

9/30/16

Z-16-13/CU-16-20/V-16-27
South Main@Devore/Perling

CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

FOR OFFICE USE ONLY

Case #: _____

Fee Paid Initial: _____

COMMUNITY DEVELOPMENT DEPARTMENT

2 PARK PLAZA

ALPHARETTA, GA 30009

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

Contact Information:

Contact Name: Kenneth J Wood

Telephone: 678-684-6206

Address: 350 Research Court

Suite: 200

City: Norcross

State: GA

Zip: 30092

Fax: _____

Mobile Tel: 770-380-5969

Email: kwood@pecatl.com, dianne@pecatl.com

Subject Property Information:

Address: 13 South Main St

Current Zoning: C-2

District: 12

Section: _____

Land Lot: 695, 696

Parcel ID: 12 258406950815, 12 258206960667

Proposed Zoning: MU

Current Use: shopping center

This Application For (Check All That Apply):

Conditional Use

Master Plan Amendment

Rezoning

Master Plan Review

Variance

Public Hearing

Comprehensive Plan Amendment

Other (Specify): _____

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 693, 694, 695 & 696 of the 1st District, 2nd Section, Fulton County, City of Alpharetta, Georgia and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, commence from a concrete monument with metal disc, located at the intersection of the northerly right-of-way (R/W) line of Devore Road (60' R/W Public) and the northerly R/W of Jon Scott Drive (50' R/W Public); thence 124.63 feet along said northerly R/W line of Devore Road (60' R/W Public) an arc of a curve to the right, said curve having a radius of 321.56 feet and a chord bearing and distance of North 71 degrees 18 minutes 18 seconds West 123.85 feet; thence 43.66 feet along an arc of a curve to the right, said curve having a radius of 558.16 feet and a chord bearing and distance of North 58 degrees 24 minutes 04 seconds West 43.65 feet to a point; thence North 53 degrees 16 minutes 29 seconds West a distance of 147.40 feet to a point; thence North 52 degrees 48 minutes 25 seconds West a distance of 623.61 feet to a point, said point being the POINT OF BEGINNING, thence along said northerly R/W line of Devore Road (60' R/W Public) North 54 degrees 25 minutes 46 seconds West a distance of 58.85 feet to a point; thence 277.80 feet along an arc of a curve to the left, said curve having a radius of 611.65 feet and a chord bearing and distance of North 67 degrees 27 minutes 07 seconds West 275.42 feet to a point; thence North 78 degrees 34 minutes 49 seconds West a distance of 85.67 feet to a #4 rebar found; thence leaving said northerly R/W line of Devore Road (60' R/W Public) North 16 degrees 26 minutes 25 seconds East a distance of 135.16 feet to a #4 rebar found; thence North 45 degrees 57 minutes 21 seconds West a distance of 200.00 feet to a #6 rebar found located at the southeasterly R/W line of South Main Street (R/W varies); thence along said southeasterly R/W line of South Main Street (R/W varies) North 48 degrees 40 minutes 47 seconds East a distance of 99.80 feet to a point; thence North 46 degrees 13 minutes 21 seconds East a distance of 100.00 feet to a point; thence North 42 degrees 54 minutes 25 seconds East a distance of 77.05 feet to a #4 rebar found; thence leaving southeasterly R/W line of South Main Street (R/W varies) South 88 degrees 59 minutes 11 seconds East a distance of 333.85 feet to a #4 rebar found; thence South 68 degrees 15 minutes 52 seconds East a distance of 64.01 feet to a point; thence South 06 degrees 49 minutes 14 seconds East a distance of 355.00 feet to a point; thence South 61 degrees 34 minutes 01 seconds East a distance of 12.61 feet to a point; thence South 34 degrees 00 minutes 09 seconds West a distance of 276.10 feet to a point located at the northerly R/W line of Devore Road (60' R/W Public) and the TRUE POINT OF BEGINNING.

Said tract containing 6.085 acres.

