop, meaning of civic space, targeted buyer, Kimball Farms HOA notification, medium or high density, other developments proposed that could impact school enrollment, increased flooding issues in Kimball Farms, gathering areas indoor or outdoor, gathering areas subject to noise ordinance, use the gathering spaces by churches, and identify who is allowed in civic space.

IV. ATTACHMENTS:

- Site Plan
- Renderings

MP-21-07/Z-21-09/CLUP-21-04/V-21-23

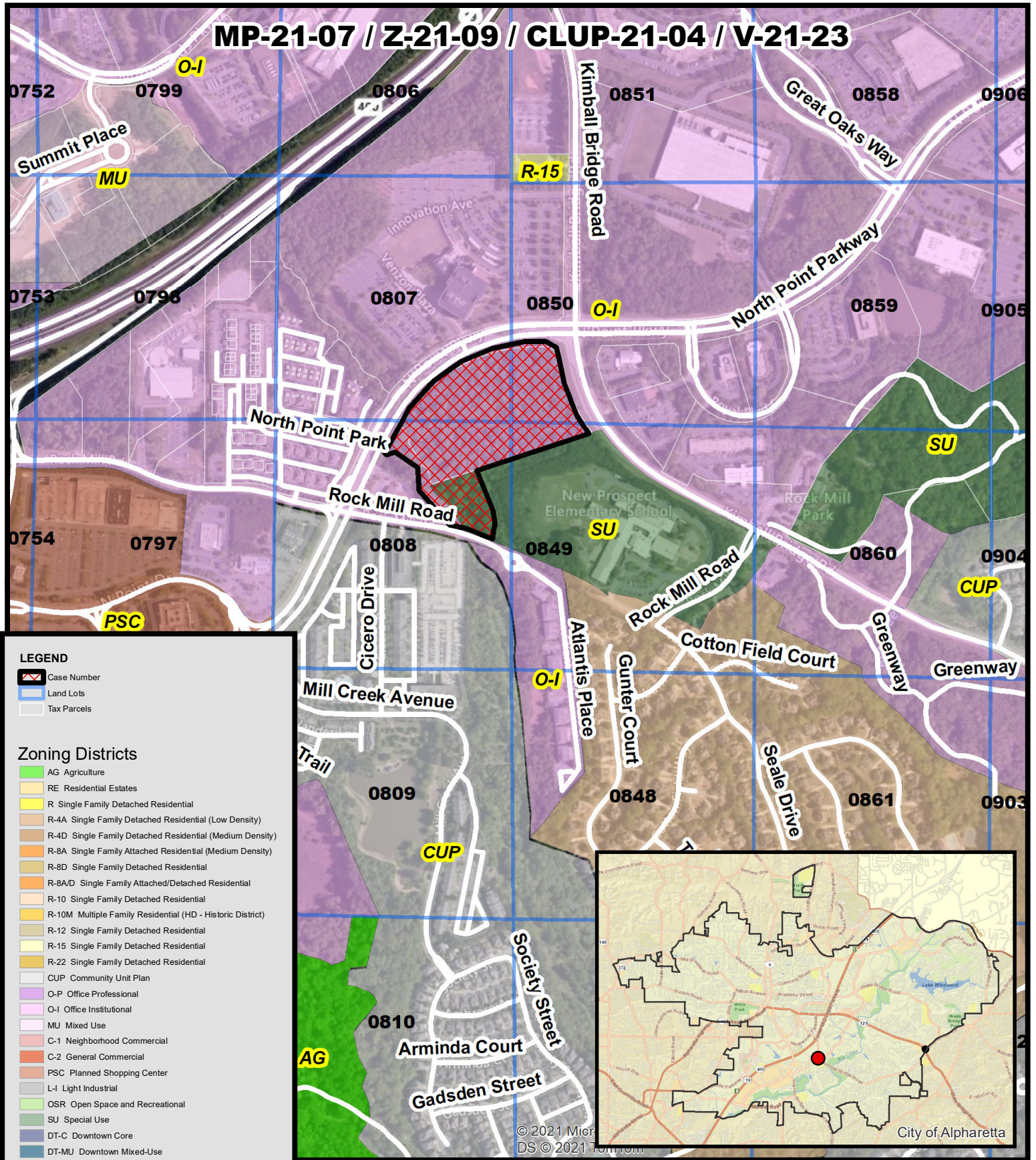


**KB 400 Partners
Empire Communities**

**MP-21-07 / Z-21-09
CLUP-21-04 / V-21-23
D/LL: 1/2/807, 808. 849, 850
PC: 10/07/21
CC: 10/25/21**

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

MP-21-07 / Z-21-09 / CLUP-21-04 / V-21-23

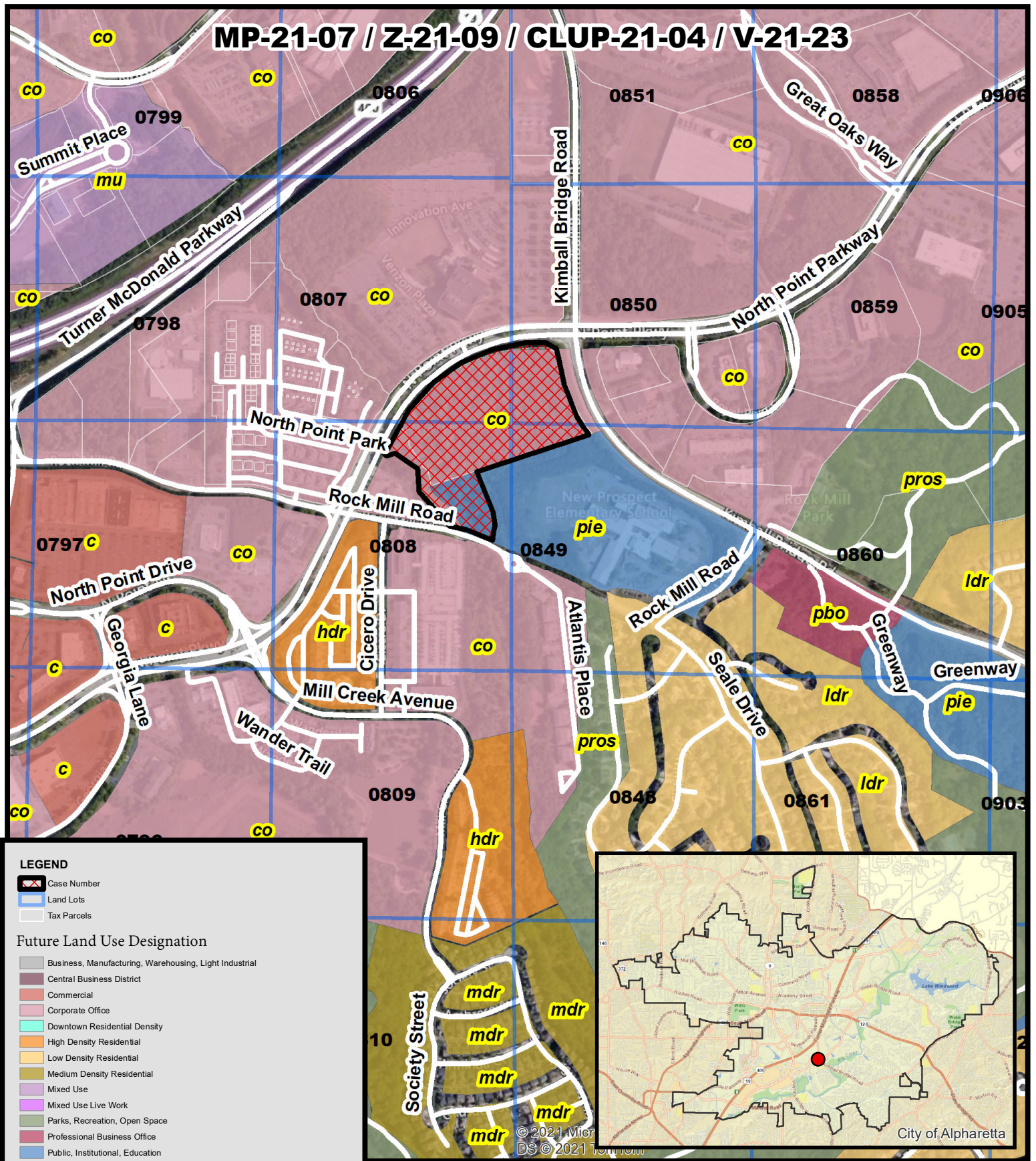


Zoning Map
KB 400 Partners
Empire Communities

MP-21-07 / Z-21-09 /
CLUP-21-04 / V-21-23
D/LL: 1/2/807, 808, 849, 850
PC: 10/07/21
CC: 10/25/21

Location Map Provided by:
Community Development - GIS

MP-21-07 / Z-21-09 / CLUP-21-04 / V-21-23



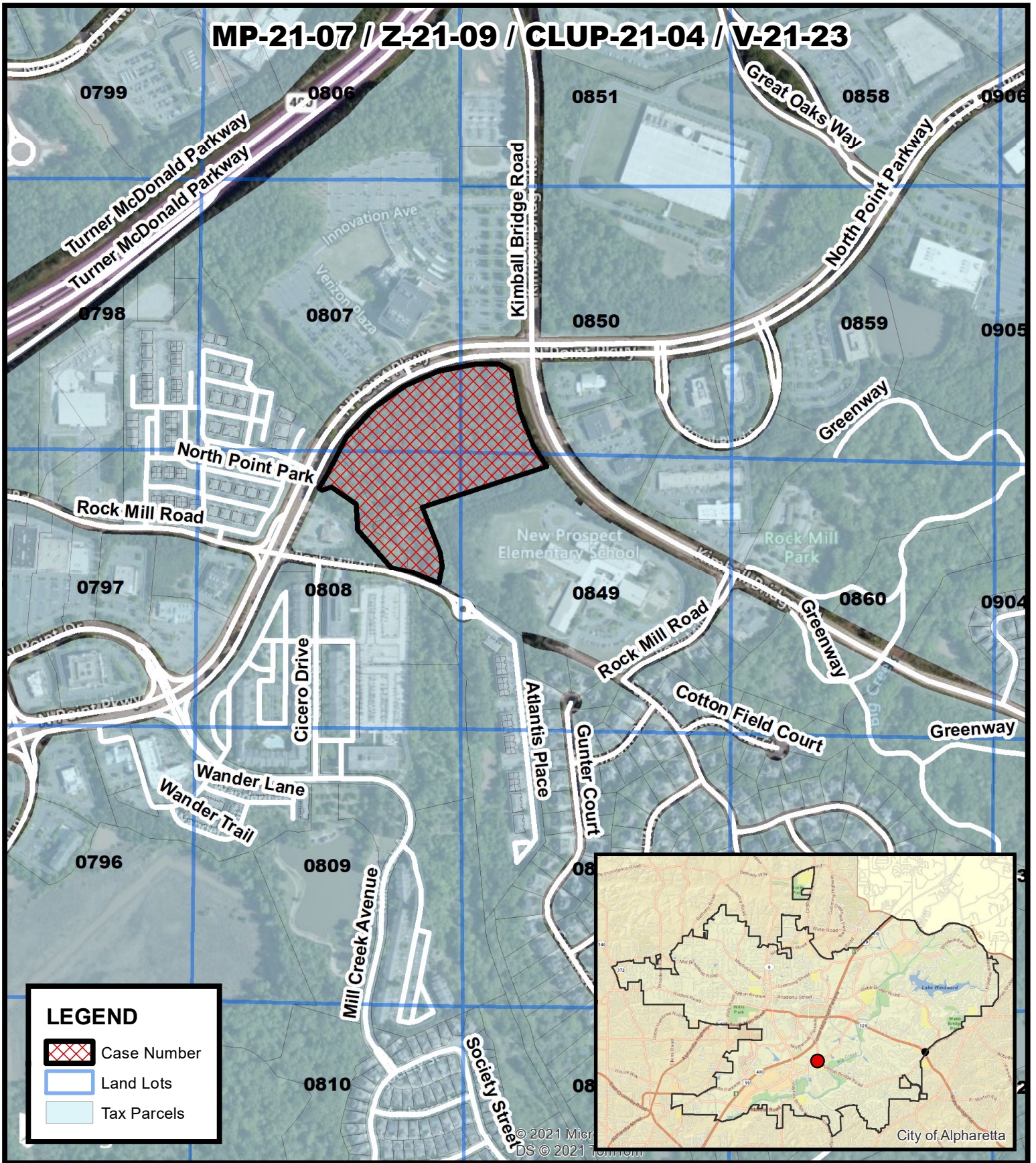
Future Land Use KB 400 Partners Empire Communities

**MP-21-07 / Z-21-09/
CLUP-21-04 / V-21-23
D/LL: 1/2/807, 808, 849, 850
PC: 10/07/21
CC: 10/25/21**

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



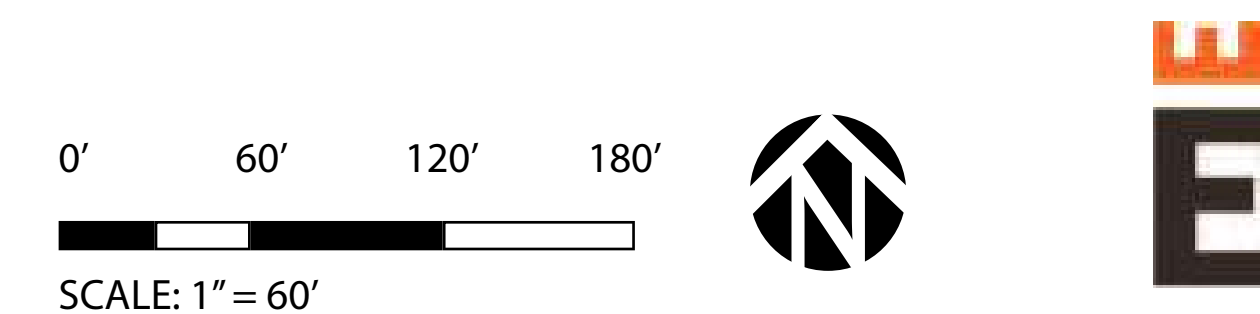
MP-21-07 / Z-21-09 / CLUP-21-04 / V-21-23

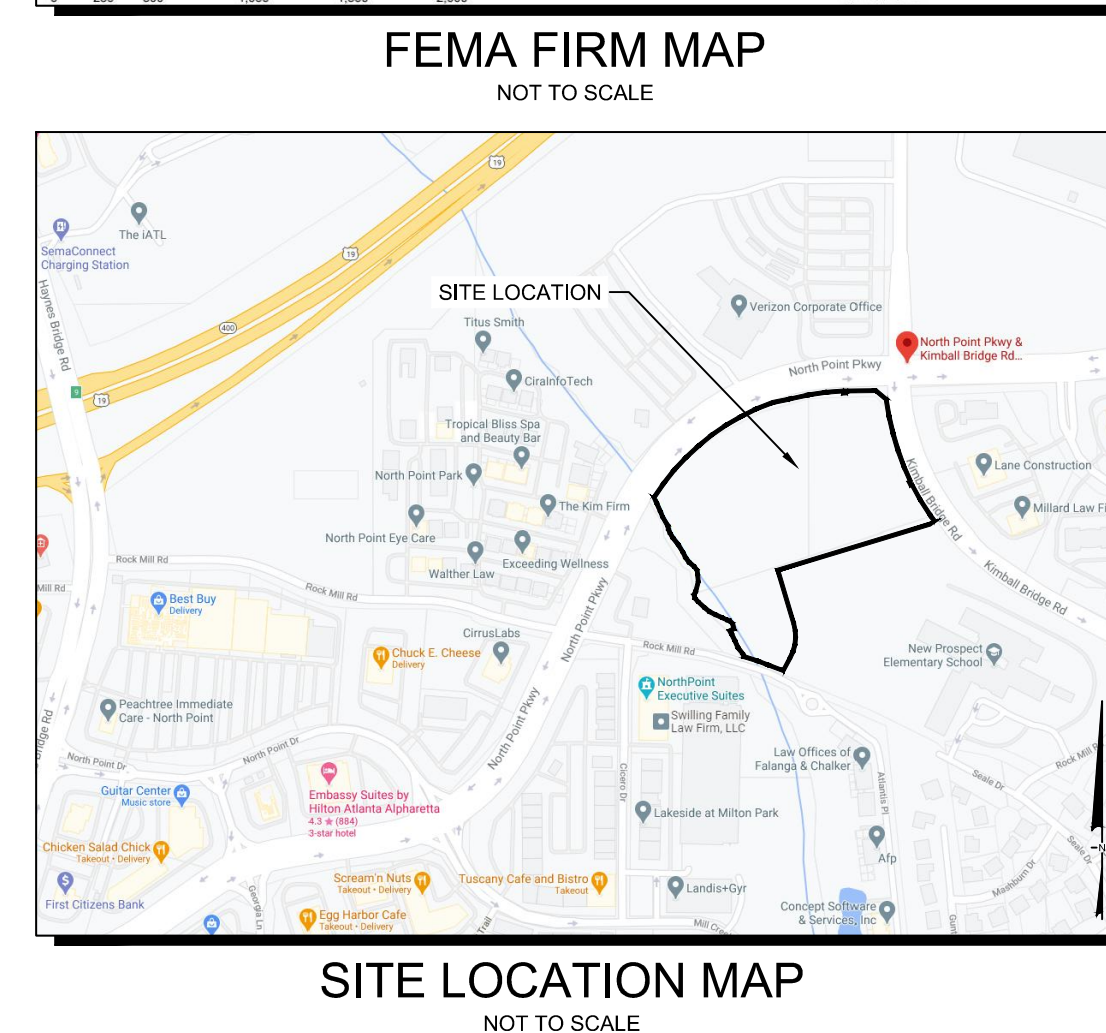


Location Map
KB 400 Partners
Empire Communities

MP-21-07 / Z-21-09 /
CLUP-21-04 / V-21-23
D/LL: 1/2/807, 808, 849, 850
PC: 10/07/21
CC: 10/25/21

Location Map Provided by:
Community Development - GIS





24 HOUR CONTACT:
KEVIN NORTON
770-541-5250

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LAND PLANNING + LANDSCAPE ARCHITECTURE + CIVIL ENGINEERING
ARBORISTS + SURVEYING & CONSTRUCTION + WATER RESOURCES

350 RESEARCH COURT STE 200
PEACHTREE CORNERS, GA 30092

PROJECT

**NORTHPOINT
PKWY at KIMBALL
BRIDGE RD.**

**A MASTER PLANNED RESIDENTIAL
DEVELOPMENT**

**NORTHPOINT PKWY at KIMBALL
BRIDGE RD.
ALPHARETTA, GA. 30005**

CITY OF ALPHARETTA/FULTON COUNTY
JURISDICTION

FOR

EMPIRE COMMUNITIES

MUNICIPALITY PROJECT #

REVISIONS

NO.	DATE	BY	DESCRIPTION
*1	09-28-2021	kw	CITY COMMENTS
*2	10-26-2021	mlk	CITY COMMENTS

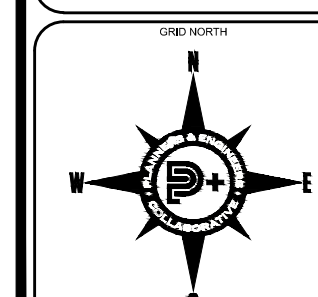
THIS SEAL IS ONLY VALID IF COUNTER SIGNED
AND DATED WITH AN ORIGINAL SIGNATURE.



ZONING MASTER PLAN

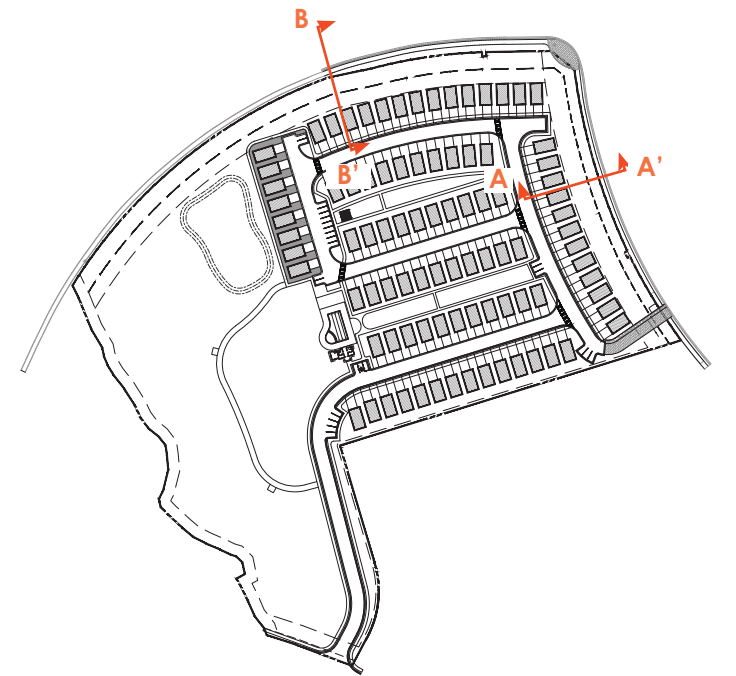


SCALE: 1" = 60'
DATE: 09/27/2021
PROJECT: 14152.00B



Z1

SHEET





PINECOVE
Park















NORTH POINT
ALPHARETTA, GA





NORTH POINT
ALPHARETTA, GA

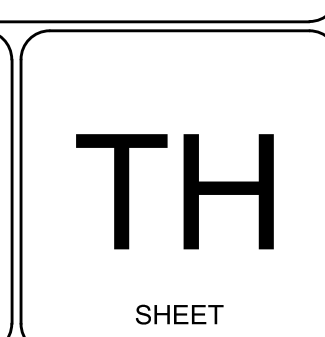


[illegible]

**TOWNHOME
DESIGN EXHIBIT**

0 30 60 120 1

SCALE: 1" = 60'
DATE: 10/27/2021
PROJECT: 14152.00B



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SPECIMEN TREE REPORT

CITY OF ALPHARETTA



Tree Report for:

Kevin Norton

Empire Communities

5775 Glenridge Dr, Bldg D, Suite 350
Atlanta, GA, 30328

Property Address:

5750 N Point Parkway
Fulton County
Alpharetta, GA 30022

Project 14152.00B

Survey Date 08/20/2021



TREE CONSULTANTS

350 RESEARCH CT. PEACHTREE CORNERS, GA 30092
PHONE: 770-451-3915
A PEC DIVISION

ISA/TRAQ Certified Arborist SO-10377A

William Murphy
PEC+

Kimball Bridge Road

Specimen Tree Inventory

Some trees on a site warrant special consideration and encouragement for preservation. Specifications for these trees are established under the City of Alpharetta Tree Preservation and Replacement Ordinance. The intent of these specifications is to provide the necessary information to facilitate project design, plan review and enforcement processes. The purpose is to make The City of Alpharetta a more attractive place to live, provide a healthy living environment, and better control of stormwater runoff, noise, glare and soil erosion.

City of Alpharetta Specimen tree specifications are organized by size:

30” DBH

-Pines, Poplars, and Sweetgums

24” DBH

-All Unspecified Overstory Hardwoods

20” DBH

-Non-Pine Conifers, Beeches, Blackgums, Persimmons, Sassafras

8” DBH

-Flowering Understory

and condition:

- Life expectancy greater than 15 years
- Relatively sound and solid trunk with no visible decay
- No more than one major and several minor dead limbs (hardwoods)
- No major insect or pathological problems

Site Location

The site is an approximately 15-acre, undeveloped parcel of land located on a border between a residential and commercial sector in southeastern Alpharetta near the North Point Mall. Approximately half of the site is floodplain or stream adjacent wetlands. The site is bordered by a bank building that is no longer in use on its western side and New Prospect Elementary to the southeast. Red Maples, Poplars, and Pines dominated the site.



Kimball Bridge Road

Definitions

- Tree Number:** Trees are tagged with an aluminum disk that shows a unique number to identify the tree.
- Species:** Trees are listed by botanical name and a regional common name.
- Diameter at Breast Height (DBH):** The diameter of a trunk at 4.5’ above ground level. Measured in inches.

Condition:

Specimen:

- Good:** A specimen tree with healthy productive tip growth. A sound trunk with no visible damage or decay. No major limb loss and healthy branch unions. No visible insect or disease infestations. Life expectancy of more than 15 years.
- Fair:** A specimen tree with healthy but not vigorous tip growth. Less than 30% of crown is dead. No major dead limbs and no major trunk cavities or damage. Branch unions show some signs of stress. Tree is expected to live longer than 10 years.

Non-Specimen:

- Poor:** More than 30% of the crown is dead or has significant tip die back. More than one major limb is dead and are large trunk cavities with visible decay. Severe insect or disease damage leading to immediate death. Roots are visible and show signs of decay and rot. Life expectancy is less than 5 years.
- Dead:** Tree has no bud or leaf production. All limbs are barren and rot is visible.
- Invasive:** Tree species whose native range is not within the Piedmont classification.
- Hazardous:** Severe or uncorrectable damage that will lead to a loss of property or life if there is tree failure.



Specimen Tree Report

Specimen Tree Table			
Tag #	Species	DBH	Comments
93	<i>Acer rubrum</i> Red Maple	26	Open trunk wound resulting from fallen leader - No observable signs of CODIT
97	<i>Pinus spp.</i> Pine	32	Specimen Tree of Quality
98	<i>Pinus spp.</i> Pine	31	Basal trunk wound with signs of decay - High, narrow, V-split with cracking
99	<i>Liriodendron tulipifera</i> Tulip Poplar	44	Specimen Tree of Quality
100	<i>Acer rubrum</i> Red Maple	31	Multiple leaders with poor branch unions and hollow trunk with basal decay
101	<i>Acer rubrum</i> Red Maple	28	Specimen Tree of Quality
276	<i>Liriodendron tulipifera</i> Tulip Poplar	30	Specimen Tree of Quality
277	<i>Liriodendron tulipifera</i> Tulip Poplar	47	Low, subterranean split with severe ivy and moderate tip dieback
278	<i>Liquidambar tulipifera</i> Sweetgum	40	Specimen Tree of Quality
279	<i>Liriodendron tulipifera</i> Tulip Poplar	34	Specimen Tree of Quality
280	<i>Liriodendron tulipifera</i> Tulip Poplar	44	Specimen Tree of Quality
348	<i>Acer rubrum</i> Red Maple	31	Specimen Tree of Quality
373	<i>Pinus spp.</i> Pine	34	Specimen Tree of Quality

Specimen Tree Report

374	<i>Acer rubrum</i> Red Maple	43	Catastrophic failure - Fallen codominant stem - Severe decay/dying tree
375	<i>Pinus spp.</i> Pine	37	Specimen Tree of Quality
507	<i>Acer rubrum</i> Red Maple	27	Narrow "v" split - Exposed roots with decay - 3 dead major branches
553	<i>Acer rubrum</i> Red Maple	25	Specimen Tree of Quality
634	<i>Acer rubrum</i> Red Maple	35	Specimen Tree of Quality
639	<i>Pinus spp.</i> Pine	31	Specimen Tree of Quality
640	<i>Liriodendron tulipifera</i> Tulip Poplar	36	Specimen Tree of Quality
648	<i>Pinus spp.</i> Pine	34	Severe, open, basal, trunk wound with advanced decay
649	<i>Pinus spp.</i> Pine	31	Specimen Tree of Quality
769	<i>Acer rubrum</i> Red Maple	33	Several dead major branches - Signs of decay throughout canopy
770	<i>Liriodendron tulipifera</i> Tulip Poplar	27	Major, open, trunk wound with internal decay - Gummosis present
773	<i>Pinus spp.</i> Pine	34	High, narrow "v" split with signs of cracking - Major, open trunk wound

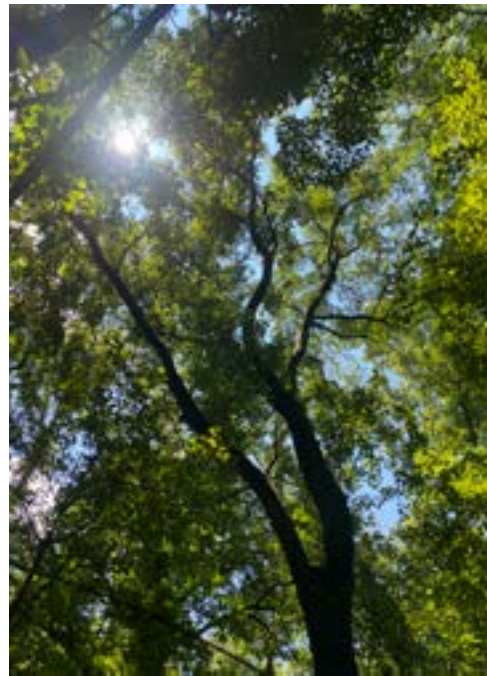
Total Specimen Sized Trees: 25
Specimen Condition: 15
Non-Specimen Condition: 10

Specimen Tree Site Condition:
More than half of the specimen sized trees on site meet the Gwinnett County standards for specimen trees.



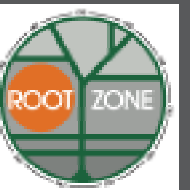
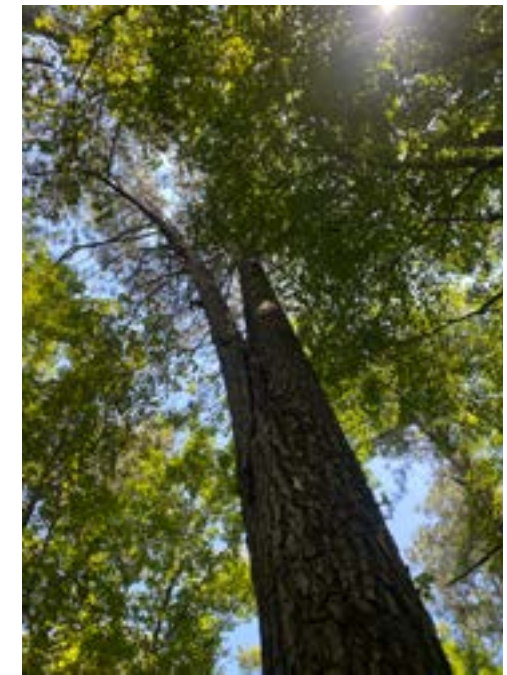
Kimball Bridge Road

Tree #93



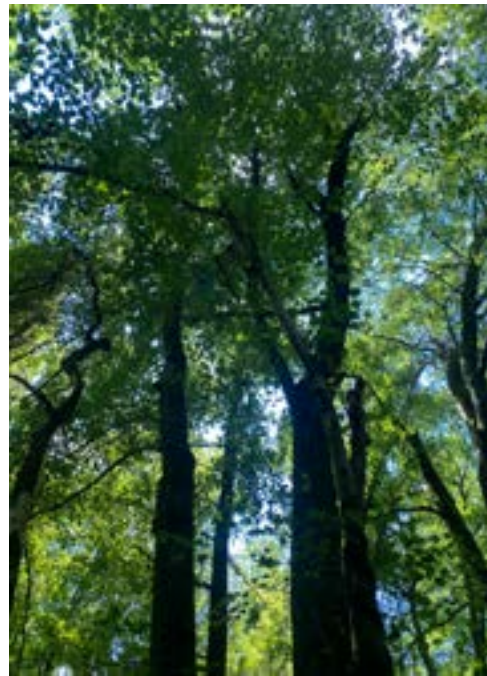
Kimball Bridge Road

Tree #98



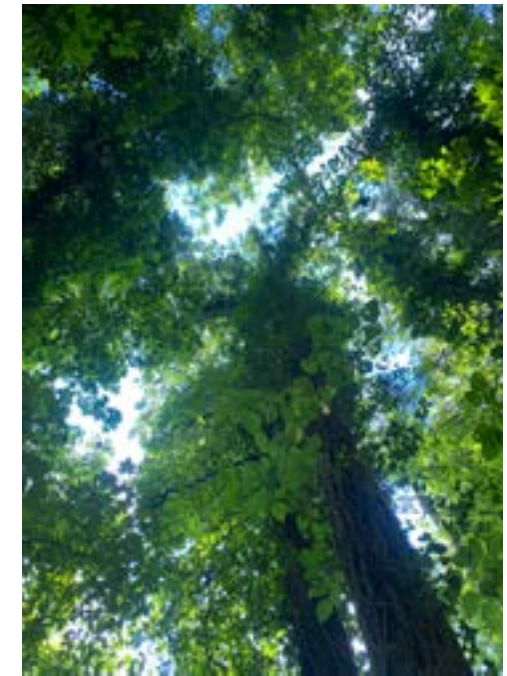
Kimball Bridge Road

Tree #100



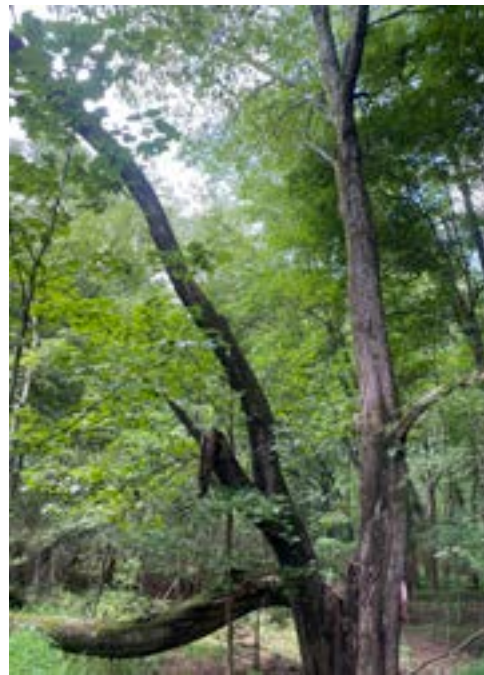
Kimball Bridge Road

Tree #277



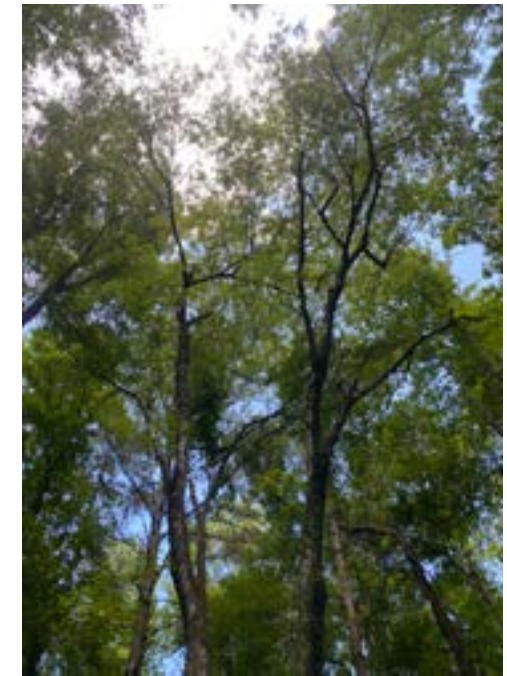
Kimball Bridge Road

Tree #374



Kimball Bridge Road

Tree #507



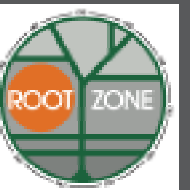
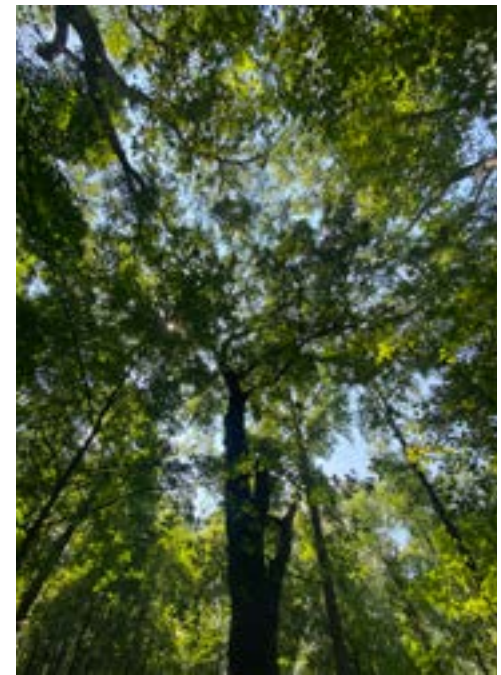
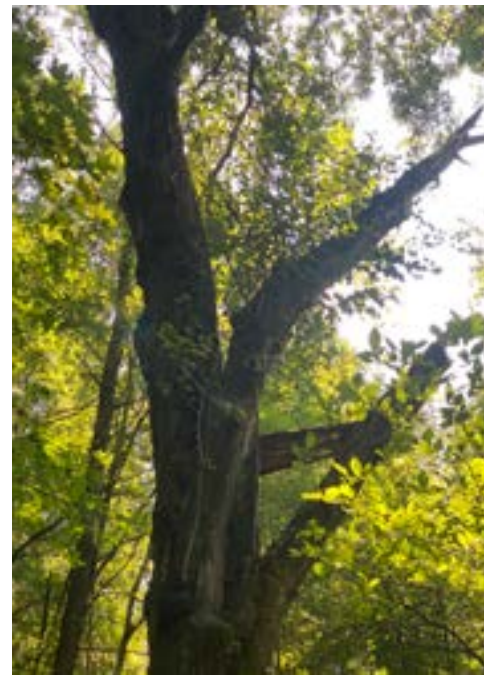
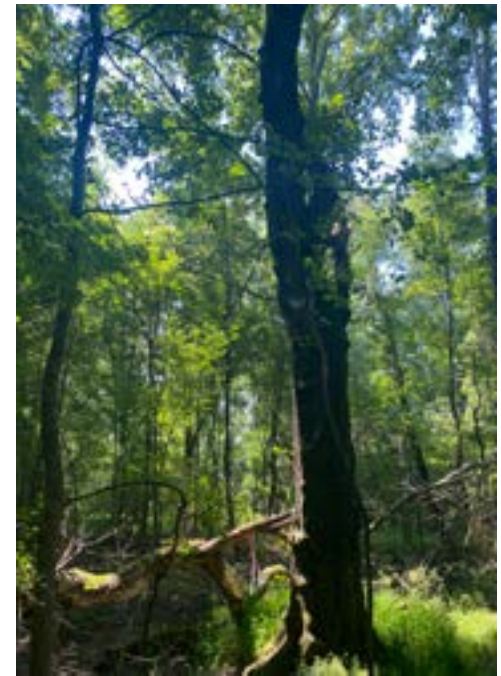
Kimball Bridge Road

Tree #648



Kimball Bridge Road

Tree #769



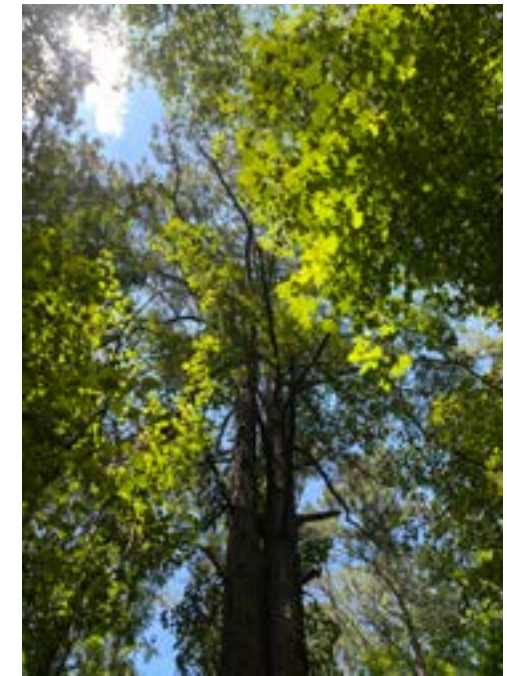
Kimball Bridge Road

Tree #770

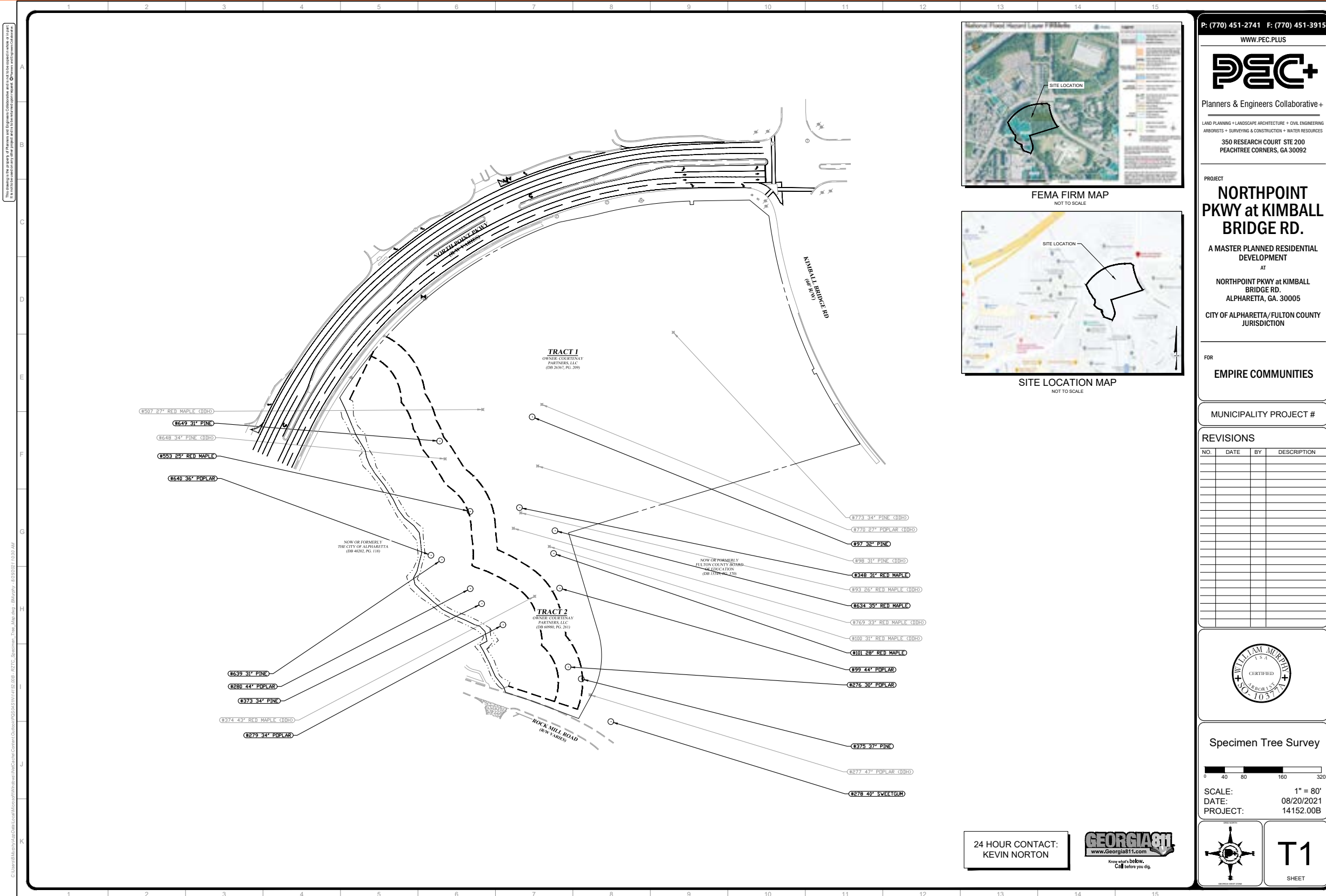


Kimball Bridge Road

Tree #773



Gravel Springs Road



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: EAH Acquisitions, LP-CLUP-21-04/MP-21-07/V-21-23 Empire-Kimball Bridge Road

Contact Name: Kathryn M. Zickert/Smith Gambrell & Russell LLP Telephone 404.815.3704

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.

08.24.21 email from Dermatologist Keith Hamilton, owner of 11800 Atlantis Place in Charleston Gate and 810 Mashburn Drive in Kimball Farms, with concerns regarding traffic, pedestrian access, tree save, public utilities and service demands. EAH Acquisitions has spoken with Dr. Hamilton and addressed his concerns by telephone.

08.31.21 counsel was contacted by Mark Roundtree, who has an office on Rock Mill, with concerns about right-turn traffic at NorthPoint Parkway and Rock Mill Road. Options were discussed that Mr. Roundtree supported.

09.04.21 email from Don Leonard, CPA, owner of a building at Atlantis Place business park, with questions regarding vehicular trips and the turning movements on NorthPoint Parkway and Rock Mill Road.

09.09.21 Counsel reached out to William Dagher, President of the Kimball Bridge Homeowners Association, to set up a meeting to discuss concerns.

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.

Attached is our 500 foot property owner list generated from <https://alphagis.alpharetta.ga.us/publicnotification/> platform and our correspondence detailing the subject proposal, including a copy of the proposed site plan.

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: Kathryn M Zickert

Date: 09.09.2021

Public notification letter

Promenade, Suite 3100
1230 Peachtree Street, N.E.
Atlanta, Georgia 30309-3592, UNITED STATES OF
AMERICA
Tel: 404 815-3500
www.sgrlaw.com

SMITH, GAMBRELL & RUSSELL, LLP
Attorneys at Law

AUGUST 23, 2021

Kathy Zickert
Direct Tel: 404-815-3704
Direct Fax: 404-685-7004
kzickert@sgrlaw.com

RE: Kimball Bridge Road and North Point Parkway, Atlanta, Georgia
Tax Parcel Nos.: 1229908490529; 12286008070328; and 12299008490214
MP-21-07 / Z-21-09 / CLUP-21-04 / V-21-23 Empire Communities

Dear Neighbor:

You are receiving this notification because you are an owner of property within 500 feet of the above-referenced properties. This notice is to invite you, if you are interested, to a Community Zoning Information Meeting to detail Empire Communities' request involving property at the intersection of Kimball Bridge Road and North Point Parkway. Empire seeks permission to develop 90 detached single family homes on the tract, with access limited to Rock Mill Road. Their Application to the City of Alpharetta requests the following:

1. An amendment to the existing KB 400 Master Plan for office development of the tract;
2. Amend the Comprehensive Future Land Use Plan from Corporate Office and Public Institution Educational to High Density Residential;
3. Rezone the tract from OI and SU to R8 A/D; and
4. Concurrent variances from 2.10.3, 2.2.9, 2.10.4, 2.10.6, 3.2.8, and 3.3.6 of the City of Alpharetta UDC.

The Community Zoning Information Meeting (CZIM) for this request will be held on Wednesday, September 8, 2021 at 6:00 p.m. via Zoom: <https://zoom.us/j/7301636794>. This is an informal meeting to allow the public to view public hearing requests, ask questions, and provide feedback. If additional meetings seem advisable, then of course we will also have them.

This item will be considered by the Planning Commission on Thursday, October 7, 2021 at 6:30 PM and City Council on Monday, October 25, 2021 at 6:30 PM. All meetings will be held in the Council Chambers at City Hall, 2 Park Plaza, Alpharetta, GA 30009.

If you have any questions regarding the request, please feel free to contact me at your convenience.

