



CIVILITY PLEDGE

The way we govern ourselves is often as important as the positions we take. Our collective decisions will be better when differing views have had the opportunity to be fully vetted and considered. All people have the right to be treated with respect, courtesy and openness. We value all input. We commit to conduct ourselves at all times with civility and courtesy to each other.

Cliff Thomas,
Chairman
Jeanne Rast, Vice
Chairman
G. Leah Davis
Lucy Dolan
Miller Radford

Planning Commission Meeting

700 Doug Davis Drive
Hapeville, GA 30354

March 11, 2025 6:00 PM

AGENDA

1. Call to Order

2. Roll Call

Cliff Thomas, Chairman
Jeanne Rast, Vice Chairman
G. Leah Davis
Lucy Dolan
Miller Radford

3. Approval of Minutes

3.I. Minutes of February 11, 2025

Documents:

1. Minutes - 02-11-2025_draft

4. New Business

4.I. 3406 North Fulton Circle Final Plat Review

Background:

Steven Barr is requesting final subdivision plat review for the property located at 3406 North Fulton Circle, Parcel Identification Number 14 0095 0009 016 4. The property is zoned R-SF, Residential Single Family.

Documents:

1. Application - 3406 North Fulton Circle_Subdivision Plat_Redacted
2. Plans - 3410 North Fulton Ave._V3
3. Planner's Report N Fulton Ave March 2025 Revised
4. Barr Properties II - Notice to Purchaser, 3406 N. Fulton Circle

5. Next Meeting Date - April 8, 2025 at 6:00 PM

6. Adjourn

**Planning Commission Meeting
700 Doug Davis Drive
Hapeville, Georgia 30354**

February 11, 2025 6:00 PM

MINUTES

1. Called to Order at 6:04 PM.

2. Roll Call

Cliff Thomas, Chairman
Jeanne Rast, Vice Chairman
G. Leah Davis
Lucy Dolan - Teleconference
Miller Radford

3. Election of Officers

3.I. Election of Vice Chairman

MOTION ITEM: Cliff Thomas made a motion to elect Jeanne Rast as Vice Chairman. Leah Davis seconded the motion. MOTION CARRIED: 4-0.

3.II. Election of Chairman

MOTION ITEM: Jeanne Rast made a motion to elect Cliff Thomas as Chairman. Leah Davis seconded the motion. MOTION CARRIED: 4-0.

4. Approval of Minutes

4.I. Minutes of December 10, 2024

MOTION ITEM: Lucy Dolan made a motion to approve the minutes of December 10, 2024, as submitted. Miller Radford seconded the motion. MOTION CARRIED: 3-0.

5. Old Business

5.I. 3365 Northside Drive Site Plan Review

Background:

Paula Smith requested site plan approval to construct a single-story single-family dwelling with an attached garage at 3365 Northside Drive, Parcel Identification Number 14 0095 0010 022 9. The property is zoned R-O, One-Family Residential. *This item was originally approved on June 13, 2019.*

Findings:

The site plan application from Paula Smith included construction a single-story single-family dwelling with an attached garage. A previous version of this site plan was approved in 2019 by the Planning Commission and received an extension in 2021. The lot was cleared but no construction has taken place. The dwelling will have 2,498 SF of heated floor area and will include three bedrooms and two and a half bathrooms. A turnaround has been added to the driveway.

Recommendation:

Prior to approval, the Applicant must provide, and/or the site plan must be revised to reflect the following:

- The Applicant should provide the lot coverage of the expanded driveway.

With satisfactory resolution of this item and any others the Planning Commission may deem necessary, approval of the site plan is recommended.

MOTION ITEM: Miller Radford made a motion to approve the site plan at 3365 Northside Drive provided the applicant provide the lot coverage of the expanded driveway. Jeanne Rast seconded the motion. MOTION CARRIED: 4-0.

6. New Business

6.I. 3264 Springhaven Drive

Final Plat Review (Units 15-23)

Background:

Alex Popham representing Stillwood Development LLC requested final plat review for the property located at 3264 Springhaven Drive, Units 15-23, Parcel Identification Number 14-0098-0009-048-4. The properties are zoned P-D, Planned Development.

Findings:

The Development consists of 9 homes (units 15-23). The total parcel is 4.17 acres with individual lots to be sold as fee simple. The remainder of the area will be owned and maintained by the developer until the HOA is established.

Recommendation:

Any deficiencies identified in the Engineer's Report must be addressed. Once the deficiencies are addressed, the plat is compliant for Phase III and may be approved by the Planning Commission.

MOTION ITEM: Jeanne Rast made a motion to approve the final plat for 3264 Springhaven Drive, Phase III, Units 15-23 subject to the deficiencies outlined in the Engineer's report. Miller Radford seconded the motion. MOTION CARRIED: 4-0.

6.II. 3608-3622 Georgia Avenue, 3619 – 3637 Union Avenue (Pod D) Final Plat Review

Background:

Dan Gibbs of Atwell, LLC and representative of Sharonda Rahming of D.R. Horton, LLC requested final plat review for the properties located at 3608 Georgia Avenue, 3614 Georgia Avenue, 0 Georgia Avenue, 3619 Union Avenue, 3627 Union Avenue, 3637 and Union Avenue, Parcel Identification Numbers 14 0097000 80023, 14 0097000 80031, 14 0097000 80049, 14 0097000 80098, 14 0097000 80106, 14 0097000 80114 for the purpose of constructing townhomes. The properties are zoned RMU, Residential Mixed Use.

Recommendation:

Upon completion of the deficiencies outlined in this Planner's Report and from the City Engineer's Report, the Planning Commission may approve the final plat.

MOTION ITEM: Jeanne Rast made a motion to approve the final plat for 3608-3622 Georgia Avenue and 3619-3637 Union Avenue (Pod D) subject to the deficiencies outlined in the Staff reports. MOTION CARRIED: 4-0.

6.III. 608 Chestnut Street, 3644-3662 Georgia Avenue (Pod E) Final Plat Review

Background:

Dan Gibbs of Atwell, LLC and representative for Sharonda Rahming of D.R. Horton, LLC requested final plat review for the properties located at 3644 Georgia Avenue, 3646 Georgia Avenue, 3650 Georgia Avenue, 3654 Georgia Avenue, 3658 Georgia Avenue, 3662 Georgia Avenue and 608 Chestnut Street, Parcel Identification Numbers 14-0097-0008-012-2, 14-0097-0008-023-9, 14-0097-0008-022-1, 14-0097-0008-021-3, 14-0097-0008-020-5, 14-0097-0008-019-7 and 14-0097-0008-013-0 for the purpose of constructing townhomes. The properties are zoned RMU, Residential Mixed Use.

Recommendation:

Upon completion of the deficiencies outlined in this Planner's Report and from the City Engineer's Report, the Planning Commission may approve the final plat.

MOTION ITEM: Leah Davis made a motion to approve the final plat for 608 Chestnut Street, 3644-3662 Georgia Avenue subject to the deficiencies outlined in the Staff reports. MOTION CARRIED: 4-0.

7. Next Meeting Date: April 8, 2025 at 6:00 PM.

8. Adjourn

MOTION ITEM: Jeanne Rast made a motion to adjourn the meeting at 6:22 p.m. The motion was seconded by Leah Davis. MOTION CARRIED: 4-0.

Respectfully submitted by,

Cliff Thomas, Chairman

Adrienne Senter, Secretary

DRAFT

25-PC-01-01

**CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
SUBDIVISION APPLICATION**

Name of Applicant Steven Barr
Mailing Address 145 Roswell Farms Drive, Roswell, GA 30075
Telephone _____ Mobile [REDACTED]
Email [REDACTED]
Property Owner (s) Barr Properties II, LLC
Mailing Address 145 Roswell Farms Drive, Roswell, GA 30075
Telephone _____ Mobile [REDACTED]
Address/Location of Property:
3406 North Fulton Circle, Hapeville, GA 30354
Present Zoning Classification: R-SF
Present Land Use: Residential Single Family
Parcel ID #: 14 009500090164

I hereby make application to the City of Hapeville, Georgia for the above referenced property. I hereby affirm that the information provided here and above is true, complete and accurate, and I understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application. I understand that the City of Hapeville, Georgia, reserves the right to enforce any and all ordinances regardless of any action or approval on this application. I further understand that it is my/our responsibility to fully comply with all City of Hapeville Codes and Ordinances. I hereby acknowledge that all requirements of the City of Hapeville shall be met. I am able to read and write in English or this document has been read and explained to me and I have fully and voluntarily completed this application. I also understand that false statements or writings made to the City of Hapeville, Georgia are deemed a felony pursuant to O.C.G.A. 16-10-20 and I/we may be prosecuted for a violation thereof.

[Signature]
Applicant's signature

Date: 1/7/25

Sworn to and subscribed before me

This 7 day of January, 2025.