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 696 of the 1st District, 2nd Section, Fulton County, City of Alpharetta, Georgia and being more particularly described as follows:

Beginning at a concrete monument with metal disc, located at the intersection of the northerly right-of-way (R/W) line of Devore Road (60' R/W Public) and the northerly R/W of Jon Scott Drive (50' R/W Public) said point being the POINT OF BEGINNING, thence 124.63 feet along said northerly R/W line of Devore Road (60' R/W Public) an arc of a curve to the right, said curve having a radius of 321.56 feet and a chord bearing and distance of North 71 degrees 18 minutes 18 seconds West 123.85 feet; thence 43.66 feet along an arc of a curve to the right, said curve having a radius of 558.16 feet and a chord bearing and distance of North 58 degrees 24 minutes 04 seconds West 43.65 feet to a point; thence North 53 degrees 16 minutes 29 seconds West a distance of 147.40 feet to a point; thence North 52 degrees 48 minutes 25 seconds West a distance of 623.61 feet to a point; thence leaving said northerly R/W line of Devore Road (60' R/W Public) North 34 degrees 00 minutes 09 seconds East a distance of 276.10 feet to a point; thence South 61 degrees 32 minutes 51 seconds East a distance of 180.47 feet to a #4 rebar found; thence South 61 degrees 40 minutes 46 seconds East a distance of 77.22 feet to a #6 rebar found; thence South 75 degrees 09 minutes 11 seconds East a distance of 399.16 feet to a #4 rebar found; thence South 00 degrees 16 minutes 19 seconds East a distance of 531.69 feet to a concrete monument with metal disc and the TRUE POINT OF BEGINNING.

Said tract containing 6.828 acres.

APPLICANT REQUEST AND INTENT

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

See Attached

Applicant's Request (Please itemize the proposal):

We are requesting the following as part of a approval of a change in zoning to the parcel:

1. Rezone from C-2 Commercial to DT-MU (Downtown Mixed Use)
2. Approve as part of the zoning a Conditional Use Permit for the Multi-family Parcel that is rental.
3. Approve a variance to the zoning code to allow the following:

5 Story Height

200' facade to 305'

Architectural Style

Front yard setback

Site Density to exceed 10 units per acre in DT-MU

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

The proposal would facilitate a rehabilitation of a downtown site that has been dilapidated for years and is in poor quality today and transform it into a downtown destination where people can come to enjoy the City. We are proposing to develop the 12 plus acre site into a mixed use village that will serve the downtown community with a style of development that keeps a neighborhood feel, but provides uses and a style that the downtown core needs. The site will have a central theme for its restaurant and retail courtyard. We are providing a non-vehicular courtyard with restaurants, warehouse style commercial, and retail so that people can come and enjoy the area and go to the restaurants without having to cross roads or go back to car to get to another location in development. The condominium, multi-family, and for sale high end residences will all support the development. The site transitions from the neighborhood with the for sale detached, towns, and duplexes, into the multi-family, condo, and eventually at the front on highway 9 the commercial style development.

The sites intent is to be constructed through one phase of site work, but the vertical could run at different times through the process. The office complex is to support the commercial and the downtown work force area. This office will be above the warehouse commercial building and parks underneath the building. The condominium building will be 6 stories and have the higher levels of the parking deck to support the residence parking. The lower levels of the deck would be for the restaurants and commercial. The multi-family building is proposed to be 6 stories as well and will have a portion of the bottom level as the leasing office, business center, and other commercial style uses. The end of the project will be for sale residential with detached home styles, attached and duplex style homes.

There is a major road relocation that this project has planned for as well as a planned loop trail expansion. Devore Road is slated by the GADOT to be relocated into Main Street from its current configuration to make a "T" intersection with Highway 9. In addition to this road relocation the loop trail as part of the cities downtown development plan is slated to run through this development and loop through back toward Main Street to provide a off the road trail for residence to use.

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

The project is intended to be a true mixed use community that is targeting to be different from other developments in the region. The plan is to incorporate many different forms and architecture between residential uses, commercial uses, and warehouse style mixed use. The project is to have a prominent courtyard area with no vehicular interruption. This courtyard would be the central theme to the development where restaurants, warehouse, and commercial would all have a common area free of cars where pedestrians can eat, play, and enjoy the downtown Alpharetta area.

