

MEMORANDUM



To: Honorable Mayor and City Council
Chris Lagerbloom, Acting City Manager
Planning Commission
Jeanette Marchiafava, City Clerk
Tom Wilson, Director of Community Development
Tami Hanlin, Director of Community Services
Mike Tuller, Deputy Director of Community Development
Abbie Jones, Transportation Planning
Mark Law, Arborist
Deb Harrell, Public Safety
Chad McGiboney, Fire

From: Robyn MacDonald, Planner, Community Development

Date: August 13, 2007

Re: Preliminary Zoning Agenda **Community Zoning Information Meeting (CZIM)**
Wednesday, August 22, 2007 - 7:00 PM at City Hall

Design Review Board (DRB)
Tuesday, September 4, 2007 – 6:00 PM at City Hall

Planning Commission
Tuesday, September 25, 2007 - 7:00 PM at City Hall

Mayor and City Council
Thursday, October 18, 2007 - 7:00 PM at City Hall

Please submit any comments you have regarding the following cases to Robyn MacDonald, 678-242-2540, by **Tuesday, September 4, 2007**.

Please be advised, the material details of the rezoning and use petitions received on or before the August 7, 2007 submittal deadline are as follows:

REZONINGS/USE PERMITS

| Agenda Item/ Location/Applicant | Request |
|---|---|
| RZ07-011/U07--004 12872, 12890 Highway 9 North Southeastern Partners Realty John McMillan | To rezone from C-1 and O-I to C-1 and a Use Permit for multi-self storage (Article 19.4.41.(1)) to develop a 13,320 2-story office/retail building, a 63,000 square foot 2-story retail building, a 63,000 square foot 2-story mini-storage facility and an additional 16,500 square foot 2-story mini storage. There are 3 existing retail buildings consisting of 28,637 square feet for an overall total of 184,457 square feet at a density of 14,581 square feet per acre. |
| RZ07-012 980 Birmingham Road The Barn Bottle Shop, LLC Timothy Allen | To rezone from C-1 to C-1 to allow the existing wine store to sell liquor/spirits not to exceed 30% of its total inventory. |

PETITION NUMBERS:
RZ07-012
U07-004

PROJECT NAME
WINDARD WAY

| | |
|-----------------------------|---|
| PROPERTY INFORMATION | |
| ADDRESS | 12872, 12890 Hwy 9 |
| DISTRICT, LAND LOT | 2/2 1113, 1048 |
| OVERLAY DISTRICT | State Route 9 Overlay |
| EXISTING ZONING | C-1 (Community Business) Z97-076 O-I (Office Institutional) Z94-116 |
| PROPOSED ZONING | C-1 (Community Business) and Use Permit for Multi Self Storage (Article 19.4.41.(1)) |
| ACRES | 12.65 |
| EXISTING USE | 3 retail buildings with a total of 28,637 square feet |
| PROPOSED USE | Retail/Office and Self Storage |

OWNER Windward Way, LLC, et.al.
ADDRESS 5665 Hwy 9, Suite 103-329 Alpharetta, GA 30004

PETITIONER/REPRESENTATIVE Southeastern Partners Realty, LLC.
John McMillan
ADDRESS 5665 Highway 9, Suite 103-329
Alpharetta GA 30004
PHONE 770-751-9171

INTENT

To develop a 13,320 square foot 2 story office/retail building; 63,000 square foot 2 story retail building; 63,000 square foot 2 story multi-self storage and an additional 16,500 square foot 2 story multi-self storage for a total of 184,457 square feet at a density of 14,581 square feet per acre.



12.65 acres

August 8, 2007

Mrs. Robyn McDonald
City of Milton
15000 Deerfield Parkway
Suite 107-C
Milton, Georgia 30004

Dear Mrs. McDonald,

This is a letter of intent to rezone approximately 6.298 acres in Land Lots 1048/1113 and 6.356 acres in Land Lot 1049 in the 2nd District 2nd Section of Fulton County, Georgia from C-1 and O-I to C-I with conditional use permit for mini storage.

Applicant has developed approximately 28,637 square feet of retail on the site and proposes to develop a 13,320 two story office/retail building. Applicant also proposes to develop 63,000 square feet of tall two-story retail with 63,000 square feet of tall two-story mini storage in the same building. There also will be a 16,500 square foot two-story mini storage for a total of 184,487 square feet.

184,457.

