

## MEMORANDUM



March 20, 1997

**TO:** Members of the Environment & Land Use Committee  
**FROM:** Dick Courtney, Chief, Land Use & Public Facilities Planning *DC 3/20/97*  
**SUBJECT:** Special Called Meeting of the Environment & Land Use Committee

This is to let you know that there will be a Special Called Meeting of the Environment & Land Use Committee prior to the March 26 Commission Meeting. The purpose of the Special Called Meeting will be to consider the enclosed resolution finding the proposed Hines' Georgia 400 Mixed Use Development (Deerfield) to be in the best interest of the State. The meeting will be at the following time and location:

**SPECIAL CALLED MEETING  
ENVIRONMENT & LAND USE COMMITTEE  
WEDNESDAY, MARCH 26, 1997--1:45 P.M.  
ARC COMMITTEE ROOM  
SUBJECT: Hines' Georgia 400 Mixed Use Development (Deerfield)**

Please plan to attend prior to the Commission meeting as this will be on the Commission Meeting Agenda.

Enclosure

## MEMORANDUM



March 20, 1997

**TO:** Members of the Environment & Land Use Committee

**FROM:** Dick Courtney, Chief, Land Use & Public Facilities Planning *DC* 3/20/97

**SUBJECT:** Special Called Meeting of the Environment & Land Use Committee

This is to let you know that there will be a Special Called Meeting of the Environment & Land Use Committee prior to the March 26 Commission Meeting. The purpose of the Special Called Meeting will be to consider the enclosed resolution finding the proposed Hines' Georgia 400 Mixed Use Development (Deerfield) to be in the best interest of the State. The meeting will be at the following time and location:

**SPECIAL CALLED MEETING**  
**ENVIRONMENT & LAND USE COMMITTEE**  
**WEDNESDAY, MARCH 26, 1997--1:45 P.M.**  
**ARC COMMITTEE ROOM**  
**SUBJECT: Hines' Georgia 400 Mixed Use Development (Deerfield)**

Please plan to attend prior to the Commission meeting as this will be on the Commission Meeting Agenda.

Enclosure

**RESOLUTION BY THE ATLANTA REGIONAL COMMISSION CONCERNING THE  
HINES' GEORGIA 400 MIXED USE DEVELOPMENT (DEERFIELD)**

**WHEREAS**, pursuant to the Georgia Planning Act of 1989 and Georgia Department of Community Affairs Rules for the Review of Developments of Regional Impact (DRI), the Atlanta Regional Commission has reviewed the Hines' Georgia 400 Development (Deerfield) proposed in North Fulton County on 338.62 acres on the west side of Georgia 400 between Windward Parkway West and McGinnis Ferry Road; and

**WHEREAS** the proposed development would consist of 3,486,000 square feet of office space; 1,302 apartments; and two hotels totaling 620 rooms; and also is contiguous to land proposed to be developed as retail space; and

**WHEREAS** comments on the DRI have been received from Georgia Department of Transportation and Fulton County Schools as a part of the review; and

**WHEREAS** the ARC staff recognizes and commends the developer for plans for a transportation management association, shuttle buses, sidewalks, etc. proposed in the development but nevertheless has concerns about the ability of the existing roads to handle the additional traffic that would be generated by the development; and

**WHEREAS** the development would appear to generate less than 50 additional tons of nitrous oxide per year over that already projected for development of the site but nevertheless would contribute to additional air pollution in the non-attainment area; and

**WHEREAS** the Fulton County School System has expressed concerns about their ability to handle the additional students from the development that would need to be served; and

**WHEREAS** the development is proposed in the Big Creek Water Supply Watershed, which is classified under Georgia Environmental Protection Division (EPD) criteria as a small (less than 100 square miles) water supply watershed; and

**WHEREAS** Big Creek provides water supply for the City of Roswell; and

**WHEREAS** Big Creek flows into the Chattahoochee River just upstream of one of the most heavily used recreational areas along the River, including the Chattahoochee River National Recreation Area and Fulton County's Chattahoochee River Park; and

**WHEREAS** water quality in Big Creek is deteriorating due to the effects of urbanization; and

**WHEREAS** the Rules of the EPD require certain measures for protection of small water supply watersheds, including a limit of 25% impervious surface within the watershed; and

