



PLANNING COMMISSION MEETING DECEMBER 1, 2022

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

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MEETING MINUTES

IV. ITEMS FROM BOARD MEMBERS

V. ITEMS FROM STAFF

VI. PUBLIC HEARING

a. Z-22-14 / CU-22-08 / V-22-27 / North Fulton Pharmacy / 2385 Old Milton Parkway

Consideration of a rezoning, conditional use and variances to allow for the construction of an 8,000 SF office over retail building and 8 'For-Sale' townhomes on 1.31 acres in the Downtown. A rezoning is requested from R-12 (Dwelling, 'For-Sale', Residential) to DT-LW (Downtown Live-Work) and a conditional use is requested to allow a 'Drug Store (Pharmacy)' and 'Restaurant' to allow a coffee shop. A variance is requested to allow front loaded townhome units. The property is located at 2385 Old Milton Parkway and is legally described as being located in Land Lot 748, 1st District, 2nd Section, Fulton County, Georgia.

b. CU-22-11 Jean-Claude Salon/312 Maxwell Road, Suite 500

Consideration of a conditional use to allow a 'Barber/Beauty Shop' for Jean-Claude Salon in a 1,100 square foot suite in the Colony Park Offices on South Main. The property is located at 312 Maxwell Road, Suite 500 and is legally described as being located in Land Lot 693, 1st District, 2nd Section, Fulton County, Georgia.

c. CLUP-22-05/Z-22-15/CU-22-12/V-22-29 Story Book Builders/31 & 51 Thompson Street

DEFERRED: *This item has been deferred by the applicant to the January 5, 2023 Planning Commission meeting. This item will not be heard, presented, or discussed during this meeting.*

Consideration of a comprehensive land use plan amendment, rezoning, conditional use and variances to allow for the construction of 18 'For-Sale' single-family detached homes and 4 'For-Sale' townhomes on 2.23 acres in the Downtown. A comprehensive land use plan amendment is requested from 'Commercial' to 'Mixed Use Live Work' and a rezoning is requested from C-2 (General Commercial) and DT-LW (Downtown Live-Work) to DT-LW. A conditional use is requested to increase density from 8 to 10 dwelling units per acre and variances are requested to eliminate interparcel connectivity, reduce minimum separation between a driveway and intersection, and reduce the planter strip along Thompson Street. The property is located at 31 and 51 Thompson Street and is legally described as being located in Land Lot 748, 1st District, 2nd Section, Fulton County, Georgia.

d. PH-22-15 Unified Development Code (UDC) Text Amendments – Tree Conservation, Landscape, and Buffer Requirements

Consideration of text amendments to the Unified Development Code related to tree preservation in the Downtown Overlay. Regulations are proposed requiring that specimen trees and trees of quality be conserved if they are located within building setbacks along certain roads, including Academy Street, Canton Street, Church Street, Cumming Street, Marietta Street, Mayfield Road, Milton Avenue, and Roswell Street.

VII. ADJOURNMENT



Planning Commission Meeting
November 3, 2022
Department of Community Development
ALPHARETTA CITY HALL | 2 PARK PLAZA
6:30 P.M.

This summary is provided as a convenience and service to the public, media, and staff. It is not the intent to record proceedings verbatim. Any reproduction of this summary must include this notice. Public comments are noted as heard by Planning Commission, but not quoted or paraphrased. This document includes limited presentation by Planning Commission and invited speakers in summary form. The public is advised that the tapes recorded at said meeting are a matter of public record and are available upon request.

I. CALL TO ORDER

- Vice Chair Brady called the meeting to order at 6:30 p.m.

II. ROLL CALL

- Planning Commissioners present:
 - Fergal Brady (Vice-Chair)
 - Karen Richard
 - Todd Stratton
 - William Perkins
 - Valerie Manley (Alternate)
 - Martine Zurinkas
 - Jamie Bendall (Alternate)
- Staff present:
 - Kathi Cook, Director of Community Development & Economic Development
 - Michael Woodman, Planning + Development Services Manager
 - Nikisha Mistry, GIS Specialist/Planner
 - Kiersten VanHorn, Assistant City Clerk

III. APPROVAL OF MEETING MINUTES

- ❖ Commissioner Zurinkas offered a motion to approve meeting minutes from October 6, 2022.
 - Commissioner Perkins seconded the motion.
 - The motion was approved unanimously (6-0-1) Commissioner Manley abstained.

IV. ITEMS FROM BOARD MEMBERS

V. ITEMS FROM STAFF

A. Reconsider approval of the amended meeting minutes of August 4, 2022

- VI. Commissioner Zurinkas offered a motion to approve the amended meeting minutes of August 4, 2022.
- Commissioner Stratton seconded the motion.
 - The motion was approved unanimously (7-0)

VII. PUBLIC HEARING

A. Z-22-14 / CU-22-08 / V-22-27 / North Fulton Pharmacy / 2385 Old Milton Parkway

DEFERRED: This item has been deferred by the applicant. This item will not be heard or considered during the November 3, 2022, Planning Commission meeting.

Consideration of a rezoning, conditional use and variances to allow for the construction of an 8,000 SF office over retail building and 9 'For-Sale' townhomes on 1.31 acres in the Downtown. A rezoning is requested from R-12 (Dwelling, 'For-Sale', Residential) to DT-LW (Downtown Live-Work), and a conditional use is requested to allow a 'Drug Store (Pharmacy)' and 'Restaurant; to allow a coffee shop. Variances are requested to allow some front-loaded townhome units and to allow an alternative parking lot island layout. The property is located at 2385 Old Milton parkway and is legally described as being located in Land Lot 748, 1st District, 2nd Section, Fulton County, Georgia.

B. CU-22-10 / Foamworks Alpharetta / 11725 Cotton Creek Entry

- Planning & Development Services Manager, Woodman came forward to present this item.

Consideration of a conditional use to allow a 'Car Wash' for Foamworks on a property previously developed and used for a car wash. The property is located at 11725 Cotton Creek Entry and is legally described as being located in Land Lot 44, 1st District, 1st Section, Fulton County, Georgia.

- The applicant, Foamworks Alpharetta, LLC, is requesting a conditional use to operate a 'Car Wash' in a 4,987 square foot building, which was formerly used by Auto bell Car Wash. The Camden Pond Master Plan requires a conditional use to allow a 'Car Wash' on the subject property. The previous use of the property as a 'Car Wash' was not approved as a conditional use and was therefore a legal, non-conforming use. Since the 'Car Wash' has discontinued operation for 60 or more days, the use may not be re-established without the approval of a conditional use. The subject property is located at 11725 Cotton Creek Entry at the northeast corner of Old Milton Parkway and Cotton Creek Entry.
- Staff is recommending that Planning Commission approve CU-22-10 / Foamworks Alpharetta / 11725 Cotton Creek Entry, subject to the following conditions:
 1. 'Car wash' shall be added as a conditional use at 11725 Cotton Creek Entry and limited to no more than 4,987 square feet.
 2. Conditional use approval shall be limited to Foamworks; no additional 'Car wash' use or subleasing shall be permitted within the approved space.
 3. Hours of operation shall be limited to Monday – Sunday 8:00 AM – 8:00 PM.
 4. Site shall be redeveloped substantially similar to the site plan prepared by Civilogistix, revised 10/26/2022, except where to comply with the conditions below.
 5. Developer shall remove existing impervious areas no longer in use, as depicted on the site plan prepared by Civilogistix, revised 10/26/2022. Areas shall be defined by curbing and shall be maintained as pervious area, as approved by Staff. Existing curb cut on Cotton Mill Place may remain to serve as a by-pass for the car wash.
 6. Exterior changes to the building shall be approved by DRB. Conditional use approval is not approval of elevation changes.
 7. Minimum 20' landscape strip shall be required along Old Milton Parkway. Parking lot screening (double row of shrubs) shall be required along Old Milton Parkway, Cotton Creek Entry and Cotton Mill Place, as approved by DRB.
 8. Property owner shall assess site landscaping and replace missing, dead, or dying landscape material. This assessment shall include monument sign landscape material

and installing ornamental planting beds at the corner of Old Milton Parkway and Cotton Creek Entry. New landscape areas, including tree islands, shall be planted with required landscape material, as approved by DRB.

9. Auto detailing stations shall be limited to the areas depicted on the site plan prepared by Civilogistix, revised 10/26/2022. Shade structures shall be limited to the auto detailing stations depicted adjacent to the existing building. Auto detailing stations along Cotton Creek Entry and employee parking along Old Milton Parkway shall be heavily screened, as approved by DRB.

- Applicant Joshua Williams spoke on behalf of Foamworks 1600 Parkwood Circle, Atlanta, GA Jason Blinko (841 Holbrook Rd, Newnan, GA) the site manager at the Fayetteville location came forward to give insight on business, Foamworks is considered an experience, all employees are focused on making our customer happy, we also focus on development for our employees so that all of them can move up within the company so that they are not only focused on the day-to-day operation but their future as well.

- **The Planning Commission discussed the following:**

- Can the applicant clarify the water filtering system of the property?
Regarding the water issue, we use about 20 gallons per car and all water is recycled. We use reclaimed systems where all the chemicals used on the washes are drained into a pit in the center of the tunnel, from there it goes into a pipe that goes into reclamation tanks, and from the tanks it then goes thru a system that cleans and filters the water, it also has an osmosis system on their which allows the water to not have a bad smell. We make sure to pressure wash our building and maintain the cleanliness of the business.
- What is the customer access to the property?
There is no access from old Milton to the car wash the only entry is on Cotton Creek entry, applicant wanting to leave curb cut open for anyone who needs to get out of the line or has changed their mind and does not want to get the car wash. The Shared driveway has limited access, applicant is working to find a permanent solution for traffic.

- **Public Comment:**

- There were no public comments for this item.

- ❖ Commissioner Stratton offered a motion to approve (CU-22-10 / Foamworks Alpharetta / 17725 Cotton Creek Entry), as per read by the conditions from Mr. Woodman:

1. 'Car wash' shall be added as a conditional use at 17725 Cotton Creek Entry and limited to no more than 4,987 square feet.
2. Conditional use approval shall be limited to Foamworks; no additional 'Car wash' use or subleasing shall be permitted within the approved space.
3. Hours of operation shall be limited to Monday – Sunday 8:00 AM – 8:00 PM.
4. Site shall be redeveloped substantially similar to the site plan prepared by Civilogistix, revised 10/26/2022, except where to comply with the conditions below.
5. Developer shall remove existing impervious areas no longer in use, as depicted on the site plan prepared by Civilogistix, revised 10/26/2022. Areas shall be defined by curbing and shall be maintained as pervious area, as approved by Staff. Existing curb cut on Cotton Mill Place may remain to serve as a by-pass for the car wash.

6. Exterior changes to the building shall be approved by DRB. Conditional use approval is not approval of elevation changes.
 7. Minimum 20' landscape strip shall be required along Old Milton Parkway. Parking lot screening (double row of shrubs) shall be required along Old Milton Parkway, Cotton Creek Entry and Cotton Mill Place, as approved by DRB.
 8. Property owner shall assess site landscaping and replace missing, dead, or dying landscape material. This assessment shall include monument sign landscape material and installing ornamental planting beds at the corner of Old Milton Parkway and Cotton Creek Entry. New landscape areas, including tree islands, shall be planted with required landscape material, as approved by DRB.
 9. Auto detailing stations shall be limited to the areas depicted on the site plan prepared by Civilogistix, revised 10/26/2022. Shade structures shall be limited to the auto detailing stations depicted adjacent to the existing building. Auto detailing stations along Cotton Creek Entry and employee parking along Old Milton Parkway shall be heavily screened, as approved by DRB.
- Commissioner Perkins seconded the motion.
 - The motion was approved unanimously (7-0)

C. PH-22-12 / Brookside Small Area Plan

- Community Development, Director, Cook came forward to present this item.

Consideration of a resolution to adopt the Brookside Small Area Plan.

- The Brookside Small Area Plan was prepared in response to community feedback identifying the area as a priority redevelopment opportunity in conjunction with the Horizon 2040 Comprehensive Plan. The area, consisting of a mix of office, institutional and commercial uses, has one of the highest office vacancies rates in the city. Staff and the planning services consultant, Kimley-Horn & Associates, developed the plan with input from a variety of commercial brokers, office tenants, Georgia State University, and adjacent Homeowner's Associations. The plan includes a review of existing conditions, development regulation recommendations, concepts and themes, development framework and an action plan. It is recommended that the plan be adopted and incorporated into the Horizon 2040 Comprehensive Plan, which will provide opportunities to seek grant funding for public improvements. Next steps may include an overlay for the area incorporating development regulations that promote connectivity, walkability, and retrofitting the area with amenities. Cost estimates are included in the Brookside Small Area Plan; however, costs have likely increased since the estimates were completed earlier this year.
- **The Planning Commission discussed the following:**
 - What it be premature to add trail lighting? Yes, we can add that and get pricing.
 - Does Marta make a loop in there? Or can we discuss having them add one? Yes, we can check on that.
 - Question regarding engineering identified as cost but nothing about construction? We would need to put a design together and engineer it but not sure what it would be.
 - There has been some conversation with stakeholders, would there be an opportunity for some type of consortium where they can kick in? Not sure if they want us to ask, we have had a lot of meetings with Georgia State University they really want us to do something first before they make more investments.

- How do we anticipate resistance from operators that are on the street or how do we incorporate that in the plan? We believe that adding more is better for the area, also refine some of the green space.
- **Public Comment:**
 - There were no public comments for this item.
- ❖ Commissioner Richard offered a motion to approve (PH-22-12 / Brookside Small Area Plan).
 - Commissioner Manley seconded the motion.
 - The motion was approved unanimously (7-0)

VII. ANNOUNCEMENTS

- ❖ Commissioner Bendall announced he was resigning from the Planning Commission.

VIII. ADJOURNMENT

- ❖ With there being no further items to consider or discuss Vice Chair Brady adjourned the meeting at 7:30 p.m.

Respectfully submitted,

Tracy Jackson

Tracy Jackson, Planning + Zoning Coordinator



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: Z-22-14/CU-22-08/V-22-27 2385 OLD MILTON PARKWAY

PLANNING COMMISSION: DECEMBER 1, 2022

CITY COUNCIL: DECEMBER 12, 2022

II. RECOMMENDATION:

Approve Z-22-14/CU-22-08/V-22-27 2385 Old Milton Parkway, subject to the following conditions:

1. Approximately 1.31 acres shall be zoned DT-LW and developed substantially similar to site plan prepared by KSi Design Group, labeled Exhibit A, 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 substantially similar to the submitted renderings, labeled Exhibit B, and developed in compliance with the Downtown Code building design regulations and Downtown Consultant comments, subject to final approval by DRB. Storefront glass shall not extend to the ground. Townhomes shall have 4-sided architecture, materials and details.
3. Density shall not exceed 6.11 dwelling units per acre.
4. Developer shall improve Old Milton Parkway streetscape with a minimum 4' planter planted with street trees and/or shrubs (subject to Staff and GDOT approval), minimum 8' sidewalk west of project entrance and 12' sidewalk east of project entrance, and decorative pedestrian lighting, with final approval by Staff. In lieu of tree grates, the soil area around street trees shall be planted with evergreen ornamental grasses, groundcovers and/or shrubs.
5. Minimum 20' landscape strip/building setback shall be provided along Old Milton Parkway. Landscape strip 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 DRB.
6. New internal street, alley and sidewalks shall be developed as depicted on the site plan prepared by KSi Design Group, labeled Exhibit A, 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.
7. Minimum 10' landscape strip shall be required along both sides of internal street, not including the alley. 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.
8. Landscape strips along the west, south and east property lines shall be planted with a double row of evergreen and hardwood trees and shrubs adjacent to the on-site townhomes and adjacent to the residential portion of Chelsea Walk, as approved by DRB.
9. Project entrance shall include a decorative paver apron, landscaping, and hardscape, as approved by DRB.
10. Developer shall be responsible for all costs associated with upgrading the Old Milton Parkway traffic signal to accommodate the new development. Traffic signal modification to be complete prior to final plat.
11. Developer shall upgrade the crosswalks across Old Milton Parkway at Kingry Lane to provide an enhanced pedestrian and bicycle crossing, as approved by Staff and GDOT. This improvement shall be eligible for impact fee credits.
12. Open space shall be developed substantially similar to the site plan prepared by KSi Design Group, labeled Exhibit A, 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.
13. Creeping vines shall be planted to cover retaining and low walls, as approved by DRB.
14. Developer shall save the following specimen trees: #676 (26" Cedar), #677 (50" Water Oak), #678 (44" Water Oak), and #683 (23" Pecan). Construction within the CRZ of saved specimen trees shall be limited to no more than a 20% encroachment and shall be accomplished using innovative techniques to bridge over the root zones, as approved by

Staff. Demolition and construction within the CRZ of saved specimen trees shall be completed under the supervision of an ISA Certified Arborist.

15. Developer shall save additional trees of quality and/or tree groupings, as approved by Staff.
16. Each townhome unit shall have at least 1 tree or large ornamental tree planted in the front yard along the alley, as approved by Staff.
17. Future interparcel connection to the east shall be striped as parking until such time that the adjacent property is developed.
18. Fences and walls visible from the public right-of-way shall be decorative, as approved by DRB. 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. Dumpster enclosure shall not be visible from the public right-of-way and shall be no closer than 100' from the adjacent townhomes in Chelsea Walk.
21. Garbage pickup shall be from within the development.
22. Underground stormwater management infrastructure may be placed in the parking lot and private alley as depicted on the site plan prepared by KSi Design Group, labeled Exhibit A, with final approval by Staff. Underground stormwater shall not be located in the fire truck turnaround. 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. Maintenance responsibilities shall be included in the recorded covenants with all costs to be borne by the HOA, home and business owners of the development.
23. 'No On-Street Parking' signage shall be posted at the hammerhead turnaround, alley and internal street.
24. No more than 1 of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.
25. 'Drug Store, Pharmacy' and 'Restaurant' shall be added as a conditional use at 2385 Old Milton Parkway. 'Drug Store, Pharmacy' shall be limited to Avalon Pharmacy and no more than 2,500 square feet and 'Restaurant' shall be limited to Avalon Coffee Bar and no more than 1,500 square feet. No additional 'Drug Store, Pharmacy' or 'Restaurant' use or subleasing shall be permitted within the approved spaces.
26. 'Drug Store, Pharmacy' shall be limited to a retail pharmacy and 'Restaurant' shall be limited to a coffee shop.
27. Hours of operation for Avalon Pharmacy shall be limited to Monday – Friday 9:00 AM – 6:00 PM and Saturday 10:00 AM – 2:00 PM. Hours of operation for Avalon Coffee Bar shall be limited to Monday – Sunday 8:00 AM – 6:00 PM.
28. There shall be a joint property owners association for the entire property providing for the maintenance of site improvements.

III. REPORT IN BRIEF:

The applicant, Moslem Eskandari, is requesting a rezoning, conditional use and variance to allow for the construction of a two (2) story, 8,000 square foot office over retail building and eight (8) 'For-Sale' townhomes on 1.31 acres in the Downtown. The proposed density is 6.11 dwelling units per acre. A rezoning is requested from R-12 (Dwelling, 'For-Sale', Residential) to DT-LW (Downtown Live-Work) and a conditional use is requested to allow 'Drug Store, Pharmacy' and 'Restaurant' for a coffee shop. A variance is requested to allow townhomes to be front loaded. The subject property is located at 2385 Old Milton Parkway on the south side of Old Milton Parkway at the intersection with Kingry Lane.

DISCUSSION

The submitted request, if approved, would allow for the construction of a two (2) story, 8,000 square foot office over retail building and eight (8) 'For-Sale' townhomes on 1.31 acres in the Downtown. The proposed density is 6.11 dwelling units per acre. The applicant proposes to rezone the property from R-12 (Dwelling, 'For-Sale', Residential) to DT-LW (Downtown Live-Work). A conditional use is requested to allow a 'Drug Store, Pharmacy' and 'Restaurant' for a coffee shop and a variance is requested to allow townhomes to be front loaded. The subject property is located at 2385 Old Milton Parkway on the south side of Old Milton Parkway at the intersection with Kingry Lane.

The property is developed with a one (1) story, 852 square foot single-family detached home. Surrounding properties are zoned O-I (Office-Institutional) to the north and west and DT-LW to the south and east. Chelsea Walk subdivision is located to the south and east, U.S. Postal Office and Cadence Bank are located to the north,

and Beaty Facial Plastic Surgery is located to the west. The comprehensive land use plan designation of the property is 'Mixed Use Live Work', which allows the proposed uses.

The applicant requests a variance to modify Downtown Overlay site regulations (building orientation) to allow townhomes to be front loaded. The applicant provided a site plan depicting rear loaded townhomes; however, the current site plan is preferred as it saves a 23" Pecan tree in the middle of the property.

A conditional use is requested to allow a 'Drug Store, Pharmacy' and 'Restaurant' for a coffee shop. A coffee shop is defined as a 'Restaurant' for zoning purposes in the City's Unified Development Code (UDC). Avalon Pharmacy is proposed to occupy a 2,500 square foot suite and Avalon Coffee Bar is proposed to occupy a 1,500 square foot suite, with both businesses located on the first floor of the new two (2) story building. Avalon Pharmacy is an independent, retail pharmacy with approximately four (4) employees and hours of operation of Monday – Friday 9:00 AM – 6:00 PM and Saturday 10:00 AM – 2:00 PM. The applicant currently operates North Fulton Pharmacy, which is located in the City at 501 South Main Street, Suite 103. Avalon Coffee Bar will serve coffee and tea and will have approximately four (4) employees. Hours of operation will be Monday – Sunday 8:00 AM – 6:00 PM.

The table below identifies residential approvals in the Downtown since the adoption of the 2015 Downtown Master Plan update. The applicant's proposed density of 6.11 dwelling units/acre is similar to densities approved in the Downtown and along Old Milton Parkway.

