



Official Minutes of
Public Hearing & Council Meeting
On April 24, 2017
City Hall – 2 Park Plaza
6:30 PM

Official Minutes

The public is advised that the following minutes are not a verbatim transcription of business presented at the Council Meeting of the date shown; but are a synopsis of pertinent information. The public is further advised that the tapes recorded at said meeting are a matter of public record and are available to be heard at the City of Alpharetta's Clerk's office during normal business hours and on line at the City web site.

I. CALL TO ORDER

❖ *Mayor Belle Isle called the meeting to order at 6:34 p.m.*

II. ROLL CALL

- Council Members
 - Mayor David Belle Isle
 - Chris Owens (Mayor Pro Tem)
 - Jason Binder
 - Jim Gilvin
 - Mike Kennedy
 - Dan Merkel
 - Donald Mitchell
- Staff
 - Bob Regus, City Administrator
 - Coty Thigpen, City Clerk
 - Sam Thomas, City Attorney

- James Drinkard, Asst. City Administrator
- Kathi Cook, Director of Community Development
- John Robison, Director of Public Safety
- Pete Sewczwicz, Director of Public Works
- Tom Harris, Director of Finance

III. PLEDGE TO THE FLAG

IV. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 04/10/2017)

- ❖ *Council Member Owens offered a motion to approve the Consent Agenda*
 - *The motion received a second from Council Member Mitchell*
 - *The motion was approved 7-0*

V. APPOINTMENTS

A. Appointment of Director of Recreation, Parks, and Cultural Affairs

- ❖ *Mayor Belle Isle offered a motion to appoint Morgan Rodgers as the Director of Recreation, Parks and Cultural Affairs*
 - *The motion received a second from Council Member Binder*
 - *The motion was approved 7-0*

VI. PUBLIC HEARING

A. CLUP-15-01/MP-15-01/Z-15-01/V-15-01 KB400 Master Plan/1699 Land CO. LLC

- ❖ *This item was deferred and not heard at this meeting*

B. MP-17-04/V-17-09 AdvancED

- Senior Planner, Michael Woodman, came forward to present this item on behalf of staff
- Staff recommends approval of MP-17-04/V-17-09 AdvancED subject to the following conditions:
 1. Office density in Cousins Westside Pod Q shall be limited to 18,500 square feet per acre.

2. Property shall be developed substantially in accordance with submitted plan prepared by Warren Epstein & Associates, dated 1/20/2017.
 3. Building elevations shall be substantially similar to the existing office building and shall be designed and constructed to meet LEED standards.
 4. Applicant shall make an effort to determine if any existing landscaping (ornamental trees and shrubs) can be spaded and relocated on-site to enhance the maturity level of landscaping at time of project completion.
 5. Applicant shall set aside sufficient land within the undeveloped wooded area to accommodate 160 parking spaces. At such time that the use of the building(s) change to a traditional office use or City Staff identifies a parking shortage, the property owner shall construct the necessary parking spaces to support the use of the property as determined by Staff.
 6. Replace any dead, dying or missing landscape material in required landscape strips and landscape islands.
- The applicant, AdvancED, is requesting an amendment to the Cousins Westside Master Plan Pod Q to allow for the construction of a 3-story, 40,000 square foot office building on 5.5 acres. The master plan amendment includes changes to previous conditions of zoning to increase the allowable office density in Pod Q, as well as site plan modifications. A parking variance is requested to reduce the required parking. The subject property is located at 9115 Westside Parkway.
 - The submitted request, if approved, will allow a 3-story, 40,000 square foot office building on a 5.5-acre property. The proposed office density is 18,500 square feet per acre. The subject property is owned by AdvancED and is currently developed with a 3-story, 60,000 square foot office building. Cousins Westside Master Plan Pod Q is zoned CUP (Community Unit Plan) and is approved for office use at a density of 12,000 square feet per acre. The subject property is located at 9115 Westside Parkway on the east side of Westside Parkway, just north of Maxwell Road.
 - Surrounding properties are zoned CUP and are subject to the Cousins Westside Master Plan, except for the Honda property located to the east is zoned LI (Light Industrial). Master Plan pods surrounding the property include Westside Villas to the west, vacant land and the Westside City Park to the south and North Point Research Park to the north. The vacant land to the south, which is also part of Pod Q, is approximately five (5) acres and is owned by AdvancED. The Comprehensive Land Use Plan designation of the property is Corporate Office, which allows the proposed office use.
 - A master plan amendment (MP-09-03) was approved on April 27, 2009 for Cousins Westside Pod Q to allow a 60,000 square foot office building for AdvancED on 5.5 acres. Pod Q was originally entitled for a 223,400 square foot community center. A parking variance was granted allowing for a parking reduction of 10% or from 240 to 216 parking spaces. Conditions of zoning required that a park be improved and dedicated to the City on the south side of the applicant's property. The applicant requests the following changes to the Cousins Westside Master Plan Pod Q conditions of zoning:

