

7/1/20

CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

FOR OFFICE USE ONLY

Case #: _____

Fee Paid Initial: _____

COMMUNITY DEVELOPMENT DEPARTMENT

2 PARK PLAZA

ALPHARETTA, GA 30009

1. This page should be the first page in each of your completed application packets.
2. It is preferred that all responses be typed. Illegible applications will not be accepted.
3. Prior to signing and submitting your application, please check all information supplied on the following pages to ensure that all responses are complete and accurate. Incomplete applications will not be accepted.
4. Payment of all applicable fees must be made at the time of application. Payment may be made via cash, credit card (American Express, Master Card or Visa), or check made payable to "City of Alpharetta."
5. Applications will be accepted only on the designated submittal dates between the hours of 8:30 AM and 3:30 PM.
6. If you have any questions regarding this form, please contact the Community Development Department by calling 678-297-6070.

Contact Information:

Contact Name: Brookfield Properties c/o Kathryn M. Zickert Telephone: 404-815-3704

Address: 1230 Peachtree Street Suite: 3100

City Atlanta State: GA Zip: 30309 Fax: 404-685-7004

Mobile Tel: _____ Email: kzickert@sgrlaw.com

Subject Property Information:

Address: See Attached Current Zoning: MU

District: _____ Section: _____ Land Lot: _____ Parcel ID: _____

Proposed Zoning: MU Current Use: Shopping Center/Mall

This Application For *(Check All That Apply):*

- | | | |
|---|---|------------------------------------|
| <input type="checkbox"/> Conditional Use | <input type="checkbox"/> Master Plan Amendment | <input type="checkbox"/> Exception |
| <input type="checkbox"/> Rezoning | <input type="checkbox"/> Master Plan Review | |
| <input type="checkbox"/> Variance | <input type="checkbox"/> Public Hearing | |
| <input type="checkbox"/> Comprehensive Plan Amendment | <input checked="" type="checkbox"/> Other <i>(Specify):</i> | |

Modification of Zoning Conditions

7/1/20

**Public Hearing Application
for
Brookfield Properties Retail, Inc.**

**SUBJECT PROPERTY INFORMATION
And
PROPERTY OWNER INFORMATION**

- 1) 1000 North Point Parkway (12 261006880440)
North Point Mall, LLC
P.O. Box 617905
Chicago, IL 60661
- 2) 4500 North Point Place (12 261006880358)
North Point Mall, LLC
P.O. Box 617905
Chicago, IL 60661
- 3) 5000 North Point Drive (12 260007000123)
North Point Mall, LLC
P.O. Box 617905
Chicago, IL 60661
- 4) 0 North Point Drive (12 272007430432)
North Point Mall, LLC
P.O. Box 617905
Chicago, IL 60661
- 5) 6000 North Point Circle (12 272007430416)
North Point Mall, LLC
P.O. Box 617905
Chicago, IL 60661
- 6) 1000 North Point Parkway (12 273007420431)
North Point Mall, LLC.
P.O. Box 617905
Chicago, IL 60661
- 7) 2000 North Point Circle (12 273007420399)
North Point Mall, LLC
P.O. Box 617905
Chicago, IL 60661

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APPLICANT REQUEST AND INTENT

What is the proposed use(s) of the property?

See attached Letter of Intent

Applicant's Request (Please itemize the proposal):

See attached Letter of Intent

Applicant's Intent *(Please describe what the proposal would facilitate).*

See attached Letter of Intent

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PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: Charles Tapia, Brookfield Properties Retail, Inc. Telephone: (312) 960-5729

Address: 350 North Orleans Suite: 300

City Chicago State: IL Zip: 60654 - 1607

Authorization:

I do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the legal owner, as reflected in the records of Fulton County, Georgia, of the property identified below, which is the subject of the attached Application for Public Hearing before the City of Alpharetta, Georgia.

As the legal owner of record of the subject property, I hereby authorize the individual named below to act as the applicant in the pursuit of the Application for Public Hearing in request of the items indicated below.

- Annexation
- Rezoning
- Variance
- Land Use Application
- Special Use
- Conditional Use
- Master Plan
- Other **Change of Zoning Condition**

Identify Authorized Applicant:

Name of Authorized Applicant: North Point Mall, LLC c/o Kathryn M. Zickert Telephone: 404-815-3704

Address: 1230 Peachtree Stree, Suite 3100 Suite: 3100

City Atlanta State: GA Zip: 30309

So Sworn and Attested:

Owner Signature: *Charles Tapia* Date: 6-25-20

Notary:

Notary Signature: *Katya R. Lewandowska* Date: 6-25-2020



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DISCLOSURE FORM

The Official Code of Georgia Annotated requires disclosure of campaign contributions to government officials by an applicant or opponent of a rezoning or public hearing petition (O.C.G.A. 36-67 A-1).

Applicants must file this form with the City of Alpharetta Community Development Department within ten (10) days after filing for rezoning or public hearing. Opponents to a rezoning or public hearing petition must file this form five (5) days prior to the Planning Commission meeting at which the subject rezoning or public hearing petition is scheduled to be heard.

Name of Applicant or Opponent: North Point Mall, LLC

Subject Public Hearing Case: North Point Mall Mixed Use Development - Change of Zoning Condition

Campaign Contribution Information:

Please provide the requested information for each contribution with a dollar amount or value of \$250 or more made within the past two (2) years to an Alpharetta Official by the individual identified above. Please use a separate form for each Alpharetta Official to whom such a contribution as been made.

If the individual identified above has made no such contributions to an Alpharetta Official within the past two (2) years, please indicate this by entering "N/A" on the appropriate lines below.

Name of Official: N/A Position: _____

Description of Contribution: N/A Value: _____

Campaign Contribution Information:

I do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Disclosure Form is true and accurate and that I have disclosed herein any and all campaign contributions made to an Official of the City of Alpharetta, Georgia in accordance with O.C.G.A. 36-67 A-1.

Signature: 

Date: 6.25.20

7/1/20

DISCLOSURE FORM

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Name of Applicant or Opponent: Dennis J. Webb, JR., Smith Gambrell & Russell, LLP

Subject Public Hearing Case: North Point Mall Mixed Use Development - Change of Zoning Condition

Campaign Contribution Information:

Please provide the requested information for each contribution with a dollar amount or value of \$250 or more made within the past two (2) years to an Alpharetta Official by the individual identified above. Please use a separate form for each Alpharetta Official to whom such a contribution as been made.

If the individual identified above has made no such contributions to an Alpharetta Official within the past two (2) years, please indicate this by entering "N/A" on the appropriate lines below.

Name of Official: _____ Position: _____

Description of Contribution: _____ Value: _____

Campaign Contribution Information:

I do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Disclosure Form is true and accurate and that I have disclosed herein any and all campaign contributions made to an Official of the City of Alpharetta, Georgia in accordance with O.C.G.A. 36-67 A-1.

Signature: 

Date: 6/24/20

7/1/20

DISCLOSURE FORM

The Official Code of Georgia Annotated requires disclosure of campaign contributions to government officials by an applicant or opponent of a rezoning or public hearing petition (O.C.G.A. 36-67 A-1).

Applicants must file this form with the City of Alpharetta Community Development Department within ten (10) days after filing for rezoning or public hearing. Opponents to a rezoning or public hearing petition must file this form five (5) days prior to the Planning Commission meeting at which the subject rezoning or public hearing petition is scheduled to be heard.

Name of Applicant or Opponent: Kathryn M. Zickert, Smith Gambrell & Russell, LLP

Subject Public Hearing Case: North Point Mall Mixed Use Development - Change of Zoning Condition

Campaign Contribution Information:

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If the individual identified above has made no such contributions to an Alpharetta Official within the past two (2) years, please indicate this by entering "N/A" on the appropriate lines below.

Name of Official: _____ Position: _____

Description of Contribution: _____ Value: _____

Campaign Contribution Information:

I do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Disclosure Form is true and accurate and that I have disclosed herein any and all campaign contributions made to an Official of the City of Alpharetta, Georgia in accordance with O.C.G.A. 36-67 A-1.

Signature: Kathryn M Zickert

Date: 6/24/20

7/1/20

DISCLOSURE FORM

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Applicants must file this form with the City of Alpharetta Community Development Department within ten (10) days after filing for rezoning or public hearing. Opponents to a rezoning or public hearing petition must file this form five (5) days prior to the Planning Commission meeting at which the subject rezoning or public hearing petition is scheduled to be heard.

Name of Applicant or Opponent: J. Alexander Brock, Smith Gambrell & Russell, LLP

Subject Public Hearing Case: North Point Mall Mixed Use Development - Change in Zoning Condition

Campaign Contribution Information:

Please provide the requested information for each contribution with a dollar amount or value of \$250 or more made within the past two (2) years to an Alpharetta Official by the individual identified above. Please use a separate form for each Alpharetta Official to whom such a contribution as been made.

If the individual identified above has made no such contributions to an Alpharetta Official within the past two (2) years, please indicate this by entering "N/A" on the appropriate lines below.

Name of Official: _____ Position: _____

Description of Contribution: _____ Value: _____

Campaign Contribution Information:

I do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Disclosure Form is true and accurate and that I have disclosed herein any and all campaign contributions made to an Official of the City of Alpharetta, Georgia in accordance with O.C.G.A. 36-67 A-1.

Signature: 

Date: 6-24-20

7/1/20

CITIZEN PARTICIPATION FORM - PART A

This form must be completed and submitted with the applicant's completed Public Hearing Application. Applications submitted to the City of Alpharetta without a completed Citizen Participation Form - Part A will not be accepted.

Public Hearing or Project Name: North Point Mall Mixed Use Development - Change in Zoning Condition

Contact Name: Kathryn M. Zickert Telephone: 404-815-3704

The following people will be notified of this application and provided information describing the subject proposal. Please note that ALL adjoining property owners MUST be notified. Use additional pages as needed.

See Attached List

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Method by which these individuals will be contacted. Please mark all that apply. *If you select "Other," please provide a description of the method of contact that will be used.*

- | | |
|---|--|
| <input checked="" type="checkbox"/> Letter | <input type="checkbox"/> Personal Visits |
| <input checked="" type="checkbox"/> Telephone | <input checked="" type="checkbox"/> Group Meeting |
| <input type="checkbox"/> Email | <input type="checkbox"/> Other <i>(Please Specify)</i> |

Please describe the method(s) by which these individuals will have the opportunity to respond or contact the applicant with questions or concerns about the proposal.