Downtown – Residential Approvals since the 2015 Downtown Master Plan Update

Development Name	Type	Acres	Density
Wills Overlook	16 TH	2.24 acres	7.13 du/ac
116/126 North Main St	4 Condo	1.43 acres	2.8 du/ac
South of Wills Park	55 TH	5.5 acres	9.93 du/ac
Alcovy Estates	10 SFD, 4 SD, 5 TH	2.84 acres	6.7 du/ac
236/244 North Main St	11 SFD	1.6 acres	6.8 du/ac
Mayfair on Main-217 South Main St	13 SFD, 11 TH	2.3 acres	10.4 du/ac
Hudson Park	16 SFD	2.41 acres	6.64 du/ac
The 1858	11 SFD	1.68 acres	6.55 du/ac
AlphaDev	11 SFD, 6 TH	2.21 acres	7.7 du/ac
Alcovy Place	10 SFD	1.23 acres	8.1 du/ac
City Center/Voysey	42 SFD, 168 For-Rent	25 acres	8.0 du/ac
Midwick	17 SFD, 23 TH	5.85 acres	6.8 du/ac
Old Milton Holdings (Foundry)	25 SFD, 137 TH	23.89 acres	6.8 du/ac
Thompson Street Flats (Kairos)	24 Condo (High)	2.39 acres	10.0 du/ac
Burnett Circle (Ouray)	43 TH	5.72 acres	7.5 du/ac
Weyhill	9 SFD	3.1 acres	2.9 du/ac
Teasley Place	24 Condo (High)	1.5 acres	16 du/ac
East of Main	60 SFD, 42 TH	13.87 acres	7.35 du/ac
Twelve on Canton	12 SFD	5.46 acres	2.2 du/ac
The Maxwell	58 SFD, 80 Condo (Mid)	12.91 acres	10.7 du/ac
Rowes Downtown	22 SFD	3.26 acres	6.75 du/ac
Chelsea Walk	49 TH	7.04 acres	7.0 du/ac
Manning on the Square	58 SFD	11.7 acres	4.96 du/ac
Villa Magnolia	26 SFD	3.53 acres	7.37 du/ac

SITE PLAN

The submitted site plan depicts a two (2) story, 8,000 square foot office over retail building oriented to Old Milton Parkway with parking to the rear. Access to the property is from a curb cut off Old Milton Parkway at the traffic

signal at Kingry Lane. Just south of the parking lot are eight (8), 3-story front-loaded 'For-Sale' townhomes with access from a new private alley. Townhomes are approximately 24' wide. The non-residential building is depicted with a twenty-foot (20') setback and landscape strip along Old Milton Parkway, which is consistent with setbacks approved along Old Milton Parkway in the Downtown.

An eight-foot (8') sidewalk is depicted along Old Milton Parkway and a five-foot (5') sidewalk is depicted along the west side of the new private street. Future interparcel access is accommodated to the east and west. A ten-foot (10') landscape strip is depicted along the new internal street.

Sixteen (16) parking spaces are depicted to the rear of the non-residential building and an additional eleven (11) parking spaces are depicted on the east side of the new internal street. Townhomes will have two (2) side-by-side parking spaces in a garage and a Code-compliant driveway accommodating two (2) additional cars. Seven (7) shared commercial/guest parking spaces are provided at the end of the new street near the townhomes. As shown in the table below, the Downtown Code requires 40 parking spaces for the proposed development, of which 59 spaces are provided on the site plan.

Use	Amount	Parking Rate	Required Parking Spaces
Townhomes	8 units	2.5 spaces/unit	20
Office	4,000 SF	3 spaces/1,000 SF	12
Retail	4,000 SF	1 space/500 SF	8
TOTAL			40

The site plan depicts 0.13 acres, or 10.3% amenity space within the proposed development. The DT-LW district requires a minimum 10% amenity space. Amenity space is proposed to include a pocket park at the front of the development and a plaza to the side of the non-residential building, and a central park with tree save area in the middle of the property.

Nine (9) specimen trees are identified in the applicant's arborist report, of which four (4) are proposed to be saved. Two (2) of the saved specimen trees are located on the subject property with the other two (2) trees are just off-site on the adjacent Chelsea Walk property. The City Arborist conducted a site visit and recommended that tree #683 (23" Pecan) be saved. The applicant revised the site plan to save the 23" Pecan. Underground stormwater management facilities are depicted in the commercial parking lot and at the end of the alley.

RENDERINGS

The applicant submitted renderings depicting a two (2) story office over retail building and three (3) story townhomes in the Greek Revival style. Townhomes are depicted to have an exterior of brick, stone and siding and the commercial building has a varied exterior consisting of brick, stone and stucco. The applicant's architect provided the following description of the proposed buildings:

*"This unique property configuration, straddled between the busy South Main Street and the Old Milton PKWY, and two blocks away from downtown Alpharetta. lends itself to the historically common arrangement of townhouses (or row houses) in the **Greek Revival** style. We propose a row of consistent forms in the tradition of historic places such as New York City, Washington DC, Baltimore MD, and others. With only a total of 9 units (gathered into 2 separate 4 and 5 unit buildings) we propose to incorporate only subtle unit variances to give some individuality in the homes while maintaining the elegant whole of the streetscape composition."*

*"On the front of the property we will build a two story Retail and office for business use. We propose to alter its current unsatisfactory conditions to approach compatibility with the new townhouses – utilizing similar materials, colors, and other detailing in the **Greek Revival** style."*

The City's Downtown Consultant reviewed the applicant's renderings and provided comments. The applicant's architect has addressed all comments from the Downtown Consultant and the renderings comply with the Downtown Code building design regulations.

TRAFFIC

Staff estimates that the eight (8) townhome units and 8,000 square foot office of retail building would generate approximately 173 AM Peak Hour trips and 94 PM Peak Hour trips.

USE	Intensity	Daily Trips	AM Peak Hour Trips	PM Peak Hour Trips
Townhouse	8 units	66	3	4
Pharmacy	2,500 SF	273	10	26
Coffee Shop	1,500 SF	No-Data	152	54
Office	4,000 SF	65	8	10
TOTALS			173	94

SCHOOLS

Residential development is known to increase school enrollment. Fulton County calculated the potential maximum number of children who may live on the property by using the Fulton County Schools standard calculation to identify the number of children that a residential development will generate. The following chart outlines these figures:

FULTON COUNTY SCHOOLS – 10 Townhomes

School	Single Family Average #
Manning Oaks Elementary School	0 to 2 students
Northwestern Middle School	0 to 1 students
Milton High School	0 to 2 students
TOTAL	0 to 5 students

Based on the total figure for all three school levels, it can be assumed that the proposed development could house approximately 0 – 5 school age children. Numbers provided by Fulton County Schools show that Northwestern Middle School and Milton High School are over capacity.

STANDARDS FOR ZONING CHANGES

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

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

Response: The proposed zoning is consistent with the future land use designation of the property and surrounding area, which is 'Mixed Use Live Work'. The zoning proposal is similar to the adjacent Chelsea Walk development, which was approved with a non-residential building at the front and townhomes behind.

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

Response: The zoning proposal would not adversely affect the existing use or usability of adjacent or nearby properties. The zoning proposal is similar to the adjacent Chelsea Walk development, which was approved with a non-residential building at the front and townhomes behind.

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

Response: The proposal would not adversely affect the natural environment. Four (4) specimen trees are depicted to be saved on the site plan.

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

Response: The property is currently zoned R-12, which has development regulations (setbacks) that are inconsistent with the Downtown vision to become a mixed-use, walkable environment.

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

Response: The zoning proposal would not cause an excessive burden on public facilities and services.

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

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

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

Response: The zoning proposal reflects a reasonable balance. The zoning proposal is similar to the adjacent Chelsea Walk development, which was approved with a non-residential building at the front and townhomes behind.

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

Response: The property is currently zoned R-12, which has development regulations (setbacks) that are inconsistent with the Downtown vision to become a mixed-use, walkable environment.

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

Response: The future land use designation of the property is 'Mixed Use Live Work', which allows the proposed DT-LW zoning district.

CONDITIONAL USE REVIEW CRITERIA

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

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

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

Response: Site access is proposed with a curb cut on Old Milton Parkway at the traffic signal at Kingry Lane.

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

Response: The above-referenced site improvements can be accommodated on the applicant's site plan.

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

Response: The proposed uses would be compatible with surrounding uses and other locations for these businesses, which are similarly situated in commercial areas.

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

Response: Not applicable.

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

Response: The proposed uses would be compatible with surrounding uses and other locations for these businesses, which are similarly situated in commercial areas.

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

Response: The proposed uses would be compatible with surrounding uses and other locations for these businesses, which are similarly situated in commercial areas.

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

Response: There are other coffee shops and pharmacies operating in the City. The nearest 'Drug Store, Pharmacy' is located at Publix (11800 Haynes Bridge Road), which is approximately 0.28 miles to the northwest of the applicant's site. The nearest Coffee Shop is located at Starbucks (11740 Haynes Bridge Road), which is approximately 0.27 miles to the southwest of the applicant's site. There are no conflicting uses in the immediate vicinity of the applicant's property.

VARIANCE REVIEW CRITERIA

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

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

Response: The property does not have extraordinary or exceptional conditions due its size, shape or topography. The applicant provided a site plan depicting rear loaded townhomes; however, the current site plan is preferred as it saves a 23" Pecan tree in the middle of the property.

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

Response: Application of the ordinance would create an unnecessary hardship. The applicant's current site plan, which depicts front loaded townhomes, is preferred as it saves a 23" Pecan tree in the middle of the property.

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

Response: The applicant provided a site plan depicting rear loaded townhomes; however, the current site plan is preferred as it saves a 23" Pecan tree in the middle of the property.

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

Response: Relief, if granted, would not cause a substantial detriment to the public good. The applicant's current site plan is preferred as it saves a 23" Pecan tree in the middle of the property.

CONCURRENCES

Staff has reviewed the applicant's proposal against the established review criteria for a rezoning, conditional use and variance. The zoning proposal is consistent with the future land use designation of the property and surrounding area, which is 'Mixed Use Live Work'. The zoning proposal is similar to the adjacent Chelsea Walk development, which was approved with a non-residential building at the front and townhomes behind. In addition, the proposed conditional uses would be compatible with surrounding uses and other locations for these businesses, which are similarly situated along commercial corridors.

There are not exceptional conditions pertaining to the property due to its size, shape, or topography. However, the applicant's current site plan saves a 23" Pecan tree in the middle of the property, which is the preferred site layout.

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.

Staff received correspondence from area residents with concerns over proximity of townhomes to Chelsea Walk along the rear property line, height of buildings in relation to Chelsea Walk, overall site density, lack of landscape screening, maintenance of underground detention, and outdoor space on rear townhome building.

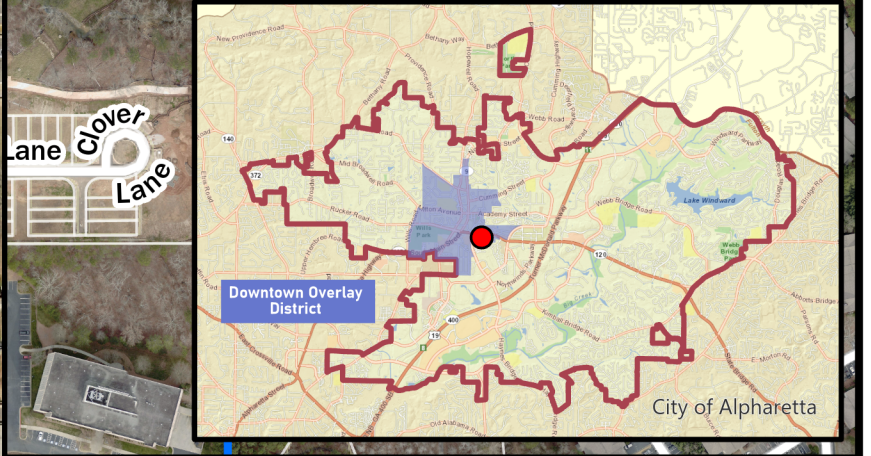
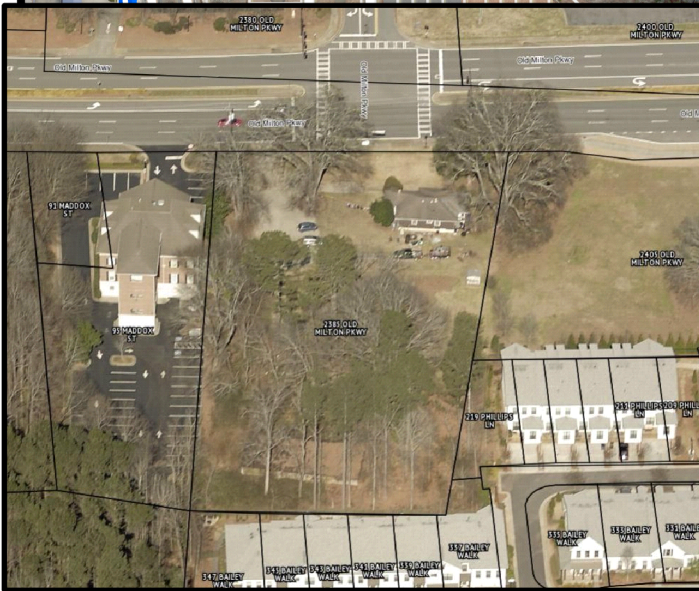
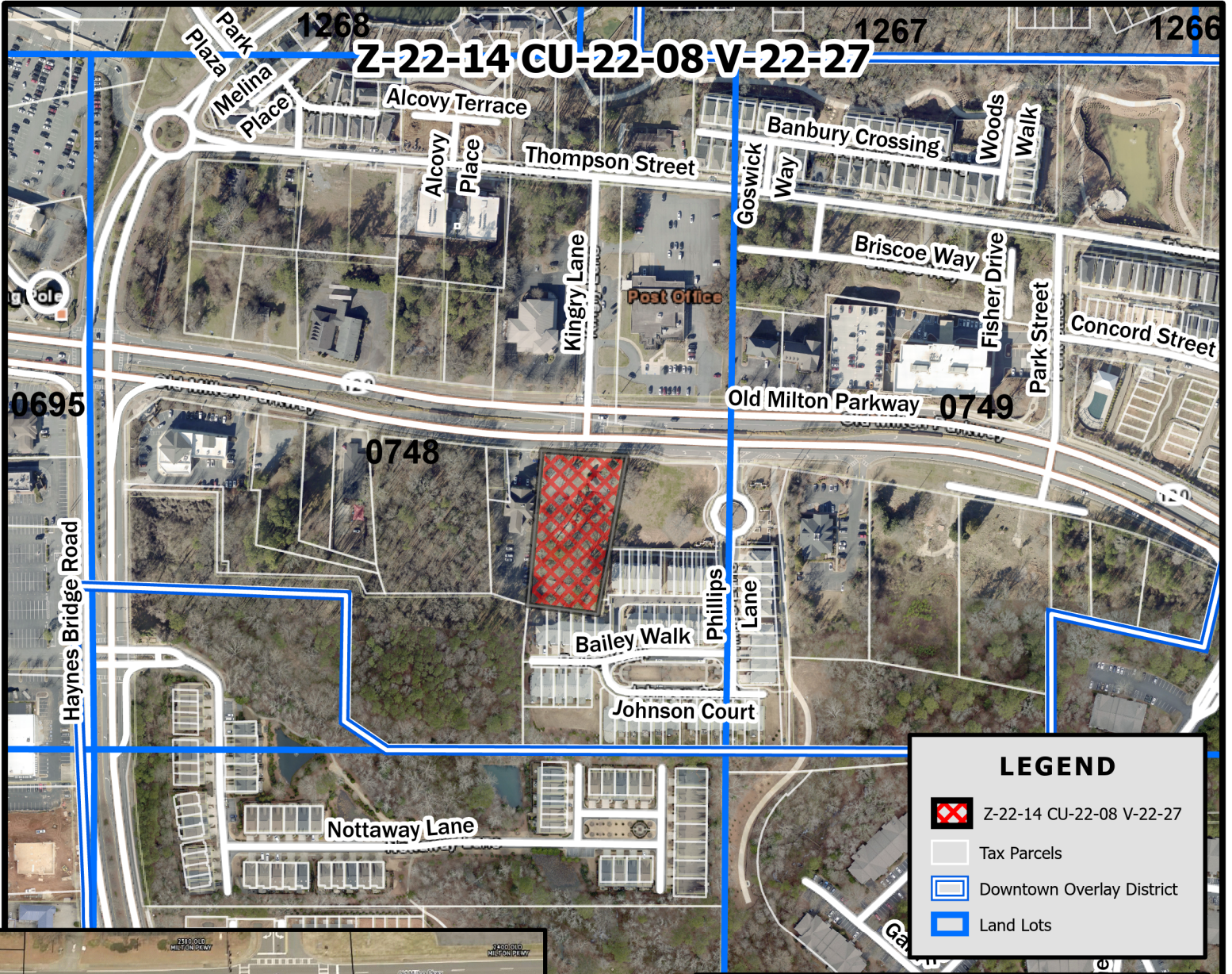
COMMUNITY ZONING INFORMATION MEETING

CZIM was held on October 12, 2022. There were public comments with concerns over the close proximity of townhomes to Chelsea Walk, lack of outdoor space for rear townhome building, height of townhomes, and underground detention maintenance with so few townhomes.

IV. ATTACHMENTS:

- Aerial Map
- Zoning Map
- Future Land Use Map
- Location Map
- Exhibit A - Site Plan
- Exhibit B – Renderings
- CZIM Sign In Sheet
- Citizen Participation Form B
- Public Comment
- Application

Z-22-14 CU-22-08 V-22-27



Z-22-14 CU-22-08 V-22-27

D/LL: 1/2/0748

PC: 11/03/22

CC: 11/28/22

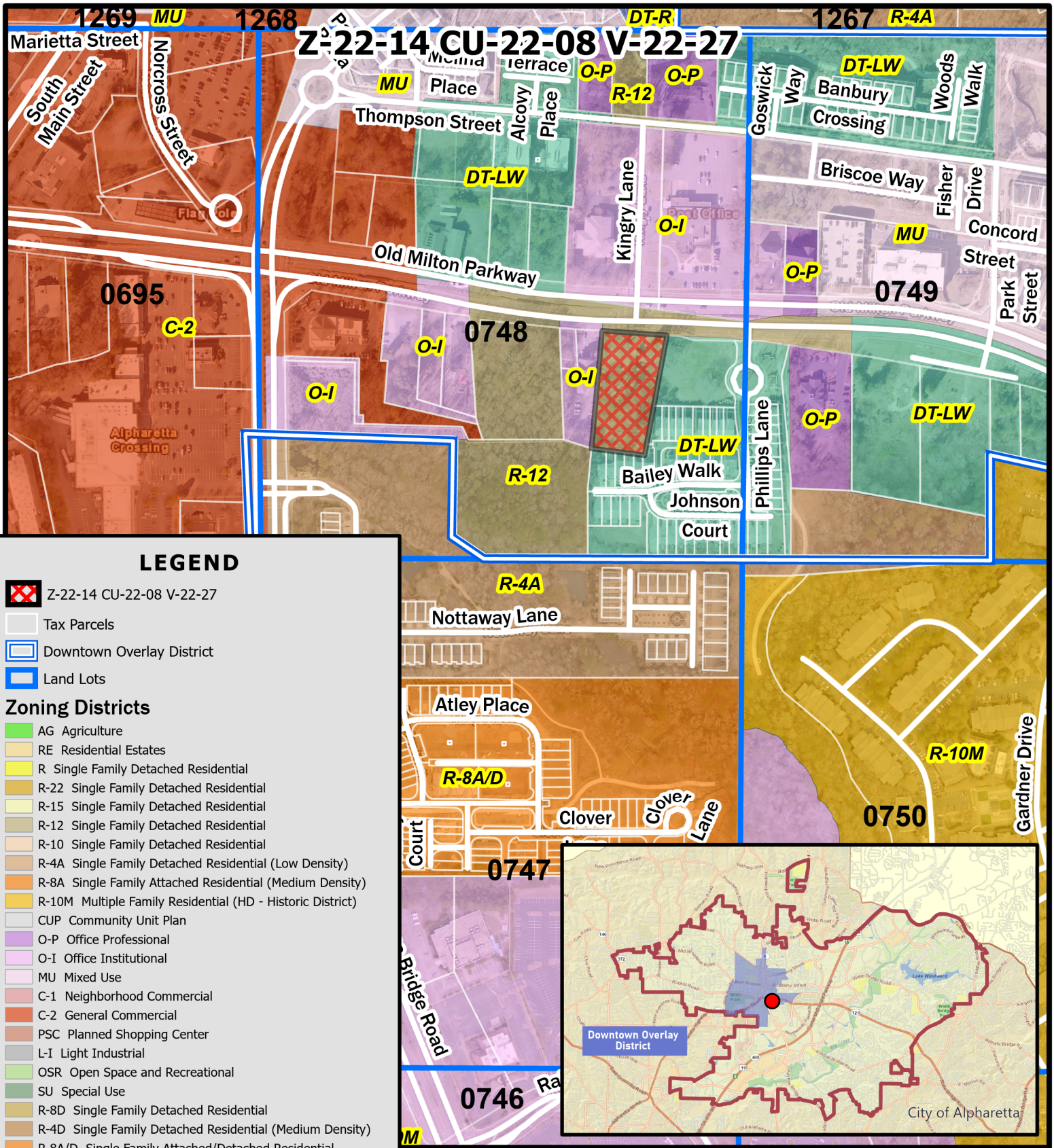
Aerial Map

North Fulton Pharmacy

2385 Old Milton Parkway



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



LEGEND



Z-22-14 CU-22-08 V-22-27



Tax Parcels



Downtown Overlay District



Land Lots

Zoning Districts



AG Agriculture



RE Residential Estates



R Single Family Detached Residential



R-22 Single Family Detached Residential



R-15 Single Family Detached Residential



R-12 Single Family Detached Residential



R-10 Single Family Detached Residential



R-4A Single Family Detached Residential (Low Density)



R-8A Single Family Attached Residential (Medium Density)



R-10M Multiple Family Residential (HD - Historic District)



CUP Community Unit Plan



O-P Office Professional



O-I Office Institutional



MU Mixed Use



C-1 Neighborhood Commercial



C-2 General Commercial



PSC Planned Shopping Center



L-I Light Industrial



OSR Open Space and Recreational



SU Special Use



R-8D Single Family Detached Residential



R-4D Single Family Detached Residential (Medium Density)



