



Official City Council Meeting Minutes

February 22, 2021

Office of the City Clerk

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.

I. CALL TO ORDER

- Mayor Gilvin called the meeting to order at 6:30 p.m.

II. ROLL CALL

• Council Members

- o Mayor Jim Gilvin
- o Mayor Pro Tem Donald F. Mitchell
- o Jason Binder
- o Ben Burnett
- o John Hipes
- o Dan Merkel
- o Karen Richard

• Staff

- o Bob Regus, City Administrator
- o Sam Thomas, City Attorney
- o James Drinkard, Asst. City Administrator
- o Erin Cobb, City Clerk
- o Tom Harris, Director of Finance
- o Morgan Rodgers, Director of Recreation, Parks & Cultural Services
- o Kathi Cook, Director of Community Development
- o Pete Sewczwicz, Director of Public Works
- o John Robison, Director of Public Safety
- o Cris Randall, Director of Human Resources
- o Michael Woodman, Senior Planner

III. PLEDGE TO THE FLAG

IV. PRESENTATIONS & PROCLAMATIONS

A. Proclamation for Dorothy Norwood

B. Proclamation for Jim Gilvin “Volunteer of the Year”

V. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 2/15/2021)

B. Alcoholic Beverage License Applications

1. PH-21-AB-06 Diner BC, LLC
d/b/a Vas Kouzina
58 Canton Street
Alpharetta, GA 30009

Restaurant
Consumption on Premises
Liquor, Beer, Wine & Sunday Sales

Owner: Diner BC, LLC
Registered Agent: Vasilios Liakakos

- ❖ Mayor Pro Tem Mitchell offered a motion to approve the consent agenda
 - The motion received a second from Council Member Merkel
 - The motion was approved unanimously (7-0)

VI. PUBLIC HEARING

A. CLUP-21-01/Z-21-02/V-21-03 The 1858 Residential Subdivision

- Senior Planner, Michael Woodman, came forward to present this item.
- Staff is recommending that Mayor and Council approve CLUP-21-01/Z-21-02/V-21-03 THE 1858, subject to the following conditions:
 1. The site, consisting of approximately 1.68 acres, shall be zoned DT-R and developed substantially similar to site plan prepared by Plum Creek Consulting, revised 1/20/2021, except for modifications required to comply with the conditions below. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.
 2. The comprehensive land use designation of the property shall be ‘Downtown Residential Density’.
 3. Architecture and materials shall be developed substantially similar to the submitted renderings, except for modifications required to comply with comments from the Downtown Consultant and in compliance with the Alpharetta Downtown Code, subject to final approval by DRB. A minimum of six (6) homes shall be 4-sided brick or stone and each home shall have a unique elevation with respect to design, material, and color. A minimum of six (6) homes shall have a chimney and a minimum of six (6) homes shall have a front covered porch.

4. Building height shall be limited to no more than 2 stories and 35' along Cumming Street.
5. Lots shall have a front yard defined by a decorative low wall (brick or stone) or hedge with columns (brick or stone), as approved by DRB. Hardscape in front yards is limited to decorative brick pavers and/or steppingstones and shall not cover more than 25% of the front yard.
6. Side setbacks shall be 8' between structures and private alley shall be permitted to count toward meeting the minimum lot size. Variances to the maximum lot coverage shall not be permitted.
7. Cumming Street streetscape shall generally be improved as follows: 30' half width right-of-way to incorporate a min. 4' planter, 8' concrete sidewalk, 10' travel lane, street trees and decorative pedestrian lights, with final approval by Staff.
8. Shade trees shall be required in the planter along Cumming Street and behind the sidewalk within the 10' landscape strip as a continuation of what has been planted or designed in the Downtown and outside of utility easements, as approved by DRB. In lieu of tree grates, the soil area around street trees shall be planted with evergreen ornamental grasses, groundcovers and/or shrubs.
9. Residential alley shall meet the streetscape standards in the Alpharetta Downtown Code.
10. Project entrance shall include decorative paver apron, landscaping, and low wall.
11. Northwest corner of the property shall include a community focal feature, as approved by the Alpharetta Cultural Arts Commission.
12. Pocket park shall be developed with a park-like setting with decorative landscape, hardscape, low walls, and seating. Landscape shall include plant selections promoting the historic Downtown. Exotic and invasive trees and shrubs shall be removed in the pocket park, as approved by Staff.
13. Creeping vines shall be planted to cover retaining and low walls, as approved by Staff.
14. Trees shall be saved as depicted on the tree save plan prepared by Plum Creek Consulting, revised 1/20/2021. Developer shall save tree# 145 (18" Magnolia), 146 (17" Magnolia), 148 (14" 2 Redbud) and 149 (13" Redbud), if it is determined by Staff that those trees were incorrectly located on the site plan and reasonable effort can be made to save those trees. Developer shall make reasonable efforts to save additional trees in the pocket park.
15. Developer shall plant the area west of Lot 1 to landscape buffer standards and a 5' landscape strip shall be planted along the eastern property line.
16. Fences and walls visible from the public right-of-way shall be decorative, as approved by Staff. Unfinished wood fences and decks shall not be visible from the street.
17. Prior to the issuance of an LDP, developer shall provide the City with a copy of the parking agreement with AFUMC for 12 off-site parking spaces.
18. Stream buffer encroachment and 80' average width enhanced buffer shall be permitted as depicted on the site plan prepared by Plum Creek Consulting, revised 1/20/2021. In addition to the proposed enhanced buffer (invasive species removal and revegetation north side of stream), developer shall provide additional measures (one or a combination of the measures below) to mitigate the stream buffer encroachment, as approved by Staff, such as using:

