

A RESOLUTION

BY

THE BOARD OF COMMISSIONERS OF FORSYTH COUNTY, GEORGIA

WHEREAS, a request has been received that this Board further amend the Unified Development Code of Forsyth County, Georgia, adopted May 22, 2000, as amended, together with the zoning maps likewise duly adopted and amended; and,

WHEREAS, **Zoning Application Number ZA3872** presented to the Department of Planning & Community Development which caused to be published in The Forsyth County News, a newspaper of general circulation in Forsyth County in which Sheriff's advertisements are published, a notice of hearing; and,

WHEREAS, the aforesaid notice of public hearing (a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference) was published more than 15 days prior to the public hearing; and,

WHEREAS, this Board has considered the proposed amendment in light of the Master Plan as adopted; and, has examined the views expressed at the public hearing, the subject parcel and surrounding area, the statutory zoning criteria, and the need to modify the exercise of the police power with regard to this particular parcel as such exercise relates to the comprehensive exercise of that power throughout the unincorporated area of Forsyth County, Georgia;

NOW THEREFORE BE IT RESOLVED, that the parcel described on Exhibit "B & C" should be, and hereby is, declared to be zoned as **Commercial Business District (CBD)** and,

BE IT FURTHER RESOLVED that the Unified Development Code of Forsyth County, Georgia, adopted May 22, 2000, as amended, and the zoning maps likewise duly adopted and amended, are hereby further amended to effect the above zoning on the subject parcel; and,

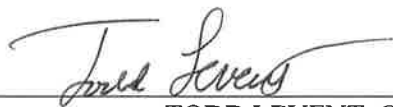
BE IT FURTHER RESOLVED that the rezoning of the parcel described on Exhibit "B & C" is subject to the following conditions:

1. The CBD component of the development will have a modern flare architectural style using any combination of brick, stone, metal and glass and transition to an equestrian architectural style on the M1 property in the rear.
2. Delineated waters will be required to be shown on an engineered set of plans submitted to the Forsyth County Engineering Department and will follow all federal, state and local laws and ordinances before any LDP will be issued.
3. All water and sewer utilities will comply with the Unified Development Code.

4. The Forsyth County Engineering Development will work with the developer on the possibility of two deceleration lanes with one of them being wider and longer for the purpose of unloading vehicles.
5. Owner/Developer shall dedicate right-of-way a minimum of (10) feet back of curb on any roadway improvements constructed as part of site development.
6. At buildout, developer will perform an updated traffic study and will design and install a traffic signal if warranted.
7. There will be sidewalks along McFarland Parkway as well as sidewalks from the CBD property to the rear M1 property leading to the secured main gate.
8. There will be a minimum of one restaurant with a rooftop design and a minimum of one coffee shop café.
9. The following uses are prohibited on the subject property.
 - (a) Gas stations
 - (b) Adult novelty stores
 - (c) Adult entertainment stores
 - (d) Pawn shops
 - (e) Tattoo parlors
 - (f) Massage parlors
 - (g) Clairvoyant, fortune teller, tarot card reader
 - (h) Kennel, however this shall not preclude an interior pet day care service
 - (i) Self-storage
 - (j) Thrift stores
 - (k) Billboard advertising
 - (l) Vape shops
 - (m) Fast food and drive through restaurants, excluding coffee shops
10. The development will be a maximum of two stories with the exception of the front portion of the car dealership which can be up to three stories that displays vehicles in glass windows. A story is no more than 14 ft.
11. All vehicle sales will be done in one dealership location. No vehicles are to be shown or sold that have a value less than \$85,000.
12. Developer shall install a parking deck that is no more than three stories with no more than 200 parking spaces, has the same architectural standards as the CBD development and complies with the Forsyth County Unified Development Code.
13. Developer will make every effort to make sure all of the tenants provide higher caliber retail products and services.