R-8A/D Single Family Attached/Detached Residential



DT-C Downtown Core



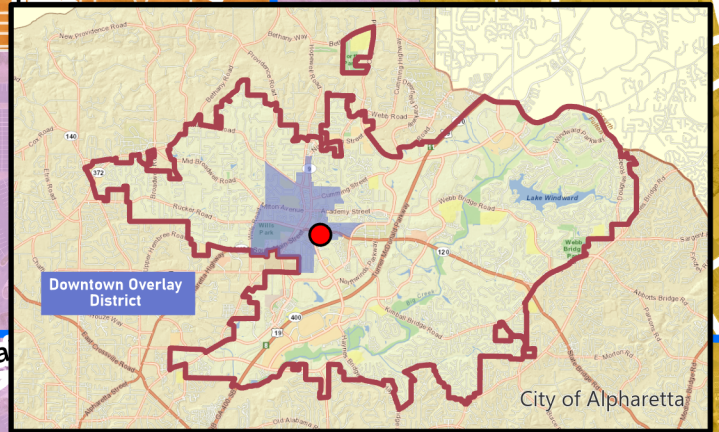
DT-MU Downtown Mixed-Use



DT-LW Downtown Live-Work



DT-R Downtown Residential



Z-22-14 CU-22-08 V-22-27

D/LL: 1/2/0748

PC: 11/03/22

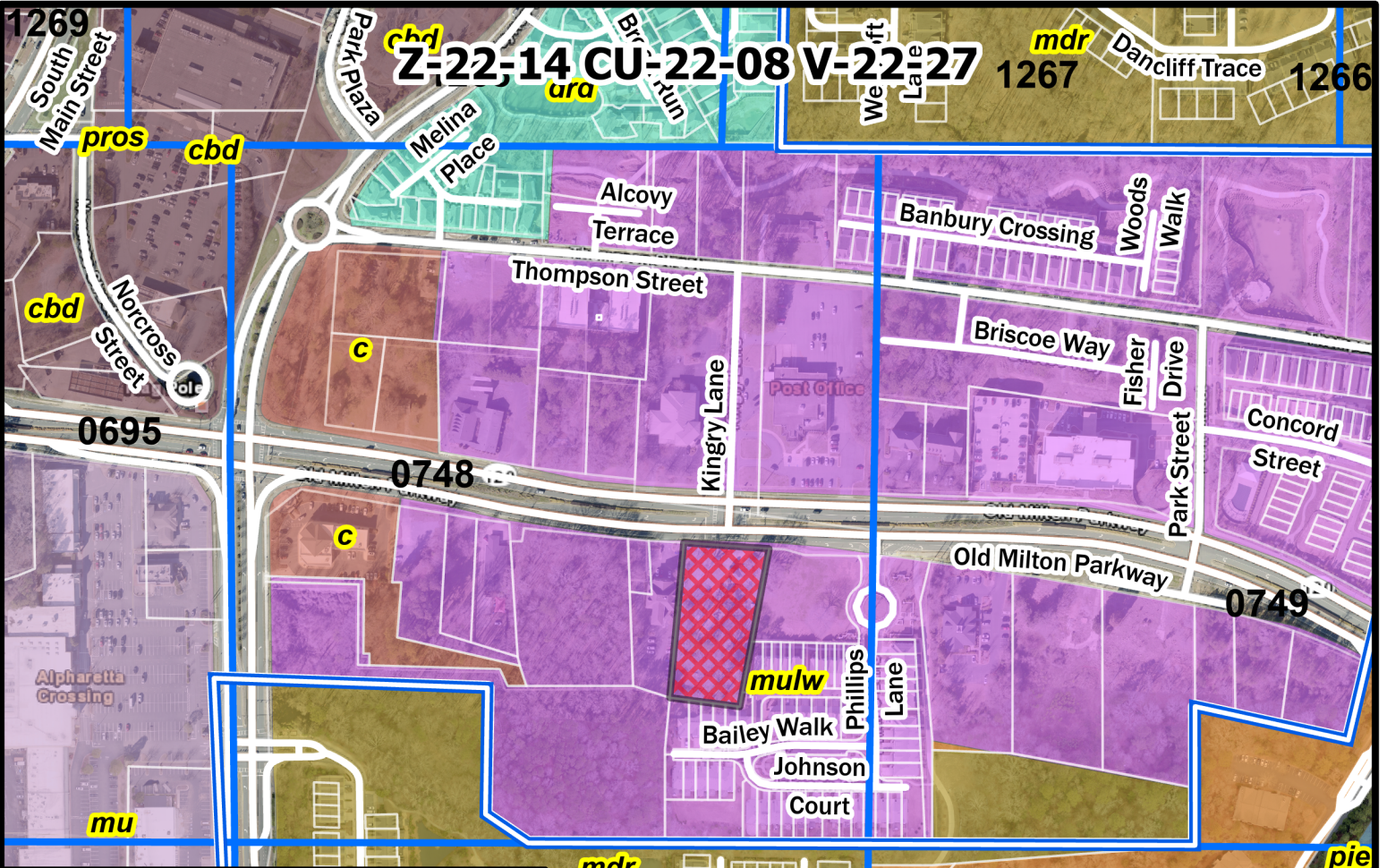
CC: 11/28/22

Zoning Map

North Fulton Pharmacy
2385 Old Milton Parkway

Location Map Provided by:
Community Development - GIS





LEGEND



Z-22-14 CU-22-08 V-22-27



Tax Parcels



Downtown Overlay District



Land Lots

2040 Future Land Use



Business, Manufacturing, Warehousing, Light Industrial



Central Business District



Commercial



Corporate Office



Downtown Residential Density



High Density Residential



Low Density Residential



Medium Density Residential



Mixed Use



Mixed Use Live Work



Parks, Recreation, Open Space



Professional Business Office



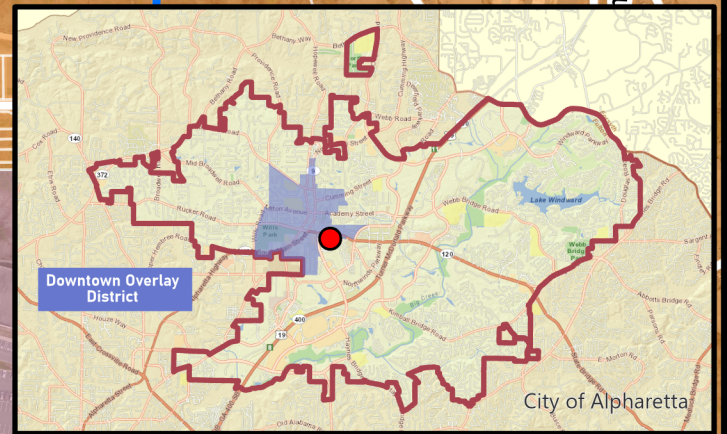
Public, Institutional, Education



Residential Estate



Very Low Density Residential



Z-22-14 CU-22-08 V-22-27

D/LL: 1/2/0748

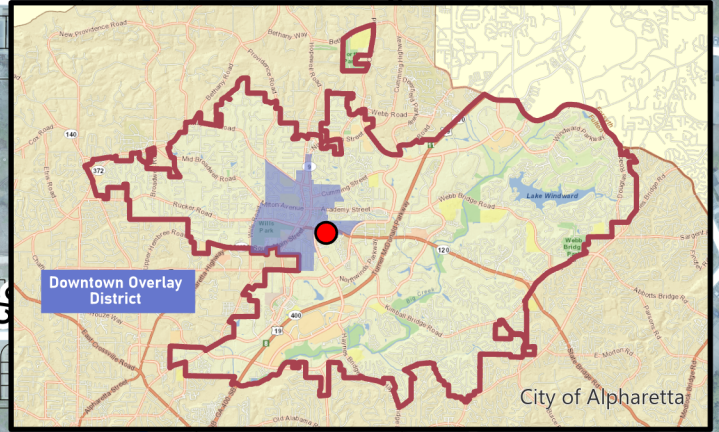
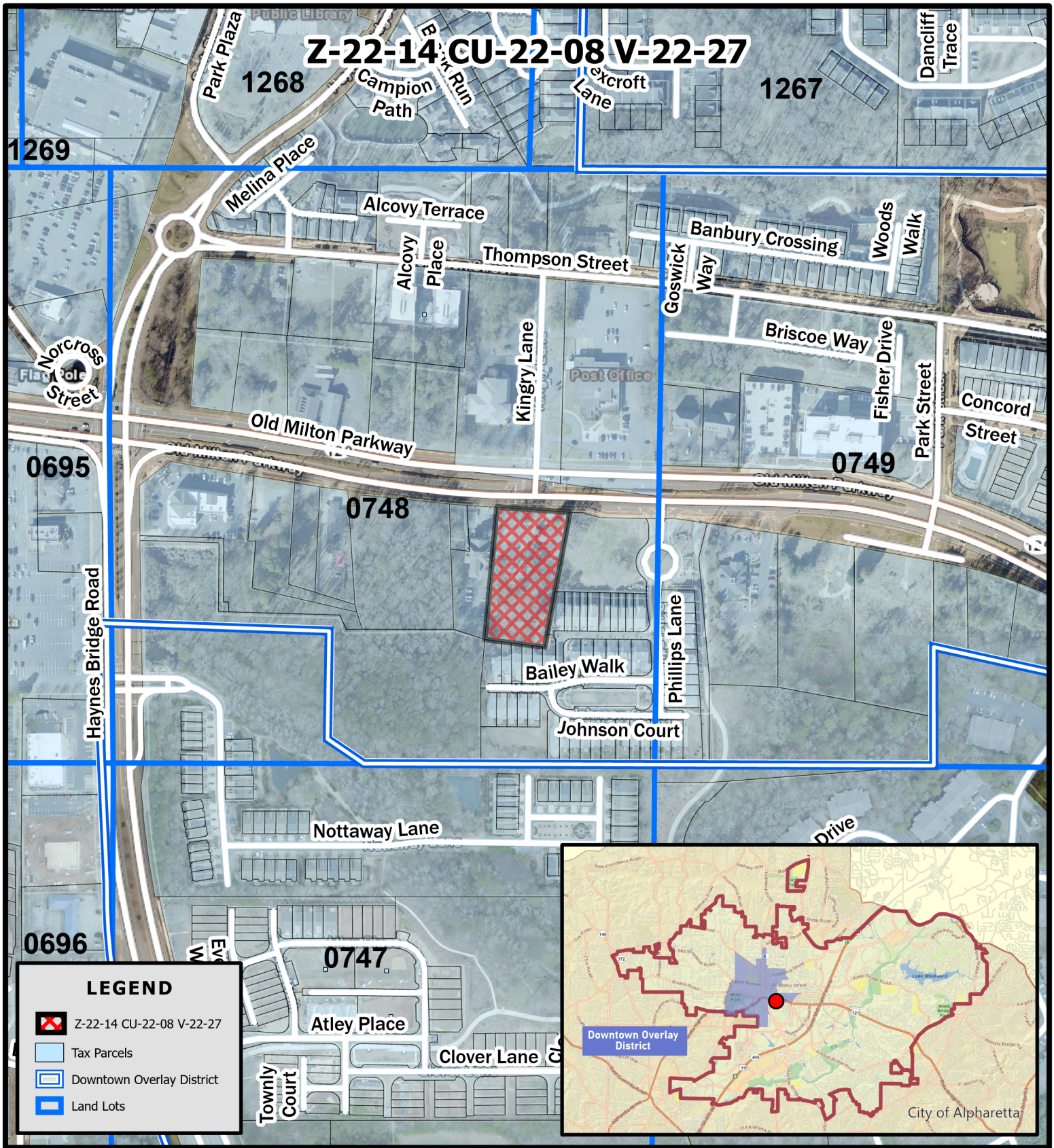
PC: 11/03/22

CC: 11/28/22

Future Land Use Map
North Fulton Pharmacy
2385 Old Milton Parkway

Location Map Provided by:
Community Development - GIS

Z-22-14 CU-22-08 V-22-27



Location Map **North Fulton Pharmacy** **2385 Old Milton Parkway**

Z-22-14 CU-22-08 V-22-27

D/LL: 1/2/0748

PC: 11/03/22

CC: 11/28/22

Location Map Provided by:
Community Development - GIS

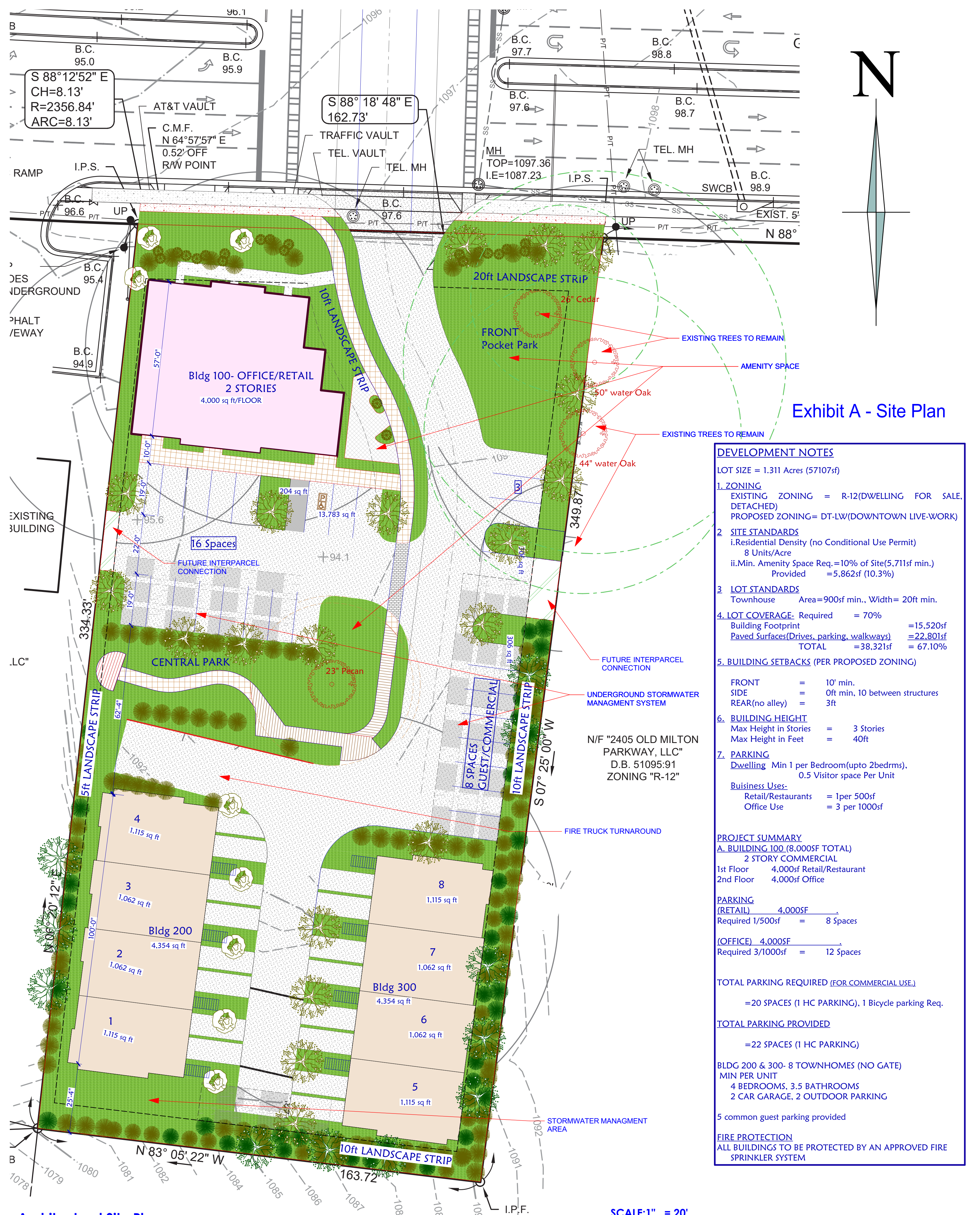


Exhibit A - Site Plan

DEVELOPMENT NOTES

LOT SIZE = 1.311 Acres (57107sf)

1. ZONING

EXISTING ZONING = R-12(DWELLING FOR SALE, DETACHED)
PROPOSED ZONING= DT-LW(DOWNTOWN LIVE-WORK)

2. SITE STANDARDS

- i. Residential Density (no Conditional Use Permit)
8 Units/Acre
- ii. Min. Amenity Space Req.=10% of Site(5,711sf min.)
Provided =5,862sf (10.3%)

3. LOT STANDARDS

Townhouse Area=900sf min., Width= 20ft min.

4. LOT COVERAGE- Required = 70%

Building Footprint =15,520sf
Paved Surfaces(Drives, parking, walkways) =22,801sf
TOTAL =38,321sf = 67.10%

5. BUILDING SETBACKS (PER PROPOSED ZONING)

FRONT = 10' min.
SIDE = 0ft min, 10 between structures
REAR(no alley) = 3ft

6. BUILDING HEIGHT

Max Height in Stories = 3 Stories
Max Height in Feet = 40ft

7. PARKING

Dwelling Min 1 per Bedroom(upto 2bedrms),
0.5 Visitor space Per Unit

Buisness Uses-

Retail/Restaurants = 1per 500sf
Office Use = 3 per 1000sf

PROJECT SUMMARY

A. BUILDING 100.(8,000SF TOTAL)

2 STORY COMMERCIAL

1st Floor 4,000sf Retail/Restaurant
2nd Floor 4,000sf Office

PARKING

(RETAIL) 4,000SF

Required 1/500sf = 8 Spaces

(OFFICE) 4,000SF

Required 3/1000sf = 12 Spaces

TOTAL PARKING REQUIRED (FOR COMMERCIAL USE.)

=20 SPACES (1 HC PARKING), 1 Bicycle parking Req.

TOTAL PARKING PROVIDED

=22 SPACES (1 HC PARKING)

BLDG 200 & 300- 8 TOWNHOMES (NO GATE)

MIN PER UNIT
4 BEDROOMS, 3.5 BATHROOMS
2 CAR GARAGE, 2 OUTDOOR PARKING

5 common guest parking provided

FIRE PROTECTION

ALL BUILDINGS TO BE PROTECTED BY AN APPROVED FIRE SPRINKLER SYSTEM

Architectural Site Plan

SCALE: 1" = 20'

SCALE: 1" = 20'

C-1

2385 Old Milton- Live Work Center-

2385 Old Milton- ALPHARETTA GA

Architect

KSi
design group
678-438-4759, KSidesign@outlook.com

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Exhibit B - Renderings



North Elevation

SCALE: 1/8" = 1'-0"



Bldg 100 Old Milton AV View

SUMMARY

AREAS/USE

1ST FLOOR- 4,000SF RETAIL
2ND FLOOR 4,000SF OFFICE

BUILDING HEIGHT

ALLOWED	PROPOSED
40FT	32FT
3 STORIES	2 STORIES

EXTERIOR VENEER

ROOF- SIGLE PLY MEMBRANE,
>2FT HIGH PARAPETS
WALLS BRICK VENEER, STUCCO, STONE

FIRE PROTECTION

Building to be fully Sprinklered per NFPA13

SD1

2385 Old Milton- Live Work Center-
2385 Old Milton- ALPHARETTA GA

Architect

KSi
design group

678-438-4759, KSidesign@outlook.com

Page 21 of 93

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Exhibit B - Renderings



RIGHT SIDE Elevation(street view)

SCALE: 1/8" = 1'-0"

ALUM. CLAD WOOD
WINDOWS



LOT 1
FLOOR PLAN (IA), ELEVATION "A"

LOT 2
FLOOR PLAN (I), ELEVATION "B"

LOT 3
FLOOR PLAN (II), ELEVATION "C"

LOT 4
FLOOR PLAN (I), ELEVATION "D"

STONE VENEER

BRICK VENEER
(COLOR 1)

BRICK VENEER
(COLOR 2)

FRONT Elevation

SCALE: 1/8" = 1'-0"

BUILDING HEIGHT

ALLOWED	PROPOSED
40FT	39.5FT
3 STORIES	3 STORIES w/ ATTIC

EXTERIOR VENEER

ROOF- ARCHITECTURAL ASPHALT SHINGLES
WALLS BRICK VENEER, CEMENT SIDING, STONE

FIRE PROTECTION

Building to be fully Sprinklered

Elevations- BLDG 200

SD200

2385 Old Milton- Live Work Center-
2385 Old Milton- ALPHARETTA GA

Architect

KSi
design group
678-438-4759, KSidesign@outlook.com

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Community Zoning Information Meeting (CZIM)

October 12, 2022

Please sign-in and leave your comments and/or concerns.

Z-22-14 / CU-22-08 / V-22-27 / North Fulton Pharmacy 2385 Old Milton Pkwy

NAME	ADDRESS	COMMENTS
Kim Thompson	344 Bailey Walk	Proximity of back units to Chelsea Walk
ED BOTT	347 Bailey Walk	NEED BIGGER SETBACK TO CHELSEA -
		REAR TOWNHOMES NO OUTDOOR SPACE

Community Zoning Information Meeting (CZIM)

October 12, 2022

Please sign-in and leave your comments and/or concerns.

Z-22-14 / CU-22-08 / V-22-27 / North Fulton Pharmacy 2385 Old Milton Pkwy

NAME	ADDRESS	COMMENTS
Cheryl Botts	347 Chelsea Walk 347 Bailey Walk	1. Proximity of houses along rear property line is very tight with little space between Chelsea Walk Houses along
		2. Bailey Walk - Height of houses will tower over Chelsea Walk.
		3. Underground detention maintenance is a concern w/ so few houses, is a concern with our property being directly down stream -

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: ESKANDAR DYNASTY LLC

Contact Name: MIKE ESKANDAR Telephone: 404-259-8921

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 COMMENTS BY ANY INDIVIDUALS CONTACTED

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>Text</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: [Signature]

Date: 6/05/22

Print Form

From: [Woodman, Michael](#)
To: [Jackson, Tracy](#)
Subject: FW: 2385 Old Milton Parkway
Date: Monday, October 17, 2022 10:23:21 AM

FYI - Public comment email for North Fulton Pharmacy.

-----Original Message-----

From: Cheryl Botts <[REDACTED]>
Sent: Wednesday, October 12, 2022 9:36 PM
To: Woodman, Michael <mwoodman@alpharetta.ga.us>
Cc: Ed [REDACTED]
Subject: 2385 Old Milton Parkway

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

Hi Mike: It was a pleasure meeting you tonight. I wanted to add a couple of concerns to the comments we submitted tonight regarding the above referenced property, below is a full list:

1. Proximity of buildings to Chelsea Walk buildings along rear property line 2. Height of buildings in relation to Buildings along Bailey Walk 3. Overall site density 4. Lack of landscape screening between sites 5. Underground detention and maintenance thereof - as we are downhill/downstream from this site 6. If patios or balconies are added to the back of the buildings along the rear property line this will further reduce the space between our homes and the new ones

Please consider the above comments when reviewing the plans for this site.

Thank you,
Ed and Cheryl Botts
[REDACTED]
Alpharetta, GA

Sent from my iPad

CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

FOR OFFICE USE ONLY

Case #: Z-22-14 / CU-22-08 / V-22-27

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: Moslem Eskandari

Telephone: 404-259-8921

Address: 1006 Cherbury Ln

Suite: _____

City: Alpharetta

State: GA

Zip: 30022

Fax: _____

Mobile Tel: 404-259-8921

Email: northfultonpharmacy@gmail.com

Subject Property Information:

Address: 2385 Old Milton Pkwy, Alpharetta, GA 30004

Current Zoning: R-12

District: _____

Section: _____

Land Lot: 0748

Parcel ID: 12 270307480636

Proposed Zoning: DT-LW

Current Use: A single family house.

This Application For (Check All That Apply):

☒ Conditional Use

☐ Master Plan Amendment

☐ Comprehensive Plan Amendment

☒ Rezoning

☐ Master Plan Review

☒ Variance

☐ Public Hearing

☐ Exception

☐ Other (Specify): _____

APPLICANT REQUEST AND INTENT

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

The property will include a building for office/retail use and also 10 townhomes will be built on the property.

Applicant's Request (Please itemize the proposal):

- 1) Rezoning from R-12 to DT-LW;
- 2) The proposed site plan;
- 3) Requested variances -
 - i. Retail Use (5,000sf for a Pharmacy and Coffee Shop)
 - ii. Gated Townhomes
 - iii. Front loaded Townhomes at the back (behind Front Loaded Townhomes)
 - iv. Provide landscaping strip along the Parking instead of a parking island

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

The proposed development would provide 10 townhomes within the city's Downtown overlay. This would be a great opportunity for those who would like to live within the Downtown area, do their shopping near where they live, and possibly utilize office / retail stores next to their townhomes in walking distance. The proposed development would be a great addition to Alpharetta Downtown where people love to live-work-play.

