



OFFICIAL MINUTES OF
PUBLIC HEARING & COUNCIL MEETING
ON FEBRUARY 27, 2017
CITY HALL – 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 tapes recorded at said meeting are a matter of public record and are available to be heard at the City of Alpharetta's Clerk's office during normal business hours and on line at the City web site.

I. CALL TO ORDER

❖ *Mayor Belle Isle called the meeting to order at 6:32 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
 - Kathi Cook, Director of Community Development
 - James Drinkard, Asst. City Administrator
 - John Robison, Director of Public Safety

- Michael Woodman, Senior Planner
- Pete Sewczwicz, Director of Public Works
- Coty Thigpen, City Clerk
- Sam Thomas, City Attorney

III. PLEDGE TO THE FLAG

IV. PROCLAMATIONS

A. North Point Community Church

V. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 02/20/2017)

- ❖ Council Member Merkel offered a motion to approve the Consent Agenda
 - The motion received a second from Council Member Owens
 - The motion was approved 7-0

VI. PUBLIC HEARING

A. PH-017-01 / V-17-03: Newvale Townhomes

- Director of Community Development, Kathi Cook, came forward to present this item on behalf of staff
- Staff recommends approval of PH-17-01/V-17-03 Newvale Townhomes/Olmstead Park subject to the following conditions:
 1. Property shall be developed substantially similar to site plan dated November 21, 2016 prepared by AEC, except as modified in these conditions. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.
 2. Fencing visible from streets shall be limited to black wrought iron or decorative aluminum having a height of no more than 42". Wrought iron/aluminum fencing with gate shall be required in front of each townhome fronting a public right-of-way. Final approval of fence material, type and location is subject to Staff approval.
 3. Applicant shall construct new typical section for property along Canton Street, including an 8' brick sidewalk, on-street parking, 5' planting strip with street trees, on-street parking and decorative lighting with final approval by Staff.
 4. Applicant shall construct new typical section for property along Lily Garden Place, Violet Garden Walk, and Church Street, including a 6' brick-banded sidewalk, on-street parking, 5' planting strip with street trees, on-street parking and decorative lighting with final approval by Staff. Lily Garden Place and Violet Garden Walk shall be dedicated to the City as public rights-of-way.

5. On-street parallel parking shall be limited to no more than 3 consecutive parking spaces. Bump-outs between on-street parallel parking shall include street trees as approved by Staff.
6. Driveway design shall provide a minimum of 18 feet or a maximum of 5 feet from garage door to back of curb or back of sidewalk.
7. Decks shall not encroach into the building setback and shall be heavily screened. Unfinished wood deck material shall be prohibited. Porches fronting the public right-of-way shall have no more than 10 steps from grade to front doors.
8. Townhome buildings shall be English Tudor Revival style and substantially similar to the elevations provided by the applicant. Buildings shall include, but not limited to, roof-top terrace with optional outdoor kitchen, wrought iron stair railings with rock/brick finished sides on the stair wells, 4-sided brick or stone, decorative window finishes and moldings, brick deck posts, decorative front door, chimneys, shutters and cedar shake shingles. Individual unit elevations shall not be repeated within a set of buildings and buildings shall be treated with similar materials and level of detail on the rear and sides as the front. Each unit shall have a covered entry and decorative garage door styles shall alternate. Townhomes shall have the appearance of separate, individual units and shall not have a common, unified roofline.
9. Each unit shall have a courtyard at the front defined by walls of solid masonry and planted with vines, such as creeping fig or alternative, as approved by Staff. Under ledge wall lighting shall be required.
10. Retaining walls visible from the public right-of-way shall be faced with brick or stone as approved by Staff.
11. Building height shall be limited to 45'.
12. Benches, landscaping and a water feature shall be provided at the corner of Church Street and Canton Street as approved by Staff.
13. Roadways with on-street parking shall incorporate curb extensions at intersections. All entrance drives shall be constructed with decorative pavers approved by Staff.
14. Internal sidewalks to the front of all units shall be provided.
15. Tree save area along Church Street and amenity courtyard between Units 17-21 and 12-16 shall include a mix of trees, shrubs, and ground covers of varying heights, textures and colors as approved by Staff. Amenity courtyard shall be designed to maximize the amount of green area. Tree save area shall include brick sidewalk as depicted on the site plan. Tree save area adjacent to Unit 22 shall be improved with hardscape and landscape as approved by Staff.
16. The 38" Water Oak (#85), 30" Elm (#80), 24", 25" & 22" Sweet Gums (#81, 82 & 83), 24" Pecan (#79), and 24" Red Maple (#90) shall be incorporated into the site plan. Applicant shall make every effort to incorporate any other trees of quality into the site plan with final approval by Staff. Encroachment into the critical root zone (CRZ) of off-site shall be approved by Staff and subject to notification of property owner. Applicant shall be responsible for any recompense.
17. Street trees along public rights-of-way shall be a minimum of 4" caliper at time of planting and shall include the City-approved tree grates as approved by Staff.
18. Applicant shall incorporate traditional southern landscape material in focal point areas and within the overall landscape plan as approved by Staff.

