



City Council Meeting NOVEMBER 15, 2021

Office of the City Clerk

ALPHARETTA CITY HALL
COUNCIL CHAMBERS | 2 PARK PLAZA | 6:30 PM

OFFICIAL MINUTES

The public is advised that the following minutes are not a verbatim transcription of business presented at the Council Meeting of the date shown; but are a synopsis of pertinent information. The public is further advised that the 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 or viewed online at <https://www.youtube.com/user/alpharettagov>.

I. CALL TO ORDER

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

II. ROLL CALL

- Council Members
 - Mayor Jim Gilvin
 - Mayor Pro Tem Donald F. Mitchell
 - Jason Binder
 - Ben Burnett
 - John Hipes
 - Dan Merkel
- Council Members Absent
 - Karen Richard
- Staff
 - Bob Regus, City Administrator
 - Mike Stacy, City Attorney
 - James Drinkard, Asst. City Administrator
 - Lauren Shapiro, City Clerk
 - Peter Sewczwicz, Director of Public Works
 - Morgan Rodgers, Director of Recreation, Parks & Cultural Services
 - Tom Harris, Director of Finance
 - Kathi Cook, Director of Community Development and Economic Development
 - Michael Woodman, Planning + Development Services Manager
 - Eric Graves, Senior Traffic Engineer / Planner

III. PLEDGE TO THE FLAG

IV. PROCLAMATIONS & PRESENTATIONS

- A. Alpharetta Chamber Presentation to the Public Safety Foundation

V. CONSENT AGENDA

- A. Council Meeting Minutes (Meeting of 11/1/2021)
- B. Alcoholic Beverage License Applications

PH-21-AB-28 The Farm at Pamelot Inc.
54 Roswell Street
Alpharetta, GA 30009

Farm Winery Tasting Room & Wine Bar
Consumption on Premises
Beer, Wine, Retail Package Sales & Sunday Sales

Owner: Pamela Jackson
Registered Agent: Jeffrey Jackson

- ❖ Council Member Hipes offered a motion to approve the consent agenda
 - Council Member Burnett seconded the motion.
 - The motion was approved unanimously (6-0).

VI. PUBLIC HEARING

- A. PH-21-AB-27 Minimum Distance Requirement Waiver Request for 241 South Main Street
DEFERRED: This item has been deferred by Staff until November 29, 2021 City Council Meeting. This item will not be heard or considered by City Council during tonight's meeting.
Consideration of a variance from the minimum distance required between an establishment seeking an alcoholic beverage license and a school.
- B. MP-21-03/CU-21-05 ADVANCED RECOVERY SYSTEMS, LLC DRUG REHABILITATION CENTER
Consideration of a master plan amendment and conditional use to allow a 62-bed DRUG REHABILITATION CENTER for Advanced Recovery Systems, LLC. A master plan amendment is requested to the Southfund Master Plan to add 'Congregate Housing, Assisted Living Facility' as a conditional use in Pod D. A conditional use is requested to allow 'Congregate Housing, Assisted Living Facility' for Advanced Recovery Systems, LLC. The zoning classification of the property is O-I (Office-Institutional) subject to the Southfund Master Plan Pod D. The property is located at 11725 Pointe Place and is legally described as being located in Land Lot 550, 1st District, 2nd Section, Fulton County, Georgia.
 - Planning + Development Services Manager, Michael Woodman, came forward to present this item.
 - Staff is recommending that Mayor and Council approve MP-21-03 / CU-21-05 Advanced Recovery Systems, LLC Drug Rehabilitation Center, subject to the following conditions:
 1. Add 'Congregate Housing' to Pod D of the Southfund Master Plan as a conditional use.
 2. 'Congregate Housing' shall be added as a conditional use at 11725 Pointe Place and limited to no more than 31,709+/- square feet and no more than 62 beds.

3. Conditional use approval shall be limited to Advanced Recovery Systems and its successors and assigns. no additional 'Congregate Housing' businesses or subleasing shall be permitted within the approved space.
 4. The business shall be permitted to operate 24-hours/day, 7 days/week.
 5. Addiction and substance abuse rehabilitation center shall be limited to clients that are 18+ years of age and non-court mandated. Services shall be limited to the treatment of alcohol and drug abuse/dependency and treatment of secondary mental health disorders (mood/personality disorders & process additions). Level of care shall be limited to detox, intensive inpatient, residential, partial hospitalization, intensive outpatient, & outpatient care. No methadone clinic as stated by the applicant.
 6. Landscape shall be added to the 50' undisturbed buffer, where sparse, as approved by Staff.
 7. Based on a developer commitment, an 8' privacy fence shall be constructed along the south and west property lines. Fence shall be located to have the least impact to trees in the undisturbed buffer, as approved by Staff.
 8. Outdoor gathering/seating areas shall be limited to the north and/or east sides of the building.
 9. There shall be no outside activity after 8:00 PM.
 10. Prior to issuance of a business license, detention facility shall be inspected by the City.
- This item was considered at the 5/6/2021 Planning Commission meeting. Staff recommended approval subject to 8 conditions. There were several public comments in opposition with concerns over crime, safety, privacy fence material, impact on property values, does not belong adjacent to residential, applicant will build and sell, business model, removal of trees from fence, applicant's letter not in Spanish, staffing levels, for-profit business, stormwater run-off, traffic, lock-down facility, type of people in the facility, and noise. After discussion, Planning Commission recommended approval subject to the Staff recommended conditions and accepting certain changes requested by the applicant (Planning Commission changes shown in RED above). Vote 5-2.
 - The applicant, Advanced Recovery Systems, LLC, is requesting a master plan amendment and conditional use to allow a 62-bed rehabilitation facility for the treatment of addiction and substance abuse in a 31,709 square foot building previously used as a nursing home. An amendment is requested to the Southfund Master Plan to add 'Congregate Housing' as a conditional use in Pod D. The subject property is located at 11725 Pointe Place, just south of the intersection at Upper Hembree Road and Pointe Place.
 - A master plan amendment is requested to the Southfund Master Plan to add 'Congregate Housing' to Pod D and a conditional use is requested to allow a substance abuse (drug and alcohol) and addition rehabilitation center for Advanced Recovery Systems, LLC. Southfund Master Plan was approved in 1995 as a 13-acre office-institutional development with incidental retail uses. Pod D was developed was developed in 1998 as a 1-story, 31,709 square foot nursing home. The Veranda at Pointe Place nursing home was the last business to operate on the property and has recently closed.
 - The property is zoned O-I (Office-Institutional) and is subject to the Southfund Master Plan Pod D. Surrounding properties are zoned O-I to the north and PSC (Planned Shopping Center) to the east. The former Harry's Market (Whole Foods) is located to the east, the Arthritis & Rheumatology Center is located to the north, Taylor Oaks subdivision (City of

Roswell) is located to the west and Hembree Forest subdivision (City of Roswell) is located to the south.

- Advanced Recovery Systems is a rehabilitation facility for the treatment of substance abuse and associated mental health disorders. According to the applicant's letter of intent, the State-licensed facility will treat people eighteen (18) years of age or older.
- Levels of care offered at the facility would be detox, intensive inpatient, residential, partial hospitalization, intensive outpatient and outpatient care. Clients will not have vehicles. The applicant has stated that the clients are non-court mandated. The business has several locations across the U.S., including in Colorado, Florida, Maryland, New Jersey, Ohio and Washington. The business operates 24 hours per day, seven (7) days per week. The applicant anticipates a peak staff of 30 employees.
- There are five (5) facilities in the City; however, only one (1) is a residential facility. Sunrise Detox is located at 4500 North Point Parkway, which is approximately 3.5 miles from the applicant's property (as measured in a straight-line distance).
- The site is located at the end of the cul-de-sac on Pointe Place. The primary entrance to the building and all but four (4) parking spaces are located on the north side of the building. A drive aisle provides access to the southside of the building for the primary purpose of deliveries. A fenced outdoor amenity area is located at the northeast corner of the building. 50' undisturbed buffers are provided along the south and west property lines, as required by the Southfund Master Plan and Unified Development Code (UDC).
- The applicant provided a trip generation information, which shows that the proposed use would generate approximately ten (10) AM Peak Hour trips and thirteen (13) PM Peak Hour trips.
- The CZIM was held on April 14, 2021. There were several public comments and questions with concerns over negative impact on adjacent residential property values, cigarette smoke, and screening. Since the CZIM, the applicant has agreed to construction an eight-foot (8') privacy fence along the south and west property lines.
- The City has received approximately 96 letters of objection to the applicant's proposal. Generally, the residents are concerned that the facility will negatively impact their property values.
- City Staff has reviewed the applicant's proposal and finds that the use does not conflict with the established review criteria for a master plan amendment and conditional use. The proposed use would be compatible with the office-institutional uses and other locations for this business type, which are similarly situated in an office setting. 50' undisturbed buffers are provided adjacent to Roswell subdivisions to the south and west. In addition, the applicant has agreed to install an eight-foot (8') privacy fence along the south and west property lines, which was at the request of residents in the adjacent subdivisions. However, it is recommended that conditions be established as part of this application that regulate and limit any expansion of the business.
- The applicant, Don Rolader (200 Foothills Parkway, Marble Hill, GA 30148), Nancy Stockwell (135 Whitefoord Avenue NE, Atlanta, GA 30307), Marta Nelson (4140 Comanche Trail, Michiana, MI 49117), and Jeff Breedlove (625 Atlanta Avenue SE, Atlanta, GA 30312) came forward to speak on behalf of this application.