1. Office use shall be added as a Primary Use to the northern 5.5 acres of Pod 'Q' and density shall be limited to ~~12,000~~ 18,500 square feet per acre, subject to the issuance of a Land Disturbance Permit and commencement of construction of the proposed AdvancED building by 04/27/2011. If this development does not occur, then property uses shall be limited to those in effect for Pod 'Q' prior to this approval.
 2. Northern building site plan shall be developed substantially similar to site plan submitted prepared by Warren Epstein & Associates, dated 1/20/2017, with limited parking between Westside Parkway and the building.
- The applicant requests a variance from UDC Section 2.5 Parking and Loading, to reduce the required number of parking spaces from 376 to 182 spaces. The UDC requires one (1) parking space per 250 square feet of office use. Therefore, the proposed office building would require an additional 160 parking spaces. The use of the subject property is unique and does not function as a typical office building. The majority of users of the facilities are transported to the property by way of shuttle service and do not drive to the property. Staff has conducted several site visits at various times of the day and has found the utilization of the existing parking lot to be approximately 30%.
 - AdvancED is a school accreditation business and represents 34,000 public and private schools and district across the nation and worldwide. AdvancED is a non-profit organization that conducts rigorous, on-site external reviews of Pre-K – 12 schools and school systems to ensure that students realize their full potential. The applicant states that the new office building will be LEED Gold Certified to match the existing building.
 - Staff has reviewed the applicant's proposal and finds that it can generally support the request for master plan amendment and variance. The applicant's use does not operate like a traditional office use and therefore, requires less parking. The applicant states that the majority of employees/visitors are transported to the site via shuttle service and do not drive to the property. Staff has conducted several site visits at various times of the day and has found the utilization of the existing parking lot to be approximately 30%. Construction of parking spaces deemed to be unnecessary would result in the removal of several trees on the 5-acre property to the south, as well as a significant increase in the overall impervious area. The applicant proposes parking underneath the proposed office building, which helps minimize the overall impervious area. If approved, staff recommends that land be set aside to accommodate future parking needs should the use change or if a parking shortage is identified.
 - The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that no comments were received.
 - Chief Legal Officer, Ken Bergman, came forward on behalf of the applicant

Public Comment

None

❖ *Council Member Kennedy offered a motion to approve MP-17-04/V-17-09 AdvancED subject to the 6 conditions*

- *The motion received a second from Council Member Owens*

- *The motion was approved 7-0*

C. PH-17-12 UDC Text Amendments (1st reading)

- Senior Planner, Michael Woodman, came forward to present this item on behalf of staff
- This item was heard at the April 12, 2017 Planning Commission meeting. After discussion, the Planning Commission pulled out the text amendments related to Hotels and North Main Street Front Setbacks and voted to table those items. Planning Commission recommended to approve the remaining text amendments. Vote (7-0)
- Approval of various amendments to the Unified Development Code – Land Development Activities, Outdoor Dining & Miscellaneous Edits.
- Consideration of amendments to the Unified Development Code (UDC) Sections 3.1 and 3.3 to amend definitions and regulations related to land disturbance activities, UDC Subsection 2.3.5 to add standards for outdoor dining areas and UDC Appendix A: Alpharetta Downtown Code Section 3.8 DT-R: Downtown Residential to correct the front setback regulation.

