



City Council Meeting & Public Hearing

MARCH 20, 2023

OFFICIAL MINUTES

Office of the City Clerk

ALPHARETTA CITY HALL

COMMUNITY ROOM | 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 7:12 p.m.

II. ROLL CALL

• Council Members

- Mayor Jim Gilvin
- Mayor Pro Tem Dan Merkel
- Donald F. Mitchell
- Brian Will
- Douglas J. DeRito
- John Hipes
- Jason Binder

• Staff

- Chris Lagerbloom, City Administrator
- Melissa Tracy, City Attorney with Jarrard & Davis
- James Drinkard, Assistant City Administrator
- Lauren Shapiro, City Clerk
- Adam Montgomery, Interim Director of Information Technology
- John Robison, Director of Public Safety
- Morgan Rodgers, Director of Parks, Recreation, and Cultural Services
- Pete Sewczwicz, Director of Public Works
- Thomas Harris, Director of Finance

- Michael Woodman, Planning & Development Services Manager
- Brian Borden, Zoning Administrator

III. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 3/6/2023)

Consideration of approval of the City Council meeting minutes from the meeting of March 6, 2023.

B. Alcoholic Beverage License Applications

Consideration of approval of the following alcoholic beverage license applications:

1. **PH-23-AB-04 Fairway Social Alpharetta LLC, d/b/a Fairway Social
240 South Main Street, Suite O, Alpharetta, GA 30009**

Change in Business Owner
 Restaurant
 Consumption on Premises
 Distilled Spirits, Beer, Wine & Sunday Sales
 Owner: Fairway Social Alpharetta LLC
 Registered Agent: Michael Sard

2. **PH-23-AB-05 Delbar Old Milton LLC
4120 Old Milton Parkway, Alpharetta, GA 30005**

Restaurant
 Consumption on Premises
 Distilled Spirits, Beer, Wine & Sunday Sales
 Owner: Delbar Old Milton LLC
 Registered Agent: Fares Kargar

C. Conflict Waiver: City of Alpharetta and the City of Milton

Consideration of approval of a Conflict Waiver between the City of Alpharetta and the City of Milton for legal services by Jarrard and Davis and to authorize the Mayor to execute all necessary documents.

D. Financial Management Report (Month Ending January 31, 2023)

Approval of the Financial Management Report for the month ending January 31, 2023.

PUBLIC COMMENTS

- There were no public comments.
 - Council Member Will requested to remove the Council Meeting Minutes (Meeting of 3/6/2023) from the Consent Agenda.
 - ❖ Council Member Mitchell offered a motion to approve the Consent Agenda without the Council Meeting Minutes from 3/6/2023.
 - Council Member DeRito seconded the motion.
 - The motion was approved unanimously (7-0).

- ❖ Mayor Pro Tem Merkel offered a motion to approve the Council Meeting Minutes from 3/6/2023.
 - Council Member Mitchell seconded the motion.
 - The motion was approved (5-0-2; as Council Member Will and Council Member Hipes abstained).

IV. PUBLIC HEARING

A. CLUP-23-01/Z-23-05/V-23-02 133 Cumming Street

Consideration of a comprehensive land use plan amendment, rezoning and variance to allow for the subdivision of a 1.76 acre property into 2 'For-Sale' single-family detached lots. A comprehensive land use plan amendment is requested from 'Low Density Residential' to 'Downtown Residential Density' and a rezoning is requested from R-15 (Dwelling, 'For-Sale', Residential) to DT-R (Downtown Residential). Variances are requested to reduce stream buffers and reduce a rear building setback. The property is located at 133 Cumming Street and is legally described as being located in Land Lots 1253 & 1254, 2nd District, 2nd Section, Fulton County, Georgia.

- Council Member Will recused himself from this item as he did business in the past year with this private developer.
- Planning and Development Services Manager, Michael Woodman, came forward to present this item.
- This item was considered at the 3/2/2023 Planning Commission meeting. Staff recommended approval subject to 15 conditions. There were public comments with one (1) in support of the request and a few in opposition with concerns over width of Cricket Lane, on-street parking, Gardner House should be residential, stream buffer lot could be pocket park, Lot 2 home too large, and need a greater setback on Cricket Lane. After discussion, Planning Commission recommended approval subject to staff's recommended conditions and amending condition #15 and adding a new condition addressing parking of construction vehicles (vote 7-0).
- Staff is recommending that Mayor and City Council approve CLUP-23-01/Z-23-05/V-23-02 133 Cumming Street, subject to the following conditions:
 1. The 1.76-acre property shall be zoned DT-R and site shall be subdivided and developed substantially similar to the site plan prepared by AEC, revised 3/17/23, except for modifications required to comply with the conditions below.
 2. The comprehensive land use plan designation of the property shall be 'Downtown Residential Density'.
 3. Residential density shall not exceed 1.14 dwelling units per acre.
 4. Architecture and materials shall be developed substantially similar to the submitted renderings, 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.

5. Gardner 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 Gardner House, subject to review by the City's Downtown Consultant and approval of a certificate of appropriateness by the Historic Preservation Commission.
6. Minimum building setbacks shall be as depicted on the site plan prepared by AEC, revised 3/17/23, except that a minimum 20' front setback shall be provided along Cricket Lane.
7. Developer shall dedicate a 30' half width right-of-way on Cricket Lane improved with a minimum 6' planter planted with street trees, minimum 6' sidewalk, 8' on-street parallel parking, 10' travel lane, and decorative pedestrian lighting, as approved by Staff.
8. Developer shall dedicate a 30' half width right-of-way on Cumming Street improved with a minimum 6' planter planted with street trees, minimum 8' sidewalk and decorative pedestrian lighting, as approved by Staff.
9. Utility cuts in the public right-of-way required for the proposed development shall be repaved for the entire width of the street with repaved area flush with surrounding pavement.
10. Minimum 10' landscape strip shall be provided along Cumming Street and Cricket Lane 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.
11. Retaining walls shall be clad with a decorative brick or stone finish, as approved by DRB.
12. Walls and fencing visible from the public right-of-way shall be brick, stone, and/or decorative black metal fencing, as approved by DRB. Walls and fencing shall not be located in the public right-of-way.
13. Developer shall save the following specimen trees: #6 (30" Loblolly Pine), #8 (32" Southern Red Oak), #9 (29" Southern Red Oak), #10 (30" Yellow Poplar), #12 (32" Yellow Poplar) and #13 (24" Red Maple). Construction within the CRZ of saved trees shall be limited to no more than 20% encroachment and shall be accomplished using innovative techniques to bridge over the root zones, as approved by Staff. Demolition and construction within the CRZ of specimen trees shall be completed under the supervision of an ISA Certified Arborist.

14. Develop shall save additional trees of quality and tree groupings, as approved by Staff.
 15. Stream buffer encroachment shall be as depicted on the site plan prepared by AEC, revised 2/23/23.
 16. To mitigate stream buffer impacts, developer shall comply with all of the following measures, as approved by Staff:
 - a. Provide 50% or more 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, planting eroded or sparsely vegetated areas of stream banks with live stakes, adding enhanced buffer plantings where sparsely vegetated, and removing invasive vines; and
 - c. Streambank stabilization.
 - d. Obtain any necessary state and federal approvals for the stream and buffer impacts.
 - e. Or alternative mitigation measures, as approved by Staff.
 17. Construction vehicles shall be located on the private property.
- The submitted request, if approved, would allow for the subdivision of a 1.76-acre property into two (2) single-family detached lots in the Downtown Overlay. The proposed density is 1.14 dwelling units per acre. A comprehensive land use plan amendment is requested from 'Low Density Residential' to 'Downtown Residential Density' and a rezoning is requested from R-15 (Dwelling, 'For-Sale', Residential) to DT-R (Downtown Residential). Variances are requested to reduce stream buffers and reduce a rear building setback. In conjunction with the lot subdivision, the applicant proposes to save and restore the Gardner House which is on the City's Historic Resources Inventory – Contributing Historic Building. The subject property is located at 133 Cumming Street at the southeast corner of Cricket Lane and Cumming Street.
 - The subject property is zoned to R-15 (Dwelling, 'For-Sale', Residential) and is developed with a one (1) story, 2,316 square foot single-family detached home known as the Gardner House. Surrounding properties are zoned DT-R to the north and west, R-15 to the east and south, and SU (Special Use) to the southeast. Weyhill is located to the north, East of Main Phase 2 is located to the west, two (2) unplatted single-family detached lots to the east and south and Alpharetta Presbyterian Church to the southeast. The west and east sides of Cricket Lane have a future land use designation of 'Downtown Residential Density' and the subject property and three (3) lots to the south are

designated 'Low Density Residential'. A comprehensive land use plan amendment is requested in order to apply the DT-R zoning district to the subject property.

- The applicant obtained a Nationwide Permit to pipe the perennial stream from the US Army Corps of Engineers (USACoE) and received variance approval from the State to remove the 25' State buffer. The applicant has since revised the initial plan to pipe the stream and now proposes to limit stream buffer encroachments to the north side of the stream.
- The City's Stormwater Engineer has reviewed the applicant's request for stream buffer variance and recommends the following mitigation measures to offset the encroachment: provide two-times (2x) the required runoff reduction volume in a variety of best management practices (BMPs), provide enhanced buffer plantings, as well as streambank stabilization.
- The applicant's site plan depicts the property being subdivided into two (2) lots, yielding a density of 1.14 dwelling units per acre. Lot 1 is the Gardner House, which is depicted with a lot size of approximately 22,405 square feet (0.51 acres) and has access from Cumming Street. Lot 2 has a lot size of approximately 28,842 square feet (0.66 acres) and has access from Cricket Lane. Lot 2 is depicted to be rear loaded, and Lot 1 is side loaded.
- The Gardener House is depicted with a ten-foot (10') front setback along Cumming Street, which represents the existing setback of the structure. An addition is proposed on the east side of the Gardner House with a pool and cabana are proposed on the west side of the home. The home on Lot 2 is depicted with an eleven-foot (11') front setback along Cricket Lane. Front setbacks along Cricket Lane vary with the lots to the south having traditional front setbacks between 53' to 61' and the homes directly across Cricket Lane having Downtown setbacks between nineteen-feet (19') to twenty-four feet (24'). If approved, the proposed lots should have a minimum twenty-foot (20') setback along Cricket Lane.
- A five-foot (5') privacy wall with columns is proposed along the back of sidewalk on Cricket Lane and Cumming Street, as well as between Lots 1 and 2 and along the east property lines of Lots 1 and 2.
- The privacy wall is proposed to be brick, stone, wood and black metal. A black vinyl chain link fence is depicted along the south and east property lines of the remaining stream buffer lot. Fencing is permitted within stream buffers as long as it does not obstruct the flow of water.
- A six-foot (6') sidewalk, eight-foot (8') planter and four (4) on-street parallel parking spaces are depicted on Cricket Lane. A four-foot (4') planter and eight-foot (8') sidewalk are depicted on Cumming Street. If approved, a minimum six-foot (6') planter should be provided along Cumming Street in order to accommodate street trees.

- The applicant submitted a tree survey and assessment identifying eight (8) specimen trees on the subject property, of which six (6) are located in stream buffers and will not be disturbed. The two (2) specimen trees located outside of stream buffers are not depicted to be saved. However, it appears that the 36" Loblolly Pine at the corner of Cricket Lane and Cumming Street can be saved. Additional trees of quality and tree groupings will be saved in the stream buffers and the applicant proposes enhanced buffer plantings to offset stream buffer encroachments.
- The Gardner House was added to the City's Historic Resources Inventory as a Contributing Historic Building in 2017. A public hearing request to demolish the house was denied in 2019. The property was first owned by Isham Teasley, whom was a member of the prominent Teasley Family from early Alpharetta history. Mr. Teasley also owned the adjacent property to the west, which was the original site of the New Prospect Campground.
- Renderings were submitted depicting the two (2) homes. Renderings of the Gardner House depict a two (2) story addition on the east side of the home, which includes a four (4) car garage. The new home on Lot 2 is depicted to be two (2) stories with a brick exterior and a seven (7) car garage. The City's Downtown Consultant reviewed the applicant's renderings and believes the concept is in compliance with the Downtown building regulations.
- Staff reviewed the applicant's proposal against the established review criteria for a comprehensive land use plan amendment, rezoning and variance. The proposed residential density is consistent with a 'Low Density Residential' future land use designation and the greater flexibility provided in the Downtown development regulations allow the applicant to save and restore the historic home while limiting impacts to the on-site stream. If approved, a greater front setback should be provided along Cricket Lane and the privacy wall should not be placed in the public right-of-way.
- The property has exceptional conditions due to the presence of a historic structure and on-site perennial stream. Preservation of historic assets, such as the Gardner House, is important to maintain the traditional character and heritage of the community. The proposed stream buffer reduction is less than stream buffer variances approved on adjacent and nearby properties in the last few years. If approved, appropriate stream buffer mitigation should be provided to offset impacts to the stream.
- The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that several public comments have been received, including concerns over the width of Cricket Lane and adding on-street parking to the street, setbacks along Cricket Lane should be consistent with surrounding properties, home sizes, stormwater runoff, and impacts to trees and the stream.

- The Community Zoning Information Meeting was held on January 11, 2023. There were several public comments with concerns over setbacks along Cricket Lane being inconsistent with surrounding development, width of Cricket Lane too narrow, Lot 2 home size is too large, adding on-street parking along Cricket Lane, maintain natural foliage around stream, impacts to the stream and tree canopy, and ensuring that appropriate stormwater is provided.
- The applicant, Tori Young (350 Jayne Ellen Way, Alpharetta, GA 30009), came forward to speak on behalf of this application.

CITY COUNCIL DISCUSSION

- Council Member Binder suggested adding additional language to Condition #16 to say "shall include" instead of can include.
- Council Member Mitchell commented that the brick wall around the pool would be more appropriate to use stone instead of brick to preserve the historic character of the home.

PUBLIC COMMENTS

- Jill Bernard (145 Cumming Street, Alpharetta, Georgia 30005) came forward to speak on this item and mentioned that the applicant has been a good neighbor and she approves of what he is proposing and the setbacks for this property.
- ❖ Mayor Pro Tem Merkel offered a motion to approve CLUP-23-01/Z-23-05/V-23-02 133 Cumming Street, subject to the following conditions:
 1. The 1.76-acre property shall be zoned DT-R and site shall be subdivided and developed substantially similar to the site plan prepared by AEC, revised 3/17/23, except for modifications required to comply with the conditions below.
 2. The comprehensive land use plan designation of the property shall be 'Downtown Residential Density'.
 3. Residential density shall not exceed 1.14 dwelling units per acre.
 4. Architecture and materials shall be developed substantially similar to the submitted renderings, 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.
 5. Gardner 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 Gardner House,

subject to review by the City's Downtown Consultant and approval of a certificate of appropriateness by the Historic Preservation Commission.

6. Minimum building setbacks shall be as depicted on the site plan prepared by AEC, revised 3/17/23, except that a minimum 20' front setback shall be provided along Cricket Lane.
7. Developer shall dedicate a 30' half width right-of-way on Cricket Lane improved with a minimum 6' planter planted with street trees, minimum 6' sidewalk, 8' on-street parallel parking, 10' travel lane, and decorative pedestrian lighting, as approved by Staff.
8. Developer shall dedicate a 30' half width right-of-way on Cumming Street improved with a minimum 6' planter planted with street trees, minimum 8' sidewalk and decorative pedestrian lighting, as approved by Staff.
9. Utility cuts in the public right-of-way required for the proposed development shall be repaved for the entire width of the street with repaved area flush with surrounding pavement.
10. Minimum 10' landscape strip shall be provided along Cumming Street and Cricket Lane 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.
11. Retaining walls shall be clad with a decorative brick or stone finish, as approved by DRB.
12. Walls and fencing visible from the public right-of-way shall be brick, stone, and/or decorative black metal fencing, as approved by DRB. Walls and fencing shall not be located in the public right-of-way.
13. Developer shall save the following specimen trees: #6 (30" Loblolly Pine), #8 (32" Southern Red Oak), #9 (29" Southern Red Oak), #10 (30" Yellow Poplar), #12 (32" Yellow Poplar) and #13 (24" Red Maple). Construction within the CRZ of saved trees shall be limited to no more than 20% encroachment and shall be accomplished using innovative techniques to bridge over the root zones, as approved by Staff. Demolition and construction within the CRZ of specimen trees shall be completed under the supervision of an ISA Certified Arborist.
14. Developer shall save additional trees of quality and tree groupings, as approved by Staff.
15. Stream buffer encroachment shall be as depicted on the site plan prepared by AEC, revised 2/23/23.
16. To mitigate stream buffer impacts, developer shall comply with and maintain all of the following measures, as approved by Staff:

- a. Provide 50% or more 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 shall include, removing fallen trees from inside the stream bed that are impeding flow, planting eroded or sparsely vegetated areas of stream banks with live stakes, adding enhanced buffer plantings where sparsely vegetated, and removing invasive vines; and
- c. Streambank stabilization.
- d. Obtain any necessary state and federal approvals for the stream and buffer impacts.
- e. Or alternative mitigation measures, as approved by Staff.

17. Construction vehicles shall be located on the private property.

- Council Member Binder seconded the motion.
- Council Member Hipes offered a friendly amendment to the motion to add language to Condition #16 that states that "Developer shall comply with and maintain all of the following measures, so long as the developer owns the property, but if the developer does not continue to own the property, then this condition shall run with the ownership of the property, as approved by Staff: . . ."
- Mayor Pro Tem Merkel and Council Member Binder accepted the friendly amendment.
- The motion was approved unanimously (6-0; as Council Member Will recused himself from this item).

B. CLUP-22-05 / Z-22-15 / CU-22-12 / V-22-29 Story Book Builders / 31 & 51 Thompson Street

Consideration of a comprehensive land use plan amendment, rezoning, conditional use and variances to allow for the construction of 19 'For-Sale' single-family detached homes on 2.23 acres in the Downtown. A comprehensive land use plan amendment is requested from 'Commercial' to 'Mixed Use Live Work' and a rezoning is requested from C-2 (General Commercial) and DT-LW (Downtown Live-Work) to DT-LW. A conditional use is requested to increase density above 8 dwelling units per acre and variances are requested to eliminate interparcel connectivity and reduce the planter strip along Thompson Street. The property is located at 31 and 51 Thompson Street and is legally described as being located in Land Lot 748, 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 January 5, 2023 and March 2, 2023 Planning Commission meetings. Planning Commission deferred the request at the January 5th

meeting to allow the applicant to address tree saves. The applicant revised the site plan to save trees. Staff recommended approval subject to 23 conditions. There were public comments in support and in opposition with concerns over cost sharing impacts to Thompson Street Flats HOA, too much on-street parking on Thompson St, fence is needed to separate rear amenity areas between 2 developments, Thompson Street Flats should be compensated for the cost sharing loss of 12 condo units. After discussion, Planning Commission recommended to approve the item subject to staff's recommended conditions and adding 2 conditions (vote 6-1).

- Staff is recommending approval of CLUP-22-05 / Z-22-15 / CU-22-12 / V-22-29 Story Book Builders / 31 & 51 Thompson Street, subject to the following conditions:
 1. Approximately 2.23 acres shall be zoned DT-LW and developed substantially similar to site plan prepared by Paradigm, dated 1/25/23, except for modifications required to comply with the conditions below. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.
 2. The comprehensive land use plan designation of the property shall be 'Mixed Use Live Work'.
 3. Architecture and materials shall be developed substantially similar to the submitted renderings prepared by Main Street Designs, labeled Exhibit A, 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. Homes shall have 4-sided architecture, materials and details and each home facing Thompson Street shall have a unique façade.
 4. Density shall not exceed 8.52 dwelling units per acre.
 5. Building height shall not exceed 3 stories and 40'.
 6. Courtyards, decorative fencing, and decorative walls may encroach into landscape strips, subject to meeting the minimum landscape material requirements, as approved by Staff.
 7. Developer shall improve the Thompson Street streetscape as follows: minimum 8' planter planted with street trees, 8' sidewalk (concrete with brick paver banding), 10' travel lane, 8' on-street parking (may overlap planter) 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.
 8. Alley shall be private, maintained by the HOA, and developed as depicted on the site plan prepared by Paradigm, dated 1/25/23, with final approval by Staff.
 9. Decorative pedestrian lighting shall be required throughout the development.
 10. Landscape strip along Thompson Street shall be planted with shade trees as a continuation of what has been planted or designed in the Downtown and outside of utility easements and overhead utilities, as approved by Staff.
 11. Developer shall plant a row of trees along the west side of the entrance to Thompson Street Flats, as approved by DRB.

12. Developer shall improve the corner of Haynes Bridge Road and Thompson Street with decorative landscaping, brick paver hardscape, seating and monument or sculpture, as approved by DRB. Sculpture shall require final approval by the Cultural Arts Commission.
13. Open space shall be developed substantially similar to the site plan prepared by Paradigm, dated 1/25/23, 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 on-site trees and boundary trees as depicted on the site plan prepared by Paradigm, dated 1/25/23, as approved by Staff. CRZ impacts to saved trees shall be limited to no more than 20%, which shall include impacts from the proposed development and previous development of Thompson Street Flats Phase 1, with final approval by Staff.
16. Developer shall make reasonable efforts to 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. Development shall not be gated, except that alley may be gated on the east end. To address fire access, sliding gate will need a redundant emergency override if electric, as approved by the Fire Marshal.
20. Stormwater management facilities may be placed underground within the amenity space as depicted on the site plan prepared by Paradigm, dated 1/25/23, 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 of Alpharetta. Maintenance responsibilities shall also be included in the recorded covenants with all costs to be borne by the HOA and homeowners of the development.
21. Garbage pickup shall be from within the development.
22. No more than 10% of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.
23. The conditions above shall replace the conditions related to file #PH-16-15 Thompson Street Flats/Kairos Development, as it relates to the eastern half of the subject property.
24. Thompson Street Flats HOA and Thompson Street Park HOA must submit an agreement reflecting the shared use of the existing underground stormwater facility.
25. Walkway in corner amenity area shall be brick, as approved by Staff.

26. The existing underground detention pond that was built during the development of Thompson Street Flats will exceed capacity and functional standards required by regulations with a 10% reduction in existing release rates.

- The submitted request, if approved, would allow for the construction of nineteen (19) 'For-Sale' single-family detached homes on 2.23 acres in the Downtown. The proposed density is 8.52 dwelling units per acre. A comprehensive land use plan amendment and rezoning are requested for the western half of the property from a future land use designation of 'Commercial' to 'Mixed Use Live Work' and from a zoning of C-2 (General Commercial) to DT-LW (Downtown Live-Work). A conditional use is requested to increase density above eight (8) dwelling units per acre. Variances are requested to eliminate interparcel access and modify streetscape standards. The subject property is located at 31 and 51 Thompson Street at the southeast corner of Thompson Street and Haynes Bridge Road.
- The properties were previously developed with single-family detached homes, which have since been demolished. The eastern half of the property is zoned DT-LW and the western half of the property is zoned C-2. Surrounding properties are zoned MU (Mixed Use) to the north, C-2 to the west and south, and DT-LW to the south and east. Voysey is located to the north, Publix to the west, vacant commercial properties to the south, and Thompson Street Flats to the east. The comprehensive land use plan designation of the western half of the property is 'Commercial' and the eastern half is 'Mixed Use Live Work'.
- The eastern half of the property was rezoned to DT-LW in 2015 with a change to conditions of zoning in 2016 to allow for 24 'For-Sale' condominium units in four (4) buildings with a density of ten (10) dwelling units per acre (see original site plan below). Phase 1 of the development, known as Thompson Street Flats, has been constructed which consists of two (2) buildings with a total of twelve (12) condominium units. Thompson Street Flats Phase 2 was approved on the western half of the property, but was never developed.
- The applicant requests variances to modify site regulations (interparcel access and streetscape standards) related to Unified Development Code (UDC) Appendix A: Alpharetta Downtown Code. The request to eliminate interparcel access is related to an agreement between the property owner and Thompson Street Flats to have a separate access for the proposed development. It does not appear that the variance to reduce the planter along Thompson Street is needed. The applicant's site plan depicts an eight-foot (8') planter along Thompson Street, which complies with the streetscape required along Thompson Street.
- The applicant's proposed density is slightly higher, but similar to the densities approved along Thompson Street.
- The submitted site plan depicts nineteen (19), two (2) and three (3) story 'For-Sale' single-family detached homes with access from a new driveway off Thompson Street. Half of

the homes are oriented to Thompson Street and the other half are oriented to an amenity space at the rear of the property. All homes are rear loaded and have access from a new private alley depicted running parallel to Thompson Street. Homes are depicted with a ten-foot (10') setback along Thompson Street. Minimum building setbacks comply with the DT-LW development standards. An eight-foot (8') sidewalk is depicted along Thompson Street and five-foot (5') sidewalks are depicted within the site.

- Homes will have two (2) side-by-side parking spaces within a garage and a Code-compliant driveway accommodating two (2) additional cars. Two (2) on-street parking spaces are provided on Thompson Street and two (2) guest spaces are provided at the west end of the alley. The Downtown Code requires 48 parking spaces for the proposed subdivision (2.5 parking spaces/unit), of which 80 parking spaces are provided on the site plan.
- The site plan depicts 1.17 acres, or 52% open space within the proposed development. Open space is proposed to include yards and courtyards, a natural amenity area at the rear of the development with walking path, and an amenity with mail kiosk adjacent to the roundabout. The DT-LW zoning district requires a minimum ten percent (10%) amenity space, plus an additional 0.52% related to the proposed increase in density, for a total of 0.23 acres of open space.
- Seven (7) specimen trees and one (1) tree of quality are called out in the applicant's arborist assessment as being in 'Good' or 'Fair' condition. A tree save area is depicted between lots 17 & 18 and includes at least five (5) trees (40" Southern Red Oak, 37" Water Oak, 14" Hemlock, 18" Hemlock, and 9" Holly), of which three (3) are specimen trees and one (1) is a tree of quality. In addition, two (2) trees along the south property line (40" Water Oak and 8" Persimmon) are depicted to be saved.
- The site plan depicts an underground stormwater management facility under an amenity space at the west end of the property. Maintenance of the underground stormwater systems would not obstruct access to homes.
- The applicant submitted renderings of the homes, which vary between three (3) architectural styles including Tudor Eclectic, Stick and Shingle. According to the applicant, the ten (10) homes along Thompson Street will have unique elevations. Homes will be at least 2,700 square feet and will be three (3) bedrooms. Exterior materials include brick, stone, board and batten, shake, and siding.
- According to the City's Downtown Consultant, the proposed renderings generally comply with the design regulations in the Downtown Overlay. The following comments were provided by the Downtown Consultant:
 - Avoid large wall massing with no clear wall cladding material.
 - Do not use porkchop eaves. Rework roof so that roof eaves terminate at outside building corner.

- Use engaged piers or pilasters at walls receiving porch floor and beam framing.
 - Use double hung windows with matching window lite pattern to match windows at front elevation.
 - Eliminate gratuitous roof elements that do not serve as main roof massing.
 - Utilize real windows at front façade, avoid fake elements.
 - Add offset at wall to create outside building corner to receive main roof bearing, or rework roof to avoid roof eave terminating mid façade.
- The applicant provided a trip generation information, which estimates that the twenty (20) single-family detached homes would generate eighteen (18) AM Peak Hour trips and 23 PM Peak Hour trips.
 - Based on the total figure for all three school levels, it can be assumed that the proposed development could house approximately 3 – 16 school age children. Numbers provided by Fulton County Schools show that all three (3) schools are under capacity.
 - Staff has reviewed the applicant's proposal against the established review criteria for a comprehensive land use plan amendment, rezoning, conditional use, and variance. The proposed change to the future land use designation and rezoning are consistent with the vision for Thompson Street. Commercial development on the property would be limited by buffer requirements from the surrounding residential developments and an alcohol license for uses such as a restaurant would not meet the minimum separation requirement from the surrounding residential. The conditional use to increase density is lower than previous conditional use approvals along Thompson Street and the applicant has adjusted the site layout and reduced the number of lots in order to save trees.
 - There are not exceptional or peculiar conditions on the property that adversely affect its reasonable use. However, the request to eliminate interparcel access is related to an agreement between the property owner and Thompson Street Flats to have a separate access for the proposed development.
 - 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.
 - Community Zoning Information Meeting was held on November 9, 2022. There were public comments in support of the applicant's request and in opposition with concerns that the Thompson Street Flats developer did not fulfill promises of a 2nd phase of condominiums.
 - Kathy Zickert (1105 W. Peachtree Street, NE, Atlanta, GA 30309), attorney for the applicant, came forward to speak on behalf of this application and offered a rebuttal after the conclusion of public comments.

CITY COUNCIL DISCUSSION

- Council Member Hipes asked about the 2 parallel parking spaces on Thompson Street.
 - Manager Woodman shared that the city requested on street parking and likes to encourage on-street parking. Those spaces were placed by the applicant further away from the round-a-bout to respect site distances, but it is not a necessity.

PUBLIC COMMENTS

- Bob Collins (12504 Wexcroft Lane, Alpharetta, Georgia) came forward to speak in favor of this item.
- Rhonda Haran (Alpharetta resident and real estate agent) came forward to speak in favor of this item.
- Scott Janke (71 Thompson Street, Unit 201, Alpharetta, GA 30009) came forward to speak against this item.
- Tom Williams (247 Atley Place, Alpharetta, GA 30009; former resident of Thompson Street Flats) came forward to speak on this item.
- ❖ Mayor Pro Tem Merkel offered a motion to approve CLUP-22-05 / Z-22-15 / CU-22-12 / V-22-29 Story Book Builders / 31 & 51 Thompson Street, subject to the following conditions:
 1. Approximately 2.23 acres shall be zoned DT-LW and developed substantially similar to site plan prepared by Paradigm, dated 1/25/23, except for modifications required to comply with the conditions below. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.
 2. The comprehensive land use plan designation of the property shall be 'Mixed Use Live Work'.
 3. Architecture and materials shall be developed substantially similar to the submitted renderings prepared by Main Street Designs, labeled Exhibit A, 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. Homes shall have 4-sided architecture, materials and details and each home facing Thompson Street shall have a unique façade.
 4. Density shall not exceed 8.52 dwelling units per acre.
 5. Building height shall not exceed 3 stories and 40'.

6. Courtyards, decorative fencing, and decorative walls may encroach into landscape strips, subject to meeting the minimum landscape material requirements, as approved by Staff.
7. Developer shall improve the Thompson Street streetscape as follows: minimum 8' planter planted with street trees, 8' sidewalk (concrete with brick paver banding), 10' travel lane, 8' on-street parking (may overlap planter) 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.
8. Alley shall be private, maintained by the HOA, and developed as depicted on the site plan prepared by Paradigm, dated 1/25/23, with final approval by Staff.
9. Decorative pedestrian lighting shall be required throughout the development.
10. Landscape strip along Thompson Street shall be planted with shade trees as a continuation of what has been planted or designed in the Downtown and outside of utility easements and overhead utilities, as approved by Staff.
11. Developer shall plant a row of trees along the west side of the entrance to Thompson Street Flats, as approved by DRB.
12. Developer shall improve the corner of Haynes Bridge Road and Thompson Street with decorative landscaping, brick paver hardscape, seating and monument or sculpture, as approved by DRB. Sculpture shall require final approval by the Cultural Arts Commission.
13. Open space shall be developed substantially similar to the site plan prepared by Paradigm, dated 1/25/23, 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 on-site trees and boundary trees as depicted on the site plan prepared by Paradigm, dated 1/25/23, as approved by Staff. CRZ impacts to saved trees shall be limited to no more than 20%, which shall include impacts from the proposed development and previous development of Thompson Street Flats Phase 1, with final approval by Staff.
16. Developer shall make reasonable efforts to 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. Development shall not be gated, except that alley may be gated on the east end. To address fire access, sliding gate will need a redundant emergency override if electric, as approved by the Fire Marshal.
20. Stormwater management facilities may be placed underground within the amenity space as depicted on the site plan prepared by Paradigm, dated 1/25/23, 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 of Alpharetta. Maintenance responsibilities shall also be included in the recorded covenants with all costs to be borne by the HOA and homeowners of the development.
21. Garbage pickup shall be from within the development.
22. No more than 10% of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.
23. The conditions above shall replace the conditions related to file #PH-16-15 Thompson Street Flats/Kairos Development, as it relates to the eastern half of the subject property.
24. Thompson Street Flats HOA and Thompson Street Park HOA must submit an agreement reflecting the shared use of the existing underground stormwater facility.
25. Walkway in corner amenity area shall be brick, as approved by Staff.
26. The existing underground detention pond that was built during the development of Thompson Street Flats will exceed capacity and functional standards required by regulations with a 10% reduction in existing release rates.
27. A separate HOA will be formed for phase 2 prior to any Certificate of Occupancy.
 - Council Member Binder seconded the motion.
 - The motion was approved (6-1; with Council Member Will in opposition).

C. V-23-08 Off Leash – 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 twelve (12) to six (6) months. The property is located at 142 South Main Street and 125 Norcross Street and is legally described as being located in Land Lot 695, 1st District, 2nd Section, Fulton County, Georgia.

- Zoning Administrator, Brian Borden, came forward to present this item.
- Staff is recommending approval of V-23-08 Off Leash – Waiting Period Variance.
- The applicant, Lonnie Cooper Ventures, 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 conditional use on the property on August 1, 2022. The subject property is located at 142 South Main Street and 125 Norcross Street at the northeast corner of Old Milton Parkway and South Main Street.
- The submitted request, if approved, would allow the applicant to move forward with a public hearing request for City Council consideration on the same property within six (6) months of a previous Council action. The subject property is located at 142 South Main Street and 125 Norcross Street at the northeast corner of Old Milton Parkway and South Main Street.
- Council took action on a public hearing request for conditional use (CU-22-05) on the property on August 1, 2022. The applicant is seeking a change to previous conditions of zoning to allow for the re-use of the existing building.
- The applicant notified surrounding property owners of their application and intent for the property. The report states that no comments were received.
- Megan Maziar, on behalf of Lonnie Cooper Ventures, came forward to speak on behalf of the applicant.

PUBLIC COMMENTS

- There were no public comments.
- ❖ Mayor Pro Tem Merkel offered a motion to approve V-23-08 Off Leash – Waiting Period Variance.
 - Council Member Mitchell seconded the motion.
 - The motion was approved (5-1; as Council Member Binder was not present during the vote and Council Member Will voted in opposition).

D. PH-23-05 Off Leash – Change of Conditions

Consideration of a request to change previous conditions of zoning to allow for the re-use of an existing building. The property is located at 142 South Main Street and 125 Norcross Street and is legally described as being located in Land Lot 695, 1st District, 2nd Section, Fulton County, Georgia.

- Zoning Administrator, Brian Borden, came forward to present this item.
- Staff is recommending approval of V-23-08 Off Leash – Change of Conditions, subject to the following conditions (changes shown in Red underline):

1. 'Recreational Facilities, Indoor and Outdoor' shall be added as a conditional use at 142 South Main Street and 125 Norcross Street and limited to no more than 3,600 square feet covered dog area and 0.51 ~~0.73~~-acre outdoor dog park.
 5. Site shall be developed substantially as depicted on the site plan prepared by Gaskins + Lecraw, dated 3/31/2022 ~~6/14/2022~~.
 6. Building architecture and materials shall be developed substantially similar to the submitted renderings by Vickers Design Group, labeled Exhibit A, and in compliance with the Alpharetta Downtown Code and Downtown Consultant, subject to final approval by DRB. ~~Building shall be 75% brick, as determined by the DRB.~~
 10. ~~Developer shall improve Old Milton Parkway streetscape with a minimum 4' planter planted with street trees (subject to approval by GDOT), minimum 8' sidewalk and decorative pedestrian lighting, as approved by Staff. Deleted.~~
 13. Trees shall be saved as depicted on the tree protection plan prepared by Gaskins + Lecraw, dated 3/31/2022 ~~6/24/2022~~.
 16. ~~Old Milton Parkway curb cut shall be removed prior to the issuance of a Certificate of Occupancy. Deleted.~~
 17. Developer shall assess site landscaping and replace missing, dead or dying landscape material.
 18. Conditions of zoning related to file #CU-22-05 Off Leash/142 South Main Street shall remain in effect, except as amended above.
- The submitted request, if approved, would allow for changes to conditions of zoning related to Off Leash which is a restaurant with indoor and outdoor dog park on 2.3 acres and located in the Downtown Overlay. The proposed changes to the conditions of zoning would allow the applicant to re-use the existing building and parking. The subject property is located at 142 South Main Street and 125 Norcross Street at the northeast corner of Old Milton Parkway and South Main Street.
 - The property was previously developed and used for an 11,500 square foot Rite Aid pharmacy, which has been vacant for a few years. Current zoning of the property is C-2 (General Commercial), which allows 'Restaurant' by-right and 'Recreational Facilities, Indoor and Outdoor' with the approval of a conditional use. Surrounding properties are zoned C-2. Taco Bell and Salt Factory are located to the north, Publix, Chase Bank and a gas station are located to the east, Park Plaza office building and Mammoth Car Wash are located to the south and Crust is located to the west.
 - Off Leash received conditional use approval to allow an indoor and outdoor dog park on August 1, 2022.
 - According to the applicant, recent site investigations have determined that the soils are unsuitable for new construction without modification, which would be cost-prohibitive. In addition, the water table is too high to support a supplementary underground stormwater system, which further impacts development of the site. Given these limitations, the applicant proposes to re-use the existing building, parking and curb cuts.

- The applicant's updated site plan depicts re-use of the existing 11,500 square foot building, parking and curb cuts. Approximately 6,000 square feet of the building will be maintained as conditioned space, with the balance of the building being converted to a covered, open-air dog park. A 0.51-acre outdoor dog park is depicted to the side and rear of the existing building and includes areas for small and large dogs. The existing curb cuts on Old Milton Parkway, South Main Street and Norcross Street are depicted to remain. The proposed site plan depicts 51 parking spaces, which is an increase from the approved site plan which depicts 32 spaces.
- The approved site plan depicted fencing for the dog park setback approximately ten-feet (10') from the property line along Old Milton Parkway. With the current proposal, the fence is depicted to be approximately 130' from Old Milton Parkway.
- The report submitted by the applicant states that letters were mailed to each property owner within 500' of the subject property stating the applicant's intent. The report states that no comments were received.
- Staff has reviewed the applicant's proposal and finds that it can support the applicant's request for changes to previous conditions of zoning. The proposal should not have significant impacts on surrounding properties, which are developed with non-residential uses. Off Leash represents a business and use that is currently not offered in the Downtown. The proposed renderings depict architecture and materials that are very similar to the previously approved new construction. While re-use of the property does not allow for the building to be pulled up to the street, the outdoor dog park area will be further away from Old Milton Parkway, which helps with safety and overall aesthetics of the property.
- Due to the time constraints, the applicant did go before Design Review Board. However, if City Council did not approve this application, then the approval by Design Review Board would not stand.
- Megan Maziar, with Lonnie Cooper Ventures, came forward to speak on behalf of the applicant.

PUBLIC COMMENTS

- There were no public comments.
- ❖ Mayor Pro Tem Merkel offered a motion to approve V-23-08 Off Leash – Change of Conditions, subject to the following conditions:
 1. 'Recreational Facilities, Indoor and Outdoor' shall be added as a conditional use at 142 South Main Street and 125 Norcross Street and limited to no more than 3,600 square feet covered dog area and 0.51-acre outdoor dog park.
 5. Site shall be developed substantially as depicted on the site plan prepared by Gaskins + Lecraw, dated 3/31/2022.
 6. Building architecture and materials shall be developed substantially similar to the submitted renderings by Vickers Design Group, labeled Exhibit A, and in compliance with the Alpharetta Downtown Code and Downtown Consultant, subject to final approval by DRB.

10. Deleted.

13. Trees shall be saved as depicted on the tree protection plan prepared by Gaskins + Lecraw, dated 3/31/2022.

16. Deleted.

17. Developer shall assess site landscaping and replace missing, dead or dying landscape material.

18. Conditions of zoning related to file #CU-22-05 Off Leash/142 South Main Street shall remain in effect, except as amended above.

19. The soil report that was used to make the change by the applicant must be provided prior to an issuance of an Land Disturbance Permit.

- Council Member Binder seconded the motion.
- The motion was approved unanimously (7-0).

V. OLD BUSINESS

A. CU-22-10 / Foamworks Alpharetta / 11725 Cotton Creek Entry

The public hearing for this item was held during the February 20, 2023 City Council Meeting and Public Hearing but neither an approval or denial could be reached by a majority of the Council Members present.

Consideration of a conditional use to allow a 'Car Wash' for Foamworks on a property previously developed and used for a car wash. The property is located at 11725 Cotton Creek Entry and is legally described as being located in Land Lot 44, 1st District, 1st Section, Fulton County, Georgia.

- Mayor Gilvin shared that this item was previously considered by City Council but wanted to give Council Member Binder the opportunity to review the application prior to a vote.
- City Attorney, Melissa Tracy, shared that for this item, during the February 20, 2023 City Council Meeting and Public Hearing, City Council offered a motion to approve, subject to conditions, which failed, was followed by a motion to deny, which also failed, and finally, a motion to postpone until the full City Council is present passed by a 5-1 vote.
- Steven Jones, attorney for Foamworks Alpharetta, came forward to represent this application.
- During the February 20, 2023 City Council Meeting and Public Hearing, staff recommended approval of CU-22-10 Foamworks Alpharetta / 11725 Cotton Creek Entry, subject to the following conditions:
 1. 'Car wash' shall be added as a conditional use at 11725 Cotton Creek Entry and limited to no more than 4,987 square feet.
 2. Conditional use approval shall be limited to Foamworks; no additional 'Car wash' use or subleasing shall be permitted within the approved space.

3. Hours of operation shall be limited to Monday – Sunday 8:00 AM – 8:00 PM.
 4. Site shall be redeveloped substantially similar to the site plan prepared by Civilogistics, revised 10/26/2022, except where to comply with the conditions below.
 5. Developer shall remove existing impervious areas no longer in use, as depicted on the site plan prepared by Civilogistics, revised 10/26/2022. Areas shall be defined by curbing and shall be maintained as pervious area, as approved by Staff. Existing curb cut on Cotton Mill Place may remain to serve as a by-pass for the car wash.
 6. Exterior changes to the building shall be approved by DRB. Conditional use approval is not approval of elevation changes.
 7. Minimum 20' landscape strip shall be required along Old Milton Parkway. Parking lot screening (double row of shrubs) shall be required along Old Milton Parkway, Cotton Creek Entry and Cotton Mill Place, as approved by DRB.
 8. Property owner shall assess site landscaping and replace missing, dead, or dying landscape material. This assessment shall include monument sign landscape material and installing ornamental planting beds at the corner of Old Milton Parkway and Cotton Creek Entry. New landscape areas, including tree islands, shall be planted with required landscape material, as approved by DRB.
 9. Auto detailing stations shall be limited to the areas depicted on the site plan prepared by Civilogistics, revised 10/26/2022. Shade structures shall be limited to the auto detailing stations depicted adjacent to the existing building. Auto detailing stations along Cotton Creek Entry and employee parking along Old Milton Parkway shall be heavily screened, as approved by DRB.
- ❖ Council Member Mitchell offered a motion to approve CU-22-10 / Foamworks Pharettas / 11725 Cotton Creek Entry, subject to the following conditions:
1. 'Car wash' shall be added as a conditional use at 11725 Cotton Creek Entry and limited to no more than 4,987 square feet.
 2. Conditional use approval shall be limited to Foamworks; no additional 'Car wash' use or subleasing shall be permitted within the approved space.
 3. Hours of operation shall be limited to Monday – Sunday 8:00 AM – 8:00 PM.
 4. Site shall be redeveloped substantially similar to the site plan prepared by Civilogistics, revised 10/26/2022, except where to comply with the conditions below.
 5. Developer shall remove existing impervious areas no longer in use, as depicted on the site plan prepared by Civilogistics, revised 10/26/2022. Areas shall be defined by curbing and shall be maintained as pervious area,

as approved by Staff. Existing curb cut on Cotton Mill Place may remain to serve as a by-pass for the car wash.

6. Exterior changes to the building shall be approved by DRB. Conditional use approval is not approval of elevation changes.
7. Minimum 20' landscape strip shall be required along Old Milton Parkway. Parking lot screening (double row of shrubs) shall be required along Old Milton Parkway, Cotton Creek Entry and Cotton Mill Place, as approved by DRB.
8. Property owner shall assess site landscaping and replace missing, dead, or dying landscape material. This assessment shall include monument sign landscape material and installing ornamental planting beds at the corner of Old Milton Parkway and Cotton Creek Entry. New landscape areas, including tree islands, shall be planted with required landscape material, as approved by DRB.
9. Auto detailing stations shall be limited to the areas depicted on the site plan prepared by Civilogistics, revised 10/26/2022. Shade structures shall be limited to the auto detailing stations depicted adjacent to the existing building. Auto detailing stations along Cotton Creek Entry and employee parking along Old Milton Parkway shall be heavily screened, as approved by DRB.
 - Council Member Will seconded the motion.
 - The motion was approved (5-2; with Mayor Gilvin and Mayor Pro Tem Merkel in opposition).

VI. NEW BUSINESS

A. Invitation to Bid # 23-005: FY 2023 City Center Tree Well Repair

Consideration of approval of the award of ITB # 23-005 for FY 2023 City Center Tree Well Repair to Tri Scapes, Inc. in an amount not to exceed \$175,000.00 and to authorize 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 ITB # 23-005 for FY 2023 City Center Tree Well Repair to Tri Scapes, Inc. in an amount not to exceed \$175,000.00 and to authorize the Mayor to execute all necessary documents.
- Tree wells throughout City Center were installed by the City's contractor as well as by the private developer. During construction of the private development phases, construction equipment was driven onto the existing brick sidewalk around the tree wells. The developer made repairs, but unfortunately the repairs have not held up over time. In addition, motorized maintenance vehicles and equipment have also driven onto the brick sidewalks around the tree wells. The vibration of the vehicle on the bricks over time caused the bricks to break away from the mortar and if concrete curbing was not adjacent to the bricks, the bricks separated from one another, causing a hazard.

- Eighty-seven tree wells along North Broad Street, South Broad Street, Commerce Street, Market Street, and Park Plaza are in need of repair.
- Repair methods for around the tree wells have been classified into three categories; complete demo and replacement, installation of header curb to lock in the brick pavers, and the final category is both.
- The Department of Public Works prepared an invitation to bid (ITB 23-005) for the locations listed above. The City advertised competitive bids on January 13th, 2023. Bids for the project were received on February 16th, 2023, and the City received a total of two bids: Tri Scapes, Inc. (\$175,000.00) and Crabapple Landscape Management (\$198,492.42).
- On March 3rd, 2023, staff met with representatives of Tri Scapes, Inc. to review the scope of work and the City's expectations. Tri Scapes assured staff that they could complete the project for the bid amount and within the allocated time frame.
- The duration of the repairs is approximately 120 days.

CITY COUNCIL DISCUSSION

- Council Member Binder asked what the costs would be for stamped concrete and would like to see alternative options.
 - Director Sewczwicz shared that it is labor intensive, but would be about a 25% cost reduction.
- Mayor Gilvin shared that the bricks have been a maintenance disaster and is open to having a conversation about what makes sense for the long term.

PUBLIC COMMENTS

- There were no public comments.
- ❖ Council Member DeRito offered a motion to approve the award of ITB # 23-005 for FY 2023 City Center Tree Well Repair to Tri Scapes, Inc. in an amount not to exceed \$175,000.00 and to authorize the Mayor to execute all necessary documents.
 - Council Member Mitchell seconded the motion.
 - The motion was approved (5-2; with Mayor Gilvin and Council Member Binder in opposition).

B. Request for Proposals # 23-106: Public Safety Uniforms

Consideration of approval of the award of RFP 23-106 to Galls LLC and T&T Uniforms for fire and police uniforms and duty gear and authorize the Mayor to execute all necessary documents.

- Director of Public Safety, John Robison, came forward to present this item.
- Staff is recommending that Mayor and Council award RFP 23-106 to Galls LLC and T&T Uniforms for fire and police uniforms and duty gear and authorize the Mayor to execute all necessary documents.

- The Public Safety Department purchases uniforms for Fire, Police, Rescue, E-911, and various other specialty, reserve, and volunteer personnel and buys personal-issue items such as duty gear and small equipment (e.g., flashlights).
- The Public Safety and Finance Departments prepared a Request for Proposal (RFP) and advertised for proposals in January 2023. As noted in the RFP, no guarantee is made for the number of items to be purchased by the City, and items may be added to or eliminated from the list during the contract. The City received two proposals on January 12, 2023 from Galls LLC, and T&T Uniforms.
- The Public Safety Department desires to enter into a contract with both Galls, LLC and T&T Uniforms to ensure competitive pricing and alternative supply sources.

PUBLIC COMMENTS

- There were no public comments.
- ❖ Council Member Will offered a motion to approve the award of RFP 23-106 to Galls LLC and T&T Uniforms for fire and police uniforms and duty gear and authorize the Mayor to execute all necessary documents.
 - Council Member Hipes seconded the motion.
 - The motion was approved (6-0; as Mayor Pro Tem Merkel was not present during the motion).

C. *GEMA and Homeland Security Grant Application for Alpharetta Public Safety Hazmat Unit* *Consideration of approval of the Memorandum of Understanding between the City of Alpharetta and the Georgia Emergency Management Agency / Homeland Security, approval and authorization for the Alpharetta Department of Public Safety to submit a grant application for the 2023 State Homeland Security Program for Sub-Grant Funds, and authorize the Mayor to execute all necessary documents.*

- Director of Public Safety, John Robison, came forward to present this item.
- Staff is recommending that Mayor and Council approve the Memorandum of Understanding (MOU) between the City of Alpharetta and the Georgia Emergency Management Agency / Homeland Security, approve and authorize the Department of Public Safety to submit an application for 2023 State Homeland Security Program sub-grant funds, and authorize the Mayor to execute all necessary documents.
- This is a reimbursement grant, and no matching funds are required to receive this grant.
- The requested sub-grant from GEMA/Homeland Security is \$151,200 and will be used to sustain/purchase equipment for the Department's Hazardous Material (HazMat) program.

PUBLIC COMMENTS

- There were no public comments.
- ❖ Council Member Will offered a motion to approve the the Memorandum of Understanding (MOU) between the City of Alpharetta and the Georgia Emergency Management Agency / Homeland Security, approve and authorize the Department

of Public Safety to submit an application for 2023 State Homeland Security Program sub-grant funds, and authorize the Mayor to execute all necessary documents.

- Council Member Binder seconded the motion.
- The motion was approved (6-0; as Mayor Pro Tem Merkel was not present during the motion).

VII. PUBLIC COMMENT

- Birdel Jackson (1055 Chasewood Trail, Alpharetta, Georgia 30005) came forward to speak about his opinions on the city conducting its own elections. He shared that he does not like the idea of reducing the number of polling places and believes that the city should continue to have Fulton County run municipal elections.
- Clifford Martin (700 Anna Lane, Alpharetta, Georgia 30004) came forward to speak about the lane closure on Haynes Bridge Road being blocked for the past several months near the construction of the Lakeview Development

VIII. REPORTS

- There were no reports.

IX. EXECUTIVE SESSION

- There was not an executive session.

X. ADJOURNMENT

- With there being no further items to consider or discuss, Mayor Gilvin adjourned the meeting at 9:56 p.m.

Respectfully submitted,



Lauren Shapiro, City Clerk