



REGIONAL REVIEW NOTIFICATION

Atlanta Regional Commission • 40 Courtland Street NE, Atlanta, Georgia 30303 • ph: 404.463.3100 • fax: 404.463.3105 • www.atlantaregional.com

DATE: March 16, 2017

ARC REVIEW CODE: V1703161

TO: Mayor Jere Wood, City of Roswell
ATTN TO: Jackie Deibel, City of Roswell Community Development Department
FROM: Douglas R. Hooker, Executive Director, ARC

The Atlanta Regional Commission (ARC) has received the following proposal and is initiating a regional review to seek comments from potentially impacted jurisdictions and agencies. The ARC requests your comments related to the proposal not addressed by the Commission's regional plans and policies.

Name of Proposal: RC-17-01R 201 Azalea Drive
Review Type: Metro River (MRPA)
MRPA Code: RC-17-01R

Description: An application for a Metropolitan River Protection Act (MRPA) Certificate for the construction of two single family homes on land previously included in the Chattahoochee River Park Phase II review (RC-78-87FC).

Preliminary Finding: ARC staff has begun the review of this application for a MRPA Certificate. The ARC staff preliminary finding is that the proposed land disturbing activity is inconsistent with the Chattahoochee Corridor Plan standards. ARC staff recommends not building the proposed houses on the site, with a further recommendation to either not develop the property or to develop a use consistent with the current zoning and the terms of the 1978 Chattahoochee Park review.

Submitting Local Government: City of Roswell
Land Lot: 380 **District:** 1 **Section:** 2
Date Opened: March 16, 2017
Deadline for Comments: March 26, 2017
Earliest the Regional Review can be Completed: March 26, 2017

THE FOLLOWING LOCAL GOVERNMENTS AND AGENCIES ARE RECEIVING NOTICE OF THIS REVIEW:

ARC COMMUNITY DEVELOPMENT
CHATTAHOOCHEE RIVERKEEPER
CITY OF SANDY SPRINGS

ARC NATURAL RESOURCES
GEORGIA CONSERVANCY

GEORGIA DEPARTMENT OF NATURAL RESOURCES
NATIONAL PARK SERVICE/CRNRA

If you have questions regarding this review, please contact Andrew Smith at asmith@atlantaregional.com or (404) 463-5581. If ARC does not receive comments from you on or before March 26, 2017, we will assume that your agency has no additional comments and will close the review. Comments by e-mail are encouraged. The ARC review website is located at <http://www.atlantaregional.com/land-use/planreviews>.

Attached is information concerning this review.

201700704

APPLICATION FOR
METROPOLITAN RIVER PROTECTION ACT CERTIFICATE

1. Name of Local Government: City of Roswell
2. Owner(s) of Record of Property to be Reviewed:
Name(s): Metropolis Homes Inc
Mailing Address: 5010 Old OAK TRACE
City: Roswell State: GA Zip: 30075
Contact Phone Numbers (w/Area Code):
Daytime Phone: 770-402-6368 Fax: _____
Other Numbers: _____
3. Applicant(s) or Applicant's Agent(s):
Name(s): JASON Yowell, President/Owner of Metropolis
Mailing Address: 5010 Old OAK TRACE
City: Roswell State: GA Zip: 30075
Contact Phone Numbers (w/Area Code):
Daytime Phone: 770-402-6368 Fax: _____
Other Numbers: _____
4. Proposed Land or Water Use:
Name of Development: 201 AZALEA DRIVE
Description of Proposed Use: TWO SINGLE FAMILY HOMES
5. Property Description (Attach Legal Description and Vicinity Map):
Land Lot(s), District, Section, County: Fulton County
Subdivision, Lot, Block, Street and Address, Distance to Nearest Intersection:
201 AZALEA DRIVE APROX .9 mile west of Hwy 9
Size of Development (Use as Applicable):
Acres: Inside Corridor: .9
Outside Corridor: _____
Total: .9
Lots: Inside Corridor: two
Outside Corridor: _____
Total: two
Units: Inside Corridor: two
Outside Corridor: _____
Total: two
Other Size Descriptor (i.e., Length and Width of Easement):
Inside Corridor: _____
Outside Corridor: _____
Total: _____



6. Related Chattahoochee Corridor Development:

A. Does the total development include additional land in the Chattahoochee Corridor that is not part of this application? No

If "yes", describe the additional land and any development plans: _____

B. Has any part of the property in this application, or any right-of-way or easement bordering this land, previously received a certificate or any other Chattahoochee Corridor review approval? _____

If "yes", please identify the use(s), the review identification number(s), and the date(s) of the review(s): _____

7. How Will Sewage from this Development be Treated?

A. Septic tank No

Note: For proposals with septic tanks, the application must include the appropriate local government health department approval for the selected site.

