



**PROPERTY INFORMATION**

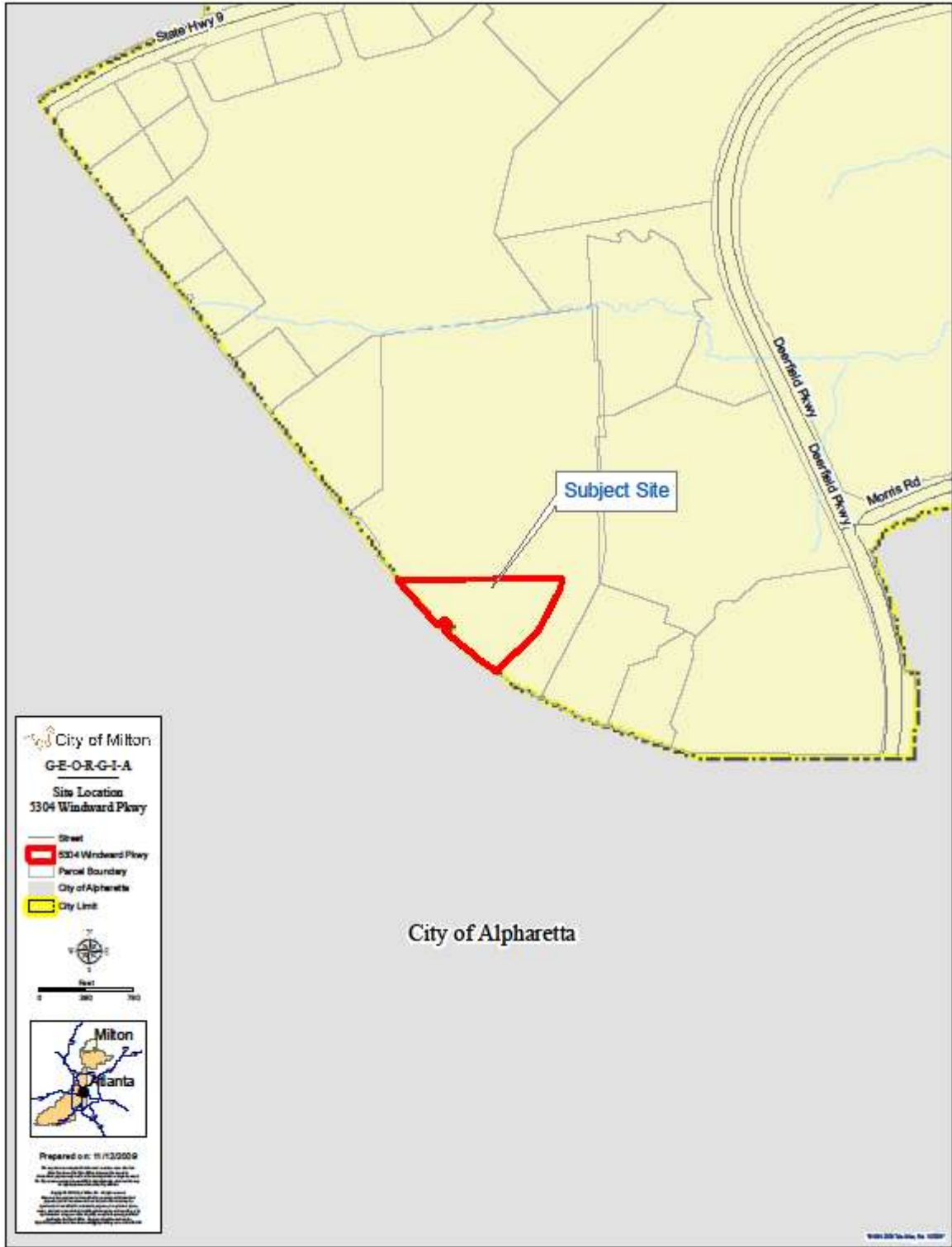
<b>ADDRESS</b>	5304 WINDWARD PARKWAY		
<b>DISTRICT, LAND LOT</b>	2/2, 1120		
<b>OVERLAY DISTRICT</b>	HIGHWAY 9		
<b>EXISTING ZONING</b>	C-1	<b>ACREAGE</b>	2.324
<b>EXISTING USE</b>	COMMERCIAL/RETAIL		
<b>FUTURE LAND USE DESIGNATION</b>	RETAIL		

