

City Council of Peachtree City
Minutes of Regular Meeting
October 21, 2004
7:00 p.m.

The City Council of Peachtree City met Thursday, October 21, 2004, in the City Hall Council Chambers. Mayor Brown called the meeting to order at 7:00 p.m. Other Council Members present were: Stuart Kourajian, Steve Rapson, Judi Rutherford, and Murray Weed.

Announcements, Awards, Special Recognition

Mayor Brown recognized Mike Stewart of Public Works as the September Employee of the Month. Assistant City Manager Colin Halterman was recognized for 20 years of service with the City.

Brown moved to move Old Agenda Item 10-04-05 Consider Approval of Site Plan for Kedron Village Retail Expansion to the end of the agenda. Rapson asked Brown to amend his motion and include 10-04-03 Consider Step One Annexation Application from John Wieland. Brown accepted the amendment. Rapson seconded the motion. The motion carried unanimously.

Minutes

Rutherford moved to approve the October 7, 2004, Regular Meeting Minutes. Rapson seconded. The motion carried unanimously.

Consent Agenda

- 1. Alcoholic Beverage License – Change in License Representative – Kwickie/Flash Foods #246**
- 2. Consider Request from Braelinn Elementary for Construction of Track**
- 3. Consider Amendment to Smoking Ordinance Regarding Smoking in City Parks/Facilities**
- 4. Consider Approval of Sanitary Sewer Easement Request for Braelinn Church**

Brown noted there was an additional document on the dais related to Consent Agenda #2 – a memo from the Leisure Services Director dated October 19, 2004, with the subject “Request from Braelinn Elementary School.”

Rutherford moved to remove Consent Agenda #2. Brown amended the motion to include Consent Agenda #4. Rutherford accepted. Rapson seconded. The motion carried unanimously.

Rutherford moved to approve Consent Agenda #1 and #3. Rapson seconded. The motion carried unanimously.

2. Consider Request from Braelinn Elementary for Construction of Track

Rutherford said \$25,000 was budgeted for non-profit organizations and schools. She asked if the money for the track should be moved from that account to the Public Works budget to pay for the labor. Financial Services Director Paul Salvatore said the funds were already included in the Public Works budget. The cost was really the work that would not get done while the crew was working on the track. Salvatore said they could make a journal entry in the non-profit account to reflect an in-kind donation of time by Public Works employees. Rutherford asked if this would be above and beyond the non-profit fund. Salvatore said if the work was done over and above the normal eight-hour day, then they would definitely transfer the funds from the non-profit. Assistant City Manager Colin Halterman said the 10-12-person cart path crew would finish the

work in two to three days. Rapson noted that this type of project had been done before, so there should be a history. Kourajian asked the Braelinn Elementary School representative if the track would be open to the public during non-school hours. She said that the track would be open. Rapson said the school was following CAR 8-3 and meeting all the criteria.

Rapson moved to approve the request for Braelinn Elementary to construct the track. Kourajian seconded. The motion carried unanimously.

4. Consider Approval of Sanitary Sewer Easement Request for Braelinn Church

Brown said he asked for this item to be removed because he was a member of the church. Rapson said he was also a member of the church. City Attorney Ted Meeker said that, under the City's ethics ordinance, there was no conflict since the action would benefit the entire church, not the Council Members individually. Rutherford added that the easement had been approved earlier by a Council that did not include any of the current members.

Rapson moved to approve Consent Agenda #4, the sewer easement request for Braelinn Church. Rutherford seconded. The motion carried unanimously.

New Agenda Items

10-04-10 Consider Comments Concerning Alcohol Handling Permits – Sonny Ishmael, Beef O’Brady’s

No action was needed. No one attended the meeting to represent Mr. Ishmael or the restaurant.

10-04-11 Alcoholic Beverage License – Change in Owner – Thai Isan Restaurant (Papaya Thai)

Ta Crocker, the applicant, addressed Council. Rutherford moved to approve the alcoholic beverage license change in owner for the Thai Isan Restaurant and that Ta Crocker be named as Licensee and License Representative. Rapson seconded. The motion carried unanimously.

10-04-12 Consider Resolution to Support Statewide Smoking Ban

Brown noted that the City had recently approved the Smokefree Air Act. One of the criticisms was that City businesses were no longer on an even playing field with other businesses in the state. By supporting the resolution, Council was asking the state to impose a smoking ban statewide so all businesses would be impacted evenly.

Rapson moved for Council to support the resolution and to send it forward to the state in hopes the state officials would make the right decision. Rutherford seconded. The motion carried unanimously.

10-04-13 Discussion on Questionable Programming on the Expanded Basic Broadcast Cable System

Brown noted that Teresa Clark had brought this topic to his attention and she provided a copy of a fact sheet and letter, written to Andy Macke of COMCAST, to each Council Member.

Clark told Council she was flipping channels on the basic standard cable when she came across pornography on the FX channel, Channel 43. Clark called COMCAST the next day and asked for parental controls. She was told she would have to pay \$4.80 per box per television, which would be \$14.40 extra each month. Clark continued her research and found information that confirmed cable companies would provide a blocking device for free. She made six telephone calls, sent a

certified letter, and e-mailed lobbyists before receiving her cable blocking for free. Clark said it was not right for parents trying to protect their children from indecency to go through so much before receiving the controls. She asked Council to ensure those parental controls were made available to families before renegotiating the City's agreement with COMCAST.

Brown clarified that the statement that the control devices would be provided free came from Robert Sachs, president and CEO of National Cable and Telecommunications Association (NCTA). Clark added that she had a lot of documentation and asked why it took 26 days to make things right. Brown noted that he had not watched television for 13 years, but he had talked with parents and read articles in the newspapers.

Cindy Fallon addressed Council and gave them a copy of a letter she had written to Andy Macke at COMCAST dated October 13, 2004. Fallon said she had cut back to the smallest package and was furious when she was told she would have to go up to the next package in order to obtain the parental controls, which she would have to pay for.

E.R. Clark noted there was no regulating agency for cable television. The basic television networks also had language, nudity, and other offensive programming. He asked the City to make the information available that blocking boxes were available to cable subscribers on request, and that the City should be a leader in taking a stand against offensive programming.

Brown moved to follow the lead of the NCTA and provide an ordinance at the next meeting that required all cable providers in the City to supply subscribers with the ability to block undesirable channels at no charge. Rapson seconded.

Rapson asked if Andy Macke with COMCAST was at the meeting. Public Information Officer/Deputy City Clerk Betsy Tyler told Council that Macke had intended to be at the meeting, but anticipated the discussion would be later based on the agenda. Rapson said if Macke was willing to make the blocking equipment available in the contract, then there would be no need for an ordinance. Kourajian said he wanted to hear what Macke had to say. Brown noted the cable company was not legally required to provide the blocking devices,

Brown said making the blocking equipment available was not legally required, but was a suggestion of the national association. Rapson withdrew his second to Brown's motion. Brown moved to hold the agenda item until Macke arrived at the meeting. Rapson seconded. The motion carried unanimously.

Old Agenda Items

10-04-03 Consider Step One Annexation Application from John Wieland

Brown noted the additional document on the dais – a memo to City Council from Developmental Services dated October 21, 2004, and the subject "John Wieland Homes Annexation Request, Potential Number of Housing Units Supplemental for the October 21, 2004, Council Meeting."

City Planner David Rast told Council this was the first foray into the new annexation procedures. John Wieland Homes submitted all the information required in Step One of the process. Rast said Council should consider the application and determine if the application should move forward to Step Two or not.

Dan Fields, vice-president of John Wieland Homes and Neighborhoods, reminded Council they had met in the spring and discussed the possibility of open charettes. Fields clarified that a charrette was a public workshop. Three charettes had been held and attended by over 200 people representing civic groups, neighborhood associations, and various interest groups. Fields noted that some of the items discussed were included in the City's comprehensive plan. The residents also wanted continued input into the planning after Step One.

Fields summarized that the major components were transportation, better access to businesses and restaurants, the opportunity to coordinate golf cart paths, an improved railroad crossing with the possibility of stopping the train whistle at night, soccer fields, dedicated open space adjacent to the wetlands and Line Creek, boardwalks in the Line Creek area, and protection for the environment. The residents wanted MacDuff Parkway extended, as did the Board of Education. Residents felt the emergency response times would improve if MacDuff Parkway were extended. Fields pointed out that Line Creek was a source of water and was an area to be protected. The land plan made sewer access economically feasible. Access to sewer allowed for more dedicated open space and park area. The open space could be configured as a contiguous piece of land that offered more protection to Line Creek. Other options under consideration included land for churches, senior living spaces to accommodate the City's changing demographics, and a Main Street/town center area.

Fields said that, by annexing the area, the City could control the development. The zoning allowed multiple uses, which was endorsed by the Atlanta Regional Commission (ARC). Fields said they could only produce a plan to be proud of with the help of the ARC, Georgia Regional Transportation Authority (GRTA), and staff.

Fields continued that approving Step One did not mean Council approved the annexation. They would continue to refine the plan and to work with the residents. Fields said the plan would help address school and traffic issues. He asked Council to approve the Step One application so they could continue to work to come up with a plan that was acceptable to the City, the residents, and to the developers.

Dana Kinzer read a prepared statement, which is included in the official meeting file for this meeting. His statement primarily addressed the extension of MacDuff Parkway and designation of the area as a "Quiet Zone" by CSX Railroad, as well as emergency response times.

Kourajian asked Fields if the Board of Education wanted MacDuff Parkway extended. Fields said the Mayor indicated that the Board of Education had told him they wanted the road extended at one of the charettes. Fields said he had also received calls from the Board of Education and was asked when the road would be extended so they could begin planning for the Centennial elementary school site.

Brown said he had discussed the MacDuff Parkway extension with School Superintendent John DeCotis and three administrators. DeCotis said he supported the extension for another access to the school. Brown said that lengthening the parkway would allow the Board of Education to build the school because there was another access point. Fields said he had spoken with Jerry Whitaker of the Board of Education's administrative staff and Whitaker had indicated they wanted MacDuff Parkway extended. He led Fields to believe that both access points would be used. Kourajian clarified that the access point was at the former COMCAST location. He noted that, in the past, the Board of Education had expressed concern about buses using at-grade

crossings. Brown said buses drove over the railroad tracks in the City on Kelly Drive. Rapson clarified that the names being mentioned were administrators, not Board of Education members. Fields said Whitaker was willing to provide a letter from the board, but Fields told Whitaker it was too early in the process to do so.

Kourajian asked about better access to established restaurants. Fields said the residents could take MacDuff Parkway from GA 74 South to GA 54, rather than going through the GA 54/GA 74 intersection. He added that residents could live, work, play, and eat in the same neighborhood, without having to get on either state highway. Kourajian said extending MacDuff Parkway could increase traffic in the area, rather than relieve traffic woes. He said the soccer fields and the town center would draw people to the area, rather than help people get out of the area.

Fields said they were asking Council to approve the application so they could begin traffic studies and find out if the impact would be negative. He said the soccer fields would relieve some of the traffic traveling from Kedron to the soccer fields on Highway 74 South. Brown said they had discussed the GA 54/GA 74 intersection at both charettes. Mitigating structures would not be implemented until 2011 and the extension of MacDuff Parkway could get some of the traffic going to GA 74 South before getting to the worst intersection in the County.

Kourajian agreed, but added more people would use MacDuff Parkway as a cut-through and more people would be attracted to the soccer fields and town center. Fields said they would also get further insight from the ARC and GRTA about the optional traffic flows. Traffic would increase some, but there would be options for the people who lived there to keep them off the state highways.

Kourajian noted that there had been an annexation plan several years ago that included the entire unincorporated area from the City line to Tyrone. He asked Fields if he had spoken with the other landowners. Kourajian said the area was an unincorporated island. He continued that the remaining land would still be an island if this area were annexed. He asked if the developer had considered developing the entire area, putting a bridge over the railroad tracks, and providing a third entrance. Fields said they had not looked at that recently, but he knew that one landowner had no interest in participating. The Council Members decided that annexation was not in the best interests of the City at that time.

Brown said one owner had clear-cut his property, and the City did not want that land. Brown said the land north of this property would be in the County, but the response times for the County would decrease because they would also use MacDuff Parkway as access.

Kourajian asked Fields if he had discussed the proposed annexation with the County. Rapson said the County could object only if there was a bonafide land use complaint. Meeker said a more intense zoning would be considered a bonafide land use objection. Kourajian asked if proposed annexation was an exercise in futility if the County objected. Fields said that was unknown at this time. Fields said the County's zoning was R-2, one home to every two acres. Brown and Rutherford recalled a court case concerning the County's zoning in which the County agreed to change the zoning for the area from five-acre lots to two-acre lots, but no smaller. Brown said there were also problems with emergency response times. Rutherford said the area was on the edge of the City and there should be step-down density. She pointed out that the lots became larger on the City's other borders.

Kourajian asked Fields if he had considered one house on every two acres and extending the road, which would make everyone happy but the soccer people. Fields said they could look at that option. He continued that, at the charettes, everyone focused on quality. Fields said they were open to working with the City and the residents, and that was why they had not contacted the County officially. Until they had gotten through Step One, there had been no reason to contact the County or think about Step Two.

Fields continued that, by working together, they might be able to build something of high quality. He asked Council again to approve the Step One application and allow the developer to talk with City staff. He said they wanted to build something of minimum impact and maximum value.

Citizens who spoke included Tamara Moore, Wayne Roberts, and Todd Strickland. Their comments included:

- The school could not come in without the road expansion;
- A jewel of a developer would go away and no one knew who might come in next;
- Concern for emergency services and response times;
- Concern that traffic engineers would be the same ones who said Wal-mart and Home Depot would have no traffic impact;
- Concerns about density;
- Need to build and plan development from the inside out, not the outside in;
- Concerns about whether MacDuff Parkway would be two-lane or four-lane road;
- The opportunity to create something to make the City better;
- Mixed-use development was best for place making;
- Key to mixed use was choices, whether to drive, walk, or ride bikes; and
- Focus should be on quality, not just density.

Rapson said he had issues with density. The property was 364.8 acres. He estimated 30% of the property would be used for roads and amenities, which meant 128 homes could be built in the area according to the County's zoning. Rapson said the developer could try approaching the County and asking for help to extend the road. He estimated the cost to extend the road at \$5 million, which should be less than 10% of the cost to put the development into the ground.

Rapson continued that he heard four critical elements during the presentation. The extension of MacDuff Parkway was needed. Rapson agreed that putting the homes on sewer was an environmental plus. The only question would be capacity. Control over the development was important, as were public safety concerns. Rapson said he had heard there would be multi-family and cluster housing and he wanted to know the density, since density impacted the roads, schools, sewer, and public safety. Rapson said there was not enough information in the application, and it would be fine for the developer to resubmit the application. He said he needed to know the developer's commitment to density. Rapson said he was in favor of approaching the County to help extend MacDuff Parkway.

Brown noted that Step One was a general overview of the proposal. Rapson said they had gone to great lengths to discuss the issues. Only three votes were needed to approve the application. Brown said the information Rapson was looking for would be included in Step Two of the process.

Fields said everyone working together could figure out the density and quality issues. He did not want to be locked into density. Fields continued there were a lot of amenities, and he honestly did not know what the density needed to be. They wanted to create a special neighborhood first, then worry about the density. If they did not achieve the quality and density Council was looking for, they could say no to the annexation. Fields said they would continue to hold workshops and keep Council in the loop. Fields asked Council to give them the chance to work with City staff and GRTA.

Rutherford said the West Village included everything from the City to Tyrone and Coweta County. All the landowners needed to be involved. She said she did not have a problem not knowing the density, but she needed to know that more than one piece of property in the area was included. She was concerned that the developer had not talked with the other landowners. She wanted to have the opportunity to see how the whole piece would work for the City. Fields said that perhaps those parcels could be included as they went through the process.

Brown recalled that he railed against the earlier annexation because it was a hodge-podge of everything. He supported the annexation of the Katz property because the developer had done the right thing. When he found out that Wieland had purchased this parcel, he was excited because the developer had the financial wherewithal to pull the project off and had done so elsewhere in the metro area. Brown said the road would give the City access. If the City had the road, then the City could control everything that happened north of the property because it controlled the access.

Brown moved to approve the Step One submittal by Wieland in order to work with staff and take the plan to Step Two. Weed seconded.

Weed said he had been invited to attend the last charette by Dana Kinzer. Fields had also approached him regarding his initial thoughts about the process. Weed said when he ran for office, he committed that he would not support an annexation during his term in office. Weed said he would vote in support of the Step One application, and going forward to Step Two in order to provide more information and get input from staff. The developer had a right to move forward. He would not, however, support the annexation.

The motion failed, 2 (Brown, Weed)-3 (Kourajian, Rapson, Rutherford)

Rapson encouraged Fields to take Council's comments and file an amended application. Meeker said there was nothing in the ordinance to prevent the developer from re-submitting the application. He asked Council to take formal action to allow Fields to resubmit the application. Rapson moved to table the annexation until the developer determined if the application would be resubmitted. Kourajian seconded. The motion carried unanimously.

10-04-13 Discussion on Questionable Programming on the Expanded Basic Broadcast Cable System

Brown briefly went over the previous discussion. Andy Macke of COMCAST told Council the company had taken a second look at how indecent programming was treated. A public awareness campaign was initiated so people would know the choices available to them. Inappropriate programming could be blocked by several methods. Macke showed a tape of one of the public service announcements shown by COMCAST. Rapson said he had not seen the video, and asked for a show of hands of those who had seen it. Kourajian asked how long the spots had been running. Macke said they started in March. Macke noted that the spot just shown had run 300

times in the last month over 48 channels, and other spots ran during that time providing the same information.