Public Comment:

- Dawn Fix (1120 Taylor Oaks Drive, Roswell, GA 30076) came forward to speak in opposition of this application.

- ❖ Council Member Merkel offered a motion to approve MP-21-03 / CU-21-05 Advanced Recovery Systems, LLC Drug Rehabilitation Center, subject to the following conditions:
 1. Add 'Congregate Housing' to Pod D of the Southfund Master Plan as a conditional use.
 2. 'Congregate Housing' shall be added as a conditional use at 11725 Pointe Place and limited to no more than 31,709+/- square feet and no more than 62 beds.
 3. Conditional use approval shall be limited to Advanced Recovery Systems; no additional 'Congregate Housing' businesses or subleasing shall be permitted within the approved space.
 4. The business shall be permitted to operate 24-hours/day, 7 days/week.
 5. Addiction and substance abuse rehabilitation center shall be limited to clients that are 18+ years of age and non-court mandated. Services shall be limited to the treatment of alcohol and drug abuse/dependency and treatment of secondary mental health disorders (mood/personality disorders & process additions). Level of care shall be limited to detox, intensive inpatient, residential, partial hospitalization, intensive outpatient, & outpatient care. No methadone clinic as stated by the applicant.
 6. Landscape shall be added to the 50' undisturbed buffer, where sparse, as approved by Staff.
 7. Based on a developer commitment, an 8' privacy fence shall be constructed along the south and west property lines. Fence shall be located to have the least impact to trees in the undisturbed buffer, as approved by Staff.
 8. Outdoor gathering/seating areas shall be limited to the north and/or east sides of the building.
 9. There shall be no outside activity after 8:00 PM.
 10. Prior to issuance of a business license, detention facility shall be inspected by the City.
 - Council Member Binder seconded the motion.
 - Council Member Hipes offered a friendly amendment to add the original language in the staff report for Condition #3 back into the conditions.
 - Council Member Merkel accepted the friendly amendment.
 - Council Member Binder accepted the friendly amendment.
 - The motion was approved 4-2; with Mayor Gilvin and Council Member Burnett in opposition.

C. CLUP-21-04 / MP-21-07 / Z-21-09 / V-21-23 KB/400 Partners Empire Communities

Consideration of a comprehensive land use plan amendment, master plan amendment, rezoning and variances to allow for 90 'For-Sale' single-family detached homes to be constructed on approximately 14 acres in the North Point Overlay. A comprehensive land use plan amendment is requested from 'Corporate Office' and 'Public, Institutional, Education' to 'High Density Residential' and a rezoning is requested from O-I (Office-Institutional) and SU (Special Use) to R-8A/D (Dwelling, 'For-Sale', Attached/Detached Residential). A master plan amendment is requested to add 'Dwelling, 'For-Sale', Detached' to Pod A of the KB/400 Partners Master Plan and variances are requested to modify North Point Overlay site design and streetscape standards, reduce setbacks and lot widths, eliminate block requirements with stub-out streets and vehicular cross-access, eliminate minimum driveway spacing, reduce landscape strip along new private road and allow a stream buffer encroachment for new entry road off Rock Mill Road. The property is located at the southwest corner of Kimball Bridge Road and North Point Parkway and is legally described as being located in Land Lots 807, 808, 849 & 850, 1st District, 2nd Section, Fulton County, Georgia.

- Planning + Development Services Manager, Michael Woodman, came forward to present this item.
- Staff is recommending that Mayor and Council approve CLUP-21-04 / MP-21-07 / Z-21-09 / V-21-23 KB/400 Partners Empire Communities subject to the following conditions:
 1. The 13.98-acre property shall be zoned 'R-8A/D' and shall be developed substantially as depicted on the plan prepared by PEC, revised 10/26/21, except for modifications required to comply with these conditions. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning. Current flood plain information shall be required for LDP and may impact lot yield. Provided the site plan remains substantially the same, the lots may be bigger than shown on that plan.
 2. The Comprehensive Land Use Plan designation of the property shall be 'High Density Residential'.
 3. 'Dwelling, 'For-Sale' Detached' shall be listed as a permitted use in the KB/400 Partners Master Plan Pod A, with a maximum density of 6.44 dwelling units per acre.
 4. Minimum lot width shall be 30'.
 5. Building setbacks and building separation shall be as depicted on the site plan prepared by PEC, revised 10/26/21.
 6. Architecture and materials shall be developed substantially similar to the submitted renderings prepared by Troy King, labeled Exhibit A, subject to final approval by Staff.
 7. EcoDistrict measures shall be substantially similar to the description the applicant's letter of intent, dated 7/30/21. Developer shall provide detailed information at LDP and building permit regarding compliance with each requested EcoDistrict measure. EcoDistrict points to be confirmed by Staff.
 8. Minimum ~~5,000~~ 3,300 square foot civic space shall be developed at the corner of North Point Parkway and Kimball Bridge Road, including decorative hardscape, landscape, and Empire North Point EcoDistrict Monument Concept, with final approval by the Cultural Arts Commission. Hardscape, landscape and monument shall be maintained by the HOA.
 9. Minimum 6.53 acres of open space shall be reserved and improved substantially as depicted on the plan prepared by PEC, revised 10/26/21. Permanent easements shall be dedicated to the City for public access over required civic space. The HOA shall be responsible for maintenance of all open space.

10. Stormwater management facility shall have a natural appearance, ~~having a permanent pool with aeration system/fountain, as approved by Staff.~~ Smart Green stormwater design techniques shall be employed to address run-off reduction, as approved by Staff. Stormwater management facilities shall be located on a separate lot under the ownership and maintenance responsibility of the HOA.
11. Privacy fences and ~~unfinished unpainted or unstained~~ wood decks shall not be visible from the public right-of-way.
12. Pedestrian access to Kimball Bridge Road sidewalk shall be unrestricted.
13. Fire Emergency vehicle access only shall be gated and improved with grasscrete pervious pavers, or similar product, as approved by Staff.
14. Homes shall have connectivity to the public sidewalk system.
15. New internal streets shall include a 4' planter and 5' sidewalk on one side of the street (not including alleys), as approved by Staff. Decorative pedestrian lighting shall be required throughout the development. Internal streets shall be private and maintained by the HOA.
16. Developer shall improve North Point Parkway streetscape with a 3' planter, 8' sidewalk and street trees and landscape material alternating on both sides of the sidewalk, as approved by Staff. Tree grates, tree wells, or alternative option shall be used to accommodate minimum 4' planting space for required street trees in the planter, as approved by Staff. Streetscape shall include decorative pedestrian lighting.
17. Developer shall improve Kimball Bridge Road streetscape with street trees (if not installed by the City with the Kimball Bridge Rd improvements) and landscape material alternating on both sides of the sidewalk, as approved by Staff. Streetscape shall include decorative pedestrian lighting.
18. Minimum 20' landscaped buffer shall be required along Kimball Bridge Road and minimum 30' landscaped buffer shall be required along North Point Parkway. Existing trees shall be preserved, where possible, within the buffers and the remaining areas planted to buffer standards. Landscape buffers shall be enhanced similar to Kimball Bridge Walk buffer, as approved by Staff. ~~Landscape buffers shall be on a separate lot under the ownership and maintenance responsibility of the HOA.~~ Landscape buffers shall be shown on the final plat with maintenance responsibility assigned to the HOA. Landscape buffers shall be detailed in the HOA declarations and covenants.
19. Minimum 10' landscape strip shall be required along both sides of new internal streets, not including alleys. Landscape strips and buffers shall be exclusive of utilities and easements, except that if Fulton County requires an unencumbered easement shrubs shall replace tree requirements on one side of the street.
20. Pedestrian amenities including pathways, lighting, and benches should be included throughout the development and amenity areas.
21. Required frontage improvements along Kimball Bridge Road and North Point Parkway shall include elements of the proposed City improvements. Impact fee credits shall be available for work beyond the site boundaries, for dedication of right-of-way and release of access rights to North Point Pkwy and Kimball Bridge Rd.
22. Developer shall construct the depicted Rock Mill Road access driveway, to City roadway standards. All costs of construction shall be the responsibility of the developer. Developer shall install 5' sidewalks and a 2' planter on both sides of the access road. Tree recompense shall not be required for development activities associated with the