14. There shall be a 100 ft. by 100 ft. tree save area for the four pecan trees to be preserved. A minimum of four park benches and a placard of the Herring family history will be located in the tree save area. The placard will be large enough to show the history with photos of the Herring Family. The rose bushes near the pecan trees will also be moved to the tree save area.
15. After consultation with the County Arborist, there will be a minimum of a 50 ft. planted buffer and a 25 ft. building line for a total of 75 ft. adjacent to the Preserve at Weatherstone.
16. There shall be an event center not to exceed 24,000 s.f. with an infinity pool.
17. The site owner shall make available the event center for no less than six annual fund-raising events to be hosted by, and for the benefit of, those charitable and non-profit organizations funded or otherwise assisted by the local chapter of the Forsyth County United Way. The terms and conditions of such fund-raising events shall be coordinated between the owner of the event facility and the United Way. The owner has agreed to and supports this condition.
18. Any lighting fixtures shall be of the type that directs light only downward and shall comply with all applicable Forsyth County UDC exterior lighting requirements. The height of the light poles shall be limited to 25 feet.
19. There shall be no outside storage on the property.
20. Freestanding signs shall be limited to a height of 10 feet. Wall signs shall be limited to channel letters.
21. Final renderings of the design plans and colors will be approved by the District 3 commissioner.
22. Reciprocal Easements to Ensure Maintenance. The owner of the acreage comprising the automobile lease facility, or any Property Owner's Association (POA) governing the automobile lease facility, shall enter into Reciprocal Easement Agreements with the owner of the property comprising the related retail acreage, if separate, to ensure the ongoing and continued maintenance of the retail component as Class A retail space with the POA or owner having lien and self-help rights.
23. Prior to obtaining a certificate of occupancy for more than 35% of the car storage units approved in ZA3873, the developer shall obtain a certificate of occupancy for at least 35% of the retail space approved in ZA3872.

SO RESOLVED, this 19th day of October, 2017.


TODD LEVENT, CHAIRMAN


VACANT


LAURA SEMANSON, SECRETARY


RALPH J. AMOS, MEMBER


CINDY J. MILLS, MEMBER

PUBLIC NOTICE

Exhibit "A"

The Forsyth County Board of Commissioners will hold a Public Hearing on Thursday, October 5, 2017 at 5:00 p.m.

The Public Hearing will be held in the Commissioners Meeting Room (Number 220) on the Second Floor of the Forsyth County Administration Building.

The purpose of said Public Hearing is for the consideration of County Initiated Zoning Application Number 3872 to rezone 9.044 acres from A1 to CBD.

This property is located on the north side of McFarland Parkway approximately 1,080 feet west of the intersection with Union Hill Road, also known as 425 McFarland Parkway, Alpharetta, GA 30004.

Forsyth County Board of Commissioners

Run Date: 09/20/17

PUBLIC NOTICE
The Forsyth County Board of Commissioners will hold a Public Hearing on Thursday, October 5, 2017 at 5:00 p.m.
The Public Hearing will be held in the Commissioners Meeting Room (Number 220) on the Second Floor of the Forsyth County Administration Building.
The purpose of said Public Hearing is for the consideration of County Initiated Zoning Application Number 3872 to rezone 9.044 acres from A1 to CBD.
This property is located on the north side of McFarland Parkway approximately 1,080 feet west of the intersection with Union Hill Road, also known as 425 McFarland Parkway, Alpharetta, GA 30004.
Forsyth County Board of Commissioners
9/20

Exhibit "B"

ZONING DESCRIPTION
TRACT 2

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 689 & 690 of the 2nd District, Forsyth County, Georgia and being more particularly described as follows:

Commencing from a point at the intersection of the westerly right-of-way line of Alpha Drive with the northerly right-of-way line of McFarland Parkway (Variable R/W); thence along said right-of-way line of McFarland Parkway the following courses and distances: South 40 degrees 36 minutes 05 seconds West a distance of 17.53 feet to a point; thence North 89 degrees 07 minutes 00 seconds West a distance of 120.77 feet to a point; thence South 01 degrees 21 minutes 15 seconds West a distance of 11.27 feet to a point; thence North 88 degrees 24 minutes 40 seconds West a distance of 106.95 feet to a point to a point and the TRUE POINT OF BEGINNING, from the TRUE POINT OF BEGINNING as thus established; thence continuing along said right-of-way line the following courses and distances: North 88 degrees 21 minutes 33 seconds West a distance of 94.34 feet to a point; thence 968.27 feet along an arc of a curve to the right, said curve having a radius of 1,236.88 feet and a chord bearing and distance of North 66 degrees 08 minutes 06 seconds West 943.74 feet to a point; thence North 43 degrees 42 minutes 30 seconds West a distance of 180.90 feet to a point; thence leaving said right-of-way line North 52 degrees 00 minutes 20 seconds East a distance of 71.23 feet to a point; thence North 54 degrees 10 minutes 04 seconds East a distance of 32.01 feet to a point; thence North 34 degrees 36 minutes 08 seconds East a distance of 133.21 feet to a point; thence North 22 degrees 50 minutes 27 seconds East a distance of 9.77 feet to a point; thence South 52 degrees 52 minutes 08 seconds East a distance of 219.54 feet to a point; thence South 67 degrees 09 minutes 33 seconds East a distance of 133.79 feet to a point; thence 38.98 feet along an arc of a curve to the right, said curve having a radius of 100.00 feet and a chord bearing and distance of South 55 degrees 59 minutes 34 seconds East 38.73 feet to a point; thence 38.98 feet along an arc of a curve to the left, said curve having a radius of 100.00 feet and a chord bearing and distance of South 55 degrees 59 minutes 42 seconds East 38.73 feet to a point; thence South 67 degrees 08 minutes 49 seconds East a distance of 226.47 feet to a point; thence North 23 degrees 23 minutes 41 seconds East a distance of 47.61 feet to a point; thence East a distance of 82.66 feet to a point; thence South 89 degrees 59 minutes 23 seconds East a distance of 24.06 feet to a point; thence North 24 degrees 57 minutes 08 seconds East a distance of 49.05 feet to a point; thence continue Northeasterly along said line, a distance of 50.00 feet; thence South 89 degrees 58 minutes 33 seconds East a distance of 181.28 feet to a point; thence South 00 degrees 00 minutes 37 seconds West a distance of 123.59 feet to a point; thence South 00 degrees 08 minutes 52 seconds East a distance of 135.52 feet to a point; thence South 00 degrees 07 minutes 42 seconds East a distance of 255.10 feet to a point and the TRUE POINT OF BEGINNING.

