



# City Council Meeting and Public Hearing Summary DECEMBER 4, 2017

OFFICE OF THE CITY CLERK  
678-297-6003

[WWW.ALPHARETTA.GA.US](http://WWW.ALPHARETTA.GA.US)

PREPARED BY: COTY THIGPEN

PUBLISHED: December 7, 2017

*This summary is provided as a convenience and service to the public, media and staff. It is not the intent to record proceedings verbatim. Any reproduction of this summary must include this notice. Public comments are noted as heard by Council, but not quoted or paraphrased. This document includes limited presentation by Council and invited speakers in **summary** form. **This is not an official record** of the Alpharetta City Council Meeting proceedings. Official Minutes are recorded and available for review.*

## I. CALL TO ORDER

❖ *Mayor Belle Isle called the meeting to order at 6:30 P.M.*

## II. ROLL CALL

- Council Members
  - Mayor David Belle Isle
  - Chris Owens (Mayor Pro Tem)
  - Jason Binder
  - Jim Gilvin
  - Mike Kennedy
  - Dan Merkel
  - Donald Mitchell
- Staff
  - Bob Regus, City Administrator
  - Coty Thigpen, City Clerk
  - Sam Thomas, City Attorney
  - James Drinkard, Asst. City Administrator
  - Peter Sewczwicz, Director of Public Works
  - John Robison, Deputy Director of Public Safety
  - Morgan Rodgers, Director of Recreation and Parks
  - Kathi Cook, Director of Community Development
  - Michael Woodman, Senior Planner

## III. PLEDGE TO THE FLAG

## IV. CONSENT AGENDA

**A. Council Meeting Minutes (Meeting of 11/27/2017)**

- ❖ *Council Member Merkel offered a motion to approve the Consent Agenda*
  - *The motion was seconded by Council Member Owens*
  - *Motion approved unanimously (6-0)*

**V. PUBLIC HEARING**

**A. V-17-21 55 & 61 Roswell Street**

*NOTE: Consideration of this case has been postponed to the December 11, 2017 City Council Meeting. Consideration of variance requests to reduce parking requirements and to increase the building height to allow for the construction of a 56,000 square foot mixed-use building. The property is located at 55 & 61 Roswell Street and are legally described as being located in Land Lot 1269, 2nd District, 2nd Section, Fulton County, Georgia.*

**B. PH-17-36 Perling/South Main & Devore**

- ❖ *Mayor Belle Isle recused himself from this item*
- ❖ *Mayor Pro Tem Owens assumed the Chair*
- Director of Community Development, Kathi Cook, came forward to present this item on behalf of staff
- Staff recommends approval of PH-17-36 Perling/South Main & Devore, subject to the following conditions:
  1. The property to be rezoned shall have a “DT-MU” zoning classification.
  2. Property shall be developed substantially in accordance with the submitted plan prepared by PEC, Inc., updated 11/16/2017, with heavily amenitized seating areas, final approval by Staff. However, lot yield depicted is not guaranteed and subject to meeting all City Code requirements and conditions of zoning.
  3. Architectural style of all buildings, including existing building to remain, shall be Mercantile/warehouse or shall meet the architectural and building design requirements of the Alpharetta Downtown Code. Non- residential and mixed-use buildings shall be approved by the Design Review Board and residential buildings shall be approved by Staff. Townhome buildings shall have flat roofs. Existing building shall be renovated in the Mercantile/warehouse style and shall be completed no later than the Certificate of Occupancy of the 2<sup>nd</sup> restaurant building. Existing building shall have at least 1 point of public access from the rear of the building and shall be split with pedestrian access as depicted.
- 4. Development regulations shall be as follows:
  - a. ~~Office—Maximum of 61,500 square feet. Building height shall be limited to 4 stories or 60 feet, whichever is less.~~
  - b. Retail/Restaurant/Brewery/Office – A maximum of 60,200 square feet of retail/restaurant/brewery/office use shall be permitted. A minimum 12,000 square foot and maximum 25,000 square foot shall be permitted to be a craft brewery. No more than two free standing restaurant buildings and one free standing retail/restaurant building shall be permitted. Freestanding retail/restaurant buildings shall be a minimum height of 18’. All restaurant uses shall include outdoor seating areas (min. 25% of space occupied by restaurants), including at least one building with rooftop dining. No drive-thru restaurants shall be permitted.
  - c. ~~‘For-Rent’ Residential—Maximum of 129 ‘For-Rent’ dwelling units in accordance with UDC ‘For-Rent’ requirements shall be permitted. Maximum continuous building height shall be 4 stories or 60 feet, whichever is less. Maximum continuous building façade along the public right-of-way shall be 200 feet with a minimum landscaped garden separation of 50 feet between building walls. No more than 50% of the units may be two (2) bedroom units. ‘For-Rent’ units shall be constructed concurrently with retail/restaurant, craft brewery, ‘For-Sale’ residential and 35,200 square feet of office development. A Certificate of Occupancy shall not be issued for rental units until 35,200 square feet of office and minimum 12,000 square foot craft brewery has been constructed. The units shall be part of a mixed-use development incorporating retail, brewery, ‘For-Sale’ residential units, connection to a neighborhood grocery, restaurant, and 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 and secure elevator access. The two sides of the ground floor of the apartment building facing Devore Road and the park area will contain a mix of commercial and residential ("live-work") space.~~

