



ATLANTA REGIONAL COMMISSION 40 COURTLAND STREET, NE ATLANTA, GEORGIA 30303

August 28, 2000

Honorable Mike Kenn, Chairman
Fulton County Commission
141 Pryor Street, SW
Atlanta, GA. 30303

RE: Development of Regional Impact
Castle Pointe

Dear Mike:

I am writing to let you know that the ARC staff has completed the Development of Regional Impact (DRI) review of Castle Pointe. Our finding is that this proposed DRI is in the best interest of the State.

Enclosed is a copy of our review report. Also enclosed are copies of solicited and unsolicited comments received during the review. Please feel free to call us if you have any questions concerning the review.

Sincerely,

A handwritten signature in black ink, appearing to read 'Charles Krautler', is written over a horizontal line.

Charles Krautler
Director

Enclosure

C Ms. Brenda Shaw, Fulton County
Mr. Mike McDonald, Falling Water Investment, Inc.
Mr. Rick Brooks, GDCA
Mr. Tom Coleman, GDOT
Mr. Harold Reheis, GEPD
Mr. Jim Croy, GRTA

FALLING WATER

INVESTMENT LTD.



July 27, 2000

Ms. Beverly Rhea,
Review Coordinator
Atlanta Regional Commission
40 Courtland Street, NE
Atlanta, Georgia 30303

Re: VMT Credits Castle Pointe - Fulton County, Georgia

VIA FACSIMILE 404.463.3105

Dear Ms. Rhea:

Per your letter of July 19 and our meeting on July 21, I am sending you this memo to verify our intent to include a small neighborhood oriented pantry as a part of the pro shop/shack bar operations for the above referenced project.

We can commit to this use to the extent that it is within the permitted uses of the CUP zoning classification we are seeking, which states that a retail use is permitted if it is contained within the recreational amenity. Our plans are to have a small area designated for food stuffs, and essentials which can share a cash register with the snack bar and vending area, all contained within the clubhouse or tennis pro shop.

Please contact me if you have any further questions or concerns about this matter. We look forward to receiving your recommendations on this development soon.

Sincerely,



Michael A. McDonald, ASLA
Director of Planning

cc: Pete Hendrix

Facility: **Castle Pointe**
Preliminary Report: **July 24, 2000**
Final Report: **August 28, 2000**

DEVELOPMENT OF REGIONAL IMPACT

REVIEW REPORT

PROPOSED DEVELOPMENT: Proposed development of golf course subdivision on 587.1 acres in Fulton County and 65.8 acres in Forsyth County with the northern boundary of the development as the Fulton/Cherokee county line. Castle Pointe would have 566 lots in Fulton County and 36 in Forsyth County.

GENERAL

According to information on the review form or comments received from potentially affected governments:

Is the proposed project consistent with the host-local government's comprehensive plan? If not, identify inconsistencies.

According to information submitted with the review, the Fulton County Comprehensive Plan suggests agricultural, forestry and mining. Density at one unit or less per acre is consistent with the Plan. In addition, the site currently is zoned AG-1 which would allow development of the site at one unit per acre on septic tank. The proposed overall development density is 0.92 units per acre and includes a golf course and an on-site, no-discharge water re-use system.

Is the proposed project consistent with any potentially affected local government's comprehensive plan? If not, identify inconsistencies.

No inconsistencies were identified in the review process. The northern boundary of the Castle Pointe site is the Fulton/Cherokee boundary and a portion of the site (65.8 acres) is located in Forsyth County.

Will the proposed project impact the implementation of any local government's short-term work program? If so, how?

No impacts were identified in the review process.

Will the proposed project generate population and/or employment increases in the Region? If yes, what would be the major infrastructure and facilities improvements needed to support the increase?

According to regional averages, the proposed 602 residential units could accommodate a population of 1,505, including 437 students. Information submitted with the review indicates that roadway improvements and private sewage treatment and water reuse facilities would be required to support the project. It is ARC staff's understanding that the private sewage treatment and water reuse facilities will be at the developer's expense.

What other major development projects are planned in the vicinity of the proposed project?

The Georgia Highway 9 Tract approximately 1.5 miles south of the Castle Pointe site is the nearest Fulton County major development reviewed by ARC.

Will the proposed project displace housing units or community facilities? If yes, identify and give number of units, facilities, etc.

Two houses may be demolished.

Will the development cause a loss in jobs? If yes, how many.

No.

LOCATION

Where is the proposed project located within the host-local government's boundaries?

The development site is located in the area where Fulton and Cherokee and Fulton and Forsyth counties join. The northern boundary of the development site is the Fulton/Cherokee county line. The majority of the property (587.1 acres) is located in Fulton County both east and west of Hopewell Road. A small portion (65.8 acres) is located in Forsyth County both north and south of Rogers Road. 34°10'/84°16'

Will the proposed project be located close to the host-local government's boundary with another local government? If yes, identify the other local government.

Yes. The northern boundary of the site is the Fulton/Cherokee county line. Also a portion of the development (65.8 acres) is located in Forsyth County.

Will the proposed project be located close to land uses in other jurisdictions that would benefit or be negatively impacted by the project? Identify those land uses which would benefit and those which would be negatively affected and describe impacts.

Land uses in other jurisdictions are not likely to be impacted by this development. A visual survey of the area indicates that surrounding development is single-family homes.

ECONOMY OF THE REGION

According to information on the review form or comments received from potentially affected governments:

What new taxes will be generated by the proposed project?

Information submitted with the review projects \$4,900,000 in annual property taxes.

How many short-term jobs will the development generate in the Region?

The number of short-term jobs is estimated at 250 along with 75 long-term jobs. Build out is anticipated by June 2004.

Is the regional work force sufficient to fill the demand created by the proposed project?

Yes.

In what ways could the proposed development have a positive or negative impact on existing industry or business in the Region?

The proposed development will have little impact on existing industry or business in the Region.

NATURAL RESOURCES

Will the proposed project be located in or near wetlands, groundwater recharge area, water supply watershed, protected river corridor or other environmentally sensitive area of the Region? If yes, identify those areas.

In what ways could the proposed project create impacts that would damage or help to preserve the resource?

Watershed Protection

The proposed development is located in the Etowah River Basin. A portion of Chicken Creek and some of its tributary streams run through the property. Chicken Creek is a tributary to Little River, which eventually flows into the Etowah. It does not appear that the type of development proposed would be subject to Georgia Environmental Protection Division water supply watershed restrictions.

Georgia Erosion and Sedimentation Act/Stream Buffer Requirements

The Georgia Erosion and Sedimentation Act requires a 25-foot buffer on State waters. It is likely that Chicken Creek is considered State waters. The developer and the County should work with the State to determine whether the stream(s) on the site are considered State waters and apply the appropriate required buffers.

