



City Council Meeting & Public Hearing

NOVEMBER 18, 2024

OFFICIAL MINUTES

Office of the City Clerk

ALPHARETTA CITY HALL

COUNCIL CHAMBERS | 2 PARK PLAZA | 6:30 PM

OFFICIAL MINUTES

The public is advised that the following minutes are not a verbatim transcription of business presented at the Council Meeting of the date shown; but are a synopsis of pertinent information. The public is further advised that the video recording for said meeting is a matter of public record and is available to be viewed at the City Clerk's office during normal business hours or viewed online at <https://www.youtube.com/user/alpharettagov>.

1. CALL TO ORDER

- Mayor Gilvin called the meeting to order at 6:30 p.m.
- Mayor Gilvin announced that Public Hearing Item Z-24-14/V-24-22 Pinnacle Pg LLC/Karen Drive will not be considered during tonight's meeting, as the Applicant has withdrawn their application. Additionally, Public Hearing Item MP-24-09/CU-24-12 Alpharetta Hotel Holdings LLC/Hybrid Hotel will not be considered during tonight's meeting, as the Applicant has requested a deferral of consideration of their application for a future City Council meeting.

2. ROLL CALL

- **Council Members**
 - Mayor Jim Gilvin
 - Mayor Pro Tem Dan Merkel
 - Brian Will
 - Donald F. Mitchell
 - John Hipes
 - Fergal M. Brady
 - Douglas J. DeRito
- **Staff**
 - Chris Lagerbloom, City Administrator
 - Molly Esswein, City Attorney
 - Lauren Shapiro, City Clerk
 - Adam Montgomery, Director of Information Technology
 - John Robison, Director of Public Safety
 - Morgan Rodgers, Director of Recreation, Parks & Cultural Arts Services

- Pete Sewczwicz, Director of Public Works
- Tom Harris, Director of Finance
- Michael Woodman, Planning and Development Services Manager
- Deanna McKay, Public Communication & Engagement Manager

3. PLEDGE TO THE FLAG

4. PRESENTATIONS & PROCLAMATIONS

A. Proclamation: National Native American Heritage Month

- Mayor Gilvin presented a Proclamation to Dane Christian from Georgia Council on American Indian Concerns to recognize National Native American Heritage Month.

5. CONSENT AGENDA

A. City Council Meeting Minutes (Meeting of 11/4/2024)

Consideration of approval of the City Council meeting minutes from the meeting of November 4, 2024.

B. Financial Management Report (Month Ending September 30, 2024)

Consideration of approval of the Financial Management Report for the month ending September 30, 2024.

C. Sewer and Temporary Construction Easements: 242 Milton Avenue

Consideration of a Sewer Easement and a Temporary Construction Easement to allow the construction of a sanitary sewer utility at 242 Milton Avenue between the City of Alpharetta, Walter I. Geer III, and Sarah Blackman, and with authorization for the Mayor to execute all necessary documents.

D. Global Settlement Agreement: Casey Bennett and City of Alpharetta

Consideration of approval of a Global Settlement Agreement between Casey Bennett and the City of Alpharetta.

- Mayor Gilvin announced that he is removing Item D, Global Settlement Agreement: Casey Bennett and City of Alpharetta from the Consent Agenda.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Council Member Hipes offered a motion to approve the Consent Agenda (with the removal of Item D, Global Settlement Agreement: Casey Bennett and City of Alpharetta).
 - Council Member Will seconded the motion.
 - The motion was approved unanimously (7-0).

6. PUBLIC HEARING

A. Announcement of Public Hearing Procedures

- City Attorney, Molly Esswein, announced the public hearing procedures.

B. Z-24-14/V-24-22 Pinnacle Pg LLC/Karen Drive

WITHDRAWN: The applicant for this item has withdrawn their application and this will not be considered during tonight's meeting.

Consideration of a rezoning and variances to allow for the construction of 14 'For-Sale' single-family detached homes on 2.68 acres in the Downtown. A rezoning is requested from O-I (office-Institutional) and C-2 (General Commercial) to DT-MU (Downtown Mixed-Use). Variances are requested from Unified Development Code (UDC) Appendix A: Alpharetta Downtown code Subsection 2.3.3(G) to modify local street residential streetscape standards, UDC Appendix A: Alpharetta Downtown Code Subsection 2.4.6(C) to allow a street-facing garage without the required 20' setback from the front façade of the home, and UDC Subsection 3.2.8(D) to reduce the landscape strip requirement along a new local street. The property is located at 0, 297 & 315 Karen Drive and is legally described as being located in land Lots 693 & 696, 1st District, 2nd Section, Fulton County, Georgia.