~~The commercial space shall contain at least 5,000 Square Feet and may include the leasing office, business center, fitness center and club room which serves the apartments. The residential ground floor units which face Devore Road and the park area ("live-work") will offer workspace with living quarters and shall be designed in a way to activate the streetscape by providing direct access to these units with a covered awning over a landing and/or stooped entryway. All ground floor residential units shall be oriented to the sidewalk, provide individual unit entrance from the exterior of the building, provide individual stoops or porches, and provide a minimum of one ground floor window facing the sidewalk. If the existing shopping center has not been demolished by 12-31-19, applicant shall dedicate the office site fronting South Main as civic or amenity space.~~

- d. ~~' For-Sale' Residential –Up to 138 'For-Sale' Attached (townhome, semi-detached, and/or condominium) and Detached units shall be developed. 'For-Sale' townhomes, semi-detached, and detached product shall be oriented to Devore Road and/or the multi-use path and shall be rear-loaded. All other interior townhomes, semi-detached and detached product may be oriented to the internal driveway/street and may be permitted parking between the driveway/street and the residential structure.~~
- e. ~~Parking Decks—Maximum of 4 levels or 60 feet plus basement level, whichever is less. Parking decks visible from South Main Street and Devore Road shall be treated with comparable materials and finishes as the buildings they serve. Suitability of parking deck elevation, visibility and landscape screening shall be approved by the Design Review Board.~~
5. Density shall be limited to a maximum of 10.7 dwelling units per acre.
6. All residential units along Devore Road shall be oriented to the street with their front door facing Devore Road. Side elevations facing Devore Road shall have the same level of architectural detail and materials as the front elevation and shall appear to face the street. Elevations shall be substantially brick as depicted and all corner units shall be 3 sided brick.
7. Visible privacy fence shall be prohibited along Devore Road and the multi-use path.
8. A minimum 10 foot undisturbed buffer, heavily planted where sparse, and 15 foot graded/landscaped setback shall be provided adjacent to the east and north between residential and commercial. A sidewalk shall be required within the 15' graded/landscaped buffer or elsewhere as approved by staff. 5' path to neighborhood grocery may be placed within the landscape buffer. A 10' heavily planted landscape strip shall be provided between commercial uses and Dogwood Square along the multi-use path.
9. Impacts to off-site trees shall be minimized. Property owner(s) of off-site trees shall be notified of any encroachment greater than 20% or as directed by the City Arborist. This notification shall include a letter from the project Arborist detailing the extent of the encroachment and possible outcomes.
10. Pedestrian-scale lighting and amenities shall be required throughout the development.
11. The site shall provide a proportionate amount of civic and amenity space based on the density approved above the maximum 10 dwelling units per acre permitted in the DT-MU zoning district (a density of 10.7 du/ac would warrant 1.38 acres of civic space and 1.38 acres of amenity space). A minimum of 1 acre of civic space shall be set aside as passive green area adjacent to the multi-use path between the commercial and residential areas of the site.
12. Dedicate a minimum 15' public access easement to the City and construct a 12' multi-use path as depicted on the site plan with final location approved by Staff. Multi-use path shall be accessible and constructed of concrete, including an entrance gateway/arch on Devore Road, landscaping, low-level path lighting, seating areas, useable greenspaces, and bike share station as approved by Staff. Park impact fee credits shall be provided to the developer for improvements within the public access easement.
13. The frontage of South Main Street shall be developed with a minimum 2,000 square foot civic space and shall incorporate seating, and decorative Downtown Alpharetta Entrance sign with final approval by DRB. Applicant shall include a minimum of 2 original sculptures located at prominent locations within the development. Sculptures and locations shall be approved by Staff and the local Art Committee. A minimum of 1 sculpture shall be a minimum of 15' in height and installed prior to the issuance of the first CO.
14. A minimum 5' accessible path shall be provided from the project site to the property of the Walmart Neighborhood Market at the northeast corner of the site where the properties abut as approved by Staff.
15. All buildings along South Main Street and Devore Road shall face those streets or appear to face those streets. No backside of buildings or "back of house" functions (such as loading or dumpster area), shall be visible from those streets.
16. Alcohol license distance requirements from residential development shall be waived.
17. A rooftop amenity area shall be required and shall count toward required amenity space.
18. Civic spaces shall include decorative hardscape consisting of pavers or other materials approved by Staff, as well as green areas. Landscaping shall be required in the civic space in well-defined planting beds and trees in tree wells as approved by Staff. A bocce ball court, or an alternative outdoor recreational feature shall be required within an area designated civic space as approved by Staff.
19. Pedestrian connections shall be provided between buildings and across roadways within the development. Pedestrian crossings throughout development shall be ramped and the surface materials shall be brick pavers, cobblestones or

architecturally treated concrete products as approved by Staff.