Sincerely,



Kathryn M. Zickert

cc: Kathi Cook
Kelley Rhino
Kevin Norton
Saba Loghman





500 foot mailing list

WACHOVIA BANK NATIONAL ASSN
P.O. BOX 2609
CARLSBAD CA 92018-2609

GARDNER DONALD C &
GARDNER JENNIFER S
815 MASHBURN DR
ALPHARETTA GA 30022

FULTON COUNTY BOARD OF EDUCATION
786 CLEVELAND AVE
ATLANTA GA 30315

MCI COMMUNICATIONS SERVICES INC
7701 E TELECOM PKWY
TAMPA FL 33637

SUGAROAK KIMBALL ROYAL LLC
481 CARLISLE DR
HERNDON VA 20170-4830

DICKENSHEETS DAVID & DEBRA
935 GUNTER CT
ALPHARETTA GA 30022

SAMANTHA ASSOCIATES LLC
3520 PIEDMONT RD STE 125
ATLANTA GA 30305

TELAKAPALLI RAVI KUMAR
GANGARAJU SYAMALA
945 GUNTER CT
ALPHARETTA GA 30022

MAINVILLE ESTHER &
SPINELLO ALESSANDRO
1040 SEALE DR
ALPHARETTA GA 30022

AMLI AT MILTON PARK LLC
141 W JACKSON BLVD STE 300
CHICAGO IL 60604

SUGAROAK KIMBALL ROYAL LLC
481 CARLISLE DR
HERNDON VA 20170-4830

SAYDAR TAYLAN & SAYDAR MICHELLE
915 GUNTER CT
ALPHARETTA GA 30022

CITY OF ALPHARETTA
2 SOUTH MAIN ST
ALPHARETTA GA 30004

CITY OF ALPHARETTA
2 SOUTH MAIN ST NE
ALPHARETTA GA 30004

DIANA P DAGHER REVOCABLE
LIVING TRUST
925 GUNTER CT
ALPHARETTA GA 30022

ADVENTUS US REALTY #13 LP
1660 HASTINGS ST W
VANCOUVER BC V6C 2W2

MASTERSON JOHN F & CHARLOTTE F
820 MASHBURN DR
ALPHARETTA GA 30022

MODGLIN ALBERT M & MODGLIN LISA C
1025 SEALE DR
ALPHARETTA GA 30022

SCOPE ACADEMY INC THE
3105 KIMBALL BRIDGE RD
ALPHARETTA GA 30022

KHANNA BHUSHAN & ANJULY
840 MASHBURN DR
ALPHARETTA GA 30022-3507

MORACZEWSKI TERENCE L & MOJGAN A
910 GUNTER CT
ALPHARETTA GA 30022

CONE MARTIN J & CHRISTINE
225 COTTON FIELD CT
ALPHARETTA GA 30022

CITY OF ALPHARETTA
2 SOUTH MAIN ST NE # 410
ALPHARETTA GA 30004

FOUR HUNDRED CRESTLINE L L C
3000 ROYAL BLVD S
ALPHARETTA GA 30022-4432

LIU BO & XINHUA
210 COTTON FIELD CT
ALPHARETTA GA 30022

CHANG YU WEN & KAO HUNG CHIH
240 COTTON FIELD CT
ALPHARETTA GA 30022

HAMILTON KEITH L
810 MASHBURN DR
ALPHARETTA GA 30022

ROSE GREGORY V & DEBORAH A
835 MASHBURN DR
ALPHARETTA GA 30022

PELES LIOR & HILA
220 COTTON FIELD CT
ALPHARETTA GA 30022

NIDHI NITYA 81&82 LLC
5755 N POINT PKWY SUITE 85
ALPHARETTA GA 30022

PAUNESKY HOLDINGS LLC
3190 FIXLER RD
MEDINA OH 44256

NEO REALTY LLC
5755 NORTH POINT PKWY # #17
ALPHARETTA GA 30022-1143

BUFORD CARE INC
2721 BUFORD HWY
BUFORD GA 30518

HAMILTON DAVID T
11200 ATLANTIS PL STE A
ALPHARETTA GA 30022-1154

312 HOLDINGS LLC
1905 WILLSHIRE GLN
ALPHARETTA GA 30009

VALUE PLUS VENTURES LLC
5755 NORTHPOINT PKWY STE 41
ALPHARETTA GA 30022

SLM REALTY GROUP LLC
1520 HAWKINS COVE TRL
ROSWELL GA 30076

NORTHPOINT PARK 5152 LLC
5755 N POINT PKWY STE 85
ALPHARETTA GA 30022

BLUE FROG CAPITAL MANAGEMENT LLC
5755 NORTH POINT PKWY # 50
ALPHARETTA GA 30022

R A FALANGA & ASSOCIATES INC &
RONALD F CHALKER P
1041 PARKSIDE COMMONS SUITE 101
GREENSBORO GA 30642

BLUE FROG CAPITAL MANAGEMENT LLC
5755 NORTH POINT PKWY # 50
ALPHARETTA GA 30022

BHARATH SAMBA MURTHY & GEETHA
1410 BITTERCRESS CT
ALPHARETTA GA 30005

SLM REALTY GROUP LLC
1520 HAWKINS COVE TRL
ROSWELL GA 30076

NORTHPOINT PARK 5152 LLC
5755 N POINT PKWY STE 85
ALPHARETTA GA 30022

ANTHEM HOLDINGS LLC
5755 N POINT PKWY SUITE 96
ALPHARETTA GA 30022

ADVENTUS US REALTY #13 LP
1660 HASTINGS ST W
VANCOUVER BC V6C 2W2

SL PROPERTY HOLDING LLC
730 CULWORTH MNR
ALPHARETTA GA 30022

LH INVESTMENTS LLC
P.O. BOX 170
HARTLAND WI 53029-0170

ADVENTUS US REALTY #13 LP
1660 WEST HASTINGS ST
VANCOUVER BC V6C 2W2

CASE HOLDING GROUP LLC
315 BOUNDARY PL
ROSWELL GA 30075

11400 ATLANTIS PLACE LLC
11400 ATLANTIS PL BLDG 4
ALPHARETTA GA 30022

PLA MILTON PARK LLC
200 W MONROE ST STE 2200
CHICAGO IL 60606

BREEN HOLDINGS OF GEORGIA LLC
5755 NORTH POINT PKWY STE 260
ALPHARETTA GA 30022

11400 ATLANTIS PLACE LLC
11400 ATLANTIS PL BLDG 4
ALPHARETTA GA 30022

AMLI AT MILTON PARK LLC
200 W MONROE ST STE 2200
CHICAGO IL 60606

HOUSE & ASSOC INC
5755 NORTH POINT PKWY # 36
ALPHARETTA GA 30022

PAUNESKY HOLDINGS LLC
3190 FIXLER RD
MEDINA OH 44256

MEI ZHEN XI
830 MASHBURN DR
ALPHARETTA GA 30022

VENKATESAN SURESH & MALATHI
825 MASHBURN DR
ALPHARETTA GA 30022

GUNDARIA VAISHALI P & PRANAV Y
920 GUNTER CT
ALPHARETTA GA 30022

DALLUGE MARTHA W
315 COTTON FIELD WAY
ALPHARETTA GA 30022

SAMATHA ASSOC L L C
3520 PIEDMONT RD NE SUITE 125
ATLANTA GA 30305-1516

RODRIGO JAYANTHA & IRANDATHY
900 GUNTER CT
ALPHARETTA GA 30022

KIMBALL BRIDGE HOLDINGS LLC
4905 NORTH POINT PKWY
ALPHARETTA GA 30022

ROYAL FOREST PROPERTIES LLC
P.O. BOX 767522
ROSWELL GA 30076

ZHENG XIAONAN & WANG LANQING
1015 SEALE DR
ALPHARETTA GA 30022

MACINTOSH DAVID C & MONICA L
TRS OF THE MACINTOSH
22300 MC CAULEY RD
SHAKER HEIGHTS OH 44122

NAREDDY MURALI MOHAN &
SINDHU CHAMALA
2995 ROCK MILL RD
ALPHARETTA GA 30022

DE SMET WIM
1010 SEALE DR
ALPHARETTA GA 30022

NEO REALTY LLC
5755 NORTH POINT PKWY # #17
ALPHARETTA GA 30022-1143

DESMET WIM
1010 SEALE DR
ALPHARETTA GA 30022

DUFFLEY PAUL M & KAREN B
905 GUNTER CT
ALPHARETTA GA 30022

PALMER HOUSE LLC
2911 PIEDMONT RD NE SUITE B
ATLANTA GA 30305

SCHINDLER KIMBERLY
205 COTTONFIELD CT
ALPHARETTA GA 30022

JOSE FRANCIS X & CRISTINA M
1020 SEALE DR
ALPHARETTA GA 30022

5755 NORTH POINT PKWY SUITE 94 LLC
5755 N POINT PKWY SUITE 94
ALPHARETTA GA 30022

BARROW DAVID & BARROW MEGAN
325 COTTON FIELD WAY
ALPHARETTA GA 30022

SUNDARARAGHAVAN RADHIKA &
KOTHTHAVASAL
230 COTTON FIELD CT
ALPHARETTA GA 30022

AEG HOLDINGS LLC
5755 NORTH POINT PKWY # #37
ALPHARETTA GA 30022

BROWN KENNETH A & GINA M
805 MASHBURN DR
ALPHARETTA GA 30022

CITY OF ALPHARETTA
2 SOUTH MAIN ST NW
ALPHARETTA GA 30004-2978

ALPHARETTA WELLNESS CLINIC LLC
5755 NORTH POINT PKWY UNIT 89
ALPHARETTA GA 30022

SMET WIM DE
1010 SEALE DR
ALPHARETTA GA 30022

MEERTENS FRANK & CINDY J
2975 ROCK MILL RD
ALPHARETTA GA 30022

LANDGRAB LLC
5755 N POINT PKWY SUITE 90
ALPHARETTA GA 30022

STEUTERMAN CRAIG F
1035 SEALE DR
ALPHARETTA GA 30202

INERTIA REHABILITATION ASSOC INC
217 TRELIS WALK
CENTERVILLE GA 31028-8511

TELLIUM LLC
5350 MCGINNIS FERRY RD
ALPHARETTA GA 30005

SL PROPERTY HOLDING LLC
730 CULWORTH MNR
ALPHARETTA GA 30022

11400 ATLANTIS PLACE LLC
11400 ATLANTIS PL BLDG 4
ALPHARETTA GA 30022

PAT LLC
5755 NORTH POINT PKWY # 93
ALPHARETTA GA 30022

JJM REAL ESTATE LTD
4646 NORTH SHALLOWFORD RD
ATLANTA GA 30338

PAUNESKY HOLDINGS LLC
3190 FIXLER RD
MEDINA OH 44256

CABOT INVESTMENTS LLC
1689 DULUTH HWY
LAWRENCEVILLE GA 30043-5010

LI YONG & DENG YOUYING
5755 N POINT PKWY SUITE 95
ALPHARETTA GA 30022

AAKAR INVESTMENTS LLC
560 SHERINGHAM LN
ALPHARETTA GA 30005

KENNEMORE WILLIAM L
5755 NORTH POINT PKWY # 20
ALPHARETTA GA 30022

LH INVESTMENTS LLC
265 DUNHILL WAY
ALPHARETTA GA 30005

ROUNTREE MARK
11300 ATLANTIS DR STE F
ALPHARETTA GA 30004

MATHERLY W RICHARD
5755 NORTH POINT PKWY # 21
ALPHARETTA GA 30022

1 ALLIANCE INVESTMENTS LLC
1654 PRINCESS CIR NE
ATLANTA GA 30345

ROUNTREE MARK
11300 ATLANTIS PL UNIT F
ALPHARETTA GA 30022

SL PROPERTY HOLDING LLC
730 CULWORTH MNR
ALPHARETTA GA 30022

NORTHPOINT PARK 5152 LLC
5755 NORTH POINT PKWY STE 32
ALPHARETTA GA 30022

SLM REALTY GROUP LLC
1520 HAWKINS COVE TRL
ROSWELL GA 30076

CHRISTI PROPERTY LLC
550 PHARR RD # 410
ATLANTA GA 30305

BLUE FROG CAPITAL MANAGEMENT LLC
5755 NORTH POINT PKWY # 50
ALPHARETTA GA 30022

R A FALANGA & ASSOCIATES INC &
RONALD F CHALKER P
1041 PARKSIDE COMMONS SUITE 101
GREENSBORO GA 30642

AVOTOL LLC
5755 N POINT PKWY STE 92
ALPHARETTA GA 30022

HOUSE WILLIAM A
5755 N POINT PKWY SUITE 36
ALPHARETTA GA 30022

INTERNATIONAL REALTY LLC
11100 ATLANTIS PL
ALPHARETTA GA 30022

NORTH POINT PARK 222 LLC
5755 N POINT PKWY STE 85
ALPHARETTA GA 30022

11400 ATLANTIS PLACE LLC
11400 ATLANTIS PL
ALPHARETTA GA 30022-1156

BLOOM INVESTMENTS LLC
750 PIMLICON PL
SUWANEE GA 30024

11400 ATLANTIS PLACE LLC
11400 ATLANTIS PL BLDG 4
ALPHARETTA GA 30022

Citizen comments/responses

From: Woodman, Michael <mwoodman@alpharetta.ga.us>
Sent: Tuesday, September 7, 2021 8:19 AM
To: Zickert, Kathryn
Cc: Shapiro, Lauren; Graves, Eric
Subject: FW: MP-21-07 / Z-21-09 / CLUP-21-04 / V-21-23 KB/400 Partners Empire Communities

CAUTION: This email is from an external source. Do not click links or attachments unless it's from a verified sender.

FYI

From: Don Leonard <Don.L@financialpros.com>
Sent: Saturday, September 04, 2021 10:35 AM
To: Woodman, Michael <mwoodman@alpharetta.ga.us>; Shapiro, Lauren <LShapiro@alpharetta.ga.us>
Subject: RE: MP-21-07 / Z-21-09 / CLUP-21-04 / V-21-23 KB/400 Partners Empire Communities

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I don't want to deny the owners of the property the right to develop it, but you must make sure that the infrastructure can handle the additional traffic volume.

Thanks,

Don

Don W. Leonard, CPA

[Click Here To Send Files Securely](#)

Alliance of Financial Professionals, LLC
11400 Atlantis Place, Ste 100
Alpharetta, GA 30022-1156
770.752.7667 Phone
678.336.0154 Fax
www.financialpros.com

From: Keith Hamilton <khamilton@hamiltonderm.com>
Sent: Tuesday, August 24, 2021 3:41 PM
To: Woodman, Michael
Subject: kb400-partners-empire-communities-application-combined

CAUTION: This email originated from outside the City. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Woodman,

We have met before to discuss the proposed development on the corner of No Point and Kimball Bridge. My name is Keith Hamilton and I own 11800 Atlantis Place in Charleston Gate (of which I am a board member) and 810 Mashburn Drive in Kimball Farms. After the last proposal for the property was withdrawn, I have been waiting for the next attempt to build something inappropriate for the site. I am surprised to see almost a carbon copy of past applications. It is disappointing that no one has any imagination. Do I need to forward this to anyone else to have these comments included in the hearing? Thanks Keith

In response to section F letter b affecting adjacent property, the answer has been incorrectly reported. We, the owners of Charleston Gate, would be overwhelmingly impacted from the very beginning of this project to its ongoing use as listed below;

It would be reasonable to see that there will be foot traffic across our property from this development to the elementary school. We would object to the increase liability that this would create.

The corner of North Point Pkwy and Rock Mill Rd. is not designed for the increased traffic. I do not believe that if the current developments and the proposed development had been proposed as one project, that the design of this intersection would be consider adequate. As a result of the poor design that we currently have, the parking lot for the proposed day care on the corner will see even heavier use than it does now as a cut through for turning north onto North Point Pkwy. What are the added "trips/day" numbers when combined with the current trips per day already occurring? I do not believe that a 211'k office would fit on the site unless a parking deck was build and, in any case, an office space would be preferable to high density housing on this site.

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Any alteration of the flood plain to reduce its size will impact us directly as we are next down stream. I will remind the hearing of hurricane Harvey and the problems Houston had for allowing the removal of the flood plains.

Comprehensive land use plan-I disagree the response to excessive use of public facilities.

If this project was allowed, the City would receive requests to improve the intersection of North Point Pkwy and Rock Mill Rd. from the owners of the day care and the new owner and residence of the development and current owners of the nearby properties.

It is well documented that police calls are greater for residential than commercial. It is also well known that commercial properties add more to the city in taxes collected.

There is no sidewalk over the bridge for the tributary on Rock Mill Road. The application speaks of "walkable communities" but lacks this amenity, leaving the City to respond.

Variance Review #2 Deleting North Point Pkwy access and acquiring school property to access Rock Mill Rd for this development has created a hardship for the owners of Charleston Gate by reducing accessibility to our property with the increase of traffic without the necessary improvements to Rock Mill Road for the increased use. #3 There is no surprise to the developer for this condition of the property. #4 Eco-district? Please. Putting in a bike rack and building houses suitable for the area should not be the excuse to grant a burden on the nearby citizen and owners for this development.

As a 20+ year resident of Alpharetta I object to this development; I feel that we are allowing too many of these higher density housing projects that look like boxes and lack any personality; Letter F number c -Alpharetta is a "tree city"-I cannot find a tree save area listed on the site plan. As a resident, I would like to maintain as much tree canopy as possible with any development. This one has sorry little. What is an Eco-district without trees?

From: [Richard, Karen](#)
To: [Shapiro, Lauren](#)
Cc: [Woodman, Michael](#); [Cook, Kathi](#)
Subject: Fw: Draft email
Date: Wednesday, September 8, 2021 5:12:55 PM

FYI...KB400

From: Patricia Fernandez [REDACTED]
Sent: Wednesday, September 8, 2021 1:24 PM
To: Patricia Fernandez [REDACTED]
Subject: Fwd: Draft email

CAUTION: This email originated from outside the City. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

We have only just learned about this [public hearing](#) and want to voice our vehement opposition to this high density housing on the corner of Kimball Bridge Road and North Point Parkway.

This crammed development will negatively affect our community, area traffic and schools, particularly New Prospect Elementary. Adding 90 new homes on this small corner is reckless and will absolutely overburden the area. The plan in general is not consistent with the surrounding community and the emphasis on single family homes built upon a reasonable area of land that provides green space to the families.

We are also very upset that the Kimball Farms neighborhood HOA was not properly notified. Please note our objection to this rezoning and land use application.

Patty and Raul Fernandez
Kimball Farms Residents

From: [Woodman, Michael](#)
To: [Shapiro, Lauren](#)
Subject: FW: Important rezoning Kimball Bridge/ Npt Pkwy- conversation yesterday
Date: Thursday, September 9, 2021 8:40:11 AM

Public comment on KB400/Empire

From: Marcie King [REDACTED]
Sent: Wednesday, September 08, 2021 10:06 AM
To: Woodman, Michael [REDACTED]
Subject: Important rezoning Kimball Bridge/ Npt Pkwy- conversation yesterday

CAUTION: This email originated from outside the City. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Woodman

I am following up to provide points made during our conversation yesterday regarding the proposed rezoning of property located at the corner of Kimball Bridge Road and Northpoint Parkway. I am also adding points that were not brought up yesterday, but are of equal interest regarding same property.

Points discussed and should be addressed during community Zoom meeting tonight :

1. Empire Communities refers to “modern and contemporary” in their proposal. The use the word “envision”. Do they “envision” (if rezoning is obtained) making this project most similar to their Old Fourth Ward property, their Harlow Roswell property or their Halcyon Forsyth property? The Roswell and Forsyth properties look drastically different from the Old Fourth Ward. They had an opportunity to elevate that community and instead put up buildings and common areas that have paint colors that are more cartoonish making the property an ‘artistic’ free for all. That type of development plan is offensive and would have a negative impact on my neighborhood that sits behind this property. Also it will negatively affect Alpharetta as a whole.
2. Eco-District-related artwork. This is a concern.
3. Public bike repair shop. That is a commercial business. And there is a bike repair station around the corner at Rockmill Park.
4. Whether or not this “sector “ has been designated a transition area. That hasn’t been made official. The careful and measured development of Avalon and downtown Alpharetta. That same standard of quality over fad / tacky architecture is a must for this community of families and professionals.
5. I will add that Kimball Farms will fight hard to prevent a second public road access point. We have one and that is paramount to preserving our community.
6. The zoning R8 A/D currently reflects Medium Density on the Alpharetta website. Attorney is using the term High Density. What is the correct code description for R8 A/D.
7. Developer needs to identify “mixed unit types , pocket and public parks and civic spaces”.

I will be on Zoom tonight to participate in the discussion.

Thank you again for spending time yesterday to address the concerns with this rezoning proposal.
Marcie King

Sent from my iPhone

From: [Woodman, Michael](#)
To: [Zickert, Kathryn](#)
Cc: [Shapiro, Lauren](#); [Graves, Eric](#)
Subject: FW: MP-21-07 / Z-21-09 / CLUP-21-04 / V-21-23 KB/400 Partners Empire Communities
Date: Tuesday, September 7, 2021 8:19:16 AM

FYI

From: Don Leonard [REDACTED]
Sent: Saturday, September 04, 2021 10:35 AM
To: Woodman, Michael [REDACTED]; Shapiro, Lauren
[REDACTED]
Subject: RE: MP-21-07 / Z-21-09 / CLUP-21-04 / V-21-23 KB/400 Partners Empire Communities

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I am writing concerning the proposed development at the corner of Kimball Bridge Rd and North Point Parkway. I am a partner with the firm Alliance of Financial Professionals, LLC. We own one of the buildings in the Atlantis Place business park at the end of Rock Mill Road. This proposed development will add 90 homes, with ALL drivers entering/exiting the subdivision through Rock Mill Road. The intersection at Rock Mill and North Point Parkway will definitely need to be upgraded to handle the additional traffic, with the addition of a right-turn lane. I routinely wait three or four minutes while waiting for the light to turn green so I can make a right turn onto North Point Parkway. The additional traffic from this subdivision will only make a bad situation worse.

I don't want to deny the owners of the property the right to develop it, but you must make sure that the infrastructure can handle the additional traffic volume.

Thanks,

Don

Don W. Leonard, CPA

[Click Here To Send Files Securely](#)

Alliance of Financial Professionals, LLC
11400 Atlantis Place, Ste 100
Alpharetta, GA 30022-1156
[REDACTED] Phone
[REDACTED] Fax
www.financialpros.com

From: [Richard, Karen](#)
To: [Shapiro, Lauren](#)
Cc: [Woodman, Michael](#); [Cook, Kathi](#)
Subject: Fw: Proposed Zoning Change at Kimball Bridge
Date: Wednesday, September 8, 2021 11:02:20 AM

FYI

From: Debra Ramsey Dickensheets Music Studio [REDACTED]
Sent: Wednesday, September 8, 2021 9:59 AM
To: Gilvin, Jim [REDACTED]; Mitchell, Donald [REDACTED]; Burnett, Ben [REDACTED]; Richard, Karen [REDACTED]; Hipes, John [REDACTED]; Binder, Jason [REDACTED]; Merkel, Dan [REDACTED]
Subject: Proposed Zoning Change at Kimball Bridge

CAUTION: This email originated from outside the City. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning All,

Please vote NO for rezoning of the property at the corner of Kimball Bridge and North Point.

We have lived at 935 Gunter Court in Kimball Farms since 1998 and have seen many changes in our neighborhood over the years.

Similar proposal(s) with lesser density have already been turned down. Traffic is already terrible at this corner.

There is only one way in and one way out at Rock Mill Road for any new development. Traffic will only become worse if plan is approved.

New Prospect will become overcrowded with new housing nearby. I fear overall quality of life will be diminished for us all in Alpharetta

With this poor planning. My husband and I plan to attend the meeting tomorrow evening on Zoom. We are watching your actions.

Please vote NO.

Thank you,
Debra Ramsey Dickensheets
935 Gunter Court
Kimball Farms
Alpharetta

From: [Richard, Karen](#)
To: [Shapiro, Lauren](#)
Cc: [Woodman, Michael](#); [Cook, Kathi](#)
Subject: Fw: We Oppose High Density Housing
Date: Wednesday, September 8, 2021 11:03:40 AM

FYI

From: Lauren Dack [REDACTED]
Sent: Monday, September 6, 2021 7:03 PM
To: Gilvin, Jim [REDACTED]; Mitchell, Donald [REDACTED]; Burnett, Ben [REDACTED]; Richard, Karen [REDACTED]; Hipes, John [REDACTED]; Binder, Jason [REDACTED]; Merkel, Dan [REDACTED]
Cc: Joshua Dack [REDACTED]
Subject: We Oppose High Density Housing

CAUTION: This email originated from outside the City. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good evening Representatives,

I hope you all had a wonderful Labor Day weekend with your families. I'm writing regarding [CLUP-21-04/MP-21-07](#) / Z-21-09 / V-21-23 KB/400 Partners Empire Communities meeting this Wednesday for high density housing (90 homes on 14 acres?) located at 5750 North Point Parkway and is legally described as being located in Land Lot 808, 2nd District, 1stSection, Fulton County, Georgia. It's right behind our elementary school.

I want to express my concern about high density housing at an already overloaded road and intersection (Kimball Bridge and North Point Pkwy). The class sizes at the elementary school (New Prospect Elementary) are already too large to support 90 more homes. In 2018, a developer was denied the ability to build 56 homes in this plot, and now a new developer wants to build 90 on the same plot of land?

We are concerned about our kids, our community, and traffic. We know this area is a wonderful place to live, but we'd like to keep it that way by not overcrowding our schools (our teachers have been through enough!) and roads.

We also were informed that Ben Burnett received a donation from this same developer despite not running for re-election. That is concerning to us, and we're really praying that this won't alter his or anyone else's consideration and duty to the people they represent.

Thank you so much for your service and for your time in reading this.

Sincerely,

Lauren and Josh Dack
275 Seale Lane Alpharetta, GA 30022

--

Lauren Dack, LMFT, LPC, CPCS
Licensed Marriage and Family Therapist
Licensed Professional Counselor
AAMFT Approved Supervisor
Certified Professional Counselor Supervisor

{Website} www.joyfullifecounseling.org
{Schedule} <https://laurendack.securepatientarea.com>
{Phone} [REDACTED]

A kind review is the best thank you! <https://g.page/joyfullifecounseling/review?gm>

Notice: The communication and any attached documents within this email contain information from Joyful Life mental health professionals. The content may be confidential and/or legally privileged information therefore, the information is intended only for the use of the individual or entity to whom the documents are addressed. If you are not the intended recipient, you are hereby notified that any disclosures, copying, or distribution is strictly prohibited, and that all contents should be destroyed. In this regard, if you have received this email in error, please notify Joyful Life immediately.

As discussed in the intake session, clients are reminded that emails are not a viable method of emergency contact. If you are in need of immediate assistance, contact 911 and/or follow the safety plan we have discussed in session.

From: [Richard, Karen](#)
To: [Shapiro, Lauren](#)
Cc: [Woodman, Michael](#); [Cook, Kathi](#)
Subject: Fwd: We oppose to high density housing
Date: Wednesday, September 8, 2021 10:34:11 AM

Lauren, FYI...I'll be forwarding a number of citizen comment emails for the KB400 application. Karen

Begin forwarded message:

From: Robin Murphy [REDACTED]
Date: September 8, 2021 at 9:59:08 AM EDT
To: "Richard, Karen" [REDACTED]
Subject: We oppose to high density housing
Reply-To: Robin Murphy [REDACTED]

CAUTION: This email originated from outside the City. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Richard,

We live in Kimball Farms subdivision right behind New Prospect Elementary School. We were just informed by our HOA board that high density housing is being proposed for the property behind/adjacent to the elementary school and our subdivision.

We strongly oppose to this proposal due to 1) lack of notice to the nearby homeowners, 2) fear of over-crowding our schools even more, and 3) fear of more traffic congestion. The never-ending construction around Northpoint Pkwy / Kimball Bridge Rd is not even done yet. I still remember the previous rounds of construction that was done around 2010 on Kimball Bridge Rd. Traffic is already extremely congested in this area. Adding high density housing is not a smart idea at all.

We have kids in Alpharetta High School. This school year due the pandemic, we added about 80 new high schoolers to our school. Some of my kids' classes have almost 40 students per class! We are already over-capacity. My son told me that his honors composition writing teacher CRIED and had to step out of the classroom when she was informed she was acquiring more students in her classroom. The students and teachers are under a lot of stress. We can't imagine a worst case scenario than adding a high density housing complex right next to our neighborhood.

Thank you for reading.

== == == ==

Robin Murphy



From: [John Kiss](#)
To: [Woodman, Michael](#)
Cc: [Shapiro, Lauren](#)
Subject: Project at NPointPwy & Kimball
Date: Friday, September 3, 2021 12:41:45 PM

CAUTION: This email originated from outside the City. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Our offices are on Atlantis Place, which is just past the roundabout ending Rock Mill Road to the East of North Point Parkway. When we heard about the proposed project at the corner of North Point Parkway and Kimball Bridge Road to add 90 homes and have one exit to Rock Mill Road, we laughed (with tears in our eyes).

If someone from your office would visit the light at Rock Mill and North Point, you will see that vehicles on Rock Mill wait a long time for a green and the green is very short. During peak times, one must wait for multiple light cycles to get through. Many cut through the old Wells Fargo Bank parking lot so they can turn right onto North Point and not lose ten minutes of their lives waiting. Now they want to add the traffic volume of 90 new homes, each averaging two vehicles, so 180 more vehicles coming and going. That intersection is nowhere close to being able to handle that load.

Please reconsider allowing this project – or at least make them pay for major upgrades to that intersection – like right and left turning lanes and a longer green light cycle and/or shorter red light cycle.

We beg you come look at this intersection at 5 or 6 PM on a weekday!

John J. Kiss, CPA
Alliance of Financial Professionals, LLC
11400 Atlantis Place, Suite 100
Alpharetta, GA 30022



[Click Here to Send Me Files Securely](#)

From: [Woodman, Michael](#)
To: [Keith Hamilton](#)
Cc: [Shapiro, Lauren](#)
Subject: RE: kb400-partners-empire-communities-application-combined
Date: Tuesday, August 24, 2021 3:46:53 PM
Attachments: [image001.png](#)

Good afternoon Mr. Hamilton.

Yes, I do remember speaking to you regarding previous proposals on this property. Thank you again for participating in the public hearing process by provide us with your comments. We will be sure to include your comments with this file as it moves forward. Your comments will also be provided to the Planning Commission and City Council as backup material to this case.

Best regards,

Michael A. Woodman, AICP
Senior Planner

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



From: Keith Hamilton [REDACTED]
Sent: Tuesday, August 24, 2021 3:41 PM
To: Woodman, Michael [REDACTED]
Subject: kb400-partners-empire-communities-application-combined

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Mr. Woodman,

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If this project was allowed, the City would receive requests to improve the intersection of North Point Pkwy and Rock Mill Rd. from the owners of the day care and the new owner and residence of the development and current owners of the nearby properties.

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As a 20+ year resident of Alpharetta I object to this development; I feel that we are allowing to many of these higher density housing projects that look like boxes and lack any personality; Letter F number c -Alpharetta is a "tree city"-I cannot find a tree save area listed on the site plan. As a resident, I would like to maintain as much tree canopy as possible with any development. This one has sorry little. What is an Eco-district without trees?



COMMUNITY DEVELOPMENT
COMMUNITY ZONING INFORMATION MEETING
SEPTEMBER 8, 2021
ZOOM
6:00 PM

I. Staff & City Council present:

- a. Kathi Cook, Director of Community Development and Director of Economic Development
- b. Michael Woodman, Senior Planner
- c. Ben Kern, GIS Specialist / Special Projects Planner
- d. Lauren Shapiro, Planning + Zoning Coordinator
- e. Karen Richard, City Council

II. Total attendance: 29 total attendees, including Staff and City Council

III. MP-21-08 Adora Day Care Center KB / 400 Partners

- a. Applicant Presentation: Akif Aydin
 - i. Adding the use of a day care at this location
 - ii. Converting a former bank building into a day care center
- b. There were no public comments for this item.

IV. MP-21-07 / CLUP-21-04 / Z-21-09 / V-21-23 Empire Communities KB / 400 Partners

- a. Applicant Presentation: Kathy Zickert, Kelley Rhino, Kevin Norton, Ken Wood
 - i. This site was originally to be developed for 321,000 square feet of office space, likely 4-5 story office building with surface parking
 - ii. Proposing single family detached homes that have 2 car garages and driveways (front and alley access units)
 - iii. Neighborhood will have a clubhouse pool with cabanas, 2 pocket parks, amenity area (boardwalk with nature trail), would like to put in treehouses (pending liability / permitting), guest parking, entrance feature for the Eco-district
 - iv. Challenging topography (floodplain area)
 - v. No vehicular access on Kimball Bridge Road (only emergency and pedestrian access); condensing access for the neighborhood only to Rock Mill Road
 - vi. Adjusted signal timing (length of green light) already at this intersection
 - vii. School overcrowding:
 - 1. New Prospect Elementary
 - a. Capacity = 825 students and currently enrolled = 501
 - 2. Webb Bridge Middle
 - a. Capacity = 1,150 and currently enrolled = 1,113
 - 3. Alpharetta High
 - a. Capacity = 2,175 and currently enrolled = 2,121
 - viii. Traffic would be much better with this project when compared to an office use.
 - 1. Residential use = 990 trips per day; peak hour = 67 am and 89 pm trips
 - 2. Office use = 2,390 trips per day; peak hour = 342 am and 217 pm trips

b. Public Comments + Concerns:

- i. Tributary #2 stream that goes through the property and concern for altering streams or violating Clean Water Act
 1. Applicant response: Not interfering with tributary on site; there are huge fines for violating the Clean Water Act, and the City may want a no-rise certificate which shows that there was no change in the floodplain
- ii. Development look like Kirkwood, Halcyon, or Harlow?
 1. Applicant response: Compare this development more to Midwick off Thompson Street in Alpharetta.
- iii. Average cost of single-family homes?
 1. Applicant response: Anticipated pricing: \$500,000 to \$550,000
- iv. Does this proposal impact the dead-end street next to New Prospect that cuts through?
 1. Applicant response: No plans to impact the dead-end street (topography issues)
- v. Are you proposing that 90 residences will have no negative impact on traffic flow and school capacity challenges?
 1. Applicant response: Any new development will generate traffic. We are discussing with the City the impact at Rock Mill and North Point Parkway and do not believe this will overwhelm. By taking away the curb cut directly from North Point and Kimball Bridge, we are bringing people through the signal at Rock Bridge.
- vi. Suffered through rush hours for past 5 years. If New Prospect Elementary School hits max capacity, will the school buses and nearby resident be able to survive even higher traffic volumes?
 1. Applicant response: New Prospect is well below capacity and do not suggest that we will hit that enrollment.
- vii. Previous proposal was 56 homes and this one is raised to 90, and you are not expecting negative impact with such high density?
 1. Applicant response: Agree.
- viii. Extra safety issues for the kids comes along with the jammed traffic?
 1. Applicant response: Traffic generated from proposal will not be a hazard for anyone; adding a pedestrian connection to Kimball Bridge Road so that you will not have to cross the road to get to the school.
- ix. Bike repair shop
 1. Applicant response: No bike repair shop, there is an area where bike repairs could be made.
 2. Staff response: By the fire access there is a small bicycle repair on the site plan, so that may have been where that question comes from.
- x. Civic space
 1. Applicant response: 18% is amenity space and there is 32% civic space; we have more than what is required.
- xi. School capacity and how much the 90 homes will affect enrollment:
 1. Applicant response: Can look at Midwick proposal and get the numbers of school children from that development as a comparison. It is unlawful for anyone to discriminate against anyone with children or create a policy to discourage that.
 2. Staff response: The City does send proposals for residential developments to Fulton County Schools and they have responded. With the projected students

- generated from 90 single-family detached homes, the elementary, middle, and high schools that serve this property would be within enrollment capacity.
- xii. Schools can hold 800 kids, but roads were not designed for the changes.
 - xiii. Desired customer? This is a family area. Would your development attract that kind of buyer?
 - xiv. Midwick would be different than this one, because this is right next to an elementary school.
 - xv. Civic spaces
 - 1. Applicant response: Corner area may have a gathering area (knee wall with art feature) where you can sit and enjoy the art. Also trying to create the treehouse area as a civic space. There may be a partial trail in the area of the floodplain.
 - 2. Staff response: There is a trail near the bank on the other side of the stream, but not on your property.
 - xvi. 90 homes seems dense.
 - xvii. Why wasn't the Kimball Farms neighborhood properly notified of this meeting? The HOA president listed in the application is not the HOA president.
 - 1. Applicant response: Would like to get the correct contact information, because that was the contact that I was given. This was not intentional, and if you will let me know that contact, we would be happy to set up a meeting.
 - 2. Staff response: The applicant and the City is required to notify all property owners within 500 feet of this property. Kimball Farms may be further than 500 feet away, and I do not recall off the top of my head. The City's contact for the HOA might have been incorrect, and we would love to have that contact.
 - xviii. Medium density or high density?
 - 1. Applicant response: This is a medium density project.
 - xix. This development should be viewed into context of other developments that will affect school enrollment. Are there other new developments that will also contribute to the growth in population at each school?
 - 1. Staff response: Not aware of any requests for residential in this general vicinity; would have to look at other areas to confirm that, but please reach out to me via email.
 - xx. Civic area is intended for residents or public to gather?
 - 1. Applicant response: public.
 - xxi. Is the school directly next to the development on the map? Will there be fencing on the boarder to the school?
 - 1. Applicant response: Yes and yes.
 - xxii. Kimball Farms flooding issues
 - 1. Applicant response: Highly regulated by federal and state law. Not sure that this development is within the same drainage basin; will look into this.
 - xxiii. Other high-density properties being developed nearby, what will make this property more desirable?
 - 1. Applicant response: The quality of what the client builds. The Midwick project is lovely and sells itself; can get you a list with the projects.
 - xxiv. Flood issues – this is a big deal to our community and should be taken into consideration.
 - 1. Applicant response: We have taken into consideration the flooding and downstream impacts. We have proposed a pond that will not only be to treat

water quality and runoff reduction and flood protection. Will run full flood study and hydrology studies.

- xxv. There is a stream that is parallel to Gunter Court (in Kimball Farms). There is a detention / retention pond toward the end of Gunter Court that has never functioned the way the City wanted it to function. The stream on the side of Wachovia does go all the way down behind all of the homes behind Gunter Court and it does impact the very large detention / retention pond behind the end of Gunter Court. We ask you to not exacerbate this, as it is a very big problem for the homeowner that sits on the pond.
 - 1. Applicant response: I will be reaching out to you set up something for your community.
- xxvi. Civic spaces – this is a neighborhood and parts are open to the public and the civic spaces is for the public to gather, you are near a school, what kind of gatherings do you envision and who would be responsible for the maintenance, upkeep, and safety of those areas if that area is public?
 - 1. Applicant response: It is our property, so we would be responsible for maintaining it. We are conditioning it as a space for kids to use. The issue with how to protect them or supervise is among the issues we have to look at.
- xxvii. We have several community parks (Rock Mill Park), you are applying for residential zoning but you have civic space, are you building a structure that people go into to congregate?
 - 1. Applicant response: I am talking about a treehouse, not an amphitheater or a structure.
- xxviii. Its an open air gathering spot?
 - 1. Applicant response: Yes.
- xxix. I was told that this is a public space and that would be under the City of Alpharetta's jurisdiction and that the maintenance or policing would be through the City of Alpharetta.
 - 1. Staff response: If civic areas are dedicated to the City, there would be potential for the City to police those areas. If they are not dedicated, and are just civic space on the property, the HOA would be responsible.
- xxx. Gathering spots can't violate a noise ordinance or gather for a specific reason, is this just a social thing?
 - 1. Applicant response: Yes. Are you familiar with the North Point Plan? If you look at that plan, it has observation decks looking out into a biosoil retention area, that would be considered a civic space. This is not something formal. The City requires every development in North Point Overlay to have a 10% minimum of civic space.
- xxxi. I thought for civic spaces that churches could gather and could have different types of groups gather there. I am not interested in having something like that close to our neighborhood.
 - 1. Applicant response: The old AMC movie theater, we were required to provide 10% civic space and we improved the trail to Big Creek Greenway and was available to use a civic amenity but was privately owned. Not every civic space is a gathering space.
- xxxii. As this goes forward, can there be more specifics as to what can or cannot be allowed in that civic space in the final approval?
 - 1. Applicant response: Staff will be able to derive appropriate conditions for the gathering / civic space.

- xxxiii. Or for a political or church gathering – groups can go to their own spaces for that. This is residential community.
- xxxiv. It is in your proposal that you have a bicycle repair shop open to the public.
 - 1. Applicant response: This is not a store where you go into to buy a chain. This is a bike repair station and they are along the Alpha Loop; we installed one at Midwick. It is a vertical station that has tools to repair a bike if someone may need it.
- xxxv. I live in Kimball Farms, and my concern is traffic. What is the plan for 90-180 more cars?
 - 1. Applicant response: Peak trips is 67 for morning and 89 for evening trips. This is pre-covid data and does not account for changes in working circumstances.
- xxxvi. Safety concerns for New Prospect Elementary School kids.

V. MP-21-06 / CU-21-12 National Veterinary Associates (NVA) / 3100 Royal Boulevard South

a. Applicant Presentation: Chandler Bovitz, Jack Arnold, Merritt Lancaster

- i. Amend Royal 400 Master Plan - Pod 12 to allow for a veterinary hospital use and a conditional use for NVA
- ii. Stand-alone building; this will not be an overnight kennel or pet resort. May only be kept overnight if needed in case of emergency
- iii. National vet brand
- iv. Should have no noise or impact to property owners

b. Public Comments + Concerns

- i. Will this be fenced in case an animal gets out?
 - 1. Applicant response: There is an existing fence on the rear portion and the topography on the side of North Point Parkway is too steep for anything to run off. The nature of the use is not going to be very conducive for animals that run off. We could look into adding a fence in an area where an animal could escape.
- ii. This property is next to New Prospect Elementary School, that's why he is asking about the fence.

CHAT BOX TRANSCRIPT FROM ZOOM MEETING:

18:12:28 From david dickensheets to Everyone:

Tributary # 2 stream goes through property and to Big Creek and then to Chatahoochee, Anything in the request that alters that stream, or any conflicts w/ the Clean Water Act that was recently reaffirmed.

18:13:16 From Tom Cossuto to Everyone:

Good question, ask her.

18:14:55 From Aimee Uphues to Everyone:

Is this developer intending to look like Kirkwood or Haylcon or Harlow?

18:15:38 From Ben Ward to Everyone:

What is the average cost of the single family homes that are being developed?

18:15:40 From Lynn Podsiadlo to Everyone:

does this current proposal impact the dead end street next to New prospect that cuts through?

18:15:54 From Tom Cossuto to Everyone:

Are you proposing that 90 residences will have no negative impact on traffic flow and school capacity challenges? If so, how could that possibly be the case?

18:17:26 From WANG Siting to Everyone:

I have been living in Kimball farm community for about 5 years and suffered a lot for the rush hours. If new prospect elementary school hits the max capacity as you planned, will the school buses and nearby residents be able to survive even higher traffic volumes?

18:18:11 From Aimee Uphues to Everyone:

the previous proposal was 56 homes you have raised it to 90 and not expecting negative impact with such high density

18:19:20 From WANG Siting to Everyone:

And the extra safety issues for the kids comes along with the jammed traffics?

18:20:09 From Aimee Uphues to Everyone:

why is a bike repair shop open the public? This a commercial proposal or mixed use. What do mean by civic spaces

18:20:16 From Tom Cossuto to Everyone:

Please let me know for each school (elementary, middle and high) how much of the excess capacity today that you quoted is expected to be filled by these 90 homes?

18:20:19 From WANG Siting to Everyone:

The school can hold 800m kids, but the roads were not designed for the changes.

18:20:50 From Aimee Uphues to Everyone:

the proposal stated bike repair shop open to the public

18:22:05 From Aimee Uphues to Everyone:

who is your desired customer? this is a family area would your development attract that kind of buyer?

18:23:10 From Greg Hanley to Everyone:

Downtown Midwick would likely be different than this one... as it would be right next door to an elementary school

18:23:23 From Aimee Uphues to Everyone:

can you be more specific about use of civic spaces

18:23:49 From Greg Hanley to Everyone:

90 home seems pretty dense for the amount of space proposed. Why wasn't Kimball Farms neighborhood properly notified of this meeting ? The HOA President listed in the application is not the HOA president

18:23:51 From Tom Cossuto to Everyone:

How could the High school remain within capacity? What were the current enrollment and capacity numbers you quoted earlier?

18:24:22 From Aimee Uphues to Everyone:

what else is incorrect in the proposal? medium density or high density?

18:25:57 From Ben Ward to Everyone:

These 90 homes should be viewed in the context of other new developments that will affect the capacity of the schools in our area. To the city officials... Are there other new developments that will also contribute to the growth in population at each school?

18:27:13 From Aimee Uphues to Everyone:

who is the civic area intended for people to gather? residents or public?

18:27:16 From willliam dagher to Everyone:

william dagher is the president of the HOA Kimball Farms william@sfur.com

18:27:21 From david dickensheets to Everyone:

is the school directly next to it on the map. That is no other owned property there . If so will there be fencing on the border to the school ?

18:28:11 From Ben Ward to Everyone:

Kimball Farms is already facing significant issues with flooding in some parts of our community. What assurances can we be given that this new development will not add to the existing flooding issues?

18:28:31 From Aimee Uphues to Everyone:

its a matter of legal definition

18:30:06 From Aimee Uphues to Everyone:

There are many other high density properties being built currently near by, what will make this property more desirable?

18:31:32 From Ben Ward to Everyone:

Please review the flood issue. That is a big deal to our community and it should be an issue that the developer has already taken into consideration!

18:32:26 From willliam dagher to Everyone:

william dagher would like to make a comment about the flood issue

18:40:33 From Greg Hanley to Everyone:

the adjacent property on the south of that map, is New Prospect Elementary School

18:41:11 From Greg Hanley to Everyone:

thats why he was asking about the fence

18:42:06 From Tom Cossuto to Everyone:

what are the next steps?

18:44:58 From WANG Siting to Everyone:

Will the recordings be put to on line and open to public viewing since many people can't attend the discussion in person?

18:48:51 From iPhone to Everyone:

I live in kimball farms. My main concern is traffic. What's the plan to handle 90 to 180 cars more

18:52:18 From WANG Siting to Everyone:

Thanks!

18:53:06 From WANG Siting to Everyone:

Also the safety concerns for NPES kids.

CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

FOR OFFICE USE ONLY
Case #: MP-21-07 / Z-21-09 /
CLUP-21-04 / V-21-23
PH #: PHA210039

X Property Taxes & Code Violations Verified

X Fee Paid Initial: DH

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." Please note that a 3% convenience fee will be added to all credit card transactions.
5. Applications will be accepted 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: Kathryn M. Zickert/Smith, Gambrell & Russell LLP Telephone: 404-815-3500

Address: 1230 Peachtree Street, NE, Promenade Suite: 3100

City Atlanta State: GA Zip: 30326 Fax: 404-685-7004

Mobile Tel: 404.815.3704 Email: kzickert@sgrlaw.com

Subject Property Information:

Address: Southwest quadrant of the intersection of Kimball Bridge Road and North Point Parkway Current Zoning: OI / SU

District: 1 Section: 2 Land Lot: 807; 808; 849; 850 Parcel ID: 12299008490529; 12286008070328; 12299008490214

Proposed Zoning: R8 A/D Current Use: Undeveloped

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

☐ Conditional Use	☒ Master Plan Amendment (MP-99-09)	☒ Comprehensive Plan Amendment
☒ Rezoning	☐ Master Plan Review	
☒ Variance	☒ Public Hearing	
☐ Exception	☐ Other <i>(Specify):</i> _____	

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: Courtenay Partners, LLC c/o Mr. Ralph Edwards

Telephone: 404-968-2662

Address: 3520 Piedmont Road, NE

Suite: Piedmont Place, Suite 125

City: Atlanta

State: Ga

Zip: 30305 - 1516

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

Property Owner's Authorized Applicant (if applicable):

Name of Authorized Applicant: Kevin Norton

Telephone: 404-951-6546

Address: 5775 Glenridge Drive, Building D

Suite: 350

City: Atlanta

State: Ga

Zip: 30328 - 5380

So Sworn and Attested:

Owner Signature: [Signature]

Date: 7/30/21

Notary:

Notary Signature: [Signature]

Date: 7/30/21



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: EAH Acquisitions, LP

Contact Name: Kevin Norton Telephone: 770-541-5250

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

See attached list

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

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

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

Presentations at HOA or other organized group meetings with opportunity for questions and answers.

