



CITY COUNCIL MEETING & PUBLIC HEARING SEPTEMBER 18, 2023

ALPHARETTA CITY HALL
COUNCIL CHAMBERS
2 PARK PLAZA

6:30 PM or after the conclusion of the Work Session

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE TO THE FLAG**
4. **PRESENTATIONS & PROCLAMATIONS**
 - A. **Proclamation: Constitution Week**
 - B. **Wacky World Donor and Sponsor Recognition**
5. **BOARDS & COMMISSIONS**
 - A. **Board of Ethics: Appointment Nominations**
Consideration of approval of appointments to the Board of Ethics.
 - B. **Recreation Commission Reappointment**
Reappointment of Cheryl Rand to the Recreation Commission by Mayor Gilvin.
6. **CONSENT AGENDA**
 - A. **Special Called City Council Meeting Minutes (Meeting of 8/28/2023 at 11:30 a.m.)**
Consideration of approval of the Special Called City Council Meeting minutes from the meeting of August 28, 2023 at 11:30 a.m.
 - B. **Ratification of Consent Order and Final Judgment: Parcel 15 of McGinnis Ferry Road Widening Project**
Council ratification of Consent Order and Final Judgment regarding Civil Action File No. 2022CV364088 in the amount of \$16,493.00 in connection with Parcel #15 of the McGinnis Ferry Road Widening Project (PI #0004634) (Owners: Najwa Joudeh & Windward HOA).
 - C. **Ratification of Consent Order and Final Judgment: Parcel 30 of McGinnis Ferry Road Widening Project**
Council ratification of Consent Order and Final Judgment regarding Civil Action File No. 2022CV364091 in the amount of \$70,100.00 in connection with Parcel #30 of the McGinnis Ferry Road Widening Project (PI #0004634) (Owners: Cuong Phu Nguyen, Ching I Wang, and Windward HOA).
 - D. **Ratification of Consent Order and Final Judgment: Parcel 41 of McGinnis Ferry Road Widening Project**
Council ratification of Consent Order and Final Judgment regarding Civil Action File No. 2022CV363933 in the amount of \$62,750.00 in connection with Parcel #41 of the McGinnis Ferry Road Widening Project (PI #0004634) (Owner: LaDeshia Robinson).
 - E. **Ratification of Consent Order and Final Judgment: Parcel 64 of McGinnis Ferry Road Widening Project**
Council ratification of Consent Order and Final Judgment regarding Civil Action File No. 2022CV363747 in the amount of \$125,000.00 in connection with Parcel #64 of the McGinnis Ferry Road Widening Project (PI #0004634) (Owners: Oscar Sinisterra and Windward Community Services Association, Inc.).
 - F. **Ratification of Consent Order and Final Judgment: Parcel 66B of McGinnis Ferry Road Widening Project**
Council ratification of Consent Order and Final Judgment regarding Civil Action File No.

2022CV363834 in the amount of **\$7,461.06** in connection with **Parcel #66B** of the McGinnis Ferry Road Widening Project (PI #0004634) (Owners: Qiangwei Liu and Windward HOA).

G. Ratification of Consent Order and Final Judgment: Parcel 67 of McGinnis Ferry Road Widening Project

Council ratification of Consent Order and Final Judgment regarding Civil Action File No. **2022CV363823** in the amount of **\$35,000.00** in connection with **Parcel #67** of the McGinnis Ferry Road Widening Project (PI #0004634) (Owners: Daniel Woo Hwang, Raquel Aimee Hwang, and Windward HOA).

H. Ratification of Consent Order and Final Judgment: Parcel 68 of McGinnis Ferry Road Widening Project

Council ratification of Consent Order and Final Judgment regarding Civil Action File No. **2022CV363613** in the amount of **\$28,200.00** in connection with **Parcel #68** of the McGinnis Ferry Road Widening Project (PI #0004634) (Owners: Niranjana Gundagatti Rajasekhara and Windward HOA).

I. Ratification of Consent Order and Final Judgment: Parcel 76 of McGinnis Ferry Road Widening Project

Council ratification of Consent Order and Final Judgment regarding Civil Action File No. **2022CV364122** in the amount of **\$8,875.00** in connection with **Parcel #76** of the McGinnis Ferry Road Widening Project (PI #0004634) (Owners: David L.F. Smith, Curdel Smith, and Windward HOA).

7. PUBLIC HEARING

A. Z-23-09/V-23-15 2325 Old Milton Parkway Tract

Consideration of a rezoning and variance to allow for the construction of 24 'For-Sale' townhomes on 4.9 acres. A rezoning is requested from O-I (Office-Institutional) and R-12 (Dwelling, 'For-Sale', Residential) to DT-LW (Downtown Live-Work). Variances are requested to reduce stream buffers, modify streetscape standards and reduce landscape strips. The property is located at 2325 Old Milton Parkway and is legally described as being located in Land Lot 748, 1st District, 2nd Section, Fulton County, Georgia.

B. PH-23-12 Gated Subdivision/1580 Mayfield Road

Consideration of a public hearing to allow a 5-lot subdivision to be gated. Unified Development Code (UDC) Subsection 3.5.6 Gated subdivisions/private streets requires that requests for gated subdivisions be considered at a public hearing by City Council. The property is located at 1580 Mayfield Road and is legally described as being located in Land Lots 1057 & 1104, 2nd District, 2nd Section, Fulton County, Georgia.

C. PH-23-15 McCoy Way Road Abandonment

Consideration of request to abandon a remnant portion of McCoy Way. The property is located adjacent to 12200 McCoy Way and is legally described as being located in Land Lots 1244, 2nd District, 2nd Section, Fulton County, Georgia.

8. NEW BUSINESS

A. Resolution: Fiscal Year 2024 Local Maintenance and Improvement Grant

Consideration of adoption of a resolution that authorizes the submission of the Fiscal Year 2024 Local Maintenance and Improvement Grant Application to the Georgia Department of Transportation and approval authorizing the Mayor to sign all necessary documents.

B. Invitation to Bid 24-001: Fiscal Year 2024 Milling and Resurfacing

Consideration of approval to award Invitation to Bid 24-001 to Blount Construction Company, Inc. for an amount totaling \$3,326,039.02 for the Fiscal Year 2024 Milling and Resurfacing Project with approval of the associated contract and with authorization for the Mayor to execute all necessary documents.

C. Union Hill Park Design Conceptual Site Plan

Consideration of approval of the conceptual site plan for Union Hill Park designed by Dix-Hite Plus Partners Inc.

D. Memorandum of Understanding: City of Alpharetta and the Mulroy Family Webb Bridge Dog Park

Consideration of approval of the design plan, as presented, and construction of the privately funded dog park at Webb Bridge Park courtesy of the Mulroy Family.

- 9. PUBLIC COMMENT**
- 10. REPORTS**
- 11. EXECUTIVE SESSION (IF NECESSARY)**
- 12. ADJOURNMENT**



**A PROCLAMATION
BY THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA
"Constitution Week"**

- WHEREAS:** The Constitution of the United States, the guardian of our liberties, is a product of reflection and choice, embodying the principles of limited government in a Republic dedicated to rule by law; and
- WHEREAS:** September 17, 2023 marks the two hundred and thirty-sixth (236th) anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and
- WHEREAS:** It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and
- WHEREAS:** United States Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17th through September 23rd as Constitution Week.
- NOW THEREFORE:** We, the Mayor and City Council of the City of Alpharetta, Georgia, do hereby proclaim the week beginning September 17, 2023, as "CONSTITUTION WEEK" in the City of Alpharetta, and urge all citizens to reaffirm the ideals the drafters of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.
- SO PROCLAIMED:** This 18th day of September 2023, by the Mayor and City Council of the City of Alpharetta, Georgia.

Jim Gilvin
Mayor of the City of Alpharetta

Lauren Shapiro
City Clerk for the City of Alpharetta



STAFF REPORT

Department: City Clerk
Submitted By: Lauren Shapiro
Meeting Date: September 18, 2023

AGENDA ITEM:

Special Called City Council Meeting Minutes (Meeting of 8/28/2023 at 11:30 a.m.)

Consideration of approval of the Special Called City Council Meeting minutes from the meeting of August 28, 2023 at 11:30 a.m.

STAFF RECOMMENDATION:

Approve, as part of the Consent Agenda, the Special Called City Council Meeting Minutes from the meeting of August 28, 2023 at 11:30 a.m.

BUDGET & PROCUREMENT:

BUDGETED ITEM: NO

FISCAL IMPACT: NO

INCLUDED IN CURRENT FY CPTL BUDGET: NO

INCLUDED IN CURRENT FY OPRT. BUDGET: NO

TOTAL PROJECT COST:

APPROPRIATIONS:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>
-----------------------------	----------------------

EXTERNAL FUNDING SOURCES:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>
-----------------------------	----------------------

ITEM DESCRIPTION:

City Clerk, Lauren Shapiro, prepared a synopsis of the pertinent information that occurred during the Special Called City Council Meeting on August 28, 2023.

ALTERNATIVES:

ATTACHMENTS:

1. SC CC Minutes 8.28.2023



SPECIAL CALLED
City Council Meeting & Public Hearing
AUGUST 28, 2023
UNOFFICIAL MINUTES
Office of the City Clerk

ALPHARETTA CITY HALL
COUNCIL CHAMBERS | 2 PARK PLAZA | 11:30 AM

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. This is not an official record of the Alpharetta City Council Meeting proceedings. Meetings are recorded and available for review at <https://www.youtube.com/user/alpharettagov>.

1. CALL TO ORDER

- Mayor Gilvin called the meeting to order at 11:30 a.m.

2. ROLL CALL

• Council Members

- Mayor Jim Gilvin
- Mayor Pro Tem Dan Merkel
- Donald F. Mitchell
- Brian Will
- Douglas J. DeRito
- John Hipes

• Council Members Absent

- Jason Binder
- Donald F. Mitchell

• Staff

- Chris Lagerbloom, City Administrator
- James Drinkard, Assistant City Administrator
- Lauren Shapiro, City Clerk
- Adam Montgomery, Director of Information Technology
- Cris Randall, Director of Human Resources
- John Robison, Director of Public Safety
- Kathi Cook, Director of Community and Economic Development
- Pete Sewczwicz, Director of Public Works
- Tom Harris, Director of Finance

- Shawn Mitchell, Budget & Procurement Manager

3. PLEDGE TO THE FLAG

4. PUBLIC HEARING

A. Public Hearing on the Fiscal Year 2024 Millage Rate Levy

An opportunity for the public to speak on the City of Alpharetta's Fiscal Year 2024 Millage Rate Levy.

PUBLIC COMMENT

- There were no public comments.

5. PUBLIC COMMENT

- There were no public comments.

6. REPORTS

- There were no reports.

7. EXECUTIVE SESSION (IF NEEDED)

- There was not an executive session.

8. ADJOURNMENT

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

- Council Member DeRito seconded the motion.
- The motion was approved unanimously (5-0).

- With there being no further items to consider or discuss, Mayor Gilvin adjourned the meeting at 11:34 a.m.

Respectfully submitted,



Lauren Shapiro, City Clerk



STAFF REPORT

Department: Administration
Submitted By: Lauren Shapiro
Meeting Date: September 18, 2023

AGENDA ITEM:

Ratification of Consent Order and Final Judgment: Parcel 15 of McGinnis Ferry Road Widening Project
Council ratification of Consent Order and Final Judgment regarding Civil Action File No. 2022CV364088 in the amount of \$16,493.00 in connection with Parcel #15 of the McGinnis Ferry Road Widening Project (PI #0004634) (Owners: Najwa Joudeh & Windward HOA).

STAFF RECOMMENDATION:

Approve, as part of the Consent Agenda, Council ratification of Consent Order and Final Judgment regarding Civil Action File No. 2022CV364088 in the amount of \$16,493.00 in connection with Parcel #15 of the McGinnis Ferry Road Widening Project (PI #0004634) (Owners: Najwa Joudeh & Windward HOA).

BUDGET & PROCUREMENT:

BUDGETED ITEM: NO

FISCAL IMPACT: NO

INCLUDED IN CURRENT FY CPTL BUDGET: NO

INCLUDED IN CURRENT FY OPRT. BUDGET: NO

TOTAL PROJECT COST:

APPROPRIATIONS:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>
-----------------------------	----------------------

EXTERNAL FUNDING SOURCES:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>
-----------------------------	----------------------

ITEM DESCRIPTION:

Obtained settlement authority during executive session on May 1st, 2023, for \$17,500.00. The Appellants settled for \$16,493.00, and a Consent Order and Final Judgment was entered on August 16th, 2023. The necessary additional funds have been obtained and were deposited into the Fulton County Court Registry on August 28th, 2023.

ALTERNATIVES:

There are no alternatives.

ATTACHMENTS:

1. Parcel 15 MFRW Consent Order and Final Judgment

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

CITY OF ALPHARETTA, GEORGIA,

Condemnor,

v.

0.040 ACRES OF FEE SIMPLE RIGHT OF
WAY; 601.58 SQUARE FEET OF REQUIRED
TEMPORARY CONSTRUCTION EASEMENT;
NAJWA JOUDEH; WINDWARD COMMUNITY
SERVICES ASSOCIATION, INC.; HON.
ARTHUR E. FERDINAND, Tax Commissioner of
Fulton County, Georgia; and HON. KENYA M.
JOHNSON, Probate Court Judge, Fulton County,
Georgia,

Condemnees.

CIVIL ACTION FILE NO.:
2022CV364088

IN REM

JUDGE EMILY RICHARDSON

CONSENT ORDER AND FINAL JUDGMENT

The above-styled case is before the Court pursuant to the consent of Condemnees Honorable Arthur E. Ferdinand, Tax Commissioner of Fulton County, Georgia; Honorable Kenya M. Johnson, Probate Judge of Fulton County, Georgia; and Windward Community Services Association, Inc. (“Condemnees”), and Condemnor City of Alpharetta, Georgia (“Condemnor”).

WHEREAS, Pursuant to O.C.G.A. § 32-3-1 et seq., Condemnor acquired certain property and property rights as are more particularly described in the Petition and Declaration of Taking, filed with the Clerk of Fulton County Superior Court on May 3, 2022; and,

WHEREAS, Condemnor previously deposited the sum of Eleven Thousand Five Hundred and 00/100 Dollars (\$11,500.00) into the Registry of the Clerk of Superior Court of Fulton County as the Condemnor’s estimate of just and adequate compensation for the property rights acquired on the date of filing; and,

WHEREAS, all parties having an interest in the property condemned have been served according to law; and,

WHEREAS, Condemnee Windward Community Services Association, Inc. timely filed a Notice of Appeal contesting the amount of just and adequate compensation or a claim for any interest in the condemnation proceedings; and,

WHEREAS, Condemnees Honorable Arthur E. Ferdinand, Tax Commissioner of Fulton County, Georgia and Honorable Kenya M. Johnson, Probate Court Judge, Fulton County, Georgia timely filed an Answer; and,

WHEREAS, no other party has made a claim for or appealed the estimate of just and adequate compensation or has otherwise challenged Condemnor's right to acquire the property rights acquired in the instant action; and,

WHEREAS, the undersigned parties desire to reach a full and final settlement of the instant action, including a final determination of all issues raised or which could have been raised in the case; and,

WHEREAS, Condemnor and Condemnees have stipulated and agreed that the total sum of Sixteen Thousand Five Hundred Ninety-Three and 00/100 Dollars (\$16,593.00) (hereinafter "Total Just and Adequate Compensation") constitutes total just and adequate compensation for all of the property, rights, and interests acquired or damaged by the acquisition of the property set forth in the Declaration of Taking; and,

WHEREAS, of the Total Just and Adequate Compensation, Condemnee Najwa Joudeh claims entitlement to the sum of Eleven Thousand Four Hundred Ninety-Three and 00/100 Dollars (\$11,493.00) as just and adequate compensation for their property, rights, and interests acquired from or damaged by the acquisition of the property from them; and,

WHEREAS, of the Total Just and Adequate Compensation, Condemnee Windward Community Services Association, Inc. claims entitlement to the sum of Five Thousand One Hundred and 00/100 Dollars (\$5,100.00) as just and adequate compensation for their property, rights, and interests acquired from or damaged by the acquisition of the property from them; and,

WHEREAS, Condemnor asserts no interest in determination as to which party is entitled to any portion of the award of total just and adequate compensation established hereby (see, O.C.G.A. §22-2-139); and,

WHEREAS, Condemnees wish to accept the total amount of Sixteen Thousand Five Hundred Ninety-Three and 00/100 Dollars (\$16,593.00) in full settlement of the property rights condemned in this matter and forever waive any and all further compensation, claims, and damages that may have been brought by Condemnees in this proceeding; and,

NOW, THEREFORE, it is hereby Ordered and Adjudged as follows:

1.

That just and adequate compensation due to Condemnees, for the acquisition of the property rights including the land acquired by virtue of this action, is Sixteen Thousand Five Hundred Ninety-Three and 00/100 Dollars (\$16,593.00) and Judgment is hereby entered on that amount.

2.

That Condemnor shall pay into the registry of the Court, and the Clerk of the Superior Court shall accept from Condemnor and deposit into the registry of the Court, the sum of Five Thousand Ninety-Three and 00/100 Dollars (\$5,093.00).

3.

Following deposit of the funds as set forth above, and upon payment and distribution of the funds as prescribed by law, the matter shall be concluded, and the file shall be closed.

SO ORDERED, this 15th day of August, 2023.


THE HONORABLE EMILY RICHARDSON
SUPERIOR COURT OF FULTON COUNTY
ATLANTA JUDICIAL CIRCUIT

Prepared and consented to by:

Consented to by:

JARRARD & DAVIS, LLP

**PARKER POE ADAMS & BERNSTEIN
LLP**

/s/ Priya M. Patel
Patrick D. Jaugstetter
Georgia Bar No. 389680
Priya M. Patel
Georgia Bar No. 869743

222 Webb Street
Cumming, GA 30040
(678) 455-7150 – telephone
(678) 455-7149 – facsimile
patrickj@jarrard-davis.com
ppatel@jarrard-davis.com

*Attorneys for Condemnor
The City of Alpharetta, Georgia*

/s/ Elizabeth R. Story
Elizabeth R. Story
Georgia Bar No. 275637
Ashlynn E. Hutton
Georgia Bar No. 202527
Jasmyn L. Jackson
Georgia Bar. No. 672784
(by Priya M. Patel with express permission)

1075 Peachtree Street NE, Suite 1500
Atlanta, Georgia 30309
(678) 690-5750 – telephone
(404) 869-6972 – facsimile
elizabethstory@parkerpoe.com
ashlynnhutton@parkerpoe.com
jasmynjackson@parkerpoe.com

*Attorneys for Condemnee Windward
Community Services Association, Inc.*

[CONTINUED ON THE FOLLOWING PAGE]

Consented to by:

**OFFICE OF THE FULTON COUNTY
ATTORNEY**

/s/ Victoria Kealy

Eugene P. Smith, Jr.

Georgia Bar No. 657050

Victoria Kealy

Georgia Bar No. 314371

(by Priya M. Patel with express permission)

141 Pryor Street, S.W., Suite 4038

Atlanta, Georgia 30303

(404) 612-0246 – telephone

(404) 730-6540 – facsimile

Eugene.Smith@fultoncountyga.gov

Victoria.Kealy@fultoncountyga.gov

*Attorneys for Condemnees Fulton County Tax
Commissioner and Fulton County Probate
Judge*



STAFF REPORT

Department: Administration
Submitted By: Lauren Shapiro
Meeting Date: September 18, 2023

AGENDA ITEM:

Ratification of Consent Order and Final Judgment: Parcel 30 of McGinnis Ferry Road Widening Project
Council ratification of Consent Order and Final Judgment regarding Civil Action File No. 2022CV364091 in the amount of \$70,100.00 in connection with Parcel #30 of the McGinnis Ferry Road Widening Project (PI #0004634) (Owners: Cuong Phu Nguyen, Ching I Wang, and Windward HOA).

STAFF RECOMMENDATION:

Approve, as part of the Consent Agenda, Council ratification of Consent Order and Final Judgment regarding Civil Action File No. 2022CV364091 in the amount of \$70,100.00 in connection with Parcel #30 of the McGinnis Ferry Road Widening Project (PI #0004634) (Owners: Cuong Phu Nguyen, Ching I Wang, and Windward HOA).

BUDGET & PROCUREMENT:

BUDGETED ITEM: NO

FISCAL IMPACT: NO

INCLUDED IN CURRENT FY CPTL BUDGET: NO

INCLUDED IN CURRENT FY OPRT. BUDGET: NO

TOTAL PROJECT COST:

APPROPRIATIONS:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>
-----------------------------	----------------------

EXTERNAL FUNDING SOURCES:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>
-----------------------------	----------------------

ITEM DESCRIPTION:

Obtained settlement authority during executive session on May 1st, 2023, for \$70,100.00. The Appellants settled for the same amount, and a Consent Order and Final Judgement was entered on May 23rd, 2023. The necessary additional funds have been obtained and were deposited into the Fulton County Court Registry on June 2nd, 2023.

ALTERNATIVES:

There is no alternative.

ATTACHMENTS:

1. Parcel 30 MFRW Consent Order and Final Judgment

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

CITY OF ALPHARETTA, GEORGIA,

Condemnor,

v.

0.025 ACRES OF FEE SIMPLE RIGHT OF
WAY; 567.24 SQUARE FEET OF PERMANENT
EASEMENT FOR THE CONSTRUCTION AND
MAINTENANCE OF SLOPES AND UTILITIES
REQUIRED; CUONG PHU NGUYEN; CHING I
WANG; MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC., AS
NOMINEE FOR UNITED WHOLESALE
MORTGAGE, LLC; WINDWARD
COMMUNITY SERVICES ASSOCIATION,
INC.; HON. ARTHUR E. FERDINAND, Tax
Commissioner of Fulton County, Georgia; and,
HON. KENYA M. JOHNSON, Probate Court
Judge, Fulton County, Georgia,

Condemnees.

CIVIL ACTION FILE NO.:
2022CV364091

IN REM

JUDGE CRAIG L. SCHWALL, Sr.

CONSENT ORDER AND FINAL JUDGMENT

The above-styled case is before the Court pursuant to the consent of Condemnees Cuong Phu Nguyen, Ching I Wang, and Windward Community Services Association, Inc. (“Condemnees”), and Condemnor City of Alpharetta, Georgia (“Condemnor”).

WHEREAS, Pursuant to O.C.G.A. § 32-3-1 et seq., Condemnor acquired certain property and property rights as are more particularly described in the Petition and Declaration of Taking, filed with the Clerk of Fulton County Superior Court on May 3, 2022; and,

WHEREAS, Condemnor previously deposited the sum of Fifty-Nine Thousand One Hundred and 00/100 Dollars (\$59,100.00) into the Registry of the Clerk of Superior Court of Fulton County as the Condemnor’s estimate of just and adequate compensation for the property

rights acquired on the date of filing; and,

WHEREAS, all parties having an interest in the property condemned have been served according to law; and,

WHEREAS, Condemnee Windward Community Services Association, Inc. timely filed a Notice of Appeal contesting the amount of just and adequate compensation or a claim for any interest in the condemnation proceedings; and,

WHEREAS, Condemnees Honorable Arthur E. Ferdinand, Tax Commissioner of Fulton County, Georgia and Honorable Kenya M. Johnson, Probate Court Judge, Fulton County, Georgia timely filed an Answer; however, they subsequently filed a Consent Order for Dismissal and were subsequently dismissed thereafter; and,

WHEREAS, no other party has made a claim for or appealed the estimate of just and adequate compensation or has otherwise challenged Condemnor's right to acquire the property rights acquired in the instant action; and,

WHEREAS, the undersigned parties desire to reach a full and final settlement of the instant action, including a final determination of all issues raised or which could have been raised in the case; and,

WHEREAS, Condemnor and Condemnees have stipulated and agreed that the total sum of Seventy Thousand One Hundred and 00/100 Dollars (\$70,100.00) (hereinafter "Total Just and Adequate Compensation") constitutes total just and adequate compensation for all of the property, rights, and interests acquired or damaged by the acquisition of the property set forth in the Declaration of Taking; and,

WHEREAS, of the Total Just and Adequate Compensation, Condemnees Cuong Phu Nguyen and Ching I Wang claim entitlement to the sum of Sixty-Three Thousand Two Hundred

Thirty and 00/100 Dollars (\$63,230.00) as just and adequate compensation for their property, rights, and interests acquired from or damaged by the acquisition of the property from them; and,

WHEREAS, of the Total Just and Adequate Compensation, Condemnee Windward Community Services Association, Inc. claims entitlement to the sum of Six Thousand Eight Hundred Seventy and 00/100 Dollars (\$6,870.00) as just and adequate compensation for their property, rights, and interests acquired from or damaged by the acquisition of the property from them; and,

WHEREAS, Condemnor asserts no interest in determination as to which party is entitled to any portion of the award of total just and adequate compensation established hereby (see, O.C.G.A. §22-2-139); and,

WHEREAS, Condemnees wish to accept the total amount of Seventy Thousand One Hundred and 00/100 Dollars (\$70,100.00) in full settlement of the property rights condemned in this matter and forever waive any and all further compensation, claims, and damages that may have been brought by Condemnees in this proceeding; and,

NOW, THEREFORE, it is hereby Ordered and Adjudged as follows:

1.

That just and adequate compensation due to Condemnees, for the acquisition of the property rights including the land acquired by virtue of this action, is Seventy Thousand One Hundred and 00/100 Dollars (\$70,100.00) and Judgment is hereby entered on that amount.

2.

That Condemnor shall pay into the registry of the Court, and the Clerk of the Superior Court shall accept from Condemnor and deposit into the registry of the Court, the sum of Eleven Thousand and 00/100 Dollars (\$11,000.00).

3.

Following deposit of the funds as set forth above, The Clerk of the Superior Court shall disburse funds held in the registry of the Court, including any applicable interest, as set forth below:

- (a) a check in the amount of SIXTY-THREE THOUSAND TWO HUNDRED THIRTY AND 00/100 DOLLARS (\$63,230.00) to Condemnees Cuong Phu Nguyen and Ching I Wang, made payable to Cuong Phu Nguyen and mailed to: 4915 Tidewater Way, Alpharetta, Georgia 30005 ; and
- (b) a check in the amount of SIX THOUSAND EIGHT HUNDRED SEVENTY AND 00/100 DOLLARS (\$6,870.00) to Condemnee Windward Community Services Association, Inc. made payable to Parker Poe Adams & Bernstein LLP Trust Account, Counsel for Condemnee and mailed to: Parker Poe Adams & Bernstein LLP, c/o Elizabeth R. Story, 1075 Peachtree Street, N.E., Suite 1500, Atlanta, Georgia 30309.

4.

That upon payment and distribution of the funds as set forth above, the matter shall be concluded, and the file shall be closed.

SO ORDERED, this 23rd day of May, 2023.

/s/ CRAIG L. SCHWALL, SR.
THE HONORABLE CRAIG L. SCHWALL, SR.
SUPERIOR COURT OF FULTON COUNTY
ATLANTA JUDICIAL CIRCUIT

[SIGNATURES AND CONSENTS LOCATED ON THE FOLLOWING PAGE]

Prepared and consented to by:

JARRARD & DAVIS, LLP

/s/ Priya M. Patel

Patrick D. Jaugstetter
Georgia Bar No. 389680
Priya M. Patel
Georgia Bar No. 869743

222 Webb Street
Cumming, GA 30040
(678) 455-7150 – telephone
(678) 455-7149 – facsimile
patrickj@jarrard-davis.com
ppatel@jarrard-davis.com

*Attorneys for Condemnor
The City of Alpharetta, Georgia*

Consented to by:

**PARKER POE ADAMS & BERNSTEIN
LLP**

/s/ Elizabeth R. Story

Elizabeth R. Story
Georgia Bar No. 275637
Ashlynn E. Hutton
Georgia Bar No. 202527
Jasmyn L. Jackson
Georgia Bar. No. 672784
(by Priya M. Patel with express permission)

1075 Peachtree Street NE, Suite 1500
Atlanta, Georgia 30309
(678) 690-5750 – telephone
(404) 869-6972 – facsimile
elizabethstory@parkerpoe.com
ashlynnhutton@parkerpoe.com
jasmynjackson@parkerpoe.com

*Attorneys for Condemnee Windward
Community Services Association, Inc.*

Consented to by:

/s/ Cuong Phu Nguyen

Cuong Phu Nguyen
(by Priya M. Patel with express permission)

4915 Tidewater Way
Alpharetta, GA 30041
nagoya.nw@gmail.com

Condemnee

Consented to by:

/s/ Ching I Wang

Ching I Wang
(by Priya M. Patel with express permission)

4915 Tidewater Way
Alpharetta, GA 30041
nagoya.nw@gmail.com

Condemnee

DISTRIBUTION LIST:

McCalla Raymer Liebert Pierce, LLC
Attn: William O. Tate
1544 Old Alabama Road
Roswell, Georgia 30076
*Attorneys for Condemnees Mortgage
Electronic Registration Systems, Inc., as
Nominee for United Wholesale Mortgage,
LLC and United Wholesale Mortgage, LLC*

United Wholesale Mortgage
Attn: Hanna Cohee, Legal Assistant
585 South Blvd E.
Pontiac, Michigan 48341

Condemnee



STAFF REPORT

Department: Administration
Submitted By: Lauren Shapiro
Meeting Date: September 18, 2023

AGENDA ITEM:

Ratification of Consent Order and Final Judgment: Parcel 41 of McGinnis Ferry Road Widening Project
Council ratification of Consent Order and Final Judgment regarding Civil Action File No. 2022CV363933 in the amount of \$62,750.00 in connection with Parcel #41 of the McGinnis Ferry Road Widening Project (PI #0004634) (Owner: LaDeshia Robinson).

STAFF RECOMMENDATION:

Approve, as part of the Consent Agenda, Council ratification of Consent Order and Final Judgment regarding Civil Action File No. 2022CV363933 in the amount of \$62,750.00 in connection with Parcel #41 of the McGinnis Ferry Road Widening Project (PI #0004634) (Owner: LaDeshia Robinson).

BUDGET & PROCUREMENT:

BUDGETED ITEM: NO

FISCAL IMPACT: NO

INCLUDED IN CURRENT FY CPTL BUDGET: NO

INCLUDED IN CURRENT FY OPRT. BUDGET: NO

TOTAL PROJECT COST:

APPROPRIATIONS:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>
-----------------------------	----------------------

EXTERNAL FUNDING SOURCES:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>
-----------------------------	----------------------

ITEM DESCRIPTION:

Obtained settlement authority during executive session on May 1st, 2023, for \$75,000.00. The Appellant settled for \$62,750.00, and a Consent Order and Final Judgment was entered on August 22nd, 2023. The necessary additional funds have been obtained and were deposited into the Fulton County Court Registry on August 28th, 2023.

ALTERNATIVES:

There are no alternatives.

ATTACHMENTS:

1. Parcel 41 MFRW Consent Order and Judgment

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

CITY OF ALPHARETTA, GEORGIA,

Condemnor,

v.

LADESHIA ROBINSON A/K/A LA'DESHIA
ROBINSON; MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.;
HON. ARTHUR E. FERDINAND, Tax
Commissioner of Fulton County, Georgia; HON.
KENYA M. JOHNSON, Probate Court Judge,
Fulton County, Georgia; CITY OF
ALPHARETTA, GEORGIA; NATIONSTAR
MORTGAGE, LLC; and any and all others
claiming any interest or right in the hereinafter
described real property interests and rights,

Condemnees.

CIVIL ACTION FILE NO.:
2022CV363933

IN REM

JUDGE SCOTT MCAFEE

FINAL CONSENT ORDER AND JUDGMENT

The above-styled case is before the Court pursuant to the consent of Condemnees LaDeshia Robinson a/k/a La'Deshia Robinson; Matrix Financial Services Corporation c/o Roundpoint Mortgage Servicing LLC, successor to Nationstar Mortgage, LLC; Arthur E. Ferdinand, Tax Commissioner of Fulton County, Georgia; Kenya M. Johnson, Probate Court Judge, Fulton County, Georgia ("Condemnees"); and, Condemnor City of Alpharetta, Georgia ("Condemnor").

WHEREAS, Pursuant to O.C.G.A. § 32-3-1 et seq., Condemnor acquired certain property and property rights as are more particularly described in the Petition and Declaration of Taking, filed with the Clerk of Fulton County Superior Court on April 27, 2022; and,

WHEREAS, Condemnor previously deposited the sum of Forty-Eight Thousand Five Hundred and 00/100 Dollars (\$48,500.00) into the Registry of the Clerk of Superior Court of

Fulton County as the Condemnor's estimate of just and adequate compensation for the property rights acquired on the date of filing; and,

WHEREAS, all parties having an interest in the property condemned have been served according to law; and,

WHEREAS, Condemnee LaDeshia Robinson a/k/a La'Deshia Robinson timely filed a Notice of Appeal contesting the amount of just and adequate compensation or a claim for any interest in the condemnation proceedings; and,

WHEREAS, Condemnee Nationstar Mortgage LLC filed a Motion to Intervene in the instant action; thereafter, the Court granted the motion and ordered that Nationstar Mortgage LLC be added as a Respondent; subsequently, Matrix Financial Services Corporation c/o Roundpoint Mortgage Servicing LLC, successor to Nationstar Mortgage LLC, filed a Motion to Intervene and Substitute Party Respondent, seeking to replace the interest of Nationstar Mortgage, LLC in the instant matter; thereafter, the Court granted the motion and ordered that Matrix Financial Services Corporation c/o Roundpoint Mortgage Servicing LLC be added as a respondent, replacing the interest of Nationstar Mortgage, LLC; by consenting herein, Condemnee Matrix Financial Services Corporation c/o Roundpoint Mortgage Servicing LLC waives its right to file a notice of appeal pursuant to O.C.G.A. § 32-3-14; and,

WHEREAS, Condemnees Honorable Arthur E. Ferdinand, Tax Commissioner of Fulton County, Georgia and Honorable Kenya M. Johnson, Probate Court Judge, Fulton County, Georgia timely filed an Answer; and,

WHEREAS, no other party has made a claim for or appealed the estimate of just and adequate compensation or has otherwise challenged Condemnor's right to acquire the property rights acquired in the instant action; and,

WHEREAS, the undersigned parties desire to reach a full and final settlement of the instant action, including a final determination of all issues raised or which could have been raised in the case; and,

WHEREAS, Condemnor and Condemnees have stipulated and agreed that the total sum of Sixty-Two Thousand Seven Hundred Fifty and 00/100 Dollars (\$62,750.00) (hereinafter “Total Just and Adequate Compensation”) constitutes total just and adequate compensation for all of the property, rights, and interests acquired or damaged by the acquisition of the property set forth in the Declaration of Taking; and,

WHEREAS, Condemnor asserts no interest in determination as to which party is entitled to any portion of the award of total just and adequate compensation established hereby (see, O.C.G.A. §22-2-139); and,

WHEREAS, Condemnees wish to accept the total amount of Sixty-Two Thousand Seven Hundred Fifty and 00/100 Dollars (\$62,750.00) in full settlement of the property rights condemned in this matter and forever waive any and all further compensation, claims, and damages that may have been brought by Condemnees in this proceeding; and,

NOW, THEREFORE, it is hereby Ordered and Adjudged as follows:

1.

That just and adequate compensation due to Condemnees, for the acquisition of the property rights including the land acquired by virtue of this action, is Sixty-Two Thousand Seven Hundred Fifty and 00/100 Dollars (\$62,750.00) and Judgment is hereby entered on that amount.

2.

That Condemnor shall pay into the registry of the Court, and the Clerk of the Superior Court shall accept from Condemnor and deposit into the registry of the Court, the sum of Fourteen Thousand Two Hundred Fifty and 00/100 Dollars (\$14,250.00).

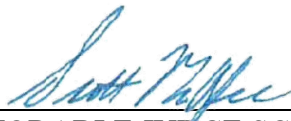
3.

Following deposit of the funds as set forth above, the Clerk of the Superior Court shall disburse funds held in the registry of the Court as prescribed by law.

4.

That upon payment and distribution of the funds as set forth above, the matter shall be concluded, and the file shall be closed.

SO ORDERED, this 21st day of August, 2023.



THE HONORABLE JUDGE SCOTT MCAFEE
SUPERIOR COURT OF FULTON COUNTY
ATLANTA JUDICIAL CIRCUIT

[ATTORNEY SIGNATURES ON THE FOLLOWING PAGE]

Prepared and consented to by:

JARRARD & DAVIS, LLP

/s/ Priya M. Patel

Patrick D. Jaugstetter
Georgia Bar No. 389680
Priya M. Patel
Georgia Bar No. 869743

222 Webb Street
Cumming, GA 30040
(678) 455-7150 – telephone
(678) 455-7149 – facsimile
patrickj@jarrard-davis.com
ppatel@jarrard-davis.com

*Attorneys for Condemnor
The City of Alpharetta, Georgia*

Consented to by:

**OFFICE OF THE FULTON COUNTY
ATTORNEY**

/s/ Victoria Kealy

Eugene P. Smith, Jr.
Georgia Bar No. 657050
Victoria Kealy
Georgia Bar No. 314371
(by Priya M. Patel, with express permission)

141 Pryor Street, S.W., Suite 4038
Atlanta, Georgia 30303
(404) 612-0250 (Office)
(404) 730-6324 (Facsimile)
Eugene.Smith@fultoncountyga.gov
Victoria.Kealy@fultoncountyga.gov

*Attorneys for Condemnees Fulton County
Probate Judge and Fulton County Tax
Commissioner*

Consented to by:

**GEORGIA EMINENT DOMAIN LAW
FIRM**

/s/ David Needham

David Needham
Georgia Bar No. 33479
(by Priya M. Patel, with express permission)

8205 Dunwoody Place, Building 19
Atlanta, Georgia 30305
(919) 606-4747 (telephone)
dneedham@nceminentdomain.com

*Attorney for Condemnee LaDeshia Robinson
a/k/a La'Deshia Robinson*

Consented to by:

**ROBERTSON, ANSHUTZ, SCHNEID,
CRANE & PARTNERS, PLLC**

/s/ Angelo Vasilescu

Angelo Vasilescu
Georgia Bar No. 142318
(by Priya M. Patel, with express permission)

10700 Abbot's Bridge Road, Suite 170
Duluth, GA 30097
Phone (470) 321-7112 ext. 52228
Email: avasilescu@raslg.com

*Attorneys for Condemnee Matrix Financial
Services Corporation c/o Roundpoint
Mortgage Servicing LLC, successor to
Nationstar Mortgage LLC*

DISTRIBUTION LIST (via email):

Patrick D. Jaugstetter
Priya M. Patel
Jarrard & Davis, LLP
222 Webb Street
Cumming, GA 30040
patrickj@jarrard-davis.com
ppatel@jarrard-davis.com
*Attorneys for Condemnor
The City of Alpharetta, Georgia*

Eugene P. Smith, Jr.
Victoria Kealy
Office of the Fulton County Attorney
141 Pryor Street, S.W., Suite 4038
Atlanta, Georgia 30303
Eugene.Smith@fultoncountyga.gov
Victoria.Kealy@fultoncountyga.gov
*Attorneys for Condemnees Fulton County
Probate Judge and Fulton County Tax
Commissioner*

David Needham
Georgia Eminent Domain Law Firm
8205 Dunwoody Place, Building 19
Atlanta, Georgia 30305
dneedham@nceminentdomain.com
*Attorney for Condemnee LaDeshia Robinson
a/k/a La'Deshia Robinson*

Angelo Vasilescu
Robertson, Anshutz, Schneid, Crane &
Partners, PLLC
10700 Abbot's Bridge Road, Suite 170
Duluth, GA 30097
avasilescu@raslg.com
*Attorneys for Condemnee Matrix Financial
Services Corporation c/o Roundpoint
Mortgage Servicing LLC, successor to
Nationstar Mortgage LLC*



STAFF REPORT

Department: Administration
Submitted By: Lauren Shapiro
Meeting Date: September 18, 2023

AGENDA ITEM:

Ratification of Consent Order and Final Judgment: Parcel 64 of McGinnis Ferry Road Widening Project
Council ratification of Consent Order and Final Judgment regarding Civil Action File No. 2022CV363747 in the amount of \$125,000.00 in connection with Parcel #64 of the McGinnis Ferry Road Widening Project (PI #0004634) (Owners: Oscar Sinisterra and Windward Community Services Association, Inc.).

STAFF RECOMMENDATION:

Approve, as part of the Consent Agenda, Council ratification of Consent Order and Final Judgment regarding Civil Action File No. 2022CV363747 in the amount of \$125,000.00 in connection with Parcel #64 of the McGinnis Ferry Road Widening Project (PI #0004634) (Owners: Oscar Sinisterra and Windward Community Services Association, Inc.).

BUDGET & PROCUREMENT:

BUDGETED ITEM: NO

FISCAL IMPACT: NO

INCLUDED IN CURRENT FY CPTL BUDGET: NO

INCLUDED IN CURRENT FY OPRT. BUDGET: NO

TOTAL PROJECT COST:

APPROPRIATIONS:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>
-----------------------------	----------------------

EXTERNAL FUNDING SOURCES:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>
-----------------------------	----------------------

ITEM DESCRIPTION:

Obtained settlement authority from James Drinkard on August 21st, 2023 for \$125,000.00. The Appellants settled for the same, and a Consent Order and Final Judgement was entered on August 30th, 2023. The necessary additional funds have been obtained and were deposited into the Fulton County Court Registry on September 1st, 2023.

ALTERNATIVES:

There are no alternatives.

ATTACHMENTS:

1. Parcel 64 MFRW Consent Order and Judgment

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

CITY OF ALPHARETTA, GEORGIA,

Condemnor,

v.

OSCAR SINISTERRA; CITIBANK, N.A., not in its individual capacity, but solely as Trustee for the NRZ Pass-Through Trust VI; MLV SERVICES, LLC; WINDWARD COMMUNITY SERVICES ASSOCIATION, INC.; HON. ARTHUR E. FERDINAND, Tax Commissioner of Fulton County, Georgia; HON. KENYA M. JOHNSON, Probate Court Judge, Fulton County, Georgia; CITY OF ALPHARETTA, GEORGIA; the UNITED STATES INTERNAL REVENUE SERVICE; GEORGIA DEPARTMENT OF REVENUE; and any and all others claiming any interest or right in the hereinafter described real property interests and rights,

Condemnees.

Civil Action File No.:
2022CV363747

IN REM

JUDGE RACHEL R. KRAUSE

CONSENT ORDER AND JUDGMENT

The above-styled case is before the Court pursuant to the consent of Condemnee Windward Community Services Association, Inc., Condemnee United States of America (collectively, “Condemnees”), and Condemnor City of Alpharetta, Georgia (“Condemnor”).

WHEREAS, Pursuant to O.C.G.A. § 32-3-1 et seq., Condemnor acquired certain property and property rights as are more particularly described in the Petition and Declaration of Taking, filed with the Clerk of Fulton County Superior Court on April 22, 2022; and,

WHEREAS, Condemnor previously deposited the sum of Forty-One Thousand Six Hundred and 00/100 Dollars (\$41,600.00) into the Registry of the Clerk of Superior Court of Fulton County as the Condemnor’s estimate of just and adequate compensation for the property

rights acquired on the date of filing; and,

WHEREAS, all parties having an interest in the property condemned have been served according to law; and,

WHEREAS, Condemnee Windward Community Services Association, Inc. timely filed a Notice of Appeal contesting the amount of just and adequate compensation or a claim for any interest in the condemnation proceedings; and,

WHEREAS, Condemnees Honorable Arthur E. Ferdinand, Tax Commissioner of Fulton County, Georgia and Honorable Kenya M. Johnson, Probate Court Judge, Fulton County, Georgia timely filed an Answer; however, they subsequently filed a Consent Order for Dismissal and were subsequently dismissed thereafter; and,

WHEREAS, Condemnee United States of America, on behalf of its Department of Treasury's Internal Revenue Service, did not appeal the amount of just and adequate compensation, however the United States of America timely filed an Answer and Claim for the United States of America on behalf of its Department of Treasury's Internal Revenue Service; and,

WHEREAS, no other party has made a claim for or appealed the estimate of just and adequate compensation or has otherwise challenged Condemnor's right to acquire the property rights acquired in the instant action; and,

WHEREAS, the undersigned parties desire to reach a full and final settlement of the amount of Just and Adequate Compensation to be paid in the instant action, including a final determination of all issues raised or which could have been raised in the case related to the amount of Just and Adequate Compensation; and,

WHEREAS, Condemnor and Condemnees have stipulated and agreed that the total sum of One Hundred Thirty-Two Thousand Two Hundred Thirty-Seven and 00/100 Dollars

(\$132,237.00) (hereinafter “Total Just and Adequate Compensation”) constitutes total just and adequate compensation for all of the property, rights, and interests acquired or damaged by the acquisition of the property set forth in the Declaration of Taking; and,

WHEREAS, of the Total Just and Adequate Compensation, Condemnee Windward Community Services Association, Inc. claims entitlement to the sum of One Hundred Twenty-Five Thousand and 00/100 Dollars (\$125,000.00) as just and adequate compensation for their property rights, and interests acquired from or damaged by the acquisition of the property from them; and,

WHEREAS, Condemnee United States of America claims entitlement to the Just and Adequate Compensation based on the Notice of Federal Tax Lien recorded in Lien Book 3088, Page 453 of the Fulton County, Georgia records and the Notice of Federal Tax Lien recorded in Lien Book 4694, Page 123 of the Fulton County, Georgia records; and

WHEREAS, Condemnor asserts no interest in determination as to which party is entitled to any portion of the award of total just and adequate compensation established hereby (see, O.C.G.A. § 22-2-139); and,

WHEREAS, Condemnees wish to accept the total amount of One Hundred Thirty-Two Thousand Two Hundred Thirty-Seven and 00/100 Dollars (\$132,237.00) in full settlement of the property rights condemned in this matter and forever waive any and all further compensation, claims, and damages that may have been brought by Condemnees in this proceeding; and,

NOW, THEREFORE, it is hereby Ordered and Adjudged as follows:

1.

That just and adequate compensation due to Condemnees, for the acquisition of the property rights including the land acquired by virtue of this action, is One Hundred Thirty-Two

Thousand Two Hundred Thirty-Seven and 00/100 Dollars (\$132,237.00) and Judgment is hereby entered on that amount.

2.

That Condemnor shall pay into the registry of the Court, and the Clerk of the Superior Court shall accept from Condemnor and deposit into the registry of the Court, the sum of Ninety Thousand Six Hundred Thirty-Seven and 00/100 Dollars (\$90,637.00).

3.

This Order is a final resolution of the case only as to the amount of Just and Adequate Compensation for the property rights acquired. Following deposit of the funds as set forth above, all issues related to just and adequate compensation and other damages are concluded and Condemnees shall have no further claim against Condemnor with respect to this action.

4.

This Order makes no determination as to the priority of the competing claims and entitlement to the condemnation funds. The matter shall not be concluded, and the file shall not be closed, until payment and distribution of the funds as prescribed by law.

SO ORDERED, this 30th day of August, 2023.



The Honorable Rachel Krause
Fulton County Superior Court
Atlanta Judicial Circuit

Filed and served via eFileGA.

Prepared and consented to by:

JARRARD & DAVIS, LLP

/s/ Priya M. Patel

Patrick D. Jaugstetter
Georgia Bar No. 389680
Priya M. Patel
Georgia Bar No. 869743
(by Neeli Ben-David with express permission)

222 Webb Street
Cumming, Georgia 30040
(678) 455-7150 – telephone
(678) 455-7149 – facsimile
patrickj@jarrard-davis.com
ppatel@jarrard-davis.com

*Attorneys for Condemnor
The City of Alpharetta, Georgia*

Consented to by:

**PARKER POE ADAMS & BERNSTEIN
LLP**

/s/ Elizabeth R. Story

Elizabeth R. Story
Georgia Bar No. 275637
Ashlynn E. Hutton
Georgia Bar No. 202527
Jasmyn L. Jackson
Georgia Bar. No. 672784
(by Neeli Ben-David with express permission)

1075 Peachtree Street NE, Suite 1500
Atlanta, Georgia 30309
(678) 690-5750 – telephone
(404) 869-6972 – facsimile
elizabethstory@parkerpoe.com
ashlynnhutton@parkerpoe.com
jasmynjackson@parkerpoe.com

*Attorneys for Condemnee Windward
Community Services Association, Inc.*

RYAN K. BUCHANAN
U.S. ATTORNEY

/s/ Neeli Ben-David

Neeli Ben-David
Assistant U.S. Attorney
Georgia Bar No. 049788
600 Richard B. Russell Federal Building
75 Ted Turner Drive, SW
Atlanta, GA 30303
(404) 581-6000
neeli.ben-david@usdoj.gov
Counsel for the United States of America

DISTRIBUTION LIST (via USPS Mail):

Priya M. Patel, Esq.
Patrick D. Jaugstetter, Esq.
Jarrard & Davis, LLP
222 Webb Street
Cumming, Georgia 30040
*Attorneys for Condemnor City of Alpharetta,
Georgia*

Citibank, N.A., not in its individual capacity,
but solely as Trustee for the NRZ Pass-
Through Trust VI
388 Greenwich Street, 14th Floor
New York, New York 10013
Condemnee

MLV Services, LLC
445 N. Kansas Ave
East Wenatchee, Washington 98802
Condemnee

Oscar Sinisterra
12935 Meridian Court
Alpharetta, Georgia 30005
Condemnee

Elizabeth R. Story, Esq.
Ashlynn E. Hutton, Esq.
Jasmyn L. Jackson, Esq.
Parker Poe Adams & Bernstein LLP
1075 Peachtree Street, NE, Suite 1500
Atlanta, Georgia 30309
*Attorneys for Condemnee Windward
Community Services Association, Inc*

Neeli Ben-David , Esq.
United States Attorney's Office
600 Richard B. Russell Federal Building
75 Ted Turner Drive, SW
Atlanta, Georgia 30303
Counsel for the United States of America

Georgia Department of Revenue
1800 Century Boulevard NE
Atlanta, Georgia 30345
Condemnee



STAFF REPORT

Department: Administration
Submitted By: Lauren Shapiro
Meeting Date: September 18, 2023

AGENDA ITEM:

Ratification of Consent Order and Final Judgment: Parcel 66B of McGinnis Ferry Road Widening Project
Council ratification of Consent Order and Final Judgment regarding Civil Action File No. 2022CV363834 in the amount of \$7,461.06 in connection with Parcel #66B of the McGinnis Ferry Road Widening Project (PI #0004634) (Owners: Qiangwei Liu and Windward HOA).

STAFF RECOMMENDATION:

Approve, as part of the Consent Agenda, Council ratification of Consent Order and Final Judgment regarding Civil Action File No. 2022CV363834 in the amount of \$7,461.06 in connection with Parcel #66B of the McGinnis Ferry Road Widening Project (PI #0004634) (Owners: Qiangwei Liu and Windward HOA).

BUDGET & PROCUREMENT:

BUDGETED ITEM: NO

FISCAL IMPACT: NO

INCLUDED IN CURRENT FY CPTL BUDGET: NO

INCLUDED IN CURRENT FY OPRT. BUDGET: NO

TOTAL PROJECT COST:

APPROPRIATIONS:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>
-----------------------------	----------------------

EXTERNAL FUNDING SOURCES:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>
-----------------------------	----------------------

ITEM DESCRIPTION:

Obtained settlement authority during executive session on May 1st, 2023, for \$9,800.00. The Appellants settled for \$7,461.00, and a Consent Order and Final Judgment was entered on May 11, 2023. The necessary additional funds have been obtained and were deposited into the Fulton County Court Registry on May 19th, 2023.

ALTERNATIVES:

There are no alternatives.

ATTACHMENTS:

1. Parcel 66B MFRW Consent Order and Final Judgment

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

CITY OF ALPHARETTA, GEORGIA,

Condemnor,

v.

QIANGWEI LIU; WELLS FARGO BANK, N.A.;
WINDWARD COMMUNITY SERVICES
ASSOCIATION, INC.; HON. ARTHUR E.
FERDINAND, Tax Commissioner of Fulton
County, Georgia; HON. KENYA JOHNSON,
Probate Court Judge, Fulton County, Georgia;
CITY OF ALPHARETTA, GEORGIA; and any
and all others claiming any interest or right in the
hereinafter described real property interests and
rights,

Condemnees.

CIVIL ACTION FILE NO.:
2022CV363834

IN REM

JUDGE MELYNNE LEFTRIDGE

CONSENT ORDER AND FINAL JUDGMENT

The above-styled case is before the Court pursuant to the consent of Condemnee Windward Community Services Association, Inc. ("Condemnees"), and Condemnor City of Alpharetta, Georgia ("Condemnor").

WHEREAS, Pursuant to O.C.G.A. § 32-3-1 et seq., Condemnor acquired certain property and property rights as are more particularly described in the Petition and Declaration of Taking, filed with the Clerk of Fulton County Superior Court on April 25, 2022; and,

WHEREAS, Condemnor previously deposited the sum of Four Thousand Four Hundred and 00/100 Dollars (\$4,400.00) into the Registry of the Clerk of Superior Court of Fulton County as the Condemnor's estimate of just and adequate compensation for the property rights acquired on the date of filing; and,

WHEREAS, all parties having an interest in the property condemned have been served according to law; and,

WHEREAS, Condemnee Windward Community Services Association, Inc. timely filed a Notice of Appeal contesting the amount of just and adequate compensation or a claim for any interest in the condemnation proceedings; and,

WHEREAS, Condemnee Honorable Arthur E. Ferdinand, Tax Commissioner of Fulton County, Georgia timely filed an Answer; however, Condemnee Arthur E. Ferdinand subsequently filed a Motion for Partial Disbursement of Condemnation Funds and Dismissal as a Party; and, the Court subsequently entered an order: (1) granting the Motion for Partial Disbursement of Condemnation Funds and Dismissal as a Party filed by Condemnee Arthur E. Ferdinand; (2) directing the Fulton County Superior Court Clerk to disburse the sum of Sixty-One and 06/100 Dollars (\$61.06) from the funds held in the judicial registry in connection with the above-styled case to Condemnee Arthur E. Ferdinand, Tax Commissioner of Fulton County; and (3) dismissing Condemnee Arthur E. Ferdinand, Tax Commissioner of Fulton County from the instant action; and,

WHEREAS, Honorable Kenya M. Johnson, Probate Court Judge, Fulton County, Georgia timely filed an Answer; however, they subsequently filed a Consent Order for Dismissal and was subsequently dismissed thereafter; and,

WHEREAS, no other party has made a claim for or appealed the estimate of just and adequate compensation or has otherwise challenged Condemnor's right to acquire the property rights acquired in the instant action; and,

WHEREAS, the undersigned parties desire to reach a full and final settlement of the instant action, including a final determination of all issues raised or which could have been raised in the case; and,

WHEREAS, Condemnor and Condemnees have stipulated and agreed that the total sum of Seven Thousand Four Hundred Sixty-One and 06/100 Dollars (\$7,461.06) (hereinafter “Total Just and Adequate Compensation”) constitutes total just and adequate compensation for all of the property, rights, and interests acquired or damaged by the acquisition of the property set forth in the Declaration of Taking; and,

WHEREAS, of the Total Just and Adequate Compensation, Condemnee Windward Community Services Association, Inc. claims entitlement to the sum of Three Thousand and 00/100 Dollars (\$3,000.00) as just and adequate compensation for their property, rights, and interests acquired from or damaged by the acquisition of the property from them; and,

WHEREAS, Condemnor asserts no interest in determination as to which party is entitled to any portion of the award of total just and adequate compensation established hereby (see, O.C.G.A. §22-2-139); and,

WHEREAS, Condemnees wish to accept the total amount of Seven Thousand Four Hundred Sixty-One and 06/100 Dollars (\$7,461.06) in full settlement of the property rights condemned in this matter and forever waive any and all further compensation, claims, and damages that may have been brought by Condemnees in this proceeding; and,

NOW, THEREFORE, it is hereby Ordered and Adjudged as follows:

1.

That just and adequate compensation due to Condemnees, for the acquisition of the property rights including the land acquired by virtue of this action, is Seven Thousand Four

Hundred Sixty-One and 06/100 Dollars (\$7,461.06) and Judgment is hereby entered on that amount.

2.

That Condemnor shall pay into the registry of the Court, and the Clerk of the Superior Court shall accept from Condemnor and deposit into the registry of the Court, the sum of Three Thousand Sixty-One and 06/100 Dollars (\$3,061.06).

3.

Following deposit of the funds as set forth above, the Clerk of the Superior Court shall disburse funds held in the registry of the Court, including any applicable interest, as set forth below:

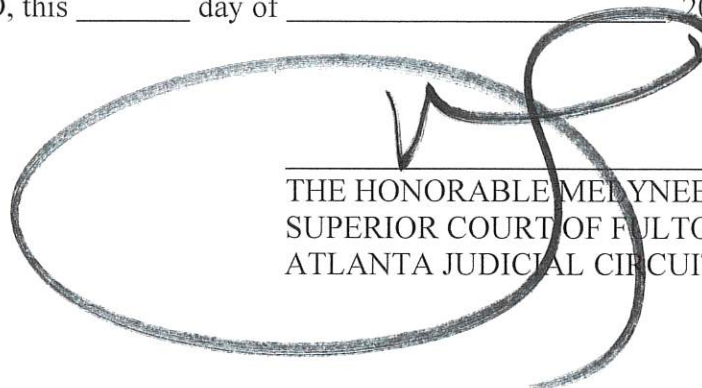
- (a) a check in the amount of THREE THOUSAND AND 00/100 DOLLARS (\$3,000.00) to Condemnee Windward Community Services Association, Inc. made payable to Parker Poe Adams & Bernstein LLP Trust Account, Counsel for Condemnee and mailed to: Parker Poe Adams & Bernstein LLP, c/o Elizabeth R. Story, 1075 Peachtree Street, N.E., Suite 1500, Atlanta, Georgia 30309.

4.

That upon payment and distribution of the funds as set forth above, the matter shall be concluded, and the file shall be closed.

[SIGNATURES ON THE FOLLOWING PAGE]

SO ORDERED, this _____ day of _____, 2023.



5.10.2023

THE HONORABLE MEL YNEE LEFTRIDGE
SUPERIOR COURT OF FULTON COUNTY
ATLANTA JUDICIAL CIRCUIT

Prepared and consented to by:

Consented to by:

JARRARD & DAVIS, LLP

**PARKER POE ADAMS & BERNSTEIN
LLP**

/s/ Priya M. Patel

Patrick D. Jaugstetter
Georgia Bar No. 389680
Priya M. Patel
Georgia Bar No. 869743

222 Webb Street
Cumming, GA 30040
(678) 455-7150 – telephone
(678) 455-7149 – facsimile
patrickj@jarrard-davis.com
ppatel@jarrard-davis.com

*Attorneys for Condemnor
The City of Alpharetta, Georgia*

/s/ Elizabeth R. Story

Elizabeth R. Story
Georgia Bar No. 275637
Ashlynn E. Hutton
Georgia Bar No. 202527
Jasmyn L. Jackson
Georgia Bar. No. 672784
(by Priya M. Patel with express permission)

1075 Peachtree Street NE, Suite 1500
Atlanta, Georgia 30309
(678) 690-5750 – telephone
(404) 869-6972 – facsimile
elizabethstory@parkerpoe.com
ashlynnhutton@parkerpoe.com
jasmynjackson@parkerpoe.com

*Attorneys for Condemnee Windward
Community Services Association, Inc.*

DISTRIBUTION LIST:

Wells Fargo Bank, N.A.
101 North Phillips Avenue
Sioux Falls, SD 57104
Condemnee

Qiangwei Liu
20 Fieldstone Way
Alpharetta, GA 30005
johnrose0908@yahoo.com
Condemnee



STAFF REPORT

Department: Administration
Submitted By: Lauren Shapiro
Meeting Date: September 18, 2023

AGENDA ITEM:

Ratification of Consent Order and Final Judgment: Parcel 67 of McGinnis Ferry Road Widening Project
Council ratification of Consent Order and Final Judgment regarding Civil Action File No. 2022CV363823 in the amount of \$35,000.00 in connection with Parcel #67 of the McGinnis Ferry Road Widening Project (PI #0004634) (Owners: Daniel Woo Hwang, Raquel Aimee Hwang, and Windward HOA).

STAFF RECOMMENDATION:

Approve, as part of the Consent Agenda, Council ratification of Consent Order and Final Judgment regarding Civil Action File No. 2022CV363823 in the amount of \$35,000.00 in connection with Parcel #67 of the McGinnis Ferry Road Widening Project (PI #0004634) (Owners: Daniel Woo Hwang, Raquel Aimee Hwang, and Windward HOA).

BUDGET & PROCUREMENT:

BUDGETED ITEM: NO

FISCAL IMPACT: NO

INCLUDED IN CURRENT FY CPTL BUDGET: NO

INCLUDED IN CURRENT FY OPRT. BUDGET: NO

TOTAL PROJECT COST:

APPROPRIATIONS:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>
-----------------------------	----------------------

EXTERNAL FUNDING SOURCES:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>
-----------------------------	----------------------

ITEM DESCRIPTION:

Obtained settlement authority during executive session on May 1st, 2023, for \$35,000.00. The Appellants settled for the same, and a Consent Order and Final Judgment was entered on August 4th, 2023. The necessary additional funds have been obtained and were deposited into the Fulton County Court Registry on August 11th, 2023.

ALTERNATIVES:

There are no alternatives.

ATTACHMENTS:

1. Parcel 67 MFRW Final Consent Order and Judgment

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

CITY OF ALPHARETTA, GEORGIA,

Condemnor,

v.

DANIEL WOO HWANG; RAQUEL AIMEE HWANG; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.; WINDWARD COMMUNITY SERVICES ASSOCIATION, INC.; HON. ARTHUR E. FERDINAND, Tax Commissioner of Fulton County, Georgia; HON. KENYA M. JOHNSON, Probate Court Judge, Fulton County, Georgia; CITY OF ALPHARETTA, GEORGIA; and any and all others claiming any interest or right in the hereinafter described real property interests and rights,

Condemnees.

CIVIL ACTION FILE NO.:
2022CV363823

IN REM

JUDGE SCOTT MCAFEE

AMENDED FINAL CONSENT ORDER AND JUDGMENT

The above-styled case is before the Court pursuant to the consent of Condemnee Windward Community Services Association, Inc. (“Condemnees”), and Condemnor City of Alpharetta, Georgia (“Condemnor”).

WHEREAS, Pursuant to O.C.G.A. § 32-3-1 et seq., Condemnor acquired certain property and property rights as are more particularly described in the Petition and Declaration of Taking, filed with the Clerk of Fulton County Superior Court on April 25, 2022; and,

WHEREAS, Condemnor previously deposited the sum of Nineteen Thousand One Hundred and 00/100 Dollars (\$19,100.00) into the Registry of the Clerk of Superior Court of Fulton County as the Condemnor’s estimate of just and adequate compensation for the property rights acquired on the date of filing; and,

WHEREAS, all parties having an interest in the property condemned have been served according to law; and,

WHEREAS, Condemnee Windward Community Services Association, Inc. timely filed a Notice of Appeal contesting the amount of just and adequate compensation or a claim for any interest in the condemnation proceedings; and,

WHEREAS, Condemnees Honorable Arthur E. Ferdinand, Tax Commissioner of Fulton County, Georgia and Honorable Kenya M. Johnson, Probate Court Judge, Fulton County, Georgia timely filed an Answer; however, they subsequently filed a Consent Order for Dismissal and were subsequently dismissed thereafter; and,

WHEREAS, no other party has made a claim for or appealed the estimate of just and adequate compensation or has otherwise challenged Condemnor's right to acquire the property rights acquired in the instant action; and,

WHEREAS, the undersigned parties desire to reach a full and final settlement of the instant action, including a final determination of all issues raised or which could have been raised in the case; and,

WHEREAS, Condemnor and Condemnees have stipulated and agreed that the total sum of Thirty-Five Thousand and 00/100 Dollars (\$35,000.00) (hereinafter "Total Just and Adequate Compensation") constitutes total just and adequate compensation for all of the property, rights, and interests acquired or damaged by the acquisition of the property set forth in the Declaration of Taking; and,

WHEREAS, of the Total Just and Adequate Compensation, Condemnees Daniel Woo Hwang and Raquel Aimee Hwang claim entitlement to the sum of Twenty-Five Thousand and

00/100 Dollars (\$25,000.00) as just and adequate compensation for their property, rights, and interests acquired from or damaged by the acquisition of the property from them; and,

WHEREAS, of the Total Just and Adequate Compensation, Condemnee Windward Community Services Association, Inc. claims entitlement to the sum of Ten Thousand and 00/100 Dollars (\$10,000.00) as just and adequate compensation for their property, rights, and interests acquired from or damaged by the acquisition of the property from them; and,

WHEREAS, Condemnor asserts no interest in determination as to which party is entitled to any portion of the award of total just and adequate compensation established hereby (see, O.C.G.A. §22-2-139); and,

WHEREAS, Condemnees wish to accept the total amount of Thirty-Five Thousand and 00/100 Dollars (\$35,000.00) in full settlement of the property rights condemned in this matter and forever waive any and all further compensation, claims, and damages that may have been brought by Condemnees in this proceeding; and,

NOW, THEREFORE, it is hereby Ordered and Adjudged as follows:

1.

That just and adequate compensation due to Condemnees, for the acquisition of the property rights including the land acquired by virtue of this action, is Thirty-Five Thousand and 00/100 Dollars (\$35,000.00) and Judgment is hereby entered on that amount.

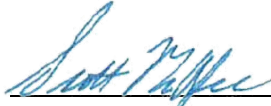
2.

That Condemnor shall pay into the registry of the Court, and the Clerk of the Superior Court shall accept from Condemnor and deposit into the registry of the Court, the sum of Fifteen Thousand Nine Hundred and 00/100 Dollars (\$15,900.00).

3.

Following deposit of the funds as set forth above, and upon payment and distribution of the funds as prescribed by law, the matter shall be concluded, and the file shall be closed.

SO ORDERED, this 4th day of August, 2023.



THE HONORABLE SCOTT MCAFEE
SUPERIOR COURT OF FULTON COUNTY
ATLANTA JUDICIAL CIRCUIT

[SIGNATURES ON THE FOLLOWING PAGE]

Prepared and consented to by:

JARRARD & DAVIS, LLP

/s/ Priya M. Patel

Patrick D. Jaugstetter
Georgia Bar No. 389680
Priya M. Patel
Georgia Bar No. 869743

222 Webb Street
Cumming, Georgia 30040
(678) 455-7150 – telephone
(678) 455-7149 – facsimile
patrickj@jarrard-davis.com
ppatel@jarrard-davis.com

*Attorneys for Condemnor
The City of Alpharetta, Georgia*

Consented to by:

**PARKER POE ADAMS & BERNSTEIN
LLP**

/s/ Elizabeth R. Story

Elizabeth R. Story
Georgia Bar No. 275637
Ashlynn E. Hutton
Georgia Bar No. 202527
Jasmyn L. Jackson
Georgia Bar. No. 672784
(by Priya M. Patel with express permission)

1075 Peachtree Street NE, Suite 1500
Atlanta, Georgia 30309
(678) 690-5750 – telephone
(404) 869-6972 – facsimile
elizabethstory@parkerpoe.com
ashlynnhutton@parkerpoe.com
jasmynjackson@parkerpoe.com

*Attorneys for Condemnee Windward
Community Services Association, Inc.*

DISTRIBUTION LIST:

Priya M. Patel, Esq.
Patrick D. Jaugstetter, Esq.
Jarrard & Davis, LLP
222 Webb Street
Cumming, GA 30040

Elizabeth R. Story, Esq.
Ashlynn E. Hutton, Esq.
Jasmyn L. Jackson, Esq.
1075 Peachtree Street, NE, Suite 1500
Atlanta, GA 30309

Daniel Woo Hwang
70 Fieldstone Way
Alpharetta, Georgia 30005
Condemnee

Raquel Aimee Hwang
70 Fieldstone Way
Alpharetta, Georgia 30005
Condemnee

Mortgage Electronic Registration Systems,
Inc.
P.O. Box 2026
Flint, Michigan 48501
Condemnee



STAFF REPORT

Department: Administration
Submitted By: Lauren Shapiro
Meeting Date: September 18, 2023

AGENDA ITEM:

Ratification of Consent Order and Final Judgment: Parcel 68 of McGinnis Ferry Road Widening Project
Council ratification of Consent Order and Final Judgment regarding Civil Action File No. 2022CV363613 in the amount of \$28,200.00 in connection with Parcel #68 of the McGinnis Ferry Road Widening Project (PI #0004634) (Owners: Niranjana Gundagatti Rajasekhara and Windward HOA).

STAFF RECOMMENDATION:

Approve, as part of the Consent Agenda, Council ratification of Consent Order and Final Judgment regarding Civil Action File No. 2022CV363613 in the amount of \$28,200.00 in connection with Parcel #68 of the McGinnis Ferry Road Widening Project (PI #0004634) (Owners: Niranjana Gundagatti Rajasekhara and Windward HOA).

BUDGET & PROCUREMENT:

BUDGETED ITEM: NO

FISCAL IMPACT: NO

INCLUDED IN CURRENT FY CPTL BUDGET: NO

INCLUDED IN CURRENT FY OPRT. BUDGET: NO

TOTAL PROJECT COST:

APPROPRIATIONS:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>
-----------------------------	----------------------

EXTERNAL FUNDING SOURCES:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>
-----------------------------	----------------------

ITEM DESCRIPTION:

Obtained settlement authority during executive session on May 1st, 2023, for \$30,000.00. The Appellants settled for \$28,200.00, and a Consent Order and Final Judgment was entered on August 21st, 2023. The necessary additional funds have been obtained and were deposited into the Fulton County Court Registry on August 28th, 2023.

ALTERNATIVES:

There are no alternatives.

ATTACHMENTS:

1. Parcel 68 MFRW Consent Order and Final Judgment

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

CITY OF ALPHARETTA, GEORGIA,

Condemnor,

v.

NIRANJANA GUNDAGATTI RAJASEKHARA;
MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC.; WINDWARD COMMUNITY
SERVICES ASSOCIATION, INC.; HON.
ARTHUR E. FERDINAND, Tax Commissioner of
Fulton County, Georgia; HON. KENYA M.
JOHNSON, Probate Court Judge, Fulton County,
Georgia; CITY OF ALPHARETTA, GEORGIA;
and any and all others claiming any interest or
right in the hereinafter described real property
interests and rights,

Condemnees.

CIVIL ACTION FILE NO.:
2022CV363613

IN REM

JUDGE CHARLES M. EATON,
JR.

CONSENT ORDER AND FINAL JUDGMENT

The above-styled case is before the Court pursuant to the consent of Condemnees Honorable Arthur E. Ferdinand, Tax Commissioner of Fulton County, Georgia; Honorable Kenya M. Johnson, Probate Court Judge, Fulton County, Georgia; Windward Community Services Association, Inc.; Mortgage Electronic Registration Systems. Inc. ("Condemnees"); and Condemnor City of Alpharetta, Georgia ("Condemnor").

WHEREAS, Pursuant to O.C.G.A. § 32-3-1 et seq., Condemnor acquired certain property and property rights as are more particularly described in the Petition and Declaration of Taking, filed with the Clerk of Fulton County Superior Court on April 19, 2022; and,

WHEREAS, Condemnor previously deposited the sum of Nineteen Thousand Five Hundred and 00/100 Dollars (\$19,500.00) into the Registry of the Clerk of Superior Court of

Fulton County as the Condemnor's estimate of just and adequate compensation for the property rights acquired on the date of filing; and,

WHEREAS, all parties having an interest in the property condemned have been served according to law; and,

WHEREAS, Condemnee Windward Community Services Association, Inc. timely filed a Notice of Appeal contesting the amount of just and adequate compensation or a claim for any interest in the condemnation proceedings; and,

WHEREAS, Condemnee Mortgage Electronic Registration Systems, Inc. timely filed a Notice of Claim; and,

WHEREAS, Condemnees Honorable Arthur E. Ferdinand, Tax Commissioner of Fulton County, Georgia and Honorable Kenya M. Johnson, Probate Court Judge, Fulton County, Georgia timely filed an Answer; however, all County taxes for the year 2022 and earlier have been fully paid; the only outstanding taxes are for 2023, which presently are not quantified; and, the Probate Judge has no interest in the subject property. Thus, the County and the Officials take no position on the disputed issues: the amount of just and adequate compensation for the taking and damaging of the Subject Property as of the date of taking; and,

WHEREAS, no other party has made a claim for or appealed the estimate of just and adequate compensation or has otherwise challenged Condemnor's right to acquire the property rights acquired in the instant action; and,

WHEREAS, the undersigned parties desire to reach a full and final settlement of the instant action, including a final determination of all issues raised or which could have been raised in the case; and,

WHEREAS, Condemnor and Condemnees have stipulated and agreed that the total sum of Twenty-Eight Thousand Two Hundred and 00/100 Dollars (\$28,200.00) (hereinafter “Total Just and Adequate Compensation”) constitutes total just and adequate compensation for all of the property, rights, and interests acquired or damaged by the acquisition of the property set forth in the Declaration of Taking; and,

WHEREAS, of the Total Just and Adequate Compensation, Condemnee Windward Community Services Association, Inc. claims entitlement to the sum of Fifteen Thousand Two Hundred and 00/100 Dollars (\$15,200.00) as just and adequate compensation for their property, rights, and interests acquired from or damaged by the acquisition of the property from them; and,

WHEREAS, Condemnor asserts no interest in determination as to which party is entitled to any portion of the award of total just and adequate compensation established hereby (see, O.C.G.A. §22-2-139); and,

WHEREAS, Condemnees wish to accept the total amount of Twenty-Eight Thousand Two Hundred and 00/100 Dollars (\$28,200.00) in full settlement of the property rights condemned in this matter and forever waive any and all further compensation, claims, and damages that may have been brought by Condemnees in this proceeding; and,

NOW, THEREFORE, it is hereby Ordered and Adjudged as follows:

1.