Outdoor Dining Areas:

Staff proposes amendments to Subsection 2.3.5. Buffers and Landscape Requirements to add regulations for outdoor dining areas requiring landscape and decorative barriers in order to define and shade the space.

Land Development Activities:

Section 3.1 of the UDC establishes procedures and standards pertaining to land disturbance and the control of soil erosion and sedimentation. In compliance with Georgia Code 12-7-4, the proposed text amendments maintain consistency between the City's UDC and the State Code, which was recently updated.

Section 3.3 of the Unified Development Code establishes procedures and standards for stormwater management. The proposed text amendment clarifies the intent of the City's stream buffer regulations by including ponds in the definition of 'Impervious Cover'.

Alpharetta Downtown Code – DT-R: Downtown Residential:

Appendix A, Section 3.8 of the UDC establishes the development standards in the DT-R zoning district. Staff has identified conflicting front setback requirements in

Subsection 3.8.4. The minimum front setback in the DT-R district should be ten (10) feet, not three (3) feet.

- City Attorney, Sam Thomas, read the Ordinance aloud

Public Comment

None

- ❖ *Council Member Kennedy offered a motion to approve the Ordinance*
 - *The motion received a second from Council Member Owens*
 - *The motion was approved 7-0*

D. PH-17-02 Historic Preservation Incentive Zoning (1st reading)

- Senior Planner, Michael Woodman, came forward to present this item on behalf of staff
- This item was heard at the March 2, 2017 Planning Commission meeting. There was no Public Comment. After discussion, the Planning Commission recommended approval of the request.
- Staff notified all property owners being considered to be added to the Contributing Historic Properties List.
- Since the meeting, Staff received correspondence from the property owner at the Waters Building, LLC representing 20 Milton Ave requesting that they not be added to the Contributing Historic Properties List.
- Staff recommends approval of the Historic Preservation Commission's recommended text amendment changes to Historic Preservation Incentive Zoning Ordinance and Appendix A – Alpharetta Downtown Code Section 3.2.4 (I)
- After several Meetings in 2016, the Board Members recommend text amendment changes to Historic Preservation Incentive Zoning. After review by the City Attorney:
 1. Proposed Amendments to Section 2.9.4:B -Recommendation of Additional Criteria for Designation of Historic Properties – (Page 5)
 2. Historic Preservation Commission Proposed Amendments to Contributing Historic Properties Listing and Appendix A. – Alpharetta Downtown Code Section 3.2.4 (I)
 3. Staff Proposed Amendment to Appendix A. – Alpharetta Downtown Code Section 3.2.4 (I)

- The submitted recommendations from the Historic Preservation Commission would ensure that there are more criteria for designation than the property being over 75 years old. The City Attorney has reviewed these proposed changes.
- As the Contributing Historic Properties List is located in the UDC in the Downtown Code Section 3.2.4 I, removals and additions to this list are text amendment changes; they must be considered by the Planning Commission and approved by City Council.
- City Attorney, Sam Thomas, read the Ordinance aloud

Public Comment

None

- ❖ *Council Member Kennedy offered a motion to approve the Ordinance*
 - *The motion received a second from Council Member Mitchell*
 - *The motion was approved 7-0*

VII. OLD BUSINESS

A. MP-16-13/Z-16-11/CU-16-19/V-16-26: TPA/FUQUA DEVELOPMENT/PERIDOT

- ❖ *This item was tabled by City Council on Monday, May 17, 2017. It will need to be removed from the table in order to be considered.*
- ❖ *This item was not removed from the table and therefore not considered or discussed.*

Consideration of a request to amend the Peridot (A.K.A. MetLife) Master Plan and previous conditions of zoning to allow 320 'For-Rent' residential units, 167 'For-Sale' Attached units, 55,500 square feet of retail/restaurant use, 664,400 square feet of office use, and a 200-room hotel. A rezoning is requested on 15.51 acres from O-I (Office-Institutional) to MU (Mixed- Use) and a conditional use is requested to allow 'Dwelling, 'For-Rent' and 'Bank, Savings and Loan' uses. A variance is requested to allow first floor 'For-Rent' dwellings on three building sides and to allow first floor 'For-Rent' dwellings on a Storefront Street. The property is located on the west side of Haynes Bridge Road south of Lakeview Parkway and is legally described as Land Lots 744, 745, 752, and 753, 1st District, 2nd Section, Fulton County, Georgia.