C. CLUP-24-03/MP-24-06/Z-24-11/V-24-18 TPG/Brookside Master Plan Pod B

Consideration of a comprehensive land use plan amendment, master plan amendment, rezoning and variance to allow 160 'Dwelling, 'For-Sale', Attached units on 9.89 acres. A master plan amendment is requested to the Brookside Master Plan Pod B to add 'Dwelling, 'For-Sale', Attached' as a permitted use. A comprehensive land use plan amendment is requested from 'Corporate Office' to 'High Density Residential' and a rezoning is requested from O-I (Office-Institutional) to R-10M (Dwelling, 'For-Rent' or 'For-Sale', Residential). Variances are requested to Unified Development Code (UDC) Subsection 2.2.10(D) R-10M, District Regulations to reduce the setback along Old Milton Parkway, UDC Section 2.5 Parking and Loading to reduce parking and allow standards to reduce the undisturbed buffer requirements, and UDC Subsection 2.2.10(D) to increase building height and reduce setbacks. The property is located AT 3750 Brookside Parkway and is legally described as being located in Land Lots 43, 44, 49 & 50, 1st District, 1st Section, Fulton County, Georgia.

- Planning and Development Services Manager, Michael Woodman, came forward to present this item.
- The applicant, The Providence Group, is requesting a master plan amendment, comprehensive land use plan amendment, rezoning, and variance to allow for the redevelopment of a two (2) story, 105,236 square foot Class B office building with 160 'For-Sale' townhouse-style condominium units on approximately 9.9 acres in Brookside. A master plan amendment is requested to add 'Dwelling, 'For-Sale', Attached' to the Brookside Master Plan Pod B. A comprehensive land use plan amendment is requested from 'Corporate Office' to 'High Density Residential' and a rezoning is requested from O-I (Office-Institutional) to R-10M (Dwelling, 'For-Rent' and 'For-Sale', Residential). Variances are requested to increase building height,

reduce setbacks, reduce undisturbed buffers, and allow uncovered parking. The property is located at 3750 Brookside Parkway on the south side of Old Milton Parkway between the two (2) intersections with Brookside Parkway.

- This item was considered at the November 7, 2024 Planning Commission meeting. There were no public comments. After discussion, the Planning Commission recommended approval of the applicant's request and denial of the parking variance to reduce parking, subject to Staff's recommended conditions (vote 7-0).
- After Planning Commission, the applicant updated the site plan to include four (4) additional parking spaces. The variance request to reduce parking is no longer needed.
- Staff is recommending that Mayor and City Council approve MP-24-06/CLUP-24-03/Z-24-11/V-24-18 The Providence Group/3750 Brookside Parkway, subject to the following conditions:
 1. The 9.89-acre property shall be zoned R-10M and the site shall be developed substantially similar to the site plan prepared by Travis Pruitt & Associates, Inc., dated 11/8/24, except for modifications required to comply with the conditions below. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.
 2. Architecture and materials shall be substantially similar to the submitted renderings prepared by Niles Bolton Associates, dated 11/8/24, and Lessard Design, dated 11/11/24, with final approval by Staff. Where the side of a building faces Brookside Parkway, side elevation shall include a front entrance or have the appearance of a front entrance, as approved by Staff.
 3. Up to 160 'Dwelling, 'For-Sale', Attached' units shall be permitted with a maximum building height of 3 stories over a basement and 47'. Residential entitlement shall be deducted from the Brookside Master Plan Pod B non-residential max. density at an exchange rate of 800 square feet of non-residential density for each residential unit.
 4. 'Dwelling, 'For-Sale' Attached shall be added as a conditional use in Brookside Master Plan Pod B.
 5. Development shall comply with the City's UDC parking rates. Uncovered and unenclosed parking shall be permitted as depicted on the site plan.
 6. Building setbacks shall be 50' along Old Milton Parkway, except that a 45' section shall have a 14' setback. Building setback shall be 25' along Brookside Parkway.
 7. New internal streets and alleys shall be substantially similar to the site plan prepared by Travis Pruitt & Associates, Inc., dated 11/8/24. New internal street shall be private and maintained by the HOA.

