



PLANNING COMMISSION MEETING MARCH 7, 2024

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

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF MEETING MINUTES**
 - a. Approve February 1, 2024 Meeting Minutes.
4. **ITEMS FROM BOARD MEMBERS**
5. **ITEMS FROM STAFF**
6. **PUBLIC HEARING**
 - a. **CLUP-24-01/Z-24-04/V-24-04 Upper Hembree Tract/Empire Communities**

Consideration of a comprehensive land use plan amendment, rezoning and variances to allow for the redevelopment of the former's Harry's Market with a 149-lot single-family detached subdivision on 19.32 acres. A comprehensive land use plan amendment is requested from 'Commercial' to 'High Density Residential' and a rezoning is requested from PSC (Planned Shopping Center) to R-8D (Dwelling, 'For-Sale', Detached Residential – High Density). Variances are requested to Unified Development Code (UDC) Subsection 2.2.9(D) to increase building coverage by principal buildings from 40% to 65%, and reduce minimum lot width from 50' to 31' and to UDC Subsection 3.2.8(B)(1)(a) to reduce the 50' undisturbed buffer. The property is located at 1180 Upper Hembree Road and is legally described as being located in Land Lots 550 & 553, 1st District, 2nd Section, Fulton County, Georgia.
 - b. **Z-24-06/PH-24-06/V-24-06 55 Canton**

This item has been postponed by the Applicant until the April 11, 2024, Planning Commission Meeting. It will not be considered at this meeting.

Consideration of rezoning, parking in-lieu fees, and variances to allow for the construction of a mixed-use building with 36 'For-Sale' condominium units and 7,303 square feet of restaurant space on 1.02 acres in the Downtown Overlay. A rezoning is requested from C-2 (General Commercial) to DT-C (Downtown Core) and parking in-lieu fees are requested for approximately four (4) parking spaces. Variances are requested to Unified Development Code (UDC) Appendix A: Alpharetta Downtown Code Subsection 3.5.5 to increase the maximum building footprint and to UDC Subsection 2.5.5(J) to allow tandem parking spaces to count toward minimum parking requirements. The property is located at 32, 38 & 44 Old Canton Street and is legally described as being located in Land Lot 1269, 2nd District, 2nd Section, Fulton County, Georgia.
 - c. **PH-24-07 Unified Development Code (UDC) Text Amendments – Hybrid Hotel**

This application has been deferred by Staff and will not be heard, discussed, or considered during this meeting.

Consideration of text amendments to Articles I and II of the Unified Development Code (UDC) to add a definition for 'Hotel, Hybrid', add the use in certain zoning districts, and miscellaneous regulations.
7. **ADJOURNMENT**



1. CALL TO ORDER

Elle Taylor, Planning & Zoning Coordinator, called the meeting to order.

- ❖ Commissioner Perkins nominated Commissioner Jill Reynolds as Chair for this meeting. Commissioner Reynolds accepted the nomination.
- Commissioner Reeves seconded the nomination.
- The vote was (6-0 -1) (Reynolds abstained)

a. Chair Reynolds welcomed Commissioner Jeremy Scott.

2. ROLL CALL

- o Jill Reynolds (Chair)
- o D.C. Aiken
- o William Perkins
- o Jeremy Scott
- o Todd Stratton
- o Valerie Manley
- o Katie Reeves

A. Commissioners Absent

- o Francis Kung'u
- o Martine Zurinkas

B. Staff present:

- o Kathi Cook, Director of Community Development & Economic Development
- o Michael Woodman, Planning + Development Services Manager
- o Nikisha Mistry, GIS Specialist/Planner
- o Elle Taylor Planning & Zoning Coordinator

3. APPROVAL OF MEETING MINUTES

a. Approve Meeting Minutes from January 4, 2024

- ❖ Commissioner Perkins offered a motion to approve.
- Commissioner Aiken seconded the motion.

- The motion carried (7-0)

4. ITEMS FROM BOARD MEMBERS
5. ITEMS FROM STAFF
6. PUBLIC HEARING

a. **Z-24-03/CU-24-03/V-24-03 Mamita's Cantina & Tacos/312 North Main Street**

Michael Woodman, Planning & Development Manager, presented consideration of a rezoning, conditional use, and variance to allow for the construction of a 2-story, 4,000 square foot building to be used for a restaurant and professional office on 0.59 acres in the Downtown. A rezoning is requested from O-I (Office-Institutional) to DT-LW (Downtown Live-Work), and a conditional use is requested to allow Mamita's Cantina & Tacos to operate a 'Restaurant' on the subject property. A variance is requested to allow a stormwater facility within a 50' undisturbed buffer. The property is located at 312 North Main Street and is legally described as being located in Land Lot 1197, 2nd District, 2nd Section, Fulton County, Georgia.

The applicant, Linda Lopez, is requesting a rezoning, conditional use, and variance to allow for the redevelopment of the property with a two (2) story, 4,028 square foot building to be used for a sit-down restaurant and professional office on 0.59 acres in the Downtown. A rezoning is requested from O-I (Office-Institutional) to DT-LW (Downtown Live-Work), and a conditional use is requested to allow a 'Restaurant' for Mamita's Tacos & Cantina. A variance is requested to allow a stormwater feature in a 50' undisturbed buffer. The subject property is located at 312 North Main Street on the west side of North Main Street and north of Mayfield Road.

The 0.59-acre property was developed in 1940 with a one (1) story, 1,275 square foot building originally used as a single-family home. Surrounding properties are zoned O-I to the north, east and south and R-15 (Dwelling, 'For-Sale', Residential) to the west. O'Neal Smiles (dental office) is located to the north, a former chiropractic center is located to the east, Pavlova by Marian Bakery has been approved to the south and an unplatted single-family residential lot to the west. The comprehensive land use designation of the property is 'Mixed Use Live Work', which allows the proposed zoning and uses.

A variance is requested from Unified Development Code (UDC) Subsection 3.2.8(B) Tree Replanting, Buffer, and Landscape Standards, Buffer Requirements requiring a 50' undisturbed buffer where a commercial property abuts a residential property. The applicant's site plan depicts a catchment area and storm drain within the 50' buffer at the rear of the property. The applicant provided a landscape plan depicting the graded portion of the 50' buffer to be replanted with evergreen landscape material.

A conditional use is requested to allow a 'Restaurant' (no drive through) for Mamita's Tacos & Cantina. The new business is proposed to occupy approximately 2,900 square feet on the first floor of the building, as well as a 900 square foot outdoor seating area. As stated in the application, Mamita's Tacos & Cantina is a full-service restaurant serving authentic Mexican street food. The business anticipates approximately ten (10) employees and will have hours of operation from Sunday – Thursday 11:00 AM – 9:00 PM and Friday – Saturday 11:00 AM – 11:00 PM.

- Site Plan
- Parking – 14 spaces exceed the required 11 spaces per code.
- Tree Saves
- Location of Dumpster
- Amenity Space
- Mercantile Mill Style
- Downtown Consultant gave comments, but Applicant did not make all the changes suggested.
- Stormwater Plan.
- Pervious Pavers.

There was discussion from the Board:

- Tree Replacement Plan
- Catchman basin area of Storm Drain
- Driveway in back of property
- Pervious Pavers in the driveway
- Amount of parking spaces
- Maintenance Requirements of Storm Drain
- Will there be a median on Hwy 9?
- Full access entry.
- Restaurants in the area – it was a residential corridor but has now converted to office/medical.
- Screening for headlights into nearby properties.

Linda Lopez, the Applicant, presented.

- History with Alpharetta.
- Walkability of property near residential.
- Limited menu.
- Showed pictures of existing property with blight issues.
- Vacant former Medical Office.
- Will improve buffer.

There was discussion from the Commission:

- Signage.
- Parking location for employees.
- Office space above restaurant.
- Downtown Consultants comments.

Public Comment:

In Favor:

1. Yalexis Severit, 285 pebble Trail, Alpharetta, GA
2. Dr. Brandon O'Neal, 322 North Main Street, Alpharetta, GA.

Reasons:

1. Much better than existing blight of the property.
2. Harmonious w surrounding uses.
3. Offer to lease parking spaces if needed.
4. Fresh, new business.

In Opposition:

1. Judy Sanderson, 319 Canton St., Alpharetta. GA

Concerns:

1. Impact on value of her property.
2. Rear buffer variance.
3. Noise.
4. Odors.
5. Light pollution.
6. Impact on privacy and security.
7. Requested no windows on the 2nd floor of rear elevations.
8. Requested Underground waste management.

Chris Partain, Project Engineer and Linda Lopez, Applicant offered a rebuttal:

- Parking is geared toward walk ability and exceeds required spaces.
- Secured offsite parking.
- Explained Stormwater System.
- Vegetation will be thick on property line.
- Does not think headlights will be an issue.
- There will be venting to keep odors away from residential.
- There will be no live music.
- Employee break area will be in confined area.
- There will not be a sign in the back of the building.
- Gave location of grease trap.
- Did not agree to request for metal fence or no windows in back of restaurant.

There was discussion from the Commission:

- DT Consultant's Comments must be followed.
- Existing restaurants from Academy Street to Mayfield Street.
- Concerned with dumpster location.
- May not be a good fit near the Garden District.
- If Hwy 9 was complete, would this application be being discussed.
- Parking Issues.
- Signage.
- Potential for vermin & odors even with vegetative screening.
- May be good use for a blighted piece of property.
- Enclosed Dumpster location after 50 ft buffer from the rear property line.
- Landscape plan with revegetation behind the dumpster.

Staff recommended approval subject to 22 conditions with the redlined changes below.

Approve Z-24-03/CU-24-03/V-24-03 Mamita's Tacos & Cantina/312 North Main Street, subject to the following conditions:

1. Approximately 0.59 acres shall be zoned DT-LW and developed substantially similar to site plan prepared by Partain Engineering, LLC, dated ~~12/5/23~~ 1/30/24., except for modifications required to comply with the conditions below.

2. Architecture and materials shall be substantially similar to the submitted renderings, labeled Exhibit B, and developed in compliance with the Downtown Code building design regulations and Downtown Consultant comments, subject to final approval by DRB. Building shall have 4-sided architecture, materials, and details.
3. Decorative skirting to complement the primary building shall be required around the elevated outdoor seating deck, with final approval by DRB.
4. 'Restaurant' (with no drive through) shall be added as a conditional use at 312 North Main Street and limited to no more than 2,910 square feet on the first floor of the building and ~~900 745~~ 5 square foot outdoor seating area. Professional office space shall be limited to no more than 1,118 square feet.
5. Conditional use approval shall be limited to Mamita's Tacos & Cantina; no additional 'Restaurant' use or subleasing shall be permitted within the approved space.
6. Hours of operation shall be limited to Sunday – Thursday 11:00 AM – 9:00 PM and Friday – Saturday 11:00 AM – 11:00 PM.
7. A 50' planted buffer shall be provided at the rear of the property with grading and tree removal limited to the area depicted on the landscape plan prepared by Bilson & Associates, dated ~~11/30/23~~. ~~1/30/24~~ Buffer shall be replanted to City buffer standards and shall include similar landscape material, as depicted on the landscape plan prepared by Bilson & Associates, dated ~~11/30/23~~, ~~1/30/24~~ with final approval by Staff. A catchment area and storm drain shall be permitted within the 50' buffer.
8. North Main Street streetscape shall include decorative pedestrian lighting, as approved by Staff.
9. Minimum 10' landscape strip shall be provided along North Main Street. Landscape strip shall be planted with shade trees as a continuation of what has been planted or designed in the Downtown and outside of utility easements and overhead utilities, as approved by DRB.
10. Minimum 5' landscape strips along the north and south property lines shall be planted with a mix of evergreen and hardwood trees and shrubs, as approved by DRB.
11. Project entrance shall include decorative landscape and hardscape, as approved by DRB.
12. Open space shall be developed substantially similar to the site plan prepared by Partain Engineering, LLC, dated ~~12/5/23~~, ~~1/30/24~~ as approved by Staff. On-grade open space shall be developed with a park-like setting with decorative landscape, hardscape, and seating. Landscape material shall include plant selections promoting the historic Downtown.
13. Developer shall plant Creeping Phlox (pink or white) at the top of the GDOT wall along the property frontage, with final approval by DRB. Creeping vines shall be planted to cover other retaining and low walls located on the property, with final approval by DRB.
14. Developer shall save tree #121 (28" Water Oak) and shall make efforts to save tree #120A (25" China fir) if CRZ impacts can be limited to no more than 20%. Construction within the critical root zone of saved trees shall be limited to no more than 20% encroachment and shall be accomplished using innovative techniques to bridge over the root zones, as approved by Staff.
15. Dumpster enclosure shall be brick to match the primary building and shall have an opaque decorative metal gate, with final approval by DRB.
16. Venting for the restaurant shall be directed away from the adjacent residential properties to the rear.
17. Live music shall be limited to the interior of the building. Outside speakers for music shall be limited to the outdoor seating area at the front of the building and shall not be audible from the adjacent residential properties.
18. Employee break area shall be limited to the interior of the building or a designated outdoor area within 10' of the building.
19. Signage on the rear of the building shall not be illuminated.

20. To minimize impacts to nearby residential properties, grease trap shall be located as close as possible to the exterior of the building, with final approval by Staff.
21. Decorative metal fence shall be provided between the parking lot and planted buffer and shall extend from side property line to side property line, as approved by DRB.
22. Site lighting in the rear parking lot shall be on a timer with lights turned off at 10:00 PM Sunday – Thursday and 12:00 AM Friday – Saturday.

❖ Commissioner Stratton offered a motion to approve subject to the conditions as read by Mr. Woodman with the following edits – on

Condition #1 change the site plan date to 1/30/24

Condition # 4 change the outdoor sf from 900 to 745.

Condition # 7, remove reference to the Landscape Plan dated 11/30/23 and instead say revised to 1/30/24 and there is a second reference, and we would also like to change that to revised to 1/30/24.

Condition # 12 change references to the site plan to 1/30/24.

- Commissioner Reeves seconded the motion.
- The motion failed (3-4) (Stratton, Reeves, Scott) (Reynolds, Aiken, Perkins, Manley)

There was discussion during the motion about the 50ft buffer being a good buffer and other issues being addressed by the Council meeting.

❖ Commissioner Perkins offered a motion to deny.

- Commissioner Aiken seconded the motion.
- The motion carried (4-2) (Perkins, Reeves, Reynolds, Manley) (Stratton, Scott)

b. MP-24-01/CU-24-02 The Golf Sanctuary

Michael Woodman, Planning & Development manager, presented consideration of a master plan amendment and conditional use to allow a 'Restaurant' and 'Recreation Facilities, Indoor' business to operate in an existing 20,450 square foot building. A master plan amendment is requested to the North Point Mall Master Plan to add 'Recreation Facilities, Indoor' and a conditional use is requested to allow 'Recreation Facilities, Indoor' for The Golf Sanctuary. The property is located at 380 North Point Circle and is legally described as being located in Land Lots 741 & 742, 1st District, 2nd Section, Fulton County, Georgia.

The applicant, Candace Shriver, is requesting a master plan amendment and conditional use to allow The Golf Sanctuary to re-use a 20,450 square foot building on 2.18 acres in the North Point Overlay. The Golf Sanctuary is an entertainment use consisting of indoor golf simulators and a restaurant. The building was previously occupied by Total Wine. A master plan amendment is requested to add 'Recreation Facilities, Indoor' to the North Point Mall Master Plan and a conditional use is requested to allow 'Recreation Facilities, Indoor' for The Golf Sanctuary. The subject property is located at 380 North Point Circle on the north side of North Point Parkway and between the North Point Mall access driveways.

The submitted request, if approved, would allow the applicant to operate a 'Recreation Facilities,

Indoor' and 'Restaurant' in a 20,450 square foot building formerly occupied by Total Wine. A master plan amendment is requested to the North Point Mall Master Plan to add 'Recreation Facilities, Indoor' as a conditional use and a conditional use is requested to allow 'Recreation Facilities, Indoor' for The Golf Sanctuary.

The Golf Sanctuary is an indoor golf recreational facility with sit down restaurant and bar. The business offers corporate and family memberships, which includes 24-hour access to the golf simulators. The Golf Sanctuary has an existing location in Brentwood, Tennessee and the proposed location would be the first in Georgia. Staffed hours of operation are Monday – Sunday 7:00 AM – 10:00 PM. According to the applicant, peak demand outside of staffed hours are between 4:00 AM – 7:00 AM. Access to the golf simulators, outside of regular business hours, is managed through a mobile smart phone app. The applicant anticipates approximately 20-25 employees.

The Golf Sanctuary proposes to re-use the former Total Wine building, which includes aesthetic changes to the exterior, and interior renovations. The site plan depicts the 20,450 square foot building to remain. In addition, the existing driveway and shared driveway on North Point Circle will continue to service the property. There are 114 parking spaces existing on the property, of which all will remain except for eight (8) spaces that will be converted to parking lot landscape islands. Unified Development Code (UDC) parking requirements are calculated in the table below, which includes a required 20% parking reduction for properties located in the North Point Overlay. The applicant's site plan exceeds the minimum parking requirement for the proposed use.

The applicant's proposal does not trigger compliance with North Point open space or EcoDistrict measures. However, the applicant has committed to providing Sustainable Landscaping (1 EcoDistrict point) for all new landscaping provided and Alternative Transportation (1-2 EcoDistrict points) to include van pool and ride share designated parking spaces. In addition, approximately 1,590 square feet of open space will be added to the site with the conversion of eight (8) parking spaces to parking lot landscape islands.

The applicant submitted renderings and a floor plan depicting the re-use of the former Total Wine building. The floor plan depicts fourteen (14) golf simulator bays, a 6,600 square foot restaurant and bar, and 6,300 square feet of indoor recreation support area. The renderings depict aesthetic enhancements to the exterior of the building, including the addition of fenestration (windows) on the front elevation (west) and elevation facing North Point Parkway (south), the addition of window framing on the elevation facing North Point Circle (north), painting the masonry block exterior with high contrasting colors, the addition of slatted awnings, and the addition of horizontal natural wood accents and flat travertine tile accents. The City's Downtown Consultant reviewed the applicant's renderings and felt that the exterior changes are in keeping with the North Point Design Guidelines.

- Standards for Master Plan Amendment
- Criteria for Conditional Use
- Citizen Participation Plan

Candace Schriver and Billy Brown presented for the Applicant.

There was discussion that with 24-hour access to golf simulators; there will be parking lot surveillance.

There was no Public Comment.

- ❖ Commissioner Perkins offered a motion to approve.
- Commissioner Manley seconded the motion.
- The motion carried (7-0)

7. ADJOURNMENT

Chair Reynolds adjourned the meeting at 8:24 p.m.



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

I. **AGENDA ITEM TITLE:** CLUP-24-01/Z-24-04/V-24-04 UPPER HEMBREE TRACT/EMPIRE COMMUNITIES

PLANNING COMMISSION: MARCH 7, 2024

CITY COUNCIL: MARCH 25, 2024

II. **STAFF RECOMMENDATION:**

Approve CLUP-24-01/Z-24-04/V-24-04 Upper Hembree Tract/Empire Communities, subject to the following conditions:

1. The 19.32-acre property shall be zoned 'R-8A/D' and shall be developed substantially as depicted on the site plan prepared by PEC, revised 2/29/24, except for modifications required to comply with these conditions. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.
2. The comprehensive land use plan designation of the property shall be 'High Density Residential'.
3. Maximum density shall not exceed 7.72 dwelling units per acre.
4. Minimum lot width shall be 31'.
5. Max. building coverage shall not exceed 48% and impervious coverage shall not exceed 65%.
6. Architecture and materials shall be developed substantially similar to the submitted renderings, labeled Fernleaf Park, subject to final approval by Staff.
7. To screen rooftops, a landscape buffer shall be provided along Upper Hembree Road as depicted in the concept tree plans prepared by Kimley-Horn, dated 3/1/24, except that Loblolly Pines shall be replaced with Cryptomeria, Deodar Cedar, Arborvitae and/or Holly, with final approval by Staff. Developer shall work with City Staff and Georgia Power to identify appropriate landscape screening material where the buffer area overlaps utility easements. Existing trees shall be preserved, where possible, and the remaining area planted to City buffer standards, with final approval by Staff.
8. Minimum 15' planted buffer shall be provided along the west property line and along the south property line adjacent to Hembree Forest. Minimum 20' planted buffer shall be provided along the east property line and along the south property line adjacent to non-residential use. Existing trees shall be preserved, where possible, and the remaining area planted to City buffer standards, with final approval by Staff.
9. Developer shall enhance project entrance with decorative planted median, landscaping beds on each side of the entrance, and a unique monument or sculpture representative of the proposed community, as approved by Staff. Monument or sculpture shall be approved by the Cultural Arts Commission. Existing monument sign in the entrance median shall be removed.
10. Minimum 1.47 acres of open space shall be improved substantially as depicted on the plan prepared by PEC, revised 2/29/24. HOA shall be responsible for maintenance of all open space.
11. Privacy fences and unfinished wood decks shall not be visible from the public right-of-way.
12. Curb cut on the east side of the property shall be for fire and emergency access only and shall be gated, as approved by Staff.
13. Internal streets shall have a 4' planter and 5' sidewalk on one side of the street (not including alleys), as approved by Staff. Decorative pedestrian lighting shall be required throughout the development. Internal streets shall be private and maintained by the HOA.
14. Developer shall improve Upper Hembree Road streetscape with a min. 2' planter planted with street trees and a row of shrubs and 6' sidewalk, as approved by Staff. Developer shall remove

existing acceleration lane east of the existing entrance and incorporate the area into the Upper Hembree Road streetscape. Property owner shall be responsible for the maintenance of the landscape material in the planter. Tree grates, tree wells, or alternative option shall be used to accommodate minimum 4' planting space for required street trees in the planter, as approved by Staff. Streetscape shall include decorative pedestrian lighting.

15. Minimum 10' landscape strip shall be required along new internal streets, not including alleys. Landscape strips and buffers shall be exclusive of utilities and easements, with final approval by Staff. If Fulton County requires an unencumbered water line easement, shrubs shall replace trees on one side of the street.
16. Pedestrian amenities including sidewalks, lighting, and benches shall be included throughout the development and in amenity areas.
17. Developer shall save trees in the clouded areas depicted on the concept tree plans prepared by Kimley-Horn, dated 3/1/24.
18. Developer shall implement the recommendations of the submitted traffic impact study, with final approval by Staff. Developer shall be responsible for any necessary intersection or signal improvements at Upper Hembree Road and Harris Road.
19. Stormwater management facility shall be screened as depicted on the concept tree plans prepared by Kimley-Horn, dated 3/1/24, with final approval by Staff. Smart stormwater design techniques shall be employed to address run-off reduction, as approved by Staff.
20. Per mutual agreement, developer shall retain existing 12' tall privacy fence abutting Hembree Forest subdivision during demolition of the existing building on the subject site.
21. Per mutual agreement, developer shall install an 8' tall wooden privacy fence on applicant's property where adjoining the southern property line as shown on the "Buffer Exhibit". Applicant shall install a staggered double row of evergreen trees on applicant's property adjoining the privacy fence.
22. No more than 10% of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.

III. REPORT IN BRIEF:

The applicant, Empire Communities, is requesting a comprehensive land use plan amendment, rezoning and variance to allow for the construction of 149 'For-Sale' single-family detached homes on 19.32 acres. The applicant requests a comprehensive land use plan amendment from 'Commercial' to 'High Density Residential' and a rezoning from PSC (Planned Shopping Center) to R-8A/D (Dwelling, 'For-Sale', Attached/Detached Residential). Variances are requested to reduce undisturbed buffers, lot width, and building/lot coverage. The subject property is located at 1180 Upper Hembree Road south of the intersection at Upper Hembree Road and Harris Road.

DISCUSSION

The submitted request, if approved, would allow for the development of 149 'For-Sale' single-family detached homes on 19.32 acres. The proposed density is 7.72 dwelling units per acre. The applicant requests a comprehensive land use plan amendment from 'Commercial' to 'High Density Residential' and a rezoning from PSC (Planned Shopping Center) to R-8A/D (Dwelling, 'For-Sale', Attached/Detached Residential). Variances are requested to reduce undisturbed buffers, lot width, and building/lot coverage. The subject property is located at 1180 Upper Hembree Road south of the intersection at Upper Hembree Road and Harris Road.

The property served as Harry's Farmers Market until 2014 before becoming the corporate offices and distribution center for Whole Foods. The existing building is approximately 145,000 square feet and the surface parking lot includes approximately 588 parking spaces. Surrounding properties are zoned O-I (Office-Institutional) to the west, C-1 (Neighborhood Commercial), R-15 (Dwelling, 'For-Sale', Residential), O-I, and O-P (Office-Professional) to the north, and City of

Roswell to the south and east. Medical and professional offices are located to the west, single-family detached home, Spirit of God Church, and professional offices are located to the north, flex office/warehouse are located to the east and south, and Hembree Forest subdivision is located to the south. The comprehensive land use plan designation of the property is 'Commercial'. The applicant proposes to change the future land use designation to 'High Density Residential'.

The applicant's requested variances are outlined in the table below. Geography and layout are listed by the applicant as the challenges justifying the requested variances. In addition, the applicant states that the lot width reduction is needed in order to develop a detached product on the property.

Applicant's Requested Variances

UDC Section	Applicant's Request	Staff Comments
Subsection 2.2.9(D) R-8A/D District Regulations	Reduce minimum lot width from 50' to 31' and increase maximum building/lot coverage from 40% to 65%.	The applicant provided an alternative layout depicting 150 townhome units in compliance with the min. lot width requirement. The requested lot width variance does not gain density and allows for a detached product. The impervious coverage of the property today is approximately 80%. The applicant proposes a maximum building coverage of 48% and maximum lot coverage of 65%.
Subsection 3.2.8(B) Buffer Requirements	Reduce 50' undisturbed buffer to a 15' planted buffer.	Non-residential uses abut the property to the east, south and west. Approx. 30' tree buffer provided on the property to the west and approx. 50' tree buffer provided on the property to the south. Buffer reductions have been supported at other 'For-Sale' subdivisions.

SITE PLAN

The submitted site plan depicts a 149-lot single-family detached subdivision with access from an existing signalized intersection at Upper Hembree Road and Harris Road. A 2nd curb cut is depicted at the northeast corner of the property but will be limited to fire and emergency access only and gated. Homes are proposed to be front- and rear-loaded, with 99 rear-loaded homes having a minimum lot size of 2,000 square feet and minimum lot width of 31' and 50 front-loaded homes having a minimum lot size of 4,500 square feet and minimum lot width of 38'. Homes around the perimeter of the property are proposed to be two (2) stories and the homes interior to the site will be three (3) stories. New internal streets and alleys will be private. Minimum building setbacks are provided below.