[Signature]
Notary Public



**CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
SUBDIVISION APPLICATION**

WRITTEN SUMMARY

Provide a detailed summary of the proposed project in the space provided below:

3406 North Fulton Circle (informally known as "3406 Randell Brown Avenue") was previously owned by Randell Brown. This lot shares a parcel with 2 other residences. Randell Brown attempted to subdivide into individual parcels and was rejected by the Planning Commission. Randell Brown then knowingly and Improperly filed the plat with Fulton County. Fulton County accepted and approved this plat, which he then fraudulently sold to us as a subdivided parcel. The City of Hapeville issued permits to us for renovation of the property allowing us to pour signification time and money into restoring this home from its dilapidated state. The City inspected our work and approved all work. After we completed a full renovation, the City then realized that they should not have issued permits due to the subdivision issue, and is now withholding our CO until the property is formally subdivided. Upon discovery of this issue, the City stated they would provide a letter to all homeowners in the subdivision on steps forward to resolve. This letter is dated February 23rd 2024. I did not receive the letter until my attorney was able to locate it on August 2nd 2024. Many of the homes are currently for sale. However, Barr Properties II, LLC has chosen not to circumvent the city by listing the property for sale with all of its current issues. In making this decision, the responsibility of correcting Mr. Brown's mistake has been placed upon us. We have taken it upon ourselves to pave a path forward for a resolution to the issue Mr. Brown created and allow the other homeowners affected to also move forward.

Barr Properties II, LLC has engaged an attorney, as well as efforted to comply with as many requirements of the City as possible to work towards a solution. We have made a 'good faith' effort towards solving this issue at hand and are requesting subvision of Lot 3, parcel 14 009500090164 so that we may obtain a CO and provide housing for the City of Hapeville

In addition to the request for a CO, we will be requesting a variance for the reduction of street frontage to less than 40' feet.

Thank you for your consideration in this matter.

**CITY OF HAPEVILLE
ECONOMIC DEVELOPMENT DEPARTMENT
SUBDIVISION APPLICATION**

AUTHORIZATION OF PROPERTY OWNER

I CERTIFY THAT I AM THE OWNER OF THE PROPERTY LOCATED AT:

3406 North Fulton Circle, Hapeville, GA 30354

City of Hapeville, County of Fulton, State of Georgia

WHICH IS THE SUBJECT MATTER OF THIS APPLICATION. I AUTHORIZE THE APPLICANT NAMED BELOW TO ACT AS THE APPLICANT IN THE PURSUIT OF THIS APPLICATION FOR PLANNING COMMISSION REVIEW.

Name of Applicant:

Steven Barr

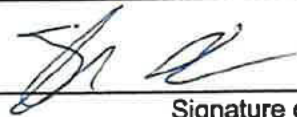
Address of Applicant:

145 Roswell Farms Drive

Roswell, GA 30075

Telephone of Applicant:

██████

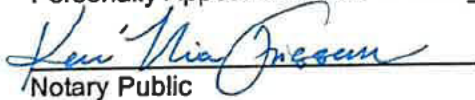


Signature of Owner

Steven Barr

Print Name of Owner

Personally Appeared Before Me this 7 day of January, 2025.


Notary Public



A Preliminary Plat is a document used to determine the practical ability to subdivide a particular property within the City of Hapeville. Information relating to environmental condition, zoning, development impact, consistency with the Hapeville Comprehensive Plan and relevant town master plans will be considered in the decision process. Submittal of the plat does not guarantee the approval of a Final Plat, a legal document, once recorded with the County, finalizes the subdivision of the land. To be considered, a Preliminary Plat must contain the following information:

SB

The proposed subdivision name and location, the name and address of the owner or owners, and the name of the designer of the plat who shall be a state-registered engineer or surveyor.

SB

Date, approximate north point and graphic scale.

SB

The location of existing and platted property lines, streets, buildings, watercourses, railroads, sewers, bridges, culverts, drain pipes, water mains and any public utility easements, the present zoning classification, if any, both on the land to be subdivided and on the adjoining land; and the names of adjoining property owners or subdivisions.

SB

Plans of proposed underground utility layouts (including sewers, water and electricity) showing feasible connections to the existing or any proposed utility systems.

SB

The names, locations, widths and other dimensions of proposed streets, alleys, easements, parks and other open spaces, reservations, lot lines and utilities.

SB

Contours at vertical intervals of not more than five feet when specifically not required by the planning commission.

SB

The acreage of the land to be subdivided.

SB

Location sketch map or city map showing relationship of subdivision site to area.

Please initial each item on the list above certifying that all required information has been included on the preliminary plat. Sign and submit this form with your Preliminary Plat application. Failure to include this form and information required herein may result in additional delays for the consideration of your application.

Applicant Signature: _____

Date _____

Final Plat Checklist

A Final Plat is a legal document, once approved and signed by the Hapeville Planning Commission, can be recorded with Fulton County Superior Court. Only a final plat legally subdivides a parcel. Filing with the County will establish the new deed for the property and assign tax parcel identification information. To be considered, a Final Plat must contain the following information:

SB The lines of all streets and roads, alley lines, lot lines, building setback lines, lots numbered in numerical order, house numbers, reservations, easements and any areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and any limitations.

SB Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line and building line, whether curved or straight, and including true north point. This shall include the radius, central angle and tangent distance for the centerline of curved streets and curved property lines that are not the boundary of curved streets.

SB All dimensions to the nearest 100th of a foot and angles to the nearest minutes.

SB Location and description of monuments.

SB The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining unsubdivided property.

SB Date, title, name and location of subdivision, graphic scale and true north point.

Please initial each item on the list above certifying that all required information has been included on the plat. Sign and submit this form with your Final Plat application. Failure to include this form and information required herein may result in additional delays for the consideration of your application.

Supplemental Documents for Final Plat:

- Certification showing that the applicant is the landowner or legally authorized representative and dedicates streets, rights-of-way and any sites for public use.
- Certification by surveyor or engineer to accuracy of survey and plat and placement of monuments.
- Certification by the City Engineer that the subdivider has complied with one of the following alternatives:
 1. All improvements have been installed in accord with the requirements of the regulations; or
 2. A security bond has been posted in sufficient amount to ensure the completion of all required improvements.
- Certification of approval to be signed by the secretary of the Planning Commission following the approval of the final plat.

Once a Final Plat has been approved and signed by the Chair of the Hapeville Planning Commission, the applicant may pick up copies of the plat for filing with Fulton County Superior Court at 136 Pryor Street, Atlanta, GA 30303. Once filed and stamped by the recorder's office, a copy should be returned to the Hapeville Department of Economic Development to be held on file.

Applicant Signature: _____

Date: _____

THIS BLOCK RESERVED FOR THE
CLERK OF THE SUPERIOR COURT.

ZONED: R-SF

OWNER/DEVELOPER 24 HR CONTACT:

OWNER/DEVELOPER: BARR PROPERTIES II, LLC
CONTACT: STEVEN BARR
PHONE: 205-937-9875
EMAIL: steven@barr-properties.com
ADDRESS: 145 ROSWELL FARMS DRIVE
ROSWELL, GA 30075

FLOOD ZONE NOTE:

A PORTION OF THIS PROPERTY SHOWN HEREON DOES NOT
LIE IN A DESIGNATED FLOOD HAZARD AREA ACCORDING
TO THE F.I.R.M. NO 13121C0366 F AND NO. 13121C0367 F,
DATED SEPTEMBER 18, 2013.

- LEGEND**
- CTF CRIMP TOP FOUND
OTP OPEN TOP PIPE
CMF CONCRETE MONUMENT FOUND
IPS IRON PIN SET
RBF REBAR FOUND
- FIRE HYDRANT
 UTILITY POLE
 WATER METER
 UTILITY POLE
 GAS METER
- RW — RIGHT OF WAY
- STORM WATER JUNCTION BOX
 SANITARY SEWER MANHOLE
- PINE TREE
 HARDWOOD TREE
 CRAPE MYRTLE

THE REGISTERED LAND SURVEYOR FURTHER CERTIFIES THAT THIS MAP, PLAT
OR PLAN COMPLIES WITH THE MINIMUM STANDARDS AND SPECIFICATIONS OF
THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND
LAND SURVEYORS AND THE GEORGIA SUPERIOR COURT CLERK'S COOPERATIVE
AUTHORITY.

