City Council Meeting
NOVEMBER 15, 2021

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

I. CALL TO ORDER

II. ROLL CALL

III. PLEDGE TO THE FLAG

IV. PRESENTATIONS & PROCLAMATIONS

A. Alpharetta Chamber Presentation to the Public Safety Foundation

V. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 11/1/2021)

B. Alcoholic Beverage License Applications

PH-21-AB-28 The Farm at Pamelot Inc.
54 Roswell Street
Alpharetta, GA 30009

Farm Winery Tasting Room & Wine Bar
Consumption on Premises
Beer, Wine, Retail Package Sales & Sunday Sales

Owner: Pamela Jackson
Registered Agent: Jeffrey Jackson

VI. PUBLIC HEARING

A. PH-21-AB-27 Minimum Distance Requirement Waiver Request for 241 South Main Street
DEFERRED: This item has been deferred by Staff until November 29, 2021 City Council Meeting. This item will not be heard or considered by City Council during tonight's meeting.
Consideration of a variance from the minimum distance required between an establishment seeking an alcoholic beverage license and a school.

B. MP-21-03/CU-21-05 ADVANCED RECOVERY SYSTEMS, LLC DRUG REHABILITATION CENTER
Consideration of a master plan amendment and conditional use to allow a 62-bed DRUG REHABILITATION CENTER for Advanced Recovery Systems, LLC. A master plan amendment is requested to the Southfund Master Plan to add 'Congregate Housing, Assisted Living Facility' as a conditional use in Pod D. A conditional use is requested to allow 'Congregate Housing, Assisted Living Facility' for Advanced Recovery Systems, LLC. The zoning classification of the property is O-I (Office-Institutional) subject to the Southfund Master Plan Pod D. The property is located at 11725 Pointe Place and is legally described as being located in Land Lot 550, 1st District, 2nd Section, Fulton County, Georgia.

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

D. 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' townhome units 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.

E. 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.

F. PH-21-18 The Code of City of Alpharetta Text Amendments - Distance Requirements and Ancillary Tasting
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.

VII. OLD BUSINESS

VIII. NEW BUSINESS

A. Rucker Road Landscape Finalization - FY2022

B. Traffic Signal Operations Program Coordination with GDOT

C. Recreation and Parks Fleet Replacement

D. An Ordinance to Amend Chapter 4 (Alcoholic Beverages) of the Code of the City of Alpharetta, Georgia
Co-Sponsored by Council Member Burnett and Council Member Hipes

IX. WORKSHOP

X. PUBLIC COMMENT

XI. REPORTS

XII. ADJOURNMENT TO EXECUTIVE SESSION

CITY COUNCIL MEETING
STAFF REPORT

SUBMITTING DEPARTMENT: CITY CLERK
SUBMITTED BY: LAUREN SHAPIRO
DRAFTED BY: LAUREN SHAPIRO

I. AGENDA ITEM TITLE:

COUNCIL MEETING MINUTES FROM THE MEETING OF 11-1-2021.

II. RECOMMENDATION:

Approve the City Council meeting minutes from November 1, 2021, as part of the Consent Agenda.

III. REPORT IN BRIEF:

City Clerk, Lauren Shapiro, attended, recorded, and prepared a synopsis of the pertinent information that occurred during the City Council meeting on Monday, November 1, 2021.

IV. ALTERNATIVES:

Deny or defer the approval of the Consent Agenda until the November 29, 2021 City Council meeting.

V. ATTACHMENTS:

- City Council meeting minutes from November 1, 2021.

City Council Meeting
NOVEMBER 1, 2021
Office of the City Clerk

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

I. CALL TO ORDER

- Mayor Gilvin called the meeting to order at 6:30 p.m.

II. ROLL CALL

- **Council Members**
  - Mayor Jim Gilvin
  - Mayor Pro Tem Donald F. Mitchell
  - Ben Burnett
  - Jason Binder
  - John Hipes
  - Dan Merkel
  - Karen Richard
- **Staff**
  - Bob Regus, City Administrator
  - Mike Stacy, City Attorney
  - James Drinkard, Asst. City Administrator
  - Lauren Shapiro, City Clerk
  - Cris Randall, Director of Human Resources
  - Peter Sewczwicz, Director of Public Works
  - John Robison, Director of Public Safety
  - Tom Harris, Director of Finance
  - Kathi Cook, Director of Community Development and Economic Development
  - Adam Montgomery, Information Technology Manager
  - Michael Woodman, Senior Planner
  - Eric Graves, Senior Traffic Engineer / Planner

III. PLEDGE TO THE FLAG

IV. PROCLAMATIONS & PRESENTATIONS

A. Arts Alpharetta Board Member, Ben Hollingsworth

B. Presentation of CALEA Award – Public Safety Department

C. National Native American Heritage Month Proclamation

D. Veterans Day Proclamation

V. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 10/25/2021)

B. Financial Management Report: Month Ending September 30, 2021

- Mayor Pro Temp Mitchell offered a motion to approve the consent agenda.
  - Council Member Burnett seconded the motion.
  - The motion was approved unanimously (7-0).

VI. PUBLIC HEARING

A. V-20-01 / E-20-02 MidGard Self Storage Variance & Exception

Consideration of variances and an exception to allow a 3-story, 90,000 square foot self-storage facility with moving truck rental on 14.9 acres. Variances are requested to the definition of 'Storage, Climate Controlled' to allow for moving truck rentals and to reduce the minimum parking requirement from 91 to 28 spaces. An exception is requested to increase the building height from 35' to 36'-4". The property is located at 11425 Morris Road and is legally described as being located in Land Lot 856, 1st District, 2nd Section, Fulton County, Georgia.

- Director of Community Development and Economic Development, Kathi Cook, came forward to present this item.
- This item was previously heard in August 2020 and is brought back before Council because of an appeal to the Superior Court and for Council's decision pursuant to the Court Order. There is no new staff report, except the applicant may present a proposed change to Condition #9.
- In the original August 10, 2020 staff report, it states the following: "If approval is considered, recommend the following conditions:
  - Property shall be developed substantially in accordance with submitted plan prepared by AEC, dated 11/1/2019, except for modifications required to comply with the conditions below.
  - Maximum building height shall be 3-stories and 36'-4".
  - Self-storage facility shall appear as an office building and shall be substantially brick on 3 sides (West, North and East) with breaks and relief in the elevations, final approval by DRB. Parapet heights shall be approved by DRB.
  - Dumpster shall have brick enclosure with painted metal doors, with final approval by DRB.
  - Retaining walls facing Old Milton Parkway or Georgia 400 shall be brick to match the building. Retaining walls exceeding 16' in height shall be terraced with landscaping, as approved by DRB.

- Interior storage units shall not be visible through windows.
- Loading/unloading areas shall not be visible from Georgia 400 or Old Milton Parkway and shall be heavily screened with landscaping and decorative walls or berms.
- Fences and walls visible from Georgia 400 or Old Milton Parkway shall be decorative, subject to approval by DRB.
- 'Moving vehicles' shall not be sold or leased from the property and shall not be parked between the building and Georgia 400 or Old Milton Parkway.
- Outside storage shall be prohibited.
- Existing tree buffer along Old Milton Parkway shall remain undisturbed, except to accommodate the driveway extension from Morris Road, as depicted on the plan prepared by AEC, dated 11/1/2019. Additional landscaping may be required to be installed within the Georgia 400 buffer where sparse, subject to approval by Staff.
- Wall signs shall not be permitted facing or visible from Georgia 400 and all signage shall be approved by DRB.
- CC&R's shall be recorded and shall limit the use of the subject property to climate controlled self-storage with no lodging or dwelling."

- In this meeting's agenda packet, the applicant provided proposed language for Condition #9 that states: "'Moving vehicles' may be made available for leasing on the property but shall not be parked between the building and Georgia 400 or Old Milton Parkway. There shall not be more than four moving vehicles available for lease on the property at a time and such vehicles shall be parked in contiguous designated parking spaces, the location of such spaces to be approved by DRB. Leasing services shall be provided from the office maintained for general business and sales purposes and shall not be a separate business office. Any signage for the leasing services shall be approved by DRB."
- The applicant, Don Rolader, residing at 200 Foothills Parkway, Marble Hill, Georgia, 30148, and Steve Rowe with AEC, which is located at 50 Warm Springs Circle, Roswell, Georgia 30075, came forward to speak on behalf of this application.
  - The applicant does not seek a full u-haul service facility.
  - Four (4) of the parking spaces would be used for the moving vehicle rental.
  - There will be 28 total parking spaces.
  - When the parking spaces are created, the four spaces would be sized to fit the size of moving vehicle trucks.
- During questioning of the applicant, Council Member Hipes read the definition of storage climate controlled from the 1.4 Definitions of the municipal code.

Public Comments:

- There were no public comments for this item.

❖ Council Member Richard offered a motion to approve V-20-01 / E-20-02 MidGard Self Storage Variance & Exception as to the request for height exception and parking variance due to and only due to the Superior Court's order on MidGard's appeal, subject to the proposed staff conditions, including condition #9 which does not permit moving vehicle leasing on the site. Moving vehicle leasing will not be permitted on the site, as it is not within the definition of climate controlled self-storage, and any request for a definitional variance as to climate

controlled self-storage is denied.

- Mayor Pro Tem Mitchell seconded the motion.
- The motion was approved (6-1; with Council Member Burnett in opposition).

B. E-21-05 Kimball Bridge Road Sign Exception

Consideration of a sign exception to reduce the setback for a monument sign. The property is located at 3060 Kimball Bridge Road and is legally described as being located in Land Lots 849, 850, 859 & 860, 1st District, 2nd Section, Fulton County, Georgia.

- Senior Planner, Michael Woodman, came forward to present this item.
- Staff is recommending that Mayor and Council approve E-21-05 3060 Kimball Bridge Road Sign Exception, subject to the following conditions:
    1. Monument sign shall be permitted with a 4' setback from Kimball Bridge Road right-of-way, as depicted on the submitted plan.
    2. Monument sign shall have a brick or stone base and sign cabinet shall not be internally-illuminated. Decorative landscape beds shall be provided at the base of the monument sign, with final approval by Staff.
- The applicant, Patti Huxford, is requesting consideration of a sign exception to reduce the setback for a monument sign from ten-feet (10') to two-feet (2'). The City recently installed a roundabout at the intersection of Kimball Bridge Road and Rock Mill Road, which required additional right-of-way from adjacent properties. The subject property is located at 3060 Kimball Bridge Road at the intersection of Kimball Bridge Road and Rock Mill Road.
- The submitted request, if approved, would allow a monument sign within two-feet (2') of the public right-of-way on Kimball bridge Road. The Unified Development Code (UDC) requires that monument signs be setback at least ten-feet (10') from the public right-of-way.
- The subject property is zoned O-I (Office-Institutional) and is developed with two (2), low-rise office buildings. Surrounding properties are zoned O-I to the north and west and SU (Special Use) to the south and east. New Prospect Elementary School is located to the south, Rock Mill Park to the east, low-rise office buildings to the north and west.
- The City recently installed a roundabout at the intersection of Kimball Bridge Road and Rock Mill Road, which required additional right-of-way from adjacent properties. The location of the existing parking lot limits the applicant's ability to meet the ten-foot (10') setback.
- 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.
- The CZIM was held on October 13, 2021. There were no public comments.
- Staff has reviewed the applicant's proposal and finds that the request for sign exception does not conflict with the established review criteria. The sign exception request is directly related to the right-of-way taking for the newly installed roundabout at Kimball Bridge Road and Rock Mill Road. If approved, conditions are recommended requiring that the monument sign cabinet not be internally illuminated and that the setback be four-feet (4') which will help with the scale of the sign close to the sidewalk and allow for a planting area.
- The applicant, Patti Huxford, on behalf of Option Signs, which is located at 165 Tidwell Road, Alpharetta, GA 30004, came forward to speak on behalf of this application.
    - The applicant shared that they would be okay with having this sign be back lit or

halo lit.

Public Comment:

- There were no public comments for this item.

❖ Council Member Richard offered a motion to approve E-21-05 3060 Kimball Bridge Road Sign Exception, subject to the following conditions:

1. Monument sign shall be permitted with a 4' setback from Kimball Bridge Road right-of-way, as depicted on the submitted plan.
2. Monument sign shall have a brick or stone base and sign cabinet shall be back lit or halo lit. Decorative landscape beds shall be provided at the base of the monument sign, with final approval by Staff.

- Council Member Merkel seconded the motion.
- The motion was approved unanimously (7-0).

C. **PH-21-19 Lewis Manning House / 40 Cumming Street Change to Conditions of Zoning**

Consideration of a request to change conditions of zoning to allow the Lewis Manning house to be used for a private residence. Previous conditions of zoning allowed the structure to be used for an office or HOA use. The property is located at 40 Cumming Street and is legally described as being located in Land Lot 1253, 2nd District, 2nd Section, Fulton County, Georgia.

- Senior Planner, Michael Woodman, came forward to present this item.
- Staff is recommending that Mayor and Council approve PH-21-19 Lewis Manning House / 40 Cumming Street Change to Conditions of Zoning, subject to the following conditions:

2. The Lewis-Manning House property, consisting of approximately 0.837 acres, shall be zoned DT-LW and developed substantially similar to site plan ~~submitted~~ prepared by ~~PEC~~ D. Tracy Ward, dated ~~9/22/2017~~ 9/8/2021, except for modifications required to comply with the conditions below. Use shall be restricted to ~~office or HOA use~~ a private single-family residence.

~~10. An easement shall be recorded on the final plat providing for use of the Lewis Manning House yard as depicted on the site plan.~~

11. The yard surrounding the Lewis-Manning House shall be enhanced with landscape, hardscape, ~~seating areas and a sculpture or fountain~~, as approved by Staff. Enhanced plantings and/or understory trees shall be required along the north and east sides of the Lewis-Manning House. Developer of the Manning on the Square subdivision shall provide a sculpture or fountain in the civic space on the east side of the entrance to the subdivision, as approved by Staff.

12. Developer shall provide a statement on the final plat and in a binding legal agreement providing for the protection ~~and maintenance~~ of the Lewis-Manning House. Further, the Lewis-Manning House shall be designated as an historic structure under the City's Historic Preservation Ordinance.

13. ~~The Lewis Manning House shall be permitted 1 monument sign not to exceed 10 square feet and 1 wall sign shall not exceed 4 square feet both to be approved by the DRB.~~ The property will forever be known as the Lewis Manning House and will be so designated by a plaque, which will be affixed to the exterior of the structure, as approved by DRB.

New Conditions:

1. Exterior modifications and additions to the historic structure, accessory structures and walls and fencing shall be consistent with the architectural style of the Lewis Manning House, subject to review by the City's Downtown Consultant and approval of a certificate of appropriateness by the Historic Preservation Commission.
2. Swimming pool and cabanas shall be located to have the least impact to existing trees. This may result in a reduction to the swimming pool and cabana footprints. CRZ Impacts to trees shall not exceed the impacts listed on the site plan prepared by D. Tracy Ward, dated 9/8/2021, with final approval by Staff. Cabanas shall not exceed a height of 16' and shall be screened from view of the public right-of-way.
3. The proposed addition to the Lewis Manning House shall not exceed the height depicted on the submitted conceptual images.
4. The Lewis Manning House yard shall be developed with a park-like setting, including decorative plant selections promoting the historic district. A landscape plan shall be subject to approval by the Design Review Board.
5. Prior to a Certificate of Occupancy associated with the Manning on the Square subdivision and Lewis Manning House property, the Manning on the Square final plat shall be updated to reflect the above changes, including but not limited to a statement that the Lewis Manning House shall be used as a private residence, amending open space areas, providing access for the Lewis Manning House and reflecting any necessary revisions to the declarations and covenants.
6. Conditions of zoning related to file #CLUP-17-02/Z-17-04 Taylor Morrison/40 Cumming Street shall remain in effect, unless superseded by the conditions above. Changes to the conditions above shall not release the developer of Manning on the Square from conditions, such as addressing the Cumming Street streetscape, providing civic space along Cumming Street and path connection through the site.

- The submitted request, if approved, will allow for changes to previous conditions of zoning related to the Lewis Manning House. The proposed changes would allow for the Lewis Manning House to be used for a private residence. Previous conditions of zoning allow the Lewis Manning House to be used for an office or HOA use.
- The property was rezoned on September 25, 2017, to DT-LW (Downtown Live-Work) to allow for the historic structure and property to be used for an office or HOA use on 0.837 acres.
- Previous conditions of zoning required the Lewis Manning House yard to be made available for use by residents of the Manning on the Square subdivision, which was depicted on the approved site plan and referenced in condition #10. Subsection 3.2.4(I) of the Alpharetta Downtown Code states that a site's open space requirements shall be considered completely satisfied when a development incorporates a historic building on the City's Contributing Historic Buildings Inventory. Therefore, no open space was required by the Downtown Code for the Manning on the Square subdivision. However, the approved site plan depicted 14.6% civic space, or 1.71 acres, and 10.5% amenity space, or 1.23 acres, for a total of 25.1% open space, or 2.94 acres. The Lewis Manning House yard represents approximately 0.56 acres of amenity space, which would reduce the overall open space for the Manning on the Square subdivision to 2.38 acres, or 21.9%. The zoning of the Manning on the Square subdivision, DT-R (Downtown Residential), requires a minimum 10% amenity and 10% civic space if a historic building was not saved on the property.

- The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that a letter of objection was received from an adjacent resident on Manning Drive with concerns that the Lewis Manning House property would no longer be available for public use and concerns over tree removal in conjunction with the proposed pool and cabanas.
- The CZIM was held on October 13, 2021. There were no public comments.
- Staff has reviewed the applicant's proposal and finds that it can generally support the applicant's request for changes to previous conditions of zoning. The use of the Lewis Manning House as a private residence would generate fewer vehicular trips than a business use, which would have less impact to traffic on Cumming Street and other streets in the vicinity. In addition, the Manning on the Square subdivision would still comply with the minimum open space requirement of 20%. If approved, conditions are recommended requiring Historic Preservation Commission approval of a certificate of appropriateness for building additions, accessory structures and walls and fencing, as well as limiting impacts to existing trees.
- The applicant, Jeremy Cady, residing at 8000 Avalon Boulevard, Alpharetta, GA 30009, came forward to speak on behalf of this application.

Public Comment:

- There were no public comments for this item.

❖ Council Member Richard offered a motion to approve PH-21-19 Lewis Manning House / 40 Cumming Street Change to Conditions of Zoning, subject to the following conditions:

2. The Lewis-Manning House property, consisting of approximately 0.837 acres, shall be zoned DT-LW and developed substantially similar to site plan prepared by D. Tracy Ward, dated 9/8/2021, except for modifications required to comply with the conditions below. Use shall be restricted to a private single-family residence.

~~10. An easement shall be recorded on the final plat providing for use of the Lewis Manning House yard as depicted on the site plan.~~

11. The yard surrounding the Lewis-Manning House shall be enhanced with landscape, hardscape, as approved by Staff. Enhanced plantings and/or understory trees shall be required along the north and east sides of the Lewis-Manning House. Developer of the Manning on the Square subdivision shall provide a sculpture or fountain in the civic space on the east side of the entrance to the subdivision, as approved by Staff.

12. Developer shall provide a statement on the final plat and in a binding legal agreement providing for the protection of the Lewis-Manning House. Further, the Lewis-Manning House shall be designated as an historic structure under the City's Historic Preservation Ordinance.

13. The property will forever be known as the Lewis Manning House and will be so designated by a plaque, which will be affixed to the exterior of the structure, as approved by DRB.

<u>New Conditions:</u>

1. Exterior modifications and additions to the historic structure, accessory structures and walls and fencing shall be consistent with the architectural style of the Lewis Manning House, subject to review by the City's Downtown Consultant and approval of a certificate of appropriateness by the Historic Preservation Commission.
2. Swimming pool and cabanas shall be located to have the least impact to existing trees. This may result in a reduction to the swimming pool and cabana footprints. CRZ Impacts to trees shall not exceed the impacts listed on the site plan prepared by D. Tracy Ward,

dated 9/8/2021, with final approval by Staff. Cabanas shall not exceed a height of 16' and shall be screened from view of the public right-of-way.

3. The proposed addition to the Lewis Manning House shall not exceed the height depicted on the submitted conceptual images.
4. The Lewis Manning House yard shall be developed with a park-like setting, including decorative plant selections promoting the historic district. A landscape plan shall be subject to approval by the Design Review Board.
5. Prior to a Certificate of Occupancy associated with the Manning on the Square subdivision and Lewis Manning House property, the Manning on the Square final plat shall be updated to reflect the above changes, including but not limited to a statement that the Lewis Manning House shall be used as a private residence, amending open space areas, providing access for the Lewis Manning House and reflecting any necessary revisions to the declarations and covenants.
6. Conditions of zoning related to file #CLUP-17-02/Z-17-04 Taylor Morrison/40 Cumming Street shall remain in effect, unless superseded by the conditions above. Changes to the conditions above shall not release the developer of Manning on the Square from conditions, such as addressing the Cumming Street streetscape, providing civic space along Cumming Street and path connection through the site.

    - Council Member Burnett seconded the motion.
    - The motion was approved (6-1; with Council Member Binder in opposition).

VII. OLD BUSINESS

A. Approval of Fiscal Year 2022 Mid-Year Budget Amendment (Personnel Compensation) – 2nd Reading

Public Comment:

- City Administrator, Bob Regus, Director of Finance, Tom Harris, and Director of Human Resources, Cris Randall came forward to present this item.
- The purpose of the Fiscal Year (FY) 2022 Mid-Year Budget Amendment is to amend the base budget as adopted by City Council for targeted initiatives that are planned to occur before fiscal year-end.
- Market-based personnel compensation adjustments are proposed to ensure Alpharetta maintains its capacity to retain and attract our most valuable assets – namely, the team members that deliver excellent service to our community on a daily basis.
- Compensation adjustments totaling 3% for all employees are proposed to maintain competitiveness with wage growth in the market. This is in addition to the 3% (on average) merit program that was provided in July 2021. This 3% increase is also considered as a cost-of-living increase to fill the gap from current inflation.
- However, our Police and E911 personnel segments have experienced an acute rapid rise in wages that has made recruitment and retention more challenging. To offset these pressures, an additional 10% is being proposed for our Police and E911 team members (13% adjustment in total).
- The compensation adjustments will take effect in November 2021.
- Governor Kemp recently implemented a Public Safety Officials and First Responders Supplement Grant using funding from the American Rescue Plan Act.

- The grant will provide a $1,000 pay supplement for all eligible sworn law enforcement officials and first responders in Georgia serving during August of 2021. Current estimates identify 244 eligible employees (General Fund and E911 Fund), but this figure may change once the rules and regulations are clarified. The budget will adjust accordingly.
- The FY 2022 Budget included 10.5 full-time equivalent (FTE) positions that were not funded but are part of the authorized workforce. These positions were to remain vacant pending a needs assessment by the City Administrator and identification of a sustainable funding source.
- The City Administrator has identified 6 positions that meet the above criteria and is requesting their funding be returned:
    - Police Officer (2 FTE; Public Safety);
    - Public Works Crew Leader (2 FTE; Public Works);
    - Public Works Tech I (1 FTE; Public Works); and
    - IT Tech Analyst (1 FTE; Information Technology).
- The City has struggled with recruiting and retaining E911 operators for quite some time (for as long as City Administrator Regus has been employed with the City). Over the past 8 years, the City has been fully staffed in E911 for only 1 week.
- Mayor and City Council asked staff to stay on top of what is happening in the market and if any changes are observed in pay within the market to please come forward and share that information with the Mayor and City Council.
- City Attorney, Mike Stacy, read the resolution aloud.

Public Comment:

- Matthew Mullen, residing at 1130 Arbor Hill Lane, Alpharetta, GA 30004, came forward to speak on this item. Mr. Mullen shared that fewer people are showing up for applicant testing each year.
- Kirk Monday, residing at 11128 Gray Owl Road, Alpharetta, GA 30022, came forward to speak on this item. Mr. Monday shared that he believed that there should be raise across the border.
- Council Member Binder offered a motion to approve the Fiscal Year 2022 Mid-Year Budget Amendment (Personnel Compensation), as read by City Attorney, Mike Stacy.
    - Council Member Hipes seconded the motion.
    - This motion was approved unanimously (7-0).

VIII. NEW BUSINESS

A. Kimball Bridge Road Tree Planting

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- The proposed Kimball Bridge Rd Tree Planting Project includes the installation of 179 trees within the newly constructed landscape areas along Kimball Bridge Road, from North Point Parkway to Waters Road. The tree planting project includes the installation of trees, root barriers, soil, and hardwood mulch. Watering per City specifications is also included. Specifications also include detailed watering requirements and a two-year warranty for all trees.
- The work proposal was provided in accordance with the City's On-Call Landscape Installation

Contract with Ruppert Landscape (#17-103B; RFP 17-103). Pricing has been reviewed by City staff and is found to be competitive based on current market conditions and FY 2021 landscape project costs. Maintenance of the new trees is also accounted for in the forthcoming Citywide Landscape Maintenance contracts.

Public Comment:

- There were no public comments for this item.

❖ Council Member Richard offered a motion to approve the award of Kimball Bridge Road Tree Planting to Ruppert Landscape for an amount not to exceed $470,315.61 for the purchase, installation, and watering of trees along Kimball Bridge Road from North Point Parkway to Waters Road, and to authorize the Mayor to execute all necessary documents.

- Council Member Burnett seconded the motion.
- The motion was approved unanimously (7-0).

IX. WORKSHOP

A. Georgia 400 Express Lane KBR Bridge Replacement

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- The Georgia Department of Transportation is progressing with the GA 400 Express Lanes project by phasing the removal and replacement of three bridges: Pitts Road, Roberts Drive, and Kimball Bridge Road. The RFP will be issued in January 2022 and proposals are due in April 2022. Construction of the work along the 3 bridges is anticipated to begin in the first quarter of 2023. The goal is for the bridges to be completed in 2025.
- Utility relocations are a significant component of any project. The attached no-cost MOU is the first of several as the project proceeds in multiple phases. The purpose of the MOU is to provide documentation to the design/build teams on how each utility owner is handling their utilities. More specific, the MOU outlines if the utility owner will design or relocate the utilities on their own or through the design/build vendor, or some combination. This information is important in order for the design/build teams to price out the project. Public Works is recommending the City's Traffic Fiber as well as our Stormwater Pipes and Structures be designed and relocated via the design/build vendor. Southern Gas and Comcast are designing their own utility relocations and having the design/build vendor relocate their utilities as part of the project.
- Kimball Bridge Road Bridge will be an additional 20 feet longer / wider.
- Staff recommends that the design be incorporated into the entire project.
- City Attorney, Mike Stacy, shared that if it is a no-cost MOU, it could go forward by way of conversation between the Public Works Director Sewczwicz and the City Attorney, and with keeping the Council Liaison in the loop. However, if there will be an MOU that later leads to an increased contract price for a contract that will need Council approval, it does make sense to bring it forward as a workshop item, so that Council is aware of the future agreements. This will also allow Director Sewczwicz to know Council's input and direction before finalizing the contract terms.

X. PUBLIC COMMENT

- There were no public comments.

XI. REPORTS

- There were no reports.

XII. ADJOURNMENT

Mayor Gilvin adjourned the meeting at 8:41 p.m.

Respectfully submitted,



Lauren Shapiro, City Clerk

CITY COUNCIL MEETING
STAFF REPORT

SUBMITTING DEPARTMENT: CITY CLERK
SUBMITTED BY: LAUREN SHAPIRO
DRAFTED BY: LAUREN SHAPIRO

I. AGENDA ITEM TITLE: PH-12-AB-28 THE FARM AT PAMELOT, INC.

II. RECOMMENDATION:

Approve the alcohol license application for PH-21-AB-28 The Farm at Pamelot, Inc., owned by Pamela Jackson and will be located at 54 Roswell Street, Alpharetta, GA 30009, as part of the Consent Agenda.

III. REPORT IN BRIEF:

The applicant Pamela Jackson is requesting an alcohol license in order to operate a farm winery and tasting room at 54 Roswell Street, Alpharetta, GA 30009. This location will operate as an ancillary location of the primary farm located in Milton, Georgia. The applicant shared that she is familiar with the alcohol ordinance and her staff is trained through the TIPS alcohol training program.

IV. ALTERNATIVES:

Deny or defer the approval of the Consent Agenda until the November 29, 2021 City Council meeting.

V. ATTACHMENTS:

- November 4, 2021 Meeting Minutes from the City of Alpharetta Liquor License Public Hearing

CITY OF ALPHARETTA
PUBLIC HEARING
LIQUOR LICENSE

DATE: November 4, 2021
TIME: 2:00 P.M.
LOCATION: https://zoom.us/j/97328759981

Official Minutes
The public is advised the following minutes are not a verbatim transcription of business presented at the Public Hearing of the date shown but are a synopsis of pertinent information. The public is further advised the tapes recorded at said meeting are a matter of public record and are available to be heard at the City of Alpharetta Clerk's office during normal business hours.

I. CALL TO ORDER: City Attorney Michael Stacy called the meeting to order at 2:03 P.M.

II. LICENSE APPLICATIONS:

1. **PH-21-AB-28** — **The Farm at Pamelot, Inc.**
54 Roswell Street
Alpharetta, GA 30009

Farm Winery Tasting Room & Wine Bar
Consumption on Premises
Beer, Wine, Retail Package Sales & Sunday Sales

Owners: Pamela Jackson
Registered Agent: Jeffrey Jackson

Pamela Jackson, owner, residing at 2105 Bethany Way Milton, GA 30004 was present on the call. Laura Steh, a representative of The Farm, was also present on the call.

Ms. Jackson briefly explained that they are the first farm winery in the history of Fulton County. The main farm is located in Milton. They have their own vineyards and make their own wines. According to the State of Georgia, when you have a farm winery, you are licensed to have 5 other tasting rooms and wine bars in the state.

The Alpharetta location is the first of the 5 locations they have chosen. Mr. Stacy confirmed that the Farm in Milton is the main location and the Alpharetta location is an ancillary wine bar location. Ms. Jackson stated she is familiar with Alpharetta's alcohol ordinances. She also noted that staff is trained through the TIPS alcohol training program. There is a staff meeting scheduled for November 14, 2021 to go over all alcohol regulations in Alpharetta. Mr. Stacy reminded Ms. Jackson that they need to obtain their state of Georgia license as well. Mr. Stacy confirmed with Assistant City Clerk Kiersten VanHorn that staff is recommending approval to move forward with this alcohol license.

Public Comment: No Public Comment

Mr. Stacy recommended that this license be approved. Lauren Shapiro City Clerk, confirmed it will be on the Consent Agenda at the City Council Meeting scheduled for Monday, November 15, 2021 at 6:30 P.M. The applicant is required to appear in person should Council have any questions regarding this application. Once City Council approves the application, applicant will be allowed to pick up and pay for their license at City Hall in Community Development.

III. ADJOURNMENT: With no further business to discuss or items to be heard, City Attorney Michael Stacy adjourned the meeting at 2:07 P.M.

Respectfully submitted,

Kiersten VanHorn

Kiersten VanHorn, Assistant City Clerk

CITY COUNCIL MEETING
STAFF REPORT

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

I. AGENDA ITEM TITLE: MP-21-03/CU-21-05 ADVANCED RECOVERY SYSTEMS/11725 POINTE PLACE

CITY COUNCIL: NOVEMBER 15, 2021

This item was considered at the 5/6/2021 Planning Commission meeting. Staff recommended approval subject to 8 conditions. There were several public comments in opposition with concerns over crime, safety, privacy fence material, impact on property values, does not belong adjacent to residential, applicant will build and sell, business model, removal of trees from fence, applicant's letter not in Spanish, staffing levels, for-profit business, stormwater run-off, traffic, lock-down facility, type of people in the facility, and noise. After discussion, Planning Commission recommended approval subject to the Staff recommended conditions and accepting certain changes requested by the applicant (Planning Commission changes shown in RED below). Vote 5-2

II. RECOMMENDATION:

Approve MP-21-03/CU-21-05 Advanced Recovery Systems/11725 Pointe Place, subject to the following conditions:

1. Add 'Congregate Housing' to Pod D of the Southfund Master Plan as a conditional use.
2. 'Congregate Housing' shall be added as a conditional use at 11725 Pointe Place and limited to no more than 31,709+/- square feet and no more than 62 beds.
3. Conditional use approval shall be limited to Advanced Recovery Systems and its successors and assigns. ~~; no additional 'Congregate Housing' 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. Addition and substance abuse rehabilitation center shall be limited to clients that are 18+ years of age and non-court mandated. Services shall be limited to the treatment of alcohol and drug abuse/dependency and treatment of secondary mental health disorders (mood/personality disorders & process additions). Level of care shall be limited to detox, intensive inpatient, residential, partial hospitalization, intensive outpatient, & outpatient care. No methadone clinic as stated by the applicant.
6. Landscape shall be added to the 50' undisturbed buffer, where sparse, as approved by Staff.
7. Based on a developer commitment, an 8' privacy fence shall be constructed along the south and west property lines. Fence shall be located to have the least impact to trees in the undisturbed buffer, as approved by Staff.
8. Outdoor gathering/seating areas shall be limited to the north and/or east sides of the building.
9. There shall be no outside activity after 8:00 PM.
10. Prior to issuance of a business license, detention facility shall be inspected by the City.

III. REPORT IN BRIEF:

The applicant, Advanced Recovery Systems, LLC, is requesting a master plan amendment and conditional use to allow a 62-bed rehabilitation facility for the treatment of addiction and substance abuse in a 31,709 square foot building previously used as a nursing home. An amendment is requested to the Southfund Master Plan to add 'Congregate Housing' as a conditional use in Pod D. The subject property is located at 11725 Pointe Place, just south of the intersection at Upper Hembree Road and Pointe Place.

DISCUSSION

The submitted request, if approved, will allow the applicant to operate a 62-bed rehabilitation facility for the treatment of addiction and substance abuse in a 31,709 square foot building previously used as a nursing home. A master plan amendment is requested to the Southfund Master Plan to add 'Congregate Housing' to Pod D and a conditional use is requested to allow a substance abuse (drug and alcohol) and addition rehabilitation center for Advanced Recovery Systems, LLC. The subject property is located at 11725 Pointe Place, just south of the intersection at Upper Hembree Road and Pointe Place.

The property is zoned O-I (Office-Institutional) and is subject to the Southfund Master Plan Pod D. Surrounding properties are zoned O-I to the north and PSC (Planned Shopping Center) to the east. The former Harry's Market (Whole Foods) is located to the east, the Arthritis & Rheumatology Center is located to the north, Taylor Oaks subdivision (City of Roswell) is located to the west and Hembree Forest subdivision (City of Roswell) is located to the south.

Southfund Master Plan was approved in 1995 as a 13-acre office-institutional development with incidental retail uses. Pod A was approved for office-institutional and incidental retail uses and Pods B-D were approved for office-institutional uses. Pod D was developed was developed in 1998 as a 1-story, 31,709 square foot nursing home. The Veranda at Pointe Place nursing home was the last business to operate on the property and has recently closed.

Advanced Recovery Systems is a rehabilitation facility for the treatment of substance abuse and associated mental health disorders. According to the applicant's letter of intent, the State-licensed facility will treat people eighteen (18) years of age or older for alcohol and drug abuse including onsite detox, as well as secondary mental health disorders including mood disorders, personality disorders and process addictions. Levels of care offered at the facility would be detox, intensive inpatient, residential, partial hospitalization, intensive outpatient and outpatient care. Clients will not have vehicles. The applicant has stated that the clients are non-court mandated. The business has several locations across the U.S., including in Colorado, Florida, Maryland, New Jersey, Ohio and Washington. The business operates 24 hours per day, seven (7) days per week. The applicant anticipates a peak staff of 30 employees.

Staff prepared the table below in order to compare the applicant's proposal to existing substance abuse rehabilitation centers in the City. There are five (5) facilities in the City; however, only one (1) is a residential facility. Sunrise Detox is located at 4500 North Point Parkway, which is approximately 3.5 miles from the applicant's property (as measured in a straight-line distance).

Drug & Alcohol Treatment Facilities Located in the City

Project Name	Address	Zoning	Distance to Residence	Notes
Sunrise Detox	4500 North Point Parkway	O-I	0.35 miles	30-bed residential drug & alcohol detox facility
NAD in Georgia	401 South Main Street	O-I	0.05 miles	Outpatient treatment
Detox with Dignity	11800 Northfall Lane	C-1	0.2 miles	Outpatient treatment
Centered Recovery Programs	1250 Upper Hembree Road	O-P	0.06 miles	Outpatient treatment

Living Healthy Medical	5755 North Point Parkway, Ste. 89	O-I	0.16 miles	Outpatient treatment

SITE PLAN

The site is located at the end of the cul-de-sac on Pointe Place. The property is developed with a 1-story, 31,709 square foot building previously used as a 62-bed nursing home. The primary entrance to the building and all but four (4) parking spaces are located on the north side of the building. A drive aisle provides access to the southside of the building for the primary purpose of deliveries. A fenced outdoor amenity area is located at the northeast corner of the building. 50' undisturbed buffers are provided along the south and west property lines, as required by the Southfund Master Plan and Unified Development Code (UDC).

TRAFFIC

The applicant provided a trip generation information, which shows that the proposed use would generate approximately ten (10) AM Peak Hour trips and thirteen (13) PM Peak Hour trips.

STANDARDS FOR MASTER PLAN AMENDMENTS

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

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

Response: The zoning proposal would be suitable as it relates to the use and development of adjacent or nearby properties, which are primarily developed with office-institutional uses. Adjacent properties to the west and south are developed with residential subdivision in the City of Roswell. However, there is no direct vehicular connection between the subject property and the two (2) surrounding residential subdivisions and the subject property was developed with the required 50' undisturbed buffer along the south and west property lines to buffer the use from the adjacent residential.

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

Response: The zoning proposal should not adversely affect the existing use or usability of adjacent or nearby properties, which are primarily developed with office-institutional uses. Adjacent properties to the west and south are developed with residential subdivision in the City of Roswell. However, there is no direct vehicular connection between the subject property and the two (2) surrounding residential subdivisions and the subject property was developed with the required 50' undisturbed buffer along the south and west property lines to buffer the use from the adjacent residential.

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

Response: Not applicable. The subject property is already developed, and the applicant does not propose significant exterior changes.

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

Response: The applicant's proposal is compatible with the office-institutional uses that approved for the property in conjunction with the Southfund Master Plan.

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 should not have significant impacts on public facilities and services. The proposed use would generate 13 PM Peak Hour trips. The applicant states that clients will not have vehicles. The City's Public Safety Department is not aware of any issues with the proposed use.

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

Response: Not applicable.

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

Response: The zoning proposal reflects a reasonable balance. The applicant's proposal would be compatible with office-institutional uses and other locations for this business type, which are similarly situated in an office setting. Adjacent properties to the west and south are developed with residential subdivision in the City of Roswell. However, there is no direct vehicular connection between the subject property and the two (2) surrounding residential subdivisions and the subject property was developed with the required 50' undisturbed buffer along the south and west property lines to buffer the use from the adjacent residential.

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

Response: The subject property is approved for office-institutional uses, which is an appropriate location for the propose use. Adjacent properties to the west and south are developed with residential subdivision in the City of Roswell. However, there is no direct vehicular connection between the subject property and the two (2) surrounding residential subdivisions and the subject property was developed with the required 50' undisturbed buffer along the south and west property lines to buffer the use from the adjacent residential.

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

Response: The zoning proposal is consistent with the Comprehensive Land Use Plan designation of the property, which is 'Corporate Office'.

CONDITIONAL USE REVIEW CRITERIA

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

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

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

Response: The subject property was developed in compliance with site access development standards with access to Upper Hembree Road from Pointe Place. The use should not have significant impacts on vehicular and pedestrian access.

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 subject property is in compliance with regard to refuse areas, loading and service areas, off-street parking, and buffers and screening. 50' undisturbed buffers are provided adjacent to the residential subdivisions to the south and west. In addition, the applicant has agreed to install an eight-foot (8') privacy fence along the south and west property lines, which was at the request of residents in the adjacent subdivisions.

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

Response: The proposed use would be compatible with the office-institutional uses and other locations for this business, which are similarly situated in an office setting. 50' undisturbed buffers are provided adjacent to the residential subdivisions to the south and west. In addition, the applicant has agreed to install an eight-foot (8') privacy fence along the south and west property lines, which was at the request of residents in the adjacent subdivisions.

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

Response: Not applicable.

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

Response: The proposed use would be compatible with the office-institutional uses and other locations for this business, which are similarly situated in an office setting. 50' undisturbed buffers are provided adjacent to the residential subdivisions to the south and west. In addition, the applicant has agreed to install an eight-foot (8') privacy fence along the south and west property lines, which was at the request of residents in the adjacent subdivisions.

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

Response: The proposed use would be compatible with the office-institutional uses and other locations for this business, which are similarly situated in an office setting. 50' undisturbed buffers are provided adjacent to the residential subdivisions to the south and west. In addition, the applicant has agreed to install an eight-foot (8') privacy fence along the south and west property lines, which was at the request of residents in the adjacent subdivisions.

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: There is currently one (1) residential substance abuse rehabilitation facility in the City, which is Sunrise Detox located at 4500 North Point Parkway. That facility has 30 beds and is located approximately 3.5 miles away (as measured in a straight-line distance). 50' undisturbed buffers are provided adjacent to the residential subdivisions to the south and west. In addition, the applicant has agreed to install an eight-foot (8') privacy fence along the south and west property lines, which was at the request of residents in the adjacent subdivisions.

CONCURRENCES

City 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 the office-institutional uses and other locations for this business type, which are similarly situated in an office setting. 50' undisturbed buffers are provided adjacent to Roswell subdivisions to the south and west. In addition, the applicant has agreed to install an eight-foot (8') privacy fence along the south and west property lines, which was at the request of residents in the adjacent subdivisions. However, it is recommended that conditions be established as part of this application that regulate and limit any expansion of the business.

CITIZEN PARTICIPATION PLAN

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

The City has received approximately 96 letters of objection to the applicant's proposal. The letters do not include addresses, but a resident from the adjacent subdivision has indicated to Staff that the letters are all from nearby residents in the two (2) adjacent residential subdivisions (Taylor Oaks and Hembree Forest). Generally, the residents are concerned that the facility will negatively impact their property values.

COMMUNITY ZONING INFORMATION MEETING

The CZIM was held on April 14, 2021. There were several public comments and questions with concerns over negative impact on adjacent residential property values, cigarette smoke, and screening. Since the CZIM, the applicant has agreed to construction an eight-foot (8') privacy fence along the south and west property lines.

IV. ATTACHMENTS:

- Site Plan

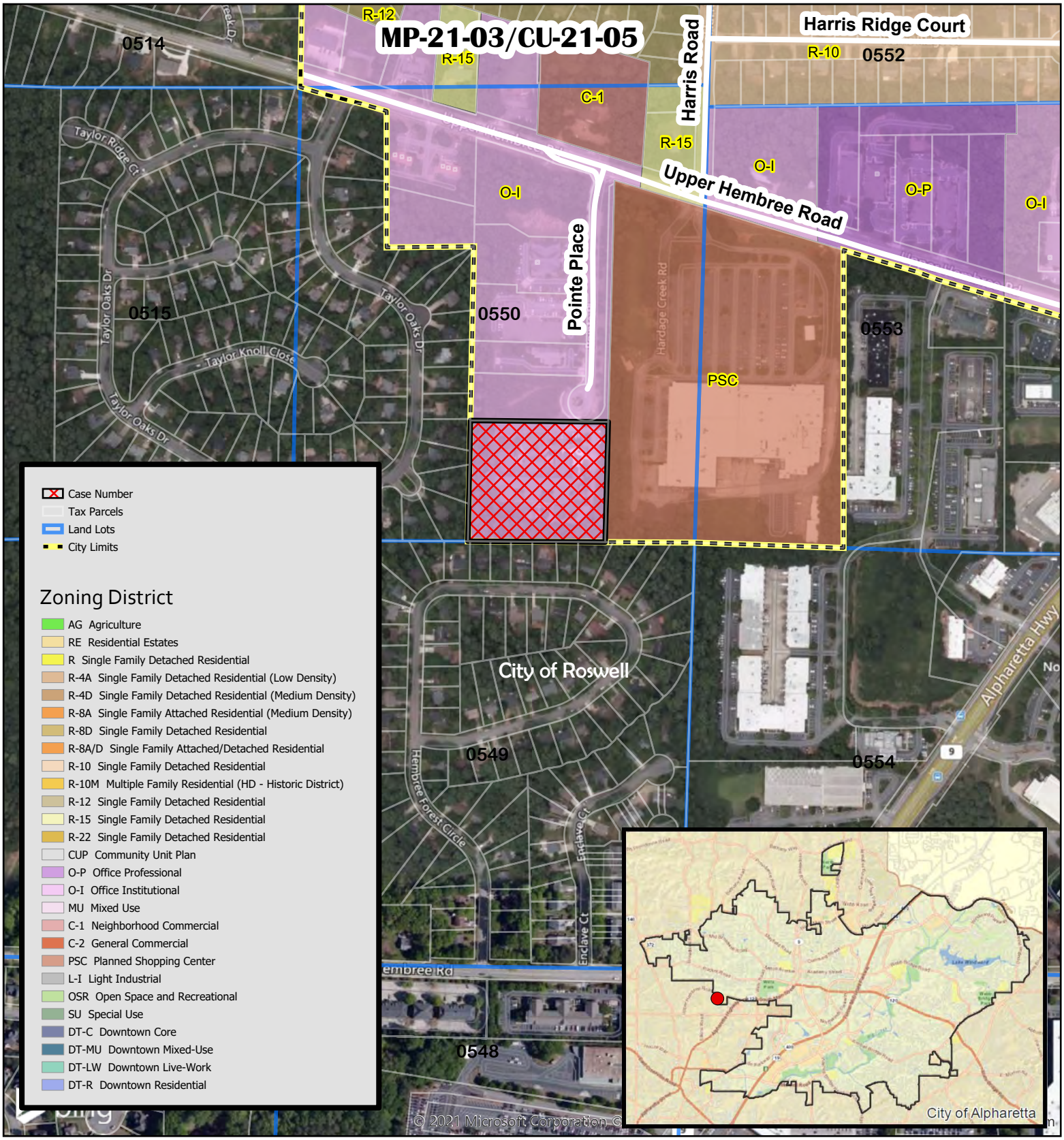


MP-21-03/CU-21-05
D/LL: 1/2/550
PC: 5/6/21
CC: 11/15/21

Aerial Map
Advanced Recovery Systems LLC
11725 Pointe Place

THE CITY OF ALPHARETTA GEORGIA

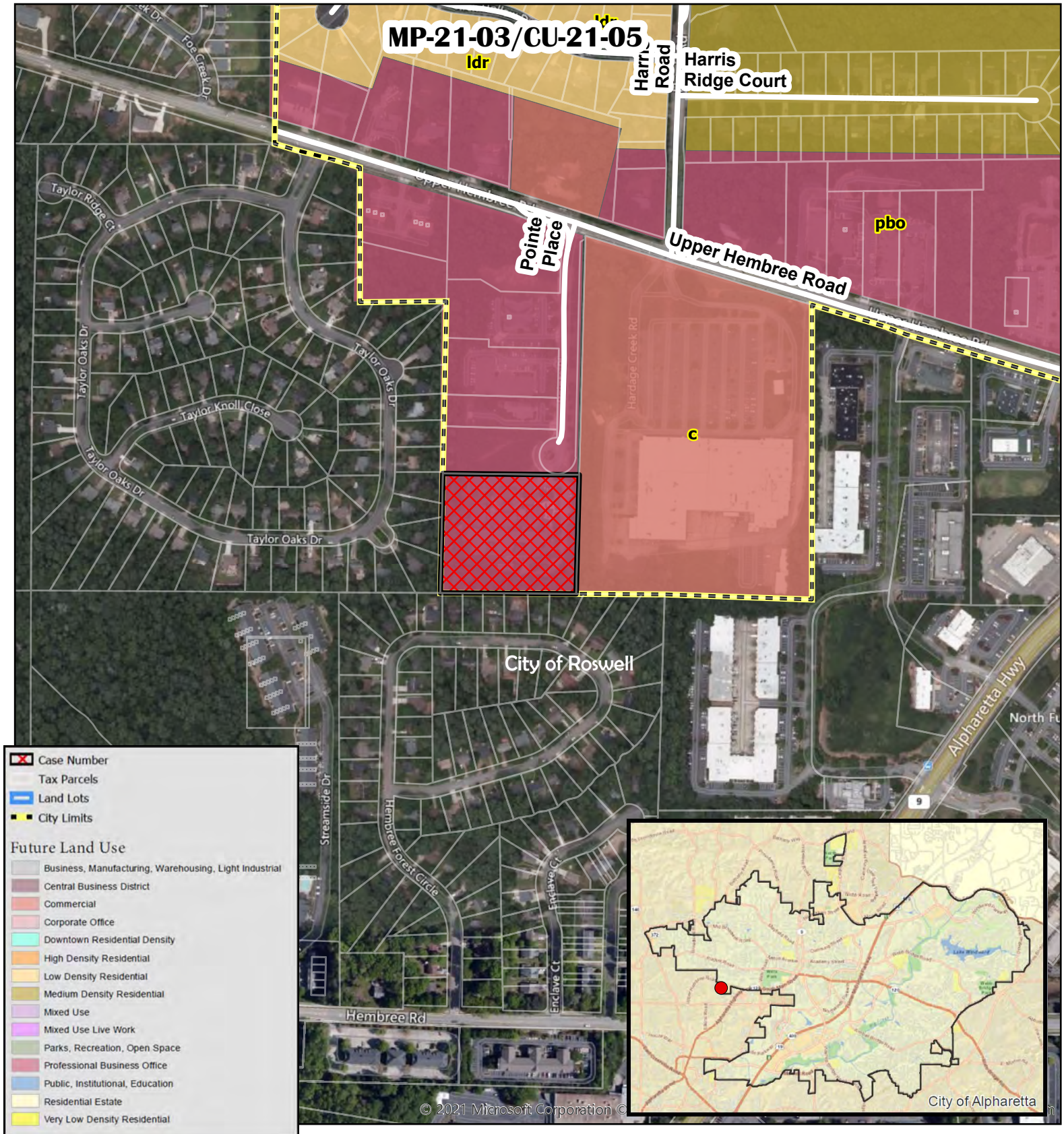
Map Source :
Community Development GIS



MP-21-03/CU-21-05
D/LL: 1/2/550
PC: 5/6/21
CC: 11/15/21

Zoning Map
Advanced Recovery Systems LLC
11725 Pointe Place

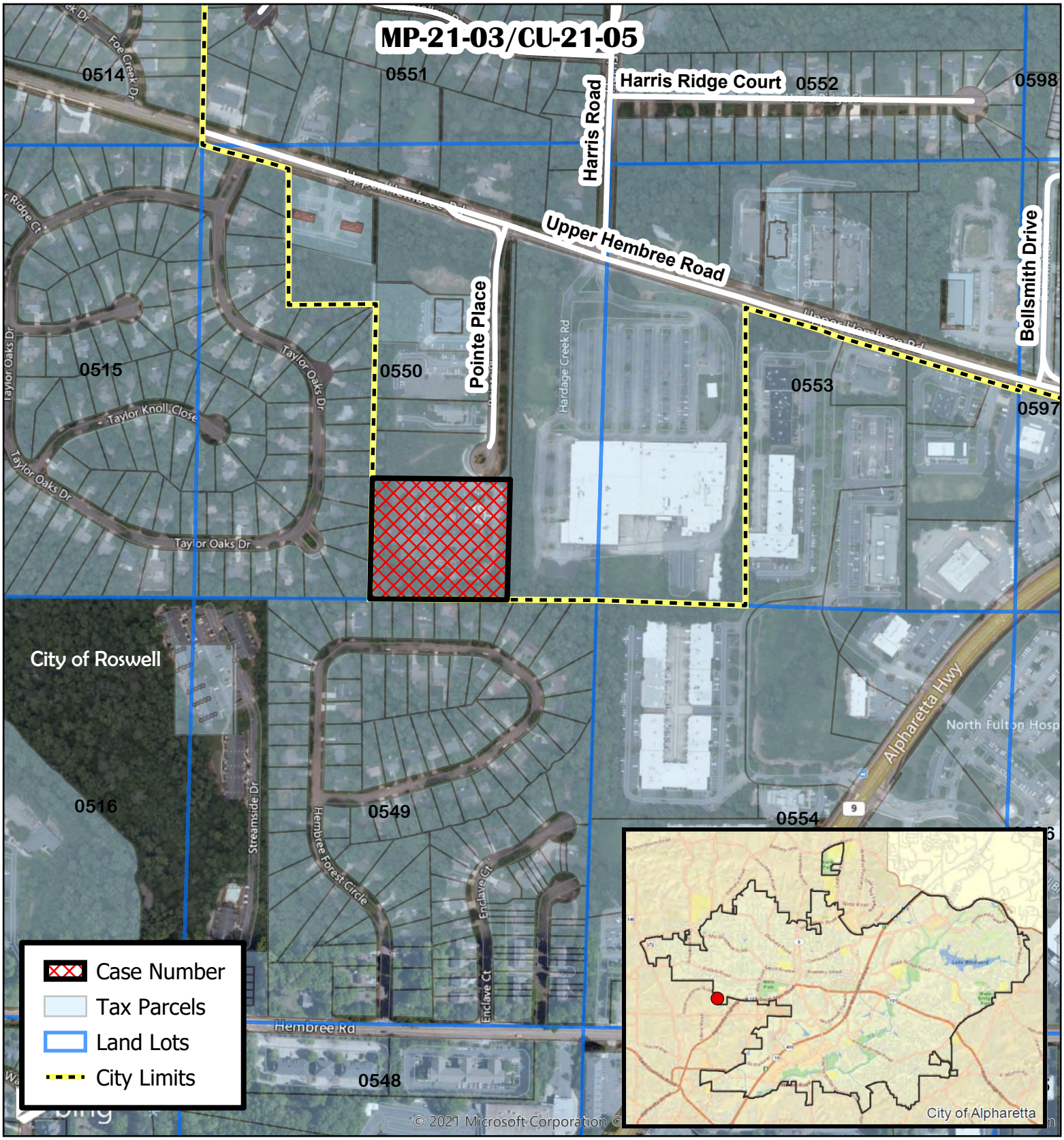
Map Source :
Community Development GIS



MP-21-03/CU-21-05
D/LL: 1/2/550
PC: 5/6/21
CC: 11/15/21

Future Land Use
Advanced Recovery Systems LLC
11725 Pointe Place

Map Source :
Community Development GIS



MP-21-03/CU-21-05
D/LL: 1/2/550
PC: 5/6/21
CC: 11/15/21

Location Map
Advanced Recovery Systems LLC
11725 Pointe Place

Map Source :
Community Development GIS

Sunday, April 18, 2021

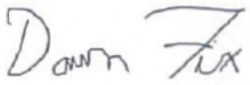
Letter of Objection to...