20. Detention facilities shall not be visible from South Main Street or Devore Road, except as a decorative water feature approved by Staff.
21. The developer shall provide bicycle racks, benches, trash receptacles, decorative crosswalks, planters, kiosks and other street furniture, where appropriate, throughout the development. A bus drop-off area with shelter and dedicated lane shall be incorporated into the plan design along South Main Street or at an alternative location acceptable to MARTA. Developer shall work in good faith with MARTA to add the development to city bus routes in order to assist with transportation service for employees.
22. Developer shall dedicate right-of-way for the realignment of Devore Road, per the GDOT design. The developer shall improve the south side of South Main Street, per the GDOT design. Roadway improvements needed for the realignment of Devore Road shall be eligible for road impact fee credits, per the GDOT design. Public right of way along the north side of Devore shall be dedicated to the back of sidewalk.
23. New driveways on Devore Road shall align with existing intersections where practical. Intersection configuration and final design to be approved by Staff.
24. Awnings shall be provided on buildings at street level where reasonably appropriate as determined by Staff in order to protect pedestrians from inclement weather. Awnings may encroach into the right-of-way per the Alpharetta Downtown Code.
25. Streets within the development shall be private.
26. All new on-site utilities shall be located underground, subject to utility provider consent and approval.
27. Provide detailed street planting for South Main Street and Devore Road. Landscape plan shall have trees planted on each side of the sidewalk, including pedestrian lights and shall be approved by Staff at Land Disturbance Permit.
28. South Main Street and Devore Road streetscape shall meet the requirements in the Downtown Code and shall incorporate tree wells, pedestrian lighting, landscaping and brick-banded sidewalk as approved by Staff.
29. The new driveway leading to the commercial area shall have street trees, pedestrian lighting and landscaping as approved by Staff.
30. ~~Prior to the first Certificate of Occupancy for residential use, improve the intersection at South Main Street and the realigned Devore Road to include the following: westbound left and right turn lanes; southbound left turn lane; and, signalize the intersection. Intersection design to be approved by staff.~~
31. Provide a raised brick paver crosswalk, or alternative design approved by Staff, across Devore Road with direct access to the multi-use trail as approved by Staff.
32. Rooftop signs shall be permitted subject to Staff approval.
33. ~~'For-Rent' residential entitlement shall be extinguished, if a building permit for 'For-Rent' residential has not been issued by 1/23/2019.~~

#### New Conditions:

34. If the property is subdivided between the commercial tract and the residential tract, there shall be no additional requirements for setbacks, landscape strips, or any improvement setbacks to be installed along new property line.
35. Surface parking shall be fully screened from South Main Street and Devore Road. Screening shall include berm and/or low wall and heavy landscaping, as approved by Staff.
36. On-street parallel parking shall not exceed more than 3 spaces without a tree island.
37. Parking in excess of 120% of the Downtown Parking Requirements shall be pervious paving materials.
38. Surface parking, existing and new, shall meet all UDC requirements. Parking islands shall include tree, shrubs and ground cover as approved by Staff.
39. Single-family detached lots shall have a minimum lot size of 2,500 square feet and lots may include the adjacent private street.
40. A minimum 1,500 square foot building with pitched green roof and outdoor seating, similar to building depicted in Exhibit A, shall be required at the corner of South Main Street and Devore Road, between the street and surface parking.
41. A minimum 10' landscape strip shall be required along South Main Street and Devore Road, exclusive of parking and any overhead and underground utilities.
42. All buildings shall have entrances facing the common courtyard areas.
43. All 'back of house' functions shall be fully screened from the public view, as approved by Staff.

- The applicant, The Providence Group, requests a change to previous conditions of zoning on a 12.91-acre property approved for a mixed-use development. The requested changes would remove the previously approved 'For-Rent' units, increase the number of 'For-Sale' units, decrease the overall residential and non-residential density, remove the requirement for the developer to construct the Devore Road realignment and allow for site plan modifications. The subject property is located at 13 South Main Street, north of Devore Road and east of South Main Street.

- The submitted request, if approved, will allow for changes to previous conditions of zoning related to the Perling

mixed-use development at South Main Street and Devore Road. The proposed changes would remove the previously approved 'For-Rent' units, increase the number of 'For-Sale' units, decrease the overall residential and non-residential density, remove the requirement for the developer to construct the Devore Road realignment and allow for site plan modifications. The applicant is requesting changes to the previous conditions of zoning due to issues meeting concurrency requirements while accommodating existing leases on the property. The subject property is located at 13 South Main Street, north of Devore Road and east of South Main Street.

- The applicant's proposed site plan represents a significant change from the approved zoning plan. The primary differences include removal of the 'For-Rent' building and associated parking deck, removal of the proposed brewery, retail and office buildings and associated parking deck, addition of 'For-Sale' product where the 'For-Rent' building was previously shown, and reuse of the existing Greenbean Exchange building and associated surface parking. The site plan now depicts 60,200 square feet of retail/restaurant use in four (4) buildings and 138 'For-Sale' units, including a mix of townhomes and single-family detached homes. The table below provides a comparison of the approved zoning plan versus the applicant's proposed site plan.