Floodplains

Areas associated with the above-mentioned stream are identified as 100-year floodplain on the Flood Hazard Maps and the site may contain some small sections of floodway. ARC's Regional Development Plan states that "environmentally sensitive areas" should be protected. This would include floodplains.

Wetlands

The DRI Request for Review indicates that wetlands also are located on the site and several were observed in a visit to the site. The DRI Request states that the wetlands will be protected or mitigated in association with the golf course. In addition, a series of constructed wetlands and special weirs will be utilized to mitigate any pollutants and runoff created by the development. ARC's Regional Development Plan "Best Environmental Practices" advise to "preserve patches of high quality habitat" and also to "design around significant wetlands" as the development plan proposes.

Storm Water/Water Quality

Steps should be taken to limit the amount of pollutants that will be produced during and after construction. During construction, the project should conform to the County's erosion and sediment control requirements. After construction, water quality can be impacted without storm water pollution controls. The amount of pollutants that will be produced after construction was estimated by ARC staff. ARC's estimates are based on some simplifying assumptions for typical pollutant loading factors (pounds/acre/year). The loading factors are based on the results of regional storm water monitoring data from the Atlanta Region.

Estimated Pounds of Pollutants Per Year

| Land Use | Acres | Phosphorous | Nitrogen | BOD | TSS | Zinc | Lead |
|------------------|--------------|--------------------|-----------------|----------------|-----------------|--------------|-------------|
| Open/Golf Course | 228.6 | 18.3 | 137.1 | 2057.0 | 53709.3 | 0.0 | 0.0 |
| Low-Med SF | 424.5 | 458.4 | 2003.4 | 14431.3 | 271223.6 | 114.6 | 25.5 |
| Total | 653.0 | 476.7 | 2140.5 | 16488.3 | 324932.8 | 114.6 | 25.5 |

Total % Impervious = 12%

Structural Storm Water Controls

The developer proposes to construct the golf course with a number of uniquely designed wet retention ponds that utilize a series of constructed wetlands and special weirs to mitigate any pollutants and runoff that is created as a result of the development. It is ARC staff's understanding that the proposed plan would prevent any pollutants from leaving the site. The County should require that the developer submit this storm water management plan as a key component of the Plan of Development. The storm water plan should include location, construction and design details and all engineering calculations for all storm water quality control measures.

The Plan also should include a monitoring program to ensure storm water pollution control facilities function properly. ARC staff recommends any structural controls be designed to accommodate the installation, operation and maintenance of automatic equipment at inlet and outlet locations for the monitoring of flow rates and water quality. It is recommended that the monitoring program consider the following minimum elements:

- Monitoring of four storms per year (1 per quarter);

- Collection of flow weighted composite of the inflow to the structure during the entire storm event;

- Collection of a flow weighted composite of the outflow from the structure—the sampling period should include the peak outflow resulting from the storm event;

- Analysis of inflow and outflow flow weighted composite samples for biochemical oxygen demand (BOD), total suspended solids (TSS), zinc, lead, total phosphorous (TP) and total nitrogen (TKN & NO₃); and

- Collection of grab samples at the inlet and outlet locations during the periods of peak inflow and outflow for pH, dissolved oxygen (DO) and fecal coliform bacteria.

The County's Engineering Department should determine the actual number and size of storms to be monitored as well as who should be responsible for conducting the monitoring. Monitoring should be conducted at the developer's or owner's expense. Analysis should conform to EPA standards. Specific monitoring procedures and parameters analyzed may change in the future based on continuing storm water runoff and water quality studies.

The storm water plan should require the developer to submit a detailed, long-term schedule for inspection and maintenance of the storm facilities. This schedule should describe all maintenance and inspection requirements and persons responsible for performing maintenance and inspection activities. These provisions and the monitoring program should be included in a formal, legally binding maintenance agreement between the County and the responsible party.

In addition to inspections required in the storm water management plan, the formal maintenance agreement between the developer and the County should allow for periodic inspections for the storm water facilities to be conducted by the County. If inadequate maintenance is observed, the responsible party should be notified and given a period of time to correct any deficiencies. If the party fails to respond, the County should be given the right to make necessary repairs and bill the responsible party.

The County should not release the site plans for development or issue any grading or construction permits until a storm water management plan has been approved and a fully executed maintenance/monitoring agreement is in place.

HISTORIC RESOURCES

Will the proposed project be located near a national register site? If yes, identify site.

No.

In what ways could the proposed project create impacts that would damage the resource?

Not applicable.

In what ways could the proposed project have a positive influence on efforts to preserve or promote the historic resource?

Not applicable.

INFRASTRUCTURE

Transportation

The site is served by Birmingham Road, Hopewell Road, and King/Mountain Road off Birmingham Highway and Hamby Road off Highway 9. It is located in a fairly undeveloped/low density area of Fulton County, sometimes called "horse country."

How much traffic (both average daily and peak am/pm) will be generated by the proposed project?

Fulton County Traffic Engineer estimates 6,303 average vehicle trips per day. ARC's estimate is as follows and assumes the golf course to be private:

| Land Use | Sq.Ft./Units | Weekday | AM Peak Hour | | PM Peak Hour | |
|------------------|--------------|---------|--------------|------|--------------|------|
| | | | Enter | Exit | Enter | Exit |
| S.F. Residential | 602 | 5,392 | 99 | 283 | 354 | 190 |

ARC's estimates are prepared using the Institute of Traffic Engineers Trip Generation manual. The number represents total trips and does not distinguish among modes of travel—vehicle, pedestrian, bike, etc. Nor does the number reflect reductions due to the provision of amenities within the development.

What are the existing traffic patterns and volumes on the local, county, state and interstate roads that serve the site?

| Facility | 1998 | | | 2010 | | | 2025 | | |
|-----------------|-------|--------|------|-------|--------|-----|-------|--------|-----|
| | Lanes | Volume | V/C | Lanes | Volume | V/C | Lanes | Volume | V/C |
| Campground Rd | | | | | | | | | |
| N of SR9 | 2 | 1,959 | .10 | 2 | 2,644 | .14 | 2 | 3,981 | .21 |
| SR9 W of SR371 | 2 | 10,779 | .37 | 2 | 12,235 | .42 | 2 | 16,064 | .27 |
| Hopewell Rd | | | | | | | | | |
| N of SR9 | 2 | 4,290 | .23 | 2 | 5,418 | .29 | 2 | 7,146 | .38 |
| US 19/SR400 | | | | | | | | | |
| @McFarland Rd | 4 | 78,059 | 1.17 | 6 | 82,057 | .82 | 6 | 89,505 | .90 |
| US 19/SR400 HOV | | | | 1/1 | 5,648 | .22 | 1/1 | 6,714 | .21 |