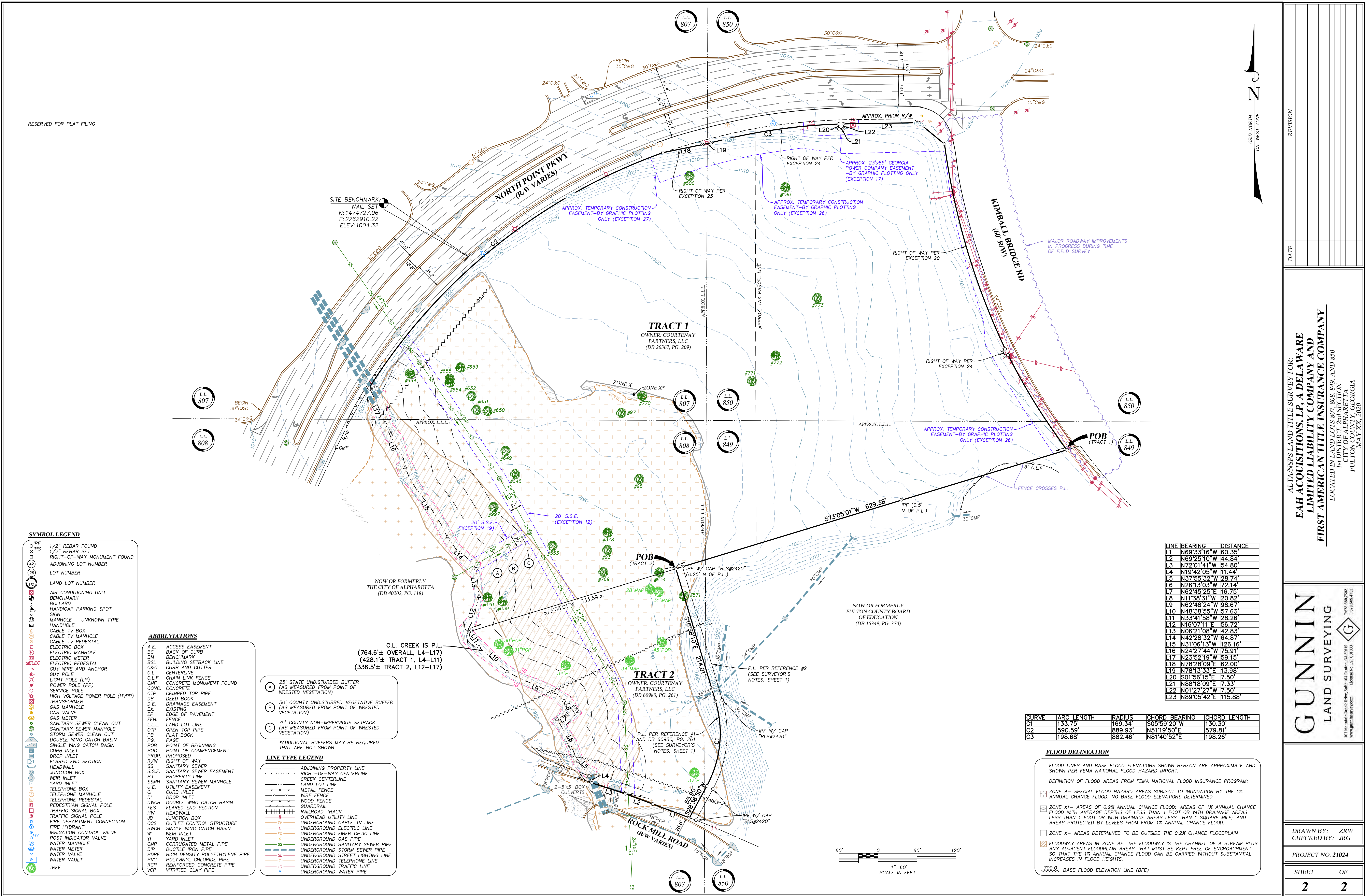
1699 Land Company, LLC — North Point Parkway/Kimball Bridge

Parcels Within 500 Feet

#	LastName	Addressl	City	State	PostalCod	Parcel	Property
1.	312 Holdings LLC	1905 Willshire Gln.	Alpharetta	GA	30009	12-286008071250	5755 NP Pkwy 102
2.	AEG Holdings LLC	5755 North Point Pkwy., Suite 37	Alpharetta	GA	30022	12-286008070799	5755 NP Pkwy 37 10
3.	AMLI at Milton Park LLC	200 W. Monroe St., Ste. 2200	Chicago	IL	60606	12-287007960170	2600 Mill Creek Ave
4.	Anthem Holdings LLC	5755 North Point Pkwy., Suite 96	Alpharetta	GA	30022	12-286008071193	5755 NP Pkwy 96
5.	Assurance Forensic Accounting LLC	2180 Satellite Blvd., Suite 400	Duluth	GA	30097	12-286008071151	5755 NP Pkwy 92
6.	Atlanta MB Properties LLC	5755 North Point Pkwy., Suite 19	Alpharetta	GA	30022	12-286008070617	5755 NP Pkwy 19 6
7.	Blazer Realty LLC	5755 North Point Pkwy., Suite 60	Alpharetta	GA	30022	12-286008070989	5755 NP Pkwy 60 14
8.	Bloom Investments LLC	750 Pimlicon Pl.	Suwanee	GA	30024	12-286008070757	5755 NP Pkwy 33 6
9.	Blue Frog Capital Management LLC	5755 North Point Pkwy., Suite 50	Alpharetta	GA	30022	12-286008070914	5755 NP Pkwy 49 11
10.	Breen Holdings of Georgia LLC	5755 North Point Pkwy., Suite 39	Alpharetta	GA	30022	12-286008070815	5755 NP Pkwy 39 11
11.	Buford Care Inc.	2721 Buford Hwy.	Buford	GA	30518	12-286008070765	5755 NP Pkwy 34 6
12.	Cabot Investments LLC	1689 Duluth Hwy.	Lawrenceville	GA	30043	12-286008070955	5755 NP Pkwy 53 14
13.	Case Holding Group LLC	315 Boundary Pl.	Roswell	GA	30075	12-286008071219	5755 NP Pkwy 98
14.	Christi Property LLC	4400 Dovershire Dr.	Norcross	GA	30092	12-286008070906	5755 NP Pkwy 48 12
15.	City of Alpharetta	2 Park Plaza	Alpharetta	GA	30009	12-286008081267	0 NP Pkwy
16.	DC KRS Northpoint LLC	5755 North Point Pkwy., Suite	Alpharetta	GA	30022	12-286008070807	5755 NP Pkwy 38 10
17.	Wim Desmet	1010 Seale Drive	Alpharetta	GA	30022		
18.	Development Authority of Fulton Co.	141 Pryor St SW	Atlanta	GA	30303	12-286008070369	5055 NP Pkwy
19.	Domain Realty Inc.	5755 North Point Pkwy., Suite 62	Alpharetta	GA	30022	12-286008071003	5755 NP Pkwy 62 14
20.	Paul & Karen Duffley	905 Gunter Court	Alpharetta	GA	30022		
21.	Four Hundred Crestline LLC	3000 Royal Blvd. S.	Alpharetta	GA	30022	12-299008500442	3000 Royal Blvd
22.	Fulton County Board of Education	786 Cleveland Ave.	Atlanta	GA	30315	12-299008490214	0 Kimball Bridge Rd
23.	Mukund & Jayshree Gangwal	5755 North Point Pkwy., Suite 64	Alpharetta	GA	30022	12-286008071078	5755 NP Pkwy 64
24.	Heather Gavranovic Kimball Farms HOA President	1345 Seale Drive	Alpharetta	GA	30022		
25.	William A.House	5755 North Point Pkwy., Suite 36	Alpharetta	GA	30022	12-286008070773	5755 NP Pkwy 35 5
26.	House &Assoc. Inc.	5755 North Point Pkwy., Suite 36	Alpharetta	GA	30022	12-286008070781	5755 NP Pkwy 36 5

27.	Inertia Rehabilitation Assoc. Inc.	5755 North Point Pkwy., Suite 31	Alpharetta	GA	30022	12-286008070732	5755 NP Pkwy 31 7
28.	JJM Real Estate Ltd	4646 North Shallowford Rd.	Atlanta	GA	30338	12-286008071094	5755 NP Pkwy 74
29.	Kennemore	5755 North Point Pkwy, Suite 20	Alpharetta	GA	30022	12-286008070625	5755 NP Pkwy 20 6
30.	Kimball Bridge Holdings LLC	3350 Riverwood Pkwy. SE, Suite 1600	Atlanta	GA	30339	12-299008500434	4905 NP Pkwy
31.	Koziara Family Limited Partnership	1340 Gulf Blvd., Unit 17G	Clearwater Beach	FL	33767	12-286008070849	5755 NP Pkwy 42 12
32.	KT Interests LLC	4994 Lower Roswell Rd., Suite 9	Marietta	GA	30068	12-286008070930	5755 NP Pkwy 51 10
33.	LH Investments LLC	265 Dunhill Way	Alpharetta	GA	30005	12-286008071060	5755 NP Pkwy 63
34.	Yong & Deng Youying Li	5755 North Point Pkwy., Suite 95	Alpharetta	GA	30022	12-286008071185	5755 NP Pkwy 95
35.	Lisa Shippel Law LLC	5755 North Point Pkwy., Suite 90	Alpharetta	GA	30022	12-286008071136	5755 NP Pkwy 90
36.	Richard W. Matherly	5755 North Point Pkwy., Suite 21	Alpharetta	GA	30022	12-286008070633	5755 NP Pkwy 21 7
37.	Frank & Cindy Meertens	2975 Rack Mill Road	Alpharetta	GA	30022		
38.	David W. and Mary C. Miller	5755 North Point Pkwy., Suite 54	Alpharetta	GA	30022	12-286008070963	5755 NP Pkwy 54 14
39.	Terrence & Morgan Morzczewski	910 Gunter Court	Alpharetta	GA	30022		
40.	Murali Mohan & Sindhu Chamala Naredry	2995 Rock Mill Road	Alpharetta	GA	30022		
41.	Neo Realty, LLC	5755 North Point Pkwy., Suite 17	Alpharetta	GA	30022	12-286008070591	5755 NP Pkwy 17 5
42.	North Point II LLC	22300 McCauley Rd.	Shaker	OH	44122	12-286008070443	5755 NP Pkwy 2 1
43.	North Point Partners LLC	30 N. LaSalle St., Suite 2330	Chicago	IL	60602	12-286008070641	5755 NP Pkwy 22 7
44.	North Point Properties LLC	5755 North Point Pkwy., Suite 89	Alpharetta	GA	30022	12-286008071128	5755 NP Pkwy 89
45.	Palmer House LLC	2911 Piedmont Rd., NE, Suite B	Atlanta	GA	30305	12-286008070575	5755 NP Pkwy 15 1
46.	Palubiak Ventures LLC	1702 Rivercreek Dr.	Dacula	GA	30019	12-286008070740	5755 NP Pkwy 32 7
47.	PAT LLC	5755 North Point Pkwy., Suite 93	Alpharetta	GA	30022	12-286008071169	5755 NP Pkwy 93
48.	Philip Reid Realty LLC	360 Summer Shade Ln.	Roswell	GA	30075	12-286008071177	5755 NP Pkwy 94
49.	Pla Milton Park LLC	200 W. Monroe St., Suite 2200	Chicago	IL	60606		
50.	Jayantha & Irandathy Rodgico	900 Gunter Court	Alpharetta	GA	30022		
51.	Royal Forest Partners LLC	PO Box 98309	Atlanta	GA	30359	12-299008490453	3010 Royal Blvd
52.	Samantha Assoc. LLC	3520 Piedmont Road, NE, Suite	Atlanta	GA	30305		
53.	Scope Academy, Inc.	3105 Kimball Bridge Road	Alpharetta	GA	30022		
54.	SL Property Holding LLC	730 Culworth Mnr.	Alpharetta	GA	30022	12-286008071201	5755 NP Pkwy 97
55.	SugarOak Kimball Royal LLC	481 Carlisle Dr.	Herndon	VA	20170	12-299008490461	3050 Royal Blvd

56.	Talcott III Two Hundred Milton Park LLC	1 Financial Plaza	Hartford	CT	06103	12-287007960188	11175 Rock Mill Rd
57.	V & R Investments LLC	3 Vandy Ct.	Savannah	GA	31411	12-286008071243	5755 NP Pkwy 101
58.	Value Plus Ventures LLC	5755 North Point Pkwy., Suite 41	Alpharetta	GA	30022	12-286008070831	5755 NP Pkwy 41 12
59.	Wachovia Bank N.A.	PO Box 2609	Carlsbad	CA	92018	12-286008070427	5750 NP Pkwy

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ALTA/NPS LAND TITLE SURVEY FOR:
**EAH ACQUISITIONS, LP, A DELAWARE
LIMITED LIABILITY COMPANY AND
FIRST AMERICAN TITLE INSURANCE COMPANY**
LOCATED IN LAND LOTS 807, 808, 849, AND 850
1st DISTRICT, 2nd SECTION
CITY OF ALPHARETTA
FULTON COUNTY, GEORGIA
MAY XX, 2020

GUNNIN
LAND SURVEYING

 107 Menashaire Road Drive, Suite 104, Cedar, WI 53015
www.gunninlandsurveying.com License No. LEF 000033

Tel: 920.480.7509
Fax: 920.480.4751

DRAWN BY: ZRW CHECKED BY: JRG	
PROJECT NO. 21024	
SHEET	OF
2	2



	CIVIC SPACE
	AMENITY SPACE

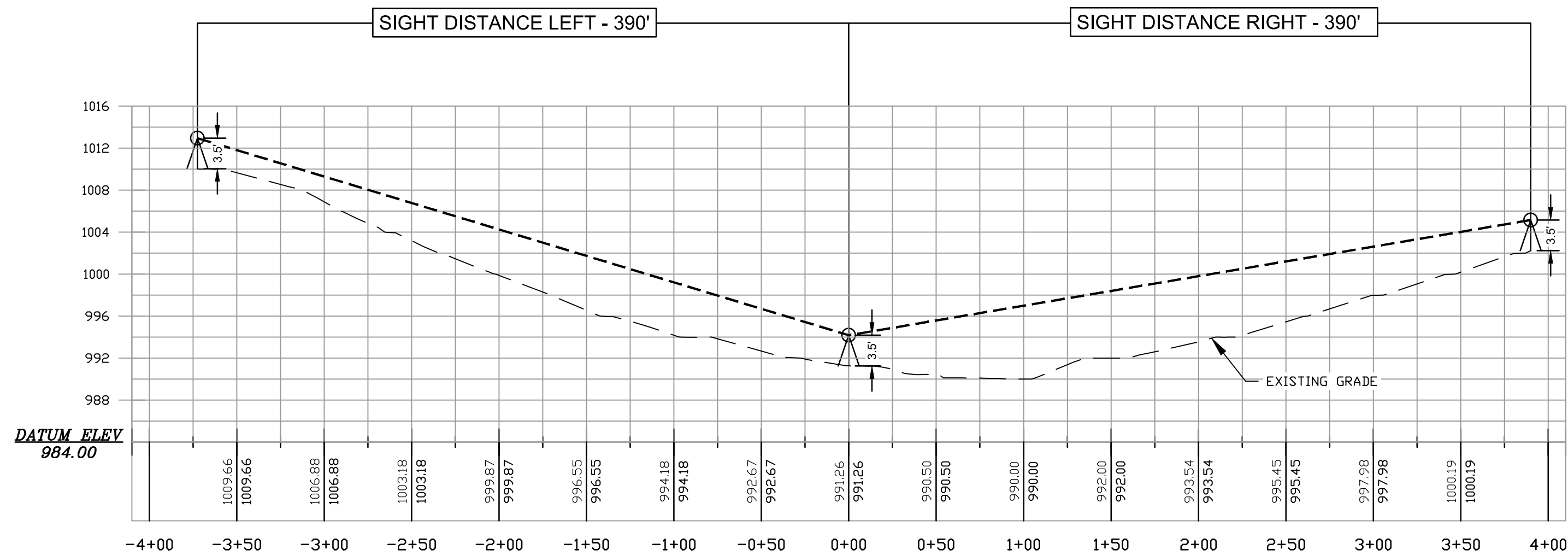
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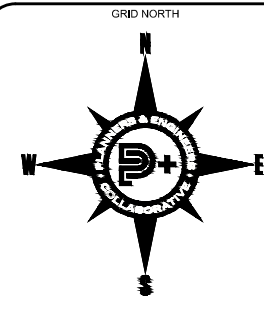
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24 HOUR CONTACT:
KEVIN NORTON
770-541-5250

SD
SHEET

LAND PLANNING + LANDSCAPE ARCHITECTURE + CIVIL ENGINEERING
ARBORISTS + SURVEYING & CONSTRUCTION + WATER RESOURCES

PROJECT

**NORTHPOINT
PKWY at KIMBALL
BRIDGE RD.**

AT

**CITY OF ALPHARETTA/FULTON COUNTY
JURISDICTION**

FOR

EMPIRE COMMUNITIES

MUNICIPALITY PROJECT #

REVISIONS

[illegible]

THIS SEAL IS ONLY VALID IF COUNTER SIGNED
AND DATED WITH AN ORIGINAL SIGNATURE.

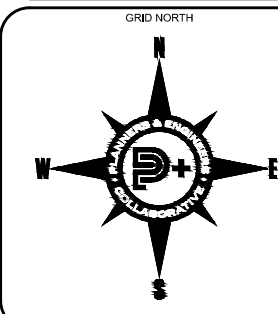
PRELIMINARY

NOT TO BE RELEASED FOR CONSTRUCTION

SIGHT DISTANCE PLAN



SCALE: 1" = 60'
DATE: 07/30/2021
PROJECT: 14152.00B

SD
SHEET

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: **Empire Communities**

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: **Ben Burnett** Position: **City Councilman**

Description of Contribution: **Campaign Contribution** Value: **\$2,000**

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Campaign Contribution Information:

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

Signature: _____

Date: **7/30/21**

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Name of Applicant or Opponent:

COURTNEY PARTNERS LLC

Subject Public Hearing Case:

Campaign Contribution Information:

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

Name of Official:

N/A

Position:

Description of Contribution:

N/A

Value:

Description of Contribution:

N/A

Value:

Description of Contribution:

N/A

Value:

Description of Contribution:

N/A

Value:

Description of Contribution:

Value:

Campaign Contribution Information:

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

Signature:



Date:

7/30/21

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Name of Applicant or Opponent: Kathryn M. Zickert - Smith, Gambrell & Russell, LLP

Subject Public Hearing Case: Alpharetta Rezoning - Kimball Bridge Rd and North Point Pkwy

Campaign Contribution Information:

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

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

Name of Official: N/A Position: _____

Description of Contribution: N/A Value: _____

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: Kathryn M Zickert
Kathryn M. Zickert/Smith Gambrell & Russell, LLP

Date: 7/29/21

DISCLOSURE FORM

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Name of Applicant or Opponent: Dennis J. Webb, Jr. - Smith, Gambrell & Russell, LLP

Subject Public Hearing Case: Alpharetta Rezoning - Kimball Bridge Rd and North Point Pkwy

Campaign Contribution Information:

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

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

Name of Official: N/A Position: _____

Description of Contribution: N/A Value: _____

Description of Contribution: _____ Value: _____

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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: _____

Dennis J. Webb, Jr./Smith, Gambrell & Russell, LLP

Date: 8/2/21

DISCLOSURE FORM

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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: J. Alexander Brock - Smith, Gambrell & Russell, LLP

Subject Public Hearing Case: Alpharetta Rezoning - Kimball Bridge Rd and North Point Pkwy

Campaign Contribution Information:

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

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

Name of Official: N/A Position: _____

Description of Contribution: _____ Value: _____

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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: J. Alexander Brock

Date: 7/30/21

J. Alexander Brock/Smith, Gambrell & Russell, LLP

Promenade, Suite 3100
1230 Peachtree Street, N.E.
Atlanta, Georgia 30309-3592
Tel: 404 815-3500
www.sgrlaw.com

SMITH, GAMBRELL & RUSSELL, LLP
Attorneys At Law

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July 30, 2021

Ms. Kathi Cook, Director
Community Development
City of Alpharetta, Georgia
287 South Main Street
Alpharetta, Georgia 30004

Re: Application of Empire Communities (“Empire”) for 14.04 acres of land located in the southwest quadrant of the intersection of Kimball Bridge Road and North Point Parkway to Amend the KB 400 Master Plan (MP-99-09); to amend the Comprehensive Future Land Use Plan from Corporate Office and Public Institutional Educational to High Density Residential; to rezone the tract from OI and SU to R8 A/D; and to secure six (6) variances from Sections 2.2.9, 2.5.4, 2.10.3, 2.10.4, 2.10.5, 3.2.8, 3.3.6 and 2.10.5.C.1 of the City of Alpharetta Unified Development Code and the Northpoint Overlay District; which tract is located in Land Lots 807, 808, 849, and 850, First District, Second Section, Fulton County, Georgia (Parcel ID numbers 12 299008490529, 12286008070328, and portions of 12299008490214)

Dear Ms. Cook:

Please accept this letter as the Letter of Intent of my client, Empire Communities (“Empire”) in support of the above referenced Applications.

As you know I represent Empire in its effort to develop a total of 90 detached owner-occupied single family homes, at a density of 6.41 units per acre. A Site Plan by Planners & Engineers (PEC) dated July 22, 2021 more particularly details the nature of the intended project. The Applicant envisions a mix of unit types, including 42 alley-accessed rear entry homes and 48 single-family detached front entry homes. Square footage of the units will range from 1,800 to 2,200. Each unit will have an attached garage for two cars, and most will have driveways for those garages which will be 18 feet in length. Additionally, there shall be at least 26 guest parking spaces on site. The private road predominantly will have 45 feet of private right-of-way to allow two 12’ travel lanes, sidewalks, and landscape strips with lights, plantings and benches.

The site will also have extensive amenity and civic spaces, including a focal corner at Kimball Bridge and Northpoint with appropriate EcoDistrict-related artwork or signage; a minimum of two +/- 16,000 sf pocket parks; a large open park on the western side of the community with a raised boardwalk and a recreational feature (hopefully tree houses); a swimming pool with cabana; and internal sidewalks which will connect to Kimball Bridge Road and allow access to the Big Creek Greenway Trail at Rock Mill Park approximately 925 feet to the southeast along Kimball Bridge Road.

The Subject Property at current is predominantly zoned O-I (12.16 acres) and SU (1.88 acres). The SU piece was purchased from the Fulton County School Board in order to provide access to the project exclusively from Rock Mill Road¹. The O-I tract is part of the original Cousins Business Center plan for the 319.4 acre area which surrounds North Point Mall. It is located within Pod A of that plan, and may be developed at present with 211,515 SF of office space, with accessory retail uses, in a building of up to 6 stories in height.

The undeveloped, wooded property is zoned O-I and has a stream along its western property line. Surrounding properties and those across Rock Mill Road are zoned O-I, except the property to the south zoned SU (Special Use) for the adjacent school. Non-residential uses surround the property, including Verizon to the north, Royal 400 South office park to the east, North Point Park office condominiums to the west, Wells Fargo Bank (presently being converted to a day care center) to the southwest and New Prospect Elementary School to the south. Across Rock Mill Road to the west are small office uses. The comprehensive land use plan designation of the property is "Corporate Office", which allows office and accessory uses. Surrounding properties have the same designation, except that New Prospect Elementary School is designated 'Public, Institutional, Education'.

The property is located in the North Point Activity Center LCI, within a sector designated as a Transition Area. The North Point LCI was developed in 2008 with a 10-year update adopted in 2018. The vision for the North Point LCI is to become a walkable, mixed-use village with a focus on sustainability, greenspace and connectivity. Recently the City extended the Overlay District to incorporate all of this tract into it.

As a consequence of being within the North Point Overlay, there are a number of additional design elements which are to be incorporated into the proposed development. The Proposed Design will include additional landscaped civic space, connected open spaces and enhanced bicycle amenities. The proposed development will meet the North Point Overlay requirements for open space by providing 2.53 acres (18% of site) of amenity space and 4.46

¹ By virtue of a Consent Decree entered in an earlier condemnation action, the Applicant has the absolute right to a curbcut onto North Point Parkway. However, it is voluntarily giving up this right should the Application be approved and not revert per the revisionary clause in the conditions.

acres (32% of site) of civic area². Finally, the development will incorporate a number of sustainable design features in accordance with the North Point Overlay EcoDistrict requirements, and features a total of 11 EcoDistrict points (more points than what is required) as described below. Thus the ultimate goal is to create an ecofriendly family-oriented redevelopment in compliance with the vision adopted by the City in its 2018 North Point Livable Centers Initiative (“LCI”) update. This development represents an opportunity for high scale, for-sale housing in an area that is devoid of such options. Anticipated price points will be \$499,000 to \$550,000.

These improvements require the following approvals:

1. An amendment to the current Master Plan for Georgia 400 Tract, approved via MP 91-07 and amended via MP 99-09 to allow residential uses in POD A of that plan.
2. Rezoning of the Property from O-I and SU to R8-D.
3. An amendment of the Comprehensive Plan from Corporate Office and Public-Institutional Education to High Density Residential.
4. Concurrent variances from certain sections of the North Point Overlay requirements occasioned by factors peculiar to the Subject Property. The development will need the following variances from:
 - a. Alpharetta UDC Section 2.10.3 - North Point Parkway Streetscape standards – to include sidewalk width and planting strip widths per Zoning Plan; eliminate the requirement that the internal loop and entry road conform to Type C corridor design requirements.
 - b. Alpharetta UDC Section 2.2.9.D – Reduce the minimum lot width (50’ required for SFD) to 30’ for SFD; reduce 35’ setback to 25’ for front entry units from back of curb and to 16’ for rear entry units.
 - c. Alpharetta UDC Section 2.10.4.A, B, & C – To remove the requirement that new developments conform to block requirements with stub-out streets and vehicular cross-access.
 - d. Alpharetta UDC § 2.10.6 To eliminate the requirement that Type C driveways be 200’ apart
 - e. Alpharetta UDC Section 3.2.8.D.1 – Reduce the 10’ landscape strip for all units and sidewalk widths along the internal private drive.

² It should be noted that both the civic and amenity spaces substantially exceed the minimum 5% or 10% requirements.

- f. Alpharetta UDC Section 3.3.6 - Encroachment into the City of Alpharetta stream buffers for the development of the entry road as shown on the Site Plan by PEC, dated July 22, 2021.

A. Relevant Background Information

In the mid-2000s the City of Alpharetta conducted its first LCI review of the North Point Area, which culminated in the 2008 North Point LCI. The plan then designated the area from the eastern half of the Mall to Haynes Bridge Road, as a “Mixed Use Commercial Center” with office uses external to the center. However, the LCI area remained predominantly commercial with 3.5 million square feet of retail space and no residential uses to create a desirable mixed-use environment. In fact, since the adoption of the 2008 LCI, the Mall and much of the surrounding commercial uses have experienced a decline, not just due to internet sales, but due to the successful redevelopment of downtown Alpharetta, as well as Avalon.

In 2017, the city reevaluated the LCI area and identified problems with the growth of the Mall area noting that it “lacks integration of retail and residential uses” with “poor walkability” and that it “does not relate well with greenway or open spaces.” Paramount to meeting the goals of walkability and a mix of uses, the LCI area must develop quality residential uses to supplement and reinvigorate the existing commercial ones. Furthermore, since 89.9% of the 7000 workers within the LCI area live outside of it, the reduction of automobile usage will require such residential opportunities.

The Subject Property is ideally located for the type of community sought after by contemporary consumers and residents within walking distance to a mix of commercial uses. In addition, the site is located in close proximity to Alpharetta’s major employment centers in the North Point Mall area as well as the office parks along Haynes Bridge Road, North Point Parkway and Mansell Road. It also sits less than ½ mile via Rock Mill Road from the Georgia 400/Haynes Bridge interchange. The centralized location with multiple employers lends itself to higher-density housing options that attract the professionals employed in the area. The housing preference of many modern professionals is one that is in close proximity to retail, restaurant, and recreational uses. The Subject Property offers a golden opportunity to further the intent of the North Point LCI by adding higher density residential into this predominantly commercial area. The current proposal is also in line with the recent rezoning application by North Point Mall to allow the redevelopment of the former Sears site into a mix of restaurant, retail, and for-rent multifamily residential, as well as the recent Providence approval for a townhome community on North Point Drive. The proposed development will further the trend toward transforming the area into a walkable, mixed-use environment by adding a needed variety of for-sale housing product to the area.

B. Phasing

The project shall not be phased.

C. EcoDistrict Points

The North Point Overlay District requires all new development to obtain minimum point values as outlined in UDC § 2.10.11. Redevelopment of vacant land requires a minimum of 7 points. The design elements in the proposed development will earn a total of 11 EcoDistrict points. Those design elements include (the item numbers below correspond to those listed under § 2.10.11.D):

4) Building Energy Measures (3 points)

The proposed development's new building construction will demonstrate an average of 10% improvement over the city's current energy code. An energy model will be provided to ensure compliance with the requirement. The project is requesting the available 3-pts for this measure.

5) Bio-retention and Drought tolerant plants (2 points)

The bioretention requirement in the EcoDistrict measures relates more to larger parking lots with linear bioretention between multiple parking bays and inward draining lots to encourage infiltration and water treatment through native landscaping. However, as this is a residential project without significant surface parking lots, bioretention areas with drought tolerant plants will be scattered throughout the design. The project requests the two available points for the measure based on its compliance with water quality improvement and drought tolerant plants.

13) Enhanced Bicycle Amenities Measure (1 point)

This project proposes to include bicycle amenities to encourage the use of alternative transportation. The project proposes to include a bicycle repair center open to the public and supplemental bicycle parking throughout the subdivision.

15) Additional Landscaped Civic Space (5 points)

One point shall be available for each one additional percent of gross acreage provided as civic space, up to five total points for this measure. The required civic space for the project is 10% (64,962-sf), while 32% is provided (191,228-sf). The civic spaces are hatched in green on the plan for clarity.

D. Trip Generation

The proposed development will not overly burden existing streets or transportation facilities. The Applicant used the Institute of Traffic Engineers (ITE) Trip Generation Manual (Ninth Edition), to calculate vehicle trips for the proposed development. 90 homes are expected to generate 67 trips during the AM weekday peak hour and 89 trips during the PM weekday peak hour. The site has access to North Point Parkway, an arterial, and is approximately ½ mile from

Haynes Bridge Road and Georgia 400 via Rock Mill Road. All of the adjacent and nearby roadways can easily handle the minor amount of traffic generated by the proposed project.

In comparison, the master plan currently approved for the Subject Property allows up to 211,515 square feet of office space. This design could be built without any further zoning action and would generate approximately 342 trips during a weekday a.m. peak hour and 317 trips during a weekday p.m. peak hour. The total traffic generation would be 2,390 total daily trips versus 990 vehicle trips per day for a residential project. And an office use is entitled to direct access onto North Point Parkway. The proposed development will be a drastic reduction in the number of potential trips generated. As a result, the proposed development is not anticipated to have a negative impact on the nearby roadways and is less intense than what is currently allowed on the Subject Property.

E. Schools

The school-age children living in the residences will attend New Prospect Elementary School; Webb Bridge Middle School; and Alpharetta High School. Webb Bridge Middle School is listed as over capacity. New Prospect Elementary and Alpharetta High School are under capacity.

F. Standards for Zoning Changes

- 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: Yes. Residential growth at higher densities is a key component of plans for the south side of Georgia 400. The Cousins Master Plan was designated for office use, which is consistent with the development pattern along North Point Parkway and the property remains a viable office parcel. However, the property also is located within the North Point Activity Center LCI, which envisions a mixed-use walkable environment with an emphasis on sustainability, greenspace and connectivity. If approved, conditions are recommended that further the concepts of an EcoDistrict.

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

Response: No. By restricting access to Rock Mill Road, and by appropriately screening the site with extensive buffering there should be no adverse impact upon adjacent or nearby property.

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

Response: No. The proposal is sensitive to the environmental constraints of the site and will implement many environmentally sensitive measures. The proposed development could have impacts on the natural environment. But the Applicant's site plan identifies tree save areas,

and conditions are recommended that protect the stream and tree canopy.

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

Response: Given Covid-19, the future viability of office uses remains unclear.

- 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: No. The proposed change in use from office to residential would generate a greater demand upon public facilities and services, such as parks, recreational programs, and schools. However, the proposed residential use would produce fewer vehicular trips than an office use, reducing traffic impacts.

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

Response: Yes. The new LCI objectives recognize the desirability of mixed uses to include residential options.

- 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: Yes. The request to change the use of the property from office to residential reflects a reasonable balance, if conditions are included that further the concept of the area becoming an EcoDistrict.

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

Response: See response to (d) above.

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

Response: The zoning proposal does not meet the Comprehensive Land Use Plan designation of the property, which is 'Corporate Office'. The Applicant proposes an amendment to the Comprehensive Land Use Plan designation of the property to 'High Density Residential'. However, the project is consistent with the LCI Plan. This property will act as a step down between nonresidential properties which adjoin it to the North and West and the single-family detached neighborhoods to the east across Kimball Bridge Road.

COMPREHENSIVE LAND USE PLAN

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

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

Response: The subject property is located within a ½ mile of the interchange at Haynes Bridge Road and Georgia 400 and remains a viable office parcel. However, the property is located within the North Point Activity Center LCI, which envisions a mixed-use, walkable environment with an emphasis on sustainability, greenspace and connectivity. If approved, conditions are recommended that further the concepts of an EcoDistrict. It also will set up a transition between nonresidential and residential uses as explained above.

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

Response: The Applicant's proposal complies with the goals and policies of the City's Comprehensive Plan, if conditions are required that further the concepts of an EcoDistrict. It also will set up a transition between nonresidential and residential uses as explained above.

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

Response: The proposed change in use from office to residential would generate a greater demand upon public facilities and services, such as parks, recreational programs, and schools. However, the proposed residential use would produce fewer vehicular trips than an office use, reducing traffic impacts.

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

Response: No such negative impacts will occur.

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

Response: Not applicable.

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

Response: Not applicable.

VARIANCE REVIEW CRITERIA

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

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

Response: The Subject Property is substantially impacted by a stream and floodplain, both of which require sensitive development confined to the balance of it.

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

Response: The expense of voluntarily acquiring the school property, the deletion of Northpoint Parkway access, and requirements of the LCI creates a hardship which requires a design with these variances.

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

Response: The existence of three road frontages, one of which is North Point Parkway; as well as the environmental limitations due to flood plain and topography are unique to this tract. The latter forces units to be clustered on a much smaller part of the tract. The reduction of minimum lot width from 50' to 30' is required to provide a detached product similar to this applicant's Midwick development on Thompson Street.

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

Response: Establishing measures and standards to transform North Point into a livable and highly sustainable mixed-use EcoDistrict will be effective in helping achieve the placemaking, branding, and asset repositioning goals outlined in the LCI and Overlay. This EcoDistrict incorporates strategies and goals to best manage the area's existing assets and natural resources while establishing targets for improving the area's economic vitality and environmental health. Towns and cities nationwide are driving economic development and achieving their placemaking goals through detailed EcoDistrict planning and practices that integrate land use, transportation, and environmental planning with high performance infrastructure, buildings, landscapes and urban design. In other words, an EcoDistrict approach seeks to foster harmony and interaction between people and nature.

G. Requested Conditions

- 1) The property shall be developed substantially in accordance with the plans by PEC dated July 22, 2021. The KB 400 Master Plan, Pod A, shall be amended to allow this residential project, except for modifications required to comply with these conditions.
- 2) Single family detached lots will have a minimum lot width of 30' exclusive of public street rights-of-way.
- 3) Each unit shall contain a minimum of 1,800sf.
- 4) A minimum replanted 20' landscaped buffer will be installed and maintained along Kimball Bridge Rd. A minimum replanted 30' landscaped buffer will be installed and maintained along Northpoint Parkway.
- 5) The minimum building setbacks will be:
 - North Point Parkway and Kimball Bridge Road – 55'
 - Internal streets: Front – 25' for front entry, 16' for rear entry
 - Side/Rear (Perimeter) – minimum 3' side setback (minimum 6' between foundations)
- 6) The units should have driveways that are a minimum of 18' between garage and back of sidewalk, where present, or roadway.
- 7) Elevations and architectural treatment shall be substantially in accordance with the materials attached as Exhibit A. These include cementitious siding and brick, board and batten. The elevations show the variation in the façade and the massing of the units.
- 8) The project provides approximately 6.99 acres of open space which includes $\pm$ 2.53 acres of amenity space ($\pm$ 18% of total site) and $\pm$ 4.46 acres of civic space ($\pm$ 32 of the total site). The civic space will include a place-making focal point with art or signage at the corner of North Point Parkway and Kimball Bridge Road to be constructed in general accordance with the zoning plans. The area to the north of the boardwalk will be another civic area. Amenity space is spread throughout the site and includes two $\pm$ 0.35 acre pocket parks, and several passive green spaces, as well as a pool and cabana.
- 9) Stormwater management will employ smart stormwater design techniques (e.g. rain gardens, enhanced swales, etc.) within the main stormwater detention area(s).
- 10) A pedestrian connection shall be established to Kimball Bridge Road. Any other access to Kimball Bridge Road is restricted to emergency vehicles only.
- 11) The requested internal streets shall be as shown on the Site Plan, with slight modifications to avoid floodplain encroachment if needed.

- 12) To accommodate fire vehicle access alley ROWs will be at least 20' with 16' paved and no dead ends exceeding 150' to provide fire access. Each travel lane of the access driveway from Rock Mill Road will be at least 12' wide.
- 13) Pedestrian amenities including pathways and benches should be included throughout the development and amenity areas.
- 14) Developer will install a 6' wide sidewalk along one side of the Rock Mill Road access driveway. Developer will also coordinate with the City to build a new sidewalk on Kimball Bridge Road to connect to what exists now. These and any other offsite work shall be entitled to credit against impact fees.
- 15) Site will have vehicular access from Rock Mill Road only, except for emergency vehicles.
- 16) Recompense tree planting may be used towards the stream buffer replanting. There shall be no recompense tree plantings required from impacts associated with building the access road from Rock Mill Road.
- 17) No more than 10% of the residential units will be permitted to be rented, as recorded in the HOA's declarations and covenants.
- 18) New utilities interior to the site will be placed underground.
- 19) Developer will replace all encroached flood plain volume, if any, on site.

H. Reversionary Clause

Applicant requests that a reversionary clause be included within the rezoning conditions stating that if an LDP is not applied for within 12 months of the finalization of rezoning, then at the request of the current property owner, the City will revert the zoning back to its current zoning.

I. Preservation of Rights

It is the position of the Applicant that the Alpharetta Zoning Ordinance, in limiting the property to the uses allowed in the current Master Plan and its current zoning is unconstitutional in that it destroys the marketability of the property and renders the property economically unfeasible, and such zoning therefore constitutes a taking of property without just and adequate compensation and without due process of law in violation of the Fifth and Fourteenth Amendments to the Constitution of the United States, as well as Article 1, Section 1, Paragraph 1; Article 1, Section 3, Paragraph 1(a); and Article 3, Section 6, Paragraph 2 of the Constitution of the State of Georgia (1983). To zone this property with any intervening conditions less than requested would be unconstitutional, would render the property unusable and would constitute the taking of Applicant's property without just and adequate compensation and without due process of law in violation of the provisions of the United States and Georgia Constitutions cited in this paragraph. The same effect would occur by imposing conditions in restraint of trade, or

onerous, burdensome, unconstitutional, or unnecessary conditions on the property. The denial of this request would bear no reasonable relation to the health, safety, morals or welfare of the public.

CONCLUSION

The Applicant respectfully requests that the Alpharetta City Council grant the requested Comprehensive Future Land Use Plan amendment, rezoning, amendment to the current Master Plan, and the variances as submitted. We very much look forward to working with you, your staff, and the Council towards development of an excellent project

Respectfully submitted,

Kathryn M. Zickert

KMZ/rjc

cc: Kelley Rhino
Kevin Norton
Saba Loghman

Written Description: Kimball at Northpoint- Overall

All that tract or parcel of land lying and being in Land Lots 807, 808, 849, and 850 of the 1st District, 2nd Section, City of Alpharetta, Fulton County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE at a point at the northwest end of the mitered intersection of the southerly right of way of North Point Parkway (right of way varies) and the westerly right of way of Kimball Bridge Road (60' right way), said point being the **TRUE POINT OF BEGINNING**.

FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED;

thence along said miter S50°26'27"E for a distance of 51.76 feet to a point at the westerly right of way of Kimball Bridge Road (60' right way); thence leaving said miter and along said westerly right of way the following courses and distances: 330.28 feet along the arc of a curve to the left, said curve having a radius of 1065.85 feet and being subtended by a chord of S16°29'25"E, 328.96 feet to a point; S62°46'50"W for a distance of 5.00 feet to a point; S26°09'15"E for a distance of 10.54 feet to a point; N62°07'32"E for a distance of 5.00 feet to a point; 138.73 feet along the arc of a curve to the left, said curve having a radius of 917.50 feet and being subtended by a chord of S30°48'20"E, 138.60 feet to a point; thence 33.39 feet along the arc of a curve to the left, said curve having a radius of 1031.00 feet and being subtended by a chord of S35°05'07"E, 33.39 feet to a point; thence leaving said westerly right of way S73°05'01"W for a distance of 629.38 feet to a point; thence S16°38'10"E for a distance of 214.01 feet to a point; thence 133.75 feet along the arc of a curve to the right, said curve having a radius of 169.34 feet and being subtended by a chord of S05°59'20"W, 130.30 feet to a point; thence S28°36'50"W for a distance of 55.90 feet to a point at the northerly right of way of Rock Mill Road (right of way varies); thence along said northerly right of way the following courses and distances: N69°33'16"W for a distance of 60.35 feet to a point; N69°25'10"W for a distance of 44.84 feet to a point; N72°01'41"W for a distance of 54.80 feet to a point; N19°42'05"W for a distance of 11.44 feet to a point at the intersection of said northerly right of way and the centerline of a creek/pipe; thence leaving said northerly right of way and along the centerline of said creek, following the meanderings thereof, for a distance of 764.6 feet, more or less, to a point, said creek following a traverse line as follows: N37°55'32"W for a distance of 28.74 feet to a point; N26°13'03"W for a distance of 72.14 feet to a point; N62°45'25"E for a distance of 16.75 feet to a point; N11°38'31"W for a distance of 20.82 feet to a point; N62°48'24"W for a distance of 98.67 feet to a point; N48°38'55"W for a distance of 57.63 feet to a point; N33°41'58"W for a distance of 28.26 feet to a point; N16°07'11"E for a distance of 56.72 feet to a point; N06°21'08"W for a distance of 42.83 feet to a point; N42°28'32"W for a distance of 64.87 feet to a point; N31°06'13"W for a distance of 126.16 feet to a point; N24°27'44"W for a distance of 75.91 feet to a point; N23°52'19"W for a distance of 59.15 feet to a 1/2" rebar found at the intersection of said creek centerline and the southerly right of way of North Point Parkway (right of way varies); thence along said southerly right of way the following courses and distances: 590.59 feet along the arc of a curve to the right, said curve having a radius of 889.93 feet and being subtended by a chord of N51°19'50"E, 579.81 feet to a point; N78°28'09"E for a distance of 62.00 feet to a point; N78°13'33"E for a distance of 13.98 feet to a point; 198.68 feet along the arc of a curve to the right, said curve having a radius of 882.46 feet and being subtended by a chord of N81°40'52"E, 198.26 feet to a point; S01°56'15"E for a distance of 7.50 feet to a point; N88°18'09"E for a distance of 7.33 feet to a point; N01°27'27"W for a distance of 7.50 feet to a point; N89°05'42"E for a distance of 115.88 feet to a point at the northwest end of the mitered intersection of the southerly right of way of

North Point Parkway (right of way varies) and the westerly right of way of Kimball Bridge Road (60' right way), said point being the **TRUE POINT OF BEGINNING**.

Said tract or parcel of land contains 13.978 acres, more or less.



Real Estate

[View Bill](#)[View bill image](#)

As of	7/30/2021
Bill Year	2020
Bill	2008291
Owner	COURTENAY PARTNERS LLC
Parcel ID	12 -2990-0808-110-4

[View payments/adjustments](#)

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	12/1/2020	\$91.31	\$91.31	\$0.00	\$0.00	\$0.00
Interest			\$17.78			\$0.00
TOTAL		\$91.31	\$109.09	\$0.00	\$0.00	\$0.00

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Real Estate

View Bill

As of	7/30/2021
Bill Year	2020
Bill	2007692
Owner	SAMANTHA ASSOCIATES LLC
Parcel ID	12 -2860-0807-032-8

[View payments/adjustments](#)

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	12/1/2020	\$1,610.00	\$1,610.00	\$0.00	\$0.00	\$0.00
TOTAL		\$1,610.00	\$1,610.00	\$0.00	\$0.00	\$0.00

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Real Estate

View Bill

As of	7/30/2021
Bill Year	2020
Bill	2008297
Owner	SAMATHA ASSOC L L C
Parcel ID	12 -2990-0849-052-9

[View payments/adjustments](#)

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	12/1/2020	\$1,511.10	\$1,511.10	\$0.00	\$0.00	\$0.00
TOTAL		\$1,511.10	\$1,511.10	\$0.00	\$0.00	\$0.00

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ALPHARETTA Filters Grade Enforcement Filters 4887 Rock Mill Road No results Selections: none Type Description Number Tag Assigned To Initiated Date Showing 25 of 92 rows View Map							
Type Description	Number	Tag	Assigned To	Initiated Date	Location	Reference ID	
Code Enforcement-Complaints	CE170033	Accessory Structures		3/30/2017, 3:01 PM	12720 Bethany Road	11175	
Code Enforcement-Trees	CE190025	Stop Work Order - Trees		2/25/2019, 4:12 PM	1825 Mayfield Road	27978	
Code Enforcement-Complaints	CE190036	Business vehicle in residential area		3/11/2019, 2:51 PM	11170 Wittenridge Drive	28338	
Code Enforcement-Complaints	CE190043	Business vehicles in residential area		4/2/2019, 3:02 PM	10585 Kingmark Trail	28899	
Code Enforcement-Complaints	CE190053	Tree removal without permit		4/17/2019, 3:44 PM	5365 Derby Chase Court	29270	
Code Enforcement-Complaints	CE190081	High Grass and Weeds-Rotting Wood		8/6/2019, 9:07 AM	113 Laurelwood Lane	31631	
Code Enforcement-Complaints	CE190088	Stop Work Order		8/15/2019, 4:10 PM	277 Mayfield Road	31866	
Code Enforcement-Complaints	CE190099	Structural Issues		9/5/2019, 3:35 PM	44 Birch Hill Drive	32366	
Code Enforcement-Complaints	CE190100	Drainage Violation		9/5/2019, 4:01 PM	160 North Main Street	32367	
Code Enforcement-Complaints	CE190107	Stop Work Order		9/27/2019, 1:01 PM	10580 Tusford Drive	32800	
Code Enforcement-Complaints	CE190108	Stop Work Order		9/27/2019, 1:09 PM	1230 Tuscany Court	32801	
Code Enforcement-Complaints	CE200004	Stop Work Order		1/14/2020, 3:44 PM	1565 Highview Pines Pass	34799	
Code Enforcement-Complaints	CE200008	Inoperable Vehicles		1/29/2020, 3:59 PM	151 Wills Lane	35080	
Code Enforcement-Complaints	CE200011	Stop Work Order		2/7/2020, 11:38 AM	710 Tate Drive	35283	
Code Enforcement-Complaints	CE200065	Deck in a State of Disrepair	BESMITH	4/7/2020, 2:03 PM	1430 Hillcrest Heights	36677	
Code Enforcement-Complaints	CE200074	R/W trashcan overflowing		4/9/2020, 3:09 PM	762 North Main Street	36739	
Code Enforcement-Complaints	CE200084	Complaint	BSCROEDER	5/6/2020, 3:55 PM	194 Mayfield Circle	37241	
Code Enforcement-Complaints	CE200097	STOP WORK ORDER, High Grass and		5/27/2020, 3:18 PM	1031 Colony Drive	37632	

Kimball Bridge and Northpoint Parkway – Trip Generation Report

Single Family Homes (210)

Based upon methodology from ITE's *Trip Generation*, 9th Edition (2012)

Project Land Use	Project Density	Project Trips		
		Total	Inbound	Outbound
Residential Single Family Detached	90 DU			
Daily		850	424	426
AM Peak Hour		67	17	50
PM Peak Hour		89	56	33



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

I. **AGENDA ITEM TITLE:** Z-21-08/CU-21-11 MAYFAIR ON MAIN/217 SOUTH MAIN STREET

PLANNING COMMISSION: NOVEMBER 4, 2021

CITY COUNCIL: NOVEMBER 15, 2021

II. **RECOMMENDATION:**

Approve Z-21-08/CU-21-11 MAYFAIR ON MAIN/217 SOUTH MAIN STREET, subject to the following conditions:

1. Approximately 2.3 acres shall be zoned DT-MU and developed substantially similar to site plan prepared by Paradigm, dated 10/13/2021, 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. Architecture and materials shall be developed substantially similar to the submitted renderings for both the single-family detached homes and townhomes, except for modifications required to comply with the Downtown Consultant's comments and in compliance with the Alpharetta Downtown Code, subject to final approval by DRB. Single-family homes and townhomes shall have 4-sided architecture, materials and details. Buildings fronting South Main Street, Devore Road and Roswell Street shall be primarily brick with cast stone or limestone base.
3. Density shall not exceed 10.43 dwelling units per acre and shall be limited to 13 single-family detached homes and 11 townhome units, as depicted on the site plan prepared by Paradigm, dated 10/13/2021.
4. Building height shall be limited to no more than 3 stories with rooftop deck and no more than 44', as depicted on the submitted renderings.
5. Lots shall have a front yard defined by a courtyard, as depicted in the submitted renderings. Courtyards can encroach into the landscape strips, as depicted on the site plan prepared by Paradigm, dated 10/13/2021, subject to meeting the minimum landscape material requirements, as approved by Staff. Sizing and impervious area to be coordinated with Staff.
6. Developer shall dedicate 10' of right-of-way along Roswell Street and shall improve the streetscape as follows: minimum 6' planter planted with street trees, 8' concrete sidewalk, and decorative pedestrian lighting, with final approval by Staff. In lieu of tree grates, the soil area around street trees shall be planted with evergreen ornamental grasses, groundcovers and/or shrubs.
7. Developer shall improve the Devore Road streetscape as follows: minimum 4' planter planted with street trees, 8' concrete sidewalk (Alpha Loop), and decorative pedestrian lighting, with final approval by Staff. In lieu of tree grates, the soil area around street trees shall be planted with evergreen ornamental grasses, groundcovers and/or shrubs. Alpha Loop improvements constructed by the developer in excess of Downtown sidewalk requirements shall be eligible for impact fee credits, as approved by Staff.
8. New internal street shall be constructed as depicted on the site plan prepared by Paradigm, dated 10/13/2021, with final approval by Staff.
9. Landscape strips along South Main Street, Devore Road and Roswell Street shall be planted with shade trees as a continuation of what has been planted or designed in the Downtown and outside of utility easements and overhead utilities, as approved by Staff.
10. Project entrance shall include a decorative paver apron, landscaping and low wall.

11. Amenity areas 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.
12. Creeping vines shall be planted to cover retaining and low walls, as approved by Staff.
13. Developer shall save tree #902 – 37" Water Oak and hardwood tree grouping directly north of central amenity area and shall make reasonable efforts to save additional trees of quality and/or tree groupings, as approved by Staff.
14. 5' landscape strips along the north and south property lines shall be planted with evergreens.
15. 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.
16. HVAC and similar equipment shall not be visible from the public right-of-way.
17. Fire access shall meet IFC 2018 Appendix D and Fire Hydrants.
18. Stormwater management facilities shall be provided on an independent lot and shall not impede access to homes, with final approval by Staff.
19. Garbage pickup shall be from within the development.
20. 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, MF 217 Main, LLC, is requesting a rezoning and conditional use to allow for the construction of thirteen (13) 'For-Sale' single-family detached homes and eleven (11) 'For-Sale' townhomes on 2.3 acres in the Downtown. A rezoning is requested from C-2 (General Commercial) to DT-MU (Downtown Mixed-Use) and a conditional use is requested to increase the residential density from ten (10) dwelling units per acre to 10.43 dwelling units per acre. The subject property is located at 217 South Main Street at the northwest corner of the new intersection at South Main Street and Devore Road.

DISCUSSION

The submitted request, if approved, would allow for the construction of thirteen (13) 'For-Sale' single-family detached homes and eleven (11) 'For-Sale' townhomes on 2.3 acres in the Downtown. The applicant proposes a rezoning from C-2 (General Commercial) to DT-MU (Downtown Mixed-Use) and a conditional use to increase the residential density above ten (10) dwelling units per acre to 10.43 dwelling units per acre. The subject property is located at 217 South Main Street at the northwest corner of the new intersection at South Main Street and Devore Road.

