



City Council Meeting & Public Hearing

APRIL 25, 2022

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 Dan Merkel
 - Brian Will
 - Douglas J. DeRito
 - John Hipes
 - Jason Binder
- **Council Members absent**
 - Donald F. Mitchell
- **Staff**
 - Bob Regus, City Administrator
 - Mike Stacy, City Attorney
 - James Drinkard, Asst. City Administrator
 - Lauren Shapiro, City Clerk
 - Kathi Cook, Director of Community and Economic Development
 - Morgan Rodgers, Director of Recreation, Parks & Cultural Services
 - Peter Sewczwicz, Director of Public Works
 - Adam Montgomery, Information Security Manager
 - Michael Woodman, Planning and Development Services Manager
 - Eric Graves, Senior Transportation Engineer/Planner

- James Brooker, Building Official
- Jill Bazinet, Development Services Engineer/Stormwater

III. PLEDGE TO THE FLAG

IV. PRESENTATIONS & PROCLAMATIONS

A. 2022 Building Safety Month

- Mayor Gilvin presented the 2022 Building Safety Month Proclamation to Building Official, James Brooker, and Director of Community and Economic Development, Kathi Cook.

V. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 4/18/2022)

- ❖ Council Member Hipes offered a motion to approve the Consent Agenda.
 - Council Member DeRito seconded the motion.
 - The motion was approved unanimously (6-0).

VI. PUBLIC HEARING

A. V-22-09 / Kimball 154 Waiting Period Variance

Consideration of a variance to reduce the waiting period for City Council consideration of a public hearing request on the same property from 12 to 6 months. The property is located at 154 Kimball Bridge Road and is legally described as being located in Land Lots 801 & 804, 1st District, 2nd Section, Fulton County, Georgia.

- Director of Community and Economic Development, Kathi Cook, came forward to present this item.
- Staff is recommending that Mayor and Council approve V-22-09 Kimball 154 Waiting Period Variance request for waiting period variance.
- The applicant, KB Venture Partners, LLC, requests a variance to reduce the waiting period for Council consideration of an application for zoning change affecting the same property from one (1) year to six (6) months. City Council took action on a public hearing request for rezoning and variance on the property on October 25, 2021. The subject property is located at 154 Kimball Bridge Road on the east side of Kimball Bridge Road and south of Kimball Place.
- Matt Vyverberg came forward to speak on behalf of this application.

Public Comment:

- There were no public comments.
 - ❖ Mayor Pro Tem Merkel offered a motion to approve V-22-09 Kimball 154 Waiting Period Variance request for waiting period variance.
 - Council Member DeRito seconded the motion.
 - The motion was approved unanimously (6-0).

B. PH-22-05 / V-22-06 / Kimball 154 Change of Condition and Variance

Consideration of a change to conditions of zoning and variance in order to allow 2 additional levels of parking deck. A variance is requested to reduce the rear setback from 15' to 5'. The

property is located at 154 Kimball Bridge Road and is legally described as being located in Land Lots 801 & 804, 1st District, 2nd Section, Fulton County, Georgia.

- Director of Community and Economic Development, Kathi Cook, came forward to present this item.
- Staff is recommending that Mayor and Council approve PH-22-05 / V-22-06 / Kimball 154 Change of Condition and Variance, subject to the following conditions:
 1. The site, consisting of approximately 4.44 acres, shall be zoned O-P (Office-Professional) and developed substantially similar to site plan submitted by Kimley-Horn, revised 3/31/21, except for modifications required to comply with the conditions below. Uses shall be limited to professional office, research and development, and support retail uses and conditional uses listed in the O-P district regulations.
 2. Driveway spacing and impervious area shall be as depicted on the site plan prepared by Kimley-Horn, revised 3/31/21.
 3. Rear building setback for the parking deck shall be 5'.
 4. Minimum parking shall be provided at a rate of 3.79 spaces/1,000 SF of office (gross). The rear parking deck shall be no more than 5 levels and a 2nd level shall be permitted under the front parking podium.
 5. Rear parking deck or northern face of parking deck under the building visible from a public right-of-way shall be screened with evergreen landscape material and clad with a decorative exterior material, with final approval by DRB.
 6. All other conditions of zoning related to file# Z-21-06/V-21-17 Kimball 154 shall remain in effect.
- The applicant, KB Venture Partners, LLC, is requesting a change to previous conditions of zoning and a variance to increase the height of a parking deck from three (3) to five (5) levels. The property was recently approved for a 3-story, 120,000 square feet office building with parking deck and adaptive re-use of the Bailey-Johnson School and Gymnasium buildings. A variance is requested to reduce the rear building setback from fifteen-feet (15') to five-feet (5'). The property is located at 154 Kimball Bridge Road on the east side of Kimball Bridge Road and south of Kimball Place.
- Approval of the variance would allow the applicant to shift the parking deck back ten-feet (10') creating a twenty-foot (20') separation between the office building and parking deck. The shift is related to fire separation requirements, which would allow for a substantial amount of glass and views along the eastern façade of the office building.
- The current proposal would allow for a five (5) level parking deck and a total of 584 parking spaces on the property, or a parking rate of 3.79 spaces/1,000 square feet of office. The previously approved parking variance reduced the parking requirement to 465 parking spaces, or 2.9 spaces/1,000 square feet.
- The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that no comments were received.
- The CZIM was held on March 9, 2022. There were no comments.

- Matt Vyverberg came forward to speak on behalf of this application.

