

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: Hotel Development Partners, LLC c/o Dennis J. Webb, Jr., Esq.

Telephone: 404-815-3620

Address: 1230 Peachtree St., NE

Suite: 3100

City: Atlanta

State: GA

Zip: 30309

Fax: 404-685-6920

Mobile Tel: _____

Email: djwebb@sgrlaw.com

Subject Property Information:

Address: Amber Park Drive

Current Zoning: O-1

District: 1

Section: 2

Land Lot: 804

Parcel ID: 12-284-00804029-2

Proposed Zoning: O-1

Current Use: Vacant / undeveloped

This Application For (Check All That Apply):

Conditional Use

Master Plan Amendment

Rezoning

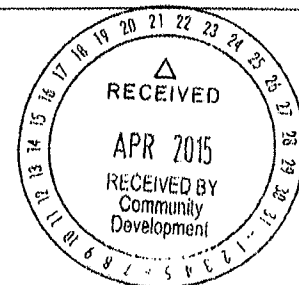
Master Plan Review

Variance

Public Hearing

Comprehensive Plan Amendment

Other (Specify): _____



APPLICANT REQUEST AND INTENT

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

Hotel. See Statement of Intent

Applicant's Request *(Please itemize the proposal)*:

1. Master Plan Amendment to allow proposed hotel use in Pod C, Building Site 6 of the Parkway 400 Master Plan;
2. Special Exception to reduce required parking to 113 spaces;
3. Variance to reduce front-yard setback from 35 feet to 17.8 feet, at certain points, to allow for a porte cochere at the front of the proposed hotel; and
4. Variance to increase lot coverage to 74%.

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

See Statement of Intent

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: Steve Spetnagel - Whileaway Holdings, LLC

Telephone: 678-892-6902

Address: 2520 Northwinds Parkway

Suite: 285

City Alpharetta

State: GA

Zip: 30009

Authorization:

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

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

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

Identify Authorized Applicant:

Name of Authorized Applicant: *Hotel Development Partners, LLC*
IRE-Capital c/o Dennis J. Webb, Jr.

Telephone: 404-815-3620

Address: 1230 Peachtree St., NE

Suite: 3100

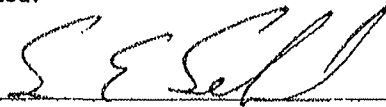
City Atlanta

State: GA

Zip: 30309

So Sworn and Attested:

Owner Signature:

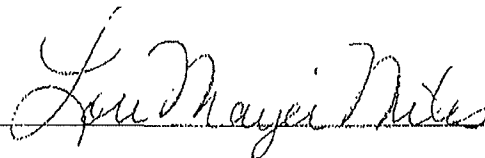


Date:

4/13/15

Notary:

Notary Signature:



Date:

4/13/15

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: STEVEN E. SPENAGEL

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 has been made.

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

Name of Official: N/A Position: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

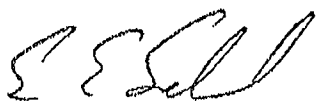
Description of Contribution: _____ Value: _____

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: 4/13/15

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Name of Applicant or Opponent:

Hotel Development Partners

Subject Public Hearing Case:

Campaign Contribution Information:

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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:

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Signature:

[Handwritten Signature]

Date:

4/20/15

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Name of Applicant or Opponent: Dennis J. Webb, Jr., Esq.

Subject Public Hearing Case: _____

Campaign Contribution Information:

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Name of Official: NONE

Position: _____

Description of Contribution: _____

Value: _____

Description of Contribution: _____

Value: _____

Description of Contribution: _____

Value: _____

Description of Contribution: _____

Value: _____

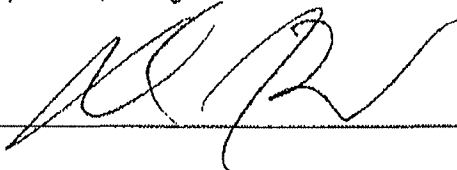
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Value: _____

Campaign Contribution Information:

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Signature: _____



Date: _____

4/16/15

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Name of Applicant or Opponent: Smith, Gambrell & Russell, LLP

Subject Public Hearing Case: _____

Campaign Contribution Information:

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Name of Official: NONE

Position: _____

Description of Contribution: _____

Value: _____

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Signature: _____

Date: _____

4/14/15

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Name of Applicant or Opponent: Robert D. Griest, Esq.

Subject Public Hearing Case: _____

Campaign Contribution Information:

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Name of Official: NONE

Position: _____

Description of Contribution: _____

Value: _____

Description of Contribution: _____

Value: _____

Description of Contribution: _____

Value: _____

Description of Contribution: _____

Value: _____

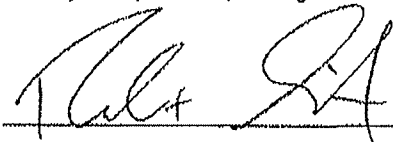
Description of Contribution: _____

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: _____

4/16/2015

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

See Statement of Intent

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

See Statement of Intent

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

See Statement of Intent

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

See Statement of Intent

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

See Statement of Intent

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

See Statement of Intent

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

See Statement of Intent

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

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.

See Statement of Intent

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

See Statement of Intent

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

See Statement of Intent

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.

See Statement of Intent

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

SIGN VARIANCE REVIEW CRITERIA

Are there exceptional conditions pertaining to the property where the sign is to be located as a result of the property size, shape, or topography which are not applicable to other lands or structures in the area? If "yes," please explain.

Yes

No

Would the applicant be deprived of rights that are commonly enjoyed by others similarly situated? If "yes," please explain.

Yes

No

Would granting the variance confer on the applicant any significant privileges which are denied to others similarly situated? If "yes," please explain.

Yes

No

Are the exceptional circumstances the result of actions of the applicant or the applicant's representatives? If "yes," please explain.

Yes

No

Is the requested variance the minimum necessary to allow the applicant to enjoy rights commonly enjoyed by others similarly situated? If "no," please explain.

Yes

No

Would granting of the variance violate more than one standard of the Unified Development Code? If "yes," please explain.

Yes

No

Would granting the variance result in allowing a sign that interferes with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic? On a separate sheet or sheets, please defend your response.

Yes

No

CITIZEN PARTICIPATION FORM - PART A

This form must be completed and submitted with the applicant's completed Public Hearing Application. Applications submitted to the City of Alpharetta without a completed Citizen Participation Form - Part A will not be accepted.

