City Council Meeting & Public Hearing
OCTOBER 17, 2022
OFFICIAL MINUTES
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 video recording of said meeting is a matter of public record and are available to be viewed online at https://www.youtube.com/user/alpharettagov or by visiting the City of Alpharetta's Clerk's office during normal business hours.

1. CALL TO ORDER
   - Mayor Gilvin called the meeting to order at 6:30 p.m.
2. ROLL CALL
   - Council Members
     - Mayor Jim Gilvin
     - Mayor Pro Tem Dan Merkel
     - Donald F. Mitchell
     - Douglas J. DeRito
     - John Hipes
     - Jason Binder
   - Absent
     - Brian Will
   - Staff
     - Chris Lagerbloom, City Administrator
     - Molly Esswein, City Attorney with Jarrard & Davis
     - James Drinkard, Asst. City Administrator
     - Lauren Shapiro, City Clerk
     - Kathi Cook, Director of Community an Economic Development
     - Morgan Rodgers, Director of Recreation, Parks, and Cultural Services
     - Pete Sewczwicz, Director of Public Works
     - Tom Harris, Director of Finance
     - Kurt Kirby, Projects Manager

- Michael Woodman, Planning and Development Services Manager
- Phillip Seabolt, Administrative Chief
- Brad Denkinger, Public Safety Chief
- Brian Borden, Zoning Administrator

3. PLEDGE TO THE FLAG

4. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 10/3/2022)
Approval of the City Council Meeting Minutes from the meeting of October 3, 2022.

B. Alcoholic Beverage License Applications
Approval of the following Alcoholic Beverage License Applications:

1. PH-22-AB-29 Toscana Ita, LLC
d/b/a Luci's Steakhouse
5805 Windward Parkway, Alpharetta, GA 30005

Restaurant
Consumption on Premises
Liquor, Beer, Wine, & Sunday Sales
Owner: Toscana Ita, LLC
Registered Agent: Gulen Ikbl Castro

2. PH-22-AB-30 Atlanta Fantastical OpCo, LLC
d/b/a Santa's Secret Stache
3180 Avalon Boulevard, Alpharetta, GA 30005

Eating Establishment
Consumption on Premises
Liquor, Beer, Wine, & Sunday Sales
Owner: Fantastical Labs, LLC
Registered Agent: Walter I. Geer, II

C. Financial Management Report: Month Ending August 31, 2022
Approval of the City of Alpharetta's Financial Management Report for the month ending August 31, 2022.

D. Conflict Waiver between the City of Milton, Georgia, the City of Alpharetta, Georgia and the North Fulton Community Improvement District
Approval of a Conflict Waiver between the City of Milton, Georgia, the City of Alpharetta, Georgia, and the North Fulton Community Improvement District for the purposes of entering into an agreement with respect to funding and preparation of the Windward Parkway/Highway 9 Master Plan LCI Update Study, as Jarrard & Davis, LLP's represents the City of Milton and the City of Alpharetta as general legal counsel.

E. Intergovernmental Agreement: Windward Parkway/Highway 9 Area Strategic Master Plan

Approval of an Intergovernmental Agreement between the City of Alpharetta, Georgia, the City of Milton, Georgia, and the North Fulton Community Improvement District for Windward Parkway/Highway 9 Area Strategic Master Plan.

❖ Council Member Mitchell offered a motion to approve the Consent Agenda.

- Mayor Pro Tem Merkel seconded the motion.
- The motion was approved unanimously (6-0).

5. PUBLIC HEARING

A. PH-22-11 / V-22-24 / Wills Overlook

Consideration of a change to previous conditions of zoning and variance to allow for the construction of 16 'For-Sale' townhomes on 2.24 acres in the Downtown. Variances are requested to allow a driveway and off-street parking adjacent to South Main Street without an intervening building and modify the interior property line landscape strip. The property is located at 0 and 531 South Main Street and is legally described as being located in Land Lot 645, 1st District, 2nd Section, Fulton County, Georgia.

- Council Member Hipes recused himself from this item and left the meeting.
- Planning and Development Services Manager, Michael Woodman, came forward to speak on behalf of this item.
- Staff is recommending that Mayor and Council approve PH-22-11 / V-22-24 / Wills Overlook, subject to the following conditions:

1. The site, consisting of approximately 2.24 acres, shall be zoned DT-MU and shall be developed substantially similar to site plan prepared by Engineering 303, dated 9/9/22, 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 prepared by Tracy Ward, dated 7/18/22, 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. Townhomes shall have 4-sided architecture, materials and details.
3. Earl Wood House shall be limited to a single-family detached home and shall be saved, restored, and designated under the City's Historic Preservation Incentive Ordinance. Restoration shall be completed by the 1st CO. Exterior modifications and additions to the historic structure, accessory structures, and walls and fencing shall be consistent with the architectural style of the Earl Wood House, subject to review by the City's Downtown Consultant and approval of a certificate of appropriateness by the Historic Preservation Commission.
4. Streetscape, including decorative fence with columns and landscaping, shall be developed substantially similar to the submitted renderings prepared by Tracy Ward, dated 7/18/22, with final approval by DRB. Pervious areas behind the decorative fence shall be landscaped with decorative and screening landscaping, with final approval by DRB.

5. Building height shall not exceed 3 stories.
6. Townhome orientation shall be permitted as depicted on the site plan prepared by Engineering 303, dated 9/9/22.
7. Landscape strip along South Main Street shall be planted with shade trees and ornamental shrubs 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.
8. Internal alley shall be developed as depicted on the site plan prepared by Engineering 303, dated 9/9/22, with final approval by Staff. Decorative pedestrian lighting shall be required throughout the development. Alley shall be private and maintained by the HOA.
9. Landscaping shall be required along both sides of the alley, as depicted on the landscape plan prepared by Frawley Associates, LLC, dated 9/29/22. Landscape areas along the alley shall be exclusive of utilities and easements, except that if Fulton County requires an unencumbered easement shrubs shall replace trees on one side of the street.
10. Developer shall provide a pedestrian connection, as depicted on the site plan prepared by Engineering 303, dated 9/9/22, through the development connecting the sidewalk on South Main Street to the nearby trail system in Wills Park. On-site pedestrian connection shall be open to the public, maintained by the HOA and include wayfinding signage, as approved by Staff. Pedestrian connection shall be eligible for impact fee credits, as approved by Staff.
11. Landscape strip along the west property line shall be planted as depicted on the easement planting plan, labeled Exhibit B, with final approval by Staff. A double row of evergreen trees and shrubs shall be planted along the east property line, as approved by Staff.
12. Project entrances shall include a decorative paver apron, landscaping, decorative wall and/or fencing with columns, as approved by DRB.
13. Open space shall be developed substantially similar to the site plan prepared by Engineering 303, dated 9/9/22, as approved by Staff. Open space shall be developed with a park-like setting with decorative landscape, hardscape and seating. Landscape shall include plant selections promoting the historic Downtown.
14. Creeping vines shall be planted to cover retaining and low walls, as approved by Staff.
15. Developer shall save trees as depicted on the site plan prepared by Engineering 303, dated 9/9/22. Tree saves shall be limited to trees in fair to good condition and with CRZ impacts of no more than 20% which may be subject to tree care, as approved by Staff.
16. Developer shall save additional trees of quality and/or tree groupings, as approved by Staff.

17. 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.

18. HVAC and similar equipment shall not be visible from the public right-of-way.

19. Stormwater management infrastructure may be placed underground within the private alley as depicted on the site plan prepared by Engineering 303, dated 9/9/22, with final approval by Staff. Stormwater facilities shall be indicated on the recorded final plat, clearly describing the underground facilities, their function, purpose, ownership, and granting access for inspection, maintenance and repair rights to the HOA and the City. Maintenance responsibilities shall be included in the recorded covenants with all costs to be borne by the HOA and homeowners of the development.

20. Garbage pickup shall be from within the development.

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

22. The above conditions of zoning shall replace the conditions related to file # Z-18-08/CU-18-07/V-18-13 The Porch Special Event Facility/Matilda's Outdoor Music Venue.