City Council Discussion:

- Council Member DeRito asked the applicant about the site lines from the southside of the development.
- Council Member Hipes asked if there would be electric vehicle (EV) charging stations on site.
 - The applicant stated that there would be EV charging stations.
- Mayor Gilvin shared that there is not much room for error on this site in terms of the five foot setback.

Public Comment:

- There were no public comments.
- ❖ Mayor Pro Tem Merkel offered a motion to approve PH-22-05 / V-22-06 / Kimball 154 Change of Condition and Variance, subject to the following conditions:
 1. The site, consisting of approximately 4.44 acres, shall be zoned O-P (Office-Professional) and developed substantially similar to site plan submitted by Kimley-Horn, revised 3/31/21, except for modifications required to comply with the conditions below. Uses shall be limited to professional office, research and development, and support retail uses and conditional uses listed in the O-P district regulations.
 2. Driveway spacing and impervious area shall be as depicted on the site plan prepared by Kimley-Horn, revised 3/31/21.
 3. Rear building setback for the parking deck shall be 5'. No offsite tree clearing shall be made in order to construct a parking deck.
 4. Minimum parking shall be provided at a rate of 3.79 spaces/1,000 SF of office (gross). The rear parking deck shall be no more than 5 levels and a 2nd level shall be permitted under the front parking podium.
 5. Rear parking deck or northern face of parking deck under the building visible from a public right-of-way shall be screened with evergreen landscape material and clad with a decorative exterior material, with final approval by DRB.
 6. All other conditions of zoning related to file# Z-21-06/V-21-17 Kimball 154 shall remain in effect.
 - Council Member Binder seconded the motion.
 - The motion was approved unanimously (6-0).
 - There was discussion during the motion about adding a condition to preserve the trees on the neighboring lot (because of the five-foot setback). Director Cook suggested adding an additional sentence to Condition 3 to preserve offsite trees.

C. Z-22-03 / V-22-02 / Toll Brothers / Kimball Bridge Road

Consideration of a rezoning and variance to allow for 41-lot 'For Sale' single-family detached subdivision on 22.7 acres. A rezoning is requested from AG (Agriculture) to R-15 (Dwelling, 'For Sale', Residential) and variances are requested to reduce the front setback on interior

roads and reduce the setback along Kimball Bridge Road. The property is located at 0 Kimball Bridge Road and is legally described as being located in Land Lot 93, 1st District, 1st Section, Fulton County, Georgia.

- Planning and Development Services Manager, Michael Woodman, came forward to present this item.
- This item was considered at the 4/14/2022 Planning Commission meeting. Staff recommended approval subject to 27 conditions (Vote 4-2). There were several public comments in opposition to the request with the following concerns: larger setback/buffer adjacent to Park Brooke, wetland/wildlife impacts, existing runoff problems, homes should be 3-sided brick, berm adjacent to Park Brooke, interparcel access with Webb properties, and fencing/screening adjacent to Webb property. After discussion, Planning Commission recommended approval subject to staff's recommended conditions and accepting the applicant's requested changes to conditions # 8 and 13.
- Staff is recommending that Mayor and Council approve Z-22-03 / V-22-02 / Toll Brothers / Kimball Bridge Road subject to the following conditions:
 1. The site, consisting of approximately 22.77 acres, shall be zoned R-15 and developed substantially similar to site plan prepared by McFarland-Dyer & Associates, Inc., revised 4/5/2022, except for modifications required to comply with the conditions below. Site plan modifications shall be permitted to allow interparcel access with the properties to the west and northwest, with final approval by Staff. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.
 2. Home elevations shall be substantially similar to the submitted elevations, labeled Exhibit A, with final approval by Staff. No more than 50% of homes shall have siding as the primary (more than 50%) material on the front façade. Homes utilizing more than 25% siding on the front façade shall include a covered front porch element that is at least 100 square feet in size and a minimum 6' deep. Homes with garages facing a street shall have carriage style garage doors. Roofing material shall be cedar shake, architectural/dimensional asphalt shingles or metal. Homes shall have 3-sided architecture and materials, except those rear elevations visible from Kimball Bridge Road shall have similar architectural details and materials as the front façade, as approved by Staff.
 3. Minimum 20' decorative landscape strip shall be provided along Kimball Bridge Road, consisting of trees, shrubs and ground cover, as approved by Staff. Landscape strip shall include decorative knee walls and berms and landscaping shall be a mix of evergreen and deciduous material. Existing tree groupings and trees of quality shall be saved in the landscape strip, as approved by Staff.
 4. A 10' no access easement shall be recorded on the final plat along the road frontage on Buice Road, Kimball Bridge Road, and project entrance road adjacent to Lots 1 and 25.
 5. Minimum 10' landscape strip shall be provided along Buice Road, consisting of trees, shrubs and ground cover, as approved by Staff.

