



City Council Meeting & Public Hearing

JANUARY 6, 2025

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.

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
- Melissa Tracy, City Attorney
- Lauren Shapiro, City Clerk
- Adam Montgomery, Director of Information Technology
- Charlie Jewell, Director of Economic Development
- John Robison, Director of Public Safety
- Kathi Cook, Director of Community Development
- Pete Sewczwicz, Director of Public Works
- Tom Harris, Director of Finance
- Deanna McKay, Public Communication & Engagement Manager

- Kurt Kirby, Projects Manager
- Michael Woodman, Planning and Development Services Manager
- Suzanne Swain, Community Services Manager

3. PLEDGE TO THE FLAG

4. CONSENT AGENDA

A. City Council Meeting Minutes (Meeting of 12/16/2024)

Consideration of approval of the City Council meeting minutes from the meeting of December 16, 2024.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Council Member Hipes offered a motion to approve the Consent Agenda.
 - Council Member Mitchell seconded the motion.
 - The motion was approved unanimously (7-0).

5. PUBLIC HEARING

A. Announcement of Public Hearing Procedures

- City Attorney, Melissa Tracy, announced the City's public hearing procedures.

B. E-25-03 Reece/120 North Trace Driveway Exception

Consideration of an exception to allow a circular driveway with a reduced separation between driveways. An exception is requested from Unified Development Code (UDC) Subsection 2.5.6(B) Public Street Access, Driveways and Curb Cuts to allow 2 curb cuts on the same lot less than 300' from each other. The property is located at 120 North Trace and is legally described as being located in Land Lot 1125, 2nd District, 2nd Section, Fulton County, Georgia.

- Planning and Development Services Manager, Michael Woodman, came forward to present this item.
- The applicant, Scott Reece, is requesting consideration of an exception to allow a circular driveway with two (2) driveway curb cuts less than 300' from each other on a 0.63-acre single-family detached lot. An exception is requested to Unified Development Code (UDC) Subsection 2.5.6(B) Public Street Access, Driveways and Curb Cuts to allow two (2) curb cuts on the same lot less than 300' from each other. The subject property is located at 120 North Trace in the Andover at North Town subdivision.
- Staff is recommending that Mayor and Council approve E-25-03 Reece/120 North Trace Driveway Exception, subject to the following conditions:
 1. Circular driveway shall be permitted as depicted on the survey prepared by Accurate Surveying and Planning, Inc., dated 8/6/24.

2. Property owner shall submit a land development permit for the 2nd driveway and shall include full stormwater management design that shows compliance with city stormwater regulations.
- The property is zoned R-15 (Dwelling, 'For-Sale', Residential) and was recently redeveloped with a new single-family home. The Andover at North Town subdivision was developed in the 1970's and does not have sidewalks. Surrounding properties are zoned R-15. Residential lots in Andover at North Town are located to the north, east and west, and Surrey Place is located to the south.
 - An exception is requested to UDC Subsection 2.5.6(B) Public Street Access, Driveways and Curb Cuts to allow two (2) curb cuts on the same lot less than 300' from each other. According to the applicant, the primary reason for the exception is related to parking and accessibility. The applicant states that property owners are a family with six (6) driving-age children. The exception will allow for more efficient ingress and egress to and from the property. The applicant provided photographic evidence depicting two (2) driveways on the subject property which were associated with a home constructed on the property in 1974. The recent redevelopment of the property triggered compliance with City zoning codes which only permit one (1) driveway on the property.
 - The submitted survey depicts a circular driveway with two (2) curb cuts on North Trace approximately 60' apart. The easternmost driveway was approved with the recent redevelopment of the property. The westernmost driveway was not identified on the approved land disturbance permit and was installed after the site inspector signed off on the Certificate of Occupancy inspection.
 - The Citizen Participation Plan Report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that the applicant has not received any negative feedback.
 - The Community Zoning Information Meeting was held on December 11, 2024. There were no public comments.
 - Staff has reviewed the applicant's request against the review criteria for an exception. The request to allow a circular driveway with two (2) curb cuts less than 300' away from each other would not be a detriment to the public. The Andover at North Town subdivision was developed in the 1970's without sidewalks and two (2) driveways were previously developed on the property and removed with the recent redevelopment.
 - The applicant, Scott Reese (13685 Highway 9, Milton, GA 30009) came forward to speak on behalf of this application.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Mayor Pro Tem Merkel offered a motion to approve E-25-03 Reece/120 North Trace Driveway Exception, subject to the following conditions:

1. Circular driveway shall be permitted as depicted on the survey prepared by Accurate Surveying and Planning, Inc., dated 8/6/24.
2. Property owner shall submit a land development permit for the 2nd driveway and shall include full stormwater management design that shows compliance with city stormwater regulations.
 - Council Member DeRito seconded the motion.
 - The motion was approved unanimously (7-0).

