



CITY COUNCIL MEETING & PUBLIC HEARING AUGUST 15, 2022

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

I. CALL TO ORDER

II. ROLL CALL

III. PLEDGE TO THE FLAG

IV. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 8/1/2022)

B. The "A" Sculpture: Approval to Repair and Repaint

V. PARTNERSHIP UPDATES

A. Food Well Alliance - City Agriculture Plan Grant Update

VI. PUBLIC HEARING

A. MP-22-03 / Z-22-05 / CU-22-02 / V-22-07 / North Point Redevelopment

DEFERRED: *This item has been deferred by the applicant to September 19, 2022. This item will not be heard, discussed, or considered during the August 15, 2022 City Council meeting.*

Consideration of a master plan amendment, rezoning, conditional use and variances to allow for the demolition of approximately 464,000 square feet of the existing mall including 2 anchor boxes and redevelopment with 315,700 square feet of new retail, restaurants and creative office, 120,000 square feet of office, 150-room hotel, 900 'For-Rent' units, 36 'For-Sale' townhomes, and approximately 19 acres of open space on 83.67 acres. A master plan amendment is requested to the North Point Mall Master Plan to modify development regulations. A rezoning is requested from PSC (Planned Shopping Center) to MU (Mixed Use) and a conditional use is requested to allow Dwelling, 'For-Rent', Dwelling, 'For-Sale' Attached, and to increase the allowable density. Variances are requested to increase building height and encroach into the Georgia 400 buffer for the MARTA BRT and multi-use trail. The property is located at 1000 North Point Parkway, 4500 North Point Place, 0 & 5000 North Point Drive, 2000 & 6000 North Point Circle, and 0 Rock Mill Road and is legally described as being located in Land Lots 688, 689, 700, 701, 702, 742 & 743, 1st District, 2nd Section, Fulton County, Georgia.

B. V-21-33 / Citgo 174 North Main Street Variance

Consideration of a variance to eliminate the ten-foot (10') landscape strip along North Main Street. The property is located at 174 North Main Street and is legally described as being located in Land Lot 1252, 2nd District, 2nd Section, Fulton County, Georgia.

C. PH-21-06 Kairos/Thompson Street Flats Change to Condition of Zoning

Consideration of a request to change previous conditions of zoning to allow for a change from 12 'For-Sale' condominium units to 10 'For-Sale' single-family detached homes. The property is located at 51 and 61 Thompson Street and is legally described as being located in Land Lot 748, 1st District, 2nd Section, Fulton County, Georgia.

VII. NEW BUSINESS

A. Westside Parkway Improvements: Utility Easement and Agreement between the City of Alpharetta and Sawnee Electric Membership Corporation
REMOVED: This item has been removed from the agenda. This item will not be heard, discussed, or considered during the August 15, 2022 City Council meeting.

B. FY 23 Jail Generator Replacement

C. PH-22-07 / City of Alpharetta Capital Improvement Element
Consideration of a resolution Adopting the 2021-2022 Capital Improvement Element and Annual Report.

D. Fire Station Alerting

E. Duo Security Renewal

VIII. PUBLIC COMMENT

IX. REPORTS

X. RECESS TO EXECUTIVE SESSION

A. August 15, 2022 Executive Session

XI. RECONVENE CITY COUNCIL MEETING

XII. ADJOURNMENT



STAFF REPORT

Submitting Department: City Clerk

Submitted By: Lauren Shapiro

Sponsored By:

Meeting Date: August 15, 2022

I. AGENDA ITEM TITLE: COUNCIL MEETING MINUTES (MEETING OF 8/1/2022)

II. RECOMMENDATION:

Approve the Council meeting minutes from August 1, 2022 at 6:30 p.m. 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 August 1, 2022 at 6:30 p.m.

IV. ALTERNATIVES:

V. ATTACHMENTS:

CC Meeting Minutes 8.1.2022



City Council Meeting & Public Hearing

AUGUST 1, 2022

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 Dan Merkel
- Donald F. Mitchell
- Douglas J. DeRito
- Brian Will
- John Hipes
- Jason Binder

- Staff

- Bob Regus, City Administrator
- Molly Esswein, City Attorney with Jarrard & Davis
- James Drinkard, Asst. City Administrator
- Lauren Shapiro, City Clerk
- Brooke Lappin, Director of Courts
- Cris Randall, Director of Human Resources
- John Robison, Director of Public Safety
- Kathi Cook, Director of Community and Economic Development
- Morgan Rodgers, Director of Recreation, Parks, and Cultural Services
- Pete Sewczwicz, Director of Public Works
- Randy Bundy, Director of Information Technology

- Tom Harris, Director of Finance
- Michael Woodman, Planning & Development Services Manager
- Kim Zane Manning, Cultural Services Manager

III. PLEDGE TO THE FLAG

IV. PRESENTATIONS & PROCLAMATIONS

A. A Resolution Presented to City Administrator, Bob Regus, by State Representative, Chuck Martin

- State Representative Chuck Martin presented a resolution to Bob Regus and shared kind remarks.

B. A Proclamation Celebrating the Retirement of City Administrator, Bob Regus

- Mayor and City Council presented a proclamation to Bob Regus and shared kind remarks.

V. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 7/25/2022)

B. Approval of Alpharetta's Outdoor Art Exhibit: MEDLEY

1. Sculpture: Ribbon Arch by Jim Gallucci
 2. Sculpture: Tree by Gus and Lina Ocamposilva
 3. Sculpture: Liquid Sunshine by Michael Alfano
 4. Sculpture: Allura by Nathan Pierce
 5. Sculpture: Hill Climb by Jim Collins
- Council Member DeRito asked for the July 25, 2022 City Council minutes to be removed from the Consent Agenda.
 - ❖ Council Member Mitchell offered a motion to approve the Consent Agenda, consisting only of the Approval of Alpharetta's Outdoor Art Exhibit: MEDLEY.
 - Council Member DeRito seconded the motion.
 - The motion was approved unanimously (7-0).
 - ❖ Council Member Hipes offered a motion to approve the July 25, 2022 Council Meeting minutes.
 - Council Member Mitchell seconded the motion.
 - The motion was approved (6-0-1; with Council Member DeRito in abstention since he was not present during the July 25, 2022 City Council meeting).

VI. PUBLIC HEARING

A. Z-22-08 / V-22-12 / South of Wills Park

Consideration of a rezoning and variance to allow for 55 'For-Sale' townhome units on 5.5 acres in the Downtown Overlay. A rezoning is requested from C-1 (Neighborhood

Commercial) and L-I (Light-Industrial) to DT-MU (Downtown Mixed-Use) and variances are requested to allow townhomes to be accessed from a street and not an alley, reduce driveway length, reduce undisturbed buffers and allow encroachments on undisturbed buffers, reduce subdivision monument sign setback, reduce landscape strips, and allow the subdivision to be gated. The property is located at 0 State Highway 9 and is legally described as being located in Land Lot 645, 1st District, 2nd Section, Fulton County, Georgia.

- ❖ Planning & Development Services Manager, Michael Woodman, came forward to present this item.
- ❖ This item was considered at the 6/9/2022 Planning Commission meeting. Staff recommended approval subject to 24 conditions. There were no public comments. After discussion, Planning Commission recommended approval subject to staff's recommended conditions (6-0). After the Planning Commission meeting, the applicant updated the site plan and removed the variance request to allow up to 17 townhome units to have driveways less than the minimum eighteen-foot (18') length.
- ❖ Staff is recommending that Mayor and Council approve Z-22-08/V-22-12 South of Wills Park, subject to the following conditions:
 1. Architecture and materials shall be developed substantially similar to the submitted renderings, dated 5/5/22, 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. Townhomes shall have 4-sided architecture, materials and details.
 2. Density shall not exceed 9.93 dwelling units per acre.
 3. Building heights shall not exceed 4 stories and 50'.
 4. Townhomes shall have direct vehicular access from a street or alley, as depicted on the site plan prepared by Pond, dated 7/13/22.
 5. Courtyards may encroach into landscape strips, subject to meeting the minimum landscape material requirements, as approved by Staff.
 6. Developer shall improve the Wills Road streetscape as follows: minimum 6' planter planted with street trees, 6' sidewalk, and decorative pedestrian lighting, with final approval by Staff and City of Roswell. In lieu of tree grates, the soil area around street trees shall be planted with evergreen ornamental grasses, groundcovers and/or shrubs.
 7. Streets and alleys shall be developed as depicted on the site plan prepared by Pond, dated 7/13/22, with final approval by Staff. Decorative pedestrian lighting shall be required throughout the development. Internal streets and alleys shall be private and maintained by the HOA.
 8. Landscape strips shall be required as depicted on the site plan prepared by Pond, dated 7/13/22, not including alleys. Landscape strips 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.
 9. Landscape strips along South Main Street and Wills Road 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. Subdivision decorative fencing and columns may be placed within the landscape strip along South Main Street, as approved by Staff.

10. Developer shall provide an enhanced pedestrian crossing at South Main Street and Wills Road, which shall include color pavement markings and signage, as approved by GDOT and Staff. Enhanced pedestrian crossing shall be eligible for impact fee credits, as approved by Staff.
11. Undisturbed buffers, replanted where sparse, shall be provided as depicted on the site plan prepared by Pond, dated 7/13/22. Evergreen trees and shrubs shall be planted along the south and east property lines and along the property line north of Units 6-13, as approved by Staff.
12. Property owner acknowledges that redevelopment of the properties to the north, east and south with non-residential uses shall not require a buffer adjacent to the subject property.
13. Project entrance may be gated and shall include a decorative paver apron, landscaping, brick wall and fencing with columns substantially similar to the submitted renderings, dated 5/5/22.
14. Subdivision sign shall be substantially similar to the submitted renderings, dated 5/5/22, and shall have a 0' setback along Wills Road, as approved by Staff.
15. Open space shall be developed substantially similar to the site plan prepared by Pond, dated 7/13/22, except that the optional bicycle path in the civic space shall be removed and stairs shall accommodate a bicycle wheel path, as approved by Staff. Open space shall be developed with a park-like setting with decorative landscape, hardscape and seating. Landscape shall include plant selections promoting the historic Downtown.
16. Creeping vines shall be planted to cover retaining and low walls, as approved by Staff.
17. Developer shall save trees as depicted on the site plan prepared by Pond, dated 7/13/22. Tree saves shall be limited to trees in fair to good condition and with CRZ impacts of no more than 30% which may be subject to tree care, as approved by Staff. Developer shall make reasonable efforts to save additional trees of quality and/or tree groupings, as approved by Staff.
18. 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.
19. HVAC and similar equipment shall not be visible from the public right-of-way.
20. Fire access shall meet IFC 2018 Appendix D and Fire Hydrants.
21. Stormwater may be placed underground within the private street as depicted on the site plan prepared by Pond, dated 7/13/22, with final approval by Staff. Stormwater facilities shall be indicated on the recorded final plat, clearly describing the underground facilities, their function, purpose, ownership, and granting access for inspection, maintenance and repair rights to the HOA and the City of Alpharetta. Maintenance responsibilities shall also be included in the

recorded covenants with all costs to be borne by the HOA and homeowners of the development.

22. Garbage pickup shall be from within the development.

23. No more than 10% of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.

- The submitted request, if approved, would allow for the construction of 55 'For-Sale' townhomes on 5.54 acres in the Downtown. The proposed density is 9.93 dwelling units per acre. The applicant proposes a rezoning from C-1 (Neighborhood Commercial) and LI (Light Industrial) to DT-MU (Downtown Mixed-Use) and variances are requested to allow up to fifteen (15) townhome units to be front loaded, allow encroachments into the undisturbed buffers, allow a 0' setback for a subdivision sign, and reduce landscape strips along new private streets. The subject property is located at 0 State Highway near the southeast corner of Highway 9 (South Main Street) and Wills Road.
- The undeveloped property is wooded. Surrounding properties are zoned C-1 and DT-MU to the north, and C-2 (General Commercial) to the west and east. Xavier and Sons Auto Body & Paint is located to the north and west, City of Roswell to the west, Public Storage to the east, Georgia Power (City of Roswell) to the south and Atlanta Saddlery, Autobrite Car Wash and The Porch on South Main are located to the north. The comprehensive land use plan designation of the property is 'Mixed Use', which allows the proposed townhomes and density.
- The property is situated between three (3) commercial properties, has multiple road frontages and has significant topography. In addition, the Wills Road right-of-way is setback approximately 60' from the existing curb line of the road.
- The submitted site plan depicts 55, three (3) and four (4) story 'For-Sale' townhomes with gated access from a new driveway off Wills Road.
- Five (5) townhome units will be 24' wide and the remaining units will be 26' wide. Townhomes are setback approximately twenty feet (20') on Wills Road and approximately 60' on South Main Street. A minimum ten-foot (10') setback is provided along private streets. Minimum building setbacks meet or exceed the DT-MU development standards.
- Each townhome unit will have two (2) side-by-side parking spaces within a garage and a Code-compliant driveway accommodating two (2) additional cars. 24 on-street, guest parking spaces are provided within the development. The Downtown Code requires 138 parking spaces for the proposed subdivision (2.5 parking spaces/unit), of which 244 parking spaces are provided on the site plan.
- The site plan depicts 1.19 acres, or 21.5% of open space within the proposed development. Amenity space is proposed to include a clubhouse and pool near the entrance to the development and a central green with sidewalks. Civic space is depicted along South Main Street and includes an optional bicycle path, bicycle rack and stairs. The DT-MU district requires a minimum 10% amenity space and 10% civic space.
- Twelve (12) trees are depicted to be saved on the site plan, of which all are hardwoods.

- A site plan depicts an underground stormwater management facility under an amenity space and private street, as well as a bioswale in the southeast corner of the site. The underground stormwater system located in the street would not obstruct access to townhomes as there are no driveways on that street section and there are alternative routes of access within the development.
- The applicant submitted renderings depicting the townhomes along Wills Road and South Main Street. The submitted renderings depict three (3) and four (4) story townhome buildings with rooftop decks designed in the Federal and Greek Revival styles. Units will range in size from approximately 2,600 to 4,000 square feet and will be three (3) and four (4) bedrooms. Façade materials will combine brick, stone, and stucco. The applicant's letter of intent indicates that price points will be between \$850,000 to \$1,000,000.
- The applicant provided a trip generation report, which estimates that the proposed 55 townhome units would generate 24 AM Peak Hour trips and 29 PM Peak Hour trips.
- 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.
- CZIM was held on May 11, 2022. There were public comments with concerns over traffic, guest parking, GDOT project impacts, and safety issues with pedestrians crossing at South Main Street over to Wills Park.
- Kathy Zickert (Attorney with Smith, Gambrell, & Russell) came forward to speak on behalf of the applicant.
 - Ms. Zickert shared that the applicant was amenable to all conditions except for Condition # 7 regarding the Impact Fee Credits for improvements along Will Road.

City Council Discussion:

- Council Member Mitchell shared that he would like to know additional information about the exterior finishes (stone, brick, stucco) and the access points of the underground stormwater system.
 - Ms. Zickert shared that the stormwater system has not yet been designed, and in terms of architecture, the exterior sides are brick, and stucco will be used as an accent material.
- Mayor Pro Tem Merkel asked if the City is authorized to give impact fee credits for land that is actually in Roswell, if a private development agreement was created between the City and the Developer.
 - Director Cook shared that this was discussed with the City Attorney, and there is an option for impact fees to be provided to a developer through a private development agreement.
 - City Attorney, Molly Esswein, shared that the area of Wills Road that would be improved by the developer is not on the Capital Improvement Element project

list (since the land is not in the City of Alpharetta) and would not be automatically eligible for impact fee credits. However, impact fees for this item do not need to be discussed as a condition, because by the Code, the developer may seek impact fee credits through the Community Development department's impact fee coordinator, which would later come before City Council for approval. Condition #7 can remain as was originally proposed by Staff. The Developer can come back before City Council to justify the need for an impact fee credit, rather than guaranteeing any impact fee credit eligibility as a zoning condition.

- Kathy Zickert (for the applicant) based on City Attorney Esswein's justification, shared that the applicant no longer objects to Condition #7.

Public Comments:

- There were no public comments.
 - Mayor Pro Tem Merkel offered a motion to approve Z-22-08/V-22-12 South of Wills Park, subject to the following conditions:
 1. Approximately 5.5 acres shall be zoned DT-MU and developed substantially similar to site plan prepared by Pond, dated 7/13/22, 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, dated 5/5/22, 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. Townhomes shall have 4-sided architecture, materials and details.
 3. Density shall not exceed 9.93 dwelling units per acre.
 4. Building heights shall not exceed 4 stories and 50'.
 5. Townhomes shall have direct vehicular access from a street or alley, as depicted on the site plan prepared by Pond, dated 7/13/22.
 6. Courtyards may encroach into landscape strips, subject to meeting the minimum landscape material requirements, as approved by Staff.
 7. Developer shall improve the Wills Road streetscape as follows: minimum 6' planter planted with street trees, 6' sidewalk, and decorative pedestrian lighting, with final approval by Staff and City of Roswell. In lieu of tree grates, the soil area around street trees shall be planted with evergreen ornamental grasses, groundcovers and/or shrubs. Impact fee credits shall be considered as part of a private development agreement.
 8. Streets and alleys shall be developed as depicted on the site plan prepared by Pond, dated 7/13/22, with final approval by Staff. Decorative pedestrian lighting shall be required throughout the development. Internal streets and alleys shall be private and maintained by the HOA.

9. Landscape strips shall be required as depicted on the site plan prepared by Pond, dated 7/13/22, not including alleys. Landscape strips 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.
10. Landscape strips along South Main Street and Wills Road 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. Subdivision decorative fencing and columns may be placed within the landscape strip along South Main Street, as approved by Staff.
11. Developer shall provide an enhanced pedestrian crossing at South Main Street and Wills Road, which shall include color pavement markings and signage, as approved by GDOT and Staff. Enhanced pedestrian crossing shall be eligible for impact fee credits, as approved by Staff.
12. Undisturbed buffers, replanted where sparse, shall be provided as depicted on the site plan prepared by Pond, dated 7/13/22. Evergreen trees and shrubs shall be planted along the south and east property lines and along the property line north of Units 6-13, as approved by Staff.
13. Property owner acknowledges that redevelopment of the properties to the north, east and south with non-residential uses shall not require a buffer adjacent to the subject property.
14. Project entrance may be gated and shall include a decorative paver apron, landscaping, brick wall and fencing with columns substantially similar to the submitted renderings, dated 5/5/22.
15. Subdivision sign shall be substantially similar to the submitted renderings, dated 5/5/22, and shall have a 0' setback along Wills Road, as approved by Staff.
16. Open space shall be developed substantially similar to the site plan prepared by Pond, dated 7/13/22, except that the optional bicycle path in the civic space shall be removed and stairs shall accommodate a bicycle wheel path, as approved by Staff. Open space shall be developed with a park-like setting with decorative landscape, hardscape and seating. Landscape shall include plant selections promoting the historic Downtown.
17. Creeping vines shall be planted to cover retaining and low walls, as approved by Staff.
18. Developer shall save trees as depicted on the site plan prepared by Pond, dated 7/13/22. Tree saves shall be limited to trees in fair to good condition and with CRZ impacts of no more than 30% which may be subject to tree care, as approved by Staff. Developer shall make reasonable efforts to save additional trees of quality and/or tree groupings, as approved by Staff.
19. Fences and walls visible from the public right-of-way shall be decorative, as approved by Staff. Unfinished wood fences and decks shall not be visible from the street.

20. HVAC and similar equipment shall not be visible from the public right-of-way.
21. Fire access shall meet IFC 2018 Appendix D and Fire Hydrants.
22. Stormwater may be placed underground within the private street as depicted on the site plan prepared by Pond, dated 7/13/22, with final approval by Staff. Stormwater facilities shall be indicated on the recorded final plat, clearly describing the underground facilities, their function, purpose, ownership, and granting access for inspection, maintenance and repair rights to the HOA and the City of Alpharetta. Maintenance responsibilities shall also be included in the recorded covenants with all costs to be borne by the HOA and homeowners of the development.
23. Garbage pickup shall be from within the development.
24. No more than 10% of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.
- Council Member Mitchell offered a friendly amendment to the motion to add the following language to Condition #24: Developer must add permanent access to underground detention in more than one (1) access point.
 - Mayor Pro Tem Merkel accepted the friendly amendment.
 - Council Member Mitchell seconded the motion.
 - Council Member Hipes offered a friendly amendment to the motion to change the language in Condition #7 from "shall be considered" to "may be considered."
 - Mayor Pro Tem Merkel accepts the friendly amendment.
 - Council Member Mitchell accepts the friendly amendment.
 - The motion was approved unanimously (7-0).
 - There was the following discussion during the motion:
 - Council Member Binder asked City Attorney Esswein whether or not the additional language in Condition #7 is accurate for what the Mayor and Council are wanting to accomplish.
 - City Attorney Esswein shared that Section 24-48 of the Code states that nothing in this article prohibits the voluntary mutual approval of private contractual agreements concerning the construction or installation of system improvements and providing credits for reimbursement.

B. CU-22-05 / Off Leash / 142 South Main Street

Consideration of a conditional use to allow 'Recreational Facilities, Indoor and Outdoor' for Off Leash. Off Leash is a full-service restaurant and indoor and outdoor dog park. The property is located at 142 South Main Street and 125 Norcross Street and is legally described as being located in Land Lot 695, 1st District, 2nd Section, Fulton County, Georgia.

- ❖ Planning & Development Services Manager, Michael Woodman, came forward to present this item.
- ❖ This item was considered at the 7/14/2022 Planning Commission meeting. Staff recommended approval subject to 16 conditions. There were no public comments. After discussion, Planning Commission recommended approval subject to staff's recommended conditions and accepting the applicant's changes to conditions #1 and 8 (5-0).
- ❖ Staff is recommending that Mayor and Council approve CU-22-05 / Off Leash / 142 South Main Street, subject to the following conditions:
 1. 'Recreational Facilities, Indoor and Outdoor' shall be added as a conditional use at 142 South Main Street and 125 Norcross Street and limited to no more than 3,600 square feet covered dog area and 0.73-acre outdoor dog park.
 2. Conditional use approval shall be limited to Off Leash; no additional 'Recreational Facilities, Indoor and Outdoor' use or subleasing shall be permitted on the subject property.
 3. 'Recreational Facilities, Indoor and Outdoor' shall be limited to an indoor and outdoor dog park with restaurant.
 4. Hours of operation shall be limited to Sunday – Thursday 8:00 AM to 9:00 PM and Friday – Saturday 8:00 AM to 10:00 PM.
 5. Site shall be developed substantially as depicted on the site plan prepared by Gaskins + Lecraw, dated 6/14/2022.
 6. Building architecture and materials shall be developed in compliance with the Alpharetta Downtown Code and Downtown Consultant, subject to final approval by DRB. Building shall be 75% brick, as determined by the DRB.
 7. Outdoor furniture (dining area and dog park) and play equipment with primary or bright colors shall be screened from the public right-of-way and shall require final approval by DRB.
 8. Corner of South Main Street and Old Milton Parkway currently includes a 2,500 square foot open space with focal point feature archway and minimal landscaping. Applicant shall remove the existing archway and install a new focal point feature/sculpture, with final approval by the Cultural Arts Commission. The budget for the focal point feature/sculpture shall not exceed \$15,000. Applicant shall also install decorative landscaping in the open space. Property owner shall be responsible to maintain the corner open space and all improvements.
 9. Landscape strip material shall be planted in front of any proposed fencing. Fencing visible from the public right-of-way shall be decorative black, metal fencing no more than 5' in height, with final approval by DRB.
 10. Developer shall improve Old Milton Parkway streetscape with a minimum 4' planter planted with street trees (subject to approval by GDOT), minimum 8' sidewalk and decorative pedestrian lighting, as approved by Staff.
 11. Developer shall improve Norcross Street streetscape with a minimum 4' planter planted with street trees, minimum 5' sidewalk and decorative pedestrian lighting, as approved by Staff.

12. Project entrance on South Main Street shall be landscaped with ornamental plantings, as approved by DRB.
 13. Trees shall be saved as depicted on the tree protection plan prepared by Gaskins + Lecraw, dated 6/24/2022.
 14. Dumpster enclosure shall consist of materials similar to those used on the building and gate shall be metal and opaque, as approved by DRB.
 15. Buildings shall connect to the public sidewalk system.
 16. Old Milton Parkway curb cut shall be removed prior to the issuance of a Certificate of Occupancy.
- The submitted request, if approved, would allow for the redevelopment of the former Rite Aid site with a 'Recreational Facilities, Indoor and Outdoor' and 'Restaurant' for Off Leash on approximately 2.3 acres in the Downtown Overlay. A conditional use is requested to allow 'Recreational Facilities, Indoor and Outdoor'. Off Leash is a new concept which includes a one (1) story, 5,400 square foot restaurant, 3,000 square foot covered dog area and approximately 0.73-acre outdoor dog park. The subject property is located at 142 South Main Street and 125 Norcross Street at the southeast corner of Old Milton Parkway and South Main Street.
 - The property was previously developed and used for an 11,500 square foot Rite Aid pharmacy, which has been vacant for a few years. Current zoning of the property is C-2 (General Commercial), which allows 'Restaurant' by-right and 'Recreational Facilities, Indoor and Outdoor' with the approval of a conditional use. Surrounding properties are zoned C-2. Taco Bell and Salt Factory are located to the north, Publix, Chase Bank and a gas station are located to the east, Park Plaza office building and Mammoth Car Wash are located to the south and Crust is located to the west.
 - According to the applicant, Off Leash is a state-of-the-art dog park facility and restaurant featuring outdoor and indoor spaces for patrons and their dogs. The dog park will operate on a membership model with guest and day passes available. Hours of operation are proposed to be Sunday – Thursday from 8:00 AM to 9:00 PM and Friday – Saturday from 8:00 AM to 10:00 PM. In addition to restaurant employees, the dog park will include park rangers (screen guests and supervise dog play), experience coordinator (plan and activate experiences throughout the park) and grounds keeper (maintain cleanliness). The applicant anticipates eight (8) to twelve (12) employees.
 - 27 surface parking spaces are depicted at the rear of the building and five (5) on-street, parallel parking spaces are depicted on Norcross Street for a total of 32 spaces. The Unified Development Code (UDC) requires one (1) parking space per 500 square feet for the applicant's proposed use, or 22 spaces. According to a note on the site plan, redevelopment of the property will result in a loss of approximately 14,700 square feet of impervious area. The applicant provided a landscape plan, which depicts a mix of evergreen (Cedars) and deciduous (Maple) trees in the landscape strips along Old Milton Parkway and South Main Street. Evergreen trees are typically reserved for buffers (not in landscape strips); however, the applicant is attempting to screen the outdoor areas from the public right-of-way.

- The applicant submitted a trip generation memorandum (see table below), which estimates that the proposed restaurant with dog park will generate approximately six (6) AM Peak Hour trips and 78 PM Peak Hour trips.
- The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that no comments were received.
- The CZIM was held on May 11, 2022. There were a few public comments with questions and concerns over whether the business will have an alcohol license, safety for dogs given the busy intersection, and proximity to Fetch Dog Park on Maxwell Road.
- Julie Sellers (Attorney with Dillard & Sellers Attorneys at Law) came forward to speak on behalf of the applicant.
- Wendy Newman (with Cooper Holdings, Inc.) came forward to speak on behalf of the applicant.

City Council Discussion:

- Council Member Hipes shared that he is concerned with the safety of dogs at one of the busiest intersections in the City of Alpharetta. Further, he asked (in terms of Condition #9) whether a five (5) foot fence is a sufficient height for dogs within a dog park.
 - Manager Woodman shared that the part of Condition #9 that limits the fence to no more than five (5) feet in height was added by the Planning Commission. Further, Manager Woodman shared that he visited the City's Waggy World Dog Park, and the fencing there is a horse-style fence that is about five (5) feet tall. Additionally, Fetch Dog Park in Alpharetta has six (6) and eight (8) foot wooden privacy fencing around the perimeter, but only a four (4) foot fence between the parking lot and sports courts. Staff wanted to specify what the fencing would look like and the height size, in terms of visibility from Old Milton Parkway. The applicant did agree to Condition #9 at Planning Commission.
 - Wendy Newman shared that there is no magic number for the fence height, and most fences for dog parks are between five (5) and eight (8) feet tall.
- Mayor Gilvin asked about Condition #8 and the \$15,000 limit for the sculpture at the corner of Old Milton Parkway and South Main Street.
 - Manager Woodman shared that this condition was one of the applicant's requested condition changes and Planning Commission agreed to this condition. Since the applicant is paying for this public art feature, the applicant wanted to have some sort of cost limitation in place.
- Council Member Will shared that he is interested to know if this establishment will sell alcohol and asked the applicant about the number of dogs that will visit the dog park.
 - Wendy Newman says that their membership is only one part of their revenue model, and she hopes to have 1,000 memberships in the first year of business.

Off Leash will have technology to determine who is at the park at any moment, and they will also have a full alcohol license.

- Council Member Mitchell asked about the aesthetics of the exterior of the facility.
 - Wendy Newman shared that this location is the flagship location for Off Leash. She also shared that they can change the exterior of the location with what fits in with the style of Downtown Alpharetta (with cost limitations) and would be amenable to working with the Design Review Board.
- Council Member DeRito asked if dogs will be allowed in the restaurant.
 - Wendy Newman shared that dogs will not be allowed inside. There are three (3) activations at Off Leash. Guests can be in the dog park playing with their dog, sitting on the covered patio with their dog on a leash, or sitting inside the restaurant. Further, a membership is not required to visit. A membership is only required if you are going to bring your dog into the dog park area. Day passes are also available in lieu of a membership.
- Council Member DeRito asked the applicant why they believe this is a great location for this type of use.
 - Julie Sellers shared that the access to this area is not great, and the space has been undeveloped for some time. Bringing a park setting to the downtown core compliments the remainder of the downtown area.
- Mayor Gilvin asked if guests will be allowed to throw objects within the dog park while playing with their dog.
 - Julie Sellers shared that there not be toys or balls in the dog park.
- Council Member Mitchell asked about how Off Leash will handle aggressive dogs.
 - Wendy Newman shared that they have hired a company to train their staff on how to handle dogs, there will be a one-strike policy for poorly behaved dogs, they will have training videos on their website detailing how children should interact with dogs in the parks, they will require veterinarian records for each dog, and they have worked with an attorney who specializes in how to mitigate these types of situations on the front end when establishing this type of business.

Public Comments:

- Jessica Plette (11262 Musette Circle, Alpharetta, GA 30009) came forward to speak in opposition of this application.
 - Mayor Pro Tem Merkel offered a motion approve CU-22-05 / Off Leash / 142 South Main Street, subject to the following conditions:
 1. 'Recreational Facilities, Indoor and Outdoor' shall be added as a conditional use at 142 South Main Street and 125 Norcross Street and limited to no more than 3,600 square feet covered dog area and 0.73-acre outdoor dog park.

2. Conditional use approval shall be limited to Off Leash; no additional 'Recreational Facilities, Indoor and Outdoor' use or subleasing shall be permitted on the subject property.
3. 'Recreational Facilities, Indoor and Outdoor' shall be limited to an indoor and outdoor dog park with restaurant.
4. Hours of operation shall be limited to Sunday – Thursday 8:00 AM to 9:00 PM and Friday – Saturday 8:00 AM to 10:00 PM.
5. Site shall be developed substantially as depicted on the site plan prepared by Gaskins + Lecraw, dated 6/14/2022.
6. Building architecture and materials shall be developed in compliance with the Alpharetta Downtown Code and Downtown Consultant, subject to final approval by DRB. Building shall be 75% brick, as determined by the DRB.
7. Outdoor furniture (dining area and dog park) and play equipment with primary or bright colors shall be screened from the public right-of-way and shall require final approval by DRB.
8. Corner of South Main Street and Old Milton Parkway currently includes a 2,500 square foot open space with focal point feature archway and minimal landscaping. Applicant shall remove the existing archway and install a new focal point feature/sculpture, with final approval by the Cultural Arts Commission. The budget for the focal point feature/sculpture shall not exceed \$15,000. Applicant shall also install decorative landscaping in the open space. Property owner shall be responsible to maintain the corner open space and all improvements.
9. Landscape strip material shall be planted in front of any proposed fencing. Fencing visible from the public right-of-way shall be decorative black, metal fencing no more than 5' in height, with final approval by DRB.
10. Developer shall improve Old Milton Parkway streetscape with a minimum 4' planter planted with street trees (subject to approval by GDOT), minimum 8' sidewalk and decorative pedestrian lighting, as approved by Staff.
11. Developer shall improve Norcross Street streetscape with a minimum 4' planter planted with street trees, minimum 5' sidewalk and decorative pedestrian lighting, as approved by Staff.
12. Project entrance on South Main Street shall be landscaped with ornamental plantings, as approved by DRB.
13. Trees shall be saved as depicted on the tree protection plan prepared by Gaskins + Lecraw, dated 6/24/2022.
14. Dumpster enclosure shall consist of materials similar to those used on the building and gate shall be metal and opaque, as approved by DRB.
15. Buildings shall connect to the public sidewalk system.
16. Old Milton Parkway curb cut shall be removed prior to the issuance of a Certificate of Occupancy.
 - o Council Member Binder seconded the motion.

- Council Member Hipes offered a friendly amendment to the motion to change the language in Condition #9 from "metal fencing no more than 5' in height, with final approval by DRB." to "metal fencing no more than 6' in height, completely screened, with final approval by DRB."
 - Mayor Pro Tem Merkel accepted the friendly amendment but struck the addition of the language "completely screened."
- The motion was approved (5-2, with Council Members Mitchell and Will in opposition).
 - There was discussion during the motion about the following:
 - Julie Sellers (for the applicant) shared that the small dog park is for dogs that are thirty (30) pounds or less. Further, the applicant would be amenable to changing Condition #9 to a six (6) foot fence.
 - Mayor Pro Tem Merkel shared that the fire marshall will determine the capacity for guests. if a dog were to get out of the fenced areas, ultimately, this business is responsible for whatever happens.
 - Council Member Will shared that he cannot support this application because he does not believe it is safe or aesthetically pleasing.
 - Council Member Mitchell shared that he cannot support a 6-foot fence on Old Milton Parkway.
 - Council Member DeRito shared that he originally struggled with this application because of the safety factors but believes that this will be a good use for the City.
 - Mayor Gilvin shared that there is no perfect way to make sure that a dog does not escape a fenced area. This application will remove asphalt and activate the green space.

C. PH-22-08 / UDC (Unified Development Code) Text Amendment – Residential Overlay District

Consideration of adding a Building Height definition within Unified Development Code Section 1.4 Definitions. An overlay for residential development located within the Meadowbrook Hills, Milton Estates and Stone Gate Manor subdivisions will also be considered as an addition to the Unified Development Code that includes regulations regarding replanting, streetscape requirements, and front façade requirements. These properties are legally described as being located in Land Lots 1178, 1179, 1180, 1197, 1198, 1199, 1250, 1251 & 1252, 2nd District, 2nd Section, Fulton County, Georgia.

- Director of Community and Economic Development, Kathi Cook, came forward to present this item.

- This item was considered at the 7/14/2022 Planning Commission meeting. There were 3 public comments with concerns over tree removal and ensuring that the City hears the resident's concerns. After discussion, Planning Commission recommended approval (5-0).
- Staff is recommending approval of text amendments to Unified Development Code (UDC) Section 1.4 Definitions to amend the definition of 'Building Height' and creating a new section Appendix B: Residential Overlay District to add regulations specific to the Meadow Brook Hills, Milton Estates and Stone Gate Manor subdivisions as it relates to lot and building standards and tree preservation.
- City Staff was contacted in early 2022 by residents of the Meadow Brook Hills, Milton Estates and Stone Gate Manor neighborhoods regarding negative impacts from the redevelopment of homes in their neighborhoods.
- In response, Staff hosted two (2) meetings on January 26th and February 8th to listen to the resident's concerns which were primarily centered around stormwater, flooding, tree removal and incompatible development (building height, architecture, massing, etc.). Staff prepared regulations addressing these concerns and presented them at a meeting on May 17th.
- After the public comment period, the regulations were further revised. The resulting text amendments include a new definition for 'Building Height', as well as Residential Overlay District regulations addressing lot and building standards (design standards, stormwater design requirements, land disturbance) and tree preservation.
- The proposed text amendments are attached hereto as "Exhibit A."

City Council Discussion:

- Council Member DeRito asked what impact these text amendments have on stormwater management for the City.
 - Director Cook shared that we did not previously require infiltration testing, so we have added additional requirements for new developments. This was added after the neighborhood meetings that took place earlier this year.
- Council Member DeRito asked if these amendments affect the property values?
 - Director Cook shared that staff believes that it enhances property values in that area because it is putting together what the streetscape would look like and protecting the streetscape.
- Mayor Pro Tem Merkel shared that only one developer in seven years has come forward and asked for a variance to the 20-foot driveway setback.

Public Comments:

- Michael Buchanan (135 Pebble Trail, Alpharetta, GA 30009) came forward to speak on creating additional protections for tree canopy and limiting clear-cutting of trees.
- Kenneth Kaplan (150 Pebble Trail, Alpharetta, GA 30009) came forward to speak on examples of trees that have been cut down in his neighborhood.
- John Norton (155 Shady Grove Lane, Alpharetta, GA 30009)

- Elaine Morgan (245 Meadow Drive, Alpharetta, GA 30009) came forward to speak on the elevation of lots adjacent to her property and drainage/runoff.
- Derek Gant (100 Shady Grove Lane, Alpharetta, GA 30009) came forward to speak about the loss of shade in his neighborhood and the tree ordinance and development.
- Jayden Richey (120 Shady Grove Lane, Alpharetta, GA 30009) came forward to speak on the lack of replanting.
- Jennifer Sheppard (Pebble Trail, Alpharetta, GA 30009) came forward to speak on the change in the streetscape.
- City Attorney, Molly Esswein, read the ordinance aloud.
- ❖ Mayor Pro Tem Merkel offered a motion to approve PH-22-08 / UDC (Unified Development Code) Text Amendment – Residential Overlay.
 - Council Member Hipes seconded the motion.
 - The motion was approved unanimously (7-0).
- Mayor Gilvin called for a brief recess at 9:57 p.m.
- Mayor Gilvin reconvened the City Council meeting at 10:05 p.m.

VII. NEW BUSINESS

A. Alpha Loop, RFP 22-123

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- Staff is recommending that Mayor and Council approve the award RFP 22-123 to Integrated Construction and Nobility, Inc. for the construction of the Alpha Loop Extension Project in an amount not to exceed \$14,031,710.66, allocate funds in the amount of \$100,000.00 for utility relocations, allocate funds in the amount of \$575,000.00 for right-of-way/easement acquisitions, and approve Atkins North America, Inc.'s proposal for construction management, engineering, and inspections services in an amount not to exceed of \$530,877.08, and authorize the Mayor to execute all necessary documents.
- (RFP) 22-123 is for the construction of the Alpha Loop from its current end south of Old Milton Parkway and the Chelsea Walk Subdivision to Northwinds Parkway and the portion of Alpha Loop running through the Northwinds Summit development.
- The project will add approximately 4,920 feet (0.93 miles) of trail including an approximately 360' long bridge, an approximately 144' long tunnel under Westside Parkway, and connections to The Atley Subdivision, Westside Parkway, and Northwinds Parkway.
- ICAN is an experienced contractor that has worked on several projects with similar elements in Georgia for multiple government agencies, including Cherokee County, Clayton County, City of Dunwoody, and City of Roswell. Additionally, ICAN was awarded one of two contracts with the City of Alpharetta for On Call Park Trail Construction Services on June 3, 2019 and successfully completed the Big Creek Greenway extension from

Marconi Drive to Union Hill Park in May 2021. ICAN anticipates being able to mobilize and begin construction in September 2022.

- Right-of-way/easement acquisition costs in an estimated amount totaling \$575,000.
- On January 18, 2022, Atkins North America, Inc. was awarded a contract to provide the City project management services, including construction management and construction inspection services. At staff's direction, Atkins prepared a proposal for providing construction project management, inspection, and engineering services for the Big Creek Greenway Extension project. The proposed fee for these services is \$530,877.08, which is based on an estimated number of hours to be worked over an 18-month time frame (15 months for construction, 3 months for project punch list and closeout).

Public Comments:

- There were no public comments.
- ❖ Council Member Hipes offered a motion to approve the award RFP 22-123 to Integrated Construction and Nobility, Inc. for the construction of the Alpha Loop Extension Project in an amount not to exceed \$14,031,710.66, allocate funds in the amount of \$100,000.00 for utility relocations, allocate funds in the amount of \$575,000.00 for right-of-way/easement acquisitions, and approve Atkins North America, Inc.'s proposal for construction management, engineering, and inspections services in an amount not to exceed of \$530,877.08, and authorize the Mayor to execute all necessary documents.
 - Council Member DeRito seconded the motion.
 - The motion was approved unanimously (7-0).

B. Public Works Fleet Replacement – Bucket Truck

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- Staff is recommending that Mayor and Council approve the purchase of a 2022 Ram 5500 equipped with an ALTEC Model AT40-G telescopic articulating aerial device with ISO-Boom utilizing Sourcewell Contract #110421-ALT from ALTEC, Inc. in an amount not to exceed \$141,908.
- The Public Works Department budgeted for a bucket truck to replace a 2003 F-550 standard cab bucket truck. This truck is used to assist with facilities, right of way, and traffic related issues.
- Unit #350 (2003 model year F-550 standard cab bucket truck) with 73,265 miles is currently out of service due to safety issues. Multiple hydraulic air hoses have dry rotted and need replacement. The versalift equipment that is currently on this bucket truck is difficult to maintain (limited parts availability and few qualified service technicians). Due to the age and wear and tear on the vehicle, this vehicle is scheduled for replacement.
- Approximate delivery time for this unit is April 2024, due to the current market situation and availability of materials.

City Council Discussion:

- Mayor Pro Tem Merkel shared that Public Works may want to consider purchasing a pre-owned vehicle to get the City by until the new vehicle is ready in April 2024.
- Mayor Gilvin shared that Public Works may want to consider leasing and/or purchasing a newer model than 2022 if we cannot get the vehicle until 2024.

Public Comments:

- There were no public comments.
- ❖ Council Member DeRito offered a motion to approve the purchase of a new Ram 5500 equipped with an ALTEC Model AT40-G telescopic articulating aerial device with ISO-Boom utilizing Sourcewell Contract #110421-ALT from ALTEC, Inc. in an amount not to exceed \$141,908.
 - Mayor Pro Tem Merkel seconded the motion.
 - Council Member Will offered a friendly amendment to include language that would also allow for an option of purchasing a used truck now instead of waiting until 2024.
 - Council Member DeRito did not accept the friendly amendment.
 - The motion was approved (6-1, with Council Member Will in opposition).

VIII. WORKSHOP ITEMS

A. Performance Permit in Downtown Pocket Parks

- Cultural Arts Commissioners, Melody Cookson and Michael Barsky, came forward to present this item.
- The Cultural Arts Commission is recommending a six-month beta program for a Performance Permit in Downtown Pocket Parks throughout the City.
- This program would also allow local students and emerging artists (cirque, painters, chalk artists – not just musicians) to display their work in the City. This program would make use of the existing pocket parks that are underutilized and create parameters for the quality and the performance times for people wanting to show their artistry in Alpharetta.
- This program would allow artists to perform in four (4) locations within City Parks (Fountain Park near Nest Café, Milton Avenue by the Hamilton Hotel, the Park with the big tree where Food Truck Alley takes place, and the Fountain by La Casa Italian). This program also establishes a vetting and permitting process, restricts the hours for performances by requiring artists to select a time slot on sign-up genius, ensures performance dates do not conflict with other special events, and eliminates panhandling by using venmo or digital payment platforms.

City Council Discussion:

- Council Member Hipes asked how this program would enhance or detriment the City of Alpharetta.

- The Commissioners shared that this will help utilize some of our smaller parks and gives new opportunities for local artists. The only downside to this program is if it were to fail, but if it did fail, it would be because we did not do a good job in promoting it.
- Mayor Pro Tem Merkel shared that he has concerns of who is going to inspect whether the artists performing are permitted because there is a shortage of downtown law enforcement officers.
- Council Member Binder shared that he has been impressed with Recreation and Parks events but suggested that if we do allow this program as a six-month beta program, someone associated with this program should come back to City Council with an update after the first three months.
- Council Member Mitchell thanked the Commission for their work on this and shared that he is supportive of this program.

IX. BOARDS & COMMISSIONS APPOINTMENTS

A. Recreation Commission – Nomination of Derek Kaighin by Mayor Pro Tem Merkel

- Mayor Pro Tem Merkel announced his nomination of Derek Kaighin to serve on the Recreation Commission.
- Mayor Gilvin accepted Mayor Pro Tem Merkel's nomination and appointed Derek Kaighin to serve on the Recreation Commission.

X. PUBLIC COMMENT

- There were no public comments.

XI. REPORTS

- There were no reports.

XII. RECESS TO EXECUTIVE SESSION

A. Executive Session

- ❖ Council Member Binder offered a motion to recess to executive session.
 - Council Member Hipes seconded the motion.
 - The motion was approved unanimously (7-0).
- Mayor Gilvin recessed the meeting at 10:40p.m.

XIII. RECONVENE CITY COUNCIL MEETING

- ❖ Mayor Pro Tem Merkel offered a motion to reconvene the meeting.
 - Council Member Binder seconded the motion.
 - The motion was approved unanimously (7-0).
- Mayor Gilvin reconvened the meeting at 10:49 p.m.

XIV. ADJOURNMENT

- ❖ Council Member Mitchell offered a motion to adjourn the meeting.
 - Council Member Will seconded the motion.

- The motion was approved unanimously (7-0).
- With there being no further items to consider or discuss, Mayor Gilvin adjourned the meeting at 10:50 p.m.

Respectfully submitted,

A handwritten signature in blue ink that reads "Lauren Shapiro". The signature is written in a cursive, flowing style.

Lauren Shapiro, City Clerk

EXHIBIT A

1.4.2 Defined terms.

~~Building Height. The vertical distance to the highest point of the roof surface of a flat roof, the deck line of a mansard roof, and to the mean height level between eaves and ridge of a gable, hip or gambrel roof, as measured from the average finished grade across the building frontage.~~

~~Building Height. The vertical distance between the "ground" and the level of the highest point of the roof surface of a flat roof, the deck line of a mansard roof, and to the mean height level between eaves and ridge of a gable, hip or gambrel roof, For the purpose of measuring building height, the "ground" level is the highest of the following three levels: curb level; established or mean street grade if no curb exists; or the average existing ground level adjoining the building if the building is setback more than 10 feet from the street line.~~

APPENDIX B. RESIDENTIAL OVERLAY DISTRICT – MEADOWBROOK HILLS, MILTON ESTATES, AND STONE GATE MANOR

Purpose

The purpose of the Residential Overlay District is to establish criteria to regulate “new development” defined as construction on vacant, underutilized, or reused parcels of land generally served by utilities and surrounded by existing development, including single-family homes including additions as defined in this section under “new development”.

The intent of the Residential Overlay District is to:

1. Maintain streetscape character while accommodating new residential development.
2. Address and mitigate the impacts of new development on stormwater management and loss of tree canopy within established residential areas and provide tree save incentives.
3. Provide options for parking on lots under construction in order to limit roadway parking.

Applicability

The provisions of this article are intended to regulate development within single-family residential areas and shall apply to all parcels designated “Residential Overlay District” on the official zoning map currently restricted to Stonegate Manor, Meadowbrook and Milton Estates. All development, including construction of new homes and/or applicable additions to homes as defined by this overlay, shall be in accordance with the provisions of the zoning ordinance and land development regulations, as well as this article. In the event of a conflict or inconsistency between the provisions of this article and any other provision of the Unified Development Code, this article shall govern the development of the property within the boundaries of the overlay.

The overlay applies to all New Development that includes one or more of the following:

1. Any development on vacant or unused lots
2. Redevelopment of more than one-third (1/3) of the existing or preexisting building footprint
3. An addition or accessory dwelling exceeding the lesser of 600 square feet or 20% of existing building footprint

Lot and Building Standards

- A. *Design Standards for New Development, as defined on the previous page.*
 1. Where a garage faces a street the garage must be recessed a minimum distance of 20 feet behind the front building façade.
 2. Architectural Variety. Proposed residences within an established neighborhood must incorporate architectural variety to their front facade, ensuring housing style diversity.

Duplicative front facade elevations adjacent to each other are prohibited. Simple reverse configurations of the same facade elevation on adjacent lots are not sufficient to meet this requirement. In order to ensure architectural variety, three or more design elements per infill residence must be utilized:

- a. Different window opening locations and designs;
- b. Different roof line configurations;
- c. Different entry/porch designs;
- d. Different exterior materials and finishes;
- e. Different garage location, configuration, and design.

B. Stormwater design requirements (Previously adopted March 2022)

- 1. Soils infiltration testing prior to issuing any development permit required to install an infiltration practice for all development that adds between 1,000 SF and 5,000 SF of new impervious area. The soils infiltration testing will include:
 - a. infiltration rates
 - b. depth to water table
 - c. depth to bedrock.
- 2. Certification that the green infrastructure measure was installed as designed at the end of construction shall be required as well as a maintenance covenant be recorded with the property records office for all future homeowners.
- 3. Development that adds or replaces 5,000 SF of more of impervious area shall complete:
 - a. a full stormwater management study
 - b. soil testing
 - c. measure certification
 - d. recording of a maintenance covenant.

C. Land Disturbance

- 1. Silt Fencing shall be permitted to be set back from the existing roadway by up to 20' from the edge of pavement for the purpose of creating a gravel area to assist with sub parking as well as material drop off. This area shall be maintained to avoid tracking into the roadways.

-
Tree Preservation

To maintain and promote the public health, safety, and welfare, the city has established city-wide regulations governing the conservation, planting, and replacement of trees. Trees contribute to the community's quality of life, improve the visual quality of the city, assist with rainwater interception and infiltration, and increase property values. These overlay guidelines will apply above and beyond the City's Land Development Ordinance to address the specific challenges and conditions of tree preservation within the overlay's boundaries and provide additional incentives for saving existing trees.

A. Deviations from Unified Development Code.

- 1. Minimum Tree Density. Within the overlay district boundaries, all 'For-Sale' residential lots shall maintain a minimum tree density as described in section 3.2.7 of the Tree Ordinance by making reasonable efforts to incorporate existing trees on the property, especially within

-
- the streetscape. (Reasonable efforts shall include, but not be limited to, alternate building design, building and driveway location, stormwater BMP locations).
2. Rear Landscape Strip. Within the overlay district boundaries, all 'For-Sale' residential lots shall include a 10' undisturbed or replanted landscape strip along the rear property line.
 - a. If property includes stream buffers, floodplain, or other zoning buffers, this rear buffer location and width maybe shifted, removed or altered as approved by the city Arborist to accommodate alternate layouts.
 3. Additional Tree Credits. The City Arborist may authorize additional tree credits for trees preserved with an approved alternate design.
 - a. Specimen trees may receive a density credit of three times the inches as long as the encroachment into the critical root zone is below 20%. Trees of Quality and Tree Groupings may reduce recompense plantings. The reduction shall be calculated considering two times the inches of the Trees of Quality or Tree Groupings that are preserved as long as the encroachment into the critical root zone is below 20%.
 4. Tree Replanting. Replanted trees shall be native and ecologically compatible with the local environment and uptake or intercept stormwater.
 - a. It is desirable to plant at least 20% medium or large evergreens as specified in the tree list in the Guidance Document to enhance the interception of rainfall year-round.
 - b. Trees selected for minimum tree density plantings shall be water loving species, such as Red maple, Weeping willow, Black gum, River Birch, Bald Cypress, American Sycamore, Atlantic White Cedar, Alder, Sweetbay Magnolia or similar as approved by the City Arborist.,
 - c. Streetscape/Landscape strip trees shall be planted in the front yard along the road frontage within the 10' landscape strip. Alternative designs and locations may be considered where existing utilities conflict with these requirements.
 - d. Spacing and number of trees shall be calculated based upon the average canopy spread of the species selected, as outlined in the Arborist Guidance document, in relation to the linear length of property road frontage.
 - e. When tree spacing exceeds 30' OC, at least one ornamental tree shall be incorporated into the design and planted in the front yard.
 - f. In order to create/maintain street character shade trees selected for the streetscape shall be overstory canopy trees of the Quercus (oak), Acer (maple), Ulmus (elm), and Platanus (sycamore) genus or as approved by the City Arborist.



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: RECREATION AND PARKS
SUBMITTED BY: MORGAN RODGERS
DRAFTED BY: KIM ZANE MANNING

I. AGENDA ITEM TITLE: "A" SCULPTURE

II. RECOMMENDATION:

Approve the repairing and repainting of the "A" Sculpture at the corner of Milton Avenue and Old Canton Street

III. BUDGET IMPLICATIONS:

- ☒ NON-BUDGETED ITEM ☐ NO FISCAL IMPACT
☐ INCLUDED IN CURRENT FY CAPITAL BUDGET ☐ INCLUDED IN CURRENT FY OPERATING BUDGET

TOTAL PROJECT COST: \$ 2,500

INTERNAL FUNDING SOURCES:

<u>ACCOUNT NUMBER</u>	<u>DOLLAR AMOUNT</u>
RCA03 Community Support Arts Programs	\$ 2,500.00

EXTERNAL FUNDING SOURCES (GRANTS, DONATIONS, ETC.):

<u>SOURCE</u>	<u>DOLLAR AMOUNT</u>
Alpharetta Convention & Visitors Bureau	\$ 2,500.00
Arts Alpharetta	\$2,500.00

IV. REPORT IN BRIEF:

- 05-23-22 City Council accepted the "A" Sculpture as a Gift.
- 07-28-22 Cultural Arts Commission recommended the "A" Sculpture to be repaired and repainted.
- The next step is to determine whether the City repairs and repaints the "A" sculpture so that it becomes a part of the new 2022 "Medley" Outdoor Sculpture Exhibit or if the City removes the "A" and replaces the sculpture location with brick sidewalk.
- Repair & Repaint Process: Present Impact to Future Impact:
 - City Staff located additional funding partners for the total repair costs. The total cost is \$7,500.
 - Arts Alpharetta will contribute \$2,500
 - Alpharetta Convention and Visitors Bureau will contribute \$2,500
 - City of Alpharetta will contribute \$2,500
 - A new mural would be painted on the "A" Sculpture and become a part of the new 2022 "Medley" Outdoor Sculpture Exhibit that City Council approved during the August 1, 2022 City Council meeting.
 - Arts Alpharetta will allocate funds to repaint the "A" Sculpture from the existing City Contract for the Bi-Yearly Outdoor Sculpture Exhibit Program ("Medley"). No additional funding is required outside of this pre-existing contract.

- Arts Alpharetta will curate the painting of the New "A" Sculpture and will present the proposed new "mural" to the Cultural Arts Commission for approval. If the Cultural Arts Commission recommends approval of the new "A" sculpture mural, then Staff will add the proposed mural to a future City Council consent agenda for final approval.
- Future Impact: The "A" Sculpture is owned by the City and funded in the 2028 Outdoor Sculpture Exhibit Program (approx. every 6 years).
- The Alpharetta Convention & Visitors Bureau will promote the newly painted "A" Sculptures as a representation of "A" for "Alpharetta" in the Outdoor Sculpture Exhibit Brochure for Tourism. The current sculpture has already been locally labeled in conversation and social media as a downtown destination: "Meet Me at the A."

V. ALTERNATIVES:

Remove the sculpture and replace with brick sidewalk.

VI. ATTACHMENTS:

- Past and Current Photos of "A" Sculpture
- City Council Meeting Minutes 05_23_22 (Acceptance of the "A" Sculpture as a Gift to the City)
- Cultural Arts Commission Minutes 07_28_22 (Approval to Repair & Repaint the "A" Sculpture and launch with the new 2022 "Medley" Outdoor Sculpture Exhibit)
- City Council Meeting Minutes 08_01_22 (Approval for 2022 "Medley" Outdoor Sculpture Exhibit)



CULTURAL ARTS COMMISSION MEETING

UNOFFICIAL MINUTES

JUNE 28, 2022

ALPHARETTA CITY HALL
COUNCIL CHAMBERS | 2 PARK PLAZA | 6:00 PM

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

I. CALL TO ORDER

- Chairman Smeal called the meeting to order at 6:01 p.m.

II. ROLL CALL

- Cultural Arts Commission Members
 - Chairman Dianna Smeal
 - Vice Chair Gene Andrews
 - Michael Barksy
 - Melody Cookson
 - Sabine Genet
 - Shital Foster
 - Francesca Connolly – *Alternate (withstanded from voting)*
- Cultural Arts Commission Members Absent
 - Sumita Patel
 - Alicia Burr - *Alternate*
- Staff
 - Morgan Rodgers, Director of Recreation, Parks, & Cultural Services
 - Kim Zane Manning, Cultural Services Manager of Recreation, Parks & Cultural Services
 - Amber O'Dwyer, Administrative Office Coordinator of Recreation, Parks & Cultural Services

III. PLEDGE OF ALLEGIANCE

IV. SWEARING-IN CEREMONY

- Welcome New Commissioner Francesca Connolly to the Cultural Arts Commission
- Swearing in and Signing of Oath of Office for Francesca Connolly

V. CONSENT AGENDA

- Approval of Cultural Arts Commission Meeting Minutes 4.26.22
- Approval of Cultural Arts Commission Workshop Minutes 5.24.22
 - ❖ Commissioner Andrews offered a motion to approve the minutes from the 4.26.2022 meeting and 5.24.22 workshop.
 - Commissioner Cookson seconded the motion.
 - The motion was approved unanimously (6-0).

VI. OLD BUSINESS

A. Performance Permits

- Cultural Services Manager Kim Zane Manning came forward to present the item.
- The over program has been downsized the overall program, changing it to a permit process.
 - Programs is accessed through Sign-up Genius for staff to review and approve.
 - If the time is not available, a performer is not allowed to play/perform.
 - Scaled back from ten to four locations.
 - No cash tips permitted. Tips are made w/ QR code accessible on a small sign.
 - Formal ID badge required w/ QR code for ratings.
 - Should a performer accrue two strikes for failure to operate with program guidelines he/she is no longer allowed to participate in the program.
- ❖ Commissioner Genet offered a motion to approve the submittal of the revised program structure to City Council.
 - Commissioner Andrews seconded the motion.
 - The motion was approved unanimously (6-0).

B. "A" Sculpture

- Cultural Services Manager Kim Zane Manning came forward to present the item.
- Reminded that the Cultural Arts Commission recommended City Council accept the gift of the "A" Sculpture and it was approved. Now it is time to determine if the city should keep and repaint the "A" or re-brick over where the sculpture currently stands.
- The vendor states cost to repair ranges between \$5,000-\$7,000.
 - The ACVB will give \$2,500 to repaint the sculpture.
 - Arts Alpharetta will \$2,500 to repaint the sculpture.
 - City expense would likely not exceed \$2,500 given the donations of partnered organizations.
- Commissioner Genet asked if there were specific requests made by the donors in exchange for the donations.

- Kim Zane Manning stated no requirements for the donations.
- Commissioners Foster and Genet asked questions pertaining to the future of the sculpture (if there was a cost to repaint it artistically, what ideas existing in terms of contests, etc. for the future of the sculpture).
 - Kim Zane Manning stated such plans for the future of the sculpture is in the 5-7 year plan but has not been initiated to date.
 - Arts Alpharetta would then cover cost for artistic repainting of the sculpture (which could vary from \$3,000-\$10,000 for artistic repainting).
- ❖ Commissioner Foster offered a motion to recommend repair and repaint the sculpture.
 - Commissioner Cookson seconded the motion.
 - The motion was approved unanimously (6-0).

VII. NEW BUSINESS

A. Public Art Review (Two Sculptures) – Lakeview Development

- Bennett Synder w/ TPA Group, 1776 Peachtree Road came forward to present the item.
- Gave an update on the current site plan in which they are requesting approval of two new sculptures.
 - Blue Dots: Entry signage to development
 - Red Dots: Sculptural locations.
 - AlphaLoop (6B & 7B) were approved prior and hope to have these approved.
 - Two of the sculptures are up for review.
 - One of the two structures is to disguise the utility cube at the hub of the development.
 - The other structure is to be erected on the development's event lawn.
 - Project is in Eco District - an eclectic space –so tried to be in keeping with neo-classical designs existing in the area.
 - Aluminum painted black for all signs to be consistent.
 - The utility cube structure is in the ideal location for storing for the development, however it is very visible in the location. The design is therefore intended to be a more creative way to disguise the housing unit of utility hub.
 - The event lawn structure's design consists of a planter made of limestone with a structural wall atop the planter bordering the event green which would offer a backdrop to the lawn to be used for events, etc. The purpose of the structure is to serve as a barrier between to event space and headlights likely from cars existing the parking structure across from the event lawn.
- Commissioner Cookson asked for confirmation that the structure would adequately preventing headlights from the main roadway.
- Commissioner Genet asked about greenery planned for the planter to further facilitate blockage of the headlights.

- Commissioner Barsky asked why it is called a “beer garden wall”.
 - Mr. Snyder stated that the structure does take into account the headlights with it’s given height. That the greenery for the planter has yet to be determined, and that the title is simply the name given by the artist but not intended for long-term, permanent use.
- Commissioner Genet stated she liked the designs but would like to see some sort of interaction included in the structural design. Can this be incorporated in a way that makes it more than a structural wall?
 - Presenter stated the event lawn structure is not intended to be interactive. The utility box, however, will be somewhat interactive by turning into a reindeer, etc. during holidays.
 - Other structures in the development have interaction but not the wall.
 - Commissioner Cookson stated that perhaps the structure, residing on the event lawn, is likely not interactive given the event lawn will house events and be the focus of activity versus the structure itself.
- ❖ Commissioner Barsky offered a motion to accept the two art sculpture designs submitted.
 - Commissioner Foster seconded the motion.
 - The motion was approved unanimously (6-0).

VIII. PUBLIC COMMENT

IX. REPORTS

A. Cultural Services Report – June 2022

- Cultural Services Manager Kim Zane Manning came forward to present the item.
- The division has recently had many events and summer art camps for May and June 2022.
 - Camp Creative
 - All-day camp. Big undertaking. Some kids love art, some do not.
 - Making use of every space for the camp.
 - Incorporate creativity through activity at times to burn energy.
 - Rock Band Camp
 - Kids learned three songs.
 - Participate in a concert.
 - Log Cabin Camp
 - Heritage learning.
 - Make items from logs.
 - Musical Theatre Camp
 - Sound of Music Video Played to Show Music Camp

- Art Leader Group
 - City Band & ASO worked together to put on two free events to celebrate Memorial Day.
- Paint the Town
 - Fundraising event.
 - Added in Lionheart Works Painting event this year to be featured in studio gallery.
- Juneteenth
 - Many events and community groups collaborating to celebrate the day.
 - Commissioner Andrews involved in the process.
 - Juneteenth gallery and reception had a great turn out.
 - Commissioner Andrews honored fathers for Juneteenth at the Ginger Room.
- Chairman Smeal asked about upcoming events.
 - Kim Zane Manning stated the division is preparing the fall guide now.

X. ITEMS FROM COMMISSION MEMBERS

XI. ADJOURNMENT

- ❖ Commissioner Genet offered a motion to adjourn.
 - Commissioner Foster seconded the motion.
 - The motion was approved unanimously (6-0).
 - Ended 6:50pm.

Respectfully submitted,

Amber O'Dwyer

Administrative Office Coordinator



City Council Meeting & Public Hearing

MAY 23, 2022

Office of the City Clerk

ALPHARETTA CITY HALL

COUNCIL CHAMBERS | 2 PARK PLAZA | 6:30 PM

OFFICIAL MINUTES

The public is advised that the following minutes are not a verbatim transcription of business presented at the Council Meeting of the date shown; but are a synopsis of pertinent information. The public is further advised that the tapes recorded at said meeting are a matter of public record and are available to be heard at the City of Alpharetta's Clerk's office during normal business hours or viewed online at <https://www.youtube.com/user/alpharettagov>.

I. CALL TO ORDER

- Mayor Gilvin called the meeting to order at 6:30 p.m.
- Mayor Gilvin announced that V-21-33 / Citgo 174 North Main Street Variance has been deferred by the applicant to a date to be determined.
- Mayor Gilvin announced that Council Member Binder is not yet present, and he will be about thirty (30) minutes late.

II. ROLL CALL

- **Council Members**
 - Mayor Jim Gilvin
 - Mayor Pro Tem Dan Merkel
 - Donald F. Mitchell
 - Brian Will
 - Douglas J. DeRito
 - John Hipes
 - Jason Binder
- **Staff**
 - Bob Regus, City Administrator
 - Molly Esswein, City Attorney
 - James Drinkard, Asst. City Administrator
 - Lauren Shapiro, City Clerk
 - John Robison, Director of Public Safety
 - Kathi Cook, Director of Community and Economic Development
 - Morgan Rodgers, Director of Recreation, Parks & Cultural Services
 - Peter Sewczwicz, Director of Public Works

- Randy Bundy, Director of Information Technology
- Tom Harris, Director of Finance
- Adam Montgomery, Information Security Manager
- Eric Graves, Senior Transportation Engineer
- Kim Zane, Cultural Services Manager
- Michael Woodman, Planning and Development Services Manager
- Shawn Mitchell, Budget & Procurement Manager

III. PLEDGE TO THE FLAG

IV. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 5/16/2022)

B. Alcoholic Beverage License Applications

1. PH-22-AB-14 3325 Alpharetta Package, LLC d/b/a/ Liquor Emporium
3325 Old Milton Parkway, Suite B, Alpharetta, GA 30005

Package Store
Retail Package Sales
Liquor, Beer, Wine, & Sunday Sales
Owner & Registered Agent: Hussein Sultan

- ❖ Council Member Hipes offered a motion to approve the Consent Agenda.
 - Council Member Mitchell seconded the motion.
 - The motion was approved unanimously (6-0).

V. PUBLIC HEARING

A. MP-22-02 / CU-22-01 / Bright Path Academy of Georgia

Consideration of a master plan amendment and conditional use to allow a 'School, Academic' for Bright Path Academy. A master plan amendment is requested to the Immco, Inc. Master Plan to add the proposed use and a conditional use to allow a 'School, Academic' for Bright Path Academy. The property is located at 12395 Morris Road and is legally described as being located in Land Lot 1189, 2nd District, 2nd Section, Fulton County, Georgia.

- Director of Community and Economic Development, Kathi Cook, came forward to present this item.
- This item was considered at the 5/5/2022 Planning Commission meeting. Staff recommended approval subject to 5 conditions (vote 6-0). There were no public comments. After discussion, Planning Commission recommended approval subject to staff's recommended conditions.
- Staff is recommending that Mayor and Council approve MP-22-02/CU-22-01 Bright Path Academy of Georgia, subject to the following conditions:
 1. Add 'School, Academic' to the Professional Turf Supply Master Plan as a conditional use.

2. 'School, Academic' use shall be added as a conditional use at 12395 Morris Road and limited to no more than 11,150 square feet.
 3. Conditional use approval shall be limited to Bright Path Academy of Georgia; no additional 'School, Academic' businesses or subleasing shall be permitted within the approved space.
 4. In the future if an outdoor recreational area is contemplated, it shall be limited to the north side of the building and the 50' buffer adjacent to the residential property shall be maintained.
 5. Prior conditions of approval related to the Professional Turf Supply Master Plan shall remain in effect.
- The applicant, Bright Path Academy of Georgia, is requesting a master plan amendment and conditional use to allow a 'School, Academic' use for Bright Path Academy in a 11,150 square foot existing office building on 1.4 acres. An amendment to the Professional Turf Supply Master Plan is requested to add the proposed use. The subject property is located at 12395 Morris Road.
 - A low-rise office building occupies the adjacent parcel to the north, to the south is the Little Sunshine's Playhouse and Preschool daycare facility while to the east is the Caravelle townhome community. West, across Morris Road from this site, is a large fitness center and multi-story office buildings.
 - Bright Path Academy of Georgia is a not-for-profit school for children with special needs. The academy will provide educational services for students in grades 6-12 and will follow a typical school calendar year. The students will comprise mostly of non-verbal children with an autism diagnosis and sensory processing disorders. Initially expected enrollment will be approximately ten (10) students beginning in August 2022 with an eventual student population of approximately 30 children. School hours of operation will range from 8:00 AM to 4:00 PM, Monday through Friday.
 - The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that no comments were received. The CZIM was held on April 13, 2022. There were no public comments.
 - The applicant, Thane Brooks, came forward to speak on behalf of this application.

Public Comments:

- There were no public comments.
- ❖ Mayor Pro Tem Merkel offered a motion to approve MP-22-02/CU-22-01 Bright Path Academy of Georgia, subject to the following conditions:
 1. Add 'School, Academic' to the Professional Turf Supply Master Plan as a conditional use.
 2. 'School, Academic' use shall be added as a conditional use at 12395 Morris Road and limited to no more than 11,150 square feet.
 3. Conditional use approval shall be limited to Bright Path Academy of Georgia; no additional 'School, Academic' businesses or subleasing shall be permitted within the approved space.

4. In the future if an outdoor recreational area is contemplated, it shall be limited to the north side of the building and the 50' buffer adjacent to the residential property shall be maintained.
5. Prior conditions of approval related to the Professional Turf Supply Master Plan shall remain in effect.

- Council Member Will seconded the motion.
- The motion was approved unanimously (6-0).

- Council Member Binder joined the meeting.

B. Z-22-02 / V-22-08 / 116 & 126 North Main Street

Consideration of a rezoning and variance to allow for 2, 3-story mixed-use buildings on 1.43 acres. The mix of uses includes 32,000 square feet of office, 4,000 square feet of retail, 6,000 square feet of restaurant, and 4 'For Sale' condominium units. A rezoning is requested from C-1 (Neighborhood Commercial) to DT-MU (Downtown Mixed-Use) and a variance is requested to reduce setbacks from a dumpster enclosure. The property is located at 0 Christine Drive and 116/126 North Main Street and is legally described as being located in Land Lot 1252, 2nd District, 2nd Section, Fulton County, Georgia.

- Planning and Development Services Manager, Michael Woodman, came forward to present this item.
- This item was tabled at the 4/14/2022 Planning Commission meeting and then reconsidered at the 5/5/2022 meeting. Staff recommended approval subject to 22 conditions. The applicant made changes to the proposed development to reduce the height of the buildings to 3 stories, moved the rear building away from West of Main and proposed 21 – 6" caliper overstory trees in place of the 2 recommended tree saves. The applicant also provided a stream determination and the City determined that the stream did not qualify as a buffered stream. There were several public comments at both Planning Commission meetings in support of the applicant's development. Concerns were voiced regarding additional traffic on Lily Garden Place and Violet Garden Walk (roads too narrow), City should remove the Cumming Street extension from the Downtown Master Plan, move the dumpster off Violet Garden Walk, growth should be reasonable, construction vehicle impacts on West of Main, and buildings should be 3 stories with no occupiable space on rooftops. The contractor for 100 North Main commented that he was in favor of the Cumming Street extension for that project. Planning Commissioners asked the applicant to conduct the resistograph assessment of the 2 proposed tree saves and explore moving the dumpster prior to the City Council meeting. After discussion, Planning Commission recommended approval subject to staff's recommended conditions and accepting changes from the applicant (Vote 6-0; Planning Commission changes are depicted in RED below).
- Staff is recommending that Mayor and Council approve Z-22-02/V-22-08 116 & 126 North Main Street, subject to the following conditions:
 1. The site, consisting of approximately 1.43 acres, shall be zoned DT-MU and developed substantially similar to site plan prepared by AEC, dated ~~3/18/2022~~ 4/28/2022, except for modifications required to comply with the conditions below. Uses shall be limited to office, retail, restaurant and 'For-Sale' residential.

2. Maximum building height shall be no greater than 3 stories and 46'.
3. Building 'B' shall be limited to office and residential uses. Rooftop shall be limited to residential amenity space.
4. A 15' building setback shall be provided on North Main Street and shall include a minimum 5' landscape strip located outside of any easements. A 20' building setback, as measured from the existing right-of-way, shall be provided on Violet Garden Walk and shall include a minimum 15' landscape strip.
5. Architecture and materials shall be developed similar to the submitted renderings, except for modifications required to comply with these conditions and in compliance with the Alpharetta Downtown Code, subject to approval by the Downtown Consultant and DRB. Openings in parking deck walls shall include decorative screens similar to Teasley Place, with final approval by DRB.
6. The historic building at 116 North Main Street shall be limited to office or restaurant use.
7. 116 North Main Street shall be saved on the property, restored, and designated under the City's Historic Preservation Incentive Ordinance. Restoration shall be completed by the 1st TCO/CO, subject to a Certificate of Appropriateness from the Historic Preservation Commission.
8. Lot coverage shall not exceed 80%.
9. Parking deck shall be screened with a mix of landscape materials of varying heights, with final approval by DRB.
10. Decorative lighting and trees shall be placed on the upper deck, with final approval by DRB.
11. Although the road is not being built at this time, developer shall set aside land to accommodate future right-of-way for the Cumming Street extension (as established in a Development Agreement), as depicted on the site plan prepared by AEC, dated ~~3/18/2022~~ 4/28/2022. Area shall be maintained as greenspace until such time that it is improved for the road extension.
12. Final streetscape shall include decorative pedestrian lighting, as approved by Staff.
13. Street trees shall be required in the planter along North Main Street (as approved by GDOT) and Violet Garden Walk, as well as behind the sidewalks as a continuation of what has been previously planted or designed in the Downtown and outside of any utility easements, as approved by Staff. In lieu of tree grates, the soil area around street trees shall be planted with evergreen ornamental grasses, groundcovers and/or shrubs.
14. Amenity space shall be developed on building rooftops and limited to use by the occupants, invitees and guests of the development. Occupiable vertical structures shall be prohibited on rooftops. Greenspace amenity areas shall be planted with decorative landscaping, hardscape, walls and seating. The landscape shall include plant selections promoting the historic district.

15. Foundation plantings, consisting of ornamental trees, shrubs, vines and/or grasses, shall be required for buildings with frontage along North Main Street, Cumming Street and Violet Garden Walk.
 16. ~~Developer shall conduct a resistograph full assessment for tree #787 (46" Water Oak) and #788 (37" Willow Oak). If trees are in Good condition they shall be saved, as approved by Staff. Developer shall remove tree #787 (46" Water Oak) and #788 (37" Willow Oak) and in exchange will plant 21 – 6" caliper overstory trees on the property at final development.~~
 17. Decorative paver aprons shall be required at project driveways, as approved by Staff.
 18. 10' sidewalk requirement on Violet Garden Walk shall be reduced to 5' with the remaining 5' added to the landscape area.
 19. Developer shall construct a minimum 5' sidewalk along the Cumming Street extension connecting sidewalks on North Main Street and Violet Garden Walk, as approved by Staff.
 20. Developer shall screen car head lights with sufficient parking deck wall height and landscaping.
 21. Developer shall improve project driveway access to North Main Street based on the recommendations of the traffic study, with final approval by Staff. Access modification shall require a GDOT driveway permit, ICE study, and signal modification for both existing and future GDOT improved condition. If a CO is anticipated post GDOT construction, only final condition required).
 22. ~~Site improvements shall not preclude a possible future vehicular connection between Violet Garden Walk and North Main Street.~~
- The applicant, Market District Crabapple, LLC, is requesting to rezone 1.43 acres from C-1 (Neighborhood Commercial) to DT-MU (Downtown Mixed-Use) to allow for the construction of two (2), four (4) story mixed-use buildings, including 32,000 square feet of office, 4,000 square feet of retail, 8,000 square feet of restaurant and four (4) 'For-Sale' condominium units with structured parking. 116 North Main Street is on the City's Contributing Historic Buildings list and is proposed to be saved and re-used as a restaurant. Variances are requested to eliminate stream buffers and reduce setbacks for a dumpster enclosure. The subject property is located at 116 and 126 North Main Street and 0 Christine Drive on the west side of North Main Street across from the intersection with Cumming Street.
 - The subject property represents three (3) parcels of land with frontage on North Main Street and Violet Garden Walk.
 - Surrounding properties are zoned C-1 to the north, O-I (Office- Institutional) to the east, DT-MU (Downtown Mixed-Use) to the south, and R-10MHD (Dwelling, 'For-Sale', Residential) to the west. Gracious Home is located to the east, a dentist office to the north, West of Main subdivision to the west, and 100 North Main is under construction to the south.
 - As it relates to the dumpster setback variance, the presence of public right-of-way on three (3) sides of the property limits the placement of the dumpster on the property.

The dumpster is proposed to be located within approximately twenty-feet (20') of Violet Garden Walk. The applicant states that the dumpster will be screened within a masonry enclosure and landscaping.

- The Downtown Master Plan promotes a system of connected streets, including the extension of Cumming Street from North Main Street to Canton Street along an alignment with Lily Garden Place. The extension of Cumming Street impacts the applicant's property along its southern boundary and would require future right-of-way for the extension. The City has secured right-of-way for the extension from the adjacent property to the south, 100 North Main Street. If approved, the applicant should set aside future right-of-way to accommodate the Cumming Street extension.
- Building 'A', which is located along North Main Street, will include retail, restaurant and office uses. Building 'B', which is located at the rear of the property, will include office and residential uses.
- Access to the site is depicted from a new driveway off North Main Street.
- The site plan reflects 7,000 square feet, or 11%, amenity space in a rooftop terrace and front plaza. For comparison, the development to the south provided approximately 28% amenity space, which included a rooftop amenity and tree save area.
- the City Arborist recommends a resistograph full assessment be conducted on two (2) boundary trees #787 (46" Water Oak) and #788 (37" Willow Oak) in order to determine the condition of those trees. In addition, a 14" Oak located west of the existing shed should be saved.
- Stormwater management will be handled underground under the structured parking deck.
- The submitted renderings reflect a Mercantile/Mill architectural style, which is approved for use in the Downtown Overlay. The City's Downtown Consultant provided the following comments on the proposed renderings: 1) certain aspects of the building are too modern; 2) lack of cornice treatment; 3) balcony, railing, detailing and materials are not consistent with Mercantile/Mill style; and 4) suspended canopy is too monumental in scale and not consistent with Mercantile/Mill style.
- The tallest buildings in the vicinity of the subject property are three (3) stories, including West of Main townhomes and 100 North Main Street which was limited by zoning condition to no more than three (3) stories and 46'.
- The applicant provided a trip generation report, which shows that the proposed development would generate 87 AM Peak Hour trips and 169 PM Peak Hour trips.
- The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that the applicant was been contacted by surrounding property owners with questions and concerns over increased traffic and access from Violet Garden Walk, setbacks and landscaping on North Main Street and Violet Garden Walk, building architecture and height, uses in the rear building, and concerns over the Cumming Street extension.
- Staff has received emails from West of Main residents with concerns over traffic impacts from the Cumming Street extension, access to the lower deck through Lily

Garden Place, building setbacks and landscaping on Violet Garden Walk, building height, and noise from outdoor (including rooftop) commercial activity.

- The CZIM was held on March 9, 2022. There were public comments with questions and concerns over building height, use of the rear building, whether traffic projections included re-use of the historic building, whether the lower parking deck will be open to the public, and setback/landscape along Violet Garden Walk.
- The applicant, Brent Beechem with Market District Crabapple, LLC (1104 Breckenridge Lane, Alpharetta, GA 30005), came forward to speak on behalf of this application.

Council Member Discussion:

- Council Member Will asked about the options for the entrance to the development and traffic.
- Council Member DeRito asked about the dumpsters and wanted to know why the stream buffer variance was removed.
 - Manager Woodman shared that the dumpster is for the entire development, and Planning Commission asked for the applicant to look at the location of the dumpsters. Also, the stream buffer variance was removed because the stormwater engineer determined that this is no longer a stream that requires buffers (basically a ditch).
- Council Member Hipes asked if this application took into consideration the new Highway 9 project.
 - Senior Transportation Engineer, Eric Graves, shared that the applicant completed a study with current traffic counts, and we do require the applicant to complete a traffic study to propose what traffic would be like at the opening year of the development.
- Council Member Hipes asked about construction staging and the mercantile/mill architecture style.
 - Manager Woodman shared that the applicant would need to stage on their property, and if they did need right of way access, they would apply for a permit with Public Works. Also, the downtown consultant reviewed the renderings and believed that there were aspects of the building that were a little too modern (stairwells, overhang, building design, etc.)
- Council Member Binder shared that he would be comfortable with removing Condition #11. Council Member Binder shared that he received an email from Mr. Hawkins and most of his concerns have now been addressed, however, Mr. Hawkins would like to have vehicular access limited to one specific driveway off North Main Street brought inside the development. Also, Council Member Binder would like to have something that states that no deliveries nor vehicular access to the site shall be provided from Lily Garden Place or Violet Garden Walk.
 - Manager Woodman shared that he did make a recommendation at the April 2022 Planning Commission meeting that deliveries to the property shall be made from the driveway off North Main Street, and that there shall be no loading on Violet Garden Walk. However, because this item was tabled at

Planning Commission, this comment was not addressed at the May 5th Planning Commission meeting.

- Mayor Gilvin asked staff to clarify the difference between coverage and open space as it relates to this site and the recommended conditions.
- Mayor Pro Tem Merkel shared that he would like to see that we are enforcing the law of blocking traffic, especially due to deliveries.
- Council Member Mitchell shared that he does not have an issue with the trees, and he encouraged the applicant to use a design within the historic context.
- Mayor Gilvin asked the applicant if he preferred the site plan that did not reserve right of way.
 - The applicant shared that they included the right of way because the City required it. Also, the garbage dumpster is there because they could not find another location for it, is amendable to relocating the dumpster, with final approval by City Staff or Design Review Board.

Public Comments:

- Jim Breen (55 Church Street, Alpharetta, GA 30009) came forward to speak in favor of the application.
 - Holmes Hawkins (126 Lily Garden Place, Alpharetta, GA 30009) came forward to speak in favor of the application.
 - Brian Richey (204 Violet Garden Walk, Alpharetta, GA 30009) came forward to speak on this application.
 - Mr. Richey would like for City Council to approve the plan that was presented and approved by the Planning Commission on May 5, 2022). Additionally, he mentioned that this will bring around 1,900 cars through his neighborhood.
 - Larry Bracken (208 Violet Garden Walk, Alpharetta, GA 30009) came forward to speak in favor of the application.
 - Mr. Bracken shared that the road extension is no longer needed in this area. He stated that most are in favor of this project, but he wants to get rid of the Cumming Street Extension.
 - Tyler Vasser (89 Canton Street, Alpharetta, GA 30009) came forward to speak on this application.
 - Mr. Vasser shared that moving the building slightly to the north is keeping the possibility of adding the road extension in later, if needed. He also shared that one wants the dumpster at the front of the building.
 - Tim Becker (97 Canton Street, Alpharetta, GA 30009) came forward to speak on this application.
 - Mr. Becker asked City Council to remove Condition #11.
- ❖ Mayor Pro Tem Merkel offered a motion to approve Z-22-02/V-22-08 116 & 126 North Main Street, subject to the following conditions:

1. The site, consisting of approximately 1.43 acres, shall be zoned DT-MU and developed substantially similar to site plan prepared by AEC, dated 4/28/2022, except for modifications required to comply with the conditions below. Uses shall be limited to office, retail, restaurant and 'For-Sale' residential.
2. Maximum building height shall be no greater than 3 stories and 46'.
3. Building 'B' shall be limited to office and residential uses. Rooftop shall be limited to residential amenity space.
4. A 15' building setback shall be provided on North Main Street and shall include a minimum 5' landscape strip located outside of any easements. A 20' building setback, as measured from the existing right-of-way, shall be provided on Violet Garden Walk and shall include a minimum 15' landscape strip.
5. Architecture and materials shall be developed similar to the submitted renderings prepared by Tracy Ward dated 2/28/2022, except for modifications required to comply with these conditions and in compliance with the Alpharetta Downtown Code, subject to approval by the Downtown Consultant and DRB. Openings in parking deck walls shall include decorative screens similar to Teasley Place, with final approval by DRB.
6. The historic building at 116 North Main Street shall be limited to office or restaurant use.
7. 116 North Main Street shall be saved on the property, restored, and designated under the City's Historic Preservation Incentive Ordinance. Restoration shall be completed by the 1st TCO/CO, subject to a Certificate of Appropriateness from the Historic Preservation Commission.
8. Lot coverage shall not exceed 80%.
9. Parking deck shall be screened with a mix of landscape materials of varying heights, with final approval by DRB.
10. Decorative lighting and trees shall be placed on the upper deck, with final approval by DRB.
11. Final streetscape shall include decorative pedestrian lighting, as approved by Staff.
12. Street trees shall be required in the planter along North Main Street (as approved by GDOT) and Violet Garden Walk, as well as behind the sidewalks as a continuation of what has been previously planted or designed in the Downtown and outside of any utility easements, as approved by Staff. In lieu of tree grates, the soil area around street trees shall be planted with evergreen ornamental grasses, groundcovers and/or shrubs.
13. Amenity space shall be developed on building rooftops and limited to use by the occupants, invitees and guests of the development. Occupiable vertical structures shall be prohibited on rooftops. Greenspace amenity areas shall be planted with decorative landscaping, hardscape, walls and seating. The landscape shall include plant selections promoting the historic district.

14. Foundation plantings, consisting of ornamental trees, shrubs, vines and/or grasses, shall be required for buildings with frontage along North Main Street, Cumming Street and Violet Garden Walk.
 15. Developer shall remove tree #787 (46" Water Oak) and #788 (37" Willow Oak) and in exchange will plant 21 – 6" caliper overstory trees on the property at final development.
 16. Decorative paver aprons shall be required at project driveways, as approved by Staff.
 17. 10' sidewalk requirement on Violet Garden Walk shall be reduced to 5' with the remaining 5' added to the landscape area.
 18. Developer shall construct a minimum 5' sidewalk along the Cumming Street extension connecting sidewalks on North Main Street and Violet Garden Walk, as approved by Staff.
 19. Developer shall screen car head lights with sufficient parking deck wall height and landscaping.
 20. Developer shall improve project driveway access to North Main Street based on the recommendations of the traffic study, with final approval by Staff. Access modification shall require a GDOT driveway permit, ICE study, and signal modification for both existing and future GDOT improved condition. If a CO is anticipated post GDOT construction, only final condition required).
 21. Dumpster placement will be determined by Staff and Design Review Board prior to construction.
- Council Member Binder seconded the motion.
 - Council Member Binder offered a friendly amendment to add Condition #22: All vehicular access to the site, including all truck deliveries, shall be provided through a driveway off North Main Street; no vehicular access or truck deliveries to the site shall be provided from Lily Garden Place or Violet Garden Walk.
 - Mayor Pro Tem Merkel accepted the friendly amendment.
 - The motion was approved unanimously (7-0).
 - There was discussion during the motion about how to enforce the vehicular access and deliveries to a specific location. Director Cook shared that if the roadway is blocked, then a call should be made to public safety.

B. V-21-33 / Citgo 174 North Main Street Variance

DEFERRED: Please note this item has been deferred by the applicant and will not be heard or considered during this evening's meeting.

Consideration of a variance to reduce the landscape strip along North Main Street from 10' to 2'. The property is located at 174 North Main Street and is legal described as being located in Land Lot 1252, 2nd District, 2nd Section, Fulton County, Georgia.

C. Public Hearing on the Fiscal Year 2023 Budget and Millage Rate Levy

- Director of Finance, Tom Harris, came forward to present this item.
- No changes have been made since the May 16, 2022 workshop.

- The Marjean Way Road Extension was removed from the unfunded list.

Public Comments:

- There were no public comments.

II. NEW BUSINESS

A. Approval of Fiscal Year 2023 Budget & Millage Rate Levy

1st Reading

1. Fiscal Year 2023 Budget Ordinance (1st Reading)

- City Attorney, Molly Esswein, read the ordinance title aloud.

Public Comments:

- There were no public comments.
- Council Member Binder offered a motion to approve the Fiscal Year 2023 Budget Ordinance.
 - Council Member DeRito seconded the motion.
 - The motion was approved unanimously (7-0).

2. Fiscal Year 2023 Millage Rate Ordinance (1st Reading)

- City Attorney, Molly Esswein, read the ordinance title aloud.

Public Comments:

- There were no public comments.
- Council Member Binder offered a motion to approve the Fiscal Year 2023 Budget Ordinance.
 - Mayor Pro Tem Merkel seconded the motion.
 - The motion was approved unanimously (7-0).

B. A Resolution Approving FY2022 Bulletproof Vest Partnership Grant Application

- Director of Public Safety, John Robison, came forward to present this item.
- Staff is recommending that Mayor and Council approve a resolution for the submission of a grant application to the U.S. Department of Justice for the purchase of ballistic vests.
- There is a 50% match requirement from the City totaling \$27,408. If awarded, total funding for this initiative (grant and match components) will be \$54,816.
- City Attorney, Molly Esswein, read the resolution aloud.
 - ❖ Council Member Will offered a motion to approve a resolution for the submission of a grant application to the U.S. Department of Justice for the purchase of ballistic vests.
 - Council Member Hipes seconded the motion.
 - The motion was approved unanimously (7-0).

C. Joint Defense Agreement and Conflict Waiver between Milton, Alpharetta, and Jarrard & Davis, LLP

- City Attorney, Molly Esswein, came forward to present this item.
- The City received a notice of claims by the former City Solicitor. The claims asserted against the City of Alpharetta and the City of Milton are identical. At this time, the interests of the City of Alpharetta and the City of Milton are aligned and there is no conflict.
- This Joint Defense Agreement will allow Jarrard & Davis to represent both parties while maintaining attorney client privilege.

Public Comments:

- There were no public comments.
- ❖ Council Member Mitchell offered a motion to approve the Joint Defense Agreement and Conflict Waiver between Milton, Alpharetta, and Jarrard & Davis, LLP.
 - Council Member Binder seconded the motion.
 - The motion was approved unanimously (7-0).

D. "A" Sculpture – Gift Request from Teasley Place Condominium Association Inc. & Teasley Place Building Developer

- Director of Recreation, Parks, and Cultural Services, Morgan Rodgers, came forward to present this item.
- Staff is recommending that Mayor and Council approve the gift of the "A" sculpture and allow the sculpture to become a part of the public art process.
- If city accepts the "A" Sculpture as a Gift, the Cultural Arts Commission, Arts Alpharetta Public Art Review Committee and Staff will work together to rebuild, strip, and repaint the sculpture (cost: about \$7,000 and total cost: \$14,000).
- The new "A" Sculpture would be owned by the city and scheduled for maintenance approximately every 6 years, depending on weathering through this time frame. The sculpture would be repainted with new art and curated by Arts Alpharetta and launched as a New Sculpture in 2028 Outdoor Sculpture Exhibit Program.

Public Comments:

- There were no public comments.

Council Member Discussion:

- Mayor Pro Tem Merkel shared that he is struggling with spending \$14,000 on the sculpture and suggested that Innovation Academy take it on as a project.
- Council Member Binder shared that he was also a little concerned with the cost and asked how much it would cost to add it to the art rotation on the East side of town.
 - Director Rodgers shared that it would cost about \$6,500 to demolish the sculpture and to match the pavers at the corner so that space could be ready for a new piece of art.

- Council Member Hipes shared that he would like for the Cultural Arts Commission to get data on whether the sculpture is well perceived in this part of town and then get better ideas (and pricing) on how to fix the sculpture.
- Council Member Will shared that he does not have an issue with accepting the sculpture for ownership purposes, but he does not think that it makes sense to spend money on to paint it. Also, he mentioned the idea of allowing local high school students the opportunity to come in and create a project on the sculpture.
- Council Member Mitchell shared that the sculpture was used for social media for the City, but there was no "Alpharetta" on the sculpture. Also, he would like for the Cultural Arts Commission and Arts Alpharetta to have a say in what to do with the sculpture.
- ❖ Council Member Hipes offered a motion to approve and accept gift request and we ask the Cultural Arts Commission to give us direction on the future of art placement and usage for that location.
 - Council Member Mitchell seconded the motion.
 - The motion was approved unanimously (7-0).

III. PUBLIC COMMENT

- There were no public comments.

IV. REPORTS

- Council Member Mitchell announced his appointment of Clifford Martin to serve as a member of the Natural Resources Commission.

V. ADJOURNMENT

- ❖ Council Member Hipes offered a motion to adjourn to executive session.
 - Mayor Pro Tem Merkel seconded the motion.
 - The motion was approved unanimously (7-0).
- With there being no further items to consider or discuss, Mayor Gilvin adjourned the meeting at 8:43 p.m.

Respectfully submitted,



Lauren Shapiro, City Clerk







City Council Meeting & Public Hearing

AUGUST 1, 2022

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 Dan Merkel
- Donald F. Mitchell
- Douglas J. DeRito
- Brian Will
- John Hipes
- Jason Binder

- Staff

- Bob Regus, City Administrator
- Molly Esswein, City Attorney with Jarrard & Davis
- James Drinkard, Asst. City Administrator
- Lauren Shapiro, City Clerk
- Brooke Lappin, Director of Courts
- Cris Randall, Director of Human Resources
- John Robison, Director of Public Safety
- Kathi Cook, Director of Community and Economic Development
- Morgan Rodgers, Director of Recreation, Parks, and Cultural Services
- Pete Sewczwicz, Director of Public Works
- Randy Bundy, Director of Information Technology

- Tom Harris, Director of Finance
- Michael Woodman, Planning & Development Services Manager
- Kim Zane Manning, Cultural Services Manager

III. PLEDGE TO THE FLAG

IV. PRESENTATIONS & PROCLAMATIONS

A. A Resolution Presented to City Administrator, Bob Regus, by State Representative, Chuck Martin

- State Representative Chuck Martin presented a resolution to Bob Regus and shared kind remarks.

B. A Proclamation Celebrating the Retirement of City Administrator, Bob Regus

- Mayor and City Council presented a proclamation to Bob Regus and shared kind remarks.

V. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 7/25/2022)

B. Approval of Alpharetta's Outdoor Art Exhibit: MEDLEY

1. Sculpture: Ribbon Arch by Jim Gallucci
 2. Sculpture: Tree by Gus and Lina Ocamposilva
 3. Sculpture: Liquid Sunshine by Michael Alfano
 4. Sculpture: Allura by Nathan Pierce
 5. Sculpture: Hill Climb by Jim Collins
- Council Member DeRito asked for the July 25, 2022 City Council minutes to be removed from the Consent Agenda.
 - ❖ Council Member Mitchell offered a motion to approve the Consent Agenda, consisting only of the Approval of Alpharetta's Outdoor Art Exhibit: MEDLEY.
 - Council Member DeRito seconded the motion.
 - The motion was approved unanimously (7-0).
 - ❖ Council Member Hipes offered a motion to approve the July 25, 2022 Council Meeting minutes.
 - Council Member Mitchell seconded the motion.
 - The motion was approved (6-0-1; with Council Member DeRito in abstention since he was not present during the July 25, 2022 City Council meeting).

VI. PUBLIC HEARING

A. Z-22-08 / V-22-12 / South of Wills Park

Consideration of a rezoning and variance to allow for 55 'For-Sale' townhome units on 5.5 acres in the Downtown Overlay. A rezoning is requested from C-1 (Neighborhood

Commercial) and L-I (Light-Industrial) to DT-MU (Downtown Mixed-Use) and variances are requested to allow townhomes to be accessed from a street and not an alley, reduce driveway length, reduce undisturbed buffers and allow encroachments on undisturbed buffers, reduce subdivision monument sign setback, reduce landscape strips, and allow the subdivision to be gated. The property is located at 0 State Highway 9 and is legally described as being located in Land Lot 645, 1st District, 2nd Section, Fulton County, Georgia.