What transportation improvements are under construction or planned for the Region that would affect or be affected by the proposed project? What is the status of those improvements (long or short range or other)?

| Project ID | Route | Improve- ment | RTP | Direct |
|------------|-----------------------------------|------------------|-----------------|-------------------------|
| | | | Model or TIP | Influence To Project |
| FN067A | SR9 from Academy to Windward Pkwy | Widen | 2010 | No |
| FN067B | SR9 from Upper Hembree to Academy | Widen | 2010 | No |
| FN191F | SR9 at Webb Road | Int Imp | 2003 | No |
| FN-AR 198A | US19/SR400 from SR120 to SR141 | Widen | 2010 | No |
| FN-AR 198B | US19/SR400 from SR141 to SR20 | Widen | 2015 | No |
| FT001 | SR9 from 141 to SR20 | Widen | 2005 | No |
| FT007A | US19/SR400 at McFarland Road | Widen Bridge | 2003 | Yes |
| FT009 | SR9 from SR20 to SR306 | Widen | 2010 | No |
| FT023A | SR9 from McFarland to SR371 | Widen | 2015 | No |
| FT023B | SR9 from SR371 to SR141 | Widen | 2015 | Yes |

Will the proposed project be located in a rapid transit station area? If yes, how will the proposed project enhance or be enhanced by the rapid transit system?

No.

Is the site served by transit? If so, describe type and level of service.

The site is not served by transit.

Are there plans to provide or expand transit service in the vicinity of the proposed project?

Based on ARC's 2025 RTP, MARTA will extend its North Line beyond North Springs to the Windward Parkway area. Express Bus routes from North Fulton and Forsyth Counties would originate from MARTA's proposed Windward or North Point stations.

What transportation demand management strategies does the developer propose (carpool, flex-time, transit subsidy, etc.)?

To meet ARC's air quality benchmark, single-family subdivisions must contain a neighborhood retail center and include street/bike/ped facilities that provide connections between units and retail within the site and enable connections to future roadways, pedestrian facilities and adjoining uses. This development meets the requirement as the developer has agreed to include a small neighborhood oriented pantry as a part of the pro shop/snack bar operations for the project and the project as submitted planned connecting street/bike/ped/golf cart facilities.

What is the cumulative trip generation of this and other DRI's or major developments? Is the transportation system (existing and planned) capable of accommodating these trips?

Based on volume analysis, area surface streets will adequately serve the access and mobility needs of motorized vehicle traffic to the development. However, SR 400 is already congested, especially during peak hours, and improvements are not anticipated until 2003 and later. (Castle Pointe build-out anticipated mid 2004.)

INFRASTRUCTURE

Wastewater and Sewage

How much wastewater and sewage will be generated by the proposed project?

Information submitted with the review projects only 0.165 MGD of wastewater per day. (Regional averages would suggest 0.241 MGD based on 400 GPD per unit which may be high for new construction with water saving requirements.)

Which facility will treat wastewater from the project?

The developer is proposing a private on-site sewage collection and treatment system with water reuse facilities and a zero discharge permit. This will involve a dual piping system so that treated wastewater can be used for golf course irrigation, spraying rights-of-way and amenity sites, and individual residential landscape irrigation systems. This will be the first development in the State to employ this innovative water reuse system. The system also will be designed with capacity to accept outside effluent or treated water from other public facilities. The system will require approval by Georgia Environmental Protection Division.

What is the current permitted capacity and average annual flow to this facility?

Not applicable.

What other major developments will be served by the plant serving this project?

Not applicable.

INFRASTRUCTURE

Water Supply and Treatment

How much water will the proposed project demand?

Again according to information submitted with the review, the developer projects a water demand of 0.165 MGD. (Regional averages suggest 0.277 MGD based on 400 GPD wastewater which may be high for new construction with water saving requirements.)

How will the proposed project's demand for water impact the water supply or treatment facilities of the jurisdiction providing the service?

Water supply should be sufficient, but water conserving measures are essential in all new developments.

INFRASTRUCTURE

Solid Waste

How much solid waste will be generated by the project? Where will this waste be disposed?

Based on national averages, Castle Pointe would generate 686 tons of solid waste per year. Private collection and disposal by a company authorized by the County to operate in this area would be required for the development.

Other than adding to a serious regional solid waste disposal problem, will the project create any unusual waste handling or disposal problems?

Not for household solid waste, but see previous discussion concerning private wastewater treatment system.

Are there any provisions for recycling this project's solid waste.

None stated.

INFRASTRUCTURE

Other facilities

According to information gained in the review process, will there be any unusual intergovernmental impacts on:

- **Levels of governmental services?**
- **Administrative facilities?**
- **Schools?**
- **Libraries or cultural facilities?**
- **Fire, police, or EMS?**
- **Other government facilities?**
- **Other community services/resources (day care, health care, low income, non-English speaking, elderly, etc.)?**

No unusual impacts are anticipated. While the number of students from the proposed subdivision could impact the schools serving the development, the developer expects that a large percentage of these students will be private school students given the projected cost of the houses in the subdivision.

HOUSING

Will the proposed project create a demand for additional housing?

The development is a subdivision.

Will the proposed project provide housing opportunities close to existing employment centers?

No.

Is there housing accessible to the project in all price ranges demanded?

There is limited housing available in all price ranges demanded. ARC's 1999 Population and Housing estimate was that the entire census tract had only 7,487 housing units—7,340 single-family, 127 multi-family, and 20 mobile homes. In 1990 there were only 3,965 housing units in this tract so there has been an 88 percent increase from 1990 to 1999.

Is it likely or unlikely that potential employees of the proposed project will be able to find affordable* housing?

Likely. The development will have very few full-time employees.

* Defined as 30 percent of the income of a family making 80 percent of the median income of the Region – FY 2000 median income of \$51,649 for family of 4 in Georgia.

SOLICITED COMMENTS



DEVELOPMENT OF REGIONAL IMPACT

DRI-REQUEST FOR COMMENTS

Instructions: The project described below has been submitted to this Regional Development Center for review as a Development of Regional Impact (DRI). A DRI is a development project of sufficient scale or importance that it is likely to have impacts beyond the jurisdiction in which the project is actually located, such as adjoining cities or neighboring counties. We would like to consider your comments on this proposed development in our DRI review process. Therefore, please review the information about the project included on this form and give us your comments in the space provided. The completed form should be returned to the RDC on or before the specified return deadline.