B. Public sewer system Fulton County

8. Summary of Vulnerability Analysis of Proposed Land or Water Use:

Vulnerability Category	Total Acreage (or Sq. Footage)	Total Acreage (or Sq. Footage) Land Disturbance	Total Acreage (or Sq. Footage) Imperv. Surface	Percent Land Disturb. (Maximums Shown In Parentheses)	Percent Imperv. Surf. (Maximums Shown In Parentheses)
A	_____	_____	_____	(90)	(75)
B	_____	_____	_____	(80)	(60)
C	_____	_____	_____	(70)	(45)
D	_____	_____	_____	(50)	(30)
E	<u>38,596 sq ft</u>	<u>11,579 sq ft</u>	<u>8991 sq ft</u>	<u>(30) 30%</u>	<u>(15) 23%</u>
F	_____	_____	_____	(10)	(2)
Total:	<u>38,596 sq ft</u>	<u>11,579 sq ft</u>	<u>8991 sq ft</u>	N/A	N/A

Revised JMS-ore 3/4/17



9. Is any of this Land within the 100-Year Floodplain of the Chattahoochee River? yes
If "yes", indicate the 100-year floodplain elevation: 864

NOTE: The 100-year river floodplain is defined as the natural land surface below the one hundred- (100) year flood elevations shown in the Flood Profiles of the most recent floodplain study for the Chattahoochee River approved by the United States Federal Emergency Management Agency for each Corridor jurisdiction.

NOTE: All river 100-year floodplain is assigned to the "E" Category; its allowable allocations can be combined with those of other "E" land in the review. Also, 100-year floodplain cannot be reanalyzed and cannot accept transfers.

10. Is any of this land within the 500-year floodplain of the Chattahoochee River? _____
If "yes", indicate the 500-year flood plain elevation: _____

NOTE: The 500-year floodplain is defined as the natural land surface below the five hundred- (500) year flood elevations shown in the Flood Profiles of the most recent floodplain study for the Chattahoochee River approved by the United States Federal Emergency Management Agency for each Corridor jurisdiction.

NOTE: Plan Standards include a 35-foot height limit above the pre-construction grade within the 500-year floodplain (includes the 100-year floodplain). Adherence to this standard must be noted on the submitted plans (see Part 2.B.(4) of the Chattahoochee Corridor Plan).

11. The following is a checklist of information required to be attached as part of the application. Individual items may be combined.

FOR ALL APPLICATIONS:

____ Description of land in the application and any additional land in the project (attach legal description or surveyed boundaries).

☒ Name, address, and phone number(s) of owner(s) of record of the land in the application. (Space provided on this form)

____ Written consent of all owners to this application. (Space provided on this form)

____ Name, address, and phone number(s) of applicant or applicant's agent. (Space provided on this form)

____ Description of proposed use(s). (Space provided on this form)

____ Existing vegetation plan.

____ Proposed grading plan.

☒ Certified as-builts of all existing land disturbance and impervious surfaces.

____ Approved erosion control plan.

____ Detailed table of land-disturbing activities. (Both on this form and on the plans)



☒ Plat-level plan showing (as applicable): lot boundaries; any other sub-areas; all easements and rights-of-way; 100- and 500-year river floodplains; vulnerability category boundaries; topography; any other information that will clarify the review.

☐ Documentation on adjustments, if any.

☐ Cashier's check or money order (for application fee).

FOR SINGLE-STEP APPLICATIONS (NON-SUBDIVISION):

☐ Site plan.

☐ Land-disturbance plan.

FOR TWO-STEP SINGLE-FAMILY SUBDIVISION APPLICATIONS ONLY:

☐ Concept plan.

☐ Lot-by-lot and non-lot allocation tables.

12. I (we), the undersigned, authorize and request review of this application for a certificate under the provisions of the Metropolitan River Protection Act: (use additional sheets as necessary)

Joan Jewell, president/owner
Metropolis Homes Inc

2-21-17

Signature(s) of Owner(s) of Record

Date

13. I (we), the undersigned, authorize and request review of this application for a certificate under the provisions of the Metropolitan River Protection Act:

Joan Jewell

2-21-17

Signature(s) of Applicant(s) or Agent(s)

Date

14. The governing authority of City of Roswell requests review by the Atlanta Regional Commission of the above-described use under the Provisions of the Metropolitan River Protection Act.