Applicant has numerous zonings, modifications, and variances in place to be incorporated as follows: 97Z-0076, 97VC-0126, 99ZM-Webb Road, 99ZM-072 NFC, 2001ZM-059FCN Webb Road, and 2001ZM-0039NFC.

This request is respectfully submitted and we look forward to completing this proposal.

Kindest regards,

John McMillan
John McMillan

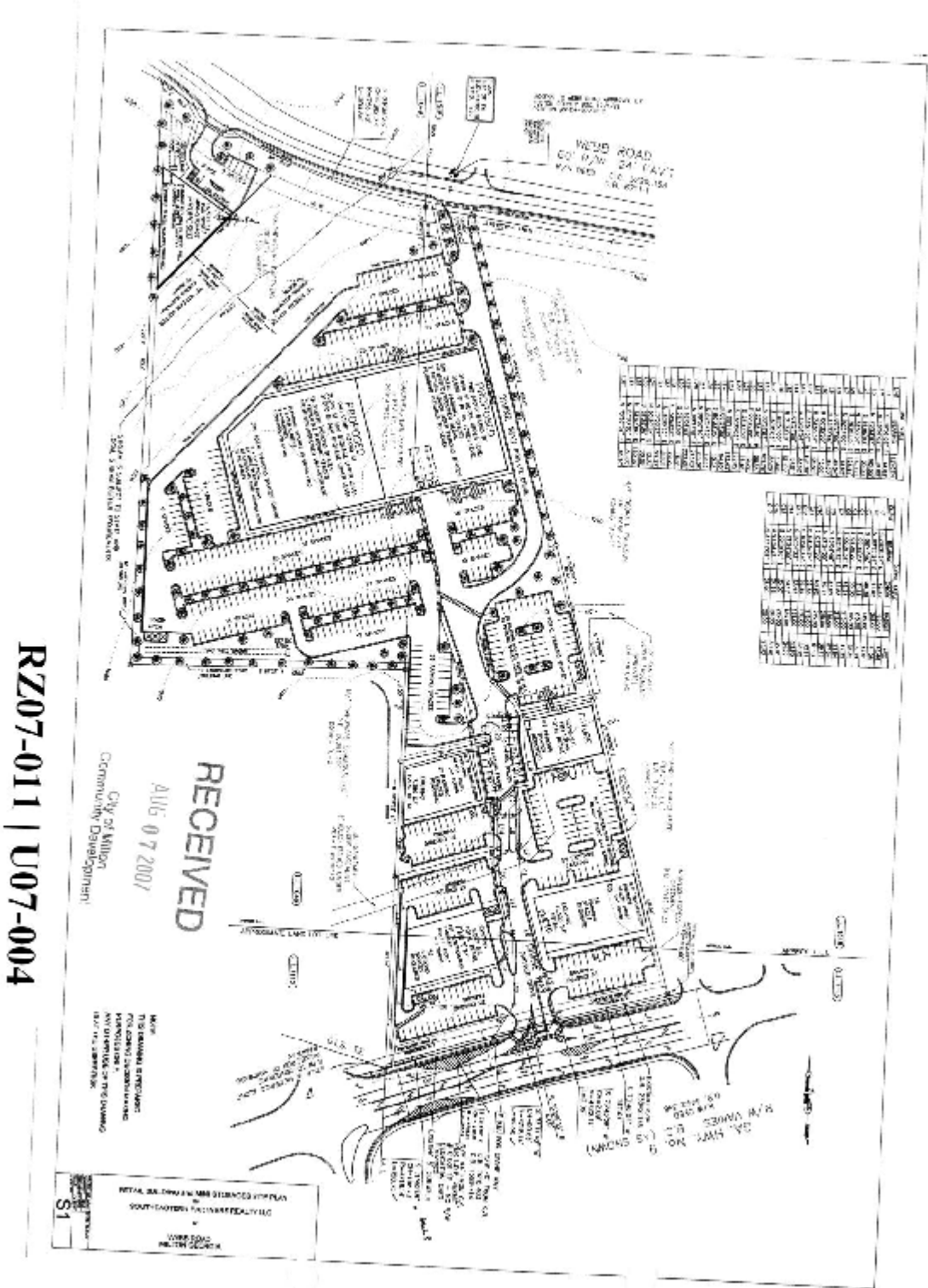
RECEIVED

AUG 07 2007

City of Milton
Community Development

RZ07-011 | U07-004

SITE PLAN RZ07-011/U07-004



RZ07-011 | U07-004

PETITION NUMBER:
RZ07-012

PROJECT NAME

Barn Bottle Shop

PROPERTY INFORMATION

| | |
|---------------------------|--|
| ADDRESS | 980 Birmingham Road, Suite 304 |
| DISTRICT, LAND LOT | 2/2, 380 |
| OVERLAY DISTRICT | Birmingham Crossroads Overlay |
| EXISTING ZONING | C-1 (Community Business) Z04Z-043 |
| PROPOSED ZONING | C-1 (Community Business) |
| ACRES | 18.98 |
| EXISTING USE | Retail Shopping Center |
| PROPOSED USE | To allow existing wine store to sell liquor/spirits not to exceed 30% of its total inventory |