At the meeting and by contacting the Applicant and Applicant's representative.

BROOKFIELD PROPERTIES/NORTH POINT
MALL CHANGE TO COUNCIL CONDITION

7/1/20

Brookfield Properties Retail, Inc
Properties within 500 Feet

	A	F	G	H	J	K	L	M
1	ParcelID	HouseNum	PropertyAddress	City	OwnerAddress1	OwnerAddress2	OwnerAddress3	OwnerAddress4
2	12 273007420175	0	NORTH POINT DR	ALP	BRI 1870 NORTH POINT LLC	1140 E HALLANDALE BEACH BLVD	HALLANDALE FL 33009	
3	12 273007420423	6301	6301 NORTH POINT PKY	ALP	COLE CP ALPHARETTA GA LLC	12181 BLUFF CREEK DR	PLAYA VISTA CA 90094	
4	12 273007550187	6085	6085 NORTH POINT PKY	ALP	BP NORTHPOINT LLC	5200 BUFFINGTON RD	ATLANTA GA 30349	
5	12 260007000123	5000	5000 NORTH POINT DR	ALP	NORTH POINT MALL L P	7 W 7TH ST	TAX DEPT.-SHF	CINCINNATI OH 45202
6	12 261007010435	1000	1000 NORTH POINT PKY	ALP	DILLARD DEPARTMENT STORES INC	4501 NORTH BEACH ST	FORT WORTH TX 76137	
7	12 272007430374	1325	1325 NORTH POINT DR	ALP	HPTMI II PROPERTIES TRUST	P.O. BOX 579	LOUISVILLE TN 37777	
8	12 272007430416	6000	6000 NORTH POINT CIR	ALP	SEARS	3333 BEVERLY RD	HOFFMAN ESTATES IL 60179	
9	12 273007430265	1350	1350 NORTH POINT CT	ALP	BRE LQ PROPERTIES LLC	909 HIDDEN RIDGE	IRVING TX 75038	
10	12 261006880341	400	NORTH POINT PL	ALP	VON MAUR INC	6565 N. BRADY ST.	DAVENPORT IA 52806	
11	12 261007020392	6731	NORTH POINT PKY	ALP	HOLLYWOOD CAMARILLO PRARTNER	3520 PIEDMONT RD. NE	ATLANTA GA 30305	
12	12 261007020384	6751	NORTH POINT PKY	ALP	ALPHA Z-BOY PARTNERS, LLC	940 EMMETT AVE	BELMONT CA 94002	
13	12 261007020400	6551	NORTH POINT PKY	ALP	HUBERT PROP LLLP	850 KENNESAW AVE NW	MARIETTA GA 30060	
14	12 261007020418	6503	NORTH POINT PKY	ALP	RIPON MAIN ASSOCIATES LP	940 EMMETT AVE	BELMONT CA 94002	
15	12 273007410119	6499	NORTH POINT PKY	ALP	SUN TRUST BANK ATL	919 E MAIN ST	RICHMOND VA 23219	
16	12 273007420415	380	NORTH POINT PKY	ALP	PALM J LLC	101 PLAZA REAL S	BOCA RATON FL 33432	
17	12 273007420381	310	NORTH POINT PKY	ALP	SWANN INVESTMENTS LP	850 KENNESAW AVE NW	MARIETTA GA 30060	
18	12 273007540279	2500	NORTH POINT CT	ALP	VILLAGE CREATIVE LABS PARTNERS LI	940 EMMETT AVE	BELMONT CA 94002	

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Promenade, Suite 3100
1230 Peachtree Street, N.E.
Atlanta, Georgia 30309-3592
Tel: 404 815-3500
www.sgrlaw.com

SMITH, GAMBRELL & RUSSELL, LLP
Attorneys at Law

Kathryn M. Zickert
Direct Tel: 404-815-3704
Direct Fax: 404-685-7004
kzickert@sgrlaw.com

June 30, 2020

VIA HAND DELIVERY)

Ms. Kathi Cook
Director of Community Development
City of Alpharetta
217 Roswell Street
Alpharetta, Georgia 30009

Re: Amend Condition of Approval of MP1807, Z1810, CU1808, and V1810
North Point Mall, Sears replacement

Dear Ms. Cook:

As you are aware, I represent Brookfield Properties Retail, Inc., owner of most of North Point Mall including the 30 acre tract which is subject to the above-referenced approvals. Due to the onslaught of COVID-19 and the financial uncertainty which it has engendered, Brookfield requires relief from one of the timing requirements imposed by the 29 conditions imposed upon approval of these applications.

The final approval of the North Point Mall redevelopment plans occurred on February 25, 2019. (A copy of that approval is attached as Exhibit A for your convenience.) At the time of that approval, Brookfield anticipated breaking ground by late 2019 or early 2020. Therefore Brookfield acquiesced to a timing condition which read in permeant part as follows:

Paragraph 4 (c) Residential: After July 1, 2020, up to 50% of the maximum 300 "For Rent" units shall be permitted a Certificate of Occupancy ("CO") in accordance with the UDC "For Rent" requirements, except as approved below. The remaining "For Rent" units shall be permitted a CO after January 1, 2021 ... If construction does not commence by February 25, 2021, residential units shall revert to "For Sale" only. (emphasis supplied)

Brookfield cannot, given current pandemic and economic conditions, guarantee the commencement of construction by February 25, 2021. Therefore, Brookfield requests that this last sentence be revised to read as follows:

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Kathi Cook
June 30, 2020
Page 2

If construction does not commence by February 25, 2022, residential units shall revert to "For Sale" only.

Brookfield remains committed to redevelop this site as contemplated by the original approval. However, current economic uncertainty might make the earlier timetable impossible to observe.

I am enclosing Brookfield's authorization form, campaign contribution disclosures and a check in the amount of \$675 as the filing fee for this request.

As always my client and I both look forward to work with you, your staff and the City Council during this process.

Sincerely,



Kathryn M. Zickert

KMZ/hc

Enclosures

cc: Charlie Tapia
J. Alex Brock

7/1/20

PH-20-10

BROOKFIELD PROPERTIES/NORTH POINT
MALL CHANGE TO COUNCIL CONDITION

EXHIBIT A

7/1/20



City Council Meeting
February 25, 2019
Office of the City Clerk
CITY HALL -2 PARK
PLAZA

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.

I. CALL TO ORDER

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

II. ROLL CALL

- Council Members
 - Mayor Jim Gilvin
 - Mayor Pro Tem Donald F. Mitchell
 - Jason Binder
 - Ben Burnett
 - John Hipes
 - Dan Merkel
 - Karen Richard
- Staff
 - Bob Regus, City Administrator
 - Sam Thomas, City Attorney
 - Erin Cobb, City Clerk
 - James Drinkard, Asst. City Administrator
 - Peter Sewczwicz, Director of Public Works
 - John Robison, Director of Public Safety
 - Morgan Rodgers, Director of Recreation, Parks & Cultural Services
 - Kathi Cook, Director of Community Development
 - Tom Harris, Director of Finance
 - Michael Woodman, Senior Planner

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- Eric Graves, Senior Traffic Engineer
- Matthew Thomas, Economic Development Manager

III. PLEDGE TO THE FLAG

IV. PROCLAMATIONS & PRESENTATIONS

A. Alpharetta Business Association Proclamation

B. Alpharetta Rotary Club to Present Donation to the Alpharetta Public Safety Foundation

- The Alpharetta Rotary Club presented the Director of Public Safety, John Robison, with a check for \$30,000 as a donation to the Alpharetta Public Safety Foundation

V. CONSENT AGENDA

- Mayor Gilvin made an addition to the agenda; a Resolution in Opposition to House Bill 184 and Senate Bill 66, Streamlining Wireless Facilities and Antennas Act was added as item C under New Business

A. Council Meeting Minutes (Meeting of 2-18-2019)

B. Alcoholic Beverage License Applications

PH-19-AB-05 BP Alpharetta USA INC
d/b/a BP Food Mart
11425 Haynes Bridge Road
Alpharetta, GA 30009

Retail Package Sales, Beer,
Wine, Sunday Sales

Owner: Sadruddin Surani

Registered Agent: Sadruddin Surani

C. Appointment of Cris Randall as Director of Human Resources

- ❖ Council Member Merkel offered a motion to approve the Consent Agenda
 - The motion received a second from Mayor Pro Tem Mitchell
 - The motion was approved unanimously 7-0

VI. PUBLIC HEARING

A. MP-18-07 / Z-18-10 / CU-18-08 / V-18-10: Brookfield/North Point Mall

- Director of Community Development, Kathi Cook, came forward to present this item.
- Staff recommends Mayor and Council approve MP-18-07/Z-18-10/CU-18-08/V-18-10 Brookfield/North Point Mall Redevelopment, subject to the following conditions (**Planning Commission changes in RED, Architecture Conditions in BLUE**):
 1. Property depicted in Exhibit A, approximately 30 acres, shall be rezoned to MU and developed substantially similar to plan submitted by Kimley-Horn & Associates, Inc., dated **2/6/2019** ~~1/8/2019~~, and renderings, except as modified by these conditions. Applicant shall provide a legal description of the 30-acre property prior to issuance of the LDP.
 2. 'Dwelling, 'For-Rent' shall be added as a conditional use in the North Point Mall Master Plan.