19. A minimum 10' heavily planted landscape buffer shall be provided along the east and south property lines adjacent to C-1 properties and shall incorporate existing trees as approved by Staff.
 20. Applicant shall provide an easement to the City for the civic space at the corner of Church Street and Canton Street, as well as the tree save area. The Homeowner's Association shall maintain all civic space.
 21. All previous conditions of zoning related to Z-13-14 Olmstead Park Townhomes shall remain in effect, except as modified in the conditions above.
- The applicant, D&G Development Group, is requesting changes to previous conditions of zoning on a 2.39-acre property approved as a 23-unit 'For-Sale' townhome development (F.K.A. Olmstead Park Townhomes). The requested changes will allow for modifications to the site plan and building architecture. A variance is proposed to increase the building height from 40' to 45'. The subject property is located at the northeast corner of Canton Street and Church Street.
 - The subject property was approved on November 18, 2013 for a rezoning to R-10MHD (Dwelling, 'For-Rent' or 'For-Sale' Residential – Historic Downtown) to allow 23 'For-Sale' townhome units with a density of up to ten (10) dwelling units per acre. The property was previously zoned R-10M in November 2006, but reverted to R-15 in June 2008 due to a building permit not being issued. Some grading and infrastructure installation was completed between 2007 – 2008, including a portion of Lily Garden Place, underground utilities, and a detention pond.
 - Rezoning of the property occurred when the Historic Downtown Incentive Zoning (HDIZ) was in place. The Downtown Master Plan update and associated Alpharetta Downtown Code has since taken the place of the HDIZ. Surrounding properties include The Georgian (R-10MHD) to the west, Appen Properties (R-10MHD) to the north, and various commercial properties (C-1 and C-2) to the east and south.
 - In addition to proposed changes to conditions of zoning, the applicant also requests a variance to increase the building height from 40' to 45'. The HDIZ designated the subject property as Residential Village, except that the portion of the property with frontage along Church Street was designated Retail/Office Mixed Use. Properties designated Residential Village have a maximum building height of three (3) stories or 40', whichever is less. Whereas, properties in the Retail/Office Mixed Use designation permit a maximum building height of four (4) stories or 60', whichever is less. The applicant proposes 3-story townhome buildings, including a roof-top terrace with the option for an outdoor kitchen. The proposed roof-top amenities trigger the need for the requested height variance.
 - The applicant's proposed site plan is similar to the approved zoning plan for the subject property with the primary difference being the addition of two (2) townhome units at the northwest corner of Lily Garden Place and Violet Garden Walk adjacent to the existing detention pond. The site plan depicts 23 'For-Sale' townhome units in five (5) buildings. Townhome units are rear-loaded and oriented to Canton Street, Church Street, Lily Garden Place, and an internal amenity courtyard.
 - Residential parking is provided within the garage for each unit. 19 on-street parallel parking spaces are provided along Canton Street, Lily Garden Place and Violet Garden Walk. Access to the rear of the townhomes is provided through driveways off Lily Garden Place and Violet Garden Walk. The site plan depicts an eight-foot (8') brick sidewalk along Canton Street and five-foot (5') brick sidewalks along

Church Street, Lily Garden Place, and Violet Garden Walk.

- The applicant's site plan depicts open space (civic and amenity areas) at a few locations throughout the subject property. Three (3) tree save areas are provided along Church Street and to the west of Unit 22. Both tree save areas will include improvements for use as civic and amenity space. The corner of Church Street and Canton Street includes a civic space with water feature and seat wall. An amenity courtyard with sidewalks and green area is depicted between Units 17-21 and Units 12-16. Garden areas will be provided along the front of each unit adjacent to Canton Street, Church Street and Lily Garden Place. The proposed site plan reflects an eight-percent (8%) reduction in overall open space from the 2013 approved zoning plan, which is related to the two (2) additional townhome units near the detention pond. However, if the property were developed under the current Downtown zoning districts, a minimum 10% amenity space, or 0.24 acres, would be required. The applicant's site plan depicts 0.462 acres of civic and amenity space.
- Three (3) tree save areas are depicted on the site plan along Church Street, to the west of Unit 22 and to the south of Unit 17. The arborist assessment shows that three (3) Water Oaks (#84, 86 & 87) are now in 'Poor' condition due to impacts from construction of the detention pond. The City Arborist has reviewed the applicant's tree assessment, as well as conducted a site visit and concurs with this determination.
- The applicant is requesting a change to previous conditions of zoning to allow new building elevations.
 - . The applicant's architect provided the following description of the proposed building architecture and building materials:

"The townhomes are designed in an English Tudor Revival style. This style can be seen in homes within Alpharetta, such as the one converted into "La Casa Italian Grill" on the corner of Roswell St. & Old Roswell, just a few blocks from our site. Each unit features a side gable roof rising front to back, with a prominent front facing, steeply pitched cross gable roof. The townhomes are clad in masonry, brick or stone or some combination thereof.