- A. Provide an additional 20% runoff reduction or water quality volume for the project's new impervious area, which is in addition to the standard requirements.
 - B. Provide an ecological assessment of existing vegetation for the off-site riparian buffers on the south side of the stream on the AFUMC property, including recommendations for vegetative management. The plan shall detail means and methods of exotic and invasive plant removal, as well as revegetation of the area with native riparian plants (trees, shrubs, and groundcovers) in order to fill-in existing gaps or gaps created by the removal of exotic and invasive plants. Provide a list of proposed plants and quantities. Vegetative management plan shall be implemented for four-times (4x) the proposed undisturbed buffer encroachment.
 - C. Provide off-site stream restoration within the watershed.
 - D. Other options that provide an ecological lift, as approved by Staff.
19. Developer shall provide an additional 20% channel protection volume in addition to the standard requirement for the site, as approved by Staff. An exemption from channel protection volume as described in GSMM2.2.4.2 will not be permitted for this project.
20. Garbage pickup shall be from the alley, not Cumming Street.
21. No more than 10% of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.
- This item was heard at the 2/4/2021 Planning Commission meeting. Staff recommended approval subject to 21 conditions. There was one (1) public comment from a resident of East of Main 2 asking about the construction timeline and landscaping along the eastern property line. After discussion, Planning Commission recommended approval subject to staff's recommended conditions. Vote 7-0
 - The applicant, Vision Development Partners, LLC, is requesting a comprehensive land use plan amendment from 'Public, Institutional, Education' to 'Downtown Residential Density' and a rezoning from R-15 (Dwelling, 'For-Sale', Residential) and O-I (Office-Institutional) to DT-R (Downtown Residential) in order to construct eleven (11) 'For-Sale' single-family detached homes on 1.68 acres in the Downtown. Variances are requested to allow a private alley to count toward the minimum lot size, to reduce side setbacks and to allow a stream buffer encroachment. The subject properties are located at 0, 73, 89 and 109 Cumming Street on the south side of Cumming Street and across from Manning Drive.
 - The submitted request, if approved, would allow for the construction of eleven (11) 'For-Sale' single-family detached homes on 1.68 acres in the Downtown. The proposed residential density is 6.55 dwelling units per acre. The applicant proposes to rezone the property from R-15 and O-I to DT-R and a comprehensive land use plan amendment from 'Public, Institutional, Education' to 'Downtown Residential Density'. Variances are requested to allow an alley to count toward the minimum lot size, to reduce side setbacks and to allow a stream buffer encroachment. The subject properties are located at 0, 73, 89 and 109 Cumming Street on the south side of Cumming Street and across from Manning Drive.
 - The property represents a few parcels of land with frontage on Cumming Street. There are two (2) single-family detached homes currently developed on the properties. Surrounding properties are zoned DT-R and R-15 to the north, DT-R to the east, O-I, R-15, and DT-R to the south and O-I to the west. The Taylor Morrison residential development and Manning Drive Subdivision are located to the north, East of Main Phase 2 is located to the east and south, and Alpharetta First United Methodist Church (AFUMC) is located to the south and west. The Comprehensive

Land Use Plan designation of the property is 'Public, Institutional, Education', which requires a comprehensive land use plan amendment to 'Downtown Residential Density' in order to allow the proposed use.

- As summarized below, the applicant is requesting the three (3) variances from Unified Development Code (UDC):
 1. UDC Section 1.4 Definitions. A variance is requested to the definition of a 'Lot' to allow a private alley to count toward meeting the minimum lot size on a residential lot. The applicant's site plan depicts a 16' private alley at the rear of each residential lot, which have an average lot width of 36'. The alley represents approximately 572 square feet of the lot area, of which the average proposed lot size is 4,758 square feet. The minimum lot size in the DT-R district is 4,500 square feet and the maximum lot coverage is 70%. There have been a few subdivisions in the Downtown that have been granted variances to allow an alley to count toward the minimum lot size, including East of Main Phase 2, If approved, it is recommended that lots not be permitted to vary the maximum lot coverage requirement. 'Lot' is defined as:

"A portion of a subdivision, or any other parcel of land, intended as a unit for transfer of ownership or for development or both. In determining the area and dimensions of a lot, no part of the street right-of-way or private street easement may be included."
 2. UDC Appendix A: Alpharetta Downtown Code Subsection 3.8.4. (B) Building Placement, Principal and Accessory Structure Setbacks. A variance is requested to reduce the side setback from a minimum ten-feet (10') between structures to eight-feet (8') between structures. According to the applicant, the variance is necessary to accommodate the tree save area proposed within the 0.20-acre pocket park, which includes two (2) Oak trees (#143 – 24" Post Oak and #140 – 32" White Oak) within the proposed pocket park.
 3. UDC Subsection 3.3.6(C)(1)(b) Stream Buffer Protection, Land Development Requirements. A variance is requested to allow an encroachment into the 150' perennial stream buffer. The applicant proposes to provide an 80' average width enhanced stream buffer on the north side of the stream as mitigation for the proposed impact. The enhanced stream buffer would include removal of invasive species and replanting of the buffer. The stream in question has been piped on the AFUMC property, as a result of previously approved stream buffer variances at the State and local level. The City granted the stream buffer variance on the AFUMC property in 2012, which included conditions requiring the church to develop an educational and maintenance program associated with a stormwater management facility that was constructed. In addition, the adjacent property to the east, East of Main Phase 2, received stream buffer variance approval to reduce the perennial stream buffer from 150' to 75'. Justification for that variance was to keep the open stream in its natural state, since the developer could have piped the section due to the upstream portion of the stream on the AFUMC property and downstream section under Cricket Lane being piped. 4 The Downtown Master Plan 5-Year market demand study reflects a demand potential of 40 – 45 single-family detached units. The demand analysis is intended to be a measure of market viability, not a prediction or recommendation for Downtown development. As shown in the table below, 350 single-family detached homes have been approved in the Downtown in the five (5) years since the adoption of the 2015 Downtown Master Plan update. The applicant's proposed density of 6.55 dwelling units per acre is in-line with past approvals in the Downtown.