**REQUESTED VARIANCE(S):**

- To allow light poles to exceed the maximum allowable pole height
- To allow shoe box style lighting fixtures (Article 12G.4.D, 4 & 9)

**PETITIONER(S)** Real Development Windward, LLC  
**ADDRESS** 62 Roswell Street  
Alpharetta, GA 30009  
**PHONE** 770.752.8484

# SITE LOCATION MAP



## **COMMUNITY DEVELOPMENT STAFF ANALYSIS**

STAFF CONTACT: ANGELA RAMBEAU

678.242.2539

### **Background:**

The site, 5304 Windward Parkway, is a strip commercial center located in the Highway 9 Overlay. The property consists of 2.324 acres. It is located on the site of the former Fire of Brazil restaurant. The applicant, Robert Forrest, of Real Development Windward, manages the commercial center, Stonewalk at Windward. Currently, the only tenant open is Panera Bread Company. Two other tenants are preparing to open.

Georgia Power approved the proposed site lighting plan for the new development in May of 2008. The proposal included eight thirty-five foot dark bronze square steel poles mounted on 18 inch round concrete bases, and nine, one-thousand watt halide cooper dark bronze flat glass Galleria style shoebox fixtures.

The land disturbance permit (LDP) for this project was approved by the City of Milton in September of 2008. The LDP did not include a site lighting plan. On September 24, 2008, City staff and the Contractor held a preconstruction meeting, as required prior to the start of construction activities. Staff noted that the location of the light poles was not shown on the plans, and that this would need to be addressed prior to installation. Construction commenced, but the project sat idle for several months throughout the summer. During a site visit in the early summer of 2009, City Arborist Mark Law observed that the light poles were being placed in the landscaped islands; the bases had already been installed at this time. He informed the contractor that his was unacceptable, as the poles would be detrimental to the trees.

After meeting with Staff on August 31, 2009, Jorge Robledo sent a follow up email to City Staff acknowledging that the site lights were too tall, and that the shoebox fixtures were unacceptable. He acknowledged that they would need to be replaced, or that a variance would need to be obtained. In November of 2009, the Contractor inquired about obtaining a Certificate of Occupancy (CO) so that one of the tenants could open. On November 25<sup>th</sup>, Jimmy Sanders emailed Chuck Bettie informing him of the outstanding issues. Jimmy reminded Mr. Bettie that a Variance application would have to be submitted for the light poles before the CO could be issued. City of Milton Staff informed the general contractor that they would not be able to reuse the lights used on the site previously.

Article 12.G.4.6 states that the entire site must be brought into conformance with this article should a renovation, upgrade, or addition occur that would require a land disturbance permit. The Contractor originally stated that the original fixtures were to be reused. At the January 5<sup>th</sup> Design Review Board (DRB) meeting, he stated that new fixtures were installed. Staff informed the Contractor on several occasions that once the fixtures came down, they would have to conform to the current Ordinance. Article 12G.4.D.4 states that the maximum

mounting height for a pole is 28 feet. According to the order approved by Georgia Power, the height of the poles is 35 feet. Article 12G.4.D.8,9 states that lights shall be architecturally decorative with a historic style...Shoe box, cobra lighting fixture, and neon lighting are prohibited. The fixtures currently installed are of the shoe box style.

At the January 5<sup>th</sup>, DRB meeting, the Board stated that the light poles should match Highway 9 Overlay requirements.