3. Active uses, including service retail, restaurant and office, shall be required in the 'For-Rent' building ground-floor space along the new Storefront street and shall have a first floor height of ~~14' 18"~~ and depth of ~~30' 40"~~. Ground-floor residential walkouts shall be similar to Exhibit B. ~~At-grade walkouts also are allowed. However doors shall be decorative and not appear as a standard glass sliding door.~~
4. Development regulations shall be as follows:
 - a. Commercial – Maximum ~~24,000~~ 30,000 square feet of retail/restaurant use in freestanding buildings and in a minimum of 16,000 square feet of non-residential uses on the ground-floor of the 'For-Rent' building. Freestanding buildings shall be 2-stories or 40', whichever is less. Drive-through restaurants shall be prohibited. Rooftops and outdoor dining patios are encouraged and shall not count against the retail/restaurant development maximum. Remaining retail/restaurant entitlement for North Point Mall Master Plan shall be 1,237,246 square feet for outparcels and space within North Point Mall.
 - b. Office – Maximum 30,000 square feet within North Point Mall.
 - c. Residential – After ~~July 1, 2020~~ ~~January 1, 2021~~, up to 50% of the maximum 300 'For-Rent' units shall be permitted a Certificate of Occupancy (CO) in accordance with UDC 'For-Rent' requirements, except as approved below. ~~The remaining 'For-Rent' units shall be permitted a CO after January 1, 2021.~~ 'For-Rent' buildings shall be no greater than 4 stories or 60', whichever is less, and all units shall be one (1) and two (2) bedrooms. A maximum of sixty percent (60%) of units shall be ~~studios or~~ one bedroom and no 3-bedroom units shall be permitted. ~~Studio units shall have a minimum square footage of 550 square feet.~~ One-bedroom units shall have a minimum size of 700 square feet and two-bedroom units shall have a minimum size of 1,050 square feet. ~~'For-Rent' block shall be as depicted in Exhibit C, Current Proposed.~~ 'For-Rent' units shall be constructed concurrently with all required open space areas, infrastructure and freestanding retail/restaurant uses. A CO shall not be issued for 'For-Rent' use until ~~onsite~~ open space and infrastructure have been constructed and ~~inspected~~ ~~accepted~~ by the City. ~~Offsite improvements must be under construction.~~ 'For-Rent' units shall have first class amenities and shall include a private pool, fitness center, secured parking, resident's lounge, business center, on-site management office and secure elevator access. Surface parking and garages associated with 'For-Rent' use shall be heavily screened from North Point Circle. If construction does not commence by February 25, 2021, residential units shall revert to 'For-Sale' only.
5. The Master Plan area shall be limited to the following uses and further restricted by conditions of zoning:
 - a. Retail
 - b. Restaurant (no drive-thru)
 - c. Office
 - d. Residential
6. Retail uses shall be those customarily accessory to or amenities for residential and office uses, restricted to the following:
 - a. Art Gallery

- b. Bakery
 - c. Barber Shop
 - d. Beauty Shop
 - e. Book Store
 - f. Brewery or Distillery
 - g. Copy Center/Print Shop
 - h. Dry Cleaning Pick-up Station
 - i. Fitness or Dance Studio
 - j. Florist, Retail without Greenhouse
 - k. Neighborhood Grocery (min. 3,000 SF)
 - l. Office Supply Store (not to exceed 2,000 SF)
 - m. Package Shipping/Mail Box Store
 - n. Pet grooming/pet day care
 - o. Restaurant (no drive-thru)
 - p. Retail Sales and Services Establishment (Includes financial services, special event space, live music and other performance venues and technology-based entertainment, a maximum of 10,000 sf)
 - q. Shop or Studio, Craftsman/Artist
 - r. School, Commercial (Includes Day Care)
 - s. Spa Services (with approval of a conditional use permit)
 - t. Sport event space
 - u. Uses similar to above as approved by Staff
7. **The 2** new internal streets shall meet the Type 'D' Corridor regulations, as approved by the City's Traffic Engineer, and streets shall be private. Pedestrian bridges, stairs, elevators and escalators may encroach over and into public spaces provided that they do not impede pedestrian circulation or safety.
8. Minimum 14.67 acres of open space (8.37 acres civic space and 6.30 acres amenity space), consisting of trails, park overlooks, community gardens, passive recreation areas, event space, parks, etc. shall be provided, as depicted on the ~~2/6/2019~~ ~~4/8/2019~~ zoning plan. 4.02 acres of common area inside North Point Mall shall be counted as amenity space, if those areas are renovated/improved, including a new playground area, food court and other internal activated courtyard spaces, prior to final Certificate of Occupancy (CO) for 'For-Rent' buildings.

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9. Trail depicted along North Point Circle shall be striped and painted for a 2-way bicycle path, including min. 3' wide protective buffer (striping with ~~delineator's bollards~~ every 25') between the vehicular travel lane and the bicycle path, with final design approved by Staff similar to Exhibit D.
10. Developer shall construct a City approved MARTA bus shelter ~~on public right-of-way~~ at existing bus stop at corner of North Point Parkway ~~and at the northernmost access road to the Mall at first entrance at stormwater park.~~
11. Developer shall ~~accommodate set-aside~~ a 30' access area through the civic space for a possible future private roadway extension. Area shall be depicted on LDP plans and may be used ~~until development of the balance of the property in-the-interim~~ for green space ~~or open space~~.

Design Conditions:

12. Site access driveway at the intersection of North Point Drive and North Point Circle requires special attention to pedestrian and bicycle access. Geometrics, lighting, and materials shall provide emphasis on the pedestrian environment and safety, as approved by the City Transportation Engineer. ~~Assuming the City owns the right-of-way, this~~ Plan shall include a 10' sidewalk, 6' planting strip and decorative pedestrian lighting with the right-of-way spanning the distance to the storm water park on the south side and to the hotel curb cut on the north side. Applicant will receive impact fee credits for off-site work within the City right-of-way.
13. Developer shall meet EcoDistrict measures as requested on Page 6 of the applicant's letter of intent, dated December 21, 2018 (Exhibit E). Developer shall provide detailed information at LDP and building permit regarding compliance with each requested EcoDistrict measure. Total EcoDistrict points to be confirmed by Staff.
14. Applicant shall construct ~~Phase 1 of the~~ stormwater park improvements that ~~are shown on Exhibit F,~~ including trails, landscaping and overlooks with final approval by Staff. ~~Permanent easements Other than the detention ponds themselves and waterways which feed it, the balance of the Phase 1 tract shall be dedicated to and maintained by the City. The City shall be responsible for structural repairs upon dedication and the developer shall be responsible for daily maintenance for public access to and within the stormwater park. Developer shall maintain park however impact. Developer and other pond owner shall remain solely and exclusively responsible for maintenance of the detention ponds and waterways which feed it.~~ Impact fee credits will be provided for the off-site public park improvements.
15. At-grade pedestrian and bicycle connections shall be provided throughout the site, including between buildings and recreational facilities within the development and across North Point Circle. Pedestrian crossings throughout development shall be ramped and the surface materials shall be brick pavers, cobblestones or architecturally treated concrete products, as approved by DRB.
16. ~~Entrance off North Point Drive~~ The greenspace denominated as Plaza 3 on the Plan shall be designed ~~with a minimum 5,000 SF greenspace~~ to incorporate a water feature, sculpture or similar focal point feature, as approved by DRB and prior to LDP. Approval and construction of the focal point feature shall be required concurrent with the CO.
17. Retaining walls shall receive architectural façade treatment and be heavily landscaped. Retaining walls visible from developed areas exceeding 16' in height shall be terraced with landscaping to break up large expanse of retaining wall.

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18. Developer shall provide bicycle racks, benches, trash receptacles, decorative crosswalks, planters, kiosks and other street furniture, where appropriate, throughout the development. **A minimum of one 10' sculpture shall be incorporated into the site.**
19. Prior to LDP, applicant shall submit for approval a document to be entitled 'North Point Mall Redevelopment Design Standards'. This document shall include elevations or architectural themes of buildings, specifications for street furniture including benches, trash receptacles, lighting, fountains, bicycle racks, bus shelter, signage landscaping themes and focal point features and shall be substantially similar to the renderings filed with the 2018 application, as amended. Design standards will be presented to Staff and the DRB for review and approval. This document also shall detail entrance treatment for the North Point Drive/North Point Circle intersection with the new private road.
20. Architecture shall require DRB approval. All buildings must **be oriented to face** the new street aligned with North Point Drive **or green or other open space**. Backside of buildings or 'back of house' functions (such as loading or dumpster area) shall **not be visible-screened** from new streets or North Point Circle. Parapet walls shall be used as needed to screen roof-top mechanical equipment and views. **Residential buildings shall contain a minimum of 30% brick or stone on all sides. A porch or balcony feature shall wrap corners of buildings along the new Main street with brackets. These corners should have significant architectural features. The residential building visible at the end of the green shall include a roof variation visible from the view corridor which may be accomplished by using the "sails" on the other residential buildings or main mall building in an artistic manor.**
21. Prior to the first LDP, applicant shall submit a revised master plan for the entire parcel to the City, which shall incorporate the approved conditions, as well as the following:
 - a. Approved specifications and standards identified for each use within the total development.
 - b. Pedestrian network.
 - c. Overall planned open space areas.
22. Alcohol license distance requirements from residential development shall be waived.
23. Rooftop signs are encouraged and shall be permitted, with approval by DRB.
24. All site plans and civil design plans hereafter submitted to the City of Alpharetta shall state as the first note: "This plan reflects conditions stipulated through public hearing regarding case MP-18-07/Z-18-10/CU-18-08/V-18-10 Brookfield/North Point Mall"
25. Minimum 10' landscape strip shall be required along North Point Circle adjacent to the ~~proposed-development and shall~~ **'For-Rent' tract and provide a visual screen of the 'For-Rent' surface parking lot. Shall include the required landscape strip materials, as well as parking lot screening materials.**

Other Conditions:

26. **Developer shall try to include** at least 1 roof-top amenity ~~shall be required~~ within the non-residential portion of the development. **A minimum 10' kinetic/mobile sculpture shall be added to the roof of building if a rooftop amenity is not incorporated.**