**WHEREAS** EPD Rules allow that criteria different from those in their Rules may be approved provided all the local governments in the watershed agree to a plan that is deemed by EPD to provide an equivalent level of protection; and

**WHEREAS** the watershed includes portions of the Cities of Roswell, Alpharetta, and Cumming and portions of the unincorporated areas of Fulton, Cherokee, and Forsyth Counties; and

**WHEREAS** in 1993 the Commission adopted a policy by resolution that encouraged all local governments within the Big Creek Water Supply Watershed to allow only rezonings and permits that would result in development which does not exceed the 25 percent impervious surface limit until such time as a watershed protection plan is developed and worked out among all governments in the watershed; and

**WHEREAS** the proposed Hines' Georgia 400 DRI would result in 43.72 percent impervious surface; and

**WHEREAS** the developer of the Hines' project has agreed to include measures in the development that will control the quantity and quality of stormwater runoff to pre-development levels; and

**WHEREAS**, Fulton and Forsyth Counties and the Cities of Alpharetta and Roswell now have documented (see attached) a willingness to participate in and to fund a study for a watershed protection plan as allowed in EPD's Rules; and

**WHEREAS**, Cherokee County and the City of Cumming have agreed to consider participation at a later date; and

**WHEREAS** such study and plan would take into consideration the Hines' Georgia 400 development with its 43.72 percent impervious surface amount and the agreed upon stormwater pollution controls;

**NOW THEREFORE BE IT RESOLVED** that the Commission finds that the Hines' Georgia 400 DRI is in the best interest of the State.

## **HINES' GEORGIA 400 DEVELOPMENT (DEERFIELD)**

### **SITE**

338.62 Acres  
West side of Georgia 400  
Also bounded generally by Windward  
Parkway West, Morris Road, and  
McGinnis Ferry Road  
Unincorporated Fulton County  
Contiguous, in part, to Alpharetta

### **DEVELOPMENT PROPOSAL**

1,302 Apartments  
3,486,000 Sq.Ft. Office Space  
620 Hotel Rooms  
(Also own contiguous retail site)

### **DEVELOPER**

Hines Interests, LP

### **POTENTIAL IMPACT**

**POPULATION**  
**STUDENTS**  
**JOBS**  
**WASTEWATER**

1,953  
324  
9,335  
1.08 MGD--Big Creek WWTP  
24 MGD Capacity  
12.5 MGD Flow

### **TRAFFIC**

34,513 Average Weekday Trips  
4297 AM/3422 PM Peak  
400 V/C Ratio, Forsyth Co-W'ward Pkwy  
1995=.47, 2010=1.18  
400 V/C Ratio, W'ward Pkwy-State Br.Rd  
1995=.61, 2010=1.47

### **WATER SUPPLY WATERSHED**

Big Creek (Small WS W'shed)  
Camp Creek (Tributary to Big Creek)  
Portion of Creek + 2 Tributaries on Hines' Site

### **COMMENTING AGENCIES**

Fulton County Schools  
Georgia Dept. of Transportation

**VIA HAND DELIVERY**

March 20, 1997

Mr. Harry West  
Executive Director  
Atlanta Regional Commission  
200 Northcreek, Suite 300  
3715 Northside Parkway  
Atlanta, Georgia 30327-3809

Hines

**RE: *Hines Mixed Use Development (Deerfield) at Georgia Highway 400  
and Windward Parkway***

Dear Harry:

As you know, we have been working with you and your staff and the Environmental Protection Division of the Georgia Department of Natural Resources over the past three weeks in an attempt to resolve the impervious surface development issue pertaining to our proposed development. At the last full ARC hearing, we elected to withdraw our DRI application so as to have more time to work through the water quality issues matter with your staff.

On February 27<sup>th</sup>, you indicated that the ARC staff would change their recommendation to one of this project being found in "the best interest of the state" if we could produce letters from five of the affected jurisdictions (Fulton County, Forsyth County, City of Alpharetta, City of Roswell and the City of Cumming) indicating their willingness to proceed with the Big Creek Watershed Study as proposed by the engineering firm of Camp, Dresser & McKee, subject to developing mutually acceptable method of funding the study's \$300,000 cost amongst the affected jurisdictions.