**ADDITIONAL DEPARTMENT COMMENTS**

The staff held a Focus Meeting on January 4, 2009 at which the following comments were provided:

<p><b>BUILDING PLAN REVIEW</b> STAFF CONTACT MELISSA HENDERSON 678.242.3292</p>	<p><i>The Contractor currently has outstanding issues preventing issuance of the permanent Certificate of Occupancy.</i></p>
<p><b>SITE PLAN REVIEW</b> STAFF CONTACT JIMMY SANDERS 678.242.2543</p>	<p>NO ISSUES</p>
<p><b>ARBORIST</b> STAFF CONTACT MARK LAW 678.242.2552</p>	<p><i>Informed the Contractor early in the summer of 2009 that the height, type and location of the fixtures was unacceptable. The fixtures, as currently located, should not interfere with the trees.</i></p>
<p><b>DOT/STORMWATER REVIEW</b> STAFF CONTACT CARTER LUCAS 678.242.2559</p>	<p>NO ISSUES</p>

## **Standards for Consideration:**

The applicant has indicated a justification for variance based on the following factor(s):

- A. Relief, if granted would not offend the spirit or intent of the Ordinance;**
- B. There are such extraordinary and exceptional situations or conditions pertaining to the particular piece of property that the literal or strict application of the Ordinance would create an unnecessary hardship due to size, shape or topography or other extraordinary and exceptional situations or conditions not caused by the variance applicant;**
- C. Relief, if granted would not cause a substantial detriment to the public good and surrounding properties;**
- D. That the public safety, health and welfare are secured, and that substantial justice is done.**

The applicant states the following: "Our request would not offend the spirit or intent of the ordinance, nor would it cause a substantial detriment to the public good of the surrounding properties, as the lights currently in place are in keeping with those currently found in the areas surrounding the Stonewalk at Windward development. Changing lights out at this point in the project would be cost prohibitive and would cause severe delay. Our estimate on cost to replace the lights is around \$24,494.09 and would cause a delay of approximately 12 weeks. As you may be aware, we have tenants in place looking to open immediately."