- ❖ Planning & Development Services Manager, Michael Woodman, came forward to present this item.
- ❖ This item was considered at the 6/9/2022 Planning Commission meeting. Staff recommended approval subject to 24 conditions. There were no public comments. After discussion, Planning Commission recommended approval subject to staff's recommended conditions (6-0). After the Planning Commission meeting, the applicant updated the site plan and removed the variance request to allow up to 17 townhome units to have driveways less than the minimum eighteen-foot (18') length.
- ❖ Staff is recommending that Mayor and Council approve Z-22-08/V-22-12 South of Wills Park, subject to the following conditions:
 1. Architecture and materials shall be developed substantially similar to the submitted renderings, dated 5/5/22, 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. Townhomes shall have 4-sided architecture, materials and details.
 2. Density shall not exceed 9.93 dwelling units per acre.
 3. Building heights shall not exceed 4 stories and 50'.
 4. Townhomes shall have direct vehicular access from a street or alley, as depicted on the site plan prepared by Pond, dated 7/13/22.
 5. Courtyards may encroach into landscape strips, subject to meeting the minimum landscape material requirements, as approved by Staff.
 6. Developer shall improve the Wills Road streetscape as follows: minimum 6' planter planted with street trees, 6' sidewalk, and decorative pedestrian lighting, with final approval by Staff and City of Roswell. In lieu of tree grates, the soil area around street trees shall be planted with evergreen ornamental grasses, groundcovers and/or shrubs.
 7. Streets and alleys shall be developed as depicted on the site plan prepared by Pond, dated 7/13/22, with final approval by Staff. Decorative pedestrian lighting shall be required throughout the development. Internal streets and alleys shall be private and maintained by the HOA.
 8. Landscape strips shall be required as depicted on the site plan prepared by Pond, dated 7/13/22, not including alleys. Landscape strips 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.
 9. Landscape strips along South Main Street and Wills Road 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. Subdivision decorative fencing and columns may be placed within the landscape strip along South Main Street, as approved by Staff.

10. Developer shall provide an enhanced pedestrian crossing at South Main Street and Wills Road, which shall include color pavement markings and signage, as approved by GDOT and Staff. Enhanced pedestrian crossing shall be eligible for impact fee credits, as approved by Staff.
11. Undisturbed buffers, replanted where sparse, shall be provided as depicted on the site plan prepared by Pond, dated 7/13/22. Evergreen trees and shrubs shall be planted along the south and east property lines and along the property line north of Units 6-13, as approved by Staff.
12. Property owner acknowledges that redevelopment of the properties to the north, east and south with non-residential uses shall not require a buffer adjacent to the subject property.
13. Project entrance may be gated and shall include a decorative paver apron, landscaping, brick wall and fencing with columns substantially similar to the submitted renderings, dated 5/5/22.
14. Subdivision sign shall be substantially similar to the submitted renderings, dated 5/5/22, and shall have a 0' setback along Wills Road, as approved by Staff.
15. Open space shall be developed substantially similar to the site plan prepared by Pond, dated 7/13/22, except that the optional bicycle path in the civic space shall be removed and stairs shall accommodate a bicycle wheel path, as approved by Staff. Open space shall be developed with a park-like setting with decorative landscape, hardscape and seating. Landscape shall include plant selections promoting the historic Downtown.
16. Creeping vines shall be planted to cover retaining and low walls, as approved by Staff.
17. Developer shall save trees as depicted on the site plan prepared by Pond, dated 7/13/22. Tree saves shall be limited to trees in fair to good condition and with CRZ impacts of no more than 30% which may be subject to tree care, as approved by Staff. Developer shall make reasonable efforts to save additional trees of quality and/or tree groupings, as approved by Staff.
18. 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.
19. HVAC and similar equipment shall not be visible from the public right-of-way.
20. Fire access shall meet IFC 2018 Appendix D and Fire Hydrants.
21. Stormwater may be placed underground within the private street as depicted on the site plan prepared by Pond, dated 7/13/22, with final approval by Staff. Stormwater facilities shall be indicated on the recorded final plat, clearly describing the underground facilities, their function, purpose, ownership, and granting access for inspection, maintenance and repair rights to the HOA and the City of Alpharetta. Maintenance responsibilities shall also be included in the

recorded covenants with all costs to be borne by the HOA and homeowners of the development.

22. Garbage pickup shall be from within the development.

23. No more than 10% of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.

- The submitted request, if approved, would allow for the construction of 55 'For-Sale' townhomes on 5.54 acres in the Downtown. The proposed density is 9.93 dwelling units per acre. The applicant proposes a rezoning from C-1 (Neighborhood Commercial) and LI (Light Industrial) to DT-MU (Downtown Mixed-Use) and variances are requested to allow up to fifteen (15) townhome units to be front loaded, allow encroachments into the undisturbed buffers, allow a 0' setback for a subdivision sign, and reduce landscape strips along new private streets. The subject property is located at 0 State Highway near the southeast corner of Highway 9 (South Main Street) and Wills Road.
- The undeveloped property is wooded. Surrounding properties are zoned C-1 and DT-MU to the north, and C-2 (General Commercial) to the west and east. Xavier and Sons Auto Body & Paint is located to the north and west, City of Roswell to the west, Public Storage to the east, Georgia Power (City of Roswell) to the south and Atlanta Saddlery, Autobrite Car Wash and The Porch on South Main are located to the north. The comprehensive land use plan designation of the property is 'Mixed Use', which allows the proposed townhomes and density.
- The property is situated between three (3) commercial properties, has multiple road frontages and has significant topography. In addition, the Wills Road right-of-way is setback approximately 60' from the existing curb line of the road.
- The submitted site plan depicts 55, three (3) and four (4) story 'For-Sale' townhomes with gated access from a new driveway off Wills Road.
- Five (5) townhome units will be 24' wide and the remaining units will be 26' wide. Townhomes are setback approximately twenty feet (20') on Wills Road and approximately 60' on South Main Street. A minimum ten-foot (10') setback is provided along private streets. Minimum building setbacks meet or exceed the DT-MU development standards.
- Each townhome unit will have two (2) side-by-side parking spaces within a garage and a Code-compliant driveway accommodating two (2) additional cars. 24 on-street, guest parking spaces are provided within the development. The Downtown Code requires 138 parking spaces for the proposed subdivision (2.5 parking spaces/unit), of which 244 parking spaces are provided on the site plan.
- The site plan depicts 1.19 acres, or 21.5% of open space within the proposed development. Amenity space is proposed to include a clubhouse and pool near the entrance to the development and a central green with sidewalks. Civic space is depicted along South Main Street and includes an optional bicycle path, bicycle rack and stairs. The DT-MU district requires a minimum 10% amenity space and 10% civic space.
- Twelve (12) trees are depicted to be saved on the site plan, of which all are hardwoods.

- A site plan depicts an underground stormwater management facility under an amenity space and private street, as well as a bioswale in the southeast corner of the site. The underground stormwater system located in the street would not obstruct access to townhomes as there are no driveways on that street section and there are alternative routes of access within the development.
- The applicant submitted renderings depicting the townhomes along Wills Road and South Main Street. The submitted renderings depict three (3) and four (4) story townhome buildings with rooftop decks designed in the Federal and Greek Revival styles. Units will range in size from approximately 2,600 to 4,000 square feet and will be three (3) and four (4) bedrooms. Façade materials will combine brick, stone, and stucco. The applicant's letter of intent indicates that price points will be between \$850,000 to \$1,000,000.
- The applicant provided a trip generation report, which estimates that the proposed 55 townhome units would generate 24 AM Peak Hour trips and 29 PM Peak Hour trips.
- 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.
- CZIM was held on May 11, 2022. There were public comments with concerns over traffic, guest parking, GDOT project impacts, and safety issues with pedestrians crossing at South Main Street over to Wills Park.
- Kathy Zickert (Attorney with Smith, Gambrell, & Russell) came forward to speak on behalf of the applicant.
 - Ms. Zickert shared that the applicant was amenable to all conditions except for Condition # 7 regarding the Impact Fee Credits for improvements along Will Road.

City Council Discussion:

- Council Member Mitchell shared that he would like to know additional information about the exterior finishes (stone, brick, stucco) and the access points of the underground stormwater system.
 - Ms. Zickert shared that the stormwater system has not yet been designed, and in terms of architecture, the exterior sides are brick, and stucco will be used as an accent material.
- Mayor Pro Tem Merkel asked if the City is authorized to give impact fee credits for land that is actually in Roswell, if a private development agreement was created between the City and the Developer.
 - Director Cook shared that this was discussed with the City Attorney, and there is an option for impact fees to be provided to a developer through a private development agreement.
 - City Attorney, Molly Esswein, shared that the area of Wills Road that would be improved by the developer is not on the Capital Improvement Element project

list (since the land is not in the City of Alpharetta) and would not be automatically eligible for impact fee credits. However, impact fees for this item do not need to be discussed as a condition, because by the Code, the developer may seek impact fee credits through the Community Development department's impact fee coordinator, which would later come before City Council for approval. Condition #7 can remain as was originally proposed by Staff. The Developer can come back before City Council to justify the need for an impact fee credit, rather than guaranteeing any impact fee credit eligibility as a zoning condition.

- Kathy Zickert (for the applicant) based on City Attorney Esswein's justification, shared that the applicant no longer objects to Condition #7.

Public Comments:

- There were no public comments.
 - Mayor Pro Tem Merkel offered a motion to approve Z-22-08/V-22-12 South of Wills Park, subject to the following conditions:
 1. Approximately 5.5 acres shall be zoned DT-MU and developed substantially similar to site plan prepared by Pond, dated 7/13/22, 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, dated 5/5/22, 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. Townhomes shall have 4-sided architecture, materials and details.
 3. Density shall not exceed 9.93 dwelling units per acre.
 4. Building heights shall not exceed 4 stories and 50'.
 5. Townhomes shall have direct vehicular access from a street or alley, as depicted on the site plan prepared by Pond, dated 7/13/22.
 6. Courtyards may encroach into landscape strips, subject to meeting the minimum landscape material requirements, as approved by Staff.
 7. Developer shall improve the Wills Road streetscape as follows: minimum 6' planter planted with street trees, 6' sidewalk, and decorative pedestrian lighting, with final approval by Staff and City of Roswell. In lieu of tree grates, the soil area around street trees shall be planted with evergreen ornamental grasses, groundcovers and/or shrubs. Impact fee credits shall be considered as part of a private development agreement.
 8. Streets and alleys shall be developed as depicted on the site plan prepared by Pond, dated 7/13/22, with final approval by Staff. Decorative pedestrian lighting shall be required throughout the development. Internal streets and alleys shall be private and maintained by the HOA.

9. Landscape strips shall be required as depicted on the site plan prepared by Pond, dated 7/13/22, not including alleys. Landscape strips 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.
10. Landscape strips along South Main Street and Wills Road 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. Subdivision decorative fencing and columns may be placed within the landscape strip along South Main Street, as approved by Staff.
11. Developer shall provide an enhanced pedestrian crossing at South Main Street and Wills Road, which shall include color pavement markings and signage, as approved by GDOT and Staff. Enhanced pedestrian crossing shall be eligible for impact fee credits, as approved by Staff.
12. Undisturbed buffers, replanted where sparse, shall be provided as depicted on the site plan prepared by Pond, dated 7/13/22. Evergreen trees and shrubs shall be planted along the south and east property lines and along the property line north of Units 6-13, as approved by Staff.
13. Property owner acknowledges that redevelopment of the properties to the north, east and south with non-residential uses shall not require a buffer adjacent to the subject property.
14. Project entrance may be gated and shall include a decorative paver apron, landscaping, brick wall and fencing with columns substantially similar to the submitted renderings, dated 5/5/22.
15. Subdivision sign shall be substantially similar to the submitted renderings, dated 5/5/22, and shall have a 0' setback along Wills Road, as approved by Staff.
16. Open space shall be developed substantially similar to the site plan prepared by Pond, dated 7/13/22, except that the optional bicycle path in the civic space shall be removed and stairs shall accommodate a bicycle wheel path, as approved by Staff. Open space shall be developed with a park-like setting with decorative landscape, hardscape and seating. Landscape shall include plant selections promoting the historic Downtown.
17. Creeping vines shall be planted to cover retaining and low walls, as approved by Staff.
18. Developer shall save trees as depicted on the site plan prepared by Pond, dated 7/13/22. Tree saves shall be limited to trees in fair to good condition and with CRZ impacts of no more than 30% which may be subject to tree care, as approved by Staff. Developer shall make reasonable efforts to save additional trees of quality and/or tree groupings, as approved by Staff.
19. Fences and walls visible from the public right-of-way shall be decorative, as approved by Staff. Unfinished wood fences and decks shall not be visible from the street.

20. HVAC and similar equipment shall not be visible from the public right-of-way.
21. Fire access shall meet IFC 2018 Appendix D and Fire Hydrants.
22. Stormwater may be placed underground within the private street as depicted on the site plan prepared by Pond, dated 7/13/22, with final approval by Staff. Stormwater facilities shall be indicated on the recorded final plat, clearly describing the underground facilities, their function, purpose, ownership, and granting access for inspection, maintenance and repair rights to the HOA and the City of Alpharetta. Maintenance responsibilities shall also be included in the recorded covenants with all costs to be borne by the HOA and homeowners of the development.
23. Garbage pickup shall be from within the development.
24. No more than 10% of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.
- Council Member Mitchell offered a friendly amendment to the motion to add the following language to Condition #24: Developer must add permanent access to underground detention in more than one (1) access point.
 - Mayor Pro Tem Merkel accepted the friendly amendment.
 - Council Member Mitchell seconded the motion.
 - Council Member Hipes offered a friendly amendment to the motion to change the language in Condition #7 from "shall be considered" to "may be considered."
 - Mayor Pro Tem Merkel accepts the friendly amendment.
 - Council Member Mitchell accepts the friendly amendment.
 - The motion was approved unanimously (7-0).
 - There was the following discussion during the motion:
 - Council Member Binder asked City Attorney Esswein whether or not the additional language in Condition #7 is accurate for what the Mayor and Council are wanting to accomplish.
 - City Attorney Esswein shared that Section 24-48 of the Code states that nothing in this article prohibits the voluntary mutual approval of private contractual agreements concerning the construction or installation of system improvements and providing credits for reimbursement.

B. CU-22-05 / Off Leash / 142 South Main Street

Consideration of a conditional use to allow 'Recreational Facilities, Indoor and Outdoor' for Off Leash. Off Leash is a full-service restaurant and indoor and outdoor dog park. The property is located at 142 South Main Street and 125 Norcross Street and is legally described as being located in Land Lot 695, 1st District, 2nd Section, Fulton County, Georgia.

- ❖ Planning & Development Services Manager, Michael Woodman, came forward to present this item.
- ❖ This item was considered at the 7/14/2022 Planning Commission meeting. Staff recommended approval subject to 16 conditions. There were no public comments. After discussion, Planning Commission recommended approval subject to staff's recommended conditions and accepting the applicant's changes to conditions #1 and 8 (5-0).
- ❖ Staff is recommending that Mayor and Council approve CU-22-05 / Off Leash / 142 South Main Street, subject to the following conditions:
 1. 'Recreational Facilities, Indoor and Outdoor' shall be added as a conditional use at 142 South Main Street and 125 Norcross Street and limited to no more than 3,600 square feet covered dog area and 0.73-acre outdoor dog park.
 2. Conditional use approval shall be limited to Off Leash; no additional 'Recreational Facilities, Indoor and Outdoor' use or subleasing shall be permitted on the subject property.
 3. 'Recreational Facilities, Indoor and Outdoor' shall be limited to an indoor and outdoor dog park with restaurant.
 4. Hours of operation shall be limited to Sunday – Thursday 8:00 AM to 9:00 PM and Friday – Saturday 8:00 AM to 10:00 PM.
 5. Site shall be developed substantially as depicted on the site plan prepared by Gaskins + Lecraw, dated 6/14/2022.
 6. Building architecture and materials shall be developed in compliance with the Alpharetta Downtown Code and Downtown Consultant, subject to final approval by DRB. Building shall be 75% brick, as determined by the DRB.
 7. Outdoor furniture (dining area and dog park) and play equipment with primary or bright colors shall be screened from the public right-of-way and shall require final approval by DRB.
 8. Corner of South Main Street and Old Milton Parkway currently includes a 2,500 square foot open space with focal point feature archway and minimal landscaping. Applicant shall remove the existing archway and install a new focal point feature/sculpture, with final approval by the Cultural Arts Commission. The budget for the focal point feature/sculpture shall not exceed \$15,000. Applicant shall also install decorative landscaping in the open space. Property owner shall be responsible to maintain the corner open space and all improvements.
 9. Landscape strip material shall be planted in front of any proposed fencing. Fencing visible from the public right-of-way shall be decorative black, metal fencing no more than 5' in height, with final approval by DRB.
 10. Developer shall improve Old Milton Parkway streetscape with a minimum 4' planter planted with street trees (subject to approval by GDOT), minimum 8' sidewalk and decorative pedestrian lighting, as approved by Staff.
 11. Developer shall improve Norcross Street streetscape with a minimum 4' planter planted with street trees, minimum 5' sidewalk and decorative pedestrian lighting, as approved by Staff.

12. Project entrance on South Main Street shall be landscaped with ornamental plantings, as approved by DRB.
 13. Trees shall be saved as depicted on the tree protection plan prepared by Gaskins + Lecraw, dated 6/24/2022.
 14. Dumpster enclosure shall consist of materials similar to those used on the building and gate shall be metal and opaque, as approved by DRB.
 15. Buildings shall connect to the public sidewalk system.
 16. Old Milton Parkway curb cut shall be removed prior to the issuance of a Certificate of Occupancy.
- The submitted request, if approved, would allow for the redevelopment of the former Rite Aid site with a 'Recreational Facilities, Indoor and Outdoor' and 'Restaurant' for Off Leash on approximately 2.3 acres in the Downtown Overlay. A conditional use is requested to allow 'Recreational Facilities, Indoor and Outdoor'. Off Leash is a new concept which includes a one (1) story, 5,400 square foot restaurant, 3,000 square foot covered dog area and approximately 0.73-acre outdoor dog park. The subject property is located at 142 South Main Street and 125 Norcross Street at the southeast corner of Old Milton Parkway and South Main Street.
 - The property was previously developed and used for an 11,500 square foot Rite Aid pharmacy, which has been vacant for a few years. Current zoning of the property is C-2 (General Commercial), which allows 'Restaurant' by-right and 'Recreational Facilities, Indoor and Outdoor' with the approval of a conditional use. Surrounding properties are zoned C-2. Taco Bell and Salt Factory are located to the north, Publix, Chase Bank and a gas station are located to the east, Park Plaza office building and Mammoth Car Wash are located to the south and Crust is located to the west.
 - According to the applicant, Off Leash is a state-of-the-art dog park facility and restaurant featuring outdoor and indoor spaces for patrons and their dogs. The dog park will operate on a membership model with guest and day passes available. Hours of operation are proposed to be Sunday – Thursday from 8:00 AM to 9:00 PM and Friday – Saturday from 8:00 AM to 10:00 PM. In addition to restaurant employees, the dog park will include park rangers (screen guests and supervise dog play), experience coordinator (plan and activate experiences throughout the park) and grounds keeper (maintain cleanliness). The applicant anticipates eight (8) to twelve (12) employees.
 - 27 surface parking spaces are depicted at the rear of the building and five (5) on-street, parallel parking spaces are depicted on Norcross Street for a total of 32 spaces. The Unified Development Code (UDC) requires one (1) parking space per 500 square feet for the applicant's proposed use, or 22 spaces. According to a note on the site plan, redevelopment of the property will result in a loss of approximately 14,700 square feet of impervious area. The applicant provided a landscape plan, which depicts a mix of evergreen (Cedars) and deciduous (Maple) trees in the landscape strips along Old Milton Parkway and South Main Street. Evergreen trees are typically reserved for buffers (not in landscape strips); however, the applicant is attempting to screen the outdoor areas from the public right-of-way.

- The applicant submitted a trip generation memorandum (see table below), which estimates that the proposed restaurant with dog park will generate approximately six (6) AM Peak Hour trips and 78 PM Peak Hour trips.
- The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that no comments were received.
- The CZIM was held on May 11, 2022. There were a few public comments with questions and concerns over whether the business will have an alcohol license, safety for dogs given the busy intersection, and proximity to Fetch Dog Park on Maxwell Road.
- Julie Sellers (Attorney with Dillard & Sellers Attorneys at Law) came forward to speak on behalf of the applicant.
- Wendy Newman (with Cooper Holdings, Inc.) came forward to speak on behalf of the applicant.

City Council Discussion:

- Council Member Hipes shared that he is concerned with the safety of dogs at one of the busiest intersections in the City of Alpharetta. Further, he asked (in terms of Condition #9) whether a five (5) foot fence is a sufficient height for dogs within a dog park.
 - Manager Woodman shared that the part of Condition #9 that limits the fence to no more than five (5) feet in height was added by the Planning Commission. Further, Manager Woodman shared that he visited the City's Waggy World Dog Park, and the fencing there is a horse-style fence that is about five (5) feet tall. Additionally, Fetch Dog Park in Alpharetta has six (6) and eight (8) foot wooden privacy fencing around the perimeter, but only a four (4) foot fence between the parking lot and sports courts. Staff wanted to specify what the fencing would look like and the height size, in terms of visibility from Old Milton Parkway. The applicant did agree to Condition #9 at Planning Commission.
 - Wendy Newman shared that there is no magic number for the fence height, and most fences for dog parks are between five (5) and eight (8) feet tall.
- Mayor Gilvin asked about Condition #8 and the \$15,000 limit for the sculpture at the corner of Old Milton Parkway and South Main Street.
 - Manager Woodman shared that this condition was one of the applicant's requested condition changes and Planning Commission agreed to this condition. Since the applicant is paying for this public art feature, the applicant wanted to have some sort of cost limitation in place.
- Council Member Will shared that he is interested to know if this establishment will sell alcohol and asked the applicant about the number of dogs that will visit the dog park.
 - Wendy Newman says that their membership is only one part of their revenue model, and she hopes to have 1,000 memberships in the first year of business.

Off Leash will have technology to determine who is at the park at any moment, and they will also have a full alcohol license.

- Council Member Mitchell asked about the aesthetics of the exterior of the facility.
 - Wendy Newman shared that this location is the flagship location for Off Leash. She also shared that they can change the exterior of the location with what fits in with the style of Downtown Alpharetta (with cost limitations) and would be amenable to working with the Design Review Board.
- Council Member DeRito asked if dogs will be allowed in the restaurant.
 - Wendy Newman shared that dogs will not be allowed inside. There are three (3) activations at Off Leash. Guests can be in the dog park playing with their dog, sitting on the covered patio with their dog on a leash, or sitting inside the restaurant. Further, a membership is not required to visit. A membership is only required if you are going to bring your dog into the dog park area. Day passes are also available in lieu of a membership.
- Council Member DeRito asked the applicant why they believe this is a great location for this type of use.
 - Julie Sellers shared that the access to this area is not great, and the space has been undeveloped for some time. Bringing a park setting to the downtown core compliments the remainder of the downtown area.
- Mayor Gilvin asked if guests will be allowed to throw objects within the dog park while playing with their dog.
 - Julie Sellers shared that there not be toys or balls in the dog park.
- Council Member Mitchell asked about how Off Leash will handle aggressive dogs.
 - Wendy Newman shared that they have hired a company to train their staff on how to handle dogs, there will be a one-strike policy for poorly behaved dogs, they will have training videos on their website detailing how children should interact with dogs in the parks, they will require veterinarian records for each dog, and they have worked with an attorney who specializes in how to mitigate these types of situations on the front end when establishing this type of business.

Public Comments:

- Jessica Plette (11262 Musette Circle, Alpharetta, GA 30009) came forward to speak in opposition of this application.
 - Mayor Pro Tem Merkel offered a motion approve CU-22-05 / Off Leash / 142 South Main Street, subject to the following conditions:
 1. 'Recreational Facilities, Indoor and Outdoor' shall be added as a conditional use at 142 South Main Street and 125 Norcross Street and limited to no more than 3,600 square feet covered dog area and 0.73-acre outdoor dog park.

2. Conditional use approval shall be limited to Off Leash; no additional 'Recreational Facilities, Indoor and Outdoor' use or subleasing shall be permitted on the subject property.
3. 'Recreational Facilities, Indoor and Outdoor' shall be limited to an indoor and outdoor dog park with restaurant.
4. Hours of operation shall be limited to Sunday – Thursday 8:00 AM to 9:00 PM and Friday – Saturday 8:00 AM to 10:00 PM.
5. Site shall be developed substantially as depicted on the site plan prepared by Gaskins + Lecraw, dated 6/14/2022.
6. Building architecture and materials shall be developed in compliance with the Alpharetta Downtown Code and Downtown Consultant, subject to final approval by DRB. Building shall be 75% brick, as determined by the DRB.
7. Outdoor furniture (dining area and dog park) and play equipment with primary or bright colors shall be screened from the public right-of-way and shall require final approval by DRB.
8. Corner of South Main Street and Old Milton Parkway currently includes a 2,500 square foot open space with focal point feature archway and minimal landscaping. Applicant shall remove the existing archway and install a new focal point feature/sculpture, with final approval by the Cultural Arts Commission. The budget for the focal point feature/sculpture shall not exceed \$15,000. Applicant shall also install decorative landscaping in the open space. Property owner shall be responsible to maintain the corner open space and all improvements.
9. Landscape strip material shall be planted in front of any proposed fencing. Fencing visible from the public right-of-way shall be decorative black, metal fencing no more than 5' in height, with final approval by DRB.
10. Developer shall improve Old Milton Parkway streetscape with a minimum 4' planter planted with street trees (subject to approval by GDOT), minimum 8' sidewalk and decorative pedestrian lighting, as approved by Staff.
11. Developer shall improve Norcross Street streetscape with a minimum 4' planter planted with street trees, minimum 5' sidewalk and decorative pedestrian lighting, as approved by Staff.
12. Project entrance on South Main Street shall be landscaped with ornamental plantings, as approved by DRB.
13. Trees shall be saved as depicted on the tree protection plan prepared by Gaskins + Lecraw, dated 6/24/2022.
14. Dumpster enclosure shall consist of materials similar to those used on the building and gate shall be metal and opaque, as approved by DRB.
15. Buildings shall connect to the public sidewalk system.
16. Old Milton Parkway curb cut shall be removed prior to the issuance of a Certificate of Occupancy.
 - o Council Member Binder seconded the motion.

- Council Member Hipes offered a friendly amendment to the motion to change the language in Condition #9 from "metal fencing no more than 5' in height, with final approval by DRB." to "metal fencing no more than 6' in height, completely screened, with final approval by DRB."
 - Mayor Pro Tem Merkel accepted the friendly amendment but struck the addition of the language "completely screened."
- The motion was approved (5-2, with Council Members Mitchell and Will in opposition).
 - There was discussion during the motion about the following:
 - Julie Sellers (for the applicant) shared that the small dog park is for dogs that are thirty (30) pounds or less. Further, the applicant would be amenable to changing Condition #9 to a six (6) foot fence.
 - Mayor Pro Tem Merkel shared that the fire marshall will determine the capacity for guests. if a dog were to get out of the fenced areas, ultimately, this business is responsible for whatever happens.
 - Council Member Will shared that he cannot support this application because he does not believe it is safe or aesthetically pleasing.
 - Council Member Mitchell shared that he cannot support a 6-foot fence on Old Milton Parkway.
 - Council Member DeRito shared that he originally struggled with this application because of the safety factors but believes that this will be a good use for the City.
 - Mayor Gilvin shared that there is no perfect way to make sure that a dog does not escape a fenced area. This application will remove asphalt and activate the green space.

C. PH-22-08 / UDC (Unified Development Code) Text Amendment – Residential Overlay District

Consideration of adding a Building Height definition within Unified Development Code Section 1.4 Definitions. An overlay for residential development located within the Meadowbrook Hills, Milton Estates and Stone Gate Manor subdivisions will also be considered as an addition to the Unified Development Code that includes regulations regarding replanting, streetscape requirements, and front façade requirements. These properties are legally described as being located in Land Lots 1178, 1179, 1180, 1197, 1198, 1199, 1250, 1251 & 1252, 2nd District, 2nd Section, Fulton County, Georgia.

- Director of Community and Economic Development, Kathi Cook, came forward to present this item.

- This item was considered at the 7/14/2022 Planning Commission meeting. There were 3 public comments with concerns over tree removal and ensuring that the City hears the resident's concerns. After discussion, Planning Commission recommended approval (5-0).
- Staff is recommending approval of text amendments to Unified Development Code (UDC) Section 1.4 Definitions to amend the definition of 'Building Height' and creating a new section Appendix B: Residential Overlay District to add regulations specific to the Meadow Brook Hills, Milton Estates and Stone Gate Manor subdivisions as it relates to lot and building standards and tree preservation.
- City Staff was contacted in early 2022 by residents of the Meadow Brook Hills, Milton Estates and Stone Gate Manor neighborhoods regarding negative impacts from the redevelopment of homes in their neighborhoods.
- In response, Staff hosted two (2) meetings on January 26th and February 8th to listen to the resident's concerns which were primarily centered around stormwater, flooding, tree removal and incompatible development (building height, architecture, massing, etc.). Staff prepared regulations addressing these concerns and presented them at a meeting on May 17th.
- After the public comment period, the regulations were further revised. The resulting text amendments include a new definition for 'Building Height', as well as Residential Overlay District regulations addressing lot and building standards (design standards, stormwater design requirements, land disturbance) and tree preservation.
- The proposed text amendments are attached hereto as "Exhibit A."

City Council Discussion:

- Council Member DeRito asked what impact these text amendments have on stormwater management for the City.
 - Director Cook shared that we did not previously require infiltration testing, so we have added additional requirements for new developments. This was added after the neighborhood meetings that took place earlier this year.
- Council Member DeRito asked if these amendments affect the property values?
 - Director Cook shared that staff believes that it enhances property values in that area because it is putting together what the streetscape would look like and protecting the streetscape.
- Mayor Pro Tem Merkel shared that only one developer in seven years has come forward and asked for a variance to the 20-foot driveway setback.

Public Comments:

- Michael Buchanan (135 Pebble Trail, Alpharetta, GA 30009) came forward to speak on creating additional protections for tree canopy and limiting clear-cutting of trees.
- Kenneth Kaplan (150 Pebble Trail, Alpharetta, GA 30009) came forward to speak on examples of trees that have been cut down in his neighborhood.
- John Norton (155 Shady Grove Lane, Alpharetta, GA 30009)

- Elaine Morgan (245 Meadow Drive, Alpharetta, GA 30009) came forward to speak on the elevation of lots adjacent to her property and drainage/runoff.
- Derek Gant (100 Shady Grove Lane, Alpharetta, GA 30009) came forward to speak about the loss of shade in his neighborhood and the tree ordinance and development.
- Jayden Richey (120 Shady Grove Lane, Alpharetta, GA 30009) came forward to speak on the lack of replanting.
- Jennifer Sheppard (Pebble Trail, Alpharetta, GA 30009) came forward to speak on the change in the streetscape.
- City Attorney, Molly Esswein, read the ordinance aloud.
- ❖ Mayor Pro Tem Merkel offered a motion to approve PH-22-08 / UDC (Unified Development Code) Text Amendment – Residential Overlay.
 - Council Member Hipes seconded the motion.
 - The motion was approved unanimously (7-0).
- Mayor Gilvin called for a brief recess at 9:57 p.m.
- Mayor Gilvin reconvened the City Council meeting at 10:05 p.m.

VII. NEW BUSINESS

A. Alpha Loop, RFP 22-123

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- Staff is recommending that Mayor and Council approve the award RFP 22-123 to Integrated Construction and Nobility, Inc. for the construction of the Alpha Loop Extension Project in an amount not to exceed \$14,031,710.66, allocate funds in the amount of \$100,000.00 for utility relocations, allocate funds in the amount of \$575,000.00 for right-of-way/easement acquisitions, and approve Atkins North America, Inc.'s proposal for construction management, engineering, and inspections services in an amount not to exceed of \$530,877.08, and authorize the Mayor to execute all necessary documents.
- (RFP) 22-123 is for the construction of the Alpha Loop from its current end south of Old Milton Parkway and the Chelsea Walk Subdivision to Northwinds Parkway and the portion of Alpha Loop running through the Northwinds Summit development.
- The project will add approximately 4,920 feet (0.93 miles) of trail including an approximately 360' long bridge, an approximately 144' long tunnel under Westside Parkway, and connections to The Atley Subdivision, Westside Parkway, and Northwinds Parkway.
- ICAN is an experienced contractor that has worked on several projects with similar elements in Georgia for multiple government agencies, including Cherokee County, Clayton County, City of Dunwoody, and City of Roswell. Additionally, ICAN was awarded one of two contracts with the City of Alpharetta for On Call Park Trail Construction Services on June 3, 2019 and successfully completed the Big Creek Greenway extension from

Marconi Drive to Union Hill Park in May 2021. ICAN anticipates being able to mobilize and begin construction in September 2022.

- Right-of-way/easement acquisition costs in an estimated amount totaling \$575,000.
- On January 18, 2022, Atkins North America, Inc. was awarded a contract to provide the City project management services, including construction management and construction inspection services. At staff's direction, Atkins prepared a proposal for providing construction project management, inspection, and engineering services for the Big Creek Greenway Extension project. The proposed fee for these services is \$530,877.08, which is based on an estimated number of hours to be worked over an 18-month time frame (15 months for construction, 3 months for project punch list and closeout).

Public Comments:

- There were no public comments.
- ❖ Council Member Hipes offered a motion to approve the award RFP 22-123 to Integrated Construction and Nobility, Inc. for the construction of the Alpha Loop Extension Project in an amount not to exceed \$14,031,710.66, allocate funds in the amount of \$100,000.00 for utility relocations, allocate funds in the amount of \$575,000.00 for right-of-way/easement acquisitions, and approve Atkins North America, Inc.'s proposal for construction management, engineering, and inspections services in an amount not to exceed of \$530,877.08, and authorize the Mayor to execute all necessary documents.
 - Council Member DeRito seconded the motion.
 - The motion was approved unanimously (7-0).

B. Public Works Fleet Replacement – Bucket Truck

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- Staff is recommending that Mayor and Council approve the purchase of a 2022 Ram 5500 equipped with an ALTEC Model AT40-G telescopic articulating aerial device with ISO-Boom utilizing Sourcewell Contract #110421-ALT from ALTEC, Inc. in an amount not to exceed \$141,908.
- The Public Works Department budgeted for a bucket truck to replace a 2003 F-550 standard cab bucket truck. This truck is used to assist with facilities, right of way, and traffic related issues.
- Unit #350 (2003 model year F-550 standard cab bucket truck) with 73,265 miles is currently out of service due to safety issues. Multiple hydraulic air hoses have dry rotted and need replacement. The versalift equipment that is currently on this bucket truck is difficult to maintain (limited parts availability and few qualified service technicians). Due to the age and wear and tear on the vehicle, this vehicle is scheduled for replacement.
- Approximate delivery time for this unit is April 2024, due to the current market situation and availability of materials.

City Council Discussion:

- Mayor Pro Tem Merkel shared that Public Works may want to consider purchasing a pre-owned vehicle to get the City by until the new vehicle is ready in April 2024.
- Mayor Gilvin shared that Public Works may want to consider leasing and/or purchasing a newer model than 2022 if we cannot get the vehicle until 2024.

Public Comments:

- There were no public comments.
- ❖ Council Member DeRito offered a motion to approve the purchase of a new Ram 5500 equipped with an ALTEC Model AT40-G telescopic articulating aerial device with ISO-Boom utilizing Sourcewell Contract #110421-ALT from ALTEC, Inc. in an amount not to exceed \$141,908.
 - Mayor Pro Tem Merkel seconded the motion.
 - Council Member Will offered a friendly amendment to include language that would also allow for an option of purchasing a used truck now instead of waiting until 2024.
 - Council Member DeRito did not accept the friendly amendment.
 - The motion was approved (6-1, with Council Member Will in opposition).

VIII. WORKSHOP ITEMS

A. Performance Permit in Downtown Pocket Parks

- Cultural Arts Commissioners, Melody Cookson and Michael Barsky, came forward to present this item.
- The Cultural Arts Commission is recommending a six-month beta program for a Performance Permit in Downtown Pocket Parks throughout the City.
- This program would also allow local students and emerging artists (cirque, painters, chalk artists – not just musicians) to display their work in the City. This program would make use of the existing pocket parks that are underutilized and create parameters for the quality and the performance times for people wanting to show their artistry in Alpharetta.
- This program would allow artists to perform in four (4) locations within City Parks (Fountain Park near Nest Café, Milton Avenue by the Hamilton Hotel, the Park with the big tree where Food Truck Alley takes place, and the Fountain by La Casa Italian). This program also establishes a vetting and permitting process, restricts the hours for performances by requiring artists to select a time slot on sign-up genius, ensures performance dates do not conflict with other special events, and eliminates panhandling by using venmo or digital payment platforms.

City Council Discussion:

- Council Member Hipes asked how this program would enhance or detriment the City of Alpharetta.

- The Commissioners shared that this will help utilize some of our smaller parks and gives new opportunities for local artists. The only downside to this program is if it were to fail, but if it did fail, it would be because we did not do a good job in promoting it.
- Mayor Pro Tem Merkel shared that he has concerns of who is going to inspect whether the artists performing are permitted because there is a shortage of downtown law enforcement officers.
- Council Member Binder shared that he has been impressed with Recreation and Parks events but suggested that if we do allow this program as a six-month beta program, someone associated with this program should come back to City Council with an update after the first three months.
- Council Member Mitchell thanked the Commission for their work on this and shared that he is supportive of this program.

IX. BOARDS & COMMISSIONS APPOINTMENTS

A. Recreation Commission – Nomination of Derek Kaighin by Mayor Pro Tem Merkel

- Mayor Pro Tem Merkel announced his nomination of Derek Kaighin to serve on the Recreation Commission.
- Mayor Gilvin accepted Mayor Pro Tem Merkel's nomination and appointed Derek Kaighin to serve on the Recreation Commission.

X. PUBLIC COMMENT

- There were no public comments.

XI. REPORTS

- There were no reports.

XII. RECESS TO EXECUTIVE SESSION

A. Executive Session

- ❖ Council Member Binder offered a motion to recess to executive session.
 - Council Member Hipes seconded the motion.
 - The motion was approved unanimously (7-0).
- Mayor Gilvin recessed the meeting at 10:40p.m.

XIII. RECONVENE CITY COUNCIL MEETING

- ❖ Mayor Pro Tem Merkel offered a motion to reconvene the meeting.
 - Council Member Binder seconded the motion.
 - The motion was approved unanimously (7-0).
- Mayor Gilvin reconvened the meeting at 10:49 p.m.

XIV. ADJOURNMENT

- ❖ Council Member Mitchell offered a motion to adjourn the meeting.
 - Council Member Will seconded the motion.

- The motion was approved unanimously (7-0).
- With there being no further items to consider or discuss, Mayor Gilvin adjourned the meeting at 10:50 p.m.

Respectfully submitted,

A handwritten signature in blue ink that reads "Lauren Shapiro". The signature is written in a cursive, flowing style.

Lauren Shapiro, City Clerk

EXHIBIT A

1.4.2 Defined terms.

~~Building Height. The vertical distance to the highest point of the roof surface of a flat roof, the deck line of a mansard roof, and to the mean height level between eaves and ridge of a gable, hip or gambrel roof, as measured from the average finished grade across the building frontage.~~

~~Building Height. The vertical distance between the "ground" and the level of the highest point of the roof surface of a flat roof, the deck line of a mansard roof, and to the mean height level between eaves and ridge of a gable, hip or gambrel roof, For the purpose of measuring building height, the "ground" level is the highest of the following three levels: curb level; established or mean street grade if no curb exists; or the average existing ground level adjoining the building if the building is setback more than 10 feet from the street line.~~

APPENDIX B. RESIDENTIAL OVERLAY DISTRICT – MEADOWBROOK HILLS, MILTON ESTATES, AND STONE GATE MANOR

Purpose

The purpose of the Residential Overlay District is to establish criteria to regulate “new development” defined as construction on vacant, underutilized, or reused parcels of land generally served by utilities and surrounded by existing development, including single-family homes including additions as defined in this section under “new development”.

The intent of the Residential Overlay District is to:

1. Maintain streetscape character while accommodating new residential development.
2. Address and mitigate the impacts of new development on stormwater management and loss of tree canopy within established residential areas and provide tree save incentives.
3. Provide options for parking on lots under construction in order to limit roadway parking.

Applicability

The provisions of this article are intended to regulate development within single-family residential areas and shall apply to all parcels designated “Residential Overlay District” on the official zoning map currently restricted to Stonegate Manor, Meadowbrook and Milton Estates. All development, including construction of new homes and/or applicable additions to homes as defined by this overlay, shall be in accordance with the provisions of the zoning ordinance and land development regulations, as well as this article. In the event of a conflict or inconsistency between the provisions of this article and any other provision of the Unified Development Code, this article shall govern the development of the property within the boundaries of the overlay.

The overlay applies to all New Development that includes one or more of the following:

1. Any development on vacant or unused lots
2. Redevelopment of more than one-third (1/3) of the existing or preexisting building footprint
3. An addition or accessory dwelling exceeding the lesser of 600 square feet or 20% of existing building footprint

Lot and Building Standards

- A. *Design Standards for New Development, as defined on the previous page.*
 1. Where a garage faces a street the garage must be recessed a minimum distance of 20 feet behind the front building façade.
 2. Architectural Variety. Proposed residences within an established neighborhood must incorporate architectural variety to their front facade, ensuring housing style diversity.

Duplicative front facade elevations adjacent to each other are prohibited. Simple reverse configurations of the same facade elevation on adjacent lots are not sufficient to meet this requirement. In order to ensure architectural variety, three or more design elements per infill residence must be utilized:

- a. Different window opening locations and designs;
- b. Different roof line configurations;
- c. Different entry/porch designs;
- d. Different exterior materials and finishes;
- e. Different garage location, configuration, and design.

B. Stormwater design requirements (Previously adopted March 2022)

- 1. Soils infiltration testing prior to issuing any development permit required to install an infiltration practice for all development that adds between 1,000 SF and 5,000 SF of new impervious area. The soils infiltration testing will include:
 - a. infiltration rates
 - b. depth to water table
 - c. depth to bedrock.
- 2. Certification that the green infrastructure measure was installed as designed at the end of construction shall be required as well as a maintenance covenant be recorded with the property records office for all future homeowners.
- 3. Development that adds or replaces 5,000 SF of more of impervious area shall complete:
 - a. a full stormwater management study
 - b. soil testing
 - c. measure certification
 - d. recording of a maintenance covenant.

C. Land Disturbance

- 1. Silt Fencing shall be permitted to be set back from the existing roadway by up to 20' from the edge of pavement for the purpose of creating a gravel area to assist with sub parking as well as material drop off. This area shall be maintained to avoid tracking into the roadways.

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Tree Preservation

To maintain and promote the public health, safety, and welfare, the city has established city-wide regulations governing the conservation, planting, and replacement of trees. Trees contribute to the community's quality of life, improve the visual quality of the city, assist with rainwater interception and infiltration, and increase property values. These overlay guidelines will apply above and beyond the City's Land Development Ordinance to address the specific challenges and conditions of tree preservation within the overlay's boundaries and provide additional incentives for saving existing trees.

A. Deviations from Unified Development Code.

- 1. Minimum Tree Density. Within the overlay district boundaries, all 'For-Sale' residential lots shall maintain a minimum tree density as described in section 3.2.7 of the Tree Ordinance by making reasonable efforts to incorporate existing trees on the property, especially within

-
- the streetscape. (Reasonable efforts shall include, but not be limited to, alternate building design, building and driveway location, stormwater BMP locations).
2. Rear Landscape Strip. Within the overlay district boundaries, all 'For-Sale' residential lots shall include a 10' undisturbed or replanted landscape strip along the rear property line.
 - a. If property includes stream buffers, floodplain, or other zoning buffers, this rear buffer location and width maybe shifted, removed or altered as approved by the city Arborist to accommodate alternate layouts.
 3. Additional Tree Credits. The City Arborist may authorize additional tree credits for trees preserved with an approved alternate design.
 - a. Specimen trees may receive a density credit of three times the inches as long as the encroachment into the critical root zone is below 20%. Trees of Quality and Tree Groupings may reduce recompense plantings. The reduction shall be calculated considering two times the inches of the Trees of Quality or Tree Groupings that are preserved as long as the encroachment into the critical root zone is below 20%.
 4. Tree Replanting. Replanted trees shall be native and ecologically compatible with the local environment and uptake or intercept stormwater.
 - a. It is desirable to plant at least 20% medium or large evergreens as specified in the tree list in the Guidance Document to enhance the interception of rainfall year-round.
 - b. Trees selected for minimum tree density plantings shall be water loving species, such as Red maple, Weeping willow, Black gum, River Birch, Bald Cypress, American Sycamore, Atlantic White Cedar, Alder, Sweetbay Magnolia or similar as approved by the City Arborist.,
 - c. Streetscape/Landscape strip trees shall be planted in the front yard along the road frontage within the 10' landscape strip. Alternative designs and locations may be considered where existing utilities conflict with these requirements.
 - d. Spacing and number of trees shall be calculated based upon the average canopy spread of the species selected, as outlined in the Arborist Guidance document, in relation to the linear length of property road frontage.
 - e. When tree spacing exceeds 30' OC, at least one ornamental tree shall be incorporated into the design and planted in the front yard.
 - f. In order to create/maintain street character shade trees selected for the streetscape shall be overstory canopy trees of the Quercus (oak), Acer (maple), Ulmus (elm), and Platanus (sycamore) genus or as approved by the City Arborist.



STAFF REPORT

Submitting Department: Recreation, Parks & Cultural Services

Submitted By: Amanda Musilli

Sponsored By: N/A

Meeting Date: August 15, 2022

I. AGENDA ITEM TITLE: FOOD WELL ALLIANCE - CITY AGRICULTURE PLAN GRANT UPDATE

II. RECOMMENDATION:

This agenda item is for presentation purposes only. No formal action will be taken on this item.

III. BUDGET IMPLICATIONS:

BUDGETED ITEM: NO

FISCAL IMPACT: NO

INCLUDED IN CURRENT FY CPTL BUDGET: NO

INCLUDED IN CURRENT FY OPRT. BUDGET: NO

TOTAL PROJECT COST: N/A

APPROPRIATIONS:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>
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EXTERNAL FUNDING SOURCES:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>
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IV. REPORT IN BRIEF:

The City of Alpharetta was awarded a grant from Food Well Alliance and ARC in January to develop a City Agriculture Plan, which will be a comprehensive plan to incorporate sustainable agricultural practices within the city's policies and practices. This plan will include things such as building development requirements and land use permitting; elements the city has the ability to support and control.

Food Well Alliance and ARC conducted six community input events in the spring and gathered a lot of input from hundreds of people. A steering committee of residents, youth, and city staff was formed and has had four committee meetings to work through and prioritize the input from the public events.

Representatives of Food Well Alliance will present a mid-process report on August 15th updating the City Council on the progress made thus far in developing the first City Agriculture Plan for Alpharetta.

V. ALTERNATIVES:

N/A

VI. ATTACHMENTS:

Alpharetta City Agriculture Plan Update - August 2022



CITY

AGRICULTURE

PLAN

GROWN IN CITIES



100% COMMUNITY

What is a City Agriculture Plan?

A City Agriculture Plan is a set of short term and long term recommendations that provide a roadmap for a city to achieve its vision of creating a vibrant and sustainable community food system over the next 5-10 years. The City Agriculture Plan process intentionally incorporates a community engagement phase to ensure that residents and local food leaders can help identify ways that local food can be integrated into their City's existing plans and programs.

Supporting and growing a community food system involves building community connections, supporting local ecosystems and soil health, increasing access to healthy, local food, and creating entrepreneurial opportunities to support the local economy.



Why is a City Agriculture Plan right for Alpharetta?



The opportunity to develop a comprehensive plan for agriculture is forward-thinking and will help ensure that Alpharetta is the community we want to leave for our grandchildren.

Mayor Jim Gilvin
City of Alpharetta

Local food and agriculture are a priority for the community

Dedicated city staff within the Recreation, Parks, and Cultural Services department and beyond

Ongoing programming with the potential to expand offerings with additional resources

Breadth of current food and agriculture organizations with potential for connection and synergy

Phase I: Community Engagement

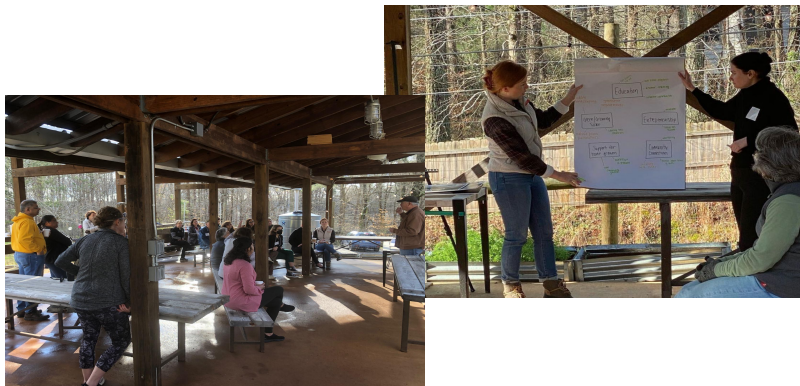
March - April

Focus Groups

6 focus groups held across the city
94 total attendees

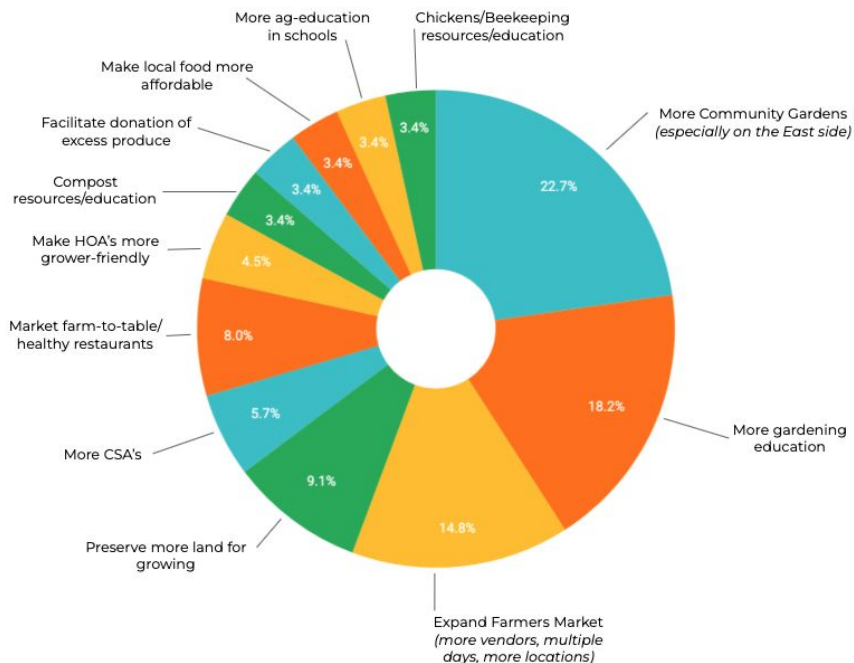
Surveys

8 stakeholder surveys were conducted
110 total participants



Phase I: Community Engagement

What are opportunities for growth around local food and agriculture in Alpharetta?

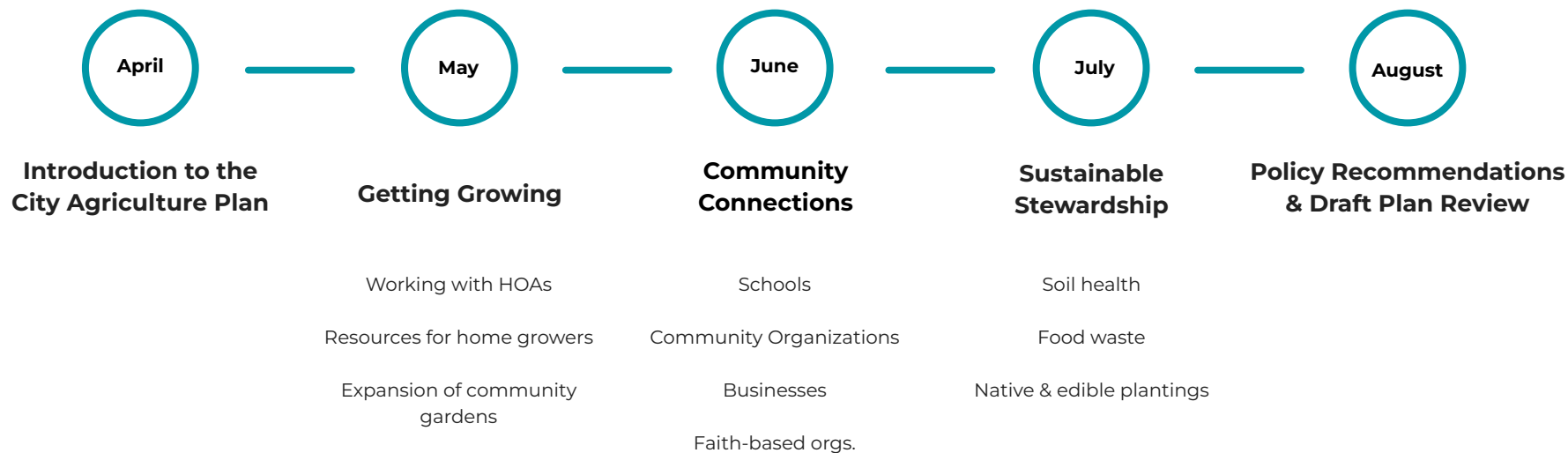


Themes from Resident Feedback

- Expand ag. educational programs with North Fulton Young Farmers
- Use passive park space for community gardens, pollinator garden
- Incentivize growing space at mixed use developments
- Incentivize less restrictive HOA regulations for growing, composting
- Develop programs to reduce food waste and build healthy soils ie. food rescue partnerships, community composting opportunities
- Increase opportunities for community connection around food/ag

Phase II: Planning

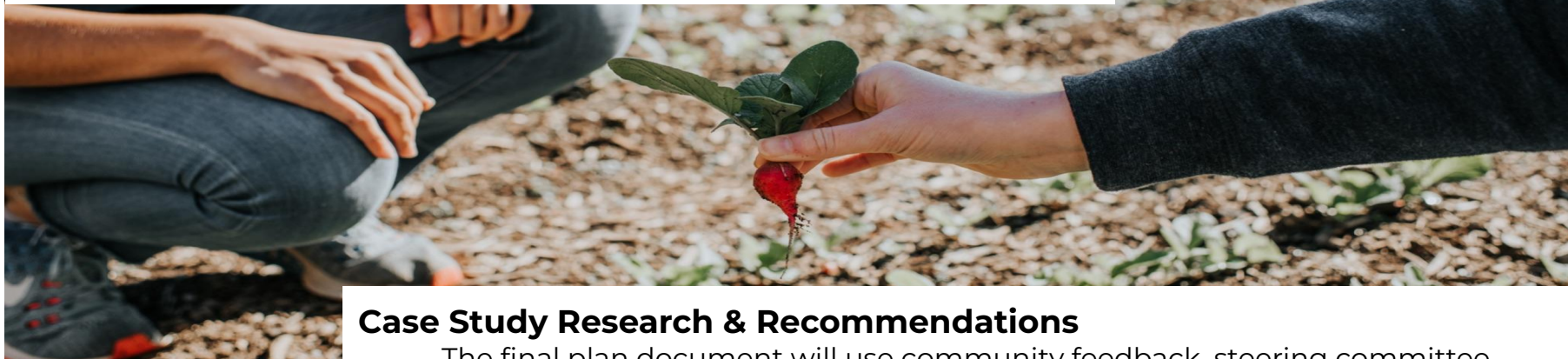
April - September



Phase II: Planning

Steering Committee

10 members: Representatives from Community & Economic Development; Recreation, Parks, & Cultural Services; Business Owners; High School Students; Residents



Case Study Research & Recommendations

The final plan document will use community feedback, steering committee insights and brainstorming, and research into solutions, programs, and best practices in other communities to inform a set of recommendations which can be implemented to strengthen and enhance Alpharetta's local food system.

For More Information



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Atlanta Regional Commission
BLapwood@atlantaregional.org



Sarah Brown

Policy and Planning Manager
Food Well Alliance
Sarah@foodwellalliance.org



Community Engagement Phase
Feedback Analysis

[Full Report](#)



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: V-21-33 CITGO/174 NORTH MAIN STREET VARIANCE

CITY COUNCIL: AUGUST 15, 2022

II. RECOMMENDATION:

Deny V-21-33 Citgo/174 North Main Street Variance request to eliminate the 10' landscape strip.

If approval is considered, recommend the following conditions:

1. Property shall be developed substantially as depicted on the site plan prepared by Evans Design Group, Inc., dated 5/29/20, except for modifications required to comply with the conditions below.
2. Modifications to the exterior of the convenience store shall be required with the gas pump re-orientation and installation of the 3rd gas pump. Property owner shall remodel the exterior of the convenience store per the letter and plans prepared by Hotel Design Partners, dated 5/15/20, with final approval by DRB. Gas pump canopy color shall be limited to one (1) neutral color that blends with the colors used on the convenience store and shall have brick columns, with final approval by DRB. If landscaping is removed or damaged during GDOT's North Main Street project, it shall be replanted.
3. Landscaping shall be provided substantially as depicted on the Landscape Improvement/Tree Replacement Plan prepared by DGM Land Planning Consultants, dated 5/23/22, with final approval by DRB.
4. Potted plantings of various sizes shall be required along the front facade of the convenience store, as approved by DRB.
5. Minimum 13 parking spaces shall be provided on the property, not including spaces at gas pumps. Parking lot landscape islands, planted with a shade tree, shall be provided as required by the City's Unified Development Code.
6. Property owner shall assess required landscaping (parking lot landscape islands, dumpster enclosure screening, landscape strips) and replace any dead, dying or missing landscape material, as approved by DRB.
7. Dumpster shall be contained within a Code-compliant dumpster enclosure. Exterior of dumpster enclosure shall match material used on the modified front facade of the convenience center building and gate shall be metal and opaque, with final approval by DRB.

III. REPORT IN BRIEF:

The applicant, General Convenience Store, LLC, is requesting a variance to eliminate the required ten-foot (10') landscape strip on a commercial property located in the Downtown Overlay. The applicant proposes a six-foot (6') planting area in the GDOT right-of-way behind the proposed sidewalk and planted with a mix of shrubs and grasses (no trees). The property is the Citgo gas station, which proposes to reconfigure two (2) existing gas pumps and add a third (3rd) gas pump due to impacts from GDOT's North Main Street project. The GDOT project resulted in the loss of two (2) gas pumps. The subject property is located at 174 North Main Street on the west side of North Main Street just south of Mayfield Road.

DISCUSSION

The submitted request, if approved, would eliminate the required ten-foot (10') landscape strip along North Main Street adjacent to the Citgo gas station and convenience store. The applicant proposes a six-foot (6') planting area in the GDOT right-of-way behind the proposed sidewalk and planted with a mix of shrubs and grasses (no trees). The variance would allow for the reconfiguration of two (2) existing gas pumps and the addition of a third (3rd) gas pump. GDOT recently acquired right-of-way and easements along the subject property's frontage, which impacted the landscape strip and resulted in the loss of two (2) gas pumps. The subject property is located at 174 North Main Street on the west side of North Main Street just south of Mayfield Road.

The subject property and surrounding properties are zoned C-1 (Neighborhood Commercial). CVS is located to the north, \$20 Dollar Chiropractic is located to the east, and Main Street Commons office park is located to the south and west. The comprehensive land use plan designation of the property is 'Mixed Use'.

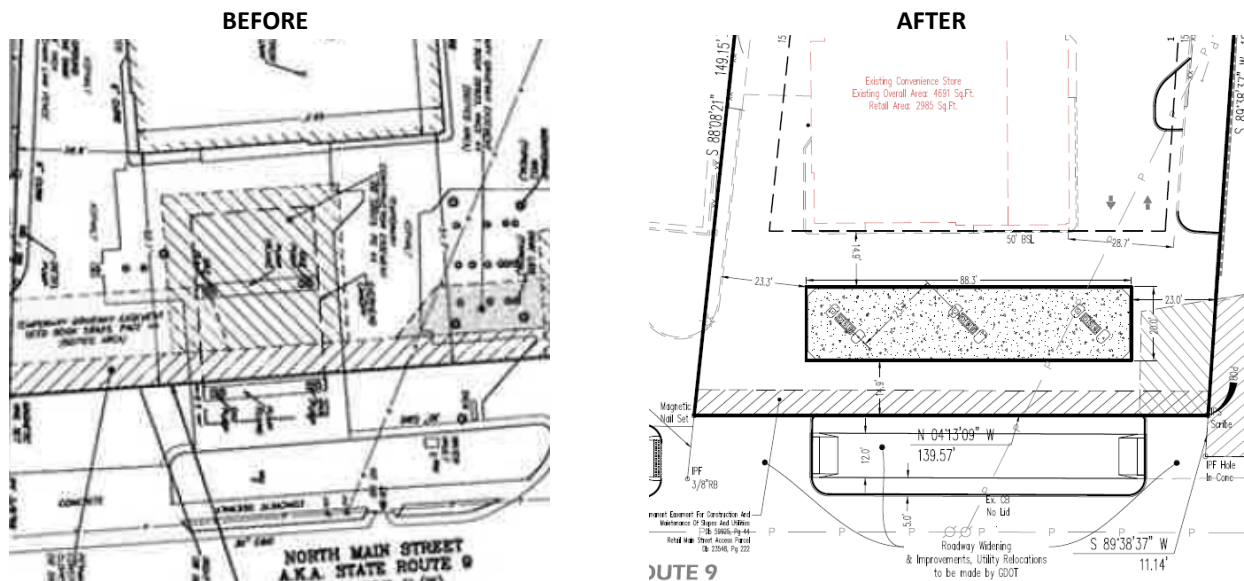
A variance request to eliminate the ten-foot (10') landscape strip on the property was denied by City Council on November 2, 2020. The applicant appealed the decision to the Superior Court of Fulton County and filed a separate lawsuit against the City, but later dismissed both the appeal and lawsuit. The applicant is now requesting a variance equivalent to that requested in 2020 and has submitted a "Documentation of a Conflict" letter from GDOT in accordance with O.C.G.A. § 32-3-3.2.

The "Documentation of a Conflict" letter suggests that a proposed cure for the damage resulting from GDOT's right-of-way acquisition on the subject property is to allow a two-foot (2') landscape strip to be planted and

maintained by the applicant within a portion of GDOT's permanent easement along Highway 9. Applicant's 'Reservation of Constitutional and Other Legal Rights' states that the City should approve a variance to eliminate the landscape strip entirely so that the applicant can reconfigure the gas pump locations in a manner that will result in the loss of only one (1) gas pump, rather than two (2). The Reservation of Rights further states that if the landscape strip is not reduced by the City, then O.C.G.A. § 32-3-3.2 would require the City to compensate the applicant for the loss of the second (2nd) gas pump. To the knowledge of Staff, GDOT has already compensated the applicant for the loss of the two (2) gas pumps.

A variance is requested from Unified Development Code (UDC) Subsection 3.2.8 (D), Landscape Strips, to eliminate the required ten-foot (10') landscape strip along North Main Street. The landscape strip and former gas pump canopy with four (4) gas pumps has been impacted by GDOT's roadway project on North Main Street. The additional right-of-way (approximately 11'-12') and easements (approximately 7') acquired by GDOT has resulted in the removal of the ten-foot (10') landscape strip area. In addition, the two (2) gas pumps nearest North Main Street have been removed and the gas pump canopy has been replaced with a smaller canopy covering the remaining two (2) gas pumps.

A variance would not be required for the elimination of the landscape strip, if the property remained in the current configuration with two (2) gas pumps and the smaller canopy. However, the applicant proposes to reconfigure the gas pumps (turn on an angle) and add a third (3rd) gas pump (see below). According to the applicant's letter of intent, the loss of two (2) gas pumps has created an economic hardship. However, the applicant has already been compensated for the right-of-way and easements acquired and any negative consequential damages to the remaining property. Therefore, the applicant's proposal to reconfigure the gas pump canopy triggers compliance with the landscape strip requirements.



The applicant provided a series of Auto-Turn exhibits depicting vehicle turning movements in and out of the site with various orientations of the three (3) gas pumps (perpendicular, parallel, and angled). Regardless of the orientation, the demonstrations appear to be extremely tight and would likely result in conflicts between vehicles, curbing and the new multi-use sidewalk along North Main Street. In addition, vehicles with a larger turning radius would likely have more difficulty accessing the gas pumps. This could create an unsafe situation where vehicles may need to reverse and make multiple movements in order to access the gas pumps.

SITE PLAN

The applicant's site plan depicts a 1-story, 4,691 square foot convenience store with three (3) angled gas pumps and gas pump canopy along North Main Street. The orientation of the gas pumps has been changed from being parallel to North Main Street to angled. Thirteen (13) parking spaces are depicted at the rear of the building. The two (2) existing handicap spaces at the front of the convenience store have been removed in order to accommodate the third (3rd) gas pump. Access to the property is from two (2) driveways off North Main Street and a private driveway at the rear of the property connecting to Mayfield Road.

A landscape plan was submitted depicting landscape improvements and replacements around the perimeter of the site and off-site in the GDOT right-of-way. A six-foot (6') planting area located in the GDOT right-of-way behind the proposed sidewalk along North Main Street is depicted to be planted with a mix of grasses and shrubs. The typical height of the proposed shrubs is between one-foot (1') to three-feet (3'). Grasses and slightly taller shrubs, two-feet (2') to four-feet (4'), are proposed in the planting area between North Main Street and the proposed sidewalk. There are no trees proposed within the six-foot (6') planting area behind the sidewalk. It is unclear if GDOT has approved the proposed plantings as the site plan.

The subject property received approval of a land disturbance permit (LDP) in 2001. The LDP depicted a total of thirteen (13) parking spaces, of which two (2) handicap spaces were provided at the front of the convenience store. Based on a site visit, the property was not developed according to the approved LDP and currently only has ten (10) parking spaces, which includes one (1) handicap parking space at the front of the building.

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 variance to eliminate the landscape strip is necessary only because the applicant proposes to reconfigure the gas pumps in order to allow a third (3rd) gas pump. If the applicant utilized the existing gas pump canopy with the two (2) remaining gas pumps, a variance would not be required to eliminate the landscape strip. In addition, the applicant's proposal lacks financial data or market analysis to support the claim of economic hardship and lacks an alternative design, such as moving the building or alternate gas pump layout.

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

Response: The application of the Ordinance would not create an unnecessary hardship on the subject property. The variance to eliminate the landscape strip is only necessary because the applicant proposes to reconfigure the gas pumps in order to allow a third (3rd) gas pump. If the applicant utilized the existing gas pump canopy with the two (2) remaining gas pumps, a variance would not be required to eliminate the landscape strip. In addition, the applicant's proposal lacks financial data or market analysis to support the claim of economic hardship and lacks an alternative design, such as moving the building or alternate gas pump layout.

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

Response: The variance to eliminate the landscape strip is necessary only because the applicant proposes to reconfigure the gas pumps in order to allow a third (3rd) gas pump. If the applicant utilized the existing gas pump canopy with the two (2) remaining gas pumps, a variance would not be required to eliminate the landscape strip. In addition, the applicant's proposal lacks financial data or market analysis to support the claim of economic hardship and lacks an alternative design, such as moving the building or alternate gas pump layout.

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

Response: Approval of the variance request would cause substantial detriment to the public good. Reconfiguration of the existing gas pumps and addition of a third (3rd) gas pump could result in safety issues resulting from conflicts between vehicles accessing the gas pumps and the flow of traffic on North Main Street. Also, the existing handicap parking space closest to the front door of the business is proposed to be removed and placed at the rear of the property in order to accommodate the third (3rd) gas pump. A lack of landscaping along the property's frontage would negatively impact the aesthetics along North Main Street and would result in the loss of a protective barrier between the new multi-use sidewalk along North Main Street and vehicular areas surrounding the gas pumps. The resulting condition could lead to conflicts between vehicles and pedestrians and cyclists.

CONCURRENCES

Staff reviewed the applicant's proposal against the established review criteria for a variance. The applicant's proposal lacks financial data or a market analysis to support the claim of economic hardship and lacks an alternative design, such as moving the building or alternate gas pump layout. Granting the variance would negatively impact aesthetics along North Main Street and could result in safety issues due to conflicts between vehicles accessing the gas pumps and the flow of traffic on North Main Street. Elimination of the landscape strip would impact aesthetics along North Main Street and would result in the loss of a protective barrier between the new multi-use sidewalk along North Main Street and vehicular areas surrounding the gas pumps. The resulting condition could lead to conflicts between vehicles and pedestrians and cyclists. Recent variances considered along Main Street have not included requests to eliminate the required landscape strip. In addition, the existing handicap parking space at the front of the convenience store is proposed to be removed and relocated to the rear of the property in order to accommodate the third (3rd) gas pump.

A hardship, if any, created by GDOT's Highway 9 project should have been (and Staff believes already has been) compensated by GDOT, including impacts to the business after the taking.

CITIZEN PARTICIPATION PLAN

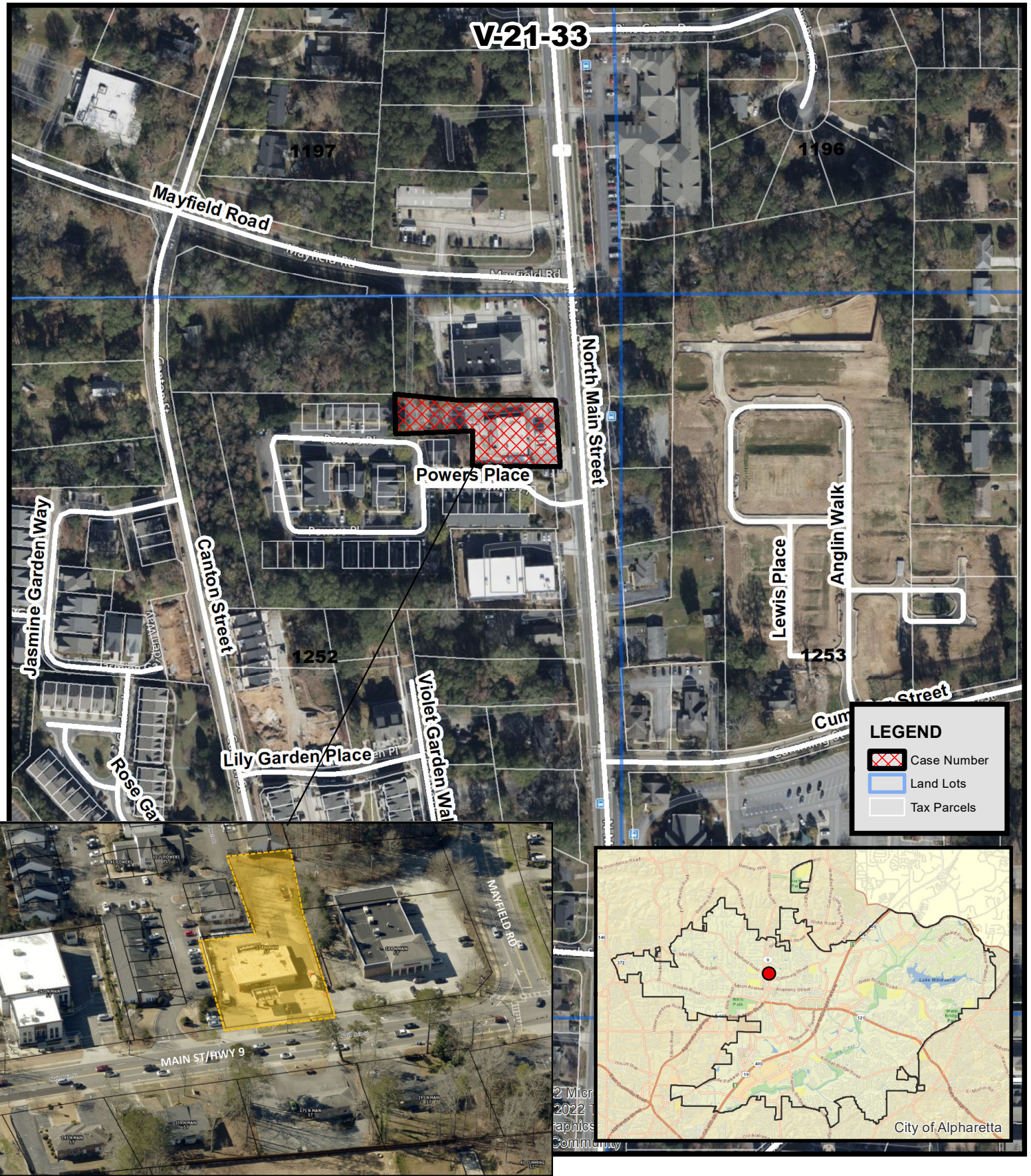
The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that no comments were received.

COMMUNITY ZONING INFORMATION MEETING

The CZIM was held on January 12, 2022. There were no public comments.

IV. ATTACHMENTS:

- Site Plan
- Landscape Improvement and Tree Replacement Plan
- Auto-Turn Exhibits

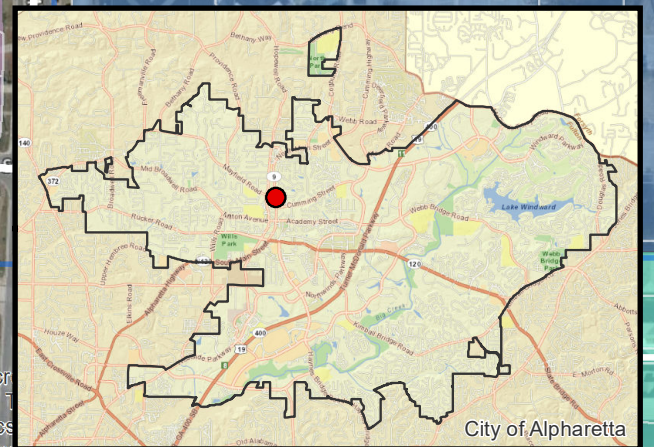
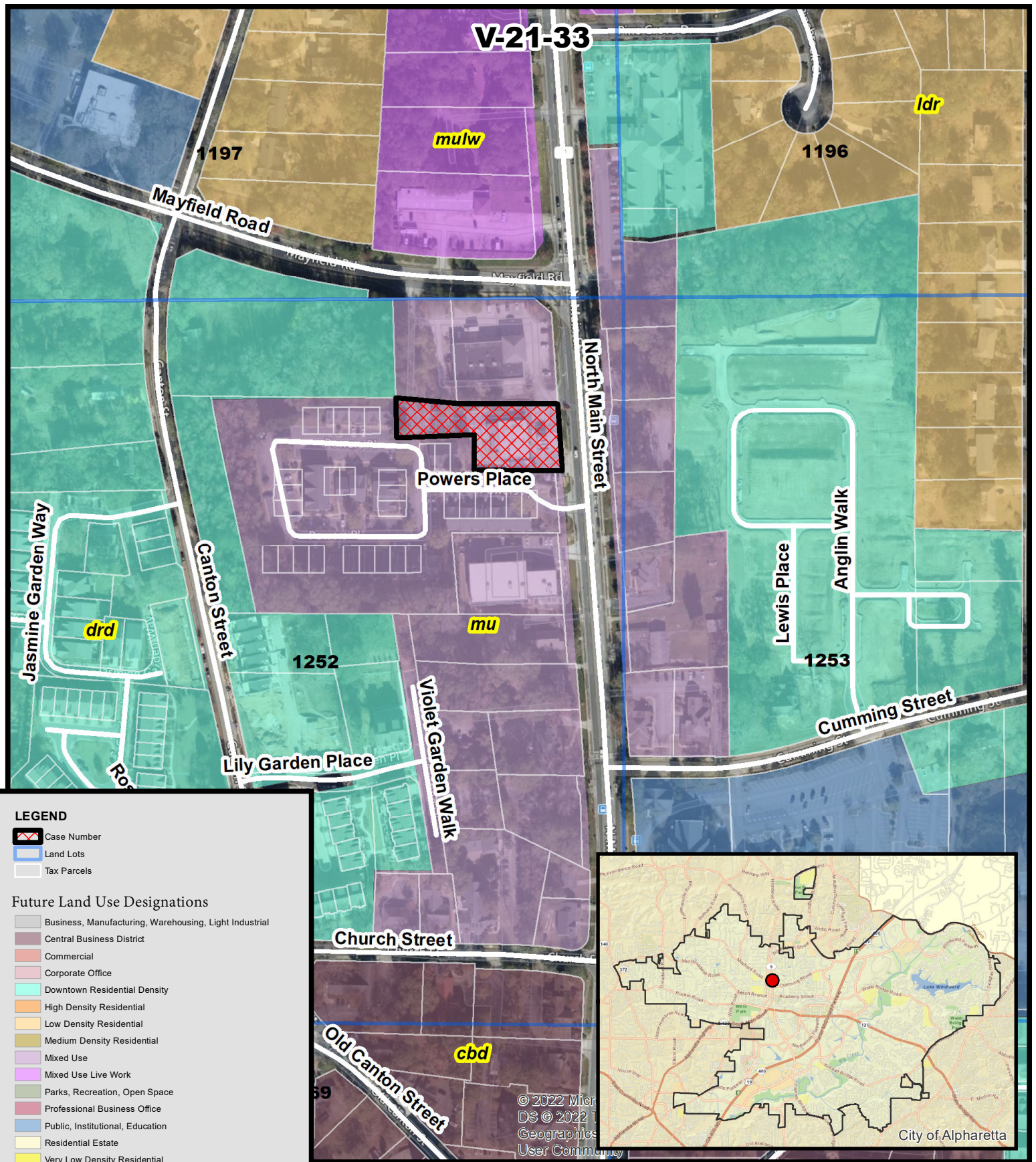


Aerial Map
Citgo Variance
174 North Main Street

V-21-33
D/LL: 2/2/1252
CC: 2/21/22



Location Map Provided by:
Community Development - GIS

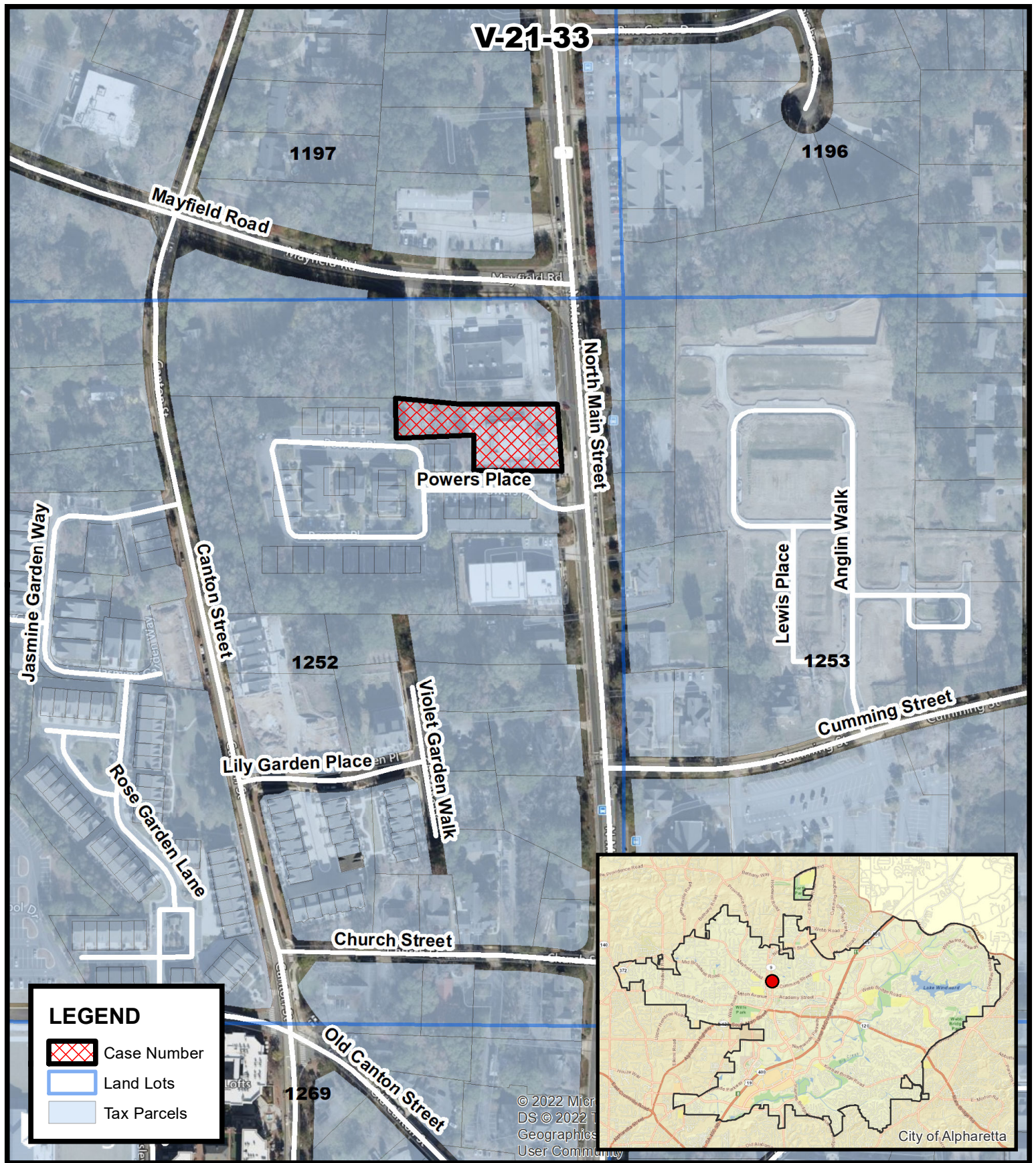


**Future Land Use
Citgo Variance
174 North Main Street**

**V-21-33
D/LL: 2/2/1252
CC: 2/21/22**



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

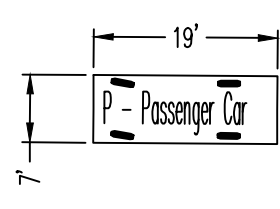
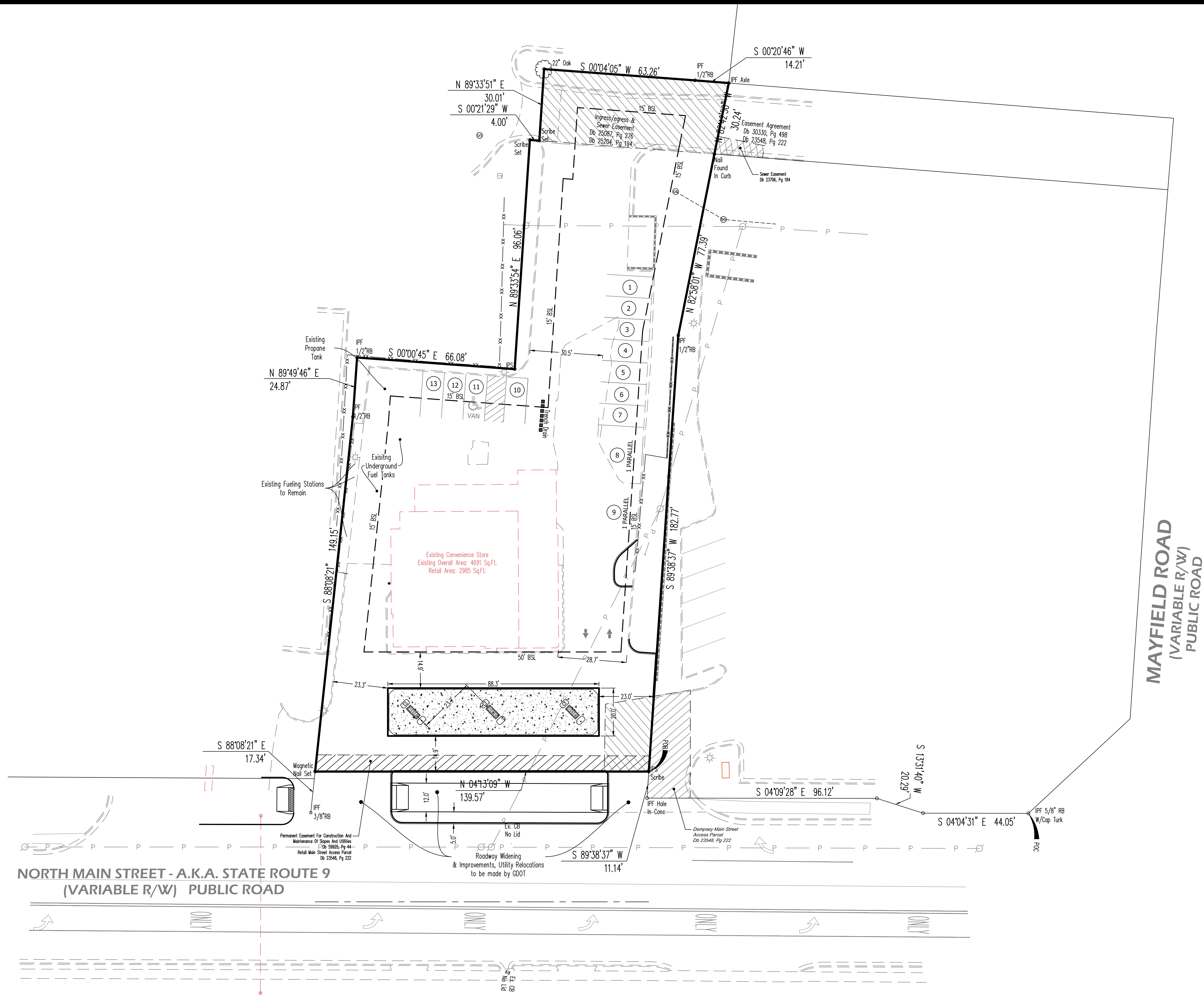


Location Map
Citgo Variance
174 North Main Street

V-21-33
D/LL: 2/2/1252
CC: 2/21/22



Location Map Provided by:
Community Development - GIS



Evans Design Group, Inc.
Civil Engineering /
Site Planning /
Land Development Services
4755 Summer Song Court
Buford, GA 30519
(Ph) 678.207.6830
jevans@evansdg.com



PROJECT NAME
CONVENIENCE STORE ON NORTH MAIN

174 NORTH MAIN STREET
L.L. 1252, 2nd DIST.,
CITY OF ALPHARETTA,
GEORGIA

DATE:
05-29-20

DESIGN BY	DRAWN BY	CHECKED BY
JME	JME	JME

☒ Not Released For Construction
☐ Released For Construction

OWNER/DEVELOPER

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REVISIONS

JOB NUMBER:

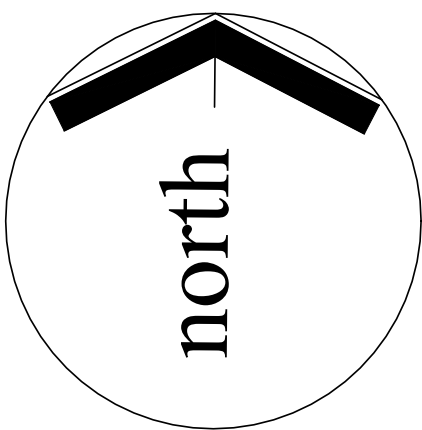
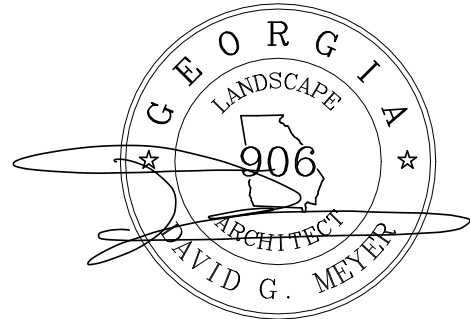
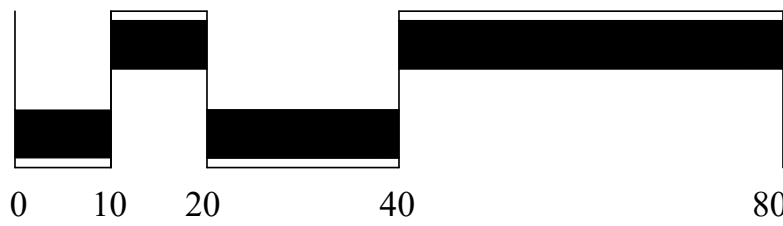
SHEET TITLE
CAR TURN EXHIBIT
C-0

Landscape Improvement / Tree Replacement Plan

174 North Main Street

City of Alpharetta, Georgia Land Lot 1252, 2nd District, 2nd Section

property owner:
Mr. Ritesh Shah
General Convenience Store, LLC
174 North Main Street
Alpharetta, Georgia 30009



May 23, 2022

Site Data

Total Site Area: .736 AC

Present Zoning: C-1

(Neighborhood Commercial)

General Notes:

1. Boundary taken from Technical Survey Services, dated 2/19/11/26.

Tree Calculations

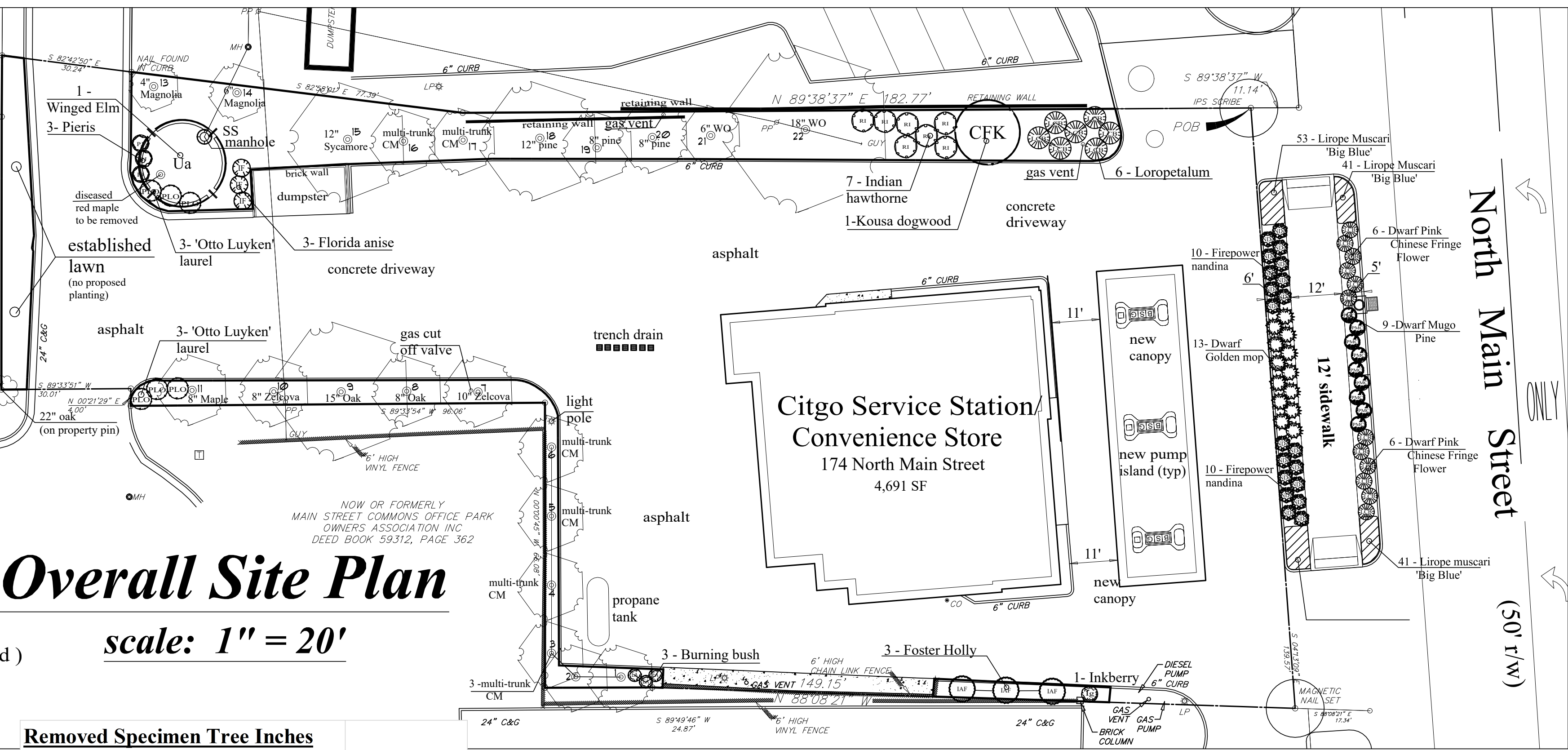
Site Area Calculation :
Net Site Area = .736 AC

Tree Density Calculation:
.736 AC x 130"/AC = 96 Total Inches Required
EDF + RDF = SDF
EDF = 160" (160" of non-specimens + 0" of specimens preserved)
RDF = 11" (1 x 2" Dogwood, 1 x 3" Elm, 3 x 2" Arborvitae, see master plant list)

160" + 11" = 171" SDF
171" > 96", therefore density is satisfied

Specimen Tree Recompense Calculation:
No specimen trees have been removed.
Therefore, no recompense applies.

10. All newly planted trees shall be equivalent in quality to a Florida #1 grade or better. All trees of lesser quality shall be rejected by the City Arborist.
11. Watering bags or a drip irrigation system MUST be provided for all trees immediately after planting and remain through establishment.
12. When watering bags are used manufacturers recommendations MUST be followed for proper sizing and watering schedules. Bags will be filled weekly by owner and during droughts for a minimum of 18 months after installation.
13. NO TRENCING ALLOWED IN TREE SAVE AREAS- INCLUDING IRRIGATION.
14. Tree pit drainage testing is required when trees are planted in parking lot islands, sidewalk tree pits, roadway medians, or similar locations. Please refer to City Details regarding planting pit or landscape island construction. Fill each pit with water. If percolation is less than 100% within a 12 hour period, use an auger to drill a 10" inch hole to a depth of four feet below the bottom of the pit. Fill hole with drainage gravel and cover with a soil separ Retest pit. If drainage is still unsatisfactory, City Arborist and Project Arborist must be notified in writing of the locations with poor drainage to provide a solution before planting. Testing results must be provided to the City Arborist.
15. All buffers shall be planted where sparse and code required screening shall be installed in order to create a year round opaque screen within 2 years of construction or as directed by the City of Alpharetta. During the time of CO the City may require additional plantings to meet these requirements above what is shown on the approved landscape plan.
16. All tree anchoring devices shall be removed from tree after one complete growing season or one year after planting, whichever is greater.
17. Property owner shall be responsible for the care and maintenance of the trees and landscaping that front their property within the ROW.
18. Landscape contractors are required to attend the City of Alpharetta PreConstruction class prior to beginning work on any project. Please call (678)297-6070 for information and to reserve a spot.
19. NO TREES SHALL BE PLANTED ON ANY AREA OF AN EARTHEN DAM OR EMBANKMENT. Make sure this note is bold and located in a prominent place near the dam.