The brick may have an aged or weathered look or be painted. The windows are tall, multi-paned and often grouped together in bands of glass and painted or stained dark colors. The front entries are small and detailed, with round or square front doors, prominent lanterns, occasional "cut stone" (may actually be cast stone or stucco) flattened gothic arch detailing, recessed doors or simple timber supported overhangs provide protection from the elements for visiting guests. Other architectural characteristics of our design are the incorporation of some roughhewn timbers, "cut stone" details, cantilevers and incorporating a massive chimney with decorative brick work and chimney pots into the overall building design. A 3rd floor, outdoor room will be incorporated into the roof and provide covered private outdoor space with an optional outdoor kitchen and/or a fireplace. These will be supported with post & beam, roughhewn timbers. To promote outdoor living, the townhomes will also have a front patio adjacent to the front door. These patios will be typically be up to 10' deep, slightly raised above the finished grade where applicable, separated from the public side walk by the front yard and a low hedge, iron fence or a masonry wall."

- The proposed English Tudor Revival style is not an approved architectural style in the Alpharetta Downtown Code. However, the Downtown Architect reviewed the proposed elevations and believes that the style is appropriate in the Downtown and had no other comments on the elevations.

- City Staff has reviewed the applicant's proposal and finds that it can generally support the applicant's request for changes to previous conditions of zoning and height variance. The proposed site plan incorporates civic and amenity spaces, as well as tree save areas and the proposed building architecture and design represents a significant improvement over the previously approved building elevations. Although staff has concerns with the number of townhomes approved or under construction, the proposed use and density is already approved and the applicant's proposed architecture and roof-top terrace with outdoor kitchen is unique to the City and consistent with residential building design envisioned in the Downtown Master Plan. Staff recommends architectural standards and site conditions to ensure compatibility of the buildings with the character of the Downtown Overlay and Canton Street corridor.
- 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.
- Attorney, Dennis Webb, came forward to present the request on behalf of the applicant

Public Comment
None

- ❖ Council Member Kennedy offered a motion to approve PH-017-01 / V-17-03: Newvale Townhomes /Olmstead Park with the staff recommended conditions with a few modifications:
 - Condition #1 – change site plan date to February 22, 2017
 - Condition #3 – add the word 'parallel' so that the condition reads, " Applicant shall construct new typical section for property along Canton Street, including an 8' brick sidewalk, on-street parallel parking, 5' planting strip with street trees at landscaped islands between on-street parallel parking, and decorative lighting with final approval by staff."
 - Condition #4 – Add sentence at the end that reads, "The streetscape on Church Street is intended to preserve the 24" Pecan Tree (#79) and the 30' Elm (#80), and shall be substantially similar to the streetscape shown on the Site Plan, with decorative lighting to be approved by staff."
 - Condition #5 – adding phrase "landscaped islands", so as to read, "On-street parallel parking shall be limited to no more than 3 consecutive parking spaces. Landscaped islands between on-street parallel parking shall include street trees as approved by staff."
 - Condition #8 – add phrases 'or decorative aluminum', 'Grand Manor', and 'or an approved alternative', so that the condition reads, "Townhome buildings shall be English Tudor Revival style and substantially similar to the elevations provided by the applicant. Buildings shall include, but not limited to, roof-top terrace with optional outdoor kitchen, wrought iron or decorative aluminum stair railings with rock/brick finished sides on the stair wells, 4-sided brick or stone, decorative window finishes and moldings, brick deck posts, decorative front door, chimneys, shutters and Grand Manor shingles, or an approved alternative. Individual unit elevations shall not be repeated within a set of buildings and buildings shall be treated with similar materials and level of detail on the rear and sides as the front. Each unit shall have a covered entry and decorative garage

door styles shall alternate. Townhomes shall have the appearance of separate, individual units and shall not have a common, unified roofline."

- The motion received a second from Council Member Owens
- The motion was approved 7-0

B. MP-17-03 / CU-17-02: Cutter's Cigar Emporium

- Senior Planner, Michael woodman, came forward to present this item
- This item was heard at the January 5, 2017 Planning Commission meeting. Several residents from Cogburn Walk subdivision spoke in opposition to the request, stating concerns with screening and noise associated with the outdoor patio. After discussion, the Planning Commission recommended to table the request. Vote (7-0)
- This item was heard at the February 2, 2017 Planning Commission meeting. Residents from Cogburn Walk spoke against the applicant's request stating concerns over screening, noise, smoke intrusion and negative impact on children. After discussion, the Planning Commission recommended to approve the request subject to staff's recommended conditions with some amendments. Vote (7-0)
- Staff recommends approval of MP-17-03/CU-17-02 Cutter's Cigar Emporium/Fulton Greens subject to the following conditions:
 1. 'Smoke Shop and Tobacco Store' shall be added as a conditional use in the Fulton Greens Master Plan, Pod A at 4915 Windward Parkway, Suite 100.
 2. Conditional use approval shall be limited to the Cutter's Cigar Emporium; no additional smoke shop and tobacco store businesses or subleasing shall be permitted within the approved space.
 3. Hours of operation shall be limited to Monday – Thursday 10:00 AM – 11:00 PM, Friday – Saturday 10:00 AM – 12:00 PM and Sunday 12:30 PM – 8:00 PM.
 4. Outdoor patio shall be limited to no more than 490 SF and developed substantially similar to plans submitted by the applicant. Outdoor patio and associated furniture shall require approval by the Design Review Board. Outdoor patio area shall be defined with landscaping and all outdoor smoking shall be confined to this area. Outdoor speakers shall not be permitted. Pedestrian access shall be maintained on the sidewalk adjacent to the Sydney Center building.
 5. Extend, build or modify the retaining wall up 6' to 8' from the corner of the building to the dumpster enclosure and paint the wall to blend in with the surroundings. Final approval of materials and layout by Staff.
 6. All music entertainment shall be conducted within the interior of the space located at 4915 Windward Parkway, Suite 100.
 7. The business shall be required to provide a ventilation system that exceeds the ventilation requirements of the International Mechanical Code 2012 to prevent impacts to adjacent businesses.
 8. The business shall not sell any vaping products or drug-related paraphernalia.
 9. Outdoor patio shall have a minimum of two (2) fans.