B. Alcohol Ordinance Amendments (1st reading)

- ❖ *This item was deferred to the May 1st Council Meeting*

VIII. NEW BUSINESS

A. Mayfield Road Sidewalk Improvements, ITB 17-007

- Director of Public Works, Pete Sewczwicz, came forward to present this item on behalf of

staff

- Staff recommended that Council award Bid No. 17-007 to Ohmshiv Construction, LLC in the amount of \$941,270.00 for the Mayfield Road Sidewalk Improvements Project and authorize the Mayor to execute all necessary documents.
- The award of this bid is for the construction of the Mayfield Road Sidewalk Improvements Project. The project consists of the construction of approximately 2,750 linear feet of a 6' wide sidewalk on the west/south side of Mayfield Road from Chantilly Drive to Bates Road and approximately 870 linear feet of 6' wide sidewalk along the east/north side of Mayfield Road from Harrington Drive to Bates Road. Also included in the project is the installation of curb and gutter, the installation of storm drainage, the construction of 4' wide bicycle lanes where new curb and gutter is being installed, and the resurfacing of Mayfield Road within the project limits. When complete, this project will provide contiguous sidewalks along the west/south side of Mayfield Road from Chantilly Drive to Main Street and along the east/north side from Harrington Drive to Bates Road.
- The Department of Public Works prepared plans and specifications for the sidewalk project and advertised for competitive bids during March, 2017. Bids for the project were received on April 6, 2017 and the City received a total of thirteen bids
- The apparent low bidder, Ohmshiv Construction LLC, is an experienced contractor and has worked on numerous projects with similar scopes of work in Georgia for several agencies including the City of Duluth and Gwinnett County. The contacted references stated that Ohmshiv Construction LLC provided reliable work on time and within budget and would utilize their services again. Additionally, Ohmshiv Construction, LLC was previously awarded the City's North Main Street Walk Drainage Improvements in May 2013. Ohmshiv Construction, LLC consistently demonstrated an exceptional level of communication, performance, professionalism, and workmanship.
- Staff met with Ohmshiv Construction LLC on April 12, 2017 to review the scope of work and the City's expectations. Ohmshiv Construction LLC assured Staff that they could complete the project for the bid amount and within the allocated time frame. Thus, Staff determined Ohmshiv Construction LLC to be the lowest responsive and responsible bidder.
- This project will require the relocation of a couple of utility poles. Originally, a total of 8 utility poles would need to be relocated, however Public Works Staff was able to reduce the number to 2-3 due to modifying the beauty strip to keep the pole in place. Since a bike lane is part of the project, a buffer exists between vehicles and the poles. Staff is still awaiting pricing from the affected utility owners and will present these costs to City Council at a later date.
- Once a contract with Ohmshiv, Inc. has been finalized and executed, construction may begin immediately. The anticipated completion date is no more than 180 days from notice to proceed.

Public Comment

None

- ❖ *Council Member Owens offered a motion to award Bid No. 17-007 for Mayfield Road Sidewalk Improvements Project to Ohmshiv Construction, LLC in an amount not to exceed \$941,270.00 and authorize the Mayor to execute all necessary documents*

- *The motion received a second from Council Member Gilvin*
- *The motion was approved 7-0*

B. Renewal of the Intergovernmental Agreement (IGA) concerning the processing, storage, and control of Evidence within the City Of Alpharetta by the City of Milton Police Department.