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: Moslem Eskandari

Telephone: 404-259-8921

Address: 1006 Cherbury Ln,

Suite: _____

City Alpharetta

State: GA

Zip: 30022

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: Moslem Eskandari

Telephone: 404-259-8921

Address: _____

Suite: _____

City Alpharetta

State: GA

Zip: 30022

So Sworn and Attested:

Owner Signature: _____

Date: 8/19/22

Notary:

Kathleen Frances Driscoll

NOTARY PUBLIC

Fulton County, GEORGIA

Notary Signature: _____

My Commission Expires 06/18/2023

Date: 8/17/2022

DISCLOSURE FORM

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

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

Name of Applicant or Opponent: Moslem Eskandari

Subject Public Hearing Case: Eskandari Dynasty

Campaign Contribution Information:

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

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

Name of Official: N/A Position: N/A

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

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

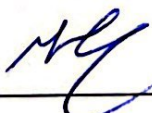
Description of Contribution: N/A Value: N/A

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

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

Campaign Contribution Information:

I do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Disclosure Form is true and accurate and that I have disclosed herein any and all campaign contributions made to an Official of the City of Alpharetta, Georgia in accordance with O.C.G.A. 36-67 A-3.

Signature: 

Date: 8/19/22

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

Neighboring properties consist of townhomes, small shopping areas, and office buildings. The proposed development is similar in nature with other developments in the area.

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

Impacts of the proposed development would be positive on the use and value of the surrounding properties.

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

No. The current zoning would not allow for the purpose of the proposed development (retail/office and townhomes). The proposed development is seeking to provide an opportunity for those who live in townhomes to use office and retail shops right next to their homes in walking distance. This would be a very convenient environment for those who live in townhomes.

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

With 10 townhomes and few retail shops and office spaces, there would not be detrimental impacts on traffic. Currently there is a traffic light at the intersection of Old Milton Pkwy and Kingry Lane. The traffic light currently serves traffic on Old Milton Pkwy and Kingry Lane. With the proposed development, the fourth leg of the intersection will need to be signalized as well for traffic coming out of the proposed development. 4-leg signalized intersections are normal and they are installed all around the city. Even after signalizing the fourth leg, traffic flow on Old Milton Pkwy would not be impacted. It is because the light can be programmed to serve side streets (Kingly Lane and the driveway at 2385 Old Milton Pkwy) simultaneously with proper signal phasing.

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

There is not any schools near the proposed development. Hereby, impacts on schools would be none. There are aerial power lines at the edge of the proposed development along Old Milton Pkwy, and also water and sewer lines may exist on Old Milton Pkwy; however, the proposed development would not interfere with any of these utilities.

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

The future land use designation calls for Downtown Live Work (DT-LW) at this parcel. The proposed development is consistent with the the Alpharetta Comprehensive Plan.

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

I am not aware of any conditions at this time.

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

BOARD OF ZONING APPEALS REVIEW CRITERIA

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

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

No.

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

Yes; application of the Zoning Code standards to the subject property would not allow the proposed development.

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

Yes- This lot is located within the Alpharetta Downtown Overlay and the Rezoning and proposed development aligns with the City's comprehensive Plan

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. Granting the requested variances will not cause detrimental impacts to the public good. The

1. Proposed development is consistent with the Alpharetta Comprehensive Plan.

2. The Project complements adjacent townhomes and commercial Uses

3. Will have provision for future inter-parcel connectivity

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: Eskandari Dynasty

Contact Name: Moslem Eskandari Telephone: 404-259-8921

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 MAILING LIST

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

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

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

Email: northfultonpharmacy@gmail.com
Phone: 404-259-8921
Mail: 1006 Cherbury Ln, Alpharetta, GA 30022

EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land lot 748, 1st District, 2nd Section, Fulton County, Georgia and being more particularly described as follows:

BEGIN at a ½ rebar found on the southerly right of way of Old Milton Parkway f.k.a. Duluth Street (a 130' right of way pavement as shown), said rebar being North 88 degrees 18 minutes 48 seconds West, a distance of 223.26 feet from the intersection of the east land lot corner of Land lot 748; thence leaving the southerly right of way of Old Milton Parkway and running South 07 degrees 25 minutes 00 seconds West, a distance of 349.87 feet to a ½ inch rebar found; thence running North 83 degrees 05 minutes 22 seconds West, a distance of 163.72 feet to a ½ inch rebar found; thence running North 06 degrees 20 minutes 12 East, a distance of 334.33 feet to a ½ rebar found on the southerly right of way of Old Milton Parkway; thence running easterly along a curve along the southerly right of way of Old Milton Parkway to a concrete monument found, an arc distance of 8.13 feet, said arc having a radius of 2356.84 and a chord bearing South 88 degrees 12 minutes 52 seconds East with a chord distance of 8.13 feet; thence continuing along the southerly right of way of Old Milton Parkway, South 88 degrees 18 minutes 48 seconds East to a ½ rebar found and the POINT OF BEGINNING, as more particularly described on that certain Survey for Moslem Eskandari and Chicago Title Insurance Company dated October 23, 2019, prepared by Brumbelow-Reese and Associates, Inc. by Rodney H. Reese, GRLS No. 2072, containing 1.311 acres according to said survey.

August 15, 2022

PUBLIC PARTICIPATION PLAN

Applicant: Moslem Eskandari

Subject Property: 2385 Old Milton Pkwy, Alpharetta, GA 30004

Current Zoning: R-12

Proposed Zoning: DT-LW

Application: Conditional Use, Rezoning, and Variance

Governing Jurisdiction: City of Alpharetta, GA

A. This Public Participation Plan is submitted as required by the Unified Development Code of City of Alpharetta and is attached as a part of the Applicant's application.

B. People who will be notified of this Application are listed below:

Group 1. Adjacent and nearby resident and property owners located within 500 feet of the subject property. The City of Alpharetta Department of Community Development will provide a list of the adjacent and nearby residents and property owners who must be notified.

Group 2. Political Jurisdictions:

- City Council
- Planning Commission

Group 3. Public Agencies – All involved Departments of the City of Alpharetta Government.

C. Notification of interested and potentially affected parties will be performed through different methods as outlined below:

- Public participation letter (a sample letter is provided below), public participation meeting notification sign, public participation meeting, the public hearing notification sign, and the public hearing.

D. The Applicant will keep the Department of Community Development informed throughout the Public Participation process.

[Date]

Name:

Address:

Phone Number:

Application Number:

Dear Neighbor,

We would like to inform interested property owners that a Conditional Use, Rezoning, and Variance application has been submitted to City of Alpharetta regarding property located at 2385 Old Milton Pkwy, Alpharetta, GA 30004.

A public participation meeting will be held on -----, 2022 at -----PM at -----
----- . This meeting is not the public hearing. Its purpose is to provide neighbors and interested parties the opportunity to meet with the applicant, ask questions, and voice concerns regarding this application.

Enclosed is a copy of the site plan depicting the subject property and the proposed project.

If you have any questions, comments or concerns, please contact me at 404-259-8921 or email me at northfultonpharmacy@gmail.com.

Respectfully,

Mike (Moslem) Eskandari

Letter of Intent

August 22, 2022

RE: Letter of Intent for development at 2385 Old Milton Pkwy, Alpharetta, GA 30004

The intent of this letter is to provide more details of the property development plan located at 2385 Old Milton Pkwy, Alpharetta, GA 30004.

The proposed development consists of an office/retail building and 10 townhomes. To this end, the applicant requests for the subject property approving: 1) Rezoning from R-12 to DT-LW; 2) The proposed site plan; 3) Requested variances.

Providing additional townhomes within the city's Downtown overlay, through the proposed development, would be a great opportunity for those who would like to live in the Alpharetta Downtown area, do their shopping near where they live, and utilize office / retail stores next to their townhomes within a walking distance. The proposed development would bring in more attention to Alpharetta Downtown where people love to live, work, and play.

Respectfully,

Mike (Moslem) Eskandari



**BARNEYCASTLE
FORESTRY SERVICES, INC.**

ARBORICULTURE & FORESTRY CONSULTING

chris@barneycastle.net • 678.386.8623 • www.barneycastleforestry.com

July 14, 2022

Mike Eskandari
Eskandari Dynasty
2385 Old Milton Pkwy
Alpharetta, GA 30009

Dear Mike:

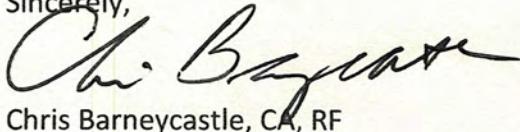
Per your request, I have inspected and evaluated the trees denoted on the site plan as specimen size at the 2385 Old Milton Parkway proposed development site in Alpharetta. The trees have been marked with a numbered aluminum tag and green and white flagging tape.

Attached is a spreadsheet listing the trees by number, description on survey, actual species, actual DBH, and a description and condition of the trees. Also attached is a marked up survey with the locations of the trees.

Photographs of the defects in trees in fair or poor condition are found in Appendix A.

Please call me for questions or further assistance.

Sincerely,

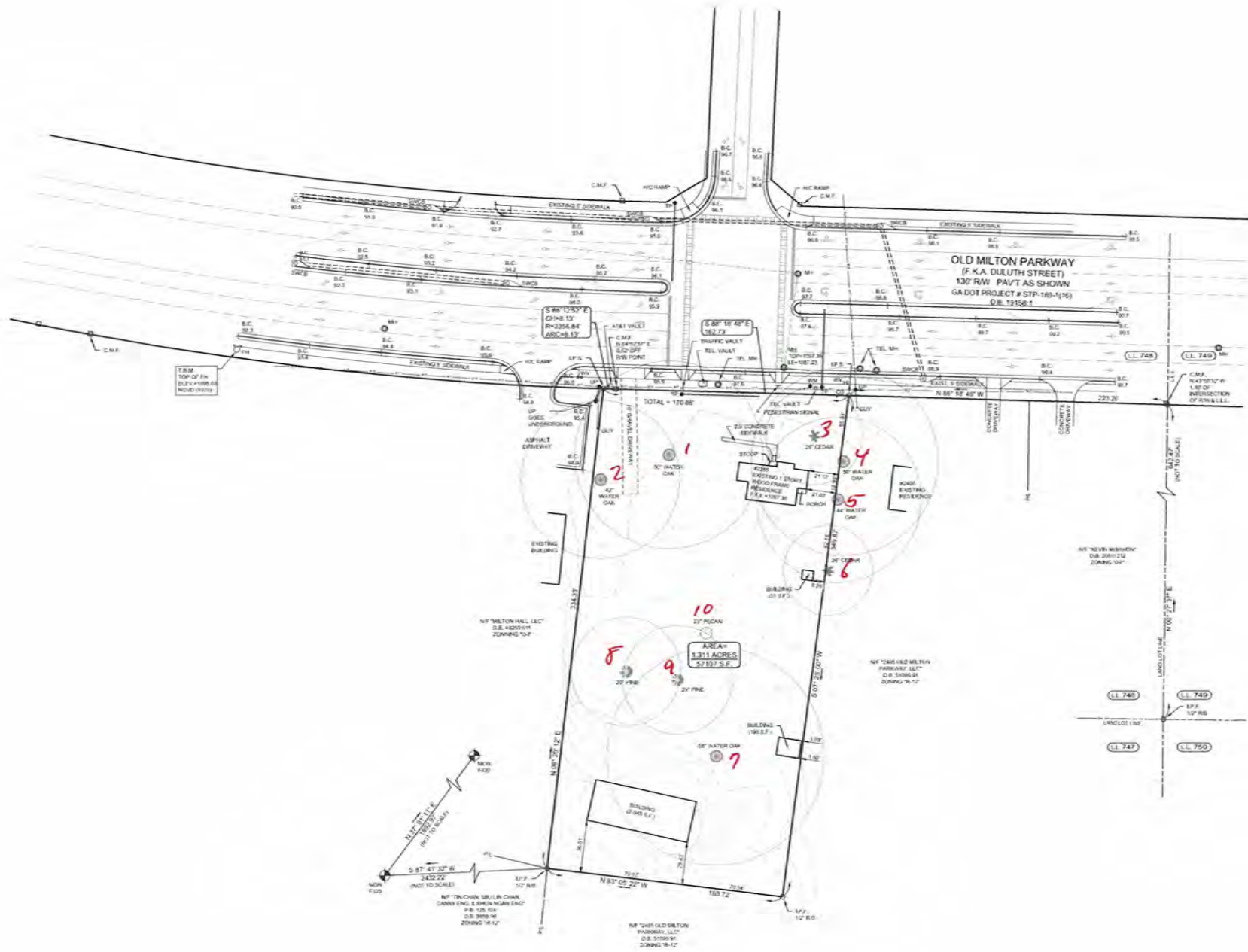


Chris Barneycastle, CA, RF

LISTING OF SPECIMEN SIZE TREES AT 2385 OLD MILTON PARKWAY, ALPHARETTA, GA

Description		Species	DBH	Description/Condition	
Tree #	on Survey				
1	674	50" WATER OAK	Water oak	55"	2-12" pruning wounds. Lower 20' pruned of all limbs. Topped on street side. Fair condition.
2	675	42" WATER OAK	Water oak	46"@3'	3 co-dominant stems at 4'. Included bark. Hazardous. Fair condition.
3	676	26" CEDAR	Red cedar	27"	Pruned of all limbs to 15'. Top heavy. Fair condtion.
4	677	50" WATER OAK	Water oak	55"	14" limb cut at 12'. Epicormic branching. Fair condition.
5	678	44" WATER OAK	Water oak	47"	4 co-dominant stems at 12'. Large pruning wound. Fair condition.
6	679	24" CEDAR	No Tree	N/A	N/A
7	680	58" WATER OAK	Water oak	63"	2 co-dominant stems at 5'. Dieback. Signs of hypoxylon canker. Poor condition.
8	681	29" PINE	Loblolly pine	30"	Some dead limbs. Otherwise, good condition.
9	682	29" PINE	Loblolly pine	33"	Good condition.
10	683	23" PECAN	Pecan	25"	Good condition.

Notes - DBH is diameter at breast height measured at 4.5 feet above ground. Diameter for trees with co-dominant stems that fork below 4.5 feet was measured at narrowest point below fork.



APPENDIX A – PHOTOGRAPHS OF SPECIMEN SIZE TREES IN FAIR OR POOR CONDITION AT
2385 OLD MILTON PARKWAY, ALPHARETTA, GA



Large Pruning Wounds – Tree #674

APPENDIX A – PHOTOGRAPHS OF SPECIMEN SIZE TREES IN FAIR OR POOR CONDITION AT
2385 OLD MILTON PARKWAY, ALPHARETTA, GA



Topping from Powerline Clearance -Tree #674

APPENDIX A – PHOTOGRAPHS OF SPECIMEN SIZE TREES IN FAIR OR POOR CONDITION AT
2385 OLD MILTON PARKWAY, ALPHARETTA, GA



Included Bark Between Co-dominant Stems – Tree #675

APPENDIX A – PHOTOGRAPHS OF SPECIMEN SIZE TREES IN FAIR OR POOR CONDITION AT
2385 OLD MILTON PARKWAY, ALPHARETTA, GA



Close Up of Included Bark – Tree #675

APPENDIX A – PHOTOGRAPHS OF SPECIMEN SIZE TREES IN FAIR OR POOR CONDITION AT
2385 OLD MILTON PARKWAY, ALPHARETTA, GA



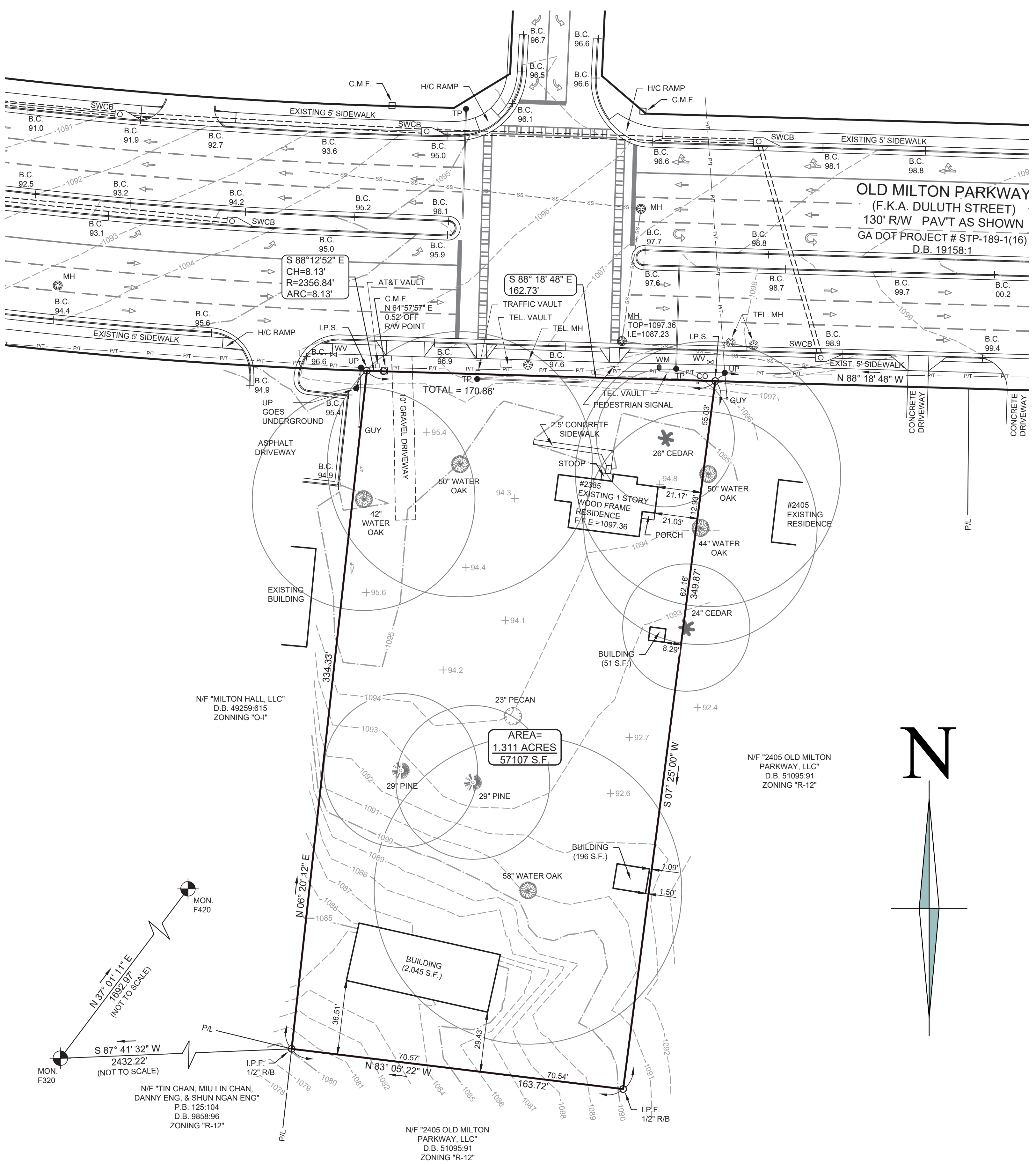
Excessive Pruning in Lower 30 Feet – Tree #676



14 Inch Pruning Wound and Epicormic Branching – Tree #677



4 Co-dominant Stems and Large Pruning Wound – Tree #678



SCALE: 1" = 30'

SURVEY/TOPO/TREES



C-0

2385 Old Milton- Live Work Center-

2385 Old Milton- ALPHARETTA GA

Architect

KSI
design group
678-438-4759, KSidesign@outlook.com

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LEGEND: ABBREVIATIONS AND SYMBOLS	
A.K.A.	- ALSO KNOWN AS
ARC	- LENGTH OF CURVE
B.C.	- BACK OF CURB
B.F.E.	- BASEMENT FLOOR ELEVATION
B.L.	- BUILDING LINE
B.L.W.	- BUILDING LINE WIDTH
B.M.	- BENCHMARK
BW	- BOTTOM OF WALL (GROUND)
C&G	- CURB AND GUTTER
CAJ	- CURVE NUMBER
C.L.	- CENTERLINE
CB	- CATCH BASIN
C.B.L.	- CORNER BUILDING LINE
CH	- CHORD OF CURVE
C.M.F.	- CONCRETE MONUMENT FOUND
C.M.P.	- CORRUGATED METAL PIPE
CO	- CLEAN OUT
C.P.P.	- CORRUGATED PLASTIC PIPE
CRZ	- CRITICAL ROOT ZONE
CTP	- CRIMP TOP PIPE
D.B.	- DEED BOOK
D.E.	- DRAINAGE EASEMENT
DI	- DROP INLET (STORM)
D.I.P.	- DUCTILE IRON PIPE
D.W.C.B	- DITCH WING CATCH BASIN
E	- EDGE OF PAVEMENT
FES	- FLARED END SECTION (STORM)
F.F.E.	- FIRST FLOOR ELEVATION
FI	- FIRE HYDRANT
F.I.R.M.	- FLOOD INSURANCE RATE MAP
F.L.	- FLOOD INSURANCE STUDY
HW	- HEADWALL
GM	- GRATE INLET (STORM)
G	- GAS METER
G.V.	- GAS VALVE
H.D.P.E.	- HIGH DENSITY POLYETHYLENE PIPE
H.P.	- HIGH POINT
I.E.	- INVERT ELEVATION
I.P.F.	- IRON PIN FOUND
I.P. SET	- IRON PIN SET (2" RB)
J.B.	- JUNCTION BOX (STORM)
L	- LENGTH OF CURVE
L#	- LINE NUMBER
L.F.E.	- LOWEST FLOOR ELEVATION
L.L.	- LAND LOT LINE
L.P.	- LIGHT POLE
M.F.E.	- MINIMUM FLOOR ELEVATION
MH	- MANHOLE (SANITARY)
M.N.F.	- MAG NAIL FOUND
M.N.S.	- MAG NAIL SET
M.S.L.	- MEAN SEA LEVEL
NF	- NOW OR FORMERLY
N.A.D.	- NORTH AMERICAN DATUM
NGVD	- NATIONAL GEODETIC VERTICAL DATUM
OP	- OPEN PIPE
O.C.S.	- OUTLET CONTROL STRUCTURE (STORM)
PAVT	- PAVEMENT
PB	- POWER BOX
P.B.	- PLAT BOOK
P.O.B.	- POINT OF BEGINNING
P.O.C.	- POINT OF COMMENCEMENT
P.V.C.	- POLYVINYL CHLORIDE PIPE
P/L	- PROPERTY LINE
R	- RADIUS OF CURVE
R.M.	- REFERENCE MARK (F.I.R.M.)
RF	- ROCK FOUND
R.B.L.	- REAR BUILDING LINE
R.C.P.	- REINFORCED CONCRETE PIPE
RB	- REINFORCING BAR
RT	- RETAINING WALL
RW	- RIGHT OF WAY
S.B.L.	- SIDE BUILDING LINE
S.F.	- SQUARE FEET
SS	- SANITARY SEWER
S.S.E.	- SANITARY SEWER EASEMENT
SE	- SAFETY SLOPE END SECTION (STORM)
SWCB	- SINGLE WING CATCH BASIN
T.B.M.	- TEMPORARY BENCH MARK
TB	- TELECOMMUNICATIONS BOX
TC	- TOP OF CURB
TMH	- TELECOMMUNICATIONS MANHOLE
TP	- TRAFFIC SIGNAL POLE
TP	- TOP OF WALL
UP	- UTILITY POLE
V.C.P.	- VITRIFIED CLAY PIPE
WM	- WATER METER
WV	- WATER VALVE
YI	- YARD INLET (PEDESTAL TYPE)
→	- STREET
→	- EXISTING STORM WATER FLOW
F	- FLOOD LIMITS
G	- GAS LINE
P	- POWER LINE
→	- PROPOSED STORM WATER FLOW
SF	- SILT FENCE
T	- TREE FENCE
TL	- TELECOMMUNICATIONS LINE
W	- WATER LINE
X	- WIRE FARM FENCE LINE
X	- WOOD FENCE LINE
○	- CHAIN LINK FENCE LINE