8. Open space shall be substantially similar to the open space depicted on the site plan prepared by Travis Pruitt & Associates, Inc., dated 11/8/24.
9. Retaining walls shall receive architectural façade treatment and/or be heavily landscaped, as approved by Staff. Retaining walls visible from developed areas exceeding 16' in height shall be terraced with landscaped areas between terraces.
10. Minimum 15' planted buffer shall be provided along the east property line and minimum 25' planted buffer shall be provided along the west property line, as shown on the site plan prepared by Travis Pruitt & Associates, Inc. dated 11/8/24.
11. The proposed development shall not be gated.
12. Developer shall provide stairway access from the site to the sidewalk along Old Milton Parkway at the northeastern corner of the site, as approved by Staff.
13. Developer shall provide a traffic calming/enhanced pedestrian crosswalk on Brookside Parkway, as depicted on the site plan prepared by Travis Pruitt & Associates, Inc., dated 11/8/24.
14. Developer shall improve a green pedestrian connection along the west side of the property, as depicted on the site plan prepared by Travis Pruitt & Associates, Inc., dated 11/8/24. A public access easement shall be provided for the green pedestrian connection. Pedestrian connection shall include an 8' concrete multi-use trail, park-like landscaping, wayfinding signage, seating and outdoor workspace or alternative placemaking improvement, as approved by Staff. Seating shall be similar to Exhibit A, including 2 sections of 3 benches. String lighting shall be installed over entrance along Brookside Parkway. Improvements for the green pedestrian connection, as well as the land value of the public access easement, shall be eligible for impact fee credits.
15. Developer shall identify a project in the Brookside Small Area Plan and implement the project in exchange for impact fee credits, as approved by Staff.
16. No more than 10% of the units shall be rented as stated in the HOA covenants.
17. No unfinished wood shall be visible from Brookside Parkway.
- The property is zoned O-I subject to the Brookside Master Plan Pod B and was developed in 2001 with a two (2) story, 105,236 square foot office building and surface parking lot. Surrounding properties are zoned O-I to the west and south, C-2 (General Commercial) to the east, and CUP (Community Unit Plan) and R-8A (Dwelling, 'For-Sale', Attached Residential) to the north. The Mansions at Alpharetta is located to the west, an office building and an undeveloped property owned by Georgia State University is located to the south, Zyka and Bruster's Real Ice Cream are located to the east, and Folia and Camden Pond are located to the north. The

property has a comprehensive land use plan designation of 'Corporate Office', which requires an amendment to allow a residential development.

- Brookside Master Plan was approved in 1997 as an office park with retail nodes along Old Milton Parkway. Pod B, which is approximately 30 acres, was approved for office use with a maximum density of 18,000 square feet per acre, or 540,000 square feet and a maximum building height of six (6) stories.
- The Horizon 2040 Comprehensive Plan identifies Old Milton Parkway east of Georgia 400 as a priority area in need of redevelopment and promotes retrofitting, repurposing, and mixed-use patterns to create activity nodes near or within existing suburban office parks. In response, the Brookside Small Area Plan was created and adopted in 2022. The plan's vision is to re-imagine the area as a walkable, connected environment in an effort to re-position the suburban office park which currently has one of the highest office vacancy rates in the City. The Plan does not include land use recommendations and the future land use designation of Brookside remains 'Corporate Office'.
- The submitted site plan depicts the existing 105,236 square foot office building to be demolished and redeveloped with 160 'For-Sale' townhouse-style condominium units in fourteen (14), three (3) story buildings. Units are twenty-foot (20') wide and are rear entry. Access to the site will continue from an existing shared driveway on Old Milton Parkway and a relocated driveway on Brookside Parkway. A 25' setback and ten-foot (10') landscape strip are depicted along Brookside Parkway and a 50' setback and twenty-foot (20') planted buffer are depicted along Old Milton Parkway. A fifteen-foot (15') setback and planted buffer are depicted along the east property line and a 25' setback and planted buffer are depicted along the west property line.
- A green pedestrian connection is proposed along the west side of the property, which is consistent with the framework plan identified in the Brookside Small Area Plan. The area includes a stream and existing stormwater pond, which is proposed to be placed underground. Additional open space is depicted throughout the development, including an amenity area with clubhouse and pool on the east side of the development, a mail kiosk with parking near the Brookside Parkway project entrance, and several linear green spaces between buildings. The existing five-foot (5') sidewalks and street trees along Old Milton Parkway will remain with GDOT's roadway project. The site plan depicts a six-foot (6') planter and eight-foot (8') sidewalk along Brookside Parkway, which is consistent with the streetscape identified in the Small Area Plan. Five-foot (5') sidewalks are depicted throughout the development.
- Unified Development Code (UDC) parking regulations require one (1) parking space for each bedroom in a townhome unit, as well as a minimum ten-foot (10') by eighteen-foot (18') driveway. The applicant indicated that there will be 106 two (2)

bedroom units and 54 three (3) bedroom units for a total of 374 parking spaces. The site plan depicts 160 spaces in garages, 160 spaces on driveways, and 54 guest spaces for a total of 374 spaces.