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27. Provide detailed street planting for North Point Circle and new private streets. Landscape plan shall be approved prior to issuance of a LDP and shall retain landscape trees, if possible, as approved by DRB.
28. ~~Developer shall dedicate a permanent easement to the City and construct multi-use trail as depicted on the plan prepared by Kimley-Horn & Associates, Inc., dated 1/8/2019, with final design/materials approved by Staff and construction completed prior to the first CO for residential units. Multi-use trail shall including protected crossings at intersections, seating/gathering areas, lighting, landscape, hardscape, trail entrance gateways, wayfinding signage, bike share station and public parking. Trail shall be maintained by the developer. Developer's financial responsibility for offsite improvements shall not exceed its impact fees, nor shall credits be given for submitted EcoDistrict improvements or meeting minimum open space requirements.~~
29. ~~It is acknowledged that the approved Site Plan may be subdivided into separately platted parcels with individual tax numbers, that the separate development parcels are to be developed by separate owners/developers, and that the public amenities are to be platted and owned by the Developer. Zoning compliance for conditions uniquely applicable to an individual owner's parcel will be the responsibility of that owner and that non-compliance by such an owner does not render, by itself, the remaining parcels "non-conforming" uses under the Zoning Code.~~
- The applicant, North Point Mall, LLC, requests a master plan amendment to add 'Dwelling, 'For-Rent' as a conditional use in the North Point Mall Master Plan. A rezoning is requested from PSC (Planned Shopping Center) to MU (Mixed Use) for 83.67 acres to allow for the redevelopment of the former Sears Department Store with 300 'For-Rent' units and 24,000 square feet of freestanding retail/restaurant use. A conditional use is requested to allow the proposed 'For-Rent' use. Variances are requested to eliminate the neighborhood grocery associated with 'For-Rent' use, to reduce ground-floor non-residential uses in the 'For-Rent' building and to allow enclosed amenity space in North Point Mall to count toward required amenity space. The subject property is located at 1000 North Point Circle.
 - The submitted request, if approved, would allow for redevelopment of the former Sears anchor with 300 'For-Rent' units and 24,000 square feet of freestanding retail/restaurant use. The applicant proposes an amendment to the North Point Mall Master Plan, a rezoning of 83.67 acres from PSC (Planned Shopping Center) to MU (Mixed Use), conditional use to allow 'For-Rent' use, as well as variances to eliminate the neighborhood grocery, reduce ground-floor non-residential uses in the For-Rent building and to allow enclosed space inside the Mall to count toward amenity space. The proposed residential density is 3.59 dwelling units per acre. The subject property is located at 1000 North Point Circle.
 - The property is zoned PSC subject to the North Point Mall Master Plan. Surrounding properties are also zoned PSC, with properties to the south and west subject to the North Point Mall Master Plan and properties to the north and east subject to the North Point Business Center Master Plan. Surrounding properties are Residence Inn by Marriott to the northeast, regional stormwater facility to the east, North Point Mall and JC Penney to the south and west and Georgia 400 to the north. The Comprehensive Land Use Plan designation of the property is 'Mixed Use', which allows the proposed use.
 - The North Point Mall Master Plan (MP-90-04) was approved on March 19, 1990, allowing a 1,392,132 square foot regional shopping mall and outparcels on 100 acres. The Master Plan has been amended from time-to-time, including a recent amendment to add 'Office' use for SPACES inside North Point Mall.
 - The property is located in the North Point Activity Center LCI, which was initially adopted in 2008 with a 10-year major update adopted by Council in 2018. The LCI envisions the North Point area as a walkable, mixed-use environment with a focus on sustainability, greenspace and connectivity. The recent LCI update identified a market demand potential of 357 – 454 'For-Rent' units over the next 5 years. The demand analysis is intended to be a measure of market viability, not a prediction or recommendation for North Point development. Since the adoption of the LCI update in 2018, there have been no residential approvals south of Georgia 400 in the North Point LCI.

- A rezoning is requested for 83.67 acres from PSC to MU and a conditional use is requested to allow 'Dwelling, 'For-Rent' Residential' use. If approved, it is recommended that approximately 30 acres be rezoned to MU and residential density capped at ten (10) dwelling units per acre on the MU property. The subject property is located within Priority Area 1 on the LCI Density Priority Map, which is designated in the North Point Overlay as an appropriate area for higher densities.

- The applicant requests the following variances to the Unified Development Code (UDC):
 1. Subsection 2.7.0(b)(9) – Eliminate the minimum 3,000 square foot Neighborhood Grocery in conjunction with the 'For-Rent' use. The applicant states that the use would not be supported until such time that more people are living in the North Point area. If the variance is approved, it is recommended that the developer make reasonable efforts to provide the minimum 3,000 square foot Neighborhood Grocery.
 2. Subsection 2.7.0(b)(3) – Allow 'For-Rent' dwellings on the ground-floor along a Storefront Street. The applicant's site plan depicts ground-floor 'For-Rent' units along the new Storefront street, except that leasing and fitness amenities are shown in the corner of the 'For-Rent' building nearest North Point Circle and within a 5,902 square foot space. Staff does not support this variance request, as active ground-floor uses are necessary to promote a walkable environment.
 3. Subsection 2.10.10(D) – Allow common space within North Point Mall to count toward amenity space for the proposed development. The UDC defines amenity space as an 'unenclosed, outdoor area'. According to the applicant's letter of intent, the Mall is scheduled for extensive interior renovations over the next two (2) years, including a new playground area, food court and other internal activated courtyard spaces. If the variance is approved, it is recommended that a condition be added requiring interior common space improvements inside the Mall in order to count the area as amenity space.

- The submitted site plan depicts removal of the 154,886 square foot former Sears Department Store and replacement with 300 'For-Rent' units in three (3), 4-story buildings, 24,000 square feet of retail/restaurant use in three (3) freestanding buildings, as well as open space. A new Storefront street is depicted extending west toward the Mall from the intersection at North Point Drive and North Point Circle, as well as a new street extending north along the western side of the 'For-Rent' use. 'For-Rent' buildings are depicted north of the new Storefront street with retail/restaurant buildings and open space south of the new street.

- Access to the site is depicted from a new street aligning with North Point Drive and a new street on the west side of the development, forming a 2,400' block. The North Point Overlay requires a maximum block perimeter of 1,600'. If approved, it is recommended that the block be cut in half to reduce the overall block size.

- Sidewalks are depicted along the new Storefront street and interior to the property, but not along the new street on the west side of the development. Building setbacks are not called out on the applicant's site plan; however, setbacks are established in the North Point Overlay as it relates to each Corridor Type. A total of 492 parking spaces are provided in surface parking at the rear of the 'For-Rent' buildings, of which 30 spaces are proposed to be enclosed within four (4) garages flanking the surface parking lot. An additional 16 on-street, parallel parking spaces are proposed along the new Storefront street. The UDC requires 684 parking spaces for the 'For-Rent' use and retail/restaurant use, after the 20% reduction required in the North Point Overlay. Nearly 4,500 parking spaces are provided to serve the entire master plan.

- The applicant's letter of intent states that the luxury apartments will include a swimming pool,

courtyards, fitness center, business center, dog wash, clubroom, garages, leasing office and pet park. Ground-floor 'For-Rent' units are depicted on all sides of the building, except that leasing and fitness amenities are depicted at the corner of one building in a 5,902 square foot space. A minimum 3,000 square foot Neighborhood Grocery and active ground-floor uses on Storefront streets are required in conjunction with 'For-Rent' use. The applicant has requested variances to eliminate the Neighborhood Grocery requirement and to allow 'For-Rent' units on the ground-floor along the Storefront street.

- The applicant's open space plan depicts 21.12 acres (25.5%) of open space, of which 14.82 acres is civic space and 6.30 acres is amenity space. The North Point Overlay requires 10% of the site, or 8.367 acres, be set aside as civic space and 5%, or 4.184 acres, be set aside as amenity space. Approximately 4.02 acres of amenity space is provided in common areas inside North Point Mall, of which the applicant has requested a variance to allow this area to count as amenity space. According to the applicant, the Mall is scheduled for extensive interior renovations over the next two (2) years, including a new playground area, food court and other activated courtyard spaces. The plan also depicts the 6.45-acre Georgia 400 buffer as civic space, but no improvements are shown within the buffer. The applicant's plan would meet the minimum amount of civic space, if the Georgia 400 buffer were removed from the calculation. However, the plan would not meet the minimum amount of amenity space, if the variance is not approved to allow mall interior space to count as amenity space.
- The property is developed as a large surface parking lot and former Sears Department Store. Therefore, the only trees on the subject property are required landscape trees in conjunction with parking lot islands and landscape strips along North Point Circle. If approved, it is recommended that the applicant assess existing landscaping to determine if any trees can be spaded and relocated on-site. Stormwater facilities are not depicted on the applicant's site plan; however, a regional stormwater facility exists to the east of the property and is proposed to be improved as a multi-use stormwater park.
- The applicant submitted renderings of the proposed development, which reflect a modern architectural style. Building materials appear to consist of brick, siding, natural wood planks and stucco/EIFS with metal and glass accents.
- The applicant requests master plan amendment, rezoning and conditional use to allow 300 'For-Rent' units in three (3), 4-story buildings. Ground-floor active uses, consisting of leasing office and fitness center are proposed within the 'For-Rent' building nearest North Point Circle and limited to 5,902 square feet. Remaining ground-floor uses are proposed to be 'For-Rent' use. Residents would have access to parking and amenities, such as a pool and private outdoor amenity areas. According to the applicant, 175 units will be 1-bedroom with the remaining 125 units being 2-bedrooms. 1 bedroom units are proposed to be between 700 – 900 square feet with rents starting in the \$1,400/month range and 2-bedroom units are proposed to be between 1,050 – 1,250 square feet with rents starting in the \$1,900/month range.
- Careful consideration should be given to maintaining a balance between 'For-Rent' versus 'For-Sale' product in the City. The 2035 Comprehensive Land Use Plan identifies the following policy as it relates to maintaining a balance of 'For-Sale' versus 'For-Rent' housing in the City:
 - *Housing Policy 2: Maintain a balance between 'owner-occupied' and 'renter-occupied' in Alpharetta such that at least 68% of the housing stock is 'owner-occupied'.*
- There are several factors that should be considered with requests for apartments, such as mix of uses, design, long-term viability, impacts to City facilities and services, as well as traffic and school impacts. Office space already exists, or is proposed, within the LCI and high density housing should be tied to office space where jobs exist and are created and service uses are available to limit vehicular trips. The 561,575 square feet of existing office (along Encore Parkway) and 30,000 square feet of proposed office (SPACES inside North Point Mall) generates approximately 3,000 employees (1 employee per 200 square feet) to support the proposed residential and retail/restaurant uses.
- The City's Rental Housing Study, which was prepared in May 2015 and updated in 2016, recommends that the City target an entitlement of between 93 and 159 'For-Rent' units per year in order to achieve a goal of 32% rental housing in the City. It should be noted that this annual target recommendation is not an approved City policy; however, the minimum 68% 'For-Sale' policy is included in the 2035

Comprehensive Land Use Plan. Current US Census 5-year estimates (2013 – 2017) show that the City is at 64% owner-occupied housing units, which is approximately 4% below the minimum 68% owner-occupied in Housing Policy 2 of the City's Comprehensive Plan. Since 2017, the City has approved 416 'For-Rent' units (see table below). These approvals exhaust the targeted 'For-Rent' goal through the Year 2020. If the City decides to allow 2021 'For-Rent' approvals, a condition is recommended prohibiting a Certificate of Occupancy (CO) until 2021 in order to meet the rental policy.