Preliminary findings and comments of the RDC:

Castle Pointe -
See preliminary report

Comments from affected party (attach additional sheets as needed):

"CASTLE POINT" FULTON / FORSYTH COUNTY

This proposed development will have a major impact on the existing transportation roadway. State Route 9 and local streets providing access to the development should be evaluated to determine if they can handle the additional 3500 trips per day. The review did not mention any proposed road or transit improvements to the system, and approval should be deferred until such time a plan for improvements is defined to mitigate the impact. A total build out of the project should be coordinated with plan improvements and transportation demand management strategies defined in the Atlanta Region Transportation Improvement Program and Regional Transportation Plan

Individual completing form: Donald W. Mills

Local Government: GDOT

Department: _____

Telephone: ()

Signature: _____ Date: 8-3-00

Please return this form to:

Mrs. Beverly Rhea
Atlanta Regional Commission
40 Courtland Street, NE
Atlanta, GA. 30303

Return Deadline: August 8, 2000

UNSOLICITED COMMENTS

**Marsh B. King
6234 Rogers Road
Cumming, Georgia 30040**

8-17-00

**The Atlanta Regional Commission
Ms. Beverly Ray
Fax# 404-463-3254**

**Re: September 6th Meeting – Cup case 2000Z-0055 NFC
Falling Water Project- Castle Point Development**

Please support this project.

My family's 20-acre home -- site is adjacent to this proposed project and we are all in support of this planned golf course community.

We would much rather have 600 expensive homes on smaller lots plus a beautifully landscaped golf course on the 653 acres than 600 one acre home sites with septic tanks on the 653 acres as zoned.

Their proposed sewer plant will not pollute the water supply as 600 septic tanks would.

Also the tax revenue to Fulton County would be more than double if developed as proposed.

Please do what's best for Fulton County. Vote in favor of the Castle Point Project.

Respectfully:

Marsh B. King

Date: 8/14/00

To: The Atlanta Regional Commission

From: Rhonda & Wayne Hammerstrom

Re: CUP Case 2000Z - 0055 NFC
Falling Water Investment, Inc.
Castle Pointe Project

I am writing to you to request a denial for Case # 2000Z-0055: an AG-1 to CUP high density single family residential & Golf Course subdivision proposed for the Northwest Fulton Corridor. The proposed subdivision would consist of the following:

- 602 homes on approximately 380 acres – resulting in 2.3 homes per acre.
- A Golf Course built on 180 acres.
- To support this high-density effort, a Private Sanitary Sewage Collection System & Water Reuse system is being proposed in lieu of septic systems.
- Total project consists of 653 acres on two parcels of land encompassing both Fulton (90%) and Forsyth (10%) counties.
- The lots in Fulton County are proposed as a minimum of only 18,900 sq. ft. CLUP requires 43,500 sq. ft.
- Planning and Fulton County Board of Commissioners Review Dates:
 - August 15, 2000 by the Planning Commission at the North Fulton Annex
 - September 6th, 2000 by the Fulton County Board of Commissioners

ISSUES

This rezoning request has very negative precedent setting issues surrounding it. The request of a CUP rezoning would dramatically change the rural appearance, conditions, and infrastructure and environment that other AG-1 Neighborhoods in the area have supported and maintained. This rezoning request:

- Violates the Northwest Fulton Comprehensive Land Use plan, which designates this community as AG-1 a minimum of 1 home per acre.
- Violates the current Board Policy for Northwest Fulton.
- Rejects community and county planning efforts to date, including Master Planning efforts, rural historic preservation, safekeeping of unpaved roads/improvement/protection of water quality.
- Compromises NW Fulton's roads, traffic, schools, water quality, and rural character.
- Sets an unwanted negative precedent for the NW Fulton Corridor allowing for higher density development.
- Contradicts the broader community's desire of wanting Fulton County to maintain the minimum of 1 home per acre.

OUR POSITION

The Collective Community, (Birmingham Civic Association, Little River Valley Association, Crabapple Coalition, Fulton County Roads Association, and Concerned Citizens of Hopewell and the entire community), are asking for a **DENIAL** of this zoning request from AG-1 to CUP and your continued support for the rural and aesthetic preservation of the Northwest Fulton corridor.

SUMMARY

The Comprehensive Land Use plan 2010 designates this land as AG-1. This development can still develop successfully and stay within the AG-1 conditions without suffering any hardship. The collective property rights of the community, however, would be violated if this rezoning request were approved. **The request must be denied.**

To: **Beverly Ray**
Regarding:
CUP Case 2000Z - 0055 NFC
Falling Water Investment, Inc.
Castle Pointe Project

I am writing to you to request a denial for Case # 2000Z-0055; an AG-1 to CUP High Density single family residential & Golf Course subdivision proposed for the Northwest Fulton Corridor. The proposed subdivision would consist of the following:

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- A Golf Course built on 180 acres.
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1. Violates the Northwest Fulton Comprehensive Land Use plan, which designates this community as AG-1 a minimum of 1 home per acre,
2. Violates the current Board Policy for Northwest Fulton,
3. Rejects community and county planning efforts to date, including Master Planning efforts, rural historic preservation, safekeeping of unpaved roads / improvement / protection of water quality,
4. Compromises NW Fulton's Roads, Traffic, Schools, Water Quality, Rural Character,
5. Sets an unwanted negative precedent for the Northwest Fulton Corridor allowing for higher density development and sins that plague the East 400 corridor of Northeast Fulton County.
6. Contradicts the broader community's desire/that of Fulton County to maintain a minimum of 1 home per acre.

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The Collective Community, (Birmingham Civic Association, Little River Valley Association, Crabapple Coalition, Fulton County Country Roads Association, and Concerned Citizens of the Hopewell and the entire community), are asking for a **DENIAL** of this zoning request from AG-1 to CUP and your continued support for the rural and aesthetic preservation of the Northwest Fulton corridor.

SUMMARY

The Comprehensive Land Use plan 2010 designates this land as AG-1. This development can still develop successfully and stay within the AG-1 conditions without suffering any hardship. The collective property rights of the community, however, would be violated if this rezoning request were approved. The request for rezoning must be denied.

The adoption of this CUP zoning would be a very negative precedent setting issue for all of Northwest Fulton County. It would allow other developments to violate the CLUP, the community's desires and the Board of Commissioners stated policy of no sewer for NW Fulton. We support reasonable and responsible development. This rezoning request, however, for a CUP zoning is neither. It fails to uphold the current Comprehensive Land Use Plan, the "no sewer" policy and all other Ordinances in place to support the continuation of this unique environment.

We ask for your support in denying the request to rezone from AG-1 to CUP.