- Upper Hembree Road – 65'
- Side – 5'
- Rear – 20'
- Typical Lot Setbacks:
 - Front – 10'
 - Side – 0' (10' b/w homes)
 - Rear – 20' (no alley), 0' (alley)

Five-foot (5') sidewalks are depicted throughout the development, including a connection to the sidewalk along Upper Hembree Road. The sidewalk along Upper Hembree Road should be expanded to a minimum six feet (6') with a minimum two-foot (2') planter. A landscape buffer

is depicted along Upper Hembree Road and fifteen-foot (15') replanted buffers are depicted along the east, west and south property lines.

Unified Development Code (UDC) Parking regulations require two (2) parking spaces for each single-family detached home, as well as a minimum ten-foot (10') by eighteen-foot (18') driveway for a total of 447 parking spaces. Each home has two (2) side-by-side parking spaces in a garage, as well as two (2) spaces in the code-compliant driveway, for a total of 596 parking spaces. An additional 38 guest parking spaces are provided throughout the development.

The site plan depicts approximately 4.9 acres of community space, including 1.47-acres of improved amenity space. Proposed community amenities include a pickleball court, dog park, pedestrian improvements, clubhouse and pool, community green, as well as several linear greenspaces fronted with homes.

Because the property is developed, there are not many opportunities to save trees. However, there are trees at the entrance to the property, as well as around the perimeter that are depicted to be saved. An existing stormwater pond on the south end of the property is proposed to be enlarged and will be heavily screened on all sides. The design of the existing stormwater pond does not allow the pond to be designed as an amenity for the proposed subdivision.

According to the applicant, homes will range in size from 1,600 – 2,600 square feet with prices starting in the \$600,000's. Renderings were provided depicting two (2) and three (3) story homes with a Craftsman influence. Homes are depicted with a brick or stone 1st floor and siding, board and batten and/or shakes on the 2nd and 3rd floors. Homes are proposed to have a recessed or covered front entry and most homes have a recessed or covered porch on the 2nd floor.

TRAFFIC

The applicant provided a traffic impact study, including a trip generation report which estimates that the 149 single-family detached homes would generate 119 AM Peak Hour trips and 149 PM Peak Hour trips. According to the applicant, a grocery store would generate approximately 237 AM Peak Hour trips and 600 PM Peak Hour trips. Therefore, the proposal to allow a residential development would represent a significant reduction in vehicular trips on streets in the area.

			A.M. Peak (7 am to 9 am)			P.M. Peak (4 pm to 6 pm)		
Land Use (ITE Code)	Proposed Intensity	Daily Total	In	Out	Total	In	Out	Total
Single-Family Detached Housing (210)	149 Units	1,148	30	89	119	94	55	149

The traffic impact study analyzed the intersections at Pointe Place (unsignalized), Harris Road/Site Driveway, and Alpharetta Highway along Upper Hembree Road. The study concluded that the signalized intersections will operate at an overall level of service "C" or better in both the AM and PM peak hours with the applicant's proposed development. The unsignalized intersection at Pointe Place will operate at a level-of-service "B" or better. The study recommends the following improvements at the site driveway:

- Full-access driveway should have one (1) entering and two (2) exiting lanes.
- Existing westbound left turn phase will not be warranted based on site traffic. It is recommended that westbound left movement be permissive only with flashing yellow arrow.
- Existing driveway configuration, which is not standard, is proposed to be used in the future. It is recommended that a redesign of the driveway be considered to provide a standard configuration with adequate throat depth.

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 – 149 Single-Family Detached Units

School	Single Family Average #
Hembree Springs Elementary School	16 to 69 students
Elkins Pointe Middle School	2 to 27 students
Milton High School	10 to 55 students
TOTAL	28 to 151 students

Based on the total figure for all three school levels, it can be assumed that the proposed development could house approximately 28 – 151 school age children. Numbers provided by Fulton County Schools show that Milton High School is currently over capacity.

COMPREHENSIVE LAND USE PLAN AMENDMENT REVIEW CRITERIA

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

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

Response: Given the current state of retail and abundance of available commercial space, additional land area is not needed to develop commercial uses.

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

Response: The applicant's proposal is supported by the following policies in the 2040 Comprehensive Plan:

- *Housing Policy 1: Promote and encourage residential densities and designs that ensure varied living areas and housing types.*
- *Housing Policy 2: Maintain a balance between 'owner-occupied' and 'renter-occupied' in Alpharetta such that at least 68% of the housing stock is 'owner-occupied'.*
- *Housing Policy 4: Design quality and long-term value into residential development to maintain appearance and property values.*

- *Housing Policy 5: Provide opportunities for people who work in Alpharetta to live in Alpharetta by monitoring the housing-to-jobs balance and promoting a variety of housing options, including housing types, design, and price-points.*
- *LU Policy 3: Guide development to areas where infrastructure is available concurrent with development.*
- *LU Policy 5: Require subdivision design that fosters a sense of community and promotes pedestrian mobility, community recreation and an abundance of public open space.*
- *LU Policy 7: Ensure context-sensitive infill and redevelopment.*

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

Response: The proposed change would not result in a significant demand on public facilities and services. Residential development on the property would generate fewer vehicular trips than a commercial use.

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

Response: The proposed future land use change would not negatively impact public health, safety and welfare of the residents in the area. Commercial development on the property would generate significantly more vehicular trips than the proposed residential use.

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

Response: Given the current state of retail and abundance of available commercial space, additional land area is not needed to develop commercial uses.

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

Response: Not applicable.

STANDARDS FOR ZONING CHANGES

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

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

Response: The property is currently approved for a grocery store, corporate office and accessory light industrial uses (storage and distribution), which is inconsistent with the character along Upper Hembree Road which transitions from medical offices to residential use. The R-8A/D zoning district has been approved at nearby subdivisions, including Bellsmith Regency on Upper Hembree Road and Harris Walk at the corner of Harris Road and Rucker Road.

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. Surrounding properties are developed with a mix of residential and commercial uses.

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

Response: The proposed development would not adversely impact the natural environment. The property is developed with a nearly 80% impervious coverage and there are not many opportunities to save trees. However, the applicant proposes to save trees at the entrance to the property, as well as along the perimeter of the property.

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

Response: The property is currently zoned PSC and allows a grocery store, corporate office, and accessory light industrial uses (storage and distribution) which is inconsistent with the transitional character of the area.

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 proposal would not cause an excessive burden on public facilities and services. The requested rezoning to allow a residential subdivision would increase demand on schools and parks but reduce impacts on streets and transportation facilities.

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

Response: Given the current state of retail and abundance of available commercial space, additional land area is not needed to develop commercial uses.

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. A residential subdivision on the subject property would generate significantly fewer vehicular trips than a commercial use.

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

Response: The property is currently zoned PSC and allows a grocery store, corporate office and accessory light industrial uses (storage and distribution) which is inconsistent with the transitional character of the area.

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

Response: The comprehensive land use plan designation of the property is 'Commercial', which requires an amendment to allow the proposed zoning and residential use.

VARIANCE REVIEW CRITERIA

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

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

Response: The property does not have exceptional conditions due to its size, shape or topography. However, the applicant provided a site plan demonstrating that at least 150 townhome units could be developed on the property. Therefore, the requested lot width reduction does not gain density and would allow for a detached product. The building/lot coverage variance would allow for the cottage-home aesthetic (detached homes on small lots) that the applicant desires for this community. The property, as it exists today, has an impervious coverage of approximately 80%. Also, the property is situated between non-residential and residential properties, which contributes to the variance request to reduce undisturbed buffers.

(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 by forcing a townhome plan for the subject 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's geography, being located on a corridor that transitions from medical office to residential use, represents a peculiar condition adversely affecting its reasonable use as currently zoned. The applicant provided a site plan demonstrating that at least 150 townhome units could be developed on the property. Therefore, the requested lot width reduction does not gain density and would allow for a detached product. The building/lot coverage variance would allow for the cottage-home aesthetic (detached homes on small lots) that the applicant desires for this community. The property, as it exists today, has an impervious coverage of approximately 80%. Also, the property is situated between non-residential and residential properties, which contributes to the variance request to reduce undisturbed buffers.

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

Response: Relief, if granted, would not cause a substantial detriment to the public good. The property has peculiar conditions that support the requested variances.

CONCURRENCES

Staff has reviewed the applicant's proposal against the review criteria for a comprehensive land use plan amendment, rezoning and variance. The proposal to allow residential use is consistent with the character of the area which transitions from medical office to residential uses. The requested R-8A/D zoning district has been approved at nearby subdivisions, including at Bellsmith Regency on Upper Hembree Road and Harris Walk at the corner of Harris Road and Rucker Road. Additionally, redevelopment of the property with a single-family detached subdivision would generate significantly fewer vehicular trips on the surrounding roadway network.

The variance requests can be supported, given the geography of the property which transitions from medical office to residential use. The applicant demonstrated that a similar number of townhome units could be developed on the property. Therefore, the requested lot width reduction does not gain density and would allow for a detached product. The proposed building/lot coverage to allow the cottage-home aesthetic that the developer desires will result in a reduction in impervious area on the site. If approved, conditions are recommended requiring a landscape buffer along Upper Hembree Road and aesthetic improvements at the project entrance.

CITIZEN PARTICIPATION PLAN

The report submitted by the applicant states that letters were mailed to each property owner within 500' of the subject property stating the applicant's intent. The report states that no public comments were received as a result of the public notice mailing. However, the applicant noted that questions were raised by the public at the CZIM regarding traffic and impacts to surrounding properties. The applicant committed to meeting with an adjacent residential neighbor, inspecting an existing fence along the south property line, and review stormwater outlets from the existing detention pond.

City Staff was contacted by a homeowner in Bellsmith Regency with concerns over traffic and density. The homeowner was placed in contact with the applicant.

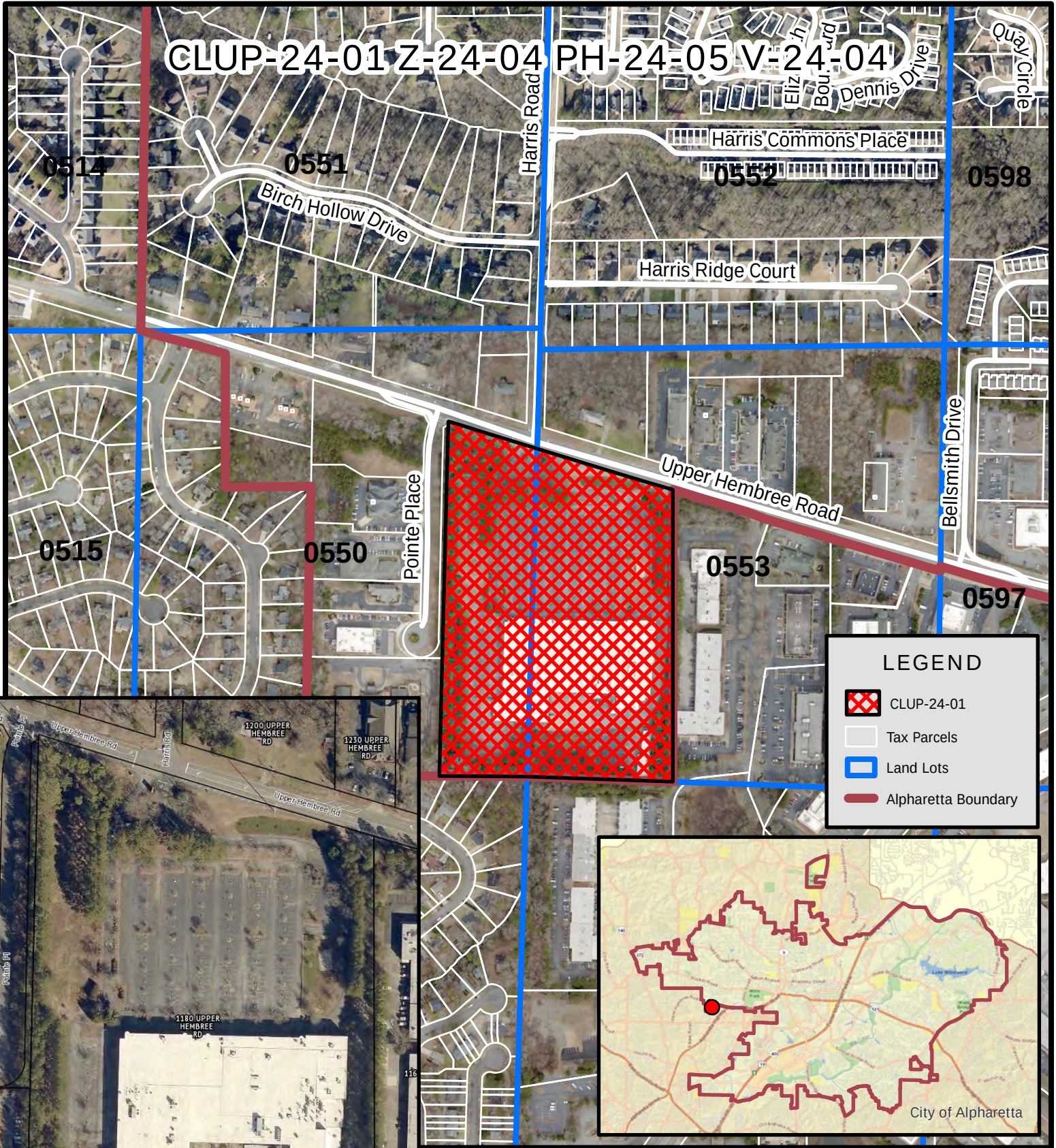
COMMUNITY ZONING INFORMATION MEETING

The CZIM was held on February 14, 2024. There were no public comments on the sign-in sheet.

IV. ATTACHMENTS:

- Aerial Map
- Zoning Map
- Future Land Use Map
- Location Map
- Latest Site Plan
- Concept Tree Plan
- Buffer Exhibit
- CZIM
- Citizen Part B
- Public Comment
- Application

CLUP-24-01 Z-24-04 PH-24-05 V-24-04



LEGEND

-  CLUP-24-01
-  Tax Parcels
-  Land Lots
-  Alpharetta Boundary

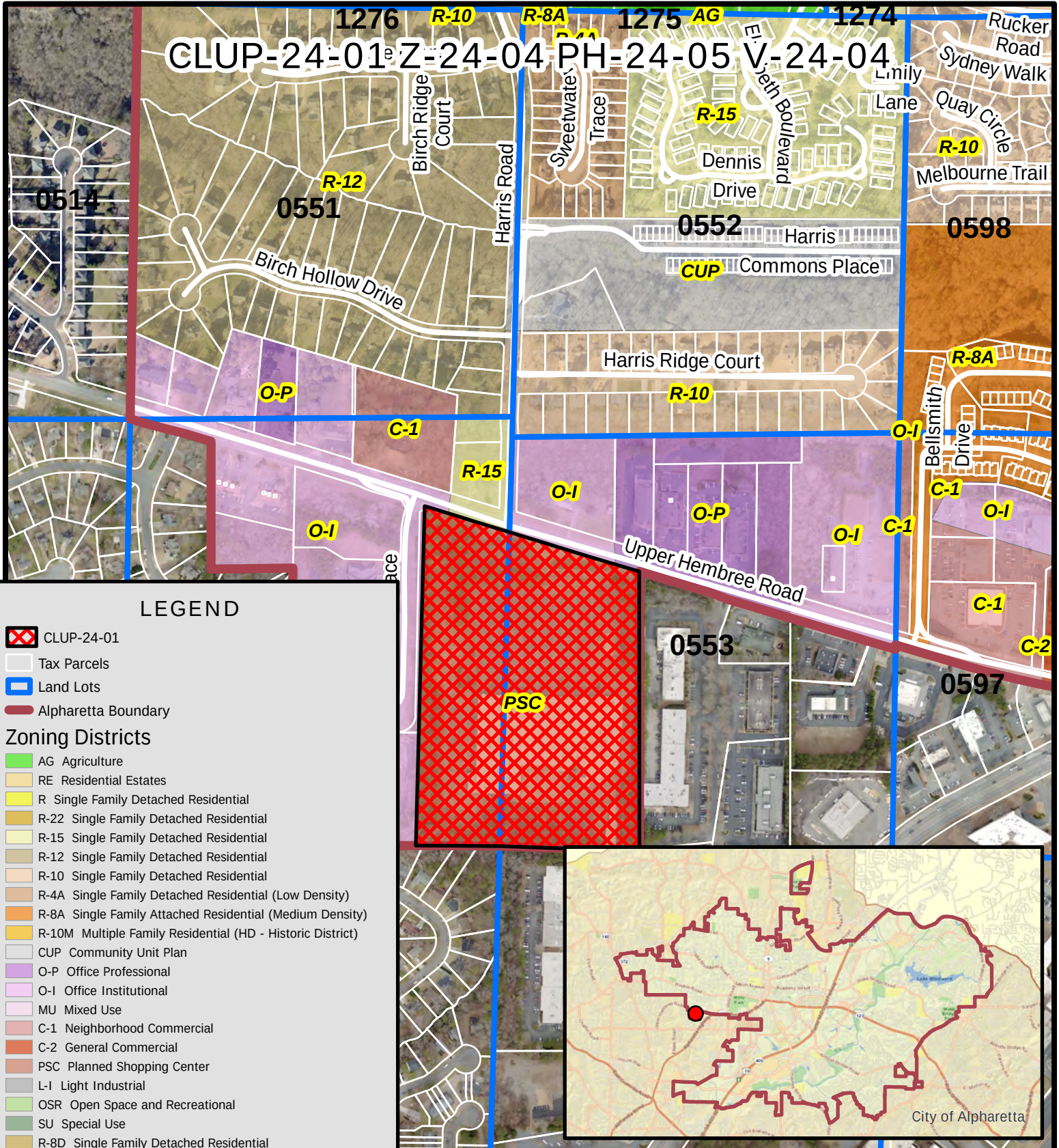
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PH-24-05 V-24-04
D/LL: 1/2/550, 553
PC: 3/07/24
CC: 3/25/24

Aerial Map

Upper Hembree Road Tract
1180 Upper Hembree Road



CLUP-24-01 Z-24-04 PH-24-05 V-24-04



LEGEND

CLUP-24-01

Tax Parcels

Land Lots

Alpharetta Boundary

Zoning Districts

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

CLUP-24-01 Z-24-04

PH-24-05 V-24-04

D/LL: 1/2/550, 553

PC: 3/07/24

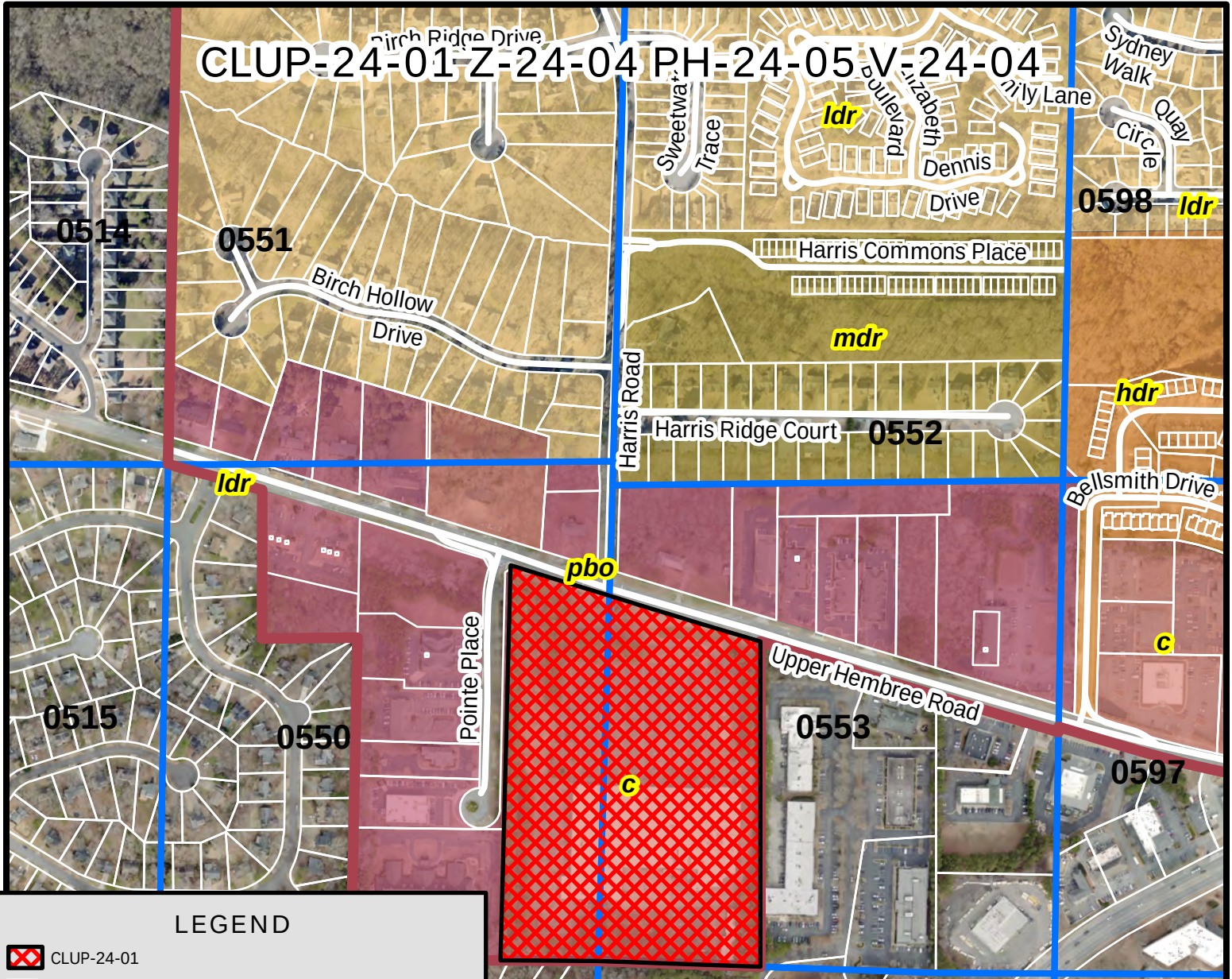
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Zoning Map

Upper Hembree Road Tract

1180 Upper Hembree Road





LEGEND

CLUP-24-01

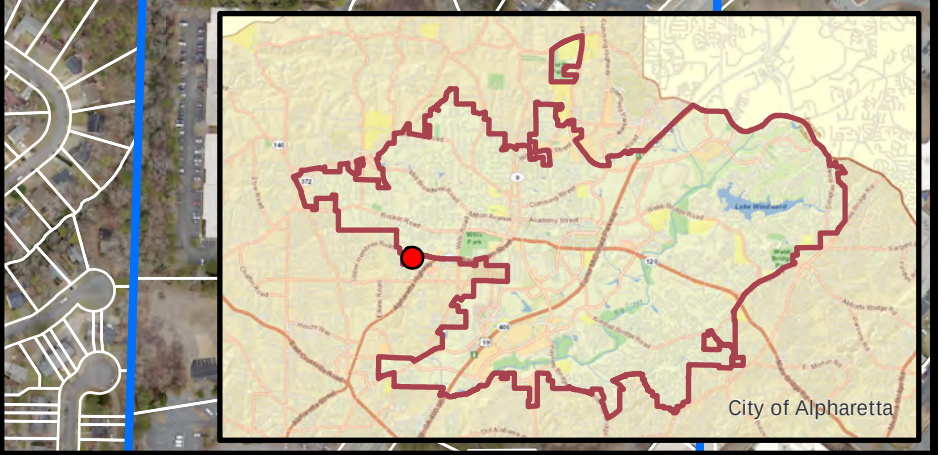
Tax Parcels

Land Lots

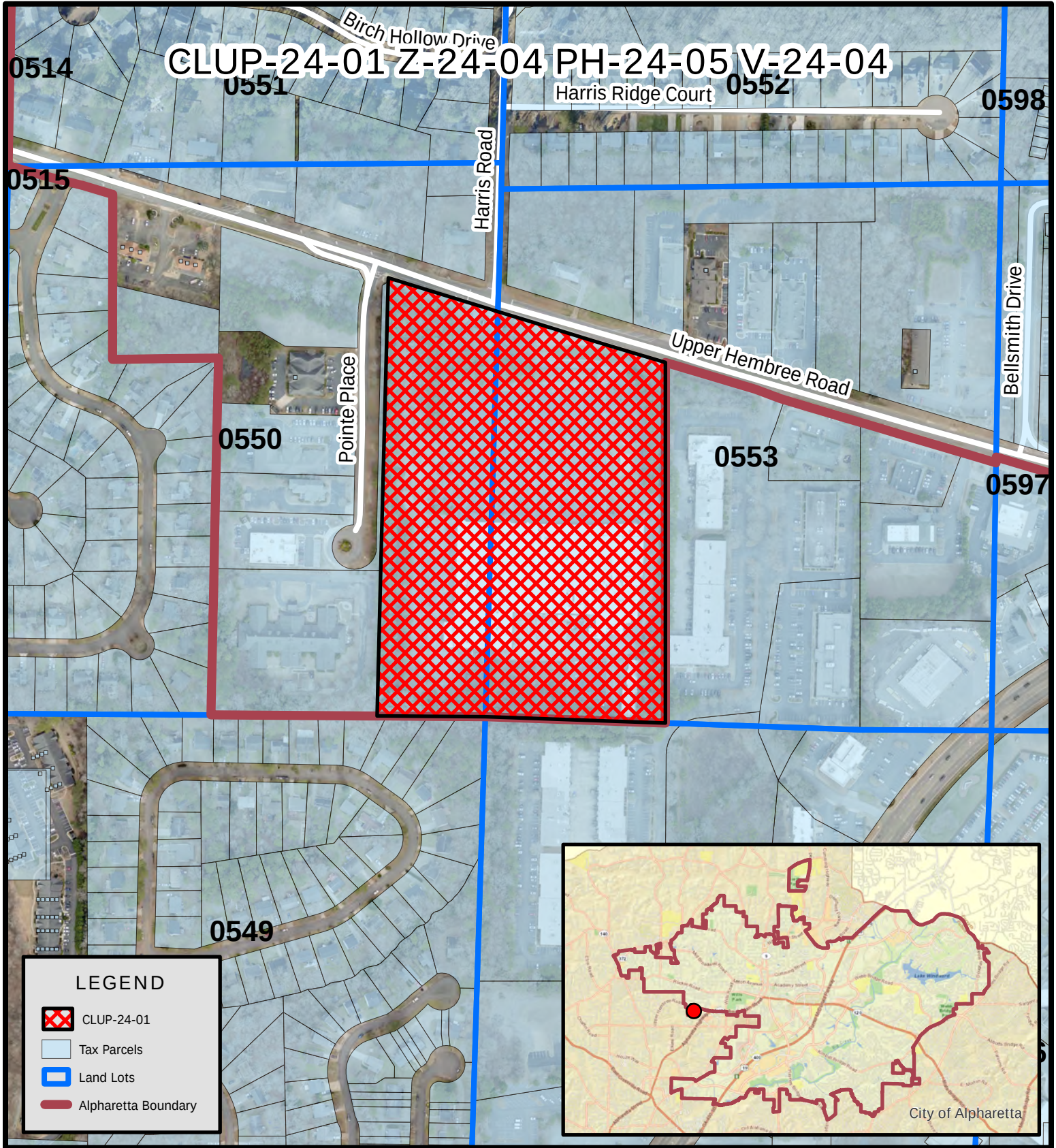
Alpharetta Boundary

2040 Future Land Use

- Business, Manufacturing, Warehousing, Light Industrial
- Central Business District
- Commercial
- Corporate Office
- Downtown Residential Density
- High Density Residential
- Low Density Residential
- Medium Density Residential
- Mixed Use
- Mixed Use Live Work
- Parks, Recreation, Open Space
- Professional Business Office
- Public, Institutional, Education
- Residential Estate
- Very Low Density Residential