- The applicant, Wills Overlook, LLC, is requesting a change to conditions of zoning and a variance to allow for the construction of sixteen (16) 'For-Sale' townhomes on 2.24 acres in the Downtown. Variances are requested to allow an alley adjacent to Highway 9 without an intervening building and to modify the 5' landscape strip required along the west property line. The applicant proposes to save and restore the Earl Wood House, which is on the City's Historic Resources Inventory as a Contributing Historic Building. The subject property is located at 531 South Main Street near the northeast corner of Highway 9 (South Main Street) and Wills Road.
- The submitted request, if approved, would allow for the construction of sixteen (16) 'For-Sale' townhomes on 2.24 acres in the Downtown. The proposed density is 7.13 dwelling units per acre. Variances are requested to allow an alley adjacent to Highway 9 without an intervening building and to modify the 5â€™ landscape strip required along the west property line. The applicant proposes to save and restore the Earl Wood House, which is on the City's Historic Resources Inventory as a Contributing Historic Building. The subject property is located at 531 South Main Street near the northeast corner of Highway 9 (South Main Street) and Wills Road.
- The subject property is zoned to DT-MU (Downtown Mixed-Use) and is developed with the Earl Wood House, which is a two (2) story, 3,456 square foot former home currently being used as a retail establishment, The Porch on South Main. Surrounding properties are zoned SU (Special Use) to the north, C-1 (Neighborhood Commercial) to the west and south, and C-2 (General Commercial) to the south and east. Wills Park is located to the north, Waffle House to the west, Public Storage and a commercial strip center to the south, and Northfall Professional Park is located to the east. The comprehensive land use plan designation of the property is 'Mixed Use', which allows the proposed townhomes and density.
- The submitted site plan depicts sixteen (16), three (3) story 'For-Sale' townhomes and the Earl Wood House oriented to a new one-way alley with access from two (2) driveways off

South Main Street. The alley is depicted running parallel to South Main Street without an intervening building, which requires a variance. A detached garage is proposed to be added to the Earl Wood House. Townhome units are 26' wide and are setback approximately 60' on South Main Street. Minimum building setbacks comply with DT-MU development standards.

- The site plan accommodates the South Main Street GDOT improvements, which includes a ten-foot (10') sidewalk. The ten-foot (10') landscape strip is depicted along South Main Street with a decorative five-foot (5') fence with brick columns. The submitted landscape plan depicts heavy landscaping along both sides of the fence along South Main Street.
- Fourteen (14) on-street, guest parking spaces are provided along the alley. The Downtown Code requires 40 parking spaces for the proposed subdivision (2.5 parking spaces/unit), of which 82 parking spaces are provided on the site plan.
- Tree saves are depicted along the north and east property lines, as well as behind the Earl Wood House. Three (3) trees along South Main Street are impacted by GDOT's Highway 9 project.
- The site plan depicts underground stormwater infrastructure beneath the on-street parallel parking along the alley. In addition, there are two (2) rain gardens or flow wells depicted at the rear of the townhomes. The underground stormwater infrastructure would only obstruct access to the on-street parking spaces should maintenance be required.
- The submitted renderings depict three (3) story townhome buildings with a flat roof designed in the Neoclassical or Greek Revival styles. Townhomes are depicted with a brick exterior on the 1st floor and siding on the upper floors. According to the City's Downtown Consultant, the proposed renderings are generally consistent with the design regulations in the Downtown Overlay.
- Staff has reviewed the applicant's proposal against the established review criteria for a variance. The proposal is consistent with the Downtown Master Plan vision and future land use designation of the property, which is 'Mixed Use'. While surrounding properties are primarily developed with commercial uses, the area is envisioned to redevelop into a mixed-use environment with mixed-use and single use (residential and commercial) developments. The proposed density is consistent with densities approved on South Main Street and in the DT-MU zoning district. In addition, the proposal saves a historic resource and provides a desired public connection between South Main Street and Wills Park. There are exceptional conditions pertaining to the property due to its shallow depth, as well as the presence of a historic structure. The applicant provided an alternative site plan depicting the townhomes fronting South Main Street. The alternative plan impacts several trees in Wills Park, including removal of a specimen tree.
- 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.
- CZIM was held on August 10, 2022. There was one (1) public comment in support of the proposal.
- David Belle Isle (178 South Main Street, Suite 250, Alpharetta, GA 30009), came forward to speak on behalf of the applicant for this application.

Public Comments

- There were no public comments.

City Council Discussion

- Council Member Mitchell requested that the applicant add additional stone and brick to the façades.
- Mayor Pro Tem Merkel suggested for the Design Review Board to review the architecture.

❖ Mayor Pro Tem Merkel offered a motion approve PH-22-11 / V-22-24 / Wills Overlook, subject to the following conditions:

1. The site, consisting of approximately 2.24 acres, shall be zoned DT-MU and shall be developed substantially similar to site plan prepared by Engineering 303, dated 9/9/22, 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 prepared by Tracy Ward, dated 7/18/22, 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. Townhomes shall have 4-sided architecture, materials and details.
3. Earl Wood House shall be limited to a single-family detached home and shall be saved, restored, and designated under the City's Historic Preservation Incentive Ordinance. Restoration shall be completed by the 1st CO. Exterior modifications and additions to the historic structure, accessory structures, and walls and fencing shall be consistent with the architectural style of the Earl Wood House, subject to review by the City's Downtown Consultant and approval of a certificate of appropriateness by the Historic Preservation Commission.
4. Streetscape, including decorative fence with columns and landscaping, shall be developed substantially similar to the submitted renderings prepared by Tracy Ward, dated 7/18/22, with final approval by DRB. Pervious areas behind the decorative fence shall be landscaped with decorative and screening landscaping, with final approval by DRB.
5. Building height shall not exceed 3 stories.
6. Townhome orientation shall be permitted as depicted on the site plan prepared by Engineering 303, dated 9/9/22.
7. Landscape strip along South Main Street shall be planted with shade trees and ornamental shrubs 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.
8. Internal alley shall be developed as depicted on the site plan prepared by Engineering 303, dated 9/9/22, with final approval by Staff. Decorative pedestrian lighting shall be required throughout the development. Alley shall be private and maintained by the HOA.

9. Landscaping shall be required along both sides of the alley, as depicted on the landscape plan prepared by Frawley Associates, LLC, dated 9/29/22. Landscape areas along the alley shall be exclusive of utilities and easements, except that if Fulton County requires an unencumbered easement shrubs shall replace trees on one side of the street.
10. Developer shall provide a pedestrian connection, as depicted on the site plan prepared by Engineering 303, dated 9/9/22, through the development connecting the sidewalk on South Main Street to the nearby trail system in Wills Park. On-site pedestrian connection shall be open to the public, maintained by the HOA and include wayfinding signage, as approved by Staff. Pedestrian connection shall be eligible for impact fee credits, as approved by Staff.
11. Landscape strip along the west property line shall be planted as depicted on the easement planting plan, labeled Exhibit B, with final approval by Staff. A double row of evergreen trees and shrubs shall be planted along the east property line, as approved by Staff.
12. Project entrances shall include a decorative paver apron, landscaping, decorative wall and/or fencing with columns, as approved by DRB.
13. Open space shall be developed substantially similar to the site plan prepared by Engineering 303, dated 9/9/22, as approved by Staff. Open space shall be developed with a park-like setting with decorative landscape, hardscape and seating. Landscape shall include plant selections promoting the historic Downtown.
14. Creeping vines shall be planted to cover retaining and low walls, as approved by Staff.
15. Developer shall save trees as depicted on the site plan prepared by Engineering 303, dated 9/9/22. Tree saves shall be limited to trees in fair to good condition and with CRZ impacts of no more than 20% which may be subject to tree care, as approved by Staff.
16. Developer shall save additional trees of quality and/or tree groupings, as approved by Staff.
17. 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.
18. HVAC and similar equipment shall not be visible from the public right-of-way.
19. Stormwater management infrastructure may be placed underground within the private alley as depicted on the site plan prepared by Engineering 303, dated 9/9/22, with final approval by Staff. Stormwater facilities shall be indicated on the recorded final plat, clearly describing the underground facilities, their function, purpose, ownership, and granting access for inspection, maintenance and repair rights to the HOA and the City. Maintenance responsibilities shall be included in the recorded covenants with all costs to be borne by the HOA and homeowners of the development.
20. Garbage pickup shall be from within the development.
21. No more than 10% of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.

22. The above conditions of zoning shall replace the conditions related to file # Z-18-08/CU-18-07/V-18-13 The Porch Special Event Facility/Matilda's Outdoor Music Venue.
    - Council Member Binder seconded the motion.
    - The motion was approved (5-0-1; as Council Member Hipes recused himself from this item).

- Council Member Hipes rejoined the meeting before the next item.

B. MP-21-10 / Z-21-12 / CU-21-14 Continuum

Consideration of a master plan amendment, rezoning, conditional use and variances to allow for a mixed-use development consisting of 1,325,299 SF of office (517,399 SF is existing), 73,800 SF of retail/restaurant use, 98 'For-Sale' townhome units, 280 'For-Rent' units, and open space on 51.9 acres. A master plan amendment is requested to the Oxford Green Master Plan Phase 2 to modify maser plan development regulations and to add Dwelling, 'For-Rent', Residential and Dwelling, 'For-Sale' Attached. A rezoning is requested from O-I (Office-Institutional) to MU (mixed Use) and a conditional use is requested to allow 'Dwelling, 'For-Rent' Residential' and 'Dwelling, 'For-Sale' Attached'. Variances are requested to reduce the minimum percentage of commercial use, modify various landscape strip requirements, reduce stream impervious setback, and reduce parking. The property is located at 5555 Windward Parkway and is legally described as being located in Land Lots 1186, 1187, 1190 & 1191, 2nd District, 2nd Section, Fulton County, Georgia.

- Director of Community and Economic Development, Kathi Cook, came forward to speak on behalf of this item.
- This item was considered at the 10/6/2022 Planning Commission meeting. Staff recommended approval subject to 41 conditions. There were no public comments. After discussion, Planning Commission recommended approval subject to staff's recommended conditions and accepting the applicant's changes to conditions #6 and 20 (6-0).
- Staff is recommending that Mayor and Council approve MP-21-10 / Z-21-12 / CU-21-14 Continuum, subject to the following conditions:
    1. The 51.86-acre property shall be zoned MU and the site shall be developed substantially similar to the site plan by Kimley-Horn, dated 9/26/22, 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. Architectural style shall be representative of the submitted renderings, labeled Exhibit A, with final approval by DRB.
    3. Minimum percentage of commercial use shall be 4%.
    4. Development regulations shall be as follows (The entitlements below shall be deducted from the Oxford Green Phase 2 Master Plan non-residential density, including an exchange rate of 800 square feet of non-residential density for each residential unit):

a. Office – Office use shall be limited to no more than 1,325,299 square feet, which shall include the existing 517,399 square foot office building. Building heights shall be limited to no more than 8 stories.

b. Commercial – Retail uses shall be limited to no more than 36,900 square feet and restaurant use shall be limited to no more than 36,900 square feet. Retail uses shall be limited to service retail incidental to office and residential. Retail buildings shall have a minimum height of 2 stories and no more than 3 stories.

c. 'For-Sale' Residential – Up to 98 'Dwelling, 'For-Sale' Townhomes shall be permitted in up to 4 story buildings. No more than 10% shall be rented as stated in the HOA documents.

d. 'For-Rent' Residential – After January 1, 2024, 280 'Dwelling, 'For-Rent' units shall be permitted a Certificate of Occupancy in accordance with UDC 'For-Rent' requirements. At-grade 'For-Rent' units shall be limited to no more than 3 sides of the building and shall have walkouts with sidewalk connections. Maximum building height shall be 6 stories. Units shall be studio, 1, 2, and 3 bedrooms with no more than 30% of the units being 2-bedroom and no more than 5% being 3-bedroom. 'For-Rent' units shall be constructed concurrently with a minimum 193,200 square feet of office use, which may include the rehabilitation of the existing office building. A Certificate of Occupancy shall not be issued for rental units until 193,200 square feet of office has been constructed/rehabilitated or is substantially under construction/rehab as determined by Staff. The 'For-Rent' units shall be part of a mixed-use development containing a minimum 50 acres and incorporating retail/restaurant, 'For-Sale' residential, neighborhood grocery and a minimum of 193,200 square feet of office. 'For-Rent' units shall have first class amenities, which shall include a private pool, fitness center, secure gated parking, resident's lounge, business center, on-site management office, concierge services and secure elevator access. If a building permit is not issued by October 17, 2025 residential units shall revert to 'For-Sale' only.

e. Parking Decks – Maximum 8 levels, substantially as depicted on the site plan prepared by Kimley-Horn, dated 9/26/22, except that parking deck height shall not exceed the finished height of the building it serves. Parking decks visible from Windward Parkway, Westside Parkway and Georgia 400 shall be treated with comparable materials and finishes as the buildings they serve. Screening of parking decks with evergreen landscaping of sufficient size shall be required, as approved by Staff. Suitability of parking deck elevation, visibility and landscape screening shall be approved by the DRB.

5. Oxford Green Phase 2 shall be limited to the following uses and further restricted by conditions of zoning:

   a. Office/Research & Development

   b. Service Retail

   c. Restaurant (no drive thru)

d. Residential – 'For-Sale' and 'For-Rent'

6. Service retail uses shall be those customarily accessory to or amenities for office and residential use, restricted to the following:
    a. Art Gallery
    b. Bakery
    c. Bank, Financial Services
    d. Barber Shop/Beauty Shop
    e. Book Store
    f. Brewery
    g. Clinic (subject to conditional use)
    h. Computer Supply Store
    i. Copy Center/Print Shop
    j. Day Care
    k. Drug Store (not to exceed 2,000 SF)
    l. Dry Cleaning Pick-up Station
    m. Fitness Studio
    n. Florist, Retail without Greenhouse
    o. Nail Salon
    p. Neighborhood Grocery (min. 3,000 SF)
    q. Office Supply Store (not to exceed 2,000 SF)
    r. Package Shipping Store
    s. Pet Day Care
    t. Pet Grooming
    u. Restaurant (no drive-thru)
    v. Retail Sales and Services Establishment
    w. Shop or Studio, Craftsman/Artist
    x. School, Commercial
7. Minimum building setbacks shall be 20' on Windward Parkway and Westside Parkway. Side and rear setbacks shall be 10' and shall be in addition to required buffers. Building setbacks along internal streets shall be 10' for the 1st 60' of building height and 20' for buildings over 60'.
8. Minimum parking requirements shall be as depicted on the site plan and parking study prepared by Kimley-Horn, dated 9/26/22 and 9/28/22, respectively. Developer shall construct the parking deck on Parcel I to allow for the addition of a 7th level in order to accommodate an additional 273 parking spaces. If the City

identifies a parking problem, developer shall construct the additional level of parking.

9. Developer shall expand the sidewalk along Westside Parkway to 8'.
10. New internal streets shall be substantially similar to the submitted Proposed Streetscape Plan, dated September 2022, including a reduction of the landscape strip along retail storefront streets from 10' to 0'. Retail storefront streets shall include landscaping in foundation planters and/or large planted decorative pots, as approved by DRB.
11. Pedestrian bridges, stairs, elevators and escalators may encroach over and into public spaces provided that they do not impede pedestrian circulation or safety.
12. Healthy trees shall be saved in the clouded areas depicted on the site plan prepared by Kimley-Horn, dated 9/26/22, with final approval by Staff. Tree removal in clouded areas shall be limited to dead, dying or unhealthy trees or for the installation of improvements such as trails and sidewalks, as approved by Staff.
13. Developer shall make reasonable efforts to save additional specimen trees, tree groupings and trees of quality, as approved by Staff.
14. Existing landscape strip trees along Westside Parkway and Windward Parkway, determined to be in good condition and depicted to be removed, shall be spaded and relocated on-site, as approved by Staff.
15. Minimum 16.04 acres of open space shall be provided which shall include a minimum 5.186 acres of civic space.
16. At-grade pedestrian and bicycle connections shall be provided throughout the site, including between buildings and open space within the development and across Windward Parkway. Pedestrian crossings within the development shall be ramped and surface materials shall be brick pavers, cobblestones or architecturally treated concrete, as approved by Staff. Bicycle facilities shall be provided throughout the development, including a bicycle-share station.
17. Detention facilities shall not be visible from the public right-of-way, except as a decorative water feature, as approved by Staff.
18. Main entrances off Windward Parkway and Westside Parkway, as well as the corner of Westside Parkway and Windward Parkway shall include minimum 2,500 square foot of open space and shall incorporate a water feature, sculpture or similar focal point feature, as approved by the Cultural Arts Commission (CAC) and installed prior to 1st CO. Minimum 6 monuments/murals/sculptures shall be provided at prominent locations throughout the development, with unique monuments/murals/sculptures approved by the CAC. Approval and construction of at least 1 monument/mural/sculpture shall be required concurrent with the first CO for the 'For-Rent' building. A minimum of 1 additional monument/mural/sculpture shall be required concurrent with the CO for each subsequent phase of development. All sculptures shall be required prior to final CO issued for the last building constructed.
19. Parking decks and retaining walls shall receive architectural façade treatment or be heavily landscaped. Retaining walls visible from developed areas exceeding

16' in height shall be terraced. In areas where the parking decks are visible to the public, the decks shall be screened by over-sized landscaping (18' – 20' trees) or materials approved by DRB.

20. Developer shall provide bicycle racks, benches, trash receptacles, decorative crosswalks, planters, kiosks and other street furniture, where appropriate, throughout the development. A bus drop-off shelter shall be provided along Windward Parkway, if approved by MARTA. Developer shall work in good faith with MARTA to add the development to city bus routes in order to assist with transportation service for employees and will work with MARTA to explore consolidation of the 2 bus stops on the Windward Parkway frontage.
21. Prior to LDP, the applicant shall submit for approval a document to be entitled 'Continuum Design Standards'. This document shall include elevations or architectural themes of buildings, specifications for street furniture including benches, trash receptacles, lighting, fountains, bicycle racks, bus shelter, signage, landscaping themes, entrance treatments, and focal point features and shall be substantially similar to the submitted renderings, as amended. Design standards will be presented to Staff and the DRB for review and approval.
22. Plans for buildings, landscaping and signage (in the form of a 'sign package') shall be subject to review and approval by the DRB.
23. Backside of buildings or 'back of house' functions (such as loading or dumpster area) shall not be visible from the public right-of-way. Parapet walls shall be used as needed to screen rooftop mechanical equipment and views.
24. At least 1 rooftop amenity shall be required within the development. Restaurants shall include outdoor dining areas.
25. Streets within the development shall be private and shall include a planted median at the main entrances off Windward Parkway and Westside Parkway, with sufficient space for tree plantings. Developer shall be responsible for the maintenance of medians within the development site. Planting and maintenance shall be in accordance with a plan approved by Staff.
26. Prior to the first LDP, applicant shall submit a revised master plan for the property incorporating the approved conditions, as well as the following:
    a. Approved specifications and standards identified for each use within the total development;
    b. Pedestrian/bicycle network; and
    c. Overall planned green space areas.
27. Every plan submitted for an LDP shall include an on-going density, open space and acreage tabulation.
28. All site plans and civil design plans hereafter submitted to the City of Alpharetta shall state as the first note: "This plan reflects conditions stipulated through public hearing regarding case MP-21-10 / Z-21-12 / CU-21-14 / V-21-29 Continuum/Oxford Green"

29. In order to obscure parking lots, surface parking shall be screened from Windward Parkway and Westside Parkway with architectural features and/or landscaping, with final approval by DRB.

30. A 20' landscape strip planted with trees and shrubs shall be provided along Windward Parkway and Westside Parkway, except that the landscape strip along Windward Parkway shall be reduced to 17' for a length of approximately 46', as depicted in the site plan prepared by Kimley-Horn, dated 9/26/22.

31. Minimum 10' planted buffer and setback shall be provided along the south property line, as depicted on the site plan by Kimley-Horn, dated 9/26/22.

32. Provide detailed street planting for Windward Parkway, Westside Parkway and new private streets. Landscape plan shall be approved prior to issuance of a LDP and shall retain the current mature street trees, except at curb cuts along Windward Parkway and Westside Parkway, as approved by Staff.

33. Parking lot islands shall be planted with trees, shrubs and ground covers. Provide sufficient green space to screen parking decks.

34. To mitigate stream impervious setback impacts, developer shall remove existing encroachments and comply with one or a combination of the following measures, as approved by Staff:

    a. Provide 50% additional runoff reduction or water quality volume above the standard city requirements.

    b. Provide buffer enhancement on an agreed upon area equal to at least 2 times the area of encroachment /impact. These can include, removing fallen trees from inside the stream bed that are impeding flow, plant eroded or sparsely vegetated areas of stream banks with live stakes, add enhanced buffer plantings where sparsely vegetated, and remove invasive vines.

    c. Obtain any necessary state and federal approvals for the stream and buffer impacts.

    d. Or alternative mitigation measures, as approved by Staff.

General Conditions of Approval to GRTA Notice of Decision (The following are conditions recommended by the Georgia Regional Transportation Authority and incorporated into a document, dated February 3, 2022, RE: DRI 3508 – Continuum Alpharetta.):

Pedestrian, Bicycle and Transit Facilities

35. Provide pedestrian connectivity between all buildings and uses within the project site.

36. Connect sidewalks along Driveway C and Driveway D into the site, providing a direct connection for the MARTA bus shelter located here to access the site.

37. Construct sidewalks at the Future Transit Stop listed on the site plan to have a direct entrance into the site.

Pedestrian, Bicycle and Transit Facilities Roadway and Access Improvements
Westside Parkway at Site Driveway A:

38. Construct one (1) exclusive westbound right-turn lane exiting Site Driveway A.

Windward Parkway at Site Driveway B:

39. Extend the westbound left-turn land along Windward Parkway entering the site by up to 550 feet and provide a flashing yellow arrow permissive/protected phase.

40. Construct one (1) additional northbound left-turn lane with a flashing yellow permissive/protected phase and one (1) additional northbound right-turn lane exiting Site Driveway B.

41. Provide a northbound right-turn overlap phase exiting the site.

- The submitted request, if approved, would allow for the construction of a 51.86-acre mixed-use development consisting of 1,325,299 square feet of office (517,399 square feet existing), 73,800 square feet of retail/restaurant use, 98 'For-Sale' townhome units and 280 'For-Rent' units. The proposed density is 7.29 dwelling units per acre. A master plan amendment is requested to Phase 2 of the Oxford Green Master Plan and a rezoning is requested from O-I (Office-Institutional) to MU (Mixed Use). A conditional use is requested to allow 'Dwelling, 'For-Rent' and 'Dwelling, 'For-Sale', Attached' and variances are requested to reduce parking, reduce minimum commercial percentage, reduce landscape strips along new internal streets, reduce the landscape strip along Windward Parkway and allow utilities and easements in the landscape strip, eliminate an internal property line landscape strip along the south property line, and reduce impervious setbacks associated with a stream. The property is located at 5555 Windward Parkway at the southeast corner of Windward Parkway and Westside Parkway.
- The property is developed with two (2), connected office buildings, consisting of 517,399 square feet, and a sixteen (16) acre surface parking lot. The property is zoned O-I (Office-Institutional) subject to the Oxford Green Master Plan Phase 2. Surrounding properties are zoned O-I to the east, south and west and C-1 (Neighborhood Commercial) and C-2 (General Commercial) to the north. The Plaza at Windward shopping center is located to the north, Cabernet Steakhouse, Hyatt Place and Georgia 400 are located to the east, a data center is located to the south, and a retail shopping center, Residence Inn by Marriott and office park are located to the west. The property has a comprehensive land use plan designation of 'Mixed Use'.
- The submitted site plan depicts an existing office building (517,399 square feet) to remain with two (2) story office over retail buildings at the corner of Windward Parkway and Westside Parkway. The existing office building is proposed to be split into two (2) buildings with a pedestrian breezeway. Three (3) office buildings with structured parking, representing 807,900 square feet, are proposed on the east side of the property and have building heights ranging from six (6) to eight (8) stories. A 'For-Rent' building with first floor active uses and structured parking is located at the center of the property and is proposed to be up to six (6) stories. Also at the center of the property is the village green, which includes several smaller buildings with retail and office uses with building heights up to three (3) stories. A six (6) level freestanding parking deck is depicted at the south entrance to the development off Westside Parkway and an eight (8) level freestanding parking deck is depicted near the middle entrance off Windward Parkway. 98, three (3) story 'For-Sale'

townhomes are depicted on the south end of the property. The mixed-use development is proposed to have approximately 69% office, 27% residential, and four (4%) commercial. A variance is requested to reduce the minimum percentage of commercial use from ten percent (10%) to four percent (4%). 'For-Sale' residential use represents approximately 26% of the total residential proposed.

- The existing office buildings are setback approximately 72' from Windward Parkway and 130' from Westside Parkway.
- Applicant requests a 25% shared parking reduction (variance).
- The applicant's site plan calls out 16.04 acres, or 31% open space.
- According to the applicant, clouded areas depicted on the applicant's site plan are tree save areas. If approved, healthy trees should be saved in these areas, except to allow for the improvement of trails and sidewalks. A potential stormwater management area is depicted under the parking deck in the southwest corner of the property, as well as a few bioretention areas throughout the development.
- Careful consideration should be given to maintaining a balance between 'For-Rent' versus 'For-Sale' product in the City. The Horizon 2040 Comprehensive Land Use Plan identifies the following housing policy as it relates to maintaining a balance between owner-occupied and renter-occupied housing in the City: Housing Policy 2: Maintain a balance between 'owner-occupied' and 'renter-occupied' in Alpharetta such that at least 68% of the housing stock is 'owner-occupied'.
- Office space already exists on the property and high-density housing should be tied to office space where jobs exist and are created, and service uses are available to limit vehicular trips. The existing 517,399 square feet of existing office and 807,900 square feet of new office would generate approximately 5,300 employees (1 employee per 250 square feet) to support the proposed mixed-use development. Office space already exists on the property and high-density housing should be tied to office space where jobs exist and are created, and service uses are available to limit vehicular trips. The existing 517,399 square feet of existing office and 807,900 square feet of new office would generate approximately 5,300 employees (1 employee per 250 square feet) to support the proposed mixed-use development.
- While the minimum 68% 'owner-occupied' housing policy is included in the Horizon 2040 Comprehensive Plan, the annual target recommendation is not an approved City policy.
- The applicant proposes 280 'For-Rent' units to be completed in one (1) phase of development.
- Based on the total figure for all school levels, it can be assumed that the proposed development could house approximately 25 – 195 school age children. Alpharetta High School may exceed capacity with the applicant's development.
- Staff reviewed the applicant's proposal against the established review criteria for a master plan amendment, rezoning, conditional use and variances. The proposal is consistent with the future land use designation of the property and will compliment surrounding properties which are primarily developed as office parks and a commercial corridor. The Oxford Green Master Plan has an available un-used non-residential entitlement of approximately 1.5 million square feet, of which the applicant's proposal would use approximately 1.2

million square feet. Also, the proposed mixed-use development is appropriately located in close proximity to the Georgia 400 interchange at Windward Parkway.

- The conditional use request to allow 'Dwelling, 'For-Rent' use is consistent with the City's housing policy to maintain a housing balance of at least 68% owner-occupied housing units. The City's Rental Housing Study indicates that the City is moving toward its housing policy at the projected rate in previous rental studies. The 2020 American Community Survey 5-year estimate (2016 – 2020) has the City at 67.7% owner-occupied housing.
- In addition, the applicant proposes 26% of the residential units to be 'For-Sale' product. If approved, a condition is recommended limiting a Certificate of Occupancy (CO) for the 'For-Rent' building until 2024.
- The proposed development incorporates existing office buildings, which limits the site layout. Additional commercial use is not warranted given the properties' location on a thriving commercial corridor. In addition, pedestrian hardscape areas typically take the place of landscape strips along retail storefront streets. The requested shared parking reduction is based on a sound methodology that is supported by Staff and the developer has made accommodations for a flex parking deck that can accommodate an additional level of parking and up to 273 parking spaces, if a parking problem is identified.
- The report submitted by the applicant states that letters were mailed to each property owner within 500' of the subject property stating the applicant's intent. The applicant also contacted the Windward Community Services Association (WCSA) to provide notification of the proposed public hearing request. The report states that no comments were received.
- CZIM was held on December 8, 2021. There was one (1) public comment with questions regarding parking and traffic.
- Julie Sellers (1776 Peachtree Street, Suite 415-S, Atlanta, GA 30309) came forward to speak on behalf of the applicant for this application.

Public Comments:

- There were no public comments.

City Council Discussion:

- Council Member Hipes asked whether or not the intention was to build 98 townhomes (due to the language of "up to" in Condition #4(c)).
    - The applicant shared that yes, and they would have liked to have built more, but for the City's code requirements of garage and driveway sizes.
- Council Member Mitchell asked whether the properties will be maintained by this holding company or sold off and asked the applicant to go through the character of the development.
    - The applicant shared that they will stay on as owner (hospitality is a big part of their business).

- Mayor Pro Tem Merkel offered a motion approve MP-21-10 / Z-21-12 / CU-21-14 Continuum, subject to the following conditions:

    1. The 51.86-acre property shall be zoned MU and the site shall be developed substantially similar to the site plan by Kimley-Horn, dated 9/26/22, 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. Architectural style shall be representative of the submitted renderings, labeled Exhibit A, with final approval by DRB.
    3. Minimum percentage of commercial use shall be 4%.
    4. Development regulations shall be as follows (The entitlements below shall be deducted from the Oxford Green Phase 2 Master Plan non-residential density, including an exchange rate of 800 square feet of non-residential density for each residential unit):
        a. Office – Office use shall be limited to no more than 1,325,299 square feet, which shall include the existing 517,399 square foot office building. Building heights shall be limited to no more than 8 stories.
        b. Commercial – Retail uses shall be limited to no more than 36,900 square feet and restaurant use shall be limited to no more than 36,900 square feet. Retail uses shall be limited to service retail incidental to office and residential. Retail buildings shall have a minimum height of 2 stories and no more than 3 stories.
        c. 'For-Sale' Residential – Up to 98 'Dwelling, 'For-Sale' Townhomes shall be permitted in up to 4 story buildings. No more than 10% shall be rented as stated in the HOA documents.
        d. 'For-Rent' Residential – After January 1, 2024, 280 'Dwelling, 'For-Rent' units shall be permitted a Certificate of Occupancy in accordance with UDC 'For-Rent' requirements. At-grade 'For-Rent' units shall be limited to no more than 3 sides of the building and shall have walkouts with sidewalk connections. Maximum building height shall be 6 stories. Units shall be studio, 1, 2, and 3 bedrooms with no more than 30% of the units being 2-bedroom and no more than 5% being 3-bedroom. 'For-Rent' units shall be constructed concurrently with a minimum 193,200 square feet of office use, which may include the rehabilitation of the existing office building. A Certificate of Occupancy shall not be issued for rental units until 193,200 square feet of office has been constructed/rehabilitated or is substantially under construction/rehab as determined by Staff. The 'For-Rent' units shall be part of a mixed-use development containing a minimum 50 acres and incorporating retail/restaurant, 'For-Sale' residential, neighborhood grocery and a minimum of 193,200 square feet of office. 'For-Rent' units shall have first class amenities, which shall include a private pool, fitness center, secure gated parking, resident's lounge, business center, on-site management office, concierge services and secure elevator access. If a building permit is

not issued by October 17, 2025 residential units shall revert to 'For-Sale' only.

e. Parking Decks – Maximum 8 levels, substantially as depicted on the site plan prepared by Kimley-Horn, dated 9/26/22, except that parking deck height shall not exceed the finished height of the building it serves. Parking decks visible from Windward Parkway, Westside Parkway and Georgia 400 shall be treated with comparable materials and finishes as the buildings they serve. Screening of parking decks with evergreen landscaping of sufficient size shall be required, as approved by Staff. Suitability of parking deck elevation, visibility and landscape screening shall be approved by the DRB.

5. Oxford Green Phase 2 shall be limited to the following uses and further restricted by conditions of zoning:
   a. Office/Research & Development
   b. Service Retail
   c. Restaurant (no drive thru)
   d. Residential – 'For-Sale' and 'For-Rent'
6. Service retail uses shall be those customarily accessory to or amenities for office and residential use, restricted to the following:
   a. Art Gallery
   b. Bakery
   c. Bank, Financial Services
   d. Barber Shop/Beauty Shop
   e. Book Store
   f. Brewery
   g. Clinic (subject to conditional use)
   h. Computer Supply Store
   i. Copy Center/Print Shop
   j. Day Care
   k. Drug Store (not to exceed 2,000 SF)
   l. Dry Cleaning Pick-up Station
   m. Fitness Studio
   n. Florist, Retail without Greenhouse
   o. Nail Salon
   p. Neighborhood Grocery (min. 3,000 SF)
   q. Office Supply Store (not to exceed 2,000 SF)
   r. Package Shipping Store
   s. Pet Day Care

t. Pet Grooming

u. Restaurant (no drive-thru)

v. Retail Sales and Services Establishment

w. Shop or Studio, Craftsman/Artist

x. School, Commercial

7. Minimum building setbacks shall be 20' on Windward Parkway and Westside Parkway. Side and rear setbacks shall be 10' and shall be in addition to required buffers. Building setbacks along internal streets shall be 10' for the 1st 60' of building height and 20' for buildings over 60'.

8. Minimum parking requirements shall be as depicted on the site plan and parking study prepared by Kimley-Horn, dated 9/26/22 and 9/28/22, respectively. Developer shall construct the parking deck on Parcel I to allow for the addition of a 7th level in order to accommodate an additional 273 parking spaces. If the City identifies a parking problem, developer shall construct the additional level of parking.

9. Developer shall expand the sidewalk along Westside Parkway to 8'.

10. New internal streets shall be substantially similar to the submitted Proposed Streetscape Plan, dated September 2022, including a reduction of the landscape strip along retail storefront streets from 10' to 0'. Retail storefront streets shall include landscaping in foundation planters and/or large planted decorative pots, as approved by DRB.

11. Pedestrian bridges, stairs, elevators and escalators may encroach over and into public spaces provided that they do not impede pedestrian circulation or safety.

12. Healthy trees shall be saved in the clouded areas depicted on the site plan prepared by Kimley-Horn, dated 9/26/22, with final approval by Staff. Tree removal in clouded areas shall be limited to dead, dying or unhealthy trees or for the installation of improvements such as trails and sidewalks, as approved by Staff.

13. Developer shall make reasonable efforts to save additional specimen trees, tree groupings and trees of quality, as approved by Staff.

14. Existing landscape strip trees along Westside Parkway and Windward Parkway, determined to be in good condition and depicted to be removed, shall be spaded and relocated on-site, as approved by Staff.

15. Minimum 16.04 acres of open space shall be provided which shall include a minimum 5.186 acres of civic space.

16. At-grade pedestrian and bicycle connections shall be provided throughout the site, including between buildings and open space within the development and across Windward Parkway. Pedestrian crossings within the development shall be ramped and surface materials shall be brick pavers, cobblestones or architecturally treated concrete, as approved by Staff. Bicycle facilities shall be provided throughout the development, including a bicycle-share station.

17. Detention facilities shall not be visible from the public right-of-way, except as a decorative water feature, as approved by Staff.

18. Main entrances off Windward Parkway and Westside Parkway, as well as the corner of Westside Parkway and Windward Parkway shall include minimum 2,500 square foot of open space and shall incorporate a water feature, sculpture or similar focal point feature, as approved by the Cultural Arts Commission (CAC) and installed prior to 1st CO. Minimum 6 monuments/murals/sculptures shall be provided at prominent locations throughout the development, with unique monuments/murals/sculptures approved by the CAC. Approval and construction of at least 1 monument/mural/sculpture shall be required concurrent with the first CO for the 'For-Rent' building. A minimum of 1 additional monument/mural/sculpture shall be required concurrent with the CO for each subsequent phase of development. All sculptures shall be required prior to final CO issued for the last building constructed.

19. Parking decks and retaining walls shall receive architectural façade treatment or be heavily landscaped. Retaining walls visible from developed areas exceeding 16' in height shall be terraced. In areas where the parking decks are visible to the public, the decks shall be screened by over-sized landscaping (18' – 20' trees) or materials approved by DRB.

20. Developer shall provide bicycle racks, benches, trash receptacles, decorative crosswalks, planters, kiosks and other street furniture, where appropriate, throughout the development. A bus drop-off shelter shall be provided along Windward Parkway, if approved by MARTA. Developer shall work in good faith with MARTA to add the development to city bus routes in order to assist with transportation service for employees and will work with MARTA to explore consolidation of the 2 bus stops on the Windward Parkway frontage.

21. Prior to LDP, the applicant shall submit for approval a document to be entitled 'Continuum Design Standards'. This document shall include elevations or architectural themes of buildings, specifications for street furniture including benches, trash receptacles, lighting, fountains, bicycle racks, bus shelter, signage, landscaping themes, entrance treatments, and focal point features and shall be substantially similar to the submitted renderings, as amended. Design standards will be presented to Staff and the DRB for review and approval.

22. Plans for buildings, landscaping and signage (in the form of a 'sign package') shall be subject to review and approval by the DRB.

23. Backside of buildings or 'back of house' functions (such as loading or dumpster area) shall not be visible from the public right-of-way. Parapet walls shall be used as needed to screen rooftop mechanical equipment and views.

24. At least 1 rooftop amenity shall be required within the development. Restaurants shall include outdoor dining areas.

25. Streets within the development shall be private and shall include a planted median at the main entrances off Windward Parkway and Westside Parkway, with sufficient space for tree plantings. Developer shall be responsible for the

maintenance of medians within the development site. Planting and maintenance shall be in accordance with a plan approved by Staff.

26. Prior to the first LDP, applicant shall submit a revised master plan for the property incorporating the approved conditions, as well as the following:
    a. Approved specifications and standards identified for each use within the total development;
    b. Pedestrian/bicycle network; and
    c. Overall planned green space areas.
27. Every plan submitted for an LDP shall include an on-going density, open space and acreage tabulation.
28. All site plans and civil design plans hereafter submitted to the City of Alpharetta shall state as the first note: "This plan reflects conditions stipulated through public hearing regarding case MP-21-10 / Z-21-12 / CU-21-14 / V-21-29 Continuum/Oxford Green"
29. In order to obscure parking lots, surface parking shall be screened from Windward Parkway and Westside Parkway with architectural features and/or landscaping, with final approval by DRB.
30. A 20' landscape strip planted with trees and shrubs shall be provided along Windward Parkway and Westside Parkway, except that the landscape strip along Windward Parkway shall be reduced to 17' for a length of approximately 46', as depicted in the site plan prepared by Kimley-Horn, dated 9/26/22.
31. Minimum 10' planted buffer and setback shall be provided along the south property line, as depicted on the site plan by Kimley-Horn, dated 9/26/22.
32. Provide detailed street planting for Windward Parkway, Westside Parkway and new private streets. Landscape plan shall be approved prior to issuance of a LDP and shall retain the current mature street trees, except at curb cuts along Windward Parkway and Westside Parkway, as approved by Staff.
33. Parking lot islands shall be planted with trees, shrubs and ground covers. Provide sufficient green space to screen parking decks.
34. To mitigate stream impervious setback impacts, developer shall remove existing encroachments and comply with one or a combination of the following measures, as approved by Staff:
    a. Provide 50% additional runoff reduction or water quality volume above the standard city requirements.
    b. Provide buffer enhancement on an agreed upon area equal to at least 2 times the area of encroachment /impact. These can include, removing fallen trees from inside the stream bed that are impeding flow, plant eroded or sparsely vegetated areas of stream banks with live stakes, add enhanced buffer plantings where sparsely vegetated, and remove invasive vines.
    c. Obtain any necessary state and federal approvals for the stream and buffer impacts.

d. Or alternative mitigation measures, as approved by Staff.

General Conditions of Approval to GRTA Notice of Decision (The following are conditions recommended by the Georgia Regional Transportation Authority and incorporated into a document, dated February 3, 2022, RE: DRI 3508 – Continuum Alpharetta.):

Pedestrian, Bicycle and Transit Facilities

35. Provide pedestrian connectivity between all buildings and uses within the project site.
36. Connect sidewalks along Driveway C and Driveway D into the site, providing a direct connection for the MARTA bus shelter located here to access the site.
37. Construct sidewalks at the Future Transit Stop listed on the site plan to have a direct entrance into the site.

Pedestrian, Bicycle and Transit Facilities Roadway and Access Improvements
Westside Parkway at Site Driveway A:

38. Construct one (1) exclusive westbound right-turn lane exiting Site Driveway A.

Windward Parkway at Site Driveway B:

39. Extend the westbound left-turn land along Windward Parkway entering the site by up to 550 feet and provide a flashing yellow arrow permissive/protected phase.
40. Construct one (1) additional northbound left-turn lane with a flashing yellow permissive/protected phase and one (1) additional northbound right-turn lane exiting Site Driveway B.
41. Provide a northbound right-turn overlap phase exiting the site.

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

6. NEW BUSINESS

A. Resolution: Authorizing the Use of Eminent Domain for Property Owned by BRI 1870 North Point, LLC for the Construction and Extension of the Encore Greenway Trail

Approval of a Resolution by the Mayor and Council of the City of Alpharetta, Georgia authorizing the City Attorney to exercise the City's powers of eminent domain to acquire certain interests in property situated in the City of Alpharetta, Georgia for public purposes including public transportation purposes.

- City Attorney, Molly Esswein, came forward and shared that she would like for Mayor and Council to address this item after the Executive Session.
- Mayor Gilvin announced that he will amend the agenda to address this item after the Executive Session has concluded.

B. RFP 21-104 North Point Parkway Improvements Design Phase: Task Order #2 for Columbia Engineering and Task Order #2 for Atkins

Approval of RFP 21-104 North Point Parkway Improvements Task Order #2 to Columbia Engineering for design services in the amount of $1,436,400 for Purchase Order 22000078, approval of RFP 21-104 North Point Parkway Improvements Task Order # 2 to

Atkins for project management services in the amount of $350,000 for Purchase Order 21000296 and authorization for the Mayor to execute all necessary documents.

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- Staff is recommending that Mayor and Council approve the following services in connection with the North Point Parkway Corridor improvement Project: Task Order #2 to Columbia Engineering in the amount of $1,436,400 (Purchase Order 22000078) for design services; Task Order #2 to Purchase Order 21000296 for Atkins in the amount of $350,000 for project management services; and authorize the Mayor to execute all necessary documents.
- On June 21,2021, Council awarded RFP 21-104 to Columbia Engineering and allocated funds in the amount of $2,000,000 in association with the North Point Parkway Low Impact Development Streetscape Enhancements and Complete Streets Upgrade. The funding consisted of $1.6M in Federal Funds, through the Atlanta Regional Commission (ARC), to be placed towards the design of the project, and a City match of 20% ($400,000) to cover any additional costs associated with design, right of way, and program management.
- The City of Alpharetta then negotiated with the top ranked firm, Columbia, to arrive at the $2 million not to exceed amount approved by City Council and reflected in the contract with Columbia. Task Order No. 1 was authorized by the Community Development Department for $951,900 leaving a balance of $1,048,100 for the remaining tasks outlined in the contract. Due to various circumstances in scope changes, etc. described in more detail below, the proposed cost for Task Order no. 2 of $1,436,400 exceeds the remaining contract balance by $388,300.
- Additionally, due to some of the same circumstances attributable to the increase in Columbia's contract, Atkins is requesting Task Order no. 2 in the amount of $350,000. This amount is consistent with the projected hours for the project and the rates authorized by the existing contract with Atkins. The total request before Council is $738,300 which is available in the TSPLOST project account for North Point Parkway Improvements.
- Over the last year, working with Community Development, the team developed concept plans to reduce vehicular lanes from six to four as well as increase the planting strip from two feet to a minimum of six feet, increase the sidewalk from four/five feet to twelve feet, install green infrastructure elements, and add improved lighting and landscape throughout the corridor from Mansell Road to Haynes Bridge Road.
- Once the project is ready for the ROW/easement acquisition phase, Public Works will present a future task order to Council for approval once we know which parcels the City needs to obtain right of way and or easements from.

Public Comments:

- There were no public comments.

City Council Discussion:

- Council Member Binder asked about the status of funding, due to the pending LOST negotiations with Fulton County.

- ❖ Council Member DeRito offered a motion to approve the following services in connection with the North Point Parkway Corridor improvement Project: Task Order #2 to Columbia Engineering in the amount of $1,436,400 (Purchase Order 22000078) for design services; Task Order #2 to Purchase Order 21000296 for Atkins in the amount of $350,000 for project management services; and authorize the Mayor to execute all necessary documents.
  - Mayor Pro Tem Merkel seconded the motion.
  - The motion was approved unanimously (6-0).

C. Design Services – Alpha Loop Along Northwinds Parkway

Approval of a cost proposal submitted by KCI Technologies in the amount of $75,400.00 to perform design services associated with the Alpha Loop along Northwinds Parkway from Summit Place to Haynes Bridge Road and authorization for the Mayor to execute all necessary documents.

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- Staff is recommending that Mayor and Council approve KCI Technologies cost proposal in the amount of $75,400.00 to perform design services associated with the Alpha Loop along Northwinds Parkway from Summit Place to Haynes Bridge Road, and authorize the Mayor to execute all necessary documents.
- On August 1, 2022, City Council demonstrated their continued support of the Alpha Loop by awarding over $15M towards the continuation of the Alpha Loop from the Chelsea Walk Subdivision along the back side of the North Winds office development, under Westside Parkway, and ultimately connecting to the existing HAWK Crosswalk along Northwinds Parkway. From there, the Alpha Loop traverses through the Northwinds Summit Development (currently installed) and stops at the intersection of Summit Place and Haynes Bridge Road. The section through Northwinds Summit has already been constructed.
- Community Development is working with consultants to develop concepts for navigating the Alpha Loop through Downtown and how best to cross Old Milton Parkway by the Post Office (Kingry Lane).
- The North Fulton Community Improvement District recently awarded the design of the Alpha Loop Tunnel under Hyanes Bridge Road near Summit Place to KCI Technologies. KCI Technologies' scope of work consists of designing a tunnel under Haynes Bridge Road and extending the Alpha Loop along Haynes Bridge Road to Northwinds Parkway.
- The current concept design of the Alpha Loop Tunnel under Haynes Bridge Road requires a set of staircases near the intersection of Summit Place.
- Ingressing and egressing the tunnel via stairs requires individuals to step off of their bike and walk down/up the stairs and utilize a bike ramp
- A goal of the NFCID team was to have access to the tunnel to meet ADA guidelines, specifically by maintaining the sidewalk grade at or below 5%. The challenge of accessing the tunnel is that there is a 17' grade change from the elevation of Haynes Bridge Road to the access point of the tunnel on the north side of Haynes Bridge Road. The only way to accomplish this is for the ramp to come from the west and stop prior to the right in-right out driveway along Haynes Bridge Road.

- Public Works requested a proposal from KCI to develop plans to extend the Alpha Loop from the intersection of Northwinds Parkway and Haynes Bridge Road to the intersection of Summit Place and Northwinds Parkway. This section will be designed as an extension of the Alpha Loop. This means the design will incorporate a sidewalk and 10'-12' in width, wider than a 2' beauty strip, and appropriate lighting.
- KCI Technologies submitted a proposal to Public Works identifying the scope of work and they matched the hourly rates from the contract associated with the NFCID for the design associated with the Alpha Loop Tunnel under Haynes Bridge Road
- If approved, the plans for the extension of the Alpha Loop along Northwinds from Summit Place to Haynes Bridge Road will be included in the plan set of the Alpha Loop Tunnel Project.

Public Comments:

- There were no public comments.

City Council Discussion:

- Council Member Hipes commented that this is an unbudgeted item and shared that he has reservations about the funding for the construction of said project.
    - Director Sewczwicz shared that Jarrard & Davis were able to save some costs during the right of way acquisition which allowed this item to come forward during tonight's meeting.
- Council Member Binder shared concerns that this item came in as a budget request and asked whether this item should have come through as a change in design.

❖ Council Member Hipes offered a motion to postpone Design Services – Alpha Loop Along Northwinds Parkway until the first meeting of January 2023.

- Council Member DeRito seconded the motion.
- The motion was approved unanimously (6-0).
- There was discussion during the motion about the following:
    - Council Member Hipes shared that $500-600K out of the budget and due to uncertainty with the current LOST negotiations, Council will be able to make a better decision about funding until after the first of the year.
    - Council Member Binder shared that he hopes that it does not have to wait until January and would like to address other portions of the AlphaLoop construction before coming back to this item.
    - Council Member DeRito shared that we are concerned about the next portion of this project while Mayor is still in negotiations with the LOST.
    - Council Member Mitchell asked Director Sewczwicz if the pricing would hold on this item until after January (Director Sewczwicz shared that the pricing would remain the same).

D. Design Services: Wills Park Improvements & Wills Park Equestrian Center Improvements, RFQ 22-1005 & RFQ 22-120

Approval of the award of RFQ-22-1005 and RFQ 22-120 to Barge Design Solutions, Inc. for design of the Wills Park Improvements and the Wills Park Equestrian Center Improvements and authorization for the Mayor to execute all necessary documents.

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- Staff is recommending that Mayor and Council award Barge Design Solutions, Inc. RFQ 22-1005 for design of the Wills Park Improvements in the amount of $625,650 and RFQ 22-120 Wills Park Equestrian Center Improvements in the amount of $1,184,750, for a combined total of $1,810,400, and authorize the Mayor to execute all necessary documents.
- In 2019, the City adopted the Wills Park Master Plan, an effort to bring all of the park elements together and make it a more cohesive place that feels special and unique.
- Under the 2021 Parks Bond Referendum, the City dedicated $6.0 million to begin implementing elements of the master plan.
- The Department of Public Works, working with the Department of Recreation, Parks, and Cultural Services, prepared a Request for Qualifications for the design of Wills Park Improvements. The RFQ was advertised in April and May 2022 and a total of five responses were received on May 5, 2022.
- The evaluation team selected Barge as the highest scoring firm for RFQ 22-1005.
- While the Wills Park Equestrian Center is older and smaller than some of its competitors, its neighborhood setting and shed row barns tucked into the trees give it an edge with a homey, boutique feeling and an in-town location. The master plan identified priority improvements that will better connect the facility to the larger Wills Park and the overall community while also better positioning the facility as a draw for regional events.
- As part of the approved 2021 Parks Bond Referendum, the City dedicated $5.0 million to begin implementation of the Equestrian Center Master Plan with the Wills Park Equestrian Foundation pledging to contribute an additional $5.0 million to the project, bringing the total allocation to $10.0 million.
- The Department of Public Works, working with the Department of Recreation, Parks, and Cultural Services, prepared a Request for Proposals/Qualifications for the design of Wills Park Equestrian Center Improvements.
- The evaluation team selected Barge as the highest scoring firm for RFQ 22-120.

Public Comments:

- There were no public comments.

❖ Council Member Hipes offered a motion to approve the award Barge Design Solutions, Inc. RFQ 22-1005 for design of the Wills Park Improvements in the amount of $625,650 and RFQ 22-120 Wills Park Equestrian Center Improvements in the amount of $1,184,750, for a combined total of $1,810,400, and authorize the Mayor to execute all necessary documents.

- Council Member Binder seconded the motion.

- The motion was approved unanimously (6-0).

E. Three Fire Engine Acquisitions: Replacement of Units 84, 85, and 86

Approval of the acquisition of three (3) replacement Fire Engines through Ten-8 Fire Equipment of Georgia at a cost of $2,353,251.00 and adoption of a resolution authorizing the Mayor to execute all associated documents with Bank of America Public Capital Corporation for the purposes of financing the three (3) replacement Fire Engines.

- Chief Brad Denkinger came forward to present this item.
- City Attorney, Molly Esswein, read the resolution title aloud.
- Staff is recommending that Mayor and Council approve the acquisition of three (3) replacement Fire Engines through Ten-8 Fire Equipment of Georgia at a cost of $2,353,251.00 and adopt a Resolution authorizing the Mayor to execute all associated documents with Bank of America Public Capital Corporation for the purposes of financing the three replacement Fire Engines.
- The Finance and Public Safety Departments have developed a funding plan to ensure all fire apparatus are built into the annual operating budget under 10-year capital lease programs (except the Ladder Truck and the Quint Truck which will be extended to 13-years due to lower usage rates) that (A) ensure highly functional equipment to aid the Department in meeting its service needs to our citizens and to (B) eliminate periodic impacts to the capital budget.
- Placing the order on or before 11/1/2022 will ensure the city is insulated from the known price increases (9.5%) occurring over the next 6 months. Additionally, prepaying now will save the city $135,000 off the purchase price as well as lock in interest rates.
- The city's next scheduled fire apparatus replacements include the following:
    - Fire Engine #86 (acquired in 2015; current financing ends in 2024);
    - Fire Engine #84 (acquired in 2016; current financing ends in 2025); and
    - Fire Engine #85 (acquired in 2016; current financing ends in 2025).

Public Comments:

- There were no public comments.

City Council Discussion:

- Council Member Hipes asked what would happen with the fire engines that are being replaced.
    - Chief Denkinger shared that the department will continue to use those engines since it will be about 28 months until the new trucks will be available, but will evaluate trading in those engines to mitigate the cost of the new engines.

- ❖ Council Member Hipes offered a motion to approve the acquisition of three (3) replacement Fire Engines through Ten-8 Fire Equipment of Georgia at a cost of $2,353,251.00 and adopt a Resolution authorizing the Mayor to execute all associated documents with Bank of America Public Capital Corporation for the purposes of financing the three replacement Fire Engines.
  - Council Member Binder seconded the motion.
  - The motion was approved unanimously (6-0).

F. Kimball Bridge / Waters Road Park Conceptual Site Plan Approval

Approval of the conceptual site plan for Kimball Bridge / Waters Road Park designed by Breedlove Land Planning.

- Director of Recreation, Parks, and Cultural Services, Morgan Rodgers, came forward to present this item.
- Staff is recommending that Mayor and Council approve, as presented, the conceptual site plan for Kimball Bridge / Waters Road Park based upon the original design by Pollack Associates.
- A conceptual rendering was presented to the Citizens of Alpharetta through a combination of online meetings, surveys, and public input meetings. The rendering attached hereto and presented now to City Council incorporates the input received through that process and features an entrance off Kimball Bridge Road, limited parking, a playground, soft surface trails, restrooms, and picnic areas. The design for this neighborhood park will require minimal tree removal and land disturbance.

Public Comments:

- John Hock, Sr. (3410 Sugar Valley Trail, Alpharetta, GA 30022) came forward to speak of the traffic in this area (based on volume and a recent See Click Fix report).

City Council Discussion:

- There were no public comments.

- ❖ Council Member Hipes offered a motion to approve the conceptual site plan for Kimball Bridge / Waters Road Park based upon the original design by Pollack Associates.
  - Mayor Pro Tem Merkel seconded the motion.
  - The motion was approved unanimously (6-0).

7. PUBLIC COMMENTS

- There were no public comments.

8. REPORTS

- There were no reports.

9. EXECUTIVE SESSION

- ❖ Mayor Pro Tem Merkel offered a motion to recess into Executive Session.
  - Council Member DeRito seconded the motion.

- The motion was approved unanimously (6-0).

- Mayor Gilvin recessed the meeting at 8:46 p.m.

  - ❖ Mayor Pro Tem Merkel offered a motion to reconvene the meeting.
    - Council Member Mitchell seconded the motion.
    - The motion was approved unanimously (6-0).

- Mayor Gilvin reconvened the meeting at 9:27 p.m.

10. NEW BUSINESS, CONTINUED

A. **Resolution: Authorizing the Use of Eminent Domain for Property Owned by BRI 1870 North Point, LLC for the Construction and Extension of the Encore Greenway Trail**
Approval of a Resolution by the Mayor and Council of the City of Alpharetta, Georgia authorizing the City Attorney to exercise the City's powers of eminent domain to acquire certain interests in property situated in the City of Alpharetta, Georgia for public purposes including public transportation purposes.

- City Attorney, Molly Esswein, came forward and shared that she would like for Mayor and Council to address this item after the Executive Session.
- City Attorney Esswein read the resolution aloud.
- The City of Alpharetta desires to construct certain multi-use trails to serve as a part of the transportation system, specifically to construct and extend the Encore Greenway Trail. In order to construct and extend a portion of the Encore Greenway Trail, the City has determined that it is necessary for the City to exercise its powers of eminent domain (pursuant to O.C.G.A. §32-3-1 *et seq.*) to acquire certain interests in property owned by BRI 1870 North Point, LLC for the construction of this project.
- City Attorney Esswein shared that she is offering an amended resolution that would allow the city attorney's office to pursue condemnation of a fee simple title to the property for full possession of the property, rather than the easement that was originally contemplated and provided in the original agenda packet.

Public Comments:

- There were no public comments.

  - ❖ Mayor Pro Tem Merkel offered a motion to adopt a Resolution by the Mayor and Council of the City of Alpharetta, Georgia authorizing the City Attorney to exercise the City's powers of eminent domain to acquire certain interests in property situated in the City of Alpharetta, Georgia for public purposes, including public transportation purposes.
    - Council Member DeRito seconded the motion.
    - The motion was approved (6-0).

11. ADJOURNMENT

  - ❖ Council Member DeRito offered a motion to adjourn the meeting.
    - Mayor Pro Tem Merkel 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 9:30 p.m.

Respectfully submitted,

Lauren Shapiro, City Clerk