BRUMBELOW-REESE AND ASSOC., INC.
LAND SURVEYING SERVICES, LAND PLANNERS,
DEVELOPMENT CONSULTANTS
[GEORGIA LICENSE LSF000289] - EXPIRATION 6/30/2020

13685 HIGHWAY 9 N
MILTON, GEORGIA 30004-3616
PHONE: 770-475-6817
FAX: 770-569-4948
EMAIL: BRASSINC@COMCAST.NET



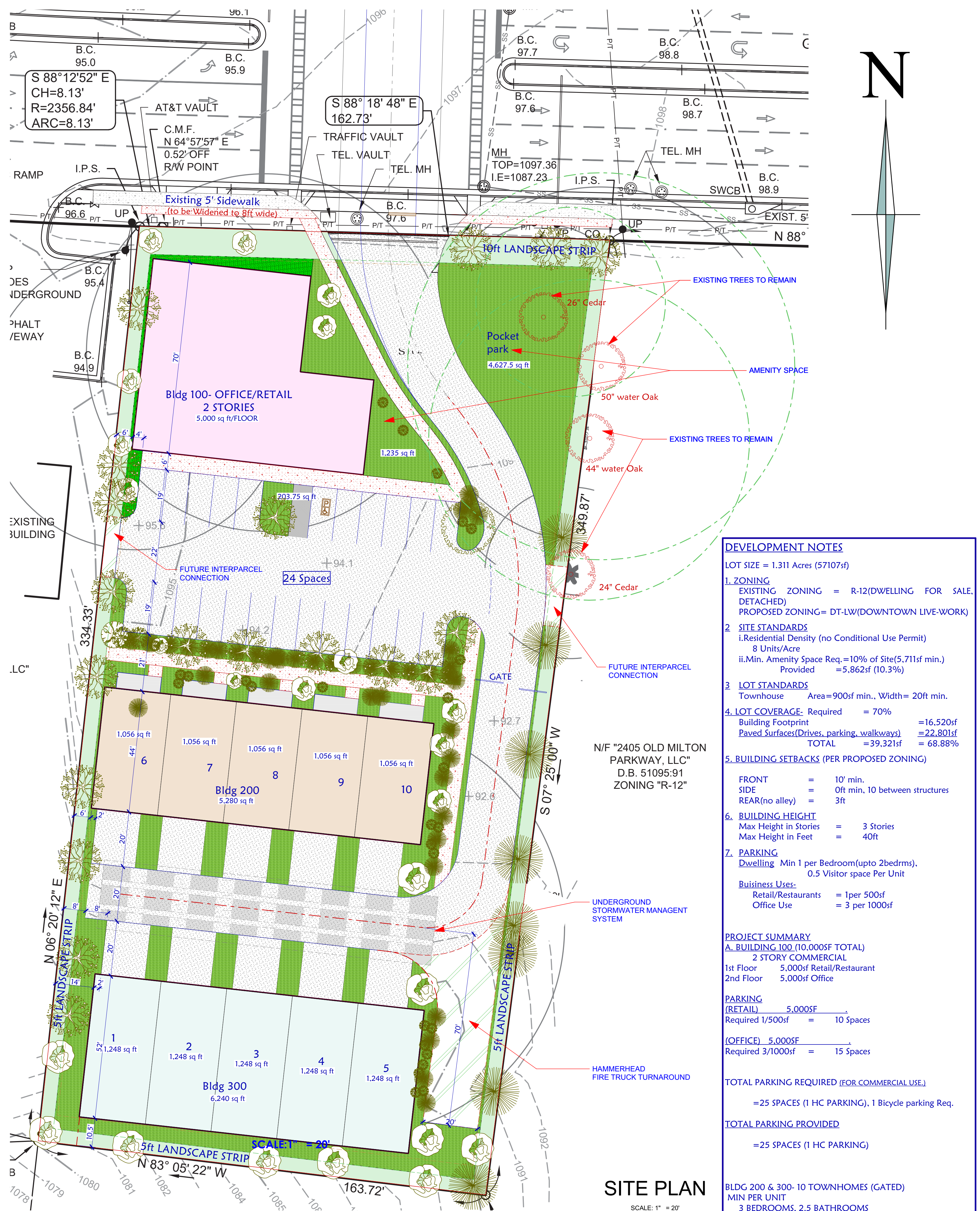
REVISIONS:

LOCATED IN:
LAND LOT(S): 748
DISTRICT: 1, SECTION: 2
CITY OF: ALPHARETTA
COUNTY OF: FULTON
STATE OF: GEORGIA

SURVEY FOR
MOSLEM ESKANDARI
& CHICAGO TITLE INSURANCE COMPANY

FIELD BY: SDR
DRAWN BY: MK
CHECKED BY: RHR
DRAWING: EMULL-OMP
JOB #: 2019-214

DATE: OCTOBER 23, 2019



DEVELOPMENT NOTES

LOT SIZE = 1.311 Acres (57107sf)

1. ZONING

EXISTING ZONING = R-12(DWELLING FOR SALE, DETACHED)
PROPOSED ZONING= DT-LW(DOWNTOWN LIVE-WORK)

2. SITE STANDARDS

- i. Residential Density (no Conditional Use Permit)
8 Units/Acre
- ii. Min. Amenity Space Req.=10% of Site(5,711sf min.)
Provided =5,862sf (10.3%)

3. LOT STANDARDS

Townhouse Area=900sf min., Width= 20ft min.

4. LOT COVERAGE- Required = 70%

Building Footprint	=16,520sf
Paved Surfaces(Drives, parking, walkways)	=22,801sf
TOTAL	=39,321sf = 68.88%

5. BUILDING SETBACKS (PER PROPOSED ZONING)

FRONT	= 10' min.
SIDE	= 0ft min, 10 between structures
REAR(no alley)	= 3ft

6. BUILDING HEIGHT

Max Height in Stories	= 3 Stories
Max Height in Feet	= 40ft

7. PARKING

Dwelling Min 1 per Bedroom(upto 2bedrms),
0.5 Visitor space Per Unit

Buisness Uses-

Retail/Restaurants	= 1per 500sf
Office Use	= 3 per 1000sf

PROJECT SUMMARY

A. BUILDING 100 (10,000SF TOTAL)

2 STORY COMMERCIAL

1st Floor	5,000sf Retail/Restaurant
2nd Floor	5,000sf Office

PARKING

(RETAIL) 5,000SF	
Required 1/500sf	= 10 Spaces

(OFFICE) 5,000SF

Required 3/1000sf	= 15 Spaces
-------------------	-------------

TOTAL PARKING REQUIRED (FOR COMMERCIAL USE.)

=25 SPACES (1 HC PARKING), 1 Bicycle parking Req.

TOTAL PARKING PROVIDED

=25 SPACES (1 HC PARKING)

BLDG 200 & 300- 10 TOWNHOMES (GATED)

MIN PER UNIT	
3 BEDROOMS, 2.5 BATHROOMS	
2 CAR GARAGE	
2 OUTDOOR PARKING	

Architectural Site Plan

C-1

2385 Old Milton- Live Work Center-
2385 Old Milton- ALPHARETTA GA

Architect

KSI
design group
678-438-4759, KSIdesign@outlook.com

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CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: CU-22-11 JEAN-CLAUDE SALON/312 MAXWELL ROAD

PLANNING COMMISSION: DECEMBER 1, 2022

CITY COUNCIL: DECEMBER 12, 2022

II. RECOMMENDATION:

Approve CU-22-11 Jean-Claude Salon/312 Maxwell Road, subject to the following conditions:

1. 'Beauty Shop' shall be added as a conditional use at 312 Maxwell Road, Suite 500 and limited to no more than 1,100 square feet.
2. Conditional use approval shall be limited to Jean-Claude Salon; no additional 'Beauty Shop' use or subleasing shall be permitted within the approved space.
3. 'Beauty Shop' shall be limited to cosmetology services that do not require a customer to disrobe.
4. Hours of operation shall be limited to Monday – Sunday 9:00 AM – 5:00 PM.
5. Signage shall be limited to a wall sign no larger than three (3) square feet and located beside the front door. No additional signage shall be permitted. No lighting window trim.

III. REPORT IN BRIEF:

The applicant, Jean-Claude Salon, is requesting a conditional use to operate a 'Beauty Shop' in a 1,100 square foot suite in an existing building in the Colony Park Offices on South Main. The business provides image and hair consulting services with seniors being the targeted customer. The subject property is located at 312 Maxwell Road near the southeast corner of South Main Street and Maxwell Road.

DISCUSSION

The submitted request, if approved, would allow Jean-Claude Salon to operate a 'Beauty Shop' in a 1,100 square foot suite in an existing building in the Colony Park Offices on South Main. The business provides image and hair consulting services with seniors being the targeted customer. The subject property is located at 312 Maxwell Road near the southeast corner of South Main Street and Maxwell Road.

Colony Park Offices on South Main is an office (condominium) park developed with sixteen (16), two (2) story office buildings. A variety of businesses operate in the office park, including medical offices, professional offices, a medical spa, commercial schools, insurance agencies, a bank, law offices, and financial services. The applicant's business is proposed in a building toward the front of the office park. The subject property is zoned O-I (Office-Institutional), which allows 'Beauty Shop' with approval of a conditional use. Surrounding properties are zoned C-2 (General Commercial) to the north, west and south and R-12 (Dwelling, 'For-Sale', Residential) to the east. Alpha Park Subdivision is located to the east; Chevron, Reds Package Store, Gourmania, and Lamp & Shade City Lighting are located to the north; ALMAS Center to the west; and the former Comcast cable office is located to the south.

Jean-Claude Salon is a new concept offering beauty services including image and hair consulting by appointment only. The applicant proposes to utilize an 1,100 square foot suite in an existing building. Parking on the property was developed to support professional and medical offices, which has a requirement of one (1) parking space per

200 square feet. The applicant's business has the same parking requirement and there are more than 50 parking spaces within 100' of the applicant's proposed location. Hours of operation will be Monday – Sunday 9:00 AM to 5:00 PM. The applicant anticipates approximately one (1) employee.

TRAFFIC

Staff calculated trips for the proposed use which would generate an estimated one (1) AM Peak Hour trip and two (2) PM Peak Hour trips.

CONDITIONAL USE REVIEW CRITERIA

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

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

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

Response: Colony Park Offices on South Main was developed in compliance with the site access standards.

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

Response: The subject property is in compliance with regard to refuse areas, loading and service areas, off-street parking, and buffers and screening.

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

Response: The proposed business would be compatible with surrounding businesses, which consist of a mix of medical, professional office, and personal services businesses.

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

Response: Not applicable.

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

Response: The proposed business would be compatible with surrounding businesses, which consist of a mix of medical, professional office, and personal services businesses.

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

Response: The proposed business would be compatible with surrounding businesses, which consist of a mix of medical, professional office, and personal services businesses.

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

Response: There are other 'Beauty Shop' businesses operating in the City; however, it is unknown if there are similar businesses focusing on seniors. The nearest 'Beauty Shop' is Sonia's Hair Salon at 342 South Main Street, which is approximately 900' to the west of the applicant's site. There are no conflicting uses in the immediate vicinity of the applicant's property.

CONCURRENCES

Staff reviewed the applicant's proposal in consideration of the review criteria for a conditional use. The proposed business would be compatible with surrounding businesses, which consist of a mix of medical, professional office, and personal services businesses. In addition, the applicant's business is by appointment, which is similar to other businesses operating in the office park. If approved, conditions should be established that regulate and limit an expansion of services and signage.

CITIZEN PARTICIPATION PLAN

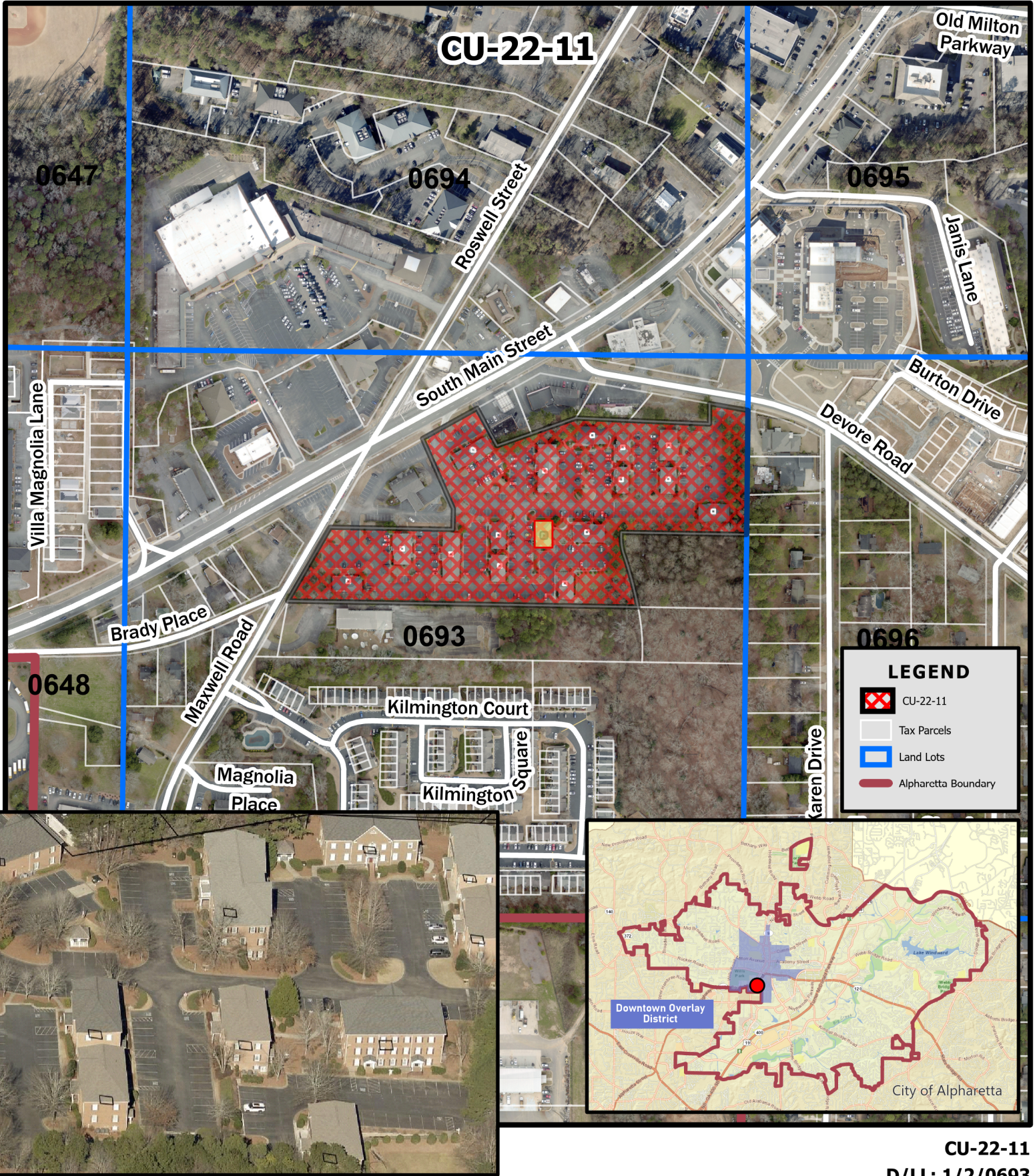
The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that comments were received in support of the applicant's request.

COMMUNITY ZONING INFORMATION MEETING

The CZIM was held on November 9, 2022. There were a few public comments in support of the applicant's request.

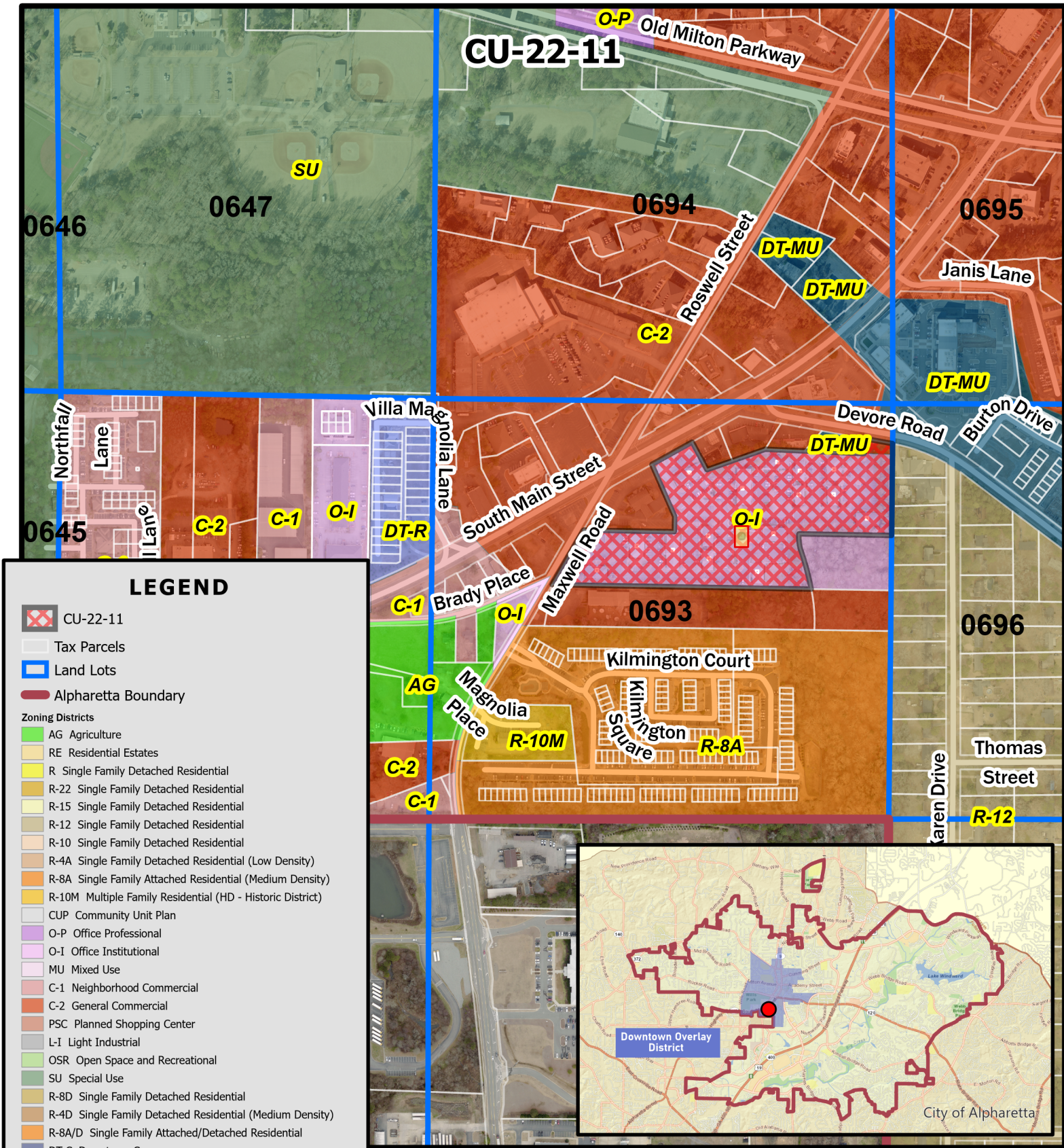
IV. ATTACHMENTS:

- Aerial Map
- Zoning Map
- Future Land Use Map
- Location Map
- CZIM Sign In Sheet
- Citizen Participation Part B
- Application



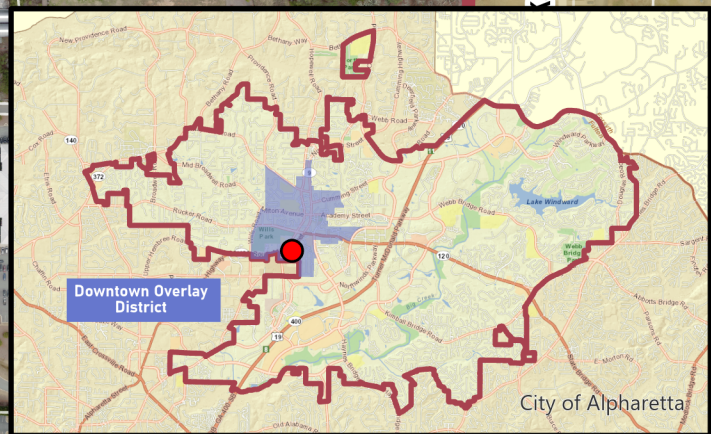
Aerial Map
Jean-Claude Salon
312 Maxwell Road Suite 500

Location Map Provided by:
Community Development - GIS



LEGEND

- CU-22-11
- Tax Parcels
- Land Lots
- Alpharetta Boundary
- Zoning Districts**
- AG Agriculture
- RE Residential Estates
- R Single Family Detached Residential
- R-22 Single Family Detached Residential
- R-15 Single Family Detached Residential
- R-12 Single Family Detached Residential
- R-10 Single Family Detached Residential
- R-4A Single Family Detached Residential (Low Density)
- R-8A Single Family Attached Residential (Medium Density)
- R-10M Multiple Family Residential (HD - Historic District)
- CUP Community Unit Plan
- O-P Office Professional
- O-I Office Institutional
- MU Mixed Use
- C-1 Neighborhood Commercial
- C-2 General Commercial
- PSC Planned Shopping Center
- L-I Light Industrial
- OSR Open Space and Recreational
- SU Special Use
- R-8D Single Family Detached Residential
- R-4D Single Family Detached Residential (Medium Density)
- R-8A/D Single Family Attached/Detached Residential
- DT-C Downtown Core
- DT-MU Downtown Mixed-Use
- DT-LW Downtown Live-Work
- DT-R Downtown Residential