That just and adequate compensation due to Condemnees, for the acquisition of the property rights including the land acquired by virtue of this action, is Twenty-Eight Thousand Two Hundred and 00/100 Dollars (\$28,200.00) and Judgment is hereby entered on that amount.

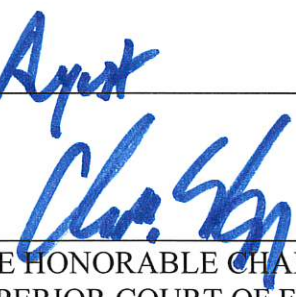
2.

That Condemnor shall pay into the registry of the Court, and the Clerk of the Superior Court shall accept from Condemnor and deposit into the registry of the Court, the sum of Eight Thousand Seven Hundred and 00/100 Dollars (\$8,700.00).

3.

Following deposit of the funds as set forth above, and upon payment and distribution of the funds as prescribed by law, the matter shall be concluded, and the file shall be closed.

SO ORDERED, this 21 day of April, 2023.



THE HONORABLE CHARLES M. EATON, JR.
SUPERIOR COURT OF FULTON COUNTY
ATLANTA JUDICIAL CIRCUIT

[ATTORNEY SIGNATURES ON THE FOLLOWING PAGE]

Prepared and consented to by:

JARRARD & DAVIS, LLP

/s/ Priya M. Patel

Patrick D. Jaugstetter
Georgia Bar No. 389680
Priya M. Patel
Georgia Bar No. 869743

222 Webb Street
Cumming, Georgia 30040
(678) 455-7150 – telephone
(678) 455-7149 – facsimile
patrickj@jarrard-davis.com
ppatel@jarrard-davis.com

*Attorneys for Condemnor
The City of Alpharetta, Georgia*

Consented to by:

**PARKER POE ADAMS & BERNSTEIN
LLP**

/s/ Elizabeth R. Story

Elizabeth R. Story
Georgia Bar No. 275637
Ashlynn E. Hutton
Georgia Bar No. 202527
Jasmyn L. Jackson
Georgia Bar. No. 672784
(by Priya M. Patel with express permission)

1075 Peachtree Street NE, Suite 1500
Atlanta, Georgia 30309
(678) 690-5750 – telephone
(404) 869-6972 – facsimile
elizabethstory@parkerpoe.com
ashlynnhutton@parkerpoe.com
jasmynjackson@parkerpoe.com

*Attorneys for Condemnee Windward
Community Services Association, Inc.*

[CONTINUED ON THE FOLLOWING PAGE]

Consented to by:

**OFFICE OF THE FULTON COUNTY
ATTORNEY**

/s/ Eugene P. Smith, Jr.

Eugene P. Smith, Jr.

Georgia Bar No. 657050

Victoria Kealy

Georgia Bar No. 314371

(by Priya M. Patel with express permission)

141 Pryor Street, S.W., Suite 4038

Atlanta, Georgia 30303

(404) 612-0246 – telephone

(404) 730-6540 – facsimile

Eugene.Smith@fultoncountyga.gov

Victoria.Kealy@fultoncountyga.gov

*Attorneys for Condemnees Fulton County Tax
Commissioner and Fulton County Probate
Judge*

Consented to by:

**TROUTMAN PEPPER HAMILTON
SANDERS LLP**

/s/ Mark J. Windham

Mark J. Windham

Georgia Bar No. 113194

(by Priya M. Patel with express permission)

Bank of America Plaza, Suite 3000

600 Peachtree Street, NE

Atlanta, Georgia 30308-2216

(404) 885-3000 – telephone

(404) 885-3900 – facsimile

Mark.windham@troutman.com

*Attorneys for Condemnee Mortgage
Electronic Registration Systems, Inc.*

DISTRIBUTION LIST (via USPS Mail):

Priya M. Patel
Jarrard & Davis, LLP
222 Webb Street
Cumming, GA 30040
*Attorneys for Condemnor
The City of Alpharetta, Georgia*

Elizabeth R. Story
Parker Poe Adams & Bernstein LLP
1075 Peachtree Street, NE, Suite 1500
Atlanta, Georgia 30309
*Attorneys for Condemnee Windward
Community Services Association, Inc.*

Mark. J Windham
Troutman Pepper Hamilton Sanders LLP
Bank of America Plaza, Suite 3000
600 Peachtree Street, NE
Atlanta, Georgia 30308-2216
*Attorneys for Condemnee Mortgage
Electronic Registration Systems, Inc.*

Victoria Kealy
Office of the Fulton County Attorney
141 Pryor Street, S.W., Suite 4038
Atlanta, Georgia 30303
*Attorneys for Condemnees Fulton County Tax
Commissioner and Fulton County Probate
Judge*

Niranjana Gundagatti Rajasekhara
65 Fieldstone Way
Alpharetta, Georgia 30005
Condemnee

Aris Jordan Safoutin
65 Fieldstone Way
Alpharetta, Georgia 30005
Tenant



STAFF REPORT

Department: Administration
Submitted By: Lauren Shapiro
Meeting Date: September 18, 2023

AGENDA ITEM:

Ratification of Consent Order and Final Judgment: Parcel 76 of McGinnis Ferry Road Widening Project
Council ratification of Consent Order and Final Judgment regarding Civil Action File No. 2022CV364122 in the amount of \$8,875.00 in connection with Parcel #76 of the McGinnis Ferry Road Widening Project (PI #0004634) (Owners: David L.F. Smith, Curdel Smith, and Windward HOA).

STAFF RECOMMENDATION:

Approve, as part of the Consent Agenda, Council ratification of Consent Order and Final Judgment regarding Civil Action File No. 2022CV364122 in the amount of \$8,875.00 in connection with Parcel #76 of the McGinnis Ferry Road Widening Project (PI #0004634) (Owners: David L.F. Smith, Curdel Smith, and Windward HOA).

BUDGET & PROCUREMENT:

BUDGETED ITEM: NO

FISCAL IMPACT: NO

INCLUDED IN CURRENT FY CPTL BUDGET: NO

INCLUDED IN CURRENT FY OPRT. BUDGET: NO

TOTAL PROJECT COST:

APPROPRIATIONS:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>
-----------------------------	----------------------

EXTERNAL FUNDING SOURCES:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>
-----------------------------	----------------------

ITEM DESCRIPTION:

Obtained settlement authority during executive session on May 1st, 2023, for \$15,000.00. The Appellants settled for \$8,875.00, and a Consent Order and Final Judgment was entered on August 24th, 2023. The necessary additional funds have been obtained and were deposited into the Fulton County Court Registry on September 1st, 2023.

ALTERNATIVES:

There are no alternatives.

ATTACHMENTS:

1. Parcel 76 MFRW Consent Order and Final Judgment

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

CITY OF ALPHARETTA, GEORGIA,

Condemnor,

v.

0.007 ACRES OF FEE SIMPLE RIGHT OF WAY;
903.6 SQUARE FEET OF PERMANENT
EASEMENT FOR THE CONSTRUCTION AND
MAINTENANCE OF SLOPES AND UTILITIES
REQUIRED; DAVID L.F. SMITH; CURDEL
SMITH a/k/a CURDEL ROMACON-SMITH;
MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC. AS NOMINEE FOR
SOUTHSTAR FUNDING, LLC d/b/a CAPITAL
HOME MORTGAGE; FIGURE LENDING, LLC;
WINDWARD COMMUNITY SERVICES
ASSOCIATION, INC.; GRADY MEMORIAL
HOSPITAL CORPORATION; CALVARY SPV I,
LLC; SAWNEE ELECTRIC MEMBERSHIP
CORPORATION; HON. ARTHUR E.
FERDINAND, Tax Commissioner of Fulton
County, Georgia; and HON. KENYA M.
JOHNSON, Probate Court Judge, Fulton County,
Georgia,

Condemnees.

CIVIL ACTION FILE NO.:
2022CV364122

IN REM

JUDGE SCOTT MCAFEE

FINAL CONSENT ORDER AND JUDGMENT

The above-styled case is before the Court pursuant to the consent of Condemnees Mortgage Electronic Registration Systems, Inc. as Nominee for Southstar Funding, LLC d/b/a Capital Home Mortgage; Windward Community Services Association, Inc. (“Condemnees”); and Condemnor City of Alpharetta, Georgia (“Condemnor”).

WHEREAS, Pursuant to O.C.G.A. § 32-3-1 et seq., Condemnor acquired certain property and property rights as are more particularly described in the Petition and Declaration of Taking,

filed with the Clerk of Fulton County Superior Court on April 25, 2022; and,

WHEREAS, Condemnor previously deposited the sum of Six Thousand and 00/100 Dollars (\$6,000.00) into the Registry of the Clerk of Superior Court of Fulton County as the Condemnor's estimate of just and adequate compensation for the property rights acquired on the date of filing; and,

WHEREAS, all parties having an interest in the property condemned have been served according to law; and,

WHEREAS, Condemnee Windward Community Services Association, Inc. timely filed a Notice of Appeal contesting the amount of just and adequate compensation or a claim for any interest in the condemnation proceedings; and,

WHEREAS, Condemnees Honorable Arthur E. Ferdinand, Tax Commissioner of Fulton County, Georgia and Honorable Kenya M. Johnson, Probate Court Judge, Fulton County, Georgia timely filed an Answer; however, they subsequently filed a Consent Order for Dismissal and were subsequently dismissed thereafter; and,

WHEREAS, Condemnee Mortgage Electronic Registration Systems, Inc. as Nominee for Southstar Funding, LLC d/b/a Capital Home Mortgage did not appeal the amount of just and adequate compensation, but instead time filed an Answer and Claim for Condemnation Proceeds; and,

WHEREAS, no other party has made a claim for or appealed the estimate of just and adequate compensation or has otherwise challenged Condemnor's right to acquire the property rights acquired in the instant action; and,

WHEREAS, the undersigned parties desire to reach a full and final settlement of the instant action, including a final determination of all issues raised or which could have been raised in the case; and,

WHEREAS, Condemnor and Condemnees have stipulated and agreed that the total sum of Eight Thousand Eight Hundred Seventy-Five and 00/100 Dollars (\$8,875.00) (hereinafter “Total Just and Adequate Compensation”) constitutes total just and adequate compensation for all of the property, rights, and interests acquired or damaged by the acquisition of the property set forth in the Declaration of Taking; and,

WHEREAS, of the Total Just and Adequate Compensation, Condemnee Windward Community Services Association, Inc. claims entitlement to the sum of Two Thousand Eight Hundred Seventy-Five and 00/100 Dollars (\$2,875.00) as just and adequate compensation for their property, rights, and interests acquired from or damaged by the acquisition of the property from them; and,

WHEREAS, Condemnor asserts no interest in determination as to which party is entitled to any portion of the award of total just and adequate compensation established hereby (see, O.C.G.A. §22-2-139); and,

WHEREAS, Condemnees wish to accept the total amount of Eight Thousand Eight Hundred Seventy-Five and 00/100 Dollars (\$8,875.00) in full settlement of the property rights condemned in this matter and forever waive any and all further compensation, claims, and damages that may have been brought by Condemnees in this proceeding; and,

NOW, THEREFORE, it is hereby Ordered and Adjudged as follows:

1.

That just and adequate compensation due to Condemnees, for the acquisition of the property rights including the land acquired by virtue of this action, is Eight Thousand Eight Hundred Seventy-Five and 00/100 Dollars (\$8,875.00) and Judgment is hereby entered on that amount.

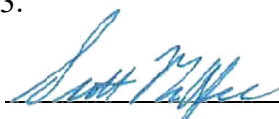
2.

That Condemnor shall pay into the registry of the Court, and the Clerk of the Superior Court shall accept from Condemnor and deposit into the registry of the Court, the sum of Two Thousand Eight Hundred Seventy-Five and 00/100 Dollars (\$2,875.00).

3.

Following deposit of the funds as set forth above, and upon payment and distribution of the funds as prescribed by law, the matter shall be concluded, and the file shall be closed.

SO ORDERED, this 24th day of August, 2023.



THE HONORABLE SCOTT MCAFEE
SUPERIOR COURT OF FULTON COUNTY
ATLANTA JUDICIAL CIRCUIT

[SIGNATURES ON THE FOLLOWING PAGE]

Prepared and consented to by:

JARRARD & DAVIS, LLP

/s/ Priya M. Patel

Patrick D. Jaugstetter
Georgia Bar No. 389680
Priya M. Patel
Georgia Bar No. 869743

222 Webb Street
Cumming, Georgia 30040
(678) 455-7150 – telephone
(678) 455-7149 – facsimile
patrickj@jarrard-davis.com
ppatel@jarrard-davis.com

*Attorneys for Condemnor
The City of Alpharetta, Georgia*

Consented to by:

**PARKER POE ADAMS & BERNSTEIN
LLP**

/s/ Elizabeth R. Story

Elizabeth R. Story
Georgia Bar No. 275637
Ashlynn E. Hutton
Georgia Bar No. 202527
Jasmyn L. Jackson
Georgia Bar. No. 672784
(by Priya M. Patel with express permission)

1075 Peachtree Street NE, Suite 1500
Atlanta, Georgia 30309
(678) 690-5750 – telephone
(404) 869-6972 – facsimile
elizabethstory@parkerpoe.com
ashlynnhutton@parkerpoe.com
jasmynjackson@parkerpoe.com

*Attorneys for Condemnee Windward
Community Services Association, Inc.*

[CONTINUED ON THE FOLLOWING PAGE]

Consented to by:

WOMBLE BOND DICKINSON (US) LLP

/s/ Arthur A. Ebbs

Arthur A. Ebbs

Georgia Bar No. 416181

(by Priya M. Patel with express permission)

271 17th Street NW

Suite 2400

Atlanta, Georgia 30363

(404) 872-7000 – telephone

Arthur.ebbs@wbd-us.com

Attorneys for Condemnee Mortgage

Electronic Registration Systems, Inc. (MERS)

as nominee for Southstar Funding, LLC d/b/a/

Capital Home Mortgage

DISTRIBUTION LIST (via USPS Mail):

Priya M. Patel, Esq.
Patrick D. Jaugstetter, Esq.
Jarrard & Davis, LLP
222 Webb Street
Cumming, Georgia 30040
*Attorneys for Condemnor City of Alpharetta,
Georgia*

Arthur A. Ebbs, Esq.
Womble Bond Dickinson (US) LLP
271 17th Street, NW, Suite 2400
Atlanta, Georgia 30363
*Attorneys for Condemnee Mortgage
Electronic Registration Systems, Inc. (MERS)
as nominee for Southstar Funding, LLC d/b/a/
Capital Home Mortgage*

David L.F. Smith
2475 Hamptons Passage
Alpharetta, Georgia 30005
Condemnee

Calvary SPV I, LLC
Attn: CT Corporation System, Registered
Agent
120 W. Street Avenue
Bismark, North Dakota 58504
Condemnee

Elizabeth R. Story, Esq.
Ashlynn E. Hutton, Esq.
Jasmyn L. Jackson, Esq.
Parker Poe Adams & Bernstein LLP
1075 Peachtree Street, NE, Suite 1500
Atlanta, Georgia 30309
*Attorneys for Condemnee Windward
Community Services Association, Inc.*

Curdel Smith a/k/a Curdel Romacon-Smith
2475 Hamptons Passage
Alpharetta, Georgia 30005
Condemnee

Grady Memorial Hospital Corporation
Attn: Timothy Jefferson, Registered Agent
80 Jesse Hill Jr. Drive SE
Atlanta, Georgia 30303
Condemnee

Figure Lending, LLC
Attn: Corporation Service Company,
Registered Agent
2 Sun Court, Suite 400
Peachtree Corners, GA 30092
Condemnee



STAFF REPORT

Department: Community Development

Submitted By: Michael Woodman

Meeting Date: September 18, 2023

AGENDA ITEM: Z-23-09/V-23-15 THE PROVIDENCE GROUP/2325 OLD MILTON PARKWAY

The applicant, The Providence Group, is requesting a rezoning and variances to allow for the construction of twenty-four (24) 'For-Sale' townhomes on 4.88 acres in the Downtown. The proposed density is 4.92 dwelling units per acre. A rezoning is requested from R-12 (Dwelling, 'For-Sale', Residential) to DT-LW (Downtown Live-Work). Variances are requested to allow encroachments into a non-perennial stream buffer and impervious setback, and to modify streetscape standards (sidewalk, planter, landscape strip). The subject property is located at 2325 Old Milton Parkway, and 210 Norcross Street near the southeast corner of Old Milton Parkway and Haynes Bridge Road.

This item was considered by the Planning Commission at the September 7, 2023 meeting. There was one (1) public comment from a Chelsea Walk residents with concerns over tree removal and stormwater runoff. The resident requested that the evergreen trees planted adjacent to Chelsea Walk be at least eight-foot (8') tall. After discussion, Planning Commission recommended approval subject to staff's recommended conditions. Vote 7-0

PLANNING COMMISSION RECOMMENDATION:

Approve Z-23-09/V-23-15 The Providence Group/2325 Old Milton Parkway, subject to the following conditions:

1. Approximately 4.88 acres shall be zoned DT-LW and developed substantially similar to site plan prepared by PEC, revised 8/29/23, except for modifications required to comply with the conditions below. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.
2. Architecture and materials shall be developed substantially similar to the submitted renderings, labeled Exhibit A - Rendering, except for modifications required to comply with the Downtown Consultant's comments and in compliance with the Alpharetta Downtown Code, subject to final approval by DRB. Townhomes shall have 4-sided architecture, materials and details.
3. Density shall not exceed 24 dwelling units.
4. Courtyards may encroach into landscape strips, subject to meeting the minimum landscape material requirements, as approved by Staff.
5. Developer shall improve Old Milton Parkway streetscape with a minimum 6' planter planted with street trees (subject to Staff and GDOT approval), minimum 8' sidewalk, and decorative pedestrian lighting, with final approval by Staff. In lieu of tree grates, the soil area around street trees shall be planted with evergreen ornamental grasses, groundcovers and/or shrubs.
6. Streets, alleys and sidewalks internal to the site shall be developed as depicted on the site plan prepared by PEC, revised 8/29/23, 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 one side and a 4' landscape strip and 5' sidewalk along the opposite side of internal streets, not including alleys, as generally depicted on the site plan prepared by PEC, revised 8/29/23. The 10' landscape strip shall be exclusive of water & sewer utilities. Should Fulton County require an unencumbered water line easement, shrubs shall replace trees on the side of the street with a 4' landscape strip.
8. Minimum 20' landscape strip and 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 Staff.
9. A 20' planted buffer shall be provided along eastern property line as depicted on the site plan prepared by PEC, revised 8/29/23. A double row of evergreen and hardwood trees and shrubs shall be planted along the west property line between Unit 4 and My First Academy, as approved by Staff.
 10. Project entrance shall include a decorative paver apron, landscaping, decorative low wall or fence with columns, as approved by Staff. Improvements shall be maintained by the HOA.
 11. Open space shall be developed substantially similar to the site plan prepared by PEC, revised 8/29/23, 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.
 12. Creeping vines shall be planted to cover retaining and low walls, as approved by Staff.
 13. Developer shall save trees as depicted on the tree plan prepared by 360 Studio, revised 8/29/23.
 14. Fences and walls visible from the public right-of-way shall be decorative, as approved by Staff. Unfinished wood fences and decks shall not be visible from the street.
 15. HVAC and similar equipment shall not be visible or shall be screened from the public right-of-way.
 16. Garbage pickup shall be from within the development.
 17. No more than 10% of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.
 18. To mitigate stream buffer impacts, developer shall comply with a combination of the following measures, as approved by Staff:
 - a. Provide 50% additional runoff reduction or water quality volume above the standard city requirements.
 - b. Provide buffer enhancement on an agreed upon area equal to at least 2 times the area of encroachment/impact. Enhancements may include removing fallen trees inside the stream bed that are impeding flow, plant eroded or sparsely vegetated areas of stream banks with live stakes, add enhanced buffer plantings where sparsely vegetated, and remove invasive vines.
 - c. Obtain any necessary state and federal approvals for the stream and buffer impacts.
 - d. Or alternative mitigation measures, as approved by Staff.
 19. Developer shall plant a single row of minimum 8' tall evergreen trees in the 5' landscape strip abutting the Chelsea Walk subdivision.

ITEM DESCRIPTION:

The submitted request, if approved, would allow for the construction of twenty-four (24) 'For-Sale' townhomes on 4.88 acres in the Downtown. The proposed density is 4.92 dwelling units per acre. The applicant proposes to rezone the property from R-12 (Dwelling, 'For-Sale', Residential) to DT-LW (Downtown Live-Work). Variances are requested to allow encroachments into a non-perennial stream buffer and impervious setback, and to modify streetscape standards (sidewalk, planter, landscape strip). The subject property is located at 2325 Old Milton Parkway, and 210 Norcross Street near the southeast corner of Old Milton Parkway and Haynes Bridge Road.

The undeveloped property is wooded and encumbered by approximately 2.88 acres of stream, buffers, and floodplain. Surrounding properties are zoned DT-LW to the north, O-I (Office-Institutional) and DT-LW to the east, R-4A (Dwelling, 'For-Sale', Attached Residential) to the south and R-4A, C-2 (General Commercial) and O-I to the west. Haynes Park subdivision is located to the south and west, My First Academy and Sabri Guven Fine Jewelry are located to the west, Beaty Facial Plastic Surgery and Chelsea Walk subdivision are located to the east, and undeveloped commercial properties are located to the north. The comprehensive land use plan designation of the property is 'Mixed Use Live Work', which allows the proposed use.

As shown in the table below, the applicant requests variances to modify Downtown Overlay site regulations (streetscape standards) and Unified Development Code (UDC) regulations pertaining to a stream buffer encroachment. The property has an unusual shape, is situated between commercial properties, and has significant topography due to the presence of multiple streams and floodplain. The applicant proposes to mitigate the stream buffer encroachments (approximately 0.32 acres) by replanting sparse areas to buffer standards, buffer enhancements, and stream bank stability enhancements. If approved, additional mitigation is recommended, such as providing additional runoff reduction.

Applicant's Variance Requests

UDC Section	Applicant's Request
Downtown Overlay – UDC Section 2.3.3	Modify streetscape standards for new internal street (allow 5' sidewalk one side of street, reduce planter to 4', reduce landscape strip on one side of street to 4')
UDC Section 3.3.2(D)(1)(a)	Allow encroachments into a non-perennial stream buffer and impervious setback (14,012 SF)

The table below identifies residential approvals in the Downtown since the adoption of the 2015 Downtown Master Plan update. The applicant's proposed density is generally lower than 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
Applicant's Proposal	24 TH	4.88 acres	4.92 du/ac
South of Wills Park	55 TH	5.5 acres	9.93 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 twenty-four (24), three (3) story 'For-Sale' townhomes with access from a new entrance off Old Milton Parkway. Approximately 2.56 acres of the property will remain undisturbed due to the presence of stream, buffers and floodplain. Townhomes have access from a new private street and four (4) alleys. All townhomes are rear-loaded and

are twenty feet (20') wide. Townhomes oriented to Old Milton Parkway are depicted with a fifteen-foot (15') setback and landscape strip along the right-of-way. Chelsea Walk was approved with a fifteen-foot (15') building setback and landscape strip along Old Milton Parkway and all other developments recently approved along Old Milton Parkway in the Downtown were approved with a twenty-foot (20') building setback and landscape strip.

An eight-foot (8') sidewalk and six-foot (6') planter are depicted along Old Milton Parkway and a five-foot (5') sidewalk and four-foot (4') planter are depicted along the west side of the new private street. A twenty-foot (20') planted buffer is proposed adjacent to the medical office building to the east and a 25' natural area is depicted along the western property line. If approved, a double row of evergreen trees and shrubs should be provided along the west property line adjacent to My First Academy daycare center.

Each townhome unit will have two (2) side-by-side parking spaces within a garage and a Code-compliant driveway accommodating two (2) additional cars. Five (5) guest parking spaces are provided near the mail kiosk. The Downtown Code requires 60 parking spaces for the proposed subdivision (2.5 parking spaces/unit), of which 101 spaces are provided on the site plan.

The site plan depicts 0.60 acres, or 12.3%, open space within the proposed development. The DT-LW district requires a minimum 10% amenity space for properties less than five (5) acres. Amenity space is proposed to include a two (2) pocket parks, with one (1) located at the north end of the site and one (1) at the south end of the site. In addition, trails are depicted around the southern pocket park and bioretention and stormwater management area. A mail kiosk is located near the southern pocket park and includes five (5) guest parking spaces.

There are approximately sixteen (16) specimen trees on the property or near the boundary of the property. Of those, the applicant proposes to remove five (5) specimen trees. An additional five (5) non-specimen trees are proposed to be removed in the stream buffer due to impacts from the development, including a sewer extension which crosses the stream in the southwest corner of the property. All other trees located in stream buffers and floodplain will be preserved. A stormwater management pond and bioretention area are depicted at the south end of the property adjacent to a pocket park.

RENDERINGS

The submitted renderings depict two (2) story over basement and three (3) story townhomes in the Greek Revival style, consisting primarily of brick with metal roof accents. Units will range in size from approximately 1,600 to 2,120 square feet and will all be three (3) bedrooms. According to the City's Downtown Consultant, the proposed renderings generally comply with the design regulations in the Downtown Overlay.

TRAFFIC

The applicant provided a trip generation report (see table below), which estimates that the 24 townhome units would generate approximately seven (7) AM Peak Hour trips and ten (10) PM Peak Hour trips.

Table 1 – Trip Generation								
Land Use	Size	AM Peak Hour			PM Peak Hour			24 Hour
		Enter	Exit	Total	Enter	Exit	Total	Two-way
ITE 215 – Single-Family Attached Housing	24 units	2	5	7	5	5	10	132

SCHOOLS

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

FULTON COUNTY SCHOOLS – 24 Townhomes

School	Single Family Average #
Manning Oaks Elementary School	0 to 5 students
Northwestern Middle School	0 to 2 students
Milton High School	0 to 5 students
TOTAL	0 to 12 students

Based on the total figure for all three school levels, it can be assumed that the proposed development could house approximately 0 – 12 school age children. Numbers provided by Fulton County Schools show that Northwestern Middle School is approaching maximum capacity and Milton High School is over capacity.

STANDARDS FOR ZONING CHANGES

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

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

Response: The proposed zoning is consistent with the future land use designation of the property and surrounding area, which is 'Mixed Use Live Work'. The area is envisioned to redevelop into a mix of residential, office and neighborhood commercial uses.

- 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 area is envisioned to redevelop into a mix of residential, office and neighborhood commercial uses.

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

Response: The proposal should not have significant impacts on the natural environment. Approximately 2.56 acres of the property will remain undeveloped. Tree saves are depicted on

the applicant's site plan and mitigation is proposed to offset encroachments into the stream buffer and impervious setback.

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 setbacks that are inconsistent with the Downtown vision to become a mixed-use, walkable environment. The requested zoning district is consistent with the future land use designation of the property and surrounding area, which is 'Mixed Use Live Work'. The area is envisioned to redevelop into a mix of residential, office and neighborhood commercial uses.

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

Response: The zoning proposal would not cause an excessive burden on public facilities and services. The requested rezoning to allow a residential development would increase demand on schools and parks; however, the proposed density is approximately half the average density approved in the Downtown.

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

Response: The subject property is located in the Downtown Overlay, which includes opportunities for properties to develop under the Downtown zoning districts. The requested zoning district is consistent with the future land use designation of the property and surrounding area, which is 'Mixed Use Live Work'.

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

Response: The request should not negatively impact public health, safety or welfare. The proposed zoning district is consistent with the future land use designation of the property. If approved, a twenty-foot (20') building setback and landscape strip should be provided along Old Milton Parkway.

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 setbacks that are inconsistent with the Downtown vision to become a mixed-use, walkable environment. The requested zoning district is consistent with the future land use designation of the property and surrounding area, which is 'Mixed Use Live Work'. The area is envisioned to redevelop into a mix of residential, office and neighborhood commercial uses.

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, use and density.

VARIANCE REVIEW CRITERIA

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

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

Response: The property has an unusual shape, has significant topographic challenges and is situated between multiple commercial properties, which are hardships that contribute to the requested variances. Approximately 2.88 acres of the property is encumbered by stream, buffers, and floodplain, of which the applicant requests to impact approximately 0.32 acres of impervious setback and stream buffer. Appropriate mitigation measures can be accommodated on 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 given the unusual shape and significant topography on the property. Approximately 2.88 acres of the property is encumbered by stream, buffers, and floodplain, of which the applicant requests to impact approximately 0.32 acres of impervious setback and stream buffer. Appropriate mitigation measures can be accommodated on the property.

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

Response: The property has significant topographic challenges and an unusual shape which contributes to the requested variances. Approximately 2.88 acres of the property is encumbered by stream, buffers, and floodplain, of which the applicant requests to impact approximately 0.32 acres of impervious setback and stream buffer. Appropriate mitigation measures can be accommodated on 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 proposed variances are related to hardships, including the unusual shape of the property and presence of topography. If approved, stream buffer encroachments should be mitigated with a combination of buffer enhancements and additional runoff reduction measures.

CONCURRENCES

Staff has reviewed the applicant's proposal against the established review criteria for a rezoning and variance. The zoning proposal is consistent with the vision of the Downtown Master Plan and future land use designation of the property. The proposed density is generally lower than densities approved in the Downtown. Developments approved along Old Milton Parkway in the Downtown have provided a twenty-foot (20') building setback and landscape

strip, except that Chelsea Walk was approved with a fifteen-foot (15') building setback and landscape strip. If approved, a twenty-foot (20') building setback and landscape strip should be provided along Old Milton Parkway.

There are exceptional conditions pertaining to the property due to its unusual shape, topography, presence of streams and floodplain, and location between commercial properties. Approximately 2.88 acres of the property is unbuildable due to the presence of streams and floodplain. It does not appear that variances are being requested for the purpose of increasing density. If approved, stream buffer encroachments should be mitigated with a combination of buffer enhancements and additional runoff reduction measures.

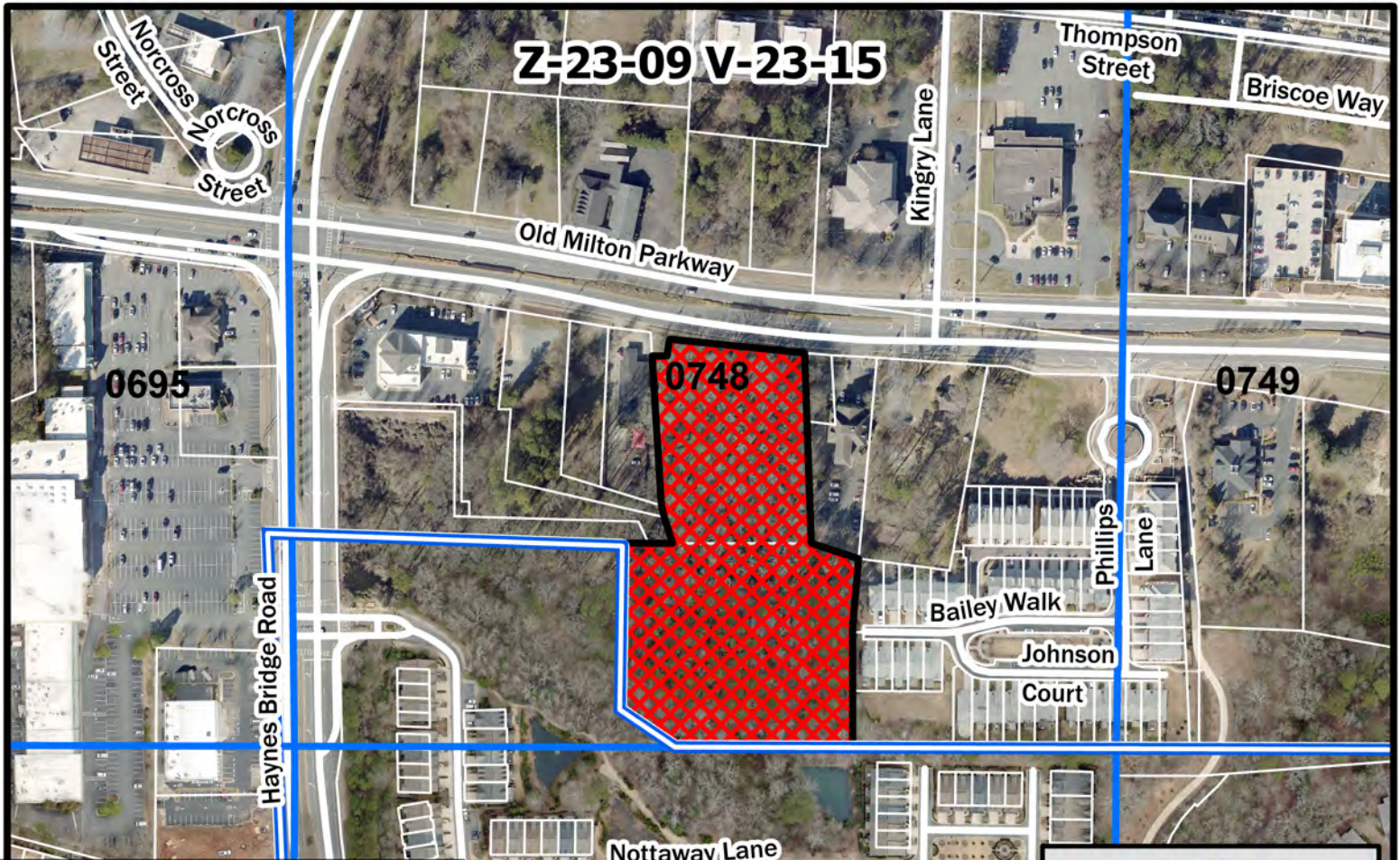
CITIZEN PARTICIPATION PLAN

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 other than the comments at the Community Zoning Information Meeting (CZIM).

COMMUNITY ZONING INFORMATION MEETING

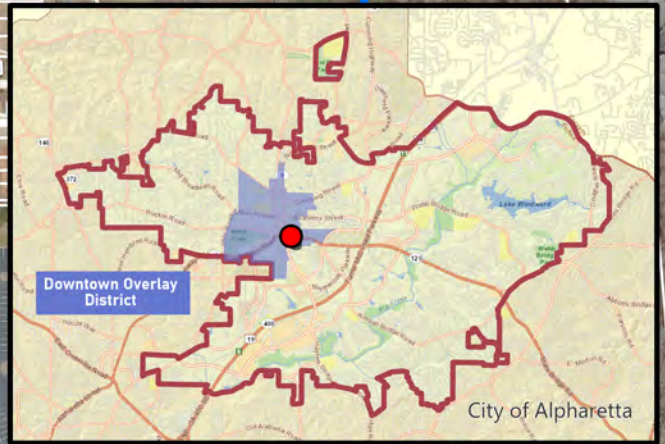
CZIM was held on July 12, 2023. There were public comments in support and a request to remove a dead Pine tree that could fall into Chelsea Walk.

ATTACHMENTS:
• Aerial Map • Zoning Map • Future Land Use Map • Location Map • Latest Site Plan • Exhibit A - Rendering • Latest Buffer Mitigation Plan • Latest Tree Plan • First Amended Letter of Intent • CZIM Sign In Sheet • Citizen Part B • Public Comment • Application

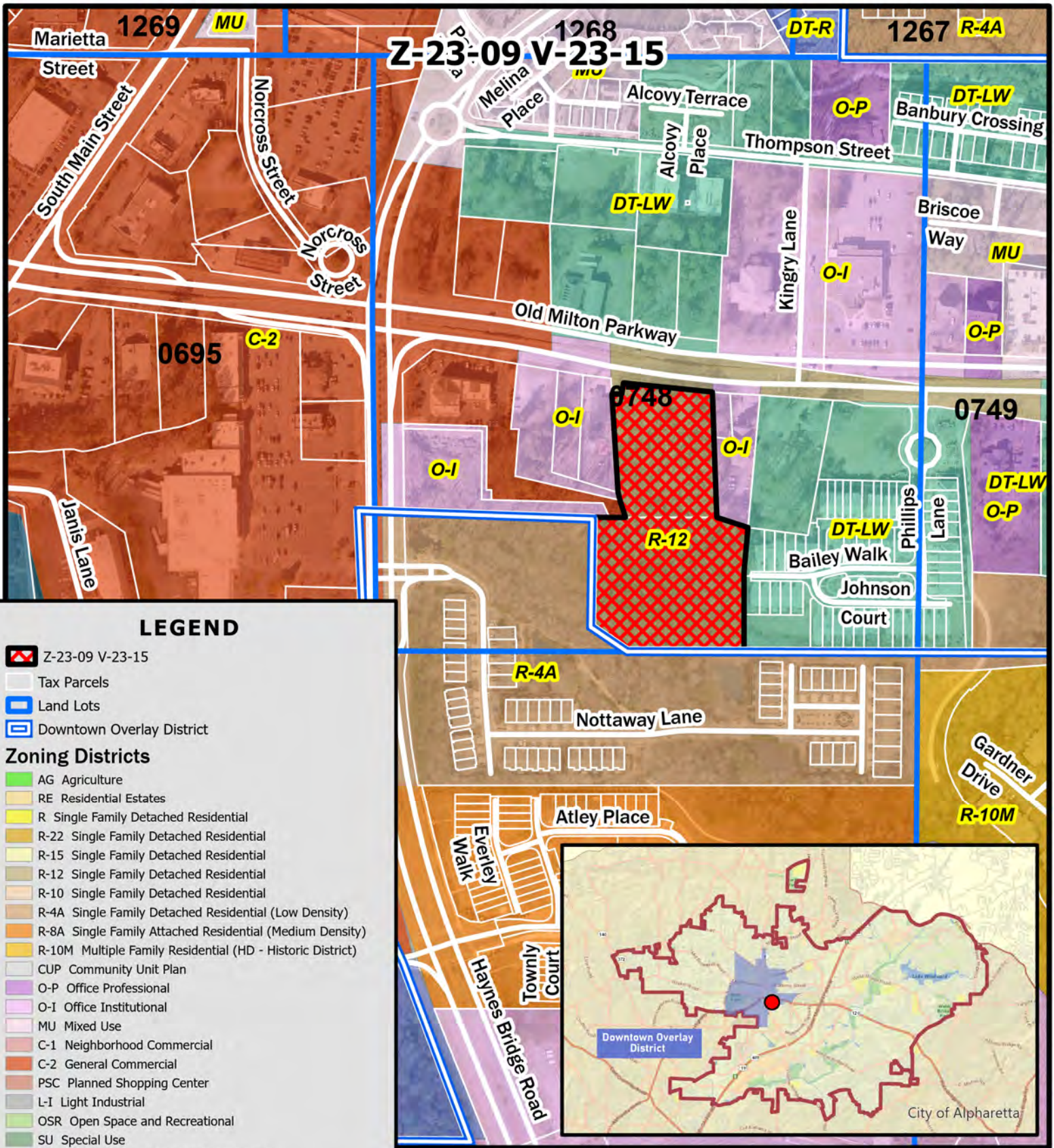


LEGEND

- Z-23-09 V-23-15
- Tax Parcels
- Land Lots
- Downtown Overlay District



Z-23-09 V-23-15
D/LL: 1/2/0748
PC: 8/03/23
CC: 8/28/23



LEGEND

Z-23-09 V-23-15

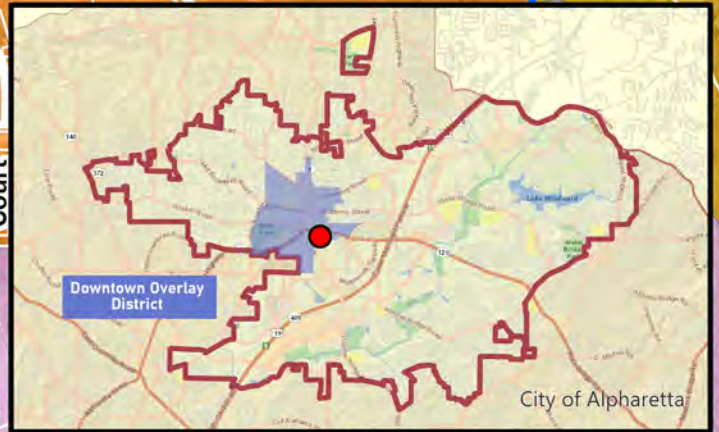
Tax Parcels

Land Lots

Downtown Overlay District

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

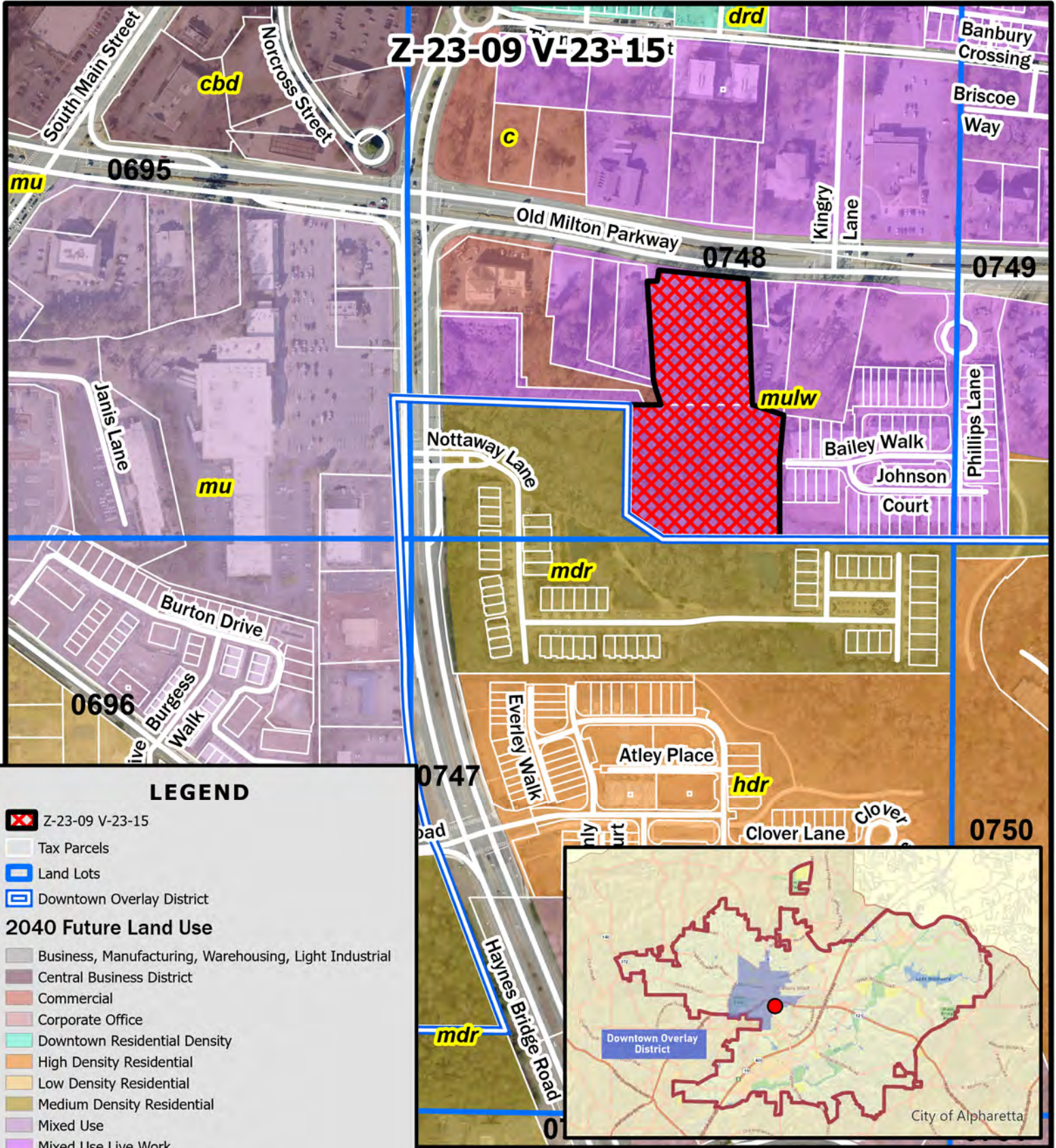


Z-23-09 V-23-15

D/LL: 1/2/0748

PC: 8/03/23

CC: 8/28/23



LEGEND

Z-23-09 V-23-15

Tax Parcels

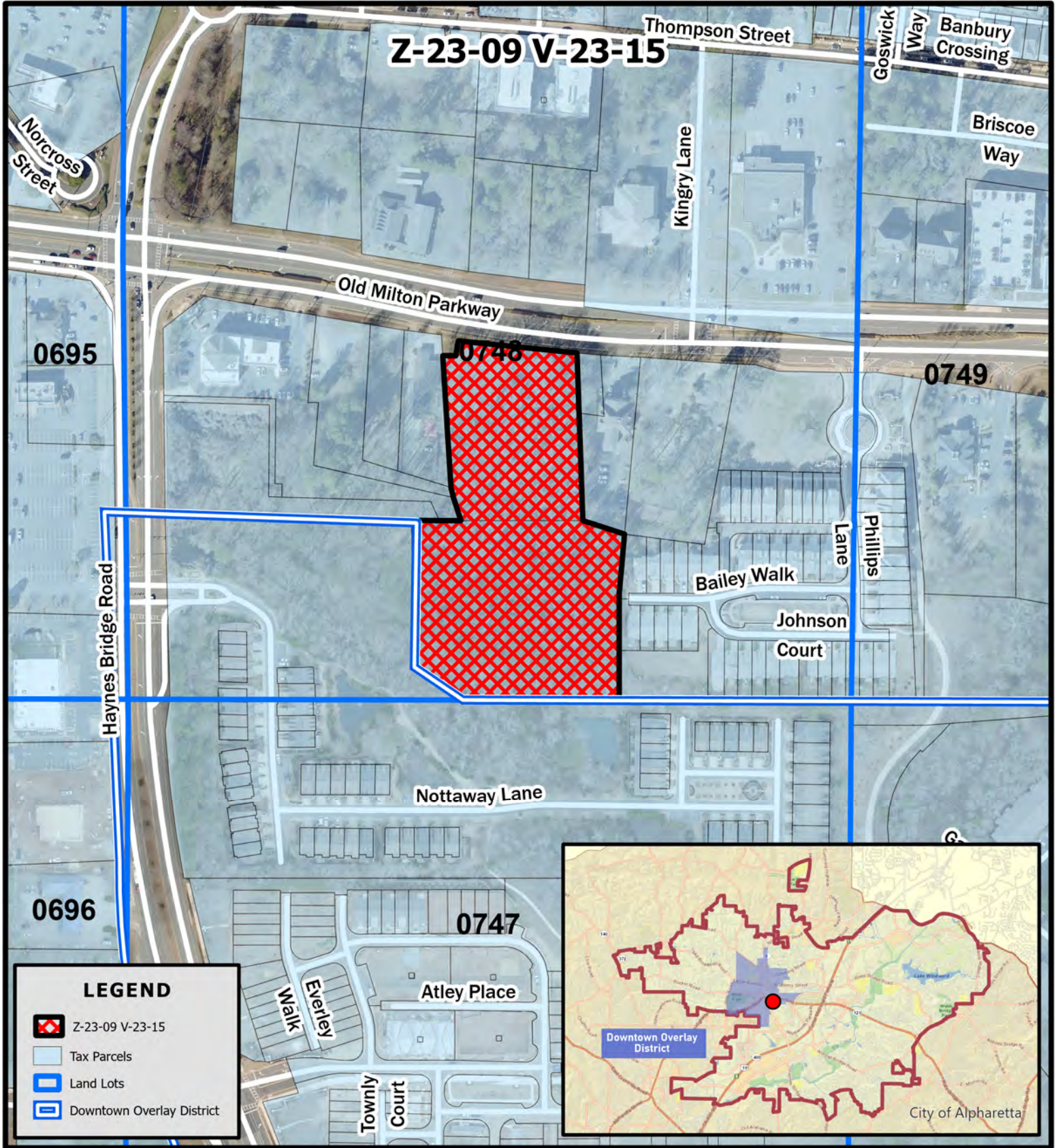
Land Lots

Downtown Overlay District

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-23-09 V-23-15
D/LL: 1/2/0748
PC: 8/03/23
CC: 8/28/23



Z-23-09 V-23-15

D/LL: 1/2/0748

PC: 8/03/23

CC: 8/28/23

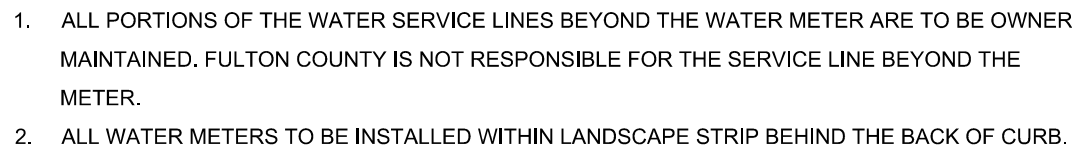


EXHIBIT A - RENDERINGS



EXHIBIT A - RENDERINGS



CURRENT CONDITIONS



AFTER ENHANCEMENTS



- BANK REINFORCEMENT/STABILIZATION (LIVESTAKES & VEGETATED GEOGRID)
- IMPROVED FILTRATION OF WATER
- STREAM BED CLEAN-UP
- REMOVAL OF INVASIVE SPECIES



SPECIMEN TREE REPORT

City of Alpharetta

Surveyed by: James Mahoney ISA#: SO:10291A

Project # 15315.01A

TREE REPORT FOR:

THE PROVIDENCE GROUP OF GEORGIA, LLC 11340 LAKEFIELD DRIVE, SUITE 140, JOHNS CREEK, GA, 30097

PROPERTY ADDRESS:

OLD MILTON PKWY (2325) @ NORCROSS ST (0 & 210) @ HAYNES BRIDGE RD (11775) LAND LOT# 748. 12TH DISTRICT, CITY OF ALPHARETTA, GEORGIA

Specimen Tree Inventory

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

The City of Alpharetta Specimen tree specifications are organized by size:

SWEETGUM AND POPLAR TREES 30" DBH

PINE TREES 30" DBH

ALL OTHER TREES 24" DBH

CONIFEROUS TREES 20" DBH

BEECH, TUPELO, PERSIMMON, SASSAFRAS, MAGNOLIA 20" DBH

FLOWERING UNDERSTORY TREES 8" DBH

SOURWOOD TREES 10" DBH

And condition:

- Life expectancy greater than 15 years

- Relatively sound and solid trunk with no visible decay

- No more than one major and several minor dead limbs (hardwoods)

- No major insect or pathological problems

Site Location

The site is located in the city of Alpharetta, it South of Old Milton Parkway and East of Haynes Bridge Road. It is directly adjacent to “My First Academy”, a children’s Montessori School, that the site partials surrounds. The site is also bordered to the north west by a small shopping plaza, and Townhomes along its eastern border. The southern edge of the property is adjacent to another townhome development, but is buffered by a small existing forest and a walking trail. The site is covered by existing woodlands, it is predominantly poplars, with a good number of water oaks spread throughout. There are a concentration of pines on the southwestern portion of the site. The property is bisected by multiple streams and has a considerable area of floodplain along its southern extent. Overall the site appears to be healthy.

Definitions

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

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

Diameter at Breast Height (DBH): The diameter of a trunk at 4.5’ above ground level. If tree is split, measurement is taken at narrowest point below bifurcation. Measured in inches.

Condition:

Excellent: A specimen tree that is a State Champion and warrants saving at all costs. This classification would be confirmed by the County Arborist and the Georgia Forestry Council.

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

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

Poor: More than 30% of the crown is dead or has significant tip die back. More than one major limb is dead and are large trunk cavities with visible decay. Severe insect or disease damage leading to immediate death. Roots are visible and show signs of decay and rot. Life expectancy is less than 10 years.

DDH: Tree has no bud or leaf production. All limbs are barren and rot is visible, or there is severe or uncorrectable damage that will lead to a loss of property or life if there is tree failure.

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

Specimen Tree Summary: Most of the specimen sized trees on site Meet the city of Alpharetta specimen standards for specimen trees.

Total Specimen Sized and Quality Trees: 19

Excellent Condition 0

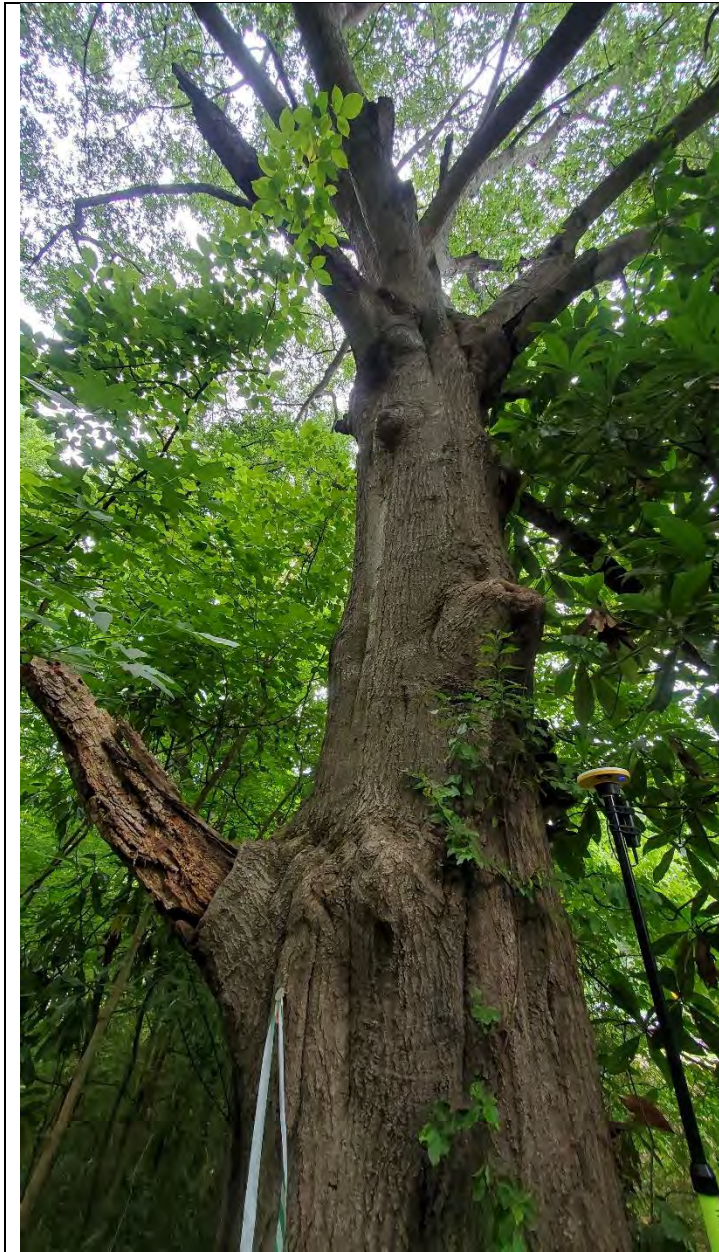
Good Condition: 16

Fair Condition: 3

Poor Conditions: 3

SPECIMEN TREE AND QUALITY TREE DATA					
Tree #	DBH "	Common name	Scientific name	Condition	Status
304	48	WATER OAK	<i>Quercus nigra</i>	POOR	Tree #304 is a Water Oak, it has a DBH of 48 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #304 is a DDH. The tree meets this designation due to it having a major Trunk Wound and it having Fruiting Bodies. In addition the tree has 3 Broken Major Branches and 3 Broken Minor Branches.
305	28	WATER OAK	<i>Quercus nigra</i>	GOOD	Tree #305 is a Water Oak, it has a DBH of 28 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #305 is a Tree of Quality.
308	30	SWEETGUM	<i>Liquidambar styraciflua</i>	GOOD	Tree #308 is a Sweetgum, it has a DBH of 30 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #308 is a Tree of Quality.
311	38	PINE	<i>Pinus spp.</i>	GOOD	Tree #311 is a Pine, it has a DBH of 38 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #311 is a Tree of Quality.
312	45	POPLAR	<i>Liriodendron tulipifera</i>	GOOD	Tree #312 is a Poplar, it has a DBH of 45 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #312 is a Tree of Quality.
313	31	SWEETGUM	<i>Liquidambar styraciflua</i>	GOOD	Tree #313 is a Sweetgum, it has a DBH of 31 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #313 is a Tree of Quality.
321	32	POPLAR	<i>Liriodendron tulipifera</i>	GOOD	Tree #321 is a Poplar, it has a DBH of 32 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #321 is a Tree of Quality.
322	32	POPLAR	<i>Liriodendron tulipifera</i>	GOOD	Tree #322 is a Poplar, it has a DBH of 32 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #322 is a Tree of Quality.
323	8	MAGNOLIA	<i>Magnolia grandiflora</i>	GOOD	Tree #323 is a Magnolia, it has a DBH of 8 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #323 is a Tree of Quality.
324	39	WATER OAK	<i>Quercus nigra</i>	POOR	Tree #324 is a Water Oak, it has a DBH of 39 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #324 is a DDH. The tree meets this designation due to it having Tip Dieback and it having a Split with Included Bark. In addition the tree has 9 Broken Minor Branches.

SPECIMEN TREE AND QUALITY TREE DATA					
Tree #	DBH "	Common name	Scientific name	Condition	Status
325	28	ELM	<i>Ulmus spp.</i>	GOOD	Tree #325 is a Elm, it has a DBH of 28 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #325 is a Tree of Quality, it having a Split with Included Bark.
326	51	WATER OAK	<i>Quercus nigra</i>	POOR	Tree #326 is a Water Oak, it has a DBH of 51 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #326 is a DDH. The tree meets this designation due to it having a major Trunk Wound and it having Fruiting Bodies as well as it having a Split with Included Bark.
1387	28	POPLAR	<i>Liriodendron tulipifera</i>	GOOD	Tree #1387 is a Poplar, it has a DBH of 28 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #1387 is a Tree of Quality.
1388	27	WATER OAK	<i>Quercus nigra</i>	GOOD	Tree #1388 is a Water Oak, it has a DBH of 27 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #1388 is a Tree of Quality.
1389	30	POPLAR	<i>Liriodendron tulipifera</i>	GOOD	Tree #1389 is a Poplar, it has a DBH of 30 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #1389 is a Tree of Quality.
1399	24	RED MAPLE	<i>Acer rubrum</i>	GOOD	Tree #1399 is a Red Maple, it has a DBH of 24 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #1399 is a Tree of Quality.
1400	25	RED MAPLE	<i>Acer rubrum</i>	GOOD	Tree #1400 is a Red Maple, it has a DBH of 25 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #1400 is a Tree of Quality.
1401	16	BOX ELDER	<i>Acer negundo</i>	GOOD	Tree #1401 is a Box Elder, it has a DBH of 16 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #1401 is a Tree of Quality.
1402	32	POPLAR	<i>Liriodendron tulipifera</i>	GOOD	Tree #1402 is a Poplar, it has a DBH of 32 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #1402 is a Tree of Quality.
Total	592				



Tree #304 is a Water Oak, it has a DBH of 48 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #304 is a DDH. The tree meets this designation due to it having a major Trunk Wound and it having Fruiting Bodies. In addition the tree has 3 Broken Major Branches and 3 Broken Minor Branches. Further consideration should be granted to this tree due to its close proximity to an active road to which it poses a large risk.



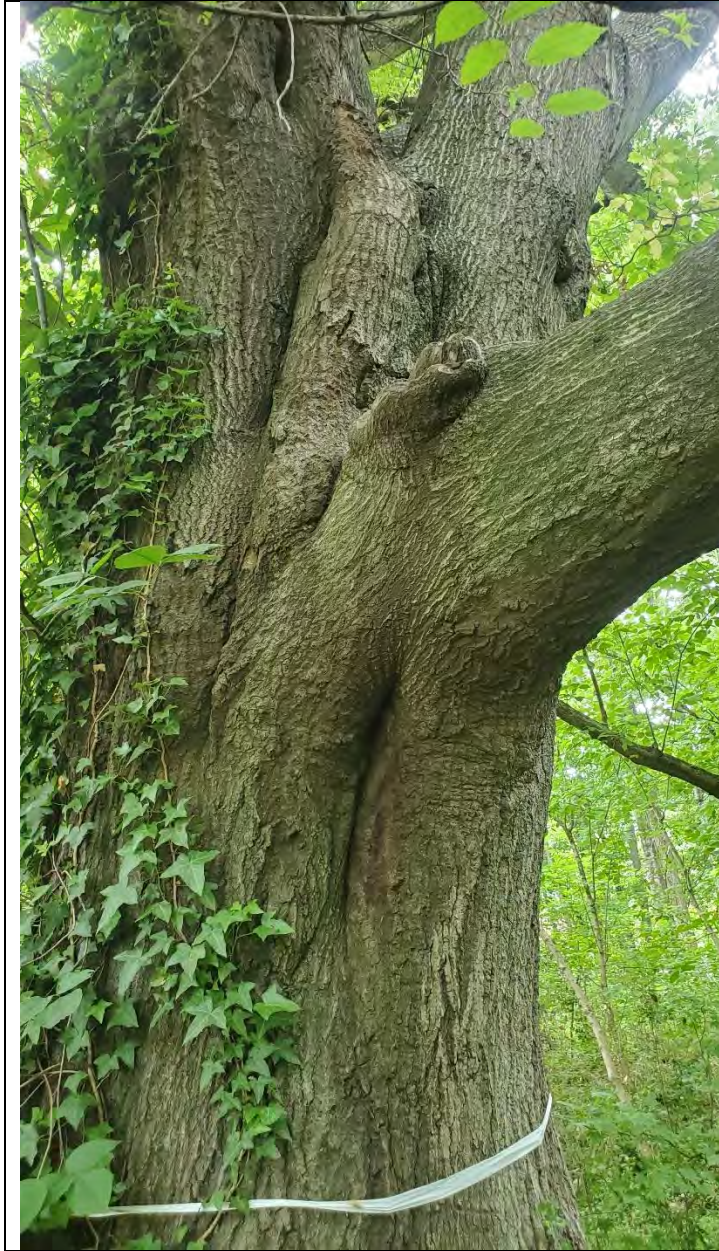
Tree #304 is a Water Oak, it has a DBH of 48 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #304 is a DDH. The tree meets this designation due to it having a major Trunk Wound and it having Fruiting Bodies. In addition the tree has 3 Broken Major Branches and 3 Broken Minor Branches. Further consideration should be granted to this tree due to its close proximity to an active road to which it poses a large risk.



Tree #324 is a Water Oak, it has a DBH of 39 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #324 is a DDH. The tree meets this designation due to it having Tip Dieback and it having a Split with Included Bark. In addition the tree has 9 Broken Minor Branches. Further consideration should be granted to this tree due to its close proximity to an elementary school building and playground to which it poses a high risk.



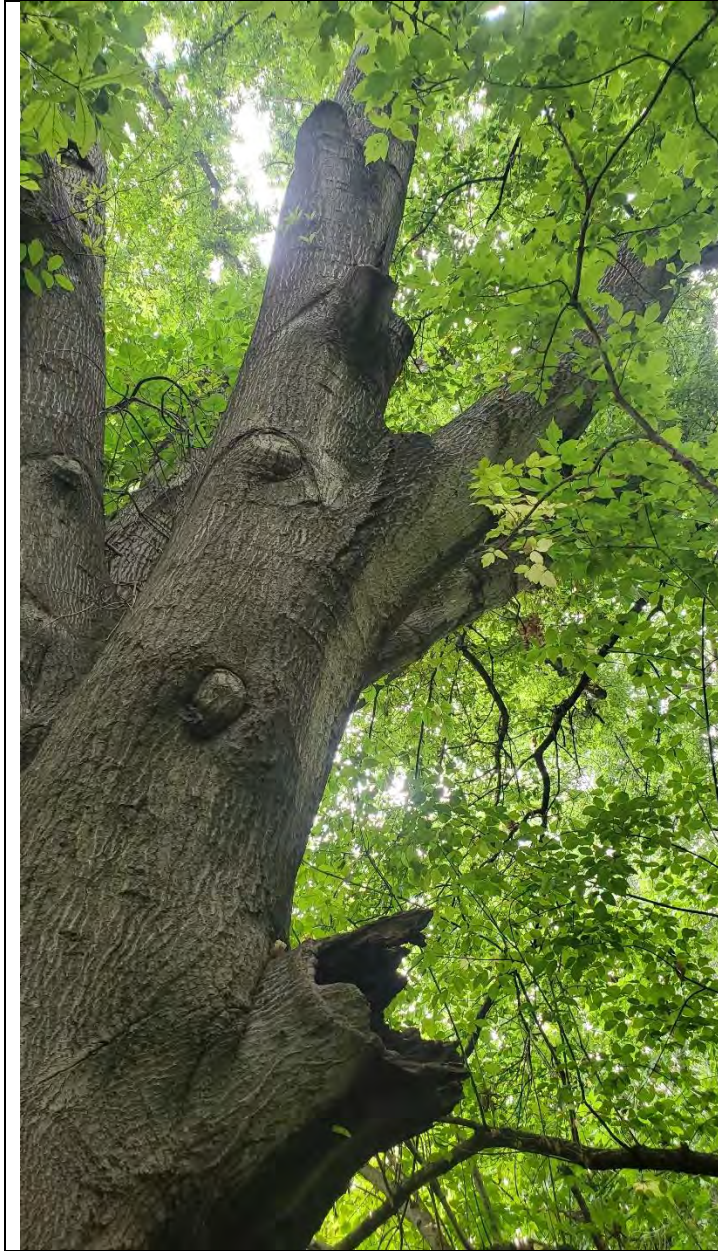
Tree #326 is a Water Oak, it has a DBH of 51 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #326 is a DDH. The tree meets this designation due to it having a major Trunk Wound and it having Fruiting Bodies as well as it having a Split with Included Bark. Further consideration should be granted to this tree due to its close proximity to an active road to which it poses a large risk.



Tree #326 is a Water Oak, it has a DBH of 51 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #326 is a DDH. The tree meets this designation due to it having a major Trunk Wound and it having Fruiting Bodies as well as it having a Split with Included Bark. Further consideration should be granted to this tree due to its close proximity to an active road to which it poses a large risk.



Tree #326 is a Water Oak, it has a DBH of 51 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #326 is a DDH. The tree meets this designation due to it having a major Trunk Wound and it having Fruiting Bodies as well as it having a Split with Included Bark. Further consideration should be granted to this tree due to its close proximity to an active road to which it poses a large risk.



Tree #326 is a Water Oak, it has a DBH of 51 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #326 is a DDH. The tree meets this designation due to it having a major Trunk Wound and it having Fruiting Bodies as well as it having a Split with Included Bark. Further consideration should be granted to this tree due to its close proximity to an active road to which it poses a large risk.

1105 W. Peachtree St. NE, Suite 1000
Atlanta, Georgia 30309-3608
Tel: 404 815-3500
www.sgrlaw.com



J. Alexander Brock
Direct Tel: 404-815-3603
Direct Fax: 404-685-6903
jabrock@sgrlaw.com

May 31, 2023
Revised July 27, 2023

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

Re: Application of The Providence Group of Georgia for ±4.882 acres of land located along the southern right-of-way of Old Milton Parkway (a.k.a State Route 120) to rezone from R-12 to DT-LW; and to secure three (3) variances from Sections 2.3.3.G, 2.6.2.A, and 3.3.6 of the City of Alpharetta Unified Development Code and the Downtown Overlay District; which tract is located in Land Lot 748, 12th District, Fulton County, GA.

Dear Ms. Cook:

Please accept this letter as the Letter of Intent of my client, The Providence Group of Georgia ("TPG"), in support of the above referenced Applications.

As you know I represent TPG in its effort to develop the property located 2325 Old Milton Parkway (Parcel ID 12 270307480230) and 210 Norcross Street (Parcel ID 12 270307480560)¹ (the "Subject Property"), for 24 attached, owner-occupied single family townhomes, at a density of ±4.91 units per acre; noticeably under the maximum allowed density for townhomes. A Site Plan by Planners and Engineers Collaborative, dated May 22, 2023 and revised July 27, 2023, more particularly details the nature of the intended project. The square footage of the units will range from 1,600 to 2,120, and all will be 3-bedrooms units with 3.5 bathrooms each. Each unit will have an attached garage for two cars, as well as driveways that will be at least 18 feet in length. Additionally, there will be 5 guest parking spaces on site. The internal road will have a 45-foot access & utility easement

¹ The overall property totals ±6.149 acres which also includes 0 Norcross Street (Parcel ID 12 270307480180). However, only ±4.882 acres of the total area are subject to this rezoning request.

allowing two 10-foot travel lanes, sidewalks, and landscape strips. The townhomes will have direct access to 21-foot wide alleyways that connect to the internal drive.

The proposed development will be accessed from Old Milton Parkway, about 700 feet east of where the parkway intersects Haynes Bridge Road; there will be no vehicular access to any of the neighboring properties. There will be pocket parks spaced throughout the development to provide greenspace access to future residents, along with a mail kiosk located at the most southerly end of the project. The proposed units along the east side of the property will be buffered from the neighboring office use by a 20-foot planted buffer and the units to the west shall be separated by at least 30-feet of greenery and stream buffers. There is a stormwater facility proposed near the south end of the developable portion of the site that would collect runoff during significant rain events and mitigate impacts to the stream.

The Subject Property is currently zoned R-12 (Dwelling, 'For-Sale', Detached Residential) and within the Downtown Overlay District. The tract is currently undeveloped and contains a 20-foot sanitary sewer easement running along the west and south edge of the property, as well as, streams and floodplain located on the southern and western portions of the site. To the north the Subject Property abuts the right-of-way of Old Milton Parkway. To the east, is a property zoned Office Institutional (O-I) containing the medical offices of Beaty Facial Plastic Surgery. Also to the east, the Subject Property borders a parcel zoned Downtown Live Work (DT-LW) containing the Chelsea Walk townhomes. To the south, the Subject Property borders a parcel developed as the Haynes Park Townhomes and is zoned Dwelling, 'For-Sale', Attached Residential—Low Density (R-4A). To the west the Subject Property borders a parcel zoned O-I containing the My First Academy Montessorri School. Also to the west, the Subject Property borders a portion of the Haynes Park Townhomes development.

The Subject Property is situated along a section of Old Milton Parkway between the Avalon mixed-use development and downtown Alpharetta, which is largely characterized by a mix of townhome residential and office/institutional uses. The proposed townhome development is completely harmonious with the existing townhomes in the area and is complementary to the nearby office and school uses. The proposed development is also in line with the City of Alpharetta's Horizon 2040 Comprehensive Plan ("Comp Plan"), which encourages a mix of uses in the area. The Comp Plan's Future Land Use Map designates the Subject Property as being within the Mixed-Use Live Work (MULW) character area, as well as being within the Downtown Mast Plan. The Comp Plan notes the desired development within the MULW character area as: "[i]n the Downtown Overlay, office and residential uses mixed vertically within a building and/or horizontally within a development or area."² As noted above, the surrounding area is developed with a mix of office and residential townhome uses located along the Old Milton Parkway corridor. The proposed development will add to the mix of uses that the Comp Plan desires for the MULW character area. Furthermore, the proposed rezoning will bring the zoning into alignment with the MULW character area. The Comp Plan notes that DT-LW is an appropriate

² See City of Alpharetta's Horizon 2040 Comprehensive Plan, pg. 58.

zoning district for the MU character area, while the R-12 district is not. As a result, the current zoning is out of step with the requirements of the Comp Plan, which the Applicant's proposal seeks to correct.