- The North Point Overlay requires that EcoDistrict measures be incorporated into all new developments. Since the applicant's proposal represents redevelopment of the Sears with a new development, the applicant must achieve at least seven (7) EcoDistrict points. According to the applicant's letter of intent, they intend to request 26 EcoDistrict points for the proposed development. EcoDistrict points are requested for Green Building, Water Efficiency in Building Design, Bio-retention, Transportation Demand Management, Consolidated Open Space, Sustainable Landscaping, Enhanced Bicycle Amenities, Alternative Transportation, Additional Civic Space, and Alternative measures, including park overlooks, walkway to future MARTA bridge and multi-use trail along North Point Circle. If approved, the developer should provide the EcoDistrict measures as requested in the applicant's letter of intent, as determined by Staff at LDP and building permit.
- An EcoDistrict encourages incorporating water into civic and amenity areas. The mall currently has an eleven (11) acre detention area that has a permanent pool that is hidden at the corner of North Point Drive and North Point Circle. The applicant is proposing improvements to the pond area that include constructing pond overlooks, raised trails and additional landscaping. The North Point pond could add features similar to the Old Fourth Ward detention area in Atlanta.
- The applicant submitted a trip generation report for the proposed change of use. The proposed redevelopment of Sears with 'For-Rent' and retail/restaurant uses would result in a reduction of 186 PM Peak Hour trips generated from the site. The applicant has reduced the overall number of 'For-Rent' units from 328 to 300, which further reduces the trips generated from the subject property.
- The applicant proposes to access the site by adding a forth leg to North Point Drive/North Point Circle intersection. In addition, a road diet is proposed to North Point Circle, adding a two-way cycle track. Based on the assumptions from the traffic impact study, these changes can be managed with all-way stop sign control. The operations plan also assumes free flow right-turns northbound onto North Point Drive and westbound onto North Point Circle from North Point Drive. Careful design of the intersection will be needed in order to provide safe pedestrian and bicycle options.
- Residential development is known to increase school enrollment. Fulton County Schools calculated the potential number of children who may live on the property by using their standard calculation to distinguish the number of children that a residential development will generate.
- Staff has reviewed the applicant's proposal and finds that it can generally support the request for master plan amendment, rezoning, conditional use and certain variances. Variances to eliminate the Neighborhood Grocery requirement and allow common area within North Point Mall to count as amenity space can be supported. However, ground-floor active uses in the 'For-Rent' building and along the new Storefront street are important to promote a walkable environment.
- The property is located in the North Point Activity Center LCI, which envisions a mixed-use, walkable environment with an emphasis on sustainability, greenspace and connectivity. The applicant's proposed uses would add to the mix of uses in and around North Point Mall while adding a customer base to patronize the Mall's existing retail and restaurant establishments during non-typical hours. This is important as traditional regional shopping malls are going dark across the country. The proposed redevelopment of the Sears with 'For-Rent' units, freestanding retail/restaurant uses and open space should not generate significant changes in demand on public facilities and services and the proposed use would produce fewer vehicular trips. More importantly, the proposed uses are consistent with the Comprehensive Land Use Plan designation of the property, which is 'Mixed Use'.
- Additionally, although the developer is adding residential density they are adding substantial recreational opportunities within the development to minimize impacts to existing City services.

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- The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that no comments were received.
- The CZIM was held on September 12, 2018, October 10, 2018, November 14, 2018, December 12, 2018 and January 9, 2019. Public comments were left on the sign-in sheets generally supporting the redevelopment effort at the Mall. However, there were some concerns over multi-family density, rentals, traffic, proximity to grocery store, traffic signal or roundabout at North Point Drive and North Point Circle and need for Mall to increase security.
- Attorney, Kathryn Zickert, came forward to speak on behalf of the applicant and distributed a copy of the architecture conditions that were added by Staff

Public Comment

- Sharon Bean, 1875 Mayfield Road, Alpharetta, came forward to speak in support of the item
 - Warrace Lytle, 840 Olmsted Lane, Johns Creek, came forward to speak in support of the item
 - Sheila Wilson, 1000 North Point Circle, Alpharetta, came forward to speak in support of the item
 - Jim Koza, 1720 Old Milton Pkwy, Alpharetta, came forward to speak in support of the item
 - Dennis Carman, 10785 Plantation Drive, Alpharetta, came forward to speak in support of the item
 - Lora Woodward, 1814 Adagio Drive, Alpharetta, came forward in support of the item and to express her concern regarding the lack of pedestrian access from Encore Parkway to the mall
 - Director of Community Development, Kathi Cook came forward to address the public comment concern from Lora Woodward
- ❖ Council Member Richard offered a motion to approve the MP-18-07/Z-18-10/CU-18-08/V-18-10 Brookfield/North Point Mall Redevelopment, subject to the following conditions:
1. Property depicted in Exhibit A, approximately 30 acres, shall be rezoned to MU and developed substantially similar to plan submitted by Kimley-Horn & Associates, Inc., dated 2/6/2019, and renderings, except as modified by these conditions. Applicant shall provide a legal description of the 30-acre property prior to issuance of the LDP.
 2. 'Dwelling, 'For-Rent' shall be added as a conditional use in the North Point Mall Master Plan.
 3. Active uses, including service retail, restaurant and office, shall be required in the 'For-Rent' building ground-floor space along the new Storefront street and shall have a first floor height of 14' and depth of 30'. Ground-floor residential walkouts shall be similar to Exhibit B. At-grade walkouts also are allowed, however doors shall be decorative and not appear as standard sliding glass doors.
 4. Development regulations shall be as follows:
 - a. Commercial – Maximum 30,000 square feet of retail/restaurant use in freestanding buildings and in a minimum of 16,000 square feet of non-residential uses on the ground-floor of the 'For-Rent' building. Freestanding buildings shall be 2-stories or 40', whichever is less. Drive-through restaurants shall be prohibited. Rooftops and outdoor dining patios are encouraged and shall not count against the retail/restaurant development maximum. Remaining retail/restaurant entitlement for North Point Mall Master Plan shall be 1,237,246 square feet for outparcels and space within North Point Mall.
 - b. Office – Maximum 30,000 square feet within North Point Mall.
 - c. Residential – After July 1, 2020 up to 50% of the maximum 300 'For-Rent' units shall be permitted a

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Certificate of Occupancy (CO) in accordance with UDC 'For-Rent' requirements, except as approved below. The remaining 'For-Rent' units shall be permitted a CO after January 1, 2021. 'For-Rent' buildings shall be no greater than 4 stories or 60', whichever is less, and all units shall be one (1) and two (2) bedrooms. A maximum of sixty percent (60%) of units shall be studios or one bedroom and no 3-bedroom units shall be permitted. Studio units shall have a minimum square footage of 550 square feet. One-bedroom units shall have a minimum size of 700 square feet and two-bedroom units shall have a minimum size of 1,050 square feet. 'For-Rent' block shall be as depicted in Exhibit C, Current Proposed. 'For-Rent' units shall be constructed concurrently with all required open space areas, infrastructure and freestanding retail/restaurant uses. A CO shall not be issued for 'For-Rent' use until onsite open space and infrastructure have been constructed and inspected by the City. Offsite improvements must be under construction. 'For-Rent' units shall have first class amenities and shall include a private pool, fitness center, secured parking, resident's lounge, business center, on-site management office and secure elevator access. Surface parking and garages associated with 'For-Rent' use shall be heavily screened from North Point Circle. If construction does not commence by February 25, 2021, residential units shall revert to 'For-Sale' only.

5. The Master Plan area shall be limited to the following uses and further restricted by conditions of zoning:
 - a. Retail
 - b. Restaurant (no drive-thru)
 - c. Office
 - d. Residential
6. Retail uses shall be those customarily accessory to or amenities for residential and office uses, restricted to the following:
 - a. Art Gallery
 - b. Bakery
 - c. Barber Shop
 - d. Beauty Shop
 - e. Book Store
 - f. Brewery or Distillery
 - g. Copy Center/Print Shop
 - h. Dry Cleaning Pick-up Station
 - i. Fitness or Dance Studio
 - j. Florist, Retail without Greenhouse
 - k. Neighborhood Grocery (min. 3,000 SF)
 - l. Office Supply Store (not to exceed 2,000 SF)
 - m. Package Shipping/Mail Box Store
 - n. Pet grooming/pet day care
 - o. Restaurant (no drive-thru)

- p. Retail Sales and Services Establishment (Includes financial services, special event space, live music and other performance venues and technology-based entertainment; a maximum of 10,000 sf)
 - q. Shop or Studio, Craftsman/Artist
 - r. School, Commercial (Includes Day Care)
 - s. Spa Services (with approval of a conditional use permit)
 - t. Sport event space
 - u. Uses similar to above as approved by Staff
 - v. Internal recreational uses (maximum of 10,000 sf)
7. The 2 new internal streets shall meet the Type 'D' Corridor regulations, as approved by the City's Traffic Engineer, and streets shall be private. Pedestrian bridges, stairs, elevators and escalators may encroach over and into public spaces provided that they do not impede pedestrian circulation or safety.
 8. Minimum 14.67 acres of open space (8.37 acres civic space and 6.30 acres amenity space), consisting of trails, park overlooks, community gardens, passive recreation areas, event space, parks, etc. shall be provided, as depicted on the 2/6/2019 zoning plan. 4.02 acres of common area inside North Point Mall shall be counted as amenity space, if those areas are renovated/improved, including a new playground area, food court and other internal activated courtyard spaces, prior to final Certificate of Occupancy (CO) for 'For-Rent' buildings.
 9. Trail depicted along North Point Circle shall be striped and painted for a 2-way bicycle path, including min. 3' wide protective buffer (striping with delineators every 25') between the vehicular travel lane and the bicycle path, with final design approved by Staff similar to Exhibit D.
 10. Developer shall construct a City approved MARTA bus shelter on public right-of-way at existing bus stop at corner of North Point Parkway and at the northernmost access road to the Mall.
 11. Developer shall accommodate a 30' access area through the civic space for a possible future private roadway extension. Area shall be depicted on LDP plans and may be used until development of the balance of the property for green space or open space.