- The applicant, Cutter's Cigar Emporium, is requesting a conditional use permit and master plan amendment to add 'Smoke Shop and Tobacco Store' as a conditional use in Pod A of the Fulton Greens Master Plan to allow a cigar store in a 3,258 square foot suite located at 4915 Windward Parkway, Suite 100 (Sydney Center on Windward). Cutter's Cigar Emporium currently operates at 5530 Windward Parkway (The Plaza). If approved, the applicant intends to relocate the business to the proposed location.
- The submitted request, if approved, will allow the applicant to operate a 'Smoke Shop and Tobacco Store' business in a 3,258 square foot suite within an existing retail center. The subject property is the Sydney Center on Windward retail center on the west side of Windward Parkway, just north of Highway 9. The property is zoned C-1 (Neighborhood Commercial) and is located in Pod A of the Fulton Greens Master Plan. Pod A is approved for a variety of commercial uses, including retail establishments and restaurants.
- Sydney Center on Windward is a three (3) tenant, 10,000 square foot retail building currently occupied by Great Harvest Bread and Mambo's Cafe. Suite 100 was formerly occupied by a hair salon. The 87 parking spaces provided at the Sydney Center meet the Code-required parking for the existing and proposed uses at this location.
- There are no 'Smoke Shop and Tobacco Store' uses in the Sydney Center on Windward retail center. Similar businesses in the City include Alpha Smoke at 221 South Main Street, Tinder Box at 131 South Main Street, and Cigars Plus at 4055 Old Milton Parkway, Suite 8.
- Cutter's Cigar Emporium has been in business since 2012, currently operating at 5530 Windward Parkway, Suite 200-B, Alpharetta, GA. The applicant's business is primarily retail sales of premium cigars and accessories, as well as indoor/outdoor smoking lounge with on-premises alcohol consumption. According to the applicant, alcohol sales represent 10% of all sales associated with the business. Hours of operation are Monday – Thursday 10:00 AM – 11:00 PM, Friday – Saturday 10:00 AM – 12:00 PM and Sunday 12:30 PM – 8:00 PM. The applicant will be relocating their existing business to the new location in order to increase their useable floor space.
- The applicant proposes a covered outdoor patio where patrons would be permitted to smoke cigars. The 490 square foot patio is proposed to be located at the front entrance of the suite nearest the parking lot and could accommodate seating for approximately 17 persons. The location of the outdoor patio is approximately 270' from the nearest home in Cogburn Walk and is separated by a heavily wooded area. Mambo's Café, which is also located within the Sydney Center building, has a large outdoor seating patio that can accommodate 44 persons. According to a letter of support from the owner of Mambo's Café, their business has been open for four (4) years and has not experienced any noise complaints related to their outdoor patio. Mambo's Café opens as early as 11:00 AM and closes as late as 10:30 PM.
- According to documentation provided by the applicant, the proposed ventilation system exceeds the requirements for outdoor ventilation air into the space. The applicant proposes a new HEPA filter/smoke filtration system, in addition to the existing smoking area exhaust system.

- City Staff has reviewed the applicant's proposal and finds that it can generally support the master plan amendment and conditional use. The request is not in conflict with the established standards and should have little impact on the area. The proposed use would be compatible with the surrounding retail uses and other locations for this business, which are similarly situated within retail shopping centers. However, conditions should be established as part of this application that regulate and limit any expansion of the business and requires screening of the outdoor patio area.
- 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.
- In response to concerns raised at the January 5, 2017 Planning Commission meeting, the applicant met with the Cogburn Walk HOA President and emailed residents soliciting their input. The applicant presented the proposed location of the outdoor patio, as well as potential solutions to address screening and noise concerns. The applicant proposed two (2) options: 1. Increase the height of the retaining wall by 6' to 8'. 2. Plant landscape screening along the retaining wall. According to the applicant, the HOA president did not have a preference with regard to the proposed options.
- Applicant, Russ Sutton, came forward to make a brief presentation of his request