Downtown Overlay – Residential Approvals since the 2015 Downtown Master Plan Update

Development Name	Type	Acres	Density
AlphaDev	11 SFD, 6 TH	2.21 acres	7.7 du/ac
Alcovy	10 SFD	1.23 acres	8.1 du/ac
City Center/Voysey	42 SFD, 168 For-Rent	25 acres	8.0 du/ac
Midwick	17 SFD, 23 TH	5.85 acres	6.8 du/ac
Old Milton Holdings (Foundry)	25 SFD, 137 TH	23.89 acres	6.8 du/ac
Thompson Street Flats (Kairos)	24 Condo (High)	2.39 acres	10.0 du/ac
Burnett Circle (Ouray)	43 TH	5.72 acres	7.5 du/ac
Weyhill	9 SFD	3.1 acres	2.9 du/ac
Teasley Place	24 Condo (High)	2.2 acres	10.9 du/ac
East of Main	60 SFD, 42 TH	13.87 acres	7.35 du/ac
Twelve on Canton	12 SFD	5.46 acres	2.2 du/ac
The Maxwell	58 SFD, 80 Condo (Mid)	12.91 acres	10.7 du/ac
Rowes Downtown (Tiffany Square)	22 SFD	3.26 acres	6.75 du/ac
Chelsea Walk	49 TH	7.04 acres	7.0 du/ac
Manning on the Square	58 SFD	11.7 acres	4.96 du/ac
Villa Magnolia	26 SFD	3.53 acres	7.37 du/ac

Downtown Overlay – Number of Approved Residential Units by Type

Residential Type	Number Approved
Single-Family Detached	350 units
Townhome	300 units
Condominium (Mid-Entry)	80 units
Condominium (High-End)	48 units
For-Rent	168 units
TOTAL	946 units (82% For-Sale/18% For-Rent)

- The submitted site plan depicts eleven (11) single-family detached lots oriented to Cumming Street and served by a private alley with access from Cumming Street. Lots range in size from 4,537 to 5,780 square feet with an average lot size of 4,785 square feet. Homes are proposed to be 2-stories over a basement and include a front courtyard and rear covered deck over the driveway. A 20' setback is provided along Cumming Street from the current property line. Minimum building setbacks are consistent with the DT-R development standards, except that the applicant requests a reduction in the side setback from ten-feet (10') to eight-feet (8') between structures.
- Each home has two (2) side-by-side parking spaces within a garage and a Code-compliant driveway accommodating two (2) additional cars. The Downtown Code requires 28 parking spaces for the proposed subdivision, of which 44 parking spaces are provided on-site. The applicant has negotiated an off-site parking agreement with AFUMC for 12 unassigned parking spaces located in the existing church parking lot to the west. Parking spaces will be available for use at all times, except for Sunday mornings during church services.
- A 16' private alley is depicted at the rear of and within each lot. The alley adds an average of 572 square feet of impervious area to each lot. An eight-foot (8') concrete sidewalk is depicted along Cumming Street.
- A 0.20-acre pocket park is provided at the project entrance along Cumming Street, which represents 12% open space. The pocket park includes two (2) tree saves with additional trees likely to be saved in the area. The percentage of open space is likely to be higher within the development, since the front courtyards and rear covered decks were not included in the open space calculation. Either way, the applicant's proposal exceeds the minimum 10% amenity space required in the DT-R district. If approved, amenity areas should include improvements associated with gathering and seating areas.
- There are several specimen and trees of quality on the subject property, consisting primarily of Hardwoods. The applicant's site plan depicts two (2) tree saves (tree# 143 - 24" Post Oak and tree# 140 - 32" White Oak) in the 0.20-acre pocket park. There are additional trees within the proposed tree save area (20" Water Oak and

20" Oak), as well as a few boundary trees (Redbuds and Southern Magnolias) that are not depicted to be saved. If approved, it is recommended that the developer make reasonable efforts to save additional specimen trees and trees of quality on the property.

- A note on the site plan indicates that the existing AFUMC detention pond, south of Lots 3-5, has sufficient capacity to serve the stormwater management needs of the proposed development.
- The applicant's proposed renderings reflect the use of multiple architectural styles approved in the Downtown, including Tudor, Georgian, Federal, and Greek Revival. Homes are depicted to be 2-stories over basement with gable rooftops. According to the applicant's architect, homes will be primarily brick or siding with stone and hard coat stucco accents. The City's Downtown Consultant reviewed the renderings and believes the applicant's proposal for a mix of architectural styles is appropriate. If approved, the applicant should comply with the following comments provided by the Downtown Consultant:
 1. Varied siding sizes and use of brick is appropriate
 2. Window styles and mullion patterns are appropriate
 3. Shutters should not be used on a triple window
 4. Varied roof colors and textures are appropriate
- The applicant provided a trip generation report, which estimates that the proposed 11-lot single-family detached subdivision would generate 13 AM Peak Hour trips and 12 PM Peak Hour trips.
- Residential development is known to increase school enrollment. Fulton County calculated the potential maximum number of children who may live on the property by using the Fulton County Schools standard calculation to identify the number of children that a residential development will generate. The following chart outlines these figures:

FULTON COUNTY SCHOOLS – 11 Detached Homes

School	Single Family Average #
Manning Oaks Elementary School	1 to 4 students
Hopewell Middle School	0 to 2 students
Alpharetta High School	1 to 4 students
TOTAL	2 to 10 students

- Based on the total figure for all three school levels, it can be assumed that the proposed development could house approximately 2 – 10 school age children. Numbers provided by Fulton County Schools show that Alpharetta High School is currently over capacity.
- COMPREHENSIVE LAND USE PLAN (CLUP) AMENDMENT: Unified Development Code Section 4.1.3 Standards for CLUP amendment approval, provides the following criteria for consideration when evaluating a request for a change in land use:
 - A. The extent to which a change in the economy, land use or development opportunities of the area has occurred.
 Response: The AFUMC property was assigned a comprehensive land use plan designation of 'Public, Institutional, Education' due to its use and development as a church. A small portion of the property, 109 Cumming Street, and contiguous properties to the east are designated 'Downtown Residential Density', which is consistent with the applicant's request.