construction of the access driveway. This access drive may encroach into the 150' stream buffer.

23. Developer shall dedicate a permanent public access easement over the area depicted as civic space on the site plan prepared by PEC, revised 10/26/21, as approved by Staff.
24. Remove exotic and invasive trees and shrubs within stream buffer, as approved by Staff. Replant the stream buffer, where sparse, to buffer standards with native trees, shrubs and groundcover. Plantings shall be 80% evergreen and 20% deciduous. Recompense tree planting may be used towards the stream buffer replanting.
25. Free Subject to design of the final stormwater management plan, which may result in some tree removal, the tree line and trees depicted in the civic space area to the west of the new project driveway shall be saved, except that trees shown to be impacted by the new driveway may be removed. Should stormwater management require removal of some of these trees, the tree recompense shall be provided per Code, as approved by Staff.
26. Site plan shall comply with IFC Appendix D, as determined by the Fire Marshal.
27. No more than 10% of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.

Conditions requested by the Applicant as the result of citizen comments:

28. In an effort to reduce stormwater runoff rates leaving the site at the study point, the stormwater hydrology model for the site will be completed using the following methodology:
 - a. Reduce the stormwater runoff rates in the proposed development condition at the site study point by the following parameters:
 - i. 2-year storm reduced to 1 year storm flow rate
 - ii. 5-year storm reduced to 2-year storm flow rate
 - iii. 10-year storm reduced to 5-year storm flow rate
 - iv. 25-year storm reduced to 10-year storm flow rate
 - v. 50-year storm reduced to 25-year storm flow rate
 - vi. 100-year storm reduced to 50-year storm flow rate
 29. Developer will work with City's Transportation Department to create a right-turn lane at the northbound exit of Rock Mill Road onto North Point Parkway, to the extent that there is available right-of-way to construct the turn lane. This improvement shall not be eligible for impact fee credits.
 30. If At the option of the developer or land owner, if a land disturbance permit is not applied for within ~~12~~ 24 months of Council approval of the rezoning, the zoning of the property shall revert to the original zoning subject to the original KB/400 Partners Pod A development standards.
- This item was considered at the 11/4/2021 Planning Commission meeting. Staff recommended approval subject to 30 conditions. There was one (1) public comment with concerns over traffic on Rock Mill Road. After discussion, Planning Commission recommended approval subject to staff's recommended conditions and accepting some of the applicant's requested changes (**Planning Commission changes shown in RED above**). Vote 6-0
 - The submitted request, if approved, would allow for the development of 90 'For-Sale' single-family detached lots on 13.98 acres with a proposed density of 6.44 dwelling units per acre.

A master plan amendment is requested to amend the KB/400 Partners Master Plan Pod A to add 'Dwelling, 'For-Sale' Detached' to the list of permitted uses. The applicant requests a rezoning of the property from O-I (Office-Institutional) and Special Use (SU) to R-8A/D (Dwelling, 'For-Sale', Attached/Detached Residential), as well as a change to the Comprehensive Land Use Plan designation from 'Corporate Office' and 'Public, Institutional, Education' to 'High Density Residential'. Variances are requested to modify North Point Overlay site design and streetscape standards, reduce setbacks and lot widths, eliminate block requirements with stub-out streets and vehicular cross-access, eliminate minimum driveway spacing and allow a stream buffer encroachment for new entry road off Rock Mill Road.

- The undeveloped, wooded property is zoned O-I and is subject to the KB400 Master Plan Pod A. Surrounding properties are zoned O-I, except the property to the south is zoned SU (Special Use). Non-residential uses surround the property, including Verizon to the north, Royal 400 South office park to the east, North Point Park office condominiums to the west, the former Wells Fargo Bank to the southwest and New Prospect Elementary School to the south.
- The KB400 Master Plan was approved in 1999 and allows 252,200 square feet of office and accessory retail in Pod A. The KB400 Master Plan was approved in 1999 and allows 252,200 square feet of office and accessory retail in Pod A.
- The submitted site plan depicts a 90-lot single-family detached subdivision with access from a new driveway off Rock Mill Road. All lots are internally oriented within the development, including perimeter buffers along North Point Parkway and Kimball Bridge Road.
- Typical home footprint of 22' x 38' and the average lot size is approximately 2,025 square feet. Lots 1-48 are depicted to be front entry and Lots 49-90 are rear entry. New internal streets and alleys will be private.
- Each home is proposed accommodate two (2) side-by-side parking spaces in a garage, as well as two (2) spaces in the code-compliant driveway, for a total of 360 parking spaces. An additional 25 guest parking spaces are interspersed throughout the development.
- The North Point Overlay requires a minimum five percent (5%) amenity space and ten percent (10%) civic space, or a total of 2.1 acres of open space. The site plan depicts 6.53 acres, or 47%, of the property as open space. Civic space is depicted at the corner of North Point Parkway and Kimball Bridge Road, which will include the applicant's proposed Empire North Point EcoDistrict Monument Concept. Two (2) pocket parks, approximately 16,000 square feet each, are depicted at the center of the development with homes fronting on the amenity space. A clubhouse and pool are proposed at the entrance to the community and adjacent to a landscaped park with boardwalk/overlook with seating. The landscaped park with boardwalk is proposed within the area of the site designated as floodplain.
- A stormwater management and flood recompense area is depicted adjacent to North Point Parkway and the stream, outside of the required stream buffers.
- Renderings were provided depicting 3-story homes with a brick 1st floor and board and batten on the 2nd and 3rd floors. Architectural details and materials are provided on all four (4) sides of the homes.
- The applicant's proposal would generate 321 fewer trips in the AM Peak Hour and 264 fewer trips in the PM Peak Hour.
- According to the applicant's letter of intent, the development proposes eleven (11) EcoDistrict points.

- Based on the total figure for all three school levels, it can be assumed that the proposed development could house approximately 15 – 78 school age children. Numbers provided by Fulton County Schools show that all schools have capacity.
- The CZIM was held on September 8, 2021. There were several public comments and questions with concerns over impacts to the stream, look of the development, price point, whether a cut-through is planned adjacent to New Prospect, schools and traffic impacts, high density, safety issues for children, what is the bike repair shop, meaning of civic space, targeted buyer, Kimball Farms HOA notification, medium or high density, other developments proposed that could impact school enrollment, increased flooding issues in Kimball Farms, gathering areas indoor or outdoor, gathering areas subject to noise ordinance, use the gathering spaces by churches, and identify who is allowed in civic space.
- Staff has reviewed the applicant's proposal and finds that it can generally support the request for master plan amendment, comprehensive land use plan amendment, rezoning and variances. The property is located in the North Point Overlay where walkability, mix of uses, site design and EcoDistrict measures are key components to a successful development. The proposal to allow residential use would add to the mix of uses in the North Point area, bringing people closer to where they work and shop. Additionally, residential use would produce significantly fewer vehicular trips on the surrounding roadway network. The variance requests can be supported, given the unusual shape of the property, multiple road frontages, and presence of a perennial stream and floodplain. In addition, the applicant provided a site plan demonstrating that 111 townhome units could be developed on the property representing an increase of 21 units above the single-family detached plan. If approved, it is recommended that landscape buffers be provided along North Point Parkway and Kimball Bridge Road and tree grates or tree wells are used to accommodate street trees along North Point Parkway.
- The applicant, Kathy Zickert, 130 Peachtree Street NE, Promenade, Suite 3100, Atlanta, GA 30326, came forward to speak on behalf of this application.