Online Letter of Objection

Name Dawn Fix

E-mail [redacted]

Signature

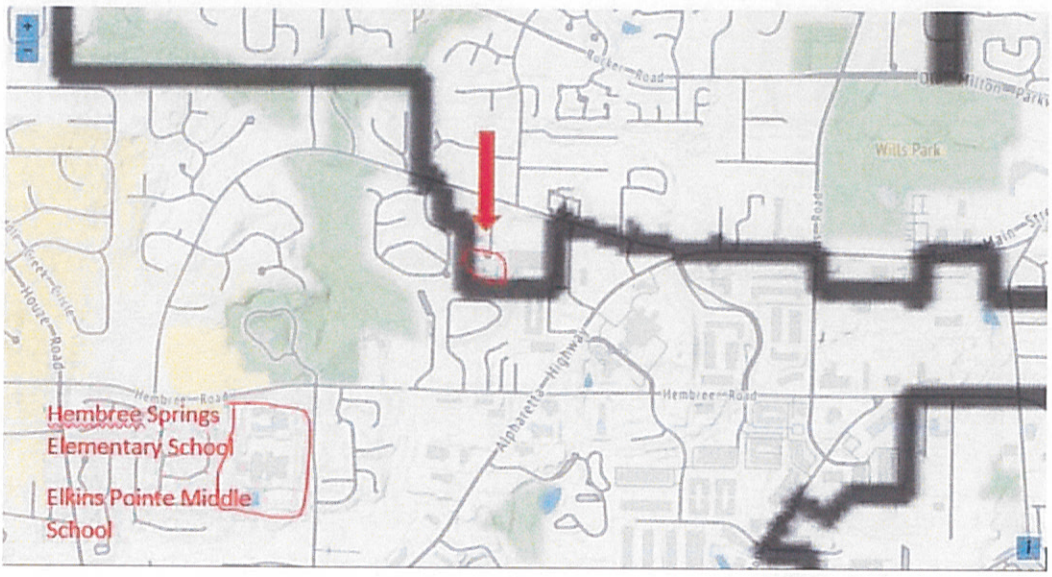


Dear Alpharetta Mayor Gilvin, Office of Zoning and Planning, Council Members, and Planning Commission:

We are writing to express our ***strong OBJECTION*** to MP-21-03 / CU-21-05 Advanced Recovery Systems LLC Drug Rehabilitation Center, the proposed Consideration of a master plan amendment and conditional use TO ALLOW A 62-BED DRUG REHABILITATION CENTER for Advanced Recovery Systems, LLC.

Nearly all residents in the surrounding neighborhoods are completely opposed to the amendment of the current zoning.

When it comes to home value, the age-old belief has been all about location, location, location. However, just as important as location is what is in the neighborhood. Before buying our homes, we did our due diligence. We are not wealthy people; many of us live paycheck to paycheck. We searched for homes in the best neighborhoods we could afford, with the best schools, hospitals, fire and police departments. We checked the zoning of the commercial properties around us. We were relieved to see that Alpharetta zoning had the zoning classification of this property as O-I (Office-Institutional). So we bought our homes, which for most of us is our biggest investment. We need your assistance in protecting residents from having a Drug Rehab Center operating in their backyards. This property was wisely zoned to keep such businesses out of residential areas. Families choose their homes believing that Alpharetta zoning was protecting their investment and their families. Allowing a multi-million dollar company to amend the zoning is irresponsible. There are other properties zoned for this type of business, which do not share a property line with residential properties or are in walking distance from an elementary and middle school.





Here are some photos of the homes from the parking lot of the proposed drug rehab center. Some homes have no fences and are only a few feet from this facility. There is nothing in writing but during the zoom meeting, there was conversation by a resident of the possibility of Advanced Recovery Systems (ARS) putting up a fence. In following up with Senior Planner Mike Woodman, he mentioned fencing along two sides of the property along the residential property lines. A fence that is not around

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the entire property would not keep anybody in or out.











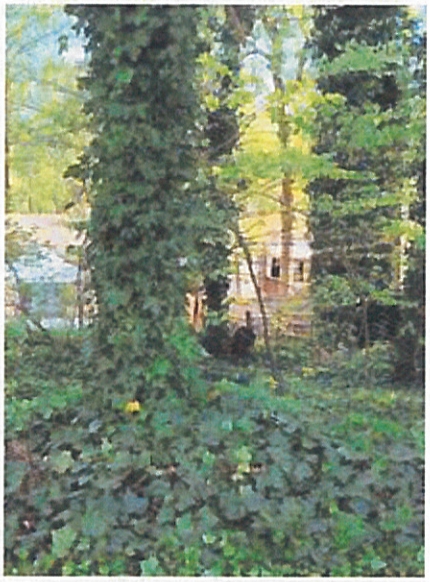



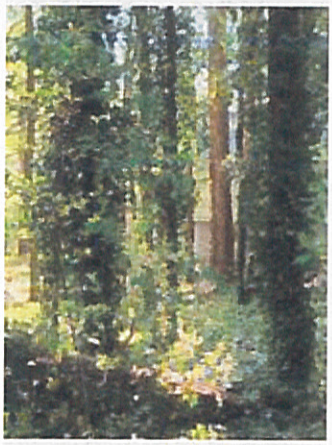

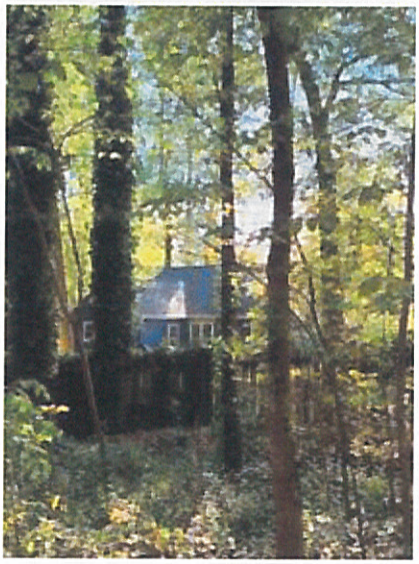








View of the building from a neighbor's house.

Both lighted windows are from the proposed rehab center.

During the 4/14/21 zoom call, one of the ARS representatives described the Drug Rehab Center as "a

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good neighbor". We have to ask: Is a good neighbor someone who has a revolving door of 62 addicts that are replaced monthly, weekly or even daily? Does a good neighbor have 62 addicts on supervised smoke breaks outside our backyards throughout the day? Do good neighbors need to have their cars and cellphones taken away from them? Do good neighbors need to be locked inside all day except for smoke breaks? Further, there are no outside facilities at this location for recovering addicts to do anything but sit and smoke. Will they just be locked up all day or is ARS planning to add outside recreational areas for residents to get some exercise? Is it safe for our children to play in the woods behind our own homes with residents that need to be locked in and supervised when outside? Will they overhear inappropriate conversations? With the previous tenant, a memory care facility, we did not worry about the residents trying to escape or smell cigarette smoke all day. Conversations out on the patio were at a very low volume and if you were in your yard and could hear them, they were family friendly. Residents stayed for years not just short term. They were great neighbors. For those of us who chose to, we were able to go visit and get to know the residents in the memory care facility.

IMPACT ON HOMES NEARBY: A study has found that residential substance abuse treatment centers in a neighborhood can have an adverse impact on nearby homes. The study used MLS data to support the position that facilities can potentially hamper nearby values.

While centers treating alcohol and substance abuse are more frequently being located within residential neighborhoods, more property owners are making a stand. They contend that the recovering addicts could bring higher crime risk to their community.

Researchers Claire Reeves La Roche, Bennie D. Waller, and Scott A. Wentland at Longwood University in Farmville, Va., conducted the study using MLS data from central Virginia to estimate the impact of substance abuse treatment centers on nearby home values. https://0e9fc465-b7e9-4030-b244-9896f7f44a38.filesusr.com/ugd/d3c709_c6bc5d15570a4284a8b933dc829c0704.pdf

Their research found that homes located within an eighth of a mile from a treatment center on average had an 8 percent drop in value when stacked up against comparable homes that are farther away. The discount is magnified even more when the treatment centers are for those that specifically treat opiate addiction, which includes addictions to heroin or morphine. In those cases, home values are reduced by up to 17 percent, researchers found. Homes sold for approximately 6 percent or 5 percent less if they were located within 0.15 miles or 0.175 miles of a rehab center, respectively.
To bring that in perspective, 8 percent of a $350,000 home is a loss of $28,000 for each homeowner. And 17% is $59,500. These families do not deserve this. When we looked for a home we only looked at residential listings, we did not look at commercial listings and expect to have them rezoned for us. When we looked for properties for our businesses, we did not look at properties that were not already zoned for our businesses and expect the zoning to be changed for us. Drug rehab centers are needed, there are properties already zoned for drug rehab centers. We are asking that Advanced Recovery Systems (ARS) look at properties zoned for their business already instead of asking to amend the current zoning, which prohibits them from running a drug rehab center on that property.

We were also disappointed that only 92 or so notices were mailed to residents. These seem to only be to the properties that directly share a property line with the facility and that none were delivered to our neighborhood HOAs, who could have informed all of the residents in time for them to attend the first Zoom meeting on April 14.

We urge you to deny the proposed amendment to the current zoning. From recent meetings and discussions with our neighbors, we know our opinions are shared by many who have not yet been able

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to attend meeting or write letters and emails. This is due to the fact that they were not informed by ARS, leaving the responsibility to reach the other residents impacted by this on the shoulders of the few residents who received and actually read the letter.

Thank you for your continued service and support of our communities and for your assistance in protecting these families and their investment.

Best regards,

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Complete List of Citizen Objections Thru 4.30.21

11725 Pointe Place LLC. Applicant seeks ...	4/15/2021 11:55 AM
Abiy-Dadi	4/26/2021 2:37 PM
Alexander-Jenkins	4/22/2021 11:48 AM
Amanda-Gardner	4/23/2021 1:59 PM
Annie-Scoles	4/22/2021 11:48 AM
Betty-Williams	4/26/2021 2:37 PM
BRIAN-UITVLUGT	4/22/2021 11:48 AM
Britt-Argo (1)	4/23/2021 1:59 PM
Bryant-Baker	4/26/2021 2:37 PM
Cathy-Ferrigno	4/22/2021 11:48 AM
Cathy-Read-Baca	4/22/2021 8:46 AM
Cedra-Hill	4/22/2021 8:46 AM
CHIQUITA-PEARSON	4/26/2021 2:37 PM
Christie-Street	4/26/2021 2:37 PM
Cynthia-Sayers	4/26/2021 2:37 PM
Cynthia-Tchio	4/26/2021 2:37 PM
Dakota-Brown	4/26/2021 2:37 PM
Dana-Giacchino	4/29/2021 8:15 AM
David-Branson	4/26/2021 2:37 PM
Dawn Fix	4/16/2021 1:23 PM
Dawn-Agueros	4/22/2021 11:49 AM
Dawn-Fix letter of objection	4/21/2021 3:29 PM
Dean-Francola	4/23/2021 2:00 PM
DeForest-Nolen	4/22/2021 11:48 AM
Don-Argo	4/26/2021 2:38 PM
Emily-Jenkins	4/22/2021 11:49 AM
Eric-Trieper (1)	4/23/2021 2:00 PM
Evan-Daeschler	4/27/2021 12:42 PM
George-Owen	4/22/2021 8:45 AM
Glynnis-Goldstein	4/22/2021 8:46 AM
Grey-Eaton	4/22/2021 8:45 AM
Guillermo-Pancich	4/26/2021 2:38 PM
Haley-Jones	4/27/2021 12:42 PM
Honorine-Dega	4/26/2021 2:38 PM
James-Poss	4/27/2021 12:42 PM
Jay-Patel	4/22/2021 8:45 AM
Jeff-Meador	4/22/2021 8:46 AM
Jennifer-Cannon	4/22/2021 11:49 AM
Jennifer-Carbajal	4/23/2021 2:00 PM
Jennifer-Fix	4/22/2021 8:46 AM
Jordan-Taylor	4/22/2021 8:46 AM
Judith-Leet	4/22/2021 11:49 AM

1090 Taylor Oaks Dr

Complete List of Citizen Objections Thru 4.30.21

Judith-Leet	4/22/2021 11:49 AM
JW-Cannon	[illegible]
Kajal-Makhijani	4/22/2021 8:45 AM
Katherine-Abrahamson	4/27/2021 12:42 PM
Katlin-Pettyjohn	4/22/2021 8:45 AM
Kelly-Hicks	4/22/2021 11:49 AM
Kim Solomon	4/15/2021 8:42 AM
Kristy-Thai	4/27/2021 12:42 PM
Laura-Elkins	4/22/2021 8:45 AM
Laura-Nay	4/23/2021 2:00 PM
Lauren-Ing	4/27/2021 12:43 PM
Linda-McLeroy	4/27/2021 12:43 PM
Lindy-Todd	4/23/2021 2:00 PM
List for Fix Letter	4/30/2021 9:35 AM
Lizzie-Armstrong	4/27/2021 12:43 PM
Lori-Kennedy	4/22/2021 11:49 AM
Lorraine-Ferrigno	4/22/2021 11:49 AM
Lynn-Goldstein	4/22/2021 8:45 AM
Mamadou-Diallo	4/27/2021 12:42 PM
Margarita-Tello	4/27/2021 12:45 PM
Margie-Cohan	4/22/2021 8:45 AM
Marilyn-Burke	4/29/2021 8:15 AM
marjory-segal	4/22/2021 8:45 AM
Maryam-Poosti	4/22/2021 11:49 AM
Maryann-Malena	4/22/2021 8:45 AM
Mary-Margaret-Owen (1)	4/22/2021 8:45 AM
Matthew-Montgomery	4/22/2021 8:45 AM
Michael-Howatt-McMurry	4/22/2021 8:45 AM
Neel-Patel	4/27/2021 12:45 PM
Negative impact on housing values	4/29/2021 8:18 AM
Nidhi-Singh	4/22/2021 8:46 AM
Noah-Dooley	4/22/2021 11:49 AM
Norma-Martinez	4/27/2021 12:45 PM
Objection to ARS application for Drug re...	4/26/2021 3:00 PM
Oren-Gruber	4/23/2021 2:01 PM
Patricio-Felix	4/27/2021 12:45 PM
Paul-Tchio	4/27/2021 12:45 PM
Payvand-Bina	4/22/2021 11:49 AM
Peter-Ong	4/29/2021 8:15 AM
Ramya-Nadig	4/27/2021 12:45 PM
RE_ Objection to ARS application for Dru...	4/26/2021 3:01 PM
Rinku-Gokal	4/22/2021 8:45 AM
Robin-Troxell	4/22/2021 11:49 AM

Complete List of Citizen Objections Thru 4.30.21

Rueben-Street	4/27/2021 12:45 PM
Samuel-Tchio	[illegible]
Sandy-Henderson	4/22/2021 11:50 AM
Sarah-Rosenberg	4/23/2021 2:00 PM
Scott-Stilwell	4/22/2021 11:50 AM
SheaAnn-Janus-Mellendorf	4/22/2021 8:45 AM
SPENCER-GRAVES	4/22/2021 8:46 AM
Steph-Griffith	4/22/2021 8:46 AM
Susan-Morris	4/22/2021 11:50 AM
Tammy-Defilipo	4/23/2021 2:00 PM
Theresa-Mullen	4/27/2021 12:45 PM
Thomas-Hackett	4/22/2021 8:45 AM
Tiffany-Gruber	4/23/2021 2:00 PM
Vinay-Sathyanarayana	4/27/2021 12:46 PM
Waiss-Bouraleh	4/29/2021 8:15 AM
Whitney-Present	4/22/2021 8:45 AM
Yvonne-Wichman	4/27/2021 12:46 PM
Zapora-Johnson	4/27/2021 12:46 PM

Complete List of Citizen Objections Thru 4.30.21

Alan-Smith	4/30/2021 8:06 AM
Alex-Stelmachers	4/30/2021 8:06 AM
Amanda-Murray-Murray	4/30/2021 8:07 AM
Bryan-Tharp	4/30/2021 8:06 AM
C-Sayers	4/30/2021 8:06 AM
Darren-Pearson	4/30/2021 8:07 AM
Evan-Daeschler	4/30/2021 8:07 AM
KAREN-SANDS	4/30/2021 8:07 AM
Linda-Daeschler	4/30/2021 8:07 AM
objection to drug rehab	4/30/2021 8:07 AM
Owen-Skarpness	4/30/2021 8:07 AM
Scott-Connors	4/30/2021 8:07 AM
Sean-Murray	4/30/2021 8:07 AM
Yi-Tsai	4/30/2021 8:08 AM

Stalmachers 475 Hembree Forest Cir, Roswell 30076

Smith 275 Bent Grass Dr.

C Sayers

Bryan Tharp

Amanda Murray 1090 Taylor Knoll Chase

Real Estate Analysis

ARS Analytics

ADVANCED RECOVERY SYSTEMS
an advanced approach to patient care

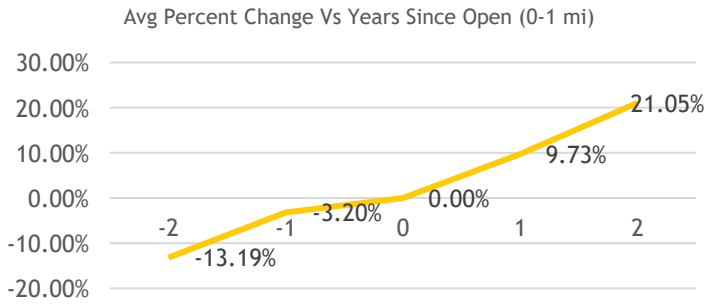
Purpose & Data Collection

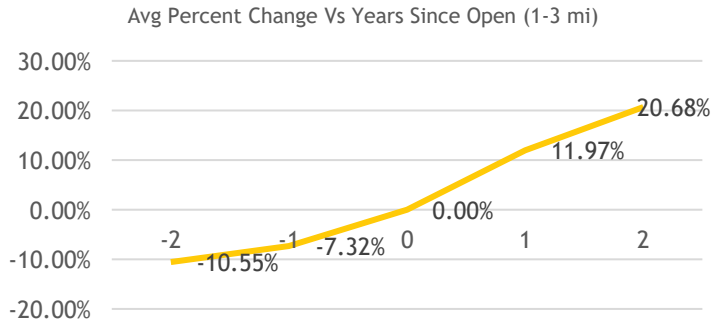
- Our goal is to understand the impact of the opening of Advanced Recovery Systems' network of residential substance use and mental health rehabilitation treatment centers on the surrounding real estate markets.

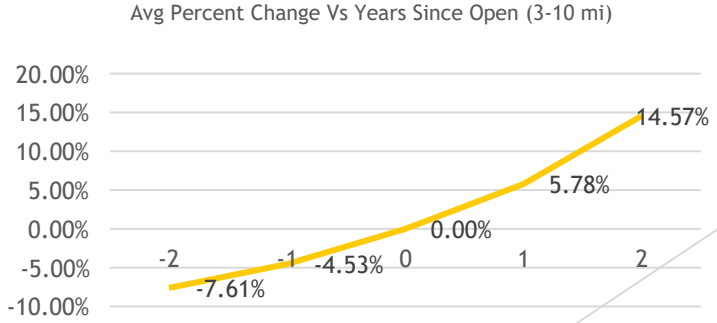
- We collected, aggregated and prepared residential home sales data from county real estate websites.
  - Aggregated records of sales which were of normal warranty deed type for each local market in which ARS has opened a facility since its founding
  - Filtered for sales which occurred from between 2 years before and 2 years after the opening date of each facility
  - Removed statistical outliers from all sales regardless of their location
  - Appended the latitude and longitude of all homes
  - Imputed the distance from the latitude and longitude coordinates of home sales relative to the latitude and longitude coordinates of the ARS facility in each market
  - Imputed the relative date of each sale against the opening date of ARS facilities in each market

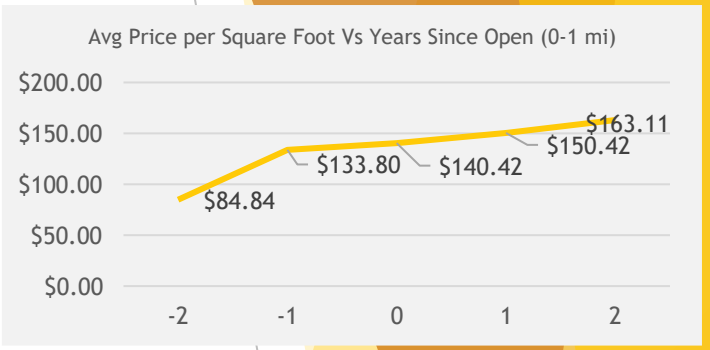
Impact

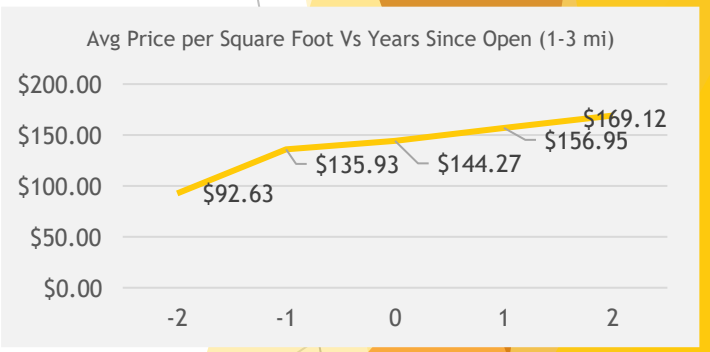
- Our analysis of sales of all residential properties across all markets where ARS opened a drug rehab facility showed **minimal differences in the average sales price per square foot and the average percentage change in sales price per square foot** across the 2 years prior to opening compared to the 2 years after.
- The percentage change in sales prices after two years of facility opening shows homes sold at 21.05% higher than the year of opening, for homes within a 1 mile radius of the facility, based on a sample size of 4,258 home sales.
- By comparison, homes within a 1 to 3 mile radius sold at 20.68% higher than the year of opening. All home sales within a 1 to 3 mile radius were compiled from a sample size of 19,019 home sales.
- Homes in the 3 to 10 mile radius sold at 14.57% higher than the year of opening, compiled from a sample size of 40,837 home sales.
- To determine if these fluctuations in sales price are not in fact, statistically significant, we ran a variety of different statistical tests of significance as follows.

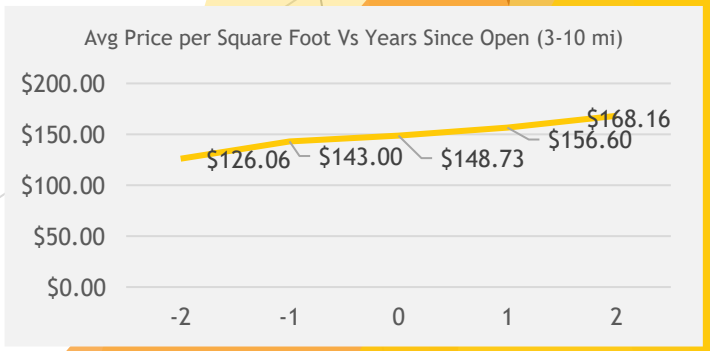












ANNOVA test for % change in sales prices

SUMMARY

Groups	*Count*	*Sum*	*Average*	*Variance*
0-1	5	0.143875	0.028775	0.017019
1-3	5	0.147844	0.029569	0.017308
3-10	5	0.082168	0.016434	0.007762

ANOVA

Source of Variation	*SS*	*df*	*MS*	*F*	*P-value*	*F crit*
Between Groups	0.000542	2	0.000271	0.019332	0.980884	6.926608
Within Groups	0.168358	12	0.01403			
Total	0.1689	14				

- We conducted an ANNOVA test to compare the % change in sales price among the sample groups.
- The P-value, 0.98 is greater than alpha = 0.01, thus the sample result is not statistically significant at the 1% level.
- We do not have sufficient evidence to reject the null hypothesis
- We can conclude that there is no statistically significant difference in the averages (percentage increase in average sales price per square foot) between the 3 distances.

ANNOVA test for Sales price/sq ft over years

SUMMARY

Groups	*Count*	*Sum*	*Average*	*Variance*
0-1	4258	623260.7	146.3741	3385.04
1-3	19019	2840155	149.3325	3965.486
3-10	40837	6067699	148.5834	5158.19

ANOVA

Source of Variation	*SS*	*df*	*MS*	*F*	*P-value*	*F crit*
Between Groups	31091.72028	2	15545.86	3.317055	0.036265698	4.605500997
Within Groups	300465556.4	64111	4686.646			
Total	300496648.1	64113				

- We conducted an ANNOVA test to compare the Sales price / square foot among the sample groups.
- Since the P-value, 0.036 is greater than alpha = 0.01, the sample result is not statistically significant at the 1% level.
- We do not have sufficient evidence to reject the null hypothesis
- We can conclude that there is not a statistically significant difference in mean (average sale price per square foot) between the 3 distances.

Appendix

- Websites used
  - https://www.pbcgov.com/papa/Asps/SalesSrch
  - Residential Property Sales Information | Clark County (wa.gov)
  - Franklin County Auditor
  - Residential Property Sales Information | Clark County (wa.gov)
  - Residential Property Search (ocpafl.org)
  - Search - Highlands County Property Appraiser (hcpao.org)
  - https://assessor.elpasoco.com/assessordata/
  - Sales Search : Lake County Property Appraiser (lakecopropappr.com)

SHORT BIO

Kimberly A. Taylor, Ph.D.

Dr. Kimberly Taylor came to Florida International University (FIU) as an Assistant Professor of Marketing, after earning Master's and Ph.D. degrees from The Wharton School of Business at the University of Pennsylvania. Prior to attending Wharton, Professor Taylor earned dual bachelor's degrees in Mathematics and Psychology from the University of Maryland at College Park, where she graduated Cum Laude and Phi Beta Kappa. She earned promotions at FIU to Associate Professor (with tenure) in 2000 and Full Professor in 2020, and she is the current Chair of the College of Business Faculty Council.

Dr. Taylor's research follows several general themes in the areas of consumer decision-making, negotiations, advertising effectiveness, and marketing pedagogy. Her research has been published in numerous top tier journals including *Organizational Behavior and Human Decision Processes, Journal of Advertising Research, Journal of the Academy of Marketing Sciences, Journal of Business Research, Marketing Letters, Journal of Services Marketing, Journal of Business Ethics, Psychology & Marketing, Journal of Marketing Education*, and other publications. She has presented frequently at academic conferences and served on the editorial review boards of *Organizational Behavior and Human Decision Processes* and *Journal of Marketing Education*, two leading journals in their fields. She also served as the sole representative from the College of Business on the Social and Behavioral Institutional Review Board, which reviews and approves research involving human subjects, from 2007 - 2021. Dr. Taylor frequently represents the university in both local and national media as a subject matter expert on consumer decision making and negotiations.

Over the course of her FIU career, Dr. Taylor has taught in the undergraduate, master's, doctoral and executive programs, in fully online, hybrid and in-person formats. She also created both the "Marketing Yourself" and the "Decision Making and Negotiations" undergraduate classes at FIU, and her graduate level Negotiations course is a highly sought after elective, currently offered in the Online MBA and Master's in Logistics programs. She has served on 16 doctoral dissertation committees, chairing two of them, and supervised 3 undergraduate honors theses. Professor Taylor has also worked with the Honors College, the Women's Center Mentoring Partnership, and the Faculty Mentoring Project, and she has given numerous invited presentations to academic and corporate groups. Dr. Taylor has created networking opportunities and advocated for women and junior faculty consistently throughout her career, and she was the only tenured female faculty member in the Marketing department for fifteen years.

FLORIDA INTERNATIONAL UNIVERSITY
COLLEGE OF BUSINESS ADMINISTRATION

October 14, 2021

To Whom it May Concern:

I was provided an Excel file of raw data including single-family residential home sale prices, sale dates, distance from the homes to designated Advanced Recovery facilities, and the dates the facilities were built. I independently reviewed this dataset and conducted my own statistical analyses, prior to reviewing the analysis by Advanced Recovery Systems.

Upon reviewing the data and running various analysis of variance (ANOVA) and regression models, my conclusions are the following. Overall, average residential home prices increased over the locations and time periods included. Importantly, this was true for homes at both the closest and furthest distances from the designated facilities. Most notably, there does not appear to be evidence in these data of a deleterious effect of the focal facilities on home prices in the closest surrounding areas.

Neither the pattern nor the rate of increase in home prices (measured as either sale price or price per square foot) differs for homes closer than one mile to a facility as compared to those within either a 3 or a 10-mile radius.

Kimberly A. Taylor, Ph.D.
Professor, Department of Marketing and Logistics
Chair, Faculty Council

Phone: 305-348-2571
Email: taylork@fiu.edu
business.fiu.edu

11/07/2021

Advanced Recovery System LLC

Attention: Jay Fertig

RE: Roswell Project-File No. 210535

Mr. Fertig,

You have contacted me and asked that I revisit and update the data examined in my report of 5/23/2021. You requested that my updated report contain an analysis from the date of my last report of 05/23/2021 until 11/07/2021. I have once more compiled an additional analysis of the residential developments surrounding the subject property for those dates. I was once more able to examine current sales as well as any present listings or pending sales and compare these with my last report. I also examined the published rental market data on these developments as well. The data attached shows all developments seem to still be doing well and values have not decreased but have continued to rise.

The four developments analyzed are The Enclave, Hembree Park Townhomes, Taylor Oaks and Hembree Forest. Please see the attached data.

The Enclave

The Enclave development is a very small development of 15 homes. The last sale in this development was in May of 2020. Prior to that, there were three other sales going back to August of 2019. The prices were similar ranging from $284,000 to $287,000. There have been no listings or sales in the development since the last sale in May 2020. The development is accessed from Hembree Rd and is adjacent to an attached single family zoned development, a commercially zoned property and the single family detached development of Hembree Forest. In all, this development has seen slow but stable growth and has brought nothing to the place recently.



Percent Chg #VALUE! Per Month #VALUE!

Period	Price	Num Sales	Num Listings
01-24-21			0
04-24-21			0
07-24-21			0
10-24-21	$361,000	1	1

Hembree Park Townhomes

The Hembree Park Townhomes development is a very small development of 30 attached townhomes. The last sale in this development was in November of 2020. Prior to that sale there were nine other sales going back to August of 2019. In the most recent period searched, there have been two sales at $245,000 and $255,000. This would demonstrate that increased values continue. The development is accessed from Hembree Rd and is adjacent to the single family detached zoned development of the Enclave and a commercially zoned property. In all, this development has seen strong values.



Percent Chg #VALUE! Per Month #VALUE!

Period	Price	Num Sales	Num Listings
01-24-21			0
04-24-21			0
07-24-21	$245,000	1	0
10-24-21	$255,000	1	0

Taylor Oaks

The Taylor Oaks development is a medium size development of 107 homes. The last sale in this development was in May of 2021. Prior to that sale, there were 13 other sales going back to August of 2019. The prices began increasing from August 2019 with an average price of $275,000 to a final average of $296,000 showing a linear increase of $21,000 per home during this three-year period. During the most recent search period, there have been 2 additional sales with both closing for more than $350,000 and showing very strong value growth. The development is accessed from Upper Hembree Rd and is adjacent to an attached multi-family zoned development, a commercially zoned property and the single family detached development of Hembree Forest. In all, this development has seen very good positive value growth and expects to see even more in the near future. In addition, during this most recent time, there have been two new additional rentals in this development, showing the investor level is increasing as well.

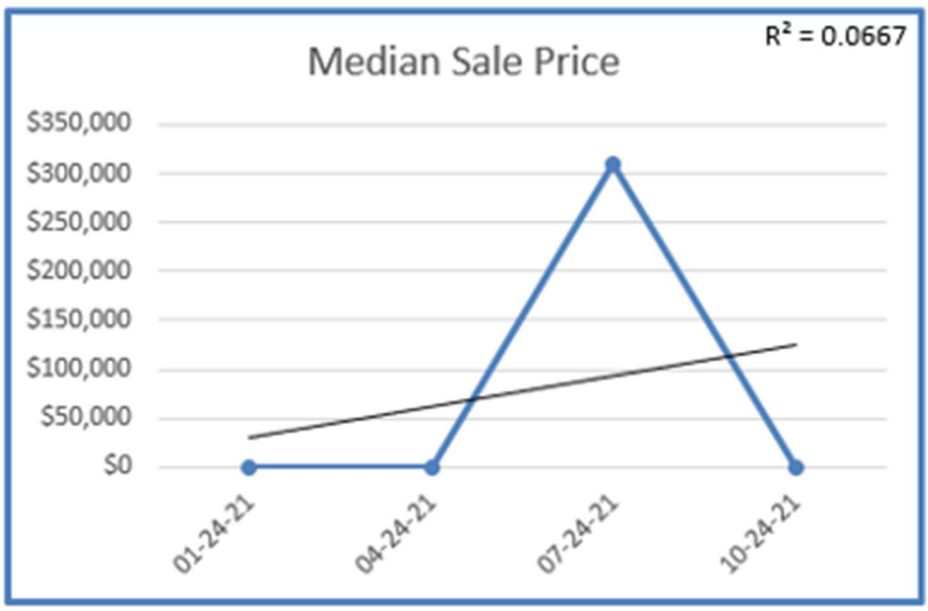


Percent Chg #VALUE! Per Month #VALUE!

Period	Price	Num Sales	Num Listings
01-24-21			0
04-24-21			0
07-24-21	$357,750	2	3
10-24-21	$373,500	4	0

Hembree Forest

The Hembree Forest development is a small to medium size development with 72 homes. The last sale in this development was in May of 2021. Prior to that sale there were 14 other sales going back to August of 2019. The prices began increasing from August 2019 with an average price of $253,000 to a final average of $270,000 showing a linear increase of $17,000 per home during this three-year period. It is noted that in mid-2020 there were 4 sales at $280,000. During the current search period, there have been two sales at $310,000 which continues to show strong value growth. There has also been a new rental property from this time as well. The development is accessed from Hembree Rd and is adjacent to an attached multi-family zoned development, a commercially zoned property and the single family detached development. In all, this development has seen good positive value growth and expects to see even more in the near future.



Percent Chg #VALUE! Per Month #VALUE!

Period	Price	Num Sales	Num Listings
01-24-21			0
04-24-21			0
07-24-21	$310,000	2	0
10-24-21			0

Rentals

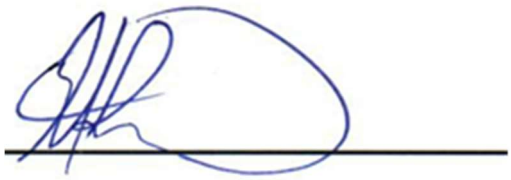
Lease information is more limited in that often a home will be listed for lease with a sign in the yard and no details of the transaction made public for homes in this price range. However, there are a few that engage the use of a realtor to initially gain a tenant. The published data shows that over the past 3 years, 4 homes in Hembree Forest have been listed for lease and are not owner occupied. Hembree Park has had three homes listed and leased and the Enclave has had 1. Taylor Oaks now has currently added 2 more rentals. It is often the case, that as rental percentages rise in each development, the overall values decline because tenants as non- owners do not care for the properties as much as the actual owners. So, while these 4 developments are not overly impacted presently, if rentals increase and begin a consistent trend, this could be the biggest factor of any future decline in value and not what or who is adjacent. Again, in this most recent search period, 3 additional rentals have been identified that were listed with a realtor.

Conclusion

The data re-analyzed shows that the four residential developments here (that have been in place for more than two decades) have all been able to see continued positive value growth from May 2021 to November 2021. This is consistent with the growth over the past 3 years analyzed despite having been located next to Multi-family, Commercial Improvements and other developments analyzed here. Furthermore, based on active listings and pending sales (listings provided), the expectation from residents is that values will continue to increase. There appears to be no evidence of declining values or that any of the surrounding non-residential improvements have had any adverse impact at any time.

I hope that the analysis has been helpful with your request for more updated information on surrounding properties. If you have any questions, feel free to contact me. Thank you for the assignment.

Sincerely,



Gordon R. Teel Jr.
GA. Certified General Appraiser #5333.
Cell Phone 770-241-5168
Gordon@teelappraisals.com

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-21-03/CU-21-05Don

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

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

Curtis Hazelton, Hembree Forest, Roswell made a general inquiry by telephone wanting to know the nature of the use.
Dawn Fix at 1120 Taylor Oaks Drive, Roswell contacted me by email wanting to know the nature of the development abutting her home in Taylor Oaks. I responded and forwarded her the entire application as filed and offered to answer additional questions. There has been no further response as of this date.

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.* SAMple Attached

- [x] 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

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: Donald A. Rolader Date: 4-6-2021

Print Form

ADVANCED RECOVERY
SYSTEMS
an advanced approach to patient care

March 29, 2021

Property Owner

RE: Application for Conditional Use Permit/Master Plan Amendment for property Located at 11725 Pointe Place, Alpharetta, GA 30004 (request for Congregate Housing as a land use); MP-21-03/CU-21-05

Dear Property Owner:

Advanced Recovery Systems, LLC has filed a Public Hearing Application with the City of Alpharetta for consideration of a request for a Conditional Use for a Rehabilitation Facility which requires a land use designation as Congregate Housing. Applicant will also amend the Master Plan to include Congregate Housing as a use. The facility was previously an assisted living/memory care facility. No changes to the buildings or layout of the property are planned. The property is part of a mixed use development on the south side of Upper Hembree Road abutting the west side of the former Whole Foods/Harry's Farmers' Market location.

The Community Zoning Information Meeting (CIM) will be held via ZOOM on Wednesday, April 14, 2021 at 6:00 p.m. The link to the ZOOM Meeting is https://zoom.us/j/95896318191. This is an informal meeting to allow the Public to view current Applications and speak with the Applicants.

The Planning Commission meeting is scheduled for Thursday, May 6, 2021 at 6:30 p.m. at City Hall.

The City Council hearing is scheduled for Monday, November 15, 2021 at 6:30 p.m. at City Hall.

If you have questions or wish further information, please contact our representative Don Rolader at Rolader & Rolader, P.C., P.O. Box 277, Marble Hill, GA 30148 (street address 200 Foothills Parkway, Marble Hill, GA 30148), phone number 770-442-0330, email don@roladerandrolader.com.

Sincerely,

Jay Fertig, President
Real Estate Division

EXHIBIT A-1

Tax Parcel	Owner	Address	
12 223005500825	WHOLE FOODS MARKET GROUP INC	1180 UPPER HEMBREE RD	Alpharetta
12 223005500866	11725 POINTE PLACE LLC	11725 UPPER HEMBREE RD	Alpharetta
12 223005500924	POINTE PLACE LLC	11731 POINTE PL	Alpharetta
12 223005500965	ICREATE LLC	11755 POINTE PL	Alpharetta
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12 224105490594	PLANK WILLIAM J JR	295 HEMBREE FOREST CIR	Roswell

EXHIBIT A-3

12 224105490602	HENEGAR BRADLEY T & CATHARINE T	305 HEMBREE FOREST CIR	Roswell
12 224105490610	LERNER VLADIMIR & SUAREZ BETILUZ	315 HEMBREE FOREST CIR	Roswell
12 224105490628	PRUSSIANO JOSEPH B JR & RICHARDSON CORINNE P	325 HEMBREE FOREST CIR	Roswell
12 224105490636	CONNORS SCOTT A & LINDSAY K	335 HEMBREE FOREST CIR	Roswell
12 224105490644	VAN CHRISTIAN T & VAN KELLY T	345 HEMBREE FOREST CIR	Roswell
12 224105490651	JACKSON CAROLYN J	355 HEMBREE FOREST CIR	Roswell
12 224105490677	PEREZ MARIA E & CASTENA GABRIEL L	385 HEMBREE FOREST CIR	Roswell
12 224105490685	SHAFIK BAHAA M & KANATER SAHAR	425 HEMBREE FOREST CIR	Roswell
12 224105490693	SOTO ALEJANDRO ALANIS	435 HEMBREE FOREST CIR	Roswell
12 224105490701	ROJAS WILLIAM R & ROJAS MANUELA M	445 HEMBREE FOREST CIR	Roswell
12 224105490719	WHIGHAM LAURA V & WHIGHAM RODNEY E	465 HEMBREE FOREST CIR	Roswell
12 224105490727	STELMACHERS ALEXANDER	475 HEMBREE FOREST CIR	Roswell
12 224105490735	MCKINNEY MARILYN CHARLES	485 HEMBREE FOREST CIR	Roswell
12 224105490743	FELKINS SIRLENE DA SILVEIRA	495 HEMBREE FOREST CIR	Roswell
12 224105490669	HILL KATHY P & CURTIS	505 HEMBREE FOREST CIR	Roswell
12 -2150-0549-078-3	GEBERT TANNA C	1490 CHEROKEE TRL	Roswell
12 -2150-0549-080-9	SARACCO WILLIAM D & SARACCO LYNN B	513 STREAMSIDE DR	Roswell
12 -2150-0549-086-6	ESTREMS MARIA DEL AMOR ORTEGA	515 STREAMSIDE DR	Roswell
12 -2150-0549-088-2	TEWFIK FARID SHAWKY	517 STREAMSIDE DR	Roswell
12 -2150-0549-079-1	DECKER BONNIE L	521 STREAMSIDE DR	Roswell
12 -2150-0549-081-7	BAGHERI ALI	523 STREAMSIDE DR	Roswell
12 -2150-0549-089-C	SOLORIO RAUL	527 STREAMSIDE DR	Roswell
12 -2150-0549-087-4	SERFOZO PATRICIA A	525 STREAMSIDE DR	Roswell
12 -2150-0549-085-8	ROBINSON MICHAEL D	524 STREAMSIDE DR	Roswell
12 -2150-0549-082-5	LOVEDAY BETTY	512 STREAMSIDE DR	Roswell

MP-21-03/CU-21-05 ADVANCED RECOVERY SYSTEMS, LLC Drug Rehabilitation Center

1. Fence between neighborhood and facility? No plan for fence; but not opposed to fencing if City approves
2. Property value concerns – stats show 12-15% decline w/facility nearby. ADA allows detox facility near residential. Based on their stats for State of Washington, treatment facility did not affect property values based on town approving for expanded services.
3. Outpatients? All patients will be admitted & living at the property (no cellphones/cars allowed)
4. What process for ensuring patients are limited from leaving facility? Cameras inside & outside with a 15-second delay if someone leaves
5. Court Ordered Clients? No
6. Methadone distribution? Facility will not be a Methadone clinic.
7. Smoking outside? Smoking pavilions will be provided.
8. Intended used says outpatient care Insurance may consider it outpatient; but they are not outpatients.
9. Teenagers going there? Ages 18-60
10. Whole Foods facility plans? Currently vacant
11. Truck traffic i.e. dumpsters & delivers No different than previous facility operators

18:06:07 From Leslie Howard : does the no cars item apply to all patients or only those in residential programs?

18:07:46 From Leslie Howard : what is the process for ensuring the people who are staying there are limited from leaving the property?

18:08:45 From Phil G : I would agree on the fence line between the facility and the nearby neighborhoods....

18:09:46 From Dawn Fix : will there be court ordered clients?

18:10:33 From Dawn Fix : will there be methadone? will there be smoking outside?

18:11:21 From Dawn Fix : research shows this will negatively impact the value of our homes.

18:13:21 From Shivawn G : according to the documents released out to the public, intended uses 5 and 6 involve intensive outpatient and outpatient care

18:15:55 From Dawn Fix : a fence will not protect our property value. what is the plan for that?

18:17:33 From Shivawn G : yeah, and I have had to deal with insurance in that regard with physical therapy. thanks

18:18:31 From Shivawn G : with regard to inpatient vs outpatient, that is

18:21:00 From iPhone : Is there any plan for the Whole Foods property?- currently there is a chain link fence between them and your facility. It has an opening for access there. Evidently there are folks using that now.

18:22:27 From iPhone : Teenagers going there

18:23:01 From iPhone : Truck traffic early hours?

18:23:20 From iPhone : Trash and deliveries

18:23:52 From iPhone : Dumpsters?

18:24:26 From Shivawn G : curious after about what needs to happen and by whom to continue with persuing a fence

18:25:31 From Shivawn G : thank you

18:25:32 From Phil G : I think the fence line is south and west? its for both neighborhoods

18:25:35 From Phil G : thanks

18:25:43 From iPhone : Thanks

Advanced Recovery Systems LLC

MP-21-03/CU-21-05

CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

FOR OFFICE USE ONLY

Case #: _____

☐ Fee Paid Initial: _____

COMMUNITY DEVELOPMENT DEPARTMENT • 2 PARK PLAZA • ALPHARETTA, GA 30009

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

Contact Information:

Contact Name: Jay Fertig Telephone: 754-300-3120 X4015

Address: 100 S.E. Third Ave Suite: 1800

City Ft. Lauderdale State: FL Zip: 33394 Fax:

Mobile Tel: 305 793 3541 Email: JFertig@advancedrecoverysystems.com

Subject Property Information:

Address: 11725 Pointe Place Current Zoning: O-I

District: 1 Section: 2 Land Lot: 550 Parcel ID: 12-2230-0550-086-6

Proposed Zoning: O-I Current Use: vacant-former assisted living facility

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

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

APPLICANT REQUEST AND INTENT

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

The proposed use is a rehabilitation facility for treatment of people suffering from addictions and substance abuse.

Applicant's Request (Please itemize the proposal):

To add congregate housing as a conditional use and to amend the master plan for the property to show congregate housing as a use. Congregate housing is a permitted use in the O-I zoning district (1. a.).

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

Applicant intends to operate an Advanced Recovery Systems Rehabilitation Facility for medical treatment of addictions and substance abuse in the existing structure at 11725 Pointe Place, Alpharetta, Georgia.

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: 11725 Pointe Place LLC Telephone:

Address: One SeaGate Suite: 1500

City Toledo State: Ohio Zip: 43604 -

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 Master Plan amendment

Identify Authorized Applicant:

Name of Authorized Applicant: Advanced Recovery Systems, LLC Telephone: 754-300-3120X4015

Address: Suite:

City Ft. Lauderdale State: FL Zip: 33394 -

So Sworn and Attested:

Owner Signature: Date: 2-18-21

John J. Getchey
Authorized Signatory

Notary:

Notary Signature: Laura A Sullivan Date: 2/18/21

LAURA A. SULLIVAN
Notary Public, State of Ohio
My Commission Expires
July 7, 2025

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: Advanced Recovery Systems, LLC

Subject Public Hearing Case: _____

Campaign Contribution Information:

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

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

Name of Official: NONE 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: _____ Date: 3/17/21

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

Property is part of an existing mixed O-I development and was formerly occupied by residents and staff of an assited living/memory care facility. Surrounding properties are zoned PSC (former Whole Foods distribution center), office (north) and residential (west [Taylor Oaks] & south [Hembree Forest] in Roswell). No exterior changes are planned. The project is compatible with little change from prior use.

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

The approval of this use should have no impact on surrounding property values. The zoning is not changing nor is the building exterior. The use "congregate housing" is being added as a conditional use. The property was formerly used as an assited living facility.

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

The property is fully developed and complete. This application only adds a conditional use. The zoning category is not being changed. The property is vacant and was previously occupied by assisted living/memory care patients.

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

The typical daily population will be 75 people. The average daily trip count will be 164 trips with an AM Peak of 10 trips and a PM Peak trip count of 13 trips.

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

There will be no impact to schools and no increase in students. The development is presently served by all public utilities in sufficient quantities. This use will not increase the demand.

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

The Future Land Use Plan shows the property as Professional Business Office. The proposed use is consistent. Aggregate Housing is permitted in the district.

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

This is not a rezoning application. It is a Conditional Use application. No response is required. The surrounding area is all developed and stable.

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

CITIZEN PARTICIPATION FORM - PART A

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

Public Hearing or Project Name: 11725 Pointe Place

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

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

All of those persons listed on Exhibit A attached

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.*

- [x] Letter
- [ ] Personal Visits
- [ ] Telephone
- [ ] Group Meeting
- [ ] Email
- [ ] Other *(Please Specify)*

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

They may respond by telephone, email, written correspondence or by in person or Zoom meeting

EXHIBIT A-1

Tax Parcel	Owner	Address	
12 223005500825	WHOLE FOODS MARKET GROUP INC	1180 UPPER HEMBREE RD	Alpharetta
12 223005500866	11725 POINTE PLACE LLC	11725 UPPER HEMBREE RD	Alpharetta
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12 224105490586	WYNN JOHN C	255 HEMBREE FOREST CIR	Roswell
12 224105490594	PLANK WILLIAM J JR	295 HEMBREE FOREST CIR	Roswell

EXHIBIT A-3

12 224105490602	HENEGAR BRADLEY T & CATHARINE T	305 HEMBREE FOREST CIR	Roswell
12 224105490610	LERNER VLADIMIR & SUAREZ BETILUZ	315 HEMBREE FOREST CIR	Roswell
12 224105490628	PRUSSIANO JOSEPH B JR & RICHARDSON CORINNE P	325 HEMBREE FOREST CIR	Roswell
12 224105490636	CONNORS SCOTT A & LINDSAY K	335 HEMBREE FOREST CIR	Roswell
12 224105490644	VAN CHRISTIAN T & VAN KELLY T	345 HEMBREE FOREST CIR	Roswell
12 224105490651	JACKSON CAROLYN J	355 HEMBREE FOREST CIR	Roswell
12 224105490677	PEREZ MARIA E & CASTENA GABRIEL L	385 HEMBREE FOREST CIR	Roswell
12 224105490685	SHAFIK BAHAA M & KANATER SAHAR	425 HEMBREE FOREST CIR	Roswell
12 224105490693	SOTO ALEJANDRO ALANIS	435 HEMBREE FOREST CIR	Roswell
12 224105490701	ROJAS WILLIAM R & ROJAS MANUELA M	445 HEMBREE FOREST CIR	Roswell
12 224105490719	WHIGHAM LAURA V & WHIGHAM RODNEY E	465 HEMBREE FOREST CIR	Roswell
12 224105490727	STELMACHERS ALEXANDER	475 HEMBREE FOREST CIR	Roswell
12 224105490735	MCKINNEY MARILYN CHARLES	485 HEMBREE FOREST CIR	Roswell
12 224105490743	FELKINS SIRLENE DA SILVEIRA	495 HEMBREE FOREST CIR	Roswell
12 224105490669	HILL KATHY P & CURTIS	505 HEMBREE FOREST CIR	Roswell
12 -2150-0549-078-3	GEBERT TANNA C	1490 CHEROKEE TRL	Roswell
12 -2150-0549-080-9	SARACCO WILLIAM D & SARACCO LYNN B	513 STREAMSIDE DR	Roswell
12 -2150-0549-086-6	ESTREMS MARIA DEL AMOR ORTEGA	515 STREAMSIDE DR	Roswell
12 -2150-0549-088-2	TEWFIK FARID SHAWKY	517 STREAMSIDE DR	Roswell
12 -2150-0549-079-1	DECKER BONNIE L	521 STREAMSIDE DR	Roswell
12 -2150-0549-081-7	BAGHERI ALI	523 STREAMSIDE DR	Roswell
12 -2150-0549-089-0	SOLORIO RAUL	527 STREAMSIDE DR	Roswell
12 -2150-0549-087-4	SERFOZO PATRICIA A	525 STREAMSIDE DR	Roswell
12 -2150-0549-085-8	ROBINSON MICHAEL D	524 STREAMSIDE DR	Roswell
12 -2150-0549-082-5	LOVEDAY BETTY	512 STREAMSIDE DR	Roswell

Legend of Symbols & Abbreviations

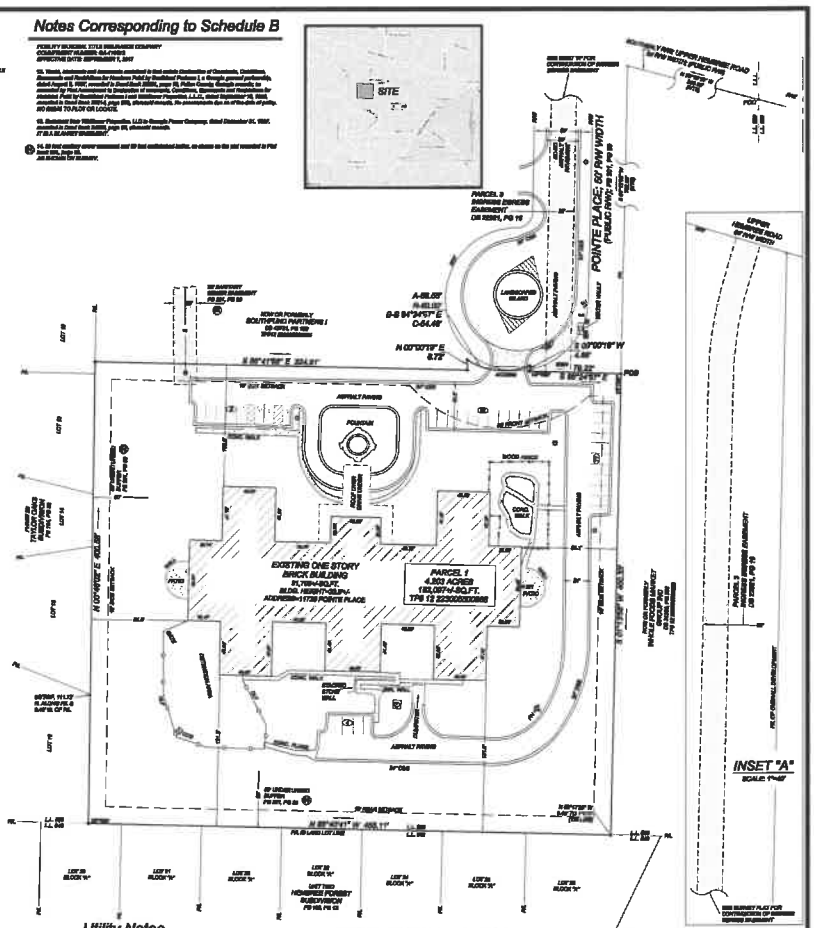
Miscellaneous Notes

Zoning

Flood Note

Notes Corresponding to Schedule B

Utility Notes



Encroachment Statement

Record Legal Description

SURVEYOR'S CERTIFICATE

ALTA/NSPS Land Title Survey

The Phoenix at Roswell

Project 917-1781-Site 8003
11725 Pointe Place
Roswell, GA 30076

County of Fulton

Surveyor Certification

Sheet 1 of 1

(330) 777-0502

CreSurveys

PLEASE DIRECT ALL INQUIRIES FOR THIS SURVEY TO:

CRESURVEYS
EMAIL: INFO@CRESURVEYS.COM
PHONE: (330) 777-0502
24 N. High Street, Suite 103, Akron, OH 44308

EXHIBIT A

Depiction of Land

PARCEL 1:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING LAND LOT 550 OF THE 1ST DISTRICT, 2ND SECTION, FULTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE AT THE INTERSECTION FORMED BY THE SOUTHERLY RIGHT OF WAY LINE OF UPPER HEMBREE ROAD (80 FOOT RIGHT OF WAY AND EASTERLY LINE OF LAND LOT 550) (SAID LAND LOT LINE ALSO BEING THE COMMON LINE BETWEEN LAND LOTS 550 AND 553); THENCE NORTH 75 DEGREES 16 MINUTES 18 SECONDS WEST A DISTANCE OF 310.00 FEET TO A POINT; THENCE SOUTH 01 DEGREES 13 MINUTES 58 SECONDS WEST A DISTANCE OF 792.69 FEET TO A 1/2 INCHES REBAR SET AT THE TRUE POINT BEGINNING; THENCE SOUTH 01 DEGREE 13 MINUTES 58 SECONDS WEST A DISTANCE OF 400.33 FEET TO A 1 INCH OPEN TOP PIPE FOUND; THENCE NORTH 88 DEGREES 40 MINUTES 41 SECONDS WEST A DISTANCE OF 455.11 FEET TO A 3/8 INCH REBAR FOUND; THENCE NORTH 00 DEGREES 46 MINUTES 02 SECONDS EAST A DISTANCE OF 400.58 FEET TO A 5/8 INCH REBAR SET; THENCE SOUTH 88 DEGREES 41 MINUTES 56 SECONDS EAST A DISTANCE OF 324.91 FEET TO A POINT; THENCE N 00°00'19" E A DISTANCE OF 8.72 FEET TO A POINT IN THE RIGHT-OF-WAY OF POINTE PLACE; THENCE ALONG SAID RIGHT-OF-WAY LINE AND FOLLOWING A REGULAR CURVE TO THE LEFT AN ARC DISTANCE OF 56.55 FEET, SAID CURVE HAVING CHORD BEARING OF SOUTH 84 DEGREES 24 MINUTES 57 SECONDS EAST AND A CHORD DISTANCE 54.48 FEET TO A POINT; THENCE LEAVING SAID RIGHT OF WAY LINE S 00°00'19" W A DISTANCE OF 4.66 FEET TO A POINT; THENCE SOUTH 88 DEGREES 24 MINUTES 57 SECONDS EAST A DISTANCE OF 79.22 FEET TO THE TRUE POINT OF BEGINNING, SAID PARCEL CONTAINING 183,097 SQUARE FEET OR 4.203 ACRES OF LAND MORE OR LESS.