Bradford D. Townsend

2-22-2017

Signature of Chief Elected Official or Official's Designee

Date

Planning & Zoning Director.



METROPOLIS HOMES INC

MRPA CERTIFICATE APPLICATION NARRATIVE

This property has a history that needs to be understood for this application to be considered in proper context.

Before the subject property was incorporated into the City of Roswell in the 1973 it was part of unincorporated Fulton County and had single-family residential zoning. In the early 1970's Fulton County created what is now known as Azalea Park and in the process, the subject property was fully developed, without the knowledge or consent of the owner of record at the time, along with other adjacent properties actually owned by the County.

In 1972, MRPA was enacted after the property had been fully developed. The fact that residential zoning was in place, and the property the property had been fully disturbed and improved previously, would indicate that under MRPA, either existing property rights were grandfathered, or that an inverse condemnation had occurred. Failures to rezone and/or compensate the property owner of record at the time imply that rights were in fact grandfathered.

In 1973, properties along the north shore of the Chattahoochee River bordering the City of Roswell that had previously been part of unincorporated Fulton County were annexed by the City of Roswell. All annexed properties received a zoning designation of FC-1, Fulton County Conditional, meaning that the prior zoning designation by Fulton County would continue to govern annexed properties.

In addition, the Fulton County Tax Assessor has for years and continues to classify the property as Commercial Vacant Land, which additionally implies functionality beyond the constraints of MRPA.

In 2014 the City of Roswell implemented its new UDC, Unified Development Code, and imposed without compensation or even reasonable justification, the most restrictive zoning category, CON, Park Conservation, in the new code which precedents in law suggest to be an unlawful inverse condemnation. This was done in the same month that the Roswell City Council denied our rezoning application for 9 acres across the street that would have had 65% of that land placed in a conservation easement, with

5010 Old Oak Trace / Roswell Georgia 30075
770/402-6368 jeyellow1@yahoo.com



METROPOLIS HOMES INC

the subject river parcel being donated to the City. Those development plans had received a Federal Permit from the Army Corp of Engineers and conditional approval from the State of Georgia EPD prior to the Mayor and City Council vote.

This property contains no virgin land. The entirety of the frontage on the Chattahoochee is a solid concrete embankment backed also in its entirety by a retaining wall. Every inch of entire property has been fully cleared, graded and improved by governing authorities, and our proposal significantly reduces the impervious surface of record from 32% to 23%.

Given this historical context, a recommendation of "no build" would appear inconsistent with goal #3 of the Chattahoochee Corridor Plan and might constitute an inverse condemnation. Ironically, the decision by City Council to deny our 2014 rezoning application was contrary to all seven goals of the plan. If ARC and the City of Roswell believe that stripping this property of all economic value is in the public interest, then it should be purchased or compensation for diminution of value should be made.

CHATTAHOOCHEE CORRIDOR PLAN Adopted 9/23/98

A. Goals

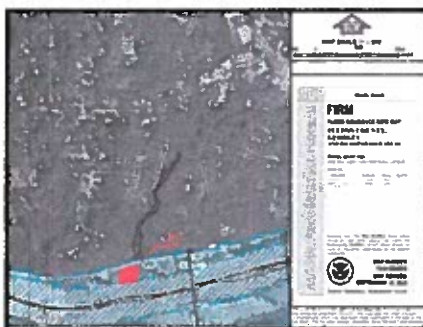
The goals of the Chattahoochee Corridor Plan (hereinafter also referred to as the "Plan") are:

1. Preservation and protection of water quality as a principal objective.
2. Protection of recreational values. These values include scenic views, historic and other unique areas, and controlled public access and use.
- 3. Protection of private property rights of landowners.**
4. Prevention of activities, which contribute to floods and flood damage.
5. Control of erosion and siltation.
6. Control of intensity of development.
7. Location and design of land uses in such a way as to minimize the adverse impact of urban development on the Chattahoochee River (the "River") and flood plains.