Public Hearing or Project Name: Parkway 400

Contact Name: Dennis J. Webb, Jr.

Telephone: 404-815-3620

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.

Fifth Third Bank, 2755 Old Milton Pkwy.

Joel B. Shirley, Jr.

Windward Eye Group, LLC, 272 Old Milton Pkwy.

John Doulgerakis

NNN Parkway Four Hundred, LLC, 11720 Amber Park Drive.

Fourth Quarter Properties 87, LLC

WBCMT 2007 C31 Amberpark Limited Partnership

Greenstone Parkway Four Hundred LLP

Fulton County Board of Education

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

Letter

Personal Visits

Telephone

Group Meeting

Email

Other (Please Specify)

Will offer to meet in the letter

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.

They will be given contact information (telephone, email and address) for the Applicant's representative.

FOURTH AMENDED
STATEMENT OF INTENT

and

Other Materials Required by
City of Alpharetta Zoning Ordinance
for the
Master Plan Amendment Application
Concurrent Variance Application
Concurrent Variance Exception Application

of

HDP Acquisitions, LLC
c/o Hotel Development Partners, LLC
("Applicant")

related to

±1.896 Acres of Land located in
Land Lot 804, 1st District, 2nd Section

Submitted for Applicant by:

Dennis J. Webb, Jr.
Robert D. Griest
Smith, Gambrell & Russell, LLP
Promenade, Suite 3100
1230 Peachtree Street, NE
Atlanta, Georgia 30309
404-815-3500

I. INTRODUCTION

This Application seeks a (a) Master Plan Amendment (b) Concurrent Variance and (c) Concurrent Exception Variance to allow for development of a hotel on \pm 1.896 acres of land located in Land Lot 804, 1st District, 2nd Section, in the southwest quadrant of the intersection of Kimball Bridge Road and Amber Park Drive (the “Subject Property”). The Subject Property is designated as Building Site 6 in the Parkway 400 Master Plan (MP-98-01) and zoned OI (Office-Institutional). Further, pursuant to the City’s Comprehensive Land Use Plan, the Subject Property is designated as “Corporate Office Campus” and located in the Old Milton Corridor, neither of which prohibits the use proposed.

Parkway 400 was zoned by Fulton County in 1998 and annexed into the City of Alpharetta in 2004. Parkway 400 is approved for 557,100 square feet of development. Despite the passage of 17 years, however, roughly 60% of the Master Planned area remains undeveloped, including the Subject Property.

While growth in Parkway 400 has lagged, growth in the area around it has not. For example, Avalon recently opened its initial phase north of the Subject Property and across Old Milton Parkway. It includes 500,000 square feet of retail space, 350 residential units (100 single-family detached units and 250 multifamily units), 1,000,000 square feet of office space and a full service hotel. Additionally, Gwinnett Technical College owns and is building a satellite campus to serve 10,000 students on 26 acres just east of the property.

These and other changes have markedly transformed the area around Parkway 400. Yet, Parkway 400 remains subject to a static Master Plan adopted almost two (2) decades ago. In light of changes in the area, the Applicant believes that the highest and best use for the Subject Property is a business hotel given (a) the lack of hotels in immediate proximity and (b) the

existing and proposed retail, restaurant, commercial, office and university uses within walking distance. The Applicant also notes that hotels are an attractive amenity for office uses, so the proposed use could serve as a catalyst for additional office development in Parkway 400.

The Applicant is planning to construct a 115 room, six (6)-story Marriott Courtyard Hotel. A mid-priced hotel catering to both the business and leisure traveler, Courtyard is the largest brand in the Marriott portfolio. The hotel structure has been designed to provide guests with the right blend of services and spaces. The hotel includes dining options like The Bistro, which offers breakfast, dinner and beverage services, and the 24/7 Market, which offers “grab and go” options. It has meeting rooms and a Business Library with computer, printer and internet access. It also provides fitness equipment and a pool and outdoor spaces with comfortable seating and fire pits.

This document is submitted both as a Statement of Intent with regard to this Application and as a written response to the Planning Commission Review Criteria. A survey plat of the property has been filed contemporaneously with the Application.

II. HISTORY

The Subject Property is a ± 1.896 acre parcel zoned OI. It is located in Pod C (Building Site 6) of Parkway 400, a master-planned development (MP-98-01) approved by Fulton County in 1998. The Subject Property is vacant and undeveloped and has been since the Parkway 400 Master Plan was approved 17 years ago. Pursuant to the City’s Comprehensive Land Use Plan, the Subject Property is designated as “Corporate Office Campus” and located in the Old Milton Corridor.

III. REVIEW CRITERIA

1.

THE PROPOSAL IS COMPATIBLE WITH SURROUNDING PROPERTIES

The Subject Property is in Pod C (Building Site 6) of the Parkway 400 Master Planned development (MP-98-01) and is located on the South Side of Kimball Bridge Road, west of its intersection with Amber Park Drive. It is immediately adjacent to a number of existing office uses. It also is one block off Old Milton Parkway at a lighted intersection directly across from a primary entrance into Avalon, a mixed-use development whose first phase includes 500,000 square feet of retail space, 350 residential units (100 single-family detached units and 250 multifamily units), 1,000,000 square feet of office space and a full service hotel. The Subject Property is also west of Gwinnett Technical College, a university designed to serve 10,000 students on 26 acres.

The proposed use is therefore consistent with the uses approved for developments on the surrounding properties. The intended final appearance of this development will compare favorably to the projects in this community. Appropriate attention has been given by the Applicant to ensure that this project will blend harmoniously with its surroundings.

2.

THIS PROPOSAL WILL IMPROVE THE USE AND VALUE OF SURROUNDING PROPERTIES

The planning files of the City of Alpharetta were reviewed by the Applicant in advance of the filing of this Application, and the Applicant believes that this proposal will improve the use and value of surrounding properties. Importantly, it will place into service a vacant property that has sat dormant for 17 years and will compliment the nearby mix of uses which include offices, restaurants, retail and commercial.