The properties were previously developed and used for a strip shopping center and a dance school. Surrounding properties are zoned C-2 to the north, west and south and DT-MU to the east. Dairy Queen and a professional office are located to the north, The Maxwell mixed-use development is located to the east, the new Devore Road right-of-way will be located to the south and two (2) flex office buildings are located to the west. The Comprehensive Land Use Plan designation of the property is 'Mixed Use', which allows the proposed townhomes.

The Downtown Master Plan 5-Year market demand study reflects a demand potential of 40 – 45 single-family detached homes and 185 – 210 townhome 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, 377 single-family detached homes and 300 townhomes have been approved in the Downtown in the six (6) years since the adoption of the 2015 Downtown Master Plan update. The applicant's proposed density of 10.43 dwelling units per acre is on the high end of densities approved in the Downtown since the approval of the Downtown Master Plan, but similar to the density approved at The Maxwell (10.7 dwelling units

per acre). Other examples of densities approved in the Downtown include Alpharetta Lofts, which has a density of 28.8 dwelling units per acre and Teasley Place at sixteen (16) dwelling units per acre.

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

Development Name	Type	Acres	Density
Hudson Park	16 SFD	2.41 acres	6.64 du/ac
The 1858	11 SFD	1.68 acres	6.55 du/ac
AlphaDev	11 SFD, 6 TH	2.21 acres	7.7 du/ac
Alcove Place	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)	1.5 acres	16 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	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	377 units
Townhome	300 units
Condominium (Mid-Entry)	80 units
Condominium (High-End)	48 units
For-Rent	168 units
TOTAL	973 units (83% For-Sale/17% For-Rent)

SITE PLAN ANALYSIS

The submitted site plan depicts 24, three (3) story dwelling units, of which thirteen (13) are 'For-Sale' single-family detached homes and eleven (11) townhomes in three (3) buildings. All single-family detached lots meet the 2,500 square foot minimum lot size and all townhome units are nearly double the 900 square foot minimum lot size. Access to the development is from Roswell Street by way of a new private street providing access to private alleys. Ten-foot (10') setbacks are provided along Roswell Street and Devore Road and a fifteen-feet (15') setback is provided along South Main Street. A ten-foot (10') sidewalk is depicted along South Main Street and an eight-foot (8') sidewalk is depicted on Roswell Street. It appears that a five-foot (5') sidewalk is depicted along Devore Road. Minimum building setbacks are consistent with the DT-MU development standards.

Each home and townhome unit will have two (2) side-by-side parking spaces within a garage and a Code-compliant driveway accommodating two (2) additional cars. Six (6) on-street, guest parking spaces are centrally located within the development. The Downtown Code

requires 60 parking spaces for the proposed subdivision (2.5 parking spaces/unit), of which 103 parking spaces are provided on the site plan.

The site plan depicts 38,730 square feet, or 41% amenity space within the proposed development, which includes a central amenity area near the guest parking area. The DT-MU district requires a minimum 10% amenity space. However, the applicant is requesting a conditional use to increase density above the maximum ten (10) dwelling units per acre, which requires open space to be increased proportionally to the increase in density. Therefore, a minimum 10.43% amenity space is required for the proposed development. If approved, amenity areas should include improvements associated with gathering and seating areas.

There are seven (7) specimen trees on the subject property, consisting primarily of Hardwoods. The site plan depicts a tree save along Roswell Street, which is tree #902 (37" Water Oak). If approved, it is recommended that the grouping of hardwoods just north of the central amenity area be saved. Where possible, additional tree groupings and trees of quality should be saved.

A site plan note indicates that stormwater management would be provided underground within the amenity area and guest parking area.

RENDERINGS

The applicant submitted renderings of the townhomes only, but have stated that the single-family detached homes will match the architecture, materials and details depicted on the townhome renderings. According to the City's Downtown Consultant, the submitted renderings reflect the Neoclassical architectural style, which is approved for use in the Downtown. Façade materials appear to combine rusticated limestone or cast stone, brick and gable siding detail. Each unit is depicted to have a covered entry with columns and a chimney. The submitted renderings depict the residential units to be three (3) stories, with a rooftop deck located within the gable of the roof. The Downtown Consultant reviewed the renderings and had the following comments:

- Base material should be cast stone or limestone.
- No glass railings on rooftop deck. Use traditional guardrail detail.
- Window surround at 3rd floor should match the window surround shown at 2nd floor.
- Use correct brick mould detail with correct masonry jack arch detail.
- For courtyards, use masonry piers at corners with inset masonry walls between.
- At front entry, provide engaged partial column or pilaster.
- Use proper entablature detailing, scale, and proportion. Locate column properly so that column shafts align with face of frieze above. Use proper Classical column design.
- Renderings do not depict the rear elevation. 4-sided architecture, materials and details is recommended.

TRAFFIC

The applicant provided a trip generation report, which estimates that the proposed 24-lot single-family detached subdivision would generate 18 AM Peak Hour trips and 24 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 – 24 Townhomes

School	Single Family Average #
Manning Oaks Elementary School	0 to 5 students
Northwestern Middle School	0 to 1 students
Milton High School	0 to 8 students
TOTAL	0 to 14 students

Based on the total figure for all three school levels, it can be assumed that the proposed development could house approximately 0 – 14 school age children. Numbers provided by Fulton County Schools show that Manning Oaks Elementary School and Northwestern Middle School are approaching maximum capacity and Milton High School is over capacity.

STANDARDS FOR ZONING CHANGES

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

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

Response: The requested zoning, DT-MU, is consistent with the future land use designation of the property and surrounding area, which is 'Mixed Use'. While surrounding properties are developed with commercial uses, the area is envisioned to redevelop into a mixed-use environment with mixed-use and single use developments.

- 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. While surrounding properties are developed with commercial uses, the area is envisioned to redevelop into a mixed-use environment with mixed-use and single use developments.

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

Response: The applicant's proposal should not have significant impacts on the natural environment if tree saves are required on the property.

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

Response: The properties are zoned C-2, which allows auto-oriented uses that are inconsistent with the vision for the area to become a mixed-use, walkable environment. The requested zoning, DT-MU, is consistent with the future land use designation of the property and surrounding area, which is 'Mixed Use'. While surrounding properties are developed with

commercial uses, the area is envisioned to redevelop into a mixed-use environment with mixed-use and single use developments.

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

Response: The zoning proposal would not cause an excessive burden on public facilities and services. The requested rezoning to allow a residential development would increase demand on schools and parks.

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. The requested zoning, DT-MU, is consistent with the future land use designation of the property and surrounding area, which is 'Mixed Use'.

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 should not negatively impact public health, safety or welfare. The proposed zoning is consistent with the future land use designation of the property.

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

Response: The properties are zoned C-2, which allows auto-oriented uses that are inconsistent with the vision for the area to become a mixed-use, walkable environment. The requested zoning, DT-MU, is consistent with the future land use designation of the property and surrounding area, which is 'Mixed Use'. While surrounding properties are developed with commercial uses, the area is envisioned to redevelop into a mixed-use environment with mixed-use and single use developments.

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 'Mixed Use', which allows the proposed DT-MU zoning and townhome use.

CONDITIONAL USE REVIEW CRITERIA

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

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

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

Response: Access to the property is from Roswell Street, which contributes to the creation of walkable environment by limiting the number of curb cuts and placing the curb cut on the lower classification street.

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

Response: The above-referenced site improvements are addressed on the applicant's site plan.

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

Response: The DT-MU zoning district allows densities up to ten (10) dwelling units per acre, of which the 2.3-acre site would potentially yield 23 dwelling units based on the maximum density. The applicant requests a conditional use to increase the density to 10.43 dwelling units per acre, which represents a net increase of one (1) dwelling unit. The applicant has provided the proportional increase in open space based on the increased density. The proposed density is below the maximum density approved in the Downtown Overlay since the approval of the Downtown Master Plan.

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

Response: Not applicable.

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

Response: The applicant's request to increase density to 10.43 dwelling units per acre is similar, but below the maximum density approved on South Main Street. The Maxwell was approved for a density of 10.7 dwelling units per acre.

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

Response: The applicant's request to increase density to 10.43 dwelling units per acre is similar, but below the maximum density approved on South Main Street. The Maxwell was approved for a density of 10.7 dwelling units per acre.

7. Ensuring that the conditional use is appropriately separated from similar uses and conflicting uses, such as residences, government buildings, parks, churches or schools.

Response: Not applicable.

CONCURRENCES

Staff has reviewed the applicant's proposal and finds that the request for rezoning and conditional use do not conflict with the established review criteria. The zoning proposal is consistent with the vision of the Downtown Master Plan and comprehensive land use plan designation of the property. The proposed density is similar, but below the maximum density approved on South Main Street. Based on Staff feedback, the applicant revised their original request which was for 24 townhome units on 1.82 acres with a density of 13.2 dwelling units per acre and no tree save.

CITIZEN PARTICIPATION PLAN

The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that no comments were received.

COMMUNITY ZONING INFORMATION MEETING

CZIM was held on August 11, 2021. There were no public comments.

IV. ATTACHMENTS:

- Site Plan
- Renderings



Aerial Map
Mayfair on Main
217 South Main Street

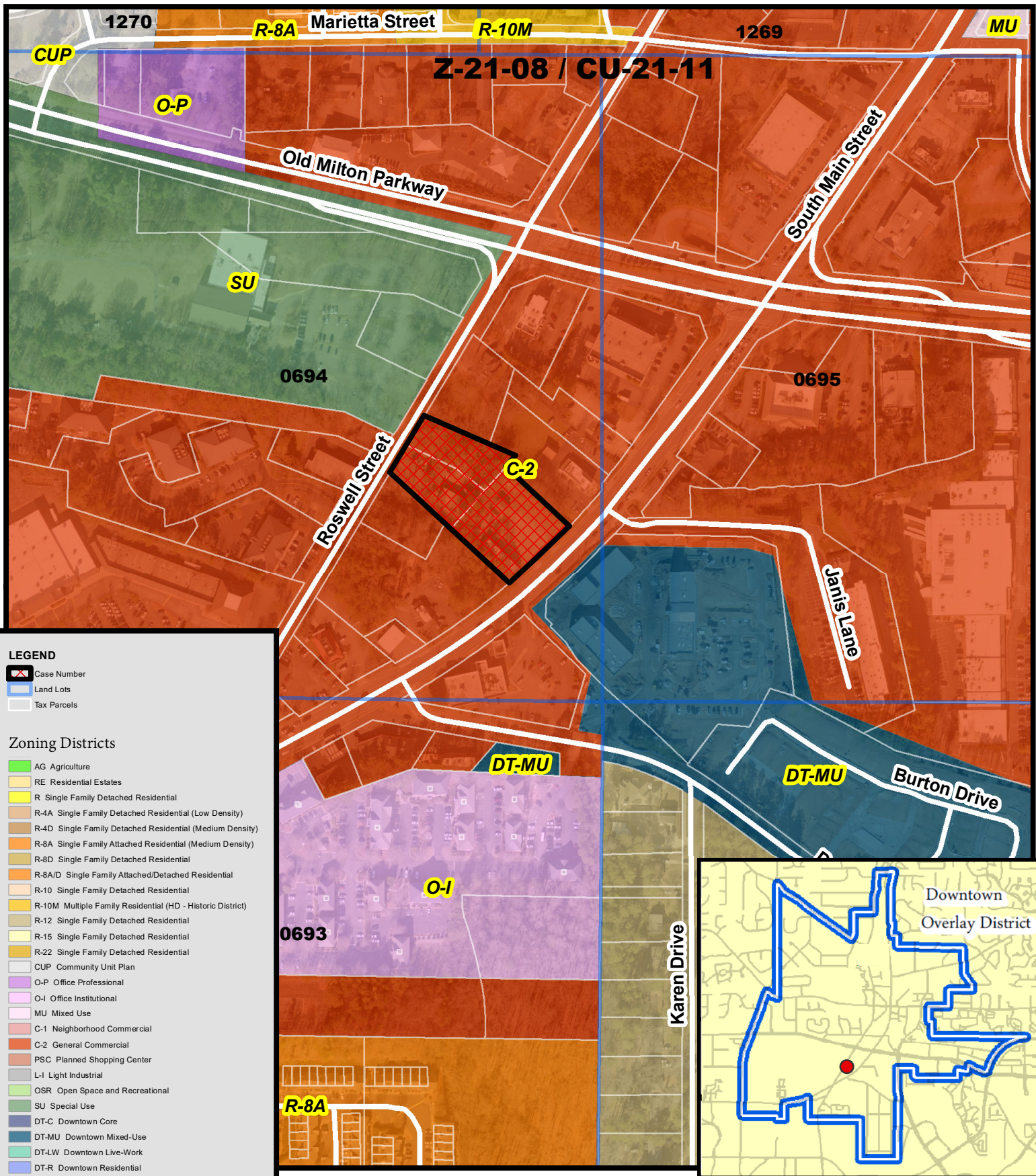
Z-21-08 / CU-21-11

D/LL: 1/2/694

PC: 9/2/21

CC: 9/27/21

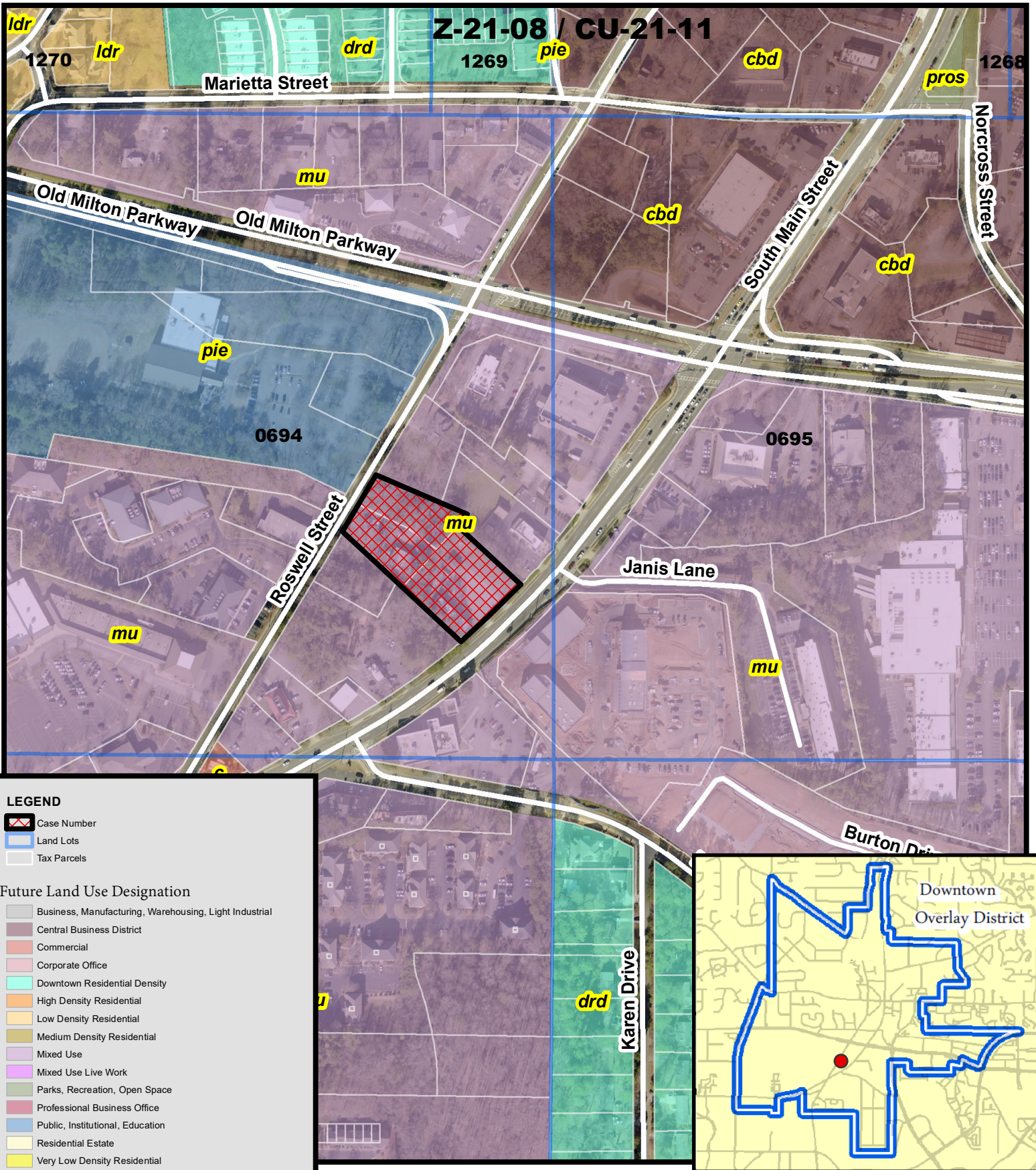
Location Map Provided by:
Community Development - GIS



Zoning Map
Mayfair on Main
217 South Main Street

Z-21-08 / CU-21-11
D/LL: 1/2/694
PC: 9/2/21
CC: 9/27/21

Location Map Provided by:
Community Development - GIS



Z-21-08 / CU-21-11

1270

Marietta Street

1269

1268

Old Milton Parkway

Old Milton Parkway

South Main Street

Norcross Street

0694

0695

Roswell Street

Janis Lane

Burton Drive

Maxwell Road

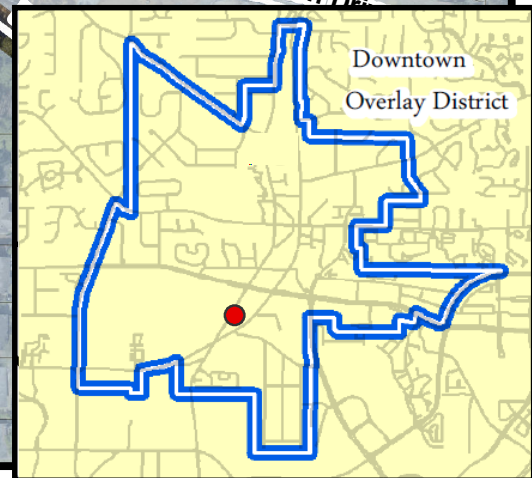
0693

Karen Drive

gton Court

LEGEND

-  Case Number
-  Land Lots
-  Tax Parcels



Z-21-08/CU-21-11

D/LL: 1/2/694

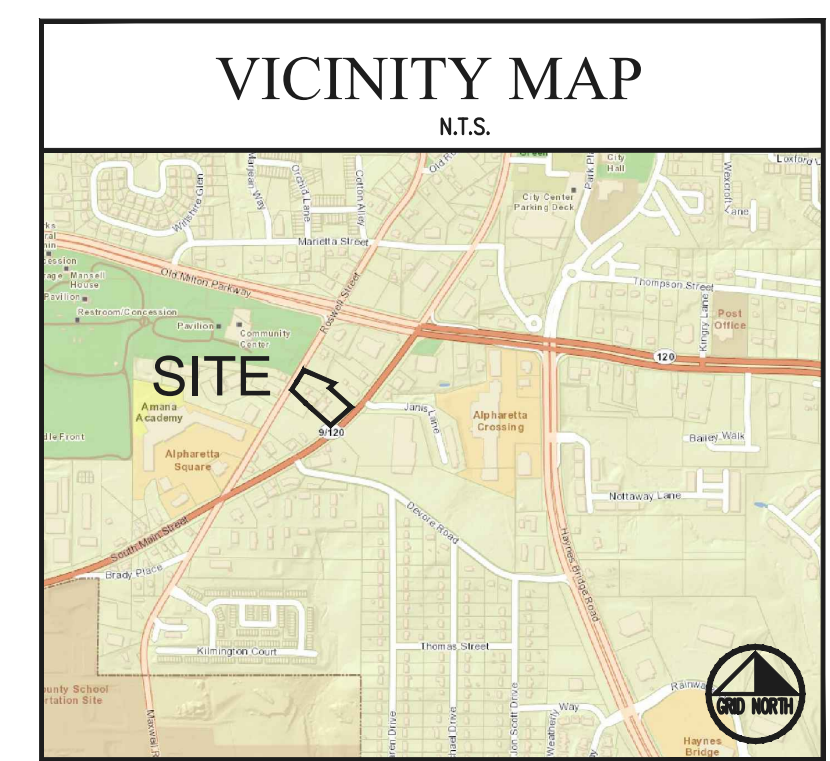
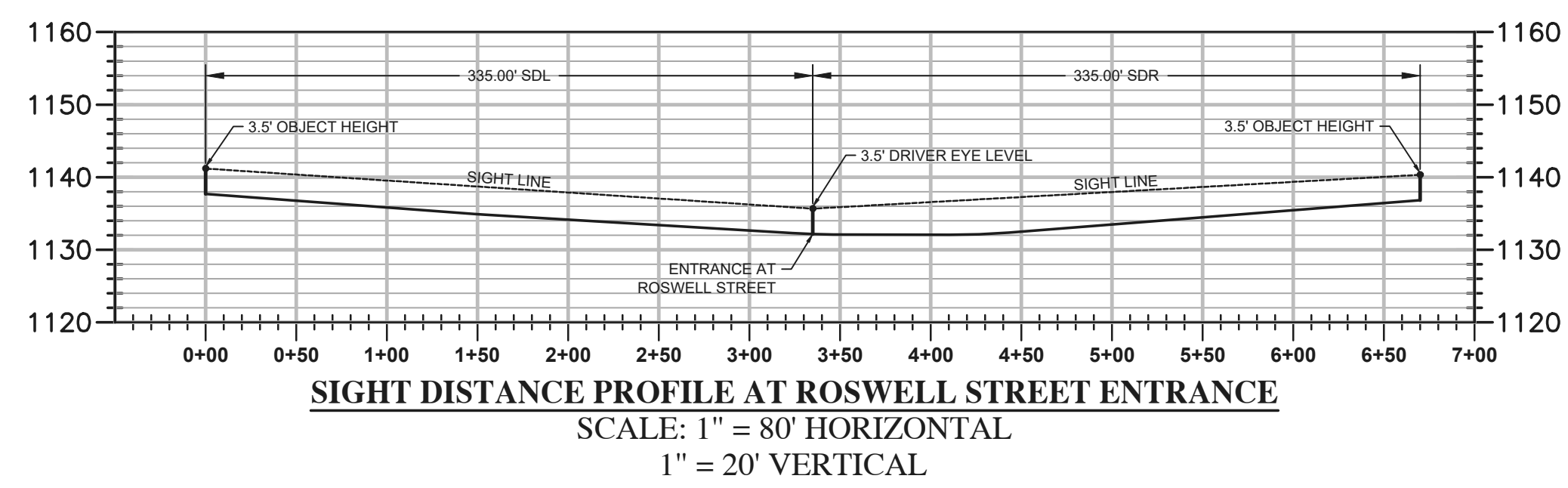
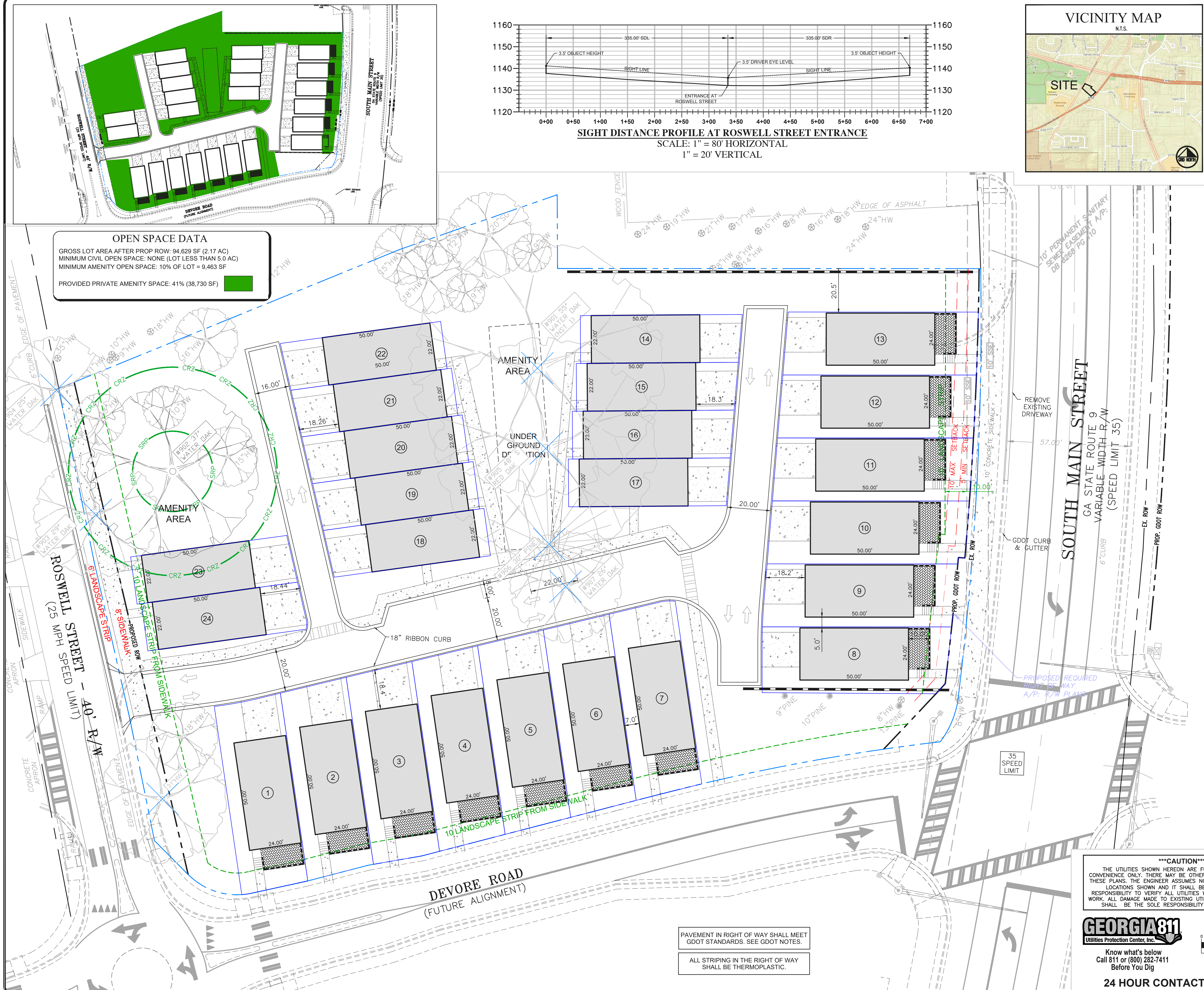
PC: 9/2/21

CC: 9/27/21



**Location Map
Mayfair on Main
217 South Main Street**

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



OPEN SPACE DATA
GROSS LOT AREA AFTER PROP ROW: 94,629 SF (2.17 AC)
MINIMUM CIVIL OPEN SPACE: NONE (LOT LESS THAN 5.0 AC)
MINIMUM AMENITY OPEN SPACE: 10% OF LOT = 9,463 SF
PROVIDED PRIVATE AMENITY SPACE: 41% (38,730 SF)

SITE DATA
ADDRESS: 217 SOUTH MAIN STREET
PARCEL NO. 12-2583-0694-0601 (221 SOUTH MAIN ST)
PARCEL NO. 12-2583-0694-0627 (0 ROSWELL ST)
PARCEL NO. 12-2583-0694-0221 (200 ROSWELL ST)
ORIGINAL GROSS SITE AREA: 100,169 SF (2.30 ACRES)
POTENTIAL SOUTH MAIN ROW DEDICATED: 1,148 SF
POTENTIAL ROSWELL STREET ROW DEDICATED: 2,163 SF
ZONING:
CURRENT ZONING: C-2
PROPOSED ZONING: DT-MU
ZONING JURISDICTION: CITY OF ALPHARETTA, GEORGIA
PROPOSED USE:
RESIDENCES: 24 SINGLE FAMILY DETACHED (ALL UNITS TO BE 3 BEDROOMS)
PROPOSED DENSITY: 24 UNITS = 10.43 UNITS PER ACRE
MINIMUM AMENITY SPACE: 10% (9,463 SF)
PROVIDED AMENITY SPACE: 41% (38,730 SF)
MAXIMUM BUILDING LOT COVERAGE: 80% (75,703 SF)
PROPOSED BUILDING LOT COVERAGE: 29% (27,700 SF)
SETBACKS:
FRONT YARD: 5' MIN, 10' MAX
SIDE YARD: 0' MIN
REAR YARD (NO ALLEY): 6' MIN
REAR YARD (ALLEY): 3' MIN
MAX BUILDING HEIGHT: 60' (4-STORY)
PROPOSED BUILDING HEIGHT: 55' (4-STORY)
PARKING REQUIREMENTS:
1 SPACE PER BEDROOM = 72 SPACES
0.5 VISITOR SPACE PER UNIT = 12 SPACES
TOTAL PARKING REQUIRED = 84 SPACES
PROPOSED GARAGE SPACES: 48 SPACES
PROPOSED DRIVEWAY SPACES: 48 SPACES
PROPOSED SITE SPACES: 6 SPACES
TOTAL PARKING PROVIDED = 107 SPACES

LEGEND

	PROPOSED LIGHT POLE
	FUTURE GDOT STRIPING
	PROPOSED STRIPING
	PROPOSED MOVEMENT
	PROPERTY LINE
	PROPOSED GDOT ROW
	PROPOSED GDOT SIDEWALK
	POURED CONCRETE WALL
	FUTURE GDOT CURB & GUTTER
	PROPOSED CURB & GUTTER
	EXISTING CURB & GUTTER

DETACHED LOT TABLE
(2,500 SF MIN.)

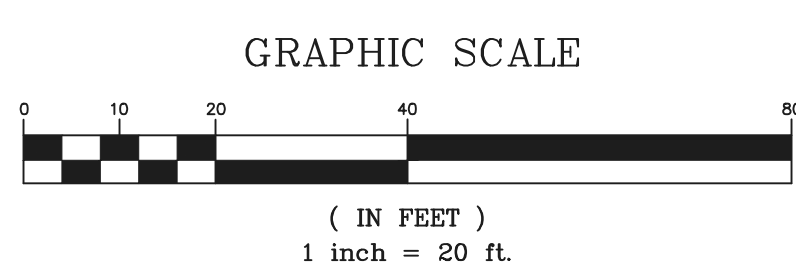
LOT 1	2,706 SF
LOT 2	2,700 SF
LOT 3	2,725 SF
LOT 4	2,728 SF
LOT 5	2,711 SF
LOT 6	2,694 SF
LOT 7	2,676 SF
LOT 8	2,606 SF
LOT 9	2,541 SF
LOT 10	2,626 SF
LOT 11	2,625 SF
LOT 12	2,606 SF
LOT 13	2,564 SF

ATTACHED LOT TABLE
(900 SF MIN.)

LOT 14	1,619 SF
LOT 15	1,619 SF
LOT 16	1,619 SF
LOT 17	1,619 SF
LOT 18	1,619 SF
LOT 19	1,619 SF
LOT 20	1,619 SF
LOT 21	1,619 SF
LOT 22	1,619 SF
LOT 23	1,619 SF
LOT 24	1,617 SF

- NOTES**
- BOUNDARY, CIVIL BASE, AND TOPOGRAPHIC INFORMATION WAS TAKEN FROM THE ALTA/NSPS SURVEY BY PLANNERS AND ENGINEERS COLLABORATIVE, INC., DATED OCTOBER 10, 2018.
 - NO WELLS OR SEPTIC SYSTEMS ARE PROPOSED OR EXIST ON SITE.
 - ALL HANDICAP RAMP FORMS MUST BE APPROVED BY CITY LAND DISTURBANCE INSPECTOR PRIOR TO CONCRETE POUR.
 - ALL PROPOSED PAVING AND CURB PER ALPHARETTA STANDARD 901.

*****CAUTION*****
THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTORS CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL UTILITIES WITHIN THE LIMITS OF THE WORK. ALL DAMAGE MADE TO EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.



PAVEMENT IN RIGHT OF WAY SHALL MEET GDOT STANDARDS. SEE GDOT NOTES.
ALL STRIPING IN THE RIGHT OF WAY SHALL BE THERMOPLASTIC.



paradigm
Engineering Services, Inc.
Seven Dunwoody Park
Atlanta, GA 30038
(770) 605-6030
www.Paradigmeng.net

Project No. P-2115
Design By: WBD
Drawn By: RAC
Checked By: WBD
Date: 10/13/2021
Scale: 1" = 20'

Date:	
Revision:	
No.	

MF-217 Main, LLC
26 MILTON AVENUE
ALPHARETTA, GEORGIA 30009
OFFICE: (678) 802-4912

ZONING SITE PLAN
217 South Main
217 SOUTH MAIN STREET
LAND LOT 694, DISTRICT 1, SECTION 2
CITY OF ALPHARETTA, FULTON COUNTY, GEORGIA 30009

Drawing No.
Z1.0

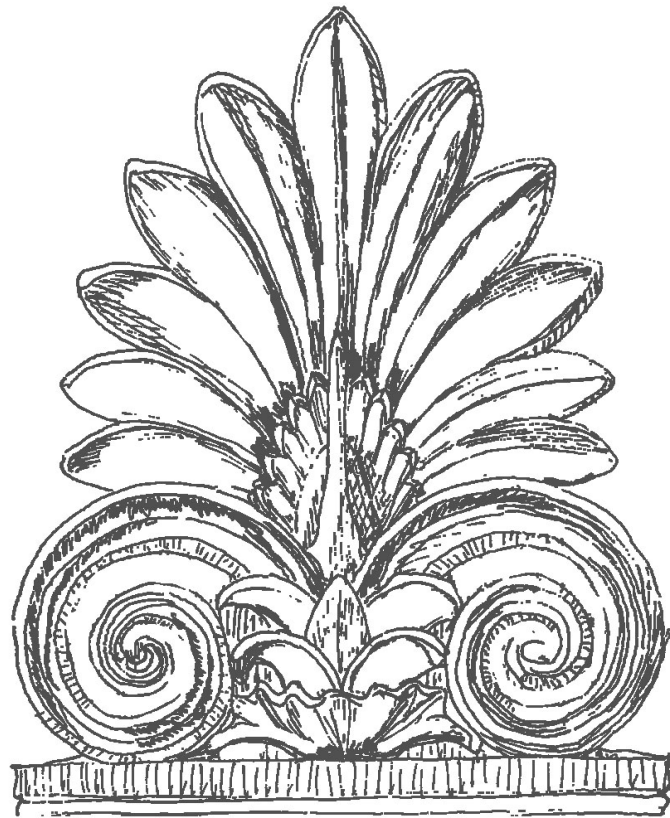
24 HOUR CONTACT: JOHN BONIFACE (352) 425-3356











217 SOUTH MAIN

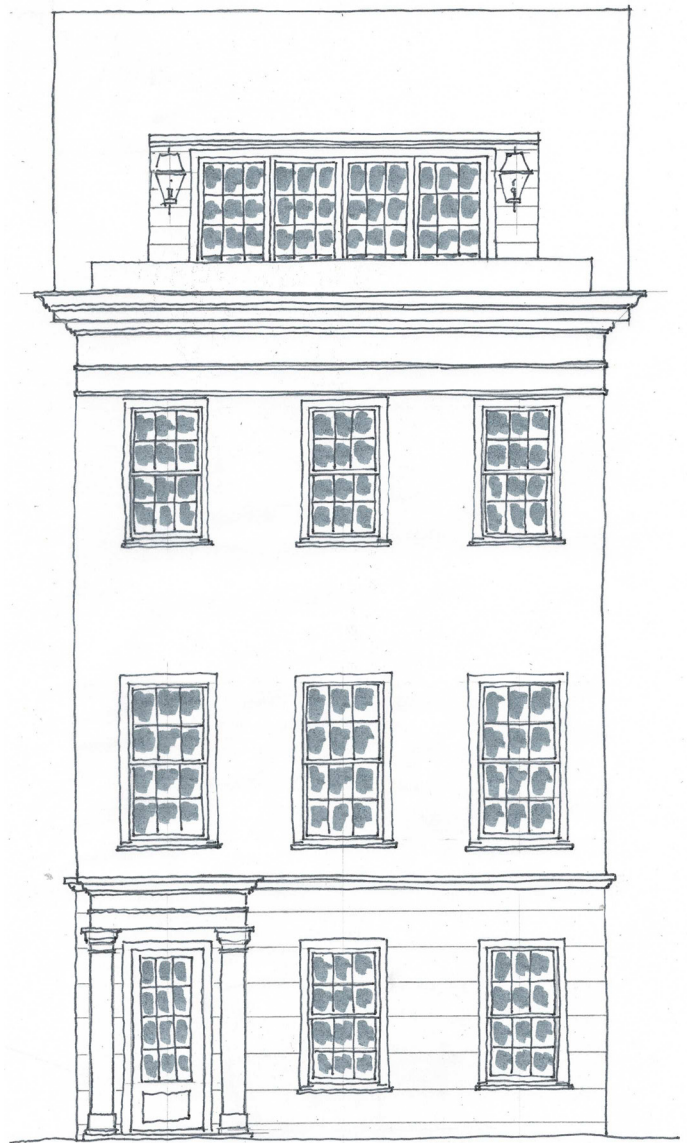
Alpharetta, GA

August 18, 2021



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

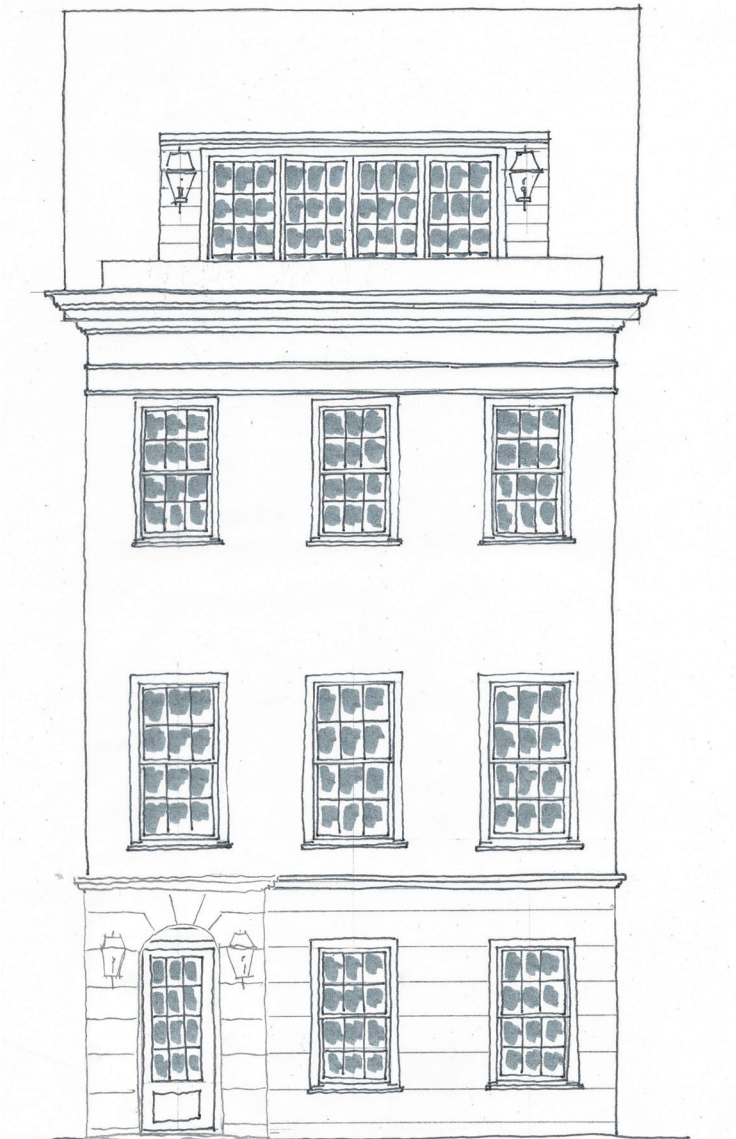
217 SOUTH MAIN
Alpharetta, GA
August 18, 2021



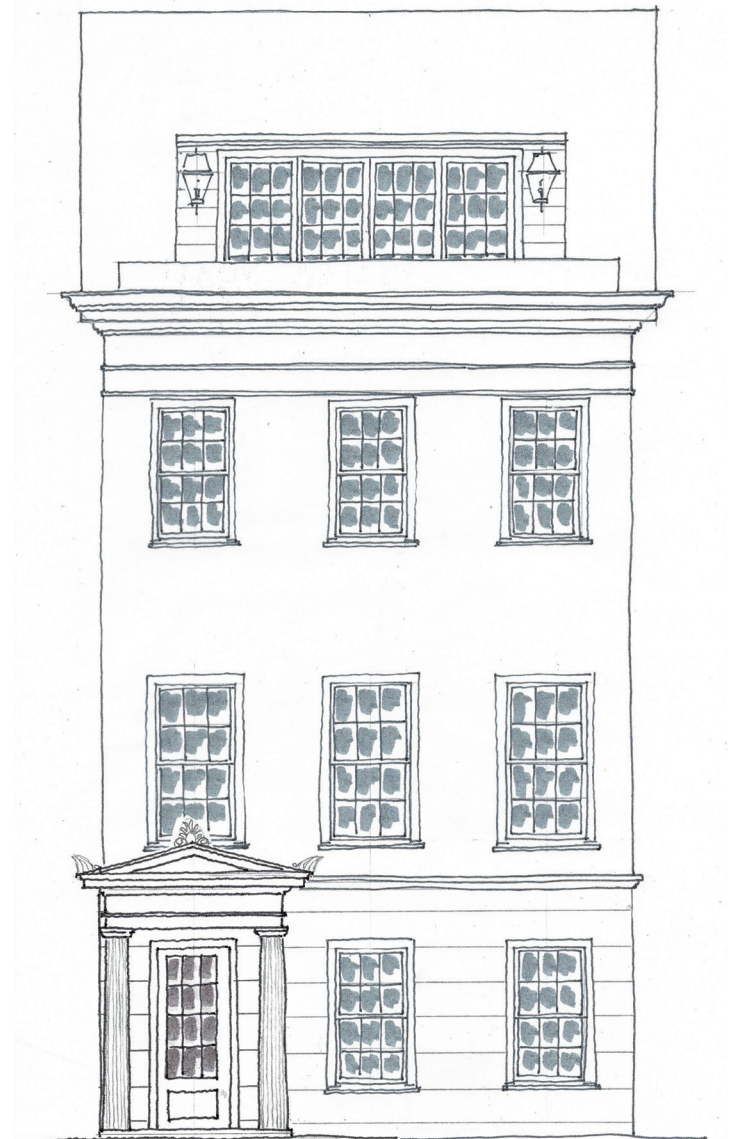
SIDE ELEVATION A
1/8" = 1'-0"



SIDE ELEVATION A
ENTRY WALL & GARDEN
1/8" = 1'-0"



SIDE ELEVATION B
ALTERNATE ENTRANCE
1/8" = 1'-0"



SIDE ELEVATION C
ALTERNATE ENTRANCE
1/8" = 1'-0"

217 SOUTH MAIN
Alpharetta, GA
August 18, 2021



A
CLASSICAL
STUDIO
ARCHITECTS | DESIGNERS

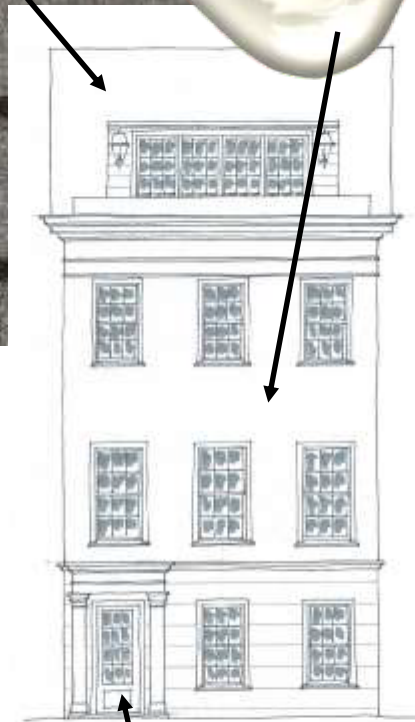
217 South Main



Composite Shingle Roof
Georgetown Gray

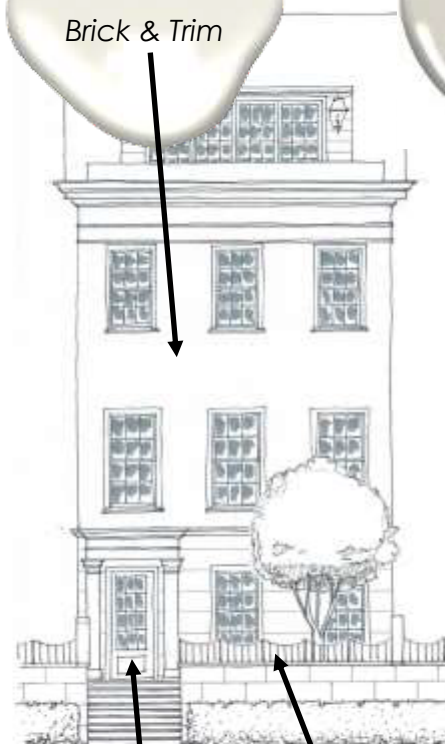


Revere Pewter
Brick & Trim



Arctic Gray
Front Door

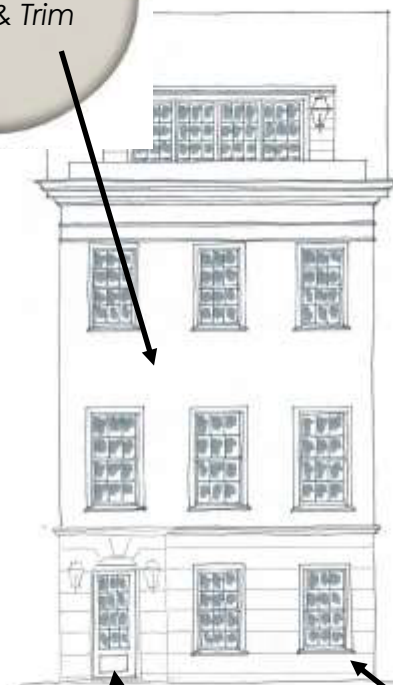
Swiss Coffee
Brick & Trim



Fencing in front, Glossy Black

Silken Blue
Front Door

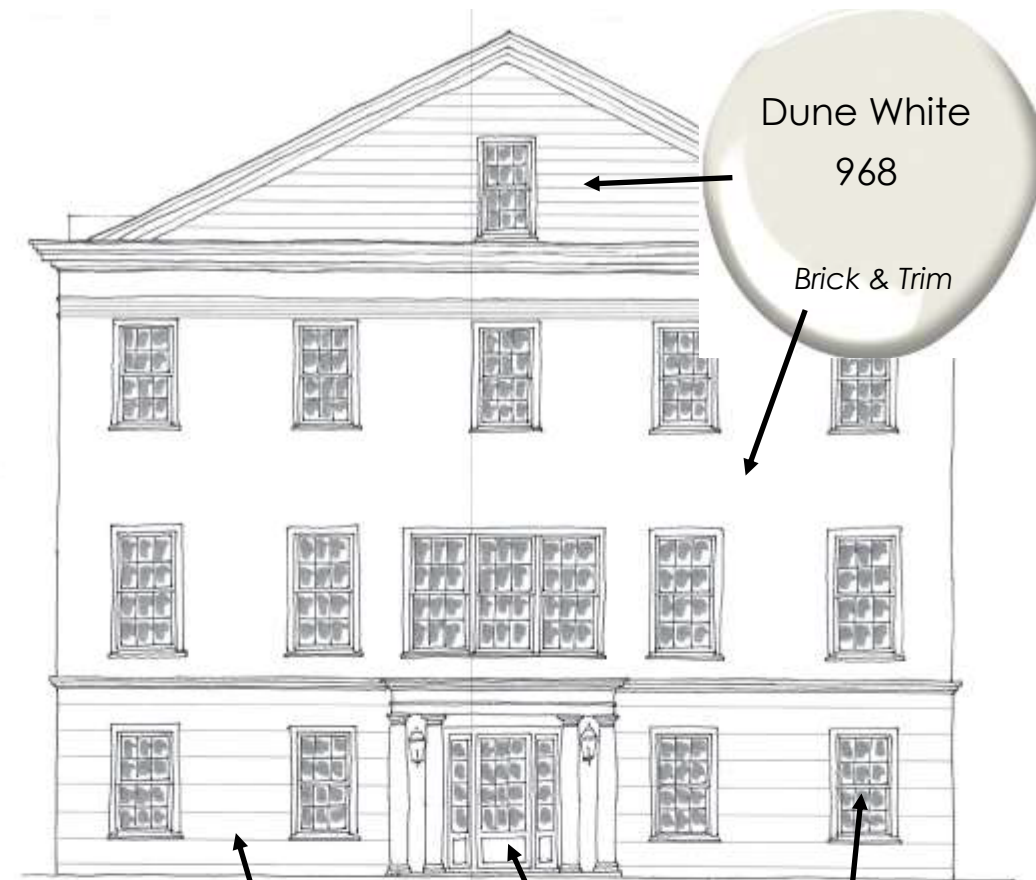
Balboa Mist
Brick & Trim



Tranquility
Front Door

Dune White
968

Brick & Trim



French Toile
Front Door

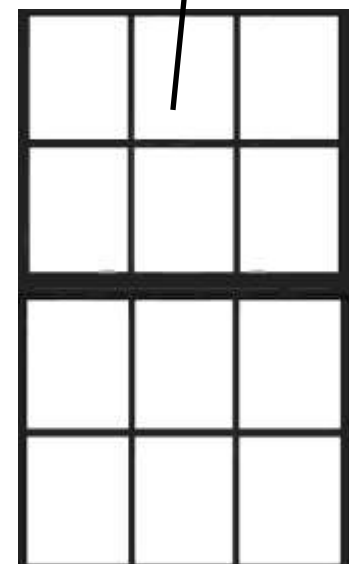


All Cast Stone, Bottom Levels



Privacy Fencing

Puritan Gray



All Windows, Black Steel



COMMUNITY DEVELOPMENT
COMMUNITY ZONING INFORMATION MEETING
AUGUST 11, 2021
ZOOM
6:00 PM

I. Staff Present

- a. Kathi Cook
- b. Michael Woodman
- c. Ben Kern
- d. Lauren Shapiro

II. Total Participants (including Staff): 19

III. MP-21-01 / V-21-04 The Bailey / Northwinds

IV. Z-21-07 / V-21-24 236 & 244 North Main Street

V. Z-21-08 / CU-21-11 Mayfair on Main

a. Applicant Presentation: John Boniface & Jason Joseph

- i. Rezoning request from C2 to DTMU in order to build 24 townhomes that will face Main Street and have a courtyard walk-up.
- ii. Variance request in regards to increasing density so that 24 units would be permitted on 1.8 acres
- iii. The property will be fenced and have gates in the front, and the entry will be off Roswell Street.
- iv. There will be a courtyard amenity space in the center of the property.
- v. Renderings will be available next week.

b. Public Comment

- i. There were no public comments or questions for this item.