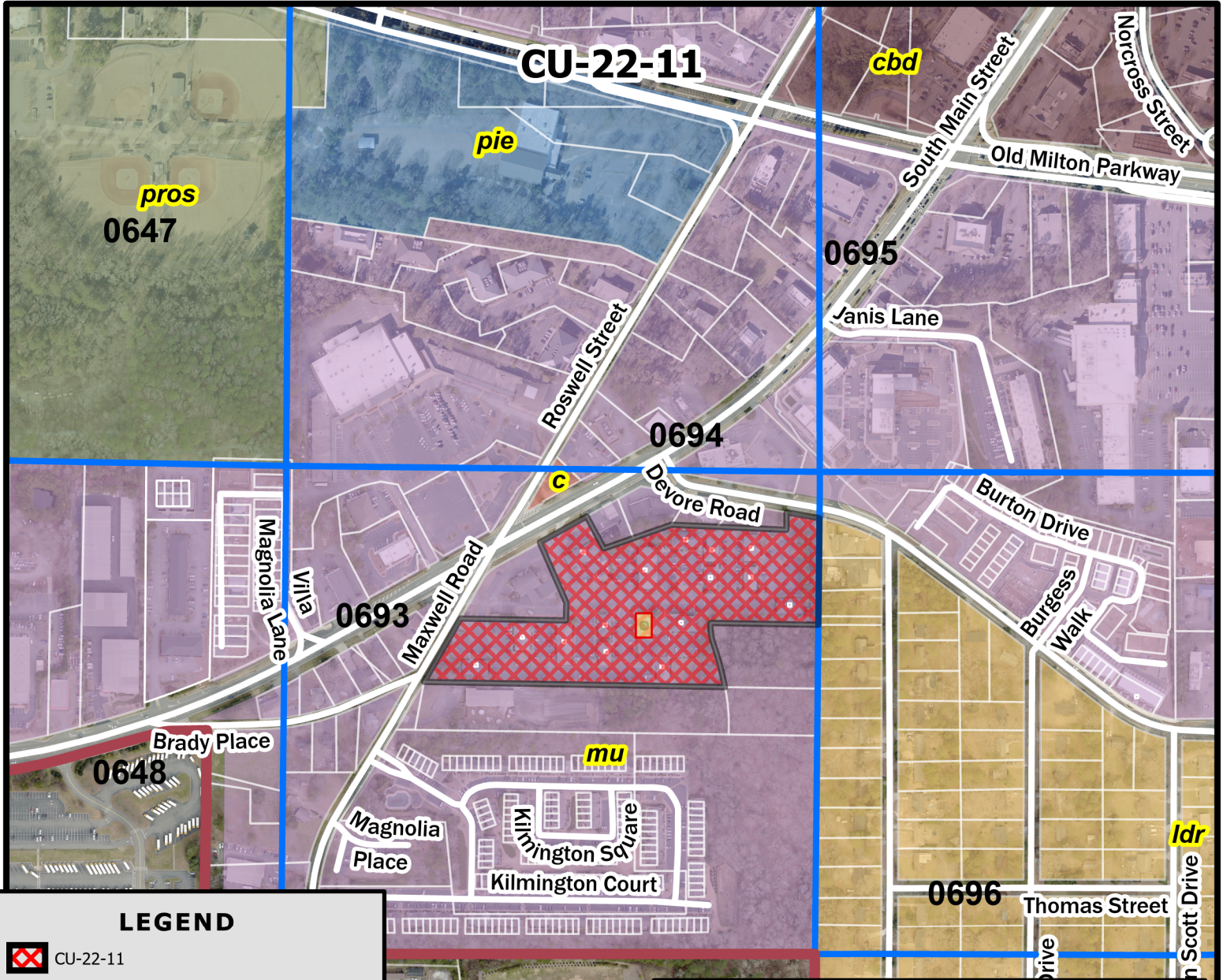


Zoning Map
Jean-Claude Salon
312 Maxwell Road Suite 500

CU-22-11
D/LL: 1/2/0693
PC: 12/01/22
CC: 12/12/22

Location Map Provided by:
Community Development - GIS





LEGEND



CU-22-11



Tax Parcels



Land Lots



Alpharetta Boundary

2040 Future Land Use



Business, Manufacturing, Warehousing, Light Industrial



Central Business District



Commercial



Corporate Office



Downtown Residential Density



High Density Residential



Low Density Residential



Medium Density Residential



Mixed Use



Mixed Use Live Work



Parks, Recreation, Open Space



Professional Business Office



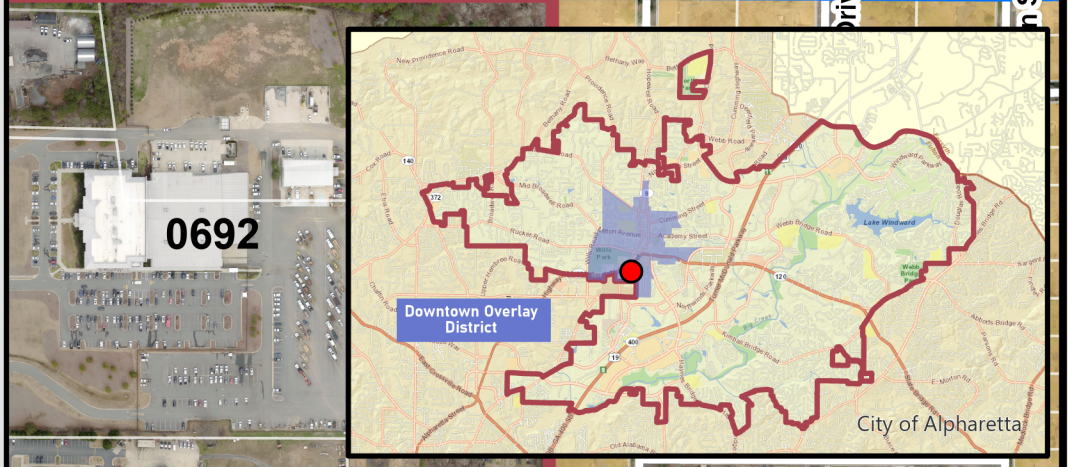
Public, Institutional, Education



Residential Estate



Very Low Density Residential



Future Land Use Map

Jean-Claude Salon

312 Maxwell Road Suite 500

CU-22-11

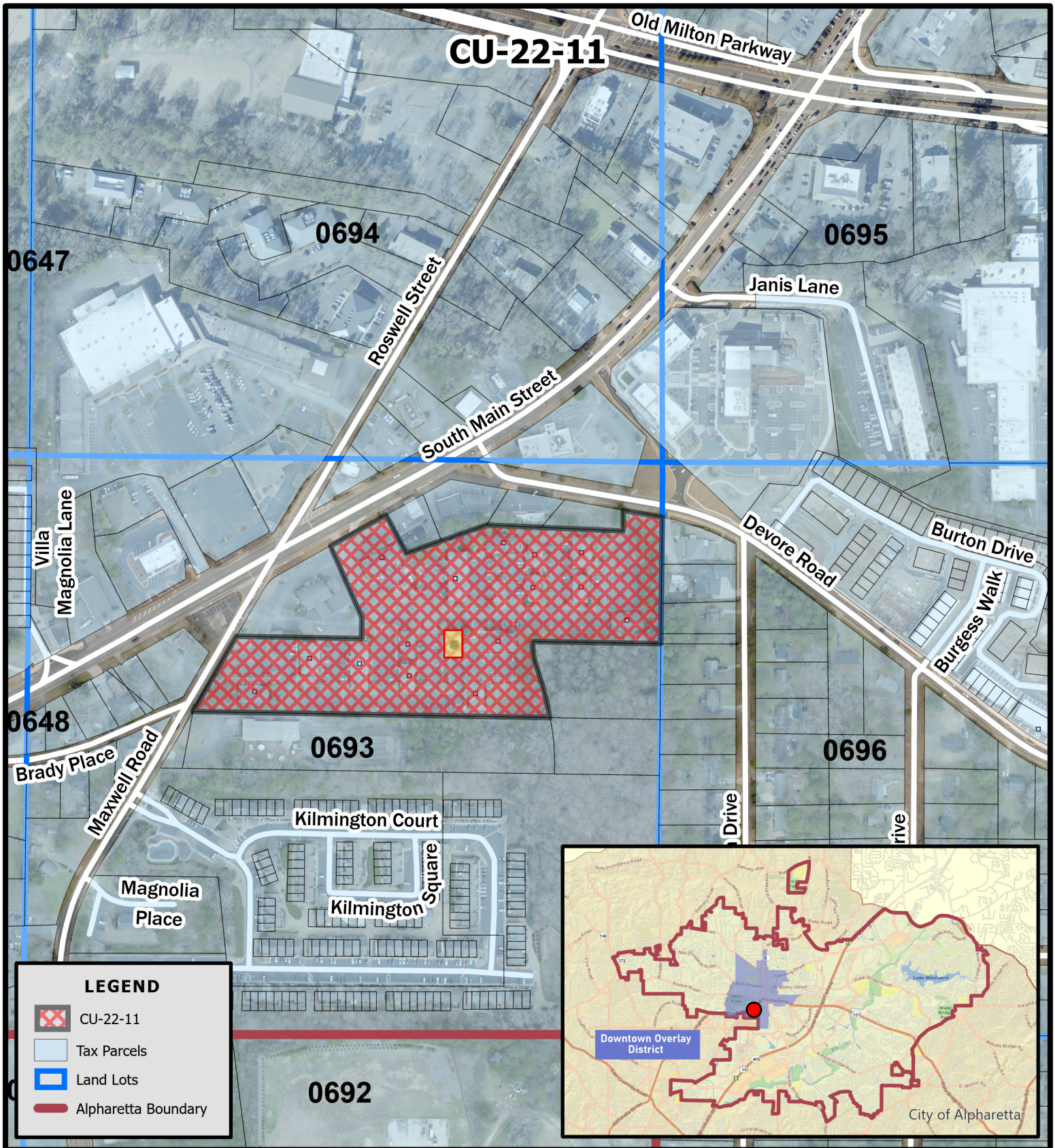
D/LL: 1/2/0693

PC: 12/01/22

CC: 12/12/22



Location Map Provided by:
Community Development - GIS



Location Map

Jean-Claude Salon

312 Maxwell Road Suite 500

CU-22-11

D/LL: 1/2/0693

PC: 12/01/22

CC: 12/12/22



Location Map Provided by:
Community Development - GIS

Community Zoning Information Meeting (CZIM)

November 9, 2022

Please sign-in and leave your comments and/or concerns.

CU-22-11 / Jean-Claude Salon/312 Maxwell Rd

NAME	ADDRESS	COMMENTS
Arian		Wonderful idea older citizens
Jason	220 S Main ST Suite H, Alpharetta 30009 30009	Ana has provided amazing care and services for beauty / salon / hair styling. She is very caring towards senior clients.
Terry Harper	2330 MELINA PL ALPHARETTA, GA	GREAT IDEA!
Cathy Treible	335 Banbury Crossing Midwiche.	LOVE this idea!

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: Jean Claude Salon
Contact Name: Ana K. Rocha Telephone: 470-549-1284

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.

* Dr. Mary Admin. on October 27, 2022. receive an email from her, She said "Sounds like a safe space for senior citizens to feel their best". She is located at 314 Maxwell Rd.

* SOHILA, AGARI. On November 1, 2022 I talked to a Salon owner who is located in S. main Alpharetta Hwy. She was excited for me to open a salon close by her and sent me a message. good luck with your permit the new salon.

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: Ana K. Rocha Date: November 7, 2022

RE: CU-22-11/Jean Claude Salon / 312 Maxwell Road.

To whom it may concern:

My name is Eric Roberts, owner of small business in Alpharetta Georgia. I am writting to express my support to Ana Rocha and her image salon, Jean Claude.

I have wored with Ana for several years now and found her to be upstanding in both her professionalism in working with clients and others (senior citizens) and her business ethics. From my observations, I have always seen Ana to treat everyone with respect and courtesy. I would consider her skill to be the highest caliber making a meaningful impact on the lives and images of her clients.

I would fully support the requested Conditional Use Permit as she will bring a high caliber client only with scheduled appoinments into her salon. This will expose the requested development to more awareness and perhaps even increase the valuation of the property. I really apreciate the appointment calendar as she is always waiting on me and there is never a wait.

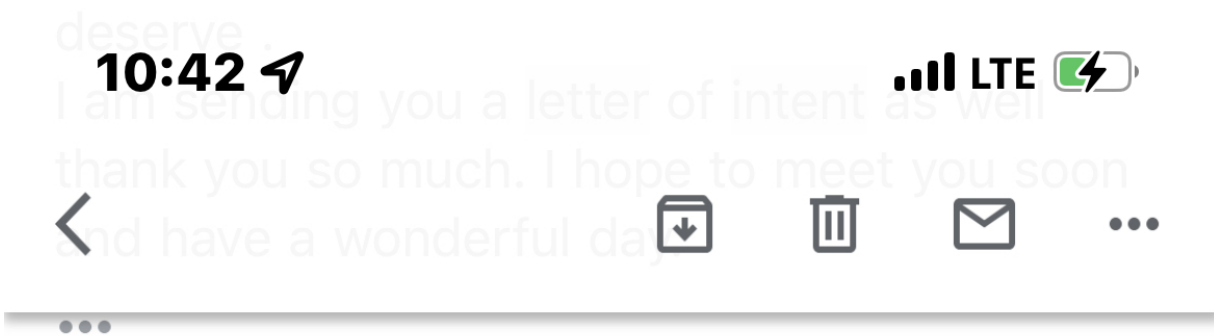
I would deem Ana Rocha to be a highly qualified business professional that operates her business with class and customer satisfaction as her outmost priority. For this reason, I would like to offer my recommendation in support of her business license.

Sincerely,

Eric Roberts.

From: [ana vakili](#)
To: [Woodman, Michael](#)
Subject: Conditional Use Permit. Ana Rocha. Comments from 314 Maxwell Road. Alpharetta Georgia 30009.
Date: Thursday, October 27, 2022 10:45:25 AM

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



DrMary Admin 10:41 AM



to me ▾

Good morning Ana,

Oh my goodness! Thank you for confirming the address. Sounds like a safe space for senior citizens to feel their best.

I hope you have a good day,

...

--

Have a great day!

Adrian Coile
Administrative Assistant to Mary Hynes Danielak,
Psy.D.
Licensed Clinical Psychologist
[314 Maxwell Road, Suite 400](#)
[Alpharetta, GA 30009](#)

770-442-9447 x110
Fax: 770-442-1915
www.YourShrink.com

We would prefer that you are vaccinated to come to our office, but even that doesn't seem to be providing the protection we all hoped for. So, our current policy is to stay home if you feel at all sick, or if you are getting over being sick, please wear a mask with us.

If you have ~~contracted Covid~~, we do not want

CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

FOR OFFICE USE ONLY

Case #: _____

PH #: _____

☐ Property Taxes & Code Violations Verified

☐ Fee Paid Initial: _____

COMMUNITY DEVELOPMENT DEPARTMENT

2 PARK PLAZA

ALPHARETTA, GA 30009

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

Contact Information:

Contact Name: Ana Rocha

Telephone: (470) 549-1284

Address: 2706 Benson Drive

Suite: _____

City Marietta

State: GA

Zip: 30062

Fax: _____

Mobile Tel: (470) 549-1284

Email: vakilliana8@gmail.com

Subject Property Information:

Address: 312 Maxwell Road suite 500

Current Zoning: O-I

District: Fulton

Section: _____

Land Lot: _____

Parcel ID: _____

Proposed Zoning: _____

Current Use: none

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

☒ Conditional Use

☐ Master Plan Amendment

☐ Comprehensive Plan Amendment

☐ Rezoning

☐ Master Plan Review

☐ Variance

☒ Public Hearing

☐ Exception

☐ Other *(Specify):* _____

APPLICANT REQUEST AND INTENT

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

The proposed use of property, The business is an appointment only Image and hair consulting Salon handle by a professional Master Cosmetologist primary focus on style and hair grooming. We offer personalized and individualized experience that focuses on quality over quantity.

Applicant's Request (Please itemize the proposal):

We would like to open a minority and female owned and operated professional image and hair consultant business on the premises targeting mid to upper socioeconomic clients. While we be offering cutting and styling services on appointment. We will not offer walk up or waiting services, thus minimizing foot traffic to those with appointments.

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

We take a personalized approach to senior hair cuts making them feel confident, relaxed and comfortable because they are in great hands. That's the pleasant experience with love and compassion that we facilitate to our clients. Also there is handicap facilities for wheelchairs.

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: Daniel Giglia Telephone: 770-667-6444
Address: 284 S. MAIN ST/ Suite: 400
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):

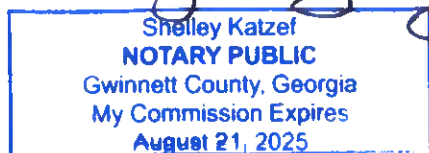
Name of Authorized Applicant: ANA ROCHA Telephone: 470-549-1284
Address: 312 MAXWELL RD Suite: 500
City: ALPHARETTA State: GA Zip: 30009

So Sworn and Attested:

Owner Signature: Daniel P. Giglia Date: 9/22/22

Notary:

Notary Signature: Shelley Katzev Date: 9/22/22



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: Ana K. Rocha

Subject Public Hearing Case: Jean-Claude Salon

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: C

Description of Contribution: _____ Value: 0

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-3.

Signature: 

Date: 09-27-22

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

*This business will be compatible
with existing businesses.*

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

N/A

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

N/A

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

No Increase

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

None

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

mixed use

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

N/A

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

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: Jean-Claude Salon

Contact Name: Ana Rocha Telephone: 470-549-1284

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 attach list.

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

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

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

2706 Benson Drive

Marietta, GA 30062.

September 29, 2022.

Ana K. Rocha

Owner.

Jean Claude Salon.

312 Maxell Road. Suite 500

Alpharetta, Georgia. 30062.

To whom it May Concern:

I am writing this letter with the intent to open a business whose name will be Jean-Claude Salon and will be located at 312 Maxwell Road Suite 500. Alpharetta, GA 30009. in a 1,100 S/F. on the back of the building ground floor with access to wheelchairs.

We would like to open a minority and female-owned and operated professional image and hair consultant business on the premises targeting mid to upper socioeconomic clients while we are offering cutting and styling services on an appointment basis. We will not offer walk-up or waiting services, thus minimizing foot traffic to those with appointments.

HOURS OF OPERATION: 9:00 AM. - 5:00 PM. MONDAY - SUNDAY.

SERVICES PROVIDED

Free Consultation.

Haircuts\$40.00

Senior Citizens\$22.00

Cleaning and beard trim.....\$15.00

(All services include a hot towel)

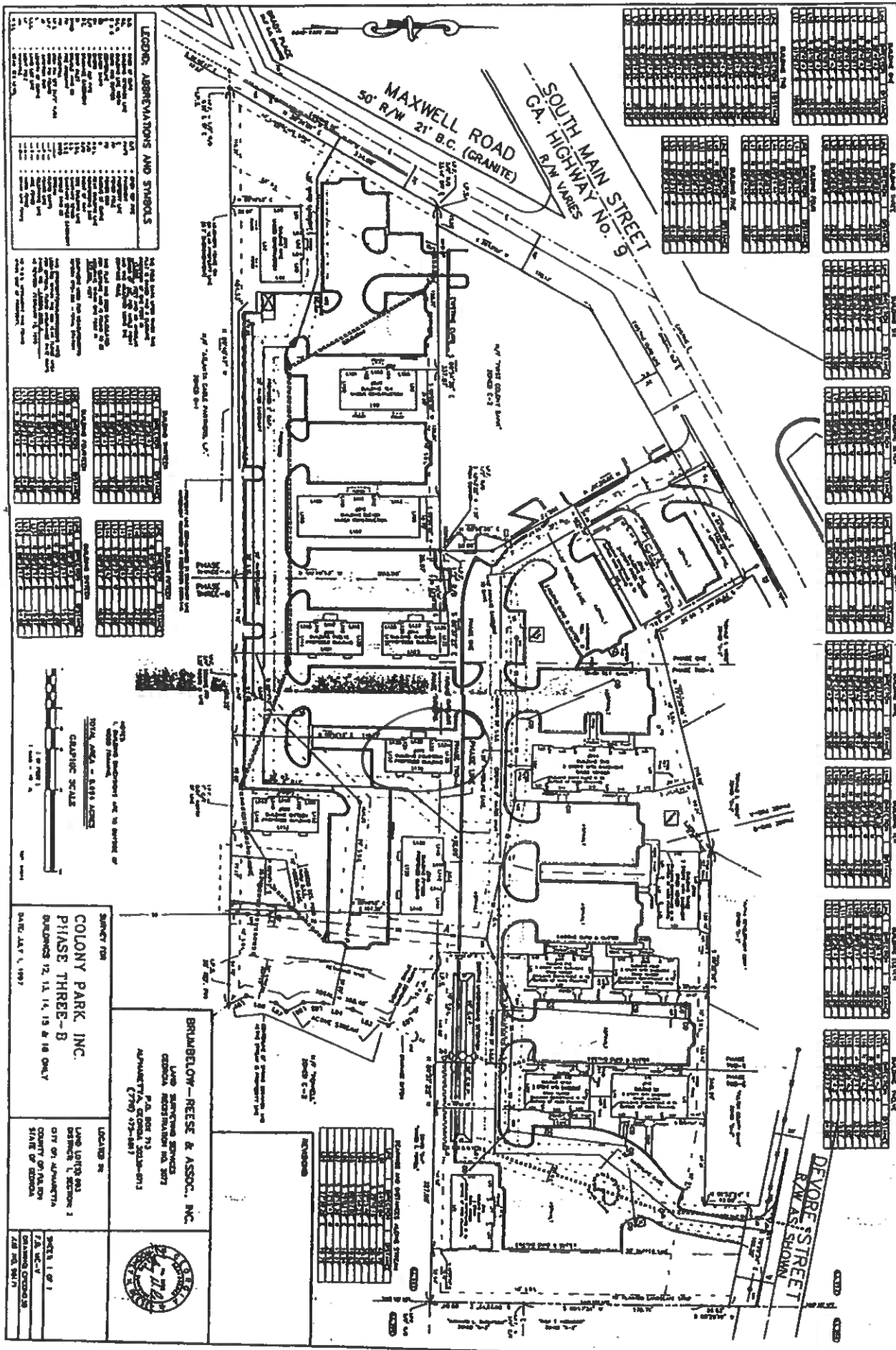
The most important part of this service is the attention that we provide to our clients targeting senior citizens and people with disabilities so they can feel comfortable, and relaxed because they know they are in great hands. That is the pleasant experience with love and compassion that we facilitate to our clients and their happy smiles and motivated looks after the service is completed is our unprice fulfillment.

Having an 86-year-old father who is 37 years of veteran and knowing that he will be with me for just some more time with God's willing makes me realize the respect, love, and compassion that senior citizens deserve after all we have learned from people before as. Professional personnel with a licensed Master of cosmetology will be conducting the services including myself. Almost all my 5-star reviews in my career were done by senior citizens gratitudes who have motivated me to love my job. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ana K. Rocha'. The signature is fluid and cursive, with the first name 'Ana' and last name 'Rocha' being the most prominent parts.

Ana K. Rocha.



312 MAXWELL RD
 SUITE 500
 ALPHARETTA GA 30009
 COLONY PARK OFFICES

Georgia State Board of Cosmetology and Barbers



Master Cosmetologist

This is to certify that

Ana Karina Jakili

having given satisfactory evidence of the necessary qualifications as required by the Georgia State Board of Cosmetology and Barbers approved on the 1st day of July, 2015 has been duly licensed as a

MASTER COSMETOLOGIST

IN THE STATE OF GEORGIA

IN WITNESS WHEREOF, we have hereunto subscribed our names and affixed the Seal of the Georgia State Board of Cosmetology and Barbers this 26th day of March 2021 A.D.