Overall Site Plan

scale: 1" = 20'

Removed Specimen Tree Inches

Tree Number	Tree Species	Tree Size DBH (in inches)	CRZ Radius (in feet)
0		0	0
Total Inches:		0	

Preserved Specimen Tree Inches

Tree Number	Tree Species	Tree Size DBH (in inches)	CRZ Radius
Total Inches:		0	
x 3 =		0	

Preserved Non Specimen Tree Inches

#	Tree Type	Tree Size DBH (in inches)	CRZ Radius (in feet)
1	Crape Myrtle	0	n/a
2	Crape Myrtle	0	n/a
3	Crape Myrtle	0	n/a
4	Crape Myrtle	0	n/a
5	Crape Myrtle	0	n/a
6	Crape Myrtle	0	n/a
7	Zelkova	10	13
8	Oak	8	10.5
9	Oak	15	19.5
10	Zelkova	8	10.5

11 Maple	8	10.5
12 Magnolia	4	4.6
13 Magnolia	6	8
14 Sycamore	12	15.6
15 Crape Myrtle	0	n/a
16 Crape Myrtle	0	n/a
17 Pine	12	15.6
18 Pine	8	10.5
19 Pine	8	10.5
20 Oak	6	8
21 Oak	18	23.5
Total Inches:		160

Alpharetta Landscape and Utility Notes

1. If there are inconsistencies between any items on these plans the more strict interpretation of those requirements shall be followed. Please contact the City Arborist for any interpretation.
2. Prior to the tree save fence inspection provide the City Arborist with proof of pre-payment of the required tree care plan to a reputable tree care company.
3. Tree save fence and signage for entire site must be installed, inspected and approved prior to installation of erosion control measures. No land disturbance or demolition is allowed before this inspection and approval has occurred
4. The CRZ of Specimen Trees plus all buffers shall be protected with wire-back tree save fencing with metal support posts or chain link and Tree Save signage.
5. Installation of the tree save fence will involve no trenching.
6. All existing trees identified for preservation or found within tree save areas must be fully protected during all phases of this project.
7. Additional trees along the limits of disturbance with encroachment into the SRP and deemed structurally unsafe by the City Arborist or the Project Arborist may be required to be removed prior to CO.
8. All roots encountered 1/2" or greater during grading or excavating operations shall be clean cut under the direction of an ISA Certified Arborist.
9. Any limbs overhanging the LOD that may be ripped, torn, or damaged during construction SHALL be properly pruned under the direction of an ISA Certified Arborist.
10. It is the owner's responsibility to maintain the vegetation and remove trash and debris around the perimeter of the project, even if within the public ROW, in accordance with the City of Alpharetta Property Maintenance Codes.
11. All approved revisions to the location of the tree save fence need to be coordinated with the land disturbance inspector prior to relocation.

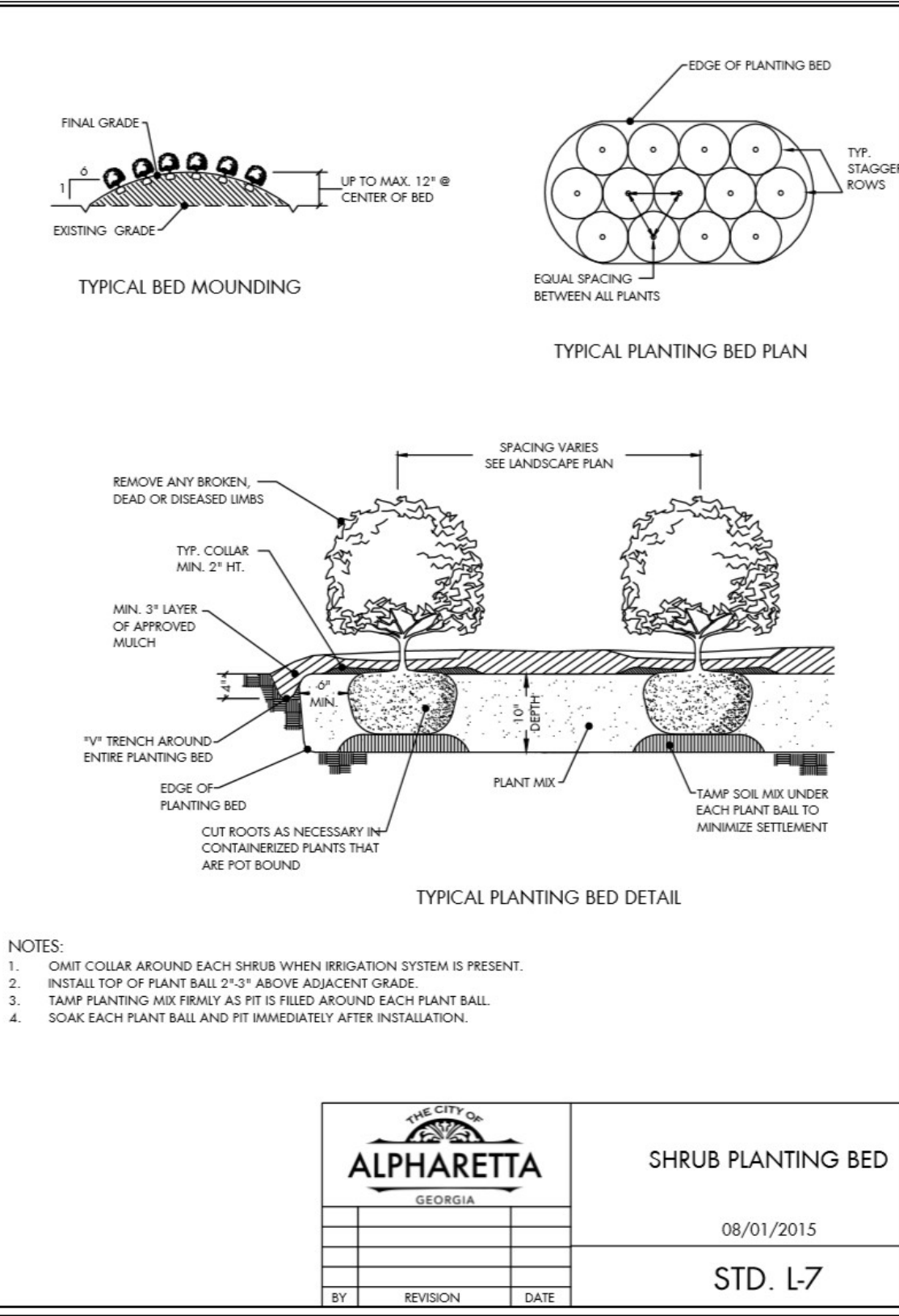
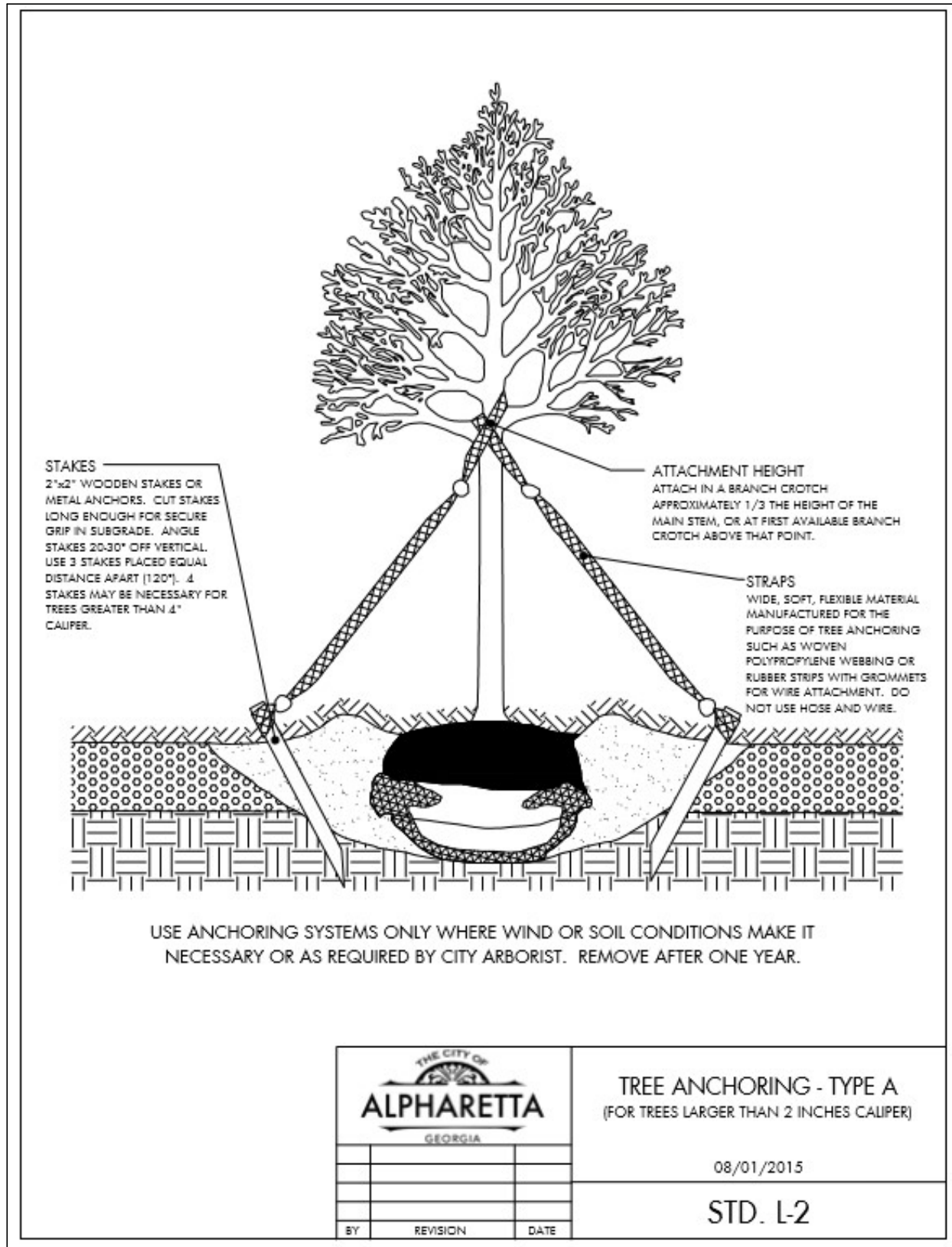
Alpharetta Landscape and Utility Notes (con't)

ALL TREES MUST BE PLANTED OUTSIDE OF ANY UTILITY EASEMENTS, UNLESS APPROVED BY THE CITY ARBORIST OR UTILITY PROVIDER. Make sure this note is bold and in a prominent place near utilities. This pertains to ALL utilities (water, sewer, gas, fiber optic, electric, etc.).

1. The City Arborist must inspect the site before installation of erosion control measures. Land disturbance without a site inspection and approval by the City Arborist will result in a "Stop-Work Order" and fines.
2. If tree survey inaccuracies are found on-site, a stop work order will be issued until revised plans are approved and processed based on accurate information.
3. Design Landscape Architect or Project Arborist will inspect, verify, and approve the landscape has been planted per the approved plans and city standards prior to contacting the City Arborist for a CO inspection.
4. Trees agreed upon to be saved are the responsibility of the owner.
5. A 4" layer of mulch is required for the CRZ of Specimen Trees, Trees of Quality, and Tree Groupings. Mulch must be applied prior to start of construction and shall not touch the trunks of the tree(s).
6. A minimum 2" layer of mulch is required for all existing, non-specimen, landscape trees, including street and parking lot trees. Mulch must be applied prior to start of construction and shall not touch the trunks of the tree(s).
7. All mulch must be organic mulch consisting of wood chips, shredded bark, pine needles, or similar. Synthetic mulch or rocks are not approved for use in the City of Alpharetta.
8. All newly planted trees shall have visible root flares at finished grade. No circling roots shall be allowed on planted trees. The upper two rings of the wire basket, all burlap, and strapping MUST be cut and removed prior to backfill.
9. Plant sizes (caliper and height) MUST match the sizes shown on the plans. Plants that do not meet these minimums will not be accepted. E.g. 3 inch caliper trees must be 3 inches or larger. Plant height measurement is taken at the top of the main body of the plant and not at the tip of the topmost growth.

master plant list

PLANT TYPE	LABEL	QUAN.	COMMON NAME	BOTANICAL NAME	SIZE
Trees					
	CFK	1	Kousa Dogwood	Cornus florida 'kousa'	7' - 8', B&B, 2" cal.
	IAF	3	Foster Holly	Ilex x attenuata 'Fosteri'	15 Gal. 5' - 6'
	Ua	1	Winged Elm	Ulmus alata	3" Cal.
Shrubs					
	CPgm	13	Dwarf Golden Mop	Chamaecyparis pisifera 'Golden Mop'	3 Gal.
	EA	3	Burning Bush	Euonymus alatus	3 Gal.
	IF	3	Florida Anise	Illicium floridanum	3 Gal.
	IG	1	Inkberry Holly	Ilex glabra	3 Gal.
	LCB	6	Loropetalum	Loropetalum chinensis	3 Gal.
	LCpf	12	Dwarf Pink Fringe Flower	Loropetalum chinense 'KURENAI'	3 Gal.
	NDfp	20	Firepower Nandina	Nandina domestica 'Firepower'	2 Gal.
	PJ	3	Pieris	Pieris japonica	3 Gal.
	PLO	6	Otto Luyken Laurel	Prunus laurocerasus 'Otto Luyken'	18" - 24" B&B
	PMC	9	Dwarf Mugo Pine	Pinus mugo 'Compacta'	3 Gal.
	RI	7	Indian Hawthorn	Raphiolepis indica	3 Gal.
Groundcovers					
	LM	188	Big Blue Liriope	Liriope muscari	4" pot
	Pinestraw	25.00	Pinestraw	Pinestraw	1 Bale



May 15, 2020

The City of Alpharetta

Department of Community Development
2 Park Plaza
Alpharetta, Georgia 30009

Project Reference: CITGO Alpharetta Remodel Letter of Compliance for Design Review Board

Owner: OM Group, Ritesh.Shah@OMGRP.com (404)-209-8500

Project Description:

This existing Gas Station and Convenience Store is located at 174 North Main Street, Alpharetta, Georgia 30004. It is a single story brick masonry and storefront building with flat roof, and metal coping. It is part of the Downtown Overlay District and its remodel will be in compliance with the Alpharetta Downtown Design Guidelines dated August 29, 2017. Scope of work includes remodel of East and North Facades.

Project Goals:

Update building facades to be in harmony with the historic flavor of traditional, pre-WWII Main Street.

Points of Compliance:

1. Building Location & Orientation - Gas station was originally designed as such, with drive-under canopy and pumps located between the storefront entry, which faces Main Street, and the sidewalk.
2. Block Massing - This individual block remodel is designed with a variety of parapet heights and architectural finishes in order to break up the blocks' mass and provide visual interest.
3. Building Massing - Intended for larger buildings, this small gas station has elements of traditional Main Street buildings characterized by simple massing and forms.
4. Corner Articulation - The East and North facades join at an articulated corner with taller parapet, varied architectural expression, and historic corniced and bracketed parapet.
5. Building Entrances - Discretely incorporated under a suspended metal canopy the entrance complies with historic intent.
6. Variation of Style - The East and North facades are designed to give the appearance of a second story, with a more modern approach through the use of updated materials applied in harmony with Historic Guidelines, and a sense that the place has evolved over time.
7. Facade Design - This single-story Convenience Store has a high percentage of glass at pedestrian level providing high visibility into and out of the commercial establishment. The design is consistent with having a distinct base, middle and top that creates an attractive human scale.
8. Detail & Fenestration - Consider this remodel to be one of a more simple upgrade rather than having an ornate level of detail.
9. Materials & Details - Appropriate building materials, including brick, hard-coat stucco, Synthetic wood flush siding, and decorative FRP cornice and brackets are utilized in the remodel. Elements are well-proportioned and have an appropriate level of detail for the style of the building.

10. Hierarchy of Detail & Material - The highest level of detail and quality of materials are favored on the street-facing facades. Rear and side facades are majority brick construction in favor of durability and cost efficiency. Street-facing facade materials return at corners and sides before transitioning to ones less detailed.

Your consideration of our remodel design is most appreciated. We look forward to feed-back and final approval for the Design Review Board Hearing.

Sincerely,

Hotel Design Partners, Inc.



Lisa Steffee
LSteffee@HotelDesignPartners.com
770-777-1117

Hotel Design Partners • com

11138 State Bridge Road, Suite 180, Alpharetta, Georgia 30022
770-777-1117

CITGO ALPHARETTA REMODEL

174 NORTH MAIN STREET
ALPHARETTA, GEORGIA 30004

OM GROUP

RITESH.SHAH@OMGRP.COM
404-209-8500

MATERIALS LEGEND:

- | | | | |
|---|--------------------------------|---|-------------------------------|
| ① | EXISTING BRICK VENEER | ⑧ | BRICK PEDESTAL |
| ② | EXISTING STANDING SEAM PARAPET | ⑨ | BRICK INFILL - FLEMISH BOND |
| ③ | HARD-COAT STUCCO | ⑩ | SYNTHETIC WOOD SIDING |
| ④ | FRP CORNICE | ⑪ | EXISTING OVERHEAD DOOR |
| ⑤ | FRP BRACKET | ⑫ | EXISTING GUTTER AND DOWNSPOUT |
| ⑥ | SUSPENDED CANOPY | ⑬ | EXISTING FLAT ROOF |
| ⑦ | BRICK INFILL - RUNNING BOND | | |

Hotel Design Partners



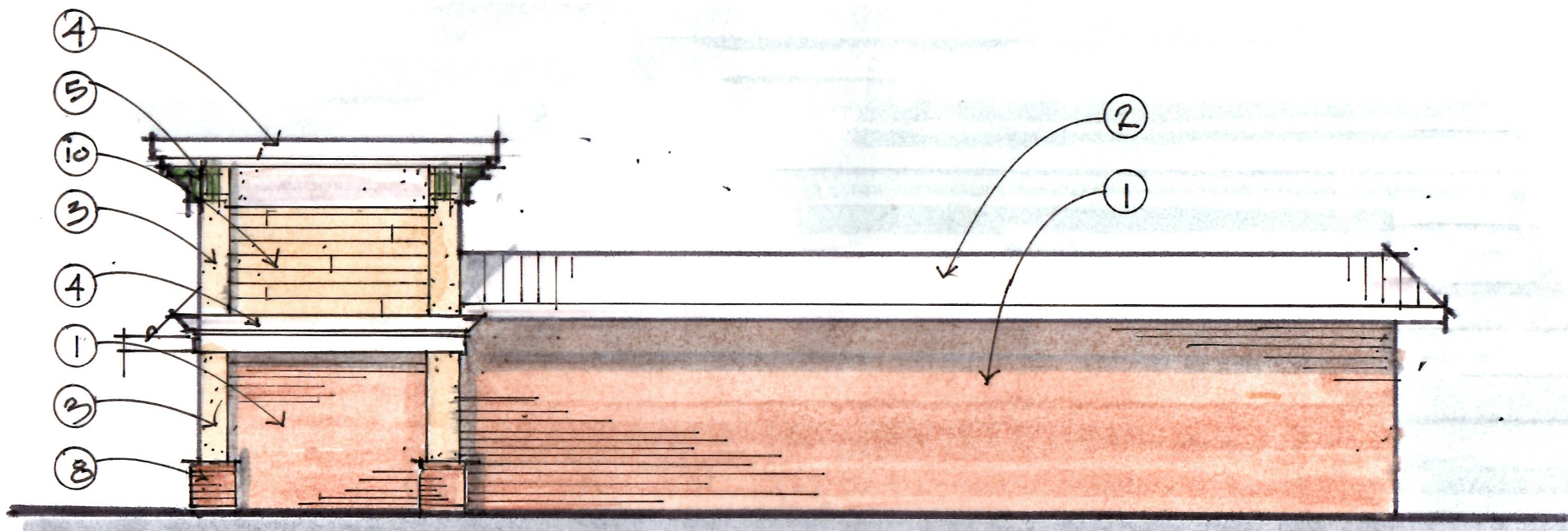


EAST ELEVATION

1/8" = 1'-0"

MAY 1, 2020
MAY 15, 2020



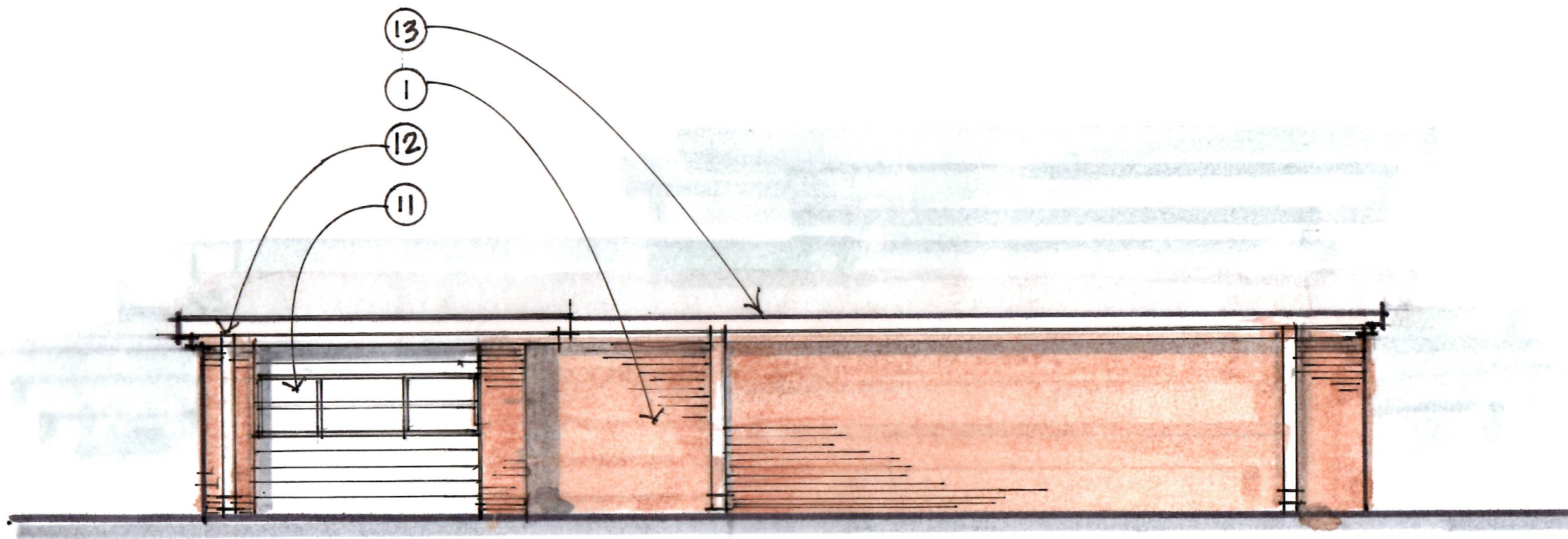


NORTH ELEVATION

1/8" = 1'-0"



MAY 1, 2020
MAY 15, 2020

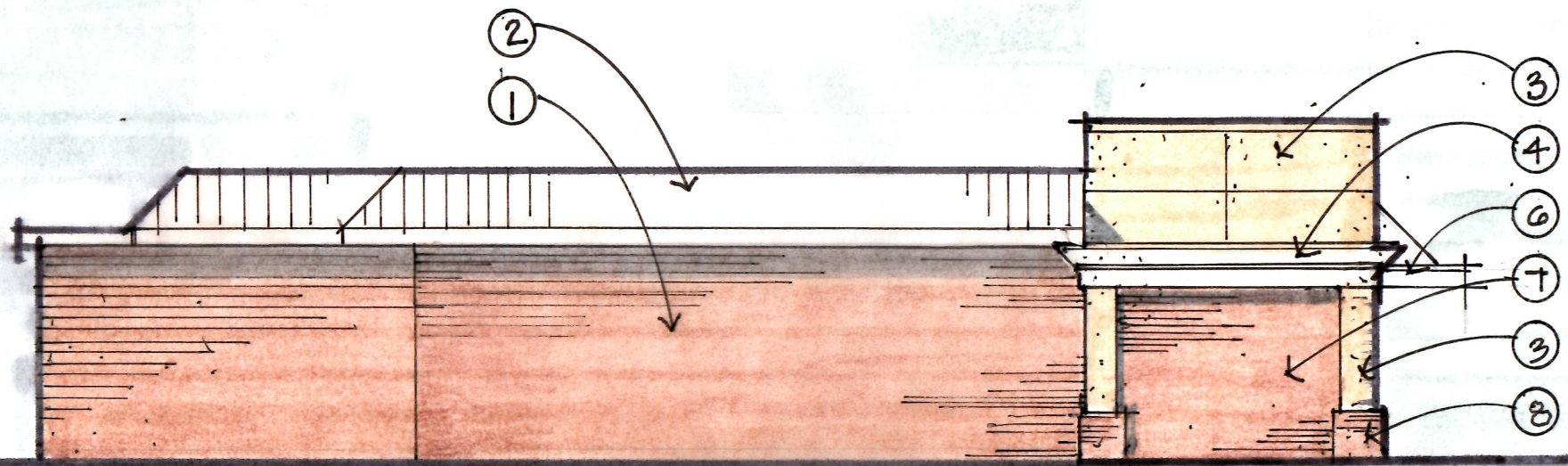


WEST ELEVATION

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



MAY 1, 2020
MAY 15, 2020



SOUTH ELEVATION



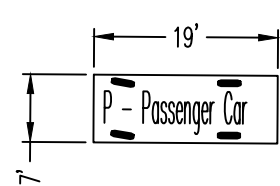
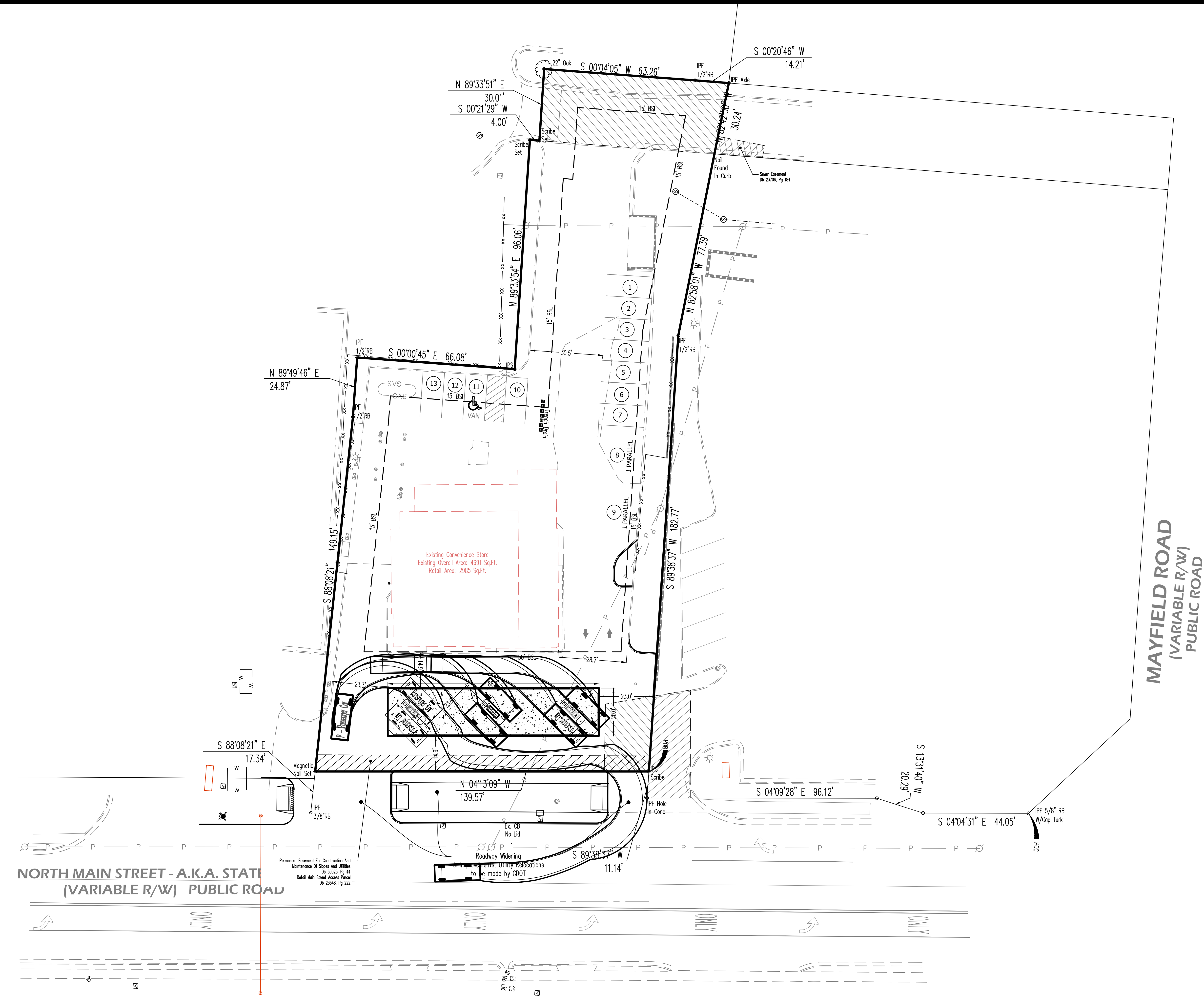
MAY 01, 2020
MAY 15, 2020



ROOF PLAN

NO SCALE





Evans Design Group, Inc.
Civil Engineering /
Site Planning /
Land Development Services
4755 Summer Song Court
Buford, GA 30519
(Ph) 678.207.6830
jevans@evansdg.com

GSWCC LEVEL II CERT. # 10877

PROJECT NAME

CONVENIENCE
STORE ON
NORTH MAIN

174 NORTH MAIN STREET
L.L. 1252, 2nd DIST.,
CITY OF ALPHARETTA,
GEORGIA

DATE:

05-29-20

DESIGN BY	DRAWN BY	CHECKED BY
JME	JME	JME

☒ Not Released For Construction
☐ Released For Construction

OWNER/DEVELOPER

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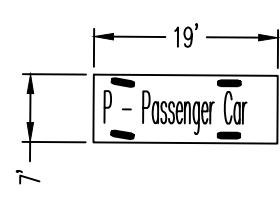
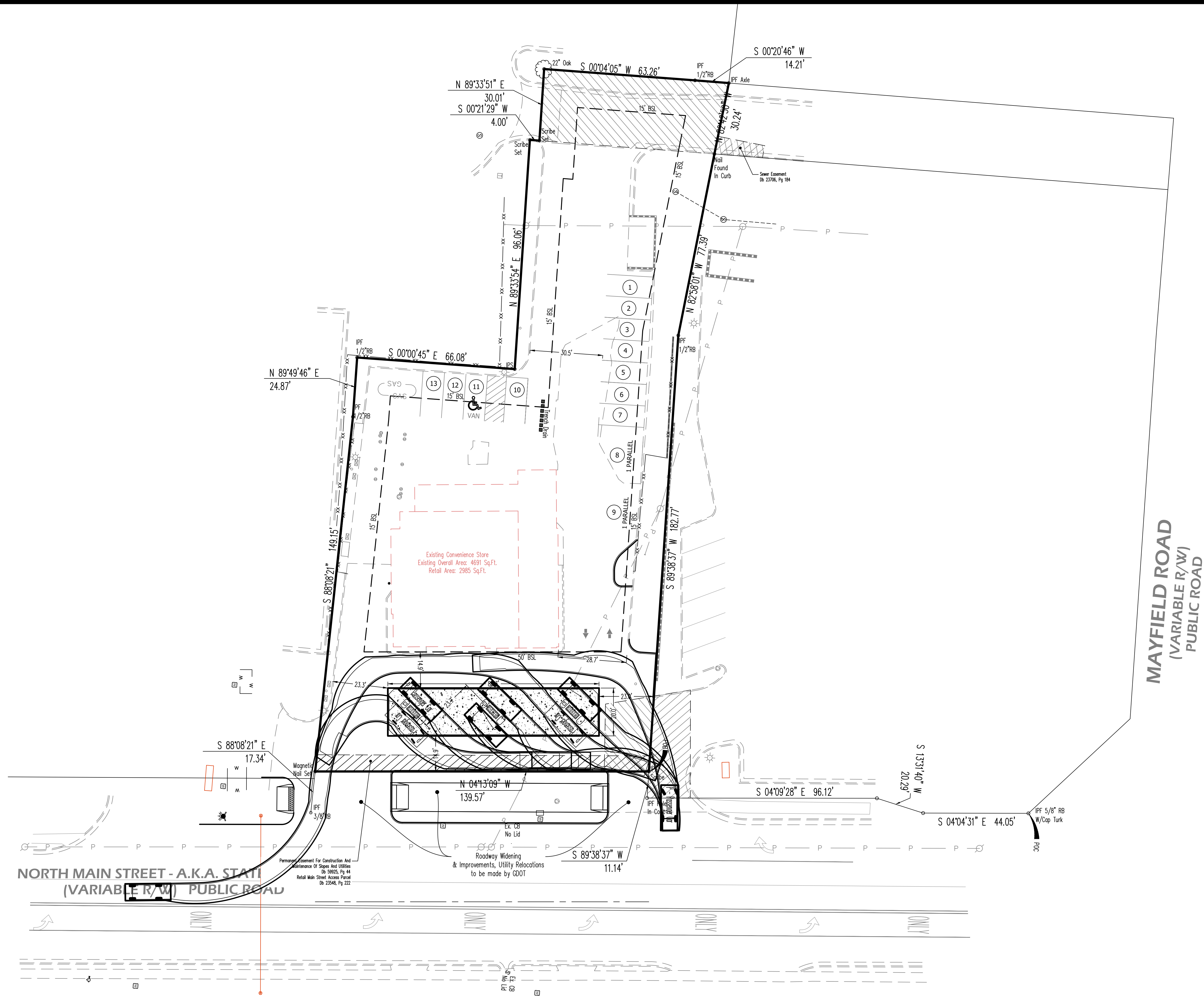
REVISIONS	

JOB NUMBER:

SHEET TITLE

CAR TURN
EXHIBIT

C-0



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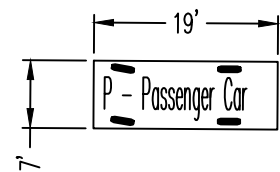
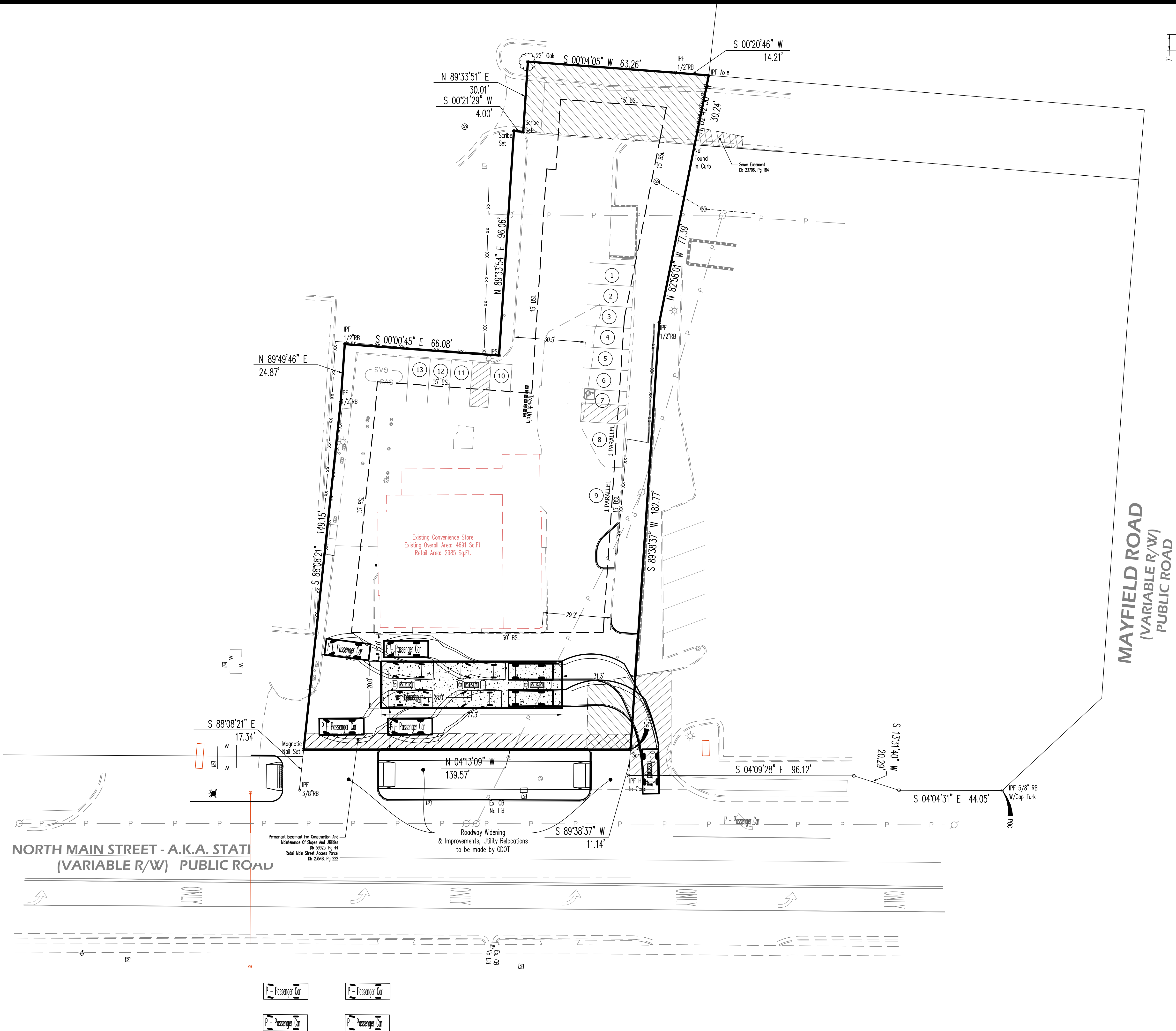
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REGISTERED
NO. 26681
PROFESSIONAL
ENGINEER
J. M. EVANS
GSWCC LEVEL II CERT. # 10877

PROJECT NAME
**CONVENIENCE
STORE ON
NORTH MAIN**

174 NORTH MAIN STREET
L.L. 1252, 2nd DIST.,
CITY OF ALPHARETTA,
GEORGIA

DATE:
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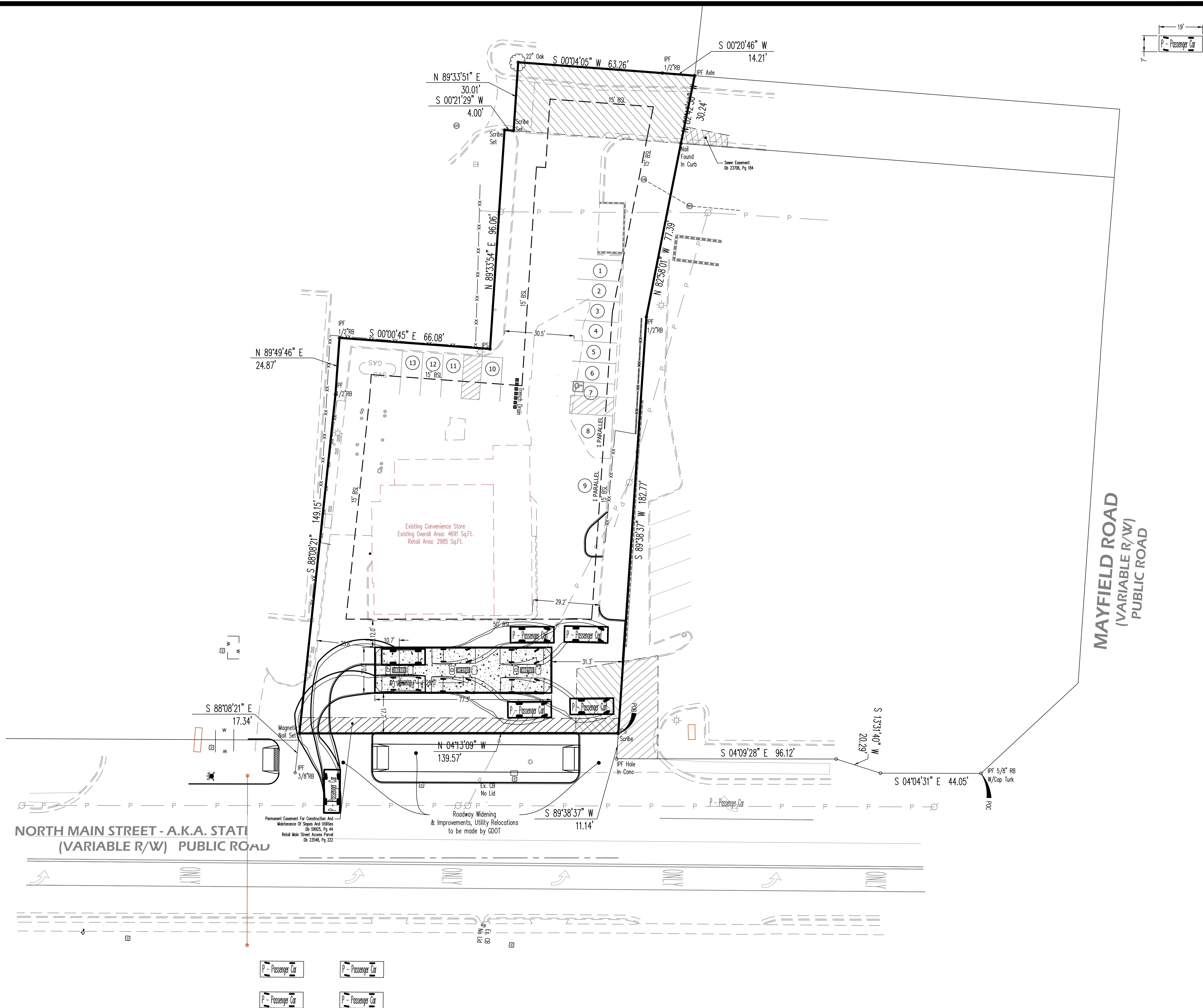
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EXHIBIT**
C-0

CITIZEN PARTICIPATION FORM - PART B

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

Public Hearing or Project Name: V-21-33Citgo/174 North Main Street Variance

Contact Name: Joshua A. Scoggins; Stanton Kincaid Telephone: 770-781-4100

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

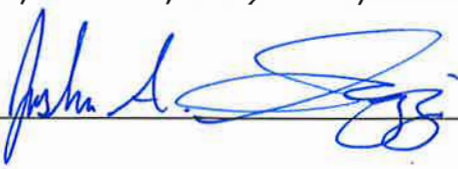
No individuals contacted the applicant, and no one was present at the Community Zoom Information Meeting for this application.

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

- | | |
|--|--|
| ☒ Letter | ☐ Personal Visits |
| ☐ Telephone | ☐ Group Meeting |
| ☐ Email | ☒ Other (Please Specify) <u>Community Zoom Information Meeting</u> |

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

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

Signature of Authorized Agent: 

Date: 01-13-2022

Print Form



COMMUNITY DEVELOPMENT
COMMUNITY ZONING INFORMATION MEETING
JANUARY 12, 2022
ZOOM
6:00 PM

I. Staff Present

- a. Michael Woodman, Planning + Development Services Manager
- b. Ben Kern, GIS Specialist/ Planner
- c. Alexandra Callum, Planning + Zoning Coordinator

II. Custom Pools of Atlanta- 711 North Main Street

- a. Applicant Presentation: The applicant was not present for this meeting. Michael Woodman, Planning and Development Services Manager, presented the item.
 - i. The applicant is seeking a conditional use for a contractor's office with outdoor storage.
 - ii. They are also seeking a variance to reduce the required 50' buffer.
 - iii. The applicant has stated they will not store heavy equipment- it will only be used to store trucks overnight.
- b. Public Comments:
 - i. Does this site have outdoor storage? *No, other than vehicles, small machinery, and trailers.*
 - ii. Who would be enforcing the conditions placed on the company? Code Enforcement can be reported to.
 - iii. Will they have pools as show space? *The applicant indicated they will have no pool display.*
 - iv. One resident commented they believe this is a poor use of the space.
 - v. Are they leasing this property? The applicant is the owner of the property.
 - vi. Additional questions were asking in the Zoom Chat section. Please see item IV.

III. Citgo- 174 North Main Street

- a. Applicant Presentation: Joshua Scoggins- Attorney for the applicant.
 - i. The applicant is requesting a variance from a 10' setback to 0'.
 - ii. The goal is to reconfigure the gas pumps.
- b. Public Comments:
 - i. There were no public comments for this item.

IV. Chat comments for this CZIM:

18:09:58 From David to Everyone:

Would any chemicals be stored or kept the building? *The applicant confirmed no.*

18:15:24 From andrew s to [REDACTED]

18:17:43 From Jill Bernard - Southern Porch Homes to Everyone:

- 1. Couple of questions for the applicant: Time limits in regards to activity - especially if the trucks have beeping when in reverse - Also size of trucks - [REDACTED]

We own NON CDL vehicles such as pickup trucks and pick up type trucks. All our equipment, vehicles and trailers are late model. Trailers (flatbed type) are used to transport our equipment to and from jobs. We do not operate any large-scale trucks nor do our trucks make any noise over a regular vehicle's noise. WE are an appointment-based business with no set hours of operation as most of our operations is field based. We do not work at night nor on Sunday.

18:21:17 From Jackie Sollogub to Everyone:

1. Is the green buffer required for all businesses near residential? Because primrose does not and they are in my backyard. *Primrose was constructed around 1988 and was developed before the residential zoning and residential use of the property to the west. Therefore, the 50' undisturbed buffer was not required.*

18:21:49 From Jim to Everyone:

This Zoom Call was listed for the Zoning of a property at the intersection of Haynes Bridge & Devore Road. What is being planned for that location?

18:22:55 From Suvir Bhatia to Everyone:

For the pool company, how is the traffic flow going to be handled during school bus rush hours? *The applicant stated there is not a school bus stop in front of his driveway off Henderson parkway. They do not generate traffic, nor will they have a conflict. They do not make deliveries, nor do they have deliveries.*

18:23:50 From Alexandra Callum to Everyone:

2/9/2022 at 6:00 pm will be the CZIM meeting for Haynes Bridge and Devore Road. The link will be the same as the one for tonight.

18:24:29 From andrew s to Everyone:

Is this an office only location or will it be a sales/retail location with customers coming in and out *The applicant confirmed this is office space only.*

18:24:46 From Suvir Bhatia to Everyone:

[REDACTED]

18:28:32 From Olan B to Everyone:

[REDACTED]

18:28:46 From Andrea Phillips to Everyone:

[REDACTED]

18:30:36 From Jackie Sollogub to Everyone:

[REDACTED]

- I would like to speak with someone further regarding Primrose if possible.

18:31:02 From John Ananthasane to Everyone:

Is the property on devore and Haynes bridge being discussed here

The CZIM meeting ended at 6:32 p.m.



City Council Meeting
October 26, 2020
Office of the City Clerk
CITY HALL 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**

- o Mayor Jim Gilvin
- o Mayor Pro Tem Donald F. Mitchell
- o Jason Binder
- o Ben Burnett
- o John Hipes
- o Dan Merkel
- o Karen Richard

- **Staff**

- o Bob Regus, City Administrator
- o Steven Jones, Asst. City Attorney
- o James Drinkard, Asst. City Administrator
- o Erin Cobb, City Clerk
- o Morgan Rodgers, Director of Recreation, Parks & Cultural Services
- o Kathi Cook, Director of Community Development
- o Pete Sewczwicz, Director of Public Works
- o John Robison, Director of Public Safety
- o Michael Woodman, Senior Planner

III. PUBLIC HEARING

A. V-20-11 Citgo/174 North Main Street Variance

- Director of Community Development, Kathi Cook, came forward to present this item.
- Staff is recommending that Mayor and Council deny V-20-11 Citgo/174 North Main Street Variance request to eliminate the 10' landscape strip.
- If approval is considered, the following conditions are recommended:
 1. Property shall be developed substantially in accordance with submitted plan prepared by Quality Civil Designs, dated 5/4/2020, except for modifications required to comply with the conditions below.
 2. Property owner shall remodel the exterior of the convenience store per the letter and plans prepared by Hotel Design Partners, dated May 15, 2020, with final approval by DRB. Canopy color shall be limited to one (1) neutral color that blends with the colors used on the convenience store, with final approval by DRB.
 3. Potted plantings of various sizes shall be required along the frontage of the convenience store, as approved by DRB.
 4. A minimum of 13 parking spaces, not including the spaces at the gas pumps, shall be provided on the subject property. Parking lot landscape tree islands, planted with a canopy tree, shall be provided as required by the Unified Development Code.
 5. Property owner shall install a row of shrubs, minimum 2' at planting, within the planter along North Main Street and within a minimum 2' green strip at the back of the sidewalk, as approved by DRB. If shrubs are removed during GDOT construction, said shrubs shall be reinstalled.
 6. Property owner shall conduct an assessment of the required landscaping (parking lot landscape islands, dumpster enclosure screening, landscape strips along all property lines) and replace any dead, dying, or missing landscape material, as approved by DRB.
 7. Brick dumpster enclosure walls shall be extended to screen dumpsters if a taller dumpster is used.
- The applicant, General Convenience Store, LLC, is requesting a variance to eliminate the required 10' landscape strip on a commercial property located in the Downtown Overlay. The property is the Citgo gas station, which proposes to reconfigure the gas pump canopy as a result of impacts from the GDOT North Main Street project. The subject property is located at 174 North Main Street on the west side of North Main Street just south of Mayfield Road.

- The submitted request, if approved, would eliminate the required 10' landscape strip along North Main Street to allow for the re-configuration of a gas pump canopy associated with a Citgo gas station and convenience store. GDOT recently acquired right-of-way and easements along the subject property's frontage, which impacts the landscape strip and gas pump canopy. The subject property is located at 174 North Main Street on the west side of North Main Street just south of Mayfield Road.
- The subject property and surrounding properties are zoned C-1 (Neighborhood Commercial). CVS is located to the north, \$20 Dollar Chiropractic is located to the east, and Main Street Commons office park is located to the south and west. The Comprehensive Land Use Plan designation of the property is 'Mixed Use'.
- A variance is requested from Unified Development Code (UDC) Subsection 3.2.8 (D), Landscape Strips, to eliminate the required 10' landscape strip along North Main Street in the Downtown. The landscape strip and existing gas pump canopy, which consists of four (4) gas pumps under a canopy oriented perpendicular to North Main Street, is being impacted by GDOT's roadway project on North Main Street. The additional right-of-way (approximately 11'-12') and easements (approximately 7') acquired by GDOT will result in the removal of the landscape strip and two (2) gas pumps nearest North Main Street. If the applicant were to utilize the remaining canopy and two (2) gas pumps, a variance would not be necessary to eliminate the landscape strip. However, the applicant proposes to re-configure the gas pump canopy and orient the 3-canopy parallel to North Main Street to allow for three (3) gas pumps (see below for before and after re-configuration). According to the applicant's letter of intent, the loss of two (2) gas pumps has created an economic hardship. However, the applicant has already been compensated for the right-of-way and easements acquired and any negative consequential damages to the remaining property. Therefore, the applicant's proposal to re-configure the gas pump canopy triggers compliance with the landscape strip requirement.
- The applicant provided a series of Auto-Turn exhibits depicting vehicle turning movements in and out of the site based on no landscape strip and providing a reduced landscape strip (approximately 7'-8'). While the exhibits show that turning movements are not possible with the reduced landscape strip, the demonstrations with no landscape strip appear to be extremely tight and would likely result in conflicts between vehicles, curbing and the new multi-use sidewalk along North Main Street. In addition, vehicles with a larger turning radius would likely have more difficulty accessing the gas pumps. This could create unsafety situation where vehicles may need to reverse and make multiple movements in order to access the gas pumps.
- The applicant's site plan depicts a 1-story, 4,600 square foot convenience store with a 3-pump canopy oriented parallel to North Main Street. Ten (10) parking spaces are depicted at the rear of the building. The property has access by way of two (2) driveways off North Main Street and a private driveway at the rear of the property connecting to Mayfield Road.
- The subject property received approval of a land disturbance permit (LDP) in 2001. The site plan depicted a total of 13 parking spaces, of which two (2) handicap spaces were provided at the front of the convenience store. Based on a recent visit to the property, the property was not developed per the approved LDP and only has ten (10) parking spaces. The proposed reconfiguration of the gas pump canopy results in the elimination of the handicap spaces at the front of the convenience store. Current parking requirements in the Downtown would require two (2) spaces at each gas pump, plus one (1) space per 250 square feet of retail associated with the convenience store. A total of 18 parking spaces would be required, in addition to the spaces at the pumps, under the current Downtown parking regulations.

- The applicant proposes to remodel the exterior of the convenience store, as well as construct a new gas pump canopy.
- 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 variance to eliminate the landscape strip is necessary because the applicant proposes to re-configure the gas pumps in order to allow a third gas pump. If the applicant were to utilize the existing gas pump canopy with the two (2) remaining gas pumps, a variance would not be required to eliminate the landscape strip. In addition, the applicant's proposal lacks financial data or market analysis to support the claim of economic hardship and lacks an alternative design, such as moving the building or alternate gas pump layout.

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

Response: The application of the Ordinance would not create an unnecessary hardship on the subject property. The variance to eliminate the landscape strip is necessary because the applicant proposes to re-configure the gas pumps in order to allow a third gas pump. If the applicant were to utilize the existing gas pump canopy with the two (2) remaining gas pumps, a variance would not be required to eliminate the landscape strip. In addition, the applicant's proposal lacks financial data or market analysis to support the claim of economic hardship and lacks an alternative design, such as moving the building or alternate gas pump layout.

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

Response: The variance to eliminate the landscape strip is necessary because the applicant proposes to re-configure the gas pumps in order to allow a third gas pump. If the applicant were to utilize the existing gas pump canopy with the two (2) remaining gas pumps, a variance would not be required to eliminate the landscape strip. In addition, the applicant's proposal lacks financial data or market analysis to support the claim of economic hardship and lacks an alternative design, such as moving the building or alternate gas pump layout.

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

Response: Approval of the requested variance would cause substantial detriment to the public good. A lack of landscaping along the property's frontage would negatively impact the aesthetics along North Main Street. The canopy re-configuration with three (3) gas pumps could result in safety issues resulting from conflicts between vehicles attempting to access the gas pumps and the flow of traffic on North Main Street. In addition, elimination of the landscape strip would result in the loss of a protective barrier between the new multi-use sidewalks along North Main Street and vehicular areas surrounding the gas pumps, which could lead to conflicts between vehicles and pedestrians and cyclists.

- Staff has reviewed the applicant's proposal and finds that it cannot support the variance request to eliminate the landscape strip along North Main Street. The applicant's proposal lacks financial data or market analysis to support the claim of economic hardship and lacks an alternative design, such as moving the building or alternate gas pump layout. Granting the variance would negatively impact aesthetics along North Main Street and could result in safety issues due to conflicts between vehicles accessing the gas pumps and the flow of traffic on North Main Street. Elimination of the landscape strip would also result in the loss of a protective barrier between the new multi-use sidewalks along North Main Street and vehicular areas surrounding the gas pumps, which could lead to conflicts between vehicles and pedestrians and cyclists. Recent variances considered along Main Street have not included requests to eliminate the required landscape strip. In addition, the applicant's proposed site plan only depicts ten (10) parking spaces, whereas the 2001 land disturbance permit required thirteen (13) parking spaces.
- The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that no comments were received.
- The CZIM was held on September 9, 2020. There were no public comments.
- Attorney, Paul Mitchell, 202 Tribble Gap Road, Cumming, GA, 30040, came forward to speak on behalf of the applicant.

Public Comment

- No Public Comment
-
- ❖ Council Member Richard offered a motion to deny V-20-11 Citgo/174 North Main Street Variance
 - The motion received a second from Council Member Binder
 - ❖ Council Member Burnett offered a substitute motion to table V-20-11 Citgo/174 North Main Street Variance
 - The motion received a second from Mayor Pro Tem Mitchell
 - The motion was approved (5-2); Council Member Merkel and Council Member Richard voting in opposition



City Council Meeting
November 2, 2020
Office of the City Clerk
CITY HALL 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**

- o Mayor Jim Gilvin
- o Mayor Pro Tem Donald F. Mitchell (absent)
- o Jason Binder
- o Ben Burnett
- o John Hipes
- o Dan Merkel
- o Karen Richard

- **Staff**

- o Bob Regus, City Administrator
- o Sam Thomas, City Attorney
- o James Drinkard, Asst. City Administrator
- o Erin Cobb, City Clerk
- o Morgan Rodgers, Director of Recreation, Parks & Cultural Services
- o Kathi Cook, Director of Community Development
- o Pete Sewczwicz, Director of Public Works
- o John Robison, Director of Public Safety
- o Tom Harris, Director of Finance

III. OLD BUSINESS

A. V-20-11 Citgo/174 North Main Street Variance **NOTE: This item was tabled on Monday, October 26, 2020. It must be removed from the table for consideration.**

- ❖ Council Member Burnett offered a motion to remove V-20-11 Citgo/174 North Main Street Variance from the table
 - The motion received a second from Council Member Richard
 - The motion was approved unanimously (6-0)
- ❖ Council Member Richard offered a motion to deny V-20-11 Citgo/174 North Main Street Variance
 - The motion received a second from Council Member Binder
 - The motion was approved unanimously (6-0)

CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

FOR OFFICE USE ONLY

Case #: V__21__33

PH #: _____

☐ Property Taxes & Code Violations Verified

☐ Fee Paid Initial: _____

COMMUNITY DEVELOPMENT DEPARTMENT

2 PARK PLAZA

ALPHARETTA, GA 30009

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

Contact Information:

Contact Name: Miles Hansford & Tallant - Josh Scoggins Telephone: 770-781-4100

Address: 202 Tribble Gap Road Suite: 200

City: Cumming State: GA Zip: 30040 Fax: 770-781-9191

Mobile Tel: _____ Email: jscoggins@mhtlegal.com/skincaid@mhtlegal.com

Subject Property Information:

Address: 174 N Main Street Alpharetta, GA 30009 Current Zoning: C-1

District: 2 Section: 2 Land Lot: 1252 Parcel ID: 22 482212521045

Proposed Zoning: N/A Current Use: Convenience Center with Gas Pumps

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

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

APPLICANT REQUEST AND INTENT

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

The use of the Subject Property as a Convenience Center with Gas Pumps will remain the same.

Applicant's Request (Please itemize the proposal):

Variance to allow a 0' landscape strip instead of a 10' landscape strip for the Subject Property located along Highway 9. (See City of Alpharetta UDC § 3.2.8(D) and Appendix A, § 2.5.3 "Parking Lot Landscape Strips.")

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

The Applicant's Proposal will facilitate the reconfiguration of the gas pumps on the Subject Property due to the Georgia Department of Transportation's acquisition of a portion of the Subject Property along Highway 9 for the Highway 9 Road Widening Project. The Applicant is losing two of its existing four gas pumps due to the Highway 9 Road Widening Project. A 10' landscape strip would prevent the Applicant from reconfiguring the gas pumps. If the landscape strip is reduced to 0', then the Applicant will be able to reconfigure the locations of the gas pumps in a manner to allow three gas pumps on the Subject Property instead of only two. The Applicant's Proposal will also allow cars to safely turn in and out of the Subject Property. If the variance is granted, the Applicant intends to apply for Design Review Board approval of a modification to the exterior of the Convenience Center building. A more complete description of the Applicant's Intent is included in the Letter of Intent, which is submitted with this Application and incorporated herein by reference.

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: General Convenience Store, LLC

Telephone: 404-209-8500

Address: 174 N Main Street

Suite: _____

City Alpharetta

State: GA

Zip: 30009

Authorization:

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

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

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

Property Owner's Authorized Applicant (if applicable):

Name of Authorized Applicant: General Convenience Store, LLC; Ritesh Shah, Managing Member

Telephone: 404-209-8500

Address: _____

Suite: _____

City Alpharetta

State: GA

Zip: 30009

So Sworn and Attested:

Owner Signature: Ritesh Shah

Date: 11/30/21

Notary

Notary Signature: Reigh Willette

Date: 11-30-2021



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: **General Convenience Store, 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: _____ 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: Ritess Hall

Date: **11/23/2021**



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

178 S Main Street | Suite 310 | Alpharetta, Georgia 30009
770-781-4100 | www.mhtlegal.com

Joshua A. Scoggins
jscoggins@mhtlegal.com

CAMPAIGN DISCLOSURE

Applicant:	General Convenience Store, LLC
Subject Property:	174 N Main Street, Alpharetta, GA 30009, Designated as Fulton County Parcel ID No. 22 482212521045
Proposed Action:	Variance to allow reduction of 10' landscape strip to 0'
Current Zoning:	C-1
Proposed Zoning:	C-1 (same as current zoning)
Proposed Use:	Convenience Center with Gas Pumps (same as current use)
ROW Access:	North Main Street (Highway 9)

To Whom It May Concern:

Pursuant to Section 36-67A-3 of the Official Code of Georgia Annotated, adopted by the Georgia General Assembly, effective July 1, 1986, please be advised that as of the date of this letter, Miles, Hansford & Tallant, LLC has made the following campaign contributions to local officials of Alpharetta:

NONE

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

Sincerely,

Joshua A. Scoggins
Attorney for Applicant

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.

Yes, regarding City of Alpharetta UDC § 3.2.8(D) and Appendix A, § 2.5.3 regarding landscape strips. Due to the narrow shape and size of the Subject Property, the most useful portion of the property is the portion nearest to Highway 9. However, the Georgia Department of Transportation recently acquired a significant portion of the Subject Property abutting Highway 9 as part of the ongoing Highway 9 Road Widening Project. The loss of the portion of the Subject Property closest to Highway 9, combined with a 10' landscape strip requirement, would severely limit the Applicant's current use of the Subject Property as a Convenience Center with Gas Pumps.

Specifically, the loss of the portion of the Subject Property acquired by GDOT, coupled with a 10' landscape strip requirement, would deprive the Applicant of an economically viable use of the Subject Property because the Applicant would lose two of the four gas pumps currently located on the Subject Property. A 0' landscape strip would allow the Applicant to reconfigure the gas pumps so that the Applicant would only lose one pump instead of two.

Further, the loss of the portion of the Subject Property acquired by GDOT, coupled with a 10' landscape strip requirement, would prevent cars from being able to turn in and out of the Subject Property safely because there would be insufficient space for a safe turning radius. A 0' landscape strip would allow the Applicant the ability to reconfigure the gas pumps so that cars could turn in and out of the Subject Property safely.

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

Yes. The application of the UDC standards as they relate to the Subject Property would create an unnecessary hardship because a 10' landscape strip along the portion of the Subject Property adjacent to Highway 9 would deprive the Applicant of an economically viable use of the Subject Property by preventing the Applicant from reconfiguring the gas pumps to allow for three pumps instead of only two. Further, without a variance to the 10' landscape strip requirement, there will be insufficient space to turn in and out of the Subject Property safely.

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

Yes. A significant portion of the Subject Property along Highway 9 was acquired by the Georgia Department of Transportation for the Highway 9 Road Widening Project. Due to the narrow size and shape of the Subject Property, the loss of property along Highway 9 deprives the Applicant of an economically viable use of the Subject Property unless a variance to the landscape strip requirement is granted.

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

No. The reduction of a 10' landscape strip requirement to 0' on the Subject Property would not cause a detriment to the public good because the reduction would ensure that cars could turn in and out of the Subject Property safely. Further, this reduction would not impair the purpose and intent of the UDC because the Applicant is not removing any landscaping on the Subject Property and the Applicant intends to enhance the aesthetic appeal of the Subject Property concurrently with the reconfiguration of the gas pumps if the variance is granted.

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: General Convenience Store, LLC

Contact Name: Miles Hansford & Tallant - Josh Scoggins Telephone: 770-781-4100

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

Owners of properties located within 500 ft of the Subject Property

City Officials

Affected government departments

Interested parties noted on any list provided by the City

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

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

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

Individuals can contact Josh Scoggins via telephone at 770-781-4100 or via email at jscoggins@mhtlegal.com as well as during the public participation process.

LIPSCOMB MICHAEL K & SUSAN MARIE
233 CANTON ST
ALPHARETTA GA 30009

SUMMERS DOLLEH KIM
1660 HAMiota RDG
ALPHARETTA GA 30004

HI RIVER PROPERTIES LLC
7917 SONATA BAY POINT
LAKE WORTH FL 33467-7067

CITY OF ALPHARETTA
2 SOUTH MAIN ST
ALPHARETTA GA 30004

LEWIS CLAUDIA B & NAT E
184 CANTON ST
ALPHARETTA GA 30201

LORVEN PROPERTIES LLC
1125 GOLDENROD LANE
SUWANEE GA 30024

MAX AUTO REAL ESTATE LLC
1101 MONROE ST
TOLEDO OH 43604

TINK WISE LLC
1085 POWERS PL
ALPHARETTA GA 30009

OBEROI MADANJIT & MADHU
205 WEST SMOKETREE TER
ALPHARETTA GA 30005

GDCI GA 4 L P
5755 DUPREE DR SUITE 130
ATLANTA GA 30327

RM BILOXI LLC
1075 POWERS PL STE B
ALPHARETTA GA 30009

HARMAN DEMPSEY PROPERTIES LLC
1145 POWERS PL
ALPHARETTA GA 30009-8358

GDCI GA 4 L P
5755 DUPREE DR SUITE 130
ATLANTA GA 30327

JOBETH PROPERTIES LLC
745 GLENLEIGH LN
DULUTH GA 30097

AB REAL ESTATE INVESTMENTS LLC
1110 POWERS PL
ALPHARETTA GA 30004

GDCI GA 4 L P
5755 DUPREE DR SUITE 130
ATLANTA GA 30327

KLAM INC
4465 PINEHOLLOW CT
ALPHARETTA GA 30022

ROBERTSON SHERYL S
1120 POWERS PL
ALPHARETTA GA 30009-8359

MAYFIELD LLC
11785 NORTHFALL LN STE 510
ALPHARETTA GA 30009

LEE ANGELA D
959 BRIDGEGATE DR
MARIETTA GA 30066

OBEROI MADANJIT & MADHU
205 WEST SMOKETREE TER
ALPHARETTA GA 30005

ROBERTS ROY C
126 NORTH MAIN ST
ALPHARETTA GA 30009

MERIDIAN GROUP INC THE
1050 POWERS PL
ALPHARETTA GA 30004

SRISAI REALTY LLC
5755 N POINT PKWY SUITE 85
ALPHARETTA GA 30022

ROBERTS JESSIE M
P.O. BOX 535
HOLLY SPRINGS GA 30142-0009

BERMIC RPOPERTIES LLC
1040 POWERS PL
ALPHARETTA GA 30009

GUSALOV SERGEY E & GUSALOVA ANNA M
821 PINEBROOK CT
ALPHARETTA GA 30009

APPEN RAYMOND C & CHRISTINA B
316 LYNNE CIR
ALPHARETTA GA 30004

SBLD PROPERTIES LLC
1030 POWERS PL
ALPHARETTA GA 30004

MANNING SARAH P
40 CUMMING ST
ALPHARETTA GA 30004-1610

HAYWOOD T ASHLEY
P O BOX 485
ALPHARETTA GA 30009

PIEDMONT BANK THE
1625 EXECUTIVE DRIVE SOUTH NW
DULUTH GA 30096

MC MANES A SPENCER & A SPENCER JR
1015 POWERS PL
ALPHARETTA GA 30004

BROWN MONDI PROPERTIES INC
11675 CENTURY DR STE D
ALPHARETTA GA 30009

PIEDMONT BANK THE
1625 EXECUTIVE DRIVE SOUTH NW
DULUTH GA 30096

COLLINS MARINE GROUP LLC
88 ROSWELL ST
ALPHARETTA GA 30009

PHILLIPS ALPHARETTA LLC
830 KENNESAW AVE NW
MARIETTA GA 30060

BENSON DOROTHY C
133 CANTON ST
ALPHARETTA GA 30004-1606

BUTTS ROBERT R
5360 FRANKLIN GOLDMINE RD
CUMMING GA 30028

SNH AL GEORGIA LLC
255 WASHINGTON ST
NEWTON MA 02458

COLE CV ALPHARETTA LLC
P.O. BOX 4900 DEPT 604
SCOTTSDALE AZ 85261-4900

GEISEL PAMELA A
1000 POWERS PL
ALPHARETTA GA 30004

HAYMEADOW GROUP LLC
244 N MAIN ST
ALPHARETTA GA 30009-3625

COLE CV ALPHARETTA LLC
P.O. BOX 4900 DEPT 604
SCOTTSDALE AZ 85261-4900

SOLLEY ROBERT A
1105 POWERS PL
ALPHARETTA GA 30004

STONEWALK MAYFIELD CORNERS LLC
660 GLENOVER DR
ALPHARETTA GA 30004

GENERAL CONVENIENCE STORE LLC
501 N CENTRAL AVE
ATLANTA GA 30354

OBEROI MADANJIT OBEROI MADHU
205 W SMOKETREE TER
ALPHARETTA GA 30005

HEMBREE GEORGIA R
168 CANTON ST
ALPHARETTA GA 30009-3670

BOBE & SNELL LLC
1095 POWERS PL
ALPHARETTA GA 30009

EHORSE L L C
1070 POWERS PL
ALPHARETTA GA 30004

APPEN RAYMOND C & CHRISTIANA A
316 LYNNE CIR
ALPHARETTA GA 30004

WHITMAN ARNOLD M
3500 LENOX RD NE STE 510
ATLANTA GA 30326

OBEROI MADANJIT & MADHU
205 WEST SMOKETREE TER
ALPHARETTA GA 30005

ROBERTS JESSIE M
P.O. BOX 535
HOLLY SPRINGS GA 30142-0009

WHITMAN ARNOLD M
3820 MANSELL RD SUITE 280
ALPHARETTA GA 30022

GRONHOLM SCOTT
12200 KING CIR
ROSWELL GA 30075

O DONNELL ROBERT J & CHERYL C
134 N MAIN ST
ALPHARETTA GA 30004-1623

WHITMAN ARNOLD
3500 LENOX RD NE STE 510
ATLANTA GA 30326

ERIC S CHOFNAS PC
1100 POWERS PL
ALPHARETTA GA 30004

CITY OF ALPHARETTA
2 SOUTH MAIN ST
ALPHARETTA GA 30004

PROPERTIES OF DUFFY LLC
10 CUMMING ST
ALPHARETTA GA 30004

BELL LINDA REESE & JONES ELLON W
159 NORTH MAIN ST
ALPHARETTA GA 30009

LIGHT INVESTMENTS LLC
145 N MAIN ST
ALPHARETTA GA 30009

KIM KON & SOON JA
1160 ALPHARETTA ST
ROSWELL GA 30075

SNH AL GEORGIA LLC
255 WASHINGTON ST
NEWTON MA 02458

SNH AL GEORGIA LLC
255 WASHINGTON ST
NEWTON MA 02458

LEWIS CLAUDIA B
184 CANTON ST
ALPHARETTA GA 30004-1606

MAIN STREET COMMONS OFFICE PARK OW
NERS ASSOCIATION
1102 ABBEY CT
ALPHARETTA GA 30004

RESERVATION OF CONSTITUTIONAL AND OTHER LEGAL RIGHTS

Applicant:	General Convenience Store, LLC
Subject Property:	174 N Main Street, Alpharetta, GA 30009, Designated as Fulton County Parcel ID No. 22 482212521045
Proposed Action:	Variance to allow reduction of 10' landscape strip to 0'
Current Zoning:	C-1
Proposed Zoning:	C-1 (same as current zoning)
Proposed Use:	Convenience Center with Gas Pumps (same as current use)
ROW Access:	North Main Street (Highway 9)

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

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

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

A denial of the Application, as requested by the Applicant, will require the City of Alpharetta to compensate the Applicant under O.C.G.A. § 32-3-3.2(b)(2). On March 21, 2019, the Georgia Department of Transportation (GDOT) acquired a substantial portion of the Subject Property from the Applicant. As a result of the condemnation, the Applicant lost two of its four gas pumps. GDOT's attorney proposed as a cure for Applicant's damages for the condemnation that the City of Alpharetta could reduce the ten-foot landscape strip for the portion of the Subject Property along Highway 9. GDOT's attorney sent a letter to Mayor Jim Gilvin, a copy of which is included as part of this application, setting forth the conflict with the UDC and this proposed cure as documentation of a conflict under O.C.G.A. § 32-3-3.2. If the landscape strip is reduced to zero feet, then the Applicant will be able to reconfigure the gas pump locations in a manner that will result in only one of the Applicant's four gas pumps being lost rather than two. If the landscape strip is not reduced, then O.C.G.A. § 32-3-3.2 requires that the City of Alpharetta compensate the Applicant for the loss of the second gas pump as a result of a conflict with the UDC.

A refusal by the City of Alpharetta to approve the Application, as requested by the Applicant, will impose a disproportionate hardship on the Applicant and owners of the Subject Property without benefiting any

surrounding property owners. There is no reasonable use of the Subject Property except for the continued use as proposed by the Applicant.

A refusal by the City of Alpharetta to approve the Application, as requested by the Applicant, will be unconstitutional in that it will constitute a taking of the Applicant's and owner's property rights without first paying fair, adequate, and just compensation for such rights in violation of Article I, Section III, Paragraph I of the Georgia Constitution of 1983, as amended, and the Fifth and Fourteenth Amendments to the Constitution of the United States.

A denial of the Application, as requested by the Applicant, will constitute an arbitrary and capricious act by the City of Alpharetta without any basis for such, and will constitute an abuse of discretion in violation of Article I, Section I, Paragraph I of the Georgia Constitution of 1983, as amended and the Due Process Clause of the Fifth and Fourteenth Amendments to the Constitution of the United States.

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

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

Furthermore, this Reservation also constitutes an Ante Litem Notice pursuant to O.C.G.A. § 36-33-5, which places the City of Alpharetta and all other agents of the City on notice of the Applicant's and owner's intent to seek monetary damages and attorney's fees against the City of Alpharetta for any rezoning action, zoning condition, illegal impact fee and any other unlawful restrictions and exactions that are imposed on the Subject Property, the Applicant and the owner.

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

By filing this Reservation, the Applicant reserves all rights and remedies available to it under the United States Constitution, the Georgia Constitution, all applicable federal, state, and local laws and ordinances, and in equity.

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

Sincerely,



Joshua A. Scoggins
Attorney for Applicant

**LAW OFFICES OF MARK WEINSTEIN, PC
5030 BOWMAN PARK POINT
CUMMING, GEORGIA 30041-1548**

www.markweinsteinlaw.com

MARK WEINSTEIN, ESQ.
Licensed in GA, NY, CT and MA
mweinstein@mwlawga.com

**(770) 888-7707
(470) 758-2199 FAX**

DANIEL E. OLIVA, ESQ.
Licensed in GA and NY
doliva@mwlawga.com
of Counsel

January 26, 2021

Honorable Jim Gilvin, Mayor
City of Alpharetta
Alpharetta City Hall
2 Park Plaza
Alpharetta, GA 30009

**CERTIFIED MAIL
NO. 7017 0660 0000 8374 2953
RETURN RECEIPT REQUESTED**

**RE: DOT P. I. No. 0721780; SR-9 Alpharetta-Fulton County Project, Parcel 106;
174 North Main Street, Alpharetta, GA 30009; Tax Parcel No. 22-4822-1252-104-5**

Dear Mayor Gilvin:

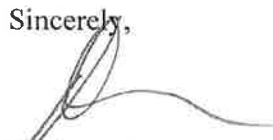
In accord with **O.C.G.A. § 32-3-3.2**, please accept this letter as The Georgia Department of Transportation's ("DOT") Documentation of a Conflict in connection with the above-referenced property.

After negotiation, on March 21, 2019, DOT acquired 0.055 acres of right-of-way, 0.022 acres of permanent easement for the construction and maintenance of utility and slopes, 0.033 acres for a temporary construction easement, and 0.012 acres for a temporary driveway easement from General Convenience Store, LLC, a Georgia Limited Liability Company, the property owner of the above-referenced property.

A proposed cure for the damage that resulted as part of the DOT acquisition of a portion of General Convenience Store, LLC's property is to allow for a two-foot wide landscape strip to be planted and maintained by General Convenience Store, LLC within the portion of DOT's permanent easement nearest Highway 9, rather than requiring a ten-foot wide landscape strip starting at the edge of DOT's permanent easement farthest from Highway 9, as appears to be required by the City of Alpharetta's land use ordinance.

Please direct any questions about this Documentation of a Conflict to the undersigned.

Sincerely,



Mark Weinstein, Esq.
Special Assistant Attorney General

MATTHEW CHAMBERLAIN, ESQ.
Licensed in GA
mchamberlain@mwlawga.com

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cmitchell@mwlawga.com

EDWARD T. HOWDEN, ESQ.
Licensed in GA
ehowden@mwlawga.com

MW:spw

cc: Joshua A. Scoggins, Esq.
Troy Hill, DOT Right-of-Way Administrator
Katrina Anderson, DOT State Right-of-Way Assistant Administrator
Adrienne Wise, DOT State Right-of-Way Program Manager
Mary Jo Volkert, Esq., Senior Assistant Attorney General
Matthew Cline, Esq., DOT General Counsel
Annette Simelero, Esq., DOT Deputy General Counsel

LETTER OF INTENT

Applicant:	General Convenience Store, LLC
Subject Property:	174 N Main Street, Alpharetta, GA 30009, Designated as Fulton County Parcel ID No. 22 482212521045
Proposed Action:	Variance to allow reduction of 10' landscape strip to 0'
Current Zoning:	C-1
Proposed Zoning:	C-1 (same as current zoning)
Proposed Use:	Convenience Center with Gas Pumps (same as current use)
ROW Access:	North Main Street (Highway 9)

This Letter of Intent is intended to comply with the application procedures established by The City of Alpharetta, Georgia for submittal of land use applications, as required by the City of Alpharetta Unified Development Code (the "UDC"), City of Alpharetta Public Hearing Application Requirements, and other City of Alpharetta Ordinances and Standards.

The Applicant has submitted contemporaneously with this Letter of Intent the Public Hearing Application package for a variance, as may be amended (the "Application"). With regard to any zoning, conditional use permit, and variances requested in the Application (as applicable), the Applicant incorporates all statements made in the Public Hearing Application as part of this Letter of Intent.

ZONING CATEGORY AND USE WILL REMAIN THE SAME

The Applicant intends to maintain the same zoning category, C-1, and the same use, Convenience Center with Gas Pumps, as are currently in effect. The zoning category and use will contribute to the vibrancy of Downtown Alpharetta and are compatible with the surrounding properties because the surrounding properties are also zoned for commercial uses.

REQUESTED VARIANCE TO THE LANDSCAPE STRIP REQUIREMENT

The Applicant requests a variance to allow a 0' landscape strip instead of a 10' landscape strip for the portion of the Subject Property located along Highway 9. (See City of Alpharetta UDC § 3.2.8(D) and Appendix A, § 2.5.3 "Parking Lot Landscape Strips.")

The Georgia Department of Transportation recently acquired a significant portion of the Subject Property along Highway 9 as part of the Highway 9 Road Widening Project. Consequently, the Applicant is losing two of its four gas pumps and will be unable to use the Subject Property in an economically viable manner unless it receives a variance to the landscape strip requirement.

Without the Applicant's proposed variance to the 10' landscape strip requirement, the Applicant will lose two of its existing four gas pumps and will be unable to reconfigure the gas pumps to allow for safe ingress

and egress between Highway 9 and the Subject Property. If the landscape strip is reduced to 0', then the Applicant will be able to reconfigure the gas pump locations in a manner that will result in only one gas pump being lost, as shown in the site plan attached to this Application.

Further, unless the Applicant's Proposal is granted, cars will not be able to safely turn in and out of the Subject Property. The Applicant conducted an auto-turn analysis for the Subject Property. Without a variance, there would be insufficient space for a safe turning radius. According to the auto-turn analysis, a variance of 0' is necessary in order to allow cars to turn safely in and out of the Subject Property. A diagram showing the results of the auto-turn analysis is attached to this Application.

If the Applicant's Proposal is granted, the Applicant intends to apply for Design Review Board approval of a modification to the exterior of the Convenience Center building. This modification will enhance the aesthetic appeal of the building and contribute to the vibrancy of Downtown Alpharetta.

The Subject Property's narrow size and shape contribute to the extraordinary and exceptional conditions necessitating the requested variance. The most usable area of the Subject Property is the area nearest to Highway 9, but the Georgia Department of Transportation recently acquired a significant portion of this property for right-of-way and is also retaining a significant permanent easement across the Subject Property for construction, utilities, and maintenance of slopes. Without the requested variance, the Applicant will be unable to use the Subject Property in an economically viable manner because the Applicant would lose two gas pumps instead of only one and cars would not be able to safely turn in and out of the Subject Property.

The application of the UDC standards as they relate to the Subject Property would create an unnecessary hardship because a 10' landscape strip along the portion of the Subject Property adjacent to Highway 9 would deprive the Applicant of an economically viable use of the Subject Property by preventing the Applicant from reconfiguring the gas pumps to allow for three pumps instead of only two and to allow cars to safely turn in and out of the Subject Property.

Reducing the 10' landscape strip to 0' will not cause a substantial detriment to the public good because the reduction would ensure that cars could turn in and out of the Subject Property safely. Further, this reduction would not impair the purpose and intent of the UDC because the Applicant is not removing any landscaping on the Subject Property and will maintain all other landscaping as required by the UDC. Also, the Applicant intends to enhance the aesthetic appeal of the Subject Property concurrently with the reconfiguration of the gas pumps if the variance is granted.

As shown above, the requested variance to allow a 0' landscape strip along Highway 9 instead of a 10' landscape strip is necessary because the landscape strip requirement will result in a hardship that is substantially unwarranted by the protection of the public health, safety, or general welfare and the need for consistency among all properties similarly zoned.

CONCLUSION

Because the Applicant's Proposal complies with all criteria appropriate for consideration for the Public Hearing Application, the Applicant respectfully requests that this Application, which is incorporated herein by reference, be approved as requested. The Applicant and owner reserve the right to amend and supplement this Letter of Intent at any time.

Sincerely,



Joshua A. Scoggins
Attorney for Applicant

All that tract or parcel of land lying and being in land lot 1252 of the 2nd District 2nd Section of Fulton County, City of Alpharetta, Georgia and being more particularly described as follows:

Commencing at an 5/8" rebar with cap found located at the southernmost mitered intersection of the southerly right of way line of Mayfield Road (Variable Right of way) and the westerly right of way of North Main Street A.K.A State Route 9 (Variable Right of way); thence along said Right of Way of North Main Street South 04° 04' 31" East a distance of 44.05 feet to a point; thence South 13° 31' 40" West a distance of 20.29 feet to a point; thence South 04° 09' 28" East a distance of 96.12 feet to a hole in concrete found; thence South 89° 38' 37" West a distance of 11.14 feet to a scribe set and the TRUE POINT OF BEGINNING; from point thus established and continuing along said Right of Way of North Main Street South 04° 13' 09" East a distance of 139.57 feet to a magnetic nail set; thence leaving said Right of Way North 88° 08' 21" West a distance of 149.15 feet to a 1/2" rebar found; thence South 89° 49' 46" West a distance of 24.87 feet to a 1/2" rebar found; thence North 00° 00' 45" West a distance of 66.08 feet to an iron pin set; thence South 89° 33' 54" West a distance of 96.06 feet to a scribe set; thence North 00° 21' 29" East a distance of 4.00 feet to a scribe set; thence South 89° 33' 51" West a distance of 30.01 feet to a 22" oak; thence North 00° 04' 05" East a distance of 63.26 feet to a 1/2" rebar found; thence North 00° 20' 46" East a distance of 14.21 feet to an axle found; thence South 82° 42' 50" East a distance of 30.24 feet to a nail found; thence South 82° 58' 01" East a distance of 77.39 feet to a 1/2" rebar found; thence North 89° 38' 37" East a distance of 182.77 feet to the TRUE POINT OF BEGINNING. Said tract contains 0.736 acres (32,048 square feet).



Real Estate

View Bill

[View bill image](#)

As of	11/22/2021
Bill Year	2021
Bill	2117527
Owner	GENERAL CONVENIENCE STORE LLC
Parcel ID	22 -4822-1252-104-5

[View payments/adjustments](#)

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	12/1/2021	\$2,219.50	\$2,219.50	\$0.00	\$0.00	\$0.00
TOTAL		\$2,219.50	\$2,219.50	\$0.00	\$0.00	\$0.00



Filters

Code Enforcement

Filters

Styling

Filter as map moves ⓘ



Location



174 North Main St

Select attribute filters (8)



Type Description

3 values



Number

92 values



Tag

61 values



Status Code

1 values



Assigned To

2 values



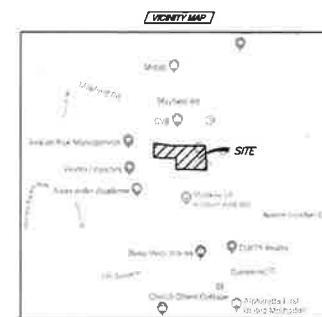
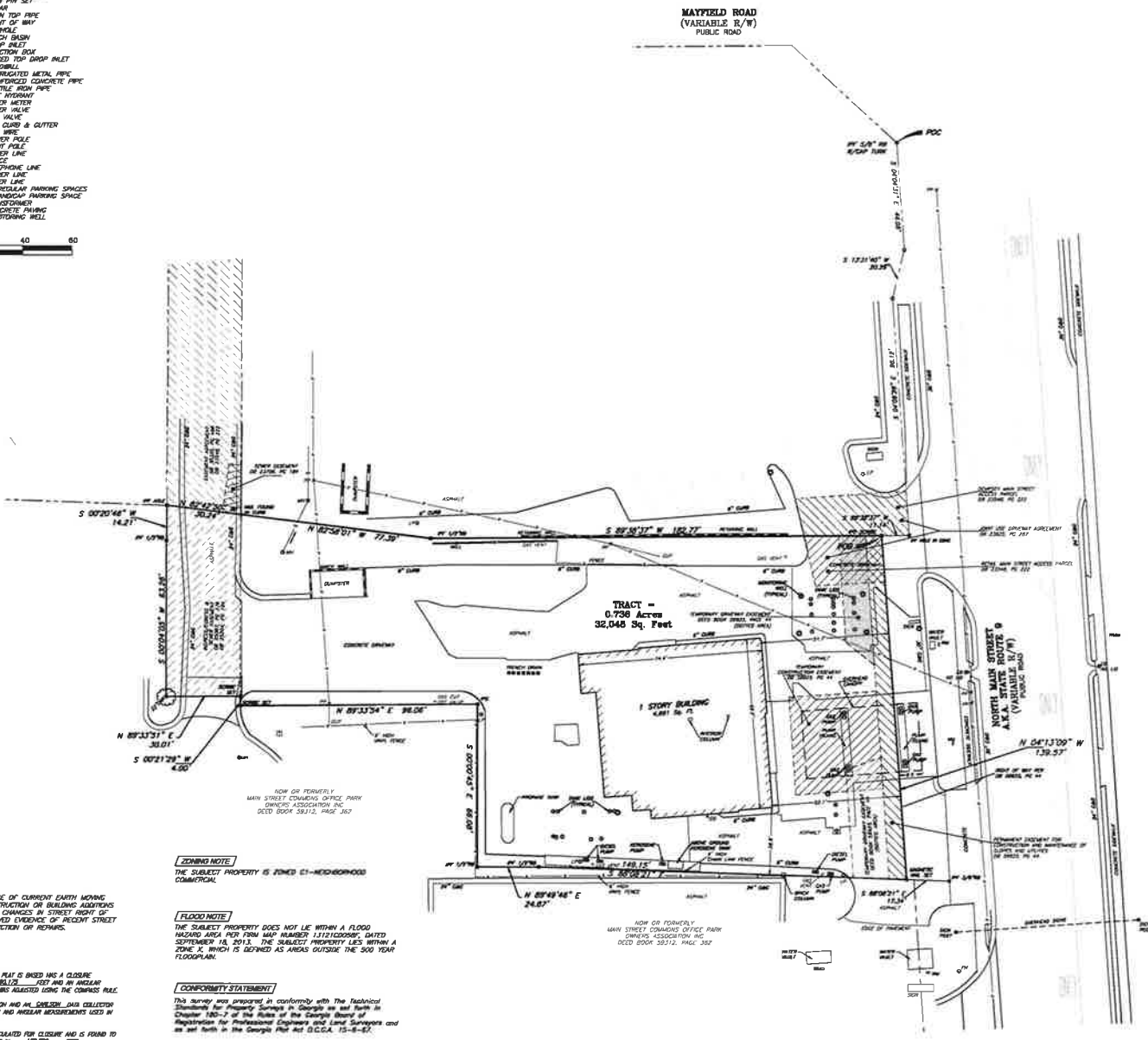
Showing 25 of 96 rows

Type Description

Number

Tag

Code Enforcement-Complaints	CE170033	Accessory Struc
Code Enforcement-Trees	CE190025	Stop Work Ord
Code Enforcement-Complaints	CE190036	Business vehicl
Code Enforcement-Complaints	CE190043	Business vehicl
Code Enforcement-Complaints	CE190053	Tree removal w
Code Enforcement-Complaints	CE190081	High Grass and
Code Enforcement-Complaints	CE190088	Stop Work Ord
Code Enforcement-Complaints	CE190099	Structual Issues
Code Enforcement-Complaints	CE190100	Drainage Viola
Code Enforcement-Complaints	CE190107	Stop Work Ord
Code Enforcement-Complaints	CE190108	Stop Work Ord
Code Enforcement-Complaints	CE200004	Stop Work Ord
Code Enforcement-Complaints	CE200008	Inoperable Veh
Code Enforcement-Complaints	CE200011	Stop Work Ord
Code Enforcement-Complaints	CE200065	Deck in a State
Code Enforcement-Complaints	CE200074	R/W trashcan o
Code Enforcement-Complaints	CE200084	Complaint



1641 Autumn 2Cnd, SW
1401 03, Georgia 05012
(770) 922-6191 On Cal-
(770) 922-9367 Fax
A.M.D. (Small Print)

No.	Revision	Date
Field Date: 11/01/2011		
Plot Date: 11/06/2011		
Scale: 1" = 20'		

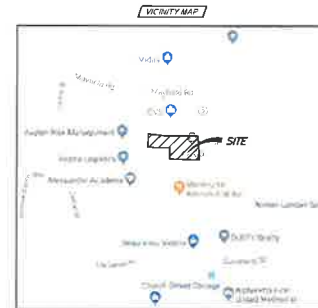
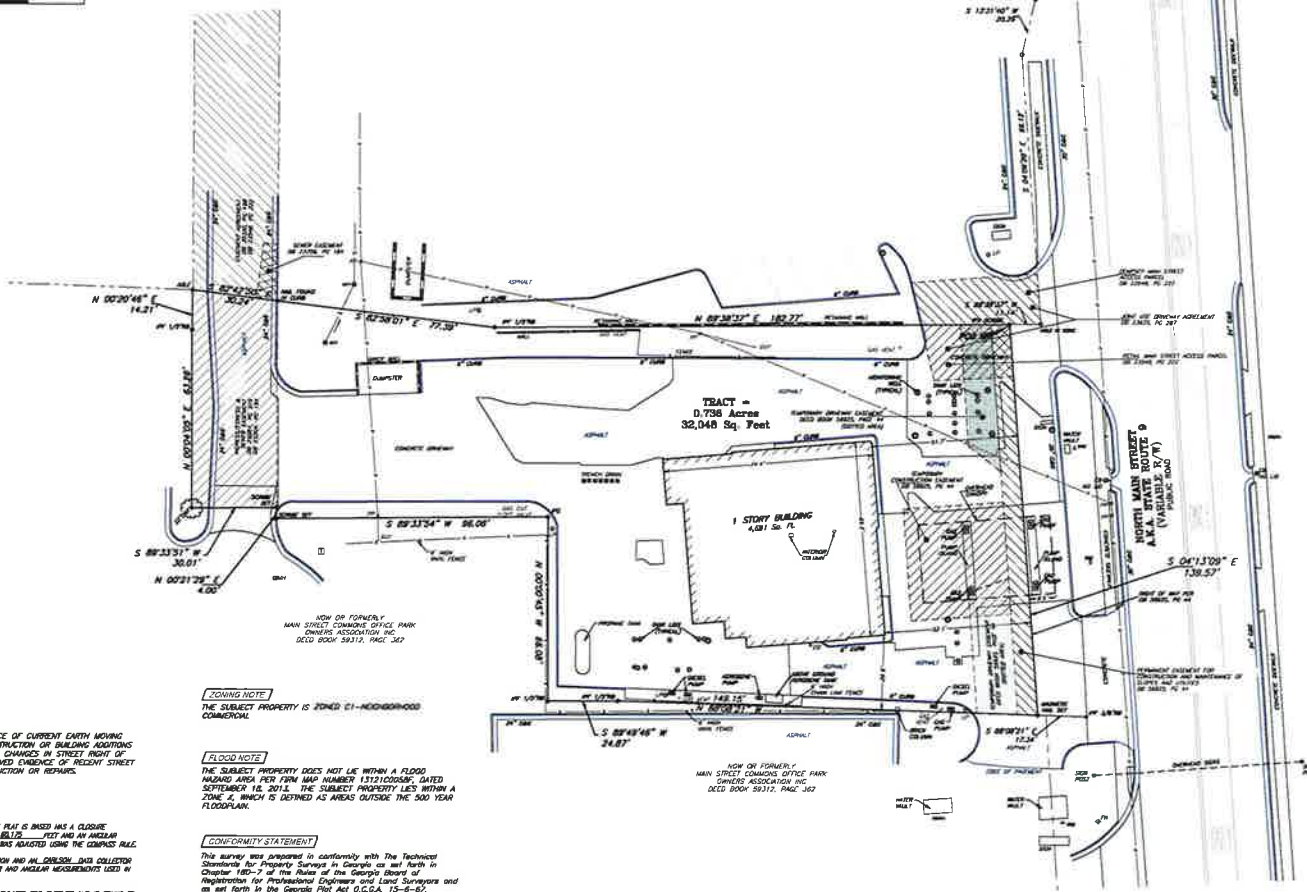
[illegible]

BOUNDARY SURVEY
FOR
RICK SHAH
OF
174 N MAIN STREET
LAND LOT 1252 2nd DISTRICT 2nd SECT
CITY OF ALPHARETTA, CLYDE H. TON, COUNTY, GEORGIA



1
SHEET 1 OF

DOB: 2019-01-01
CARD: 174 N MAIN ST
THRU: 174 N MAIN ST
ISS:



LEGAL DESCRIPTION

All that tract or parcel of land lying and being in land lot 1252 of the 2nd District 2nd Section of Fulton County, City of Alpharetta, Georgia and being more particularly described as follows:

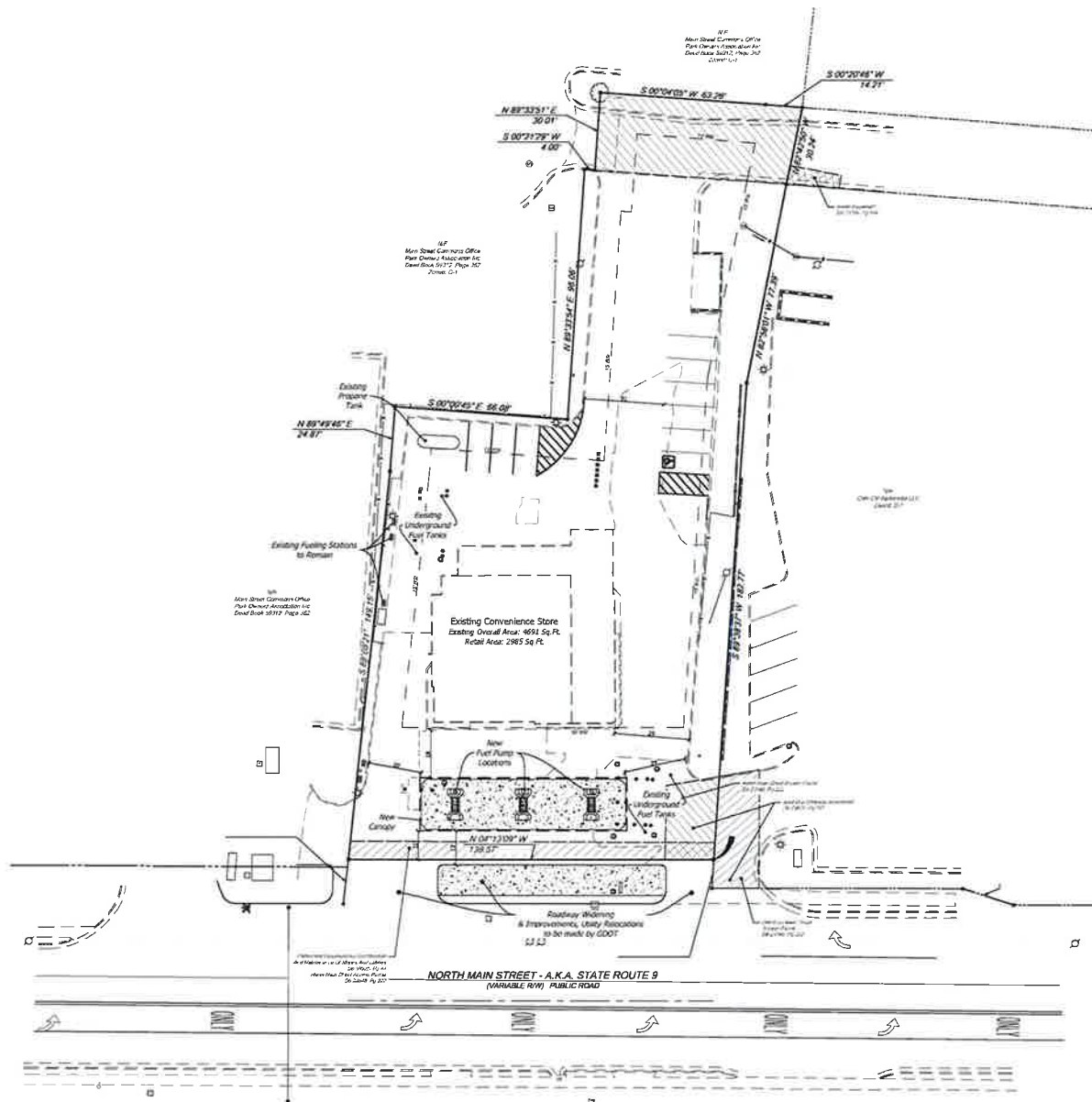
Commencing at 5/8" bar with cap found located at the southernmost railroad intersection of the southerly right of way line of Mayfield Road (Norfolk Right of Way) and the westerly right of way line of the Norfolk and Western Railroad, the following points, thence along said Right of Way of North Main Street North 04° 04' 33" East a distance of 44.95 feet to a point; thence South 13° 31' 40" West a distance of 20.29 feet to a point; thence South 04° 05' 00" West a distance of 11.14 feet to a point; thence South 13° 31' 40" West a distance of 11.14 feet to a point; thence South 04° 04' 33" West a distance of 11.14 feet to a scribble set and the TRUE POINT OF BEGINNING, from point thus established the following points, thence North 04° 04' 33" East a distance of 130.57 feet to a magnetic north set, thence leaving said Right of Way North 08° 08' 21" West a distance of 148.76 feet to a 1/2" rubber found; thence South 82° 58' 01" East a distance of 24.87 feet to a 1/2" rubber found; thence North 00° 00' 45" West a distance of 66.60 feet to an iron nail set, thence South 05° 33' 54" West a distance of 96.06 feet to a scribble set and the TRUE POINT OF BEGINNING, from point thus established the following points, thence North 00° 00' 45" West a distance of 22.20 feet to a 22" nail set; thence North 00° 04' 05" East a distance of 63.26 feet to a 1/2" rubber found; thence North 00° 20' 46" East a distance of 10.00 feet to a 1/2" rubber found; thence North 82° 58' 01" East a distance of 35.24 feet to a nail found; thence South 82° 58' 01" East a distance of 77.39 feet to a 1/2" rubber found; thence North 08° 30' 33" East a distance of 184.77 feet to the TRUE POINT OF BEGINNING. Said tract contains 0.736 acres (32.041 square feet).