Said tract containing 9.044 acres.

25.817 ACRES

WEATHERSTONE POA, INC.
P.B. 82, PGS. 75-76
ENTERING SANITARY SEWER POINT OF ACCESS SEE NOTE 2
(Title)
S 89°44'35" W 218.36' #4 RBF S 89°50'00" E 215.39' S 89°16'10" E 362.56'

THE PRESERVE AT WEATHERSTONE

THOMAS F. & JANET L. DOANE, JR.
FOR 20060
LARRY L. & DONNA C. AULMAN
P.B. 78, PG. 60
FOR 20060
ANDREW J. & DENISE J. ZUMWALT
P.B. 78, PG. 60
FOR 20060

BELL ALFA COURT, LLC
D.B. 4858, PG. 393
JOE & MAURICE COHEN
P.B. 30, PG. 243
M.J. KUNTZMURPHUS
P.B. 47, PG. 31
DEWEY L. NEESSE, JR. & RONALD E. JONES PARTNERSHIP
CHANDLER-NARTEN LEASING, LLC
ALPHA DRIVE, LLC

McFARLAND WAY - R/W VARIES

ALPHA DRIVE

1. WATER, GAS, ELECTRIC AND OTHER UTILITIES TO BE IN RIGHT OF WAY OF MCFARLAND ROAD
2. SANITARY SEWER IS LOCATED TO THE NORTH OFF THE SITE.
3. WATER IS PROVIDED BY FORSYTH COUNTY AND IS LOCATED IN MCFARLAND ROAD
4. WHEN SPECIFIC USES ARE DEFINED - ALL PARKING WILL MEET THE UDC PARKING REQUIREMENTS

SITE

TOTAL SITE AREA	15.00 ACRES
ZONING	
EXISTING ZONING	A-1 (AGRICULTURE)
PROPOSED ZONING	
CBD - (COMMERCIAL BUSINESS DISTRICT)	9.044 ACRES
ATLANTA HWY - MCFARLAND PKWY - MULLINAX RD OVERLAY (SITE AREA WITHIN 500 LF OF CENTERLINE OF MCFARLAND PARWAY)	
CBD OUTPARCEL	+/- 0.895 ACRES
M1 - (RESTRICTED INDUSTRIAL DISTRICT)	16.772 ACRES
ZONING JURISDICTION	FORSYTH COUNTY, GEORGIA
CBD - DEVELOPMENT STANDARDS	
MINIMUM FRONT SETBACK	40 FEET
MINIMUM SIDE SETBACK	10 FEET
MINIMUM REAR SETBACK	25 FEET
MINIMUM FRONT LANDSCAPE STRIP AT R/W	15 FEET (OVERLAY)
MINIMUM SETBACK AT R/W (ALL LOT LINES)	40 FEET
MINIMUM BUFFER (ADJ. R. OR. A1. OR AG-RES)	40 FEET
MINIMUM LANDSCAPE STRIPS (SIDE AND REAR LOT LINES)	10 FEET
MINIMUM SETBACK (ADJ. R. OR. A1. OR AG-RES)	50 FEET
MIN. HEATED FLOOR SPACE PER UNIT	900 SF
MINIMUM LOT AREA	NONE
MAXIMUM BUILDING COVERAGE	70% TOTAL SITE AREA
MAXIMUM SF PER ESTABLISHMENT	NONE
MAXIMUM STORES/HEIGHT ALLOWED	5 STORIES/75 FEET
MINIMUM LANDSCAPED OPEN SPACE	25% TOTAL SITE AREA (OVERLAY)
CBD - DEVELOPMENT BREAKDOWN	
RETAIL/COMMERCIAL	+/- 46.000 SF
RESTAURANT	+/- 9.500 SF
CAR WASH	+/- 7.000 SF
OFFICE/CLUBHOUSE	24.000 SF
TOTAL BUILDING SF ON SITE	86.500 SF