PARCEL 2:
TOGETHER WITH THOSE EASEMENT RIGHTS ARISING UNDER THAT CERTAIN DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR HEMBREE POINT BY SOUTHFUND PARTNERS I, A GEORGIA GENERAL PARTNERSHIP, DATED AUGUST 5, 1997, FILED FOR RECORD AUGUST 6, 1997, AT 12:45 P.M., RECORDED IN DEED BOOK 22921, PAGE 16, RECORDS OF FULTON COUNTY, GEORGIA; AS AMENDED BY THAT FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR HEMBREREE POINT BY SOUTHFUND PARTNERS 1 AND WILDFLOWER PROPERTIES, L.L.C., DATED SEPTEMBER 15, 1998, FILED FOR RECORD SEPTEMBER 22, 1998 AT 10:30 A.M., RECORDED IN DEED BOOK 25214, PAGE 209, AFORESAID RECORDS.

ROLADER & ROLADER, P.C.
ATTORNEYS & COUNSELORS AT LAW
P.O. Box 277
MARBLE HILL, GEORGIA 30148
(770) 442-0330
Physical Address: 200 Foothills Pkwy.
Marble Hill, Georgia 30148
www.roladerandrolader.com

DONALD A. ROLADER
don@roladerandrolader.com

D.W. "Pete" ROLADER
1924 – 2011

March 1, 2021

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

RE: Application of Advanced Recovery Systems, LLC for Conditional Use (Congregate Housing) and Master Plan Amendment, 4.203 acres at 11725 Pointe Place, City of Alpharetta, Fulton County, Georgia; Letter of Intent

Dear Mayor and Councilpersons:

This firm represents Advanced Recovery Systems, LLC, the Applicant, which is seeking approval of this Conditional Use Application and Master Plan Amendment. This correspondence shall be construed as the Letter of Intent for this Application.

The subject property contains approximately 4.203 acres and is located on Pointe Place adjacent to the Whole Foods site on Upper Hembree Road. It is presently owned by 11725 Pointe Place LLC. Applicant seeks a Conditional Use Permit and Master Plan Amendment to allow the operation of a Rehabilitation facility for the treatment of persons suffering from addictions and substance abuse. The property is fully developed and was previously a memory care/assisted living facility.

Applicant operates multiple rehabilitation facilities in the United States and is experienced in this medical field. Applicant will treat people eighteen years of age or older for Alcohol and Drug Abuse/Dependency including onsite detoxification; Secondary Mental Health Disorders including mood disorders (anxiety, depression and bipolar disorders), personality disorders (Borderline, Histrionic, Narcissistic and Dependent) and Process Addictions.

The levels of care offered at the facility will be 1) Detox, 2) Intensive Inpatient, 3) Residential, 4) Partial Hospitalization, 5) Intensive Outpatient and 6) Outpatient Care. The leadership Team will include a Medical Director, Clinical Director, Executive Director, Nursing Director and BHT Supervisor. Patients range in age from eighteen to those in their sixties. Clients will not have automobiles and their access to cell phones is restricted to certain levels of care. The facility will be licensed by the State of Georgia. Housekeeping and meals will be provided onsite. Within forty-eight hours after admission, each client will receive a medical history and physical examination as well as a psychiatric evaluation. The facility accepts most private insurance policies but does not accept Medicare and Medicaid. The facility operates twenty-four hours a day seven days a week with a peak staff of approximately thirty.

The granting of this Conditional Use will have no negative impact on adjoining or nearby properties, but will provide a compatible use similar in nature to the previous use. This development will not unduly tax any City of Alpharetta services, including, but not limited to, fire and police protection, and garbage collection. Presently water and sewer services are available through Fulton County. The use change will have no impact on the Fulton County School System. This application, if approved, provides benefit to the City, the Applicant and the citizens who may have a need for its services. It is a quiet, unobtrusive use which generates little traffic.

Constitutional Objections are attached hereto as Exhibit A, and made a part hereof by reference.

Property owner respectfully requests that the Mayor and City Council approve this Conditional Use Application and Master Plan Amendment to allow the use of the property as stated in this Letter of Intent.

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



Donald A. Rolader

CONSTITUTIONAL OBJECTIONS

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

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

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

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

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

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

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

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

ROLADER & ROLADER, P.C.

By: _____
Donald A. Rolader
Attorney for Owner

P.O. Box 277
Marble hill, GA 30148
770-442-0330

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

CITY COUNCIL: NOVEMBER 15, 2021

This item was considered at the 11/4/2021 Planning Commission meeting. Staff recommended approval subject to 30 conditions. There was one (1) public comment with concerns over traffic on Rock Mill Road. After discussion, Planning Commission recommended approval subject to staff's recommended conditions and accepting some of the applicant's requested changes (Planning Commission changes shown in RED below). Vote 6-0

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. Provided the site plan remains substantially the same, the lots may be bigger than shown on that plan.
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~~ 3,300 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 aeriation system/fountain, as approved by Staff~~. ~~Smart~~ Green 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~~ unpainted or unstained 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~~ Emergency vehicle access only shall be gated and improved with ~~grasscrete~~ pervious pavers, 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.~~ Landscape buffers shall be shown on the final plat with maintenance responsibility assigned to the HOA. Landscape buffers shall be detailed in the HOA declarations and covenants.
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, except that if Fulton County requires an unencumbered easement shrubs shall replace tree requirements on one side of the street.
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. This access drive may encroach into the 150' stream buffer.
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~~ Subject to design of the final stormwater management plan, which may result in some tree removal, the 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. Should stormwater management require removal of some of these trees, the tree recompense shall be provided per Code, as approved by Staff.
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~~ At the option of the developer or land owner, if a land disturbance permit is not applied for within ~~12~~ 24 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		
CURRENT ZONING			**Entering**	**Exiting**	**Total**	**Entering**	**Exiting**	**Total**
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

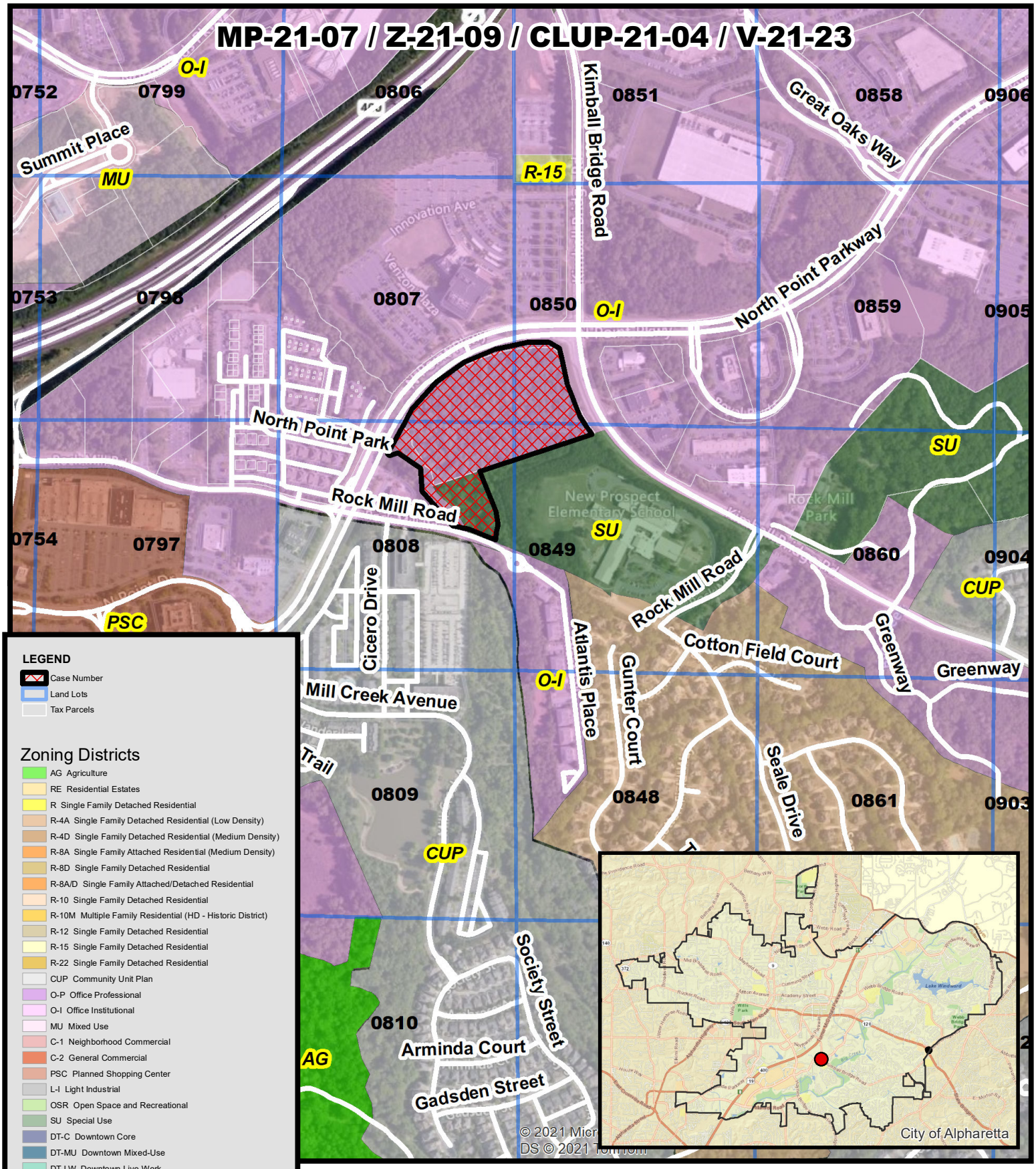
MP-21-07/Z-21-09/CLUP-21-04/V-21-23



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



THE CITY OF ALPHARETTA GEORGIA

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
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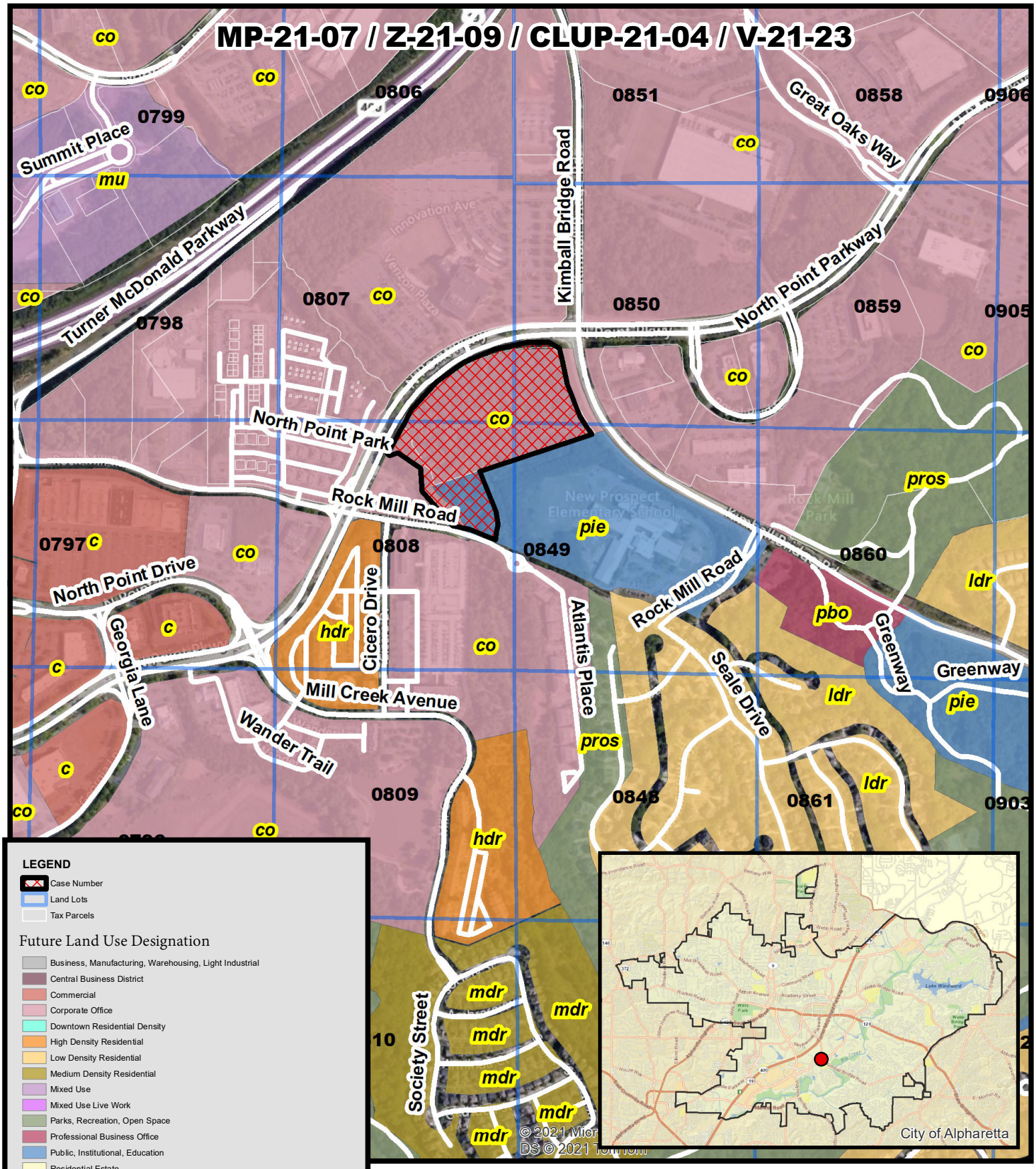
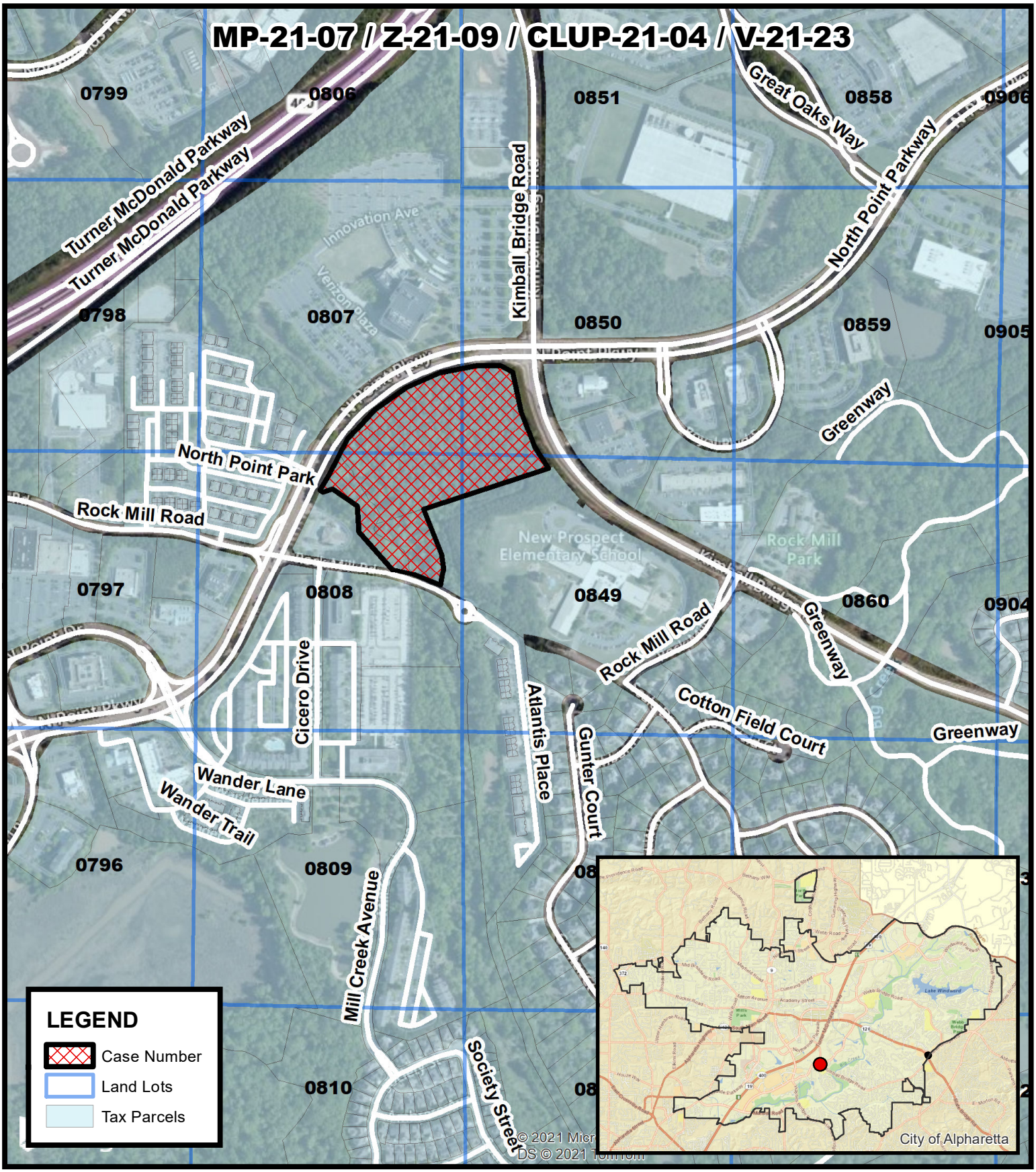


Future Land Use
KB 400 Partners
Empire Communities

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



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



NORTHPOINT PARKWAY at KIMBALL BRIDGE ROAD

THE CITY OF ALPHARETTA, FULTON COUNTY

0′ 60′ 120′ 180′

SCALE: 1″ = 60′

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NOTES:

- 8'-0" IS SHOWN BETWEEN ALL BUILDINGS TO ALLOW FOR 6" VENEER ON ALL SIDES
- THE ONLY POSSIBILITY FOR INTER-PARCEL ACCESS IS THE EXISTING SCHOOL TO THE SOUTH OF THE SITE.
- THE SITE IS IN THE NORTH POINT OVERLAY DISTRICT.

ECO DISTRICT GOALS

A NEW DEVELOPMENT WILL NEED A MINIMUM OF 7 POINTS TO BE CONSIDERED AN ECO-DISTRICT. 11 POINTS PROVIDED

1. BUILDING EFFICIENCY MEASURE - 3 POINTS
2. BIO-RETENTION - 2 POINTS
13. ENHANCED BICYCLE AMENITIES - 1 POINT
15. ADDITIONAL LANDSCAPED CIVIC SPACE - 5 POINTS

REQUESTED VARIANCES

1. 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:

1.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.

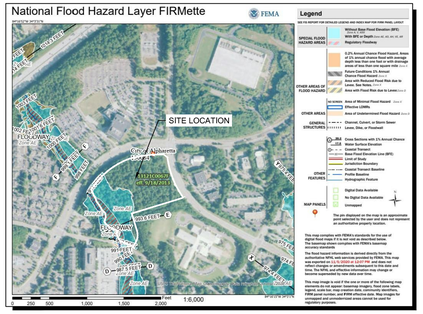
1.b. Alpharetta UDC Section 2.2.9.D - Reduce the minimum lot width (50' required for SFD) to 30' for SFD; reduce 35' setback to 25' for front entry units from back of curb and to 16' for rear entry units.

1.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.

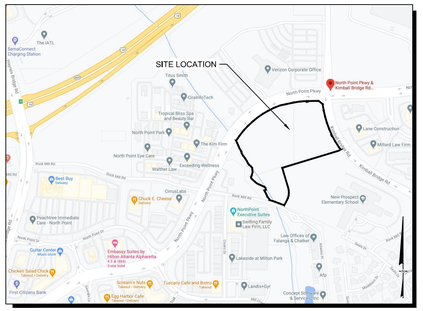
1.d. Alpharetta UDC § 2.10.6 To eliminate the requirement that Type C driveways be 200' apart

1.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.

1.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.



FEMA FIRM MAP
NOT TO SCALE



SITE LOCATION MAP
NOT TO SCALE

SITE DATA:	
SITE AREA	±13.978 ACRES
ZONING	
EXISTING ZONING	O&I AND SU
PROPOSED ZONING	R-8 A/D
ZONING JURISDICTION	CITY OF ALPHARETTA
USE CALCULATIONS	
TOTAL SITE AREA	±13.978 ACRES
SETBACK REQUIREMENTS	
FRONT SETBACK (LOCAL ROAD/OTHER ROAD)	35 FEET / 65 FEET
FRONT BUILDING SETBACK - CORRIDOR B (NORTH POINT PKWY)	MIN:10 FEET/ MAX: 60 FEET (MEASURED FROM BACK OF REQUIRED SIDEWALK)
SIDE SETBACK (ADJ. TO EXTERIOR LOTS/ADJ. TO INTERIOR LOTS)	5 FEET / 0 FEET
REAR SETBACK (NO ALLEY)	20 FEET
REAR SETBACK W/ ALLEY	0 FEET
LANDSCAPE STRIP ALONG MAIN ROADS	20 FEET ALONG NORTH POINT PKWY & KIMBALL BRIDGE RD
LANDSCAPE STRIP ALONG OTHER ROADS	10 FEET
DEVELOPMENT STANDARDS (R-8 A/D)	
TOTAL BUILDING COVERAGE	40% (243,554 SF)
PROVIDED BUILDING COVERAGE	12.5% (76,205 SF)
MAX IMPERVIOUS AREA	60% (365,331 SF)
PROVIDED IMPERVIOUS AREA	35.9% (218,712 SF)
MAX HEIGHT	35 FEET
MIN. FLOOR AREA	1200 SQ FEET
PROVIDED MIN FLOOR AREA	1800 SQ FEET
DISTANCE BETWEEN BLDGS	8 FEET (WITH MIN 6.5 FEET BETWEEN BUILDING FOUNDATIONS)
MIN. LOT WIDTH	50 FEET
22'x 38' UNITS (3 STORIES)	90 UNITS
TOTAL SITE DENSITY	6.44 UNITS PER ACRE (90 UNITS)
CORRIDOR "C" STREETSCAPE STANDARDS	
MIN SIDEWALK WIDTH	12 FEET (may be reduced to 8' due to existing condition)
MIN PLANTER WIDTH	10 FEET (REDUCED TO 2 FEET)
OPEN SPACE CALCULATIONS	
OPEN SPACE REQUIRED (% of gross acreage)	CIVIC SPACE: 10% (1.39 ACRES) AMENITY SPACE: 5% (0.69 ACRES)
PROVIDED OPEN SPACE	CIVIC SPACE: 32% (4.46 ACRES) AMENITY SPACE: 15% (2.07 ACRES)
PARKING REQUIREMENTS	
RESIDENTIAL DETACHED PARKING REQUIREMENTS	2 SPACES PER UNIT
MIN. PARKING REQUIRED	144 SPACES (20% less per North Point Overlay)
GUEST SPACES PROVIDED	25 SPACES
RESIDENTIAL PARKING PROVIDED	360 SPACES (2 SPACES PER GARAGE & 2 SPACES PER DRIVEWAY)
TOTAL PARKING PROVIDED	385 SPACES (4.29 SPACES PER UNIT)

24 HOUR CONTACT:
KEVIN NORTON
770-541-5250

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PROJECT

NORTHPOINT PKWY at KIMBALL BRIDGE RD.

A MASTER PLANNED RESIDENTIAL DEVELOPMENT
AT
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.

GEORGIA REGISTERED No. 34393 PROFESSIONAL ENGINEER KENNETH J WOOD

GSWCC LEVEL II DESIGN PROFESSIONAL CERTIFICATION # 0000059389 EXP. 10/28/2021

ZONING MASTER PLAN

0 30 60 120 180

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

GRID NORTH
GEORGIA WEST ZONE

Z1
SHEET

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EXHIBIT A



EXHIBIT A



Troy King

EXHIBIT A



Troy King

EXHIBIT A



Troy King

EXHIBIT A



Troy King

EXHIBIT A

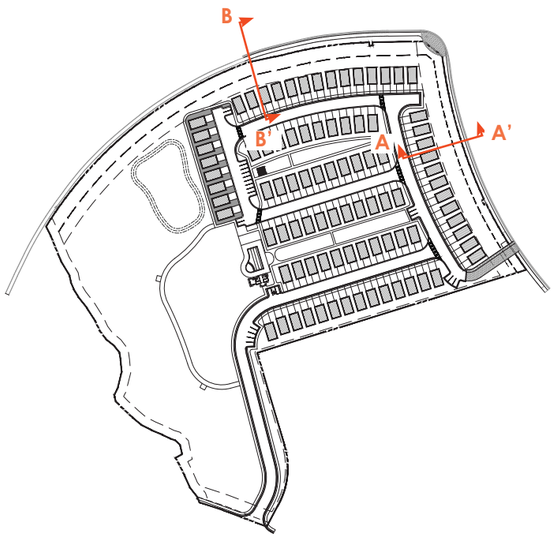


Troy King

EXHIBIT A









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NORTHPOINT PARKWAY at KIMBALL BRIDGE ROAD

THE CITY OF ALPHARETTA, FULTON COUNTY

0′ 20′ 40′ 60′

SCALE: 1″ = 20′

Empire Northpoint Eco District Monument / Concept A

EMPIRE

NORTH POINT
ALPHARETTA, GA



Empire Northpoint Eco District Monument / Concept B

EMPIRE

NORTH POINT
ALPHARETTA, GA





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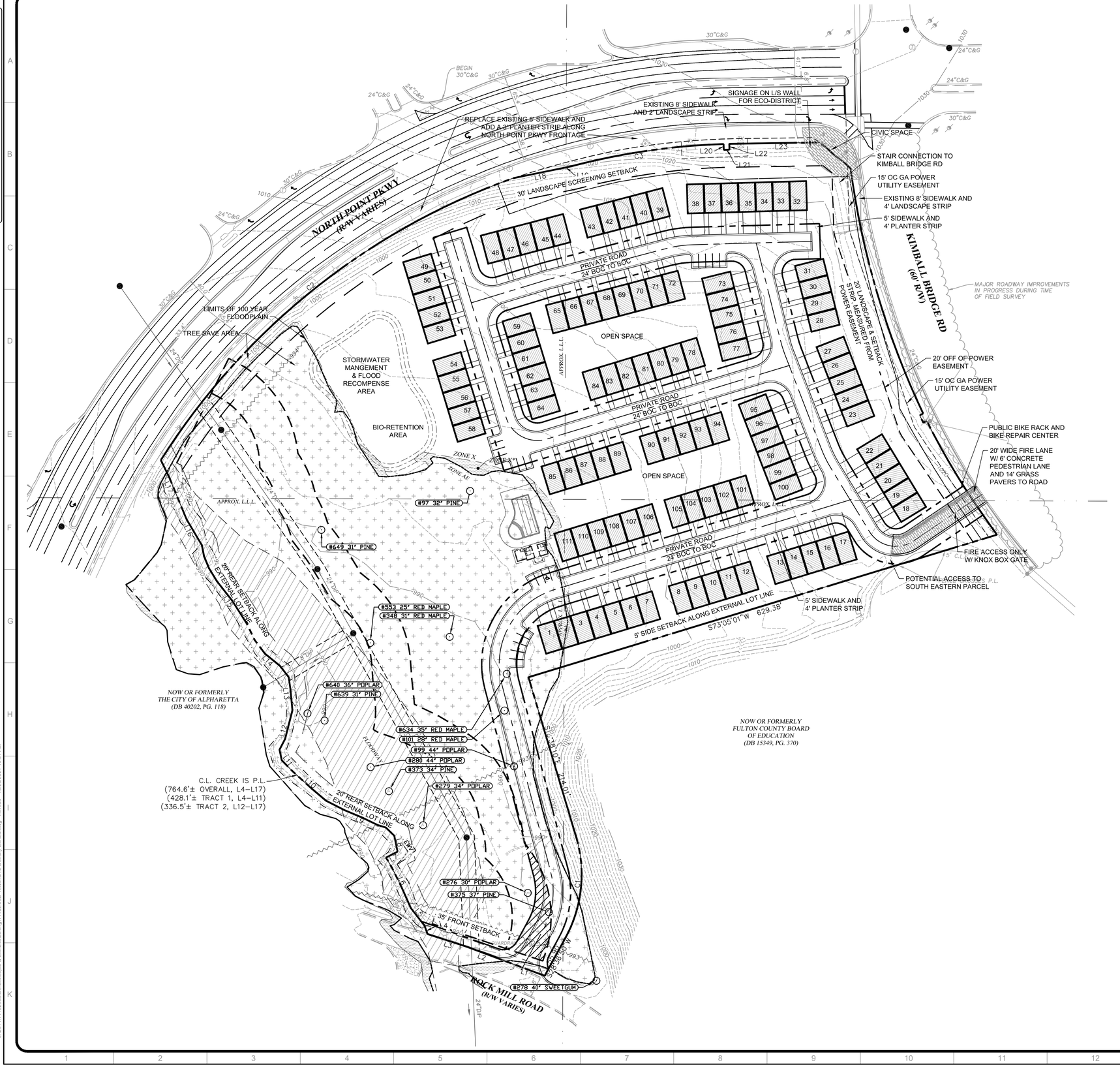
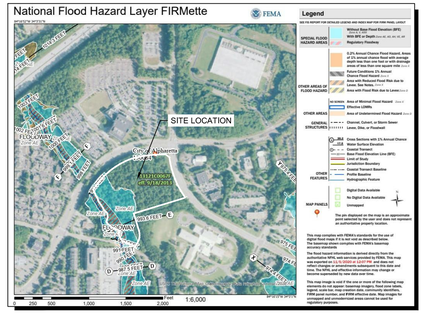
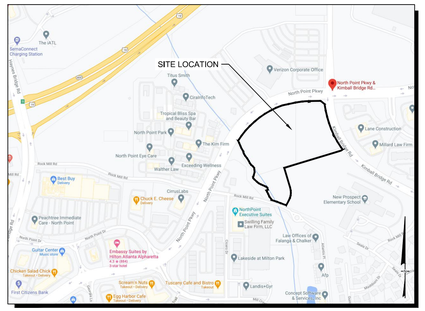




FEMA FIRM MAP
NOT TO SCALE



SITE LOCATION MAP
NOT TO SCALE

SITE DATA:	
SITE AREA	±13.978 ACRES
ZONING	
EXISTING ZONING	O&I AND SU
PROPOSED ZONING	R-8 A/D
ZONING JURISDICTION	CITY OF ALPHARETTA
USE CALCULATIONS	
TOTAL SITE AREA	±13.978 ACRES
SETBACK REQUIREMENTS	
FRONT SETBACK (LOCAL ROAD/OTHER ROAD)	35 FEET / 65 FEET
FRONT BUILDING SETBACK - CORRIDOR B (NORTH POINT PKWY)	MIN:10 FEET/ MAX: 60 FEET (MEASURED FROM BACK OF REQUIRED SIDEWALK)
SIDE SETBACK (ADJ. TO EXTERIOR LOTS/ADJ. TO INTERIOR LOTS)	5 FEET / 0 FEET
REAR SETBACK (NO ALLEY)	20 FEET
REAR SETBACK W/ ALLEY	0 FEET
LANDSCAPE STRIP ALONG MAIN ROADS	20 FEET ALONG NORTH POINT PKWY & KIMBALL BRIDGE RD
LANDSCAPE STRIP ALONG OTHER ROADS	10 FEET
DEVELOPMENT STANDARDS (R-8 A/D)	
MAX IMPERVIOUS AREA	60% (365,331 SF)
PROVIDED IMPERVIOUS AREA	35.9% (218,712 SF)
MAX HEIGHT	35 FEET
MIN. FLOOR AREA	1200 SQ FEET
TOWNHOMES (3 STORIES)	111 UNITS
TOTAL SITE DENSITY	7.94 UNITS PER ACRE (111 UNITS)
CORRIDOR "C" STREETSCAPE STANDARDS	
MIN SIDEWALK WIDTH	12 FEET (may be reduced to 8' due to existing condition)
MIN PLANTER WIDTH	10 FEET (REDUCED TO 2 FEET)
OPEN SPACE CALCULATIONS	
OPEN SPACE REQUIRED (% of gross acreage)	CIVIC SPACE: 10% (1.39 ACRES) AMENITY SPACE: 5% (0.69 ACRES)
PROVIDED OPEN SPACE	CIVIC SPACE: 32% (4.46 ACRES) AMENITY SPACE: 15% (2.07 ACRES)
PARKING REQUIREMENTS	
RESIDENTIAL DETACHED PARKING REQUIREMENTS	2 SPACES PER UNIT (222 SPACES)
MIN. PARKING REQUIRED	176 SPACES (20% less per North Point Overlay)
GUEST SPACES PROVIDED	20 SPACES
RESIDENTIAL PARKING PROVIDED	444 SPACES (2 SPACES PER GARAGE & 2 SPACES PER DRIVEWAY)
TOTAL PARKING PROVIDED	465 SPACES (4.25 SPACES PER UNIT)

24 HOUR CONTACT:
KEVIN NORTON
770-541-5250

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ARBORISTS + SURVEYING & CONSTRUCTION + WATER RESOURCES
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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

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

GEORGIA REGISTERED No. 34393 PROFESSIONAL ENGINEER KENNETH J WOOD

GSWCC LEVEL II DESIGN PROFESSIONAL CERTIFICATION # 0000059389 EXP. 10/28/2021

TOWNHOME DESIGN EXHIBIT

0 30 60 120 180

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

GRID NORTH
GEORGIA WEST ZONE

TH
SHEET

J:\2014\14152.00B\Dwg\Concepts & Exhibits\Zoning\14152.00B Townhome Density Exhibit.dwg - KWood - 10/29/2021 10:21 AM

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 Telephon 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.*

- [X] Letter
- [ ] Personal Visits
- [X] 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

Print Form

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

Kathryn M. Zickert

cc: Kathi Cook
Kelley Rhino
Kevin Norton
Saba Loghman



360 STUDIO | PEC+ Planners & Engineers Collaborative+

NORTHPOINT PARKWAY at KIMBALL BRIDGE ROAD

THE CITY OF ALPHARETTA, FULTON COUNTY

0' 60' 120' 180'

SCALE: 1" = 60'

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 TRELLIS 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

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.

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
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.

Is the "private rd." wide enough for school buses to use? If you look in the police reports you will find a pedestrian death at the MARTA bus stop one morning on North Point Pkwy in front of this proposed development. There is no public turn around for a school bus on Rock Mill Road. This proposed community should be able to have the facilities to serve those that live there, namely proper roads, or they impact the surrounding adjacent property owners.

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 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?

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 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

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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
[redacted]

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 or 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

[redacted]

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

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.

Is the "private rd." wide enough for school buses to use? If you look in the police reports you will find a pedestrian death at the MARTA bus stop one morning on North Point Pkwy in front of this proposed development. There is no public turn around for a school bus on Rock Mill Road. This proposed community should be able to have the facilities to serve those that live there, namely proper roads, or they impact the surrounding adjacent property owners.

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 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 Chatahoohee, 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.

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

ROOT ZONE 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+

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

Kimball Bridge Road

Specimen Tree Report

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

Tree #93







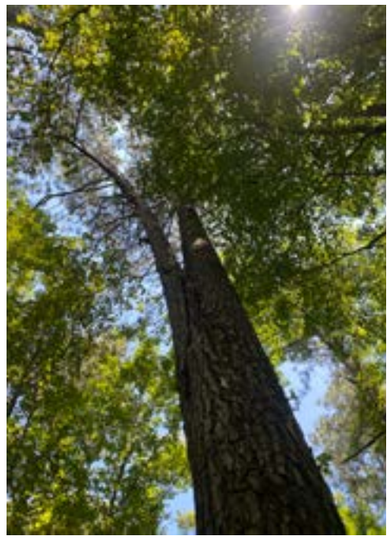
Kimball Bridge Road

Tree #98









Kimball Bridge Road

Tree #100









Kimball Bridge Road

Tree #277





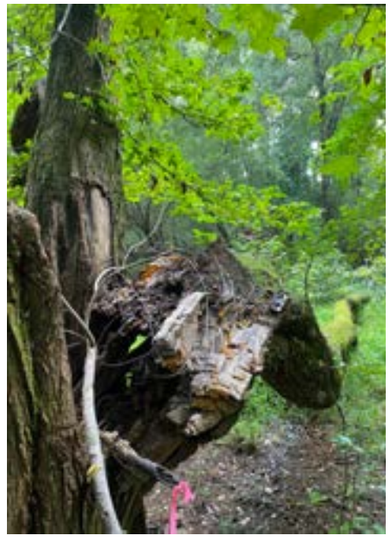


Kimball Bridge Road

Tree #374









Kimball Bridge Road

Tree #507









Kimball Bridge Road

Tree #648





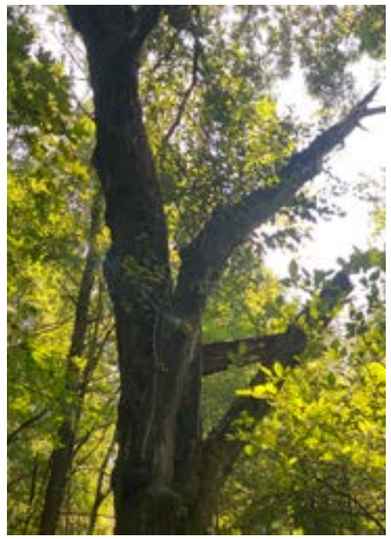


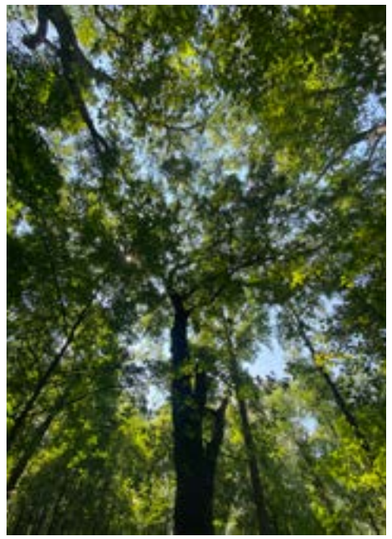
Kimball Bridge Road

Tree #769









Tree #770







Kimball Bridge Road

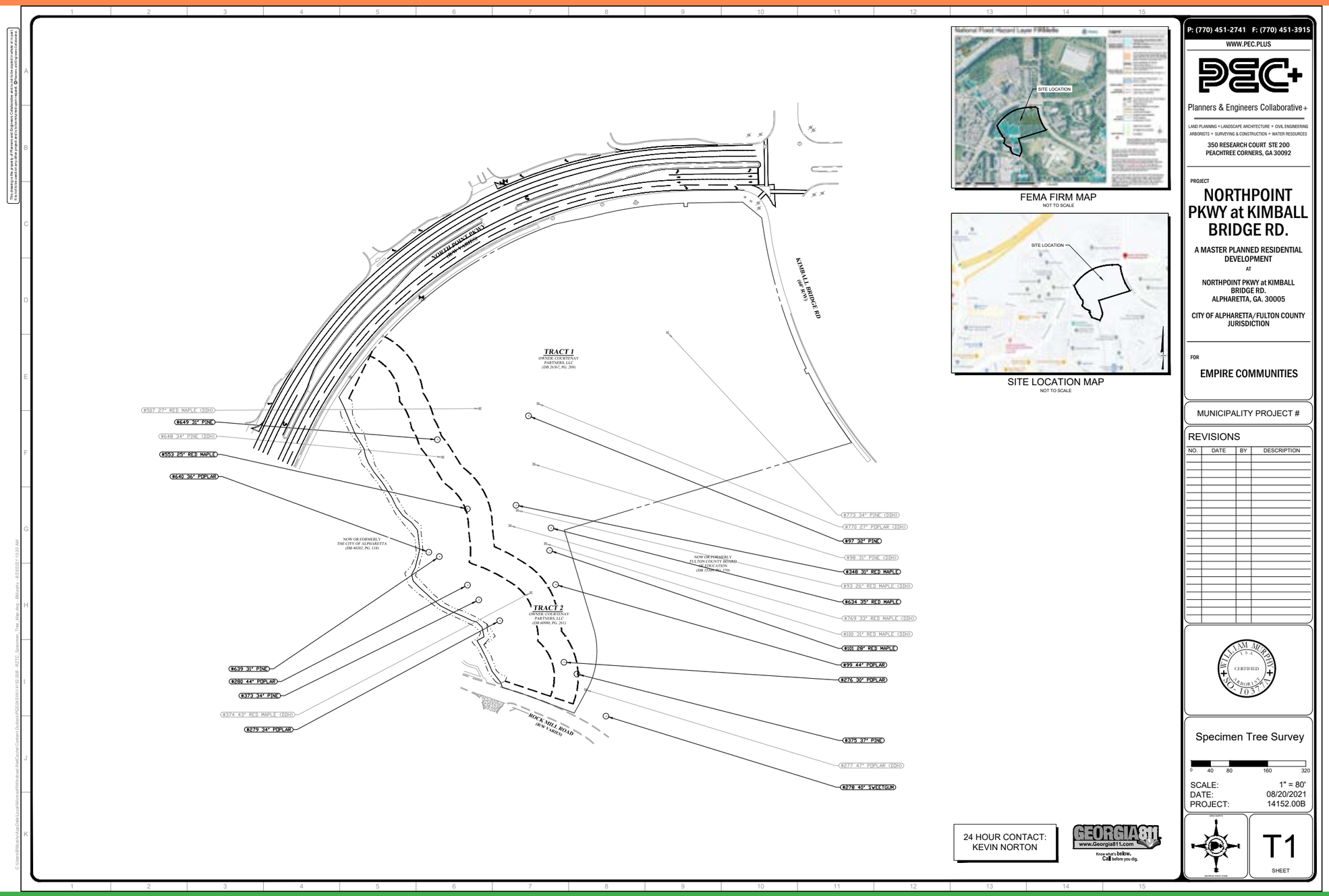
Tree #773







Gravel Springs Road



FEMA FIRM MAP
NOT TO SCALE

SITE LOCATION MAP
NOT TO SCALE

24 HOUR CONTACT:
KEVIN NORTON

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www.Georgia811.com
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PROJECT
NORTHPOINT PKWY at KIMBALL BRIDGE RD.

A MASTER PLANNED RESIDENTIAL DEVELOPMENT
AT
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

WILLIAM MURPHY ISA CERTIFIED ARBORIST SO-10377A

Specimen Tree Survey

0 40 80 160 320

SCALE: 1" = 80'
DATE: 08/20/2021
PROJECT: 14152.00B

T1
SHEET

Specimen Tree Location Map

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
- ☒ Rezoning
- ☒ Variance
- ☐ Exception
- ☒ Master Plan Amendment (MP-99-09)
- ☐ Master Plan Review
- ☒ Public Hearing
- ☐ Other *(Specify)*:
- ☒ Comprehensive Plan Amendment

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

DEBORAH KAY ALEXANDER NOTARY PUBLIC PICKENS COUNTY GEORGIA EXPIRES May 17, 2025

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.*

- [x] Letter
- [ ] Personal Visits
- [ ] Telephone
- [x] 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.

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	5755North 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

RESERVED FOR PLAT FILING

CLOSURE STATEMENT

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS AN ANGULAR ERROR OF 1 SECOND PER ANGLE POINT AND A PRECISION RATIO OF 1 IN 118,421. IT HAS BEEN ADJUSTED USING THE COMPASS RULE METHOD.

THE DATA SHOWN ON THIS PLAT HAS A CLOSURE PRECISION RATIO OF 1 IN XXX,XXX.

GENERAL NOTES

EQUIPMENT USED TO OBTAIN THESE MEASUREMENTS WAS A TRIMBLE S3 TOTAL STATION.

BEARINGS ARE CALCULATED FROM ANGLES TURNED FROM A SINGLE GRID BASELINE.

CONTOUR INTERVAL IS 2'.

THE DATUM FOR THIS SITE WAS ESTABLISHED UTILIZING GLOBAL POSITIONING SYSTEMS AND BASED ON POSITIONAL VALUES FOR THE VIRTUAL REFERENCE STATION NETWORK DEVELOPED BY eGPS SOLUTIONS. THE HORIZONTAL REFERENCE FRAME IS NORTH AMERICAN DATUM OF 1983(HARN)-STATE PLANE COORDINATE SYSTEM OF GEORGIA-WEST ZONE. THE VERTICAL REFERENCE FRAME IS NORTH AMERICAN VERTICAL DATUM OF 1988. ANY DIRECTIONS OR DIMENSIONS SHOWN ARE A RECTANGULAR, GROUND LEVEL PROJECTION OF THE STATE PLANE COORDINATE SYSTEM.

DATE OF FIELD WORK: APRIL XX, 2021

ALL IRON PINS SET ARE 1/2" REBARS CAPPED WITH "GUNNIN LSF 1033" UNLESS OTHERWISE NOTED.

BY GRAPHIC PLOTTING ONLY, PORTIONS OF THIS SITE ARE SHOWN TO BE WITHIN THE LIMITS OF A 100 YR. FLOOD HAZARD AREA AS PER F.I.R.M. FULTON COUNTY, GEORGIA AND INCORPORATED AREAS, COMMUNITY PANEL NUMBER 13121C0067F DATED SEPTEMBER 18, 2013.

THE SURVEY AND PLAT SHOWN HEREON IS NOT INTENDED FOR USE OR RELIANCE BY ANY PARTIES OR ENTITIES NOT SPECIFICALLY LISTED IN THE TITLE. UNAUTHORIZED THIRD PARTIES SHALL INDEMNIFY AND HOLD GUNNIN LAND SURVEYING, LLC HARMLESS AGAINST ANY AND ALL LIABILITY FOR ANY LOSS ARISING OUT OF, OR RELATED TO, RELIANCE BY ANY THIRD PARTY ON ANY WORK PERFORMED THEREUNDER, OR THE CONTENTS OF THE SURVEY.

ABOVE GROUND UTILITY LOCATIONS WERE OBTAINED FROM FIELD OBSERVATIONS. UNDERGROUND UTILITIES WERE NOT LOCATED AS PART OF THIS SURVEY. THE INFORMATION SHOWN ON THIS DRAWING CONCERNING UTILITIES IS NOT GUARANTEED TO BE ACCURATE OR ALL INCLUSIVE. THE OWNER, ARCHITECT, CONTRACTOR AND THEIR AGENTS ARE RESPONSIBLE FOR MAKING THEIR OWN DETERMINATIONS AS TO THE ACTUAL SIZE, TYPE AND LOCATION OF UNDERGROUND AND OTHER UTILITIES AS MAY BE NECESSARY TO AVOID DAMAGE THERETO.

THE CURRENT PARCEL IDENTIFICATION NUMBERS ARE:
12 2990084905 29, 12 2860080703 28, AND 12 2990080811 04

THERE WAS NO EVIDENCE OF RECENT BUILDING CONSTRUCTION OR BUILDING ADDITIONS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK. EVIDENCE OF EARTH MOVING AND ACTIVE ROADWAY IMPROVEMENTS WERE OBSERVED ALONG THE RIGHTS OF WAY OF KIMBALL BRIDGE ROAD AND NORTH POINT PARKWAY IN THE PROCESS OF CONDUCTING THE FIELDWORK. (TABLE A, ITEM 16)

REFERENCES:
1) ALTA/NSPS LAND TITLE SURVEY FOR SM ATLANTA, LLC, A GEORGIA LIMITED LIABILITY COMPANY, AND FIRST AMERICAN TITLE INSURANCE COMPANY, PREPARED BY BATES-LONG & ASSOCIATES, DATED MARCH 26, 2020, REVISED JULY 16, 2020.

2) SURVEY FOR STANELY MARTIN HOMES, PREPARED BY BATES-LONG & ASSOCIATES, DATED APRIL 4, 2019, REVISED APRIL 8, 2019.

SURVEYOR'S NOTES:
1) THE EASTERLY PROPERTY LINE OF TRACT 2 IS SHOWN PER SURVEY REFERENCE NO. 1 AND THE SUBJECT DEED (DB 60980 PG. 261).
2) THE DASHED LINE SHOWN APPROXIMATELY 10.3 TO 10.8 FEET EAST OF SAID PROPERTY LINE OF TRACT 2 IS SHOWN PER SURVEY REFERENCE NO. 2. THE DASHED LINE PER SURVEY REFERENCE NO. 2 IS NOT REFERENCED IN THE SUBJECT DEED, HOWEVER THE PINS NOTED, WERE FOUND AS SHOWN.

SYMBOL LEGEND

- IPF — 1/2" REBAR FOUND
- IPS — 1/2" REBAR SET
- RIGHT-OF-WAY MONUMENT FOUND
- (42) — ADJOINING LOT NUMBER
- (26) — LOT NUMBER
- (172) — LAND LOT NUMBER
- AIR CONDITIONING UNIT
- BENCHMARK
- BOLLARD
- HANDICAP PARKING SPOT
- SIGN
- MANHOLE - UNKNOWN TYPE
- HANDHOLE
- CABLE TV BOX
- CABLE TV MANHOLE
- CABLE TV PEDESTAL
- ELECTRIC BOX
- ELECTRIC MANHOLE
- ELECTRIC METER
- ELEC — ELECTRIC PEDESTAL
- GUY WIRE AND ANCHOR
- GUY POLE
- LIGHT POLE (LP)
- POWER POLE (PP)
- SERVICE POLE
- HIGH VOLTAGE POWER POLE (HVPP)
- TRANSFORMER
- GAS MANHOLE
- GAS VALVE
- GAS — GAS METER
- SANITARY SEWER CLEAN OUT
- S — SANITARY SEWER MANHOLE
- STORM SEWER CLEAN OUT
- DOUBLE WING CATCH BASIN
- SINGLE WING CATCH BASIN
- CURB INLET
- DROP INLET
- FLARED END SECTION
- HEADWALL
- JUNCTION BOX
- WEIR INLET
- YARD INLET
- TELEPHONE BOX
- TELEPHONE MANHOLE
- TELEPHONE PEDESTAL
- PEDESTRIAN SIGNAL POLE
- TRAFFIC SIGNAL BOX
- TRAFFIC SIGNAL POLE
- FIRE DEPARTMENT CONNECTION
- FIRE HYDRANT
- IRRIGATION CONTROL VALVE
- PIV — POST INDICATOR VALVE
- WATER MANHOLE
- WM — WATER METER
- WV — WATER VALVE
- W — WATER VAULT
- TREE

ABBREVIATIONS

A.E.	ACCESS EASEMENT
BC	BACK OF CURB
BM	BENCHMARK
BSL	BUILDING SETBACK LINE
C&G	CURB AND GUTTER
C.L.	CENTERLINE
C.L.F.	CHAIN LINK FENCE
CMF	CONCRETE MONUMENT FOUND
CONC.	CONCRETE
CTP	CRIMPED TOP PIPE
DB	DEED BOOK
D.E.	DRAINAGE EASEMENT
EX.	EXISTING
EP	EDGE OF PAVEMENT
FEN.	FENCE
L.L.L.	LAND LOT LINE
OTP	OPEN TOP PIPE
PB	PLAT BOOK
PG.	PAGE
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
PROP.	PROPOSED
R/W	RIGHT OF WAY
SS	SANITARY SEWER
S.S.E.	SANITARY SEWER EASEMENT
P.L.	PROPERTY LINE
SSMH	SANITARY SEWER MANHOLE
U.E.	UTILITY EASEMENT
CI	CURB INLET
DI	DROP INLET
DWCB	DOUBLE WING CATCH BASIN
FES	FLARED END SECTION
HW	HEADWALL
JB	JUNCTION BOX
OCS	OUTLET CONTROL STRUCTURE
SWCB	SINGLE WING CATCH BASIN
W	WEIR INLET
YI	YARD INLET
CMP	CORRUGATED METAL PIPE
DIP	DUCTILE IRON PIPE
HDPE	HIGH DENSITY POLYETHYLENE PIPE
PVC	POLYVINYL CHLORIDE PIPE
RCP	REINFORCED CONCRETE PIPE
VCP	VITRIFIED CLAY PIPE

LINE TYPE LEGEND

- ADJOINING PROPERTY LINE
- RIGHT-OF-WAY CENTERLINE
- CREEK CENTERLINE
- LAND LOT LINE
- METAL FENCE
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- WOOD FENCE
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- OHW — OVERHEAD UTILITY LINE
- TV — UNDERGROUND CABLE TV LINE
- E — UNDERGROUND ELECTRIC LINE
- FO — UNDERGROUND FIBER OPTIC LINE
- G — UNDERGROUND GAS PIPE
- SS — UNDERGROUND SANITARY SEWER PIPE
- UNDERGROUND STORM SEWER PIPE
- SL — UNDERGROUND STREET LIGHTING LINE
- T — UNDERGROUND TELEPHONE LINE
- TR — UNDERGROUND TRAFFIC LINE
- W — UNDERGROUND WATER PIPE

FLOOD DELINEATION

FLOOD LINES AND BASE FLOOD ELEVATIONS SHOWN HEREON ARE APPROXIMATE AND SHOWN PER FEMA NATIONAL FLOOD HAZARD IMPORT.

DEFINITION OF FLOOD AREAS FROM FEMA NATIONAL FLOOD INSURANCE PROGRAM:

- ZONE A- SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD. NO BASE FLOOD ELEVATIONS DETERMINED
- ZONE X*- AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM FROM 1% ANNUAL CHANCE FLOOD.
- ZONE X- AREAS DETERMINED TO BE OUTSIDE THE 0.2% CHANCE FLOODPLAIN
- FLOODWAY AREAS IN ZONE AE. THE FLOODWAY IS THE CHANNEL OF A STREAM PLUS ANY ADJACENT FLOODPLAIN AREAS THAT MUST BE KEPT FREE OF ENCROACHMENT SO THAT THE 1% ANNUAL CHANCE FLOOD CAN BE CARRIED WITHOUT SUBSTANTIAL INCREASES IN FLOOD HEIGHTS.
- 700.0 — BASE FLOOD ELEVATION LINE (BFE)

TITLE EXCEPTIONS

THE FOLLOWING EXCEPTIONS ARE LISTED IN SCHEDULE B – SECTION 2 ALTA OWNER'S COMMITMENT FOR TITLE INSURANCE ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY (COMMITMENT NUMBER 33121.11), EFFECTIVE DATE OF MARCH 17, 2021.

10. Easement from F. James Funk, Jr. to Georgia Power Company, dated April 6, 1977, recorded in Deed Book 6690, Page 83, Fulton County, Georgia Records.
(AFFECTS TRACT 1 AND TRACT 2. BLANKET IN NATURE AND NOT PLOTTABLE.)