- B. The extent to which the proposed designation is in compliance with the goals and policies of the Plan.

Response: The applicant's proposal is consistent with the following policies and strategies in the City's 2035 Comprehensive Plan:

- ED Policy 1: Maintain a highly viable, growing, and attractive downtown.
- ED Policy 4: Maintain a high aesthetic standard and enhance architectural quality.
- ED Strategy 4.1: Maintain and enforce high aesthetic standards and appropriate architectural guidelines.
- LU Policy 1: Encourage the continued revitalization and redevelopment of Downtown Alpharetta for culture, government, dining, residential, entertainment, and retail diversity.
- LU Strategy 1.3: Encourage residential uses in the Downtown at higher densities and in mixed use buildings in order to support the viability of Downtown.
- H Policy 1: Promote and encourage residential densities and designs that ensure varied living areas and housing types.
- H Strategy 1.2: Encourage higher residential densities and appropriate mix of uses close to Downtown Alpharetta and in the GA-400 corridor.
- H Policy 2: Maintain a balance between 'owner-occupied' and 'renter-occupied' in Alpharetta such that at least 68% of the housing stock is 'owner-occupied'.
- H Policy 5: Design quality and long-term value into residential development to maintain appearance and property values.

- C. The extent to which the proposed designation would require changes in the provision of public facilities and services.

Response: The proposal would have impacts on public facilities and services as it relates to increased demand on parks and recreation, fire and police and schools. However, the increased demand should be negligible given that the proposal represents a net increase of nine (9) dwelling units

- D. The extent to which the proposed designation would impact the public health, safety, and welfare.

Response: The request to allow 'For-Sale' single-family detached homes should not negatively impact public health, safety, or welfare. While the proposed rezoning is not consistent with the future land use designation of the property, a portion of the property and contiguous properties to the east are designated 'Downtown Residential Density'.

- E. The extent to which additional land area is needed to be developed for a specific type of use.

Response: Development opportunities in the Downtown are limited given the growth the City has seen in the Downtown. The applicant's request would further Housing Policy 6, as shown below, by adding to the housing opportunities in the City

- H Policy 6: Assure that people who work in Alpharetta have the opportunity to live in Alpharetta by maintaining a housing-to-jobs balance.

- F. The extent to which area demographics or projections are not occurring as projected.

Response: Not applicable.

- **STANDARDS FOR ZONING CHANGES:** The Planning Commission and the City Council shall consider the following standards in considering a rezoning application, giving due weight or priority to those factors particularly appropriate to the circumstances of each application:
 - A. Whether the zoning proposal will permit a use that is suitable in view of the zoning use and development of adjacent and nearby property.
 Response: The zoning proposal would be suitable as it relates to the use and development of adjacent and nearby properties, which are primarily developed with similar residential uses and densities.
 - B. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
 Response: The zoning proposal would not adversely affect the existing use or usability of adjacent or nearby properties, which are primarily developed with similar residential uses and densities.
 - C. Whether the zoning proposal will adversely affect the natural environment.
 Response: The applicant's proposal should not have significant impacts on the natural environment. The applicant's proposal includes a tree save area including two (2) large Oaks. A stream buffer variance is requested; however, the applicant proposes to mitigate the encroachment with an enhanced stream buffer, including removal of invasive species and revegetation. In addition, the stream in question has been piped on the AFUMC property and a stream buffer variance was granted on the adjacent property to the east, East of Main 2.
 - D. Whether there are substantial reasons why the property cannot or should not be used as currently zoned.
 Response: The subject property could be developed with approximately three (3) additional single-family detached homes on minimum 15,000 square foot lots and/or AFUMC could develop the property with church uses. However, the proposed residential subdivision would contribute to a more balanced jobs to housing ratio and walkable downtown.
 - E. Whether the zoning proposal will result in a use that will or could cause an excessive or burdensome use of public facilities or services, including but not limited to existing streets and transportation facilities, schools, water or sewer utilities, and police or fire protection.
 Response: The proposal would have impacts on public facilities and services as it relates to increased demand on parks and recreation, fire and police and schools. However, the increased demand should be negligible given that the proposal represents a net increase of nine (9) dwelling units.
 - F. Whether the zoning proposal is supported by new or changing conditions not anticipated or reflected in the existing zoning on the property.
 Response: The subject property is located in the Downtown Overlay, which includes opportunities for properties to develop under the Downtown zoning districts.
 - G. Whether the zoning proposal reflects a reasonable balance between the promotion of the public health, safety, morality, or general welfare against the right to unrestricted use of property.
 Response: The request to allow 'For-Sale' single-family detached homes should not negatively impact public health, safety, or welfare. While the proposed zoning is not consistent with the future land use designation of the property, a portion of the property and contiguous properties to the east are designated 'Downtown Residential Density'.

- H. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.

Response: The subject property could be developed with approximately three (3) additional single-family detached homes on minimum 15,000 square foot lots and/or AFUMC could develop the property with church uses. However, the proposed residential subdivision would contribute to a more balanced jobs to housing ratio and walkable downtown.

- I. The extent to which the zoning proposal is consistent with the Comprehensive Plan.

Response: The Comprehensive Land Use Plan designation of the property is 'Public, Institutional, Education', which requires a comprehensive land use plan amendment to 'Downtown Residential Density' to allow the proposed use.