CLUP-24-01 Z-24-04
 PH-24-05 V-24-04
 D/LL: 1/2/550, 553
 PC: 3/07/24
 CC: 3/25/24



CLUP-24-01 Z-24-04 PH-24-05 V-24-04

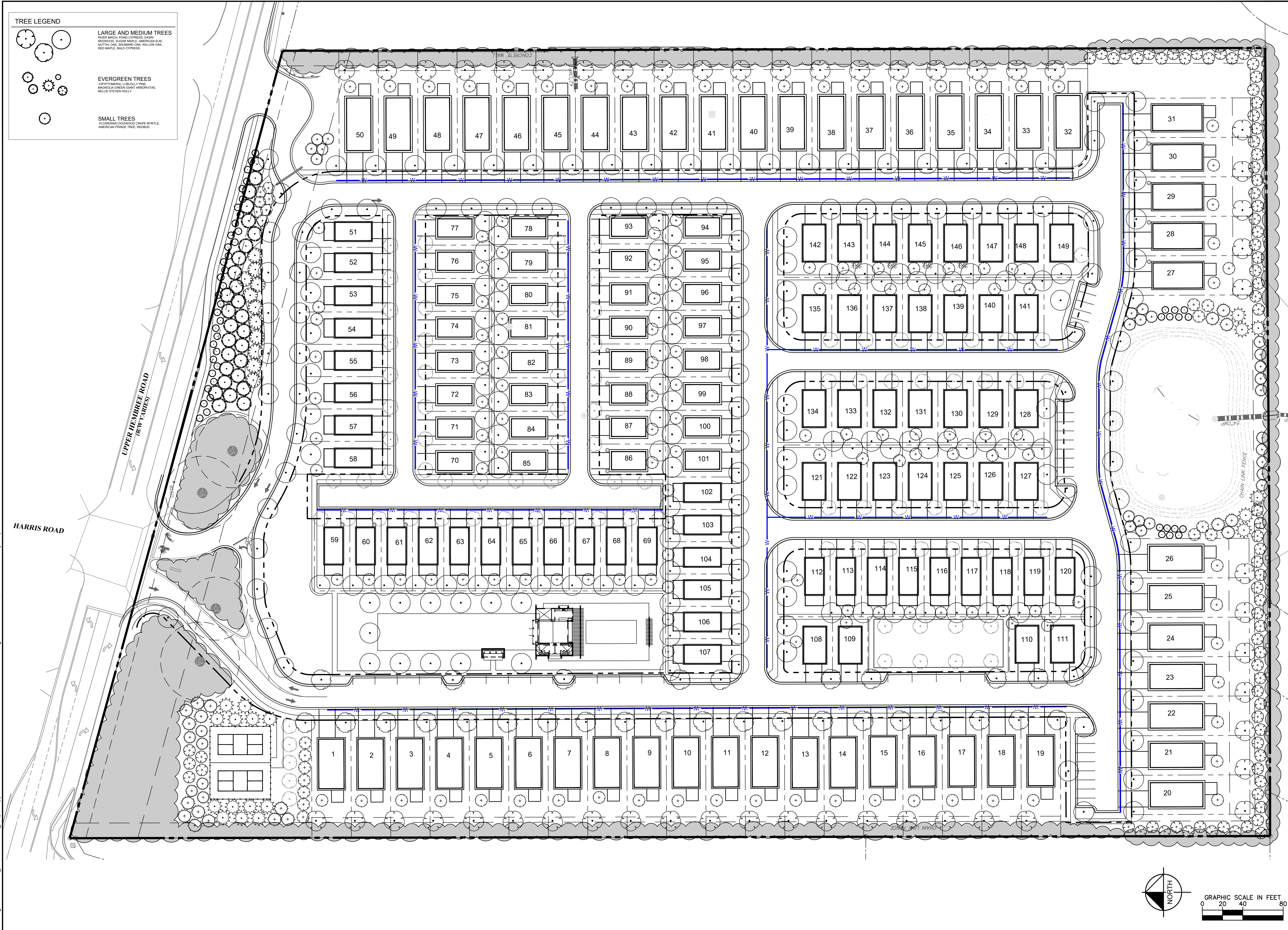
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 PH-24-05 V-24-04
 D/LL: 1/2/550, 553
 PC: 3/07/24
 CC: 3/25/24

Location Map
 Upper Hembree Road Tract
 1180 Upper Hembree Road

Location Map Provided by:
 Community Development - GIS
 Page 23 of 102



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PREPARED FOR

EMPIRE COMMUNITIES

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PROJECT

UPPER HEMBREE ROAD

1180 UPPER HEMBREE ROAD, ALPHARETTA, GA 30076

GSWCC NO.
(LEVEL II)

0000008170

DRAWN BY

SHS

DESIGNED BY

EHS/SHS

REVIEWED BY

EHS

DATE

03/01/2024

PROJECT NO.

018754039

TITLE

CONCEPT TREE PLAN

SHEET NUMBER

TP1.01

PREPARED BY

Kimley»Horn

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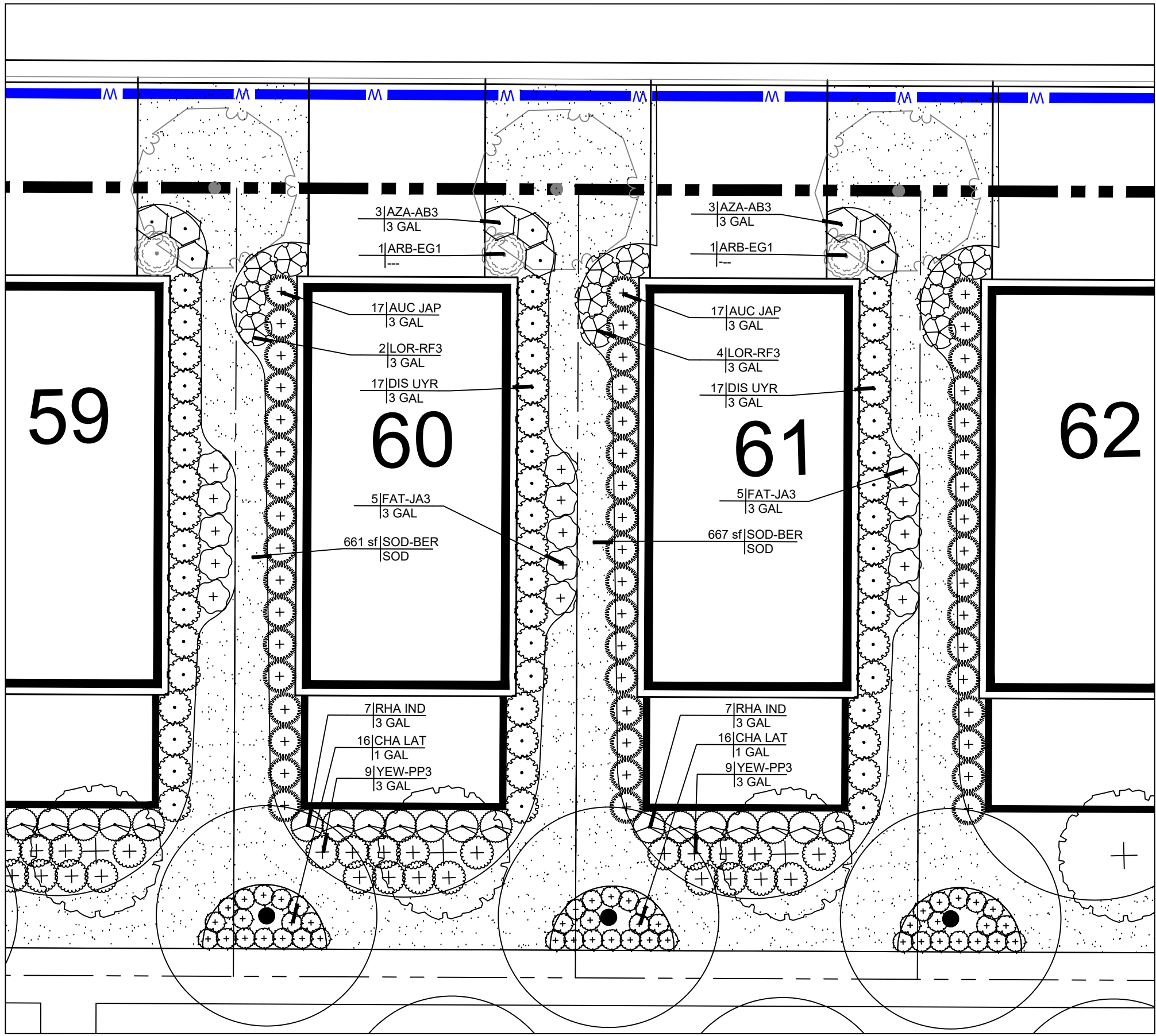


EXHIBIT B: COTTAGE HOME LANDSCAPE
SCALE: 1" = 10'

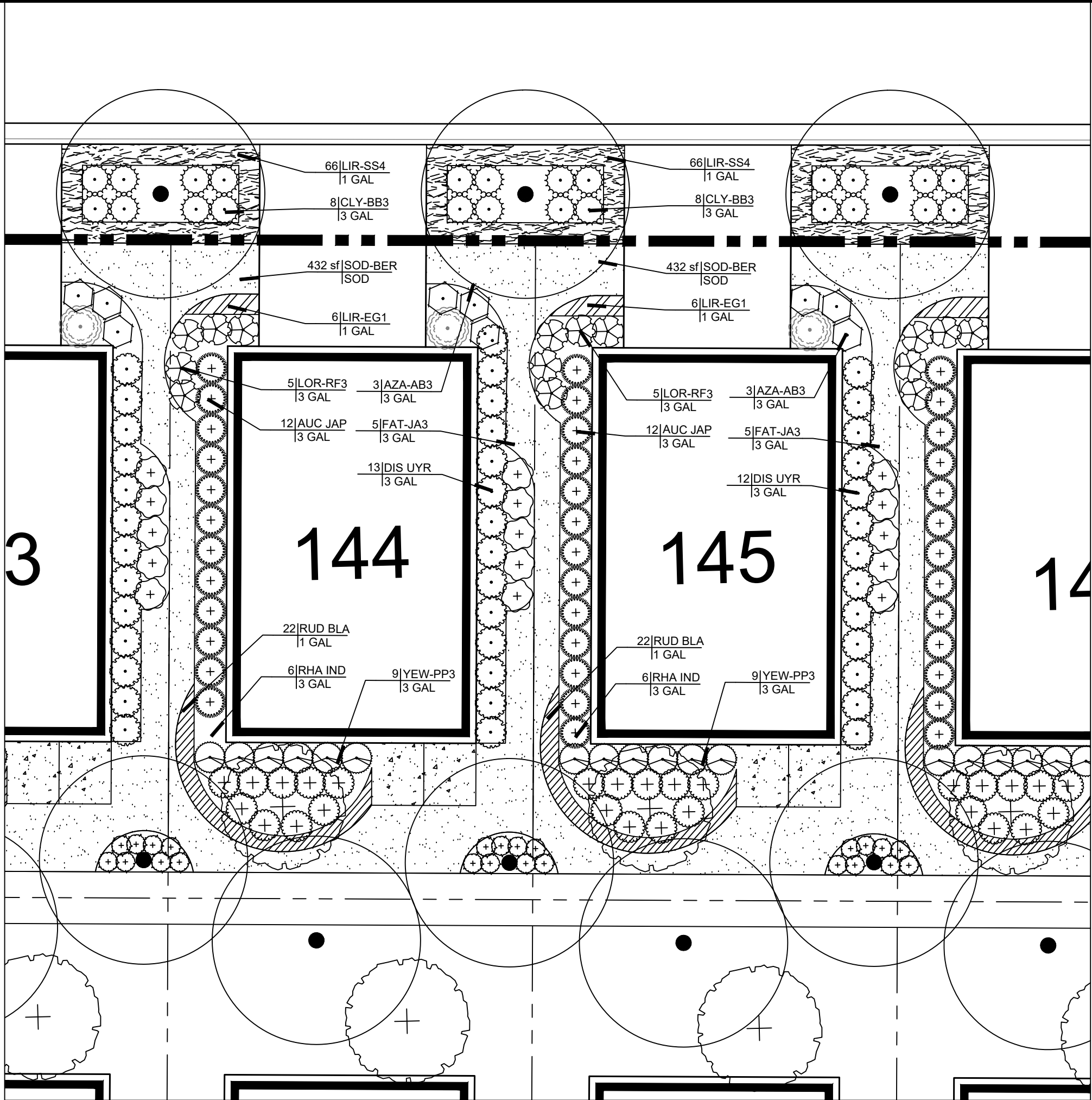
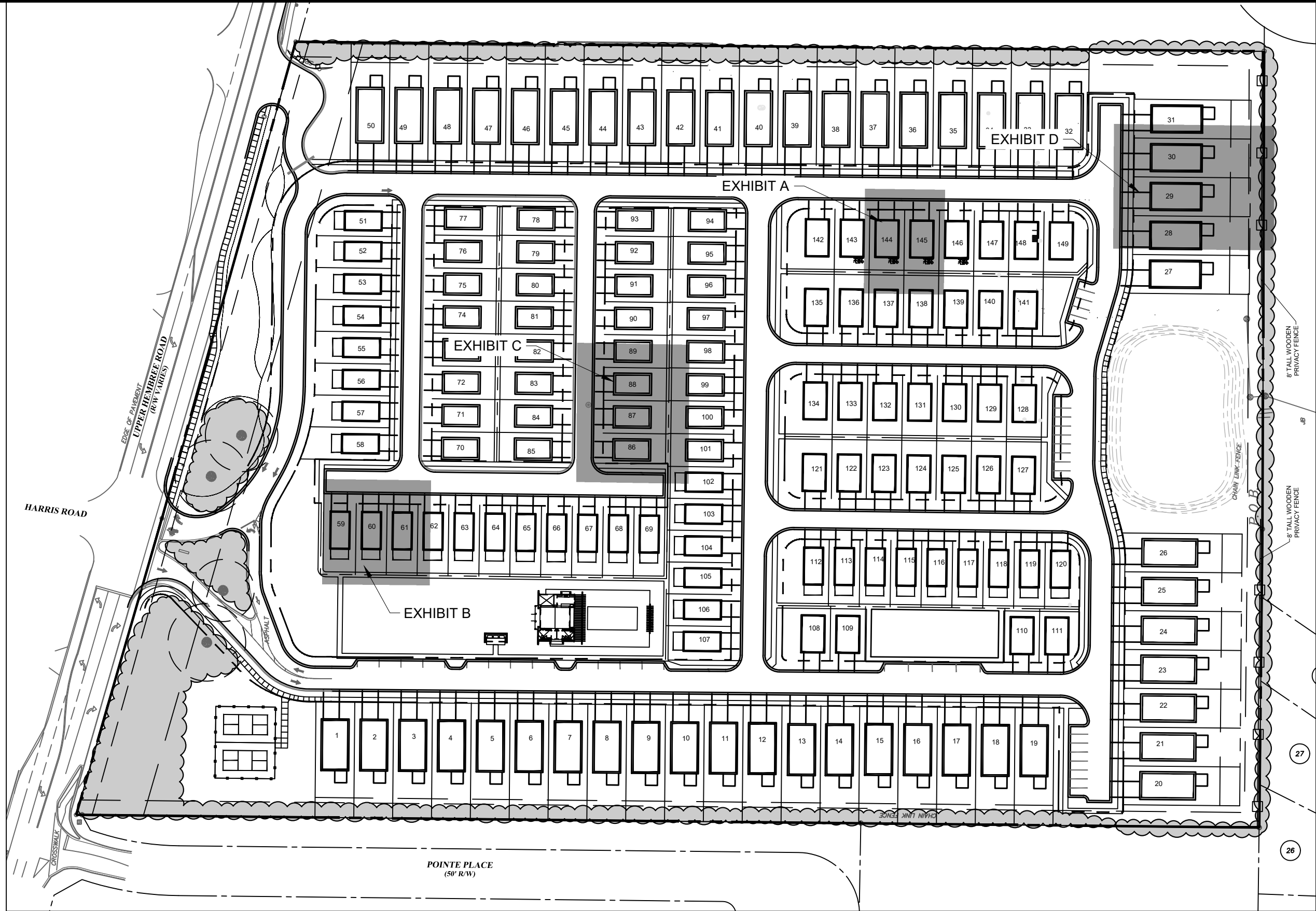


EXHIBIT A: COTTAGE HOME LANDSCAPE
SCALE: 1" = 10'



CONCEPT TREE PLAN
SCALE: 1" = 100'

PLANT SCHEDULE

SYMBOL	BOTANICAL NAME	COMMON NAME
SHRUBS		
	AUCUBA JAPONICA 'GREEN LEAF'	GREEN LEAF AUCUBA
	AZALEA ENCORE 'AUTUMN BELLE' TM	ENCORE AZALEA
	CEPHALOTAXUS HARRINGTONIA PROSTRATA	PROSTRATE PLUM YEW
	CHASMANTHIUM LATIFOLIUM	NORTHERN SEA OATS
	CLEYERA JAPONICA 'BRONZE BEAUTY'	JAPANESE CLEYERA
	DISTYLIUM 'PIIDIST-IV'	LINEBACKER™ DISTYLIUM
	DISTYLIUM X 'PIIDIST-I'	EMERALD HEIGHTS® DISTYLIUM
	FATSIA JAPONICA	JAPANESE FATSIA
	LOROPETALUM CHINENSE 'SNOW MUFFIN'	SNOW MUFFIN LOROPETALUM
	RHAPHIOLEPIS INDICA	INDIAN HAWTHORN
GROUND COVERS		
	LIRIOPE MUSCARI 'EMERALD GODDESS'	EMERALD GODDESS LILYTURF
	RUDBECKIA FULGIDA	CONEFLOWER
SOD/SEED		
	CYNODON DACTYLON '419 HYBRID'	BERMUDA GRASS

PREPARED FOR

EMPIRE COMMUNITIES

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PREPARED BY

Kimley»Horn

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PROJECT

UPPER HEMBREE ROAD

1180 UPPER HEMBREE ROAD, ALPHARETTA, GA 30076

GSWCC NO.
(LEVEL II)

0000008170

DRAWN BY

SHS

DESIGNED BY

EHS/SHS

REVIEWED BY

EHS

DATE

03/01/2024

PROJECT NO.

018754039

TITLE

COTTAGE LANDSCAPE EXHIBITS

SHEET NUMBER

TP1.02

PRELIMINARY: NOT FOR CONSTRUCTION

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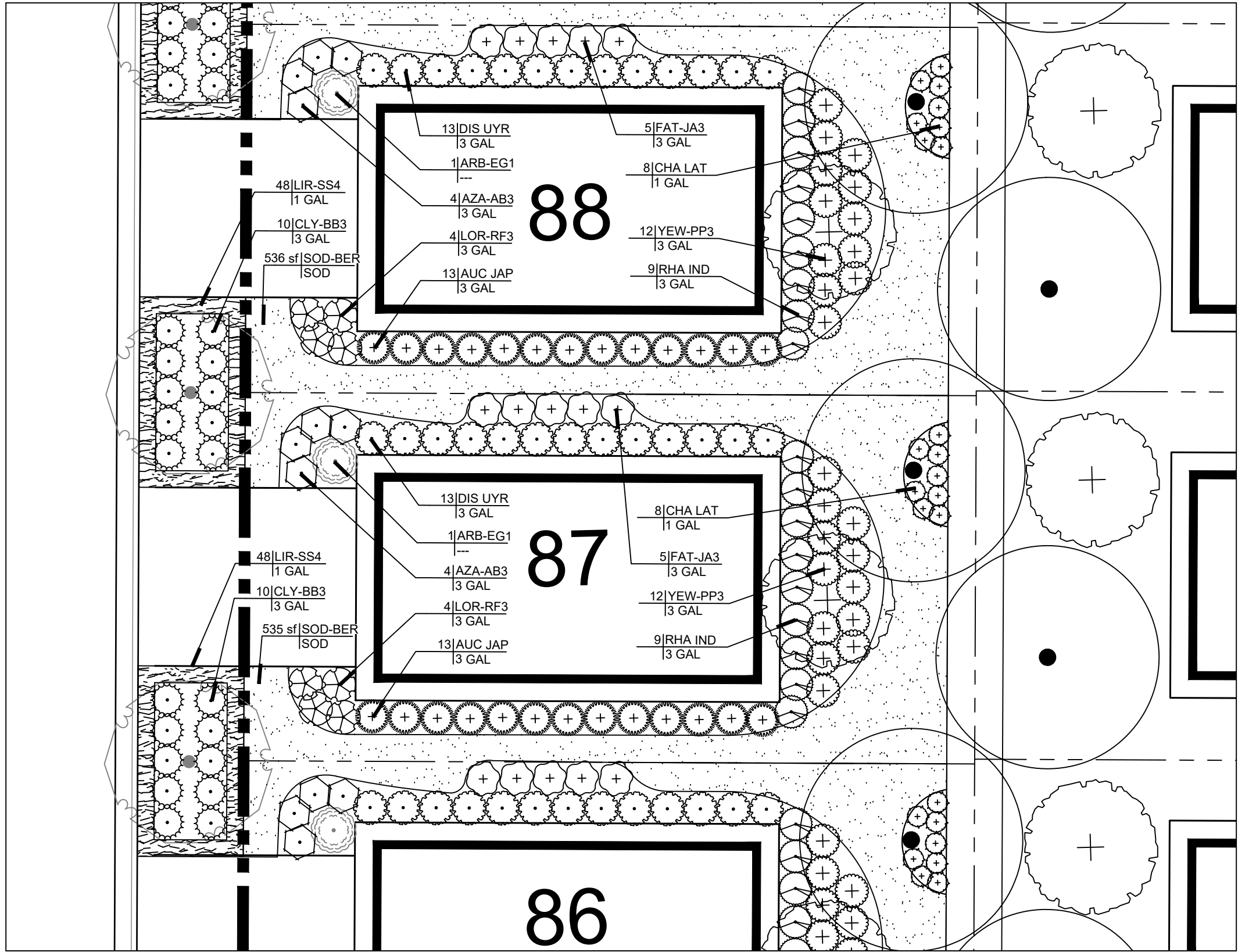


EXHIBIT C: COTTAGE HOME LANDSCAPE
SCALE: 1" = 10'