Sincerely, Dave Jenks

520 Stonebrook Farms Drive, Alpharetta, 30004



To: *Beverly Ray - Attn. Regional Comm.*
 Regarding:
CUP Case 2000Z - 0055 NFC
Falling Water Investment, Inc.
Castle Pointe Project

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The adoption of this CUP zoning would be a very negative precedent setting issue for all of Northwest Fulton County. It would allow other developments to violate the CLUP, the community's desires and the Board of Commissioners stated policy of no sewer for NW Fulton. We support reasonable and responsible development. This rezoning request, however, for a CUP zoning is neither. It fails to uphold the current Comprehensive Land Use Plan, the "no sewer" policy and all other Ordinances in place to support the continuation of this unique environment.

We ask for your support in denying the request to rezone from AG-1 to CUP.

Robert & Lammie Henselman
 2530 Redd Rd
 Alpharetta, GA 30009

To: Beverly Ray
Regarding:
CUP Case 2000Z - 0055 NFC
Falling Water Investment, Inc.
Castle Pointe Project

I am writing to you to request a denial for Case # 2000Z-0055; an AG-1 to CUP High Density single family residential & Golf Course subdivision proposed for the Northwest Fulton Corridor. The proposed subdivision would consist of the following:

- 602 homes on approximately 380 acres - resulting in 2.3 homes per acre.
- A Golf Course built on 180 acres.
- To support this high-density effort, a Private Sanitary Sewage Collection System & Water Reuse System is being proposed in lieu of Septic Systems.
- Total project consists of 653 acres on two parcels of land encompassing both Fulton (90%) and Forsyth (10%) counties.
- The lots in Fulton County are proposed at a minimum of only 18,900 square feet. CLUP requires 43,500 sq. ft.
- Planning and Fulton County Board of Commissioners Review Dates:
 - August 15, 2000 by the Planning Commission at the North Fulton Annex.
 - September 6th, 2000 By the Fulton County Board of Commissioners.

ISSUES

This rezoning request has very negative precedent setting issues surrounding it. The request for a CUP rezoning would dramatically change the rural appearance, conditions, infrastructure and environment that other AG-1 neighborhoods in the area have supported and maintained. This rezoning request:

1. Violates the Northwest Fulton Comprehensive Land Use plan, which designates this community as AG-1 a minimum of 1 home per acre,
2. Violates the current Board Policy for Northwest Fulton,
3. Rejects community and county planning efforts to date, including Master Planning efforts, rural historic preservation, safekeeping of unpaved roads / improvement / protection of water quality,
4. Compromises NW Fulton's Roads, Traffic, Schools, Water Quality, Rural Character,
5. Sets an unwanted negative precedent for the Northwest Fulton Corridor allowing for higher density development and sins that plague the East 400 corridor of Northeast Fulton County.
6. Contradicts the broader community's desire/that of Fulton County to maintain a minimum of 1 home per acre.

OUR POSITION

The Collective Community, (Birmingham Civic Association, Little River Valley Association, Crabapple Coalition, Fulton County Country Roads Association, and Concerned Citizens of the Hopewell and the entire community), are asking for a **DENIAL** of this zoning request from AG-1 to CUP and your continued support for the rural and aesthetic preservation of the Northwest Fulton corridor.

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Lee S. Marks

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Regarding:
CUP Case 2000Z - 0055 NFC
Falling Water Investment, Inc.
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We ask for your support in denying the request to rezone from AG-1 to CUP.

Brian & Patty Balnes
760 Quarterpath Lane
Alpharetta, GA 30004

To: Beverly Ray, ARC, fax #404-463-3254

Regarding:

CUP Case 2000Z - 0055 N/C

Falling Water Investment, Inc.

Castle Pointe Project

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Kelley P. DeLaPernere
Kelley P. DeLaPernere

Darren A. DeLaPernere
Darren A. DeLaPernere

15785 Westbrook Rd
alphahta 30004 770 442-9219

Date: August 28, 2000
To: Ms. Beverly Ray
Atlanta Regional Commission
Fax: 404-463-3254
From: Linda Mayse
Shadowood Farms homeowner in North Fulton County
Fax: 770-442-8190
Re: CUP Case 2000Z-0055 NFC
Falling Water Investment, Inc., Castle Pointe Project

Dear Ms. Ray,

I would appreciate your time in reading my letter concerning the above-mentioned rezoning case.

Thank you for your time..

CUP Case 2000Z-0055NFC, Falling Waters Investment, Inc.,

Sun, Aug 27, 2000 7:02 PM

Subject: CUP Case 2000Z-0055NFC, Falling Waters Investment, Inc., Castle Pointe Project

I am writing this letter out of concern for the North Fulton communities and the quality of life in the area.

My husband and I built our home on 5 acres of land in North Fulton County in 1985 and have seen many changes in the area since that time---many for the better, some detrimental. When we began looking for a place to build our home, we drove the entire North Atlanta area trying to find an area with green space, something we didn't have in Sandy Springs where we were living at the time. We both enjoy running and riding our bicycles and were looking for a place that we could do both with some degree of safety. After driving through Alpharetta on a Sunday in April, with the azaleas and dogwoods in bloom, we were intent upon finding property in this area to build our "dream house" on.

During the initial stages of our building, we were faced with the impending doom of a Fulton County Landfill being put less than 1/4 mile from our property, on a site which was never considered by the citizen task force that was chosen to find a suitable landfill site that would least impact the landowners in the area. Mysteriously, this 13th site became the chosen place for a landfill, an area that contained an underground aquifer that if polluted would contaminate our drinking supply. As I'm sure you are aware, thanks to the hard work of many citizens in North Fulton, monetary contributions of the landowners in the area, and determination, not the mention undercover surveillance which ultimately led to the conviction of some of the country commissioners who were taking bribes from developers, the Landfill project was defeated.

Although the Crooked Creek subdivision which is now being developed on the land that was previously designated to be the Landfill is certainly a better alternative, they are using a waste management system which is being proposed for the Castle Pointe Project. Since we live adjacent to Chicken Creek, which also runs through Crooked Creek, we are aware that the information concerning the reliability of that wastewater treatment plant is incorrect. More than once the plant has malfunctioned and dumped untreated sewage into Chicken Creek, a creek which ultimately feeds into Lake Alatoona, a major water supply for the Atlanta area. The most recent incident lasted for approximately 5 days during which time raw sewage was being dumped into Chicken Creek and the waters of the creek became so fouled that you could not stand to walk down our street due to the intense odor. No one in the Crooked Creek subdivision seemed aware of the situation, perhaps since they are living upstream from the plant instead of downstream from it as we are, even though the flashing alarm light was going off.