Public Comment

None

- ❖ Council Member Kennedy offered a motion to approve MP-17-03 / CU-17-02: Cutter's Cigar Emporium subject to the staff conditions with a few modifications:
 - Condition #3 – Hours of operation shall be limited to Monday – Thursday 10:00 AM – 11:00 PM, Friday – Saturday 10:00 AM – 12:00 AM and Sunday 12:30 PM – 8:00 PM
 - Delete Condition #5 and replace with, "The applicant shall plant an evergreen buffer from the dumpster enclosure to the building as approved by staff."
 - Delete Condition #9
- The motion received a second from Council Member Owens
- The motion was approved 7-0

C. CLUP-17-01 / Z-17-02 / V-15-05: GRBK Academy, LLC / Ben Manning House

- Senior Planner, Michael Woodman, came forward to present this item on behalf of staff
- This item was heard at the February 2, 2017 Planning Commission meeting. No one spoke for or against the request. After discussion, the Planning Commission recommended to approve the request. Vote (7-0)

- Staff recommends approval of CLUP-17-01/Z-17-02/V-17-05 GRBK Academy LLC/Manning House subject to the following conditions:
 1. Property shall be zoned DT-LW and shall be developed substantially as depicted on the zoning plan prepared by Travis Pruitt & Associates, dated 12/1/2016.
 2. A final plat revision shall be required prior to final site Certificate of Occupancy. Final plat shall specify zoning, development standards, tree save area, and conditions of zoning related to the subject property. An easement shall be recorded on the final plat providing for use of the Ben Manning House yard as amenity space for the East of Main subdivision.
 3. A 10' planted buffer shall be provided along the west property line and shall be planted with Evergreen trees and/or shrubs to provide a visual screen between uses, as approved by Staff.
 4. Developer shall provide a statement on the final plat and in the HOA covenants, conditions & restrictions providing for the protection and maintenance of the Ben Manning House.
 5. Previous conditions of zoning related to file Z-14-15/V-14-32 Academy Street Tract shall remain in effect, except as modified in the conditions above.
 6. Monument sign not to exceed 10 square feet to be located at the rear of the property, wall sign not to exceed 4 square feet both to be approved by the Design Review Board. The property will forever be known as the Ben Manning House and will be so designated by a plaque, which will be affixed to the exterior of the structure as approved by the Design Review Board.
- The applicant, GRBK Academy, LLC, is requesting to rezone approximately 0.39 acres from R-8A/D (Dwelling, 'For-Sale' Attached/Detached Residential) to DT-LW (Downtown Live-Work) in order to allow a historic residential structure to be used for an office or residential use. A change to the Comprehensive Land Use Plan designation from 'Downtown Residential Density' to 'Mixed Use Live Work' and a variance to reduce the buffer requirement between residential and non-residential uses is requested. The property is located at the northwest corner of Academy Street and Cricket Lane (Haynes Bridge Road extension) at 94 Academy Street.
- The subject property was rezoned to R-8A/D on June 15, 2015 as part of a 10.43-acre residential development to allow for the construction of 83 'For-Sale' Detached and Townhome units. All surrounding properties are zoned R-8A/D and are part of the East of Main subdivision. The property has a comprehensive land use plan designation of Downtown Residential Density. The applicant requests a comprehensive land use plan amendment to change the designation of the property to Mixed Use Live Work.
- The Ben Manning House was saved in conjunction with the rezoning of the Academy Street Tract in 2015. The developer is currently utilizing the Ben Manning House as their sales office for the East of Main subdivision. The condition of zoning below describes the requirement to save and restore the historic structure.

4. The Historic Manning House shall be restored and protected. Minimum lot size for the historic property shall be 15,000 sq. ft. Restoration and modifications shall require review and approval

by Staff. The exterior of the home shall be restored with final approval by Staff prior to the first Certificate of Occupancy on the property. Pool area shall be setback from the front of the home as depicted on site plan. Landscaping and fencing style shall be designed to complement the time period of the historic home.

- At the time, the developer planned to use the structure as an amenity clubhouse for the residential subdivision. According to the applicant, Building and Life Safety Code requirements, such as adding a fire sprinkler system, make it economically unfeasible to use the structure as an amenity clubhouse. The developer has prepared covenants, conditions and restrictions (CC&R's) that will provide access and use of the Ben Manning House yard and formal gardens by residents of East of Main. The long-term sustainability of the structure will be with a single private owner that will have the funds to properly maintain the structure. The proposed CC&R's for East of Main contemplate the following to ensure a good long-term plan for the building, the use and maintenance:
 1. *The Ben Manning Home is a member of the East of Main HOA and owns 17 of the 100 shares. The owner of the Ben Manning House will be responsible of 17% of the long-term maintenance of the parking lot, alleyway and detention facility.*
 2. *The Ben Manning Home is responsible for paying Common Area Maintenance (CAM) charges to the East of Main HOA to maintain the area surrounding the home, as well as the garden contained on the property.*
 3. *The parking in the rear of the home is shared; the Ben Manning House has exclusive right to the parking area from 7:00 AM – 5:00 PM Monday – Friday. Homeowners can use the parking area during all other hours for overflow resident/guest parking.*
 4. *The HOA has the right to share the garden as "open space" for the common use of the members of the HOA.*
- In short, the HOA gains the benefit of the restored home and the beauty it adds to the entrance and in lieu of a long-term liability. The property is income producing for the HOA to offset the maintenance of the community. The HOA has rights to the parking and garden area in documents set forth and recorded in the CC&R's.
- A previous condition of zoning exempted the historic home from being included in the overall residential density restriction for the East of Main subdivision, which was capped at no more than eight (8) dwelling units per acre. If the structure were used as a residential use, the overall density of the East of Main subdivision would be 8.05 dwelling units per acre.
- The applicant requests a variance to UDC Appendix A, Section 2.6, Neighborhood Compatibility to remove the 50' undisturbed buffer requirement between residential and non-residential uses. A 'For-Sale' detached home will be constructed on the adjacent property to the west. If the subject property is used as an office, a 50' undisturbed buffer would be required. The Ben Manning House is approximately 50' from its west property line and the side yard includes a tree save area. Staff recommends evergreen screening along the west property line to provide a transition between uses.
- The submitted site plan depicts the 1,890 square foot Ben Manning House on 0.387 acres at the corner of Academy Street and Cricket Lane. Seven (7) parking spaces are provided at the rear of the structure and on-street parking will be provided along Cricket Lane. Conversion of the structure to an office use would generate a need for six (6) parking spaces. Access to the property is depicted through Belle Isle Drive, which is a new local street on the west side of Cricket Lane and north of Academy Street. A pedestrian