VI. There were no chat comments for this CZIM.

CITIZEN PARTICIPATION FORM - PART B

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

Public Hearing or Project Name: Z-21-08 / CU-21-11 Mayfair on Main Applicant Letter

Contact Name: John Boniface Telephone: 352-425-3356

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.

None received.

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

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

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

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

Signature of Authorized Agent: 

Date: 7/15/21

Print Form

July 16, 2021

Trilogy Acquisitions, LLC
26 Milton Ave
Alpharetta, GA 30009

RE: 217 South Main – Rezoning Notice

Dear Property Owner:

Please allow this letter to serve as public notice for a Rezoning request at 217 S Main and 180 Roswell Street to DT-MU.

The Community Zoning Information Meeting (CZIM) for this request will be held on August 11, 2021 at 6:00 p.m. via Zoom. The link to the meeting is <https://zoom.us/j/7301636794>. This is an informal meeting to allow the public to view public hearing requests, ask questions, and provide feedback.

This item will be considered by the Planning Commission on Thursday, September 2, 2021 at 6:30 PM and City Council on Monday September 27, 2021 at 6:30 PM. The meeting(s) will be held in the Council Chambers at City Hall, 2 Park Plaza, Alpharetta, GA 30009.

If you have any questions regarding the request, please feel free to contact Nathan Sycks at 404-442-6603. His fax number is 888-998-7373, and his email is Nathan@mmhfir.com. His address is 11525 Haynes Bridge Road, Ste. 250, Alpharetta, GA 30009.

Sincerely,

Trilogy Acquisitions, LLC



John Boniface
Authorized Signatory

26 Milton Ave
Alpharetta, GA 30009

WICKS RONALD S & MARY A
270 S MAIN ST
ALPHARETTA GA 30009

ROYAL ROSWELL LLC
2655 HERMITAGE DR
CUMMING GA 30041

BRAMBHATT KANAIYALAI S & SAROJINI K
3771 ARC WAY
LAWRENCEVILLE GA 30044

PURE TAQUERIA LLC
103 ROSWELL ST
ALPHARETTA GA 30009

ALPHA DEVELOPMENT CORP
P O BOX 92
ALPHARETTA GA 30009

AARENE REAL ESTATE HOLDINGS LLC
296 THOMPSON ST
ALPHARETTA GA 30004

TRIBBLE DONNA E
285 KAREN DR
ALPHARETTA GA 30009

PARK PLAZA PARTNERS LLC
15144 TAYLOR RD
ALPHARETTA GA 30004

WILSON WALTER D SR TR
217 S MAIN ST
ALPHARETTA GA 30004

ALPHA DEVELOPMENT CORP
1048 WINDING BRANCH CT
ATLANTA GA 30338

CITY OF ALPHARETTA
2 S SOUTH MAIN ST
ALPHARETTA GA 30004-1936

CANOPY MAIN STREET INC
300 WILMOT
DEERFIELD IL 60015

KARTOS JOHN L
P.O. BOX 22147
KNOXVILLE TN 37933

TALLANT PROPERTIES LLC
206 HIDDEN RIVER DR
WOODSTOCK GA 30188

MKB PROPERTY HOLDINGS LLC
200 S MAIN ST
ALPHARETTA GA 30009

FULTON COUNTY BANK
101 N TRYON ST
CHARLOTTE NC 28255

MULKEY LAWRENCE W
13630 BIRMINGHAM HWY
ALPHARETTA GA 30004

ONE NINE ONE ROSWELL STREET LLC
3105 SALISBURY DR
ALPHARETTA GA 30004

J & J PROPERTIES INC
P.O. BOX 22147
KNOXVILLE TN 37933

ALPHA DEVELOPMENT CORP
P O BOX 92
ALPHARETTA GA 30009

HAIGLER CAPITAL LLC
164 ROSWELL ST
ALPHARETTA GA 30009

BRUNA LLC
P O BOX 1324
ALPHARETTA GA 30009

KARTOS JOHN L
P.O. BOX 22147
KNOXVILLE TN 37933

HAIGLER CAPITAL LLC
2005 OLD MILTON PKWY
ALPHARETTA GA 30009

WILSON WALTER D SR TR
217 S MAIN ST
ALPHARETTA GA 30004

CITY OF ALPHARETTA
2 SOUTH MAIN ST
ALPHARETTA GA 30004

CITY OF ALPHARETTA
2 S SOUTH MAIN ST
ALPHARETTA GA 30004-1936

CITY OF ALPHARETTA
2 SOUTH MAIN ST NE
ALPHARETTA GA 30004

KARTOS JOHN L
P.O. BOX 22147
KNOXVILLE TN 37933

NAVIGATOR REAL ESTATE HOLDINGS LLC
790 PERSHING RD
RALEIGH NC 27608

YOUNG DEER PROPERTIES LLC
5887 GLENRIDGE DR SUITE 150
ATLANTA GA 30328

STAFF TECH INVESTMENTS LLC
221 ROSWELL ST
ALPHARETTA GA 30009

C S H F OF GA INC
1800 CENTURY BLVD NE
ATLANTA GA 30345

AMANA ACADEMY INC
285 S MAIN ST
ALPHARETTA GA 30009

SPECIMEN TREE REPORT

CITY OF ALPHARETTA



Tree Report for:
Mayfair Street Partners
26 Milton Avenue
Alpharetta, GA 30009

Property Address:
217 South Main @ Roswell St.
City of Alpharetta
Fulton County

Project 18062.00

Survey Date 2/27/2018



TREE CONSULTANTS

350 RESEARCH CT. PEACHTREE CORNERS, GA 30092
PHONE: 770-451-3915
A PEC DIVISION

Consulting Arborist
Alex Phillips, ASLA
ISA Certified Arborist #MA-4868A
Tree Risk Assessment Qualified

217 South Main

Specimen Tree Inventory

Some trees on a site warrant special consideration and encouragement for preservation. The intent of these specifications is to provide the necessary information to facilitate project design, plan review and enforcement processes. The City of Alpharetta Specimen tree specifications are organized by size:

- Flowering Understory trees over 8" DBH
- Sourwood trees over 10" DBH
- Beech, Blackgum, Persimmon, Sassafras trees over 20" DBH
- Magnolia trees over 20" DBH
- Cedrus and Thuja trees over 20" DBH
- Overstory Hardwood over 24" DBH
- Poplars and Sweetgums trees over 30" DBH
- Pine trees over 30" DBH

Any tree that does not meet the following requirements as set forth by the International Society of Arboriculture shall be deemed poor in condition, a danger to human life and property and removed from the site.

- Life expectancy less than 15 years
- A trunk with visible decay
- More than one major and several minor dead limbs (hardwoods)
- Major insect or pathological problems

Landscape Tree Inventory

Landscape trees and trees of quality on a site may warrant consideration for preservation. Landscape trees include street trees, parking lot trees and boundary trees. Trees of quality include smaller non specimen trees that are in groupings or groves that have special interest and character.

Site Location

The site is in a developed area of Fulton County, and is approximately 1.3 acres in size. Three business buildings are located on the property, in addition to a parking lot. A well-cut ditch is present in the north west area of the property. However, no running water is



217 South Main

present. Topography varies throughout, and the sharpest grades were noted behind and along-side the buildings.

There are numerous trees on site, but few are of specimen size. Those that qualify as specimens per Alpharetta specifications are located primarily on property lines and along parking lots. Overstory species in these locations are predominantly Water Oak, Southern Red Oak, Pine, Elm, and Hickory. There is minimal flowering understory. Some Dogwoods were noted, but were not large enough to qualify as specimens. Additionally, a large number of trees that line the neighboring parking lot are Bradford Pears. Overall, the site appears to be healthy, and free from insect and disease.

Definitions

Tree Number: Trees are tagged with an aluminum disk that shows a unique number to identify the tree.

Species: Trees are listed by a regional common name and botanical name.

Diameter at Breast Height (DBH): The diameter of a trunk at 4.5' above ground level.

Measured in inches.

Condition:

Good: A specimen tree with healthy productive tip growth. A sound trunk with no visible damage or decay. No major limb loss and healthy branch unions. No visible insect or disease infestations. Life expectancy of more than 15 years.

Fair: A specimen tree with healthy but not vigorous tip growth. Less than 30% of crown is dead. No major dead limbs and no major trunk cavities or damage. Branch unions show some signs of stress. Tree is expected to live longer than 10 years.

Poor: More than 30% of the crown is dead or has significant tip die back. More than one major limb is dead and are large trunk cavities with visible decay. Severe insect or disease damage leading to immediate death. Roots are visible and show signs of decay and rot. Life expectancy is less than 5 years.

Dead: Tree has no bud or leaf production. All limbs are barren and rot is visible.

Invasive: Tree species whose native range is not within the Piedmont classification.

Hazardous: Severe or uncorrectable damage that will lead to a loss of property or life if there is tree failure.



217 South Main

Specimen Tree Report

Tree #	Species	DBH	Condition	Comments
901	<i>Quercus nigra</i> Water Oak	55"	Non-Specimen	NST #1: Cracks with included bark. Pic #1
902	<i>Quercus nigra</i> Water Oak	37"	Specimen	Tree is in good health.
903	<i>Quercus nigra</i> Water Oak	29"	Specimen	Tree is in good health.
904	<i>Quercus nigra</i> Water Oak	24"	Specimen	Tree is in good health.
905	<i>Quercus falcata</i> Southern Red Oak	48"	Specimen	Tree is in good health.
906	<i>Pinus spp.</i> Pine	30"	Specimen	Tree is in good health.
907	<i>Quercus nigra</i> Water Oak	26"	Specimen	Tree is in good health.

Specimen Tree Summary: Nearly all of the specimen sized trees on site meet the City of Alpharetta standard for specimen trees.

Total Specimen Sized Trees: 7
Specimen Condition: 6
Non-Specimen Condition: 1



217 South Main

Photo Evidence



Pic # 1: Cracks with included bark.
NST #1











CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

FOR OFFICE USE ONLY

Case #:

PH #:

☐ Property Taxes & Code Violations Verified

☐ 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." Please note that a 3% convenience fee will be added to all credit card transactions.
5. Applications will be accepted 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: Jason Joseph

Telephone: 678-802-4912

Address: 26 Milton Ave

Suite: _____

City: Alpharetta

State: GA

Zip: 30009

Fax: _____

Mobile Tel: 678-521-6070

Email: jj@mayfairstreetpartners.com

Subject Property Information:

Address: 217 S Main Street, 180 Roswell Street, 200 Roswell St, 255 Roswell St

Current Zoning: C2

District: _____

Section: _____

Land Lot: _____

Parcel ID: _____

Proposed Zoning: DT-MU

Current Use: NA - Land

This Application For (Check All That Apply):

☐ Conditional Use

☐ Master Plan Amendment

☐ Comprehensive Plan Amendment

☒ Rezoning

☐ Master Plan Review

☒ Variance

☐ Public Hearing

☐ Exception

☐ Other (Specify): _____

APPLICANT REQUEST AND INTENT

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

Single family attached or detached homes/townhomes.

Applicant's Request (Please itemize the proposal):

24 single family attached or detached homes/townhomes

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

The intent is to rezone for attached or detached homes/townhomes

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: **"Mayfair on Main" Town Home Development**

Contact Name: **John Boniface** Telephone: **678-802-4912**

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.

Jeff Levitan, 180 Roswell

MJV Mill, LLC, The Maxwell

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

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

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

Via email, phone, or in person visits.

CITIZEN PARTICIPATION FORM - PART B

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

Public Hearing or Project Name: Z-21-08 / CU-21-11 Mayfair on Main Applicant Letter

Contact Name: John Boniface

Telephone: 352-425-3356

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.

None received.

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: 10/18/21

Print Form

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name:

Jeffrey Levitan / Diversified
Investment
Group

Telephone:

630.918.8465

Address:

180 Roswell 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

Property Owner's Authorized Applicant (if applicable):

Name of Authorized Applicant:

HF 217 LAW, LLC

Telephone:

678-802-4912

Address:

26 MILTON AVE

Suite:

City

ALPHARETTA

State:

GA

Zip:

30009

So Sworn and Attested:

Owner Signature:

[Signature]

Date:

10-18-2021

Notary:

Notary Signature:

[Signature]

Date:

10-18-2021



PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: MF 217 Main, LLC c/o Jason Joseph Telephone: 678-802-4912
Address: 26 Milton Ave 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

Property Owner's Authorized Applicant (if applicable):

Name of Authorized Applicant: Jason Joseph Telephone: 678-521-6070
Address: _____ Suite: _____
City: Alpharetta State: GA Zip: 30009

So Sworn and Attested:

Owner Signature: _____

Date: 10/19/21

Notary:

Notary Signature: _____

Date: 10/19/21



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: **MF 217 Main, LLC c/o Jason Joseph**

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: **NA** Position: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

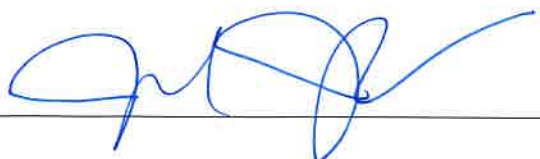
Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Campaign Contribution Information:

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

Signature:  _____

Date: **10/21/21** _____

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

Residential in surrounding area. Conforms with City of Alpharetta Master Plan to increase for sale product in the downtown area.

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

Currently, it's a vacant lot. With the new use, it will drive property values upwards due to the high end nature of the homes.

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

No, it cannot. The current density does not support the intended development plan. Without unit yield, we will not be able to afford to complete the proposed project.

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

Current zoning would mean retail, office and/or other higher traffic use. The proposed rezoning would mean a gated residential community, thus, reducing traffic. Likewise, the entrance off of S Main will no longer be accessible, thus decreasing the traffic onto and off of S Main (entrance will be off of Roswell Street).

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

Utility capacity and additional tax basis - minimal impact as customary with residential homes. With the pricing of the homes, typical demographic will be more mature families with children not in school and additional tax basis to fund schools, roads, etc.

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

Density, residential, and for sale. Bringing families to the downtown area is critical and a part of the Comprehensive Plan.

High End entrance to Downtown Alpharetta anchored by Maxwell on one side and Mayfair on Main on the other.

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

Existing zoning does not afford the density of units under the proposed site plan.

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.

Tree save and GDOT road widening are restricting the usable area.

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

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

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.

None. Surrounding residential townhome communities have similar density.

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.

CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

FOR OFFICE USE ONLY

Case #: PHA210035

PH #: Z-21-08 / CU-21-11

☒ Property Taxes & Code Violations Verified

☒ Fee Paid Initial: PC

COMMUNITY DEVELOPMENT DEPARTMENT

2 PARK PLAZA

ALPHARETTA, GA 30009

1. This page should be the first page in each of your completed application packets.
2. It is preferred that all responses be typed. Illegible applications will not be accepted.
3. Prior to signing and submitting your application, please check all information supplied on the following pages to ensure that all responses are complete and accurate. Incomplete applications will not be accepted.
4. Payment of all applicable fees must be made at the time of application. Payment may be made via cash, credit card (American Express, Master Card or Visa), or check made payable to "City of Alpharetta." Please note that a 3% convenience fee will be added to all credit card transactions.
5. Applications will be accepted 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: Jason Joseph

Telephone: 678-802-4912

Address: 26 Milton Ave

Suite: _____

City Alpharetta

State: GA

Zip: 30009

Fax: _____

Mobile Tel: 678-521-6070

Email: jj@mayfairstreetpartners.com

Subject Property Information:

Address: 217 S Main Street

Current Zoning: C2

District: _____ Section: _____ Land Lot: _____ Parcel ID: _____

Proposed Zoning: DT-MU

Current Use: NA - Land

This Application For (Check All That Apply):

☐ Conditional Use

☐ Master Plan Amendment

☐ Comprehensive Plan Amendment

☒ Rezoning

☐ Master Plan Review

☐ Variance

☐ Public Hearing

☐ Exception

☐ Other (Specify) _____

APPLICANT REQUEST AND INTENT

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

Single family townhomes.

Applicant's Request (Please itemize the proposal):

24 single family townhomes

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

The intent is to rezone for single family townhomes

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: MF 217 Main, LLC c/o Jason Joseph Telephone: 678-802-4912

Address: 26 Milton Ave 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

Property Owner's Authorized Applicant (if applicable):

Name of Authorized Applicant: Jason Joseph Telephone: 678-521-6070

Address: _____ Suite: _____

City Alpharetta State: GA Zip: 30009

So Sworn and Attested:

Owner Signature:  Date: 7/1/21

Notary:

Notary Signature: _____ Date: _____

DISCLOSURE FORM

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

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

Name of Applicant or Opponent: **MF 217 Main, LLC c/o Jason Joseph**

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: **NA** Position: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

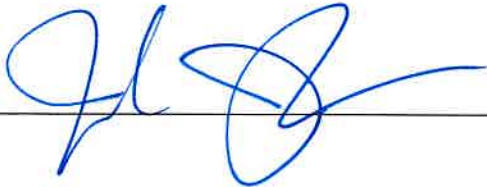
Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Campaign Contribution Information:

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

Signature: _____



Date: **7/1/21**

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

Residential in surrounding area. Conforms with City of Alpharetta Master Plan to increase for sale product in the downtown area.

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

Currently, it's a vacant lot. With the new use, it will drive property values upwards due to the high end nature of the homes.

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

No, it cannot. The current density does not support the intended development plan. Without unit yield, we will not be able to afford to complete the proposed project.

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

Current zoning would mean retail, office and/or other higher traffic use. The proposed rezoning would mean a gated residential community, thus, reducing traffic. Likewise, the entrance off of S Main will no longer be accessible, thus decreasing the traffic onto and off of S Main (entrance will be off of Roswell Street).

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

Utility capacity - minimal impact as customary with residential homes. With the pricing of the homes, typical demographic will be more mature families with children not in school.

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

Density, residential, and for sale. Bringing families to the downtown area is critical and a part of the Comprehensive Plan.

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

Existing zoning does not afford the density of units under the proposed site plan.

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.

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

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

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.

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.

SIGN VARIANCE REVIEW CRITERIA

Are there exceptional conditions pertaining to the property where the sign is to be located as a result of the property size, shape, or topography which are not applicable to other lands or structures in the area? If "yes," please explain.

☐ Yes

☐ No

Would the applicant be deprived of rights that are commonly enjoyed by others similarly situated? If "yes," please explain.

☐ Yes

☐ No

Would granting the variance confer on the applicant any significant privileges which are denied to others similarly situated? If "yes," please explain.

☐ Yes

☐ No

Are the exceptional circumstances the result of actions of the applicant or the applicant's representatives? If "yes," please explain.

☐ Yes

☐ No

Is the requested variance the minimum necessary to allow the applicant to enjoy rights commonly enjoyed by others similarly situated? If "no," please explain.

☐ Yes

☐ No

Would granting of the variance violate more than one standard of the Unified Development Code? If "yes," please explain.

☐ Yes

☐ No

Would granting the variance result in allowing a sign that interferes with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic? On a separate sheet or sheets, please defend your response.

☐ Yes

☐ No

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: "Mayfair on Main" Town Home Development

Contact Name: John Boniface Telephone: 678-802-4912

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.

Jeff Levitan, 180 Roswell

MJV Mill, LLC, The Maxwell

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

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

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

Via email, phone, or in person visits.

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: _____

Contact Name: _____ Telephone: _____

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

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

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

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

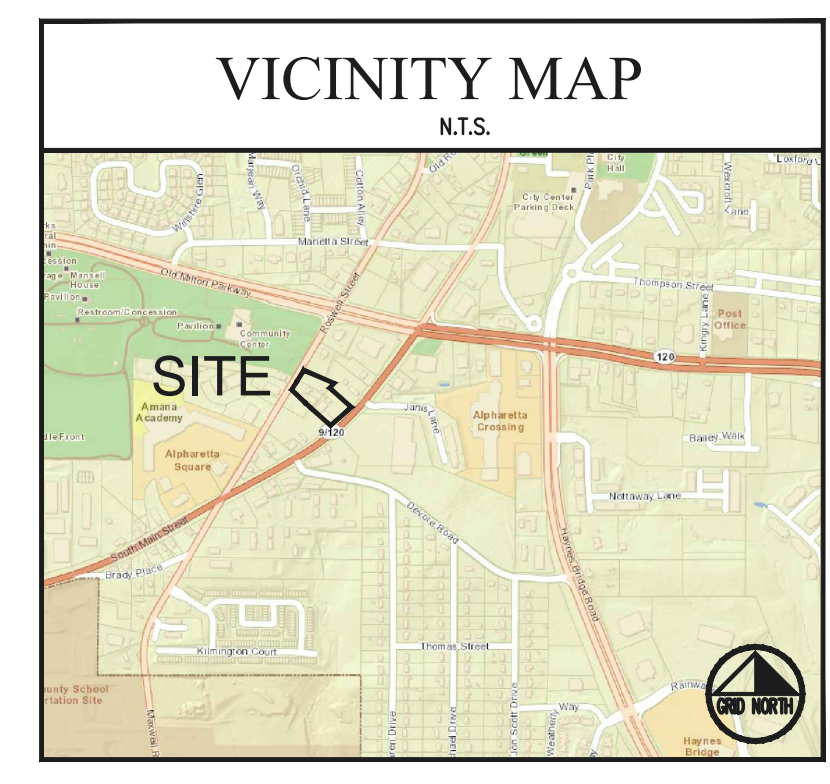
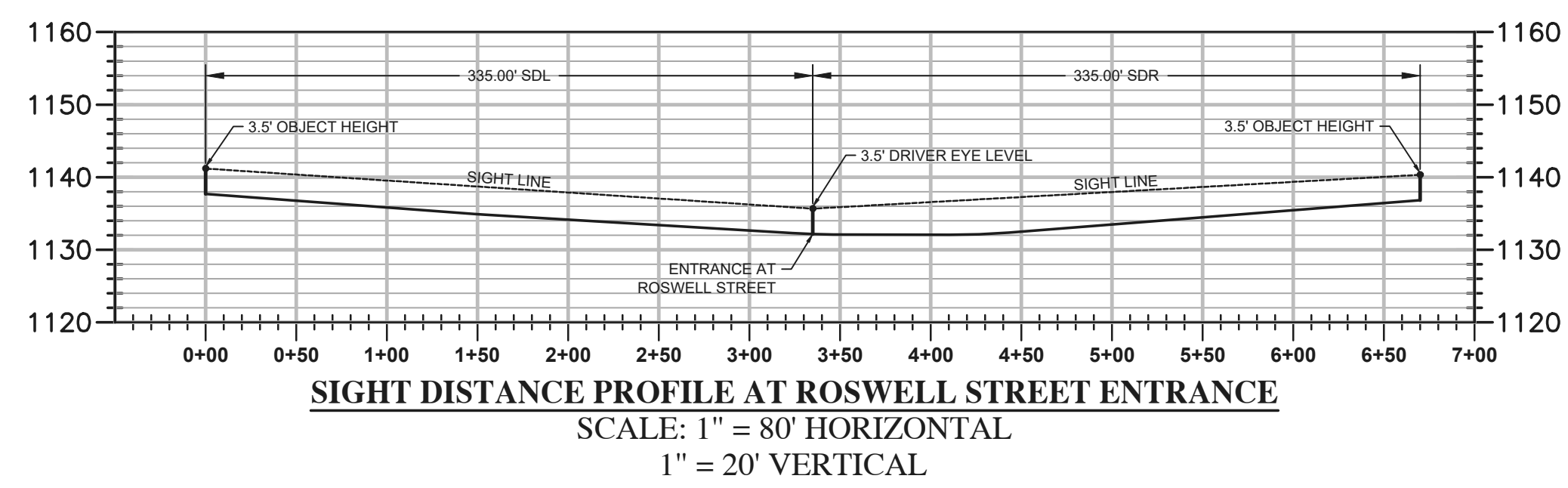
I, the undersigned, as an authorized representative of the applicant and Public Hearing item identified above, do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Citizen Participation Form - Part B and in any and all documents provided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

Signature of Authorized Agent: _____

Date: _____

7/1/21

Print Form



OPEN SPACE DATA
GROSS LOT AREA: 78,530 SF SF (1.80 ACRES)
MINIMUM CIVIL OPEN SPACE: NONE (LOT LESS THAN 5.0 AC)
MINIMUM AMENITY OPEN SPACE: 10% OF LOT = 7,853 SF
PROVIDED PRIVATE AMENITY SPACE: 30% (2,410 SF)

SITE DATA
ADDRESS: 217 SOUTH MAIN STREET
PARCEL NO. 12-2583-0694-0601 (221 SOUTH MAIN ST)
PARCEL NO. 12-2583-0694-0627 (0 ROSWELL ST)
PARCEL NO. 12-2583-0694-0221 (220 ROSWELL ST)
ORIGINAL GROSS SITE AREA: 79,248 SF (1.82 ACRES)
GEORGIA DOT DEDICATED ROW: 716 SF
SITE AREA AFTER PROPOSED ROW: 78,530 SF (1.80 AC)
ZONING:
CURRENT ZONING: C-2
PROPOSED ZONING: DT-MU
ZONING JURISDICTION: CITY OF ALPHARETTA, GEORGIA
PROPOSED USE:
RESIDENCES: SINGLE FAMILY ATTACHED
24 TOWNHOMES (3 BEDROOMS EACH)
PROPOSED DENSITY: 24 UNITS = 13.33 UNITS PER ACRE
(With Conditional Use Permit)
MINIMUM AMENITY SPACE: 10% (7,853 SF)
PROPOSED AMENITY SPACE: 30% (2,410 SF)
MAXIMUM BUILDING LOT COVERAGE: 80% (62,824 SF)
PROPOSED BUILDING LOT COVERAGE: 25% (27,100 SF)
SETBACKS:
FRONT YARD: 5' MIN, 10' MAX
SIDE YARD: 0' MIN
REAR YARD (NO ALLEY): 6' MIN
REAR YARD (ALLEY): 3' MIN
MAX BUILDING HEIGHT: 60' (4-STORY)
PROPOSED BUILDING HEIGHT: 55' (4-STORY)
PARKING REQUIREMENTS:
1 SPACE PER BEDROOM = 72 SPACES
0.5 VISITOR SPACE PER UNIT = 12 SPACES
TOTAL PARKING REQUIRED = 84 SPACES
PROPOSED GARAGE SPACES: 48 SPACES
PROPOSED DRIVEWAY SPACES: 48 SPACES
PROPOSED SITE SPACES: 7 SPACES
TOTAL PARKING PROVIDED = 103 SPACES

LEGEND

	PROPOSED LIGHT POLE
	FUTURE GDOT STRIPING
	PROPOSED STRIPING
	PROPOSED MOVEMENT
	PROPERTY LINE
	PROPOSED GDOT ROW
	PROPOSED GDOT SIDEWALK
	POURED CONCRETE WALL
	FUTURE GDOT CURB & GUTTER
	PROPOSED CURB & GUTTER
	EXISTING CURB & GUTTER

- NOTES**
- BOUNDARY, CIVIL BASE, AND TOPOGRAPHIC INFORMATION WAS TAKEN FROM THE ALTA/SPS SURVEY BY PLANNERS AND ENGINEERS COLLABORATIVE, INC., DATED OCTOBER 10, 2018.
 - NO WELLS OR SEPTIC SYSTEMS ARE PROPOSED OR EXIST ON SITE.
 - ALL HANDICAP RAMP FORMS MUST BE APPROVED BY CITY LAND DISTURBANCE INSPECTOR PRIOR TO CONCRETE POUR.
 - ALL PROPOSED PAVING AND CURB PER ALPHARETTA STANDARD 901.

*****CAUTION*****
THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTORS CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL UTILITIES WITHIN THE LIMITS OF THE WORK. ALL DAMAGE MADE TO EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

GEORGIA811
Utilities Protection Center, Inc.
Know what's below
Call 811 or (800) 282-7411
Before You Dig
24 HOUR CONTACT: JOHN BONIFACE (352) 425-3356

GRAPHIC SCALE
1 inch = 20 ft.

GEORGIA
REGISTERED
No. 24521
PROFESSIONAL
ENGINEER
William B. Dunlap

paradigm
Engineering Services, Inc.
Seven Dunwoody Park
Atlanta, GA 30038
(770) 605-6030
www.Paradigmeng.net

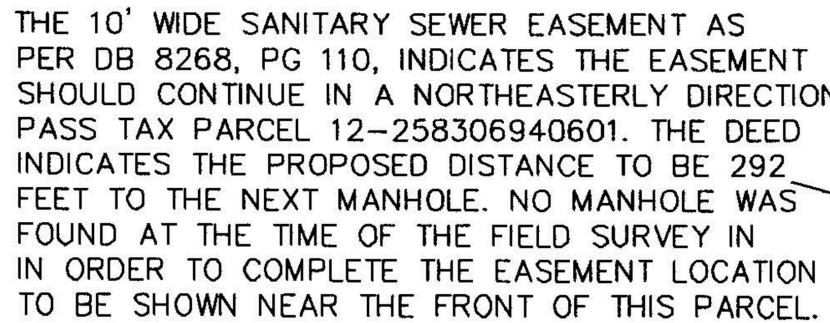
Project No.	P-2115
Design By:	WBD
Drawn By:	RAC
Checked By:	WBD
Date:	6/29/21
Scale:	1" = 20'

Date:	
Revision	
No	

MF-217 Main, LLC
26 MILTON AVENUE
ALPHARETTA, GEORGIA 30009
OFFICE: (678) 802-4912

ZONING SITE PLAN
217 South Main
217 SOUTH MAIN STREET
LAND LOT 694, DISTRICT 1, SECTION 2
CITY OF ALPHARETTA, FULTON COUNTY, GEORGIA 30009

Drawing No.
Z1.0



24 HOUR CONTACT
JOHN BONIFACE @ 770-864-1987

SPECIMEN TREE SIZE	
UNDERSTORY:	
DOGWOOD & REDBUD	8 INCHES
SOURWOOD	10 INCHES
MEDIUM OVERSTORY:	
BEECH, BLACKGUM, SASSAFRAS, PERSIMMON, MAGNOLIA	20 INCHES
CEDRUS & THUJA	20 INCHES
LARGE OVERSTORY:	
OAKS & HICKORIES	24 INCHES
SWEETGUM & POPLAR	30 INCHES
PINE	30 INCHES

SURVEY ALL 24" TREES
SURVEY ALL LANDSCAPE TREES (PARKING LOT, STREET, ETC.)
SURVEY ALL TREES GREATER THAN 20" WITHIN 30' OF PROPERTY LINE

SPECIMEN TREE REPORT COMPLETED ON 2/27/2018 BY ROOT ZONE TREE
CONSULTANTS:
ALEX PHILLIPS, MA-4868A
ISA CERTIFIED ARBORIST®
ISA MEMBER
ISA TRAQ

SPECIMEN TREE LEGEND

	SPECIMEN TREE & CRZ (1' RADIUS TO 1.3" DBH)
	NON SPECIMEN TREE
	TREE TO BE SAVED
	OFFSITE TREE TO BE SAVED

SPECIMEN TREE NOTE

SPECIMEN TREE REPORT COMPLETED ON 2/27/2018 BY ROOT ZONE TREE CONSULTANTS:
ALEX PHILLIPS, MA-4868A
ISA CERTIFIED ARBORIST®
ISA MEMBER
ISA TRAQ

- ## ADDITIONAL NOTES
1. THE TREE FEATURES SHOWN HEREON WERE DETERMINED BY GPS OBSERVATIONS AND WERE ADJUSTED BY PLANNERS AND ENGINEERS COLLABORATIVE IN FEBRUARY 2018. NORTH AMERICAN DATUM OF 1983 (NAD83), NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVVD88), GEORGIA WEST ZONE STATE PLANE COORDINATES.
 2. THE FIELD DATA UPON WHICH THIS MAP IS BASED HAS A PRECISION OF SUB 1-METER.
 3. EQUIPMENT USED:
HORIZONTAL - TRIMBLE GEO 7X SERIES

217 SOUTH MAIN
A MASTER PLANNED COMMERCIAL USE SITE
FOR
MAYCAIR STREET PARTNERS

FOR
MAYFAIR STREET PARTNERS
26 MILTON AVENUE
ALPHARETTA, GEORGIA 30009
PHONE: 770-864-1987

CITY OF ALPHARETTA
FULTON COUNTY
GEORGIA

ROOT ZONE TREE CONSULTANTS
550 RESEARCH COURT PEACHTREE CORNERS, GEORGIA 30092 (678) 684-6202 WWW.RZCONSULTANTS.COM

A DIVISION OF PLANNERS AND ENGINEERS COLLABORATIVE WWW.PECATL.COM

JOB # 18062.00

217 SOUTH MAIN

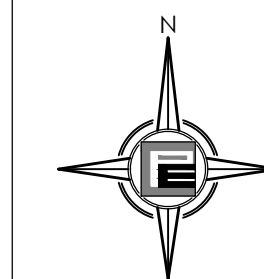
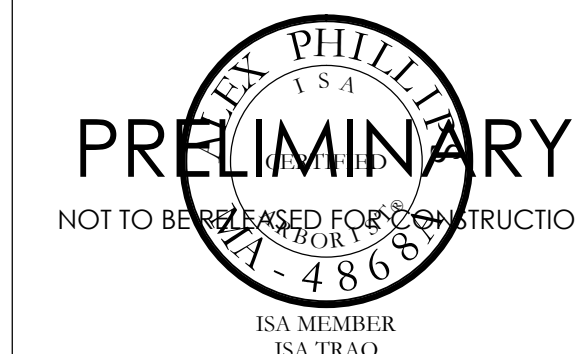
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SHEET TITLE

SPECIMEN TREE
LOCATION



SCALE: 1" = 30'
DATE: FEB 27, 2018
PROJECT: 18062.00



SHEET #

SPE

1 OF 1

This drawing is the property of Planners and Engineers Collaborative and is not to be copied in whole or in part. It is not to be used on any other project and is to be returned upon request.
Planners and Engineers Collaborative ©

SPECIMEN TREE REPORT

CITY OF ALPHARETTA



Tree Report for:
Mayfair Street Partners
26 Milton Avenue
Alpharetta, GA 30009

Property Address:
217 South Main @ Roswell St.
City of Alpharetta
Fulton County

Project 18062.00

Survey Date 2/27/2018



TREE CONSULTANTS

350 RESEARCH CT. PEACHTREE CORNERS, GA 30092
PHONE: 770-451-3915
A PEC DIVISION

Consulting Arborist
Alex Phillips, ASLA
ISA Certified Arborist #MA-4868A
Tree Risk Assessment Qualified

217 South Main

Specimen Tree Inventory

Some trees on a site warrant special consideration and encouragement for preservation. The intent of these specifications is to provide the necessary information to facilitate project design, plan review and enforcement processes. The City of Alpharetta Specimen tree specifications are organized by size:

- Flowering Understory trees over 8" DBH
- Sourwood trees over 10" DBH
- Beech, Blackgum, Persimmon, Sassafras trees over 20" DBH
- Magnolia trees over 20" DBH
- Cedrus and Thuja trees over 20" DBH
- Overstory Hardwood over 24" DBH
- Poplars and Sweetgums trees over 30" DBH
- Pine trees over 30" DBH

Any tree that does not meet the following requirements as set forth by the International Society of Arboriculture shall be deemed poor in condition, a danger to human life and property and removed from the site.

- Life expectancy less than 15 years
- A trunk with visible decay
- More than one major and several minor dead limbs (hardwoods)
- Major insect or pathological problems

Landscape Tree Inventory

Landscape trees and trees of quality on a site may warrant consideration for preservation. Landscape trees include street trees, parking lot trees and boundary trees. Trees of quality include smaller non specimen trees that are in groupings or groves that have special interest and character.

Site Location

The site is in a developed area of Fulton County, and is approximately 1.3 acres in size. Three business buildings are located on the property, in addition to a parking lot. A well-cut ditch is present in the north west area of the property. However, no running water is



217 South Main

present. Topography varies throughout, and the sharpest grades were noted behind and along-side the buildings.

There are numerous trees on site, but few are of specimen size. Those that qualify as specimens per Alpharetta specifications are located primarily on property lines and along parking lots. Overstory species in these locations are predominantly Water Oak, Southern Red Oak, Pine, Elm, and Hickory. There is minimal flowering understory. Some Dogwoods were noted, but were not large enough to qualify as specimens. Additionally, a large number of trees that line the neighboring parking lot are Bradford Pears. Overall, the site appears to be healthy, and free from insect and disease.

Definitions

Tree Number: Trees are tagged with an aluminum disk that shows a unique number to identify the tree.

Species: Trees are listed by a regional common name and botanical name.

Diameter at Breast Height (DBH): The diameter of a trunk at 4.5' above ground level.

Measured in inches.

Condition:

Good: A specimen tree with healthy productive tip growth. A sound trunk with no visible damage or decay. No major limb loss and healthy branch unions. No visible insect or disease infestations. Life expectancy of more than 15 years.

Fair: A specimen tree with healthy but not vigorous tip growth. Less than 30% of crown is dead. No major dead limbs and no major trunk cavities or damage. Branch unions show some signs of stress. Tree is expected to live longer than 10 years.

Poor: More than 30% of the crown is dead or has significant tip die back. More than one major limb is dead and are large trunk cavities with visible decay. Severe insect or disease damage leading to immediate death. Roots are visible and show signs of decay and rot. Life expectancy is less than 5 years.

Dead: Tree has no bud or leaf production. All limbs are barren and rot is visible.

Invasive: Tree species whose native range is not within the Piedmont classification.

Hazardous: Severe or uncorrectable damage that will lead to a loss of property or life if there is tree failure.



217 South Main

Specimen Tree Report

Tree #	Species	DBH	Condition	Comments
901	<i>Quercus nigra</i> Water Oak	55"	Non-Specimen	NST #1: Cracks with included bark. Pic #1
902	<i>Quercus nigra</i> Water Oak	37"	Specimen	Tree is in good health.
903	<i>Quercus nigra</i> Water Oak	29"	Specimen	Tree is in good health.
904	<i>Quercus nigra</i> Water Oak	24"	Specimen	Tree is in good health.
905	<i>Quercus falcata</i> Southern Red Oak	48"	Specimen	Tree is in good health.
906	<i>Pinus spp.</i> Pine	30"	Specimen	Tree is in good health.
907	<i>Quercus nigra</i> Water Oak	26"	Specimen	Tree is in good health.

Specimen Tree Summary: Nearly all of the specimen sized trees on site meet the City of Alpharetta standard for specimen trees.

Total Specimen Sized Trees: 7
Specimen Condition: 6
Non-Specimen Condition: 1



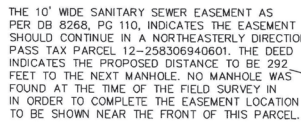
217 South Main

Photo Evidence



Pic # 1: Cracks with included bark.
NST #1

Specimen Tree Location



SHEET #

SPE

1 OF 1

SPECIMEN TREE LEGEND	
	SPECIMEN TREE & CRZ (1' RADIUS TO 1.3" DBH)
	NON SPECIMEN TREE
	TREE TO BE SAVED
	OFFSITE TREE TO BE SAVED

ADDITIONAL NOTES

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2. THE FIELD DATA UPON WHICH THIS MAP IS BASED HAS A PRECISION OF SUB 1-METER.
3. EQUIPMENT USED:
HORIZONTAL - TRIMBLE GEO 7X SERIES

[illegible]

SHEET TITLE

**SPECIMEN TREE
LOCATION**



0 15 30 60 90

SCALE: 1" = 30'

DATE: FEB 27, 2018

PROJECT: 18062.00

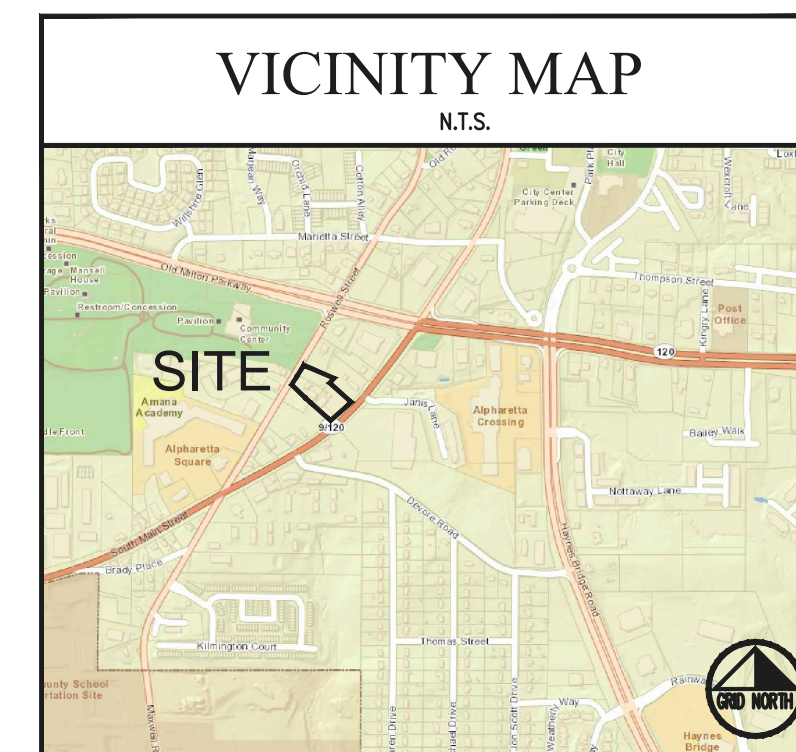
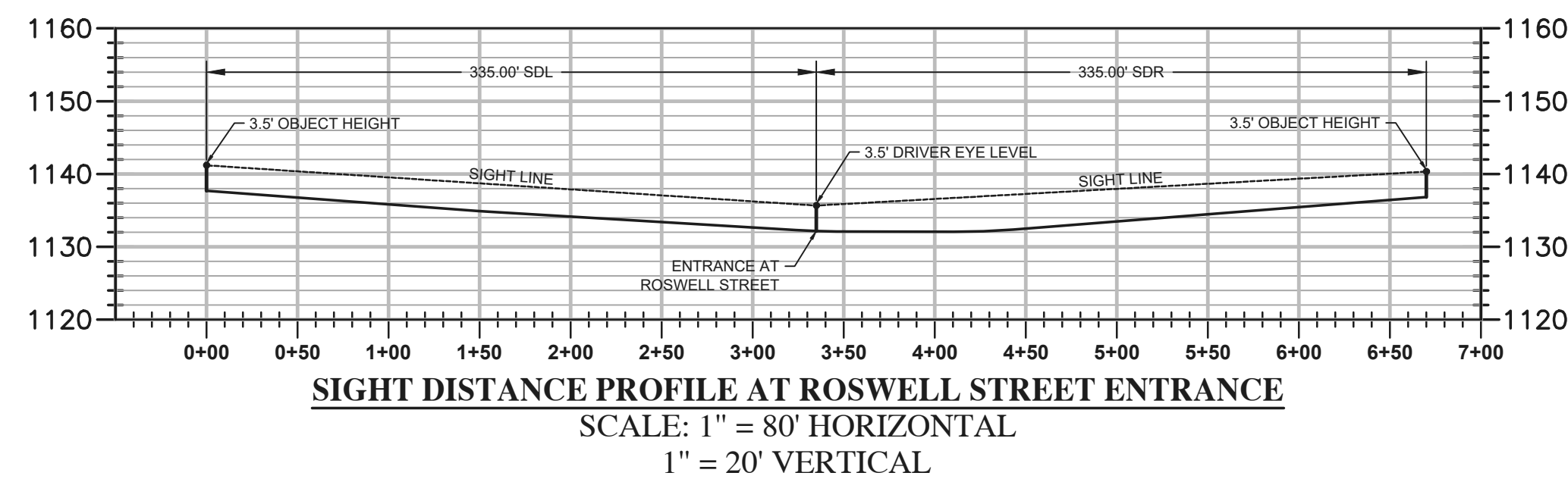


PRELIMINARY

NOT TO BE RELEASED FOR CONSTRUCTION

ISA MEMBER
ISA TRAQ





SITE DATA

ADDRESS: 217 SOUTH MAIN STREET
PARCEL NO. 12-2583-0694-0601 (221 SOUTH MAIN ST)
PARCEL NO. 12-2583-0694-0627 (0 ROSWELL ST)
PARCEL NO. 12-2583-0694-0221 (200 ROSWELL ST)

ORIGINAL GROSS SITE AREA: 79,246 SF (1.82 ACRES)
GEORGIA DOT DEDICATED ROW: 716 SF
SITE AREA AFTER PROPOSED ROW: 78,530 SF (1.80 AC)

ZONING:
CURRENT ZONING: C-2
PROPOSED ZONING: DT-MU
ZONING JURISDICTION: CITY OF ALPHARETTA, GEORGIA

PROPOSED USE:
RESIDENCES: SINGLE FAMILY ATTACHED
24 TOWNHOMES (3 BEDROOMS EACH)
PROPOSED DENSITY: 24 UNITS = 13.33 UNITS PER ACRE
(With Conditional Use Permit)

MINIMUM AMENITY SPACE: 10% (7,853 SF)
PROPOSED AMENITY SPACE: 30% (24,100 SF)

MAXIMUM BUILDING LOT COVERAGE: 80% (62,824 SF)
PROPOSED BUILDING LOT COVERAGE: 25% (27,100 SF)

SETBACKS:
FRONT YARD: 5' MIN, 10' MAX
SIDE YARD: 0' MIN
REAR YARD (NO Alley): 6' MIN
REAR YARD (ALLEY): 3' MIN

MAX BUILDING HEIGHT: 60' (4-STORY)
PROPOSED BUILDING HEIGHT: 55' (4-STORY)

PARKING REQUIREMENTS:
1 SPACE PER BEDROOM = 72 SPACES
0.5 VISITOR SPACE PER UNIT = 12 SPACES
TOTAL PARKING REQUIRED = 84 SPACES

PROPOSED GARAGE SPACES: 48 SPACES
PROPOSED DRIVEWAY SPACES: 48 SPACES
PROPOSED SITE SPACES: 7 SPACES
TOTAL PARKING PROVIDED = 103 SPACES

 **paradigm**
Engineering Services, Inc.
Seven Dunwoody Park
Suite 115
Atlanta, GA 30038
(770) 605-6030
www.Paradigmna.net

Project No.	P-2115
Design By:	WBD
Drawn By:	RAC
Checked By:	WBD
Date:	6/29/21
Scale:	1" = 20'

[illegible]

MF-217 Main, LLC
26 MILTON AVENUE
ALPHARETTA, GEORGIA 30009
OFFICE: (678) 802-4912

ZONING SITE PLAN
217 South Main
217 SOUTH MAIN STREET
LAND LOT 694, DISTRICT 1, SECTION 2
CITY OF ALPHARETTA, FULTON COUNTY, GEORGIA 30009

Drawing No.
Z1.0

OPEN SPACE DATA

GROSS LOT AREA: 78,530 SF SF (1.80 ACRES)
MINIMUM CIVIL OPEN SPACE: NONE (LOT LESS THAN 5.0 AC)
MINIMUM AMENITY OPEN SPACE: 10% OF LOT = 7,853 SF

PROVIDED PRIVATE AMENITY SPACE: 30% (2,4100 SF)

LEGEND

	PROPOSED LIGHT POLE
	FUTURE GDOT STRIPING
	PROPOSED STRIPING
	PROPOSED MOVEMENT
	PROPERTY LINE
	PROPOSED GDOT ROW
	PROPOSED GDOT SIDEWALK
	POURED CONCRETE WALL
	FUTURE GDOT CURB & GUTTER
	PROPOSED CURB & GUTTER
	EXISTING CURB & GUTTER

NOTES

1. BOUNDARY, CIVIL BASE, AND TOPOGRAPHIC INFORMATION WAS TAKEN FROM THE ALTA/NSPS SURVEY BY PLANNERS AND ENGINEERS COLLABORATIVE, INC., DATED OCTOBER 10, 2018
2. NO WELLS OR SEPTIC SYSTEMS ARE PROPOSED OR EXIST ON SITE.
3. ALL HANDICAP RAMP FORMS MUST BE APPROVED BY CITY LAND DISTURBANCE INSPECTOR PRIOR TO CONCRETE POUR.
4. ALL PROPOSED PAVING AND CURB PER ALPHARETTA STANDARD 901.