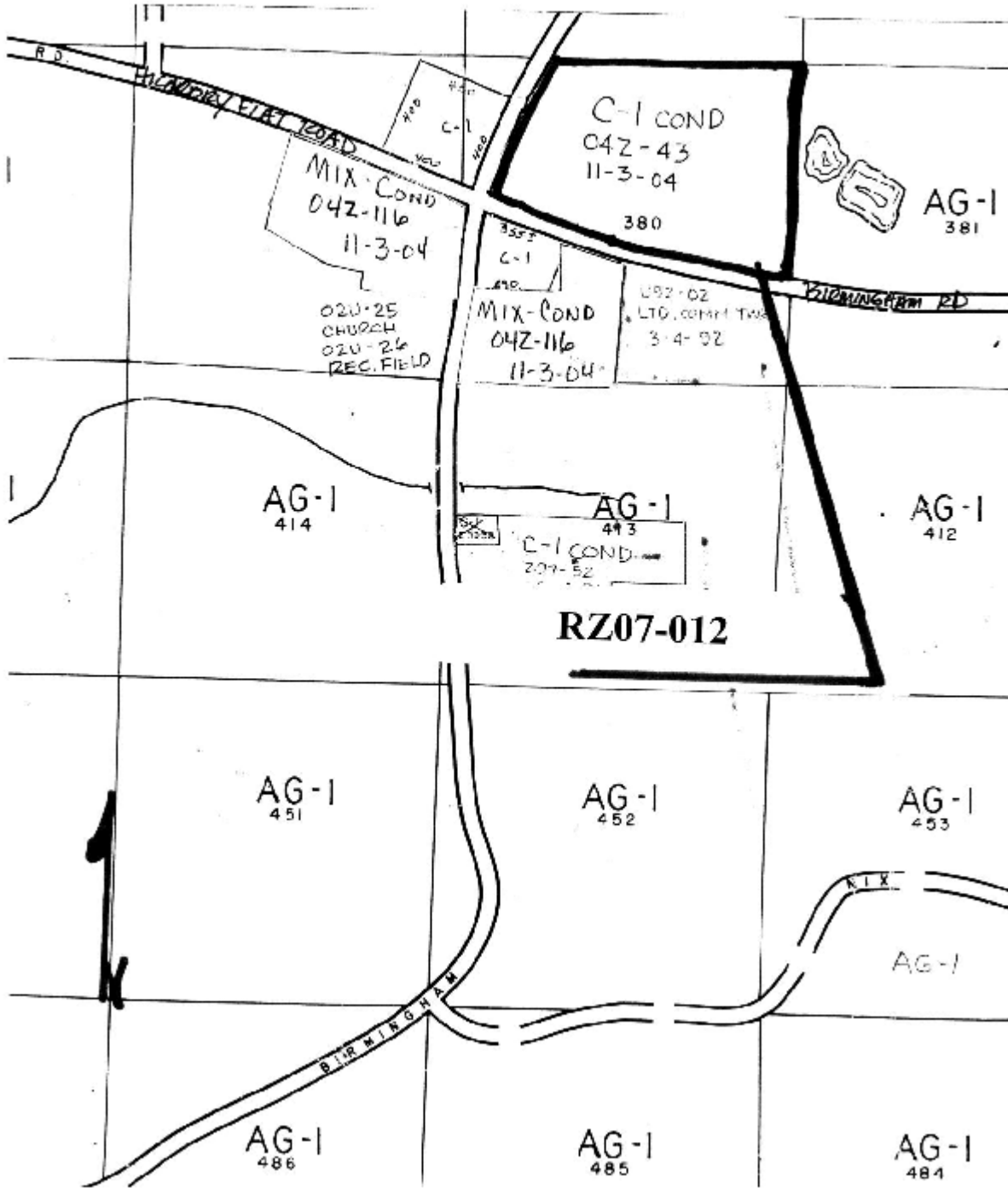
OWNER A.G. Armstrong
ADDRESS 13801 N. Dale Mabry Hwy Suite 200
Tampa, FL 33618

PETITIONER/REPRESENTATIVE Timothy Allen/Gregory S. Ness
ADDRESS 904 Ravenwood Way
Canton, GA 30015
PHONE 404-925-9158

INTENT

To modify Condition 1.a. of zoning petition Z04-043 to allow existing wine store to sell liquor/spirits not to exceed 30% of its total inventory.