PARKING SPACE REQ.	PER 1000 SF OF GROSS FLOOR AREA
CAR WASH (12,000 SF)	3 MAX, 2 MIN
CAR WASH PROVIDED	36 SPACES (3/1000 SF)
RESTAURANT (9,000 SF)	8 MAX, 2 MIN
RESTAURANT PROVIDED	45 SPACES PROVIDED (5/1000 SF)
SHOPPING CENTER/RETAIL (46,000 SF)	5 MAX, 3 MIN
RESTAURANT/SHOPPING/RETAIL PROVIDED	158 SPACES PROVIDED (3.5/1000 SF)
GENERAL OFFICE/CLUBHOUSE (24,000 SF)	3 MAX, 1 MIN
GENERAL OFFICE/CLUBHOUSE PROVIDED	72 SPACES PROVIDED (3/1000 SF)
TOTAL PARKING PROPOSED IN CBD	257 SPACES PROVIDED

MINIMUM FRONT SETBACK	30 FEET
MINIMUM SIDE SETBACK	15 FEET
MINIMUM REAR SETBACK	25 FEET
MINIMUM FRONT LANDSCAPE STRIP AT R/W	N/A
MINIMUM SETBACK AT R/W (ALL LOT LINES)	N/A
MINIMUM BUFFER (ADJ. TO CBD)	20 FEET
MINIMUM SETBACK (ADJ. TO CBD)	30 FEET
MINIMUM BUFFER (ADJ. R. OR A.I. OR AG-RES)	60 FEET
MINIMUM SETBACK (ADJ. R. OR A.I. OR AG-RES)	75 FEET

MINIMUM LOT AREA	1 ACRE
MAXIMUM BUILDING COVERAGE	55% TOTAL SITE AREA
MAXIMUM SF PER ESTABLISHMENT	NONE
MAXIMUM STORIES/HEIGHT ALLOWED	5 STORIES/75 FEET
MINIMUM LANDSCAPED OPEN SPACE	20% TOTAL SITE AREA

SINGLE-LOADED OFFICES & SHOWROOMS	33,350 SF
DOUBLE-LOADED OFFICE & SHOWROOMS	13,200 SF
WAREHOUSE	15,000 SF
SECURITY LODGING	1 UNIT
TOTAL BUILDING SF ON SITE	181,550 SF

PARKING SPACE REQ. PER 1000 SF OF GROSS FLOOR AREA

OFFICES & SHOWROOMS (166,550 SF) 1/1000 SF
OFFICES & SHOWROOMS PROVIDED 167 SPACES PROVIDED

WAREHOUSE - SEC. LODGING (15,000 SF) 1/1000 SF + 1 PER LODGING
WAREHOUSE PROVIDED 16 SPACES PROVIDED (1/1000 SF)

GUEST SPACES PROVIDED 20 SPACE

TOTAL PARKING PROPOSED IN MI 203 SPACES PROVIDED



Know what's below.
Call before you dig.

[illegible]

This drawing is the property of Planners and Engineers Collaborative and is not to be copied in whole or in part. It is not to be used on any other project and is to be returned upon request. © Planners and Engineers Collaborative

SCALE: 1" = 100'
DATE: AUGUST 29, 2017
PROJECT: 14012.00A

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



GSWCC LEVEL II DESIGN PROFESSIONAL
CERTIFICATION # 0000059389 EXP. 10/27/2018



"WE PROVIDE SOLUTIONS"

PLANNERS AND ENGINEERS COLLABORATIVE

PLANNING ■ LANDSCAPE ARCHITECTURE ■ CIVIL ENGINEERING ■ LAND SURVEYING
350 RESEARCH COURT ■ NORCROSS, GEORGIA 30092 ■ (770)451-2741 ■ FAX (770)451-3915 ■ WWW.PECATL.COM

CONTACT: JEFF BEAL

Exhibit "C"