C. E-25-02 The Maxwell Blade Sign Exception

Consideration of a sign exception to replace the monument sign allowance with a perpendicular sign. Exceptions are requested to Unified Development Code (UDC) Subsection 2.6.3 Definitions to vary from the definition of a monument sign, UDC Subsection 2.6.11(D) Standards for Monument Signs to allow a monument sign without a base, UDC Subsection 2.6.12 Requirements for Non-Residential Zoning Districts to reduce the sign setback and increase the sign height. The property is located at 210 South Main Street and is legally described as being located in Land Lots 693, 694, 695 & 696, 1st District, 2nd Section, Fulton County, Georgia.

- Planning and Development Services Manager, Michael Woodman, came forward to present this item.
- The applicant, Naomi Rizzo, is requesting consideration of a sign exception in order to replace the monument sign allowance with a perpendicular sign. Exceptions are requested to Unified Development Code (UDC) Subsection 2.6.3 Definitions to vary from the definition of a monument sign, UDC Subsection 2.6.11 (D) Standards for Monument Signs to allow a monument sign without a base, and UDC Subsection 2.6.12 Requirements for Non-Residential Zoning Districts to reduce the sign setback and increase the sign height. The subject property is located at 210 South Main Street in The Maxwell mixed-use development.
- Staff is recommending that Mayor and Council approve E-25-02 The Maxwell Blade Sign Exception, subject to the following conditions:
 1. Sign location, type, number (1 perpendicular sign with 4 tenant panels), size, design, and illumination shall be substantially similar to the submitted plans prepared by A1 Signs Atlanta, dated 12/30/24, except to comply with the conditions below, as approved by DRB.
 2. Perpendicular sign shall be framed, lettering shall be routed, and sign shall be antique black similar to the example provided in Exhibit A, as approved by DRB.
 3. Monument sign rights shall be replaced with a perpendicular sign and there shall be no remaining monument sign rights on the commercial portion of The Maxwell mixed-use development.

4. Approval of the sign exception shall not affect an individual business's perpendicular sign rights.
- The 12.9-acre mixed-use development is zoned DT-MU (Downtown Mixed-Use) and is developed with 42,550 square foot commercial village at the corner of South Main Street and Devore Road with residential village to the east along Devore Road. A variety of businesses operate in The Maxwell, including Rena's Italian Grill, Fairway Social, and Ponko Chicken, to name a few. Surrounding properties are zoned C-2 (General Commercial) to the north, east and west, DT-MU to the east and west, and R-12 (Dwelling, 'For-Sale', Residential) to the south. Dogwood Square is located to the north and east, The Maxwell residential is located to the east, Alpha Park is located to the south, and Bank of America and Mayfair on Main are located to the west.
 - For properties within a strip shopping center less than 50,000 square feet of enclosed leasable space, the City's Sign Code allows one (1) monument sign no greater than ten-feet (10') in height with no more than 42 square feet of copy area, no more than four (4) tenant panels, and with the monument sign set back twenty-feet (20') from the right-of-way. For properties located within the Downtown Overlay, each business is permitted one (1) perpendicular sign not to exceed eight (8) square feet.
 - The applicant proposes to apply monument sign rights to a perpendicular sign proposed to be attached to a retaining wall along South Main Street just south of Janis Lane. The proposed double-sided perpendicular sign is approximately 5.25' tall x 3.67' wide, with a copy area of approximately 18.375 square feet. The sign is proposed to be anchored to the north end of the retaining wall approximately 4.5' above grade. The sign would overhang a landscape area between the retaining wall and back of sidewalk, which is approximately fifteen feet (15') deep. The sign would project out approximately four feet (4') from the wall and would not overhang the sidewalk or public right-of-way.
 - The Citizen Participation Plan Report submitted by the applicant states that adjacent property owners were contacted regarding the applicant's intent. The report states that two (2) nearby property owners reached out with questions about the request. According to the applicant, neither person was opposed after the applicant responded to their questions.
 - The Community Zoning Information Meeting was held on December 11, 2024. There were no public comments.
 - Staff has reviewed the applicant's request against the review criteria for a sign exception. The property has exceptional conditions due to its topography with the commercial village sitting approximately nine feet (9') higher than South Main Street. Existing utilities between the retaining wall and sidewalk limit placement of a monument sign. In addition, the copy area of the proposed perpendicular sign is approximately 56% smaller than the maximum copy area allowed for a monument sign. If approved,