- The applicant has stated that street trees along Old Milton Parkway and Brookside Parkway will be saved. The remaining trees on the site are parking lot landscape trees, of which none were identified to be saved. The property is served by a master detention pond which provides stormwater management for properties in the Brookside Master Plan. An above-ground treatment pond exists in the southwest corner of the subject property, which is part of the master stormwater system. The applicant proposes to place the pond underground in order to improve the area as a green pedestrian connection.
- The applicant submitted renderings of the townhouse-style condominium buildings, which depict brick, board and batten, and siding as the primary exterior materials. Six (6) buildings will be three (3) stories on slab and eight (8) buildings will be three (3) stories over partially buried basement. Four (4) buildings have a side elevation facing Brookside Parkway, with those elevations including a porch and balcony on the first two (2) floors and a front entrance facing the street.
- The applicant submitted a trip generation report. The proposed townhome development is expected to generate 70 AM Peak Hour trips and 83 PM Peak Hour trips, which represents a 57% decrease in AM Peak Hour trips and 47% decrease in PM Peak Hour trips compared to the existing office development on the property.
- Fulton County Schools calculated the potential number of children who may live on the property by using their standard calculation to distinguish the number of children that a residential development will generate. Based on the total figure for all school levels, it can be assumed that the proposed development could house approximately 9 – 69 school age children. New Prospect Elementary School and Alpharetta High School have available enrollment capacity; however, Webb Bridge Middle School is over capacity.
- The Citizen Participation Plan Report submitted by the applicant states that letters were mailed to each property owner within 500' of the subject property stating the applicant's intent. The report states that no correspondence was received.
- A Community Zoning Information Meeting was held on October 9, 2024. There were no public comments.
- Staff has reviewed the applicant's proposal against the established review criteria for a master plan amendment, comprehensive land use plan amendment, rezoning, and variance. The 2040 Comprehensive Plan identifies Old Milton Parkway east of Georgia 400 as a priority area in need of redevelopment and promotes retrofitting and mixed-use patterns to create activity nodes near or within existing suburban office parks. While the Brookside Small Area Plan does not include land use recommendations, the plan envisions creating a walkable, connected environment

in an effort to re-position the suburban office park. If approved, the proposal would bring residences closer to goods, services, and jobs. The property has exceptional and peculiar conditions due to its topography and location within the Brookside Small Area Plan. Setback variances are supported by the Small Area Plan and the height variance would allow a building height less than the maximum height allowed in the Brookside Master Plan. A variance to allow uncovered parking was approved at Ecco Park on North Point Drive, which was directly tied to the applicant's unique product type (townhouse-style condominium units).

- Alex Brock, attorney for the Applicant with the firm of Smith Gambrell Russell (1105 West Peachtree Street NE, #1000, Atlanta, Georgia 30309), came forward to speak for this application.
- Warren Jolly, with The Providence Group (11340 Lakefield Drive, Johns Creek, GA 30097) came forward to speak for this application.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Mayor Pro Tem Merkel offered a motion to approve MP-24-06/CLUP-24-03/Z-24-11/V-24-18 The Providence Group/3750 Brookside Parkway, subject to the following conditions with the following changes:
 1. The 9.89-acre property shall be zoned R-10M and the site shall be developed substantially similar to the site plan prepared by Travis Pruitt & Associates, Inc., dated 11/12/24, except for modifications required to comply with the conditions below. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.
 2. Architecture and materials shall be substantially similar to the submitted renderings prepared by Niles Bolton Associates, dated 11/8/24, and Lessard Design, dated 11/11/24, with final approval by Staff. Where the side of a building faces Brookside Parkway, side elevation shall include a front entrance or have the appearance of a front entrance, as approved by Staff.
 3. Up to 160 'Dwelling, 'For-Sale', Attached' units shall be permitted with a maximum building height of 3 stories over a basement and 47'. Residential entitlement shall be deducted from the Brookside Master Plan Pod B non-residential max. density at an exchange rate of 800 square feet of non-residential density for each residential unit.
 4. 'Dwelling, 'For-Sale' Attached shall be added as a conditional use in Brookside Master Plan Pod B.
 5. Development shall comply with the City's UDC parking rates. Uncovered and unenclosed parking shall be permitted as depicted on the site plan.

6. Building setbacks shall be 50' along Old Milton Parkway, except that a 45' section shall have a 14' setback. Building setback shall be 25' along Brookside Parkway.
7. New internal streets and alleys shall be substantially similar to the site plan prepared by Travis Pruitt & Associates, Inc., dated 11/12/24. New internal street shall be private and maintained by the HOA.
8. Open space shall be substantially similar to the open space depicted on the site plan prepared by Travis Pruitt & Associates, Inc., dated 11/12/24.
9. Retaining walls shall receive architectural façade treatment and/or be heavily landscaped, as approved by Staff. Retaining walls visible from developed areas exceeding 16' in height shall be terraced with landscaped areas between terraces.
10. Minimum 15' planted buffer shall be provided along the east property line and minimum 25' planted buffer shall be provided along the west property line, as shown on the site plan prepared by Travis Pruitt & Associates, Inc. dated 11/12/24.
11. The proposed development shall not be gated.
12. Developer shall provide stairway access from the site to the sidewalk along Old Milton Parkway at the northeastern corner of the site, as approved by Staff.
13. Developer shall provide a traffic calming/enhanced pedestrian crosswalk on Brookside Parkway, as depicted on the site plan prepared by Travis Pruitt & Associates, Inc., dated 11/12/24.
14. Developer shall improve a green pedestrian connection along the west side of the property, as depicted on the site plan prepared by Travis Pruitt & Associates, Inc., dated 11/12/24. A public access easement shall be provided for the green pedestrian connection. Pedestrian connection shall include an 8' concrete multi-use trail, park-like landscaping, wayfinding signage, seating and outdoor workspace or alternative placemaking improvement, as approved by Staff. Seating shall be similar to Exhibit A, including 2 sections of 3 benches. String lighting shall be installed over entrance along Brookside Parkway. Improvements for the green pedestrian connection, as well as the land value of the public access easement, shall be eligible for impact fee credits.
15. Developer shall identify a project in the Brookside Small Area Plan and implement the project in exchange for impact fee credits, as approved by Staff.
16. No more than 10% of the units shall be rented as stated in the HOA covenants.
17. No unfinished wood shall be visible from Brookside Parkway.