5010 Old Oak Trace / Roswell Georgia 30075
770/402-6368 jeyowell1@yahoo.com



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FLOOD HAZARD NOTE:
A PORTION OF THIS PROPERTY IS WITHIN THE LIMITS OF A FLOOD HAZARD ZONE AS DEPICTED BY THE FLOOD HAZARD MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP OF THE CITY OF ROSWELL, FULTON CO., GEORGIA. FIRM NO. 12151000008, MOST RECENTLY DATED SEPTEMBER 18, 2013 - LINE INDICATED

METES & BOUNDS DATA:

118	0	28	11	24	130.76	130.76	130.76
118	0	28	11	24	130.76	130.76	130.76
117	0	27	12	24	130.76	130.76	130.76

PARCEL INFORMATION:
Parcel ID No.: 01 0000000000
201 AZALEA DRIVE, ROSWELL, GA 30076
Any easements and buffers shown are governed by the local jurisdiction and should be confirmed to existing prior to land clearing or any construction activities.
TRACT 2-A PROPOSED: ~12,400 S.F.
TRACT 2-B PROPOSED: ~20,505 S.F.
TRACT 2 TOTAL: ~32,905 S.F.
IMPERVIOUS SURFACE AREA: 12,521 S.F. (ROADS)

- SYMBOL LEGEND:**
- EX. ASPHALT
 - EX. CONCRETE
 - PIPE HYDRANT
 - UTILITY POLE
 - POWER POLE
 - SAFETY BARRIER MARKER
 - CLEAN CUT
 - TRANSFORMER
 - WATER METER
 - WATER VALVE
 - WHEEL WASH CATCH BASIN
 - DOUBLE WASH CATCH BASIN
 - FORCE LINE