- Police Captain, Will Merrill, came forward to present this item on behalf of staff
- Staff requested that Council approve the renewal of the Intergovernmental Agreement, with changes, concerning the processing, storage, and control of Evidence within the City Of Alpharetta by the City of Milton Police Department.
- The Alpharetta Department of Public Safety has a current Intergovernmental Agreement (IGA) with the City of Milton Police Department for the storage and control of all evidence secured by the City of Milton Police Department. During a review of the IGA for renewal, the City of Milton Attorney requested minor, non-substantive changes. These changes have been reviewed and agreed to by the Director of Public Safety and City of Alpharetta Attorney Sam Thomas. The City of Alpharetta must approve this IGA prior the City of Milton City Council approval which is scheduled for May 1st.

Public Comment

None

- ❖ *Council Member Gilvin offered a motion to approve the Intergovernmental Agreement with the City of Milton regarding the document as written.*

- *The motion received a second from Council Member Owens*
- *The motion was approved 7-0*

C. Ratification and Approval of MOU Between Alpharetta and Milton For the Acquisition of Land To Be Jointly Owned and Operated As a Passive Park

- City Attorney, Sam Thomas, provided a brief summary of the item
- This MOU is for the City of Alpharetta's consideration to enter into an agreement with the City of Milton for the purpose of memorializing each City's intent to jointly acquire, own, operate, improve and maintain a City Park at 1470, 1480, 1490 Mayfield Road located in the City of Alpharetta.

Public Comment

None

- ❖ *Council Member Binder offered a motion to approve the MOU Between Alpharetta and Milton For the Acquisition of Land To Be Jointly Owned and Operated As a Passive Park*
 - *The motion received a second from Council Member Gilvin*
 - *The motion was approved 7-0*

D. Approval of Service Delivery Strategy Agreement

- City Attorney, Sam Thomas, provided a brief summary of the request
- Several years ago the North Fulton County Cities began reviewing the various components for the delivery of services under the Service Delivery Strategy Agreement ("SDSA") then existing between Fulton County and cities within Fulton County. All the cities including those newly created (14 in total at the time) offered several recommendations to Fulton County in an attempt to revise the SDSA. Eventually, Fulton County filed a lawsuit requesting the Court to intervene. The Court referred the matter to mediation. At various times the City of Alpharetta has been represented in negotiations by the City Administrator, City Director of Finance and City Attorney. After many years of mediation and continued negotiations and by way of various IGAs, MOUs and other agreements an SDSA has been prepared. The full document, which consists of over 1,500 pages, is presented to this meeting. The Agreement is being approved by the cities this month and will then be approved by Fulton County. Following that the Agreement will be presented to Georgia Department of Community Affairs.
- In summary, the Agreement states the City of Alpharetta shall self-provide the following services either through its general fund, grants, and/or customer contracts:

Arts Programs	Environment Regulations
911 Services	Parks and Recreation
Communications (non 911)	Senior Centers
EMS	Street Construction/Maintenance
GIS Mapping	Building Inspection/Permits
Municipal Court	Code Enforcement
Fire	Storm Water
Police	Recycling Programs/Curbside
Solicitor	Solid Waste
Economic Development	Yard Waste

- Fulton County will continue to provide sewer and water system services, and pursuant to IGAs, animal control, jail services and elections.

- The City Attorney approves the form and content of the Collective Agreement.
- The City Attorney read the Resolution aloud

Public Comment

None

- ❖ *Council Member Kennedy offered a motion to approve the Resolution*
 - *The motion received a second from Council Member Owens*
 - *The motion was approved 7-0*

IX. WORKSHOP

A. Truck Routes

- Director of Public Works, Pete Sewczwicz, came forward to discuss this item along with staff from the Department of Public Safety
- This item will come forward for formal consideration at a later Council Meeting

X. PUBLIC COMMENT

None

XI. REPORTS

- Council Member Merkel recognized Council Member Binder for receiving an award at the recent District Conference as President of the Alpharetta Rotary and the Alpharetta Chapter received an award for being 'Club of the Year'.

XII. ADJOURNMENT

- ❖ *Mayor Belle Isle adjourned the meeting at 7:39 p.m.*

Respectfully Submitted,



Coty Thigpen, City Clerk