The mixture of uses will consist of commercial with neighborhood retail, local restaurants and destination restaurants, warehouse style restaurant development with office. The office will be in concert with the retail and commercial developments. These commercial developments will be supported by a common parking deck as well as an additional parking deck located under the office complex. There is also commercial use space in the multi-family building along Devore.

For the residential uses there is a condominium for sale midrise building that engages the courtyard area. There is a multi-family rental facility in the middle of the development that will have amenities and business center on Devore Road. The last part of the development will be an upscale for sale single family detached, duplex, and townhomes. The Greenway loop trail for the City of Alpharetta will run through the site and around.

PROPERTY OWNER AUTHORIZATION

* Property Owner Information:

Contact Name: Jonathan Perling Telephone: 404-775-1226
Address: 1048 Winding Branch CT Suite: _____
City: Atlanta GA State: GA Zip: 30338

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.

- | | |
|---|---|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Special Use |
| <input checked="" type="checkbox"/> Rezoning | <input checked="" type="checkbox"/> Conditional Use |
| <input checked="" type="checkbox"/> Variance | <input type="checkbox"/> Master Plan |
| <input type="checkbox"/> Land Use Application | <input type="checkbox"/> Other _____ |

Identify Authorized Applicant:

Name of Authorized Applicant: Duke Land Group, LLC Telephone: AI Livnat 770-391-1233
Address: 4828 Ashford Dunwoody Road Suite: 400
City: Atlanta State: GA Zip: 30339

So Sworn and Attested:

* Owner Signature: By: [Signature] Alpha Development Corp. Date: 7/27/16
John Perling, President

* Notary: Notary Signature: [Signature] Date: 7-27-16



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: Downtown Main, LLC/Duke Land Group

Subject Public Hearing Case: _____

Campaign Contribution Information:

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

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

Name of Official: N/A

Position: _____

Description of Contribution: _____

Value: _____

Description of Contribution: _____

Value: _____

Description of Contribution: _____

Value: _____

Description of Contribution: _____

Value: _____

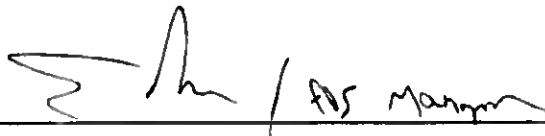
Description of Contribution: _____

Value: _____

Campaign Contribution Information:

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

Signature: _____



Date: _____

Aug-31-2016

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

See attached

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

This proposal will have a great positive affect on surrounding values. This development will bring high end residential on both for sale, mixed product for sale, and high end rental, all of which combined with the office, walkable restaurants will drive values higher.

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

The property is zoned for C-2 as it currently stands. This zoning does not provide a reasonable use because of the site shape, downtown vision, the surrounding uses and its visibility from Highway 9 for commercial throughout, and the topography on the entire eastern tract. The C-2 uses would not provide a reasonable use and would not be a good transition from the neighborhood or surrounding uses. Mixing the uses in a area that has a mixture of housing choices and retail choices is the best economic use.

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

For traffic the Trip Generation is found to be approximately 4,650 vehicles per day. The site fronts on South Main Street and Devore Road. System improvements to both roads will be done to alleviate the increased traffic from the development. By totally mixing the uses on the site the traffic distribution will be different from most developments. +

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

The site is not targeting school age families by its design. We do not expect a large impact to the school system due to the size of the development and styles of homes. The condo and multi-family will be largely 1 bedroom and 1 bedroom with office as the for sale product on the east end will be designed with empty nesters and people who are looking to move from large lot homes. +

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

This section that the property falls within is shown to be part of the Downtown mixed use corridor and meets the intent of how a project can mix uses and bring unique features to the City. The site has been targeted by the city as a redevelopment site with the existing building and center being in bad shape. The site also meets the City loop trail plan as well having the trail go through the central part of the development. +

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

The existing shopping center and building are in poor shape. The center is a burden on the surrounding values and the aesthetics of the community. The entire western site is mostly asphalt with no stormwater control through the site and a sewer line that needs to be upgraded for the site. The surrounding roadway on Devore is slated to be relocated through this property by GADOT. This is a much needed upgrade and will provide for better traffic flow. The surrounding area needs the site to be redeveloped with quality and a mixture of uses so that people can walk and enjoy the attractions of the retail and restaurants it will offer.

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.