David L. Garrison



SUBDIVISION SURVEY FOR:

Dawit Makonnen — Lot 1
Jorge Luis Gomez Echeverria — Lot 2
Barr Properties II, LLC — Lot 3
RANDELL BROWN SUBDIVISION
CITY OF HAPEVILLE
DISTRICT 14, LAND LOT 95
FULTON COUNTY, GEORGIA
DATE : FEBRUARY 17, 2025
JOB NO. : 3410 NORTH FULTON AVE
FILE NO : 3410 NORTH FULTON AVE FULL SHEET 2

NOTES:

- ALL IRON PINS SET ARE 1/2" REBAR UNLESS OTHERWISE STATED.
THE OWNER WILL BE RESPONSIBLE FOR REPLACING THE REBAR
WITH A CONCRETE MONUMENT WHEREVER THE CITY OF HAPEVILLE
REQUIRES IT.
- THE FIELD DATA UPON WHICH THIS PLAT IS BASED
WAS AN OPEN TRAVERSE AND HAD NO ADJUSTMENT.
- BEARING BASIS TAKEN FROM A GPS OBSERVATION USING THE LEICA SMARTNET NETWORK.
- THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS
FOUND TO BE ACCURATE WITHIN ONE FOOT IN 96,851 FEET.
- EQUIPMENT USED IN THIS SURVEY WAS A SOKKIA IX AUTO TRACKING ROBOTIC
TOTAL STATION, A CHAMPION GPS i80 AND A CHAMPION HC-3 DATA COLLECTOR.
- FIELD WORK COMPLETED ON APRIL 23, 2021.
- SETBACK SHOWN ARE FROM COUNTY RECORDS.
DAVID GARRISON LAND SURVEYING IS NOT LIABLE FOR DISCREPENCIES.
- REFERENCED PROPERTY IS THE SAME AS THAT CERTAIN TRACT OF LAND
RECORDED IN DEED BOOK 62888, PAGE 425, FULTON COUNTY, GEORGIA RECORDS.
- WATER METERS AND LINES SHOWN ARE EXISTING UTILITIES.
- SANITARY SEWER SYSTEM SHOWN ARE EXISTING UTILITIES.
- CONTOURS SHOWN ARE TAKEN FROM COUNTY RECORDS AND DOES NOT CONSTITUTE
AS A TOPOGRAPHY SURVEY BY DAVID GARRISON LAND SURVEYING.
- SIDEWALKS SHOULD BE A MINIMUM WIDTH OF 5' AND 4" THICK CONCRETE.
- HANICAP CROSSING SHOULD INCLUDE ADA RAMPS PER US DOT AND DEPARTMENT
OF JUSTICE STANDARDS.
- NO PARKING WILL BE ALLOWED ALONG THE STREET IN PORTIONS LESS THAN 30' WIDE.
- WHEN LOTS OR DWELLINGS ARE IMPROVED, GRAVEL DRIVEWAYS MUST BE REPLACED.
- NO GRADING/DIRT WORK ARE NEEDED.
- NO EXISTING TREES WILL BE REMOVED.

Owner's Acknowledgement and Dedication:

(STATE OF GEORGIA)
(FULTON COUNTY)

The owner of the land shown on this plat and whose name is
subscribed thereto, and in person or through a duly authorized
agent, acknowledges that this plat was made from an actual survey,
and dedicates by this Declaration to the use of the public forever all
streets, easements, sanitary sewers and appurtenances, potable water mains
and appurtenances, storm drains and appurtenances, and other public
facilities and appurtenances thereon shown.

Signature of Subdivider Date Signed
Printed or Typed Name of Subdivider
Signature of Owner Date Signed
Printed or Typed Name of Owner

Final Surveyor's Certificate:

It is hereby certified that this plat is true and correct as to the property
lines and all improvements shown thereon, and was prepared from an actual
survey of the property made by me or under my supervision; that all
monuments and markers shown thereon actually exist, and their location, size,
type and material are correctly shown. The field data upon which this plat is
based G.P.S. position location. This plat has been calculated for closure and is
found to be accurate within one foot in 44,990 feet and the property shown
contains a total of 1.35 acres. The equipment used to obtain the linear and
angular measurements herein was (SEE NOTE 5).

By: David L. Garrison Date 2/17/2025
Registered Georgia Land Surveyor No.2756 Date of Expiration 12/31/25

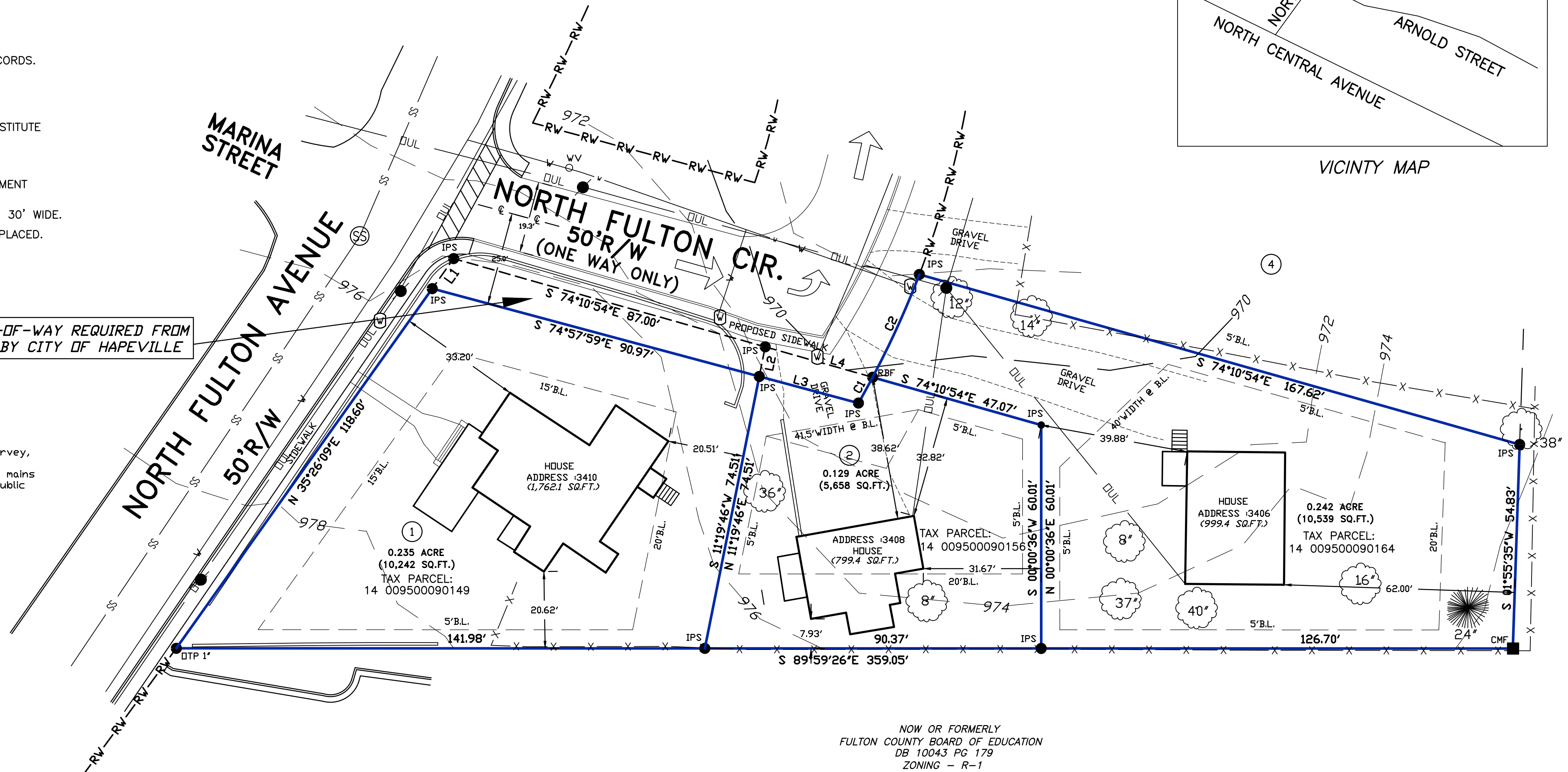
Final Plat Approval:

This subdivision plat has been reviewed by the Planning Commission and the City
Engineer and found to be in compliance with Zoning Ordinance, Conditions
of Zoning Approval, City of Hapeville Development Regulations and
Subdivision Regulations, as amended, and that it has been approved
by all other affected City and County Departments, as appropriate. The
Mayor and City Council hereby approve this Final Plat, subject to the
provisions and requirements of the City's regulations and the
provisions and requirements of the Development Performance and
Maintenance Agreement executed for this development between the
Owner and the City of Hapeville.

City Clerk - On Behalf of Mayor and Council Date
Chairman, Planning Commission Date
City Engineer Date

TOTAL AREA = 0.630 ACRE
(27,441 SQ.FT.)
TOTAL AREA MINUS RIGHT-OF-WAY AREAS = 0.607 ACRE
(26,440 SQ.FT.)

LOT 1 RIGHT-OF-WAY AREA = 0.018 ACRES
(774 SQ.FT.)
LOT 2 RIGHT-OF-WAY AREA = 0.005 ACRES
(227 SQ.FT.)