Comparison – Original vs. Proposed Site Plan

|                        | Original (Approved) | New (Proposed)    |
|------------------------|---------------------|-------------------|
| Site Acreage           | 12.91 acre          | 12.91 acres       |
| Commercial/Office      | 29,350 SF/61,500 SF | 60,200 SF (Total) |
| 'For-Sale' Residential | 78 units            | 138 units         |
| 'For-Rent' Residential | 129 units           | 0 units           |
| Density                | 16.03 dus/acre      | 10.7 dus/acre     |
| Civic Space            | 20.3% (2.6 acres)   | 11% (1.4 acres)   |
| Amenity Space          | 20.3% (2.6 acres)   | 11% (1.4 acres)   |
| Parking                | Parking Deck        | Surface Parking   |

- Two (2), 2-story retail/restaurant buildings are oriented to the middle of the site and in front of the existing Greenbean Exchange building. The Greenbean Exchange is shown to be divided into two (2) buildings with a common courtyard running down the middle of the commercial area and between the commercial buildings. Parking surrounds the buildings, with parking depicted between the street and the buildings. If approved, a commercial building should be placed at the corner of South Main Street and Devore Road.
- The site plan depicts 58 single-family detached homes and 80 stacked townhomes. 28 of the single-family detached homes are front-loaded and the remaining units are all rear-loaded. Single-family detached homes have two (2) car garages, while stacked townhomes have one (1) car garages. The minimum lot size of single-family detached lots is 2,500 square feet.
- The Unified Development Code (UDC) requires one (1) parking space per bedroom up to two (2) bedrooms plus 0.15 parking spaces for guests for 'For-Sale' single-family uses. 34 guest spaces are provided within the residential area of the site. The 58 single-family detached homes and Units 1-5 of the stacked townhomes have shallow driveways that would not allow for parking. Sufficient parking is provided in garages, driveways and guest/on-street parking to support the proposed residential uses.
- The applicant's site plan depicts 185 surface parking spaces associated with the commercial area. However, the Alpharetta Downtown Code requires one (1) parking space per 500 square feet for retail, restaurant, and brewery. Based on 60,200 square feet of retail/restaurant use, the site would generate a need for 120 parking spaces. The Downtown Code also requires that parking in excess of 120% of the Downtown parking requirement be provided in pervious paving materials, which includes on-street parking spaces. If approved, staff recommends that parking be setback at least 20' from South Main Street and Devore Road.
- The applicant's site plan depicts open space at a few locations throughout the property, including 1.42 acres of civic space. Civic space may include a park, plaza, square, pocket park, or playground, but may not include stormwater facilities and required landscape areas. Civic courtyards are depicted at the corner of South Main Street and Devore Road and at the commercial project entrance on Devore Road. Common courtyard areas are provided between buildings to create the effect of an alley, similar to Parson's Alley in Duluth, Georgia.

- The site plan indicates that 1.42 acres of amenity space will be provided on the site. Amenity space are unenclosed areas of at least 100 square feet for use by occupants or patrons of a development and may include, rooftop decks, balconies, patios and porches, outdoor dining areas, pool areas, athletic courts, yards and gardens, hardscape areas for pedestrian enjoyment, and wooded areas. The applicant's site plan reflects a 54% reduction in overall open space from the previously approved plan, which is attributed to the reduction in density, as well as keeping the existing Greenbean Exchange building and associated surface parking lot.
- A previous condition of zoning required Mercantile/warehouse architecture or an approved style in the Alpharetta Downtown Code. If approved, the existing building to remain should be renovated in the Mercantile/warehouse style.
- As proposed, the applicant intends to keep the existing 1-story Greenbean Exchange building and rehab it. A previous condition of zoning on the property required all buildings to be Mercantile/warehouse style or an architectural style permitted in the Downtown Code. The building was constructed in 1973 and is currently 55,973 square feet. The applicant intends to split the existing building and add a mezzanine level, reducing the overall size of the building to 44,200 square feet. The renovation of the building will be critical to ensure the success of the project. If approved, conditions are recommended requiring a rooftop amenity and outdoor seating/gathering areas in association with the building rehab.
- City Staff has reviewed the applicant's proposal and finds that it can generally support the applicant's request for change to previous conditions of zoning. The removal of the 'For-Rent' units would further the City's goal of achieving no more than 32% 'For-Rent' units. The site plan layout is trying to emulate Parson's Alley in Duluth, including a central linear courtyard with commercial buildings on either side. However, the orientation of the buildings to the middle of the site places surface parking between the streets and the buildings. If approved, conditions are recommended requiring additional open space, a commercial building at the corner, screening of surface parking and architectural requirements for the renovation of the existing building.
- The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that no comments were received.
- Don Rolader, Attorney for the applicant, came forward to review conditions and answer questions posed by Mayor and Council
- Chad Kingsfield, Jason Joseph, and Warren Jolly all came forward on behalf of the applicant to provide further clarifications and answer questions posed by Mayor and Council