THE PROPERTY DOES NOT HAVE A
REASONABLE ECONOMIC USE AS CURRENTLY ZONED

The Applicant, on behalf of the owner of the tract of land at issue in this Master Plan Amendment, Variance, and Exception Variance Application, respectfully submits that the Zoning Ordinance of the City of Alpharetta, Georgia, as amended from time to time and known as the “Unified Development Code, City of Alpharetta, Georgia,” to the extent that it limits the Subject Property in such a manner to preclude the development of this proposal, is unconstitutional as a taking of property, a denial of equal protection, an arbitrary and capricious act, and an unlawful delegation of authority under the specific constitutional provisions set forth below. Any existing zoning limitations of the Subject Property pursuant to the City of Alpharetta Zoning Ordinance deprives the current owner of any alternative reasonable use and development of the Subject Property. Additionally, all other zoning limitations, including ones intervening between the existing limitation and the one requested herein, would deprive the current owner of any reasonable use and development of the Subject Property. Further, an attempt by the City Council to impose greater restrictions upon the manner in which the Subject Property will be developed than presently exist, such as by way of approving the Application but limiting development to standards allowed under more stringent zoning classifications, would be equally unlawful.

The Applicant submits that the current limitations on development on the Subject Property constitute an arbitrary and unreasonable use of the zoning and police powers because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Subject Property owners. All limitations between the existing limitation and the use requested would constitute an arbitrary and unreasonable use of

the zoning and police powers because they bear or would bear no substantial relationship to the public health, safety, morality or general welfare of the public and would substantially harm the Subject Property owners. Further, the existing limitations applicable to the Subject Property and its adjoining properties constitute, and all zoning and Master Plan limitations intervening between the existing limits and that required to develop this project would constitute, a taking of the owners' private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Due Process Clause of the Fourteenth Amendment of the United States Constitution and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

Further, the Applicant respectfully submits that the City Council's failure to approve the Application would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Subject Property owner and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

Finally, the Applicant respectfully submits that the City Council cannot lawfully impose more restrictive standards upon the development of the Subject Property than presently exist as to do so not only would constitute a taking of property as set forth above, but also would amount to an unlawful delegation of authority, in response to public opposition, in violation of Article IX, Section IV, Paragraph II of the Georgia Constitution.

This Application meets favorably the prescribed test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning and planning as an expression of the government's police power, Guhl v. Holcomb Bridge Road, 238 Ga. 322 (1977).

4.

THIS PROPOSAL WILL NOT ADVERSELY
AFFECT POPULATION AND TRAFFIC

The proposal would have no effect on population. Further, it should have minimal effect on traffic. According to the Master Plan, the site already is approved for office uses up to eight (8) stories in height. An eight (8) story office use would generate 1.56 trips per 1,000 square feet of gross floor area in the weekday am peak hour and 1.49 trips per 1,000 square feet of gross floor area in the weekday pm peak hour. ITE Trip Generation Manual (9th Ed.), General Office Building (710). By comparison, a business hotel will generate .56 trips per occupied room in the weekday am peak and .62 trips per occupied room in the weekday pm peak. ITE Trip Generation Manual (9th Ed.), Business Hotel (312). The Applicant projects average weekly occupancy at 75%. This occupancy will generate 48 trips in the weekday am peak and 53 trips in the weekday pm peak. Hence, traffic generation under the use requested should be comparable to traffic generation under the currently approved use.

5.

THIS PROPOSAL WILL NOT ADVERSELY
IMPACT SCHOOL OR UTILITIES

This project, if approved, will not adversely impact schools or utilities. No new residential development is part of this application, thus no impact on schools will result. Capacity is available to service waste generated by this project. The Big Creek/Johns Creek Reclamation Plants currently serve the Subject Property and have adequate capacity. Sufficient

water capacity also is available for the development. Water is supplied by Fulton County via the North Area Water Treatment Plant.

6.

THIS PROPOSAL IS CONSISTENT WITH
THE COMPREHENSIVE LAND USE PLAN

Pursuant to the City's Comprehensive Land Use Plan, the Subject Property is designated as "Corporate Office Campus" and located in the Old Milton Corridor, neither of which prohibits the use proposed.

7.

OTHER EXISTING OR CHANGING CONDITIONS
AFFECTING THE DEVELOPMENT OF THE PROPERTY
AND WHICH SUPPORT THIS PROPOSAL

The Master Plan Amendment requested conforms to the ideals and spirit of both the City of Alpharetta Zoning Ordinance and the Parkway 400 Master Plan while, at the same time, proposing a progressive, valuable development that will revitalize currently unused property into an asset for the immediate area and the City as a whole.

8.

CONCURRENT VARIANCE AND CONCURRENT EXCEPTION VARIANCE

The Applicant seeks two (2) variances and one (1) exception variance concurrent with this Application. First, the Master Plan requires a 35 foot front yard building setback on Kimball Bridge Road. The Applicant seeks to reduce this requirement to 17.8 feet to allow for the placement of a porte cochere; notably, the building itself is outside of the 35 foot setback. Moving the driveway and porte cochere closer to the street is consistent with new urbanist policies and recent developments in the area.

Second, the staff has stated that lot coverage on the Subject Property is limited to 70% under the OI Ordinance. The applicant respectfully disagrees. According to § 2.2.13 of the Zoning Code, the OI District “is intended for the development of planned office areas which allow for design flexibility through a master plan.” The OI zoning district also requires at least 25 acres of lot area. See Table 2.1. In light of these provisions, the Code appears to put a maximum lot coverage of 70% for an office park as a whole, not the individual lots within the office park. In this case and as stated above, 60% of the Parkway 400 office park is undeveloped and, hence, lot coverage for the office park as a whole is well below 70%. Nonetheless and out of an abundance of caution, the Applicant is requesting lot coverage of 74% for the Subject Property. The Applicant notes that this modest increase is well below the maximum lot coverage allowed in comparable districts (ie. C-1 has a maximum lot coverage of 80%; C-2 of 90-95%; PSC of 80%; L-1 of 80%; OSR has no lot coverage maximum; SU of 80%; and MU of 80%). The increased lot coverage requested here is typical in a more urban, walkable environment (which is why MU has a maximum lot coverage of 80%) and mitigated in this case by the extensive landscaping proposed for this site, as shown on the landscape plan submitted with the application.