Rapson said, when the issue had been brought to his attention, he watched the program in question. It was not soft pornography, but hardcore pornography that someone should pay for. Rapson said the cable company had a right to show it, but it should be moved to a premium channel. He suggested a mailing to homes in the City that said the company was willing to provide what was needed to block the programming at no cost to the customer.

Macke said the purpose of the public awareness campaign was to make people aware of their options. The company was interested in giving people control. When a new customer came in, they received a welcome kit that included information on how to block programming. Macke continued that COMCAST did an annual mailing, usually in November that also included the information. Rapson said he would like to see information go out in November.

Brown said he had talked with many parents who were put on hold indefinitely, then told they would have to up their level of service to get rid of the pornography and pay for the controls. Rapson said this matter fell under the "welfare" of the community. Rapson told Macke he wanted a firm commitment, or there would be no agreement with COMCAST.

Rutherford said COMCAST should also look at training their customer service personnel so parents would know their options. When parents called, the response should be what kind of device do you have and come by and get a box. Macke said that was no problem. If blocking programs could not be done with filters, then boxes would be available.

Brown asked the City Attorney if Council had any teeth in the matter if the subject was not covered in the franchise agreement. Meeker said they could do it within the confines of the franchise agreement. Rutherford said before the agreement was to be signed again, she wanted to be sure the parents would get the appropriate response. Rapson said he would like a letter from COMCAST the next day agreeing to providing the controls and to training customer service personnel.

Macke said he could get a letter to Council by the end of the month that laid out what options were available and ensuring that the customer service people were aware of the options. Rapson added that the devices should be provided at no cost to the parents.

Residents who spoke included Kelly Hintz and Cindy Fallon. Their comments included:

- Other options were available,
- Parents did not want to go to next package level in order to get boxes, and
- Networks should be made aware that parents were angry about programming.

Brown went over the discussion and said COMCAST would provide a letter, make whatever public relations moves were necessary to get the information out, and staff was directed to look at incorporating the information in the franchise agreement. Tyler said the existing franchise agreement expired in 2006, but they would be working to have the agreement in place before that time. Rapson said Council would like to see the proposed agreement soon.

Rutherford moved to reconvene in executive session to discuss pending litigation. Rapson seconded. The motion carried unanimously.

Rutherford moved to adjourn the executive session. Rapson seconded. The motion carried unanimously.

Weed moved to reconvene the regular session. Rapson seconded. The motion carried unanimously.

10-04-05 Consider Approval of Site Plan for Kedron Village Retail Expansion

The copy of the official transcript, which is attached, serves as the minutes for this agenda item.

Council/Staff Topics

Weed moved to reconvene in executive session for pending or threatened litigation. Rutherford seconded. The motion carried unanimously.

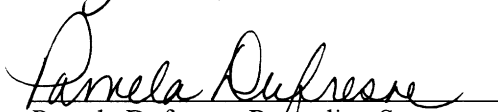
Weed moved to reconvene in regular session. Rapson seconded. The motion carried unanimously.

Weed moved to authorize the commencement of a lawsuit against BVT to enforce development conditions for the Kroger Center at Kedron Village. Rapson seconded. The motion carried unanimously.

There being no further business to discuss, Weed moved to adjourn the meeting. Rapson seconded. The motion carried unanimously. The meeting adjourned at 12:45 a.m.


Jane Miller, City Clerk


Stephen D. Brown, Mayor


Pamela Dufresne, Recording Secretary

IN THE CITY COUNCIL OF PEACHTREE CITY
STATE OF GEORGIA

SUBJECT MATTER:

KEDRON VILLAGE EXPANSION
CONCEPTUAL SITE PLAN

COPY

FAISON
CASE NO. 060402

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The following proceedings at the City Council meeting taken down before Linda C. Breedlove, Certified Court Reporter for the State of Georgia, commencing at approximately 10:30 p.m. on Thursday, October 21, 2004, at 151 Willowbend Road, Peachtree City, Georgia.

ANGELA PYLANT & ASSOCIATES
CERTIFIED COURT REPORTERS

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A P P E A R A N C E S

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I N D E X

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E X H I B I T S

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P R O C E E D I N G S

10:30 p.m.

MR. COHEN: The way the question was phrased earlier, are we authorized to make changes on the Target elevation on behalf of Target, we are not expressly authorized to do that.

What I was hoping to achieve tonight, because I know there are strong opinions in a number of ways, is to really get a sense from Council as to conceptually what the concerns were, what the issues were, what the materials or treatments or other architectural articulations conceptually that would work, and see if that was a starting point to bridge the gap together.

One thing I don't have from Council specifically are a whole lot of specific questions or comments other than some snippets that I've read.

MR. RAPSON: Let me just start off with a very simple -- simply put. The outparcels, the architectural and elevation for all the other outparcels are fantastic. We really like that.

MR. COHEN: Thank you.

MR. RAPSON: We've very pleased with them.

MR. WEED: We could not be happier.

1 MR. RAPSON: And quite frankly we feel that
2 the Target elevation is just not up to the same
3 standard as the rest of the development. That's
4 our concern. So if you want to know what we want
5 it to look like, we want it to look like everything
6 else.

7 THE MAYOR: You know, if you divide it by the
8 outparcels and the Target, you're looking at
9 roughly 50/50 in terms of your square footage.
10 Obviously the Target is the focal point of that
11 development and we would like it to coexist in some
12 sort of architecturally harmony with the rest of
13 the -- with the outparcels which we really like.

14 MR. COHEN: You know, the interesting -- well,
15 you know, you never know how these things are going
16 to transpire. The interesting thing that the
17 design team did, both our design team and Target's
18 design team, was we actually started with the
19 Target elevation first from the planning standpoint
20 and then developed the rest of the property around
21 the Target elevation. Because as I read in a
22 couple of places, Target is the focal point of the
23 development and certainly size-wise. So it's
24 somewhat ironic that that's going to come back to
25 bite us from a design standpoint.

1 The other nuance that we had to live with
2 because of the playing field is that there is an
3 existing center next door. And the second largest
4 tenant in this project once it is completed will
5 not be anything on the applicant's property, so
6 part of the reason for the design of the Target was
7 as a transitional matter. And I understand there's
8 a lot of different ways to transition things.

9 With the comment, and I can't remember which
10 of you had made a comment, that you want it to look
11 like everything else, I think there's -- I think
12 past a certain point there's a danger in that.

13 The danger in that is that what is nice about
14 it if you use a project like The Avenue as a
15 barometer, and what is nice about to smaller
16 buildings that we're developing, and the architect
17 is here tonight who did the Avenue, or his firm did
18 the Avenue and who did our location, is that there
19 is a matter of scale to it.

20 The reason it feels real and it feels cozy is
21 because it is a series of two and three thousand
22 square foot stores, about that, and maybe a junior
23 anchor along the way.

24 To take that pattern and theme and number of
25 elements and apply it to 125,000 square foot store,

1 I think creates to some extent a Disney World type
2 effect. I don't think at the end of the day what
3 may look interesting and feel right to the five of
4 you and me standing here tonight is really going to
5 be the result you want in the real world. So I
6 would caution against over applying architectural
7 elements to the Target elevation.

8 Now, having said that, are there things --
9 let's get to the issue --

10 THE MAYOR: If I can interrupt here. We have
11 an ordinance that says we can't go past 11:00, so
12 if you would watch the clock for us and then we'll
13 have to make a motion to continue.

14 MR. RAPSON: What time is it?

15 THE MAYOR: 10:30. Well, I'll just go ahead
16 and make a motion that we can continue past 11:00
17 if needed.

18 MR. RAPSON: Second.

19 THE MAYOR: All in favor?

20 (All council members agree.)

21 MR. COHEN: Are there things that we can do to
22 the Target elevation that accomplish the purposes
23 that I think you're trying to achieve, which if I
24 had my crystal ball, to a large extent I would say
25 probably it would evolve around the right side of

1 the store and some of the applications between the
2 entrance and the right side of the store. Yes,
3 there are things that we can do to break up longer
4 expansions, to create more interesting
5 architecture, to the application, possibly even a
6 number of show windows instead of just an efis
7 panel. Not that the efis panel is not replicated
8 elsewhere in the project, that there's not a common
9 theme, but we can do certain things.

10 My starting premise tonight is -- well, I'll
11 say this for the record, is that it is certainly
12 our position that with regard to the condition that
13 was imposed upon us way back by Staff and has
14 carried through in the conceptual site plan
15 approval, we feel we meet that condition legally.
16 So I just want to say that for the record because I
17 have to.

18 Are there things that we're willing to do and
19 consider and otherwise to sway some of the concerns
20 that have been expressed individually, previously
21 and more collectively tonight? Absolutely. But I
22 think -- as I look the one thing I can probably say
23 conclusively is that -- I don't think you want it
24 either -- is that is to have a series of faux
25 storefronts is not replicative of the existing

1 architecture. It's not part of the existing
2 architectural program, faux stores, most everything
3 else is real. I don't think is it what the Council
4 and the City really want.

5 THE MAYOR: But to let you know, we're not
6 asking for a series of storefronts. We're asking
7 for an imaginative attempt to break up the space
8 and obviously there have been some examples of
9 using faux storefronts because we just essentially
10 borrowed what you had on your elevation for the
11 other buildings and did a paste-on on top of the
12 overlay on the Target because that's essentially
13 all we had that was in the same architectural realm
14 as what you had as an outparcel.

15 MR. COHEN: Exactly.

16 THE MAYOR: That in no way suggests that
17 that's exactly the look we're looking for. We're
18 just looking for an imaginative way to break up the
19 space. Now, one rumor that has been circulating
20 and maybe this will help with that point, we've
21 been told there's going to be a Starbucks in
22 Target. Is there anything close to that?

23 MR. COHEN: Well...

24 THE MAYOR: Because I was going to say -- the
25 reason I ask is if you do have an element like that

1 whether it be a Starbucks or whatever it may be,
2 that may be your great opportunity to actually
3 build some sort of facade, an outcrop, that comes
4 off from the building like Perimeter Mall, if
5 you're familiar with Perimeter Mall, where the
6 restaurants off the big boxes or something.

7 MR. COHEN: I live and work within a mile from
8 the mall. I eat there frequently.

9 THE MAYOR: Something along those lines where
10 they've done something imaginative coming off of a
11 box where you could have a facade that, you know,
12 utilizes the Starbucks or whatever the store may
13 be.

14 MR. COHEN: I think there's probably a number
15 of questions and then I'll try and hit all of them.

16 The first question with regard to the rumor
17 whether there will be a Starbucks in Target is not
18 a rumor. What has happened is Target with
19 Starbucks together with a number of other food
20 vendors, Pizza Hut, I understand as well, have
21 reached national licensing agreements to procure
22 each other's wares in the stores.

23 It may be best for me to pull out the
24 elevation. Can I turn the board around here for a
25 second?

1 THE MAYOR: We've got the elevation on a
2 powerpoint if you want it?

3 MR. COHEN: I've actually got one that's a
4 little prettier in anticipation of this
5 conversation.

6 THE MAYOR: Okay.

7 MR. COHEN: I guess since we just jumped in I
8 don't need to say why I'm here.

9 THE MAYOR: Well, Mike, I think where this is
10 going is obviously there's some concern about the
11 architecture. We feel like there's a need to do
12 something a little more creative than what's been
13 done.

14 If you don't have the authority to say we can
15 do this or we can do that, then, you know, we don't
16 really want to get in a situation where we're
17 churning issues around for an extended period of
18 time and we may have to come back anyway to finish
19 the discussion. And you know, we're honestly
20 asking. We've got some points we want to bring up,
21 I mean, beyond the architecture points. We could
22 provide some of those points for you in a list for
23 you to go ahead and review it and to look out and
24 then you could come back with an answer on some of
25 the architectural questions and the next meeting if

1 you want to do that.

2 MR. COHEN: Well, where does that leave the
3 approval of the overall project?

4 THE MAYOR: Well, I'm just going to say, and
5 y'all correct me if I'm wrong, but I think the
6 architecture question is a very, very strong
7 question and I think we're inclined to say let's
8 see where we can go with that first and see where
9 the process takes us.

10 That's the worry that if you can't pull the
11 trigger on that decision, then can you bring
12 somebody in that can look at this and say hey, from
13 Target's perspective or from our corporate
14 perspective, yeah, we could do some things and we
15 can show you some stuff that we just kind of, you
16 know, where we did the overlays and stuff like that
17 and let them think about it.

18 MR. COHEN: Let me answer your last question
19 first and I'll come back to that. On the issue of
20 Starbucks and the food vendors. This area to the
21 right of the store front, or to the left of the
22 store front, where am I? To the left of the
23 entrance as you look at the elevation and to the
24 right as you are in the store is where the
25 quote/unquote food court is.

1 It's a Starbucks kiosk and a Food Avenue
2 Express, which is Target's typical walk up,
3 purchase food. It's not a completely segregated
4 Starbucks like you see in a Barnes & Noble or in
5 traditional bookstores.

6 The licensing agreements that Target has
7 reached with it's National Food Vendors are part of
8 this food court arrangement. They're articulating
9 what it is. There already is a series of windows
10 where you can look in to the food court and see
11 activity under the main entrance canopy. So I'm
12 not sure if that addresses the question or comment
13 but that's the intent. It's immediate when you
14 walk in the store. It's a common seating area.
15 It's not like if Barnes & Noble or a Borders where
16 it is broken up and segregated and has separate
17 entrances.

18 MR. KOURAJIAN: And so that stops right there
19 at the overhang? Could you point to where that
20 stops?

21 MR. COHEN: Right in here (indicating). The
22 main entrance, food court, behind the food court
23 cash registers and so forth.

24 MR. KOURAJIAN: Then what are your thoughts
25 for the whole rest of the side?

1 MR. COHEN: Well, one of the -- I guess Mr.
2 Rast advised me to mention to the Council was that
3 the only difference between this board and the one
4 that was submitted with our elevation is we've
5 actually -- since Target submitted separate
6 renderings we've actually colorized that with the
7 same colors and materials which were absent on our
8 original submittal.

9 THE MAYOR: Well, what we've got, we've got
10 the same thing up there essentially.

11 MR. COHEN: Yeah, it looks like in the middle
12 there's a little bit of color.

13 THE MAYOR: It's missing the color.

14 MR. COHEN: It's missing the color and
15 the landscaping.

16 THE MAYOR: But what I'm talking about is if
17 you look at the left side of that front elevation,
18 not the outparcels there on the far left side.

19 MR. COHEN: Yes.

20 THE MAYOR: Obviously that's warehouse space.
21 To be very honest with you that looks like
22 warehouse space. It looks like the space that
23 ought to be in the back of the building and I
24 realize that you've got some constraints with
25 dropping that box, you know, on that site and that

1 you've got to -- but this space right in there, you
2 know, there's nothing from here all the way over to
3 here that has anything to do with Target's
4 branding. It doesn't have anything to do with
5 Target's image. It's all locked up in this section
6 (indicating) here and one thing if you were showing
7 -- go to 12, Matt. You know, this is the same
8 store but we've broken it here and we just added
9 some of those facade elements that you had on the
10 other outparcels.

11 Now I understand that this is not cut and dry,
12 like I said, exactly what we want to do but you've
13 still got this large size box piece here that has
14 all the branding elements of Target and it does
15 everything that Target -- accomplishes everything
16 Target wants to accomplish but you don't have
17 something that looks like a huge warehouse out in
18 the front at the street frontage. It really
19 creatively breaks up the space.

20 One thing is if you've got the Starbucks, you
21 know, they may be able to create some kind of thing
22 that it has actually a Starbucks signage on it or
23 something in that neighborhood.

24 MR. COHEN: I think that violates the signage
25 ordinance though.

1 THE MAYOR: I'd be willing to get a variance.

2 MR. KOURAJIAN: Plus it's way on the right
3 side.

4 THE MAYOR: I understand. I'm saying just for
5 the signage perspective, just for, you know, to
6 break up the space visually.

7 MR. RAPSON: I think one of the things you
8 asked us early on was the Disneyland issue. I
9 think that's a good example. We want it to look
10 like it's a part of that particular landscape if it
11 sits out. If you look at a high elevation and you
12 look at -- I know you have one looking down into
13 the parking lot and you see all the different
14 components associated with it, it doesn't look like
15 it fits in.

16 MR. COHEN: I think there's certainly room
17 between this and what I would call Disneyland. I
18 think Disneyland would not work here because you've
19 got the existing Kroger to deal with. Part of the
20 condition is also -- would be harmonious with the
21 existing Kroger.

22 THE MAYOR: Elements apart --

23 MR. RAPSON: Do you want to change the Kroger?
24 I've been thinking about that?

25 MR. COHEN: I do not what to.

1 THE MAYOR: But essentially though, if I'm not
2 mistaken, your outparcels are also supposed to have
3 had some harmony with Kroger in and of itself too,
4 correct?

5 MR. COHEN: They do and I think they are and I
6 believe they do through the use of the glass
7 treatment and the color of brick, but let me back
8 up a step.

9 With regard to the elevation I think, but let
10 me make sure I understand. I hear everybody
11 saying, and to make sure that everybody's felt like
12 that they've had a chance to express their opinions
13 so we know what all the comments are, from an area
14 standpoint, I think the focus is in this area
15 (indicating).