Public Comment:

- There were no public comments.
- ❖ Mayor Pro Tem Mitchell offered a motion to approve CLUP-21-04 / MP-21-07 / Z-21-09 / V-21-23 KB/400 Partners Empire Communities, subject to the following conditions:
 1. The 13.98-acre property shall be zoned 'R-8A/D' and shall be developed substantially as depicted on the plan prepared by PEC, revised 10/26/21, except for modifications required to comply with these conditions. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning. Current flood plain information shall be required for LDP and may impact lot yield. Provided the site plan remains substantially the same, the lots may be bigger than shown on that plan.
 2. The Comprehensive Land Use Plan designation of the property shall be 'High Density Residential'.
 3. 'Dwelling, 'For-Sale' Detached' shall be listed as a permitted use in the KB/400 Partners Master Plan Pod A, with a maximum density of 6.44 dwelling units per acre.
 4. Minimum lot width shall be 30'.
 5. Building setbacks and building separation shall be as depicted on the site plan prepared by PEC, revised 10/26/21.
 6. Architecture and materials shall be developed substantially similar to the submitted

renderings prepared by Troy King, labeled Exhibit A, subject to final approval by Staff.

7. EcoDistrict measures shall be substantially similar to the description the applicant's letter of intent, dated 7/30/21. Developer shall provide detailed information at LDP and building permit regarding compliance with each requested EcoDistrict measure. EcoDistrict points to be confirmed by Staff.
8. Minimum 3,300 square foot civic space shall be developed at the corner of North Point Parkway and Kimball Bridge Road, including decorative hardscape, landscape, and Empire North Point EcoDistrict Monument Concept, with final approval by the Cultural Arts Commission. Hardscape, landscape and monument shall be maintained by the HOA.
9. Minimum 6.53 acres of open space shall be reserved and improved substantially as depicted on the plan prepared by PEC, revised 10/26/21. Permanent easements shall be dedicated to the City for public access over required civic space. The HOA shall be responsible for maintenance of all open space.
10. Stormwater management facility shall have a natural appearance, as approved by Staff. Green stormwater design techniques shall be employed to address run-off reduction, as approved by Staff. Stormwater management facilities shall be located on a separate lot under the ownership and maintenance responsibility of the HOA.
11. Privacy fences and unpainted or unstained wood decks shall not be visible from the public right-of-way.
12. Pedestrian access to Kimball Bridge Road sidewalk shall be unrestricted.
13. Emergency vehicle access only shall be gated and improved with pervious pavers, or similar product, as approved by Staff.
14. Homes shall have connectivity to the public sidewalk system.
15. New internal streets shall include a 4' planter and 5' sidewalk on one side of the street (not including alleys), as approved by Staff. Decorative pedestrian lighting shall be required throughout the development. Internal streets shall be private and maintained by the HOA.
16. Developer shall improve North Point Parkway streetscape with a 3' planter, 8' sidewalk and street trees and landscape material alternating on both sides of the sidewalk, as approved by Staff. Tree grates, tree wells, or alternative option shall be used to accommodate minimum 4' planting space for required street trees in the planter, as approved by Staff. Streetscape shall include decorative pedestrian lighting.
17. Developer shall improve Kimball Bridge Road streetscape with street trees (if not installed by the City with the Kimball Bridge Rd improvements) and landscape material alternating on both sides of the sidewalk, as approved by Staff. Streetscape shall include decorative pedestrian lighting.
18. Minimum 20' landscaped buffer shall be required along Kimball Bridge Road and minimum 30' landscaped buffer shall be required along North Point Parkway. Existing trees shall be preserved, where possible, within the buffers and the remaining areas planted to buffer standards. Landscape buffers shall be enhanced similar to Kimball Bridge Walk buffer, as approved by Staff. Landscape buffers shall be shown on the final plat with maintenance responsibility assigned to the HOA. Landscape buffers shall be detailed in the HOA declarations and covenants.

19. Minimum 10' landscape strip shall be required along both sides of new internal streets, not including alleys. Landscape strips and buffers shall be exclusive of utilities and easements, except that if Fulton County requires an unencumbered easement shrubs shall replace tree requirements on one side of the street.
20. Pedestrian amenities including pathways, lighting, and benches should be included throughout the development and amenity areas.
21. Required frontage improvements along Kimball Bridge Road and North Point Parkway shall include elements of the proposed City improvements. Impact fee credits shall be available for work beyond the site boundaries, for dedication of right-of-way and release of access rights to North Point Pkwy and Kimball Bridge Rd.
22. Developer shall construct the depicted Rock Mill Road access driveway, to City roadway standards. All costs of construction shall be the responsibility of the developer. Developer shall install 5' sidewalks and a 2' planter on both sides of the access road. Tree recompense shall not be required for development activities associated with the construction of the access driveway. This access drive may encroach into the 150' stream buffer.
23. Developer shall dedicate a permanent public access easement over the area depicted as civic space on the site plan prepared by PEC, revised 10/26/21, as approved by Staff.
24. Remove exotic and invasive trees and shrubs within stream buffer, as approved by Staff. Replant the stream buffer, where sparse, to buffer standards with native trees, shrubs and groundcover. Plantings shall be 80% evergreen and 20% deciduous. Recompense tree planting may be used towards the stream buffer replanting.
25. Subject to design of the final stormwater management plan, which may result in some tree removal, the tree line and trees depicted in the civic space area to the west of the new project driveway shall be saved, except that trees shown to be impacted by the new driveway may be removed. Should stormwater management require removal of some of these trees, the tree recompense shall be provided per Code, as approved by Staff.
26. Site plan shall comply with IFC Appendix D, as determined by the Fire Marshal.
27. No more than 10% of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.

Conditions requested by the Applicant as the result of citizen comments:

28. In an effort to reduce stormwater runoff rates leaving the site at the study point, the stormwater hydrology model for the site will be completed using the following methodology:
 - a. Reduce the stormwater runoff rates in the proposed development condition at the site study point by the following parameters:
 - i. 2-year storm reduced to 1 year storm flow rate
 - ii. 5-year storm reduced to 2-year storm flow rate
 - iii. 10-year storm reduced to 5-year storm flow rate
 - iv. 25-year storm reduced to 10-year storm flow rate
 - v. 50-year storm reduced to 25-year storm flow rate

vi. 100-year storm reduced to 50-year storm flow rate

29. At the option of the developer or land owner, if a land disturbance permit is not applied for within 24 months of Council approval of the rezoning, the zoning of the property shall revert to the original zoning subject to the original KB/400 Partners Pod A development standards.

- Council Member Merkel seconded the motion.
- Mayor Pro Tem Mitchell offered a clarification to Condition #8 of the original motion.
- Council Member Merkel accepted the clarification.
- The motion was approved 4-2; with Mayor Gilvin and Council Member Hipes in opposition.
 - There was discussion during the motion about the concern of reducing the lot size and members of Council thanked City Staff and the applicant for their effort in adapting this project from previous proposals.

D. Z-21-08 / CU-21-11 Mayfair on Main / 217 South Main Street

Consideration of a rezoning from C-2 (General Commercial) to DT-MU (Downtown Mixed-Use) and a conditional use to increase the density above 10 dwelling units per acre to allow for the construction of 13 'For-Sale' single-family detached homes and 11 'For-Sale' townhome units in the Downtown. The property is located at 217 South Main Street and is legally described as being located in Land Lot 694, 2nd District, 2nd Section, Fulton County, Georgia.