Third, UDC Section 2.5.1.A. states that a hotel must provide “one space per guest room,” among other requirements. The Applicant states that this ratio is not appropriate for the Subject Property and seeks to reduce required parking to a total of 114 spaces for several reasons. First, the Subject Property is within walking distance of existing office, restaurant, retail and commercial uses. The City has allowed for parking reductions on other sites in proximity (i.e. Avalon, Atwater (CLUP-14-09/Z-14-14/V-14-31)), acknowledging that the full complement of parking is not warranted in this pedestrian-oriented area. Further, the Subject Property proposes

only a small amount of meeting space; it is not designed to and will not host parking-intensive functions. Finally, industry data demonstrates that the site does not need the amount of parking required by code. The industry treatise, Hotel Design Planning and Development (2nd Edition, p. 369) (attached), outlines the formula that design professionals use to determine the maximum parking needed for overnight guests. The formula is as follows:

$$\frac{(\text{Rooms}) \times (\% \text{ Occupancy}) \times (\text{People/Room}) \times (\% \text{ Arriving by Car})}{(\text{People/Car})} = \text{Spaces Needed}$$

The Applicant projects maximum weekly occupancy at 75%. It anticipates that at least 10% of guests will share a room. It also anticipates that 85% will arrive by car and at least 10% of cars will have more than one (1) occupant. Using this data, the formula yields the following:

$$\frac{(115) \times (.75) \times (1.1) \times (.85)}{1.1} = 73.313$$

Hence, according to industry experts, the site needs only 73 spaces for overnight guests, but is providing a total of 113, which will allow for fluctuations.

Pursuant to § 4.5.4, the Applicant shows that the criteria for the variance and exception variance are met. First, there are extraordinary and exceptional conditions pertaining to the Subject Property. As noted above, the Development Tract lies in the Old Milton Corridor. To facilitate the transition of the area to a more modern, urban and walkable environment, the City has in the past recognized the need to grant developers variances to reduce parking and other development standards. The Applicant requires similar concessions to create a development that complements and enhances on-going development in the area and to avoid being deprived of rights and privileges enjoyed by other property owners in the same district. Second, the application of the ordinance to the Subject Property would create unnecessary hardship and adversely affect its reasonable use or usability; again, the variances the Applicant seeks are

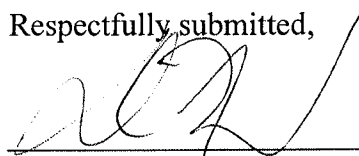
consistent with variances granted for other properties in the area, all of which have allowed the corridor to transition. Finally, the grant of the variances will not be materially detrimental to the public welfare or injurious to the property or improvements in the relevant zoning district; to the contrary, the variances sought support the intent of the City's Comprehensive Plan and current development patterns in the area.

IV. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the Master Plan Amendment and Concurrent Variances at issue be approved. The Applicant also invites and welcomes any comments from Staff or other officials of the City of Alpharetta so that such recommendations or input might be incorporated as conditions of approval of this Application.

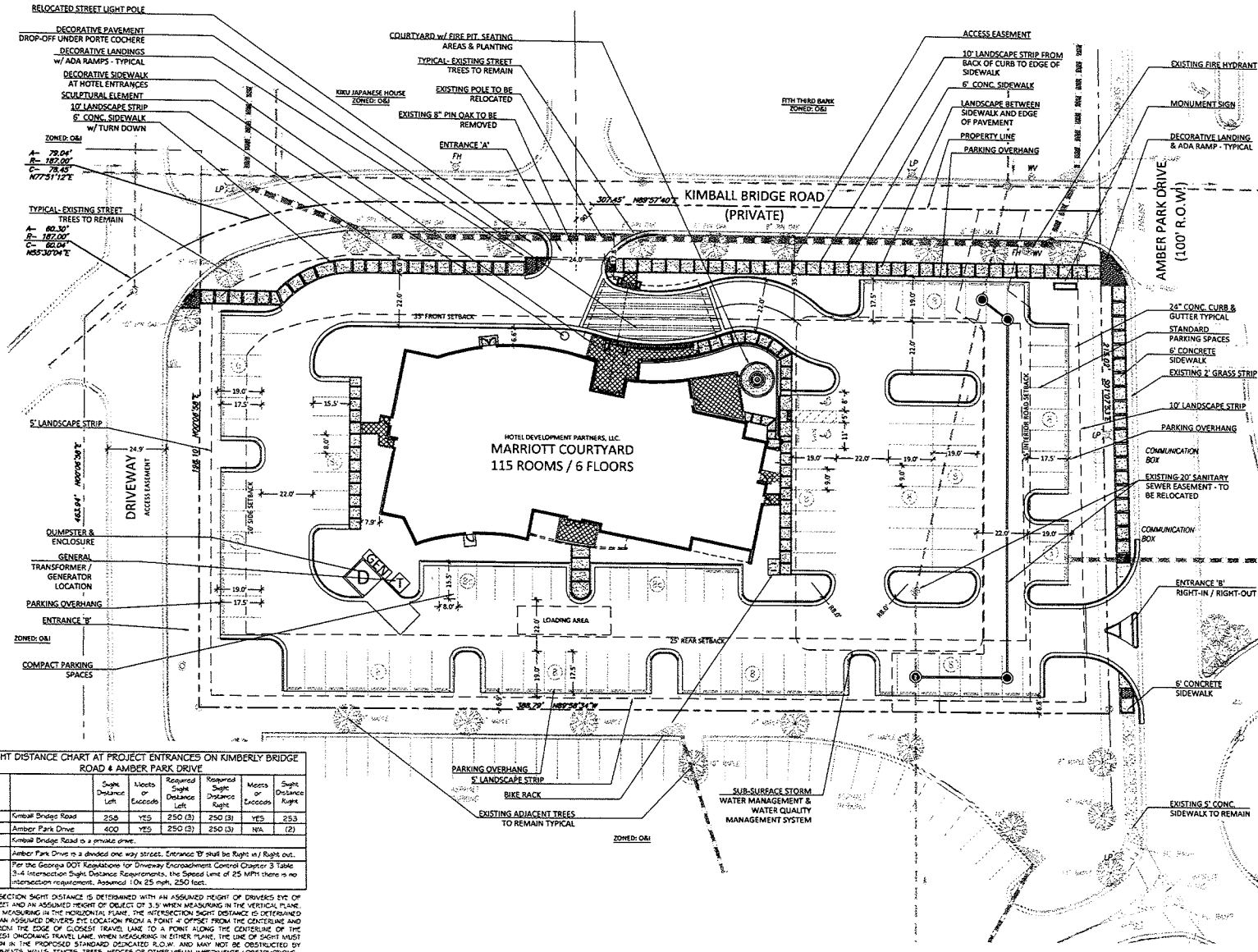
This 19th day of January, 2015.