How will this proposal be compatible with surrounding properties?

From the aerial and seeing on the ground the surrounding uses it demonstrates the uses that are commercial, apartments, retail, restaurants, financial institution, office, fueling station, and detached homes match the proposed site. To the south are existing multi-family older apartments and to the direct northeast abutting the property is a tax credit multi-family development. Our condo and Multi-family is on the east and south side which matches these uses. In addition we have for sale detached, duplexes, and towns on the far east, which is where there is commercial, fueling, and across the street detached single family. This also is less intense as surrounding or equal. Finally on our frontage it's commercial, restaurants, warehouse and is surrounded by these types of uses. The uses are older in nature, but fit the model of what we are proposing.

BOARD OF ZONING APPEALS REVIEW CRITERIA

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

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

From the survey it can be seen that the property is a odd shape with higher topography at the western end and steeper topography at the eastern end. The property is also next door to full commercial properties and taller multi-family tax credit properties. From the surrounding uses, the shape and topography of the property, the variance should be provided for the additional building height.

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

Yes, the site is backs up to a taller building in the rear of the property. That same building and property is zoned and built as multi-family. In order for the project to aesthetically meet the vision shown for this development there needs to be a range of heights. Height gives variations to the architecture. By not providing the heights requested the vision can be affected. Other buildings in the downtown and Avalon area have been approved at higher stories and it was to provide a vision for the development. This site needs to keep its vision and not getting the height would hurt the intent.

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

The front of the site is a dilapidated building that is in the downtown corridor and abutts multi-family from behind. The site is centrally located with height, commercial, and restaurants in the area. The site also has topography that slopes down toward the commercial on Haynes Bridge Road. The width of the property is a challenge as well as Devore Road is being relocated creating a narrower parcel. In order to keep the vision of the downtown area and offer a variety of housing and commercial choices, the site needs to have the variance approved.

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

No, it would help with the city vision of a mixed use community with varying heights and uses. Its in the best intent to have heights to break up structures and elevations for aesthetics in the area.

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

BOARD OF ZONING APPEALS REVIEW CRITERIA

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

1. Site Density to Exceed 10 units per acre in DT-MU (Proposed = 24.317 units/acre): The site is in the downtown corridor and overlay area, the density and surrounding commercial and multi-family uses are all intense uses. It is reasonable to have density in downtown areas to exceed 10 UPA.
2. Downtown Architectural Style/Design: The site is proposing new architecture to have a variety of styles and colors for a vibrant downtown feel. The shape of the property has very limited frontage on the main road so the style and design of the architecture is very important to have more flexibility to capture people's attention and created upscale feel.
3. Multi-family building has max facade continuous of 200', increase to 305': Our frontage on Devore Road is extremely long and the nature of multi-family buildings is to create streetscape. Due to the size and length of the frontage, the 305' is necessary and creates good streetscape along the frontage of the long road. The building is broken up with architectural vertical features and will not create a large wall appearance because the road frontage is so vast.
4. Maximum Front Setback = 10': We are showing areas along the frontage that comply and a few areas that do not. We are wanting to use courtyards, open space, and hardscapes to create the frontage concept as well, not just buildings. With the long frontage on Devore it becomes monolithic and to us unappealing to have just buildings fronting the road along Devore. We want to use a few buildings pushed back with landscape and courtyard areas to break up the frontage.

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

1. Site Density to Exceed 10 units per acre in DT-MU (Proposed = 24.317 units/acre): No, this site is in the downtown area with proposed trails and walkability, this is where density belongs and is supported by infrastructure.
2. Downtown Architectural Style/Design: We feel that our proposed architecture will far exceed that in the DT-MU and is essential to keep the downtown area fresh with new architectural feel. It should not cause any hardship, but more of a positive influence.
3. Multi-family building has max facade continuous of 200', increase to 305': No, our frontage is very long and vast, we need the mass of this building to help stand out along the frontage. With the frontage being well over 1000', this will not have an impact on the style of street.
4. Maximum Front Setback = 10': This will also have a positive impact and not create a unnecessary hardship. This will help break up such a long frontage and also keep the buildings a little further back on the frontage of Main Street.