Design Conditions:

12. Site access driveway at the intersection of North Point Drive and North Point Circle requires special attention to pedestrian and bicycle access. Geometrics, lighting, and materials shall provide emphasis on the pedestrian environment and safety, as approved by the City Transportation Engineer. Assuming the City owns the right-of-way, this Plan shall include a 10' sidewalk, 6' planting strip and decorative pedestrian lighting with the right-of-way spanning the distance to the storm water park on the south side and to the hotel curb cut on the north side. Applicant will receive impact fee credits for off-site work within the City right-of-way.
13. Developer shall meet EcoDistrict measures as requested on Page 6 of the applicant's letter of intent, dated December 21, 2018 (Exhibit E). Developer shall provide detailed information at LDP and building permit regarding compliance with each requested EcoDistrict measure. Total EcoDistrict points to be confirmed by Staff.
14. Applicant shall construct Phase I of the stormwater park improvements that are shown on Exhibit F, including trails, landscaping and overlooks with final approval by Staff. Other than the detention ponds themselves and waterways which feed it, the balance of the Phase I tract shall be dedicated to and

maintained by the City. Developer and the City will enter into a mutually agreed upon maintenance agreement. Developer and other pond owner shall remain solely and exclusively responsible for maintenance of the detention ponds and waterways which feed it. Impact fee credits will be provided for the off-site public park improvements as approved by Staff.

15. At-grade pedestrian and bicycle connections shall be provided throughout the site, including between buildings and recreational facilities within the development and across North Point Circle. Pedestrian crossings throughout development shall be ramped and the surface materials shall be brick pavers, cobblestones or architecturally treated concrete products, as approved by DRB.
16. The greenspace denominated as Plaza 3 on the Plan shall be designed to incorporate a water feature, sculpture or similar focal point feature, as approved by DRB and prior to LDP. Approval and construction of the focal point feature shall be required concurrent with the CO.
17. Retaining walls shall receive architectural façade treatment and be heavily landscaped. Retaining walls visible from developed areas exceeding 16' in height shall be terraced with landscaping to break up large expanse of retaining wall.
18. Developer shall provide bicycle racks, benches, trash receptacles, decorative crosswalks, planters, kiosks and other street furniture, where appropriate, throughout the development. A minimum of one 10' sculpture shall be incorporated into the site.
19. Prior to LDP, applicant shall submit for approval a document to be entitled 'North Point Mall Redevelopment Design Standards'. This document shall include elevations or architectural themes of buildings, specifications for street furniture including benches, trash receptacles, lighting, fountains, bicycle racks, bus shelter, signage landscaping themes and focal point features and shall be substantially similar to the renderings filed with the 2018 application, as amended. Design standards will be presented to Staff and the DRB for review and approval. This document also shall detail entrance treatment for the North Point Drive/North Point Circle intersection with the new private road.
20. Architecture shall require DRB approval. All buildings must be oriented to the new street aligned with North Point Drive or green or other open space. Backside of buildings or 'back of house' functions (such as loading or dumpster area) shall be screened from new streets or North Point Circle. Parapet walls shall be used as needed to screen roof-top mechanical equipment and views. Residential buildings shall contain a minimum of 30% brick or stone on all sides facing publicly accessible streets as per Exhibit G. A porch or balcony feature shall wrap corners of buildings along the new Main street with brackets. These corners shall have significant architectural features. The residential building visible at the end of the green shall include a roof variation visible from the view corridor which may be accomplished by using the "sails" on the other residential buildings or main mall building in an artistic manor, see Exhibit H.
21. Prior to the first LDP, applicant shall submit a revised master plan for the entire parcel to the City, which shall incorporate the approved conditions, as well as the following:
 - a. Approved specifications and standards identified for each use within the total development.
 - b. Pedestrian network.
 - c. Overall planned open space areas.
22. Alcohol license distance requirements from residential development shall be waived.
23. Rooftop signs are encouraged and shall be permitted, with approval by DRB.
24. All site plans and civil design plans hereafter submitted to the City of Alpharetta shall state as the first note: "This plan reflects conditions stipulated through public hearing regarding case MP-18-07/Z-18-

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10/CU-18-08/V-18-10 Brookfield/North Point Mall"

25. Minimum 10' landscape strip shall be required along North Point Circle adjacent to the 'For-Rent' tract and provide a visual screen of the 'For-Rent' surface parking lot. Shall include the required landscape strip materials, as well as parking lot screening materials.

Other Conditions:

26. Developer shall try to include at least 1 roof-top amenity within the non-residential portion of the development. A minimum 10' kinetic/mobile sculpture shall be added to the roof of building if a rooftop amenity is not incorporated.
27. Provide detailed street planting for North Point Circle and new private streets. Landscape plan shall be approved prior to issuance of a LDP and shall retain landscape trees, if possible, as approved by DRB.
28. Developer's financial responsibility for offsite improvements shall not exceed its impact fees, nor shall credits be given for submitted EcoDistrict improvements or meeting minimum open space requirements.
29. It is acknowledged that the approved Site Plan may be subdivided into separately platted parcels with individual tax numbers, that the separate development parcels are to be developed by separate owners/developers, and that the public amenities are to be platted and owned by the Developer. Zoning compliance for conditions uniquely applicable to an individual owner's parcel will be the responsibility of that owner and that non-compliance by such an owner does not render, by itself, the remaining parcels "non-conforming" uses under the Zoning Code.
- The motion received a second from Council Member Merkel
 - The motion was approved 6-1; Council Member Burnett voting in opposition

B. MP-18-12 / CU-18-14 / V-18-19: ECCO Park/North Point Business Center Master Plan.

- Senior Planner, Michael Woodman, came forward to present this item.
- Staff recommends Mayor and Council approve MP-18-12/CU-18-14/V-18-19 ECCO Park, subject to the following conditions (**Planning Commission changes in RED**, **Architecture comments in BLUE**):
 1. Property shall be developed substantially as depicted on the plan prepared by Kimley-Horn & Associates, Inc., dated 1/10/2019, except for modifications required to comply with these conditions. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.
 2. 'Dwelling, 'For-Sale', Attached' shall be added as a permitted use in North Point Business Center Master Plan Pod 1. Maximum density of Pod 1 shall be 8.15 dwelling units per acre.
 3. Maximum building height shall be 4-stories.
 4. Architecture and materials shall be developed substantially similar to the submitted renderings, subject to approval by Staff. Buildings shall have 4-sided architecture. Side building elevations visible from North Point Drive and existing private driveways shall have similar architectural details and materials as the front façade and shall have the appearance of a pedestrian entrance, as approved

- by Staff. The Flats buildings shall have the appearance of individual walkouts on the ground floor, including **wood** canopy accents over **some** windows and doors, as well as lighting. **Elevations fronting North Point Drive and existing private drive located behind the restaurants shall contain 60% brick or stone. The materials shall also wrap the immediate corners.**
5. Maximum building setbacks on North Point Drive shall be as depicted on the plan prepared by Kimley-Horn & Associates, Inc., dated 1/10/2019.
 6. Block size shall be as shown on the plan prepared by Kimley-Horn & Associates, Inc., dated 1/10/2019.
 7. Minimum 3.45 acres of open space (2.74 acres of civic space and 0.71 acres of amenity space), consisting of trails, pocket parks, clubhouse and pool, rooftop decks and linear park shall be provided, as depicted on the 1/10/2019 zoning plan.
 8. Civic space shall be developed with a park-like setting **as shown on the Plan** with decorative landscape, hardscape, seating and pedestrian-scale lighting, as approved by Staff. **A sculpture with a minimum height of 10' shall be added within the civic space along North Point Drive.**
 9. Developer shall dedicate a permanent easement and construct the multi-use trail, as depicted on the site plan prepared by Kimley-Horn & Associates, Inc., dated 1/10/2019, with final alignment/design/materials approved by Staff and construction completed prior to the final CO. Multi-use trail shall be field located with the least impact to existing trees, as approved by Staff. A crosswalk shall be provided across North Point Drive and shall be constructed of a material approved by Staff. Multi-use trail shall include seating/gathering areas, lighting, landscape, hardscape and trail entrance gateway at North Point Drive. Applicant shall hand clear undergrowth, invasive species and dead materials within the stream buffer and maintain such condition to the City's satisfaction. Multi-use trail improvements shall **not** be eligible for impact fee credits and shall be maintained by the HOA, if not used to meet minimum open space and EcoDistrict requirements.
 10. Developer shall meet EcoDistrict measures as requested on the applicant's letter of intent (Exhibit A), dated January 8, 2019. Developer shall provide detailed information at LDP and building permit regarding compliance with each requested EcoDistrict measure. Total EcoDistrict points to be confirmed by Staff.
 11. Permanent easements shall be dedicated to the City for public access over required civic space. However, the HOA shall be responsible for maintenance. **The existing private street shall remain accessible to the public.**
 12. The corner of North Point Drive and the main project entrance and North Point Drive and the existing north-south driveway shall be designed with a minimum 1,500 square foot greenspace area **as shown on the Plan** and shall incorporate a focal point feature, as approved by Staff.
 13. Vehicular use areas (drive aisles and surface parking) shall be **completely visually** screened from North Point Drive and existing private driveways, as approved by Staff. This does not include L-shaped private drive.
 14. North Point Drive streetscape shall include minimum 10' sidewalk, 6' planting strip and decorative pedestrian lighting. Street trees shall alternate in the planting strip and backside of sidewalk to provide a canopy for pedestrians. Applicant shall continue streetscape to hotel entrance in exchange for impact fee credits, subject to available right-of-way.