As a consequence of being within the Downtown Overlay, there are a number of additional design elements which are to be incorporated into the proposed development. The proposed development will meet the Downtown Overlay requirements for open space by providing ± 0.60 acres (12.2% of the site) of amenity space.³ Thus, the ultimate goal is to create an attractive and fitting residential development in compliance with the vision adopted by the City in its Comp Plan and the Downtown Master Plan. This development represents an opportunity for high scale, for-sale housing in an area that is devoid of such options.

These improvements require the following approvals:

1. Rezone the Subject Property from R-12 to Downtown Live Work (DT-LW).
2. Concurrent variances and approvals from certain sections of the City of Alpharetta Unified Development Code requirements occasioned by factors peculiar to the Subject Property. The development will need the following variances/approvals from:
 - a. Alpharetta UDC Section 2.3.3.G – Amend the Downtown Overlay streetscape requirements to allow a 5-foot sidewalk and 4-foot landscape strip along the interior drives.
 - b. Alpharetta UDC Section 2.6.2.A – Amend the Downtown Overlay requirements to reduce the 50-foot undisturbed buffer along a portion of the western and eastern property line to a 20-foot landscaped buffer.
 - c. Alpharetta UDC Section 3.3.6 - Encroachment into the City of Alpharetta stream buffers for the development as shown on the Site Plan by PEC, dated May 22, 2023.

A. Relevant Background Information

The Subject Property has remained a vacant, wooded lot since at least 1988⁴ while much of the surrounding area has experienced significant development. The recent growth of the area is characterized by higher density residential (particularly townhomes), office and commercial developments. The Subject Property is ideally located for the type of community sought after by contemporary consumers and residents within close proximity to employment, retail and entertainment. The site is located in close proximity to major employment centers in the Avalon

³ Civic space is not required for sites under 5 acres per Alpharetta UDO §3.8.3.

⁴ Aerial photographs of the property show a single family home on the property prior to 1981, but that structure is no longer present by 1988.

mixed use development as well as Alpharetta's Central Business District. In addition, the property is approximately 1/3 mile from Alpharetta's downtown and approximately ½ mile from the commercial shops and restaurants in the Avalon development.

The centralized location lends itself to higher-density housing options that attract the professionals employed in the area. The housing preference of many modern professionals is one that is in close proximity to employers, as well as retail, restaurant, and recreational uses. The Subject Property offers a golden opportunity to further the intent of the Comp Plan and the Downtown Master Plan by adding higher density residential along the Old Milton corridor

B. Trip Generation

The proposed development will not overly burden existing streets or transportation facilities. The Applicant has submitted a Trip Generation Memorandum, prepared by A&R Engineering and dated May 23, 2023, along with this application detailing the anticipated number of trips. The Trip Generation Memorandum states that the 24 townhomes are expected to generate 7 trips during the AM weekday peak hour, 10 trips during the PM weekday peak hour, and 132 total trips on a weekday. The proposed development will be accessed from Old Milton Parkway, about 700 feet east of where the parkway intersects Haynes Bridge Road; there will be no vehicular access to any of the neighboring properties. Old Milton Parkway is classified as a principal arterial per the Georgia Department of Transportation State Functional Classification Map. This type of roadway is intended to carry a large volume of traffic and the Applicant is unaware of any capacity issues with that roadway. Accordingly, Old Milton Parkway is anticipated to easily accommodate the minor amount of traffic generated by the proposed project.

C. Schools

The school-age children living in the residences will attend Manning Oaks Elementary School; Northwestern Middle School; and Milton High School. Manning Oaks Elementary is listed as under capacity. Northwestern Middle School and Milton High School are currently over capacity. The proposed townhomes, however, are not expected to overly-burden local schools since the target market for townhome residential is younger professionals or empty nesters, which are demographics that tend not to have school-age children.

D. Standards for Zoning Changes

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

Response: Yes. Residential growth at higher densities is a key component of plans for the Old Milton corridor in the Downtown Master Plan. The property also is located within the Downtown Overlay, which envisions "a range of high-quality and aesthetically compatible housing options should be provided to accommodate different needs in the community." If approved, conditions are recommended that further the concepts of the Downtown Master

Plan and the Downtown Overlay.

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

Response: No. By restricting access to Old Milton Parkway, and by appropriately screening the site with landscaping there should be no adverse impact upon adjacent or nearby property.

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

Response: No. The proposal is sensitive to the environmental constraints of the site and will implement many environmentally sensitive measures. A large portion of the site is comprised of stream buffers and floodplain, which the Applicant has taken care to limit impacts to these sensitive areas. In addition, the Applicant's site plan identifies tree save areas to protect the existing tree canopy.

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

Response: As noted in the paragraphs above, a large portion of the Subject Property is located within floodplain and stream buffers, leaving a little over 2 acres that is developable. This severely limits the ability to feasibly develop the property under the current R-12 zoning. The R-12 district requires a minimum 12,000 square foot lot size, which, when taken into account with the stream buffers, prohibits any practical development of the property. The proposed DT-LW zoning, however, allows smaller lots, thus allowing an attractive development that also fits within the site's constraints. As a result, absent a rezoning to allow a more practical use, such as townhome residential, the Subject Property is likely to remain undeveloped.

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

Response: The proposed change in use to allow a higher density residential would generate a greater demand upon public facilities and services, such as parks, recreational programs, schools, as well as potentially increased vehicular trips. However, the Applicant does not anticipate the proposed townhomes creating an excessive burden on roadways or schools, as outlined in Paragraphs B and C of this Letter of Intent above, or on other public services. As far as utilities are concerned, the Subject Property will have access to water and sewer.

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

Response: Yes. The Comp Plan recognizes the desirability of mixed uses to include residential options.

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

Response: Yes. The request to rezone to property to allow townhome development reflects a reasonable balance, particularly the included design features and preservation of natural areas that help the development blend with the surrounding uses.

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

Response: See response to (d) above.

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

Response: The Comp Plan does not list the current R-12 zoning as appropriate for the Mixed Use Live Work character area. The proposed DT-LW zoning, however, will bring the zoning into alignment with the Comp Plan's goals for the area.

E. 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 approximately 4.8-acre property is configured in an irregular shape along Old Milton Parkway. The property has a relatively narrow northern portion and wider southern portion and this peculiar shape prohibits the efficient layout of any development. Additionally, FEMA floodplain, a perennial stream, an intermittent stream, and two sanitary sewer easements transect the property. Wetlands exist on-site and topography drops off along the Old Milton Parkway frontage. The perennial stream has up to 150-foot buffers. The intermittent stream has a 25-foot state buffer, 50-foot city undisturbed buffer and 75-foot city impervious buffer. Because of these conditions, only about two acres of the total site area are developable and the southern half of the property is almost entirely unsuitable for locating residential structures. As a result, the proposed townhomes are limited to the narrow northern portion of the property. The narrow shape of the northern half, coupled with the stream buffers severely limits development of the property for any practical purpose. As a result, any practical development of the property will require relief from the stream buffer and zoning buffer ordinances.

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

Response: The particular features associated with the property, presence of streams, floodplain and its location between two O-I districts, along with the requirements of the Downtown Overlay creates a hardship which requires a design with these variances. A slight reduction in local buffer setbacks to the intermittent stream, along with minor dimensional adjustments provides a more reasonable developable land area on the subject site.

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

Response: The existence of the streams and floodplain coupled with the presence of sewer easements affect the Subject Property's ability to be reasonably developed.

- (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 would not cause substantial detriment to the public good. By allowing the streetscape standards to be modified to allocate 5' of sidewalk and a 4' landscape strip will give future residents pedestrian access through the site and connection the sidewalk along Old Milton Parkway without excessive impervious surface so near the streams and floodplain. The site constraints, with relief, allows for a cluster development that efficiently uses the land and that meets the intent of the Zoning Code and desired creation of place within Downtown Alpharetta. The remaining land impacted by streams, easements and buffers will be retained in a natural state. The development will provide improvements to the intermittent stream to ensure the protection of the water quality.

F. Stream Buffer Variance Review Criteria

The City of Alpharetta Unified Development Code Article III, Section 3.3.2.D.2.b states that a variance will be considered in the following instances:

- (1) When a property's shape, topography or other physical conditions existing at the time of the adoption of this ordinance prevents land development unless a buffer variance is granted.

Response: Refer to the response in Paragraph E(1) above.

- (2) Unusual circumstances when strict adherence to the minimal buffer requirements in the ordinance would create an extreme hardship.

Response: The Subject Property is encumbered by ± 1.88 acres of stream buffer area which constitutes $\pm 46\%$ of the total site area. The stream also transects the property along most of the lot along the western property line and prohibits development on its southern, wider portion. Consequently, the property cannot be reasonably developed without relief from the stream buffer requirements.

The Applicant is limiting its encroachment, however, to only the minimum amount needed for

relief, but will provide mitigation for the entire buffer area. The Application is proposing $\pm 15,634$ square feet of encroachment but will mitigate $\pm 65,540$ square feet of buffer area. The mitigation will enhance and stabilize the area along the stream, including removing fallen trees from inside the stream bed that are impeding flow, planting eroded or sparsely vegetated areas of stream banks with live stakes, adding enhanced buffer plantings where sparsely vegetated, and removing invasive species. Refer to the Buffer Mitigation Plan by Planners and Engineers collaborative, dated 05/22/2023 and revised 07/27/2023, attached to this application. The goal is to improve the quality of the stream, while allowing area for the reasonable development of the property. Conversely, a strict adherence to the buffer requirements would prohibit its development, while providing no reasonable benefit to the public.

G. Requested Conditions

- 1) The property shall be developed substantially in accordance with the plans by Planners & Engineers Collaborative, dated May 22, 2023.
- 2) Each unit shall contain a minimum of 1,600sf.
- 3) Residential alleys shall be allowed.
- 4) The project provides approximately 0.6 acres of amenity space ($\pm 12.2\%$ of total site). Amenity space is spread throughout the site and includes pocket parks and passive green spaces.
- 5) Site will have vehicular access from Old Milton Parkway only.
- 6) No more than 10% of the residential units will be permitted to be rented, as recorded in the HOA's declarations and covenants.
- 7) New utilities interior to the site will be placed underground.
- 8) The stormwater detention facilities may be located within the 50-foot undisturbed buffer.
- 9) The rezoning shall be subject to a recombination plat depicting the proposed ± 4.882 -acre parcel. The recombination plat will be prepared and recorded at a later date.

H. Preservation of Rights

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

City of Alpharetta
May 31, 2023
Revised July 27, 2023

without just and adequate compensation and without due process of law in violation of the provisions of the United States and Georgia Constitutions cited in this paragraph. The same effect would occur by imposing conditions in restraint of trade, or onerous, burdensome, unconstitutional, or unnecessary conditions on the property. The denial of this request would bear no reasonable relation to the health, safety, morals or welfare of the public.

CONCLUSION

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

Respectfully Submitted,



J. Alexander Brock
Attorney

8

Community Zoning Information Meeting (CZIM)

July 12, 2023

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

Z-23-09 / V-23-15 / 2325 Old Milton Parkway TPG

NAME	ADDRESS	COMMENTS
ED BOTT 347 Bailey Walk Alpharetta GA 30009		Project looks great no issue
Ken & Kim Thompson 344 Bailey Walk Alpharetta GA 30009		There is a dead pine tree that could fall at any time into Chelsea Walk. Please take down before it hurts someone or property.

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.

2325 Old Milton Parkway (Parcel ID 12 270307480230) and 210 Norcross Street (Parcel ID 12

Public Hearing or Project Name: 270307480560) Application # Z-23-09 / V-23-15 2325

Contact Name: Alex Brock (Smith, Gambrell, and Russell, LLP)

Telephone: 404-815-3603

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.

Letters were sent to the property owners noted on the attached list. No feedback has been received as a result of the letters. The applicant attended the Community Zoning Information Meeting on July 12, 2023 and received comments in support of the development. One CZIM attendee mentioned concerns with a dead pine tree on the property.

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



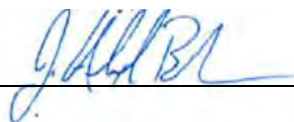
Other (Please Specify)

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.

On June 16, 2023, notice was provided to property owners within 500 feet of the subject property. A copy of that notice letter and the mailing list are included.

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

Signature of Authorized Agent:



Date: 07.14.23

Print Form

Letter to 500 Foot Property Owners

1105 W. Peachtree St. NE, Suite 1000
Atlanta, Georgia 30309-3608
Tel: 404 815-3500
www.sgrlaw.com



J. Alexander Brock
Direct Tel: 404-815-3603
Direct Fax: 404-685-6903
jabrock@sgrlaw.com

June 12, 2023

Re: 2325 Old Milton Parkway (Parcel ID 12 270307480230) and 210 Norcross Street
(Parcel ID 12 270307480560) Application # Z-23-09 / V-23-15 2325

Dear Neighbor:

Please allow this letter to serve as public notice for a The Providence Group of Georgia's Rezoning and Variance requests involving ±4.882 acres of land located at 2325 Old Milton Parkway (Parcel ID 12 270307480230) and a portion of the property at 210 Norcross Street (Parcel ID 12 270307480560), Alpharetta, Georgia. Their Application to the City of Alpharetta requests the following:

1. A rezoning from Dwelling, 'For-Sale', Detached Residential (R-12) to Downtown Live Work (DT-LW).
2. Concurrent variances from:
 - a. Alpharetta UDC Section 2.3.3.G – Amend the Downtown Overlay streetscape requirements to allow a 5-foot sidewalk and 4-foot landscape strip along the interior drives.
 - b. Alpharetta UDC Section 2.6.2.A – Amend the Downtown Overlay requirements to reduce the 50-foot undisturbed buffer along a portion of the western and eastern property line to a 20-foot landscaped buffer.
 - c. Alpharetta UDC Section 3.3.6 - Encroachment into the City of Alpharetta stream buffers for the development as shown on the Site Plan by PEC, dated May 22, 2023.

The Community Zoning Information Meeting (CZIM) for these requests will be held on Wednesday, July 12, 2023, at 6:00 PM in the Council Chambers in the Alpharetta City Hall. Alpharetta City Hall is located at 2 Park Plaza, Alpharetta, GA 30009. This is an informal meeting to allow the public to view public hearing requests, ask questions, and provide feedback.

This item will be considered by the Planning Commission on Thursday, August 3, 2023, at 6:30 PM and City Council on Monday, August 28, 2023, at 6:30 PM. The meeting(s) will be held in the Council Chambers at City Hall, 2 Park Plaza, Alpharetta, GA 30009.

If you have any questions regarding the request, please feel free to contact me at your convenience. I can be reached at 404.815.3500 or jabrock@sgrlaw.com

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Alexander Brock', is positioned above the printed name.

J. Alexander Brock

500 Foot Property Owner List



Firm Mailing Book For Accountable Mail

Name and Address of Sender	Check type of mail or service	Postage and Fees													
Cathy Ellington Smith, Gambrell & Russell, LLP 1105 West Peachtree Street, NE Suite 1000 Atlanta, GA 30309	☐ Adult Signature Required	Affix Stamp Here (for additional copies of this re Postmark with Date of Recel													
	☐ Adult Signature Restricted Delivery	JUN 12 2023													
	☐ Certified Mail	Hasler													
	☐ Certified Mail Restricted Delivery	36/12/2023													
	☐ Collect on Delivery (COD)	US POSTAGE \$97.80													
	☐ Insured Mail	ZIP 30301													
USPS Tracking/Article Number	Addressee (Name, Street, City, State, & ZIP Code™)	Postage	(Extra Service) Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee	
1.	VRE ALPHARETTA LLC 1211 S WHITE CHAPEL RD GRAPEVINE TX 76092	.60	.54												
2.	2260 OLD MILTON LLC 2300 BETHELVIEW RD STE 110-329 CUMMING GA 30040	.60	.54												
3.	2365 OLD MILTON PARKWAY MOB LLC 1835 SAVOY DR STE 101 ATLANTA GA 30327	.60	.54												
4.	SEISAN MFA PROPERTIES LLC 2425 OLD MILTON PKWY ALPHARETTA GA 30009	.60	.54												
5.	WARD ALICE & WARD JAMES 708 NOTTAWAY LANE ALPHARETTA GA 30009	.60	.54												
6.	MOORE JOHN G & MOORE THERESA J 704 NOTTAWAY LANE ALPHARETTA GA 30009	.60	.54												
7.	HATCH TIMOTHY & WIELAND LISA 122 NOTTAWAY LANE ALPHARETTA GA 30009	.60	.54												
8.	WARNER THOMAS F 301 NOTTAWAY LN ALPHARETTA GA 30009	.60	.54												

9.	ROBERTS STEPHEN D & ROBERTS NANCY L 305 NOTTAWAY LANE ALPHARETTA GA 30009	.60	.54																
10.	KIZZAR TERRY W 309 NOTTAWAY LANE ALPHARETTA GA 30009	.60	.54																
11.	DICKERSON SIMON G & DICKERSON ALICE F 403 NOTTAWAY LANE ALPHARETTA GA 30009	.60	.54																
12.	PUBLIX SUPER MARKETS INC P O BOX 32025 LAKELAND FL 33802-2025	.60	.54																
13.	DALTEX ALPHARETTA LLC 3715 NORTHSIDE PKWY ATLANTA GA 30327	.60	.54																
14.	CITY OF ALPHARETTA GEORGIA 2 PARK PLZ ALPHARETTA GA 30009	.60	.54																
15.	UNITED STATES POSTAL SERVICE 1735 NORTH BROWN RD STE 200 LAWRENCEVILLE GA 30043-8153	.60	.54																
16.	UNITED STATES POSTAL SERVICE 1735 NORTH BROWN RD STE 200 LAWRENCEVILLE GA 30043-8153	.60	.54																
17.	BAIR GINA 211 NOTTAWAY DR ALPHARETTA GA 30009	.60	.54																
18.	FOX DIANA M 205 NOTTAWAY LANE ALPHARETTA GA 30009	.60	.54																
19.	FORD DEMARCO D 201 NOTTAWAY LANE ALPHARETTA GA 30009	.60	.54																



20.	OU YI-CHUNG & CHUO YUN-FANG 123 NOTTAWAY LN ALPHARETTA GA 30009	.60	.54																
21.	GUPTA SATHY & MAYURA S 608 NOTTAWAY LANE ALPHARETTA GA 30009	.60	.54																
22.	JMM REVOCABLE TRUST THE 506 NOTTAWAY LANE ALPHARETTA GA 30009	.60	.54																
23.	DICKSTEIN SCHANKER RECOVABLE TRUST THE 606 NOTTAWAY LANE ALPHARETTA GA 30009	.60	.54																
24.	COVINGTON ALEC C & MARILYN G 602 NOTTAWAY LN ALPHARETTA GA 30009	.60	.54																
25.	GOLIAS DAVID J 121 NOTTAWAY LANE ALPHARETTA GA 30009	.60	.54																
26.	MICKEY CANDACE G 117 NOTTAWAY LANE ALPHARETTA GA 30009	.60	.54																
27.	JANUS PAUL S & KARIN L 109 NOTTAWAY LANE ALPHARETTA GA 30009	.60	.54																
28.	HOGAN SHIRLEY 611 NOTTAWAY LN ALPHARETTA GA 30009	.60	.54																
29.	SMITH JOSEPH T & HORNE BARBARA J 310 NOTTAWAY LANE ALPHARETTA GA 30009	.60	.54																
30.	GOREN MARLENE S 306 NOTTAWAY LANE ALPHARETTA GA 30009	.60	.54																



31.	GOREN MARLENE S 306 NOTTAWAY LANE ALPHARETTA GA 30009	.60	.54												
32.	MURPHY LISA M 423 JOHNSON CT ALPHARETTA GA 30004	.60	.54												
33.	LINUS ANTHONY 421 JOHNSON CT ALPHARETTA GA 30009	.60	.54												
34.	AKOTO KWABENA 417 JOHNSON CT ALPHARETTA GA 30009	.60	.54												
35.	KADAM RAJENDRA A & KADAM SWETA R 415 JOHNSON CT ALPHARETTA GA 30009	.60	.54												
36.	SINGH IS KING INVESTMENTS LLC 8220 ROYAL SAINT GEORGES WAY DULUTH GA 30097	.60	.54												
37.	LEE SELENE SEUNGEUN 401 JOHNSON CT ALPHARETTA GA 30009	.60	.54												
38.	CHELSEA WALK HOMEOWNERS ASSOCIATION INC 3245 PEACHTREE PKWY # D 242 SUWANEE GA 30024	.60	.54												
39.	ALYWARD BRANDON E & HILL NICHOLE 218 PHILLIPS LN ALPHARETTA GA 30009	.60	.54												
40.	MC DOWELL ANDREW 338 BAILEY WALK ALPHARETTA GA 30009	.60	.54												
41.	KRINSKY ALAN 342 BAILEY WALK ALPHARETTA GA 30009	.60	.54												



42.	ARORA NAVEEN & SHARMA VIMI 22 GRAND MANOR CT STAFFORD TX 77497	.60	.54												
43.	SHARMA PREM & RAMIT KUMAR 824 ADLER CT ALPHARETTA GA 30005	.60	.54												
44.	AKEY CHRISTOPHER 331 BAILEY WALK ALPHARETTA GA 30009	.60	.54												
45.	THOMAS ANUP MATHEW & BINNS BETH M 333 BAILEY WALK ALPHARETTA GA 30009	.60	.54												
46.	THOMAS ANUP MATHEW & BINNS BETH M 333 BAILEY WALK ALPHARETTA GA 30009	.60	.54												
47.	ABBAS RASHID & ABBAS NAHID 335 BAILEY WALK ALPHARETTA GA 30009	.60	.54												
48.	WILLIS LYDIA BROOKS & JASON ROBERT 208 PHILLIPS LN ALPHARETTA GA 30009-2600	.60	.54												
49.	KOTIKALAPUDI AMRUTHA VIDYA ET AL 3935 MILLBROOK CT SUWANEE GA 30024	.60	.54												
50.	LIDDELL PEARSON JR & GLORIA JEAN 203 PHILLIPS ST ALPHARETTA GA 30009	.60	.54												
51.	SEAU JAKE RYAN 213 PHILLIPS LN ALPHARETTA GA 30009-2601	.60	.54												
52.	SHINNERS MICHAEL PATRICK & TERESA T 217 PHILLIPS LANE ALPHARETTA GA 30009	.60	.54												



53.	LOGSDON CHRISTOPHER & LOGSDON SALLY 200 PHILLIPS LN ALPHARETTA GA 30009	.60	.54												
54.	GRBK HAYNES LLC 2805 N DALLAS PKWY STE 400 PLANO TX 75093	.60	.54												
55.	THADANI SANJEEV & SHARMILA 332 ATLEY PL ALPHARETTA GA 30009	.60	.54												
56.	ARORA NAVEEN 326 ATLEY PL ALPHARETTA GA 30009	.60	.54												
57.	SUTTER LESLEY 324 ATLEY PL ALPHARETTA GA 30009	.60	.54												
58.	TOLBERT KEVIN T & TOLBERT SHELLEY LEWIS 81 THOMPSON ST UNIT 101 ALPHARETTA GA 30009	.60	.54												
59.	JANOVITZ RICHARD & RENEE 205 W SPRINGS LAKE DR ALTAMONTE SPRINGS FL 32714	.60	.54												
60.	CHAN TIN & ENG DANNY 3975 OLD MILTON PKWY # S 1 ALPHARETTA GA 30005	.60	.54												
61.	CHAN TIN & ENG DANNY 3975 OLD MILTON PKWY # S 1 ALPHARETTA GA 30005	.60	.54												
62.	2365 OLD MILTON PARKWAY MOB LLC 1835 SAVOY DR SUITE 101 ATLANTA GA 30341	.60	.54												
63.	GUVEN KERIMAN 3396 CARVERTON LANE ALPHARETTA GA 30022	.60	.54												



64.	MC BETH LAIRD G & JOHANNA V 124 NOTTAWAY LN ALPHARETTA GA 30009-2284	.60	.54												
65.	FINEIS JAMES L & BAILEY ELLEN J 120 NOTTAWAY LN ALPHARETTA GA 30009	.60	.54												
66.	FAHEY FRANK R JR & AMY E 128 NOTTAWAY LANE ALPHARETTA GA 30009	.60	.54												
67.	EKMAN SCOTT E 213 NOTTAWAY LANE ALPHARETTA GA 30009	.60	.54												
68.	RAUSCH NANCY O 401 NOTTAWAY LANE ALPHARETTA GA 30009	.60	.54												
69.	REYNOLDS FAMILY TRUST THE 407 NOTTAWAY LANE ALPHARETTA GA 30009	.60	.54												
70.	STATE BANK & TRUST COMPANY 4219 FORSYTH RD MACON GA 31208	.60	.54												
71.	ZAINA PROPERTIES LLC 314 KENT VALLEY CIR TUCKER GA 30084	.60	.54												
72.	WELLMAN GLENN A & ANNE M 500 NOTTAWAY LN ALPHARETTA GA 30009	.60	.54												
73.	DAMERON JULIA 207 NOTTAWAY LANE ALPHARETTA GA 30009	.60	.54												
74.	FREDO JILL A 203 NOTTAWAY LANE ALPHARETTA GA 30009	.60	.54												



75.	ANDREW WEIDENER FAMILY TRUST 600 NOTTAWAY LANE ALPHARETTA GA 30009	.60	.54															
76.	ANDREW WEIDENER FAMILY TRUST 600 NOTTAWAY LANE ALPHARETTA GA 30009	.60	.54															
77.	JOHNSON GREAG & JOHNSON LYNN PAULETTE BECKMAN 119 NOTTAWAY LANE ALPHARETTA GA 30009	.60	.54															
78.	KHANG STELLA ET AL 113 NOTTAWAY LANE ALPHARETTA GA 30009	.60	.54															
79.	REMMES ROBERT J & MARY L 111 NOTTAWAY LANE ALPHARETTA GA 30009	.60	.54															
80.	HANEMAN MARY ANNE & HANEMAN MARK W 107 NOTTAWAY LN ALPHARETTA GA 30009	.60	.54															
81.	ASHWORTH THOMAS WESLEY JR 613 NOTTAWAY LANE ALPHARETTA GA 30009	.60	.54															
82.	BETH ANN RAUSCH LIVING TR THE 302 NOTTAWAY LN ALPHARETTA GA 30009	.60	.54															
83.	WELLBORN JOHN W & RENEE H 419 JOHNSON CT ALPHARETTA GA 30009	.60	.54															
84.	STEVENS LAURENE ELIZABETH PERKINS 413 JOHNSON CT ALPHARETTA GA 30009	.60	.54															
85.	MC SORLEY WILLIAM JOHN IV & SIX ALEXA RAE 411 JOHNSON CT ALPHARETTA GA 30009	.60	.54															



86.	CROUCH TIMOTHY S & WISE DONNA L 409 JOHNSON CT ALPHARETTA GA 30009	.60	.54															
87.	THADANI SHARMILA & SANJEEV 5414 HEYWARD SQUARE PL MARIETTA GA 30068-1869	.60	.54															
88.	SPACEMAGNET LLC 4575 WEBB BRIDGE RD #4002 ALPHARETTA GA 30005	.60	.54															
89.	THOMPSON KENNETH & KIMBERLY 344 BAILEY WAY ALPHARETTA GA 30009	.60	.54															
90.	ZELNIO DEBRA 216 PHILLIPS LANE ALPHARETTA GA 30009	.60	.54															
91.	ZELNIO DEBRA 216 PHILLIPS LANE ALPHARETTA GA 30009	.60	.54															
92.	HARRIS JESSE MICHAEL & BRENDA GOUBEUX 210 PHILLIPS LANE ALPHARETTA GA 30009	.60	.54															
93.	ROSENBERG DANIELLE 343 BAILEY WALK ALPHARETTA GA 30009	.60	.54															
94.	BOTTS EDWARD & CHERYL 347 BAILEY WALK ALPHARETTA GA 30009	.60	.54															
95.	AKEY ZHANNA PO BOX 609 ALPHARETTA GA 30009	.60	.54															
96.	ROSENBLATT SHELLY 337 BAILEY WALK ALPHARETTA GA 30009	.60	.54															



97.	WHITAKER BRADLEY & WHITAKER PENNY 204 PHILLIPS LANE ALPHARETTA GA 30009	.60	.54																
98.	HORSMA BENGT KRISTIAN & ANGELA HOWELL 202 PHILLIPS LANE ALPHARETTA GA 30009	.60	.54																
99.	HIMOT WESLEY BOYD 211 PHILLIPS LANE ALPHARETTA GA 30009	.60	.54																
100.	CHELSEA WALK LAND LLC 2771 LAWRENCEVILLE HWY STE 210 DECATUR GA 30033	.60	.54																
101.	JBGL ATLANTA DEVELOPMENT LLC 2805 DALLAS PKWY STE 400 PLANO TX 75093	.60	.54																
102.	STONEWALK ALPHA II LLC 3847 RIVER VISTA WAY LOUISVILLE TN 37777	.60	.54																
103.	MORRIS PATRICIA 330 ATLEY PL ALPHARETTA GA 30009	.60	.54																
104.	LASK ERNEST & JOAN 338 ATLEY PL ALPHARETTA GA 30009	.60	.54																
105.	MACINNIS GEORGE BRIAN & SUZETTE 13858 SE MARINA PL PALM CITY FL 34990	.60	.54																
106.	MACINNIS GEORGE BRIAN & SUZETTE 13858 SE MARINA PL PALM CITY FL 34990	.60	.54																
107.	FARRELL LORI A 81 THOMPSON ST UNIT 201 ALPHARETTA GA 30009	.60	.54																



108.	BENNETT HARRY MICHAEL & BENNETT DONNA STRINGER 81 THOMPSON STREET FLATS UNIT 301 ALPHARETTA GA 30009	.60	.54												
109.	TIEKEN DONALD R & SANDRA CASEY 71 THOMPSON ST UNIT 102 ALPHARETTA GA 30009	.60	.54												
110.	JANKE SCOTT L & JANKE BEVERLY J 71 THOMPSON ST UNIT 201 ALPHARETTA GA 30009	.60	.54												
111.	WILLIAMS THOMAS HAMILTON & WILLIAMS MARY MICHELE 71 THOMPSON ST UNIT 202 ALPHARETTA GA 30009	.60	.54												
112.	BEELEN FRANS 71 THOMPSON ST UNIT 301 ALPHARETTA GA 30009	.60	.54												
113.	SIMPSON CANDICE K & CARLOS C 71 THOMPSON ST UNIT 302 ALPHARETTA GA 30009	.60	.54												
114.	STONEWALK ALPHA III LLC 140 BLACKLAND CT E MARIETTA GA 30067	.60	.54												
115.	ALPHARETTA BK VENTURE LLC 6400 POWERS FERRY RD STE 100 ATLANTA GA 30339	.60	.54												
116.	ESKANDARI MOSLEM & LEILA 501 S MAIN ST STE 103 ALPHARETTA GA 30009	.60	.54												
117.	MICHAEL & MARCHAI BRUCHEY JOINT REV TR THE 1998 N LOOP PKWY SAINT AUGUSTINE FL 32095	.60	.54												
118.	DOVER SHARON D 714 NOTTAWAY LANE ALPHARETTA GA 30009	.60	.54												



119.	BOARDMAN GAYE 712 NOTTAWAY LN ALPHARETTA GA 30009	.60	.54															
120.	ROBERT E STOFFEL JR REVOC TRUST & THERESA S STOFFEL REVOC TRUST THE 345 HARBOR VILLAGE PT N PALM COAST FL 32137	.60	.54															
121.	ROBERT E STOFFEL JR REVOC TRUST & THERESA S STOFFEL REVOC TRUST THE 345 HARBOR VILLAGE PT N PALM COAST FL 32137	.60	.54															
122.	O LEARY DENNIS J & O LEARY JEANNE M 706 NOTTAWAY LANE ALPHARETTA GA 30009	.60	.54															
123.	VOEGELI KATHERINE TREADWAY 126 NOTTAWAY LN ALPHARETTA GA 30009	.60	.54															
124.	GEORGE ROBERT WOLF REVOCABLE TRUST U A & URSULA V WOLF REVOCABLE TRUST U A THE 303 NOTTAWAY LANE ALPHARETTA GA 30009	.60	.54															
125.	PARKER JAMES S & JODIE L 307 NOTTAWAY LANE ALPHARETTA GA 30009	.60	.54															
126.	KAUFFMAN STANFORD & KORNSWIET LINDA 405 NOTTAWAY LANE ALPHARETTA GA 30009	.60	.54															
127.	DANIEL G HOYER TRUST THE 409 NOTTAWAY LANE ALPHARETTA GA 30009	.60	.54															
128.	AVERY PARK PARTNERS LLC 2300 BETHELVIEW RD STE 110 239 CUMMING GA 30040	.60	.54															
129.	OH PHILLIP J & GEORGE 209 NOTTAWAY LANE ALPHARETTA GA 30009	.60	.54															



130.	MANNELLY JANICE E 502 NOTTAWAY LANE ALPHARETTA GA 30009	.60	.54															
131.	BOOKER DENNIS A & BOOKER KERRI 405 THE HERMITAGE DR ALPHARETTA GA 30004	.60	.54															
132.	LAKE BLAIR & LAKE BARBARA 508 NOTTAWAY LANE ALPHARETTA GA 30009	.60	.54															
133.	MORGAN JAMES RANDALL SR & CATHERINE 604 NOTTAWAY LANE ALPHARETTA GA 30009	.60	.54															
134.	BAILEY JAMES R & BAILEY MARY M 115 NOTTAWAY LANE ALPHARETTA GA 30009	.60	.54															
135.	COLE TIMOTHY T & COLE MYLEIN N 615 NOTTAWAY LANE ALPHARETTA GA 30009	.60	.54															
136.	COLE TIMOTHY T & COLE MYLEIN N 615 NOTTAWAY LANE ALPHARETTA GA 30009	.60	.54															
137.	JACOB STEVEN & JACOB IVONNE 617 NOTTAWAY LANE ALPHARETTA GA 30009	.60	.54															
138.	SPRIGGS ALICIA C 308 NOTTAWAY LANE ALPHARETTA GA 30009	.60	.54															
139.	SMITH STEPHEN A & SMITH JULIE G 304 NOTTAWAY LN ALPHARETTA GA 30009	.60	.54															
140.	WHITNEY BRIAN 300 NOTTAWAY LANE ALPHARETTA GA 30009	.60	.54															



141.	HAYNES PARK NEIGHBORHOOD ASSOCIATION INC 400 NORTHRIDGE RD STE 1250 SANDY SPRINGS GA 30350	.60	.54																
142.	BRADY MICHAEL C & LISA B 405 JOHNSON CT ALPHARETTA GA 30009	.60	.54																
143.	346 BAILEY WALK LLC 405 PINECREST RD NE ATLANTA GA 30342	.60	.54																
144.	KIEVET THOMAS & SARAH LYNN 214 PHILLIPS LANE ALPHARETTA GA 30009	.60	.54																
145.	DERISO DAVID CALVIN 212 PHILLIPS LANE ALPHARETTA GA 30009	.60	.54																
146.	KIRDAY PAUL & KIRDAY AIMEE 339 BAILEY WALK ALPHARETTA GA 30009	.60	.54																
147.	MORTON DALE & KATHLEEN 365 BAILEY WALK ALPHARETTA GA 30009	.60	.54																
148.	GOODSON ABBEY L 245 DAVIES RD BLUFFTON SC 29910	.60	.54																
149.	MAKAREM NIILA 201 PHILLIPS LANE ALPHARETTA GA 30009	.60	.54																
150.	LANE ELIZABETH VICTORIA 205 PHILLIPS LANE ALPHARETTA GA 30009	.60	.54																
151.	LANE ELIZABETH VICTORIA 205 PHILLIPS LANE ALPHARETTA GA 30009	.60	.54																

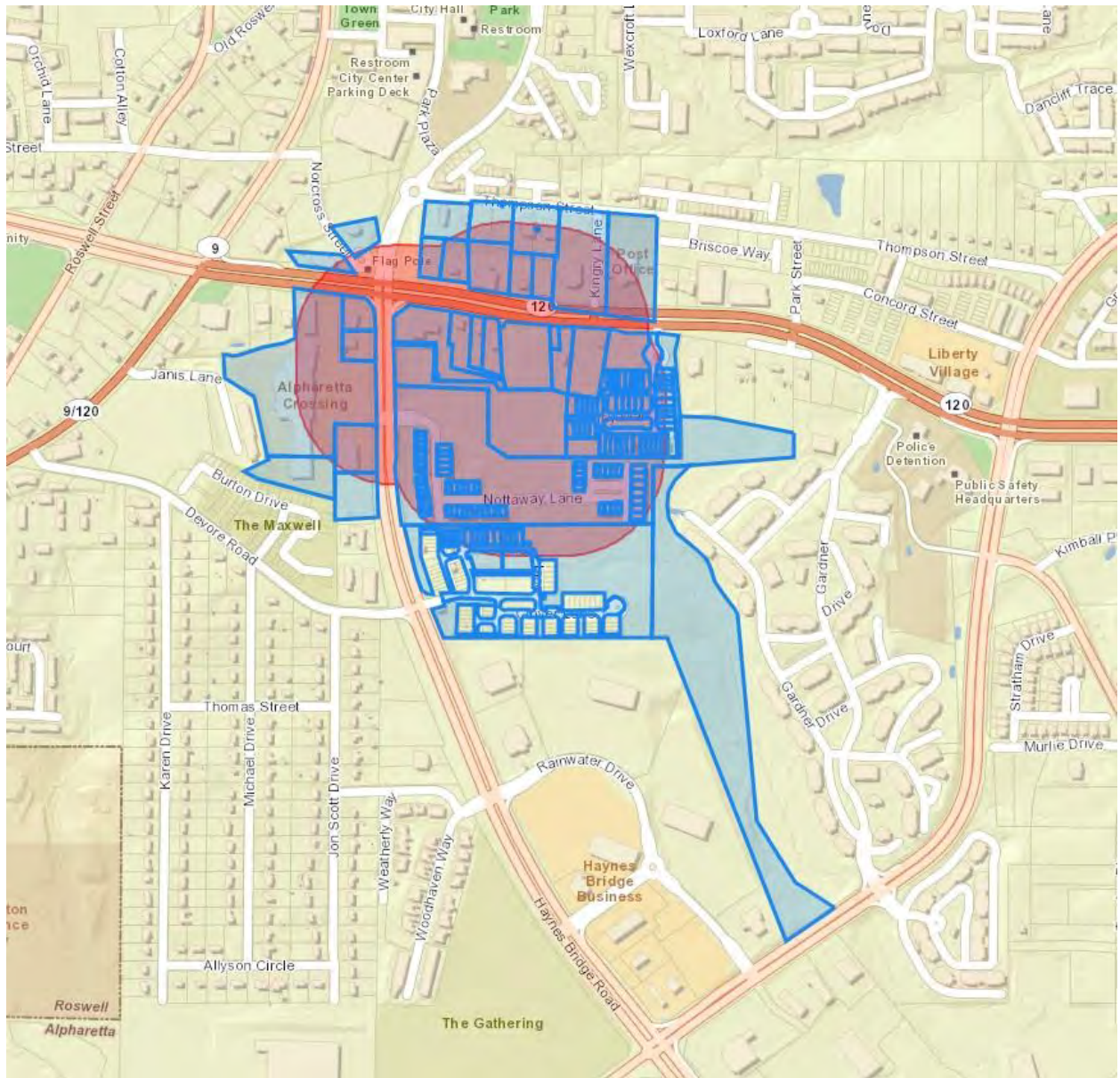


152.	LEE JUNG SEUNG & PAK JAMIE 207 PHILLIPS LN ALPHARETTA GA 30009-2601	.60	.54															
153.	CHELSEA ALPHARETTA LLC 1147 WILD CREEK TRL ATLANTA GA 30324	.60	.54															
154.	OYEWOLE AYORINDE O & PATRICIA S 215 PHILLIPS LN ALPHARETTA GA 30009	.60	.54															
155.	BREEDLOVE MICHAEL & MARGARET ELLEN 219 PHILLIPS LANE ALPHARETTA GA 30009	.60	.54															
156.	ONE ALPHARETTA PARTNERS LLC 410 PEACHTREE PKWY STE 4245 CUMMING GA 30041	.60	.54															
157.	GUPTA ABHAYA & MANJU 336 ATLEY PL ALPHARETTA GA 30009	.60	.54															
158.	WHITE NORBERT LEE & PATRICIA ANN 334 ATLEY PL ALPHARETTA GA 30009	.60	.54															
159.	CHESHIER MICHELLE 322 ATLEY PL ALPHARETTA GA 30009	.60	.54															
160.	WOODS ROBERT D 328 ATLEY PL ALPHARETTA GA 30009	.60	.54															
161.	KIRKLAND ROMA PATEL 320 ATLEY PL ALPHARETTA GA 30009	.60	.54															
162.	ROSENTHAL KAY 81 THOMPSON ST UNIT 302 ALPHARETTA GA 30009	.60	.54															



163.	STRACHAN MARIJE W & BERSON STEVEN L 71 THOMPSON ST # 101 ALPHARETTA GA 30009	.60	.54												
164.															
165.															
166.															
167.															
168.															
169.															
170.															
171.															
172.															
173.															





From: Ed Botts [REDACTED]
Sent: Wednesday, August 02, 2023 9:15 PM
To: Woodman, Michael <mwoodman@alpharetta.ga.us>
Cc: Cheryl Botts [REDACTED]
Subject: Z-23-09 V-23-15 2325 old Milton Parkway

Mr. Woodman,

Are property abuts the proposed storm water management facility on the site plan. Will the trees that are currently on the facility stay to maintain the privacy on that side of our house? We are not sure how a storm water Management Facility works.

Thanks,

Ed and Cheryl Botts

347 Bailey Walk

Chelsea Walk



From: [Woodman, Michael](#)
To: [Jackson, Tracy](#)
Subject: FW: Z-23-09 V-23-15 2325 old Milton Parkway
Date: Thursday, August 3, 2023 1:32:55 PM
Attachments: [Image003.png](#)
[Image001.png](#)
[Image002.jpg](#)

Tracy,

Please save the email below under Public Comment. I moved the public comment folder under Citizen Part B. Thank you.

From: Cheryl Botts [REDACTED]
Sent: Thursday, August 03, 2023 12:55 PM
To: Woodman, Michael <mwoodman@alpharetta.ga.us>
Cc: Ed Botts [REDACTED]
Subject: Re: Z-23-09 V-23-15 2325 old Milton Parkway

i This message needs your attention
• No employee in the City of Alpharetta has ever replied to this email address.
• This is a personal email address.
[Mark as Safe](#) [Report this Email](#) [Powered by Mimecast](#)

Thank you - please advise on how to have our comments noted officially on this request. We are not in favor of the tree removal that is on our property and not in favor in the reduction or elimination of the minimal 5' landscape strip requirement. A mulch path does not qualify as a landscape buffer.

Thank you,
Cheryl Botts
[REDACTED]
Sent from my iPhone

On Aug 3, 2023, at 12:18 PM, Woodman, Michael <mwoodman@alpharetta.ga.us> wrote:

The City's Code requires a 5' landscape strip, not a buffer. We don't require buffers between properties with the same use, i.e., residential to residential. Also, the developer would be required to seek permission to remove the off-site tree.

As I was drafting this response to you, the applicant has requested a deferral of this item to next month. So, this item will not be considered tonight and will be deferred to the September 7th Planning Commission meeting.

Best regards,

[REDACTED]

From: Cheryl Botts [REDACTED]
Sent: Thursday, August 03, 2023 10:35 AM
To: Woodman, Michael <mwoodman@alpharetta.ga.us>
Cc: Ed Botts [REDACTED]
Subject: Re: Z-23-09 V-23-15 2325 old Milton Parkway

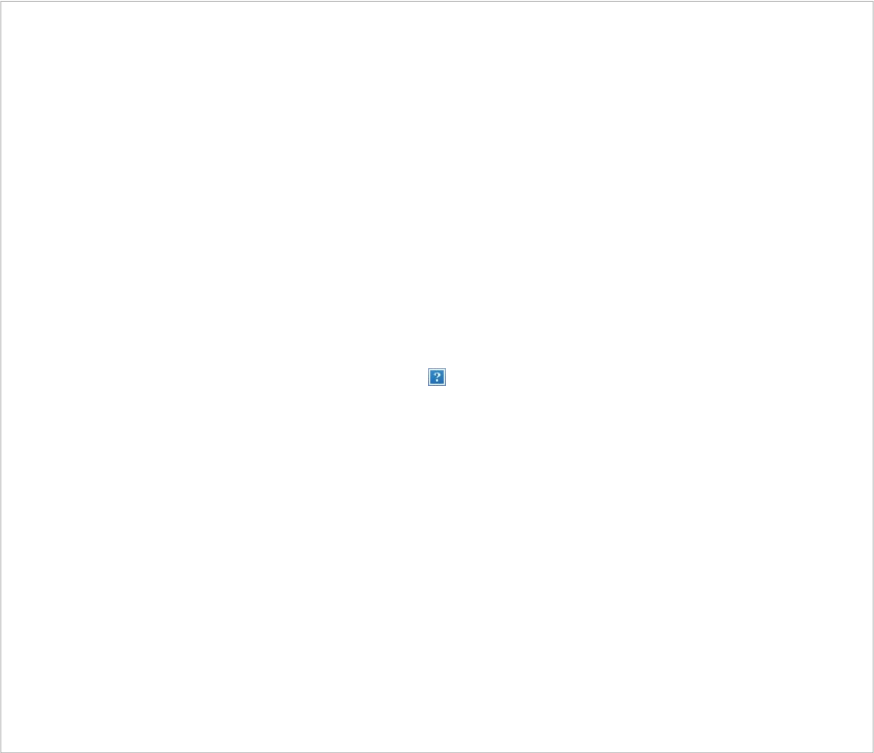
Mike - Thank you for your quick response. We are concerned about the lack of a buffer between our property line and theirs. Isn't there a minimum 5' or 10' buffer required between properties?

Thank you,
Cheryl Botts
[REDACTED]
Sent from my iPhone

On Aug 3, 2023, at 8:30 AM, Woodman, Michael <mwoodman@alpharetta.ga.us> wrote:

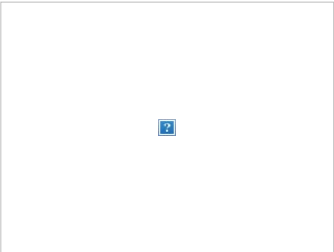
Good morning

The applicant s proposed site plan shows a stormwater management facility (pond) with an amenity trail for residents adjacent to you (see below) The applicant provided a new tree plan yesterday which shows removal of the 12" Water Oak between your unit and their proposed stormwater pond While the applicant is not required to provide a grading plan during the public hearing, it appears to me that they will likely grade up to the property line I will ask the applicant about that this morning and let you know what they say I pushed back on the updated tree plan from yesterday and I am told that the applicant is working on a new plan to save more trees I m still waiting for that as of this morning I ll be back in touch with you shortly



From: Ed Botts <[REDACTED]>
Sent: Wednesday, August 02, 2023 9:15 PM
To: Woodman, Michael <mwoodman@alpharetta.ga.us>
Cc: Cheryl Botts <[REDACTED]>
Subject: Z-23-09 V-23-15 2325 old Milton Parkway

Mr Woodman,
Are property abuts the proposed storm water management facility on the site plan Will the trees that are currently on the facility stay to maintain the privacy on that side of our house? We are not sure how a storm water Management Facility works
Thanks,
Ed and Cheryl Botts
347 Bailey Walk
Chelsea Walk



Sent from my iPad

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: The Providence Group, LLC, c/o J. Alexander Brock Telephone: 404-815-3603
(Smith, Gambrell, and Russell, LLP)

Address: 1105 W. Peachtree St. NE Suite: Suite 1000

City: Atlanta State: GA Zip: 30092 Fax: 404-685-6903

Mobile Tel: 404-815-3603 Email: jabrock@sgrlaw.com

Subject Property Information:

Address: 2325 Old Milton Parkway Current Zoning: R-12 & O-I

District: 12 Section: _____ Land Lot: 748 Parcel ID: 12-2703-0748-056-0 & 12-2703-0748-023-0

Proposed Zoning: DT-LW Current Use: undeveloped

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?

See attached Statement of Intent.

Applicant's Request (Please itemize the proposal):

See attached Statement of Intent.

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

See attached Statement of Intent.

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: Miranda Shun Ngan Eng

Telephone: (404) 840-8104

(Eng Danny)

Address: 2424 Stockbridge Drive

Suite: _____

City Oakland

State: CA

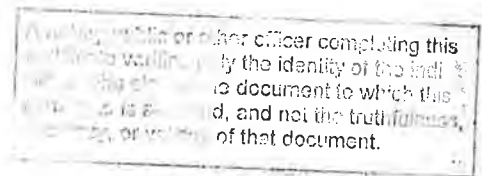
Zip: 94611

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: Clint Walters - The Providence Group of Georgia, LLC

Telephone: 678-475-1800

Address: 11340 Lakefield Drive

Suite: 140

City Johns Creek

State: GA

Zip: 30097

So Sworn and Attested:

Owner Signature: _____

Miranda Shun Ngan Eng
Miranda Shun Ngan Eng

(Eng Danny)

Date: 5-16-23

Notary: _____

Notary Signature: _____

Todd P. Connors

Date: 5-16-2023



PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: Tin Chan Telephone: 678-357-0169
(Chan Tin)
Address: 2840, Strathmore Dr. Suite: _____
City: Cumming State: Ga. Zip: 30041

Authorization:

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

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

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

Property Owner's Authorized Applicant (if applicable):

Name of Authorized Applicant: Clint Walters - The Providence Group of Georgia, LLC Telephone: 678-475-1800
Address: 11340 Lakefield Drive Suite: 140
City: Johns Creek State: GA Zip: 30097

So Sworn and Attested:

Owner Signature: Tin Chan by chee Keung chan, Attorney in fact Date: 5/15/23
(Chan Tin)

Notary:

Notary Signature: [Signature] Date: 5/15/23


PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: min din chan Telephone: 678-557-0169
Address: 145, Viscorage ct. Suite: _____
City: Alpharetta State: GA Zip: 30025

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: Clint Walters - The Providence Group of Georgia, LLC Telephone: 678-475-1800
Address: 11340 Lakefield Drive Suite: 140
City: Johns Creek State: GA Zip: 30097

So Sworn and Attested:

Owner Signature: min din chan Date: 5/15/23

Notary:

Notary Signature: _____ Date: 5/15/23



PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: Miranda Shun Ngan Eng as successor to the interest of
Danny Yuk Woon Eng by Order of Year's Support, DeKalb
County, Georgia Probate Court, Estate No. 2022-2591
(Eng Danny)

Telephone: (404) 840-8104

Address: 2424 Stockbridge Drive

Suite: _____

City Oakland

State: CA

Zip: 94611

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 |

A notary public or other officer completing this certificate verifies only the identity of the individual who signs the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

Property Owner's Authorized Applicant (if applicable):

Name of Authorized Applicant: Clint Walters - The Providence Group of Georgia, LLC Telephone: 678-475-1800

Address: 11340 Lakefield Drive

Suite: 140

City Johns Creek

State: GA

Zip: 30097

So Sworn and Attested:

Owner Signature:

Miranda Shun Ngan Eng

Date:

5-16-23

Miranda Shun Ngan Eng as successor to the interest of Danny Yuk Woon Eng by Order of Year's Support, DeKalb County, Georgia Probate Court, Estate No. 2022-2591 (Eng Danny)

Notary:

Notary Signature:

Todd P. Connors

Date:

5-16-2023



PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: See attached property owner list Telephone: _____

Address: _____ Suite: _____

City _____ State: _____ Zip: _____

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: CLINT WALTERS, SECRETARY Telephone: 678-475-1800
(The Providence Group of Georgia, LLC)

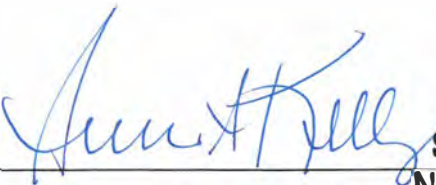
Address: 11340 Lakefield Drive Suite: 140

City Johns Creek State: GA Zip: 30097

So Sworn and Attested:

Owner Signature:  Date: 4/28/23

Notary:

Notary Signature:  Date: 4/28/23
Susan S Kelley
NOTARY PUBLIC

Forsyth County, GEORGIA
My Commission Expires 10/17/2025

Property Owner List

Owner: Miranda Shun Ngan Eng; 2424 Stockbridge Drive, Oakland, CA 94611.

Owner: Miranda Shun Ngan Eng as successor to the interest of Danny Yuk Woon Eng by Order of the Year's Support, DeKalb County, Georgia Probate Court, Estate No. 2022-2591.

Owner: Min Lin Chan: 145 Vicarage Court, Alpharetta, GA 30005.

Owner: Tin Chan: 2840 Strathmore Drive, Cumming, GA 30041.

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: Miranda Shun Ngan Eng (Eng Danny)

Subject Public Hearing Case: _____

Campaign Contribution Information:

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

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

Name of Official: N/A Position: _____

Description of Contribution: N/A Value: _____

Description of Contribution: _____ 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: Miranda Shun Ngan Eng
Miranda Shun Ngan Eng (Eng Danny)

Date: 5-16-23

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.

Miranda Shun Ngan Eng as successor to the interest of Danny Yuk
Woon Eng by Order of Year's Support, DeKalb County, Georgia

Name of Applicant or Opponent: Probate Court, Estate No. 2022-2591

(Eng Danny)

Subject Public Hearing Case: _____

Campaign Contribution Information:

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

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

Name of Official: N/A

Position: _____

Description of Contribution: N/A

Value: _____

Description of Contribution: _____

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: _____

Miranda Shun Ngan Eng

Date: _____

5-16-23

Miranda Shun Ngan Eng as successor to the interest of Danny Yuk Woon Eng by Order of Year's Support, DeKalb County, Georgia Probate Court, Estate No. 2022-2591 (Eng Danny)

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. 36-67A-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: Tin Chan (Chan Tin)

Subject Public Hearing Case: _____

Campaign Contribution Information:

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

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

Name of Official: n/a Position: n/a

Description of Contribution: n/a Value: n/a

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. 36-67A-3.

Signature: Tin Chan by Chee Keung Chan, Attorney in fact Date: 5/15/23
(Chan Tin)

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. 36-67A-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: Min Chan

Subject Public Hearing Case: _____

Campaign Contribution Information:

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

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

Name of Official: n/a Position: n/a

Description of Contribution: n/a Value: n/a

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. 36-67A-3.

Signature: mi fa Chan

Date: 5/15/23

(~~Chairman~~)

DISCLOSURE FORM

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

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

Name of Applicant or Opponent: J. Alexander Brock (Smith, Gambrell, and Russell, LLP)

Subject Public Hearing Case: Old Milton Parkway Rezoning

Campaign Contribution Information:

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

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

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

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

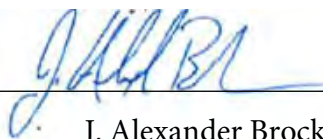
Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Campaign Contribution Information:

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

Signature: _____



J. Alexander Brock (Smith, Gambrell, and Russell, LLP)

Date: 5.17.2023

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. 36-67A-1).

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

Name of Applicant or Opponent: Kathryn M. Zickert (Smith, Gambrell, and Russell, LLP)

Subject Public Hearing Case: Old Milton Parkway Rezoning

Campaign Contribution Information:

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

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

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

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Campaign Contribution Information:

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

Signature: _____

Kathryn M Zickert

Kathryn M. Zickert (Smith, Gambrell, and Russell, LLP)

Date: 5.17.2023

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. 36-67A-1).

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

Name of Applicant or Opponent: Dennis J. Webb, Jr. (Smith, Gambrell, and Russell, LLP)

Subject Public Hearing Case: Old Milton Parkway Rezoning

Campaign Contribution Information:

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

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

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

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Campaign Contribution Information:

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

Signature: _____



Dennis J. Webb, Jr. (Smith, Gambrell, and Russell, LLP)

Date: 5.17.2023

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: Kirk Fjelstul (Smith, Gambrell, and Russell, LLP)

Subject Public Hearing Case: Old Milton Parkway Rezoning

Campaign Contribution Information:

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

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

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

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Campaign Contribution Information:

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

Signature: _____



Kirk Fjelstul (Smith, Gambrell, and Russell, LLP)

Date: 5.17.2023

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. 36-67A-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: Cliff Walters, Secretary (The Providence Group of Georgia, LLC)

Subject Public Hearing Case: Old Milton Parkway Rezoning

Campaign Contribution Information:

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

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

Name of Official: N/A Position: _____

Description of Contribution: N/A Value: _____

Description of Contribution: N/A Value: _____

Description of Contribution: N/A Value: _____

Description of Contribution: N/A Value: _____

Description of Contribution: N/A 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. 36-67A-3.

Signature: Cliff Walters, Secretary
Cliff Walters, Secretary (The Providence Group of Georgia, LLC)

Date: 4/28/22

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

See Statement of Intent.

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

See Statement of Intent.

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

See Statement of Intent.

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

See Statement of Intent

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

See Statement of Intent.

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

See Statement of Intent.

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

See Statement of Intent.

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

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: Old Milton Parkway Rezoning

Contact Name: Alex Brock (Smith, Gambrell, and Russell, LLP) Telephone: 404-815-3603

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 Property Owner 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.

The Applicant will provide its contact information in the notification letters.

500' Property Owner Mailing List

12 258406951086	VRE ALPHARETTA LLC	1211 S WHITE CHAPEL RD	GRAPEVINE TX 76092
12 270307480537	2260 OLD MILTON LLC	2300 BETHELVIEW RD STE 110-329	CUMMING GA 30040
12 270307480552	2365 OLD MILTON PARKWAY MOB LLC	1835 SAVOY DR STE 101	ATLANTA GA 30327
12 270307480578	SEISAN MFA PROPERTIES LLC	2425 OLD MILTON PKWY	ALPHARETTA GA 30009
12 270007470762	WARD ALICE & WARD JAMES	708 NOTTAWAY LANE	ALPHARETTA GA 30009
12 270007470788	MOORE JOHN G & MOORE THERESA J	704 NOTTAWAY LANE	ALPHARETTA GA 30009
12 270007480688	HATCH TIMOTHY & WIELAND LISA	122 NOTTAWAY LANE	ALPHARETTA GA 30009
12 270007470796	WARNER THOMAS F	301 NOTTAWAY LN	ALPHARETTA GA 30009
12 270007470812	ROBERTS STEPHEN D & ROBERTS NANCY L	305 NOTTAWAY LANE	ALPHARETTA GA 30009
12 270007470838	KIZZAR TERRY W	309 NOTTAWAY LANE	ALPHARETTA GA 30009
12 270007470853	DICKERSON SIMON G & DICKERSON ALICE F	403 NOTTAWAY LANE	ALPHARETTA GA 30009
12 258406950757	PUBLIX SUPER MARKETS INC	P O BOX 32025	LAKELAND FL 33802-2025
12 258406951052	DALTEX ALPHARETTA LLC	3715 NORTHSIDE PKWY	ATLANTA GA 30327
12 270007501251	CITY OF ALPHARETTA GEORGIA	2 PARK PLZ	ALPHARETTA GA 30009
12 270307480800	UNITED STATES POSTAL SERVICE	1735 NORTH BROWN RD STE 200	LAWRENCEVILLE GA 30043-8153
12 270007470911	BAIR GINA	211 NOTTAWAY DR	ALPHARETTA GA 30009
12 270007471018	FOX DIANA M	205 NOTTAWAY LANE	ALPHARETTA GA 30009
12 270007470994	FORD DEMARCO D	201 NOTTAWAY LANE	ALPHARETTA GA 30009
12 270007470986	OU YI-CHUNG & CHUO YUN-FANG	123 NOTTAWAY LN	ALPHARETTA GA 30009
12 270007471026	GUPTA SATHY & MAYURA S	608 NOTTAWAY LANE	ALPHARETTA GA 30009
12 270007470945	JMM REVOCABLE TRUST THE	506 NOTTAWAY LANE	ALPHARETTA GA 30009
12 270007471034	DICKSTEIN SCHANKER RECOVABLE TRUST THE	606 NOTTAWAY LANE	ALPHARETTA GA 30009
12 270007471059	COVINGTON ALEC C & MARILYN G	602 NOTTAWAY LN	ALPHARETTA GA 30009

12 270007471141	GOLIAS DAVID J	121 NOTTAWAY LANE	ALPHARETTA GA 30009
12 270007471125	MICKEY CANDACE G	117 NOTTAWAY LANE	ALPHARETTA GA 30009
12 270007471083	JANUS PAUL S & KARIN L	109 NOTTAWAY LANE	ALPHARETTA GA 30009
12 270007471158	HOGAN SHIRLEY	611 NOTTAWAY LN	ALPHARETTA GA 30009
12 270007471190	SMITH JOSEPH T & HORNE BARBARA J	310 NOTTAWAY LANE	ALPHARETTA GA 30009
12 270007471216	GOREN MARLENE S	306 NOTTAWAY LANE	ALPHARETTA GA 30009
12 270307491138	MURPHY LISA M	423 JOHNSON CT	ALPHARETTA GA 30004
12 270307491146	LINUS ANTHONY	421 JOHNSON CT	ALPHARETTA GA 30009
12 270307481162	AKOTO KWABENA	417 JOHNSON CT	ALPHARETTA GA 30009
12 270307481170	KADAM RAJENDRA A & KADAM SWETA R	415 JOHNSON CT	ALPHARETTA GA 30009
12 270307481212	SINGH IS KING INVESTMENTS LLC	8220 ROYAL SAINT GEORGES WAY	DULUTH GA 30097
12 270307481246	LEE SELENE SEUNGEUN	401 JOHNSON CT	ALPHARETTA GA 30009
12 270307491567	CHELSEA WALK HOMEOWNERS ASSOCIATION INC	3245 PEACHTREE PKWY # D 242	SUWANEE GA 30024
12 270307491120	ALYWARD BRANDON E & HILL NICHOLE	218 PHILLIPS LN	ALPHARETTA GA 30009
12 270307481550	CHELSEA WALK HOMEOWNERS ASSOCIATION INC	3245 PEACHTREE PKWY # D 242	SUWANEE GA 30024
12 270307481253	MC DOWELL ANDREW	338 BAILEY WALK	ALPHARETTA GA 30009
12 270307481279	KRINSKY ALAN	342 BAILEY WALK	ALPHARETTA GA 30009
12 270307481337	ARORA NAVEEN & SHARMA VIMI	22 GRAND MANOR CT	STAFFORD TX 77497
12 270307481311	SHARMA PREM & RAMIT KUMAR	824 ADLER CT	ALPHARETTA GA 30005
12 270307481386	AKEY CHRISTOPHER	331 BAILEY WALK	ALPHARETTA GA 30009
12 270307481378	THOMAS ANUP MATHEW & BINNS BETH M	333 BAILEY WALK	ALPHARETTA GA 30009
12 270307481360	ABBAS RASHID & ABBAS NAHID	335 BAILEY WALK	ALPHARETTA GA 30009

12 270307491070	WILLIS LYDIA BROOKS & JASON ROBERT	208 PHILLIPS LN	ALPHARETTA GA 30009-2600
12 270307491062	KOTIKALAPUDI AMRUTHA VIDYA ET AL	3935 MILLBROOK CT	SUWANEE GA 30024
12 270307481436	LIDDELL PEARSON JR & GLORIA JEAN	203 PHILLIPS ST	ALPHARETTA GA 30009
12 270307481485	SEAU JAKE RYAN	213 PHILLIPS LN	ALPHARETTA GA 30009-2601
12 270307481501	SHINNERS MICHAEL PATRICK & TERESA T	217 PHILLIPS LANE	ALPHARETTA GA 30009
12 270307491039	LOGSDON CHRISTOPHER & LOGSDON SALLY	200 PHILLIPS LN	ALPHARETTA GA 30009
12 270307481576	CHELSEA WALK HOMEOWNERS ASSOCIATION INC	3245 PEACHTREE PKWY # D 242	SUWANEE GA 30024
12 270107470415	GRBK HAYNES LLC	2805 N DALLAS PKWY STE 400	PLANO TX 75093
12 270107470530	THADANI SANJEEV & SHARMILA	332 ATLEY PL	ALPHARETTA GA 30009
12 270107470563	ARORA NAVEEN	326 ATLEY PL	ALPHARETTA GA 30009
12 270107470571	SUTTER LESLEY	324 ATLEY PL	ALPHARETTA GA 30009
12 270107470373	GRBK HAYNES LLC	2805 N DALLAS PKWY STE 400	PLANO TX 75093
12 270107470175	GRBK HAYNES LLC	2805 N DALLAS PKWY STE 400	PLANO TX 75093
12 270307482004	TOLBERT KEVIN T & TOLBERT SHELLEY LEWIS	81 THOMPSON ST UNIT 101	ALPHARETTA GA 30009
12 270307482038	JANOVITZ RICHARD & RENEE	205 W SPRINGS LAKE DR	ALTAMONTE SPRINGS FL 32714
12 270307480180	CHAN TIN & ENG DANNY	3975 OLD MILTON PKWY # S 1	ALPHARETTA GA 30005
12 270307480545	2365 OLD MILTON PARKWAY MOB LLC	1835 SAVOY DR SUITE 101	ATLANTA GA 30341
12 270307480586	GUVEN KERIMAN	3396 CARVERTON LANE	ALPHARETTA GA 30022
12 270307480685	2260 OLD MILTON LLC	2300 BETHELVIEW RD STE 110-329	CUMMING GA 30040
12 270307480560	CHAN TIN & ENG DANNY	3975 OLD MILTON PKWY # S 1	ALPHARETTA GA 30005
12 270007470671	MC BETH LAIRD G & JOHANNA V	124 NOTTAWAY LN	ALPHARETTA GA 30009-2284
12 270007480696	FINEIS JAMES L & BAILEY ELLEN J	120 NOTTAWAY LN	ALPHARETTA GA 30009

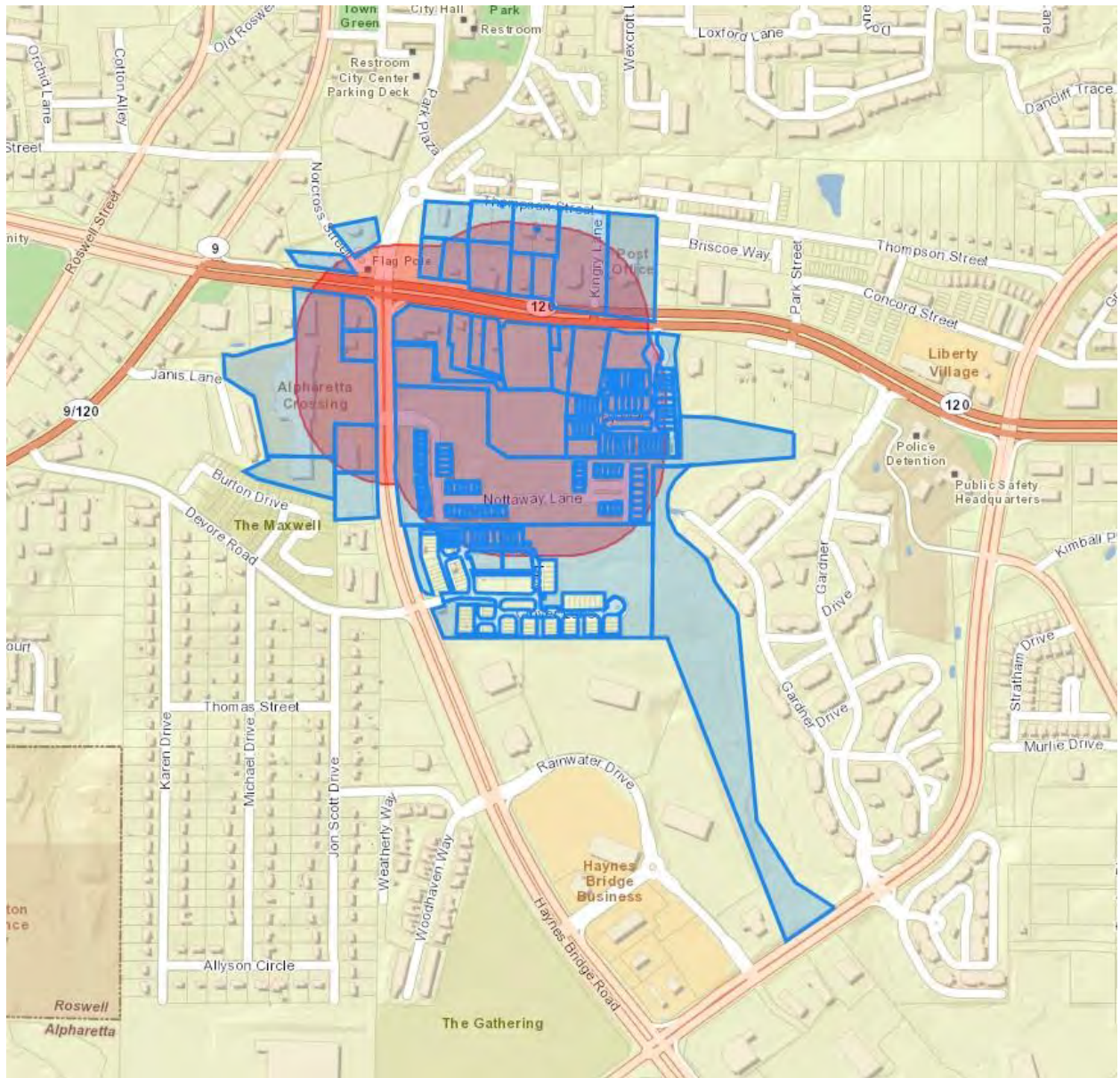
12 270007470655	FAHEY FRANK R JR & AMY E	128 NOTTAWAY LANE	ALPHARETTA GA 30009
12 270007470929	EKMAN SCOTT E	213 NOTTAWAY LANE	ALPHARETTA GA 30009
12 270007470846	RAUSCH NANCY O	401 NOTTAWAY LANE	ALPHARETTA GA 30009
12 270007470879	REYNOLDS FAMILY TRUST THE	407 NOTTAWAY LANE	ALPHARETTA GA 30009
12 270307480818	STATE BANK & TRUST COMPANY	4219 FORSYTH RD	MACON GA 31208
12 258406950179	ZAINA PROPERTIES LLC	314 KENT VALLEY CIR	TUCKER GA 30084
12 270007470978	WELLMAN GLENN A & ANNE M	500 NOTTAWAY LN	ALPHARETTA GA 30009
12 270007470895	DAMERON JULIA	207 NOTTAWAY LANE	ALPHARETTA GA 30009
12 270007471000	FREDO JILL A	203 NOTTAWAY LANE	ALPHARETTA GA 30009
12 270007471067	ANDREW WEIDENER FAMILY TRUST	600 NOTTAWAY LANE	ALPHARETTA GA 30009
12 270007471133	JOHNSON GREAG & JOHNSON LYNN PAULETTE BECKMAN	119 NOTTAWAY LANE	ALPHARETTA GA 30009
12 270007471109	KHANG STELLA ET AL	113 NOTTAWAY LANE	ALPHARETTA GA 30009
12 270007471091	REMMES ROBERT J & MARY L	111 NOTTAWAY LANE	ALPHARETTA GA 30009
12 270007471075	HANEMAN MARY ANNE & HANEMAN MARK W	107 NOTTAWAY LN	ALPHARETTA GA 30009
12 270007471166	ASHWORTH THOMAS WESLEY JR	613 NOTTAWAY LANE	ALPHARETTA GA 30009
12 270007471232	BETH ANN RAUSCH LIVING TR THE	302 NOTTAWAY LN	ALPHARETTA GA 30009
12 270307491153	WELLBORN JOHN W & RENEE H	419 JOHNSON CT	ALPHARETTA GA 30009
12 270307481188	STEVENS LAURENE ELIZABETH PERKINS	413 JOHNSON CT	ALPHARETTA GA 30009
12 270307481196	MC SORLEY WILLIAM JOHN IV & SIX ALEXA RAE	411 JOHNSON CT	ALPHARETTA GA 30009
12 270307481204	CROUCH TIMOTHY S & WISE DONNA L	409 JOHNSON CT	ALPHARETTA GA 30009
12 270307481238	THADANI SHARMILA & SANJEEV	5414 HEYWARD SQUARE PL	MARIETTA GA 30068-1869
12 270307481261	SPACEMAGNET LLC	4575 WEBB BRIDGE RD #4002	ALPHARETTA GA 30005