SITE ADDRESS
174 N MAIN STREET
ALPHARETTA, GA 30009



Quality Civil Designs
Planners • Engineers • Environmental
Landscape Architecture
2144 Buford Hwy
Suite 312
Buford, GA 30518
Phone: 770.633.6723
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Legend

- Handicap Accessible Parking Space
- Proposed Traffic Flow Arrows
- Existing Traffic Flow Arrows

General Site Notes

1. Site Tax Parcel Number: 22 48221251045
2. Site Address: 174 N Main St., Alpharetta, Georgia 30009
3. Total Project Area: 0.738 acres
4. Project Zoned: C-1
5. All dimensions are to face of curb or face of building, unless otherwise indicated.
6. Existing Land Use: C-Store; Proposed Land Use: C-Store
7. Zoning Requirements:
 - Yard Setbacks:
 - Front - 50 feet
 - Side - 15 feet
 - Rear - 15 feet
8. Parking Summary:
 - Minimum Required Parking Spaces: 2 per fuel pump (4), plus - 1/250 sq ft Retail space (2252 sq ft), = 3 spaces at fuel pumps, plus 9 spaces retail.
 - Provided Parking Spaces - 3 spaces at fuel pumps plus 9 spaces retail (12 total); includes 1 handicap accessible space.

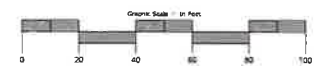


Concept Plan Convenience Store on North Main

174 North Main Street

Parcel: 22 48221251045

City of Alpharetta
Land Lot 1252, 2nd District
Fulton County, Georgia



Scale: 3/32"=1'-0"; Scale: 1"=25'; File: 20-003; Sheet 1 of 1

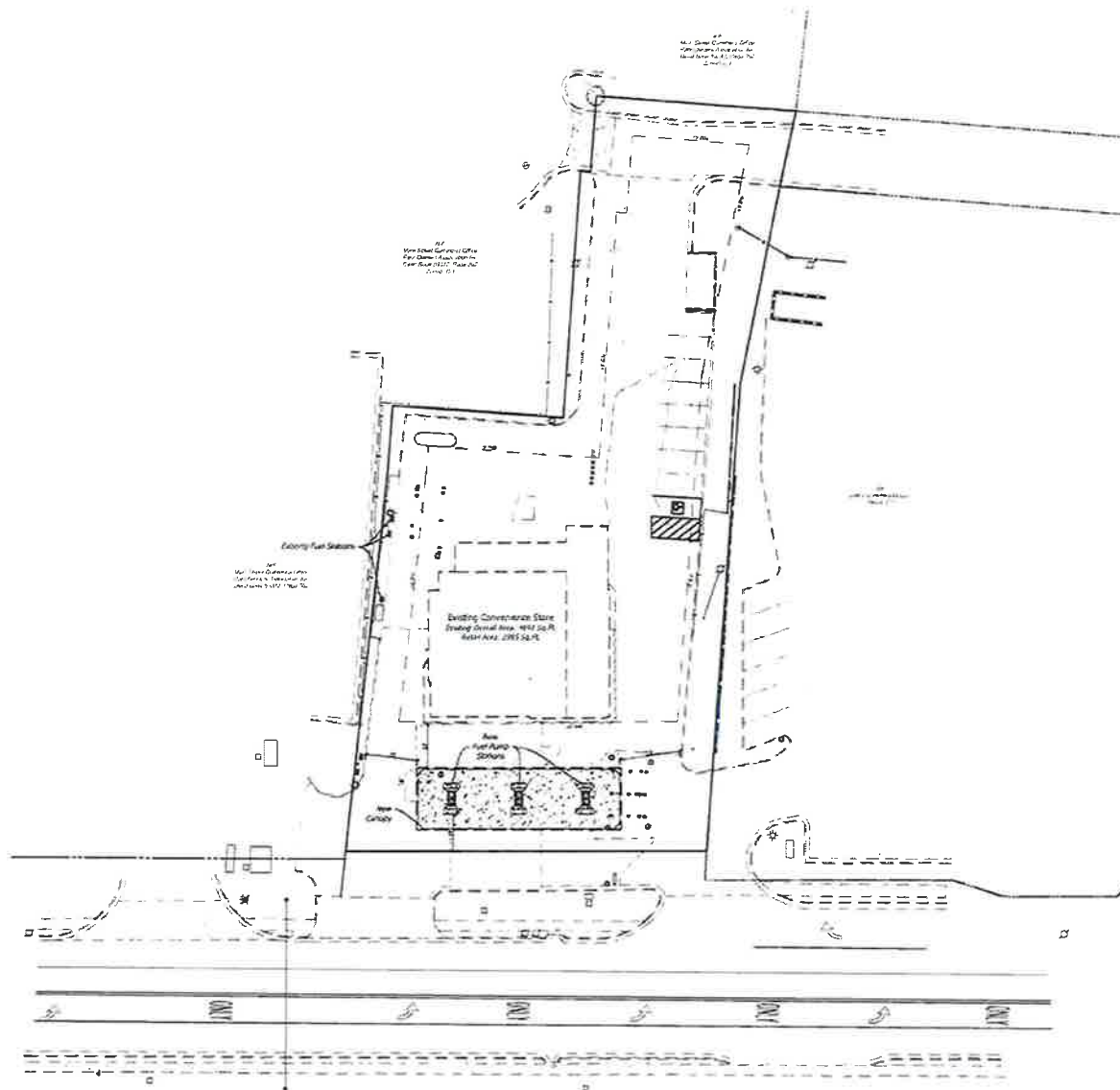


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Geography

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any consequences arising from its use or misuse.
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any consequences arising from its use or misuse.



Legend

- Pending Applicable Parking Space
- Proposed Traffic Flow Arrows
- Existing Traffic Flow Arrows

General Site Notes

1. Site: Tax Parcel Number: 22 4822 1252 1045
2. Site Address: 174 N. Main St., Alpharetta, Georgia 30009
3. Total Project Area: 2.736 acres
4. Project: General: C-1
5. All dimensions are to face of curb or face of building, unless otherwise indicated.
6. Existing Land Use: C-1 (Store); Proposed Land Use: C-1 (Store)
7. Zoning: R-1 (Residential)
8. Project: 20 Feet
9. 20m = 15 Feet
10. 10m = 15 Feet



Convenience Store Post Construction Operations Plan

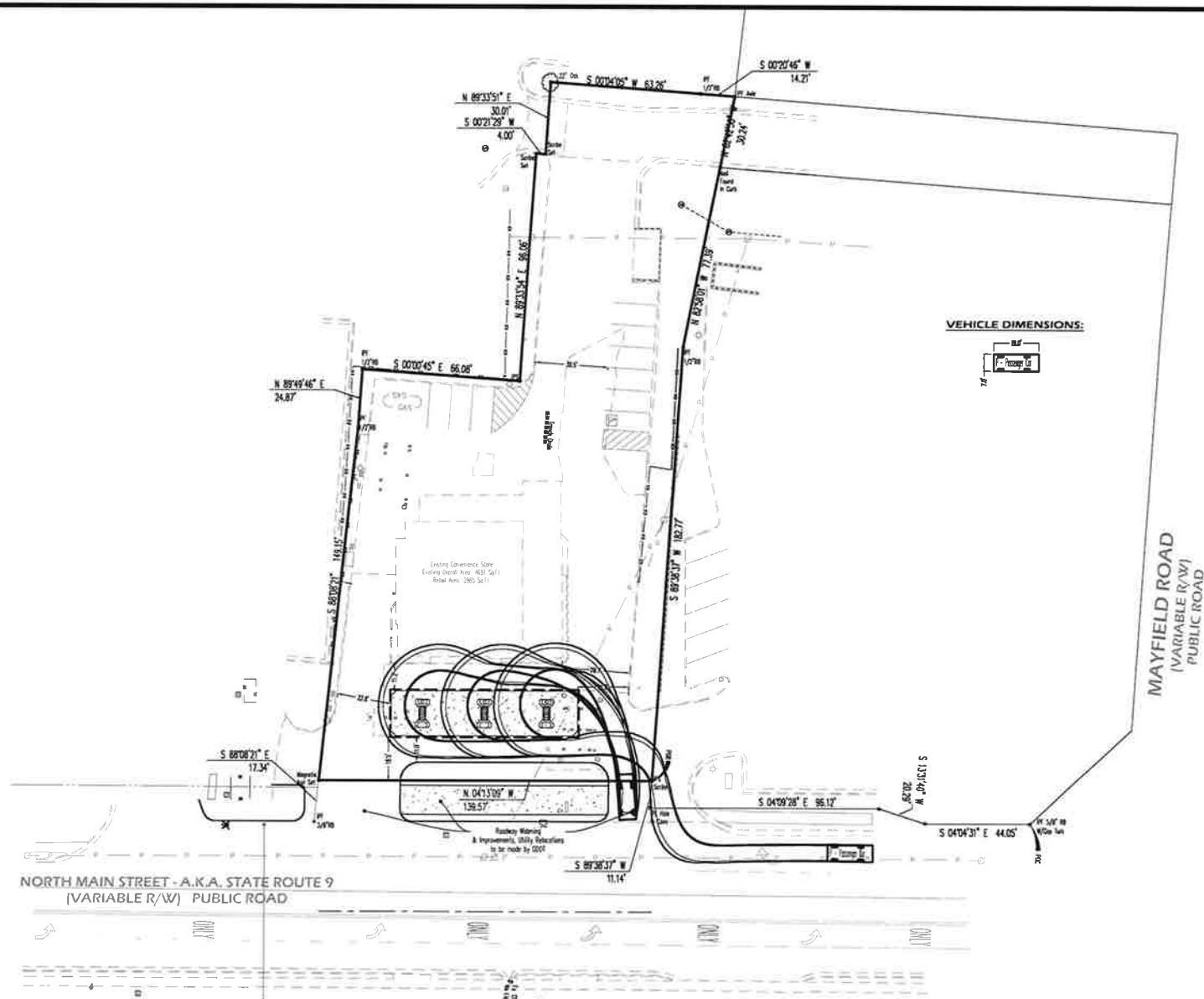
174 North Main Street

Parcel: 22 48221252.1045

City of Alpharetta
Land Lot 1252, 2nd District
Fulton County, Georgia



Scale: 1/8" = 1'-0" (1/4" = 1'-0")



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4755 Summer Stag Court
Burlington, GA 30519
(PH) 678.207.6830
evansdesigngroup.com

J. M. EVANS
No. 38881
PROFESSIONAL
ENGINEER
STATE OF GEORGIA
SERVICE LEVEL: E. CDDT # 10897

PROJECT NAME

**CONVENIENCE
STORE ON
NORTH MAIN**

174 NORTH MAIN STREET
LL 1252, 2nd DIST.
CITY OF ALPHARETTA,
GEORGIA

DATE:

05-29-20

DESIGN BY: JME
DRAWN BY: JME
CHECKED BY: JME

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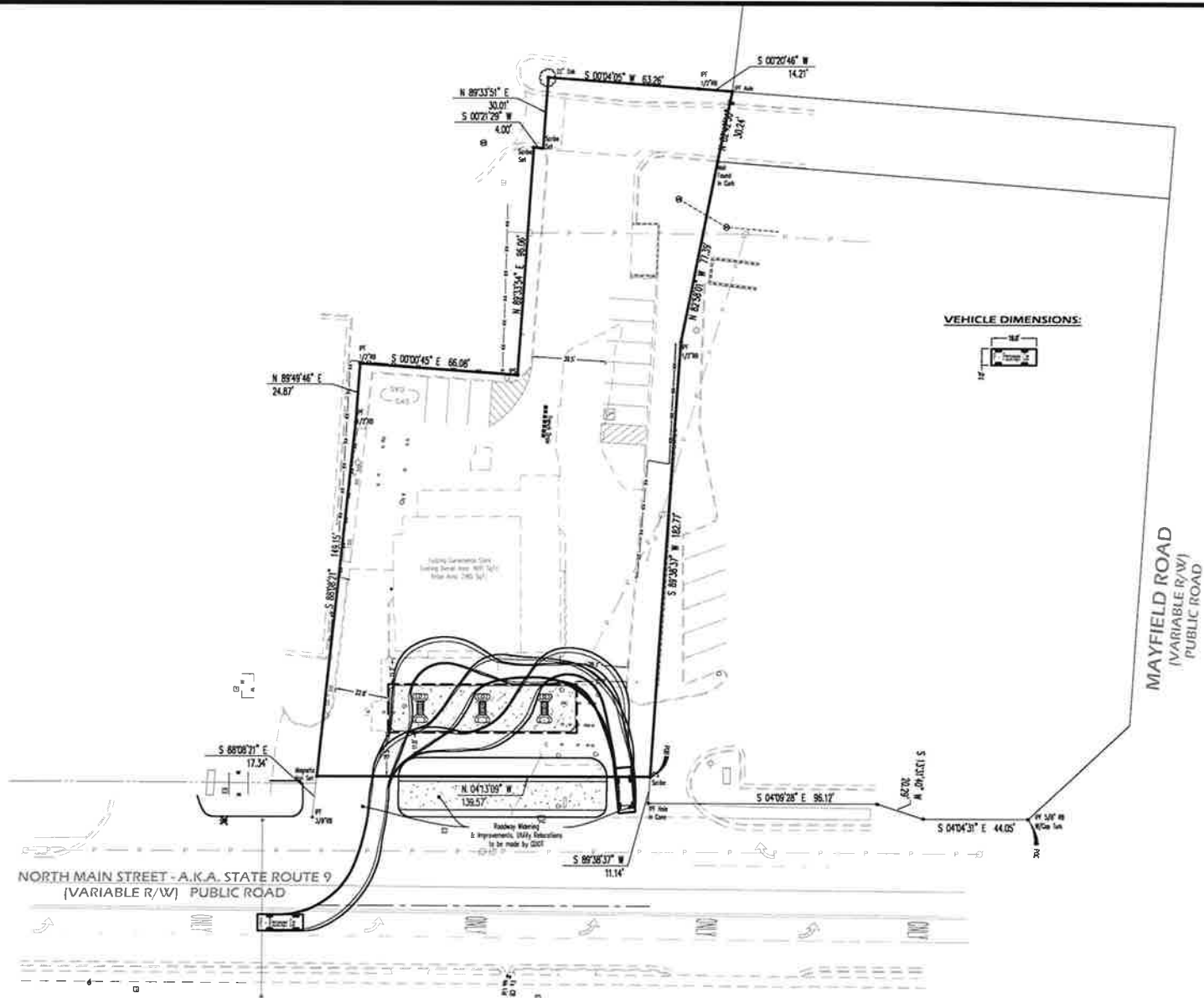
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 4755 Summer Song Court
 Buford, GA 30511
 (770) 678-2073
 jpe@evansdesign.com



PROJECT NAME
 CONVENIENCE
 STORE ON
 NORTH MAIN

174 NORTH MAIN STREET
 L.L. 1252, 2nd DIST.
 CITY OF ALPHARETTA,
 GEORGIA

DATE:
 05-29-20

DESIGN BY: JME **DRAWN BY:** JME **CHECKED BY:** JME

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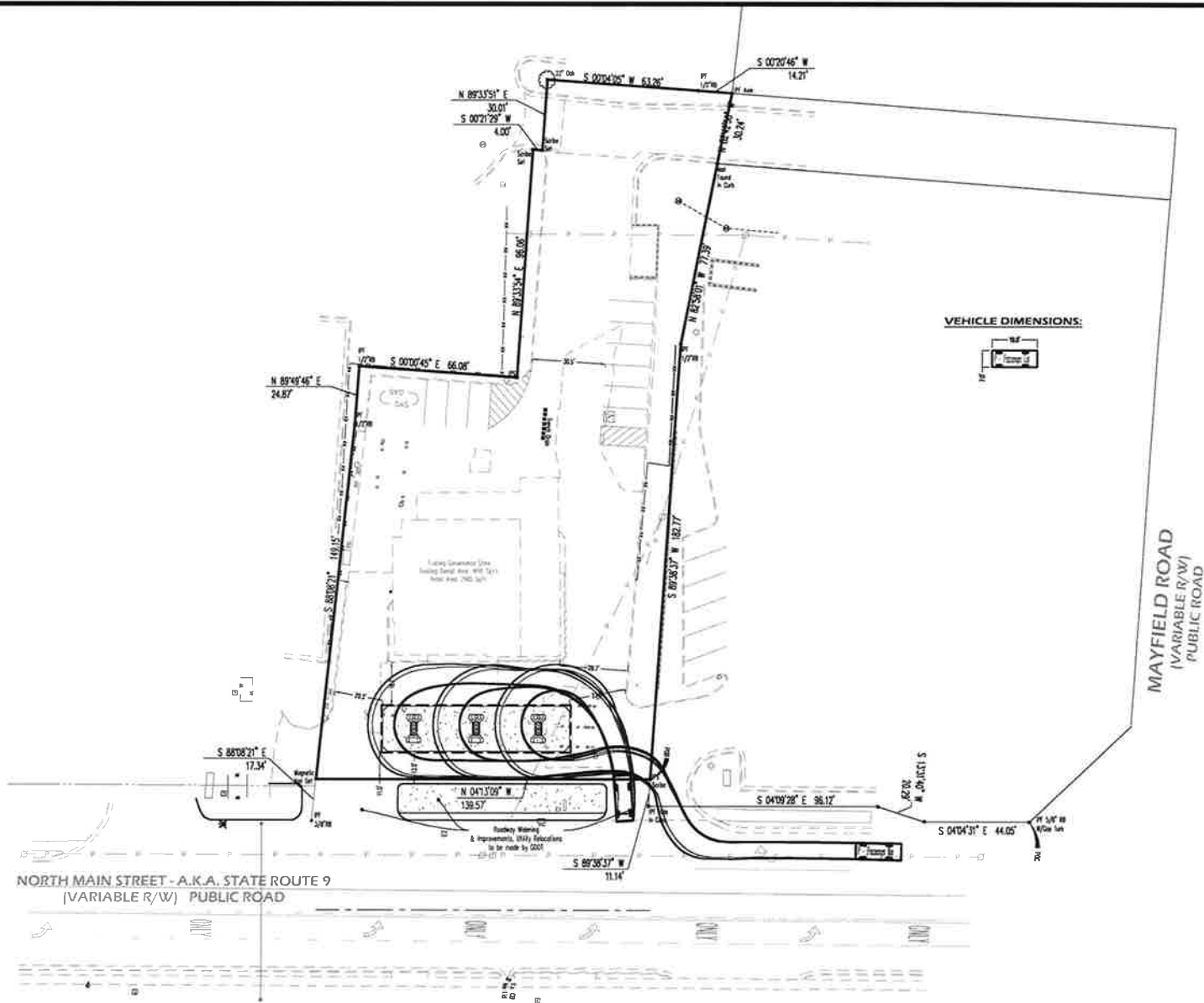
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Buckley, GA 30519
(770) 672-2074
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PROJECT NAME
**CONVENIENCE
STORE ON
NORTH MAIN**

124 NORTH MAIN STREET
LL 1252, 2nd DIST.
CITY OF ALPHARETTA,
GEORGIA

DATE:
05-29-20

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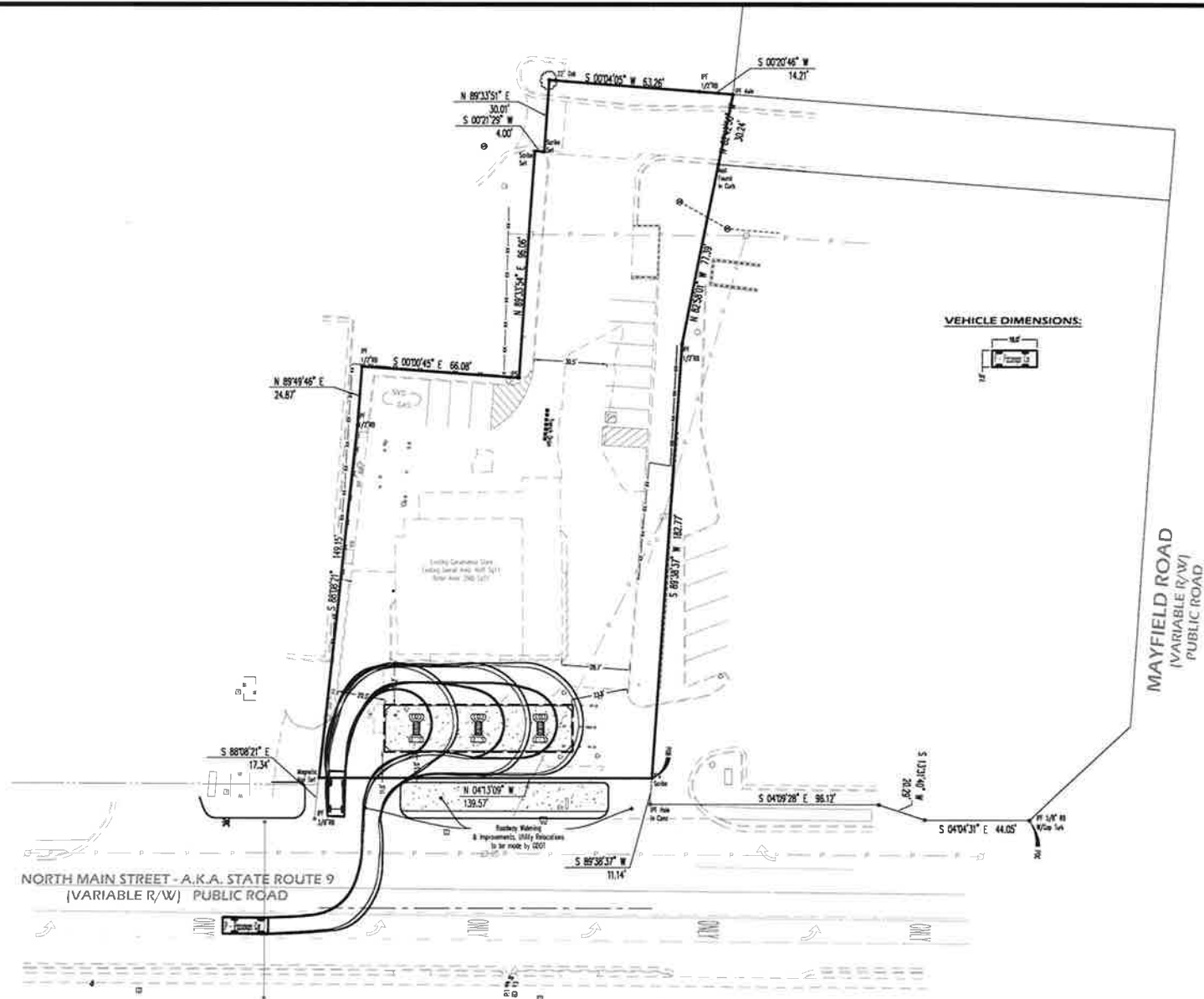
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joe@evansdesign.com



PROJECT NAME
**CONVENIENCE
STORE ON
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174 NORTH MAIN STREET
LL 1252, 2nd DIST.
CITY OF ALPHARETTA,
GEORGIA

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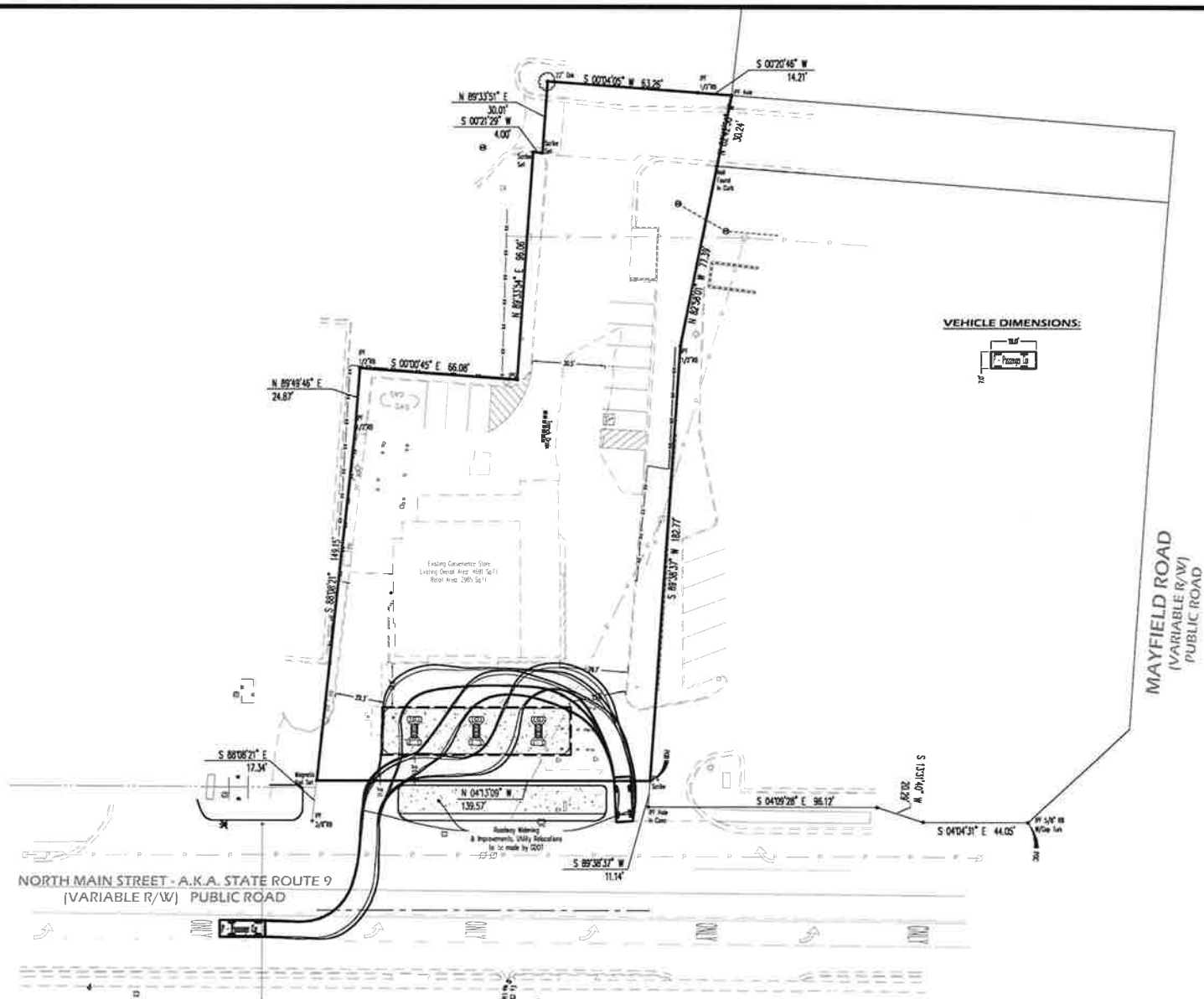
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jennings@evansdesign.com

GEORGIA
J. J. EVANS
No. 58881
Exp. 12-31-2024
SEAL

PROJECT NAME

**CONVENIENCE
STORE ON
NORTH MAIN**

174 NORTH MAIN STREET
LL 1252, 2nd DIST.
CITY OF ALPHARETTA,
GEORGIA

DATE:

05-29-20

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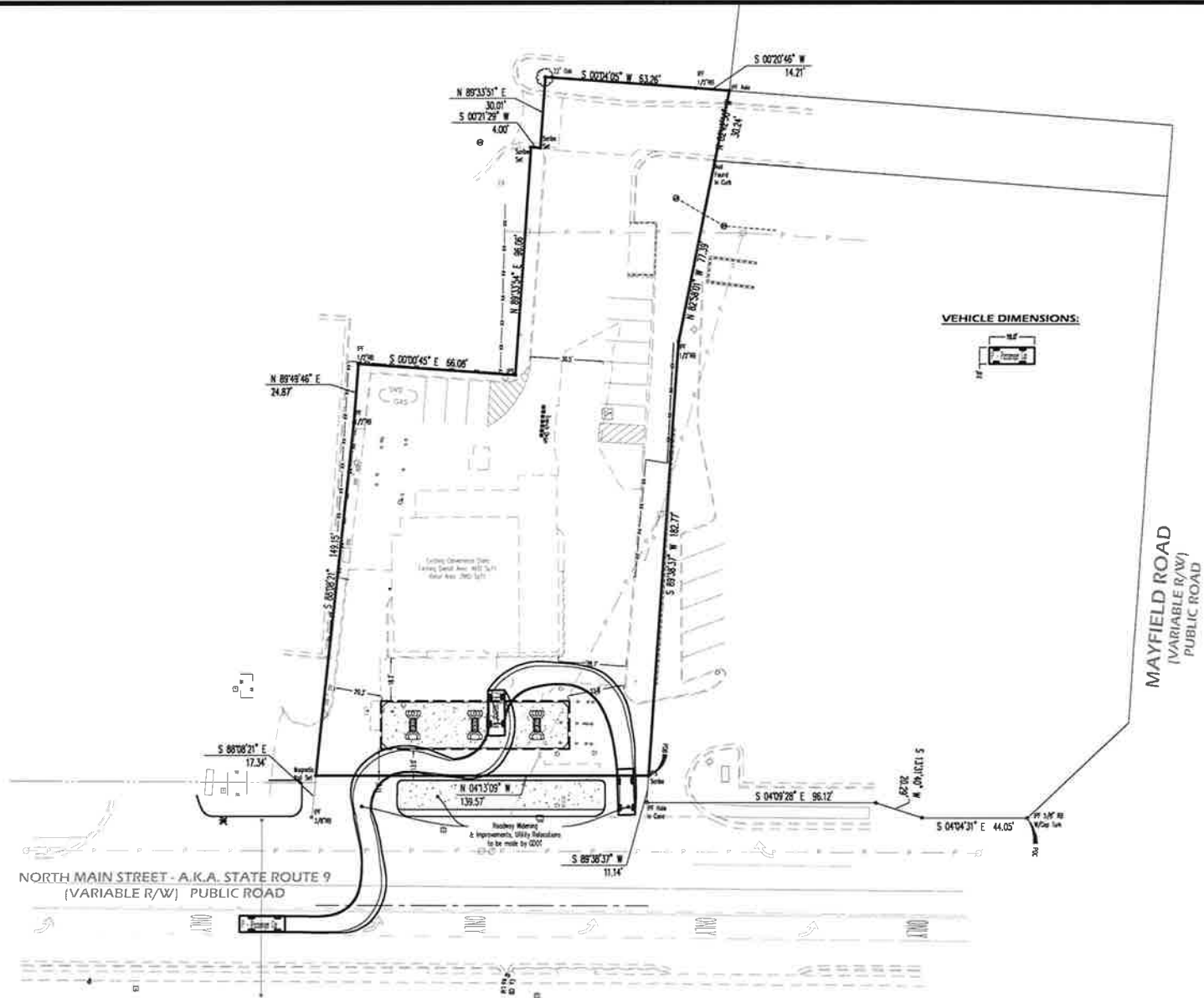
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 Buford, GA 30519
 (PH) 678-207-6836
 j.evans@evansdsg.com



PROJECT NAME
CONVENIENCE
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174 NORTH MAIN STREET
 L.L. 1252, 2nd DIST.
 CITY OF ALPHARETTA,
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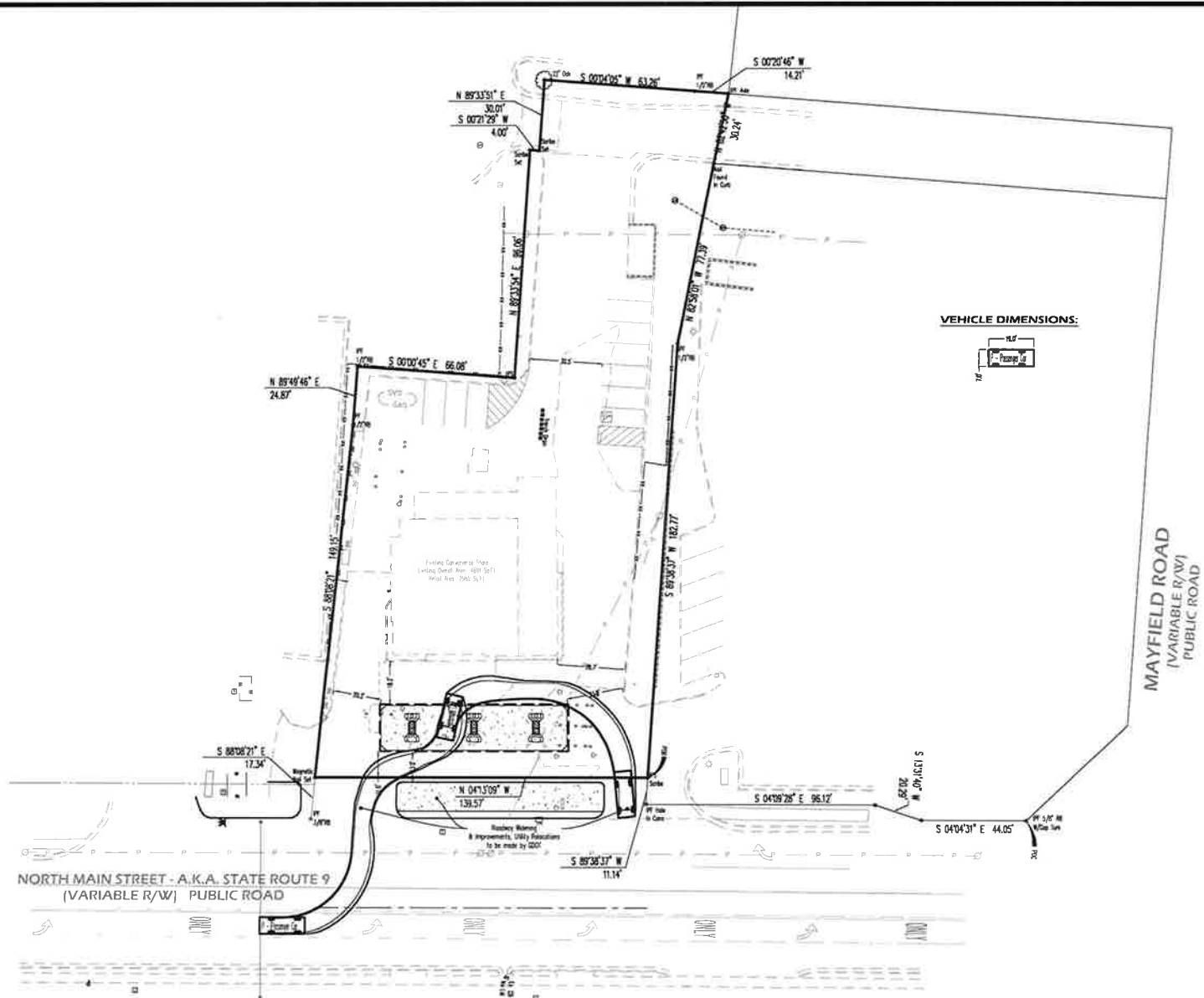
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 I hereby certify that the design and calculations shown on this drawing were prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer in the State of Georgia.

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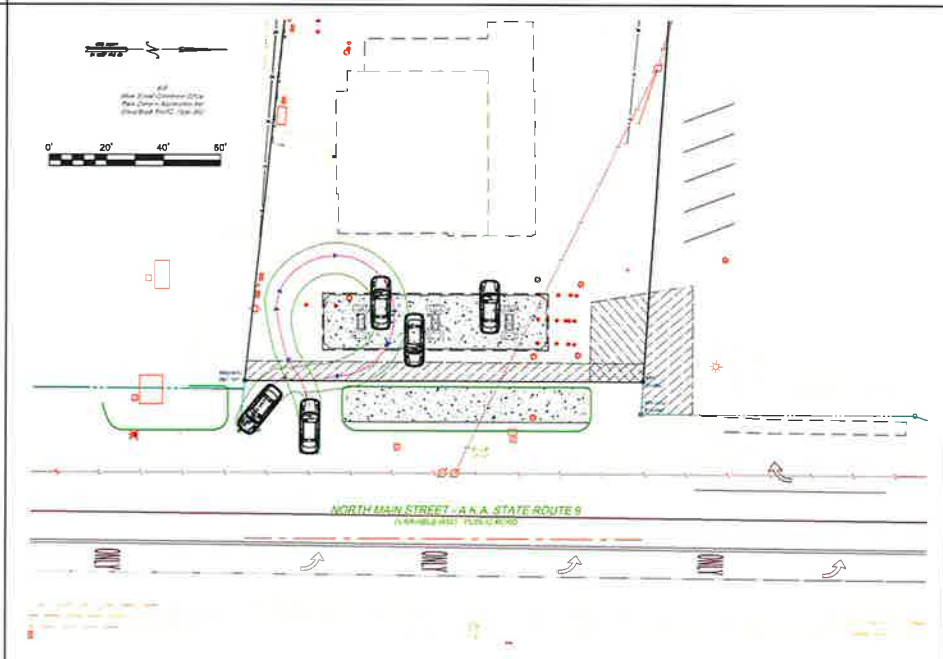
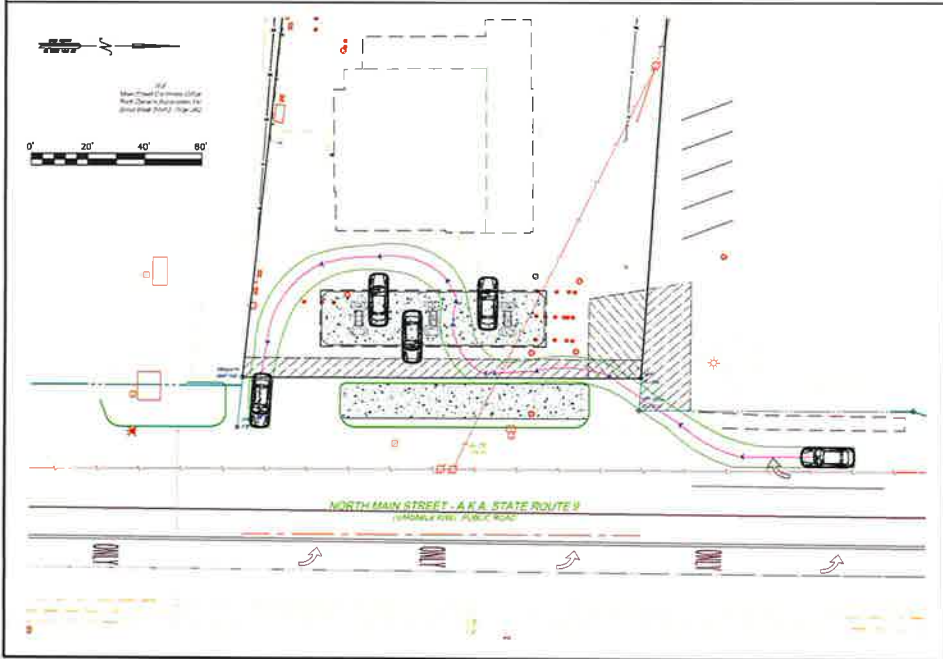
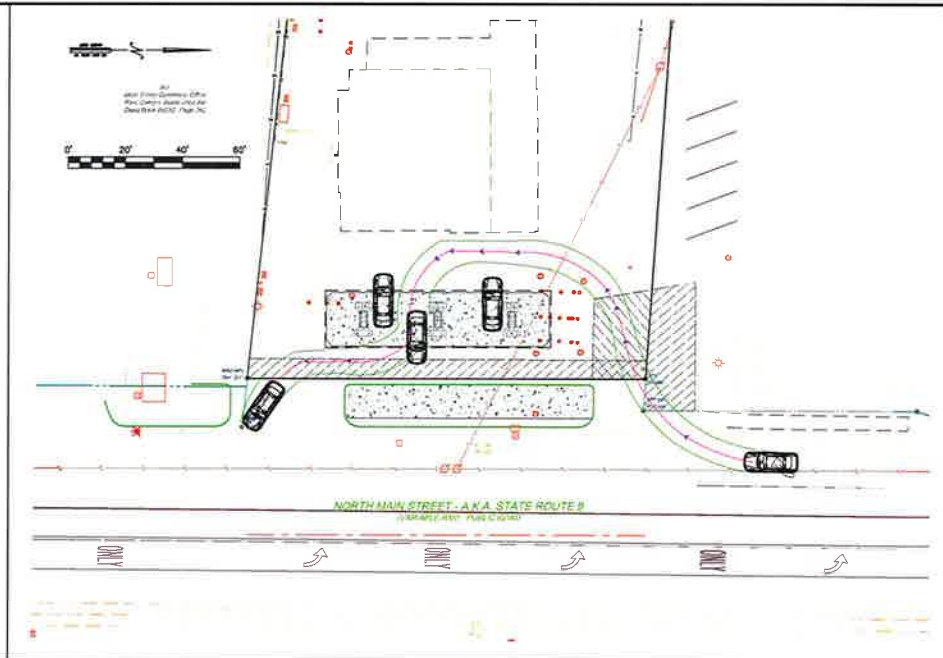
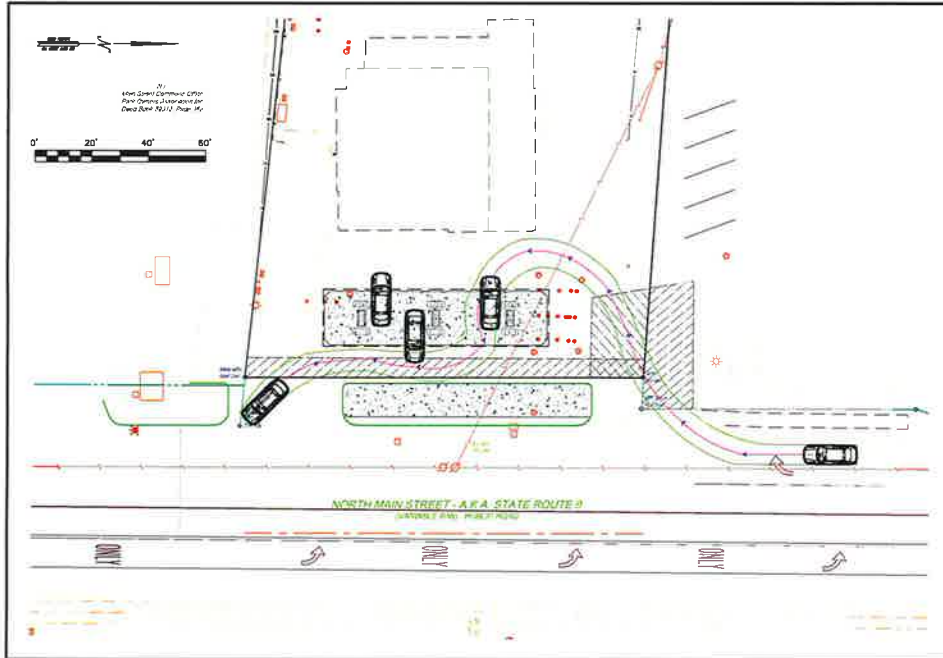
REVISIONS

NO.	DATE	DESCRIPTION

JOB NUMBER:

SHEET TITLE
**CAR TURN
EXHIBIT**

C-0



TSS
TECHNICAL SERVICES SURVEYING
LAND SURVEYING

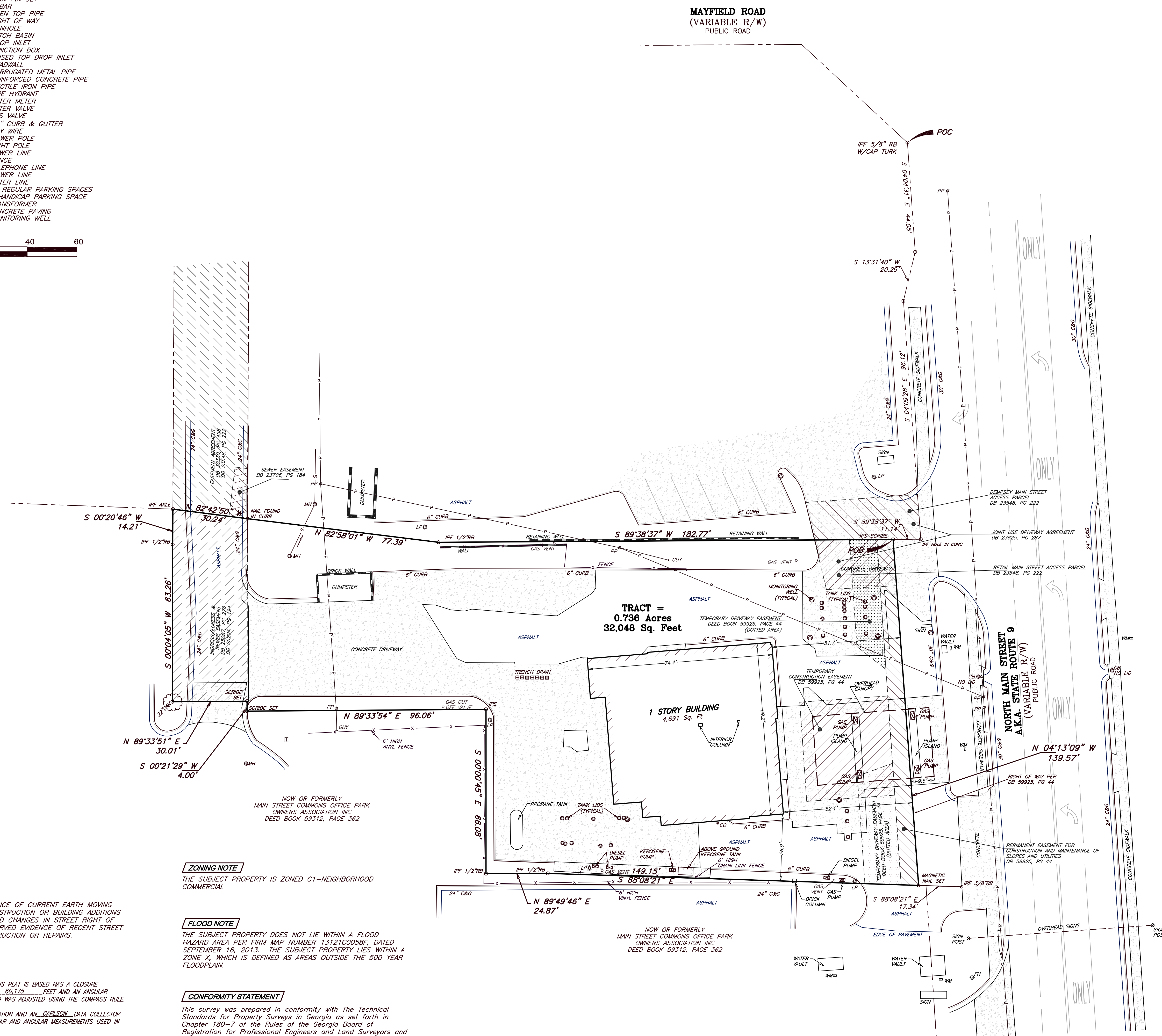
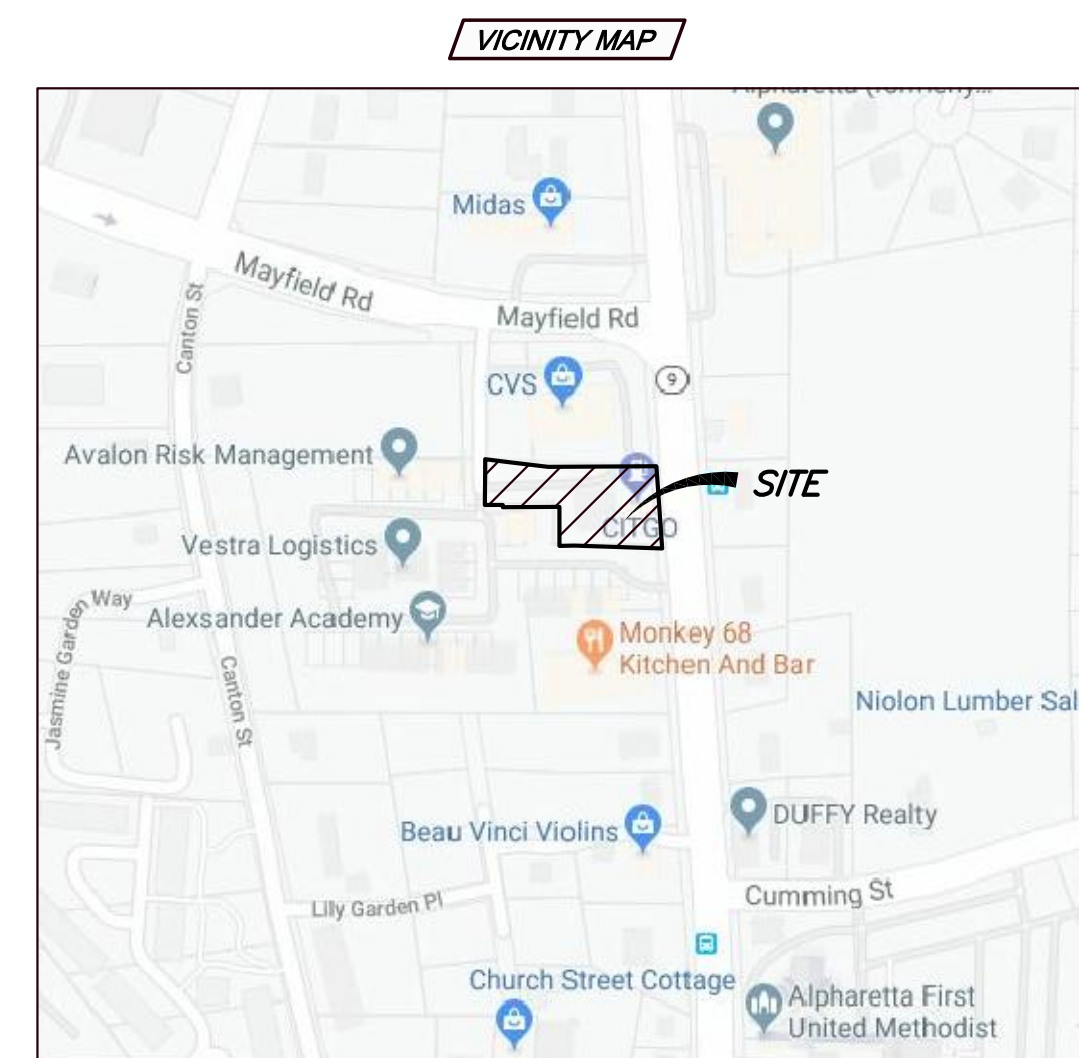
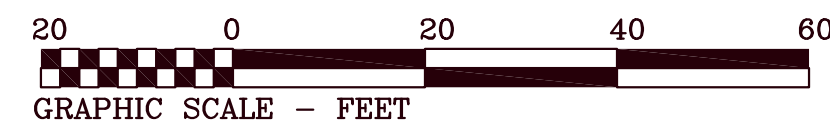
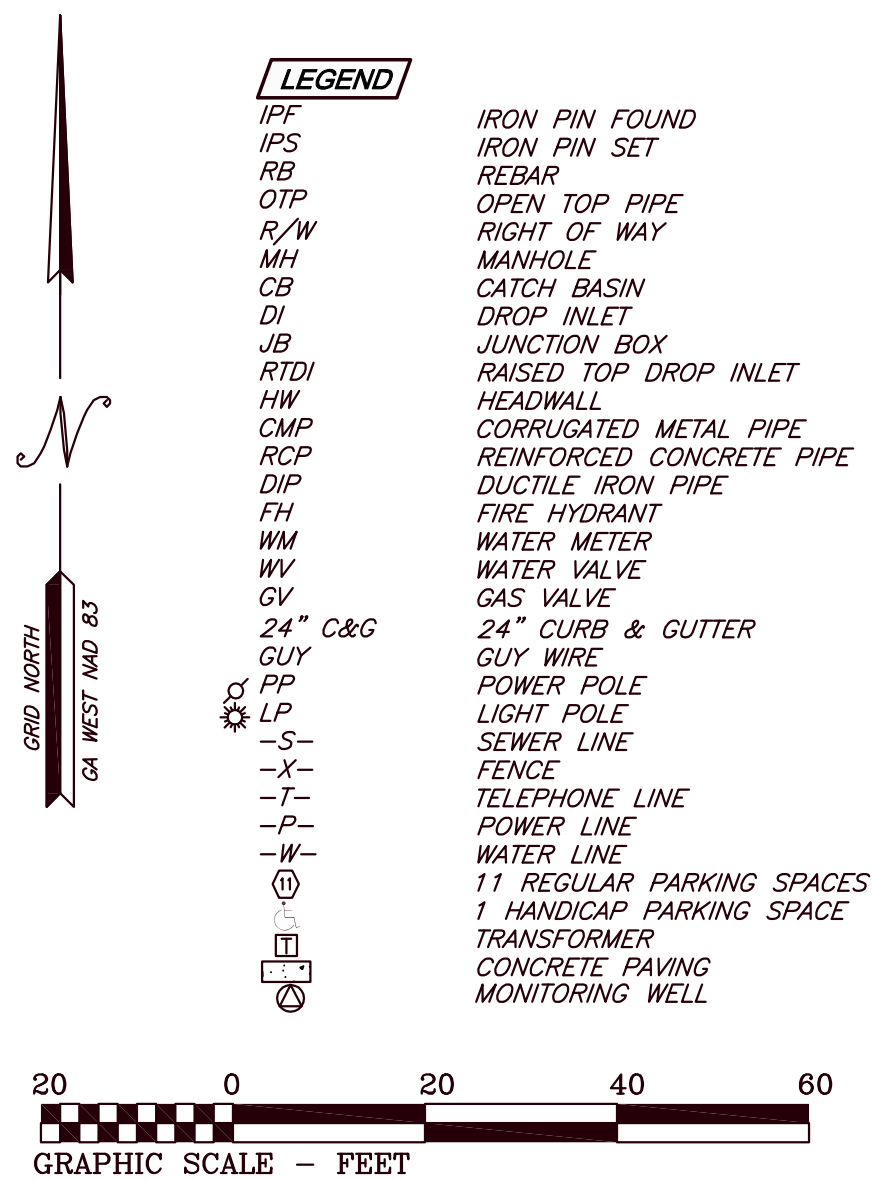
161 Auburn Boulevard
Columbus, Georgia 31907
(706) 525-5111 Office
(706) 525-5112 Fax
www.tss-survey.com

Date	
Revision	
No	
Field Date: N/A	
Plot Date: 5/29/08	
Scale: 1"=XX'	

SWEPT PATH ANALYSIS
FOR
174 NORTH MAIN STREET
LAND LOT 1352, 2nd DISTRICT
CITY OF ALPHARETTA, FULTON COUNTY, GEORGIA

1
SHEET 1 OF 1
JFH © 2008/AT
LKD
BWC





SITE ADDRESS
174 N MAIN STREET
ALPHARETTA, GA 30009

TSS
TECHNICAL SURVEY SERVICES
Land Surveyors
1641 Autumn Blvd, SW
Conyers, Georgia 30012
(770) 922-6391 Office
(770) 922-0767 Fax
www.tss-atl.com

[illegible]

Field Date: 11/21/2019

Plat Date: 11/26/2019

Scale: 1" = 20'

BOUNDARY SURVEY
FOR
RICK SHAH
OF
174 N MAIN STREET
LAND LOT 1252 2nd DISTRICT 2nd SECT
CITY OF ALPHARETTA, FULTON COUNTY, GA



1

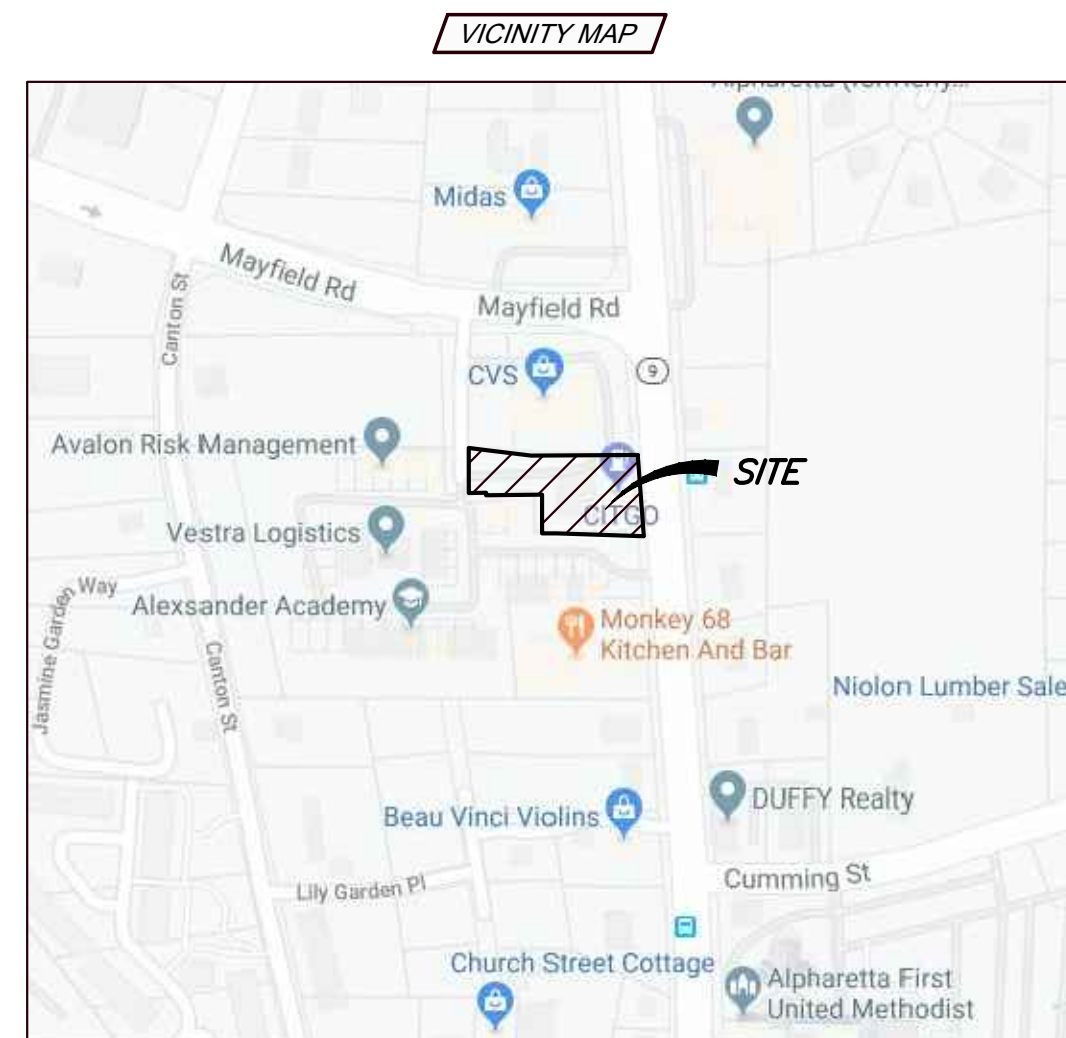
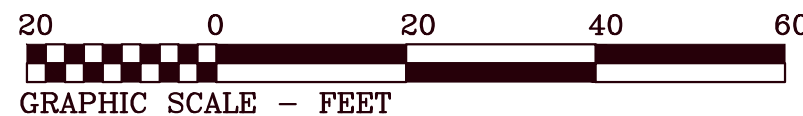
SHEET 1 OF 1

JOB #: 2019-610

CRD: 174 N MAIN ST

DWG: 174 N MAIN ST

LSV:



All that tract or parcel of land lying and being in land lot 1252 of the 2nd District 2nd Section of Fulton County, City of Alpharetta, Georgia and being more particularly described as follows:

commencing at an 5/8" rebar with cap found located at the southernmost mitered intersection of the southerly right of way line of Mayfield Road (Variable Right of way) and the westerly right of way of North Main Street A.K.A State Route 9 (Variable Right of way; thence along said Right of Way of North Main Street South 04° 04' 31" East a distance of 44.05 feet to a point; thence South 13° 31' 40" West a distance of 20.29 feet to a point; thence South 04° 09' 28" East a distance of 96.12 feet to a hole in concrete found; thence South 89° 38' 37" West a distance of 11.14 feet to a scribe set and the TRUE POINT OF BEGINNING; from point thus established and continuing along said Right of Way of North Main Street South 04° 13' 09" East a distance of 139.57 feet to a magnetic nail set; thence leaving said Right of Way North 88° 08' 21" West a distance of 149.15 feet to a 1/2" rebar found; thence South 89° 49' 46" West a distance of 24.87 feet to a 1/2" rebar found; thence North 00° 00' 45" West a distance of 66.08 feet to an iron pin set; thence South 89° 33' 54" West a distance of 96.06 feet to a scribe set; thence North 00° 21' 29" East a distance of 4.00 feet to a scribe set; thence South 89° 33' 51" West a distance of 30.01 feet to a 22" oak; thence North 00° 04' 05" East a distance of 63.26 feet to a 1/2" rebar found; thence North 00° 20' 46" East a distance of 14.21 feet to an axle found; thence South 82° 42' 50" East a distance of 30.24 feet to a nail found; thence South 82° 58' 01" East a distance of 77.39 feet to a 1/2" rebar found; thence North 89° 38' 37" East a distance of 182.77 feet to the TRUE POINT OF BEGINNING. Said tract contains 0.736 acres (32,048 square feet).

SITE ADDRESS
174 N MAIN STREET
ALPHARETTA, GA 30009

IPF	IRON PIN FOUND
IPS	IRON PIN SET
IRS	REBAR
OTP	OPEN TOP PIPE
R/W	RIGHT OF WAY
CB	CATCH BASIN
MS	MANHOLE
DB	DROP INLET
JB	JUNCTION BOX
RTDI	RAISED TOP DROP INLET
HDW	HEADWALL
CMP	COMBINGATED METAL PIPE
ROC	REINFORCED CONCRETE PIPE
DIP	DUCTILE IRON PIPE
HY	HYDRANT
WM	WATER METER
WV	WATER VALVE
GV	GAS VALVE
G* C&G	GUY CABLE & GUTTER
GU	GUY WIRE
PP	POWER POLE
LP	LIGHT POLE
-S-	SEWER LINE
-X-	FENCE
-T-	TELEPHONE LINE
-P-	POWER LINE
W	WATER LINE
①	11 REGULAR PARKING SPACES
②	1 HANDICAP PARKING SPACE
⊕	TRANSFORMER
⊞	CONCRETE PAVING
⊟	MONITORING WELL

1. NO OBSERVED EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS
2. NO KNOWN PROPOSED CHANGES IN STREET RIGHT OF WAY LINES. NO OBSERVED EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE
PRECISION OF ONE FOOT IN 60.175 FEET AND AN ANGULAR
ERROR OF 1" PER ANGLE AND WAS ADJUSTED USING THE COMPASS RULE

A LEICA TS12 TOTAL STATION AND AN CARLSON DATA COLLECTOR WERE USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT.

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE TO WITHIN ONE FOOT IN 168,529 FEET.

THE SUBJECT PROPERTY IS ZONED C1-NEIGHBORHOOD COMMERCIAL

THE SUBJECT PROPERTY DOES NOT LIE WITHIN A FLOOD HAZARD AREA PER FIRM MAP NUMBER 13121C0058F, DATED SEPTEMBER 18, 2013. THE SUBJECT PROPERTY LIES WITHIN A ZONE X, WHICH IS DEFINED AS AREAS OUTSIDE THE 500 YEAR FLOODPLAIN.

This survey was prepared in conformity with The Technical Standards for Property Surveys in Georgia as set forth in Chapter 180-7 of the Rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in the Georgia Plat Act O.C.G.A. 15-6-67.

[illegible]

Plat Date: 11/26/2019

Scale: 1" = 20'

BOUNDARY SURVEY FOR RICK SHAH OF

174 N MAIN STREET
LAND LOT 1252 2nd DISTRICT 2nd SECTION
CITY OF ALPHARETTA, FULTON COUNTY, GEORGIA

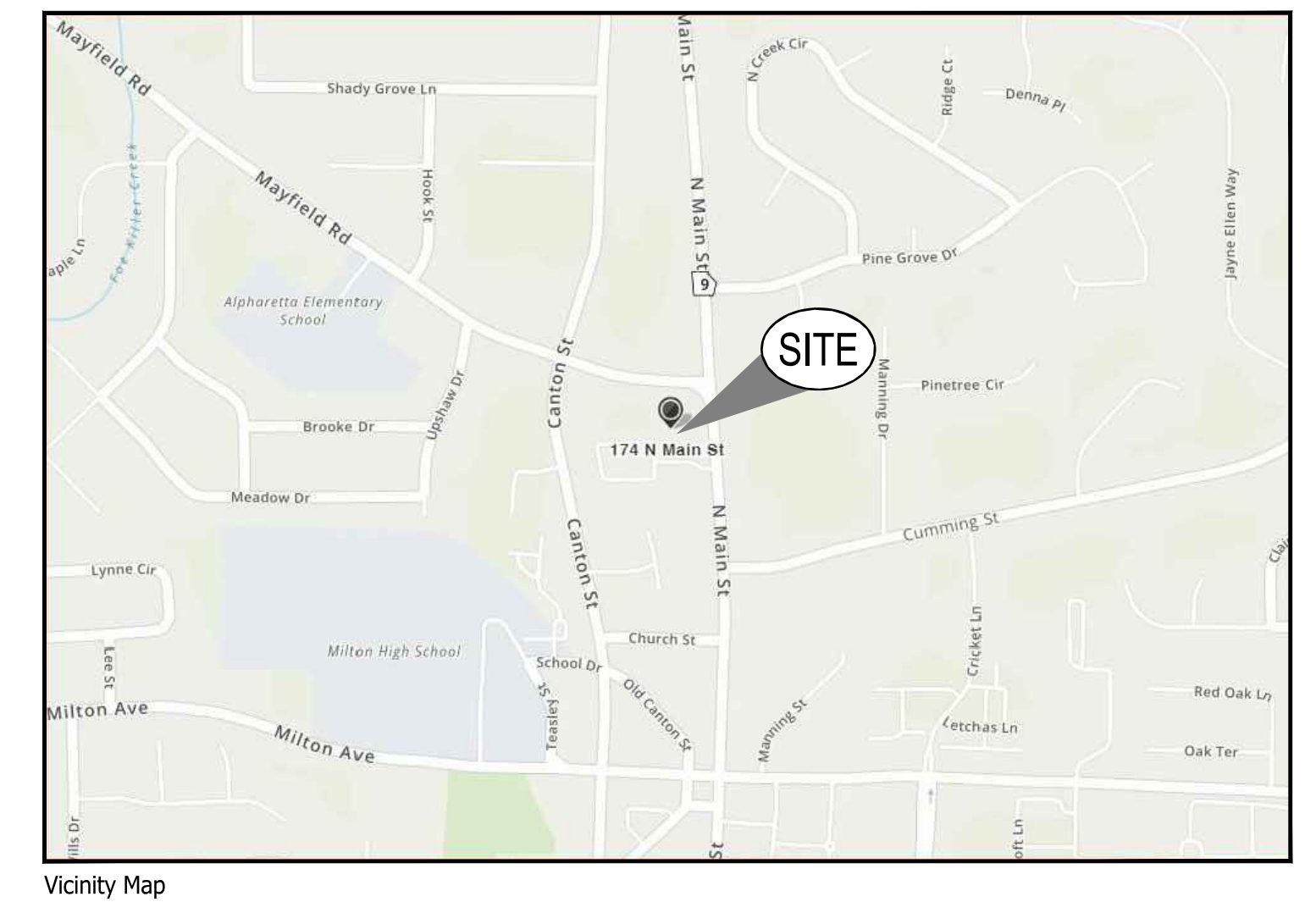
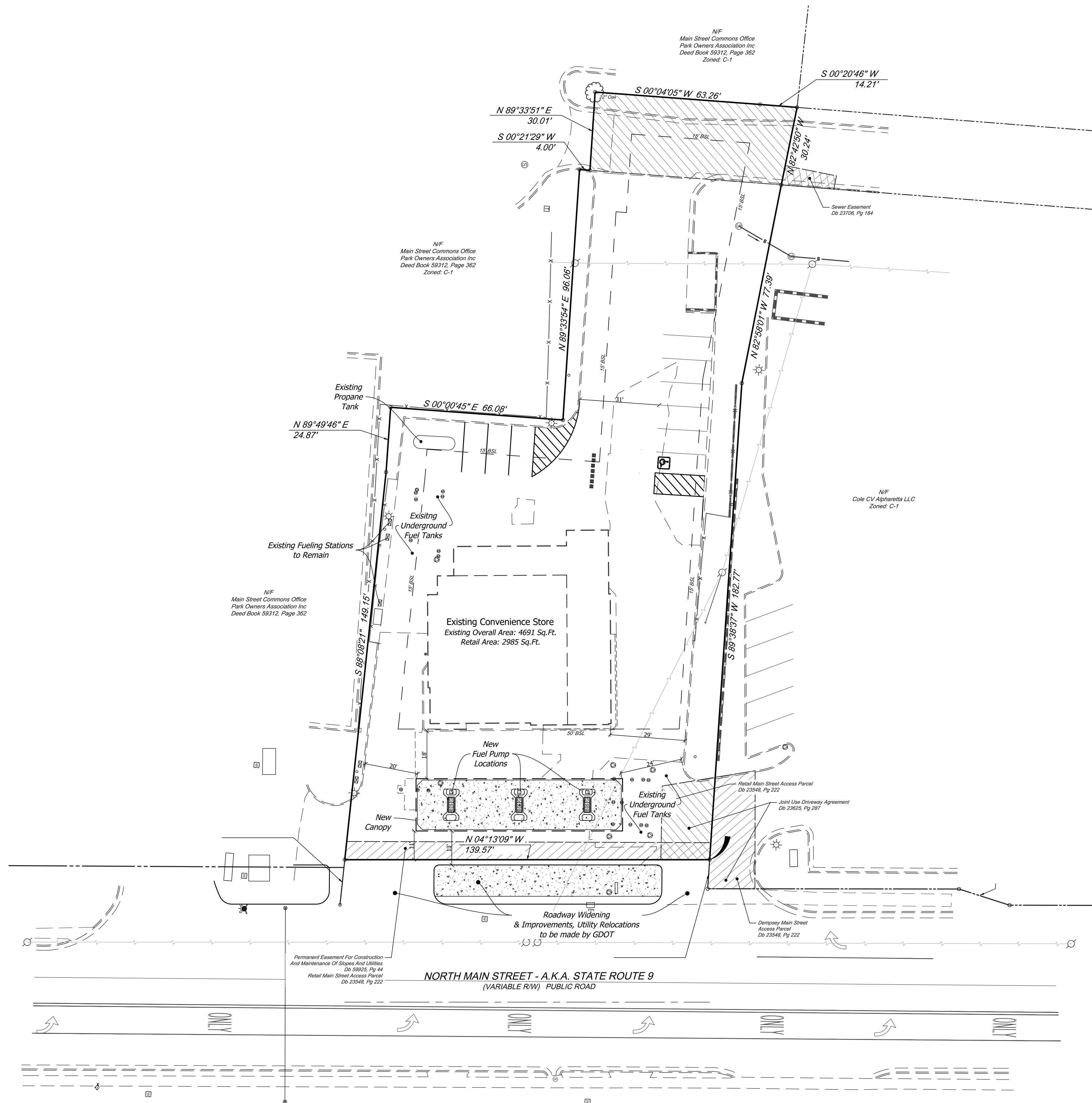
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JOB #: 2019-610

CRD: 174 N MAIN ST

DWG: 174 N MAIN ST

LSV:

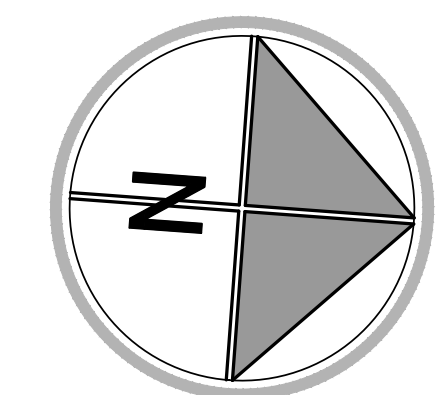


Legend

-  Handicap Accessible Parking Space
-  Proposed Traffic Flow Arrows
-  Existing Traffic Flow Arrows

General Site Notes

1. Site Tax Parcel Number: 22 482212521045
2. Site Address: 174 N Main St., Alpharetta, Georgia 30009
3. Total Project Area: 0.736 acres
4. Project Zoned: C-1
5. All dimensions are to face of curb or face of building, unless otherwise indicated.
6. Existing Land Use: C-Store; Proposed Land Use: C-Store
7. Zoning Requirements:
 - Yard Setbacks
 - Front - 50 feet
 - Side - 15 feet
 - Rear - 15 feet
8. Parking Summary
 - Minimum Required Parking Spaces: 2 per fuel pump (4), plus - 1/250 sq.ft. retail space (2252 sq.ft.). = 3 spaces at fuel pumps, plus 9 spaces retail.
 - Provided Parking Spaces - 3 spaces at fuel pumps plus 9 spaces retail (12 total); includes 1 handicap accessible spaces.

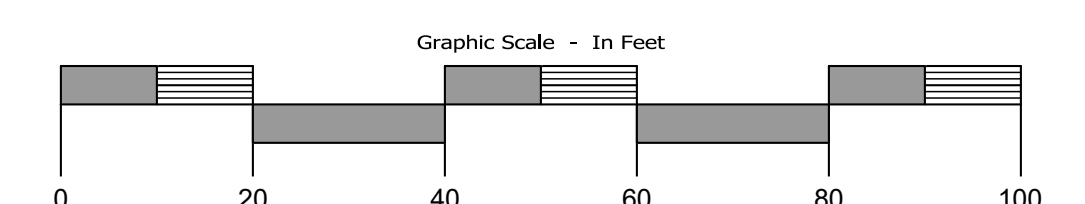


Concept Plan Convenience Store on North Main

174 North Main Street

Parcel: 22 482212521045

City of Alpharetta
Land Lot 1252, 2nd District
Fulton County, Georgia

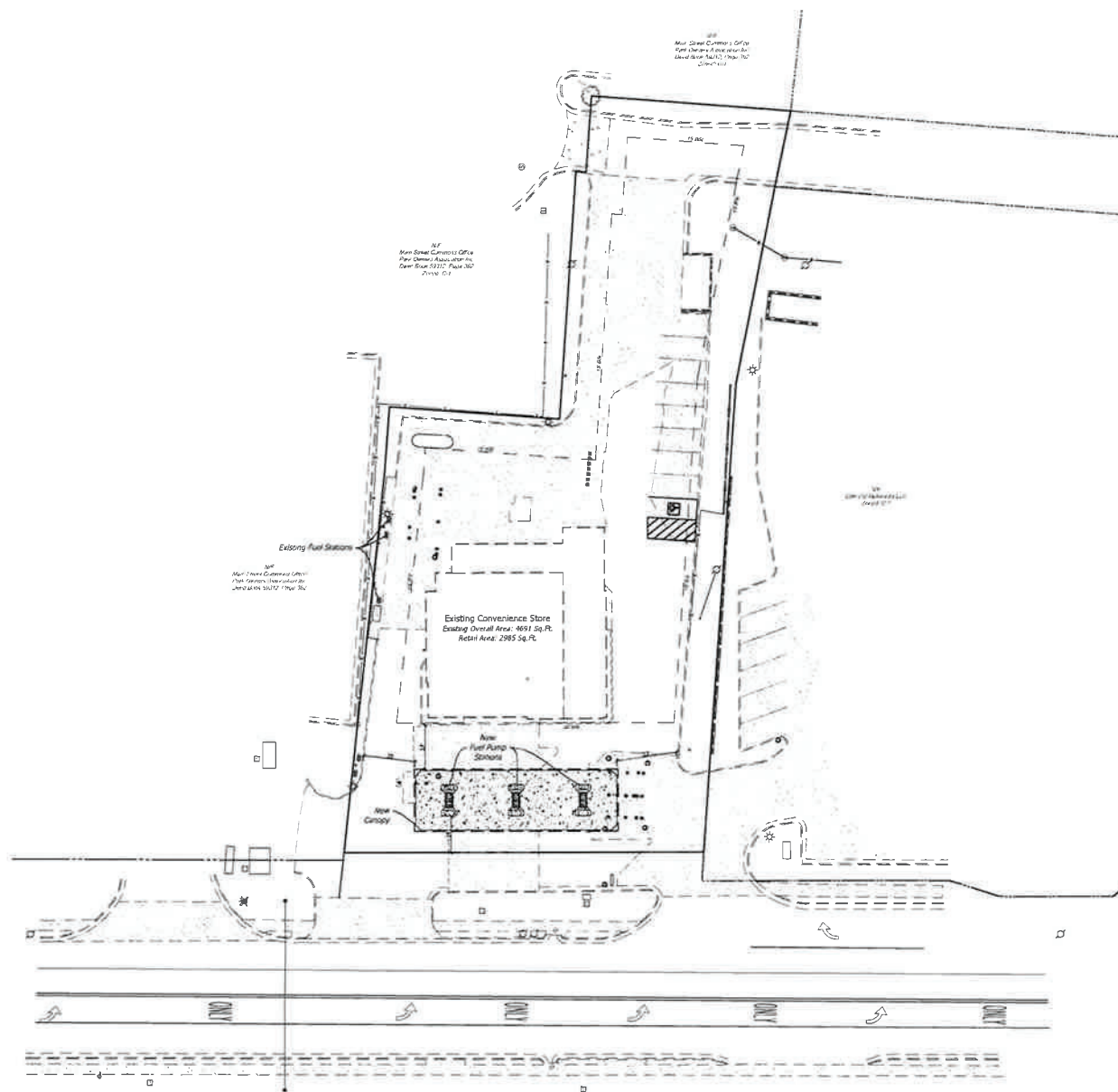




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Legend

- Handicap Accessible Parking Space
- Proposed Traffic Flow Arrows
- Existing Traffic Flow Arrows

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 - Side - 15 feet
 - Rear - 15 feet