16 THE MAYOR: Yes.

17 MR. COHEN: Is that an accurate statement?

18 MR. RAPSON: Yes.

19 THE MAYOR: That's the sorest point.

20 MR. RAPSON: The three areas that look
21 duplicate right past the Target logo, are those
22 basically a fake facade with hugh glasses?

23 THE MAYOR: No, that's ofis.

24 MR. RAPSON: That's an efis?

25 MR. COHEN: They're currently proposed to be

1 efis which was intended to match a number of the
2 other storefronts in the projects.

3 MS. RUTHERFORD: But those storefronts may
4 eventually go to glass if they have -- if the
5 tenant's want it.

6 MR. COHEN: They may or may not.

7 What I was going to suggest from a concept
8 standpoint, I think -- tell me how this sounds,
9 feels. From a perspective standpoint, just so
10 everybody's aware, this area here (indicating)
11 which may look and feel like it's on -- this one
12 you're saying wasteland was that --

13 THE MAYOR: Warehouse.

14 MR. COHEN: Some warehouse. This actually --
15 I like your words better than mine. This actually
16 protrudes from the storefront approximately 30 feet
17 so it's not -- it's not --

18 MS. RUTHERFORD: Flat.

19 MR. COHEN: Flat. But I think what I hear
20 everybody saying is maybe an element here to
21 balance --

22 THE MAYOR: Yes. Something, yes. Take it to
23 the center. I mean, you know

24 MR. COHEN: Well, this is --

25 THE MAYOR: -- from here all the way back up

1 there.

2 MR. COHEN: Go back up to there. This area
3 (indicating) with carts and a pharmacy so that area
4 is somewhat --

5 MS. RUTHERFORD: It's three-dimensional.

6 MR. COHEN: Three-dimensional already. So if
7 you could take an element similar to this, maybe
8 not quite as big so you can honor the scale as well
9 coming off of the outparcels.

10 MR. WEED: You've got a nice height/plane
11 transition.

12 MR. COHEN: I like that. A nice height/plane
13 transition.

14 MR. WEED: From one element to the next.

15 MR. COHEN: From one element to the next.

16 MR. RAPSON: Somebody's been studying.

17 MR. COHEN: That's good.

18 THE MAYOR: But essentially you've got an
19 outcropping here (indicating) you can do something
20 with this, roof elevation --

21 MR. RAPSON: Put something in the roof
22 elevation that appears to a roof element.

23 THE MAYOR: And then that way you've got --
24 you're breaking --

25 MR. COHEN: Maybe a cap, need some sort of cap

1 or something?

2 MR. RAPSON: Something.

3 THE MAYOR: There you go. You're breaking up
4 the plane and then all you've got to deal with is
5 right in here (indicating).

6 MR. COHEN: So let me to recap. There's a lot
7 of glass here (indicating) by the way. That's a
8 nice glass storefront.

9 To recap: Some sort of element here to the
10 north of the pharmacy?

11 MR. RAPSON: Yes.

12 THE MAYOR: And, you know, if you've got the
13 Starbucks thing right there and Starbucks is going
14 to be right there, right? Right in there
15 (indicating)?

16 MR. COHEN: Well, it's not -- I'm not sure
17 it's right at the exit. I think it is --

18 THE MAYOR: But I mean I'm talking about in
19 relation to the store it would be somewhere in that
20 vicinity; is that correct?

21 MR. COHEN: Somewhere in there. Somewhere in
22 there is the food area.

23 THE MAYOR: So could you not do some sort of
24 facade right here for the Starbucks?

25 MR. COHEN: Well, it's not just to -- that

1 unfortunately gets into proprietary issues.
2 They've got national -- When we heard that Target
3 was doing deals with Starbucks, one of our first
4 questions was that's great, can you do it like a
5 book store. The answer was, you know, we wish we
6 could but the reason we got everybody hauled in was
7 to have this collective national licensing
8 agreement that allows them to do what they do. So
9 to the extent that there are multiple vendors who
10 have a part of this licensing arrangement, they
11 unfortunately don't have the flexibility to create
12 the Starbucks entrance. That's one of those
13 operational issues that --

14 THE MAYOR: It may not be an idea.

15 MR. COHEN: Well, but at some point it's not a
16 Target either then. That's the -- you're right
17 under their main sign.

18 MR. RAPSON: Name brand, name brand.

19 THE MAYOR: No, but what I'm saying is -- I'm
20 not talking about anything near the dimensions of
21 the Target, I'm talking about something that's a
22 dimension of that building right there
23 (indicating). That's a 200 square -- I mean what
24 is that 2,000 square feet probably, right? I'm
25 talking about putting that right there

1 (indicating).
2 MR. COHEN: Are you talking about -- I may be
3 misunderstanding. Are you talking about being the
4 --
5 THE MAYOR: In other words you've got --
6 MR. COHEN: You've got the cover here for
7 pedestrian crossing and access.
8 THE MAYOR: I'm not talking about a huge sign.
9 MR. COHEN: Are you talking about possibly
10 replacing one of those elements with something
11 closer to the main element that --
12 THE MAYOR: Yes.
13 MR. COHEN: What does that do?
14 THE MAYOR: We're trying to break up that
15 plane. I mean the efis material it is essentially
16 just the brick wall and another --
17 MR. COHEN: I think that the -- I think with
18 regard to efis we can do -- these can be show
19 windows.
20 THE MAYOR: Yes. Now that would be -- that
21 would be --
22 MR. WEED: Show improvement.
23 THE MAYOR: Absolutely. That would be an
24 improvement. That's a great direction to go in.
25 MR. COHEN: And then we're clear on the

1 others?

2 MR. KOURAJIAN: Talking about the northern --

3 MR. COHEN: Here?

4 MR. KOURAJIAN: Yes.

5 MR. COHEN: Doing something here with maybe
6 some show windows to match these show windows and
7 pull out the efis panel. Well, actually what I
8 think is a nice treatment, let me find it, is
9 there's an area where we have -- something like
10 right here (indicating). Show windows from a scale
11 standpoint, you know. I think what can go in here
12 is something like that (indicating). I think to
13 have a show window would be out of scale.

14 THE MAYOR: And if you did the awning and, you
15 know, really it brings out the sidewalk or
16 something because my main concern is when you look
17 at what the architectural program is for the entire
18 development you talk about pedestrian flow, you
19 talk about continuity, and various other elements,
20 you know, things that you're looking for in there,
21 there's really no reason to walk to the left side
22 of that building.

23 MR. COHEN: Except to get to those stores.

24 THE MAYOR: No. What you're going to do is
25 it's the same model that you see in all the other

1 big, large shopping centers. You get in your car,
2 you pull out of Target, you get in your car and you
3 drive over to those small boxes and then you park
4 in front of those and then you go in the small
5 boxes. That's the mentality because there's
6 nothing attractive or meaningful to make you want
7 to walk down there.

8 MR. RAPSON: That's true.

9 MR. COHEN: I think what we can do is, we've
10 all just discussed, add an element here. I can't
11 remember your terminology but I like it. What was
12 it?

13 MS. RUTHERFORD: Height --

14 MR. WEED: Nice transitional height/plane
15 between the existing --

16 MR. COHEN: With a show window and an efis
17 that's broken up.

18 MS. RUTHERFORD: What's on top of that?

19 MR. COHEN: What's that?

20 MS. RUTHERFORD: What kind of roof or cap over
21 the three windows?

22 MR. KOURAJIAN: Let him say what he
23 understands.

24 MR. COHEN: A cap on that here?

25 THE MAYOR: You've got them where the Target

1 symbol is already. See you're building in there?
2 Create some symmetry and take it on the other side.
3 See the building is way out of balance. You've got
4 four elements rising on the right side and you've
5 got -- you're completely flat on the left side.
6 That's what makes --
7 MR. WEED: But if he adds some show windows
8 that's he talking about --
9 THE MAYOR: Yeah. But as I'm saying as it is
10 right now, it's off balance.
11 MR. COHEN: Well, I'm not sure with the pop-
12 out in the 3-D world that it is back on balance
13 with the top but here (indicating) and then show
14 windows here?
15 MR. WEED: Yes.
16 THE MAYOR: That would be awesome.
17 MR. COHEN: Broken up?
18 MR. WEED: That's great.
19 THE MAYOR: Now, the question is --
20 MR. COHEN: The question is can I commit to
21 that?
22 THE MAYOR: Yes. You've got it.
23 MR. RAPSON: That's a million-dollar question.
24 MR. COHEN: And it might one more thing too
25 though because -- can you hit 15?

1 MR. KOURAJIAN: Maybe more money than that.
2 MR. COHEN: 15, is that my quotes?
3 THE MAYOR: No. That's the right side
4 elevation. I think that what was suffering just as
5 badly, the left side of the front elevation. What
6 can we do with that because that is heavily
7 exposed? I mean you're going to see that from
8 several of the outparcels and you're going to see
9 that from the entrance drive south.
10 MR. COHEN: I get inverted on all the right
11 side, left side, on this because the outparcels are
12 in parcels and --
13 MR. KOURAJIAN: That's up there at the
14 entrance to Target.
15 THE MAYOR: Which one?
16 MR. COHEN: Right there (indicating).
17 MR. KOURAJIAN: Right there.
18 MR. COHEN: And that is that.
19 THE MAYOR: You've got a great view of that
20 from the parking lot, the other out buildings and
21 the drive.
22 MR. RAPSON: How about a Starbucks entrance
23 on the right side? They're just not competing with
24 Target. Now the golf carts are going to dump there
25 so everybody will stay there.

1 (Everyone is laughing.)

2 MR. WEED: To make a long story short before
3 the Mayor designs it for you, I think what we're
4 looking for is essentially something complimentary
5 to the ideas that you just expressed as to the
6 front.

7 THE MAYOR: Right.

8 MR. WEED: And once again to help break up
9 what -- either though I understand it is three
10 dimensional there is some very long panels there
11 that we think you can certainly decide better than
12 we can to break up more and you know how. You know
13 how to do that better than we do and we have
14 confidence you can do that.

15 THE MAYOR: Well, we see this, you know, you
16 can see this in Jonesboro and all the other places
17 and it's the same format. I will tell you what
18 people do is they get into their car and they walk
19 in the store, they get back in the car and they go
20 down to the next one and they get in the car
21 because you don't want to walk in front of that.
22 There's no reason -- there's no invitation. That's
23 what I'm looking for.

24 MR. COHEN: Okay.

25 THE MAYOR: And that's what the Avenue does

1 really, really well.

2 MR. COHEN: See that's what I'm looking for is
3 I just wanted to understand the collective
4 comments.

5 THE MAYOR: Yes, those are collective
6 comments.

7 MR. COHEN: So do you have the pointer?

8 THE MAYOR: Yes.

9 MR. COHEN: May I borrow this?

10 THE MAYOR: Certainly.

11 MR. COHEN: So if we -- in order to replicate
12

13 THE MAYOR: Well, like to show you a concern,
14 okay? Picture this. Coming from here (indicating)
15 the golf cart path -- the golf cart path is coming
16 right down here (indicating). All right? So
17 you're going to come in your golf cart and you're
18 going to feed onto this side of the building. It
19 would be nice to have something there.

20 One of the issues that we were talking about,
21 you know, it is an aside issue which you've got
22 some parking in this area right in here
23 (indicating) which would be that lot right in there
24 and we were talking about see here's the golf cart
25 path coming right up here (indicating).

1 So you're bringing your golf cart path down
2 right in that right elevation and it is like
3 wouldn't it be nice to have that more inviting
4 feel, you know, when you're coming in on your golf
5 cart. I mean, you know, like you're entering some
6 -- you're entering something really, really nice
7 which that is. I mean these elevations are
8 perfect. So we were thinking about, you know -- we
9 were thinking about can you -- we're looking at
10 maybe how can you alter that so that it is an
11 entrance feature for the golf cart.

12 MR. COHEN: Right -- a comment given that it
13 was supposed to be the main entrance for the
14 project --

15 THE MAYOR: I understand.

16 MR. COHEN: And that's what bothered us.

17 THE MAYOR: I understand. That hurts.

18 MR. COHEN: I think probably from a capital
19 standpoint we're beyond the building issues. We
20 can talk about more specifics when we dig into the
21 plan.

22 One of the things that we've had to do in
23 order to accommodate this entrance since we were
24 last here is actually acquire that outparcel at the
25 market price. We're not -- we're not really in a

1 remaining capital position to have three grand
2 entrances.

3 THE MAYOR: No, I understand.

4 MR. COHEN: I do think that we can do
5 something on the side of the building here. May I
6 borrow the pointer?

7 THE MAYOR: Sure.

8 MR. COHEN: Maybe add a show window here
9 possibly (indicating) bring it to some human scale
10 and some additional element there?

11 MR. WEED: Exactly.

12 THE MAYOR: What if you had -- for example,
13 take the right -- for example -- you're getting off
14 the pathway.

15 MR. COHEN: Yeah.

16 THE MAYOR: What if you had some sort of
17 features that extended off the building? I'm not
18 talking about anything elaborate. I'm just talking
19 about maybe an arch that goes over -- you know,
20 just a thin, brick arch that goes over --

21 MR. COHEN: With all due respect. You're
22 asking me my personal opinion?

23 THE MAYOR: Yeah.

24 MR. COHEN: I think that's a little cheesy.

25 MR. RAPSON: I would agree with you.

1 MR. COHEN: Personally. And I think part of
2 the issue in coming to --

3 MS. RUTHERFORD: If he's willing to put a show
4 window in there and he's willing to break up the
5 righthand side of the where it is all that long
6 thing, then that's what we want. We want some
7 texture to the building.

8 MR. WEED: Let me interject something. Let's
9 let the professionals do their job. You go, you
10 design the building and I think we've clearly, I
11 hope, communicated to you a design philosophy.

12 MR. COHEN: Right.

13 MR. WEED: You're going to come back with
14 something far better than the five of us can design
15 and I have every confidence in you guys.

16 MR. COHEN: I guess come back where is the
17 question. Is it -- if you read the conditions that
18 are currently in the recommendation letter there is
19 some carry over conditions where we go back to
20 Staff with whom we've actually worked for three or
21 four months on these elevations including two in-
22 person meetings with Target and with the Planning
23 Commission. So do we go back to Staff to finish
24 it?

25 THE MAYOR: Well, I'll tell you this from this

1 perspective. Obviously the Council is taking the
2 place of the Planning Commission. And
3 unfortunately, and this is not your fault, okay,
4 this is absolutely one hundred percent not your
5 fault. We had a lot of dialogue before it ever got
6 to the City Council. I mean, you all were talking
7 -- you know, you all were talking with everybody
8 under the sun in the City but it never got to us
9 until just recently.

10 MR. COHEN: I think -- well --

11 THE MAYOR: I'm just telling him that's why we
12 are where we are today.

13 MR. COHEN: I understand and I, just for the
14 record, I completely understand that comment and I
15 completely agree with that comment. It's also the
16 process that's required by the Code for final site
17 plan approval on certain things is to have Staff
18 level approvals and a member of the planning
19 commission meet.

20 THE MAYOR: I understand.

21 MR. COHEN: And so I just want to make clear
22 there was not -- absolutely not an attempt to keep
23 Council out. That's the process we were told to
24 follow based on the Code.

25 THE MAYOR: Well, this is not our standard

1 procedure. We understand that.

2 MS. RUTHERFORD: We understand that.

3 MR. RAPSON: We are under a consent order and
4 I think to try to bring some closure to this I
5 think you have a pretty good idea of what we want
6 in the front of the building from what you said
7 just now and on the right side we want to mirror
8 that same type of concept.

9 Now, whether that's a window with some efls, a
10 couple of awnings, maybe extending the sidewalk,
11 we'll let you design that. You kind of have the
12 gist of what we want but we have a whole list of
13 things we want to go over with you but we need to
14 get past this one first. We all knew this was the
15 one that we wanted to start with.

16 MR. COHEN: It's not the one I wanted to start
17 with.

18 MR. RAPSON: Well, I know.

19 MS. RUTHERFORD: That was first on our agenda,
20 let's hear what's first on his agenda.

21 MR. RAPSON: So I'm saying from our point of
22 view if you can make those decisions, then we are
23 prepared to go through our laundry of stuff that
24 the vast majority of the Council feel like -- we
25 want to bring closure to this this evening.

1 MR. COHEN: I do too.

2 MR. RAPSON: But if we can't get past the one,

3 then we have to make a decision as a Council.

4 MR. COHEN: We're good to move on.

5 MR. RAPSON: So when you say we're good to

6 move on what does that mean?

7 MR. COHEN: We're good to move on tonight

8 meaning --

9 MR. WEED: If you can accommodate --

10 MR. RAPSON: You can make decisions and you

11 can accommodate these --

12 MR. COHEN: I can accommodate these changes

13 and work with Target on redesigning the elements

14 that we talked about and deliver something that

15 meets your satisfaction.

16 MS. RUTHERFORD: So let me understand you

17 before we move forward.

18 MR. COHEN: Thank you.

19 MS. RUTHERFORD: You're comfortable that you

20 can make whatever accommodations that you need,

21 we're given you the broad outlines that you asked

22 for and that at the end of the night, that that

23 will not be -- that if we approve it we're

24 approving it with that --

25 MR. COHEN: Condition?

1 MS. RUTHERFORD: Condition.

2 MR. KOURAJIAN: How do we work that in, Ted?

3 MR. RAPSON: Ted, would the language in

4 essence be -- Ted, would the language in essence be

5 that the developer agrees to modify the Target

6 architecture based on the discussion that just

7 occurred? Is that sufficient?

8 MR. MEEKER: I think that would be too

9 ambiguous.