LOCATION MAP RZ07-012





Gregory S. Ness
Direct Dial: (770) 580-3431
Direct FAX: (578) 301-0057
E-MAIL: gness@hssw.com

August 7, 2007

VIA HAND DELIVERY

Mr. Tom Wilson
Community Development Director
Milton City Hall
13000 Deerfield Parkway
Suite 107
Milton, GA 30004

RECEIVED

AUG 09 2007

City of Milton
Community Development

RZ07-012

**Re: Letter of Intent
Application for Rezoning; Timothy Lee Allen, President/CEO, The Barn Bottle Shoppe, LLC; For Property Located at 980 Birmingham Road, Suite 304, Milton, Georgia, Parcel Identification Number 22-4060-0380-056-5 (the "Property");
HSSW File No. 11400-0001000**

Dear Mr. Wilson:

This firm represents Mr. Timothy Lee Allen ("Applicant") d/b/a The Barn Bottle Shoppe, LLC, a Georgia limited liability company, and is pursuing this rezoning request on his behalf. Pursuant to Rezoning Petition No. 20047-0043, the Property was rezoned from AG-1 and C-1 to C-1. In order to bring the village square concept to fruition and to preserve several local historic resources, Armstrong Birmingham Development, LLC (the "Owner") and the City agreed to several alternate conditions to rezoning, including Condition 1.A., which places use restrictions on the Property. This condition allows retail, service commercial and accessory uses, but excludes liquor package stores. According to the ratified minutes, Ms. Alice Wakefield did not consider wine stores, such as The Barn Bottle Shoppe, to occupy the same category as traditional liquor package stores.

The Barn Bottle Shoppe, LLC primarily operates and will continue to operate as a retail merchant of domestic and imported wine for consumption off-premises. This application seeks to allow Mr. Allen to stock no more than thirty percent (30%) of his floor space with distilled spirits ("new products") for retail sale in conjunction with his predominate inventory comprising wine. The sale of new products will be an accessory use to the retail sale of wine, and Applicant will not expand his inventory of new products beyond the thirty percent limit requested in this application.

HARTMAN, SIMONS, SPIELMAN & WOOD, LLP
6400 Powers Ferry Road, N.W. • Suite 400 • Atlanta, Georgia 30338 • www.hssw.com • (770) 555-3555
89956-1 11400-0001000

Timothy Allen d/b/a The Barn Bottle Shoppe
The City of Milton
Letter of Intent - Proposed Rezoning
August 7, 2007
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The following discussion briefly outlines the reasons this zoning modification strikes a balance with the City of Milton's interest in promoting the public health, safety, morality and general welfare.

Suitability of Rezoning to Existing and Adjacent Property

The sale of the new products will likely constitute a small portion of store's overall business. Because The Barn Bottle Shoppe is and will continue to operate as an upscale wine merchant, rather than a liquor package store, Applicant shall maintain seventy percent (70%) of his floor space for the retail sale of wine. The proposed limited permitted use at the store is not expected to affect the unique community village nature of this development, but will provide adult customers with an additional purchase option at the shopping center.

Impact on Existing Streets, Transportation Facilities and Public Welfare

A rezoning to modify Condition 1.A., which allows the limited sale of new products, is not expected to create excessive or burdensome use on the streets, transportation facilities, utilities or schools in the area. The accessory sale of the new products is not expected to generate business that would create an excessively burdensome amount of additional traffic. Because the parcel is currently utilized for commercial purposes within an existing shopping center, any additional customer traffic is expected to integrate into the current traffic flow in the vicinity. Additionally, public records indicate that the nearest school is located several miles from the store. Finally, the new products will be located in a recessed area of the store and will not be visible from the entrance of the building; therefore, no additional public attention will be drawn to the new products.