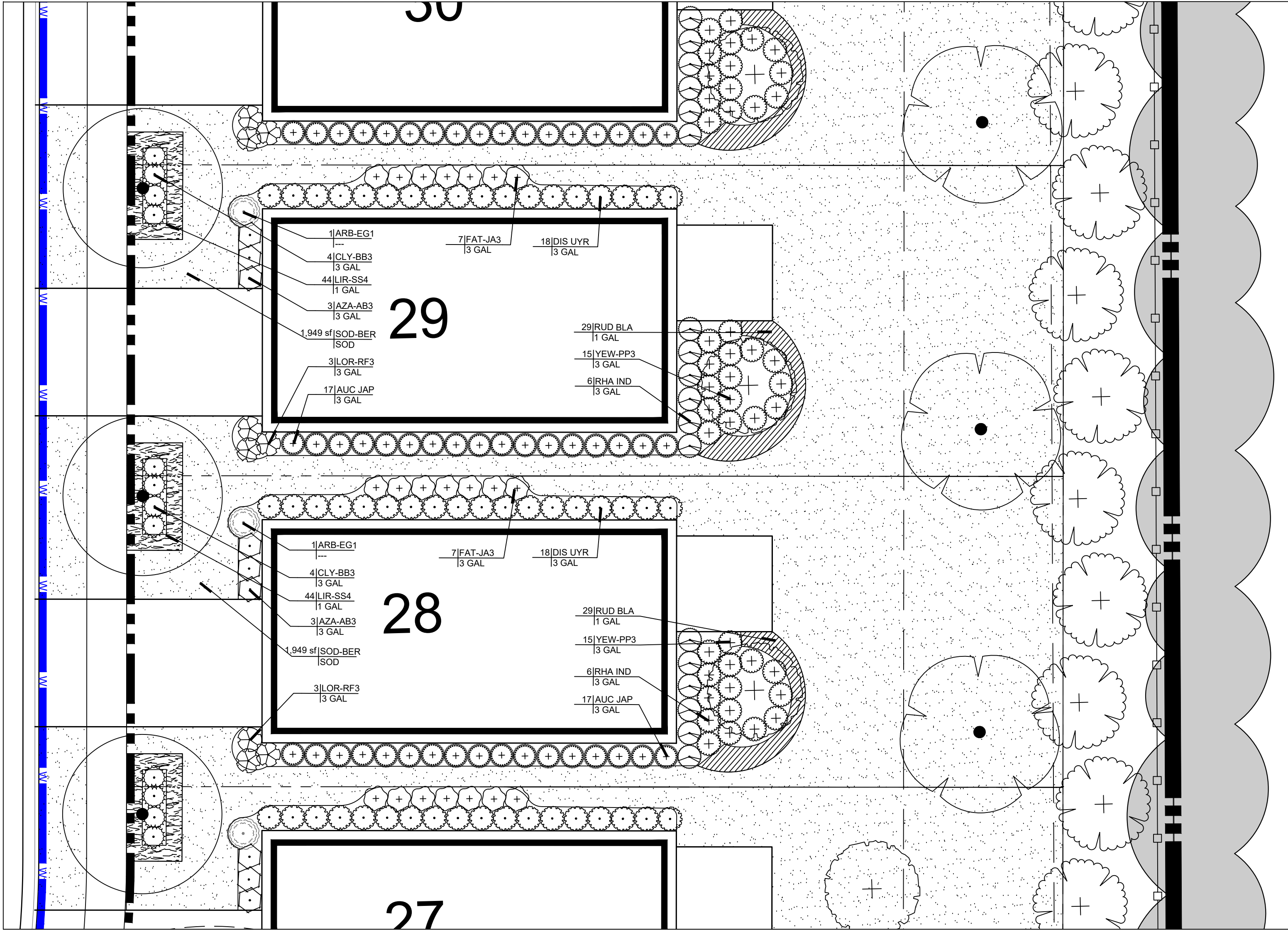
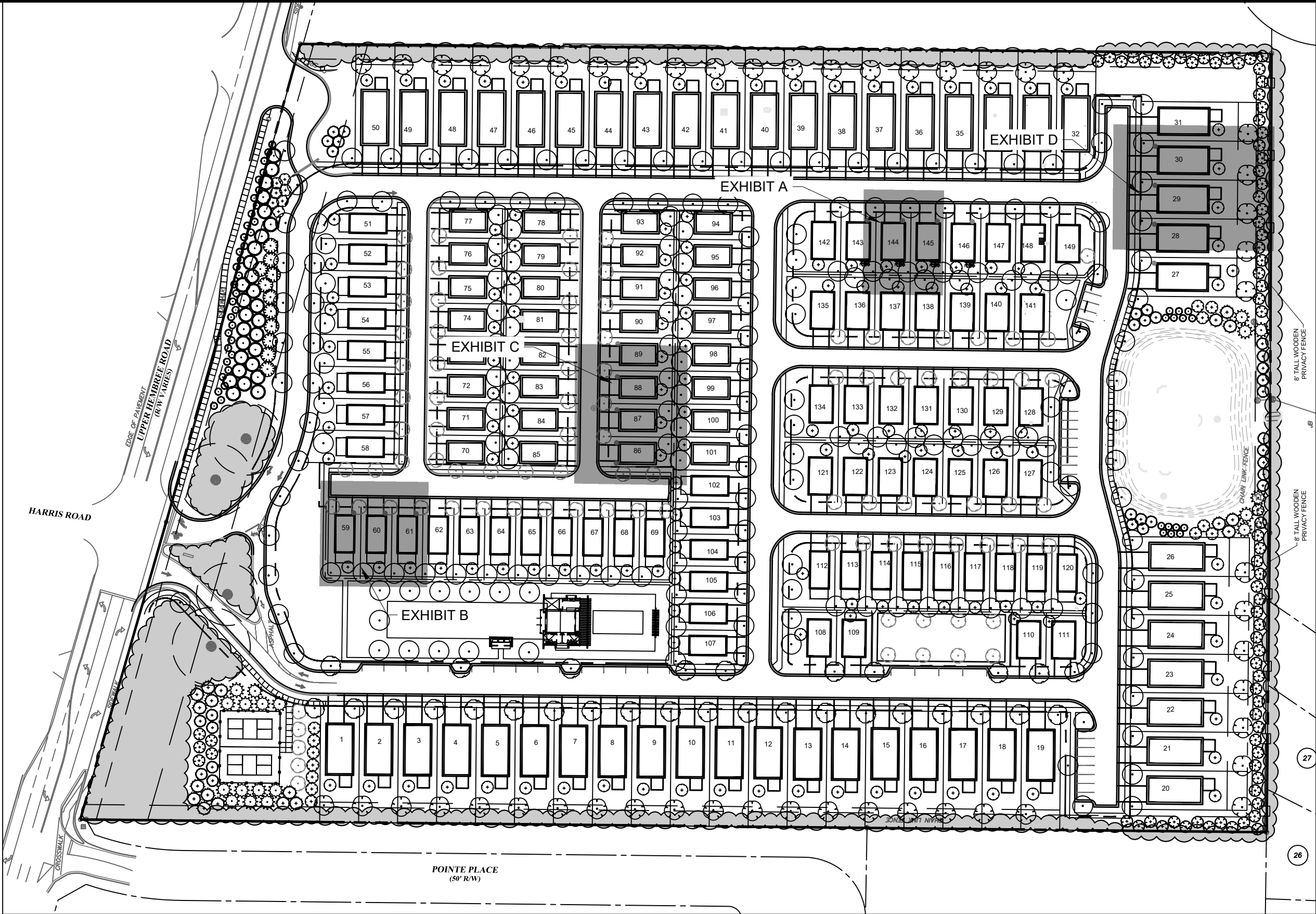


EXHIBIT D: COTTAGE HOME LANDSCAPE
SCALE: 1" = 10'



CONCEPT TREE PLAN
SCALE: 1" = 100'

PLANT SCHEDULE

SYMBOL	BOTANICAL NAME	COMMON NAME
SHRUBS		
	AUCUBA JAPONICA 'GREEN LEAF'	GREEN LEAF AUCUBA
	AZALEA ENCORE 'AUTUMN BELLE' TM	ENCORE AZALEA
	CEPHALOTAXUS HARRINGTONIA PROSTRATA	PROSTRATE PLUM YEW
	CHASMANTHIUM LATIFOLIUM	NORTHERN SEA OATS
	CLEYPORA JAPONICA 'BRONZE BEAUTY'	JAPANESE CLEYPORA
	DISTYLIUM 'PIDIST-IV'	LINEBACKER™ DISTYLIUM
	DISTYLIUM X 'PIDIST-I'	EMERALD HEIGHTS® DISTYLIUM
	FATSIA JAPONICA	JAPANESE FATSIA
	LOROPETALUM CHINENSE 'SNOW MUFFIN'	SNOW MUFFIN LOROPETALUM
	RHAPHIOLEPIS INDICA	INDIAN HAWTHORN
GROUND COVERS		
	LIRIOPE MUSCARI 'EMERALD GODDESS'	EMERALD GODDESS LILYTURF
	RUDBECKIA FULGIDA	CONEFLOWER
SOD/SEED		
	CYNODON DACTYLON '419 HYBRID'	BERMUDA GRASS

PREPARED BY

Kimley»Horn

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PROJECT

UPPER HEMBREE ROAD

1180 UPPER HEMBREE ROAD, ALPHARETTA, GA 30076

GSWCC NO. (LEVEL II)

0000008170

DRAWN BY

SHS

DESIGNED BY

EHS/SHS

REVIEWED BY

EHS

DATE

03/01/2024

PROJECT NO.

018754039

TITLE

COTTAGE LANDSCAPE EXHIBITS

SHEET NUMBER

TP1.03

ISSUANCE AND REVISION DESCRIPTIONS

NO.

DATE

BY

PRELIMINARY: NOT FOR CONSTRUCTION

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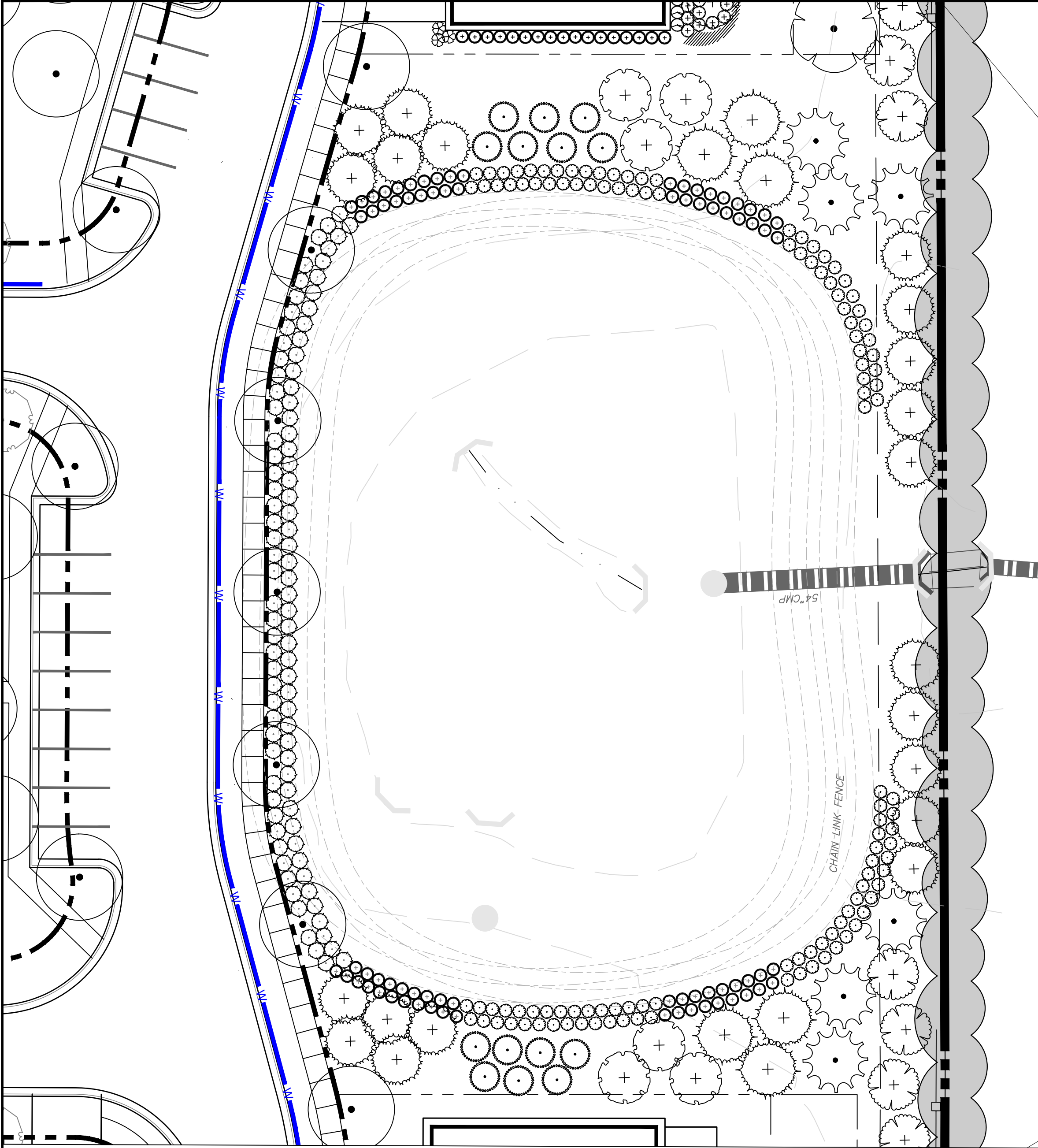


EXHIBIT E: STORM DETENTION POND
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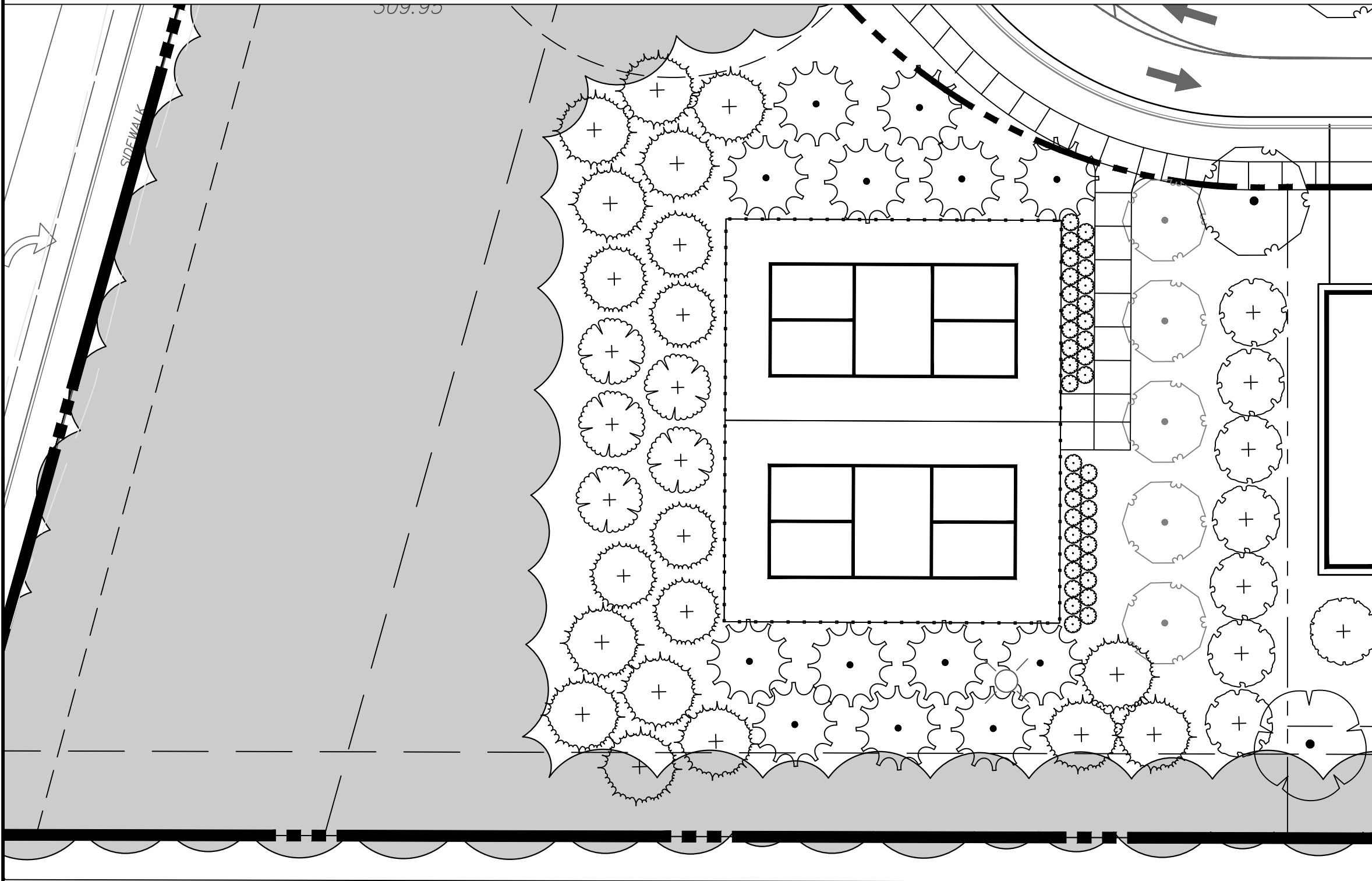
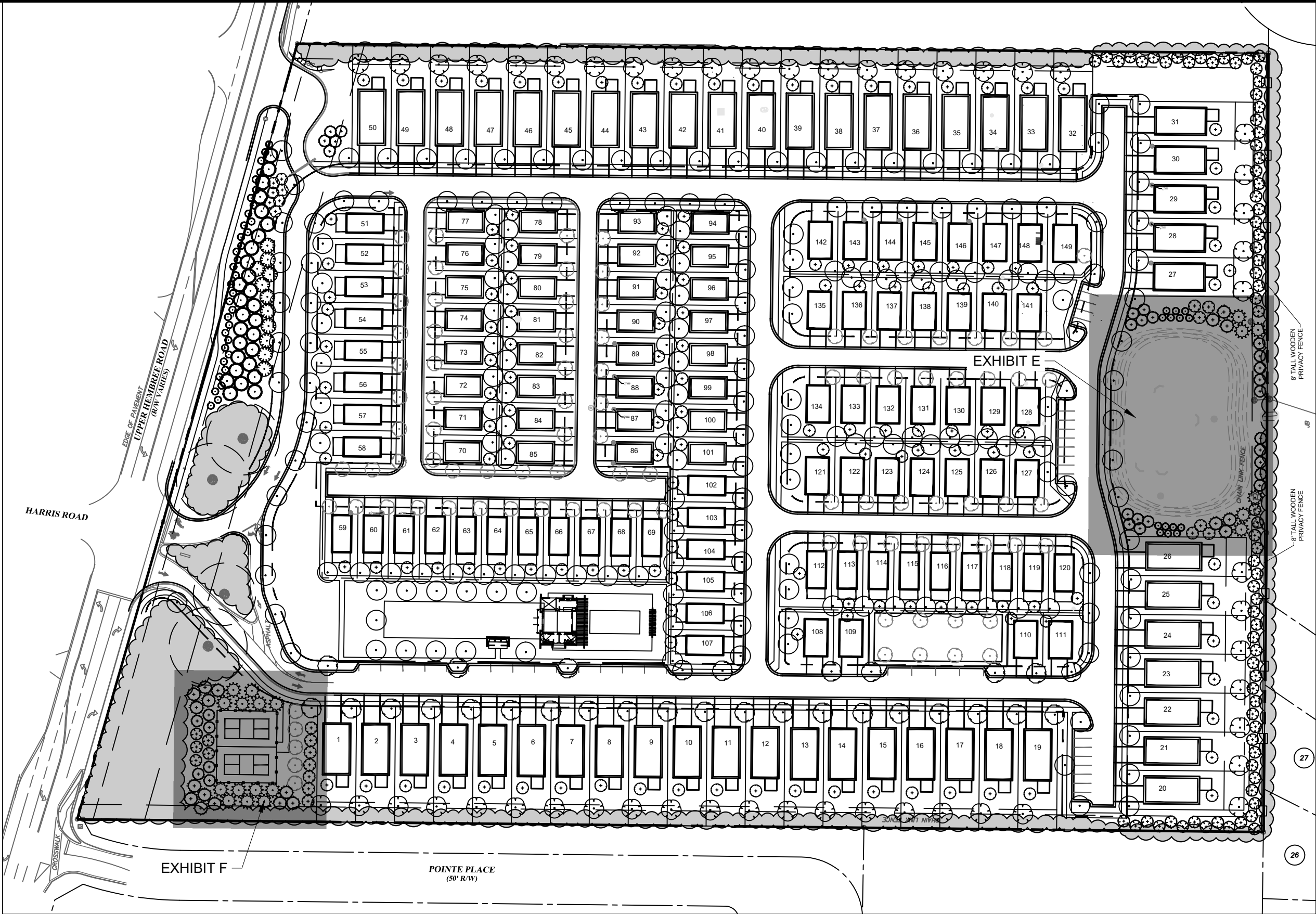


EXHIBIT F: PICKLE BALL COURTS
SCALE: 1" = 20'

PLANT SCHEDULE DETENTION POND

SYMBOL	CODE	BOTANICAL NAME	COMMON NAME
CANOPY TREES			
	ELM-PR3	ULMUS AMERICANA 'PRINCETON'	PRINCETON ELM
EVERGREEN TREES			
	CRY-JC3	CRYPTOMERIA JAPONICA	JAPANESE CEDAR
	HOL-NS3	ILEX X 'NELLIE R. STEVENS' NELLIE STEVENS	NELLIE STEVENS HOLLY - FULL TO GROUND
	JUN-ER3	JUNIPERUS VIRGINIANA 'BRODIE'	BRODIE JUNIPER
	MAG-LG3	MAGNOLIA GRANDIFLORA 'LITTLE GEM'	DWARF SOUTHERN MAGNOLIA - FULL TO GROUND
	PIN TAE	PINUS TAEDA	LOBLOLLY PINE
	ARB-GG3	THUJA OCCIDENTALIS 'GREEN GIANT'	GREEN GIANT ARBORVITAE
SHRUBS			
	DIS-JB3	DISTYLIUM 'PIDIST-IV'	LINEBACKER™ DISTYLIUM
	DIS UYR	DISTYLIUM X 'PIDIST-I'	EMERALD HEIGHTS® DISTYLIUM
GRASSES			
	MUH-PK3	MUHLBERGIA CAPILLARIS	PINK MUHLY



CONCEPT TREE PLAN
SCALE: 1" = 100'

PLANT SCHEDULE PICKLE BALL

SYMBOL	CODE	BOTANICAL NAME	COMMON NAME
CANOPY TREES			
	OAK-WI3	QUERCUS PHELLOS	WILLOW OAK
	ELM-PR3	ULMUS AMERICANA 'PRINCETON'	PRINCETON ELM
EVERGREEN TREES			
	CRY-JC3	CRYPTOMERIA JAPONICA	JAPANESE CEDAR
	JUN-ER3	JUNIPERUS VIRGINIANA 'BRODIE'	BRODIE JUNIPER
	MAG-LG3	MAGNOLIA GRANDIFLORA 'LITTLE GEM'	DWARF SOUTHERN MAGNOLIA - FULL TO GROUND
	PIN TAE	PINUS TAEDA	LOBLOLLY PINE
	ARB-GG3	THUJA OCCIDENTALIS 'GREEN GIANT'	GREEN GIANT ARBORVITAE
FLOWERING TREES			
	OST-IT3	OSTRYA VIRGINIANA	IRONWOOD TREE
SHRUBS			
	DIS UYR	DISTYLIUM X 'PIDIST-I'	EMERALD HEIGHTS® DISTYLIUM

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PHONE: 770.541.5250

PREPARED FOR
**UPPER HEMBREE
ROAD**
1180 UPPER HEMBREE ROAD, ALPHARETTA, GA 30076

PROJECT
**SITE
EXHIBITS**

GSWCC NO.
(LEVEL II)
DRAWN BY
DESIGNED BY
REVIEWED BY
DATE
PROJECT NO.
TITLE
SHEET NUMBER

0000008170
SHS
EHS/SHS
EHS
03/01/2024
018754039
**SITE
EXHIBITS**
TP1.04

ISSUANCE AND REVISION DESCRIPTIONS
No. DATE BY

PRELIMINARY: NOT FOR CONSTRUCTION

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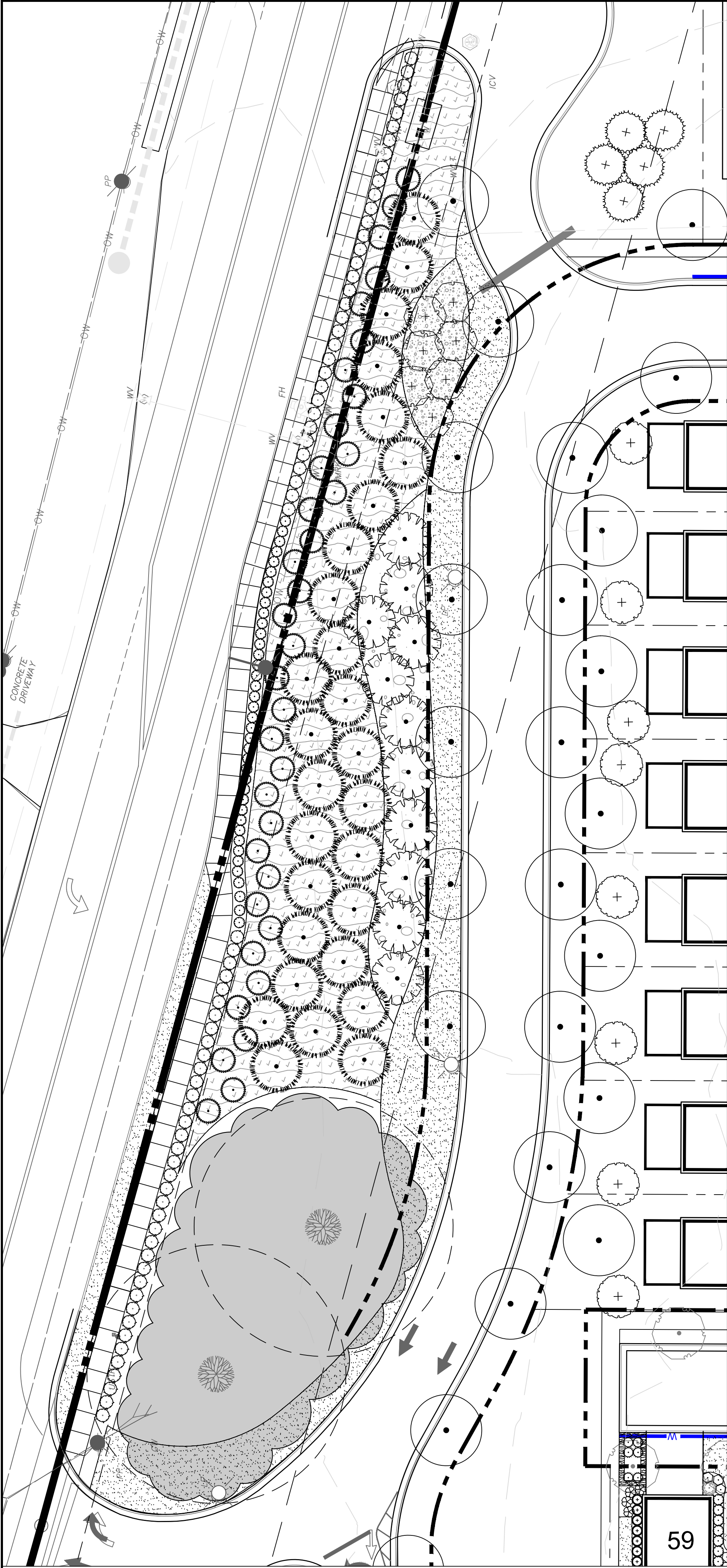
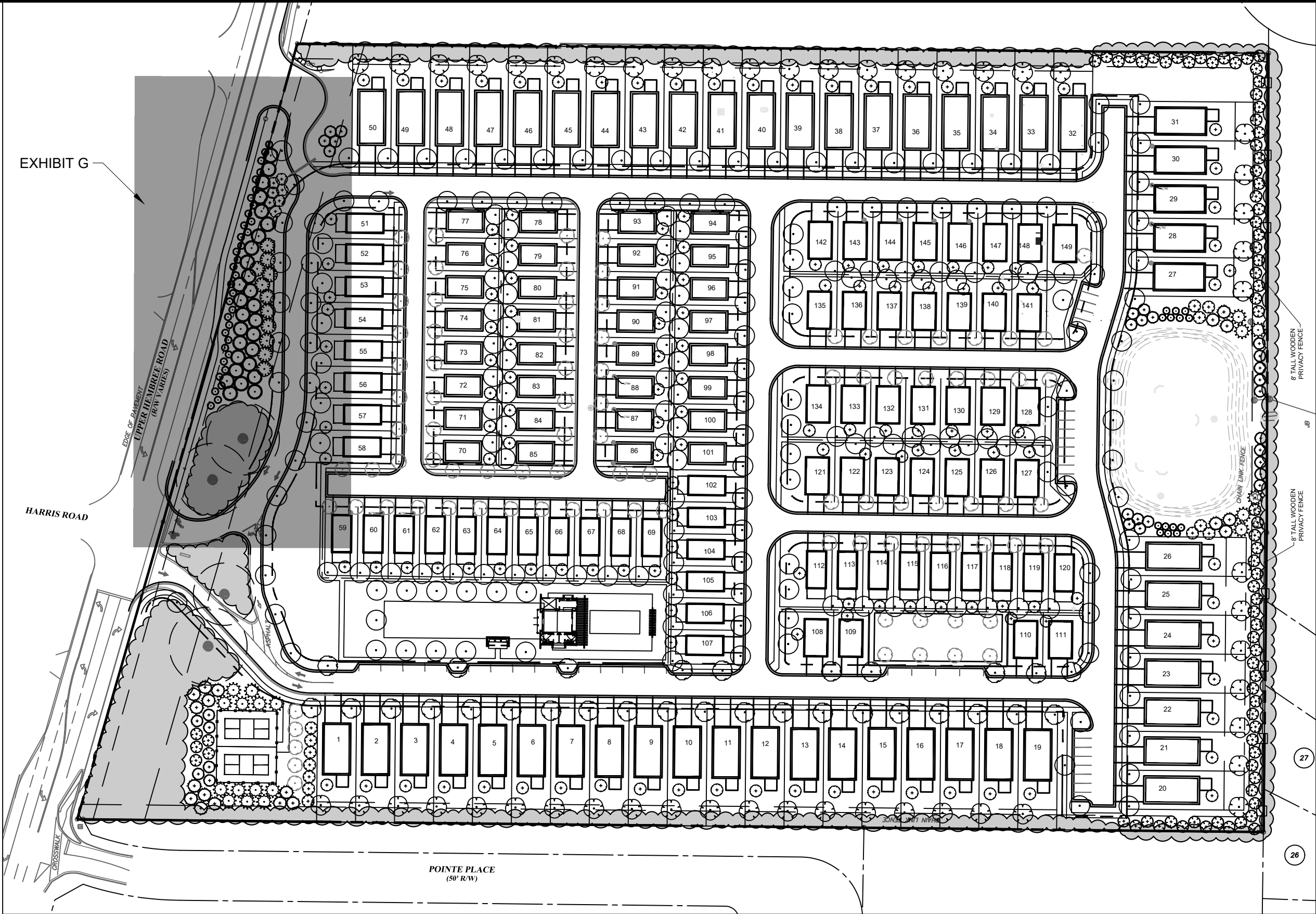