- Council Member Brady seconded the motion.
- The motion was approved unanimous (7-0).

D. MP-24-10/CU-24-14 Lava Island/Regency Park Master Plan Pod 3

Consideration of a master plan amendment and conditional use to allow a 'Recreation Facilities, Indoor' business within an existing shopping center in the North Point Overlay. A master plan amendment is requested to the Regency Park Master Plan Pod 3 to add 'Recreation Facilities, Indoor' and a conditional use is requested to allow 'Recreation Facilities, Indoor' for Lava Island. The property is located at 7121 North Point Parkway and is legally described as being located in Land Lots 687 & 688, 1st District, 2nd Section, Fulton County, Georgia.

- Planning and Development Services Manager, Michael Woodman, came forward to present this item.
- The applicant, Dallin Barker, is requesting a master plan amendment and conditional use to allow Lava Island to re-use a 40,000 square foot space in an existing strip shopping center in the North Point Overlay. According to the application, Lava Island is a family entertainment venue with indoor play structures, trampolines, party rooms and café. The space was previously occupied by Buy Buy Baby. A master plan amendment is requested to add 'Recreation Facilities, Indoor' as a conditional use to the Regency Park Master Plan Pod 3 and a conditional use is requested to allow 'Recreation Facilities, Indoor' for Lava Island. The subject property is located at 7121 North Point Parkway on the southwest side of Encore Parkway at the intersection with North Point Center East.
- This item was considered at the November 7, 2024 Planning Commission meeting. There were no public comments. After discussion, the Planning Commission recommended approval subject to Staff's recommended conditions (vote 7-0).
- Staff is recommending that Mayor and Council approve MP-24-10/CU-24-14 Lava Island/Regency Park Master Plan Pod 3, subject to the following conditions:
 1. 'Recreation Facilities, Indoor' shall be listed as a conditional use in the Regency Park Master Plan Pod 3.
 2. 'Recreation Facilities, Indoor' shall be added as a conditional use at 7121 North Point Parkway and limited to no more than 40,000 square feet.
 3. Conditional use approval shall be limited to Lava Island; no additional 'Recreation Facilities, Indoor' use or subleasing shall be permitted within the approved space.
 4. 'Recreation Facilities, Indoor' shall be limited to a family entertainment venue with indoor play structures, trampolines, party rooms, and café.
 5. Hours of operation shall be Sunday – Thursday 9:00 AM – 9:00 PM and Friday – Saturday 9:00 AM – 10:00 PM.

6. Any exterior changes shall be similar to type, style, and colors depicted in the North Point Overlay District Design Guidelines, with final approval by DRB.
 7. Native and drought-tolerant shrubs and grasses shall be added to the foundation area along the front façade of the building, with final approval by DRB.
- The property is zoned PSC (Planned Shopping Center) and is subject to the Regency Park Master Plan. The property is developed with a one (1) story, 81,000 square foot strip shopping center. Surrounding properties are also zoned PSC. Ross Dress For Less is located to the east, Party City to the south, Mattress Firm to the west, and Georgia 400 to the north. The comprehensive land use plan designation of the property is 'Mixed Use', which allows the applicant's proposed use.
 - The Regency Park Master Plan was approved in 1992 and allows a mix of shopping center, entertainment, and office uses over six (6) pods along North Point Parkway between Encore Parkway and Mansell Road. Pod 3 was amended in 1994 to change the primary use from office to shopping center.
 - According to the application, Lava Island is a family entertainment venue including play structures, trampolines, party rooms and small café. Food and beverage items will consist of pizza, wings, French fries, coffee, milkshakes, smoothies, and soft drinks. No alcohol will be served. Lava Island has one (1) existing location in Aurora, Colorado with four (4) sites under construction. Hours of operation are Sunday – Thursday 9:00 AM – 9:00 PM and Friday – Saturday 9:00 AM – 10:00 PM. The applicant anticipates approximately 35 – 45 employees.
 - Lava Island proposes to re-use the 40,000 square foot space formerly occupied by Buy Buy Baby. No exterior changes to the building or site are proposed. There are approximately 513 parking spaces existing on the property. Unified Development Code (UDC) parking requirements were calculated, which includes a required 20% parking reduction for properties located in the North Point Overlay. The applicant's proposal is supported by a sufficient amount of parking.
 - Staff estimates that the proposed use will generate approximately 35 AM Peak Hour trips and 60 PM Peak Hour trips.
 - The Citizen Participation Plan Report submitted by the applicant states that letters were mailed to each property owner within 500' of the subject property stating the applicant's intent. The report states that no public comments were received.
 - The Citizen Zoning Information Meeting was held on October 9, 2024. There were no public comments.
 - Staff has reviewed the applicant's proposal against the review criteria for a master plan amendment and conditional use. The property is located in the North Point Overlay where walkability, mix of uses, site design and EcoDistrict measures are key components to a successful development. The location and character of the proposed use is appropriate as it relates to the use and development of adjacent or