Convenience Store Post Construction Operations Plan

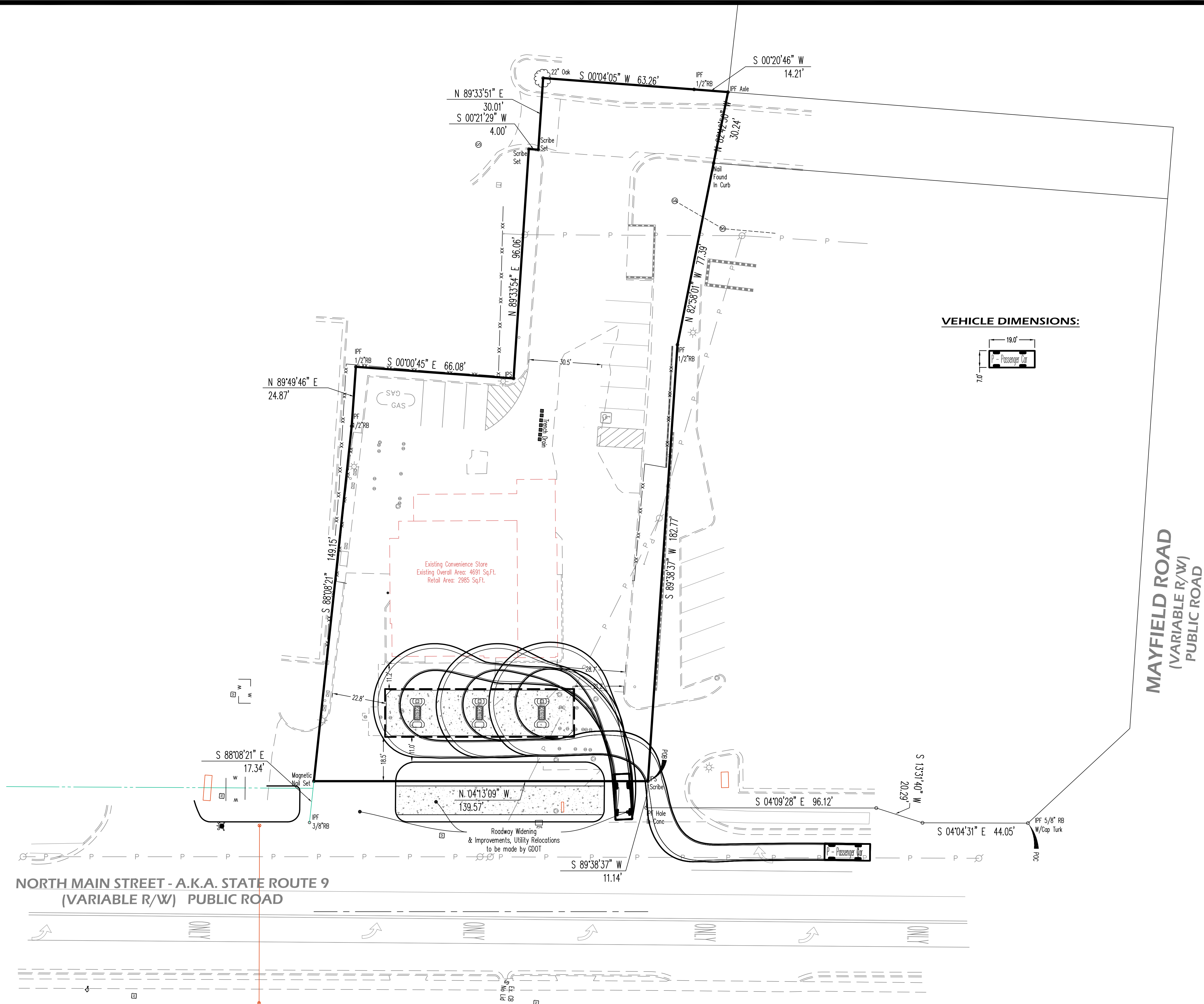
174 North Main Street

Parcel: 22 482212521045

City of Alpharetta
Land Lot 1252, 2nd District
Fulton County, Georgia



Date: 2020-05-04; Scale: 1" = 20'; File: 20-0011 Sheet 1 of 1



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jevans@evansdg.com

REGISTERED
NO. 26681
PROFESSIONAL
ENGINEER
JOY M. EVANS
GSWCC LEVEL II CERT. # 10877

PROJECT NAME
**CONVENIENCE
STORE ON
NORTH MAIN**

174 NORTH MAIN STREET
L.L. 1252, 2nd DIST.,
CITY OF ALPHARETTA,
GEORGIA

DATE:
05-29-20

DESIGN BY	DRAWN BY	CHECKED BY
JME	JME	JME

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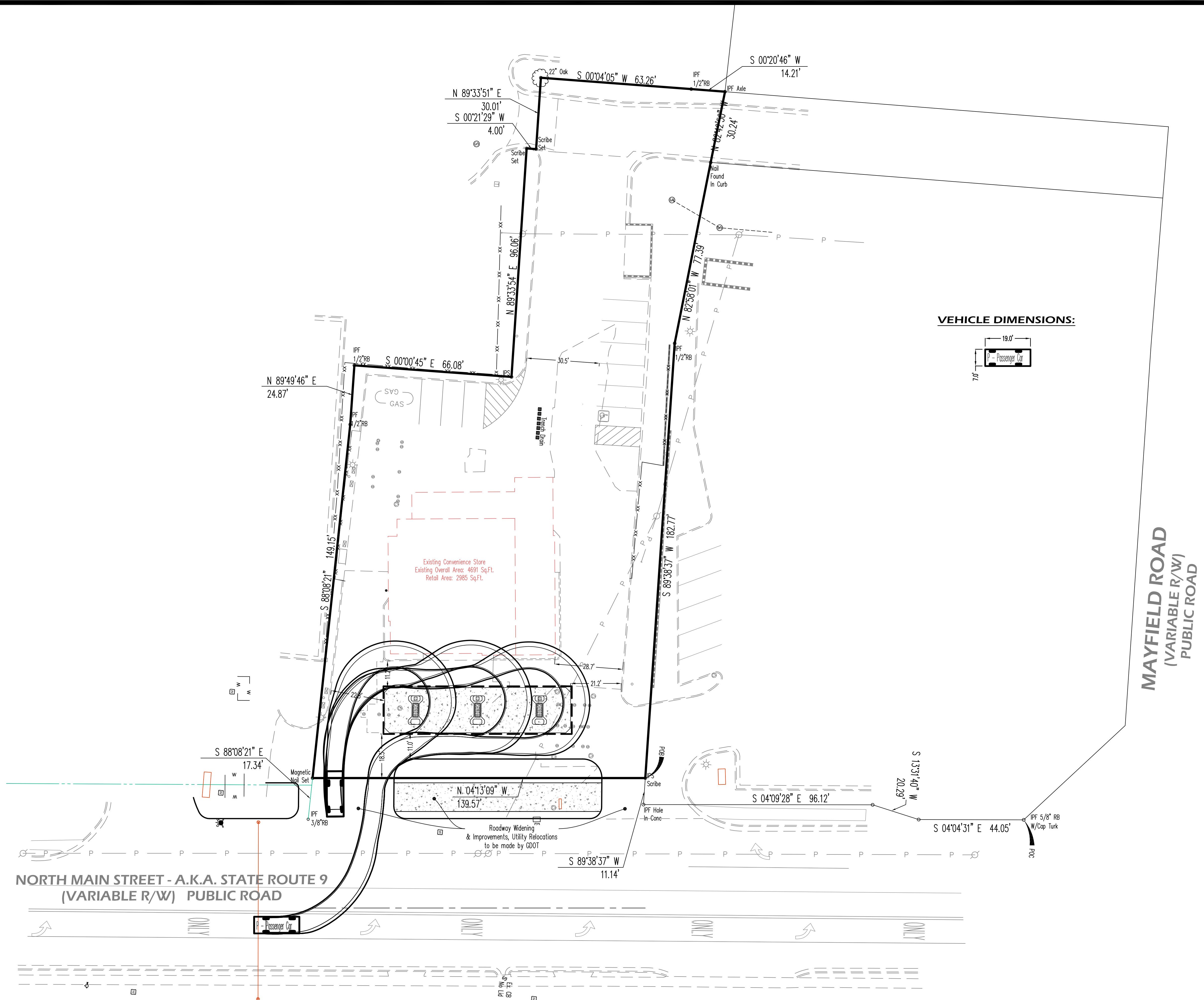
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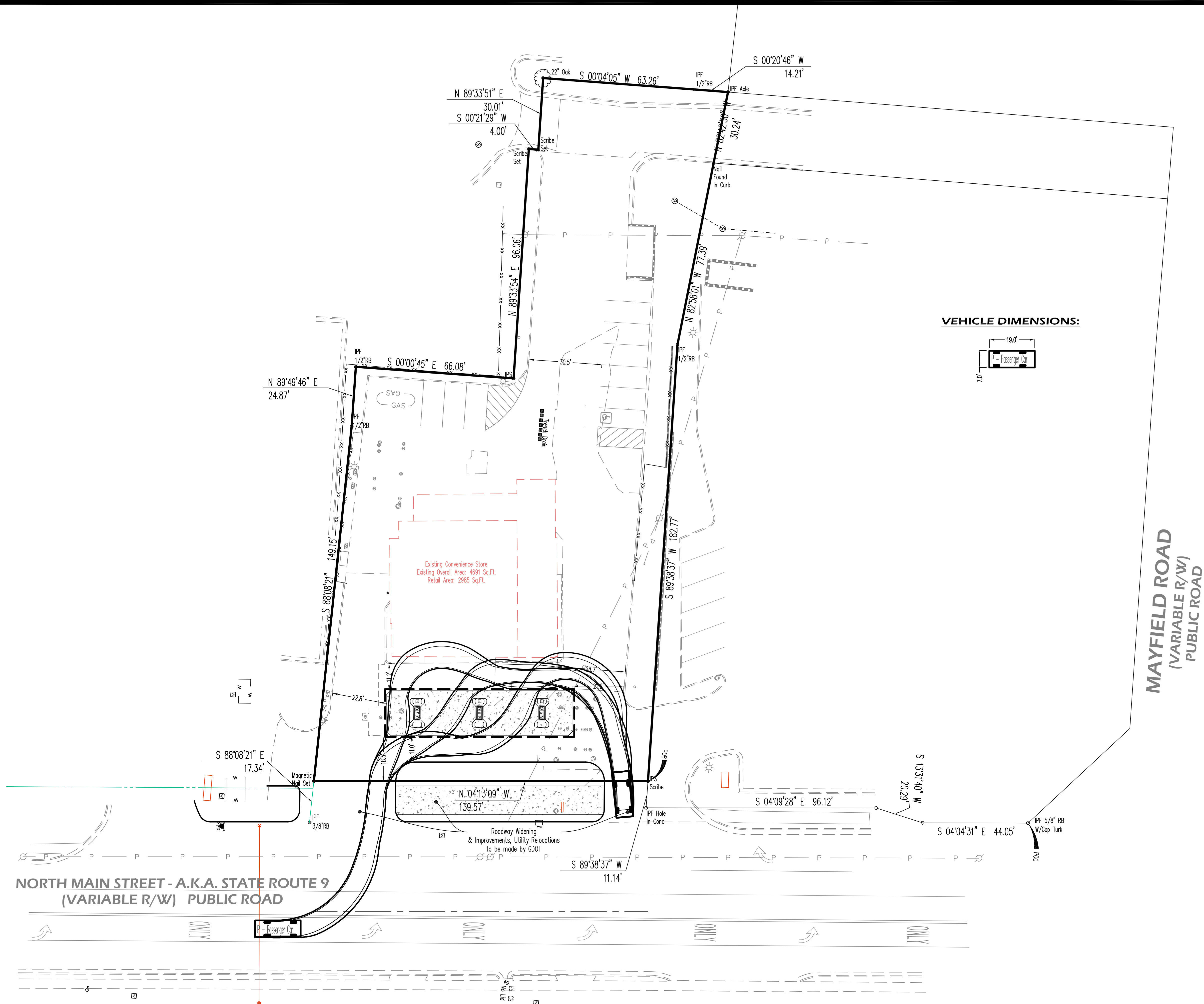
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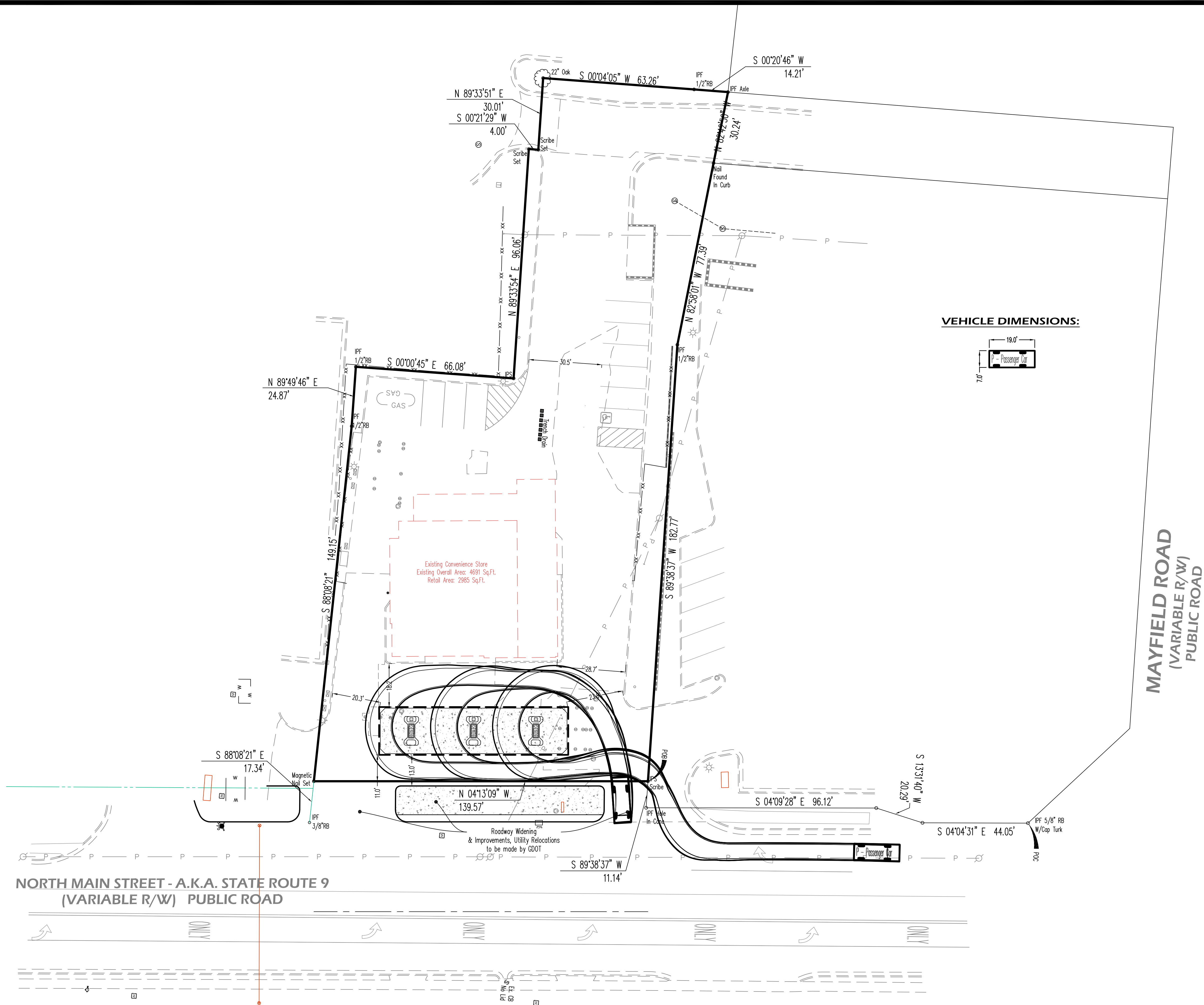
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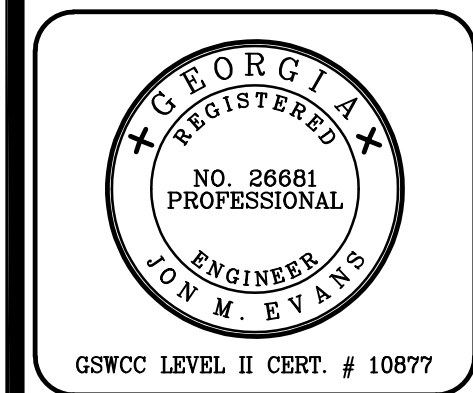
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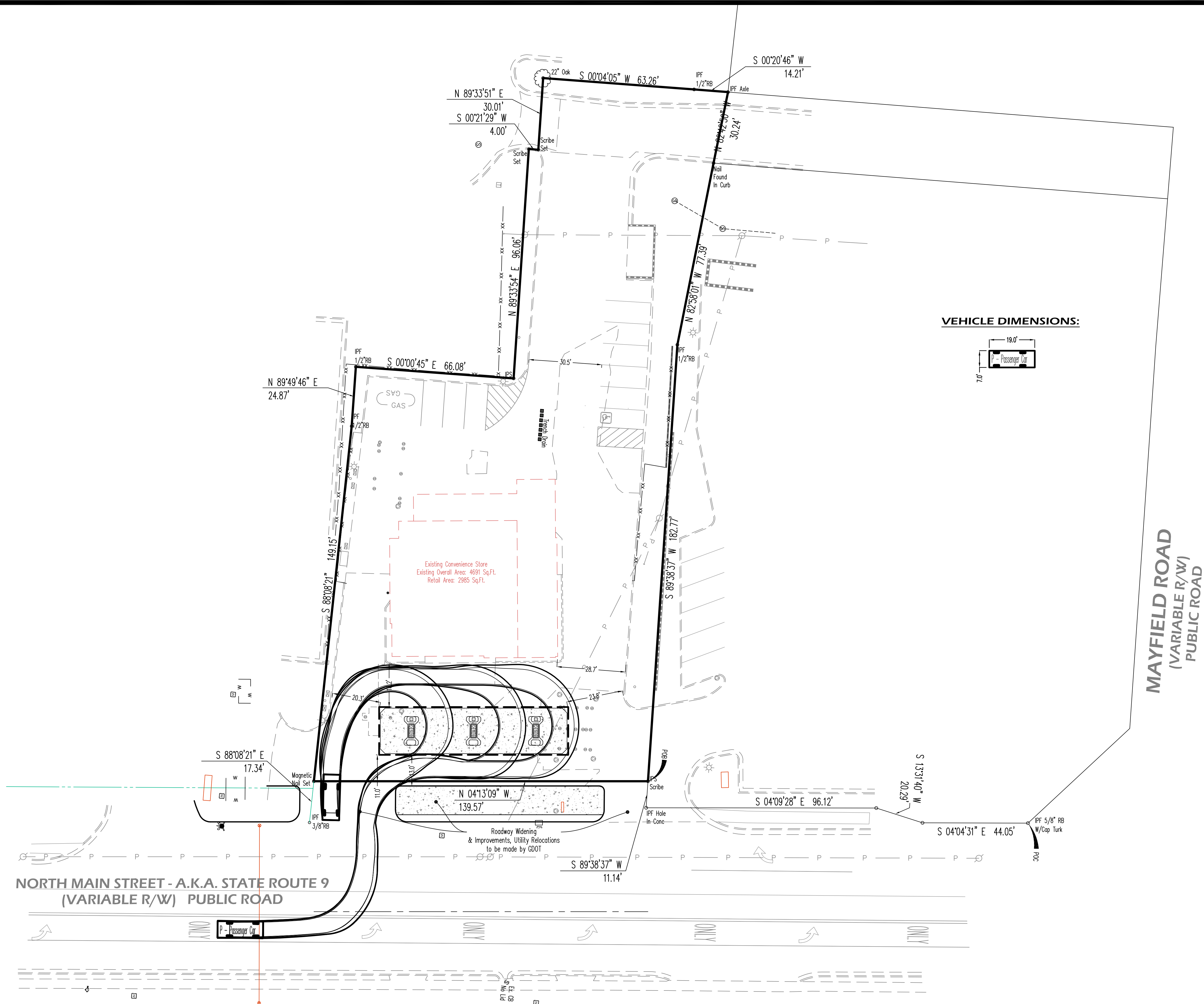
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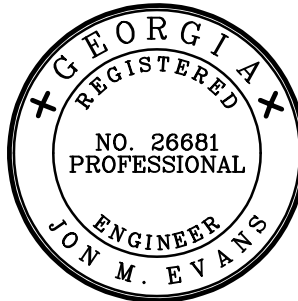
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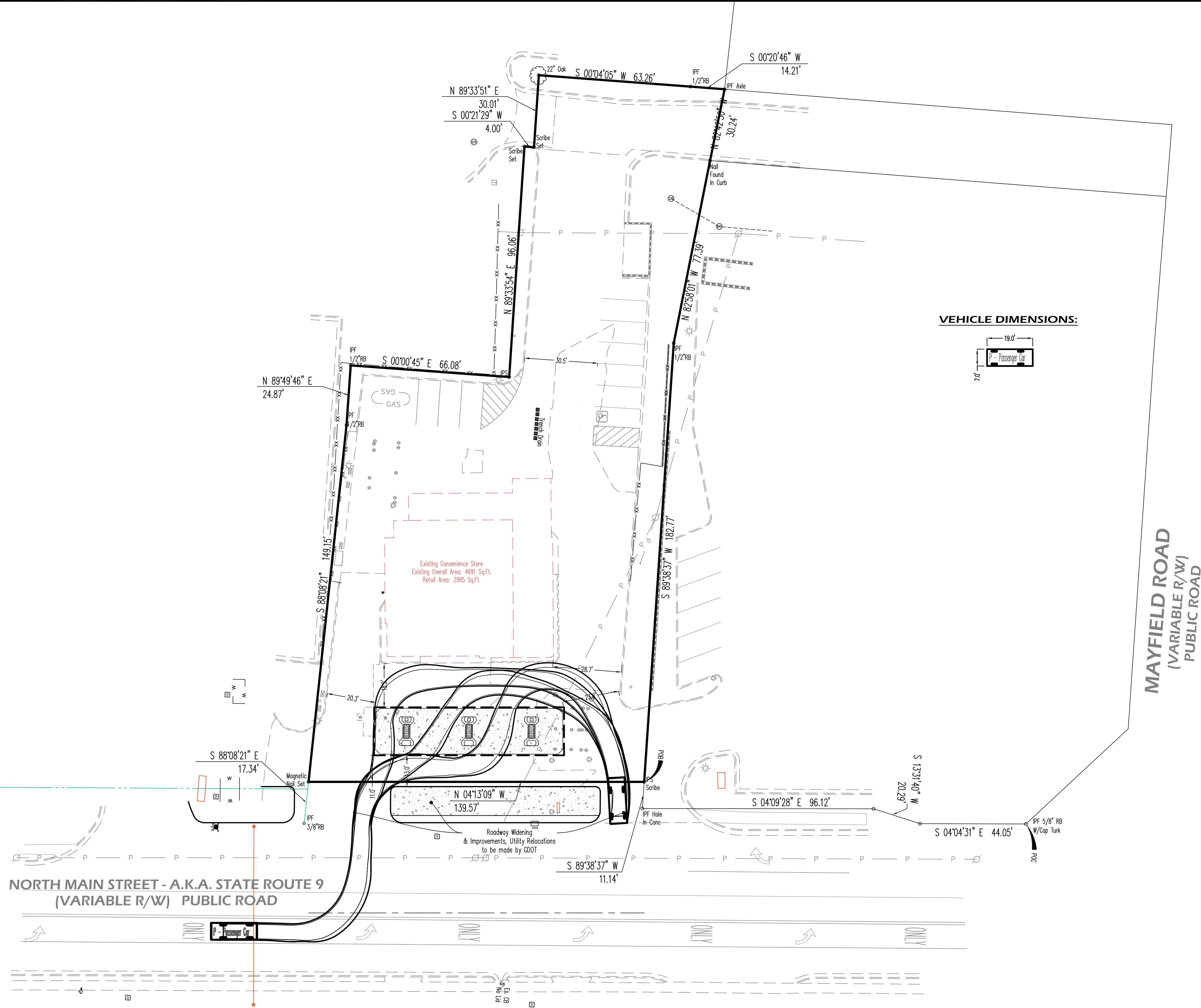
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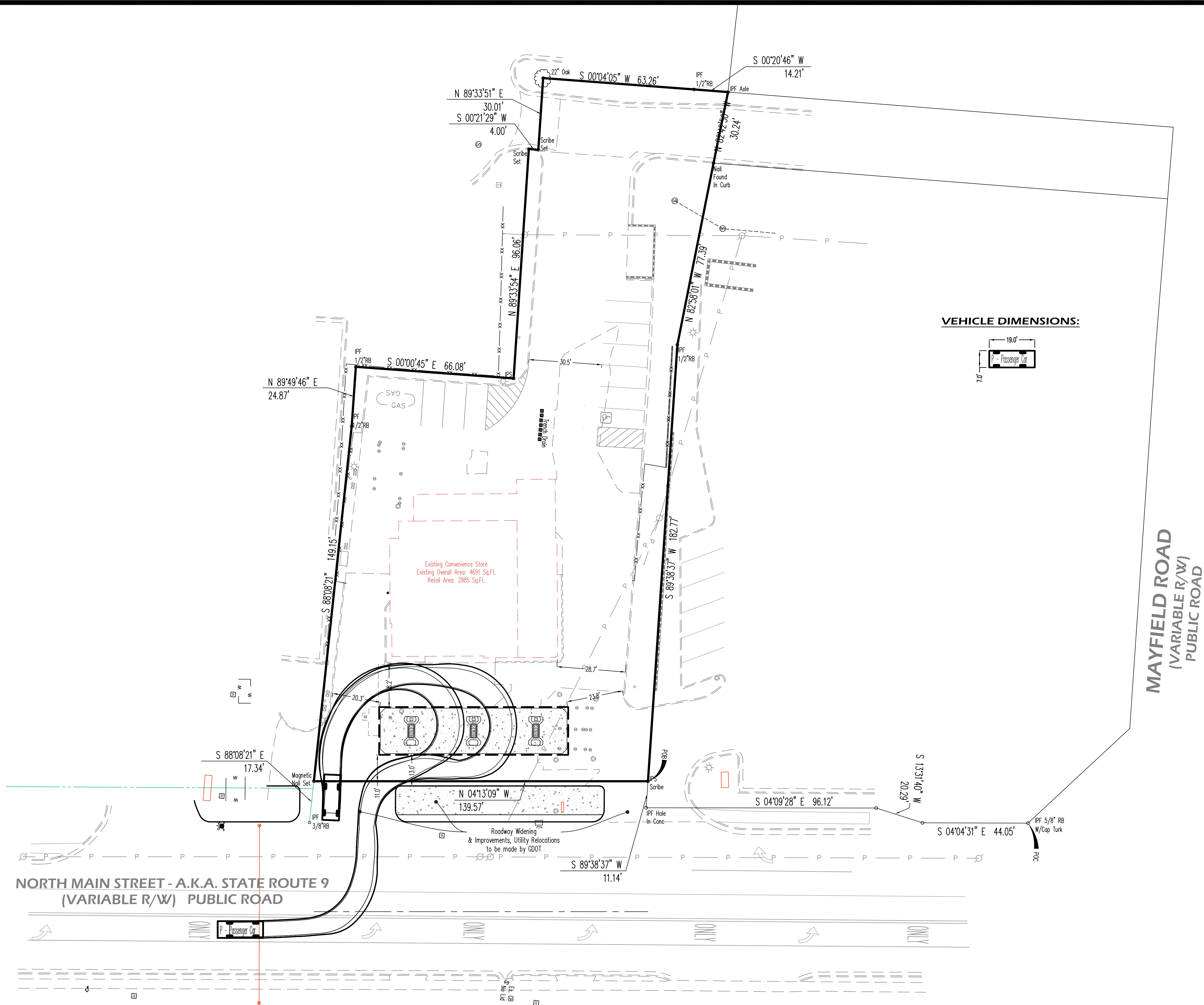
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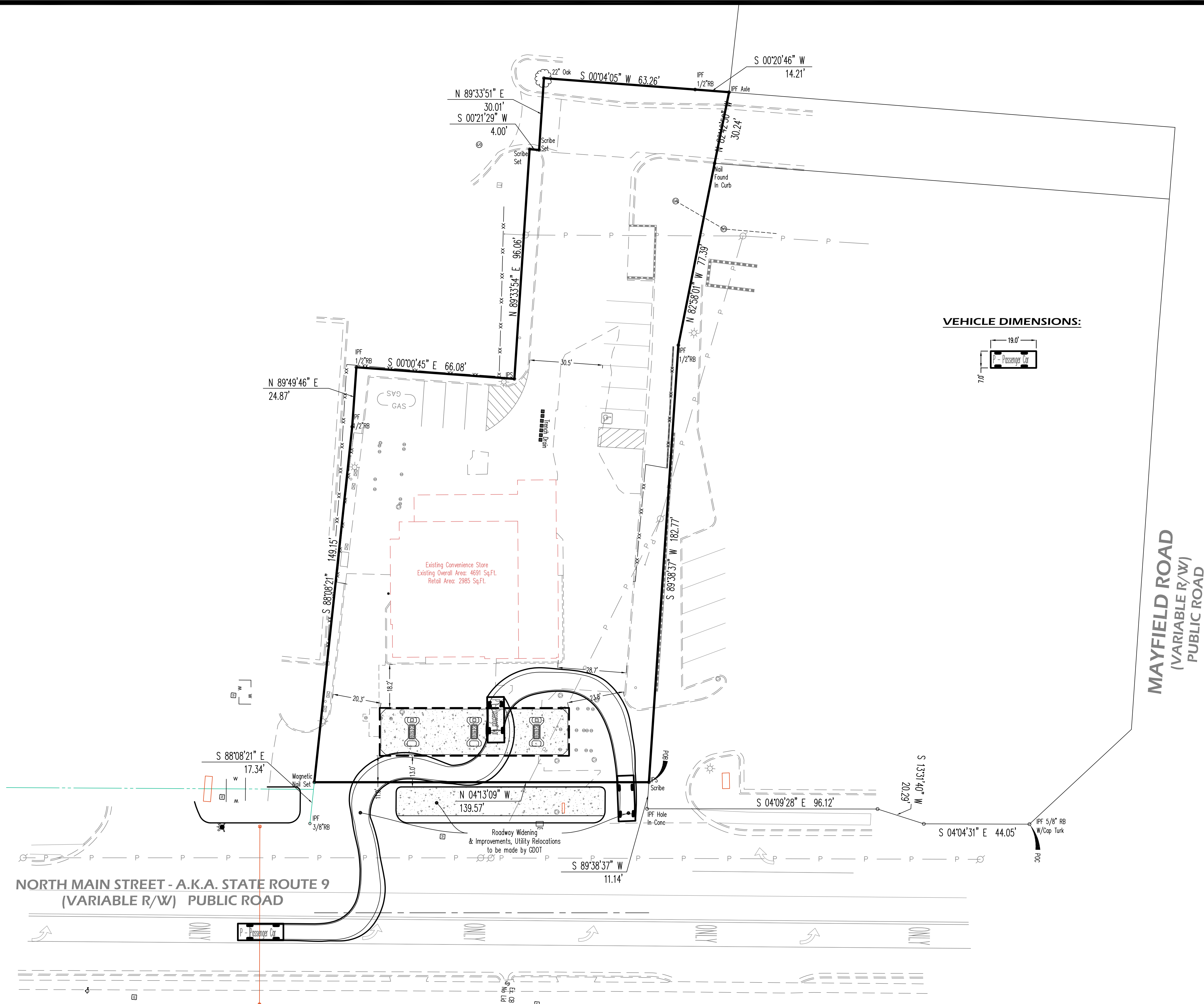
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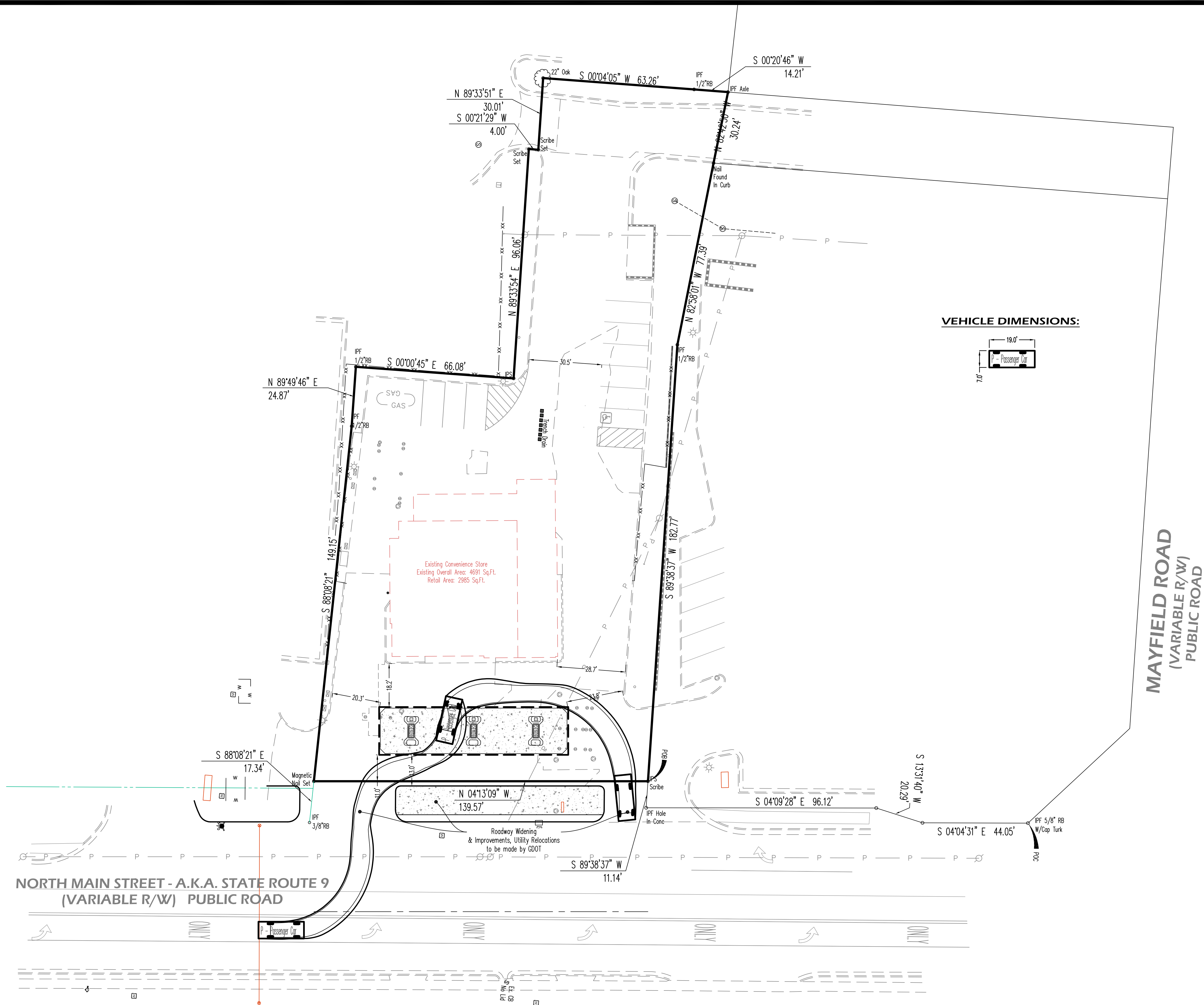
JOB NUMBER:

SHEET TITLE

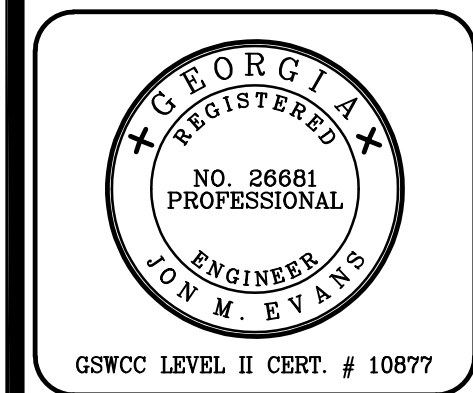
**CAR TURN
EXHIBIT**

C-0





Evans Design Group, Inc.
Civil Engineering /
Site Planning /
Land Development Services
4755 Summer Song Court
Buford, GA 30519
(Ph) 678.207.6830
jevans@evansdg.com



PROJECT NAME
**CONVENIENCE
STORE ON
NORTH MAIN**

**174 NORTH MAIN STREET
L.L. 1252, 2nd DIST.,
CITY OF ALPHARETTA,
GEORGIA**

DATE:
05-29-20

DESIGN BY	DRAWN BY	CHECKED BY
JME	JME	JME

☒ Not Released For Construction
☐ Released For Construction

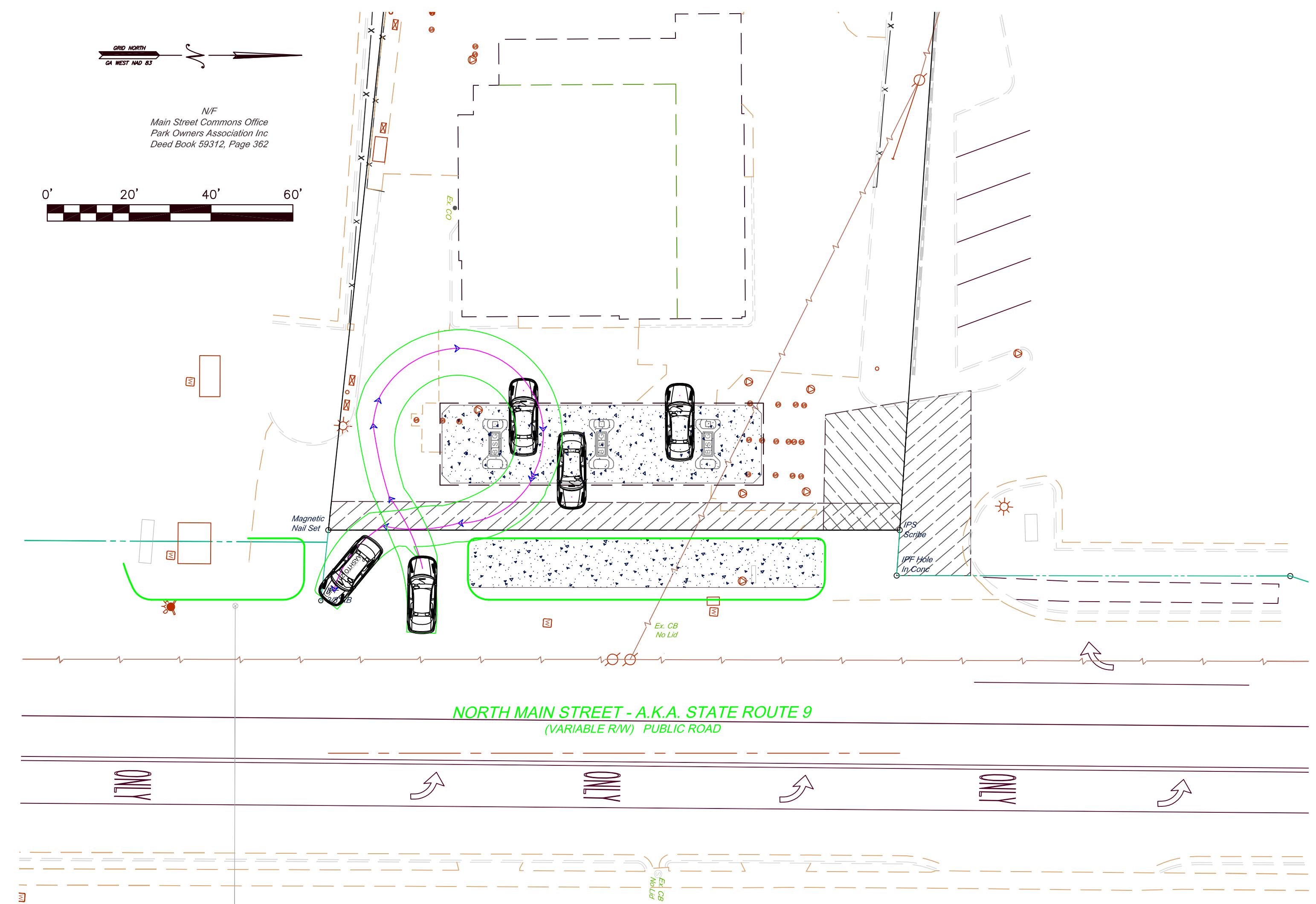
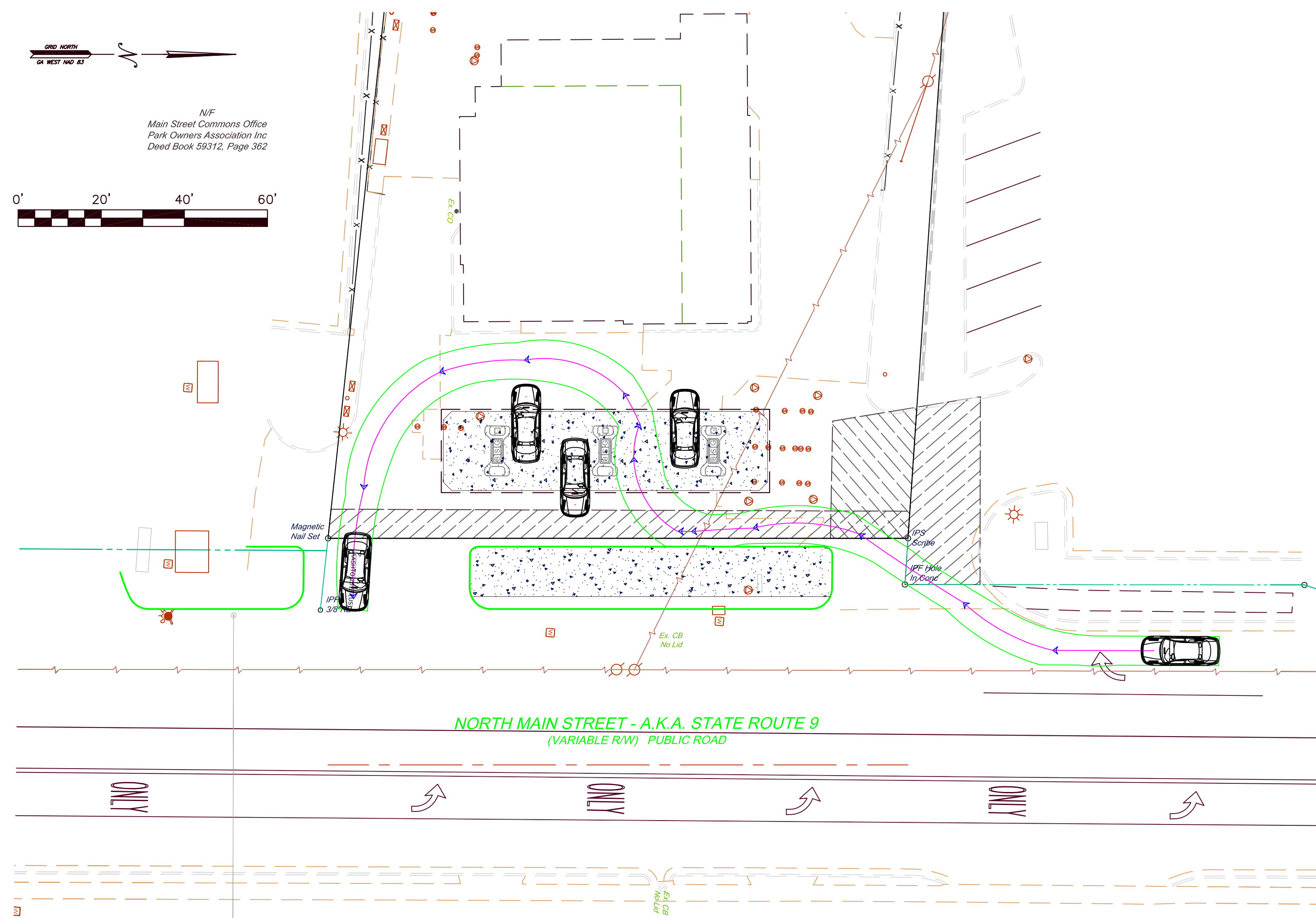
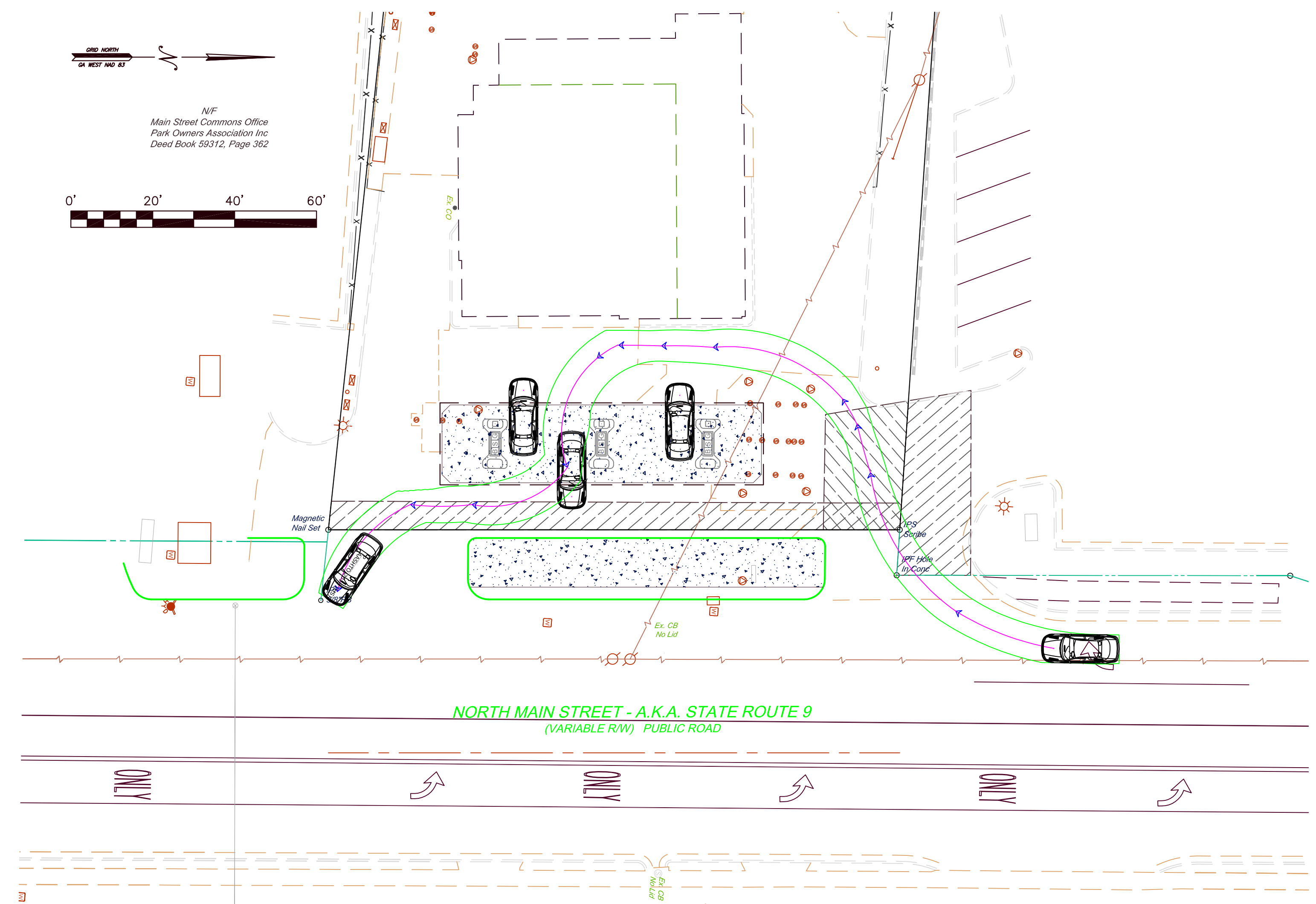
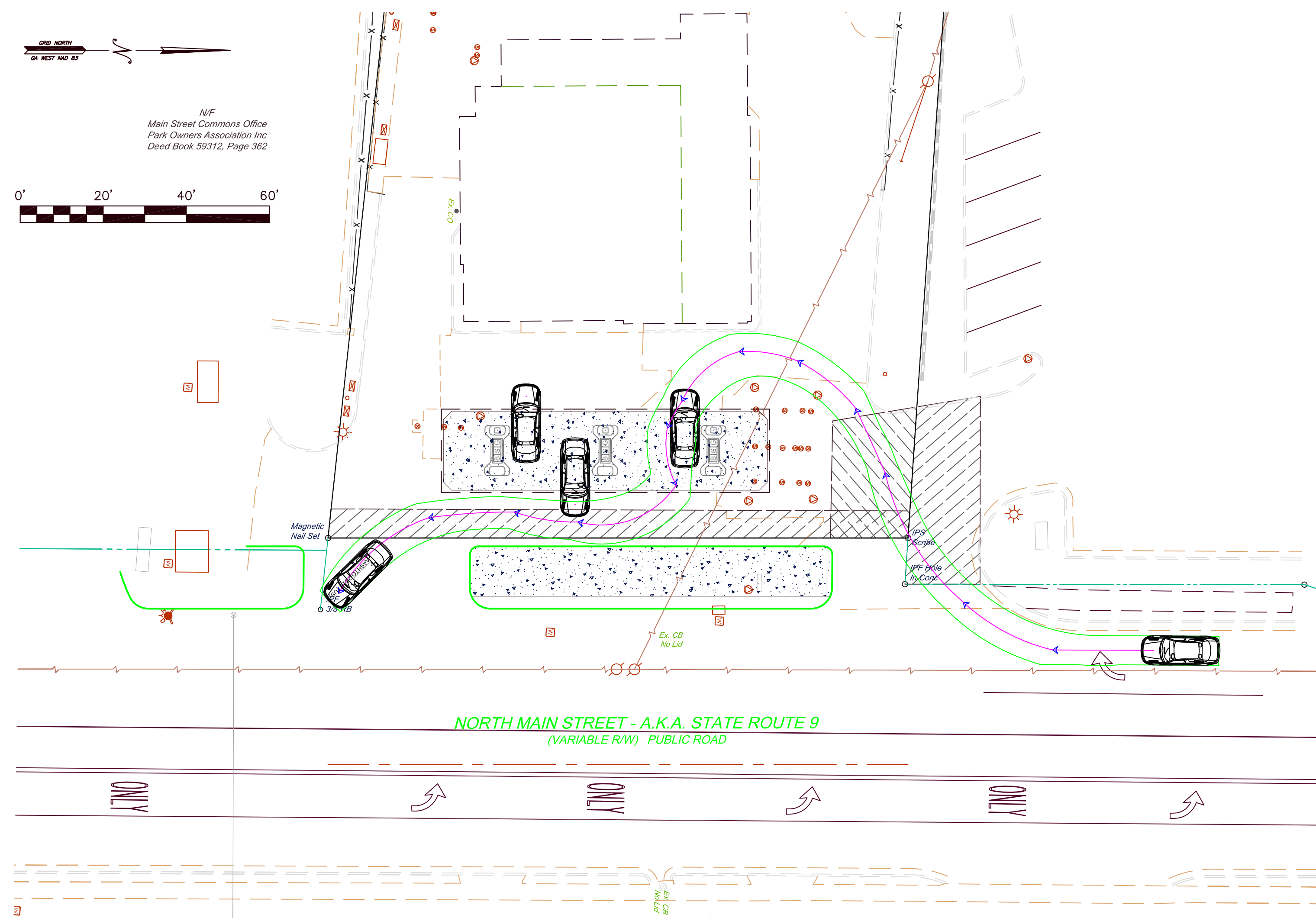
OWNER/DEVELOPER

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REVISIONS	

JOB NUMBER:

SHEET TITLE
**CAR TURN
EXHIBIT**
C-0

[illegible]

Field Date: N/A

lat Date: 5/27/20

scale: 1"=XX'

SWEPT PATH ANALYSIS
FOR
174 NORTH MAIN STREET
LAND LOT 1252 2nd DISTRICT
CITY OF ALPHARETTA, FULTON COUNTY, GEORGIA



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: PH-21-06 KAIROS THOMPSON STREET CHANGE TO CONDITION OF ZONING

CITY COUNCIL:

AUGUST 15, 2022

This item was considered and tabled at the 4/26/2021 City Council meeting. There were several public comments with concerns that the developer has not completed outstanding punch lists items for Phase 1 residents, Phase 1 outdoor living area is missing a grill, fire pit and outdoor furniture, City site completion list is incomplete, how shared maintenance of a shared underground stormwater facility will work, decrease in open space in Phase 2, need a visual screen between different phases of development at entrance, trees to be removed not removed yet, location of egress to natural amenity area, shared driveway should not be used by Phase 2 construction vehicles, HOA for homes will be separate from condominium association, developer should comply with noise ordinance during construction, developer should finish 1st phase before moving onto the 2nd phase, and support the change to detached homes. The applicant provided a copy of a settlement agreement between the developer and Phase 1 residents. In addition, Staff has confirmed that the applicant has completed the site completion list associated with Phase 1. Now, because the applicant has completed the site completion list associated with Phase 1, Staff has placed this application as a Public Hearing Item on this meeting agenda for renewed consideration by the City Council.

II. RECOMMENDATION:

Approve PH-21-06 Kairos Thompson Street Change to Condition of Zoning, subject to the following conditions:

Modified 2016 Conditions (changes reflected in RED text):

1. The site, shall be zoned DT-LW. Land Use shall be "Mixed Use Live-Work".
2. Property shall be developed substantially in accordance with submitted plan by Kairos Development Corporation dated 8/23/2016 as presented on 9/26/2016 (Phase 1) and site plan by Paradigm, dated 4/12/21 (Phase 2). However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.
3. Building elevations of the condominiums shall be substantially similar to those presented on 9/26/16 (Phase 1) with final approval by Staff. Side building elevations seen from Thompson Street shall have significant architectural features and materials as approved by Staff.
4. Thompson Street shall generally be improved as follows: 36' half width right-of-way to incorporate 8' sidewalk (concrete with brick paver banding), 6' planting area, 8' on-street parking, and 10' travel lane with final approval by Staff. Final streetscape shall match the approved Thompson Street streetscape standards as approved by Senior Transportation Engineer.
5. Thompson Street shall include stacked stone or granite wall between sidewalk and the park with final approval by Staff. Under ledge wall lighting shall be required. Benches and a public art pedestal approved by Staff shall be provided in dedicated pocket park area.
6. Roadways with on-street parking shall incorporate curb extensions at intersections. All entrance drives shall be constructed with decorative pavers approved by Staff.
7. Development shall not be gated.
8. Internal sidewalks to the front of units shall be provided.
9. Civic space along Thompson Street shall include a mix of trees, shrubs, and ground covers of varying heights, textures and colors as approved by Staff.

10. Additional consideration shall be given to those trees that will be visible from Thompson Street that add to the overall aesthetics and "Park-Like" appearance of the Thompson Street landscape.
11. Trees shall be saved as depicted on the plan prepared by Brunson & Company, revised 4/12/21. CRZ impacts greater than 20% shall have a specific tree care plan, as approved by Staff. Developer shall begin implementing tree care plan at least 3 months prior to the start of site work.
12. Street trees along Thompson Street shall be a minimum of 4" caliper at time of planting and shall include tree grates as approved by Staff.
13. A minimum 10' landscape strip shall be provided to the west and east shall be provided and shall incorporate existing trees as approved by Arborist.
14. Applicant shall make an effort to determine if any existing landscaping (ornamental trees and shrubs) can be spaded and relocated on site to enhance the maturity level of landscaping at time of project completion.
15. Additional encroachment into the CRZ of saved trees on a case by case basis will be allowed if retaining walls, tree wells, structural soils, or other innovative measures are used. This will be allowed where constructability may be a challenge based upon topography or other site factors.
16. Amenity area at the rear of the 2.4-acre property shall be improved with hardscape and landscape, including a walking trail and dog walk. Walking trail shall consist of decorative stone aggregate and there shall be a minimum of 3 seating areas, as depicted with final approval by Staff.
17. Building height for condominium buildings shall be limited to 48' when measured from the finished elevation of Thompson Street and not including the parapet wall. Maximum building height for single-family detached homes shall be 40'.
18. Applicant shall provide an easement to the City for the civic space including seating areas along Thompson Street. Space shall be maintained by the Homeowners Association.

New Conditions:

1. Building elevations of the homes shall be substantially similar to the renderings prepared by Main Street Designs, dated 3/8/21, with final approval by DRB. Each home shall have a unique elevation, and each shall have a garden wall with gate, chimney and wood shingle roof complimenting the architectural style.
2. Stoops, porches and courtyards shall not be permitted within the 10' setback depicted along Thompson Street.
3. There shall be no on-street parking on the minimum 20' alley and surface shall hold 75,000 lbs. to support a fire truck.
4. A land disturbance permit shall not be issued for Phase 2 until the developer has completed all Phase 1 site completion list items in Exhibit A, which includes but is not limited to improvements to the rear amenity area (stairs to access area, walking path, seating areas, landscaping, general cleanup, etc.).
5. Garbage pickup shall be from the alley, not Thompson Street.
6. No more than 10% of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.
7. Previous conditions of zoning related to file #PH-16-15 Thompson Street Flats/Kairos Development shall remain in effect, except as noted in the modified and new conditions above.

III. REPORT IN BRIEF:

The applicant, Kairos Development, requests changes to conditions of zoning on a 2.4-acre property previously approved for a 24-unit 'For-Sale' condominium development. The requested change would allow for twelve (12) 'For-Sale' condominium units to be replaced with ten (10) 'For-Sale' single-family detached homes. The subject property is located at 51 and 61 Thompson Street near the southeast corner of Thompson Street and Haynes Bridge Road.

DISCUSSION

The submitted request, if approved, would allow for twelve (12) 'For-Sale' condominium units in two (2) buildings to be replaced with ten (10) 'For-Sale' single-family detached homes. The proposed change would result in a reduction to the residential density from ten (10) dwelling units per acre to 9.2 dwelling units per acre. The subject property is located at 51 and 61 Thompson Street near the southeast corner of Thompson Street and Haynes Bridge Road.

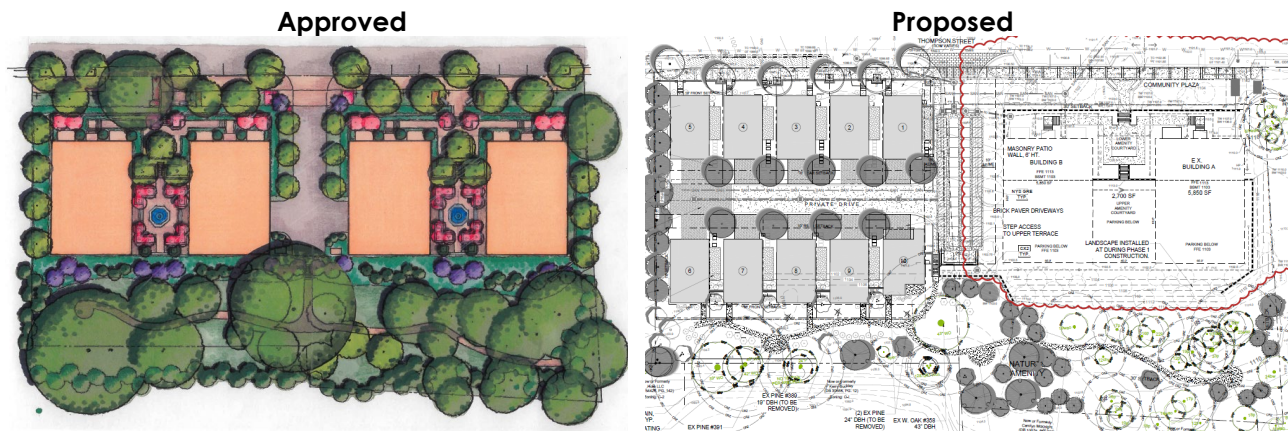
Approximately one (1) acre of the property is currently undeveloped and represents Phase 2 of the Thompson Street Flats development. Surrounding properties are zoned DT-LW (Downtown Live-Work) to the east and south, C-2 (General Commercial) to the west and MU (Mixed Use) to the north. Phase 1 of the Thompson Street Flats development is located to the east, an undeveloped property approved for Kairos Old Milton Office Buildings is located to the south, an undeveloped commercial property is located to the west and Voysey Subdivision is located to the north. The Comprehensive Land Use Plan designation of the property is 'Mixed Use Live Work', which allows the proposed use.

The submitted request, if approved, would allow for changes to conditions of zoning related to the Thompson Street Flats/Kairos Development. The proposed changes include replacing twelve (12) condominium units with ten (10) single-family detached homes and removing some tree saves. The property was rezoned to DT-LW (Downtown Live-Work) on November 16, 2015 to allow for 24 'For-Sale' condominium units in four (4) buildings with a density of ten (10) dwelling units per acre. The following year, Kairos Development received approval of a change to previous conditions of zoning to reconfigure the site layout and to change the architecture. The applicant proposes the following changes to the conditions of zoning related to file PH-16-15 Thompson Street Flats/Kairos Development:

2. Property shall be developed substantially in accordance with submitted plan by Kairos Development Corporation dated 8/23/2016 as presented on 9/26/2016 (Phase 1) and site plan by Paradigm, dated 4/12/21 (Phase 2). However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.
3. Building elevations shall be substantially similar to those presented on 9/26/16 (Phase 1) and 2/1/21 (Phase 2) with final approval by Staff. Side building elevations seen from Thompson Street shall have significant architectural features and materials as approved by Staff.
11. The ~~23" pecan tree and~~ 24" Black Walnut (#368) shall be incorporated into the site plan. Applicant shall make every effort to incorporate the 40" Water Oak (#358), 8" Dogwood (#373), 33" Pine (#367), ~~28" Water Oak (#363), 48" Water Oak (#365),~~ 36" Water Oak (#372) and 25" Water Oak (#366) into the site plan with final approval by Staff. Applicant shall be responsible for any recompense.

SITE PLAN ANALYSIS

The approved site plan depicts four (4) condominium buildings oriented to Thompson Street with an amenity and tree save area at the rear. Phase 1 of construction is complete and consists of two (2) condominium buildings with twelve (12) units on the eastern half of the property. The applicant's proposed site plan depicts ten (10) single-family detached homes located on the western half of the property, half of which are oriented to Thompson Street and the other half to the rear amenity area. Using the existing grade of the property, homes facing Thompson Street will be three (3) stories and homes facing the rear amenity area will be two (2) stories over basement/garage. The maximum height of the single-family homes is proposed to be 40'.



Homes are approximately 3,000 square feet and have a rear-loaded garage with access from a private alley. Garages and driveways will accommodate two (2) side-by-side parking spaces for a total of four (4) parking spaces per home. In addition, five (5) on-street parallel parking spaces are provided along Thompson Street. The main entrance off Thompson Street provides shared access to the condominiums to the east, as well as the single-family homes to the west.

The approved site plan depicts a 0.7-acre natural amenity/tree save area at the rear of the site and a linear park (civic space) along the property frontage on Thompson Street. The current proposal depicts the homes pulled up to the street, which reduces the linear park along Thompson Street. In addition, homes are pushed slightly into the rear amenity area. The exhibit to the right shows the impacts on these two (2) open space areas and the table below provides a comparison of the approved and proposed site plans.

Comparison – Approved vs. Proposed Site Plans

	Approved	Proposed
Site Acreage	2.4 acres	2.4 acres
Residential Type	Condominium	Condominium/Single-Family Detached (SFD)
Units/Density	24 dus (10 dus/ac)	22 dus – 12 Condo, 10 SFD (9.2 dus/ac)
Open Space	65.7% (68,260 SF)	60.4% (62,800 SF)
Total Impervious Area	39.5% (41,078 SF)	39% (40,955 SF)
Building Orientation	Thompson Street	Thompson Street & Rear Amenity Area
Parking	Structured (condo)	Garage/driveway (SFD)
Building Height	3-Stories, 48' (condo)	3-Stories, 40' (SFD)

BUILDING ELEVATIONS & ARCHITECTURE

The rendering below depicts the applicant's proposed single-family detached home elevations. According to the applicant's architect, each home will have a unique elevation with architectural styles varying between Tudor Eclectic, Stick and Shingle styles with a modern interpretation. The applicant's intent is to blend the classic details of the three (3) styles with an English modern design similar to Voysey. Materials and details applicable to each style will be provided on all sides of the homes. In addition, each home will have a unique garden wall with gate, chimney and wood shingle roof complimenting each style. The City's Downtown Consultant reviewed the proposed elevations and believes that they are generally consistent with the architectural styles approved in the Downtown.



CONCURRENCES

City Staff has reviewed the applicant's proposal and finds that it can support the applicant's request for changes to conditions of zoning. The proposal would result in a reduction in residential density and the single-family detached product is desirable in the Downtown. If approved, certain architectural details are recommended to ensure compatibility of the homes with the character of the Downtown Overlay and Thompson Street corridor.

CITIZEN PARTICIPATION PLAN

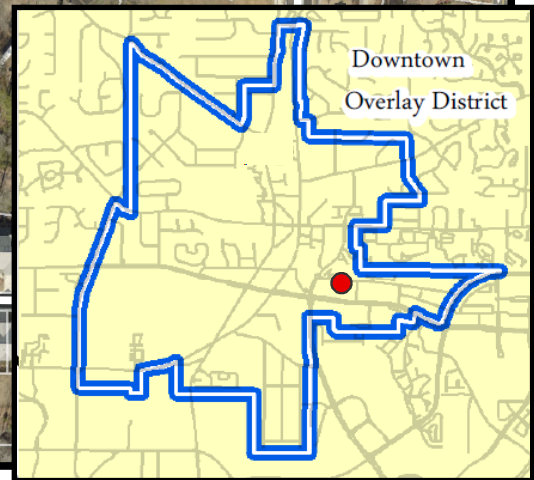
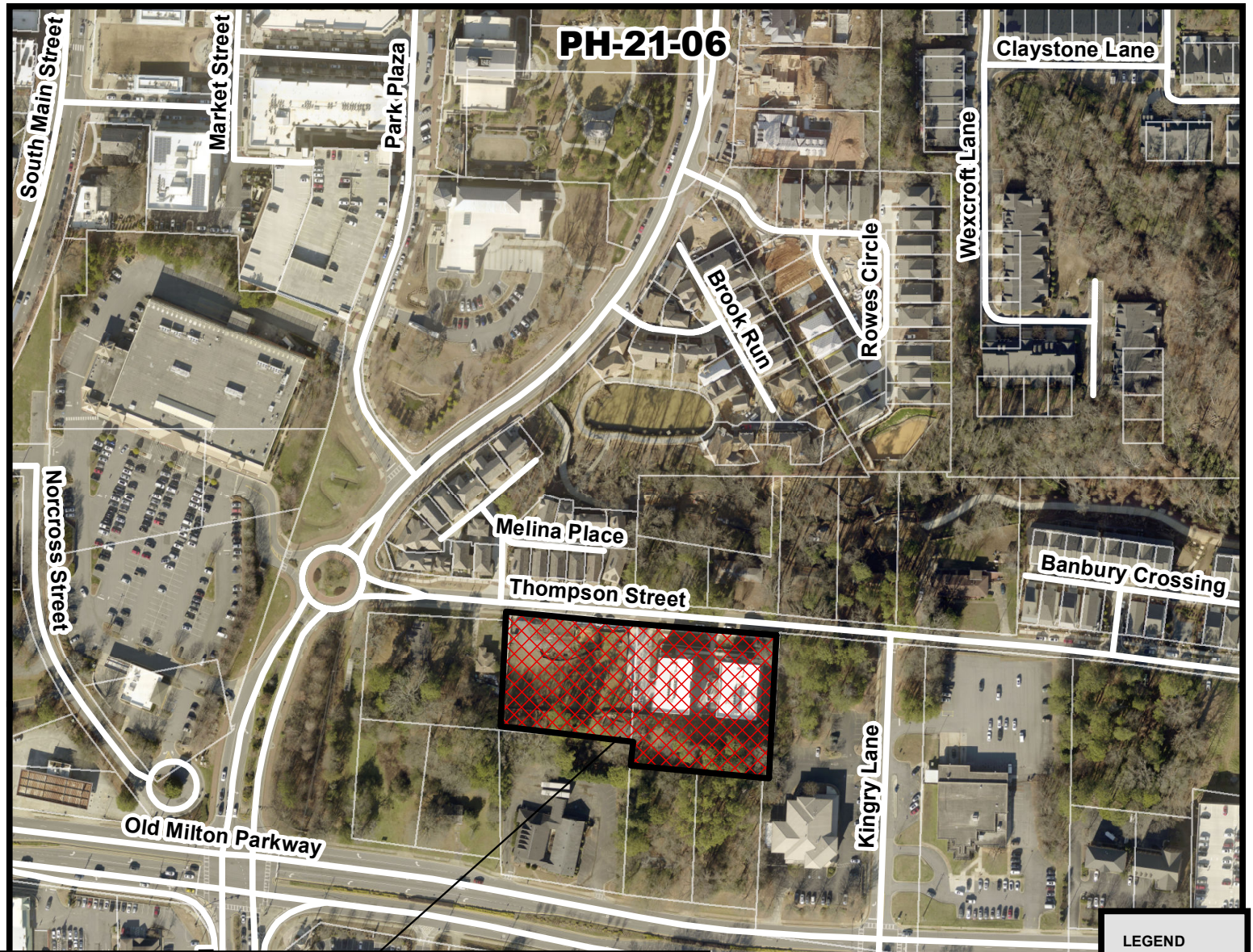
The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that comments were received from the Voysey HOA President in support of the request.

COMMUNITY ZONING INFORMATION MEETING

CZIM was held on March 10, 2021. There were several questions about location of construction driveway, completion of punch list items at existing condominium buildings, parking, how the HOA will be split, and property maintenance responsibilities.

IV. ATTACHMENTS:

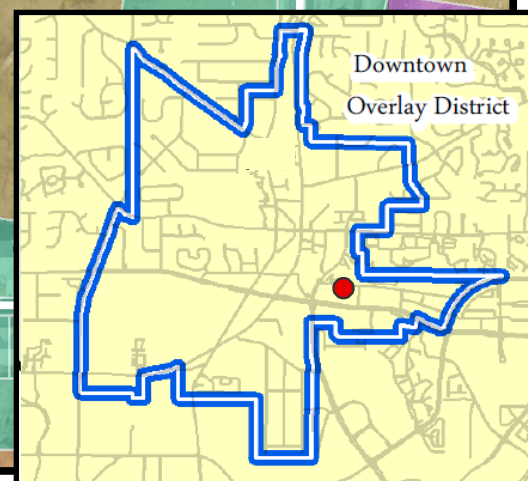
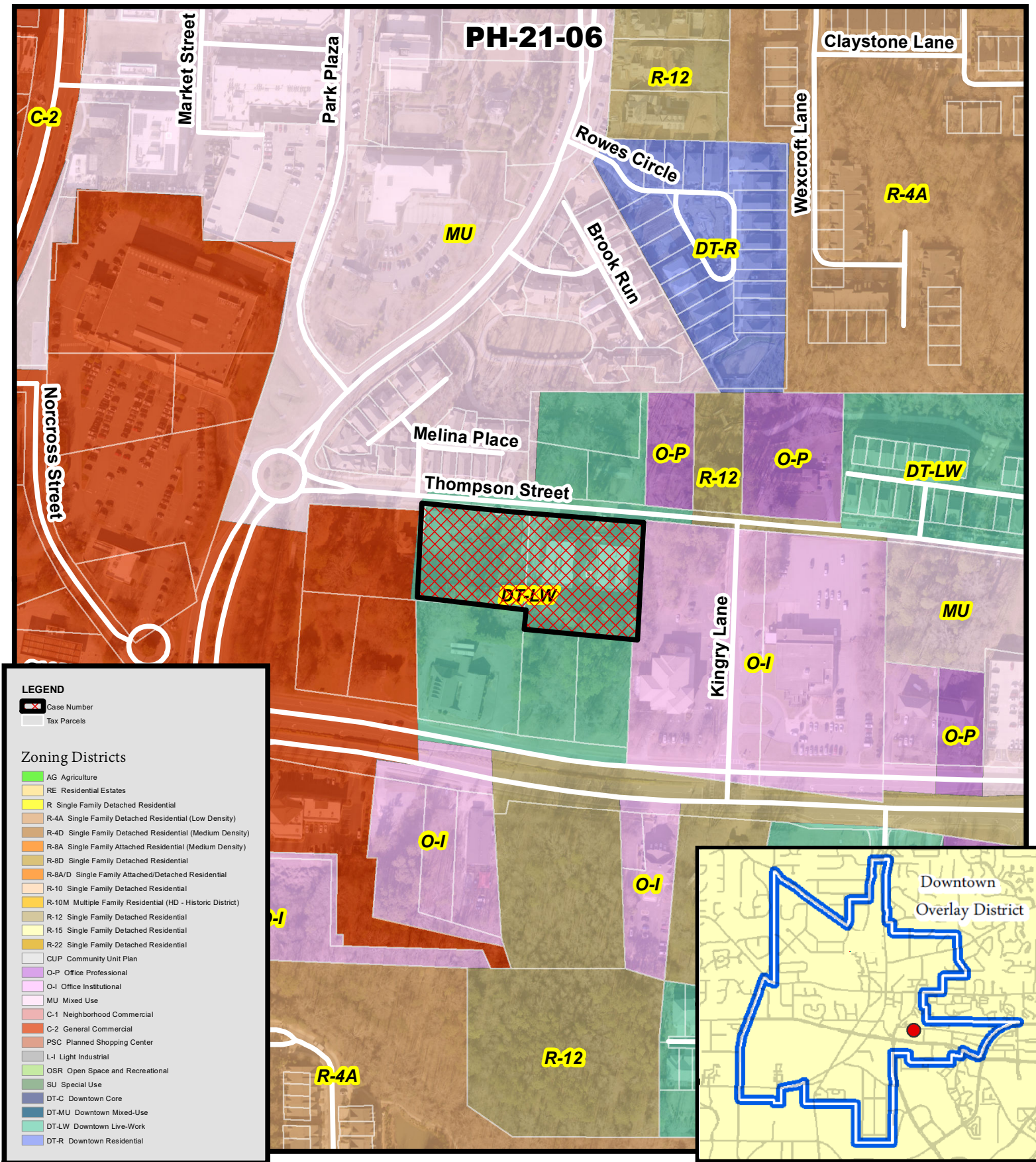
- Site Plan
- Building Elevations



Aerial Map
Kairos Change to Council Condition
51 & 61 Thompson Street

PH-21-06
D/LL: 1/2/748
CC: 8/15/22

Location Map Provided by:
Community Development - GIS

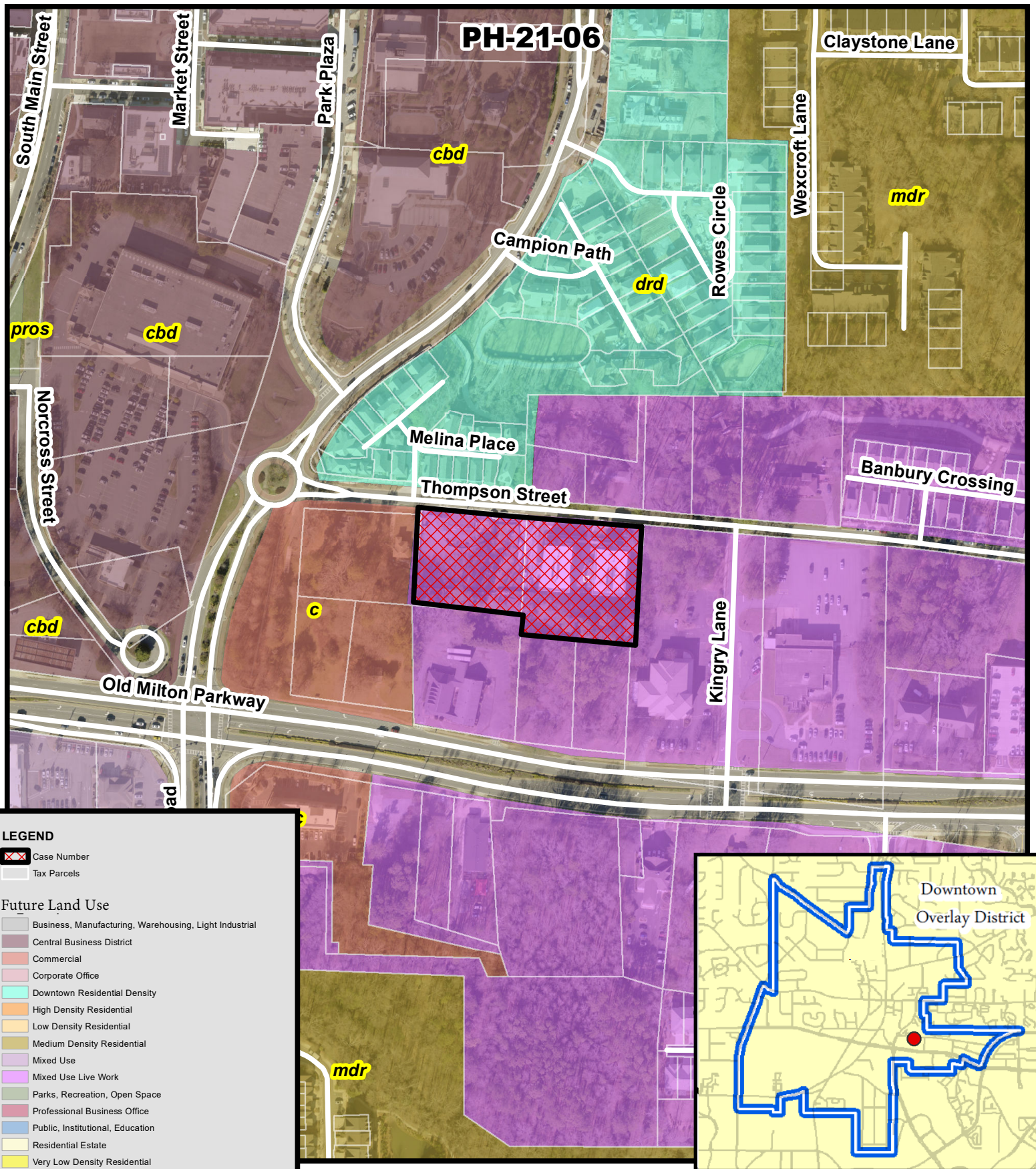


Zoning Map
Kairos Change to Council Condition
51 & 61 Thompson Street

PH-21-06
D/LL: 1/2/748
CC: 8/15/22

Location Map Provided by:
Community Development - GIS



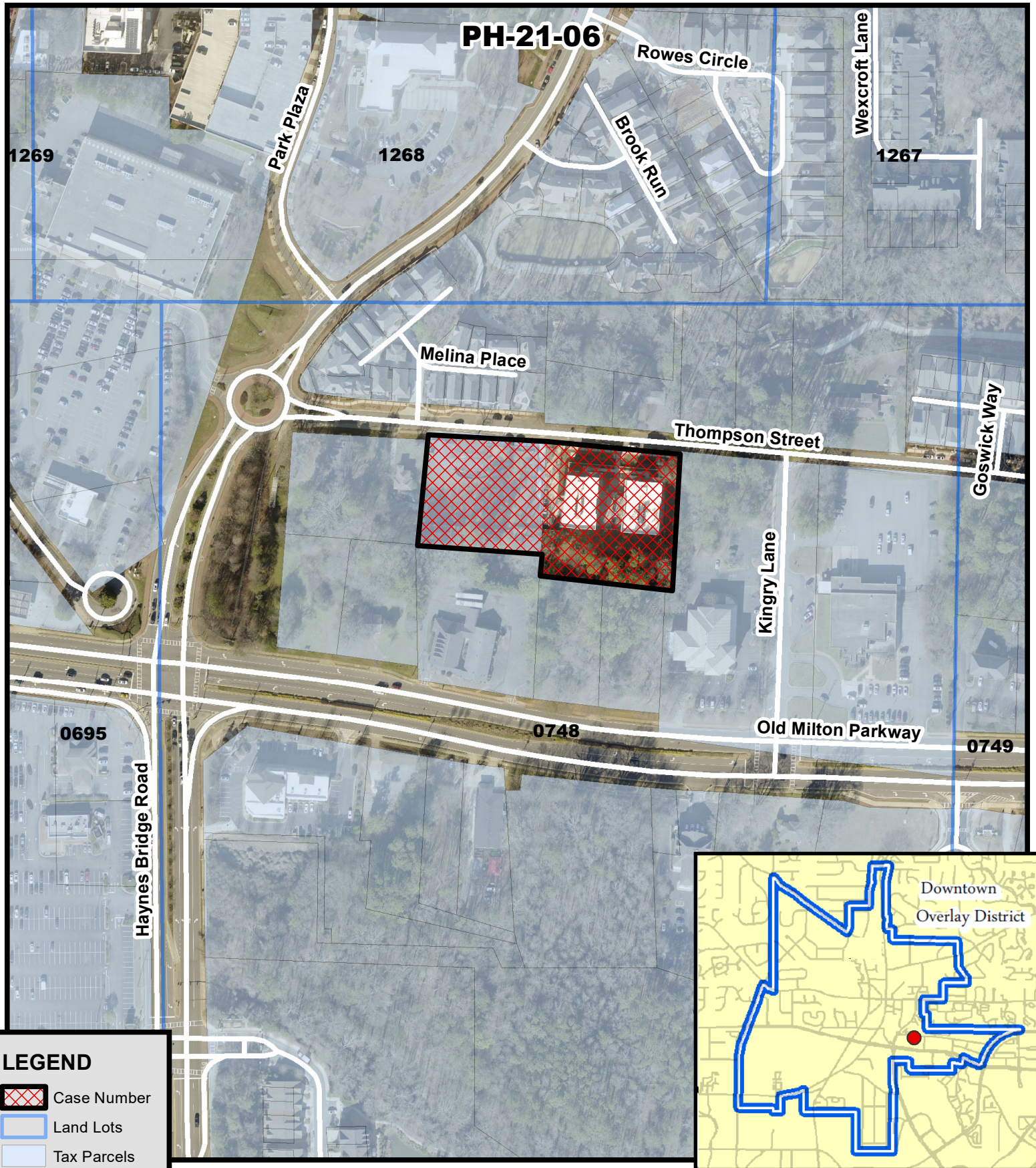


Future Land Use
Kairos Change to Council Condition
51 & 61 Thompson Street

PH-21-06
D/LL: 1/2/748
CC: 8/15/22

Location Map Provided by:
Community Development - GIS





LEGEND

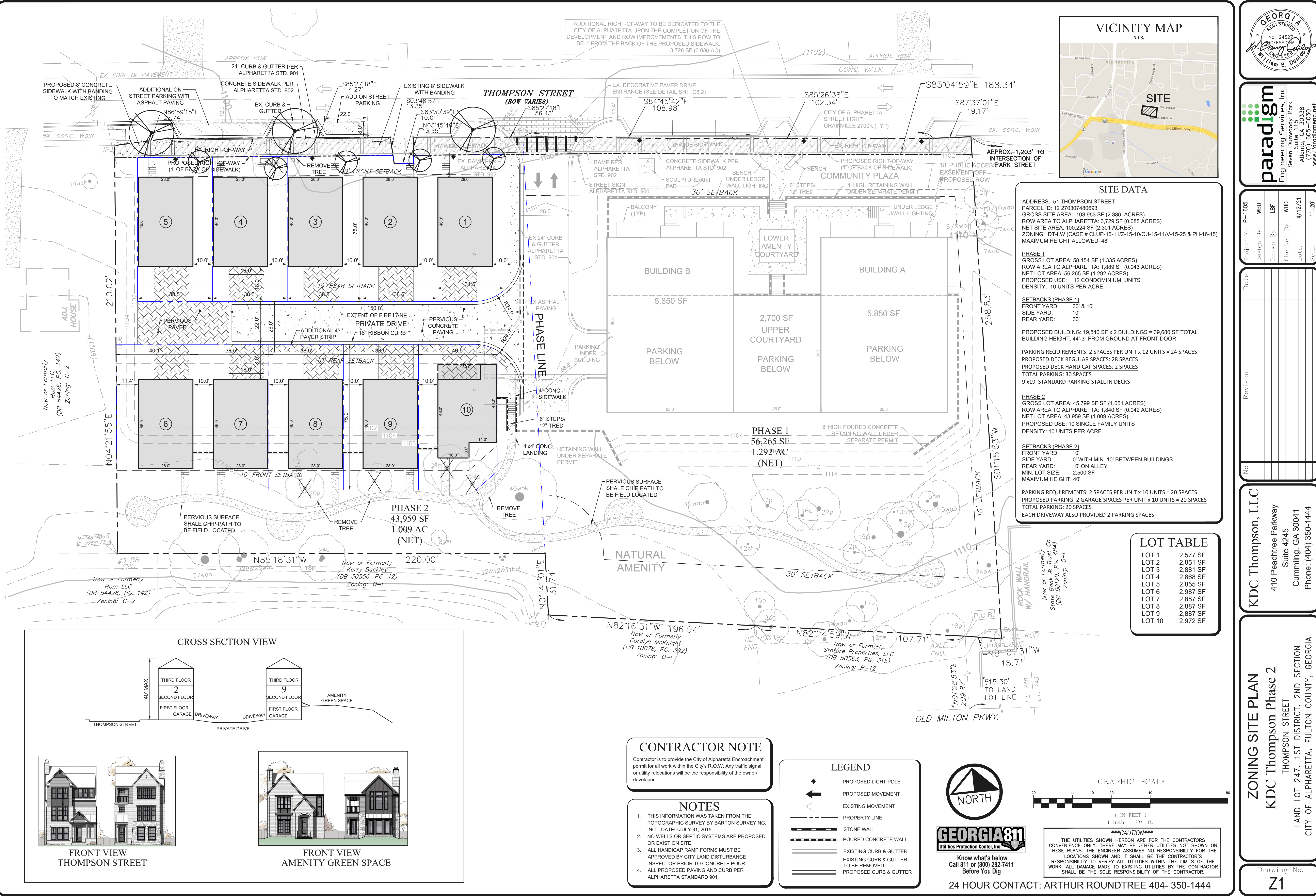
-  Case Number
-  Land Lots
-  Tax Parcels



Location Map Kairos Change to Council Condition 51 & 61 Thompson Street

PH-21-06
D/LL: 1/2/748
CC: 8/15/22

Location Map Provided by:
Community Development - GIS



SITE DATA

ADDRESS: 51 THOMPSON STREET
PARCEL ID: 12 27030748093
GROSS SITE AREA: 103,953 SF (2.386 ACRES)
ROW AREA TO ALPHARETTA: 3,729 SF (0.085 ACRES)
NET LOT AREA: 100,224 SF (2.301 ACRES)
ZONING: DT-LW (CASE # CLUP-15-11/Z-15-10/CU-15-11/V-15-25 & PH-16-15)
MAXIMUM HEIGHT ALLOWED: 48'

PHASE 1
GROSS LOT AREA: 58,154 SF (1.335 ACRES)
ROW AREA TO ALPHARETTA: 1,889 SF (0.043 ACRES)
NET LOT AREA: 56,265 SF (1.292 ACRES)
PROPOSED USE: 12 CONDOMINIUM UNITS
DENSITY: 10 UNITS PER ACRE

SETBACKS (PHASE 1)
FRONT YARD: 30' & 10'
SIDE YARD: 10'
REAR YARD: 30'

PROPOSED BUILDING: 19,840 SF x 2 BUILDINGS = 39,680 SF TOTAL
BUILDING HEIGHT: 44'-3" FROM GROUND AT FRONT DOOR

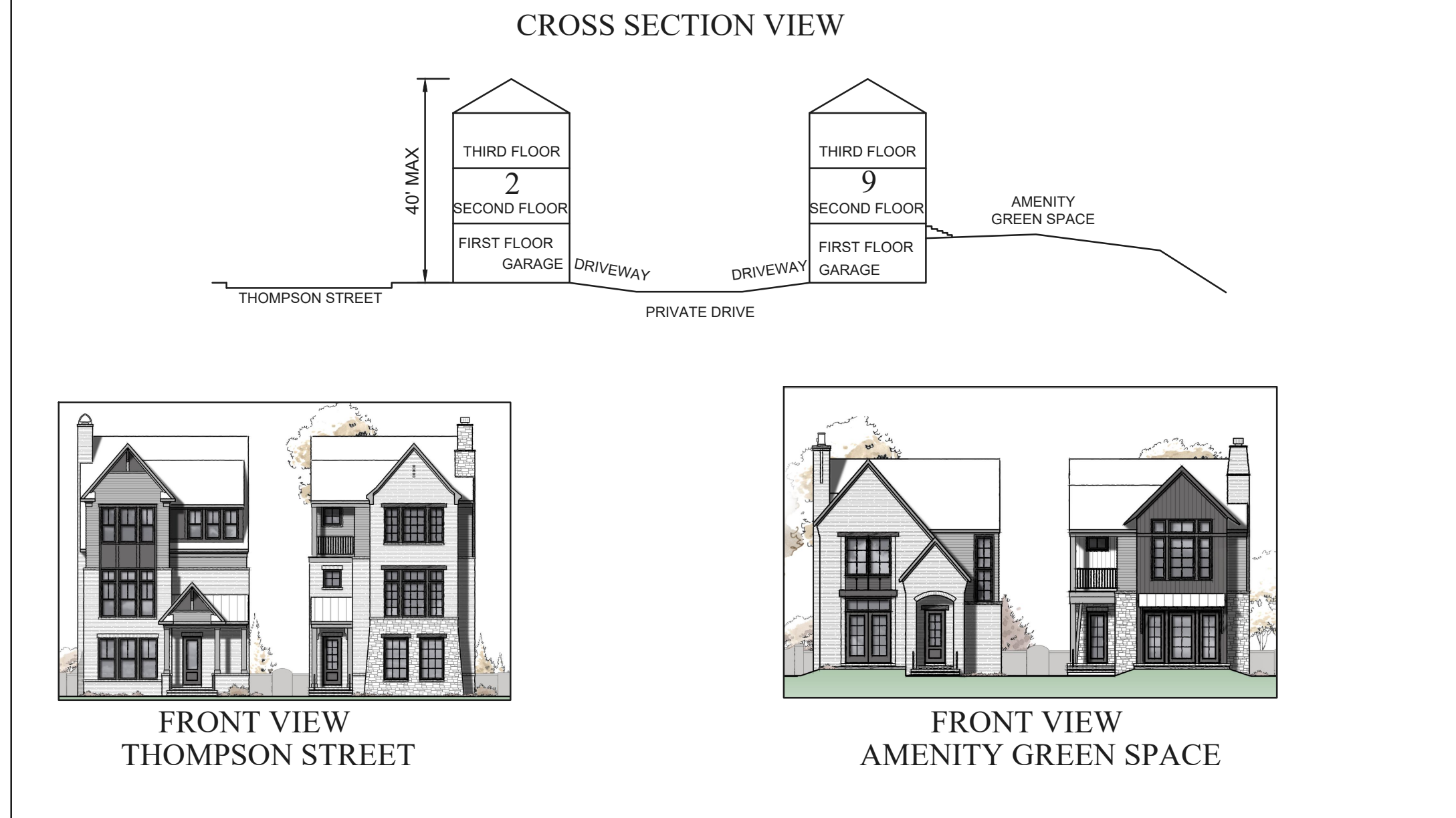
PARKING REQUIREMENTS: 2 SPACES PER UNIT x 12 UNITS = 24 SPACES
PROPOSED DECK REGULAR SPACES: 28 SPACES
PROPOSED DECK HANDICAP SPACES: 2 SPACES
TOTAL PARKING: 30 SPACES
9'x19' STANDARD PARKING STALL IN DECKS

PHASE 2
GROSS LOT AREA: 45,799 SF (1.051 ACRES)
ROW AREA TO ALPHARETTA: 1,840 SF (0.042 ACRES)
NET LOT AREA: 43,959 SF (1.009 ACRES)
PROPOSED USE: 10 SINGLE FAMILY UNITS
DENSITY: 10 UNITS PER ACRE

SETBACKS (PHASE 2)
FRONT YARD: 10'
SIDE YARD: 0' WITH MIN. 10' BETWEEN BUILDINGS
REAR YARD: 10' ON ALLEY
MIN. LOT SIZE: 2,500 SF
MAXIMUM HEIGHT: 40'

PARKING REQUIREMENTS: 2 SPACES PER UNIT x 10 UNITS = 20 SPACES
PROPOSED PARKING: 2 GARAGE SPACES PER UNIT x 10 UNITS = 20 SPACES
TOTAL PARKING: 20 SPACES
EACH DRIVEWAY ALSO PROVIDED 2 PARKING SPACES

LOT TABLE	
LOT 1	2,577 SF
LOT 2	2,851 SF
LOT 3	2,881 SF
LOT 4	2,868 SF
LOT 5	2,855 SF
LOT 6	2,987 SF
LOT 7	2,887 SF
LOT 8	2,887 SF
LOT 9	2,887 SF
LOT 10	2,972 SF



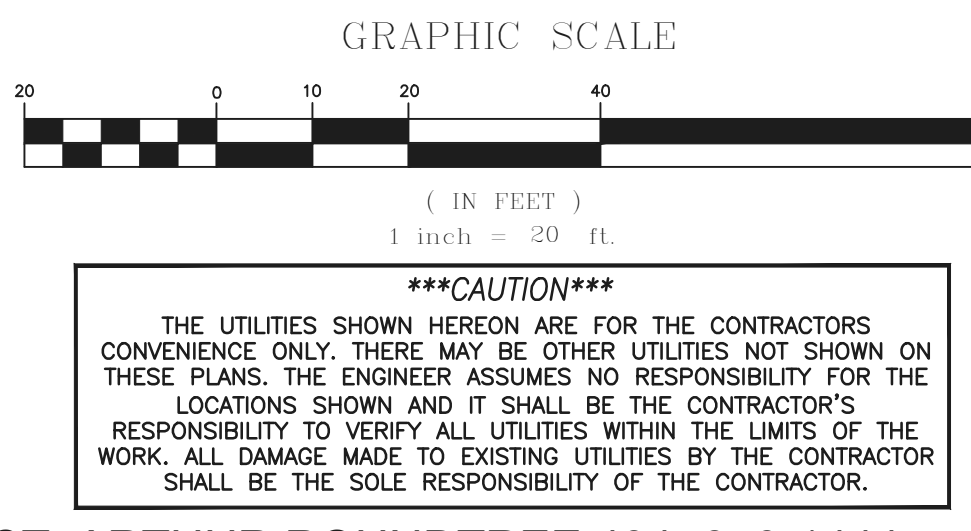
CONTRACTOR NOTE

Contractor is to provide the City of Alpharetta Encroachment permit for all work within the City's R.O.W. Any traffic signal or utility relocations will be the responsibility of the owner/developer.

NOTES

- THIS INFORMATION WAS TAKEN FROM THE TOPOGRAPHIC SURVEY BY BARTON SURVEYING, INC., DATED JULY 31, 2015.
- NO WELLS OR SEPTIC SYSTEMS ARE PROPOSED OR EXIST ON SITE.
- ALL HANDICAP RAMP FORMS MUST BE APPROVED BY CITY LAND DISTURBANCE INSPECTOR PRIOR TO CONCRETE POUR.
- ALL PROPOSED PAVING AND CURB PER ALPHARETTA STANDARD 901

- LEGEND**
- PROPOSED LIGHT POLE
 - PROPOSED MOVEMENT
 - EXISTING MOVEMENT
 - PROPERTY LINE
 - STONE WALL
 - POURED CONCRETE WALL
 - EXISTING CURB & GUTTER
 - EXISTING CURB & GUTTER TO BE REMOVED
 - PROPOSED CURB & GUTTER



GEORGIA
REGISTERED
No. 24527
PROFESSIONAL
ENGINEER
William B. Dunlap

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

Project No. P-1605
Design By: WBD
Drawn By: LFB
Checked By: WBD
Date: 4/12/21
Scale: 1"=20'

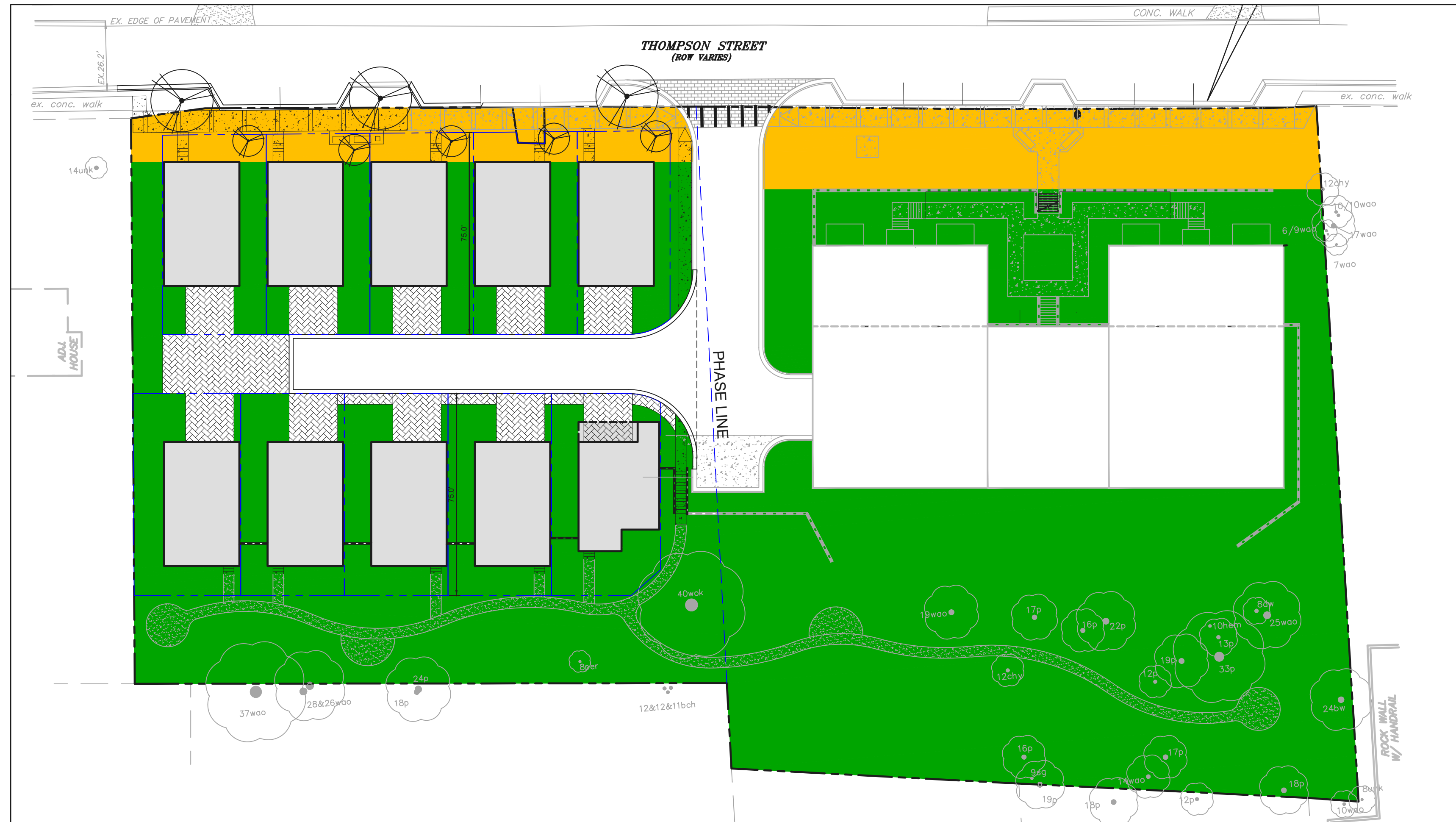
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Revision: _____
No: _____

KDC Thompson, LLC
410 Peachtree Parkway
Suite 4245
Cumming, GA 30041
Phone: (404) 350-1444

ZONING SITE PLAN
KDC Thompson Phase 2
THOMPSON STREET
LAND LOT 247, 1ST DISTRICT, 2ND SECTION
CITY OF ALPHARETTA, FULTON COUNTY, GEORGIA

Drawing No.
Z1

PROPOSED OPEN SPACE DATA



OPEN SPACE DATA

PHASE 1
GROSS LOT AREA: 58,154 SF SF (1.335 ACRES)

MINIMUM CIVIL OPEN SPACE: NONE
(LOT LESS THAN 5.0 AC)
PROVIDED CIVIC OPEN SPACE: 6,165 SF

MINIMUM AMENITY OPEN SPACE: 10% OF LOT = 5,800 SF

PROVIDED AMENITY OPEN SPACE: 34,000 SF

TOTAL OPEN SPACE: 39,800 SF

PHASE 2
GROSS LOT AREA: 45,799 SF SF (1.051 ACRES)

MINIMUM CIVIL OPEN SPACE: NONE
(LOT LESS THAN 5.0 AC)

PROVIDED CIVIC OPEN SPACE: 4,000 SF

MINIMUM AMENITY OPEN SPACE: 10% OF LOT = 4,580 SF

PROVIDED AMENITY OPEN SPACE: 19,000 SF

TOTAL OPEN SPACE: 23,000 SF

ORIGINAL OPEN SPACE DATA



OPEN SPACE DATA

PHASE 1
GROSS LOT AREA: 58,154 SF SF (1.335 ACRES)

MINIMUM CIVIL OPEN SPACE: NONE
(LOT LESS THAN 5.0 AC)
PROVIDED CIVIC OPEN SPACE: 6,165 SF

MINIMUM AMENITY OPEN SPACE: 10% OF LOT = 5,800 SF

PROVIDED AMENITY OPEN SPACE: 34,000 SF

TOTAL OPEN SPACE: 39,800 SF

PHASE 2
GROSS LOT AREA: 45,799 SF SF (1.051 ACRES)

MINIMUM CIVIL OPEN SPACE: NONE
(LOT LESS THAN 5.0 AC)

PROVIDED CIVIC OPEN SPACE: 6,000 SF

MINIMUM AMENITY OPEN SPACE: 10% OF LOT = 4,580 SF

PROVIDED AMENITY OPEN SPACE: 23,880 SF

TOTAL OPEN SPACE: 28,460 SF



GEORGIA811
Utilities Protection Center, Inc.

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

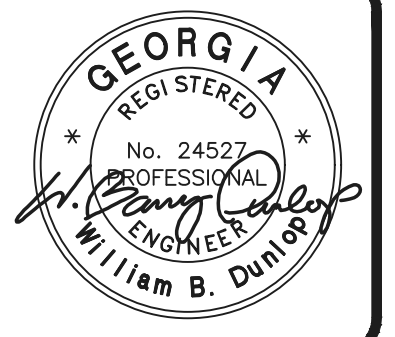
24 HOUR CONTACT: ARTHUR ROUNDTREE 404- 350-1444

GRAPHIC SCALE

(IN FEET)
1 inch = 20 ft.

CAUTION

THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTOR'S 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.



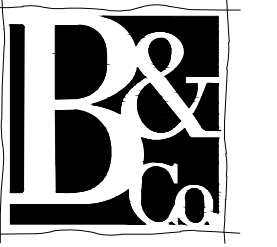
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Design By:	WBD
Drawn By:	LBF
Checked By:	WBD
Date:	4/12/21
Scale:	1"=20'

[illegible]

KDC Thompson, LLC
410 Peachtree Parkway
Suite 4245
Cumming, GA 30041
Phone: (404) 350-1444

ZONING OPEN SPACE EXHIBITS
KDC Thompson Phase 2
THOMPSON STREET
LAND LOT 247, 1ST DISTRICT, 2ND SECTION
CITY OF ALPHARETTA, FULTON COUNTY, GEORGIA

Drawing No.
Z2



Brunson & Company
LANDSCAPE ARCHITECTS
903 BOMBAY LANE
ROSWELL, GA 30076
770.864.1987

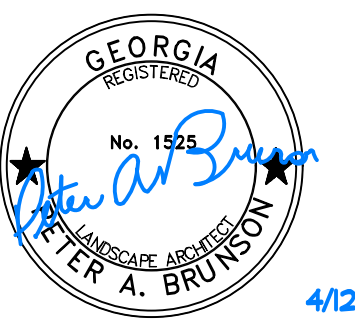
KDC Thompson, LLC
410 Peachtree Parkway
Suite 4245
Cumming, GA 30041
(O) 404-350-1444

OWNER:

Prepared For:
KDC THOMPSON, LLC

51 THOMPSON STREET
LL 247 - 1st DISTRICT, 2nd SECTION
CITY OF ALPHARETTA, FULTON COUNTY, GEORGIA

KDC THOMPSON PHASE 2 TREE PROTECTION & REPLACEMENT PLANS



SEAL:

4/12/21

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REVISIONS:

4/12/21 REV PLANS PER CITY COMMENTS

DRAWING TITLE:
LANDSCAPE
CONCEPT PLAN

DATE: 2.1.21 PROJECT #: 21.006

SHEET REF #

L -1.0

(2) BENCHES & (1) TRASH RECEPTACLE
PER ALPHARETTA STANDARD

STREET LIGHTS/POLES
PER ALPHARETTA STANDARD

STREET TREES, TYP.

1 - QS
TYP.

LANDSCAPE AROUND
HOMES TO BE DETERMINED

1 - CB2
TYP.

(5) PROPOSED PARALLEL
PARKING SPACES

8' WIDE SIDEWALK
TO FOLLOW ALPHARETTA STANDARDS
STREET LIGHTS/POLES
PER ALPHARETTA STANDARD

LANDSCAPE & SITE FURNISHINGS
INSTALLED AT DURING PHASE 1
CONSTRUCTION.

THOMPSON STREET
(ROW VARIES)

COMMUNITY PLAZA

REMOVED PER
TREE PLAN BY
ARCHETYPE
LANDSCAPE
(10/11/2016)
EX. WATER OAK
#28" DBH #363
(REMOVED)

REMOVED PER
TREE PLAN BY
ARCHETYPE
LANDSCAPE
(10/11/2016)

EX. WATER OAK
48" DBH #365
(REMOVED)

LANDSCAPE INSTALLED
AT DURING PHASE 1
CONSTRUCTION.

MASONRY PATIO
WALL, 6' HT.

BUILDING B
FFE 1113
BSMT 1103
5,850 SF

NYS GRE
TYP.

BRICK PAVER DRIVEWAYS

STEP ACCESS
TO UPPER TERRACE

PARKING BELOW
FFE 1103

2,700 SF
UPPER
AMENITY
COURTYARD
PARKING BELOW

LANDSCAPE INSTALLED
AT DURING PHASE 1
CONSTRUCTION.

EX. WATER OAK
48" DBH #365
(REMOVED)

LANDSCAPE INSTALLED
AT DURING PHASE 1
CONSTRUCTION.

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48" DBH #365
(REMOVED)

LANDSCAPE INSTALLED
AT DURING PHASE 1
CONSTRUCTION.