#### **Public Comment**

- Don Nahser, 305 Karen Drive, Alpharetta, GA came forward to speak on this item
- ❖ *Council Member Mike Kennedy offered a motion to approve PH-17-36 Perling/South Main & Devore subject to the following changes to conditions:*
  - *Condition #2- change date referenced to November 29, 2017*
  - *Condition 4b – revise to read, “A maximum of 60,200 square feet of retail/restaurant/brewery/office use shall be permitted. A minimum 12,000 square foot and maximum 25,000 square foot shall be permitted to be a craft brewery, but not required. No more than three free standing restaurant buildings and one free standing retail/restaurant building shall be permitted. Freestanding retail/restaurant buildings shall be a minimum height of 18’, excluding the front 1200 square foot building, which shall have a minimum height of 12’. All restaurant uses shall include outdoor seating areas (min. 25% of space occupied by restaurants), including at least one building with rooftop dining. Indoor music venues shall be permitted. No drive-thru restaurants shall be permitted.”*
  - *Condition #12- add a sentence to the end of the condition that shall read, “The portion abutting the senior living facility is subject to obtaining an offsite construction easement from the property owner. If the easement cannot be obtained, applicant may reduce the width of the path and/or landscape strip, as approved by staff.*
  - *Condition #13 – Amend last sentence to read, “Sculptures shall not exceed \$30,000 in total cost.”*

- *Condition #14- replace “Walmart Neighborhood Market” with “Retail Center”.*
- *Condition #36- Revise to read, “On-street parallel parking shall not exceed more than 4 spaces without a tree island.”*
- *Condition #39 – Revise to read, “Single-family detached lots shall have a minimum lot size of 1300 square feet and lots may include the adjacent private street.”*
- *Condition #40 – Revise to read, “A minimum 1200 square foot building with pitched planted green roof and outdoor seating, similar to building depicted in Exhibit A, shall be required at the corner of South Main Street and Devore Road, between the street and surface parking.”*
- *Condition #41 – Revise to read, “ A maximum 10’ landscape strip or as otherwise approved by staff shall be required along South Main Street and Devore Road , exclusive of parking and any overhead and underground utilities.”*
- *Condition #43 – Delete*
- *The motion received a second from Council Member Binder*
  - *Mayor Pro Tem Owens requested a friendly amendment to Condition #8: last sentence to read, “A 5’ heavily planted landscape strip shall be provided between commercial uses and Dogwood Square along the multi-use path.”*
  - *Amendment accepted by Kennedy and Binder*
  - *Mayor Pro Tem requested a friendly amendment to Condition 4b to revise indoor music venue approval to be ‘approved by staff’.*
  - *Amendment accepted by Kennedy and Binder*
  - *Motion was approved 6-0*

### **C. PH-17-34 360 Tech Village**

#### **❖ Mayor Belle Isle returned to Chair the meeting**

- Senior Planner, Michael Woodman, came forward to present this item on behalf of staff
  - Staff recommends approval of PH-17-34 360 Tech Village, subject to the following conditions (RED text indicates a change from previous conditions):
1. The 62.47-acre property shall be zoned MU. Except as provided in paragraph 2. below, the site shall be developed substantially similar to plans by Wakefield Beasley & Associates, dated 10/27/17 (SP-12), subject to the approved conditions. Architectural style of all buildings shall be Post-Industrial Mercantile style similar to the renderings and architecture in the 2016 application (attached as Exhibit A) with non-residential buildings approved by the Design Review Board and residential buildings approved by Staff. Townhomes shall be substantially as depicted in Exhibit A.
  2. Development regulations shall be amended as follows:
    - a. Unchanged from previous condition (May 22, 2017).
    - b. No more than 417 residential dwelling units shall be allowed on site. No more than 276 ‘For-Rent’ units are included in this number. There shall be a minimum of 36 stacked townhome ‘For-Sale’ units. The remaining 105 ‘For-Sale’ units may be developed for townhomes, stacked flat condominiums, stacked townhome condominiums or single family zero lot line detached dwelling units. Depicted open space shall not be reduced, if the use mix changes from what is shown on the site plan. ‘For- Sale’ product may exist in up to 4-story buildings with a maximum height of 50’. Zero lot line ‘For- Sale’ detached lots shall contain a minimum of square footage, as approved by Staff. A minimum 25% of all residential units shall be ‘For-Sale’ units. No more than 10% of the ‘For-Sale’ residential units shall be permitted to be rented, as recorded in the development covenants. Provided all other requirements of these conditions are satisfied, the ultimate developer of the ‘For-Rent’ units may reconfigure the building shape provided it remains within the multi-family parcel shown on the site plan, subject to approval by Staff, and compliance with these conditions and the UDC, unless a variance has been granted.
    - c. Retail – Maximum of 57,700 square feet. Permitted retail square footage shall include a 12,000 square foot food hall/market and a brewery. Mixed use buildings shall be limited to a maximum of 5 stories or 60’, whichever is less. Retail buildings must include an architectural element (such as a parapet wall or tower) which is at least 24’ in height. The balance of the restaurant space shall be no less than 18’ in height. No more than 3 free standing retail buildings shall be permitted. No more than one free-standing ‘Bank or Savings and Loan’ building shall be permitted, and it shall be 24’ in height. Standalone retail buildings shall have a minimum height of 18’. A minimum 3,000 square foot neighborhood grocery shall be required.
    - d. Unchanged from previous condition (May 22, 2017).