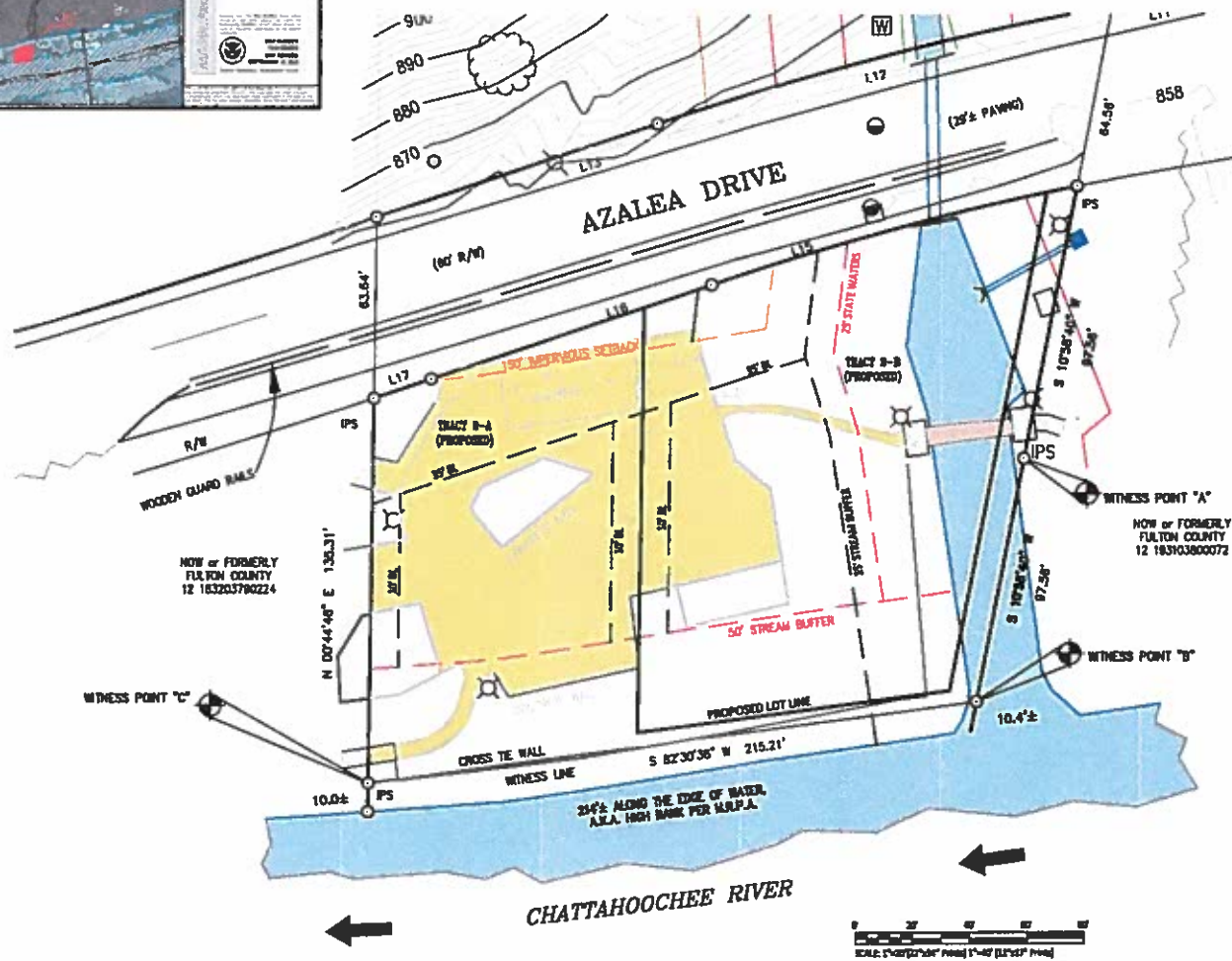


M.R.P.A. NOTE:
THIS PROPERTY IS WITHIN THE 2000 FOOT CHATTAHOOCHEE RIVER A.L.C. CORRIDOR AND ALL DEVELOPMENT MUST CONFORM TO THE RULES AND REGULATIONS OF THE METROPOLITAN RIVER PROTECTION ACT (A.L.C. COMPLIANT).

- REVISIONS:**
1. Preliminary Survey for Development Tract, prepared by Engineering, L.L.C. dated July 11, 2013 and last revised February 20, 2014.
 2. Fulton County GIS.

NOTES:

1. This map is based on the survey described above and is intended to show a proposed layout only. See plan for survey information.
2. Operation is subject to change due to natural forces and may not represent the actual field of site.
3. Buffers and setbacks shown to facilitate planning situations and are subject to municipal review and approval.



Existing
Conditions



201 Azalea Drive
Metropolitan Design & Construction, Inc.
City of Roswell
1410 Peachtree Street, N.E.
Atlanta, Georgia 30309
Phone: 770-445-0800
www.mdcconstruction.com

Civil Engineering, Land Surveying,
Stream and Wetland Restoration
114 North Lake Street, Suite B, Carrollton, Ga. 30086
Phone: 770-445-0800
www.mdcconstruction.com

Owner: City of Roswell
Date: 02/21/17
Project: Ex. Conditions
Project Number: 13-3738

[illegible]

A PORTION OF THIS PROPERTY IS WITHIN THE
LIMITS OF A FLOOD HAZARD ZONE AS DEFINED
BY THE FEDERAL EMERGENCY MANAGEMENT
AGENCY FLOOD INSURANCE RATE MAP OF
THE CITY OF MOBILE, ALABAMA
IN COMMUNITY PANEL NO. 17120000030
MOST RECENTLY REVISED SEPTEMBER 18, 2013 - LINE 000000000000

L-8	M	7-10-69	C		INSTR.	DELAS
L-9	F	7-10-69	C			
L-10	M	7-10-69	C		HONOR	ALLAN

222 AZALEA DRIVE, SUDBURY

Any violence and bullies shown are governed by the local jurisdiction and should be confirmed in writing prior to land clearing or any construction activities.

TRACT 2-A (PROPOSED): ~12,400 S.F.
TRACT 2-B (PROPOSED): ~70,306 S.F.

BLACT 2 TOTAL: 38.536 S.F.

- EX AIRPLANT
- EX CONCRETE
- FIRE HYDRANT
- GUY WIRE
- LIGHT POLE
- POWER POLE
- SANITARY SEWER MANHOLE
- CLEAN OUT
- TRANSFORMER
- WATER METER
- WATER VALVE
- SINGLE TONG CATCH BASIN
- DOUBLE TONG CATCH BASIN



LOCATION MAP

THIS PROPERTY IS WITHIN THE 2000 FOOT CHATTAHOOCHEE RIVER A.I.C. CORRIDOR AND ALL DEVELOPMENT MUST CONFORM TO THE RULES AND REGULATIONS OF THE METROPOLITAN RIVER PROTECTION ACT (A.I.C. COMPLIANT)

1. Inventory Survey for the Woodstock Tract, prepared by Engineering-GEI, LLC dated July 13, 2013 and last revised February 26, 2014.
2. Feltan County GIS.

1. This map is based on the survey described above and is intended to show a proposed layout only. You plan the survey information.
2. Allerton boundaries subject to change due to natural factors and may not represent the actual limit of this.
3. Surface and subsurface shown to highlight planning situations and are subject to over-ride review and approval.

Mean height of structure: 55' Proposed height: 161' to second 55'
 Max. dwelling units: 2
 Proposed dwelling units: 2 single family homes with 2000 sq
 ft of 50,000 sq ft
 Proposed lot coverage of building area: 3,300 sq ft (10%)
 Proposed lot coverage of landscaped area: 27,000 sq ft (75%)
 Proposed impervious surface: 7,125 sq ft (10%) (Existing impervious
 surface to remain: 1,000 sq ft)
 Existing and proposed parking spaces: 0/4
 Flood plain: 28,000 sq ft (100%)
 Undeveloped buffer open space: 0/4
 Portion of the zoning Ordinance required to be varied and amount
 of variance requested: Waiver of 150' Impervious Surface from the
 Architectural Board/Chair: 0/4

For Development Properties over	12,521 M (2016)
Existing Properties area remain	1,000 SF
Proposed improvement over:	1,123 SF
Post Development improvement over	0,003 SF (2016)

RECEIVED
FEB 21 2017
City of Roswell
Community
Development
Dept.