10 MR. RAPSON: Okay. Well, then --

11 MR. MEEKER: I think it would have to come --

12 I mean, Mike, I hate to say this but I think the

13 architecture would have to come back here and just

14 be ratified by the Council.

15 MS. RUTHERFORD: So we can approve the plan

16 pending that that returns --

17 MR. MEEKER: Pending the architectural

18 approval.

19 MR. RAPSON: Pending the final approval --

20 MR. COHEN: To the extent that we're doing

21 that I'd like to outline what some of the

22 parameters were so that it's not open book on --

23 not open book on the building when we're further

24 down the road with the project.

25 MR. RAPSON: I think that's more than

1 appropriate.

2 MR. WEED: I think that's fair.

3 MS. RUTHERFORD: Absolutely.

4 MR. RAPSON: Let's not interrupt him and let
5 him -- we have a court reporter here to take
6 everything down.

7 MR. COHEN: I think we're deep enough into
8 this without another month expenditure of funds for
9 pursuing a deal only to come back and have an
10 absolute discretionary --

11 MR. WEED: You're absolutely right. Start
12 talking.

13 MR. COHEN: So --

14 MR. RAPSON: We're listening.

15 MR. COHEN: For the record --

16 MR. RAPSON: Here, do you want the pointer to
17 make it easier.

18 MR. COHEN: Well, I'm not sure the pointer
19 shows up on it.

20 THE MAYOR: Do Number 10. It might be easier
21 to put it up this way. That's your Target
22 elevation.

23 MR. COHEN: What we have committed to, for the
24 record, is on the north portion of the front Target
25 elevation to add a proportional --

1 THE MAYOR: There you go.

2 MR. COHEN: -- architectural element to
3 transition from the outparcel to the Target
4 building that contains some element of --

5 THE MAYOR: -- of what's found in the --

6 MR. COHEN: -- of storefront. Not real
7 storefront but the window box and that kind of
8 glass feature similar to some of the other ones on
9 the project.

10 Coming across the pop-out, I won't commit to,
11 but I'll commit to considering some element on top
12 of the what we would call the cart rack protrusion.
13 And when I say I won't commit to it only because
14 once you've put that in the real world and have
15 architects working on it with the dimensions coming
16 out, I'm not sure how it will look also going up
17 but we'll obviously -- we'll look into that and
18 consider it.

19 We'll agree to show windows on each of these
20 three elements which I believe I heard consensus on
21 would eliminate something here if we can dress
22 those three up. One thing I think that we can do
23 and this is actually something I thought about this
24 afternoon, in this area (indicating), this is
25 really just for the benefit of the project and not

1 based on a comment tonight, I think there's - one
2 of the awnings in here might be a little different
3 than the rest of the project and I think we would
4 consider looking into consistency there.

5 Excuse me for one second. When I said "this
6 area", I mean the area of Target's entrance to the
7 left of the pop-out that contains their sign.

8 And then coming around to the right elevation
9 or the south elevation if we could go back to that
10 side, please.

11 THE MAYOR: 15.

12 MR. COHEN: Thank you. Add some sort of
13 window element here and then maybe an additional
14 architectural element here to break up the facade
15 for those who are coming in at the what I call
16 the non-entrance.

17 MR. RAPSON: So that would be the south side
18 of --

19 MR. COHEN: That would be the right elevation.

20 THE MAYOR: The right elevation.

21 MR. RAPSON: Right elevation, southeast?

22 MR. COHEN: Correct. Anything else?

23 THE MAYOR: To clarify, on the right elevation
24 --

25 MR. RAPSON: Those two will be windows,

1 correct?

2 MS. RUTHERFORD: Which --

3 MR. RAPSON: On the southwest side, the first

4 two?

5 MR. COHEN: The first one at least.

6 THE MAYOR: On the front elevation --

7 MR. COHEN: The first one being the closest to

8 the front of the store.

9 MS. RUTHERFORD: Correct.

10 THE MAYOR: From the front entrance?

11 MR. COHEN: Yes.

12 THE MAYOR: I just want to make sure. You did

13 speak to having some symmetry in the front

14 elevations to where we were going to not have that

15 -- going across from the 30 of this panel all the

16 way across --

17 MR. COHEN: In this area (indicating).

18 MR. WEED: He's already agreed to the far

19 right on my far left, your --

20 THE MAYOR: I'm just making sure I'm hearing

21 right.

22 MR. COHEN: Let me repeat -- well, it probably

23 won't be exactly the same but in concept -- one

24 second please.

25 (Whereupon, a brief off-the-record discussion

1 ensued.)

2 MR. COHEN: For the record I will -- sorry,
3 the man who spoke in favor of annexation got me all
4 revved up and I can't slow down.

5 Now I'm starting over for the clarity of the
6 record. On the northern portion of the Target
7 elevation closest to -- we'll call this by number
8 Retail Building 100B, we will add an architectural
9 element of proportional size at the north --

10 MR. WEED: And this may help too. Council,
11 why don't we identify this slide as Exhibit A and
12 the next slide as Exhibit B. We'll put them in the
13 record, we've got the court reporter here and then
14 we'll know exactly what we're talking about.

15 MR. COHEN: Okay with me as long as there is
16 no Exhibit C.

17 MR. RAPSON: Well then you can just refer to
18 it as the right side or left side or whatever
19 exhibit to make it a whole lot easier.

20 MR. COHEN: All right. As we face Exhibit A
21 --

22 MR. RAPSON: Isn't that easier.

23 MR. COHEN: I think the store may be built by
24 the time I finish this.

25 As you face the elevation of Exhibit A on the

1 left side of the Target elevation adjacent to
2 outparcel B, I think I got it all, we will add an
3 architectural element of proportional size to match
4 the three that are currently existing between the
5 Target entrance and that elevation.

6 Coming to the right as you face Exhibit A, we
7 will consider adding some sort of vertical element
8 above or in the vicinity of the pop-out for the
9 storage carts and the only reason that I'm not
10 comfortable saying we'll commit to that tonight is
11 because of the protrusion and the impact that is
12 going to have as a 3-D element, I'm not sure how an
13 additional pop-out is going to look there. It
14 might end up actually looking in balance. So we'll
15 take that under advisement and try and further
16 break up that span.

17 Backing up a step as we go back to the left of
18 Exhibit A, the added architectural element will
19 have some form of show or display windows in it as
20 will, moving to the right on Exhibit A, each of the
21 pop-ups between the cart storage and the front
22 entrance.

23 THE MAYOR: You currently have an efts.

24 MR. COHEN: Well, yeah, some element of maybe
25 reduced efts and show windows. I don't think

1 anyone wants a window that that -- that would be
2 about an 18-foot window.

3 THE MAYOR: Right.

4 MR. COHEN: There are other and I can call
5 them -- there are similar elevations for building
6 600 which shows a split between show windows and
7 efis and we will do some sort of proportional split
8 based on the size of the Target elevation in each
9 of those three existing pop-ups and the one we
10 agreed to add on the left side.

11 I think that covers the front elevation.

12 MR. WEED: You had -- the awning.

13 MS. RUTHERFORD: Yeah, the awning.

14 MR. WEED: What about the awning on the far
15 right?

16 MR. COHEN: On the far right I wanted to take
17 a look at the awning and compare it to the other
18 awnings in the project and -- not the canvas
19 awnings but the harder awnings and I just point
20 that out. I don't think there's an issue with that
21 awning. I may have an issue, I probably shouldn't
22 have brought it up but I probably --

23 THE MAYOR: I think you can take some of what
24 you've got over there.

25 MR. RAPSON: If you can incorporate it in that

1 that would be fine.

2 THE MAYOR: Yeah.

3 MR. COHEN: Okay.

4 MR. WEED: I think that would be great.

5 MR. COHEN: So is that it for the --

6 MR. RAPSON: That's it for --

7 MR. COHEN: For Exhibit A?

8 MR. RAPSON: For Exhibit A.

9 MR. WEED: Which is Slide 15.

10 MR. COHEN: Doing okay, George?

11 THE MAYOR: No, no, no, slide 15 is Exhibit B.

12 MR. COHEN: All right. This is Exhibit B, the

13 right elevation for the Target store at the

14 entrance formerly known as Regents Park. We have a

15 display window here similar to the ones we do on

16 the front. And some sort of architectural element

17 to the right of the second existing element working

18 back from the storefront to break up that facade;

19 is that correct?

20 MR. WEED: Yes, that's correct.

21 THE MAYOR: And just to clarify you're talking

22 about doing something that's consistent with the

23 architecture that you had in the outparcels in

24 order to achieve the pedestrian friendliness and

25 harmony with the rest of the out buildings?

1 MR. COHEN: I think what we're really talking
2 about here is adding some sort of architecture
3 element. I'm not sure what it means on the side of
4 the building to make it pedestrian friendly or
5 otherwise. I think what we're -- I thought the
6 goal here was to essentially, from left to right as
7 you face the elevation continue the architecture to
8 break up the span but I think that may not be what
9 that was said but that was what we intended.

10 MS. RUTHERFORD: That's fine.

11 MR. KOURAJIAN: That's fine to me.

12 THE MAYOR: Well, so you're going show window
13 far left, right, with the efis panel on the far
14 left, correct? Something of that nature?

15 MR. COHEN: Correct. Thank you.

16 THE MAYOR: And then this stays --

17 MR. RAPSON: Is that similar to the Building
18 600 as well?

19 MR. COHEN: Well, it will probably be similar
20 with whatever we end up with on the front. They'll
21 all be in balance with each other.

22 MR. RAPSON: That will be consistent.

23 THE MAYOR: And then whatever is done to the
24 right of that will probably remain the efis and I'm
25 talking about the next efis panel in the center

1 there?

2 MR. COHEN: We'll look into that but to the

3 extent that I'm comfortable making a commitment

4 tonight with show windows on the right elevation

5 for Exhibit B this is -- show windows, I think

6 that's where I could go.

7 MR. RAPSON: What about the third one you're

8 going to add which would be the one you're adding

9 to the right of Exhibit B?

10 MR. COHEN: To the extent there's a third one

11 there is a balance issue so maybe the show window

12 goes on the second one to balance the first and the

13 third. It will be architecturally --

14 THE MAYOR: Now, is that a doorway in the

15 center of the large span there? Is that an

16 emergency exit?

17 MR. COHEN: It looks like an emergency door.

18 THE MAYOR: So you could just take the element

19 and go around the door with it or something?

20 MR. COHEN: Depending on where it went, yeah.

21 I mean it might be if there were three elements on

22 here in order to better balance it the spacing

23 becomes a little different. I'll leave that to

24 architects.

25 THE MAYOR: Yes.

1 MR. RAPSON: That's fine.
2 THE MAYOR: I think that's workable.
3 MR. COHEN: Are we good on that? Was that
4 enough --
5 Ted, was that enough definition for the
6 record, George?
7 MR. ROSENZWEIG: What slide was Exhibit B?
8 THE MAYOR: Slide 15.
9 MR. ROSENZWEIG: Then what is A?
10 THE MAYOR: 10.
11 MR. RAPSON: Slide 10.
12 MR. COHEN: Can we get copies of those?
13 MR. RAPSON: You can get copies of those too.
14 Is there a disk here or something that we could get
15
16 THE MAYOR: He could make them.
17 MR. RAPSON: He can make you copies.
18 MR. COHEN: Thank you. And just for the
19 record I just want to clarify for the record so
20 there's no confusion that a display window is not a
21 window looking into shoppers, it's a display
22 window.
23 MS. RUTHERFORD: Right.
24 THE MAYOR: Right.
25 MR. COHEN: Does that get it?

1 MR. RAPSON: That gets step one.

2 MS. RUTHERFORD: Thank you.

3 THE MAYOR: Now, obviously we've spent a lot
4 of time in Executive Session and we've got quite a
5 few issues that we want to discuss with you. Well,
6 items, I'm sorry, they say items. I think most of
7 these are going to be pretty easy and I think it is
8 just a matter of going through them. Some of them
9 we may need some further discussion on but we can
10 take them one at a time if you'd like and see what
11 you -- are you prepared to?

12 MR. COHEN: I guess, yeah. I kind of had a
13 little -- do you want me to go down my list?

14 MS. RUTHERFORD: We've had our big list, let's
15 do his.

16 MR. COHEN: Well, for the purpose of the
17 record I actually prepared a list because when
18 we're asked to do various specific things for the
19 most part when we were last together and I think
20 I know it's getting late and you were in Executive
21 Session for a long period of time, but I do think
22 it is important for us to get on the record how
23 we've dealt with what is asked of us last time. I
24 want to express for a minute.

25 We've got our design team here tonight and

1 everybody in the room knows, we've been working
2 hard on this for longer than any of us really wants
3 to admit that we've all working together so I want
4 to really start, when we started to thank not only
5 our design team who has worked tirelessly to try
6 and balance a lot of conflicting and competing
7 interests but also City Staff who has been doing
8 the same thing. And the Planning Commission early
9 on was very instructive in neighborhood meetings
10 and getting us some initial feedback which was
11 actually, if I remember correctly, at the instance
12 of the Mayor early on and then we've been before
13 Council a few times. You've provided us feedback
14 along the way as well. And also the Kedron
15 neighborhood and Tim and John and the Saint Simon's
16 neighborhood more recently has provided us with
17 invaluable insight.

18 We haven't also agreed with everything and the
19 forum that we were in was not always a forum of
20 harmony, but I think at the end of the day the
21 project we'll end up with is immeasurably better in
22 virtually every material respect than the one we
23 started with two years ago. So I just wanted to
24 digress and thank everybody for the journey.

25 The second thing I want to say, and this was

1 actually not on my agenda but this actually
2 occurred while the Council was in Executive Session
3 is that rather than have any more discord on this,
4 we spent a good bit of time while you were in
5 Executive Session with the St. Simon's neighbors
6 and I'll ask Mr. Turner to confirm this once I'm
7 done, but we have made our peace and we have agreed
8 to a couple of things in their favor as a
9 responsible developer and they are in a position, I
10 believe, John, once I make this announcement to
11 stand up and say that they support our project and
12 don't have any further issues with us. I think
13 that one concession is meaningful day to-day and
14 the other concession, I think, is meaningful from
15 what it meant to us but also what it meant to them.
16 We've agreed to raise the four-foot berm to six
17 feet and to extend it a little bit toward the
18 tunnel. We've also agreed so we don't have to get
19 into prolonged discussions about traffic studies
20 and who is right and what conditions go where and
21 end up yelling at each other into the night, we've
22 agreed to limit the southern access point to a left
23 and right out only to be designed as part of the
24 process to insure that the neighbors that -- and
25 it's not just the St. Simon's neighbors who are

1 impacted by this it is also the Regents Park
2 neighbors that egress will not be made out of the
3 south entrance to the north. So if I could ask
4 John to confirm that, he wanted to say a few words.

5 MR. TURNER: First, we wanted to thank the
6 Council for letting us come and get involved in
7 this whole process for the whole time and I know it
8 has been stressful for all of you as it has been
9 for us. We really appreciate Mr. Cohen talking to
10 us while you stepped out. I'm sure that was your
11 master plan to give us a chance to talk. But we do
12 appreciate --

13 THE MAYOR: We take all the credit for that.

14 MR. TURNER: We appreciate him coming and
15 talking to us and looking at what we have, you
16 know, how it affects us. He has stepped up and we
17 really appreciate it and we had different
18 discussions and he kept coming back and said how
19 about this and he has agreed to do essentially what
20 we have asked. To do the six-foot berm and to
21 extend it and to do the left in and the right out.
22 And we still would like to ask Council to, with the
23 deliveries, to use Peachtree Parkway and I don't
24 know if Mr. Cohen understands that by that we mean
25 you could still go down Georgian Park and get in at

1 the Amli but that would keep it on the other side
2 of the street from the Amli people and that would
3 allow the trucks to get in to the center of the
4 development. We asked Council to do that for all
5 the neighborhoods. That would help not only us and
6 the other neighborhoods but the Georgian Park
7 Condos. It's the one thing, you know, we could do
8 that would help them to keep traffic from going
9 behind them, delivery traffic.

10 So we as a neighborhood got together and we
11 wanted to thank Mr. Cohen for stepping up and doing
12 this for us and we appreciate his time, your time,
13 the other neighborhoods time and we're happy with
14 the deal. Thank you.

15 MR. RAPSON: For the record, John, restricting
16 to commercial traffic on Georgian Park is really a
17 separate issue because Council can take issue on
18 that. It's not really part of this. So if you
19 don't hear it tonight I'm just saying it's not

20 THE MAYOR: -- a decision that needs to be
21 made --

22 MR. COHEN: Does that take some more stuff off
23 your list?

24 Back to the starting point. In June this
25 Council approved unanimously our preliminary site

1 plan with 17 conditions. We feel we've complied
2 with all the conditions and I will run through them
3 quickly for the record.

4 The first condition was the submission of the
5 separate lighting plan that meets the DC zoning
6 ordinance which was done and approved by Staff and
7 I think there are other issues with the lighting
8 plan that I'm aware of.

9 The second condition was -- actually the
10 second condition also relates to a later condition
11 on calculations so it is condition two and
12 condition 15 which deal with greenspace and the
13 requirement of the CC ordinance allowing no more
14 than 75 percent of a pervious surface on a zoning
15 lot. We've got four zoning lots. Each of the four
16 zoning lots have not only over 25 percent of
17 pervious surface, but over 30 and some upwards of
18 40. The project average has actually gone up from
19 37 from 35, last time, and all of the pervious
20 surface calculations are shown on the landscape
21 plan individually by an area broken down into the
22 parking lot islands so the calculations are very
23 specific.