the proposed perpendicular sign should replace the monument sign rights available to the commercial portion of the mixed-use development.

- The applicant, Michelle Dorminey with A1 Signs (6334 Buford Highway, Norcross, GA 30071) came forward to speak on behalf of this application.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Mayor Pro Tem Merkel offered a motion to approve E-25-02 The Maxwell Blade Sign Exception, subject to the following conditions and with the date change to 12/30/2024 in Condition #1, as Michael Woodman presented:
 1. Sign location, type, number (1 perpendicular sign with 4 tenant panels), size, design, and illumination shall be substantially similar to the submitted plans prepared by A1 Signs Atlanta, dated 12/30/24, except to comply with the conditions below, as approved by DRB.
 2. Perpendicular sign shall be framed, lettering shall be routed, and sign shall be antique black similar to the example provided in Exhibit A, as approved by DRB.
 3. Monument sign rights shall be replaced with a perpendicular sign and there shall be no remaining monument sign rights on the commercial portion of The Maxwell mixed-use development.
 4. Approval of the sign exception shall not affect an individual business's perpendicular sign rights.
 - Council Member Brady seconded the motion.
 - Council Member Mitchell offered a friendly amendment to include "Final approval by staff to ensure that sign guidelines are being followed with the lighting."
 - Mayor Pro Tem Merkel accepted the friendly amendment.
 - Council Member Brady accepted the friendly amendment.
 - The motion was approved unanimously (7-0).

D. PH-25-01 Continuum Change of Condition

Consideration of a change to conditions of zoning related to the Continuum mixed-use development. This property is located at 5555 Windward Parkway and is legally described as being located in Land Lots 1186, 1187, 1190 & 1191, 2nd District, 2nd Section, Fulton County, Georgia.

- Planning and Development Services Manager, Michael Woodman, came forward to present this item.
- The applicant, SWVP Alpharetta, LLC, is requesting a change to conditions of zoning related to the 51.86-acre Continuum mixed-use development. A master plan

amendment, rezoning, and conditional use was approved on the property in 2022 to allow the Continuum mixed-use development, consisting of 1,325,299 square feet of office, 73,800 square feet of retail/restaurant, 98 For-Sale townhomes, and 280 For-Rent units. The applicant requests a one (1) year extension to the reversion clause related to the Dwelling, 'For-Rent' units from 2025 to 2026. The property is located at 5555 Windward Parkway at the southeast corner of Windward Parkway and Westside Parkway.