*****CAUTION*****

THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTORS CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL UTILITIES WITHIN THE LIMITS OF THE WORK. ALL DAMAGE MADE TO EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

GEORGIA811
Utilities Protection Center, Inc.

Know what's below
Call 811 or (800) 282-7411
Before You Dig

24 HOUR CONTACT: JOHN BONIFACE (352) 425-3356

GRAPHIC SCALE

(IN FEET)
1 inch = 20 ft

24 HOUR CONTACT: JOHN BONIFACE (352) 425-3356



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: MP-21-09/CLUP-21-05/V-21-25 HEMBREE COUSINS WESTSIDE MP/EMPIRE COMMUNITIES

PLANNING COMMISSION: NOVEMBER 4, 2021

CITY COUNCIL: NOVEMBER 15, 2021

II. STAFF RECOMMENDATION:

Approve MP-21-09/CLUP-21-05/V-21-25 Hembree Cousins Westside MP/Empire Communities, subject to the following conditions:

1. The property shall be developed substantially as depicted on the plan prepared by PEC, revised 10/11/21, except for modifications required to comply with these conditions. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning. Current stream buffers and flood plain information shall be required for LDP and may impact lot yield.
2. The Comprehensive Land Use Plan designation of the property shall be 'High Density Residential'.
3. 'Dwelling, 'For-Sale' Attached' shall be listed as a permitted use in the Cousins Westside Master Plan Pod A, with a maximum density of 7.89 dwelling units per acre.
4. Hembree Road shall have a maximum building setback of 50' and Morrison Parkway shall have a maximum building setback of 70'.
5. Architecture and materials shall be developed substantially similar to the submitted renderings prepared by Troy King, labeled Exhibit A, subject to final approval by Staff. Townhome side elevations facing Hembree Road shall have a minimum 4' deep porch and other details depicted on the submitted renderings, as approved by Staff.
6. EcoDistrict measures shall be substantially similar to the description in the applicant's letter of intent, dated 9/1/21. Developer shall provide detailed information at LDP and building permit regarding compliance with each requested EcoDistrict measure. EcoDistrict points to be confirmed by Staff.
7. Minimum 5,000 square foot civic space shall be developed at the corner of Morrison Parkway and Hembree Road, including decorative hardscape, landscape, and Empire North Point EcoDistrict Monument Concept, with final approval by Cultural Arts Commission. Hardscape, landscape and monument shall be maintained by the HOA.
8. Minimum 2.86 acres of open space shall be reserved and improved substantially as depicted on the plan prepared by PEC, revised 10/11/21, except that Bark Park shall be amenity space and corner of Hembree Road and Morrison Parkway shall be civic space (see condition #7 above). A permanent easement shall be dedicated to the City for public access over required civic space. The HOA shall be responsible for maintenance of all open space.
9. Stormwater management facility depicted in an amenity area shall have a natural appearance, as approved by Staff. Smart stormwater design techniques shall be employed to address run-off reduction, as approved by Staff.
10. Privacy fences and unfinished wood decks shall not be visible from the public right-of-way.
11. Townhomes shall have connectivity to the public sidewalk system. Sidewalk connection shall be required between Hembree Road and new internal street through the project entrance.
12. Units 1-4 shall have a minimum 18' long driveway, not including the required sidewalk. All units shall have minimum 18' long driveways.

13. New internal street shall be improved with 9' travel lanes, 8' parallel parking on one side of street, minimum 4' planter and minimum 5' sidewalk on one side of the street (not including alleys) and 10' landscape strips on both sides of the street, as approved by Staff. Decorative pedestrian lighting shall be required throughout the development. Internal streets shall be private and maintained by the HOA.
14. Alleys and driveways adjacent to Hembree Road shall be heavily screened with a decorative wall and/or decorative screening landscape material, as approved by Staff.
15. Where appropriate, 5' side and rear setbacks along the north and east property lines and around the City-owned parcel shall include the required 5' landscape strip, with final approval by Staff.
16. Minimum 50' natural buffer, including saving specimen trees, trees of quality and tree groupings, shall be maintained along the north property line, as approved by Staff. Buffer shall be enhanced with both decorative and screening landscape material.
17. Minimum 6' pervious trail shall be constructed through the natural buffer and civic space as depicted on the plan prepared by PEC, revised 10/11/21. Elevated trail sections shall be provided through the wetlands and stream crossing, final approval by Staff. Trail improvements shall include lighting and benches, as approved by Staff. Developer shall dedicate a permanent public access easement over the trail, as approved by Staff.
18. Developer shall dedicate any necessary right-of-way along Hembree Road and Morrison Parkway to accommodate streetscape improvements and future roadway improvements.
19. Developer shall provide a center left-turn lane on Hembree Road at the project entrance, as approved by Staff.
20. Project entrance shall have a divided median planted with decorative landscaping, as approved by Staff.
21. Remove exotic and invasive trees and shrubs within stream buffer, as approved by Staff. Replant the stream buffer, where sparse, to buffer standards with native trees, shrubs and groundcover. Plantings shall be 80% evergreen and 20% deciduous. Recompense tree planting may be used towards the stream buffer replanting.
22. Elevation certificates shall be required for townhomes adjacent to floodplain.
23. Stormwater pond dam shall not be within the sanitary sewer easement and sewer pipe shall not encroach into the pond dam.
24. The following specimen trees shall be saved: #383 – 32" Sweetgum, #386 – 38" Southern Red Oak, #387 – 8" Dogwood, #388 – 30" Pine, #392 – 30" Pine.
25. 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, Empire Communities, is requesting an amendment to Cousins Westside Master Plan Pod A to add 'Dwelling, 'For-Sale' Attached' to the list of permitted uses in order to allow for the construction of 58 'For-Sale' townhome units on 7.35 acres. The proposed density is 7.89 dwelling units per acre. The applicant requests a change to the Comprehensive Land Use Plan designation from 'Business, Manufacturing, Warehousing, Light Industrial' to 'High Density Residential' and variances to modify North Point Overlay site design and streetscape standards, amend block requirements, and eliminate landscape strip requirements along the new internal street. The subject property is located at 3000 Hembree Road, at the northeast corner of Hembree Road and Morrison Parkway.

DISCUSSION

The submitted request, if approved, would allow for the development of 58 'For-Sale' townhome units on 7.35 acres with a proposed density of 7.89 dwelling units per acre. The property is zoned CUP (Community Unit Plan) and is subject to the Cousins Westside Master Plan Pod A, which allows office and neighborhood commercial uses. A master plan amendment, comprehensive land use plan amendment and variances are requested to allow the proposed development.

The subject property is located at 3000 Hembree Road, at the northeast corner of Hembree Road and Morrison Parkway.

The undeveloped property has an unusual shape and surrounds a city-owned property that was used for a wetland mitigation bank and is primarily floodplain. A portion of the property was previously cleared and graded in conjunction with a project known as Nexgen Westside, which was never developed. Surrounding properties are zoned CUP and L-I (Light-Industrial) to the west, CUP to the south, O-I (Office-Institutional) to the east and City of Roswell to the north. Non-residential uses surround the property, including the Shell gas station, U-Haul rental and undeveloped commercial property to the west, FedEx Shipping Center to the east, and North Point Center Research Park to the south. The comprehensive land use plan designation of the property is 'Business, Manufacturing, Warehousing, Light Industrial', of which the applicant proposes an amendment to 'High Density Residential'.

The Cousins Westside Master Plan was approved in 2003 for a 219-acre mixed use development allowing commercial office, hotel, education, assisted/senior living, 'For-Sale' residential and 'For-Rent' senior apartments. Pod A was approved for office and neighborhood commercial uses at 20,000 square feet per acre. A master plan amendment (MP-06-10) was approved on Pod A in 2007 for Nexgen Westside, which was a 147,000 square foot office development that was never developed due to the 2008 economic recession. The master plan amendment allowed for an increase to the height of the office buildings from four (4) to five (5) stories. However, for consideration, this master plan has not provided the neighborhood commercial and most developed with residential, limiting access to neighborhood goods and services.

The property is located on the northern edge of the North Point Overlay. Just south of Hembree Road, Westside Parkway begins to transition from suburban office buildings to residential uses. The Overlay includes a vision to become a walkable, mixed-use village with a focus on sustainability, greenspace and connectivity. A market potential of 183 – 197 'For-Sale' residential units, over the next five (5) years, is identified in the 2018 North Point LCI update.

The requested variances are outlined in the table below. The unusual shape of the property, being a corner lot, as well as the existence of floodplain, stream buffers and site topography are listed by the applicant as the hardships justifying the requested variances.

Applicant's Requested Variances

UDC Section	Applicant's Request	Staff Comments
North Point Overlay - Site Layout & Streetscape Standards	Eliminate sidewalk one side of new internal streets, reduce sidewalk width one side of new internal street, eliminate landscape strips both sides of new internal street, eliminate planter one side of new internal street, increase max. building setback on Hembree Rd from 10' to 50', and increase max. building setback on Morrison Pkwy from 60' to 70'	Generally supported, subject to changes. New internal street should have a 4' planter and 5' sidewalk on one side of street and 10' landscape strips on both sides of the street
North Point Overlay – Blocks & Access	Eliminate block, stub-out street and vehicle cross-access	Supported, due to the presence of City-owned property, stream buffers and floodplain

SITE PLAN

The submitted site plan depicts a 58-unit 'For-Sale' townhome development with access from Hembree Road. Townhomes are internally oriented within the development, with side elevations facing Hembree Road and one (1) townhome building facing Morrison Parkway. Townhomes are proposed with a 22' x 38' footprint. Units 1-29 and 53-58 are depicted to be rear entry and Units 34-52 are front entry. New internal streets and alleys are private. A 50' natural buffer is depicted along the northern property line. Building setbacks and landscape strips are outlined below.

- Hembree Road – 50' building setback and 10' landscape strip
- Morrison Parkway – 70' building setback and 20' landscape strip
- Side/Rear (Perimeter) – 5' building setback and 5' landscape strip

A twelve-foot (12') sidewalk and six-foot (6') planter are depicted along Hembree Road and a twelve-foot (12') sidewalk and ten-foot (10') planter are depicted along Morrison Parkway. The new internal private street is depicted to a 45' right-of-way width, including a 26' paved width, four-foot (4') planter and five-foot (5') sidewalk on one (1) side of the street. Alleys are shown with a 24' paved width.

The Unified Development Code (UDC) Parking regulations and North Point Overlay requirements would require 139 parking spaces for the 58 townhomes. Parking in the North Point Overlay includes a required 20% reduction in parking, due to the abundance of parking and having the largest number of bus routes in the City. Each townhome will accommodate two (2) side-by-side parking spaces in a garage, as well as two (2) spaces in the code-compliant 18' driveway, for a total of 232 parking spaces. Eight (8) guest parking spaces are provided throughout the development.

The North Point Overlay requires a minimum five percent (5%) amenity space and ten percent (10%) civic space, or a total of 1.1 acres of open space. The site plan depicts 2.86 acres, or 39%, of the property as open space. Civic space is depicted wrapping the north and east sides of the property and includes a 50' natural buffer adjacent to the City of Roswell property, which is proposed to be improved with a bark park and six-foot (6') pervious trail. The trail provides a connection between Hembree Road and Morrison Parkway along the north and east property lines. The corner of Morrison Parkway and Hembree Road is depicted as amenity space; however, that area should be reflected as civic space and including that applicant's proposed North Point EcoDistrict monument concept. Additional amenity area is depicted around and between townhome building groupings.

A stormwater management facility is depicted to be internal to the site and behind Units 34-46, which is adjacent to the City's property. Most of the property was previously cleared and graded, consisting primarily of smaller Pines. The applicant provided a tree report, which indicates that five (5) specimen trees will be saved.

According to the applicant, the 3-bedroom townhomes will range in size from 1,900 to 2,200 square feet with price points from \$449,000 to \$500,000. Renderings were provided depicting 3-story townhomes with a brick 1st floor and board and batten on the 2nd and 3rd floors. A recessed front entry is provided from the 1st floor and a mix of extended and recessed porches are provided on the 2nd floor. End units include porch extensions. Architectural details and materials are provided on all four (4) sides of the homes.

ECODISTRICT

The North Point Overlay requires that EcoDistrict measures be incorporated into all new developments, of which a minimum seven (7) EcoDistrict points are required. According to the applicant's letter of intent, the development proposes eleven (11) EcoDistrict points. EcoDistrict points are requested for Building Energy Efficiency, Bio-retention and Sustainable Landscaping, Enhanced Bicycle Amenities and Additional Landscaped Civic Space.

EcoDistrict Measure	Description	Available Points	Requested Points
Building Energy Efficiency	Home construction will demonstrate an average 10% improvement over City's energy code	3	3
Bio-retention & Sustainable Landscaping	Bio-retention and drought-tolerant landscaping to be scattered throughout the development	2	2
Enhanced Bicycle Amenities	Provide bicycle amenities to encourage alternative transportation, such as bicycle repair station and supplemental bicycle parking	1	1
Additional Landscaped Civic Space	An additional 12% of landscaped civic space is proposed (min. 10% required, or 0.735 acres / 22% proposed, or 1.635 acres)	1-5	5
TOTAL		7 - 11	11

TRAFFIC

The applicant provided a trip generation tabulation, as depicted below, which shows that the proposed townhomes would generate 26 AM Peak Hour trips and 30 PM Peak Hour trips. When compared to the existing office approval on the property, the zoning proposal would generate 204 fewer trips in the AM Peak Hour and 189 fewer trips in the PM Peak Hour.

Trip Generation Tabulation

Prop Townhomes (ITE 230) (58 Townhomes)

	Units	Rate	Total
Weekday	58	5.81	336.98
AM Peak	58	0.44	25.52
PM Peak	58	0.52	30.16

Ex. CUP- Office (ITE 710) (147,000 sf of Office)

	Units	Rate	Total
Weekday	147	11.03	1621.41
AM Peak	147	1.56	229.32
PM Peak	147	1.49	219.03

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 – 58 Single-Family Townhome Units

School	Single Family Average #
Manning Oaks Elementary School	0 to 11 students
Northwestern Middle School	0 to 3 students
Milton High School	0 to 19 students
TOTAL	0 to 33 students

Based on the total figure for all three school levels, it can be assumed that the proposed development could house approximately 0 – 33 school age children. Numbers provided by Fulton County Schools show that Milton High School is over capacity and Manning Oaks Elementary School and Northwestern Middle School are at capacity.

COMPREHENSIVE LAND USE PLAN

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

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

Response: The property is located within the North Point Overlay, which includes a vision to create a mixed-use, walkable environment with an emphasis on sustainability, greenspace and connectivity. The proposed residential development would add to the mix of uses in the area and includes wide sidewalks and substantial greenspace.

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 goals and policies in the City's Comprehensive Plan that promote a walkable, mixed-use environment in the North Point area.

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

Response: The proposed change in use from office to residential would generate significantly fewer vehicular trips. A substantial amount of open space, both civic and amenity, is provided on the site to address the needs of the townhome residents and general public.

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

Response: The property is located within the North Point Overlay, which includes a vision to create a mixed-use, walkable environment with an emphasis on sustainability, greenspace and connectivity. The proposed residential development would add to the mix of uses in the area and includes wide sidewalks and substantial greenspace.

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

Response: The property is located within the North Point Overlay, which includes a vision to create a mixed-use, walkable environment with an emphasis on sustainability, greenspace and connectivity. The proposed residential development would add to the mix of uses in the area and includes wide sidewalks and substantial greenspace.

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

Response: Not applicable.

STANDARDS FOR MASTER PLAN AMENDMENT

The Planning Commission and the City Council shall consider the following standards in considering a master plan amendment or 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: Cousins Westside Master Plan Pod A was designated for office use, which is consistent with the development pattern along Morrison Parkway. The property is located within the North Point Overlay, which envisions a mixed-use, walkable environment with an emphasis on sustainability, greenspace and connectivity. However, for consideration, this master plan has not provided the neighborhood commercial and most developed with residential, limiting access to neighborhood goods and services. If approved, conditions are recommended that further the concepts of an EcoDistrict.

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

Response: Cousins Westside Master Plan Pod A was designated for office use, which is consistent with the development pattern along Morrison Parkway. The property is located within the North Point Overlay, which envisions a mixed-use, walkable environment with an emphasis on sustainability, greenspace and connectivity. However, for consideration, this master plan has not provided the neighborhood commercial and most developed with residential, limiting access to neighborhood goods and services. If approved, conditions are recommended that further the concepts of an EcoDistrict.

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

Response: The proposed development should not adversely impact the natural environment. The applicant's site plan identifies several specimen tree saves and respects the stream buffers. In addition, most of the property was previously cleared and graded in association with a prior development that was never constructed.

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

Response: Cousins Westside Master Plan Pod A was designated for office use, which is consistent with the development pattern along Morrison Parkway. The property is located within the North Point Overlay, which envisions a mixed-use, walkable environment with an emphasis

on sustainability, greenspace and connectivity. However, for consideration, this master plan has not provided the neighborhood commercial and most developed with residential, limiting access to neighborhood goods and services. If approved, conditions are recommended that further the concepts of an EcoDistrict.

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

Response: The proposed change in use from office to residential would produce fewer vehicular trips than an office use, reducing traffic impacts. The change to residential would have a greater impact on public facilities and services, such as parks and schools.

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

Response: Cousins Westside Master Plan Pod A was designated for office use, which is consistent with the development pattern along Morrison Parkway. The property is located within the North Point Overlay, which envisions a mixed-use, walkable environment with an emphasis on sustainability, greenspace and connectivity. However, for consideration, this master plan has not provided the neighborhood commercial and most developed with residential, limiting access to neighborhood goods and services. If approved, conditions are recommended that further the concepts of an EcoDistrict.

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 change the use of the property from office to residential reflects a reasonable balance, if conditions are included that further the concept of the area becoming an EcoDistrict.

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

Response: Cousins Westside Master Plan Pod A was designated for office use, which is consistent with the development pattern along Morrison Parkway. The property is located within the North Point Overlay, which envisions a mixed-use, walkable environment with an emphasis on sustainability, greenspace and connectivity. However, for consideration, this master plan has not provided the neighborhood commercial and most developed with residential, limiting access to neighborhood goods and services. If approved, conditions are recommended that further the concepts of an EcoDistrict.

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

Response: The zoning proposal does not meet the Comprehensive Land Use Plan designation of the property, which is 'Business, Manufacturing, Warehousing and Light Industrial'. The applicant proposes an amendment to the Comprehensive Land Use Plan designation of the property to 'High Density Residential'.

VARIANCE REVIEW CRITERIA

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

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

Response: The property has an unusual shape, surrounding a city-owned parcel, and is a corner lot with road frontage on two (2) sides. In addition, there are streams, wetlands and floodplain on both the applicant's property and the City-owned property.

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

Response: The application of the UDC would create an unnecessary hardship to the property given the unusual shape of the property, the presence of stream and floodplain and two (2) road frontages on the property.

(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 has an unusual shape, surrounding a city-owned parcel, and is a corner lot with road frontage on two (2) sides. In addition, there are streams, wetlands and floodplain on both the applicant's property and the City-owned property.

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

Response: Relief, if granted, would not cause a substantial detriment to the public good. There are hardships that support the applicant's proposed variances. If approved, conditions are recommended requiring new internal streetscape improvements as identified in the applicable Staff condition, as well as a 70' maximum building setback on Morrison Parkway.

CONCURRENCES

Staff has reviewed the applicant's proposal and finds that it can generally support the request for master plan amendment, comprehensive land use plan amendment and variances. The property is located in the North Point Overlay where walkability, mix of uses, site design and EcoDistrict measures are key components to a successful development. The proposal to allow residential use would add to the mix of uses in the North Point area, bringing people closer to where they work and shop. Additionally, the proposed residential use would produce significantly fewer vehicular trips on the surrounding roadway network.

The variance requests can be generally supported given the unusual shape of the property, being a corner lot and the presence of stream buffers and floodplain. If approved, conditions are recommended requiring new internal streetscape improvements as identified in the applicable Staff condition, as well as a 70' maximum building setback on Morrison Parkway.

CITIZEN PARTICIPATION PLAN

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

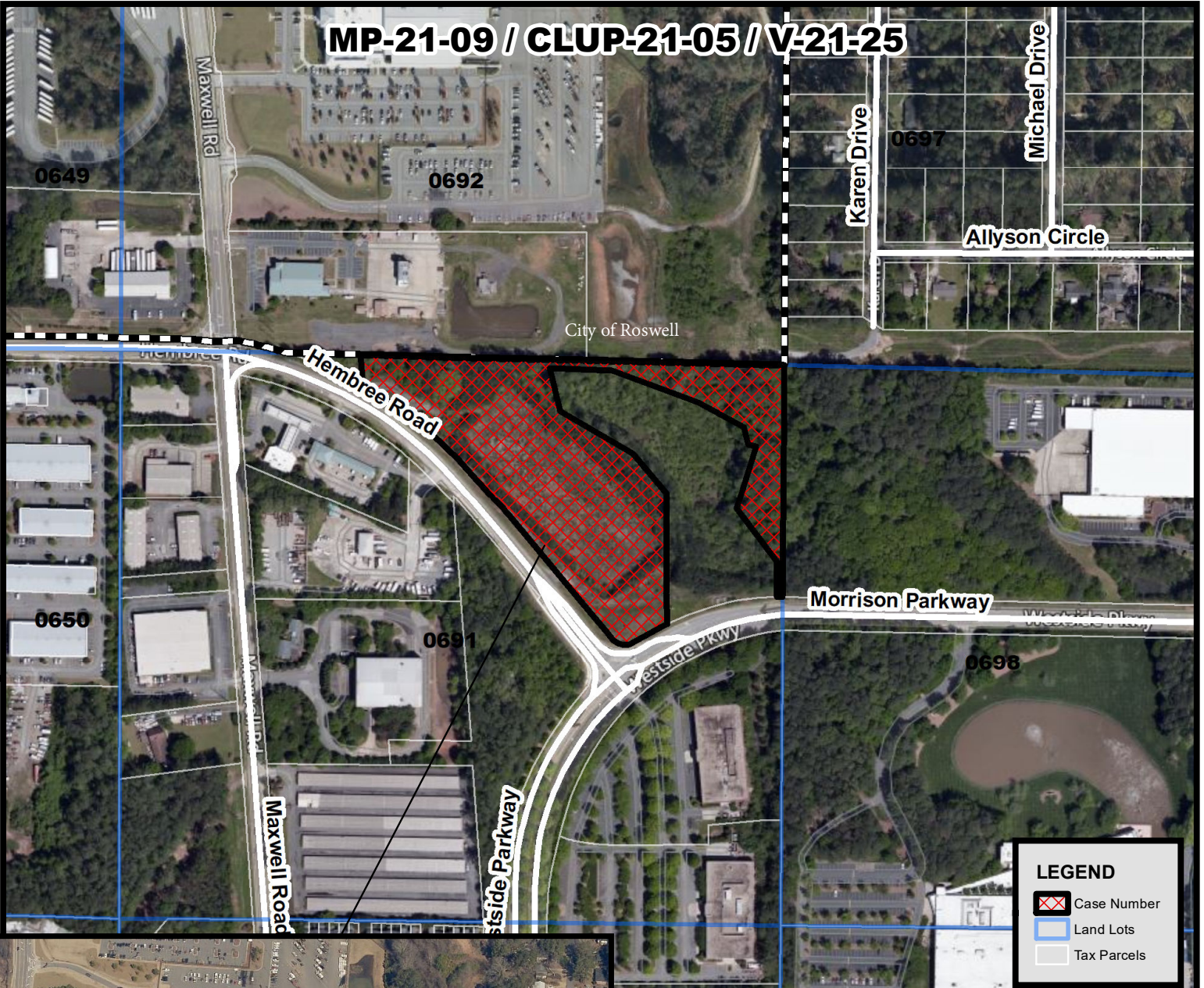
COMMUNITY ZONING INFORMATION MEETING

The CZIM was held on October 13, 2021. There were no public comments.

IV. ATTACHMENTS:

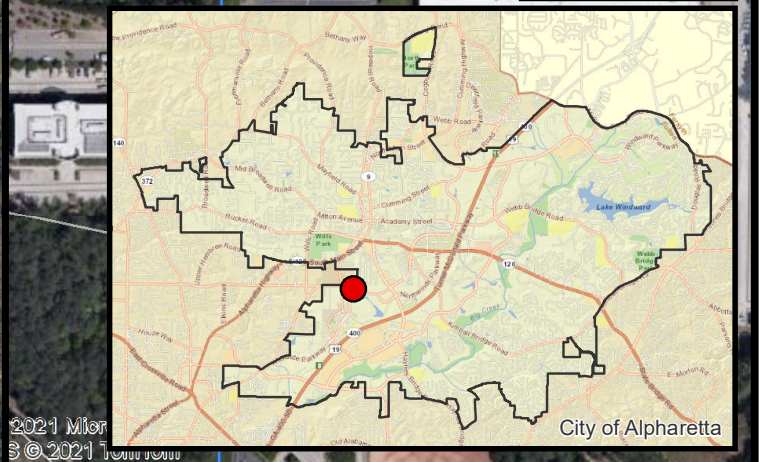
- Site Plan
- Renderings

MP-21-09 / CLUP-21-05 / V-21-25



LEGEND

- Case Number
- Land Lots
- Tax Parcels



MP-21-09/CLUP-21-05/V-21-25

D/LL: 1/2/691

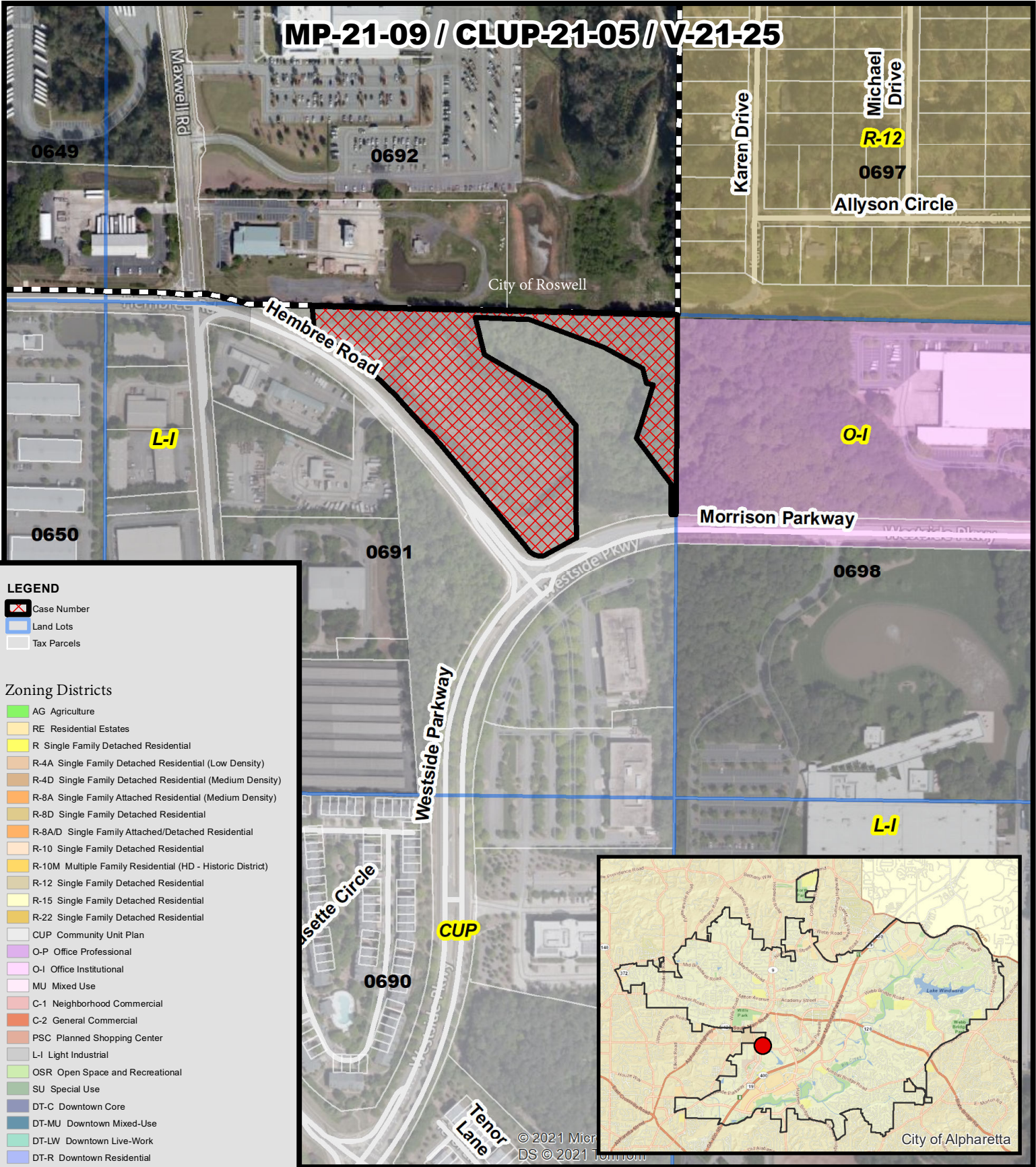
CC Date: 11/15/21



**Aerial Map
3000 Hembree Road
Empire Communities**

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

MP-21-09 / CLUP-21-05 / V-21-25



Zoning Map
3000 Hembree Road
Empire Communities

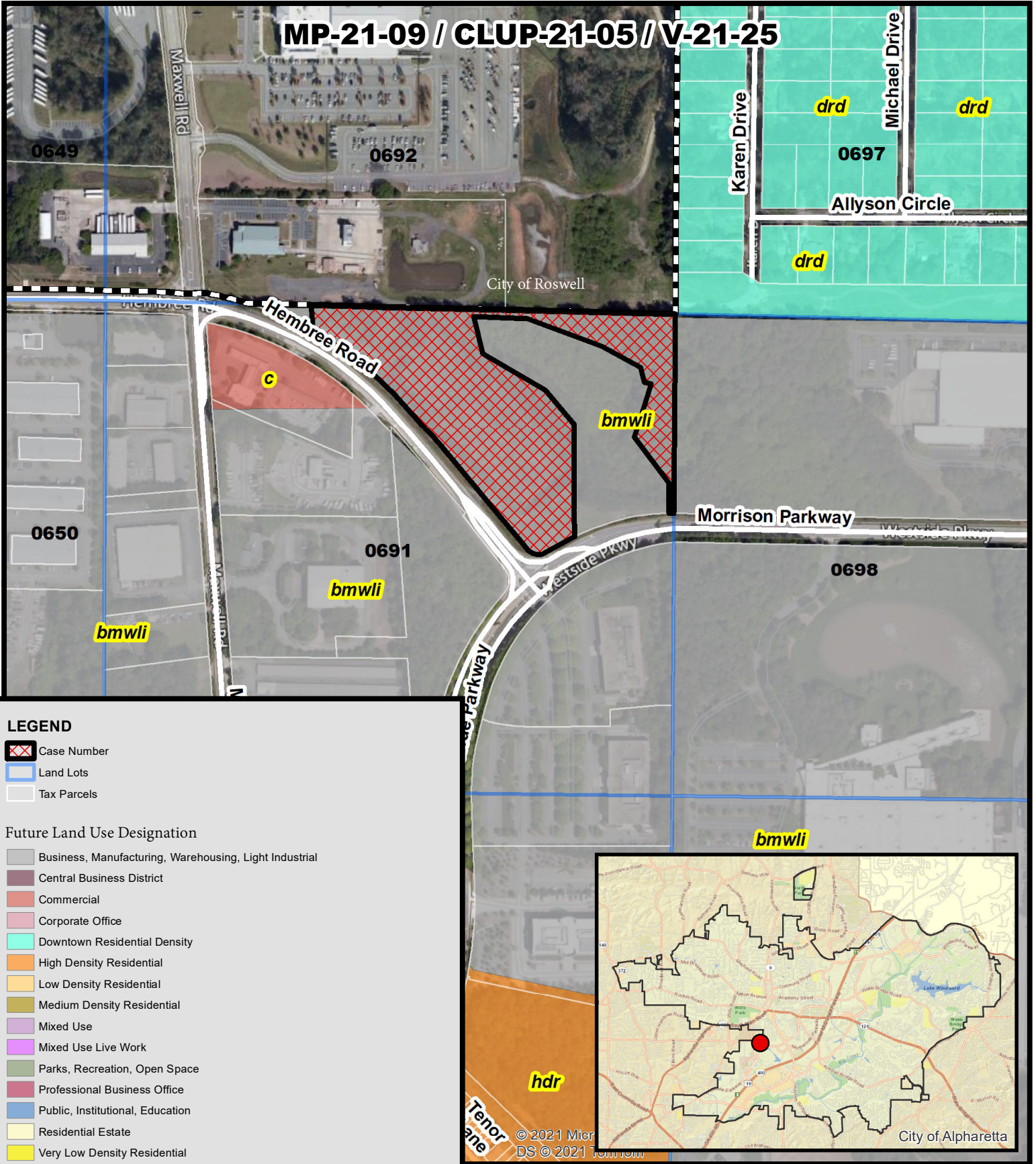
MP-21-09/CLUP-21-05/V-21-25

D/LL: 1/2/691

CC Date: 11/15/21

Location Map Provided by:
Community Development - GIS

MP-21-09 / CLUP-21-05 / V-21-25



LEGEND

- Case Number
- Land Lots
- Tax Parcels

Future Land Use Designation

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

MP-21-09/CLUP-21-05/V-21-25

D/LL: 1/2/691

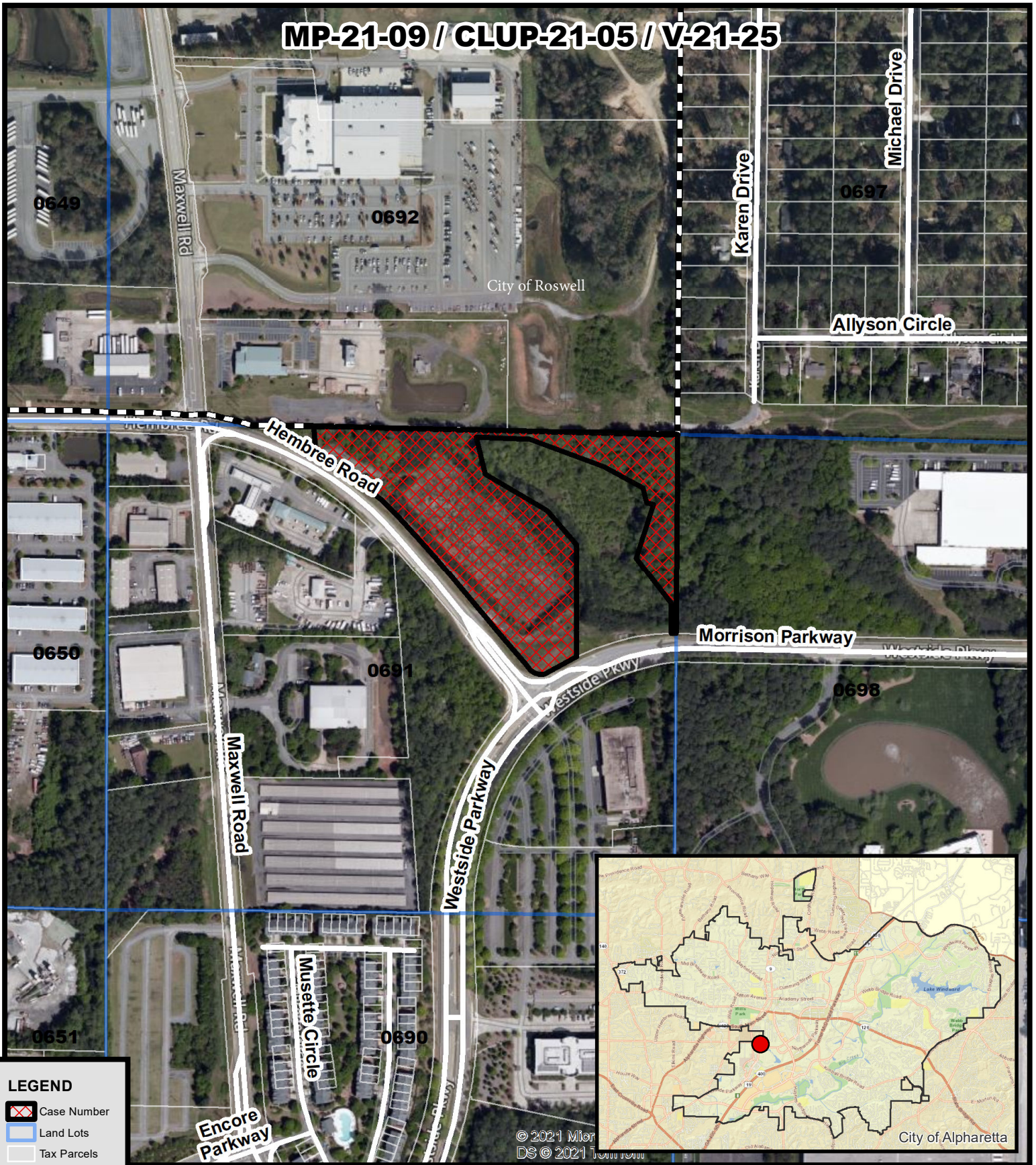
CC Date: 11/15/21



**Future Land Use
3000 Hembree Road
Empire Communities**

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

MP-21-09 / CLUP-21-05 / V-21-25



LEGEND

-  Case Number
-  Land Lots
-  Tax Parcels



**Location Map
3000 Hembree Road
Empire Communities**

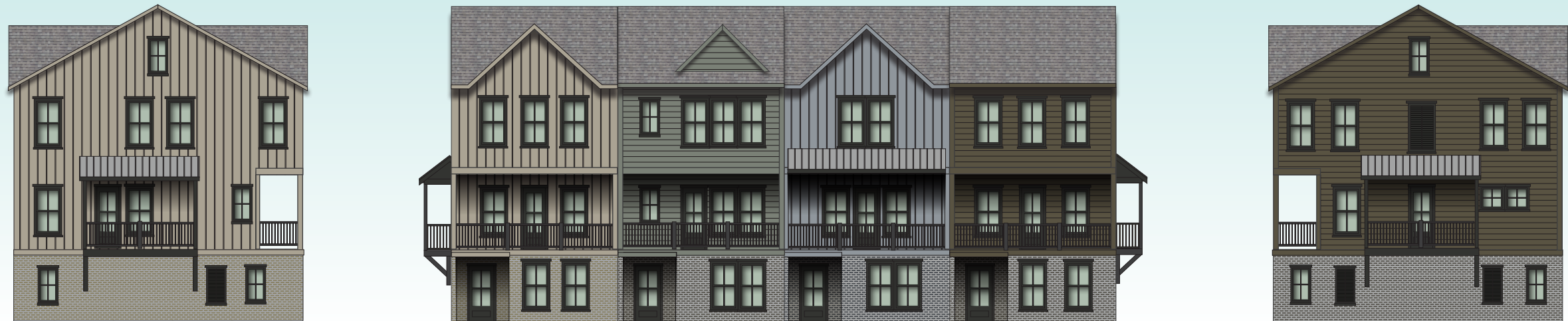
MP-21-09/CLUP-21-05/V-21-25

D/LL: 1/2/691

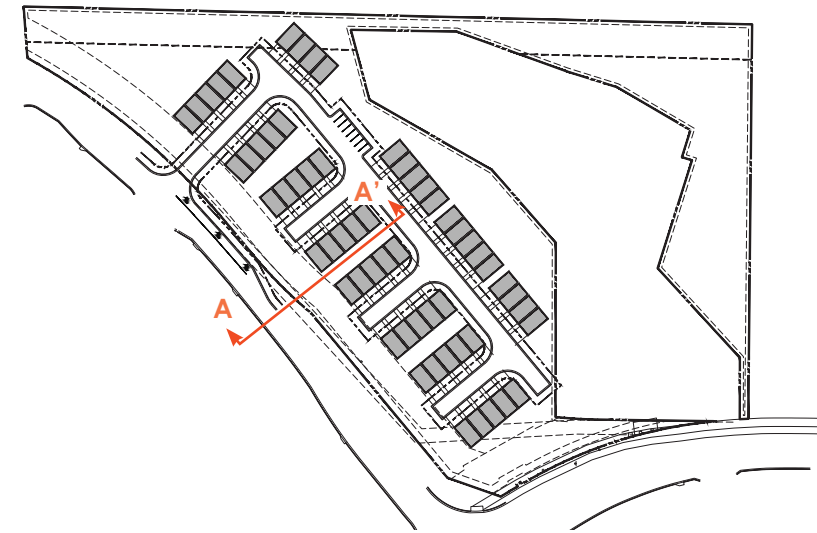
CC Date: 11/15/21

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









PROPERTY
LINE

HEMBREE ROAD

A

INTERNAL ROAD

A'



NORTH POINT
ALPHARETTA, GA





NORTH POINT
ALPHARETTA, GA



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: MP-21-09 / CLUP-21-05 / V-21-25 3000 Hembree Road Empire Communities

Contact Name: Kathryn M. Zickert Telephone: 404.815.3500

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.

N/A

* A Community Zoning Information Meeting is to be held on October 13, 2021.

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

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

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

* On September 28, 2021, notice was provided to property owners within 500 feet of the subject property. A copy of that notice letter and the mailing list are included.

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: Kathryn M Zickert Date: 10.07.2021

Print Form

Letter to 500 Foot Property Owners

1105 W. Peachtree St. NE, Suite 1000
Atlanta, Georgia 30309-3608
Tel: 404 815-3500
www.sgrlaw.com



Kathryn M. Zickert
Direct Tel: 404-815-3704
kzickert@sgrlaw.com

September 28, 2021

RE: 3000 Hembree Road, Atlanta, Georgia
Tax Parcel No.: 12-259006910712
MP-21-09 / CLUP-21-04 / V-21-25

Dear Neighbor:

You are receiving this notification because you are an owner of property within 500 feet of the above-referenced property. This notice is to invite you, if you are interested, to a Community Zoning Information Meeting to detail Empire Communities' request involving property at 3000 Hembree Road, Alpharetta, Georgia. Empire seeks permission to develop 58 attached townhomes on the tract, with access limited to Hembree Road. Their Application to the City of Alpharetta requests the following:

1. An amendment to the existing Westside Master Plan (MP-03-02) for development of the tract;
2. Amend the Comprehensive Future Land Use Plan from Business / Manufacturing / Warehousing / Light Industrial to High Density Residential; and
3. Concurrent variances from 2.10.3, 2.10.4, and 2.10.5.B of the City of Alpharetta UDC.

The Community Zoning Information Meeting (CZIM) for this request will be held on Wednesday, October 13, 2021 at 6:00 p.m. via Zoom: <https://zoom.us/j/7301636794>. This is an informal meeting to allow the public to view public hearing requests, ask questions, and provide feedback. If additional meetings seem advisable, then of course we will also have them.

This item will be considered by the Planning Commission on Thursday, November 4, 2021 at 6:30 PM and City Council on Monday, November 15, 2021 at 6:30 PM. All meetings will be held in the Council Chambers at City Hall, 2 Park Plaza, Alpharetta, GA 30009.

If you have any questions regarding the request, please feel free to contact me at your convenience. I can be reached at 404.815.3500 or kzickert@sgrlaw.com.

Sincerely,

A handwritten signature in blue ink that reads "Kathryn M Zickert".

Kathryn M. Zickert

cc: Ms. Kathi Cook
Kelley Rhino
Kevin Norton
Saba Loghman

500 Foot Property Owner List

MBA HOLDINGS INC
11540 MAXWELL RD
ALPHARETTA GA 30009

CITY OF ROSWELL
38 HILL ST
ROSWELL GA 30075

KALISTA PAMELA R
477 ALLYSON CIR
ALPHARETTA GA 30009

MOSS DANNY R & CHARLOTTE L
407 SIMMONS DR
ELLIJAY GA 30536

GWINNETT COMMUNITY BANK
2775 BUFORD HWY
DULUTH GA 30096

BASHIR MOHAMMAD A A
467 N ALLYSON CIR
ALPHARETTA GA 30009

TEASLEY MARILYN
529 KAREN DR
ALPHARETTA GA 30004

SEALY ALPHARETTA L L C
333 TEXAS ST STE 1050
SHREVEPORT LA 71101

MILLER DAISY B
457 ALLYSON CIR
ALPHARETTA GA 30004

TEPVEK LLC
180 SHELLI LANE
ROSWELL GA 30075

FULTON COUNTY
141 PRYOR ST SW STE 7000
ATLANTA GA 30303

HUDSON ANGELA K ET AL
460 ALLYSON CIR N
ALPHARETTA GA 30201

HUTSLER BEN
470 ALLYSON CIR N
ALPHARETTA GA 30009

STORAGE TRUST PROPERTIES L P
P O BOX 25025
GLENDALE CA 91201-5025

SMTT INVESTMENTS LLC
1950 SPECTRUM CIR SE SUITE 360
MARIETTA GA 30067-8470

KSFV PROPERTIES LLC
16880 W BERNARDO DR STE 150
SAN DIEGO CA 92127

ANGEL & KARINA LLC
635 CITATION TRL
ALPHARETTA GA 30004

AMERICAN HONDA MOTOR CO INC
1919 TORRANCE BLVD
TORRANCE CA 90501-2722

WESTSIDE PARKWAY GA LLC
800 SUPERIOR AVE E 21ST FL
CLEVELAND OH 44114

HEMBREE NORTH LLC
P O BOX 28953
ATLANTA GA 30358

CITY OF ROSWELL
38 HILL ST
ROSWELL GA 30075

CITY OF ALPHARETTA
2 SOUTH MAIN ST
ALPHARETTA GA 30004

PRINDAVILLE THOMAS J & R CELESTE
489 KAREN DR
ALPHARETTA GA 30004

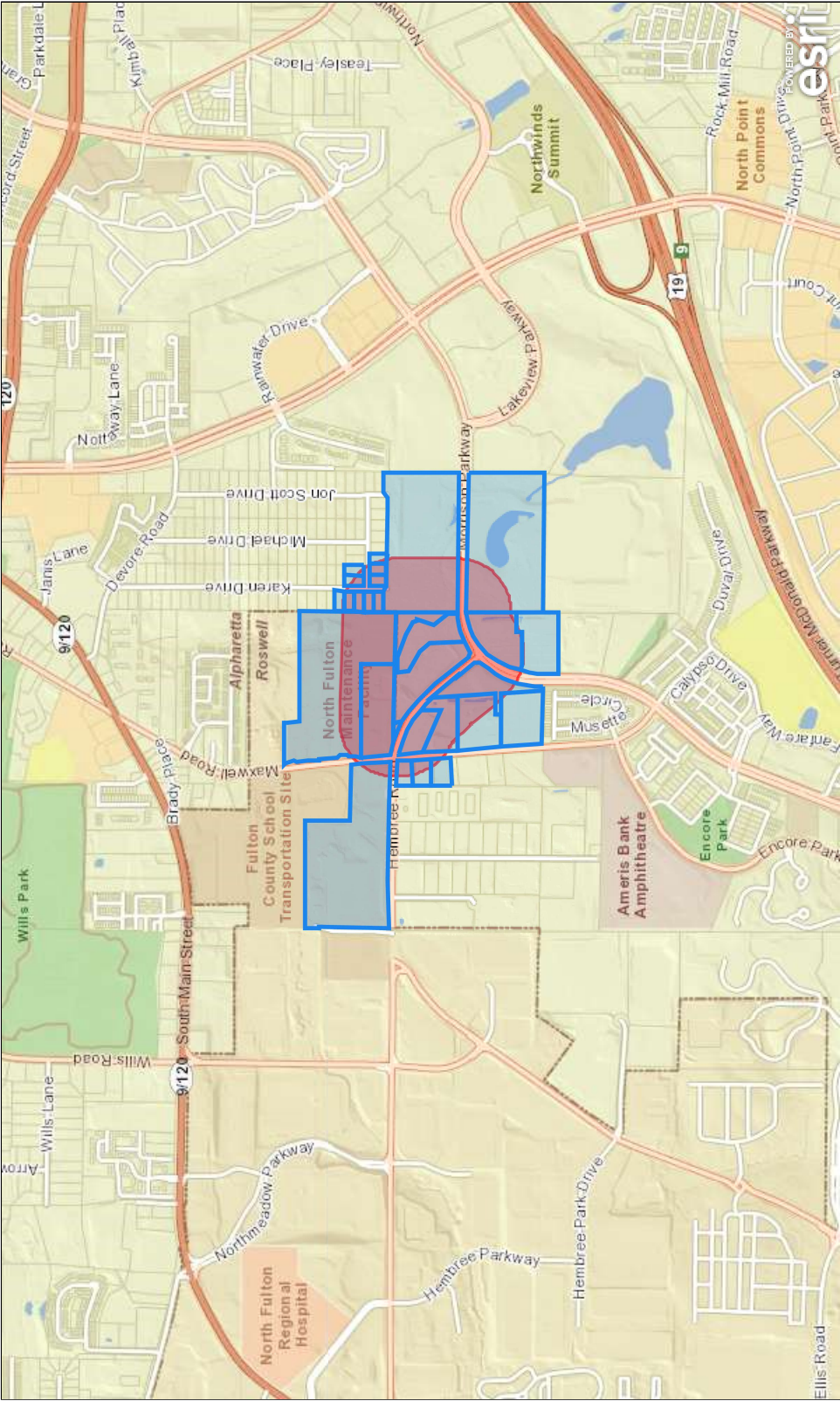
GRONHOLM ANNE W
11390 BOWEN RD
ROSWELL GA 30075

CITY OF ROSWELL
38 HILL ST
ROSWELL GA 30075

EARTHLY MATTERS CONTRACTING INC
1360 UNION HILL RD SUITE 1E
ALPHARETTA GA 30004

ALPHARETTA TRANSFER STATION LLC
P O BOX 1450
CHICAGO IL 60690-1450

PENNINGTON DENNIS & LIDDELL HEATHER
519 KAREN DR
ALPHARETTA GA 30004





COMMUNITY DEVELOPMENT
COMMUNITY ZONING INFORMATION MEETING
OCTOBER 13, 2021
ZOOM | 6:00 PM

I. Staff present:

- a. Michael Woodman, Senior Planner
- b. Ben Kern, GIS Specialist / Special Projects Planner
- c. Lauren Shapiro, Planning + Zoning Coordinator

II. MP-21-09 / CLUP-21-05 / V-21-25 Hembree Cousins Westside MP / Empire Communities

- a. Applicant Presentation: Kathy Zickert
 - i. This parcel is [art pf the Cousins Westside Development that was approved in early 2000s.
 - ii. There is a portion that is owned by the City near the stream / stream buffer area
 - iii. 58 units on 7.58 acres
 - iv. This pod was supposed to be an office site; currently in the process of revising the site plan 1. Will be adding and preserving trees
 - v. Elevations of the side of the units (facing Hembree Road) will look as if it was the front of the building
 - vi. 23% amenity space, 22% civic space, 11 Eco-District Points within the North Point Overlay.
- b. There were no public comments for this item.

CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

FOR OFFICE USE ONLY

Case #: CLUP-21-04 / MP-21-09 / V-21-25

PH #: PHA210041

☐ Property Taxes & Code Violations Verified

☐ Fee Paid Initial: PH

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." Please note that a 3% convenience fee will be added to all credit card transactions.
5. Applications will be accepted 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: Kathryn M. Zickert/Smith, Gambrell & Russell LLP

Telephone: 404-815-3500

Address: 1105 W. Peachtree St.

Suite: 1000

City Atlanta

State: GA

Zip: 30309

Fax: 404-685-7004

Mobile Tel: 404.815.3704

Email: kzickert@sgrlaw.com

Subject Property Information:

Address: 3000 Hembree Road

Current Zoning: CUP

District: 12

Section: 2

Land Lot: 691

Parcel ID: 12 259006910712

Proposed Zoning: N/A

Current Use: BMWLI

This Application For (Check All That Apply):

☐ Conditional Use

☒ Master Plan Amendment

☒ Comprehensive Plan Amendment

☐ Rezoning

☐ Master Plan Review

☒ Variance

☐ Public Hearing

☐ Exception

☐ Other (Specify):

APPLICANT REQUEST AND INTENT

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

Residential Townhomes. See attached Letter of Intent for more detail.

Applicant's Request (Please itemize the proposal):

1. Amend the Westside Master Plan (MP-03-02)
2. Amend the Comprehensive Future Land Use Plan from Business/Manufacturing/Warehousing/Light Industrial to High Density Residential.
3. Secure 4 variances from Sections Sections 2.10.3, 2.10.4, 2.10.5.B, and 2.10.8 of the City of Alpharetta Unified Development Code and the Northpoint Overlay District

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

To allow a proposed development of 58 attached, owner-occupied single family townhomes, at a density of ± 7.76 units per acre.

See attached Letter of Intent for further detail;

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: SMTT Investments Telephone: 1-888-966-0944
ZAID TOUKAN - Manager
Address: 1950 Spectrum Circle Suite: 360
City: Marietta State: GA Zip: 30067 - 1633

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

Property Owner's Authorized Applicant (if applicable):

Name of Authorized Applicant: EAH Acquisitions, LP Telephone: 770-541-5250
Address: 5775 Glenridge Drive, Building D Suite: _____
City: Atlanta State: GA Zip: 30328 - 5380

So Sworn and Attested:

Owner Signature: _____

Date: 08/23/21

Notary:

Notary Signature: _____

Date: August 23, 2021



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: **SMTT Investments, LLC.**

Subject Public Hearing Case: **3000 Hembree Road**

Campaign Contribution Information:

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

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

Name of Official: **N/A**

Position: **N/A**

Description of Contribution: **N/A**

Value: **N/A**

Description of Contribution: **N/A**

Value: **N/A**

Description of Contribution: **N/A**

Value: **N/A**

Description of Contribution: **N/A**

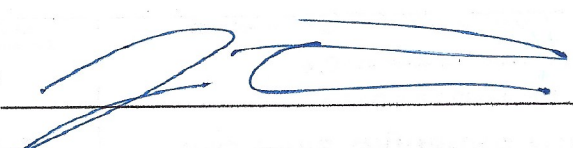
Value: **N/A**

Description of Contribution: **N/A**

Value: **N/A**

Campaign Contribution Information:

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

Signature: 

Date: **08/30/2021**

DISCLOSURE FORM

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Name of Applicant or Opponent: EAH Acquisitions, LP

Subject Public Hearing Case: 3000 Hembree Road

Campaign Contribution Information:

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

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

Name of Official: Ben Burnett Position: City Councilman

Description of Contribution: Campaign Contribution Value: \$2,000

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Campaign Contribution Information:

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

Signature: _____



Date: _____

8/26/21

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: Kathryn M. Zickert - Smith, Gambrell, & Russell, LLP

Subject Public Hearing Case: 3000 Hembree Road

Campaign Contribution Information:

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

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

Name of Official: N/A Position: _____

Description of Contribution: _____ 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: Kathryn M Zickert

Date: August 31, 2021

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: Dennis J. Webb, Jr. - Smith, Gambrell, & Russell, LLP

Subject Public Hearing Case: 3000 Hembree Road

Campaign Contribution Information:

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

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

Name of Official: N/A Position: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Campaign Contribution Information:

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

Signature: 

Date: 8/31/21

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: J. Alexander Brock - Smith, Gambrell, & Russell, LLP

Subject Public Hearing Case: 3000 Hembree Road

Campaign Contribution Information:

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

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

Name of Official: N/A Position: _____

Description of Contribution: _____ Value: _____

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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: J. Alexander Brock

Date: 8/31/21

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

See attached Letter of Intent.

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

See attached Letter of Intent.

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

See attached Letter of Intent.

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

See attached Letter of Intent.

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

See attached Letter of Intent.

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

See attached Letter of Intent.

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

See attached Letter of Intent.

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

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.

See attached Letter of Intent.

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

See attached Letter of Intent.

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

See attached Letter of Intent.

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.

See attached Letter of Intent.

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

SIGN VARIANCE REVIEW CRITERIA

Are there exceptional conditions pertaining to the property where the sign is to be located as a result of the property size, shape, or topography which are not applicable to other lands or structures in the area? If "yes," please explain.

☐ Yes

☐ No

Would the applicant be deprived of rights that are commonly enjoyed by others similarly situated? If "yes," please explain.

☐ Yes

☐ No

Would granting the variance confer on the applicant any significant privileges which are denied to others similarly situated? If "yes," please explain.

☐ Yes

☐ No

Are the exceptional circumstances the result of actions of the applicant or the applicant's representatives? If "yes," please explain.

☐ Yes

☐ No

Is the requested variance the minimum necessary to allow the applicant to enjoy rights commonly enjoyed by others similarly situated? If "no," please explain.

☐ Yes

☐ No

Would granting of the variance violate more than one standard of the Unified Development Code? If "yes," please explain.

☐ Yes

☐ No

Would granting the variance result in allowing a sign that interferes with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic? On a separate sheet or sheets, please defend your response.

☐ Yes

☐ No

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: 3000 Hembree Road

Contact Name: Kathryn M. Zickert - Smith, Gambrell, & Russell, LLP Telephone: 404-815-3500

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

See attached list

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

☒

Letter

☐

Personal Visits

☐

Telephone

☐

Group Meeting

☐

Email

☐

Other *(Please Specify)*

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

Will offer to meet in letter.

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: _____

Contact Name: _____ Telephone: _____

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

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

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

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

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

Signature of Authorized Agent: _____ Date: _____

Print Form

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 691 of the 1st/ District, 2nd/ Section, City of Alpharetta, Fulton County, Georgia and being more particularly described as follows:

BEGIN at the found iron rod located at the common land lot corner to Land Lots 691, 692, 697, and 698, said found iron rod being the TRUE POINT OF BEGINNING;

THENCE along common land lot line between Land Lot 691 and 698 South 00 degrees 33 minutes 34 seconds West a distance of 557.69 feet to a set 5/8 inch rebar with cap at the intersection between said common land lot line between Land Lot 691 and 698 with the northerly right of way of Morrison Parkway (variable public right of way); thence along said northerly right of way of Morrison Parkway along a curve turning to the left with an arc length of 12.05 feet, having a radius of 716.20 feet, being subtended by a chord bearing of South 86 degrees 53 minutes 39 seconds West, and a chord length of 12.05 feet to a set 5/8 inch rebar with cap; thence leaving said northerly right of way of Morrison Parkway and proceed North 00 degrees 06 minutes 57 seconds East a distance of 86.72 feet to a point; thence North 42 degrees 29 minutes 26 seconds West a distance of 172.07 feet to a point; thence North 17 degrees 39 minutes 25 seconds East a distance of 160.00 feet to a point; thence North 72 degrees 20 minutes 35 seconds West a distance of 15.00 feet to a point; thence North 17 degrees 39 minutes 25 seconds East a distance of 40.00 feet to a point; thence North 59 degrees 35 minutes 35 seconds West a distance of 120.00 feet to a point; thence North 72 degrees 35 minutes 35 seconds West a distance of 75.00 feet to a point; thence North 70 degrees 05 minutes 35 seconds West a distance of 165.00 feet to a point; thence North 89 degrees 01 minutes 22 seconds West a distance of 150.00 feet to a point; thence South 14 degrees 51 minutes 28 seconds East a distance of 102.00 feet to a point; thence South 60 degrees 09 minutes 14 seconds East a distance of 200.00 feet to a point; thence South 41 degrees 05 minutes 35 seconds East a distance of 137.14 feet to a point; thence South 00 degrees 06 minutes 51 seconds West a distance of 246.05 feet to a point; thence along a curve turning to the left with an arc length of 59.78 feet, having a radius of 645.00 feet, being subtended by a chord bearing of South 86 degrees 32 minutes 53 seconds East, and a chord length of 59.76 to a point; thence South 89 degrees 12 minutes 10 seconds East a distance of 168.12 feet to a set 5/8 inch rebar with cap on said northerly right of way of Morrison Parkway; thence along said northerly right of way of Morrison parkway the following courses and distances: along a curve turning to the left with an arc length of 291.79 feet, having a radius of 645.00 feet, being subtended by a chord bearing of South 72 degrees 06 minutes 59 seconds West, and a chord length of 289.30 feet to a found right of way monument; North 34 degrees 21 minutes 46 seconds West a distance of 3.18 feet to a found right of way monument; South 60 degrees 37 minutes 23 seconds West a distance of 6.36 feet to a found right of way monument; South 22 degrees 19 minutes 51 seconds East a distance of 3.18 feet to a found right of way monument; along a curve turning to the left with an arc length of 27.72 feet, having a radius of 716.20 feet, being subtended by a chord bearing of South 58 degrees 43 minutes 51 seconds West, and a chord length of 27.72 feet to a set 5/8 inch rebar with cap at the most southeasterly end of mitered intersection created by said northerly right of way of Morrison Parkway and the northeasterly right of way of Hembree Road (variable public right of way); thence along said miter North 70 degrees 29 minutes 41 seconds West a distance of 80.01 feet to a set 5/8 inch rebar with cap at the most northerly end of said mitered right of way; thence along said northeasterly right of way of Hembree Road the following courses and distances: North 39 degrees 36 minutes 19 seconds West a distance of 301.68 feet to a point; along a curve turning

to the right with an arc length of 115.70 feet, having a radius of 645.00 feet, being subtended by a chord bearing of North 44 degrees 57 minutes 30 seconds West, and a chord length of 115.54 feet to a point; North 39 degrees 49 minutes 11 seconds West a distance of 61.08 feet to a point; along a curve turning to the left with an arc length of 366.65 feet, having a radius of 994.93 feet, being subtended by a chord bearing of North 50 degrees 22 minutes 37 seconds West, and a chord length of 364.58 feet to a set 5/8 inch rebar with cap; thence leaving said northeasterly right of way of Hembree Road North 04 degrees 09 minutes 45 seconds West a distance of 72.97 feet to a set 5/8 inch rebar with cap on the common land lot line between Land Lots 691 and 692; thence along said common land lot line between Land Lots 691 and 692 South 88 degrees 35 minutes 36 seconds East a distance of 1030.37 feet to a found iron rod, said rod being the TRUE POINT OF BEGINNING

CONTAINS 319,993 square feet or 7.346 acres.



MEMORANDUM

TO: City of Alpharetta

FROM: J. Alexander Brock, Smith, Gambrell & Russell, LLP

DATE: September 1, 2021

RE: Trip Generation Report - 3000 Hembree Road

The Applicant used the Institute of Traffic Engineers (ITE) Trip Generation Manual (Ninth Edition), to calculate vehicle trips for the proposed development. 58 townhomes are expected to generate ± 26 trips during the AM weekday peak hour and ± 30 trips during the PM weekday peak hour. The site will have a curb cut on Hembree Road and access to Westside/Morrison Parkway, an arterial, and is approximately $\frac{1}{2}$ mile from Haynes Bridge Road and one mile from Georgia 400.

In comparison, the Westside Master Plan currently allows up to 147,000 square feet of office space on the Subject Property. This design could be built without any further zoning action and would generate approximately ± 230 trips during a weekday a.m. peak hour and ± 219 trips during a weekday p.m. peak hour. The total traffic generation would be $\pm 1,621$ total daily trips versus ± 337 vehicle trips per day for a residential project. The proposed development will be a drastic reduction in the number of potential trips generated. As a result, the proposed development is not anticipated to have a negative impact on the nearby roadways and is less intense than what is currently allowed on the Subject Property.

Trip Generation Tabulation

Prop Townhomes (ITE 230) (58 Townhomes)

	Units	Rate	Total
Weekday	58	5.81	336.98
AM Peak	58	0.44	25.52
PM Peak	58	0.52	30.16

Ex. CUP- Office (ITE 710) (147,000 sf of Office)

	Units	Rate	Total
Weekday	147	11.03	1621.41
AM Peak	147	1.56	229.32
PM Peak	147	1.49	219.03



Real Estate

View Bill

As of	8/31/2021
Bill Year	2020
Bill	2006160
Owner	SMTT INVESTMENTS LLC
Parcel ID	12 -2590-0691-071-2

[View payments/adjustments](#)

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	12/1/2020	\$1,196.00	\$1,196.00	\$0.00	\$0.00	\$0.00
TOTAL		\$1,196.00	\$1,196.00	\$0.00	\$0.00	\$0.00

3000 Hembree Road - Code Violations (No Violations Found)

Showing 25 of 101 rows

Type Description	Number	Tag	Assigned To	Initiated Date	Location	Reference ID
Code Enforcement-Complaints	CE190033	Accessory Structures		3/30/2017, 3:01 PM	12720 Bathany Road	11175
Code Enforcement-Trees	CE190025	Stop Work Order - Trees		2/25/2019, 4:12 PM	1825 Mayfield Road	27978
Code Enforcement-Complaints	CE190036	Business vehicle in residential area		3/11/2019, 2:51 PM	11170 Wittenridge Drive	28338
Code Enforcement-Complaints	CE190043	Business vehicles in residential area		4/2/2019, 3:02 PM	10585 Kingsmark Trail	28899
Code Enforcement-Complaints	CE190053	Tree removal without permit		4/17/2019, 3:44 PM	5365 Derby Chase Court	29270
Code Enforcement-Complaints	CE190081	High Grass and Weeds-Rotting Wood		8/6/2019, 9:07 AM	115 Laurelwood Lane	31631
Code Enforcement-Complaints	CE190088	Stop Work Order		8/15/2019, 4:10 PM	277 Mayfield Road	31866
Code Enforcement-Complaints	CE190099	Structural Issues		9/5/2019, 3:35 PM	44 Birch Hill Drive	32366
Code Enforcement-Complaints	CE190100	Drainage Violation		9/5/2019, 4:01 PM	160 North Main Street	32367
Code Enforcement-Complaints	CE190107	Stop Work Order		9/27/2019, 1:01 PM	10580 Tuxford Drive	32800
Code Enforcement-Complaints	CE190108	Stop Work Order		9/27/2019, 1:09 PM	1230 Tuscany Court	32801
Code Enforcement-Complaints	CE200004	Stop Work Order		1/14/2020, 3:44 PM	1565 Highview Pines Pass	34799
Code Enforcement-Complaints	CE200008	Inoperable Vehicles		1/29/2020, 2:59 PM	151 Wills Lane	35080
Code Enforcement-Complaints	CE200011	Stop Work Order		2/7/2020, 11:38 AM	710 Tate Drive	35283
Code Enforcement-Complaints	CE200065	Deck in a State of Disrepair	BESMITH	4/7/2020, 2:03 PM	1430 Hillcrest Heights	36677
Code Enforcement-Complaints	CE200074	R/W trashcan overflowing		4/9/2020, 3:09 PM	762 North Main Street	36739
Code Enforcement-Complaints	CE200084	Complaint	BSCROEDER	5/6/2020, 3:55 PM	194 Mayfield Circle	37241
Code Enforcement-Complaints	CE200097	STOP WORK ORDER, High Grass and ...		5/27/2020, 3:18 PM	1031 Colony Drive	37632

Promenade, Suite 3100
1230 Peachtree Street, N.E.
Atlanta, Georgia 30309-3592
Tel: 404 815-3500
www.sgrlaw.com

SMITH, GAMBRELL & RUSSELL, LLP
Attorneys at Law

Kathryn M. Zickert
Direct Tel: 404-815-3704
Direct Fax: 404-685-7004
kzickert@sgrlaw.com

September 1, 2021

Ms. Kathi Cook, Director
Community Development
City of Alpharetta, Georgia
287 South Main Street
Alpharetta, Georgia 30004

Re: **Application of Empire Communities (“Empire”) for ±7.346 acres of land located in the northeast quadrant of the intersection of Hembree Road and Morrison Parkway to Amend the Westside Master Plan (MP-03-02); to amend the Comprehensive Future Land Use Plan from Business / Manufacturing / Warehousing / Light Industrial to High Density Residential; and to secure four (4) variances from Sections 2.10.3, 2.10.4, and 2.10.5.B of the City of Alpharetta Unified Development Code and the Northpoint Overlay District; which tract is located in Land Lot 691, 12th District, Fulton County, Georgia (Parcel ID number 12 259006910712)**

Dear Ms. Cook:

Please accept this letter as the Letter of Intent of my client, Empire Communities (“Empire”), in support of the above referenced Applications.

As you know I represent Empire in its effort to develop the property located at 3000 Hembree Road, Parcel ID 12 259006910712 (the “Subject Property”), for 58 attached, owner-occupied single family townhomes, at a density of ±7.89 units per acre. A Site Plan by Planners & Engineers (PEC) dated August 28, 2021 more particularly details the nature of the intended project. The square footage of the units will range from 1,900 to 2,200, and all will be 3-bedroom units. Each unit will have an attached garage for two cars, as well as driveways for those garages that will be 18 feet in length. Additionally, there will be at 9 guest parking spaces on site. The internal road will have 45 feet of private right-of-way to allow two 12’ travel lanes, sidewalks, and landscape strips with lights, plantings and benches.

SGR/25919786.1



Atlanta | Austin | Jacksonville | London | Los Angeles | Miami | New York | Southampton | Washington, D.C.

The site will also have improved amenity and civic spaces, including a +/- 18,000 sf pocket park; walking trails leading into and around the property; and internal sidewalks which will have a connection to the sidewalks along Hembree Road and Morrison Parkway.

The Subject Property is currently zoned Community Unit Plan (CUP) and within the North Point Overlay District. The 7.35-acre Subject Property is a portion of the overall 219.34 acre CUP that was approved pursuant to MP-03-02/Z-03-01/CLUP-03-01/V-03-17 (the “Westside Master Plan”). The Westside Master Plan envisioned a mix of uses within twenty distinct PODs including for-sale residential, office, retail and community (amphitheater, community center, education, etc). As it stands today, approximately 93% or 204 acres of the original 219.34 acre Westside Master Plan has been developed. The remaining undeveloped land is comprised of parcels that were intended for retail (PODs B and M), restaurant (POD I) and office (POD A, the Subject Property).

There was an attempt to develop POD A for two office buildings in 2008, however, this development was terminated during the economic recession. The site was cleared of trees and vegetation, but no building construction began. Since that time there has been a general decline in the demand for new office space that has been exacerbated in recent years by the COVID-19 pandemic, which advanced the dramatic shift in the workforce structure and resulted in more employees opting to work from home. In fact, the declining demand for new office space is the primary factor in the Subject Property remaining undeveloped almost seventeen years after the approval of the Westside Master Plan.

The undeveloped, and partially wooded¹ property has peculiar upside-down “U” shape with a 3.74-acre parcel (Parcel ID 12 259006910613) owned by the City of Alpharetta within the “U” (the “City of Alpharetta Parcel”). The City of Alpharetta Parcel is currently undeveloped and is largely impacted by floodplain and stream buffers. The Subject Property is also bounded on two sides by right-of-way, Hembree Road to the west and Morrison Parkway to the south. Non-residential uses surround the property on the other two sides. To the north, the Subject Property borders property owned by the City of Roswell (Parcel ID 12 -2590-0692-072-9) containing the Roswell-Alpharetta Public Safety Training Center and another owned by Fulton County (Parcel ID 12 -2590-0692-065-3), containing the Georgia Department of Driver Services. Both parcels are zoned Civic and Institutional district within the City of Roswell. To the east, at 1525 Morrison Parkway, the Subject Property borders a parcel containing the existing FedEx Ship Center, zoned Office Institutional (O-I).

The Subject Property stands at a transitional point in the uses along Westside/Morrison Parkway.² To the south, along Westside Parkway, are residential developments that include the Westside Villa Townhomes on Musette Circle, the Creekside at Westwood Townhomes on Tenor

¹ The Subject Property was cleared and graded in 2008 for a development that was never realized. It now contains mostly small caliper sized trees that have grown since that time.

² Westside Parkway changes names to Morrison Parkway at its intersection with Hembree Road.

Lane, Westwood Park Townhomes located at Calypso Drive, Serenade Townhomes on Serenade Way, and the Emblem Alpharetta, a 55+ apartment community, along with other residential development further south. In the opposite direction, north along Morrison Parkway, are properties containing primarily office uses, including the above mentioned FedEx Ship Center, as well as the offices of American Honda Motor Company and the Georgia 400 Center office Park.

The property is also located in the North Point Activity Center LCI, within a sector designated as a Transition Area. The North Point LCI was developed in 2008 with a 10-year update adopted in 2018. The vision for the North Point LCI is to become a walkable, mixed-use village with a focus on sustainability, greenspace and connectivity.

As a consequence of being within the North Point Overlay, there are a number of additional design elements which are to be incorporated into the proposed development. The Proposed Design will include additional landscaped civic space, connected open spaces and enhanced bicycle amenities. The proposed development will meet the North Point Overlay requirements for open space by providing 1.69 acres (23% of site) of amenity space and 1.635 acres (22% of site) of civic area³. Finally, the development will incorporate a number of sustainable design features in accordance with the North Point Overlay EcoDistrict requirements, and features a total of 11 EcoDistrict points as described below. Thus, the ultimate goal is to create an ecofriendly, family-oriented redevelopment in compliance with the vision adopted by the City in its 2018 North Point Livable Centers Initiative (“LCI”) update. This development represents an opportunity for high scale, for-sale housing in an area that is devoid of such options. Anticipated price points will be \$449,000 to \$500,000.

These improvements require the following approvals:

1. An amendment to the current Master Plan for Westside, approved via MP-03-02, to allow residential uses in POD A of that plan.
2. An amendment of the Comprehensive Plan from Business, Manufacturing, Warehousing, Light Industrial to High Density Residential.
3. Concurrent variances from certain sections of the North Point Overlay requirements occasioned by factors peculiar to the Subject Property. The development will need the following variances from:
 - a. Alpharetta UDC Section 2.10.3 – Amend the North Point Site Design standards to eliminate the landscape strip requirement for Type C corridors along the

³ It should be noted that both the civic and amenity spaces substantially exceed the minimum 5% or 10% requirements.

internal drives; and to increase the maximum building setback along Morrison Parkway (Type B corridor) from 60 feet to 100 feet.

- b. Alpharetta UDC Section 2.10.4 – Amend the block requirements to eliminate the requirement for interconnected streets and block requirements; allow dead end streets; and eliminate the requirement for stub out streets;
- c. Alpharetta UDC Section 2.10.5.B – To eliminate the landscape strip requirement along the internal drives;

A. Relevant Background Information

In the mid-2000s the City of Alpharetta conducted its first LCI review of the North Point Area, which culminated in the 2008 North Point LCI. The plan then designated the area from the eastern half of the Mall to Haynes Bridge Road, as a “Mixed Use Commercial Center” with office uses external to the center. However, the LCI area remained predominantly commercial with 3.5 million square feet of retail space and no residential uses to create a desirable mixed-use environment. In fact, since the adoption of the 2008 LCI, the Mall and much of the surrounding commercial uses have experienced a decline, not just due to internet sales, but due to the successful redevelopment of downtown Alpharetta and Avalon, both of which rely heavily on integrated residential uses.

In 2017, the city reevaluated the LCI area and identified problems with the growth of the Mall area noting that it “lacks integration of retail and residential uses” with “poor walkability” and that it “does not relate well with greenway or open spaces.” Paramount to meeting the goals of walkability and a mix of uses, the LCI area must develop quality residential uses to supplement and reinvigorate the existing commercial ones. Furthermore, since 89.9% of the 7000 workers within the LCI area live outside of it, a reduction of automobile usage will require such residential opportunities.

The Subject Property is ideally located for the type of community sought after by contemporary consumers and residents within close proximity to employment, retail and entertainment. The site is located in close proximity to Alpharetta’s major employment centers including the office parks along Morrison Parkway and Haynes Bridge Road. It sits approximately one mile via Morrison Parkway from the Georgia 400/Haynes Bridge interchange. In addition, the property is less than ½ mile from the Ameris Bank Ampitheater at Encore Park, as well as being a short distance via Encore Parkway from North Point Mall and the retail shopping along North Point Parkway.

The centralized location with multiple employers lends itself to higher-density housing options that attract the professionals employed in the area. The housing preference of many modern professionals is one that is in close proximity to employers, as well as retail, restaurant, and recreational uses. The Subject Property offers a golden opportunity to further the intent of the North Point LCI by adding higher density residential into this office area. The current proposal

is also in line with the recent rezoning application by North Point Mall to allow the redevelopment of the former Sears site into a mix of restaurant, retail, and for-rent multifamily residential, as well as the recent Providence approval for a townhome community on North Point Drive. The proposed development will further the trend toward transforming the area into a walkable, mixed-use environment by adding a needed variety of for-sale housing product to the area.

B. Phasing

The project will not be phased.

C. EcoDistrict Points

The North Point Overlay District requires all new development to obtain minimum point values as outlined in UDC § 2.10.11. Redevelopment of vacant land requires a minimum of 7 points. The design elements in the proposed development will earn a total of 11 EcoDistrict points. Those design elements include (the item numbers below correspond to those listed under § 2.10.11.D):

4) Building Energy Measures (3 points)

The proposed development's new building construction will demonstrate an average of 10% improvement over the city's current energy code. An energy model will be provided to ensure compliance with the requirement. The project is requesting the available 3-pts for this measure.

5) Bio-retention and Drought tolerant plants (2 points)

The bioretention requirement in the EcoDistrict measures relates more to larger parking lots with linear bioretention between multiple parking bays and inward draining lots to encourage infiltration and water treatment through native landscaping. However, as this is a residential project without significant surface parking lots, bioretention area with drought tolerant plants will be included in the design. The project requests the two available points for the measure based on its compliance with water quality improvement and drought tolerant plants.

13) Enhanced Bicycle Amenities Measure (1 point)

This project proposes to include bicycle amenities to encourage the use of alternative transportation. The project proposes to include a bicycle repair center open to the public and supplemental bicycle parking throughout the development.

15) Additional Landscaped Civic Space (5 points)

One point shall be available for each one additional percent of gross acreage provided as civic space, up to five total points for this measure. The required civic space for the project

is 10% (0.735 acres), while 22% is provided (1.635 acres). The civic spaces are hatched in green on the plan for clarity.

D. Trip Generation

The proposed development will not overly burden existing streets or transportation facilities. The Applicant used the Institute of Traffic Engineers (ITE) Trip Generation Manual (Ninth Edition), to calculate vehicle trips for the proposed development. 58 townhomes are expected to generate 26 trips during the AM weekday peak hour and 30 trips during the PM weekday peak hour. The site will have a curb cut on Hembree Road and access to Westside/Morrison Parkway, an arterial, and is approximately ½ mile from Haynes Bridge Road and one mile from Georgia 400. All of the adjacent and nearby roadways can easily handle the minor amount of traffic generated by the proposed project.

In comparison, the master plan currently approved for the Subject Property allows up to 147,000 square feet of office space. This design could be built without any further zoning action and would generate approximately 230 trips during a weekday a.m. peak hour and 219 trips during a weekday p.m. peak hour. The total traffic generation would be 1,621 total daily trips versus 337 vehicle trips per day for a residential project. The proposed development will be a drastic reduction in the number of potential trips generated. As a result, the proposed development is not anticipated to have a negative impact on the nearby roadways and is less intense than what is currently allowed on the Subject Property.

E. Schools

The school-age children living in the residences will attend Manning Oaks Elementary School; Northwestern Middle School; and Milton High School. Manning Oaks Elementary is listed as under capacity. Northwestern Middle School and Milton High School are over capacity. The proposed townhomes, however, are not expected to overly-burden local schools since the target market for townhome residential is younger professionals or empty nesters, which are demographics that tend not to have school-age children.

F. Standards for Zoning Changes⁴

- 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: Yes. Residential growth at higher densities is a key component of plans for the west side of Georgia 400. The Westside Master Plan designated POD A for office use, which is consistent with the development pattern along the northern portion of Morrison Parkway and the property remains a viable office parcel (if a demand for office arises). However, the

⁴ The Applicant is not requesting a rezoning, but is providing an analysis for the Master Plan amendment.

property also is located within the North Point Activity Center LCI, which envisions a mixed-use walkable environment with an emphasis on sustainability, greenspace and connectivity. If approved, conditions are recommended that further the concepts of an EcoDistrict.

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

Response: No. By restricting access to Hembree Road, and by appropriately screening the site with extensive buffering there should be no adverse impact upon adjacent or nearby property.

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

Response: No. The proposal is sensitive to the environmental constraints of the site and will implement many environmentally sensitive measures. The proposed development will not encroach into any of the nearby stream buffers. In addition, the Applicant's site plan identifies tree save areas, and conditions are recommended that protect the nearby stream and tree canopy.

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

Response: The property has been available for office development for seventeen years, but has not been developed. Given the shift in workforce dynamics, which has been exacerbated by Covid-19, the future viability of office uses remains unclear and suggests that development as currently zoned is not likely.

- 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: No. The proposed change in use from office to residential would generate a greater demand upon public facilities and services, such as parks, recreational programs, and schools. However, the proposed residential use would produce fewer vehicular trips than an office use, reducing traffic impacts.

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

Response: Yes. The new LCI objectives recognize the desirability of mixed uses to include residential options.

- 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: Yes. The request to change the use of the property from office to residential reflects a reasonable balance, particularly the included design features that further the concept of the area becoming an EcoDistrict.

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

Response: See response to (d) above.

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

Response: The zoning proposal does not meet the Comprehensive Land Use Plan designation of the property, which is 'Business, Manufacturing, Warehousing, Light Industrial'. The Applicant proposes an amendment to the Comprehensive Land Use Plan designation of the property to 'High Density Residential'. However, the project is consistent with the LCI Plan. This property will act as a step down between nonresidential properties which adjoin it to the North and West and the single-family townhome neighborhoods to the south along Westside Parkway.

COMPREHENSIVE LAND USE PLAN

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

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

Response: The Subject Property is located on Morrison Parkway and remains a viable office parcel. However, the property is located within the North Point Activity Center LCI, which envisions a mixed-use, walkable environment with an emphasis on sustainability, greenspace and connectivity. If approved, conditions are recommended that further the concepts of an EcoDistrict. It also will set up a transition between nonresidential and residential uses as explained above.

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

Response: The Applicant's proposal complies with the goals and policies of the City's Comprehensive Plan, if conditions are required that further the concepts of an EcoDistrict. It also will set up a transition between nonresidential and residential uses as explained above.

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

facilities and services.

Response: The proposed change in use from office to residential would generate a greater demand upon public facilities and services, such as parks, recreational programs, and schools. However, the proposed residential use would produce fewer vehicular trips than an office use, reducing traffic impacts.

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

Response: No such negative impacts will occur.

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

Response: The decline in demand for new office space is likely to translate into less land area needed for further office development.

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

Response: The decline in office demand, exacerbated by the Covid-19 pandemic, has created a shift away from additional office space as anticipated in the original 2003 Westside Master Plan. This change in demand requires a change in land use, such as to High Density residential, to keep pace with the development trends.

VARIANCE REVIEW CRITERIA

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

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

Response: The Subject Property has a peculiar “U” shape, is bounded by right-of-way on two sides, and is impacted by stream buffers.

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

Response: The particular features associated with the property, its unique shape, stream buffers and being a corner lot, along with the requirements of the LCI creates a hardship which requires a design with these variances.

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

Response: The existence of two road frontages, one of which is Morrison Parkway; as well as the limited buildable area due to the odd shape of the property coupled with the environmental limitations due to stream buffers and topography are unique to this tract. The latter forces units to be clustered on a much smaller part of the tract.

- (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: Establishing measures and standards to transform North Point into a livable and highly sustainable mixed-use EcoDistrict will be effective in helping achieve the placemaking, branding, and asset repositioning goals outlined in the LCI and Overlay. This EcoDistrict incorporates strategies and goals to best manage the area's existing assets and natural resources while establishing targets for improving the area's economic vitality and environmental health. Towns and cities nationwide are driving economic development and achieving their placemaking goals through detailed EcoDistrict planning and practices that integrate land use, transportation, and environmental planning with high performance infrastructure, buildings, landscapes and urban design. In other words, an EcoDistrict approach seeks to foster harmony and interaction between people and nature.

G. Requested Conditions

- 1) The property shall be developed substantially in accordance with the plans by PEC dated May 21, 2021. The Westside Master Plan, Pod A, shall be amended to allow this residential project, except for modifications required to comply with these conditions.
- 2) Each unit shall contain a minimum of 1,900sf.
- 3) A minimum replanted 10' landscaped buffer will be installed and maintained along Hembree Road. A minimum replanted 10' landscaped buffer will be installed and maintained along Morrison Parkway.
- 4) The minimum building setbacks will be:
 - Hembree Road – 50'
 - Morrison Parkway – 10' minimum; 100' maximum
 - Internal streets: Front – 26' back-of-curb to back-of-curb
 - Side/Rear (Perimeter) – minimum 3' side setback (0' attached units; minimum 10' between building foundations)
- 5) The units should have driveways that are a minimum of 18' between garage and back of sidewalk, where present, or roadway.

- 6) Elevations and architectural treatment shall be substantially in accordance with the materials attached as Exhibit A. These include cementitious siding, stone and brick. The elevations show the variation in the façade and the massing of the units.
- 7) The project provides approximately 3.325 acres of open space which includes ± 1.69 acres of amenity space ($\pm 23\%$ of total site) and ± 1.635 acres of civic space ($\pm 22\%$ of the total site). Civic space is contained in the pocket parks along Hembree Road and along the eastern portion of the subject property. Amenity space is spread throughout the site and includes passive green spaces.
- 8) The requested internal streets shall be as shown on the Site Plan, with slight modifications to avoid site conditions if needed.
- 9) To accommodate fire vehicle access ROWs will be at least 45' with 26' paved and no dead ends exceeding 150' to provide fire access. Each travel lane of the internal roads will be at least 12' wide.
- 10) Site will have vehicular access from Hembree Road only.
- 11) No more than 10% of the residential units will be permitted to be rented, as recorded in the HOA's declarations and covenants.
- 12) New utilities interior to the site will be placed underground.

H. Preservation of Rights

It is the position of the Applicant that the Alpharetta Zoning Ordinance, in limiting the property to the uses allowed in the current Master Plan is unconstitutional in that it destroys the marketability of the property and renders the property economically unfeasible, and such zoning therefore constitutes a taking of property without just and adequate compensation and without due process of law in violation of the Fifth and Fourteenth Amendments to the Constitution of the United States, as well as Article 1, Section 1, Paragraph 1; Article 1, Section 3, Paragraph 1(a); and Article 3, Section 6, Paragraph 2 of the Constitution of the State of Georgia (1983). To zone this property with any intervening conditions less than requested would be unconstitutional, would render the property unusable and would constitute the taking of Applicant's property without just and adequate compensation and without due process of law in violation of the provisions of the United States and Georgia Constitutions cited in this paragraph. The same effect would occur by imposing conditions in restraint of trade, or onerous, burdensome, unconstitutional, or unnecessary conditions on the property. The denial of this request would bear no reasonable relation to the health, safety, morals or welfare of the public.

Ms. Kathi Cook, Director
September 1, 2021
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CONCLUSION

The Applicant respectfully requests that the Alpharetta City Council grant the requested Comprehensive Future Land Use Plan amendment, amendment to the current Master Plan, and the variances as submitted. We very much look forward to working with you, your staff, and the Council towards development of an excellent project

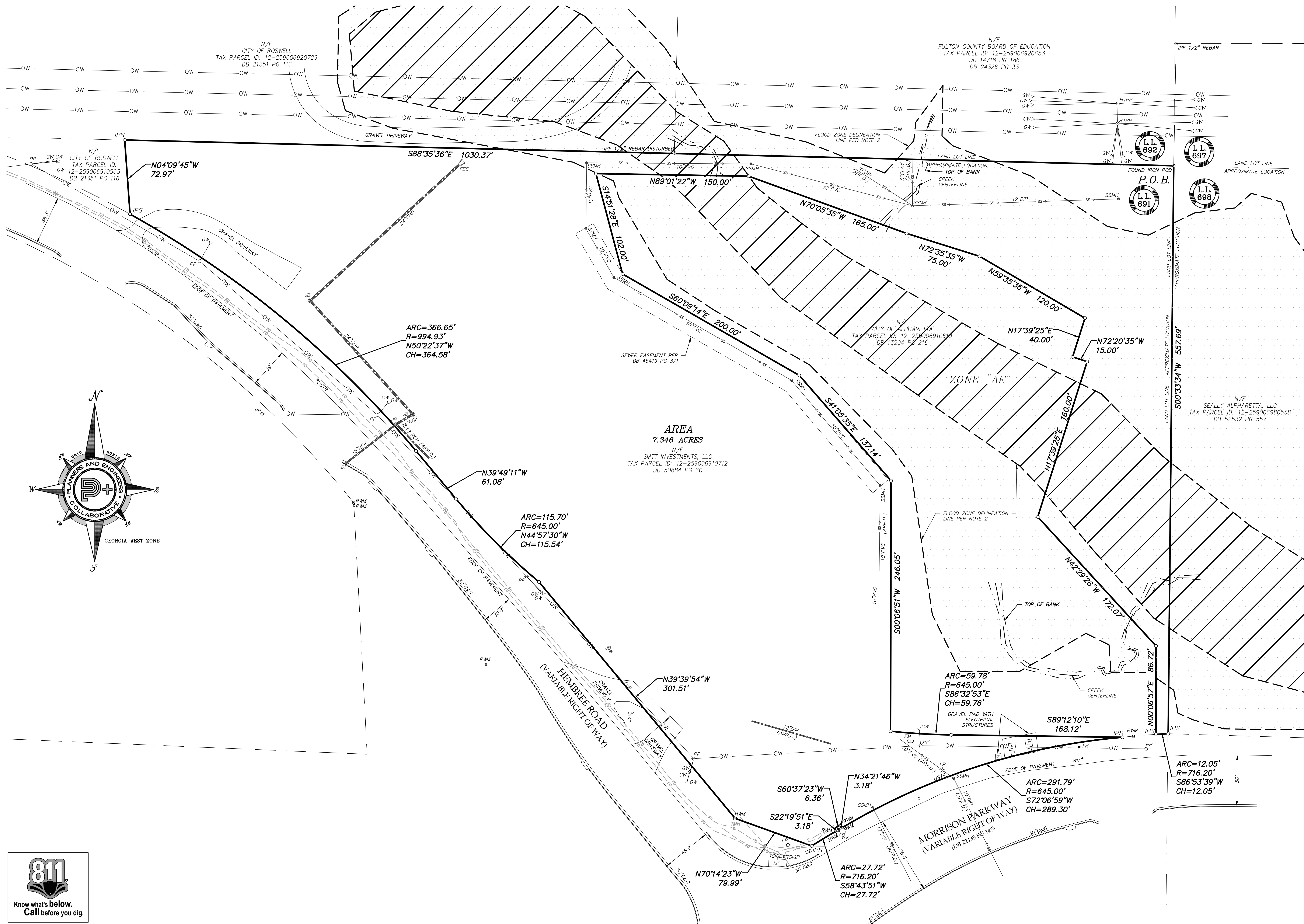
Respectfully submitted,

 w/ express authorization for
Kathryn M. Zickert

Kathryn M. Zickert

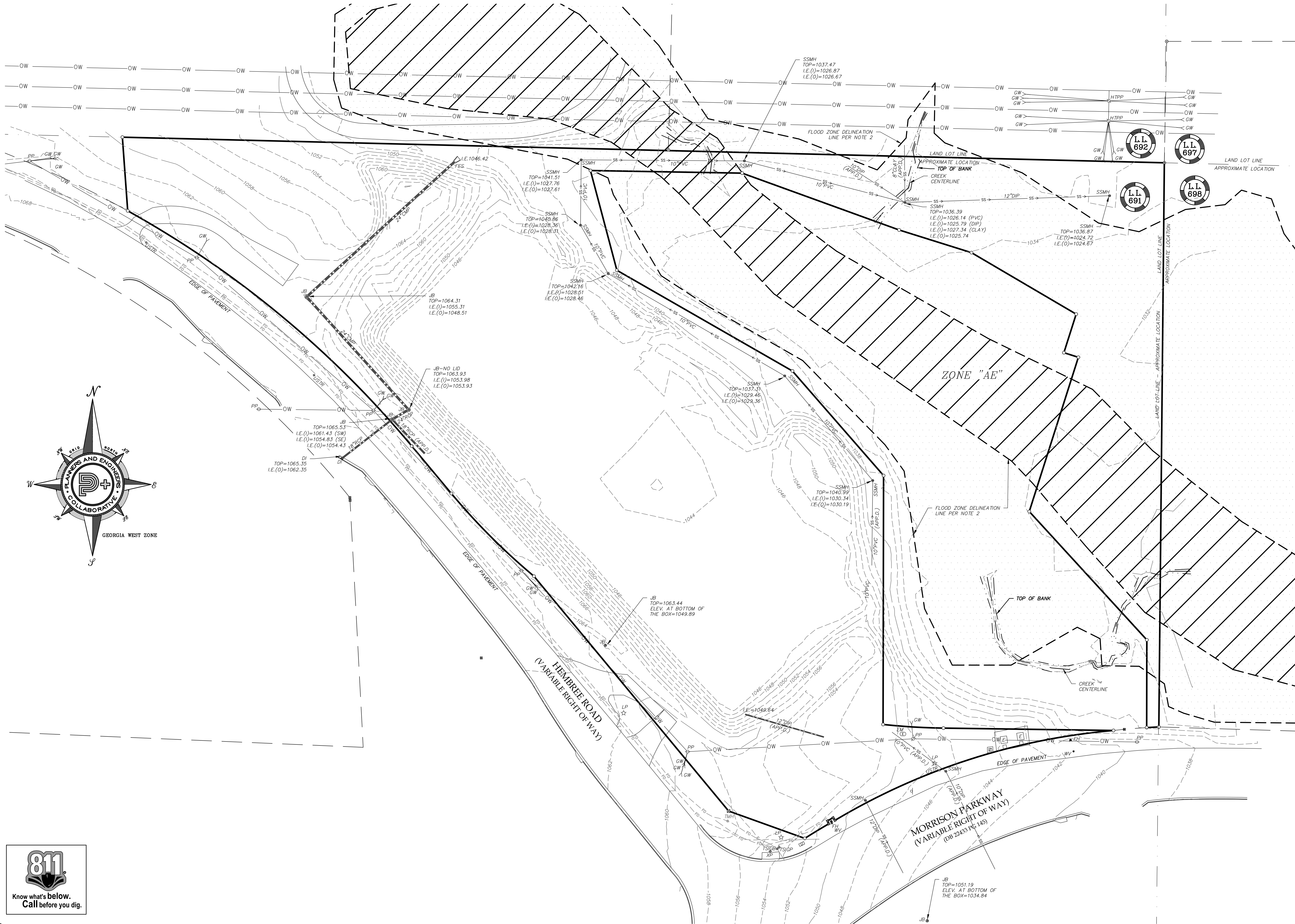
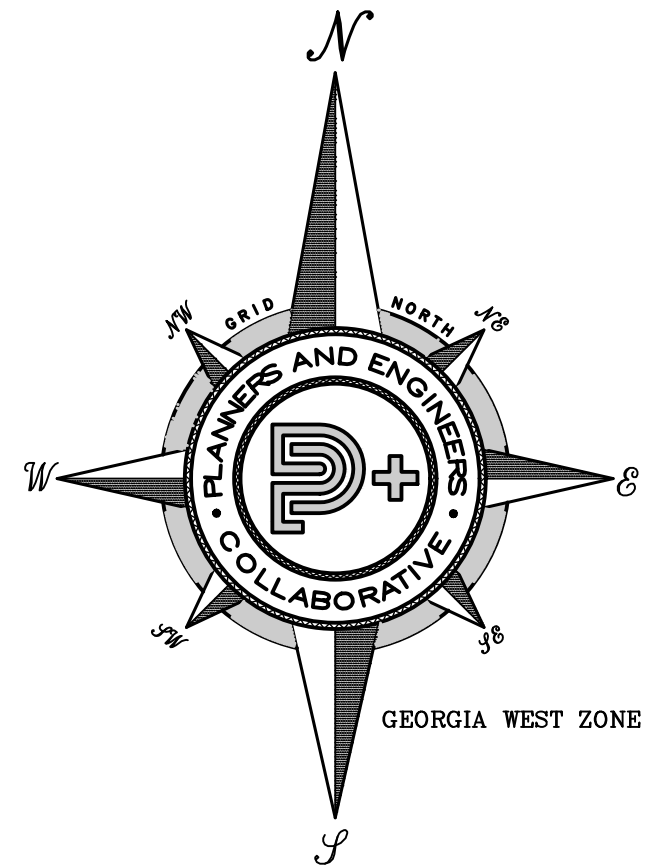
KMZ/rjc

cc: Kelley Rhino
Kevin Norton
Saba Loghman



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BOUNDARY AND TOPOGRAPHIC SURVEY

FOR
EAH ACQUISITIONS, LP

SHEET 2 OF 3

DRAWN BY: MS
CHECKED BY: MCS
FILE NO.: 210590-00
DATE: 05/20/2021
SCALE: 1" = 40'
DATE OF FIELD WORK: 5/19/21

FULTON COUNTY
GEORGIA

CITY OF ALPHARETTA

LAND LOT(S)
DISTRICT 691 12th

REVISIONS

REV	DATE	DESCRIPTION	BY
5			
4			
3			
2			
1			



Planners & Engineers Collaborative+

LAND PLANNING • SURVEYING & CONSTRUCTION • CIVIL ENGINEERING •

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350 RESEARCH COURT, RESEARCH CORNERS, GEORGIA 30092
(770) 451-2741 WWW.PEC.PLUS C.O.A.-LSF000004

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NOTES

1. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THIS SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION SUPPLIED AND TO THE SURVEYOR'S BEST KNOWLEDGE ARE APPROXIMATELY AS SHOWN. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

2. I HAVE EXAMINED THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP FOR FULTON COUNTY, GEORGIA AND INCORPORATED AREAS, COMMUNITY PANEL NUMBER 13121C0066F, PANEL 66 OF 490, EFFECTIVE DATE SEPTEMBER 18, 2013 AND FOUND A PORTION OF THE PROPERTY SHOWN HEREON TO FALL WITHIN A DESIGNATED FLOOD ZONE "A" (AREAS OF 100 YEAR FLOOD). THE PORTION OF THE PROPERTY SHOWN HEREON ALSO TO FALL WITHIN A DESIGNATED FLOOD ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD).

3. THE ORTHOMETRIC HEIGHTS (ELEVATIONS AND CONTOURS) SHOWN HEREON WERE DETERMINED BY GPS OBSERVATIONS AND WERE ADJUSTED BY PLANNERS AND ENGINEERS COLLABORATIVE IN MAY 2021. NORTH AMERICAN DATUM OF 1983 (NAD83), NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88), GEORGIA WEST ZONE STATE PLANE COORDINATES.

4. THE TERM "CERTIFICATION" RELATING TO PROFESSIONAL ENGINEERING AND LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

5. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE INSPECTION REPORT. EASEMENTS OR OTHER ENCUMBRANCES MAY EXIST ON PUBLIC RECORD BUT NOT BE SHOWN HEREON.

6. THE UNDERGROUND UTILITIES SHOWN HEREON WERE DETERMINED BY LOCATING PAINT MARKINGS CREATED BY SUBSURFACE UTILITY INVESTIGATIONS, LLC. - PHONE-(770) 557-4142.