connection is provided from the front door of the structure to the sidewalk in the linear park along Academy Street.

- The existing structure meets all setback requirements, which includes a 10' front and rear setback and a 0' side setback. The nearest residential lots are 45' (north) and 50' (west) from the Ben Manning House. Five (5) trees have been saved on the subject property, including a grouping of Magnolias on the west side of the structure that should provide screening between the property and the adjacent residential lot. The applicant has planted a row of Evergreens along the west property line to provide screening.
- The Alpharetta Downtown Code states that a site's open space requirement shall be considered satisfied when a development incorporates a historic building. The applicant is currently in the process of renovating the Ben Manning House, including the following improvements:

- Stabilize weak foundation piers
 - Paint exterior
 - Replace rotten cornice and porch materials
 - Repair fireplace chimneys
 - Replace windows and sills
 - Add porch railing
 - Replace under pinning between porch piers
 - Replace front stoop and add railing
 - Add landscaping
 - Provide ADA access to structure
 - Add rubble wall with fencing/railing
 - Interior renovations, including floors, sheetrock walls, ceilings, electrical, water/sewer, HVAC, insulation, refinish wood floors, refinish fireplace mantles, expose pocket doors and restore, add ADA bathrooms
- While the applicant intends to use the Ben Manning House for private use, access to the yard will be kept open as an amenity to the East of Main subdivision. The west side of the property has been developed as a formal garden area. The linear park along Academy Street and in front of the structure will remain open for public access. Including the Ben Manning House property, linear park and two (2) pocket parks, the total outdoor amenity area for East of Main is 1.06 acres or 10.2% of the overall development. Therefore, the outdoor amenity space exceeds the requirement provided for in the previous condition of zoning stated below.

16. Site Plan shall include outdoor amenity spaces that comprise 10% of the land area per the Downtown Master Plan recommendations. The calculation shall include the Manning House and grounds.

- If the 1,890 square feet Manning House were used as a professional office, it would generate 3 PM Peak Hour trips. Whereas, if used as a residence it would generate 2 PM Peak Hour trips.
- Staff has reviewed the applicant's proposal and finds that it can generally support the applicant's requests for comprehensive land use plan amendment, rezoning and variance. The proposed change of use will. Conditions are recommended to guarantee maintenance and protection of the historic structure, as well as provide screening between
- While the change in use will result in a higher demand on government services than that generated by non-residential development, traffic associated with a residential development will reduce the impact on the area's transportation infrastructure.

- The 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.
- Attorney, Don Rolader, came forward on behalf of the applicant

Public Comment

- ❖ Council Member Kennedy offered a motion to approve CLUP-17-01 / Z-17-02 / V-15-05: GRBK Academy, LLC / Ben Manning House subject to the 6 conditions with one modification:
 - Condition #6- delete staff condition and replace with, "The primary monument sign shall be located at the rear of the property facing Cricket Lane, and shall not exceed 10 square feet in size. The secondary front hanging wall sign shall be located on the porch of the Manning House and shall not exceed 4 square feet in size. The property shall forever be identified as the Manning House, and will be designated by a plaque located on a sign post in the park in front of the structure. All signage shall be approved by the Design Review Board."
- The motion received a second from Council Member Mitchell
- The motion was approved 7-0

D. PH-17-04: Milton Avenue Commercial Center/Thrive

- Director of Community Development, Kathi Cook, came forward to present this item on behalf of staff
- Staff recommends approval of PH-17-04 44 Milton Avenue/THRIVE subject to the following conditions:
 1. Applicant shall reconstruct building in the Georgian Revival style depicted in 3/29/2007 drawing prepared by RJD Architect, LLC, except that the ground-floor parking area shall be enclosed using similar building materials and architectural elements. The west facing building elevation is permitted to include a roll-up door subject to approval by the Design Review Board.
 2. Building shall not exceed 11,000 square feet. Building shall be restricted to office and retail.
 3. Property owner shall dedicate a permanent easement to the City over the driveway area on the west side of the building for the purpose of providing public access for an outdoor gathering area. If the City does not improve the easement with hardscape and landscape on or before February 27, 2022 and the property owner/applicant has paid \$63,000.00 into the City's parking fund, the easement shall become void and all rights that were transferred to the City by

way of the easement shall revert back to the property owner of 44 Milton Avenue. This condition shall be subject to a mutual agreement between the property owner and City.