nearby properties. Properties in the immediate vicinity are developed with a variety of retail, restaurant, office, and entertainment uses. The addition of an entertainment use to North Point will aid the continued innovation and reinvention of the area by providing more than just a shopping experience.

- Boyd Henderson (2149 S. Holly Street, Denver, Colorado 80222) came forward to speak for this application.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Mayor Pro Tem Merkel offered a motion to approve MP-24-10/CU-24-14 Lava Island/Regency Park Master Plan Pod 3, subject to the following conditions:
 1. 'Recreation Facilities, Indoor' shall be listed as a conditional use in the Regency Park Master Plan Pod 3.
 2. 'Recreation Facilities, Indoor' shall be added as a conditional use at 7121 North Point Parkway and limited to no more than 40,000 square feet.
 3. Conditional use approval shall be limited to Lava Island; no additional 'Recreation Facilities, Indoor' use or subleasing shall be permitted within the approved space.
 4. 'Recreation Facilities, Indoor' shall be limited to a family entertainment venue with indoor play structures, trampolines, party rooms, and café.
 5. Hours of operation shall be Sunday – Thursday 9:00 AM – 9:00 PM and Friday – Saturday 9:00 AM – 10:00 PM.
 6. Any exterior changes shall be similar to type, style, and colors depicted in the North Point Overlay District Design Guidelines, with final approval by DRB.
 7. Native and drought-tolerant shrubs and grasses shall be added to the foundation area along the front façade of the building, with final approval by DRB.
 - Council Member Will seconded the motion.
 - The motion was approved (7-0).

E. MP-24-09/CU-24-12 Alpharetta Hotel Holdings LLC/Hybrid Hotel

DEFERRED: The applicant for this item has requested a deferral of their application to a future City Council Meeting. This item will not be considered during tonight's meeting.

Consideration of a master plan amendment and conditional use to allow 'Hotel, Hybrid' on 9.89 acres in the Preston Ridge Master Plan. A master plan amendment is requested to the Preston Ridge Master Plan Pod H to add Hotel, Hybrid' as a conditional use and a conditional use is requested to allow a 'Hotel, Hybrid' for a dual brand Marriott hotel. The property is located at 12140 Morris Road and is legally described as being located in Land Lot 1262, 2nd District, 2nd Section, Fulton County, Georgia.

7. NEW BUSINESS

A. Resolution to Condemn: Parcel 3 of Pedestrian Improvements for Roswell Street / Alpha Loop (Parcel #22 482312690427)

Consideration and adoption of a Resolution to condemn property interest in Tax Parcel # 22 482312690427 (Parcel Owners: James G. & Edith E. Duane) as relating to the Pedestrian Improvements Roswell Street/Alpha Loop (estimated just and adequate compensation is \$16,700.00), and with authorization for the Mayor to execute all necessary documents.

- City Attorney, Molly Esswein, read the resolution aloud and came forward to present this item.
- Approval of this resolution will authorize the City Attorney's Office to acquire, through the use of Eminent Domain, the necessary property rights to, in, over, under, through and across the property in order to ensure the timely completion of the Project. Further, the Mayor and the City Administrator are specifically authorized to execute, on behalf of and as if signed by every member of the governing authority of the City, the Mayor and Council, any and all documents necessary to further the filing of any Petition for Condemnation or Declaration of Taking related to the same and/or in furtherance of this Resolution.
- The estimated just and adequate compensation for Parcel 3 of the project is \$16,700.00

PUBLIC COMMENTS:

- There were no public comments.
 - ❖ Mayor Pro Tem Merkel offered a motion to adopt a Resolution to condemn property interest in Tax Parcel # 22 482312690427 (Parcel Owners: James G. & Edith E. Duane) as relating to the Pedestrian Improvements Roswell Street/Alpha Loop (estimated just and adequate compensation is \$16,700.00), and to authorize the Mayor to execute all necessary documents.
 - Council Member DeRito seconded the motion.
 - The motion was approved (7-0).