NOW OR FORMERLY
FULTON COUNTY BOARD OF EDUCATION
DB 10043 PG 179
ZONING - R-1

NUMBERED CURVE CALLS

Curve	Radius	Length	Chord	Chord Bear.
C1	250.00'	7.91'	7.91'	N 28°49'33" E
C2	250.00'	30.36'	30.34'	N 24°25'39" E

NUMBERED CALLS

Course	Bearing	Distance
L1	N 35°26'09" E	9.91'
L2	S 11°19'47" W	8.11'
L3	S 74°57'59" E	27.59'
L4	S 74°10'54" E	30.00'

20 0 20 40 60
GRAPHIC SCALE - FEET
1" = 20'

DAVID L. GARRISON
LAND SURVEYING
969 HALE ROAD
MAYSVILLE, GEORGIA 30558
PH.(770)560-8031 EMAIL:DGARRISON1@AOL.COM

THIS PLAT IS A REVISION/UPDATE PER THE CITY OF HAPEVILLE FOR THE SURVEY RECORDED IN PLAT BOOK 440, PAGES 123-127
THIS PLAT IS A REVISION/UPDATE PER THE CITY OF HAPEVILLE FOR THE SURVEY RECORDED IN PLAT BOOK 442, PAGE 71



PLANNER'S REPORT

DATE: March 3, 2025
TO: Adrienne Senter
FROM: Lynn Patterson
RE: North Fulton Circle Subdivision, Parcel 14 00950090123

BACKGROUND

The City of Hapeville received a subdivision application from Barr Properties to subdivide Parcel ID 14 00950090123 into 3 parcels, three parcels (.235 acres, .135 acres, .242 acres) within the R-SF, Single Family Residential zoning district.

Parcel ID 14 00950090123		
Lot 1 3410 N Fulton Ave	.23 acres 10,242 SF	118.60'
Lot 2 3408 N Fulton Ave	.129 acres 5,658 SF	35.50'
Lot 3 3406 N Fulton Ave	.242 acres 10,539 SF	30.36'

This parcel was part of a previous subdivision plat application that involved seven lots submitted by Randell Brown on behalf of Stream Funding Group, LLC to the City in 2021. **The Planning Commission directed Mr. Brown to address the Planner's report comments, including requirements from the City Engineer and the Community Services Department to have the subdivision application and proposed plat approved by the City. Mr. Brown never returned to the Planning Commission with a revised plan addressing the outstanding issues so that plat, which purported to create a subdivision that included the above-referenced parcel, was never approved by the Planning Commission.** Mr. Brown submitted the **unapproved and unsigned plat** to Fulton County. The County recorded it in error. The City notified the County of the error and the County is in the process of rescinding the plat submitted by Mr. Brown. Meanwhile, Mr. Brown proceeded with the sale of the unapproved lots. As there is no city-approved subdivision plat, the City does not recognize the individual parcels from the plat submitted to the County. The City was made aware of the issue in August 2023, when Mr. Dawit Makonnen contacted the City. The City informed all purchasers of the unapproved subdivision plat of the current status of the parcels and the remedy requirements such that each improvement may be deemed as a separate parcel and approved subdivision (see attached). These requirements included:

A new preliminary subdivision plat application must be filed with the City for review by the City's Planning Commission. The subdivision plat must address the following:

- After review of the official property records for North Fulton Circle, informally known as Randell Brown Avenue ("Street"), it appears that the Street is a public street. The name of the Street shall be shown as North Fulton Circle.
- All utilities on private property require a permanent easement shown on the subdivision plat. Water meters currently located in the driveways may remain, however, any damage to water

meters in the driveway will be the responsibility of the property owner. As such, the property owner may elect to relocate the water meter at his/her cost. The City may elect in the future to relocate the water meters and at that time a permanent easement for the new location will be required.

- c. The Street will become one-way heading North, this will need to be reflected on your proposed subdivision plat submitted to the Planning Commission for approval. The City will provide one-way street signage.
- d. Per Code, Right of Way (ROW) must be 50' along all sections of street. This additional required ROW must be dedicated from adjacent property owners.
- e. Please note that no parking will be allowed along the Street in portions that are less than 30' wide. The City will provide no parking signage.
- f. When lots or dwellings are improved, gravel driveways must be replaced.
- g. An easement is required for the utilities that cross properties identified as Lot 7 on the unapproved plat filed with Fulton County.
- h. Sidewalks are required on the Street where properties have dwellings and must be shown on the proposed subdivision plat.
- i. Utility lines (water and sewer) for the subdivision must be shown on the proposed subdivision plat.
- j. Parcels in R-SF zoning districts must have a minimum of 40' of street frontage. Lots 2 and 3 as depicted on the unapproved plat filed with Fulton County would have 30' frontages given the configuration of the property and streets. A variance would be required during the subdivision process and is recommended by Staff.
- k. Lots 4, 5, and 6 as depicted on the unapproved plat filed with Fulton County have existing structures in the front setback and Lot 2 of the unapproved plat has an existing structure in the rear setback. A variance would be required to allow for the existing encroachments in the setback to allow for future expansion of the single-family dwellings and is recommended by Staff. Any nonapproved encroaching improvements would not be included in a supported variance request.
- l. Concrete monuments or similar property designations as required by Code are missing on the unapproved plat. All concrete monuments and survey starting points of beginnings must be noted on the proposed subdivision plat.
- m. The Surveyor's Certificate and Owner's Acknowledgement and Dedication are missing from the unapproved plat. The proposed subdivision plat must include this required information.
- n. The Erosion Control certification missing. The City must receive an Erosion Control Certification prior to subdivision approval.
- o. Minimum floor area must be shown on plat. Please submit a proposed subdivision plat that includes the minimum floor areas of each residential dwelling.

- p. There is a discrepancy between the legal description for the property as described in the property deeds and official records submitted to the City and the unapproved plat filed with Fulton County. All legal descriptions should be reconciled such that they are identical in City property records and land records referenced in the proposed subdivision plat.
- q. All infrastructure installations must meet City standards.
- r. Street trees are required as a part of the development of each lot. The site plans for each lot must include a street tree and tree conservation plan in accordance with City ordinance requirements. Please indicate this on the plat.

Variance Application and Approval Required from the City Board of Appeals. As mentioned above, a variance application must be submitted to the Board of Appeals after review from the Planning Commission for the following properties such that your proposed subdivision may comply with City requirements. These are required and supported by City Staff:

- a. A reduction in the street frontage for Lots 2 and 3, as depicted on the unapproved plat filed with Fulton County, to less than 40' as required. This will allow for lots that have 30' of street frontage.
- b. A reduction in the front setbacks for Lots 4, 5, and 6 and rear setback for Lot 2, as depicted on the unapproved plat filed with Fulton County. At the time of application, the Applicant must provide measurements for all setbacks and actual encroachments.

The applicant, Barr Properties, wishes to subdivide three of the lots in the above referenced parcel and seeks approval of a subdivision plat that only includes the three lots referenced above. Not all of the above conditions, communicated to the original applicant, apply to this proposed subdivision; however, those that do apply should be addressed. This nonconforming parcel has three single-family dwellings located on one parcel. The City has been working with Mr. Barr (applicant) who is one of three purchasers of this parcel to remedy the situation and properly submit an application to subdivide the lot.

In order to approve the subdivision plat, the City must have the signatures from all three property owners. Any subdivision standards the plat does not meet can be waived by the Planning Commission at their discretion. The Board of Appeals must approve any zoning regulation variances. The City has only two of the three required signatures for the subdivision plat application and has not yet received a completed variance application from Mr. Barr and signatures from the other two purchasers.

CODE REQUIREMENTS

Sec. 90-1-1. - Purpose, authority and jurisdiction.

(g) Short-cut procedure. Subdivisions that do not involve the creation of new streets or installation or dedication of infrastructure may be submitted as final plats without the necessity of preliminary plat approval.

(h) Variances. Where the subdivider can show that a provision of these standards would cause unnecessary hardship if strictly adhered to, and where, because of topographical or other conditions peculiar to the site, in the opinion of the planning commission, a departure may be made without destroying the intent of these provisions, the planning commission may authorize a variance. Any variance thus authorized is to be stated in writing in the minutes of the planning commission with the reasoning

on which the departure was justified set forth.

Sec. 90-1-2. - Procedure for plat approval.

(f) Final plat.

- (4) Approval of the final plat by the planning commission shall not constitute acceptance by the city of dedication of any streets, easements or other public way, ground or improvements.

The final plat shall show:

- a. The lines of all streets, roads, and allies, lot lines, building setback lines, lots numbered in numerical order, house numbers, reservations, easements and any areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and any limitations.

Compliant

- b. Sufficient data to readily determine and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line and building line, whether curved or straight, and including the true north point. This shall include the radius, central angle and tangent distance for the centerline of curved streets and curved property lines that are not the boundary of curved streets.

Compliant

- c. All dimensions to the nearest 100th of a foot and angles to the nearest minute.

Compliant

- d. Location and description of monuments.