- **VARIANCE REVIEW CRITERIA:** The City of Alpharetta Unified Development Code Article IV, Section 4.5.3 outlines the criteria set forth for granting a variance. The ordinance specifically states..."a variance may be granted upon a finding that":

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography; or

Response: The property slopes down from Cumming Street due to the presence of a stream at the rear of the property. However, topography does not appear to contribute to the requested variances. The proposed side setback reduction would accommodate a tree save area in the 0.20-acre pocket park. The request to allow an alley to count toward the minimum lot size has been approved at other Downtown subdivisions, including East of Main 2. The average area of a lot minus the alley is 4,213 square feet, representing a 9% reduction. Stream buffer variances have been approved on adjacent properties, with AFUMC piping the section to the west and East of Main 2 granted a reduction in the stream buffer from 150' to 75'. The City's Stormwater Engineer typically does not support requests for stream buffer variance because of the water quality benefits that a stream provides. If approved, Staff recommends additional mitigation to offset the impacts resulting from the stream buffer encroachment.

2. The application of the Ordinance to this particular piece of property would create an unnecessary hardship; or

Response: The proposed side setback reduction would accommodate a tree save area in the 0.20-acre pocket park. The request to allow an alley to count toward the minimum lot size has been approved at other Downtown subdivisions, including East of Main 2. The average area of a lot minus the alley is 4,213 square feet, representing a 9% reduction. Stream buffer variances have been approved on adjacent properties, with AFUMC piping the section to the west and East of Main 2 granted a reduction in the stream buffer from 150' to 75'. The proposed density is comparable to other approved densities and the massing and scale is similar to surrounding properties and approvals.

3. There are conditions that are peculiar to the property which adversely affect its reasonable use or usability as currently zoned; or

Response: The property slopes down from Cumming Street due to the presence of a stream at the rear of the property. However, topography does not appear to contribute to the requested variances. The proposed side setback reduction would accommodate a tree save area in the 0.20-acre pocket park. The request to allow an alley to count toward the minimum lot size has been approved at other Downtown subdivisions, including East of Main 2. The average area of a lot minus the alley is 4,213 square feet, representing a 9% reduction. Stream buffer variances have been approved on adjacent properties, with AFUMC piping the section to the west and East of Main 2 granted a reduction in the stream buffer from 150' to 75'.

4. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the City of Alpharetta ordinances.

Response: Approval of the variances should not cause substantial detriment to the public good. The proposed side setback reduction would accommodate a tree save area in the 0.20- acre pocket park. The request to allow an alley to count toward the minimum lot size has been approved at other Downtown subdivisions, including East of Main 2. The average area of a lot minus the alley is 4,213 square feet, representing a 9% reduction. Stream buffer variances have been approved on adjacent properties, with AFUMC piping the section to the west and East of Main 2 granted a reduction in the stream buffer from 150' to 75'.

- CONCURRENCES: Staff has reviewed the applicant's proposal and finds that it can generally support the request for comprehensive land use plan amendment, rezoning and variance. The comprehensive land use plan amendment is consistent with the designation of a portion of the subject property and contiguous properties to the east. The zoning proposal is consistent with the vision of the Downtown Master Plan and is suitable as it relates to the use and development of adjacent or nearby properties, which are primarily developed with similar residential uses and densities. Approval of the variances should not cause substantial detriment to the public good, if the stream buffer encroachment is properly mitigated as approved by Staff.
- The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that the applicant was contacted by three (3) residents requesting informational packets, sales price of homes and developer information.
- CZIM was held on January 13, 2021. There were questions about the size and price point of the homes, as well as parking. Public comments were in support of the applicant's proposal.
- Council Member Hipes expressed concern about there being enough space for trash and delivery trucks to comfortably access and travel on this road, as well as the capability of providing a pedestrian connection off the west end of the property.
- Attorney Donald Rolader, 200 Foothills Pkwy, Marble Hill, GA 30148, came forward as a representative for Vision Development Partners, LLC.
- President of Vision Development Partners, LLC., Steven Smith, 380 Majestic Cove, Milton, GA, 30004, came forward to discuss the application.
- Vice President of Business Development for Landis Evans & Partners, Cris Owens, came forward to discuss the proposed properties.
- Principal at Classical Studios, David Grace, 2564 Hearthstone Circle, Marietta, GA 30062, came forward to discuss the architecture.
- Jeremy Scott came forward to speak on behalf of the Alpharetta First United Methodist Church, who is in support of this application.

Public Comment

- Thomas LeCain, 255 Cricket Lane, Alpharetta, GA 30009, came forward in support of this item.
 - Jim Pixley, 245 Cricket Lane, Alpharetta, GA 30009, came forward in support of this item.
 - Member of the Alpharetta First United Methodist Church, Dave Pratt, came forward in support of this item.
- ❖ Council Member Richard offered a motion to approve CLUP-21-01/Z-21-02/V-21-03 THE 1858, subject to the following conditions:
1. The site, consisting of approximately 1.68 acres, shall be zoned DT-R and developed substantially similar to site plan prepared by Plum Creek Consulting, revised 1/20/2021, except for modifications required to comply with the conditions below. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.
 2. The comprehensive land use designation of the property shall be 'Downtown Residential Density'.
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 4. Building height shall be limited to no more than 2 stories and 35' along Cumming Street.
 5. Lots shall have a front yard defined by a decorative low wall (brick or stone) or hedge with columns (brick or stone), as approved by DRB. Hardscape in front yards is limited to decorative brick pavers and/or steppingstones and shall not cover more than 25% of the front yard.
 6. Side setbacks shall be 8' between structures and private alley shall be permitted to count toward meeting the minimum lot size. Variances to the maximum lot coverage shall not be permitted.
 7. Cumming Street streetscape shall generally be improved as follows: 30' half width right-of-way to incorporate a min. 4' planter, 8' concrete sidewalk, 10' travel lane, street trees and decorative pedestrian lights, with final approval by Staff.
 8. Shade trees shall be required in the planter along Cumming Street and behind the sidewalk within the 10' landscape strip as a continuation of what has been planted or designed in the Downtown and outside of utility easements, as approved by DRB. In lieu of tree grates, the soil area around street trees shall be planted with evergreen ornamental grasses, ground covers and/or shrubs.
 9. Residential alley shall meet the streetscape standards in the Alpharetta Downtown Code.