11. Permit for Anchors, Guy Poles and Wires from F. James Funk, Jr. to Georgia Power Company, dated March 15, 1979, recorded in Deed Book 7202, page 349, Fulton County, Georgia Records.
(AFFECTS TRACT 1 AND TRACT 2. BLANKET IN NATURE AND NOT PLOTTABLE)

12. Sewer Easement from Dr. F. James Funk, Jr. to Fulton County, Georgia, dated April 25, 1979, recorded in Deed Book 7250, page 428, Fulton County, Georgia Records.
(AFFECTS TRACTS 1 AND 2 AS SHOWN)

13. Right of Way Easement from Resource Savings Company to Sawnee Electric Membership Corporation, dated January 22, 1988, recorded in Deed Book 11319, page 478, Fulton County, Georgia Records.
(MAY AFFECT TRACT 1 AND TRACT 2. BLANKET IN NATURE AND NOT PLOTTABLE)

14. Right of Way Easement from Resource Savings Association to Southern Bell Telephone and Telegraph Company, dated January 26, 1989, recorded in Deed Book 12323, page 193, Fulton County, Georgia Records.
(MAY AFFECT TRACT 1. REFERS TO A 15 FOOT WIDE STRIP ADJACENT TO R/W OF KIMBALL BRIDGE ROAD. THE R/W REFERRED TO IS NO LONGER IN THE SAME LOCATION AS AT THE TIME OF THE EASEMENT DESCRIPTION; NOT PLOTTABLE)

15. Right of Way Easement from Fulton County Board of Education to Sawnee Electric Membership Corporation, dated July 7, 1993, recorded in Deed Book 17657, page 217, Fulton County, Georgia Records.
(MAY AFFECT TRACT 1 AND TRACT 2. DESCRIBES EASEMENT AS 30 FEET WIDE; BUT POWER LINES SHOWN IN EXHIBIT 'A' OF REFERENCED DEED ARE NO LONGER VISIBLE ON SITE; NOT PLOTTABLE)

16. Easement from Fulton County Board of Education to Georgia Power Company, dated October 18, 1993, recorded in Deed Book 18841, page 54, Fulton County, Georgia Records.
(DOES NOT AFFECT. THIS EASEMENT IS SPECIFIC TO KIMBALL BRIDGE ELEMENTARY SCHOOL LOCATED ADJACENT TO SUBJECT TRACT 1 AND TRACT 2)

17. Easement from KB/400 Partners, by Oakdale Partners, L.L.C., General Partner, to Georgia Power Company, dated June 20, 1996, recorded in Deed Book 22596, page 134, Fulton County, Georgia Records.
(AFFECTS TRACT 1, AS SHOWN ON SURVEY.)

18. Right of Way Easement from Fulton County Board of Education to Greystone Power Corporation, dated December 1, 2001, recorded in Deed Book 32023, Page 624, Fulton County, Georgia Records.
(MAY AFFECT TRACT 1 AND/OR TRACT 2. EXHIBIT 'A' REFERRED TO IN THE EASEMENT DOCUMENT WAS NOT PROVIDED)

19. Sewer Easement from Courtenay Partners, LLC, a Georgia limited liability company, to Fulton County, Georgia, dated March 22, 2004, recorded in Deed Book 38694, page 339, Fulton County, Georgia Records.
(AFFECTS TRACT 1 AS SHOWN ON SURVEY)

20. Rights of access and easements granted in that certain Right of Way Deed from Courtenay Partners, LLC, a Georgia limited liability company, to The City of Alpharetta, Georgia, dated December 5, 2008, recorded in Deed Book 47501, page 653, Fulton County, Georgia Records.
(AFFECTS TRACT 1 AND IS SHOWN AS THE CURRENT R/W OF KIMBALL BRIDGE ROAD)

21. Easement from Courtenay Partners, LLC, to Georgia Power Company, dated September 28, 2009, recorded in Deed Book 48466, page 121, Fulton County, Georgia Records.
(AFFECTS PART OF TRACT 1. BLANKET IN NATURE. NOT PLOTTABLE)

22. Easement for Anchors Guy Poles and Wires from Fulton County BOard of Education to Georgia Power Company, dated September 30, 2009, recorded in Deed Book 48466, page 127, Fulton County, Georgia Records.
(MAY AFFECT A PORTION OF TRACT 1 AND TRACT 2, BEING IN LAND LOT 849. BLANKET IN NATURE. NOT PLOTTABLE)

23. Temporary Construction Easement from Fulton County Board of Education to the City of Alpharetta, Georgia, dated September 4, 2018, recorded in Deed Book 59302, page 323, Fulton County, Georgia Records.
(DOES NOT AFFECT. EXPIRED TEMPORARY CONSTRUCTION EASEMENT)

24. Rights of access and easements granted in that certain Right of Way Deed from Courtenay Partners, LLC to The City of Alpharetta, dated December 18, 2019, recorded in Deed Book 60980, page 265, Fulton County, Georgia Records.
(AFFECTS TRACT 1 AND IS SHOWN AS THE CURRENT R/W OF KIMBALL BRIDGE ROAD AND NORTH POINT PARKWAY)

25. Rights of access and easements granted in that certain Right of Way Deed from Courtenay Partners, LLC to The City of Alpharetta, dated December 12, 2019, recorded in Deed Book 60980, page 276, Fulton County, Georgia Records.
(AFFECTS TRACT 1 AND IS SHOWN AS THE CURRENT R/W OF NORTH POINT PARKWAY)

26. Temp Construction Easement from Courtenay Partners, LLC, a Georgia limited liability company, to the City of Alpharetta, dated December 18, 2019, recorded in Deed Book 60980, page 284, Fulton County, Georgia Records.
(AFFECTS TRACT 1 AS SHOWN)

27. Temp Construction Easement from Courtenay Partners, LLC, a Georgia limited liability company, to the City of Alpharetta, dated December 18, 2019, recorded in Deed Book 60980, page 294, Fulton County, Georgia Records.
(AFFECTS TRACT 1 AS SHOWN)

- (A) 25' STATE UNDISTURBED BUFFER (AS MEASURED FROM POINT OF WRESTED VEGETATION)
- (B) 50' COUNTY UNDISTURBED VEGETATIVE BUFFER (AS MEASURED FROM POINT OF WRESTED VEGETATION)
- (C) 75' COUNTY NON-IMPERVIOUS SETBACK (AS MEASURED FROM POINT OF WRESTED VEGETATION)

*ADDITIONAL BUFFERS MAY BE REQUIRED THAT ARE NOT SHOWN

TRACT 1 AREA = 12.086 ACRES±
TRACT 2 AREA= 1.892 ACRES±
TOTAL AREA= 13.978 ACRES±

(TRACT 1 AREA OUTSIDE APPROX. FUTURE FLOOD PLAIN= 8.512 ACRES±)
(TRACT 2 AREA OUTSIDE APPROX. FUTURE FLOOD PLAIN= 0.138 ACRES±)

ALTA/ NSPS CERTIFICATION

TO: EAH ACQUISITIONS, LP, A DELAWARE LIMITED LIABILITY COMPANY AND FIRST AMERICAN TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 8, 13, AND 16.

THE FIELD WORK WAS COMPLETED ON xxxxxx.

DATE OF PLAT: xxxxxxx

JESSE R. GUNNIN, GA RLS #3079 — DATE

SURVEYOR'S CERTIFICATE (STATE OF GEORGIA)

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.

PRELIMINARY

JESSE R. GUNNIN, GA RLS #3079 — DATE

REVISION	DATE

ALTA/NSPS 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 Mountain Brook Drive, Suite 104 Canton, GA 30115
www.gunninsurvey.com
T:678.880.5921
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License No. LSF 001033

DRAWN BY: ZRW
CHECKED BY: JRG

PROJECT NO. **21024**

SHEET	OF
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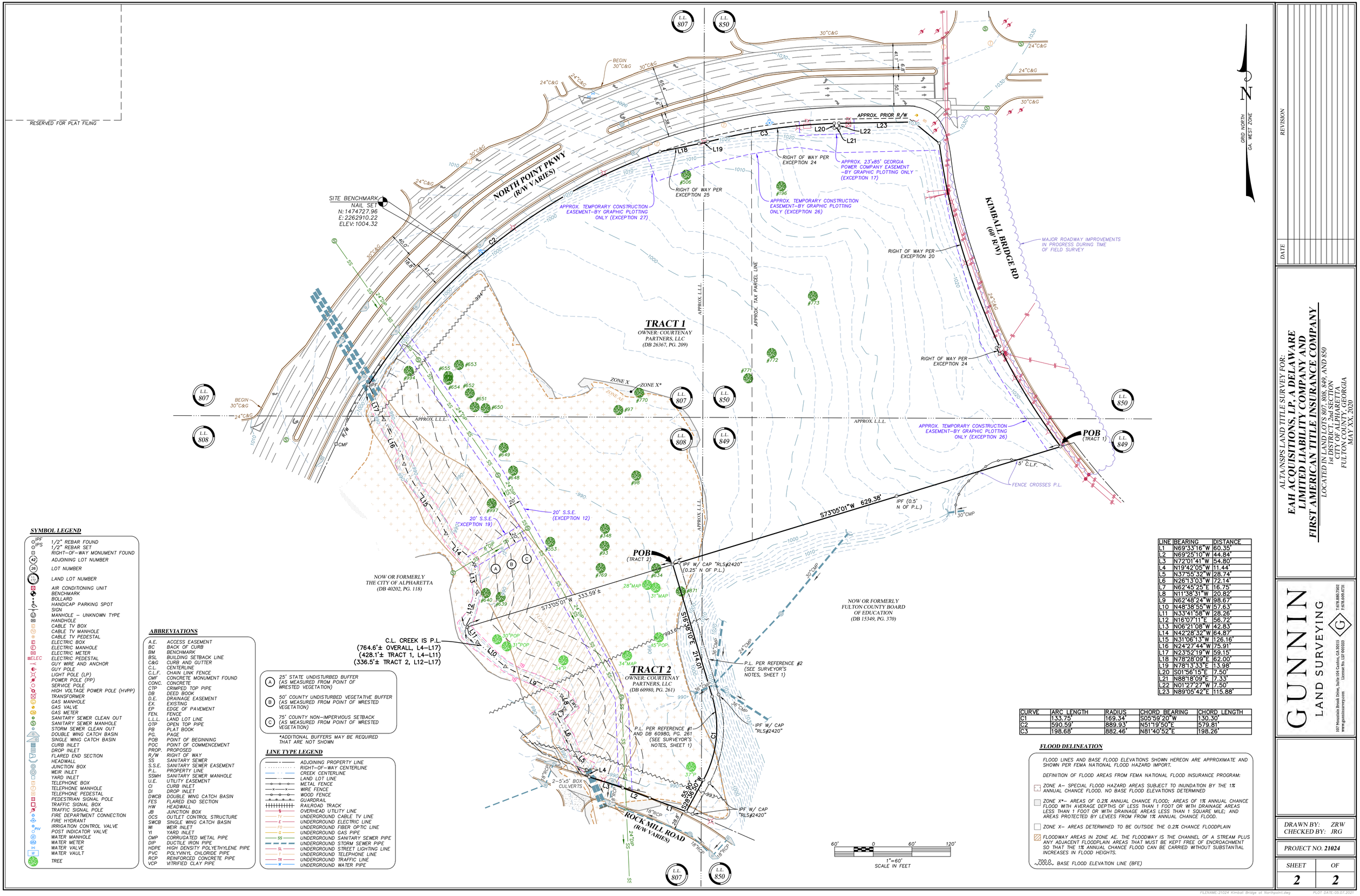

LINE	BEARING	DISTANCE
L1	N69°33'16"W	60.35'
L2	N69°25'10"W	44.84'
L3	N72°01'41"W	54.80'
L4	N19°42'05"W	11.44'
L5	N37°55'32"W	28.74'
L6	N26°13'03"W	72.14'
L7	N62°45'25"E	16.75'
L8	N11°38'31"W	20.82'
L9	N62°48'24"W	98.67'
L10	N48°38'55"W	57.63'
L11	N33°41'58"W	28.26'
L12	N16°07'11"E	56.72'
L13	N06°21'08"W	42.83'
L14	N42°28'32"W	64.87'
L15	N31°06'13"W	126.16'
L16	N24°27'44"W	75.91'
L17	N23°52'19"W	59.15'
L18	N78°28'09"E	62.00'
L19	N78°13'33"E	13.98'
L20	S01°56'15"E	7.50'
L21	N88°18'09"E	7.33'
L22	N01°27'27"W	7.50'
L23	N89°05'42"E	115.88'

CURVE	ARC LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
C1	133.75'	169.34'	S05°59'20"W	130.30'
C2	590.59'	889.93'	N51°19'50"E	579.81'
C3	198.68'	882.46'	N81°40'52"E	198.26'

SYMBOL LEGEND

- IPF 1/2" REBAR FOUND
- IPS 1/2" REBAR SET
- RIGHT-OF-WAY MONUMENT FOUND
- (42) ADJOINING LOT NUMBER
- (26) LOT NUMBER
- (807 / 122) LAND LOT NUMBER
- AIR CONDITIONING UNIT
- BENCHMARK
- BOLLARD
- HANDICAP PARKING SPOT
- SIGN
- MANHOLE – UNKNOWN TYPE
- HANDHOLE
- CABLE TV BOX
- CABLE TV MANHOLE
- CABLE TV PEDESTAL
- ELECTRIC BOX
- ELECTRIC MANHOLE
- ELECTRIC METER
- ELEC ELECTRIC PEDESTAL
- GUY WIRE AND ANCHOR
- GUY POLE
- LIGHT POLE (LP)
- POWER POLE (PP)
- SERVICE POLE
- HIGH VOLTAGE POWER POLE (HVPP)
- TRANSFORMER
- GAS MANHOLE
- GAS VALVE
- GAS METER
- SANITARY SEWER CLEAN OUT
- SANITARY SEWER MANHOLE
- STORM SEWER CLEAN OUT
- DOUBLE WING CATCH BASIN
- SINGLE WING CATCH BASIN
- CURB INLET
- DROP INLET
- FLARED END SECTION
- HEADWALL
- JUNCTION BOX
- WEIR INLET
- YARD INLET
- TELEPHONE BOX
- TELEPHONE MANHOLE
- TELEPHONE PEDESTAL
- PEDESTRIAN SIGNAL POLE
- TRAFFIC SIGNAL BOX
- TRAFFIC SIGNAL POLE
- FIRE DEPARTMENT CONNECTION
- FIRE HYDRANT
- IRRIGATION CONTROL VALVE
- PIV POST INDICATOR VALVE
- WATER MANHOLE
- WM WATER METER
- WV WATER VALVE
- W WATER VAULT
- TREE

ABBREVIATIONS

A.E.	ACCESS EASEMENT
BC	BACK OF CURB
BM	BENCHMARK
BSL	BUILDING SETBACK LINE
C&G	CURB AND GUTTER
C.L.	CENTERLINE
C.L.F.	CHAIN LINK FENCE
CMF	CONCRETE MONUMENT FOUND
CONC.	CONCRETE
CTP	CRIMPED TOP PIPE
DB	DEED BOOK
D.E.	DRAINAGE EASEMENT
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- ZONE X*– AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM FROM 1% ANNUAL CHANCE FLOOD.
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REVISION	DATE

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1st DISTRICT, 2nd SECTION
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MAY XX, 2020

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DRAWN BY: ZRW
CHECKED BY: JRG

PROJECT NO. **21024**

SHEET	OF
2	**2**

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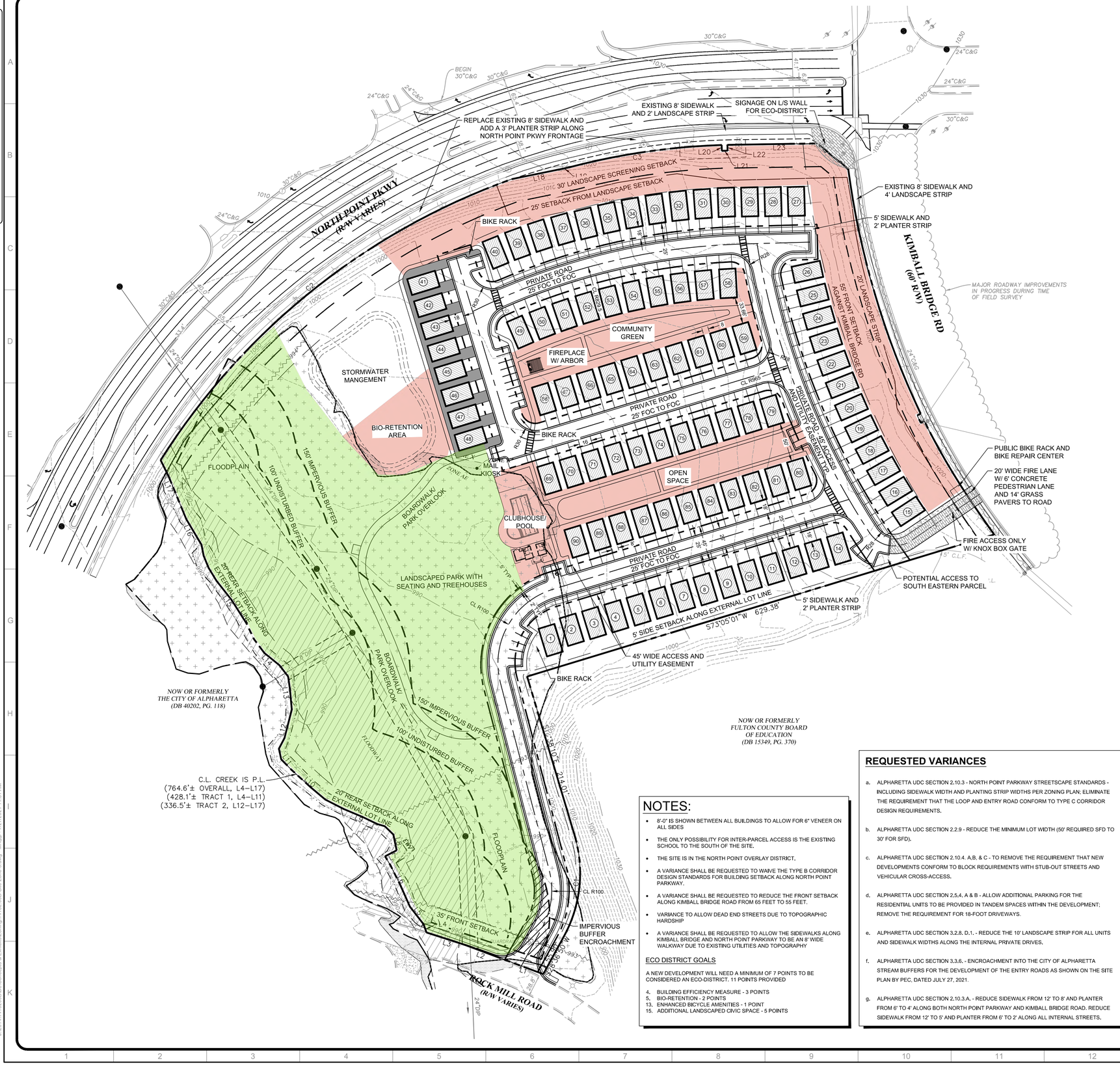


NOTES:

- 8'-0" IS SHOWN BETWEEN ALL BUILDINGS TO ALLOW FOR 6" VENEER ON ALL SIDES
- THE ONLY POSSIBILITY FOR INTER-PARCEL ACCESS IS THE EXISTING SCHOOL TO THE SOUTH OF THE SITE.
- THE SITE IS IN THE NORTH POINT OVERLAY DISTRICT.
- A VARIANCE SHALL BE REQUESTED TO WAIVE THE TYPE B CORRIDOR DESIGN STANDARDS FOR BUILDING SETBACK ALONG NORTH POINT PARKWAY.
- A VARIANCE SHALL BE REQUESTED TO REDUCE THE FRONT SETBACK ALONG KIMBALL BRIDGE ROAD FROM 65 FEET TO 55 FEET.
- VARIANCE TO ALLOW DEAD END STREETS DUE TO TOPOGRAPHIC HARDSHIP
- A VARIANCE SHALL BE REQUESTED TO ALLOW THE SIDEWALKS ALONG KIMBALL BRIDGE AND NORTH POINT PARKWAY TO BE AN 8' WIDE WALKWAY DUE TO EXISTING UTILITIES AND TOPOGRAPHY

ECO DISTRICT GOALS

A NEW DEVELOPMENT WILL NEED A MINIMUM OF 7 POINTS TO BE CONSIDERED AN ECO-DISTRICT. 11 POINTS PROVIDED

4. BUILDING EFFICIENCY MEASURE - 3 POINTS
5. BIO-RETENTION - 2 POINTS
13. ENHANCED BICYCLE AMENITIES - 1 POINT
15. ADDITIONAL LANDSCAPED CIVIC SPACE - 5 POINTS

REQUESTED VARIANCES

a. ALPHARETTA UDC SECTION 2.10.3 - NORTH POINT PARKWAY STREETSCAPE STANDARDS - INCLUDING SIDEWALK WIDTH AND PLANTING STRIP WIDTHS PER ZONING PLAN; ELIMINATE THE REQUIREMENT THAT THE LOOP AND ENTRY ROAD CONFORM TO TYPE C CORRIDOR DESIGN REQUIREMENTS.

b. ALPHARETTA UDC SECTION 2.2.9 - REDUCE THE MINIMUM LOT WIDTH (50' REQUIRED SFD TO 30' FOR SFD).

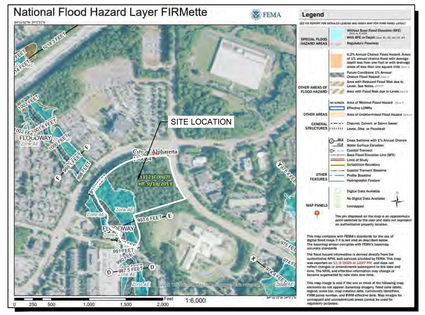
c. ALPHARETTA UDC SECTION 2.10.4. A,B, & C - TO REMOVE THE REQUIREMENT THAT NEW DEVELOPMENTS CONFORM TO BLOCK REQUIREMENTS WITH STUB-OUT STREETS AND VEHICULAR CROSS-ACCESS.

d. ALPHARETTA UDC SECTION 2.5.4, A & B - ALLOW ADDITIONAL PARKING FOR THE RESIDENTIAL UNITS TO BE PROVIDED IN TANDEM SPACES WITHIN THE DEVELOPMENT; REMOVE THE REQUIREMENT FOR 18-FOOT DRIVEWAYS.

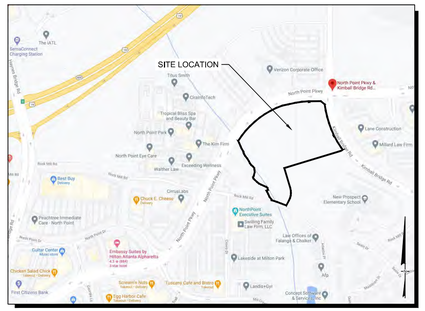
e. ALPHARETTA UDC SECTION 3.2.8, D.,1, - REDUCE THE 10' LANDSCAPE STRIP FOR ALL UNITS AND SIDEWALK WIDTHS ALONG THE INTERNAL PRIVATE DRIVES.

f. ALPHARETTA UDC SECTION 3.3.6. - ENCROACHMENT INTO THE CITY OF ALPHARETTA STREAM BUFFERS FOR THE DEVELOPMENT OF THE ENTRY ROADS AS SHOWN ON THE SITE PLAN BY PEC, DATED JULY 27, 2021.

g. ALPHARETTA UDC SECTION 2.10.3.A. - REDUCE SIDEWALK FROM 12' TO 8' AND PLANTER FROM 6' TO 4' ALONG BOTH NORTH POINT PARKWAY AND KIMBALL BRIDGE ROAD. REDUCE SIDEWALK FROM 12' TO 5' AND PLANTER FROM 6' TO 2' ALONG ALL INTERNAL STREETS.



FEMA FIRM MAP
NOT TO SCALE



SITE LOCATION MAP
NOT TO SCALE

SITE DATA:	
SITE AREA	±13.978 ACRES
ZONING	
EXISTING ZONING	O&I AND SU
PROPOSED ZONING	R-8 A/D
ZONING JURISDICTION	CITY OF ALPHARETTA
USE CALCULATIONS	
TOTAL SITE AREA	±13,978 ACRES
SETBACK REQUIREMENTS	
FRONT SETBACK (LOCAL ROAD/OTHER ROAD)	35 FEET / 65 FEET
FRONT BUILDING SETBACK - CORRIDOR B (NORTH POINT PKWY)	MIN:10 FEET/ MAX: 60 FEET (MEASURED FROM BACK OF REQUIRED SIDEWALK)
SIDE SETBACK (ADJ. TO EXTERIOR LOTS/ADJ. TO INTERIOR LOTS)	5 FEET / 0 FEET
REAR SETBACK (NO ALLEY)	20 FEET
LANDSCAPE STRIP ALONG MAIN ROADS	20 FEET ALONG NORTH POINT PKWY & KIMBALL BRIDGE RD
LANDSCAPE STRIP ALONG OTHER ROADS	10 FEET
DEVELOPMENT STANDARDS (R-8 A/D)	
TOTAL BUILDING COVERAGE	40% (243,554 SF)
PROVIDED BUILDING COVERAGE	12.5% (76,205 SF)
MAX IMPERVIOUS AREA	60% (365,331 SF)
PROVIDED IMPERVIOUS AREA	35.9% (218,712 SF)
MAX HEIGHT	35 FEET
MIN. FLOOR AREA	1200 SQ FEET
DISTANCE BETWEEN BLDGS	8 FEET (WITH MIN 6.5 FEET BETWEEN BUILDING FOUNDATIONS)
MIN. LOT WIDTH	50 FEET
22'x 38' UNITS	90 UNITS
TOTAL SITE DENSITY	6.44 UNITS PER ACRE (90 UNITS)
CORRIDOR B STREETSCAPE STANDARDS	
MIN SIDEWALK WIDTH	12 FEET (may be reduced to 8' due to existing condition)
MIN PLANTER WIDTH	10 FEET (REDUCED TO 2 FEET)
OPEN SPACE CALCULATIONS	
OPEN SPACE REQUIRED (% of gross acreage)	CIVIC SPACE: 10% (1.39 ACRES)
	AMENITY SPACE: 5% (0.69 ACRES)
PROVIDED OPEN SPACE	CIVIC SPACE: 32% (4.46 ACRES)
	AMENITY SPACE: 18% (2.53 ACRES)
PARKING REQUIREMENTS	
RESIDENTIAL DETACHED PARKING REQUIREMENTS	2 SPACES PER UNIT
MIN. PARKING REQUIRED	144 SPACES (20% less per North Point Overlay)
GUEST SPACES PROVIDED	26 SPACES
RESIDENTIAL PARKING PROVIDED	360 SPACES (2 SPACES PER GARAGE & 2 SPACES PER DRIVEWAY)
TOTAL PARKING PROVIDED	386 SPACES (4.29 SPACES PER UNIT)

	CIVIC SPACE
	AMENITY SPACE

24 HOUR CONTACT:
KEVIN NORTON
770-541-5250

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350 RESEARCH COURT STE 200
PEACHTREE CORNERS, GA 30092

PROJECT

NORTHPOINT PKWY at KIMBALL BRIDGE RD.

A MASTER PLANNED RESIDENTIAL DEVELOPMENT
AT
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

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

PRELIMINARY
NOT TO BE RELEASED FOR CONSTRUCTION

ZONING MASTER PLAN

0 30 60 120 180

SCALE: 1" = 60'
DATE: 07/27/2021
PROJECT: 14152.00B

GRID NORTH
GEORGIA WEST ZONE

Z1
SHEET

J:\2014\14152\00B\Dv\Concept & Exhibits\Zoning\14152.00B-Site Zone-3.dwg - MKopp - 7/27/2021 11:31 AM

EXISTING 8' SIDEWALK AND 2' LANDSCAPE STRIP

SIGNAGE ON L/S WALL FOR ECO-DISTRICT

EXISTING 8' SIDEWALK AND 4' LANDSCAPE STRIP

5' SIDEWALK AND 2' PLANTER STRIP

30' LANDSCAPE SCREENING SETBACK

25' SETBACK FROM LANDSCAPE SETBACK

BIKE RACK

NORTH POINT PARKWAY

KIMBALL BRIDGE RD.

55' FRONT SETBACK AGAINST KIMBALL BRIDGE RD.

10' LANDSCAPE STRIP

COMMUNITY GREEN

FIREPLACE W/ ARBOR

STORMWATER MANGEMENT

BIO-RETENTION AREA

PRIVATE ROAD - 24' ACCESS AND UTILITY EASEMENT

BIKE RACK

MAIL KIOSK

OPEN SPACE

PUBLIC BIKE RACK AND BIKE REPAIR CENTER

20' WIDE FIRE LANE W/ 6' CONCRETE PEDESTRIAN LANE AND 14' GRASS PAVERS TO ROAD

TOT-LOT

FLOODPLAIN

150' IMPERVIOUS BUFFER

100' UNDISTURBED BUFFER

BOARDWALK PARK OVERLOOK

CLUBHOUSE/ POOL

TOILET

FIRE ACCESS ONLY W/ KNOX BOX GATE

LANDSCAPED PARK WITH SEATING AND TREEHOUSES

5' SIDE SETBACK ALONG EXTERNAL LOT LINE

5' SIDEWALK AND 2' PLANTER STRIP

BIKE RACK

20' REAR SETBACK ALONG EXTERNAL LOT LINE

ROCK MILL ROAD

35' FRONT SETBACK

NORTHPOINT PARKWAY at KIMBALL BRIDGE ROAD

THE CITY OF ALPHARETTA, FULTON COUNTY

0′ 60′ 120′ 180′

SCALE: 1″ = 60′

360 STUDIO

PEC+ Planners & Engineers Collaborative+

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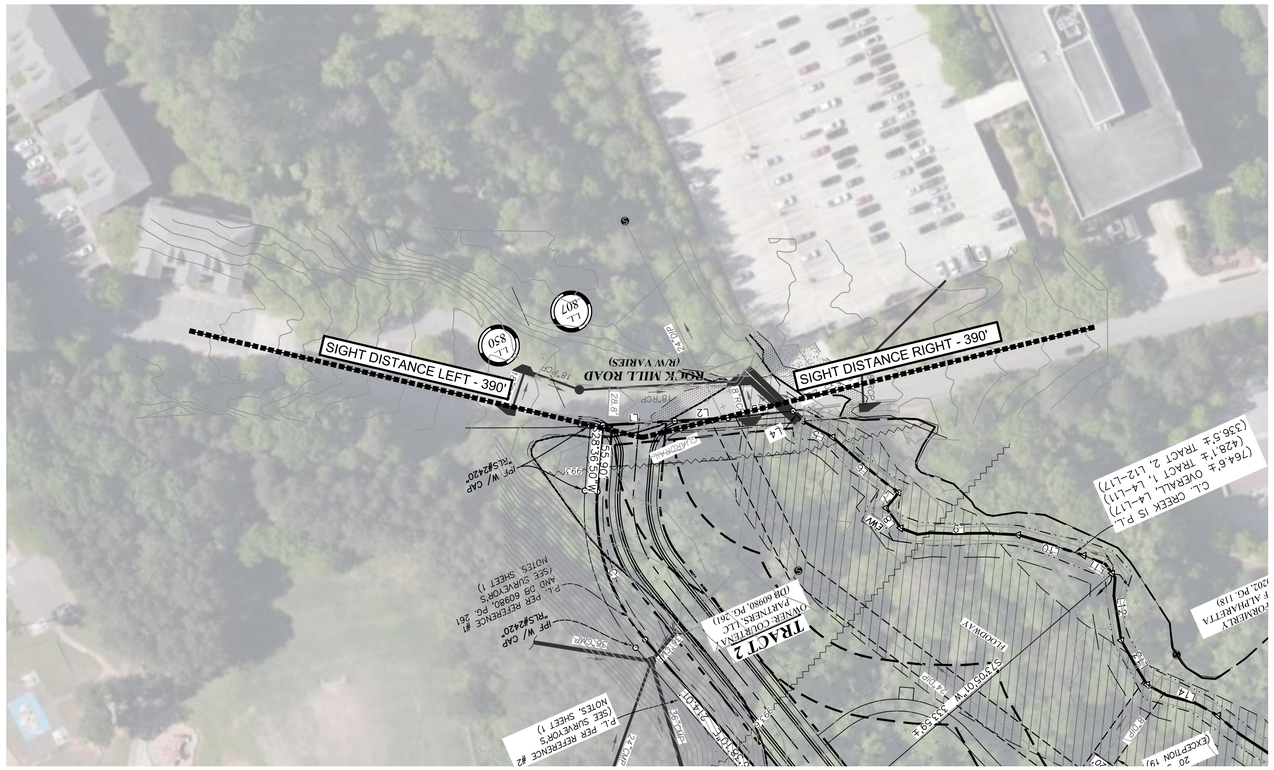

DISCLOSURE FORM

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:

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: 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 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: _____

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: 7/29/21

Kathryn M. Zickert/Smith Gambrell & Russell, LLP

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: 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: _____

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: 8/2/21

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

DISCLOSURE FORM

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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: _____

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: _____ 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 Road[1]. 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 area[2]. 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 cementious 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 ± 2.53 acres of amenity space (±18% of total site) and ± 4.46 acres of civic space (±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 ± 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.

Alpharetta
GEORGIA · USA

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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Alpharetta
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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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Alpharetta
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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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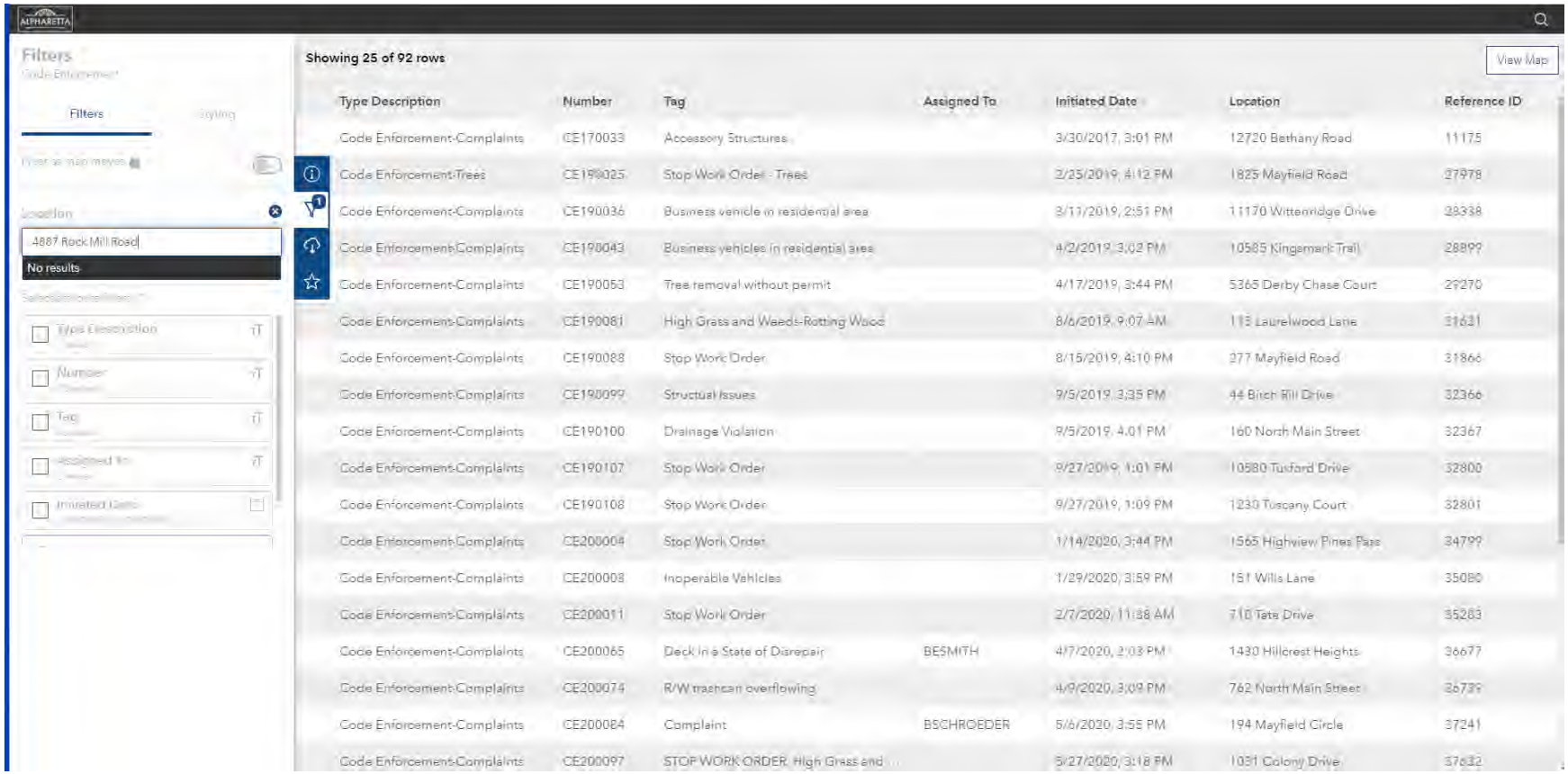

ALPHARETTA
Filters
Filters
Styling
Location
4887 Rock Mill Road
No results
Showing 25 of 92 rows
View Map
Type Description
Number
Tag
Assigned To
Initiated Date
Location
Reference ID
Code Enforcement-Complaints CE170033 Accessory Structures 3/30/2017, 3:01 PM 12720 Bethany Road 11175
Code Enforcement-Trees 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 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 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 Structual Issues 9/5/2019, 3:35 PM 44 Birch Rill 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, 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 BSCHROEDER 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

CITY COUNCIL: NOVEMBER 15, 2021

This item was considered at the 11/4/2021 Planning Commission meeting. Staff recommended approval subject to 20 conditions. There were no public comments. After discussion, Planning Commission recommended approval subject to staff's recommended conditions and accepting some of the applicant's requested changes (Planning Commission changes shown in RED below). Vote 6-0

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~~ 24 single-family detached homes ~~and 11~~ and/or attached townhome units, ~~as depicted on the site plan prepared by Paradigm, dated 10/13/2021~~ with all single-family detached fronting either Devore Road of South Main Street, as approved by Staff.
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'~~ 4' 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 adjacent public right-of-way or Devore/Highway 9 intersection, as approved by Staff.
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
Alcovy 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

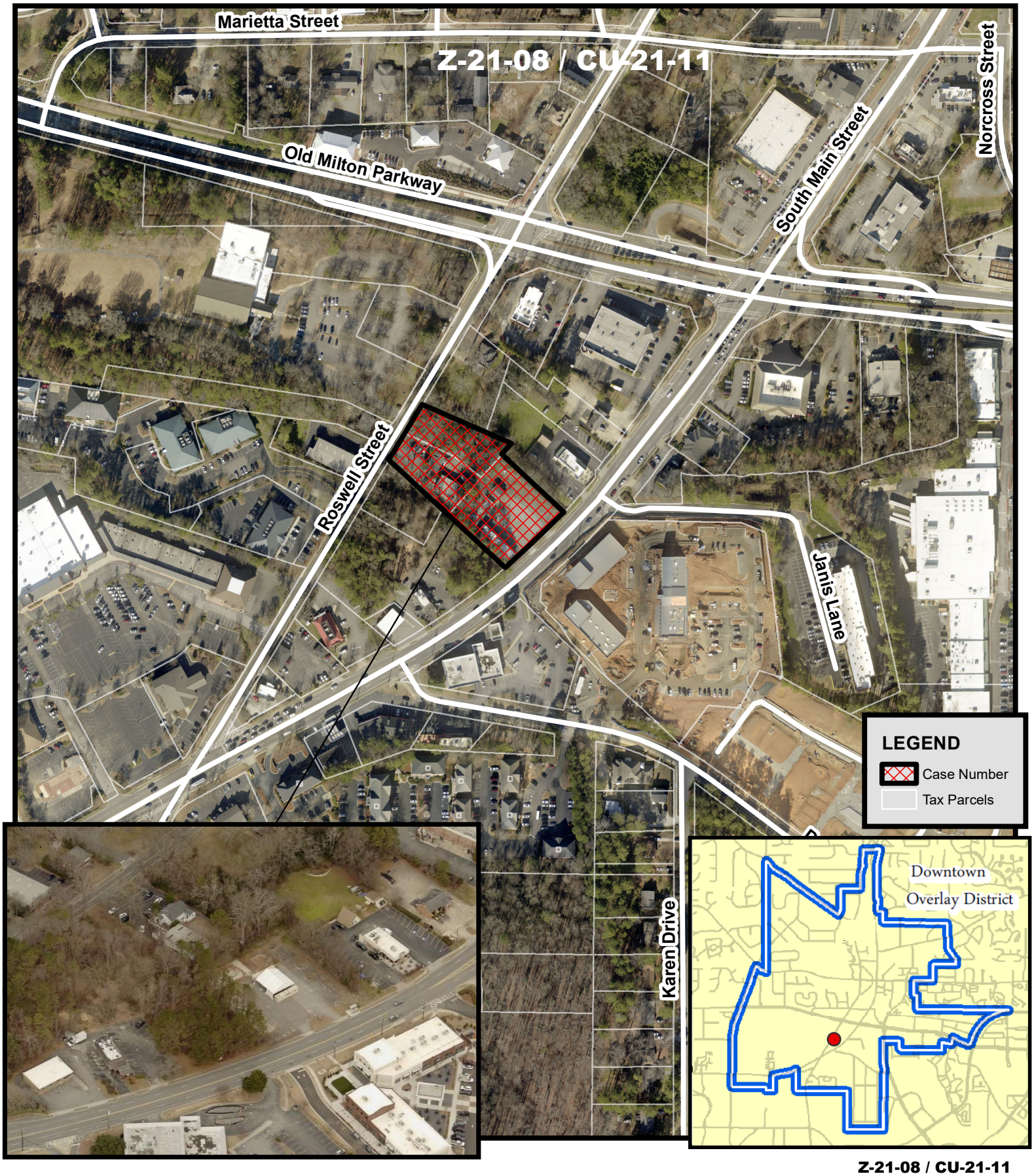
The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that no comments were received.

COMMUNITY ZONING INFORMATION MEETING

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

IV. ATTACHMENTS:

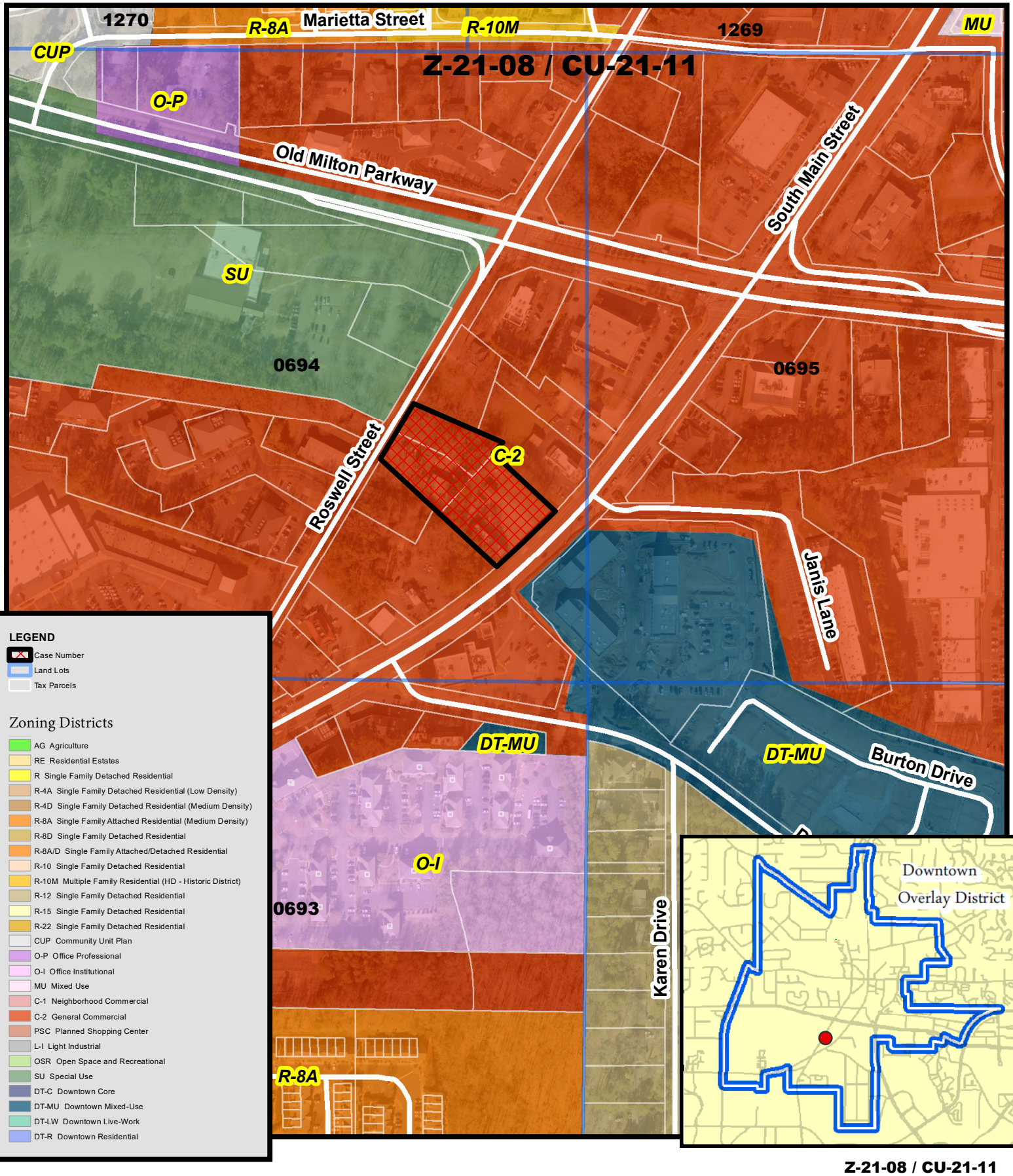
- Site Plan
- Renderings



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

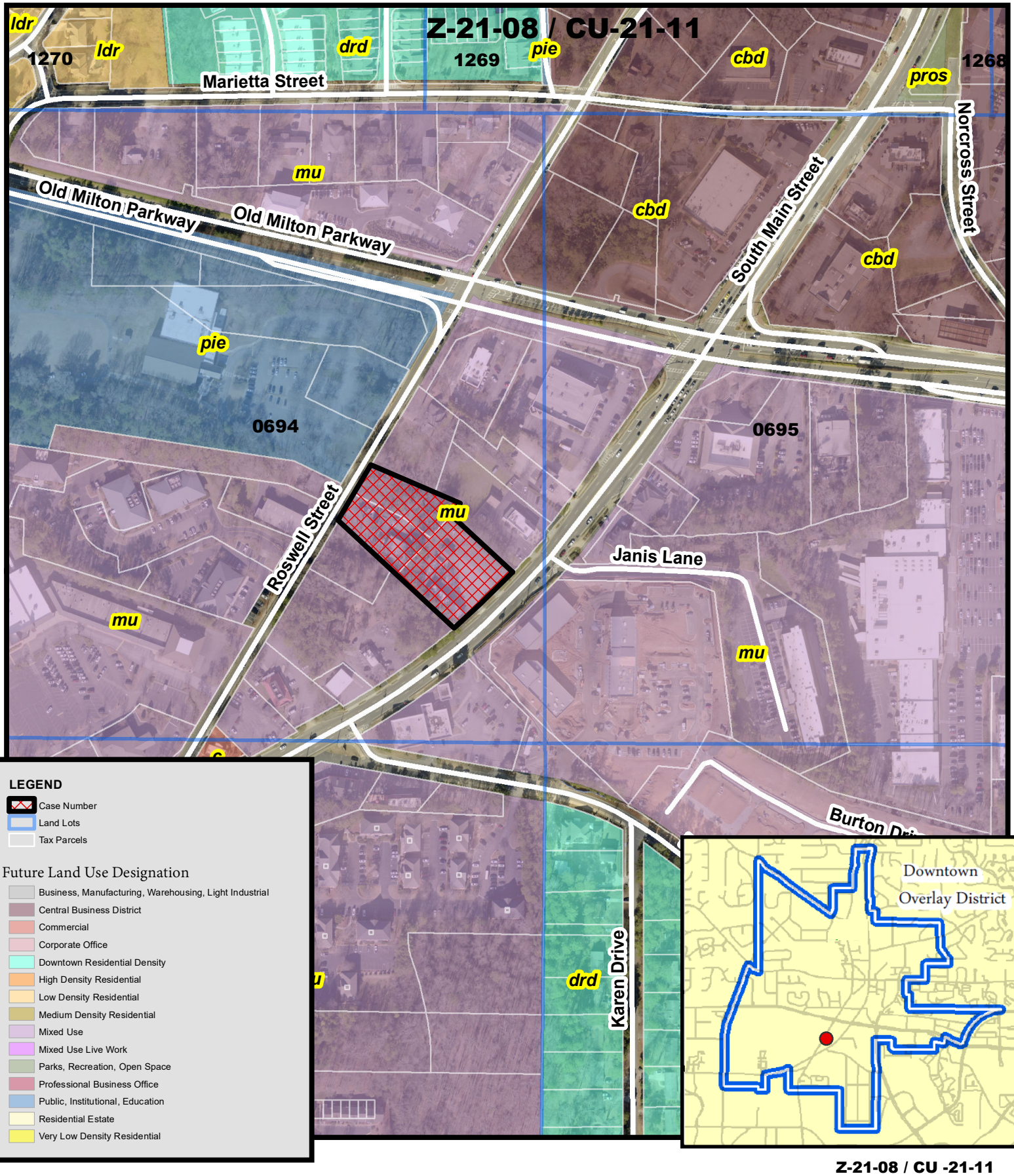


THE CITY OF ALPHARETTA GEORGIA

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

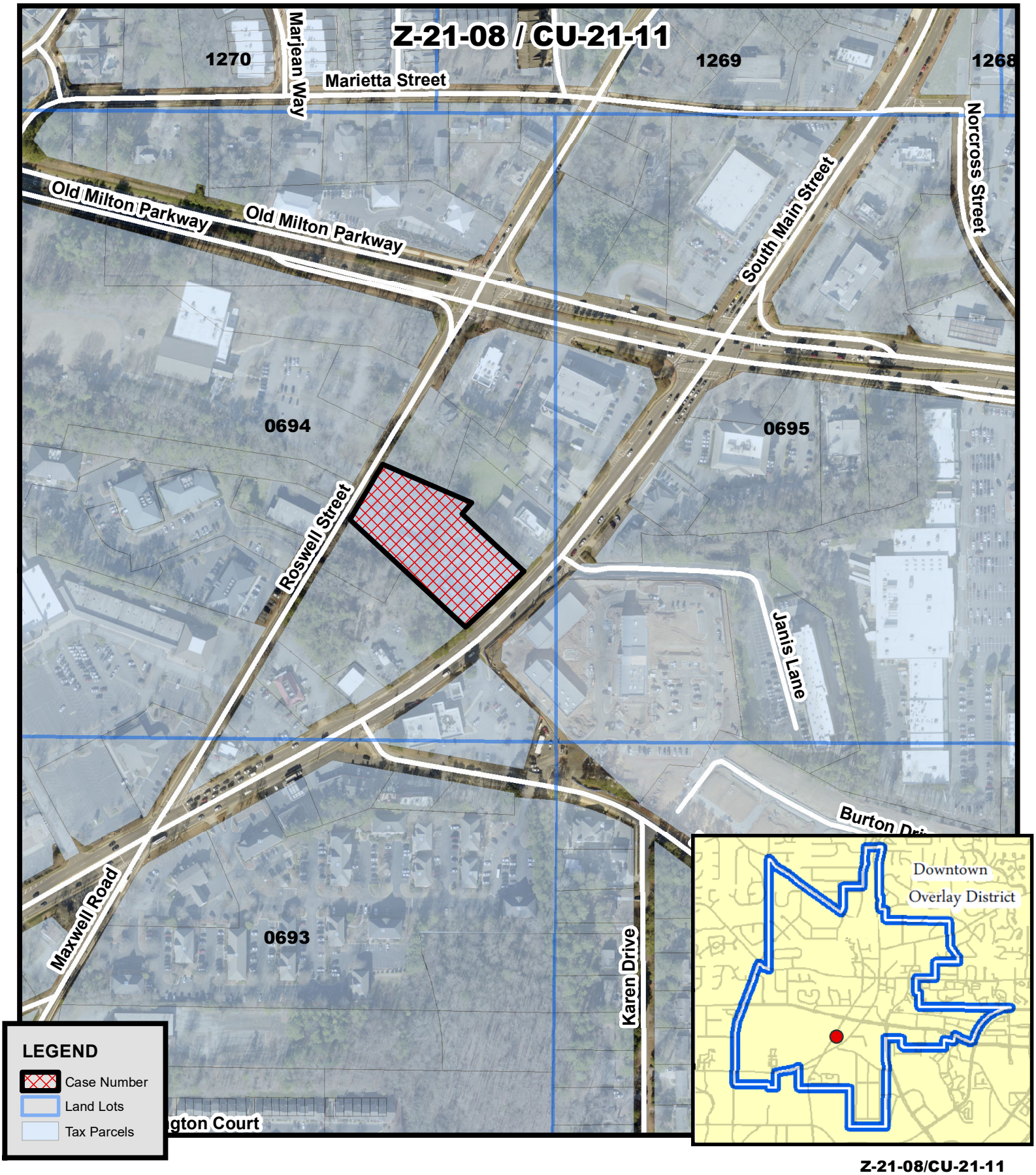


THE CITY OF ALPHARETTA GEORGIA

Future Land Use
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

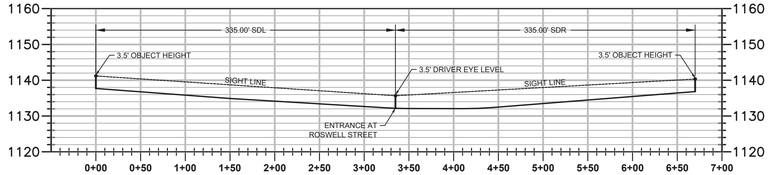


Location Map
Mayfair on Main
217 South Main Street

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





SIGHT DISTANCE PROFILE AT ROSWELL STREET ENTRANCE
SCALE: 1" = 80' HORIZONTAL
1" = 20' VERTICAL

VICINITY MAP

N.T.S.



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: 11 SINGLE FAMILY ATTACHED
13 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

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)

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
LOT12	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

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.

PAVEMENT IN RIGHT OF WAY SHALL MEET GDOT STANDARDS. SEE GDOT NOTES.

ALL STRIPING IN THE RIGHT OF WAY SHALL BE THERMOPLASTIC.

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.

GEORGIA 811 Utilities Protection Center, Inc.
Know what's below
Call 811 or (800) 282-7411
Before You Dig

GRAPHIC SCALE
0 10 20 40 80
(IN FEET)
1 inch = 20 ft.