Monuments not shown

- e. The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining property.

Missing information on parcels to the east and to the north.

- f. Date, title, name and location of subdivision, graphic scale and true north point.

Compliant

- g. Location map showing site in relation to area.

Compliant

- h. Certification showing that the applicant is the landowner or legally authorized representative and dedicates streets, rights-of-way, improvements and any sites for public use.

Compliant

Short-cut procedure. Subdivisions that do not involve the creation of new streets or installation or dedication of infrastructure may be submitted as final plats without the necessity of preliminary plat

approval.

Sec. 90-1-3. - General requirements and minimum standards of design.

(a) Streets.

- (1) Conformity to the major street plan. The location and width of all streets and roads shall conform to the official major street plan.

- ***No changes proposed.***

- (2) Relation to adjoining street systems. The proposed street system shall extend existing streets or projects at the same or greater width, but in no case less than the required minimum width.

- ***No changes proposed.***

- (3) Street widths. The minimum width of right-of-way, measured from lot line to lot line, shall be as shown on the major street plan, or if not shown on that plan, shall be not less than as follows:

- a. For major streets, 70 feet as may be required. Major streets are those regional roads to be used primarily for fast or heavy traffic and will be located on the major street plan.
- b. For arterial streets, 60 feet. Arterial streets are those which carry traffic from minor streets to the major streets and include the principal streets utilized for local circulation.
- c. For minor and collector residential streets, 50 feet. Minor streets are those which are used primarily for access to the abutting residential properties and designed to discourage their use by through traffic. Collector residential streets are those which carry traffic from residential streets to arterial streets.
- d. For dead-end streets (culs-de-sac), 50 feet. Cul-de-sac are permanent dead-end streets or courts designed so that they cannot be extended in the future. "Hammerhead" turnarounds are also permitted on dead-end streets accessing low density neighborhoods.
- e. For alleys, ten feet to 16 feet. Alleys are minor public ways used primarily for service access to the back or side of properties otherwise abutting on a street. In cases where topography or other typical physical conditions make a street of the required minimum width impracticable, the planning commission may modify the above requirements. Through proposed business areas the street widths shall be increased ten feet on each side if needed to provide parking without interference of normal passing traffic.

- (4) Additional width on existing streets. Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the above minimum street width requirements.

- a. The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing street.
- b. When the subdivision is located on only one side of an existing street, one-half of the required right-of-way, measured from the centerline of the existing roadway, shall be provided.

- ***The minimum right of way is 50' on North Fulton Circle. The plat shows 25' from the center line of North Fulton Circle providing the required right of way for this proposed subdivided parcel.***

- (5) Restriction of access. When a tract fronts on an arterial street or highway, the planning commission may require those lots to be provided with frontage on an access street.
- **Not applicable.**
- (6) Street grades. Grades on major streets shall not exceed seven percent. Grades on other streets may exceed seven percent but not ten percent.
- **Not applicable.**
- (7) Horizontal curves. Where a deflection angle of more than ten degrees in the alignment of a street occurs, a curve of reasonably long radius shall be introduced. On streets 60 feet or more in width, the centerline radius of curvature shall be not less than 300 feet; on other streets not less than 100 feet.
- **Not applicable.**
- (8) Vertical curves. All changes in grade shall be connected by vertical curves of minimum length in feet equal to 15 times the algebraic difference in rates of grade for major streets and one-half this minimum length for other streets. Profiles of all streets showing natural and finished grades drawn to a scale of not less than one-inch equals 100 feet horizontal, and one-inch equals 20 feet vertical, may be required by the planning commission.
- **Not applicable.**
- (9) Intersections.
 - a. Street intersections shall be as nearly at right angles as is possible, and no intersection shall be at an angle of less than 60 degrees.
- **Not applicable.**
- b. Property line radii at street intersections shall not be less than 20 feet and where the angle of street intersection is less than 75 degrees, the planning commission may require a greater curb radius. Wherever necessary to permit the construction of a curb having a desirable radius without curtailing the sidewalk at a street corner to less than normal width, the property line at such street corner shall be rounded or otherwise set back sufficiently to permit such construction.
- **Not applicable.**
- (10) Tangents. A tangent of at least 100 feet long shall be introduced between reverse curves on arterial and collector streets.
- **Not applicable.**
- (11) Street jogs. Street jogs with centerline offsets of less than 125 feet shall be prohibited.
- **Not applicable.**
- (12) Dead-end streets.
 - a. Minor terminal streets or courts designed to have one end permanently closed shall be no more than 400 feet long unless necessitated by topography. They

shall be provided at the closed end with a turnaround having an outside roadway diameter of at least 80 feet and a street right-of-way diameter of at least 100 feet. "Hammerhead" turnarounds are also permitted on dead-end streets accessing low density neighborhoods.

- b. Where, in the opinion of the planning commission, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary of the property. These dead-end streets shall be provided with a temporary turnaround having a roadway diameter of at least 80 feet.

- ***Not applicable.***

- (13) Private streets and reserve strips. There shall be no private streets platted in any subdivision. Every subdivided property shall be served from a publicly dedicated street. There shall be no reserve strips controlling access to streets, except where the control of such strips is definitely placed with the community under conditions approved by the planning commission.

- ***Not applicable.***

- (14) Street names. Proposed streets in obvious alignment with others already existing and named shall bear the names of existing streets. In no case shall the name for proposed streets duplicate existing street names, irrespective of the use of the suffix street, avenue, boulevard, driveway, place or court.

- ***The street name is North Fulton Circle.***

- (15) Alleys. Alleys shall be provided to the rear of lots used for business purposes and shall not be provided in residential blocks except where the subdivider produces evidence satisfactory to the planning commission of the need for alleys.

- ***Not applicable.***

- (b) Blocks.

- (1) Length. Blocks shall not be less than 400 feet or more than 1,200 feet in length, except as the planning commission considers necessary to secure efficient use of land or desired features of street pattern. In blocks over 800 feet in length, the planning commission may require one or more public cross walks of not less than ten feet in width to extend entirely across the block and at locations deemed necessary.

- ***Not applicable.***

- (2) Width. Blocks shall be wide enough to allow two tiers of lots of minimum depth, except where fronting on major streets or prevented by topographical conditions or size of the property, in which case the planning commission will approve a single tier of lots of minimum depth.

- ***Not applicable.***

- (c) Lots.

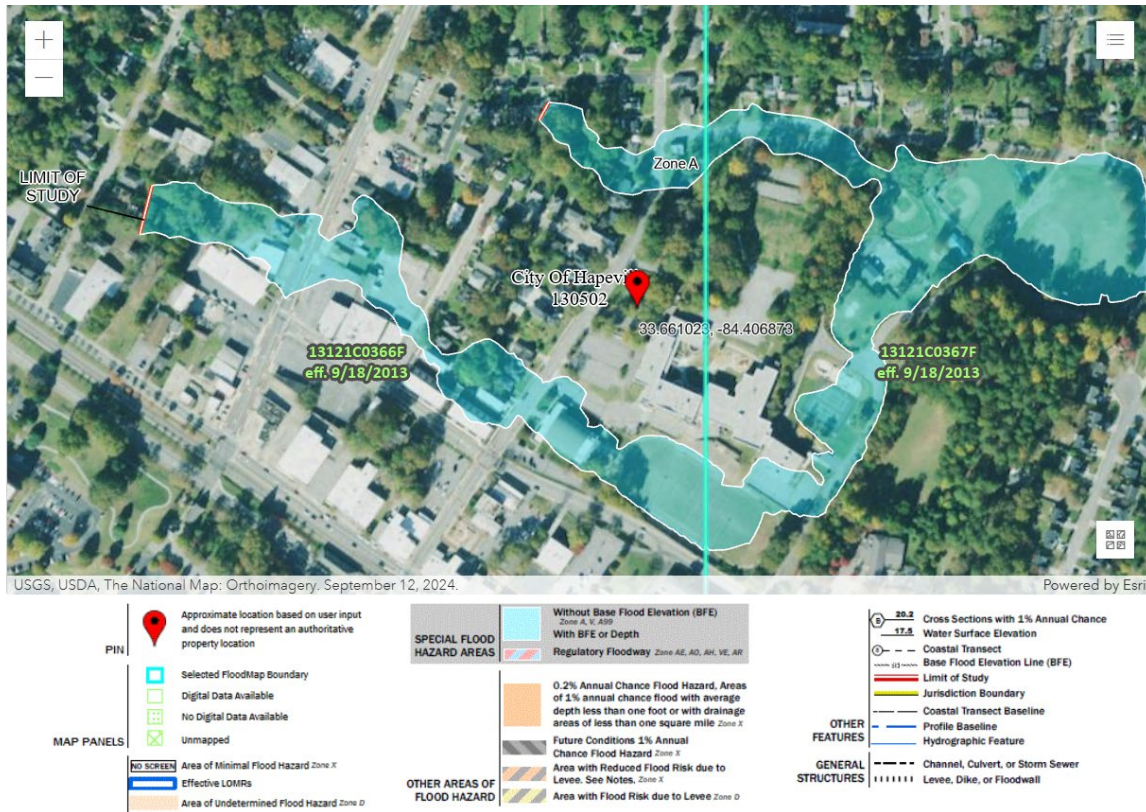
- (1) Arrangement. Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Each lot shall have frontage on a public street.