4. Applicant shall improve the driveway area with outdoor furniture and landscaping as presented to Council.
 5. Building elevations for the enclosure of the structured parking shall require approval by the Design Review Board. Windows shall be required on the side (west) and rear building elevations.
 6. The existing dumpster shall be removed and the applicant shall make arrangements for a roll-out container. If roll-out container is kept outside, it shall be screened from view as approved by Staff.
 7. Foundation landscape areas on the front and west side of the building shall be refreshed with traditional Southern landscape material, as approved by the Design Review Board.
- The submitted request, if approved, will allow for the conversion of a seven (7) space structured parking area into 2,451 square feet of office space on a 0.16-acre property in the Downtown. The existing 2-story building is approximately 7,598 square feet, not including ground-level parking underneath the building at the rear of the structure. If approved, the enclosure of the parking area will add 2,451 square feet to the existing building for a total of 10,049 square feet. The applicant also intends to improve the existing driveway on the west side of the building as an outdoor workspace to be shared with the public. The subject property is located at 44 Milton Avenue near the southeast corner of Milton Avenue and Roswell Street.
 - The subject property is zoned C-2 Conditional (General Commercial – Conditional). The property is surrounded by C-2 parcels, including 41 Milton Avenue/Forever Gems to the north, Ceviche to the east and City parking lot to the south. The Rothman Building is located to the west and is zoned SU (Special Use). The property is located within the Downtown Overlay and has a comprehensive land use plan designation of Central Business District.
 - The property is subject to previous conditions of zoning associated with a parking variance approved on April 16, 2007. At the time of the parking variance, the property was subject to the Historic Downtown Incentive Zoning (HDIZ), which was adopted in 2005 and allowed parking reductions for retail and restaurant uses. The parking variance was approved to allow a reduction in 35 required parking spaces, subject to seven (7) parking spaces being required at the rear of the building and payment into the Downtown Parking Fund of \$4,500.00 per parking space or \$157,500.00. The applicant is now requesting to remove the seven (7) on-site parking spaces. The applicant proposes the following changes to the previous conditions of zoning:
 1. Applicant shall reconstruct building in the Georgian Revival style depicted in 3-29-2007 drawing prepared by RJD Architect, LLC, except that the ground-floor parking area shall be enclosed using similar building materials and

architectural elements and the west facing elevation of the building may include a roll-up garage door, subject to approval by Staff.

2. Building shall not exceed ~~6,953~~ 11,000 square feet. Restaurant use shall not occupy more than one floor and shall not exceed 4,580 square feet due to parking constraints.
 3. ~~A minimum of 7 parking spaces for employees shall be provided to the rear of the building.~~
- The Downtown Master Plan Update and Alpharetta Downtown Code requirements replaced the HDIZ in 2015. The current Downtown parking requirements state that office use shall provide three (3) parking spaces per 1,000 square feet. Therefore, the 2,451 square foot space would generate a need for seven (7) additional parking spaces. Downtown parking regulations allow non-residential parking requirements to be met off-site within 500' of the use it serves and/or utilize on-street parking located adjacent to and on the same side of the street as the site it serves. There are four (4) angled on-street parking spaces directly in front of 44 Milton Avenue. Additionally, the property is located directly in front of the Old Roswell Street City Parking Lot and within 500' of the Roswell Street City Parking Lot. The City has plans to develop public parking at 92 Milton Avenue, which is approximately 350' from the property. However, the Code provision allowing parking to be met off-site does not contemplate available capacity in off-site parking areas. The applicant proposes to satisfy parking requirements by dedicating a permanent easement for public access, as well as providing outdoor furniture and landscaping within the driveway on the west side of the building in lieu of payment into a parking fund.
 - The applicant proposes using the same building materials to enclose the ground-floor parking area underneath the building. A roll-up garage door is proposed on the west side of the building to in order to allow for ease of access between indoor and outdoor spaces. The applicant envisions improving the existing driveway on the west side of the building to allow for shared outdoor workspace. Approximately half of the existing driveway is on the applicant's property and the other half is owned by the adjacent property owner to the west (Rothman Building).
 - City Council is currently considering parking deck locations in the Downtown, including the City property to the rear of the subject site. In an effort to provide ease of access to parking and to create gathering spaces in the Downtown, the area could be further improved by the City in conjunction with building additional parking. The City may pursue working with the owner of the Rothman Building for a permanent easement through the remaining half of the driveway area.
 - Based on recent land sales in the area, land value is approximately \$25.00 per square foot. The applicant's portion of the driveway is approximately 1,147 square feet with an estimated land value of \$28,675.00. Since the applicant's driveway

area is proposed as a permanent easement, the industry standard is to discount the land value by half (50%). Therefore, the estimated value of a permanent easement on the subject property is \$14,337.50. Depending on the location of the Downtown parking deck, the City may pursue an easement from the adjacent property owner for the remaining 1,750 square feet of the driveway area.