Since our involvement in this matter three weeks ago, we have accomplished the following:

- 1) Procured the City of Roswell's (15.36% of the total land area within the Big Creek basin) commitment to proceed with the study, subject to working out a mutually agreeable method of funding the study's cost (copy of letter to you attached);

*Mr. Harry West*

*March 20, 1997*

*Page 2*

- 2) Procured Forsyth County's (48.50% of total land area within the Big Creek basin) commitment to proceed with the study, subject to working out a mutually agreeable method of funding the study's cost (copy of letter to EPD attached);
- 3) Procured Fulton County's (9.98% of the total land area within the Big Creek basin) commitment to proceed with the study, subject to working out a mutually agreeable method of funding the study's cost (copy of letter to you attached);
- 4) Confirmed with the Mayor of Alpharetta, Chuck Martin, Alpharetta's (19.61% of the total land area within the Big Creek basin) agreement to participate in the study, subject to working out a mutually agreeable format for funding the cost of the study (copy of letter to you attached);
- 5) Engaged in discussions with Cherokee County (1.78% of the total land area within the Big Creek basin) to gain their commitment to participate in the study. Although they have not formally agreed to participate in the study, it is our assessment that they will should EPD and ARC believe that their participation is essential to the successful completion of the study; and
- 6) Engaged in active discussions with the City of Cumming (4.99% of the total land area within the Big Creek basin) to gain their commitment to participate in the study. Although they have not formally agreed to participate in the study, we have indications that they will follow Forsyth's lead and agree to participate.

The net result of the above efforts is that Hines has been able over the past three weeks to build a political consensus to get the study underway, even though we were technically not able to procure a letter from the City of Cumming.

As you know, we firmly believe that the 25% impervious surface requirement is an overall basin requirement, and not a parcel specific requirement. Even ARC's selected engineer for this study, Camp, Dresser & McKee, makes a note of this on page 23 of their proposal dated September 19, 1995 in which they state "It is important to note that the DNR limit of 25% maximum

*Mr. Harry West*

*March 20, 1997*

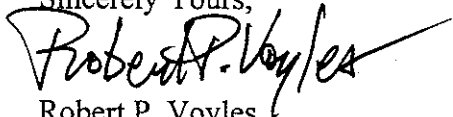
*Page 3*

impervious surface area is a watershedwide average which applies to the entire 98 square mile watershed and not to individual parcels or jurisdictions. This requirement was clarified during the Big Haynes Creek watershed study by the DNR staff." Nonetheless, we support ARC's efforts to address the issue of water quality in the Big Creek Basin and believe our work has helped ARC achieve its objective.

In addition to the great amount of progress that we made regarding the study, we have also engaged Law Engineering to analyze our site in order to develop a specific set of recommendations for us to follow regarding the management of stormwater runoff to maintain water quality. These recommendations will be presented to Fulton County for their review and to incorporate within our zoning conditions, should they elect to do so. We also intend to honor our public commitment to you to fund \$25,000 of the total cost of the Big Creek Watershed study. Lastly, we agree to work with Camp, Dresser & McKee throughout the study process to insure that our project is developed in a manner so as not to contribute to the further degradation of the Big Creek basin.

With all of the above in mind, we respectfully ask for your staff's support at Wednesday's Commission Hearing, and that you request the Environmental and Land Use Committee to meet before the full Board Meeting to consider our application. Thank you again for your consideration and we look forward to hearing from you.

Sincerely Yours,



Robert P. Voyles  
Senior Vice President

/sar

cc: John P. Hicks



**BILL JOHNSON**  
City Administrator

**W.L. MABRY**  
Mayor

# City of Roswell

38 Hill Street  
Roswell, Georgia 30075  
(770) 641-3727

March 17, 1997

Mr. Harry West  
Executive Director  
Atlanta Regional Commission  
200 Northcreek, Suite 300  
3715 Northside Parkway  
Atlanta, GA 30327-2809

SUBJECT: Big Creek Watershed Study

Dear Mr. West:

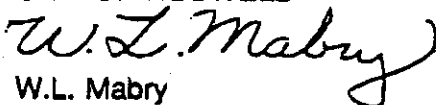
The City of Roswell appreciates the initiative of the Atlanta Regional Commission in formulating the Project Team to select a consulting group to perform the subject study. The City of Roswell strongly supports this study and feels that it is very important to complete for the future protection of Big Creek. As you are well aware, the Big Creek drainage basin ends at the intake point for our water purification plant which provides drinking water for many of our citizens.