6. Building setbacks shall be 25' front, 10' side and 25' rear, except that lots backing up to Park Brooke shall have a 30' rear setback. Building setback along Kimball Bridge Road and Buice Road shall be 45'.
7. Project entrance shall include ornamental plantings, as approved by Staff.
8. Minimum 10' planted buffer, and no access easement, shall be provided along the common property line with Park Brooke and shall be planted with a mix of evergreen trees and shrubs to provide a visual screen, as approved by Staff. Existing trees shall be saved in the buffer where not in conflict with site balancing and utility installation. A 5' decorative aluminum fence shall be erected in the 10' planted buffer. Detention facilities shall not encroach on the planted buffer. The Homeowners Association shall be required to maintain the stormwater detention facilities on a scheduled basis.
9. Detention facilities shall be developed with a natural appearance and improved as a neighborhood amenity, as approved by Staff.
10. Developer shall plant street trees in the 6' planter, as approved by Staff.
11. Pocket park with mail kiosk shall be developed with decorative landscaping, hardscape, pedestrian lighting and on-street parking, as approved by Staff.
12. Developer shall improve Kimball Bridge Road frontage with a minimum 6' sidewalk, 6' planter planted with street trees, and decorative pedestrian lighting matching the City's recent improvements, as approved by Staff. Streetscape modifications shall be permitted for the purpose of tree preservation or utility conflicts, with final approval by Staff.
13. Developer shall dedicate approximately 5' of right-of-way on Buice Road frontage.
14. Developer shall remove exotic and invasive trees and shrubs within stream buffers and tree save areas and replant where sparse, as approved by Staff.
15. Unfinished wood fences and decks shall not be visible from Kimball Bridge Road and Buice Road.
16. Developer shall complete remediation measures outlined in the February 7, 2022 notice of violation letter prior to the final site CO.
17. Planting plan shall be implemented substantially similar to the plan prepared by Ironwood, dated 4/6/2022, as approved by Staff.
18. Trees shall be preserved as depicted on the plan prepared by O'Leary Design Group, dated 3/29/2022.
19. Developer shall identify and save additional tree groupings and/or trees of quality outside of required stream buffers, as approved by Staff.
20. All required permits and variances related to the 0.20-acre wetland encroachment shall be approved prior to the issuance of a land disturbance permit.
21. Developer shall be responsible for all costs associated with upgrading the signal to accommodate new development. Traffic signal modification to be complete prior to final plat.

22. Streets less than 24' wide shall be marked "No Parking".
 23. Widths/lengths of fire department access road shall comply with Appendix D – Fire Apparatus Access Roads.
 24. Developer shall provide an eastbound left-turn lane on Kimball Bridge Road at the signalized entrance to the site, as approved by Staff.
 25. Utility structures, headwalls, etc. shall be finished with decorative stone, if visible from Park Brooke.
 26. No more than 10% of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.
 27. As agreed to by the Developer, a fence shall be erected adjacent to the Webb property prior to construction.
- The applicant, Toll Brothers, is requesting a rezoning and variances to allow for the construction of a 41-lot 'For-Sale' single-family detached subdivision on 22.77 acres. A rezoning is requested from AG (Agriculture) to R-15 (Dwelling, 'For-Sale' Residential) and variances are requested to reduce front setbacks on interior streets and reduce setbacks along Kimball Bridge Road and Buice Road. The subject property is located at 0 Kimball Bridge Road at the northeast corner of Kimball Bridge Road and Buice Road.
 - The proposed density is 1.80 dwelling units per acre.
 - The undeveloped property is wooded and has a small area of stream and wetlands in the northeast corner of the property. Park Brooke subdivision is located to the north and east, Avery Square subdivision and Ocee Park (City of Johns Creek) to the south and unplatted single-family detached lots to the south and west. The Comprehensive Land Use Plan designation of the property is 'Low Density Residential', which allows the proposed zoning district and use.
 - Variances are requested to reduce the front yard setback for lots along a new interior street from 35' to 25' and reduce setbacks on lots along Kimball Bridge Road and Buice Road from 65' to 45'.
 - The submitted site plan depicts 41 single-family detached lots on 22.77 acres. Access to the property is proposed at the existing signalized intersection at Kimball Bridge Road and Buice Road. Lots are oriented interior to the site along a new internal loop street.
 - A 45' setback is proposed along Kimball Bridge Road and Buice Road, lots on the outer edge of the loop street are depicted with 25' front setback, and lots on the inner edge have a 35' front setback. Homes adjacent to Park Brooke have a 30' rear setback.
 - A ten-foot (10') landscape strip along Buice Road. Although buffers are not required between residential developments, a tenfoot (10') planted landscape buffer is proposed along the north and east property lines adjacent to Park Brooke.
 - The applicant proposes to fill 0.20-acres of wetlands south and east of the stream, as depicted on Lot 15 and the detention lot. The linear configuration of the wetlands is likely the result of the stream being piped.