Respectfully submitted,



Dennis J. Webb, Jr.
Robert D. Griest
Attorneys for Applicant

Smith, Gambrell & Russell, LLP
Promenade, Suite 3100
1230 Peachtree Street, NE
Atlanta, Georgia 30309
404-815-3500



- GENERAL NOTES:**
- SITE AREA: 1.896 ACRES (82,589.83 SQFT). ZONED OAI (OFFICE-INDUSTRY)
 - LOCATION: KIMBALL BRIDGE ROAD & AMBER PARK DRIVE, LAND LOT 804, 1st DISTRICT, 2nd SECTION FULTON COUNTY, BUILDING SITE 6 IN THE PARKWAY 400 MASTER PLAN (049-06-01)
 - LAST EXISTING USE: UNDEVELOPED LAND
 - PROPOSED USE: HOTEL AND PARKING LOT, MEETING SPACE: 1,200 SQFT, RESTAURANT: 1,000 SQFT
 - OWNER/DEVELOPER: HOTEL DEVELOPMENT PARTNERS, LLC, 3414 PEACHTREE ROAD N.E., SUITE 1075, ATLANTA, GEORGIA 30326, STEVE SMITH: 770-310-3233
 - DESIGNER/ENGINEER: MCFARLAND-DYER & ASSOCIATES, INC., 4174 SILVER PEAK PARKWAY, SPOWANEE, GEORGIA 30076, JEFF DYER: 770-922-6550, Jdyer@mcdanet
 - BOUNDARY, TOPOGRAPHY & SITE INFORMATION PREPARED BY REGISTERED LAND SURVEYORS, INC DATED JUNE 15, 2004 LAST UPDATED DECEMBER 21, 2004.
 - ALL CONSTRUCTION SHALL CONFORM TO THE CITY OF ALPHARETTA DEVELOPMENT REGULATIONS. ALL CONSTRUCTION SHALL ALSO COMPLY WITH ALL APPLICABLE COUNTY, STATE AND FEDERAL CODES, STANDARDS AND REGULATIONS.
 - FIRM MAP NUMBER 13121000596, EFFECTIVE SEPTEMBER 18, 2013, INDICATES THAT THIS TRACT DOES NOT LIE IN AN AREA DESIGNATED AS HAVING FLOOD HAZARD. THE SUBJECT SITE IS LOCATED IN A FLOOD ZONE "X" AREA DETERMINED TO BE OUTSIDE OF THE 500 YEAR FLOOD PLAIN.
 - COVERGE: PROPERTY: 82,589.83 SQFT, ACCESS EASEMENT: 7,741.92 SQFT, SITE: 71,999.26 SQFT, IMPERVIOUS AREA: 52,249.79 SQFT, PLANTED AREA: 20,345.50 SQFT, (IMPERVIOUS SQFT / SITE SQFT) X 100% = 73.78% COVERGE
 - STORM WATER MANAGEMENT SHALL BE PROVIDED ON SITE IN SUB-SURFACE FACILITIES.
 - THERE ARE NO LAKES, STREAMS, WETLANDS OR WATERS OF STATE OR THEIR ASSOCIATED BUFFERS ON THIS SITE.
 - REQUIRED SETBACKS: FRONT SETBACK: 35', REAR SETBACK: 25', SIDE SETBACK: 20'
 - HEIGHT OF BUILDING: 2 STORIES OR 85' WITHIN FIRST 200' FROM RESIDENTIAL PROPERTY, 4 STORIES OR 110' WITHIN SECOND 200' FROM RESIDENTIAL PROPERTY, 6 STORIES OR 140' REMAINDER OF PLOT. PROPOSED HOTEL + LP TO 6 STORIES, MAXIMUM COVERGE BY PRIVATE BUILDING 40% 10% PROPOSED.
 - COMPACT PARKING SPACES: MAXIMUM OF 20% MAY BE COMPACT SPACES.
 - FINAL LANDSCAPE PLAN SHALL BE IN ACCORDANCE WITH THE MASTER PLAN.
 - THERE ARE NO LAKES, STREAMS AND OTHER WETLANDS ON THE SITE AND ASSOCIATED BUFFERS.

PARKING	
Required Parking Spaces	
Hotel (115 rooms)	115
Hotel Employee (1 per 20 rooms)	6
Convention/Conf/Ball Rm (1 per 500 SqFt)	2
Restaurant / Retail (1 per 500 SqFt)	2
TOTAL PARKING REQUIRED	125
Proposed Parking Spaces	
Standard Parking Space (9'X19')	89
Compact Parking (8'X15'-6" max 20%)	24
TOTAL PARKING PROPOSED	113

SIGHT DISTANCE CHART AT PROJECT ENTRANCES ON KIMBERLY BRIDGE ROAD & AMBER PARK DRIVE

	Sight Distance Left	Meters or Exceeds	Required Sight Distance Left	Meters or Exceeds	Required Sight Distance Right	Meters or Exceeds	Required Sight Distance Right
A Kimball Bridge Road	250	YES	250 (3)	250 (3)	YES	253	
B Amber Park Drive	400	YES	250 (2)	250 (3)	NA	(2)	

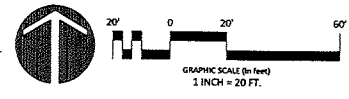
(1) Kimball Bridge Road to a private drive.
 (2) Amber Park Drive to a divided one way street. Entrance 'B' shall be Right in / Right out.
 (3) For the Georgia DOT Requirements for Driveway Encroachment Control Chapter 3, Table 3-4 Intersection Sight Distance Requirements, the Speed Limit of 25 MPH there is no intersection requirement. Assumed 1 On 25 mph, 250 feet.