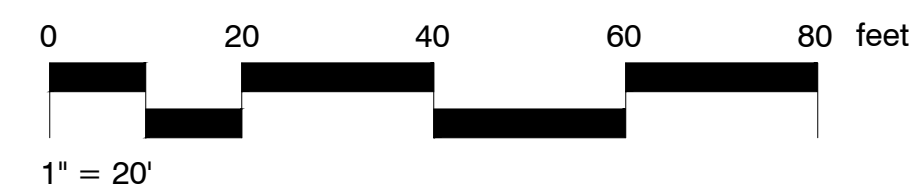
EX. WATER OAK
48" DBH #365
(REMOVED)

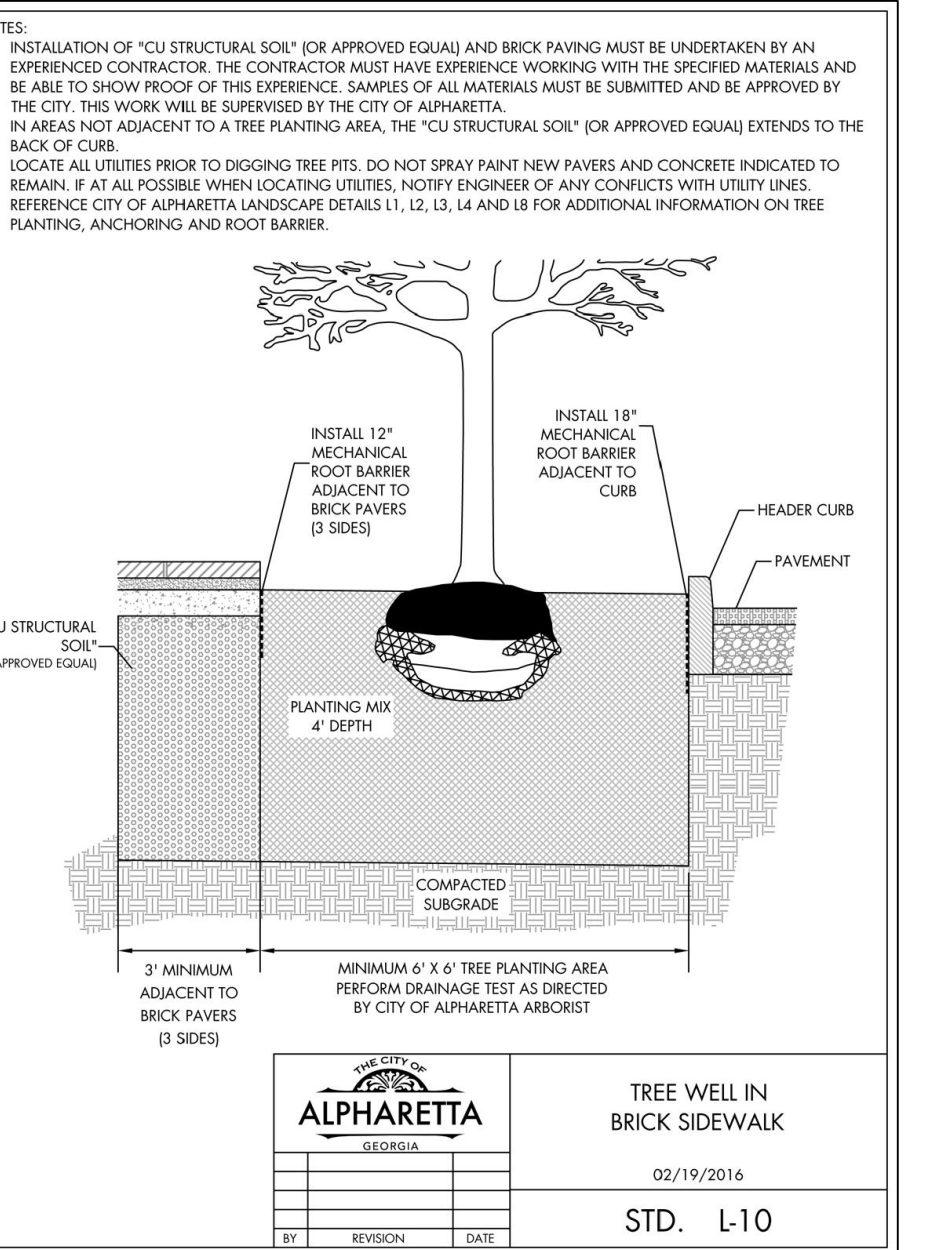
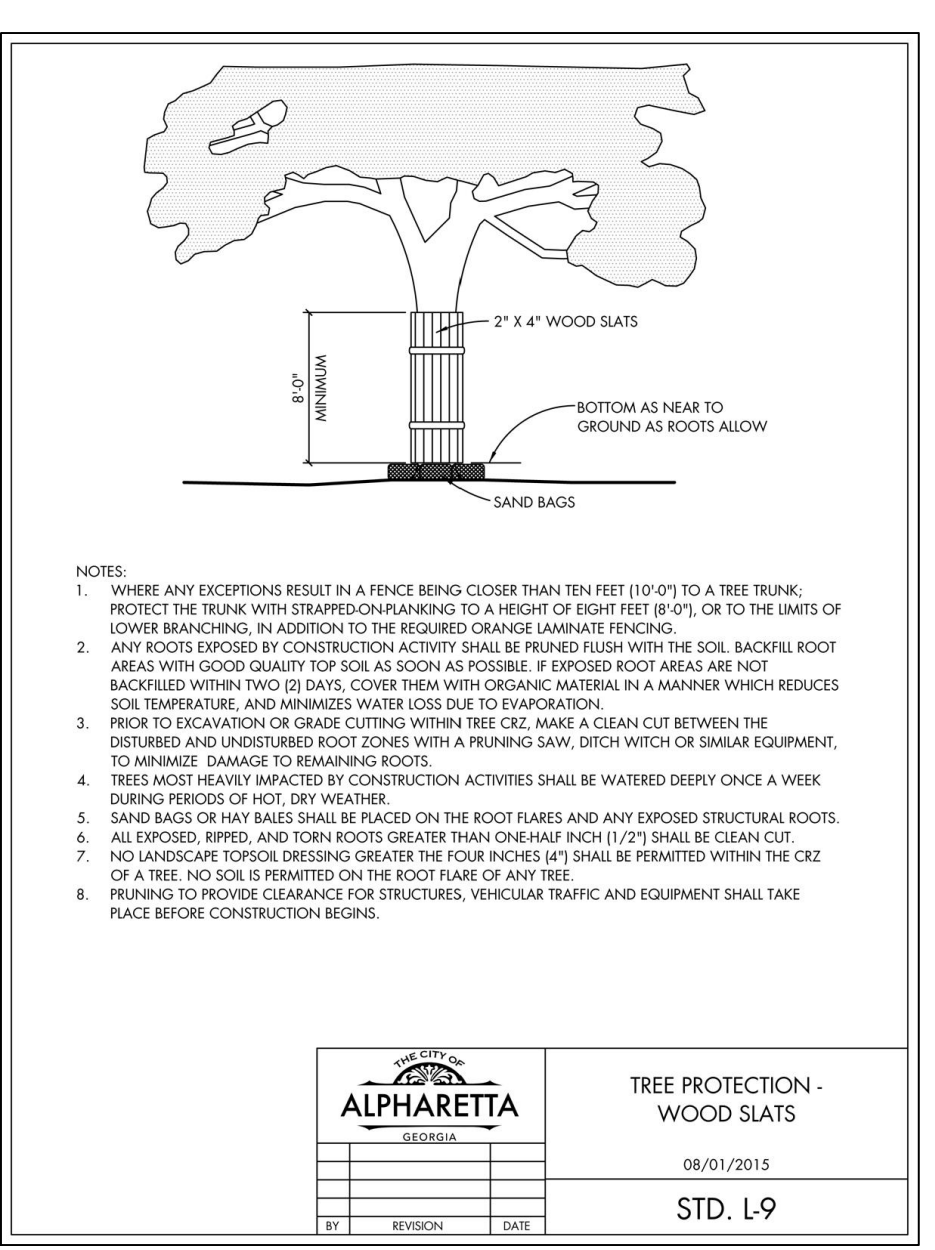
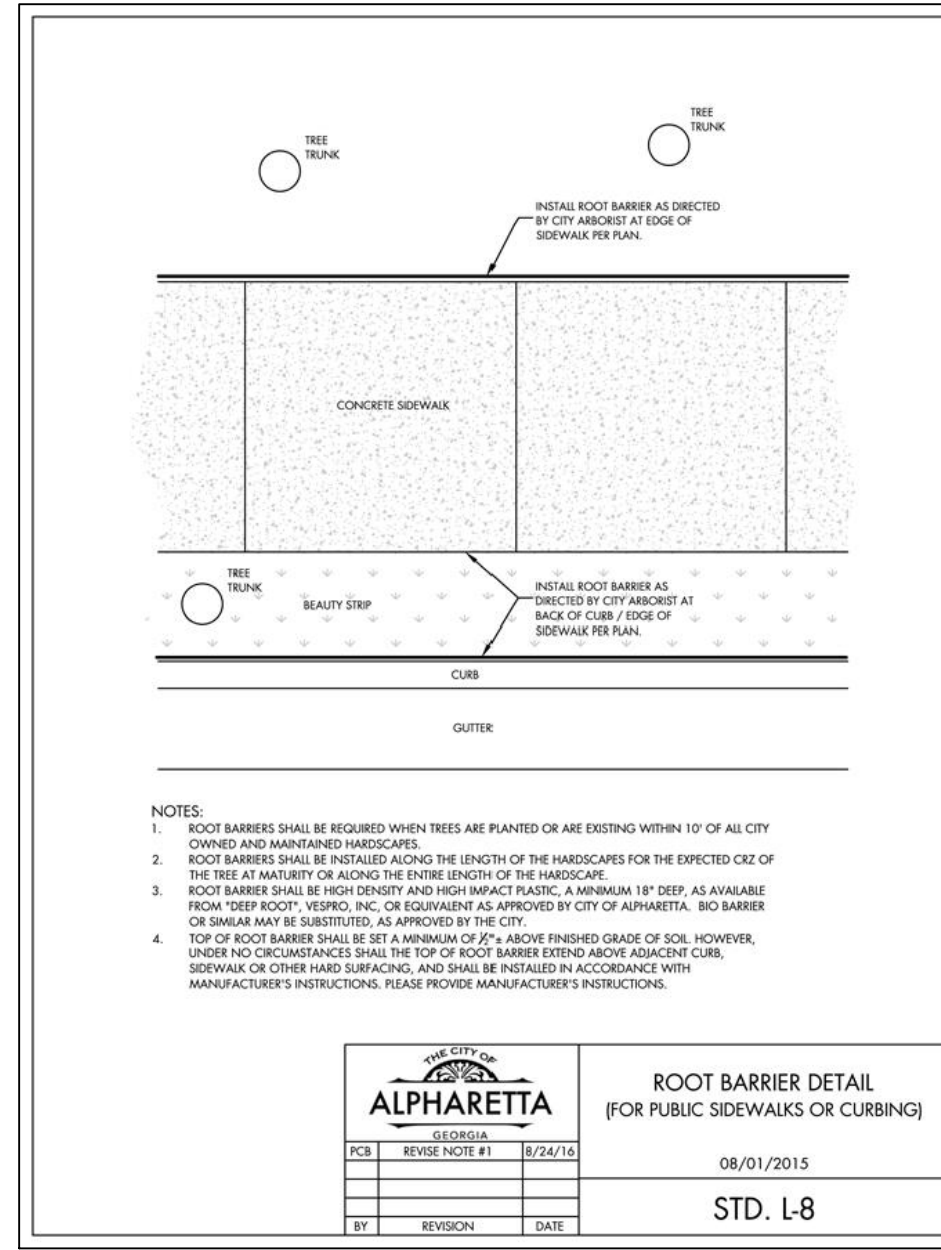
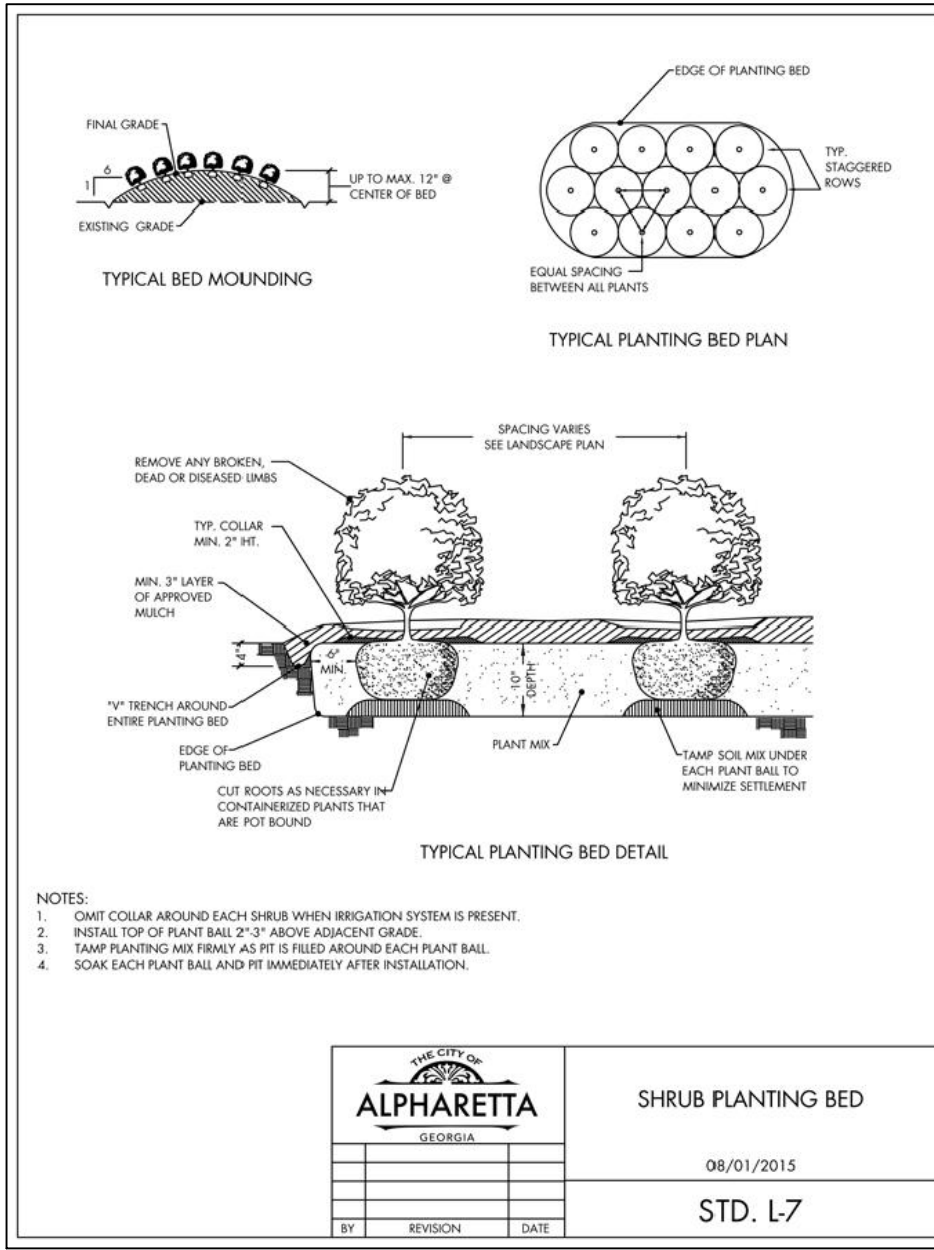
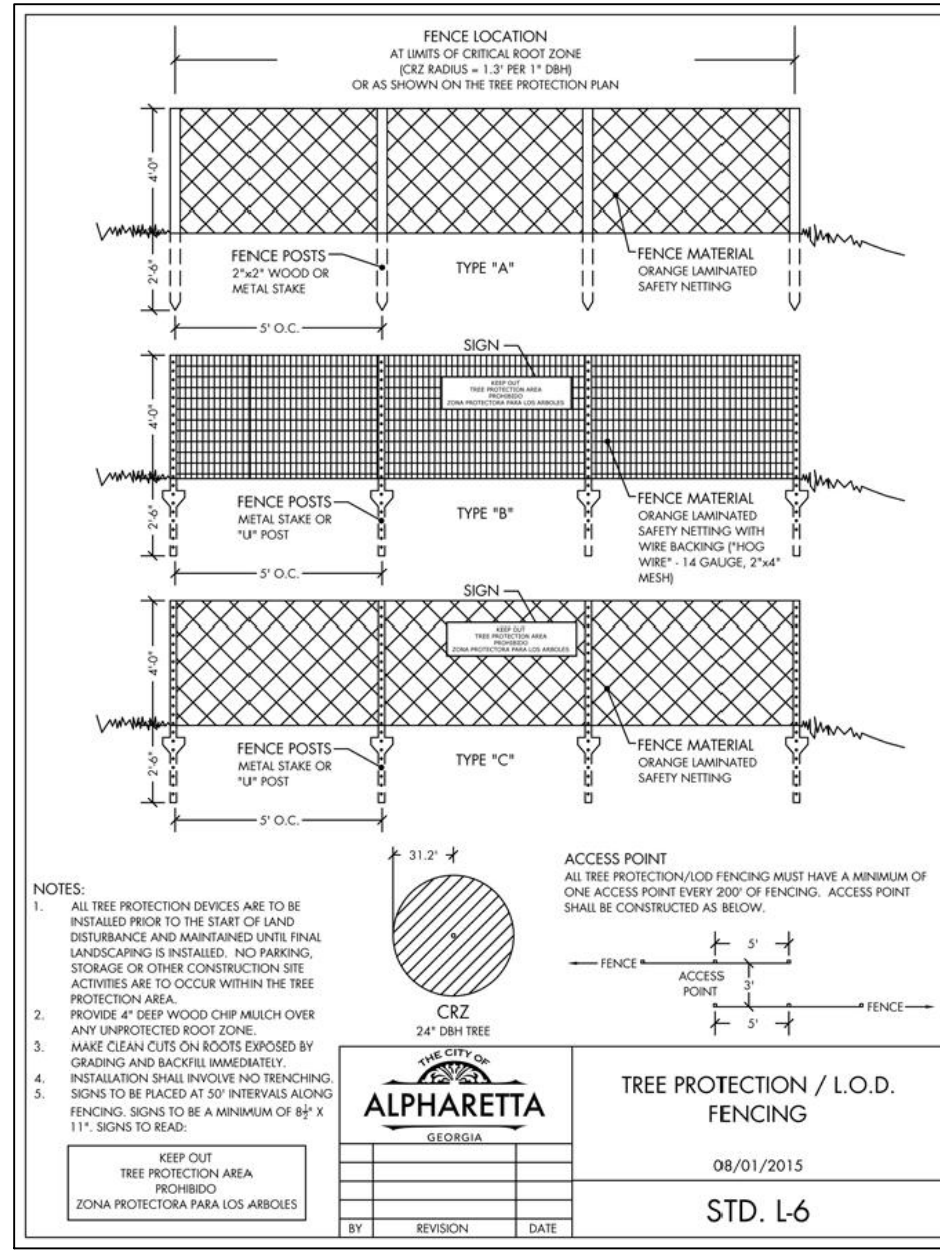
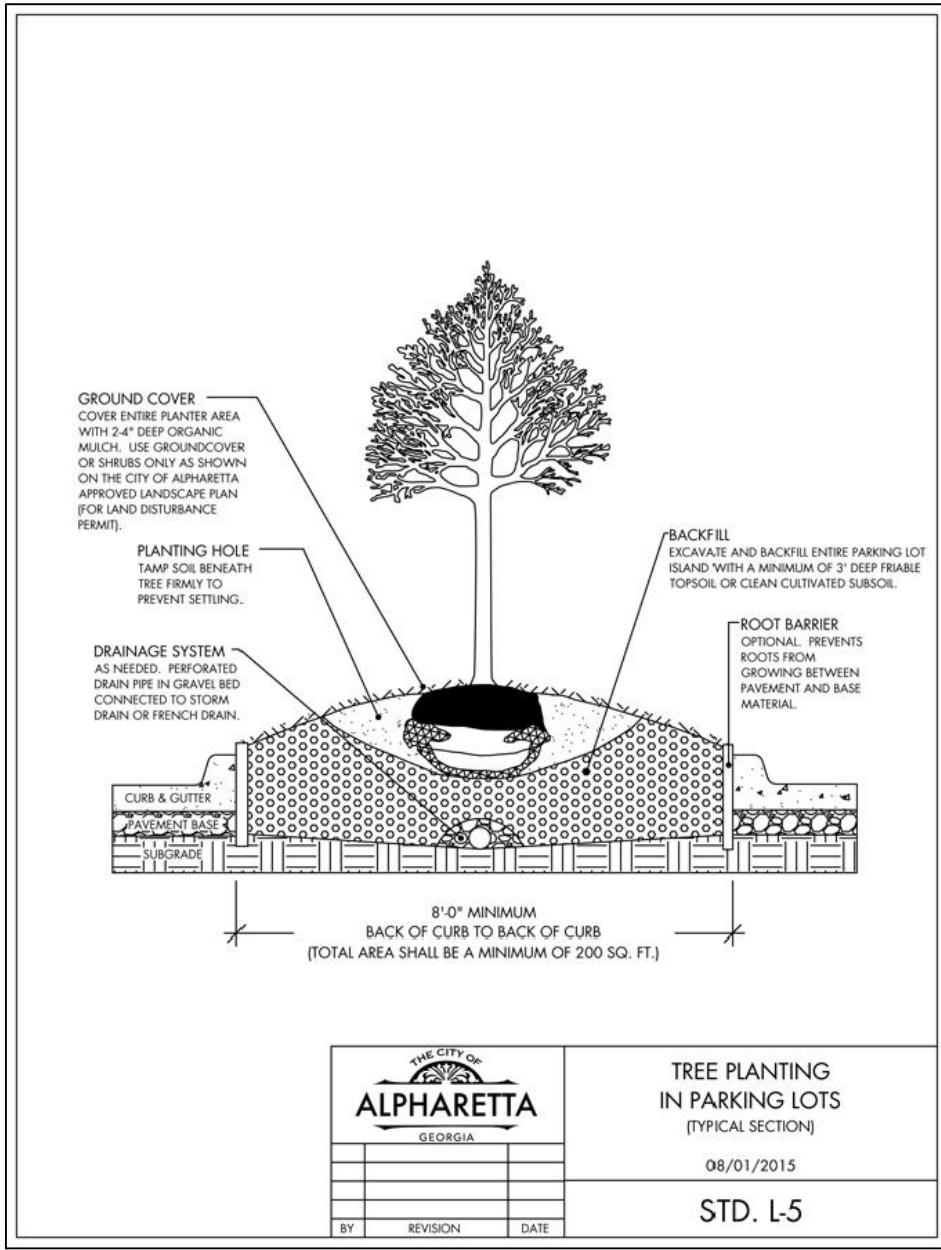
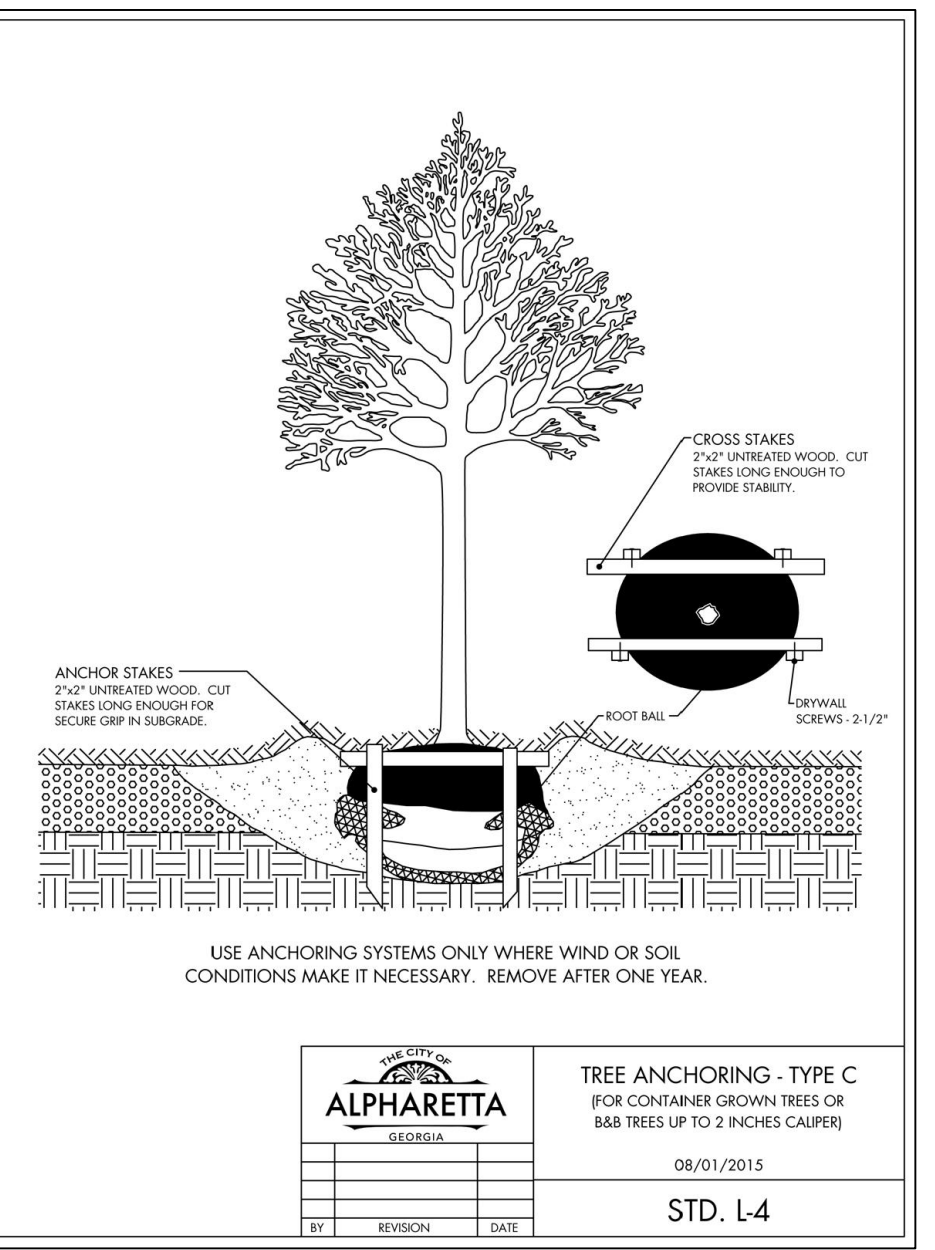
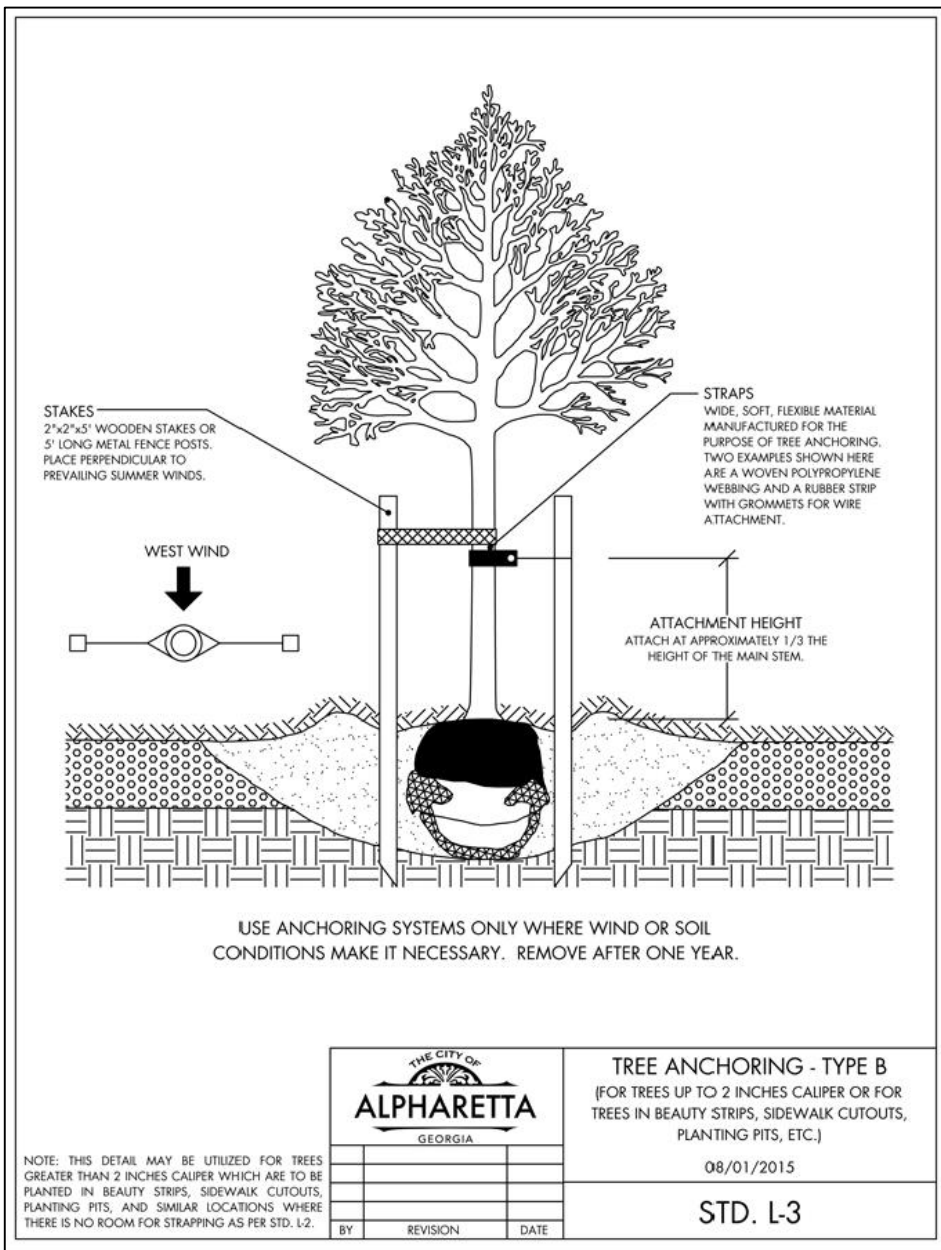
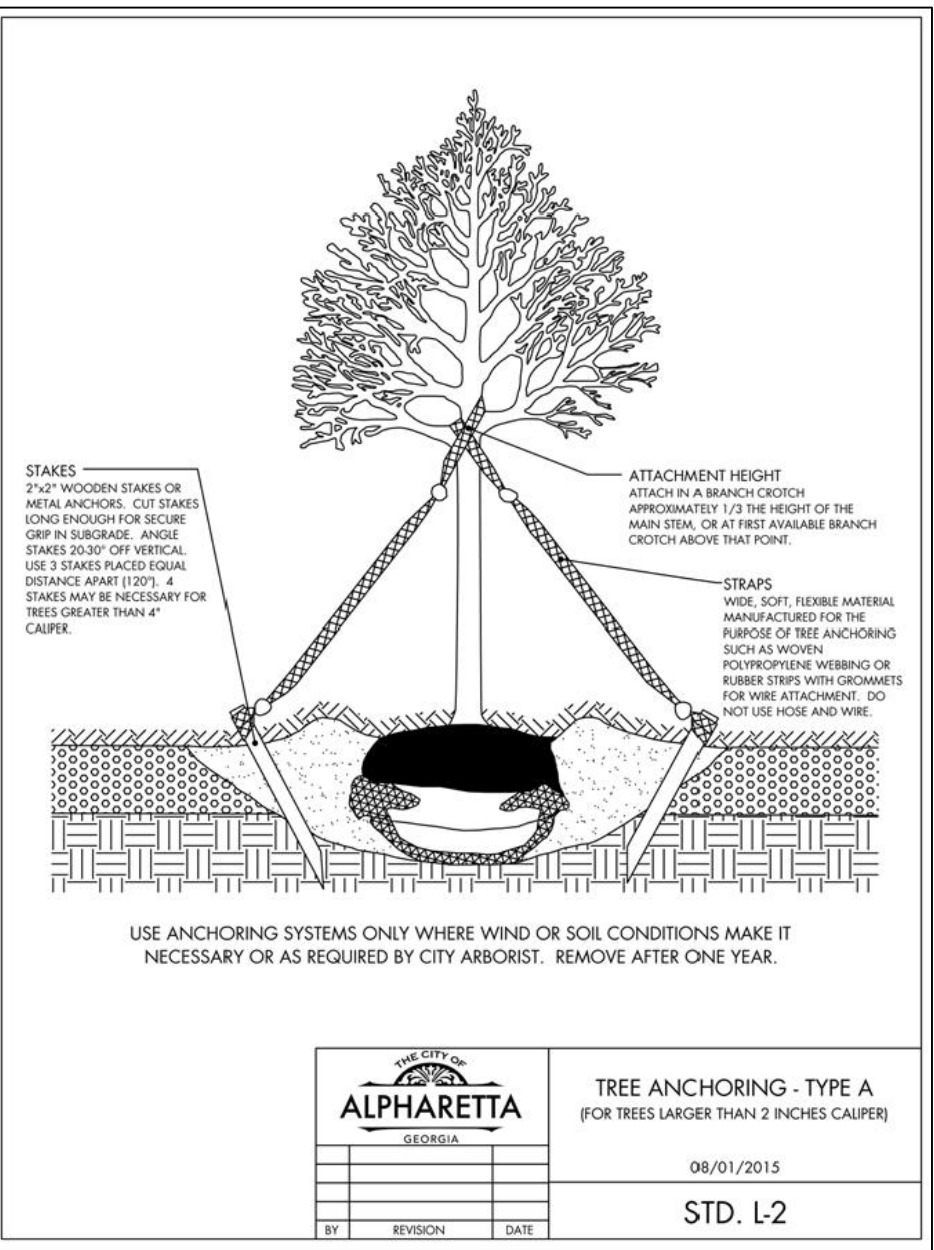
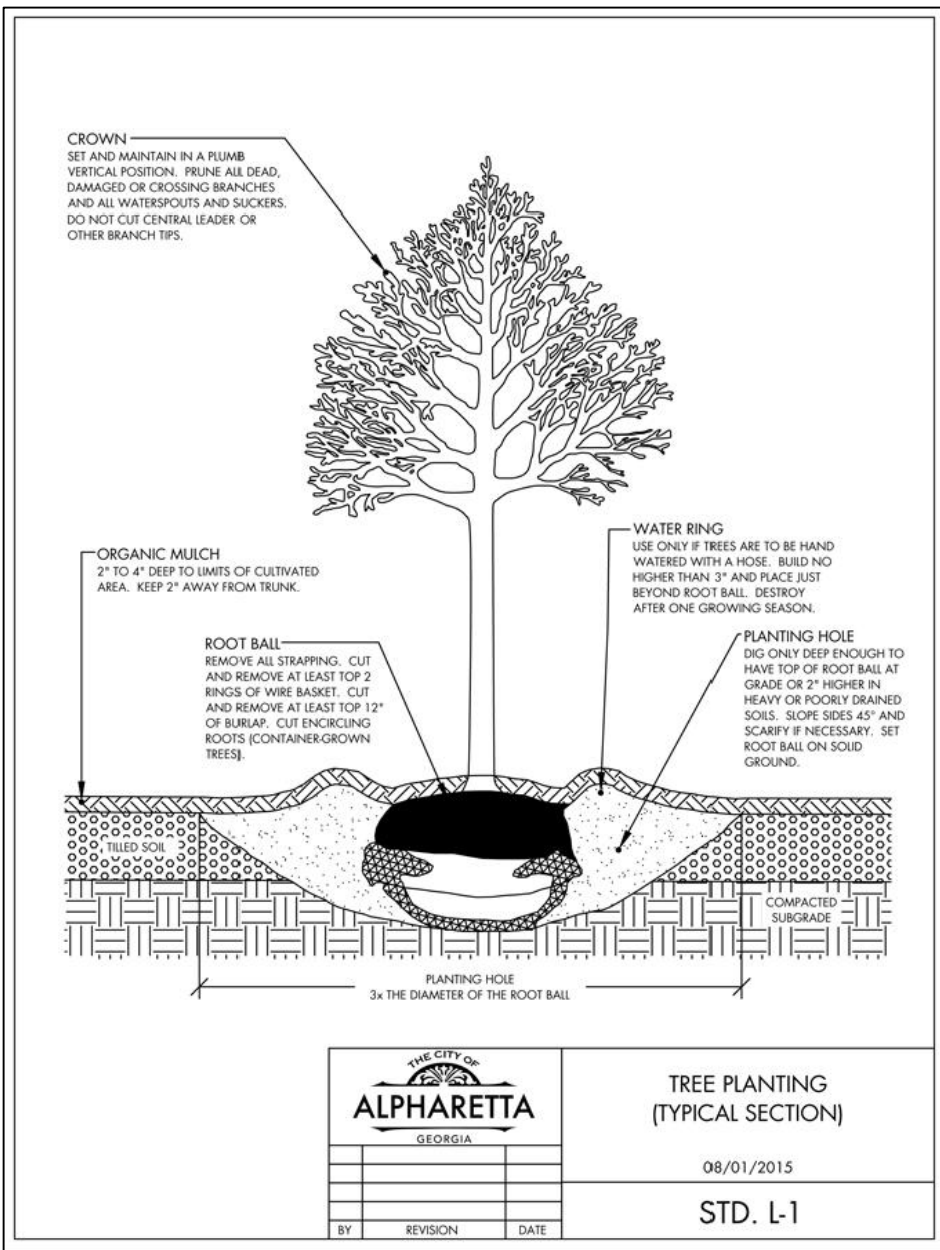
LANDSCAPE INSTALLED
AT DURING PHASE 1
CONSTRUCTION.

NOTES:
-SEE SHEET TRP-2 FOR CHARTS AND
DETAILS.

24 HOUR CONTACT:
ARTHUR ROUNTREE @
(404) 350-1444

NOTE:
OWNER AGREES TO COMPLETE FINAL PUNCH LIST
ITEMS FOR PHASE I UPON ZONING APPROVAL OF 10
SINGLE FAMILY PLANS FOR PHASE 2. CITY OF
ALPHARETTA WILL NOT ISSUE A FINAL PERMIT UNTIL
PUNCH LIST ITEMS ARE COMPLETED FOR PHASE 1.





Tree Grading Cue Card

provided by **Roots Plus Growers**

- Look inside the crown of the tree at the trunk form.
- Check branch arrangement.
- Choose appropriate tree matrix type.
 - Type 1 - spreading and rounded shapes. ex. live oak, dogwood, black olive, gumbo limbo
 - Type 2 - pyramidal shapes. ex. river birch, bald cypress, cedar, pine
 - Type 3 - columnar/upright shapes. ex. East Palmetto, holly, schefflera, Italian cypress
 - Type 4 - vase shapes. ex. crane-myrtle, buttonwood, ligustrum, redbud
 - Type 5 - oval shapes. ex. red maple, podocarpus, tabebuia, dahoon holly
- Measure the caliper of the trunk.
 - Trunk caliper is measured 8 inches from the ground on trees up to and including 4 inches in caliper, and 12 inches above the ground for larger trees. Diameter at 4 1/2 feet (DBH) is not considered an appropriate measurement for nursery trees.
- Grade the tree based on crown spread.
 - If the crown spread does not look proportional to the tree, use the matrix table you selected above along with the trunk caliper measurement to determine the crown spread for the tree.
 - For this also select a grade based on crown spread only.
- Grade the tree according to structural uniformity.
- Make note of the lowest grade determined in steps 1, 2, 5, and 6.
- Reduce grade determined in step 7 by one grade if any **one** of the following is true:
 - Tree with a trunk caliper >1\"/>
- Reduce grade determined in step 8 by one grade if **two** of the following are true:
 - If only one is true, do not reduce the grade. However, it takes only **one** true statement to reduce a Florida Fancy to a Florida #1. If more than one of the following are true reduce the grade by two.
 - Tree height is not in proper proportion. (consult tree matrix)
 - Flush cuts were made when pruning branches from the trunk.
 - Branch stubs are left beyond the branch collar.
 - Open trunk wounds or other bark injury is evident.
 - Graft unions are not complete.
 - More than the lower 40% of the trunk is free of branches.
 - More than 5% of canopy is chlorotic/pest & disease damaged.
 - Most leaves are smaller than normal.
 - Included bark between main trunks or trunk and major branch.
 - Trunks and/or major branches are touching.
- Tree is a cull if it has a root greater than 1/10th the diameter of the trunk circling around more than 1/3rd of the trunk in the top half of the root ball.

Important Grading Notes

- Remember that grading a tree should be a quick process. Once you are familiar with the process it should only take a few seconds to grade a single tree.
- When grading small maturing trees such as crane-myrtle, caddy guava, wax privet, yaupon holly, ligustrum-vire, wax myrtle or other small-maturing trees skip steps 1, 2, and 4.
- Trunks do not have to be straight to be a Florida Fancy or Florida #1. See drawings for Florida Fancy and Florida #1 in step one.
- A trunk dogleg is defined as a significant 's'-shaped deformation in the trunk. This is illustrated in the figure to the right. The angle 'A' can be no more than 30°. The distance 'B' can be no more than the trunk diameter.

This tree grading cue card was provided to you courtesy of the **Roots Plus Field Growers Association of Florida**

ROOTS PLUS GROWERS
Growing Quality Field-Grown Trees

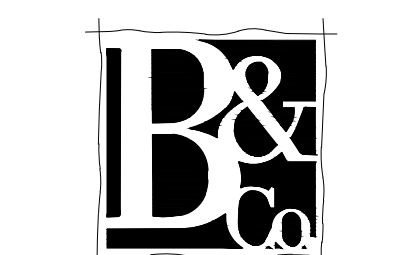
LANDSCAPE PLAN NOTES:

- The City Arborist must inspect the site before installation of erosion control measures. Land disturbance without a site inspection and approval by the City Arborist will result in a "Stop-Work Order" and fines.
- If tree survey inaccuracies are found on-site, a stop work order will be issued until revised plans are approved and processed based on accurate information.
- Design Landscape Architect or Project Arborist will inspect, verify, and approve the landscape has been planted per the approved plans and city standards prior to contacting the City Arborist for a CO inspection.
- Trees agreed upon to be saved are the responsibility of the owner.
- A 4" layer of mulch is required for the CRZ of Specimen Trees, Trees of Quality, and Tree Groupings. Mulch must be applied prior to start of construction and shall not touch the trunks of the tree(s).
- A minimum 2" layer of mulch is required for all existing, non-specimen, landscape trees, including street and parking lot trees. Mulch must be applied prior to start of construction and shall not touch the trunks of the tree(s).
- All mulch must be organic mulch consisting of wood chips, shredded bark, pine needles, or similar. Synthetic mulch is not approved for use in the City of Alpharetta.
- All newly planted trees shall have visible root flares at finished grade. No circling roots shall be allowed on planted trees. The upper two rings of the wire basket, all burlap, and strapping MUST be cut and removed prior to backfill.
- Plant sizes (caliper and height) MUST match the sizes shown on the plans. Plants that do not meet these minimums will not be accepted. E.g. 3 inch caliper trees must be 3 inches or larger. Plant height measurement is taken at the top of the main body of the plant and not at the tip of the topmost growth.
- All newly planted trees shall be equivalent in quality to a Florida #1 grade or better. All trees of lesser quality shall be rejected by the City Arborist.

- Watering bags or a drip irrigation system MUST be provided for all trees immediately after planting and remain through establishment.
- When watering bags are used manufacturers recommendations MUST be followed for proper sizing and watering schedules. Bags will be filled weekly by owner and during droughts for a minimum of 18 months after installation.
- NO TRENCHING ALLOWED IN TREE SAVE AREAS- INCLUDING IRRIGATION.
- Tree pit drainage testing is required when trees are planted in parking lot islands, sidewalk tree pits, roadway medians, or similar locations. Please refer to City Details regarding planting pit or landscape island construction. Fill each pit with water. If percolation is less than 100% within a 12 hour period, use an auger to drill a 10" inch hole to a depth of four feet below the bottom of the pit. Fill auger hole with drainage gravel and cover with a soil separator. Retest pit. If drainage is still unsatisfactory, City Arborist and Project Arborist must be notified in writing of the locations with poor drainage to provide a solution before planting. Testing results must be provided to the City Arborist.
- All buffers shall be planted where sparse and code required screening shall be installed in order to create a year round opaque screen within 2 years of construction or as directed by the City of Alpharetta. During construction or at the time of CO the City may require additional plantings to meet these requirements above what is shown on the approved landscape plan.
- All tree anchoring devices shall be removed from tree after one complete growing season or one year after planting, whichever is greater.
- Property owner shall be responsible for the care and maintenance of the trees and landscaping that front their property within the ROW.
- Landscape contractors are required to attend the City of Alpharetta Pre-Construction Class prior to starting work on any project. Please call (678)297-6070 for information and to reserve a spot.
- NO TREES SHALL BE PLANTED ON ANY AREA OF AN EARTHEN DAM OR EMBANKMENT. Make sure this note is bold and located in a prominent place near the dam.

24 HOUR CONTACT:
ARTHUR ROUNTREE @
(404) 350-1444

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



Brunson & Company
LANDSCAPE ARCHITECTS

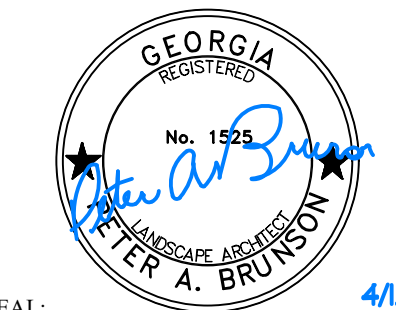
903 BOMBAY LANE
ROSWELL, GA 30076

770 . 864 . 1987

KDC Thompson, LLC
410 Peachtree Parkway
Suite 4245
Cumming, GA 30041
(O) 404-350-1444

OWNER:

KDC THOMPSON PHASE 2
TREE PROTECTION & REPLACEMENT PLANS
Prepared For:
KDC THOMPSON, LLC
51 THOMPSON STREET
LL 247 - 1st DISTRICT, 2nd SECTION
CITY OF ALPHARETTA, FULTON COUNTY, GEORGIA



SEAL:

4/12/21

THIS DRAWING IS AND SHALL REMAIN THE PROPERTY OF BRUNSON & COMPANY, LLC AND SHALL NOT BE REPRODUCED OR COPIED IN ANY FORM WITHOUT WRITTEN CONSENT. BRUNSON & COMPANY, LLC ASSUMES NO LIABILITY FOR ANY ELEMENTS CONSTRUCTED FROM THIS PLAN.

REVISIONS:

4/12/21	REV PLANS PER CITY COMMENTS

DRAWING TITLE:
**TREE REPLACEMENT
DETAILS & NOTES**

DATE: 2.1.21 PROJECT #: 21.006

SHEET REF #

L-1.1

CITY OF ALPHARETTA TREE DATA - THOMPSON ST.
SITE ESTIMATION FACTOR
REQUIRED = 20 UNITS PER ACRE
SITE AREA = 2.386 ACRES
SDF - EDF = RDF
20 X 2.386 = 47.72 UNITS REQ.
EXISTING TREE DENSITY
EX. TREE DENSITY = 53.2 UNITS
REPLACEMENT TREES REQUIRED (RDF)
SDF = EDF + RDF
47.72 (SDF) - 53.2 (EDF) = + 5.48 UNITS SURPLUS
SPECIMEN TREE RECOMPENSE
REQUIRED = 3 x DBH INCH REMOVED
REQUIRED = 20.4 UNITS X 3 = 61.2 UNITS REQ.
SPECIMEN TREE RECOMPENSE
REQUIRED = 3 x DBH INCH REMOVED
REQUIRED = 20.4 UNITS X 3 = 61.2 UNITS REQ.
PHASE II PROVIDED = 29.2 UNITS
PHASE I PROVIDED = 22.3 UNITS
SPECIMEN RECOMPENSE PROVIDED (PHASE I (22.3) + PHASE II (29.2) = 51.5 UNITS
TOTAL TREE UNITS REPLACED = 51.1 UNITS (REMAINDER TO BE TREE BANKED)
LANDSCAPE STRIPS
<u>STREET TREES 240 LF X 1/40 LF = 6 TREES REQUIRED</u>
TREES PROVIDED: (8) STREET TREES PROVIDED.

THOMPSON STREET - SPECIMEN TREE RECOMPENSE CHART				
TREE I.D	TREE CAL. IN.	SPECIMEN TREES TO BE RECOMPENSED	CONDITION	REPLACEMENT UNITS REQ.
343	34	MAGNOLIA	GOOD	5.0
344	25	MAPLE	GOOD	3.4
359	33	LOBLOLLY PINE	GOOD	4.6
360	32	LOBLOLLY PINE	POOR	0
363	28	WATER OAK	GOOD	4.0
364	44	RED MAPLE	POOR	0
365	48	WATER OAK	POOR	0
355	40	WATER OAK	FAIR	0
393	24	PECAN	GOOD	3.4
				20.4
		REQUIRED: 20.4 UNITS X 3 = 61.2 UNITS FOR SPECIMEN RECOMPENSE		

Thompson Street - Tree Replacement Chart											
Trees	Quantity	Botanical/Common	Cont	Cal. Inches	Units	Total Units	Native	Evergreen	Genius	Remarks	
AR	4	ACER RUBRUM "RED SUNSET" / RED SUNSET MAPLE	B & B	4	0.6	2.4	YES	NO	6%	STD., Straight Trunk, Full Head	
BN	1	BETULA NIGRA / RIVER BIRCH MULTI-TRUNK	B & B	4	0.6	0.6	YES	NO	2%	STD., Straight Trunk, Full Head	
CB2	5	CARPINUS BETULUS 'FASTIGIATA' / PYRAMIDAL EUROPEAN HORNBEAM	B & B	4	0.6	3.0	NO	NO	8%	STD., Straight Trunk, Full Head	
CC	7	CERCIS CANADENSIS 'FOREST PANSY' TM / FOREST PANSY REDBUD	B & B	3	0.4	2.8	YES	NO	11%	STD., Straight Trunk, Full Head	
CX2	12	CORNUS FLORIDA 'CHEROKEE CHIEF' / FLOWERING DOGWOOD	B & B	3	0.4	4.8	YES	NO	18%	STD., Straight Trunk, Full Head	
JE	8	JUNIPERUS VIRGINIANA / EASTERN RED CEDAR	B & B	4	0.6	4.8	YES	YES	12%	Straight Trunk, Full to Ground	
MAG SWE	6	MAGNOLIA VIRGINIANA / SWEET BAY	B & B	3	0.4	2.4	YES	NO	9%	Multi-Trunk, 3 Canes Min.	
NYS GRE	9	NYSSA SYLVATICA 'GREEN GABLE' TM / BLACK GUM	B & B	4	0.6	5.4	YES	NO	14%	STD., Straight Trunk, Full Head	
QS	3	QUERCUS SHUMARDII / SHUMARD RED OAK	B & B	4	0.6	1.8	YES	NO	22%	STD., Straight Trunk, Full Head	
QUE WAR	8	QUERCUS X WAREI 'LONG' TM / REGAL PRINCE OAK	B & B	4	0.6	4.8	YES	NO		STD., Straight Trunk, Full Head	
UA	2	ULMUS AMERICANA 'PRINCETON' / AMERICAN ELM	B & B	4	0.6	1.2	NO	NO	3%	STD., Straight Trunk, Full Head	
	65	TOTAL TREES			34	TOTAL REPLACEMENT UNITS					
	46%	OVERSTORY TREES									
	88%	NATIVE TREES			SPECIMEN RECOMPENSE TREES PROVIDED						

1. SITE ACREAGE=2.386 ACRES x 20 UNITS/ACRE =47.72 UNITS REQUIRED.
SDF = EDF + RDF

(1)	40"	WATER OAK #358 (SPECIMEN)	x 6.2 (2) = 12.4
(1)	33"	PINE #367 (SPECIMEN)	x 4.6 (2) = 9.2
(1)	25"	WATER OAK #366 (SPECIMEN)	x 3.4 (2) = 6.8
(1)	24"	BLACK WALNUT #368 (SPECIMEN)	x 3.4 (2) = 6.8
(1)	8"	DOGWOOD #373 (SPECIMEN)	x 0.4 (2) = 0.8
(1)	23"	PECAN #393	x 2.8 = 2.8
(1)	19"	WATER OAK #386	x 1.8 = 1.8
(1)	22"	PINE #382	x 2.8 = 2.8
(1)	20"	PINE #391	x 2.6 = 2.6
(1)	8"	PERSIMMON #388	x 0.4 = 0.4
(1)	12"	PINE #376	x 0.8 = 0.8
(1)	14"	WATER OAK #378	x 1.2 = 1.2
(2)	16"	PINE #383	x 1.8 = 3.6
(1)	19"	PINE #380	x 1.8 = 1.8
(1)	18"	PINE #389	x 1.8 = 1.8
(1)	17"	PINE #384	x 1.8 = 1.8
(1)	17"	PINE #377	x 1.8 = 1.8
(1)	13"	PINE #374	x 0.8 = 0.8
(1)	9"	SWEETGUM #381	x 0.4 = 0.4

0.4	TOTAL
64.4 UNITS	53.20 UNITS

REPLACEMENT TREES MUST BE AT LEAST 40% OVERSTORY.
* OVERSTORY REPLACEMENT TREES - PROVIDED $30 / 65 = 46\%$

REPLACEMENT TREES MUST BE AT LEAST 50% NATIVE.
 ** NATIVE REPLACEMENT TREES - PROVIDED $57/65 = 88\%$

REPLACEMENT TREES GENUS MAX IS 25%
 *** MAXIMUM GENIUS PROVIDED = 22% (SEE CHART)

24 HOUR CONTACT:
ARTHUR ROUNTREE @
(404) 350-1444



CITY OF ALPHARETTA, FULTON COUNTY, GEORGIA



REVISIONS:

4/12/21 | REV PLANS PER CITY COMMENT

DRAWING TITLE:

TREE REPLACEMENT DETAILS & NOTES

DATE _____

PROJECT #

2.1.21

21.006

SHEET REF #

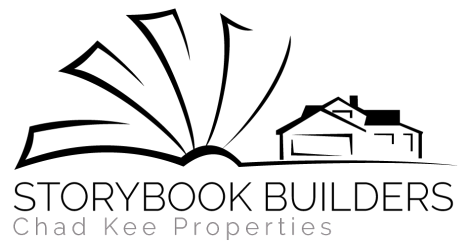
L-1.2



3D Thompson Street View of Lots 1-5

Thompson Street Homes

Alpharetta, Georgia





Front Elevations - Lots 1-5
 Thompson Street Homes
 Alpharetta, Georgia



Side Elevation - Lot 1
 Thompson Street Homes
 Alpharetta, Georgia



Side Elevation - Lot 5
 Thompson Street Homes
 Alpharetta, Georgia



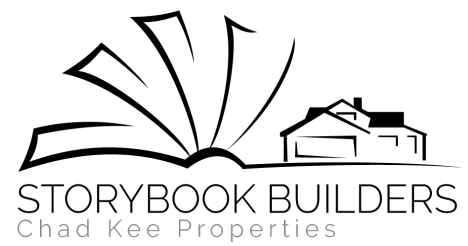
Rear Elevations - Lots 1-5
 Thompson Street Homes
 Alpharetta, Georgia



Front Elevations - Park Facing Lots

Thompson Street Homes

Alpharetta, Georgia



Thompson Street Phase II
Alpharetta, Georgia
Updated 8/5/22

Elevation Design Narrative

Unique elevations are proposed for each of the 10 single family lots in the Thompson Street Phase II development. Elevations will vary between 3 main styles, Tudor Eclectic, Stick Style, and Shingle Style architecture. It is intended to blend the classic details of each style with architecture found throughout Alpharetta.

Tudor Eclectic elevations will include prominent front-facing gables with steep pitches, chimneys, timber window headers, and the typical tall narrow windows of the Tudor style. Stick style elevations will include timeless details with steeply pitched gables and cross gables, horizontal and vertical decorative trim “stickwork”. Shingle style elevations will include classic details of shingled walls wrapping corners, front porches, and large gables.

All elevations will wrap the front elevation's detailing to the sides and rear with appropriate detailing and materials. Garden walls with gates for side yard access will also be unique to each elevation style. Chimneys will be provided on all lots, with the design and styling of the chimney complimenting each style.



FRONT ELEVATIONS FACING THOMPSON STREET



FRONT ELEVATIONS FACING PARK

Exhibit A: Thompson Street Flats – Site Completion List

- Stormwater As-Built
- Detention Pond Certification
- Stormwater Management Facilities and Covenants
- Streetscape across Phase 2
- File NOT upon completion
- Walking trail amenity area including, access stairs, mulch trail or better, seating, landscaping, and other identified amenities
- 2 Oaks along frontage need to be replaced, they have not leafed out or budded yet.
- All of the Redbuds have been planted too deep and are struggling. Expose the root flare and provide some basic tree care.
- The Redbud closest to the entrance driveway was planted too high, the root ball is about 10" above normal grade.
- The English Oak to the right of the entrance to the parking is struggling, provide some basic tree care.
- The root ball for the middle Dogwood on the slope is exposed on the lower side and the wire basket had not been removed.
- Bamboo was left on a few of the eastern Red Cedars on the rear slope.
- Various trees on top of the slope marked for removal were never removed, these trees need to be removed.
- Complete remaining recompense plantings.
- The other English Oaks along the east side are struggling, provide with basic tree care. Some were also planted too deep, please expose the root flares.
- Burlap was observed on the root ball and trunk of the English Oak behind the transformer.
- There are a few areas with old debris and construction debris that were never cleaned up, these areas need to be cleaned up and debris disposed of properly.
- Check all trees for wire baskets and root flares, any tree without a root flare exposed needs to have a root crown excavation.
- Pull mulch back from the tree trunks and maintain this way.
- Refresh mulch as needed, there were a few bare spots around this site.

RELEASE AND SETTLEMENT AGREEMENT

THIS RELEASE AND SETTLEMENT AGREEMENT (hereinafter referred to as the "Agreement") is made and entered into as of the 12th day of August 2021 ("Effective Date") by and between **KAIROS CAMP, LLC**, a Georgia limited liability company (hereinafter referred to as "Developer") and **THOMPSON STREET FLATS CONDOMINIUM ASSOCIATION, INC.**, a Georgia nonprofit corporation (hereinafter referred to as the "Association"). The Association and Developer are sometimes hereinafter referred to individually, as a "Party" and collectively, as the "Parties".

WITNESSETH:

WHEREAS, Developer established the condominium known as Thompson Street Flats, A Condominium ("Condominium") and in conjunction therewith served as the "Declarant" under that certain Declaration of Condominium for Thompson Street Flats, A Condominium recorded in Deed Book 60448, Page 239, *et seq.*, Fulton County, Georgia records, as amended (hereinafter referred to as the "Declaration"); and

WHEREAS, pursuant to the Declaration and the Bylaws of the Association, Developer turned over control of the Board of Directors of the Association to the individual members of the Association at a special meeting of the membership held on August 19, 2020 ("Turnover"); and

WHEREAS, in conjunction with the Turnover and Developer's completion of the project, Developer and the Association have had a dispute with respect to (1) incomplete and/or defective items within the Common Elements of the Condominium; (2) unpaid assessments owed to the Association from Developer; and (3) the obligation to provide certain amenities in the Common Elements of the Condominium (collectively, the "Dispute"); and

WHEREAS, Developer and the Association have reached an agreement to resolve the Dispute between them and desire to memorialize the terms and conditions of such agreement herein:

NOW, THEREFORE, in consideration of Ten and No/100 Dollars (\$10) hand-in-paid, the mutual promises, covenants, conditions, and undertakings herein contained, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto do covenant and agree as follows:

1. Definitions. Generally, the terms used in this Agreement shall have their normal, generally accepted meanings. Unless the context otherwise requires, certain terms used in this Agreement shall be defined as follows:

(a) "Action" or "Actions" shall mean, with respect to any legal action that any Party or other person may wish to pursue against another Party or person, all claims, actions, causes of action, claims for relief, liability, liabilities, costs and expenses (including, without limitation, reasonable attorneys' fees), debts, compensations, fees, demands, losses, judgments, exemplary damages, punitive damages, and damages of whatever name or nature, whether at law or in equity or other ground.

(b) "Assessment Arrears Amount" means Thirty-Two Thousand Two Hundred and Eleven and 00/100 Dollars (\$32,211), which is the total amount due for unpaid assessments owed by Developer to the Association for the Units owned by Developer through and including the date Developer conveyed its last Unit (being Unit 81-102) to a purchaser.

(c) "City Punch List" means the list of items referred to as "City Punch List" set forth on Exhibit "A" attached hereto and, by this reference, incorporated herein.

(d) "Common Elements" shall have the same meaning as set forth in the Declaration.

(e) "Condominium" shall have the same meaning as set forth in the Declaration.

(f) "Covered Claims" shall collectively refer to and include any and all past, present, and future Actions, whether known or unknown, from the beginning of the world to the date of this Agreement, which solely pertain to, arise from or are related to Developer's obligations to (1) perform the tasks listed in the Designated Punch List; (2) pay the Assessment Arrears Amount; and (3) provide additional amenities for the Condominium other than as provided in the City Punch List. The foregoing Covered Claims expressly exclude any warranties, representations or obligations set forth herein (including, without limitation, those obligations set forth in Section 2 herein), any claims pertaining to the water penetration issues experienced by Unit 81-101, and any issues that do not constitute a Covered Claim including, but not limited to, any existing or future claims of the Association or any individual Unit Owner for any defect in the design or construction of the Condominium, or any existing or future claims of any individual Unit Owner for any defect in the design or construction of a Unit Owner's individual Unit.

(g) "Designated Punch List" means the list of items referred to as "Designated Punch List" set forth on Exhibit "A" attached hereto and, by this reference, incorporated herein.

(h) "Developer and its Agents and Affiliated Entities" shall collectively refer to and include all of the following parties: Developer and all of its present and former partners, agents, affiliates, members, managers, officers, employees, servants, successors, assigns, executors, administrators, legal representatives, contractors, subcontractors, mechanics, materialmen, suppliers, architects, engineers, consultants, construction managers, surveyors, insurers, accountants, and attorneys.

(i) "Unit" shall have the same meaning as set forth in the Declaration.

(j) "Unit Owner" shall mean any owner of a Unit other than Developer.

2. Agreements by Developer and the Association. Developer and the Association agree to the following:

(a) On the Effective Date, Developer shall pay to the Association One Hundred Thirty-Five Thousand and 00/100 Dollars (\$135,000.00) (the "Payment Amount").

(b) On or before the thirtieth (30th) day after the Effective Date, Developer shall complete (at its sole cost and expense) all of the items on the City Punch List in a manner reasonably satisfactory to the City of Alpharetta and the Association expressly agrees that the City of Alpharetta shall be the party which determines if the items on the City Punchlist List have been satisfactorily completed.

(c) Notwithstanding anything herein or within the Declaration to the contrary, the Parties agree that the Association shall retain control of (i) the four (4) parking spaces currently designated as "handicapped" parking spaces (the "Handicapped Parking Spaces") on the floor plans recorded on Condominium Floor Plan Book 72, Page 7, et seq. of the Fulton County, Georgia records and (i) the two (2) parking spaces with painted numbers "1" and "27" that have not been allocated to any Unit Owners as of the date hereof (the "Unassigned Parking Spaces"). The Handicapped Parking Spaces and the Unassigned Parking Spaces are hereinafter referred to collectively as the "Additional Parking Spaces"). Developer agrees that from and after the Effective Date it will no longer have the right to sell or otherwise assign or convey the Additional Parking Spaces as Limited Common Elements and that only the Association, by and through its Board of Directors, shall have the right to sell or assign such parking spaces pursuant to the Declaration and retain the proceeds of such sale or assignment, if any.

(d) Developer (at its sole cost and expense) shall use diligent and good faith efforts to assist the Association's designated agent to prepare, finalize and record appropriate amendment(s) to the Declaration to reflect the correct assignment of all parking spaces as Limited Common Elements to the applicable Units, including, without limitation, the six (6) Additional Parking Spaces ("Parking Amendment"), a copy of which is attached hereto as Exhibit "B" and, by this reference, incorporated herein. Developer agrees to timely execute amendments as reasonably requested by the Association. The Parties agree that the Parking Amendment shall be recorded on or before the thirtieth (30th) day after the Effective Date.

(e) On or before the seventh (7th) day after the Effective Date, Developer shall execute and record in the Fulton County land records a Termination of Declarant Rights, a copy of which is attached hereto as Exhibit "B1" and, by this reference, incorporated herein.

(f) On or before the seventh (7th) day after the Effective Date, Developer (and its affiliates) and the Association shall execute and record in the Fulton County land records an Amended and Restated Declaration of Easements and Cost Sharing (the "Easement and Cost Sharing Agreement"), a copy of which is attached hereto as Exhibit "C" and, by this reference, incorporated herein, which will terminate the existing Declaration of Easements and Cost Sharing recorded on December 4, 2020 in Deed Book 62735, Page 376, *et seq.*, Fulton County, Georgia records, and the Corrective Declaration of Easements and Cost Sharing re-recorded on May 27, 2021 in Deed Book 63844, Page 336 *et seq.*, Fulton County, Georgia records as amended (together, "Prior Declaration of Easements"). Upon the submission of Phase 2, as such term is defined hereinbelow, to any declaration of restrictive covenants or declaration of condominium, such declaration shall provide that it is specifically subject to the Easement and Cost Sharing Agreement.

(g) Subject to the performance of Developer's obligations in clauses (a) through (f) in this Section 2, the Association does hereby forgive, release, remise, and forever discharge Developer and its Agents and Affiliated Entities from and against all Covered Claims. However, in no event shall the foregoing release impair, release, or relieve Developer of (i) its obligations set forth in this Agreement; (ii) any liability for, or Actions pertaining to, arising from or relating to: (A) any unfinished individual Unit Owner "punch list" items that remain outstanding as of the Effective Date (each, a "Unit Owner Punch List Item") or (B) any liability for, or Actions pertaining to, arising from or relating to, any defects in the design, installation or construction of the Condominium existing as of the Effective Date or discovered after Effective Date affecting property that is the responsibility of an individual Unit Owner (each, a "Unit Owner Latent Defect") (the Unit Owner Punch List Items and the Unit Owner Latent Defects are hereinafter referred to, individually, as an "Uncovered Unit Owner Claim" and, collectively, as the "Uncovered Unit Owner Claims"); or (iii) any liability for, or Actions pertaining to, arising from or relating to, any defects in the design, installation or construction of the Condominium existing as of the Effective Date or discovered after the Effective Date by the Association affecting any property or improvement that is the responsibility of the Association (individually, an "Uncovered Association Claim" and collectively, the "Uncovered Association Claims"). The Uncovered Unit Owner Claims and the Uncovered Association Claims are hereinafter referred to collectively as the "Uncovered Claims").

(h) The Association acknowledges and agrees that the Association is solely responsible for all routine and reoccurring maintenance of the Condominium as set forth within the Declaration.

Developer warrants and represents that is not aware of any debts, promissory notes, demands for payment, or financial obligations owed by the Association to Developer and its Agents and Affiliated Entities nor has Developer executed any other documents in the name of the Association since Turnover other than the Prior Declaration of Easements. Developer hereby agrees to indemnify and hold harmless the Association and its officers, directors, members and agents, from and against any and all losses, claims, demands, cause or causes or cation or judgments or every kind and character related to any promissory notes, demands for payment, or financial obligations owed by the Association to Developer and its Agents and Affiliated Entities or based upon any documents executed by the Developer in the name of the Association since Turnover.

(i) The Association shall use diligent and good faith efforts to ensure that representatives of the Association's Board of Directors (i) will attend the next scheduled meeting of the City of Alpharetta City Council after the Effective Date at which the Developer's (or its affiliated entity, One Alpharetta Partners, LLC) application to modify the site plan for the property adjacent to the Condominium Property ("Phase 2") will be heard and, subject to the condition that Developer has either (A) fully performed all of its obligations under this Agreement as of such City Council meeting date or (B) acknowledges as part of the public record at such City Council meeting that it will fully perform any remaining obligations under this Agreement in a timely manner (ii) and state that the Association's Board of Directors will conditionally support the Developer's application to develop and construct ten (10) single family homes on Phase 2 in accordance with the proposed plan, a copy of which is attached hereto as Exhibit "C" and, by this reference, incorporated herein, provided, however, that the Developer's application to develop and

construct ten (10) single family homes on Phase 2 with the proposed plan includes an express request that the requirement for cross access be waived for Phase 2 such that the common driveway located on the Condominium property and Phase 2 will only be accessed by owners, residents, invitees and licensees of the Condominium owners and the owners of Lots within Phase 2, and their respective guests, invitees and licensees and not any of the other persons or entities from parcels adjacent to the Condominium property and Phase 2, except as noted below. The Developer also agrees that any development conducted on any parcel adjacent to the Condominium property or Phase 2 by the Developer and/or its affiliates will not have vehicular access to the Condominium property or Phase 2 and any application to develop on any such parcels shall include an express request that the requirement for cross access be waived for the Condominium property and Phase 2 such that the common driveway located on the Condominium property and Phase 2 will only be accessed by owners, residents, invitees and licensees of the Condominium owners and the owners of Lots within Phase 2, and their respective guests, invitees and licensees and not any of the other persons or entities from parcels adjacent to the Condominium property and Phase 2, except as noted below.

(j) Potential Limited Access to Parcel 2 Tract. To the extent required by the City of Alpharetta, the Parcel 2 Tract Owner may install a locked gate ("Gate") at the western end of the private drive serving the Parcel 2 Tract for fire, police and safety personnel use only to serve the Condominium Tract and/or the Parcel 2 Tract. In such an instance, a "knoxbox" (or similarly approved access system) may be installed on the Gate to allow fire, police and safety personnel only to unlock and drive through the Gate for access to and from the Parcel 2 Tract and/or the Condominium Tract. The Gate will not be accessible by (i) the Condominium Tract Owner, the Declarant and/or the Parcel 2 Tract Owner, (ii) any owners, residents, guests and invitees of the Condominium Tract, the Parcel 2 Tract, and/or any property contiguous to the Parcel 2 Tract and/or the Condominium Tract; nor (iii) any members of the general public. The Gate, if any, shall be maintained, repaired, replaced, and insured by the Parcel 2 Tract Owner (and its successors and assigns), at its sole cost and expense. Except as herein provided, no other access shall be permitted to or through the Parcel 2 Tract through the Gate and/or from the western end of the private drive or otherwise. Notwithstanding the foregoing, the Parcel 2 Tract may be accessed from the western end of the Parcel 2 Tract during and for the sole purpose of initial construction of the residential improvements on the Parcel 2 Tract. Notwithstanding anything in this Agreement or the Easement and Cost Sharing Agreement to the contrary, the Association shall have the right to enforce the terms of this Section 2(j) immediately by pursuing any and all available legal and equitable remedies, including, but not limited to, injunction or specific performance. In any action or remedy taken by the Association to enforce the provisions of this Section 2(j), the Association shall be entitled to recover all costs, including without limitation, reasonable attorneys' fees and court costs actually incurred in such action.

3. Association Acknowledgement Regarding Covered Claims. The Association hereby acknowledges and agrees that the full performance by Developer of its obligations under this Agreement (i) is a complete and final bar to any Actions against Developer and its Agents and Affiliated Entities in any manner involving, concerning or relating to the Covered Claims and (ii) this Agreement forever and finally compromises, settles and terminates any and all disputes, claims, losses, damages, costs, expenses and fees of whatever nature, known or unknown, foreseen or unforeseen, accrued or unaccrued, suspected or unsuspected, in any manner arising, growing out of, connected with or in any manner involving, concerning or relating to the claims, demands,

obligations, or causes of action, known or unknown, arising from the Covered Claims. Subject to the full performance of Developer's obligations under this Agreement, the Parties agree that this Agreement is intended to fully and completely discharge Developer and its Agents and Affiliated Entities from any and all legal liability or obligations arising, growing out of, connected with or in any manner involving, concerning, arising from, or relating to the Covered Claims.

4. Developer Acknowledgement Regarding Uncovered Claims and Responsibility for Remaining Defects. Developer hereby acknowledges and agrees that the full performance of its obligations under this Agreement shall not have any legal effect on Developer's obligations to resolve any and all Uncovered Claims existing on the date hereof or arising after the date hereof. Developer further acknowledges and agrees that (i) the Association's responsibility in addressing Designated Punch List items is expressly limited to: (A) contracting with third parties to complete, install and/or repair the Designated Punch List items; (B) paying for such work; and (C) assuming responsibility for the quality of such work and (ii) nothing in this Agreement is intended to cause the Association to "step into the shoes" of Developer with respect to (D) any existing or future claims of the Association for any defect in the design or construction of the Condominium or (E) any existing or future claims of any individual Unit Owner for any defect in the design or construction of a Unit Owner's individual.

5. Acknowledgments and Warranty of Capacity to Execute Agreement. Developer acknowledges and warrants that it has the right, power, and authority to enter into this Agreement. The undersigned persons executing this Agreement on behalf of the Association represent and warrant that they have the right, power, and authority to execute this Agreement on behalf of the Association, and that the Association has not sold, assigned, transferred, conveyed, or otherwise disposed of any of the claims, demands, obligations, or causes of action, known or unknown, arising from the Covered Claims referred to in this Agreement.

6. Non-Assistance/Assistance.

(a) The Association agrees that it will not file, nor will it directly or indirectly encourage, support, assist, participate in, cooperate in, or fund any lawsuit, arbitration, claim, or demand made by any other person or entity (including, but not limited to, a Unit Owner) pertaining to, arising out of, or relating to the Covered Claims referred to in this Agreement.

(b) Nothing in this Agreement prevents the Association from (i) complying with court orders, subpoenas, or any applicable state or federal law or (ii) providing Unit Owners with any existing books and records of the Association.

(c) Notwithstanding anything to the contrary in this Agreement, this Agreement shall not be deemed to (i) prohibit the individual Unit Owners from pursuing any Actions that can be brought by such individual Unit Owners against Developer and its Agents and Affiliated Entities relating to issues other than the Covered Claims (including, without limitation, any Uncovered Unit Owner Claims existing as of the Effective Date or discovered after the Effective Date or (ii) prohibit the Association from pursuing any Actions that can be brought by the Association against (A) Developer and its Agents and Affiliated Entities or (B) the Declarant (and each of their respective present and former partners, agents, affiliates, members, managers, officers, employees, servants, successors, assigns, executors, administrators, legal representatives,

contractors, subcontractors, mechanics, materialmen, suppliers, architects, engineers, consultants, construction managers, surveyors, insurers, accountants, and attorneys) relating to issues other than the Covered Claims (including, without limitation, any Uncovered Association Claims as of the date hereof or discovered after the date hereof).

7. Confidentiality. Both Parties agree to maintain in strictest confidence the existence, terms and conditions of this Agreement (the "Confidential Information") including, without limitation, refraining from disclosing, releasing, revealing, divulging, publishing or communicating the Confidential Information, directly or indirectly, to any person, except as necessary: (i) to the Association's members and its agents; (ii) to the City of Alpharetta; (iii) to an attorney for the purposes of obtaining legal advice; or (iv) to an accountant for the purpose of obtaining financial or tax advice. Additionally, in the event either Party (hereinafter, the "Subpoenaed Party") is required by any law, governmental regulation, court or legislative or administrative body (by oral questions, interrogatories, requests for information or documents, subpoena, civil investigation, demand, or similar process) to disclose any Confidential Information, such Subpoenaed Party shall provide the other party (hereinafter, the "Non-Subpoenaed Party") with written notice of such requirement in order to afford the Non-Subpoenaed Party an opportunity to seek an appropriate protective order. However, if the Non-Subpoenaed Party is unable to obtain or does not seek such protective order and the Subpoenaed Party is, in the reasonable opinion of its counsel, compelled to disclose the Confidential Information under pain of liability for contempt or other censure or penalty, disclosure of such Confidential Information may be made by the Subpoenaed Party without liability. Each Party agrees and acknowledges that injury will be suffered by the other Party in the event of a breach of any covenant or agreement contained in this Section 7 which cannot be compensated by monetary damages alone, and therefore, in addition to and without limiting any other remedies or rights, at law or equity, which the non-breaching Party may have either under this Agreement or otherwise,

the non-breaching Party shall have the right to obtain an injunction or other equitable relief against the breaching Party, from any court of competent jurisdiction, enjoining any such breach.

8. Severability. Should any part of this Agreement be declared invalid or void, such decision shall not affect the validity of the remaining portion or portions hereof, and such remaining portion or portions shall be deemed to be in full force and effect.

9. Cooperation. The Parties agree that they shall reasonably cooperate in good faith to affect the provisions hereof and they agree that they will hereafter execute all documents reasonably necessary to affect the terms of this Agreement. Time is of the essence in this Agreement.

10. No Admission of Wrongdoing/Liability. The Parties acknowledge and agree that this Agreement is a full and complete compromise of matters involving disputed issues between the Parties and that acceptance of the payments reference in Section 2 above (together with any other consideration exchanged between the Parties under this Agreement) shall not be considered an admission of any liability or wrongdoing by either Party.

11. Ambiguity. The Parties acknowledge that they have read and understand this Agreement, have sought such legal counsel as they so desired and that this Agreement is executed

freely and voluntarily for the purpose and consideration set forth herein, and with the intent to be legally bound hereby. Accordingly, the usual rule that any ambiguity in a document shall be construed against the Party drafting the document shall not apply to this Agreement. The Parties hereto shall jointly be deemed to be the drafters of this Agreement and agree that this Agreement shall not be construed or interpreted in favor or against any Party by virtue of the identity of any alleged preparer.

12. Governing Law. This Agreement shall be interpreted, governed, and enforced by and under the laws of the State of Georgia (excluding conflict of laws principles).

13. Notices. All notices required or permitted to be given pursuant to this Agreement shall be in writing and shall be delivered either by personally delivering it by hand or Federal Express or similar courier service to the person to whom notice is directed, or by facsimile transmission, or by depositing it with the United States Postal Service, certified mail, return receipt requested, with adequate postage prepaid, addressed to the appropriate party (and marked to a particular individual's attention). Such notice shall be deemed delivered at the time of personal delivery or, if mailed, when it is deposited as provided above, but the time period in which a response to any such notice must be given or any action taken with respect thereto shall commence to run from the date it is personally delivered or, if mailed, the date of receipt of the notice by the addressee thereof, as evidenced by the return receipt. Rejection or other refusal by the addressee to accept the notice shall be deemed to be receipt of the notice. In addition, the inability to deliver the notice because of a change of address of the Party of which no notice was given to the other Party as provided below shall be deemed to be the receipt of the notice sent. The addresses of the Parties to which notice is to be sent shall be those set forth below:

To the Association: Thompson Street Flats Condominium Association, Inc.
c/o Integrity Association Management Group LLC
3245 Peachtree Parkway, Suite D-242
Suwanee, Georgia 30024
Attention: Becca Drews Jowers

With a copy to: Winter Capriola Zenner, LLC
One Ameris Center
3490 Piedmont Road NE, Suite 800
Atlanta, GA 30305
Attention: Stephen A. Winter

To Developer: Kairos Camp, LLC
c/o Kairos Development Corporation
410 Peachtree Parkway
Building 400, Suite 4245
Cumming, GA 30041
Attention: Jack G. Williams

With a copy to: McLain & Merritt, P.C.
3445 Peachtree Road, N.E.
Suite 500
Atlanta, GA 30326
Attention: Neil S. Morrisroe

Each Party hereto, by notice to the other, shall have the right at any time to change its address for notice purposes hereunder by providing written notice of such other address to the other Party.

14. Cost and Attorneys' Fees. In any action brought by Developer or the Association to enforce any term or provision of this Agreement, the Party prevailing in such action shall be entitled to recover, in addition to any other relief to which it is entitled, its costs and reasonable attorneys' fees actually incurred.

15. Entire Agreement and Merger. The Parties acknowledge and agree that this Agreement contains the entire and complete agreement between Developer and the Association with respect to the subject matter hereof and that the terms and conditions stated herein shall bind and inure to the benefit of the Parties hereto and their respective heirs, successors, representatives, and assigns. The Parties further acknowledge and agree that because this Agreement (including Exhibits A, B and C hereto) contains all of the terms of the compromise and settlement reached herein, there are no other amendments, exhibits or addendums to this Agreement, nor will there be any amendments, exhibits or addendums appended hereto in the future, unless expressly agreed to in writing and signed by Developer and the Association. This Agreement is intended to supersede all prior verbal and written representations and promises discussed between the Parties and such prior verbal and written representations and promises are merged and integrated herein. The terms of this Agreement are contractual, and not merely recitals. All of the mutual promises, covenants, conditions and undertakings of the Parties herein contained are supported by good, valuable, and adequate consideration.

16. Execution of Agreement. This Agreement may be executed in counterparts, each of which shall be deemed to be one and the same instrument. Delivery of an executed counterpart of this Agreement by email and/or facsimile shall be equally as effective as delivery of a manually executed counterpart of this Agreement. Facsimile and/or electronically transmitted signatures shall be treated as original signatures for all purposes.

[SIGNATURES CONTINUED ON NEXT PAGE]

IN WITNESS WHEREOF, the undersigned authorized representatives of Developer and the Association execute this Agreement on the day and year first above written.

DEVELOPER:

KAIROS CAMP, LLC
a Georgia limited liability company

By: _____ (SEAL)
Jack G. Williams, Manager

ASSOCIATION:

**THOMPSON STREET FLATS CONDOMINIUM
ASSOCIATION, INC.,**
a Georgia nonprofit corporation

By: _____ (SEAL)
Joseph Long, President

Attest: _____ (SEAL)
Marijke Strachan, Secretary

IN WITNESS WHEREOF, the undersigned authorized representatives of Developer and the Association execute this Agreement on the day and year first above written.

DEVELOPER: **KAIROS CAMP, LLC,**
a Georgia limited liability company

By: _____ (SEAL)
Jack G. Williams, Manager

ASSOCIATION: **THOMPSON STREET FLATS CONDOMINIUM**
ASSOCIATION, INC.,
a Georgia nonprofit corporation

By: Joseph Long (SEAL)
Joseph Long, President

Attest: Marijke Strachan (SEAL)
Marijke Strachan, Secretary

EXHIBIT "A"

*The **City Punch List** and the **Designated Punch List** are part of the Release and Settlement Agreement between Developer and the Association. Capitalized words used but not defined in this Exhibit A have the meanings in the Agreement.*

City Punch List

- (1) Complete all items on Exhibit A (entitled Thompson Street Flats – Site Completion List) to the City of Alpharetta's Staff Report, a copy of which is attached as Annex I hereto.
- (2) Clear and construct stairs to the natural amenity behind the Condominium Property so that Unit Owners and residents of the Condominium can access and enjoy the natural amenity behind the Condominium Property while Developer's project adjacent to the Condominium property being constructed.
- (3) Install two (2) benches on the front sidewalk of the Condominium Property.
- (4) Complete any additional items the City of Alpharetta may require.

Designated Punch List

Complete all items attached on Annex II hereto, except that any items included on Annex II that are also listed as City Punch List items on Annex I shall constitute City Punch List items rather than Designated Punch List items.

ANNEX I

Exhibit A: Thompson Street Flats – Site Completion List

- Stormwater As-Built
- Detention Pond Certification
- Stormwater Management Facilities and Covenants
- Streetscape across Phase 2
- File NOT upon completion
- Walking trail amenity area including, access stairs, mulch trail or better, seating, landscaping, and other identified amenities
- 2 Oaks along frontage need to be replaced, they have not leafed out or budded yet.
- All of the Redbuds have been planted too deep and are struggling. Expose the root flare and provide some basic tree care.
- The Redbud closest to the entrance driveway was planted too high, the root ball is about 10" above normal grade.
- The English Oak to the right of the entrance to the parking is struggling, provide some basic tree care.
- The root ball for the middle Dogwood on the slope is exposed on the lower side and the wire basket had not been removed.
- Bamboo was left on a few of the eastern Red Cedars on the rear slope.
- Various trees on top of the slope marked for removal were never removed, these trees need to be removed.
- Complete remaining recompense plantings.
- The other English Oaks along the east side are struggling, provide with basic tree care. Some were also planted too deep, please expose the root flares.
- Burlap was observed on the root ball and trunk of the English Oak behind the transformer.
- There are a few areas with old debris and construction debris that were never cleaned up, these areas need to be cleaned up and debris disposed of properly.
- Check all trees for wire baskets and root flares, any tree without a root flare exposed needs to have a root crown excavation.
- Pull mulch back from the tree trunks and maintain this way.
- Refresh mulch as needed, there were a few bare spots around this site.

ANNEX II
Thompson Street Flats - Construction Completion Items

Item	Description	Comments	Ray PCA Item	Status
1	Rear lot clean up	Remove construction debris, abandoned sheds, fencing, and fallen tree. Clean up landscaping and install mulch/pine straw and walking paths as shown on original City approval documents.		Homeowners attempting to get quotes, but needs an installation contractor. Kairos to provide budget. HOA will contact Chris about an estimate. Tree and shrub replaced by Gibbs; \$930 invoice forwarded to Kairos in Nov 2020, never paid.
2	Common area - Kitchen	Install pergola, firepit, grill and furniture.		
3	Landscaping	Replace dead trees & shrubs.		
4	Garage security	Secure pedestrian gate access (2 gates)	31	Got 2 quotes, both \$3,000. Recommend award to Accurate Fence (original contractor). From Ray Engineering: replace corrugated pipes with PVC, using sweep elbows.
5	Downspouts - driveway near mailboxes	The underground drain pipe cannot accept all of the flow of the downspouts, so water backs up 3 to 4 feet above ground during significant rainstorms, and leaks from all joints. This is the cause of erosion in the side beds.	9	
6	Install bike rack	Suggest single parking space next to mailboxes be the bike rack location.		
7	Front door - repair	Bldg 71 front door does not relock after entry - needs closer. Also needs weatherstripping replaced, and repair door wood where latch was modified, poor patching job. Possibly similar issues in Bldg 81.		This still needs fixing. The door does not close enough to relatch. Need stronger closer.
8	Paint - garage entry hall	Walls in garage entry hall require touch up/ repaint.		
9	Paint - main entry hall	Repair & repaint areas where signs were removed.		
10	Building exterior power wash	Numerous areas of paint and mortar spots on building exterior and balconies, sidewalks and front entrances.	24	
11	Window cleaning	Windows require cleaning of construction debris (mortar, paint).		
12	Bldg 81 - social room	Install flooring in Bldg 81 social room.		
13	Front & west side walkways	Remove spilled mortar from walkways.	3	
14	Downspout crushed	Gutter downspout beneath 81-101 deck is crushed, needs replacement.		
15	Refrigerant pipe seals inadequate - 71 roof	The pipe penetrations through the roof for the refrigerant piping from the rooftop AC units on 71 were sealed with black plastic garbage bags. These seals need to be redone.	17	
16	Leak in garage ceiling from 71-102 patio	Not sure where the water is coming from.	14	
17	Cleaning of balcony floors	Final cleaning of balconies after construction (paint, mortar, rust, etc.) was never done.		
18	81 Trash Room	Not painted.	34	
19	Construction documents	Provide "As-Built" documentation	1	
20	Exterior handrail posts	Remove corrosion at base, repaint, regROUT to eliminate water pockets.	2	
21	Drainage along rear of garage	Install 4 missing area drains, surround drains with riprap. Verify sizing of 8" main drain header.	7	
22	Drain grating at south end of driveway	Drain inlet installed too high, should be same elevation as driveway gutter. Adjust position of drain inlet.	8	
23	Underground detention facility	Inspection by qualified inspector.	11	
24	Rooftop HVAC units, both buildings	Finish installation of anti-vibration pads (many are missing) to reduced noise in 3rd floor units	16	
25	Rooftop HVAC units, refrigerant pipe penetrations	Replace improper HVAC pipe penetration sealant with correct sealant, and add weather hood to protect pipe sleeve from weather, both buildings.	17	
26	Rooftop HVAC units, electrical	Repair HVAC electrical conduit penetration sleeve, reseal sleeve, both buildings.	18	
27	Scupper penetrations through siding	All scupper penetrations through the lap siding, both buildings and both sides, are not sealed. Seal all scupper penetrations.	21	Source of recurring leaks in bldg 71, caused damage to 3 units so far.
28	Lap siding sections near roof parapet, 2 each building	There is no seal between the lap siding and the brick veneer. Seal all sides of siding at brick veneer.	21	
29	Front west window of 81-102	This window is not sealed - seal window.	25	
30	Concrete walkway to garage	Seal joint between brick veneer and concrete ramp to garage.	26	

ANNEX II
Thompson Street Flats - Construction Completion Items

Item	Description	Comments	Ray PCA Item	Status
31	Brick veneer, front of 81-102 patio	Seal brick veneer above leaking step light on ramp to garage.	27	
32	Brick veneer, south east corner	Replace missing brick at southeast corner of 81, first row.	28	
33	Various vent penetrations	Reseal improperly sealed vent penetrations at rear of 81-302, west center 71-102, and east center 71-201.	29	All vent penetration seals need to be replaced, they were not sealed properly and some are leaking.
34	All balconies, connections to building	Repair and/or seal gaps between balconies and building.	32	
35	Building 71 balconies connections to columns	Replace improper trim at balcony columns on building 71.	33	
36	3rd floor HVAC room, both buildings	Fire seals for pipe and conduit penetrations are missing. Seal all penetrations.	37	

EXHIBIT "B"

Parking Space Amendment

(See Attached)

Deed Book 64407 Page 55
Filed and Recorded 09/01/2021 01:53:00 PM
2021-0284951
CATHELENE ROBINSON
Clerk of Superior Court
Fulton County, GA
Participant IDs: 7768062701

Return after recording to:
Stephen A. Winter, Esq.
Winter Capriola Zenner, LLC.
Suite 800
3490 Piedmont Road N.E.
Atlanta, GA 30305

Cross Reference:
Deed Book 60448 (Declaration)
Page 239

FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM
FOR THOMPSON STREET FLATS, A CONDOMINIUM
(Parking Space Amendment)

This First Amendment to Declaration of Condominium for Thompson Street Flats, A Condominium (hereinafter referred to as the "**Amendment**") is made as of the 1st day of September, 2021 by Thompson Street Flats Condominium Association, Inc., a Georgia nonprofit corporation (hereinafter, the "**Association**"); and all affected Unit Owners.

WITNESSETH:

WHEREAS, on August 27, 2019, Kairos Camp, LLC, a Georgia limited liability company (hereinafter referred to as the "**Declarant**"), recorded that certain Declaration of Condominium for Thompson Street Flats, A Condominium, in Deed Book 60448, Page 242, *et seq.*, Fulton County, Georgia records (the "**Declaration**"); and

WHEREAS, a plat of survey related to the Condominium was filed in Condominium Plat Book 26, Page 79, *et seq.*, aforesaid records (the "**Plat**"); and

WHEREAS, floor plans relating to the Condominium were filed in Condominium Floor Plan Book 72, Page 7, *et seq.*, aforesaid records (the "**Floor Plans**"); and

WHEREAS, Thompson Street Flats Condominium Association, Inc. is the "Association" as said term is used and defined in the Declaration; and

WHEREAS, pursuant to Section 4(c) of the Declaration, the parking spaces located in the Parking Deck shall be assigned as Limited Common Elements to the Units; and

WHEREAS, pursuant to Sections 4(c) and 6(b) of the Declaration, the Association, by and through its Board of Directors, may assign unassigned parking spaces located in the Parking Deck as Limited Common Elements to the Units, provided such assignment is also made in accordance with O.C.G.A. §44-3-82 of the Act; and

WHEREAS, the Declarant Control Period has ended pursuant to Section 21 of the Declaration;
and

WHEREAS, the Association and the affected owners do hereby consent to this Amendment as evidenced by their respective signatures below.

NOW, THEREFORE, the Declaration is hereby amended as follows:

1. The recitals set forth above are hereby incorporated into this Amendment by this reference as if fully set forth herein.
2. Previously unassigned Parking Space 2 is hereby assigned to Unit 71-301 as a Limited Common Element.
3. Previously unassigned Parking Space 3 is hereby assigned to Unit 71-301 as a Limited Common Element.
4. Previously unassigned Parking Space 4 is hereby assigned to Unit 71-101 as a Limited Common Element.
5. Previously unassigned Parking Space 5 is hereby assigned to Unit 71-101 as a Limited Common Element.
6. Previously unassigned Parking Space 6 is hereby assigned to Unit 71-101 as a Limited Common Element.
7. Previously unassigned Parking Space 7 is hereby assigned to Unit 81-301 as a Limited Common Element.
8. Previously unassigned Parking Space 8 is hereby assigned to Unit 81-301 as a Limited Common Element.
9. Previously unassigned Parking Space 9 is hereby assigned to Unit 81-101 as a Limited Common Element.
10. Previously unassigned Parking Space 10 is hereby assigned to Unit 81-101 as a Limited Common Element.
11. Previously unassigned Parking Space 11 is hereby assigned to Unit 81-201 as a Limited Common Element.
12. Previously unassigned Parking Space 12 is hereby assigned to Unit 81-201 as a Limited Common Element.
13. Previously unassigned Parking Space 13 is hereby assigned to Unit 81-201 as a Limited Common Element.
14. Previously unassigned Parking Space 14 is hereby assigned to Unit 81-302 as a Limited Common Element.

15. Previously unassigned Parking Space 15 is hereby assigned to Unit 81-302 as a Limited Common Element.
16. Previously unassigned Parking Space 16 is hereby assigned to Unit 81-102 as a Limited Common Element.
17. Previously unassigned Parking Space 17 is hereby assigned to Unit 81-102 as a Limited Common Element.
18. Previously unassigned Parking Space 18 is hereby assigned to Unit 81-102 as a Limited Common Element.
19. Previously unassigned Parking Space 19 is hereby assigned to Unit 81-202 as a Limited Common Element.
20. Previously unassigned Parking Space 20 is hereby assigned to Unit 81-202 as a Limited Common Element.
21. Previously unassigned Parking Space 21 is hereby assigned to Unit 81-102 as a Limited Common Element.
22. Previously unassigned Parking Space 22 is hereby assigned to Unit 71-202 as a Limited Common Element.
23. Previously unassigned Parking Space 23 is hereby assigned to Unit 71-202 as a Limited Common Element.
24. Previously unassigned Parking Space 24 is hereby assigned to Unit 71-302 as a Limited Common Element.
25. Previously unassigned Parking Space 25 is hereby assigned to Unit 71-302 as a Limited Common Element.
26. Previously unassigned Parking Space 26 is hereby assigned to Unit 71-102 as a Limited Common Element.
27. Previously unassigned Parking Space 28 is hereby assigned to Unit 71-102 as a Limited Common Element.
28. Previously unassigned Parking Space 29 is hereby assigned to Unit 71-201 as a Limited Common Element.
29. Previously unassigned Parking Space 30 is hereby assigned to Unit 71-201 as a Limited Common Element.
30. Previously unassigned Parking Spaces 1, 27, 31, 32, 33 and 34 shall remain unassigned until otherwise assigned to a Unit by the Association, if at all.
31. Exhibit "D", entitled "Parking Space Assignments", attached hereto and recorded with this Amendment is, by this reference, incorporated herein and added to and incorporated into the Declaration by this reference.

32. For purposes of clarification, Exhibit "E" attached hereto and recorded with this Amendment is, by this reference, incorporated herein and added to and incorporated into the Declaration by this reference.

33. For purposes of this Amendment, the terms "parking space" refers to the numbered parking spaces as shown on the Floor Plans and Exhibit E. Notwithstanding the foregoing, such designations are for reference purposes only and do not indicate or guaranty the dimensions or exact size or metes and bounds of any parking space. In the event of any conflict between a parking space as shown on the Floor Plans and the actual physical location of the parking space at the Condominium on the effective date hereof, the latter shall control.

34. Except as otherwise defined herein, capitalized terms, as used in this Amendment, shall have the meanings ascribed to such terms in the Declaration.

35. Except as amended hereby, the Declaration, as previously amended, shall remain in full force and effect.

36. This Amendment shall be effective upon recordation in the Fulton County, Georgia records.

IN WITNESS WHEREOF, the Association hereby executes this Amendment under seal on the date and year first above written.

ASSOCIATION:

**THOMPSON STREET FLATS
CONDOMINIUM ASSOCIATION, INC.,
a Georgia nonprofit corporation**

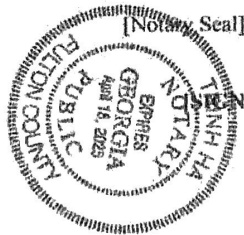
Signed, sealed and delivered
in the presence of:

K. Maguire
Unofficial Witness

[Signature]
Notary Public
My Commission Expires: 04/18/2025

By: [Signature]
President

Attest: [Signature]
Secretary



ALL SIGNATURES CONTINUE ON FOLLOWING PAGE]

[SIGNATURES CONTINUED FROM PRECEDING PAGE]

By execution hereinbelow, Kairos Camp, LLC, the Declarant under the Declaration, hereby consents to this Amendment and the assignments made herein.