15. New internal streets shall be private **as per Plan** and meet the Type 'D' Corridor regulations, as approved by the City's Traffic Engineer. Internal sidewalks shall connect the front of all units to the public sidewalk system and shall be minimum 5' with 4' planting strip and pedestrian-scale lighting provided throughout the development.
16. **Subject to approval by others and the final configuration of the sidewalk, a** planted median shall be required at the project driveway, as approved by Staff. **This improvement shall be entitled to impact fee credits.**
17. Each dwelling unit in Roof Terrace Home and Terrace Home buildings shall have a minimum 18' driveway from garage to back of alley. Required parking shall be 9' x 19' and enclosed tandem parking shall only count as 1 parking space. **Up to 20% may be compact spaces, per UDC.**
18. Unfinished wood fences and decks shall not be visible from the street.
19. Developer shall remove exotic and invasive trees and shrubs within stream buffers and tree save areas and replant where sparse, as approved by Staff.
20. Existing trees shall be preserved as depicted on the plan prepared by Kimley-Horn & Associates, Inc., dated 1/10/2019. In addition, developer shall assess existing landscape to determine if any trees can be spaded and relocated on-site.
21. ~~Deleted. Developer shall identify locations with significant tree groupings outside of the required undisturbed buffers and stream buffers. Tree groupings shall be incorporated into the final site plan, as approved by Staff.~~
22. New utilities shall be placed underground.
23. Property must meet IFC Appendix D Fire Department access and comply with 2010 ADA guidelines.
24. Developer shall provide an enhanced pedestrian connection from the development to the south side of North Point Court **as per Exhibit B. The intersection shall be signalized if required by Staff. Options include midblock crosswalk and/or enhancements with a traffic signal at the intersection of North Point Drive and North Point Court as required and approved by the City Transportation Engineer.** Off-site improvement shall be eligible for impact fee credits and construction completed prior to the final CO.
25. Utility structures, headwalls, etc. shall be finished with decorative stone, if visible from the public right-of-way.
26. No more than 10% of residential units shall be permitted to be rented, as recorded in the Condominium Association declarations and covenants.
 - The applicant, The Providence Group, is requesting a master plan amendment to the North Point Business Center Master Plan to add 'Dwelling, 'For-Sale' Attached' as a permitted use in Pod 1 to allow for the construction of 159 'For-Sale' Condominium units on 9.2 acres. A conditional use is requested to allow 'Dwelling, 'For-Sale' Attached' and to allow a density of 17.3 dwelling units per acre. Variances are requested to modify the site design and streetscape standards, to increase the maximum block size, to remove the requirement for certain buildings to have a street-facing pedestrian entrance and to allow required parking to be unenclosed. The subject property is located at 1275 North Point Drive on the north side of North Point Drive at the intersection with North Point Court.

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- The submitted request, if approved, will allow for a 159-unit 'For-Sale' Condominium development on 9.2 acres. A conditional use is requested to allow the proposed use and density and variances are requested to modify the site design and streetscape standards, to increase the maximum block size, to remove the requirement for certain buildings to have a street-facing pedestrian entrance and to allow required parking to be unenclosed. The subject property is located at 1275 North Point Drive on the north side of North Point Drive at the intersection with North Point Court.
- The property is zoned PSC (Planned Shopping Center) and is undeveloped, except for a stormwater pond serving Pod 1 outparcels to the east of the subject property and fronting Haynes Bridge Road. Surrounding properties are zoned O-P (Office-Professional) to the north and PSC to the west, south and east. Extended Stay America is located to the north, Corner Bakery, Chipotle and Chase Bank are located to the east, Wendy's, a restaurant and La Quinta Inn & Suites are located to the south and floodplain is located to the west. The Comprehensive Land Use Plan designation of the property is 'Mixed Use', which allows the proposed residential subdivision.
- North Point Business Center (MP-91-07) Master Plan was approved in 1991 as a 320-acre master planned development consisting of office, shopping center and residential uses. The Master Plan includes eleven (11) pods, of which six (6) are designated 'Office', four (4) 'Retail/Shopping Center' and one (1) 'High Density Residential'. Pod 1 is approved for 'Office' (at least 84% of site density – 250,000 square feet) and retail/restaurant (no more than 16% of site density – 46,000 square feet) with a maximum building height of ten (10) stories, or 150'. Three (3) retail/restaurant outparcels have been developed along Haynes Bridge Road, consisting of approximately 3.7 acres of the 18.9-acre Pod 1. A 120-room Residence Inn by Marriott was developed on six (6) acres on the western portion of Pod 1. As shown in the table below, there have been several amendments to the North Point Business Center Master Plan over the years, including amendments to Pod 1 to add freestanding retail and restaurant uses.
- The property is located in the North Point Activity Center LCI, which was initially adopted in 2008 with a 10-year major update adopted by Council in 2018. The LCI envisions the North Point area as a walkable, mixed-use environment with a focus on sustainability, greenspace and connectivity. The recent LCI update identified a market demand potential of 183 - 197 'For-Sale' townhomes or condominium units over the next five (5) years. The demand analysis is intended to be a measure of market viability, not a prediction or recommendation for North Point development. Since the adoption of the LCI update in 2018, there have been no residential approvals south of Georgia 400 in the North Point LCI.
- The applicant requests the following variances to the Unified Development Code (UDC):
 1. Subsection 2.10.3(B) – Modify development regulations related to Type C and D Corridors.

The proposed building setback along North Point Drive is approximately 30' – 48' due to the presence of a sanitary sewer line. The applicant proposes to add a linear park between the road and the residential buildings addressing North Point Drive. If the variance is approved, it is recommended that the developer improve the area between the road and residential buildings as a linear park.
 2. Subsection 2.10.4(A)(1) – Increase the maximum block size. There are existing private driveways on the east side of the property that are subject to an agreement with the commercial outparcels along Haynes Bridge Road and floodplain on the west side of the property. The existing conditions on the property limit the applicant's ability to provide the prescribed block size.

3. Subsection 2.10.8(C) – Remove the requirement for certain buildings to have a street-facing pedestrian entrance. Several buildings are depicted with the side elevation of the building facing North Point Drive or an existing private driveway. The existing private driveways on the east side of the property are subject to an agreement with the commercial outparcels along Haynes Bridge Road, which places limitations on the way in which the site can be laid out.
 4. Subsection 2.5.4(B) – Allow a portion of the required residential parking to be unenclosed. The Roof Terrace Home and Terrace Home buildings all provide the required parking within an enclosed garage. However, the Flats buildings only provide 72 of the 115 required parking spaces within an enclosed structure. The site plan depicts 316 parking spaces, well over the City's Parking regulations and North Point Overlay requirements of 244 parking spaces.
- The submitted site plan depicts 159 condominium units, consisting of 64 flats units in four (4) buildings, 51 terrace homes units in four (4) buildings and 44 roof terrace townhome units in four (4) buildings on 9.2 acres. The flats buildings are depicted to be three (3) stories and terrace home and terrace roof townhome buildings are depicted to be four (4) stories. According to the applicant, there are 26, 1-bedroom units and 133, 2-bedroom units. Roof terrace homes would range in size from 2,032 – 2250 square feet, terrace homes from 1,192 – 1,428 square feet and flats from 891 – 1,335 square feet. A roughly 900 square foot amenity clubhouse and pool are depicted at the center of the property.
 - The main project entrance is depicted at North Point Drive and North Point Court, with a secondary entrance from the existing private driveway separating the property from the commercial outparcels along Haynes Bridge Road. The property was developed with a private driveway between the commercial outparcels along Haynes Bridge Road and the applicant's property, as well as, an 'L-shaped' private driveway providing access to North Point Court at North Point Drive. Due to covenants and agreements between the applicant's property and the commercial outparcels, the applicant must keep the existing private driveways. The site plan does not depict any traffic-related improvements at the main entrance to the proposed development.
 - The property has frontage on North Point Drive, which is a Type 'C' Corridor in the North Point Overlay requiring a 0' to 10' building setback. Buildings are proposed to be setback 30' – 48' from North Point Drive, due to the presence of a sanitary sewer easement in the area. A linear park is proposed along North Point Drive between the road and buildings to address the larger setback. Ten-foot (10') sidewalks are depicted along North Point Drive and the existing driveway adjacent to the commercial outparcels.
 - Unified Development Code (UDC) Parking regulations and North Point Overlay requirements would require 244 parking spaces for the 159 condominium units. Parking in the North Point overlay includes a 20% reduction in required parking, due to the abundance of parking and largest number of bus routes available in Alpharetta.
 - The North Point Overlay requires a minimum 5% amenity space and 10% civic space. However, the applicant requests a conditional use to increase residential density to 17.3 dwelling units per acre, which requires an additional 1% of civic space for every 1 dwelling per acre above eight (8) dwelling units per acre. Therefore, the proposal would require a minimum 5% amenity space and 19.3% civic space, of which the applicant's site plan depicts 7.8%, or 0.71 acres, of amenity space and 29.9%, or 2.74 acres, of civic space. The site plan depicts open space as pocket parks, multi-use trails, rooftop decks, balconies and clubhouse and pool.
 - The applicant's tree survey and assessment identify several landscape trees that are in 'Good' condition. If approved, it is recommended that the developer explore spading and relocating

existing landscape trees on the property to enhance the maturity level of landscaping at time of project completion.

- Rock Mill Creek, a perennial stream, runs through the property to the west and impacts the subject site with stream buffers and floodplain. An existing stormwater pond on the west side of the property is proposed to be enlarged and improved with a permanent pool and bio-retention areas.
- The applicant submitted renderings of the three (3) condominium product types: roof terrace homes, flats and terrace homes. Flats buildings are three (3) stories and roof terrace and terrace home buildings are four (4) stories with a modern architectural style and include balconies and rooftop terraces. The same materials and colors are repeated on each of the three (3) products, which consists of brick, stone, split face block, fiber cement siding and fiber cement panels with wood and metal accents on canopies and balconies. The roof terrace and terrace home buildings have individual walkups, while the flats have parking on the first floor of the building with units accessed from the interior.
- The North Point Overlay requires that EcoDistrict measures be incorporated into all new developments. Since the applicant's proposal represents development of residential use in excess of eight (8) dwelling units per acre, the applicant must achieve at least ten (10) EcoDistrict points. According to the applicant's letter of intent, they are requesting credit for 12 EcoDistrict points. EcoDistrict points are requested for Building Energy Efficiency, Bio-retention, Connected Open Space, Alternative Transportation and Additional Landscaped Civic Space. If approved, the developer should provide the EcoDistrict measures as requested in the applicant's letter of intent.
- The proposed project, consisting of 159 condominium units, would generate 88 PM Peak Hour trips. When compared to development of the property under the current approval (250,000 square feet of office), the applicant's proposal to construct a residential subdivision would result in a significant reduction of vehicular trips (-271 PM Peak Hour trips) over office use.
- The City's Transportation Engineer requested a traffic study examining a single-lane roundabout at the main project entrance on North Point Drive; however, the study submitted by the applicant shows that due to lunchtime volume a single-lane roundabout would not be sufficient. As shown below, the City's Public Works Department prepared a single-lane roundabout conceptual plan. However, significant right-of-way will be required for a double-lane roundabout. Staff has conditioned a traffic study be submitted with best recommendation and if a signal is viable. This improvement is needed regardless of the development and constitutes a system improvement.
- The existing access to the site from North Point Drive is at the limited access driveway across from North Point Court. This intersection does not allow straight or left turn movements from the side streets. The applicant evaluated the possibility of improving the intersection of North Point Drive and North Point Court with a single lane roundabout. This improvement would provide better connectivity for vehicle traffic by allowing all movements to occur. Based on the existing traffic volumes and the assumptions from the traffic study, the analysis determined that the roundabout would worsen existing traffic operation. The traffic generated by the proposed development can be accommodated with the existing configuration. Those drivers wishing to travel from the development to northbound Haynes Bridge would have to exit the development, take a right toward North Point Mall, then U-turn at the next intersection.
- Residential development is known to increase school enrollment. Fulton County calculated the potential maximum number of children who may live on the property by using the Fulton County

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Schools standard calculation to identify the number of children that a residential development will generate.