- The property is wooded and consists primarily of Hardwoods. Tree saves are depicted near the stream buffer in the northeast corner of the property, as well as along Buice Road.
- There is an existing violation on the property related to the geotechnical investigation of the property in which a temporary access trail was created. Trees, as well as a small wetland area were impacted. The applicant is in compliance with the violation letter, dated February 7, 2022, which required payment of a fine, planting plan to replant 728" of trees, mitigation plan for impacted trees and mitigation plan for impacted wetlands. Whether or not the applicant's zoning proposal is granted, planting and mitigation plans will be required to be implemented.
- The proposed project, consisting of 41 single-family detached homes, would generate approximately 35 AM Peak Hour trips and 45 PM Peak Hour trips.
- The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent, as well as Park Brooke Community Association, Pinewalk Homeowners Association and Avery Square Homeowners Association. The report states that the applicant met with Park Brooke on February 2, 2022, February 15, 2022 and March 31, 2022. The applicant received a letter from the Park Brooke Community Association outlining their concerns. The applicant noted the following concerns and requests from Park Brooke homeowners: surface water runoff, increase building setbacks adjacent to Park Brooke (100' setback with a 50' buffer requested), do not disturb wetland area, relocate detention ponds, fencing and landscaping between the proposed development and Park Brooke, landscaping and tree saves along Kimball Bridge Road, and concern over the applicant requesting smaller lots than the minimum 15,000 square foot lots in the R-15 zoning district.
- The CZIM was held on March 9, 2022. There were questions and comments regarding if the subdivision would be gated, stormwater runoff, traffic, variances, perimeter fencing, wetland impacts, setbacks and detention ponds adjacent to Park Brooke, 100' buffer adjacent to Park Brooke, align Buice Road through the development, flooding, tree removal, and violation.
- Development Services Engineer/Stormwater, Jill Bazinet, came forward to discuss the maintenance ownership in terms of pipes under roadways within a subdivision, runoff rates, and more information about the inspection and certification requirements.
- Director of Public Works, Pete Sewczwicz, came forward to speak on the condition of the pipes and whether they needed to be lined in the future.
- The applicant, Don Rolader, came forward to speak on behalf of this application.

City Council Discussion:

- Mayor Pro Tem Merkel shared that this application was amended for 41 lots instead of the 43 lots (as was originally provided on the agenda for this evening).
- Council Member DeRito shared that he is concerned with the pipes being blocked.
- Mayor Gilvin shared that this application is better than the original plan. Although it may not be where some residents want it, it is better. Also, this product is consistent with the neighboring communities.

Public Comment:

- Judy Webb (11155 Buice Road, Alpharetta, GA 30022)
 - Ms. Webb came forward to share her concern that she would like to have an access curb cut onto Buice Road in order to have access to the signal and no construction traffic or staging on Buice Road.
- Franklin Lemond (4645 Park Brooke Trace, Alpharetta, GA 30022)
 - Mr. Lemond came forward to share that he would like to see some sort of berm and fern along the common property line in order to reduce the amount of runoff from lots 10-14 in the back of the development and 16-17 on the right-hand side of the development. Additionally, Mr. Lemond would like for the developer to complete a second hydrology study post development to ensure that what was planned is what was constructed.
- Belinda Kasmersky (3910 Brookline Drive, Alpharetta, GA 30022)
 - Ms. Kasmersky came forward to share that she is concerned with runoff and drainage from building homes 25-35 feet from her property line. Ms. Kasmersky also shared that the applicant submitted a different plan than what was showed to her during a neighborhood meeting and had concerns about the size of the lots (lot size closer to 11,000 square feet instead of 15,000 square feet).
- Taylor Milledge (3365 Rowes Circle, Alpharetta, GA 30009)
 - Ms. Milledge came forward to share her concerns about ecosystems being destroyed because of this project. Additionally, Ms. Milledge shared concerns about tree saves, filling a wetland, local food production and decrease in AG land, the need of a wildlife impact assessment, and the size of the proposed pocket park.
- ❖ Mayor Pro Tem Merkel offered a motion to approve Z-22-03 / V-22-02 / Toll Brothers / Kimball Bridge Road, subject to the following conditions:
 1. The site, consisting of approximately 22.77 acres, shall be zoned R-15 and developed substantially similar to site plan prepared by McFarland-Dyer & Associates, Inc., revised 4/5/2022, except for modifications required to comply with the conditions below. Site plan modifications shall be permitted to allow interparcel access with the properties to the west and northwest, with final approval by Staff. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.
 2. Home elevations shall be substantially similar to the submitted elevations, labeled Exhibit A, with final approval by Staff. No more than 50% of homes shall have siding as the primary (more than 50%) material on the front façade. Homes utilizing more than 25% siding on the front façade shall include a covered front porch element that is at least 100 square feet in size and a minimum 6' deep. Homes with garages facing a street shall have carriage style garage doors. Roofing material shall be cedar shake, architectural/dimensional asphalt shingles or metal. Homes shall have 3-sided architecture and materials, except those rear elevations visible from Kimball Bridge Road shall have similar architectural details and materials as the front façade, as approved by Staff.

3. Minimum 20' decorative landscape strip shall be provided along Kimball Bridge Road, consisting of trees, shrubs and ground cover, as approved by Staff. Landscape strip shall include decorative knee walls and berms and landscaping shall be a mix of evergreen and deciduous material. Existing tree groupings and trees of quality shall be saved in the landscape strip, as approved by Staff.
4. A 10' no access easement shall be recorded on the final plat along the road frontage on Buice Road, Kimball Bridge Road, and project entrance road adjacent to Lots 1 and 25.
5. Minimum 10' landscape strip shall be provided along Buice Road, consisting of trees, shrubs and ground cover, as approved by Staff.
6. Building setbacks shall be 25' front, 10' side and 25' rear, except that lots backing up to Park Brooke shall have a 30' rear setback. Building setback along Kimball Bridge Road and Buice Road shall be 45'.
7. Project entrance shall include ornamental plantings, as approved by Staff.
8. Minimum 10' planted buffer, and no access easement, shall be provided along the common property line with Park Brooke and shall be planted with a mix of evergreen trees and shrubs to provide a visual screen, as approved by Staff. Existing trees shall be saved in the buffer where not in conflict with site balancing and utility installation. A 5' decorative aluminum fence shall be erected in the 10' planted buffer. Detention facilities shall not encroach on the planted buffer. The Homeowners Association shall be required to maintain the stormwater detention facilities on a scheduled basis.
9. Detention facilities shall be developed with a natural appearance and improved as a neighborhood amenity, as approved by Staff.
10. Developer shall plant street trees in the 6' planter, as approved by Staff.
11. Pocket park with mail kiosk shall be developed with decorative landscaping, hardscape, pedestrian lighting and on-street parking, as approved by Staff.
12. Developer shall improve Kimball Bridge Road frontage with a minimum 6' sidewalk, 6' planter planted with street trees, and decorative pedestrian lighting matching the City's recent improvements, as approved by Staff. Streetscape modifications shall be permitted for the purpose of tree preservation or utility conflicts, with final approval by Staff.
13. Developer shall dedicate approximately 5' of right-of-way on Buice Road frontage.
14. Developer shall remove exotic and invasive trees and shrubs within stream buffers and tree save areas and replant where sparse, as approved by Staff.
15. Unfinished wood fences and decks shall not be visible from Kimball Bridge Road and Buice Road.
16. Developer shall complete remediation measures outlined in the February 7, 2022 notice of violation letter prior to the final site CO.
17. Planting plan shall be implemented substantially similar to the plan prepared by Ironwood, dated 4/6/2022, as approved by Staff.
18. Trees shall be preserved as depicted on the plan prepared by O'Leary Design Group, dated 3/29/2022.