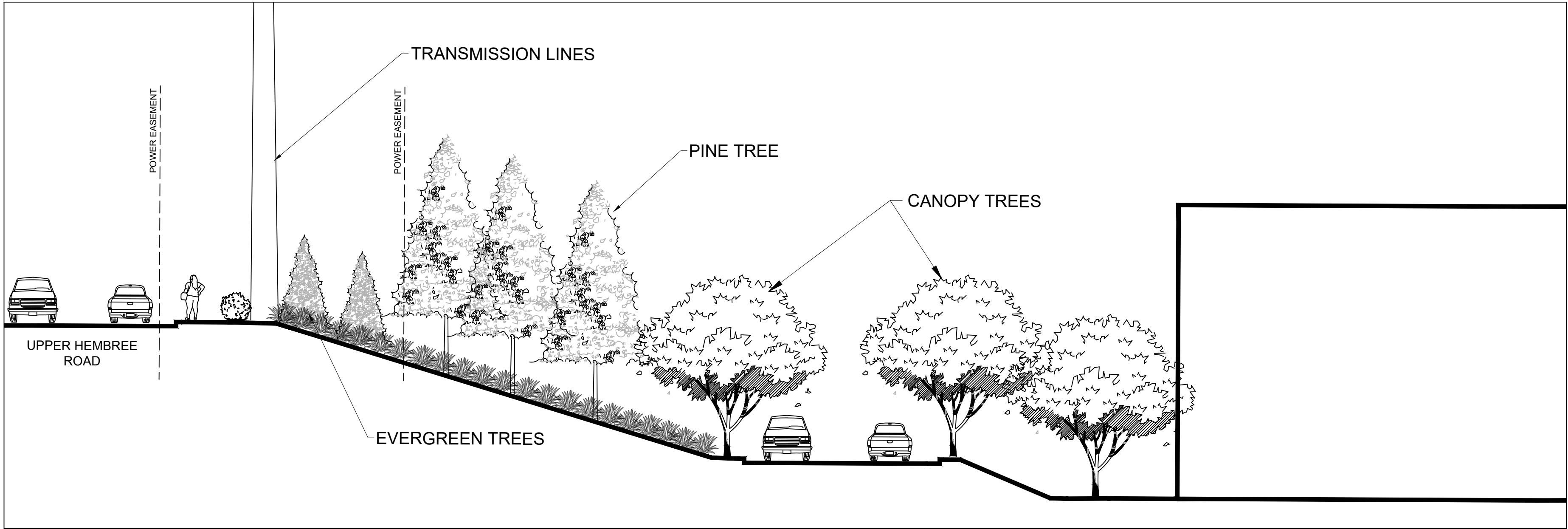
EXHIBIT G: ROAD FRONTAGE
SCALE: 1" = 20'

PLANT SCHEDULE SITE FRONTGE

SYMBOL	CODE	BOTANICAL NAME	COMMON NAME
TREES			
	TD	TAXODIUM DISTICHUM	BALD CYPRESS
CANOPY TREES			
	ELM-PR3	ULMUS AMERICANA 'PRINCETON'	PRINCETON ELM
EVERGREEN TREES			
	HOL-NS3	ILEX X 'NELLIE R. STEVENS' NELLIE STEVENS	NELLIE STEVENS HOLLY - FULL TO
	PIN-TA3	PINUS TAEDA	LOBLOLLY PINE
FLOWERING TREES			
	CHI-FT3	CHIONANTHUS VIRGINICUS	FRINGE TREE
SHRUBS			
	DIS-JB3	DISTYLUM 'PIDIST-IV'	LINEBACKER™ DISTYLUM
	DIS UYR	DISTYLUM X 'PIDIST-I'	EMERALD HEIGHTS® DISTYLUM
SHRUB AREAS			
	MIS-LK1	MISCANTHUS SINENSIS 'LITTLE KITTEN'	LITTLE KITTEN EULALIA GRASS
	RA	RHUS AROMATICA	FRAGRANT SUMAC
SOD/SEED			
	SOD-BER	CYNODON DACTYLON '419 HYBRID'	BERMUDA GRASS



CONCEPT TREE PLAN
SCALE: 1" = 100'



SECTION: ROAD FRONTAGE
SCALE: NTS

PREPARED BY
Kimley»Horn
© 2021 KIMLEY-HORN AND ASSOCIATES, INC.
11720 AMBER PARK DRIVE, SUITE 600
ALPHARETTA, GA 30009
PHONE: (770) 619-4281
WWW.KIMLEY-HORN.COM

EMPIRE
COMMUNITIES
5775 GLENRIDGE DRIVE BUILDING D, SUITE 950
ATLANTA, GA 30328
PHONE: 770.541.5250

PROJECT
**UPPER HEMBREE
ROAD**
1180 UPPER HEMBREE ROAD, ALPHARETTA, GA 30076

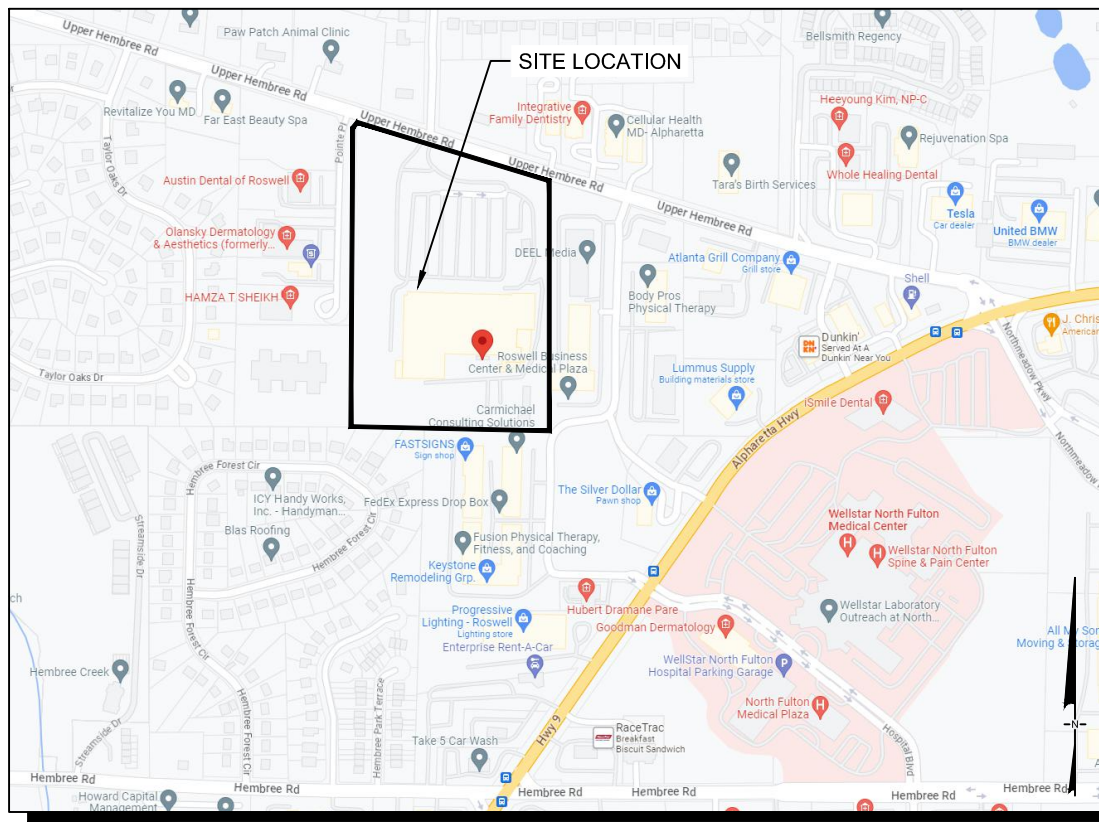
GSWCC NO. 0000008170
DRAWN BY SHS
DESIGNED BY EHS/SHS
REVIEWED BY EHS
DATE 03/01/2024
PROJECT NO. 018754039

TITLE
**SITE
EXHIBITS**

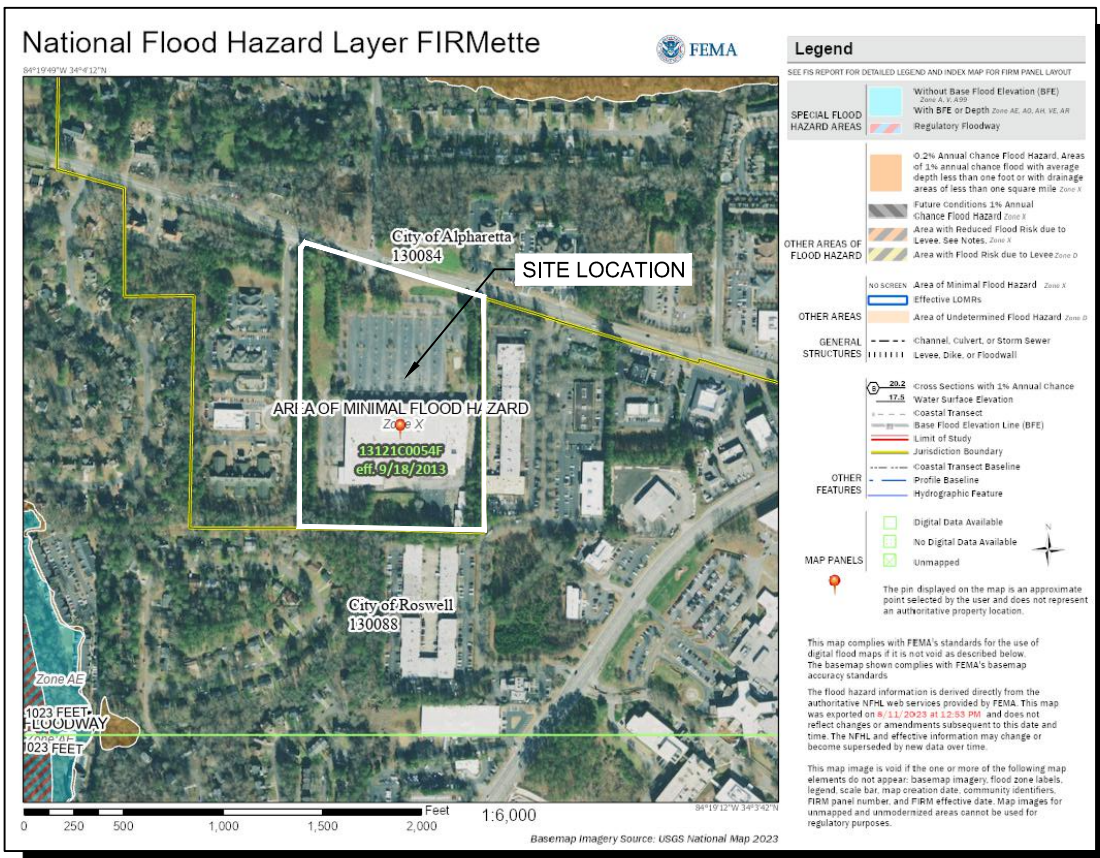
SHEET NUMBER
TP1.05

PRELIMINARY: NOT FOR CONSTRUCTION

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SITE LOCATION MAP
NOT TO SCALE



FEMA FIRM MAP
NOT TO SCALE



24 HOUR CONTACT:
KELLEY RHINO



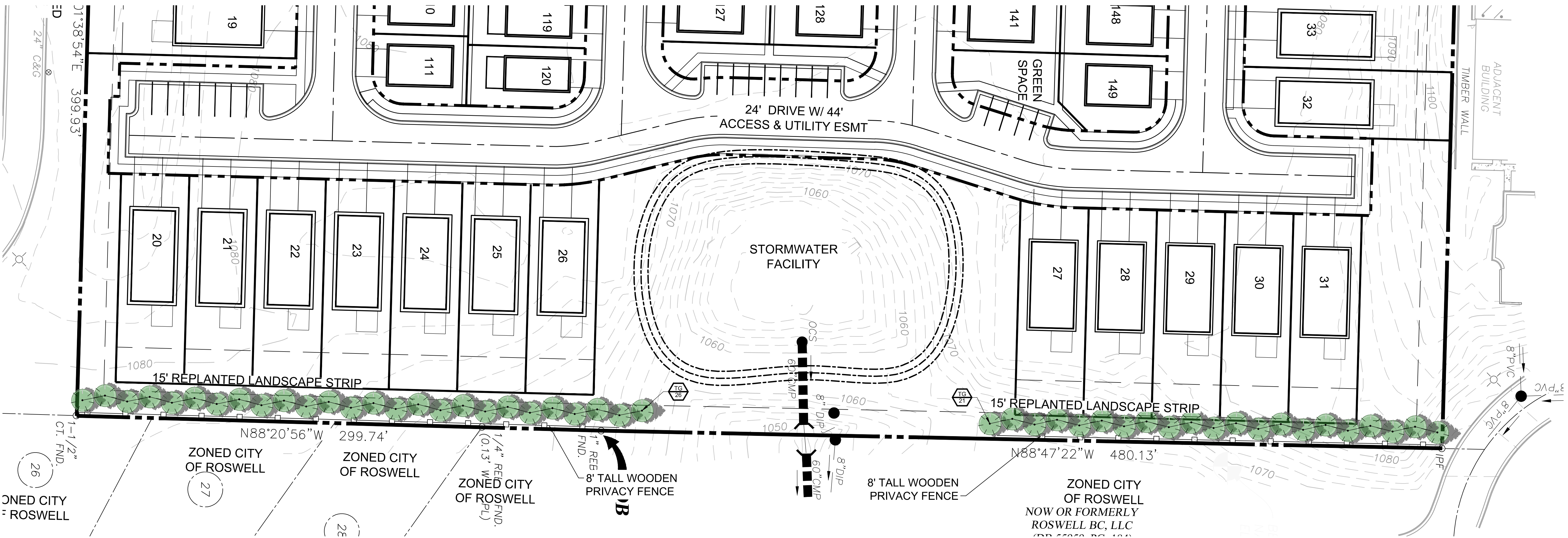
Thuja occidentalis 'Green Giant'
Green Giant Arborvitae



8' GOOD NEIGHBOR FENCE

PLANT SCHEDULE

SYMBOL	CODE	QTY	BOTANICAL / COMMON NAME	CONT.	MIN. HT.	REMARKS
TG	47		THUJA STANDISHII X PLICATA 'GREEN GIANT' / GREEN GIANT ARBORVITAE	B & B	6' MIN.	FULL TO GROUND



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PEACHTREE CORNERS, GA 30092

PROJECT

UPPER HEMBREE RD.

A MASTER PLANNED RESIDENTIAL
DEVELOPMENT

AT

1180 UPPER HEMBREE ROAD
ALPHARETTA, GEORGIA 30076

CITY ALPHARETTA JURISDICTION

FOR

EMPIRE COMMUNITIES

MUNICIPALITY PROJECT #

REVISIONS

NO.	DATE	BY	DESCRIPTION
-1	01/11/2024	kw	Plan Revision to Sidewalk

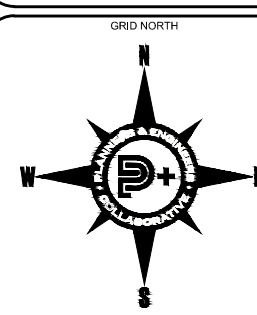
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AND DATED WITH AN ORIGINAL SIGNATURE.



GSWCC LEVEL II DESIGN PROFESSIONAL
CERTIFICATION # 0000058389 EXP. 10/28/2024

BUFFER EXHIBIT

SCALE: 1" = 50'
DATE: 02/23/2024
PROJECT: 20167.00C



E3
SHEET

Community Zoning Information Meeting (CZIM)
Please sign-in and leave your comments and/or concerns.

February 14, 2024

CLUP-24-01/Z-24-04/V-24-04 / Upper Hembree Tract Empire Communities

NAME	ADDRESS	COMMENTS
Phyllis Jean Goodrich Jeanie	370 Hembree Forest Cr Roswell, GA 30076	

CITIZEN PARTICIPATION FORM - PART B

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

Public Hearing or Project Name: EAH Acquisitions, LP--1180 Upper Hembree Road--CLUP024-01/C-24-04/V-24-04

Contact Name: Kathryn Zickert Telephone: 404 815-3704

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

Applicant sent public notices as provided in Citizen Participation Form - Form A to the landowners in a 500 foot radius of the project. Applicant has not received any direct written communications from the public concerning the project.

Applicant held the CZIM on February 14, 2024. Approximately a dozen community members attended the meeting. A few of the members raised questions concerning the flow of traffic on Upper Hembree, particularly how the project would change existing traffic infrastructure. Neighbors were shown that the plans did not envision any material change to the primary entrance that currently exists from Upper Hembree.

Applicant was also asked about impacts to surrounding properties, both commercial and residential properties. Applicant explained the envisioned replanted buffer and detailed that the replanted buffer would include evergreen plantings to reduce direct sightlines . Applicant's staff and professionals have committed to meeting with at least one residential neighbor with an adjoining property to walk the property line, inspect an existing fence, and to review stormwater outlets from the existing detention pond. Communications with that neighbor are attached.

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 (Planned)

☐ Telephone ☐ Group Meeting

☒ Email ☒ Other *(Please Specify)* CZIM

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: Kathryn M Zickert

Date: 2.15.2024

Print Form

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



William J. Diehl
Direct Tel: 404-815-3627
Direct Fax: 404-685-6927
wdiehl@sgrlaw.com

January 30, 2024

Re: 1180 Upper Hembree Road (Parcel ID 12 223005500825) Application # CLUP024-01 / C-24-04 / V-24-04

Dear Neighbor:

Please allow this letter to serve as public notice for EAH Acquisitions, LLC's Comprehensive Plan Amendment, Rezoning, and Variance requests involving the property at 1180 Upper Hembree Road, Alpharetta, Georgia (Parcel ID 12 223005500825). Their Application to the City of Alpharetta requests the following:

1. An amendment to the Future Land Use Map from Commercial to High Density Residential.
2. A rezoning from Planned Shopping Center (PSC) to Dwelling, 'For Sale', Attached/Detached Residential – Medium Density (R8-A/D).
3. Concurrent variances from:
 - a. Alpharetta UDC § 2.2.9.D – To increase lot coverage from 40% to 65% of lot coverage by principal buildings.
 - b. Alpharetta UDC § 2.2.9.D – Reduction of minimum lot width from 50 feet to 31 feet.
 - c. Alpharetta UDC § 3.2.8.B.1.a: Removal of the required undisturbed buffer.

The Community Zoning Information Meeting (CZIM) for these requests will be held on Wednesday, February 14, 2024 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 Planning Commission on Thursday, March 7, 2024 at 6:30 PM and City Council on Monday, March 25, 2024 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 wdiehl@sgrlaw.com

Sincerely,

A handwritten signature in blue ink, appearing to read 'W. Diehl'.

William J. Diehl

From: [Kevin Norton](#)
To: jwildcats@aol.com
Cc: [Kelley Rhino](#); [Kenneth Wood](#); [Diehl, William](#)
Subject: 1180 Upper Hembree Road (former Harry's Farmers Market) Redevelopment
Date: Thursday, February 15, 2024 9:39:00 AM

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

Jeanie – Good morning! We appreciate you attending our Citizen Zoning Information Meeting (CZIM) last evening. As we had discussed last evening, we would like to find a date & time over the next week to meet with you at the rear of your property where your property abuts the former Harry's Farmers Market property. Ideally prefer that we meet on a day between 2/19 – 2/23 if that works for you.

Thank you,

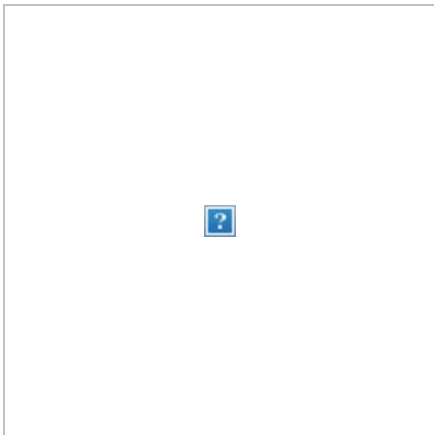
KEVIN NORTON P.E.

VICE PRESIDENT, LAND ACQUISITIONS & DEVELOPMENT

T: 1-770-541-5250 M: 1-404-951-6546

D: 1-770-541-6910 F: 1-770-541-5251

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From: [Woodman, Michael](#)
To: [Kevin Norton](#)
Cc: [Zickert, Kathryn](#); [Diehl, William](#); [Kelley Rhino](#); [Taylor, Elicia](#)
Subject: Re: 1180 Upper Hembree Road - Meeting Summary with Bellsmith Regency
Date: Thursday, February 29, 2024 9:59:22 PM

Thanks for the update, Kevin. Good to hear that the development was well-received. We will add this information to your citizen participation report. Have a good night.

Sent from my iPhone

On Feb 29, 2024, at 9:49 PM, Kevin Norton <knorton@empirecommunities.com> wrote:

Michael – Good evening! We had a good meeting with Bellsmith Regency this evening as we met with 5 of their Board Members. The meeting went well and below is a brief summary:

1. Empire presented our team and discussed history of the site.
2. Gave Board Members a brief history of Empire/Edward Andrews Homes projects in Alpharetta and Roswell (Harlow).
3. Provided reasoning behind why we are proposing residential use on this site with detached homes.
4. We discussed the importance of green space and units fronting on green space.
5. Discussed our price points and square footage. Also explained that we are two stories on perimeter and 3 stories interior.
6. Discussed traffic improvements and limiting access to only the traffic signalized intersection.
7. Explained timeline of zoning, LDP, closing and then development of site through vertical construction, which is expected to take 4.5 years.
8. Explained that site would be developed in one phase and that the site would not be gated.

Overall, Bellsmith Regency was supportive of our proposed development and offered to support us as we move forward through Planning Commission and City Council.

Thank you,

KEVIN NORTON P.E.
VICE PRESIDENT, LAND ACQUISITIONS & DEVELOPMENT

T: 1-770-541-5250 M: 1-404-951-6546
D: 1-770-541-6910 F: 1-770-541-5251
KNORTON@EMPIRECOMMUNITIES.COM

From: [Woodman, Michael](#)
To: [Taylor, Elicia](#)
Subject: FW: FERNLEAF Park
Date: Friday, March 1, 2024 8:42:39 AM

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

From: Bob Vonderhorst [REDACTED]
Sent: Friday, March 1, 2024 8:26 AM
To: Kevin Norton <knorton@empirecommunities.com>; Kelley Rhino <krhino@empirecommunities.com>
Cc: Woodman, Michael <mwoodman@alpharetta.ga.us>; [REDACTED]
[REDACTED]

Subject: FERNLEAF Park

Good morning,

Many thanks for attending our board meeting last night and explaining your plans for the development of the Harry's Mkt tract. It has been lying vacant for years and has become a true eyesore. We've all known that eventually it would become something else, and it was that 'something else' that caused much consternation.

Your plans for FERNLEAF Park certainly eases those fears, and gives us a positive image of what to expect. Your professional presentation and patient response to our questions certainly made us comfortable with your designs and vision for the future of the property.

One more question: Are you sure that you can't use dynamite to demolish that huge building? That would be so cool!

Thanks again,

Bob Vonderhorst
Bellsmith Regency
Sent from my iPad

From: [Woodman, Michael](#)
To: [Kevin Norton](#)
Cc: [Zickert, Kathryn](#); [Diehl, William](#); [Kenneth Wood](#); [Kelley Rhino](#); [Taylor, Elicia](#)
Subject: RE: 1180 Upper Hembree Road - Adjacent Residential Owner Condition
Date: Friday, March 1, 2024 1:49:50 PM

Thank you, Kevin.

I will include these conditions in the report.

From: Kevin Norton <knorton@empirecommunities.com>
Sent: Friday, March 1, 2024 1:25 PM
To: Woodman, Michael <mwoodman@alpharetta.ga.us>
Cc: Zickert, Kathryn <KZICKERT@sgrlaw.com>; Diehl, William <wdiehl@sgrlaw.com>; Kenneth Wood <Kwood@pec.plus>; Kelley Rhino <krhino@empirecommunities.com>
Subject: 1180 Upper Hembree Road - Adjacent Residential Owner Condition

Michael – We wanted to take a first stab at drafting the zoning conditions to include following our meeting with Jeanie Goodrich, the resident homeowner of 370 Hembree Forest Circle, Roswell, GA 30076. We met with Ms. Goodrich at her property on Feb. 21, 2024 following her request when she first spoke with us at the Feb. 14th CZIM hearing. Below are our suggested conditions:

1. Applicant will retain existing 12 foot tall privacy fence abutting Hembree Forest subdivision during demolition of the existing building on the subject site.
2. Applicant will install an 8 foot tall wooden privacy fence on applicant's property where adjoining the southern property line as shown on the attached "Buffer Exhibit". Applicant will install a staggered double row of evergreen trees on applicant's property adjoining the privacy fence.