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

1. Site Density to Exceed 10 units per acre in DT-MU (Proposed = 24.317 units/acre): This site is adjacent to multi-family high rise already and is a tear down of an old large commercial center. The density and walkability is appropriate because of its surrounding uses and location, this makes this site different.
2. Downtown Architectural Style/Design: The site sits in an area that has a need for the downtown to get redeveloped. The new upscale urban architecture is peculiar because it sets a new precedent the area will need.

BOARD OF ZONING APPEALS REVIEW CRITERIA

3. Multi-family building has max facade continuous of 200', increase to 305': The length of Devore is very peculiar and having a building that exceeds the 200' will not be affected on the frontage.

4. Maximum Front Setback = 10': There is so much road frontage on the entire site that it peculiar and would be too much to front each building at the 10' setback and not vary with some fronting and some open space and parks fronting. The restaurants are fronting and a few are not. This creates depth and perspective into the development and gains interest.

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

1. Site Density to Exceed 10 units per acre in DT-MU (Proposed = 24.317 units/acre): no, this is the downtown area and envisioned for redevelopment of poor properties to be developed in this fashion with higher density uses.

2. Downtown Architectural Style/Design: No, the new architecture will be a new standard and above the level of standard of the current DT-MU.

3. Multi-family building has max facade continuous of 200', increase to 305': No, with so much frontage, there will not be a visual impact. This section of code is for smaller sites.

4. Maximum Front Setback = 10': No, changing frontages and adding green space and depth perception is a positive for the development.

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: Downtown Main, LLC/Duke Land Group

Contact Name: Bill Probst/Don Rolader

Telephone: 770-442-0330

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

Owners of properties within 500 Ft of the subject property

Affected government officials

City Officials

Interested parties noted on list provided by the City

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

- | | |
|--|---|
| <input checked="" type="checkbox"/> Letter | <input type="checkbox"/> Personal Visits |
| <input type="checkbox"/> Telephone | <input checked="" type="checkbox"/> Group Meeting |
| <input type="checkbox"/> Email | <input type="checkbox"/> Other (Please Specify) _____ |

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

Interested parties may respond by phone email, fax, letter, or personal visit.

10/7/2016

City of Alpharetta
2 Park Plaza
Alpharetta, GA 30009

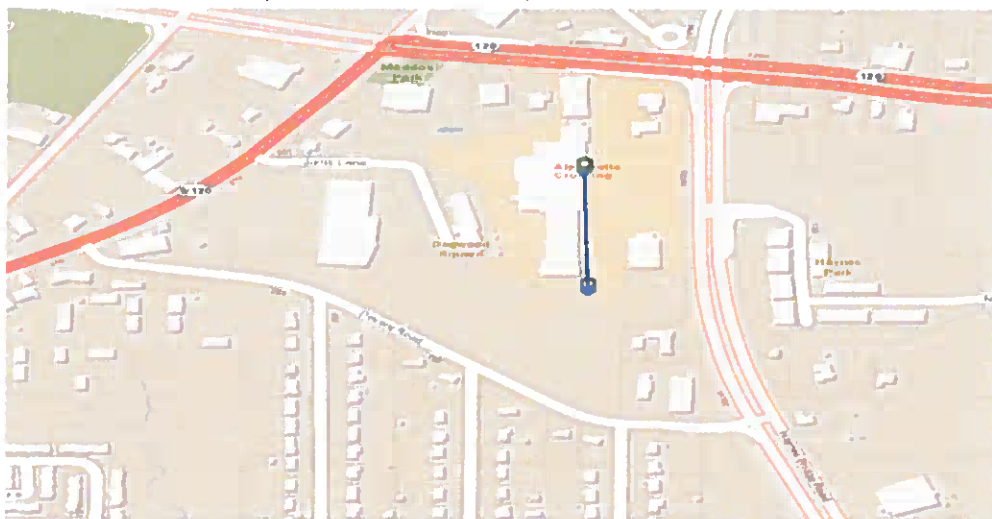
Re: **Requirement to have a Commercial Grocery Store with Multi-family Development
South Main Street (13) @ Devore Rd**
Planners and Engineers Collaborative, Inc. Project No. 16143.00