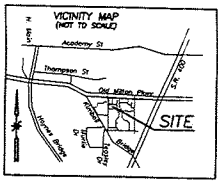
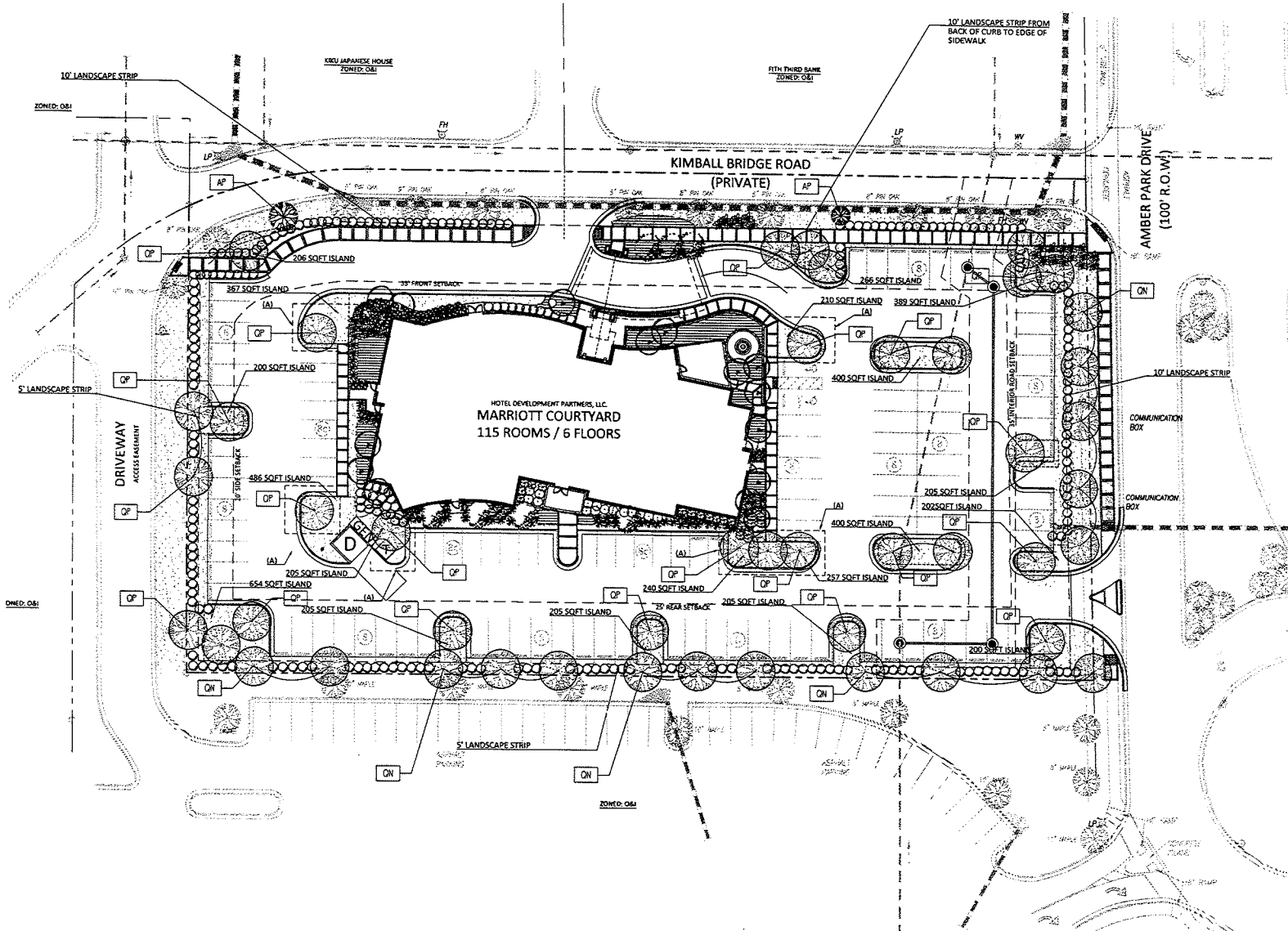
INTERSECTION SIGHT DISTANCE IS DETERMINED WITH AN ASSUMED HEIGHT OF DRIVERS EYE OF 3.5 FEET AND AN ASSUMED HEIGHT OF OBJECT OF 3.5 WHEN MEASURING IN THE VERTICAL PLANE WHEN MEASURING IN THE HORIZONTAL PLANE. THE INTERSECTION SIGHT DISTANCE IS DETERMINED WITH AN ASSUMED DRIVERS EYE LOCATION FROM A POINT OFFSET FROM THE CENTERLINE AND 15' FROM THE EDGE OF CLOSEST TRAVEL LANE TO A POINT ALONG THE CENTERLINE OF THE CLOSEST ONCOMING TRAVEL LANE. WHEN MEASURING IN EITHER PLANE, THE LINE OF SIGHT MUST REMAIN IN THE PROPOSED STANDARD DESIGNATED R.O.W. AND MAY NOT BE OBSTRUCTED BY MONUMENTS, WALLS, FENCES, TREES, HEDGES OR OTHER VISUAL IMPEDIMENTS OR OBSTRUCTIONS.

PARKWAY 400 - MARRIOTT COURTYARD

ZONING SITE PLAN

KIMBALL BRIDGE DRIVE, ALPHARETTA, GEORGIA
 JANUARY 18, 2016 (PROJECT NUMBER 10001) - 100% FINAL PLAN

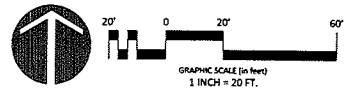




LEGEND	
LARGE SHADE TREE	
[QP] WILLOW OAK	
	QUERCUS PHellos
[QN] NUTTAL OAK	
	QUERCUS NUTTALLII
SHADE TREE	
[AP] PIN OAK	
	ACER PALUSTRIS
UNDERSTORY TREE	
[ICB-T] TREE FORM BURFORD HOLLY	
	ILEX CRENATA 'BURFORD'
[CJ] JAPANESE CEDAR	
	CRYPTOMERIA JAPONICA
[ICB] NATCHEZ CRAPE MYRTLE	
	LAGERSTOMIA 'NATCHEZ'
SHRUBBERY	
[MSG] MAIDEN GRASS	
	MISCANTHUS SINENSIS 'GRACILLIMUS'
[PAH] FOUNTAIN GRASS	
	PENNISETUM ALOPECUROIDES 'HAMELN'
[ICB] DWARF BURFORD HOLLY	
	ILEX CRENATA 'BURFORD'
GROUND COVER	
SOD / GRASS	
[A] STRUCTURAL SOIL VAULT	

PARKWAY 400 - MARRIOTT COURTYARD ZONING LANDSCAPE PLAN

KIMBALL BRIDGE DRIVE, ALPHARETTA, GEORGIA
JANUARY 18, 2016



MDA
MCFARLAND-MYER & ASSOCIATES
4754 SHILOH PARK PARKWAY, SUITE 100, ATLANTA, GEORGIA 30324
PHONE: (770) 932-6610 FAX: (770) 932-6556
WWW.MDAONLINE.COM