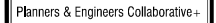
12 270307481287	THOMPSON KENNETH & KIMBERLY	344 BAILEY WAY	ALPHARETTA GA 30009
12 270307491112	ZELNIO DEBRA	216 PHILLIPS LANE	ALPHARETTA GA 30009
12 270307491088	HARRIS JESSE MICHAEL & BRENDA GOUBEUX	210 PHILLIPS LANE	ALPHARETTA GA 30009
12 270307481329	ROSENBERG DANIELLE	343 BAILEY WALK	ALPHARETTA GA 30009
12 270307481303	BOTTS EDWARD & CHERYL	347 BAILEY WALK	ALPHARETTA GA 30009
12 270307481394	AKEY ZHANNA	PO BOX 609	ALPHARETTA GA 30009
12 270307481352	ROSENBLATT SHELLY	337 BAILEY WALK	ALPHARETTA GA 30009
12 270307491054	WHITAKER BRADLEY & WHITAKER PENNY	204 PHILLIPS LANE	ALPHARETTA GA 30009
12 270307491047	HORSMA BENGT KRISTIAN & ANGELA HOWELL	202 PHILLIPS LANE	ALPHARETTA GA 30009
12 270307481477	HIMOT WESLEY BOYD	211 PHILLIPS LANE	ALPHARETTA GA 30009
12 270307491534	CHELSEA WALK HOMEOWNERS ASSOCIATION INC	3245 PEACHTREE PKWY # D 242	SUWANEE GA 30024
12 270307481527	CHELSEA WALK LAND LLC	2771 LAWRENCEVILLE HWY STE 210	DECATUR GA 30033
12 270307481543	JBGL ATLANTA DEVELOPMENT LLC	2805 DALLAS PKWY STE 400	PLANO TX 75093
12 258206960048	STONEWALK ALPHA II LLC	3847 RIVER VISTA WAY	LOUISVILLE TN 37777
12 27010747C01			
12 270107470399	GRBK HAYNES LLC	2805 N DALLAS PKWY STE 400	PLANO TX 75093
12 270107470548	MORRIS PATRICIA	330 ATLEY PL	ALPHARETTA GA 30009
12 270107470506	LASK ERNEST & JOAN	338 ATLEY PL	ALPHARETTA GA 30009
12 270107470142	GRBK HAYNES LLC	2805 N DALLAS PKWY STE 400	PLANO TX 75093
12 270107471462	GRBK HAYNES LLC	2805 N DALLAS PKWY STE 400	PLANO TX 75093
12 270307482012	MACINNIS GEORGE BRIAN & SUZETTE	13858 SE MARINA PL	PALM CITY FL 34990
12 270307482020	FARRELL LORI A	81 THOMPSON ST UNIT 201	ALPHARETTA GA 30009

12 270307482046	BENNETT HARRY MICHAEL & BENNETT DONNA STRINGER	81 THOMPSON STREET FLATS UNIT 301	ALPHARETTA GA 30009
12 270307482079	TIEKEN DONALD R & SANDRA CASEY	71 THOMPSON ST UNIT 102	ALPHARETTA GA 30009
12 270307482087	JANKE SCOTT L & JANKE BEVERLY J	71 THOMPSON ST UNIT 201	ALPHARETTA GA 30009
12 270307482095	WILLIAMS THOMAS HAMILTON & WILLIAMS MARY MICHELE	71 THOMPSON ST UNIT 202	ALPHARETTA GA 30009
12 270307482103	BEELEN FRANS	71 THOMPSON ST UNIT 301	ALPHARETTA GA 30009
12 270307482111	SIMPSON CANDICE K & CARLOS C	71 THOMPSON ST UNIT 302	ALPHARETTA GA 30009
12 258406951060	STONEWALK ALPHA III LLC	140 BLACKLAND CT E	MARIETTA GA 30067
12 258406951078	ALPHARETTA BK VENTURE LLC	6400 POWERS FERRY RD STE 100	ATLANTA GA 30339
12 270307480149	GUVEN KERIMAN	3396 CARVERTON LANE	ALPHARETTA GA 30022
12 270307480164	GUVEN KERIMAN	3396 CARVERTON LANE	ALPHARETTA GA 30022
12 270307480230	CHAN TIN & ENG DANNY	3975 OLD MILTON PKWY # S 1	ALPHARETTA GA 30005
12 270307480529	2260 OLD MILTON LLC	2300 BETHELVIEW RD STE 110-329	CUMMING GA 30040
12 270307480636	ESKANDARI MOSLEM & LEILA	501 S MAIN ST STE 103	ALPHARETTA GA 30009
12 27030748C01			
12 270007470721	MICHAEL & MARCHAI BRUCHEY JOINT REV TR THE	1998 N LOOP PKWY	SAINT AUGUSTINE FL 32095
12 270007470739	DOVER SHARON D	714 NOTTAWAY LANE	ALPHARETTA GA 30009
12 270007470747	BOARDMAN GAYE	712 NOTTAWAY LN	ALPHARETTA GA 30009
12 270007470754	ROBERT E STOFFEL JR REVOC TRUST & THERESA S STOFFEL REVOC TRUST THE	345 HARBOR VILLAGE PT N	PALM COAST FL 32137
12 270007470770	O LEARY DENNIS J & O LEARY JEANNE M	706 NOTTAWAY LANE	ALPHARETTA GA 30009
12 270007470663	VOEGELI KATHERINE TREADWAY	126 NOTTAWAY LN	ALPHARETTA GA 30009
12 270007470804	GEORGE ROBERT WOLF REVOCABLE TRUST U A &	303 NOTTAWAY LANE	ALPHARETTA GA 30009

	URSULA V WOLF REVOCABLE TRUST U A THE		
12 270007470820	PARKER JAMES S & JODIE L	307 NOTTAWAY LANE	ALPHARETTA GA 30009
12 270007470861	KAUFFMAN STANFORD & KORNSWIET LINDA	405 NOTTAWAY LANE	ALPHARETTA GA 30009
12 270007470887	DANIEL G HOYER TRUST THE	409 NOTTAWAY LANE	ALPHARETTA GA 30009
12 270307480305	2260 OLD MILTON LLC	2300 BETHELVIEW RD STE 110-329	CUMMING GA 30040
12 270307480479	AVERY PARK PARTNERS LLC	2300 BETHELVIEW RD STE 110 239	CUMMING GA 30040
12 270307480487	2260 OLD MILTON LLC	2300 BETHELVIEW RD STE 110-329	CUMMING GA 30040
12 270007470903	OH PHILLIP J & GEORGE	209 NOTTAWAY LANE	ALPHARETTA GA 30009
12 270007470960	MANNELLY JANICE E	502 NOTTAWAY LANE	ALPHARETTA GA 30009
12 270007470952	BOOKER DENNIS A & BOOKER KERRI	405 THE HERMITAGE DR	ALPHARETTA GA 30004
12 270007470937	LAKE BLAIR & LAKE BARBARA	508 NOTTAWAY LANE	ALPHARETTA GA 30009
12 270007471042	MORGAN JAMES RANDALL SR & CATHERINE	604 NOTTAWAY LANE	ALPHARETTA GA 30009
12 270007471117	BAILEY JAMES R & BAILEY MARY M	115 NOTTAWAY LANE	ALPHARETTA GA 30009
12 270007471174	COLE TIMOTHY T & COLE MYLEIN N	615 NOTTAWAY LANE	ALPHARETTA GA 30009
12 270007471182	JACOB STEVEN & JACOB IVONNE	617 NOTTAWAY LANE	ALPHARETTA GA 30009
12 270007471208	SPRIGGS ALICIA C	308 NOTTAWAY LANE	ALPHARETTA GA 30009
12 270007471224	SMITH STEPHEN A & SMITH JULIE G	304 NOTTAWAY LN	ALPHARETTA GA 30009
12 270007471240	WHITNEY BRIAN	300 NOTTAWAY LANE	ALPHARETTA GA 30009
12 270007470713	HAYNES PARK NEIGHBORHOOD ASSOCIATION INC	400 NORTHRIDGE RD STE 1250	SANDY SPRINGS GA 30350
12 270307481220	BRADY MICHAEL C & LISA B	405 JOHNSON CT	ALPHARETTA GA 30009
12 270307481295	346 BAILEY WALK LLC	405 PINECREST RD NE	ATLANTA GA 30342
12 270307491104	KIEVET THOMAS & SARAH LYNN	214 PHILLIPS LANE	ALPHARETTA GA 30009

12 270307491096	DERISO DAVID CALVIN	212 PHILLIPS LANE	ALPHARETTA GA 30009
12 270307481345	KIRDAY PAUL & KIRDAY AIMEE	339 BAILEY WALK	ALPHARETTA GA 30009
12 270307481410	MORTON DALE & KATHLEEN	365 BAILEY WALK	ALPHARETTA GA 30009
12 270307481402	GOODSON ABBEY L	245 DAVIES RD	BLUFFTON SC 29910
12 270307481428	MAKAREM NIILA	201 PHILLIPS LANE	ALPHARETTA GA 30009
12 270307481444	LANE ELIZABETH VICTORIA	205 PHILLIPS LANE	ALPHARETTA GA 30009
12 270307481451	LEE JUNG SEUNG & PAK JAMIE	207 PHILLIPS LN	ALPHARETTA GA 30009-2601
12 270307481469	CHELSEA ALPHARETTA LLC	1147 WILD CREEK TRL	ATLANTA GA 30324
12 270307481493	OYEWOLE AYORINDE O & PATRICIA S	215 PHILLIPS LN	ALPHARETTA GA 30009
12 270307481519	BREEDLOVE MICHAEL & MARGARET ELLEN	219 PHILLIPS LANE	ALPHARETTA GA 30009
12 258206960717	DALTEX ALPHARETTA LLC	3715 NORTHSIDE PKWY	ATLANTA GA 30327
12 270307480693	ONE ALPHARETTA PARTNERS LLC	410 PEACHTREE PKWY STE 4245	CUMMING GA 30041
12 27010747C02			
12 270107470407	GRBK HAYNES LLC	2805 N DALLAS PKWY STE 400	PLANO TX 75093
12 270107470381	GRBK HAYNES LLC	2805 N DALLAS PKWY STE 400	PLANO TX 75093
12 270107470514	GUPTA ABHAYA & MANJU	336 ATLEY PL	ALPHARETTA GA 30009
12 270107470522	WHITE NORBERT LEE & PATRICIA ANN	334 ATLEY PL	ALPHARETTA GA 30009
12 270107470589	CHESHER MICHELLE	322 ATLEY PL	ALPHARETTA GA 30009
12 270107470555	WOODS ROBERT D	328 ATLEY PL	ALPHARETTA GA 30009
12 270107470597	KIRKLAND ROMA PATEL	320 ATLEY PL	ALPHARETTA GA 30009
12 270307482053	ROSENTHAL KAY	81 THOMPSON ST UNIT 302	ALPHARETTA GA 30009
12 270307482061	STRACHAN MARIJKE W & BERSON STEVEN L	71 THOMPSON ST # 101	ALPHARETTA GA 30009





ARCHITECTS + SURVEYING + CONSTRUCTION + WATER RESOURCES

SUBJECT

AT

CITY OF ALPHARETTA

FOR

PROVIDENCE GROUP

MUNICIPALITY PROJECT #

REVISIONS

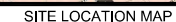
THIS SEAL IS ONLY VALID IF COUNTER SIGNED
AND DATED WITH AN ORIGINAL SIGNATURE.



DATE: 05/22/2023



SHEET



GENERAL NOTES:

1. A STEEP RAMP VARIANCE SHALL BE REQUESTED FOR DEVELOPMENT TO ENCOMPASS WITHIN THE UNDISTURBED AND IMPERVIOUS SUBSTRATE ON THE WESTERN PROPERTY LINE. A MITIGATION PLAN HAS BEEN INCLUDED WITHIN THE REZONING SUBMITTAL.
 2. A VARIANCE SHALL BE REQUESTED TO ALLOW INTERIOR SIDEWALKS TO BE 9" WIDE WITH A 4" PLANTER STRIP ON EACH SIDE OF THE STREET INSTEAD OF THE REQUIRED 6" SIDEWALK AND 4" PLANTER STRIP ON EACH SIDE OF THE STREET.
 3. A VARIANCE HAS BEEN REQUESTED TO REDUCE THE REQUIRED BY 50% LANDSCAPED BUFFER ON THE EASTERN PROPERTY LINE TO A 20' PLANTED SCREENING BUFFER.
- ENTIRE SITE IS WOODED. FOR A MORE DETAILED VIEW OF SIGNIFICANT TREES WITH CRITICAL ROOT ZONES, SEE 400-00100 REPORT INCLUDING WITHIN REZONING SUBMITTAL.
- IF PLANTED SCREENING BUFFER IS REQUESTED, THE BUFFER WILL BE OBTAINED ONLY FOR MINIMAL GRADING PURPOSES AND IS NOT TO BE REPLANTED.

UTILITY NOTES:

1. ALL PORTIONS OF THE WATER SERVICE LINES BEYOND THE WATER METER ARE TO BE OWNER MAINTAINED, FULTON COUNTY IS NOT RESPONSIBLE FOR THE SERVICE LINE BEYOND THE METER.
2. ALL WATER METERS TO BE INSTALLED WITHIN LANDSCAPE STRIP BEHIND THE BACK OF CURB.

LEGAL DESCRIPTION
OVERALL 5-30-23

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

BEGIN at the found right of way monument, said monument coordinates of North: 1,408,718.8 and East: 2,258,760.1, coordinates based on NAD83 State Plane Coordinate system, Georgia West zone, said monument located on the southerly right of way line of Old Milton Parkway (a.k.a. S.R. 120) (f.k.a. Duluth Street) (public variable right of way), said monument being the TRUE POINT OF BEGINNING;

THENCE along said southerly right of way of Old Milton Parkway along a curve turning to the left with an arc length of 238.07 feet, having a radius of 2413.49 feet, being subtended by a chord bearing of South 82 degrees 27 minutes 53 seconds East, and a chord length of 237.97 feet to a set 5/8 inch rebar with cap; thence leaving said southerly right of way of Old Milton Parkway and proceed South 00 degrees 01 minutes 58 seconds West a distance of 320.31 feet to a found 1/2 inch rebar;

thence South 76 degrees 29 minutes 19 seconds East a distance of 84.11 feet to a found 1/2 inch rebar; thence South 06 degrees 26 minutes 02 seconds West a distance of 117.01 feet to a found 1 1/2 inch steel rod; thence South 00 degrees 11 minutes 48 seconds West a distance of 199.23 feet to a found angle iron located on the common land lot line between Land Lots 747 and 748; thence along said common land lot line North 89 degrees 10 minutes 09 seconds West a distance of 302.57 feet to a found 1/2 inch rebar; thence leaving said common land lot line and proceed North 61 degrees 07 minutes 48 seconds West a distance of 105.76 feet to a found 3/4 inch rebar; thence North 00 degrees 10 minutes 32 seconds East a distance of 276.33 feet to a found 1/2 inch rebar;

thence South 89 degrees 24 minutes 25 seconds West a distance of 48.11; thence South 89 degrees 24 minutes 25 seconds West a distance of 55.90 feet more or less to a point at the centerline of the creek branch, said point being referred to as Point "A" (the commencement point of a tie-in line "A"- "B"); thence following the centerline of said Alcovy River and the meanderings thereof 303 feet more or less to a point, said point being referred to as point "B", (the terminus of said tie-in line "A"- "B"), said tie-in line from point "A" and to point "B" having the course of North 05 degrees 21 minutes 25 seconds West and a distance of 280.23 feet, more or less, to a point at the centerline of said creek branch; thence leaving the centerline of said creek branch and proceed North 17 degrees 42 minutes 52 seconds West a distance of 52.71 feet to a found right of way monument located on said southerly right of way of Old Milton Parkway; thence along said southerly right of way of Old Milton Parkway the following courses and distances: South 82 degrees 08 minutes 10 seconds East a distance of 25.18 feet to a found 1/2 inch rebar; North 07 degrees 47 minutes 24 seconds East a distance of 28.30 feet to a found right of way monument, said monument being the TRUE POINT OF BEGINNING.

Contains 212,661 square feet 4.882 acres, more or less.

This drawing is the property of Providence Group and Old Republic National Title Insurance Company. It is to be used only for the project and location shown. It is not to be reproduced or used for any other purpose without the written consent of Providence Group and Old Republic National Title Insurance Company.

NOTES

1. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THIS SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION SUPPLIED AND TO THE SURVEYOR'S BEST KNOWLEDGE ARE APPROXIMATELY AS SHOWN. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.
2. I HAVE EXAMINED THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP FOR FULTON COUNTY, GEORGIA AND INCORPORATED AREAS, COMMUNITY PANEL NUMBER 13121C0058F, PANEL 58 OF 490, EFFECTIVE DATE SEPTEMBER 16, 2013 AND FOUND PORTION OF THE PROPERTY SHOWN HEREON TO FALL WITHIN A DESIGNATED FLOOD ZONE "A" (AREAS OF 100 YEAR FLOOD). THE PROPERTY SHOWN HEREON ALSO TO FALL WITHIN A DESIGNATED FLOOD ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD).
3. THE ORTHOMETRIC HEIGHTS (ELEVATIONS AND CONTOURS) SHOWN HEREON WERE DETERMINED BY GPS OBSERVATIONS AND WERE ADJUSTED BY PLANNERS AND ENGINEERS COLLABORATIVE IN MARCH 2022. NORTH AMERICAN DATUM OF 1983 (NAD83), NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88), GEORGIA WEST ZONE STATE PLANE COORDINATES.
4. THE TERM "CERTIFICATION" RELATING TO PROFESSIONAL ENGINEERING AND LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.
5. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE INSPECTION REPORT. EASEMENTS OR OTHER ENCUMBRANCES MAY EXIST ON PUBLIC RECORD BUT NOT BE SHOWN HEREON.
6. NO ZONING INFORMATION PROVIDED FOR BUILDING SETBACKS.
7. NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.

LEGAL DESCRIPTION - SURVEY OVERALL TRACT

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

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

BEGIN at the found right of way monument, said monument coordinates of North: 1,408,718.8 and East: 2,258,760.1, coordinates based on NAD83 State Plane Coordinate system, Georgia West zone, said monument located on the southerly right of way line of Old Milton Parkway (a.k.a. S.R. 120) (i.e., Duluth Street) (public variable right of way), said monument being the TRUE POINT OF BEGINNING;

THENCE along said southerly right of way of Old Milton Parkway along a curve turning to the left with an arc length of 238.07 feet, having a radius of 2413.49 feet, being subtended by a chord bearing of South 82 degrees 27 minutes 53 seconds East, and a chord length of 237.97 feet to a set 5/8 inch rebar with cap; thence leaving said southerly right of way of Old Milton Parkway and proceed South 00 degrees 01 minutes 58 seconds West a distance of 320.31 feet to a found 1/2 inch rebar;

thence South 76 degrees 29 minutes 19 seconds East a distance of 84.11 feet to a found 1/2 inch rebar; thence South 06 degrees 26 minutes 02 seconds West a distance of 117.01 feet to a found 1 1/2 inch steel rod; thence South 00 degrees 11 minutes 48 seconds West a distance of 199.23 feet to a found angle iron located on the common land lot line between Land Lots 747 and 748; thence along said common land lot line North 89 degrees 10 minutes 09 seconds West a distance of 302.57 feet to a found 1/2 inch rebar; thence leaving said common land lot line and proceed North 61 degrees 07 minutes 48 seconds West a distance of 105.76 feet to a found 3/4 inch rebar; thence North 00 degrees 10 minutes 32 seconds East a distance of 276.33 feet to a found 1/2 inch rebar;

thence South 89 degrees 24 minutes 25 seconds West a distance of 48.11; thence South 89 degrees 24 minutes 25 seconds West a distance of 55.90 feet more or less to a point at the centerline of the creek branch, said point being referred to as Point 'A' (the commencement point of a tie-in line 'A-B'); thence following the centerline of said Alcoy River and the meanderings thereof 303 feet more or less to a point, said point being referred to as point 'B'; (the terminus of said tie-in line 'A-B'); said tie-in line from point 'A' and to point 'B' having the course of North 05 degrees 21 minutes 25 seconds West and a distance of 280.23 feet, more or less, to a point at the centerline of said creek branch; thence leaving the centerline of said creek branch and proceed North 17 degrees 42 minutes 52 seconds West a distance of 52.71 feet to a found right of way monument located on said southerly right of way of Old Milton Parkway; thence along said southerly right of way of Old Milton Parkway the following courses and distances: South 85 degrees 08 minutes 10 seconds East a distance of 25.18 feet to a found 1/2 inch rebar; North 07 degrees 47 minutes 24 seconds East a distance of 28.30 feet to a found right of way monument, said monument being the TRUE POINT OF BEGINNING.

Contains 212,661 square feet 4.882 acres, more or less.

TITLE EXCEPTIONS

Old Republic National Title Insurance Company Commitment number 265-2198 (Old Milton Pkwy.) with an effective date of January 3, 2022 at 5:00 o'clock p.m. was used in the preparation of this survey and the listed exceptions are as follows:

12. All matters shown on recorded plats filed in Plat Book 125, page 104, and Plat Book 126, page 12, Fulton County, Georgia records.
Comment: Affects subject property, blanket in nature.
13. Sewer Easement from C.R. Sims to Fulton County, dated May 31, 1979, filed July 24, 1979, recorded in Deed Book 7307, page 372, aforesaid records. (Affects Tracts A and C)
Comment: Affects subject property, as shown on survey.
14. Sanitary Sewer Easement from C.R. Sims to City of Alpharetta, dated July 9, 1981, filed March 1, 1984, recorded in Deed Book 8867, page 318, aforesaid records. (Affects Tracts A and C)
Comment: Affects subject property, as shown on survey.
15. Slope Easement Agreement from Tin Chan and Danny Eng to City of Alpharetta, dated April 12, 1988, filed April 27, 1988, recorded in Deed Book 11482, page 235, aforesaid records. (Affects Tracts A and C)
Comment: Does not affect subject property. Easement based on original right of way.
16. Slope Easement Agreement from Tin Chan and Danny Eng to City of Alpharetta, dated April 12, 1988, filed April 27, 1988, recorded in Deed Book 11482, page 239, aforesaid records. (Affects Tracts A and C)
Comment: Does not affect subject property. Easement based on original right of way.
17. Easement from Tin Chan, Miu Lin Chan, Danny Eng and Shun Ngan Eng to Georgia Power Company, dated October 3, 1996, filed November 12, 1996, recorded in Deed Book 21762, page 34, aforesaid records. (Affects Tract B)
Comment: Affects subject property, as shown on survey.
18. Permanent Construction Easement and Permanent Drainage Easement contained in Declaration of Taking by City of Atlanta against 0.308 acres, Danny Eng, Tin Chan, et al, dated October 21, 1993, filed December 1, 1993, recorded in Deed Book 17481, page 281, aforesaid records. (Affects Tracts A and C)
Comment: Affects subject property as shown on survey.
19. Easement for construction and slopes contained in Right of Way Deed from Tin Chan, Miu Lin Chan, Danny Eng and Shun Ngan Eng to Department of Transportation, dated March 8, 1995, filed March 29, 1995, recorded in Deed Book 19413, page 190, aforesaid records. (Affects Tract B)
Comment: Affects subject property as shown on survey.

REFERENCES

1. BOUNDARY SURVEY PREPARED BY V & M VAUGHN & MELTON CONSULTING ENGINEERS, INC., FOR TIN CHAN & DANNY ENG PROPERTY, DATED APRIL 17, 2014, SIGNED AND SEALED BY DAVID B. MILLEN, REGISTERED LAND SURVEYOR IN THE STATE OF GEORGIA, LICENSE NUMBER 2871.
2. DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP, PROJECT STP 9409 (2) FULTON CO., HAYNES BRIDGE ROAD, RIGHT OF WAY PLAN, STATION 32+00 TO STATION 39+00, DRAWING NUMBER 622, SHEETS 223 & 237 OF 240, DATED JANUARY 11, 1993, PREPARED BY MORELAND ALTOBELLI ASSOCIATES, INC.
3. DEPARTMENT OF TRANSPORTATION, STATE OF GEORGIA, RIGHT OF WAY OF PROPOSED S.R. 120 WIDENING, FROM S.R. 9 TO S.R. 400, FULTON COUNTY, FEDERAL AID PROJECT STP-189-1(16), SHEETS RW-13, RW-14, RW-14A, PREPARED BY MORELAND ALTOBELLI ASSOCIATES, INC.



SHEET 2 OF 2
DRAWN BY: M. VAUGHN
FILE NO.: 13121C0058F
SCALE: 1"=40'
DATE OF FIELD WORK: 3/16/22

ALTA/NSPS LAND TITLE SURVEY
FOR
THE PROVIDENCE GROUP
AND
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
LAND LOTS 748
DISTRICT 1ST, 2ND SECTION
CITY OF ALPHARETTA
FULTON COUNTY
GEORGIA

REV	DATE	DESCRIPTION
5		
4		
3	5/27/23	REUSE PROPOSED TRACT
2	10/26/22	ADD ELEVATIONS TO ODS
1		

PEC+
Planners & Engineers Collaborative +
LAND PLANNING + LANDSCAPE ARCHITECTURE + CIVIL ENGINEERING
ARCHITECTS + SURVEYING + CONSTRUCTION + WATER RESOURCES
150 RESEARCH COUNTY PEACHTREE CORNER, GEORGIA 30075
PHONE: 404.833.8000



The field data upon which this map or plat is based has a closure precision of one foot in 43,769 feet + and an angular error of 00° 00' 05" per angle point and was adjusted using the compass adjustment rule.

This map or plat has been calculated for closure and is found to be accurate to within one foot in 268,350 feet.

EQUIPMENT USED:

ANGULAR: TOPCON TOTAL STATION
LINEAR: TOPCON TOTAL STATION

To the PROVIDENCE GROUP and Old Republic National Title Insurance Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1-4, 8, 9, 10, 13, and 16 of Table A thereof. The field work was completed on: 3/16/2022

Date of Map or Plat: 03/25/2022

Surveyor's Signature

Printed name

1105 W. Peachtree St. NE, Suite 1000
Atlanta, Georgia 30309-3608
Tel: 404 815-3500
www.sgrlaw.com



J. Alexander Brock
Direct Tel: 404-815-3603
Direct Fax: 404-685-6903
jabrock@sgrlaw.com

May 31, 2023

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

Re: **Application of The Providence Group of Georgia for ±4.882 acres of land located along the southern right-of-way of Old Milton Parkway (a.k.a State Route 120) to rezone from R-12 to DT-LW; and to secure three (3) variances from Sections 2.3.3.G, 2.6.2.A, and 3.3.6 of the City of Alpharetta Unified Development Code and the Downtown Overlay District; which tract is located in Land Lot 748, 12th District, Fulton County, GA.**

Dear Ms. Cook:

Please accept this letter as the Letter of Intent of my client, The Providence Group of Georgia ("TPG"), in support of the above referenced Applications.

As you know I represent TPG in its effort to develop the property located 2325 Old Milton Parkway (Parcel ID 12 270307480230) and 210 Norcross Street (Parcel ID 12 270307480560)¹ (the "Subject Property"), for 24 attached, owner-occupied single family townhomes, at a density of ±4.91 units per acre; noticeably under the maximum allowed density for townhomes. A Site Plan by Planners and Engineers Collaborative, dated May 22, 2023, more particularly details the nature of the intended project. The square footage of the units will range from 1,600 to 2,120, and all will be 3-bedrooms units with 3.5 bathrooms each. Each unit will have an attached garage for two cars, as well as driveways that will be at least 18 feet in length. Additionally, there will be 5 guest parking spaces on site. The internal road will have a 45-foot access & utility easement

¹ The overall property totals ±6.149 acres which also includes 0 Norcross Street (Parcel ID 12 270307480180). However, only ±4.882 acres of the total area are subject to this rezoning request.

allowing two 10-foot travel lanes, sidewalks, and landscape strips. The townhomes will have direct access to 21-foot wide alleyways that connect to the internal drive.

The proposed development will be accessed from Old Milton Parkway, about 700 feet east of where the parkway intersects Haynes Bridge Road; there will be no vehicular access to any of the neighboring properties. There will be pocket parks spaced throughout the development to provide greenspace access to future residents, along with a mail kiosk located at the most southerly end of the project. The proposed units along the east side of the property will be buffered from the neighboring office use by a 20-foot planted buffer and the units to the west shall be separated by at least 30-feet of greenery and stream buffers. There is a stormwater facility proposed near the south end of the developable portion of the site that would collect runoff during significant rain events and mitigate impacts to the stream.

The Subject Property is currently zoned R-12 (Dwelling, 'For-Sale', Detached Residential) and within the Downtown Overlay District. The tract is currently undeveloped and contains a 20-foot sanitary sewer easement running along the west and south edge of the property, as well as, streams and floodplain located on the southern and western portions of the site. To the north the Subject Property abuts the right-of-way of Old Milton Parkway. To the east, is a property zoned Office Institutional (O-I) containing the medical offices of Beaty Facial Plastic Surgery. Also to the east, the Subject Property borders a parcel zoned DT-LW containing the Chelsea Walk townhomes. To the south, the Subject Property borders a parcel developed as the Haynes Park Townhomes and is zoned Dwelling, 'For-Sale', Attached Residential—Low Density (R-4A). To the west the Subject Property borders a parcel zoned O-I containing the My First Academy Montessori School. Also to the west, the Subject Property borders a portion of the Haynes Park Townhomes development.

The Subject Property is situated along a section of Old Milton Parkway between the Avalon mixed-use development and downtown Alpharetta, which is largely characterized by a mix of townhome residential and office/institutional uses. The proposed townhome development is completely harmonious with the existing townhomes in the area and is complementary to the nearby office and school uses. The proposed development is also in line with the City of Alpharetta's Horizon 2040 Comprehensive Plan ("Comp Plan"), which encourages a mix of uses in the area. The Comp Plan's Future Land Use Map designates the Subject Property as being within the Mixed-Use Live Work (MULW) character area, as well as being within the Downtown Mast Plan. The Comp Plan notes the desired development within the MULW character area as: "[i]n the Downtown Overlay, office and residential uses mixed vertically within a building and/or horizontally within a development or area."² As noted above, the surrounding area is developed with a mix of office and residential townhome uses located along the Old Milton Parkway corridor. The proposed development will add to the mix of uses that the Comp Plan desires for the MULW character area. Furthermore, the proposed rezoning will bring the zoning into alignment with the MULW character area. The Comp Plan notes that DT-LW is an appropriate

² See City of Alpharetta's Horizon 2040 Comprehensive Plan, pg. 58.

zoning district for the MU character area, while the R-12 district is not. As a result, the current zoning is out of step with the requirements of the Comp Plan, which the Applicant's proposal seeks to correct.

As a consequence of being within the Downtown Overlay, there are a number of additional design elements which are to be incorporated into the proposed development. The proposed development will meet the Downtown Overlay requirements for open space by providing ± 0.60 acres (12.2% of the site) of amenity space.³ Thus, the ultimate goal is to create an attractive and fitting residential development in compliance with the vision adopted by the City in its Comp Plan and the Downtown Master Plan. This development represents an opportunity for high scale, for-sale housing in an area that is devoid of such options.

These improvements require the following approvals:

1. Rezone the Subject Property from R-12 to Downtown Live Work (DT-LW).
2. Concurrent variances and approvals from certain sections of the City of Alpharetta Unified Development Code requirements occasioned by factors peculiar to the Subject Property. The development will need the following variances/approvals from:
 - a. Alpharetta UDC Section 2.3.3.G – Amend the Downtown Overlay streetscape requirements to allow a 5-foot sidewalk and 4-foot landscape strip along the interior drives.
 - b. Alpharetta UDC Section 2.6.2.A – Amend the Downtown Overlay requirements to reduce the 50-foot undisturbed buffer along a portion of the western and eastern property line to a 20-foot landscaped buffer.
 - c. Alpharetta UDC Section 3.3.6 - Encroachment into the City of Alpharetta stream buffers for the development as shown on the Site Plan by PEC, dated May 22, 2023.

A. Relevant Background Information

The Subject Property has remained a vacant, wooded lot since at least 1988⁴ while much of the surrounding area has experienced significant development. The recent growth of the area is characterized by higher density residential (particularly townhomes), office and commercial developments. The Subject Property is ideally located for the type of community sought after by contemporary consumers and residents within close proximity to employment, retail and entertainment. The site is located in close proximity to major employment centers in the Avalon

³ Civic space is not required for sites under 5 acres per Alpharetta UDO §3.8.3.

⁴ Aerial photographs of the property show a single family home on the property prior to 1981, but that structure is no longer present by 1988.

mixed use development as well as Alpharetta's Central Business District. In addition, the property is approximately 1/3 mile from Alpharetta's downtown and approximately ½ mile from the commercial shops and restaurants in the Avalon development.

The centralized location lends itself to higher-density housing options that attract the professionals employed in the area. The housing preference of many modern professionals is one that is in close proximity to employers, as well as retail, restaurant, and recreational uses. The Subject Property offers a golden opportunity to further the intent of the Comp Plan and the Downtown Master Plan by adding higher density residential along the Old Milton corridor

B. Trip Generation

The proposed development will not overly burden existing streets or transportation facilities. The Applicant has submitted a Trip Generation Memorandum, prepared by A&R Engineering and dated May 23, 2023, along with this application detailing the anticipated number of trips. The Trip Generation Memorandum states that the 24 townhomes are expected to generate 7 trips during the AM weekday peak hour, 10 trips during the PM weekday peak hour, and 132 total trips on a weekday. The proposed development will be accessed from Old Milton Parkway, about 700 feet east of where the parkway intersects Haynes Bridge Road; there will be no vehicular access to any of the neighboring properties. Old Milton Parkway is classified as a principal arterial per the Georgia Department of Transportation State Functional Classification Map. This type of roadway is intended to carry a large volume of traffic and the Applicant is unaware of any capacity issues with that roadway. Accordingly, Old Milton Parkway is anticipated to easily accommodate the minor amount of traffic generated by the proposed project.

C. Schools

The school-age children living in the residences will attend Manning Oaks Elementary School; Northwestern Middle School; and Milton High School. Manning Oaks Elementary is listed as under capacity. Northwestern Middle School and Milton High School are currently over capacity. The proposed townhomes, however, are not expected to overly-burden local schools since the target market for townhome residential is younger professionals or empty nesters, which are demographics that tend not to have school-age children.

D. Standards for Zoning Changes

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

Response: Yes. Residential growth at higher densities is a key component of plans for the Old Milton corridor in the Downtown Master Plan. The property also is located within the Downtown Overlay, which envisions "a range of high-quality and aesthetically compatible housing options should be provided to accommodate different needs in the community." If approved, conditions are recommended that further the concepts of the Downtown Master

Plan and the Downtown Overlay.

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

Response: No. By restricting access to Old Milton Parkway, and by appropriately screening the site with landscaping there should be no adverse impact upon adjacent or nearby property.

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

Response: No. The proposal is sensitive to the environmental constraints of the site and will implement many environmentally sensitive measures. A large portion of the site is comprised of stream buffers and floodplain, which the Applicant has taken care to limit impacts to these sensitive areas. In addition, the Applicant's site plan identifies tree save areas to protect the existing tree canopy.

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

Response: As noted in the paragraphs above, a large portion of the Subject Property is located within floodplain and stream buffers, leaving a little over 2 acres that is developable. This severely limits the ability to feasibly develop the property under the current R-12 zoning. The R-12 district requires a minimum 12,000 square foot lot size, which, when taken into account with the stream buffers, prohibits any practical development of the property. The proposed DT-LW zoning, however, allows smaller lots, thus allowing an attractive development that also fits within the site's constraints. As a result, absent a rezoning to allow a more practical use, such as townhome residential, the Subject Property is likely to remain undeveloped.

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

Response: The proposed change in use to allow a higher density residential would generate a greater demand upon public facilities and services, such as parks, recreational programs, schools, as well as potentially increased vehicular trips. However, the Applicant does not anticipate the proposed townhomes creating an excessive burden on roadways or schools, as outlined in Paragraphs B and C of this Letter of Intent above, or on other public services. As far as utilities are concerned, the Subject Property will have access to water and sewer.

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

Response: Yes. The Comp Plan recognizes the desirability of mixed uses to include residential options.

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

Response: Yes. The request to rezone to property to allow townhome development reflects a reasonable balance, particularly the included design features and preservation of natural areas that help the development blend with the surrounding uses.

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

Response: See response to (d) above.

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

Response: The Comp Plan does not list the current R-12 zoning as appropriate for the Mixed Use Live Work character area. The proposed DT-LW zoning, however, will bring the zoning into alignment with the Comp Plan's goals for the area.

E. 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 approximately 4.8-acre property is configured in an irregular shape along Old Milton Parkway. FEMA floodplain, a perennial stream, an intermittent stream, and two sanitary sewer easements transect the property. Wetlands exist on-site and topography drops off along the Old Milton Parkway frontage. The perennial stream has up to 150' buffers. The intermittent stream has a 25-foot state buffer, 50-foot city undisturbed buffer and 75-foot city impervious buffer. Because of these conditions, only about two acres of the total site area are developable. In addition, the property is bordered on two sides by nonresidential zoning districts (O-I) which requires a significant amount of buffers along those property lines, thereby restricting buildable area further. The combination of the floodplain, streams, and the zoning buffers severely restricts any practical development of the property without relief.

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

Response: The particular features associated with the property, presence of streams, floodplain and its location between two O-I districts, along with the requirements of the Downtown Overlay creates a hardship which requires a design with these variances. A slight reduction in local buffer setbacks to the intermittent stream, along with minor dimensional adjustments provides a more reasonable developable land area on the subject site.

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

Response: The existence of the streams and floodplain coupled with the required zoning buffers affect the Subject Property's ability to be reasonably developed.

- (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 would not cause substantial detriment to the public good. By allowing the streetscape standards to be modified to allocate 5' of sidewalk and a 4' landscape strip will give future residents pedestrian access through the site and connection the sidewalk along Old Milton Parkway without excessive impervious surface so near the streams and floodplain. The site constraints, with relief, allows for a cluster development that efficiently uses the land and that meets the intent of the Zoning Code and desired creation of place within Downtown Alpharetta. The remaining land impacted by streams, easements and buffers will be retained in a natural state. The development will provide improvements to the intermittent stream to ensure the protection of the water quality.

F. Requested Conditions

- 1) The property shall be developed substantially in accordance with the plans by Planners & Engineers Collaborative, dated May 22, 2023.
- 2) Each unit shall contain a minimum of 1,600sf.
- 3) Residential alleys shall be allowed.
- 4) The project provides approximately 0.6 acres of amenity space ($\pm 12.2\%$ of total site). Amenity space is spread throughout the site and includes pocket parks and passive green spaces.
- 5) Site will have vehicular access from Old Milton Parkway only.
- 6) No more than 10% of the residential units will be permitted to be rented, as recorded in the HOA's declarations and covenants.
- 7) New utilities interior to the site will be placed underground.

- 8) The stormwater detention facilities may be located within the 50-foot undisturbed buffer.
- 9) The rezoning shall be subject to a recombination plat depicting the proposed ± 4.882 -acre parcel. The recombination plat will be prepared and recorded at a later date.

G. Preservation of Rights

It is the position of the Applicant that the Alpharetta Zoning Ordinance, in limiting the property to the uses allowed in the current zoning district is unconstitutional in that it destroys the marketability of the property and renders the property economically unfeasible, and such zoning therefore constitutes a taking of property without just and adequate compensation and without due process of law in violation of the Fifth and Fourteenth Amendments to the Constitution of the United States, as well as Article 1, Section 1, Paragraph 1; Article 1, Section 3, Paragraph 1(a); and Article 3, Section 6, Paragraph 2 of the Constitution of the State of Georgia (1983). To zone this property with any intervening conditions less than requested would be unconstitutional, would render the property unusable and would constitute the taking of Applicant's property without just and adequate compensation and without due process of law in violation of the provisions of the United States and Georgia Constitutions cited in this paragraph. The same effect would occur by imposing conditions in restraint of trade, or onerous, burdensome, unconstitutional, or unnecessary conditions on the property. The denial of this request would bear no reasonable relation to the health, safety, morals or welfare of the public.

CONCLUSION

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

Respectfully Submitted,



J. Alexander Brock
Attorney



Memorandum

To: Kenneth Wood, Planners and Engineers Collaborative, Inc.
From: Abdul Amer, PE
Date: May 23, 2023
Subject: Trip Generation Memorandum for Proposed Residential Development located at 2325 SR 120 (Old Milton Parkway), City of Alpharetta, Georgia – A&R Project #22-137



The purpose of this memorandum is to estimate the trip generation from the residential development proposed along SR 120 (Old Milton Parkway) in City of Alpharetta, Georgia. The proposed development will consist of 24 units of single-family attached housing.

A site plan is attached and a site overlay is shown below.

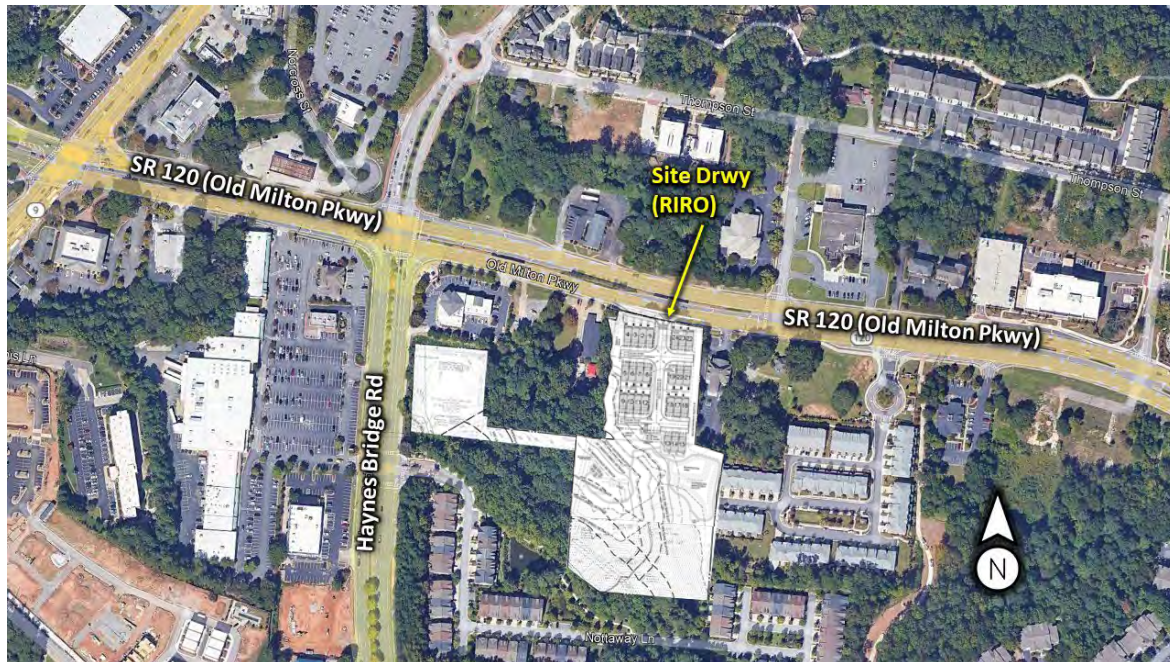


Figure 1 - Site Overlay Map

METHODOLOGY

Trip generation estimates for the project were based on the rates and equations published in the 11th edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. This reference contains traffic volume count data collected at similar facilities nationwide. The trip generation referenced is based on the following ITE Land Uses: 215 – *Single-Family Attached Housing*.

Land Use: 215 – Single-Family Attached Housing: Single-family attached housing includes any single-family housing unit that shares a wall with an adjoining dwelling unit, whether the walls are for living space, a vehicle garage, or storage space.



TRIP GENERATION

The results of the analysis for the proposed development are shown in Table 1, below.

Table 1 – Trip Generation								
Land Use	Size	AM Peak Hour			PM Peak Hour			24 Hour
		Enter	Exit	Total	Enter	Exit	Total	Two-way
ITE 215 – Single-Family Attached Housing	24 units	2	5	7	5	5	10	132

Based on the trip generation rates published in Institute of Transportation Engineer's Trip Generation Manual, 11th Edition, the proposed development will generate 2 entering trips and 5 exiting trips in the AM peak hour and 5 entering trips and 5 exiting trips in the PM peak hour.



SITE DATA	
SITE AREA	4.88 ACRES
ZONING	
EXISTING ZONING	R-12 (370 12.000 SF/40 OFFICE)
PROPOSED ZONING	CU-LR (CONVENTION/LEISURE)
OVERLAY DISTRICT	DATELINE OVERLAY
ZONING JURISDICTION	CITY OF ALPHARETTA
USE CALCULATIONS	
MAXIMUM ALLOWABLE DENSITY	14 UNITS PER ACRE
PROPOSED PER YEAR LOADED TOURIST GUESTS	24 UNITS
TOTAL PROPOSED DENSITY	24 UNITS (5.014 UPA)
PERMITS/REQUIREMENTS	
FRONT SETBACK	10 FEET
SIDE SETBACK	6 FEET
REAR SETBACK	NO ALLEY/3.9 FT. ALLEY 10 FEET
PERMITS/IMPACT STANDARDS	
MAX BUILDING HEIGHT	40 FEET
PROPOSED MAX BUILDING HEIGHT	40 FEET
MAX LOT COVERAGE	70% (187,485.5 SF)
PROPOSED LOT COVERAGE	17% (45,250.1 SF)
MAX LOT SIZE	5,000 SF
PROPOSED MIN LOT SIZE	5,300 SF
MIN TOWNHOME WIDTH	20 FEET
PROPOSED MIN TOWNHOME WIDTH	20 FEET
MIN TOWNHOME SIZE	500 SF
PROPOSED MIN TOWNHOME SIZE	1,600 SF
DEVELOPMENT CALCULATIONS	
CASE SPACE	N/A. UNDER 5,000
ADULTENT SPACE	6.00 ACRES (15.1% OF OVERALL SITE)
PARKING REQUIREMENTS	
TOTAL PARKING REQUIRED	48 SPACES (PREBUILT) + 2 SPACES PER 100 SPACES (2 SPACES PER GARAGE)
PROPOSED EXISTING PARKING	48 SPACES
PROPOSED ADULT PARKING	0 SPACES
TOTAL PARKING PROVIDED	48 SPACES

7. A STEEP BUFFER VARIANCE SHALL BE REQUESTED FOR DEVELOPMENT TO INCROACH WITHIN THE UNDISTURBED AND IMPERVIOUS SETBACK ON THE WESTERN PROPERTY LINE. A MITIGATION PLAN HAS BEEN INCLUDED WITHIN THE REZONING SUBMITTAL.
8. A VARIANCE SHALL BE REQUESTED TO ALLOW INTERNAL SIDEWALKS TO BE 9' WIDER WITH A 4' PLANTER STRIP ON EACH SIDE OF THE STREET. INSTEAD OF THE REQUIRED 8' SIDEWALK AND 4' PLANTER STRIP ON EACH SIDE OF THE STREET.
9. A VARIANCE HAS BEEN REQUESTED TO REDUCE THE REQUIRED 50' LANDSCAPED BUFFER ON THE EASTERN PROPERTY LINE TO A 20' PLANTED SCREENING BUFFER.
10. ENTIRE SITE IS WOODED. FOR A MORE DETAILED VIEW OF SIGNIFICANT TREES WITH CRITICAL ROOT ZONES, SEE ATTACHED TREE SURVEY AND RECOMMENDATION SUBMITTAL.
11. 20' PLANTED SCREENING BUFFER ON EASTERN SIDE OF PROPERTY TO BE DISTURBED ONLY FOR MINIMAL GRADING PURPOSES AND IS TO BE REPLANTED.

1. ALL PORTIONS OF THE WATER SERVICE LINES BEYOND THE WATER METER ARE TO BE OWNER MAINTAINED, FULTON COUNTY IS NOT RESPONSIBLE FOR THE SERVICE LINE BEYOND THE METER.
2. ALL WATER METERS TO BE INSTALLED WITHIN LANDSCAPE STRIP BEHIND THE BACK OF CURB.

SHEET



PROPERTY TAX BILL
CITY OF ALPHARETTA, GEORGIA

ACCOUNT #: 4510
BILL #: 2207119
TAX DISTRICT: 10

TAX YEAR: 2022

ALT ID #: 0696196

REAL PROPERTY TAX

PROPERTY OWNER	PROPERTY ADDRESS	PROPERTY IDENTIFICATION
CHAN TIN & ENG DANNY	2325 OLD MILTON PKY	12 -2703-0748-023-0

FAIR MARKET VALUE	ASSESSED VALUE	EXEMPTION TYPE	ELIGIBLE	APPLIED
\$600,900	\$240,360			\$

LEVIES	ASSESSED VALUE	-	EXEMPTIONS	=	NET ASSESSMENT	X	MILLAGE RATE	=	NET TAX
BONDED DEBT	240,360	-		=	240,360	X	.000965	=	231.95
L.O.S.T.	240,360	-		=	240,360	X	-.002966	=	-712.91
GENERAL GOVERNMENT	240,360	-		=	240,360	X	.007751	=	1863.03

*****IMPORTANT PROPERTY TAX MESSAGE*****

The due date indicated on your tax remittance stub is for CURRENT year taxes ONLY. If you have an amount shown in prior year, interest will continue to accrue monthly and collection efforts will persist. Thus, if your tax bill shows an amount due for the prior year, you will need to contact the City of Alpharetta Financial Service Division at 678-297-6060 (option 0) to confirm the total amount due.

CURRENT YEAR TAXES DUE: \$1,382.07
PRIOR YEARS TAXES DUE: 0.00
PENALTIES & INTEREST 0.00
TOTAL DUE \$1,382.07

City of Alpharetta
Finance Department - Tax
2 Park Plaza
Alpharetta, GA 30009-3680

Account Number: 4510
Amount Due: \$1,382.07
Due Date: 12/01/2022

PROPERTY TAX BILL

We accept Visa, MasterCard, or American Express.
Payments accepted via phone at 678-297-6060 (Option 0)
or online at www.alpharetta.ga.us

000020&20222022071195000013&2076

CHAN TIN & ENG DANNY
3975 OLD MILTON PKWY # S 1
ALPHARETTA, GA 30005

City of Alpharetta
Finance Department - Tax
2 Park Plaza
Alpharetta, GA 30009-3680



PROPERTY TAX BILL
CITY OF ALPHARETTA, GEORGIA

ACCOUNT #: 4510
BILL #: 2207130
TAX DISTRICT: 10

TAX YEAR: 2022

ALT ID #: 0696323

REAL PROPERTY TAX

PROPERTY OWNER	PROPERTY ADDRESS	PROPERTY IDENTIFICATION
CHAN TIN & ENG DANNY	210 NORCROSS ST	12 -2703-0748-056-0

FAIR MARKET VALUE	ASSESSED VALUE	EXEMPTION TYPE	ELIGIBLE	APPLIED
\$656,700	\$262,680			\$

LEVIES	ASSESSED VALUE	-	EXEMPTIONS	=	NET ASSESSMENT	X	MILLAGE RATE	=	NET TAX
BONDED DEBT	262,680	-		=	262,680	X	.000965	=	253.49
L.O.S.T.	262,680	-		=	262,680	X	-.002966	=	-779.11
GENERAL GOVERNMENT	262,680	-		=	262,680	X	.007751	=	2036.03

IMPORTANT PROPERTY TAX MESSAGE

The due date indicated on your tax remittance stub is for CURRENT year taxes ONLY. If you have an amount shown in prior year, interest will continue to accrue monthly and collection efforts will persist. Thus, if your tax bill shows an amount due for the prior year, you will need to contact the City of Alpharetta Financial Service Division at 678-297-6060 (option 0) to confirm the total amount due.

CURRENT YEAR TAXES DUE: \$1,510.41
PRIOR YEARS TAXES DUE: 163.41
PENALTIES & INTEREST 0.00
TOTAL DUE \$1,673.82

City of Alpharetta
Finance Department - Tax
2 Park Plaza
Alpharetta, GA 30009-3680

Account Number: 4510
Amount Due: \$1,673.82
Due Date: 12/01/2022

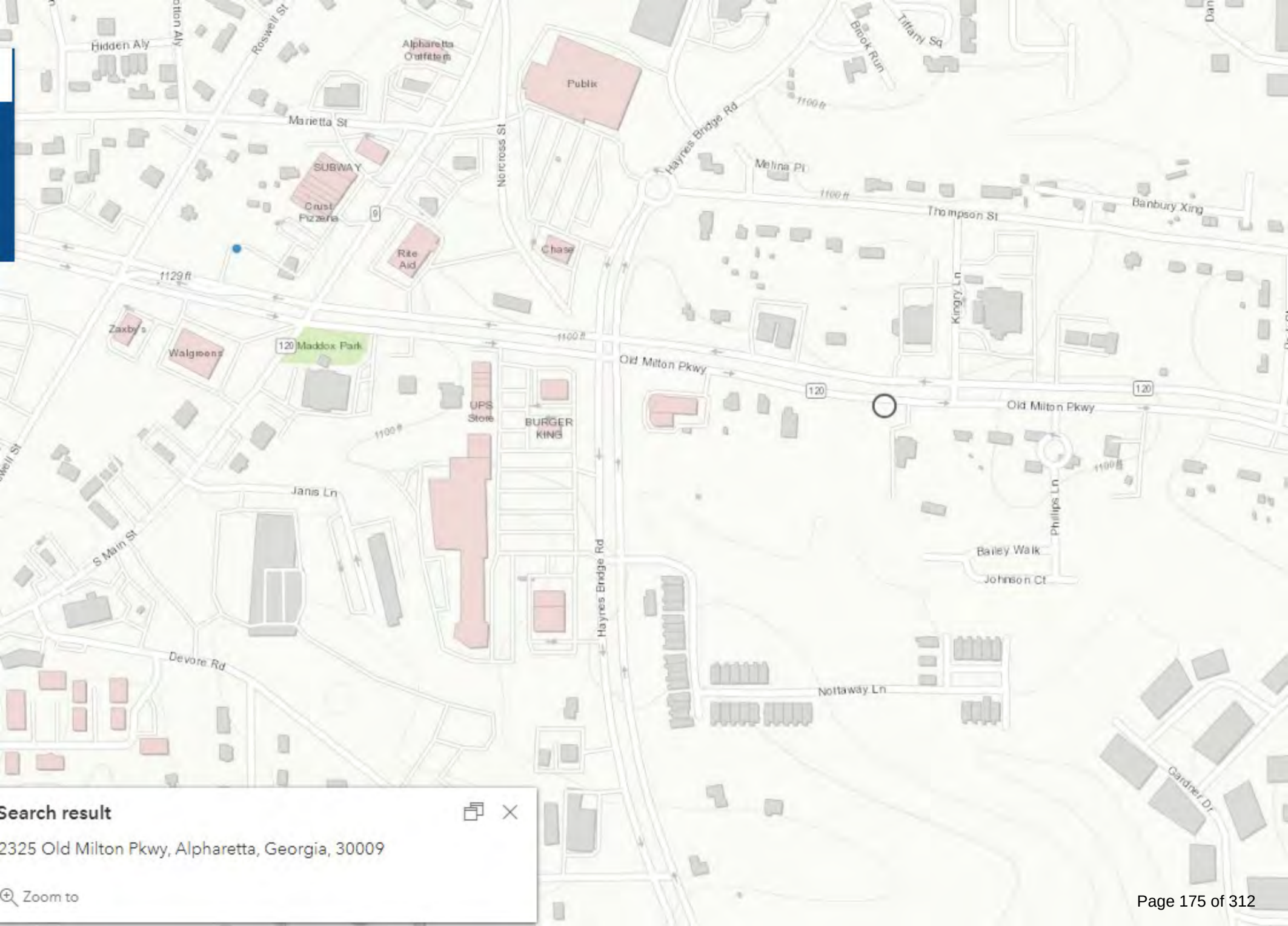
PROPERTY TAX BILL

We accept Visa, MasterCard, or American Express.
Payments accepted via phone at 678-297-6060 (Option 0)
or online at www.alpharetta.ga.us

000020&2022202207130200001510411

CHAN TIN & ENG DANNY
3975 OLD MILTON PKWY # S 1
ALPHARETTA, GA 30005

City of Alpharetta
Finance Department - Tax
2 Park Plaza
Alpharetta, GA 30009-3680



Search result

2325 Old Milton Pkwy, Alpharetta, Georgia, 30009

Zoom to

SPECIMEN TREE REPORT

City of Alpharetta

Surveyed by: James Mahoney ISA#: SO:10291A

Project # 15315.01A

TREE REPORT FOR:

THE PROVIDENCE GROUP OF GEORGIA, LLC 11340 LAKEFIELD DRIVE, SUITE 140, JOHNS CREEK, GA, 30097

PROPERTY ADDRESS:

OLD MILTON PKWY (2325) @ NORCROSS ST (0 & 210) @ HAYNES BRIDGE RD (11775) LAND LOT# 748. 12TH DISTRICT, CITY OF ALPHARETTA, GEORGIA

Specimen Tree Inventory

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

The City of Alpharetta Specimen tree specifications are organized by size:

SWEETGUM AND POPLAR TREES 30" DBH

PINE TREES 30" DBH

ALL OTHER TREES 24" DBH

CONIFEROUS TREES 20" DBH

BEECH, TUPELO, PERSIMMON, SASSAFRAS, MAGNOLIA 20" DBH

FLOWERING UNDERSTORY TREES 8" DBH

SOURWOOD TREES 10" DBH

And condition:

- Life expectancy greater than 15 years

- Relatively sound and solid trunk with no visible decay

- No more than one major and several minor dead limbs (hardwoods)

- No major insect or pathological problems

Site Location

The site is located in the city of Alpharetta, it South of Old Milton Parkway and East of Haynes Bridge Road. It is directly adjacent to “My First Academy”, a children’s Montessori School, that the site partials surrounds. The site is also bordered to the north west by a small shopping plaza, and Townhomes along its eastern border. The southern edge of the property is adjacent to another townhome development, but is buffered by a small existing forest and a walking trail. The site is covered by existing woodlands, it is predominantly poplars, with a good number of water oaks spread throughout. There are a concentration of pines on the southwestern portion of the site. The property is bisected by multiple streams and has a considerable area of floodplain along its southern extent. Overall the site appears to be healthy.

Definitions

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

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

Diameter at Breast Height (DBH): The diameter of a trunk at 4.5’ above ground level. If tree is split, measurement is taken at narrowest point below bifurcation. Measured in inches.

Condition:

Excellent: A specimen tree that is a State Champion and warrants saving at all costs. This classification would be confirmed by the County Arborist and the Georgia Forestry Council.

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

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

Poor: More than 30% of the crown is dead or has significant tip die back. More than one major limb is dead and are large trunk cavities with visible decay. Severe insect or disease damage leading to immediate death. Roots are visible and show signs of decay and rot. Life expectancy is less than 10 years.

DDH: Tree has no bud or leaf production. All limbs are barren and rot is visible, or there is severe or uncorrectable damage that will lead to a loss of property or life if there is tree failure.

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

Specimen Tree Summary: Most of the specimen sized trees on site Meet the city of Alpharetta specimen standards for specimen trees.

Total Specimen Sized and Quality Trees: 19

Excellent Condition 0

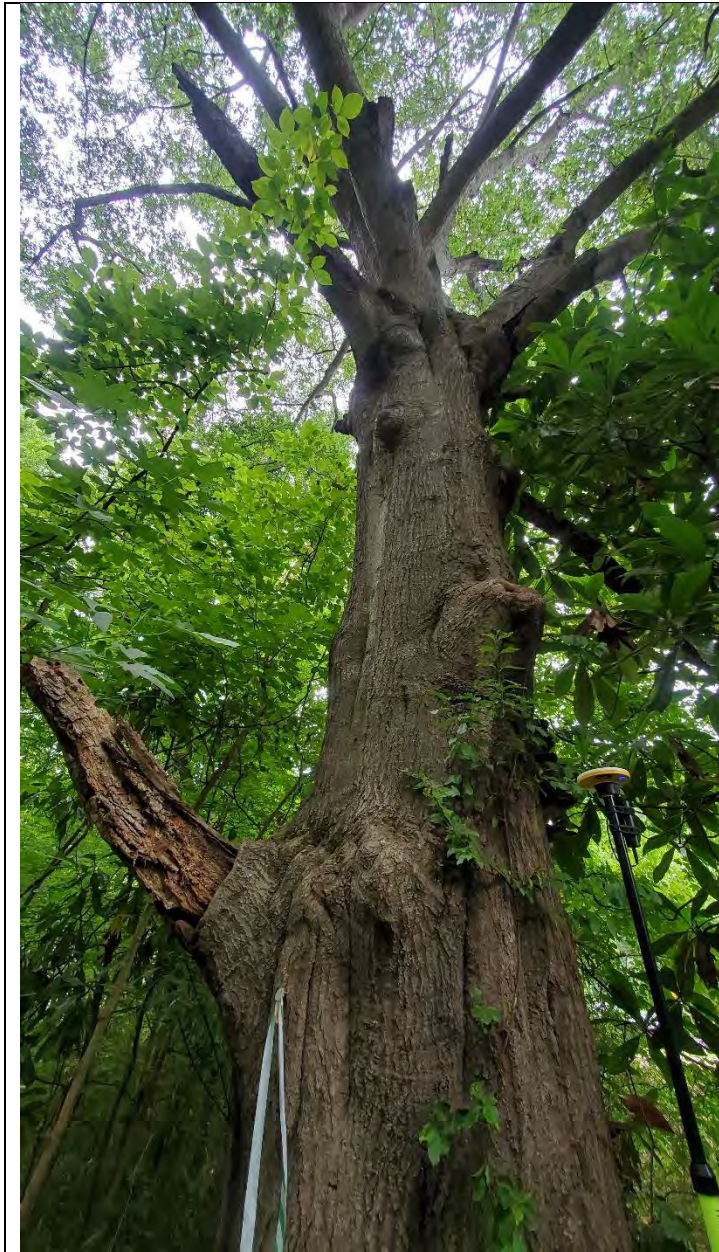
Good Condition: 16

Fair Condition:3

Poor Conditions: 3

SPECIMEN TREE AND QUALITY TREE DATA					
Tree #	DBH "	Common name	Scientific name	Condition	Status
304	48	WATER OAK	<i>Quercus nigra</i>	POOR	Tree #304 is a Water Oak, it has a DBH of 48 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #304 is a DDH. The tree meets this designation due to it having a major Trunk Wound and it having Fruiting Bodies. In addition the tree has 3 Broken Major Branches and 3 Broken Minor Branches.
305	28	WATER OAK	<i>Quercus nigra</i>	GOOD	Tree #305 is a Water Oak, it has a DBH of 28 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #305 is a Tree of Quality.
308	30	SWEETGUM	<i>Liquidambar styraciflua</i>	GOOD	Tree #308 is a Sweetgum, it has a DBH of 30 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #308 is a Tree of Quality.
311	38	PINE	<i>Pinus spp.</i>	GOOD	Tree #311 is a Pine, it has a DBH of 38 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #311 is a Tree of Quality.
312	45	POPLAR	<i>Liriodendron tulipifera</i>	GOOD	Tree #312 is a Poplar, it has a DBH of 45 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #312 is a Tree of Quality.
313	31	SWEETGUM	<i>Liquidambar styraciflua</i>	GOOD	Tree #313 is a Sweetgum, it has a DBH of 31 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #313 is a Tree of Quality.
321	32	POPLAR	<i>Liriodendron tulipifera</i>	GOOD	Tree #321 is a Poplar, it has a DBH of 32 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #321 is a Tree of Quality.
322	32	POPLAR	<i>Liriodendron tulipifera</i>	GOOD	Tree #322 is a Poplar, it has a DBH of 32 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #322 is a Tree of Quality.
323	8	MAGNOLIA	<i>Magnolia grandiflora</i>	GOOD	Tree #323 is a Magnolia, it has a DBH of 8 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #323 is a Tree of Quality.
324	39	WATER OAK	<i>Quercus nigra</i>	POOR	Tree #324 is a Water Oak, it has a DBH of 39 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #324 is a DDH. The tree meets this designation due to it having Tip Dieback and it having a Split with Included Bark. In addition the tree has 9 Broken Minor Branches.

SPECIMEN TREE AND QUALITY TREE DATA					
Tree #	DBH "	Common name	Scientific name	Condition	Status
325	28	ELM	<i>Ulmus spp.</i>	GOOD	Tree #325 is a Elm, it has a DBH of 28 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #325 is a Tree of Quality, it having a Split with Included Bark.
326	51	WATER OAK	<i>Quercus nigra</i>	POOR	Tree #326 is a Water Oak, it has a DBH of 51 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #326 is a DDH. The tree meets this designation due to it having a major Trunk Wound and it having Fruiting Bodies as well as it having a Split with Included Bark.
1387	28	POPLAR	<i>Liriodendron tulipifera</i>	GOOD	Tree #1387 is a Poplar, it has a DBH of 28 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #1387 is a Tree of Quality.
1388	27	WATER OAK	<i>Quercus nigra</i>	GOOD	Tree #1388 is a Water Oak, it has a DBH of 27 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #1388 is a Tree of Quality.
1389	30	POPLAR	<i>Liriodendron tulipifera</i>	GOOD	Tree #1389 is a Poplar, it has a DBH of 30 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #1389 is a Tree of Quality.
1399	24	RED MAPLE	<i>Acer rubrum</i>	GOOD	Tree #1399 is a Red Maple, it has a DBH of 24 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #1399 is a Tree of Quality.
1400	25	RED MAPLE	<i>Acer rubrum</i>	GOOD	Tree #1400 is a Red Maple, it has a DBH of 25 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #1400 is a Tree of Quality.
1401	16	BOX ELDER	<i>Acer negundo</i>	GOOD	Tree #1401 is a Box Elder, it has a DBH of 16 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #1401 is a Tree of Quality.
1402	32	POPLAR	<i>Liriodendron tulipifera</i>	GOOD	Tree #1402 is a Poplar, it has a DBH of 32 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #1402 is a Tree of Quality.
Total	592				



Tree #304 is a Water Oak, it has a DBH of 48 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #304 is a DDH. The tree meets this designation due to it having a major Trunk Wound and it having Fruiting Bodies. In addition the tree has 3 Broken Major Branches and 3 Broken Minor Branches. Further consideration should be granted to this tree due to its close proximity to an active road to which it poses a large risk.



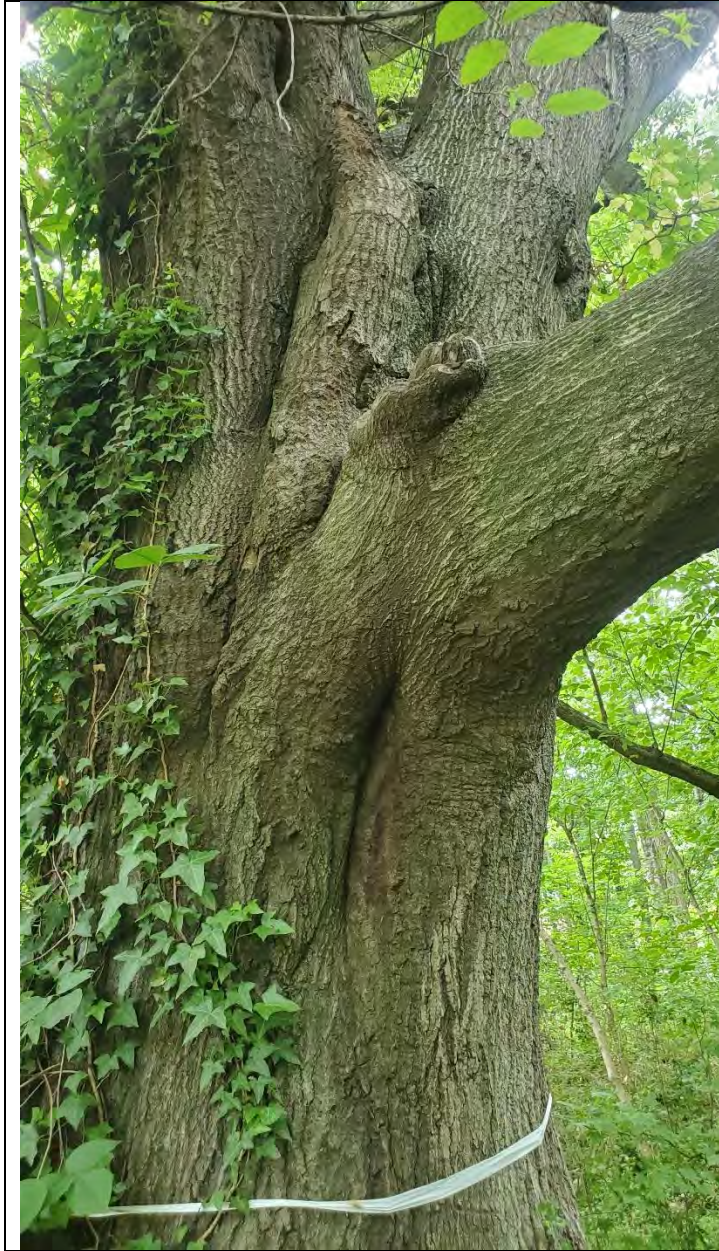
Tree #304 is a Water Oak, it has a DBH of 48 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #304 is a DDH. The tree meets this designation due to it having a major Trunk Wound and it having Fruiting Bodies. In addition the tree has 3 Broken Major Branches and 3 Broken Minor Branches. Further consideration should be granted to this tree due to its close proximity to an active road to which it poses a large risk.



Tree #324 is a Water Oak, it has a DBH of 39 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #324 is a DDH. The tree meets this designation due to it having Tip Dieback and it having a Split with Included Bark. In addition the tree has 9 Broken Minor Branches. Further consideration should be granted to this tree due to its close proximity to an elementary school building and playground to which it poses a high risk.



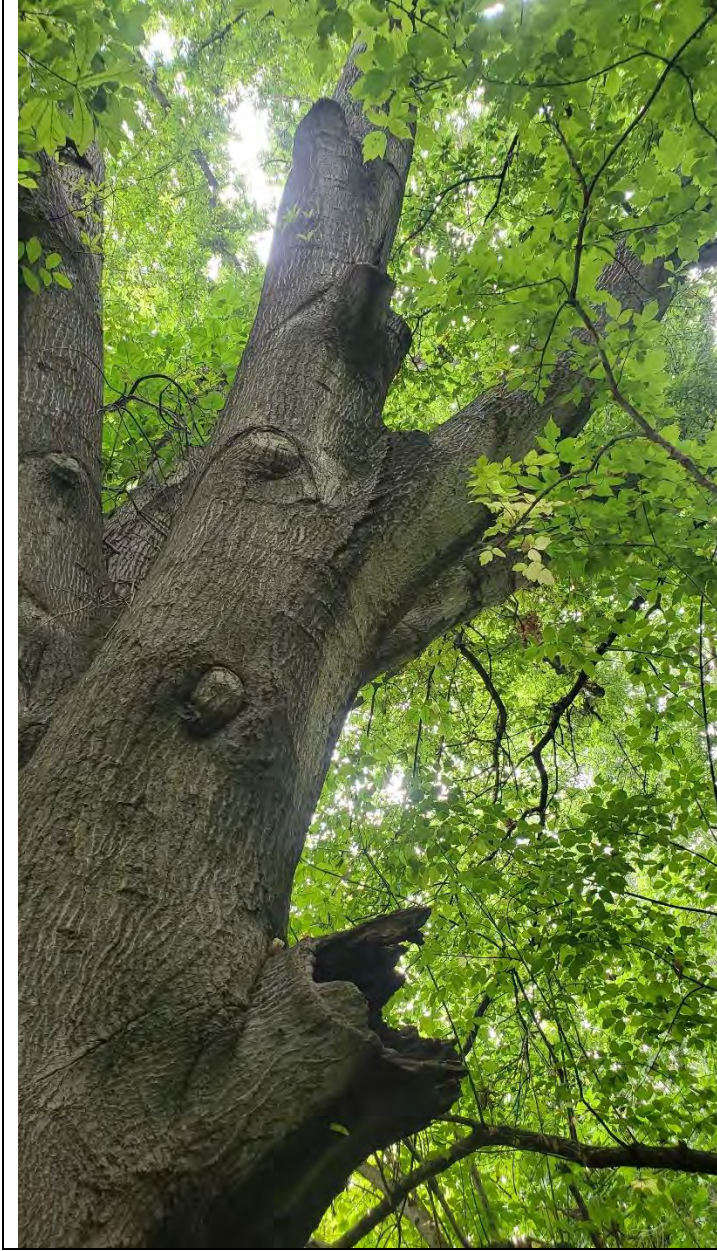
Tree #326 is a Water Oak, it has a DBH of 51 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #326 is a DDH. The tree meets this designation due to it having a major Trunk Wound and it having Fruiting Bodies as well as it having a Split with Included Bark. Further consideration should be granted to this tree due to its close proximity to an active road to which it poses a large risk.