Thank you,

KEVIN NORTON P.E.

VICE PRESIDENT, LAND ACQUISITIONS & DEVELOPMENT

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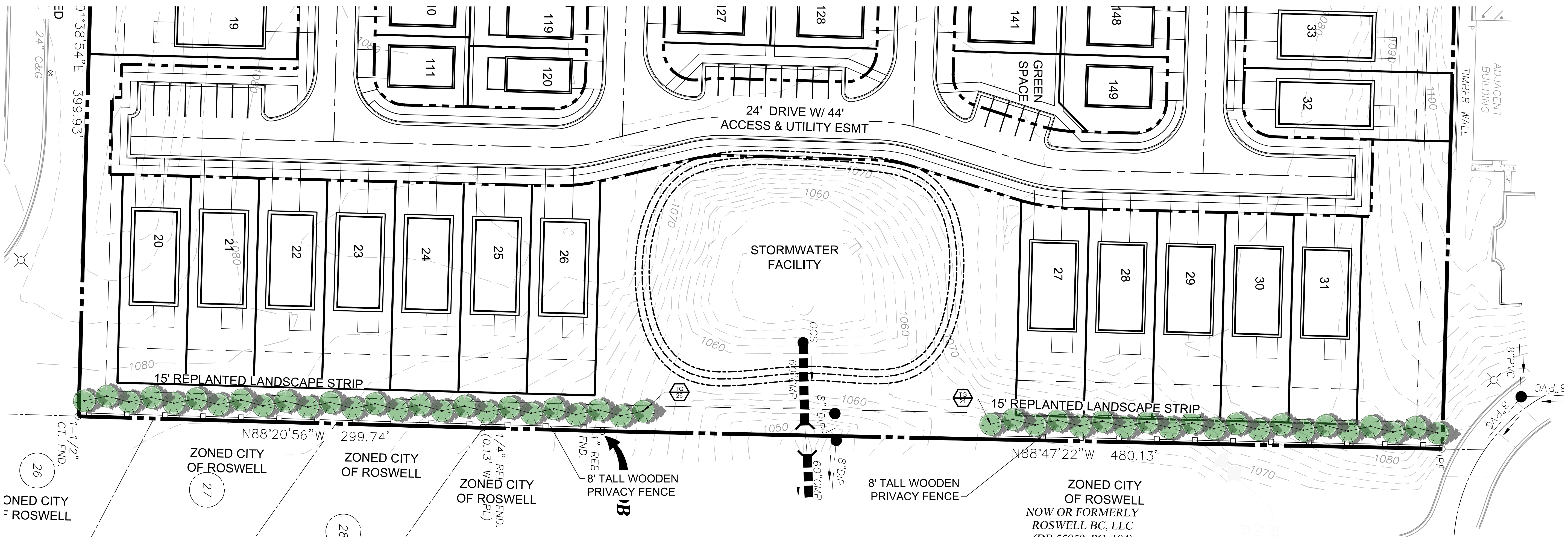


24 HOUR CONTACT:
KELLEY RHINO



PLANT SCHEDULE

<u>SYMBOL</u>	<u>CODE</u>	<u>QTY</u>	<u>BOTANICAL / COMMON NAME</u>	<u>CONT.</u>	<u>MIN. HT.</u>	<u>REMARKS</u>
<u>TREES</u>						
	TG	47	THUJA STANDISHII X PLICATA 'GREEN GIANT' / GREEN GIANT ARBORVITAE	B & B	6' MIN.	FULL TO GROUND



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A MASTER PLANNED RESIDENTIAL DEVELOPMENT

AT

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MUNICIPALITY PROJECT #

REVISIONS

NO.	DATE	BY	DESCRIPTION
-1	01/11/2024	kw	Plan Revision to Sidewalk

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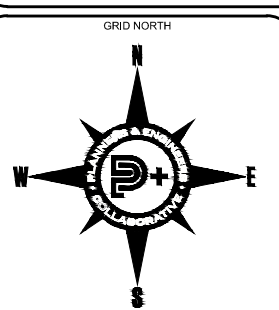


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CERTIFICATION # 0000059389 EXP. 10/28/2024

BUFFER EXHIBIT

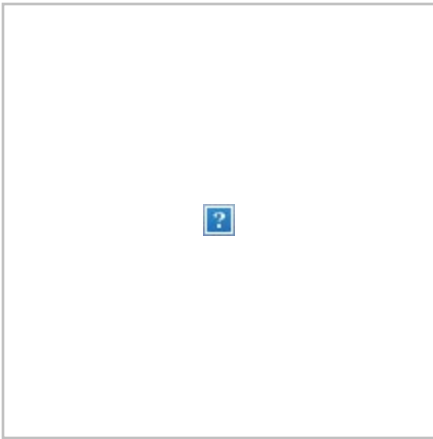


SCALE: 1" = 50'
DATE: 02/23/2024
PROJECT: 20167.00C



E3

SHEET

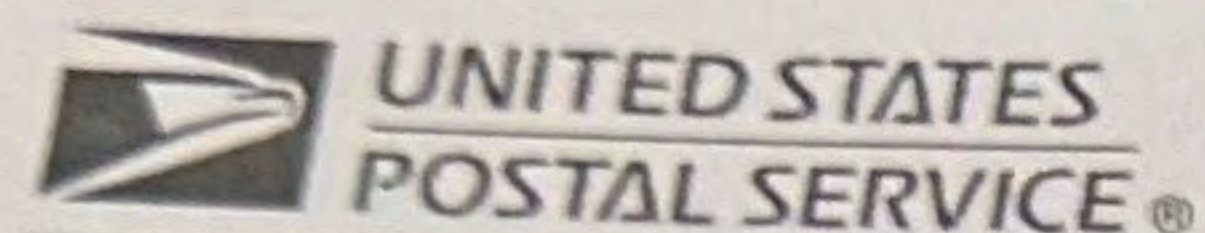


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Name and Address of Sender
Kylie Thomas
Smith, Gambrell & Russell, LLP
1105 West Peachtree Street, NE
Suite 1000
Atlanta, GA 30309

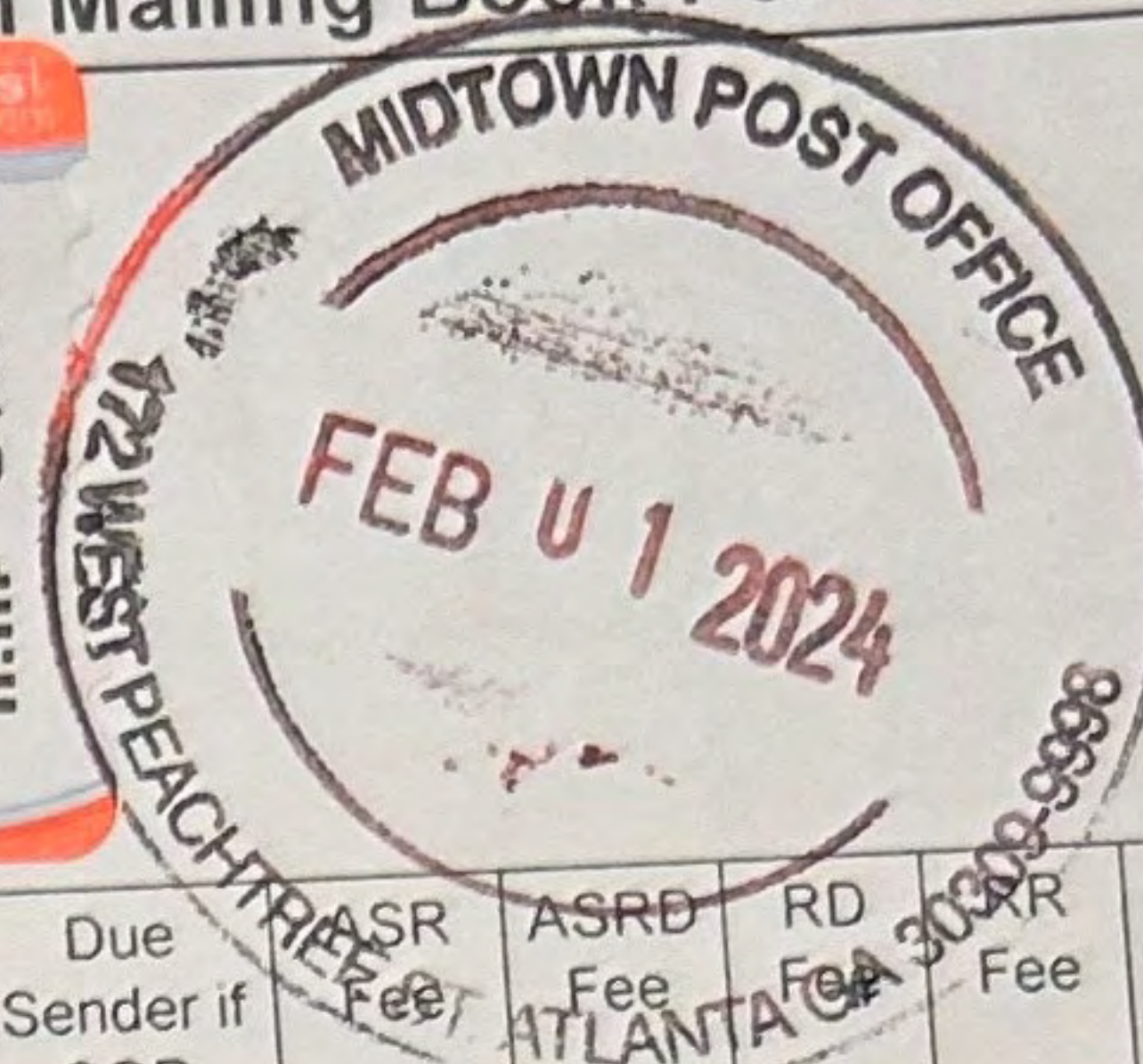
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2.	S2 PARTNERS LLC 5755 NORTH POINT PKWY STE 210 ALPHARETTA, GA 30022	.64	.57											
3.	JC VENTURES GROUP LLC 8905 HUNTCLIFF LAKE CT SANDY SPRINGS, GA 30350	.64	.57											
4.	UPPER HEMNBREE MEDICAL PLAZA ROSWELL LLC & YASH PR 235 MORTON MANNER CT ALPHARETTA, GA 30022	.64	.57											
5.	MARTIN JAMES F 1004 RIVERBEND CLUB DR ATLANTA, GA 30339	.64	.57											
6.	HEMBREE CC LLC 200 GLENRIDGE POINT PKWY ATLANTA GA 30342	.64	.57											
7.	1250 UPPER HEMBREE LLC 8111 VALLI FARM RD FOUNTAIN, CO 80817	.64	.57											
8.	MATIKEEVA KINNEY SAIRAGUL & KINNEY ANTHONY ROBERT 11910 HARRIS RD ROSWELL, GA 30076	.64	.57											

9.	BARNETT MARK D 11920 HARRIS RD ROSWELL, GA 30076	.64	.57																
10.	GARNETT LYNDEE L 8510 BIRCH HOLLOW DR ROSWELL, GA 30076	.64	.57																
11.	JACOBSON WILLIAM D & KATHLEEN M 8520 BIRCH HOLLOW DR ROSWELL, GA 30076	.64	.57																
12.	CHERYL L GORMAN REVOCABLE TRUST THE 8530 BIRCH HOLLOW DR ROSWELL, GA 30076	.64	.57																
13.	ARREH ABDORACHID C & BARKAD KADIDJ A 1110 TAYLOR OAKS DR ROSWELL, GA 30076	.64	.57																
14.	FIX DAWN & KRISTOFER D 1120 TAYLOR OAKS DR ROSWELL, GA 30076	.64	.57																
15.	SCHWARZELL ANDREW G & WENTZEL KATHLENE 1130 TAYLOR OAKS DR ROSWELL, GA 30076	.64	.57																
16.	BINA PAYVAND & POOSTI MARYAM 1140 TAYLOR OAKS ROSWELL, GA 30076	.64	.57																
17.	MARTIN MARTINA PATRICE 1150 TAYLOR OAKS DR ROSWELL, GA 30076	.64	.57																
18.	MIODUSER SUSAN A & HUNTER JEFFREY E 1080 TAYLOR OAKS DR ROSWELL, GA 30076	.64	.57																
19.	ARGO E DONALD & BRITT A 1090 TAYLOR OAKS DR ROSWELL, GA 30076	.64	.57																

20.	DUFFY JAIME & DUFFY GRANT 4200 HARRIS RIDGE CT ROSWELL, GA 30076	.64	.57															
21.	ELAINE RUSSELL LIVING TRUST THE 4202 HARRIS RIDGE CT ROSWELL, GA 30076	.64	.57															
22.	GUY-RICE BONNA K RICE DENNIS 4204 HARRIS RIDGE CT ROSWELL, GA 30076	.64	.57															
23.	ALBERT ALEXANDER & ALBERT ARIEL 4206 HARRIS RIDGE CT ROSWELL, GA 30076	.64	.57															
24.	TOMIOKA HIROSHI 5050 QUORUM DR SUITE 225 DALLAS, TX 75254	.64	.57															
25.	COLLEEN PATRICIA PEREZ REVOCABLE L IVING TRUST THE 4210 HARRIS RIDGE CT ROSWELL, GA 30076	.64	.57															
26.	COOPER NOCHOLAS & HUFF KAITLYN ELIZABETH 4212 HARRIS RIDGE CT ROSWELL, GA 30076	.64	.57															
27.	KONTUL JANICE M 4214 HARRIS RIDGE CT ROSWELL, GA 30076	.64	.57															
28.	LUCKY CORP 1055 BAY POINTE XING ALPHARETTA, GA 30005	.64	.57															
29.	MMAC PIX ATLANTA GA SPE LLC 3807 CLEGHORN AVE SUITE 903 NASHVILLE, TN 37215	.64	.57															
30.	HORIZON CLINICAL LLC 1170 PEACHTREE ST STE 2400 ATLANTA, GA 30309	.64	.57															

31.	JENNIFER JEAN MARTIN LIVING TRUST THE 1605 BRANCH VALLEY DR ROSWELL, GA 30076	.64	.57																
32.	WRIGHT LISA L 430 HEMBREE FOREST CIR ROSWELL, GA 30076	.64	.57																
33.	BOLDEN LES 420 HEMBREE FOREST CIR ROSWELL, GA 30076	.64	.57																
34.	JIMENEZ LUIS 410 HEMBREE FOREST CIR ROSWELL, GA 30076	.64	.57																
35.	BOURALEH WAISS G & WAIS AMINA L 400 HEMBREE FOREST CIR ROSWELL, GA 30076	.64	.57																
36.	SWAY 2014 1 BORROWER LLC 8665 E HARTFORD DR STE 200 SCOTTSDALE, AZ 85255	.64	.57																
37.	BONNETTE RICHARD KELLY 380 HEMBREE FOREST CIR ROSWELL, GA 30076	.64	.57																
38.	GOODRICH PHYLLIS JEAN 370 HEMBREE FOREST CIR ROSWELL, GA 30076	.64	.57																
39.	HICKS NATALIE B 360 HEMBREE FOREST CIR ROSWELL, GA 30076	.64	.57																
40.	GOMEZ ALEXEI MENDIETA & GARCIA MIR LA PEREZ 350 HEMBREE FOREST CIR ROSWELL, GA 30076	.64	.57																
41.	PANCICH GUILLERMO ISRAEL RAMOS & M ARTINEZ NORMA AN 340 HEMBREE FOREST CIR ROSWELL, GA 30076	.64	.57																

Privacy Notice: For more information on USPS privacy policies, visit usps.com/privacy-policy.

42.	FKH SFR C2 LP 1850 PARKWAY PL SUITE 900 MARIETTA, GA 30067	.64	.57																
43.	MORALES SILVA JUAN A & ESOBEDO SE RENO MARIA 320 HEMBREE FOREST CIR ROSWELL, GA 30076	.64	.57																
44.	WANG BINHONG 2732 COLLINS COVE AVE LAWRENCEVILLE, GA 30043	.64	.57																
45.	BERGOO CONSULTING LLC 3624 RITTENHOUSE CT MARIETTA, GA 30062	.64	.57																
46.	HILL MATTHEW TIMOTHY & JENNIFER CUPPY 4499 WOODFORD PASS NE ROSWELL, GA 30075	.64	.57																
47.	LERNER VLADIMIR & SUAREZ BETILUZ 315 HEMBREE FOREST CIR ROSWELL, GA 30076	.64	.57																
48.	JAMISON MICHAEL CHRISTIAN 325 HEMBREE FOREST CIR ROSWELL, GA 30076	.64	.57																
49.	CONNORS SCOTT A & LINDSAY K 335 HEMBREE FOREST CT ROSWELL, GA 30076	.64	.57																
50.	VAN CHRISTIAN T & VAN KELLY T 345 HEMBREE FOREST CIR ROSWELL, GA 30076	.64	.57																
51.	JACKSON CAROLYN J 355 HEMBREE FOREST CIR ROSWELL, GA 30076	.64	.57																
52.	PEREZ MARIA E & CASTENA GABRIEL L 385 HEMBREE FOREST CIR ROSWELL, GA 30076	.64	.57																

53.	SHAFIK BAHAA M & KANATER SAHAR 425 HEMBREE FOREST CIR ROSWELL, GA 30076	.64	.57																
54.	SOTO ALEJANDRO ALANIS 435 HEMBREE FOREST CIR ROSWELL, GA 30076	.64	.57																
55.	ROJAS WILLIAM R & ROJAS MANUELA M 445 HEMBREE FOREST CIR ROSWELL, GA 30076	.64	.57																
56.	PASUMARTHI TAVI C & RAVITEJA 465 HEMBREE FOREST CIR ROSWELL, GA 30076	.64	.57																
57.	STELMACHERS ALEXANDER 475 HEMBREE FOREST CIR ROSWELL, GA 30076	.64	.57																
58.	FORD CURTIS LEE & RUIZ CRISTIAN ED UARDO BLAS 485 HEMBREE FOREST CIR ROSWELL, GA 30076	.64	.57																
59.	MATHENY RONALD S 230 ENCLAVE CT ROSWELL, GA 30076	.64	.57																
60.	ADVANCED RECOVERY SYSTEMS LLC 100 SE THIRD AVE SUITE 1800 FORT LAUDERDALE, FL 33394	.64	.57																
61.	POINTE PLACE HEMBREE LP 11731 POINTE PL ALPHARETTA, GA 300040	.64	.57																
62.	AMAZON COM SERVICES LLC 410 TERRY AVE N SEATTLE, WA 98109	.64	.57																
63.	NATURAL MEDICAL SOLUTIONS LLC 1130 UPPER HEMBREE RD ROSWELL, GA 30076	.64	.57																

64.	ORTEGA ENTERPRISES LLC 5369 FOREST BROOK PKWY MARIETTA, GA 30068	.64	.57																
65.	ICREATE LLC 11755 POINTE PL ALPHARETTA GA 30076	.64	.57																
66.	BIS PROPERTIES LLC 1230 UPPER HEMBREE RD # 200 ROSWELL GA 30076	.64	.57																
67.	1250 UPPER HEMBREE LLC 8111 VALLI FARM RD FOUNTAIN CO 80817	.64	.57																
68.	SPIRIT OF GOD CHRISTIAN CHURCH INC 7197 BELCREST DR DULUTH GA 30097	.64	.57																
69.	GRIFFIN REVOCABLE TRUST THE 1050 TAYLOR OAKS DR ROSWELL GA 30076	.64	.57																
70.	DORSETT DAVID EDWARDS & DORSETT LA UREN MARIE 1060 TAYLOR OAKS DR ROSWELL GA 30076	.64	.57																
71.	ECHOLS BRANDON T 1070 TAYLOR OAKS DR ROSWELL GA 30076	.64	.57																
72.	HILL ANDRE S & HILL CEDRA ALANA 1100 TAYLOR OAKS DR ROSWELL GA 30076	.64	.57																
73.	TEG ROSWELL LLC 5901 PEACHTREE DUNWOODY RD STE A500 ATLANTA GA 30328	.64	.57																
74.	ROSWELL BC LLC 780 OLD ROSWELL PL STE 100 ROSWELL GA 30076	.64	.57																

75.	OSWALD GEORGE JR 195 FOREST AVE MARIETTA GA 30060	.64	.57																
76.	PREMIERE HOMES LLC 11175 CICERO DR SUITE 100 ALPHARETTA GA 30022	.64	.57																
77.	HEMBREE POINTE PROS LLC 11775 POINTE PL #104 ROSWELL GA 30076	.64	.57																
78.	HEMBREE POINTE PROS LLC 11775 POINTE PL #102 ROSWELL GA 30076	.64	.57																
79.	HARBEN ALAN 11775 POINTE PL # 103 ROSWELL GA 30076	.64	.57																
80.	HEMBREE POINTE PROS LLC 11775 POINTE PL # 101 ROSWELL GA 30076	.64	.57																
81.	M CENTER ENTERPRISES LLLP THE 1240 UPPER HEMBREE RD UNIT A ROSWELL GA 30076	.64	.57																
82.	KASHLAN MUNIR & KACHLAN EIMAN 1240 UPPER HEMBREE RD UNIT B ROSWELL GA 30076	.64	.57																
83.	AVC PROPERTY LLC 1033 SOUTHERBY LANE ALPHARETTA GA 30004	.64	.57																
84.	EC UPPER HEMBREE LLC 1240 UPPER HEMBREE RD UNIT D ROSWELL GA 30076	.64	.57																
85.	C2M HOLDINGS LLC 1240 UPPER HEMBREE RD STE E ROSWELL GA 30076	.64	.57																

From: [Woodman, Michael](#)
To: [Taylor, Elicia](#)
Subject: FW: FERNLEAF Park
Date: Friday, March 1, 2024 8:42:39 AM

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

From: Bob Vonderhorst [REDACTED]
Sent: Friday, March 1, 2024 8:26 AM
To: Kevin Norton <knorton@empirecommunities.com>; Kelley Rhino <krhino@empirecommunities.com>
Cc: Woodman, Michael <mwoodman@alpharetta.ga.us>; [REDACTED]
[REDACTED]
Subject: FERNLEAF Park

Good morning,

Many thanks for attending our board meeting last night and explaining your plans for the development of the Harry's Mkt tract. It has been lying vacant for years and has become a true eyesore. We've all known that eventually it would become something else, and it was that 'something else' that caused much consternation.

Your plans for FERNLEAF Park certainly eases those fears, and gives us a positive image of what to expect. Your professional presentation and patient response to our questions certainly made us comfortable with your designs and vision for the future of the property.

One more question: Are you sure that you can't use dynamite to demolish that huge building? That would be so cool!

Thanks again,

Bob Vonderhorst
Bellsmith Regency
Sent from my iPad

CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

FOR OFFICE USE ONLY

Case #: CLUP-24-01/Z-24-04/

PH #: PH-24-05/V-24-04/

PHA230047

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: EAH Acquisitions, LLC c/o Kathryn M. Zickert (Smith, Gambrell and Russell, LLP)

Telephone: 404-815-3704

Address: 1105 W. Peachtree St. NE

Suite: 1000

City Atlanta

State: GA

Zip: 30309

Fax: 404-685-7004

Mobile Tel: 404-815-3704

Email: kzickert@sgrlaw.com

Subject Property Information:

Address: 1180 Upper Hembree Road

Current Zoning: PSC

District: 1st

Section: 2nd

Land Lot: 550 & 553

Parcel ID: 12 223005500825

Proposed Zoning: R-8A/D

Current Use: Vacant 2-story building and associated parking

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: Amazon.com Services LLC

Telephone: _____

Address: 410 Terry Ave. N

Suite: _____

City: Seattle

State: WA

Zip: 98109

Authorization:

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

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

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

Property Owner's Authorized Applicant (if applicable):

Name of Authorized Applicant: EAH Acquisitions, LLC c/o Kathryn M. Zickert
(Smith, Gambrell, and Russell, LLP)

Telephone: 404-815-3704

Address: 1105 W. Peachtree St. NE

Suite: 1000

City: Atlanta

State: GA

Zip: 30309

So Sworn and Attested:

Owner Signature: _____

(Authorized Agent for Amazon.com Services LLC)

Date: _____

12/21/23

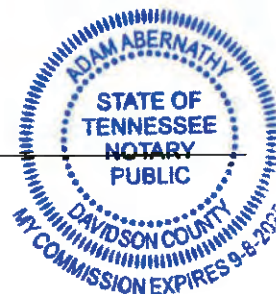
Notary:

Notary Signature: _____

Adam Abernathy

Date: _____

12-21-23



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: Heather Allen
(Authorized Agent for EAH Acquisitions, LLC)

Subject Public Hearing Case: 1180 Upper Hembree Road

Campaign Contribution Information:

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

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

Name of Official: _____ Position: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Campaign Contribution Information:

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

Signature: Heather Allen Date: 12/18/23

DISCLOSURE FORM

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Name of Applicant or Opponent: Amazon.com Services LLC by: **Fredrick Lutz**

(Authorized Agent for Amazon.com Services LLC)

Subject Public Hearing Case: 1180 Upper Hembree 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: _____ Value: _____

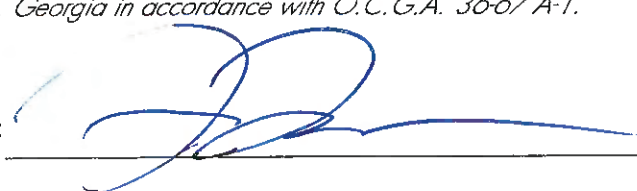
Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Campaign Contribution Information:

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

Signature:  _____

Date: 12/21/23

DISCLOSURE FORM

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

Subject Public Hearing Case: 1180 Upper Hembree Rezoning

Campaign Contribution Information:

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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-1.

Signature:

Kathryn M Zickert

Date: 12.11.2023

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

DISCLOSURE FORM

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

Subject Public Hearing Case: 1180 Upper Hembree 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: 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-1.

Signature:



Date: 12.11.2023

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

DISCLOSURE FORM

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

Subject Public Hearing Case: 1180 Upper Hembree 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: 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-1.

Signature: _____

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

Date: 12.11.2023

DISCLOSURE FORM

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Name of Applicant or Opponent: Kirk R. Fjelstul (Smith, Gambrell, and Russell, LLP)

Subject Public Hearing Case: 1180 Upper Hembree 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: 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-1.

Signature: _____



Date: 12.11.2023

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

DISCLOSURE FORM

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

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

Subject Public Hearing Case: 1180 Upper Hembree 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: 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-1.