19. Developer shall identify and save additional tree groupings and/or trees of quality outside of required stream buffers, as approved by Staff.
20. All required permits and variances related to the 0.20-acre wetland encroachment shall be approved prior to the issuance of a land disturbance permit.
21. Developer shall be responsible for all costs associated with upgrading the signal to accommodate new development. Traffic signal modification to be complete prior to final plat.
22. Streets less than 24' wide shall be marked "No Parking".
23. Widths/lengths of fire department access road shall comply with Appendix D – Fire Apparatus Access Roads.
24. Developer shall provide an eastbound left-turn lane on Kimball Bridge Road at the signalized entrance to the site, as approved by Staff.
25. Utility structures, headwalls, etc. shall be finished with decorative stone, if visible from Park Brooke.
26. No more than 10% of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.
27. As agreed to by the Developer, a fence shall be erected adjacent to the Webb property prior to construction.
 - Council Member DeRito seconded the motion.
 - Council Member DeRito offered a friendly amendment to add Condition 28. If feasible, and as determined by hydrology study and grading plan, developer shall install a berm, swale, wall, pipe or other means of diverting sheet flow to the detention ponds along the common property line with Park Brooke, as approved by staff.
 - Mayor Pro Tem Merkel accepted the friendly amendment.
 - Council Member Binder offered a friendly amendment to add Condition 29. Applicant shall work with offsite residents in order to make every effort to pipe underground to connect to existing head walls.
 - Mayor Pro Tem Merkel and Council Member DeRito accepted the friend amendment.
 - The motion was approved unanimously (6-0).

D. E-22-01 / 63 South Main Street Parking Special Exception

Consideration of a parking special exception to allow approximately fourteen (14) off-site parking spaces on a nearby property in order to satisfy minimum parking requirements. The property is located at 63 South Main Street and is legally described as being located in Land Lot 1269, 2nd District, 2nd Section, Fulton County, Georgia.

- Director of Community and Economic Development, Kathi Cook, came forward to present this item.
- This item was considered at the 4/14/2022 Planning Commission meeting. Staff recommended approval subject to 4 conditions (Vote 5-1). There were no public

comments. After discussion, Planning Commission recommended approval subject to staff's recommended conditions.

- Staff is recommending that Mayor and Council approve E-22-01 Founders Hall/63 South Main Street Parking Special Exception, subject to the following conditions:
 1. Prior to the 1st TCO/CO for the building, developer shall provide a recorded parking agreement allowing for the use of up to 14 off-site parking spaces at 91 South Main Street. Parking agreement shall be reviewed and approved by Staff.
 2. Retail and restaurant leases at 63 South Main Street shall require that employees use the off-site parking spaces located at 91 South Main Street.
 3. The 14 off-site parking spaces shall be reserved for the applicant's building between the hours of 7:00 AM – 5:00 PM, Monday through Friday.
 4. Prior to the 1st TCO/CO, applicant shall dedicate a permanent easement for the Alpha Loop along the north side of the building, as depicted on site plan prepared by Tracy Ward, revised 3/11/2022. Easement shall extend to the west property line and shall allow for necessary construction activities to connect to an off-site alignment of the Alpha Loop.
- The applicant, South Main Development Partners, LLC, is requesting a parking special exception to allow the balance of required parking to be met off-site on a nearby property located at 91 South Main Street. Up to fourteen (14) off-site parking spaces are proposed. The subject property is located at 63 South Main Street.
- The applicant provided a draft parking agreement allowing for the use of up to fourteen (14) parking spaces at 91 South Main Street. The subject property is less than 150' away from 91 South Main Street, which is the Surcheros restaurant currently under construction. The Surcheros property is developed with 50 parking spaces, of which approximately ten (10) parking spaces are required for the use. Sufficient excess parking is available to accommodate the applicant's off-site parking request.
- Staff has reviewed the applicant's request against the review criteria for an exception. The proposed off-site parking is located within close proximity (less than 150' away) to the uses it would serve. On-site parking on smaller downtown parcels is often difficult to accommodate, which is why encouraging shared parking and off-site parking agreements is important to a thriving downtown. Downtowns are walkable, which can take advantage of creative solutions to parking. If approved, a condition is recommended requiring retail and restaurant employees from businesses located at 63 South Main Street to utilize the off-site parking spaces.
- The applicant, Dan Conner (1819 Peachtree Road NE, Suite 575, Atlanta, GA 30309) came forward to speak on behalf of this application.