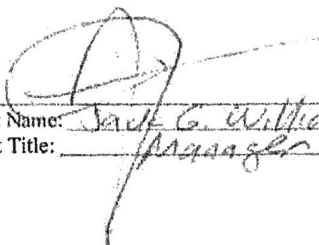
DECLARANT:

KAIROS CAMP, LLC
a Georgia Limited Liability Company

Signed, sealed and delivered
in the presence of:

Unofficial Witness
Notary Public
My Commission Expires
[Notary Seal]



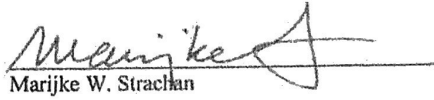
By: 
Print Name: Jack G. Williams
Print Title: Manager

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

[SIGNATURES CONTINUED FROM PRECEDING PAGE]

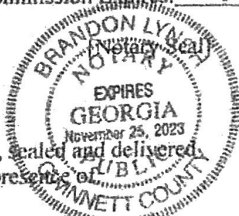
Owners of Unit 71-101

Signed, sealed and delivered
in the presence of:


Marijke W. Strachan


Unofficial Witness

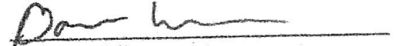

Notary Public
My Commission Expires: 11-25-2023



Signed, sealed and delivered
in the presence of:


Steven L. Berson


Unofficial Witness


Notary Public
My Commission Expires: 11-25-2023

[Notary Seal]



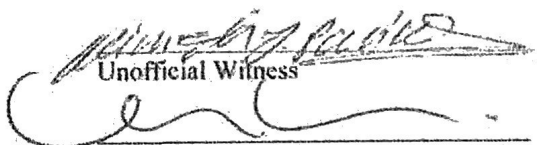
[SIGNATURES CONTINUE ON FOLLOWING PAGE]

[SIGNATURES CONTINUED FROM PRECEDING PAGE]

Owners of Unit 71-102

Signed, sealed and delivered
in the presence of:


Donald R. Ticken

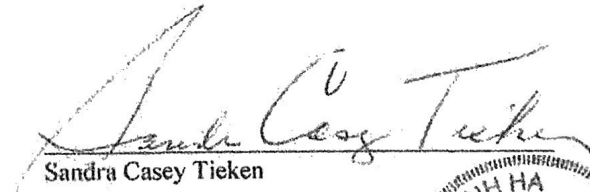

Unofficial Witness

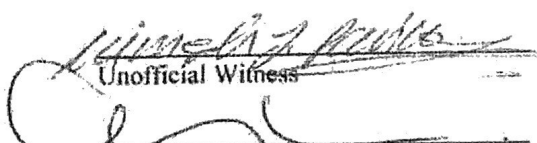
Notary Public
My Commission Expires: 04/18/2025

[Notary Seal]



Signed, sealed and delivered
in the presence of:


Sandra Casey Ticken


Unofficial Witness

Notary Public
My Commission Expires: 04/18/2025

[Notary Seal]



[SIGNATURES CONTINUE ON FOLLOWING PAGE]

[SIGNATURES CONTINUED FROM PRECEDING PAGE]

Owners of Unit 71-201

Signed, sealed and delivered
in the presence of:

Beverly J. Janke
Beverly J. Janke

K. Majala
Unofficial Witness

[Signature]
Notary Public
My Commission Expires: 11-23-2023

[Notary Seal]



Signed, sealed and delivered
in the presence of:

Scott L. Janke
Scott L. Janke

K. Majala
Unofficial Witness

[Signature]
Notary Public
My Commission Expires: 11-23-2023

[Notary Seal]

[SIGNATURES CONTINUE ON FOLLOWING PAGE]



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Owners of Unit 71-202

Signed, sealed and delivered
in the presence of:

Mary Michele Williams
Mary Michele Williams

Landice Bellesole
Unofficial Witness

Mary Joellen O'Neill
Notary Public
My Commission Expires: 1-8-2022



Signed, sealed and delivered
in the presence of:

Thomas Hamilton Williams
Thomas Hamilton Williams

Landice Bellesole
Unofficial Witness

Mary Joellen O'Neill
Notary Public
My Commission Expires: 1-8-2022



[SIGNATURES CONTINUE ON FOLLOWING PAGE]

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Owner of Unit 71-301

Signed, sealed and delivered
in the presence of:


Frans Heelen


Unofficial Witness

Sheida Samimi
Notary Public
My Commission Expires: July 14, 2023

[Notary Seal]



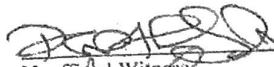
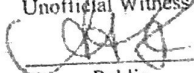
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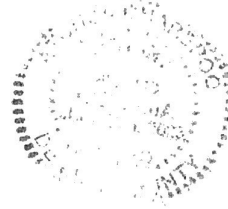
Signed, sealed and delivered
in the presence of:

Owners of Unit 71-302

Candace K. Simpson

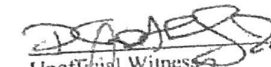
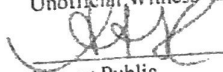

Unofficial Witness

Notary Public
My Commission Expires: July 8, 2021

[Notary Seal]

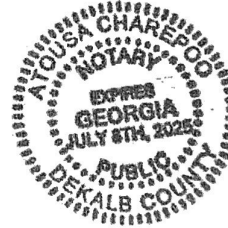


Signed, sealed and delivered
in the presence of:

Carlos C. Simpson


Unofficial Witness

Notary Public
My Commission Expires: July 8, 2021

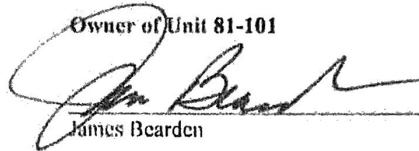
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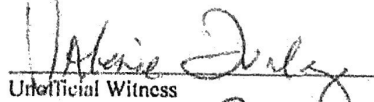
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Owner of Unit 81-101


James Bearden

Signed, sealed and delivered
in the presence of:

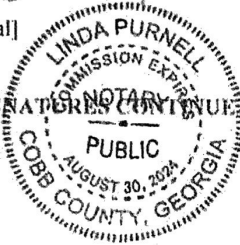

Unofficial Witness


Notary Public

My Commission Expires: 8-30-24

[Notary Seal]

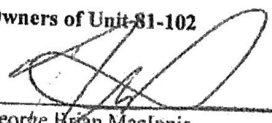
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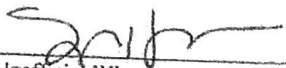


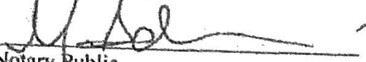
[SIGNATURES CONTINUED FROM PRECEDING PAGE]

Owners of Unit 81-102

Signed, sealed and delivered
in the presence of:


George Brian MacInnis


Unofficial Witness

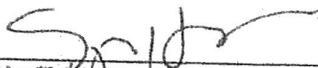

Notary Public
My Commission Expires: July 22, 2025

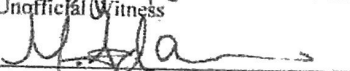
[Notary Seal]



Signed, sealed and delivered
in the presence of:


Suzette MacInnis


Unofficial Witness


Notary Public
My Commission Expires: July 22, 2025

[Notary Seal]



[SIGNATURES CONTINUE ON FOLLOWING PAGE]

[SIGNATURES CONTINUED FROM PRECEDING PAGE]

Signed, sealed and delivered
in the presence of:

[Signature]
Unofficial Witness
[Signature]
Notary Public
My Commission Expires: 11-25-2023

[Notary Seal]

Owners of Unit 81-201

[Signature]
Joseph William Long



Signed, sealed and delivered
in the presence of:

[Signature]
Unofficial Witness
[Signature]
Notary Public
My Commission Expires: 11-25-2023

[Notary Seal]

[Signature]
Lori A. Farrell



[SIGNATURES CONTINUE ON FOLLOWING PAGE]

[SIGNATURES CONTINUED FROM PRECEDING PAGE]

Owners of Unit 81-202

Signed, sealed and delivered
in the presence of:

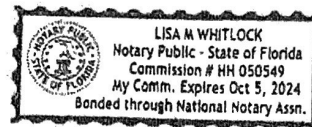
Richard Janovitz

Michelle Perry
Unofficial Witness

Notary Public

My Commission Expires: 10/5/2024

[Notary Seal]



Signed, sealed and delivered
in the presence of:

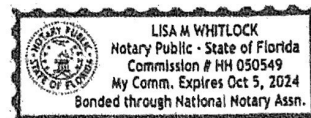
Renee Janovitz

Michelle Perry
Unofficial Witness

Notary Public

My Commission Expires: 10/5/2024

[Notary Seal]



[SIGNATURES CONTINUE ON FOLLOWING PAGE]

[SIGNATURES CONTINUED FROM PRECEDING PAGE]

Owners of Unit 81-301

Signed, sealed and delivered
in the presence of:

Donna Stringer Bennett
Donna Stringer Bennett

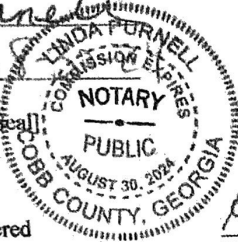
[Signature]
Unofficial Witness

Linda Purnell

Notary Public

My Commission Expires:

[Notary Seal]



Signed, sealed and delivered
in the presence of:

Harry Michael Bennett
Harry Michael Bennett

[Signature]
Unofficial Witness

Linda Purnell

Notary Public

My Commission Expires: 8-30-24

[Notary Seal]



[SIGNATURES CONTINUE ON FOLLOWING PAGE]

[SIGNATURES CONTINUED FROM PRECEDING PAGE]

Owner of Unit H1-302

Kay Rosenthal
Kay Rosenthal

Signed, sealed and delivered
in the presence of:

[Signature]
Unofficial Witness

Nimesh J. Parikh
Notary Public
My Commission Expires: 02/27/2022

[Notary Seal]



[SIGNATURES CONTINUE ON FOLLOWING PAGE]

EXHIBIT "D"THOMPSON STREET FLATS, A CONDOMINIUM
PARKING SPACE ASSIGNMENTS

<u>Condominium</u> <u>Unit #:</u>	<u>Parking Space #:</u>
71-101	4, 5, 6
71-102	26, 28
71-201	29, 30
71-202	22, 23
71-301	2, 3
71-302	24, 25
81-101	9, 10
81-102	16, 17, 18, 21
81-201	11, 12, 13
81-202	19, 20
81-301	7, 8
81-302	14, 15
Unassigned Common Element Parking Spaces reserved for use and/or assignment by the Association	1, 27, 31, 32, 33, 34

EXHIBIT "E"
 PARKING SPACES & SITES
 SITUATION OF FLOOR-PLAN

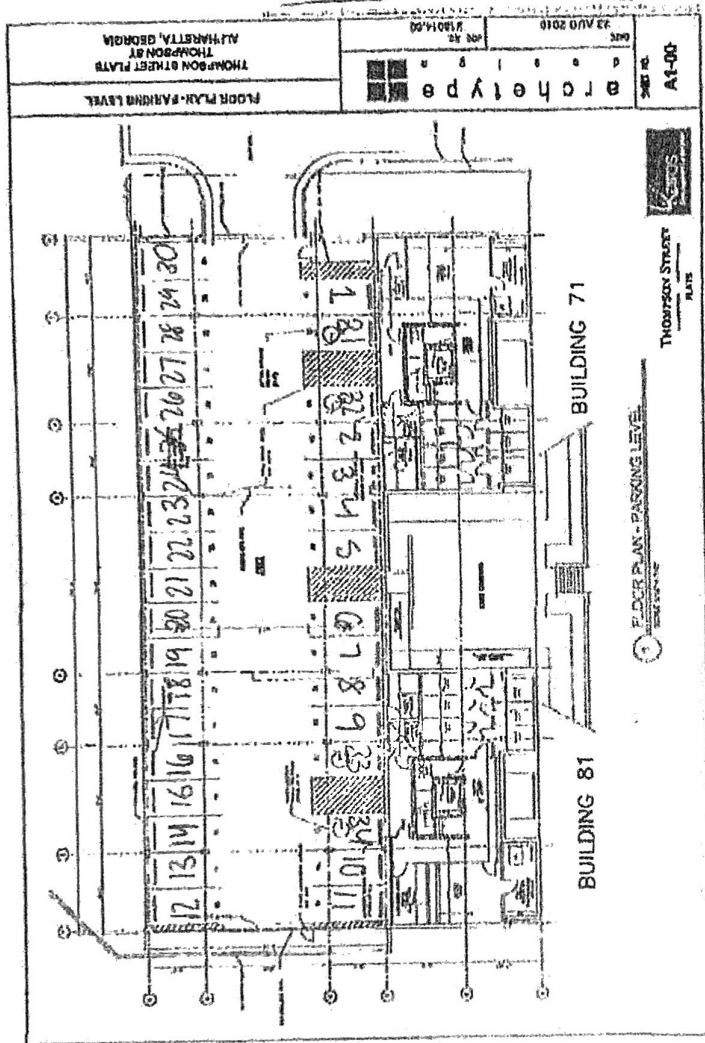


EXHIBIT "B1"

Termination of Declarant's Rights

(See Attached)

RETURN AFTER RECORDING TO:
Stephen A. Winter, Esq.
Winter Capriola Zenner, LLC
3490 Piedmont Road, N.E.
Suite 800
Atlanta, Georgia 30305

Cross Reference: Deed Book 60448, Page 239

TERMINATION OF DECLARANT'S RIGHTS
UNDER THE DECLARATION OF CONDOMINIUM FOR
THOMPSON STREET FLATS, A CONDOMINIUM

This Termination of Declarant's Rights Under the Declaration of Condominium for Thompson Street Flats, A Condominium (hereinafter, the "Amendment") is made as of the 19th day of August, 2020 by Kairos Camp, LLC, a Georgia limited liability company in accordance with Section 21 of the Declaration, as defined below, and the Georgia Condominium Act.

W I T N E S S E T H:

WHEREAS, on August 27, 2019, Kairos Camp, LLC, a Georgia corporation (hereinafter, "Declarant") recorded that certain Declaration of Condominium for Thompson Street Flats, A Condominium in Deed Book 60448, Page 239, et seq., Fulton County, Georgia Records, (being hereinafter referred to as the "Declaration"); and

WHEREAS, pursuant to the Declaration and the Bylaws of the Association, Developer turned over control of the Board of Directors of the Association to the individual members of the Association at a special meeting of the membership held on August 19, 2020 ("Turnover"); and

WHEREAS, Declarant now desires to expressly confirm that its rights, as set forth in the Declaration and other governing documents of the Association including, without limitation, the right of the Declarant to appoint or remove the Board of Directors for the Association as provided in the Bylaws of Thompson Street Flats Condominium Association, Inc. ("Bylaws"), have been terminated.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Declarant hereby takes the following action:

1. **Termination of Rights of Declarant.** Declarant hereby confirms that its Declarant's rights, privileges and authority arising under the Declaration, Bylaws and Articles of Incorporation ("Articles") including, without limitation, the right to appoint and remove any or all of the Board of Directors and/or Officers of the Association, the right and authority to approve or disapprove any building, construction or modification within the community, and the right to expand the Condominium have terminated. In furtherance thereof, a special meeting was held on August 19, 2020 for the Owners of Condominium Units to elect new directors for the Association with such positions to commence immediately upon their election.

2. **Rights retained by Declarant.** Notwithstanding the above, Declarant retains the following rights for the duration of the time when the Declarant owns any of the Units for the purpose of sale: (1) the right to make improvements and changes to all or part of the Units owned by Declarant (other than changes to the location of Unit boundaries unless expressly permitted in the Declaration); and (2) the right to lease Units in accordance with Section 17 of the Declaration. The Declarant has non-exclusive easement for use of the elevator and other Common Elements for the placement and maintenance of signs, sales office, a business office, promotional facilities and model Units on the Condominium and other areas that the Declarant determines is reasonably required, convenient or incidental to the completion, renovation, improvement, development or sale of the Unit.

3. **No Modification.** This document does not amend any provision of the Declaration, Bylaws or Articles and the provisions of the Declaration, Bylaws and Articles shall remain in full force and effect, as amended.

4. **Definitions.** Unless otherwise defined herein, the words used in this document shall have the same meaning as set forth in the Declaration.

IN WITNESS WHEREOF, the undersigned duly authorized officer of Declarant has executed this Instrument as of the date first above written.

KAIROS CAMP, LLC
a Georgia limited liability company

By: _____
Print Name: Jack G. Williams
Print Title: Manager

Signed, sealed and delivered
in the presence of:

Unofficial Witness

Notary Public

My Commission Expires

[Notary Seal]

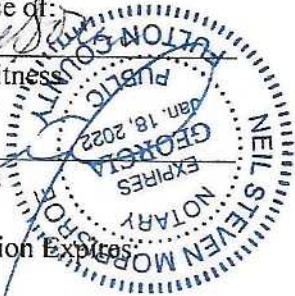


EXHIBIT "C"

Amended and Restated Declaration of Easements and Cost Sharing

(See Attached)

Upon recording return to:
McLain & Merritt, P.C.
3445 Peachtree Road, NE, Suite 500
Atlanta, GA 30326

STATE OF GEORGIA
COUNTY OF FULTON

Cross Reference:

Deed Book 62735
Page 376
Deed Book 63844
Page 336

AMENDED AND RESTATED DECLARATION OF EASEMENTS AND COST SHARING
(ACCESS AND UTILITIES)

THIS DECLARATION OF EASEMENTS AND COST SHARING (hereinafter referred to as the "Declaration"), is made and entered into on the 17th day of August 2021, by **KAIROS CAMP, LLC**, a Georgia limited liability company (hereinafter referred to as "Declarant"), **THOMPSON STREET FLATS CONDOMINIUM ASSOCIATION, INC.**, a Georgia non-profit association (the "Association"), and **ONE ALPHARETTA PARTNERS, LLC**, a Georgia limited liability company (hereinafter referred to as "OAP").

WITNESSETH

WHEREAS, Thompson Street Flats, A Condominium is located on that certain tract of real property lying and being located in Land Lot 247 of the 1st District, City of Alpharetta, Fulton County, Georgia, consisting of approximately 1.335 acres, said property being more particularly described on Exhibit "A" attached hereto and, by this reference, incorporated herein (hereinafter referred to as "Condominium Tract"); and

WHEREAS, Declarant has subjected the Condominium Tract to the provisions of that certain Declaration of Condominium for Thompson Street Flats, A Condominium (the "Condominium"), dated August 14, 2019, and recorded in Deed Book 60448, Page 239 in the Fulton County, Georgia land records (hereinafter, as amended and/or supplemented from time to time, the "Condominium Declaration"); and

WHEREAS, OAP is the owner of that certain contiguous tract of real property adjacent to the Condominium Tract and being located in Land Lot 247 of the 1st District, City of Alpharetta, Fulton County, Georgia, consisting of approximately 1.051 acres, said property being more particularly described on Exhibit "B" attached hereto and, by this reference, incorporated herein (hereinafter referred to as the "Parcel 2 Tract") (the Condominium Tract and the Parcel 2 Tract being collectively referred to as the "Tracts"); and

This Amended and Restated Declaration of Easements and Cost Sharing is being re-recorded for the purpose of amending, in their entirety, the Declaration of Easements and Cost Sharing recorded on December 4, 2020 in Deed Book 62735, Page 376, et seq. and the Corrective Declaration of Easements and Cost Sharing re-recorded on May 27, 2021 in Deed Book 63844, Page 336 et seq.

WHEREAS, the Tracts contain a private access drive (the "Access Drive") with a curb cut on Thompson Street, as more particularly depicted on that certain Utility Plan prepared for KDC Thompson, LLC by Paradigm Engineering Services, Inc. dated 8-27-16 (as updated 10-20-17) (the "Plan"), a copy of which Plan is attached hereto as Exhibit "C" and, by this reference, incorporated herein; and

WHEREAS, Declarant, the Association, and OAP desire to establish for the benefit of the Tracts an easement for vehicular access, ingress and egress over and across the Access Drive, as more particularly set forth herein; and

WHEREAS, Declarant, the Association, and OAP further desire to establish for the benefit of the Tracts an easement for the construction, maintenance, repair and replacement of utilities facilities, as more particularly set forth herein; and

WHEREAS, the Association is the condominium association formed for the Condominium and created pursuant to the Georgia Nonprofit Corporation Code, O.C.G.A. § 14-3-101, *et seq.*, the Georgia Condominium Act, and the Declaration; and

WHEREAS, pursuant to the terms of the Condominium Declaration, the Association maintains, administers and operates the Common Elements of the Condominium, which includes a portion of the Access Drive; and

WHEREAS, pursuant to subparagraph 10(e) of the Condominium Declaration and O.C.G.A. § 44-3-106(b), the Association has the irrevocable power, as attorney-in-fact on behalf of all of the unit owners of the Condominium and their successors-in-title, to grant easements through and over the Common Elements of the Condominium; and

WHEREAS, Declarant, the Association, and OAP desire to provide for the continued maintenance of the easement areas and utility facilities and the improvements located within such easement areas as well as the sharing of costs of such maintenance; and

WHEREAS, the Declarant, the Association, and OAP, along with the consent of the Additional Land Owner, desire to amend, in their entirety, the Declaration of Easements and Cost Sharing recorded on December 4, 2020 in Deed Book 62735, Page 376, *et seq.* and the Corrective Declaration of Easements and Cost Sharing re-recorded on May 27, 2021 in Deed Book 63844, Page 336 *et seq.* (together, "Prior Declaration of Easements") as set forth herein;

NOW, THEREFORE, Declarant, the Association, and OAP, along with the consent of the Additional Land Owner (whose consent is needed to relinquish any and all rights in favor of the Additional Land Owner and/or Additional Land as may have been established by the Prior Declaration of Easements), hereby declare that the real property described in Exhibit "A" and Exhibit "B" attached hereto and by this reference incorporated herein is hereby subjected to the provisions of this Declaration and shall be held, sold, transferred, conveyed, used, occupied, mortgaged and otherwise encumbered subject to the covenants, restrictions, and easements hereinafter set forth, which are for protecting the value and desirability of, and which shall run with the title to, such property and shall be binding upon all persons having any right, title or interest in all or any portion of such property, their respective heirs, legal representatives, successors, successors-in-title and assigns and shall inure to the benefit of each owner of all or any portion thereof:

1. Access Easement.

(a) Grant, Conveyance, Creation and Declaration of Access Easement. Declarant, the Association, and OAP hereby grant, convey, declares create, impose and establish a perpetual, non-exclusive easement in perpetuity ("Access Easement") for the benefit of the Tracts over and across the portion of the Tracts containing the Access Drive with a curb cut on Thompson Street as depicted on the Plan (the "Access Easement Area") for vehicular and pedestrian access, ingress and egress between the Tracts and Thompson Street. The Access Easement herein granted shall be interpreted to permit usage of such easement by (i) OAP, as the current owner of Parcel 2 (the "Parcel 2 Tract Owner"); (ii) the legal representatives, successors and assigns of the Parcel 2 Tract Owner; (iii) the Association and its owners of any portion of the Condominium Tract (hereinafter referred to collectively as the "Condominium Tract

Owner"); (iv) the legal representatives, successors and assigns of the Condominium Tract Owner; (iv) the residents, guests, employees, representatives, agents and invitees of the Parcel 2 Tract Owner and the Condominium Tract Owner; and (v) fire, police and safety personnel serving the Parcel 2 Tract and/or the Condominium Tract for vehicular and pedestrian access, ingress and egress between the Tracts and Thompson Street. Neither the (i) Declarant; (ii) the legal representatives, successors and assigns of Declarant; (iii) the Parcel 2 Tract Owner; (iv) the legal representatives, successors and assigns of the Parcel 2 Tract Owner, or the Association, shall provide any access or other rights to others over, under, along, through and across the Access Easement Area without first obtaining the written consent of the Parcel 2 Tract Owner and the Association, or their respective successors and assigns.

(b) Maintenance of Access Easement Area. The Access Easement Area shall be maintained, repaired and replaced by the Association in accordance with the Condominium Declaration and the costs thereof shall be shared equally by the Association, and the Parcel 2 Tract Owner as provided in Section 4 hereof; provided, however, in the event any maintenance, repair or replacement is caused by the willful or negligent act of the Condominium Tract Owner, the Association, the Parcel 2 Tract Owner, or their respective owners, members, residents, successors, assigns, employees, representatives, agents, guests or invitees, then such maintenance, repair or replacement shall be made by the Association at the sole cost and expense of the responsible party. The Association shall have the right to temporarily interrupt or disturb the Access Easement Area as shall be reasonably necessary to effectuate the maintenance, repairs or reconstruction thereof; provided, however, the Association shall exercise reasonable efforts to avoid or minimize interruption or disturbance of the use of the Access Easement during such maintenance, repair or reconstruction. Except in the case of an emergency which prevents same, the Association shall give the Parcel 2 Tract Owner not less than ten (10) days advance written notice of any repair work which will impede access to the Access Easement Area in and to the Parcel 2 Tract.

(c) Potential Limited Access to Parcel 2 Tract. To the extent required by the City of Alpharetta, the Parcel 2 Tract Owner may install a locked gate ("Gate") at the western end of the private drive serving the Parcel 2 Tract for fire, police and safety personnel use only to serve the Condominium Tract and/or the Parcel 2 Tract. In such an instance, a "knoxbox" (or similarly approved access system) may be installed on the Gate to allow fire, police and safety personnel only to unlock and drive through the Gate for access to and from the Parcel 2 Tract and/or the Condominium Tract. The Gate will not be accessible by (i) the Condominium Tract Owner, the Declarant and/or the Parcel 2 Tract Owner, (ii) any owners, residents, guests and invitees of the Condominium Tract, the Parcel 2 Tract, and/or any property contiguous to the Parcel 2 Tract and/or the Condominium Tract; nor (iii) any members of the general public. The Gate, if any, shall be maintained, repaired, replaced, and insured by the Parcel 2 Tract Owner (and its successors and assigns), at its sole cost and expense. Except as herein provided, no other access shall be permitted to or through the Parcel 2 Tract through the Gate and/or from the western end of the private drive or otherwise. Notwithstanding the foregoing, the Parcel 2 Tract may be accessed from the western end of the Parcel 2 Tract during and for the sole purpose of initial construction of the residential improvements on the Parcel 2 Tract. Notwithstanding anything in this Agreement to the contrary, the Association shall have the right to enforce the terms of this Section immediately by pursuing any and all available legal and equitable remedies, including, but not limited to, injunction or specific performance. In any action or remedy taken by the Association to enforce the provisions of this Section, the Association shall be entitled to recover all costs, including without limitation, reasonable attorneys' fees and court costs actually incurred in such action.

2. Utility Easements.

(a) Declarant, the Association, and OAP hereby establish, create and reserve for the benefit of and as appurtenances to the Tracts, and for the benefit of the Association, the Condominium Tract Owner and the Parcel 2 Tract Owner, and as a burden upon the Tracts, perpetual non-exclusive rights, privileges, easements and reservations in, to, over, under, along, through and across the Tracts for, and in accordance with the terms hereof, the purpose of (a) installing, operating, using, maintaining, repairing, replacing, relocating, and removing lines and facilities for the delivery of utility services to the Tracts and the improvements from time to time located thereon, including but not limited to sanitary sewer, storm sewer, underground detention facility, facilities for surface water, water (fire and domestic), gas, electrical, cable, telephone and communication lines, and other similar facilities (hereinafter collectively referred to

as "Utility Facilities"); and (b) constructing lateral lines, and connecting and tying into the Utility Facilities for such utilities which are installed from time to time on the Tracts, and using such Utility Facilities in connection with the delivery of such utility services to the Tracts and improvements from time to time located thereon. Declarant and OAP hereby reserve the right to designate specific locations for installation of Utility Facilities, but in no event will the Utility Facilities be installed so as to interfere with the planned improvements to be constructed on the Tracts or the use thereof.

(b) Maintenance of Utility Facilities. The Condominium Tract Owner and the Parcel 2 Tract Owner shall each be responsible, at their sole costs and expense, for the maintenance, repair and replacement of any Utility Facilities located solely upon its respective Tract. The Condominium Tract Owner and the Parcel 2 Tract Owner shall be jointly responsible for the maintenance, repair and replacement of the underground storm water detention facility (the "Storm Water Detention Facility") located on the Tracts as depicted on the Plan, provided that the Association shall oversee all such maintenance, repair and replacement of the Storm Water Detention Facility. All costs associated with the maintenance, replace and replacement of the Storm Water Detention Facility shall be equally shared by the Condominium Tract Owner and the Parcel 2 Tract Owner in accordance with Section 4 hereof provided, however, in the event any maintenance, repair or replacement is caused by the willful or negligent act of the Condominium Tract Owner, the Association, the Parcel 2 Tract Owner, or their respective owners, members, residents, successors, assigns, employees, representatives, agents, guests or invitees, then such maintenance, repair or replacement shall be made by the Association at the sole cost and expense of the responsible party..

3. Intentionally Left Blank

4. Cost-Sharing.

(a) Pro-Rata Share of Costs. The costs associated with the maintenance, repair and replacement of the Access Easement Area and the Storm Water Detention Facility (collectively, the "Maintenance Costs") shall be shared by the Condominium Tract Owner and the Parcel 2 Tract Owner on an equal basis (i.e. 50% allocated to each Party); provided, however, in the event that the need for maintenance, repair or replacement is caused through the willful or negligent act of one of the Owner(s) of a Tract, their successors or assigns, or their respective member, owners, lessees or invitees, then such maintenance, repair or replacement and all costs thereof shall be made at the sole expense of the responsible party. The Association shall provide the Parcel 2 Tract Owner with a copy of any invoice of actual amounts owed, incurred or anticipated to be incurred for any maintenance, repair and replacement of the Access Easement Area and the Storm Water Detention Facility within ten (10) days of the Association receiving any invoice, bill or quote that the Association expects to proceed forward with concerning maintenance, repair and replacement of the Access Easement Area and the Storm Water Detention Facility. The Parcel 2 Tract Owner shall pay the Association its fifty percent (50%) share of the total expenses within thirty (30) days of receipt of the invoice, bill or quote from the Association. In the event any amount due and payable under the terms of this Agreement remains unpaid more than thirty (30) days after the Parcel 2 Tract Owner's receipt of the invoice, bill or quote from the Association, the Parcel 2 Tract Owner shall incur a late charge equal to the greater of ten percent (10%) of the amounts due or \$25.00, and interest shall accrue on the unpaid balance at the rate of eighteen percent (18%) per annum until paid. The Association shall also be entitled to recover from the Parcel 2 Tract Owner all costs and expenses incurred by the Association in its effort to collect the delinquent amounts, whether or not suit is filed, including, but not limited to, the Association's attorneys' fees actually incurred. Additionally, notwithstanding anything in this Agreement to the contrary, in the event any amount due and payable under the terms of this Agreement remains unpaid more than thirty (30) days after the Parcel 2 Tract Owner's receipt of the invoice, bill or quote from the Association, the Association shall have the right to terminate, limit, or otherwise restrict Parcel 2 Tract Owner's use of the Access Easement Area until all Maintenance, Costs owed by the Parcel 2 Tract Owner have been paid in full.

(b) Dispute Resolution Procedures. The parties shall work together in good faith to resolve any disputes. If the parties are unable to resolve a dispute, then the parties, in good faith, shall attempt to resolve the dispute through an independent mediation agency in the State of Georgia. If any party to the dispute requests mediation, the dispute shall be submitted to mediation within thirty (30) days of such request. If mediation is commenced but the dispute is not resolved within thirty (30) days after

submission of the matter to the mediation process, or such longer time as may be mutually agreed upon by each party to the dispute, the mediation shall terminate and the parties may pursue any and all available legal and equitable remedies, including, but not limited to, specific performance. In any action or remedy taken by a party to enforce the provisions of this Agreement hereunder, the prevailing party shall be entitled to recover all costs, including without limitation, reasonable attorneys' fees and court costs actually incurred in such action.

5. Default. A party shall be deemed to be in default under this Declaration if it fails or refuses to comply with the terms and conditions set forth herein for any reason. In the event of a default ("Event of Default"), the non-defaulting party shall give the defaulting party a notice of default that shall describe the condition causing the Event of Default in detail. The defaulting party shall then have thirty (30) days from the receipt of notice under this Declaration, to cure the condition causing the Event of Default. If the defaulting party fails to cure the Event of Default within such time period, the non-defaulting party shall be entitled to take any action available at law or equity to enforce the terms of this Declaration.

6. Notice. Each notice or document (collectively referred to in this Section as "Notice") required or permitted to be given hereunder must comply with the requirements of this Section. Each such Notice shall be in writing and shall be delivered either by personally delivering it (including electronic mail, Federal Express or commercial courier service; provided, however, any Notice sent by electronic mail shall also be delivered by first class mail) or by depositing it with the United States Postal Service, certified mail, return receipt requested, with adequate postage prepaid, addressed to the appropriate party (and marked to a particular individual's attention). Such Notice shall be deemed delivered at the time of personal delivery or, if mailed, when it is deposited as provided above, but the time period in which a response to any such Notice must be given or any action taken with respect thereto shall commence to run from the date it is personally delivered or, if mailed, the date of receipt of the Notice by the addressee thereof, as evidenced by the return receipt. Rejection or other refusal by the addressee to accept the Notice shall be deemed to be receipt of the Notice. In addition, the inability of the United States Postal Service to deliver the Notice because of a change of address of the party of which no Notice was given to the other party as provided below shall be deemed to be the receipt of the Notice sent. The initial address of each party shall be the office of their respective registered agent as on file with the Secretary of State of the State of Georgia. The address for receipt of Notice may be changed by any party by designating the change of address to the other parties in writing.

7. Amendment. This Declaration may be amended by: (a) with respect to the Condominium Tract, the affirmative vote of members of the Association holding two-thirds (2/3) of the total eligible vote; (b) the consent of the Parcel 2 Tract Owner, or, if applicable, the affirmative vote of members of the homeowners or condominium association applicable to the Parcel 2 Tract holding two-thirds (2/3) of the total eligible vote. In addition to the foregoing, any amendment shall require the written consent of OAP under any applicable declaration so long as it owns any portion of the Parcel 2 Tract. Amendments to this Declaration shall become effective upon the filing for record in the Office of the Clerk of Superior Court of Fulton County, Georgia unless a later effective date is specified therein.

8. Compliance With Governmental Authority. Every Owner of all or a portion of the Tracts agree to comply with all laws, ordinances, statutes, rules and regulations of any governmental authority relating to the use, condition, or maintenance of the property described herein, and in the event that any expense is required to effect such compliance, such expense shall be considered a general maintenance expense for which the costs shall be shared by the owners of the Tracts as provided herein; provided, however, in the event that any non-compliance is caused through the willful or negligent act of the Condominium Tract Owner, the Declarant, or the Parcel 2 Tract Owner, or their respective members, tenants, successors, assigns, employees, representatives, agents, occupants, guests or invitees, then such maintenance, repair or replacement shall be made at the sole cost and expense of the responsible party.

9. Severability. Whenever possible, each provision of this Declaration shall be interpreted in such manner as to be effective and valid, but if the application of any provision of this Declaration to any person or to any property shall be prohibited or held invalid, such prohibition or invalidity shall not affect any other provision or the application of any provision which can be given effect without the invalid provision or application, and, to this end, the provisions of this Declaration are declared to be severable.

10. Easements Perpetual. This Declaration shall be binding upon and shall inure to the benefit of the parties hereto and their respective legal representatives, successors, heirs, grantees, assigns and successors in title. All of the easements, rights and privileges set forth herein shall be appurtenant to and shall run with the title to the Tracts, perpetually, and are intended to be easements and not covenants restricting land to certain uses. Any conveyance of all or any portion of the Tracts shall also convey the rights, privileges, duties and obligations contained in this Declaration regardless of whether or not specific mention is made of this Declaration and regardless of whether or not a specific conveyance is made of, or subject to, the rights, privileges, duties and obligations herein.

11. No Merger. There shall be no merger of any of the easements created or reserved hereby with the fee estate of Declarant by reason of the fact that Declarant may own or hold the estate or interest both encumbered and benefitted by such easements and no such merger shall occur unless and until Declarant, while owning all of the estate or interests shall execute a written statement or instrument affecting such merger and duly record the same.

12. Miscellaneous. This Declaration shall be governed in accordance with the laws of the State of Georgia. The section headings in this Declaration are for convenience only, shall in no way define or limit the scope or content of this Declaration, and shall not be considered in any construction or interpretation of this Declaration or any part hereof

IN WITNESS WHEREOF, Declarant has executed this Declaration under seal as of the date first above written.

Signed, sealed and delivered
in the presence of:


UNOFFICIAL WITNESS
NOTARY PUBLIC
My Commission Expires: _____

[AFFIX NOTARY SEAL]

DECLARANT:

KAIROS CAMP, LLC
a Georgia limited liability company

By: _____ (SEAL)
Jack G. Williams, its Manager

Signed, sealed and delivered
in the presence of:

UNOFFICIAL WITNESS

NOTARY PUBLIC

My Commission Expires: _____

[AFFIX NOTARY SEAL]

ASSOCIATION:

**THOMPSON STREET FLATS CONDOMINIUM
ASSOCIATION, INC.**, a Georgia corporation

By: _____ (SEAL)
Joseph Long, its President

10. Easements Perpetual. This Declaration shall be binding upon and shall inure to the benefit of the parties hereto and their respective legal representatives, successors, heirs, grantees, assigns and successors in title. All of the easements, rights and privileges set forth herein shall be appurtenant to and shall run with the title to the Tracts, perpetually, and are intended to be easements and not covenants restricting land to certain uses. Any conveyance of all or any portion of the Tracts shall also convey the rights, privileges, duties and obligations contained in this Declaration regardless of whether or not specific mention is made of this Declaration and regardless of whether or not a specific conveyance is made of, or subject to, the rights, privileges, duties and obligations herein.

11. No Merger. There shall be no merger of any of the easements created or reserved hereby with the fee estate of Declarant by reason of the fact that Declarant may own or hold the estate or interest both encumbered and benefitted by such easements and no such merger shall occur unless and until Declarant, while owning all of the estate or interests shall execute a written statement or instrument affecting such merger and duly record the same.

12. Miscellaneous. This Declaration shall be governed in accordance with the laws of the State of Georgia. The section headings in this Declaration are for convenience only, shall in no way define or limit the scope or content of this Declaration, and shall not be considered in any construction or interpretation of this Declaration or any part hereof

IN WITNESS WHEREOF, Declarant has executed this Declaration under seal as of the date first above written.

Signed, sealed and delivered
in the presence of:

DECLARANT:

KAIROS CAMP, LLC,
a Georgia limited liability company

UNOFFICIAL WITNESS

By: _____ (SEAL)
Jack G. Williams, its Manager

NOTARY PUBLIC

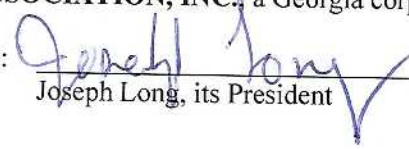
My Commission Expires: _____

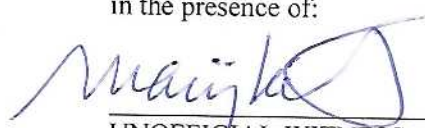
[AFFIX NOTARY SEAL]

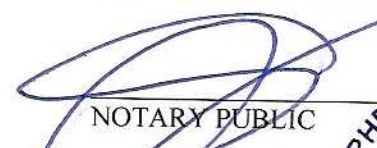

Signed, sealed and delivered
in the presence of:

ASSOCIATION:

**THOMPSON STREET FLATS CONDOMINIUM
ASSOCIATION, INC.,** a Georgia corporation

By:  (SEAL)
Joseph Long, its President


UNOFFICIAL WITNESS


NOTARY PUBLIC

My Commission Expires: _____

[AFFIX NOTARY SEAL]



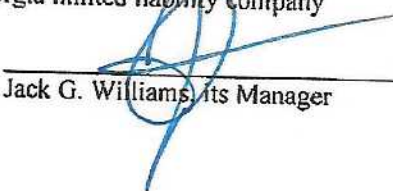
Signed, sealed and delivered
in the presence of:

OAP:

ONE ALPHARETTA PARTNERS, LLC,
a Georgia limited liability company


UNOFFICIAL WITNESS

By:


Jack G. Williams, its Manager

(SEAL)

NOTARY PUBLIC

My Commission Expires

[AFFIX NOTARY SEAL]



CONSENT AND SUBORDINATION OF LENDER

The undersigned, HERITAGE SOUTHEAST BANK, N.A., having a business address of 101 North Main Street, Jonesboro, Georgia 30236 ("Lender"), is the owner and holder of that certain Deed to Secure Debt from One Alpharetta Partners, LLC, a Georgia limited liability company, to Heritage Southeast Bank, dated March 1, 2021, recorded March 16, 2021 at Deed Book 63365, page 571, *et seq.*, Fulton County, Georgia land records (said instrument as now or hereinafter modified, amended or restated being referred to herein as the "Security Instrument").

Lender hereby consents to and subordinates the Security Instrument to the foregoing Amended and Restated Declaration of Easements and Cost Sharing to which this Consent and Subordination is attached (as may be amended from time to time, the "Declaration"), and Lender agrees that all of its right, title and interest in and to the real property described therein by virtue of the Security Instrument shall be bound by, subject to and subordinate to the easements and other terms and provisions of the foregoing Declaration, and the foregoing Declaration shall survive any foreclosure, deed in lieu of foreclosure and/or exercise of any remedy by Lender pursuant to the Security Instrument or any other instrument that Lender holds; provided, however, that nothing herein shall modify, alter or amend the Security Instrument as between Lender and the borrower thereunder.

IN WITNESS WHEREOF, the undersigned has caused this Consent and Subordination of Lender to be duly executed and sealed, as of this 12th day of August, 2021.

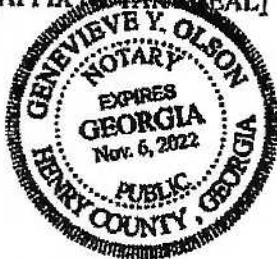
Signed, sealed and delivered
in the presence of:


Unofficial Witness


Notary Public

My Commission Expires: 11/06/2022

[AFFIX NOTARY SEAL]



HERITAGE SOUTHEAST BANK, N.A.

By: 
Print Name: Mark D. G. Miller
Title: Group Vice President



CONSENT OF ADDITIONAL LAND OWNER

The undersigned is the owner of the Additional Land (as defined in the Prior Declaration of Easements).

Additional Land Owner hereby consents to the foregoing Amended and Restated Declaration of Easements and Cost Sharing to which this Consent is attached (as may be amended from time to time, the "Declaration"), and Additional Land Owner agrees that all of its rights, title and interest in and to the Tracts, as may have been created by the Prior Declaration of Easements, is hereby terminated and relinquished and the terms and provisions of the Prior Declaration of Easements, and this Amended and Restated Declaration are no longer applicable to the Additional Land Owner nor the Additional Land.

IN WITNESS WHEREOF, the undersigned has caused this Consent to be duly executed and sealed, as of this 12th day of August, 2021.

Signed, sealed and delivered
in the presence of:

Unofficial Witness

Notary Public

My Commission Expires

[AFFIX NOTARY SEAL]

ADDITIONAL LAND OWNER:

2260 OLD MILTON, LLC

By:

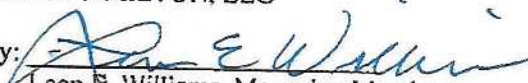

Leon E. Williams, Managing Member

EXHIBIT "A"
Condominium Tract Description

All that tract or parcel of land lying and being in Land Lot 748, 1st District, 2nd Section, City of Alpharetta, Fulton County, Georgia, and being more particularly described as follows:

To find the point of beginning, commence at the intersection of the northerly right of way of Old Milton Parkway and the easterly line of Land Lot 748; thence leaving said Land Lot line and running westerly along the northerly right of way of Old Milton Parkway 515.30 feet to a point; thence leaving said right of way N 01°28'53" E a distance of 209.87 feet to an axle found and the **POINT OF BEGINNING**; thence N 82°24'59" W a distance of 107.71 feet to a tie rod found; thence N 82°16'31" W a distance of 106.94 feet to an iron pin found; thence N 01°41'01" E a distance of 246.24 feet to an iron pin set on the southerly right of way of Thompson Street (right of way varies); thence along said right of way of Thompson Street the following courses and distances: S 84°45'42" E a distance of 108.98 feet to a point; thence S 85°26'38" E a distance of 102.34 feet to a point; thence S 87°37'01" E a distance of 19.17 feet to an iron pin set; thence leaving said right of way S 01°15'53" W a distance of 258.83 feet to a tie rod found; thence N 81°01'31" W a distance of 18.71 feet to the **POINT OF BEGINNING**. Said tract contains 58,154 square feet or 1.335 acres and is shown as Phase 1 on an ALTA/NSPS Land Title Boundary Survey for KDC Thompson, LLC, Kairos Camp, LLC et al, dated March 29, 2017, revised May 17, 2017.

EXHIBIT "B"
Parcel 2 Tract Description

All that tract or parcel of land lying and being in Land Lot 748, 1st District, 2nd Section, City of Alpharetta, Fulton County, Georgia, and being more particularly described as follows:

To find the point of beginning, commence at the intersection of the northerly right of way of Old Milton Parkway and the easterly line of Land Lot 748; thence leaving said Land Lot line and running westerly along the northerly right of way of Old Milton Parkway 515.30 feet to a point; thence leaving said right of way N 01°28'53" E a distance of 209.87 feet to an axle found; thence N 82°24'59" W a distance of 107.71 feet to a tie rod found; thence N 82°16'31" W a distance of 106.94 feet to an iron pin found; thence N 01°41'01" E a distance of 31.74 feet to an iron pin found and the **POINT OF BEGINNING**; thence N 85°18'31" W a distance of 220.00 feet to a #3 rebar found; thence N 04°21'55" E a distance of 210.02 feet to an iron pin set on the southerly right of way of Thompson Street (right of way varies); thence along said right of way of Thompson Street the following courses and distances: N 86°59'15" E a distance of 27.74 feet to a point; thence S 85°27'18" E a distance of 114.27 feet to a point; thence S 03°46'57" E a distance of 13.35 feet to a point; thence S 83°30'39" E a distance of 10.01 feet to a point; thence N 03°45'49" E a distance of 13.55 feet to a point; thence S 85°27'18" E a distance of 56.43 feet to an iron pin set; thence leaving said right of way S 01°41'01" W a distance of 214.50 feet the **POINT OF BEGINNING**. Said tract contains 45,799 square feet or 1.051 acres and is shown as Phase 2 on an ALTA/NSPS Land Title Boundary Survey for KDC Thompson, LLC, Kairos Camp, LLC et al, dated March 29, 2017, revised May 17, 2017.

EXHIBIT "C"
Utility Plan

[illegible]

64

EXHIBIT "D"

Kairos Plan for ten (10) Single Family Homes on the property adjacent to the Condominium Property

See Next Page



PH-21-06 Kairos 51 & 61 Thompson St

1. Where will Stormwater Runoff from Construction Site
2. Vehicle access to and from Construction Site will be from Lot # 5.
3. Clarification on Backyard Demolition
4. Amenity Area access and maintenance will be shared by both HOA's.
5. Is Driveway part of Condo property? - There is an Easement for the Driveway Only. Both Associations will share responsibility for the driveway.
6. Architect is Main St. Designs. Lew Oliver may also be involved.
7. Clean up of construction – will most likely not be daily but weekly.
8. There will be separate HOA's.
9. Construction hours will follow City Code. If there are any issues, Art will address.

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.

Kairos Development Thompson Street

Public Hearing or Project Name: _____

Art Rountree

404-401-0807

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.

Art prelim this design excellent - I'm not sure I would change a single thing. You've fixed all the items that many in Voysey would have liked. The sq ft is smaller than what everyone likes (everybody has said 3000 is the perfect size) BUT you've added an outdoor patio space which is wanted even more. Elevators are for sure becoming more realized by my age group (if they can't get MOM). The driveway parking is also a huge draw. It doesn't look great with a bunch of parked cars but people care about having the parking more... (We don't allow parking in Voysey - have had a bunch of safety issues on our 16' streets.)

Really well done! Is March 10 zoning meeting open to public? If so I'll announce to friend who are looking...

Really good job with this design - very smart. -Mary Beth Kreiger 770-855-2139 Voysey HOA Pres

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: _____

3/10/2021

Print Form



February 18, 2021

RE: 51 & 61 Thompson Street (phase 2 lot next to Thompson Street Flats Condominiums)

Dear Neighbors:

In an effort to foster community accord, Kairos Development, (the “Applicant”) would like to inform interested property owners that it has submitted a public hearing application to the City of Alpharetta to facilitate the development of 10 Residential Dwellings on the approximately 1.2 acres located on Thompson Street. The applicant proposes to develop on the subject property 10 single family detached homes instead of the current allowed use of 12 multifamily condominiums.

The Applicant seeks to construct:

10 single family detached homes

2,500 SF minimum lots

2 car side by side garages with 18’ minimum driveway

- 10’ between structures
- The alley will be private-owned and maintained

A copy of the proposed site plan is enclosed.

The Community Zoning Information Meeting will be held via ZOOM on Wednesday, March 10, 2021 at 6:00 p.m. The link to the ZOOM Meeting is <https://zoom.us/j/96248834346>.

This is an informal meeting to allow the Public to view current applications and speak with Applicants.

Applicants give a brief presentation and the public may ask questions. Staff will provide a board with your application and site plan.

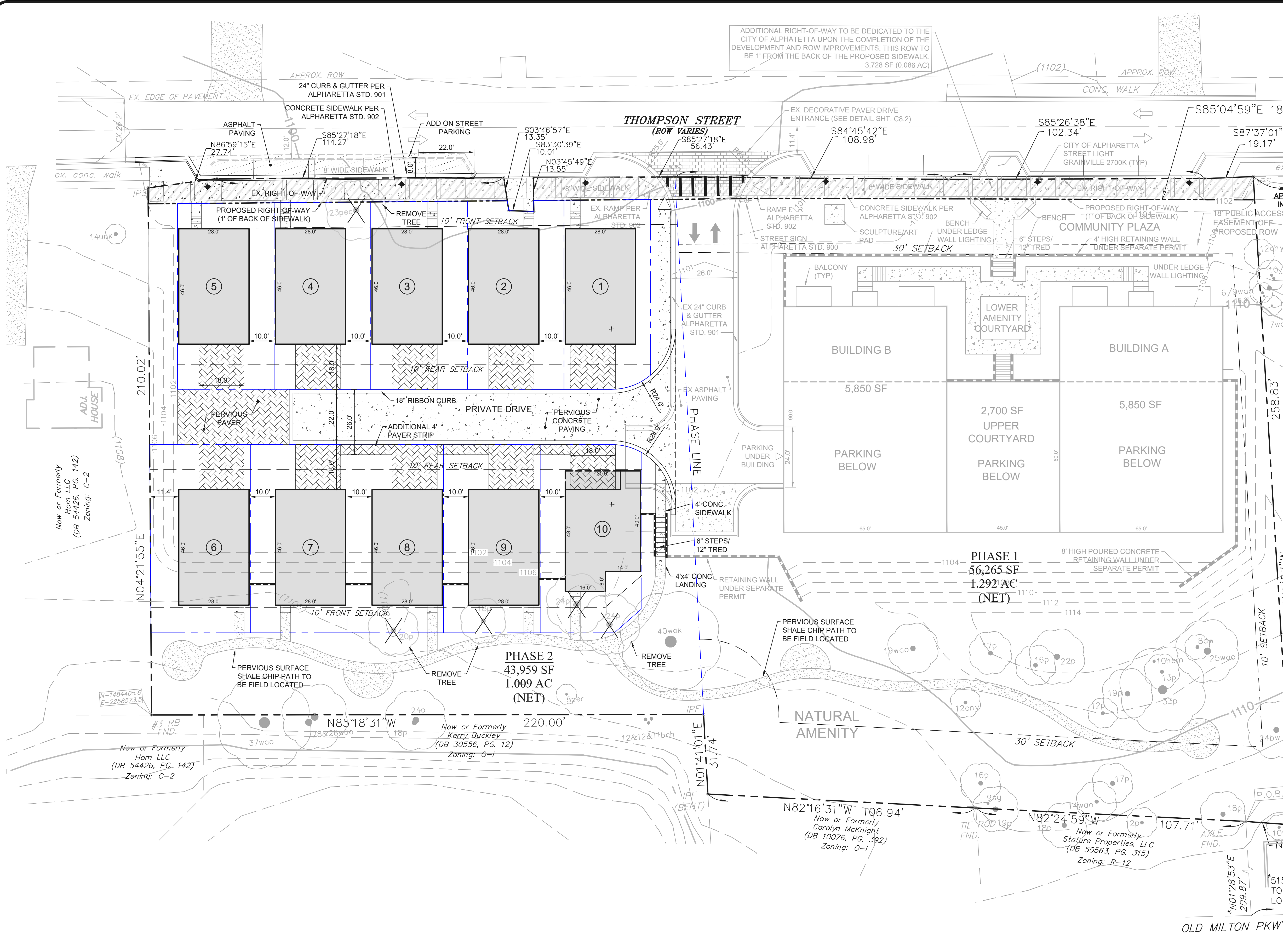
Public hearings are scheduled to be held at 6:30 pm on April 26, 2021 for City Council Hearing, located at 2 Park Plaza, Alpharetta, GA 30009.

The Applicant is committed to keeping the public informed during the process. If you have any questions, comments, or concerns, please contact us. When contacting our office, please reference Thompson Street Single Family Homes.

Very Truly Yours,
Kairos Development Corporation, Inc.

H. Arthur Rountree

art@kairosdevelopmentcorp.com
404-350-1444



SITE DATA

ADDRESS: 51 THOMPSON STREET
PARCEL ID: 12 270307480893
GROSS SITE AREA: 103,953 SF (2.386 ACRES)
ROW AREA TO ALPHARETTA: 3,729 SF (0.085 ACRES)
NET LOT AREA: 56,265 SF (1.292 ACRES)
ZONING: DT-LW (CASE # CLUP-15-11/Z-15-10/CU-15-11/V-15-25 & PH-16-15)
MAXIMUM HEIGHT ALLOWED: 48'

PHASE 1
GROSS LOT AREA: 58,154 SF (1.335 ACRES)
ROW AREA TO ALPHARETTA: 1,889 SF (0.043 ACRES)
NET LOT AREA: 56,265 SF (1.292 ACRES)
PROPOSED USE: 12 CONDOMINIUM UNITS
DENSITY: 10 UNITS PER ACRE

SETBACKS (PHASE 1)
FRONT YARD: 30' & 10'
SIDE YARD: 10'
REAR YARD: 30'

PROPOSED BUILDING: 19,840 SF x 2 BUILDINGS = 39,680 SF TOTAL
BUILDING HEIGHT: 44'-3" FROM GROUND AT FRONT DOOR

PARKING REQUIREMENTS: 2 SPACES PER UNIT x 12 UNITS = 24 SPACES
PROPOSED DECK REGULAR SPACES: 28 SPACES
PROPOSED DECK HANDICAP SPACES: 2 SPACES
TOTAL PARKING: 30 SPACES
9'x19' STANDARD PARKING STALL IN DECKS

PHASE 2
GROSS LOT AREA: 45,799 SF (1.051 ACRES)
ROW AREA TO ALPHARETTA: 1,840 SF (0.042 ACRES)
NET LOT AREA: 43,959 SF (1.009 ACRES)
PROPOSED USE: 10 SINGLE FAMILY UNITS
DENSITY: 10 UNITS PER ACRE

SETBACKS (PHASE 2)
FRONT YARD: 10'
SIDE YARD: 0' WITH MIN. 10' BETWEEN BUILDINGS
REAR YARD: 10' ON ALLEY
MIN. LOT SIZE: 2,500 SF
MAXIMUM HEIGHT: 44'

PARKING REQUIREMENTS: 2 SPACES PER UNIT x 10 UNITS = 20 SPACES
PROPOSED PARKING: 2 GARAGE SPACES PER UNIT x 10 UNITS = 20 SPACES
TOTAL PARKING: 20 SPACES
EACH DRIVEWAY ALSO PROVIDED 2 PARKING SPACES

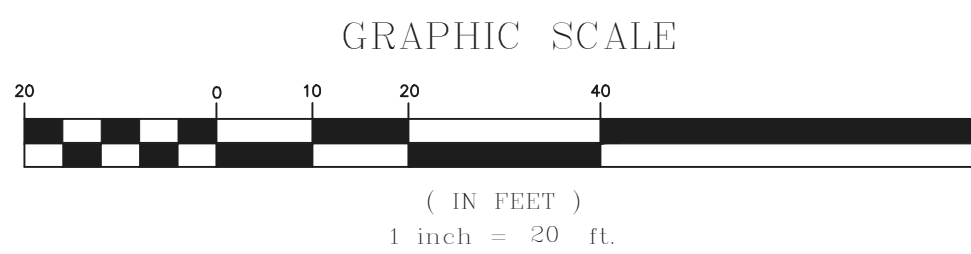
LOT TABLE	
LOT 1	2,577 SF
LOT 2	2,851 SF
LOT 3	2,881 SF
LOT 4	2,868 SF
LOT 5	2,855 SF
LOT 6	2,987 SF
LOT 7	2,887 SF
LOT 8	2,887 SF
LOT 9	2,887 SF
LOT 10	2,972 SF

- NOTES**
- THIS INFORMATION WAS TAKEN FROM THE TOPOGRAPHIC SURVEY BY BARTON SURVEYING, INC., DATED JULY 31, 2015.
 - NO WELLS OR SEPTIC SYSTEMS ARE PROPOSED OR EXIST ON SITE.
 - ALL HANDICAP RAMP FORMS MUST BE APPROVED BY CITY LAND DISTURBANCE INSPECTOR PRIOR TO CONCRETE POUR.
 - ALL PROPOSED PAVING AND CURB PER ALPHARETTA STANDARD 901

SIGHT DISTANCE

I, W. BARRY DUNLOP, A PROFESSIONAL ENGINEER IN THE STATE OF GEORGIA, HEREBY CERTIFY THE SIGHT DISTANCE FOR THE KDC THOMPSON ENTRANCE ON THOMPSON STREET IS DESIGNED WITH ADEQUATE DISTANCE. THE REGULATED SPEED LIMIT ON THE APPROACHING THOROUGHFARE IS 25 MPH. THE DESIGNED SIGHT DISTANCE PROVIDES VISIBILITY OF +400 FEET TO THE LEFT AND +270 FEET TO THE RIGHT. THE SIGHT DISTANCE SHALL BE MEASURED FROM A POINT OF 15 FEET FROM THE EDGE OF THE TRAVEL LANE AND 3.5 FEET IN HEIGHT ABOVE THE ROADWAY.

- LEGEND**
- PROPOSED LIGHT POLE
 - PROPOSED MOVEMENT
 - EXISTING MOVEMENT
 - PROPERTY LINE
 - STONE WALL
 - POURED CONCRETE WALL
 - EXISTING CURB & GUTTER
 - EXISTING CURB & GUTTER TO BE REMOVED
 - PROPOSED CURB & GUTTER



*****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.

CONTRACTOR NOTE

Contractor is to provide the City of Alpharetta Encroachment permit for all work within the City's R.O.W. Any traffic signal or utility relocations will be the responsibility of the owner/developer.



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

Project No.	P-1605
Design By:	WBD
Drawn By:	LFB
Checked By:	WBD
Date:	2/1/21
Scale:	1"=20'
Date:	
Revision	
No	

KDC Thompson, LLC
410 Peachtree Parkway
Suite 4245
Cumming, GA 30041
Phone: (404) 350-1444

ZONING SITE PLAN
KDC Thompson Phase 2
THOMPSON STREET
LAND LOT 247, 1ST DISTRICT, 2ND SECTION
CITY OF ALPHARETTA, FULTON COUNTY, GEORGIA

Drawing No.
C2

24 HOUR CONTACT: ARTHUR ROUNDTREE 404- 350-1444

NEWHALL LAND CO
2974 HARDMAN CT
ATLANTA GA 30305

KDC THOMPSON LLC
410 PEACHTREE PKWY STE 4245
ALPHARETTA GA 30009

SEISAN MFA PROPERTIES LLC
2425 OLD MILTON PKWY
ALPHARETTA GA 30009

K & S OLD MILTON LLC
3396 CAVERTON LANE
ALPHARETTA GA 30022

STATURE PROPERTIES LLC
675 SEMINOLE AVE SUITE 301
ATLANTA GA 30307

RANSOPHER TAD D
82 THOMPSON ST
ALPHARETTA GA 30004

DREYFUS PROPERTIES L L C
6094 ODELL ST
CUMMING GA 30040

UNITED STATES POSTAL SERVICE
1735 NORTH BROWN RD SUITE 200
LAWRENCEVILLE GA 30043-8153

RANSOPHER TAD D
82 THOMPSON ST
ALPHARETTA GA 30004

AYCOCK ELVIN L
185 THOMPSON ST
ALPHARETTA GA 30004

STATE BANK & TRUST COMPANY
4219 FORSYTH RD
MACON GA 31208

KDC THOMPSON LLC
410 PEACHTREE PKWY STE 4245
CUMMING GA 30041

AYCOCK ELVIN L
185 THOMPSON ST
ALPHARETTA GA 30004

NEWHALL LAND CO
2974 HARDMAN CT
ATLANTA GA 30305

MOSS LESLIE MOSS RHONDA
112 THOMPSON ST
ALPHARETTA GA 30004

HOM LLC
11785 NORTHFALL LANE SUITE 510
ALPHARETTA GA 30009

K & S OLD MILTON LLC
3396 CAVERTON LANE
ALPHARETTA GA 30022

PUBLIX SUPER MARKETS INC
P O BOX 32018
LAKELAND FL 33802-2018

SEISAN MFA PROPERTIES LLC
2425 OLD MILTON PKWY
ALPHARETTA GA 30009

CHAN TIN & ENG DANNY
3975 OLD MILTON PKWY # S 1
ALPHARETTA GA 30005

NEWHALL LAND CO
2974 HARDMAN CT
ATLANTA GA 30305

KDC THOMPSON LLC
410 PEACHTREE PKWY STE 4245
CUMMING GA 30041

HOM LLC
11785 NORTHFALL LANE SUITE 510
ALPHARETTA GA 30009

PUBLIX SUPER MARKETS INC
P O BOX 32018
LAKELAND FL 33802-2018

HOM LLC
11785 NORTHFALL LANE SUITE 510
ALPHARETTA GA 30009

MILTON HALL LLC
2365 OLD MILTON PKY SUITE 200
ALPHARETTA GA 30009

MC KNIGHT CAROLYN S
910 DOGWOOD TRL
HIAWASSEE GA 30546-3815

BUCKLEY KERRY M TR
1985 SOUTHERS CIR
SUWANEE GA 30024

MILTON HALL LLC
2365 OLD MILTON PKY SUITE 200
ALPHARETTA GA 30009

NEWHALL LAND CO
2974 HARDMAN CT
ATLANTA GA 30305

KDC THOMPSON LLC
410 PEACHTREE PKWY STE 4245
CUMMING GA 30041

TIFFANY SQUARE HOMEOWNERS ASSOC INC
4004 TIFFANY SQ
ALPHARETTA GA 30009-3768

FULTON COUNTY GEORGIA
141 PRYOR ST
ATLANTA GA 30303

NEWHALL LAND CO
2974 HARDMAN CT
ATLANTA GA 30305

Woodman, Michael

From: [REDACTED]
Sent: Wednesday, April 14, 2021 4:37 PM
To: Cook, Kathi
Cc: Woodman, Michael
Subject: Fw: Unresolved Construction Issues

fyi

From: Donald Tieken [REDACTED]
Sent: Wednesday, April 14, 2021 4:22 PM
To: 'Jack Williams' <Jack@kairosdevelopmentcorp.com>; 'Art Rountree' <Art@kairosdevelopmentcorp.com>
Cc: City Council and Mayor <CityCouncilandMayor@alpharetta.ga.us>
Subject: Unresolved Construction Issues

Jack, I am still waiting for you to respond to replacement the ceiling in my unit 102. As you are aware there remains a number of punch list items that need to be handled including: outdoor kitchen, dog waking path, touchup painting throughout, bike rack, pressure wash the building walls, wash windows to name a few. What's your plan?

Don Tieken unit 102

Woodman, Michael

From: [REDACTED]
Sent: Wednesday, April 14, 2021 4:37 PM
To: Cook, Kathi; Woodman, Michael
Subject: Fw: Thompson Street Flats

fyi

From: Candy Simpson [REDACTED]
Sent: Wednesday, April 14, 2021 1:04 PM
To: City Council and Mayor <CityCouncilandMayor@alpharetta.ga.us>
Subject: Thompson Street Flats

To whom it may concern: I am writing this email on behalf of all 11 residents here at Thompson Street Flats. How can Kairos Development get away with what the company has done? They are starting a new project next door but never completed this one. There are 3 residents who have ceiling leaks due to poor roof design, Jack owes back HOA dues that were never paid, the fire pit was never hooked up and furniture was never purchased, the outdoor kitchen has been promised for 18 months, projects were never finished in building 81, the old sheds were never torn down, landscaping was not finished, the field next door is 4 feet tall and never mowed or manicured. The list goes on and on. We can't believe that Kairos gets away with this. Kairos needs to spend some money and get these items finished. We all are very disappointed to say the least. Please hold them accountable.

Sent from my iPhone

Woodman, Michael

From: [REDACTED]
Sent: Tuesday, April 13, 2021 7:36 PM
To: Cook, Kathi; Woodman, Michael
Subject: Fwd: 71-202 Thompson Street - Outstanding Construction Issues

FYI

How is their application moving along?

[REDACTED]
Begin forwarded message:

From: Tom Williams [REDACTED]
Date: April 13, 2021 at 2:38:55 PM EDT
To: Jack Williams <Jack@kairosdevelopmentcorp.com>
Cc: Michele Williams [REDACTED], City Council and Mayor
<CityCouncilandMayor@alpharetta.ga.us>, Art Rountree <art@kairosdevelopmentcorp.com>
Subject: 71-202 Thompson Street - Outstanding Construction Issues

Dear Mr. Williams,

Since purchasing Thompson Street Flats unit 71-202 in May 2020, we have struggled to get Kairos to resolve a number of construction issues (27 of them) which were not completed or corrected before the closing date. At the time of closing and during the months from May 2020 through January of 2021, you assured us that Kairos would resolve ALL of the issues on our punch list, but by January there were still 13 issues unresolved, including several serious issues such as water leaks in the foundation and roof, improperly installed ceiling, and damaged windows.

In January Kairos stopped communicating with us in any manner, even though these issues were still outstanding. The frustration caused by this total radio silence resulted in us reaching out to the Alpharetta City Council after we noticed that the Kairos Phase 2 project was on their agenda. Within a couple of days of our contact with the City, Art resumed communicating with us to address punch list issues, and some of the issues have been resolved. However, there has been no progress on the remaining issues, and Kairos has not indicated when or if the remaining issues will be resolved.

As the former HOA president and current HOA maintenance manager, I am also aware that there are many unresolved construction defects in the common areas, and a financial debt to the HOA that has never been paid. It is astonishing that Kairos plans to move forward on another residential project adjacent to Thompson Street Flats while the first project has been left unfinished and in financial trouble, and you refuse to even discuss resolution of the numerous outstanding issues. Since you refuse to discuss cleaning up the mess that Kairos has left here, perhaps we can discuss it in public at the April 26 City Council meeting. We look forward to seeing you there.

CITY OF ALPHARETTA

2/1/21

PUBLIC HEARING APPLICATION

FOR OFFICE USE
ONLY PH-21-06
Kairos Change to Council
Condition

☐ 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: Art Rountree Telephone: 404-401-0807

Address: 7114 Surrey Pt Suite: _____

City: Alpharetta State: GA Zip: 30009 Fax: _____

Mobile Tel: 404-401-0807 Email: art@kairosdevelopmentcorp.com

Subject Property Information:

Address: 51 & 61 Thompson Street Current Zoning: DT/LW

District: 1 Section: 2 Land Lot: 748 Parcel ID: 12-270307480610
12-270307480693

Proposed Zoning: DT/LW Current Use: Land

This Application For (Check All That Apply):

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

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

10 Lot detached single family home subdivision

Applicant's Request (Please itemize the proposal):

Applicant is requesting to permit the development of 10 single family detached homes as shown on the attached site plan. The current zoning condition is for 12 multi family condominiums.

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

Applicants proposal will permit the construction of 10 single family detached homes as allowed under the DT/LW zoning

2/1/21

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: One Alpharetta Partners (Art Rountree & Jack Williams) Telephone: 404-401-0807

Address: 410 Peachtree Pkwy Suite: 4245

City Cumming State: GA Zip: 30041 -

Authorization:

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

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

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

Identify Authorized Applicant:

Name of Authorized Applicant: H. Arthur Rountree Telephone: 404-401-0807

Address: 410 Peachtree Pkwy Suite: 4245

City Alpharetta State: GA Zip: 30041 -

So Sworn and Attested:

Owner Signature: _____ Date: _____

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: Art Rountree

Subject Public Hearing Case: _____

Campaign Contribution Information:

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

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

Name of Official: N/A none made Position: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Campaign Contribution Information:

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

Signature: _____



Date: 01/20/2021

How will this proposal be compatible with surrounding properties?

It will compliment the detached homes across the street (Voysey)

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

The impact to surrounding properties will be positive

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

The current zoning would stay in place, however changing the conditions from condominiums to detached homes is more economical to construct.

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

There would be a decrease of two homes to the proposed development

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

The power lines have been burried at our expense last year and there is no additional impact on schools

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

Consistent with Comprehensive plan and Land Use Map

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

We would like to remove the pecan tree so that we can provide four 4 additional parallel parking spaces on Thompson Street for the public

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.

2/1/21 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: One Alpharetta

Contact Name: Art Rountree Telephone: 404-350-1444

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

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

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

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

2/1/21

CITIZEN PARTICIPATION FORM - PART B

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

Public Hearing or Project Name: _____

Contact Name: _____ Telephone: _____

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

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

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

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

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

Signature of Authorized Agent: _____ Date: _____

Print Form

2/1/21

NEWHALL LAND CO
2974 HARDMAN CT
ATLANTA GA 30305

KDC THOMPSON LLC
410 PEACHTREE PKWY STE 4245
ALPHARETTA GA 30009

RANSOPHER TAD D
82 THOMPSON ST
ALPHARETTA GA 30004

K & S OLD MILTON LLC
3396 CAVERTON LANE
ALPHARETTA GA 30022

STATURE PROPERTIES LLC
675 SEMINOLE AVE SUITE 301
ATLANTA GA 30307

KDC THOMPSON LLC
410 PEACHTREE PKWY STE 4245
CUMMING GA 30041

DREYFUS PROPERTIES L L C
6094 ODELL ST
CUMMING GA 30040

STATE BANK & TRUST COMPANY
4219 FORSYTH RD
MACON GA 31208

PUBLIX SUPER MARKETS INC
P O BOX 32018
LAKELAND FL 33802-2018

AYCOCK ELVIN L
185 THOMPSON ST
ALPHARETTA GA 30004

PUBLIX SUPER MARKETS INC
P O BOX 32025
LAKELAND FL 33802-2025

NEWHALL LAND CO
2974 HARDMAN CT
ATLANTA GA 30305

AYCOCK ELVIN L
185 THOMPSON ST
ALPHARETTA GA 30004

NEWHALL LAND CO
2974 HARDMAN CT
ATLANTA GA 30305

PUBLIX SUPER MARKETS INC
P O BOX 32025
LAKELAND FL 33802-2025

HOM LLC
11785 NORTHFALL LANE SUITE 510
ALPHARETTA GA 30009

K & S OLD MILTON LLC
3396 CAVERTON LANE
ALPHARETTA GA 30022

PUBLIX SUPER MARKETS INC
P O BOX 32018
LAKELAND FL 33802-2018

SEISAN MFA PROPERTIES LLC
2425 OLD MILTON PKWY
ALPHARETTA GA 30009

CHAN TIN & ENG DANNY
3975 OLD MILTON PKWY # S 1
ALPHARETTA GA 30005

MC KNIGHT CAROLYN S
910 DOGWOOD TRL
HIAWASSEE GA 30546-3815

KDC THOMPSON LLC
410 PEACHTREE PKWY STE 4245
CUMMING GA 30041

HOM LLC
11785 NORTHFALL LANE SUITE 510
ALPHARETTA GA 30009

NEWHALL LAND CO
2974 HARDMAN CT
ATLANTA GA 30305

HOM LLC
11785 NORTHFALL LANE SUITE 510
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2425 OLD MILTON PKWY
ALPHARETTA GA 30009

KDC THOMPSON LLC
410 PEACHTREE PKWY STE 4245
CUMMING GA 30041

BUCKLEY KERRY M TR
1985 SOUTHERS CIR
SUWANEE GA 30024

RANSOPHER TAD D
82 THOMPSON ST
ALPHARETTA GA 30004

FULTON COUNTY GEORGIA
141 PRYOR ST
ATLANTA GA 30303

2/1/21

NEWHALL LAND CO
2974 HARDMAN CT
ATLANTA GA 30305

2/1/21



January 20, 2021

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

RE: Application of Kairos Development for modification change of current zoning conditions to the property we own on Thompson Street. The current zoning is DT-LW and applicant would like to change the conditions from DT-LW, 12 multifamily condominiums to DT-LW, 10 single family detached homes.

Subject Property: 51 & 61 Thompson Street (vacant lot next to Thompson Street Condominiums)

The subject property is located on the south side of Thompson Street and on the east side of Haynes Bridge Road (vacant lot on next to Thompson Street Flats near the round-a-bout). It is approximately 1.2 acres of semi-developed vacant land that is zoned DT/LW. The land has been cleared and site utilities are in place (power has been relocated underground, detention is in place, sewer and water in place).

The Applicant, Kairos Development Corporation, Inc. ("Applicant"), requests to change the current zoning conditions from 12 multifamily condominiums to 10 single family detached homes. Currently the property is zoned DT/LW and is consistent with the vision for the Alpharetta Comprehensive Plan and the Downtown Future Land Use. The applicant has carefully designed the site to reflect what the neighboring public has expressed what they would like to see on Thompson Street, which is single family detached homes that are walkable to downtown.

The Applicant seeks to construct:

- 10 single family detached homes
- 2,500 SF minimum lots
- 2 car side by side garages with 18' minimum driveway
- 10' between structures
- The alley will be private-owned and maintained

2/1/21

The Applicant is requesting:

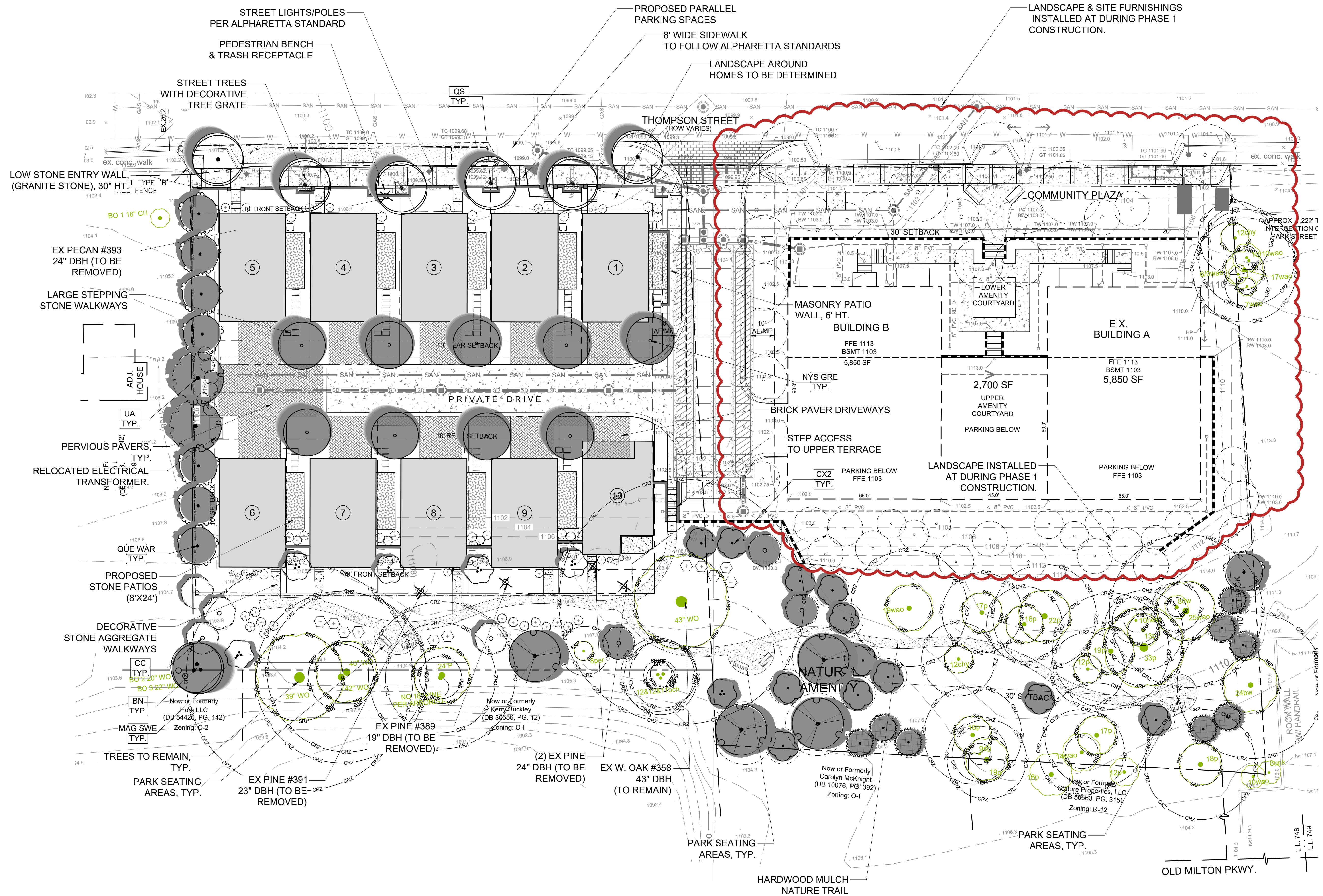
- To change the condition of the current zoning to 10 single family detached homes
- A conditional use to provide additional parallel parking on Thompson Street (this will require removing a pecan tree)

The Applicant respectfully asks that the Mayor and City Council approve this Application for Conditional changes and Variances requested to allow the use of the property as indicated on the site plan.

Very Truly Yours,
Kairos Development Corporation, Inc.

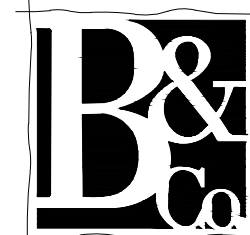
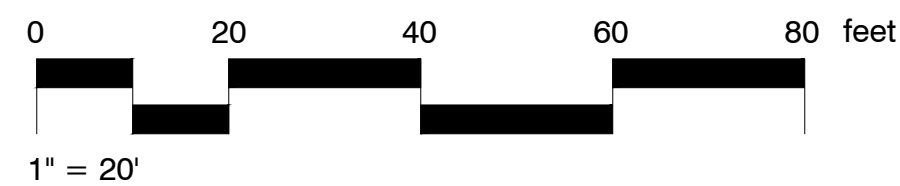
A handwritten signature in black ink, appearing to read 'H. Arthur Rountree', with a stylized, cursive flourish at the end.

H. Arthur Rountree



NOTES:
-SEE SHEET TRP-2 FOR CHARTS AND DETAILS.

24 HOUR CONTACT:
ARTHUR ROUNTREE @
(404) 350-1444



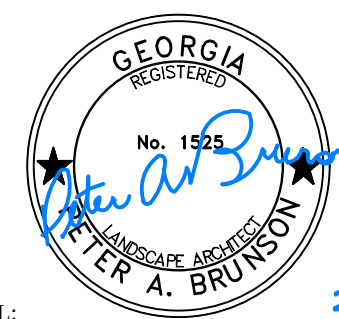
Brunson & Company
LANDSCAPE ARCHITECTS
903 BOMBAY LANE
ROSWELL, GA 30076
770.864.1987

KDC Thompson, LLC
410 Peachtree Parkway
Suite 4245
Cumming, GA 30041
(O) 404-350-1444

KDC THOMPSON PHASE 2 TREE PROTECTION & REPLACEMENT PLANS

Prepared For:
KDC THOMPSON, LLC

51 THOMPSON STREET
LL 247 - 1st DISTRICT, 2nd SECTION
CITY OF ALPHARETTA, FULTON COUNTY, GEORGIA



SEAL:

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PLAN.

REVISIONS:

DRAWING TITLE:
LANDSCAPE
CONCEPT PLAN

DATE:	PROJECT #
2.1.21	21.006

SHEET REF #

L -1.0

CITY OF ALPHARETTA TREE DATA - THOMPSON ST.
SITE DENSITY FACTOR
REQUIRED = 20 UNITS PER ACRE
SITE AREA = 2.386 ACRES
SDF - EDF = RDF
20 X 2.386 = 47.72 UNITES REQ.
EXISTING TREE DENSITY
EX. TREE DENSITY = 53.2 UNITS
SPECIMEN TREE RECOMPENSE
REQUIRED = 3 x DBH INCH REMOVED
REQUIRED = 20.4 UNITS X 3 = 61.2 UNITS REQ.
SPECIMEN TREE RECOMPENSE
REQUIRED = 3 x DBH INCH REMOVED
REQUIRED = 20.4 UNITS X 3 = 61.2 UNITS REQ.
PHASE II PROVIDED = 32.8 UNITS
PHASE I PROVIDED = 22.3 UNITS
TOTAL TREE UNITS REPLACED = 55.1 UNITS (REMAINDER TO BE TREE BANKED)
LANDSCAPE STRIPS
STREET TREES 240 LF X 1/40 LF = 6 TREES REQUIRED
TREES PROVIDED: (9) STREET TREES PROVIDED.

THOMPSON STREET - SPECIMEN TREE RECOMPENSE CHART				
TREE I.D	TREE CAL. IN.	SPECIMEN TREES TO BE RECOMPENSED	CONDITION	REPLACEMENT UNITS REQ.
343	34	MAGNOLIA	GOOD	5.0
344	25	MAPLE	GOOD	3.4
359	33	LOBLOLLY PINE	GOOD	4.6
360	32	LOBLOLLY PINE	POOR	0
363	28	WATER OAK	GOOD	4.0
364	44	RED MAPLE	POOR	0
365	48	WATER OAK	POOR	0
355	40	WATER OAK	FAIR	0
393	24	PECAN	GOOD	3.4
				20.4
REQUIRED: 20.4 UNITS X 3 = 61.2 UNITS FOR SPECIMEN RECOMPENSE				

THOMPSON STREET - TREE REPLACEMENT CHART									
TREES	Quantity	Botanical/Common	Cont	Cal. Inches	Total Inches	Native	Evergreen	Genius	Remarks
AR	4	ACER RUBRUM 'RED SUNSET' / RED SUNSET MAPLE	B & B	4	16	YES	NO	6%	STD.,Straight Trunk, Full Head
BN	1	BETULA NIGRA / RIVER BIRCH MULTI-TRUNK	B & B	4	4	YES	NO	2%	STD.,Straight Trunk, Full Head
CC	7	CERCIS CANADENSIS 'FOREST PANSY' TM/ FOREST PANSY REDBUD	B & B	3	21	YES	NO	11%	STD.,Straight Trunk, Full Head
CX2	12	CORNUS FLORIDA 'CHEROKEE CHIEF' / FLOWERING DOGWOOD	B & B	3	36	YES	NO	19%	STD.,Straight Trunk, Full Head
JE	8	JUNIPERUS VIRGINIANA / EASTERN RED CEDAR	B & B	4	32	YES	YES	13%	Straight Trunk, Full to Ground
MAG SWE	6	MAGNOLIA VIRGINIANA / SWEET BAY	B & B	3	18	YES	NO	10%	Multi-Trunk, 3 Canes Min.
NYS GRE	9	NYSSA SYLVATICA 'GREEN GABLE' TM/ BLACK GUM	B & B	4	36	YES	NO	14%	STD.,Straight Trunk, Full Head
QS	6	QUERCUS SHUMARDII / SHUMARD RED OAK	B & B	4	24	YES	NO	22%	STD.,Straight Trunk, Full Head
QUE WAR	8	QUERCUS X WAREI 'LONG' TM/ REGAL PRINCE OAK	B & B	4	32	YES	NO		STD.,Straight Trunk, Full Head
UA	2	ULMUS AMERICANA 'PRINCETON' / AMERICAN ELM	B & B	4	8	NO	NO	3%	STD.,Straight Trunk, Full Head
	63	TOTAL TREES			227	TOTAL REPLACEMENT INCHES			
	48%	OVERSTORY TREES							
	48%	NATIVE TREES							

CALCULATIONS:

1. SITE ACREAGE=2.386 ACRES x 20 UNITS/ACRE =47.72 UNITS REQUIRED.
SDF = EDF + RDF

EXISTING TREES TO BE RETAINED ON SITE: EDF

(1) 40" WATER OAK #358 (SPECIMEN)	x 6.2 (2) = 12.4	
(1) 33" PINE #367 (SPECIMEN)	x 4.6 (2) = 9.2	
(1) 25" WATER OAK #366 (SPECIMEN)	x 3.4 (2) = 6.8	
(1) 24" BLACK WALNUT #368 (SPECIMEN)	x 3.4 (2) = 6.8	
(1) 8" DOGWOOD #373 (SPECIMEN)	x 0.4 (2) = 0.8	
(1) 23" PECAN #393	x 2.8 = 2.8	
(1) 19" WATER OAK #386	x 1.8 = 1.8	
(1) 22" PINE #382	x 2.8 = 2.8	
(1) 20" PINE #391	x 2.6 = 2.6	
(1) 8" PERSIMMON #388	x 0.4 = 0.4	
(1) 12" PINE #376	x 0.8 = 0.8	
(1) 14" WATER OAK #378	x 1.2 = 1.2	
(2) 16" PINE #383	x 1.8 = 3.6	
(1) 19" PINE #380	x 1.8 = 1.8	
(1) 18" PINE #389	x 1.8 = 1.8	
(1) 17" PINE #384	x 1.8 = 1.8	
(1) 17" PINE #377	x 1.8 = 1.8	
(1) 13" PINE #374	x 0.8 = 0.8	
(1) 9" SWEETGUM #381	x 0.4 = 0.4	
		TOTAL
		53.20 UNITS
		64.4 UNITS

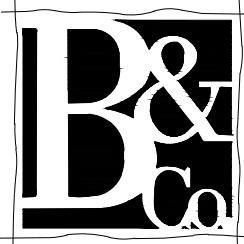
ADDITIONAL REPLACEMENT TREE REQUIREMENTS

REPLACEMENT TREES MUST BE AT LEAST 40% OVERSTORY.
* OVERSTORY REPLACEMENT TREES - PROVIDED 30 / 63 = 48%

REPLACEMENT TREES MUST BE AT LEAST 50% NATIVE.
** NATIVE REPLACEMENT TREES - PROVIDED 26 /38 = 90%

REPLACEMENT TREES GENUS MAX IS 25%
*** MAXIMUM GENIUS PROVIDED = 22% (SEE CHART)

24 HOUR CONTACT:
ARTHUR ROUNTREE @
(404) 350-1444



Brunson & Company
LANDSCAPE ARCHITECTS
903 BOMBAY LANE
ROSWELL, GA 30076
770 . 864 . 1987

KDC Thompson, LLC
410 Peachtree Parkway
Suite 4245
Cumming, GA 30041
(O) 404-350-1444

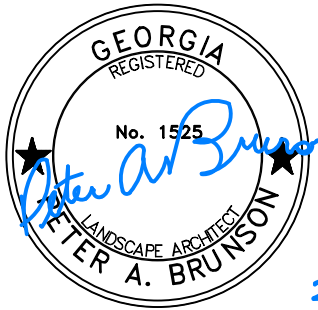
OWNER:

KDC THOMPSON PHASE 2
TREE PROTECTION & REPLACEMENT PLANS

Prepared For:
KDC THOMPSON, LLC

51 THOMPSON STREET
LL 247 - 1st DISTRICT, 2nd SECTION

CITY OF ALPHARETTA, FULTON COUNTY, GEORGIA



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REVISIONS:

DRAWING TITLE:

TREE REPLACEMENT
DETAILS & NOTES

DATE:

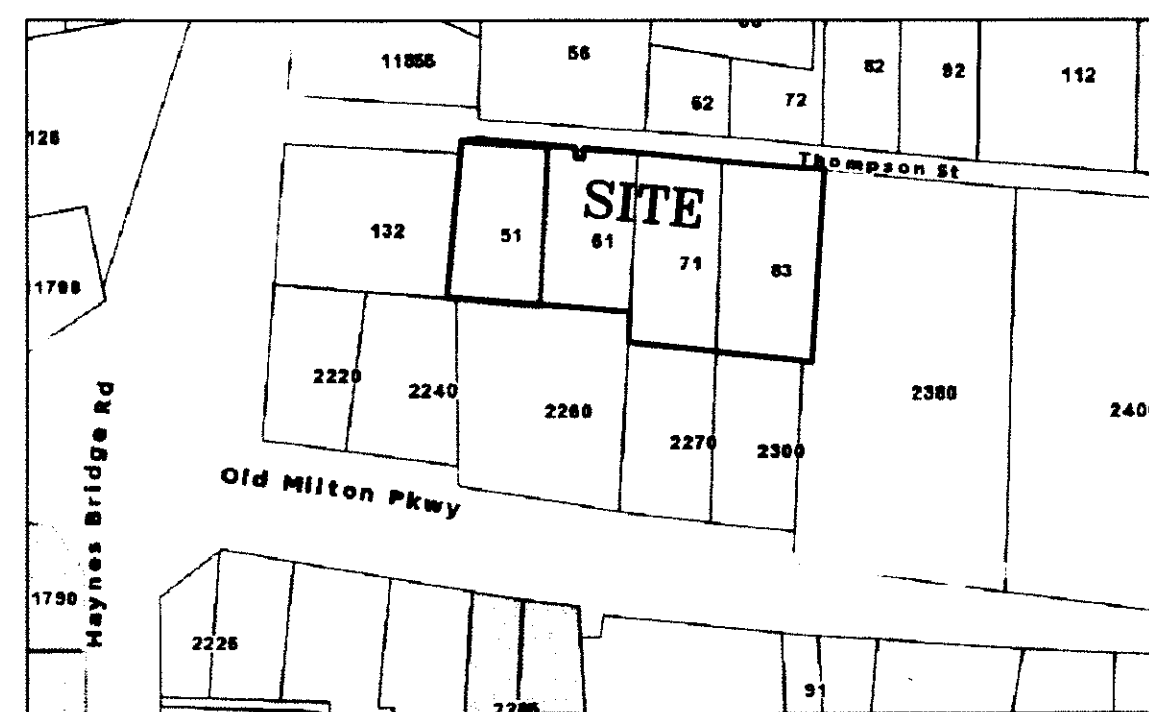
2.1.21

PROJECT #

21.006

SHEET REF #

L-1.2



LOCATION MAP (N.T.S.)
PER FULTON COUNTY TAX ASSESSORS

THE FOLLOWING ENCUMBRANCES ARE LISTED IN THE FIRST AMERICAN TITLE INSURANCE COMPANY'S COMMITMENT FOR TITLE INSURANCE, FILE NO. 29015.1330 WITH AN EFFECTIVE DATE OF MARCH 14, 2017:

12. Easements as contained in that certain Right of Way Deed from Roy Thomas Fields, Executor of the Estate of Frances Venable Fields to the City of Alpharetta, dated April 15, 1998, recorded in Deed Book 24295, Page 197, said Clerk's Office. (Included in current Right of Way of Thompson Street, as shown on plat. Temporary Construction Easement has expired).

13. Easements as contained in that certain Right of Way Deed from Joyce Blackwell and Bert Blackwell to the City of Alpharetta, dated August 18, 1998 recorded in Deed Book 25310, Page 96, said Clerk's Office. (Included in current Right of Way of Thompson Street, as shown on plat. Temporary Construction Easement has expired).

14. Easement from R.H. Goswick to Georgia Power Company, dated July 12, 1954, recorded in Deed Book 2906, Page 122, said Clerk's Office. (May affect, not plottable).

15. Easements as contained in that certain Right of Way Deed from R.H. Goswick to the City of Alpharetta, dated April 1, 1998, recorded in Deed Book 24315, Page 116, said Clerk's Office. (Included in current Right of Way of Thompson Street, as shown on plat. Temporary Construction Easement has expired).

WRITTEN DESCRIPTION:

All that tract or parcel of land lying and being in Land Lot 748, 1st District, 2nd Section, City of Alpharetta, Fulton County, Georgia, and being more particularly described as follows:

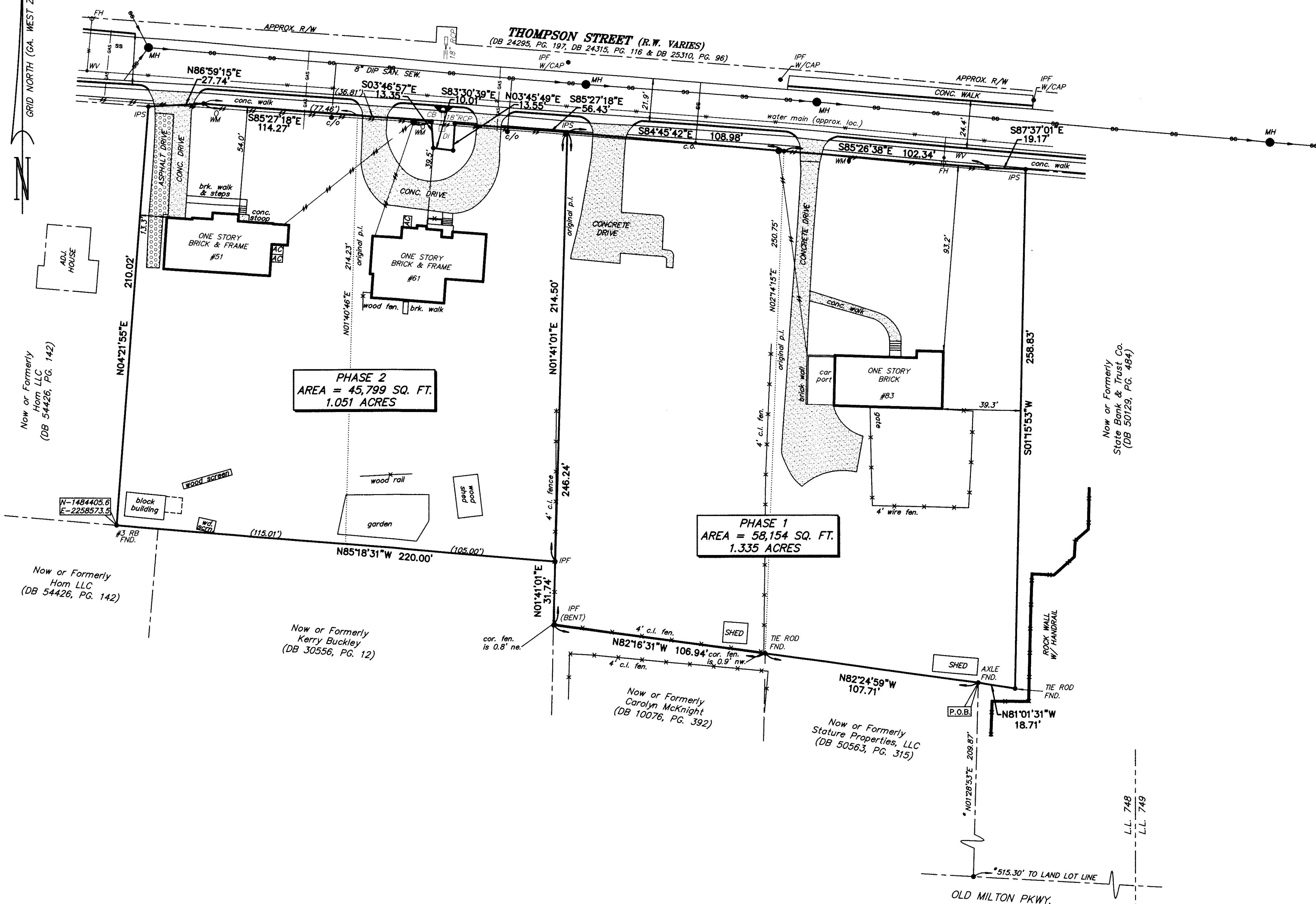
To find the point of beginning, commence at the intersection of the northerly right of way of Old Milton Parkway and the easterly line of Land Lot 748; thence leaving said Land Lot line and running westerly along the northerly right of way of Old Milton Parkway 515.30 feet to a point; thence leaving said right of way N 01°28'53" E a distance of 208.87 feet to an axle found and the POINT OF BEGINNING; thence N 82°24'59" W a distance of 107.71 feet to a tie rod found; thence N 82°16'31" W a distance of 106.94 feet to an iron pin found; thence N 01°41'01" E a distance of 31.74 feet to an iron pin found; thence N 85°18'31" W a distance of 220.00 feet to a #3 rebar found; thence N 04°21'55" E a distance of 210.02 feet to an iron pin set on the southerly right of way of Thompson Street (right of way varies); thence along said right of way of Thompson Street the following courses and distances: N 86°59'15" E a distance of 27.74 feet to a point; thence S 85°27'18" E a distance of 114.27 feet to a point; thence S 03°46'57" E a distance of 13.35 feet to a point; thence S 83°30'39" E a distance of 10.01 feet to a point; thence N 03°45'49" E a distance of 13.55 feet to a point; thence S 85°27'18" E a distance of 56.43 feet to an iron pin set; thence S 84°45'42" E a distance of 108.98 feet to a point; thence S 85°26'38" E a distance of 102.34 feet to a point; thence S 87°37'01" E a distance of 19.17 feet to an iron pin set; thence leaving said right of way S 01°15'53" W a distance of 258.83 feet to a tie rod found; thence N 81°01'31" W a distance of 18.71 feet to the POINT OF BEGINNING. Said tract contains 103,953 square feet or 2.386 acres.