- ***Each lot has street frontage.***

- (2) Minimum size. The size, shape and orientation of lots shall be such as the planning commission deems appropriate for the type of development and use contemplated. Remnant lots, that is, parcels of land that would not comply with the minimum lot area or width following subdividing shall be prohibited. Such remnant parcels shall be added to adjacent lots rather than be platted as unusable parcels.
 - a. The size and widths of lots shall in no case be less than the minimum requirements of the zoning ordinance. No lot shall have a width greater than six times the lot depth at the building setback line without specific approval by the planning commission.
- ***Parcels in R-SF must have a minimum of 40' of street frontage. The minimum lot frontage as required by zoning is not met for two of the parcels and requires a variance by the Board of Appeals.***
- ***Parcels in R-SF must be a minimum of 4,000 sf. All lots are compliant.***
 - b. Size of properties reserved or laid out for commercial or industrial properties shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated. Platting of individual lots should be avoided in favor of an overall design of the land to be used for such purposes.
- ***Not applicable.***
- (3) Minimum depth. The minimum depth of building setback lines from the right-of-way shall not be less than 30 feet and in the case of corner lots 15 feet from the side street right-of-way unless a lower standard is allowed by an existing zoning ordinance.
 - (4) Corner lot dimension. Corner lots shall be sufficiently wider and larger to permit the additional side yard requirements of the zoning ordinance or building setback lines outlined above.
- ***The proposed lot is larger than the adjacent lot. Compliant.***
- (5) Lots on a curved street or cul-de-sac. All such lots shall comply with the minimum lot frontage at the building setback line. No lot shall have a lot width less than 35 feet at the street right-of-way.
- ***The lot widths are not compliant at the street right of way for two of the parcels (3408 North Fulton Circle and 3406 North Fulton Circle).***
- (6) Lots in more than one municipality. No new lot created subsequent to the effective date of this chapter shall be divided by a city boundary line.
- ***Not applicable.***
- (7) Double frontage lots. No lot, other than a corner lot, shall have frontage on more than one street unless a reserve strip that would prohibit vehicle access is created.
- ***Not applicable***
- (d) Public use and service areas. Due consideration shall be given to the allocation of areas suitably located and of adequate size for playgrounds and parks for local or neighborhood use as well

as public service areas. Plats indicating dedication of park and playground areas to the city shall be approved conditionally subject to the written acceptance of the land by mayor and council.

- (1) Public open spaces. Where a school, neighborhood park or recreation area or public access to water frontage, shown on an official map or in a plan made and adopted by the planning commission, is located in whole or in part in the applicant's subdivision, the planning commission may require the dedication or reservation of such open space within the subdivision up to a total of ten percent of the gross area or water frontage of the lot, for park, school or recreation purposes.
- ***Not applicable.***
- (2) Easements for utilities. Except where alleys are permitted for the purpose, the planning commission may require easements, not less than ten feet in width, for wires, conduits, storm and sanitary sewers, gas, water and heat mains or other utility lines, along all rear lot lines, alongside lot lines if necessary, or if, in the opinion of the planning commission, advisable. Easements of the same or greater width may be required along the lines of or across lots, where necessary for the extension of existing or planned utilities. Easements greater than ten feet in width may be required where additional utilities, utilities larger in size or utilities greater than five feet in depth below grade are proposed in the easement.
- ***No utility easements are required for this parcel.***
- (3) Community assets. In all subdivisions, due regard shall be shown for all-natural features such as large trees, watercourses, historical resources and similar community assets which, if preserved, will add attractiveness and value to the property.
- ***Not applicable.***
- (e) Suitability of the land.
- (1) The planning commission shall not approve the subdivision of land if, from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public the site is not suitable for platting and development purposes of the kind proposed.
- ***No objection is present to prevent platting and development.***
- (2) Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, or for any other uses as may increase danger to health, life or property or aggravate erosion or flood hazard. Such land within the plat shall be set aside for those uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.
- ***The subject tracts are not located in a Flood Hazard Zone.***



-
- (f) Large tracts or parcels. When land is subdivided into larger parcels than ordinary building lots, those parcels shall be arranged so as to allow for the opening of future streets and logical further re-subdivision.
- ***Not applicable.***
- (g) Group housing developments. A comprehensive group housing development, including single-family attached developments and the large-scale construction of housing units together with necessary drives and ways of access, may be approved by the planning commission although the design of the project does not include standard street, lot and subdivision arrangements, if departure from the foregoing standards can be made without destroying their intent.
- ***Not applicable.***
- (h) Variances. Where the subdivider can show that a provision of these standards would cause unnecessary hardship if strictly adhered to, and where, because of topographical or other conditions peculiar to the site, in the opinion of the planning commission, a departure may be made without destroying the intent of these provisions, the planning commission may authorize a variance. Any variance thus authorized is to be stated in writing in the minutes of the planning commission with the reasoning on which the departure was justified set forth.
- ***A waiver from Planning Commission for the required sidewalks is requested and recommended by the City Planner and Community Services Director.***

- (i) Zoning or other regulations.
 - (1) No final plat of land within the force and effect of an existing zoning ordinance will be approved unless it conforms to that ordinance.
 - (2) Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in zoning regulations, the building code or other official regulations, the highest standard shall apply.

Sec. 90-1-4. - Development prerequisite to final approval.

- (a) Required improvements. Every subdivision developer shall be required to grade and improve streets and alleys, install curbs and sidewalks, monuments, sewers, stormwater inlets and water mains in accordance with specifications established by the city.
 - ***The Planning Commission may waive this requirement as the City may install sidewalks at a later, undetermined date.***
- (1) Monuments.
 - a. Concrete monuments three inches in diameter or square, 18 inches long, with a flat top, shall be set at all street corners, at all points where the street lines intersect the exterior boundaries of the subdivision, and at angle points and points of curve in each street. The top of the monument shall have an indented cross to identify properly the location and shall be set flush with the finished grade.
 - b. All other lot corners shall be marked with an iron rod with a minimum cross section of 0.2 inches, 18 inches long, and driven so as to be flush with the finished grade.
- **Monuments should be shown on the plat.**
- (2) Grading. All streets, roads and alleys shall be graded to their full width by the subdivider so that pavements and sidewalks can be constructed on the same level plane. Due to special topographical conditions, deviation to the above will be allowed only with special approval of planning commission.
 - a. Preparation. Before grading is started, the entire right-of-way area shall be first cleared of all stumps, roots, brush and other objectionable materials and all trees not intended for preservation.
 - b. Cuts. All tree stumps, boulders and other obstructions shall be removed to a depth of two feet below the subgrade. Rock, when encountered, shall be scarified to a depth of 12 inches below the subgrade.
 - c. Fill. All suitable material from roadway cuts may be used in the construction of fills, approaches, or at other places as needed. Excess materials, including organic materials, soft clays, etc., shall be removed from the development site. The fill shall be spread in layers not to exceed 12 inches loose and compacted by a sheep's foot roller. The filling of utility trenches and other places not accessible to a roller shall be mechanically tamped, but where water is used to assist compaction the water content shall not exceed the optimum of moisture.
- ***Not applicable.***

- (3) Storm drainage. An adequate drainage system, including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water. Cross drains shall be provided to accommodate all-natural water flow, and shall be of sufficient length to permit full width roadway and the required slopes. The size openings to be provided shall be determined by Talbot's formula, but in no case shall the pipe be less than 12 inches. Cross drains shall be built on straight lines and grade, and shall be laid on a firm base but not on rock. Pipes shall be laid with the spigot end pointing in the direction of the flow and with the ends fitted and matched to provide tight joints and a smooth uniform invert. They shall be placed at a sufficient depth below the roadbed to avoid dangerous pressure of impact, and in no case shall the top of the pipe be less than one foot below the roadbed. In all cases, drainage improvement plans and the improvements themselves shall be approved by the city engineer.

Drainage system design shall be in accordance with the Georgia Stormwater Management Manual published by ARC, latest update, unless approved otherwise. Drainage systems shall also comply with all other applicable city ordinances and regulations, including the floodplain management ordinance, post development stormwater management regulations and the erosion and sediment control ordinance. Drainage construction shall comply with the state department of transportation standard specifications unless approved otherwise. Storm drain pipe material within city street rights-of-way shall be reinforced concrete pipe in accordance with state department of transportation specifications.

