



City Council Meeting & Public Hearing

JUNE 4, 2018

Office of the City Clerk

ALPHARETTA CITY HALL

COUNCIL CHAMBERS

2 PARK PLAZA

*This summary is provided as a convenience and service to the public, media and staff. It is not the intent to record proceedings verbatim. Any reproduction of this summary must include this notice. Public comments are noted as heard by Council, but not quoted or paraphrased. This document includes limited presentation by Council and invited speakers in **summary** form. **This is not an official record** of the Alpharetta City Council Meeting proceedings. Official Minutes are recorded and available for review.*

I. CALL TO ORDER

❖ *Mayor Gilvin called the meeting to order at 6:30 PM*

II. ROLL CALL

- Council Members
 - o Mayor Jim Gilvin
 - o Mayor Pro Tem Donald F. Mitchell (absent)
 - o Jason Binder
 - o Ben Burnett
 - o John Hipes
 - o Dan Merkel
 - o Karen Richard
- Staff
 - o Bob Regus, City Administrator
 - o Coty Thigpen, City Clerk
 - o Sam Thomas, City Attorney
 - o James Drinkard, Asst. City Administrator
 - o Peter Sewczwicz, Director of Public Works
 - o John Robison, Deputy Director of Public Safety
 - o Morgan Rodgers, Director of Recreation and Parks
 - o Randy Bundy, Director of Information Technology
 - o Kathi Cook, Director of Community Development
 - o Michael Woodman, Senior Planner
 - o Tom Harris, Director of Finance
 - o Shawn Mitchell, Budget Manager

III. PLEDGE TO THE FLAG

IV. PROCLAMATIONS AND PRESENTATIONS

A. Arts Alpharetta Presentation

V. CONSENT AGENDA

A. Financial Management Report: Month Ending April 30, 2018

❖ *Council Member Binder offered a motion to approve the Consent Agenda*

- *The motion was seconded by Council Member Merkel*
- *The motion was approved unanimously 6-0*

VI. PUBLIC HEARING

A. CU-18-02 It's My Party Rentals/South Main Street

(NOTE: This item has been deferred at the request of the applicant and will not be heard until the June 18, 2018 Public Hearing)

B. CLUP-18-01/Z-18-01/CU-18-03/V-18-01 Atlanta Senior Care Services

(NOTE: This item has been withdrawn at the request of the applicant and will not be considered)

C. V-18-05 Target North Point/Sign Variance

- Director of Community Development, Kathi Cook, came forward to present this item on behalf of staff
- Staff recommends approval of V-18-05 Target North Point/Sign Variance, subject to the following conditions:
 1. Wall sign location, size, type and colors shall be limited to submitted plans, with final approval by Staff.
 2. No additional wall signs shall be permitted.
- The applicant, Justin Houston with Kimley-Horn & Associates, requests consideration of a sign variance to allow an additional wall sign, for a total of two (2) wall signs, on the north elevation of Target. One sign is for Target and the other sign is for CVS Pharmacy, which is a separate entity operating inside the Target building. The Unified Development Code (UDC) allows one (1) wall sign per road frontage and one (1) wall sign per elevation. The subject property is located at 6000 North Point Parkway at the southwest corner of North Point Parkway and Haynes Bridge Road.
- The submitted request, if approved, would allow two (2) wall signs on the front elevation of the Target building. One sign is for Target and the other sign is for CVS Pharmacy, which is a separate entity operating inside the Target building. The Unified Development Code (UDC) allows one (1) wall sign per road frontage and one (1) wall sign per elevation. The subject property is located at 6000 North Point Parkway at the southwest corner of North Point Parkway and Haynes Bridge Road.
- UDC Section 2.6.12 (B)(2) Shopping Centers (more than 50,000 sq. ft. enclosed leasable space),

Canopy Signs and Wall Signs allows one (1) wall sign per each tenant space no greater than one square foot (1 sq. ft.) of area per one linear foot (1 ln. ft.) of tenant frontage. Corner tenants are permitted an additional wall sign. In addition to North Point Parkway, Target also has road frontage on Haynes Bridge Road. However, the building sits nearly 30' higher than Haynes Bridge Road and a 75' tree buffer screens the building from Haynes Bridge Road. Since the tenant space is nearly 400', the total wall sign area is restricted to the maximum permitted for commercial properties, which is 156 square feet.