City Council Discussion:

- Mayor Gilvin suggested that staff look at dollar amount previously quoted for Parking In Lieu fees.
- Council Member Binder asked what would happen if a parking contract between South Main and Surcheros were not to be renewed and shared his concern about loading and unloading zones on major streets in the downtown.

- City Attorney, Mike Stacy, shared that this parking agreement would likely be an easement that runs with the land and there would need to be provision about the parking agreement remaining in place if Surcheros were to sell their property.

Public Comment:

- There were no public comments.
- ❖ Mayor Pro Tem Merkel offered a motion to deny E-22-01 Founders Hall/63 South Main Street Parking Special Exception.
 - Council Member Binder seconded the motion.
 - The motion was approved unanimously (6-0).

E. CLUP-21-06 / Z-21-10 / PH-21-20 / V-22-04 / Alcovy Haynes Bridge Road + Jon Scott Drive
Consideration of a comprehensive land use plan amendment, rezoning, public hearing, and variance to allow 10 'For-Sale' single-family detached homes, 4 'For-Sale' semi-detached units, and 5 'For-Sale' townhome units on 2.84 acres. A comprehensive land use plan amendment is requested on a portion of the property from 'Medium Density Residential' to 'Downtown Residential Density' and a rezoning is requested from C-2 (General Commercial) and R-12 (Dwelling, 'For-Sale', Residential) to DT-R (Downtown Residential). A public hearing is requested to bring the Haynes Bridge Road property into the Downtown Overlay. Variances are requested to reduce an undisturbed buffer and modify streetscape standards. The property is located at O Haynes Bridge Road and 340/350/360 Jon Scott Drive and is legally described as being located in Land Lots 696 & 747, 1st District, 2nd Section, Fulton County, Georgia.

- Planning and Development Services Manager, Michael Woodman, came forward to present this item.
- This item was considered at the 4/14/2022 Planning Commission meeting. Staff recommended approval subject to 26 conditions (Vote 6-0). There were public comments in opposition to the request with the following concerns: density, single-family detached only, everyone in Alpha Park not notified, not supposed to be a piecemeal approach to redevelopment, stormwater runoff and existing sewer problems. After discussion, Planning Commission recommended approval subject to staff's recommended conditions.
- Staff is recommending that Mayor and Council approve CLUP-21-06 / Z-21-10 / PH-21-20 / V-22-04 / Alcovy Haynes Bridge Road + Jon Scott Drive, subject to the following conditions:
 1. Approximately 2.84 acres shall be zoned DT-R and developed substantially similar to site plan prepared by Engineering 303, dated 3/18/2022, 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 renderings prepared by Lew Oliver, labeled Exhibit A, subject to final approval by the Downtown Consultant and DRB. Single-family detached homes, semi-detached and townhomes shall have 4-sided architecture, materials and details.

3. Density shall not exceed 6.7 dwelling units per acre and shall be limited to 'For-Sale' single-family detached, semi-detached and townhomes, with at least 10 single-family detached homes and no more than 5 townhome units, as depicted on the site plan prepared by Engineering 303, dated 3/18/2022.
4. Developer shall provide a Downtown focal point feature at the southwest corner of Haynes Bridge Road and Devore Road, with final approval by the Cultural Arts Commission and installation prior to the 1st CO. Alcovy Estates HOA shall be responsible for regular maintenance of the focal point feature.
5. Developer shall provide decorative entrance landscaping (ornamental tree, shrubs and flowering planting bed) at the southeast and southwest corners of Devore Road and Jon Scott Drive, as approved by Staff. Alcovy Estates HOA shall be responsible for regular maintenance of the entrance landscaping.
6. Location of development signage shall be limited to the project entrance on Jon Scott Drive.
7. A minimum 20' planted buffer shall be provided along the south property line as depicted on the site plan prepared by Engineering 303, dated 3/18/2022, and planted with a mix of evergreen trees and shrubs. Existing trees within the buffer identified to be in Good condition shall be saved, as approved by Staff. Property owner acknowledges that development of the commercial property to the south shall not require a buffer adjacent to the subject property.
8. New internal street and alleys shall be constructed as depicted on the site plan prepared by Engineering 303, dated 3/18/2022, with final approval by Staff.
9. Developer shall improve the Jon Scott Drive streetscape as follows: minimum 6' planter planted with street trees, 6' 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.
10. Developer shall improve the Devore Road streetscape as follows: minimum 4' planter (existing 2' planter to be expanded by 2' into the existing sidewalk with tree grate to accommodate street trees) planted with street trees, 8' concrete sidewalk (Alpha Loop), and decorative pedestrian lighting, with final approval by Staff and construction completed prior to the 1st CO. 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 exceeding the Downtown sidewalk requirements shall be eligible for impact fee credits, as approved by Staff.
11. Developer shall construct a 12' concrete, accessible multi-use trail (Alpha Loop) through the Haynes Bridge Road right-of-way as depicted on site plan prepared by Engineering 303, dated 3/18/2022, with final alignment, design and materials as approved by Staff and construction completed prior to the 1st CO. Alpha Loop shall include lighting (pedestrian and bollards), landscaping, hardscape and amenities. Wayfinding signage shall be provided at key location(s) along the Alpha Loop, as approved by Staff. Alpha Loop improvements constructed by the developer in excess

of Downtown sidewalk requirements shall be eligible for impact fee credits, as approved by Staff.