However, we cannot agree with the funding formula as presently suggested by the Atlanta Regional Commission, and we request that you reanalyze it on a more equitable basis. Of the five entities represented in the Big Creek basin: Forsyth County, Fulton County, and the Cities of Alpharetta, Cumming, and Roswell, you are suggesting that Roswell contribute thirty-three percent (33%). This is not equitable since Roswell represents only about fifteen percent (15%) of the land mass in the basin. We already must spend considerable sums of money to protect our water source, Big Creek. Due to pollutants and the lack of silt control, we have had to increase the amount of chemicals used in the water plant, and we have to dredge the creek behind the intake dam periodically. Therefore, we cannot justify paying such a large percentage of the study costs.

We appreciate your consideration of our request as we are most eager to proceed with the study. If you have questions or comments, please call me at (770) 641-3727.

Sincerely,

CITY OF ROSWELL



W.L. Mabry  
Mayor

WLM:mm

Copy: Napoleon Caldwell, Georgia Department of Natural Resources  
File (X:\Users\Mary\PWD\BigCreek)



## Forsyth County Board of Commissioners

110 EAST MAIN STREET  
SUITE 210  
CUMMING, GEORGIA 30130  
(770) 781-2101  
FAX (770) 781-2199

JULIAN BOWEN  
CHAIRMAN

BILL JENKINS  
VICE CHAIRMAN

JOHN F. KIEFFER  
SECRETARY

ANDY ANDERSON  
MEMBER

LAMAR SUDDETH  
MEMBER

STEVIE P. MILLS  
ADMINISTRATOR

DONALD M. MAJOR  
ASST. ADMINISTRATOR

BETTY SHADBURN  
ACCOUNTING MANAGER

March 18, 1997

Mr. Napoleon Caldwell, Program Manager  
Georgia Department of Natural Resources  
Environmental Protection Division  
Water Resources Management Program  
Floyd Tower East, Suite 1166  
205 Butler Street, SE  
Atlanta, GA 30334

Dear Nap:

**RE: Big Creek Watershed Assessment**

Please let this letter serve as notice of Forsyth County's intent to participate in the Big Creek Watershed Assessment as proposed by the Environmental Protection Division of the Georgia Department of Natural Resources. Please note that Forsyth County's agreement to participate is subject to developing a mutually agreeable method of funding the cost of the assessment amongst the six affected jurisdictions. It is our understanding that this assessment will be conducted by the engineering firm of Camp, Dresser & McKee and will serve to establish a set of proposed guidelines for the six jurisdictions in this basin to consider regarding the future protection of the Big Creek Watershed as development continues to take place throughout the Georgia Highway 400 corridor.

Should you have any questions concerning the above, please do not hesitate to contact me at (770)886-2802.

Sincerely yours,

Julian Bowen, Chairman  
Forsyth County Board of Commissioners

JB:sb

cc: Board of Commissioners  
Mr. Stevie P. Mills, County Administrator



Printed on Recycled Paper



OFFICE OF THE COUNTY MANAGER

ROOM 10061 • 141 PRYOR ST. S.W.  
ATLANTA, GEORGIA 30303  
TELEPHONE AREA CODE 404-730-8320

March 17, 1997

Mr. Harry West  
Executive Director  
Atlanta Regional Commission  
200 Northcreek, Suite 300  
3715 Northside Parkway  
Atlanta, Georgia 30327-3809

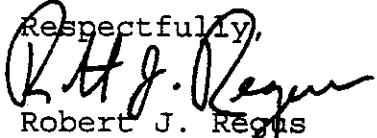
**RE: Big Creek Watershed Assessment**

Dear Mr. West:

Please let this serve as notice of Fulton County's intent to participate in the Big Creek Watershed Assessment as proposed by the Atlanta Regional Commission and the Environmental Protection Division of the Georgia Department of Natural Resources. Please note that Fulton County's agreement to participate is subject to developing a mutually agreeable method of funding the cost of the assessment amongst the six affected jurisdictions. It is our understanding that this assessment will be conducted by the engineering firm of Camp, Dresser & McKee and will serve to establish a set of proposed guidelines for the six jurisdictions in the basin to consider regarding the future protection of the Big Creek Watershed as development continues to take place throughout the Georgia Highway 400 corridor.