Ray Kendrick
BOARD CHAIR

Bruce Patterson
SECRETARY OF STATE

Mark Harris
DIVISION DIRECTOR





CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

CITY COUNCIL SPONSOR: STAFF INITIATED

I. AGENDA ITEM TITLE: PH-22-15 UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS – TREE CONSERVATION

PLANNING COMMISSION: DECEMBER 1, 2022

CITY COUNCIL: DECEMBER 12, 2022

II. REPORT IN BRIEF:

Consideration of text amendments to Unified Development Code (UDC) Subsection 3.2.8 Tree Replanting, Buffer, and Landscape Standards, to require that specimen trees and trees of quality in building setbacks along certain roads in the Downtown be conserved.

DISCUSSION

The City has seen increased development activity in the Downtown with tree removal requests. In order to preserve the character and existing tree canopy in the Downtown, Staff proposes that specimen trees and trees of quality located in front building setbacks along certain streets in the Downtown be conserved. The following streets have been identified for tree conservation:

- Academy Street
- Canton Street
- Church Street
- Cumming Street
- Marietta Street
- Mayfield Road
- Milton Avenue
- Roswell Street

III. ATTACHMENTS:

- UDC Strike Through and Underline Edits
- Ordinance

SECTION 3.2 TREE CONSERVATION, LANDSCAPE, AND BUFFER REQUIREMENTS¹

3.2.1 General.

In order to maintain and promote the public health, safety and welfare, the City has established regulations governing the conservation, planting, and replacement of trees. The importance of trees is recognized for their contribution toward quality of life, visual quality of the city, and improved property values. It is the City's intent to prevent the indiscriminate removal of trees without denying the reasonable use and enjoyment of real property. It is also the intent of these regulations that all applicable sites within the City maintain or obtain minimum tree density, as defined herein. Consistent with the expressed purpose of these regulations, all persons shall make reasonable efforts to protect and retain certain existing, self-supporting trees as defined herein. Each person shall be responsible for the normal care of trees located on its premises.

- A. Willful injury or disfigurement of any tree growing within the City shall be a violation of this Ordinance.
- B. No person shall:
 - 1. Attach any sign, notice or other object to any tree or fasten wires, cables, nails or screws to any tree in a manner that could prove harmful to the tree.
 - 2. Pour any material on any tree or on nearby ground which could be harmful to the tree.
 - 3. Cause or encourage any unnecessary fire or burning near or around any tree.
 - 4. Construct a concrete, asphalt, brick or gravel sidewalk, significantly compact the soil, place fill material, or create other impervious or semi-impervious surfaces around any tree so as to cut off air, light or water from the roots of the tree so as to adversely impact the tree's root system.
 - 5. Pile building material or equipment around any tree so as to cause injury thereto.
 - 6. Deny routine maintenance, watering and reasonable arboricultural care to existing and newly established trees as may be required as a result of activities taking place under this Section.
 - 7. Remove any tree without Permit.
 - 8. Remove or prune a tree on commercial property during non-development activity unless they follow ISA industry standard protocols for pruning or have written approval from the Director.
 - 9. Park any vehicle on the unpaved area underneath existing tree canopies.

(Ord. No. 739 , 5-1-2017)

3.2.2 Definitions.

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

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

¹Editor's note(s)—Ord. No. 739 , adopted May 1, 2017, amended Section 3.2 in its entirety to read as herein set out. Former Section 3.2, Subsections 3.2.1—3.2.19, pertained to tree protection, and derived from the original codification.

Buffer. An area required to remain undisturbed or replanted where existing vegetation is sparse, as determined by the director.

Caliper. A standard of trunk measurement for replacement trees. Caliper inches are measured at the height of 6 inches above the ground for trees up to and including 4 inch caliper and 12 inches above the ground for trees larger than 4 inch caliper.

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

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

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

Development Activity. Any alteration of the natural environment, which requires the approval of a development or site plan and issuance of a Land Disturbance Permit. Development Activity shall also include the "thinning" or removal of trees from land in conjunction with a forest management program, the removal or destruction of trees incidental to the development of land or to the marketing of land for development, the removal or destruction of trees in conjunction with any grading activity, including the removal or filling (stockpiling) of soil, and logging or the removal of trees not in conjunction with an ongoing forest management program. Nothing in this definition shall be deemed to require or authorize the issuance of a permit for any activity described herein.

Diameter Breast-Height (DBH). The standard measure of tree size (for trees existing on a site). The tree trunk is measured at a height of 4½ feet above the ground. If a tree splits into multiple trunks below 4½ feet, the trunk is measured at its most narrow point beneath the split.

Director. The Director of Community Development or designee shall administer and enforce the provisions of this Ordinance; provided, however, that a designee shall have no authority to revoke permits.

Georgia 400 Tree Protection Zone. All property within a horizontal distance of 120 feet of the right-of-way of Georgia 400. At major intersections on Georgia 400 having exit and/or entrance ramps the protection zone shall be reduced to 60 feet. The reduction shall apply for the length of each such ramp. The Georgia 400 Tree Protection Zone is a Buffer.

Grading Activity. Altering ground surfaces to specified elevations, dimensions and/or slopes; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

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

Hardwood Tree. Any tree that is not coniferous (cone bearing). This definition is based on the colloquialism, and does not necessarily reflect any true qualities of the tree.

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

Land Disturbance Permit. A permit issued by the City that authorizes Development Activity and includes, but is not limited to, Soil Erosion Protection, clearing and grubbing, land disturbance and building construction.

Landscape Strip. A portion of a lot required to be reserved for, installed with, and maintained with vegetation. Such a strip may or may not be required to be of a linear form. No utilities or parking shall be allowed within a required landscape strip.

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

Lot Building Area. The area of a lot encompassed by front sides and rear yard setbacks or building line as required by City Ordinance and Subdivision Regulations.

Mass Grading. The grading within existing or across proposed property lines including the removal of trees and disturbance of soils in order to prepare a site for construction where buildings are not approved.

Mulch. An organic material spread around the base of a plant or on a plant bed to enrich and insulate the soil. Types of mulch include Pine Straw, Shredded Hardwood, Wood Chips, and Bark Chips. Mulch should be free of disease and pests. Synthetic or artificial mulches are not acceptable for use in the City of Alpharetta.

Non-Development Activity. Any alteration of the natural environment which does not require development or site plan approval, but which would include the proposed removal or destruction of any tree(s). Any removal of trees that constitutes Development Activity as that term is herein defined shall not constitute non-development activity.

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

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

Permit (Tree Removal Permit). An official Permit for tree removal issued by the City of Alpharetta.

Pervious Surface. All that area of land that can be landscaped or planted, allows natural passage through by water, and is not covered by man-made materials or structures such as buildings or paving.

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

Plantable Area. The pervious surface area available for the preservation or planting of trees. Plantable Area shall not include that portion of the lot that is covered by buildings and structures permitted pursuant to the maximum lot coverage standards of this Ordinance.

Planted Area. An area of living plant material created for the purpose of establishing open space and consisting of a minimum of 50% of the area devoted to trees and shrubs.

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

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

Recompense. Replacement of trees or payment into the City held tree fund for the removal of Specimen Trees.

Replacement Planting. The planting of trees on a site that before development had more trees, and after development shall have less trees per acre.

Responsible Party. Any individual, firm, principal, or other entity who is a signatory to a Tree Removal Permit Application or Land Disturbance Permit for Development Activity or any person or company caught in the act of tree removal without a City-issued permit, or who violates any other provision of this Ordinance.

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

Semi-Pervious. Hardscape, aggregate or porous paver that allows at least fifty percent (50%) of surface water to pass through the manmade material and into the underlying soil.

Softwood Tree. Any coniferous (cone bearing) tree. This definition is based on the colloquialism, and does not necessarily reflect any true qualities of the tree.

Specimen Tree. Any tree which qualifies for special consideration for preservation due to its size, type, condition, location or historical significance and which also meets the minimum size criteria set forth below.

Size Criteria:

<i>Pine Trees:</i>	30-inch diameter or larger for trees in the Pinus (Pine) genus.
<i>Coniferous Trees:</i>	20" diameter or larger for trees in the cedrus (deodar cedar), Thuja (Arborvitae), or other ecologically similar trees,
<i>Overstory Trees:</i>	30-inch diameter or larger for trees in the Liquidambar (Sweetgum) or Liriodendron (Tulip poplar) genus
	20-inch diameter or larger for trees in the Fagus (Beech), Nyssa (Tupelo), Diospyros (Persimmon), Sassafras (Sassafras), or other ecologically similar trees
	20-inch diameter or larger for Magnolia grandiflora (Southern magnolia) and those cultivars that generally reach a mature height over 40'
	24-inch (24") diameter or larger for trees in all other genera
<i>Understory Trees:</i>	8-inch (8") diameter or larger.
	10-inch (10") diameter or larger for Oxydendron arboretum (Sourwood).

See additional requirements for Specimen Trees in "The Guidance Document."

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

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

Timber Harvest. Harvesting of timber from sites as a timber management activity as part of a demonstrated ongoing agricultural land use.

Tree. Any living, self-supporting woody or fibrous plant which normally obtains a diameter breast height of at least three (3) inches, and typically has one (1) main stem or trunk and many branches.

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

Tree Density. A measurement of trees on a property, expressed as inches per acre. For existing trees density is calculated based on DBH. For proposed trees tree density is calculated based on the caliper.

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

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

Tree Removal or Removal of Trees. Removal of trees through an act of cutting down a tree or any act which causes a tree to die within 2 years after commission of the act or impedes the ability of the tree to sustain itself, including but not limited to damage inflicted upon the root system, trunk, or canopy as a result of:

1. The improper use of machinery on the trees;
2. The storage of materials in or around the trees;
3. Soil compaction;
4. Altering the natural grade to expose the roots or to cover the tree's root system with more than 4 inches of soil;
5. Causing the infection or infestation of the tree by pests, fungus or harmful bacteria;
6. Pruning judged to be excessive by the Director or not in accordance with the standard set forth by the International Society of Arboriculture (ISA);
7. Paving with concrete, asphalt or other impervious surface within such proximity as to be harmful to the tree or its root system; and
8. Application of herbicides or defoliant to any tree without first obtaining a permit.

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

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

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

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

Zoning Districts. Those areas as defined in the Zoning Ordinance and shown on the Zoning Map.
(Ord. No. 739 , 5-1-2017; Ord. No. 749 , § 4, 9-18-2017; Ord. No. 769 , § 1, 11-12-2018)

3.2.3 Exemptions.

- A. The following shall be exempt from the provisions of this section:
1. The removal of trees with a Permit.
 2. The removal of trees from horticultural properties such as farms, nurseries or orchards. This exception shall not be interpreted to include timber harvesting incidental to development of the land;
 3. The necessary removal of trees by a utility company within dedicated utility easements;
 4. The removal of trees on public rights-of-way conducted by, on behalf of, or any activity pursuant to work to be dedicated to, a federal, state, county, municipal or other governmental agency in pursuance of its lawful activities or functions in the construction or improvement of public rights-of-way;

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5. The removal of trees from lakes and detention ponds, and drainage easements, unless specifically planted to be part of the stormwater system; or
 6. The removal of any tree which is dead or has become or threatens to become a danger to human life or property;
- B. Notwithstanding the foregoing, all reasonable efforts shall be made to save specimen trees and trees of quality, and tree groupings.
- C. Nothing in this section shall be deemed to authorize, directly or indirectly, the removal of a tree from the Georgia 400 Tree Protection Zone or any buffer.

(Ord. No. 739 , 5-1-2017)

3.2.4 Permit required for non-development activity (activity which does not require a building permit, etc.).

- A. Except for routine or seasonal pruning or transplanting of trees, and except as exempted, no person shall engage in any Non-Development Activity as defined without first obtaining a permit. The request for a permit shall be submitted to the Director in the form of a tree removal permit application through the City process and shall include:
1. The reason for the proposed work
 2. Either a site sketch or photograph of the tree(s) proposed to be removed, identifying such tree(s) by size and species.
 3. Specimen Trees shall only be approved for removal if they are in declining health or as approved by the Director. If a request includes a Specimen Tree, the applicant shall provide a risk assessment or similar report, following currently accepted industry standards and protocols, prepared by a qualified professional outlining the condition of the trees and associated risks.

If the request for a permit is complete, complies with the Ordinance, and requests tree removal for one of the purposes identified in Paragraph B below, the Director shall issue a permit no later than ten (10) working days from receipt and shall inform applicant if replanting will be required. If the request is incomplete or denied, the Director shall notify applicant in writing regarding the specific reason for denial.

- B. The Director shall issue a permit for the following:
1. The removal of dead, substantially injured, damaged or diseased trees;
 2. The removal of any non-specimen tree, provided the tree is not a required landscape strip tree, buffer tree, or other code required trees and that the applicable minimum tree density requirement is maintained.
 3. The removal of any specimen tree, landscape strip tree, buffer tree or other code required tree with a replanting agreement approved by the director.

(Ord. No. 739 , 5-1-2017)

3.2.5 Land disturbance permit for development activity.

- A. No person shall engage in a Development Activity and no Land Disturbance Permit shall be issued without first obtaining an approved site plan stamped and signed by the Director.
1. Trees and/or soils shall not be disturbed or removed in order to pad grade or mass-grade a site unless building construction is imminent. In order to be imminent, proposed buildings shall require approval.

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- B. Except as provided in Section 3.2.4 and Paragraph (c) of this subsection, no tree removal shall be approved for any site not under active development. For the purposes of this Ordinance, a site is not under active development unless there exists an approved development plan delineating the improvements to be constructed on the site consistent with the use for which the site is zoned, and there is a reasonable certainty that construction is imminent.
- C. A Land Disturbance Permit may be issued for Grading Activity on a site not under active development provided that:
1. The sole purpose of the Grading Activity is for the storage, removal or altering of soil for fill balancing on another site under active development;
 2. The site not under active development must be under common ownership or common development control with the site that is under active development;
 3. The site not under active development must be contiguous to, or located within one (1) mile of, the site under active development. For the purposes of this Section, the measurement of distances shall be from property line to property line along the most direct route of travel on a public road;
 4. The proposed Grading Activity shall not result in the damage or removal of more than ten percent (10%) of the total tree density (inches per acre) on the site not under active development;
 5. The proposed Grading Activity shall not decrease the tree density below the minimum inches per acre required for the site. For the purposes of this Section, trees in Buffers that will be required shall be excluded from minimum density calculations;
 6. The area to be disturbed within the site shall be the area that will have the least adverse impact on existing trees, Specimen Trees, Trees of Quality, and Groupings of Trees as determined by the Director. In addition, the area must be visually screened from public or private roads and drives, developed residential and commercial properties, by a one hundred foot (100') buffer or a buffer of sufficient depth to provide reasonable visual screening. In order to provide reasonable visual screening, it may be necessary to locate access roads to the impacted area in a winding manner to prevent a straight line of site to the impacted area; and
 7. The disturbed area within the site shall be replanted with trees to a tree density of 130 inches per acre no later than eighteen (18) months from the issuance of the Land Disturbance Permit authorizing the Grading Activities. A tree replacement plan and a bond shall be submitted and approved by the Director prior to the issuance of the permit authorizing the Grading Activities. The completion bond shall be held until the planting is complete and at that time transfer to an eighteen (18) month maintenance bond to ensure survival of the replacement trees. The applicant shall be responsible for the irrigation (watering) of trees during the period of the bonds. The replanting requirements of this Section shall not apply, and the initial bond shall be released, if, on or before fifteen (15) months from the issuance of the permit authorizing the Grading Activity, the site becomes under active development pursuant to the issuance of a Land Disturbance Permit and the approval of development plans in compliance with the provisions of this Ordinance.
- D. Nothing in this Section shall be deemed to authorize any Grading Activity or similar activity not otherwise in compliance with the Land Subdivision Regulations of the City of Alpharetta, including, the Soil and Sedimentation Control Ordinance. Further, nothing in this Section shall be deemed to eliminate the requirement that all reasonable efforts must be taken to save and not adversely impact the Critical Root Zones of Specimen Trees, trees of quality, and tree groupings and that all applicable sites from the City shall maintain or obtain the minimum tree density required by this Ordinance.

(Ord. No. 739 , 5-1-2017; Ord. No. 769 , § 2, 11-12-2018)

3.2.6 Application requirements.

- A. When a person applies for a Land Disturbance Permit as defined herein, such person shall provide the following information:
1. A complete tree survey and inventory, which shall contain the following information:
 - a. All Specimen Trees, Trees of Quality, Tree Groupings, Landscape Trees, and Boundary Trees on the site and within 30 feet of the limits of disturbance; with an indication whether they are to be retained or removed;
 - b. All trees that are to be counted toward the tree density requirement greater than 2" DBH, including size (Caliper or DBH) and species. Sampling methods may be used to determine tree densities for forested areas (over 5 acres) that are to be preserved. Sampling methods must conform to industry standards and protocols and be no less than a 10% sample;
 - c. Tree Protection Zones and Tree Save Areas must be delineated on the plan;
 - d. All buffers with existing trees to be delineated on plans as Tree Save Areas. Land Disturbance within any Buffer is subject to Director approval;
 - e. The tree survey and inventory shall be a to-scale map or a site plan prepared and sealed by a registered surveyor.
 2. An integrated site plan showing Specimen Trees, Trees of Quality, Tree Groupings, Boundary Trees, the trees to be saved and those to be removed, existing utilities and those to be installed, grading, the approximate location of all structures, driveways and curb cuts and all proposed tree plantings and other landscaping. It is required that all reasonable efforts be made to save Specimen trees, Trees of Quality, Tree Groupings. (Reasonable efforts shall include, but not be limited to, alternate building design, building location, parking area layout, parking area location, stormwater BMP locations and the like).
 - a. If a Specimen Tree, Tree of Quality, or Tree Grouping cannot be saved a hardship justification in the form of a letter shall be submitted to the Director for review and approval and be included within the plan set;
 - b. If a Boundary Tree cannot be saved or results in an encroachment into the Critical Root Zone of greater than 10%, evidence of notification to the owner of the tree will be required to be provided to the Director. This notification shall generally include the current condition of the tree, % encroachment, potential outcomes of the encroachment, and proposed tree care to offset the encroachment. In no way does this authorize any encroachment into the Structural Root Plate of a Boundary Tree.
 3. A detailed plan to protect and preserve landscaping and trees before, during and for a period of two (2) years after construction, which shall contain the following information:
 - a. All items found on the Arborist Checklist located in the Arborist Guidance Document;
 - b. Existing roads, utility lines, drainage and detention facilities, and other pertinent items in the vicinity of the site.
 - c. The locations of existing and proposed structures, paving, driveways, cut and fill areas, detention areas, etc.
 - d. Phase lines or limits of construction;
 - e. A delineation of all protected zones with any required dimensions;

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- f. Calculations showing compliance with the required Tree Density and Recompense per section 3.2.7
 - g. Locations of all existing and proposed utility lines and easements;
 - h. Locations of any boring sites for underground utilities;
 - i. Locations of all Specimen Trees, Trees of Quality, Groupings of Trees, Landscape Trees and Boundary Trees and indications whether they are to be removed or preserved;
 - j. Locations of all tree protection devices, materials to be used in each location and details;
 - k. A delineation of tree save areas in which trees have been inventoried for density calculations;
 - l. If applicable, locations and details of all permanent tree protection measures (tree wells, aeration systems, permeable paving, retaining walls, bollards, etc.); and
 - m. A tree care plan developed by a Qualified Professional designed specifically for each tree to be saved that warrants care due to the changes in site conditions or as approved by the Director. The tree care plan shall be prepaid prior to issuance of the land disturbance permit and a paid invoice provided to the City. In the event of a change in ownership, arrangements must be made to allow access for the tree care to continue throughout the required timeframe.
 - n. A full landscape plan meeting all of the requirements of this Section including tree density, recompense, landscape strip, parking lot tree coverage and screening, groundcover, hardscapes, etc. The landscape plan submitted shall be the one that is expected to be planted. Permit only plans will not be accepted by the Director.
 - o. Additional information as required on a case-by-case basis.

The above items may be integrated into the normal application requirements and submittals.

- B. Minor additions to existing development require only a sketch showing changes to be submitted to the Director for review and approval.

(Ord. No. 739 , 5-1-2017)

3.2.7 Minimum tree density and recompense requirements.

The intent and goal of these regulations is to insure that a minimum density of trees is maintained on all developed sites and that a significant amount of tree canopy coverage and pervious soil area is maintained throughout the City. The density requirement must be met whether or not a property or site had trees prior to development or any tree removal. The density may be achieved by counting existing trees 2" in diameter or greater to be preserved, planting new trees in accordance with the minimum standards of this Section, or some combination of the two. Vegetated runoff reduction measures which include trees also count toward the tree density requirement. Minimum tree density shall be calculated and established pursuant to the formula and analysis set forth in the Guidance Document.

- A. All sites within the City other than 'For-Sale' residential lots shall maintain or achieve a Minimum Tree Density of 130 inches per acre. The owner shall be subject to the minimum tree density requirement set forth in this paragraph, but the owner shall base the density calculations on the net site area excluding the acreage required for Buffers and infrastructure improvements (roads, utility lines, detention ponds, etc.). In no event shall a parking lot be considered an infrastructure improvement.
- B. All 'For-Sale' residential lots in the City shall maintain a minimum tree density of 130 inches per acre or provide a calculation as described in the Guidance Document that shows the lot meets or exceeds a 30% canopy coverage based upon trees growing within the property lines. For new construction or new plantings this calculation may be based upon the mature spread of the newly planted trees at 20 years

after planting. If replacement planting is required on a 'For-Sale' residential lot, it is encouraged to provide at a minimum a two-inch (2") caliper tree or larger in the lawn area in the front yard or landscape strip if space allows.

- C. Owners shall receive a density credit of two (2) times the inches for each Specimen Tree saved by utilizing an alternate design during development. Specimen trees that cannot be saved must be replaced with recompense plantings equal to three (3) times the DBH of the tree(s) removed. Recompense trees shall be a minimum of four-inch (4") caliper at time of planting. Trees of Quality or Tree Groupings shall receive a density credit of one (1) times the inches for each tree saved. Specimen Trees removed without prior approval shall be subject to the recompense replanting requirements as described in section 3.2.10 Tree Damage and subject to the applicable penalties as described in Section 3.2.17.
- D. An owner may request a reduction in recompense plantings, which may be granted at the discretion of the Director. The reduction shall be calculated considering Specimen Trees, Trees of Quality or Tree Groupings and other landscape amenities that are incorporated into the site plan utilizing an approved alternative design.
- E. In the event that Specimen Tree Recompense cannot be achieved through planting on the subject property, two alternative methods of compliance may, at the discretion of the Director, be approved: planting at a location remote from the project site; or, a recompense payment to the City of Alpharetta Tree Replacement Fund. The following standards have been established for administering these alternative recompense methods.
 - 1. The director must review and approve all requests for alternative recompense. In no instance shall 100% of the required recompense be met through these alternative methods. As many trees as can reasonably be expected to survive and thrive must be planted on the subject property. No permit shall be issued until the Director has approved the request and received the necessary documentation and/or funds.
 - 2. If trees are to be planted at another location, the off-site location should be in the same area of the City as the project site and a tree replacement plan meeting all applicable standards must be provided by the owner and reviewed and approved by the City Arborist. If tree planting is proposed on City property all specifications for such planting shall be met as determined by the Director of Public Works or the Director of Recreation and Parks. A completion bond in the amount of 100% of the installation and materials cost shall be provided prior to issuance of any land disturbance permit.
 - 3. If a recompense payment to the City of Alpharetta Tree Replacement Fund is approved, the amount of the donation shall be established by the Director. The amount of the recompense payment shall be 100% of the estimated costs of the average 3 bids from reputable landscape contractors, licensed to do business in the City, for the materials, installation, and care during the trees establishment period (18 months) provided by the owner and reviewed and approved by the City.