Tree #326 is a Water Oak, it has a DBH of 51 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #326 is a DDH. The tree meets this designation due to it having a major Trunk Wound and it having Fruiting Bodies as well as it having a Split with Included Bark. Further consideration should be granted to this tree due to its close proximity to an active road to which it poses a large risk.



Tree #326 is a Water Oak, it has a DBH of 51 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #326 is a DDH. The tree meets this designation due to it having a major Trunk Wound and it having Fruiting Bodies as well as it having a Split with Included Bark. Further consideration should be granted to this tree due to its close proximity to an active road to which it poses a large risk.



Tree #326 is a Water Oak, it has a DBH of 51 inches when measured at 4.5' from the ground and has been tagged with an aluminum tag showing the Tree number. Tree #326 is a DDH. The tree meets this designation due to it having a major Trunk Wound and it having Fruiting Bodies as well as it having a Split with Included Bark. Further consideration should be granted to this tree due to its close proximity to an active road to which it poses a large risk.

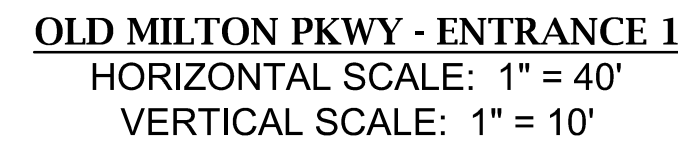


SHEET

1. STREAM BUFFER VARIANCE REQUEST FOR DEVELOPMENT TO ENCR OACH WITHIN THE UNDISTURBED AND IMPERVIOUS SETBACK. A MITIGATION PLAN HAS BEEN INCLUDED WITHIN THE REZONING SUBMITTAL.
2. ENTIRE SITE IS WOODED. FOR A MORE DETAILED VIEW OF SIGNIFICANT TREES WITH CRITICAL ROOT ZONES, SEE ARBORIST REPORT INCLUDED WITHIN REZONING SUBMITTAL.

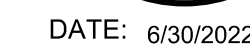
24 HOUR CONTACT:
AMANDA WEBB





1. SPEED LIMIT OLD MILTON PKWY NAME IS 45 MPH
2. ALL SIGNS AND PAVEMENT MARKINGS SHALL CONFORM TO THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES", (LATEST EDITION) AND ANY APPLICABLE ALPHARETTA STANDARDS.
3. ALL PAVEMENT MARKINGS WITHIN THE RIGHT OF WAY SHALL BE THERMOPLASTIC UNLESS OTHERWISE NOTED.
4. ALL TRAFFIC CONTROL DEVICES SHALL BE MAINTAINED BY THE CONTRACTOR SO AS NOT TO INTERFERE WITH SIGHT DISTANCE ALONG ANY ADJACENT SIDE ROAD OR DRIVEWAY.
5. THE CONTRACTOR SHALL MAINTAIN INGRESS AND EGRESS TO DRIVEWAYS AT ALL TIMES.
6. SIGHT DISTANCES WERE TAKEN FROM GEORGIA DEPARTMENT OF TRANSPORTATION REGULATIONS FOR DRIVEWAY AND ENCRoACHMENT CONTROL, TABLE 3-4 (INTERSECTION SIGHT DISTANCE REQUIREMENTS).
7. OLD MILTON PARKWAY IS A DIVIDED HIGHWAY WITH 3 LANES TRAVELING LANES ON THE SIDE OF THE ROAD AS THE PROPOSED DEVELOPMENT. THE DEVELOPMENT WILL HAVE A RIGHT-IN, RIGHT-OUT ENTRANCE.

I, THE UNDERSIGNED, HEREBY CERTIFY THAT THE PROPOSED ENTRANCE/EXIT ONTO OLD MILTON PKWY IS DESIGNED WITH ADEQUATE SIGHT DISTANCE. THE POSTED SPEED LIMIT OF OLD MILTON PKWY IS 45 MPH. THE INGRESS/EGRESS FOR THE PROPERTY WILL BE A RIGHT-IN, RIGHT-OUT ONLY. SO THE APPLICABLE SIGHT DISTANCE IS 465' SOL FOR A 3-LANE ROAD, AS REQUIRED BY THE FEDERAL HIGHWAY ADMINISTRATION. SIGHT DISTANCE MEASURED ALONG THE PATH OF TRAVEL AT A HEIGHT OF 3.5' ABOVE THE SURFACE OF THE ROADWAY, TO AN OBJECT ON THE CENTERLINE OF THE ROAD 3.5' ABOVE THE SURFACE OF THE ROADWAY.



C8.00

SHEET





350 RESEARCH COURT STE 200
PEACHTREE CORNERS, GA 30092

2325 OLD MILTON

T

FOR

MUNICIPALITY PROJECT #

[illegible]

PRELIMINARY

BUFFER MITIGATION PLAN



HEET



TOTAL NEW BUFFER AREA: 4,694 SF

PROPOSED 50-FT UNDISTURBED BUFFER

TOTAL NEW BUFFER AREA: 6,339 SF







CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: PH-23-12 GATED SUBDIVISION/1580 MAYFIELD ROAD

CITY COUNCIL:

SEPTEMBER 18, 2023

II. RECOMMENDATION:

Approve PH-23-12 Gated Subdivision/1580 Mayfield Road, subject to the following conditions:

1. Gated subdivision shall be developed substantially as depicted on the site plan prepared by B.C. Engineering, Inc., revised 8/15/2023, except for modifications required to comply with the conditions below. Gated subdivision shall include vehicle stacking for a minimum 4 passenger vehicles, or 80', as well as a U-turn area with sufficient turning radii for a delivery truck to make an uninterrupted U-turn, with final approval by Staff.
2. Development shall be gated with a private street and maintained by the HOA.
3. Gate details and entrance landscaping shall be substantially similar to the plan prepared by Sugar Hill Outdoors, LLC, revised 8/24/2023, with final approval by Staff.
4. Gate access shall be provided by siren, key pad, Knox key and meet 2012 IFC 503.6.

III. REPORT IN BRIEF:

The applicant, KJ Luxury Homes, requests consideration to allow a five (5) lot single-family detached subdivision to be gated. The subject property is located at 1580 Mayfield Road on the north side of Mayfield Road between Gransley and Harrington Falls.

DISCUSSION

The applicant proposes a new private street serving five (5) 'For-Sale' single-family detached lots within a gated subdivision on 5.66 acres. A public hearing is requested to allow a gated subdivision. The subject property is located at 1580 Mayfield Road on the north side of Mayfield Road between Gransley and Harrington Falls.

The property was approved for a rezoning to R-22 (Dwelling, 'For-Sale', Residential) on May 1, 2023. The property was previously developed with a single-family detached home and several outbuildings. Surrounding properties are zoned AG (Agriculture) to the north, east, south and west. Harrington Falls subdivision is located to the west, Gransley subdivision is located to the north and east, and an unplatted lot with a single-family detached home is located to the south.

The submitted site plan depicts five (5) single-family detached lots served by a new private street. The subdivision is estimated to generate four (4) AM Peak Hour trips and five (5) PM Peak Hour trips. The proposed gated entrance provides stacking space for four (4) passenger vehicles, approximately 80' of stacking length, as well as a U-turn accommodating the turning radii of a delivery truck between the call box and gates. The applicant submitted entrance gate details and an entrance landscape plan. The entrance gate details depict brick columns with lighting and five (5) rail horse fence metal gates. The landscape plan depicts decorative landscaping in the entrance median and along the property frontage on Mayfield Road.

The City's Public Works department was consulted on the applicant's request as it relates to the design of the gated entrance, i.e., appropriate stacking length, turnaround radii, and other considerations. The proposed gated entrance was designed to the specifications recommended by Staff (queueing for 1 delivery truck and 1-2 passenger vehicles and U-turn accommodating a delivery truck turning radius). It was determined that a deceleration lane was not necessary on Mayfield Road, which would serve as a design measure to help control speeds on Mayfield Road. Public Works requested that the applicant conduct a site distance analysis due to the presence of a curve in Mayfield Road in the vicinity of the proposed gated entrance. The applicant provided the site distance analysis on the site plan which shows that the proposal meets the left turn stopping sight distance of 250' and the intersection sight distance of 390'.

CONCURRENCES

Staff has reviewed the applicant's proposal and finds that it can support the applicant's request to allow a gated subdivision. The proposal provides sufficient vehicle stacking and a turnaround area is provided accommodating delivery truck turning movements. In addition, the applicant provided a sight distance analysis meeting the left turn stopping sight distance and intersection sight distance. A deceleration lane is not recommended since right turn movements into the subdivision will help control the speed of traffic on Mayfield Road. If approved, the gated entrance should include decorative brick or stone columns, metal gate and landscaping.

CITIZEN PARTICIPATION PLAN

The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that the applicant has communicated with two (2) property owners in Harrington Falls regarding concerns over safety on Mayfield Road and maintaining the existing curb cut on the property to the west.

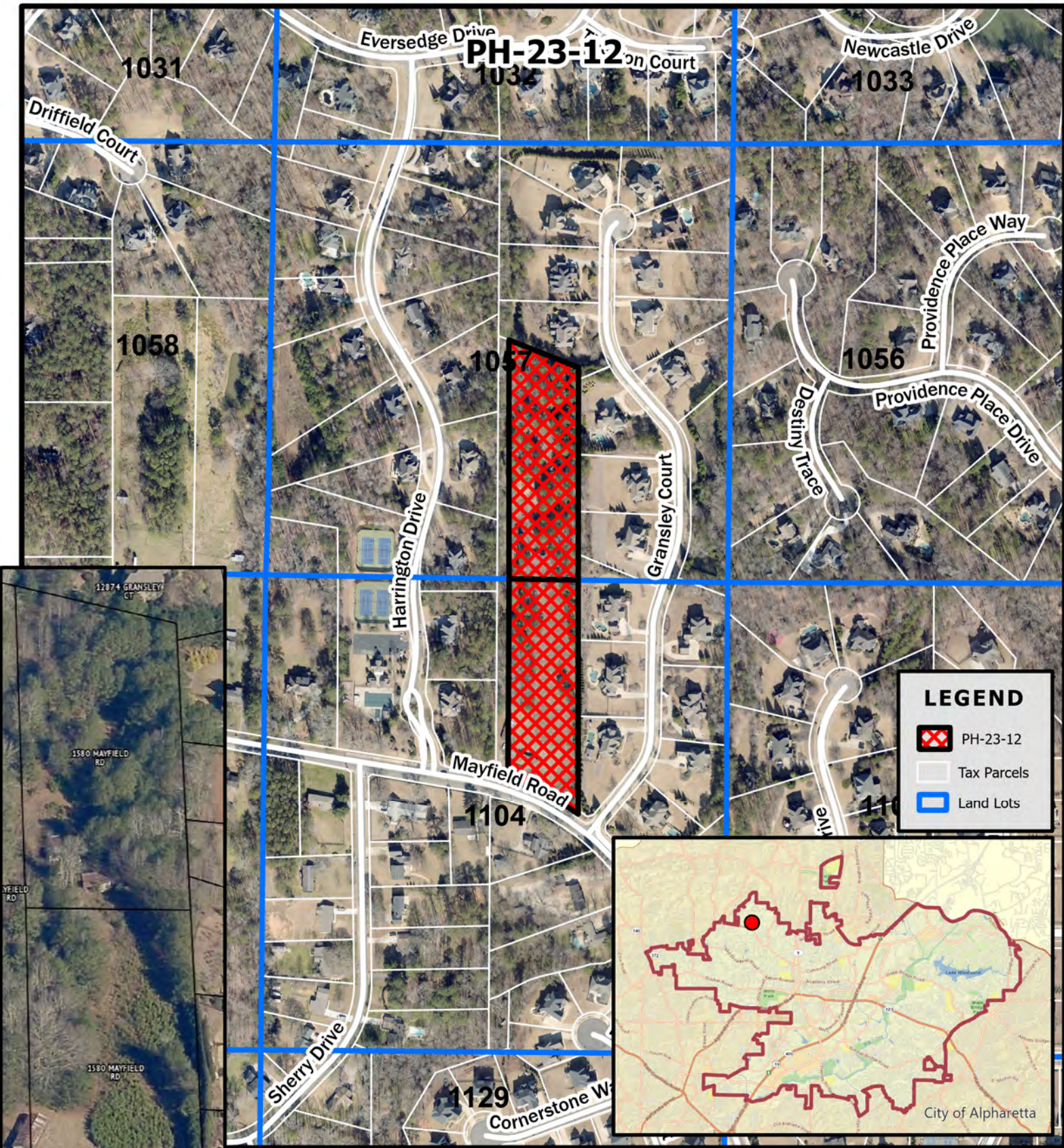
The City received a public comment from a resident in Harrington Falls with safety concerns over adding a gated entrance for the subdivision given the limited visibility and lack of space for a deceleration lane on Mayfield Road. The resident requested a deceleration lane and ample stacking space for multiple cars and delivery vehicles.

COMMUNITY ZONING INFORMATION MEETING

The CZIM was held on August 9, 2023. There was one (1) public comment with concerns over stopped traffic on the curve of Mayfield Road caused by residents trying to enter the subdivision, no deceleration lane, school bus access, and do not want tornado siren removed.

IV. ATTACHMENTS:

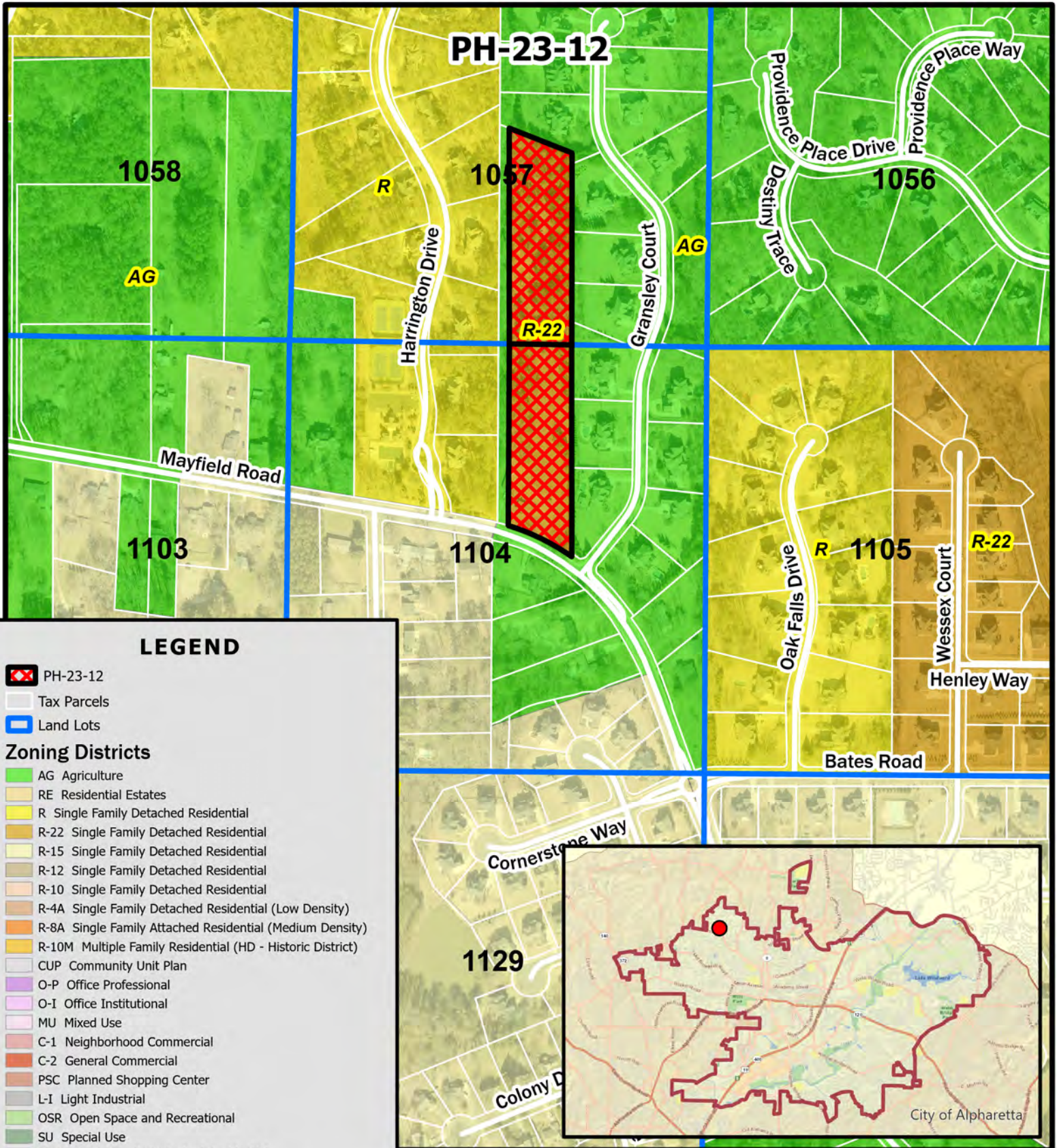
- Aerial Map
- Zoning Map
- Future Land Use Map
- Location Map
- Latest Site Plan
- Gate Details & Landscape Plan
- CZIM Sign In Sheet
- Citizen Part B
- Public Comment
- Application



PH-23-12

D/LL: 2/2/1057,1104

CC: 9/18/23



LEGEND



PH-23-12

Tax Parcels

Land Lots

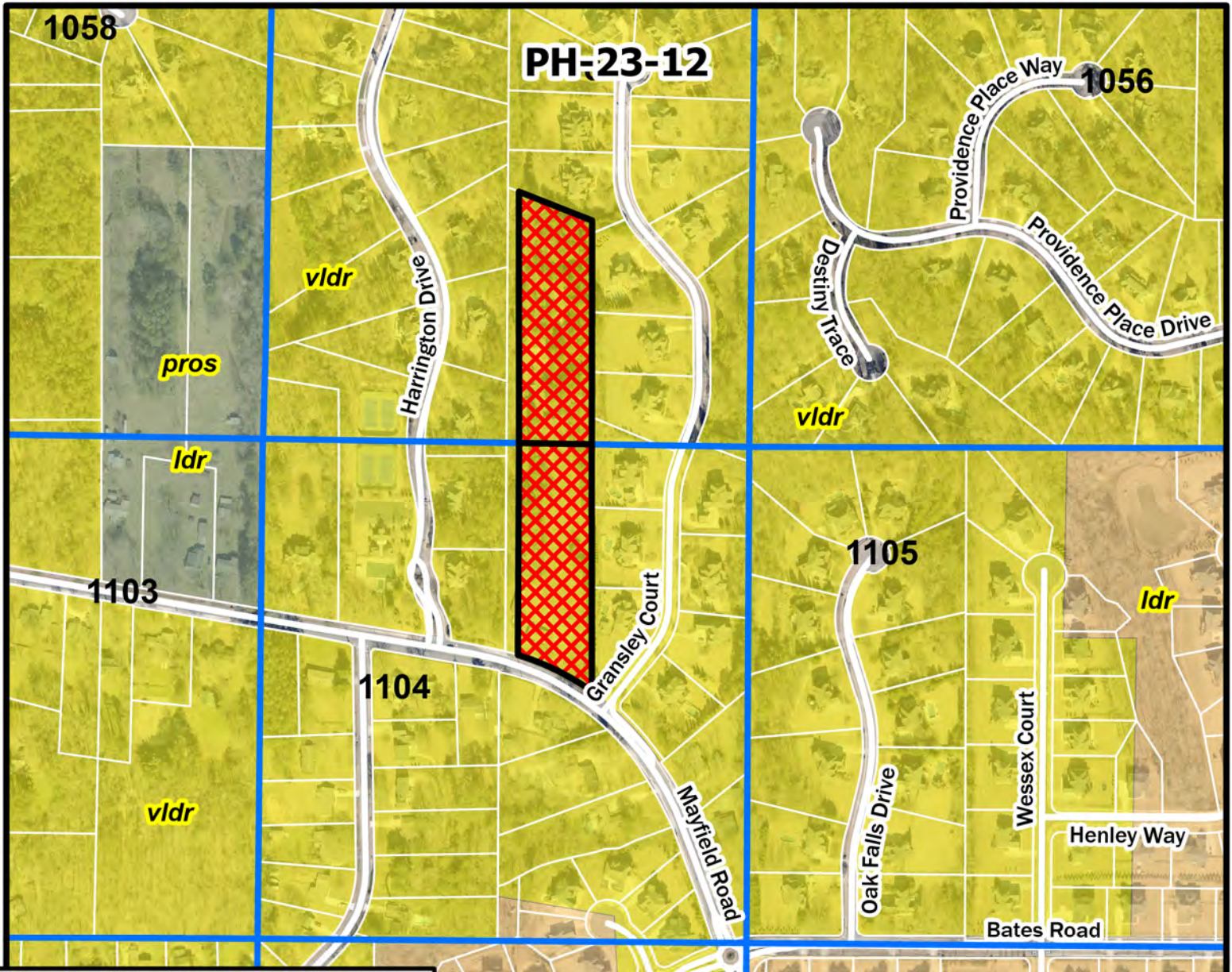
Zoning Districts

- 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

PH-23-12

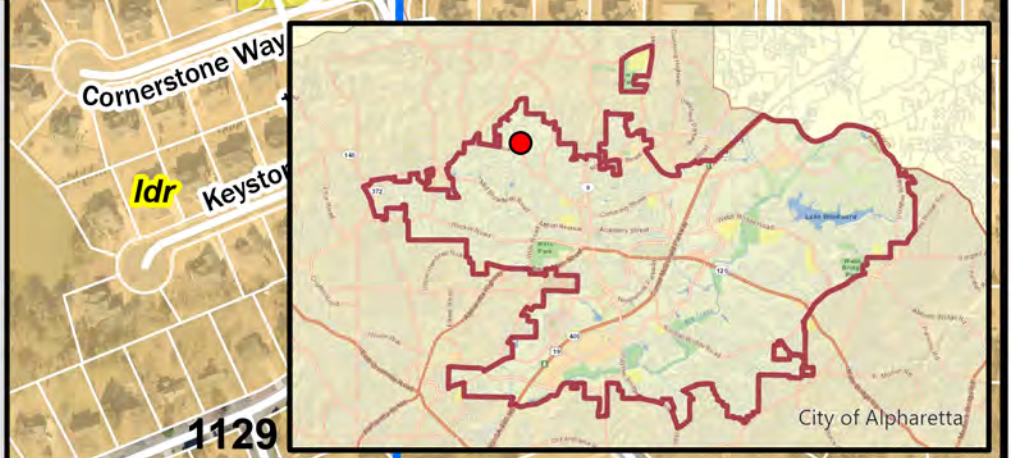
D/LL: 2/2/1057,1104

CC: 9/18/23



LEGEND

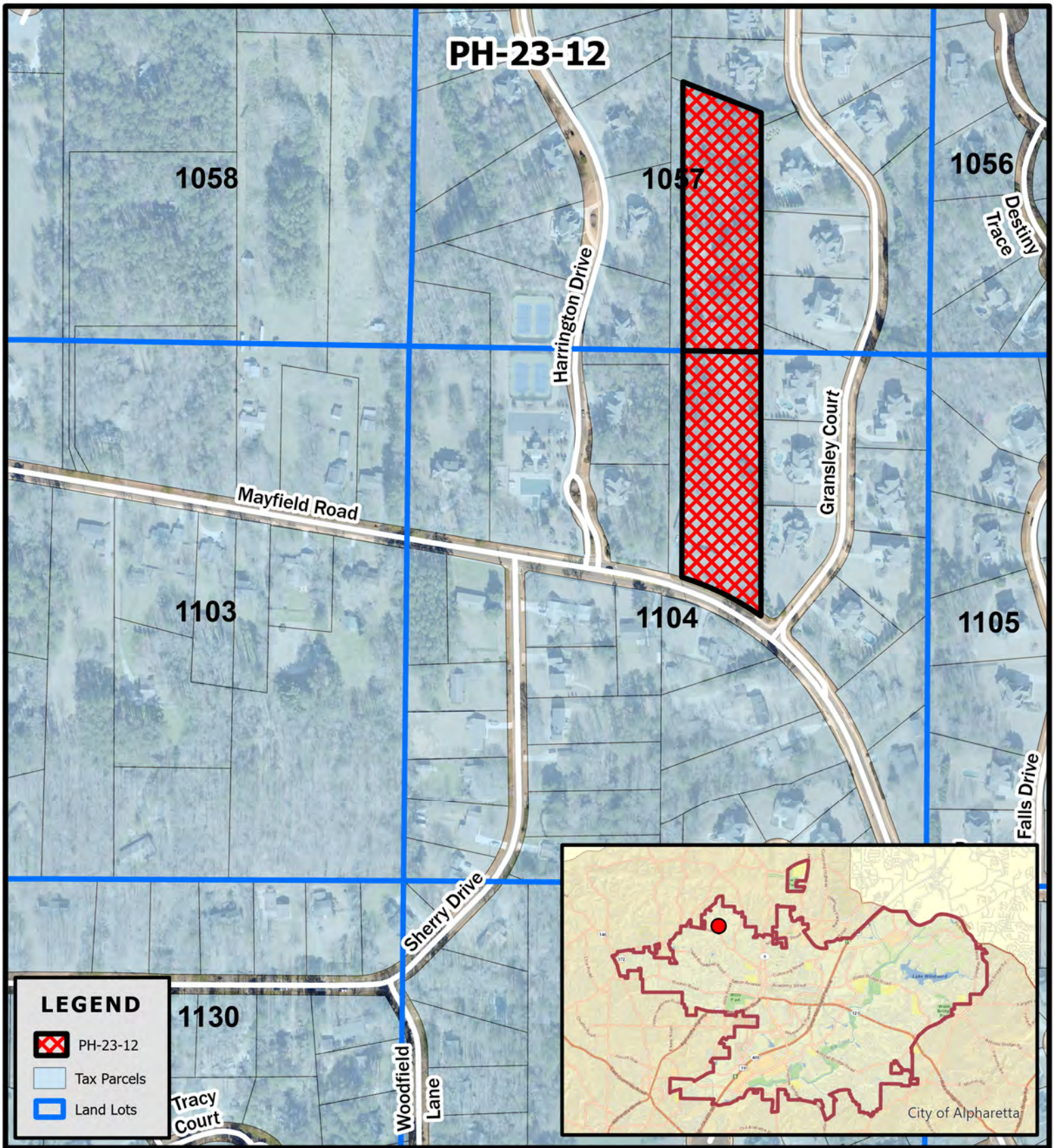
-  PH-23-12
-  Tax Parcels
-  Land Lots
- 2040 Future Land Use**
-  Business, Manufacturing, Warehousing, Light Industrial
-  Central Business District
-  Commercial
-  Corporate Office
-  Downtown Residential Density
-  High Density Residential
-  Low Density Residential
-  Medium Density Residential
-  Mixed Use
-  Mixed Use Live Work
-  Parks, Recreation, Open Space
-  Professional Business Office
-  Public, Institutional, Education
-  Residential Estate
-  Very Low Density Residential



PH-23-12

D/LL: 2/2/1057,1104

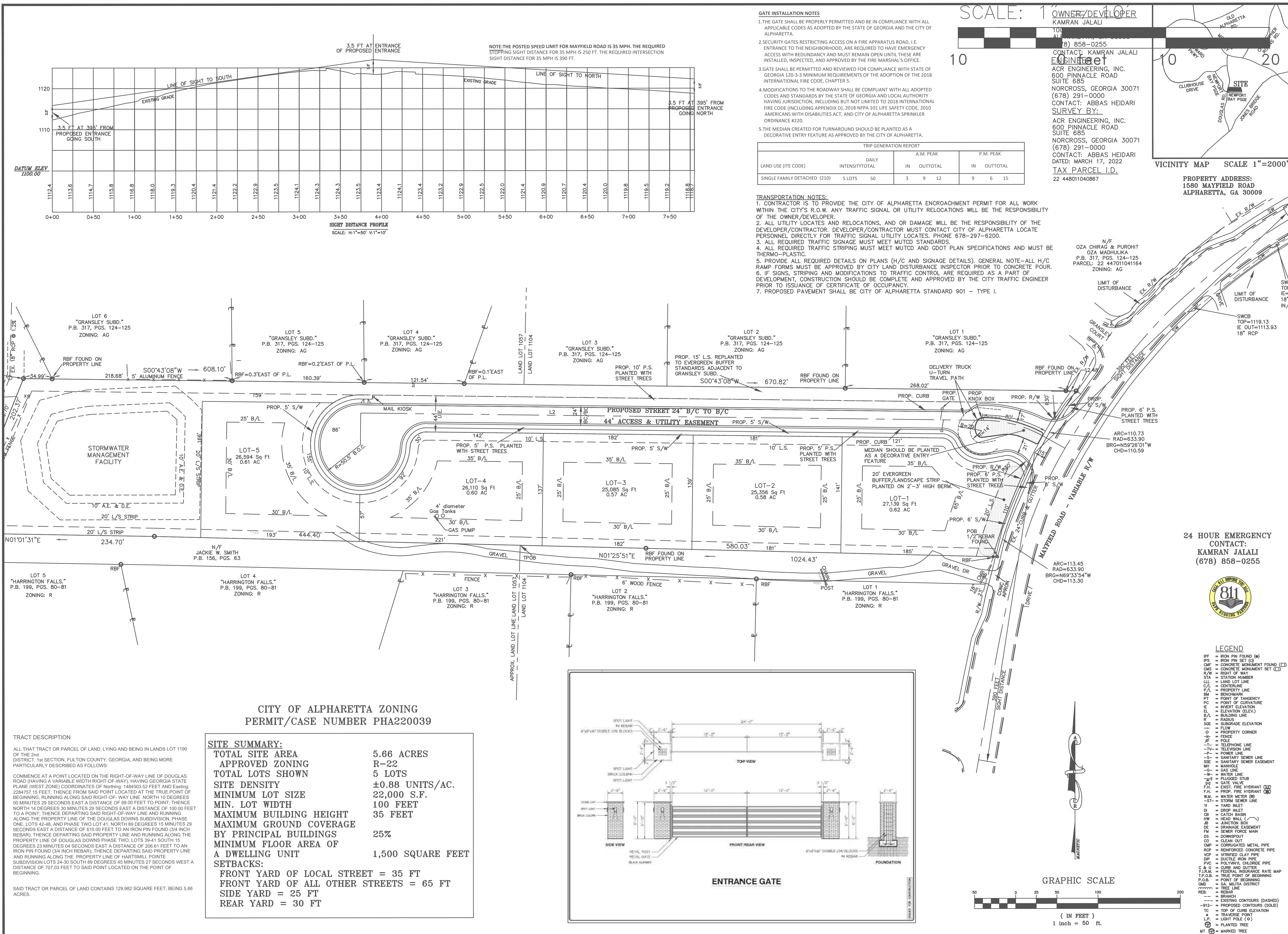
CC: 9/18/23

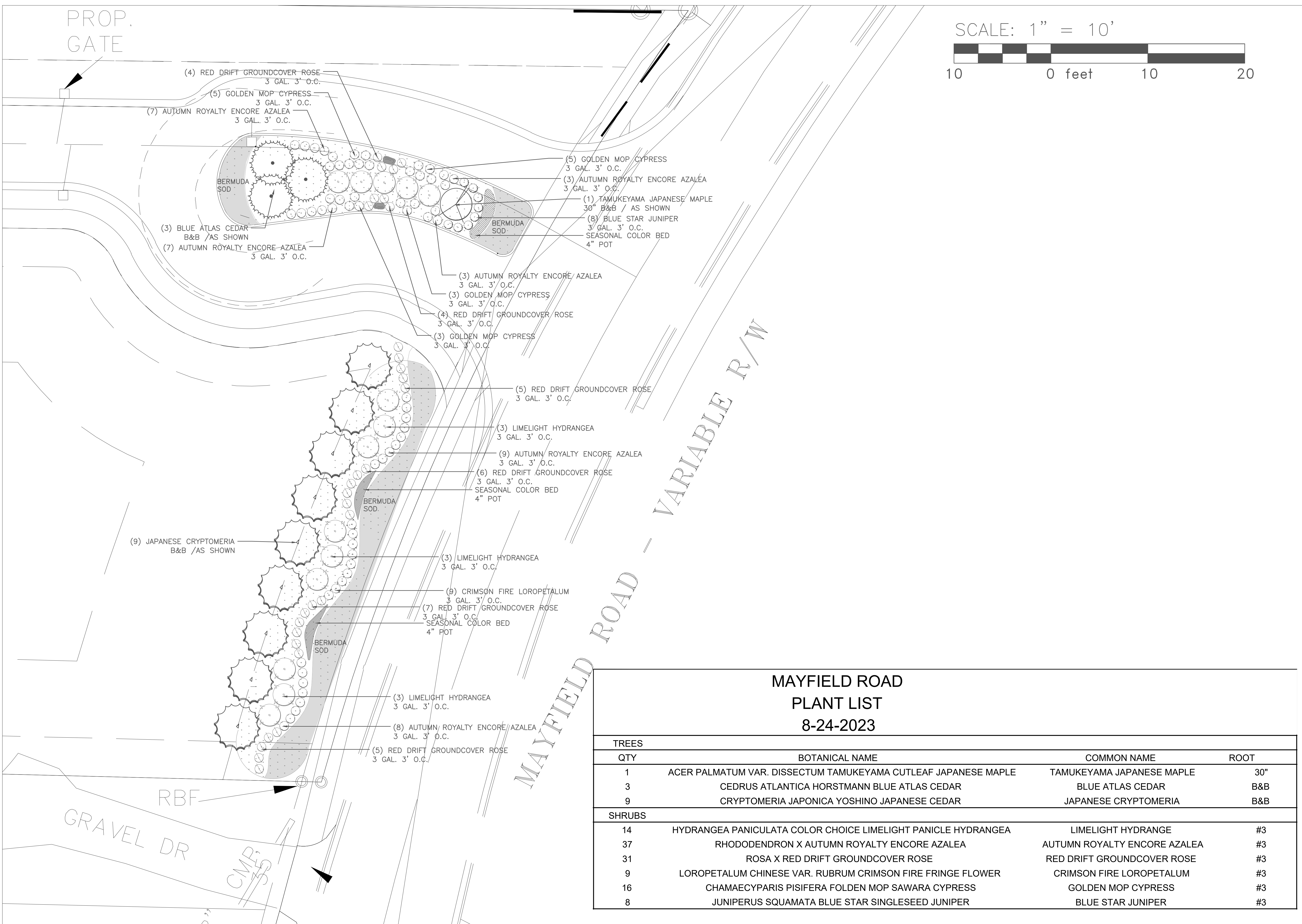


PH-23-12

D/LL: 2/2/1057,1104

CC: 9/18/23





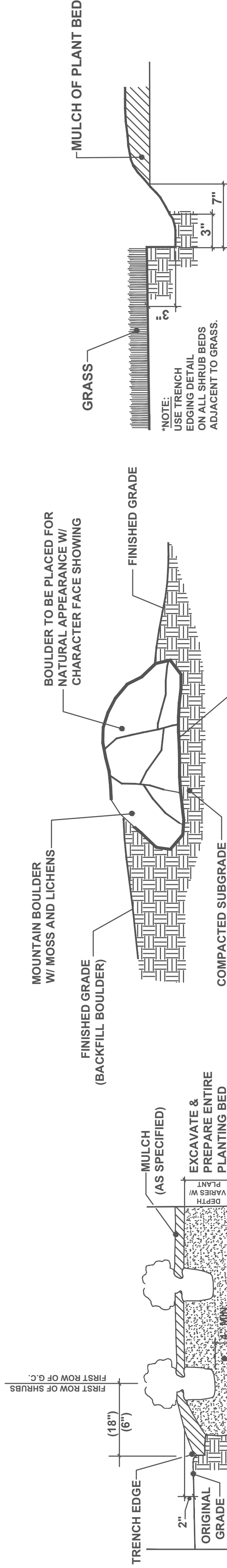
REVISED 8-24-2020
MAYFIELD ROAD
LANDSCAPE
DEVELOPMENT PLAN:
GATE ENTRANCE

PREPARED FOR:
1580 MAYFIELD ROAD
CITY OF ALPHARETTA

LOCATED AT:
1580 MAYFIELD ROAD
ALPHARETTA, GA

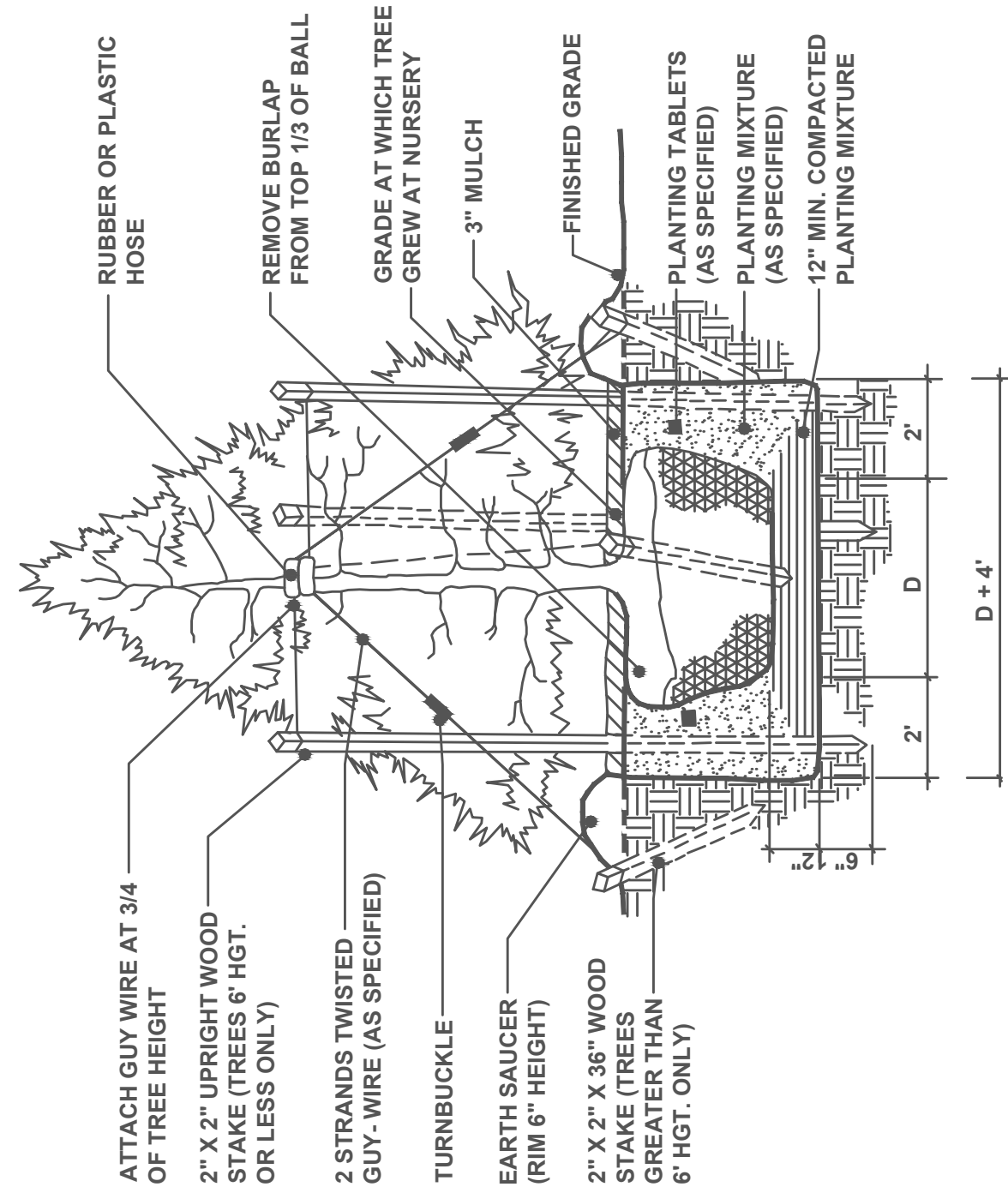
SUGAR HILL OUTDOORS.COM

Page 206 of 312



TYPICAL SHRUB MASSING
NOT TO SCALE

TYPICAL LANDSCAPE BOULDER
NOT TO SCALE

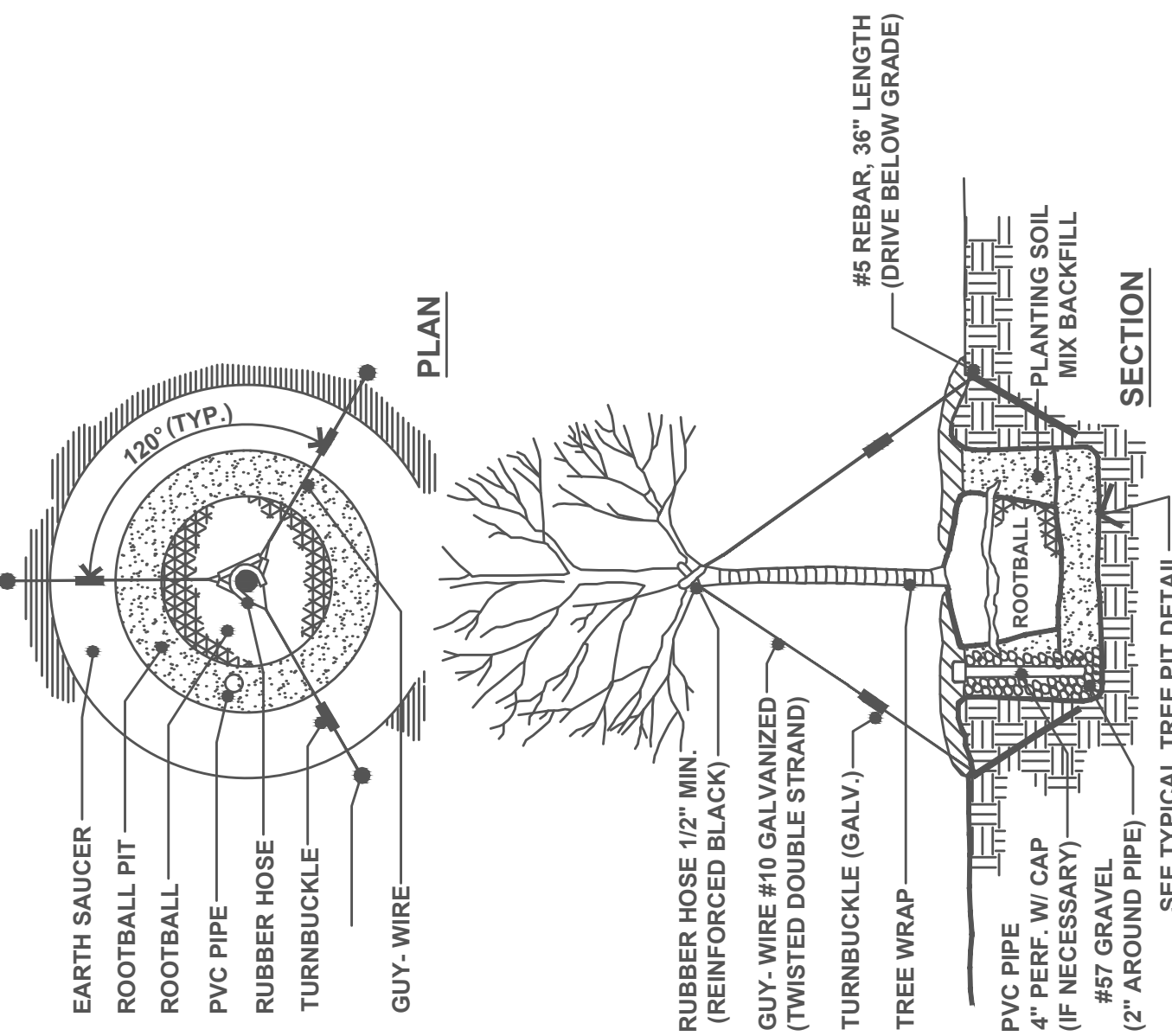


EVERGREEN TREE PLANTING DETAIL
NOT TO SCALE

TYPICAL SHRUB PLANTING
NOT TO SCALE

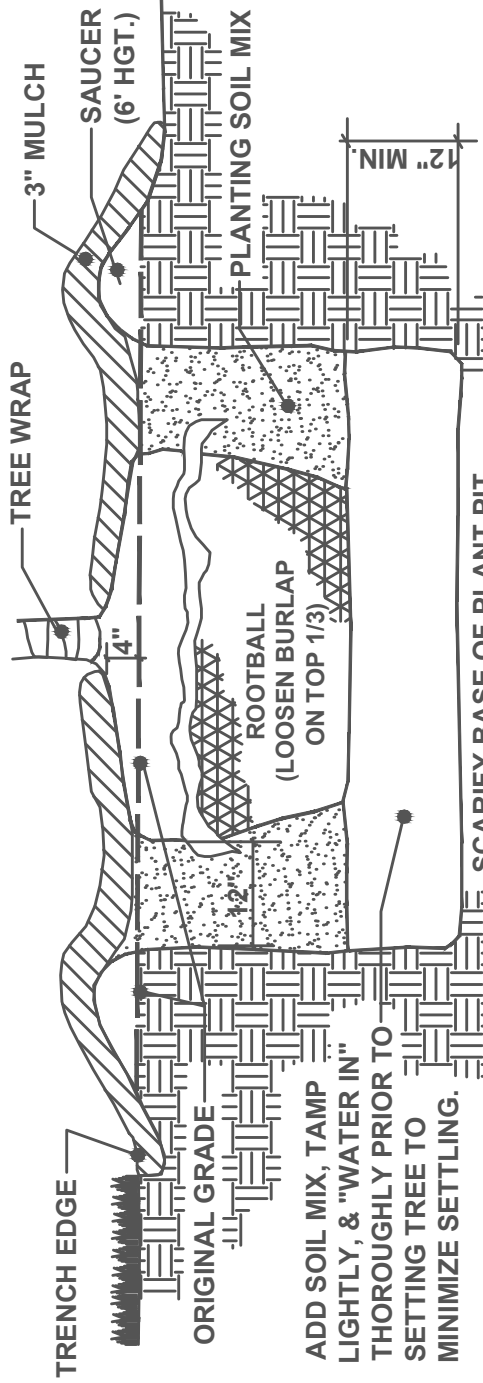
- *GENERAL NOTES*
- DO NOT ALLOW AIR POCKETS TO FORM WHEN BACKFILLING.
 - IMMEDIATELY SOAK WITH WATER.
 - PAINT ALL CUTS & SCRAPES OVER 3/4" DIAM. WITH APPROVED TREE PAINT.
 - DO NOT BREAK ROOTBALL.

TRENCH EDGING
NOT TO SCALE



TREE PLANTING / STAKING
NOT TO SCALE

- *NOTE:
- SMALLER TREES (BELOW 2" CAL.) MAY BE STAKED WITH ONE DIAGONAL 2" X 2" P.T. WOOD STAKE.

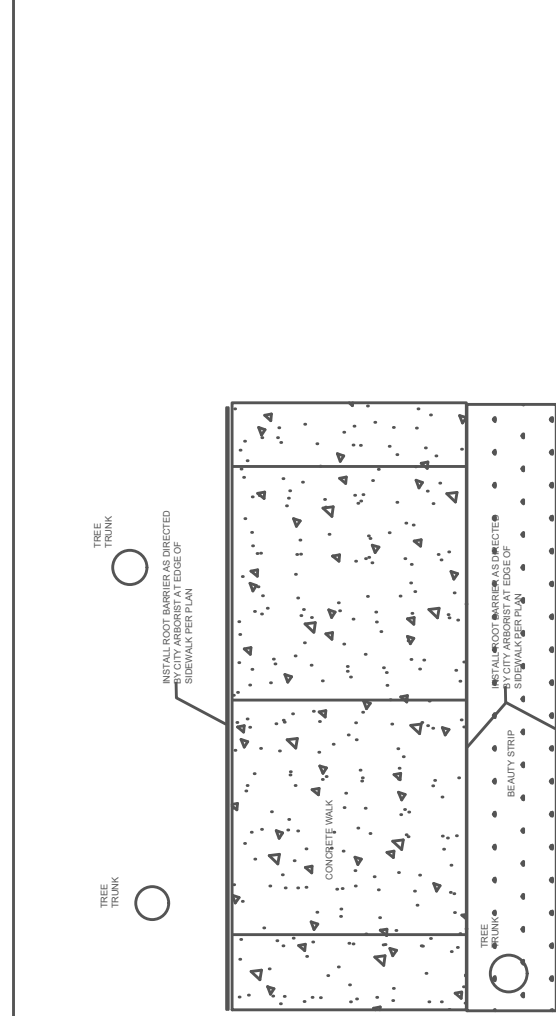


- SCARIFY BASE OF PLANT PIT TO A MIN. DEPTH OF 8". BREAK THROUGH & LOOSEN ALL "HARDPAN" (REMOVE AS NECESSARY TO FACILITATE DRAINAGE).

PLANTING PROCEDURE

- EXCAVATE ROOTBALL PIT.
- SCARIFY PIT. ADD SOIL MIX & TAMP SUCH THAT TREE IS SET 4" HIGHER THAN ORIGINAL GRADE.
- SET TREE LEVEL WITH IT'S ORIGINAL GRADE IN NURSERY.
- BACKFILL W/ SOIL MIX & CONSTRUCT SAUCER.
- COMPLETE BACKFILLING & ADD MULCH. APPLY TREE WRAP.
- STAKE & GUY SECURELY.

TYPICAL TREE PIT
NOT TO SCALE



- NOTES:
- ROOT BARRIERS SHALL BE REQUIRED WHEN TREES ARE PLANTED WITHIN 10' OF ALL CITY OWNED AND MAINTAINED HARDSCAPES.
 - ROOT BARRIERS SHALL BE INSTALLED ALONG THE LENGTH OF THE HARDSCAPES FOR THE EXPECTED CRZ OF THE TREE AT MATURITY OR ALONG THE ENTIRE LENGTH OF HARDSCAPE.
 - ROOT BARRIERS SHALL BE 18" DEPTH AS AVAILABLE FROM "DEEP ROOT, VESPRO, INC. OR EQUIVALENT AS APPROVED BY CITY OF ALPHARETTA. BIO BARRIER OR SIMILAR MAY BE SUBSTITUTED, AS APPROVED BY THE CITY.
 - TOP OF ROOT BARRIER SHALL BE SET A MINIMUM OF 7" ABOVE FINISHED GRADE OF SOIL. HOWEVER, IF THE BARRIER IS TO BE INSTALLED UNDER A SIDEWALK OR OTHER HARD SURFACING AND SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S INSTRUCTIONS. PLEASE PROVIDE MANUFACTURER'S INSTRUCTIONS.

ROOT BARRIER DETAIL
(FOR PUBLIC SIDEWALKS AND CURBING)
STD. L-8 CITY OF ALPHARETTA

PLANTING PROCEDURE

- EXCAVATE SEASONAL COLOR PLANTING AREA TO A DEPTH OF 6". BREAK THROUGH & REMOVE ALL STONE, ROOTS, "HARDPAN", DEBRIS, ETC. ROTO-TILL EXCAVATED BED TO A DEPTH OF 6".
- ADD 6" OF PLANTING SOIL & ROTO-TILL INTO EXISTING SOIL.
- ADD SUFFICIENT PLANTING SOIL TO RAISE ENTIRE BED 6" ABOVE ORIGINAL GRADE.
- ADD (1) LB. BONE MEAL PER 50 S.F. OF PLANTING AREA & HAND RAKE INTO TOP 2" OF PLANTING SOIL. RAKE TO A CONSISTENTLY SMOOTH SURFACE.
- PLANT ANNUALS, EDGE BED, & MULCH.
- WATER THOROUGHLY.

SEASONAL COLOR / GROUND COVER PREPARATION
NOT TO SCALE

NOTES:

- ALL WORK TO BE IN ACCORDANCE WITH ALL LOCAL CODES.
- CONTRACTOR(S) TO LOCATE ALL UTILITIES PRIOR TO BEGINNING WORK.
- CONTRACTOR TO PROVIDE POSITIVE DRAINAGE AWAY FROM HOUSE.
- PROVIDE DRAINS TO ALL LANDSCAPE PLANTER AREAS AS NECESSARY.
- PROVIDE ROOT BARRIER AS REQUIRED BY THE CITY OF ALPHARETTA (SEE DETAIL)

Community Zoning Information Meeting (CZIM)

August 9, 2023

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

PH-23-12 / 1580 Mayfield Road Gated Subdivision

NAME	ADDRESS	COMMENTS
RHONDA HOFFER	1230 SHERRY DRIVE	• Concerned for stopped traffic on curved area of Mayfield Rd - Caused by residents entering in Sub • No deceleration lane • Concerns school bus getting in and out with out sitting on Mayfield • Concerned that tornado siren will not be moved or removed for area community residents

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: PH-23-12 / 1580 Mayfield Road Gated Subdivision

Contact Name: Miles Hansford, LLC - J. Ethan Underwood Telephone: 770-781-4100

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

A list of the neighboring property owners to be notified of the scheduled Public Hearing by the Applicant via letter is attached as Exhibit "A". A detailed letter notifying people of the date, time, and location of the Community Zoning Information Meeting (CZIM) and the Public Hearing was sent to adjacent and nearby property owners on July 21, 2023. A copy of the letter is attached as Exhibit "B" and the mailing certification is attached as Exhibit "C". The Applicant attended the Community Zoning Information Meeting (CZIM) on August 9, 2023. A copy of the comment sheet is attached as Exhibit "D".

Additional communication between the Applicant and neighboring property owners is attached as Exhibit "E." The Applicant will continue to keep the Department of Community Development informed of any new developments pertaining to public participation efforts by way of letters, e-mails, telephone conferences, or meetings as necessary.

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>CZIM</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: J. Ethan Underwood

Date: 8/18/23

Print Form

HUFFSTUTLER MERRIC & JESSICA
12985 HARRINGTON DR
ALPHARETTA GA 30009

RHUDE JODY B & LISA A
12955 HARRINGTON DR
ALPHARETTA GA 30004

MURPHY SARAH & THERRELL SONNY JR
1695 PROVIDENCE PLACE DR
ALPHARETTA GA 30009

CAGLE BENGY L & SARA W
12960 HARRINGTON DR
ALPHARETTA GA 30004

CHAVDA NARESH & CHAVDA KAVITA
12817 GRANSLEY CT
ALPHARETTA GA 30009

DAPONTE EDWARD W DAPONTE MARGARET
1705 PROVIDENCE PLACE DR
ALPHARETTA GA 30009

GERTZ TODD A & GERTZ CHRISTY W
12834 GRANSLEY CT
ALPHARETTA GA 30009

OZA CHIRAG & PUROHIT OZA MADHULIKA
12807 GRANSLEY CT
ALPHARETTA GA 30009

MECHELKE THOMAS & KELLI N
325 DESTINY TRC
ALPHARETTA GA 30009

GUDIVADA JOSEPH U & AMBATI SWETA
12844 GRANSLEY CT
ALPHARETTA GA 30009

PRESSLEY JULIAN TIMOTHY & TONEY PR
ESSLEY AMY NICOL
1535 MAYFIELD RD
ALPHARETTA GA 30009

HATRAK RYAN & KATRINA
12810 OAK FALLS DR
ALPHARETTA GA 30009

MALDONADO DANIEL E & BERRIOS ALEXA
NDRA
12854 GRANSLEY CT
ALPHARETTA GA 30009

FLIPPIN AWESOME LLC
13240 CARIS CT
ALPHARETTA GA 30009

DENNIS DAVID W
12800 OAK FALLS DR
ALPHARETTA GA 30009

MANNHEIMER FREDERIC J & MANNHEIMER
SUSAN M
12864 GRANSLEY CT
ALPHARETTA GA 30009

HOFER MARK A & RHONDA
1230 SHERRY DR
ALPHARETTA GA 30009

LADEROUTE EDWARD A & PAULA
12790 OAK FALLS DR
ALPHARETTA GA 30009

JIGESH SAHEBA REVOCABLE TRUST THE
12877 GRANSLEY CT
ALPHARETTA GA 30009

COLTON KYLE
1220 SHERRY DR
ALPHARETTA GA 30009

SMITH JACKIE W
4139 EDINBURGH TRL
ROSWELL GA 30075

EVANS RICHARD T JR & BRIANNA O
12867 GRANSLEY CT
ALPHARETTA GA 30009

WINDSOR RONALD C & MILDRED G
1210 SHERRY DR
ALPHARETTA GA 30004-1128

CREDIT SHELTER TRUST THE
1580 MAYFIELD RD
ALPHARETTA GA 30004

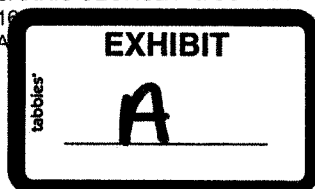
KNIGHT BRADLEY & RAMPERSAUD KNIGHT
SHANTA
12837 GRANSLEY CT
ALPHARETTA GA 30009

GASKIN BRUCE N & ANNE A
1215 SHERRY DR
ALPHARETTA GA 30004-1127

BARRY DREW
12975 HARRINGTON DR
ALPHARETTA GA 30009

GRANSLEY HOMEOWNERS ASSOCIATION INC
700 BARBERRY DR
ALPHARETTA GA 30004-3681

SARRIS GEORGE P & SOPHIA
18
A



MAVRIS DIMITRIOS N & ELIZABETH A
13035 HARRINGTON DR
ALPHARETTA GA 30004

LAUBENSTEIN STUART E & CYNTHIA S
13015 HARRINGTON DR
ALPHARETTA GA 30004

ALAM MOHAMMAD SARFARAZ
12887 GRANSLEY CT
ALPHARETTA GA 30009

WILSON KEVIN S & WILSON MANDA
12770 OAK FALLS DR
ALPHARETTA GA 30009

RISH DARREN JAMES & RISH TARA MARIE
12904 GRANSLEY CT
ALPHARETTA GA 30009

LIMBERIS DAMON M & MEREDITH W
12965 HARRINGTON DR
ALPHARETTA GA 30004

POU PANTON PATRICK & POU STEPHANIE
12995 HARRINGTON DR
ALPHARETTA GA 30009

MONTERO CARLOS E MONTERO VANDI L
1510 MAYFIELD RD
ALPHARETTA GA 30004

SYLVESTER JOSHUA PAUL & SYLVESTER
SARA ANNE
12814 GRANSLEY CT
ALPHARETTA GA 30009

MC GINNIS SEAN P & MARTHA S
13005 HARRINGTON DR
ALPHARETTA GA 30004

HUDGENS TIMOTHY D & SHERI E
13000 HARRINGTON DR
ALPHARETTA GA 30004

MATELA DAVID M & MATELA DAWN M
12824 GRANSLEY CT
ALPHARETTA GA 30009

JOSEPH & CHRISTINA FRANKE LIVING T
RUST THE
13025 HARRINGTON DR
ALPHARETTA GA 30009

RODGERS PATRICK L & RODGERS VICKIE
C
12990 HARRINGTON DR
ALPHARETTA GA 30009

RUAN JIAYANG & WANG HSIN HSIN
12827 GRANSLEY CT
ALPHARETTA GA 30009

HARRINGTON FALLS COMMUNITY ASSOC I
NC
12950 HARRINGTON DR
ALPHARETTA GA 30004

THOMAS DYLAN & RACHEL
12980 HARRINGTON DR
ALPHARETTA GA 30009

CREDIT SHELTER TRUST THE
1580 MAYFIELD RD
ALPHARETTA GA 30009

XIE LIN & CHAN SIOW DING
12874 GRANSLEY CT
ALPHARETTA GA 30009

NEUSTEDTER JON J & NEUSTEDTER ANN M
12970 HARRINGTON DR
ALPHARETTA GA 30009

DEVLIN SALLY A
1615 MAYFIELD RD
ALPHARETTA GA 30004

GUPTA SANJAY & GUPTA SUNITA
12884 GRANSLEY CT
ALPHARETTA GA 30004

KODILKAR NIKHIL & CHAUDHARY ARCHANA
12894 GRANSLEY CT
ALPHARETTA GA 30009

OASIS REAL ESTATE INVESTMENTS LLC
3767 Highbrooke CT
Duluth GA 30097

MOVVA SURESH BABU & MOVVA PRATHUSHA
12810 KEYSTONE CT
ALPHARETTA GA 30009

SZYMCZAK MATTHEW A & VALERIE G
12907 GRANSLEY CT
ALPHARETTA GA 30009

MECHELKE THOMAS & KELLI N
325 DESTINY TRC
ALPHARETTA GA 30009

PASSARELLI FLORIDEO & PASSARELLI A
SHLEY
12820 KEYSTONE CT
ALPHARETTA GA 30009

CIEPIELA MICHAEL & DIANE
12897 GRANSLEY CT
ALPHARETTA GA 30009

MATHIS CLEMMIE II & TAMETRIUS L
12780 OAK FALLS DR
ALPHARETTA GA 30009

OASIS REAL ESTATE IVESTMENT LLC
3767 Highbrooke CT
Duluth GA 30097

FRANZ JEFFREY D & PEARSON ALEX W
1650 MAYFIELD RD
ALPHARETTA GA 30009

CARRUTH ROBERT ET AL
1630 MAYFIELD RD
ALPHARETTA GA 30009

BENTON PHIL & NANCY S
1525 MAYFIELD RD
ALPHARETTA GA 30005

July 18, 2023

Kamran Jalali
1005 Chasewood Trail
Alpharetta, Georgia 30005

RE: KJ Luxury Homes / 1580 Mayfield Road – Proposed Gate on Private Street

Dear Property Owner:

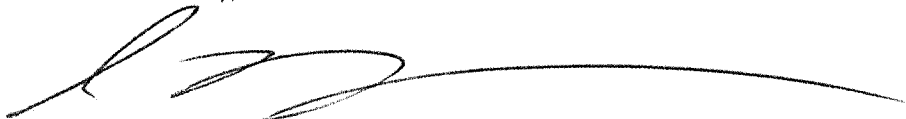
Please allow this letter to serve as public notice for a request for a gate on a proposed private street at 1580 Mayfield Road.

The Community Zoning Information Meeting (CZIM) for this request will be held on Wednesday, August 9, 2023, at 6:00 PM in the Multipurpose Room in Alpharetta City Hall across from the Council Chambers. Alpharetta City Hall is Located at 2 Park Plaza, Alpharetta, GA 30009. This is an informal meeting to allow the public to view public hearing requests, ask questions, and provide feedback.

This item will be considered by the City Council on Monday, September 18, 2023, at 6:30 PM. The meeting will be held in the Council Chambers at City Hall, 2 Park Plaza, Alpharetta, GA 30009.

If you have any questions regarding the request, please feel free to contact me at your convenience. I can be reached at kamranjalali@yahoo.com or 678-858-0255.

Sincerely,

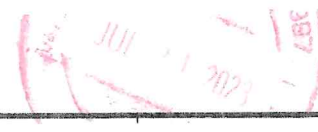


Kamran Jalali





Certificate of Mailing — Firm

Name and Address of Sender Kamran Jalali 1005 CHasewood Trail Alpharetta, GA 30005	TOTAL NO. of Pieces Listed by Sender 63	TOTAL NO. of Pieces Received at Post Office™ 63	Affix Stamp Here Postmark with Date of Receipt.  
Postmaster, per (name of receiving employee) 		 0000 U.S. POSTAGE PAID DULUTH, GA 30096 JUL 21, 23 AMOUNT \$10.90 R2304W119880-10	



USPS® Tracking Number Firm-specific Identifier	Address (Name, Street, City, State, and ZIP Code™)				
	HUFFSTULER MERRIC & JESSICA 12985 HARRINGTON DR ALPHARETTA GA 30009	 0000 U.S. POSTAGE PAID DULUTH, GA 30096 JUL 21, 23 AMOUNT \$7.98 R2304W119880-10			
	CAGLE BENG Y L & SARA W 12960 HARRINGTON DR ALPHARETTA GA 30004				
3.	GERTZ TODO A & GERTZ CHRISTY W 12834 GRANSLEY CT ALPHARETTA GA 30009				
4.	GU DIVADA JOSEPH U & AMBATI SWETA 12844 GRANSLEY CT ALPHARETTA GA 30009				
5.	MALDONADA DANIEL E & BERRIOS ALEXANDRA 12854 GRANSLEY CT ALPHARETTA GA 30009				
6.	MANNHEIMER FREDERIC J & MANNHEIMER SUSAN 12864 GRANSLEY CT ALPHARETTA GA 30009				



Certificate of Mailing — Firm

Name and Address of Sender Kamran Jalali 1005 CHasewood Trail Alpharetta, GA 30005	TOTAL NO. of Pieces Listed by Sender	TOTAL NO. of Pieces Received at Post Office™	Affix Stamp Here <i>Postmark with Date of Receipt.</i> 			
	Postmaster, per (name of receiving employee) 					
USPS® Tracking Number Firm-specific Identifier	Address (Name, Street, City, State, and ZIP Code™)		Postage	Fee	Special Handling	Parcel Airlift
1.	JIGESH SAHEBA REVOCABLE TRUIST 12877 GRANSLEY CT ALPHARETTA GA 30009					
2.	EVANS RICHARD T JR & BRIANNA O 12867 GRANSLEY CT ALPHARETTA GA 30009					
3.	KNIGHT BRADLEY & RAMPERSUD KNIGHT SHANTA 12837 GRANSLEY CT ALPHARETTA GA 30009					
4.	GRANSLEY HOMESOWNERS ASSOCIATION INC 700 BARBERRY DR ALPHARETTA GA 30004					
5.	RHUDE JODY B & LISA A 12955 HARRINTON DR ALPHARETTA GA 30004					
6.	CHAVDA NARESH & CHAVDA KAVITA 12817 GRANSLEY CT ALPHARETTA GA 30009					



Certificate of Mailing — Firm

Name and Address of Sender Kamran Jalali 1005 CHasewood Trail Alpharetta, GA 30005	TOTAL NO. of Pieces Listed by Sender	TOTAL NO of Pieces Received at Post Office™	Affix Stamp Here <i>Postmark with Date of Receipt.</i>			
	Postmaster, per (name of receiving employee) 					
USPS® Tracking Number Firm-specific Identifier	Address (Name, Street, City, State, and ZIP Code™)		Postage	Fee	Special Handling	Parcel Airlift
1.	OZA CHIRAG & PUROHIT OZA MADHULIKA 12807 GRANSLEY CT ALPHAREETTA GA 30009					
2.	PRESSLEY JULIAN TIMOTHY & TONEY PRESSLEY AMY 1535 MAYFIELD DR ALPHARETTA GA 30009					
3.	FLIPPIN AWESOME LLC 13240 CARIS CT ALPHARETTA GA 30009					
4.	HOFER MARK A & THONDA 1230 SHERRY DR ALPHARETTA GA 30009					
5.	COLTON KYLE 1220 SHERRY DR ALPHARETTA GA 30009					
6.	WINDSOR RONALD C & MILDREG G 1210 SHERRY DR ALPHARETTA GA 30004					

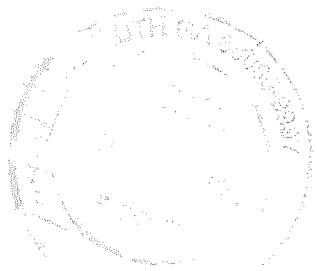


Certificate of Mailing — Firm

Name and Address of Sender Kamran Jalali 1005 CHasewood Trail Alpharetta, GA 30005	TOTAL NO. of Pieces Listed by Sender	TOTAL NO. of Pieces Received at Post Office™	Affix Stamp Here <i>Postmark with Date of Receipt.</i> 			
	Postmaster, per (name of receiving employee) 					
USPS® Tracking Number Firm-specific Identifier	Address (Name, Street, City, State, and ZIP Code™)		Postage	Fee	Special Handling	Parcel Airlift
1.	GASKIN BRUCE N & ANNE A 1215 SHERRY DR ALPHARETTA GA 30004					
2.	SARRIS GEORGE P & SOPHIA 1685 PROVIDENCE PLACE DR ALPHARETTA GA 30004					
3.	MURPHY SARAH & THERRELL SONNY JR 1695 PROVIDENCE PLACE DR ALPHARETTA GA 30009					
4.	DAPONTE EDWARD W DAPONTE MARGARET 1705 PROVIDENCE DR ALPHARETTA GA 30009					
5.	MECHELKE THOMAS & KELLY N 325 DESTINY TRC ALPHARETTA GA 30009					
6.	HATRAK RYAN & KATRINA 12810 OAK FALS DR ALPHARETTA GA 30009					



Certificate of Mailing — Firm

Name and Address of Sender Kamran Jalali 1005 CHasewood Trail Alpharetta, GA 30005	TOTAL NO. of Pieces Listed by Sender	TOTAL NO. of Pieces Received at Post Office™	Affix Stamp Here <i>Postmark with Date of Receipt.</i>			
	Postmaster, per (name of receiving employee) 					
USPS® Tracking Number Firm-specific Identifier	Address (Name, Street, City, State, and ZIP Code™)		Postage	Fee	Special Handling	Parcel Airlift
1.	DENNIS DAVID W 12800 OAK FALLS DR ALPHARETTA GA 30009					
2.	LADEROUTE EDWARD A & PAULA 12790 OAK FALLS DR ALPHARETTA GA 30009					
3.	SMITH JACKIE W 4139 EDINBURG TRL ROSWELL GA 30075					
4.	CREDIT SHELTER TRUIST 1580 MAYFIELD RD ALPHARETTA GA 30004					
5.	BARRY DREW 12975 HARRINGTON DR ALPHARETTA GA 30009					
6.	MAVRIS DIMITRIOS N & ELIZABETH A 13035 HARRINTONG DR ALPHARETTA GA 30004					



Certificate of Mailing — Firm

Name and Address of Sender Kamran Jalali 1005 Chasewood Trail Alpharetta, GA 30005	TOTAL NO. of Pieces Listed by Sender	TOTAL NO. of Pieces Received at Post Office™	Affix Stamp Here <i>Postmark with Date of Receipt.</i> 			
	Postmaster, per (name of receiving employee) 					
USPS® Tracking Number Firm-specific Identifier	Address (Name, Street, City, State, and ZIP Code™)		Postage	Fee	Special Handling	Parcel Airlift
1.	LAUBENSTEIN STUART E & CYNTHIA S 13015 HARRINGTON DR ALPHARETTA GA 30004					
2.	RISH DARREN JAMES & RISH TARA MARIE 12904 GRANSLEY CT ALPHARETTA GA 30009					
3.	MONTERO CARLOS E MONTERO VANDI L 1510 MAYFIELD DR ALPHARETTA GA 30004					
4.	HUDGENS TIMOTHY D & SHERI E 13000 HARRINGTON DR ALPHARETTA GA 30004					
5.	RODGERS PATRICK L & RODGERS VICKIE C 12990 HARRINGTON DR ALPHARETTA GA 30009					
6.	THOMAS DYLAN & RACHEL 12980 HARRINTONG DR ALPHARETTA GA 30009					



Certificate of Mailing — Firm

Name and Address of Sender Kamran Jalali 1005 CHasewood Trail Alpharetta, GA 30005	TOTAL NO. of Pieces Listed by Sender	TOTAL NO. of Pieces Received at Post Office™	Affix Stamp Here <i>Postmark with Date of Receipt.</i> 			
	Postmaster, per (name of receiving employee) 					
USPS® Tracking Number Firm-specific Identifier	Address (Name, Street, City, State, and ZIP Code™)		Postage	Fee	Special Handling	Parcel Airlift
1.	NEUSTEDTER JON & J NEUSTEDTER ANN M 12970 HARRINGTON DR ALPHARETTA GA 30009					
2.	RISH DARREN JAMES & RISH TARA MARIE 12904 GRANSLEY CT ALPHARETTA GA 30009					
3.	KODILKAR NIKHIL & CHAUDHARY ARCHANA 12894 GRANSLEY CT ALPHARETTA GA 30009					
4.	SZMCZAK MATTHEW A & VALERIE G 12907 GRANSLEY CR ALPHARETTA GA 30009					
5.	CIEPIELA MICHAEL & DIANE 12897 GRANSLEY CT ALPHARETTA GA 30009					
6.	ALAM MOHAMMAD SARFARAZ 12887 GRANSLEY CT ALPHARETTA GA 30009					



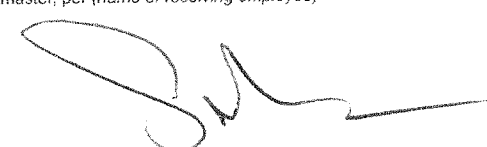
Certificate of Mailing — Firm

Name and Address of Sender Kamran Jalali 1005 Chasewood Trail Alpharetta, GA 30005	TOTAL NO. of Pieces Listed by Sender	TOTAL NO. of Pieces Received at Post Office™	Affix Stamp Here <i>Postmark with Date of Receipt.</i>
	Postmaster, per (name of receiving employee) 		

USPS® Tracking Number Firm-specific Identifier	Address (Name, Street, City, State, and ZIP Code™)	Postage	Fee	Special Handling	Parcel Airlift
1.	IIMBERIS DAMON M & MEREDITH W 12965 HARRINGTON DR ALPHARETTA GA 30004				
2.	SYLVESTER JOSHUA PAUL & SYLVESTER SARA 12814 GRANSLEY CT ALPHARETTA GA 30009				
3.	MATELA DAVID M MATELA DAWN M 12824 GRANSLEY CT ALPHARETTA GA 30009				
4.	RUAN JIAYANG & WANG HSIN HSIN 12827 GRANSLEY CR ALPHARETTA GA 30009				
5.	CREDIT SHELTER TRUST 1580 MAYFIELD RD ALPHARETTA GA 30009				
6.	DEVLIN SALLY A 1615 MAYFIELD RD ALPHARETTA GA 30004				



Certificate of Mailing — Firm

Name and Address of Sender Kamran Jalali 1005 CHasewood Trail Alpharetta, GA 30005	TOTAL NO. of Pieces Listed by Sender	TOTAL NO. of Pieces Received at Post Office™	Affix Stamp Here <i>Postmark with Date of Receipt.</i> 			
	Postmaster, per (name of receiving employee) 					
USPS® Tracking Number Firm-specific Identifier	Address (Name, Street, City, State, and ZIP Code™)		Postage	Fee	Special Handling	Parcel Airlift
1.	OASIS REAL ESTATE INVESTMENT LLC 3767 Highbrooke Ct Duluth GA 30097					
2.	MECHELKETHOMAS & KELLI N 325 DESTINY TRC ALPHARETTA GA 30009					
3.	MATHIS CLEMMIE II & TAMETRIUS L 12780 OAK FALLS DR ALPHARETTA GA 30009					
4.	WILSON KEVIN S & WILSON MANDA 12770 OAK FALLS DR ALPHARETTA GA 30009					
5.	POU PANTON PATRICK & POU STEPHANIE 12995 HARRINGTON DR ALPHARETTA GA 30009					
6.	MC GINNIS SEAN P MARTHA S 13005 HARRINGTON DR ALPHARETTA GA 30004					



Certificate of Mailing — Firm

Name and Address of Sender Kamran Jalali 1005 CHasewood Trail Alpharetta, GA 30005		TOTAL NO. of Pieces Listed by Sender	TOTAL NO. of Pieces Received at Post Office™	Affix Stamp Here <i>Postmark with Date of Receipt.</i> 			
		Postmaster, per (name of receiving employee) 					
USPS® Tracking Number Firm-specific Identifier		Address (Name, Street, City, State, and ZIP Code™)		Postage	Fee	Special Handling	Parcel Airlift
1.		JOSEPH & CHRISTINA FRANKE LIVING TRUST 13025 HARRINGTON DR ALPHARETTA GA 30009					
2.		HARRINTONG FALLS COMMUNITY ASSOCIATION 12950 HARRINGTON DR ALPHARETTA GA 30004					
3.		XIE LIN & CHAN SIOW DING 12874 GRANSLEY CT ALPHARETTA GA 30009					
4.		GUPTA SANJAY & GUPTA SUNITA 12884 GRANSLEY CT ALPHARETTA GA 30004					
5.		MOVVA SURESH BABU & MOVVA PRATHUSHA 12810 KEYSTONE CT ALPHARETTA GA 30009					
6.		PASSARELI FLORIDEO & PASSARELI ASHLEY 12820 KEYSTONE CT ALPHARETTA GA 30009					



Certificate of Mailing — Firm

Name and Address of Sender Kamran Jalali 1005 CHasewood Trail Alpharetta, GA 30005	TOTAL NO. of Pieces Listed by Sender	TOTAL NO. of Pieces Received at Post Office™	Affix Stamp Here <i>Postmark with Date of Receipt.</i> 			
	Postmaster, per (name of receiving employee)					
USPS® Tracking Number Firm-specific Identifier	Address (Name, Street, City, State, and ZIP Code™)		Postage	Fee	Special Handling	Parcel Airlift
1.	OASIS REAL ESTATE INVESTMENT LLC 3767 Highbrooke Ct Duluth GA 30097					
2.	FRANZ JEFFREY D & PEARSON ALEX W 1650 MAYFIELD DR ALPHARETTA GA 30009					
3.	CARRUTH ROBERT ET AL 1630 MAYFIELD RD ALPHARETTA GA 30009					
4.	BENTON PHIL & NANCY S 1525 MAYFIELD RD ALPHARETTA GA 30004					
5.						
6.						