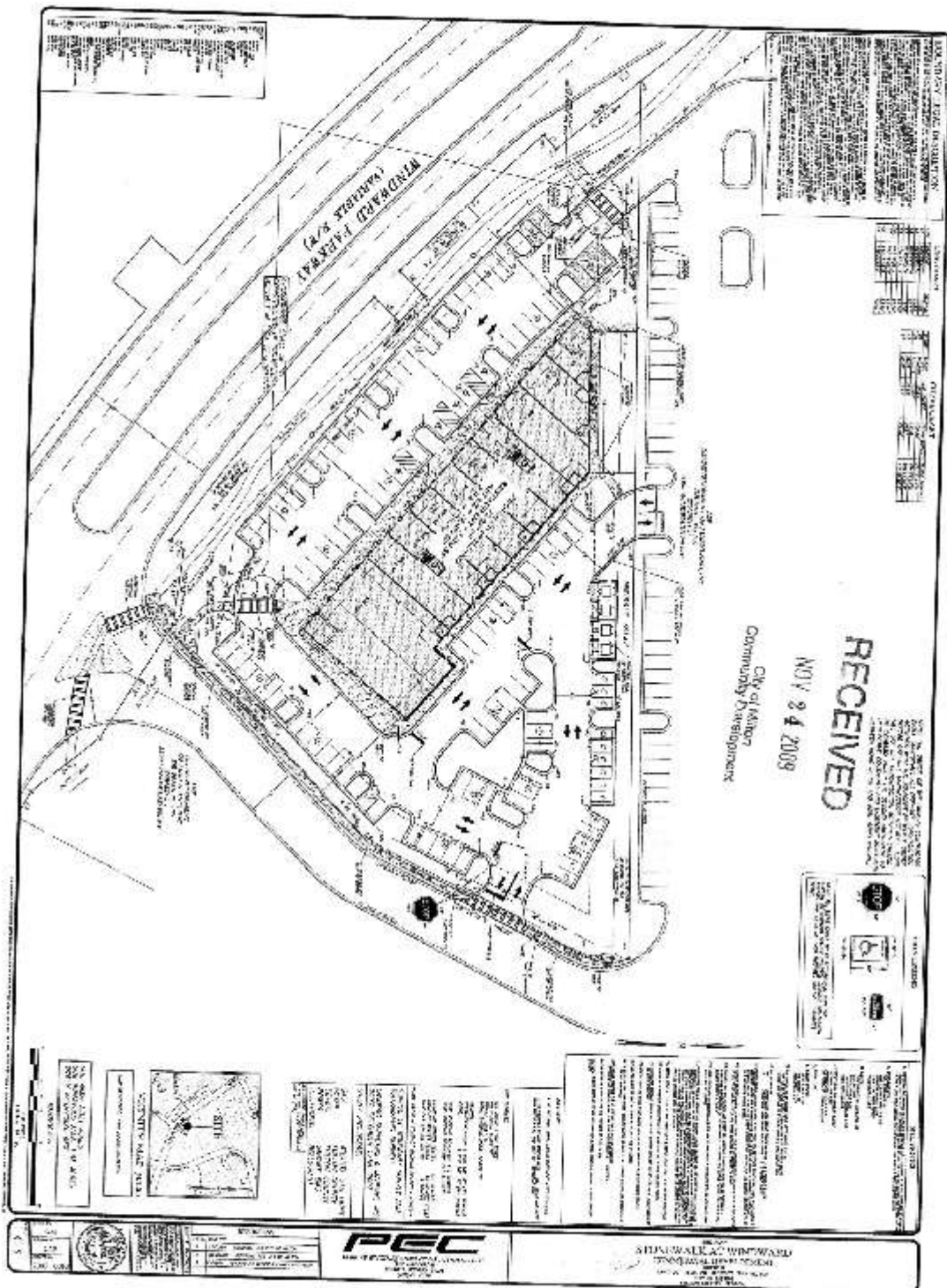
**Recommended conditions:**

Should the Board choose to approve the application, Staff recommends the following conditions(s):

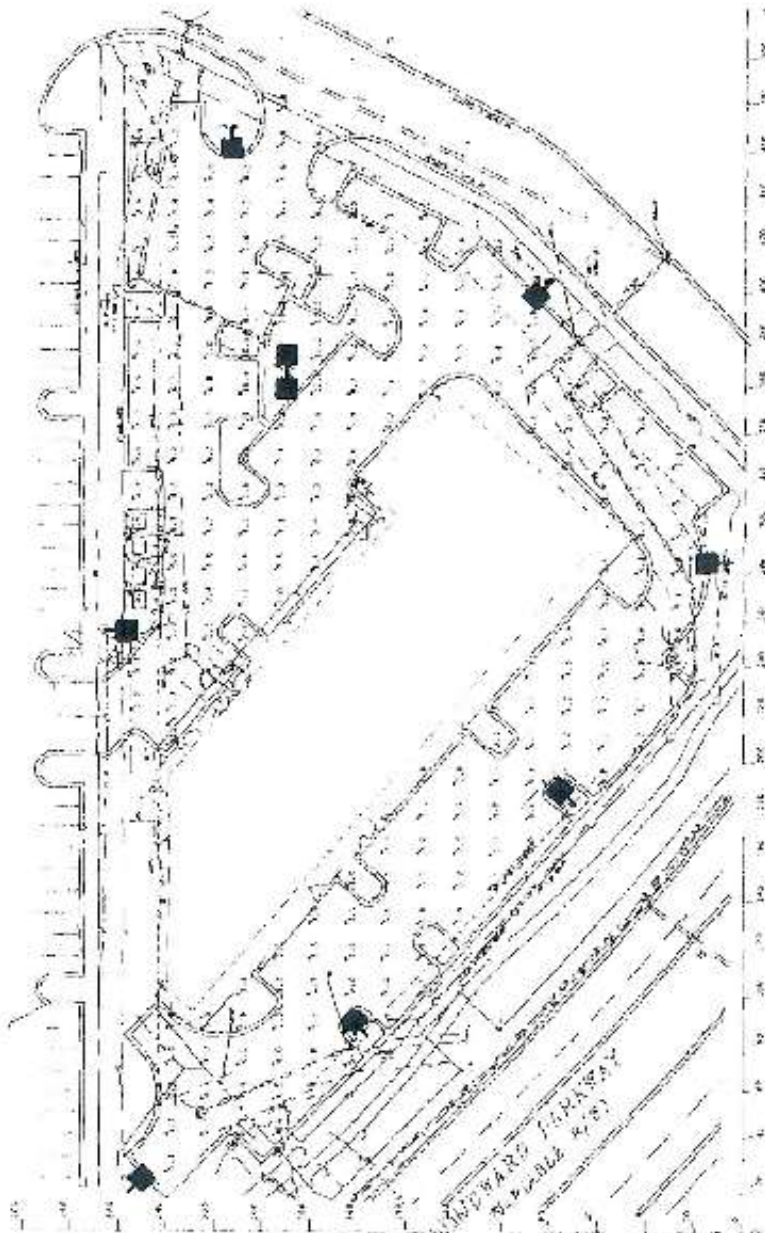
- The applicant shall meet all outstanding Building, Site and Zoning requirements prior to issuance of the permanent Certificate of Occupancy.