Page 1 of 3

CUP Case 2000Z-0055NFC, Falling Waters Investment, Inc.,

Sun, Aug 27, 2000 7:02 PM

Fulton County was called to investigate the situation and subsequently filed a report. Even though Mr. Ray Lentz, a property owner who lives on the creek and who placed the call to Fulton County, requested a copy of the report, it was never sent to him. A copy of that report has since been procured by the concerned citizens who are opposing the above mentioned project. However, the report sent to them is in gross

the call to Fulton County, requested a copy of the report, it was never sent to him. A copy of that report has since been procured by the concerned citizens who are opposing the above mentioned project. However, the report sent to them is in gross error. It states that the spill in question lasted only 1 hour and was approximately 600 gallons of sewage being dumped into the creek. As I previously stated, I am personally aware that the water quality of the creek and the foul odor were evident for at least 5 days. Both the incident of sewage spillage, especially since it went undetected by the waste management company, and the obvious gross inaccuracy of the report filed by Fulton County, give me cause for concern that the proposed waste management system in the Castle Pointe Project will not be managed properly and will adversely affect the quality of life in our area for both citizens and wildlife alike.

I would also like to comment on the density equation that Mr. J. D. Brooks of Falling Water Investment, Ltd., the developer of the proposed Castle Pointe community, has submitted in his literature which was distributed to homeowners in the affected area.

I don't claim to be a mathematician, but it seems to me that the 180 acres designated to be golf course land as well as the land that will be taken up by streets, should not be figured into the house per acre density equation. Just deleting the golf course property alone would bring the total acreage to 472 acres on which he proposes to build 561 homes. By also subtracting out the amount of land for streets, the density would definitely be significantly more than 1 house per acre, the lot size that has been designated for land use in our area.

I realize that to try to stop the growth of North Fulton County, or any of the Atlanta suburbs, would be impossible. However, I feel that the approval of high density housing has and will continue to adversely affect all of us. Our green space is disappearing, our safety is in jeopardy when we try to run or ride our bicycles in our area, and the traffic which increases two to threefold whenever a new house is built, threatens our lives and certainly our air quality. I applaud the city of Roswell for recently saying NO to a new high density subdivision by buying the land and earmarking it for a park for the citizens to enjoy.

The taxes that we pay in Fulton County are among the highest, if not the highest, in the area. The number of homes in the \$500,000+ price range which could be built in Castle Pointe on the 1 house per acre density would be a significant amount added to the tax income of Fulton County. To change the existing density requirements, in my opinion, shows both a disregard for the current and future homeowners in this area. The existing roads and other services in the area cannot support such an increase of residents and traffic without being detrimental to the well-being of all of us.

CUP Case 2000Z-0055NFC, Falling Waters Investment, Inc.,

Sun, Aug 27, 2000 7:02 PM

Please vote against rezoning the land in question to accommodate more than 1 house
per acre home site,

Thank you for your time.
Linda Mayse

August 23, 2000

Fulton County Board of Commissioners
141 Pryor Street
Atlanta, GA 30303

Dear Commissioners:

Attached is a comprehensive executive summary that lists definitive reasons to deny Petition No. Z2000-0057 (Castle Pointe/Falling Water Investments).

A vote to deny this rezoning supports your ongoing policies to uphold the collective, proactive planning and preservation efforts of the Northwest Fulton community and Fulton County.

In brief, the primary reasons to deny the request for this rezoning from AG-1 to CUP are that it:

- Violates the Comprehensive Land Use Plan,
- Violates Fulton County Board Policy,
- Contradicts Fulton County's and the broader community's mandate to maintain a minimum of one house per acre,
- Sets negative precedent for entire Northwest Fulton corridor,
- Compromises Northwest Fulton's infrastructure, including schools, water quality/quantity, roads and rural character,
- Rejects broad-based community and county planning efforts incorporating master planning, watershed protection, safekeeping of unpaved roads and rural/historic preservation.

Birmingham Civic Association
Concerned Citizens of Northwest Fulton County

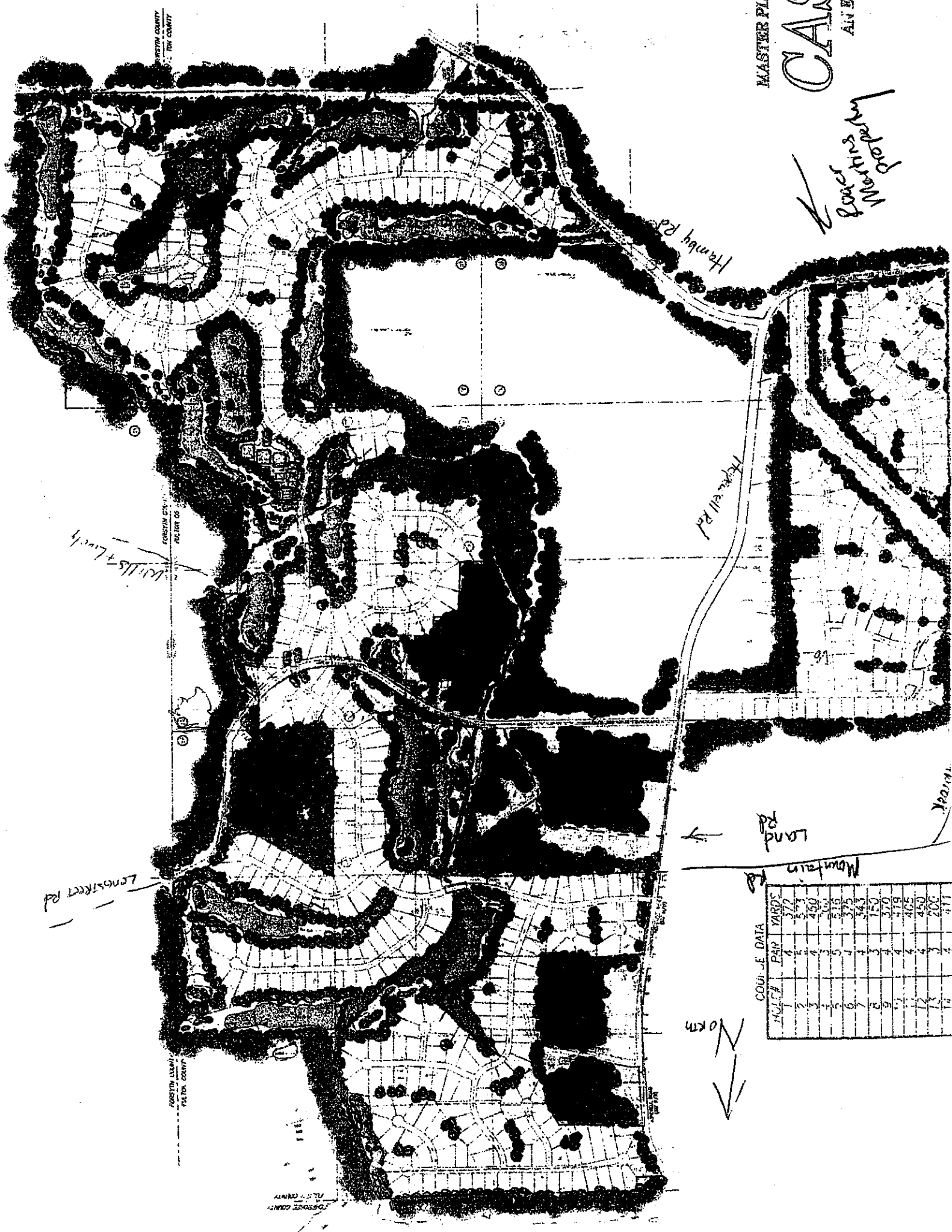
Cc w/attachments: Thomas Andrews
Terry Todd
Angela Parker
Johnny Innman
Beverly Ray, ARC
Rhea