- e. Unchanged from previous condition (May 22, 2017).
- f. 'For-Rent' Residential – After May 27, 2018, up to 276 'For-Rent' attached units shall be permitted a Certificate of Occupancy in accordance with UDC 'For-Rent' requirements. 'For-Rent' residential shall be permitted above office or retail uses on at least 1 side of the building. At-grade 'For-Rent' units shall have walkouts with sidewalk connections where allowed by grade. Building maximum height shall be 5 stories or 60 feet, whichever is less. Units shall be restricted to studios, 1 and 2-bedroom units only. No more than 40% of the units may be 2-bedroom units. 'For-Rent' units shall be constructed concurrently with the retail located on the ground floor of the 'For-Rent' building and foundations and concrete or steel building frame (excluding roof parapets and roofing) for a minimum 60,000 square feet of office use. Building permits for this initial retail space and the foundations and concrete or steel building frame (excluding roof parapets and roofing) for a 60,000 square foot office shall be secured concurrently with the building permit for the 'For-Rent' units. A Certificate of Occupancy shall not be issued for rental units until foundations and concrete or steel building frame (excluding parapets and roofing) for a 60,000 square feet of office has been constructed. Additionally, a Certificate of Occupancy shall not be issued for rental units until an LDP has been secured for the 'For-Sale' component of the project and the landscaping planted along the main Boulevard; provided, further, that any portion of the single-family site not under active development shall be grassed. The units shall be part of a mixed-use project containing a minimum of 50 acres and incorporating retail, 'For-Sale' residential units, hotel, neighborhood grocery, restaurant, and the 60,000 square foot 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. Unit finishes and ceiling height shall be built to facilitate conversion to a condominium, should the market dictate. 'For-Rent' architectural style shall be substantially similar to that shown in the 'Heights at Brookleigh' submission. If a building permit is not issued by May 27, 2019 residential units shall revert to 'For-Sale' only.

3. Previous conditions of zoning shall remain in effect, except as modified by these conditions.

- The applicant, Fuqua Acquisitions II, LLC, requests a change to previous conditions of zoning on a 62.47-acre property approved for a mixed-use development. The requested changes would allow an increase to the retail square footage for a food hall, reduce the number of 'For-Sale' stacked townhomes, reduce the percentage of 'For-Sale' product, modifications to concurrency requirements and modifications to the site plan. The subject property is located at the southwest corner of Haynes Bridge Road and Lakeview Parkway.
- The submitted request, if approved, will allow for changes to previous conditions of zoning related to the 360 Tech Village (TPA/Fuqua) Master Plan. The proposed changes would allow an increase to the size of a food hall, decrease in the percentage of 'For-Sale' residential product, decrease in the number of 'For-Sale' stacked townhome units, modifications to concurrency requirements and modifications to the site plan. The subject property is located at the southwest corner of Haynes Bridge Road and Lakeview Parkway.
- According to the applicant, the proposed changes are the result of market interest in the food hall and topographical issues. The applicant has received a great amount of interest in the food hall, including inquiries by packaged food vendors. A neighborhood grocery use is already required by City Code in association with the 'For-Rent' units.
- The topographic issues were identified during the preparation of the site plan, which did not take into account a stream and associated buffers. The applicant sought a stream buffer variance, but was denied by Georgia Environmental Protection Division (EPD). The loss in buildable area impacts the applicant's ability to meet the required 40% 'For-Sale' product, without reducing the number of 'For-Rent' units. The condition requiring 40% 'For-Sale' units was based on the applicant's proportion of 'For-Sale' to 'For-Rent' units at the time of approval. Staff recommended the project provide a minimum 25% 'For-Sale' units, which is consistent with the percentage of 'For-Sale' units in the Milton Park mixed-use development. The City's other mixed-use developments (existing and approved) have 'For-Sale' percentages of 16% at Avalon, 25% at Milton Park, 38% at Perling, 20% at City Center and 19% at Northwinds Summit.
- The applicant is requesting changes to the concurrency requirements associated within the 'For-Rent' product. Specifically, the applicant is requesting changes to allow the initial ten (10) 'For-Sale' units along the boulevard to be constructed after the boulevard is completed and utilities are installed. The applicant states that the boulevard cannot be constructed until after the foundation for the multi-family building is built. Changes are also proposed to clarify what constitutes the concurrent construction of the 60,000 square foot office with the multi-family building.
- The applicant's proposed site plan represents a minor change from the approved zoning plan. The

differences include a loss of buildable area due to the presence of a stream, reduction in the number of stacked townhome units and an increase to the building footprint of the food hall. The proposed site plan now depicts 36 'For-Sale' stacked townhome units (condominium product) and 105 'For-Sale' townhome units, which is well below the maximum of 194 total 'For-Sale' units permitted on the property. Based on the current site plan, it is very likely that all 470 residential units approved on the property will not be built. However, the applicant does not propose changing the overall number of residential units and density, in order to provide some flexibility in developing the site. The table below provides a comparison of the approved zoning plan versus the applicant's proposed plan.