ATTACHMENTS: Site plan, letter of appeal, aerial view, pictures



# LIGHTING PLAN





## LETTER OF INTENT



November 24, 2009

***Via hand delivery***

City of Milton  
13000 Deerfield Parkway  
Suite 107C  
Milton, GA 30004

Re: Variance Request for light poles installed by Georgia Power at the Stonewalk at Windward development

Real Development Windward, LLC hereby makes request for approval of the attached Variance Application based on the following considerations:

Our request would not offend the spirit or intent of the ordinance, nor would it cause a substantial detriment to the public good of the surrounding properties, as the lights currently in place are in keeping with those currently found in the areas surrounding the Stonewalk at Windward development.

Changing the lights out at this point in the project would be cost prohibitive and would cause severe delay. Our estimate on cost to replace the lights is around \$24,494.09 and would cause a delay of approximately 12 weeks. As you may be aware, we have tenants in place looking to open immediately.

Further, we feel that approval of this variance request would not adversely affect public safety, health or welfare. We made an honest mistake and are hopeful the City of Milton will find it prudent to allow us to move forward on the project with the lights currently in place.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Forrest", is written over a light blue horizontal line.

Robert E. Forrest  
Real Development Windward, LLC  
Managing Member

**RECEIVED**

NOV 24 2009

City of Milton  
Community Development

62 Roswell Street  
Alpharetta, Georgia 30009  
Office (770) 752-8484 Facsimile (770) 752-3549  
[www.retailatlanta.com](http://www.retailatlanta.com)

## GA POWER LETTER

11675 Wils Road  
Alpharetta, Georgia 30004

May 30, 2008



Robert Forrest  
Real Development, LLC  
1700 Harvest Circle  
Alpharetta, GA 30004

Re: **Site Lighting - Stonewalk at Woodward**

Dear Mr. Forrest,

Thank you for the opportunity for Georgia Power Company to provide a site lighting proposal for your new Stonewalk at Woodward development located in Milton.

We are committed at Georgia Power to provide a lighting system that is top quality and aesthetically pleasing. The system that we provide you will be backed by a proven leader in the lighting business.

This proposal is based on:

- Installation of 9 - 1000 Watt Metal Halide Cooper Dark Bronze Flat Glass Galleria Shoebox Fixtures
- Installation of 8 - 35' Dark Bronze Square Steel Poles mounted on 18" round concrete bases
- Electric Service will be underground to all locations.
- Please see the attached sheet for pole locations.