24 The third condition was a condition about
25 which there has been some confusion in the last

1 couple of days and the confusion, I believe, stems
2 and deals with the Watershed Protection Ordinance.
3 The confusion stems from the fact that in the
4 City's minutes for the meeting, the condition that
5 came through was an outright prohibition on the
6 grading of any wetlands.

7 If you go back to the actual transcript for
8 the hearing, that was kind of the second part of a
9 two-part condition. The first part of which was
10 that Faison needs to comply with the Watershed
11 Protection Buffer Ordinance which requires a 25
12 foot buffer from the edge of stream.

13 And the prohibition on grading wetlands was
14 intended to apply to the Watershed Protection
15 Ordinance, not to the entire project. We are and
16 have been very open about the fact that we'll be
17 disturbing a minor amount of wetlands .079 acres,
18 have been forthcoming about that with Staff or a
19 year-and-a-half now. Doesn't even get to the size
20 that requires any sort of permitting, just notice
21 to the EPD when we're done. But I think there's
22 been a little bit of a misunderstanding on the
23 wetlands because of the condition that was in the
24 minutes not really replicating the condition that
25 was on the transcript and I'll let y'all go back to

1 the transcript and Council go back to the
2 transcript as well. But that's our position that
3 we do satisfy that condition.

4 The fourth condition I will tell you deals
5 with a landscape requirement and I will
6 affirmatively say this actually, to my knowledge,
7 the only portion of the project that doesn't
8 technically comply with Code because we exceed it
9 in so many other ways and that is the issue of
10 having no more than 12 parking spaces in a
11 continuous row without a landscaped island.

12 The islands required by the ordinance are
13 required to be five-feet wide assuming they run the
14 length of two parking spaces, it's 38 feet long for
15 190 square feet. Our islands are a little further
16 apart designed to create a continuous feel and I
17 think you really get a good look at it on the
18 perspective that you mentioned so it feels like a
19 buffer block.

20 Most of our islands are 38 x 12, which is 450
21 square feet, 250 percent of the minimum requirement
22 but the larger islands are 400 percent of the
23 minimum islands and we worked actually very hard
24 with Staff to come up with that condition certainly
25 for -- under the context, I know we're still in

1 litigation. Hopefully that's something that's
2 falling by the board's very soon. We're more than
3 willing to meet the Code and put islands every 12
4 spaces, five-feet-wide that's required by Code but
5 I think you guys like this better. I'll let
6 Council decide on that.

7 THE MAYOR: The larger islands I greatly
8 appreciate because I think you need larger islands.
9 You see these pathetic trees that can't make it in
10 these small islands and it's because, you know, you
11 just don't give them anything to work with. I
12 appreciate that and I'd be willing, and I think
13 maybe we all might be willing because in essence
14 we've got a tree and a landscape ordinance that
15 we'll be discussing in further meetings but
16 essentially I think, David, isn't that kind of
17 creating -- the larger islands is kind of the
18 standard we're going to anyway so you're just kind
19 of ahead of our Ordinance with going with a larger
20 island.

21 MR. RAPSON: What he's trying to say is we
22 like it.

23 MR. COHEN: Well, it's been the first time
24 we've been ahead since we've known each other.

25 MS. RUTHERFORD: Just think Red Sox, it's okay

1 right up to the end.

2 MR. COHEN: Actually we've got some Red Sox
3 fans with us tonight.

4 Condition six was that the Landscape Ordinance
5 needed to show screening and how we intend to
6 address adjacent uses. The Landscape Plan was
7 submitted. We received a significant amount of
8 comments from -- City Staff had responded by
9 agreeing to do all of the things we were asked in
10 the comments so I don't think there are any issues
11 on the Landscape Plan. David, are there?

12 MR. RAST: (Shakes head negatively.)

13 Seven was the Architectural Program which
14 we've addressed so I will omit my defense of our
15 Architectural Program.

16 Eight was the median cut. We've addressed
17 that with regard to St. Simon's. For the record I
18 think I've probably failed to say that the
19 condition was that a traffic engineer do a study.
20 Two have done studies, ours and one of the City's
21 both actually recommended the median break be
22 included in the project and we've agreed to modify
23 it tonight. For the record the recommendation from
24 the traffic engineer was that it be an open median
25 cut.

1 Number nine a tie back to the City Planner's
2 memo of October 10th, 2003, about a year ago. In
3 tying in four conditions, architectural program, we
4 discussed prohibition on out-of-store marketing.
5 We agreed to have no out-of-store marketing,
6 landscape lighting and signage plans all submitted
7 and approved by Staff and the Fire Marshall
8 Coordination was also coordinated with Staff and
9 completed.

10 Condition 10 was an acknowledgment that
11 nothing approved in June, expressed or implied, any
12 approvals on Georgian Park which we agree.

13 Number 11 was to eliminate or modify what we
14 call the J-Loop. I think that was Councilman
15 Rapson's terminology and we actually removed the J-
16 Loop and redesigned that entire area to a much
17 better configuration.

18 Condition 12 was providing speed tables and
19 pedestrian calming measures in front of Target
20 which are completed and shown on the final site
21 plan that Staff has approved.

22 Condition 13 was to evaluate and consider
23 connecting every other island in the parking lot to
24 enhance landscaping and parking. This was
25 significantly evaluated with Staff and the final

1 determination was reached that to create a kind of
2 deadend of u-turns at several points along the way
3 would not only be confusing for consumers, but also
4 unsafe for emergency type vehicles and so that was
5 considered and determined it was not appropriate
6 for the project.

7 Condition 14 was to eliminate the parking
8 areas behind Building 400 and all the parking east
9 of Building Number 100 in the truck turn-around
10 areas. All the parking behind Building 100 was
11 removed. All the parking behind Building 400 was
12 relocated in connection with the re-work of that
13 entire area that used to be the J Loop.

14 Condition 15 was meeting the greenspace
15 requirement for each parcel, there are four
16 parcels, the blended average for all the parcels is
17 37 percent. I think that is probably not legally
18 relevant. 39 percent for the Target parcel, 40
19 percent for the retail outparcel, 35 percent for
20 the larger retail parcel and 34 percent for the
21 smaller retail parcel and all those calculations
22 are shown in the Landscape Ordinance.

23 The sixteenth condition was to evaluate
24 expanding the buffer for the golf cart path along
25 the western edge of the property as well as berms

1 and noise for light pollution and I think the
2 sixteenth condition I believe came up at the point
3 of the meeting where we were working through some
4 issues with St. Simon's for the first time. We've
5 done a number of things that we think -- in
6 addition to what we've agreed to tonight just
7 basically making it better for everybody along
8 Georgian Park.

9 First and foremost we're very serious about
10 the Consent Order that we entered into and about
11 complying with it. As we got into engineering
12 design we realized that the area where the south
13 entrance was designed for us, Lot 14, was also the
14 lowest point on the spot. Also the natural point
15 for a retention pond but you can't put an entrance
16 in retention ponds in the same spot so we've gone
17 out at a market price and contracted and acquired
18 outlot 14 which will now essentially be greenspace.
19 So there's no buildings, no light imitating and
20 actually there's a further buffer on the south end
21 of the project.

22 Coming in that entrance we moved the golf cart
23 path closer to the entry drive leaving a larger
24 greenspace between the property line and the
25 developed area. Along Georgian Park, one of the

1 comments I think Councilman Rapson, I think this
2 may have been an issue you and I had discussed at
3 our past meeting.

4 MR. RAPSON: Mike, we could give you the
5 pointer and could you point because George is
6 getting more and more upset. I think we understand
7 the map well enough everybody is like okay, I know
8 what he's saying.

9 THE MAYOR: Do you have this specific one?
10 Could you just bring this and like maybe put it
11 towards the screen so we're all looking in the same
12 direction? Thank you.

13 MR. RAPSON: If y'all want to get up and move
14 so you can see you're more than welcome to come.

15 MR. COHEN: Sorry for the visual confusion. I
16 tend to visualize this plan in my sleep now. It's
17 easy for me to talk about it.

18 MR. RAPSON: It's sad that we all were
19 following you.

20 MR. COHEN: This is outlot 14 at the southern
21 entrance and we will be acquiring that and making
22 it part of the project and it will include the pond
23 and landscaping.

24 THE MAYOR: Are you planting that area?

25 MR. COHEN: We are. We actually have

1 somewhere tonight a rendering of that if you would
2 like to see it.

3 THE MAYOR: So I mean in essence will that
4 create -- can you get some plantings in there to
5 the point that it will create a visual buffer or
6 are you talking about low -- are you talking about
7 like aquatic -- is that going to be wet or dry?

8 MR. COHEN: I think it's -- yeah, let's back
9 up and start discussing the pond. It will be a wet
10 pond. It is designed at it's normal function to
11 house four to six feet of water. Under City
12 Ordinances it needs to be surrounded by a fence.

13 The most visible point of the pond because of
14 the way the grades worked is actually going to be
15 from right here (indicating). And because of the
16 grades right here being from the entrance at Outlot
17 14. Unfortunately because of the way the grades
18 work, we, for most of the pond, we can install the
19 fence into the slopes of the pond so as to take it
20 out of visibility.

21 We can't at the southern most portions so
22 rather than just use ordinance compliant fencing
23 which is shown in this rendering, we'd be willing
24 to upgrade the fencing so it's something nicer.

25 MR. RAPSON: So you can actually put the

1 fencing in the slopes so it appears that there's no
2 fencing?

3 MR. COHEN: For most of the pond. In most of
4 the pond it could look like the fencing had in some
5 places they had become a negative edge fencing. It
6 will be -- protrude from the pond in some places
7 but the place we can do it is at the entrance
8 because of the grade. So we will agree for the
9 fencing here to be some sort of decorative fencing
10 and not the chain-link that is required by Code.

11 THE MAYOR: Thank you.

12 MR. RAPSON: That's actually number 37 on our
13 list so you're doing really well.

14 MS. RUTHERFORD: You have to know we
15 eliminated a lot of things between like 12 and 37.

16 MR. RAPSON: Just don't panic.

17 MR. COHEN: I just wondered if I need to go to
18 the ATM machine.

19 Where was I?

20 MR. RAPSON: You were acquiring lot --

21 MR. COHEN: We talked about the pond. The
22 other thing that we've done, one of the discussions
23 Councilman Rapson and I had at our last meeting was
24 to try and find a better way for cart movement here
25 (indicating).

1 And after working with Staff and realizing
2 that that's really not a great place, it's fine for
3 now but that's really not a great place for carts,
4 we've agreed to provide a cart path along the
5 perimeter of Georgian Park to be used by everybody
6 including the three outparcels or four outparcels
7 so that's how we -- so we've made that a much
8 better condition.

9 THE MAYOR: That will work very well.

10 MR. COHEN: For people in carts.

11 THE MAYOR: That will work very well.

12 MR. COHEN: We also relocated to some extent
13 the cart path that comes in off the entrance at out
14 lot 14 into the project CP-5 which was the
15 preliminary site plan. That's going to meander
16 back in here a little bit which would have caused
17 us to have to do some grading and other things and
18 replanting.

19 We still may have to do some grading and
20 replanting but once it's done we've agreed to move
21 their cart paths still separated from but closer to
22 the road which would allow a larger buffer in that
23 area (indicating).

24 THE MAYOR: Mike, may I ask what the culvert
25 is since you're on that cart path there in the

1 corner? One of our issues obviously is that we've
2 got a great history with safety problems with the
3 culvert. If it has any T-bone that comes down into
4 it and if he has collisions at the end of it, did
5 you eliminate that element where it comes down from
6 the drive?

7 MR. COHEN: For the record I think you are
8 speaking about the cart paths intersection south of
9 the south entrance?

10 THE MAYOR: Right, correct.

11 MR. COHEN: We can agree and we will agree to
12 redesign that to have a less acute connectivity.

13 THE MAYOR: That would be great.

14 MR. COHEN: Is that an accurate -

15 MR. RAPSON: Can I ask where's Ted, where's
16 our attorney?

17 MR. WEED: Right here somewhere.

18 MR. RAPSON: Because I'm assuming as he's
19 making these statement I'm just checking these off
20 my list as opposed to going back and reading all
21 this to him. Is that okay?

22 MR. MEEKER: That's fine.

23 MR. RAPSON: So let me ask another question
24 since you're right there.

25 MR. COHEN: Sure.

1 MR. RAPSON: That is, can you agree to
2 evaluate and obtain Staff approval for the golf
3 cart paths with regards to the slope? What we
4 don't want to do is we don't want to create an
5 unsafe slope and I'm not sure if that's the entire
6 side if there's any of those areas. I know that
7 some of that was an issue with Staff. If it's not
8 an issue that's fine but I just wanted to --

9 THE MAYOR: That was going to be a pretty
10 steep slope right there. That was going to be a
11 steep drop down there in that culvert? You're
12 going to take care of that, right?

13 MR. COHEN: Well, I think what we spoke to was
14 that the angle of the connection I have not been
15 made aware of an issue by Staff regarding -- based
16 on the civil drawings the steepness of the slope.

17 THE MAYOR: Can I tell you one thing, Mike?
18 This is a discussion we had with Staff. We all got
19 together. Obviously you've got the culvert coming
20 here and we thought maybe it's a better idea just
21 to eliminate that drop all together and possibly
22 see if you could bring it slowly off up here and
23 have it pick up --

24 MR. COHEN: The problem there is that it would
25 require a stream crossing.

1 THE MAYOR: Oh, it does?
2 MR. COHEN: Yeah.
3 MR. RAPSON: But you understand the concern.
4 I just want to evaluate and make sure that we're
5 not --
6 MR. COHEN: Safe cart movement 90 degree
7 angle.
8 MS. RUTHERFORD: Not a --
9 THE MAYOR: Yes. Ninety degree is a big
10 problem, okay?
11 MR. KOURAJIAN: But the slope he's talking
12 about is a downward slope?
13 MR. COHEN: Well, the slope - Bob, do we have
14 calculations?
15 UNKNOWN SPEAKER BOB: I don't remember.
16 MR. COHEN: Staff has not made it an issue.
17 UNKNOWN SPEAKER BOB: I don't remember offhand
18 exactly what that slope is but we can figure it out
19 and coordinate that with Staff to make sure that it
20 --
21 MR. RAPSON: That's all we're asking.
22 MR. COHEN: Part of the issue here is, and I
23 don't know what some person considers steep and
24 someone doesn't, I think that we need to be mindful
25 of the fact that we are creating an entrance here

1 in the lowest part of the property relatively close
2 to the stream. So there is slope there, yes. It's
3 not going to be flat in any event.

4 MR. RAPSON: We're not asking you to build it
5 up and make it slope.

6 THE MAYOR: That might be an example where we
7 can take some digital photos of the ones that don't
8 work that we have already and just give them some
9 examples of what's not working.

10 MS. RUTHERFORD: Mike, we're not sure that it
11 is, we're just asking that as --

12 THE MAYOR: I'm just asking if we have
13 actually here but we don't.

14 MR. RAPSON: Just evaluate it --

15 MR. COHEN: Okay.

16 MS. RUTHERFORD: If 16-year-old boys will go
17 freewheeling down it, we don't want it.

18 MR. RAPSON: It's dangerous.

19 MR. COHEN: To again look like the truck
20 traffic just put up signs that no sixteen-year-old
21 boys freewheeling?

22 THE MAYOR: Yeah, right.

23 MR. COHEN: And then lastly, the last
24 condition was the approval was expressly subject to
25 compliance of all the terms of the consent order

1 which obviously it is our opinion that it was and
2 they are.

3 So those are the 17 conditions that Council
4 imposed in approving the preliminary site plan. In
5 addition to those conditions we have received after
6 multiple exchanges of drawings and hundreds of
7 comments and other requests from Staff, we have
8 received a letter dated October 15th from Staff
9 outlining an additional initially nine and then
10 subsequently added two additional conditions for
11 approval of this plan. And I'm not sure what is
12 left on your list but I'm willing to address these
13 conditions now or if you --

14 MR. RAPSON: Just keep going and we'll
15 reconcile the rest.

16 MR. WEED: We may not have a list.

17 MR. RAPSON: We'll have a list.

18 MR. COHEN: If you guys want to step out and
19 talk about it that's okay with me.

20 MR. RAPSON: We already did.

21 MR. COHEN: Condition one was that all
22 construction traffic limited to the access drive
23 across from Amli. I think we've addressed that
24 already.

25 MS. RUTHERFORD: Yep.

1 MR. COHEN: That's really a City issue not a
2 Faison issue.

3 Condition two was relative to the 16 parking
4 spaces adjacent to outparcel retail building 400.

5 THE MAYOR: Can you point to those?

6 MR. COHEN: Yes. It is these 16 spaces here
7 between Building 700 and Building 400 along the
8 entry drive off of Georgian Park (indicating). I
9 believe the condition was raised with regard to
10 those spaces relative to the -- via the wetlands
11 and the Watershed Ordinance Protection, which I
12 said earlier I think we actually complied with, and
13 --

14 MR. RAPSON: If I could just interrupt for a
15 second.

16 MR. COHEN: Sure.

17 MR. RAPSON: I believe this was pertaining to
18 the other Building 400 towards the top of the map.
19 The ones behind Building 400.

20 MR. COHEN: These?

21 MR. RAPSON: Yes.

22 MR. COHEN: No, there's ten there. It was
23 these (indicating).

24 MR. RAPSON: Okay.

25 MS. RUTHERFORD: It was those.

1 THE MAYOR: Yeah, well, what we were looking
2 for was to take the golf cart path and since it's
3 terminating right in here (indicating), go ahead
4 and just bring it down to that point. And then
5 these spaces for lack of a better word, the footer
6 of the parking spaces, just have a path run along
7 that footer right there so it's still off the
8 street and then it would terminate here
9 (indicating).