10. Project entrance shall include decorative paver apron, landscaping, and low wall.
11. Northwest corner of the property shall include a community focal feature, as approved by the Alpharetta Cultural Arts Committee.
12. Pocket park shall be developed with a park-like setting with decorative landscape, hardscape, low walls, and seating. Landscape shall include plant selections promoting the historic Downtown. Exotic and invasive trees and shrubs shall be removed in the pocket park, as approved by Staff.
13. Creeping vines shall be planted to cover retaining and low walls, as approved by Staff.
14. Trees shall be saved as depicted on the tree save plan prepared by Plum Creek Consulting, revised 1/20/2021. Developer shall save tree# 145 (18" Magnolia), 146 (17" Magnolia), 148 (14" 2 Redbud) and 149 (13" Redbud), if it is determined by Staff that those trees were incorrectly located on the site plan and reasonable effort can be made to save those trees. Developer shall make reasonable efforts to save additional trees in the pocket park.
15. Developer shall plant the area west of Lot 1 to landscape buffer standards and a 5' landscape strip shall be planted along the eastern property line.
16. Fences and walls visible from the public right-of-way shall be decorative, as approved by Staff. Unfinished wood fences and decks shall not be visible from the street.
17. Prior to the issuance of an LDP, developer shall provide the City with a copy of the parking agreement with AFUMC for 12 off-site parking spaces. A pedestrian connection shall be provided from the offsite parking with final approval by staff.
18. Stream buffer encroachment and 80' average width enhanced buffer shall be permitted as depicted on the site plan prepared by Plum Creek Consulting, revised 1/20/2021. In addition to the proposed enhanced buffer (invasive species removal and revegetation north side of stream), developer shall provide additional measures (one or a combination of the measures below) to mitigate the stream buffer encroachment, as approved by Staff, such as using:
 - A. Provide an additional 20% runoff reduction or water quality volume for the project's new impervious area, which is in addition to the standard requirements.
 - B. Provide an ecological assessment of existing vegetation for the off-site riparian buffers on the south side of the stream on the AFUMC property, including recommendations for vegetative management. The plan shall detail means and methods of exotic and invasive plant removal, as well as revegetation of the area with native riparian plants (trees, shrubs, and groundcovers) in order to fill-in existing gaps or gaps created by the removal of exotic and invasive plants. Provide a list of proposed plants and quantities. Vegetative management plan shall be implemented for four-times (4x) the proposed undisturbed buffer encroachment.
 - C. Provide off-site stream restoration within the watershed.
 - D. Other options that provide an ecological lift, as approved by Staff.

19. Developer shall provide an additional 20% channel protection volume in addition to the standard requirement for the site, as approved by Staff. An exemption from channel protection volume as described in GSMM2.2.4.2 will not be permitted for this project.
 20. Garbage pickup shall be from the alley, not Cumming Street.
 21. No more than 10% of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.
 22. HOA shall require vehicles for services of homes in THE 1858, such as delivery vehicles, limousines, housekeeping, etc., shall park in the development and not on Cumming Street.
- The motion received a second from Mayor Pro Tem Mitchell
 - The motion was approved unanimously (7-0)

VII. OLD BUSINESS

A. Approval of Fiscal Year 2021 Mid-Year Budget Amendment (2nd Reading)

- Director of Finance, Tom Harris, came forward to present this item.
- Staff is recommending that Mayor and Council approve the Fiscal Year 2021 Mid-Year Budget Amendment and the ordinance as presented.
- The purpose of the Fiscal Year (FY) 2021 Mid-Year Budget Amendment is to amend the base budget as adopted by City Council for targeted initiatives that have already occurred (e.g., during the first 7 months of the fiscal year) or are planned to occur before year-end.
- Initiatives are discussed in detail within the FY 2021 Mid-Year Budget Requests, which is attached to the agenda packet.
- Changes to the Mid-Year Budget Amendment since the 1st Reading (2/15/2021) include the following: +\$115,000 for Town Green Artificial Turf.
- The following list provides, by department, the associated detail/justification for each targeted initiative requested through the FY 2021 Mid-Year Budget Amendment:
- **General Fund:**
 - o City Administration:
 - Initiative: Economic Development Director position (+1 FTE) - Funding Request: \$43,000 (FY 2021 partial-year); \$170,000 annualized (FY 2022)
 - Initiative: Georgia Municipal Association (reactivate membership)- Funding Request: \$20,000 annually
 - o Human Resources:
 - Initiative: eForms software (NeoGov HRIS software) - Funding Request: \$9,000 (\$1,500 one-time; \$7,500 year 1; \$14,500 annually thereafter)