EXHIBIT-A

All that tract or parcel of land lying and being in Land Lot 804 of the 1st District, 2nd Section Fulton County, Georgia and being more particularly described as follows:

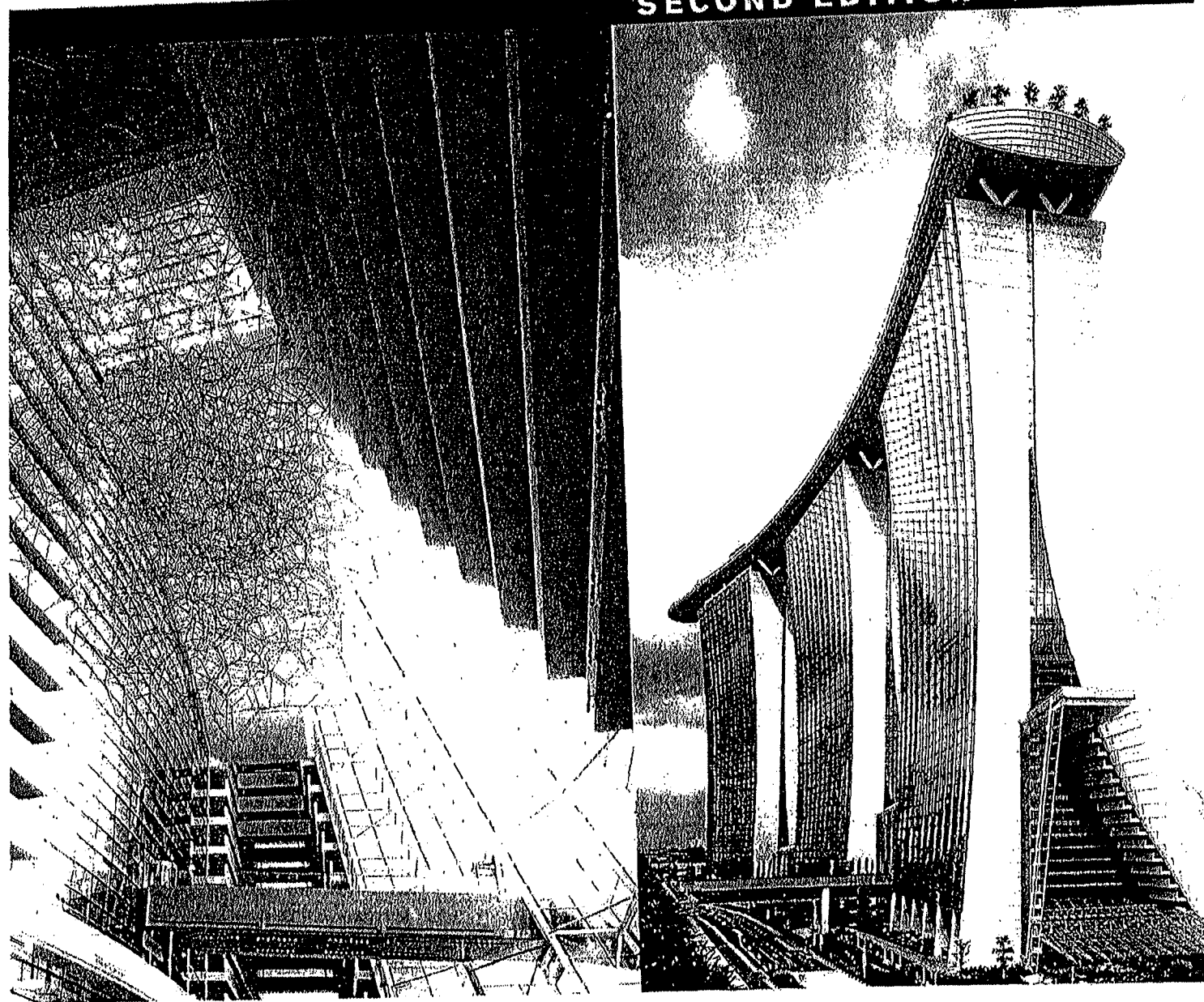
To find the **POINT OF BEGINNING** commence at the Land Lot Corner common to Land Lots 801, 802, 803 and 804; thence South 02°29'25" East, a distance of 182.9 feet to a point on the common line of Land Lots 801 and 804; thence South 00°02'30" East, a distance of 81.93 feet to a point; thence South 89°56'40" East, a distance of 50.00 feet to a point; thence South 00°07'23" West a distance of 36.94 feet to the **POINT OF BEGINNING**; thence South 00°07'23" West, a distance of 22.23 feet to a point; thence South 00°07'23" West, a distance of 175.81 feet to a point; thence South 89°56'40" East, a distance of 388.77 feet to a point on the 100 foot right of way of Amberpark Drive; thence along said right of way, North 01°06'04" West, a distance of 215.06 feet to a point; thence leaving said right of way, South 89°58'59" West, a distance of 223.76 feet to a point; thence South 89°58'59" West, a distance of 83.69 feet to a point; thence 79.10 feet along a curve to the left, said curve having a chord bearing of South 77°51'53" West and a chord length of 78.52 feet and a radius of 187.00 feet to the **POINT OF BEGINNING**.

Said tract contains 1.896 acres (82,589.83 square feet) more or less.

HOTEL DESIGN PLANNING AND DEVELOPMENT

Richard H. Penner
Lawrence Adams, AIA
Stephani K. A. Robson

SECOND EDITION



DESIGN GUIDE

- **Safety:** Do not provide a diving board; include slip-free deck surface, depth markings, underwater lighting, safety or "pool rules" signage.
- **Wading pool, whirlpool:** Include additional pools within view of the swimming pool but slightly separated.
- **Indoor pool:** Design either operable roof or glass walls to provide direct sunlight and ventilation.