LEGEND

●	IPF	=	1/2" REBAR FND.
●	IPS	=	1/2" REBAR SET
—	R.W.	=	RIGHT OF WAY
—	SSE	=	SANITARY SEWER EASEMENT
—	DE	=	DRAINAGE EASEMENT
---	L.L.L.	=	LAND LOT LINE
—	C.L.	=	CENTERLINE
—	CT	=	CRIMP TOP PIPE
—	OT	=	OPEN TOP PIPE
—	CMP	=	CORRUGATED METAL PIPE
—	RCP	=	REINFORCED CONCRETE PIPE
—	DI	=	DROP INLET
—	JB	=	JUNCTION BOX
—	MH	=	MANHOLE
—	CB	=	CATCH BASIN
—	BM	=	BENCHMARK
—	PP	=	POWER POLE
—	FH	=	FIRE HYDRANT
—	CMF	=	CONCRETE MONUMENT FND.
—	B.C.	=	BACK OF CURB
—	E.P.	=	EDGE OF PAVEMENT
—	FEN	=	FENCE
—	O.H.	=	OVERHEAD ELEC. SERVICE LINE
—	B.L.	=	BUILDING LINE
—	U.G.	=	UNDERGROUND POWER LINE
—	TX	=	TRANSFORMER

ADDRESS:
51, 61, 71, & 83 THOMPSON STREET
ALPHARETTA, GA 30009

GRID NORTH (GA. WEST ZONE)



GENERAL NOTES~

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS AN ANGULAR ERROR OF 2.4 SECONDS PER ANGLE POINT AND A PRECISION RATIO OF 1 IN 11,174. IT HAS BEEN ADJUSTED USING THE COMPASS RULE.

EQUIPMENT USED TO OBTAIN THESE MEASUREMENTS WAS A TOPCON GTS-235.

THE DATA SHOWN ON THIS PLAT HAS A CLOSURE PRECISION RATIO OF 1 IN 278,603.

ALL I.P.'s ARE 1/2" REBARS, UNLESS OTHERWISE INDICATED.

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

ACCORDING TO THE CURRENT "F.I.A. OFFICIAL FLOOD HAZARD MAP", COMMUNITY PANEL NO. 13121C 0058 F, DATED SEPTEMBER 18, 2013, THIS PROPERTY IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS.

ALL MATTERS OF TITLE ARE BASED ON THE FIRST AMERICAN TITLE INSURANCE COMPANY'S COMMITMENT FOR TITLE INSURANCE, FILE NO. 29015.1330, WITH AN EFFECTIVE DATE OF MARCH 14, 2017.

*PER DEED AND PLAT RECORDS, NO MONUMENT FOUND.

UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON FIELD MARKINGS OF AN UNKNOWN ORIGIN AND SHOULD BE CONSIDERED APPROXIMATE ONLY. BARTON SURVEYING, INC. ASSUMES NO RESPONSIBILITY OF THE ACCURACY OR COMPLETENESS OF THIS INFORMATION.

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 BARTON SURVEYING, INC. 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.

REFERENCES: 1) DB 30958, PG. 692
2) DB 24295, PG. 197
3) DB 25089, PG. 68
4) DB 11079, PG. 179
5) DB 9939, PG. 341
6) DB 34782, PG. 512

THIS PROPERTY IS CURRENTLY ZONE DT-LW (DOWNTOWN-LIVE WORK) PER THE CITY OF ALPHARETTA G.I.S. DEPT.

SETBACKS: FRONT = 10 FEET
SIDE = 0 FEET
REAR = 5 FEET (NO ALLEY)
10 FEET (ALLEY)

THERE IS NO OBSERVABLE EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.
THERE IS NO OBSERVABLE EVIDENCE OF RECENT STREET OR SIDEWALK REPAIRS.

AREA = 103,953 SQ. FT.
2.386 ACRES

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.

TO: KDC THOMPSON, LLC, STATE BANK AND TRUST COMPANY & 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 2016 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, 6(a), 8, 11, 13, 14, 16 & 17 OF TABLE A THEREOF.

THE FIELD WORK WAS COMPLETED 03-29-17 DATE OF PLAT OR MAP 04-13-17

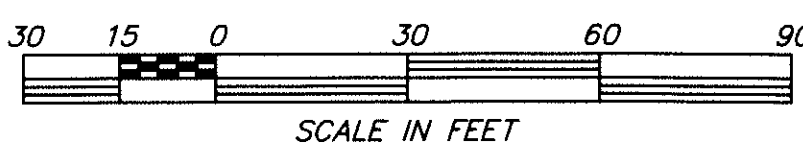
DAVID BARTON, GEORGIA R.L.S. NO. 2533

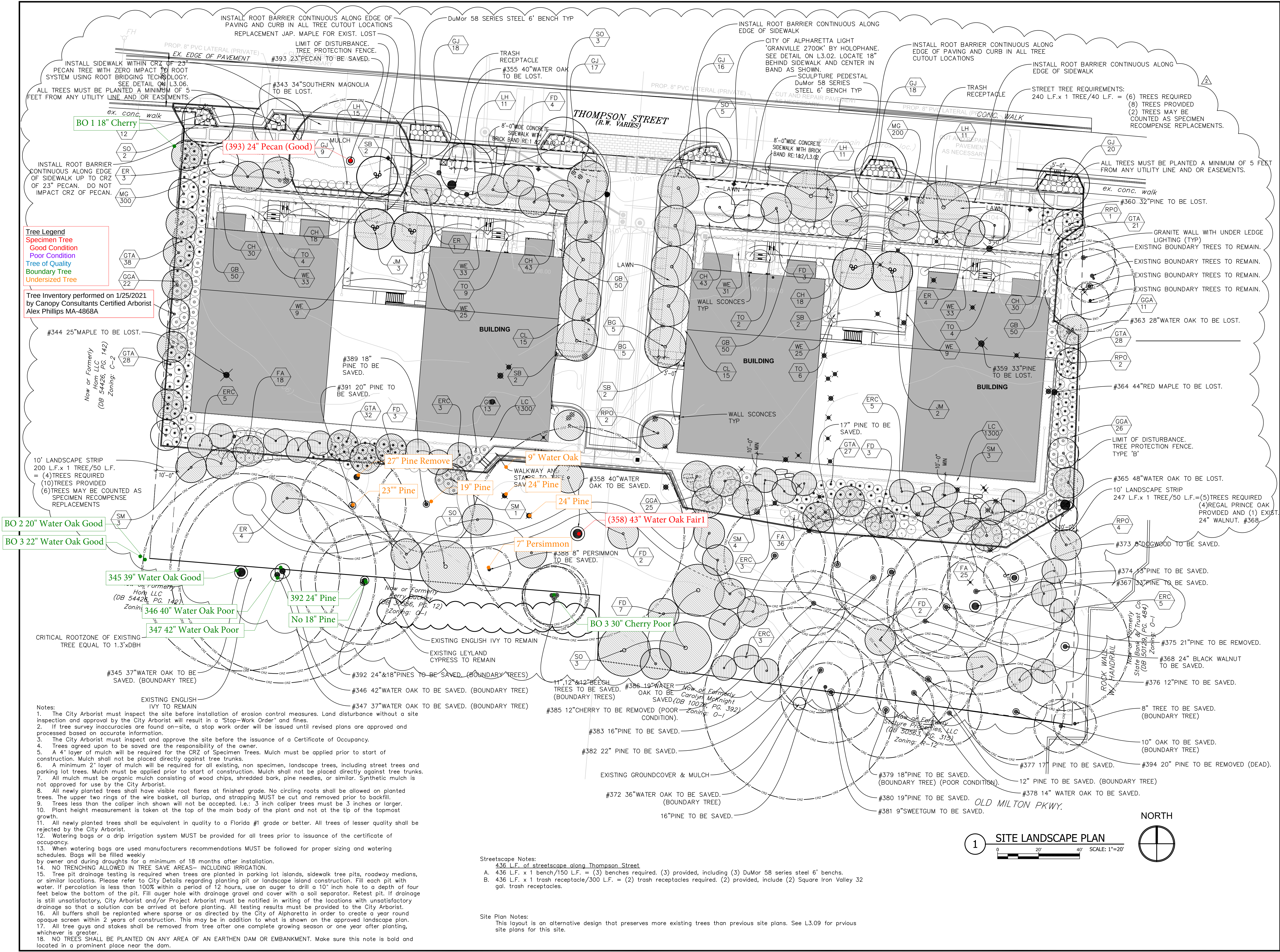


BARTON SURVEYING INC.
P.O. BOX 640
LEBANON, GEORGIA 30146
(770) 345-2810
(LICENSE No. LSF 000151)

ALTA/NSPS LAND TITLE BOUNDARY SURVEY FOR KDC THOMPSON, LLC STATE BANK AND TRUST COMPANY FIRST AMERICAN TITLE INSURANCE COMPANY

LOCATED IN LAND LOT 748
1st DISTRICT, 2nd SECTION
CITY OF ALPHARETTA
FULTON COUNTY, GEORGIA
MARCH 29, 2017 1"=30'





REVISIONS

NO.	REMARKS
1	TREE REVISIONS
2	PLANTING REVISIONS

PRINTED

DATE	REMARKS
10/11/16	LAND DISTURBANCE PERMIT
12/20/16	RESUBMISSION
4/04/17	LDP RESUBMISSION
5/08/17	LDP RESUBMISSION
5/18/17	LDP RESUBMISSION
8/22/19	REVISION NO.1
8/28/19	AS BUILT-PHASE 1
11/06/19	RESUBMISSION

GEORGIA REGISTERED LANDSCAPE ARCHITECT No. 965 MING ZHAO

SITE LANDSCAPE PLAN - As Built + Phase 2.

CHelsea FLATS
FOR KAIROS DEVELOPMENT CORPORATION
51 to 83 THOMPSON ST.
ALPHARETTA, GA

archetype landscape

10/11/2016

AL-16002.00

DATE

JOB NO.

SHEET NO.

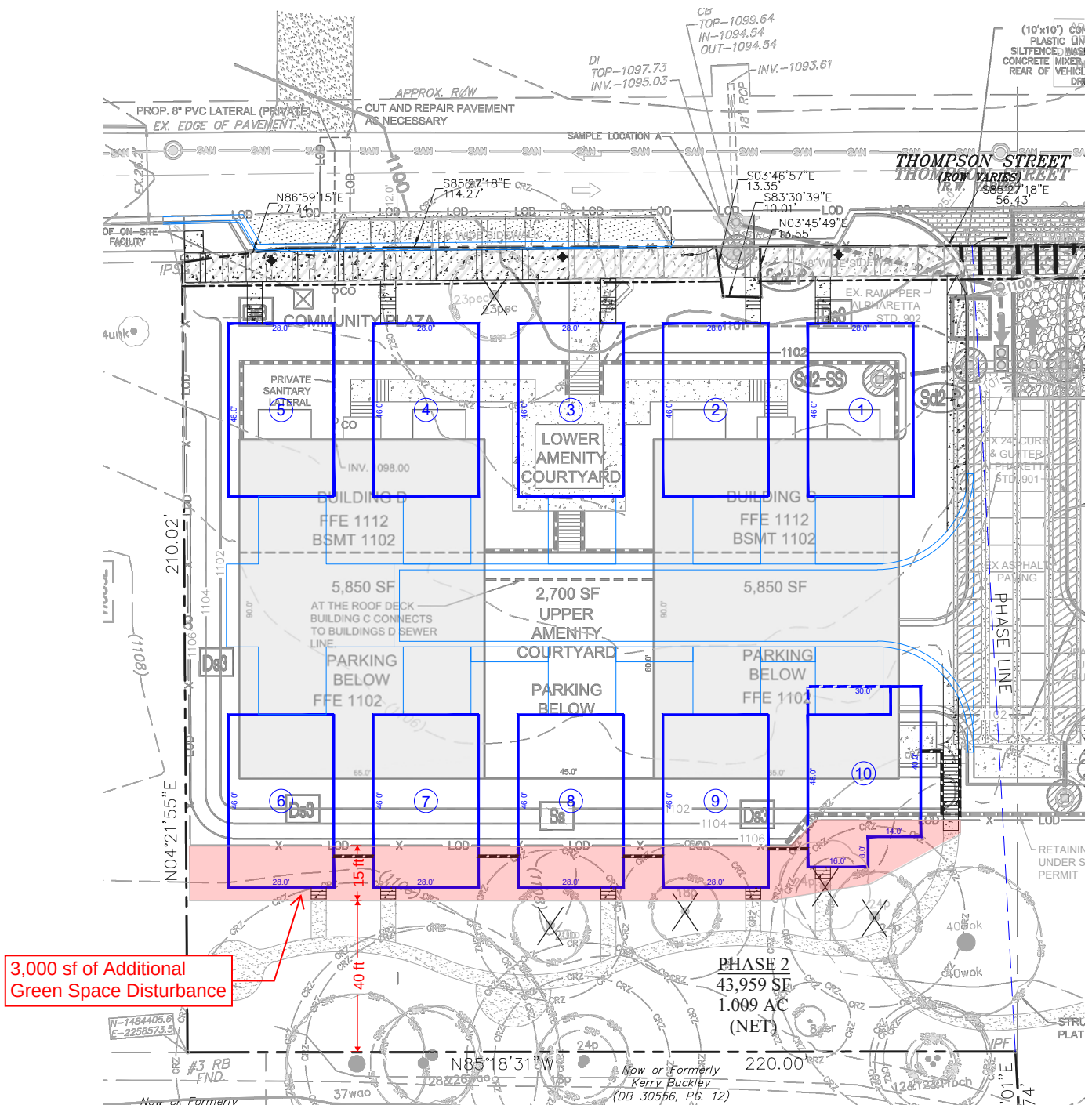
L3.01

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ISSUED FOR CONSTRUCTION

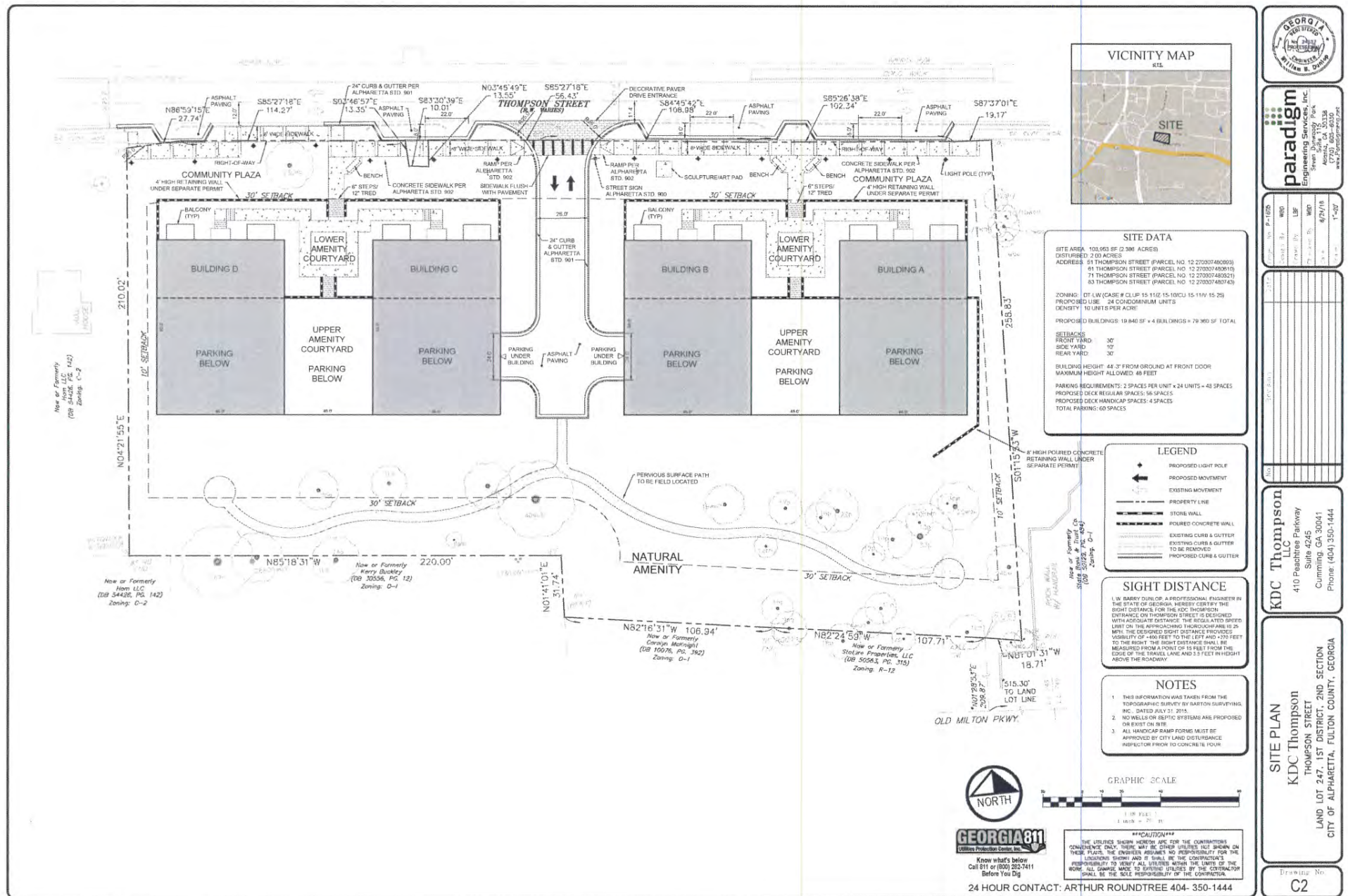
2/1/21

KDC Thompson Phase 2 Overlay Comparison or Original Design with Proposed Design



2/1/21
8/26/16

PH-16-15 THOMPSON ST FLATS/KAiros DEVELOPMENT



2/1/21

The homes will be designed for today's lifestyles, including personal outdoor living spaces and flexible work spaces. Architecturally, the homes will be uniquely designed to reflect the local downtown housing of Alpharetta, but with details and features desired by sophisticated buyers. Materials will be enduring with the use of brick, stone and wood siding. The abundance of windows will provide natural light and the selection of environmentally-focused materials will ensure a healthy environment.



2,875 SF
3 Story
Brick

2,875 SF
3 Story
Brick

2,875 SF
3 Story
Brick & Siding

Main Street Designs of Georgia, LLC is a professional residential design firm. Because the design conditions may vary, Main Street Designs of Georgia, LLC cannot warrant the suitability of these plans for use on your specific site. Construction of these plans should not be undertaken without the assistance of a construction professional.

THOMPSON STREET SINGLE FAMILY

3050 Royal Blvd., South Suite 135
Alpharetta, GA 30022
Ph: (404) 480-3881



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www.MainStreetDesignsLLC.com

KAIROS DEVELOPMENT

01/27/2021

Thompson Park Condominiums

City of Alpharetta, Georgia

The Park Concept Plan

Project Overview

The proposed Thompson Park Condominiums development is comprised of approximately 24 condominiums and is located on Thompson Street in Alpharetta, Georgia.

Trip Generation

Traffic for the proposed development was calculated using equations and rates contained in the Institute of Transportation Engineers' (ITE) *Trip Generation Manual*, Ninth Edition, 2012. The trip generation was calculated assuming 24 residential condominiums (Land Use 230). The table below summarizes the trip generation for the proposed development under the full build-out year.

Project Trip Generation Summary										
Land Use	ITE Code	Daily Traffic			AM Peak Hour			PM Peak Hour		
		Total	Enter	Exit	Total	Enter	Exit	Total	Enter	Exit
Residential Condominium/Townhouse (24 units)	230	186	93	93	16	3	13	19	13	6
Gross Trips		186	93	93	16	3	13	19	13	6

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: One Alpharetta Partners (Art Rountree & Jack Williams) Telephone: 404-401-0807
Address: 410 Peachtree Pkwy Suite: 4245
City: Cumming State: GA Zip: 30041

Authorization:

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

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

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

Identify Authorized Applicant:

Name of Authorized Applicant: H. Arthur Rountree Telephone: 404-401-0807
Address: 410 Peachtree Pkwy Suite: 4245
City: Alpharetta State: GA Zip: 30041

So Sworn and Attested:

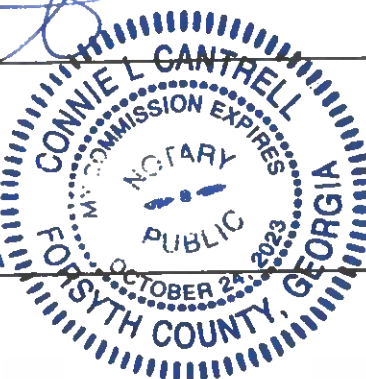
Owner Signature: _____

Date: 2-1-21

Notary: _____

Notary Signature: _____

Date: 2-1-2021



NOTICE OF LEGAL AND CONSTITUTIONAL OBJECTIONS

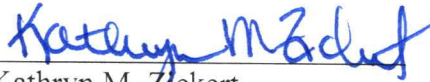
Kairos Development Corporation, Inc. (the “Applicant”) respectfully submits that the current zoning classification of the Subject Property established in the City of Alpharetta Unified Development Code and the current conditions of zoning, to the extent that they prohibit the proposed development, are unconstitutional, and constitute an arbitrary, irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harms the property owner in violation of the due process and equal protection rights of the property owner guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia. Further, the failure to approve the rezoning and modify the zoning conditions would constitute a taking of the owner’s private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

The Applicant also respectfully submits that the City Council’s failure to approve the requested rezoning and modify the zoning conditions would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the property owner and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

Opponents to this request, if any, lack standing; have failed to exhaust administrative remedies; and have waived their rights to appeal by failing to assert legal and constitutional objections.

This 9th day of August, 2022.

Respectfully submitted,



Kathryn M. Zickert
Dennis J. Webb, Jr.
J. Alexander Brock
Attorneys For Applicant

Smith, Gambrell & Russell, LLP
1100 W. Peachtree Street, N.E.
Suite 1000
Atlanta, Georgia 30309
404-815-3500



STAFF REPORT

Submitting Department: Public Works

Submitted By:

Sponsored By:

Meeting Date: August 15, 2022

I. AGENDA ITEM TITLE: FY 23 JAIL GENERATOR REPLACEMENT

II. RECOMMENDATION:

Please award the FY 23 jail generator replacement to Power and Energy Services Inc. in an amount not to exceed \$97,078.02 and authorize the Mayor to execute all necessary documents.

III. REPORT IN BRIEF:

Generators for emergency power at several facilities around the City are reaching or beyond the typical life span. The typical life span for generators is 20 years. The generator located at the Alpharetta Detention Facility is approximately 20 yrs. old and still utilizing diesel as its source of fuel. Part of the initiative to replace aging generators is to convert them to natural gas. Generators running on natural gas are less expensive to maintain and will not need to be re-fueled in the event of an extended power outage/failure. The replacement of aging generators and conversion to natural gas has been part of recurring capital dollars for several years. The detention facility is the last remaining generator still running off of diesel fuel and not natural gas.

The City has a maintenance contract for all generators with Power and Energy Services Inc. The maintenance in this contract includes, but is not limited to; monthly inspections, maintaining maintenance logs, generator cleaning, and a yearly load bank and tune up or manufacturer recommended maintenance for each generator. The contract is a 5-year contract terminating on June 30, 2026. For warranty reasons, and the knowledge of the equipment being installed, the Public Works Department will be utilizing Power and Energy Services Inc. to perform the generator replacement.

The Public Works Department requested pricing from Power and Energy Services Inc and to verify fair pricing was being provided, we requested pricing from Burgess Electric. Below is a comparison of costs for each contractor.

○ Power and Energy Services Inc.	\$97,078.02
○ Burgess Electric Co.	\$111,500.00

The current budgeted and approved amount was \$100,000.00 for the detention facility.

IV. ALTERNATIVES:

V. ATTACHMENTS:

Estimate_1581_from_Burgess_Electric_Co, Quote 5588r

Burgess Electric Co.
180 PLEASANT UNION RD
CANTON, GA 30114 US
+1 7704755043
burgesselectric4@gmail.com

Estimate

ADDRESS

Jeff Cox
City of Alpharetta (PR) public
works

ESTIMATE # 1581

DATE 07/19/2022

EXPIRATION DATE 08/19/2022

ACTIVITY	QTY	RATE	AMOUNT
SCOPE Replace generator at public safety HQ	1	0.00	0.00
Installation Generator, transfer sw, pad	1	90,000.00	90,000.00
Services Crane	1	3,500.00	3,500.00
Installation Electrical installation of equipment	1	18,000.00	18,000.00
TOTAL			\$111,500.00

Accepted By

Accepted Date

July 21, 2022

City of Alpharetta
 Engineering/ Public Works Department
 1790 Hembree Road
 Alpharetta, GA 30009

2565 Old Milton Pkwy
 ALPHARETTA, GA 30004

The below listed work and price will be honored by Power And Energy Services Inc. for a period of 10 business days after date listed above. Thank you for allowing us the opportunity to provide an estimate for the following and we are ready to begin preparation and execution of the work upon your approval. Work will be performed during regular business hours unless noted. If nights, weekends or holidays are required, or the equipment is not accessible upon arrival there will be an additional charge. This agreement is in accordance to the Terms & Conditions accompanying this document.

<i>Estimate Job</i>	Detention Center / Jail	<i>Estimate Number</i>	5588 revised 7/21/2022
<i>Estimate Tax Amount</i>	0.00	<i>Estimate Amount</i>	\$97,078.02

Estimate details are:

Item	Description	Qty	Amount
SOGI	City of Alpharetta Jail, change out 200KW generator and 120/208-volt,800-amp, 3-phase automatic transfer switch (ATS) with new Blue Star Power Systems Natural Gas generator and ASCO ATS as follows:	1	97,078.02
SOGI	1. Disconnect existing generator from electrical.		
	2. Provide new generator and ATS and deliver to site.		
	3. Set new generator on existing pad.		
	4. Extension to concrete pad as needed.		
	5. Re-connect existing electrical feeder, controls, and circuits for block heater and battery charger to new generator.		0.00
SOGI	6. Upon owner's approval, shutdown power to ATS.		
	7. Disconnect and remove old ATS and dispose of.		
	8. Install new ATS in same location.		
	9. Re-connect existing line, load, generator feeds and controls to new ATS.		
	10. Restore power to emergency systems through new ATS.		0.00
SOGI	11. Shutdown will take approximately 6-8 hours to complete. During this time there will be no power to the emergency loads.		
	12. Disconnect and remove old annunciator and dispose of.		
	13. Provide new annunciator.		
	14. Install new annunciator in same location.		
	15. Remove existing stranded wiring from generator to annunciator.		0.00
SOGI	16. Provide and install Belden cable from generator to annunciator and connect.		
	17. Gas line and regulator by others.		
	18. Start and test generator system.		
	19. All work to be completed during normal business hours. Monday through Friday, 7am to 3pm.		
	20. All permits, taxes, and insurance included.		0.00

POWER & ENERGY SERVICES INC. TM

Your Generator Total Solutions Provider TM

Sales / Rental / Repair / Install / Maintenance

Retail • Industrial • Healthcare • Residential • Commercial • Government • Entertainment • Communications

North American Headquarters

770-739-9112 main

770-739-9115 fax

www.PandEservices.com

P. O. Box 637

Powder Springs, GA 30127

*(all inquiries and services are routed
through our HQ for every state branch.)*

Terms are Net 30. Please complete the following to provide formal acceptance of this estimate. No work will be performed without written authorization. Thank you for choosing Power And Energy Services Inc.. We hope to work with you again in the future.

Representative Name		Representative Signature	
Date		PO Number	

1. GENERAL

The Terms and Conditions outlined herein shall apply to the services by Power And Energy Services Inc. (hereinafter referred to as Company) of maintenance or repair work or the sale of parts there under. No additional or contrary terms shall be binding upon the Company unless agreed to in writing.

The nature of the business carried on by this Company is such that its ability to carry out its contracts as to quality of materials and times of delivery is dependent upon representations and promises made by manufacturers. Every article sold by us is guaranteed free from defect in material and workmanship, and when shown to be defective will be replaced free of charge. F.O.B. works where manufactured, but all propositions are made with the distinct understanding that we are not to be held for any damages consequent to break-downs due to such defects.

All promises as to date of shipments or completion of erecting are made in good faith, and this Company will use its utmost endeavors to keep such promises by taking every reasonable precaution in the placing of its orders and obligating the manufacturers in every way possible to insure their carrying out their agreements, but since all manufacturers in accepting orders specifically deny any liability for consequential damages this proposal is made with the distinct understanding that we are not to be held liable for damages of any character whatsoever consequential upon delays due to defective materials, delays in shipments or in erecting unless in particular cases where the measure of damages is covered by special agreement, and in such cases delays due to strikes, fires, delays in transportation and other causes beyond our reasonable control must be understood as entitling us to corresponding extensions in time.

The title and right of possession to all machinery and materials furnished by this Company is to remain in this Company until full payment is made therefore in cash. Any purchase order resulting from this quotation will not be effective and binding on seller until accepted, in writing, by an authorized officer of seller.

It is also understood that if we were performing a job for you it was requested of us to do. It is up to the customer to provide staff to witness our duties. If no one is present to sign our paperwork, that will be noted and it is still the responsibility of the customer to accept and pay for any and all work performed by the company.

2. SCHEDULE DATES & DELAYS

Schedule dates are approximate and neither party shall be liable for loss, damage, or delay due to war, riots, fire, flood, strike or other labor difficulty, acts of civil or military authority including governmental laws, orders, priorities or regulations, acts of the other party, embargo, car shortage, damage or delay in transportation, delay in order processing or manufacturing, inability to obtain necessary labor or materials from usual sources, faulty forgings or castings, or other causes beyond the reasonable control of such party. In the event of delay in performance due to any such cause, the schedule dates or time for completion will be adjusted to reflect the actual time as may be necessary to properly reflect the delay. The Purchaser's receipt of services or parts shall constitute a waiver of any claims for delay.

3. ASSIGNMENT

Neither party shall assign or transfer this contract without the prior written consent of the other party.

4. TAXES

The prices do not include any present or future Federal, State or Municipal sales, use, gross receipts, property, or other similar type tax with respect to any material, erection equipment or services covered hereby. If the Company is required by applicable law or regulation to pay or collect any such type tax or taxes on account of this transaction or the material or equipment or services covered hereby, then such amount of tax shall be paid by the Purchaser in addition to the prices herein provided for.

5. INSURANCE

With respect to the performance of repair work at Purchaser's facility, the Company's personnel shall be properly covered with insurance in the areas of Worker's Compensation, Public Liability and Automobile Insurance where the use of a vehicle is required. To the extent any loss and/or damage is recoverable by insurance proceeds under Purchaser's insurance policies, Purchaser waives its and its insurers' rights to recover for such loss and/or damage against the company.

6. WARRANTY

The Company warrants that parts manufactured by the Company only and furnished under this contract, will be free of defects in material and workmanship for a period of 90 days from the date of installation, excluding transportation and installation costs (or 90 days from date of delivery if not installed by Company), and at its option, shall either repair or replace such parts, provided the Purchaser promptly notifies the Company of defects therein, within said period. The Company makes no performance warranty and the effects of corrosion, erosion and normal wear and tear are specifically excluded from the Company's warranty. The Company makes no other warranty or representation of any kind whatsoever, expressed or implied, except that of title, and all implied warranties, including any warranty of merchantability and fitness for a particular purpose, are hereby disclaimed.

7. LIMITATION OF LIABILITY

The remedies of the Purchaser set forth herein are exclusive, and the liability of the Company with respect to this contract or the services or parts furnished under this contract shall not exceed the contract price of such services or the part upon which such liability is based.

The Company and its suppliers or subcontractors shall in no event be liable to the Purchaser, any successors in interest or any beneficiary of this contract for any consequential, incidental, indirect, special or punitive damages arising out of this contract or any breach thereof, whether based upon loss of use, lost profits or revenue, interest, lost goodwill, work stoppage, impairment of other goods, loss by reason of shutdown or non-operation, increased expenses of operation, cost of purchase of replacement power or claims of Purchaser or customers of Purchaser for service interruption, whether or not such loss or damage is based on contract, warranty, negligence, indemnity, strict liability or otherwise.

8. NUCLEAR LIABILITY

In the event that the services or parts furnished hereunder are to be used in a nuclear facility, the Purchaser shall, prior to such use, arrange for insurance or governmental indemnity, protecting the Company against liability and hereby releases and agrees to indemnify the Company and its suppliers for any nuclear damage, including loss of use, in any manner arising out of a nuclear incident, whether alleged to be due, in whole or in part to the negligence or otherwise of the Company or its suppliers.

9. RENTAL EQUIPMENT

Rental equipment may or may not be property of the Company, therefore you are responsible for abiding by the original owners terms and conditions as well as our own. You assume all liabilities of the equipment while rented to you. You are responsible for all service tasks, damages, and total losses. In addition to the numbered line items above this Company offers no warranty and assumes no responsibility or liabilities for the rental equipment. The Company is not responsible for damages or losses of any kind whether it be to but not limited to property, equipment, personnel, and or monetary. It is your responsibility to maintain the rental equipment; service schedules are available upon request. It is your responsibility to notify us of issues or problems with the rental equipment as you are liable for damages. The rental equipment is not to be moved from the agreed upon location unless agreed upon in writing. By agreeing you relinquish any rights to sue or seek damages from us and in addition you agree not to hold us liable or responsible under any circumstances for any reason as it relates to rental equipment. All rental equipment is expected to be returned with the same amount of fuel it was delivered with. Fuel is never "included" with any pricing.

10. PAYMENT

It is agreed upon that all services, parts, equipment, and any other task, product, or function performed or supplied by the Company will be paid for in full. The amount owed will be due at a minimum of the terms NET 30 unless mutually agreed upon in writing by both parties. If customer does not have an account or the account is delinquent, immediate payment will be required and or a credit card or other proof of funds may be requested before any work will be scheduled or performed. A 5% late fee per month will be added if payment is not received by due date.

11. PROPRIETARY, COPY WRITTEN, AND CONFIDENTIAL

It is agreed upon that any information, services, reports, forms or literature is or may be patented, or protected by US law and is property of the company. No unauthorized duplication, sharing, or usage is allowed without the written consent of the company.

Power And Energy Services Inc.

TERMS AND CONDITIONS



STAFF REPORT

Submitting Department: Community & Economic Development

Submitted By: Kathi Cook

Sponsored By:

Meeting Date: August 15, 2022

I. AGENDA ITEM TITLE: PH-22-07 / CITY OF ALPHARETTA CAPITAL IMPROVEMENT ELEMENT
*CONSIDERATION OF A RESOLUTION ADOPTING THE 2021-2022 CAPITAL IMPROVEMENT ELEMENT
AND ANNUAL REPORT.*

II. RECOMMENDATION:

Staff seeks approval of a resolution adopting the 2021-2022 Capital Improvement Element and Annual Report

III. REPORT IN BRIEF:

The Georgia Planning Act of 1989 (The Act) requires that local governments keep their Comprehensive Plans current as a pre-requisite for maintaining Qualified Local Government status, a requirement for eligibility for receipt of State of Georgia funds. The Act requires that local governments provide annual updates to their Capital Improvement Element (CIE), prepared in accordance with the Minimum Planning Standards and Procedures and the Development Impact Fee Compliance Requirements.

The CIE is designed to provide insight into key infrastructure and public improvement projects being undertaken and completed by local jurisdictions. The Annual Report details on an annualized basis the collection and use of funds derived from impact fees. Together, these documents provide a means of tracking local government performance and serve as a tool for measuring progress with respect to achieving community goals as outlined in the Comprehensive Plan.

The City of Alpharetta is required to transmit its annual update of the Capital Improvement Element to the Atlanta Regional Commission for review prior to Council Adoption. On July 27, 2022, the Atlanta Regional Commission issued its finding of fact that the Capital Improvement Element, as submitted, adequately addresses the Local Planning Requirements as required by law. As such, the City may now consider a resolution formally adopting the 2022 Capital Improvement Element.

IV. ALTERNATIVES:

Failure to update the Capital Improvement Element in accordance with the Georgia Planning Act of 1989 would result in the loss of Qualified Local Government status, which would make the City ineligible to receive most State funding. Further, failure to submit this annual report would make the City ineligible to collect impact fees on new development.

V. ATTACHMENTS:

CIE Adoption Resolution2022, 2021-2022 CIE Impact Fee Report



RESOLUTION NO.

A Resolution Of The City Council Of Alpharetta Georgia For The Adoption Of The Capital Improvements Element And Annual Report

WHEREAS, the Georgia Planning Act encourages local governments to keep their comprehensive plans current in order for the plans to be used for policy guidance and as management tools for daily decisions, and

WHEREAS, the Capital Improvements Element and Annual Report was prepared in accordance with the Development Impact Fee Compliance Requirements and the Minimum Planning Standards and Procedures for Local Comprehensive Planning established by the Georgia Planning Act of 1989, and a Public Hearing was held on June 27th, 2022, at 6:30 PM at the City Hall of Alpharetta, Georgia; and

WHEREAS, the City of Alpharetta has received notification from the Atlanta Regional Commission that the Georgia Department of Community Affairs has, on July 27th, 2022, issued a finding of fact that the Capital Improvement Element adequately address the Local Planning Requirements; and

WHEREAS, such updates are required to extend status to the City of Alpharetta as a Qualified Local Government.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Alpharetta hereby adopts the update of the capital improvements element and annual report; transmitting these documents to the Atlanta Regional Commission, per the Georgia Planning Act of 1989.

SO RESOLVED this _____ day of _____, 2022.

CITY OF ALPHARETTA

By: _____

Jim Gilvin, Mayor

(SEAL)

COUNCIL MEMBERS

Attest:

City Clerk



CITY OF ALPHARETTA, GA

ANNUAL IMPACT FEE FINANCIAL REPORT

FISCAL YEAR 2021

	Impact Fee Fund				General Fund	
	Roads	Public Safety	Recreation and Parks	Total Impact Fee Fund	Administrative Costs*	Total
Impact Fee Fund Balance on July 1, 2020	\$ 1,640,046.29	\$ 281,335.86	\$ 1,336,922.76	\$ 3,258,304.91	\$ -	\$ 3,258,304.91
Fiscal Year 2021 Activity						
Sources:						
Impact Fees	\$ 629,024.04	\$ 82,438.86	\$ 1,797,207.14	\$ 2,508,670.04	\$ 75,554.53	\$ 2,584,224.57
Credits	(95,379.52)	(6,843.89)	(307,701.04)	(409,924.45)	(12,297.73)	(422,222.18)
Refunds	-	-	-	-	-	-
General Revenue (e.g. Interest)	1,012.82	166.31	1,316.97	2,496.10	-	2,496.10
Total Sources	\$ 534,657.34	\$ 75,761.28	\$ 1,490,823.07	\$ 2,101,241.69	\$ 63,256.80	\$ 2,164,498.49
(Uses):						
Project Expenditures/Debt Service	\$ (218,013.97)	\$ (155,750.00)	\$ (1,176,066.77)	\$ (1,549,830.74)	\$ -	\$ (1,549,830.74)
Administrative Costs	-	-	-	-	(63,256.80)	(63,256.80)
Total Uses	\$ (218,013.97)	\$ (155,750.00)	\$ (1,176,066.77)	\$ (1,549,830.74)	\$ (63,256.80)	\$ (1,613,087.54)
Impact Fee Fund Balance on June 30, 2021	\$ 1,956,689.66	\$ 201,347.14	\$ 1,651,679.06	\$ 3,809,715.86	\$ -	\$ 3,809,715.86
Impact Fees Encumbered at June 30, 2021	\$ 109,071.01	\$ -	\$ 121,212.23	\$ 230,283.24		\$ 230,283.24

* Administrative Costs minimally exceed 3% due to a customer that had underpaid their administrative fees in a prior fiscal year but remitted said fees this fiscal year as a condition for receiving their Certificate-of-Occupancy.



CITY OF ALPHARETTA, GA
CAPITAL IMPROVEMENT ELEMENT (FY's 2021-2032)
Service Area for each Public Facility: Citywide

Public Facility	Project Description	Project Start Date (Fiscal Year)	Project End Date (Fiscal Year)	Local Cost of Project	Maximum % of Funding from Impact Fees	Maximum Funding from Impact Fees	Impact Fees Expended in FY 2021	Impact Fees Expended in Previous Years	Total Impact Fees Expended to Date	Impact Fees Encumbered as of the end of FY 2021	Current/ Forecasted Funding Sources	Status/ Comment	Responsible Department
Roads													
	Impact Fee Ordinance Update	2014	2016	\$ 86,145	100.00%	\$ 86,145	\$ -	\$ 34,999.98	\$ 34,999.98	\$ -	Impact Fees (100%)	Complete	Community Development
	Impact Fee Ordinance Update	2022	2023	51,892	100.00%	51,892	-	-	-	-	Impact Fees (100%)	In-Process	Community Development
	Rucker Rd Corridor Improvements	2017	2020	16,413,805	24.10%	3,955,727	218,013.97	580,668.35	798,682.32	97,419.01	GO Bond (89%); Impact Fees (7%); General Revenues (4%)	Complete	Public Works
	Kimball Bridge Rd Congestion Mitigation (North Point Pkwy to Waters Rd)	2017	2023	9,872,927	24.10%	2,379,375	-	-	-	-	GO Bond (100%)	Construction Phase	Public Works
	Kimball Bridge Rd Bicycle/Pedestrian/Operational Improvements	2017	2024	1,359,742	24.10%	327,698	-	-	-	-	TSPLOST 1 (100%)	Construction Phase	Public Works
	Kimball Bridge Rd Improvements (Waters Rd to Buice Rd)	2024	2029	3,000,000	24.10%	723,000	-	-	-	-	TBD		Public Works
	Kimball Bridge Rd Widening (Verizon to Georgia Power driveway)	2024	2029	2,000,000	24.10%	482,000	-	-	-	-	TSPLOST 2 (Tier 2)		Public Works
	Windward Parkway Business District/Union Hill Rd Capacity Improvements	2017	2023	185,100	24.10%	44,609	-	-	-	-	TSPLOST 1 (100%)	Split into Projects Below	Public Works
	Windward Parkway East Improvements	2017	2023	1,615,349	24.10%	389,299	-	-	-	-	TSPLOST 1 (100%)	Construction Phase	Public Works
	Windward Parkway West Improvements	2017	2023	985,509	24.10%	237,508	-	-	-	-	TSPLOST 1 (100%)	Complete	Public Works
	Windward Pkwy Corridor Improvements (S.R. 9 to Westside Pkwy)	2017	2023	401,613	24.10%	96,789	-	-	-	-	GO Bond (100%)	On Hold	Public Works
	Northwinds Traffic Signal (temporary)	2017	2018	56,079	75.90%	42,564	-	42,564.32	42,564.32	-	Impact Fees (76%); General Revenue (4%)	Complete	Public Works
	Bethany Rd at Mid-Broadwell Rd Intersection Improvements	2017	2021	1,174,001	24.10%	282,934	-	-	-	-	TSPLOST 1 (100%)	Complete	Public Works
	Bethany Rd at Mayfield Rd Intersection Improvements	2017	2021	1,943,218	24.10%	468,316	-	-	-	-	TSPLOST 1 (81%); GO Bond (19%)	Complete	Public Works
	Morris Rd Operational Improvements	2017	2021	3,215,476	24.10%	774,930	-	-	-	-	TSPLOST 1 (100%)	Complete	Public Works
	Old Milton Parkway Capacity Improvements	2017	2023	5,579,474	24.10%	1,344,653	-	-	-	-	TSPLOST 1; TBD	Design Phase	Public Works
	Academy St/Webb Bridge Rd Operational and Pedestrian Improvements	2018	2020	442,595	24.10%	106,665	-	-	-	-	TSPLOST 1 (98%); General Revenue (2%)	Split into Projects Below	Public Works
	Academy St Improvements	2024	2027	3,539,575	24.10%	853,038	-	-	-	-	TSPLOST 1 (8%); TSPLOST 2 (Tier 2; 92%)	On Hold	Public Works
	Webb Bridge Road Improvements (Design/Project Management)	2021	2025	876,396	24.10%	211,212	-	-	-	-	TSPLOST 1	Design Phase	Public Works
	Webb Bridge Road Improvements Phase 1 (Westwind Lane to Greenway)	2021	2024	874,800	24.10%	210,827	-	-	-	-	TSPLOST 1 (100%)	Construction Phase	Public Works
	Webb Bridge Road Improvements Phase 2 (Roundabout to Webb Bridge Park)	2021	2024	6,000,000	24.10%	1,446,000	-	-	-	-	TSPLOST 1 (100%)	Design Phase	Public Works
	Webb Bridge Road Improvements Phase 3 (Greenway to Roundabout)	2021	2024	17,000,000	24.10%	4,097,000	-	-	-	-	TSPLOST 1 (100%)	On-Hold	Public Works
	Webb Bridge Road Improvements Phase 4 (North Point Parkway to the Greenway)	2022	2027	13,692,508	24.10%	3,299,894	-	-	-	-	TSPLOST 2 (95%); TSPLOST 1 (5%)	Design Phase	Public Works
	Haynes Bridge Rd Widening (Mansell Rd. to city limits)	2020	2025	8,197,826	24.10%	1,975,676	-	-	-	-	TSPLOST 1; TBD	On Hold	Public Works
	McGinnis Ferry Rd Capacity Improvements	2020	2025	8,900,000	24.10%	2,144,900	-	-	-	-	TSPLOST 1 (61%); GO Bond (38%); General Revenue (1%)	ROW Acquisition Phase	Public Works
	GA400 Bridge (Academy St/Webb Bridge Rd - GDOT PI 0001757)	2020	2025	1,703,000	24.10%	410,423	-	-	-	-	TSPLOST 1 (100%)	Conceptual Design Phase	Public Works



CITY OF ALPHARETTA, GA
CAPITAL IMPROVEMENT ELEMENT (FY's 2021-2032)
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	GA400 Bridge (Kimball Bridge Rd - GDOT PI 0001757)	2020	2025	1,317,000	24.10%	317,397	-	-	-	-	TSPLOST 1 (100%)	GDOT Procurement	Public Works
	GA400 Bridge (Tradewinds - GDOT PI 0001757)	2020	2025	1,866,000	24.10%	449,706	-	-	-	-	TSPLOST 1 (100%)	Conceptual Design Phase	Public Works
	North Point Parkway Improvements	2025	2029	58,328,500	24.10%	14,057,169	-	-	-	-	Grants (80%); TSPLOST 2 (18%); Impact Fees (2%); General Revenue (<1%)	Design Phase	Multi-Dept.
	Major Intersection Improvements	2027	2033	1,500,000	24.10%	361,500	-	-	-	-	TBD		Public Works
	Old Roswell St. Park and Plaza	2027	2029	1,500,000	24.10%	361,500	-	-	-	-	TBD		Community Dev.
	Traffic Calming (Southlake Dr.)	2026	2029	2,000,000	24.10%	482,000	-	-	-	-	TBD		Public Works
	Traffic Calming (Waters Rd)	2026	2029	2,000,000	24.10%	482,000	-	-	-	-	TBD		Public Works
	Traffic Calming (Douglas Rd)	2025	2028	1,750,000	24.10%	421,750	-	-	-	-	TBD		Public Works
	Park Plaza Signalization Upgrade	2019	2020	264,006	24.10%	63,626	-	45,934.60	45,934.60	-	General Revenue (83%); Impact Fees (17%)	Complete	
	Henderson Parkway Traffic Calming Improvements	2024	2026	60,000	24.10%	14,460	-	-	-	-	TBD		Public Works
	Hembree Road Widening (Old Roswell Rd. to Westside Pkwy)	2027	2031	4,000,000	24.10%	964,000	-	-	-	-	TBD		Public Works
	Wills Road Widening (Milton Avenue to Old Milton Pkwy)	2022	2025	33,293	75.90%	25,269	-	14,460.00	14,460.00	-	Impact Fees (57%); General Revenue (43%)	Complete	Public Works
	Dryden Rd Extension	2026	2030	3,000,000	75.90%	2,277,000	-	-	-	-	TBD		Public Works
	Tradewinds Ripple Effect Improvements	2022	2027	6,500,000	24.10%	1,566,500	-	-	-	-	TSPLOST 2 (100%)	On-Hold	Public Works
	Cumming St. Corridor Improvements	2022	2027	4,757,526	24.10%	1,146,564	-	-	-	-	TSPLOST 2 (100%)	Conceptual Design Phase	Public Works
	Milton Ave Streetscape	2024	2028	3,935,740	24.10%	948,513	-	-	-	-	TSPLOST 2 (Tier 2; 100%)	On-Hold	Public Works
	Teasley Street Improvements	2020	2025	75,000	75.90%	56,925	-	38,125.00	38,125.00	-	Impact Fees (76%); General Revenue (24%)	Complete	Public Works
	Roundabout Studies	2024	2025	100,000	24.10%	24,100	-	-	-	-	TBD		Public Works
	Roundabout (Roswell St at Old Roswell St)	2026	2030	1,500,000	24.10%	361,500	-	-	-	-	TBD		Public Works
	Roundabout (Milton Ave at Canton/Roswell St)	2026	2030	1,800,000	24.10%	433,800	-	-	-	-	TBD		Public Works
	Roundabout (Windward Pkwy at Clubhouse Dr)	2027	2031	3,000,000	24.10%	723,000	-	-	-	-	TBD		Public Works
	Roundabout (Hopewell Rd at Vaughan Dr)	2026	2029	1,617,034	24.10%	389,705	-	16,553.19	16,553.19	11,652.00	General Revenue (5%); Impact Fees (2%); TSPLOST 2 (Tier 3; 93%)	Design Complete	Public Works
	Roundabout (Mayfield Rd at Canton St)	2025	2029	2,000,000	24.10%	482,000	-	-	-	-	TSPLOST 2 (Tier 3); TBD		Public Works
	Roundabout (Mayfield Rd at Providence Rd)	2025	2029	2,000,000	24.10%	482,000	-	-	-	-	TSPLOST 2 (Tier 3); TBD		Public Works
				\$ 214,071,129		\$ 53,335,057	\$ 218,013.97	\$ 773,305.44	\$ 991,319.41	\$ 109,071.01			
Public Safety													
	Impact Fee Ordinance Update	2014	2016	\$ 22,907	100.00%	\$ 22,907	\$ -	\$ 15,625.01	\$ 15,625.01	\$ -	Impact Fees (100%)	Complete	Community Development
	Impact Fee Ordinance Update	2022	2023	7,388	100.00%	7,388	-	-	-	-	Impact Fees (100%)	In-Process	Community Development
	Public Safety Headquarters Expansion	2017	2019	4,573,815	100.00%	4,573,815	-	718,750.00	718,750.00	-	General Revenues (55%); Impact Fees (16%); DEA (13%); E-911 Fees (16%)	Complete	Public Safety/ Public Works
	Public Safety Headquarters Parking Expansion	2024	2025	200,000	62.30%	124,600	-	-	-	-	TBD		Public Safety
	E911 Facility Renovations	2022	2024	50,000	100.00%	50,000	-	-	-	-	911 Fees (100%)	Construction Phase	Public Safety/ Public Works



CITY OF ALPHARETTA, GA
CAPITAL IMPROVEMENT ELEMENT (FY's 2021-2032)
Service Area for each Public Facility: Citywide

Public Facility	Project Description	Project Start Date (Fiscal Year)	Project End Date (Fiscal Year)	Local Cost of Project	Maximum % of Funding from Impact Fees	Maximum Funding from Impact Fees	Impact Fees Expended in FY 2021	Impact Fees Expended in Previous Years	Total Impact Fees Expended to Date	Impact Fees Encumbered as of the end of FY 2021	Current/ Forecasted Funding Sources	Status/ Comment	Responsible Department
	Hazardous Materials Truck & Trailer	2020	2021	250,000	62.30%	155,750	155,750.00	-	155,750.00	-	Impact Fees (62%); General Revenue (38%)	Complete	Public Safety
	Quint Apparatus for Fire Station 81	2022	2023	1,311,250	62.30%	816,909	-	-	-	-	Capital Lease (100%)	Complete	Public Safety
	Fire Rescue-Rapid Response Truck	2022	2023	200,000	62.30%	124,600	-	-	-	-	Impact Fees (62%); General Revenue (38%)	Complete	Public Safety
	All Terrain Vehicles for Public Safety (Police)	2023	2024	30,000	62.30%	18,690	-	-	-	-	Impact Fees (62%); General Revenue (38%)		Public Safety
				\$ 6,645,360		\$ 5,894,659	\$ 155,750.00	\$ 734,375.01	\$ 890,125.01	\$ -			
Recreation and Parks													
	Impact Fee Ordinance Update	2014	2016	\$ 21,948	100.00%	\$ 21,948	\$ -	\$ 11,875.01	\$ 11,875.01	\$ -	Impact Fees (100%)	Complete	Community Development
	Impact Fee Ordinance Update	2022	2023	10,220	100.00%	10,220	-	-	-	-	Impact Fees (100%)	In-Process	Community Development
	Scramble Intersection at Canton St and Milton Ave	2021	2022	103,160	24.00%	24,758	-	-	-	-	General Revenue (100%)	Complete	Public Works
	Providence Road Sidewalk Improvements	2024	2026	850,000	24.00%	204,000	-	-	-	-	TBD		Public Works
	Waters Rd Sidewalk Improvements	2024	2026	975,000	24.00%	234,000	-	-	-	-	TBD		Public Works
	Mid-Block Crosswalk (Alpharetta Elementary School)	2022	2024	113,037	24.00%	27,129	-	-	-	-	TSPLOST 2 (100%)	Construction Phase	Public Works
	Mid-Block Crosswalk (Manning Oaks Elementary School)	2022	2024	74,262	24.00%	17,823	-	-	-	-	TSPLOST 2 (100%)	On-Hold	Public Works
	Mid-Block Crosswalk (Cogburn Road Park)	2022	2024	149,401	24.00%	35,856	-	-	-	-	TSPLOST 2 (100%)	Construction Phase	Public Works
	Mid-Block Crosswalk (Mid Broadwell Rd at Charlotte Dr)	2022	2024	146,000	24.00%	35,040	-	-	-	-	TSPLOST 2 (100%)	Construction Phase	Public Works
	Improved Crossing from Parking Deck to north side of Milton Ave	2022	2024	212,300	24.00%	50,952	-	-	-	-	TSPLOST 2 (100%)	Construction Phase	Public Works
	Raised Intersection at Marietta St. and Roswell St.	2022	2024	350,000	24.00%	84,000	-	-	-	-	TSPLOST 2 (100%)	Procurement Phase	Public Works
	Improved Pedestrian Crossings from City Center to Churches	2022	2024	750,000	24.00%	180,000	-	-	-	-	TSPLOST 2 (100%)	Procurement Phase	Public Works
	Pedestrian Safety Barrier at City Center Town Green	2023	2024	250,000	24.00%	60,000	-	-	-	-	General Revenue	Concept Design Phase	Public Works
	Artificial Turf at City Center Town Green	2021	2021	160,000	24.00%	38,400	33,177.00	-	33,177.00	-	General Revenue (79%); Impact Fees (21%)	Complete	Public Works
	4 Pedestrian Bridges (Windward Pkwy over Big Creek; Greenway access)	2022	2026	4,000,000	24.00%	960,000	-	-	-	-	TSPLOST 2 (100%)	Procurement Phase	Public Works
	AlphaLoop City Trail	2017	2027	15,534,503	100.00%	15,534,503	-	-	-	-	TSPLOST 2 (77%); Contributions (Avalon/NFCID/ABC; 13%) Grants (3%); Impact Fees (3%); GO Bond (3%); General Revenue (1%)	Multiple Phases (design/construction)	Community Development/ Public Works
	AlphaLoop (land for connective parks)	2024	2026	3,000,000	100.00%	3,000,000	-	-	-	-	TBD		Parks
	AlphaLoop (pedestrian tunnel under Haynes Bridge Rd. at GA400)	2025	2028	8,000,000	100.00%	8,000,000	-	-	-	-	GO Bond (94%); NFCID (6%)	Design Phase	Public Works
	City Center Walking Trail	2017	2019	300,000	100.00%	300,000	-	300,000.00	300,000.00	-	Impact Fees (100%)	Complete	Public Works



CITY OF ALPHARETTA, GA
CAPITAL IMPROVEMENT ELEMENT (FY's 2021-2032)
Service Area for each Public Facility: Citywide

Public Facility	Project Description	Project Start Date (Fiscal Year)	Project End Date (Fiscal Year)	Local Cost of Project	Maximum % of Funding from Impact Fees	Maximum Funding from Impact Fees	Impact Fees Expended in FY 2021	Impact Fees Expended in Previous Years	Total Impact Fees Expended to Date	Impact Fees Encumbered as of the end of FY 2021	Current/ Forecasted Funding Sources	Status/ Comment	Responsible Department
	Greenway Extension to Forsyth County	2017	2021	12,339,718	25.63%	3,162,670	1,130,189.77	-	1,130,189.77	121,212.23	GO Bond (80%); Impact Fees (10%); TSPLOST 1 (8%); General Revenues (2%)	Construction Phase	Parks/Public Works
	Encore Parkway Greenway Connection/Park	2023	2026	5,003,000	25.63% to 100%	2,589,490	-	-	-	-	TSPLOST 1 (51%); Impact Fees (40%); NFCID (9%)	Design Phase	
	Eastside Community Center/YMCA Partnership	2017	2022	2,519,187	30.96%	779,940	-	-	-	-	GO Bond (100%)	Complete	Parks
	Alpharetta Arts Center Development	2017	2019	3,390,014	54.17%	1,836,371	-	1,300,001.33	1,300,001.33	-	GO Bond (44%); Impact Fees (38%); General Revenues (2%); Hotel/Motel Taxes (16%)	Complete	Parks/Public Works
	Alpharetta Arts Center Parking Expansion	2024	2025	950,000	54.17%	514,615	-	-	-	-	TBD		Parks/Public Works
	Wills Park Pool Renovation/Expansion	2017	2019	6,140,453	36.12%	2,217,932	-	1,100,000.00	1,100,000.00	-	GO Bond (44%); Impact Fees (18%); General Revenues (38%)	Complete	Parks/Public Works
	Wills Park Pool Heater	2024	2026	100,800	36.12%	36,409	-	-	-	-	TBD		Parks
	Design and Construction of new Park Spaces	2019	2023	1,000,001	9.06% to 100%	433,693	12,700.00	420,992.69	433,692.69	-	General Revenue (57%); Impact Fees (43%)	On-Going	Parks
	Wills Park Equestrian Center Master Plan buildout	2022	2026	11,004,836	68.93%	7,585,633	-	-	-	-	GO Bond (45%); Impact Fees (4%); Hotel/Motel Taxes (1%); Equestrian Foundation (50%)	Procurement Phase	Parks
	Wills Park Master Plan Improvements	2022	2026	6,000,000	9.06% to 100%	6,000,000	-	-	-	-	GO Bond (95%); Impact Fees (5%)	Procurement Phase	Parks
	Mid-Broadwell Park build-out	2022	2026	500,000	9.06% to 100%	500,000	-	-	-	-	GO Bond (100%)	Design Phase	Parks
	Old Rucker Park build-out	2022	2026	3,000,000	9.06% to 100%	3,000,000	-	-	-	-	GO Bond (100%)	Procurement Phase	Parks
	Union Hill Park (redevelopment/trailhead)	2022	2026	3,250,000	9.06% to 100%	3,250,000	-	-	-	-	GO Bond (100%)	Procurement Phase	Parks
	Farmhouse Park build-out	2022	2026	2,000,000	9.06% to 100%	2,000,000	-	-	-	-	GO Bond (100%)	Survey Phase	Parks
	Waters Road Park build-out	2022	2026	1,250,000	9.06% to 100%	1,250,000	-	-	-	-	GO Bond (100%)		Parks
	Synthetic Turf Webb Bridge Park (soccer field)	2022	2026	1,000,000	36.12%	361,200	-	-	-	-	GO Bond (100%)		Parks
	North Park Master Plan/Development	2024	2028	1,600,000	9.06% to 100%	1,600,000	-	-	-	-	TBD		Parks
	Webb Bridge Park Master Plan/Development	2024	2028	1,600,000	9.06% to 100%	1,600,000	-	-	-	-	TBD		Parks
	Webb Bridge Park Middle School MOU (field space)	2024	2026	100,000	36.12%	36,120	-	-	-	-	TBD		Parks
	Pocket Park Development	2024	2028	425,000	36.12%	153,510	-	-	-	-	TBD		Parks
	Haynes Bridge Road Park Restroom (replacement/expansion)	2024	2026	700,000	91.91%	643,370	-	-	-	-	TBD		Parks
	Haynes Bridge Road Park Restroom (new)	2024	2026	300,000	91.91%	275,730	-	-	-	-	TBD		Parks
	Marconi Drive Park Restroom (new)	2024	2026	100,000	91.91%	91,910	-	-	-	-	TBD		Parks
				\$ 99,272,839		\$ 68,737,221	\$ 1,176,066.77	\$ 3,132,869.03	\$ 4,308,935.80	\$ 121,212.23			
Total							\$ 1,549,830.74	\$ 4,640,549.48	\$ 6,190,380.22	\$ 230,283.24			

BACKUP

CITY OF ALPHARETTA
**COMBINING STATEMENT OF REVENUES, EXPENDITURES,
 AND CHANGES IN FUND BALANCES**

NONMAJOR GOVERNMENTAL FUNDS

For the Fiscal Year Ended June 30, 2021 – Page 1 of 2

	<i>Special Revenue Funds</i>				
	<i>Hotel Motel</i>	<i>Impact Fee</i>	<i>Confiscated Assets</i>	<i>Grant Operating</i>	<i>E911</i>
Revenues:					
Property taxes	\$ —	\$ —	\$ —	\$ —	\$ —
Hotel/Motel taxes	3,890,093	—	—	—	—
Impact fees	—	2,098,746	—	—	—
Charges for services	—	—	—	—	3,239,918
Forfeiture income	—	—	265,334	—	—
Intergovernmental	—	—	—	19,414	1,158,389
Contributions	—	—	—	6,230	—
Investment earnings	1,583	2,495	1,092	9,180	756
Other revenues	—	—	—	—	7,621
Total revenues	3,891,676	2,101,241	266,426	34,824	4,406,684
Expenditures:					
Current:					
General government	—	—	—	1,300	—
Public safety	—	12,700	339,737	53,630	3,942,761
Culture and recreation	—	—	—	26,043	—
Community development	1,776,253	—	—	—	—
Public works	—	1,537,131	—	—	—
Capital outlay	—	—	—	—	—
Debt service:					
Principal	540,000	—	—	—	70,735
Interest	771,963	—	—	—	6,041
Total expenditures	3,088,216	1,549,831	339,737	80,973	4,019,537
Excess (deficiency) of revenues over expenditures	803,460	551,410	(73,311)	(46,149)	387,147
Other financing sources (uses):					
Transfers out	(1,458,781)	—	—	—	—
Transfers in	—	—	—	—	—
Proceeds from sale of capital assets	—	—	7,825	—	—
Total other financing sources (uses)	(1,458,781)	—	7,825	—	—
Net change in fund balances	(655,321)	551,410	(65,486)	(46,149)	387,147
Fund balances, beginning of fiscal year	1,966,633	3,258,305	266,485	147,257	2,242,426
Fund balances, end of fiscal year	\$1,311,312	\$3,809,715	\$200,999	\$101,108	\$2,629,573

continued
on next page →

Annual Comprehensive Financial Report

For the Fiscal Year Ended June 30, 2021





STAFF REPORT

Submitting Department: Public Safety

Submitted By: Stephanie Cochran

Sponsored By:

Meeting Date: August 15, 2022

I. AGENDA ITEM TITLE: FIRE STATION ALERTING

II. RECOMMENDATION:

Please award a contract for replacement/upgrade of the Fire Station Alerting System (all Fire Stations) to Purvis Systems (under the competitively procured Sourcwell contract #042021-PUR) in an amount not to exceed \$250,871.95, radio network interface components including control room firewall components to Motorola in an amount not to exceed \$22,000, for a total combined not to exceed amount of \$272,871.95, 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: \$272,871.95.

APPROPRIATIONS:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>
AUTOMATED TONE ALERT SYSTEM / 21531800-542400 - C1109	\$272,871.95

EXTERNAL FUNDING SOURCES:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>
N/A	\$0.00

IV. REPORT IN BRIEF:

Working in cooperation between the Fire Division and 911 Operations, the Department of Public Safety is requesting approval to remove and replace the current fire station alerting hardware with a state of the art, specifically engineered system for fire station response notification. Utilizing proven technology to reduce response times, human error and firefighter PTSD attributed to auditory startle response, the installation of Purvis Fire Station alerting systems in all 6 City of Alpharetta Fire Stations is requested.

The PURVIS Fire Station Alerting System is an IP-based alerting solution designed to automate the notification process of fire and rescue personnel. Using a combination of visual and auditory alerts to notify response personnel of a pending emergency, information is received in a consistent voice and order of information that reduces initial confusion and inherently reduces apparatus enroute times. Using computer-based technology, operating seamlessly with Computer Aided Dispatch technology, the process of initiating an emergency response is reduced to a single "mouseclick" and therefore removes as many as 10 sequenced steps to initiate a response. Fire Personnel are provided clear and concise communications, incident type and stress-reducing alerts.

The current alerting system in place at all fire stations has been in place since original construction. In the case of Fire Station 83 and 84, it is more than 30 years old. This existing system utilizes a system of amplifiers, PA speakers, and electromechanical relays to active lights and buzzers. The current speakers are significantly reduced in audio quality due to age and technology. Replacement amplifiers demand premium pricing due to availability and no reliable service is available due to the age of the technology.

The PURVIS FSAS provides:

- Improved response times through streamlined dispatch communications and reliable alert delivery;
- Reduced stress on first responders through automated heart-friendly, zone-specific alerts;
- Accurate incident alerting through a variety of devices;
- High system reliability and availability through real-time monitoring and built-in redundancy;
- An NFPA-compliant system to keep you within recommended guidelines.

As evidenced by the use in the Milton Fire Station since October 2020, there is a tremendous reduction in alarm processing time, dispatching, and a significant decrease in human errors. Purvis Fire Station alerting was purchased and installed by the City of Milton Fire Department after a competitive bid process and award. (City of Milton Agenda item 20-105 dated 04/15/2020).

Multiple components of the Milton data infrastructure investment will be used as part of this project. Various computer servers, computer switches, dispatch software interface, and software licenses provides an Alpharetta savings of \$183,000. Specifically, Alpharetta's investment is now limited to the hardware installed at each Fire Station as well as the radio/Motorola/Purvis interface. 911 Funds are being used for this acquisition and represent an allowable use under law.

PROCUREMENT

This project is being awarded to Purvis Systems under the Sourcewell program (cooperative purchasing alliance – formerly the NJPA).

Sourcewell is one of the largest cooperative purchasing alliances and, at its core, is a local unit of government that assists local and state government agencies in reducing the cost of purchased goods/services through pooling the purchasing power of public agencies nationwide. This is accomplished by competitively solicited contracts for quality products/services which are then made available under the terms of the Sourcewell program.

The recommended vendor, Purvis Systems, provided competitive pricing under Sourcewell contract #042021-PUR.

Operating Budget Impact: \$23,056.90 (Post initial 1 year warranty)

Cost components:

Purvis Systems (\$250,871.95)

Motorola (\$22,000)

The fiscal year 2023 budget includes \$330,000 funded through the 911 Fund for this project. Base costs, as detailed above, total \$272,871.95. Residual funding upon completion of the project will be reallocated to a non-allocated account within the 911 Fund for future appropriation by the City Council.

V. ALTERNATIVES:

VI. ATTACHMENTS:

Purvis Budget item, Purvis Quote 07222022, Motorola

CAPITAL INITIATIVE REQUESTS

Public Safety

Records Management System

\$2,250,000

The Department of Public Safety currently uses records management software that was originally purchased in 2008. While the software is currently supported and functioning to meet the needs of the department, several parent company takeovers and corporate restructuring events have resulted in the current vendor making the decision to no longer offer the software for sale and to severely curtail research and development advances for the software.

The current software is used for: Computer Aided Dispatch; Police Department Records; Mobile Incident Reporting; Arrest; Accident reports and investigations; Criminal Investigations; Evidence and Property; and other areas.

Operating Budget Impact: Annual maintenance fees are roughly 15%-20% of the purchase price or roughly \$400,000. This figure will be reduced in future years by the current budgetary allocation of \$160,000 (current OSSI software). But that will not occur until the software is fully functional and implemented.

Fire Station Alerting System

\$330,000 (E911 Funds)

Working in cooperation between the Fire Division and 911 Operations, the Department of Public Safety requests funding to remove and replace the current fire station alerting hardware to be replaced by a state of the art, specifically engineered system for fire station response notification. Utilizing proven technology to reduce response times, human error and firefighter PTSD attributed to auditory startle response, the installation of Purvis Fire Station alerting systems in all 6 City of Alpharetta Fire Stations is requested.

PURVIS Fire Station Alerting System is an IP-based alerting solution designed to automate the notification process of fire and rescue personnel. Using a combination of visual and auditory alerts to notify response personnel of a pending emergency, information is received in a consistent voice and order of information that reduces initial confusion and inherently reduces apparatus en-route times.

The current alerting system in place at all fire stations has been in place since original construction. In the case of Fire Station 83 and 84, it is in excess of 30 years old. This existing system utilizes a system of amplifiers, PA speakers, and electromechanical relays to active lights and buzzers. The current speakers are significantly reduced in audio quality due to age and technology. Replacement amplifiers demand premium pricing due to availability and no reliable service is available due to the age of the technology.

Using computer-based technology, operating seamlessly with Computer Aided Dispatch technology, the process of initiating an emergency response is reduced to a single "mouse-click" and therefore removes as many as 10 sequenced steps to initiate a response.

Fire Personnel are provided clear and concise communications, incident type and stress-reducing alerts.

CAPITAL INITIATIVE REQUESTS

The PURVIS FSAS provides:

- Improved response times through streamlined dispatch communications and reliable alert delivery;
- Reduced stress on first responders through automated heart-friendly, zone-specific alerts;
- Accurate incident alerting through a variety of devices;
- High system reliability and availability through real-time monitoring and built-in redundancy; and
- An NFPA-compliant system to keep you within recommended guidelines.

As evidenced with the use in the Milton Fire Station since October 2020, there is a tremendous reduction in alarm processing time, dispatching, and a significant decrease in human errors.

911 Funds are being used for this acquisition and represents an allowable use under law.

Operating Budget Impact: Purvis Fire Station alerting was purchased and installed by the City of Milton Fire Department. A component of Milton's investment is useable by Alpharetta (network servers and switches, dispatch software interface, software licenses) and lowers our required investment (reflected in the funding request). Specifically, Alpharetta's investment is now limited to the hardware installed at each Fire Station as well as the radio/Motorola/Purvis interface.

All-Terrain Vehicles (Qty: 2)

\$30,000 (multiple sources)

This request is for the purchase of two All-Terrain Vehicles (ATVs), a trailer to transport the ATVs, and safety equipment for the officers. The ATVs will be used by police personnel for patrol and response to calls-for-service / emergencies along the greenway. The ATVs will also be deployed during City special events and other details as needed. The ATVs will provide police officers with quick response options to areas where traditional patrol vehicles are not accessible. The ATVs are \$10,000 per unit. The estimated useable lifespan of ATVs is 8-10 years. A trailer will be needed to transport the ATVs from their storage location for maintenance and redeployment operations. Trailer is \$5,000. Safety equipment for officers is estimated at \$5,000. Safety equipment is recommended for replacement every four years. Funding is provided through Fund Balance (\$11,310) and Impact Fees (\$18,690; allowable use).

Operating Budget Impact: Maintenance and fuel costs are estimated at \$800 annually and will be added to the operating budget.

Operating Initiative - Community Paramedic (+1 FTE) Equipment \$70,000 (\$100,000 operations/\$70,000 capital)

The proposed new position increases responsiveness to community needs by adding dedicated a full-time Community Paramedic position. Benefits of program include more efficient call volume/responses, improved patient follow-up and patient advocacy to those citizens who may not need 911 services but do require assistance. Our current Community Paramedic works in a part-time capacity, however the need for the program has grown to

PURVIS PRICE QUOTATION

Tax ID #: 11-2299301

Date: July 22, 2022

Quote #: PC2023-029R1

Alpharetta Department of Public

Agency: Safety

Address: 2565 Old Milton Pkwy

Alpharetta, GA 30009

Agency POC: Carl Hall, Battalion Chief

E-mail: Chall@alpharetta.ga.us

Phone #: 678-297-6275

88 Silva Ln

Middletown, RI 02842

Sales: J. Mascola 401-862-1184

imascola@purvis.com

Contracts: M Craft 401-845-8401

mcraft@purvis.com**TASK:**

Procurement, implementation, and installation of the PURVIS Fire Station Alerting System™ (PURVIS FSAS™) for the Alpharetta Department of Public Safety. Please refer to the attached "PURVIS Fire Station Alerting System SOW Alpharetta Fire Stations" for additional details associated with our quote.

This project is to be purchased under the Sourcwell Contract No. 042021-PUR

HARDWARE:

Item	PURVIS Part #	Qty	Unit Price	Sourcwell Adjusted Unit Price	Extended Price
Station Control Unit (SCU)	315-030005-131-NN	6	\$17,500.00	\$16,975.00	\$101,850.00
SCU Remote Touch Screen (RTS) - 22"	315-250005-131	6	\$605.00	\$586.85	\$3,521.10
Remote Touch Screen Video Distribution - VGA TX/RX	315-250300-131	6	\$410.00	\$397.70	\$2,386.20
Vesa Mount for VGA Receiver	315-250100-131	6	\$50.00	\$48.50	\$291.00
Wall Mounting Bracket, Tilt, RTS Monitor	315-190302-131-RTS	6	\$30.00	\$29.10	\$174.60
USB Extender, 1-Port	315-250202-131	6	\$105.00	\$101.85	\$611.10
24 Port Unmanaged Network Switch	315-290005-131-LAN	6	\$225.00	\$218.25	\$1,309.50
Audio/Relay Expansion Module (ARXM) 25/70v, 4 Zone/8 Relay	315-442000-131-4/8	6	\$3,625.00	\$3,516.25	\$21,097.50
Recessed Speaker, 8" (25/70v)	315-130401-131-SO	39	\$65.00	\$63.05	\$2,458.95
Recessed Speaker, 8" with Red/White LED Ring (25/70v)	315-141001-131-RW	24	\$300.00	\$291.00	\$6,984.00
Recessed Speaker Mount	315-130360-131	63	\$20.00	\$19.40	\$1,222.20
Outdoor/Bay Speaker (25/70v) 15w	315-150408-131	26	\$160.00	\$155.20	\$4,035.20
Amplifier 1 Ch (25/70v) 250w	315-070304-131	6	\$1,150.00	\$1,115.50	\$6,693.00
Volume Control Switch (25/70v) 100w	315-110003-131	6	\$55.00	\$53.35	\$320.10
Power Strip - Rack Mount	315-010500-131	6	\$65.00	\$63.05	\$378.30
19" Rack to Wall Conversion Bracket - 4U	315-381004-131	12	\$100.00	\$97.00	\$1,164.00
TOTAL					\$154,496.75
Sales and Use Tax					\$0.00
TOTAL HARDWARE					\$154,496.75

Hardware Prices do not include installation or any system configuration, if applicable. Any applicable manufacturer

warranties will be extended to the customer.

Hardware lead time is at least 12 weeks after receipt of order (ARO)

SOFTWARE:

Item	PURVIS Part #	Qty	Unit Price	Sourcwell Adjusted Unit Price	Extended Price
Text-to-Speech (TTS) Voice Module					
Software License (Perpetual)	315-990400-120	6	\$1,410.00	\$1,367.70	\$8,206.20
Station Control Unit (SCU) FSAS Software License (Perpetual)	315-990300-120	6	\$300.00	\$291.00	\$1,746.00
TOTAL					\$9,952.20
Sales and Use Tax					\$0.00
TOTAL SOFTWARE					\$9,952.20

FIXED PRICE SERVICES:

Description	Qty	Unit Price	Sourcewell Adjusted Unit Price	Price
Implementation Services (Project Management, Configuration, Integration, Test, Installation Support, & Training)		\$16,500.00	\$16,005.00	\$16,005.00
Installation Services		\$61,000.00	\$59,170.00	\$59,170.00
Lift Rental (Stations 1, 2, 3, & 4)	4	\$2,100.00	\$2,037.00	\$8,148.00
Freight/Shipping & Handling			\$3,100.00	\$3,100.00
1 Year Warranty & Maintenance			Included	\$0.00
TOTAL SERVICES				\$86,423.00

GRAND TOTAL	\$250,871.95
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POST WARRANTY, MAINTENANCE & SUPPORT:

Description	Qty	Unit Price	Sourcewell Adjusted Unit Price	Extended Price
Annual Post Warranty, Hardware and Software Maintenance and Support (Remote Only - 24/7/365) (Coverage begins 1 year after final system acceptance from the Alpharetta Department of Public Safety)	1	\$12,900.00	\$12,513.00	\$12,513.00
Annual Post Warranty, Hardware Maintenance and Support (On-Site Only - 24/7/365) (Coverage begins 1 year after final system acceptance from the Alpharetta Department of Public Safety)	1	\$9,700.00	\$9,409.00	\$9,409.00
Text-to-Speech (TTS) Voice Module Software Maintenance (Annual)	6	\$195.00	\$189.15	\$1,134.90
TOTAL POST WARRANTY, MAINTENANCE & SUPPORT and SOFTWARE FEES				\$23,056.90

SALES AND USE TAX: Any required sales and use tax not identified in this quote is responsibility of the quote recipient or Fire Station Alerting System end-user. PURVIS is not responsible for the collection of any required taxes and payments to any tax collection agencies.

PAYMENT TERMS: Net 30

VALIDITY: This FFP Quote is valid for 90 days

WARRANTY: First Year Remote and On-Site Warranty & Maintenance begins upon final system acceptance by the Alpharetta Department of Public Safety.

PURVIS AGREEMENTS: The PURVIS FSAS Standard License Agreement and the PURVIS FSAS Maintenance Agreement must be signed and returned to PURVIS Systems with any initial orders placed for the PURVIS Fire Station Alerting System.

END-USER LICENSE/MAINTENANCE AGREEMENTS: All purchased hardware and software resulting from this quote will be licensed, warrantied and maintained under the existing PURVIS FSAS End-User License Agreement and PURVIS FSAS Warranty, Maintenance and Service Agreement - with the Alpharetta Department of Public Safety.

EXPORT CONTROL: Products purchased or received under any resulting Sale may be subject to export control laws, restrictions, regulations, and orders of the United States. Customer agrees to comply with all applicable export laws, restrictions and regulations of the United States or foreign agencies or authorities, and shall not export, or transfer for the purpose of re-export any product to any prohibited or embargoed country or to any denied, blocked or designated person or entity as mentioned in any United States or foreign law or regulation.



CONTROL ROOM FIREWALL

1.0 OVERVIEW

The control room firewall is used at a console site to allow secured Radio Network Infrastructure (RNI) communications with outside networks which is primarily the Customer Enterprise Networks (CEN). It is configured for Network Address Translation (NAT) functionality to help eliminate conflicts in a CEN and an IP address in the ASTRO RNI. The control room firewall is configured to only allow dispatch related traffic to and from the CEN. The control room firewall communicates with the CEN interior gateway using Internet Protocol version 4 (IPv4).

The North Fulton Regional Radio System (NFRRS) has requested a control room firewall in order to interface the Alpharetta PURVIS Fire Station Alerting system to the ASTRO MCC 7500 dispatch subsystem. It is Motorola's understanding that NFRRS intends to install an applet on the MCC 7500 consoles to enable PURVIS to alert the fire stations via the MCC 7500 consoles.

Although the control room firewall is configured to only allow dispatch related traffic to and from the CEN, once PURVIS breaches the firewall with its applet on the MCC 7500 workstation, Motorola can no longer guarantee the security of the RNI.

It should also be noted that the PURVIS applet is not a Motorola certified application, nor is its implementation a configuration that will be supported by Motorola.

Motorola thoroughly tests all applications that are certified to cohabitate on the MCC 7500 dispatch network. This exhaustive vetting of software is performed to ensure applications residing on the MCC7500 do not interfere with or compromise critical dispatch operations. Cohabitation of the PURVIS applet on the MCC 7500 has neither been tested nor certified by Motorola. It is important to note that Motorola does not recommend nor support the installation of untested and noncertified software on its ASTRO MCC 7500 network.

Motorola's System Support Center (SSC) will not provide remote support to NFRRS's MCC 7500 console with unsupported software residing on the MCC7500 subsystem. Should a console support issue arise, the SSC will require any uncertified software residing on the MCC 7500 workstation to be removed prior to troubleshooting.

This proposal includes one Juniper control room firewall and one spare Juniper control room firewall.



1.1 MOTOROLA RESPONSIBILITIES

Motorola's general responsibilities include the following:

- Install and configure a control room firewall at the Alpharetta dispatch center. This firewall will be the Motorola demarcation point.
- Schedule the implementation in agreement with NFRRS and Alpharetta 911.
- Coordinate the activities of all Motorola subcontractors under this contract.
- Administer safe work procedures for installation.

1.2 CUSTOMER RESPONSIBILITIES

NFRRS will assume responsibility for the installation and performance of all other equipment and work necessary for completion of this project that is not provided by Motorola.

NFRRS general responsibilities include the following:

- Provide a dedicated delivery point, such as a warehouse, for receipt, inventory and storage of equipment prior to delivery to the site(s).
- NFRRS will be responsible for providing port numbers that need to be opened and IP addresses for the NFRRS traffic that needs to traverse the firewall.
- Provide all buildings/equipment shelters required for system installation.
- Insure communications site meets space, grounding, power, and connectivity requirements for the installation of all equipment.
- Provide required system interconnections.



1.3 ASSUMPTIONS

Motorola has made several assumptions in preparing this proposal, which are noted below:

- All existing sites or equipment locations will have sufficient rack space available for the system described.
- All existing sites or equipment locations will have adequate electrical power in the proper phase and voltage and site grounding to support the requirements of the system described.
- Any site/location upgrades or modifications are the responsibility of the customer.
- Approved local, State or Federal permits as may be required for the installation and operation of the proposed equipment are the responsibility of the customer.
- Any required system interconnections not specifically outlined here will be provided by the Customer. These may include dedicated phone circuits, microwave links or other types of connectivity.

Total cost \$22,000



STAFF REPORT

Submitting Department: Information Technology

Submitted By: Randy Bundy

Sponsored By:

Meeting Date: August 15, 2022

I. AGENDA ITEM TITLE: DUO SECURITY RENEWAL

II. RECOMMENDATION:

Please award Veristor Systems, LLC to provide for one year of maintenance and support of the Duo Access Edition software for the City of Alpharetta in an amount not to exceed \$52,952.00 and authorize the Mayor to execute all necessary documents

III. BUDGET IMPLICATIONS:

BUDGETED ITEM: YES

FISCAL IMPACT: YES

INCLUDED IN CURRENT FY CPTL BUDGET: NO

INCLUDED IN CURRENT FY OPRT. BUDGET: YES

TOTAL PROJECT COST: \$52,952.00

APPROPRIATIONS:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>
IT Professional Services (Object: 523900)	\$52,952.00

EXTERNAL FUNDING SOURCES:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>
N/A	\$0.00

IV. REPORT IN BRIEF:

This provides for the annual renewal of the Duo Access Edition security software for maintenance and support for a period of one year. The Duo Access Edition system provides for two-factor authentication as an identity management tool to protect the organization. This is an essential first level of security deployment for any data network.

Veristor Systems, LLC was the low-cost provider at \$52,952. The remaining vendor quotes (included within this agenda packet) are CDW-G at \$54,000.00 and Guidepoint Security at \$54,568.00.

V. ALTERNATIVES:

NONE

VI. ATTACHMENTS:

Duo Renewal FY23



Veristor Systems, LLC
4850 River Green Parkway
Duluth, GA 30096

Quote Prepared By:
Brian Hull
Manager of Strategic Accounts
brian.hull@veristor.com
678.362.8377

Quote Date: 07/20/2022
Exp Date: 08/19/2022
Quote No: Q-10724/137226

Quote Prepared For:
City of Alpharetta
Jason Davis
2 Park Plaza
Alpharetta, GA 30009
(678) 362-8377
jdavis@alpharetta.ga.us

City of Alpharetta - DUO-Q-10724

ITEM NO.	DESCRIPTION	QTY	PRICE	EXTENDED PRICE
Duo - 07/25/22- 07/24/23		1	\$ 52,952.00	\$ 52,952.00
0437-2673-24	Duo Access Edition	800		

TOTAL: \$ 52,952.00

Notes:

Terms & Conditions

Net 30. This quote, if accepted by Customer, shall be governed by the terms and conditions of the executed Master Services Agreement agreed to by the Parties. If no Master Services Agreement has been executed by the Parties within the past three years, the terms and conditions found at <https://veristor.sharefile.com/d-sc5be624e7dd24e81a7daf4ab62725d53> shall apply to this quote. The individual executing this quote, order or SOW certifies that they are authorized to execute and bind the Customer. As it relates to third-party service providers, those services are non-cancellable unless such third-party has agreed to conditions for cancellation, and which shall be applied to Customer. All credit card payments will incur a 4% convenience fee. (Excluding the states of CA, CO, CT, FL, KS, ME, MA, NY, OK and TX, plus the U.S. territory of Puerto Rico.) To pay by credit card call 678-990-1593 EXT 224.

CITY OF ALPHARETTA

AFFIDAVIT VERIFYING CONTRACTOR PARTICIPATION IN FEDERAL WORK AUTHORIZATION PROGRAM



By executing this affidavit, the undersigned contractor verifies its individual, firm or corporation which is engaged in the physical performance of services on behalf of the **City of Alpharetta (GA)** has registered with, is authorized to use and uses the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. § 13-10-91. Furthermore, the undersigned contractor will continue to use the federal work authorization program throughout the contract period and the undersigned contractor will contract for the physical performance of services in satisfaction of such contract only with subcontractors who present an affidavit to the contractor with the information required by O.C.G.A. § 13-10-91(b).

Contractor hereby attests that its federal work authorization user identification number and date of authorization are as follows:

522470

Federal Work Authorization (E-Verify) User Identification Number (Note: 6 to 8 Digit Code)

03/01/2012

Date Of Authorization

Anexinet Corporation dba Veristor Systems LLC

Name Of Contractor

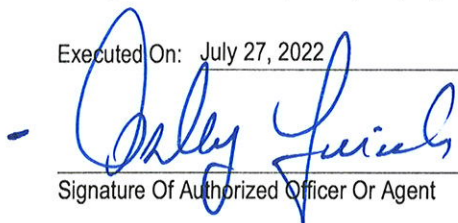
DUO Purchase

Name Of Project

This form represents the State of Georgia provided affidavit formatted with the City of Alpharetta logo. Other affidavit forms are acceptable as long as the same information is provided.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed On: July 27, 2022 in City: Duluth, State GA


Signature Of Authorized Officer Or Agent

Ashley Lincoln
Printed Name Of Authorized Officer Or Agent

CEO
Printed Title Of Authorized Officer Or Agent

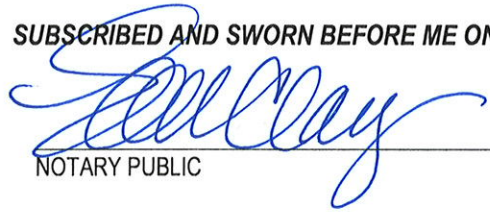
SUBSCRIBED AND SWORN BEFORE ME ON THIS THE

27th

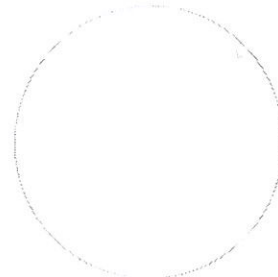
DAY OF

July

, 2022


NOTARY PUBLIC

July 31, 2023
My Commission Expires On



Department	Account	Amount
Mayor	10011100-523900	\$ 121.31
City Clerk	10013300-523900	\$ 242.62
City Administration	10013200-523900	\$ 485.24
Econ Development	10074200-523900	\$ -
Finance	10015100-523900	\$ 2,486.86
Information Technology	10017350-523900	\$ 1,334.41
Human Resources	10018400-523900	\$ 363.93
Court	10026500-523900	\$ 849.17
Public Safety	10031100-523900	\$ 27,416.16
Public Works	10041010-523900	\$ 5,822.90
Recreation & Parks	10061100-523900	\$ 5,944.21
Community Development	10074100-523900	\$ 3,760.62
Solid Waste Fund	54015450-523900	\$ 121.31
E-911	21531800-523900	\$ 4,003.24
Total		\$ 52,952.00



Sales Proposal 129954-1

To:

Adam Montgomery
City of Alpharetta
Information Technology 2 Park Plaza
Alpharetta, GA 30009-1936
amontgomery@alpharetta.ga.us
(678) 297-6000

Today's Date: 7/11/2022**Expires On:** 7/25/2022**Payment Terms:** Net 30**Sales Rep:** Kevin Regan**Email:** kevin.regan@guidepointsecurity.com**Phone:** (678) 480-7802**Fax:** (877) 889-0132**Prepared by:** Michael Claypool**Email:** michael.claypool@guidepointsecurity.com**Phone:** (877) 889-0132 x7909

Please send all Purchase Orders to sesos@guidepointsecurity.com and michael.claypool@guidepointsecurity.com.

Line #	Vendor	Quantity	Product Type	Part Number	Description	Start Date	End Date	Client Unit Price	Client Total
1	Duo Security LLC	800	Software	Duo Access Edition	Duo Access Edition Annual Subscription with Telephony	7/25/2022	7/24/2023	\$68.21	\$54,568.00
2	Duo Security LLC	80,000	Support/ Maintenance	Telephony per Year	Telephony per Year	7/25/2022	7/24/2023	\$0.00	\$0.00
Client Total:									\$54,568.00

Sales Proposal Notes:

Subscription Term: 12 Months; invoiced wholly upfornt.

Duo Security Terms & Conditions:

Client's use of and access to Duo Security's Services is subject to the Duo Service Terms and Conditions located at <https://duo.com/legal/pass-through-terms>. Acceptance of this Sales Proposal by Client through issuance of a responsive purchase order or signed Sales Proposal shall constitute an agreement to the Duo Service Terms and Conditions. In the event that Duo Security and Client have entered into a separate, written governing agreement applicable to the Products shown here, such separate, written governing agreement shall govern Client's use of the Products.

Sales Proposal is governed by the terms and conditions found [here](#), unless Client has an appropriate governing agreement.

QUOTE CONFIRMATION



DEAR ADAM MONTGOMERY,

Thank you for considering CDW•G LLC for your computing needs. The details of your quote are below.
[Click here](#) to convert your quote to an order.

QUOTE #	QUOTE DATE	QUOTE REFERENCE	CUSTOMER #	GRAND TOTAL
MVVW379	7/5/2022	DUO RENEWAL	1024933	\$54,000.00

QUOTE DETAILS				
ITEM	QTY	CDW#	UNIT PRICE	EXT. PRICE
DUO ACCESS EDITION 1YR Mfg. Part#: DUO-ACC-239 Electronic distribution - NO MEDIA Contract: Standard Pricing	800	5365742	\$67.50	\$54,000.00

PURCHASER BILLING INFO	SUBTOTAL	\$54,000.00
Billing Address: CITY OF ALPHARETTA PURCHASING OFFICE 2 PARK PLZ ALPHARETTA, GA 30009-3680 Phone: (678) 297-6030 Payment Terms: Net 30 Days-Govt State/Local	SHIPPING	\$0.00
	SALES TAX	\$0.00
	GRAND TOTAL	\$54,000.00
DELIVER TO	Please remit payments to: CDW Government 75 Remittance Drive Suite 1515 Chicago, IL 60675-1515	
Shipping Address: CITY OF ALPHARETTA PURCHASING OFFICE 2 PARK PLZ ALPHARETTA, GA 30009-3680 Phone: (678) 297-6030 Shipping Method: ELECTRONIC DISTRIBUTION		

Need Assistance? CDW•G LLC SALES CONTACT INFORMATION



Zach Deliberto

(877) 649-8688

zachdel@cdwg.com

This quote is subject to CDW's Terms and Conditions of Sales and Service Projects at
<http://www.cdwg.com/content/terms-conditions/product-sales.aspx>
For more information, contact a CDW account manager

© 2022 CDW•G LLC 200 N. Milwaukee Avenue, Vernon Hills, IL 60061 | 800.808.4239



STAFF REPORT

Submitting Department: City Clerk

Submitted By:

Sponsored By:

Meeting Date: August 15, 2022

I. AGENDA ITEM TITLE: AUGUST 15, 2022 EXECUTIVE SESSION

II. RECOMMENDATION:

III. REPORT IN BRIEF:

During the regular City Council meeting, the Alpharetta City Council will convene in an Executive Session for the purpose of discussing real estate matters.

IV. ALTERNATIVES:

V. ATTACHMENTS:

CC ES 8-15-2022



CITY COUNCIL EXECUTIVE SESSION AUGUST 15, 2022

DURING THE CITY COUNCIL MEETING RECESS
ALPHARETTA CITY HALL
FIRST FLOOR EXECUTIVE CONFERENCE ROOM - 121
2 PARK PLAZA

- I CALL TO ORDER
- II ROLL CALL
- III REAL ESTATE
- IV LITIGATION
- V ADJOURNMENT