- The applicant's business is THRIVE, which offers coworking spaces and shared office amenities for professionals and entrepreneurs. This business concept focuses on creating a unique work environment that fosters a sense of community through a variety of activities and educational opportunities. THRIVE currently operates on the 2nd Floor of the Kell Building at 53 South Main Street, Suite 300 and has over 50 members and tenants. The applicant proposes to move to the 44 Milton Avenue location in order to expand the business.
- Staff has reviewed the application and is generally in agreement with the request to change previous conditions of zoning. The applicant's request is consistent with the Alpharetta Downtown Code, which allows non-residential parking requirements to be met off-site. Staff recommends that the building be enclosed using the same materials as the existing building and that a permanent easement be dedicated to the City, including improvements within the existing driveway to provide for a public gathering space. Downtown is in need of public seating areas and it is not ideal to have cars accessing the current parking on the first floor and cutting across the public sidewalk.
- Existing parking in the Downtown requires expansion in order to serve this use and additional growth occurring in the Downtown. It is difficult to provide on-site parking on small downtown parcels as it would limit density and in some areas parcels would be purchased and developed solely for the purpose of surface parking. This could be a detriment to building connectivity and needed density along downtown streets.
- The City has budgeted over \$7 million to construct additional parking in the Downtown. The previous Historic Downtown Incentive Zoning (HDIZ) contemplated the parking issue by offering developers the option of contributing to a parking fund in lieu of providing on-site parking, which would be used to build communal parking deck spaces. That document required half of the parking be provided on-site and the applicant could pay \$4,500.00 per space into the Downtown parking fund to satisfy the remaining parking requirement. In 2007, 44 Milton Avenue paid \$157,500.00 into the Downtown Parking Fund and in 2013 Alpharetta Lofts paid \$66,000.00 for their portion of required parking. In 2014, CORO paid \$36,000.00 for their parking variance approval. If the HDIZ were in place today, the applicant would be required to pay \$63,000.00 into the parking fund for the seven (7) parking spaces to be removed and the seven (7) additional parking spaces needed to support the added office use, minus the value of the permanent easement and public improvements. In lieu of payment into a parking fund, the

applicant proposes to dedicate a public access easement within the existing driveway and improve the area with landscape and outdoor furniture.

- The 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 the property owner of 1 South Main Street inquired about the request and thought it was a positive change.
- Grant Schmeelk came forward on behalf of the applicant

Public Comment

- ❖ Council Member Kennedy offered a motion to approve PH-17-04: Milton Avenue Commercial Center/Thrive subject to the 7 staff conditions
 - The motion received a second from Council Member Owens
 - The motion was approved 7-0

- E. MP-16-11 / CLUP-16-07 / Z-16-09: Sharp Residential Townhomes / Windward POD20A
This item has been withdrawn without prejudice by the Applicant and will be neither heard nor considered during this meeting.

VII. NEW BUSINESS

A. RESOLUTION – City Center

“A RESOLUTION OF THE MAYOR AND COUNCIL APPROVING THE SALE OF REAL PROPERTY TO MMS ALPHARETTA, LLC, A GEORGIA LIMITED LIABILITY COMPANY; TO RATIFY CERTAIN PREVIOUS ACTIONS CONCERNING THE SALE OF SUCH PROPERTY; TO AUTHORIZE THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO CARRY OUT SUCH SALE AND CONVEYANCE; AND FOR OTHER PURPOSES”

- City Attorney, Sam Thomas, read the Resolution aloud

Public Comment

- Alexander Williamson, 12535 Wexcroft Lane, Alpharetta, GA, came forward to speak on this item
- ❖ Council Member Owens offered a motion to adopt the Resolution as read by the City Attorney approving the sale of real property to MMS Alpharetta, LLC, for certain and

various actions concerning the sale of such property and authorize the Mayor to execute all necessary documents.

- The motion received a second from Council Member Kennedy
- The motion was approved 7-0

VIII. PUBLIC COMMENT

None

REPORTS:

- Assistant City Administrator, James Drinkard announced that there would be a "Community Conversations" meeting concerning a potential performing arts center tomorrow at 6:30 PM in the multipurpose room.
- Mayor Belle Isle appointed John Monson to the TSPLOST Citizen Oversight Committee
- Mayor Belle Isle also announced that the cities in the North Fulton region have been asked to contribute to fund a study for transit. The City of Alpharetta's portion would be \$22,000 and a formal vote on this will come forward next week

IX. ADJOURNMENT TO EXECUTIVE SESSION

- ❖ Council Member Kennedy offered a motion to adjourn into Executive Session
- The motion received a second from Council Member Mitchell
- The motion was approved 6-1; Gilvin voting no

Respectfully Submitted,



Coty Thigpen, City Clerk