DRAWING IS TO ILLUSTRATE CONCEPT ONLY AND IS NOT FOR CONSTRUCTION OR CONVEYANCE OF TITLE



Completed Site Plan for:
201 Azalea Drive
Metropolitan Design & Construction, Inc.

**Civil Engineering, Land Surveying,
Stream and Wetland Restoration**

Owner: RL
Date: 01/02/17
Street:
Site:
Project Number:
13-3738



FLOOD HAZARD NOTE:

A PORTION OF THIS PROPERTY IS WITHIN THE LIMITS OF A FLOOD HAZARD ZONE AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP OF THE CITY OF ROSWELL, FULTON, GA. (COMMUNITY PANEL NO. 13121C0063G) MOST RECENTLY REVISED SEPTEMBER 18, 2013 - LINE INDICATED

METES & BOUNDS DATA:

L15	N 75°01'26" E	132.75'	1039.75'	132.84'
L18	N 71°29'52" E	103.80'		
L17	N 71°16'48" E	21.22'	2553.02'	21.22'

PARCEL INFORMATION:

Parcel Id No.: 12 191303800098
201 AZALEA DRIVE, ROSWELL

Any setbacks and buffers shown are governed by the local jurisdiction and should be confirmed in writing prior to land planning or any construction activities.

TRACT 2-A (PROPOSED): ~18,490 S.F.
TRACT 2-B (PROPOSED): ~20,106 S.F.

TRACT 2 TOTAL: ~38,596 S.F.

SYMBOL LEGEND:

- EX. ASPHALT
- EX. CONCRETE
- FIRE HYDRANT
- GUY WIRE
- LIGHT POLE
- POWER POLE
- SANITARY SEWER MANHOLE
- CLEAN OUT
- TRANSFORMER
- WATER METER
- WATER VALVE
- SINGLE WING CATCH BASIN
- DOUBLE WING CATCH BASIN
- FENCE LINE



LOCATION MAP
NOT TO SCALE

M.R.P.A. NOTE:

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REFERENCES:

- Boundary Survey for Greenwood Tract, prepared by Engineering303, LLC dated July 18, 2013 and last revised February 26, 2014.
- Fulton County GIS.

NOTES:

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- Riparian boundaries subject to change due to natural forces and may not represent the actual limit of title.
- Buffers and setbacks shown to facilitate planning discussions and are subject to municipal review and approval.

DEVELOPMENT STATISTICS SUMMARY CHART (TRACT 2):

- Max height of structure: 35' Proposed height: Not to exceed 35'
- Max dwelling units: 2
- Proposed dwelling units: 2 single family homes with 2600 sf
- Site area: 38,596 SF
- Proposed lot coverage of building area: 5,200 SF (14%)
- Proposed lot coverage of landscaped area: 27,991 SF (73%)
- Proposed impervious surface: 7,123 SF (18%) (Existing impervious surface to remain: 1,868 (5%))
- Existing and proposed parking spaces: N/A
- Flood plain: 38,596 SF (100%)
- Undeveloped and/or open space: N/A
- Provision of the Zoning Ordinance requested to be varied and amount of variances requested: Waiver of 150' Impervious Setback from River
- Archaeological Report/Study: N/A

TOTAL IMPERVIOUS CALCULATIONS:

Pre Development Impervious area:	12,521 SF (32%)
Existing Impervious area remain:	1,868 SF
Proposed impervious area:	7,123 SF
Post Development Impervious area:	8,991 SF (23%)

KEY:

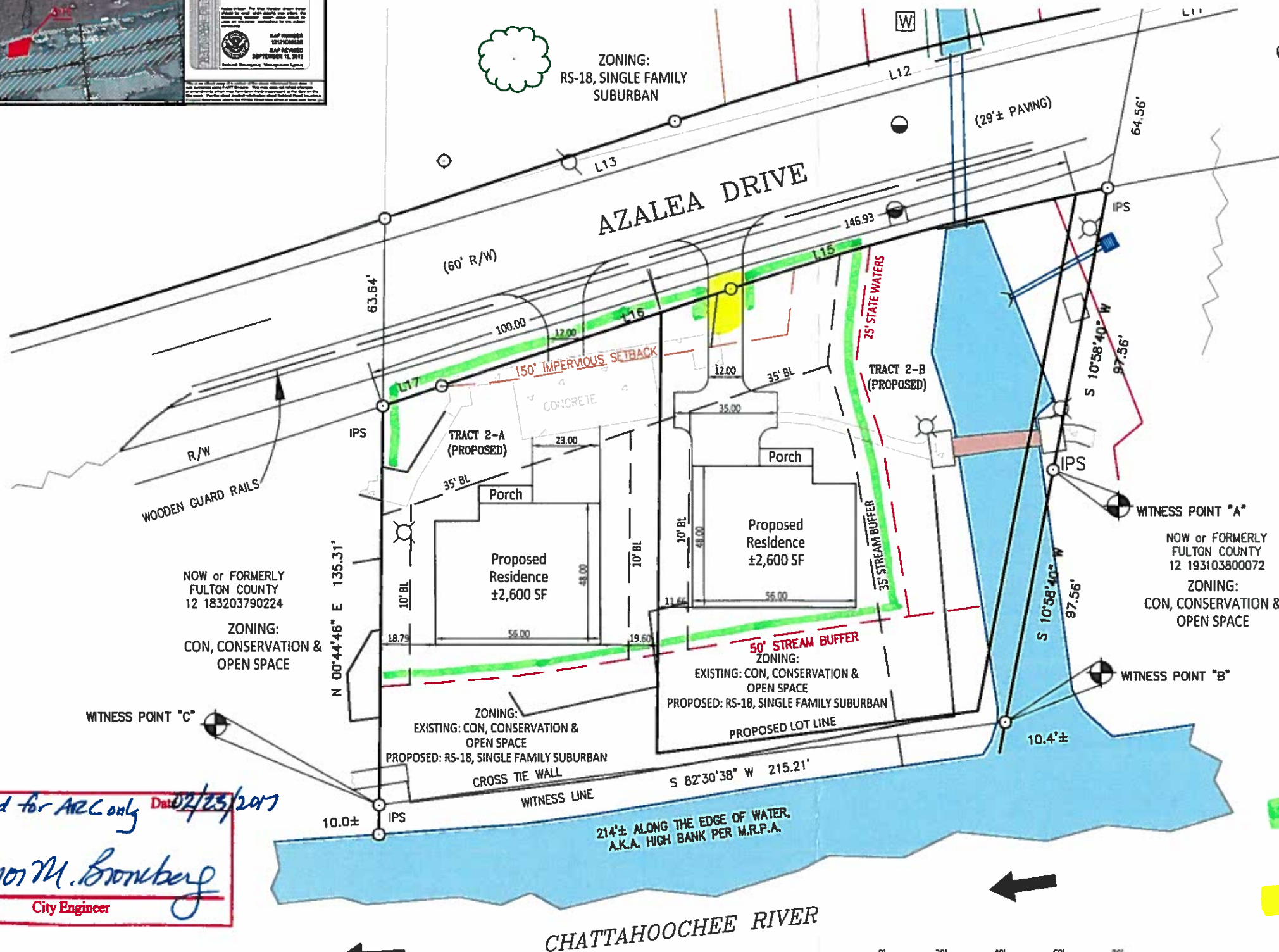


DOUBLE ROW TYPE 'C'
SILT FENCE



CONSTRUCTION EXIT

DRAWING IS TO ILLUSTRATE CONCEPT ONLY AND IS NOT FOR CONSTRUCTION OR CONVEYANCE OF TITLE



0' 20' 40' 60' 80'
SCALE: 1"=20' (22"x34" Prints) 1"=40' (11"x17" Prints)

Approved for ARC only Date: 02/23/2017
Lenora M. Bronberg
City Engineer

Conceptual Site Plan for:

201 Azalea Drive

Metropolitan Design & Construction, Inc.