- The additional wall sign for CVS Pharmacy is proposed to be 10.83 square feet and is illuminated. The Target bullseye logo wall sign is 94.98 square feet and is not illuminated. If approved, the total wall sign area on the front elevation would be 105.81 square feet, which is below the maximum permitted sign area of 156 square feet.
- Staff has reviewed the application and is in general agreement with the requested sign variance. The sign variance criteria have been met and the applicant's request should not impact surrounding properties. The Target building is screened from Haynes Bridge Road with a 75' tree buffer and the building is set back over 700' from North Point Parkway, making it difficult to see from North Point Parkway. In addition, the applicant is permitted a maximum wall sign area of 156 square feet, of which the applicant proposes
- 105.81 square feet in wall sign area for the two (2) signs. Conditions are recommended limiting the size, location and type of signs permitted, as well as restricting additional wall signs on the building.
- The applicant notified adjacent property owners of the sign variance request and intent for the property. The citizen participation report states that no comments were received.
- Applicant, from Kimley Horn came forward

Public Comment

None

❖ *Council Member Richard offered a motion to approve V-18-05 Target North Point/Sign Variance subject to the following conditions:*

- 1. Wall sign location, size, type and colors shall be limited to submitted plans, with final approval by Staff.*
 - 2. No additional wall signs shall be permitted.*
- *The motion was seconded by Council Member Binder*
 - *The motion was approved 5-1; Burnett voting no*

D. V-18-04 11450 Maxwell Road/Setback Variance

- Senior Planner, Michael Woodman, came forward to present this item on behalf of staff
 - Staff recommends approval of V-18-04 11450 Maxwell Road/Setback Variance, subject to the following conditions:
1. Side setback along northern property line shall be reduced to 1.47' for the existing encroachment depicted on the survey prepared by Grant Shepherd & Associates, Inc., dated 5/16/2017.
 2. Property owner shall secure a land disturbance permit and building permits for all improvements (buildings, retaining walls, site improvements, etc.) constructed without permits within 120 days from approval of the variance. If permits are not secured within 90 days, variance approval shall revert.
 3. Property owner shall install required parking lot screening and landscape strip along Maxwell Road, as approved by Staff. Landscaping shall be installed within 90 days from approval of the variance.