Should you have any questions concerning the above, please do not hesitate to contact me at 404-730-8335.

Respectfully,

  
Robert J. Regus  
County Manager

RJR/NJL/mwh

cc: Napoleon Caldwell, Georgia Department of Natural Resources



MAYOR  
Chuck Martin

CITY ADMINISTRATOR  
J. Michael Wilkes

COUNCIL

Barbara Hurt-Simmons  
Sandra B. Johnson  
R.J. Kurey

Arthur Letchas  
Jim Matoney  
Jim Paine

March 20, 1997

Mr. Harry West  
Executive Director  
Atlanta Regional Commission  
200 Northcreek, Suite 300  
3715 Northside Parkway  
Atlanta, Georgia 30327-3809

**RE: A RESOLUTION AUTHORIZING THE CITY OF ALPHARETTA TO PARTICIPATE IN AND PARTIALLY FUND AN ATLANTA REGIONAL COMMISSION SPONSORED JOINT STUDY OF THE BIG CREEK WATERSHED**

Dear Harry,

The City of Alpharetta, on March 18, 1996, passed the above title resolution. A copy is on file with the Atlanta Regional Commission.

This correspondence is to reaffirm Alpharetta's position on the matter. If your staff is unable to locate a copy of the resolution please **contact Sue Rainwater at (770) 475-1837**.

If, after review of this correspondence and the resolution, you should have questions please contact me at **(770) 410-5810**.

Sincerely,

*Chuck*

Charles E. "Chuck" Martin, Jr.

cc: Mr. John Hicks  
Mr. Pete Hendrix  
Mr. C. Sam Thomas  
Ms. Sue Rainwater -- File Copy

**A RESOLUTION AUTHORIZING THE CITY OF ALPHARETTA  
TO PARTICIPATE IN AND PARTIALLY FUND AN ATLANTA REGIONAL  
COMMISSION SPONSORED JOINT STUDY OF THE BIG CREEK WATERSHED**

WHEREAS, Big Creek is a major tributary to the Chattahoochee River which flows through North Fulton and Forsyth Counties, as well as the Cities of Alpharetta, Cumming and Roswell; and

WHEREAS, under Georgia's Comprehensive Planning Act (Growth Strategies), the Big Creek watershed is considered a small water supply watershed requiring local governments in the watershed area to develop coordinated measures to protect this drinking water source; and

WHEREAS, the Clean Water Act requirements for storm water quality encourage a coordinated watershed planning approach in developing comprehensive plans to control storm water quality; and

WHEREAS, the Atlanta Regional Commission is sponsoring a project to establish a process for intergovernmental cooperation to protect the watershed, to include the development of a regionally consistent management plan, as well as development standards and guidelines within each jurisdiction; and

WHEREAS, the project will include the development of an engineering and hydrology study of the watershed, to include an inventory and analysis of current development within the multiple jurisdictions within the watershed and proposed allocations of future development among the jurisdictions within the watershed; and

WHEREAS, the Mayor and Council recognize Big Creek as a significant resource worthy of protection; and

WHEREAS, the Mayor and Council desire to cooperate with the Atlanta Regional Commission and the other governmental entities within the Big Creek watershed for the purpose of supporting the ARC project and supporting and participating in the joint funding of the engineering and hydrology study;

**NOW, THEREFORE, IT IS**

**RESOLVED**, that the Mayor and Council of Alpharetta, while recognizing and valuing the interests of the current owners of property encompassed within the Big Creek watershed, hereby express their general support for the ARC's project to promote intergovernmental cooperation and planning among the multiple jurisdictions within the Big Creek watershed for the purpose of preserving this vital resource, and the Mayor and staff are hereby authorized to negotiate with Fulton County, Forsyth County, Roswell and Cumming, to establish the City's proportionate share of the cost of funding the engineering and hydrology study for the Big Creek watershed.

SO RESOLVED, this 18<sup>th</sup> day of MARCH, 1996.

CITY OF ALPHARETTA, GEORGIA

By: Charles E. Maitz  
Mayor

COUNCIL MEMBERS

OT R. L.  
Andrea B. Huse  
James W. Maloney  
J. J. Kurey  
Barbara H. Simmons

(SEAL)

Attest:

Sue Rasmussen  
Clerk