12. Developer shall provide an enhanced Alpha Loop crossing at Devore Road and Jon Scott Drive, including pedestrian ramps, pavement markings, signage and rapid flashing beacons, as approved by Staff.
 13. Developer shall remove the existing sidewalk along Haynes Bridge Road. The planter along Haynes Bridge Road (area between the road and Alpha Loop) shall be planted with street trees and shrubs, as approved by Staff.
 14. Landscape strips along Haynes Bridge Road, Devore Road and Jon Scott Drive 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.
 15. Project entrance shall include a decorative paver apron, landscaping and low wall.
 16. Front yards shall be framed with a decorative low wall, metal fencing or hedge with columns, as approved by Staff.
 17. Amenity areas shall be developed with a park-like setting with decorative landscaping, hardscape, low walls and seating, as approved by Staff.
 18. Creeping vines shall be planted to cover retaining walls and low walls, as approved by Staff.
 19. Tree save areas shall be saved as depicted on the landscape plan prepared by Frawley Associates, LLC, dated 4/6/2022, with final approval by Staff. Tree grouping of Oaks and Magnolias located at the southeast corner of Devore Road and Jon Scott Drive shall be saved, as approved by Staff. Tree save areas shall be thinned out, cleaned up and re-planted, as approved by Staff.
 20. Minimum 10' planted buffer planted with evergreen trees and shrubs of varying heights shall be provided where the property abuts 370 and 380 Jon Scott Drive, as approved by Staff.
 21. Fences and walls visible from the public right-of-way shall be decorative and shall compliment the architecture of the dwelling, as approved by Staff.
 22. Unfinished wood fences and decks shall not be visible from the street.
 23. HVAC and similar equipment shall not be visible from the public right-of-way.
 24. Fire access shall meet IFC 2018 Appendix D and Fire Hydrants.
 25. Garbage pickup shall be from within the development.
 26. No more than 10% of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.
- The applicant, Alcovy, is requesting a comprehensive land use plan amendment, rezoning and variance to allow for the construction of ten (10) 'For-Sale' single-family detached homes, four (4) 'For-Sale' semi-detached units and five (5) 'For-Sale' townhomes on 2.84 acres in the Downtown. A comprehensive land use plan

amendment is requested to change the future land use designation from Medium Density Residential to Downtown Residential Density, as well as a request to bring the Haynes Bridge Road property into the Downtown Overlay. A rezoning is requested from C-2 (General Commercial) and R-12 (Dwelling, 'For-Sale', Residential) to DT-R (Downtown Mixed-Use) and variances are requested to reduce an undisturbed buffer and modify streetscape standards. The subject property is located at 340, 350, and 360 Jon Scott Drive and 0 Haynes bridge Road at the southwest corner of Haynes Bridge Road and Devore Road.

- The property with frontage on Haynes Bridge Road is undeveloped and the three (3) lots on Jon Scott Drive are developed with single-family detached homes.
- The submitted site plan depicts 19 residential units, of which ten (10) are single-family detached homes, four (4) semi-detached units and five (5) townhome units. Dwelling units are two (2) and three (3) stories. The average lot size of the single-family detached lots is 5,393 square feet, 3,038 square feet for semi-detached units and 2,979 square feet for townhome units. Access to the development is from Jon Scott Drive by way of a new private street connecting to private alleys. A ten-foot (10') setback/landscape strip is depicted on Jon Scott Drive, Devore Road, and new internal street and a twenty-foot (20') setback/landscape strip is provided along Haynes Bridge Road. The Alpha Loop is depicted along Haynes Bridge Road and Devore Road, as well as a crossing at Jon Scott Drive and Devore. A six-foot (6') sidewalk is depicted along Jon Scott Drive.
- The Comprehensive Land Use Plan designation of the property is 'Medium Density Residential' (Haynes Bridge Road property) and 'Low Density Residential' (Jon Scott Drive properties). When the applicant's public hearing request was submitted, Alpha Park was designated 'Downtown Residential Density'. The future land use designation of Alpha Park was changed back to 'Low Density Residential' with the adoption of the Horizon 2040 Comprehensive Plan in October 2021.
- Staff estimates that the proposed ten (10) single-family detached homes, four (4) semidetached units and five (5) townhome units would generate eleven (11) AM Peak Hour trips and fifteen (15) PM Peak Hour trips.
- Application of the 50' undisturbed buffer requirement would discourage residential development of the Haynes Bridge Road property, which would have less impact on existing homes in Alpha Park. If approved, a condition is recommended absolving the property to the south from buffer requirements if developed with a non-residential development.
- The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent, as well as notification of applicant-sponsored public participation meetings on February 7, 2022 and February 28, 2022. The report states that public feedback was received, which included support for the proposed development, questions regarding the size of homes, and concerns over stormwater runoff, traffic and tree removal.
- CZIM was held on February 9, 2022. There were several public comments with a few in favor and several in opposition with concerns over increased property taxes, density, attached product (should be detached homes only), impacts to tree canopy, traffic, redevelopment of Alpha Park (development should be limited to Haynes Bridge

property), and lack of greenspace. There were also questions about price point and unit size, next steps, whether the plan meets the fire marshal's requirements, build-out timeline, and whether Devore Road would be repaved and width increased for bike lanes.