- Director of Community Development and Economic Development, Kathi Cook, came forward to present this item.
- Staff is recommending that Mayor and Council approve Z-21-08 / CU-21-11 Mayfair on Main / 217 South Main Street, subject to the following conditions:
 1. Approximately 2.3 acres shall be zoned DT-MU and developed substantially similar to site plan prepared by Paradigm, dated 10/13/2021, 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. Architecture and materials shall be developed substantially similar to the submitted renderings for both the single-family detached homes and townhomes, except for modifications required to comply with the Downtown Consultant's comments and in compliance with the Alpharetta Downtown Code, subject to final approval by DRB. Single-family homes and townhomes shall have 4-sided architecture, materials and details. Buildings fronting South Main Street, Devore Road and Roswell Street shall be primarily brick with cast stone or limestone base.
 3. Density shall not exceed 10.43 dwelling units per acre and shall be limited to ~~13~~ 24 single-family detached homes ~~and 11 and/or attached~~ townhome units, ~~as depicted on the site plan prepared by Paradigm, dated 10/13/2021 with all single-family detached fronting either Devore Road of South Main Street, as approved by Staff.~~
 4. Building height shall be limited to no more than 3 stories with rooftop deck and no more than 44', as depicted on the submitted renderings.
 5. Lots shall have a front yard defined by a courtyard, as depicted in the submitted renderings. Courtyards can encroach into the landscape strips, as depicted on the site plan prepared by Paradigm, dated 10/13/2021, subject to meeting the minimum

landscape material requirements, as approved by Staff. Sizing and impervious area to be coordinated with Staff.

6. Developer shall dedicate 10' of right-of-way along Roswell Street and shall improve the streetscape as follows: minimum ~~6'~~ 4' planter planted with street trees, 8' concrete sidewalk, and decorative pedestrian lighting, with final approval by Staff. In lieu of tree grates, the soil area around street trees shall be planted with evergreen ornamental grasses, groundcovers and/or shrubs.
 7. Developer shall improve the Devore Road streetscape as follows: minimum 4' planter planted with street trees, 8' concrete sidewalk (Alpha Loop), and decorative pedestrian lighting, with final approval by Staff. In lieu of tree grates, the soil area around street trees shall be planted with evergreen ornamental grasses, groundcovers and/or shrubs. Alpha Loop improvements constructed by the developer in excess of Downtown sidewalk requirements shall be eligible for impact fee credits, as approved by Staff.
 8. New internal street shall be constructed as depicted on the site plan prepared by Paradigm, dated 10/13/2021, with final approval by Staff.
 9. Landscape strips along South Main Street, Devore Road and Roswell Street shall be planted with shade trees as a continuation of what has been planted or designed in the Downtown and outside of utility easements and overhead utilities, as approved by Staff.
 10. Project entrance shall include a decorative paver apron, landscaping and low wall.
 11. Amenity areas 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.
 12. Creeping vines shall be planted to cover retaining and low walls, as approved by Staff.
 13. Developer shall save tree #902 – 37" Water Oak and hardwood tree grouping directly north of central amenity area and shall make reasonable efforts to save additional trees of quality and/or tree groupings, as approved by Staff.
 14. 5' landscape strips along the north and south property lines shall be planted with evergreens.
 15. 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.
 16. HVAC and similar equipment shall not be visible from the adjacent public right-of-way or Devore/Highway 9 intersection, as approved by Staff.
 17. Fire access shall meet IFC 2018 Appendix D and Fire Hydrants.
 18. Stormwater management facilities shall be provided on an independent lot and shall not impede access to homes, with final approval by Staff.
 19. Garbage pickup shall be from within the development.
 20. 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 considered at the 11/4/2021 Planning Commission meeting. Staff recommended approval subject to 20 conditions. There were no public comments. After discussion, Planning Commission recommended approval subject to staff's recommended

conditions and accepting some of the applicant's requested changes (Planning Commission changes shown in RED above). Vote 6-0.

- The submitted request, if approved, would allow for the construction of thirteen (13) 'For-Sale' single-family detached homes and eleven (11) 'For-Sale' townhomes on 2.3 acres in the Downtown. The applicant proposes a rezoning from C-2 (General Commercial) to DT-MU (Downtown Mixed-Use) and a conditional use to increase the residential density above ten (10) dwelling units per acre to 10.43 dwelling units per acre. The subject property is located at 217 South Main Street at the northwest corner of the new intersection at South Main Street and Devore Road. The submitted request, if approved, would allow for the construction of thirteen (13) 'For-Sale' single-family detached homes and eleven (11) 'For-Sale' townhomes on 2.3 acres in the Downtown. The applicant proposes a rezoning from C-2 (General Commercial) to DT-MU (Downtown Mixed-Use) and a conditional use to increase the residential density above ten (10) dwelling units per acre to 10.43 dwelling units per acre. The subject property is located at 217 South Main Street at the northwest corner of the new intersection at South Main Street and Devore Road.
- The properties were previously developed and used for a strip shopping center and a dance school. Surrounding properties are zoned C-2 to the north, west and south and DT-MU to the east. Dairy Queen and a professional office are located to the north, The Maxwell mixed-use development is located to the east, the new Devore Road right-of-way will be located to the south and two (2) flex office buildings are located to the west. The Comprehensive Land Use Plan designation of the property is 'Mixed Use', which allows the proposed townhomes.
- The applicant's proposed density of 10.43 dwelling units per acre is on the high end of densities approved in the Downtown since the approval of the Downtown Master Plan, but similar to the density approved at The Maxwell (10.7 dwelling units per acre). Other examples of densities approved in the Downtown include Alpharetta Lofts, which has a density of 28.8 dwelling units per acre and Teasley Place at sixteen (16) dwelling units per acre.
- The submitted site plan depicts 24, three (3) story dwelling units, of which thirteen (13) are 'For-Sale' single-family detached homes and eleven (11) townhomes in three (3) buildings. All single-family detached lots meet the 2,500 square foot minimum lot size and all townhome units are nearly double the 900 square foot minimum lot size. Access to the development is from Roswell Street by way of a new private street providing access to private alleys. Ten-foot (10') setbacks are provided along Roswell Street and Devore Road and a fifteen-feet (15') setback is provided along South Main Street. A ten-foot (10') sidewalk is depicted along South Main Street and an eight-foot (8') sidewalk is depicted on Roswell Street. It appears that a five-foot (5') sidewalk is depicted along Devore Road. Minimum building setbacks are consistent with the DT-MU development standards.
- The site plan depicts 38,730 square feet, or 41% amenity space within the proposed development, which includes a central amenity area near the guest parking area. Therefore, a minimum 10.43% amenity space is required for the proposed development.
- According to the City's Downtown Consultant, the submitted renderings reflect the Neoclassical architectural style, which is approved for use in the Downtown. The Downtown Consultant reviewed the renderings and had the following comments:
 - Base material should be cast stone or limestone.
 - No glass railings on rooftop deck. Use traditional guardrail detail.
 - Window surround at 3rd floor should match the window surround shown at 2nd floor.
 - Use correct brick mould detail with correct masonry jack arch detail.

- For courtyards, use masonry piers at corners with inset masonry walls between.
- At front entry, provide engaged partial column or pilaster.
- Use proper entablature detailing, scale, and proportion. Locate column properly so that column shafts align with face of frieze above. Use proper Classical column design.
- Renderings do not depict the rear elevation. 4-sided architecture, materials and details is recommended.
- The applicant provided a trip generation report, which estimates that the proposed 24-lot single-family detached subdivision would generate 18 AM Peak Hour trips and 24 PM Peak Hour trips.
- Based on the total figure for all three school levels, it can be assumed that the proposed development could house approximately 0 – 14 school age children.
- CZIM was held on August 11, 2021. There were no public comments.
- Staff has reviewed the applicant's proposal and finds that the request for rezoning and conditional use do not conflict with the established review criteria. The zoning proposal is consistent with the vision of the Downtown Master Plan and comprehensive land use plan designation of the property. The proposed density is similar, but below the maximum density approved on South Main Street. Based on Staff feedback, the applicant revised their original request which was for 24 townhome units on 1.82 acres with a density of 13.2 dwelling units per acre and no tree save.
- The applicant, Jason Joseph (26 Milton Avenue, Alpharetta, GA 30009), came forward to speak on behalf of this application.