- o Public Safety:
 - Initiative: Transfer of 3 DEA funded Police Officer positions to the General Fund - Funding Request: \$100,000 (FY 2021 partial-year); \$338,000 annualized (FY 2022)
 - Initiative: FususONE software - Funding Request: \$25,000 annually
- o Recreation, Parks & Cultural Services:
 - Initiative: Maintenance of New Parks - Funding Request: \$42,200 (FY 2021 partial-year); \$84,000 annualized (FY 2022)
- o General Government:
 - Funding Sources: \$239,200 (revenue; Insurance Premium Taxes)
Funding totaling \$239,200 is available through the above revenue collections for Insurance Premium Taxes outpacing budgetary expectations for FY 2021.
- **Impact Fee Fund:**
 - o Initiative: AlphaLoop Grant Matches - Funding Request: \$745,000
 - o Initiative: Union Hill Rd Mid-Block Crosswalk (Greenway Extension)- Funding Request: \$200,000
- **Capital Project Fund:**
 - o Public Works:
 - Initiative: Mini-Excavator Replacement - Funding Request: \$42,000
 - Initiative: Chipper Insert - Funding Request: \$35,000
 - o Information Technology:
 - Initiative: Operational Assessment - Funding Request: \$50,000
 - o Community Development:
 - Initiative: Teleworking Equipment - Funding Request: \$21,000
 - Initiative: Brookside Focus Area Streetscape and Connectivity Plan - Funding Request: \$18,000
 - Initiative: South Main Street Creative Placemaking Plan – ARC LCI Supplemental Study Grant Match - Funding Request: \$16,000 (grant match)
 - o Recreation, Parks & Cultural Services:
 - Initiative: Retaining Wall Replacement (Old Rucker Road Park) - Funding Request: \$30,000
 - Initiative: Town Green Turf - Funding Request: \$115,000
 - o General Government:
 - Funding Sources: \$212,000 (Non-Allocated)
- City Attorney, Sam Thomas, read the ordinance aloud.

Public Comment

- No Public Comment

- ❖ Council Member Binder offered a motion to approve the Fiscal Year 2021 Mid-Year Budget Amendment and the ordinance as presented
 - The motion received a second from Council Member Richard
 - The motion was approved (6-1); Council Member Burnett voting in opposition

VIII. NEW BUSINESS

A. List of Approved Substitute Municipal Court Judges

- Director of Court Services, Brooke Lappin, came forward to present this item.
- Staff is recommending that Mayor and Council approve the following list of substitute judges:
 - o Lee Whiteside
 - o Jared Mitnik
 - o Richard Hicks
 - o Scott Carter
- In the event that the Chief Judge for the City of Alpharetta is absent or recuses himself or herself, a substitute Judge shall be selected by the Court Clerk from a list approved by the City Council per Section 4.16 of the City Charter.
 - o Sec. 4.16. - Absence of judge.
 - o (a) Subject to subsection (b) of this section, in the event that the judge is absent, recuses himself or herself, or is otherwise unavailable for court, a substitute judge shall be selected by the court clerk from a list approved by the city council. The list shall include only individuals who meet the qualifications listed in subsection (b) of this section for appointed part-time, full-time, or stand-by judges.
 - o (b) In addition to the judge provided for in section 4.11 of this Act, the municipal court may be presided over by such part-time, full-time, or stand-by judges as the city council, in its discretion, deems necessary to meet the needs of the court. All such judges shall have attained the age of 21 years, shall be a member of the State Bar of Georgia, and [shall] possess all qualifications required by law. Such judges need not be residents of the city. All judges shall be appointed by the city council and shall serve until a successor is appointed and qualified. Compensation of the judges shall be fixed by ordinance. Judges shall serve at will and may be removed from office at any time by the city council, unless otherwise provided by ordinance. Before assuming office, each judge shall take an oath, given by the mayor, that the judge will honestly and faithfully discharge the duties of the office to the best of that person's ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of the city council journal.

Public Comment

- No Public Comment

- ❖ Council Member Hipes offered a motion to approve the appointment of the following list of substitute judges; Lee Whiteside, Jared Mitnik, Richard Hicks, and Scott Carter

- The motion received a second from Council Member Merkel
- The motion was approved unanimously (7-0)

B. Resolution for Atlanta Regional Commission LCI Supplemental Study for the South Main Street Corridor

- Director of Community Development, Kathi Cook, came forward to present this item.
- Staff is recommending that Mayor and Council approve authorization (resolution) for submittal of the South Main Street Creative Placemaking Plan - LCI Supplemental Study grant application to the Atlanta Regional Commission.
- The City is seeking to develop a Creative Placemaking Plan for the South Main Street corridor. This is in response to the community prioritizing South Main Street as the #2 area of the City in need of redevelopment in conjunction with the Horizon 2040 Comprehensive Plan public outreach effort.
- The Atlanta Regional Commission (ARC) accepted the 2015 Downtown Master Plan update as meeting the requirements for an LCI and has designated the Downtown area as such. The plan would develop and define creative placemaking, public space activation, and interactive art strategies and concepts to promote the redevelopment of South Main Street into a mixed-use, walkable area.
- ARC requires a minimum 20% match, which based on an estimated project budget of \$80,000 the City's commitment would be \$16,000. This funding request is currently part of the 2021 Mid-Year Budget ordinance (2nd reading on 2/22/2021).
- City Attorney, Sam Thomas, read the resolution aloud.

Public Comment

- No Public Comment
- ❖ Council Member Richard offered a motion to approve authorization for submittal of the South Main Street Creative Placemaking Plan - LCI Supplemental Study grant application to the Atlanta Regional Commission and the resolution as presented
 - The motion received a second from Council Member Burnett
 - The motion was approved unanimously (7-0)

IX. WORKSHOP

A. Possible Wedding Venues Locations

- Director of Parks, Recreation and Cultural Services, Morgan Rodgers, and President of the ACVB, Janet Rodgers, came forward to present this item.
- With assistance from the Alpharetta Convention and Visitors Bureau, staff reviewed possible sites to be used as wedding venues on city-owned property. The following four (4) locations were selected and the estimated cost to improve the locations:
 - o The Mansell House - \$ 11,500
 - o Formal Courtyard at City Hall - \$ 7,500
 - o Arts Center - \$25,000
 - o Rock Mill Park - \$ 27,500
- Weddings have been identified as a significant market segment for Alpharetta Hotels. These locations could help with bringing more weddings, hotel room nights and general business to Alpharetta.
- Mrs. Rodgers presented the ACVB's plan to market and promote each city wedding venue:
- **Marketing:**
 - o Work with Recreation & Parks to get the venue details needed to share with the public
 - o Schedule a photographer to get photos of the venue
 - o Create both electronic & printed collateral piece about the venue for marketing efforts
 - o Write and distribute press release to the media about the venue
 - o Add the venue details & contact info to our CVB website
 - o Add the venue & contact info to our master Event Facilities Guide
 - o Create and distribute scheduled social media posts about the venue
 - o Research and evaluate paid opportunities to market the venue on social media
 - o Create & distribute a dedicated eblast to the CVB e-newsletter database
 - o Partner with venue contact to help them create a free venue listing on TheKnot.com and WeddingWire.com
 - o Work with the City of Alpharetta contact to get venue info on city's website
 - o Contact local civic organizations and ask them to distribute the venue collateral
 - o Research and price out local advertising opportunities
 - o Intertwine the venue info into the CVB's collateral