10 MR. COHEN: And then the spaces would go away.

11 MS. RUTHERFORD: Golf -- yeah.

12 THE MAYOR: Or convert them to golf cart
13 spaces --

14 MR. RAPSON: Covert to golf cart spaces or -

15 MR. COHEN: May I ask a question before I
16 respond to that? I don't know what's on the rest
17 of your list with regard to parking so before I
18 agree to changes in parking --

19 THE MAYOR: You want to add more?

20 MR. COHEN: I want to add a deck. No, I'm
21 just kidding. Before I agree to any changes in
22 parking, I'd like to know what's on the rest of
23 your list relative to parking so I'm not --

24 MR. RAPSON: Okay, well, let me go over those
25 real quick because I think I've got most of those

1 highlighted.

2 It's going to go hand-in-hand with stipulation
3 three, you're on number two. What we were going to
4 do there is ask to eliminate all golf cart parking
5 islands that back out into the flow of traffic and
6 determine if they could be reconfigured to the
7 inside of these islands to provide golf carts from
8 backing into the travel lanes. I think the way it
9 read before was your number three --

10 MR. COHEN: For purpose of the record and for
11 understanding the context of condition three, are
12 we talking about --

13 MR. RAPSON: Yes, sir.

14 MR. COHEN: The four areas in front of the
15 Target store?

16 MR. RAPSON: Yes.

17 MR. COHEN: That contain six spaces each?

18 MS. RUTHERFORD: Yes. Because we had to back
19 into the parking space.

20 THE MAYOR: We applaud Target for --

21 MR. COHEN: Or you could -- they could back
22 into the space.

23 THE MAYOR: Yeah, we applaud Target for trying
24 to get the parking spaces to the door. That's the
25 optimal goal there but --

1 MR. RAPSON: Maybe just put the island.
2 THE MAYOR: But the thing is you've got
3 traffic in a situation like where you've got it
4 coming from this direction. You've got it coming
5 from this direction and then you've got it coming
6 from both of the parking channels too. So for
7 somebody backing out you've literally got to be
8 looking in four directions to see if there's a car
9 that's approaching that end cap.
10 MR. RAPSON: And then while you're looking at
11 -- let me read what we said one more time, okay?
12 Eliminate all golf cart parking islands that back
13 out into the flow of traffic and determine if they
14 can be reconfigured to the inside of these islands
15 to prevent golf carts from backing into the travel
16 lanes. So you could --
17 MR. COHEN: And that comment is again these
18 four --
19 MS. RUTHERFORD: Yeah. Can you flip them
20 around so the golf carts go --
21 MR. COHEN: Yes. I don't know if we can flip
22 them but I can agree I think -- we can agree to the
23 condition which is eliminate and potentially
24 reconfigure. If we can't re-figure we've agreed to
25 eliminate which remedies the safety issue.

1 THE MAYOR: That works for us.
2 MR. RAPSON: We'll check that one off the
3 list. Let me see if I have any --
4 MR. COHEN: By all, all once again just for
5 the record means?
6 MR. RAPSON: Instead of all, let's make that
7 --
8 MR. COHEN: The four golf cart parking islands
9 in front of -- to the left and to the right of the
10 Target entrance.
11 MR. RAPSON: All right.
12 THE MAYOR: Did you want to make quick
13 comment, John?
14 MR. HEDGE: Yeah. Can we also have a similar
15 -- This is John Hedge for the court reporter.
16 There are significant amounts of golf cart
17 parking spaces immediately in front of the
18 outparcel buildings on the righthand side of this
19 that also directly back out. They're not in
20 islands, they're on curbs. But you've got the same
21 issue --
22 THE MAYOR: He has a point.
23 MR. HEDGE: -- relative to what you're talking
24 about. You have one there (indicating), one there,
25 right there, right there (indicating).

1 THE MAYOR: Well, one issue we looked at John

2

3 MR. HEDGE: Well, it's not just in the
4 islands.

5 THE MAYOR: One issue we looked at in relation
6 to that though, obviously the Target is an
7 attracter. So you're going to have a lot of
8 traffic that's going to the Target. When you get
9 to some of those outparcels around there where it
10 goes embedded into the curb, are you talking about
11 those spaces where it actually goes into the curb?

12 MR. HEDGE: Yeah. But the only problem that
13 you have with that, Mr. Mayor and others, is that
14 all southbound traffic as indicated by the traffic
15 studies are going to come up here northbound, go on
16 that when they've got one of two ways to get to
17 Target.

18 THE MAYOR: I understand.

19 MR. HEDGE: Either in front of these outparcel
20 buildings -- well, I guess there's three ways.
21 Down to this center one and go down that way or cut
22 through the variation of the islands. So you're
23 right that Target is the draw but to get to the
24 draw all these golf cart parking spaces are backing
25 out directly into one of the two main flow areas to

1 get to Target. So you've got all these safety
2 issues with all these golf carts around that.

3 THE MAYOR: I see what you're saying but I'll
4 tell you what. I don't have near as much heartburn
5 with those as I have with the ones in front of the
6 Target.

7 MR. HEDGE: Well, it's only going to take one.

8 MR. RAPSON: There's actually five. Of the
9 four you mentioned there's also additional ones
10 that looks like it is the very front of that island
11 right there.

12 MR. COHEN: Here?

13 MR. RAPSON: Yes.

14 THE MAYOR: Even the bottom there.

15 MR. RAPSON: The slot.

16 MR. COHEN: Okay.

17 MR. RAPSON: So why don't we make the motion
18 eliminate all golf cart -- actually eliminate the
19 five identified golf cart islands, the two
20 immediately in front of Target, the two just south
21 or the three just catty-cornered across from each
22 other just south of the Target?

23 THE MAYOR: See if we can reconfigure them you
24 said?

25 MR. RAPSON: And reconfigure them. I'm saying

1 we would -- well, we're going to eliminate them --
2 MR. COHEN: And reconfigure if possible.
3 MR. RAPSON: Yes.
4 THE MAYOR: Yes, sir.
5 MR. COHEN: For the five six-cart-islands in
6 the vicinity of Target?
7 THE MAYOR: Thank you, yes.
8 MR. COHEN: Okay, got that.
9 John had made a comment about the traffic
10 study and I just wanted to respond to it. I think
11 the comment was that all northbound traffic was
12 going to be using this entrance. I think that both
13 traffic studies are -- City's traffic study for the
14 record show this first lane of traffic coming
15 northbound on 74, some going to Peachtree Parkway
16 and some going Georgian Park. It's not that every
17 car coming north on 74 is turning into that
18 entrance.
19 MR. RAPSON: Let me do two others since you're
20 trying to do parking all together. The other one
21 was eliminate the golf -- the cart parking to the
22 right of OP400. This will remedy the wetland
23 destruct area and make safer traffic flows as far
24 as cars now backing into the main inbound flow
25 area. That is the southeast to the cart path, main

1 cart path parking. I think that was the first one
2 we just talked about. You agreed to that
3 stipulation, right, the 16?

4 MR. COHEN: I agreed to consider pending the
5 remainder of the parking.

6 MS. RUTHERFORD: That's what that is.

7 MR. RAPSON: I'm just making sure we get them
8 all. I'll check that one off.

9 Then the last one is eliminate parking on the
10 east side of the retail building 400. That's for
11 the two handicapped parking, those two.

12 MR. COHEN: These two here (indicating).

13 MR. RAPSON: Just those two.

14 MR. COHEN: Right there.

15 MS. RUTHERFORD: Because if you've got trucks
16 going around there, those will all be truck --

17 THE MAYOR: And well actually with this too,
18 if, for example, say there's no hope for the these
19 parking spaces for re-configuring them. If there's
20 no hope for re-configuring those spaces an
21 alternative we're looking at is you have spaces
22 here for golf -- it could be converted to golf
23 carts. It might be a natural too because you've
24 got the golf cart path terminating right at that
25 spot anyway.

1 MR. COHEN: I think the issue with these
2 spaces is from a retailer's standpoint they are
3 right at the front door as well. We've already
4 eliminated a significant amount of parking in front
5 of Target by constructing the heartscaped area here
6 and wider island there (indicating). So I'm really
7 not -- I'd rather not do that. I think we can find
8 other places for them that are safe or eliminate
9 them but I would be --

10 THE MAYOR: Well, we like the number of golf
11 cart spaces that you have. We think you're onto
12 something really, really good. I think it's just a
13 matter of where can you accommodate them. And I
14 think that's - we just offered that as a
15 suggestion -- looking for another spot.

16 MS. RUTHERFORD: We'll leave that up to him.
17 He's got experts he can use.

18 MR. COHEN: Thank you. Is that the totality
19 of parking for Council?

20 MR. RAPSON: Hold on, I'm looking. Yes.

21 MR. COHEN: We'll agree to those -- to the
22 three changes that have been requested.

23 MR. RAPSON: Okay.

24 MR. COHEN: The three changes are: Eliminated
25 two handicapped spaces to the north of Building

1 400; eliminating the parking spaces to the south of
2 Outparcel Building 400; and extending the cart path
3 in it's place; and then eliminating the five
4 islands of six-carts each in the vicinity of
5 Target's entrance and analyze relocating those
6 elsewhere.

7 THE MAYOR: Thank you.

8 MR. RAPSON: Thank you.

9 THE MAYOR: Preferably as close to the Target
10 entrance as possible.

11 MR. RAPSON: Well, and I think that's always
12 their preference.

13 THE MAYOR: I'm just stating it for the
14 record.

15 MR. RAPSON: That takes us to number four, I
16 believe.

17 MR. COHEN: Number four includes painting
18 crosswalks and signage and all cart path and
19 sidewalk intersections of property, that's fine.

20 Number five is requirements submitting the --
21 requiring submitting detailed engineering drawings
22 for the retaining walls and, David, the retaining
23 walls are designed built type -- where are you,
24 behind the box? There you are.

25 They are designed built retaining walls. I

1 think we could provide you drawings up front and
2 then upon completion. I believe you had a
3 conversation with the engineers about this.

4 MR. RAST: I got a letter from them and
5 they're going to -- just stating that they would
6 send us those drawings so that's the main reason
7 that that is in here is just to --

8 MR. COHEN: Okay. So for the record, can we
9 say on the record that we have delivered a letter
10 wherein our engineer committed to provide the
11 drawings required by condition 4?

12 MR. RAST: Condition 5.

13 MR. COHEN: Condition 5.

14 Condition 6 is okay which is the continuing -
15 well, it says applicant must continue to work with
16 Staff and Planning Commission relative to the
17 architectural appropriate landscape plan and site
18 lighting plan. I think we've probably diverged
19 from that earlier where we agreed with Council on
20 the components of a revised Target elevation, but
21 otherwise condition six is acceptable to us.

22 Condition seven is the requirement to identify
23 locations of dumpsters, mechanical equipment and
24 screening which is acceptable to us.

25 Condition eight --

1 MR. RAPSON: Let me, before we leave seven, we
2 have two additional stipulations.
3 MR. COHEN: Well, then I retract my agreement.
4 MR. RAPSON: That's okay. In regards to the
5 dumpsters, we would like to make a requirement that
6 the dumpsters be masonry with gate and/or
7 enclosures and must not be visible either
8 internally or off site.
9 MR. COHEN: The question, Mr. Rapson, is does
10 the prohibition eligibility apply to the dumpster
11 or the masonry around it?
12 MS. RUTHERFORD: The dumpster.
13 MR. RAPSON: The dumpster.
14 MR. COHEN: Okay.
15 MS. RUTHERFORD: We don't want to be able to
16 drive by and see the dumpster.
17 MR. COHEN: Yes.
18 MR. RAPSON: There's another one too. Is that
19 a yes?
20 MR. COHEN: I'll wait for the next one.
21 MR. RAPSON: Okay. For the mechanical
22 equipment we also want to limit the visibility from
23 the rooftop exposure, the same requirement, we
24 don't want it to be seen internally from this site
25 or off site.

1 MR. COHEN: I think through the design --
2 excuse me one second.
3 MR. KOURAJIAN: Steve, when you say that it
4 needs to be the same, you're not saying it needs to
5 be masonry?
6 MR. RAPSON: No. I'm saying this is a
7 different issue.
8 MS. RUTHERFORD: As much as possible we want
9 the quiet and --
10 MR. RAPSON: I think because of the height of
11 the building elevation the mechanical is not an
12 issue anyway.
13 MS. RUTHERFORD: Okay.
14 MR. COHEN: Excuse me just one second.
15 THE MAYOR: That's okay, take your time.
16 MR. RAPSON: I would like to make one
17 amendment. Maybe this will solve some of the
18 issues.
19 MR. COHEN: Is this a retracted amendment?
20 MR. RAPSON: It's a refinement. For the
21 dumpsters that are located behind your retail
22 buildings the very lower -- I guess you would call
23 that the southwest retail buildings, obviously
24 there's no way those can be seen unless you're back
25 there. So the requirement as far as masonry for

1 those can in essence be waived.

2 I believe the requirement, David, is they have
3 to be, I guess, have a gate type enclosure,
4 something like that. But this wouldn't have to be
5 the same masonry with the gate enclosure. Does
6 that make sense? We're trying to cut you some
7 slack.

8 MR. COHEN: Thank you.

9 THE MAYOR: So in other words if it's exposed
10 to the open parking lot area or the drives, then we
11 want a masonry --

12 MR. RAPSON: If it's exposed you want to be
13 able to have it enclosed in masonry-type with the
14 gate.

15 The other requirement for mechanical equipment
16 is that you install some noise deflectors on those
17 in regards to -- in regards to the ones that you
18 would be able to hear.

19 MR. COHEN: I see. One second.

20 A couple of things on the request for, I
21 think, deflectors was the buzz word, visibility is
22 not an issue because the project has been designed
23 with an extensive network of paraffins to guard
24 against visibility breaches.

25 The paraffins are also designed and intended

1 to contain noise. So I think the intent or design
2 is that the paraffins act as deflectors.

3 MR. RAPSON: How about install noise
4 deflectors if appropriate. That gives you the
5 flexibility to use them if you deem them to be
6 needed.

7 MR. COHEN: I actually think in this case I am
8 told that there is state law standards for HVAC
9 decibels. When you say appropriate could that be
10 the governing standard?

11 MR. RAPSON: I have no ideas what the standard
12 is so...

13 MR. COHEN: Neither do I.

14 THE MAYOR: Are we aware of that standard?

15 MR. RAPSON: Are we okay with that standard,
16 Clyde, David?

17 MR. RAST: That's what we use in our noise
18 Abatement Ordinance. I mean it is --

19 MS. RUTHERFORD: Okay, sounds good to me.

20 THE MAYOR: So we could -- the Noise Abatement
21 Ordinance would be applicable to this?

22 MR. COHEN: We will agree to comply with the
23 Noise Abatement Ordinance. That might be the
24 easiest way to say it.

25 MR. RAPSON: Okay. That takes us back if

1 you're okay with those then -- we're back to
2 dumpsters, aren't we?

3 THE MAYOR: Yes.

4 MR. COHEN: We are okay with condition 7 as
5 modified by Councilman Rapson with regard to the
6 dumpsters behind the outparcel buildings. They're
7 not visible from the parking lot. Is that okay?

8 THE MAYOR: Yes.

9 MR. COHEN: And that brings us to Condition 8
10 which is a condition that all lighting on the rear
11 of each vehicle is substantially similar or the
12 same to the lighting that was submitted to Staff
13 and we're okay with that.

14 Condition 9 was a requirement for submission
15 of the Asbel (ph.) drawings in electronic format
16 and we're okay with that.

17 MR. RAPSON: Could I change and reword
18 condition number 10 as opposed to what you have in
19 front of you? It's a slight modification but I
20 think it's important. Number 10 which is the
21 signalize the existing.

22 MR. COHEN: Yes, you may.

23 MR. RAPSON: What we would prefer that to read
24 is owner shall be responsible for paying to and
25 then everything else stays the same. Does that

1 make sense? And then when it gets to due to the
2 close proximity it would say owner will coordinate
3 signal operation and plan signal -- owner shall.

4 MR. COHEN: I had a question about --
5 depending upon how we resolve the question I have I
6 think we can address that condition or that request
7 easily.

8 One of the -- we met with and I believe the
9 City's traffic engineer, Forez (ph.) is here
10 tonight. We met with him at length to go through
11 the City's traffic study which we don't dispute.
12 But one the things that we discussed with him with
13 regard to installing this signal which would
14 essentially be the third new signal in this area in
15 addition to the ones that are being sought
16 elsewhere at Peachtree Parkway and the Kroger
17 entrance, as well as 74 and Georgian Park, is that
18 it might be that the level of service analysis that
19 was done by the City Engineer assuming that two
20 lights were installed already.

21 One of the things we discussed with Staff and
22 the traffic engineer was perhaps it might be a
23 better approach rather than to affirmatively
24 require this signal today not knowing what the real
25 impact of adding the first two lights is going to

1 be but perhaps it might be better for everybody if
2 we, Faison, committed to do an analysis within a
3 reasonable period of time after the project opened
4 and the other lights had already been installed to
5 determine if the third signal really is needed
6 depending upon the actual traffic pattern of the
7 project which are all relatively hypothetical at
8 this time.

9 MR. RAPSON: Why don't we table that issue and
10 then come back to it. It will be something I
11 imagine we would like to discuss. Is that okay?