Comparison – Original vs. Proposed Site Plan

|                              | Original (Approved) | New (Proposed)                               |
|------------------------------|---------------------|----------------------------------------------|
| Food Hall                    | 9,600 SF            | 12,000 SF                                    |
| 'For-Sale' Stacked Townhomes | 48 units            | 36 units                                     |
| 'For-Sale' Various Product   | 146 units           | 158 units (105 on site plan)                 |
| 'For-Rent' Residential       | 276 units           | 276 units                                    |
| Total Residential            | 470 units           | 470 units (417 on site plan)                 |
| % 'For-Sale'                 | 41%                 | 33.8%                                        |
| Density                      | 7.5 units/acre      | 7.5 units/acre (6.7 units/acre on site plan) |
| Open/Green Space             | 47.1% (29.4 acres)  | 51.2% (31.96 acres)                          |

- The buildable area for the 'For-Sale' product has been reduced due to the presence of a stream and associated buffers. The applicant sought a stream buffer variance from Georgia EPD, but was unsuccessful. The applicant's site plan depicts open space (civic and amenity space) at several locations throughout the property, which has generally not changed from the approved zoning plan. The increase in overall open/green space is associated with the stream buffers that were previously not accounted for.
- City Staff has reviewed the applicant's proposal and finds that it can generally support the applicant's request for change to previous conditions of zoning. The increase to the size of the food hall is negligible and the food hall concept is an economic driver for mixed-use developments. Staff recommended 25% 'For-Sale' product in the May 2017 approval on the property; however, the condition was changed to reflect the approved zoning plan. The applicant's proposed change to 25% 'For-Sale' product is consistent with the approved percentages at similar mixed-use developments in the City. The proposed change to the concurrency condition is reasonable given the initial installation of site infrastructure, as well as the site being developed by more than one builder and in multiple phases.
- The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that no comments were received.

❖ *Council Member Kennedy offered a motion to approve PH-17-34 360 Tech Village subject to the 3 staff conditions with an amendment to 2f to read, "'For-Rent' Residential – After May 27, 2018, up to 276 'For-Rent' attached units shall be permitted a Certificate of Occupancy in accordance with UDC 'For-Rent' requirements. 'For-Rent' residential shall be permitted above office or retail uses on at least 1 side of the building. At-grade 'For-Rent' units shall have walkouts with sidewalk connections where allowed by grade. Building maximum height shall be 5 stories or 60 feet, whichever is less. Units shall be restricted to studios, 1 and 2-bedroom units only. No more than 40% of the units may be 2-bedroom units. 'For-Rent' units shall be constructed concurrently with the retail located on the ground floor of the 'For-Rent' building and foundations and concrete or steel building frame (excluding roof parapets and roofing) for a minimum 60,000 square feet of office use. Building permits for this initial retail space and the foundations and concrete or steel building frame (excluding roof parapets and roofing) for a 60,000 square foot office shall be secured concurrently with the building permit for the 'For-Rent' units. A Certificate of Occupancy shall not be issued for rental units until foundations and concrete or steel building frame (excluding parapets and roofing) for a 60,000 square feet of office has been constructed. Additionally, a Certificate of Occupancy shall not be issued for rental units until an LDP has been secured for the 'For-Sale' component of the project and the landscaping planted along the main Boulevard; provided, further, that any portion of the single-family site not under active development shall be grassed. The units shall be part of a mixed-use project containing a minimum of 50 acres and incorporating retail, 'For-Sale' residential units, hotel, neighborhood grocery, restaurant, and the 60,000 square foot 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. Unit finishes and ceiling height shall be built to facilitate conversion to a condominium, should the market dictate. 'For-Rent' architectural style shall be substantially similar to that shown in the 'Heights at Brookleigh' submission. If a building permit is not issued by May 27, 2019 residential units shall revert to 'For-Sale' only.*