- **Sales:**
 - o Share and distribute the collateral piece for each venue to:
 - All pending CVB wedding leads and contacts
 - Any new wedding leads or contacts
 - All third-party wedding planners and wedding vendors
 - All local event rental companies
 - All local bridal shops
 - All Alpharetta hotel sales managers
 - Alpharetta Wedding Alliance (AWA) vendors
 - Faith based planners
 - All other local wedding venue contacts
 - o Work with venue contact to ensure hotel room night leads are sent to CVB
 - o Host a familiarization gathering at the new venue
- Council Member Hipes expressed concern over the city's return on investment regarding putting the estimated dollar amounts toward these potential wedding sites. Additionally, he expressed concerns about the city getting into the event planning business when we are currently discussing outsourcing some of the city's larger events.
- Council Member Richard is concerned with the Recreation, Parks, & Cultural Services Department taking on the additional task of renting wedding venues with all that entails.
- Mayor Pro Tem Mitchell is in support of this item and believes Alpharetta can be the next wedding venue capital of northeast Georgia.
- Mayor Gilvin briefly discussed the projected loss of projected revenue from Hotel/Motel taxes and how this project can increase those sales and help the hospitality industry who has been hit hard by the COVID-19 pandemic.
- Mayor Gilvin will continue to discuss this with the council members who have concerns and look for ways to tweak the proposal to address those concerns in effort to bring this back as a new business item for a vote.
- This item was presented for informational and discussion purposes. No formal action is requested at this time.

B. Preliminary List of Parks Projects for Possible Bond Issue

- Director of Recreation, Parks & Cultural Services, Morgan Rodgers, came forward to present this item.

- Possible Bond Referendum Items:

o Wills Park Equestrian Renovation build out	5,000,000
o Will Park Master Plan projects	4,000,000
o Mid Broadwell Park build out	500,000
o Milton Avenue design & build out	2,000,000
o Old Rucker Park design & build out	2,000,000
o Union Hill Park re-development/trailhead	2,000,000
o Farmhouse Park design & build out	3,000,000
o Brookside Park (Phase 1 – connection/bridge)	2,000,000
o Waters Road Park design & build out	2,000,000
o Turf Webb Bridge large Soccer field	1,000,000
o Park Land Acquisition	6,000,000
Total	\$29,500,000

- Based on feedback from Mayor and Council at the February 15th City Council Meeting, the following changes were made to the list of potential bond items:
 - o Added Brookside Park (Phase 1 – connection/bridge)
 - o Added Waters Road Park design & build out
 - o Reduced the Wills Park Master Plan by \$1M
 - o Combined Park Land Acquisition into one line item and reduced the amount from \$8M to \$6M
- Council Member Hipes recommended that we include a separate bullet point for the Alpha Loop under Park Land Acquisition. Additionally, he believes that the Farmhouse Park has less appeal to the majority. Mr. Hipes would also like the stormwater park at North Point added to the list.
- With the addition of the Alpha Loop under Park Land Acquisition, Council Member Burnett and Mayor Pro Tem Mitchell are in support of the list presented.
- Mayor Gilvin expressed concern for the lack of parkland development on the North Point Corridor and the amount allocated to the Farmhouse Park design and build out.
- Council Member Merkel added that this list of projects needs to include those that have the biggest impact on the most people in our community.
- This item is being presented for informational and discussion purposes. No formal action is requested at this time.

C. Encore Greenway Extension and Park

- City Administrator, Bob Regus, came forward to present this item.
- Director of Community Development, Kathi Cook, came forward to present a brief background of the project and the results of numerous public input meetings. Members of the community have asked that the Gateway Park include places to stop, rest, relax, learn, and socialize. Director Cook presented renderings of these areas with creative architectural elements constructed from organic materials (i.e., salvaged logs or boulders) that provide interest and interpretive learning opportunities.
- Director of Public Works, Pete Sewczwicz, came forward to discuss proposals received from the engineering company, AECOM. (\$462,000 – formal permitted design of the trail and three conceptual plans with cost estimates to build)
- Mayor Gilvin recommended that staff decide what the gateway should look like and what visual impact it should have.
- This item was presented for informational and discussion purposes. No formal action is requested at this time.

D. City Manager / City Administrator

- City Administrator, Bob Regus, came forward to present this item.
- Mr. Regus discussed the different structures of government as it relates to a City Administrator or Manager and how they interact with City Council.
- Council Member Binder recommended that Council take a deeper look at the City Charter to see what if any changes need to be made.
- This item was presented for informational and discussion purposes. No formal action is requested at this time.

X. PUBLIC COMMENT

- Ruth Ann Tatum, 250 Pebble Trail, Alpharetta, GA 30009, came forward to comment on additional sites that could be used as a possible wedding venue.

XI. REPORTS

- Council Member Richard wished City Attorney, Sam Thomas, a happy birthday.

XII. ADJOURNMENT

- ❖ With no further business to discuss or items to be heard, Mayor Gilvin adjourned the meeting at 10:01 P.M.

Respectfully submitted,


Erin Cobb, City Clerk