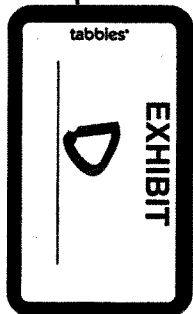
Community Zoning Information Meeting (CZIM)

August 9, 2023

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

PH-23-12 / 1580 Mayfield Road Gated Subdivision

NAME	ADDRESS	COMMENTS
THONDA HOFFER	1230 SHERRY DRIVE	- Concerned for stopped traffic on curved area of Mayfield Rd - Caused by residents entering in Sub - No deceleration lane - Concern school bus getting in and out with out sitting on Mayfield - Concerned that tornado siren will not be moved or removed for area community residents



Ethan Underwood

From: Jessica Huffstutler <jessica.huffstutler@gmail.com>
Sent: Friday, July 28, 2023 5:45 PM
To: Ethan Underwood
Cc: CityCouncilandMayor@alpharetta.ga.us; Kamran Jalali; psewczwicz@alpharetta.ga.us
Subject: Re: 1580 Mayfield Rd - Proposed Gate on Private Street by KJ Luxury Homes

Mr. Underwood,

With the review of whether this meets city design requirements, we also have to be extremely thoughtful of the limited sight distance due to the curve, the hill at the proposed entrance/exit and the 3 entrances (and potentially one exit) incredibly close together. This is not a common scenario and extra consideration is essential here.

The original zoning request included a reduction in standard road width but this new proposal requests a gated entrance which, in totality, is wider than a road. The surrounding communities are confused about your initial request vs this one. Which is it? You need less road space or more? Or a mixture of both?

As a homeowner and traveler on this road, speed is of limited concern. I believe the abrupt stopping of cars around a curve would be of greater concern. There is not a right or left turn lane into the proposed development. Additionally, the added total width of the entrance and exit at the proposed development in proximity to the other two existing entrances increases concern around visibility and further impacts to Harrington Falls and Gransley.

Will this gated community be fenced all the way around the property line? If not, there is limited protection and benefit here.

Jessica Huffstutler

On Jul 28, 2023, at 4:48 PM, Ethan Underwood <eunderwood@miles hansford.com> wrote:

Ms. Huffstutler:

Thank you for copying us on your email and expressing your concerns.

You are correct that there needs to be adequate stacking capacity for those waiting to enter the proposed gate.

As shown below and in the attachment, there will not be a right-turn lane installed along Mayfield Road. However, the absence of a deceleration lane will help slow down traffic to the posted speed limit.

As for stacking capacity at the gate, we agree that no one wants vehicles to back up into Mayfield Road. To address this, there will be approximately 120 feet of stacking capacity in front of the gate for vehicles to queue.

<image003.png>

I have added Public Works Director, Pete Sewczwicz to this email chain so that he can engage his team to review this proposal. It is my understanding that the proposed queuing lane meets City design



requirements. However, KJ Luxury Homes is certainly open to incorporate any additional design elements needed to address special conditions on Mayfield Road.

Also, if it would help to get together to discuss, we are happy to do so.

Best regards,

J. Ethan Underwood

<image004.jpg>

Forsyth Office: 202 Tribble Gap Road | Suite 200 | Cumming, Georgia 30040

North Fulton Office: 178 South Main Street | Suite 310 | Alpharetta, GA 30009

Main: 770-781-4100 | Fax: 770-781-9191 | Mobile: 770-842-1007

eunderwood@miles hansford.com | www.miles hansford.com

This electronic message transmission contains information from the law firm of Miles Hansford, LLC that may be confidential or privileged. The information herein is intended solely for the recipient, and the disclosure, copying, distribution or use of the contents of this transmission by any other party is not authorized. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this transmission is prohibited. If you have received this electronic transmission in error, please notify us immediately at the number shown above or by electronic mail.

IRS CIRCULAR 230 Disclosure: Under U.S. Treasury Regulations, we are required to inform you that any tax advice contained in this e-mail or any attachment hereto is not intended to be used, and cannot be used, to avoid penalties imposed under the Internal Revenue Code.

From: Jessica Huffstutler <jessica.huffstutler@gmail.com>

Sent: Monday, July 24, 2023 9:05 PM

To: CityCouncilandMayor@alpharetta.ga.us

Cc: Ethan Underwood <eunderwood@miles hansford.com>; Kamran Jalali <kamranjalali@yahoo.com>

Subject: 1580 Mayfield Rd - Proposed Gate on Private Street by KJ Luxury Homes

Good Evening Mayor and City Council,

I am writing in regards to "1580 Mayfield Rd - Proposed Gate on Private Street" by KJ Luxury Homes.

An accident due to the limited visibility at the curve of this road occurred just recently on July 18, 2023 with all right airbags deployed. This is already a dangerous curve. There were many citizen concerns about an additional neighborhood at this location due to the minimal visibility and lack of space for a deceleration lane. Adding a gate to this development would be disruptive and risky.

A gate at the proposed development has the potential to block the entrance to multiple neighborhoods and would disrupt the flow of traffic. The safety concerns with this entrance are emphasized by the addition of the following approved condition of the zoning requirements for this property: " xii. Subject to approval by the City of Alpharetta, Developer shall install a traffic mirror on the south side of Mayfield Road to facilitate vehicle movements from Harrington Falls Subdivision onto Mayfield Road."

Without a deceleration lane and ample space for multiple cars and/or delivery vehicles to stop, this request should be denied.

Thank you for your consideration,
Jessica Huffstutler
<1580 Mayfield Rd-GATE-SITE-Rev.pdf>

Ethan Underwood

From: Ethan Underwood
Sent: Thursday, August 3, 2023 7:13 PM
To: Rhude, Jody; Jessica Huffstutler
Cc: Kamran Jalali
Subject: RE: 1580 Mayfield Rd - Proposed Gate on Private Street by KJ Luxury Homes
Attachments: 1580 Mayfield Rd-GATE-SITE-Rev.pdf

Mr. Rhude:

The requested gated access is for the main access drive into the 5-lot subdivision, once the new road is installed. Cordoning off the existing drive on your property (as previously agreed) is not part of this application.

Attached is a copy of the proposed gate plan.

Ms. Huffstutler has expressed concerns as to whether the proposed gate would cause vehicle stacking onto Mayfield Road. If you or Jessica would like to meet to discuss, we would be happy to get together at your convenience to see if we can address your concerns.

- Ethan

This electronic message transmission contains information from the law firm of Miles Hansford, LLC that may be confidential or privileged. The information herein is intended solely for the recipient, and the disclosure, copying, distribution or use of the contents of this transmission by any other party is not authorized. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this transmission is prohibited. If you have received this electronic transmission in error, please notify us immediately at the number shown above or by electronic mail.

IRS CIRCULAR 230 Disclosure: Under U.S. Treasury Regulations, we are required to inform you that any tax advice contained in this e-mail or any attachment hereto is not intended to be used, and cannot be used, to avoid penalties imposed under the Internal Revenue Code.

From: Rhude, Jody <Jody_Rhude@CINFIN.com>
Sent: Wednesday, July 26, 2023 8:43 AM
To: Jessica Huffstutler <jessica.huffstutler@gmail.com>
Cc: Ethan Underwood <eunderwood@milesansford.com>; Kamran Jalali <kamranjalali@yahoo.com>
Subject: RE: 1580 Mayfield Rd - Proposed Gate on Private Street by KJ Luxury Homes

Mr. Underwood & Mr. Jalali,

Good morning.

I'm sorry, but I have not had time to go to this request on the website but is this the entrance gate to the property that I currently own that Mr. Jalali and I spoke about last week and determined that it would be a good idea to have until development started to keep unauthorized access from everyone's property or is this part of the new development? I'm surprised that a couple of posts and a chain to keep out unauthorized access requires a hearing and council approval.

Thanks,

Jody

Jody Rhude, CPCU, CIC
Field Director-Sales & Marketing
The Cincinnati Insurance Companies
12955 Harrington Dr.
Alpharetta, GA 30009
O: 678-624-0288
M: 770-715-9223

Confidentiality notice: **Confidentiality notice:** The information included in this email, including any attachments, is for the sole use of the intended recipient and may contain information that is confidential and protected. Any unauthorized review, use, disclosure, distribution or similar action is prohibited. If you are not the intended recipient, please contact the sender and delete all copies of the original message immediately. For additional information on our privacy policies, including state specific information, please visit our [privacy policy](#).

From: Jessica Huffstutler <jessica.huffstutler@gmail.com>
Sent: Monday, July 24, 2023 9:05 PM
To: CityCouncilandMayor@alpharetta.ga.us
Cc: Ethan Underwood <eunderwood@mhtlegal.com>; Kamran Jalali <kamranjalali@yahoo.com>
Subject: 1580 Mayfield Rd - Proposed Gate on Private Street by KJ Luxury Homes

Good Evening Mayor and City Council,

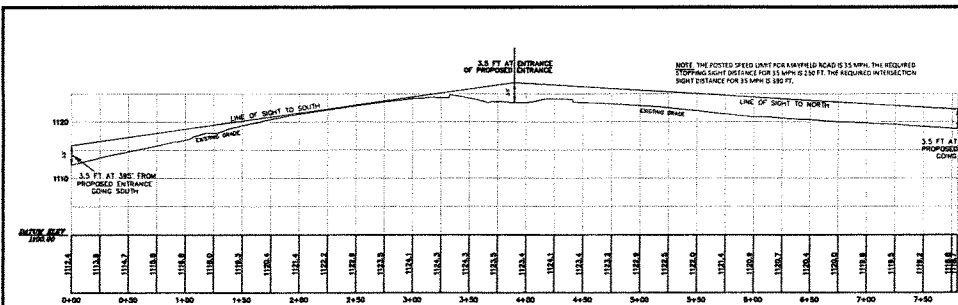
I am writing in regards to "1580 Mayfield Rd - Proposed Gate on Private Street" by KJ Luxury Homes.

An accident due to the limited visibility at the curve of this road occurred just recently on July 18, 2023 with all right airbags deployed. This is already a dangerous curve. There were many citizen concerns about an additional neighborhood at this location due to the minimal visibility and lack of space for a deceleration lane. Adding a gate to this development would be disruptive and risky.

A gate at the proposed development has the potential to block the entrance to multiple neighborhoods and would disrupt the flow of traffic. The safety concerns with this entrance are emphasized by the addition of the following approved condition of the zoning requirements for this property: " xii. Subject to approval by the City of Alpharetta, Developer shall install a traffic mirror on the south side of Mayfield Road to facilitate vehicle movements from Harrington Falls Subdivision onto Mayfield Road."

Without a deceleration lane and ample space for multiple cars and/or delivery vehicles to stop, this request should be denied.

Thank you for your consideration,
Jessica Huffstutler



SITE INSTALLATION NOTES

1. THE GATE SHALL BE PROPERLY PERMITTED AND BE IN COMPLIANCE WITH ALL APPLICABLE CODES AS ADOPTED BY THE CITY OF ALPHARETTA AND THE CITY OF ALPHARETTA.
2. SECURITY GATES RESTRICTING ACCESS ON A FIRE APPARATUS ROAD, LEADING TO THE RESIDENCE, ARE REQUIRED TO HAVE EMERGENCY ACCESS WITH REDUNDANCY AND MUST REMAIN OPEN UNTIL THEY ARE INSTALLED, INSPECTED, AND APPROVED BY THE FIRE MARSHAL'S OFFICE.
3. GATE SHALL BE PERMITTED AND REVIEWED FOR COMPLIANCE WITH STATE OF GEORGIA 2013 MINIMUM REQUIREMENTS OF THE ADDITION OF THE 2013 INTERNATIONAL FIRE CODE, CHAPTER 5.
4. MODIFICATIONS TO THE BOUNDARY SHALL BE COMPLIANT WITH ALL ADOPTED CODES AND STANDARDS BY THE STATE OF GEORGIA AND LOCAL AUTHORITY. HAVING APPROVED, INCLUDING BUT NOT LIMITED TO 2013 INTERNATIONAL FIRE CODE INCLUDING APPENDIX D, 2013 NFPA 101 LIFE SAFETY CODE, 2013 AMERICAN WITH DISABILITIES ACT, AND CITY OF ALPHARETTA SPINNEER ORDINANCE #121.
5. THE MECHAN CREATING FOR TURNAROUND SHOULD BE LANDSCAPED AS APPROVED BY THE CITY OF ALPHARETTA.

LAND USE (PER CODE)	TRIP GENERATION RATES				PER HOUR			
	ATTEMPT	TOTAL	IN	OUT	IN	OUT	TOTAL	
SINGLE FAMILY DETACHED (210)	5.0	5.0	8	8	16	16	32	

OWNER/DEVELOPER

KAMRAN JALALI
1005 CHASWOOD TRAIL
ALPHARETTA, GA 30005
(770) 858-0255

ENGINEER

ACR ENGINEERING, INC.
600 PINNACLE ROAD
SUITE 605
NORCROSS, GEORGIA 30071
(770) 291-0000

SURVEYOR

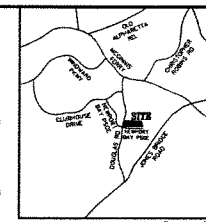
ACR ENGINEERING, INC.
600 PINNACLE ROAD
SUITE 605
NORCROSS, GEORGIA 30071
(770) 291-0000

CONTACT: ABBAS HEIDARI

DATE: MARCH 17, 2022

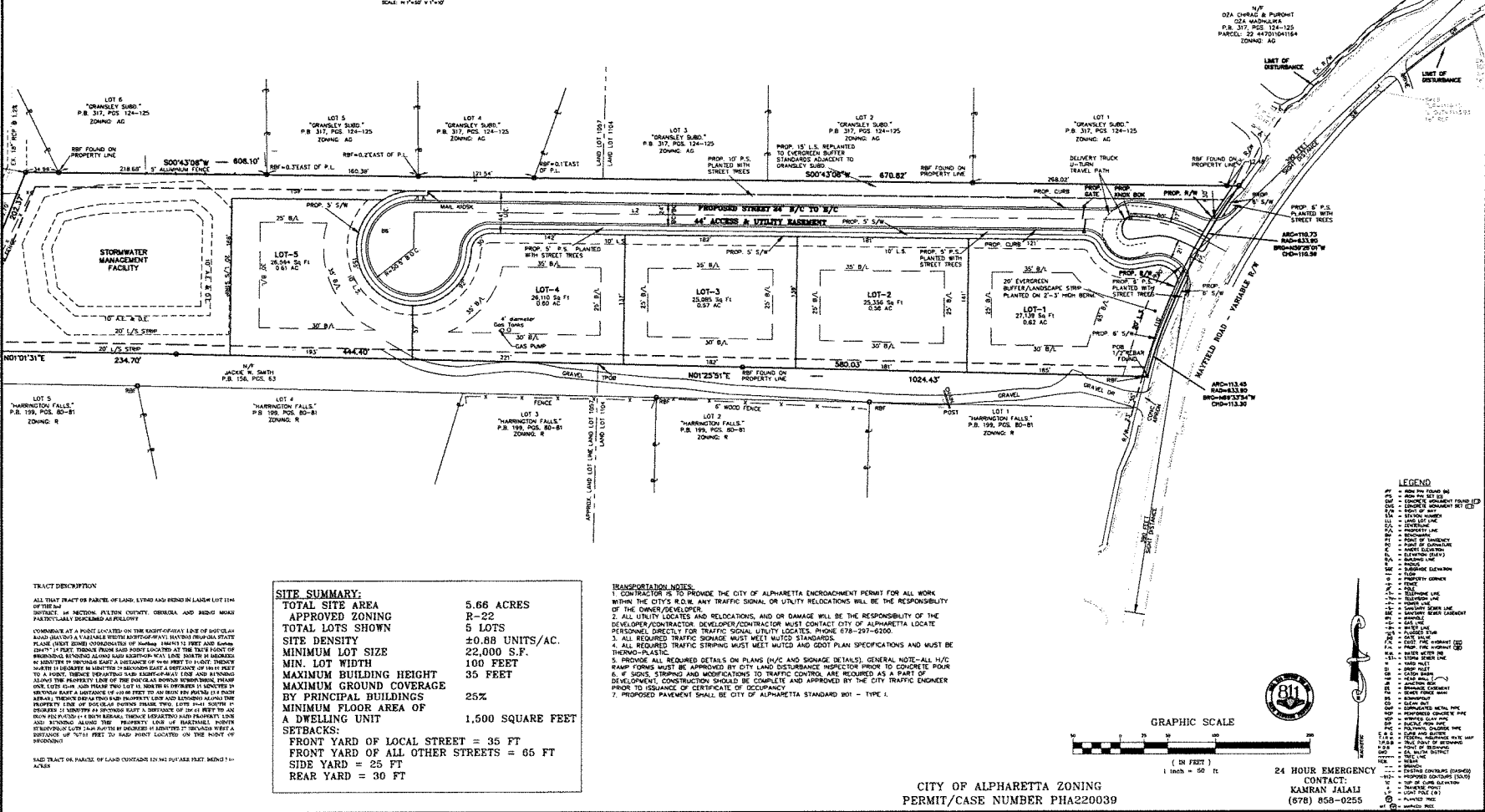
TAX PARCEL ID

22-440100807



VICINITY MAP SCALE 1"=2000'

PROPERTY ADDRESS:
1580 MAYFIELD ROAD
ALPHARETTA, GA 30009



SITE SUMMARY:	
TOTAL SITE AREA	5.66 ACRES
APPROVED ZONING	R-22
TOTAL LOTS SHOWN	5 LOTS
SITE DENSITY	±0.68 UNITS/AC.
MINIMUM LOT SIZE	22,000 S.F.
MIN. LOT WIDTH	100 FEET
MAXIMUM BUILDING HEIGHT	35 FEET
BY PRINCIPAL BUILDINGS	25%
MINIMUM FLOOR AREA OF A DWELLING UNIT	1,500 SQUARE FEET
SETBACKS:	
FRONT YARD OF LOCAL STREET =	35 FT
FRONT YARD OF ALL OTHER STREETS =	65 FT
SIDE YARD =	25 FT
REAR YARD =	30 FT

- #### TRANSPORTATION NOTES
1. CONTRACTOR IS TO PROVIDE THE CITY OF ALPHARETTA ENCROACHMENT PERMIT FOR ALL WORK WITHIN THE CITY'S R.O.W. ANY TRAFFIC SIGNAL OR UTILITY RELOCATIONS WILL BE THE RESPONSIBILITY OF THE OWNER/DEVELOPER.
 2. ALL UTILITY LOCATES AND RELOCATIONS, OR DAMAGE WILL BE THE RESPONSIBILITY OF THE DEVELOPER/CONTRACTOR. DEVELOPER/CONTRACTOR MUST CONTACT CITY OF ALPHARETTA LOCAL PERSONNEL DIRECTLY FOR TRAFFIC SIGNAL UTILITY LOCATES. PHONE 678-297-6100.
 3. ALL REQUIRED TRAFFIC SIGNALS MUST MEET MUTCD STANDARDS.
 4. ALL REQUIRED TRAFFIC SIGNALS MUST MEET MUTCD AND GDOT PLAN SPECIFICATIONS AND MUST BE THROWN-PLASTIC.
 5. PROVIDE ALL REQUIRED DETAILS ON PLANS (H/C AND S/D) AND S/D PLAN SPECIFICATIONS AND MUST BE THROWN-PLASTIC.
 6. IF SIGNS, STRIPING AND MODIFICATIONS TO TRAFFIC CONTROL, ARE REQUIRED AS A PART OF DEVELOPMENT, CONSTRUCTION SHOULD BE COMPLETE AND APPROVED BY THE CITY TRAFFIC ENGINEER PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY.
 7. PROPOSED PAVEMENT SHALL BE CITY OF ALPHARETTA STANDARD 301 - TYPE 1.

LEGEND

- 1. 1"=100'
- 2. 1"=200'
- 3. 1"=400'
- 4. 1"=800'
- 5. 1"=1600'
- 6. 1"=3200'
- 7. 1"=6400'
- 8. 1"=12800'
- 9. 1"=25600'
- 10. 1"=51200'
- 11. 1"=102400'
- 12. 1"=204800'
- 13. 1"=409600'
- 14. 1"=819200'
- 15. 1"=1638400'
- 16. 1"=3276800'
- 17. 1"=6553600'
- 18. 1"=13107200'
- 19. 1"=26214400'
- 20. 1"=52428800'
- 21. 1"=104857600'
- 22. 1"=209715200'
- 23. 1"=419430400'
- 24. 1"=838860800'
- 25. 1"=1677721600'
- 26. 1"=3355443200'
- 27. 1"=6710886400'
- 28. 1"=13421772800'
- 29. 1"=26843545600'
- 30. 1"=53687091200'
- 31. 1"=107374182400'
- 32. 1"=214748364800'
- 33. 1"=429496729600'
- 34. 1"=858993459200'
- 35. 1"=1717986918400'
- 36. 1"=3435973836800'
- 37. 1"=6871947673600'
- 38. 1"=13743895347200'
- 39. 1"=27487790694400'
- 40. 1"=54975581388800'
- 41. 1"=109951162777600'
- 42. 1"=219902325555200'
- 43. 1"=439804651110400'
- 44. 1"=879609302220800'
- 45. 1"=1759218604441600'
- 46. 1"=3518437208883200'
- 47. 1"=7036874417766400'
- 48. 1"=14073748835532800'
- 49. 1"=28147497671065600'
- 50. 1"=56294995342131200'
- 51. 1"=112589990684262400'
- 52. 1"=225179981368524800'
- 53. 1"=450359962737049600'
- 54. 1"=900719925474099200'
- 55. 1"=1801439850948198400'
- 56. 1"=3602879701896396800'
- 57. 1"=7205759403792793600'
- 58. 1"=14411518807585587200'
- 59. 1"=28823037615171174400'
- 60. 1"=57646075230342348800'
- 61. 1"=115292150460684697600'
- 62. 1"=230584300921369395200'
- 63. 1"=461168601842738790400'
- 64. 1"=922337203685477580800'
- 65. 1"=1844674407370955161600'
- 66. 1"=3689348814741910323200'
- 67. 1"=7378697629483820646400'
- 68. 1"=14757395258967641292800'
- 69. 1"=29514790517935282585600'
- 70. 1"=59029581035870565171200'
- 71. 1"=118059162071741130342400'
- 72. 1"=236118324143482260684800'
- 73. 1"=472236648286964521369600'
- 74. 1"=944473296573929042739200'
- 75. 1"=1888946593147858085478400'
- 76. 1"=3777893186295716170956800'
- 77. 1"=7555786372591432341913600'
- 78. 1"=15111572745182864683827200'
- 79. 1"=30223145490365729367654400'
- 80. 1"=60446290980731458735308800'
- 81. 1"=120892581961462917470617600'
- 82. 1"=241785163922925834941235200'
- 83. 1"=483570327845851669882470400'
- 84. 1"=967140655691703339764940800'
- 85. 1"=1934281311383406679529881600'
- 86. 1"=3868562622766813359059763200'
- 87. 1"=7737125245533626718119526400'
- 88. 1"=15474250491067253436239052800'
- 89. 1"=30948500982134506872478105600'
- 90. 1"=61897001964269013744956211200'
- 91. 1"=123794003928538027489912422400'
- 92. 1"=247588007857076054979824844800'
- 93. 1"=495176015714152109959649689600'
- 94. 1"=990352031428304219919299379200'
- 95. 1"=1980704062856608439838598758400'
- 96. 1"=3961408125713216879677197516800'
- 97. 1"=7922816251426433759354395033600'
- 98. 1"=15845632502852867518708790067200'
- 99. 1"=31691265005705735037417580134400'
- 100. 1"=63382530011411470074835160268800'
- 101. 1"=126765060022822940149670320537600'
- 102. 1"=253530120045645880299340641075200'
- 103. 1"=507060240091291760598681282150400'
- 104. 1"=1014120480182583521197362564300800'
- 105. 1"=2028240960365167042394725128601600'
- 106. 1"=4056481920730334084789450257203200'
- 107. 1"=8112963841460668169578900514406400'
- 108. 1"=16225927682921336339157801028812800'
- 109. 1"=32451855365842672678315602057625600'
- 110. 1"=64903710731685345356631204115251200'
- 111. 1"=129807421463370690713262408230502400'
- 112. 1"=259614842926741381426524816461004800'
- 113. 1"=519229685853482762853049632922009600'
- 114. 1"=1038459371706965525706099265844019200'
- 115. 1"=2076918743413931051412198531688038400'
- 116. 1"=4153837486827862102824397063376076800'
- 117. 1"=8307674973655724205648794126752153600'
- 118. 1"=16615349947311448411297588253504307200'
- 119. 1"=33230699894622896822595176507008614400'
- 120. 1"=66461399789245793645190353014017228800'
- 121. 1"=132922799578491587290380706028034457600'
- 122. 1"=265845599156983174580761412056068915200'
- 123. 1"=531691198313966349161522824112137830400'
- 124. 1"=1063382396627932698323045648224275660800'
- 125. 1"=2126764793255865396646091296448551321600'
- 126. 1"=4253529586511730793292182592897102643200'
- 127. 1"=8507059173023461586584365185794205286400'
- 128. 1"=17014118346046923173168730371588410572800'
- 129. 1"=34028236692093846346337460743176821145600'
- 130. 1"=68056473384187692692674921486353642291200'
- 131. 1"=136112946768375385385349842972707284582400'
- 132. 1"=272225893536750770770699685945414569164800'
- 133. 1"=544451787073501541541399371890829138329600'
- 134. 1"=1088903574147003083082798743781658276659200'
- 135. 1"=2177807148294006166165597487563316553318400'
- 136. 1"=4355614296588012332331194975126633106636800'
- 137. 1"=8711228593176024664662389950253266213273600'
- 138. 1"=17422457186352049329324779900506532426547200'
- 139. 1"=34844914372704098658649559801013064853094400'
- 140. 1"=69689828745408197317299119602026129066188800'
- 141. 1"=139379657490816394634598239204052258132377600'
- 142. 1"=278759314981632789269196478408104516264755200'
- 143. 1"=557518629963265578538392956816209032529510400'
- 144. 1"=1115037259926531157076785913632418065059020800'
- 145. 1"=2230074519853062314153571827264836130118041600'
- 146. 1"=4460149039706124628307143654529672260236083200'
- 147. 1"=8920298079412249256614287309059344520472166400'
- 148. 1"=1784059615882449851322857461811868904094432800'
- 149. 1"=3568119231764899702645714923623737808188865600'
- 150. 1"=7136238463529799405291429847247475616377731200'
- 151. 1"=14272476927059598810582859694494951232755462400'
- 152. 1"=28544953854119197621165719388989902465510924800'
- 153. 1"=57089907708238395242331438777979804931021849600'
- 154. 1"=114179815416476790484662877555959609862043699200'
- 155. 1"=228359630832953580969325755111919219724087398400'
- 156. 1"=456719261665907161938651510223838439448174796800'
- 157. 1"=913438523331814323877303020447676878896349593600'
- 158. 1"=1826877046663628647754606040895353757792699187200'
- 159. 1"=3653754093327257295509212081790707515585398374400'
- 160. 1"=7307508186654514591018424163581415031170796748800'
- 161. 1"=14615016373309029182036848327162830062341513497600'
- 162. 1"=29230032746618058364073696654325660124683026995200'
- 163. 1"=58460065493236116728147393308651320249366053990400'
- 164. 1"=116920130986472233456294786617302640498732107980800'
- 165. 1"=233840261972944466912589573234605280997462155961600'
- 166. 1"=467680523945888933825179146469210561994924311923200'
- 167. 1"=935361047891777867650358292938421123989848623846400'
- 168. 1"=1870722095783555735300716585876842247979697247692800'
- 169. 1"=3741444191567111470601433171753684495959394495385600'
- 170. 1"=7482888383134222941202866343507368991918788990771200'
- 171. 1"=14965776766268445882405732687014737983837577981542400'
- 172. 1"=29931553532536891764811465374029475967675155963084800'
- 173. 1"=59863107065073783529622930748058951935350311926169600'
- 174. 1"=119726214130147567059245861496117903870700623852339200'
- 175. 1"=239452428260295134118491722992235807741401247704678400'
- 176. 1"=478904856520590268236983445984471615482802495409356800'
- 177. 1"=957809713041180536473966891968943230965604990818713600'
- 178. 1"=1915619426082361072947933783937886461931209981637427200'
- 179. 1"=3831238852164722145895867567875772923862419963274854400'
- 180. 1"=7662477704329444291791735135751545847724839326549708800'
- 181. 1"=15324955408658888583583470271503091695449678653099417600'
- 182. 1"=30649910817317777167166940543006183390899357306198835200'
- 183. 1"=61299821634635554334333881086012366781798714612397670400'
- 184. 1"=122599643269271108668667762172024733563597429224795340800'
- 185. 1"=245199286538542217337335524344049467127194858449590681600'
- 186. 1"=490398573077084434674671048688098934254389716899181363200'
- 187. 1"=980797146154168869349342097376197868508779433798362726400'
- 188. 1"=1961594292308337738698684194752395737017558867596725452800'
- 189. 1"=3923188584616675477397368389504791474035117735193450905600'
- 190. 1"=7846377169233350954794736779009582948070235470386901811200'
- 191. 1"=15692754338466701909589473558019165896140470940773803622400'
- 192. 1"=31385508676933403819178947116038331792280941881547607244800'
- 193. 1"=62771017353866807638357894232076663584561883763095214489600'
- 194. 1"=125542034707733615276715788464153327169123767526190428979200'
- 195. 1"=251084069415467230553431576928306654338247535052380857958400'
- 196. 1"=502168138830934461106863153856613308676495070104761715916800'
- 197. 1"=1004336277661868922213726307713226177352990140209523431833600'
- 198. 1"=2008672555323737844427452615426452354705980280419046863667200'
- 199. 1"=4017345110647475688854905230852904709411960560838093727334400'
- 200. 1"=8034690221294951377709810461705809418823921121676187454668800'
- 201. 1"=16069380442589902755419620923411618847647842243352374909337600'
- 202. 1"=32138760885179805510839241846823237695295684486704749818675200'
- 203. 1"=64277521770359611021678483693646475390591368973409499637350400'
- 204. 1"=128555043540719222043356967387292950781182737946818999274700800'
- 205. 1"=257110087081438444086713934774585901562365475893637998549401600'
- 206. 1"=514220174162876888173427869549171824730930951787275997098803200'
- 207. 1"=1028440348325753776346855739098343649461861903574551995397606400'
- 208. 1"=2056880696651507552693711478196687298923723807149103990795212800'
- 209. 1"=41137613933030151053

From: [Cook, Kathi](#)
To: [Woodman, Michael](#)
Subject: Fwd: 1580 Mayfield Rd - Proposed Gate on Private Street by KJ Luxury Homes
Date: Monday, July 24, 2023 10:46:57 PM

On Jul 24, 2023, at 9:04 PM, Jessica Huffstutler wrote:

i **This message needs your attention**

- This is their first email to you.
- This is a personal email address.

Mark as SafeReport this Email

Powered by Mimecast

Good Evening Mayor and City Council,

I am writing in regards to “1580 Mayfield Rd - Proposed Gate on Private Street” by KJ Luxury Homes.

An accident due to the limited visibility at the curve of this road occurred just recently on July 18, 2023 with all right airbags deployed. This is already a dangerous curve. There were many citizen concerns about an additional neighborhood at this location due to the minimal visibility and lack of space for a deceleration lane. Adding a gate to this development would be disruptive and risky.

A gate at the proposed development has the potential to block the entrance to multiple neighborhoods and would disrupt the flow of traffic. The safety concerns with this entrance are emphasized by the addition of the following approved condition of the zoning requirements for this property: “ xii. Subject to approval by the City of Alpharetta, Developer shall install a traffic mirror on the south side of Mayfield Road to facilitate vehicle movements from Harrington Falls Subdivision onto Mayfield Road.”

Without a deceleration lane and ample space for multiple cars and/or delivery vehicles to stop, this request should be denied.

Thank you for your consideration,
Jessica Huffstutler

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: Kamran Jalali

Telephone: 678-858-0255

Address: 1005 Chasewood Trail

Suite: _____

City Alpharetta

State: GA

Zip: 30005

Fax: _____

Mobile Tel: 678-858-0255

Email: kamranjalali@yahoo.com

Subject Property Information:

Address: 1580 Mayfield Road

Current Zoning: R-22

District: 21

Section: 2

Land Lot: 1057 & 1104

Parcel ID: 22 448011040867 & 22 447010570197

Proposed Zoning: R-22

Current Use: vacant

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?

5 lot single family subdivision.

Applicant's Request (Please itemize the proposal):

Gate on a proposed private street.

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

To install a gate on a proposed private street.

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: Kamran Jalali / KJ Luxury Homes LLC Telephone: 678-858-0255

Address: 1005 Chasewood Trail Suite: _____

City Alpharetta State: GA Zip: 30005

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 Installation of a gate on a proposed private street. |

Property Owner's Authorized Applicant (if applicable):

Name of Authorized Applicant: Abbas Heidari / ACR Engineering, Inc. Telephone: 678-291-0000

Address: _____ Suite: _____

City Norcross State: GA Zip: 30071

So Sworn and Attested:

Owner Signature: _____

Date: 06/29/23

Notary:

Notary Signature: Mary Ann Staff

Date: 6.29.23



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: **Kamran Jalali / KJ Luxury Homes LLC**

Subject Public Hearing Case; _____

Campaign Contribution Information:

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

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

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

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Campaign Contribution Information:

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

Signature: _____

Date: _____

06/29/23

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: 1580 Mayfield Road

Contact Name: Kamran Jalali

Telephone: 678-858-0255

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 (Please Specify) |

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

Individuals will have the opportunity to respond by letter, telephone, or email.

HUFFSTUTLER MERRIC & JESSICA
12985 HARRINGTON DR
ALPHARETTA GA 30009

RHUDE JODY B & LISA A
12955 HARRINGTON DR
ALPHARETTA GA 30004

MURPHY SARAH & THERRELL SONNY JR
1695 PROVIDENCE PLACE DR
ALPHARETTA GA 30009

CAGLE BENGY L & SARA W
12960 HARRINGTON DR
ALPHARETTA GA 30004

CHAVDA NARESH & CHAVDA KAVITA
12817 GRANSLEY CT
ALPHARETTA GA 30009

DAPONTE EDWARD W DAPONTE MARGARET
1705 PROVIDENCE PLACE DR
ALPHARETTA GA 30009

GERTZ TODD A & GERTZ CHRISTY W
12834 GRANSLEY CT
ALPHARETTA GA 30009

OZA CHIRAG & PUROHIT OZA MADHULIKA
12807 GRANSLEY CT
ALPHARETTA GA 30009

MECHELKE THOMAS & KELLI N
325 DESTINY TRC
ALPHARETTA GA 30009

GUDIVADA JOSEPH U & AMBATI SWETA
12844 GRANSLEY CT
ALPHARETTA GA 30009

PRESSLEY JULIAN TIMOTHY & TONEY PR
ESSLEY AMY NICOL
1535 MAYFIELD RD
ALPHARETTA GA 30009

HATRAK RYAN & KATRINA
12810 OAK FALLS DR
ALPHARETTA GA 30009

MALDONADO DANIEL E & BERRIOS ALEXA
NDRA
12854 GRANSLEY CT
ALPHARETTA GA 30009

FLIPPIN AWESOME LLC
13240 CARIS CT
ALPHARETTA GA 30009

DENNIS DAVID W
12800 OAK FALLS DR
ALPHARETTA GA 30009

MANNHEIMER FREDERIC J & MANNHEIMER
SUSAN M
12864 GRANSLEY CT
ALPHARETTA GA 30009

HOFER MARK A & RHONDA
1230 SHERRY DR
ALPHARETTA GA 30009

LADERROUTE EDWARD A & PAULA
12790 OAK FALLS DR
ALPHARETTA GA 30009

JIGESH SAHEBA REVOCABLE TRUST THE
12877 GRANSLEY CT
ALPHARETTA GA 30009

COLTON KYLE
1220 SHERRY DR
ALPHARETTA GA 30009

SMITH JACKIE W
4139 EDINBURGH TRL
ROSWELL GA 30075

EVANS RICHARD T JR & BRIANNA O
12867 GRANSLEY CT
ALPHARETTA GA 30009

WINDSOR RONALD C & MILDRED G
1210 SHERRY DR
ALPHARETTA GA 30004-1128

CREDIT SHELTER TRUST THE
1580 MAYFIELD RD
ALPHARETTA GA 30004

KNIGHT BRADLEY & RAMPERSAUD KNIGHT
SHANTA
12837 GRANSLEY CT
ALPHARETTA GA 30009

GASKIN BRUCE N & ANNE A
1215 SHERRY DR
ALPHARETTA GA 30004-1127

BARRY DREW
12975 HARRINGTON DR
ALPHARETTA GA 30009

GRANSLEY HOMEOWNERS ASSOCIATION INC
700 BARBERRY DR
ALPHARETTA GA 30004-3681

SARRIS GEORGE P & SOPHIA
1685 PROVIDENCE PLACE DR
ALPHARETTA GA 30004

MAVRIS DIMITRIOS N & ELIZABETH A
13035 HARRINGTON DR
ALPHARETTA GA 30004

LAUBENSTEIN STUART E & CYNTHIA S
13015 HARRINGTON DR
ALPHARETTA GA 30004

ALAM MOHAMMAD SARFARAZ
12887 GRANSLEY CT
ALPHARETTA GA 30009

WILSON KEVIN S & WILSON MANDA
12770 OAK FALLS DR
ALPHARETTA GA 30009

RISH DARREN JAMES & RISH TARA MARIE
12904 GRANSLEY CT
ALPHARETTA GA 30009

LIMBERIS DAMON M & MEREDITH W
12965 HARRINGTON DR
ALPHARETTA GA 30004

POU PANTON PATRICK & POU STEPHANIE
12995 HARRINGTON DR
ALPHARETTA GA 30009

MONTERO CARLOS E MONTERO VANDI L
1510 MAYFIELD RD
ALPHARETTA GA 30004

SYLVESTER JOSHUA PAUL & SYLVESTER
SARA ANNE
12814 GRANSLEY CT
ALPHARETTA GA 30009

MC GINNIS SEAN P & MARTHA S
13005 HARRINGTON DR
ALPHARETTA GA 30004

HUDGENS TIMOTHY D & SHERI E
13000 HARRINGTON DR
ALPHARETTA GA 30004

MATELA DAVID M & MATELA DAWN M
12824 GRANSLEY CT
ALPHARETTA GA 30009

JOSEPH & CHRISTINA FRANKE LIVING T
RUST THE
13025 HARRINGTON DR
ALPHARETTA GA 30009

RODGERS PATRICK L & RODGERS VICKIE
C
12990 HARRINGTON DR
ALPHARETTA GA 30009

RUAN JIAYANG & WANG HSIN HSIN
12827 GRANSLEY CT
ALPHARETTA GA 30009

HARRINGTON FALLS COMMUNITY ASSOC I
NC
12950 HARRINGTON DR
ALPHARETTA GA 30004

THOMAS DYLAN & RACHEL
12980 HARRINGTON DR
ALPHARETTA GA 30009

CREDIT SHELTER TRUST THE
1580 MAYFIELD RD
ALPHARETTA GA 30009

XIE LIN & CHAN SIOW DING
12874 GRANSLEY CT
ALPHARETTA GA 30009

NEUSTEDTER JON J & NEUSTEDTER ANN M
12970 HARRINGTON DR
ALPHARETTA GA 30009

DEVLIN SALLY A
1615 MAYFIELD RD
ALPHARETTA GA 30004

GUPTA SANJAY & GUPTA SUNITA
12884 GRANSLEY CT
ALPHARETTA GA 30004

KODILKAR NIKHIL & CHAUDHARY ARCHANA
12894 GRANSLEY CT
ALPHARETTA GA 30009

OASIS REAL ESTATE INVESTMENTS LLC
3767 Highbrooke CT
Duluth GA 30097

MOVVA SURESH BABU & MOVVA PRATHUSHA
12810 KEYSTONE CT
ALPHARETTA GA 30009

SZYMCZAK MATTHEW A & VALERIE G
12907 GRANSLEY CT
ALPHARETTA GA 30009

MECHELKE THOMAS & KELLI N
325 DESTINY TRC
ALPHARETTA GA 30009

PASSARELLI FLORIDEO & PASSARELLI A
SHLEY
12820 KEYSTONE CT
ALPHARETTA GA 30009

CIEPIELA MICHAEL & DIANE
12897 GRANSLEY CT
ALPHARETTA GA 30009

MATHIS CLEMMIE II & TAMETRIUS L
12780 OAK FALLS DR
ALPHARETTA GA 30009

OASIS REAL ESTATE IVESTMENT LLC
3767 Highbrooke CT
Duluth GA 30097

FRANZ JEFFREY D & PEARSON ALEX W
1650 MAYFIELD RD
ALPHARETTA GA 30009

CARRUTH ROBERT ET AL
1630 MAYFIELD RD
ALPHARETTA GA 30009

BENTON PHIL & NANCY S
1525 MAYFIELD RD
ALPHARETTA GA 30005

TRACT DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND, LYING AND BEING IN LANDS LOT 1190 OF THE 2nd DISTRICT, 1st SECTION, FULTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A POINT LOCATED ON THE RIGHT-OF-WAY LINE OF DOUGLAS ROAD (HAVING A VARIABLE WIDTH RIGHT-OF-WAY), HAVING GEORGIA STATE PLANE (WEST ZONE) COORDINATES OF Northing: 1484501.52 FEET AND Easting: 2284757.15 FEET; THENCE FROM SAID POINT LOCATED AT THE TRUE POINT OF BEGINNING, RUNNING ALONG SAID RIGHT-OF-WAY LINE NORTH 10 DEGREES 30 MINUTES 29 SECONDS EAST A DISTANCE OF 99.00 FEET TO POINT; THENCE NORTH 14 DEGREES 30 MINUTES 29 SECONDS EAST A DISTANCE OF 100.00 FEET TO A POINT; THENCE DEPARTING SAID RIGHT-OF-WAY LINE AND RUNNING ALONG THE PROPERTY LINE OF THE DOUGLAS DOWNS SUBDIVISION, PHASE ONE, LOTS 42-48, AND PHASE TWO LOT 41, NORTH 89 DEGREES 15 MINUTES 29 SECONDS EAST A DISTANCE OF 610.00 FEET TO AN IRON PIN FOUND (3/4 INCH REBAR); THENCE DEPARTING SAID PROPERTY LINE AND RUNNING ALONG THE PROPERTY LINE OF DOUGLAS DOWNS PHASE TWO, LOTS 39-41 SOUTH 15 DEGREES 23 MINUTES 04 SECONDS EAST A DISTANCE OF 206.61 FEET TO AN IRON PIN FOUND (3/4 INCH REBAR); THENCE DEPARTING SAID PROPERTY LINE AND RUNNING ALONG THE PROPERTY LINE OF HARTSMILL POINTE SUBDIVISION LOTS 24-30 SOUTH 89 DEGREES 45 MINUTES 27 SECONDS WEST A DISTANCE OF 707.03 FEET TO SAID POINT LOCATED ON THE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINS 129,982 SQUARE FEET, BEING 5.66 ACRES.

SITE SUMMARY:

TOTAL SITE AREA 5.66 ACRES
PROPOSED ZONING R-22
TOTAL LOTS SHOWN 5 LOTS
PROPOSED DENSITY ±0.88 UNITS/AC.
MINIMUM LOT SIZE 22,000 S.F.
MIN. LOT WIDTH 100 FEET
MAXIMUM BUILDING HEIGHT 35 FEET
MAXIMUM GROUND COVERAGE 25%
BY PRINCIPAL BUILDINGS
MINIMUM FLOOR AREA OF A DWELLING UNIT 1,500 SQUARE FEET
SETBACKS:
FRONT YARD OF LOCAL STREET = 35 FT
FRONT YARD OF ALL OTHER STREETS = 65 FT
SIDE YARD = 25 FT
REAR YARD = 30 FT

COMMUNITY DEVELOPMENT NOTES:

1. AN 18-MONTHLY PERFORMANCE AND MAINTENANCE BOND WILL BE REQUIRED FOR ALL LANDSCAPING AND IRRIGATION.
2. PARKING LOT LIGHTS WILL BE LOCATED OUTSIDE OF LANDSCAPE ISLANDS. SITE LIGHTING MUST BE APPROVED BY THE ZONING DEPARTMENT PRIOR TO ISSUANCE OF ELECTRICAL PERMIT.
3. THE OWNER IS RESPONSIBLE FOR ANNUAL REPORTING OF THE WASTE GENERATION FOR THIS PROJECT ON AN ONGOING BASIS. THE WASTE GENERATION ANALYSIS MUST DEMONSTRATE A 25% OVERALL WASTE REDUCTION DUE TO RECYCLING.
4. OFF STREET PARKING SHALL BE PROVIDED AND MAINTAINED THROUGHOUT CONSTRUCTION.
5. ALL REVISIONS TO THESE PLANS MUST BE SUBMITTED TO THE CITY OF ALPHARETTA COMMUNITY DEVELOPMENT DEPARTMENT PRIOR TO CONTINUING CONSTRUCTION.
6. ALL ROOFTOP APPURTENANCES, SATELLITE DISHES AND/OR OTHER COMMUNICATION DEVICES WILL BE SCREENED FROM ALL PUBLIC RIGHTS-OF-WAY.
7. ALL TEMPORARY AND PERMANENT SIGNS TO BE PERMITTED SEPARATELY.
8. CONTACT THE FOLLOWING DEPARTMENTS FOR APPROVAL OF THE PERMANENT CERTIFICATE OF OCCUPANCY: COMMUNITY DEVELOPMENT, ARBORIST, TRAFFIC ENGINEERING AND FIRE MARSHALL. ALLOW A MINIMUM OF 3-DAY NOTICE FOR A SITE INSPECTION APPOINTMENT.
9. ON-SITE BURIAL IS NOT ALLOWED.
10. AN ENGINEER'S CERTIFICATION WILL BE REQUIRED FOR ALL RETAINING WALLS PRIOR TO ISSUANCE OF THE CERTIFICATE OF OCCUPANCY. ALL RETAINING WALLS GREATER THAN 4- FEET IN HEIGHT MUST OBTAIN A BUILDING PERMIT.
11. IRRIGATION NOTES:
 - A. IRRIGATION SYSTEMS ARE NOT ALLOWED WITHIN THE PUBLIC RIGHT-OF-WAY. (SYSTEMS WILL BE ALLOWED INSIDE MEDIANS IF AN INDEMNIFICATION LETTER IS PROVIDED ABSOLVING THE CITY OF ALPHARETTA OF ANY RESPONSIBILITY FOR DAMAGES.)
 - B. IRRIGATION SPRAY ONTO PUBLIC ROADWAYS IS NOT ALLOWED.
 - C. IRRIGATION SYSTEMS MUST BE SHUT OFF OR OPERATED MANUALLY DURING WINTER MONTHS TO PREVENT UNNECESSARY ICE ON ROADS.

OWNER/DEVELOPER

KAMRAN JALALI
1005 CHASEWOOD TRIAL
ALPHARETTA, GA 30005
(678) 858-0255
CONTACT: KAMRAN JALALI
ENGINEER
ACR ENGINEERING, INC.
600 PINNACLE ROAD
SUITE 685
NORCROSS, GEORGIA 30071
(678) 291-0000
CONTACT: ABBAS HEIDARI
SURVEY BY:
ACR ENGINEERING, INC.
600 PINNACLE ROAD
SUITE 685
NORCROSS, GEORGIA 30071
(678) 291-0000
CONTACT: ABBAS HEIDARI
DATED: MARCH 17, 2022

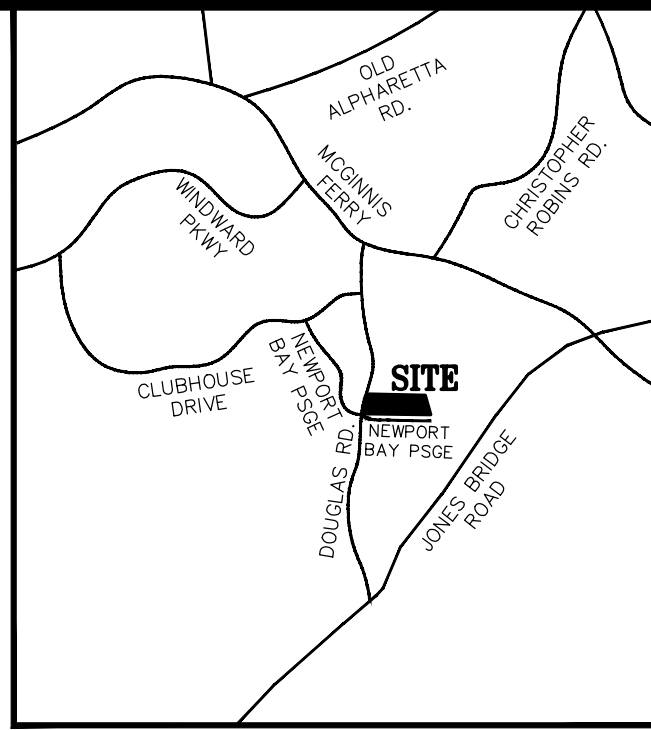
TAX PARCEL I.D.

22 448011040867

SITE DATA

LAND LOT - 1190
21ST DISTRICT, 1ST SECTION
ALPHARETTA, GEORGIA
ZONING: R-22
AREA: 5.66 Acres
TOTAL DISTURBED AREA: 5.0 ACRES
FRONT YARD OF LOCAL STREET = 35 FT
FRONT YARD OF ALL OTHER STREETS = 65 FT
SIDE YARD = 25 FT
REAR YARD = 30 FT

PROPERTY ADDRESS:
1500 MAYFIELD ROAD
ALPHARETTA, GA 30009



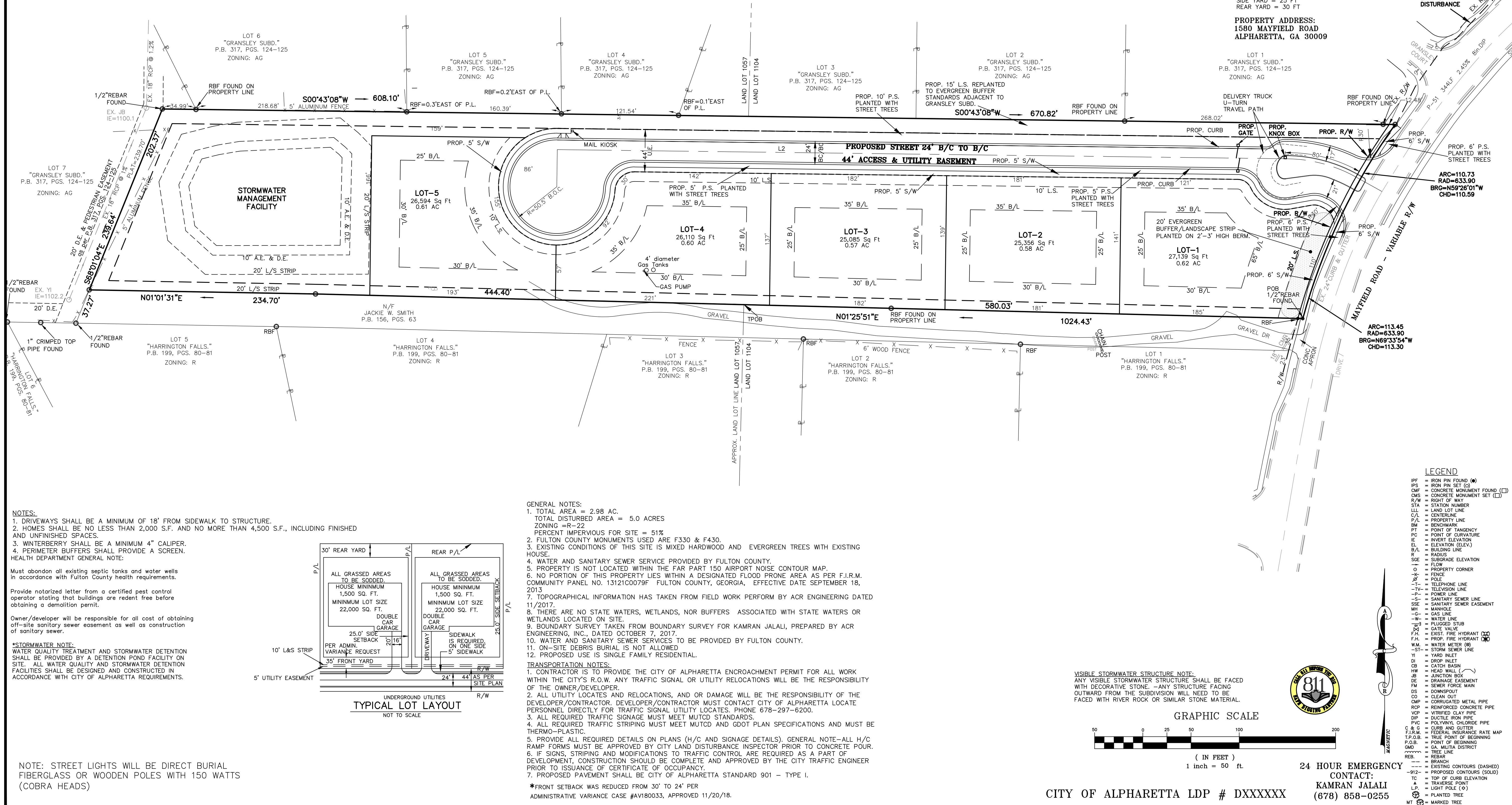
VICINITY MAP SCALE 1"=2000'

BENCHMARK

FULTON COUNTY MONUMENT F315 N: 1486158.656 E: 2284780.395 ELEV. 1165.926
FULTON COUNTY MONUMENT F415 N: 1486943.445 E: 2284673.516 ELEV. 1179.919

UTILITY PROVIDERS:

TELEPHONE- AT&T
POWER- SAWNEE ELCTRIC
WATER- FULTON COUNTY
SEWER- FULTON COUNTY
GAS- GEORGIA NATURAL GAS CO.



NOTES:

1. DRIVEWAYS SHALL BE A MINIMUM OF 18' FROM SIDEWALK TO STRUCTURE.
 2. HOMES SHALL BE NO LESS THAN 2,000 S.F. AND NO MORE THAN 4,500 S.F., INCLUDING FINISHED AND UNFINISHED SPACES.
 3. WATERBERRY SHALL BE A MINIMUM 4" CALIPER.
 4. PERIMETER BUFFERS SHALL PROVIDE A SCREEN.
- HEALTH DEPARTMENT GENERAL NOTE:

Must abandon all existing septic tanks and water wells in accordance with Fulton County health requirements.

Provide notarized letter from a certified pest control operator stating that buildings are redent free before obtaining a demolition permit.

Owner/developer will be responsible for all cost of obtaining off-site sanitary sewer easement as well as construction of sanitary sewer.

*STORMWATER NOTE:
WATER QUALITY TREATMENT AND STORMWATER DETENTION SHALL BE PROVIDED BY A DETENTION POND FACILITY ON SITE. ALL WATER QUALITY AND STORMWATER DETENTION FACILITIES SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH CITY OF ALPHARETTA REQUIREMENTS.

NOTE: STREET LIGHTS WILL BE DIRECT BURIAL FIBERGLASS OR WOODEN POLES WITH 150 WATTS (COBRA HEADS)

GENERAL NOTES:

1. TOTAL AREA = 2.98 AC.
2. TOTAL DISTURBED AREA = 5.0 ACRES
3. ZONING = R-22
4. PERCENT IMPERVIOUS FOR SITE = 51%
5. WATER AND SANITARY SEWER SERVICE PROVIDED BY FULTON COUNTY.
6. PROPERTY IS NOT LOCATED WITHIN THE FAR PART 150 AIRPORT NOISE CONTOUR MAP.
7. NO PORTION OF THIS PROPERTY LIES WITHIN A DESIGNATED FLOOD PRONE AREA AS PER F.I.R.M. COMMUNITY PANEL NO. 13121C0079F FULTON COUNTY, GEORGIA, EFFECTIVE DATE SEPTEMBER 18, 2013
8. TOPOGRAPHICAL INFORMATION HAS TAKEN FROM FIELD WORK PERFORM BY ACR ENGINEERING DATED 11/2017.
9. THERE ARE NO STATE WATERS, WETLANDS, NOR BUFFERS ASSOCIATED WITH STATE WATERS OR WETLANDS LOCATED ON SITE.
10. BOUNDARY SURVEY TAKEN FROM BOUNDARY SURVEY FOR KAMRAN JALALI, PREPARED BY ACR ENGINEERING, INC., DATED OCTOBER 7, 2017.
11. WATER AND SANITARY SEWER SERVICES TO BE PROVIDED BY FULTON COUNTY.
12. ON-SITE DEBRIS BURIAL IS NOT ALLOWED
13. PROPOSED USE IS SINGLE FAMILY RESIDENTIAL.

TRANSPORTATION NOTES:

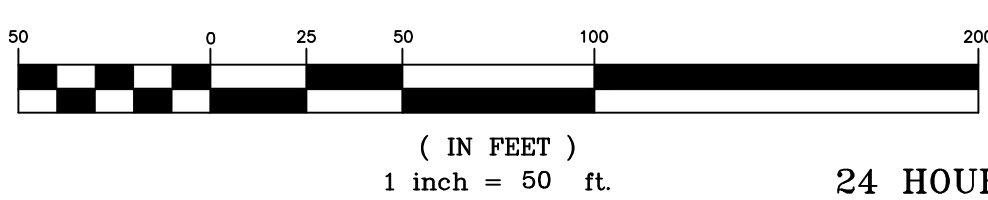
1. CONTRACTOR IS TO PROVIDE THE CITY OF ALPHARETTA ENCROACHMENT PERMIT FOR ALL WORK WITHIN THE CITY'S R.O.W. ANY TRAFFIC SIGNAL OR UTILITY RELOCATIONS WILL BE THE RESPONSIBILITY OF THE OWNER/DEVELOPER.
2. ALL UTILITY LOCATES AND RELOCATIONS, AND OR DAMAGE WILL BE THE RESPONSIBILITY OF THE DEVELOPER/CONTRACTOR. DEVELOPER/CONTRACTOR MUST CONTACT CITY OF ALPHARETTA LOCATE PERSONNEL DIRECTLY FOR TRAFFIC SIGNAL UTILITY LOCATES. PHONE 678-297-6200.
3. ALL REQUIRED TRAFFIC SIGNAGE MUST MEET MUTCD STANDARDS.
4. ALL REQUIRED TRAFFIC STRIPING MUST MEET MUTCD AND GDOT PLAN SPECIFICATIONS AND MUST BE THERMO-PLASTIC.
5. PROVIDE ALL REQUIRED DETAILS ON PLANS (H/C AND SIGNAGE DETAILS). GENERAL NOTE-ALL H/C RAMP FORMS MUST BE APPROVED BY CITY LAND DISTURBANCE INSPECTOR PRIOR TO CONCRETE POUR.
6. IF SIGNS, STRIPING AND MODIFICATIONS TO TRAFFIC CONTROL ARE REQUIRED AS A PART OF DEVELOPMENT, CONSTRUCTION SHOULD BE COMPLETE AND APPROVED BY THE CITY TRAFFIC ENGINEER PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY.
7. PROPOSED PAVEMENT SHALL BE CITY OF ALPHARETTA STANDARD 901 - TYPE I.

*FRONT SETBACK WAS REDUCED FROM 30' TO 24' PER ADMINISTRATIVE VARIANCE CASE #AV180033, APPROVED 11/20/18.

VISIBLE STORMWATER STRUCTURE NOTE:

ANY VISIBLE STORMWATER STRUCTURE SHALL BE FACED WITH DECORATIVE STONE. -ANY STRUCTURE FACING OUTWARD FROM THE SUBDIVISION WILL NEED TO BE FACED WITH RIVER ROCK OR SIMILAR STONE MATERIAL.

GRAPHIC SCALE



24 HOUR EMERGENCY
CONTACT:
KAMRAN JALALI
(678) 858-0255

ACR Engineering, inc.
ATLANTIC COMMERCIAL & RESIDENTIAL ENGINEERING
SUITE 685
600 PINNACLE ROAD
NORCROSS, GA 30071
TEL: (678) 291-0000
FAX: (678) 291-6887

GATE CONCEPT SITE PLAN
FOR
1500 MAYFIELD ROAD
CITY OF ALPHARETTA
FULTON COUNTY, GEORGIA



No.	Revision/Issue	By	Date

LAND LOT(S): 1057 & 1104	DISTRICT: 21ST	SECTION: 2ND	COUNTY: FULTON	STATE: GEORGIA
DESIGNED: IP	DRAWN: IP	CHECKED: IP	APPROVED: IP	

DRAWING: 22008E	Sheet 3
SNAPSHOT:	
DATE: MAY 18, 2018	OF 22
SCALE: 1"=50'	
H: N/A	
V: N/A	



J. Ethan Underwood
eunderwood@MilesHansford.com

RESERVATION OF CONSTITUTIONAL AND OTHER LEGAL RIGHTS

Applicant:	KJ Luxury Homes LLC
Subject Property:	5.658 Acres Designated as Fulton County Tax Parcel(s): 22 448011040867 & 22 447010570197
Applications:	PH-23-12 / 1580 Mayfield Road
Current Zoning:	AG
Proposed Zoning:	R-22
Proposed Use:	Gate with Private Streets
ROW Access:	Mayfield Road
Governing Jurisdiction:	City of Alpharetta

This Reservation of Constitutional and Other Legal Rights (“the Reservation”) is intended to supplement and form a part of the land use application (including any request for zoning, conditional use permit, site plan approval, and variances) (collectively, the “Application”) of the Applicant and the owners of the Subject Property (collectively, the “Owner”) and to put the Governing Jurisdiction on notice of the Applicant’s assertion of its constitutional and legal rights.

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

The Applicant objects to the standing of any opponents who are not owners of land adjoining the Subject Property and to the consideration by the Governing Jurisdiction of testimony or evidence presented by any party without standing in making its decision regarding the Application. The Applicant also objects to the consideration of testimony or evidence that is hearsay, violates any applicable rules of procedure or evidence, or that is presented by any party who fails to comply with notice and campaign disclosure requirements.

The Current Zoning (and/or zoning conditions) of the Subject Property is unconstitutional and deprives the Subject Property and all viable economic use thereof. The Proposed Use is the only viable economic use of the Subject Property, and the Governing Jurisdiction has deemed this Application necessary to allow the Proposed Use. As such, the Applicant and Owner file this Application for the purpose of changing the Current Zoning (and/or zoning conditions and requesting variances) to facilitate the Proposed Use, and to exhaust administrative remedies in the event the Application is denied. As such, the filing of this application is not an admission of the need for any such approval of the Applicant’s right to develop the property. The Applicant and Owner reserve the right to challenge the Current Zoning and any zoning conditions and other restrictions affecting the Subject Property.

Denial of the Application or approval of the Application in any form that is different than as requested by the Applicant will impose a disproportionate hardship on the Applicant and Owner of the Subject Property

without benefiting any surrounding property owners. There is no reasonable use of the Subject Property other than as proposed by the Application and no resulting benefit to the public from denial of or modification to the Application.

Any provisions in the applicable land use, subdivision, and /or zoning ordinances (collectively the “Zoning Ordinance”) that classify, or may classify, the Subject Property into any of the non-requested zoning or use classifications, including the Proposed Zoning District and Proposed Use at a density or intensity less than that requested by the Applicant, are unconstitutional in that they constitute a taking of the Applicant’s and Owner’s property rights without first paying fair, adequate, and just compensation for such rights in violation of Article I, Section III, Paragraph I of the Georgia Constitution of 1983, as amended and the Fifth and Fourteenth Amendments to the Constitution of the United States.

The Subject Property is suitable for development as proposed in the Application and it is not suitable for development under any other zoning classification, use, or at a density or intensity less than that requested by the Applicant. Failure to approve the Application as requested by the Applicant would be an unreasonable application of local land use authority, which bears no relationship to the public health, safety, morality or general welfare of the public and would constitute an arbitrary and capricious abuse of discretion in violation of Article I, Section I, Paragraph I of the Georgia Constitution of 1983, as amended and the Due Process Clause of the Fifth and Fourteenth Amendments to the Constitution of the United States.

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

A refusal by the Governing Jurisdiction to approve the Application as requested by the Applicant without the consent of persons elected to the governing body of the Governing Jurisdiction will amount to an unlawful delegation of the Governing Jurisdiction’s authority, in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution of 1983, as amended.

Furthermore, the Governing Jurisdiction cannot lawfully impose more restrictive standards on the Subject Property’s development than are presently set forth in the Zoning Ordinance. Any conditions or other restrictions imposed on the Subject Property without the consent of the Applicant and Owner that do not serve to reasonably ameliorate the negative impacts of the development are invalid and void. The imposition of improvements or design requirements unnecessary to facilitate the proposed development constitute an illegal impact fee, an unconstitutional condemnation, or both. As such, the Applicant and Owner reserve the right to challenge any such conditions, restrictions, or design requirements.

The Applicant and Owner assert that each has expended substantial sums and significantly changed its economic position in reliance upon versions of the Zoning Ordinance that allow the development of the

Subject Property as proposed by the Applicant. As such, the Applicant has acquired vested rights to develop the property and the filing of this Application shall not constitute a waiver of those vested rights. Finally, the Applicant and Owner assert that the current Zoning Ordinance, Character Area Map, Future Development Map and Comprehensive Plan were not adopted in compliance with the laws or constitutions of the State of Georgia or of the United States, and a denial of the Applicant's request based upon provisions illegally adopted will deprive the Applicant and Owner of due process under the law.

This Reservation constitutes an Ante Litem Notice pursuant to O.C.G.A. § 36-11-1, which places the Governing Jurisdiction and all other agents of the Governing Jurisdiction, in their official and individual capacities, on notice of the Applicant's and Owner's intent to seek monetary damages and attorney's fees against the Governing Jurisdiction for any rezoning action, zoning condition, illegal impact fee, and any other unlawful restrictions and exactions that are imposed upon the Subject Property, the Applicant, or the Owner.

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

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

Sincerely,



Ethan Underwood
Attorney for Applicant



STAFF REPORT

Department: Community Development

Submitted By: Kathi Cook

Prepared By: Michael Woodman

Meeting Date: September 18, 2023

AGENDA ITEM: PH-23-15 MCCOY WAY ROAD ABANDONMENT

The applicants, Justin and Allyson Hayworth, request a road abandonment of a 0.029-acre (1,284 square feet) remnant portion of the McCoy Way right-of-way. If approved, the right-of-way will be incorporated into the applicant's property. The remnant portion of McCoy Way is located adjacent to the northeast corner of the applicant's property, which is 12200 McCoy Way located in the Emerson Hall subdivision.

PLANNING COMMISSION RECOMMENDATION:

Approve PH-23-15 McCoy Way Road Abandonment request to abandon a remnant portion of the McCoy Way public right-of-way.

ITEM DESCRIPTION:

The remnant portion of the McCoy Way right-of-way is approximately 0.029 acres (1,284 square feet) and is contiguous to the applicant's property located at 12200 McCoy Way in the Emerson Hall subdivision. In addition to the applicant's property, two (2) other residential properties touch the remnant piece of right-of-way. The applicant notified each adjacent property owner and both responded that they had no interest in acquiring the remnant piece of right-of-way. If approved, the abandoned right-of-way will be purchased by the applicants and incorporated into their residential lot.

Access will not be denied as a result of the proposed road abandonment.