B. Invitation to Bid 25-006: Construction of Roswell Street Pedestrian Safety Improvements

Consideration of approval of the award of a contract for ITB 25-006 to Azimuth Contractors, LLC for the construction of Roswell Street Pedestrians Safety Improvements for an amount not to exceed \$712,940.06 and authorize the Mayor to execute all necessary documents.

- Director of Public Works, Pete Sewczwicz, came forward to present this item.

- This is to award construction of pedestrian safety improvements and the extension of the Alpha Loop on Roswell Street between Old Milton Parkway and Old Roswell Street.
- Alpharetta has experienced unprecedented growth since the Alpha Loop was originally planned. Development continues to increase, and mixed-use lifestyle centers in various stages of development are emerging throughout the Downtown district. Residents understand the valuable connectivity that the Alpha Loop brings. Residents want to be near the trail, and the development community is eager to build the trail to make that possible. Establishing a clear and comprehensive vision for the Downtown trail is critical to maximizing the public benefit of these private investments and ensuring a cohesive and connected Alpha Loop system for commuters and recreational users alike.
- The current project is for traffic-calming on Roswell Street, improving sight-lines and visibility at the intersection of Roswell Street and Marietta Street, and constructing Alpha Loop along Roswell Street between Old Milton Parkway and Old Roswell Street.
- Some of the major construction elements of this project are: a 12' wide sidewalk, illuminated with light poles, will be constructed on the east side of Roswell Street between Old Milton Parkway and Old Roswell Street, lights will be bollard style, similar to Alpha Loop north of Thompson Street, between Marietta Street and Old Roswell Street, all on-street parking spaces will be removed, between Old Milton Parkway and Marietta Street, some of the existing parking spaces will be removed to improve the sight-line and visibility for traffic exiting Marietta Street, and the intersection of Roswell Street and Marietta Street will be a 4-way stop controlled.
- Procurement for this project was initiated through Invitation to Bid (ITB 25-006), which was issued on September 12, 2024, with a response deadline of October 17, 2024. Through the City's Bonfire system, 1281 vendors were notified with 43 document takers. Also, 1246 vendors were notified through the State of Georgia Department of Administrative Services. A total of 8 submittals were received in response to this invitation.
- After evaluation and verifying the submitted bids, staff from the Public Works Department met with representatives of Azimuth Contractors, as the low bidder.

PUBLIC COMMENTS:

- There were no public comments.
 - ❖ Council Member DeRito offered a motion to approve the award of a contract for ITB 25-006 to Azimuth Contractors, LLC for the construction of Roswell Street Pedestrians Safety Improvements for an amount not to exceed \$712,940.06 and authorize the Mayor to execute all necessary documents.

- Council Member Mitchell seconded the motion.
- The motion was approved (7-0).

C. Invitation to Bid 25-002: Fiscal Year 2025 Pavement Preservation

Consideration of approval to award invitation to bid 25-002 to Holbrook Asphalt, LLC for an amount totaling \$106,652.57 for the fiscal year 2025 pavement preservation project with approval of the associated contract and with the authorization for the Mayor to execute all necessary documents.

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- The Public Works Department would like to enhance the Street Preventative Maintenance program with more modern, feasible and sustainable solutions. High Density Mineral Bond is a high-density mix of selected aggregate and asphalt binder that creates a surface treatment installed over an existing asphalt roadway surface. It is intended to preserve existing asphalt paved streets from surface wear and from oxidation.
- The most prevalent type is HA5 which is widely used across the U.S. due to its effectiveness in extending pavement life and reducing maintenance costs. HA5 treatment will extend the service life of the streets by preserving their good condition for a longer period. HA5 is a proprietary mix that must be applied with specialized equipment by a trained crew.
- HA5 application adds an estimated 7-10 years of life to asphalt roads if applied at the proper times and conditions. HA5 has garnered strong support and utilization among counties and cities throughout the U.S. and Georgia.
- The Public Works Department prepared a request for bids (ITB 25-002) for the FY 25 Pavement Preservation road list. The City advertised for competitive bids on August 7th, 2024. Bids for the project were received on September 5th, 2024 and the City received one bid.
- Holbrook Asphalt, LLC is currently the only approved contractor in the state of GA for the application of HA5. The cure time for HA5 is approximately 24 hours before traffic can be allowed to traverse it. Holbrook Asphalt has vast experience applying this product while obtaining the proper cure time and also allowing individuals to access their homes, receive deliveries, etc. Holbrook Asphalt will provide shuttle services during the application for residents and stage the application so one lane is always open to traffic. Holbrook Asphalt will also coordinate with Fulton County Schools, USPS, etc. during the application of materials.
- If approved, the following roads will receive HA5 treatment: Lillian Drive, Pearson Court, Mccoy Way, Javad Lane, Yasha Court, Shadetree Way , and Cobblestone Court.