Signature: _____



William J. Diehl (Smith, Gambrell, and Russell, LLP)

Date: 12.11.2023

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

See attached Statement of Intent.

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

See attached Statement of Intent.

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

See attached Statement of Intent.

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

See attached Statement of Intent.

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

See attached Statement of Intent.

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

See attached Statement of Intent.

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

See attached 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.

See attached Statement of Intent.

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: 1180 Upper Hembree Rezoning

Contact Name: Kathryn M. Zickert (Smith, Gambrell, and Russell, LLP) Telephone: 404.815.3704

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.

<u>See attached Property Owner Mailing List.</u>	

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 223005500460	S2 PARTNERS LLC	5755 NORTH POINT PKWY STE 210	ALPHARETTA GA 30022
12 223005501229	JC VENTURES GROUP LLC	8905 HUNTCLIFF LAKE CT	SANDY SPRINGS GA 30350
12 223005530780	HEMBREE CC LLC	200 GLENRIDGE POINT PKWY	ATLANTA GA 30342
12 223105510047	GARNETT LYNDEE L	8510 BIRCH HOLLOW DR	ROSWELL GA 30076
12 223105510062	CHERYL L GORMAN REVOCABLE TRUST THE	8530 BIRCH HOLLOW DR	ROSWELL GA 30076
12 223205500013	ARREH ABDORACHID C & BARKAD KADIDJA A	1110 TAYLOR OAKS DR	ROSWELL GA 30076
12 223205500039	SCHWARZELL ANDREW G & WENTZEL KATHLENE	1130 TAYLOR OAKS DR	ROSWELL GA 30076
12 223505520042	ALBERT ALEXANDER & ALBERT ARIEL	4206 HARRIS RIDGE CT	ROSWELL GA 30076
12 224005540753	LUCKY CORP	1055 BAY POINTE XING	ALPHARETTA GA 30005
12 224105490412	JIMENEZ LUIS	410 HEMBREE FOREST CIR	ROSWELL GA 30076
12 224105490446	BONNETTE RICHARD KELLY	380 HEMBREE FOREST CIR	ROSWELL GA 30076
12 224105490453	GOODRICH PHYLLIS JEAN	370 HEMBREE FOREST CIR	ROSWELL GA 30076
12 224105490644	VAN CHRISTIAN T & VAN KELLY T	345 HEMBREE FOREST CIR	ROSWELL GA 30076
12 224105490685	SHAFIK BAHAA M & KANATER SAHAR	425 HEMBREE FOREST CIR	ROSWELL GA 30076
12 224105490693	SOTO ALEJANDRO ALANIS	435 HEMBREE FOREST CIR	ROSWELL GA 30076
12 224105490701	ROJAS WILLIAM R & ROJAS MANUELA M	445 HEMBREE FOREST CIR	ROSWELL GA 30076
12 223005500924	POINTE PLACE HEMBREE LP	11731 POINTE PL	ALPHARETTA GA 30004
12 223005500965	ICREATE LLC	11755 POINTE PL	ALPHARETTA GA 30076

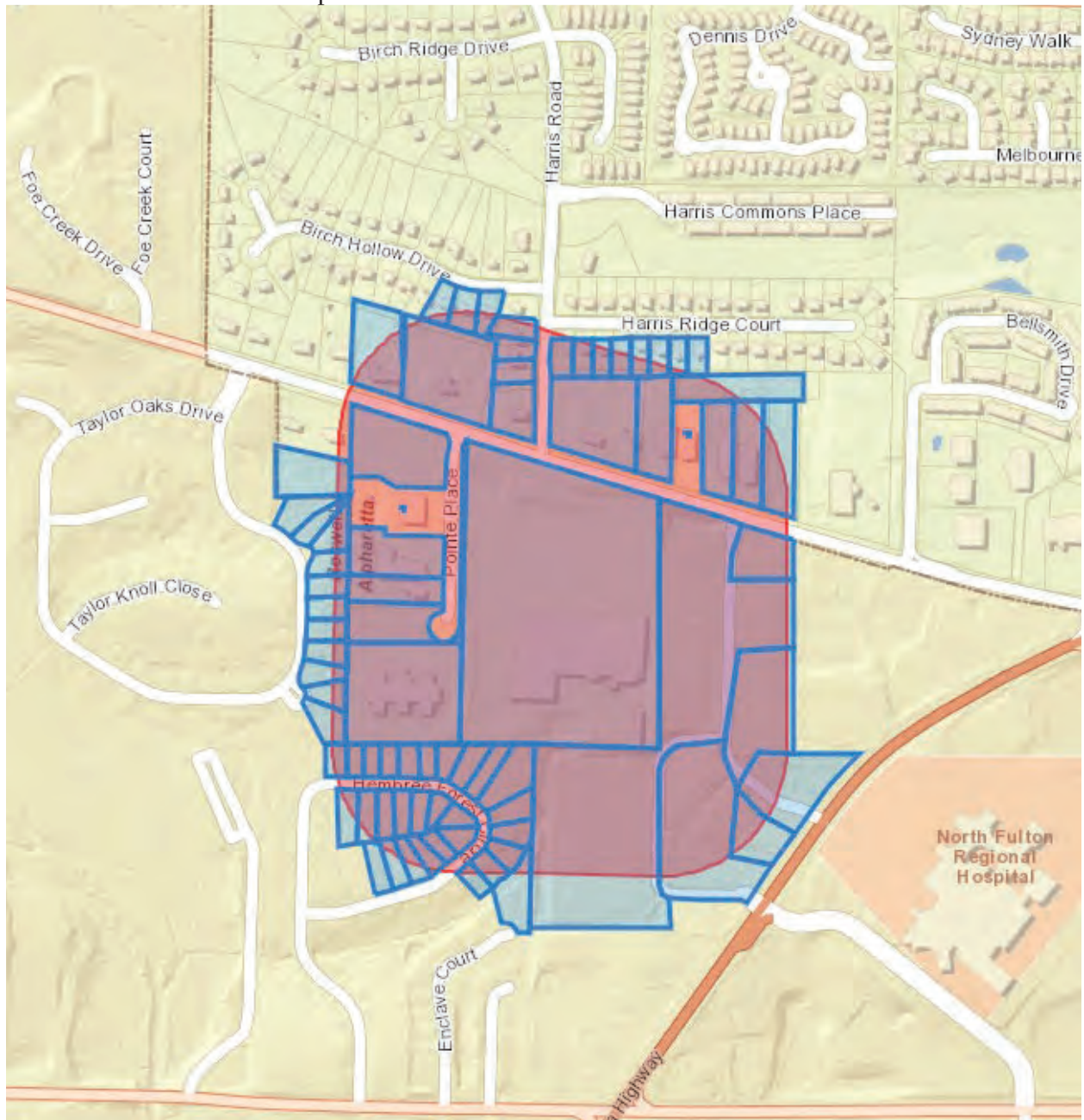
12 223205500336	GRIFFIN REVOCABLE TRUST THE	1050 TAYLOR OAKS DR	ROSWELL GA 30076
12 224005540779	ROSWELL BC LLC	780 OLD ROSWELL PL STE 100	ROSWELL GA 30076
12 223005501815	PREMIERE HOMES LLC	11175 CICERO DR SUITE 100	ALPHARETTA GA 30022
12 223005501203	HEMBREE POINTE PROS LLC	11775 POINTE PL # 101	ROSWELL GA 30076-4636
12 223005531770	KASHLAN MUNIR & KACHLAN EIMAN	1240 UPPER HEMBREE RD UNIT B	ROSWELL GA 30076
12 223105510021	BARNETT MARK D	11920 HARRIS RD	ROSWELL GA 30076
12 223205500021	FIX DAWN & KRISTOFER D	1120 TAYLOR OAKS DR	ROSWELL GA 30076-1186
12 223205500369	MIODUSER SUSAN A & HUNTER JEFFREY E	1080 TAYLOR OAKS DR	ROSWELL GA 30076
12 223205500377	ARGO E DONALD & BRITT A	1090 TAYLOR OAKS DR	ROSWELL GA 30076
12 223505520034	GUY-RICE BONNA K RICE DENNIS	4204 HARRIS RIDGE CT	ROSWELL GA 30076
12 223505520067	COLLEEN PATRICIA PEREZ REVOCABLE LIVING TRUST THE	4210 HARRIS RIDGE CT	ROSWELL GA 30076
12 223505520083	KONTUL JANICE M	4214 HARRIS RIDGE CT	ROSWELL GA 30076-4610
12 224005541124	HORIZON CLINICAL LLC	1170 PEACHTREE ST STE 2400	ATLANTA GA 30309
12 224105490396	WRIGHT LISA L	430 HEMBREE FOREST CIR	ROSWELL GA 30076
12 224105490404	BOLDEN LES	420 HEMBREE FOREST CIR	ROSWELL GA 30076
12 224105490420	BOURALEH WAISS G & WAIS AMINA L	400 HEMBREE FOREST CIR	ROSWELL GA 30076
12 224105490438	SWAY 2014 1 BORROWER LLC	8665 E HARTFORD DR STE 200	SCOTTSDALE AZ 85255

12 224105490461	HICKS NATALIE B	360 HEMBREE FOREST CIR	ROSWELL GA 30076
12 224105490479	GOMEZ ALEXEI MENDIETA & GARCIA MIRLA PEREZ	350 HEMBREE FOREST CIR	ROSWELL GA 30076
12 224105490495	FKH SFR C2 LP	1850 PARKWAY PL SUITE 900	MARIETTA GA 30067
12 224105490610	LERNER VLADIMIR & SUAREZ BETILUZ	315 HEMBREE FOREST CIR	ROSWELL GA 30076
12 224105490628	JAMISON MICHAEL CHRISTIAN	325 HEMBREE FOREST CIR	ROSWELL GA 30076
12 224105490677	PEREZ MARIA E & CASTENA GABRIEL L	385 HEMBREE FOREST CIR	ROSWELL GA 30076
12 224105490719	PASUMARTHI TAVI C & RAVITEJA	465 HEMBREE FOREST CIR	ROSWELL GA 30076
12 224105490727	STELMACHERS ALEXANDER	475 HEMBREE FOREST CIR	ROSWELL GA 30076
12 223005500833	NATURAL MEDICAL SOLUTIONS LLC	1130 UPPER HEMBREE RD	ROSWELL GA 30076
12 223005530848	1250 UPPER HEMBREE LLC	8111 VALLI FARM RD	FOUNTAIN CO 80817
12 223205500344	DORSETT DAVID EDWARDS & DORSETT LAUREN MARIE	1060 TAYLOR OAKS DR	ROSWELL GA 30076
12 223205500351	ECHOLS BRANDON T	1070 TAYLOR OAKS DR	ROSWELL GA 30076
12 223205500385	HILL ANDRE S & HILL CEDRA ALANA	1100 TAYLOR OAKS DR	ROSWELL GA 30076
12 224005540647	TEG ROSWELL LLC	5901 PEACHTREE DUNWOODY RD STE A500	ATLANTA GA 30328
12 223605500076	OSWALD GEORGE JR	195 FOREST AVE	MARIETTA GA 30060
12 223005501211	HARBEN ALAN	11775 POINTE PL # 103	ROSWELL GA 30076
12 223005531804	C2M HOLDINGS LLC	1240 UPPER HEMBREE RD STE E	ROSWELL GA 30076
12 223005500403	NEKTALOV RAFAEL & NEKTALOV BORIS	5749 SINGLETON RD	NORCROSS GA 30093

12 223005530681	UPPER HEMNBREE MEDICAL PLAZA ROSWELL LLC & YASH PROPERTY INVESTMENTS LLC	235 MORTON MANNER CT	ALPHARETTA GA 30022
12 223005530699	MARTIN JAMES F	1004 RIVERBEND CLUB DR	ATLANTA GA 30339
12 223005530806	1250 UPPER HEMBREE LLC	8111 VALLI FARM RD	FOUNTAIN CO 80817
12 223105510013	MATIKEEVA KINNEY SAIRAGUL & KINNEY ANTHONY ROBERT	11910 HARRIS RD	ROSWELL GA 30076
12 223105510054	JACOBSON WILLIAM D & KATHLEEN M	8520 BIRCH HOLLOW DR	ROSWELL GA 30076
12 223205500047	BINA PAYVAND & POOSTI MARYAM	1140 TAYLOR OAKS	ROSWELL GA 30076
12 223205500054	MARTIN MARTINA PATRICE	1150 TAYLOR OAKS DR	ROSWELL GA 30076
12 223505520018	DUFFY JAIME & DUFFY GRANT	4200 HARRIS RIDGE CT	ROSWELL GA 30076
12 223505520026	ELAINE RUSSELL LIVING TRUST THE	4202 HARRIS RIDGE CT	ROSWELL GA 30076
12 223505520059	TOMIOKA HIROSHI	5050 QUORUM DR SUITE 225	DALLAS TX 75254
12 223505520075	COOPER NOCHOLAS & HUFF KAITLYN ELIZABETH	4212 HARRIS RIDGE CT	ROSWELL GA 30076
12 224005540902	MMAC PIX ATLANTA GA SPE LLC	3807 CLEGHORN AVE SUITE 903	NASHVILLE TN 37215
12 224105490388	JENNIFER JEAN MARTIN LIVING TRUST THE	1605 BRANCH VALLEY DR	ROSWELL GA 30076
12 224105490487	PANCICH GUILLERMO ISRAEL RAMOS & MARTINEZ NORMA ANGELICA TELLO	340 HEMBREE FOREST CIR	ROSWELL GA 30076
12 224105490503	MORALES SILVA JUAN A & ESOBEDO SERENO MARIA	320 HEMBREE FOREST CIR	ROSWELL GA 30076
12 224105490511	WANG BINHONG	2732 COLLINS COVE AVE	LAWRENCEVILLE GA 30043-6100
12 224105490529	BERGOO CONSULTING LLC	3624 RITTENHOUSE CT	MARIETTA GA 30062

12 224105490602	HILL MATTHEW TIMOTHY & JENNIFER CUPPY	4499 WOODFORD PASS NE	ROSWELL GA 30075
12 224105490636	CONNORS SCOTT A & LINDSAY K	335 HEMBREE FOREST CT	ROSWELL GA 30076-1199
12 224105490651	JACKSON CAROLYN J	355 HEMBREE FOREST CIR	ROSWELL GA 30076
12 224105490735	FORD CURTIS LEE & RUIZ CRISTIAN EDUARDO BLAS	485 HEMBREE FOREST CIR	ROSWELL GA 30076
12 224305490147	MATHENY RONALD S	230 ENCLAVE CT	ROSWELL GA 30076
12 223005500866	ADVANCED RECOVERY SYSTEMS LLC	100 SE THIRD AVE SUITE 1800	FORT LAUDERDALE FL 33394
12 223005500825	AMAZON COM SERVICES LLC	410 TERRY AVE N	SEATTLE WA 98109
12 223005500932	ORTEGA ENTERPRISES LLC	5369 FOREST BROOK PKWY	MARIETTA GA 30068
12 223005530665	BIS PROPERTIES LLC	1230 UPPER HEMBREE RD # 200	ROSWELL GA 30076
12 223005530855	SPIRIT OF GOD CHRISTIAN CHURCH INC	7197 BELCREST DR	DULUTH GA 30097
12 223005501187	HEMBREE POINTE PROS LLC	11775 POINTE PL #104	ROSWELL GA 30076-4636
12 223005501195	HEMBREE POINTE PROS LLC	11775 POINTE PL #102	ROSWELL GA 30076
12 223005531762	M CENTER ENTERPRISES LLLP THE	1240 UPPER HEMBREE RD UNIT A	ROSWELL GA 30076
12 223005531788	AVC PROPERTY LLC	1033 SOUTHERBY LANE	ALPHARETTA GA 30004
12 223005531796	EC UPPER HEMBREE LLC	1240 UPPER HEMBREE RD UNIT D	ROSWELL GA 30076

500' Public Notification Map





SITE LOCATION MAP
NOT TO SCALE

FEMA FIRM MAP

VARIANCE REQUEST:

1. SINGLE FAMILY DETACHED VARIANCES
 - 1.1. REDUCE REAR ALLEY SETBACK FROM 20 FEET TO 0 FEET
 - 1.2. INCREASE THE LOT COVERAGE FROM 40% TO 65% FOR IMPERVIOUS COVERAGE.
 - 1.3. REDUCE THE MIN. LOT AREA FROM 4,500 FEET TO 2,000 FEET FOR REAR LOADED HOMES.
 - 1.4. REDUCE THE MIN. LOT WIDTH FROM 50 FEET TO 31 FEET

ZONING NOTES:

1. ALL SIDEWALKS SHOWN ARE FOR ILLUSTRATIVE PURPOSES. SIDEWALKS WILL BE DESIGNED AT LATER DATE TO HAVE DIFFERENT TYPES OF MATERIALS IN GREEN SPACE AREAS AND BE UNIQUE. (NOT ALL CONCRETE.)
2. SECOND ENTRANCE IS TO BE FIRE ACCESS ONLY AND 20 FEET IN WIDTH.

SITE DATA	
SITE AREA	19.32 ACRES
<u>ZONING</u>	
EXISTING ZONING	P6C
PROPOSED ZONING	PA6D
ZONING JURISDICTION	CITY OF ALPHARETTA, GEORGIA
<u>PROPERTY SETBACKS/OFFSET REQUIREMENTS</u>	
FRONT SETBACK	65 FEET
SIDE SETBACK FROM ADJACENT PROPERTY	5 FEET
REAR SETBACK	NOT SPECIFIED > 5 FEET
<u>SPRINKLE IRRIGATION/DETACHED LOT SETBACKS</u>	
FRONT YARD SETBACK	NOT SPECIFIED 0 FEET
SIDE YARD SETBACK	0 FEET
REAR YARD SETBACK	0 FEET
REAR YARD SETBACK	0 FEET W/ ALLEY/0 FEET WITHOUT ALLEY
<u>DEVELOPMENT STANDARDS</u>	
MAX. HEIGHT OF BUILDINGS	35 FEET
MAX. PRINCIPAL BUILDING COVERAGE	65% IMPERVIOUS COVERAGE
MIN. FLOOR AREA PER DWELLING UNIT	1,200 SF
<u>REAR LOADED CRITERIA</u>	
REAR LOADED HOMES PROVIDED	99 UNITS
REAR LOADED HOME LOT SIZE MIN.	2,000 SF
REAR LOADED HOME LOT WIDTH MIN.	31 FEET
<u>FRONT LOADED CRITERIA</u>	
FRONT LOADED HOMES PROVIDED	90 UNITS
FRONT LOADED HOME LOT SIZE MIN.	4,000 SF
FRONT LOADED HOME LOT WIDTH MIN.	38 FEET
<u>FRONT LOADED CRITERIA HOMES PROVIDED</u>	
SITE IDENTIFICATION HOMES	149 UNITS
SITE IDENTIFIED HOMES PROVIDED	7,710 (149 UNITS / 19.32 ACRES)
PERCENTAGE ALLOWED IN DISTRICT	18 UNITS PER ACRE
<u>MINIMUM PARKING REQUIREMENTS</u>	
MIN. PARKING REQUIRED	258 SPACES (2 SP/DWELLING UNIT)
GUEST PARKING REQUIRED	109/210 SPACES / 149 UNITS = 8 SPACES
GUEST PARKING PROVIDED	36 SPACES
HOME PARKING PROVIDED	596 SPACES (2 SPACES + 2 DRIVEWAY SP.)
TOTAL PARKING PROVIDED	632 SPACES (4/24 SPACES)
<u>ADDITIONAL COMMENTS</u>	
ANALYSIS SPACE REQUIRED	1.47 AC, 7.75% Includes Dog Park, Amenity, Core
GREEN SPACE REQUIRED	3.62 AC, 18.75% Includes Dog Park

P: (770) 451-2741 F: (770) 451-3915

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Planners & Engineers Collaborative+

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

**350 RESEARCH COURT STE 200
PEACHTREE CORNERS, GA 30092**

PROJECT

UPPER HEMBREE
RD.

**A MASTER PLANNED RESIDENTIAL
DEVELOPMENT**

AT

1180 UPPER HEMBREE ROAD
ALPHARETTA, GEORGIA 30009

CITY ALPHARETTA JURISDICTION

508

EMPIRE COMMUNITIES

MUNICIPALITY PROJECT #

REVISIONS

[illegible]

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



GSWCC LEVEL II DESIGN PROFESSIONAL
CERTIFICATION # 0000059389 EXP. 10/28/2

REZONING
MASTER PLAN

SCALE: 1" = 5'
DATE: 12/6/202



Z1

SUEP

24 HOUR CONTACT:
KELLEY RHINO

Written Description: Upper Hembree Tract (Overall)

All that tract or parcel of land lying and being in Land Lots 550 and 553, 1st District, 2nd Section, City of Alpharetta, Fulton County, Georgia and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE at a 1" rebar found at the corner common to Land Lots 549, 550, 553, and 554, said point being the **TRUE POINT OF BEGINNING**.

FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED;

thence along the common line of Land Lots 549 and 550 N88°20'56"W for a distance of 299.74 feet to a 1-1/2" crimped top pipe found; thence leaving said Land Lot Line N01°38'54"E for a distance of 399.93 feet to a 1/2" rebar found; thence N01°37'02"E for a distance of 787.92 feet to a 1/2" rebar set at the southerly right of way of Upper Hembree Road (right of way varies); thence in a easterly direction along said southerly right of way the following courses and distances:

S72°51'15"E for a distance of 309.95 feet to a point;

S73°17'31"E for a distance of 497.19 feet to a 1/2" rebar set;

thence leaving said southerly right of way S01°33'37"W for a distance of 972.20 feet to a 1/2" rebar found at the common line of Land Lots 553 and 554; thence along said Land Lot Line N88°47'22"W for a distance of 480.13 feet to a 1" rebar found, said point being the **TRUE POINT OF BEGINNING**.

Said tract or parcel of land contains 19.317 acres.

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Atlanta, Georgia 30309-3608
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kzickert@sgrlaw.com

December 22, 2023

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

Re: Application of EAH Acquisitions, LLC (“EAH”) for 19.32 Acres located at 1180 Upper Hembree Road for (i) Rezoning from PSC to R-8A/D for the development of 149-unit Detached Single Family Neighborhood (7.71 units per acre); (ii) amendment to the Future Land Use Map to change the future land use map from Commercial to High Density Residential Designations; (iii) and for four (4) concurrent variances to UDO § 2.2.9 for reducing a rear alley setback from 20’ to 0’; increasing lot coverage from 40% to 65%; reduction of lot size minimums from 4,500 to 2,000; and reduction of minimum lot widths from 50’ to 31’.

Dear Kathi:

Please accept this letter as the Letter of Intent of my client, EAH Acquisitions, LLC (“EAH”) in support of the above referenced application for rezoning (from PCS to R8-A/D); an application to amend the Future Land Use Map (from Commercial to High Density Residential); and for concurrent variances as listed above.

As you may know, I represent EAH in its effort to develop the project described above. The subject property is a 19.32 acre lot located at 1180 Upper Hembree Road (the “Property”). The project envisions the redevelopment of an underutilized parking lot and older commercial/retail building that until 2014 serviced the Harry’s Farmers Market, and is now vacant having served as a Whole Foods distribution center between 2014 and 2017. This project is an exciting example of an adaptive reuse of an obsolete and largely vacant commercial property, offering the opportunity to provide a vibrant single-family community incorporating open space, community amenities, and a variety of attractive housing products where, currently, a depreciated, vacant commercial/retail facility sits.

The project contemplates the deconstruction of the existing 145,000 square foot commercial/retail space and the associated parking lot, allowing for the development of a 149-unit single family detached-housing community. The homes will include various housing

products and styles to include a mixture of front-entry and rear-entry garages. The minimum heated floor area will be 1,200 sq/ft, which is compliant with the development code. Building heights will not exceed thirty-five feet (35'), which again meets the code.

The community plan includes the development of various amenities such as a pool, club house, pickle ball courts, dog park, and a community garden. The density of the development is 7.71 units per acre, which is not only consistent with recent residential development along the Upper Hembree corridor but also provides a transition between more intensive and dense residential and commercial uses and older residential developments on Upper Hembree further West of its intersection with Highway 9.

The Property is currently zoned in the PSC (Planned Shopping Commercial) zoning district, a zoning district intended for “grouped retail” sales and services managed as a “total entity.” Essentially, the zoning district envisions strip-center retail developments, although this property was not developed as a strip center. The Future Land Use Map identifies the Property for future commercial uses. This project requests that both of these designations be amended. The Comprehensive Plan’s policies, existing market conditions, and surrounding land use patterns fully support these changes.

First, the Comprehensive Plan identifies the rising rates of vacancy in older commercial developments as a concern for the City, which creates the opportunity for adaptive redevelopment and to add mixes of uses. The Comprehensive Plan also identifies the value of infill and adaptive residential redevelopment that is consistent and contributory to the surrounding community.

The Property, although currently being used for warehousing by a national brand, reflects this challenge identified in the plan. The older retail building has been underutilized since 2014, when the Harry’s Farmers Market closed and was relocated to the Whole Foods at the Avalon. Since then, the building was retrofitted for warehousing use and has since 2017 been vacant. Unfortunately, the existing retail and shopping center market no longer supports the use for which the Property was originally developed and is currently zoned. This project’s residential and community oriented use is much more consistent with the comprehensive plan’s goals and these circumstances support amendments to the Future Land Use Map.

Surrounding land uses are diverse. Uses within a half mile radius of the Property include office and commercial zoned properties (particularly along the eastern-side of Upper Hembree Road) and a mix of higher density residential developments (zoned PUD and R8-A/D) and established, older suburban neighborhoods (zoned R-10 and R-15). More recent residential neighborhoods were developed with denser residential uses. The Harris Commons and Bellsmith Regency neighborhoods, for example, are infilled townhome communities all located less than a quarter of a mile from the Property. Harris Commons is a seventy-seven (77) unit townhome community zoned PUD (built in 2004) (appx. 6.5 u/acre). Bellsmith Regency is an eighty-five (85) unit townhome community zoned R8-A/D (built in 2006) (appx. 6.8 u/acre).

The Bellsmith Regency neighborhood is classified in the Future land Use Map’s High Density Residential designation. Harris Commons is in the Medium Density Residential

designation, although its current density and development (townhomes) would be more consistent with the High Density Residential designation.

If approved, this project will serve as a transitional development separating more densely developed and intensely-used properties closer to Alpharetta Highway to the east and the established residential neighborhoods to the west. This property's topography makes it uniquely situated for a transitional density. The site is below grade from Upper Hembree, protecting the community from direct sightlines along the road. At the same time, a large setback from Upper Hembree will provide additional tree and landscaping coverage to further obscure direct sightlines.