- *The motion was seconded by Council Member Merkel*
- *Motion approved (7 - 0)*

## **VI. NEW BUSINESS**

### **A. Old Roswell Road and Warsaw Road Sidewalk Improvements - Intergovernmental Agreement with City of Roswell.**

- Director of Public Works, Pete Sewczewicz, came forward to present this item on behalf of staff
- Staff recommends approval of the intergovernmental project agreement for the "Intersection Improvements Project at the Intersection of Old Roswell Road and Warsaw Road" with the City of Roswell and authorize the Mayor to execute all necessary documents.
- Included in the bond project list was the construction of six-foot wide sidewalks along the east side of Warsaw Road from Old Roswell Road to Mansell Road and along the north side of Old Roswell Road from Mansell Court East to Warsaw Road. In coordinating the design of these sidewalks with the City of Roswell's plans for improvements to the intersection of Warsaw Road and Old Roswell Road, Alpharetta staff was approached by Roswell staff concerning the possibility of widening the Warsaw Road sidewalk to an eight-foot width. The reason for this request was the identification of this stretch by the City of Roswell as part of the Roswell Loop, a comprehensive Roswell-wide plan to connect parks and schools with bicycle and pedestrian accommodations.
- Under this Intergovernmental Agreement (IGA), the City of Alpharetta will manage the design, easement acquisition, and construction of the project. Utility relocations required by widening the Warsaw Road sidewalk from a six-foot width to an eight-foot width and the modifications to the traffic signal at the intersection of Warsaw Road and Old Roswell Road will be covered completely by the City of Roswell. The remainder of the construction costs and utility relocations for the sidewalk along Warsaw Road will be split 50/50 between the city of Alpharetta and the City of Roswell. This project does not include the reconstruction of approximately 200 linear feet of existing sidewalk along the east side of Warsaw Road extending south from Mansell Road.
- Once the IGA is executed by both cities, the City of Alpharetta will finalize the design documents and advertise the project for bid. Award of the contract for construction will be brought forward at a future city council meeting.

#### **Public Comment**

None

- ❖ *Council Member Owens offered a motion to approve an intergovernmental project agreement for the Intersection Improvements Project at the Intersection of Old Roswell Road and Warsaw Road" with the City of Roswell and authorize the Mayor to execute all necessary documents.*

- *The motion was seconded by Council Member Gilvin*

- *Motion approved (7 - 0)*

## **B. Rucker Road Corridor Improvements - Intergovernmental Project Agreement**

- Director of Public Works, Pete Sewczwicz, came forward to present this item on behalf of staff
- Staff recommends approval of an intergovernmental project agreement for the "Construction of a Project on Rucker Road" with the City of Roswell and authorize the Mayor to execute all necessary documents.
- Included in the bond project list was the construction of the Rucker Road Corridor Improvements from Wills Road west to the city limits. As originally designed, the City's project would taper down to match the existing section of Rucker Road at the western city limits with the City of Roswell. Included within the City of Roswell's TSPLOST list as a Tier 1 project is a project along Rucker Road which would extend the corridor improvements from the city limits of Alpharetta west to Houze Road (S.R. 140).

Under this Intergovernmental Agreement (IGA), the City of Roswell shall:

- Use TSPLOST funding to pay the total construction cost for the portion of Rucker Road inside Roswell city limits;
- Provide final construction plans to the City of Alpharetta for Roswell's Rucker Road improvement project;
- Acquire all necessary permits, easements, and rights-of-way;
- Be responsible for providing construction inspection services; and,
- Be responsible for all additional utility relocation costs required by the project in Roswell.

The City of Alpharetta's obligations under this IGA shall include:

- Obtaining a change order proposal from the City's contractor awarded the Rucker Road Corridor Improvement contract;
- Modifying the total contract amount to said contractor once the proposal has been reviewed and approved by Roswell staff; and,
- Invoicing Roswell 100% of the construction costs inside Roswell city limits.

Approval of the change order for construction of the project within the Roswell city limits will be brought forward at a future city council meeting.

### **Public Comment**

None

- ❖ *Council Member Owens offered a motion to approve an intergovernmental project agreement for the "Construction of a Project on Rucker Road" with the City of Roswell and authorize the Mayor to execute all necessary documents.*

- *The motion was seconded by Council Member Mitchell*
- *Motion approved (6 - 0); Kennedy absent*

## **VII. WORKSHOP**

### **A. Tech Alpharetta - Build Committee Recommendation for Consideration**

- Economic Development Manager, Micah Fowler introduced Karen Cashion, CEO of Tech Alpharetta
- Ms. Cashion introduced Craig Ganssle, Chair of the 'Build Committee' to present to Council a list of recommendations for future consideration:

- City wifi

- City app
- E-Bike Share program
- Electric/Autonomous shuttle within City

**B. Downtown Parking Management**

- Consultant Joel Mann came back to present updated information in regard to downtown parking management solutions. This was a follow up to his presentation at the previous Council meeting and presentation was geared to answer questions posed by Mayor and Council at that meeting.

**VIII. PUBLIC COMMENT**

None

**IX. REPORTS**

- Council Member Mitchell – Appointed Dick Jones to the Board of Zoning Appeals
- Council Member Binder – Announced that the City held a Town Hall meeting last Tuesday about the Demonstration Farm at Old Rucker Road and was able to get some great feedback
- Council Member Kennedy – Announced that the City is hosting the 1<sup>st</sup> of a series of meetings with Community Development Director Cook on Wednesday, December 13<sup>th</sup>, to update the public on projects and development within the City
- Council Member Owens – Provided an update on a meeting he and Council Member Merkel had with Red's Package regarding improve safety conditions at the Devore and HWY 9 intersection
- Mayor Belle Isle – Remarked on the success of the City's Annual Christmas Tree Lighting event on December 2nd

**X. ADJOURNMENT TO EXECUTIVE SESSION**

- ❖ *Council Member Kennedy offered a motion to adjourn to Executive Session*
  - *The motion was seconded by Council Member Binder*
  - *Motion was approved (7-0)*

Respectfully submitted,



**Coty Thigpen**

**City Clerk**