- Ethan Underwood (178 South Main Street, Suite 310, Alpharetta, GA 30009) and Lew Oliver came forward to speak on behalf of this application.

Public Comment:

- There were no public comments.
- Mayor Pro Tem Merkel offered a motion to approve CLUP-21-06 / Z-21-10 / PH-21-20 / V-22-04 / Alcovy Haynes Bridge Road + Jon Scott Drive, subject to the following conditions:
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grouping of Oaks and Magnolias located at the southeast corner of Devore Road and Jon Scott Drive shall be saved, as approved by Staff. Tree save areas shall be thinned out, cleaned up and re-planted, as approved by Staff.

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24. Fire access shall meet IFC 2018 Appendix D and Fire Hydrants.
25. Garbage pickup shall be from within the development.
26. No more than 10% of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.
 - o Council Member Binder seconded the motion.
 - o The motion was approved unanimously (6-0).

F. The Code of the City of Alpharetta, Georgia Text Amendments – City Parks Rules and Regulations and Designation of the AlphaLoop as a City Park

First Reading

Sponsors: Council Member Hipes, Mayor Gilvin

An ordinance to amend Article I, Chapter 32 of the Code of Ordinances of the City of Alpharetta, Georgia; to amend the rules and regulations for parks owned and operated by the City; to designate the AlphaLoop as a City park; to repeal conflicting ordinances; and for other purposes.

- Assistant City Administrator, James Drinkard, came forward to present this item.
- The primary purpose of the recommended ordinance is to designate the AlphaLoop as a City park so that the rules commonly applicable in our parks are applicable. Secondly, the amendment updates the Park Rules, last updated in 1991, to more specifically address current needs such as the need to regulate the use of motorized vehicles on paths and trails.
- City Attorney, Mike Stacy, read the ordinance title aloud.

Public Comment:

- There were no public comments.
- ❖ Council Member Hipes offered a motion to approve an ordinance to amend Article I, Chapter 32 of the Code of Ordinances of the City of Alpharetta, Georgia; to amend the rules and regulations for parks owned and operated by the City; to designate the AlphaLoop as a City park; to repeal conflicting ordinances; and for other purposes.
 - o Council Member DeRito seconded the motion.
 - o The motion was approved unanimously (6-0).

VII. BOARDS & COMMISSIONS APPOINTMENTS

A. Historic Preservation Commission Appointment – Nate “Shack” Lewis

- Council Member DeRito announced his appointment of Nate “Shack” Lewis to serve as a member of the Historic Preservation Commission.

VIII. NEW BUSINESS

A. 2008 Reserve Fire Engine Sale to Lanier Technical College

- City Administrator, Bob Regus, came forward to present this item.
- Staff is recommending that Mayor and Council approve
- The new Fire Science Technology program at Lanier Technical College is conducted in cooperation with the Georgia Fire Academy and Georgia Firefighter Standards and Training to ensure graduates have the skills, knowledge, and credentials to serve as firefighters in paid and volunteer fire departments. Students vary from high school aged to adults who are looking to join or advance in the fire service.
- With the assistance of the Finance Department, we pulled three comps. The closet comp was the same model but with more miles. That unit sold for \$34,500 and we felt that our 2008 Pierce Velocity Fire Engine (with 104,000 miles) we had to offer was in a little bit better shape. We offered the selling price of \$35,000.00 and Lanier Tech accepted.

Public Comment:

- ❖ There were no public comments.
- ❖ Council Member Will offered a motion to approve the sale of a 2008 reserve fire engine to Lanier Technical College in the amount of \$35,000.00.
 - Council Member Hipes seconded the motion.
 - The motion was approved unanimously (5-0-1; as Council Member Binder was not present in Council Chambers during the vote of this item).

IX. WORKSHOP

A. North Point Parkway Streetscape Project

- Tom Ziegler from Columbia Engineering came forward to present this item.
- Currently, there are two proposals: a four lane (\$23-28M) and a six lane (\$35-40M) alternative in the North Point Corridor; Columbia Engineering recommends the four lane alternative (“Lane Diet”).
- Considerations for 4 lane versus 6 lane: cost, right of way needed, landscaping, utilities, etc.

City Council Discussion:

- ❖ Council Member DeRito shared that he is concerned about traffic if this area will soon be redeveloped and determining if this project would be completed before or after the redevelopment of the North Point area (which could tear up that area).
- ❖ Council Member Hipes asked if potential roundabouts were considered or evaluated for specific intersections.
- ❖ Council Member Binder shared that he would like to see more public involvement (key stakeholders) as it relates to a lane diet.
- ❖ Mayor Gilvin suggested that the team at Columbia Engineering along with Director Cook and the Community Development team meet with Council Members DeRito and Will to bring them up to speed on this project and then to present again at a future City Council workshop.

X. PUBLIC COMMENT

- There were no public comments.

XI. REPORTS

- There were no reports.

XII. ADJOURNMENT TO EXECUTIVE SESSION

- ❖ Council Member Hipes offered a motion to adjourn to executive session.
 - Council Member Binder seconded the motion.
 - The motion was approved unanimously (6-0).
- With there being no further items to consider or discuss, Mayor Gilvin adjourned the meeting at 11:17 p.m.

Respectfully submitted,



Lauren Shapiro, City Clerk