Public Comment:

- There were no public comments.
- ❖ Mayor Pro Tem Mitchell offered a motion to approve Z-21-08 / CU-21-11 Mayfair on Main / 217 South Main Street, subject to the following conditions:
 1. Approximately 2.3 acres shall be zoned DT-MU and developed substantially similar to site plan prepared by Paradigm, dated 10/13/2021, 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. Architecture and materials shall be developed substantially similar to the submitted renderings for both the single-family detached homes and townhomes, except for modifications required to comply with the Downtown Consultant's comments and in compliance with the Alpharetta Downtown Code, subject to final approval by DRB. Single-family homes and townhomes shall have 4-sided architecture, materials and details. Buildings fronting South Main Street, Devore Road and Roswell Street shall be primarily brick with cast stone or limestone base.
 3. Density shall not exceed 10.43 dwelling units per acre and shall be limited to 13 single-family detached homes and 11 townhome units, as depicted on the site plan prepared by Paradigm, dated 10/13/2021.
 4. Building height shall be limited to no more than 3 stories with rooftop deck and no more than 44', as depicted on the submitted renderings.
 5. Lots shall have a front yard defined by a courtyard, as depicted in the submitted renderings. Courtyards can encroach into the landscape strips, as depicted on the site plan

prepared by Paradigm, dated 10/13/2021, subject to meeting the minimum landscape material requirements, as approved by Staff. Sizing and impervious area to be coordinated with Staff.

6. Developer shall dedicate 10' of right-of-way along Roswell Street and shall improve the streetscape as follows: minimum 6' planter planted with street trees, 8' concrete sidewalk, and decorative pedestrian lighting, with final approval by Staff. In lieu of tree grates, the soil area around street trees shall be planted with evergreen ornamental grasses, groundcovers and/or shrubs.
 7. Developer shall improve the Devore Road streetscape as follows: minimum 4' planter planted with street trees, 8' concrete sidewalk (Alpha Loop), and decorative pedestrian lighting, with final approval by Staff. In lieu of tree grates, the soil area around street trees shall be planted with evergreen ornamental grasses, groundcovers and/or shrubs. Alpha Loop improvements constructed by the developer in excess of Downtown sidewalk requirements shall be eligible for impact fee credits, as approved by Staff.
 8. New internal street shall be constructed as depicted on the site plan prepared by Paradigm, dated 10/13/2021, with final approval by Staff.
 9. Landscape strips along South Main Street, Devore Road and Roswell Street shall be planted with shade trees as a continuation of what has been planted or designed in the Downtown and outside of utility easements and overhead utilities, as approved by Staff.
 10. Project entrance shall include a decorative paver apron, landscaping and low wall.
 11. Amenity areas 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.
 12. Creeping vines shall be planted to cover retaining and low walls, as approved by Staff.
 13. Developer shall save tree #902 – 37" Water Oak and hardwood tree grouping directly north of central amenity area and shall make reasonable efforts to save additional trees of quality and/or tree groupings, as approved by Staff.
 14. 5' landscape strips along the north and south property lines shall be planted with evergreens.
 15. 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.
 16. HVAC and similar equipment shall not be visible from the public right-of-way.
 17. Fire access shall meet IFC 2018 Appendix D and Fire Hydrants.
 18. Stormwater management facilities shall be provided on an independent lot and shall not impede access to homes, with final approval by Staff.
 19. Garbage pickup shall be from within the development.
 20. No more than 10% of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.
- Council Member Merkel seconded the motion.
 - The motion was approved unanimously (6-0).
 - Mayor Gilvin called for a brief recess at 9:05 p.m.
 - Mayor Gilvin reconvened the meeting at 9:13 p.m.

E. MP-21-09/CLUP-21-05/V-21-25 Cousins Westside Pod A/Empire Communities

Consideration of a comprehensive land use plan amendment, master plan amendment and variances to allow 58 'For-Sale' townhomes on 7.35 acres. A comprehensive land use plan amendment is requested from 'Business, Manufacturing, Warehousing, Light Industrial' to 'High Density Residential' and a master plan amendment is requested to add 'Dwelling, 'For-Sale', Attached' as a permitted use in Pod A of the Cousins Westside Master Plan. Variances are requested to modify North Point Overlay site design and streetscape standards, amend block requirements, and eliminate landscape strip requirements along the new internal street. The property is located at 3000 Hembree Road and is legally described as being located in Land Lot 691, 1st District, 2nd Section, Fulton County, Georgia.

- Planning + Development Services Manager, Michael Woodman, came forward to present this item.
- Staff is recommending that Mayor and Council approve MP-21-09/CLUP-21-05/V-21-25 Cousins Westside Pod A/Empire Communities, subject to the following conditions:
 1. The property shall be developed substantially as depicted on the plan prepared by PEC, revised 10/11/21, except for modifications required to comply with these conditions. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning. Current stream buffers and flood plain information shall be required for LDP and may impact lot yield.
 2. The Comprehensive Land Use Plan designation of the property shall be 'High Density Residential'.
 3. Dwelling, 'For-Sale' Attached' shall be listed as a permitted use in the Cousins Westside Master Plan Pod A, with a maximum density of 7.89 dwelling units per acre.
 4. Hembree Road shall have a maximum building setback of 50' and Morrison Parkway shall have a maximum building setback of ~~70'~~ 100'.
 5. Architecture and materials shall be developed substantially similar to the submitted renderings prepared by Troy King, labeled Exhibit A, subject to final approval by Staff. Townhome side elevations facing Hembree Road shall have a minimum 4' deep porch and other details depicted on the submitted renderings, as approved by Staff.
 6. EcoDistrict measures shall be substantially similar to the description in the applicant's letter of intent, dated 9/1/21. Developer shall provide detailed information at LDP and building permit regarding compliance with each requested EcoDistrict measure. EcoDistrict points to be confirmed by Staff.
 7. Minimum 5,000 square foot civic space shall be developed at the corner of Morrison Parkway and Hembree Road, including decorative hardscape, landscape, and Empire North Point EcoDistrict Monument Concept, with final approval by Cultural Arts Commission. Hardscape, landscape and monument shall be maintained by the HOA.
 8. Minimum 2.86 acres of open space shall be reserved and improved substantially as depicted on the plan prepared by PEC, revised 10/11/21, except that Bark Park shall be amenity space and corner of Hembree Road and Morrison Parkway shall be civic space (see condition #7 above). A permanent easement shall be dedicated to the City for public access over required civic space. The HOA shall be responsible for maintenance of all open space.

9. Stormwater management facility depicted in an amenity area shall have a natural appearance, as approved by Staff. ~~Smart Green~~ stormwater design techniques shall be employed to address run-off reduction, as approved by Staff.
10. Privacy fences and ~~unfinished unpainted or unstained~~ wood decks shall not be visible from the public right-of-way.
11. Townhomes shall have connectivity to the public sidewalk system. Sidewalk connection shall be required between Hembree Road and new internal street through the project entrance.
12. Units 1-4 shall have a minimum 18' long driveway, not including the required sidewalk. All units shall have minimum 18' long driveways.
13. New internal street shall be improved with 9' travel lanes, 8' parallel parking on one side of street, minimum 4' planter and minimum 5' sidewalk on one side of the street (not including alleys) and 10' landscape strips on both sides of the street, as approved by Staff. Decorative pedestrian lighting shall be required throughout the development. Internal streets shall be private and maintained by the HOA.
14. Alleys and driveways adjacent to Hembree Road shall be heavily screened with a decorative wall and/or decorative screening landscape material, as approved by Staff.
15. Where appropriate, 5' side and rear setbacks along the north and east property lines and around the City-owned parcel shall include the required 5' landscape strip, with final approval by Staff.
16. Minimum 50' natural buffer, including saving specimen trees, trees of quality and tree groupings, shall be maintained along the north property line, as approved by Staff. Buffer shall be enhanced with both decorative and screening landscape material. If due to cross-jurisdictional demands or because of construction of the trail crossing the buffer is disturbed, it will be replanted to buffer standards.
17. Minimum 6' pervious trail shall be constructed through the natural buffer and civic space as depicted on the plan prepared by PEC, revised 10/11/21. Elevated trail sections shall be provided through the wetlands and stream crossing, final approval by Staff. Trail improvements shall include lighting and benches, as approved by Staff. Developer shall dedicate a permanent public access easement over the trail, as approved by Staff. Trail shall be maintained by the HOA.
- ~~18. Developer shall dedicate any necessary right-of-way along Hembree Road and Morrison Parkway to accommodate streetscape improvements and future roadway improvements.~~
19. Developer shall provide a center left-turn lane on Hembree Road at the project entrance, as approved by Staff.
20. Project entrance shall have a divided median planted with decorative landscaping, as approved by Staff.
21. Remove exotic and invasive trees and shrubs within stream buffer on the Empire property, as approved by Staff. Replant the stream buffer, where sparse, to buffer standards with native trees, shrubs and groundcover. Plantings shall be 80% evergreen and 20% deciduous. Recompense tree planting may be used towards the stream buffer replanting.
22. Elevation certificates shall be required for townhomes adjacent to floodplain.
23. Stormwater pond ~~dam wall~~ shall not be within the sanitary sewer easement and sewer pipe shall not encroach into the pond ~~dam wall~~.