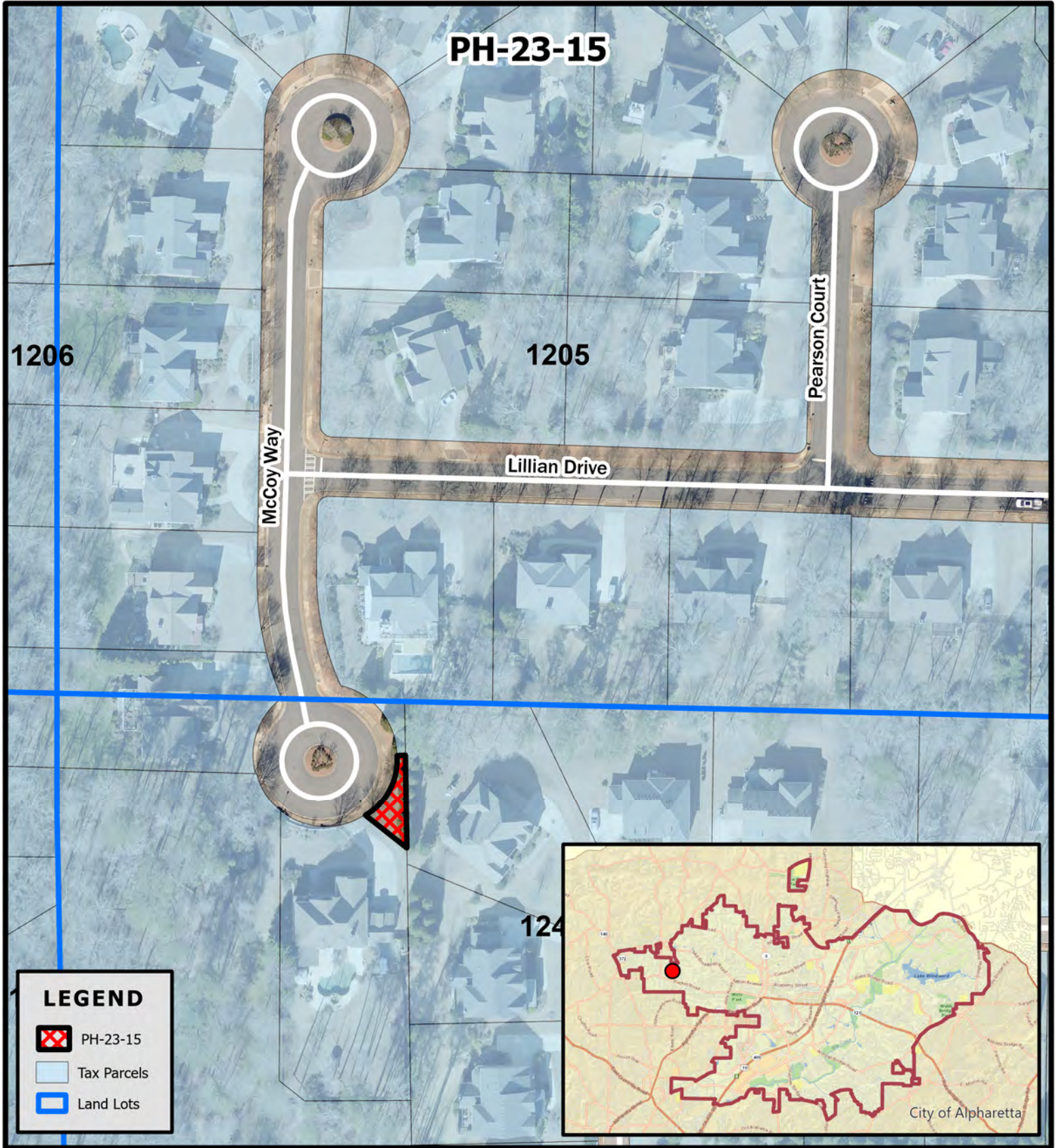
CONCURRENCES

The City's Public Works Department and Fulton County were consulted on this issue and expressed no concerns with the requested road abandonment.

ATTACHMENTS:

- Aerial Map
- Location Map
- Resolution
- Application





Z-23-08 V-23-13

D/LL: 1/1/1244

CC: 9/18/23

Location Map
Road Abandonment
McCoy Way

Location Map Provided by:
Community Development - GIS
Page 245 of 312

RESOLUTION NUMBER:



A RESOLUTION BY THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA PROVIDING FOR THE ABANDONMENT AND DISPOSITION OF A CERTAIN PUBLIC RIGHT OF WAY (MCCOY WAY)

WHEREAS, the City of Alpharetta has received an application for the abandonment of a remnant piece of public right-of-way known as McCoy Way, located in Land Lot 1244, 2nd District, 2nd Section, Fulton County, Georgia; and

WHEREAS, after due consideration and investigation, the Mayor and Council for the City of Alpharetta (the "City Council") have determined that the right-of-way of McCoy Way described in the attached Exhibit "A" has ceased to be used by the public to the extent that no substantial public purpose is served by it; and

WHEREAS, the City has notified the public and the abutting property owners of its intention to abandon said right-of-way.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alpharetta as follows:

- McCoy Way described in the attached Exhibit "A" is hereby abandoned as a remnant portion of public road and shall no longer be part of the City street system and the Mayor and such other City officials as may be appropriate are hereby authorized to dispose of McCoy Way described in the attached Exhibit "A": as stipulated as a result of the public hearing process in accordance with the provisions of applicable law.

SO RESOLVED this ____ day of September 2023.

CITY OF ALPHARETTA

By: _____
Jim Gilvin, Mayor

[SIGNATURES CONTINUED ON FOLLOWING PAGE]
SIGNATURES CONTINUED FROM PRECEDING PAGE]

COUNCIL MEMBERS

Mayor Pro Tem Dan Merkel

Council Member Donald F. Mitchell

Council Member Brian Will

Council Member Douglas J. DeRito

Council Member John Hipes

Council Member Jason Binder

(SEAL)

Attest:
sufficiency:

Approved as to form and legal

Lauren Shapiro, City Clerk

[INSERT ATTORNEY], City Attorney

Exhibit A

VICINITY MAP NOT TO SCALE



Reserved for Clerk of Superior Court

FLOOD NOTE

THIS PROPERTY IS NOT LOCATED IN A FEDERAL FLOOD AREA AS INDICATED BY F.I.R.M. OFFICIAL FLOOD HAZARD MAPS. THE FLOOD INFORMATION ON THIS PLAT HAS BEEN DETERMINED AFTER REVIEW OF MAPS WHICH ONLY APPROXIMATE THE LOCATION OF THE APPLICABLE FLOOD HAZARD AREA. FOR MORE ACCURATE INFORMATION, A SECOND OPINION OF THE APPLICABLE FLOOD HAZARD AREA IS RECOMMENDED. FOR FURTHER INFORMATION CONTACT THE LOCAL DRAINAGE DEPARTMENT, CORPUS OF ENGINEERS, AN INSURANCE COMPANY OR APPRAISER.

243.31' TO THE
SOUTH R/W OF
LILLIAN DRIVE
(50' R/W)

#1015
N/F
CLINT L. NOKES &
ALLISON R. NOKES
DB 51123 PG 266-268

LEGEND

B	DENOTES BUILDING LINE
R/W	DENOTES PROPERTY LINE
BC	DENOTES RIGHT-OF-WAY
C	DENOTES CENTERLINE
EP	DENOTES BACK OF CURB
TW	DENOTES GUTTER
BW	DENOTES EDGE OF PAVING
X	DENOTES TOP OF WALL
X	DENOTES BOTTOM OF WALL
RCP	DENOTES REINFORCED CONCRETE PIPE
CMP	DENOTES CORRUGATED METAL PIPE
PP	DENOTES POWER POLE
LP	DENOTES LIGHT POLE
GW	DENOTES GUY WIRE
P	DENOTES POWER LINE
PM	DENOTES POWER METER
PD	DENOTES POWER BOX
A/C	DENOTES FIBER OPTIC
CB	DENOTES AIR CONDITION
TB	DENOTES CABLE BOX
GM	DENOTES TELEPHONE BOX
GLM	DENOTES GAS VALVE
WM	DENOTES GAS LINE MARKER
FW	DENOTES WATER METER
FW	DENOTES WATER VALVE
FW	DENOTES FIRE HYDRANT
HW	DENOTES MONITORING WELL
JB	DENOTES HEADWALL
DI	DENOTES JUNCTION BOX
S	DENOTES DROP INLET
SSMH	DENOTES SANITARY SEWER LINE
CO	DENOTES SANITARY SEWER MANHOLE
P.O.B.	DENOTES CLEAN OUT
P.O.C.	DENOTES POINT OF BEGINNING
P.O.C.	DENOTES POINT OF COMMENCEMENT

SURVEY NOTES

1. STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY HAVE BEEN PAVED OR COVERED OVER. THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES. UNDERGROUND UTILITIES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED. PLEASE CALL ALL LOCAL UTILITY PROVIDERS AND OR 811 FOR FURTHER INFORMATION.

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

2. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT A CURRENT TITLE SEARCH MAY DISCLOSE. FOR NEW PERMITS THE LOCAL ISSUING AUTHORITY MAY REQUIRE ADDITIONAL EASEMENTS NOT SHOWN.
3. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT THE EXPRESS RECERTIFICATION OF THE SURVEYOR NAMING SUCH PERSON, PERSONS OR ENTITY.
4. THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS GATHERED BY AN OPEN TRAVERSE AND HAS A CALCULATED POSITIONAL TOLERANCE OF 0.03 FEET. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 35,004 FEET. A GEOMAX ZOOM 90 SERIES ROBOTIC TOTAL STATION WITH CARLSON SURVEY 2 DATA COLLECTOR WERE USED IN THE COLLECTION OF FIELD DATA.
5. BASIS OF BEARINGS: PLAT BOOK 259 PAGE 2-4.
6. THIS PROPERTY IS SUBJECT TO CURRENT ZONING REGULATIONS AND RESTRICTIONS.
7. ALL REBARS SET ARE 1/2" REBARS UNLESS OTHERWISE NOTED.
8. THE EXISTENCE, SIZE, AND LOCATION OF IMPERVIOUS BUFFERS ARE SUBJECT TO FINAL DETERMINATION BY THE LOCAL ISSUING AUTHORITY, CITY, OR COUNTY.

GRID NORTH
GA WEST ZONE



Michael R. Nokes
Georgia RLS #2646
Member SAUSOG

SURVEYOR'S CERTIFICATE

AS REQUIRED BY SUBSECTION (d) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. THE APPROVAL SIGNATURES ABOVE WERE NOT IN PLACE WHEN THIS SURVEY WAS ISSUED AND ARE TO BE PROPERLY OBTAINED PRIOR TO RECORDING. FURTHERMORE THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

Michael R. Nokes Georgia RLS No. 2646 7-10-23

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 1244 of the 2nd District, 2nd Section of Fulton County, Georgia and being designated as a Proposed Road Abandonment Tract, Phase 2, Emerson Hall as Recorded in Plat Book 259 Page 2-4, Fulton County, Georgia Records on a plot of a survey for Justin Hayworth and Alyson Hayworth by McClung Surveying Services, Inc. dated 7-10-23 and being more fully described as follows;

To reach the Point of Beginning, start at a point located at the intersection of the Easterly Right-of-Way of McCoy Way (50' R/W) and the South Right-of-Way of Lillian Drive (50' R/W). Thence running Southerly and Southeasterly along Easterly Right-of-Way of McCoy Way a distance of 243.31 feet to a point located within a Sewer Easement and the Point of Beginning. Thence from the Point of Beginning and leaving Right-of-Way and running N89°34'49"E a distance of 6.17 feet to a point located within Easement. Thence running S00°44'18"E a distance of 79.45 feet to a 1/2" rebar found located along an Existing Right-of-Way per Recorded Plat. Thence running Northwesterly along Existing Right-of-Way and following the arc of a curve to the right on an arc distance of 45.59 feet, said arc having a radius of 275.00 feet, a chord bearing of N51°11'16"W and a chord distance of 45.54 feet to a point located along the Southeasterly Right-of-Way of McCoy Way. Thence running Northeasterly along proposed Right-of-Way of McCoy Way and following the arc of a curve to the left on an arc distance of 60.76 feet, said arc having a radius of 60.00 feet, a chord bearing of N29°05'10"E and a chord distance of 58.20 feet to said point located within Easement and the Point of Beginning.

Said tract or parcel of land containing 0.029± acres or 1,284± square feet.

NO.	REVISIONS	DATE

SURVEY FOR
JUSTIN HAYWORTH
ALLYSON HAYWORTH

MCCOY WAY
ALPHARETTA, GEORGIA

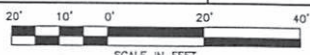
TOTAL AREA= 0.029± ACRES
OR 1,284± SQ. FT.

PHASE 2
EMERSON HALL

LAND LOT 1244
2ND DISTRICT 2ND SECTION
FULTON COUNTY, GEORGIA
PLAT PREPARED: 7-10-23
FIELD: 6-8-23 SCALE: 1"=20'



McClung Surveying Services, Inc.
4833 South Cobb Drive Suite 200
Smyrna, Georgia 30080 (770) 434-3383
www.mcclungsurveying.com Certificate of Authorization #LSF000752





Updated March 2016

CITY OF ALPHARETTA

ROAD ABANDONMENT REQUEST FORM

Please check all information supplied on the following pages to ensure that all spaces are filled out completely and accurately and that all required supporting materials have been supplied before signing this form.

Please make your check payable to "City of Alpharetta". The application fee is \$400, which must be submitted at the time of application.

Remit 5 copies of this application, an electronic copy in a pdf. format on a flashdrive and fee to the Department of Community Development, 2 Park Plaza, Alpharetta, GA 30009. If you have questions, please contact the department by calling 678-297-6070.

FOR OFFICE USE ONLY

Case # _____

Date In _____

Date Out _____

☐ \$400 Fee Paid

Applicant Information:

Contact Name Justin and Allyson Hayworth

Company Name _____

Mailing Address 12200 McCoy Way

City Alpharetta State GA Zip Code 30004

Telephone 770-356-3120 (Justin) 770-633-9954 (Allyson) Fax _____

Email Address justin@dfdesignz.com ally@dfdesignz.com

Property Information:

Current Road Name McCoy Way

Land Lot(s) _____ District / Section _____

The subject property for which abandonment is being requested is identified by (select one):

☐ Survey Dated _____ Prepared By _____

☐ Other Plat Specify _____

Reason For Request:

In the space provided, please explain the reason for which you are requesting abandonment of the subject property. Please attach additional pages if necessary.

We would like to purchase the small piece of land noted on the attached survey.

Please list all property owners, including address and telephone number, who have property abutting the subject road. Attach additional pages as necessary.

Name	Address	Telephone
Christ & Allison Stokes	1015 Helian Drive	404-293-7504
John Daw Yuh and Susie Lyn Chen	1010 Reece Rd.	

Please list anyone, including address and telephone number, who presently resides on property abutting the subject road. Attach additional pages as necessary.

Name	Address	Telephone
same as above		

In the space provided, please describe the efforts that you have undertaken to notify the aforementioned property owners and residents of your request to abandon the subject road. If such notification was in writing, please attach a sample of the letter or other document used. If such notification was mailed, please attach proof of mailing.

Presented both parties listed above with a notice of our intent to purchase the land once abandoned. The notice had a section for each party to mark if they were interested in purchasing the land. See attached notices from each party, signed and dated.

Is any of the property abutting the subject road for sale?

☐ Yes ☒ No

Is the sale of the property contingent upon the road abandonment?

☐ Yes ☒ No ☐ N/A

Is any portion of the subject road to be included in the sale of property?

☐ Yes

☒ No

☐ N/A

Please describe the location and the acreage involved.

1,284 SF
or
0.029 acres

Is an alternate road proposed in lieu of the road to be abandoned? If "yes", please attach a site plan indicating the location of the proposed substitute road.

☐ Yes

☒ No

Will access be denied to any property as a result of this road abandonment? If "yes", please list these properties by address, including owner's name and telephone number. Attach additional sheets if necessary.

☐ Yes

☒ No

Name

Address

Telephone

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

For properties that have frontage on the subject road, are there alternate points of access to enter and exit these properties? If yes, please identify alternate points of access for each property. Attach additional sheets if necessary.

☐ Yes

☒ No

Address

Alternate Access Point

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Please provide ten (10) copies of a boundary survey showing the proposed road abandonment, all utility locations, existing rights-of-way, acreage and contiguous property owners. Include a location map on the survey and a legal description of the subject roadway.

Please be advised that the City of Alpharetta may require a traffic study and property appraisal in conjunction with this petition.

12200 McCoy Way
Alpharetta, GA 30004
3 July, 2023

John Daw Yuh and Susie Lin Chen
1010 Reece Road
Alpharetta, GA 30004

Hi,

We are requesting abandonment from the City of Alpharetta for the small piece of property (0.029 acres) adjacent to your property (highlighted on the attached survey) so that we can purchase it.

This letter serves as notification of intent to purchase as required by the city.

Do you have any desire to bid on this property to gain ownership:

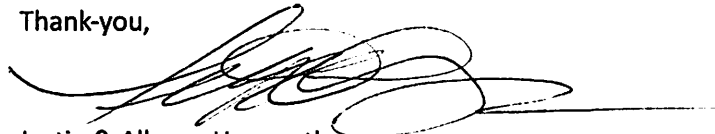
☐ Check if yes

☒ Check if no

John Chen, 7/14/23

Please return a copy of this letter with your answer to me at your earliest convenience.

Thank-you,


Justin & Allyson Hayworth

12200 McCoy Way

Alpharetta, GA 30004

3 July, 2023

Clint and Allison Nokes

1015 Lilian Drive

Alpharetta, GA 30004

Hi,

We are requesting abandonment from the City of Alpharetta for the small piece of property (0.029 acres) adjacent to your property (highlighted on the attached survey) so that we can purchase it.

This letter serves as notification of intent to purchase as required by the city.

Do you have any desire to bid on this property to gain ownership:

☐ Check if yes

☒ Check if no *Clint Nokes 7/4/23*

Please return a copy of this letter with your answer to me at your earliest convenience.

Thank-you,



Justin & Allyson Hayworth

VICINITY MAP NOT TO SCALE



Reserved for Clerk of Superior Court

LEGEND

B	DENOTES BUILDING LINE
P	DENOTES PROPERTY LINE
R/W	DENOTES RIGHT-OF-WAY
C	DENOTES CENTERLINE
BC	DENOTES BACK OF CURB
G	DENOTES GUTTER
EP	DENOTES EDGE OF PAVING
TW	DENOTES TOP OF WALL
BW	DENOTES BOTTOM OF WALL
X	DENOTES FENCE
RCP	DENOTES REINFORCED CONCRETE PIPE
CMP	DENOTES CORRUGATED METAL PIPE
PP	DENOTES POWER POLE
LP	DENOTES LIGHT POLE
GW	DENOTES GUY WIRE
P	DENOTES POWER LINE
PM	DENOTES POWER METER
PB	DENOTES POWER BOX
FO	DENOTES FIBER OPTIC
A/C	DENOTES AIR CONDITION
CB	DENOTES CABLE BOX
GU	DENOTES TELEPHONE BOX
GV	DENOTES GAS VALVE
GLM	DENOTES GAS LINE MARKER
WM	DENOTES WATER METER
WV	DENOTES WATER VALVE
FH	DENOTES FIRE HYDRANT
MW	DENOTES MONITORING WELL
HW	DENOTES HEADWALL
JB	DENOTES JUNCTION BOX
DI	DENOTES DROP INLET
S	DENOTES SANITARY SEWER LINE
SSMH	DENOTES SANITARY SEWER MANHOLE
CO	DENOTES CLEAN OUT
P.O.B.	DENOTES POINT OF BEGINNING
P.O.C.	DENOTES POINT OF COMMENCEMENT

FLOOD NOTE

THIS PROPERTY IS NOT LOCATED IN A FEDERAL FLOOD AREA AS INDICATED BY F.I.R.M. OFFICIAL FLOOD HAZARD MAPS. THE FLOOD INFORMATION ON THIS PLAT HAS BEEN DETERMINED AFTER REVIEW OF MAPS WHICH ONLY APPROXIMATE THE LOCATION OF THE APPLICABLE FLOOD HAZARD AREA. FOR MORE ACCURATE INFORMATION, A SECOND OPINION OF THE APPLICABLE FLOOD HAZARD AREA IS RECOMMENDED. FOR FURTHER INFORMATION CONTACT THE LOCAL DRAINAGE DEPARTMENT, CORPUS OF ENGINEERS, AN INSURANCE COMPANY OR APPRAISER.

243.31' TO THE
SOUTH R/W OF
LILLIAN DRIVE
(50' R/W)

#1015
N/F
CLINT L. NOKES &
ALLISON R. NOKES
DB 51123 PG 266-268

SURVEY NOTES

1. STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY HAVE BEEN PAVED OR COVERED OVER. THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES. UNDERGROUND UTILITIES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED. PLEASE CALL ALL LOCAL UTILITY PROVIDERS AND OR 811 FOR FURTHER INFORMATION.

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

2. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT A CURRENT TITLE SEARCH MAY DISCLOSE. FOR NEW PERMITS THE LOCAL ISSUING AUTHORITY MAY REQUIRE ADDITIONAL EASEMENTS NOT SHOWN.
3. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT THE EXPRESS RECERTIFICATION OF THE SURVEYOR NAMING SUCH PERSON, PERSONS OR ENTITY.
4. THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS GATHERED BY AN OPEN TRAVERSE AND HAS A CALCULATED POSITIONAL TOLERANCE OF 0.03 FEET. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 35,004 FEET. A GEOMAX ZOOM 90 SERIES ROBOTIC TOTAL STATION W/ CARLSON SURVEY 2 DATA COLLECTOR WERE USED IN THE COLLECTION OF FIELD DATA.
5. BASIS OF BEARINGS: PLAT BOOK 259 PAGE 2-4.
6. THIS PROPERTY IS SUBJECT TO CURRENT ZONING REGULATIONS AND RESTRICTIONS.
7. ALL REBARS SET ARE 1/2" REBARS UNLESS OTHERWISE NOTED.
8. THE EXISTENCE, SIZE, AND LOCATION OF IMPERVIOUS BUFFERS ARE SUBJECT TO FINAL DETERMINATION BY THE LOCAL ISSUING AUTHORITY, CITY, OR COUNTY.

GRID NORTH
GA WEST ZONE
N



Michael R. Nokes
Georgia RLS #2646
Member SAUSOG

SURVEYOR'S CERTIFICATE

AS REQUIRED BY SUBSECTION (d) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. THE APPROVAL SIGNATURES ABOVE WERE NOT IN PLACE WHEN THIS SURVEY WAS ISSUED AND ARE TO BE PROPERLY OBTAINED PRIOR TO RECORDING. FURTHERMORE THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

Michael R. Nokes Georgia RLS No. 2646 7-10-23

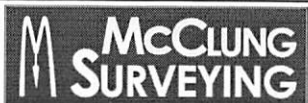
LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 1244 of the 2nd District, 2nd Section of Fulton County, Georgia and being designated as a Proposed Road Abandonment Tract, Phase 2, Emerson Hall as Recorded in Plat Book 259 Page 2-4, Fulton County, Georgia Records on a plat of a survey for Justin Hayworth and Allyson Hayworth by McClung Surveying Services, Inc. dated 7-10-23 and being more fully described as follows:

To reach the Point of Beginning, start at a point located at the intersection of the Easterly Right-of-Way of McCoy Way (50' R/W) and the South Right-of-Way of Lillian Drive (50' R/W). Thence running Southerly and Southeasterly along Easterly Right-of-Way of McCoy Way a distance of 243.31 feet to a point located within a Sewer Easement and the Point of Beginning. Thence from the Point of Beginning and leaving Right-of-Way and running N89°34'49"E a distance of 6.17 feet to a point located within Easement. Thence running S00°44'18"E a distance of 79.45 feet to a point located along an Existing Right-of-Way per Recorded Plat. Thence running Northwesterly along Existing Right-of-Way and following the arc of a curve to the right on an arc distance of 45.59 feet, said arc having a radius of 275.00 feet, a chord bearing of N51°11'16"W and a chord distance of 45.54 feet to a point located along the Southeasterly Right-of-Way of McCoy Way. Thence running Northeasterly along proposed Right-of-Way of McCoy Way and following the arc of a curve to the left on an arc distance of 60.76 feet, said arc having a radius of 60.00 feet, a chord bearing of N29°05'10"E and a chord distance of 58.20 feet to said point located within Easement and the Point of Beginning.

Said tract or parcel of land containing 0.029± acres or 1,284± square feet.

NO.	REVISIONS	DATE



McClung Surveying Services, Inc.
4833 South Cobb Drive Suite 200
Smyrna, Georgia 30080 (770) 434-3383
www.mcclungsurveying.com Certificate of Authorization #15F000750

SURVEY FOR
JUSTIN HAYWORTH
ALLYSON HAYWORTH

MCCOY WAY
ALPHARETTA, GEORGIA

TOTAL AREA= 0.029± ACRES
OR 1,284± SQ. FT.



LAND LOT 1244
2ND DISTRICT 2ND SECTION
FULTON COUNTY, GEORGIA
PLAT PREPARED: 7-10-23
FIELD: 6-8-23 SCALE: 1"=20'

PHASE 2
EMERSON HALL



STAFF REPORT

Department: Public Works
Submitted By: Matt Malone
Meeting Date: September 18, 2023

AGENDA ITEM:

Resolution: Fiscal Year 2024 Local Maintenance and Improvement Grant

Consideration of adoption of a resolution that authorizes the submission of the Fiscal Year 2024 Local Maintenance and Improvement Grant Application to the Georgia Department of Transportation and approval authorizing the Mayor to sign all necessary documents.

STAFF RECOMMENDATION:

Adopt the attached resolution providing approval of the submission of the Fiscal Year 2024 Local Maintenance and Improvement Grant Application to the Georgia Department of Transportation and authorize the Mayor to sign the submittal letter and application forms.

BUDGET & PROCUREMENT:

BUDGETED ITEM: YES

FISCAL IMPACT: YES

INCLUDED IN CURRENT FY CPTL BUDGET: YES

INCLUDED IN CURRENT FY OPRT. BUDGET: NO

TOTAL PROJECT COST: TOTAL PROJECT COST: THE CITY OF ALPHARETTA WAS ALLOCATED \$676,316.63 THROUGH THE FISCAL YEAR 2024 LOCAL MAINTENANCE AND IMPROVEMENT GRANT (LMIG) PROGRAM. THERE IS A MATCH REQUIREMENT OF 30% FOR THIS GRANT. THE CITY MUST ADD \$202,894.98 OF FUNDING TOWARDS THIS PROJECT, FOR A TOTAL OF \$879,211.61. THIS MATCH IS CURRENTLY BUDGETED IN THE PUBLIC WORKS CAPITAL BUDGET UNDER THE CATEGORY OF MILLING AND RESURFACING.

APPROPRIATIONS:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>
LMIG Grant - Milling and Resurfacing (34041100-541410-C1219)	\$676,316.63
LMIG Grant Match - Milling and Resurfacing (30141100-541410-C1219)	\$202,894.98

EXTERNAL FUNDING SOURCES:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>
LMIG Grant - Milling and Resurfacing (34041100-334310-C1219)	\$676,316.63
-	\$0.00

ITEM DESCRIPTION:

The Georgia Department of Transportation (GDOT) has begun accepting applications for the Fiscal Year 2024 Local Maintenance and Improvement Grant (LMIG) Program.

Per GDOT guidelines, the following projects are allowable under the LMIG program:

- Preliminary engineering (including engineering for right-of-way plans and utility plans)
- Construction supervision and inspection
- Utility adjustments or replacement
- Patching, leveling, and resurfacing a paved roadway
- Grading, drainage, base, and paving existing or new roads
- Replacing storm drain pipes or culverts
- Intersection improvements
- Turn lanes
- Bridge repair or replacement
- Sidewalk adjacent (within right-of-way) to a public road or street
- Roadway signs, striping, and guardrail installation
- Signal installation or improvement

Aggregate surface course for dirt road maintenance The following projects are not eligible with LMIG funds:

- Right-of-way acquisition
- Street lighting
- Beautification and streetscapes
- Walking trails and tracks
- Landscaping
- Administrative services

The LMIG budget for FY 2024 is based on the collection of motor fuel taxes from FY 2023. The amount of each local government's allocation is based on the total centerline road miles for your local road system and the total population of your city/ county as compared with the total statewide centerline road miles and total statewide population.

LMIG funds can be escrowed by the local government for a maximum of three fiscal years for the construction of larger projects, but GDOT expects the vast majority of the projects to be completed within the fiscal year of the grant.

All LMIG projects must be completed as soon as possible, but substantially complete within three years from the date of the LMIG application. All preconstruction activities, advertisements, lettings, and quality control of work and materials will be the responsibility of the local government.

The Public Works Department proposes to use the FY2024 LMIG allocation and match to fund the following milling and resurfacing projects:

ROAD NAME	EXTENTS
1. John Christopher Drive	Jayne Ellen Way to Cul De Sac
2. Jayne Ellen Court	Jayne Ellen Way to Cul De Sac
3. Denna Drive	Denna Place to End
4. Denna Place	End to End
5. Bent Creek Crossing	Clubhouse Drive to Bent Creek Manor
6. Bent Creek Manor	Cul De Sac to Cul De Sac
7. Bent Creek Terrace	Bent Creek Manor to Cul De Sac
8. Sugar Valley Trail	Waters Road to Cul De Sac
9. Highland Bend Cove	Sugar Valley Trail to Cul De Sac
10. Big Horn Circle	Sugar Valley Trail to Cul De Sac
11. Fairleaf Court	Sugar Valley Trail to Cul De Sac
12. Redmond Ridge Circle	Fairleaf Court to Cul De Sac
13. Lansburgh Turn	Sugar Valley Trail to Cul De Sac
14. Lyerly Pointe	Lansburgh Turn to Cul De Sac
15. Bannerhorn Run	Southlake Drive to Cul De Sac
16. Hawkhorn Court	Bannerhorn Run to Cul De Sac
17. Leafwing Court	Bannerhorn Run to Cul De Sac
18. Park Bridge Parkway	Old Milton Parkway to new asphalt

- | | | |
|-----|-------------------------|-------------------------------|
| 19. | Harris Ridge Court | Harris Road to Cul De Sac |
| 20. | Lighthouse Pointe Court | Clubhouse Drive to Cul De Sac |
| 21. | Mariners Ridge | Clubhouse Drive to Cul De Sac |
| 22. | Mariners Cove | Mariners Ridge to Cul De Sac |
| 23. | Mariners Court | Mariners Ridge to Cul De Sac |

Note: This application is due February 1, 2024

ALTERNATIVES:

ATTACHMENTS:

1. Resolution LMIG
2. Application Cover Letter
3. FY 2024 Local Maintenance and Improvement Grant Program
4. 2024 LMIG Project List
5. Alpharetta LMIG Application 2024



A RESOLUTION BY THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA AUTHORIZING THE MAYOR AND CITY COUNCIL TO SUBMIT A FISCAL YEAR 2024 LOCAL MAINTENANCE AND IMPROVEMENT GRANT APPLICATION TO THE GEORGIA DEPARTMENT OF TRANSPORTATION

WHEREAS, the Georgia Department of Transportation made available funding under the Fiscal Year 2024 Local Maintenance and Improvement Grant Program; and

WHEREAS, such funding may be used to fund transportation improvement projects such as adding turn lanes, milling and resurfacing, or repairing bridges; and

WHEREAS, the Georgia Department of Transportation has allocated the City of Alpharetta \$676,316.63 for Fiscal Year 2024 through the program's funding allocation formula; and

WHEREAS, the City of Alpharetta desires to use this funding to complete milling and resurfacing along twenty two roads in the City; and

WHEREAS, the City of Alpharetta desires to use this funding to complete milling and resurfacing along twenty two roads in the City; and

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Alpharetta that the submission of the Fiscal Year 2024 Local Maintenance and Improvement Grant application is hereby approved; and the Mayor is hereby authorized to execute the necessary award package with directives under the Local Maintenance and Improvement Grant Program.

SO RESOLVED this 18th day of September 2023.

CITY OF ALPHARETTA

By: _____
Jim Gilvin, Mayor

[SIGNATURES CONTINUED ON FOLLOWING PAGE]

[SIGNATURES CONTINUED FROM PRECEDING PAGE]

COUNCIL MEMBERS

Mayor Pro Tem Dan Merkel

Council Member Donald F. Mitchell

Council Member Brian Will

Council Member Douglas J. DeRito

Council Member John Hipes

Council Member Jason Binder

(SEAL)

Attest:

Approved as to form and legal sufficiency:

Lauren Shapiro, City Clerk

Molly Esswein, City Attorney



2 PARK PLAZA
ALPHARETTA, GA 30009
PHONE: 678.297.6000
WWW.ALPHARETTA.GA.US

September 18th, 2023

Chantrae Kent
District State Aid Coordinator
Georgia Department of Transportation, District 7 5025 New Peachtree Road
Chamblee, Georgia 30341

Re: FY 2024 Local Maintenance and Improvement Grant Application

The City of Alpharetta appreciates the opportunity to apply for funding through the FY 2024 Local Maintenance and Improvement Grant Program.

Please find enclosed the City of Alpharetta's LMIG application. For this particular offering, the City is planning to use the awarded amount to supplement the funding we have allocated in the City's FY 2024 Capital Budget for milling and resurfacing of select paved City roadways. The list and data on the specific roadways have been uploaded to the GDOT Grants website.

All of last year's LMIG roads have been resurfaced. We are currently obtaining the documentation to close out Fiscal Year 2023.

Should you have any questions regarding this application, please contact Matt Malone in our Public Works Department at 678-297-6138 or by email at mmalone@alpharetta.ga.us.

Sincerely,

Jim Gilvin Mayor
City of Alpharetta

MAYOR
JIM GILVIN

MAYOR PRO TEM
DAN MERKEL

COUNCIL MEMBERS
JASON BINDER
DOUGLAS J. DERITO
JOHN HIPES
DONALD F. MITCHELL
BRIAN WILL

CITY ADMINISTRATOR
CHRIS LAGERBLOOM



Russell R. McMurry, P.E., Commissioner
One Georgia Center
600 West Peachtree Street, NW
Atlanta, GA 30308
(404) 631-1000 Main Office

June 28, 2023

The Honorable Jim Gilvin, Mayor
City of Alpharetta
2 Park Plaza
Alpharetta, Georgia 30009-3680

RE: Fiscal Year 2024 Local Maintenance & Improvement Grant (LMIG) Program

Dear Mayor Gilvin:

We are pleased to announce that the Department will begin accepting applications for the Fiscal Year 2024 LMIG Program in July 2023. Grants will be processed electronically through our **GRANTS (LMIG) Application System**. To begin your FY 2024 LMIG Application, please visit the Department's website at <https://www.dot.ga.gov/GDOT/Pages/LMIG.aspx>. This site provides a link to the LMIG Application, the LMIG Application Tutorial (Manual), and to the General Guidelines and Rules and other pertinent reports. The project list will be entered directly into the LMIG Application System. Please contact your District State Aid Coordinator, **Chartrae Kent**, at **770-216-3880** for assistance with the online application process.

For an application to be processed, the following requirements must be met:

- A local government must be in Department of Audits and Accounts (DOAA) and Department of Community Affairs (DCA) audit compliance.
- A signed cover letter must be attached and include a completion status of the last three fiscal years' LMIG Grants.
- A signature page must include both the local government seal and the notary seal. The application website provides a blank signature page for you to download, complete and upload as an attachment.
- A local government must provide their District State Aid Coordinator with a Statement of Financial Expenditures form and invoices for Fiscal Year 2021 projects and all other prior years unless previously approved to combine funding for Fiscal Years 2021, 2022, and 2023. The forms can be attached in the LMIG Application System if they have not already been provided to your District State Aid Coordinator.

All electronic LMIG applications must be received no later than February 1, 2024. Failure to submit applications by the deadline might result in a forfeiture of funds.

Your formula amount for the Fiscal Year 2024 Program is **\$676,316.63** and your local match is **30%**. Each local government is required to match this formula amount in accordance with Code Section 48-8-244(d).

If you have any questions regarding the LMIG Program, please contact the Local Grants Office in Atlanta at (404) 347-0240 or email questions to LocalGrantsProgram@dot.ga.gov.

Sincerely,

Bill Wright
Local Grants Administrator

cc: The Honorable Brandon Beach, Georgia State Senate; The Honorable Josh McLaurin, Georgia State Senate; The Honorable Shawn Still, Georgia State Senate
The Honorable Todd Jones, Georgia House of Representatives; The Honorable Jan Jones, Georgia House of Representatives; The Honorable Scott Hilton, Georgia House of Representatives; The Honorable Chuck Martin, Georgia House of Representatives; The Honorable Michelle Au, Georgia House of Representatives
The Honorable Rudy Bowen, State Transportation Board; The Honorable Curt Thompson, State Transportation Board
Paul Denard, P.E., District Engineer
Chartrae Kent, District State Aid Coordinator

FY _____

LOCAL MAINTENANCE & IMPROVEMENT GRANT Program (LMIG)

STATEMENT OF FINAL PROJECT EXPENDITURES

DATE: _____

COUNTY: _____

CITY: _____

(Leave Blank if this is a County Government)

SUBMITTED BY: _____
(Local Government Representative- Person's Printed Name)

1. LMIG EXPENDITURES: \$ _____
(LMIG Funding Received from GDOT)

2. REQUIRED 10% or 30% MATCH: \$ _____
(10% or 30% of LMIG Funding Received in #1)

3. TOTAL PROJECT EXPENDITURES: \$ _____
(The Total Amount Spent on Project)

4. TOTAL LOCAL GOVERNMENT EXPENDITURES: \$ _____
[Total Project Expenditures above minus LMIG Expenditures at the Top (#3 minus #1)]

Has the approved project list been revised? ☐ Yes ☐ No

If yes, attach new project list to this form.

By signature below, I hereby certify that the above expenditures are for the work completed on the
attached final Project List for the FY _____ LMIG Program.

Authorized Local Government Official Signature: _____

**[Include financial documents to verify expenditures, including but not limited to invoices,
contracts, checks, etc.]**

For GDOT use only

PI Number: _____

Record Audit Performed: Yes No (Circle One)

Field Inspection Completion Date: _____

APPROVED: _____ Date: _____
(DISTRICT ENGINEER SIGNATURE)

**FY 2024 Local Maintenance and Improvement Grant
City of Alpharetta**

LMIG Roads

	Name of Roads	Extents	Length (Lane Miles)	Description of Work	Est. Cost	Project Schedule
1	John Christopher Drive	Jayne Ellen Way to Cul De Sac	0.36	Mill existing asphalt; 1.5 inches; full width. Inlay asphalt 1.5 inches of 9.5mm superpave.	\$47,500	Work expected to begin October 2023. Expected completion of June 2024.
2	Jayne Ellen Court	Jayne Ellen Way to Cul De Sac	0.19	Mill existing asphalt; 1.5 inches; full width. Inlay asphalt 1.5 inches of 9.5mm superpave.	\$39,144	Work expected to begin October 2023. Expected completion of June 2024.
3	Denna Drive	Denna Place to End	0.46	Mill existing asphalt; 1.5 inches; full width. Inlay asphalt 1.5 inches of 9.5mm superpave.	\$60,487	Work expected to begin October 2023. Expected completion of June 2024.
4	Denna Place	End to End	0.17	Mill existing asphalt; 1.5 inches; full width. Inlay asphalt 1.5 inches of 9.5mm superpave.	\$38,749	Work expected to begin October 2023. Expected completion of June 2024.
5	Bent Creek Crossing	Clubhouse Drive to Bent Creek Manor	0.20	Mill existing asphalt; 1.5 inches; full width. Inlay asphalt 1.5 inches of 9.5mm superpave.	\$26,860	Work expected to begin October 2023. Expected completion of June 2024.
6	Bent Creek Manor	Cul De Sac to Cul De Sac	1.23	Mill existing asphalt; 1.5 inches; full width. Inlay asphalt 1.5 inches of 9.5mm superpave.	\$172,160	Work expected to begin October 2023. Expected completion of June 2024.
7	Bent Creek Terrace	Bent Creek Manor to Cul De Sac	0.42	Mill existing asphalt; 1.5 inches; full width. Inlay asphalt 1.5 inches of 9.5mm superpave.	\$60,213	Work expected to begin October 2023. Expected completion of June 2024.
8	Sugar Valley Trail	Waters Road to Cul De Sac	0.69	Mill existing asphalt; 1.5 inches; full width. Inlay asphalt 1.5 inches of 9.5mm superpave.	\$105,699	Work expected to begin October 2023. Expected completion of June 2024.

**FY 2024 Local Maintenance and Improvement Grant
City of Alpharetta**

LMIG Roads

	Name of Roads	Extents	Length (Lane Miles)	Description of Work	Est. Cost	Project Schedule
9	Highland Bend Cove	Sugar Valley Trail to Cul De Sac	0.34	Mill existing asphalt; 1.5 inches; full width. Inlay asphalt 1.5 inches of 9.5mm superpave.	\$51,710	Work expected to begin October 2023. Expected completion of June 2024.
10	Big Horn Circle	Sugar Valley Trail to Cul De Sac	0.15	Mill existing asphalt; 1.5 inches; full width. Inlay asphalt 1.5 inches of 9.5mm superpave.	\$24,656	Work expected to begin October 2023. Expected completion of June 2024.
11	Fairleaf Court	Sugar Valley Trail to Cul De Sac	0.27	Mill existing asphalt; 1.5 inches; full width. Inlay asphalt 1.5 inches of 9.5mm superpave.	\$37,742	Work expected to begin October 2023. Expected completion of June 2024.
12	Redmond Ridge Circle	Fairleaf Court to Cul De Sac	0.13	Mill existing asphalt; 1.5 inches; full width. Inlay asphalt 1.5 inches of 9.5mm superpave.	\$21,916	Work expected to begin October 2023. Expected completion of June 2024.
13	Lansburgh Turn	Sugar Valley Trail to Cul De Sac	0.31	Mill existing asphalt; 1.5 inches; full width. Inlay asphalt 1.5 inches of 9.5mm superpave.	\$39,775	Work expected to begin October 2023. Expected completion of June 2024.
14	Lyerly Pointe	Lansburgh Turn to Cul De Sac	0.09	Mill existing asphalt; 1.5 inches; full width. Inlay asphalt 1.5 inches of 9.5mm superpave.	\$18,037	Work expected to begin October 2023. Expected completion of June 2024.
15	Bannerhorn Run	Southlake Drive to Cul De Sac	0.82	Mill existing asphalt; 1.5 inches; full width. Inlay asphalt 1.5 inches of 9.5mm superpave.	\$135,866	Work expected to begin October 2023. Expected completion of June 2024.
16	Hawkhorn Court	Bannerhorn Run to Cul De Sac	0.25	Mill existing asphalt; 1.5 inches; full width. Inlay asphalt 1.5 inches of 9.5mm superpave.	\$45,102	Work expected to begin October 2023. Expected completion of June 2024.

**FY 2024 Local Maintenance and Improvement Grant
City of Alpharetta**

LMIG Roads

	Name of Roads	Extents	Length (Lane Miles)	Description of Work	Est. Cost	Project Schedule
17	Leafwing Court	Bannerhorn Run to Cul De Sac	0.10	Mill existing asphalt; 1.5 inches; full width. Inlay asphalt 1.5 inches of 9.5mm superpave.	\$26,149	Work expected to begin October 2023. Expected completion of June 2024.
18	Park Bridge Parkway	Old Milton Parkway to new asphalt	2.43	Mill existing asphalt; 2 inches; full width. Inlay asphalt 2 inches of 12.5mm superpave.	\$390,369	Work expected to begin October 2023. Expected completion of June 2024.
19	Harris Ridge Court	Harris Road to Cul De Sac	0.45	Mill existing asphalt; 1.5 inches; full width. Inlay asphalt 1.5 inches of 9.5mm superpave.	\$66,657	Work expected to begin October 2023. Expected completion of June 2024.
20	Lighthouse Pointe Court	Clubhouse Drive to Cul De Sac	0.23	Mill existing asphalt; 1.5 inches; full width. Inlay asphalt 1.5 inches of 9.5mm superpave.	\$35,319	Work expected to begin October 2023. Expected completion of June 2024.
21	Mariners Ridge	Clubhouse Drive to Cul De Sac	0.41	Mill existing asphalt; 1.5 inches; full width. Inlay asphalt 1.5 inches of 9.5mm superpave.	\$69,763	Work expected to begin October 2023. Expected completion of June 2024.
22	Mariners Cove	Mariners Ridge to Cul De Sac	0.08	Mill existing asphalt; 1.5 inches; full width. Inlay asphalt 1.5 inches of 9.5mm superpave.	\$24,664	Work expected to begin October 2023. Expected completion of June 2024.
23	Mariners Court	Mariners Ridge to Cul De Sac	0.16	Mill existing asphalt; 1.5 inches; full width. Inlay asphalt 1.5 inches of 9.5mm superpave.	\$33,509	Work expected to begin October 2023. Expected completion of June 2024.

Est. Total: **\$1,572,046**

FY 24 LMIG Award	\$	676,316.63
30% City Match	\$	202,894.99

FY 2024 Local Maintenance and Improvement Grant
City of Alpharetta

LMIG Roads

Name of Roads	Extents	Length (Lane Miles)	Description of Work	Est. Cost	Project Schedule
Total	\$ 879,211.62		Costs over this amount will be funded by the City of Alpharetta.		

**GEORGIA DEPARTMENT OF TRANSPORTATION LOCAL MAINTENANCE &
IMPROVEMENT GRANT (LMIG) APPLICATION FOR FISCAL YEAR 2024**
TYPE OR PRINT LEGIBLY. ALL SECTIONS MUST BE COMPLETED.

LOCAL GOVERNMENT AFFIDAVIT AND CERTIFICATION

I, Jim Gilvin (Name), the Mayor (Title), on behalf of the City of Alpharetta (Local Government), who being duly sworn do swear that the information given herein is true to the best of his/her knowledge and belief. Local Government swears and certifies that it has read and understands the LMIG General Guidelines and Rules and that it has complied with and will comply with the same.

Local government further swears and certifies that it has read and understands the regulations for the Georgia Planning Act of 1989 (O.C.G.A. § 45-12-200, et seq.), Service Delivery Strategy Act (O.C.G.A. § 36-70-20, et seq.), and the Local Government Budgets and Audits Act (O.C.G.A. 36-81-7 et seq.) and will comply in full with said provisions. Local government further swears and certifies that the roads or sections of roads described and shown on the local government's Project List are dedicated public roads and are part of the Public Road System in said county/city. Local government further swears and certifies that it complied with federal and/or state environmental protection laws and at the completion of the project(s), it met the match requirements as stated in the Transportation Investment ACT (TIA).

Further, the local government shall be responsible for any claim, damage, loss or expense that is attributable to negligent acts, errors, or omissions related to the designs, drawings, specifications, work and other services furnished by or on behalf of the local government pursuant to this Application ("Loss"). To the extent provided by law, the local government further agrees to hold harmless and indemnify the DEPARTMENT and the State of Georgia from all suits or claims that may arise from said Loss.

If the local government fails to comply with these General Guidelines and Rules, or fails to comply with its Application and Certification, or fails to cooperate with the auditor(s) or fails to maintain and retain sufficient records, the DEPARTMENT may, at its discretion, prohibit the local government from participating in the LMIG program in the future and may pursue any available legal remedy to obtain reimbursement of the LMIG funds. Furthermore, if in the estimation of the DEPARTMENT, a roadway or bridge shows evidence of failure(s) due to poor workmanship, the use of substandard materials, or the failure to follow the required design and construction guidelines as set forth herein, the Department may pursue any available legal remedy to obtain reimbursement of the allocated LMIG funds or prohibit local government from participating in the LMIG program until such time as corrections are made to address the deficiencies or reimbursement is made. All projects identified on the Project list shall be constructed in accordance with the Department's Standard Specifications of Transportation Systems (Current Edition), Supplemental Specifications (Current Edition), and Special Provisions.

Local Government:

1508799

E-Verify Number

____ (Signature)

Sworn to and subscribed before me,

Jim Gilvin (Print)

This ____ day of _____, 20 ____.

Mayor

In the presence of:

____ (Date)

NOTARY PUBLIC

LOCAL GOVERNMENT SEAL:

My Commission Expires:

NOTARY PUBLIC SEAL:



STAFF REPORT

Department: Public Works
Submitted By: Matt Malone
Meeting Date: September 18, 2023

AGENDA ITEM:

Invitation to Bid 24-001: Fiscal Year 2024 Milling and Resurfacing

Consideration of approval to award Invitation to Bid 24-001 to Blount Construction Company, Inc. for an amount totaling \$3,326,039.02 for the Fiscal Year 2024 Milling and Resurfacing Project with approval of the associated contract and with authorization for the Mayor to execute all necessary documents.

STAFF RECOMMENDATION:

Approve the award of Invitation to Bid No. 24-001 to Blount Construction Company, Inc for an amount totaling \$3,326,039.02 for the FY 2024 Milling and Resurfacing Project and authorize the Mayor to execute all necessary documents.

BUDGET & PROCUREMENT:

BUDGETED ITEM: YES

FISCAL IMPACT: YES

INCLUDED IN CURRENT FY CPTL BUDGET: YES

INCLUDED IN CURRENT FY OPRT. BUDGET: NO

TOTAL PROJECT COST: \$3,326,039.02. FUNDING IS PARTIALLY PROVIDED THROUGH THE LMIG GRANT PROGRAM.

APPROPRIATIONS:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>
LMIG Grant - Milling and Resurfacing (34041100-541410-C1219)	\$676,316.63
LMIG Grant Match - Milling and Resurfacing (30141100-541410-C1219)	\$202,894.98
Milling and Resurfacing (30141100-541410-C1219)	\$2,446,827.41

EXTERNAL FUNDING SOURCES:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>
LMIG Grant - Milling and Resurfacing (34041100-334310-C1219)	\$676,316.63
-	\$0.00
-	\$0.00

ITEM DESCRIPTION:

The City of Alpharetta maintains over 500 lane miles of roadway. Each year the City budgets dollars towards the milling and resurfacing of these roads. Accomplishing this task extends the roads' useful life and increases the roads' ability to handle traffic volumes.

Public Works utilizes the services of a 3rd party to drive city-maintained streets to evaluate roadway conditions. Each road is inspected for various criteria: patching, rutting, longitudinal cracks, etc. The objective was to collect accurate data and information about the City's road inventory and surface condition that would allow the City's staff to optimize their plan for road network repair and rehabilitation under budget constraints. After entering last year's milling and resurfacing, data was put into the system and our current average Pavement Condition Index (P.C.I.) score is 73. This score places the City in the fair classification. A score above 75 would place the City in the good classification. The information collected during past inspections, in conjunction with historical repair, rehabilitation information, and traffic information helps the City make consistent and cost- effective decisions for roadway preservation. Based on these ratings, 29 locations adding up to 14.22 lane miles were included in the annual offering. Two roads due to insufficient/failing subgrade will be treated with soil cement. Soil cement is a process in

which the asphalt, subgrade, and soil are pulverized on-site and mixed with cement to create a new subgrade. The new subgrade is extremely rigid, durable, and strong. Then a new asphalt surface is placed over the new subgrade. This process takes less time than conventional roadway construction. These roads include:

1	Bannerhorn Run	-	Southlake Drive to Cul De Sac
2	Bent Creek Crossing	-	Clubhouse Drive to Bent Creek Manor
3	Bent Creek Manor	-	Cul De Sac to Cul De Sac
4	Bent Creek Terrace	-	Bent Creek Manor to Cul De Sac
5	Big Horn Circle	-	Sugar Valley Trail to Cul De Sac
6	Denna Drive	-	Denna Place to End
7	Denna Place	-	End to End
8	Fairleaf Court	-	Sugar Valley Trail to Cul De Sac
9	Harris Ridge Court	-	Harris Road to Cul De Sac
10	Harris Road Patching	-	Rucker Road to Upper Hembree
11	Hawkhorn Court	-	Bannerhorn Run to Cul De Sac
12	Highland Bend Cove	-	Sugar Valley Trail to Cul De Sac
13	Jayne Ellen Court	-	Jayne Ellen Way to Cul De Sac
14	John Christopher Drive	-	Jayne Ellen Way to Cul De Sac
15	Lansburgh Turn	-	Sugar Valley Trail to Cul De Sac
16	Leafwing Court	-	Bannerhorn Run to Cul De Sac
17	Lighthouse Pointe Court	-	Clubhouse Drive to Cul De Sac
18	Lyerly Pointe	-	Lansburgh Turn to Cul De Sac
19	Mariners Court	-	Mariners Ridge to Cul De Sac
20	Mariners Cove	-	Mariners Ridge to Cul De Sac
21	Mariners Ridge	-	Clubhouse Drive to Cul De Sac
22	North Point Parkway Patching	-	Old Milton Parkway to Kimball Bridge Road
23	Park Bridge Parkway	-	Old Milton Parkway to new asphalt
24	Redmond Ridge Circle	-	Fairleaf Court to Cul De Sac
25	Sugar Valley Trail	-	Waters Road to Cul De Sac
26	Sundew Court	-	Sundew Drive to Cul De Sac
27	Sundew Drive	-	Park Bridge Parkway to Cul De Sac

Soil Cement:

28	Jayne Ellen Way	-	Cumming Street to Denna Drive
29	Providence Road	-	Mayfield Road to City Limits

The Department of Public Works prepared a request for bids (ITB 24-001) for the locations listed above. The City advertised competitive bids on July 27, 2023. Bids for the project were received on August 24, 2023, and the City received a total of six bids from the following:

Blount Construction Company, Inc	\$ 3,313,941.37
Allied Paving Contractors, Inc	\$ 3,392,902.25
C.W. Matthews Contracting Company, Inc	\$ 3,966,277.70
Summit Construction & Development LLC	\$ 4,090,259.54
Magnum Paving LLC	\$ 4,491,484.25
Stewart Bros, Inc.	\$ 4,595,261.44

We also included an Add Alternate in the bid for the usage of a Material Transfer Vehicle (MTV). MTV's are utilized on larger paving projects to regulate the internal temperature of the asphalt and ensure proper mixture of the aggregate. Blount's bid for the Alternate was \$ 12,097.65 for three days of MTV usage. Including the add alternate brings the total project cost to \$ 3,326,039.02.

The apparent low bidder, Blount Construction Company, LLC has completed multiple roadway and paving projects within the Metro Atlanta area including work for City of Dunwoody, Forsyth County, and the City of Stockbridge. Additionally, Blount Construction has accomplished roadway projects, including resurfacing and soil cement for Alpharetta.

On August 24th, staff met with representatives of Blount Construction Company, LLC to review the scope of work and the City's expectations. Blount assured staff that they could complete the project for the bid amount and within the allocated time frame. Thus, Public Works staff determined Blount Construction Company, LLC to be the lowest

responsive and responsible bidder.

As this is a unit price contract, progress payments to the contractor will be based on the quantity of work completed for each item per the values submitted by the contractor in its bid to the City. The City's representative will verify the quantity is correct prior to approving the payment.

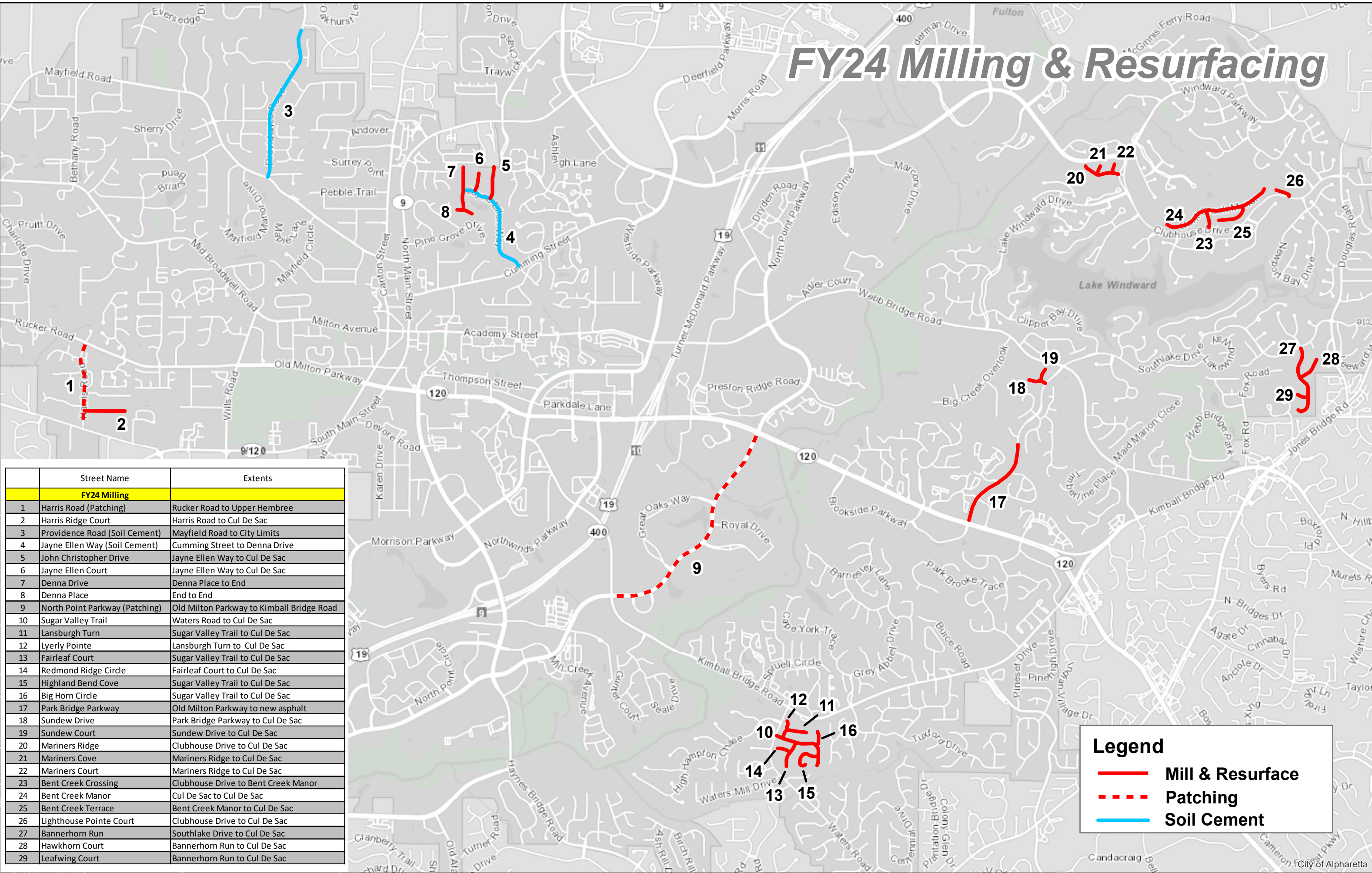
All work included within this project's scope shall be finished by Monday, July 1, 2024.

ALTERNATIVES:

ATTACHMENTS:

1. M&R FY24 Location Exhibit
2. Blount SOI
3. ITB 24-001 Preliminary Bid Tab

FY24 Milling & Resurfacing



	Street Name	Extents
	FY24 Milling	
1	Harris Road (Patching)	Rucker Road to Upper Hembree
2	Harris Ridge Court	Harris Road to Cul De Sac
3	Providence Road (Soil Cement)	Mayfield Road to City Limits
4	Jayne Ellen Way (Soil Cement)	Cumming Street to Denna Drive
5	John Christopher Drive	Jayne Ellen Way to Cul De Sac
6	Jayne Ellen Court	Jayne Ellen Way to Cul De Sac
7	Denna Drive	Denna Place to End
8	Denna Place	End to End
9	North Point Parkway (Patching)	Old Milton Parkway to Kimball Bridge Road
10	Sugar Valley Trail	Waters Road to Cul De Sac
11	Lansburgh Turn	Sugar Valley Trail to Cul De Sac
12	Lyerly Pointe	Lansburgh Turn to Cul De Sac
13	Fairleaf Court	Sugar Valley Trail to Cul De Sac
14	Redmond Ridge Circle	Fairleaf Court to Cul De Sac
15	Highland Bend Cove	Sugar Valley Trail to Cul De Sac
16	Big Horn Circle	Sugar Valley Trail to Cul De Sac
17	Park Bridge Parkway	Old Milton Parkway to new asphalt
18	Sundew Drive	Park Bridge Parkway to Cul De Sac
19	Sundew Court	Sundew Drive to Cul De Sac
20	Mariners Ridge	Clubhouse Drive to Cul De Sac
21	Mariners Cove	Mariners Ridge to Cul De Sac
22	Mariners Court	Mariners Ridge to Cul De Sac
23	Bent Creek Crossing	Clubhouse Drive to Bent Creek Manor
24	Bent Creek Manor	Cul De Sac to Cul De Sac
25	Bent Creek Terrace	Bent Creek Manor to Cul De Sac
26	Lighthouse Pointe Court	Clubhouse Drive to Cul De Sac
27	Bannerhorn Run	Southlake Drive to Cul De Sac
28	Hawkhorn Court	Bannerhorn Run to Cul De Sac
29	Leafwing Court	Bannerhorn Run to Cul De Sac

Legend

- Mill & Resurface
- - - Patching
- Soil Cement

City of Alpharetta
ITB 24-001, FY24 Milling, Resurfacing & Pavement Preservation
Bid Form

Enter Bidder's/Company's name here

Instructions for Bid Form Completion:

1. This form MUST be used to submit cost proposal
2. Do not include a copy of this Bid Form in your technical bid information.
3. Complete all the fields. See end of form as well for bid authorization and contact info.
4. Verify all amounts entered. This form will be used for bid price award.
5. During bid opening, only bid grand total will be called.
6. Enter Unit Price. Form will calculate the Bid Price by multiplying Estimated Quantity by Unit Price entered.

Mill Existing Asphalt

Line Item	Description	Quantity	Unit	Unit Cost	Extension
1.A	Full Width Mill, 1.5" Depth - Daytime	65,115	SY	\$ 3.68	\$ 239,623.20
1.B	Full Width Mill, 2" Depth - Daytime	24,263	SY	\$ 4.18	\$ 101,419.34
1.C	Full Width Mill, 2.5" Depth - Daytime	10,658	SY	\$ 5.04	\$ 53,716.32
1.D	Full Width Mill, 3.0" Depth - Daytime	8,934	SY	\$ 5.89	\$ 52,621.26
1.E	Full Width Mill, 4.0" Depth - Daytime	14,531	SY	\$ 7.51	\$ 109,127.81
Sub-Total for Milling:					\$ 556,507.93

Soil Cement

Line Item	Description	Quantity	Unit	Unit Cost	Extension
2.A	Soil Cement - 80 lbs/yd2	14,531	SY	\$ 17.95	\$ 260,831.45
2.B	Soil Cement - 50 lbs/yd2	8,934	SY	\$ 12.69	\$ 113,372.46
Sub-Total for Soil Cement:					\$ 374,203.91

Inlay Asphalt

Line Item	Description	Quantity	Unit	Unit Cost	Extension
3.A	9.5mm SUPERPAVE	7,656	TN	\$ 141.96	\$ 1,086,845.76
3.B	12.5mm SUPERPAVE	4,513	TN	\$ 135.35	\$ 610,834.55
3.C	19mm SUPERPAVE	1,690	TN	\$ 132.48	\$ 223,891.20
Sub-Total for Asphalt:					\$ 1,921,571.51

4	19mm SUPERPAVE Patching (including milling)	1,500	TN	\$ 157.78	\$ 236,670.00
5	Remove speed bump/table	1	EA	\$ 1,331.43	\$ 1,331.43
6	Traffic Control & Temporary Striping	1	LS	\$163,429.27	\$ 163,429.27
7	Mobilization, Bonds, & Insurance	1	LS	\$ 60,227.32	\$ 60,227.32

Grand Total: \$ 3,313,941.37

Add Alternate

*** This alternate, if included, will only be applied towards the inlay of 12.5mm asphalt on location 3 (Providence Road). Bidders will not be scored on this unit price. DO NOT FACTOR MTV USAGE INTO UNIT PRICING IN THE MAIN SCHEDULE OF ITEMS.**

Line Item	Description	Quantity	Unit	Unit Cost	Extension
A.1	MTV (Shuttle Buggy) usage	3	DAY	\$ 4,032.55	\$ 12,097.65

Alternate Total: \$ 12,097.65

Bid Price Certification

In compliance with Scope of Project/Specifications, the undersigned offers and agrees that if this Bid is accepted by the City Council within sixty (60) days of the date of ITB Response Due Date and Bid opening, that the undersigned will furnish any or all of the deliverables upon which prices are quoted, at the price set opposite each, to the designated point(s) within the time specified.

Company Name: Blount Construction Company, Inc

Company Address: 1730 Sands Place Marietta, GA 30067

Authorized Signature(s): David Faust

Print/Type Name(s) and Title(s): David Faust, Vice President

Date Signed: 8/24/2023

Contact Info - Phone Number: 770-541-7333

Contact Info - E-mail Address: David.Faust@BlountConstruction.com

ITB 24-001 - FY24 MILLING, RESURFACING & PAVEMENT PRESERVATION PRELIMINARY BID TABULATION

DUE DATE/TIME: AUGUST 24, 2023 @ 10:00AM

Supplier	Total / 100 pts	B-1 - SOI / 100 pts
Blount Construction Company Inc.	100	100 (\$3,313,941.37)
Allied Paving	97.67	97.67 (\$3,392,902.25)
C.W. Matthews Contracting Co., Inc.	83.55	83.55 (\$3,966,277.70)
Summit construction & development LLC	81.02	81.02 (\$4,090,259.54)
Magnum Paving LLC	73.78	73.78 (\$4,491,484.25)
Stewart Bros., Inc.	72.12	72.12 (\$4,595,261.44)



STAFF REPORT

Department: Recreation, Parks & Cultural Services

Submitted By: Kurt Kirby

Meeting Date: September 18, 2023

AGENDA ITEM:

Union Hill Park Design Conceptual Site Plan

Consideration of approval of the conceptual site plan for Union Hill Park designed by Dix-Hite Plus Partners Inc.

STAFF RECOMMENDATION:

Approve, as presented, the conceptual site plan for Union Hill Park designed by Dix-Hite Plus Partners Inc.

BUDGET & PROCUREMENT:

BUDGETED ITEM: NO

FISCAL IMPACT: YES

INCLUDED IN CURRENT FY CPTL BUDGET: NO

INCLUDED IN CURRENT FY OPRT. BUDGET: NO

TOTAL PROJECT COST: \$3,250,000

APPROPRIATIONS:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>
Union Hill Park 2022 Series Park Bond 31861150 541500 / C2216	\$3,250,000

EXTERNAL FUNDING SOURCES:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>
N/A	\$0.00

ITEM DESCRIPTION:

BACKGROUND:

Union Hill Park is a roughly 11-acre park space located on Union Hill Road south of McGinnis Ferry Road. The park today is very much under-utilized and consists primarily of a covered roller hockey rink, a combined restroom and concession building, and a parking lot.

Through a rigorous selection process, the City Council agreed to nine high priority park projects to be included in the Series 2022 Park Bonds. One of the nine projects included the renovation of Union Hill Park. The project would include the reformation of the park as a recreational and gathering space that better meets the needs of current and future Alpharetta residents, including trails, expanded Greenway connectivity, and other amenities.

The Department of Recreation, Parks, & Cultural Services Staff developed a preliminary plan of what might be possible for the site's future. To ensure resident engagement with the surrounding neighborhoods and the citizens of Alpharetta at large, staff held virtual and in-person public input meetings. For those unable to attend the public meetings, an online survey was made available on the City's website to allow for additional comments.

With the feedback provided, a more concrete rendering was conceptualized and provided by Dix-Hite Plus Partners Inc. The conceptual site plan (attached hereto as the "Union Hill Park Design Concept", "Union Hill Park Skatepark Concept Design", and "Union Hill Park Forsyth Connection") includes enhanced access to the Greenway, a family gathering space and playground, a skate park as well as stormwater and parking improvements. Additionally, perspective renderings for the park are included to help further visualize the design and park's possibilities.

In addition, work has been completed on the renovation of the covered hockey rink into an events venue. Work included repair of the roof, repairing the entire structure, upgrading lights and electrical work, large circulating fans,

removal and replacement of ceiling insulation, upgrade of the restrooms and storage area and refinishing the floor. Additionally, perspective renderings for the park as well as proposed ideas for re-usage of existing materials are included to help further visualize the design and park's possibilities.

In March 2023, the design was posted on the City's website and social media platforms for any remaining public input prior to Recreation Commission and City Council workshops and approval. The survey was live from March 13th through March 24th, and the feedback received is included as an attachment to this report.

RECOMMENDATION EXPLANATION:

As there were no questions or concerns raised during either the Recreation Commission or City Council workshop discussions, staff recommends approval of the design concept. Approval would permit staff to proceed to the next phase of the project, requesting proposals for the drafting of a blueprint from the design concept specifications. This blueprint would then be used for construction of the park.

ALTERNATIVES:

There is one alternative to this recommendation:

1. Deny or defer approval of the latest conceptual site plan and provide staff with direction as to: (1) changes that need to be incorporated into a plan in order for it to be consistent with City Council's vision of the property or; (2) additional steps/actions that staff should take in order to advance the project.