| What's Allowable? | Issue/Topic | What's Requested? |
|---|---|---|
| <ul style="list-style-type: none"> CLUP unanimously approved by PC and BOC in July/August 1999 CLUP requires minimum of 1 acre per house (43,560 sq. ft.) in AG-1 zoning CLUP indicates this is "no sewer" area "...Property owners of AG-1 zoned properties have a vested right to at least one acre lot size," according to CLUP, Section 7 <p><i>no sewer area to be developed to be developed</i></p> | <p>Comprehensive Land Use Plan</p> | <ul style="list-style-type: none"> Castle Pointe petitioners request rezoning from AG-1 to Community Unit Plan (CUP) for single-family clustered housing Plans for 561 homes on max. est. 472 buildable acres, plus private golf course & amenities on additional 180 acres Propose 18,900 sq. ft. minimum lots (2.3 units per acre) Proposal sets negative precedent for entire Northwest Fulton quadrant |
| <p>Area north of Roswell/Alpharetta identified for low density residential</p> <p>Rural, historic preservation</p> <p>No other developments in the area have less than one acre per home</p> <ul style="list-style-type: none"> Other golf course communities in area remain AG-1 with administrative permit for golf course (White Columns, Champions View, etc.) | <p>Board Policy</p> | <p>Petitioner's request violate Board Policy</p> <p>Requests jeopardize continuation of rural environment/preservation of the area</p> <ul style="list-style-type: none"> Minimum/average lot sizes proposed (18,900-30,000 sq. ft.) violates Board Policy Anything other than denial "opens the flood gates" to similar smaller lot, higher-density, non-rural developments |
| <p>CLUP/Board Policy state this is "no sewer" area</p> <p>Federal mandates and North Fulton Growth Management Task Force recommends "no sewer" in Coosa River Basin</p> <p>Septic systems present no documented risk for area</p> <ul style="list-style-type: none"> County taxpayers face financial risk for backing a private system | <p>Sewer versus Septic</p> | <ul style="list-style-type: none"> Private sewer system to be built by 7-month old company with no demonstrated success in this application Request violates federal mandates regarding no sewer in Coosa River Basin No application from contractor to state EPD for permit No financial agreement with county to assume management of system if necessary <p><i>not apply mandate lower later</i></p> |

| What's Allowable? | Issue/Topic | What's Requested? |
|---|--|--|
| <ul style="list-style-type: none"> ▪ CUP zoning stipulates preservation of natural amenities (i.e. scenic and functional open areas) ▪ Recommends environment compatible with surrounding residential areas ▪ Protects neighboring properties by requiring larger peripheral lots adjacent to larger lot developments ▪ Average lot size in area 5 acres per dwelling or .20 units per developed acre | Community Unit Plan (CUP) | <ul style="list-style-type: none"> ▪ 180-acre golf course not open to community ▪ Golf course definitely NOT defined by state as open greenspace ▪ Clustered-home community dramatically contrasts with low-density rural atmosphere and character of area ▪ Proposes 2.3 home sites per acre minimum to border large estate home properties |
| <p>Public schools serving proposed development currently exceed capacity:</p> <ul style="list-style-type: none"> ▪ Summit Hill, 61 student surplus ▪ Northwestern, 607 student surplus ▪ Milton, 262 student surplus | Infrastructure/Schools | <p>Proposed development would generate incrementally up to:</p> <ul style="list-style-type: none"> ▪ 440 students at Summit Hill ▪ 196 students at Northwestern ▪ 228 students at Milton |
| <ul style="list-style-type: none"> ▪ County-supplied water not available (i.e. construction of new water tower delayed indefinitely) | Infrastructure/Water | <ul style="list-style-type: none"> ▪ Higher density housing requires more water |
| <ul style="list-style-type: none"> ▪ Federal mandate to restore, protect impaired Little River watershed ▪ Watershed drains into the Coosa River Basin | Watershed protection State/Federal mandates | <p>Insufficient greenspace to offset:</p> <ul style="list-style-type: none"> ▪ Stormwater runoff created by impervious surfaces (streets, driveways, roofs) ▪ Golf course construction, chemical maintenance ▪ Lawn fertilizers, pesticides, herbicides |

ARC
estimate
437
total
5 students

| What's Allowable? | Issue/Topic | What's Requested? |
|---|---|---|
| <ul style="list-style-type: none"> Headwaters of Chicken Creek failed to meet state water quality standards during recent \$15 million Fulton County Watershed Assessment More homes, impervious surfaces, scraping, etc. negatively impact waterways Private sewage treatment facilities may pose risks of sewage spills, financial risks, etc. | <p>Water Quality/Aquatic protection State/Federal mandates</p> | <ul style="list-style-type: none"> Proposed private sewer and reuse system would not have capacity to water new course for minimum of two years Golf course would be the sixth one in the Northwest Fulton Corridor to use water from Chicken Creek or its tributaries for partial or full irrigation <ul style="list-style-type: none"> Atlanta National, located off Batesville Road Crooked Creek, GA Highway 9 Alpharetta Country Club, Dinsmore Road Trophy Club, Hopewell Road White Columns, Freemanville Road |
| <p>Master planning and preservation efforts underway:</p> <ul style="list-style-type: none"> Birmingham master planning Residential Overlay Rural roadway preservation efforts State mandated initiative to preserve greenspace | <p>Local/State/Regional Support of Rural and Historic Preservation</p> | <ul style="list-style-type: none"> Proposed development in contrast to rural, historic and natural resource preservation efforts by county, state, region and community Violates state mandate/definition of greenspace |
| <p>Protect Environmentally Sensitive Areas, Regional Development Plan, Policy 10:</p> <ul style="list-style-type: none"> Protect environmentally sensitive areas, open spaces Limit residential and commercial development in scale in such areas Shape regional development patterns by preserving more natural areas | <p>Atlanta Regional Commission Review Policies</p> | <ul style="list-style-type: none"> Does not protect "true" greenspace Increases residential development in scale via smaller lot sizes and higher density Does not sufficiently preserve natural areas and threatens water quality/quantity |