24. The following specimen trees shall be saved: #383 – 32" Sweetgum, #386 – 38" Southern Red Oak, #387 – 8" Dogwood, #388 – 30" Pine, #392 – 30" Pine.

25. 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 considered at the 11/4/2021 Planning Commission meeting. Staff recommended approval subject to 25 conditions. There were no public comments. After discussion, Planning Commission recommended approval subject to staff's recommended conditions and accepting some of the applicant's requested changes (**Planning Commission changes shown in RED above**). Vote 6-0.
- The submitted request, if approved, would allow for the development of 58 'For-Sale' townhome units on 7.35 acres with a proposed density of 7.89 dwelling units per acre. The property is zoned CUP (Community Unit Plan) and is subject to the Cousins Westside Master Plan Pod A, which allows office and neighborhood commercial uses. A master plan amendment, comprehensive land use plan amendment and variances are requested to allow the proposed development. The subject property is located at 3000 Hembree Road, at the northeast corner of Hembree Road and Morrison Parkway.
- The undeveloped property has an unusual shape and surrounds a city-owned property that was used for a wetland mitigation bank and is primarily floodplain. A portion of the property was previously cleared and graded in conjunction with a project known as Nexgen Westside, which was never developed. Surrounding properties are zoned CUP and L-I (Light-Industrial) to the west, CUP to the south, O-I (Office-Institutional) to the east and City of Roswell to the north. Non-residential uses surround the property, including the Shell gas station, U-Haul rental and undeveloped commercial property to the west, FedEx Shipping Center to the east, and North Point Center Research Park to the south. The comprehensive land use plan designation of the property is 'Business, Manufacturing, Warehousing, Light Industrial', of which the applicant proposes an amendment to 'High Density Residential'.
- The submitted site plan depicts a 58-unit 'For-Sale' townhome development with access from Hembree Road. Townhomes are internally oriented within the development, with side elevations facing Hembree Road and one (1) townhome building facing Morrison Parkway.
- Each townhome will accommodate two (2) side-by-side parking spaces in a garage, as well as two (2) spaces in the code-compliant 18' driveway, for a total of 232 parking spaces. Eight (8) guest parking spaces are provided throughout the development.
- The North Point Overlay requires a minimum five percent (5%) amenity space and ten percent (10%) civic space, or a total of 1.1 acres of open space. The site plan depicts 2.86 acres, or 39%, of the property as open space.
- A stormwater management facility is depicted to be internal to the site and behind Units 34-46, which is adjacent to the City's property.
- According to the applicant's letter of intent, the development proposes eleven (11) EcoDistrict points.
- The applicant provided a trip generation tabulation, as depicted below, which shows that the proposed townhomes would generate 26 AM Peak Hour trips and 30 PM Peak Hour trips.
- Based on the total figure for all three school levels, it can be assumed that the proposed development could house approximately 0 – 33 school age children.
- The CZIM was held on October 13, 2021. There were no public comments.

- Staff has reviewed the applicant's proposal and finds that it can generally support the request for master plan amendment, comprehensive land use plan amendment and variances. The property is located in the North Point Overlay where walkability, mix of uses, site design and EcoDistrict measures are key components to a successful development. The proposal to allow residential use would add to the mix of uses in the North Point area, bringing people closer to where they work and shop. Additionally, the proposed residential use would produce significantly fewer vehicular trips on the surrounding roadway network. The variance requests can be generally supported given the unusual shape of the property, being a corner lot and the presence of stream buffers and floodplain. If approved, conditions are recommended requiring new internal streetscape improvements as identified in the applicable Staff condition, as well as a 70' maximum building setback on Morrison Parkway.
- The applicant, Kathy Zickert, 130 Peachtree Street NE, Promenade, Suite 3100, Atlanta, GA 30326, came forward to speak on behalf of this application.

Public Comment:

- There were no public comments.
- ❖ Council Member Merkel offered a motion to approve MP-21-09 / CLUP-21-05 / V-21-25 Cousins Westside Pod A / Empire Communities, subject to the following conditions:
 1. The property shall be developed substantially as depicted on the plan prepared by PEC, revised 10/11/21, except for modifications required to comply with these conditions. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning. Current stream buffers and flood plain information shall be required for LDP and may impact lot yield.
 2. The Comprehensive Land Use Plan designation of the property shall be 'High Density Residential'.
 3. Dwelling, 'For-Sale' Attached' shall be listed as a permitted use in the Cousins Westside Master Plan Pod A, with a maximum density of 7.89 dwelling units per acre.
 4. Hembree Road shall have a maximum building setback of 50' and Morrison Parkway shall have a maximum building setback of 100'.
 5. Architecture and materials shall be developed substantially similar to the submitted renderings prepared by Troy King, labeled Exhibit A, subject to final approval by Staff. Townhome side elevations facing Hembree Road shall have a minimum 4' deep porch and other details depicted on the submitted renderings, as approved by Staff.
 6. EcoDistrict measures shall be substantially similar to the description in the applicant's letter of intent, dated 9/1/21. Developer shall provide detailed information at LDP and building permit regarding compliance with each requested EcoDistrict measure. EcoDistrict points to be confirmed by Staff.
 7. Minimum 5,000 square foot civic space shall be developed at the corner of Morrison Parkway and Hembree Road, including decorative hardscape, landscape, and Empire North Point EcoDistrict Monument Concept, with final approval by Cultural Arts Commission. Hardscape, landscape and monument shall be maintained by the HOA.
 8. Minimum 2.86 acres of open space shall be reserved and improved substantially as depicted on the plan prepared by PEC, revised 10/11/21, except that Bark Park shall be amenity space and corner of Hembree Road and Morrison Parkway shall be civic space (see condition #7 above). A permanent easement shall be dedicated to the City for public

access over required civic space. The HOA shall be responsible for maintenance of all open space.

9. Stormwater management facility depicted in an amenity area shall have a natural appearance, as approved by Staff. Green stormwater design techniques shall be employed to address run-off reduction, as approved by Staff.
10. Privacy fences and unpainted or unstained wood decks shall not be visible from the public right-of-way.
11. Townhomes shall have connectivity to the public sidewalk system. Sidewalk connection shall be required between Hembree Road and new internal street through the project entrance.
12. Units 1-4 shall have a minimum 18' long driveway, not including the required sidewalk. All units shall have minimum 18' long driveways.
13. New internal street shall be improved with 9' travel lanes, 8' parallel parking on one side of street, minimum 4' planter and minimum 5' sidewalk on one side of the street (not including alleys) and 10' landscape strips on both sides of the street, as approved by Staff. Decorative pedestrian lighting shall be required throughout the development. Internal streets shall be private and maintained by the HOA, or add additional head-in parking to gain a minimum of 6 spaces.
14. Alleys and driveways adjacent to Hembree Road shall be heavily screened with a decorative wall and/or decorative screening landscape material, as approved by Staff.
15. Where appropriate, 5' side and rear setbacks along the north and east property lines and around the City-owned parcel shall include the required 5' landscape strip, with final approval by Staff.
16. Minimum 50' natural buffer, including saving specimen trees, trees of quality and tree groupings, shall be maintained along the north property line, as approved by Staff. Buffer shall be enhanced with both decorative and screening landscape material. If due to cross-jurisdictional demands or because of construction of the trail crossing the buffer is disturbed, it will be replanted to buffer standards.
17. Minimum 6' pervious trail shall be constructed through the natural buffer and civic space as depicted on the plan prepared by PEC, revised 10/11/21. Elevated trail sections shall be provided through the wetlands and stream crossing, final approval by Staff. Trail improvements shall include lighting and benches, as approved by Staff. Developer shall dedicate a permanent public access easement over the trail, as approved by Staff. Trail shall be maintained by the HOA.
18. Developer shall provide a center left-turn lane on Hembree Road at the project entrance, as approved by Staff.
19. Project entrance shall have a divided median planted with decorative landscaping, as approved by Staff.
20. Elevation certificates shall be required for townhomes adjacent to floodplain.
21. Stormwater pond wall shall not be within the sanitary sewer easement and sewer pipe shall not encroach into the pond wall.
22. The following specimen trees shall be saved: #383 – 32" Sweetgum, #386 – 38" Southern Red Oak, #387 – 8" Dogwood, #388 – 30" Pine, #392 – 30" Pine.