The development will require concurrent variances. Those variances, detailed below, are necessary on account of challenges related to the site's geography and layout. Moreover, the variances requested allow the proposed project to provide a variety of housing types and layouts, preventing it from appearing "rubberstamped" and repetitive.

All variance requests arise from the dimensional requirements of the Unified Development Code § 2.2.9.D.

First, a variance is requested to accommodate the proposed alley setbacks for the rear-entry units. Section 2.2.9.D requires a twenty (20) foot setback from alley ways. While the circumstances are limited, certain homes in the development, particularly homes with corner lots, are adjacent to lot lines (amounting to a zero-foot setback along the alley). This, however, does not mean that the homes are adjacent to the road. The forty-four (44') foot alleyway access and utility easement provides additional buffering (at least 10' on both sides) from the drivable portion of the alley to the lot-line. The variance is necessary as consequence of the alley access and utility easement that is required by the code, and the special spatial challenges of the site. The Property's size and shape require that roads be constructed in a grid, thereby increasing the number of corner lot homes and decreasing flexibility with housing arrangements and lot location.

The second variance request seeks approval of an increase of the lot coverage maximums of the principal buildings. Section 2.2.9.D requires that the maximum lot coverage of the principal buildings be 40%. Here, we are seeking an increase of the maximum coverage to 65%. The increase allows the development to preserve its cottage-home aesthetic, while still preserving areas for landscaped common spaces to be incorporated within the project. The variance is necessary on account of the site dimensions which, to accommodate buffering and geographic challenges, concentrate developable portions of the property in the center of the development. Notably, the property is currently developed with impervious surfaces covering approximately 80% of the total area. This concept allows for a significant increase in greenspace and pervious surfaces from the existing conditions, even with the variance.

The third and fourth variance requests concern lot size and dimensions. Section 2.2.9.D requires that the minimum lot sizes be 4,500 sq. ft and that lot widths are a minimum of fifty (50) feet. The applicant seeks reductions in the minimum lot sizes (to 2,000 feet) and the minimum lot width (to thirty-one feet) respectively. Again, these variances allow the development to preserve

a cottage-home aesthetic while preserving the shared common area. The request is also required by dimensions of the developable lot and to accommodate the significant redevelopment costs associated with replacing the large commercial building on the Property. Without such reductions in the project is not economically feasible.

In summary, these improvements require the following approvals:

1. Rezoning of the Property from PSC to R8-A/D.
2. An amendment of the Comprehensive Plan's Future Land Use Map from Commercial Uses to High Density Residential.
3. Concurrent variances from the Unified Development Code accordingly:
 - a. Alpharetta UDC Section 2.2.9.D.—reduction of rear alley setback from 20 feet to 0 feet
 - b. Alpharetta UDC Section 2.2.9.D.—increase lot coverage from 40% to 65% of lot coverage by principal buildings.
 - c. Alpharetta UDC Section 2.2.9.D.—reduction minimum lot size from 4,500 feet to 2,000 feet for rear loaded homes
 - d. Alpharetta UDC Section 2.2.9.D.—reduction minimum lot width from 50 feet to 31 feet.

A. Phasing

The project is not intended to be phased.

B. Trip Generation

			A.M. Peak (7 am to 9 am)			P.M. Peak (4 pm to 6 pm)		
Land Use (ITE Code)	Proposed Intensity	Daily Total	In	Out	Total	In	Out	Total
Single-Family Detached Housing (210)	149 Units	1,148	30	89	119	94	55	149

*Source: Trip Generation Manual, 9th Ed.

The Property has access to Upper Hembree Road and easy connectivity to Highway 9. Both roads have capacity to accommodate the increase in traffic generation. For sake of

comparison, the anticipated traffic generation of the property if used as developed for a supermarket would amount to 493 and 1,375 trips per hour at A.M. and P.M. peak hours respectively. Thus, the proposed development's impact on traffic capacities would be significantly less than uses that would be allowed by right in the current zoning district.

C. Schools

The school-age children living in the residences will attend Hembree Springs Elementary, Elkins Pointe Middle School and Milton High School. Hembree Springs and Elkins Pointe are currently within their capacities. Milton High School is currently over capacity, however, it is projected to be within its capacity in the 2025-26 and 2026-27 school years.

D. Standards for the Requested Amendments and Variances

ZONING MAP

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. Recent residential development in the area has been of similar or higher densities of use. The Property is in an area with relatively high connectivity, being near the intersection of Upper Hembree Road and Alpharetta Highway. Some higher intensity commercial uses remain at that intersection, however, much of the commercial inventory at the intersection is depreciating and continued commercial uses are dubious. The proposed use allows for a transitional buffer between a commercial corridor and the established lower density suburban housing along Upper Hembree Road.

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

Response: No. The Property is surrounded by office, commercial, and residential uses, which currently exist in harmony. Similar residential uses at similar densities currently exist within a quarter mile radius from the Property. The residential uses here will not impact adjacent or surrounding uses.

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

Response: No. The Property is currently nearly entirely impervious, largely lacks tree cover, and is depreciating. The zoning proposal will redevelop the parcel to decrease the amount of impervious surface, to redesign and improve the stormwater system and to provide for additional landscaping and tree coverage.

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

Response: Yes. Commercial and retail markets have deteriorated. The Property's current use reflects that change in market conditions. The previous retail use was no longer sustainable and the property is currently vacant.

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

Response: No. The Property is well connected to arterial roads and major highways. The Property was developed and designed for intensive and heavily trafficked commercial uses that would have generated much higher trip volumes than the proposed redevelopment of the subject property will.

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 Comprehensive Plan envisions revitalization and adaptive reuse of aging retail facilities. The proposal is an innovative reuse project that converts an aging and deteriorating commercial use to a productive and energized neighborhoods in a manner and intensity that is consistent with surrounding uses.

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

Response: Yes. The request to change the use of the property from commercial and retail strip center to residential reflects a reasonable balance.

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

Response: See, response to (d) above.

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

Response: The zoning proposal does not meet the Comprehensive Land Use Plan designation of the property, which is "Commercial." The Applicant proposes an amendment to the Comprehensive Land Use Plan designation of the property to 'High Density Residential'. However, the project is consistent with the spirit of the Comprehensive Plan and the desire to redevelop underutilized retail spaces.

COMPREHENSIVE LAND USE PLAN

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

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

Response: The Property was developed in 1989 for a Harry's Farmers Market. Since that development traditional "big box" retail has significantly trended downward. New commercial development is centered around more heavily trafficked areas with additional and higher density housing surrounding the development. The farmer's market ceased operating in 2014. The Property is now vacant and has been since Whole Foods ceased operations in 2017.

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

Response: The Applicant's proposal complies with the goals and policies of the City's Comprehensive Plan, particularly its goals of providing innovative and community-oriented infill developments and for revitalizing aging and vacant commercial properties. The proposal converts a large and aging retail relic to a community-oriented neighborhood.

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

Response: The proposed change in use would increase some demands for public services such as transportation, water, sewer, and safety when compared to the existing underutilized use as a warehouse. However, the proposed change would not be a material increase from the provision of public services if this Property were used as constructed and zoned. A supermarket use would contribute to additional traffic in the area and would have had substantial water and sewer needs.

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

Response: No such negative impacts will occur.

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

Response: Not applicable.

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

Response: The Comprehensive Plan does recognize that traditional retail, including both the "big-box" retail store uses (for which this Property was developed) and the traditional strip-center uses (for which this Property is currently zoned) are not economically feasible.

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: Yes.

- **Rear alley setback**—Redevelopment requires perpendicular gridded streets and increase the amount of corner lots, where alley setbacks are imposed from various sides. These setbacks in combination with the utility easements that are required by the development ordinance reduce the developability to lots such that development is not feasible.
- **Increase in building coverage**—the Property was developed below the grade of Upper Hembree Road and the access from the Upper Hembree Road switches back to accommodate the grade. As a result, much of the Property facing Upper Hembree road is used to safely accommodate the grade elongating the access road and reduces the developable portion of the Property.
- **Minimum lot size reduction**—as discussed, the developable portion of the Property is concentrated in the middle of the Property due to geography and spatial challenges.
- **Reduction in lot width**—as discussed, the developable portion of the Property is concentrated in the middle of the Property due to geography and spatial challenges.

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

Response: Yes.

- **Rear alley setback**—the redevelopment requires perpendicular gridded streets and increase the amount of corner lots, where alley setbacks are imposed from various sides. This reduces the developable portion of all lots. A hardship also arises on account of the geographic challenges and other challenges related to reconstruction of the older retail building. These development costs can only be offset by either, increases in density or reductions in lot sizes. To harmonize this development with the surrounding intensities of use, the developer has elected to develop detached housing products (as opposed to attached housing) while requesting variances from the development code.
- **Increase in building coverage**—reductions in the developable portion of the Property cause result in smaller sized lots. While this increases impervious surfaces from the UDO standards, the lot is currently being used for a supermarket and parking lot and

is, primarily impervious. Therefore, the reduction nets pervious surfaces and green space from the current condition.

- **Minimum lot size reduction**—as discussed, the developable portion of the Property is concentrated in the middle of the Property due to geography and spatial challenges.
- **Reduction in lot width**—as discussed, the developable portion of the Property is concentrated in the middle of the Property due to geography and spatial challenges.

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

Response: Yes.

- **Rear alley setback**— The existing and aged retail shopping center creates a sizable challenge for redevelopment. As discussed, the deconstruction has associated costs that are beyond those experienced in traditional greenfield development. Additionally, the existing retail market and this Property's location away from higher trafficked commercial corridors make continued commercial uses a substantial detriment.
- **Increase in building coverage**—same as above.
- **Minimum lot size reduction**— same as above.
- **Reduction in lot width**— same as above.

(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: Yes.

- **Rear alley setback**— The development project replaces an underutilized and aging retail building and the associated, largely vacant, parking lot with a vibrant single-family neighborhood. This is consistent with the goals of the Comprehensive Plan and the intent of the Unified Development Code. Moreover, the proposed use would be less intensive on utility and city services than the use that is permitted by right.
- **Increase in building coverage**—same as above.
- **Minimum lot reduction**— same as above.
- **Reduction in lot size width**— same as above.

E. Requested Conditions

- 1) The property shall be developed substantially in accordance with the plans by PEC dated December 6, 2023.
- 2) Single family detached lots will have a minimum lot width of 31' exclusive of public street rights-of-way.

- 3) Each unit shall contain a minimum of 1,200 sf.
- 4) A minimum landscaped buffer will be installed and maintained along Upper Hembree Rd.
- 5) The units should have driveways that allow for two cars to park on each driveway.
- 6) Elevations and architectural treatment shall be substantially in accordance with the materials attached as Exhibit A. These include cementitious siding brick and board and batten. The elevations show the variation in the façade and the massing of the units.
- 7) The project provides approximately 4.9 acres of community space (± 25.35 % of total site) which includes ± 1.47 acres of amenity space (± 7.6 % of total site) and ± 3.43 acres of green space (including the detention pond) (± 17.75 % of total site).
- 8) Stormwater management will employ smart stormwater design techniques (e.g. rain gardens, enhanced swales, etc.) within the main stormwater detention area(s).
- 9) Pedestrian amenities including pathways and benches should be included throughout the development and amenity areas.
- 10) No more than 10% of the residential units will be permitted to be rented, as recorded in the HOA's declarations and covenants.
- 11) New utilities interior to the site will be placed underground

F. Preservation of Rights

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

CONCLUSION

The Applicant respectfully requests that the Alpharetta City Council grant the requested Future Land Use Plan amendment, 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,



Kathryn M. Zickert

CC: Kevin Norton, PE
Hannah Cates
Kelly Rhino

Alpharetta

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LOG IN

Real Estate

View Bill

As of

12/12/2022

Bill Year

2023

Bill

2304353

Owner

AMAZON.COM SERVICES LLC

Parcel ID

12-0280-0380-082-5

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	12/1/2028	\$46,234.27	\$46,234.27	\$0.00	\$0.00	\$0.00
TOTAL		\$46,234.27	\$46,234.27	\$0.00	\$0.00	\$0.00

Home

Citizen Self Service

Alcohol and Business License Renewals

General Billing

Personal Property

Real Estate

View Bill

Charges

Property Detail

Owner Information

Assessment

Assessment History

Tax Rates

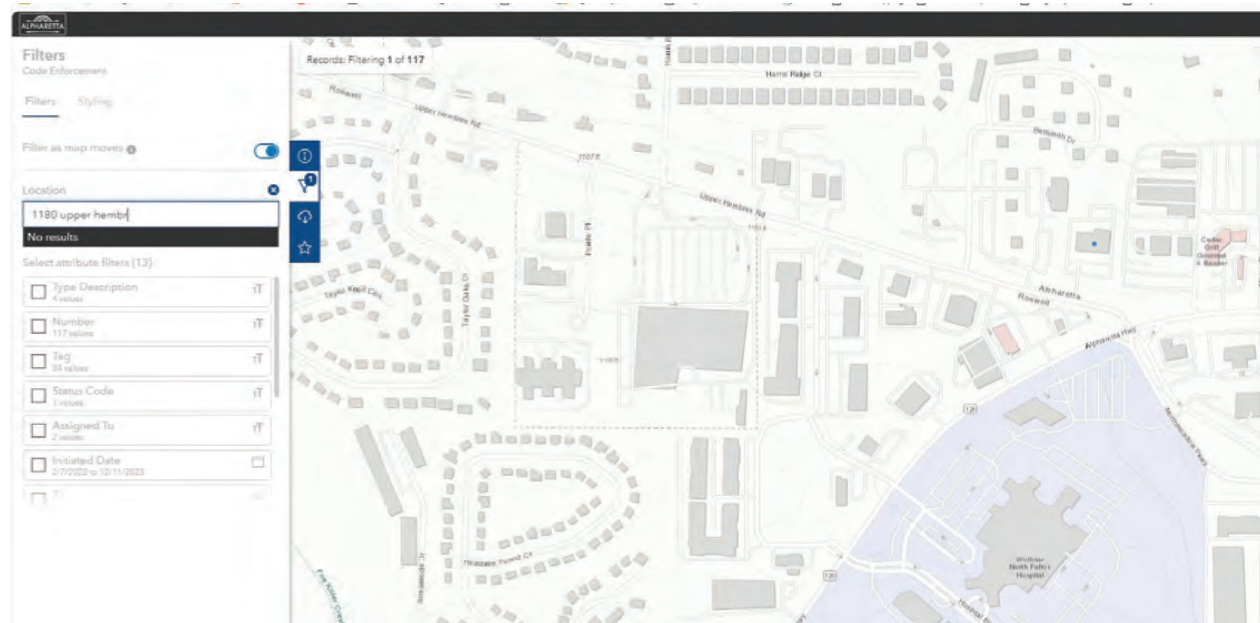
All Bills

Contact Us

Search Results

New Search

Utility Billing



*His Hands Tree Preservation, LLC.
PO Box. 441241
Kennesaw, GA. 30160
Phone: (404) 661-2700
Email: HisHandsTP@gmail.com
ISA Certified Arborist WI-0338AT
ISA Certified Tree Worker
ISA Qualified Tree Risk Assessor*

SPECIMEN TREE REPORT

*Tree Inventory
1180 Upper Hembree
Alpharetta, GA 30076*

Prepared For:

**EAH Acquisition, LP.
Mr. Nate Welch
5775 Glenridge Drive
Building D, Suite 350
Atlanta, GA 30328
Phone: 770-541-5250
Email: nwelch@empirecommunities.com**

Assessor:

**Robert Brettschneider
His Hands Tree Preservation, LLC
Owner
ISA Certified Arborist #WI-0338AT
ISA Certified Tree Worker
ISA Qualified Tree Risk Assessor**

October 24, 2023

On October 24, 2023, Robert Brettschneider, Owner of His Hands Tree Preservation and an International Society of Arboriculture (ISA) Certified Arborist, conducted the onsite tree assessment and inventory. This assessment aimed to verify sizes and evaluate the biological and structural health of the specimen and boundary/shared trees.

All specimen-sized trees were assessed for insect infestations, disease pressures, structural defects, biological decline, and overall health. A health and structural assessment was performed as a visual ground assessment and documented in the report.

Smaller non-specimen trees in the parking lot areas were also assessed and identified if the health and condition were poor or the tree was dead.

The following criteria per the City of Alpharetta Unified Development Code were used to determine Boundary/Shared Trees or Specimen Tree statuses. Determining a tree's specimen status is ultimately up to the City of Alpharetta Arborist and staff.

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

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

Trees of Quality and Tree Groupings or Groves: are trees that warrant protection or preservation based upon the size, condition, special interest, character, etc.

Site Location:

This piece of land contains several buildings. The site is fully developed with the old Harris Teeter grocery store. Most of the parking lot trees on site were of poor quality, and the buffering area of trees was in fair condition.

Table and Report:

The table below summarizes the inventory and assessment of the specimen trees on this site. The table contents contain the following information.

Tree ID: The specific metal identification tag on the tree.

Tree Size: The size of the tree measured at 3.5 feet on the trunk gives the diameter size.

Tree Species: Identifies the genus and species of each tree.

Condition Rating: The condition rating comprises three distinct qualities: health, structure, and form.

- *Health:* Tree health (vigor) includes evaluation of the crown density, foliage color, leaf size, annual shoot growth, disease infections, insect infestations, the presence of injuries, and shoot dieback symptoms.
- *Structural:* The tree structural evaluation includes assessing tree features impacting the structural integrity. These conditions may have the presence of codominant stems, weak branch attachments, decay indicators, root collar burial, dead and dying branches, low live crown ratio, visual cavities, and other conditions of concern.
- *Form:* The tree form considers the tree's growth habit – its symmetry, shape, or silhouette. The form is also based on the tree species, site conditions, proximity to other trees or structures, and management history.

The condition ratings are categorized as good, fair, and poor.

- *Good:* The vigor is normal for the species. There is no significant damage due to diseases or pests. Any twig dieback, defoliation, or discoloration is minor. It has a well-developed structure. The defects are minor and can be corrected. There are minor asymmetries/deviations from species norm.
- *Fair:* The tree has a reduced vigor. Damage from insects or diseases is significant and associated with defoliation but is not likely fatal. Twig dieback, defoliation, discoloration, and/or dead branches may comprise up to 50% of the crown. The tree has a single defect of a significant nature or multiple moderate defects. The defects are not practical to correct or would require multiple treatments over several years. The tree form has major asymmetries/deviations from species norm and/or intended use. The functions and/or aesthetics are compromised.
- *Poor:* The tree is unhealthy and declining in appearance. Poor vigor. Low foliage density and poor foliage color are present. The tree has a potentially fatal pest infestation. Has an extensive twig and/or branch dieback. The tree has a single serious defect or multiple significant defects. Recent change in tree orientation. The structural problems cannot be corrected and may fail at any time. The tree form is largely asymmetric/abnormal and distracts from the intended use and/or aesthetics significantly.

Specimen Tree: An "X" identifies that the City of Alpharetta Arborist would consider the specimen tree a non-recompense



FERNLEAF
Park





FERNLEAF
Park



FERNLEAF
Park





FERNLEAF
Park





FERNLEAF
Park





FERNLEAF
Park



Suitability for Preservation: This categorizes a tree's potential to be an asset to the project following development. While this rating is future-focused, it is based on the species, current size, current condition, and species tolerance to construction. This rating is not based on specific construction plans or anticipated impacts on the tree.

The preservation ratings are categorized as high, medium, and low.

- *High:* A tree that is in good condition, has a long remaining lifespan, is desirable, and a species that can tolerate construction damage.
- *Moderate:* A tree with a moderate rating is between the High and Low ratings. They have conditions or qualities that could be mitigated with arboriculture treatments (pruning, pest management, soil management, or supplemental irrigation).
- *Low:* A tree in poor condition, has a short remaining lifespan, has poor aesthetics, is intolerant of construction damage, or is an invasive species tree.

The species tolerance ratings were taken from Coder, Kim D. 2021. Tree Tolerance of Site Development Activities. University of Georgia, Warnell School of Forestry & Natural Resources Outreach Publication WSFNR21-45C. Pp.6

Table Key and Results:

The bold type indicated a specimen tree.

Italic type indicates a boundary or shared tree.

Table: Trees on site

Tree ID	Diameter	Tree Species	Condition			Specimen Tree	Suitability for Preservation	Comments
#	Inches	Common Name	Biological Health (Vigor)	Structural	Form	"X"		Main problems
276	24	Red Maple	Good	Good	Good	X	High	
277	28	Red Maple	Good	Good	Good	X	High	
278	28	Red Maple	Good	Poor	Fair		Moderate	V-Union split and crack. Preserving tree would require cable and throughbolt braces.
279	21	Leyland Cypress	Good	Good	Good	X	Moderate	
280	22	Leyland Cypress	Good	Good	Good	X	Moderate	
281	15	Yoshino Cherry	Fair	Fair	Good	X	Moderate	

282	12	Yoshino Cherry	Fair	Fair	Good	X	Moderate	
283	15	Yoshino Cherry	Fair	Fair	Good	X	Moderate	
284	35	Northern Red Oak	Good	Good	Fair	X	Moderate	
285	28	Red Maple	Good	Good	Good	X	Moderate	
286	21	Yoshino Cherry	Fair	Fair	Fair	X	Moderate	Multi-stemmed leader.
287	30	Loblolly Pine	Fair	Fair	Fair	X	Moderate	

Photos



Tree #278 Red Maple with "V" union



Several Yoshino Cherry with straps



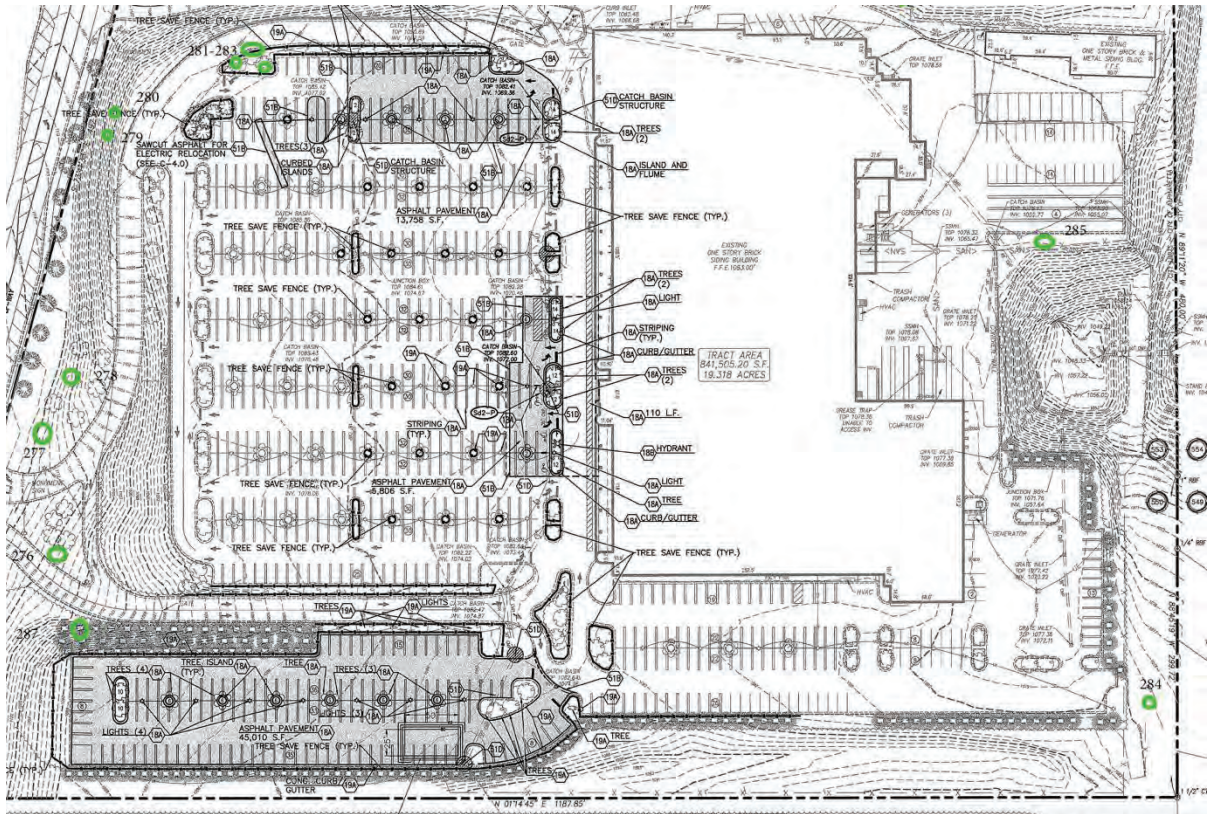


Parking lot trees are fair to Poor condition





Map

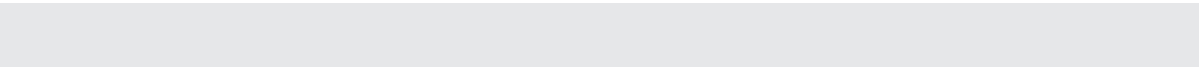


The above observations, discussion, and recommendations are based on my professional experience and education. It is important to note that trees are natural living things, and it is impossible to predict when a tree may die or fail, especially when impacted by construction, human intervention, natural causes, or other means.

Thank you for the opportunity to assist you with this project. Please let me know if you have any questions. I can be contacted by email at hishandstp@gmail.com.



Robert D. Brettschneider
His Hands Tree Preservation, LLC.
Owner
ISA Certified Arborist WI-0338 AT
ISA Certified Tree Worker
ISA Qualified Tree Risk Assessor
Certified Pesticide Applicator GA #04207





1. SINGLE FAMILY DETACHED VARIANCES
 - 1.1. REDUCE REAR ALLEY SETBACK FROM 20 FEET TO 0 FEET
 - 1.2. INCREASE THE LOT COVERAGE FROM 40% TO 65% FOR IMPERVIOUS COVERAGE.
- 1.3. REDUCE THE MIN. LOT AREA FROM 4,500 FEET TO 2,000 FEET FOR REAR LOADED HOMES.
- 1.4. REDUCE THE MIN. LOT WIDTH FROM 50 FEET TO 31 FEET

1. ALL SIDEWALKS SHOWN ARE FOR ILLUSTRATIVE PURPOSES. SIDEWALKS WILL BE DESIGNED AT LATER DATE TO HAVE DIFFERENT TYPES OF MATERIALS IN GREEN SPACE AREAS AND BE UNIQUE. (NOT ALL CONCRETE.)
2. SECOND ENTRANCE IS TO BE FIRE ACCESS ONLY AND 20 FEET IN WIDTH.

SHEET

24 HOUR CONTACT:
KELLEY RHINO