(Ord. No. 739 , 5-1-2017)

3.2.8 Tree Replanting, Buffer, and Landscape standards.

- A. Tree Replanting.
 - 1. Unless otherwise approved by the Director, it is recommended that trees selected for replanting be on the Recommended Tree List. Trees selected for planting must be free from injury, pests, disease, nutritional disorders or root defects, and must be of good vigor and form in order to assure a reasonable expectation of survivability. Standards for transplanting shall be in keeping with those

established in the International Society of Arboriculture publication Tree and Shrub Transplanting Manual or similar publication. Reference the American Association of Nurserymen publication American Standard for Nursery Stock (ANSI Z60.1-2014) for plant material quality specifications. Reference the Manual of Woody Landscape Plants (Michael Dirr, 2009, Stipes Pub LLC.) or similar publication for information on tree species and site requirements.

2. It is desirable that replanted trees be ecologically compatible with the site and neighboring sites. Accordingly, the replanted trees shall be of the same or similar species as those removed when practical.
3. All replanted overstory trees shall be at least six (6) feet tall and have a trunk of not less than two (2) caliper inches. All replanted understory trees shall be at least four (4) feet tall or have a trunk not less than one (1) caliper inch. In order to provide sufficient growing area for planted trees, the following minimum criteria must be observed unless otherwise approved by the Director.
 - a. No more than 25% of any one genus may be included in any replanting plan.
 - b. A minimum of 40% of the required tree density on a site is recommended to be met through overstory tree planting.
 - c. Greater than 50% of the trees shall be natives.

B. Buffer Requirements.

1. A lot zoned or used for a rental dwelling, office, institutional, commercial, industrial uses or occupied by a non 'For-Sale' residential use shall provide a fifty foot wide undisturbed buffer along all property lines adjoining property zoned for or used by 'For-Sale' residential purposes. Where commercial or industrial districts or developments abut R-10M zoning districts, the same buffer requirements apply. The buffer shall be in addition to the required building setback line.
 - a. When a new, 'For-Sale' development is proposed adjacent to an existing, non-residential use with no buffer present, the 50' buffer must be provided by the residential development.
 - b. If a 50' buffer has been provided on the property adjacent to a proposed, non-residential development, the buffer requirement may be waived with the approval of the Director.
2. Except as otherwise provided, herein, buffer strips shall be preserved in their natural undisturbed state, except that sparsely planted buffers shall be enhanced with additional plant material. Enhancement plants must provide an opaque screen within two (2) years of planting and must consist of trees, shrubs, and groundcover plants meeting the following standards:
 - a. Plant selection will consist of eighty (80) percent evergreen species and twenty (20) percent deciduous species;
 - b. Deciduous trees must be a minimum of 2 inch caliper at time of installation;
 - c. Evergreen trees must be a minimum of 9 feet tall at time of installation;
 - d. Shrubs must be a minimum of 3 feet tall at time of installation;
 - e. Plants will be spaced a maximum of eight (8) feet on center or as approved by the Director;
 - f. Plantings shall be designed with plant palette containing a mixture of colors, textures, and heights.
3. Undisturbed buffers shall not contain any surface parking or storm water, detention facilities, or any structures except that the Director may approve underground facilities within the buffer or the crossing of the buffer for the purpose of extending utilities.
4. The Director may approve vegetated runoff reduction measures within the buffer. The planting requirements above may be varied to accommodate vegetated runoff reduction measures as part of an

approved stormwater management plan, if properly designed to provide stormwater management and screening functions.

5. Stream buffers must be replanted where disturbed for approved access and utility crossing. Replacement plantings must be native and be arranged to have a natural appearance.
6. All buffer plantings are subject to the approval of the Director.

C. Parking Lot Landscaping.

1. Surface parking lots shall provide a minimum 200 square foot wide landscape island at the end of each parking bay, and a 200 square foot island located each 72 feet of single parking length. Each landscape island shall be planted with one shade tree. Islands shall be excavated to 3 feet deep or to a depth 6 inches greater than the height of the root ball and backfilled with a minimum of 600 cubic feet of friable soil. Islands that are 400 square feet or larger and corner islands shall be planted with a large overstory tree. Parking lot trees must be 2" caliper minimum at time of planting and have a clear trunk to a minimum height of 6 feet. The remainder of a landscape island shall be planted with shrubs, ornamental grasses, and ground covers; and mulch shall be applied. Turf grass will not be accepted. Utilities and lighting shall not be allowed within required parking lot landscape islands.
2. Alternate landscape configurations may be approved if the Director determines that the alternate design exceeds the standards above and/or is part of a smart stormwater design for the site that includes multi-functional, vegetated runoff reduction measures. An alternate configuration could also include a stormwater component or the preservation and enhancement of existing trees which are provided above and beyond other tree preservation requirements; which are deemed of community value by the Director; and shall result in a minimum of 50% parking lot canopy coverage within 15 years.
3. The required tree area shall be protected against compaction and shall provide sufficient area for tree growth. Utilities are not allowed within the minimum area. The trees shall be maintained in accordance with best management practices as defined by the International Society of Arboriculture guidelines, and shall not be removed or pruned without permission from the City Arborists.
4. Shrubs shall be provided to screen paved areas and parking lots from the public right-of-way, private drives and adjacent property year round. Shrubs shall be 2 feet tall at time of planting, 2 rows deep and shall provide a screen within 3 years of planting. Alternate screening methods such as fencing may be approved by the Director.

D. Landscape Strips.

1. The City wants to promote tree lined streets therefore, a minimum of ten (10) feet wide landscape strip shall be provided along all public right-of-ways and private roads. Main streets which are listed below shall have twenty (20) foot landscape strips, except those located within the Downtown Overlay District. which shall have ten (10) feet wide landscape strips or landscaping as approved by the Director.

MAIN STREETS:

Highway 9
Mansell Road
Windward Parkway
Northpoint Parkway
Westside Parkway
Old Milton Parkway

Haynes Bridge Road

Kimball Bridge Road

2. No permanent structures other than signage are permitted within the landscape strip. This includes pavement, retaining walls, drainage structures, detention ponds, flumes, curbing, etc. unless approved by the Director.
 - a. Retaining walls built with decorative masonry and designed as a landscape feature may be located within the landscape strip subject to approval by the Director. All required plantings must be installed so as not to interfere with the structural integrity of the wall.
 3. Actual spacing of street trees is based on the average canopy spread of the species selected as outlined in the Arborist Guidance document. If the spacing of shade trees exceeds 25 feet on center understory trees shall be required to fill in the gaps between each shade tree. Spacing of shade trees shall not exceed 40 feet on center. Shade trees shall be a minimum 4" caliper; ornamental trees shall be a minimum 3" caliper. The use of a combination of shade trees and ornamental trees is recommended.
 4. For commercial development and for master plan subdivisions, a minimum of five (5) foot landscape strip shall be provided along all property lines which do not adjoin a public right-of-way or private road. One (1) shade tree, minimum 4" caliper, shall be provided for every fifty (50) linear feet of landscape strip. For master plan subdivisions, this requirement is only required along the external property line of the overall project.
 5. Shrubs shall be provided in all landscape strips. Shrubs shall be a minimum of 2 feet tall at time of planting. Shrubs located in landscape strips may be used to meet the parking lot screening requirement.
- E. Additional screening shall be provided around all utility areas, detention facilities, dumpster/refuse areas, drive through areas, loading and unloading zones, etc. to screen views from the public right-of-way, private roads, drives, and adjacent properties year round. Screening shall be provided in any combination of the standards below or as approved by the Director.
1. Plant selection will consist of eighty (80) percent evergreen species and twenty (20) percent deciduous species;
 2. Deciduous trees must be a minimum of 2 inch caliper at time of installation;
 3. Evergreen trees must be a minimum of 6 foot tall at time of installation;
 4. Shrubs must be a minimum of 4 foot tall at time of installation;
 5. Screening for detention facilities must incorporate an alternating double row of evergreen shrubs 4 foot tall at time of planting.
 6. A combination of decorative walls, fences, and landscape material may be used with the approval of the Director.
- F. Lighting Fixtures shall be arranged so that the source of any light is screened from residential views and located as to not interfere with the tree canopy at time of planting or in the future.
- G. All required landscape areas shall be provided with a minimum of 1 water spigot or other water source within 150 feet.
- H. A bond shall be required for a minimum of 18 months to ensure the maintenance and irrigation of the landscaping materials.

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- I. All landscape plans and tree planting plans for non "For Sale" residential properties shall be prepared as a to-scale map or a site plan prepared and sealed by a Registered Landscape Architect in the State of Georgia. Tree only plans may be prepared by a Qualified Professional.
 - J. Outdoor Dining Areas. At-grade outdoor dining areas shall include perimeter landscaping and decorative detectable barriers in order to define the area. Detectable barriers shall include decorative planters, low walls or other improvement approved by the Community Development Director. Uncovered outdoor dining areas shall include one (1) shade tree per 750 square feet.
 - K. To preserve the character and existing tree canopy within the Downtown Overlay it is desired to maintain good quality trees. Specimen trees and trees of quality within the building setbacks along the roads listed below shall be conserved.

ROADS:

Academy Street

Canton Street

Church Street

Cumming Street

Marietta Street

Mayfield Road

Milton Avenue

Roswell Street

(Ord. No. 739 , 5-1-2017)

3.2.9 Tree Protection and Conservation Standards.

Prior to commencement of any grading, construction, or tree removal authorized through the issuance of a land disturbance permit and continuing until a final subdivision plat has been recorded or a certificate of occupancy has been issued, the following system shall be used:

- A. A tree protection area shall be required for any tree located within 30 feet of any proposed grading, construction or tree removal; and shall be established by physical barriers and maintained until such work is complete.
- B. Location and Types of Tree Protection Devices.
 - 1. Tree protection devices are to be installed as shown on the plan or otherwise completely surrounding the Critical Root Zone of all trees to be preserved.
 - 2. The plan shall indicate which types of tree protection are to be installed and where they are to be installed. The types identified on the plan shall be consistent with the City's Tree Protection Details, available in the Arborist Guidance Document.
 - 3. The locations of all tree protection devices will be verified by the City prior to the issuance of the construction permit for clearing and/or grading.
 - 4. Once Protected Zones are established and approved, any changes are subject to Development and Inspections Department review.
- C. Tree Protection measures are to be installed as shown on the City's Tree Protection Details, available in the Arborist Guidance Document.

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- D. Sequence of Installation and Removal. All tree protection devices shall be installed prior to any land disturbance permit authorizing tree removal. Community Development Department must inspect the installation of tree protection and erosion and sedimentation control devices prior to the issuance of the land disturbance permit. Tree protection must remain in functioning condition until the certificate of occupancy is issued.
 - E. The cleaning of equipment, storage of materials or dirt, disposal of waste materials such as paint, oil, solvents or other harmful substances, or any other such act which may be harmful to the continued vitality of the tree(s) within the tree protection area, is prohibited.

(Ord. No. 739 , 5-1-2017)

3.2.10 Tree damage.

Any tree designated in the plan to be saved, Including Trees of Quality and Tree Groupings, that is damaged during construction or grading, or as a result of such activities, shall be treated according to accepted International Society of Arboriculture Standards, or replaced with a tree(s) equal to the DBH of the tree removed. However, any Specimen Tree damaged as described above shall be replaced with a tree(s) eight (8) times the DBH of the tree removed with a minimum four-inch (4") tree Caliper. In the event that a damaged specimen tree must be removed, the location occupied by the tree's Critical Root Zone must remain in a pervious state with no structures or buildings placed in this area and violations shall be subject to the applicable penalties as described herein. Any specimen tree damaged on "For-Sale" residential lots as the result of failure to receive tree removal approval for non-construction tree removal or as a result of failure to protect a specimen tree during non-construction tree removal will result in up to three (3) times recompense.

(Ord. No. 739 , 5-1-2017)

3.2.11 Tree survey inspection.

Following the receipt of the completed tree removal application and supporting data, the Director shall schedule and conduct an inspection of the proposed development site. Following inspection, the Director shall advise the applicant of any recommended changes in the applicant's proposed tree removal, protection or replanting plans necessary to make the plans comply with the provisions of this Ordinance.

(Ord. No. 739 , 5-1-2017)

3.2.12 Tree removal applications, approval and expiration.

- A. The Director shall review all applications and supporting data and take one (1) of the following actions: approve, approve with conditions or disapprove. Applications, which meet the requirements of this Ordinance, shall be approved.
- B. Development Activity will not be authorized until such time as appropriate Land Disturbance Permits have been issued and approval granted.
- C. Tree removal and replacement shall begin no later than one hundred eighty (180) days after issuance of the permit and shall be completed no later than two (2) years after the issuance of the permit. Except as provided in these regulations authorizing certain cut and fill activities. The Director may refuse to issue any permit for tree removal until the submission of all development plans and receipt of other evidence satisfactory to the Director that there is a reasonable certainty that the Development is imminent.

(Ord. No. 739 , 5-1-2017)

3.2.13 Tree removal and landscaping compliance inspection.

- A. Following the issuance of a Land Disturbance Permit for the development site, the Director shall from time to time inspect the site for the purpose of certifying compliance with the requirements of the tree removal. In the event of non-compliance, the Director may revoke or modify any City permit pertaining to the Development Activity for which the Land Disturbance Permit has been issued. No certificate of occupancy shall be issued until actual compliance is obtained.
- B. If any required Land Disturbance Permit conditions have not been met within the time specified in the Land Disturbance Permit, and provided the Director has not granted a written extension, the City may use the cash or bond proceeds to insure that these conditions are met. The bond will have an expiration date no longer than one (1) year, and the proceeds will go to the City of Alpharetta Tree Replacement Fund.
- C. After development is complete, the Director shall continue to make random inspections to insure that required trees and landscaping are maintained. Replacement shall be required or bond/letter of credit posted within thirty (30) days of notice by the Director should any of the tree(s) or landscaping die, be removed or be destroyed.
- D. Notwithstanding any other provision of this Ordinance to the contrary, a home builder's responsibility to replace a newly planted tree or trees shall terminate upon the issuance of a certificate of occupancy or at the end of the maintenance bond time frame, whichever is longer, provided that an inspection conducted immediately prior to the issuance of the certificate of occupancy confirms that the replanted tree or trees were planted properly as established in the ISA (International Society of Arboriculture) standards, and are healthy and free of pests and disease. Nothing in this Ordinance shall be deemed to eliminate any other obligation the homebuilder may have pursuant to any private agreement between the homebuilder and homeowner, or any restrictive covenants that are applicable to the property.

(Ord. No. 739 , 5-1-2017)

3.2.14 Permit fee.

The fee for review of a request for permits shall be \$5.00. The fee for review of an application for a Land Disturbance Permit (which only applies to Development Activity and Grading Activity) shall be \$50.00 per acre and a maximum of \$500.00. These fees may be revised from time to time by resolution of the City Council, or delegated to the Director to be administratively established and revised from time to time.

(Ord. No. 739 , 5-1-2017)

3.2.15 Enforcement, appeals and variances.

- A. Enforcement. All requests for permits and all applications for tree removal shall initially be submitted to and reviewed by the City Arborist. The City Arborist shall be responsible for recommending to the Director the approval or denial of applications for Land Disturbance Permits.
- B. Appeals.
 - 1. Requests for appeal of any administrative decision shall first be addressed to the Director.
 - 2. Written requests for appeal of any administrative decision are permitted and must be submitted to the Board of Zoning Appeals within ten (10) days after notice of such decision. Such written appeal shall be made in the form of a letter, which outlines the salient points upon which the appeal is based.
 - 3. The Board of Zoning Appeals shall schedule a hearing as soon as reasonably practicable to consider the appeal, and shall issue a written decision within thirty (30) days of the hearing.

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4. If the appeal concerns an administrative decision regarding Specimen Trees, Trees of Quality, Tree Groupings, or Boundary Trees it shall be the applicant's burden to demonstrate that reasonable alternatives have been considered in order to save said trees (as described herein). Documented evidence shall be filed by the applicant with the written request for appeal and shall include, but not be limited to the following:
 - a. Boundary survey showing topography, easements, creeks and other features of the property.
 - b. Two alternative development plans, which include the Specimen Tree(s), Trees of Quality, Groupings of Trees, or Boundary Trees.
 - c. An itemized estimate of additional costs associated with saving the trees.
- C. Variance.
1. Written requests for a variance are permitted.
 2. The Director shall have the authority to grant variances not to exceed twenty percent (20%) of the minimum or maximum standards of this Ordinance.
 3. Variances that exceed twenty percent (20%) or variances that exceed the allowance of administrative variances shall be heard by the Board of Zoning Appeals.
 4. Variances can be granted only in the case of extreme hardship or unusual circumstance. The factors to be taken into consideration by the Board may include the following, but shall not be solely economic:
 - a. The ease with which the applicant can alter or revise the proposed development or improvement to accommodate existing trees.
 - b. The economic hardship that would be imposed upon the applicant were the variance denied.
 - c. The heightened desirability of preserving tree cover in densely developed or densely populated areas.
 - d. The need for visual screening in transitional zones or relief from glare, blight, commercial or industrial unsightliness or any other visual affront.
 - e. Whether the continued presence of the tree or trees is likely to cause danger to a person or property.
 - f. Whether the topography of the area in which the tree is located is of such a nature to be damaging or injurious to trees.
 - g. Whether the removal of the trees is for the purpose of thinning a heavily wooded area where some trees will remain.
 - h. Whether tree removal would have an adverse impact upon existing biological and ecological systems.
 - i. Whether tree removal would affect noise pollution by increasing source noise levels to such a degree that a public nuisance may be anticipated or a violation of the noise control ordinance will occur.
 - j. Whether the general health and life expectancy of the tree or trees warrant the measures necessary to prolong the life of the trees based upon accepted ISA practices.
- D. Appeal from the Decisions of the Board of Appeals shall be by Writ of Certiorari to the Fulton Superior Court, and must be filed within thirty (30) days of the date of the Board's decision.
- (Ord. No. 739 , 5-1-2017)

3.2.16 Natural Resources Commission.

The Mayor and each City Council member shall appoint one (1) member to a seven (7) member Natural Resources Commission.

- A. The Natural Resources Commission shall give advice to the Council based on an annual re-evaluation of experience under the Ordinance, provide leadership in the development of understanding of the objectives and methods of the tree program, and assist the Director in the development and maintenance of technical specifications and guidelines. In addition, the natural Resources Commission primary objectives shall be:
 - 1. To promote the benefits of maintaining a healthy tree canopy for the City of Alpharetta;
 - 2. To provide educational outreach activities for the purpose of informing the community about resource conservation, protection of the environment, and the maintenance of the city's natural amenities, in particular its trees;
 - 3. To plan and organize Arbor Day and facilitate other events, activities, meetings and projects that support environmental awareness and education;
 - 4. To encourage Alpharetta's citizens to take greater responsibility for improving their community through litter prevention, waste reduction, recycling, tree plantings and other, similar means.
 - 5. To oversee the following:
 - a. Alpharetta's Tree Conservation, Landscape, and Buffer Ordinance.
 - b. Tree City USA designation.
 - c. Keep America Beautiful affiliation.
- B. The Natural Resources Commission shall assist the Arborist in producing and maintaining the Arborist Guidance Document, including the list of proposed changes to the kinds and species of trees described in the Tree Planting List. Any such changes may be adopted and may be changed from time to time.
- C. The Natural Resources Commission shall enlist technical advisors in the fields of land development, landscape architecture and horticulture or related professions.
- D. The Natural Resources Commission shall have the power and authority to maintain the Tree City USA and Keep America Beautiful (KAB) certifications by:
 - 1. Strengthening environmental outreach opportunities associated with the Tree City USA and KAB organizations by promoting community participation and acting as an advocate of tree and environmental conservation efforts;
 - 2. Supporting the City's efforts through public/private partnerships;
 - 3. Making recommendations for the enhancement of public outreach and education programs concerning environmental and tree related issues;
 - 4. Developing and implementing a sustainable program for their environmental accomplishments; and
 - 5. Providing regular updates to City Council regarding Natural Resources Commission activities.

(Ord. No. 739 , 5-1-2017)

3.2.17 Penalties.

Any person, firm, corporation, limited liability company, Responsible Party, or other entity found guilty of violating or knowingly assisting in the commission of a violation of this Section shall be subject to the penalties specified herein. Each day any violation of any provision of this Section shall occur and each day any violation shall continue shall constitute a separate offense of this Section.

- A. A violation of this Section shall constitute a misdemeanor punishable by a fine of up to one thousand dollars per incident. Replacement plantings shall also be required. Penalties and fines, including replacement plantings must be satisfied within the timeline stated on the violation and/or stop work order. Appeals can be filed with the Board of Zoning Appeals.
- B. In the event that a Specimen Tree is damaged or removed in violation of this Section on non "For-Sale" residential property or as part of a construction project, violators shall be subject to replace Specimen Trees with trees having a total density equal to eight (8) times the unit value of the tree removed with a minimum four-inch (4") tree caliper. Furthermore, the location and extent of the tree's Critical Root Zone shall permanently remain in a pervious state with no structures or buildings placed on it. In the event that a Specimen Tree is damaged or removed in violation of this Section on a "For-Sale" residential property not in conjunction with a construction project, violators shall be subject to replace Specimen Trees with trees having a total density up to three (3) times the unit value of the tree removed. The city shall take into consideration the amount of trees that can be reasonably placed on the property in violation. If the DBH of the removed tree cannot be determined the measurement shall be taken at the upper most portion of the remaining stump.
- C. In the event that a non-specimen tree, including Trees of Quality and Tree Groupings, is damaged or removed in violation of this Section, violators shall be subject to replacement plantings equal to one (1) times the DBH of the tree removed with a minimum two inch (2") caliper trees. If the DBH of the removed tree cannot be determined the measurement shall be taken as stated in Section 3.2.17.B.
- D. In addition to A. and B., upon notice from the Director, work on any development that is being done contrary to the provisions of this Section shall immediately cease. The stop-work notice shall be in writing and shall go to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. When an emergency exists, the Director shall not be required to give written notice prior to stopping the work. Further, in the event that work on any development is being done contrary to the provisions of this Section, the Director may revoke any permit pertaining to the development activity for which the Land Disturbance Permit has been issued and may refuse to issue any further permit until, at the discretion of the Director, the work on the development is brought into compliance with the provisions of this Section.

(Ord. No. 739 , 5-1-2017)