12 MR. COHEN: That's fine.

13 MR. RAPSON: If we skip to number 11? The
14 only difference in Number 11 would be that the word
15 developer would be changed to owner.

16 MR. COHEN: I'm okay with that. Well, let me
17 back up a step. I think -- I think there's a
18 nuance here that needs to be addressed and actually
19 I just read the condition a little more closely.

20 THE MAYOR: Are you talking about 11?

21 MR. COHEN: Condition 11. This condition
22 arose as part of the consent agreement and part of
23 our settlement agreement. This condition only
24 applies if the project is built. Because if the
25 project is not built there's no way to look back

1 and obviously at that point in time the project is
2 not creating any traffic if it's not built.

3 I think that what would be more appropriate
4 here because you can say the left turn lanes and
5 the right turn lanes shall be installed by the
6 applicant or owner. It's not a Peachtree City
7 holdings issue. The condition doesn't run with
8 Peachtree City holdings if for some reason the
9 project doesn't happen. It's a project specific --

10 MS. RUTHERFORD: So we can leave change
11 developer to owner and then say --

12 MR. RAPSON: That's exactly -- the only change
13 that I made was the change "developer to owner".

14 MS. RUTHERFORD: Right. But what he wants it
15 to continue to say is --

16 MR. MEEKER: Change it to owner or owners.

17 MR. RAPSON: That's exactly the only change
18 that I made was the change developer to owner.

19 MS. RUTHERFORD: Right. But what he wants it
20 to continue to say is --

21 MR. MEEKER: Change it to owner or owners
22 because remember there is at least one parcel
23 that's going to be sold out.

24 MR. COHEN: Right. But I think it's not --
25 don't think there's ever been any intent to tag

1 Target with a condition. I think it would be a -
2 MS. RUTHERFORD: But the question becomes --
3 what he doesn't want is to wind up being
4 responsible for something that's not built so take
5 the sentence and add if project is built.
6 MR. COHEN: Well, it also --
7 THE MAYOR: Wait a minute.
8 MR. COHEN: Peachtree City holdings has
9 nothing to do with the condition.
10 MS. RUTHERFORD: So you want to take Peachtree
11 City holdings out and make it owner -- by the owner
12 or the owners --
13 MR. RAPSON: Let the attorneys tell us.
14 George, Ted, what should it say?
15 (Whereupon, a brief pause was taken.)
16 MR. RAPSON: Owner or successor is that what
17 I'm hearing?
18 MR. COHEN: Owner or successor but only if the
19 event the project is built because the owner is
20 currently Peachtree City Holdings and the condition
21 --
22 MR. RAPSON: So you might write every
23 condition on here as only if the thing is built.
24 None of the conditions will survive it if the thing
25 is not built.

1 MR. COHEN: I'm not sure that's accurate.
2 MR. RAPSON: Well, I guess that's true.
3 MR. COHEN: But if it's not built it's -- it's
4 never the intent to back charge Peachtree City
5 Holdings with road widening in the event of a
6 project is not built.
7 MS. RUTHERFORD: Correct.
8 MR. RAPSON: Okay. We can make that change
9 only if built.
10 Now, we go to the other issues. Are you
11 ready? I want to try to read these and go through
12 them fairly quickly.
13 We're going to go to the City Council topics
14 there first.
15 MR. COHEN: Is there a copy of something I can
16 look at while you're --
17 MR. RAPSON: I've got so many notes on it I
18 think it would just scare you.
19 MR. COHEN: It actually scares me not having
20 it in front of me.
21 THE MAYOR: Actually most of them -- we've hit
22 most of them.
23 MR. RAPSON: One of the requirements we would
24 like to add is to upgrade the lighting fixtures in
25 the parking lot. When we say upgrade we're talking

1 about -- I guess a good example, David, of an
2 upgraded lights would be kind of like what they're
3 putting over there at the LCI? Would that be a
4 fair statement?

5 MR. RAST: No.

6 MR. RAPSON: Could you maybe explain what
7 we're trying to do when we say upgraded lighting?

8 MS. RUTHERFORD: Instead of the ones that are
9 in the --

10 THE MAYOR: You're talking about in the
11 parking lot?

12 MR. RAPSON: Yes.

13 MS. RUTHERFORD: Instead of the ones that are
14 in the Kroger parking lot.

15 THE MAYOR: You're talking in the parking lot?

16 MR. RAPSON: Yes, parking lot.

17 MS. RUTHERFORD: Instead of the ones that are
18 in the Kroger parking lot, get a better light and
19 that would work?

20 MR. RAST: Well, at the LCI what we did we had
21 the ornamental lights along the street skate but
22 what we got in the parking lots themselves it's
23 kind of a modified shoebox.

24 THE MAYOR: Yeah, they have them at The
25 Avenue.

1 MR. RAST: What it is it's a -- instead of the
2 big boxy lights like are at the Kroger now, I think
3 the new types it's a night lighting and will light
4 down and I know that's contrary to what we talked
5 about before.

6 MR. COHEN: What number is that contrary to
7 what we talked about?

8 THE MAYOR: Well, see and again that's the
9 change. The Council had never discussed that. You
10 had several discussions where we had never
11 discussed it and when we looked at the lights that
12 were in the parking lot at Kroger, we really didn't
13 want to replicate that because we thought that's
14 not something we want.

15 MR. RAPSON: It's a condition that we're
16 asking for.

17 MR. COHEN: Let's -- I'll make a note of it.
18 That's what I want to do.

19 MR. RAPSON: He'll make a list? I guess
20 George is going to make a list?

21 MR. COHEN: Yes.

22 MR. RAPSON: Require that the golf cart path
23 system be nine foot. Right now I think on all the
24 different final conceptual -- the conceptual as
25 well as the final site plan, they're eight foot and

1 that's primarily because we're going to be very
2 recently or very soon making that a standard of the
3 City and it just helps with regards to golf paths
4 and passing each other.

5 MR. COHEN: Okay, meaning.

6 MR. RAPSON: Okay meaning it's on George's
7 list? Okay.

8 Just to reiterate obviously we've talked about
9 this several times. No disturbances approved in
10 regards to the 25 foot undisturbed natural tree
11 buffer requirement. We just want to make sure
12 you're in compliance with that.

13 No pre-cutting or pre-grading is implied
14 and/or complied.

15 MS. RUTHERFORD: And/or approved.

16 MR. RAPSON: And then the only variance that
17 we're aware of that we will make part of the final
18 site plan is the variance between the Target store
19 and the adjacent building to the Target store. I
20 believe that was --

21 MR. COHEN: Correct for the -- I'm glad you
22 mentioned that.

23 MR. RAPSON: Yes. I just want to incorporate
24 what we know to be true. Let me go back to the
25 other ones here.

1 Also we wanted to eliminate the -- I think --
2 I'm calling it the Georgia DOT guardrails and put
3 instead the wood ones that are very similar to the
4 ones over at Home Depot and Wal Mart, the heavy
5 timber. We just think aesthetically that will make
6 this site a lot more pleasing.

7 I'm assuming you're just accepting these and
8 then we'll go over them.

9 MR. COHEN: Right.

10 MR. RAPSON: He's listing.

11 (*Reporter's note: Everyone is talking over
12 one another in an open forum.)

13 MR. COHEN: I'm actually calculating.

14 THE MAYOR: Didn't Wal-Mart do that?

15 MR. RAST: They actually did both. They used
16 the wood rails along the main entrance and then the
17 metal guardrails along the back with --

18 MR. RAPSON: So you couldn't see it. I think
19 that would be appropriate. We'd be okay with
20 putting guardrails on behind the back of the
21 buildings, it's really just the visible.

22 MR. COHEN: Visible? Yeah.

23 THE MAYOR: Where you're -- an entrance.

24 MR. RAPSON: We'd also --

25 MR. ROSENZWEIG: While they're talking, would

1 you re-read number four? The pre-cutting and the
2 pre-grading, I'm not sure I got that.
3 MR. RAPSON: Oh, okay. No pre-cut or pre-
4 grading is implied and/or approved.
5 MS. RUTHERFORD: In other words you just can't
6 start digging until --
7 MR. ROSENZWEIG: Until you're permitted?
8 MR. RAPSON: Until permitted.
9 MS. RUTHERFORD: Right.
10 MR. RAPSON: We'd like to require any deed
11 conservation easement in regards to the wooden
12 areas along Georgian Park to keep those greenspace.
13 MR. COHEN: Deeded to whom?
14 MR. RAPSON: The conservation easement would
15 be deeded to the City. I know it's really unusual
16 but we've done that before.
17 THE MAYOR: I think they can just --
18 MS. RUTHERFORD: They can --
19 MR. RAPSON: They keep it themselves --
20 THE MAYOR: You can hold that, Mike. You
21 don't have to give it.
22 MR. RAPSON: However the attorneys tell us to
23 do it. It's just a conservation easement so that
24 it stays green.
25 MR. COHEN: But how is that defined? Where

1 are the boundaries of that?

2 MS. RUTHERFORD: It's the area around Georgian
3 Park.

4 MR. RAPSON: It would be that area
5 (indicating) point your little thing. That area,
6 that area --

7 MR. WEED: The greenspace along Georgian Park.

8 MR. COHEN: There's an area identified on the
9 site plan behind Kroger that says existing wooden
10 area to remain 2.1 acres.

11 THE MAYOR: Yes.

12 MR. COHEN: And then there's an area behind
13 the Target store that says existing wood area to
14 remain. Are we talking about those two areas?

15 THE MAYOR: Yes, sir.

16 MR. RAPSON: This last one is going to be a
17 bigger hurdle. The space between the Target store
18 and Building 400. This is this area here
19 (indicating). We've come to it several times this
20 evening. We'd like to keep that greenspace if at
21 all possible. Have the golf cart come down, have
22 golf carts there.

23 MR. COHEN: You know, I have to say with all
24 due respect I think that's a little late to trip
25 that button when we agreed earlier that we

1 addressed all the parking space comments first of
2 all.

3 Second of all I know where that comment came
4 from because I've gotten the same letters that you
5 do and it was a concept that we started on on SP 12
6 which is what got us here today. So it's a little
7 bit disturbing to me for that reason. But we are
8 not amenable to that. That goes, I think, well
9 beyond the --

10 MR. RAPSON: That's okay, it's not a deal
11 breaker. That was actually -- I don't think I've
12 missed any.

13 MS. RUTHERFORD: Nope.

14 MR. RAPSON: I think that's all the
15 stipulations we had so do we want to go back to the
16 original one, the signalization issue?

17 MR. COHEN: Do you want to do that and then go
18 to the rest of the list?

19 MR. RAPSON: Yes, I think so.

20 MR. COHEN: Okay. I think what I had posed
21 for signalization was, and you have your expert
22 here so I imagine you're going to let him address
23 it, was potentially considering timing nuance of
24 actually getting the project open and the other
25 signals in and see how they work and see what real

1 world traffic does before you put a third new light
2 in the --

3 MS. RUTHERFORD: I guess --

4 MR. COHEN: Not that we're unwilling to do it
5 it is just it may not be necessary.

6 MR. RAPSON: Well, I guess one of the concerns
7 I have is the fact that the reason we don't have
8 two traffic signals is because previous Council
9 kind of agreed to the same terms you're asking us
10 to agree to to be quite frank.

11 MR. COHEN: Well, I think that --

12 MR. WEED: There was a situation there where
13 he said/she said --

14 MR. COHEN: I'm well aware of that situation
15 and unfortunately am not in a position to resolve
16 it. I do think that we would be certainly willing
17 to concede and accept much clearer language with
18 which you may be dealing today.

19 MR. RAPSON: Would you be comfortable with the
20 language that the owner shall be responsible for
21 paying for the signalization, pretty much the same
22 language, and then adding at the very end of that
23 upon City Council direction? Would that give you
24 any measure --

25 MR. COHEN: I think that's a good starting

1 point but I think what I would like -- I think that
2 the issue is if the project warrants it. If we get
3 ten years out and there's enough development
4 elsewhere --

5 MR. RAPSON: I guess the issue that I have is
6 -- the only thing I have before me is the traffic
7 study that says that intersection will fail. I
8 mean it's one of the very clear things that I think
9 the traffic report show.

10 MR. COHEN: Let's do this. I think this may
11 be best for everybody. We'll agree to the
12 condition -- we'll agree to the condition. I would
13 like to work with Council and with Staff going
14 forward with regard to installation potentially
15 later and see -- If it is something -- I think is
16 better for the community but I want to be sure.
17 The intent is not to shirk our responsibilities or
18 to put the Council, the City and the community,
19 most importantly, in the same situation that you
20 have today.

21 MR. RAPSON: I would say that we add the
22 stipulation upon City Council direction. That way
23 you have that flexibility. We have to actually
24 tell Staff to go do something as opposed to --

25 MS. RUTHERFORD: Well, I have a problem with

1 this. We're where we are today because we told
2 Staff to go do something and now we're having a
3 problem getting it done. But I also -- I'm not
4 real keen on two lights in less than like five car-
5 lengths apart.

6 MR. COHEN: That's my concern.

7 MS. RUTHERFORD: So what I would like to do is
8 have the flexibility that he's agreed that they are
9 responsible to put the light in but I would like to
10 be a little more definitive than when we direct
11 them then say we'll look at it at six months or one
12 year.

13 MR. COHEN: I'd be willing to -- I'd be
14 willing to do a -- we'll commit to do a warrent
15 study.

16 MS. RUTHERFORD: You know what, six months --

17 MR. RAPSON: We've already had a warrent study
18 done. We've already got one back from the engineer
19 that says it fails. We're going to have another -

20 MS. RUTHERFORD: No. We're not going to do
21 another study. We're not going to do another
22 study. What we're going to do is look at what
23 happens when we put those two lights in. Now that
24 actually in reality affects the thing. And if in
25 six months after the two lights are in now, they

1 say okay, what's the reality of what's happening
2 and do we have to need --

3 MR. COHEN: How about maybe this is a way to
4 handle it. And I just want to be clear on it. I'm
5 fine to agree to install a light. I'll agree to
6 install it as part of our requirements for
7 approval. I have concerns for the community and
8 the impact of a third light. I heard somebody
9 mention, I'm not sure who, that you have a warrent
10 study now. You actually don't have a warrent study
11 now. I believe what you have now is a level of
12 service study which uses some hypothetical
13 assumptions about what cars will be doing when.

14 The warrent study done is based on actual
15 cars. It's what we did a year ago before the
16 project was first before Council.

17 We certainly -- if there's a financial
18 concern, I think what maybe a way to solve this
19 would be to do several things. One, we'll agree to
20 put the signal in. We'll agree to, as part of our
21 obligations post a letter of credit in an amount
22 that would be equivalent to the signal for a period
23 of two years during which time Council has the
24 right to ask us to do an actual warrent study.

25 If you do then the warrent study comes in then

1 a signal is needed then we'll install the signal
2 and you have a letter of credit as collateral.

3 MR. MEEKER: A financial guarantee. A
4 irrevocable letter of credit is what you're talking
5 about?

6 MR. COHEN: Yes.

7 MR. RAPSON: One of the problems I have with
8 that is -- the problem I'm having with that is the
9 two-year window.

10 If you go out here and build this thing as
11 fast as I think you're going to, I don't have a
12 concern. But if you don't build it as fast as you
13 do then you're not going to need the warrents
14 because you're not going to need the warrents -

15 MR. COHEN: Two years from CO's.

16 MR. RAPSON: I would be agreeable to that.

17 THE MAYOR: I'd like it to be our warrent
18 study --

19 MR. COHEN: Fine. You have two years from
20 issuance of our certificate of occupancy.

21 MR. RAPSON: For what?

22 MR. KOURAJIAN: For the final outparcel or for
23 Target or for what?

24 MS. RUTHERFORD: From the first building or
25 the last building?

1 MR. RAPSON: To the last building? I'd be
2 agreeable to that.

3 MR. COHEN: That's fine.

4 MR. RAPSON: See, we can work.

5 THE MAYOR: And it's our warrent study?

6 MR. COHEN: Should I recount this for the
7 record.

8 MR. MEEKER: Let's tie the next condition in
9 the same way, Mike.

10 MR. COHEN: A conditional -- I don't want to
11 do that because that was a condition -- that's
12 modifying the consent decree which we didn't do
13 agree to.

14 MR. TURNER: Can I interject in that? Our
15 concern as a citizen is we're in the same position
16 that we are trying to find the money to pay for it.

17 MR. COHEN: We've offered to put up a letter
18 of credit.

19 MR. TURNER: On the lights, not on the lanes.

20 MR. COHEN: The lanes were never
21 collateralized under the consent agreement.

22 MS. RUTHERFORD: We can't do anything with the
23 --

24 MR. RAPSON: Let's go ahead and do number 10
25 first. Can we go ahead and do the signalization

1 and reword that?

2 MR. COHEN: We will agree to signalize the
3 existing intersection of Peachtree Parkway and
4 Georgian Park as evidenced by a warrent study
5 performed by the City within two years after final
6 CO is issued for the project. And as collateral
7 for the financial obligation for us to install the
8 signal, we will deliver to the City an irrevocable
9 letter or credit in the amount equal to the bid for
10 the signal.

11 MR. KOURAJIAN: Who pays for the warrent
12 studies?

13 MR. COHEN: I believe it's your consultant.
14 The Mayor wanted to do --

15 THE MAYOR: And that would be, just so I've
16 got it clear, for a two-year period we're listing
17 it as the owners shall, correct?

18 MR. COHEN: Yes.

19 THE MAYOR: One in the same? Owner or owners
20 shall? So in other words --

21 MR. COHEN: We have a letter of credit
22 regardless. If we disappear you've got that money
23 in the bank.

24 THE MAYOR: Okay.

25 MR. RAPSON: That's agreed.

1 MR. COHEN: May I just amplify one comment to
2 make sure everybody's on the same page? This is
3 just for clarity, record, given other things that
4 happen to developers elsewhere in the country or in
5 the state.

6 The installation of the signal is wholly
7 conditional on the warrent study and the issuance
8 of the CO's are 100 percent independent of the
9 signal.

10 MR. RAPSON: Right.

11 MS. RUTHERFORD: We can't even look at the
12 light until after --

13 MR. COHEN: Until after the CO? Exactly. I
14 just wanted to clarify that.

15 THE MAYOR: You just wanted to make sure we
16 weren't jerking you out of the CO's, we've got it.

17 MR. RAPSON: Number 11, did we finalize the
18 owner and successor for the left turn?

19 MR. COHEN: I'll defer to Council on that?

20 MR. RAPSON: I thought all we were going to
21 change was the owner or successor. I just want to
22 make sure he's okay with that. I think we already
23 approved that because we changed the last of it to
24 say only if built. So we're on George's list.

25 George would be doing the conservation

1 casement? Are you the one writing that up?
2 MR. COHEN: I don't think we've agreed to that
3 yet.
4 MR. RAPSON: We're going to get to that but I
5 think we just need to clarify that when we come to
6 it.
7 For the record, we incorporate the St. Simon's
8 agreement that you reached in regards to what
9 you're doing for them. The two stipulations you
10 agreed to earlier.
11 MR. WEED: It's already stated in the record.
12 MR. RAPSON: Just making sure.
13 MR. COHEN: We still agree to it.
14 I want to talk a little bit about the lighting
15 fixtures. If I understand the comments there may
16 be two issues here.
17 I think the preeminent issue is and David,
18 please correct me if I'm wrong, is that the issue
19 of lights fell over and how that looks and what it
20 creates.
21 I do think as we talked about it in a number
22 of places, one of the difficult -- one of the many
23 difficult nuances of this project has been
24 balancing what is there with what we want to put
25 there. I think part of architecture, I think, you

1 know, light standards maybe the second most obvious
2 piece of equipment in the project. So I don't
3 think it would be appropriate to take Avenue style,
4 old-timey lampposts, and put them complete through
5 the project because I think it would look
6 completely dissimilar to what is there now.

7 One of the things David and I discussed was,
8 and these words mean more to him than they do to
9 me, but I think they have meaning, is that we would
10 agree to use a type of light with a flat lens and a
11 recessed vertical bulb so that there is no light
12 spill over. The light appears more modern than the
13 dated ten-year-old Kroger lights and we could
14 probably do them in a color that was somewhat
15 aesthetically matching so that there's --

16 THE MAYOR: Well, that's essentially what you
17 did at the Avenue too though. I mean we're not
18 talking --

19 MR. COHEN: The Avenue, I think, has a
20 combination of different things.

21 THE MAYOR: Yeah, and essentially you've got
22 --

23 MR. COHEN: Yeah. I just want to be clear on
24 that.

25 THE MAYOR: And that's essentially what we're

1 looking at.

2 MS. RUTHERFORD: We're not expecting gas
3 lamps.

4 MR. RAPSON: We're okay with that.

5 MR. COHEN: Golf cart paths nine feet instead
6 of eight feet. We've had pioneers before tonight
7 so we can be pioneers again.

8 MR. RAPSON: Thank you.

9 MR. COHEN: No disturbance of the 25 foot
10 undisturbed natural tree buffer, I think we already
11 complied with that. David is there --

12 MR. RAST: The only area where that will be
13 disturbed is on the Lot 14 and basically the reason
14 is that's being graded down for the retention pond
15 and there's no vegetation in that 25 foot buffer
16 right now. On the landscaped land we do have some
17 fairly substantial planning there.

18 MR. COHEN: So we're actually enhancing the
19 existing by violating the 25 foot.

20 MR. RAPSON: Well, if we could just include
21 that perhaps when we get to the variance. I just
22 like to know what variances we're approving for the
23 final site plan.

24 MR. COHEN: No pre-grading or pre-cutting is
25 implied or approved until permitted and I think

1 that's actually an existing condition. I'll
2 reconfirm that we agree to that.

3 Thank you for the variance on the zero lot
4 line between Target and Building 100B. I think
5 that makes the project better by not having that
6 parking there.

7 Eliminate the Georgia DOT guardrails and put
8 wood guardrails at the entrances. We will agree to
9 that.

10 I'm going to skip the conservation for a
11 second. And then the last condition was condition
12 8 which I would not agree to.

13 So I think that gets us back to the
14 conservation easement and I'd like a moment with
15 Counsel before I respond.

16 THE MAYOR: Sure.

17 (Whereupon, a brief pause was taken in the
18 case.)

19 MR. COHEN: With regard to the conservation
20 easements confirmation, is it is Council's intent
21 to make sure these areas remain undeveloped?

22 THE MAYOR: Yes.

23 MR. COHEN: But no affirmative requirement for
24 running trails. It stays the way it is?

25 THE MAYOR: Green and natural.

1 MR. COHEN: There is, while we're speaking of
2 natural, there is some of -- some of the back of
3 Kroger drains into, David, I believe on the
4 greenspace on the Target parcel pursuant to the
5 permits that were received. So obviously that's a
6 condition we will not undo.

7 THE MAYOR: That won't be a problem.

8 MR. RAPSON: That's not a problem.

9 MR. COHEN: Okay, and I guess from a
10 processing standpoint, I guess, we will agree to
11 survey the appropriate area but obviously in some
12 of these areas we're installing landscaping. I
13 don't think it is your intent to include in the
14 conservation area the areas that we need to grade
15 and install. Landscaping so we'll agree to do a
16 survey and agree on it?

17 MR. RAPSON: That's correct.

18 MR. COHEN: Is that it?

19 MR. RAPSON: I thought of one. No, I'm
20 joking.

21 THE MAYOR: Last chance on the greenspace.

22 MR. COHEN: Okay.

23 THE MAYOR: Tim, John, do you all want to make
24 a comment real quick before we sew things up?

25 MR. HEDGE: Yes, if you don't mind.

1 MR. COHEN: May I one second, John.
2 Will I have an opportunity to respond?
3 THE MAYOR: Absolutely.
4 MR. RAPSON: Absolutely.
5 THE MAYOR: Keep it to five if you can.
6 MR. HEDGE: I'm John Hedge, I'm the President
7 of the Lake Kedron Community Association, not the
8 Kedron Hills Homeowner's Association as people like
9 to refer to it as.
10 I appreciate Mike and his effort. I
11 appreciate the work that this City Council has put
12 forth in doing a diligent job of reviewing this
13 plan. I think it is precedent setting the amount
14 of effort you guys have put forth.
15 We want this process to go forward. We want
16 this process to start seeing some material changes
17 which means building and let's move on with life.
18 I will try to ask you once again to consider a
19 couple of very, what we think, are dangerous spots
20 and I'll be very brief because I'm not going to go
21 through all of them because a lot of what we talked
22 about --
23 THE MAYOR: Hopefully we hit some of them.
24 MR. HEDGE: Yes. I'm going to be very
25 quick. The traffic studies said the majority

1 of traffic going to this shopping center from
2 the south, which I think was over 75 percent,
3 was going to go down this way, come down the
4 back stretch of Taladega here and enter the
5 shopping center.

6 There's no stop sign, there's nothing to slow
7 down traffic coming into here (indicating). Right
8 now there's a stop sign there and there's a stop
9 sign there (indicating) so hopefully those people
10 are going to stop. These people have a right-of
11 way to come into this thing wherever they want to
12 do. I'd ask you to consider a stop sign there just
13 to slow the traffic and make sure that there's no
14 uncertainty and creating a dangerous spot right
15 there.

16 Secondly, I don't know why that's not going
17 forward. We don't agree with that. Yeah, this
18 concerns us because we see this all the time at
19 Braelinn and at Wal-Mart and everything else.

20 You come in here (indicating) and if this is
21 too congested you go here. But wait a minute,
22 there's congestion here so what are you going to
23 do? You're going to go anyway you can to get over
24 here. Secondly, if you don't go this way which is
25 a heavy paved road, you come this way. This is the

1 other main way you get there. What are you going
2 to do when you get here or here or here
3 (indicating)? You're going to shoot across here
4 (indicating).

5 Same thing getting out. If you come down here
6 and this is -- you're going to cross here
7 (indicating). We think that this area should be
8 solid and be very consistent with what you see over
9 there. We think you're creating traffic issues
10 right at the entrance to the -- for the northbound
11 traffic. We have a very big concern up here and
12 I'll come back to that real quick.

13 We talked about the golf cart spaces and the
14 islands, I think we addressed six of them. I think
15 with most of the traffic coming this way and going
16 this way or going this way to get to Target, these
17 are going to become a real problem for the police
18 chief as well as Fayette County Hospital.

19 We think there is opportunities to improve
20 this. There's a stop sign or some sort of speed
21 table along here to slow the traffic down so that
22 that doesn't become a major issue.

23 Illuminate those golf cart parking which we
24 saw, you've already taken action on six of them.

25 We think you need some -- that (indicating)

1 you agreed to eliminate, which we appreciate it.
2 We think that ought to be solid to take away people
3 from using that as a cut-through both on the in and
4 the outbound traffic. We think that needs to be
5 solid because you're going to have people down here
6 and they're going to start cutting through any of
7 these to find parking spaces plus you're backing
8 out into the secondary main entrance in there.

9 We think at the very least that island ought
10 to be solid and that island ought to be solid
11 (indicating).

12 The other thing there is you've got virtually
13 acres of blacktop where any car on this side of
14 this barrier can just traverse anywhere he wants to
15 laterally both to get in, get out, go this way.
16 The Wal-mart parking spot shopping center parking
17 lot is about this same size. They have a barrier
18 every three traffic rows. We ask you to make this
19 consistent, make it safe because there's going to
20 be a tremendous amount of cross traffic in here
21 especially since this is straight parking. It's not
22 tilted parking so you don't know which way you're
23 going. So you're going to have cars going both
24 ways on each one as well as cutting through. And
25 I'll guarantee you that every person in this

1 building does that, me included.

2 We think that this ought to be a dedicated
3 golf cart area. And the reason is this. Golf
4 carts predominately from the neighborhoods are
5 going to come down here, you can put all of the
6 parking for golf carts over there (indicating) plus
7 I think there's a couple of safety issues.

8 We talked about inter-connecting this and make
9 it more foot friendly as opposed to traffic
10 friendly. I think it is a nice opportunity to put
11 a walkway and a crosswalk that interconnect these
12 so that people that come out of this entrance
13 instead of getting in their cars and zipping across
14 the barriers and parking over here (indicating)
15 would be more inclined to walk.

16 They're not going to do it under the current
17 configuration because the current configuration of
18 that space has five islands in it and has 84
19 parking spaces for cars in it jammed in that
20 corner. And every cart from the community is
21 coming down here to use this shopping center is
22 going to get caught in that malay. So I would ask
23 you to please consider being more firm about making
24 some modifications to that area.

25 Plus I don't think the idea of illuminating

1 the five, six-cart parking spots and not finding a
2 home for them is consistent with what we talked
3 about all along in this project. We think that's a
4 great opportunity to make a showcase piece and that
5 one I don't really care about.

6 Our position is it is time to move forward.
7 Let's not do something today that we're going to
8 regret and have to take corrective action later,
9 i.e., these barriers that I talked about because
10 they are going to create dangerous situations.

11 We've got to stop analyzing these things and
12 we've got to start requiring them, I'm glad we're
13 doing that today. Require some of these additional
14 proposals.

15 You know we talked all along and I think Mr.
16 Rapson you mentioned it before today, health and
17 safety. We're creating some hotspots, they're
18 going to happen.

19 This is not a Peachtree City development.
20 This is a regional development. There's people
21 that don't know how to drive with golf cart backing
22 out of spaces. They're going to see those spaces
23 in front of those buildings, it's going to be the
24 closest one to where they're going to go. They're
25 going to pull into it. They're going to park there

1 as close regardless of the sign. You're creating
2 some problems. I think you should reconsider them.
3 There's a couple of more legal issues. Number
4 one the consent order required that the space along
5 Georgian Park, the stub, be permanently as part of
6 this condition of approval be deeded to the City.
7 We've talked about deeding the greenspace. I want
8 to make sure on the record that that still is going
9 to happen.

10 THE MAYOR: When you're referring to the stub
11 what stub? Where the cart path is?

12 MR. HEDGE: No --

13 MS. RUTHERFORD: No, Regents Park --

14 MR. HEDGE: The existing Regents Park
15 extension for Kedron shall be stubbed off. I just
16 want to make sure that's going to happen.

17 THE MAYOR: Sure.

18 MR. HEDGE: And then my only other --
19 greenspace on Georgian Park which -- I appreciate
20 the effort you guys are doing. I wish you would
21 reconsider some of these additional, what I think
22 are some pretty critical, safety issues. Thank
23 you.

24 THE MAYOR: Thanks, John.
25 Did you want to respond to any of that?

1 MR. COHEN: May I respond to a couple of
2 things?

3 MR. RAPSON: Yes, please.

4 MR. COHEN: First of all the entrance off of -
5 the south entrance by Building 700, we'll agree to
6 a stop sign or a speed bump or some accommodation
7 for traffic calming.

8 I found one of John's comments most
9 illuminating and that is every time I pick up the
10 paper in the section all I pick up and read about
11 is how bad Wal-Mart is and how ugly - not Wal-Mart
12 here just corporate issue.

13 I think I heard John saying or requesting that
14 we make some revisions here so that we would
15 actually look like the Wal-Mart parking lot which
16 is the first time I've ever heard that here.

17 I disagree with virtually all of John's
18 comments. I think from a legal standpoint they go
19 well beyond the neighborhood's right under the
20 consent and into project design which is a Staff
21 issue. You've had engineers look at the plan as
22 well as Staff who are trained to look at that.

23 This is not a regional development. There's a
24 Target in Newnan and there's a Target in
25 Fayetteville. People from Senoia or Tyrone or

1 elsewhere in South Fulton or North Fayette County
2 will be shopping here, shop the Avenue and are very
3 well versed in driving in projects with golf carts.

4 What we do that other projects don't is we
5 actually put the carts in a space where they are
6 supposed to be so that people know to be on the
7 lookout for them and to not have to be -- averting
8 carts throughout the project.

9 I disagree with the comment about being
10 Taladega. With regards to the greenspace and the
11 golf cart requirements here, John, as much as I
12 like you I'll have to tell you I think that's
13 wanting your cake and eating it too. You guys are
14 the reason the entrance is not here and I believe
15 your neighborhood is about the only neighborhood
16 that will use that cart path. I think other
17 neighborhoods are coming in riding cart paths on
18 the north and cart paths on the south. I'll
19 reiterate my objection to that as a condition of
20 what we went through with Council.

21 With regard to barriers. This is a very
22 different project than Wal-Mart. Wal-Mart is not a
23 shopping center. It's a single store next to a
24 Home Depot which is also single store. Comparing
25 the design at any level is not appropriate and so I

1 disagree with the request that you have a
2 requirement for additional barriers. I think we go
3 above and beyond our landscaping and pedestrian
4 movement and circulation already. I think that's
5 it.

6 THE MAYOR: But you are amenable to some sort
7 of slowing down function or stop sign by the 700
8 building there?

9 MR. COHEN: Yes. Sure. And as well as a
10 reaffirmation of a commitment that this is
11 dedicated to the city as a requirement of the
12 consent agreement.

13 That's all I have.

14 THE MAYOR: Wrap it up Steve.

15 MR. RAPSON: With that said I personally want
16 to thank everybody involved. I know Staff's given
17 a lot of effort. Because as reluctantly as I'd
18 like to I'd like to also thank Ted and George.
19 It's been very fun working with both of you.

20 I move that we approve the final site plan for
21 the Kedron Building Retail Expansion subject to the
22 conditions discussed and agreed to by Mike Cohen
23 and it's reflected in the transcript. A copy of
24 the transcript and all exhibits attached thereto
25 will be attached to these minutes and incorporated

1 into this motion by specific reference so as to
2 accurately reflect the conditions of the approval.

3 MS. RUTHERFORD: Second.

4 THE MAYOR: We have a motion and a second.
5 Any further discussion? All in favor? All
6 opposed?

7 (Whereupon, the approval was carried
8 unanimously and the proceedings were concluded at
9 approximately 1:00 a.m.)
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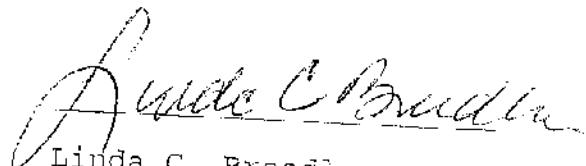
C E R T I F I C A T E

STATE OF GEORGIA

COUNTY OF FAYETTE

I, Linda C. Breedlove, Certified Court Reporter for the State of Georgia, hereby certify that the foregoing transcription of an audio tape was transcribed by me, as stated in the caption; and the questions and answers were reduced to print by me; that the foregoing pages 4 through 121 represent a true, correct, transcript of the proceedings taken on October 21, 2004; and were transcribed to the best of my ability; that I am not a relative, employee, attorney or counsel of any of the parties; am not a relative or employee of attorney or counsel for any of said parties; nor am I financially interested in the action.

This, the 31st day of October, 2004.


Linda C. Breedlove

Certificate No. B-2113

Certified Court Reporter