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

GEORGIA REGISTERED PROFESSIONAL No. 24522 ENGINEER William B. Dunlop

paradigm
Engineering Services, Inc.
Seven Dunwody Park
Suite 110
Atlanta, GA 30338
(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'

No	Revision	Date

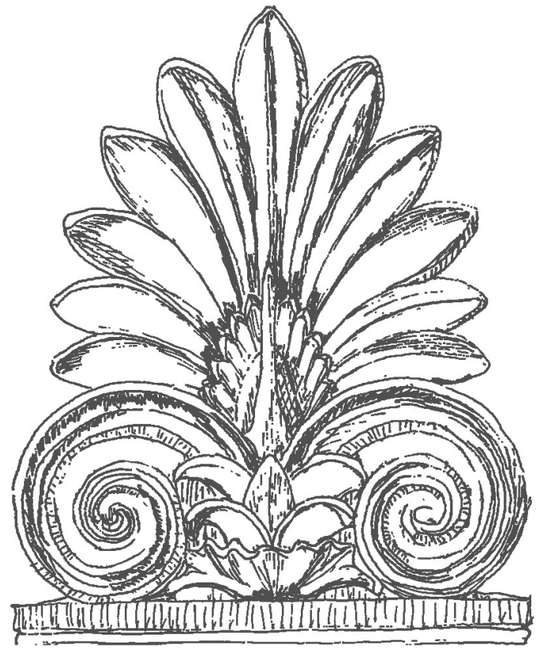
MF-217 Main, LLC
26 MILTON AVENUE
ALPHARETTA, GEORGIA 30009
OFFICE: (678) 802-4912

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







217 SOUTH MAIN

Alpharetta, GA

August 18, 2021

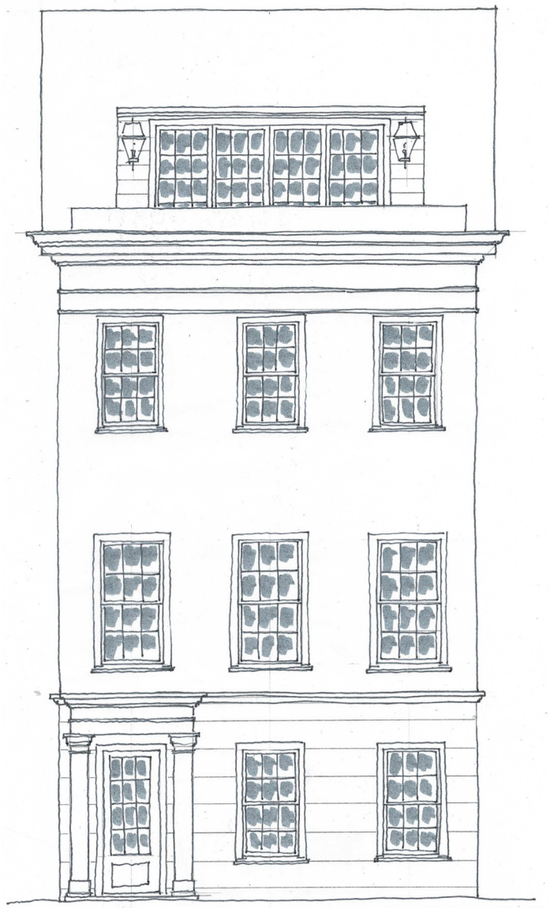


FRONT ELEVATION
1/8" = 1'-0"

217 SOUTH MAIN
Alpharetta, GA
August 18, 2021

MAYFAIR STREET PARTNERS

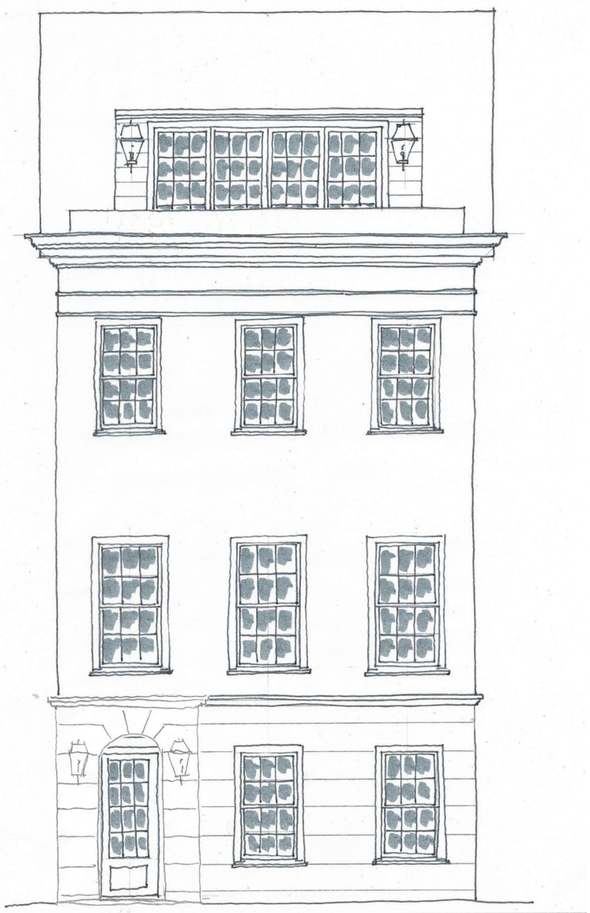
A CLASSICAL STUDIO
ARCHITECTS | DESIGNERS



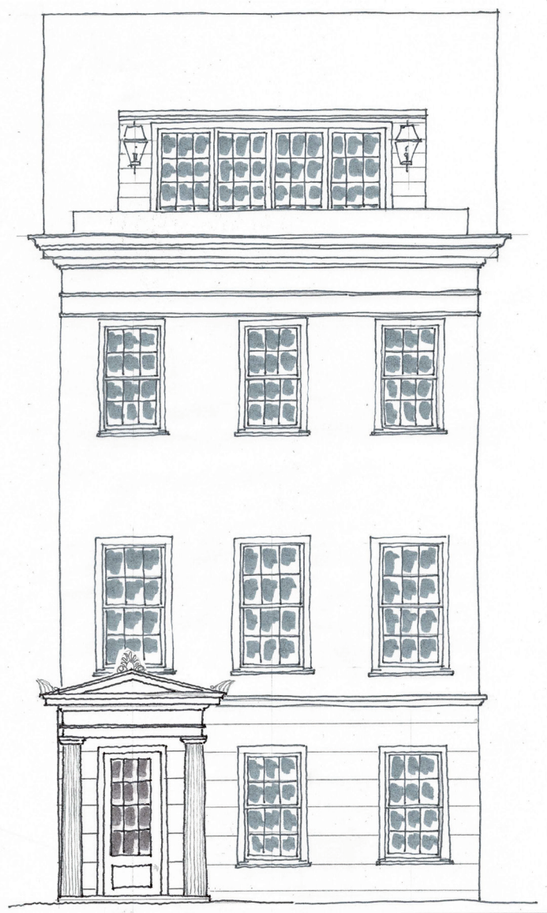
SIDE ELEVATION A
1/8" = 1'-0"



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

MAYFAIR
STREET PARTNERS

A
CLASSICAL
STUDIO
ARCHITECTS | DESIGNERS

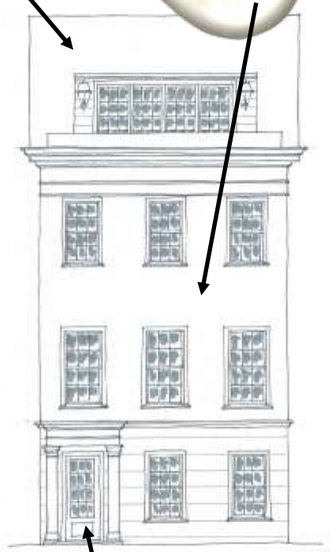
217 South Main



Composite Shingle Roof

Georgetown Gray



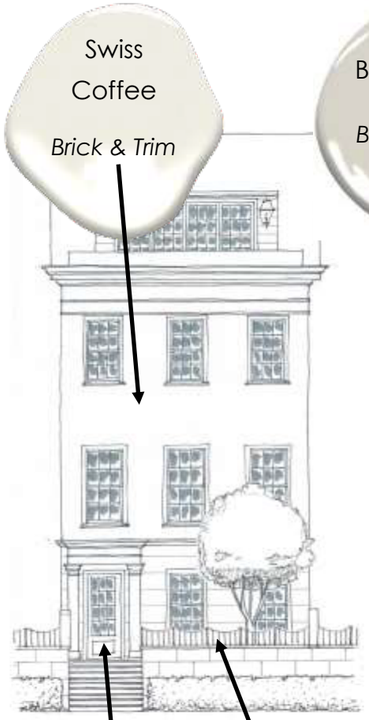


Revere Pewter

Brick & Trim

Arctic Gray

Front Door



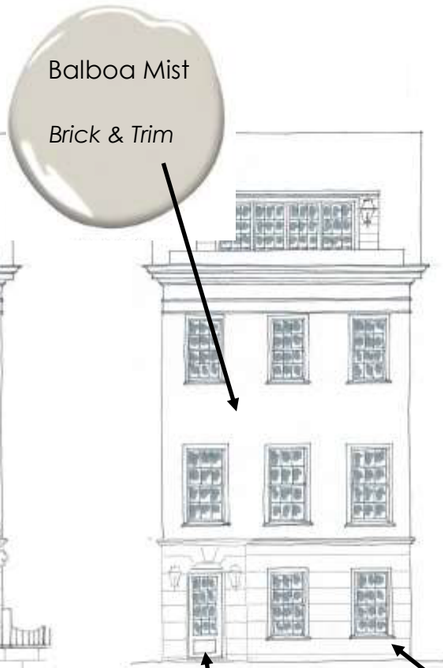
Swiss Coffee

Brick & Trim

Fencing in front, Glossy Black

Silken Blue

Front Door

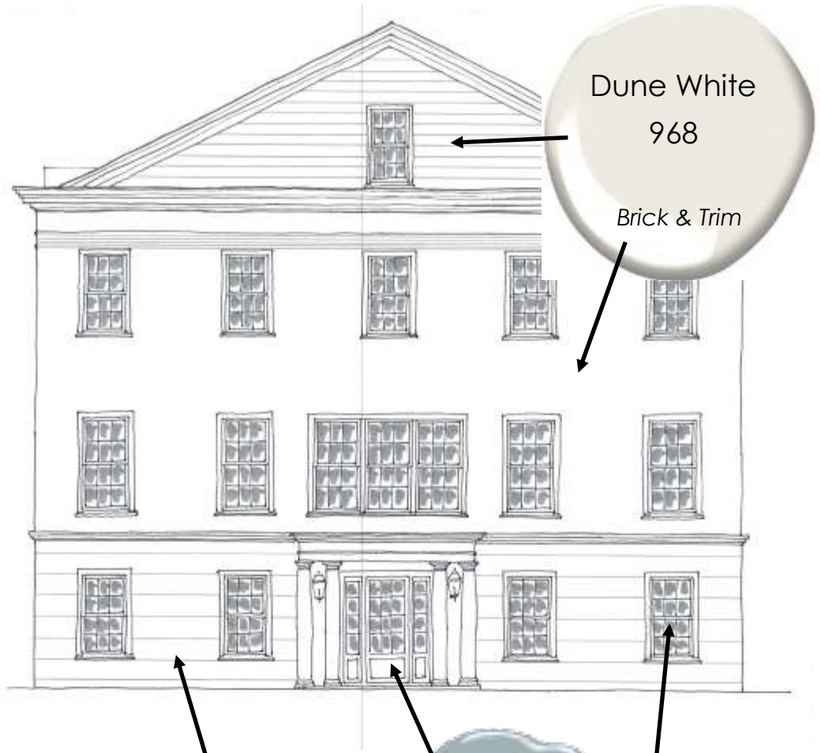


Balboa Mist

Brick & Trim

Front Door

Tranquility



Dune White 968

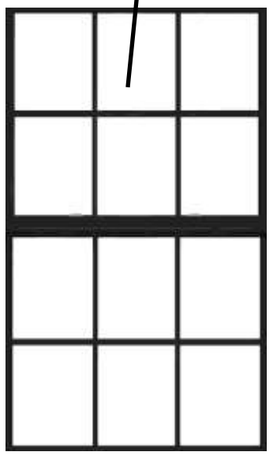
Brick & Trim



All Cast Stone, Bottom Levels

French Toile

Front Door



All Windows, Black Steel



Puritan Gray

Privacy Fencing















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.*

- [x] 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@mmhfirm.com. His address is 11525 Haynes Bridge Road, Ste. 250, Alpharetta, GA 30009.

Sincerely,

Trilogy Acquisitions, LLC



John Boniface
Authorized Signatory

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

ROOT ZONE 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 approximatly 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

ROOT ZONE

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	*Quercus nigra* Water Oak	55”	Non-Specimen	NST #1: Cracks with included bark. Pic #1
902	*Quercus nigra* Water Oak	37”	Specimen	Tree is in good health.
903	*Quercus nigra* Water Oak	29”	Specimen	Tree is in good health.
904	*Quercus nigra* Water Oak	24”	Specimen	Tree is in good health.
905	*Quercus falcata* Southern Red Oak	48”	Specimen	Tree is in good health.
906	*Pinus spp.* Pine	30”	Specimen	Tree is in good health.
907	*Quercus nigra* 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

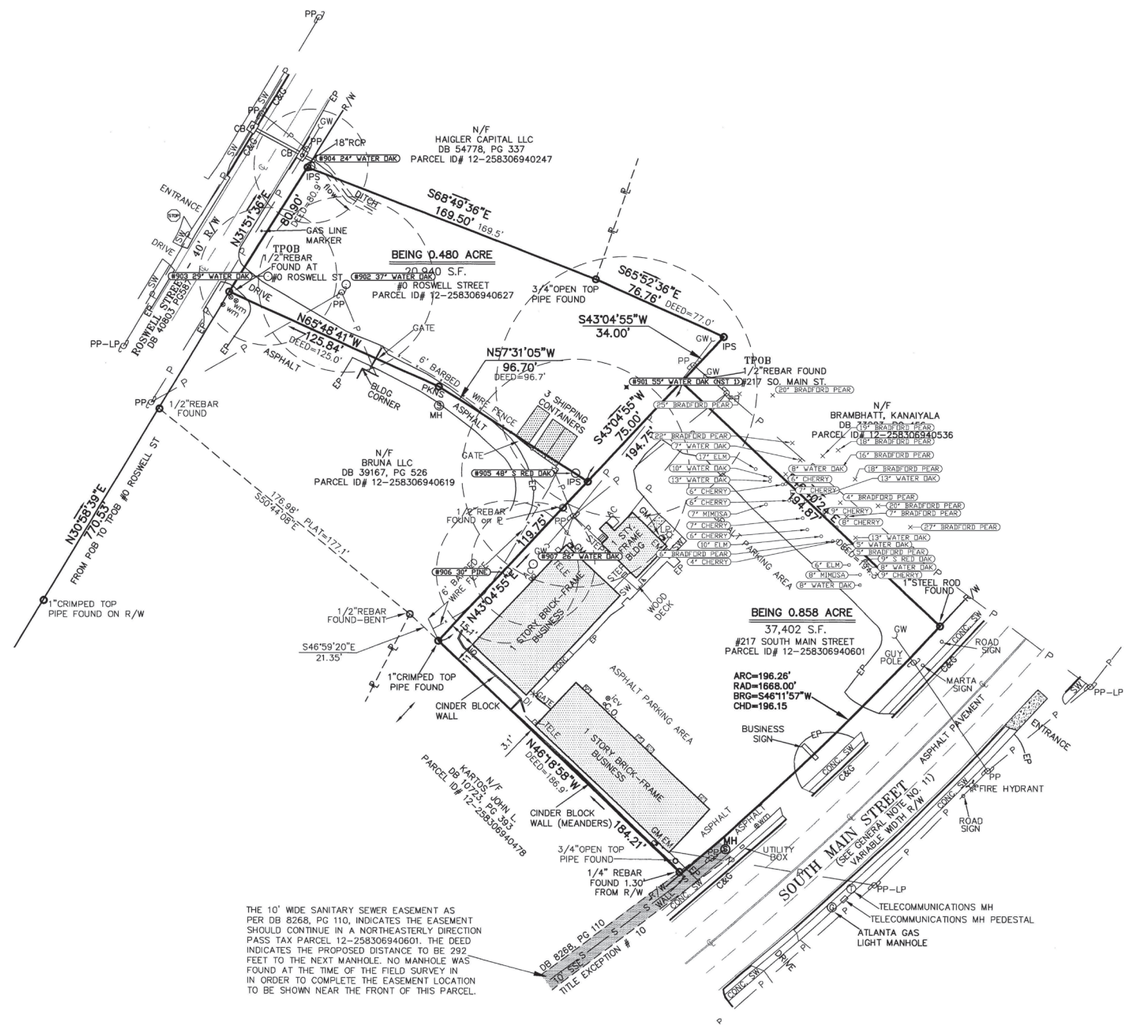
217 South Main

Photo Evidence



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

217 South Main


N/F
HAIGLER CAPITAL LLC
DB 54778, PG 337
PARCEL ID# 12-258306940247
#904 24" WATER OAK
S88°49'36"E
169.50'
169.5'
BEING 0.480 ACRE
20,940 S.F.
#0 ROSWELL STREET
PARCEL ID# 12-258306940627
TPOB
1/2"REBAR
FOUND AT
#0 ROSWELL ST
#902 37" WATER OAK
#903 28" WATER OAK
ROSWELL STREET
DB 10863, PG 58
ENTRANCE
DRIVE
40' R/W
N31°51'36"E
80.80'
GAS LINE
MARKER
GATE
6' BARBED WIRE FENCE
N68°48'41"W
125.84'
DEED=125.0'
ASPHALT
BLDG CORNER
1/2"REBAR
FOUND
PP-LP
N/F
BRUNA LLC
DB 39167, PG 526
PARCEL ID# 12-258306940619
#905 48" S RED OAK
1/2"REBAR
FOUND ON P
N30°58'39"E
70.53'
FROM POB TO POB @ ROSWELL ST
176.88'
S50°43'08"E
PLAT=177.1'
1"CRIMPED TOP
PIPE FOUND ON R/W
#906 30" PINE
#907 56" WATER OAK
119.75'
N43°04'55"E
STORY BRICK-FRAME
BUSINESS
WOOD DECK
1/2"REBAR
FOUND-BENT
S46°59'20"E
21.35'
1"CRIMPED TOP
PIPE FOUND
CINDER BLOCK
WALL
N45°18'59"W
DEED=186.9'
184.21'
N/F
MARTOS JOHN L
PARCEL ID# 12-258306940478
3/4"OPEN TOP
PIPE FOUND
1/4" REBAR
FOUND 1.30'
FROM R/W
3/4"OPEN TOP
PIPE FOUND
3/4"OPEN TOP
PIPE FOUND
S65°52'36"E
76.76'
DEED=77.0'
S43°04'55"W
34.00'
TPOB
1/2"REBAR FOUND
#891 55" WATER OAK (DST ID#217 SO. MAIN ST.
N57°31'05"W
96.70'
DEED=96.7'
3 SHIPPING CONTAINERS
S43°04'55"W
75.00'
194.71'
N/F
BRAMBHATT, KANAIYALA
DB 55003, PG 0536
PARCEL ID# 12-258306940536
#908 24" WATER OAK
#909 48" S RED OAK
#910 30" WATER OAK
#911 30" WATER OAK
#912 30" WATER OAK
#913 30" WATER OAK
#914 30" WATER OAK
#915 30" WATER OAK
#916 30" WATER OAK
#917 30" WATER OAK
#918 30" WATER OAK
#919 30" WATER OAK


ALPHARETTA


ALPHARETTA





PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: Penny Paris
Executor, Estates of John + Mary Kartos
Telephone: (865) 966-2385

Address: P.O. Box 22147
Suite:

City Knoxville State: TN Zip: 37933 -

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
- [x] Rezoning
- [ ] Conditional Use
- [x] Variance
- [ ] Master Plan
- [ ] Land Use Application
- [ ] Other

Property Owner's Authorized Applicant (if applicable):

Name of Authorized Applicant: Trilogy Acquisitions, LLC Telephone: (678) 521-6070

Address: 26 Milton Ave. Suite:

City Alpharetta State: GA Zip: 30009 -

So Sworn and Attested:

Owner Signature: Penny Paris Date: 10/27/2021

GREG YAKOUMIS
TENNESSEE
NOTARY
PUBLIC
My Comm Exp.
July 1, 2024
COUNTY OF KNOX

Notary:

Notary Signature: Greg Yakoumis Date: 10.27.21

CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

FOR OFFICE USE ONLY
Case #: PHA210035
PH #: Z-21-08 / CU-21-11
[X] Property Taxes & Code Violations Verified
[X] 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
- [x] Rezoning
- [ ] Variance
- [ ] Exception
- [ ] Master Plan Amendment
- [ ] Master Plan Review
- [ ] Public Hearing
- [ ] Other *(Specify)*
- [ ] Comprehensive Plan Amendment

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
- [x] Personal Visits
- [ ] Telephone
- [ ] Group Meeting
- [x] 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.

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)* _____

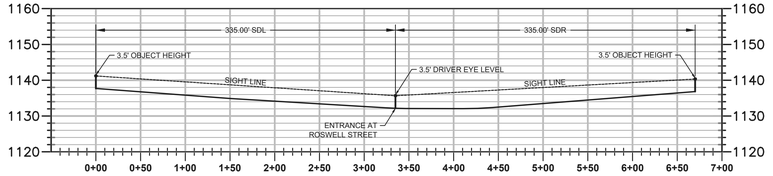
Attach a list of people who have been notified of this application and provided information describing the subject proposal. Please note that ALL adjoining property owners MUST be notified.

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





SIGHT DISTANCE PROFILE AT ROSWELL STREET ENTRANCE
SCALE: 1" = 80' HORIZONTAL
1" = 20' VERTICAL

VICINITY MAP

N.T.S.



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: 11 SINGLE FAMILY ATTACHED
13 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

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)

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
LOT12	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

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.

PAVEMENT IN RIGHT OF WAY SHALL MEET GDOT STANDARDS. SEE GDOT NOTES.

ALL STRIPING IN THE RIGHT OF WAY SHALL BE THERMOPLASTIC.

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.

GEORGIA 811 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

GRID NORTH

GRAPHIC SCALE
0 10 20 40 80
(IN FEET)
1 inch = 20 ft.

GEORGIA REGISTERED PROFESSIONAL ENGINEER No. 24527 William B. Dunlop

paradigm
Engineering Services, Inc.
Seven Dunwody Park
Suite 115
Atlanta, GA 30338
(770) 605-6030
www.Paradigmeng.net

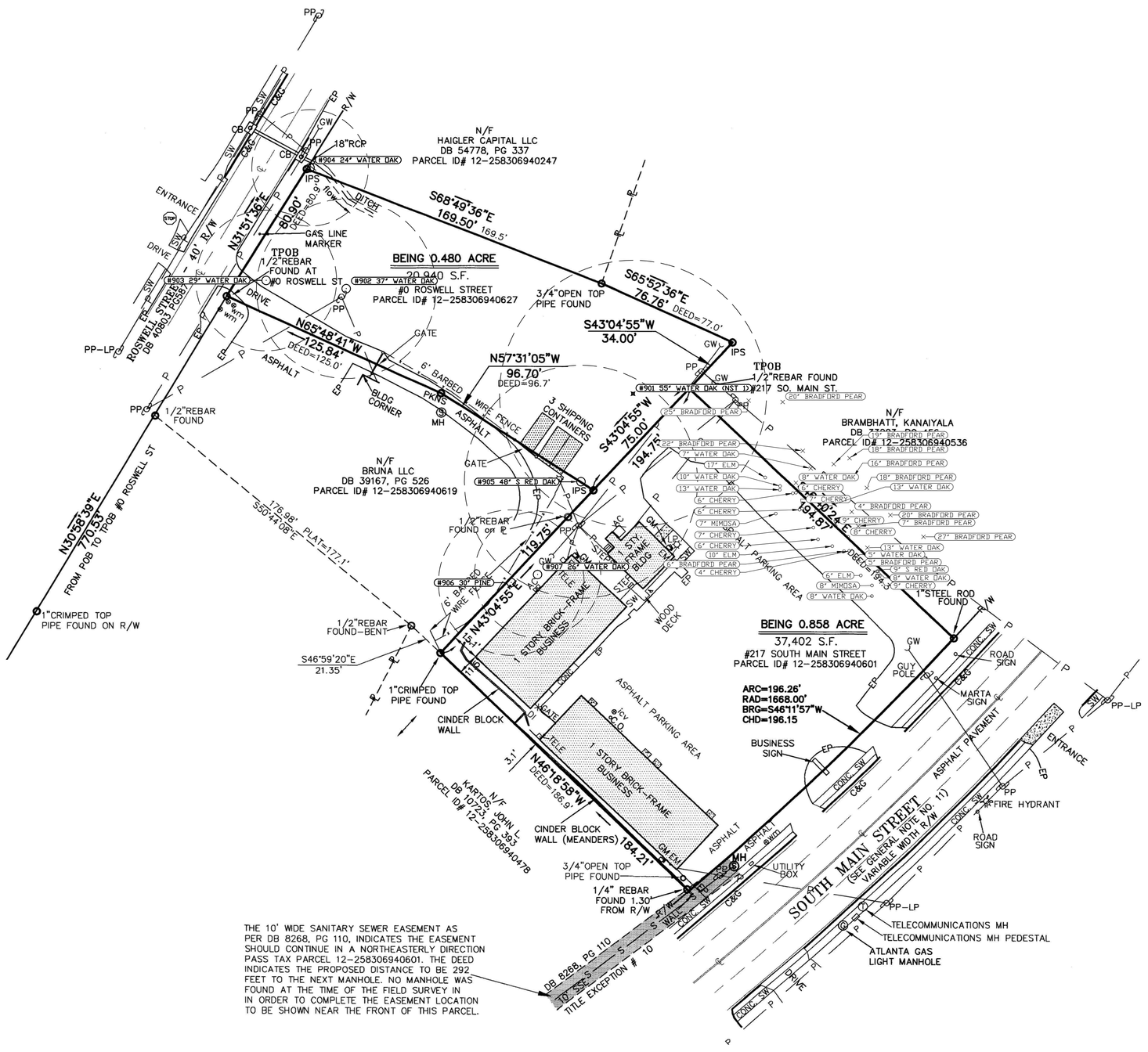
Project No. P-2115
Design By: WBD
Drawn By: RAC
Checked By: WBD
Date: 10/13/2021
Scale: 1" = 20'

Revision
No | Date

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 ARBORISTÈ
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 ARBORISTÈ
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 (NAVD88), 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:
MAYFAIR STREET PARTNERS
26 MILTON AVENUE
ALPHARETTA, GEORGIA 30009
PHONE: 770-864-1987

CITY OF ALPHARETTA
FULTON COUNTY
GEORGIA

LAND LOT 0284
DISTRICT

ROOT ZONE TREE CONSULTANTS
350 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

REVISIONS:

NO.	DATE	BY	DESCRIPTION

SHEET TITLE
SPECIMEN TREE LOCATION

0 15 30 60 90

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

ALEX PHILLIPS ISA ARBORIST MA-4868A

PRELIMINARY
NOT TO BE RELEASED FOR CONSTRUCTION

ISA MEMBER
ISA TRAQ

N

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. ©

217 SOUTH MAIN

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

ROOT ZONE 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 approximatly 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

ROOT ZONE

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	*Quercus nigra* Water Oak	55”	Non-Specimen	NST #1: Cracks with included bark. Pic #1
902	*Quercus nigra* Water Oak	37”	Specimen	Tree is in good health.
903	*Quercus nigra* Water Oak	29”	Specimen	Tree is in good health.
904	*Quercus nigra* Water Oak	24”	Specimen	Tree is in good health.
905	*Quercus falcata* Southern Red Oak	48”	Specimen	Tree is in good health.
906	*Pinus spp.* Pine	30”	Specimen	Tree is in good health.
907	*Quercus nigra* 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

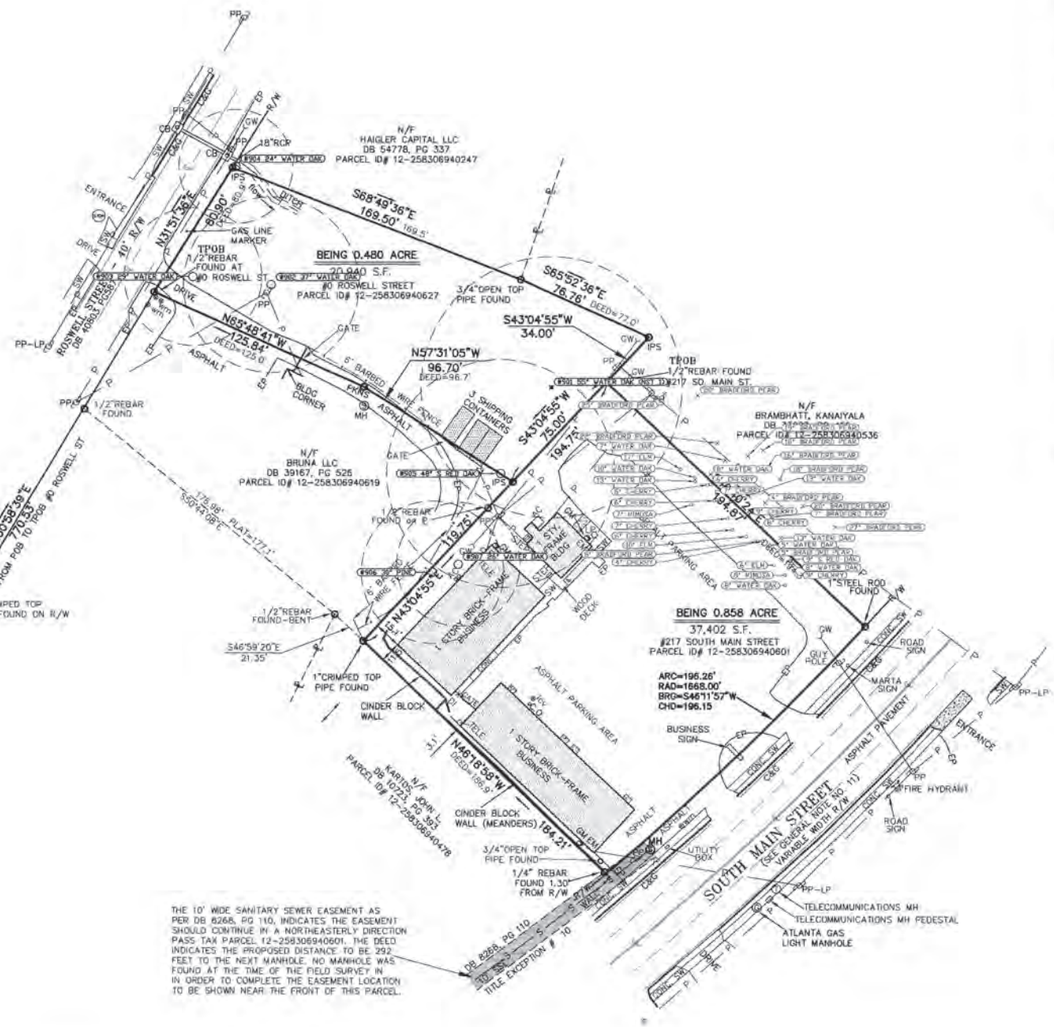
217 South Main

Photo Evidence



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

217 South Main



SPECIMEN TREE SIZE

UNDERSTORY:
DOGWOOD & REDBUD — 8 INCHES
BOXWOOD — 10 INCHES

MEDIUM OVERSTORY:
BEECH, BLACKGUM, SASSAFRAS, PERSIMMON, MAGNOLIA — 20 INCHES
CEDARS & THUJA — 20 INCHES

LARGE OVERSTORY:
OAKS & HICKORIES — 24 INCHES
SWEETGUM & POPLAR — 36 INCHES
PINE — 30 INCHES

SURVEY ALL 24" TREES
SURVEY ALL LANDSCAPE TREES (PARKING LOT, STREET, ETC.)
SURVEY ALL TREES GREATER THAN 20" WITHIN 50' 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 & DRIP LINE (1 RADIUS PER 1" 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

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

24 HOUR CONTACT
JOHN BONIFACE @ 770-864-1987

217 SOUTH MAIN
A MASTER PLANNED COMMERCIAL USE SITE
LAND LOTS 1187 & 1188
18TH DISTRICT, 1ST SECTION
25 MILTON AVENUE
ALPHARETTA, GEORGIA 30009
PHONE: (770) 664-1987

CHRISTINA BONIFACE
REGISTERED
LANDSCAPE
ARCHITECT

ROOT ZONE TREE CONSULTANTS
350 RESEARCH COURT PEACHTREE CORNERS, GEORGIA 30092 (678) 684-0252 WWW.RZCONSULTANTS.COM
A DIVISION OF PLANNERS AND ENGINEERS COLLABORATIVE WWW.PECATL.COM

JOB # 18062.00

REVISIONS:

NO.	DATE	BY	DESCRIPTION

SHEET TITLE:
SPECIMEN TREE LOCATION

0 15 30 60 90
SCALE: 1" = 30'
DATE: FEB 27, 2018
PROJECT: 18062.00

CHRISTOPHER PHILLIPS
GEORGIA
PRELIMINARY
NOT TO BE ENGAGED FOR CONSTRUCTION
REGISTERED
LANDSCAPE
ARCHITECT

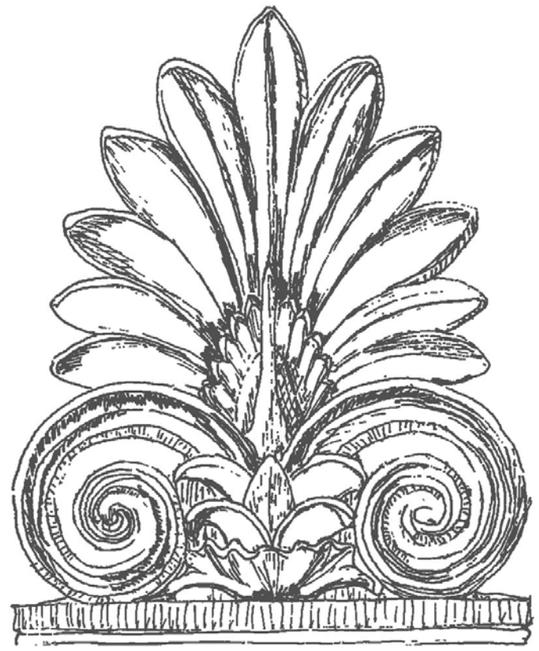
SHEET #
SPE

217 SOUTH MAIN

Specimen Tree Location







217 SOUTH MAIN

Alpharetta, GA

August 18, 2021

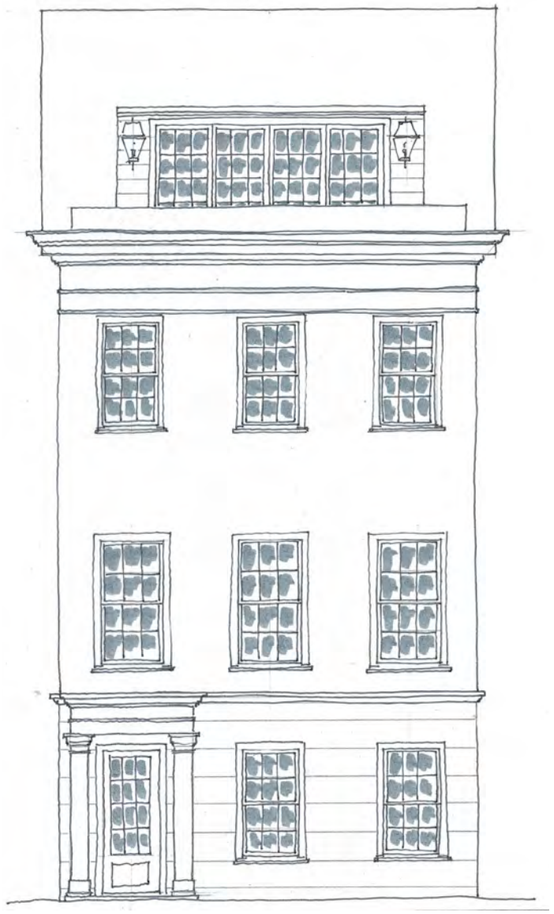


FRONT ELEVATION
1/8" = 1'-0"

217 SOUTH MAIN
Alpharetta, GA
August 18, 2021

MAYFAIR STREET PARTNERS

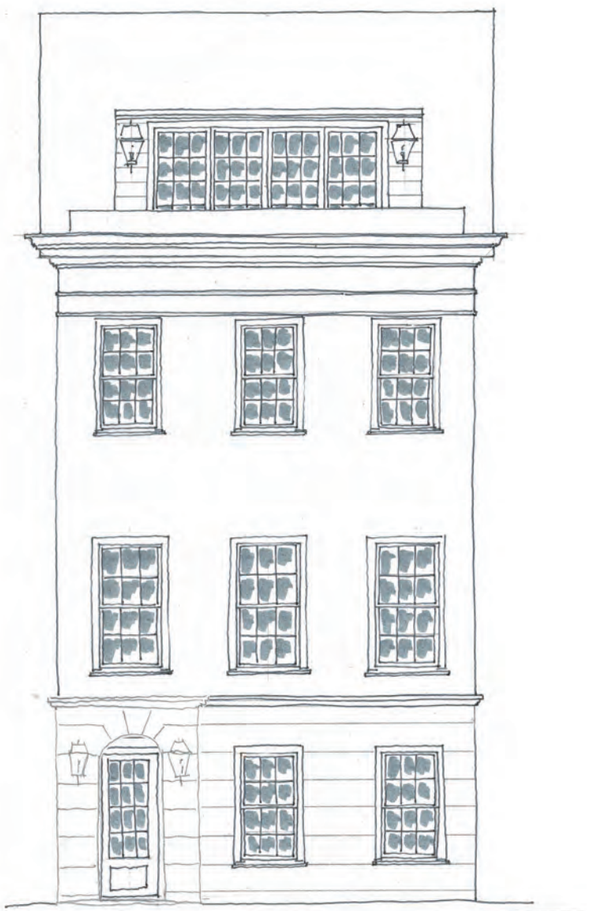
A CLASSICAL STUDIO
ARCHITECTS | DESIGNERS



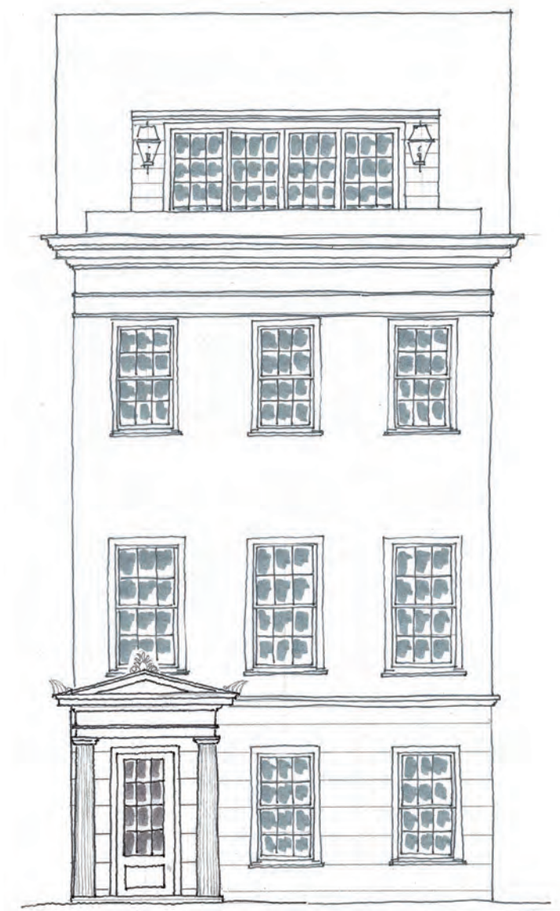
SIDE ELEVATION A
1/8" = 1'-0"



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

MAYFAIR
STREET PARTNERS

A
CLASSICAL
STUDIO
ARCHITECTS | DESIGNERS

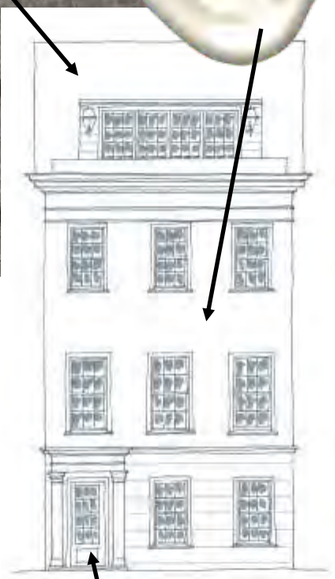
217 South Main



Composite Shingle Roof

Georgetown Gray



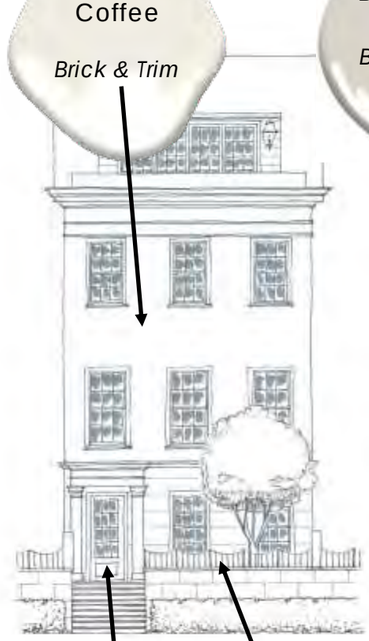


Revere Pewter

Brick & Trim

Arctic Gray

Front Door



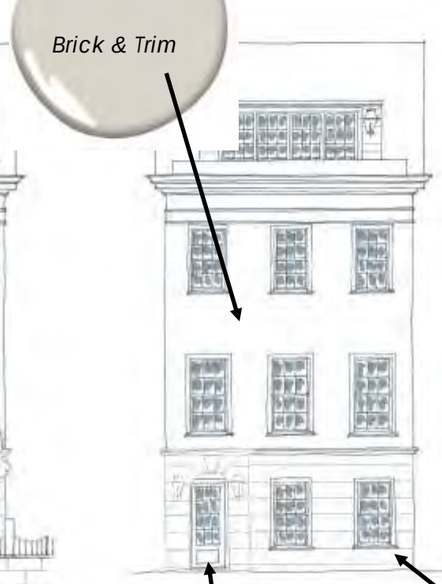
Swiss Coffee

Brick & Trim

Fencing in front, Glossy Black

Silken Blue

Front Door

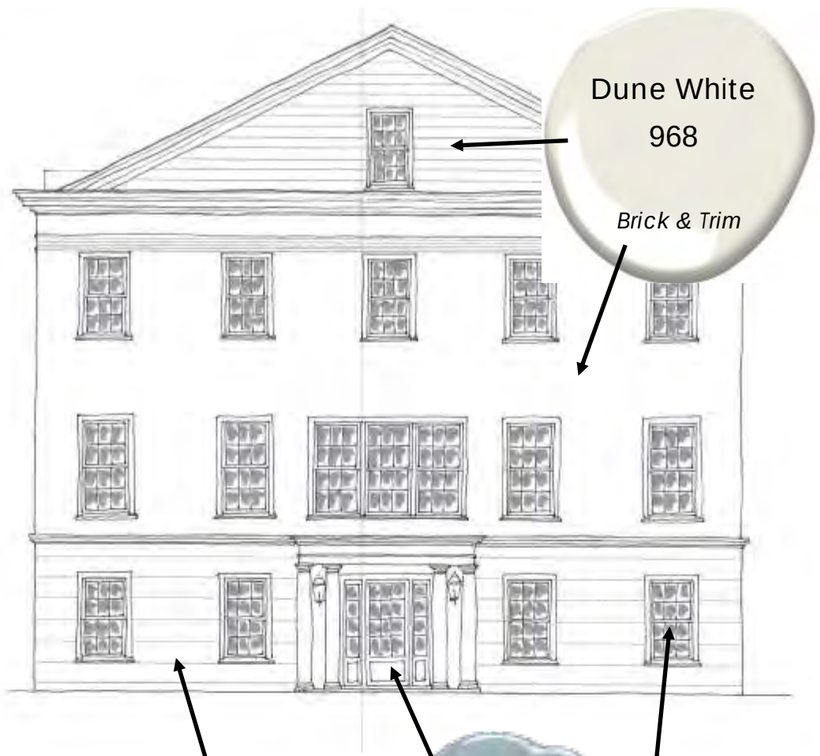


Balboa Mist

Brick & Trim

Front Door

Tranquility



Dune White 968

Brick & Trim



All Cast Stone, Bottom Levels

French Toile

Front Door



All Windows, Black Steel



Puritan Gray

Privacy Fencing

CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

FOR OFFICE USE ONLY
Case #: PHA210035
PH #: Z-21-08 / CU-21-11
[X] Property Taxes & Code Violations Verified
[X] 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
- [x] Rezoning
- [ ] Variance
- [ ] Exception
- [ ] Master Plan Amendment
- [ ] Master Plan Review
- [ ] Public Hearing
- [ ] Other *(Specify)*
- [ ] Comprehensive Plan Amendment

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
- [x] Personal Visits
- [ ] Telephone
- [ ] Group Meeting
- [x] 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.

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.*

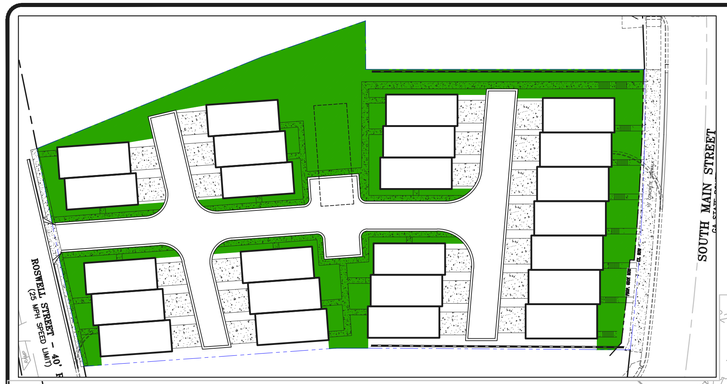
- ☐ Letter
- ☐ Personal Visits
- ☐ Telephone
- ☐ Group Meeting
- ☐ Email
- ☐ Other *(Please Specify)* _____

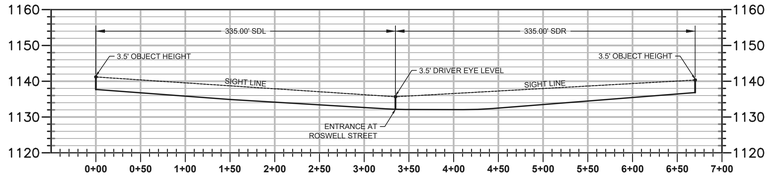
Attach a list of people who have been notified of this application and provided information describing the subject proposal. Please note that ALL adjoining property owners MUST be notified.

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





SIGHT DISTANCE PROFILE AT ROSWELL STREET ENTRANCE
SCALE: 1" = 80' HORIZONTAL
1" = 20' VERTICAL

VICINITY MAP

N.T.S.



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% (24,000 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

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)

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.
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3. ALL HANDICAP RAMP FORMS MUST BE APPROVED BY CITY LAND DISTURBANCE INSPECTOR PRIOR TO CONCRETE POUR.
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GEORGIA 811 Utilities Protection Center, Inc.
Know what's below
Call 811 or (800) 282-7411
Before You Dig

GRAPHIC SCALE
0 10 20 40 80
(IN FEET)
1 inch = 20 ft.

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

PAVEMENT IN RIGHT OF WAY SHALL MEET GDOT STANDARDS. SEE GDOT NOTES.

ALL STRIPING IN THE RIGHT OF WAY SHALL BE THERMOPLASTIC.

GEORGIA REGISTERED PROFESSIONAL ENGINEER No. 24529 William B. Dunlop

paradigm
Engineering Services, Inc.
Seven Dunwody Park
Suite 115
Atlanta, GA 30338
(770) 605-6030
www.Paradigmeng.net

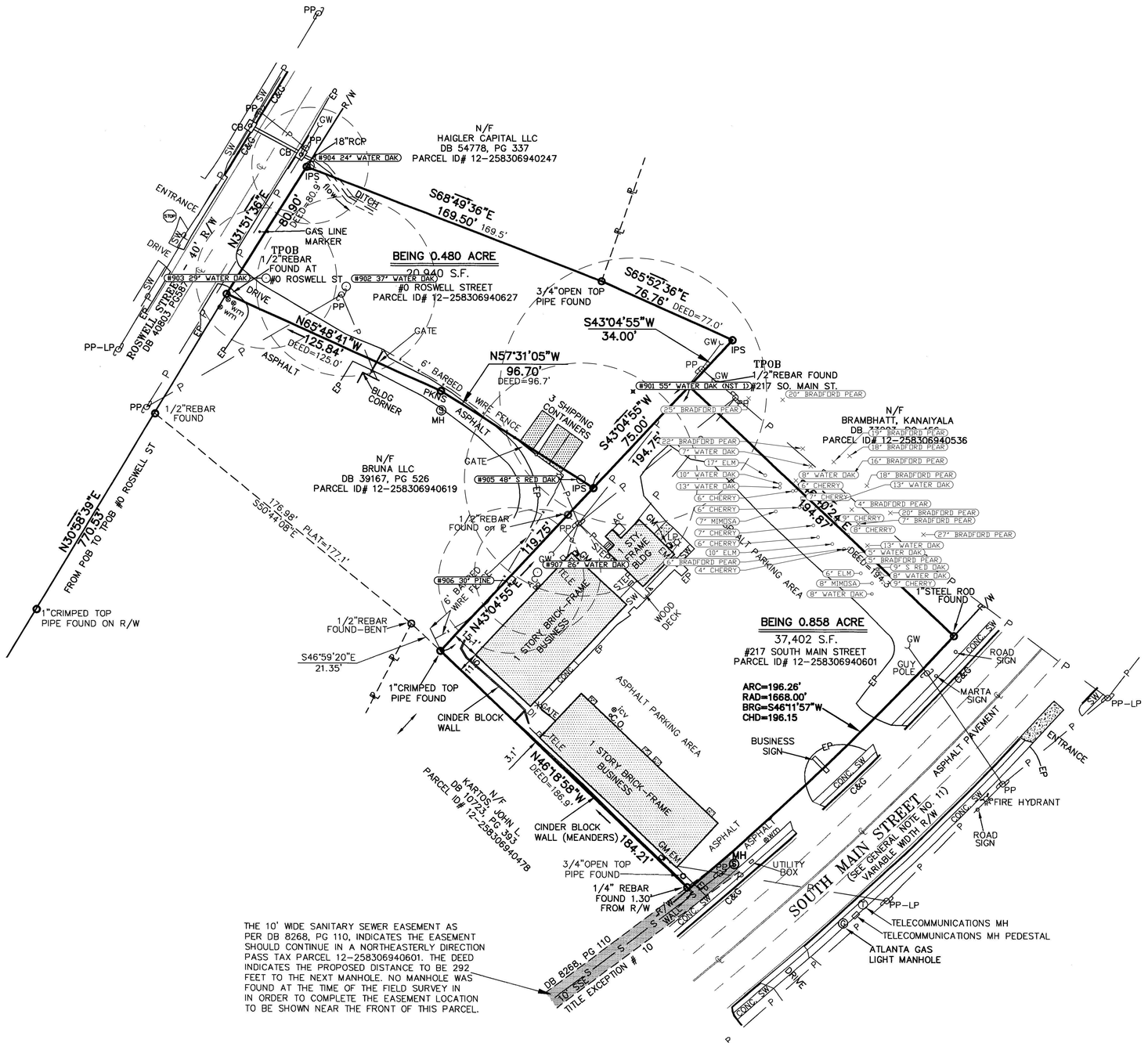
Propct No. P-2115
Design By: WBD
Drawn By: RAC
Checked By: WBD
Date: 6/29/21
Scale: 1" = 20'

Revision
No Date

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 (NAVD88), 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:
MAYFAIR STREET PARTNERS
26 MILTON AVENUE
ALPHARETTA, GEORGIA 30009
PHONE: 770-864-1987

CITY OF ALPHARETTA
FULTON COUNTY
GEORGIA

LAND LOT 0284
DISTRICT 1

ROOT ZONE TREE CONSULTANTS
350 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

REVISIONS:

NO.	DATE	BY	DESCRIPTION

SHEET TITLE
SPECIMEN TREE LOCATION

0 15 30 60 90

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

ALEX PHILLIPS
ISA
PRELIMINARY
NOT TO BE RELEASED FOR CONSTRUCTION
VA-4868A
ISA MEMBER
ISA TRAQ

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 ©

217 SOUTH MAIN

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

ROOT ZONE 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 approximatly 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

ROOT ZONE

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	*Quercus nigra* Water Oak	55”	Non-Specimen	NST #1: Cracks with included bark. Pic #1
902	*Quercus nigra* Water Oak	37”	Specimen	Tree is in good health.
903	*Quercus nigra* Water Oak	29”	Specimen	Tree is in good health.
904	*Quercus nigra* Water Oak	24”	Specimen	Tree is in good health.
905	*Quercus falcata* Southern Red Oak	48”	Specimen	Tree is in good health.
906	*Pinus spp.* Pine	30”	Specimen	Tree is in good health.
907	*Quercus nigra* 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

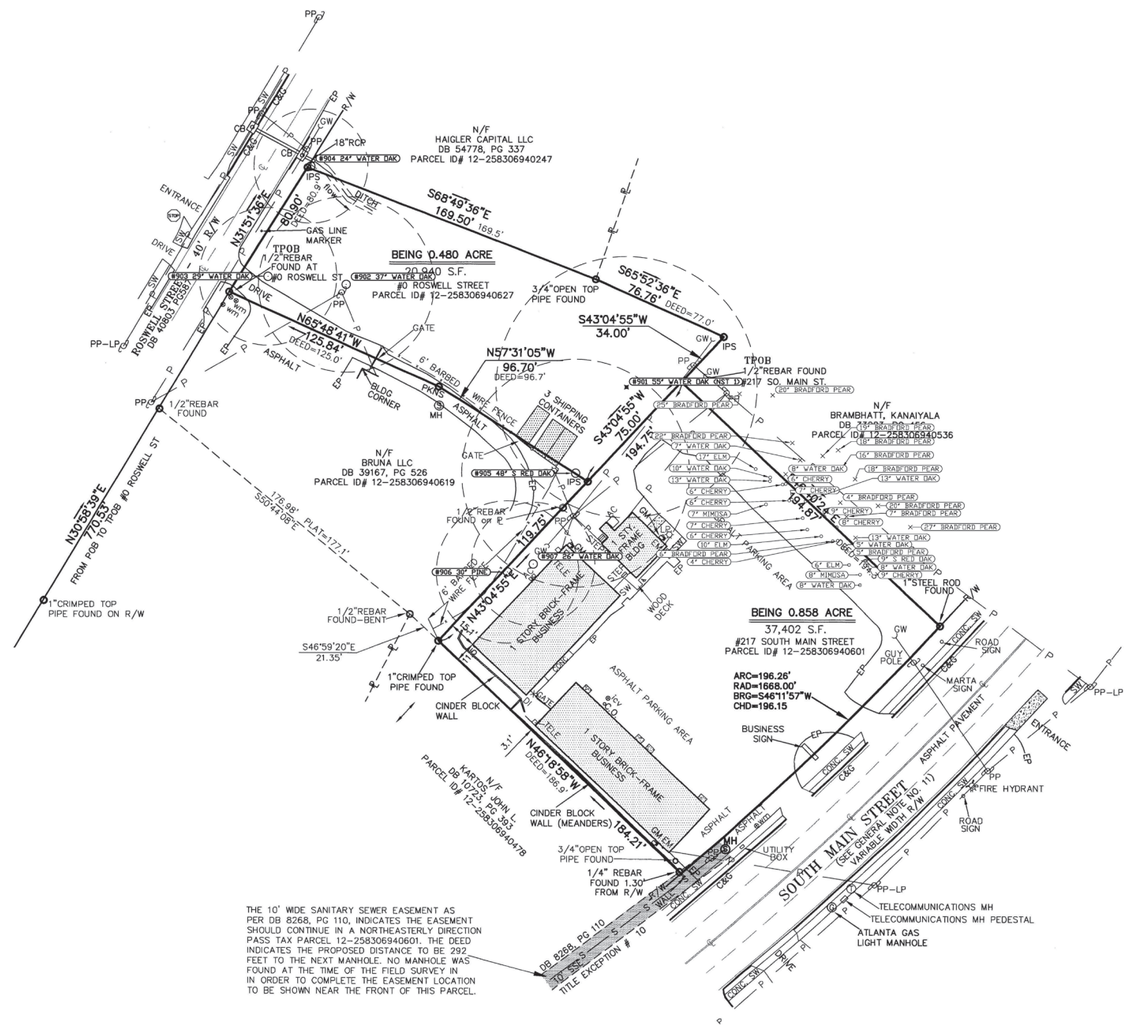
217 South Main

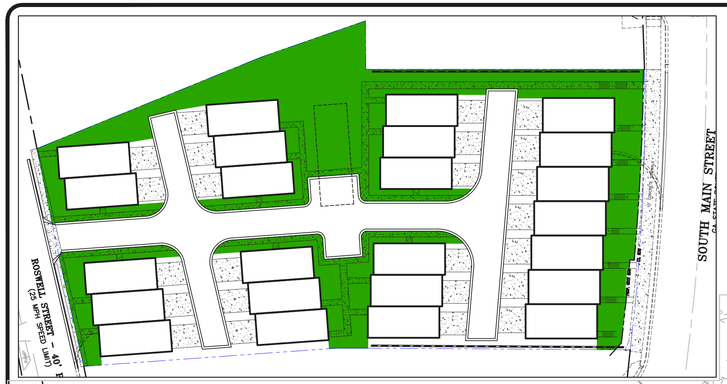
Photo Evidence

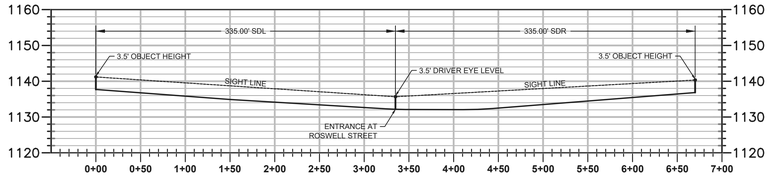


Pic # 1: Cracks with included bark.
NST #1

217 South Main


N/F
HAIGLER CAPITAL LLC
DB 54778, PG 337
PARCEL ID# 12-258306940247
#904 24" WATER OAK
S88°49'36"E
169.50'
169.5'
BEING 0.480 ACRE
20,940 S.F.
#0 ROSWELL STREET
PARCEL ID# 12-258306940627
TPOB
1/2"REBAR
FOUND AT
#0 ROSWELL ST
#902 37" WATER OAK
#903 28" WATER OAK
ROSWELL STREET
DB 10863, PG 58
ENTRANCE
DRIVE
40' R/W
N31°51'36"E
80.80'
GAS LINE
MARKER
GATE
6' BARBED WIRE FENCE
N68°48'41"W
125.84'
DEED=125.0'
ASPHALT
BLDG CORNER
1/2"REBAR
FOUND
PP-LP
N/F
BRUNA LLC
DB 39167, PG 526
PARCEL ID# 12-258306940619
#905 48" S RED OAK
1/2"REBAR
FOUND ON P
N30°58'39"E
70.53'
FROM POB TO POB @ ROSWELL ST
176.88'
S50°43'08"E
PLAT=177.1'
1"CRIMPED TOP
PIPE FOUND ON R/W
#906 30" PINE
#907 56" WATER OAK
119.75'
N43°04'55"E
STORY BRICK-FRAME
BUSINESS
WOOD DECK
1/2"REBAR
FOUND-BENT
S46°59'20"E
21.35'
1"CRIMPED TOP
PIPE FOUND
CINDER BLOCK
WALL
N45°18'59"W
DEED=186.9'
184.21'
N/F
MARTOS JOHN L
PARCEL ID# 12-258306940478
3/4"OPEN TOP
PIPE FOUND
1/4" REBAR
FOUND 1.30'
FROM R/W
3/4"OPEN TOP
PIPE FOUND
3/4"OPEN TOP
PIPE FOUND
S65°52'36"E
76.76'
DEED=77.0'
S43°04'55"W
34.00'
TPOB
1/2"REBAR FOUND
#891 55" WATER OAK (DST ID#217 SO. MAIN ST.
N57°31'05"W
96.70'
DEED=96.7'
3 SHIPPING CONTAINERS
S43°04'55"W
75.00'
194.71'
N/F
BRAMBHATT, KANAIYALA
DB 55003, PG 0536
PARCEL ID# 12-258306940536
#908 24" WATER OAK
#909 48" S RED OAK
#910 30" WATER OAK
#911 30" WATER OAK
#912 30" WATER OAK
#913 30" WATER OAK
#914 30" WATER OAK
#915 30" WATER OAK
#916 30" WATER OAK
#917 30" WATER OAK
#918 30" WATER OAK
#919 30" WATER OAK





SIGHT DISTANCE PROFILE AT ROSWELL STREET ENTRANCE
SCALE: 1" = 80' HORIZONTAL
1" = 20' VERTICAL

VICINITY MAP

N.T.S.