Enclosed with this letter of intent, please find the following documents:

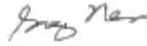
1. A check in the amount of \$750 payable to the City of Milton
2. Site Plan with Form F
3. Completed Application
4. Legal Description of Property
5. PDF of site plan (forthcoming, in lieu of transparency)
6. Impact Analysis
7. Disclosure Form
8. Public Participation Plan

Timothy Allen d/b/a The Barn Bottle Shoppe
The City of Milton
Letter of Intent - Proposed Rezoning
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- 9. Adjacent Property Owner List
- 10. Traffic Impact Study
- 11. Environmental Impact Report

On behalf of Tim L. Allen, we respectfully request that the above-referenced Rezoning request be granted. Please feel free to contact me if I can be of any further assistance or guidance in connection with the foregoing.

Sincerely,

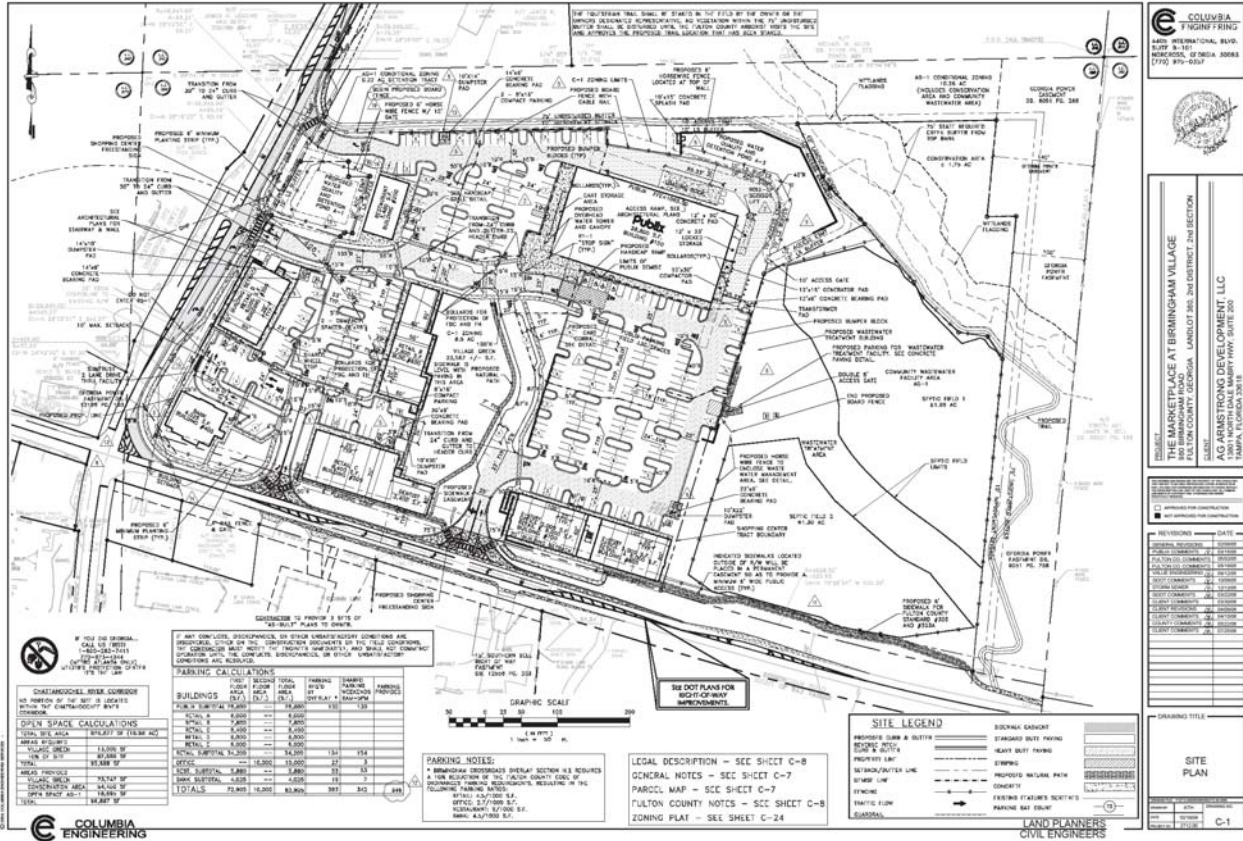


Gregory S. Ness

Enclosures

- cc: Allen Goins, Armstrong Birmingham Development, LLC (via e-mail)
Ted Sandler, Esq (via e-mail w/o attachments)
Robyn MacDonald (via e-mail)

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SITE PLAN RZ07-012