- ***Not applicable.***

- (4) Roadway surfacing. After preparation of the subgrade, the roadbed shall be surfaced with material required by local standards, but of no lower classification than crushed rock, stone or gravel. The size of the crushed rock or stone shall be that generally known as crushed rock stone from two and one-half inches down including dust. Spreading of the stone shall be done uniformly over the area to be covered by means of appropriate spreading devices and shall not be dumped in piles. After spreading, the stone shall be rolled until thoroughly compacted. The compacted thickness of the stone roadway shall be no less than six inches.

Following application of a crushed stone base having a minimum thickness of six inches, contractor shall provide surface paving of local and minor residential streets consisting of two inches of 19 mm Superpave asphalt. Upon issuance of a certificate of occupancy for 90 percent of the dwellings served by the street have been built, or prior to the end of the one-year maintenance period (but after the 11th month), whichever occurs first, contractor shall provide a final wearing course of one and one-half inch of 12.5 mm Superpave asphalt paving. All paving materials shall meet the requirements of the state department of transportation standard specifications.

- ***Not applicable.***

- (5) Minimum pavement widths. Due to the diversity of development in the city, required pavement widths will necessarily vary with the character of building development and the amount of traffic encountered. Minimum pavement widths between curbs shall be as follows:

- a. For minor residential streets, 30 feet. Most minor streets in residential developments.
 - b. For collector streets, 36 feet. Including minor streets which in the opinion of the planning commission will involve sufficient traffic and/or parking to justify the width.
 - c. For arterial streets and highways, as may be required.
- **Not applicable.**
- (6) Curbs and gutters. Except on rural streets, the subdivider shall provide permanent six-inch concrete curbs with 24-inch integral concrete gutters or standard rolled curb and gutters.
- **Not applicable.**
- (7) Sidewalks.
 - a. For the safety of pedestrians and of children at play, installation by the developer of sidewalks on both sides of streets will normally be required. The commission may waive the requirements of sidewalks along streets where a park, railroad or other use on one side of a street makes a sidewalk nonessential.
 - b. Sidewalks shall be located not less than one foot from the property line to prevent interference or encroachment by fencing, walls, hedges or other planting or structures placed on the property line at a later date. In single-family residential areas and multifamily or group housing developments, concrete sidewalks shall be five feet wide and four inches thick. Sidewalks in commercial areas shall be five feet wide and ten feet wide as dictated by adjoining sidewalk widths.
- ***The City will install sidewalks at a later, undetermined date. The granting of the right of way allows for adequate space for sidewalks.***
- (8) Installation of utilities. After grading is completed and approved and before any base is applied, all of the work for underground utilities including water mains, gas mains, electrical lines, etc., and all service connections shall be installed completely and approved throughout the length of the road and across the flat section. All driveways for houses to be built by the developer shall be cut and drained.
- **Existing Utilities.**
- (9) Water supply system.
 - a. Water mains properly connected with the city water supply system shall be constructed in such a manner as to adequately serve all lots shown on the subdivision plat for both domestic use and fire protection. Water mains shall be located on public property and not private property.
 - b. The sizes of water mains, the location and types of valves and hydrants, the amount of soil cover over the pipes and other features of the installation shall be approved by the city engineer and fire chief.

- **Water supply already exists. Meters that are in the driveway shall have easements granted and are recommended to be moved as a responsibility of the property's owners to avoid damage.**
- (10) Sanitary sewers. Sanitary sewers shall be installed in such a manner as to serve adequately all lots with connection to the public system, according to plans approved by the city engineer.
Sanitary sewer already exists. An easement has been provided.
- (b) Recommended improvements. The planting of street trees and installation of street name signs is considered a duty of the subdivider as well as good business practice.
 - (1) Street trees.
 - a. Street trees are a protection against excessive heat and glare and enhance the attractiveness and value of abutting property. The planning commission will assist the subdivider in location of trees and species to use under varying conditions.
 - b. It is recommended that trees be planted inside the property lines where they are less subject to injury, decrease the chance of motor accidents and enjoy more favorable conditions for growth. If trees are to be planted within a planting strip in the right-of-way, their proposed locations and species to be used must be submitted for the planning commission's approval since the public inherits the care and maintenance of such trees.
- **Street trees are required as a part of the development of each lot. Prior to new site development, street trees must be shown on the site plans to ensure compliance and should be a recommended tree per the Tree Ordinance.**
- (c) Guarantees in lieu of completed improvements. No final subdivision plat shall be approved by the planning commission or accepted for record by the clerk of the superior court until the improvements listed shall be constructed in satisfactory manner and approved by the city engineer, or in lieu of such prior construction, the planning commission may accept a security bond in an amount equal to the estimated cost of installation of the required improvements, whereby improvements may be made and utilities installed without cost to the city in the event of default by the subdivider.
- ***Not applicable.***

RECOMMENDATION

As requested and as applicable to this parcel, the proposed plat has addressed the following items:

- a. After review of the official property records for North Fulton Circle, informally known as Randell Brown Avenue ("Street"), it appears that the Street is a public street. The name of the Street shall be shown as North Fulton Circle.

Addressed on plat.

- b. All utilities on private property require a permanent easement shown on the subdivision plat. Water meters currently located in the driveways may remain, however, any damage to water meters in the driveway will be the responsibility of the property owner. As such, the property owner may elect to relocate the water meter at his/her cost. The City may elect in the future

to relocate the water meters and at that time a permanent easement for the new location will be required.

Property owners have been notified.

- c. The Street will become one-way heading North, this will need to be reflected on your proposed subdivision plat submitted to the Planning Commission for approval. The City will provide one-way street signage.

Addressed on plat.

- d. Per Code, Right of Way (ROW) must be 50' along all sections of street. This additional required ROW must be dedicated from adjacent property owners.

Addressed on plat for these properties. Adjacent parcel will be required to do same when subdivided.

- e. Please note that no parking will be allowed along the Street in portions that are less than 30' wide. The City will provide no parking signage.

Addressed on plat.

- f. When lots or dwellings are improved, gravel driveways must be replaced.

Addressed on plat.

- g. An easement is required for the utilities that cross properties identified as Lot 7 on the unapproved plat filed with Fulton County.

Not applicable to this plat.

- h. Sidewalks are required on the Street where properties have dwellings and must be shown on the proposed subdivision plat.

A waiver by the Planning Commission is recommended. Adequate right of way has been provided. The City may install sidewalks in the future.

- i. Utility lines (water and sewer) for the subdivision must be shown on the proposed subdivision plat.

Addressed on plat.

- j. Parcels in R-SF zoning districts must have a minimum of 40' of street frontage. Lots 2 and 3 as depicted on the unapproved plat filed with Fulton County would have 30' frontages given the configuration of the property and streets. A variance would be required during the subdivision process and is recommended by Staff.

Variance application is required. Any subdivision plat approval would be conditional upon Board of Appeals approval.

- k. Lots 4, 5, and 6 as depicted on the unapproved plat filed with Fulton County have existing structures in the front setback and Lot 2 of the unapproved plat has an existing structure in the rear setback. A variance would be required to allow for the existing encroachments in the

setback to allow for future expansion of the single-family dwellings and is recommended by Staff. Any nonapproved encroaching improvements would not be included in a supported variance request.

3410 North Fulton and 3406 North Fulton Circle both encroach in the setback and required a variance by the Board of Appeals. Any subdivision plat approval would be conditional upon Board of Appeals approval. The adjacent parcel must address these when coming forward with a subdivision proposal.

- l. Concrete monuments or similar property designations as required by Code are missing on the unapproved plat. All concrete monuments and survey starting points of beginnings must be noted on the proposed subdivision plat.

Not addressed on plan.

- m. The Surveyor's Certificate and Owner's Acknowledgement and Dedication are missing from the unapproved plat. The proposed subdivision plat must include this required information.

Addressed on plat.

- n. The Erosion Control certification missing. The City must receive an Erosion Control Certification prior to subdivision approval.

No grading required. Erosion Control certification no longer required.

- o. Minimum floor area must be shown on plat. Please submit a proposed subdivision plat that includes the minimum floor areas of each residential dwelling.

Minimum floor area not met. Requires a variance by the Board of Appeals. Any subdivision plat approval would be conditional upon Board of Appeals approval.

- p. There is a discrepancy between the legal description for the property as described in the property deeds and official records submitted to the City and the unapproved plat filed with Fulton County. All legal descriptions should be reconciled such that they are identical in City property records and land records referenced in the proposed subdivision plat.
- q. All infrastructure installations must meet City standards.

No new infrastructure proposed.

- r. Street trees are required as a part of the development of each lot. The site plans for each lot must include a street tree and tree conservation plan in accordance with City ordinance requirements. Please indicate this on the plat.

Addressed on plat.