ATTACHMENTS:

1. Union Hill Park Park Design Concept
2. Union Hill Park Skatepark Concept Designs
3. Union Hill Park Forsyth Connection
4. Union Hill Park Concept Perspective Renderings
5. Union Hill Park Public Input Survey Results

UNION HILL PARK CONCEPT

- 1 PAVILION
- 2 REIMAGINED PARKING LOT
- 3 PAVING ORGANIZATION FOR CYCLISTS
- 4 CYCLIST TRAIL ACCESS
- 5 PARK ENTRY
- 6 SHADE STRUCTURE
- 7 RESTROOM
- 8 PLAY EQUIPMENT - SWINGS
- 9 FUTURE ART INSTALLATION
- 10 PLAY SPACE WITH SLIDES
- 11 DETENTION AREA WITH RECLAIMED CONCRETE
- 12 SKATEPARK
- 13 EXPANDED TRAIL CORNER
- 14 MATERIAL STORAGE SHED



2023-02-28

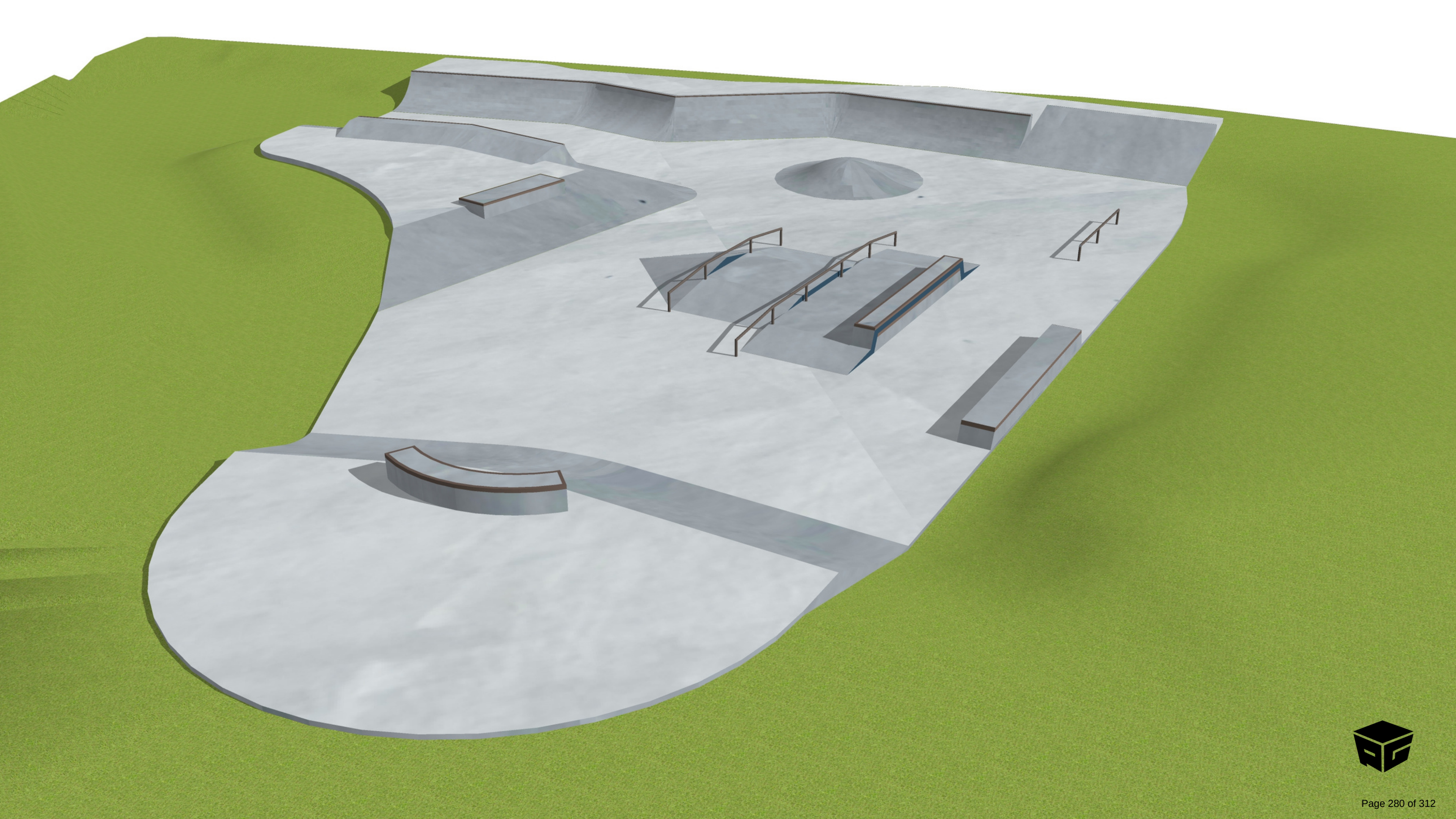
UNION HILL PARK | DISCOVERY

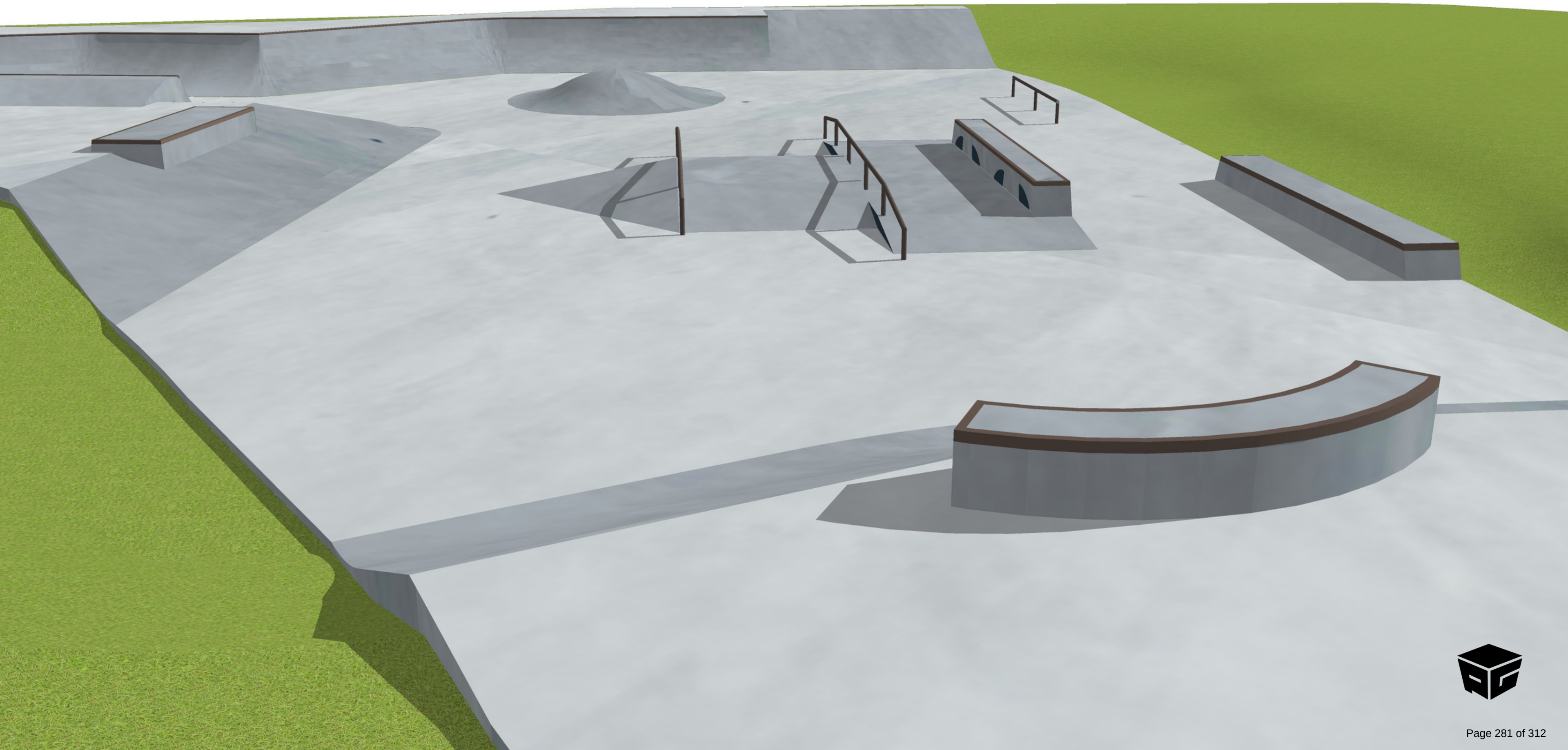


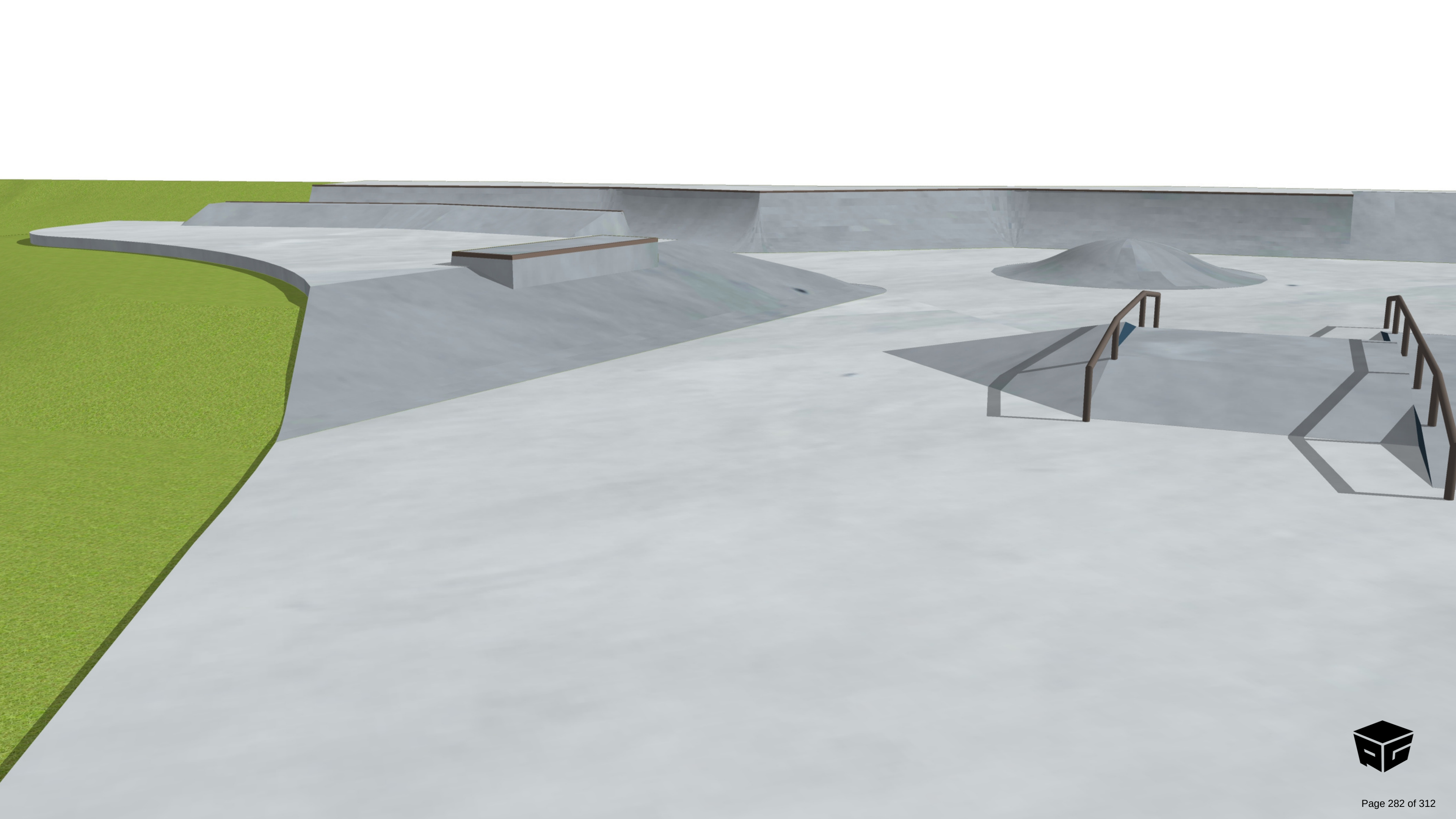
DESIGN ELEMENTS LEGEND

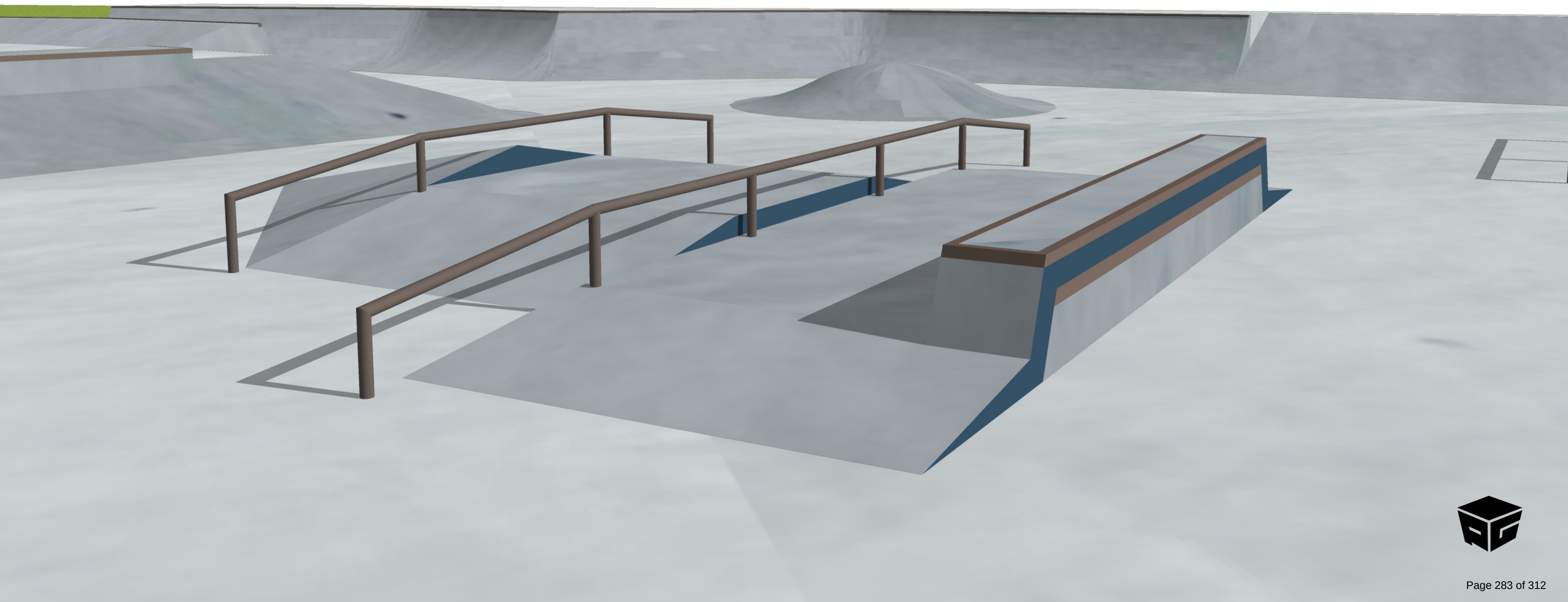
- 1 EXISTING TREES
- 2 DRAINAGE AREA
- 3 UPPER TERRACE
- 4 BANK TO LEDGE
- 5 PYRAMID W/ LEDGE + RAIL
- 6 HIP
- 7 MINI RAMP
- 8 UNION HILL ROAD
- 9 ENTRY DRIVE

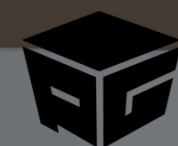
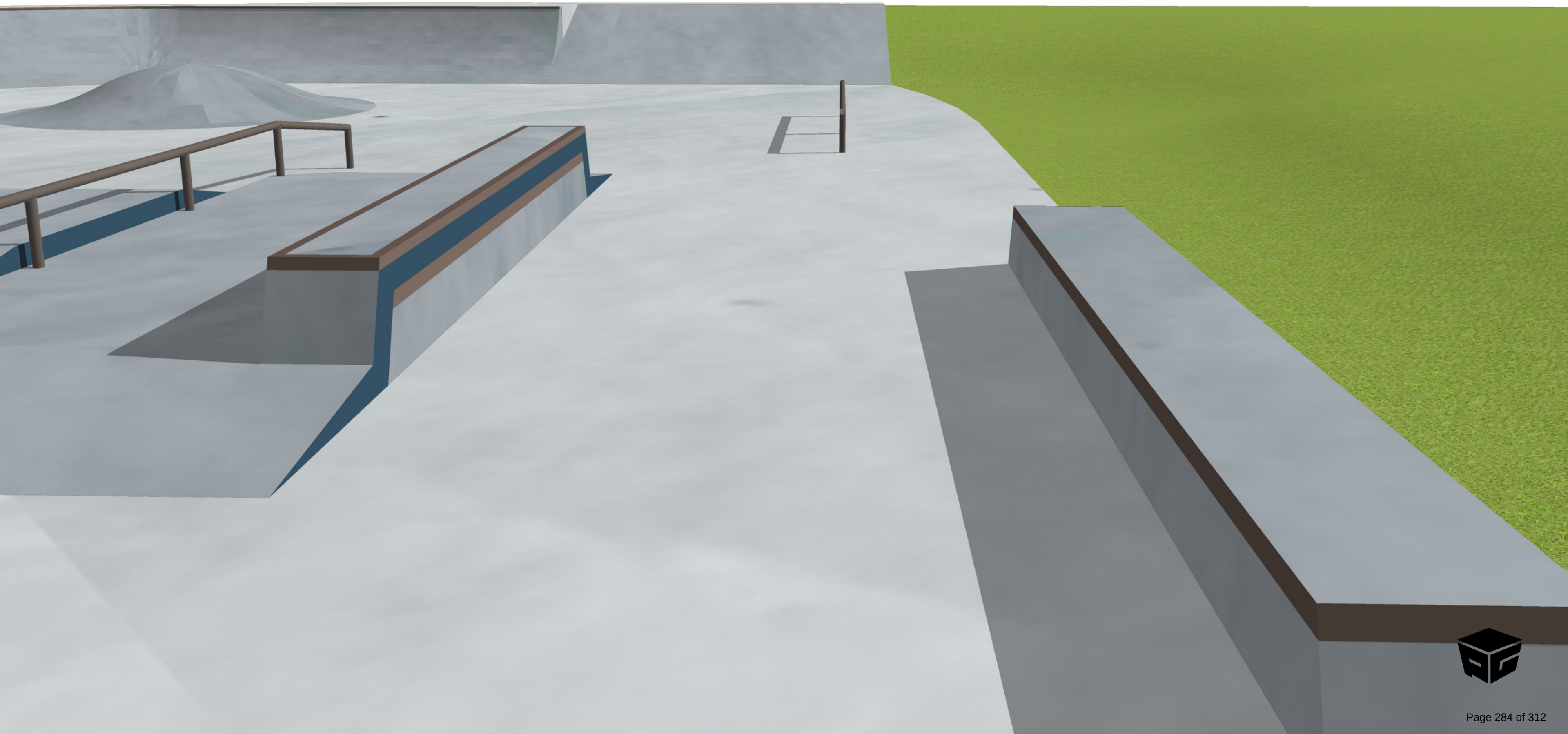


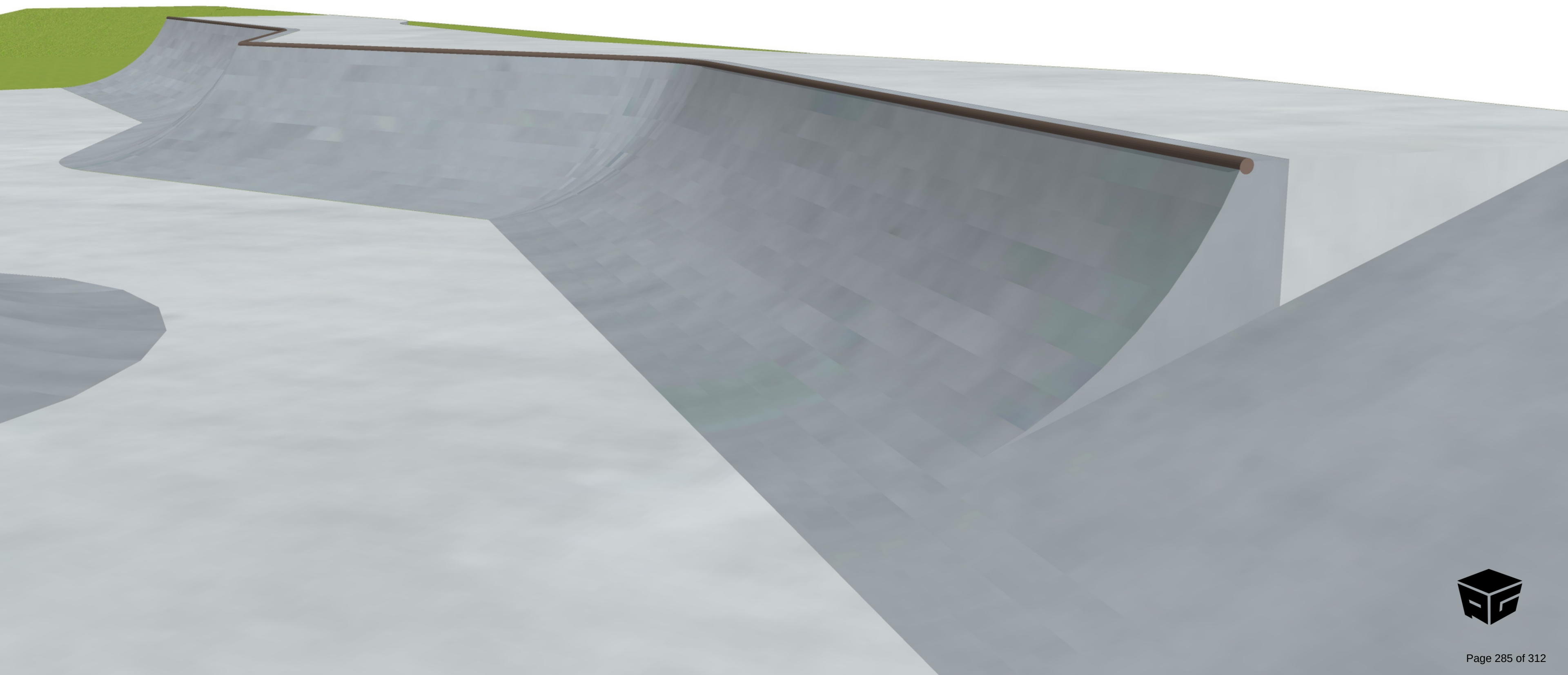


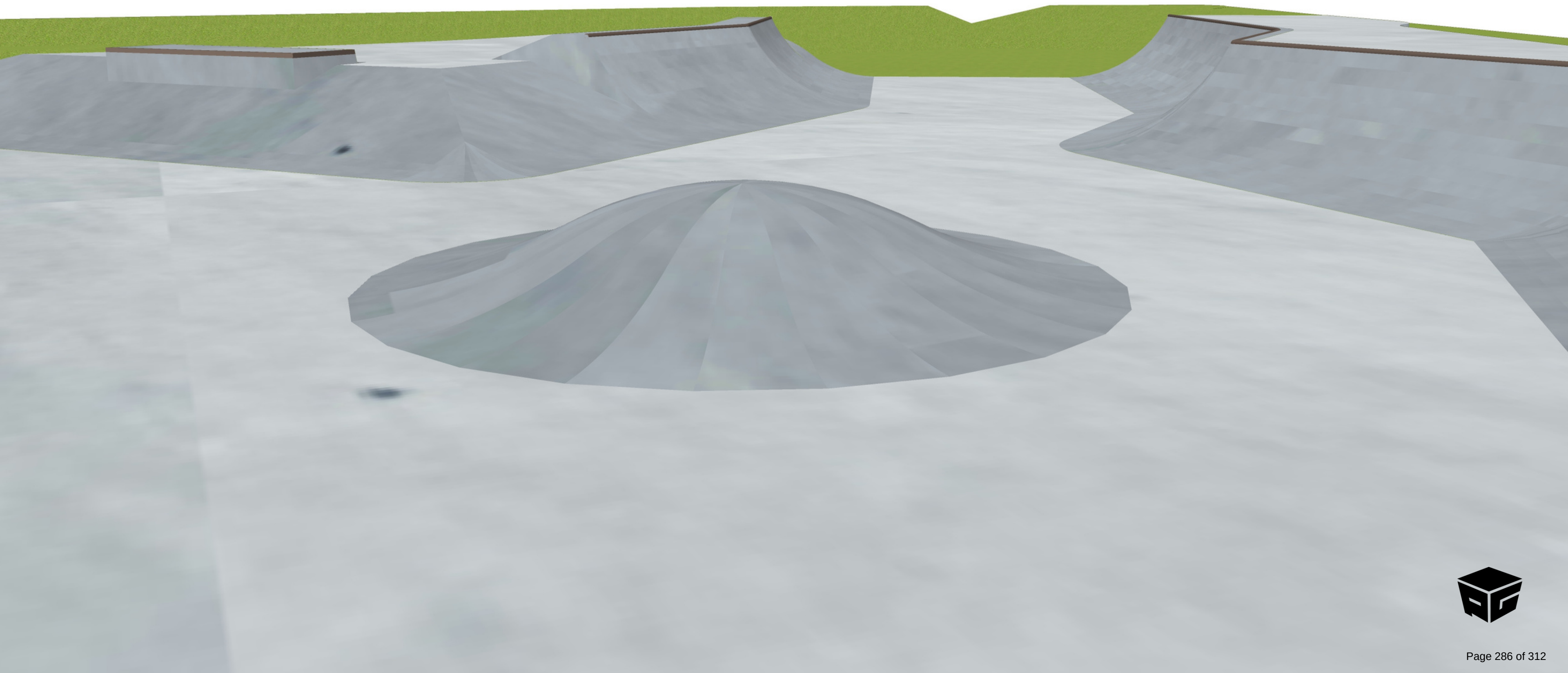


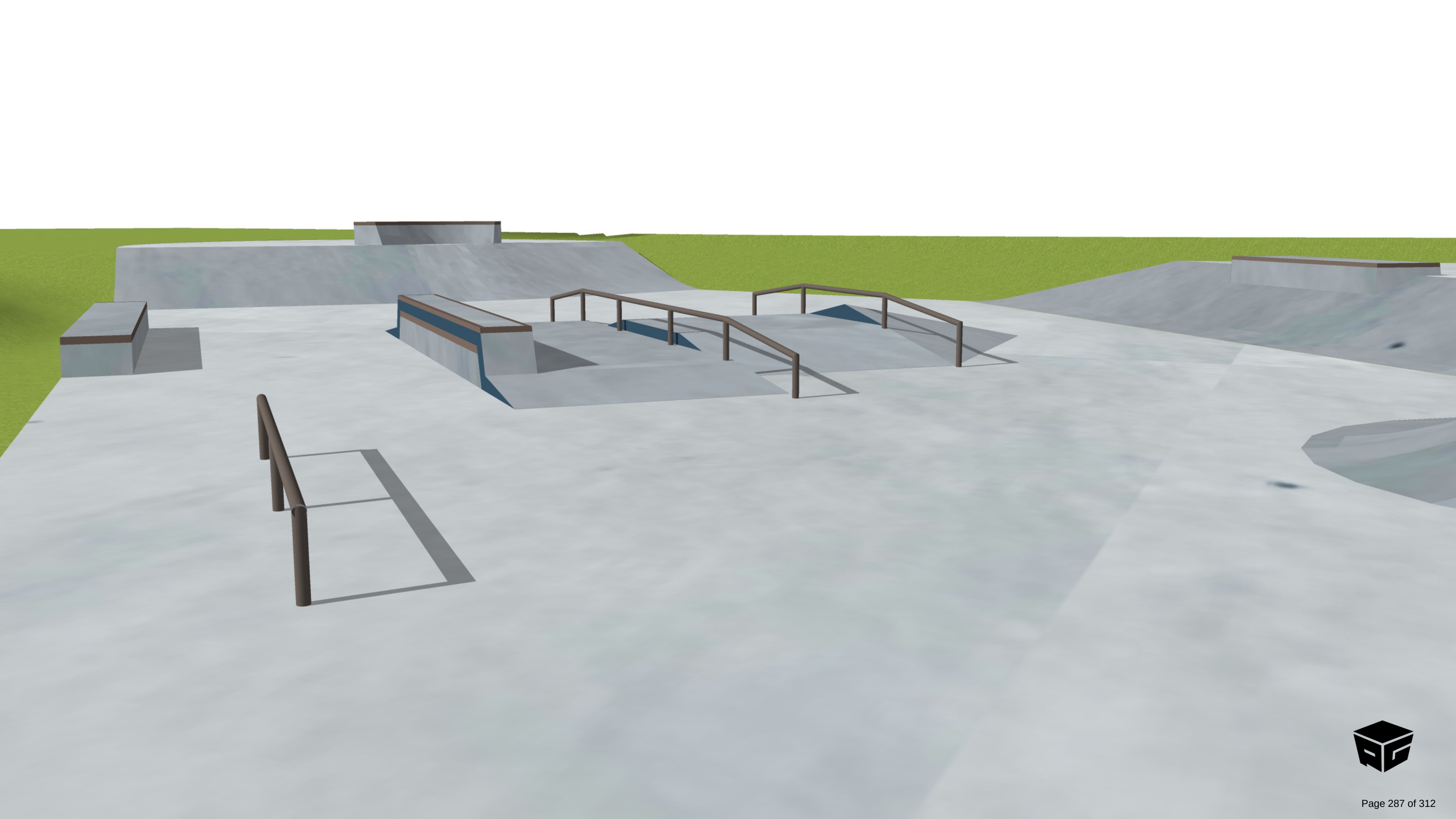


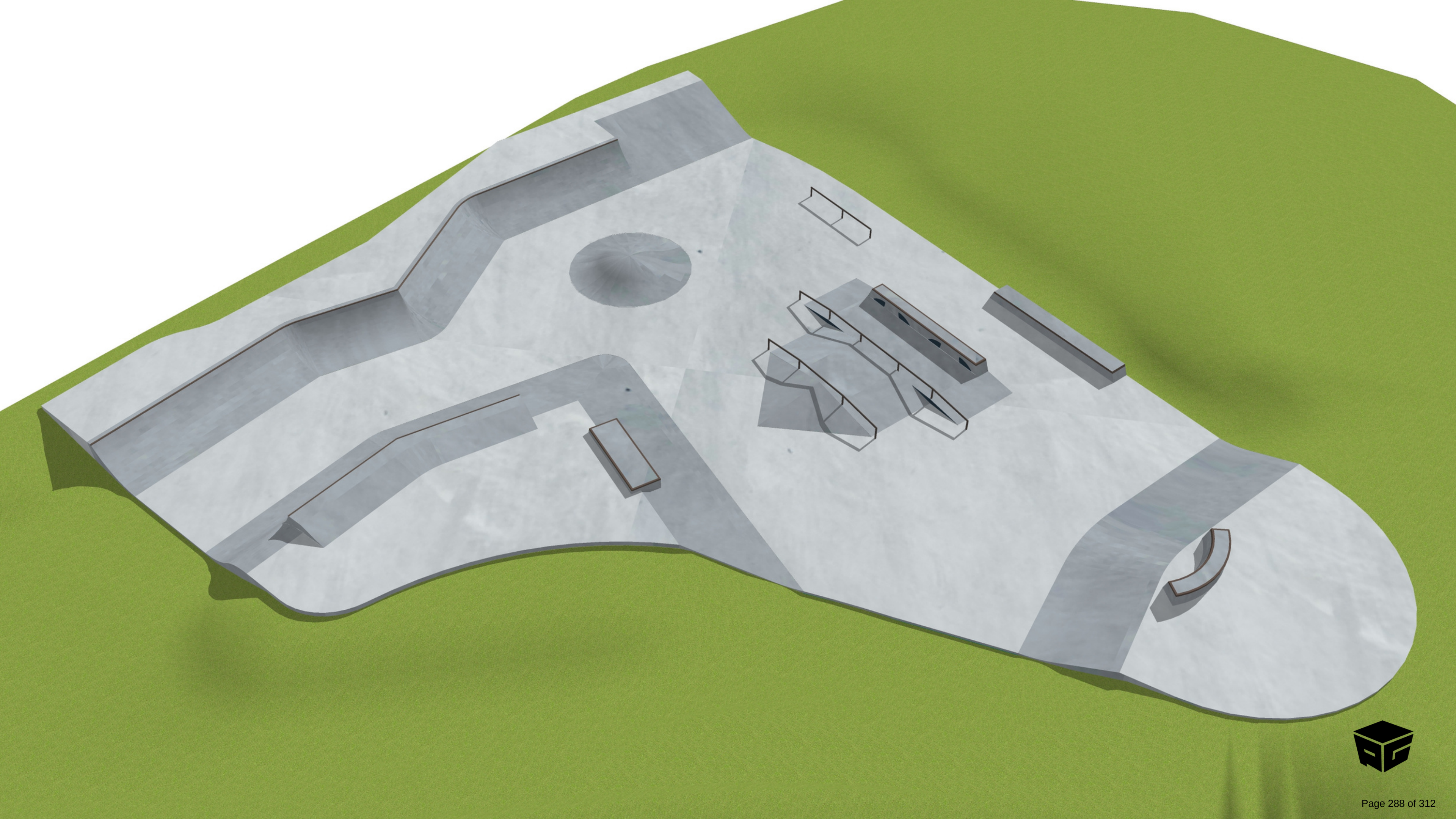














EXISTING CONNECTION TO FORSYTH COUNTY GREENWAY. CURRENTLY ASPHALT MILLINGS. FUTURE CONCRETE MULTIUSE TRAIL WITH MCGINNIS FERRY WIDENING.

EXISTING GREENWAY TRAIL



2023-02-28

17

UNION HILL PARK | DISCOVERY



VIEW TO PAVILION





VIEW TO SLIDES



THE CITY OF
ALPHARETTA
RECREATION PARKS &
CULTURAL SERVICES

UNION HILL PARK SURVEY RESULTS

On the following pages you will find a compilation of the public survey results for the revised concept for Union Hill Park. The survey was live from March 13-24, and was promoted via email, social media and the city's website. In total, there were 107 respondents to the survey.

TIMELINE

WEDNESDAY, MARCH 29
5:30PM | RECREATION COMMISSION WORKSHOP

MONDAY, APRIL 17
6:30PM | CITY COUNCIL WORKSHOP

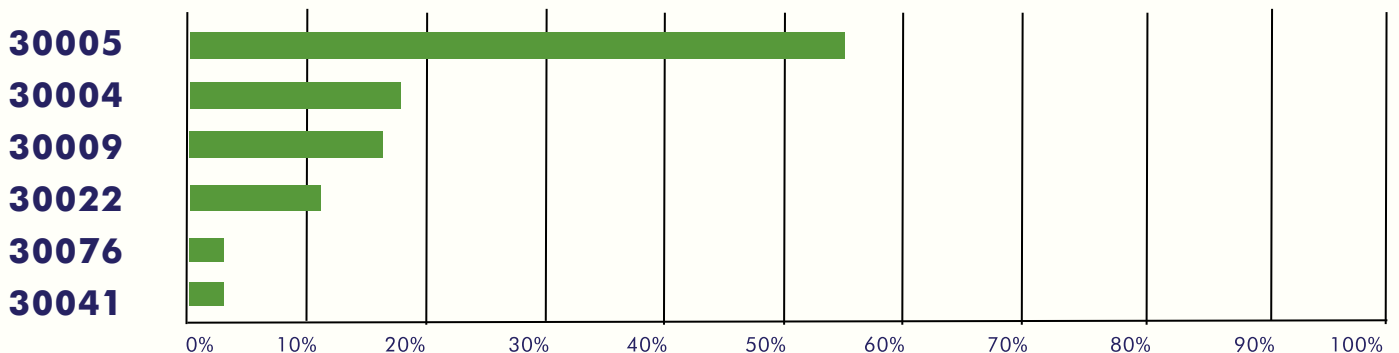
MONDAY, APRIL 24
6:30PM | CITY COUNCIL MEETING

UNION HILL PARK INPUT SURVEY RESULTS

Q1 WHAT IS YOUR ZIPCODE?

ANSWERS:

30005	52.34%	56
30004	14.95%	16
30009	14.02%	15
30022	10.28%	11
30076	2.80%	3
30041	2.80%	3



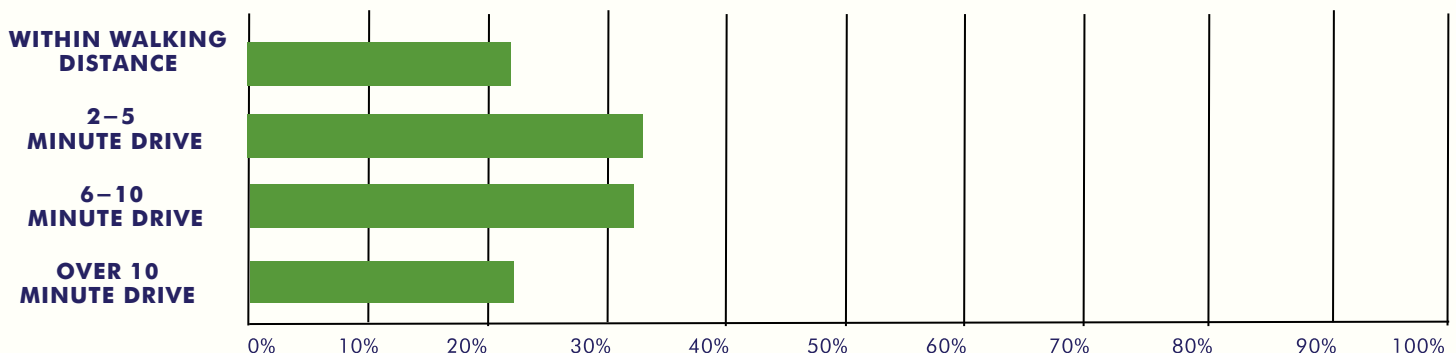
RESPONSES (107)

UNION HILL PARK INPUT SURVEY RESULTS

Q2 HOW CLOSE DO YOU LIVE TO UNION HILL PARK?

ANSWERS:

WITHIN WALKING DISTANCE	19.63%	21
2–5 MINUTE DRIVE	30.84%	33
6–10 MINUTE DRIVE	29.91%	32
OVER 10 MINUTE DRIVE	19.63%	21



RESPONSES (107)

UNION HILL PARK INPUT SURVEY RESULTS

Q3 PLEASE SHARE YOUR THOUGHTS ON THE NEW DESIGN CONCEPT FOR UNION HILL PARK.

ANSWERS:

Looks beautiful! We roller skate inside the pavilion. Please keep it open, accessible, and smooth!

I would love to see more detail of what the plans are for the skatepark area. It looks much smaller than what is there currently and of course from this rendering, you can't tell what features there are. I do like that more features are being added to the park and will give people more things to do while they are there. As a roller skater who frequents the park regularly, I am pleased to see the pavilion will remain.

I would like to recommend a disc golf course in the wooded area behind the old hockey pavilion. Low cost and maintenance. Would offer great recreation opportunities for families of all ages. Disc golf is a growing sport and Wills parks course is possibly going away or being reconfigured because of its changes. Thanks for your consideration.

There should be tennis/Pickleball courts added

Make sure some of the playground is under cover for hot days or days with poor weather. Have adequate handicapped parking and accessible bathrooms. Get rid of the cul-de-sac or turn it into parking, or sign it as no parking so people can actually use it to turn around.

Looks great. PickleBall courts would be a nice addition. Also bike rentals for greenway. Extra restroom with all the additions.

Love it. I would like to see events like concerts in the park. Windward is a large community within waking distance. We want to feel supported and part of Alpharetta.

Like the design. Hoping it includes plans to renovate/update the pavilion as performance venue. I don't mind that it's open air. Appreciate the inclusion of art installation!

This sounds like a much better use of the land, since it includes a space for a variety of Alpharettans and their interest.

UNION HILL PARK INPUT SURVEY RESULTS

Q3 PLEASE SHARE YOUR THOUGHTS ON THE NEW DESIGN CONCEPT FOR UNION HILL PARK.

ANSWERS:

Love that the pavillion is staying- great multipurpose especially when weather is rainy. Like the playground plan and trees added around the area. A skate park would be great there. Fowler park is a drive for us so this will be much closer. Overall a great plan to improve this dingy looking space.

I like this redesign. It keeps the pavilion, maintains skate park space, and adds a playground. There is also a separate path for bikes to access the Greenway, so they do not get close to children on the playground.

I think it's great to keep the skate park and add slides and swings! This looks great!

Definitely need the play area for younger kids. Swings and slides are great! Maybe a climbing structure? We need more areas for toddlers to play! Also, PLEASE cover the slide area! It's so miserable during the summer

Venue for more outdoor concerts.

Looks good. Hopefully the skate park area is improved and offers pits and ramps of different difficulty for beginners as well as advanced skaters

I'm so glad there will be a skatepark. As a parent who has a child who skates, there are none in alpharetta, so I'm very happy one will be added.

Do not feel the play equipment- swings, play space with slides as well as future Art installation is necessary. If the city if wanting to use this park as multi functional then this area would be better suited for concessions and expanded restroom area.

Any park addition is a good idea! Fully support.

It looks great! I would love to see a pedestrian entrance to the park from McGinnis Ferry

I like most of it but as an adult, wouldn't mind a seating area with a view. Clean, big restrooms are definitely important.

UNION HILL PARK INPUT SURVEY RESULTS

Q3 PLEASE SHARE YOUR THOUGHTS ON THE NEW DESIGN CONCEPT FOR UNION HILL PARK.

ANSWERS:

I don't see a lot different in the concept design than what is already in the park, other than the play areas. The entire park just needs a face-lift, it needs fixed up and maintained to really be functional. Especially the Pavilion as it is deteriorating. Concrete needs fixed and updated, landscaping needs refreshed. What will the pavilion be used for? Its a metal covered cement slab with fans. I think the entire 'purpose' of this park needs thought out better and designed from there. Right now its a edgy, somewhat run down skate/hocky park. Money would be better spent rethinking the purpose vs adding odds and ends to try and make this more 'park like'.

I like it. I would like to see what the specific connectivity between the 2 Greenways looks like.

Would like to see it connected to the greenway path that goes to Halcyon. Currently asphalt which is not rideable for street cyclists.

I'd love me to see a small dog park

Looks great! As long as we don't lose the skating rink!!!

So happy that City is building skatepark as promised.

More parking would make this a great outdoor venue.

Love the skatepark idea. I love the multi-use space concept and prioritizing outdoor spaces for people of all ages and abilities. Making sure that the skatepark has high quality features and a good design is imperative. There are plenty of good firms to go with for designs, including TeamPain, Fifth Pocket, and Artisan. They are all very well known in the southeast and have great websites with past projects and contact info! We want to make sure if there's a skatepark it's done right! Our youth deserve it

Thank you for not including a dog park. Off-leash dogs and rude dog owners can ruin a park experience for everyone. Please consider making the entire park off-limits to dogs.

UNION HILL PARK INPUT SURVEY RESULTS

Q3 PLEASE SHARE YOUR THOUGHTS ON THE NEW DESIGN CONCEPT FOR UNION HILL PARK.

ANSWERS:

Fabulous! Especially like the renovations of pavilion, paving organization for cyclists, cyclist trail access and play equipment.

I like the 1) easy access from the parking lot to the greenway for cyclists, 2) play structure as a destination for families coming from the greenway, and 3) keeping the skate park. I think it would be nice if the skate park and pavilion had a smooth and easy transition from one to the other for riders. Hopefully the play equipment is more imaginative, ropes based, and natural than another large bright plastic monstrosity. That is, equipment that challenges kids to use their mobility creatively and to test their fears - sort of in keeping with the skate park concept and skaters' ideology. Maybe even equipment that expands all ages - even up to teenagers. Thanks!

I would like to recommend that the Pavillion gets lined 2-4 pickleball courts. This would be paint only. Users would bring their own nets as they do today. The playgrounds & shade areas are fantastic for families on this side of the 400!

Looks nice and green but: 1. yet another playground for young kids in the area (although there is another on Windward within walking distance) Who is this playground for? Again, Windward already has a city playground and a community playground. So do the apartments nearby. 2. there isn't enough spaces/places for teens and young adults for outdoor recreation and socializing and this looks like the skate park is shrinking in size. And compared to young resident playgrounds, there are no places for teenagers in Windward or nearby. I walk at/through/by the park quite frequently and the skate park is always in use. Make it bigger and better. On another note, unfortunately the trail from 13 to 11 cuts through the large usable space that could be a larger skate park, with seating under the tree maybe. Maybe there is a way to incorporate the trail into the skate park and install a new walking trail that meanders around the park features instead of through them. What about the cul-de-sac?! That space could be a part of the skate park: the elevation makes it great for a bowl.

SURVEY APPENDIX

1	looks good.
2	You should add a putt-putt golf area.
3	Plan looks good. Why have the restrooms been closed for months ? Very inconvenient!
4	I bike on the greenway trail often. This plan looks AWESOME! My family would certainly visit a reimagined park like this. Please prioritize a safe and smooth connection to bicycle infrastructure on McGinnis Ferry towards Ronald Reagan.
5	The park looks great for families with kids and as a parking/starting point for people that want to ride/walk on the greenway. I do miss the roller hockey rink though. Please consider having a rink added in Alpharetta. Hockey's popularity has been growing in the greater Alpharetta area and with rumors of the return of an NHL team to the area, a rink would be very popular.
6	More skate park obstacles
7	looks good
8	looks great!
9	Looks good
10	I think a pre-teen/teen park would be a great addition to Alpharetta. Care should be taken to choose play equipment geared for older children. Also, is there a walking path around the edge so walkers don't have to circle the parking lot?
11	Please plan one entry into the park from McGinnis Ferry Road as well. I think an outlet from the trail will be fine.
12	It would be nice to have an area for adult fitness and strength training. Thank you.
13	Very excited for a play place for children and to see this park be developed into a park for many purposes.
14	Could walking only trail be included on perimeter of park?
15	Love the pavilion and Home by dark concerts ! Rather than a skate park possibly walking gardens similar to Gibbs Gardens.
16	Looks good!
17	Please add more than one covered pavilion or if you can only do one. Please make sure it's very large as it's really nice to have shade and protection from the rain. Suggest gas grills so people can do a cookout. Also suggest an area to post local events. So when you're in the park, you know what's going on in the area.
18	Looks good. Keep up the wise planning and financing of our parks
19	I don't think we need another playground as there is one off of Windward Pway less than a mile from here and another inside of Windward. When the Greenway connects to Forsyth, this is going to be a super important junction point for cyclist, runners etc.
20	I love it

SURVEY APPENDIX

21	I see a lot of pavement compared to a smaller amount of trees and greenery -- too much pavement and structures, not enough tree-lined areas to walk and play. Instead of building a "shade structure," how about saving and planting a few shade trees?
22	Anything that further connects and extends the Greenway is great!
23	Union Hill Park is usually the end of my bike ride from Fire Hall 86 unless I ride to Roswell First and past Union Hill into Forsyth County. I'd like to see finer crushed material on the temporary trail past the actual park. I have no suggestions for the part other than to maintain toilets and drinking water. Some rudimentary bike equipment like pumps would also be useful.
24	Would be nice if there were some walking trails that didn't allow bicycles, people fly by the walkers who sometimes have dogs and it's dangerous and makes walking uncomfortable.
25	I think this would be an improvement but I think adding a little splash pad with fountains similar to the one downtown Alpharetta would be enjoyable for young children and their parents to enjoy.
26	I would like to connect cyclist trail to McGinnis ferry rd directly (where numbers 3 or 4 are). How you are going to use the pavilion?
27	I love that you have included a skate park! Thank you for making a dedicated place in an Alpharetta park for skaters to gather and practice their skills. I recall not long ago when there were concerns from the residents of Alpharetta City Center about skaters using the Park Place Parking Garage. It's hella awesome that Alpharetta City Government officials have listened to the residents and included a skate park in the concept. I was one of the Alpharetta residents that provided input on the concept designs for Wills Park and suggested a skatepark. Bravo! Let's move forward with this design!
28	Separate cyclist and pedestrian trail access points is great. As is the skate park down closer to the road, replacing the current one with a more kid-friendly space. Better landscaping might be nice - something brighter.
29	I'm very glad to see a plan to add playground to a park that sits on the greenway - no parks sitting on greenway currently have a playground. Also very nice to see that cycling path goes through the park - I'm assuming that it merges into multiuse path that goes along McGinnis rd. Thank you!
30	I love the design!!!
31	Simple and reasonable. Move the skateboard to the open land to allow a kids' playground.
32	It doesn't appear that there is a lot of walking trails or track for people with lights
33	I think it is great. Appears to be laid out well.
34	I'd love me to see a small dog park
35	Thank you for not including a dog park. Off-leash dogs and rude dog owners can ruin a park experience for everyone. Please consider making the entire park off-limits to dogs.
36	Stop with the parks! We have enough already. Why does Alpharetta have to buy up every available piece of land and make it another park? Park maintenance is crippling Roswell!

SURVEY APPENDIX

37	Looks good but keep a roller rink or some other thing for teenagers to utilize. The roller rink is special!
38	I would like to recommend that the Pavillion be lined for 2-4 pickleball courts. This would be paint only. Users would bring their own nets as they do today. The playgrounds and shade areas are fantastic for the families on this side of the 400!
39	Love it.
40	I like the 1) easy access from the parking lot to the greenway for cyclists, 2) play structure as a destination for families coming from the greenway, and 3) keeping the skate park. I think it would be nice if the skate park and pavilion had a smooth and easy transition from one to the other for riders. Hopefully the play equipment is more imaginative, ropes based, and natural than another large bright plastic monstrosity. That is, equipment that challenges kids to use their mobility creatively and to test their fears - sort of in keeping with the skate park concept and skaters' ideology. Maybe even equipment that expands all ages - even up to teenagers. Thanks!
41	Please integrate the Greenway sidewalk further into the park and away from McGinnis Ferry. The roadway is VERY dangerous and having the walkway adjacent to the road is unnecessary, given the extra space afforded by the park.
42	Looks nice and green but: 1. yet another playground for young kids in the area (although there is another on Windward within walking distance) Who is this playground for? Again, Windward already has a city playground and a community playground. So do the apartments nearby. 2. there isn't enough spaces/places for teens and young adults for outdoor recreation and socializing and this looks like the skate park is shrinking in size. And compared to young resident playgrounds, there are no places for teenagers in Windward or nearby. I walk at/through/by the park quite frequently and the skate park is always in use. Make it bigger and better. On another note, unfortunately the trail from 13 to 11 cuts through the large usable space that could be a larger skate park, with seating under the tree maybe. Maybe there is a way to incorporate the trail into the skate park and install a new walking trail that meanders around the park features instead of through them. What about the cul-de-sac?! That space could be a part of the skate park: the elevation makes it great for a bowl.
43	Love the skatepark idea. I love the multi-use space concept and prioritizing outdoor spaces for people of all ages and abilities. Making sure that the skatepark has high quality features and a good design is imperative. There are plenty of good firms to go with for designs, including TeamPain, Fifth Pocket, and Artisan. They are all very well known in the southeast and have great websites with past projects and contact info! We want to make sure if there's a skatepark it's done right! Our youth deserve it
44	More skateboarding features! We need it for our youth! And make it fun.
45	Given the connection to Big Creek Greenway would like to see more bike-friendly amenities. Also, not sure we need swings/slides since Windward Community Park is nearby. I like the detention area and skatepark very much.
46	Would love to see the addition of pickle ball courts. Thanks!

SURVEY APPENDIX

47	Fabulous! Especially like the renovations of pavilion, paving organization for cyclists, cyclist trail access and play equipment.
48	So happy that City is building skatepark as promised.
49	Obviously it's been in dire need of maintenance for years. Adding a play area makes sense but please add benches and more water stations. Doesn't appear to be any major changes. Just upkeep and more modern
50	More parking would make this a great outdoor venue.
51	I like the design except I would refresh the roller rink for future use and not simply use it as a pavilion. A modern, fun take on an outdoor roller blading/ skating experience with events featuring music/a dj setup and fun lights like indoor roller rinks have would be nostalgic for older generations and a fun outing for families, people dating, and young people. Plus, it would encourage a healthy physical activity with socializing.
52	Looks great! As long as we don't lose the skating rink!!!
53	Nice. Will the roller hockey rink and box lacrosse field remain
54	Would like to see it connected to the greenway path that goes to Halcyon. Currently asphalt which is not rideable for street cyclists.
55	Looks great!
56	I like it. I would like to see what the specific connectivity between the 2 Greenways looks like.
57	I like most of it but as an adult, wouldn't mind a seating area with a view. Clean, big restrooms are definitely important.
58	Plan looks solid.
59	It looks great! I would love to see a pedestrian entrance to the park from McGinnis Ferry.
60	Any park addition is a good idea! Fully support.
61	I don't see a lot different in the concept design than what is already in the park, other than the play areas. The entire park just needs a face-lift, it needs fixed up and maintained to really be functional. Especially the Pavilion as it is deteriorating. Concrete needs fixed and updated, landscaping needs refreshed. What will the pavilion be used for? Its a metal covered cement slab with fans. I think the entire 'purpose' of this park needs thought out better and designed from there. Right now its a edgy, somewhat run down skate/hocky park. Money would be better spent rethinking the purpose vs adding odds and ends to try and make this more 'park like'.
62	Do not feel the play equipment- swings, play space with slides as well as future Art installation is necessary. If the city if wanting to use this park as multi functional then this area would be better suited for concessions and expanded restroom area.
63	I'm so glad there will be a skatepark. As a parent who has a child who skates, there are none in alpharetta, so I'm very happy one will be added.
64	Looks good. Hopefully the skate park area is improved and offers pits and ramps of different difficulty for beginners as well as advanced skaters
65	Venue for more outdoor concerts.

SURVEY APPENDIX

66	Definitely need the play area for younger kids. Swings and slides are great! Maybe a climbing structure? We need more areas for toddlers to play! Also, PLEASE cover the slide area! It's so miserable during the summer
67	I don't think you really need 3 and 4 unless access is being re-designed on the path by the restroom area. I ride there a lot and it is really good right now. The only part that needs something is the crossover to the main trail. A lot of cars don't stop even when the lights are flashing. What I can't wait for is a better trail/ connection to the Forsyth section!
68	I like the proposed bike access from McGinnis Ferry. A bit of a bummer to lose the hockey rink since I am not aware of others in the area.
69	Looks great!
70	Pickelball
71	I think it's great to keep the skate park and add slides and swings! This looks great!
72	I like this redesign. It keeps the pavilion, maintains skate park space, and adds a playground. There is also a separate path for bikes to access the Greenway, so they do not get close to children on the playground.
73	Love that the pavillion is staying- great multipurpose especially when weather is rainy. Like the playground plan and trees added around the area. A skate park would be great there. Fowler park is a drive for us so this will be much closer. Overall a great plan to improve this dingy looking space. Thanks!
74	This sounds like a much better use of the land, since it includes a space for a variety of Alpharettans and their interest.
75	There should be tennis/Pickleball courts added
76	Would love to see some Pickleball courts added but there may not be enough room. I do like the overall design of the park.
77	Like the design. Hoping it includes plans to renovate/update the pavilion as performance venue. I don't mind that it's open air. Appreciate the inclusion of art installation!
78	Outdoor hockey rink especially with a pro team most likely coming to town!
79	What is the logic in putting the detention area next to the kid's play area? It seems "logical" from the design that it could be where the circular pavement is- Away from young kids- water retention during the summer months could be problematic in my opinion
80	Looks good!
81	Play space for kids and more music at the Pavilion
82	Love it. I would like to see events like concerts in the park. Windward is a large community within waking distance. We want to feel supported and part of Alpharetta. Thanks
83	Strongly dislike the idea of play equipment. Better use of the space would be community space, picnic tables, grills, shaded seating.
84	I think the plan is a nice compromise. The skate park area looks a bit small compared to what it is today, which is a shame, but that might just be perspective.

SURVEY APPENDIX

85	I think it's great. Very excited to see this happen
86	I'm so happy to see a play space for kids. Please keep it inviting for roller blading and in-line skating patrons.
87	I am thankful to see the pavilion will remain. It is the only covered space for skating in our area. I do not think we need another play space with swings and slides. Would be great to have more of an obstacle style course for older children and tweens. I attended an input meeting last year and most people at that meeting agreed we already have a lot of playgrounds in this area for younger kids. Thank you for keeping the pavilion.
88	Looks great. PickleBall courts would be a nice addition. Also bike rentals for greenway. Extra restroom with all the additions.
89	Really like it. Would like to see a sitting area by the skate park too.
90	The area desperately needs a dog park. It would be great if a dog park was included in the design plans for this park.
91	Make sure some of the playground is under cover for hot days or days with poor weather. Have adequate handicapped parking and accessible bathrooms. Get rid of the cul-de-sac or turn it into parking, or sign it as no parking so people can actually use it to turn around.
92	Ok. It would be nice if the play area is covered. Couldn't get that from picture. Thank you
93	I really like that it has a skate park and I think doing drive in movie showings would be something we don't have!
94	So disappointed. Another play ground. Lordy cant we be more modern and innovative. Another play ground. WE HAVE MORE THAN Enough in Alpahretta. Come on do better - https://www.starnewsonline.com/story/news/2021/12/22/wilmington-nc-long-leaf-park-opens-ninja-warrior-fitness-course/8977258002/
95	I would like to recommend a disc golf course in the wooded area behind the old hockey pavilion. Low cost and maintenance. Would offer great recreation opportunities for families of all ages. Disc golf is a growing sport and Wills parks course is possibly going away or being reconfigured because of its changes. Thanks for your consideration.
96	I think this is great. Love all that's included.
97	Looks beautiful! We roller skate inside the pavilion. Please keep it open, accessible, and smooth!
98	I come to this park because it has the only covered skating area around. I've been coming here the last couple of years. When it still has the sides and plexiglass.
99	I would love to see more detail of what the plans are for the skatepark area. It looks much smaller than what is there currently and of course from this rendering, you can't tell what features there are. I do like that more features are being added to the park and will give people more things to do while they are there. As a roller skater who frequents the park regularly, I am pleased to see the pavilion will remain.



STAFF REPORT

Department: Recreation, Parks & Cultural Services

Submitted By: Nathaniel Hand, Claire Thurber

Meeting Date: September 18, 2023

AGENDA ITEM:

Memorandum of Understanding: City of Alpharetta and the Mulroy Family Webb Bridge Dog Park

Consideration of approval of the design plan, as presented, and construction of the privately funded dog park at Webb Bridge Park courtesy of the Mulroy Family.

STAFF RECOMMENDATION:

Approve, as presented, the Memorandum of Understanding between the City of Alpharetta and the Mulroy Family for the development of a privately funded dog park at Webb Bridge Park and permit the mayor to execute all necessary documentation.

BUDGET & PROCUREMENT:

BUDGETED ITEM: NO

FISCAL IMPACT: YES

INCLUDED IN CURRENT FY CPTL BUDGET: NO

INCLUDED IN CURRENT FY OPRT. BUDGET: NO

TOTAL PROJECT COST: \$54,000 (AS PER THE MOU).

APPROPRIATIONS:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>
Mulroy Family Donation; 30161150-541500-TBD	\$50,000
City Match; Park Enhancements account (30161150-541500-C2010)	\$4,000

EXTERNAL FUNDING SOURCES:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>
Mulroy Family Donation; 30161150-371000-TBD	\$50,000.00
-	\$0.00

ITEM DESCRIPTION:

BACKGROUND:

An Alpharetta resident is interested in donating \$50,000 toward the construction of a dog park at Webb Bridge Park, subject to City Council approval. The City match is \$4,000 and being funded through current appropriations within the Park Enhancements account. The total cost of the improvements is estimated at \$53,285.

THE DESIGN CONCEPT:

Initial plans for the dog park are conceptual. The rendering presented for discussion has been considered by staff and the Recreation Commission. The concept includes two access gates as well as two connected fenced-in areas, one for small dogs and one for large dogs. The area would remain a natural setting.

RECOMMENDATION EXPLANATION:

As there were no questions or concerns raised during either the Recreation Commission or City Council workshop discussions, staff recommends approval of the receipt of the private donor funds and the construction of the Webb Bridge Dog Park as outlined in the attached Memorandum of Understanding.

ALTERNATIVES:

There will be two alternatives to the future recommendation.

1. Deny the project of a donor-funded dog park at Webb Bridge Park or;
2. Defer approval of the site plan and provide staff with direction as to: (1) changes that need to be incorporated into the plan in order for it to be consistent with City Council's vision for Webb Bridge Park or; (2) additional steps/actions that staff should take in order to advance the project.

ATTACHMENTS:

1. Webb Bridge Dog Park MOU
2. Webb Bridge Dog Park Site Plan



MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU") is made and effective this_____, day of _____, 20___ (the "Effective Date"), by and between **Mulroy Family Charitable Foundation**, a foreign nonprofit 501(c)(3) organization located at 165 Township Line Rd, Suite 1200, Jenkintown, PA 19046 ("**MFCF**") and the **City of Alpharetta**, a Georgia municipal corporation, located at **2 Park Plaza, Alpharetta, Georgia 30009** ("**CoA**"). MFCF and CoA are sometimes referred to in this MOU individually as a "**Party**" or collectively as the "**Parties**."

WHEREAS, CoA provides and conducts a variety of recreational and cultural activities that employ the leisure time of citizens of CoA in a wholesome and constructive manner, and;

WHEREAS, MFCF is a non-profit, family foundation founded in 2020; designed to give back to the community, and to help worthy causes such as the environment, the sick, the young and animals.

NOW, THEREFORE, for and in consideration of the premises above and the promises below, the Parties mutually covenant and agree as follows:

1. COOPERATION.

- a) CoA will design, plan, and construct a dog park at Webb Bridge Park (located at 4780 Webb Bridge Road, Alpharetta, GA 30005) (the "Dog Park"), based upon the design concept and specified location approved by both parties and demonstrated in the rendering attached hereto as "Exhibit A".
- b) Upon construction completion, CoA staff will provide daily general maintenance of the Dog Park to ensure proper upkeep.

2. EXPENSES.

- a) The total cost for the Dog Park is estimated at \$53,285. MFCF will donate \$50,000 for the establishment of the Dog Park upon commencement of this MOU in the form of a check made payable to:
City of Alpharetta
Department of Finance
Accounts Receivable
2 Park Plaza
Alpharetta, GA 30009
- b) CoA will contribute an amount not to exceed \$4,000 upon commencement of this MOU towards the Dog Park project for a total Dog Park project budget of \$54,000.

- c) CoA agrees to maintain the Dog Park in the same manner as all other City-owned and operated parks. MFCF will report all maintenance and safety concerns to CoA in a timely manner.

3. **IMMUNITY** Nothing in this Section or in this MOU shall be deemed to constitute a waiver of the City's sovereign immunity, create rights in any third party, or create any third-party beneficiaries.
4. **TERM AND TERMINATION** This MOU shall commence on the date of execution and shall remain in effect upon project completion estimated for December 1, 2023. This MOU may be terminated by either party without cause provided that six (6) months-notice is given. This MOU may be immediately terminated by CoA without prior notice if MFCF engages in activities and/or conduct unbecoming to CoA.
5. **NOTICE** All notices and other communications hereunder shall be in writing and shall be deemed duly given (i) on the date of delivery if delivered personally, (ii) on the first business day following the date of dispatch if delivered by a recognized next-day courier service, or (iii) when received if delivered by registered or certified mail, return receipt requested, postage prepaid. All notices hereunder shall be delivered as set forth below, or pursuant to such other instructions as may be designated in writing by the party to receive such notice:

If to the City, to:

City of Alpharetta
Alpharetta City Hall
2 Park Plaza
Alpharetta, Georgia 30009

With a copy to:

Jarrard and Davis
222 Webb Street
Cumming, Georgia 30040

If to MFCF:

Tim Mulroy
5800 N. Hillbrooke Trace
Alpharetta Ga 30005

6. **MISCELLANEOUS.**

- 6.1 It is agreed between CoA and MFCF that this MOU shall be executed in an original and one copy, which may be used for any purpose for which the original may be used.
- 6.2 CoA has designated the Director or his/her designee as its contact person, coordinator, and liaison person with MFCF in the execution of the terms of this MOU.

- 6.3 This MOU contains the entire agreement of the Parties hereto and all understandings, representations, and agreements between them. Each Party warrants and represents to the other that no agent, officer, employee, attorney, or other representative of either has made any representation or statement, or are there any other agreements or understandings between or among any of the Parties or their representatives, upon which any party relies that are not explicitly expressed and set forth in writing herein.
- 6.4 This MOU is made and shall be construed under and in accordance with the laws of the State of Georgia.
- 6.5 This MOU is intended to be performed in accordance with, and only to the extent permitted, by all applicable laws, ordinances, rules, and regulations. If any provision of this MOU, or the application thereof to any person or circumstance, shall, for any reason and to any extent be invalid or unenforceable, the remainder of this MOU and the application of such provisions to other persons or circumstances shall not be affected thereby but rather shall be enforced to the greatest extent permitted by law.
- 6.6 This Agreement is entered into and for the benefit of the Parties only and shall not confer any benefits, direct or implied, to any third persons or authorize anyone not a Party to maintain an action pursuant to the terms or provisions of this Agreement.

[SIGNATURES TO FOLLOW]

IN WITNESS WHEREOF, the Parties support the goals and objectives of this Memorandum and have hereunto executed this Memorandum of Understanding on the day and year first above written.

THE MULROY FAMILY FOUNDATION

CITY OF ALPHARETTA, GEORGIA

By: _____

Tim Mulroy, President

By: _____

Jim Gilvin, Mayor

DATE: _____

DATE: _____

APPROVED AS TO CONTENT:

By: _____

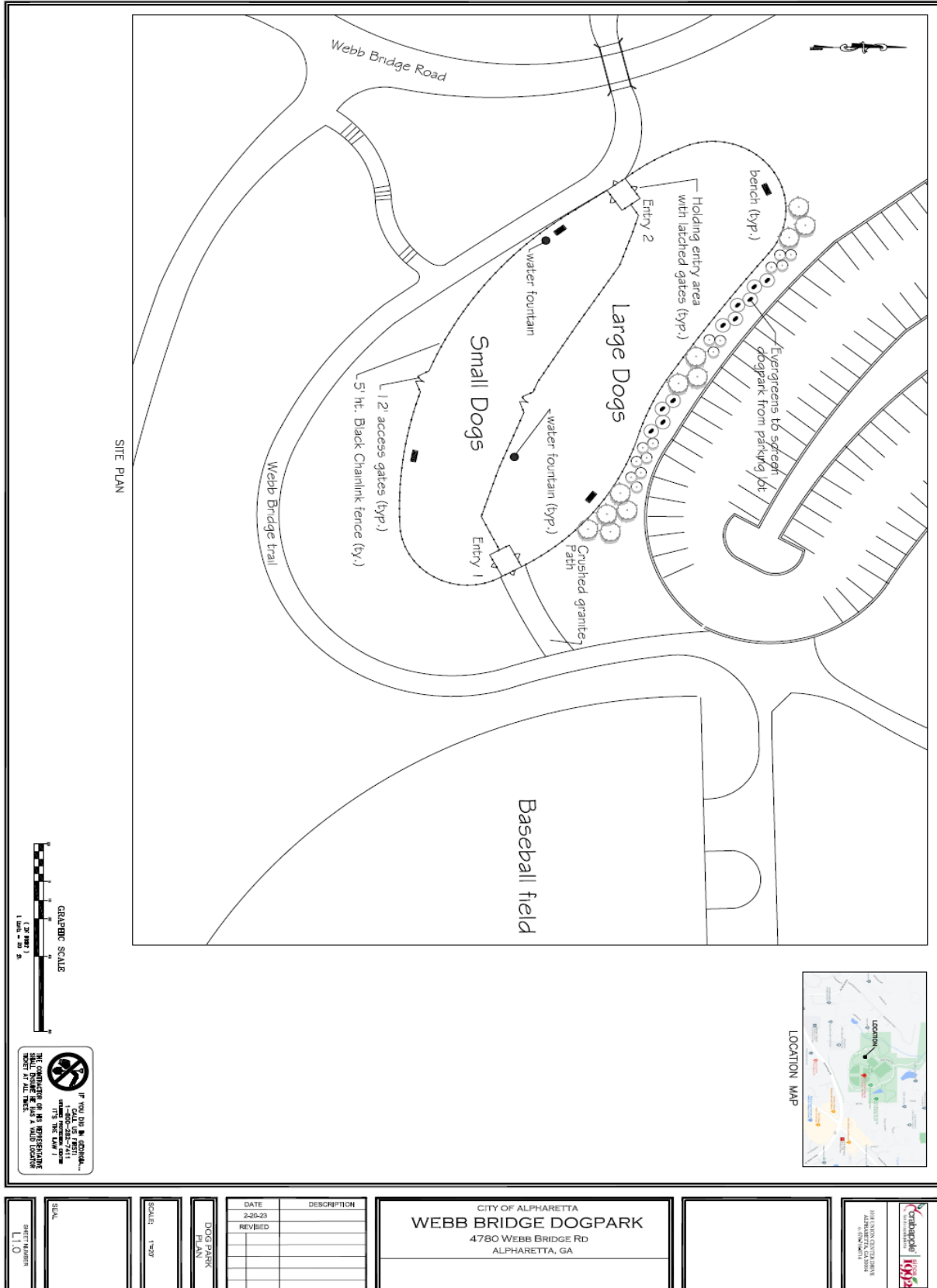
Chris Lagerbloom, City Administrator

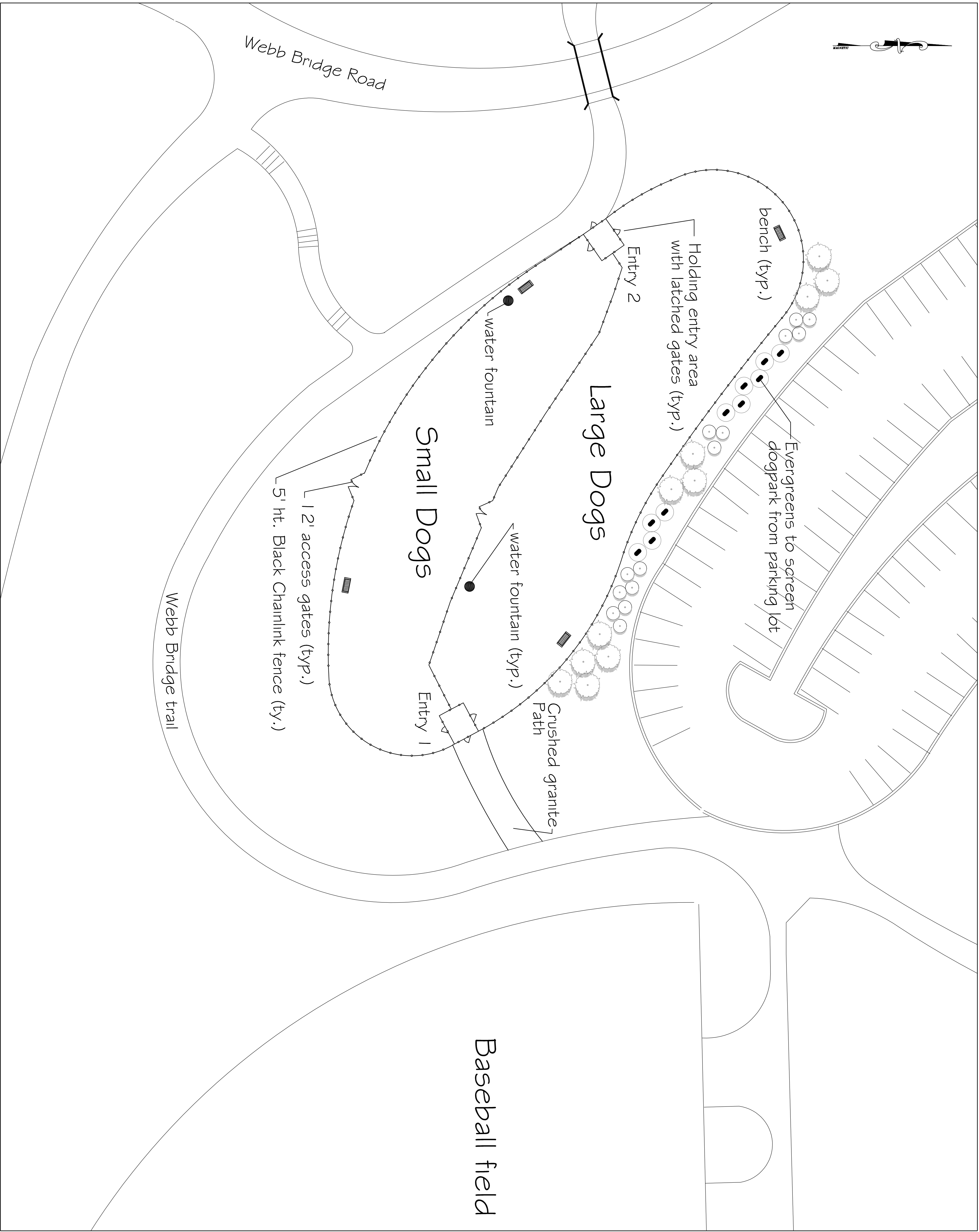
APPROVED AS TO FORM:

By: _____

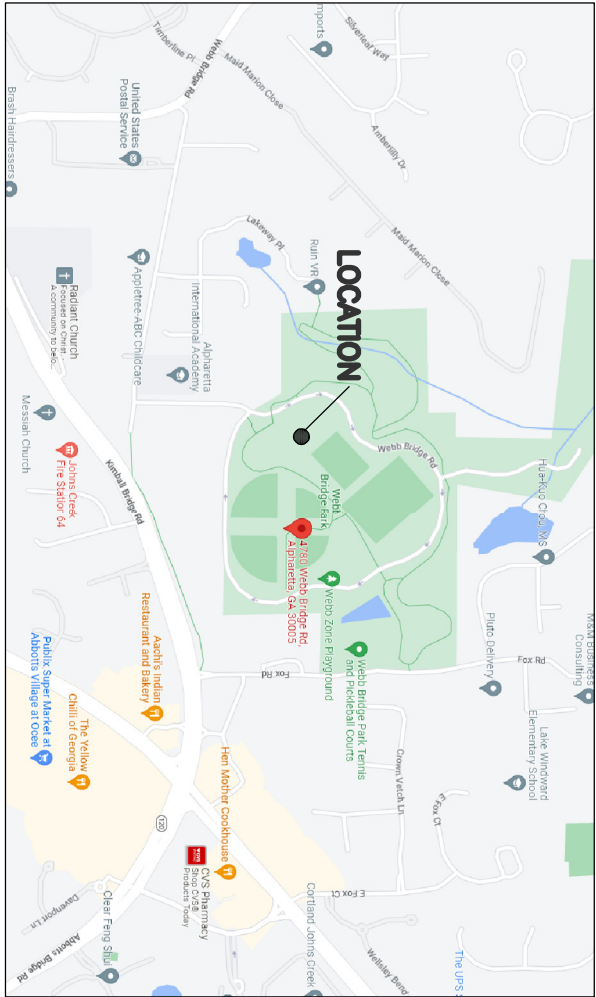
Jennifer McCall, City Attorney

EXHIBIT A





SITE PLAN



LOCATION MAP

CITY OF ALPHARETTA
WEBB BRIDGE DOGPARK
4780 WEBB BRIDGE RD
ALPHARETTA, GA

DATE		DESCRIPTION	
2-20-23			
REVISED			

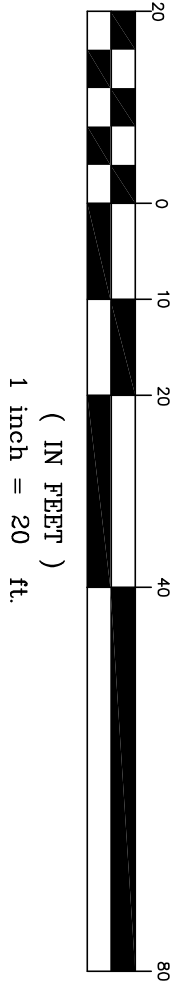
DOG PARK
PLAN

SCALE: 1"=20'

SEAL

SHEET NUMBER
L1.0

GRAPHIC SCALE



IF YOU DIG IN GEORGIA...
CALL US FIRST!
1-800-232-7411
UNLITES PROTECTION CENTER
IT'S THE LAW!

THE CONTRACTOR OR HIS REPRESENTATIVE
SHALL ENSURE HE HAS A VALID LOCATOR
TICKET AT ALL TIMES.