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
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ALL STRIPING IN THE RIGHT OF WAY SHALL BE THERMOPLASTIC.

GEORGIA REGISTERED PROFESSIONAL ENGINEER No. 24529 William B. Dunlop

paradigm
Engineering Services, Inc.
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Suite 115
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www.Paradigmeng.net

Project No.	P-2115
Design By:	WBD
Drawn By:	RAC
Checked By:	WBD
Date:	6/29/21
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No	Revision	Date

MF-217 Main, LLC
26 MILTON AVENUE
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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

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

CITY COUNCIL: NOVEMBER 15, 2021

This item was considered at the 11/4/2021 Planning Commission meeting. Staff recommended approval subject to 25 conditions. There were no public comments. After discussion, Planning Commission recommended approval subject to staff's recommended conditions and accepting some of the applicant's requested changes (Planning Commission changes shown in RED below). Vote 6-0

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'~~ 100'.
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~~ Green stormwater design techniques shall be employed to address run-off reduction, as approved by Staff.
10. Privacy fences and ~~unfinished~~ unpainted or unstained 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. If due to cross-jurisdictional demands or because of construction of the trail crossing the buffer is disturbed, it will be replanted to buffer standards.
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. Trail shall be maintained by the HOA.
~~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 on the Empire property, 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~~ wall shall not be within the sanitary sewer easement and sewer pipe shall not encroach into the pond ~~dam~~ wall.
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	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

	max. building setback on Morrison Pkwy from 60' to 70'	
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

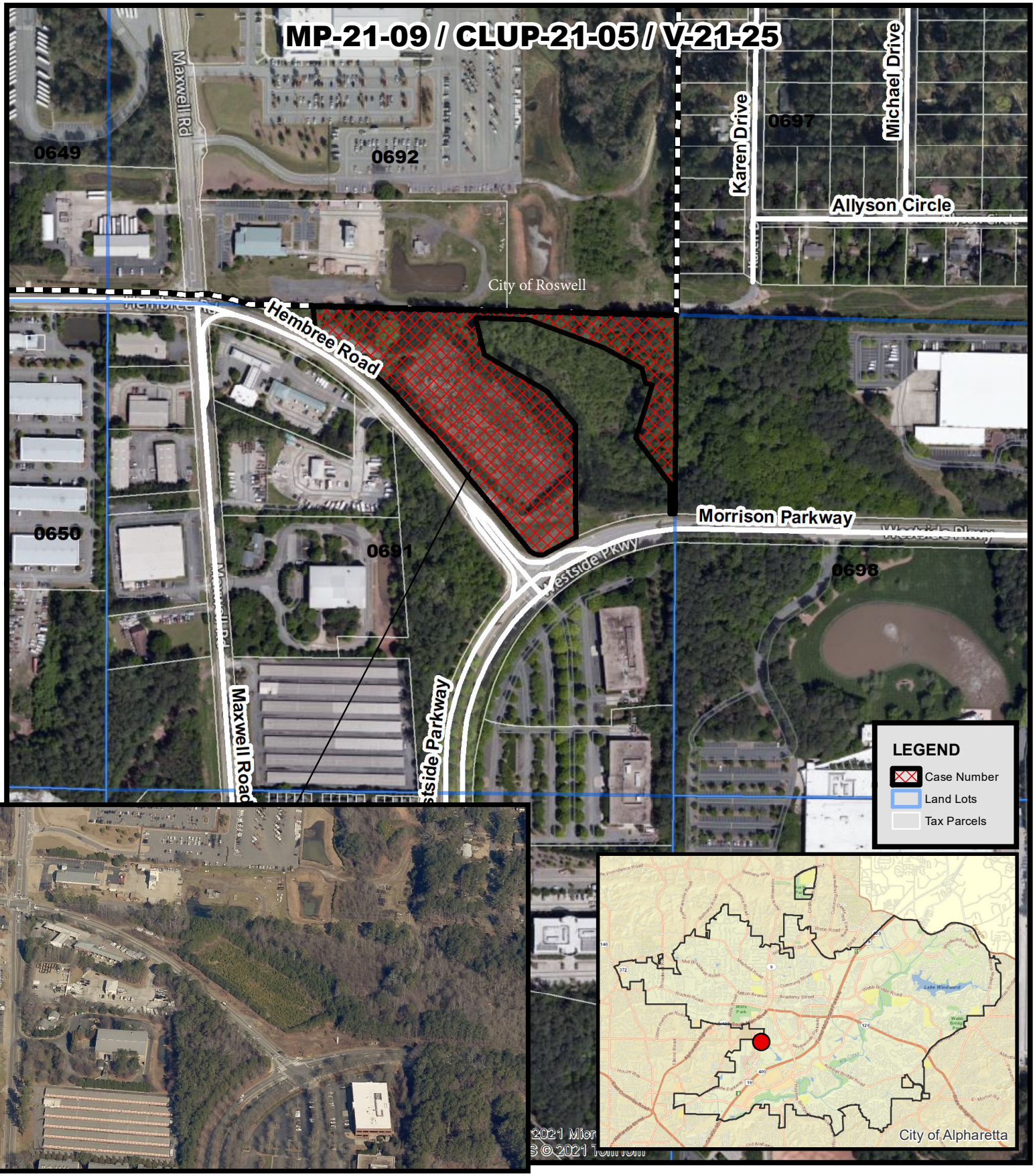
The report submitted by the applicant states that letters were mailed to each property owner within 500' of the subject property stating the applicant's intent. The report states that no comments were received.

COMMUNITY ZONING INFORMATION MEETING

The CZIM was held on October 13, 2021. There were no public comments.

IV. ATTACHMENTS:

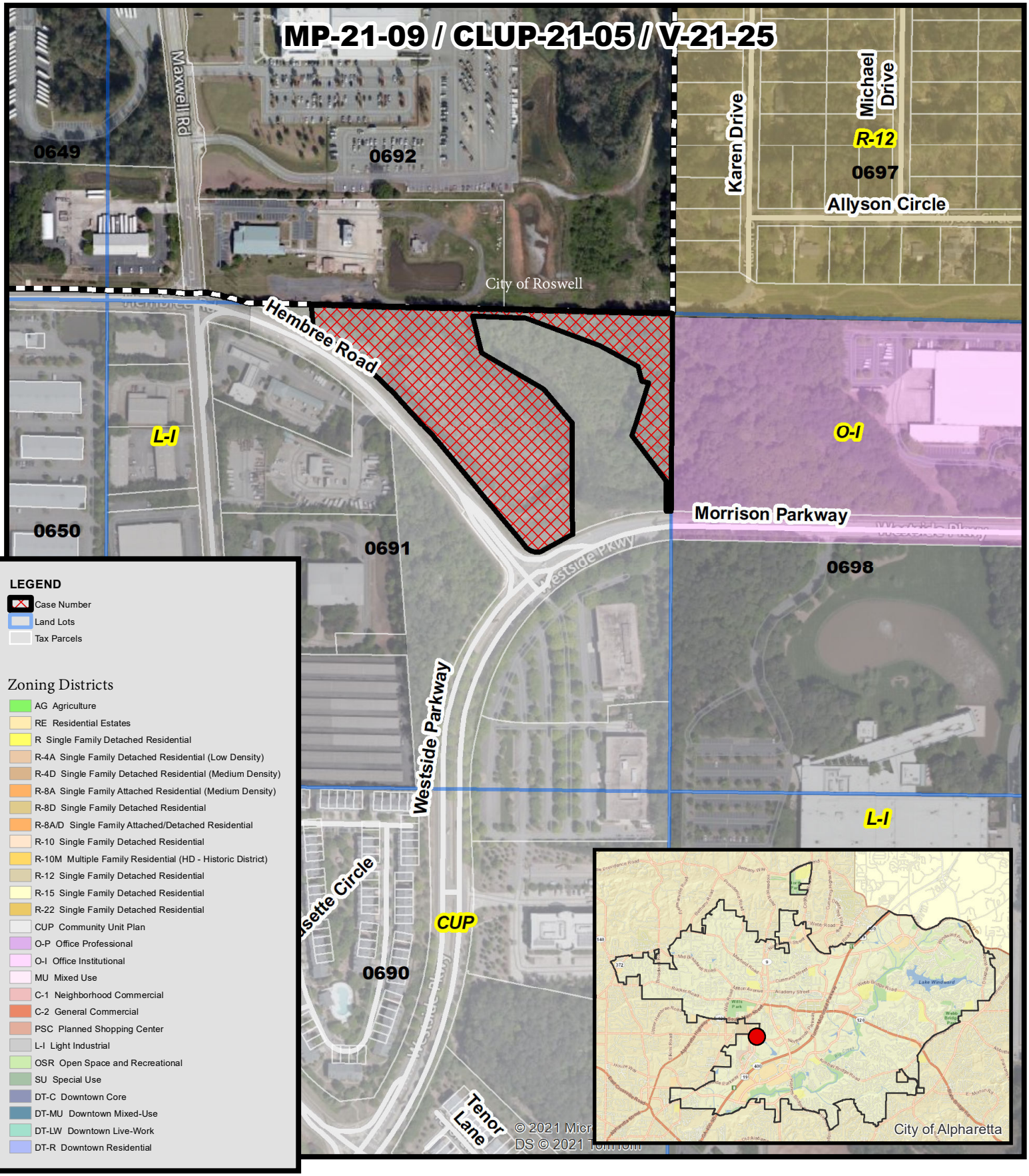
- Site Plan
- Renderings



Aerial 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

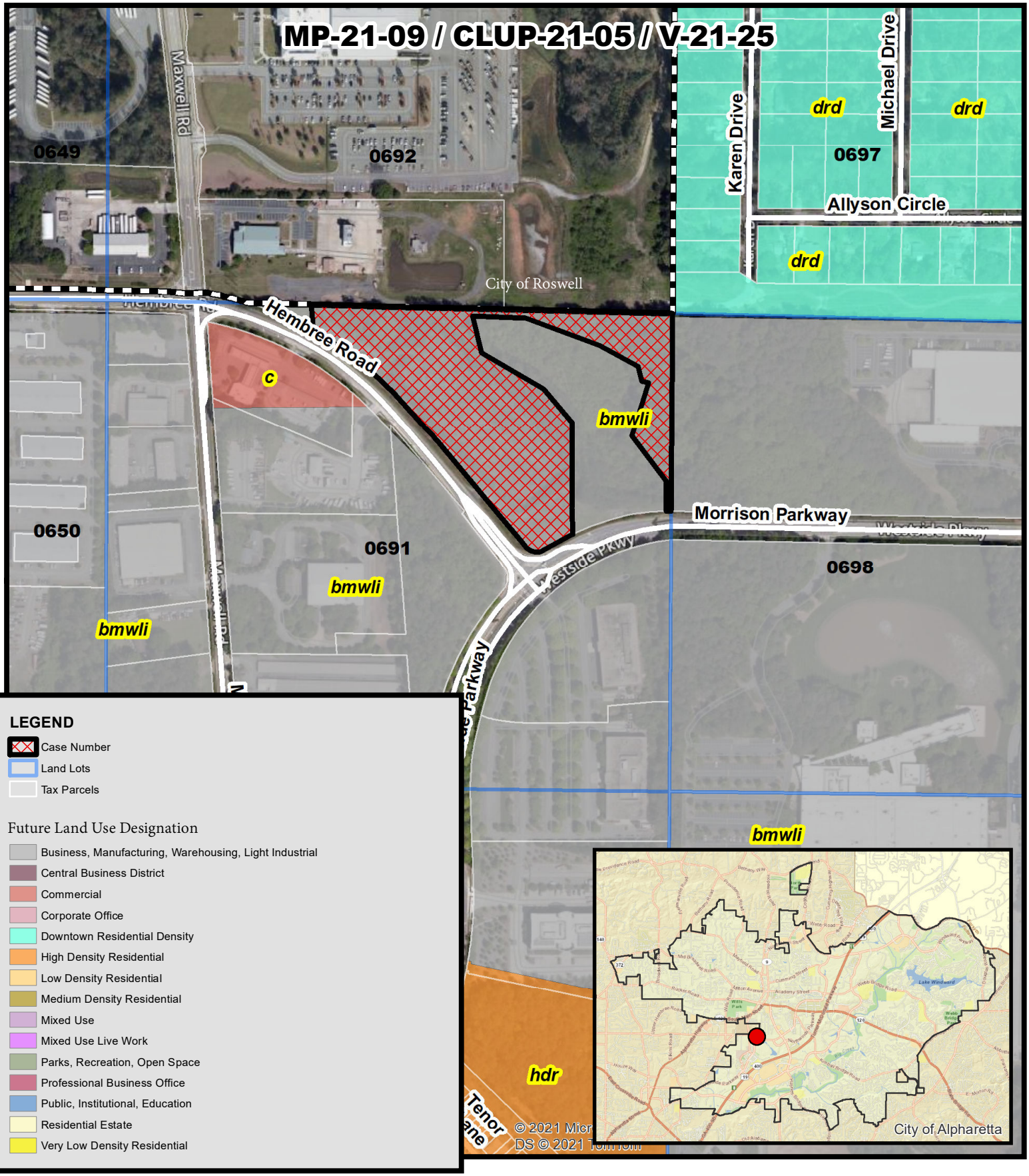
Location Map Provided by:
Community Development - GIS



MP-21-09/CLUP-21-05/V-21-25
D/LL: 1/2/691
CC Date: 11/15/21

Zoning Map
3000 Hembree Road
Empire Communities

Location Map Provided by:
Community Development - GIS

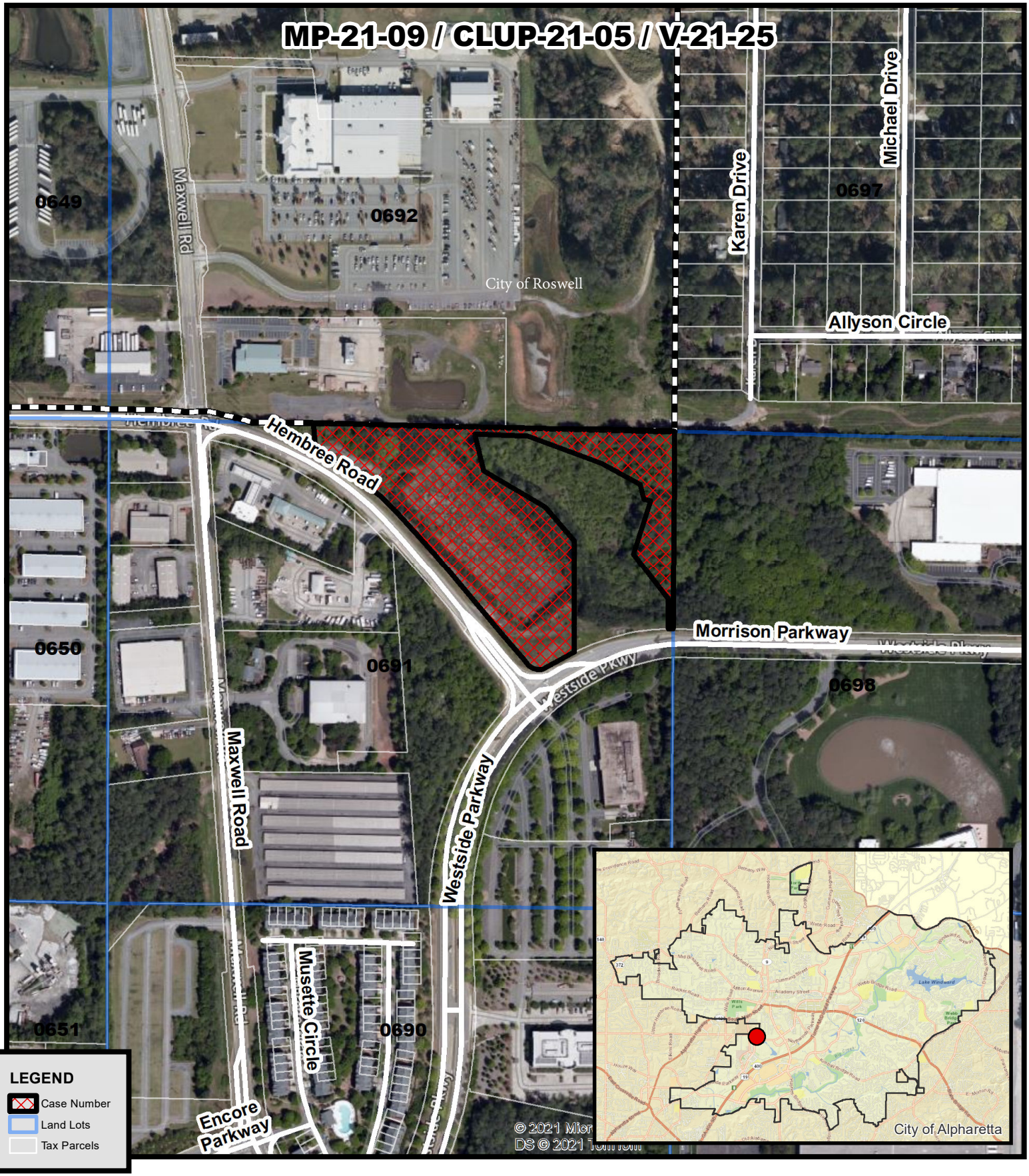


MP-21-09/CLUP-21-05/V-21-25
D/LL: 1/2/691
CC Date: 11/15/21

Future Land Use
3000 Hembree Road
Empire Communities

THE CITY OF ALPHARETTA GEORGIA

Location Map Provided by:
Community Development - GIS



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

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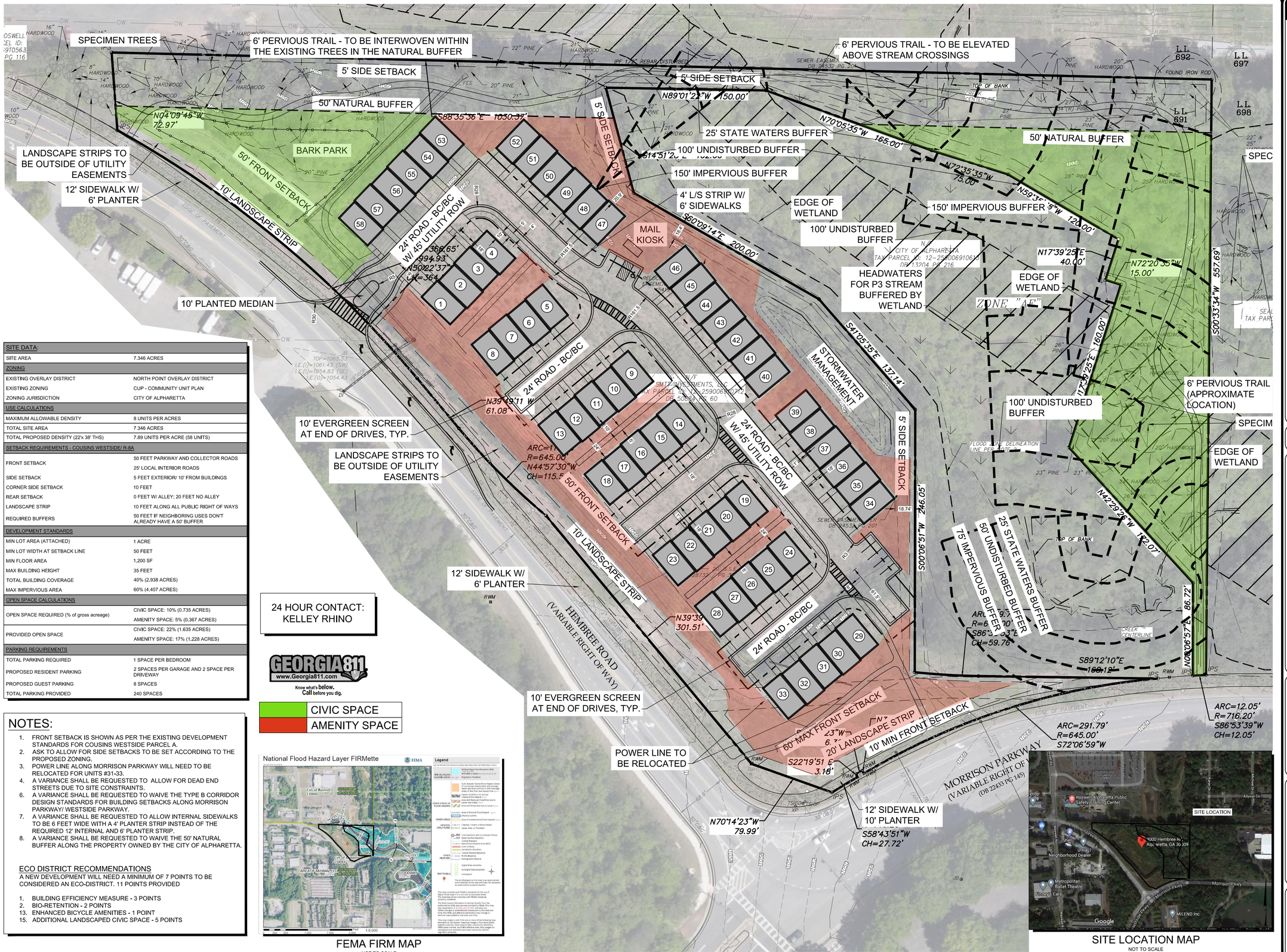

SPECIMEN TREES
6' PERVIOUS TRAIL - TO BE INTERWOVEN WITHIN THE EXISTING TREES IN THE NATURAL BUFFER
6' PERVIOUS TRAIL - TO BE ELEVATED ABOVE STREAM CROSSINGS
5' SIDE SETBACK
50' NATURAL BUFFER
LANDSCAPE STRIPS TO BE OUTSIDE OF UTILITY EASEMENTS
BARK PARK
50' FRONT SETBACK
10' LANDSCAPE STRIP
12' SIDEWALK W/ 6' PLANTER
25' STATE WATERS BUFFER
100' UNDISTURBED BUFFER
150' IMPERVIOUS BUFFER
4' L/S STRIP W/ 6' SIDEWALKS
EDGE OF WETLAND
MAIL KIOSK
24' ROAD - BC/BC W/ 45' UTILITY ROW
10' PLANTED MEDIAN
24' ROAD - BC/BC
10' EVERGREEN SCREEN AT END OF DRIVES, TYP.
STORMWATER MANAGEMENT
HEADWATERS FOR P3 STREAM BUFFERED BY WETLAND
ZONE "AE"
6' PERVIOUS TRAIL (APPROXIMATE LOCATION)
SPECIM
EDGE OF WETLAND
FLOOD ZONE DELINEATION LINE PER FEMA
TOP OF BANK
CREEK CENTERLINE
75' IMPERVIOUS BUFFER
50' UNDISTURBED BUFFER
25' STATE WATERS BUFFER
HEMBREE ROAD (VARIABLE RIGHT OF WAY)
POWER LINE TO BE RELOCATED
60' MAX FRONT SETBACK
20' LANDSCAPE STRIP
10' MIN FRONT SETBACK
MORRISON PARKWAY (VARIABLE RIGHT OF WAY) (DB 23433 PG 145)
12' SIDEWALK W/ 10' PLANTER
SITE LOCATION
SEWER EASEMENT DB 29453 PG 201
SEWER EASEMENT DB 29453 PG 201
SEWER EASEMENT DB 29453 PG 201
REVOCABLE EASEMENT DB 29453 PG 201
CITY OF ALPHARETTA TAX PARCEL ID: 12-2590069106/5 DB 11704 PG 216
SMT INVESTMENTS, LLC TAX PARCEL ID: 12-2590069107/2 DB 50693 PG 60
N/F TAX PARCEL ID: 12-2590069107/2
N/F TAX PARCEL ID:
N/F TAX PARCEL ID:
N/F TAX PARCEL ID:



360 STUDIO

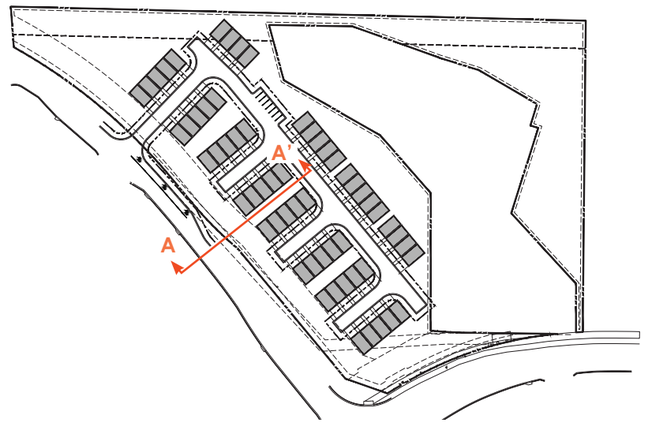
PEC+ Planners & Engineers Collaborative+

SAWGRASS

THE CITY OF ALPHARETTA, FULTON COUNTY

0′ 40′ 80′ 120′

SCALE: 1″ = 40′





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SAWGRASS

THE CITY OF ALPHARETTA, FULTON COUNTY

0' 20' 40' 60'

SCALE: 1" = 20'

Empire Northpoint Eco District Monument / Concept A

EMPIRE

NORTH POINT
ALPHARETTA, GA



Empire Northpoint Eco District Monument / Concept B

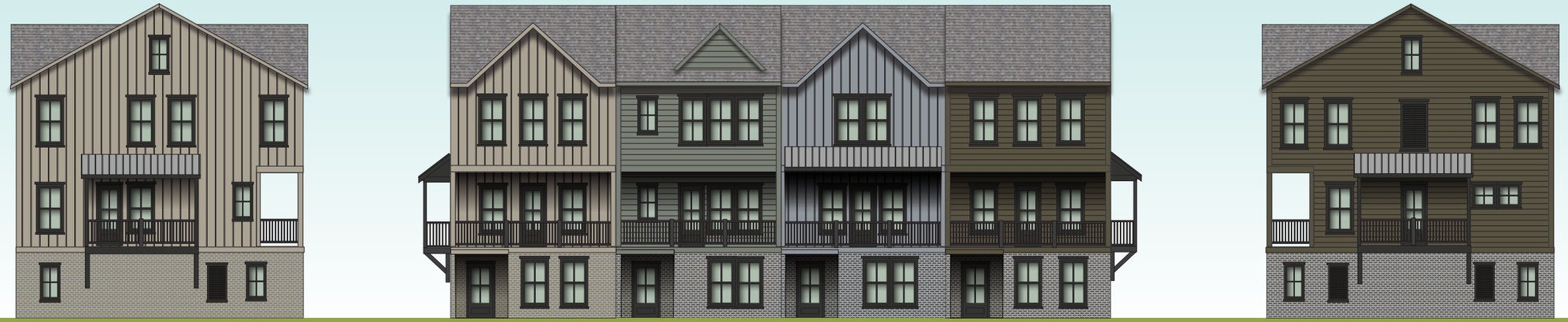
EMPIRE

NORTH POINT
ALPHARETTA, GA





EXHIBIT A



Empire Hembree Community Product Elevation

EXHIBIT A



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SPECIMEN TREES

6' PERVIOUS TRAIL - TO BE INTERWOVEN WITHIN THE EXISTING TREES IN THE NATURAL BUFFER

6' PERVIOUS TRAIL - TO BE ELEVATED ABOVE STREAM CROSSINGS

5' SIDE SETBACK

50' NATURAL BUFFER

N04°09'45"W 72.97'

S88°35'36"E 1030.37'

LANDSCAPE STRIPS TO BE OUTSIDE OF UTILITY EASEMENTS

12' SIDEWALK W/ 6' PLANTER

10' LANDSCAPE STRIP

50' FRONT SETBACK

BARK PARK

24' ROAD - BC/BC W/ 45' UTILITY ROW

R=369.65' 994.93' Δ150°22'37" CH=364

MAIL KIOSK

4' L/S STRIP W/ 6' SIDEWALKS

S60°09'14"E 200.00'

EDGE OF WETLAND

100' UNDISTURBED BUFFER

150' IMPERVIOUS BUFFER

25' STATE WATERS BUFFER

100' UNDISTURBED BUFFER

150' IMPERVIOUS BUFFER

N89°01'22"W 150.00'

N70°05'35"W 165.00'

N72°35'35"W 75.00'

N59°5[illegible]"W 124.00'

HEADWATERS FOR P3 STREAM BUFFERED BY WETLAND

N/F CITY OF ALPHARETTA TAX PARCEL ID: 12-2590069106[illegible] DB 11704 PG 216

N17°39'25"E 40.00'

N72°20'55"W 15.00'

ZONE "AE"

S00°33'34"W 557.69'

10' PLANTED MEDIAN

24' ROAD - BC/BC

N39°49'11"W 61.08'

10' EVERGREEN SCREEN AT END OF DRIVES, TYP.

LANDSCAPE STRIPS TO BE OUTSIDE OF UTILITY EASEMENTS

ARC=1[illegible] R=645.00' N44°57'30"W CH=115.[illegible]

50' FRONT SETBACK

10' LANDSCAPE STRIP

12' SIDEWALK W/ 6' PLANTER

24' ROAD - BC/BC W/ 45' UTILITY ROW

STORMWATER MANAGEMENT

S41°05'35"E 137.14'

5' SIDE SETBACK

S00°06'51"W 246.05'

N/F SMITH INVESTMENTS, LLC TAX PARCEL ID: 12-2590069[illegible] DB [illegible] PG 60

SEWER EASEMENT DB 24532, PG 201

18.74'

100' UNDISTURBED BUFFER

6' PERVIOUS TRAIL (APPROXIMATE LOCATION)

EDGE OF WETLAND

FLOOD ZONE DELINEATION LINE PER FEMA

N42°29'26"W 192.07'

50' UNDISTURBED BUFFER

75' IMPERVIOUS BUFFER

25' STATE WATERS BUFFER

TOP OF BANK

CREEK CENTERLINE

S89°12'10"E 166.13'

N00°06'57"E 86.72'

ARC=12.05' R=716.20' S86°53'39"W CH=12.05'

ARC=291.79' R=645.00' S72°06'59"W

60' MAX FRONT SETBACK

20' LANDSCAPE STRIP

10' MIN FRONT SETBACK

S22°19'51"E 3.18'

POWER LINE TO BE RELOCATED

N70°14'23"W 79.99'

12' SIDEWALK W/ 10' PLANTER

S58°43'51"W CH=27.72'

MORRISON PARKWAY (VARIABLE RIGHT OF WAY) (DB 22433 PG 145)

HEMBREE ROAD (VARIABLE RIGHT OF WAY)

L.L. 692

L.L. 697

L.L. 698

L.L. 691

FOUND IRON ROD

IPF 1/2" REBAR DISTURBED

SITE DATA:	
SITE AREA	7.346 ACRES
ZONING	
EXISTING OVERLAY DISTRICT	NORTH POINT OVERLAY DISTRICT
EXISTING ZONING	CUP - COMMUNITY UNIT PLAN
ZONING JURISDICTION	CITY OF ALPHARETTA
USE CALCULATIONS:	
MAXIMUM ALLOWABLE DENSITY	8 UNITS PER ACRES
TOTAL SITE AREA	7.346 ACRES
TOTAL PROPOSED DENSITY (22'x 38' THS)	7.89 UNITS PER ACRE (58 UNITS)
SETBACK REQUIREMENTS - COUSINS WESTSIDE/ R-8A	
FRONT SETBACK	50 FEET PARKWAY AND COLLECTOR ROADS 25' LOCAL INTERIOR ROADS
SIDE SETBACK	5 FEET EXTERIOR/ 10' FROM BUILDINGS
CORNER SIDE SETBACK	10 FEET
REAR SETBACK	0 FEET W/ ALLEY; 20 FEET NO ALLEY
LANDSCAPE STRIP	10 FEET ALONG ALL PUBLIC RIGHT OF WAYS
REQUIRED BUFFERS	50 FEET IF NEIGHBORING USES DON'T ALREADY HAVE A 50' BUFFER
DEVELOPMENT STANDARDS	
MIN LOT AREA (ATTACHED)	1 ACRE
MIN LOT WIDTH AT SETBACK LINE	50 FEET
MIN FLOOR AREA	1,200 SF
MAX BUILDING HEIGHT	35 FEET
TOTAL BUILDING COVERAGE	40% (2.938 ACRES)
MAX IMPERVIOUS AREA	60% (4.407 ACRES)
OPEN SPACE CALCULATIONS	
OPEN SPACE REQUIRED (% of gross acreage)	CIVIC SPACE: 10% (0.735 ACRES) AMENITY SPACE: 5% (0.367 ACRES)
PROVIDED OPEN SPACE	CIVIC SPACE: 30% (2.207 ACRES) AMENITY SPACE: 22% (1.687 ACRES)
PARKING REQUIREMENTS	
TOTAL PARKING REQUIRED	1 SPACE PER BEDROOM
PROPOSED RESIDENT PARKING	2 SPACES PER GARAGE AND 2 SPACE PER DRIVEWAY
PROPOSED GUEST PARKING	14 SPACES
TOTAL PARKING PROVIDED	246 SPACES

NOTES:

1. FRONT SETBACK IS SHOWN AS PER THE EXISTING DEVELOPMENT STANDARDS FOR COUSINS WESTSIDE PARCEL A.
2. ASK TO ALLOW FOR SIDE SETBACKS TO BE SET ACCORDING TO THE PROPOSED ZONING.
3. POWER LINE ALONG MORRISON PARKWAY WILL NEED TO BE RELOCATED FOR UNITS #31-33.
4. A VARIANCE SHALL BE REQUESTED TO ALLOW FOR DEAD END STREETS DUE TO SITE CONSTRAINTS.
6. A VARIANCE SHALL BE REQUESTED TO WAIVE THE TYPE B CORRIDOR DESIGN STANDARDS FOR BUILDING SETBACKS ALONG MORRISON PARKWAY/ WESTSIDE PARKWAY.
7. A VARIANCE SHALL BE REQUESTED TO ALLOW INTERNAL SIDEWALKS TO BE 6 FEET WIDE WITH A 4' PLANTER STRIP INSTEAD OF THE REQUIRED 12' INTERNAL AND 6' PLANTER STRIP.
8. A VARIANCE SHALL BE REQUESTED TO WAIVE THE 50' NATURAL BUFFER ALONG THE PROPERTY OWNED BY THE CITY OF ALPHARETTA.

ECO DISTRICT RECOMMENDATIONS

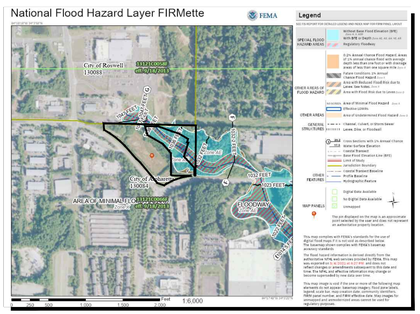
A NEW DEVELOPMENT WILL NEED A MINIMUM OF 7 POINTS TO BE CONSIDERED AN ECO-DISTRICT. 11 POINTS PROVIDED

1. BUILDING EFFICIENCY MEASURE - 3 POINTS
2. BIO-RETENTION - 2 POINTS
13. ENHANCED BICYCLE AMENITIES - 1 POINT
15. ADDITIONAL LANDSCAPED CIVIC SPACE - 5 POINTS

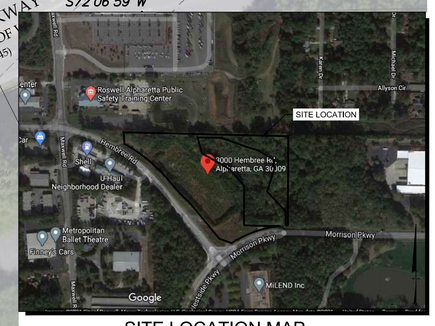
24 HOUR CONTACT:
KELLEY RHINO

GEORGIA811 www.Georgia811.com
Know what's below. Call before you dig.

CIVIC SPACE
AMENITY SPACE



FEMA FIRM MAP
NOT TO SCALE



SITE LOCATION MAP
NOT TO SCALE

P: (770) 451-2741 F: (770) 451-3915
WWW.PEC.PLUS
Planners & Engineers Collaborative+
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

EAH ACQUISITIONS, LP

MUNICIPALITY PROJECT #

REVISIONS

NO.	DATE	BY	DESCRIPTION
#1	10/11/2021	MLK	STAFF COMMENTS
#2	11/08/2021	MLK	PARKING CHANGES

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

GEORGIA REGISTERED No. 34393 PROFESSIONAL ENGINEER KENNETH J WOOD

GSWCC LEVEL II DESIGN PROFESSIONAL CERTIFICATION # 0000059389 EXP. 10/28/2021

REZONING MASTER PLAN

0 20 40 80 120

SCALE: 1" = 40'
DATE: 08/28/2021
PROJECT: 21059.00

GRID NORTH
GEORGIA WEST ZONE

Z1
SHEET

J:\2021\21059\00\Concepts & Exhibits\Zoning\21059 00 - Site-Zone-3.dwg - MKopp - 11/9/2021 4:54 PM

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

ROOT ZONE 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+

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 commerical 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 broders, 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.

Hembree Road

Specimen Tree Report

Specimen Tree Table

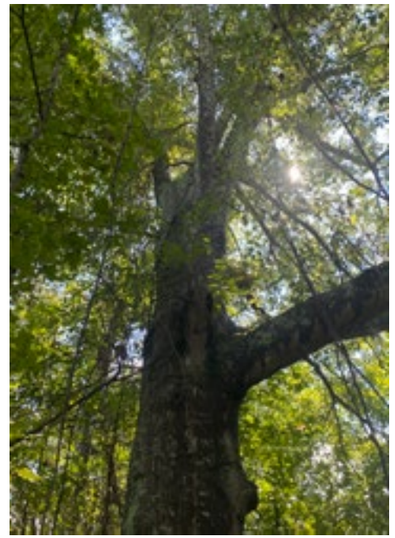
Tag #	Species	DBH	Comments
383	*Liquidambar tulipifera* Sweetgum	32	Specimen Tree of Quality
384	*Quercus nigra* Water Oak	33	Open Trunk Wound with Internal Decay - 3 Dead Major Branches - Fruiting Bodies - Minor Tip Dieback
385	*Sassafras albidum* Sassafras	11	High Split with Bark Inclusion - Tip Dieback - Mechanical Damage from neighboring Cherry - Imbalanced Crown
386	*Quercus falcata* Southern Red Oak	38	Specimen Tree of Quality
387	*Cornus florida* Dogwood	8	Specimen Tree of Quality
388	*Pinus spp.* Pine	30	Specimen Tree of Quality
389	*Acer rubrum* Red Maple	53	Topped Dead Leader - Basal Decay localized to split - Deadwood Branches
390	*Liriodendron tulipifera* Tulip Poplar	41	Topped Dead Leader - Severely Hollow Trunk
391	*Liquidambar tulipifera* Sweetgum	37	Severe Tip Dieback - Reduced Crown/Canopy
392	*Pinus spp.* Pine	30	Specimen Tree of Quality

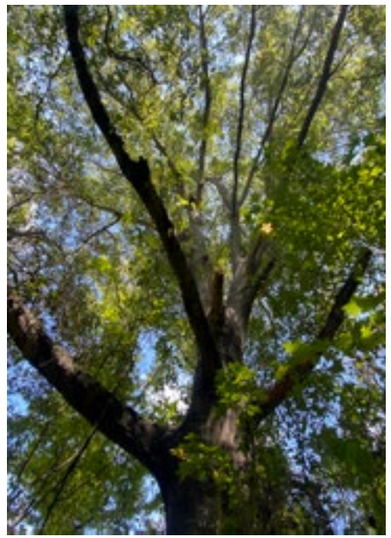
Total Specimen Sized Trees: 10
Specimen Condition: 5
Non-Specimen Condition: 5

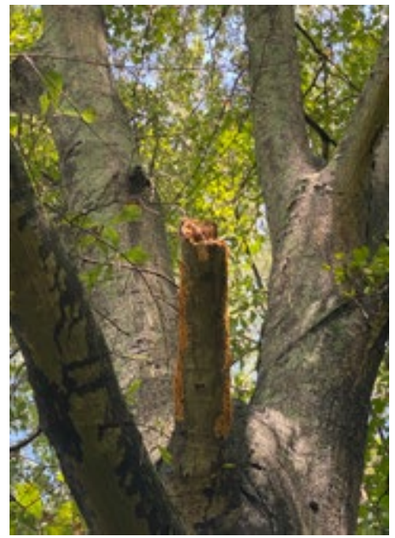
Specimen Tree Site Condition:
Half of the specimen sized trees on site meet the City of Alpharetta standards for specimen trees.

DDH Photos
Tree #384



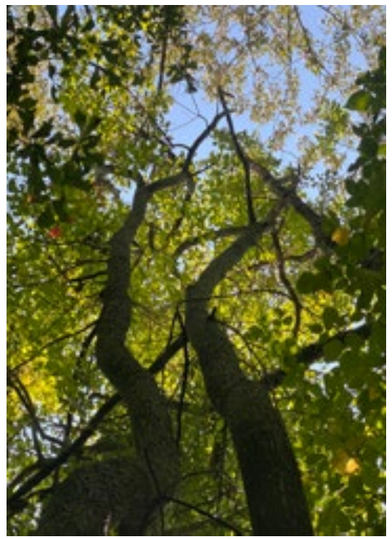


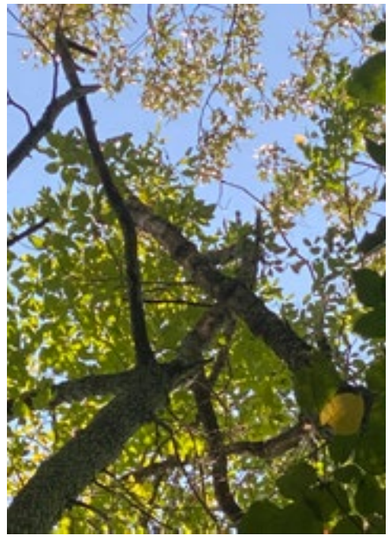




Tree #385





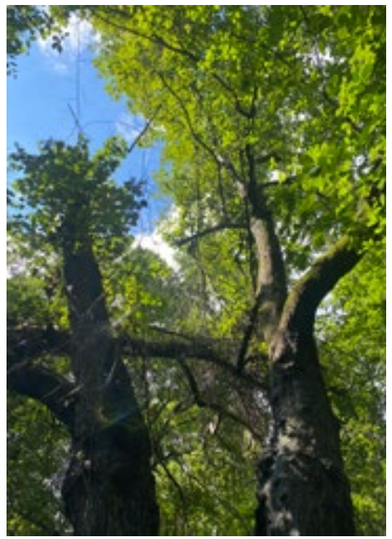




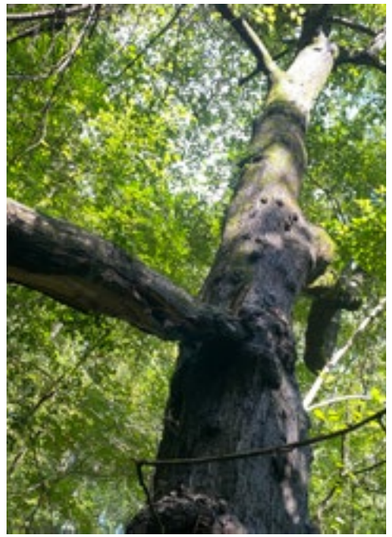
Hembree Road

Tree #389





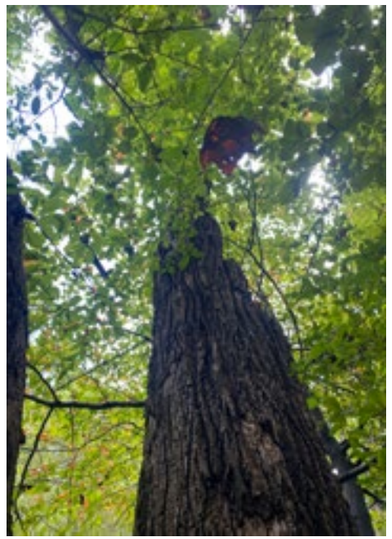


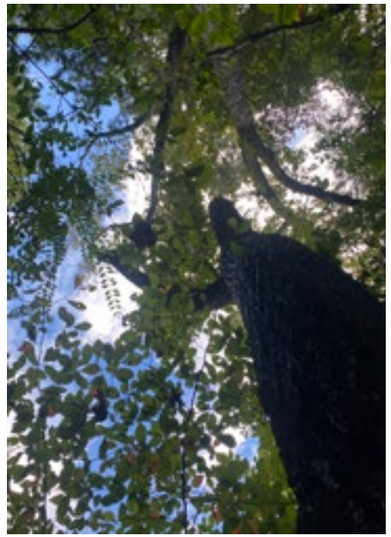


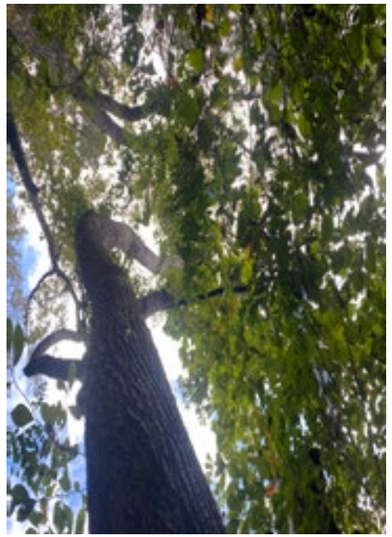
Hembree Road

Tree #390





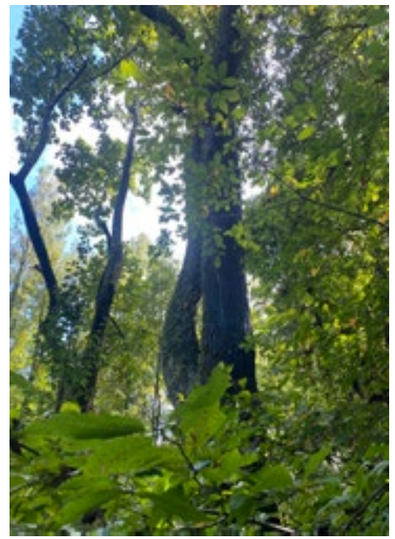


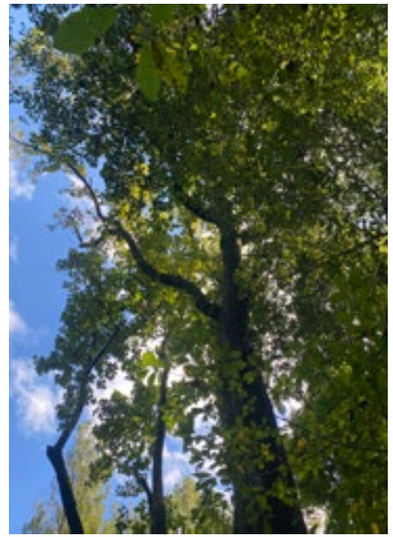


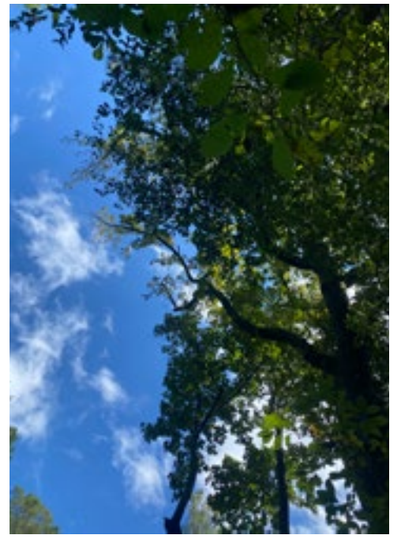
Hembree Road

Tree #391









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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

AT

3000 HEMBREE RE
ALPHARETTA, GA 30009

CITY OF ALPHARETTA JURISDICTION

FOR

EMPIRE COMMUNITIES

MUNICIPALITY PROJECT #

REVISIONS

NO.	DATE	BY	DESCRIPTION

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

PRELIMINARY

NOT TO BE RELEASED FOR CONSTRUCTION

SPECIMEN TREE SURVEY

0 25 50 100 150

SCALE: 1" = 50'
DATE: 05/21/2021
PROJECT: 21059.00

GRID NORTH
GEORGIA WEST ZONE

T1
SHEET

Drawing3.dwg, BMurphy, 5/22/2021 1:17 PM

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.

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.*

- [X] Letter
- [ ] Personal Visits
- [X] 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.

* 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

Smith Gambrell Russell

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,

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

KSFW 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

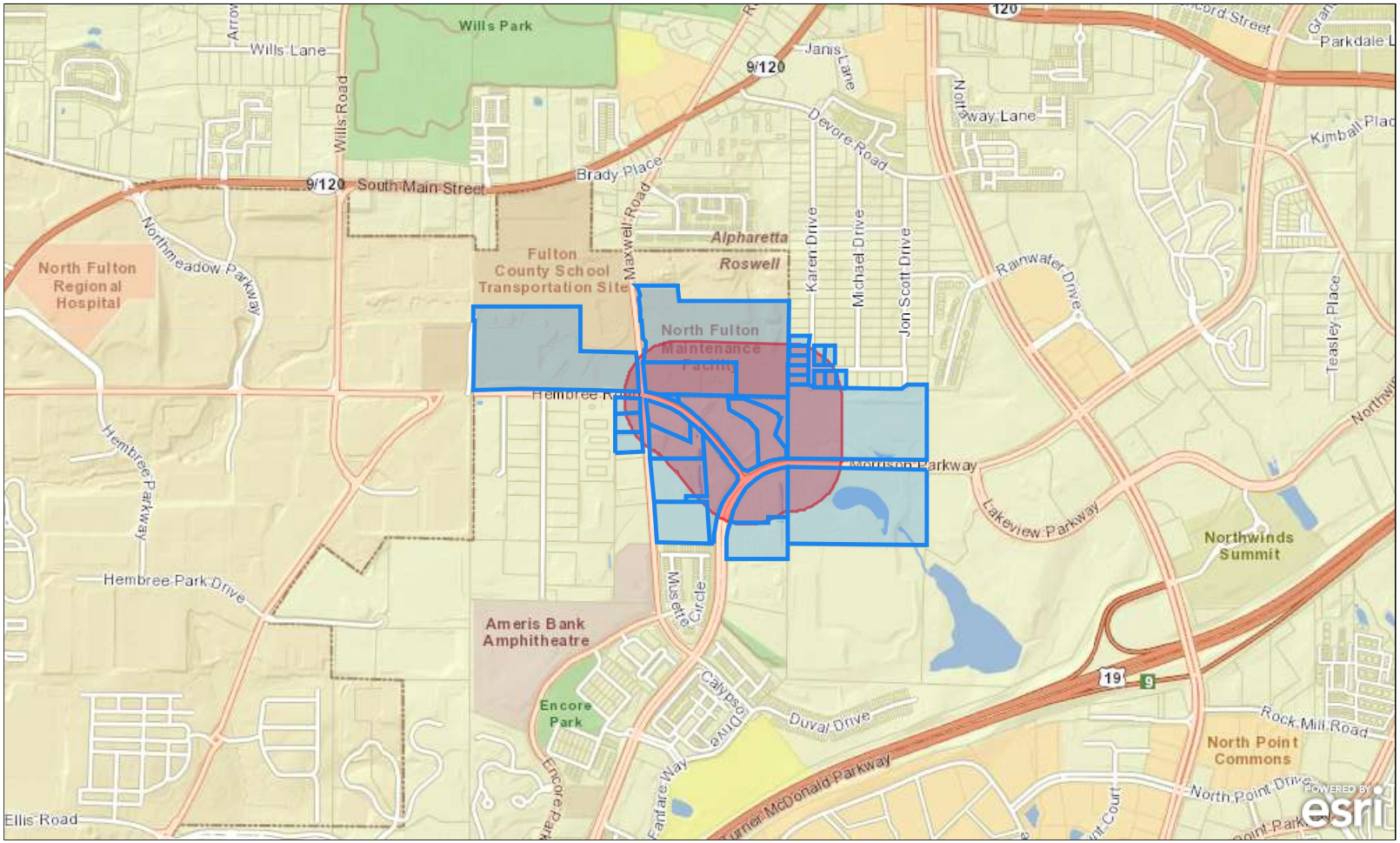
GRONHOLM ANNE W
11390 BOWEN RD
ROSWELL GA 30075

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



Wills Park
Wills Lane
Wills Road
9/120
South Main Street
Brady Place
Maxwell Road
Janis Lane
Devore Road
Nottaway Lane
Kimball Plac
Parkdale L
Alpharetta
Roswell
Karen Drive
Michael Drive
Jon Scott Drive
Rainwater Drive
Teasley Place
Northmeadow Parkway
North Fulton Regional Hospital
Fulton County School Transportation Site
North Fulton Maintenance Facility
Hembree Road
Morrison Parkway
Lakeview Parkway
Northwinds Summit
Hembree Parkway
Hembree Park Drive
Musette Circle
Ameris Bank Amphitheatre
Encore Park
Calypso Drive
Duval Drive
Fanfare Way
Turner McDonald Parkway
Rock Mill Road
North Point Commons
North Point Drive
Ellis Road
19
9
120
esri

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

☐ Rezoning

■ Variance

☐ Exception

■ Master Plan Amendment

☐ Master Plan Review

☐ Public Hearing

☐ Other *(Specify)*:

■ Comprehensive Plan Amendment

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 ZAID TOUKAN-Manager Telephone: 1-888-966-0944

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

RICHARD CARICO NOTARY PUBLIC FULTON COUNTY EXPIRES GEORGIA May 10, 2022

DISCLOSURE FORM

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

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

Name of Applicant or Opponent: 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

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: 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: KSA 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 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: 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: _____

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: 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.*

- [x] 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 *(Please Specify)* _____

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

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

Signature of Authorized Agent: _____ Date: _____

Print Form

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.