- Staff is recommending that Mayor and Council approve PH-25-01 Continuum Change of Condition, subject to the following condition:
 - 4. Development regulations shall be as follows (The entitlements below shall be deducted from the Oxford Green Phase 2 Master Plan non-residential density, including an exchange rate of 800 square feet of non-residential density for each residential unit):
 - d. 'For-Rent' Residential – After January 1, 2024, 280 'Dwelling, 'For-Rent' units shall be permitted a Certificate of Occupancy in accordance with UDC 'For-Rent' requirements. At-grade 'For-Rent' units shall be limited to no more than 3 sides of the building and shall have walkouts with sidewalk connections. Maximum building height shall be 6 stories. Units shall be studio, 1, 2, and 3 bedrooms with no more than 30% of the units being 2-bedroom and no more than 5% being 3-bedroom. 'For-Rent' units shall be constructed concurrently with a minimum 193,200 square feet of office use, which may include the rehabilitation of the existing office building. A Certificate of Occupancy shall not be issued for rental units until 193,200 square feet of office has been constructed/rehabilitated or is substantially under construction/rehab as determined by Staff. The 'For-Rent' units shall be part of a mixed-use development containing a minimum 50 acres and incorporating retail/restaurant, 'For-Sale' residential, neighborhood grocery and a minimum of 193,200 square feet of office. 'For-Rent' units shall have first class amenities, which shall include a private pool, fitness center, secure gated parking, resident's lounge, business center, on-site management office, concierge services and secure elevator access. If a building permit is not issued by October 17, 2026 residential units shall revert to 'For-Sale' only.
- The property is developed with two (2), connected office buildings, consisting of 517,399 square feet, and a sixteen (16) acre surface parking lot. The property is zoned O-I (Office-Institutional) subject to the Oxford Green Master Plan Phase 2. Surrounding properties are zoned O-I to the east, south and west and C-1 (Neighborhood Commercial) and C-2 (General Commercial) to the north. The Plaza at Windward shopping center is located to the north, Cabernet Steakhouse, Hyatt Place and Georgia 400 are located to the east, a data center is located to the south, and a retail shopping center, Residence Inn by Marriott and office park are located to the west. The property has a comprehensive land use plan designation of 'Mixed Use'.
- According to the applicant's letter of intent, the request to change conditions of zoning relates to challenges in the office leasing and lending market. The applicant states that

the renovations to the existing office building needed to be started before they could market the For-Rent portion of the mixed-use development, of which the Class-A office modifications began in October 2024. The applicant anticipates 14-18 months for design and building permit issuance.

- 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 comments were received.
- The Community Zoning Information Meeting was held on December 11, 2024. There were no public comments.
- Staff has reviewed the applicant's proposal and finds that it can generally support the applicant's request for changes to conditions of zoning. Since October 2022, the applicant has taken several steps to implement the Continuum mixed-use development, including land disturbance permit (existing office re-positioning and infrastructure), Design Review Board (community standards and existing office re-positioning), intergovernmental agreement, building permit (existing office re-positioning), minor subdivision, and construction activities related to re-positioning the existing office building which began in October 2024. The one (1) extension will give the applicant additional time to improve the development scheme and identify a quality development partner.
- Julie Sellers (attorney for the applicant) came forward to speak on behalf of this application.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Mayor Pro Tem Merkel offered a motion to approve PH-25-01 Continuum Change of Condition, subject to the following condition:
4. Development regulations shall be as follows (The entitlements below shall be deducted from the Oxford Green Phase 2 Master Plan non-residential density, including an exchange rate of 800 square feet of non-residential density for each residential unit):
- d. 'For-Rent' Residential – After January 1, 2024, 280 'Dwelling, 'For-Rent' units shall be permitted a Certificate of Occupancy in accordance with UDC 'For-Rent' requirements. At-grade 'For-Rent' units shall be limited to no more than 3 sides of the building and shall have walkouts with sidewalk connections. Maximum building height shall be 6 stories. Units shall be studio, 1, 2, and 3 bedrooms with no more than 30% of the units being 2-bedroom and no more than 5% being 3-bedroom. 'For-Rent' units shall be constructed concurrently with a minimum 193,200 square feet of office use, which may include the rehabilitation of the existing office building. A Certificate of Occupancy shall not be issued for rental units until 193,200 square feet of office has been constructed/rehabilitated or is substantially under construction/rehab as determined by Staff. The 'For-Rent' units shall be part of a

mixed-use development containing a minimum 50 acres and incorporating retail/restaurant, 'For-Sale' residential, neighborhood grocery and a minimum of 193,200 square feet of office. 'For-Rent' units shall have first class amenities, which shall include a private pool, fitness center, secure gated parking, resident's lounge, business center, on-site management office, concierge services and secure elevator access. If a building permit is not issued by October 17, 2026 residential units shall revert to 'For-Sale' only.

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

E. PH-24-24 Unified Development Code Text Amendments – 'Recreation Facilities, Indoor', Historic Preservation Incentive Flag Lots, and Procedures

SECOND READING: The first reading of the item occurred during the December 16, 2024, City Council Meeting and Public Hearing.