Georgia Power uses utility grade fixtures and equipment in lieu of commercial grade. We have developed our material and equipment standards to meet the most demanding requirements in utility applications.

CEC Whiteford  
Agreement, GEP 4 0704



The following assumptions are used:

- The lead time on the material delivery is 4-6 weeks.
- Installation scope does not include removal of rock or unforeseen obstacles.
- The site can be trenched from the transformer and to each pole location to install the lighting cable and conduit.

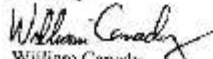
Payment Options	
Lump Sum Payment	Monthly Payment
0.00	996.29
10,148.95	859.36
19,896.45	729.27

Prices are valid for 30 days beginning 6-2-08.

\*All installation, pole, fixture, base, energy, and maintenance charges are included in the payments above.

I will give you a call to discuss. Thanks!

Sincerely,

  
William Canady  
Lighting Services

Outdoor Lighting Service - NESC® \* Standard



Ref# \_\_\_\_\_ DWE# \_\_\_\_\_ Lead # \_\_\_\_\_  
 Ref# \_\_\_\_\_ DWE# \_\_\_\_\_

Customer's Name ("Customer"): Stonewalk @ Windward Tel #: 770 752-8484

Service Address ("Premises"): 5304 Windward Pkwy  
(Street Number and Name, City, State)  
Milton, GA Zip Code: 30004

Mailing Address (if different): 2440 Old Milton Pkwy Ste 200  
(Street Number and Name, City, State)  
Alpharetta Zip Code: 30004

SS#: Tax ID: 26-2001425 Acct# \_\_\_\_\_ County: Fulton Region: Metro North

Type Customer:  Commercial  Industrial  Residential  New Account  Customer Choice

Action	Light Size (wattage) Description	No. Lamps	OH LG	Size	Type Lamp	Lamp Style	Equipment Amount	Regulated** Energy Amount	Total Charge
1	000W MH Flat Glass Galleria Shoebox Fixtures	9	UG	LDB8	51	SB			\$995.29
<b>Total</b>									<b>\$995.29</b>

Remarks: \_\_\_\_\_

New Account  
Stonewalk @ Windward - Retail Center

Initial Term of Agreement: 24 Months

Prepaid Lease Amount: \$ \_\_\_\_\_  Bill  Collected

Current Estimated Monthly Charge for Outdoor Lighting Services: \_\_\_\_\_ \$995.29

\*\*The Regulated Energy Charge is subject to change at any time as dictated by the Georgia Public Service Commission.

Customer agrees to lease from Georgia Power Company ("GPC") the outdoor lighting equipment identified as Action "1" and/or "AC" above (the "Equipment") in accordance with the terms and conditions on the back of this Agreement.

Authorized Signatures of the "Parties":  
 Customer: [Signature] Date: 03-08  
Robert Forrest  
 Title: Managing Member

Georgia Power: [Signature] Date: 5-30-08  
William Canady  
 Name Printed: Account Executive  
 Title: \_\_\_\_\_

\* NESC is a federally registered trademark of IFCB  
 \*\*NESC - 65 kg

Canady - OOL Sales Representative

PKK - Customer

SHOEBOX FIXTURE AS INSTALLED





# DETAIL OF FIXTURE



### DESCRIPTION

The Galleria Area Light achieves superior light distribution by utilizing a seamless reflector system, making it the optimum choice for almost any small or medium area lighting application. U.L. listed for wet locations. CSA Certified.

Category #	TYPE
Project	
Comments	Date
Prepared by	

### SPECIFICATION FEATURES

#### A ... Housing

Formed aluminum housing with stamped recess has interlock-welded seams for structural integrity. Optional NEMA seallock plug for control. ANSI wattage/fixture label.

#### B ... Ballast

Ballast is hard-mounted to housing interior for easier operation. Optional removable ballast tray.

#### C ... Reflector

Spun and stamped aluminum reflector in vertical lamp units, or hydroformed anodized aluminum reflector in horizontal lamp units.