Variance Application and Approval Required from the City Board of Appeals. As mentioned above, a variance application must be submitted to the Board of Appeals after review from the Planning Commission for the following properties such that your proposed subdivision may comply with City requirements. These are required and supported by City Staff:

- a. A reduction in the street frontage for Lots 2 and 3, as depicted on the unapproved plat filed with Fulton County, to less than 40' as required. This will allow for lots that have 30' of street frontage.
- b. A reduction in the front setbacks for Lots 4, 5, and 6 and rear setback for Lot 2, as depicted on the unapproved plat filed with Fulton County. At the time of application, the Applicant must provide measurements for all setbacks and actual encroachments.
- c. A reduction in minimum floor area for 3408 and 3406 North Fulton Circle *

*this variance was added as the minimum floor area was added to the subdivision since the notification was sent to the property owners.

The Planning Commission may consider a conditional approval of the Subdivision Plat contingent upon the following items being addressed and/completed.

- 1. Provide the missing signature for one of the purchasers, Dawit Makonnen, for the subdivision plat and for the Planning Commission application. The signature of all three property owners is required for any approval, conditional or otherwise.
- 2. Submit the variance application, complete with all three property owners' signatures for the Board of Appeals to consider variances for setbacks, frontage, and minimum floor area requirements. 3410 North Fulton and 3408 North Fulton Circle are located in the setback. 3406 North Fulton Circle and 3408 North Fulton Circle do not have adequate street frontage nor minimum floor area. The Board of Appeals must approve these variances to the developments standards outlined in the City Zoning Code.
- 3. Monuments should be shown and installed for the proposed subdivision as directed above.
- 4. The Planning Commission may waive the requirement for sidewalk installation.
- 5. Properties when re-developed must be developed in accordance with all City Codes and Design Standards, including compliance with Tree Conservation Ordinance.

Any outstanding issues from the Engineer's report must be addressed.

With the resolution of these items and barring any items required by the City Engineer, the final plat may be conditionally approved with a variance for sidewalk installation and approval by the Board of Appeals for the required zoning variances.

[CITY LETTERHEAD]

February 23, 2024

Barr Properties II, LLC, a Georgia Limited Liability Company
30 Hemingbrough Way
Alpharetta, Georgia 30022

RE: Notice to Purchasers from Seller Stream Funding Group, LLC and/or Randell Brown; Certain properties located on or about North Fulton Avenue, North Fulton Circle, Parkway Drive, Park Street, Park Avenue, sometimes referenced as Randell Brown Avenue or Randell Street (“Street”) in the City of Hapeville Georgia; 3406 Randell Brown Avenue; Fulton County; Map & Parcel No. 14-0095-0009-016-4 (as referenced in the unapproved plat filed with Fulton County, Georgia)

Dear Property Owner:

The City of Hapeville, Georgia (“City”) received several inquiries from property owners regarding property acquired from Stream Funding Group, LLC and/or Randell Brown. You are receiving this correspondence, because you or an associated corporate entity was identified as an owner in the most recent property records held by Fulton County Superior Court of property or you have provided proof of purchase agreement for property referenced above (*“Property” or “Properties”*) to City Staff.

The property referenced in your purchase agreement or in your deed is a part of a large parcel that Mr. Brown attempted to subdivide into individual parcels through the City’s subdivision process before the property was sold to you or your associated corporate entity. The City’s Planning Commission did not approve the subdivision plat presented by Mr. Brown and/or Stream Funding Group, LLC (“Mr. Brown”, “Stream Funding” or “Seller”). The City’s Planning Commission informed Mr. Brown that he would need to resubmit the subdivision plat after meeting all City requirements in order to legally form “Randell Brown Subdivision”. Mr. Brown nor Stream Funding resubmitted a plat of the subdivision to the City. Similarly, City requirements were not met and City approval of the purported subdivision plat was not granted. Instead of addressing the required changes and requirements to form a legally recognized subdivision, Mr. Brown knowingly and improperly filed the plat, that was not approved by the City of Hapeville, with the Clerk of Fulton County, Georgia. The County’s acceptance of the plat is merely administrative and does not constitute any type of City approval of the improperly formed subdivision. Although the property you purchased from Stream Funding Group, LLC was assigned a Fulton County map and parcel identification number, it is not recognized as an individual lot by the City of Hapeville such that it may be recognized as a separate municipal parcel eligible for a certificate of occupancy.

Please be advised that this is a legal matter. Should you not understand the information contained in this letter, you should seek legal advice from an attorney. While the City cannot give you legal advice nor waive local requirements that govern the subdivision approval process, there is an interest to work with current owners of the properties to seek resolution and to afford the opportunity for owners of the properties to comply with the City requirements and gain approval of a revised subdivision plat.

In order to seek City approval from the City's Planning Commission for the purported Randell Brown Subdivision, the following must occur:

1. A new preliminary subdivision plat application must be filed with the City for review by the City's Planning Commission. The subdivision plat must address the following:

- a. After review of the official property records for North Fulton Circle, informally known as Randell Brown Avenue ("Street"), it appears that the Street is a public street. The name of the Street shall be shown as North Fulton Circle.
- b. All utilities on private property require a permanent easement shown on the subdivision plat. Water meters currently located in the driveways may remain, however, any damage to water meters in the driveway will be the responsibility of the property owner. As such, the property owner may elect to relocate the water meter at his/her cost. The City may elect in the future to relocate the water meters and at that time a permanent easement for the new location will be required.
- c. The Street will become one way heading North, this will need to be reflected on your proposed subdivision plat submitted to the Planning Commission for approval. The City will provide one-way street signage.
- d. Per Code, Right of Way (ROW) must be 50' along all sections of street. This additional required ROW must be dedicated from adjacent property owners.
- e. Please note that no parking will be allowed along the Street in portions that are less than 30' wide. The City will provide no parking signage.
- f. When lots or dwellings are improved, gravel driveways must be replaced.
- g. An easement is required for the utilities that cross properties identified as Lot 7 on the unapproved plat filed with Fulton County.
- h. Sidewalks are required on the Street where properties have dwellings and must be shown on the proposed subdivision plat.
- i. Utility lines (water and sewer) for the subdivision must be shown on the proposed subdivision plat.
- j. Parcels in R-SF zoning districts must have a minimum of 40' of street frontage. Lots 2 and 3 as depicted on the unapproved plat filed with Fulton County would have 30' frontages given the configuration of the property and streets. A variance would be required during the subdivision process and is recommended by Staff.

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- k. Lots 4, 5, and 6 as depicted on the unapproved plat filed with Fulton County have existing structures in the front setback and Lot 2 of the unapproved plat has an existing structure in the rear setback. A variance would be required to allow for the existing encroachments in the setback to allow for future expansion of the single-family dwellings and is recommended by Staff. Any nonapproved encroaching improvements would not be included in a supported variance request.
- l. Concrete monuments or similar property designations as required by Code are missing on the unapproved plat. All concrete monuments and survey starting points of beginnings must be noted on the proposed subdivision plat.
- m. The Surveyor's Certificate and Owner's Acknowledgement and Dedication are missing from the unapproved plat. The proposed subdivision plat must include this required information.
- n. The Erosion Control certification missing. The City must receive an Erosion Control Certification prior to subdivision approval.
- o. Minimum floor area must be shown on plat. Please submit a proposed subdivision plat that includes the minimum floor areas of each residential dwelling.
- p. There is a discrepancy between the legal description for the property as described in the property deeds and official records submitted to the City and the unapproved plat filed with Fulton County. All legal descriptions should be reconciled such that they are identical in City property records and land records referenced in the proposed subdivision plat.
- q. All infrastructure installations must meet City standards.
- r. Street trees are required as a part of the development of each lot. The site plans for each lot must include a street tree and tree conservation plan in accordance with City ordinance requirements. Please indicate this on the plat.

Variance Application and Approval Required from the City Board of Appeals. As mentioned above, a variance application must be submitted to the Board of Appeals after review from the Planning Commission for the following properties such that your proposed subdivision may comply with City requirements. These are required and supported by City Staff:

- a. A reduction in the street frontage for Lots 2 and 3, as depicted on the unapproved plat filed with Fulton County, to less than 40' as required. This will allow for lots that have 30' of street frontage.
- b. A reduction in the front setbacks for Lots 4, 5, and 6 and rear setback for Lot 2, as depicted on the unapproved plat filed with Fulton County. At the time of application, the Applicant must provide measurements for all setbacks and actual encroachments.

Please note that all property owners with rights to the properties in the proposed subdivision must agree, consent and sign off on both the subdivision plat and variance

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applications. Property owners may submit a final plat application to the City Planning Commission for approval only after all requirements, set forth herein, have been met. Similarly, applications for variances must meet the requirements stated herein and must be submitted to and approved by the City's Board of Appeals. After obtaining all requisite approvals from the City, the properties will be recognized as individual lots and be eligible for permits, certificates of occupancy, and sale.

The City looks forward to working with the property owners such that you may successfully complete the subdivision approval process and correct the deficiencies in the unapproved plat referenced in the land records and your ownership documents.

Thank you,