PUBLIC COMMENTS:

- There were no public comments.
 - ❖ Council Member DeRito offered a motion to approve the award invitation to bid 25-002 to Holbrook Asphalt, LLC for an amount totaling \$106,652.57 for the fiscal year 2025 pavement preservation project with approval of the associated contract and to authorize the Mayor to execute all necessary documents.
 - Council Member Will seconded the motion.
 - The motion was approved (7-0).

D. iCan Shine & City of Alpharetta 2025 iCan Bike Host Agreement

Consideration and approval of the iCan Bike Host Agreement between the City of Alpharetta and iCan Shine for the June 23rd through June 27th, iCan Bike Program.

- Director of Recreation, Parks, and Cultural Services, Morgan Rodgers, came forward to present this item.
- The iCan Bike program was initially introduced by the Alpharetta Public Safety Department in partnership with iCan Shine. The weeklong camp, made possible by volunteers comprised of Public Safety and Recreation staff, seeks to empower adaptive children and adults through learning the skill of riding a bike. Each year, the camp experiences approximately 40 "riders" and requires over 50 volunteers. Riders of varying abilities come from all over to participate in this unique and rare program for ages eight and up, including teens and adults with intellectual and developmental disabilities. Riders are taught that they can do amazing things with a little effort, parents find the camp inclusive and heartwarming, and volunteers can pride themselves on the unforgettable contribution made to the community.
- The Recreation Services Division of the Recreation, Parks & Cultural Services Department took over the program in 2024. This is a natural transition as the division already assists by funding the program via operational funds and registration revenue and provides staffing assistance in preparation for and during the weeklong program.
- Under the agreement attached hereto, iCan Shine agrees to transfer over the hosting responsibilities of the iCan Bike Program to the City of Alpharetta's Department of Recreation, Parks & Cultural Services. Additionally, the agreement commits the City to a financial responsibility of \$11,400 in service costs (shown below) to be provided by iCan Shine for 2025 iCan Bike Program.

PUBLIC COMMENTS:

- There were no public comments.

- ❖ Council Member Hipes offered a motion to approve the iCan Bike Host Agreement and to appropriate \$11,400 and for the Mayor to execute all necessary documents.
 - Council Member Will seconded the motion.
 - The motion was approved (7-0).

E. Resolution: Amicus Brief for Chang v. City of Milton Appeal

Consideration of adoption of a resolution authorizing the City of Alpharetta to participate in an Amicus Brief in the Chang v. City of Milton appeal and with authorization for the Mayor to execute all necessary documents.

- City Attorney, Molly Esswein read the resolution aloud and came forward to present this item.
- City Administrator, Chris Lagerbloom, read the final “Now Therefore” clause aloud as the resolution provided in the packet was missing a paragraph.
- The City Attorney’s Office has requested the City’s permission to file an amicus brief (friend of the court legal brief) on the City’s behalf in the pending matter before the Court of Appeals and/or Supreme Court of Georgia of a civil lawsuit that, at the trial court level, was referred to as Chang, et. al. v. City of Milton, State Court of Fulton County, Case No. 18EV004442.
- The case involves a claim of liability against the City of Milton for personal injuries due to a 2016 vehicle collision with a fixed obstruction (a masonry planter) located on City-owned right of way where the obstruction was outside the motoring lanes of travel.
- If adopted, this resolution would allow to the City Attorney’s Office to file an amicus brief, which may include the City’s name as a participating party.

PUBLIC COMMENTS:

- There were no public comments.
 - ❖ Mayor Pro Tem Merkel offered a motion to adopt a resolution authorizing the City of Alpharetta to participate in an Amicus Brief in the Chang v. City of Milton appeal and with authorization for the Mayor to execute all necessary documents.
 - Council Member Will seconded the motion.
 - The motion was approved (7-0).

8. PUBLIC COMMENT

- Sean Eason came forward to speak about housing and services.
- Tate Holcomb (353 Lynne Circle, Alpharetta, GA 30009) came forward to speak about childcare in Alpharetta.

9. REPORTS

- Mayor Gilvin shared that one of the greatest events of downtown is occurring on Saturday, the annual city tree lighting.

10. EXECUTIVE SESSION (IF NECESSARY)

- There was not an executive session.

11. ADJOURNMENT

- ❖ Council Member Mitchell offered a motion to adjourn the meeting.
 - Council Member Brady seconded the motion.
 - The motion was approved unanimously (7-0).
- With there being no further items to consider or discuss, Mayor Gilvin adjourned the meeting at 8:01 p.m.

Respectfully submitted,



Lauren Shapiro, City Clerk