23. No more than 10% of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.

- Council Member Burnett seconded the motion.
- The motion was approved unanimously (6-0).

F. PH-21-18 The Code of the City of Alpharetta Text Amendments – Distance Requirements and Ancillary Tasting

Consideration of text amendments to the Code of Ordinances to add and amend regulations related to ancillary tasting license and to add a distance requirement between retail package sales establishments.

- Director of Community Development and Economic Development, Kathi Cook, came forward to present this item.
- This item was considered at the 11/4/2021 Planning Commission meeting. There were no public comments. After discussion, Planning Commission recommended approval. Vote 6-0.
- The proposed text amendment to Code of Ordinances Section 4-17 Distance requirements, is to prohibit a retail package store from being located within 2,000' of any other retail package store.
- The proposed text amendment to Code of Ordinances Section 4-1 Definitions, is to add a definition for Craft beer.
- The proposed text amendments to Code of Ordinances Section 4-347 Conditions of license issuance, are to include craft beer, to remove the specific amount of wine or craft beer brands, to increase the total amount of samples from eight (8) ounces to sixteen (16) ounces, to permit sampling and tasting within the leased portion of the premises, and to remove the language prohibiting wine sampling and tasting on Sundays.
- There was discussion about the amount of ounces included in a flight, the definition of a craft brewery, and Sec.4-17(a)(3) distance requirements to remove the language "of a mortuary."
- City Attorney, Mike Stacy, read the ordinance aloud.

Public Comment:

- There were no public comments.
- ❖ Council Member Merkel offered a motion to approve PH-21-18 The Code of the City of Alpharetta Text Amendments – Distance Requirements and Ancillary Tasting.
 - Mayor Pro Tem Mitchell seconded the motion.
 - The motion was approved (5-1, with Council Member Burnett in opposition).

VII. NEW BUSINESS

A. Rucker Road Landscape Finalization – FY2022

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- Staff is recommending that Mayor and Council award Rucker Road Landscape Finalization to Soil Erosion & Education, LLC for an amount not to exceed \$191,212.65 for the purchase, installation, and watering of additional landscape along Rucker Road, and authorize the Mayor to execute all necessary documents.

- The City has approved a Single Source Designation to contract directly with SEEd in order to finish the remaining landscape work. This eliminates the need for a contract extension with CW Matthews and also reduces cost by eliminating their mark-up on the remaining work.
- The remaining work includes but is not limited to:
 - Restoration of landscape impacted along the frontage area of Hickory Ridge subdivision.
 - Installation of 27 trees/evergreens, 350 shrubs, and 3,800 groundcovers throughout various sections of the improved roadway where bed areas were added for the 2021 tree additions.
 - Watering and Warranty per City specifications.
 - Converting approximately 6,000 SF of undersized turf area to planting beds in order to reduce maintenance cost.

Public Comment:

- There were no public comments.
- ❖ Mayor Pro Tem Mitchell offered a motion to approve the award of Rucker Road Landscape Finalization to Soil Erosion & Education, LLC for an amount not to exceed \$191,212.65 for the purchase, installation, and watering of additional landscape along Rucker Road, and authorize the Mayor to execute all necessary documents.
 - Council Member Merkel seconded the motion.
 - The motion was approved (5-0-1, with Council Member Binder abstained, as his neighborhood was apart of this award).
 - There was discussion during the motion about thanking Will Eberly for his work on this project.

Traffic Signal Operations Program Coordination with GDOT

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- Staff is recommending that Mayor and Council approve the SigOps signal maintenance and data agreements for the Georgia Department of Transportation and their consultants to work collaboratively with the City of Alpharetta to maintain operations of various traffic signals throughout the City, and authorize the Mayor to execute all necessary documents.
- GDOT is initiating a new program called SigOps that is similar to the previous program, RTOP (Regional Traffic Operations Program). Through the SigOps program, signal timing and maintenance support will be provided by GDOT at no cost to the City. In order for the City to continue receiving this support, new contracts need to be executed.
- Director Sewczwicz explained that this is a five-year contract, and there could be future costs, but as of right now there is no money associated with this contract in order to move forward.

Public Comment:

- There were no public comments.
- ❖ Mayor Pro Tem Mitchell offered a motion to approve the SigOps signal maintenance and data agreements for the Georgia Department of Transportation and their consultants to work collaboratively with the City of Alpharetta to maintain operations of various traffic signals throughout the City, and authorize the Mayor to execute all necessary documents.

- Council Member Burnett seconded the motion.
- The motion was approved unanimously (6-0).

B. Recreation and Parks Fleet Replacement

- Director of Recreation, Parks, and Cultural Services, Morgan Rodgers, came forward to present this item.
- Staff is recommending that Mayor and Council award the purchase of three (3) 2022 Ford F150's under the State of Georgia Contract #(#99999-SPDES4019973-002) with Allan Vigil Ford in the amount of \$103,470.00 and authorize the Mayor to execute all necessary documents.
- As set forth in the adopted FY2022 Capital Budget, staff recommends the replacement of three (3) 2008 Ford F150 pickups that meet the replacement criteria for replacement: repair expenses, mileage and age (13 years).

Public Comment:

- There were no public comments.
- ❖ Council Member Merkel offered a motion to approve the award of the purchase of three (3) 2022 Ford F150's under the State of Georgia Contract #(#99999-SPDES4019973-002) with Allan Vigil Ford in the amount of \$103,470.00 and authorize the Mayor to execute all necessary documents.
 - Council Member Burnett seconded the motion.
 - The motion was approved unanimously (6-0).

C. An Ordinance to Amend Chapter 4 (Alcoholic Beverages) of the Code of the City of Alpharetta, Georgia – Co-Sponsored by Council Member Burnett and Council Member Hipes

- City Administrator, Bob Regus, came forward to present this item.
- City Administrator Regus shared that this change to the Alcohol Ordinance would allow a City Employee or Elected Official (other than employees in Community Development, Public Safety, the City Administrator, or the Assistant City Administrator) to have a financial interest in an alcohol license.
- City Attorney, Mike Stacy, read the ordinance aloud.

Public Comment:

- There were no public comments.
- ❖ Council Member Burnett offered a motion to approve an Ordinance to Amend Chapter 4 (Alcoholic Beverages) of the Code of the City of Alpharetta, Georgia.
 - Council Member Hipes seconded the motion.
 - The motion was approved unanimously (6-0).

VIII. WORKSHOP

IX. PUBLIC COMMENT

- A. There were no public comments.

X. REPORTS

- A. Council Member Merkel announced the following:

- Friday, December 3rd at 6:30 p.m. the new 60-foot Evans Family Christmas Tree will be lit for the first time in Town Green.
- Downtown Alpharetta will host its first annual Season of Celebration on the first three Fridays in December (December 3, December 10, and December 17). These events will include (snow flurries, selfies with Santa, sing-alongs, firepits, s'mores, food drive collections, family holiday photos).

XI. ADJOURNMENT TO EXECUTIVE SESSION

- ❖ Mayor Pro Tem Mitchell offered a motion to adjourn to executive session.
 - Council Member Merkel seconded the motion.
 - The motion was approved unanimously (6-0).
- Mayor Gilvin adjourned the meeting at 9:57 p.m.

Respectfully submitted,



Lauren Shapiro, City Clerk