Spa and Health Club

A second major component of hotel recreational facilities is the spa or, in smaller properties, the health club, a feature that for many types of hotel has become more central than the pool. The focus of the spa is on the guest's experience, and introduces unique images, sounds (flowing water or music), scents (aromatherapy), and more to soothe and relax the individual. At a destination resort, there might be as many as one treatment room for every five guestrooms, dropping to one to every 50 or 100 in urban locations. In contrast, a simple health club may feature little more than a combination of exercise equipment (such as Nautilus or Universal machines) and such specialized facilities as whirlpool baths, steam rooms, and saunas. Larger complexes may add a unisex hair salon, a multi-purpose room for aerobic exercise—even racquetball courts. The spa at the Terranea Resort in Southern California is representative of how a medium-size, upscale resort property can cater to guests and the local community. Its 20,000 sq ft (1,850 sq m) spa, not including the adjoining fitness center and pool, has 23 treatment rooms for about 380 hotel guestrooms, plus many casitas and golf villas. See the

further discussion of spa facilities in the discussion of resort hotels in Chapter 7. The following items should be considered during the planning phase:

- **Location:** Plan the spa so that guests can reach it directly from the guestroom elevators, and local members have access from the street or parking area, without passing through the hotel lobby.
- **Program:** Include the following, depending on the market:
 - Reception area with attendant
 - Retail sales area
 - Salon
 - Lockers, showers, and toilets
 - Exercise room
 - Sauna, steam room, and whirlpool
 - Treatment rooms
 - Relaxation lounges
 - Spa café and support areas
- **Adjacencies:** Plan the complex with the control area and lounge most visible, and with the private functions either shared (exercise room) or back-to-back (saunas and restrooms).

Parking

The provision of sufficient parking can be a crucial element in both the budgeting and conceptual planning, for a hotel or motel. And its design often influences the guest's first and last impressions of the property. Roadside inn developers know they must provide

Table 17.12 Parking needed for different types of hotel

Hotel type	Number of spaces/room	Comment
Business (downtown)	0.4–0.8	Assumes limited function space
Boutique hotel	0.3–0.8	Higher factor in resort areas
Suburban hotel	1.2–1.4	Heavy local meeting and banquet use
Airport hotel	0.6–1.0	Moderate rental-car use
Roadside inn	1.0–1.2	Very limited local banquet and F&B use
Resort (all types)	0.2–1.4	Varies by market, location, and proximity to urban centers or major attractions
Convention hotel	0.8–1.4	Regional convention hotels need more parking
Conference center	1.0–1.3	If full house, minimum local use
Condominium hotel	1.2–2.0	May need two spaces/condominium
All-suite hotel	0.8–1.2	Limited F&B and function areas
Super-luxury hotel	1.0–1.2	Limited function areas
Mega-hotel	1.0–1.2	Limited local business; high rental-car use
Mixed-use hotel	0.6–1.2	Highly variable depending on other activities
Casino hotel	0.8–2.0	Varies by location (for example, Atlantic City requires extensive bus parking)

Table 17.13 Parking analysis

The following steps describe an approach to calculating parking requirements based on the changing needs of the guestrooms and other hotel facilities throughout the day. The maximum parking demand in most properties is created not by the rooms but by the meeting and banquet space. The provision of parking must recognize the sum of the various components and the interrelationship of the peaks and valleys over a 24-hour period.

1. Determine the components of the parking requirement: overnight guests, restaurant and bar patrons, meeting attendees, and other visitors (see Step 3).
2. Calculate the maximum number of cars that might be reasonably anticipated, planning to accommodate full demand on 80–85 percent of all days, but not peak demand for each component. The overnight guest calculation is illustrated by the following example:

Number of rooms	400
Percent occupancy	85
People per room	1.4
Percent arriving by car	40
People per car	1.5

Each calculation will be slightly different; the equation for calculating the overnight guests' parking requirement is:

$$\frac{(\text{Rooms}) \times (\% \text{ occupancy}) \times (\text{people/room}) \times (\% \text{ by car})}{(\text{People/car})}$$

$$\text{Example: } \frac{400 \times 0.85 \times 1.4 \times 0.40}{1.5} = 127 \text{ cars}$$

The calculation for the other components includes similar factors as appropriate, such as food and beverage covers, percentage of diners arriving by car, and number of employees by shift.

3. Develop a table (see below) showing hourly parking use factors (example shows four-hour periods). For example, the parking facility needs to accommodate all (100 percent or 1) overnight guest cars from midnight to 4:00 A.M. but, because of checkouts, only 60 percent (0.6) during the midday periods.
4. Combine the parking requirements for each component (Step 2) with the use table (Step 3) to calculate the total amount of parking necessary during each time period. In this example, hotel guests would require 127 parking spaces (1 x 127) at midnight but only 76 spaces (0.6 x 127) at noon. Recognize that high evening demand, for example, might be partially met by available parking nearby.

User	Morning			Afternoon		
	Midnight- 4:00	4:00- 8:00	8:00- noon	Noon- 16:00	16:00- 20:00	20:00- midnight
Hotel guests	1.0	0.95	0.6	0.6	0.9	0.95
Restaurant and bar patrons	0.05	0.1	0.1	0.1	0.2	0.25
Meeting/banquet attendees	0.05	—	0.1	0.1	0.4	0.4
Health club members	—	0.2	0.1	0.2	0.2	0.05
Visitors	—	0.1	0.2	0.1	0.2	0.4
Employees	0.25	0.25	0.4	0.4	0.35	0.35

one space per room; full-service hotels need additional spaces for employees and for any public areas—restaurants, bars, meeting space, or recreational facilities—that attract guests from the community. An otherwise successful hotel can be seriously affected—especially its ability to attract local banquet business—by insufficient or inconvenient parking.

The key objective should be to provide optimum but not excessive amounts of parking. Unless unusual conditions (sports complex, large banquet facility, retail center) exist, the parking provision for different types of lodging properties falls within the ranges shown in Table 17.12. Land cost is an increasing problem in suburban and rural locations, where parking usually is on grade, often covering more land than the building itself, making it necessary for developers to program their parking requirements more carefully. However, the more

critical concern is at downtown hotels, and at those other properties where high land costs preclude extensive amounts of surface parking or require the construction of a garage, often below the hotel. It is not uncommon for the developer and architect to appeal zoning regulations, if justified, based on an analysis by traffic experts. One technique is to project hourly parking requirements, recognizing that hotel guests, conferees, banquet guests, and employees create peak demands on parking at different periods of the day (see example, Table 17.13).

In addition to programming the parking, the design team must consider the impact it makes on the lasting impression the guest has of the hotel. Designers need to address concerns about convenience, safety, and possible claustrophobia: