



City Council Meeting & Public Hearing

NOVEMBER 27, 2023

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 for said meeting is a matter of public record and is available to be viewed at the City Clerk's office during normal business hours or viewed online at <https://www.youtube.com/user/alpharettagov>.

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
- Brian Will

• Staff

- Chris Lagerbloom, City Administrator
- Molly Esswein, City Attorney
- James Drinkard, Assistant City Administrator
- Lauren Shapiro, City Clerk
- Adam Montgomery, Director of Information Technology
- John Robison, Director of Public Safety
- Kathi Cook, Director of Community and Economic Development
- Pete Sewczwicz, Director of Public Works
- Kurt Kirby, Project Manager
- Michael Woodman, Planning & Development Services Manager

3. **PLEDGE TO THE FLAG**

4. **PRESENTATIONS & PROCLAMATIONS**

A. Jeff Pruitt Inspiration Award Presentation to City of Alpharetta Recreation Supervisor, Lindsey Pritchard

- Director of Recreation, Parks, and Cultural Services, Morgan Rodgers, recognized Recreation Supervisor, Lindsey Pritchard, for recently receiving the Jeff Pruitt Inspiration Award for all of her hard work and dedication to parks and recreation services.

5. **BOARDS & COMMISSIONS**

A. Planning Commission Appointment by Mayor Pro Tem Merkel

- Mayor Pro Tem Merkel appointed D.C. Aiken to the Planning Commission.
- Mayor Gilvin swore in D.C. Aiken to serve on the Planning Commission.

6. **CONSENT AGENDA**

A. **City Council Work Session Minutes (Work Session of 11/13/2023)**

Consideration of approval of the City Council Work Session Minutes from November 13, 2023.

B. **Financial Management Report (Month Ending September 30, 2023)**

Consideration of approval of the Financial Management Report for the month ending September 30, 2023.

C. **Lakeview Encroachment and Indemnification Agreement**

Consideration of approval for an Encroachment and Indemnification Agreement with the TPA Group for the installation of a sculpture at the corner of Haynes Bridge Road and Lakeview Parkway within the right-of-way.

D. **Lakeview Private Development Agreement**

Consideration of approval of a Private development Agreement between the City of Alpharetta and TPA Group (LMV TPA GA 400, LLC.)

E. **Consent Order and Final Judgment: McGinnis Ferry Road Widening Project – Parcel #65**

Council ratification of: (1) Consent Order and Final Judgment in the amount of \$252,700.00, and (2) Settlement Agreement between City of Alpharetta and Windward Community Services Association, Inc. in the amount of \$80,944.00 for a grand total of \$333,694.00 regarding Civil Action File No. 2022CV363752 in connection with Parcel #65 of the McGinnis Ferry Road Widening Project (PI #004634) (Owners: Chad C. Heath, Wendy M. Heath, Specialized Laon Servicing, LLC, & Windward HOA).

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Council Member DeRito offered a motion to approve the Consent Agenda.
 - Mayor Pro Tem Merkel seconded the motion.

- The motion was approved unanimously (7-0).

7. PUBLIC HEARING

A. MP-23-07/CU-23-04 Free Chapel Worship Center/3755 Mansell Road

Consideration of a master plan amendment and conditional use to allow an existing office building to be used for a 'Church'. A master plan amendment is requested to the Mansell Ridge Master Plan Pod A to add 'Church' as a conditional use and a conditional use to allow a 'Church' for Free Chapel Worship Center. The property is located at 3755 Mansell Road and is legally described as being located in Land Lots 704 & 739, 1st District, 2nd Section, Fulton County, Georgia.

- Planning and Development Services Manager, Michael Woodman came forward to present this item.
- The applicant, Free Chapel Worship Center, is requesting a master plan amendment and conditional use to operate a 'Church, Synagogue' in the former Woodside Terrace office building. A master plan amendment is requested to the Mansell Ridge Park Master Plan Pod A to add 'Church, Synagogue' as a conditional use and a conditional use is requested to allow Free Chapel Worship Center to operate a 'Church, Synagogue'. The applicant also requested a master plan amendment to add 'Day Care Center' as a conditional use; however, that use is already listed as a conditional use in the master plan. A conditional use for a 'Day Care Center' is not being pursued by the applicant at this time. The subject property is located at 3755 Mansell Road near the southwest corner of Mansell Road and Old Alabama Connector Road.
- This item was considered by the Planning Commission at the November 2, 2023 meeting. There were no public comments. After discussion, Planning Commission recommended approval subject to staff's recommended conditions (vote 6-0).
- Staff is recommending that Mayor and Council approve MP-23-07/CU-23-04 Free Chapel Worship Center/Mansell Ridge Park Master Plan, subject to the following conditions:
 1. 'Church, Synagogue' shall be added to the list of conditional uses in Pod A of the Mansell Ridge Park Master Plan.
 2. 'Church, Synagogue' shall be an approved use at 3755 Mansell Road and the primary auditorium for the 'Church, Synagogue' use shall be limited to no more than 400 fixed seats. The use of the property shall be limited to 'Church, Synagogue', 'Office' and, if a conditional use is approved for 'Day Care Center' use, 'Day Care Center'.
 3. Conditional use approval of a 'Church, Synagogue' shall be limited to Free Chapel Worship Center; no additional 'Church, Synagogue' use by a party other than Free Chapel Worship Center shall be permitted within the approved space.

4. 'Church, Synagogue' shall be limited to worship services, professional offices, church group meetings, and childcare in conjunction with church operations and services. A 'Day Care Center' use that is open to the public shall require approval of a conditional use permit.
 5. Sunday worship services shall be limited to 7:00 AM – 9:00 PM.
 6. Church/applicant shall hire an off-duty officer to control traffic, if required by the City due to traffic impacts during services.
 7. There shall be no outside speakers or broadcasts, including music which is audible from outside the building or off the property.
- The property is zoned O-I (Office-Institutional) and is subject to the Mansell Ridge Park Master Plan Pod A. Woodside Terrace is approximately 9.9 acres and was developed in 1997 as a four (4) story, approximately 127,000 square foot office building. Ravi Zacharias International Ministries, Inc. previously occupied the building which served as that ministry's headquarters. Surrounding properties are zoned O-I to the north and east. City of Roswell is located to the west and south (townhomes and single-family detached), Mansell One, Two & Three office buildings are located to the north and CESS Law Firm is located to the east.
 - Mansell Ridge Park Master Plan was approved in 1985 as a 106.7-acre office park with accessory retail uses. Pod A is designated for campus style office-institutional uses, with 'Day Care Center' listed as a conditional use. Pod C, which is designated for retail use, allows 'Church, Synagogue' as an accessory use. No other pods in the master plan identify 'Church, Synagogue' as a conditional or accessory use. Per the master plan development regulations, the property was developed with 100' buffers adjacent to the residential development to the west and south.
 - Free Chapel Worship Center has a congregation of approximately 550 members. The church is currently operating at Denmark High School (645 Mullinax Road) in Forsyth County. The church proposes to utilize the first two (2) floors of the building, which includes the Terrace level (23,998 square feet) and 1st Floor (23,155 square feet). The building includes a 300-seat auditorium, which the church will utilize for worship services and accommodating up to 400 people at each service including staff, volunteers, and children. The remaining three (3) floors of the building, 2nd – 4th Floors (76,829 square feet), will be leased to a professional office user(s). According to the applicant, church services will be held on Sunday mornings at 9:00 AM and 11:00 AM with the church open between 7:00 AM – 2:00 PM on Sundays. Church staff, including six (6) full time employees and four (4) part time employees, will keep office hours of 8:30 AM – 4:30 PM Monday through Thursday. The church youth group meets on Wednesday evenings between 6:30 PM – 9:00 PM and the young adult group meets twice a month on Tuesdays from 6:30 PM – 9:00 PM.
 - The Unified Development Code (UDC) requires one (1) parking space for each two (2) seats in the primary assembly room for a church and one (1) parking space per 250

square feet for professional office. Therefore, the 300-seat church requires 150 parking spaces, and the professional office space requires 307 parking spaces. The property was developed with approximately 509 parking spaces. There is sufficient parking available for the church and professional office uses.

- The applicant provided a trip generation report (see below) which estimates that the church and office uses will generate 154 AM Peak Hour trips and 163 PM Peak Hour trips during the weekday, which represents a reduction of 47 AM Peak Hour trips and 35 PM Peak Hour trips. On Sundays, the church and office use are estimated to generate 169 Peak Hour trips.
- The Citizen Participation Plan 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. A Community Zoning Information Meeting was held on October 11, 2023. There were no public comments.
- Staff reviewed the applicant's proposal in consideration of the review criteria for a master plan amendment and conditional use. The applicant's proposal would be suitable as it relates to the use and development of adjacent or nearby properties, which are primarily developed with a mix of office and residential uses. In addition, there is sufficient parking, the use will generate fewer vehicular trips during the weekday peak hours, and the property has access from a signalized intersection, as well as a secondary access which will help with high traffic volumes during Sunday services.
- Jenna Lee, attorney with Troutman Pepper (600 Peachtree Street Atlanta, GA), 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 MP-23-07/CU-23-04 Free Chapel Worship Center/Mansell Ridge Park Master Plan, subject to the following conditions:
 1. 'Church, Synagogue' shall be added to the list of conditional uses in Pod A of the Mansell Ridge Park Master Plan.
 2. 'Church, Synagogue' shall be an approved use at 3755 Mansell Road and the primary auditorium for the 'Church, Synagogue' use shall be limited to no more than 400 fixed seats. The use of the property shall be limited to 'Church, Synagogue', 'Office' and, if a conditional use is approved for 'Day Care Center' use, 'Day Care Center'.
 3. Conditional use approval of a 'Church, Synagogue' shall be limited to Free Chapel Worship Center; no additional 'Church, Synagogue' use by a party other than Free Chapel Worship Center shall be permitted within the approved space.
 4. 'Church, Synagogue' shall be limited to worship services, professional offices, church group meetings, and childcare in conjunction with church operations and

services. A 'Day Care Center' use that is open to the public shall require approval of a conditional use permit.

5. Sunday worship services shall be limited to 7:00 AM – 9:00 PM.
6. Church/applicant shall hire an off-duty officer to control traffic, if required by the City due to traffic impacts during services.
7. There shall be no outside speakers or broadcasts, including music which is audible from outside the building or off the property.
 - Council Member Mitchell seconded the motion.
 - The motion was approved unanimously (7-0).

B. MP-23-06 Celebree School/915 North Point Drive

Consideration of a master plan amendment to allow a former restaurant building to be re-used for a 'Day Care Center'. A master plan amendment is requested to the North Point Commons Master Plan Pod C to change 'Day Care Center' from an accessory use to a permitted use. The property is located at 915 North Point Drive and is legally described as being located in Land Lots 797 and 808, 1st District, 2nd Section, Fulton County, Georgia.

- Director of Community and Economic Development, Kathi Cook, came forward to present this item.
- The applicant, Celebree School, is requesting a master plan amendment to change 'Day Care Center' from an accessory use to a permitted use in Pod C of the North Point Commons Master Plan. Approval of the applicant's request would allow Celebree School to re-use a 12,011 square foot building on 2.3 acres formerly occupied by Golden Corral. The subject property is located at 915 North Point Drive at the northeast corner of North Point Parkway and North Point Drive.
- This item was considered by the Planning Commission at the November 2, 2023 meeting. There were no public comments. After discussion, Planning Commission recommended approval subject to staff's recommended conditions (vote 6-0).
- Staff is recommending that Mayor and Council approve MP-23-06 Celebree/North Point Commons Master Plan, subject to the following conditions:
 1. 'Day Care Center' shall be listed as a conditional use in the North Point Commons Master Plan Pod C and this application is approved as said conditional use.
 2. Site shall be developed substantially similar to the site plan prepared by Colliers, dated 8/21/2023. Site shall be limited to 'Day Care Center' use only.
 3. Building exterior shall be substantially similar to the submitted renderings, labeled Exhibit A, with final approval by DRB. There shall be no primary colors used on the exterior of the building, including on awnings or signage. Proposed stone shall be similar to styles/colors shown in the North Point

Overlay District Design Guidelines. Natural stained board and batten or variegated shiplap as depicted in the North Point Overlay District Design Guidelines shall be installed within the gable over the front entry.

4. EcoDistrict points shall be substantially similar to the description provided in the staff report, as approved by Staff. Developer shall provide detailed information at LDP and building permit regarding compliance with each requested EcoDistrict measure.
 5. Property owner shall assess site landscaping and replace missing, dead or dying landscape material, with final approval by DRB. New landscape material shall be sustainable (native and/or drought-tolerant) landscaping, with final approval by DRB.
 6. Playground equipment, vinyl privacy fence, and bollards shall be screened from view along North Point Parkway and North Point Drive, with final approval by DRB.
 7. Minimum 10' wide planter shall surround the playground area and shall be planted with native and/or drought-tolerant landscape material to provide an opaque screen, with final approval by DRB.
 8. Dumpster shall have painted metal doors that complement the primary building, as approved by DRB.
 9. Planter along North Point Drive and North Point Parkway shall be planted with a row of shrubs or grasses that are native and/or drought-tolerant, as approved by DRB.
 10. Minimum 0.265 acres (11,573 SF) of open space shall be reserved and improved substantially as depicted on the site plan prepared by Colliers, labeled Exhibit B. Property owner shall be responsible for maintenance of open space areas.
 11. Applicant stipulates that it will not object to a request to reduce and vary the distance requirement set forth in Chapter 4 for alcoholic beverage sales on the adjacent properties or within 300 feet of the property line.
- The 2.3-acre property is zoned O-I (Office-Institutional) and CUP (Community Unit Plan) and is subject to the North Point Commons Master Plan Pod C. Located in the North Point Overlay, the property was developed in 2002 with a 1-story, 12,011 square foot restaurant building. Surrounding properties are zoned O-I to the west and north, CUP to the north, east and south, and PSC (Planned Shopping Center) to the west. An office building is located to the north, Embassy Suites is located to the south, Chuck E. Cheese is located to the west, and Milton Park is located to the south and east.
 - The North Point Commons Master Plan was approved in 1998 and consists of approximately 130 acres along North Point Parkway and Haynes Bridge Road. The master plan consists of four (4) pods with two (2) designated retail, one (1) designated

office, and one (1) designated commercial. Pod C is currently developed with two (2) free standing restaurants and a three (3) story office building. 'Day Care Center' is listed as an accessory use in Pod C, meaning that the use is limited to a use that serves the primary use and does not occupy more than 25% of the building in which they are located.

- Celebree School is an early childhood education and day care operating since 1994. Celebree has locations in Maryland, Delaware, Virginia, North Carolina, South Carolina, Pennsylvania, and Texas. The proposed location would be the first in Georgia and would serve infants through Pre-K with the possibility of before and after school care. Hours of operation are Monday – Friday 6:30 AM – 6:30 PM. The school is closed on the weekends. The applicant anticipates approximately 22 employees.
- Celebree proposes an adaptive re-use of the former Golden Corral building, including aesthetic changes to the exterior, addition of a playground area, and interior renovations. The site plan depicts the 12,011 square foot restaurant building to remain and a 7,250 square foot playground being developed in the parking lot on the east side of the building. The existing shared driveways on North Point Parkway and North Point Drive will continue to service the property. There are currently 140 parking spaces on the property, which will be reduced to 108 spaces with the development of the playground area. The UDC requires one (1) parking space/400 square feet, or 31 spaces, for the proposed 'Day Care Center' use. The applicant's site plan exceeds the minimum parking requirement for the proposed use. Due to the young age of the students, the business model for the day care center does not utilize a pick-up and drop-off system.
- A six-foot (6') vinyl privacy fence is proposed to screen the playground. Bollards will be installed along the exterior of the fence within landscape planters. If approved, significant landscape screening material will be needed in the planter to screen the privacy fence and playground equipment from the street.
- The applicant's proposal does not trigger compliance with North Point open space or EcoDistrict measures. However, the applicant has committed to providing Sustainable Landscaping (1 EcoDistrict point) and Alternative Transportation (1-2 EcoDistrict points).
- The rendering depicts aesthetic enhancements to the exterior of the building, including replacing the existing metal roof with a shingle roof, adding a stone water table, and wrapping columns in stone, and adding variegated horizontal shiplap siding to the body of the building. The applicant addressed suggestions by the City's Downtown Consultant in order to complement the North Point Design Guidelines which encourage contemporary, modern, and/or industrial/mercantile styles.
- The applicant provided a trip generation report which estimates that the 'Day Care Center' use will generate 141 AM Peak Hour trips and 142 PM Peak Hour trips. This represents a reduction of 23 AM Peak Hour trips and 54 PM Peak Hour trips from the previous use of the property as a sit-down restaurant.

- The Citizen Participation Plan 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. A Community Zoning Information Meeting was held on October 11, 2023. There were no public comments.
- Julie Sellers, attorney with Dillard Sellers (1776 Peachtree Street, Atlanta, Georgia), came forward to speak on behalf of the applicant.

PUBLIC COMMENTS:

- D.C. Aiken (425 Park Creek Way, Alpharetta, GA 30022)
 - ❖ Mayor Pro Tem Merkel offered a motion to deny MP-23-06 Celebree School/915 North Point Drive.
 - Council Member Hipes seconded the motion.
 - The motion was approved (4-3; with Mayor Gilvin and Council Member Binder and Council Member Mitchell in opposition).

C. PH-23-14/V-23-19 75/91 Roswell Street

Consideration of a change to previous conditions of zoning, variance and parking in-lieu fees to allow for the construction of a 3-story building including a 2,500 SF restaurant, 23,200 SF office, and structured parking on 1.12 acres in the Downtown. A change to the previous conditions of zoning is requested to eliminate zoning conditions related to 91 Roswell Street and variances are requested to modify streetscape regulations. The applicant also requests to satisfy a portion of their vehicle parking requirements through payment of parking in-lieu fees. The property is located at 75 & 91 Roswell Street and is legally described as being located in Land Lot 1269, 2nd District, 2nd Section, Fulton County.

- Planning and Development Services Manager, Michael Woodman, came forward to present this item.
- The applicant, Jason Joseph, is requesting consideration of a change to previous conditions of zoning, variance and parking in-lieu fees to allow for the construction of a 3-story building, including a 2,500 SF restaurant, 23,200 SF office, and structured parking on 1.12 acres in the Downtown. A change to the previous conditions of zoning is requested to eliminate zoning conditions related to 91 Roswell Street and variances are requested to eliminate an undisturbed buffer at 75 Roswell Street, reduce the landscape strip on Cotton Alley, and modify streetscape regulations. The applicant also requests to satisfy a portion of their vehicle parking requirements through payment of parking in-lieu fees. The subject property is located at 75 and 91 Roswell Street, at the northwest corner of Marietta Street and Roswell Street.
- Staff is recommending that Mayor and Council approve PH-23-14/V-23-19 75/91 Roswell Street, subject to the following conditions:
 1. Site shall be developed substantially similar to the site plan prepared by Plum Creek Consulting, LLC, dated 10/10/23, except for modifications required

to comply with the conditions below. There shall be no access to the building from Cotton Alley.

2. Building architecture and materials shall be substantially similar to plans prepared by Matt Mitchell Design, labeled Exhibit A - Renderings, except for modifications required to comply with these conditions and in compliance with the Alpharetta Downtown Code and Downtown Consultant comments, with final approval by DRB.
3. Developer shall screen car head lights with sufficient parking deck wall height and landscaping.
4. Parking deck shall be screened with a mix of landscape material of varying heights, with final approval by DRB. Upper level of parking deck shall include planters at top of wall, similar to depiction in renderings, extended the length of the parking deck planted with vines or landscape material that spills down the wall, final approval by DRB.
5. Building height shall be limited to no more than 3 stories and 46' and white lights shall be added to the top of the building to participate in the City's holiday lighting program.
6. Foundation plantings, consisting of shrubs, vines and/or grasses, shall be required in front of the building and along Marietta Street, Cotton Alley and Roswell Street.
7. Restaurant use shall be limited to no more than 2,500 square feet on Level 1, not including the elevator lobby.
8. Rooftop amenity deck shall be limited to office users.
9. Developer shall improve the corner of Marietta Street and Roswell Street with hardscape, landscape, decorative lighting, outdoor furniture and public art.
10. Developer shall save 20" Pecan as depicted on site plan prepared by Matt Mitchell Design, dated 10/5/23, as well as tree #1363 (18" Southern Magnolia). Developer shall plant 4 signature trees of 10"-12" caliper, as situated by a landscape architect for maximum community benefit, with final approval by DRB. Trees may be used to reduce recompense. Signature trees shall be subject to appropriate tree care, as approved by Staff.
11. Critical root zone (CRZ) impacts shall be limited to no more than 20% on the following boundary trees: tree #819 (31" Southern Magnolia) and tree #820 (35" Water Oak), with final approval by Staff.
12. Developer shall improve Roswell Street streetscape as follows: minimum 8' planter planted with street trees and shrubs, 8' concrete sidewalk and decorative pedestrian lighting, with final approval by Staff. In lieu of tree grates, the soil area around street trees shall be planted with evergreen

ornamental grasses, groundcovers and/or shrubs. Street trees and landscape strip trees shall alternate on both sides of the sidewalk, as approved by Staff.

13. Developer shall improve the Marietta Street streetscape as follows: minimum 2' planter planted with a row of shrubs (min. 2' at planting), 5' concrete sidewalk and decorative pedestrian lighting, with final approval by Staff.
 14. Developer shall improve Cotton Alley streetscape as follows: minimum 2' planter planted with a row of shrubs (min. 2' at planting), 5' brick sidewalk and decorative pedestrian lighting, with final approval by Staff.
 15. Developer shall provide a minimum 7.5' landscape strip along Cotton Alley to be heavily planted with a mix of evergreen and deciduous material, including trees, shrubs, and grasses of varied height in order to soften the look of the building, with final approval by DRB.
 16. Developer shall provide a minimum 10' landscape strip along Roswell Street and Marietta Street to include a mix of trees, shrubs and grasses, with final approval by DRB.
 17. Developer shall improve the intersection of Marietta Street and Roswell Street per the plan prepared by the City's Public Works Dept, with final approval by Staff. Intersection improvements shall be eligible for impact fee credits.
 18. Retaining walls shall be brick or stone, with final approval by DRB.
 19. Developer shall pay a lump sum parking in-lieu fee of \$94,500 prior to the issuance of a building permit.
 20. Developer shall provide creative signage, such as a painted sign and/or blade/perpendicular sign, with final approval by DRB.
 21. Outside speakers on the outdoor dining area or amenity rooftop shall not be permitted.
 22. There shall be no construction traffic, parking, or staging on Cotton Alley. A construction staging plan shall be provided with the LDP, subject to final approval by Staff.
- The subject properties are zoned C-2 (General Commercial). The property at the corner of Roswell Street and Marietta Street (91 Roswell Street) is undeveloped and the northern property (75 Roswell Street) is developed with a residential structure which has been converted to a non-residential use. Surrounding properties are zoned R-10M (Dwelling, 'For-Rent' and 'For-Sale', Residential) to the north and west and C-2 to the south and east. Victoria Square is located to the west, Pure Taqueria to the south, 62 and 88 Roswell Street to the east, and Roswell Street Commons and the Roswell Street City Parking Lot to the north. The property is located within the Downtown Overlay and has a comprehensive land use plan designation of Central Business District.

- The property at the corner of Roswell Street and Marietta Street, 91 Roswell Street, was approved for a rezoning and variance in 2003 to allow an existing historic home to be re-used for a restaurant. The variance request was to eliminate the required 50' undisturbed buffers where commercial and residential properties abut. The historic structure has since been demolished. Therefore, the applicant is requesting a change to previous conditions of zoning to remove those conditions.
- The applicant requests variances to modify Downtown Overlay site regulations (streetscape standards) and Unified Development Code (UDC) regulations pertaining to landscape strips and landscaped buffers on a double frontage lot. The property has an unusual triangular shape and has road frontage on three (3) sides. In addition, 91 Roswell Street and Victoria Square (2004) received variance approval to eliminate the 50' undisturbed buffer where residential and commercial properties abut. The applicant is requesting the same condition at 75 Roswell Street.
- The submitted site plan depicts a three (3) story building with structured parking. Level 1 of the building contains a 2,500 square foot restaurant, 1,874 square foot elevator lobby and 33 parking spaces. Level 2 contains 11,600 square foot of office and 32 parking spaces. Level 3 has 11,600 square foot of office and a 2,300 square foot rooftop amenity deck above. Access to the property is depicted from Roswell Street.
- The proposed building is setback approximately ten-feet (10') from Roswell Street and approximately fifteen-feet (15') from the edge of road on Cotton Alley. Ten-foot (10') landscape strips are depicted along Roswell Street and Marietta Street and a reduced landscape strip of 7.5' is depicted along Cotton Alley. The site plan depicts maintaining the existing streetscape along Marietta Street and Cotton Alley, which includes a two-foot (2') planter and five-foot (5') sidewalk. The streetscape along Roswell Street is depicted with an eight-foot (8') planter and eight-foot (8') sidewalk. The property is located in the Heritage Design Area which has a maximum building coverage of 70%. The applicant provided a lot coverage exhibit showing that the proposed building covers approximately 62% of the lot.
- The Unified Development Code (UDC) requires 79 parking spaces for the proposed building. A total of 65 parking spaces are provided in the two (2) level parking deck, with access to both levels from the same driveway on Roswell Street. The applicant requests parking in-lieu fees to satisfy parking spaces not provided on-site.
- The submitted tree survey and arborist assessment identifies three (3) specimen trees on the property, including a Water Oak, American Holly, and Southern Magnolia. The site plan depicts one (1) tree save, a 20" Pecan (tree of quality) at the corner of Marietta Street and Cotton Alley. In addition, critical root zone (CRZ) impacts will be limited on two (2) boundary trees; a 31" Southern Magnolia and a 35" Water Oak. An outdoor seating area is proposed for the restaurant and is located in close proximity to the tree save area. The previous site plan approved on 91 Roswell Street depicted four (4) tree

saves, which included the 20" Pecan at the corner. Stormwater is proposed in an underground vault underneath the parking deck.

- The applicant provided renderings of the building depicting a Mercantile/Mill style. The masonry building has a flat roof with mullioned windows of varied sizes and pronounced stair and elevator tower elements. Most of the building has a brick exterior, except for the corner of the building fronting Marietta Street, which according to the applicant, will be stone or stucco. Decorative screens are proposed on the parking deck openings along Cotton Alley, as well as decorative balcony elements. The building is approximately 33' along Roswell Street and 46' along Cotton Alley. The City's Downtown Consultant reviewed the proposed renderings and believes that they generally comply with the design regulations in the Downtown Overlay. The following comments were provided by the Downtown Consultant: remove arched window muntin, cast stone headers should extend beyond masonry openings at each side, and use historically appropriate railing details.
- The applicant submitted a trip generation report which estimates that the proposed building will generate 59 AM Peak Hour trips and 56 PM Peak Hour trips.
- The applicant is unable to utilize on-street parking to meet its parking requirements because the City's traffic calming plan for Roswell Street does not include on-street parking along the subject property's frontage. If parking cannot be satisfied as described above, an applicant may pursue Parking In-Lieu Fees. Parking in-lieu fees allows parking requirements to be satisfied through payment of parking in-lieu fees according to the table below. Payments to the Downtown Parking Fund have been approved at a few locations in the Downtown, including 44 Milton Avenue, 55/61 Roswell Street, Alpharetta Lofts (58 Canton Street), and the CORO building (37 Old Roswell Street).
- 79 parking spaces are required for the applicant's proposed uses. The site plan reflects 65 parking spaces on-site and no on-street parking adjacent to the property, which represents approximately 82% of the required parking. Based on the Parking In-Lieu Fee Schedule, a shortage of fourteen (14) parking spaces would require a lump sum payment of \$94,500.00 in parking in-lieu fees.
- The Citizen Participation Plan 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 several public comments were received reflecting the same feedback as expressed on the Community Zoning Information Meeting (CZIM) sign-in sheets. According to the applicant, Victoria Square residents have expressed both support and concern. Staff also received public comments with concerns over access on Cotton Alley, Marietta Street and Roswell Street intersection is dangerous, on-street parking, property should be developed as residential, building coverage appears to exceed maximum, and previous building design does not fit character of Downtown.

- A Community Zoning Information Meeting was held on August 9, 2023 and September 13, 2023. There were several public comments with concerns over access to parking deck from Cotton Alley, design does not fit in Downtown, need landscape buffer, elevate design of building facing Cotton Alley, construction traffic, negatively impact property values in Victoria Square, no on-street parking on Roswell Street, noise/light intrusion, noise from trash service, building too tall, scale too large for area, Roswell Street/Marietta Street intersection is dangerous, tree removal, improve walkability, stormwater, loss of greenspace, and car headlights facing Victoria Square.
- Staff has reviewed the applicant's proposal against the established review criteria. The request to remove previous conditions of zoning on 91 Roswell Street can be supported as the proposed development was predicated on re-using a historic structure on the property that has since been removed. If approved, conditions are recommended to mitigate impacts to surrounding properties, such as additional tree saves and landscape enhancements. It is difficult to provide onsite parking on small downtown parcels as it limits development and in some areas parcels would be purchased and developed solely for the purpose of surface parking. This could be a detriment to building connectivity and needed density along Downtown streets. Public parking facilities are located within a walkable distance for retail customers and employees and parking facilities with the lowest peak utilization are located nearest the applicant's property. The property has exceptional conditions due to its size, shape and topography. In addition, the property has road frontage on three (3) sides and variances were previously approved at 91 Roswell Street and Victoria Square to eliminate required buffers between residential and commercial properties. If approved, conditions are recommended requiring landscape enhancements along property frontages, additional tree saves and signature trees to offset specimen tree removal, as well as high quality building design and materials to improve aesthetics and screening.
- Chris Owens, Jeff Levitan, and Jason Joseph came forward to speak on behalf of the applicant.

PUBLIC COMMENTS:

- Todd Friel (12021 Orchid Lane, Alpharetta, GA 30009)
- Francine Taylor (2017 Hidden Alley, Alpharetta, GA 30009)
- ❖ Mayor Pro Tem Merkel offered a motion to approve PH-23-14/V-23-19 75/91 Roswell Street, subject to the following conditions:
 1. Site shall be developed substantially similar to the site plan prepared by Plum Creek Consulting, LLC, dated 10/10/23, except for modifications required to comply with the conditions below. There shall be no access to the building from Cotton Alley.
 2. Building architecture and materials shall be substantially similar to plans prepared by Matt Mitchell Design, labeled Exhibit A - Renderings, except for modifications required to comply with these conditions and in compliance with

the Alpharetta Downtown Code and Downtown Consultant comments, with final approval by DRB.

3. Developer shall screen car head lights with sufficient parking deck wall height and landscaping.
4. Parking deck shall be screened with a mix of landscape material of varying heights, with final approval by DRB. Upper level of parking deck shall include planters at top of wall, similar to depiction in renderings, extended the length of the parking deck planted with vines or landscape material that spills down the wall, final approval by DRB.
5. Building height shall be limited to no more than 3 stories and 46' and white lights shall be added to the top of the building to participate in the City's holiday lighting program.
6. Foundation plantings, consisting of shrubs, vines and/or grasses, shall be required in front of the building and along Marietta Street, Cotton Alley and Roswell Street.
7. Restaurant use shall be limited to no more than 2,500 square feet on Level 1, not including the elevator lobby.
8. Rooftop amenity deck shall be limited to office users.
9. Developer shall improve the corner of Marietta Street and Roswell Street with hardscape, landscape, decorative lighting, outdoor furniture and public art.
10. Developer shall save 20" Pecan as depicted on site plan prepared by Matt Mitchell Design, dated 10/5/23. Tree #1363 (Southern Magnolia) shall be removed and replaced with an additional 10' signature tree somewhere on the property. Developer shall plant 5 signature trees of 10"-12" caliper, as situated by a landscape architect for maximum community benefit, with final approval by DRB. Trees may be used to reduce recompense. Signature trees shall be subject to appropriate tree care, as approved by Staff.
11. Critical root zone (CRZ) impacts shall be limited to no more than 20% on the following boundary trees: tree #819 (31" Southern Magnolia) and tree #820 (35" Water Oak), with final approval by Staff.
12. Developer shall improve Roswell Street streetscape as follows: minimum 8' planter planted with street trees and shrubs, 8' concrete sidewalk and decorative pedestrian lighting, with final approval by Staff. In lieu of tree grates, the soil area around street trees shall be planted with evergreen ornamental grasses, groundcovers and/or shrubs. Street trees and landscape strip trees shall alternate on both sides of the sidewalk, as approved by Staff.
13. Developer shall improve the Marietta Street streetscape as follows: minimum 2' planter planted with a row of shrubs (min. 2' at planting), 5' concrete sidewalk and decorative pedestrian lighting, with final approval by Staff.
14. Developer shall improve Cotton Alley streetscape as follows: minimum 2' planter planted with a row of shrubs (min. 2' at planting), 5' brick sidewalk and decorative pedestrian lighting, with final approval by Staff.

15. Developer shall provide a minimum 7.5' landscape strip along Cotton Alley to be heavily planted with a mix of evergreen and deciduous material, including trees, shrubs, and grasses of varied height in order to soften the look of the building, with final approval by DRB.
16. Developer shall provide a minimum 10' landscape strip along Roswell Street and Marietta Street to include a mix of trees, shrubs and grasses, with final approval by DRB.
17. Developer shall improve the intersection of Marietta Street and Roswell Street per the plan prepared by the City's Public Works Dept, with final approval by Staff. Intersection improvements shall be eligible for impact fee credits.
18. Retaining walls shall be brick or stone, with final approval by DRB.
19. Developer shall pay a lump sum parking in-lieu fee of \$94,500 prior to the issuance of a building permit.
20. Developer shall provide creative signage, such as a painted sign and/or blade/perpendicular sign, with final approval by DRB.
21. Outside speakers on the outdoor dining area or amenity rooftop shall not be permitted.
22. Parking or staging on Cotton Alley for any construction shall be provided with the LDP, subject to final approval by Staff and public safety.
23. No signage shall be placed on the exterior of the building facing Cotton Alley.
 - Council Member DeRito seconded the motion.
 - The motion was approved unanimously (7-0).

8. NEW BUSINESS

A. PH-23-20 Unified Development Code Text Amendments – Temporary Uses

SECOND READING: The first reading of this item occurred during the November 13, 2023 City Council Meeting.

Consideration text amendments to the Unified Development Code (UDC). Amend Subsection 2.3.2 Temporary Uses to remove carnival, circus and fair as temporary uses.2

- City Attorney, Molly Esswein, read the ordinance title aloud.
- Director of Community and Economic Development, Kathi Cook, came forward to present this item.
- This item was considered by the Planning Commission at the November 2, 2023 meeting. There were no public comments. After discussion, Planning Commission recommended approval (vote 6-0). There have been no changes since the first reading by City Council.
- A carnival, circus or fair should require City Council approval. In addition, these temporary uses should address safety, parking, access, noise, and security while limiting

impacts to surrounding properties. The City's Public Safety Department has limited resources to support these temporary uses.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Mayor Pro Tem Merkel offered a motion to approve PH-23-20 Unified Development Code Text Amendments – Temporary Uses.
 - Council Member Mitchell seconded the motion.
 - The motion was approved unanimously (7-0).

B. Purchase Approval: Information Technology Workstation Equipment Replacement

Consideration and purchase approval of workstation equipment from Dell Marketing, Inc. under the State of Georgia technology contract (#99999-SPD-SPD0000161-0004) in the amount of \$25,000.00

- Director of Information Technology, Adam Montgomery, came forward to present this item.
- This request is to provide for the annual replacement of workstation equipment for all city departments. Starting in fiscal year 2021, the city began an effort to replace desktops with laptops. This process continues as we have seen the benefits to the employee and the city of having a mobile workstation. The current city standards for workstation equipment replacement (based on funding availability) are as follows: desktops and laptops (4 years); monitors (8 years). The refresh of IT equipment is scheduled throughout the fiscal year and is allocated to the most essential needs first.
- As in prior years, funding for technology replacement is placed in one capital project account to allow for more efficient management. The main component of the technology replacement account is funding for workstation equipment replacement. This request for \$235,000.00 is within the fiscal year 2024 budget.
- Workstation equipment refresh will be procured through Dell Marketing, Inc. using State of Georgia technology contract 99999-SPD-SPD0000161-0004. This provides consistency of platform for management, operations, and maintenance.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Council Member Mitchell offered a motion to approve the purchase of workstation equipment from Dell Marketing, Inc. under the State of Georgia technology contract (#99999-SPD-SPD0000161-0004) in the amount of \$25,000.00.
 - Council Member Mitchell seconded the motion.
 - The motion was approved unanimously (7-0).

C. Intergovernmental Agreement: City of Milton and City of Alpharetta for Computer-aided Dispatch and Police Records Management Systems

Consideration of approval of an Intergovernmental agreement for the provision of Computer-aided Dispatch and Police Records Management Systems between the City of Alpharetta, Georgia and the City of Milton, Georgia, approval of the associated Hexagon contract change order to purchase the necessary software and training for said systems, and with authorization for the Mayor to execute all necessary documents.

- Director of Public Safety, John Robison, came forward to present this item.
- The City of Alpharetta and The City of Milton have utilized multi-agency capabilities of both CAD and RMS since 2010. The City of Alpharetta is upgrading and migrating to a new CAD and RMS vendor. The City of Milton wishes to continue to partner in this endeavor. The City of Milton will purchase the needed software and training to accomplish this task from the City of Alpharetta under the competitive bid process previously approved by the Council.
- This IGA sets forth the necessary agreements, guidelines, remediation, and cost recovery actions to accomplish this partnership. The associated change order to purchase software and training in the amount of \$241,537.18 will be invoiced to the City of Milton to be paid by the City of Milton under the provisions of the IGA. This will result in no additional cost to the City of Alpharetta.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Council Member Will offered a motion to approve an Intergovernmental agreement for the provision of Computer-aided Dispatch and Police Records Management Systems between the City of Alpharetta, Georgia and the City of Milton, Georgia, approval of the associated Hexagon contract change order to purchase the necessary software and training for said systems, and authorize the Mayor to execute all necessary documents.
 - Mayor Pro Tem Merkel seconded the motion.
 - The motion was approved unanimously (7-0).

D. Request for Proposal 23-116: Public Safety Concealable Body Armor

Consideration of approval of the award of RFP 23-116 and a five-year contract to Galls, LLC for concealable body armor for the Public Safety Department and authorization for the Mayor to execute all necessary documents.

- Director of Public Safety, John Robison, came forward to present this item.
- The Public Safety Department purchases concealable body armor ("ballistic vests") for Police, Police Reserves, and volunteer personnel. The City's prior concealable body armor contract expired on April 30, 2023.
- The City's intent is to award a 5-year non-exclusive contract to vendor(s) that meet the ballistic vest requirements listed in the RFP. The FY 2024 anticipated spend on body armor is \$35,000, of which \$17,000 would be funded by the 2023 awarded bulletproof vest grant, and the remaining amount would be funded from the FY 2024

uniform budget that was approved during the budget process. Future year purchases will be made pursuant to the unit-prices in the concealable body armor contract and subject to budgetary appropriations.

- The Public Safety and Finance Departments prepared a Request for Proposal (RFP) and advertised proposals in March 2023. As noted in the RFP, no guarantee is made for the number of items to be purchased by the City. The City received two (2) proposals from the following firms: Galls LLC and Walter Craig Law Enforcement, LLC.
- The concealable body armor proposed by Galls, LLC scored highly in both phases of the evaluation process. The Department has worked with Galls LLC before and is satisfied with their service delivery and the quality of their products.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Council Member Will offered a motion to approve the award of RFP 23-116 and a five-year contract to Galls, LLC for concealable body armor for the Public Safety Department and authorize the Mayor to execute all necessary documents.
 - Council Member DeRito seconded the motion.
 - The motion was approved unanimously (7-0).

E. Request for Proposal 24-105: Taste of Alpharetta Event Management Contract Award

Consideration to approve award of RFP 24-105 for Taste of Alpharetta Event Management Services to Premier Events, LLC and authorizing the Mayor to execute all necessary documents.

- Recreation, Parks, and Cultural Services Project Manager, Kurt Kirby, came forward to present this item.
- Over the last few years, the City contracted with a vendor to manage the Taste of Alpharetta event communications and tracking, on-site staffing, vendors and logistics, and sponsorship sales. Outsourcing the event to such a degree presented its own set of challenges and, in the end, the City and the Outsourced Vendor elected to discontinue the current contract effective September 4, 2023.
- Over the last few years, the City contracted with a vendor (Outsourced Vendor) to manage the event's communications and tracking, on-site staffing, vendors and logistics, and sponsorship sales. Outsourcing the event to such a degree presented its own set of challenges and, in the end, the City and the Outsourced Vendor elected to discontinue the current contract effective September 4, 2023.
- Recreation, Parks, and Cultural Services published RFP #24-105 on August 24, 2023, in partnership with the Finance Department, seeking vendor applicants for a five-year comprehensive event management services contract for the city's annual Taste of Alpharetta event.

- RFP 24-105 solicitation documents were downloaded by 51 document takers. Proposals were received on September 21, 2023, and consisted of four responses which were submitted to the evaluation committee for review and ranking.
- The highest scoring and lowest cost firm, Premier Events, LLC is a well-known vendor to the City of Alpharetta. The company has been awarded contracts for other events, such as Wire & Wood, thereby granting them extensive knowledge of the workings of events within the City of Alpharetta. Their proposal (attached hereto as "Premier Events, LLC Proposal") was thorough and thoughtful; staff found their proposal to demonstrate the creativity, knowledge, experience, and resources necessary to successfully deliver an excellent Taste of Alpharetta event.
- The Department is requesting a reallocation of \$70,000 from General Fund contingency to cover the TOA Event Management Services contract with Premier events LLC. and will include the remaining event financial activity (revenue/expense) as part of a FY 2024 Mid-Year Budget request.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Council Member Hipes offered a motion to approve the award of RFP 24-105 for Taste of Alpharetta Event Management Services to Premier Events, LLC in an amount not to exceed \$70,000 and authorize the Mayor to execute all necessary documents.
 - Mayor Pro Tem Merkel seconded the motion.
 - The motion was approved unanimously (7-0).

F. Resolution: Eminent Domain – Webb Bridge Road Project Parcel 19

Consideration of adoption of a Resolution of the Mayor and council of the City of Alpharetta, Georgia to authorize the use of eminent domain to acquire certain property located at 200 Dodd Lane, Alpharetta, Georgia, 30005 (Tax parcel 21-5590-1249-076-0) for Right of Way proposed Webb Bridge Bike and Pedestrian Improvements from Big Creek Greenway to Webb Bridge Way, and approval of an Order to Condemn, and Declaration of Taking, and with authorization for the Mayor to execute all necessary documents.

- City Attorney, Molly Esswein, read the resolution title aloud and came forward to present this item.
- The City has determined that it is necessary to make bike and pedestrian improvements from Big Creek Greenway to Webb Bridge Way. The use of eminent domain is not only necessary for the public interest, but also must be carried out expeditiously to ensure the timely completion of the Project
- Further, this resolution authorizes the Mayor and the City Administrator to execute, on behalf of and as if signed by every member of the governing authority of the City, the Mayor and Council, any and all documents necessary to further the filing of any Petition

for Condemnation or Declaration of Taking related to the same and/or in furtherance of this Resolution.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Council Member Mitchell offered a motion to adopt a Resolution of the Mayor and council of the City of Alpharetta, Georgia to authorize the use of eminent domain to acquire certain property located at 200 Dodd Lane, Alpharetta, Georgia, 30005 (Tax parcel 21-5590-1249-076-0) for Right of Way proposed Webb Bridge Bike and Pedestrian Improvements from Big Creek Greenway to Webb Bridge Way, and approval of an Order to Condemn, and Declaration of Taking, and authorize the Mayor to execute all necessary documents.
 - Mayor Pro Tem Merkel seconded the motion.
 - The motion was approved unanimously (6-0; as Council Member DeRito was not present in the room during the motion and vote for this item).
 - Council Member DeRito rejoined the meeting.

9. WORK SESSION ITEMS

A. Discussion on City of Alpharetta and True North 400

Follow up and discussion from the November 6, 2023 City Council Meeting regarding the City of Alpharetta's involvement with True North 400.

10. PUBLIC COMMENT

- There were no public comments.

11. REPORTS

- Council Member Hipes shared that the city had an extremely successful tree lighting celebration on the Town Green and thanked every department involved.
- City Administrator, Chris Lagerbloom, shared that there will not be a City Council meeting on Monday, December 4, 2023.

12. EXECUTIVE SESSION (IF NECESSARY)

- ❖ Council Member Hipes offered a motion to recess to Executive Session.
 - Mayor Pro Tem Merkel seconded the motion.
 - The motion was approved unanimously (7-0).
 - Mayor Gilvin recessed the meeting at 10:47 for an Executive Session regarding pending litigation.
- ❖ Council Member Mitchell offered a motion to reconvene the meeting.
 - Mayor Pro Tem Merkel seconded the motion.
 - The motion was approved unanimously (7-0).
 - Mayor Gilvin reconvened the meeting at 11:09 pm.

13. ADJOURNMENT

- ❖ Council Member DeRito offered a motion to adjourn.
 - Mayor Pro Tem Merkel seconded the motion.
 - The motion was approved unanimously (7-0).
- With there being no further items to consider or discuss, Mayor Gilvin adjourned the meeting at 11:10 p.m.

Respectfully submitted,



Lauren Shapiro, City Clerk