City of Roswell
1st District 2nd Section

Land Lot 340

Civil Engineering, Land Surveying,
Stream and Wetland Restoration

116 North Main Street, Suite B, Cumming, Ga. 30040
Phone: 770-442-0500 www.engineering303.com

Drawn: RL

Date: 01/02/17

Sheet

Site

Project Number

13-3738

Engineering
E303
Stream Restoration

Fulton County, Georgia

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LOCATION MAP
NOT TO SCALE

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- Proposed lot coverage of landscaped area: 27,991 SF (73%)
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- Existing and proposed parking spaces: N/A
- Flood plain: 38,596 SF (100%)
- Undeveloped and/or open space: N/A
- Provision of the Zoning Ordinance requested to be varied and amount of variances requested: Waiver of 150' Impervious Setback from River
- Archaeological Report/Study: N/A

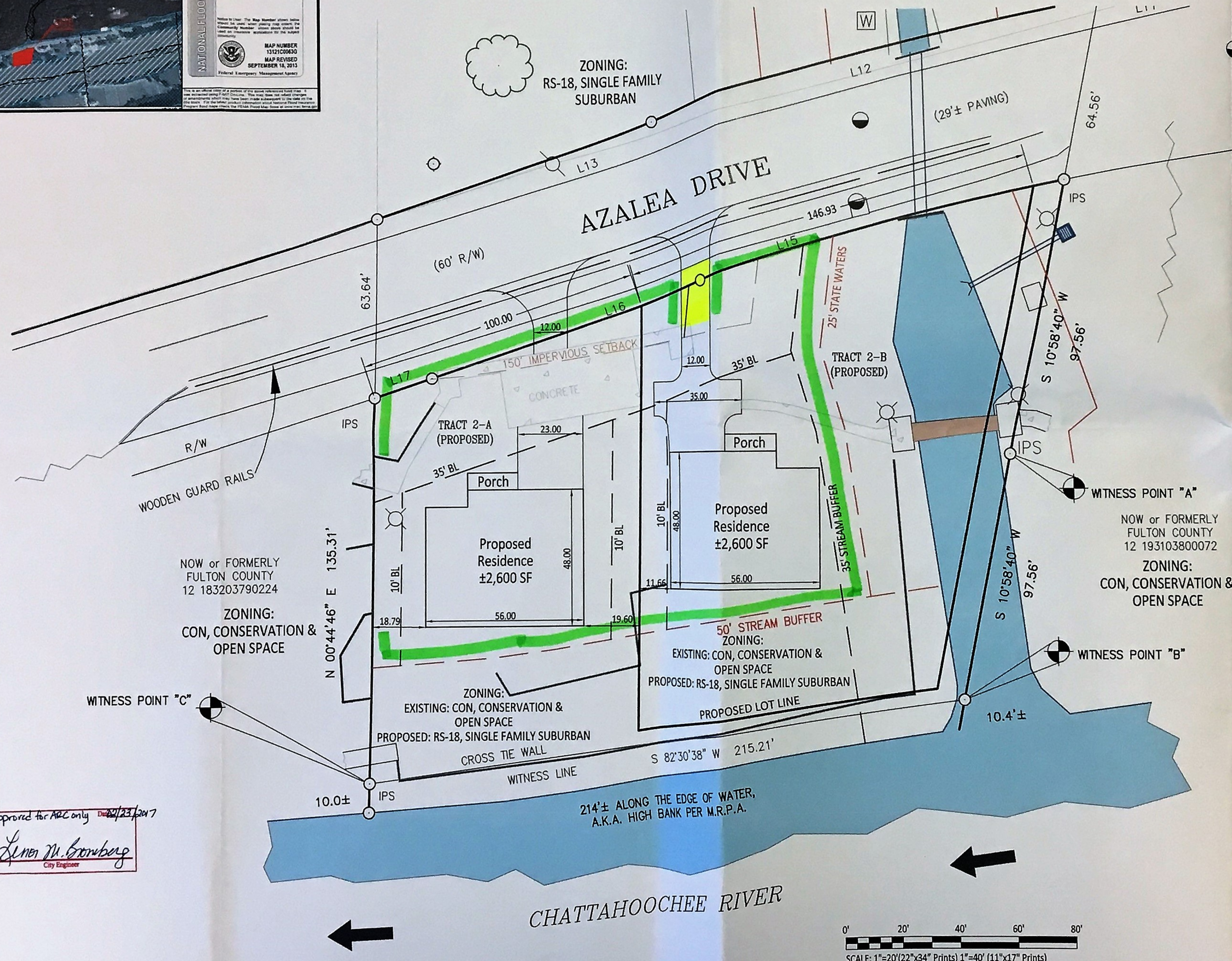
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Post Development impervious area:	8,991 SF (23%)

KEY:

- DOUBLE ROW TYPE "C" SILT FENCE
- CONSTRUCTION EXIT

DRAWING IS TO ILLUSTRATE CONCEPT ONLY AND IS NOT FOR CONSTRUCTION OR CONVEYANCE OF TITLE



Approved for AEC only 02/23/2017
Len M. Brownberg
City Engineer