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 ½ 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 ± 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

Alpharetta
GEORGIA • USA

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

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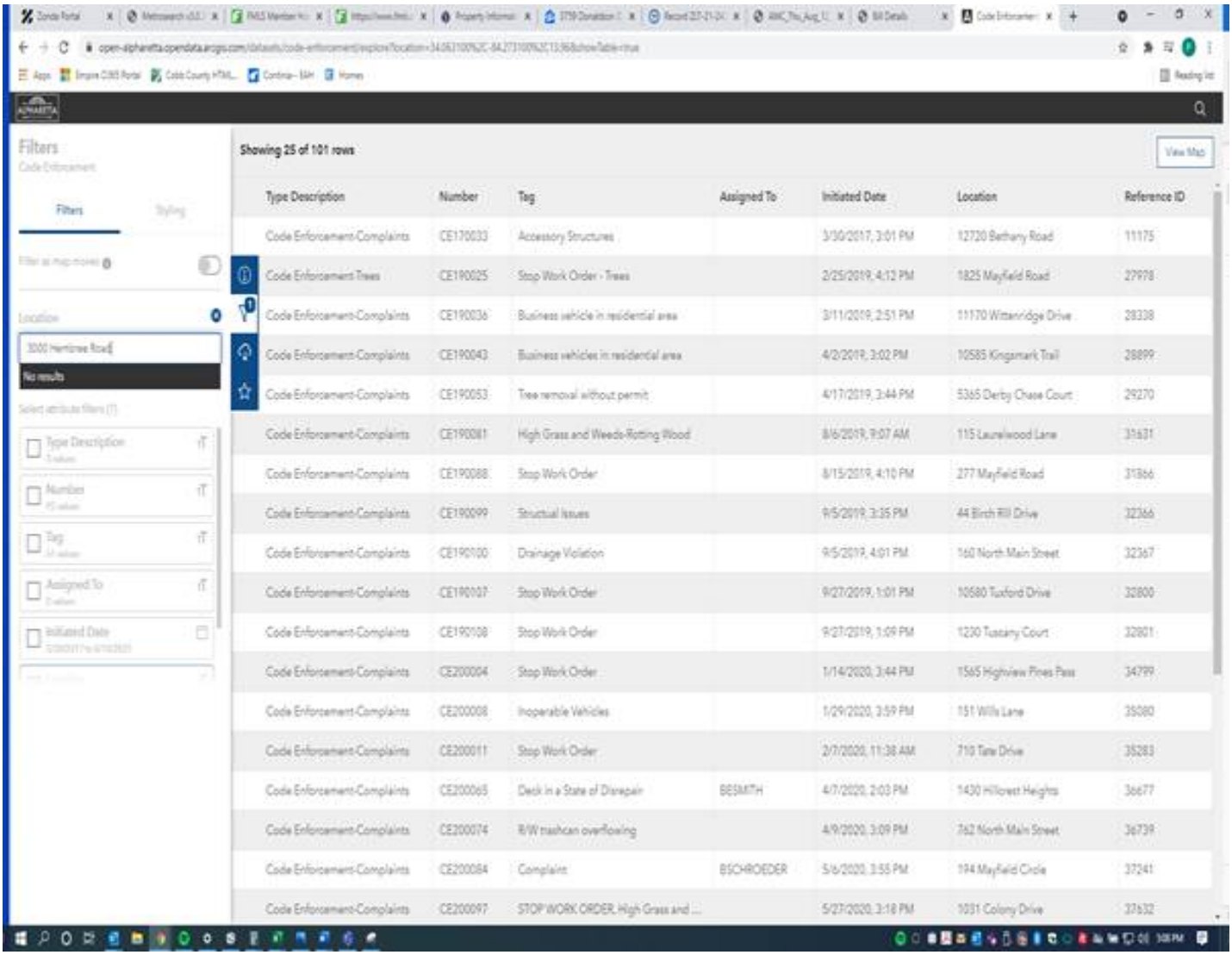
3000 Hembree Road - Code Violations

(No Violations Found)



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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.

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 wooded[1] 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 area[3]. 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 Changes[4]

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 cementious 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 (±23% of total site) and ± 1.635 acres of civic space (±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.

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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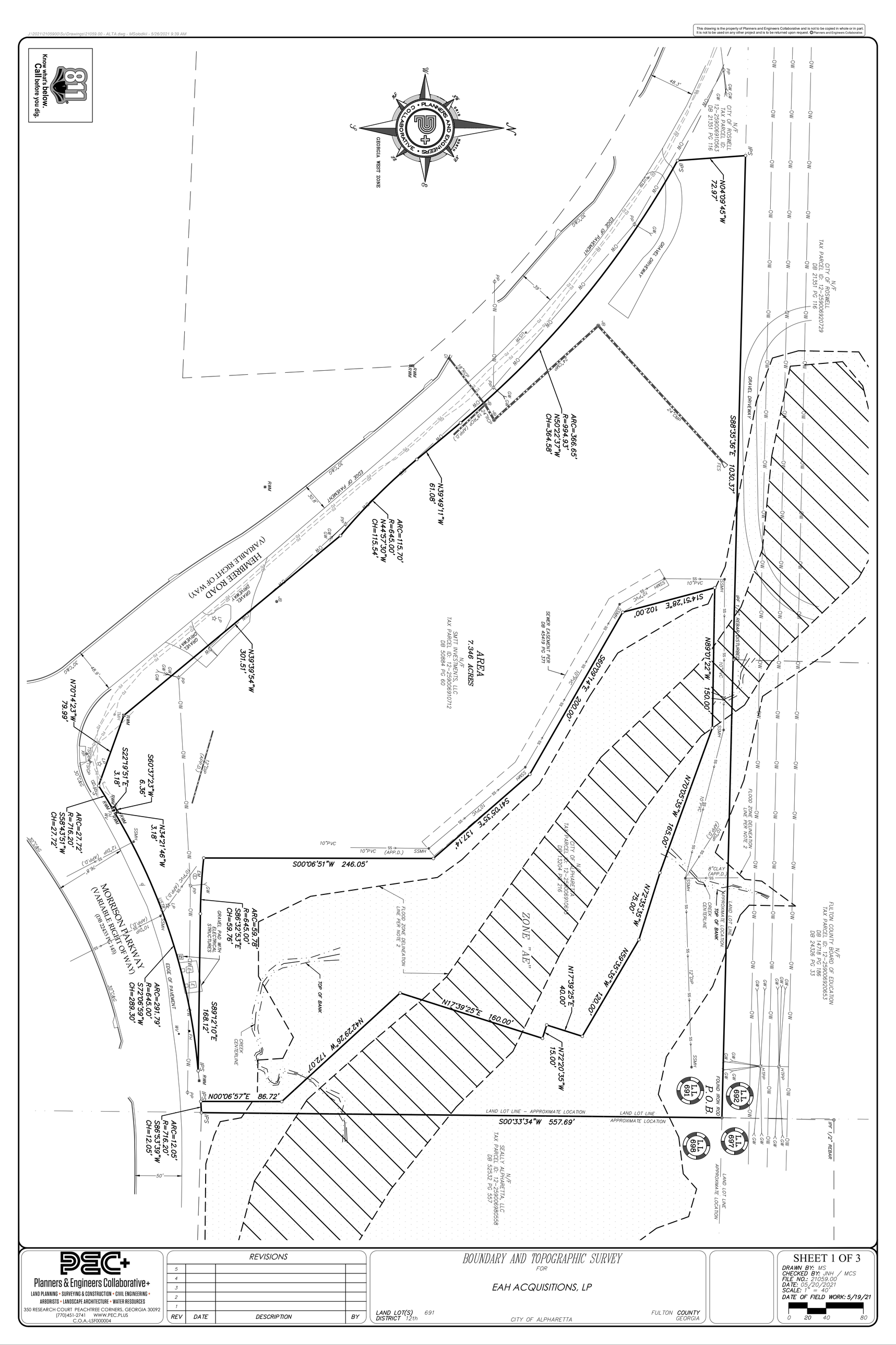

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(770)451-2741 WWW.PEC.PLUS
C.O.A.-LSF000004

REVISIONS

REV	DATE	DESCRIPTION	BY
5			
4			
3			
2			
1			

BOUNDARY AND TOPOGRAPHIC SURVEY

FOR

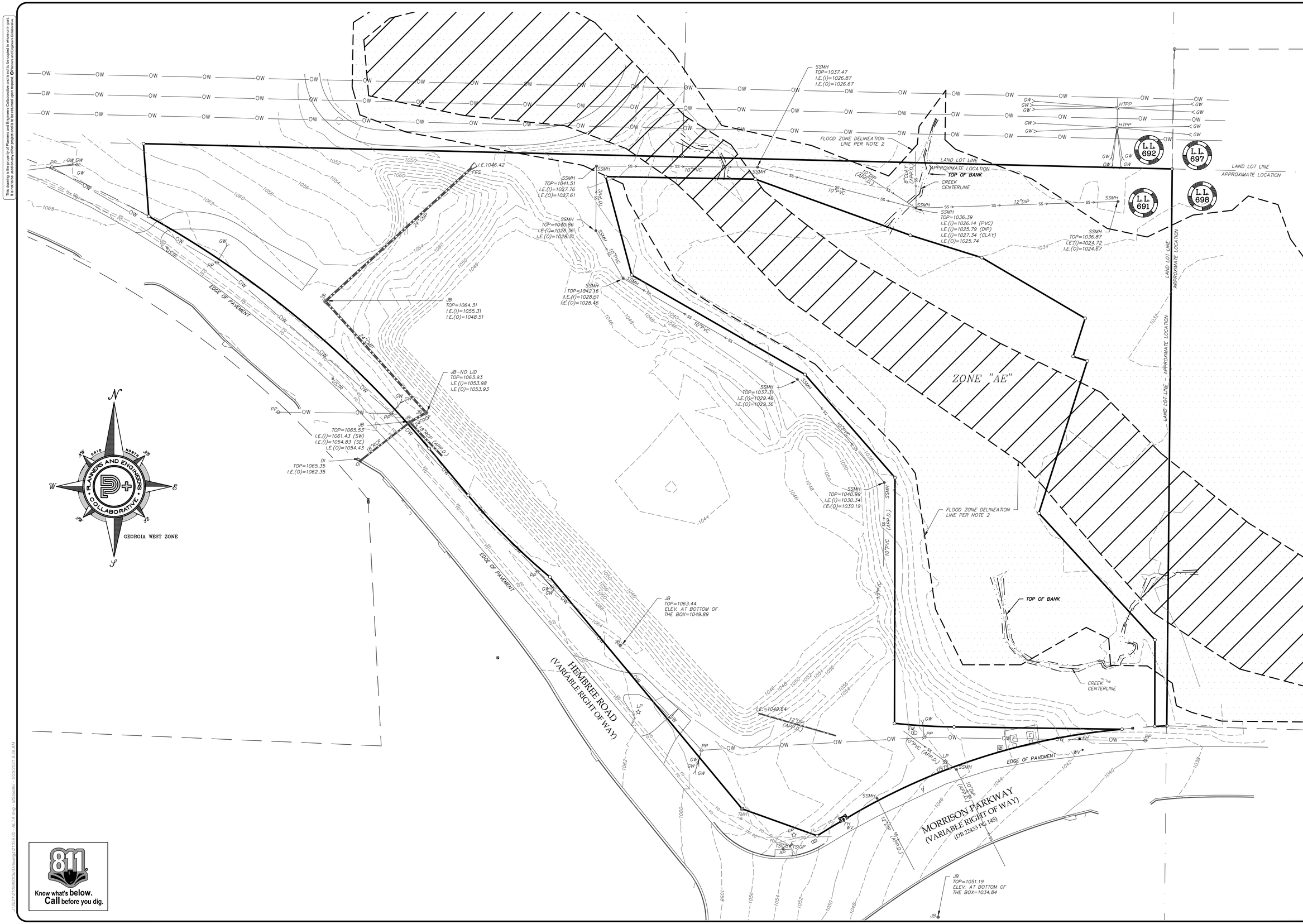
EAH ACQUISITIONS, LP

LAND LOT(S) 691 DISTRICT 12th CITY OF ALPHARETTA FULTON COUNTY GEORGIA

SHEET 1 OF 3

DRAWN BY: MS
CHECKED BY: JNH / MCS
FILE NO.: 21059.00
DATE: 05/20/2021
SCALE: 1" = 40'
DATE OF FIELD WORK: 5/19/21

0 20 40 80



SHEET 2 OF 3

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0 20 40 80

BOUNDARY AND TOPOGRAPHIC SURVEY
FOR
EAH ACQUISITIONS, LP

CITY OF ALPHARETTA
FULTON COUNTY GEORGIA

LAND LOT(S) 691
DISTRICT 12th

REVISIONS

REV	DATE	DESCRIPTION	BY
5			
4			
3			
2			
1			

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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.	Approximate	I.E.	Invert Elevation
#4	1/2" Rebar	IPF	Iron Pin Found
C&G	Curb and Gutter	IPS	Iron Pin Set
CLF	Chain Link Fence	LP	Light Pole
CMP	Corrugated Metal Pipe	MW	Monitoring Well
CO	Clean Out	N/F	Now or Formerly
CPP	Corrugated Plastic Pipe	OTP	Open Top Pipe
DB	Deed Book	PB	Plat Book
DI	Drop Inlet	PG	Page
DE	Drainage Easement	PKF	PK Nail Found
EOP	Edge of Pavement	PKS	PK Nail Set
EPP	Electric Power Pole	POB	Point of Beginning
EPAN	Electric Panel	POC	Point of Commencement
ESMT	Easement	PVC	Polyvinyl Chloride Pipe
FES	Flared End Section	RBC	Rebar Capped
FFE	Finish Floor Elevation	RCP	Reinforced Concrete Pipe
FH	Fire Hydrant	RWM	Right of Way Monument
FLGP	Flag Pole	SSE	Sanitary Sewer Easement
GA	Georgia	SSMH	Sanitary Sewer Manhole
GM	Gas Meter	TRAN	Transformer
GW	Guy Wire	VCP	Vitrified Clay Pipe
HDR	Hand Rail	W.D.F.	Wood Fence
H.W.	Hard Wood	WM	Water Meter
HW	Headwall	WV	Water Valve
ICV	Irrigation Control Valve		

LINETYPES

PROPERTY
- Adjacent Property
- Property Line
- Center of Creek

FENCE LINES
- Barb Wire Fence
- Chain link fence
- Wood Fence
- Woven Wire Fence

SITE / TOPOGRAPHIC FEATURES
- Guardrail

EXISTING OVERHEAD
- OW — Overhead Wires

EXISTING UNDERGROUND
- C — Cable
- E — Electric
- FO — Fiber Optic
- G — Gas
- T — Telecommunications
- W — Water
- TV — Television
- Storm Drainage Line
- S — Sanitary Sewer

STRUCTURE LEGEND

CABLE / TV
- Cable / TV Marker
- Cable / TV Pedestal
- Cable / TV Manhole
- Cable / TV Handhole
- Cable / TV Cable Box

ELECTRIC/POWER
- Transformer
- Guy Wire
- Electric Meter
- Power Pole/Utility Pole
- Street Light/Light Pole
- Electric Panel
- Electric Box
- Electric Manhole
- Electric Handhole
- Electric / Power Marker
- Spot Light

FIBER OPTIC
- Fiber Optic Marker
- Fiber Optic Manhole
- Fiber Optic Pedestal

GAS
- Gas Meter
- Gas Valve
- Gas Fill Cap
- Gas Manhole
- Gas Marker
- Gas Pressure Relief Valve
- Gas Vault
- Gas Vent Pipe
- Gas Something :)

PAVEMENT MARKING
- BUS Pavement Marking
- ONLY Pavement Marking
- SCHOOL Pavement Marking
- Turn Arrow Left/Right
- Turn Arrow Left
- Turn Arrow Right
- Traffic Arrow Straight
- Traffic Arrow Straight/Left
- Traffic Arrow Straight/Right
- Traffic Arrow U–Turn
- Handicap Pavement Marking
- Bike Lane Pavement Marking

PROPERTY MONUMENTS
- RMM Right–of–Way Monument Found
- CMF Concrete Monument Found
- IPS Iron Pin Set
- IPF Iron Pin Found (Rebar found)
- PKS PK Nail Set
- PKF PK Nail Found
- Point
- BM Benchmark

MISCELLANEOUS
- Land Lot Symbol

SEWER
- GT Grease Trap
- SMH Sanitary Sewer Manhole
- CO Cleanout
- Sanitary Sewer Vent Pipe
- Sanitary Sewer Marker
- Sanitary Sewer Force Main Valve
- Sanitary Sewer Lift Station

SITE / TOPOGRAPHIC FEATURES
- Street Sign
- AC Air Condition Unit
- BOL Bollard
- MB Mailbox
- Satellite Dish
- Flag Pole
- Monitoring Well
- Antenna
- Column
- CP Camera Pole / Camera
- Bore Hole Location
- Mile Post
- Rail Road Mile Post

STORM / DRAINAGE
- Storm Structure Lid
- DI Drop Inlet
- Catch Basin
- Single Wing Catch Basin
- Double Wing Catch Basin
- Weir Inlet
- Head Wall
- JB Junction Box
- CB Curb Inlet
- Flared–in Section
- DS Down Spout

TELEPHONE
- T Telephone Terminal Box
- Telephone Marker
- TH Telephone Handhole Box
- Telephone Manhole
- Telephone Cabinet

TRAFFIC
- Overhead Traffic Signal
- TH Traffic Handhole Box
- TH Telephone Handhole Box
- Traffic Signal Pole
- SLC Traffic Signal Loop Control Box

WATER
- Fire Hydrant
- Irrigation Control Valve
- Water Meter
- Water Valve
- Fire Department Connection
- Water Vault
- PRV Pressure Irrigation Valve
- Water Vent Pipe
- Water Valve Marker
- Water Marker
- Water Manhole
- ARV Water Air Release Valve
- BFP Water Back Flow Preventer
- Sprinkler Head
- Sprinkler Valve

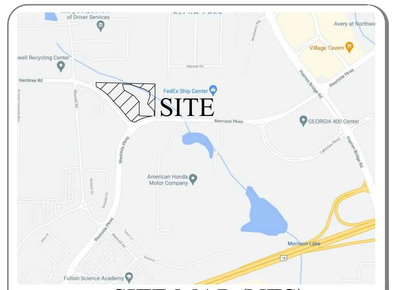
LEGAL DESCRIPTION

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.



SITE MAP (NTS)

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

811 Know what's below. Call before you dig.

SHEET 3 OF 3
DRAWN BY: MS
CHECKED BY: JNH / MCS
FIELD WORK: 5/20/2021
DATE: 05/20/2021
SCALE: 1" = 40'
DATE OF FIELD WORK: 5/19/21

0 20 40 80

BOUNDARY AND TOPOGRAPHIC SURVEY
FOR
EAH ACQUISITIONS, LP

CITY OF ALPHARETTA
FULTON COUNTY
GEORGIA

LAND LOT(S) 691
DISTRICT 12th

REVISIONS

REV	DATE	DESCRIPTION	BY
5			
4			
3			
2			
1			

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330 RESEARCH COURT PEACHTREE CORNERS, GEORGIA 30092
(770) 455-7214 WWW.PEC.US
C.O.A.-LSF000004

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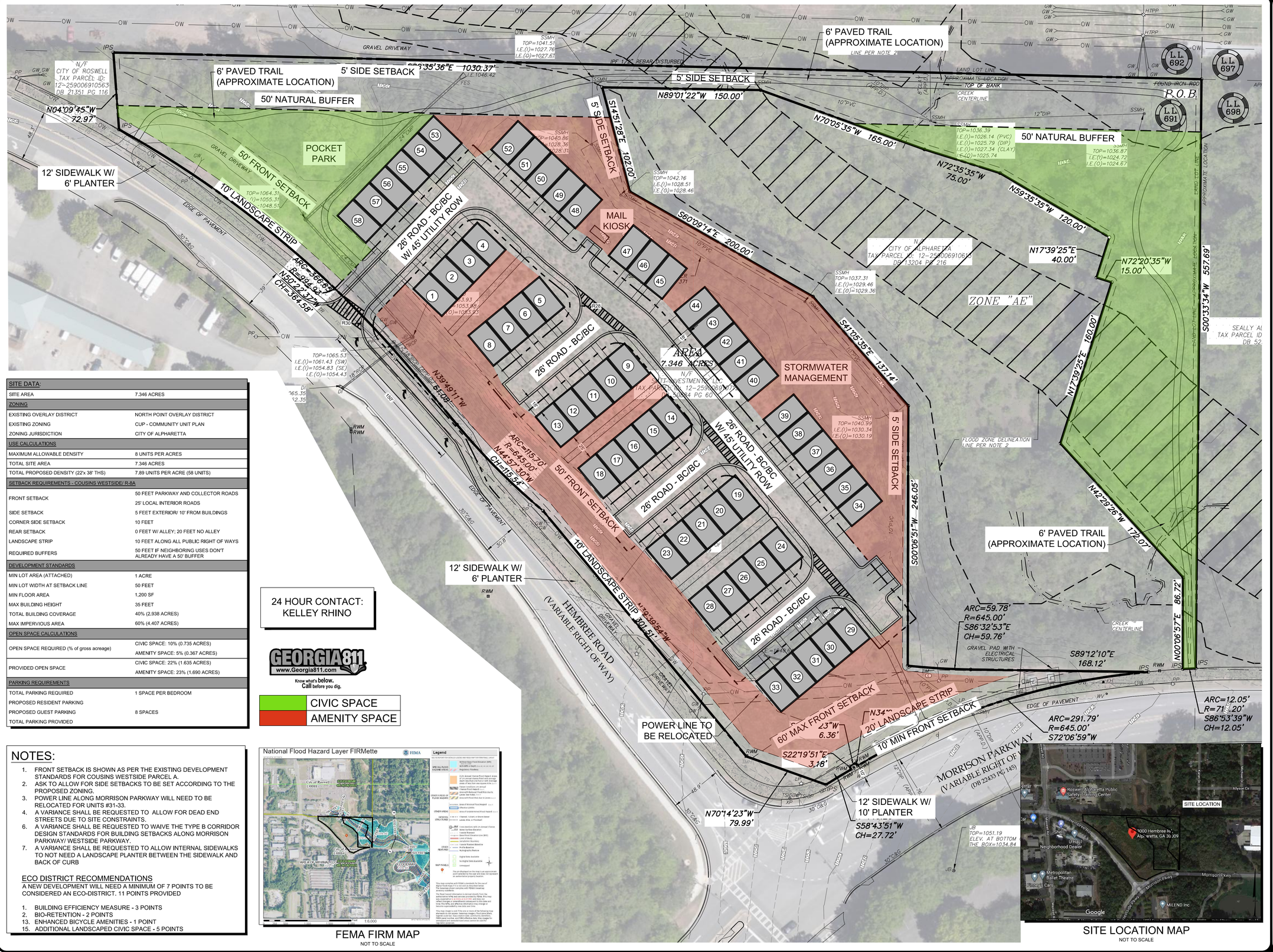

SITE DATA:	
SITE AREA	7.346 ACRES
ZONING	
EXISTING OVERLAY DISTRICT	NORTH POINT OVERLAY DISTRICT
EXISTING ZONING	CUP - COMMUNITY UNIT PLAN
ZONING JURISDICTION	CITY OF ALPHARETTA
USE CALCULATIONS	
MAXIMUM ALLOWABLE DENSITY	8 UNITS PER ACRES
TOTAL SITE AREA	7.346 ACRES
TOTAL PROPOSED DENSITY (22'x 38' THS)	7.89 UNITS PER ACRE (58 UNITS)
SETBACK REQUIREMENTS - COUSINS WESTSIDE/ R-8A	
FRONT SETBACK	50 FEET PARKWAY AND COLLECTOR ROADS 25' LOCAL INTERIOR ROADS
SIDE SETBACK	5 FEET EXTERIOR/ 10' FROM BUILDINGS
CORNER SIDE SETBACK	10 FEET
REAR SETBACK	0 FEET W/ ALLEY; 20 FEET NO ALLEY
LANDSCAPE STRIP	10 FEET ALONG ALL PUBLIC RIGHT OF WAYS
REQUIRED BUFFERS	50 FEET IF NEIGHBORING USES DON'T ALREADY HAVE A 50' BUFFER
DEVELOPMENT STANDARDS	
MIN LOT AREA (ATTACHED)	1 ACRE
MIN LOT WIDTH AT SETBACK LINE	50 FEET
MIN FLOOR AREA	1,200 SF
MAX BUILDING HEIGHT	35 FEET
TOTAL BUILDING COVERAGE	40% (2.938 ACRES)
MAX IMPERVIOUS AREA	60% (4.407 ACRES)
OPEN SPACE CALCULATIONS	
OPEN SPACE REQUIRED (% of gross acreage)	CIVIC SPACE: 10% (0.735 ACRES) AMENITY SPACE: 5% (0.367 ACRES)
PROVIDED OPEN SPACE	CIVIC SPACE: 22% (1.635 ACRES) AMENITY SPACE: 23% (1.690 ACRES)
PARKING REQUIREMENTS	
TOTAL PARKING REQUIRED	1 SPACE PER BEDROOM
PROPOSED RESIDENT PARKING	
PROPOSED GUEST PARKING	8 SPACES
TOTAL PARKING PROVIDED	

24 HOUR CONTACT:
KELLEY RHINO

GEORGIA811
www.Georgia811.com
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	CIVIC SPACE
	AMENITY SPACE

NOTES:

1. FRONT SETBACK IS SHOWN AS PER THE EXISTING DEVELOPMENT STANDARDS FOR COUSINS WESTSIDE PARCEL A.
2. ASK TO ALLOW FOR SIDE SETBACKS TO BE SET ACCORDING TO THE PROPOSED ZONING.
3. POWER LINE ALONG MORRISON PARKWAY WILL NEED TO BE RELOCATED FOR UNITS #31-33.
4. A VARIANCE SHALL BE REQUESTED TO ALLOW FOR DEAD END STREETS DUE TO SITE CONSTRAINTS.
6. A VARIANCE SHALL BE REQUESTED TO WAIVE THE TYPE B CORRIDOR DESIGN STANDARDS FOR BUILDING SETBACKS ALONG MORRISON PARKWAY/ WESTSIDE PARKWAY.
7. A VARIANCE SHALL BE REQUESTED TO ALLOW INTERNAL SIDEWALKS TO NOT NEED A LANDSCAPE PLANTER BETWEEN THE SIDEWALK AND BACK OF CURB

ECO DISTRICT RECOMMENDATIONS

A NEW DEVELOPMENT WILL NEED A MINIMUM OF 7 POINTS TO BE CONSIDERED AN ECO-DISTRICT. 11 POINTS PROVIDED

1. BUILDING EFFICIENCY MEASURE - 3 POINTS
2. BIO-RETENTION - 2 POINTS
13. ENHANCED BICYCLE AMENITIES - 1 POINT
15. ADDITIONAL LANDSCAPED CIVIC SPACE - 5 POINTS

FEMA FIRM MAP
NOT TO SCALE

SITE LOCATION MAP
NOT TO SCALE

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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

AT

3000 HEMBREE RE
ALPHARETTA, GA 30009

CITY OF ALPHARETTA JURISDICTION

FOR

EAH ACQUISITIONS, LP

MUNICIPALITY PROJECT #

REVISIONS

NO.	DATE	BY	DESCRIPTION

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

GEORGIA REGISTERED No. 34393 PROFESSIONAL ENGINEER KENNETH J WOOD

GSWCC LEVEL II DESIGN PROFESSIONAL CERTIFICATION # 0000059389 EXP. 10/28/2021

REZONING MASTER PLAN

0 20 40 80 120

SCALE: 1" = 40'
DATE: 08/28/2021
PROJECT: 21059.00

GRID NORTH
GEORGIA WEST ZONE

Z1
SHEET

J:\2021\21059.00\Docs\Concepts & Exhibits\Drawing\21059.00 - Site-Zone-1.dwg - LMcgs - 8/31/2021 11:04 AM



360 STUDIO

PEC+ Planners & Engineers Collaborative+

SAWGRASS

THE CITY OF ALPHARETTA, FULTON COUNTY

0′ 40′ 80′ 120′

SCALE: 1″ = 40′

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

CITY COUNCIL – FIRST READING: NOVEMBER 15, 2021

This item was considered at the 11/4/2021 Planning Commission meeting. There were no public comments. After discussion, Planning Commission recommended approval. Vote 6-0

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~~ owned or 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. 4-17. 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.

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.

AN ORDINANCE TO AMEND CHAPTER 4 OF THE CODE OF ORDINANCES OF THE CITY OF ALPHARETTA, GEORGIA; TO ADD A DEFINITION FOR 'CRAFT BEER'; TO ADD DISTANCE REQUIREMENTS FOR RETAIL PACKAGE STORE; TO AMEND CONDITIONS OF LICENSE ISSUANCE RELATED TO ANCILLARY WINE TASTING LICENSE; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

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

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

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

WHEREAS, the City Council desires to amend Chapter 4 of the Code of Ordinances for the foregoing purposes; and

WHEREAS, the City Council finds that the following amendments to the Code of Ordinances promote the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of the City of Alpharetta;

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

Section 1: Chapter 4, Section 4-1 titled "Definitions" of the Code of Ordinances is hereby amended by revising same as set forth in Exhibit "A" attached hereto as if fully set forth herein; and

Section 2: Chapter 4, Section 4-17 titled "Distance Requirements" of the Code of Ordinances is hereby amended by revising same as set forth in Exhibit "B" attached hereto as if fully set forth herein; and

Section 3: Chapter 4, Section 4-347 titled "Conditions of License Issuance" of the Code of Ordinances is hereby amended by revising same as set forth in Exhibit "C" attached hereto as if fully set forth herein; and

Section 4: If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

Section 5: This Ordinance shall be effective immediately upon its adoption by the City Council and the amendments made herein shall be incorporated into the Code of Ordinances of the City of

Alpharetta, Georgia, as applicable. This Ordinance hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED this the _____day of _____, 2021.

Approved:

_____
Jim Gilvin, Mayor

Attest:

_____
Lauren Shapiro, City Clerk
(Seal)

Approved as to Form:

_____
City Attorney

COUNCILMEMBERS

_____

_____

_____

_____

_____

_____

Exhibit “A”

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.

Exhibit “B”

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.

Exhibit “C”

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~~ owned or 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)

City Council Meeting
STAFF REPORT

Submitting Department: Public Works
Submitted By: Will Eberly
Sponsored By:
Meeting Date: November 15, 2021

I. AGENDA ITEM TITLE: RUCKER ROAD LANDSCAPE FINALIZATION - FY2022

II. RECOMMENDATION:

Please award Rucker Road Landscape Finalization to Soil Erosion & Education, LLC for an amount not to exceed $191,212.65 for the purchase, installation, and watering of additional landscape along Rucker Road, and authorize the Mayor to execute all necessary documents.

III. BUDGET IMPLICATIONS:

BUDGETED ITEM: YES
FISCAL IMPACT: NO
INCLUDED IN CURRENT FY CPTL BUDGET: YES
INCLUDED IN CURRENT FY OPRT. BUDGET: NO
TOTAL PROJECT COST: $191,212.65
APPROPRIATIONS:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT
Rucker Rd Corridor Impact Fee Fund / 27041100-541410-C1410	$191,212.65

EXTERNAL FUNDING SOURCES:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT
0	$0.00

IV. REPORT IN BRIEF:

Soil Erosion & Education, LLC (SEEd) acted as the landscape contractor to CW Matthews for the Rucker Road improvements, performing work on the project across two planting seasons. The City had hoped for additional landscape work to be completed during this period. However, the work could not be finished within the confines of the two planting seasons due to above average rainfall combined with material and labor shortages associated with the pandemic.

CW Matthews' work at Rucker Road is complete. Due to the extensive scope and history of the landscape work performed by SEEd to date, Public Works does not deem another landscape contractor as qualified to perform the outstanding work in a manner consistent with the existing quality, character, and workmanship. Therefore, the City has approved a Single Source Designation to contract directly with SEEd in order to finish the remaining landscape work. This eliminates the need for a contract extension with CW Matthews and also reduces cost by eliminating their mark-up on the remaining work.

The remaining work includes but is not limited to:
- Restoration of landscape impacted along the frontage area of Hickory Ridge subdivision.
- Installation of 27 trees/evergreens, 350 shrubs, and 3,800 groundcovers throughout various sections of the improved roadway where bed areas were added for the 2021 tree additions.
- Watering and Warranty per City specifications.
- Converting approximately 6,000 SF of undersized turf area to planting beds in order to reduce maintenance cost.

V. ALTERNATIVES:

VI. ATTACHMENTS:

Hickory Ridge Subdivision 10112021, City of Alpharetta Generic Plant Pricing 10132021

Soil Erosion and Education, LLC

LINE #	ITEM DESCRIPTION	UNIT	Bid Qty	BID PRICE	COST
	Mary Nell Holly - 7' HT	EA	10.00	$929.50	$9,295.00
	Abelia Kaleidoscope 3 Gallon	EA	47.00	$84.70	$3,980.90
	Yuletide Camelia Sasanqua	EA	13.00	$731.50	$9,509.50
	Yellow Ribbon Arborvitae Eastern - 5' HT	EA	12.00	$497.95	$5,975.40
	Limelight Hydrangea Panicle - 3 Gallon	EA	5.00	$100.48	$502.40
	Blue Star Juniper - 3 Gallon	EA	15.00	$121.95	$1,829.25
	Glauca Globosa Spruce Colorado - 24" HT	EA	2.00	$671.40	$1,342.80
	Carolina Sapphire Cypress	EA	6.00	$869.50	$5,217.00
	Variegated Yucca	EA	3.00	$97.75	$293.25
	Dwarf English Laurel - 3' B&B	EA	8.00	$242.80	$1,942.40
	Misc Construction Costs - Roundup, sod removal, etc	LS	1.00	$5,775.00	$5,775.00
City of Alpharetta Hickory Ridge Subdivision 10/11/2021					**$45,662.90**

Mike Gibson
770-294-9602
Soil Erosion and Education, LLC

Soil Erosion and Education, LLC

LINE #	ITEM DESCRIPTION	UNIT	Bid Qty	BID PRICE	COST
12	4" Caliper Morris Debonair Pond Cypress or Parrotia	EA	1.00	$2,108.50	$2,108.50
15	8' Emerald Green Aborvitae	EA	1.00	$752.35	$752.35
50	7 Gal Ruby Loropetalum or Formosa Azalea	EA	1.00	$148.55	$148.55
300	3 Gal Crimson Fire Loropetalum - Kaleidoscope Abelia	EA	1.00	$99.75	$99.75
200	1 Gal St Johnswort or Creeping Pholx	EA	1.00	$39.65	$39.65
200	1 Flat (18 ea) 4" pot Creeping Liriope or Creeping Jenny	EA	1.00	$123.75	$123.75
60	Spray out Bermuda sod and mulch 3" depth dark brown	SF	100.00	$1.25	$125.00

City of Alpharetta Generic Plant Pricing

All plant installation to follow City of Alpharetta guidelines and includes watering.
Pricing does not include maintenance.
Pricing includes 1 year warranty on all shrubs and ground cover and 2 year warranty on trees.

Mike Gibson
770-294-9602
Soil Erosion and Education, LLC

Total for above quantities = $145,549.75

City Council Meeting
STAFF REPORT

Submitting Department: Public Works
Submitted By: Arash Moradkhani
Sponsored By:
Meeting Date: November 15, 2021

I. AGENDA ITEM TITLE: TRAFFIC SIGNAL OPERATIONS PROGRAM COORDINATION WITH GDOT

II. RECOMMENDATION:

Please approve the SigOps signal maintenance and data agreements for the Georgia Department of Transportation and their consultants to work collaboratively with the City of Alpharetta to maintain operations of various traffic signals throughout the City, and authorize the Mayor to execute all necessary documents.

III. REPORT IN BRIEF:

For traffic signals operation and maintenance, the City signed an agreement with the Georgia Department of Transportation (GDOT) on 01/27/2016; and a separate agreement to use traffic data for traffic analysis purposes on 6/28/2018. GDOT is initiating a new program called SigOps that is similar to the previous program, RTOP (Regional Traffic Operations Program). Through the SigOps program, signal timing and maintenance support will be provided by GDOT at no cost to the City. In order for the City to continue receiving this support, new contracts need to be executed.

IV. ALTERNATIVES:

V. ATTACHMENTS:

New Signal Maintenance Agreement, New Data Agreement, Signed Signal Maintenance Agreement_Jan 27 2016, Signed Data Agreement_June 28 2018

Intergovernmental Agreement
BETWEEN
THE GEORGIA DEPARTMENT OF TRANSPORTATION
AND
City of Alpharetta
FOR
TRAFFIC SIGNAL OPERATIONS PROGRAM (SigOps) COORDINATION

THIS AGREEMENT ("Agreement") is made and entered into this ____ day of _____, 20__, ("Effective Date") by and between the Georgia Department of Transportation (hereinafter "GDOT" or "DEPARTMENT") an agency of the State of Georgia, and _____ _____ LOCAL GOVERNMENT(hereinafter the "LOCAL GOVERNMENT")(hereinafter sometimes individually referred to as "PARTY", or collectively referred to as the "PARTIES").

WHEREAS, the State of Georgia can benefit substantially through improved traffic signal operations; and

WHEREAS, cooperation and coordination across jurisdictional boundaries can improve efficiencies in traffic flow; and

WHEREAS, the DEPARTMENT has created a Statewide Traffic Signal Operations Program, SigOps, (hereinafter the "PROGRAM") to actively manage and monitor traffic signals across jurisdictional boundaries within the State of Georgia through the use of applications, software, telecommunications, and other advanced technologies commonly known as intelligent transportation systems ("ITS"); and

WHEREAS, the PROGRAM will include management and monitoring of traffic signals that the LOCAL GOVERNMENT is responsible for operating and maintaining; and

WHEREAS, the PROGRAM's vision statement is to provide consistent, safe, reliable, and secure travel through improved traffic signal operations ("VISION STATEMENT").

NOW THEREFORE, the DEPARTMENT and the LOCAL GOVERNMENT, governmental entities of the State of Georgia, pursuant to Article IX, Section III, Paragraph I (a) of the Constitution of the State of Georgia of 1983, are authorized to enter into this intergovernmental agreement, and in consideration of mutual promises made and of the benefits to flow from one to the other, the DEPARTMENT and the LOCAL GOVERNMENT hereby agree as follows:

I. RESPONSIBILITIES

a. The LOCAL GOVERNMENT shall cooperate with the DEPARTMENT and the DEPARTMENT shall cooperate with the LOCAL GOVERNMENT to share access to data gained from traffic signals through ITS.

b. The DEPARTMENT will maintain and update traffic signal timing in a manner consistent with the VISION STATEMENT of the PROGRAM. The DEPARTMENT will coordinate with the LOCAL GOVERNMENT prior to making adjustments that will substantially impact the normal operation of traffic signals.

c. The LOCAL GOVERNMENT will remain responsible for maintenance, repair, and upgrades for the traffic signals and will retain responsibility for any and all emergency maintenance. The DEPARTMENT may assist with the maintenance, repair, and upgrades of traffic signals and other activities needed to improve and optimize traffic signal operations and performance upon LOCAL GOVERNMENT request.

d. The DEPARTMENT may assist the LOCAL GOVERNMENT with remote monitoring, notification, and remediation of traffic signal and ITS malfunctions within the LOCAL GOVERNMENT's jurisdiction.

e. During special events and/or occurrences, including planned events, unplanned events, severe weather, and emergency events, the DEPARTMENT will coordinate with the LOCAL GOVERNMENT to gain temporary access to additional traffic signals and ITS in order to provide active traffic management.

f. Nothing contained in this Agreement shall be deemed to alter the responsibility of the LOCAL GOVERNMENT for responding and making adjustments to traffic signals to protect the safety of the traveling public. The LOCAL GOVERNMENT shall report all adjustments to the DEPARTMENT within five (5) calendar days of the adjustment.

g. The COUNTY shall provide feedback about the traffic signals and traffic operations, including citizen complaints, to the DEPARTMENT.

h. The DEPARTMENT will fund 100% of the cost for the PROGRAM.

i. The PARTIES shall cooperate to determine the extent of PROGRAM involvement in the LOCAL GOVERNMENT's operation and maintenance of traffic signals in its jurisdiction to be covered in this Agreement. As the PROGRAM develops, the PARTIES may modify the PROGRAM's level of involvement in local traffic signal operations and maintenance under this Agreement.

II. DURATION

This Agreement shall become effective upon its execution by the PARTIES and shall continue for ten (10) years from the Effective Date, unless otherwise extended by mutual consent of the PARTIES in writing or terminated earlier pursuant to Section III of this Agreement.

III. TERMINATION

a. Termination for Convenience: Either PARTY may terminate this Agreement for any reason upon providing sixty (60) days' advanced written notice to the other PARTY.

b. Immediate Termination: This Agreement will terminate immediately and absolutely if the DEPARTMENT determines that adequate funds are no longer available for GDOT to satisfy its obligations.

c. Termination for Breach: Should either PARTY fail to comply with any of its responsibilities contained in this Agreement, then other PARTY shall provide written notice to that PARTY requesting that the breach or noncompliance be remedied within fourteen (14) days of receipt written notice. If the breach or noncompliance is not remedied within the 14-day cure period, the PARTY shall have the option to immediately terminate this Agreement without additional written notice.

IV. AMENDMENTS

Any and all modifications to this Agreement shall be by mutual consent in writing by the PARTIES. The Parties shall execute extension(s) of time or changes to scope in writing with the same formality as the execution of the original Agreement.

V. NOTICES

Any notices, requests, demands and other communications which may be required hereunder shall be in writing and shall either be mailed or transmitted by either first class United States certified mail, return receipt requested; delivery by carrier or personally delivered to the appropriate Party; or facsimile transmission:

Georgia Department of Transportation
935 United Avenue
Atlanta, GA 30316
Attn: State Traffic Engineer
Phone: 404-635-2800
Email:

City of Alpharetta – Public Works
1790 Hembree Road
Attn: Pete Sewczwicz
Phone: 678-297-6219
Email: psewczwicz@alpharetta.ga.us

VI. GENERAL PROVISIONS

a. **ASSIGNMENT.** The PARTIES hereto will not transfer or assign all or any of their rights, titles or interests hereunder or delegate any of their duties or obligations hereunder without the prior written consent of the other PARTY, which consent will not be unreasonably withheld.

b. **NON-WAIVER.** No failure of either PARTY to exercise any right or power given to such party under this Agreement, or to insist upon strict compliance by the other PARTY with the provisions of this Agreement, and no custom or practice of either party at variance with the terms and conditions of this Agreement, will constitute a waiver of either PARTY's right to demand exact and strict compliance by the other PARTY with the terms and conditions of this Agreement.

c. **NO THIRD PARTY BENEFICIARIES**. Nothing contained herein shall be construed as conferring upon or giving to any person, other than the PARTIES hereto, any rights or benefits under or by reason of this Agreement.

d. **SOVEREIGN IMMUNITY.** Notwithstanding any other provision of this Agreement to the contrary, no term or condition of this Agreement shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protection, or other provisions under the Georgia Constitution or the United States Constitution.

e. **CONTINUITY.** Each of the provisions of this Agreement will be binding upon and inure to the benefit and detriment of the PARTIES and the successors and assigns of the PARTIES.

f. **TIME OF THE ESSENCE.** All time limits stated herein are of the essence of this Agreement.

g. **WHEREAS CLAUSE.** The Whereas Clauses herein are a part of this Agreement and are incorporated herein by reference.

h. **SEVERABILITY.** If any one or more of the provisions contained herein are for any reason held by any court of competent jurisdiction to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability will not affect any other provision hereof, and this Agreement will be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

i. **CAPTIONS.** The brief headings or titles preceding each provision hereof are for purposes of identification and convenience only and should be completely disregarded in construing this Agreement.

j. **GOVERNING LAW**. This Agreement will be governed, construed under, performed, and enforced in accordance with the laws of the State of Georgia.

k. **RISK ALLOCATON**. Each Party shall conduct its own functions under this Agreement in accordance with state law at its sole cost, risk and responsibility.

l. **INTERPRETATION**. Should any provision of this Agreement require judicial interpretation, it is agreed that the court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against one

PARTY by reason of the rule of construction that a document is to be construed more strictly against the PARTY who itself or through its agent prepared the same, it being agreed that the agents of all PARTIES have participated in the preparation hereof.

m. **EXECUTION IN COUNTERPARTS**. This Agreement may be executed in any number of counterparts with the same effect as if all Parties had all signed the same document. All counterparts will be construed together and will constitute one Agreement.

n. **AUTHORITY/SIGNATURE.** The individuals executing this Agreement on behalf of each PARTY represents that they are authorized to execute this Agreement on behalf of their respective entities, and to bind such PARTY to the terms and conditions of this Agreement.

o. Pursuant to O.C.G.A. Sec. 50-5-85, COUNTY hereby certifies that it is not currently engaged in, and agrees that for the duration of this contract, it will not engage in a boycott of Israel.

p. **ENTIRE AGREEMENT.** This Agreement supersedes all prior negotiations, discussion, statements and agreements between the PARTIES and constitutes the full, complete and entire agreement between the PARTIES with respect hereto; no member, officer, employee or agent of either PARTY has authority to make, or has made, any statement, agreement, representation or contemporaneous agreement, oral or written, in connection herewith, amending, supplementing, modifying, adding to, deleting from, or changing the terms and conditions of this Agreement. No modification of or amendment to this Agreement will be binding on either PARTY hereto unless such modification or amendment will be properly authorized, in writing, properly signed by both PARTIES.

The remainder of this page intentionally left blank.

Signatures are on the following page.

IN WITNESS WHEREOF, the DEPARTMENT and the LOCAL GOVERNMENT have caused these presents to be signed, sealed and delivered all as of the date hereof.

Georgia Department of Transportation

_____

Commissioner

ATTEST:

_____

Signed, Sealed & Delivered
This ____Day of _____, 20___.
in the presence of:

_____

NOTARY PUBLIC

City of Alpharetta

_____

_____

Witness

Signed, Sealed & Delivered
This ____Day of _____, 20___.
in the presence of:

_____

NOTARY PUBLIC

I-95 Corridor Coalition Traffic Flow Data Program
R009
Agreement for Use of Data

1.0 This Agreement for Use of Data ("Agreement" or "Data Use Agreement") is entered into, by and among INRIX, Inc., a corporation organized under the laws of the State of Delaware and having a primary business address set forth in Section 8 below, HERE North America, a limited liability company organized under the laws of the State of Delaware and having a primary business address set forth in Section 8 below, and TomTom North America, Inc., a corporation organized under the laws of the State of California and having a primary business address set forth in Section 8 below (collectively referred to hereinafter as the "Data Vendors") and

_____

_____

(hereinafter "Data Licensee"), having an address as set forth on the signature page below. Data Vendors and Data Licensee together are hereinafter referred to as the "Parties".

2.0 Background: I-95 Corridor Coalition (hereinafter "Coalition"), an unincorporated coalition of members and affiliate members (collectively referred to herein after as "Coalition Members" or "Coalition Member" in singular), has authorized the University of Maryland (hereinafter "UMD"), an agency and instrumentality of the State of Maryland, to act on behalf of the Coalition to enable the Coalition to continue to serve as a valuable knowledgeable collaborative resource throughout the I-95 Corridor. Acting on behalf of the Coalition, UMD has executed agreements with the Data Vendors under which they have agreed to license real-time traffic data, including travel time, speed, complimentary metrics and associated products provided pursuant to task orders (hereinafter referred to as "Licensed Data") to Coalition Members and their subcontractors under the following agreements: UMD and INRIX have executed contract # 83794N-1-INRIX ; UMD and HERE North America have executed contract # 83794N-2-HERE ; and UMD and TomTom North America have executed contract # 83794N-3-TomTom (collectively hereinafter referred to as the "Contracts").

This Agreement, to be executed by all Data Vendors and Data Licensees, sets forth the terms and conditions under which Coalition Members and their subcontractors may access and use any Licensed Data purchased through the Contracts, irrespective of geography or time; for appropriate use of and liability for misuse of Licensed Data; and warranties regarding Licensed Data.

For the avoidance of doubt, Data Licensee acknowledges that Data Vendors' obligation to deliver the Licensed Data to Data Licensee is limited to the duration and the terms of active task orders under the applicable Contracts. The foregoing shall be without prejudice to Data Licensee's right to use the Licensed Data that it has received as set forth in clause 4.0 below.

3.0 Certification: Data Licensee certifies that it is a member or affiliate member of the Coalition in good standing or an entity under contract to a Data Licensee (that may include universities) that directly supports a Coalition Member in good standing via a written agreement (hereinafter

referred to as 'Subcontractor'), and requires and is authorized to access/use the Licensed Data procured under the Contracts.

If Data Licensee is a Subcontractor, it shall complete Attachment A to this Agreement, which shall be incorporated as part of this Agreement. Coalition Members shall notify all Data Vendors and UMD upon the termination of its written agreement with any Subcontractor.

Data Vendors agree that Data Licensee is entitled to access and use Licensed Data under the terms of this Data Use Agreement. Notwithstanding whether Data Licensee elects to purchase or not purchase Licensed Data for its particular jurisdiction, Data Vendors agree that Data Licensee is entitled to access and use, at no cost, Licensed Data purchased by any Coalition Member, subject to the terms of this Data Use Agreement.

4.0 Grant of License: Data Vendors hereby grant Data Licensee a nonexclusive, fully paid up right and license to reproduce, use, distribute, make derivative works based on, and archive Licensed Data consistent with Data Licensee's traffic management, operations and planning responsibilities. Data Licensee is entitled to receive all Licensed Data purchased by any Coalition Member regardless of geographical or political boundaries of Data Licensee's respective jurisdiction.

5.0 Rights and Limitations of License: The license granted under this Agreement is subject to the following restrictions:

(a) Data Licensee shall not have the right to sell or otherwise transfer or disclose Licensed Data either to public or private entities that are not licensed to receive such data without prior written authorization from Data Vendors unless Data Licensee is required by applicable laws or regulations or pursuant to an order of a court of competent jurisdiction or a valid administrative or congressional subpoena to disclose Licensed Data. In that event, Data Licensee shall provide the affected Data Vendors prompt notice of the demand, unless prohibited by law, so they may take appropriate action to prevent disclosure, if they wish. Data Licensee shall provide a copy of any such notice to UMD. Nothing herein shall be deemed to authorize Data Licensee not to comply with any lawful order pending action by Data Vendors.

(b) Data Licensee shall limit access to Licensed Data to those of its employees and subcontractors who have a need to access and use Licensed Data in order to fulfill their contractual duties and shall require all such persons authorized to access and use Licensed Data to agree to abide by the terms of this Data Use Agreement. Any Data Licensee that desires access to Licensed Data for purposes not authorized by this Agreement must negotiate directly with Data Vendors to acquire such additional access and rights.

(c) Data Licensee may disseminate real-time traffic data delivered by Data Vendors to the public, subject to the following restrictions:

i. Licensed Data may only be disseminated to the public using dynamic message signs (also known as variable message signs), portable message signs, highway advisory

radio, 511 information systems, and Coalition Members' supported websites, web services, social media, and smart phone applications; and

ii. Licensed Data disseminated to the public shall be restricted solely to travel times and speeds only that is disseminated via dynamic message signs (also known as variable message signs), portable message signs, highway advisory radio, telephone-based 511 information systems; and

iii. This Agreement does not place any restrictions on dissemination of data to the public through Coalition Members' supported websites, web services, social media, and smart phone applications, including web-based 511 information systems.

(d) The license granted by Data Vendors to Data Licensee authorizes Data Licensee to create visualizations and summary statistics of the archived traffic data (i.e., maps, graphs, charts, tables, etc.) for presentation and distribution to the general public ("Derivative Works"). Data Licensee shall own all copyrights in all such Derivative Works to the extent those works are protected by copyright.

(e) Nothing in this Agreement shall preclude Data Licensee from distributing, displaying or otherwise presenting any traffic data or derivative works deemed essential to the safety of the traveling public.

6.0 Right to Acquire Non-Licensed Data: Nothing in this Agreement shall prohibit Data Licensee from acquiring, displaying or otherwise presenting or sharing information that Data Licensee has obtained from sources other than Data Vendors.

7.0 Prevention of Unauthorized Use: Data Licensee will cooperate with Data Vendors to protect the commercial value of Licensed Data by taking such measures as:

(a) retaining all proprietary or restricted use notices included on Licensed Data as received; and

(b) not obstructing or modifying proprietary or restricted use notices included on Licensed Data as received; and

(c) ensuring that all copies of Licensed Data include all proprietary or restricted use notices included on Licensed Data as received . To the extent Data Vendors do not include any proprietary or restricted use notices on Licensed Data as delivered to Data Licensee, Data Licensee shall insert, at a minimum, the following notice on any copies of Licensed Data that Data Licensee makes: "PROPRIETARY INFORMATION OF DATA VENDOR. USE BY ENTITIES OTHER THAN AUTHORIZED, LICENSED USERS PROHIBITED"; and

(d) storing and disseminating Licensed Data using methods, communication mediums and technologies that provide reasonable protections against their unlawful copying and unauthorized access and use.