- Based on the total figure for all three school levels, it can be assumed that the proposed development could house approximately 2 – 32 school age children. Numbers provided by Fulton County Schools show that all three (3) schools are currently over capacity.
- Staff has reviewed the applicant's proposal and finds that it can generally support the request for master plan amendment, conditional use and variances. The property is within the North Point Overlay where walkability, mix of uses, site design and EcoDistrict measures are key components to a successful development.
- The applicant's proposed use would add to the mix of uses in the North Point area, bringing in a built-in customer base to patronize existing commercial establishments. The proposed master plan amendment to remove office and add residential use would produce fewer vehicular trips on the surrounding roadway network. More importantly, the proposed use is consistent with the Comprehensive Land Use Plan designation of the property, which is 'Mixed Use'.
- The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that no comments were received.
- The CZIM was held on January 9, 2019. Eight (8) residents signed-in with comments, with seven (7) in support and one (1) in opposition with concerns over high density and deforestation.
- Attorney, Kathryn Zickert, came forward to speak on behalf of the applicant
- Chief Operating Officer of the Providence Group, Jeff Kingsfield, came forward to speak on behalf of the applicant and to expand on the architecture and the eco-friendly building materials that will be utilized

Public Comment

- No Public Comment
- ❖ Council Member Richard offered a motion to approve the approve MP-18-12/CU-18- 14/V-18-19 ECCO Park, subject to the following conditions:
 1. Property shall be developed substantially as depicted on the plan prepared by Kimley-Horn & Associates, Inc., dated 1/10/2019, except for modifications required to comply with these conditions. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.
 2. 'Dwelling, 'For-Sale', Attached' shall be added as a permitted use in North Point Business Center Master Plan Pod 1. Maximum density of Pod 1 shall be 8.15 dwelling units per acre.
 3. Maximum building height shall be 4-stories.
 4. Architecture and materials shall be developed substantially similar to the submitted renderings, subject to approval by Staff. Buildings shall have 4-sided architecture. Side building elevations visible from North Point Drive and existing private driveways shall have similar architectural details and materials as the front façade and shall have the appearance of a pedestrian entrance, as approved by Staff. The Flats buildings shall have the appearance of individual walkouts on the ground floor, including canopy accents over some windows and

- doors, as well as lighting. Elevations fronting North Point Drive and existing private drive located behind the restaurants shall contain a minimum of 44% brick or stone. The materials shall also wrap the immediate corners.
5. Maximum building setbacks on North Point Drive shall be as depicted on the plan prepared by Kimley-Horn & Associates, Inc., dated 1/10/2019.
 6. Block size shall be as shown on the plan prepared by Kimley-Horn & Associates, Inc., dated 1/10/2019.
 7. Minimum 3.45 acres of open space consisting of trails, pocket parks, clubhouse and pool, rooftop decks and linear park shall be provided, as depicted on the 1/10/2019 zoning plan.
 8. Civic space shall be developed with a park-like setting as shown on the Plan with decorative landscape, hardscape, seating, and pedestrian-scale lighting, as approved by Staff. An original sculpture with a minimum height of 10' shall be added within the civic space along North Point Drive.
 9. Developer shall dedicate a permanent easement and construct the multi-use trail, as depicted on the site plan prepared by Kimley-Horn & Associates, Inc., dated 1/10/2019, with final alignment/design/materials approved by Staff and construction completed prior to the final CO. Multi-use trail shall be field located with the least impact to existing trees, as approved by Staff. A crosswalk shall be provided across North Point Drive and shall be constructed of a material approved by Staff. Multi-use trail shall include seating/gathering areas, lighting, landscape, hardscape and trail entrance gateway at North Point Drive. Applicant shall hand clear undergrowth, invasive species and dead materials within the stream buffer and maintain such condition to the City's satisfaction. Multi-use trail improvements shall be eligible for impact fee credits and shall be maintained by the HOA, if not used to meet minimum open space and EcoDistrict requirements.
 10. Developer shall meet EcoDistrict measures as requested on the applicant's letter of intent (Exhibit A), dated January 8, 2019. Developer shall provide detailed information at LDP and building permit regarding compliance with each requested EcoDistrict measure. Total EcoDistrict points to be confirmed by Staff.
 11. Permanent easements shall be dedicated to the City for public access over required civic space. However, the HOA shall be responsible for maintenance. The existing private street shall remain accessible to the public.
 12. The corner of North Point Drive and the main project entrance and North Point Drive and the existing north-south driveway shall be designed with a minimum 1,500 square foot greenspace area as shown on the Plan and shall incorporate a focal point feature, as approved by Staff.
 13. Vehicular use areas (drive aisles and surface parking) shall be visually screened from North Point Drive and existing private driveways, as approved by Staff. This does not include L-shaped private drive.
 14. North Point Drive streetscape shall include minimum 10' sidewalk, 6' planting strip and decorative pedestrian lighting. Street trees shall alternate in the planting strip and backside of sidewalk to provide a canopy for pedestrians. Applicant shall continue streetscape to hotel entrance in exchange for impact fee credits, subject to available right-of-way.

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15. New internal streets shall be private as per Plan and meet the Type 'D' Corridor regulations, as approved by the City's Traffic Engineer. Internal sidewalks shall connect the front of all units to the public sidewalk system and shall be minimum 5' with 4' planting strip and pedestrian-scale lighting provided throughout the development.
16. Subject to approval by others and the final configuration of the sidewalk, a planted median shall be required at the project driveway, as approved by Staff. This improvement shall be entitled to impact fee credits.
17. Each dwelling unit in Roof Terrace Home and Terrace Home buildings shall have a minimum 18' driveway from garage to back of alley. Required parking shall be 9' x 19' and enclosed tandem parking shall only count as 1 parking space. Up to 20% may be compact spaces, per UDC.
18. Unfinished wood fences and decks shall not be visible from the street.
19. Developer shall remove exotic and invasive trees and shrubs within stream buffers and tree save areas and replant where sparse, as approved by Staff.
20. Existing trees shall be preserved as depicted on the plan prepared by Kimley-Horn & Associates, Inc., dated 1/10/2019. In addition, developer shall assess existing landscape to determine if any trees can be spaded and relocated on-site.
21. Deleted due to duplication.
22. New utilities shall be placed underground.
23. Property must meet IFC Appendix D Fire Department access and comply with 2010 ADA guidelines.
24. Developer shall provide an enhanced pedestrian connection from the development to the south side of North Point Court as per Exhibit B. The intersection shall be signalized if required by Staff. Off-site improvement shall be eligible for impact fee credits and construction completed prior to the final CO.
25. Utility structures, headwalls, etc. shall be finished with decorative stone, if visible from the public right-of-way.
26. No more than 10% of residential units shall be permitted to be rented, as recorded in the Condominium Association declarations and covenants and Home Owners Association documents.
27. Bike rental stations and bike racks will be added to the site plan.
 - The motion received a second from Mayor Pro Tem Mitchell
 - The motion was approved unanimously 7-0

VII. NEW BUSINESS

A. Resolution: In Opposition To House Bill 302 and Senate Bill 172, Preemption Of Local Building Design Standards

- City Attorney, Sam Thomas, presented the item and read the Resolution aloud

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Public Comment

- No Public Comment
- ❖ Council Member Richard offered a motion to approve the Resolution as read by the City Attorney
 - The motion received a second from Mayor Pro Tem Mitchell
 - The motion was approved unanimously 7-0

B. Safe Hotels Ordinance (1st Reading)

- Director of Public Safety, John Robison, came forward to present this item and provided a brief overview of the Safe Hotels Ordinance
- City Attorney, Sam Thomas, read the Ordinance aloud

Public Comment

- No Public Comment
- ❖ Council Member Binder offered a motion to approve the first reading of the Ordinance as read by the City Attorney
 - The motion received a second from Council Member Richard
 - The motion was approved unanimously 7-0

**C. Resolution: In Opposition to House Bill 184 and Senate Bill 66,
Streamlining Wireless Facilities and Antennas Act**

- City Attorney, Sam Thomas, presented the item and read the Resolution aloud

Public Comment

- No Public Comment
- ❖ Council Member Merkel offered a motion to approve the Resolution as read by the City Attorney
 - The motion received a second from Council Member Burnett
 - The motion was approved unanimously 7-0

VIII. PUBLIC COMMENT

- Ruth Ann Tatum, 250 Pebble Trail, Alpharetta, came forward to express concern about local restaurants that have left the City or closed

IX. REPORTS

- Council Member Richard announced that GDOT is having an open house this Thursday at the Hilton Garden Inn off of Windward Parkway regarding the proposed Ga. 400 express lanes; the sessions are scheduled for 11:00 AM – 2:00 PM, and 4:30 – 7:30 PM
- Council Member Binder announced that the Homestead Exemption that was brought forward by Alpharetta City Council has moved forward from the first reading; we plan to see it on the November ballot
- Council Member Burnett has invited the State House Representative that voted against House Bill 184 to an upcoming Council meeting
- Council Member Binder thanked the YMCA for hosting a Town Hall and reminded residents that April 1st is

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the deadline to file for homestead exemption

- Council Member Hipes announced his appointment of Michael Gordy to the Ethics Board

X. ADJOURNMENT

- ❖ With no further business to discuss or items to be heard, Mayor Gilvin adjourned the meeting at 9:38 PM

Respectfully submitted,


Erin Cobb, City Clerk