Consideration of text amendments to Subsection 2.2.14 (C) C-1 Neighborhood Commercial, Conditional Uses and Table 2.2 List of Permissible and Conditional Uses of Article II of the Unified Development Code (UDC) to add 'Recreation Facilities, Indoor' as a conditional use in the C-1 zoning district. Consideration of text amendments to Subsection 2.3.1(E) General Exemptions, Flag Lots and Subsection 2.9.5 Incentives Available to Historic Properties Following Designation of Article II of the UDC to add regulations allowing flag lots as an incentive for saving a historic structure. Consideration of text amendments to Article IV Procedures of the UDC to amend various fees associated with the public hearing process.

- City Attorney, Melissa Tracy, read the Ordinance title aloud.
- Director of Community Development, Kathi Cook, came forward to present this item.
- No changes have been made to the Ordinance since the first reading.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Mayor Pro Tem Merkel offered a motion to approve PH-24-24 Unified Development Code Text Amendments – 'Recreation Facilities, Indoor', Historic Preservation Incentive Flag Lots, and Procedures.
 - Council Member Brady seconded the motion.
 - The motion was approved unanimously (7-0).

F. PH-24-17 Unified Development Code (UDC) Text Amendments – Short Term Rentals

THIRD READING: The first reading of this item occurred during the December 2, 2024 City Council Meeting and the second reading occurred during the December 16, 2024 City Council Meeting.

Consideration of text amendments to Section 1.4 Definitions of Article I, Table 2.2 List of Permissible and Conditional Uses of Article II, Section 2.7 Miscellaneous Regulations of Article II, and Section 4.5.5 Exceptions of Article IV of the Unified Development Code (UDC) to add regulations pertaining to Short Term Rentals.

- City Attorney, Melissa Tracy, read the Ordinance title aloud.
- Director of Community Development, Kathi Cook, came forward to present this item.
- Since the last reading, there was a change to add the CUP and MU Zoning District, so that all residential zoning districts within Article II of the UDC have been added.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Mayor Pro Tem Merkel offered a motion to approve PH-24-17 Unified Development Code (UDC) Text Amendments – Short Term Rentals.
 - Council Member DeRito seconded the motion.
 - The motion was approved (7-0).

G. The Code of the City of Alpharetta Text Amendments – Short Term Rental Regulations and Licensing

THIRD READING: The first reading of this item occurred during the December 2, 2024 City Council Meeting and the second reading occurred during the December 16, 2024 City Council Meeting.

Consideration of text amendments to the Code of the City of Alpharetta to establish a Short-term Rental Ordinance. The proposed Short-term Rental Ordinance will regulate properties otherwise authorized for short-term rental, to include appointment of a registered agent; to impose certain requirements and restrictions regarding the use of properties for short-term rental; to establish an annual licensing system and a fee for same; to provide for enforcement and penalties for violations; to repeal conflicting ordinances; and for other purposes.

- City Attorney, Melissa Tracy, read the Ordinance title aloud and presented this item.
- Since the last reading, there was one change to the application requirements regarding corporate entities and documents to be submitted.

PUBLIC COMMENTS:

In Favor

- Essie Escobedo (5000 North Somerset Lane, Alpharetta, Georgia 30004)
- Frankie Elliot (Atlanta Realtor's Association)
- Joanna Martins (120 Dania Drive, Alpharetta, Georgia 30009)
- ❖ Mayor Pro Tem Merkel offered a motion to approve The Code of the City of Alpharetta Text Amendments – Short Term Rental Regulations and Licensing, with the following changes:

- Section 10-433: Change language "from one contact" to "requires two contacts"; and
- Section 10-435 1(a) Change the language to "the name of the owner and/or the local contact person of the short term rental and telephone number at which the party may be reached on a 24 hour 7 days a week basis."
- Council Member DeRito seconded the motion.
- The motion was approved (6-0-1; with Council Member Will in abstention).

6. PUBLIC COMMENT

- There were no public comments.

7. REPORTS

- There were no reports.

8. EXECUTIVE SESSION (IF NECESSARY)

- There was not an executive session.

9. ADJOURNMENT

- ❖ Council Member Mitchell offered a motion to adjourn the meeting.
 - Mayor Pro Tem Merkel 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 7:37 p.m.

Respectfully submitted,



Lauren Shapiro, City Clerk