8.0 Notice of Unauthorized Use: In the event Data Licensee becomes aware of an inappropriate use or unauthorized disclosure of Licensed Data, Data Licensee shall provide immediate verbal

notice as soon as practicable and subsequent written notice within 24 hours of its verbal notice to UMD and to the Data Vendor(s) whose data are the subject of inappropriate use or unauthorized disclosure as follows:

University of Maryland Program Managers
Dr. Stanley Young 301-405-3096, seyoung@umd.edu,
Kathleen Frankle (or designee) 410-414-2925 kfrankle@umd.edu
Department of Civil and Environmental Engineering
University of Maryland
2200 Technology Ventures Building
College Park, Maryland 20742-3021

INRIX Inc.
Mr. Rick Schuman- Program Manager
407-298-4346 Rick@inrix.com
10210 NE Points Dr., Suite 300
Kirkland, WA 98033

HERE North America LLC
Mr. Keith Hangland, Account Representative
408-789-8264 keith.hangland@here.com
425 West Randolph Street
Chicago, IL 60606

TomTom North America, Inc.
Attn: Legal Department
11 Lafayette Street
Lebanon, NH 03766-1445 USA
Telephone: (800) 331-7881
Facsimile: (603) 653-0249
Email: aeglegal@tomtom.com

Subject to the above paragraph, all notices and approvals required to be made under this Agreement shall be made in writing and delivered (i) in person; (ii) by facsimile, with confirmation of transmission, (iii) by electronic mail (email) with return confirmation of delivery, or (iv) by first class mail, postage prepaid and addressed to the contact for each party specified above or such other person and address as each party may hereafter designate in writing. Notice shall be deemed effective upon receipt.

9.0 Indemnification: Data Vendors hereby indemnify and agree to hold harmless UMD, Data Licensees and their respective officers, employees and agents from and against any and all claims, actions, costs, judgments or damages of any type arising out of an allegation that Licensed Data infringes the intellectual property or proprietary rights of any third party or a breach of the representations and warranties of Data Vendors.

(a) Upon becoming aware of an allegation of infringement or a breach of a Data Vendor's representations and warranties, Data Licensee shall promptly notify the affected Data Vendor(s) and UMD.

(b) Data Vendors' duty to indemnify is conditioned upon (i) Data Vendors having sole control of the defense and settlement of the claim (provided that Data Vendors may not settle or compromise or defend any claim unless they unconditionally release all other parties from all liability, and further provided that Data Vendors must obtain prior approval of any such settlement or compromise from counsel for UMD and the Data Licensee which shall not be unreasonably withheld or delayed); (ii) Data Licensee provides, at Data Vendors' expense, information and reasonable assistance upon Data Vendors' request; and (iii) Data Licensee has not already compromised or settled the claim.

10.0 Liability: Under no circumstance will Data Licensee be responsible for another Data Licensee's breach of its duties under this Data Use Agreement. Each Data Licensee shall be liable for its

own violations of this Agreement.. IN NO EVENT WILL ANY PARTY OR ITS OFFICERS, AGENTS, OR EMPLOYEES BE LIABLE TO THE OTHER PARTIES FOR ANY INCIDENTAL, SPECIAL, INDIRECT, EXEMPLARY OR CONSEQUENTIAL DAMAGES OF ANY KIND, INCLUDING BUSINESS EXPENSE, MACHINE DOWN TIME, LOSS OF PROFITS, OR DAMAGE OR INJURY TO PROPERTY FOR ANY CLAIMS, DEMANDS OR DAMAGES ARISING OUT OF OR RELATED TO THE PERFORMANCE OR ITS OBLIGATIONS UNDER THIS AGREEMENT OR THE USE OF LICENSED DATA BY ANYONE EVEN IF THE PARTY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.

11.0 Term and Termination

(a) This Agreement will commence with respect to an individual Data Licensee as of the last date of execution by each Data Vendor, the Data Licensee, and the UMD representative affirming the good standing of the Data Licensee.

(b) This Agreement will terminate upon the occurrence of any of the following:
(i) One or more Data Vendors or UMD gives written notice to Data Licensee of its breach of one or more obligations under this Agreement and Data Licensee's failure to cure its breach within thirty (30) days of receipt of notice of breach; or
(ii) UMD notifies Data Vendors and Data Licensee that Data Licensee is not a member or affiliate member in good standing of the I-95 Corridor Coalition and Data Licensee fails to restore its good standing within thirty (30) days of receipt of notice; or
(iii) A Coalition Member or its Subcontractor gives written notice to the Data Vendors and UMD that Subcontractor no longer has a need to access/use Licensed Data in which case this Agreement will terminate only with respect to the Subcontractor; or
(iv) Data Licensee gives written notice to Data Vendors and UMD that it wishes to terminate this Agreement.

Notices shall be provided to the addresses listed in Section 8.0 above.

Except for the reasons stated above, this Agreement will remain in effect and will not terminate.

(c) Termination under section 11.0(b) (i) and (ii) will become effective upon expiration of the 30-day period if the breach has not been cured. Termination under Section 11.0(b) (iii) and (iv) will become effective immediately upon receipt of notice.

(d) In the event of termination of this Agreement:
(i) Data Vendor will cease to provide Licensed Data to Data Licensee; and
(ii) Data Licensee will no longer be able to access Licensed Data maintained in archives and analysis tools at UMD; and
(iii)Data Licensee must destroy any and all Licensed Data in its possession and certify their destruction to UMD within thirty (30) days of the effective date of termination

12.0 Representations and Warranties

(a) Data Vendors represent and warrant that all Licensed Data shall be original and unencumbered.

(b) Data Vendors represent and warrant that they either own the Licensed Data or are authorized by the owner(s) of Licensed Data to grant licenses to Data Licensees under this Agreement or that Licensed Data are in the public domain.

13.0 General

(a) The validity, interpretation and effect of this Agreement shall be governed by the laws of the state where Data Licensee is located without regard to its conflicts of laws rules when Data Licensee is an agency or instrumentality of state government.

(b) No Party may assign its rights or obligations under this Agreement, except with the prior written approval of the other Parties. Such approval will not be unreasonably withheld.

(c) This Agreement may be modified only by written agreement of authorized representatives of all Parties.

(d) This Agreement supersedes any previously executed agreement between Data Licensee and Data Vendor/s with respect to Licensed Data.

(e) Nothing herein shall be construed to create a partnership, joint venture, or teaming agreement between or among the Parties and nothing herein shall be construed to imply that any Party's employees are employees of another Party.

(f) The Parties shall use their best efforts to resolve any disagreement that arises out of this Agreement amicably.

(g) No provision of this Agreement shall be waived unless in writing and signed by all Parties to this Agreement. The waiver of any provision of this Agreement shall not be deemed to be a continuing waiver or the waiver of any other provision of this Agreement.

(h) If any one or more of the provisions contained in this Agreement is held to be invalid, illegal, or unenforceable in any respect for any reason, then such invalidity, illegality, or unenforceability shall not affect any other provision hereof or any other application of the affected provision.

(i) This Agreement, together with Attachment A (if applicable), embodies the entire understanding between and among the Parties. There are no contracts, understandings, conditions, warranties or representations, oral or written, express or implied, with reference to the subject matter hereof which are not merged herein.

(j) This Agreement may be executed in counterparts, all of which when taken together

will be deemed one original. The Parties agree to accept digital delivery of this executed Agreement.

Signature page follows

By signing below, the Parties certify that they agree to the above terms and are duly authorized to bind their respective entities.

_____

_____

Data Licensee (agency, affiliate, subcontractor)

_____

By: _____ Date_____
Name:

_____
Title

_____
Address

_____
Name and Title of Primary Contact:

_____
Telephone/Facsimile/E-mail

INRIX, Inc.

DocuSigned by:
By: Tracy O'Dell Date 18 November 2014
47C01DE5D045418...
Name:

General Counsel
Title

HERE North America, LLC

By: _____ Date 11/20/14
Name: Lori Bellows
Director

Title

TomTom North America, Inc.

By: _____ Date 21 November 2014
Name: Eszter Pattantyus
SVP, Maps
Title

UNIVERSITY OF MARYLAND CERTIFICATION

University of Maryland hereby certifies that as of the date below, Data Licensee is a Coalition Member or affiliate in good standing, or a Subcontractor of a Coalition Member or affiliate in good standing.

By: _____ Date_____
Denise Markow
VPP Program Manager
I-95 Corridor Coalition

Intergovernmental Agreement
BETWEEN
THE GEORGIA DEPARTMENT OF TRANSPORTATION
AND
THE CITY OF ALPHARETTA

THIS AGREEMENT is made and entered into effective the 27th day of JANUARY, 2016 by and between the Georgia Department of Transportation (hereinafter "GDOT or DEPARTMENT") an agency of the State of Georgia, and the City of Alpharetta (hereinafter the "CITY").

WHEREAS, the Atlanta Region can benefit substantially through improved traffic signal operations; and

WHEREAS, cooperation and coordination across jurisdictional boundaries has historically been problematic and created inefficiencies in traffic flow; and

WHEREAS, the DEPARTMENT is creating a Regional Traffic Operations Program hereinafter called the "PROGRAM" to actively manage traffic signals along regionally significant corridors, across jurisdictional boundaries, within the Metropolitan Atlanta Region; and

WHEREAS, the PROGRAM will include traffic signals along SR 9 (Alpharetta Hwy/Main St) and SR 120 (Old Milton Pkwy) that the CITY is responsible for operating and maintaining; and

WHEREAS, the PROGRAM's mission statement is "To increase travel throughput by minimizing congestion and reducing delays along regional commuter corridors through improved traffic signal operation"; and

WHEREAS, the Constitution of the State of Georgia authorizes intergovernmental agreements whereby state departments may contract with one another for "joint services, for the provision of services, or for the joint or separate use of facilities or equipments; but such contracts must deal with activities, services or facilities which the parties are authorized by law to undertake or provide." Ga. Const. Art. IX, Sec. III, paragraph I (a).

NOW THEREFORE, for and in consideration of the mutual promises, the public purposes and the acknowledgements and agreements contained herein, it is HEREBY AGREED;

For corridors included in the PROGRAM:

A. The CITY shall cooperate with the DEPARTMENT and the DEPARTMENT shall cooperate with the CITY to share access to traffic signal communications and surveillance systems.

B. The DEPARTMENT will maintain and update traffic signal timing in a manner consistent with the mission statement for the PROGRAM. The DEPARTMENT will provide reasonable notification to the CITY prior to making adjustment that will substantially impact the operation of the corridor.

C. The DEPARTMENT will strive to keep the traffic signals operating at optimum performance and will be responsible for the maintenance and repair of vehicle detectors, pedestrian detectors, communications, and surveillance. The CITY will remain the maintaining agency for the traffic signals and will retain responsibility for all components not specifically listed in this section. The DEPARTMENT will cooperate with the CITY and may participate in other activities needed to improve the operations along the corridor.

D. The DEPARTMENT will actively manage the corridors during the peak commuting hours, including responding to planned and unplanned events.

E. The CITY shall provide feedback about the operations along the corridors, including citizen complaints, to the DEPARTMENT to be addressed under the PROGRAM.

F. The DEPARTMENT will fund 100% of cost for the PROGRAM.

Nothing contained in this AGREEMENT shall restrict the CITY from responding and making emergency adjustments to traffic signals to protect the safety of the traveling public. The CITY shall report all adjustments to the DEPARTMENT within a reasonable timeframe, not to exceed 5 days.

The DEPARTMENT may modify the PROGRAM including adding or removing corridors as the PROGRAM develops.

This AGREEMENT shall be in effect until 11:59 PM on June 30, 2016 and shall renew automatically from year to year thereafter unless either party notifies the other party in writing prior to May 1 of the year in which they desire to modify or terminate this AGREEMENT.

This AGREEMENT is made and entered into in the State of Georgia, and shall be governed and construed under the laws of the State of Georgia. The covenants herein contained shall, except as otherwise provided, accrue to the benefit of and be binding upon the successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the DEPARTMENT and the CITY have caused these presents to be executed under seal by their duly authorized representatives.

DEPARTMENT OF TRANSPORTATION

Commissioner

ATTEST:

Treasurer

CITY

CITY OF ALPHARETTA
David Belle Isle, Mayor

Witness

10/19/15
DATE

Approved as to Form:
City Attorney

I-95 Corridor Coalition Traffic Flow Data Program
R009
Agreement for Use of Data

1.0 This Agreement for Use of Data ("Agreement" or "Data Use Agreement") is entered into, by and among INRIX, Inc., a corporation organized under the laws of the State of Delaware and having a primary business address set forth in Section 8 below, HERE North America, a limited liability company organized under the laws of the State of Delaware and having a primary business address set forth in Section 8 below, and TomTom North America, Inc., a corporation organized under the laws of the State of California and having a primary business address set forth in Section 8 below (collectively referred to hereinafter as the "Data Vendors") and

City of Alpharetta, GA

(hereinafter "Data Licensee"), having an address as set forth on the signature page below. Data Vendors and Data Licensee together are hereinafter referred to as the "Parties".

2.0 Background: I-95 Corridor Coalition (hereinafter "Coalition"), an unincorporated coalition of members and affiliate members (collectively referred to herein after as "Coalition Members" or "Coalition Member" in singular), has authorized the University of Maryland (hereinafter "UMD"), an agency and instrumentality of the State of Maryland, to act on behalf of the Coalition to enable the Coalition to continue to serve as a valuable knowledgeable collaborative resource throughout the I-95 Corridor. Acting on behalf of the Coalition, UMD has executed agreements with the Data Vendors under which they have agreed to license real-time traffic data, including travel time, speed, complimentary metrics and associated products provided pursuant to task orders (hereinafter referred to as "Licensed Data") to Coalition Members and their subcontractors under the following agreements: UMD and INRIX have executed contract # 83794N-1-INRIX ; UMD and HERE North America have executed contract # 83794N-2-HERE ; and UMD and TomTom North America have executed contract # 83794N-3-TomTom (collectively hereinafter referred to as the "Contracts").

This Agreement, to be executed by all Data Vendors and Data Licensees, sets forth the terms and conditions under which Coalition Members and their subcontractors may access and use any Licensed Data purchased through the Contracts, irrespective of geography or time; for appropriate use of and liability for misuse of Licensed Data; and warranties regarding Licensed Data.

For the avoidance of doubt, Data Licensee acknowledges that Data Vendors' obligation to deliver the Licensed Data to Data Licensee is limited to the duration and the terms of active task orders under the applicable Contracts. The foregoing shall be without prejudice to Data Licensee's right to use the Licensed Data that it has received as set forth in clause 4.0 below.

3.0 Certification: Data Licensee certifies that it is a member or affiliate member of the Coalition in good standing or an entity under contract to a Data Licensee (that may include universities) that directly supports a Coalition Member in good standing via a written agreement (hereinafter

referred to as 'Subcontractor'), and requires and is authorized to access/use the Licensed Data procured under the Contracts.

If Data Licensee is a Subcontractor, it shall complete Attachment A to this Agreement, which shall be incorporated as part of this Agreement. Coalition Members shall notify all Data Vendors and UMD upon the termination of its written agreement with any Subcontractor.

Data Vendors agree that Data Licensee is entitled to access and use Licensed Data under the terms of this Data Use Agreement. Notwithstanding whether Data Licensee elects to purchase or not purchase Licensed Data for its particular jurisdiction, Data Vendors agree that Data Licensee is entitled to access and use, at no cost, Licensed Data purchased by any Coalition Member, subject to the terms of this Data Use Agreement.

4.0 Grant of License: Data Vendors hereby grant Data Licensee a nonexclusive, fully paid up right and license to reproduce, use, distribute, make derivative works based on, and archive Licensed Data consistent with Data Licensee's traffic management, operations and planning responsibilities. Data Licensee is entitled to receive all Licensed Data purchased by any Coalition Member regardless of geographical or political boundaries of Data Licensee's respective jurisdiction.

5.0 Rights and Limitations of License: The license granted under this Agreement is subject to the following restrictions:

(a) Data Licensee shall not have the right to sell or otherwise transfer or disclose Licensed Data either to public or private entities that are not licensed to receive such data without prior written authorization from Data Vendors unless Data Licensee is required by applicable laws or regulations or pursuant to an order of a court of competent jurisdiction or a valid administrative or congressional subpoena to disclose Licensed Data. In that event, Data Licensee shall provide the affected Data Vendors prompt notice of the demand, unless prohibited by law, so they may take appropriate action to prevent disclosure, if they wish. Data Licensee shall provide a copy of any such notice to UMD. Nothing herein shall be deemed to authorize Data Licensee not to comply with any lawful order pending action by Data Vendors.

(b) Data Licensee shall limit access to Licensed Data to those of its employees and subcontractors who have a need to access and use Licensed Data in order to fulfill their contractual duties and shall require all such persons authorized to access and use Licensed Data to agree to abide by the terms of this Data Use Agreement. Any Data Licensee that desires access to Licensed Data for purposes not authorized by this Agreement must negotiate directly with Data Vendors to acquire such additional access and rights.

(c) Data Licensee may disseminate real-time traffic data delivered by Data Vendors to the public, subject to the following restrictions:

i. Licensed Data may only be disseminated to the public using dynamic message signs (also known as variable message signs), portable message signs, highway advisory

radio, 511 information systems, and Coalition Members' supported websites, web services, social media, and smart phone applications; and

ii. Licensed Data disseminated to the public shall be restricted solely to travel times and speeds only that is disseminated via dynamic message signs (also known as variable message signs), portable message signs, highway advisory radio, telephone-based 511 information systems; and

iii. This Agreement does not place any restrictions on dissemination of data to the public through Coalition Members' supported websites, web services, social media, and smart phone applications, including web-based 511 information systems.

(d) The license granted by Data Vendors to Data Licensee authorizes Data Licensee to create visualizations and summary statistics of the archived traffic data (i.e., maps, graphs, charts, tables, etc.) for presentation and distribution to the general public ("Derivative Works"). Data Licensee shall own all copyrights in all such Derivative Works to the extent those works are protected by copyright.

(e) Nothing in this Agreement shall preclude Data Licensee from distributing, displaying or otherwise presenting any traffic data or derivative works deemed essential to the safety of the traveling public.

6.0 Right to Acquire Non-Licensed Data: Nothing in this Agreement shall prohibit Data Licensee from acquiring, displaying or otherwise presenting or sharing information that Data Licensee has obtained from sources other than Data Vendors.

7.0 Prevention of Unauthorized Use: Data Licensee will cooperate with Data Vendors to protect the commercial value of Licensed Data by taking such measures as:

(a) retaining all proprietary or restricted use notices included on Licensed Data as received; and

(b) not obstructing or modifying proprietary or restricted use notices included on Licensed Data as received; and

(c) ensuring that all copies of Licensed Data include all proprietary or restricted use notices included on Licensed Data as received . To the extent Data Vendors do not include any proprietary or restricted use notices on Licensed Data as delivered to Data Licensee, Data Licensee shall insert, at a minimum, the following notice on any copies of Licensed Data that Data Licensee makes: "PROPRIETARY INFORMATION OF DATA VENDOR. USE BY ENTITIES OTHER THAN AUTHORIZED, LICENSED USERS PROHIBITED"; and

(d) storing and disseminating Licensed Data using methods, communication mediums and technologies that provide reasonable protections against their unlawful copying and unauthorized access and use.

8.0 Notice of Unauthorized Use: In the event Data Licensee becomes aware of an inappropriate use or unauthorized disclosure of Licensed Data, Data Licensee shall provide immediate verbal

notice as soon as practicable and subsequent written notice within 24 hours of its verbal notice to UMD and to the Data Vendor(s) whose data are the subject of inappropriate use or unauthorized disclosure as follows:

University of Maryland Program Managers
Dr. Stanley Young 301-405-3096, seyoung@umd.edu,
Kathleen Frankle (or designee) 410-414-2925 kfrankle@umd.edu
Department of Civil and Environmental Engineering
University of Maryland
2200 Technology Ventures Building
College Park, Maryland 20742-3021

INRIX Inc.
Mr. Rick Schuman- Program Manager
407-298-4346 Rick@inrix.com
10210 NE Points Dr., Suite 300
Kirkland, WA 98033

HERE North America LLC
Mr. Keith Hangland, Account Representative
408-789-8264 keith.hangland@here.com
425 West Randolph Street
Chicago, IL 60606

TomTom North America, Inc.
Attn: Legal Department
11 Lafayette Street
Lebanon, NH 03766-1445 USA
Telephone: (800) 331-7881
Facsimile: (603) 653-0249
Email: aeglegal@tomtom.com

Subject to the above paragraph, all notices and approvals required to be made under this Agreement shall be made in writing and delivered (i) in person; (ii) by facsimile, with confirmation of transmission, (iii) by electronic mail (email) with return confirmation of delivery, or (iv) by first class mail, postage prepaid and addressed to the contact for each party specified above or such other person and address as each party may hereafter designate in writing. Notice shall be deemed effective upon receipt.

9.0 Indemnification: Data Vendors hereby indemnify and agree to hold harmless UMD, Data Licensees and their respective officers, employees and agents from and against any and all claims, actions, costs, judgments or damages of any type arising out of an allegation that Licensed Data infringes the intellectual property or proprietary rights of any third party or a breach of the representations and warranties of Data Vendors.

(a) Upon becoming aware of an allegation of infringement or a breach of a Data Vendor's representations and warranties, Data Licensee shall promptly notify the affected Data Vendor(s) and UMD.

(b) Data Vendors' duty to indemnify is conditioned upon (i) Data Vendors having sole control of the defense and settlement of the claim (provided that Data Vendors may not settle or compromise or defend any claim unless they unconditionally release all other parties from all liability, and further provided that Data Vendors must obtain prior approval of any such settlement or compromise from counsel for UMD and the Data Licensee which shall not be unreasonably withheld or delayed); (ii) Data Licensee provides, at Data Vendors' expense, information and reasonable assistance upon Data Vendors' request; and (iii) Data Licensee has not already compromised or settled the claim.

10.0 Liability: Under no circumstance will Data Licensee be responsible for another Data Licensee's breach of its duties under this Data Use Agreement. Each Data Licensee shall be liable for its

own violations of this Agreement.. IN NO EVENT WILL ANY PARTY OR ITS OFFICERS, AGENTS, OR EMPLOYEES BE LIABLE TO THE OTHER PARTIES FOR ANY INCIDENTAL, SPECIAL, INDIRECT, EXEMPLARY OR CONSEQUENTIAL DAMAGES OF ANY KIND, INCLUDING BUSINESS EXPENSE, MACHINE DOWN TIME, LOSS OF PROFITS, OR DAMAGE OR INJURY TO PROPERTY FOR ANY CLAIMS, DEMANDS OR DAMAGES ARISING OUT OF OR RELATED TO THE PERFORMANCE OR ITS OBLIGATIONS UNDER THIS AGREEMENT OR THE USE OF LICENSED DATA BY ANYONE EVEN IF THE PARTY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.

11.0 Term and Termination

(a) This Agreement will commence with respect to an individual Data Licensee as of the last date of execution by each Data Vendor, the Data Licensee, and the UMD representative affirming the good standing of the Data Licensee.

(b) This Agreement will terminate upon the occurrence of any of the following:
(i) One or more Data Vendors or UMD gives written notice to Data Licensee of its breach of one or more obligations under this Agreement and Data Licensee's failure to cure its breach within thirty (30) days of receipt of notice of breach; or
(ii) UMD notifies Data Vendors and Data Licensee that Data Licensee is not a member or affiliate member in good standing of the I-95 Corridor Coalition and Data Licensee fails to restore its good standing within thirty (30) days of receipt of notice; or
(iii) A Coalition Member or its Subcontractor gives written notice to the Data Vendors and UMD that Subcontractor no longer has a need to access/use Licensed Data in which case this Agreement will terminate only with respect to the Subcontractor; or
(iv) Data Licensee gives written notice to Data Vendors and UMD that it wishes to terminate this Agreement.

Notices shall be provided to the addresses listed in Section 8.0 above.

Except for the reasons stated above, this Agreement will remain in effect and will not terminate.

(c) Termination under section 11.0(b) (i) and (ii) will become effective upon expiration of the 30-day period if the breach has not been cured. Termination under Section 11.0(b) (iii) and (iv) will become effective immediately upon receipt of notice.

(d) In the event of termination of this Agreement:
(i) Data Vendor will cease to provide Licensed Data to Data Licensee; and
(ii) Data Licensee will no longer be able to access Licensed Data maintained in archives and analysis tools at UMD; and
(iii)Data Licensee must destroy any and all Licensed Data in its possession and certify their destruction to UMD within thirty (30) days of the effective date of termination

12.0 Representations and Warranties

(a) Data Vendors represent and warrant that all Licensed Data shall be original and unencumbered.

(b) Data Vendors represent and warrant that they either own the Licensed Data or are authorized by the owner(s) of Licensed Data to grant licenses to Data Licensees under this Agreement or that Licensed Data are in the public domain.

13.0 General

(a) The validity, interpretation and effect of this Agreement shall be governed by the laws of the state where Data Licensee is located without regard to its conflicts of laws rules when Data Licensee is an agency or instrumentality of state government.

(b) No Party may assign its rights or obligations under this Agreement, except with the prior written approval of the other Parties. Such approval will not be unreasonably withheld.

(c) This Agreement may be modified only by written agreement of authorized representatives of all Parties.

(d) This Agreement supersedes any previously executed agreement between Data Licensee and Data Vendor/s with respect to Licensed Data.

(e) Nothing herein shall be construed to create a partnership, joint venture, or teaming agreement between or among the Parties and nothing herein shall be construed to imply that any Party's employees are employees of another Party.

(f) The Parties shall use their best efforts to resolve any disagreement that arises out of this Agreement amicably.

(g) No provision of this Agreement shall be waived unless in writing and signed by all Parties to this Agreement. The waiver of any provision of this Agreement shall not be deemed to be a continuing waiver or the waiver of any other provision of this Agreement.

(h) If any one or more of the provisions contained in this Agreement is held to be invalid, illegal, or unenforceable in any respect for any reason, then such invalidity, illegality, or unenforceability shall not affect any other provision hereof or any other application of the affected provision.

(i) This Agreement, together with Attachment A (if applicable), embodies the entire understanding between and among the Parties. There are no contracts, understandings, conditions, warranties or representations, oral or written, express or implied, with reference to the subject matter hereof which are not merged herein.

(j) This Agreement may be executed in counterparts, all of which when taken together

will be deemed one original. The Parties agree to accept digital delivery of this executed Agreement.

Signature page follows

By signing below, the Parties certify that they agree to the above terms and are duly authorized to bind their respective entities.

Data Licensee (agency, affiliate, subcontractor)

Approved as to Form: City Attorney

By: _____ Date 6/28/18

Name: Jim Gilvin

Mayor of Alpharetta

Title

2 Park Plaza Alpharetta, GA

Address

Pete Sewczwicz, Director of Public Works

Name and Title of Primary Contact:

678-297-6200 / 678-297-6201 / psewczwicz@alpharetta.ga.us

Telephone/Facsimile/E-mail

INRIX, Inc.

DocuSigned by:

By: _____ Date 18 November 2014

47C01DE5D045418...

Name:

General Counsel

Title

HERE North America, LLC

By: _____ Date 11/20/14

Name: Lori Bellows
Director

Title

TomTom North America, Inc.

By: _____ Date 21 November 2014
Name: Eszter Pattantyus
SVP, Maps
Title

UNIVERSITY OF MARYLAND CERTIFICATION

University of Maryland hereby certifies that as of the date below, Data Licensee is a Coalition Member or affiliate in good standing, or a Subcontractor of a Coalition Member or affiliate in good standing.

By: _____ Date_____
Kathleen Frankle
Program Manager
I-95 Corridor Coalition

ATTACHMENT A
Any Data Licensee that is
a Subcontractor must provide the following information
About its Contract with a Member/Affiliate to "Establish Need to Know"

1. Name and Address of Subcontractor/Data Licensee:

_____

2. Contractor from whom data is requested (check all that apply)
____ INRIX _____ Here North America _____ TomTom

3. Explain why You Need Access to Licensed Data:

_____

_____

_____

_____

4. Prime Contract/Subcontract Source _____

5. Contract/Agreement Number _____

6. Contract/Agreement Period-of-Performance:

From: _____ to: _____

7. Contact Information from Contracting Agency (Coalition Member/Affiliate):

Name: _____ Phone: _____

E-mail Address: _____

Subcontractor's authorized official certifies that the information provided above is current and accurate.

By: _____ Date_____

Name and Title: _____

City Council Meeting
STAFF REPORT

Submitting Department: Recreation, Parks & Cultural Services
Submitted By: Ruby Flynn
Sponsored By:
Meeting Date: November 15, 2021

I. AGENDA ITEM TITLE: RECREATION AND PARKS FLEET REPLACEMENT

II. RECOMMENDATION:

Please award the purchase of three (3) 2022 Ford F150's under the State of Georgia Contract #(#99999-SPD-ES4019973-002) with Allan Vigil Ford in the amount of $103,470.00 and authorize the Mayor to execute all necessary documents.

III. BUDGET IMPLICATIONS:

BUDGETED ITEM: YES
FISCAL IMPACT: YES
INCLUDED IN CURRENT FY CPTL BUDGET: YES
INCLUDED IN CURRENT FY OPRT. BUDGET: NO
TOTAL PROJECT COST: $103,470.00
APPROPRIATIONS:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT
Fleet / 30161150-542200 C1232	$103,470.00

EXTERNAL FUNDING SOURCES:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT
N/A	$0.00

IV. REPORT IN BRIEF:

As set forth in the adopted FY2022 Capital Budget, staff recommends the replacement of three (3) 2008 Ford F150 pickups that meet the replacement criteria for replacement: repair expenses, mileage and age (13 years). Staff proposes the purchase of three (3) 2022 Ford F150s under the terms of the Sate of Georgia Fleet Contract with Allan Vigil Ford (#99999-SPD-ES4019973-002).

V. ALTERNATIVES:

VI. ATTACHMENTS:

2022 Ford F-150s

ALLAN VIGIL FORD-LINCOLN GOVERNMENT SALES

2022 Ford F150 (1/2 ton)
Regular Cab, 6 Cyl, 4x2, SWB

SWC #99999-SPD-ES40199373-002

Equipment included in Base price
3.3L V6 Flex Fuel engine
6 Speed Automatic Transmission
Factory Installed A/C
AM-FM Radio
Solar Tinted Glass
Power Steering/ABS Brakes
Rear view back up camera
Vinyl 40/20/40 Bench Seat
Rubber Floor Covering
Full Size Spare/ Step bumper
Autolamp headlights
Short Bed (6.5 ft)
6300 GVWR
P245/70Rx17 Tires
Ford SYNC (Bluetooth)
Crew Cab only:
Power Windows, Locks & Mirrors

Exterior Colors	Interior Color
D1 Stone Gray	Gray
PQ Race Red	"
HX Antimatter Blue	"
B3 Atlas Blue	"
JS Iconic Silver	"
UM Agate Black	"
M7 Carbonized Gray	"
YZ Oxford White	"

School Bus Yellow is available at $925.00 per vehicle

FOB Allan Vigil Ford
Delivery- see chart, $75 minimum

ALLAN VIGIL FORD GOV'T SALES
6790 Mt. Zion Blvd
Morrow, GA 30260
770-968-0680 Phone
678-364-3910 Fax

* **5.0L V8 or 3.5L Ecoboost engine required**
** **Not available with regular cab short wheel base**
*** **Requires 85A (Power W-L-M)**
**** **Super cab & Crew cab only**
***** **Crew Cab only**

Base Price **$21,495.00**

!!!Pricing through 11/30/2021 only!!!

Options	Price		Code
5.0L V8 Flex Fuel engine	1,836.00	1836	995
3.5L V6 EcoBoost engine**	2,388.00		99G
2.7L V6 Ecoboost	1,125.00		99P
Long Bed (8 ft)	295.00		145
Extended range fuel tank**	410.00		655
Super Cab (6.5 ft. bed)	2,525.00		X1C
Super Cab (8 ft. bed) *	3,690.00	3630	X1C/Long
4x4 Option-**Regular cab**	3,495.00		F1E
4X4 Option-**Super&Crew Cabs**	3,045.00	3045	X1E
Skid plates (4X4s only)	155.00	155	413
Crew Cab SWB (5.5 ft bed)	5,850.00		W1Cs
Crew Cab LWB* (6.5 ft bed)	6,740.00		W1C/Long
3.5L Hybrid engine-**Crew Cab)**	7,150.00		99D
Limited Slip Axle	525.00		XL9
Daytime Running Lights	42.00	42	942
Power Windows/Locks/Mirrors	1,088.00	1088	85A
Power Seat-**requires 85A**	345.00	345	91P
XL w/ Power W-L-M, SYNC, AM/FM, & Cruise control.	2,075.00		101A
101A for Crew Cab	995.00		101A
Class IV Hitch **(w/o tow pkg)**	189.00		53B
Trailer Tow Pkg**(includes 67T)**	995.00		53A
Electric Brake Controller	265.00		67T
Tow Mirrors w/ spotlights***	495.00		54Y/59S
Running boards (black)	262.00	262	18B
Cruise Control	215.00		50S
40-20-40 Cloth Split Bench	N/C		CS
Cloth Buckets w/console****	275.00		WS
Rear window defroster	305.00		57Q/924
Fog Lights	135.00		595
Carpet w/ Mats	140.00		168
Aluminum Wheels & Bumpers	740.00	740	86A
SYNC 4 w/ SiriusXM	305.00		524/582
Bed Utility pkg/ tailgate step	765.00		68L
Spray-in Bedliner	420.00	420	ATK
Reverse Sensing-**requires 53A or 53B**	255.00		76R
XLT Package	5,250.00		300A
XLT Power Driver Seat	330.00		91P
Navigation pkg **(XLT Only)**	755.00		50N

Options total	2 extra keys	390
Other vendor added equipment		
Delivery		75
Total		$33,523.00

OK
R. Burtner
Allan Vigil Ford
11/9/21

Contact person	Ruby Flynn
Agency	City of Alpharetta
Phone Number	678-297-6123 or 770-891-0326

ALLAN VIGIL FORD-LINCOLN GOVERNMENT SALES

2022 Ford F150 (1/2 ton)
Regular Cab, 6 Cyl, 4x2, SWB

SWC #99999-SPD-ES40199373-002

Equipment included in Base price
3.3L V6 Flex Fuel engine
6 Speed Automatic Transmission
Factory Installed A/C
AM-FM Radio
Solar Tinted Glass
Power Steering/ABS Brakes
Rear view back up camera
Vinyl 40/20/40 Bench Seat
Rubber Floor Covering
Full Size Spare/ Step bumper
Autolamp headlights
Short Bed (6.5 ft)
6300 GVWR
P245/70Rx17 Tires
Ford SYNC (Bluetooth)
Crew Cab only:
Power Windows, Locks & Mirrors

Exterior Colors	Interior Color
D1 Stone Gray	Gray
PQ Race Red	"
HX Antimatter Blue	"
B3 Atlas Blue	"
JS Iconic Silver	"
UM Agate Black	"
M7 Carbonized Gray	"
YZ Oxford White	"

School Bus Yellow is available at $925.00 per vehicle

FOB Allan Vigil Ford
Delivery- see chart, $75 minimum

ALLAN VIGIL FORD GOV'T SALES
6790 Mt. Zion Blvd
Morrow, GA 30260
770-968-0680 Phone
678-364-3910 Fax

* **5.0L V8 or 3.5L Ecoboost engine required**
** **Not available with regular cab short wheel base**
*** **Requires 85A (Power W-L-M)**
**** **Super cab & Crew cab only**
***** **Crew Cab only**

Base Price **$21,495.00**

!!!Pricing through 11/30/2021 only!!!

Options	Price		Code
5.0L V8 Flex Fuel engine	1,836.00		995
3.5L V6 EcoBoost engine**	2,388.00		99G
2.7L V6 Ecoboost	1,125.00		99P
Long Bed (8 ft)	295.00		145
Extended range fuel tank**	410.00		655
Super Cab (6.5 ft. bed)	2,525.00	2525	X1C
Super Cab (8 ft. bed) *	3,690.00		X1C/Long
4x4 Option-**Regular cab**	3,495.00		F1E
4X4 Option-**Super&Crew Cabs**	3,045.00	3045	X1E
Skid plates (4X4s only)	155.00		413
Crew Cab SWB (5.5 ft bed)	5,850.00		W1Cs
Crew Cab LWB* (6.5 ft bed)	6,740.00		W1C/Long
3.5L Hybrid engine-**Crew Cab)**	7,150.00		99D
Limited Slip Axle	525.00		XL9
Daytime Running Lights	42.00	42	942
Power Windows/Locks/Mirrors	1,088.00		85A
Power Seat-**requires 85A**	345.00	345	91P
XL w/ Power W-L-M, SYNC, AM/FM, & Cruise control.	2,075.00	2075	101A
101A for Crew Cab	995.00		101A
Class IV Hitch **(w/o tow pkg)**	189.00		53B
Trailer Tow Pkg**(includes 67T)**	995.00	995	53A
Electric Brake Controller	265.00		67T
Tow Mirrors w/ spotlights***	495.00		54Y/59S
Running boards (black)	262.00	262	18B
Cruise Control	215.00		50S
40-20-40 Cloth Split Bench	N/C		CS
Cloth Buckets w/console****	275.00		WS
Rear window defroster	305.00		57Q/924
Fog Lights	135.00		595
Carpet w/ Mats	140.00		168
Aluminum Wheels & Bumpers	740.00	740	86A
SYNC 4 w/ SiriusXM	305.00		524/582
Bed Utility pkg/ tailgate step	765.00		68L
Spray-in Bedliner	420.00	420	ATK
Reverse Sensing-**requires 53A or 53B**	255.00		76R
XLT Package	5,250.00		300A
XLT Power Driver Seat	330.00		91P
Navigation pkg **(XLT Only)**	755.00		50N
2 extra keys		390	
Options total			
Other vendor added equipment			**OK**
Delivery		75	**R Burtner**
Total		**$32,409.00**	**Allan Vigil Ford**

Contact person Ruby Flynn
Agency City of Alpharetta
Phone Number 678-297-6123 or 770-891-0326

11/9/2021

ALLAN VIGIL FORD-LINCOLN GOVERNMENT SALES

2022 Ford F150 (1/2 ton)
Regular Cab, 6 Cyl, 4x2, SWB

SWC #99999-SPD-ES40199373-002

Equipment included in Base price
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Crew Cab only:
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UM Agate Black	"
M7 Carbonized Gray	"
YZ Oxford White	"

School Bus Yellow is available at $925.00 per vehicle

FOB Allan Vigil Ford
Delivery- see chart, $75 minimum

ALLAN VIGIL FORD GOV'T SALES
6790 Mt. Zion Blvd
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* **5.0L V8 or 3.5L Ecoboost engine required**
** **Not available with regular cab short wheel base**
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**** **Super cab & Crew cab only**
***** **Crew Cab only**

Base Price $21,495.00

!!!Pricing through 11/30/2021 only!!!

Options	Price		Code
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Long Bed (8 ft)	295.00		145
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Super Cab (6.5 ft. bed)	2,525.00		X1C
Super Cab (8 ft. bed) *	3,690.00		X1C/Long
4x4 Option-**Regular cab**	3,495.00		F1E
4X4 Option-**Super&Crew Cabs**	3,045.00	3045	X1E
Skid plates (4X4s only)	155.00		413
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Crew Cab LWB* (6.5 ft bed)	6,740.00		W1C/Long
3.5L Hybrid engine-**Crew Cab)**	7,150.00		99D
Limited Slip Axle	525.00		XL9
Daytime Running Lights	42.00	42	942
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Power Seat-**requires 85A**	345.00		91P
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101A for Crew Cab	995.00		101A
Class IV Hitch **(w/o tow pkg)**	189.00	189	53B
Trailer Tow Pkg**(includes 67T)**	995.00		53A
Electric Brake Controller	265.00	265	67T
Tow Mirrors w/ spotlights***	495.00		54Y/59S
Running boards (black)	262.00	262	18B
Cruise Control	215.00		50S
40-20-40 Cloth Split Bench	N/C		CS
Cloth Buckets w/console****	275.00		WS
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Carpet w/ Mats	140.00		168
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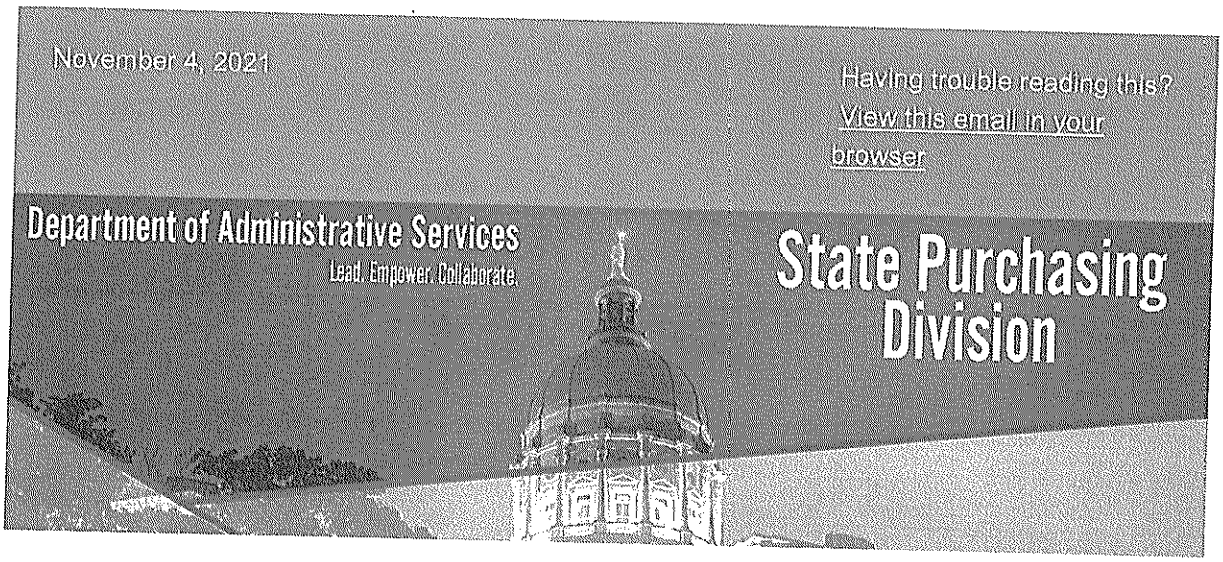
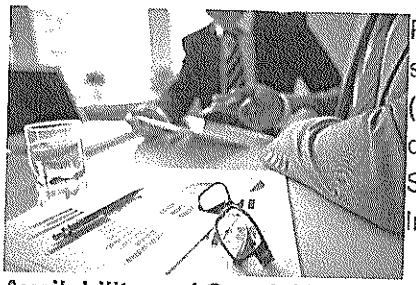
Spray-in Bedliner	420.00	420	ATK
Reverse Sensing-**requires 53A or 53B**	255.00		76R
XLT Package	5,250.00	5250	300A
XLT Power Driver Seat	330.00	330	91P
Navigation pkg **(XLT Only)**	755.00		50N
2 extra keys		$390.00	OK
Options total			R Burtner
Other vendor added equipment			**Allan Vigil**
Delivery		75	**Ford**
Total		**$37,538.00**	**11/9/2021**

Contact person Ruby Flynn
Agency City of Alpharetta
Phone Number 678-297-6123 or 770-891-0326



Buyers' Digest

Reminder: Revised Ordering Instructions – SWC for Management Consulting Services



Please be reminded that the Ordering Process for the statewide contract for **Management Consulting Services (#99999-SPD-SPD0000162)** has been revised. The effective date was **July 1, 2021**. The following section, Availability and Special Instructions, has been added to the Ordering Instructions:

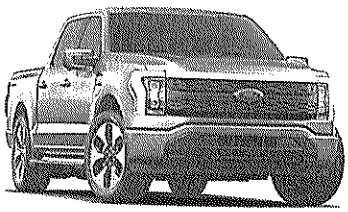
Availability and Special Instructions: DOAS has placed a $500,000 cost/Statement of Work (SOW) value threshold on individual engagements between the Consultant and the User Agency. **User Agency shall obtain DOAS' approval prior to entering into a consulting engagement pursuant to this SWC that exceeds $500,000.** Requests for approval should be sent to the Deputy State Purchasing Officer at clarence.ingram@doas.ga.gov and must include, at the time the request is made, a minimum of three (3) proposals from the SWC awarded supplier list. Also, a copy of the request should be sent to contract.management@doas.ga.gov.

If you have any questions, please contact the contract administrator, **Eric Mercier**, at eric.mercier@doas.ga.gov or (404) 463-1540.

For Team Georgia Marketplace™ question(s), please contact the **Procurement Help Desk**, at procurementhelp@doas.ga.gov or (404) 657-6000.

Reminder: 2022 Ford F150 Vehicle Availability

State Purchasing Division announces the availability of the **2022 Ford F150** under statewide contract for **Administrative Vehicles (#99999-SPD-ES40199373-002)** with **Allan Vigil Ford**. The current pricing for this vehicle is effective through November 30, 2021. We anticipate updated pricing which will become effective on December 1, 2021.

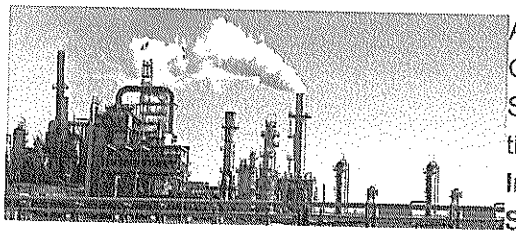


Demand for the 2022 Ford F150 is HIGH. Therefore, we encourage you to place your order as soon as possible. Pricing sheets for this vehicle are available in Team Georgia Marketplace™.

If you have any questions, please contact the contract administrator, **Eric Mercier**, at Eric.Mercier@doas.ga.gov or (404) 463-1540.

For Team Georgia Marketplace™ question(s), please contact the **Procurement Help Desk**, at procurementhelp@doas.ga.gov or (404) 657-6000.

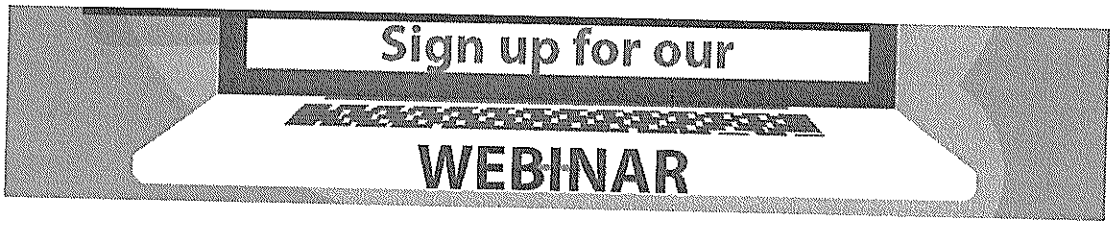
Statewide Contact Update



As stated in the July 29, 2021, *Buyers' Digest*, the Georgia Department of Administrative Services, State Purchasing Division, announces the roll out of the new statewide contract for **Natural Gas – Interruptible Delivery Service (SWC 99999-001-SPD0000192)** with **Gas South, LLC** and **Texican Industrial Energy Marketing.** The effective date of this contract is **November 1, 2021,** through October 31, 2023. This contract will be a **Mandatory Contract**. This new contract replaces the existing statewide contract, Natural Gas Interruptible Delivery (99999-001-SPD0000099-0002), upon the effective date. The attached document contains additional information.

If you have any questions, please contact the contract administrator, **Daniel Garnett**, Daniel.Garnett@doas.ga.gov or (404) 651-6084.

For any question(s) on the solicitation, please contact the issuing officer, **Matt Taylor**, Matt.Taylor@doas.ga.gov or (404) 657-7728.



Natural Gas: Interruptible Delivery Service Rollout Webinar!

DON'T MISS IT! The **Webinar** for the Natural Gas: Interruptible Delivery Statewide Contract (SWC) is scheduled for **Monday, November 15, 2021 at 1:00 pm EST**. Both suppliers under the new SWC will be in attendance. Purchasing professionals will receive an overview of the SWC and have the opportunity to meet the Contract Administrator, Mr. Daniel Garnett.

The Webinar will be online via Microsoft Teams. You can join the meeting simply by clicking on this link: Click here to join the meeting. Come early and get a great seat. **See you there!**

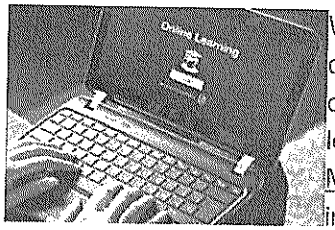
NOTICE: This Webinar is Eligible for CEU's

To obtain credit for attending this live event, you will need to ***self-report*** your attendance by logging into your student account in the Learning Management System https://doas.exceedlms.com/.

- Instructions for self-reporting CEUs is available through the SPD Training Reference Guide. Please reference pg. 4 "External Courses Credits" for step-by step instructions.
- 1 CEU is granted for every 50 – 60 minutes of content.
- Please share any questions with us at georgia.learning@doas.ga.gov.

Procurement Training Updates

Instructor-led Courses Reminder



We are pleased to offer both instructor-led and web-based training courses to the procurement community. All instructor-led training courses are offered virtually, allowing students to join from any location without the need for travel. Access our Learning Management System to browse all of our training offerings, including upcoming class dates for instructor-led courses. All students should review the SPD Training Reference Guide for more information.

For any questions, please contact us at georgia.learning@doas.ga.gov.

Team Georgia Marketplace

TGM CORNER

The TGM Corner is focused on sharing information about Team Georgia Marketplace™, tips and tricks for virtually error-free procurement, and other information to help expand your procurement knowledge!

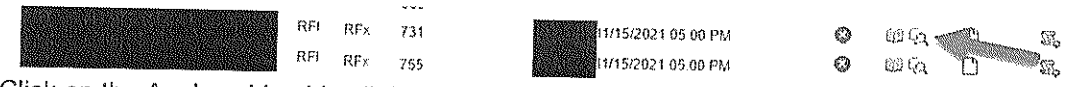
How to Cancel a Strategic Sourcing Event!

For whatever reason, sometimes a PS Strategic Sourcing Event needs to be canceled.

First, a new version of the Sourcing Event needs to be created. Please add a comment to the event stating the event is being canceled along with any additional information you think bidders need to know.

Be sure to attach the cancellation notice form SPD-SPR014, Solicitation Cancellation Notice, found in Stage 4 of the DOAS website to the event. THIS IS MANDATORY.

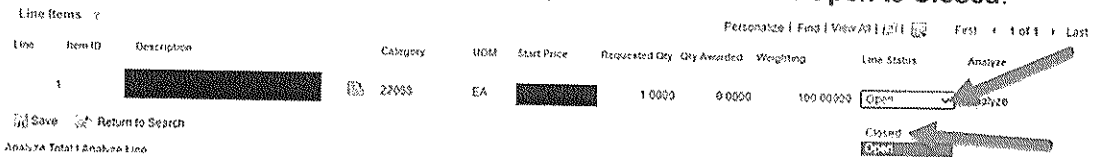
Next, you must close the line(s) on the event. To do this, click **Analyze Events**, which you can access from the Sourcing Workbench. Find your event and click on the **Analyze Bids** icon.



Click on the Analyze Line blue link at the top of the page.



Change the status of all lines by using the dropdown indicated from **Open** to **Closed**.



Now, you are ready to cancel the event. Go back to the Sourcing Workbench and click on the red **X** that is next to your event.



The Event Status should now be **Canceled**. The GPR status will be updated to show that the

event is canceled.

Be sure to upload the Solicitation Cancelation Notice, form SPD-SPR014, to the GPR. THIS IS MANDATORY. Please be sure that the status of each of your solicitations is always kept up to date and that all required documents are attached.

If you are wanting to cancel an RFI or RFQC that does not have lines, simply cancel the event from the Sourcing Workbench by clicking on the red **X** next to your event.

If your event does not update and indicate status of Canceled, please call the Procurement Help Desk at (404) 657-6000 or email procurementhelp@doas.ga.gov.

Have information you would like to share?
We'd love to hear from you! Email purchasing@doas.ga.gov.

Georgia
Department of
Administrative Services

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Phone: 404-657-6000 | Fax: (404) 657-8444
purchasing@doas.ga.gov

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CITY COUNCIL MEETING
STAFF REPORT

CO-SPONSORED BY:
COUNCIL MEMBER BURNETT AND COUNCIL MEMBER HIPES

I. **AGENDA ITEM TITLE:** AN ORDINANCE TO AMEND CHAPTER 4 (ALCOHOLIC BEVERAGES) OF THE CODE OF THE CITY OF ALPHARETTA, GEORGIA

City Council – First Reading: November 15, 2021

City Council – Second Reading: November 29, 2021

II. REPORT IN BRIEF:

This proposed Ordinance is presented to amend Chapter 4 (Alcoholic Beverages) of the Code of the City of Alpharetta, Georgia in order to eliminate any conflict between the City Charter and Section 4.9(e) regarding qualification of those seeking elective office.

III. ATTACHMENTS:

- Ordinance to amend Chapter 4 (Alcoholic Beverages of the Code of the City of Alpharetta.

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA TO AMEND CHAPTER 4 (ALCOHOLIC BEVERAGES) OF THE CODE OF THE CITY OF ALPHARETTA, GEORGIA; TO ELIMINATE ANY CONFLICT BETWEEN THE CITY CHARTER AND SEC. 4.9(E) REGARDING QUALIFICATION OF THOSE SEEKING ELECTIVE OFFICE; TO PROVIDE FOR AN EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES

WHEREAS, Chapter 4 (Alcoholic Beverages) of The Code of the City of Alpharetta, Georgia (the "Code") provides regulations governing the sale of alcoholic beverages within the City; and

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

WHEREAS, the City Council has determined that it is appropriate from time to time to modify alcoholic regulations to comport with current conditions; and

WHEREAS, the City Council desires to amend Chapter 4 (Alcoholic Beverages) of the Code, specifically Sec. 4-9(e), in order to eliminate a conflict between the City Charter regarding qualification of those seeking elective office.

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

Section 1. Chapter 4 of the Code is hereby amended by deleting Section 4-9(e) and substituting in lieu thereof a revised Section 4-9(e) as follows:

"Sec. 4-9. Licensing Qualifications.

(e) No license for the sale of alcoholic beverages shall be granted to, or held by, any persons occupying the position of either City Administrator or Assistant City Administrator, any employee of the Alpharetta Department of Public Safety or the Alpharetta Community Development Department, or the spouse or minor child of any of the foregoing. It shall be unlawful for such person to have a financial interest in any such city license, or in any establishment licensed under the provisions of this chapter."

Section 2. It is the intention of the City Council and it is hereby ordained by the authority of the City Council that the provisions of this Ordinance shall become and be made a part of The Code of the City of Alpharetta, Georgia, and the codifier is authorized to make the specified deletions, insertions, additions, and to insert headings, article numbers and section numbers as and where appropriate.

Section 3. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 4. If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

Section 5. This Ordinance shall become effective immediately upon adoption.

ADOPTED this _____ day of _____, 2021.

CITY OF ALPHARETTA, GEORGIA

By:_____
Jim Gilvin, Mayor

Approved as to form and
legal sufficiency:

COUNCILMEMBERS

_____
Michael Stacy City Attorney

_____
Jason Binder

_____
Ben Burnett

(SEAL)

_____
John Hipes

Attest:

_____
Dan Merkel

_____
City Clerk

First Reading:_____

_____
Donald Mitchell

Second Reading:_____

Adopted:_____

_____
Karen Richard