MASTER PLAN
CAC
ALV EC

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Lower
Mountain
property

North
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Mountain Rd

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AREA AFFECTED BY PETITION
2000-087

North Fulton Planning Area 2015 Land Use Plan with Parcel Lines

Adopted Aug 4, 1999

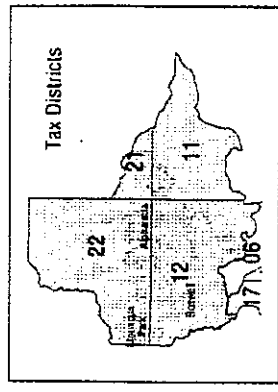
- RESIDENTIAL (Units per Acre)**

 - 1 to 2 Units
 - 2 to 3 Units
 - 3 to 5 Units
 - 5 to 8 Units
 - 8 to 12 Units
- COMMERCIAL**

 - Office
 - Hotel and Services
- BUSINESS PARK**

 - INDUSTRIAL
 - AGRICULTURAL, FORESTRY & MINING
 - PUBLIC SEMI-PUBLIC & INSTITUTIONAL
 - Community Facilities
 - Tax Spillover and Others
- PRIVATE RECREATION**

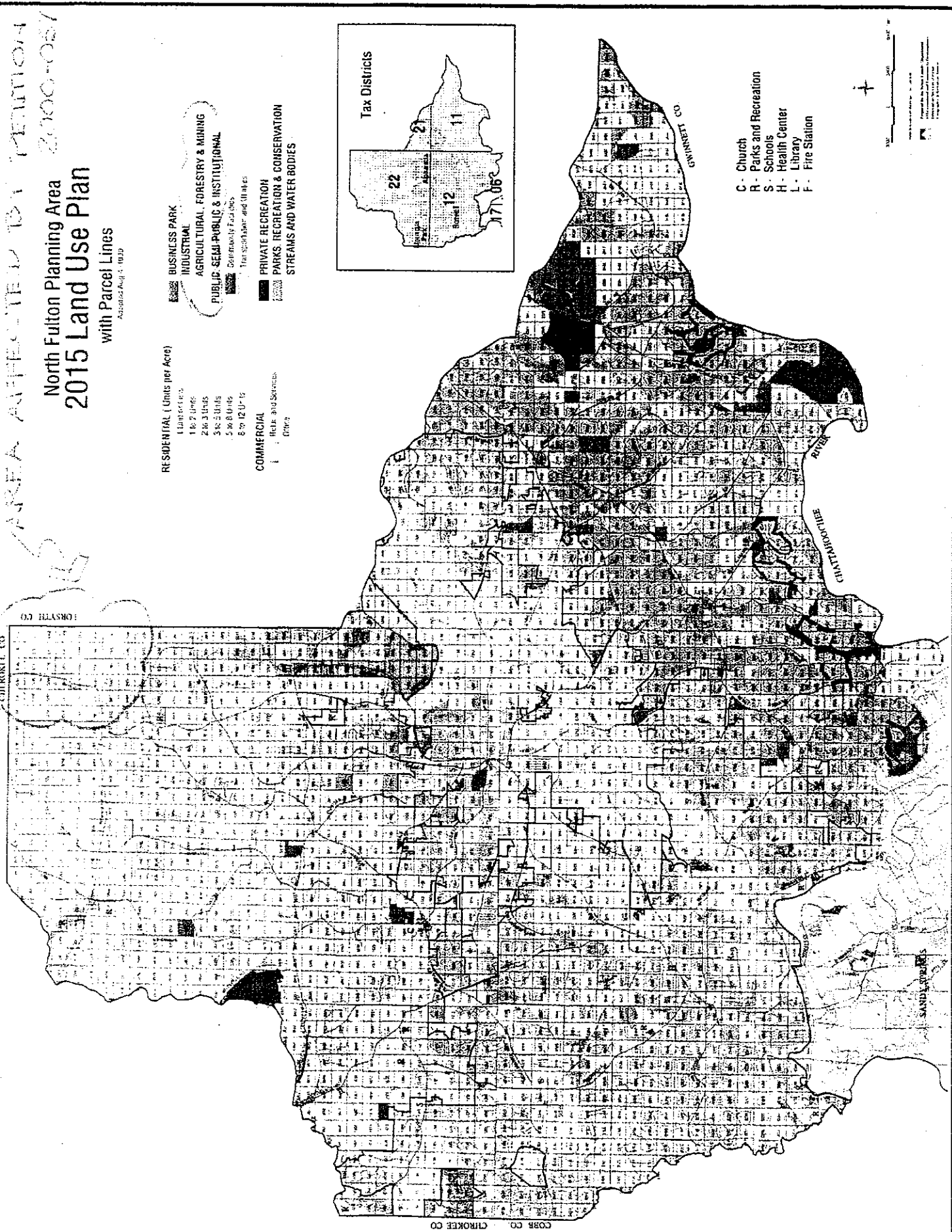
 - PARKS, RECREATION & CONSERVATION
 - STREAMS AND WATER BODIES



- C - Church
- R - Parks and Recreation
- S - Schools
- H - Health Center
- L - Library
- F - Fire Station



Scale: 1 inch = 1 mile
 Prepared by the Fulton County Planning Department
 1000 Peachtree Street, N.E.
 Atlanta, Georgia 30309
 Phone: (404) 526-6000
 Fax: (404) 526-6001



540 Champions Hills Drive
Alpharetta, GA 30004
August 14, 2000

Beverly Ray
The Atlanta Regional Commission
40 Courtland Street, NE
Atlanta, GA 30303

Re: Case #2000Z-0057

Dear Ms. Ray,

I am writing you to request a denial for Case #2000Z-0057, which has been made by Falling Water Investments, Inc. to rezone property currently zoned AG-1 to a CUP High Density single family residential and golf course subdivision.

This request violates the Northwest Fulton Comprehensive Land Use Plan, which designates this community as AG-1 with a minimum of one (1) home per acre. It compromises Northwest Fulton's roads, traffic, schools, water quality and rural character. We, the residents of Northwest Fulton county, have made it clear that we want to keep this corridor of Fulton county as it was intended in the Comprehensive Land Use plan for one (1) home per acre. To allow this development of 2.3 homes per acre would set an unwanted negative precedent for Northwest Fulton and destroy the aesthetic preservation of the community.

Therefore, I am asking for your support in denying the request to rezone from AG-1 to CUP.

Sincerely,



Ann Festa

AF/jb



August 14, 2000

Beverly Ray
The Atlanta Regional Commission
40 Courtland Street, NE
Atlanta, GA 30303

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Sincerely,

Roger A. Festa

RAF/jjb