7. NO ZONING INFORMATION PROVIDED FOR BUILDING SETBACKS.

8. (NO) EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.

ABBREVIATIONS

APPROX. #4	Approximate 1/2" Rebar	I.E.	Invert Elevation
C&G	Curb and Gutter	IPF	Iron Pin Found
OLF	Chain Link Fence	IPS	Iron Pin Set
CMP	Corrugated Metal Pipe	LP	Light Pole
CO	Clean Out	MW	Monitoring Well
CPP	Corrugated Plastic Pipe	N/F	New or Formerly
DB	Deed Book	OTP	Open Top Pipe
DI	Drop Inlet	PB	Plot Book
DE	Drainage Easement	PG	Page
EOP	Edge of Pavement	PKF	PK Nail Found
EPP	Electric Power Pole	PKS	PK Nail Set
EPAN	Electric Panel	POB	Point of Beginning
ESMT	Easement	POC	Point of Commencement
RES	Flared End Section	PVC	Polyvinyl Chloride Pipe
FEE	Finish Floor Elevation	RBC	Rebar Capped
FH	Fire Hydrant	RCF	Reinforced Concrete Pipe
FLGP	Flag Pole	RWM	Right of Way Monument
GA	Georgia	SSE	Sanitary Sewer Easement
GM	Gas Meter	SSMH	Sanitary Sewer Manhole
GW	Guy Wire	TRAN	Transformer
HDR	Hand Rail	VCP	Verfired Clay Pipe
H.W.	Hard Wood	W.D.F.	Wood Fence
HW	Headwall	WM	Water Meter
ICV	Irrigation Control Valve	WV	Water Valve

LINETYPES

PROPERTY		EXISTING OVERHEAD
---	Adjacent Property	—OW— Overhead Wires
- - - - -	Property Line	
- · - · - · -	Center of Creek	EXISTING UNDERGROUND
FENCE LINES		
—X—	Barb Wire Fence	---C--- Cable
—O—	Chain Link Fence	---E--- Electric
—□—	Wood Fence	---FO--- Fiber Optic
—#—	Woven Wire Fence	---G--- Gas
		---T--- Telecommunications
SITE / TOPOGRAPHIC FEATURES		---W--- Water
—o—	Guardrail	---TV--- Television
		—S— Storm Drainage Line
		—S— Sanitary Sewer

STRUCTURE LEGEND

CABLE / TV		SEWER	
—C— Cable / TV Marker		—GT— Grease Trap	
—C— Cable / TV Pedestal		—SM— Sanitary Sewer Manhole	
—C— Cable / TV Manhole		—CO— Cleanout	
—C— Cable / TV Handhole		—SSV— Sanitary Sewer Vent Pipe	
—C— Cable / TV Cable Box		—SSM— Sanitary Sewer Marker	
		—SSFM— Sanitary Sewer Force Main Valve	
		—SSL— Sanitary Sewer Lift Station	
ELECTRIC/POWER		SITE / TOPOGRAPHIC FEATURES	
—T— Transformer		—S— Street Sign	
—W— Guy Wire		—ACU— Air Condition Unit	
—E— Electric Meter		—B— Bollard	
—P— Power Pole/Utility Pole		—M— Mailbox	
—SL— Street Light/Light Pole		—SD— Satellite Dish	
—EP— Electric Panel		—FP— Flag Pole	
—EB— Electric Box		—MFW— Monitoring Well	
—EM— Electric Manhole		—A— Antenna	
—EH— Electric Handhole		—C— Column	
—E/P— Electric / Power Marker		—CP— Camera Pole / Camera	
—SL— Spot Light		—BL— Bore Hole Location	
FIBER OPTIC		—MP— Mile Post	
—FO— Fiber Optic Marker		—RRMP— Rail Road Mile Post	
—FOM— Fiber Optic Manhole			
—FOP— Fiber Optic Pedestal		STORM / DRAINAGE	
GAS		—SS— Storm Structure Lid	
—G— Gas Meter		—DI— Drop Inlet	
—GV— Gas Valve		—CB— Catch Basin	
—F— Gas Fill Cap		—SWCB— Single Wing Catch Basin	
—GM— Gas Manhole		—DWCB— Double Wing Catch Basin	
—G— Gas Marker		—WI— Weir Inlet	
—GPR— Gas Pressure Relief Valve		—HW— Head Wall	
—G— Gas Vault		—JB— Junction Box	
—GVP— Gas Vent Pipe		—CI— Curb Inlet	
—GS— Gas Something :)		—FIS— Flared-in Section	
PAVEMENT MARKING		—DS— Down Spout	
—BUS— Pavement Marking		TELEPHONE	
—ONLY— Pavement Marking		—TTB— Telephone Terminal Box	
—SCHOOL— Pavement Marking		—TM— Telephone Marker	
—TL— Turn Arrow Left/Right		—THB— Telephone Handhole Box	
—TL— Turn Arrow Left		—TMH— Telephone Manhole	
—TR— Turn Arrow Right		—TCB— Telephone Cabinet	
—TS— Traffic Arrow Straight		TRAFFIC	
—TL— Traffic Arrow Straight/Left		—OTS— Overhead Traffic Signal	
—TL— Traffic Arrow Straight/Right		—THB— Traffic Handhole Box	
—TU— Traffic Arrow U-Turn		—THB— Telephone Handhole Box	
—HCPM— Handicap Pavement Marking		—TSP— Traffic Signal Pole	
—BLPM— Bike Lane Pavement Marking		—TSLC— Traffic Signal Loop Control Box	
PROPERTY MONUMENTS		WATER	
—RWM— Right-of-Way Monument Found		—FH— Fire Hydrant	
—CMF— Concrete Monument Found		—ICV— Irrigation Control Valve	
—IPS— Iron Pin Set		—WM— Water Meter	
—IPF— Iron Pin Found (Rebar found)		—WV— Water Valve	
—PKS— PK Nail Set		—FDC— Fire Department Connection	
—PKF— PK Nail Found		—WV— Water Vault	
—P— Point		—PIV— Pressure Irrigation Valve	
—BM— Benchmark		—WVP— Water Vent Pipe	
MISCELLANEOUS		—WVM— Water Valve Marker	
—LLS— Land Lot Symbol		—WMH— Water Marker	
		—WAV— Water Air Release Valve	
		—WBFV— Water Back Flow Preventer	
		—SKH— Sprinkler Head	
		—SV— Sprinkler Valve	

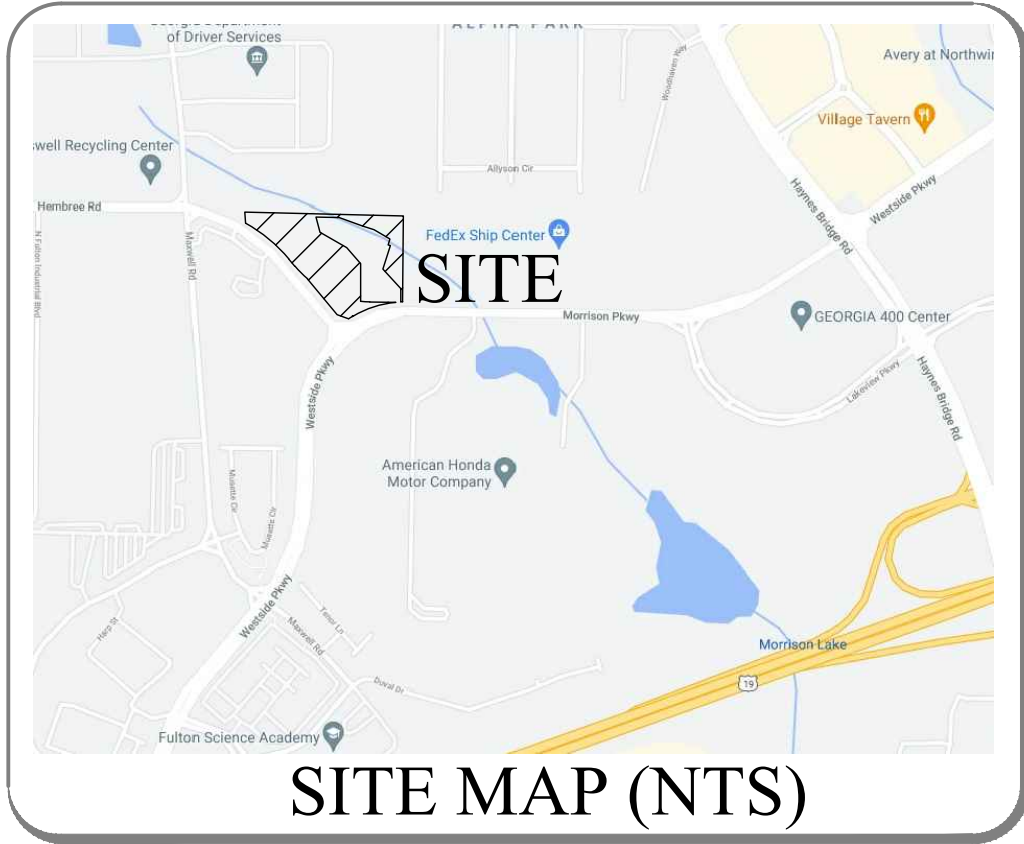
LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 691 of the 1st District, 2nd Section, City of Alpharetta, Fulton County, Georgia and being more particularly described as follows:

BEGIN at the found iron rod located at the common land lot corner to Land Lots 691, 692, 697, and 698, said found iron rod being the TRUE POINT OF BEGINNING;

THENCE along common land lot line between Land Lot 691 and 698 South 00 degrees 33 minutes 34 seconds West a distance of 557.69 feet to a set 5/8 inch rebar with cap at the intersection between said common land lot line between Land Lot 691 and 698 with the northerly right of way of Morrison Parkway (variable public right of way); thence along said northerly right of way of Morrison Parkway along a curve turning to the left with an arc length of 12.05 feet, having a radius of 716.20 feet, being subtended by a chord bearing of South 86 degrees 53 minutes 39 seconds West, and a chord length of 12.05 feet to a set 5/8 inch rebar with cap; thence leaving said northerly right of way of Morrison Parkway and proceed North 00 degrees 06 minutes 57 seconds East a distance of 86.72 feet to a point; thence North 42 degrees 29 minutes 26 seconds West a distance of 172.07 feet to a point; thence North 17 degrees 39 minutes 25 seconds East a distance of 160.00 feet to a point; thence North 72 degrees 20 minutes 35 seconds West a distance of 15.00 feet to a point; thence North 17 degrees 39 minutes 25 seconds East a distance of 40.00 feet to a point; thence North 59 degrees 35 minutes 35 seconds West a distance of 120.00 feet to a point; thence North 72 degrees 35 minutes 35 seconds West a distance of 75.00 feet to a point; thence North 70 degrees 05 minutes 35 seconds West a distance of 165.00 feet to a point; thence North 89 degrees 01 minutes 22 seconds West a distance of 150.00 feet to a point; thence South 14 degrees 51 minutes 28 seconds East a distance of 102.00 feet to a point; thence South 60 degrees 09 minutes 14 seconds East a distance of 200.00 feet to a point; thence South 41 degrees 05 minutes 35 seconds East a distance of 137.14 feet to a point; thence South 00 degrees 06 minutes 51 seconds West a distance of 246.05 feet to a point; thence along a curve turning to the left with an arc length of 59.78 feet, having a radius of 645.00 feet, being subtended by a chord bearing of South 86 degrees 32 minutes 53 seconds East, and a chord length of 59.76 to a point; thence South 89 degrees 12 minutes 10 seconds East a distance of 168.12 feet to a set 5/8 inch rebar with cap on said northerly right of way of Morrison Parkway; thence along said northerly right of way of Morrison parkway the following courses and distances: along a curve turning to the left with an arc length of 291.79 feet, having a radius of 645.00 feet, being subtended by a chord bearing of South 72 degrees 06 minutes 59 seconds West, and a chord length of 289.30 feet to a found right of way monument; North 34 degrees 21 minutes 46 seconds West a distance of 3.18 feet to a found right of way monument; South 60 degrees 37 minutes 23 seconds West a distance of 6.36 feet to a found right of way monument; South 22 degrees 19 minutes 51 seconds East a distance of 3.18 feet to a found right of way monument; along a curve turning to the left with an arc length of 27.72 feet, having a radius of 716.20 feet, being subtended by a chord bearing of South 58 degrees 43 minutes 51 seconds West, and a chord length of 27.72 feet to a set 5/8 inch rebar with cap at the most southeasterly end of mitered intersection created by said northerly right of way of Morrison Parkway and the northeasterly right of way of Hembree Road (variable public right of way); thence along said miter North 70 degrees 29 minutes 41 seconds West a distance of 80.01 feet to a set 5/8 inch rebar with cap at the most northerly end of said mitered right of way; thence along said northeasterly right of way of Hembree Road the following courses and distances: North 39 degrees 36 minutes 19 seconds West a distance of 301.68 feet to a point; along a curve turning to the right with an arc length of 115.70 feet, having a radius of 645.00 feet, being subtended by a chord bearing of North 44 degrees 57 minutes 30 seconds West, and a chord length of 115.54 fee to a point; North 39 degrees 49 minutes 11 seconds West a distance of 61.08 feet to a point; along a curve turning to the left with an arc length of 366.65 feet, having a radius of 994.93 feet, being subtended by a chord bearing of North 50 degrees 22 minutes 37 seconds West, and a chord length of 364.58 feet to a set 5/8 inch rebar with cap; thence leaving said northeasterly right of way of Hembree Road North 04 degrees 09 minutes 45 seconds West a distance of 72.97 feet to a set 5/8 inch rebar with cap on the common land lot line between Land Lots 691 and 692; thence along said common land lot line between Land Lots 691 and 692 South 88 degrees 35 minutes 36 seconds East a distance of 1030.37 feet to a found iron rod, said rod being the TRUE POINT OF BEGINNING

CONTAINS 319,993 square feet or 7.346 acres.



BOUNDARY AND TOPOGRAPHIC SURVEY

FOR
EAH ACQUISITIONS, LP

SHEET 3 OF 3
DRAWN BY: MCS
CHECKED BY: WH / MCS
FILE NO.: 21059.00
DATE: 05/20/2021
SCALE: 1" = 40'
DATE OF FIELD WORK: 5/19/21

FULTON COUNTY
GEORGIA

CITY OF ALPHARETTA

LAND LOT(S)
DISTRICT 691

REVISIONS		DESCRIPTION	
5			BY
4			
3			
2			
1	REV	DATE	

The field data upon which this map or plat is based has a closure precision of one foot in 31872 feet and an angular error of 00° 00' 04" per angle point and was adjusted using the compass adjustment rule.

This map or plat has been calculated for closure and is found to be accurate to within one foot in 1,501,022 feet.

EQUIPMENT USED:

ANGULAR: TOPCON TOTAL STATION

LINEAR: TOPCON TOTAL STATION

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A Section 15-6-67.

Date of Map or Plat: 04/28/2021



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350 RESEARCH COURT, RESEARCH CORNERS, GEORGIA 30092
(770) 451-1241 WWW.PEC.PLUS
C.O.A.-LSF00004



U:\2021\2105900\SubDrawings\21059.00 - ALTA Map - MS.dwg - 5/26/2021 9:39 AM



J:\2021\21059000\DelConcepts & Exhibits\Zoning\21059.00 - Site-Zone-1.dwg - MKiap - 8/31/2021 11:04 AM

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ARBORISTS + SURVEYING & CONSTRUCTION + WATER RESOURCES

350 RESEARCH COURT STE 200
PEACHTREE CORNERS, GA 30092

PROJECT

**HEMBREE RD
(3000) @
MORRISON PKWY**
A MASTER PLANNED RESIDENTIAL
DEVELOPMENT

3000 HEMBREE RE
ALPHARETTA, GA 30009

CITY OF ALPHARETTA JURISDICTION

FOR

EAH ACQUISITIONS, LP

MUNICIPALITY PROJECT #

REVISIONS

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AND DATED WITH AN ORIGINAL SIGNATURE.

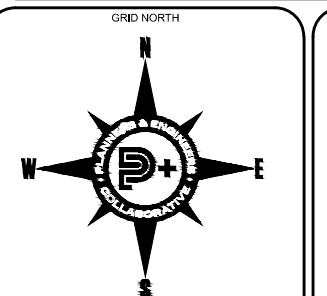


GSWCC LEVEL II DESIGN PROFESSIONAL
CERTIFICATION # 0000059389 EXP. 10/28/2021

REZONING MASTER PLAN



SCALE: 1" = 40'
DATE: 08/28/2021
PROJECT: 21059.00



Z1

FET



SPECIMEN TREE REPORT

CITY OF ALPHARETTA



Tree Report for:

Kelley Rhino

Empire Communities

5775 Glenridge Dr, Bldg D, Suite 350
Atlanta, GA, 30328

Property Address:

3000 Hembree Road

Fulton County

Alpharetta, GA 30009

Project 21059.00

Survey Date 09/21/2021



TREE CONSULTANTS

350 RESEARCH CT. PEACHTREE CORNERS, GA 30092
PHONE: 770-451-3915
A PEC DIVISION

ISA/TRAQ Certified Arborist SO-10377A

William Murphy
PEC+

Hembree Road

Specimen Tree Inventory

Some trees on a site warrant special consideration and encouragement for preservation. Specifications for these trees are established under the City of Alpharetta Tree Preservation and Replacement Ordinance. The intent of these specifications is to provide the necessary information to facilitate project design, plan review and enforcement processes. The purpose is to make The City of Alpharetta a more attractive place to live, provide a healthy living environment, and better control of stormwater runoff, noise, glare and soil erosion.

City of Alpharetta Specimen tree specifications are organized by size:

30” DBH

-Pines, Poplars, and Sweetgums

24” DBH

-All Unspecified Overstory Hardwoods

20” DBH

-Non-Pine Conifers, Beeches, Blackgums, Persimmons, Sassafras

8” DBH

-Flowering Understory

and condition:

- Life expectancy greater than 15 years
- Relatively sound and solid trunk with no visible decay
- No more than one major and several minor dead limbs (hardwoods)
- No major insect or pathological problems

Site Location

The site is an approximately 8-acre, partially-cleared parcel of land located on a border between a residential and commercial sector in southern Alpharetta near the The Department of Driver Services building. Approximately half of the site is floodplain or stream adjacent wetlands. The site is bordered by an easement to the north and by Hembree Road and Morrison Parkway on its west and southern borders, respectively. Specimen tree number were low as a result of land clearing activities in the past.



Hembree Road

Definitions

Tree Number: Trees are tagged with an aluminum disk that shows a unique number to identify the tree.

Species: Trees are listed by botanical name and a regional common name.

Diameter at Breast Height (DBH): The diameter of a trunk at 4.5’ above ground level. Measured in inches.

Condition:

Specimen:

Good: A specimen tree with healthy productive tip growth. A sound trunk with no visible damage or decay. No major limb loss and healthy branch unions. No visible insect or disease infestations. Life expectancy of more than 15 years.

Fair: A specimen tree with healthy but not vigorous tip growth. Less than 30% of crown is dead. No major dead limbs and no major trunk cavities or damage. Branch unions show some signs of stress. Tree is expected to live longer than 10 years.

Non-Specimen:

Poor: More than 30% of the crown is dead or has significant tip die back. More than one major limb is dead and are large trunk cavities with visible decay. Severe insect or disease damage leading to immediate death. Roots are visible and show signs of decay and rot. Life expectancy is less than 5 years.

Dead: Tree has no bud or leaf production. All limbs are barren and rot is visible.

Invasive: Tree species whose native range is not within the Piedmont classification.

Hazardous: Severe or uncorrectable damage that will lead to a loss of property or life if there is tree failure.



Specimen Tree Report

Specimen Tree Table			
Tag #	Species	DBH	Comments
383	<i>Liquidambar tulipifera</i> Sweetgum	32	Specimen Tree of Quality
384	<i>Quercus nigra</i> Water Oak	33	Open Trunk Wound with Internal Decay - 3 Dead Major Branches - Fruiting Bodies - Minor Tip Dieback
385	<i>Sassafras albidum</i> Sassafras	11	High Split with Bark Inclusion - Tip Dieback - Mechanical Damage from neighboring Cherry - Imbalanced Crown
386	<i>Quercus falcata</i> Southern Red Oak	38	Specimen Tree of Quality
387	<i>Cornus florida</i> Dogwood	8	Specimen Tree of Quality
388	<i>Pinus spp.</i> Pine	30	Specimen Tree of Quality
389	<i>Acer rubrum</i> Red Maple	53	Topped Dead Leader - Basal Decay localized to split - Deadwood Branches
390	<i>Liriodendron tulipifera</i> Tulip Poplar	41	Topped Dead Leader - Severely Hollow Trunk
391	<i>Liquidambar tulipifera</i> Sweetgum	37	Severe Tip Dieback - Reduced Crown/Canopy
392	<i>Pinus spp.</i> Pine	30	Specimen Tree of Quality

Total Specimen Sized Trees: 10
Specimen Condition: 5
Non-Specimen Condition: 5

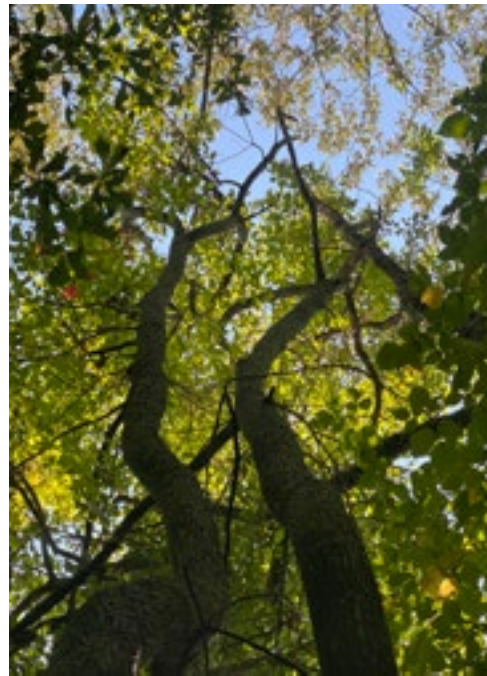
Specimen Tree Site Condition:
Half of the specimen sized trees on site meet the City of Alpharetta standards for specimen trees.

DDH Photos
Tree #384



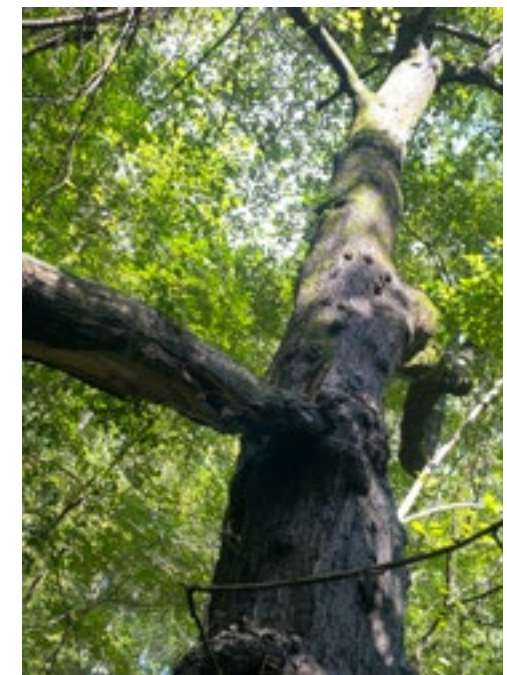
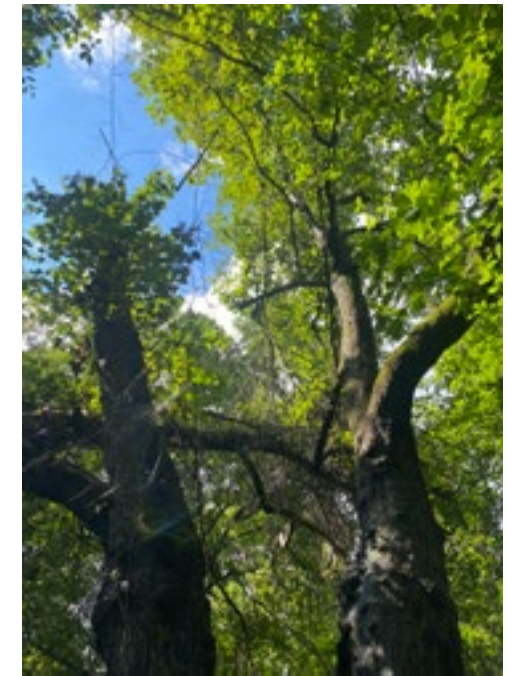
Hembree Road

Tree #385



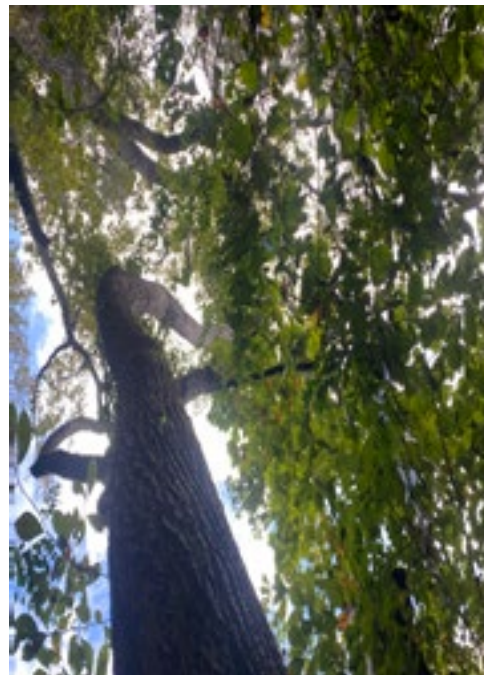
Hembree Road

Tree #389



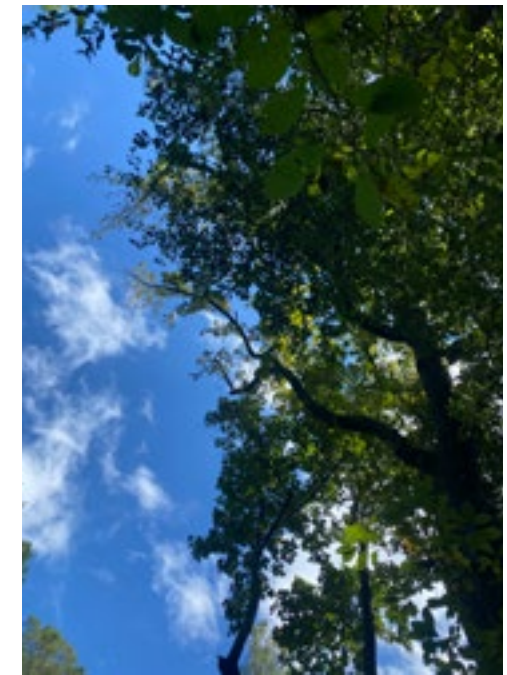
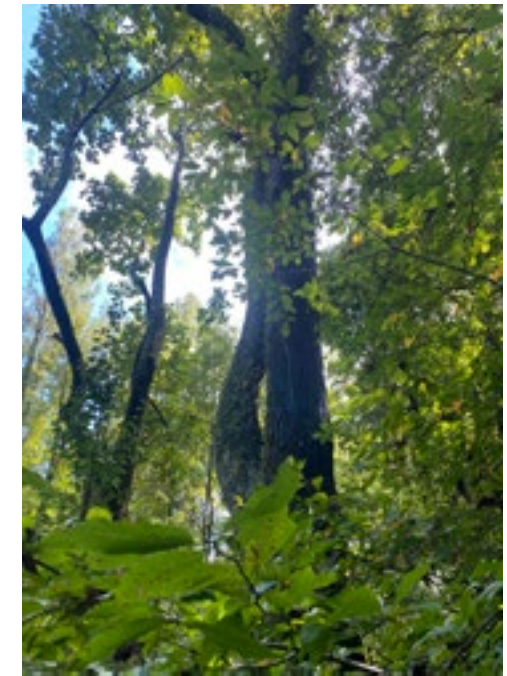
Hembree Road

Tree #390



Hembree Road

Tree #391





LAND PLANNING + LANDSCAPE ARCHITECTURE + CIVIL ENGINEERING
ARBORISTS + SURVEYING & CONSTRUCTION + WATER RESOURCES

350 RESEARCH COURT STE 200
PEACHTREE CORNERS, GA 30092

PROJECT

**HEMBREE RD
(3000) @
MORRISON PKWY**

**A MASTER PLANNED RESIDENTIAL
DEVELOPMENT**
AT

3000 HEMBREE RE
ALPHARETTA, GA 30009

CITY OF ALPHARETTA JURISDICTION

FOR

EMPIRE COMMUNITIES

MUNICIPALITY PROJECT #

REVISIONS

[illegible]

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AND DATED WITH AN ORIGINAL SIGNATURE.

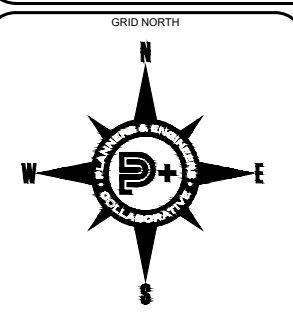
PRELIMINARY

NOT TO BE RELEASED FOR CONSTRUCTION

SPECIMEN TREE SURVEY

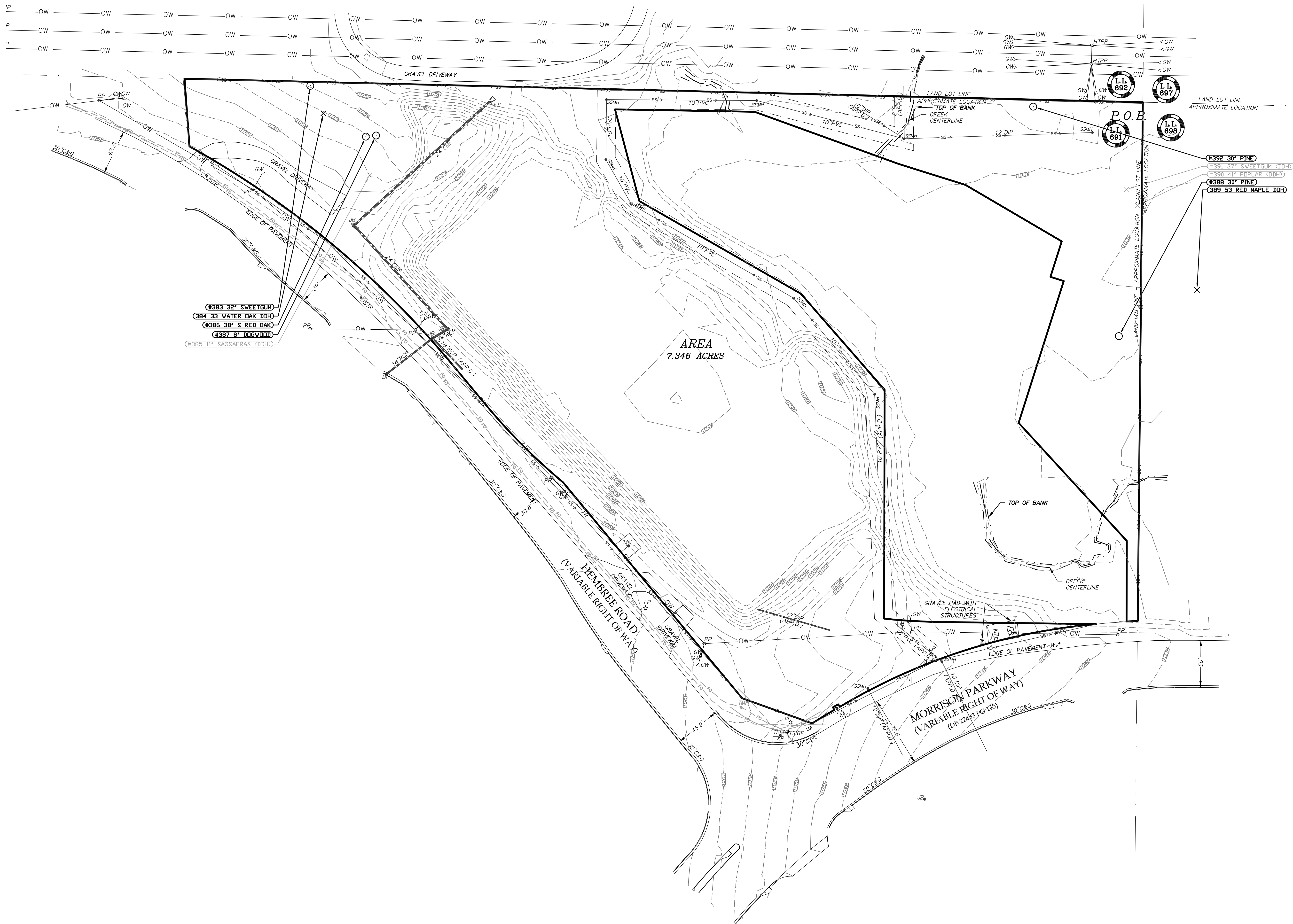


SCALE: 1" = 50'
DATE: 05/21/2021
PROJECT: 21059.00



T1

SHEET





CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

SPONSORED BY: COUNCIL MEMBER MERKEL

SECONDED BY: COUNCIL MEMBER RICHARD

I. AGENDA ITEM TITLE: PH-21-18 THE CODE OF THE CITY OF ALPHARETTA TEXT AMENDMENTS – DISTANCE REQUIREMENTS AND ANCILLARY TASTING

PLANNING COMMISSION: NOVEMBER 4, 2021

CITY COUNCIL – FIRST READING: NOVEMBER 15, 2021

II. REPORT IN BRIEF:

The proposed text amendment to Code of Ordinances Section 4-17 Distance requirements, is to prohibit a retail package store from being located within 2,000' of any other retail package store.

The proposed text amendment to Code of Ordinances Section 4-1 Definitions, is to add a definition for Craft beer.

The proposed text amendments to Code of Ordinances Section 4-347 Conditions of license issuance, are to include craft beer, to remove the specific amount of wine or craft beer brands, to increase the total amount of samples from eight (8) ounces to sixteen (16) ounces, to permit sampling and tasting within the leased portion of the premises, and to remove the language prohibiting wine sampling and tasting on Sundays.

III. ATTACHMENTS:

- Alpharetta Code Strike Through and Underline Edits

Sec. 4-347. Conditions of license issuance.

The holder of a package wine and/or craft beer license, ~~with or without a package malt beverage license, but in no event with a package distilled spirits license~~, with licensed premises having a minimum of 200 square feet of floor space dedicated to the display of wine and/or craft beer offered for sale, shall be eligible for an ancillary wine and/or craft beer tasting license to sell or provide samples or tastings of wine and/or craft beer offered for sale by the package to customers for consumption on the premises under the following conditions:

- (1) The licensee shall maintain on the premises and offer for sale by the package at least 25 different brands of wine and/or craft beer.
- (2) Wine and/or craft beer sampling and tasting for customers shall only be conducted at a ~~wine~~ counter area constituting no more than 20 percent of the entire floor area of the premises.
- (3) Wine and/or craft beer samples shall not exceed two ounces, and no customer shall consume more than ~~eight 2 flights or a total of 16~~ ounces in any calendar day.
- (4) Wine and/or craft beer bottles shall be opened only by the licensee or an employee, and samples shall only be poured by the licensee and/or an employee.
- (5) No open containers of wine and/or craft beer shall be removed from the licensed premises.
- (6) Wine and/or craft beer sampling and tasting is only permitted within the ~~enclosed~~ leased portion of the premises.
- (7) Wine and/or craft beer sampling and tasting is only permitted during the hours the licensed premises are authorized to provide package sales of alcoholic beverages; ~~provided, however, no wine sampling and tasting shall be permitted on Sunday.~~
- (8) Wine and/or craft beer license sampling and tasting shall not be permitted prior to the city's approval of a package license holder's application for an ancillary wine tasting license and the package license holder's payment of the subject license fee. The annual fee for an ancillary wine tasting license shall be \$250.00, which fee may be revised from time to time by resolution of the mayor and council.

(Code 1989, § 3-160; Ord. No. 598, § 1, 7-10-2006; Ord. No. 740, § 8, 5-16-2017)

Sec. 4-1. Definitions.

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

Alcoholic beverage means all alcohol, distilled spirits, beer, malt beverages, wine and fortified wine as defined in this section.

Alcoholic beverage caterer means any retail dealer licensed to sell alcohol and who provides alcohol at special events or special events facilities.

Art gallery means a retail establishment primarily engaged in, and which derives at least 70 percent of its total annual gross sales from, the sale or display of art books, paintings, sculptures, or other works of art; but specifically excluding libraries, book stores, theaters, and establishments where the display of works of art is incidental to its primary use.

Art studio means a retail establishment primarily engaged in providing instruction in painting, sculpture, drawing, photography, craft work, fiber art, or other visual or graphic art techniques, and which derives at least 70 percent of its total annual gross sales from the sale of such services and art products related to such services; but specifically excluding body art studios and tattoo parlors.

Beer and malt beverage means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, containing not more than six percent alcohol by volume, and including ale, porter, brown, stout, lager beer, small beer and strong beer. The term "malt beverage" does not include sake, also known as Japanese rice wine.

Brew pub means any eating establishment in which malt beverages are manufactured, subject to the barrel production limitation prescribed in section 4-188. In calculating the total annual gross food and beverage sales for any such establishment for the purpose of determining whether the establishment constitutes an eating establishment as defined herein, barrels of malt beverages sold to licensed wholesale dealers, as authorized pursuant to section 4-188(2)d, or to the public for consumption off the premises in accordance with section 4-188(2)a and (2)d, (3) and (4), shall not be used.

Cigar shop means a retail establishment that derives not less than 70 percent of its total annual gross sales from the sale of cigars and cigar-related products for consumption on or off the premises, and that does not sell, or permit the use of, (i) vape products such as electronic smoking devices, component parts or e-liquids, or (ii) hookah products such as "hookahs", glass pipes or bongs.

Craft beer shall be defined for purposes of this section as a malt beverage produced at a brewery whose annual production is six million (6,000,000) barrels of beer or less (approximately three (3) percent of U.S. annual sales). Craft beer production is attributed to the rules of alternating proprietorships and the total beverage alcohol volume and flavor is derived from traditional or innovative brewing ingredients and their fermentation.

Distilled spirits means any alcoholic beverage obtained by distillation or containing more than 21 percent alcohol by volume, including, but not limited to, all fortified wine.

Eating establishment means an establishment which is licensed to sell distilled spirits, malt beverages, or wines and which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food.

Fixed salary means the amount of compensation paid to any member, officer, agent or employee of a bona fide private club as may be fixed for such person by its members at a prior annual meeting or by the governing body of the club out of the general revenue of the club, and shall not include a commission on any profits from the

sale of alcoholic beverages. For the purpose of this definition, tips or gratuities which are added to the bills under club regulation shall not be considered as profits from the sale of alcoholic beverages.

Fortified wine means any alcoholic beverage containing more than 24 percent alcohol by volume made from fruits, berries or grapes, either by natural fermentation or by natural fermentation with brandy added. The term "fortified wine" includes, but is not limited to, brandy.

Licensee means the individual to whom a license is issued or, in the case of partnership or corporation, all partners, officers and directors of the partnership or corporation.

Liter means a metric measurement currently used by the United States.

Manufacturer means any maker, producer or bottler of an alcoholic beverage. The term "manufacturer" also means:

- (1) In the case of distilled spirits, any person engaged in distilling, rectifying or blending any distilled spirits; provided, however, that a vintner who blends wine with distilled spirits to produce a fortified wine shall not be considered a manufacturer of distilled spirits; and
- (2) In the case of malt beverages, any brewer; and in the case of wine, any vintner.

Package means a bottle, can, keg, barrel or other original consumer container.

Premises means the definite closed or partitioned-in locality, whether a room, shop, building, restaurant or club, wherein activities permitted by this chapter are conducted.

Private club means any nonprofit association organized under the laws of this state which:

- (1) Has been in existence at least one year prior to the filing of its application for a license to be issued pursuant to this chapter;
- (2) Has at least 75 regular dues-paying members; and
- (3) Owns, hires or leases a building space within a building for the reasonable use of its members with:
 - a. A suitable kitchen and dining room space and equipment;
 - b. A sufficient number of employees for cooking, preparing and serving meals for its members and guests; and
 - c. No member, officer, agent or employee directly or indirectly receiving, in the form of salary or other compensation, any profits from the sale of alcoholic beverages beyond a fixed salary.

Private dog park means a privately-owned and operated dog park which:

- (1) Is located on a minimum two-acre lot within the LI Zoning District;
- (2) Has a minimum of 25 due-paying members;
- (3) Derives a minimum of 40 percent of its total annual gross food and beverage sales from the sale of prepared food;
- (4) Has a full-service kitchen or regularly utilizes one or more food trucks to provide prepared foods to meet its food sales requirements; and
- (5) Has food trucks or other sources of prepared foods available for sale during all hours of operation.

Except as provided in this definition, a private dog park shall be subject to the same requirements as on-premises eating establishments, including hours of permitted alcohol sales.

Retailer or retail dealer, except as to distilled spirits, means any person who sells alcoholic beverages, either in unbroken packages or for consumption on the premises, at retail only to consumers and not for resale. With

respect to distilled spirits, the term "retailer" or "retail dealer" means any person who sells distilled spirits in unbroken packages at retail only to consumers and not for resale.

Supermarket means a retail market which:

- (1) Does not sell or offer for sale any of the following: distilled spirits, tobacco products, lottery tickets or related games of chance;
- (2) Maintains at all times that it is open an inventory of saleable food products including meats, dairy, vegetables, fruits, dry goods and beverages;
- (3) Has an interior floor space and storage areas of at least 15,000 square feet, of which more than 50 percent of such interior floor area is devoted to the display for sale of food products;
- (4) Sells prepared food;
- (5) Has a full service kitchen consisting of at least a four-compartment pot sink, a stove or grill permanently installed, and a refrigerator; and
- (6) Employs not less than 15 employees who work at least 35 hours per week on the premises.

Wholesaler or *wholesale dealer* means any person who sells alcoholic beverages to other wholesale dealers, to retail dealers or to retail consumption dealers.

Wine means any alcoholic beverage containing not more than 24 percent alcohol by volume made from fruits, berries or grapes, either by fermentation or by natural fermentation with brandy added. The term "wine" includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines and like products. The term "wine" does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at that point in the manufacturing process when it conforms to the definition of the term "wine" contained in this section.

Wine bar means a type of eating establishment with a floor area not exceeding 2,000 gross square feet, which serves food and only beer, wine and non-alcoholic beverages, and where the sale of food consumed on the premises constitutes at least 40 percent of gross sales of the establishment.

(Code 1989, § 3-1; Ord. No. 218-A, §§ 1.002, 1.031, 9-22-1986; Ord. No. 679, § 2, 7-15-2013; Ord. No. 722, § 1, 3-21-2016; Ord. No. 733, § 1, 2-6-2017; Ord. No. 740, § 1, 5-16-2017; Ord. No. 795, § 1, 5-26-2020)

State law reference(s)—Definitions, O.C.G.A. §§ 3-1-2, 3-4-1.

Sec. 4-17. Distance requirements.

- (a) No person, retailer, or retail package store may sell or offer to sell alcoholic beverages:
- (1) Within 200 feet of any private residence, unless such residence is itself in a commercial district;
 - (2) Within 300 feet of any public library or branch thereof;
 - (3) Within 300 feet of the property line of any church, shrine, chapel of a mortuary or other place used exclusively for religious services, and any school grounds or college campus;
 - (4) Within 300 feet of that portion of a public park which is habitually used for recreational purposes; or
 - (5) Within 200 feet of a regular stop as designated by the county board of education where a school bus for the transportation of school children in the public schools of the county shall take on or discharge school children.

(6) Within 2,000 feet of any other retail package store.

The schools or colleges referred to herein shall include only such state, county, city, church or other schools as teach the subjects commonly taught in the common schools and colleges of this state. A school bus stop is defined as a designated place where five or more children board the bus. The public parks referred to herein shall include all public parks, however, the Alpha Loop and the Big Creek Greenway shall be excluded from that definition for the purposes of this Code section only.

- (b) For premises that are located or proposed to be located in the central business district (as defined in section 1.4.2 of the Unified Development Code), distance shall be measured from such residence, library, property line, park or school bus stop by the straight line distance to the nearest public sidewalk, street or highway, then along such sidewalk, street or highway by the nearest route to the front door of the premises from which alcoholic beverages are to be sold. For premises that are located or proposed to be located in all other areas of the city, distance shall be measured from such residence, library, property line, park or school bus stop by the straight line distance to the point of the premises nearest to such residence, library, property line, park or school bus stop. Every license application shall include a scale drawing of the location of the proposed premises, showing the distance of the uses described in this section and a certificate of a registered land surveyor or professional engineer that the location complies with these distance requirements.
- (c) The distance requirements of this section pertaining to colleges are intended to apply to the main or primary campus or grounds of a college. For various reasons, a college may occasionally lease subordinate space away from its main campus or grounds to conduct its activities (a subordinate facility). For the purposes of determining compliance with the distance requirements of this section, a subordinate facility shall not be considered a college if all of the following conditions are met:
- (1) The college is occupying the subordinate facility as a tenant under a lease agreement;
 - (2) The amount of square footage leased to the college at the subordinate facility is less than 20 percent of the cumulative square footage of the buildings occupied by the college at its primary facility;
 - (3) The subordinate facility is located in a commercially-zoned district; and
 - (4) The subordinate facility is not adjacent or contiguous to the primary facility of the college.
- Notwithstanding the foregoing, no license for the sale of alcoholic beverages shall be granted with respect to an establishment that is located in the same building as a subordinate facility or within 50 feet of a subordinate facility.
- (d) The city council, after notice and a public hearing, may grant a variance to the minimum distance requirements between a private residence and an establishment seeking an on-premises consumption

license if there exists one or more of the conditions set forth in subsection (d)(1) of this section, and all of the conditions set forth in subsection (d)(2) of this section:

- (1) a. The establishment is designed to be an integral part of planned mixed use development;
 - b. The establishment is located within a shopping center with an aggregate leasable area of 50,000 square feet or more;
 - c. The primary entrance of the establishment is not directly visible along the line of measurement and is physically separated from the residence;
 - d. There are other licensed establishments of a similar nature in the immediate vicinity;
 - e. The residence is not a single-family detached residence.
 - f. The establishment is a contributing historical building as defined by the historic preservation ordinance, and the property is zoned to allow for a use that is suitable for an alcohol license such as a restaurant and/or gourmet food store.
- (2) a. There are practical or economic difficulties in carrying out the strict letter of the distance requirements;
 - b. The request is not based primarily on the desire to reduce the cost of developing the site;
 - c. The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site, and will not substantially interfere with or injure the rights of others whose property would be affected by the variance;
 - d. The proposed variance will not be detrimental to the public health, safety or welfare, result in additional expense, or the creation of nuisances, or conflict with other applicable law.
- (e) The city council, after notice and a public hearing, may grant a variance to the minimum distance requirements between a school grounds or college campus and an eating establishment (as the term "eating establishment" is used in section 4-47) seeking an on-premises consumption license, provided that all of the conditions set forth below exist:
 - (1) The location for which a license to sell alcoholic beverages for on-premises consumption is being sought has previously been operated as an eating establishment licensed by both the city and the state for the sale of alcoholic beverages for on-premises consumption within the five years immediately preceding the application for the new license;
 - (2) The primary entrance to the eating establishment is physically separated, either by a street, a fence, shrubbery, a parking lot, another building, or some other form of physical barrier, from the school grounds or college campus which is in close proximity to the eating establishment;
 - (3) There are practical or economic difficulties in carrying out the strict letter of the distance requirements, including the fact that the proposed premises from which alcoholic beverages for on-premises consumption would be sold already contains a commercial kitchen;
 - (4) The request is not based primarily on the desire to reduce the cost of developing the site;
 - (5) The proposed variance will not substantially diminish the property value in, nor alter the essential character of, the area surrounding the site, and will not substantially interfere with or injure the rights of others whose property would be affected by the variance;
 - (6) The proposed variance will not be detrimental to the public health, safety or welfare, result in additional expense, or the creation of nuisances, or conflict with other applicable law;
 - (7) The proposed variance will have no material effect on the use of the property on which the school grounds or college campus is located as either a school grounds or college campus.

-
- (f) To the extent not otherwise prohibited by O.C.G.A. § 3-3-21 or other state law, the operator of a premises shall not be ineligible to receive, maintain, or renew a license due solely to the premises' noncompliance with the distance requirements set forth in section 4-17(a) if:
- (1) A duly licensed licensee engaged in the sale or offer for sale of alcoholic beverages on the premises prior to the establishment of any use or activity described in section 4-17(a) that would otherwise make the premises ineligible for a license; and
 - (2) After establishment of any use or activity described in section 4-17(a), the sale or offer for sale of alcoholic beverages on the premises did not cease for a period of six months or more. Notwithstanding the foregoing, nothing contained in this subsection or elsewhere in this chapter shall be construed or interpreted to affect the status of a license under this chapter 4 as a mere grant or privilege to carry on the business during the terms of the license subject to all terms and conditions imposed by the city ordinances and state law.

(Code 1989, § 3-17; Ord. No. 218-A, § 1.011, 9-22-1986; Ord. No. 512, § 1, 12-2-2002; Ord. No. 524, § 1, 3-3-2003; Ord. No. 532, § 1, 12-15-2003; Ord. No. 643, § 1, 7-19-2010; Ord. No. 811, § 1, 9-21-2020; Ord. No. 832, § 1, 6-28-2021)

State law reference(s)—Sales near churches, etc., O.C.G.A. § 3-3-21.