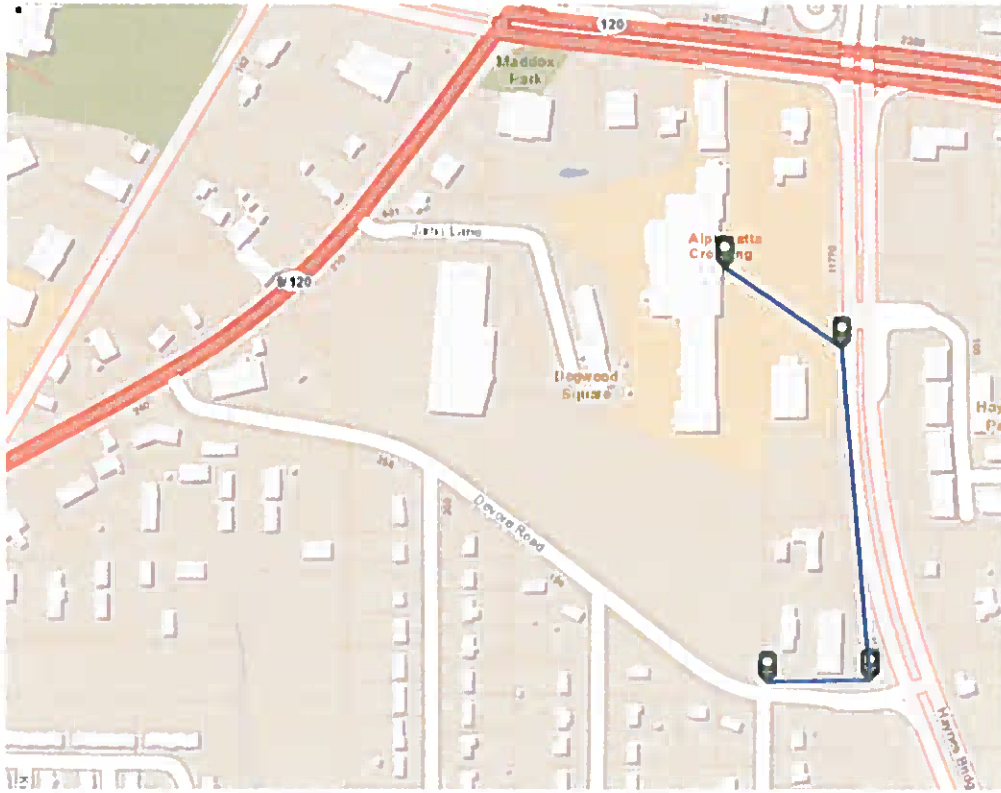
To whom it may concern,

We are submitting a variance request for the requirement to have a grocery store of 3,000 sf or more as part of the development since it has multi-family units proposed for the site. The justification for the variance is as follows:

- From the site map and aerial you can see that the location of the site and its frontage is very limited on Main Street. For a grocery store to be viable retail development it needs good frontage and visibility off a primary public roadway. This site has limited frontage on the main road that the brewery and restaurants will need in order to make a statement and vibrant downtown site. The grocery store location would be down Devore Road behind the restaurants, making a much less viable location.
- The primary reason for the variance is the location and proximity to the existing Wal-Mart Grocery store. From the following two images you can see that depending on how you walk from the residential section of our site to the front door of Wal-Mart the distances are approximately 500' and 1500' each. The Central Business District Code for the city of Alpharetta allows for this grocery requirement to be waived when you meet this 1,500 ft. rule for the distance from the door of the grocery store. From the exhibits you can see several routes that comply with that requirement. This site is a mixed use development and meets most of the intent of the CBD area, making it justified to use the same type of rule for proximity.

The models below show the two different routes. The first one is just over 500 linear feet running through the parking lot and back to the residential area of the site. The second would leave the grocery store and run down the sidewalk past QuikTrip (which has most grocery items too) and back up Devore to the site is 1,499 linear feet. Both of these routes are less or equal to the 1,500 'CBD requirement.





Sincerely,
Planners and Engineers Collaborative, Inc.

A handwritten signature in blue ink, appearing to read 'Ken Wood', written over a horizontal line.

Kenneth J. Wood, P.E., LEED AP
For the Firm

Kjw/dp