#### D ... Door

Formed aluminum door has heavy-duty hinges, captive retaining screws and is finished in polyester powder coat. (Spider mount unit has steel door.)

#### E ... Lens

Convex tempered glass lens. Tempered flat glass available.

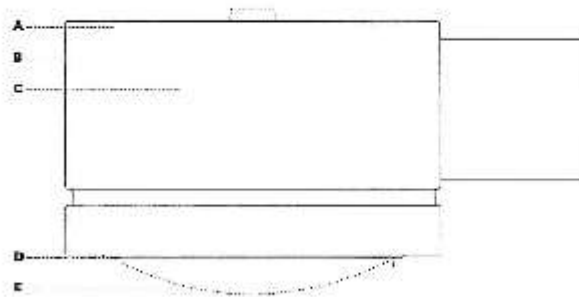
#### Finish

Standard polyester powder coat finish in bronze. For more color options see options column or consult your Streetworks representative for more information.

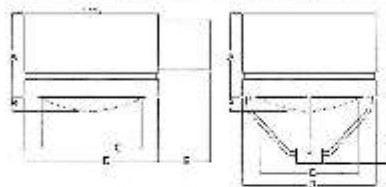


## GS/GM/GL GALLERIA SQUARE

**100 - 1000W**  
 Polycrystalline Metal Halide  
 High Pressure Sodium  
 Metal Halide  
**ARCHITECTURAL  
 AREA LUMINAIRE**



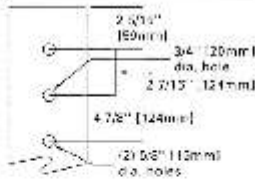
### DIMENSIONS



NOTE: To see complete list of 1000W fixtures, visit [www.cooperlighting.com](http://www.cooperlighting.com)

Fixture	A	B	C	C	E	F
GS-100	8 1/4"	1 1/2"	13 1/2"	13 1/2"	1 1/2"	2 1/2"
GS-150	9 1/4"	1 1/2"	14 1/2"	14 1/2"	1 1/2"	2 1/2"
GS-200	10 1/4"	1 1/2"	15 1/2"	15 1/2"	1 1/2"	2 1/2"
GS-300	11 1/4"	1 1/2"	16 1/2"	16 1/2"	1 1/2"	2 1/2"
GS-400	12 1/4"	1 1/2"	17 1/2"	17 1/2"	1 1/2"	2 1/2"
GS-500	13 1/4"	1 1/2"	18 1/2"	18 1/2"	1 1/2"	2 1/2"
GS-600	14 1/4"	1 1/2"	19 1/2"	19 1/2"	1 1/2"	2 1/2"
GS-700	15 1/4"	1 1/2"	20 1/2"	20 1/2"	1 1/2"	2 1/2"
GS-800	16 1/4"	1 1/2"	21 1/2"	21 1/2"	1 1/2"	2 1/2"
GS-900	17 1/4"	1 1/2"	22 1/2"	22 1/2"	1 1/2"	2 1/2"
GS-1000	18 1/4"	1 1/2"	23 1/2"	23 1/2"	1 1/2"	2 1/2"

### DRILLING PATTERN



**WATTAGES**  
 GS 100-700  
 GM 175-1000  
 GL 400-1000

**SHIPPING DATA**  
 Approximate Net Weight:  
 GS 30 lbs. (13.6 kg.)  
 GM 70 lbs. (31.8 kg.)  
 GL 85 lbs. (38.6 kg.)



ATX000001  
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**Specifications and Dimensions subject to change without notice.**  
 Consult your representative for additional options and finishes.

## PICTURES

### NEW LIGHT FIXTURE ON SUBJECT PROPERTY



**TWO HEAD LIGHT FIXTURE ON SUBJECT PROPERTY**





**LIGHT FIXTURE ON HOME DEEPOT PROPERTY**



**LIGHT FIXTURE ON ADJACENT COMMERCIAL PROPERTY**