4. There shall be no outside storage between the principal building and Maxwell Road, except that vehicles may be stored/parked on a Code-compliant parking space. Vehicles shall not be parked on the grass.
 5. Dumpster shall be contained at all times within a dumpster enclosure. Dumpster enclosure shall be screened from Maxwell Road.
 6. Re-sod the disturbed area near the entrance driveway.
 7. Remove temporary yard sign advertising 'Unisex Haircut'.
 8. The property shall not be used for residential use.
- The applicant, David Kahn, is requesting consideration of a variance to reduce the 15' side setback in the LI (Light Industrial) district to allow an accessory structure (garage) to be 1.47' from the side property line. The applicant constructed the structure without a building permit and has requested the setback variance to allow the structure to remain in its current location. The subject property is located at 11450 Maxwell Road on the west side of Maxwell Road and north of Encore Parkway.
 - The submitted request, if approved, would allow an accessory structure (garage) to remain in its current location, which is 1.47' from the side property line. The applicant indicates that he unknowingly constructed the structure without the required permits. The subject property is located at 11450 Maxwell Road on the west side of Maxwell Road and north of Encore Parkway.
 - The subject property is developed with a 1-story, 2,152 square foot structure on 1.02 acres. The property is zoned LI (Light Industrial) and is being used for the applicant's 'Automotive Service' business Tire & Brake Deals. A 'Barber/Beauty Shop' also operates on the property. Surrounding properties are zoned LI, including Waste Management – Alpharetta Transfer Station to the east, Metropolitan Ballet Theatre to the north, undeveloped LI parcel to the south and Hembree Center Small Business Park to the west.
 - The Unified Development Code (UDC) requires a 15' side building setback in the LI (Light Industrial) zoning district, which applies to both the principal and accessory structures. The survey depicts a 35' x 9' (315 square foot) concrete block structure as close as 1.47' from the side (north) property line. According to the applicant, the structure serves as storage for automotive repair equipment and parts. The accessory structure is approximately 90' away from the nearest building on the adjacent property to the north. In addition, a line of trees along the north property line provides some screening of the accessory structure from the adjacent property.
 - Setback variances for structures that were already built have been approved in the past. A setback variance was approved at 255 Clipper Bay Drive for a home that was constructed within the side building setback due to a surveying error. In addition, the Board of Zoning Appeals granted a rear setback variance at 4325 Harbour Cove Court for a sunroom built without the required permits.
 - Staff has reviewed the application and is in general agreement with the requested setback variance with conditions requiring the applicant to secure the proper permits, as well as installation of the required landscape strip along Maxwell Road and parking lot screening. According to the applicant, the adjacent property owner to the north does not have concerns with the requested setback variance to allow the accessory structure to remain 1.47' from the side property line.
 - The applicant notified surrounding property owners of the variance request and intent for the property. The citizen participation report states the applicant spoke to a few neighboring property owners, of which none had any concerns or issues with the applicant's requested setback variance. The applicant reached out to the property owners of the parcel to the north (11460 Maxwell Road), which is closest to the structure in question. According to the report, the adjacent property to the north did not have any concerns or issues with the accessory structure being constructed too close to the side property line.

Public Comment

None

❖ *Council Member Richard offered a motion to table V-18-04 11450 Maxwell Road/Setback Variance for 2 weeks*

- *The motion was seconded by Council Member Merkel*
- *The motion was approved unanimously 6-0*

VII. NEW BUSINESS

A. Repairs to Parking Deck Elevators

- Director of Public Works, Pete Sewczwicz, came forward to present this item on behalf of staff
- Staff recommends approval of ThyssenKrupp's proposal in the amount of \$126,815.00 to furnish materials and labor to repair both elevators in the City's Parking Deck and authorize the Mayor to execute all necessary documents.
- Since the opening of the parking deck at City Center in 2014, we have experienced numerous issues with the two elevators in that facility. Issues have ranged from elevators not responding when called to the magnets that tell the elevators where they are (what floor, etc.) within the elevator shaft shifting and causing the elevator to become stuck between floors. Because of the ongoing issues and the inability of the elevator company that installed the system to fully resolve the issues with a reasonable level of consistency or reliability, the City selected a new vendor to provide elevator service shortly after the warranty on the elevators ended.
- Over the last several months our current elevator maintenance contractor, ThyssenKrupp, has been on-site multiple times to troubleshoot issues related to the two elevators in the parking deck. The contractor determined that the issues that were being experienced were symptomatic of a larger issue and recommended that a series of tests be run to identify the causal factor(s).
- Most recently the vendor performed a no-load pressure test of the in-ground hydraulic jack system that runs each elevator. The test involves raising the elevator to the top of the shaft and "parking" it. Measurements are then taken to determine if the elevator changes position over a period of 30 minutes. A properly functioning elevator will not drop at all. If the elevator changes position (downward) and the change cannot be explained by visible oil leakage, leakage through the control valve or temperature change, a leak is occurring in the portion of the cylinder or piping below ground.
- Unfortunately our elevators dropped about 3/4" in 30 minutes, which is unacceptable. The vendor believes if the elevator had any amount of weight in it, the elevator may have dropped more than 2". Due to this issue the two elevators in the Parking Deck were permanently shut down on May 2, 2018.
- When the no-load test was performed, technicians from ThyssenKrupp, noticed fluid was leaking from the hydraulic cylinders. Public Works staff met with the vendor to discuss the options the City has. Option one costs \$70,510 and involves sealing the cylinders via welding. Upon a detailed inspection, if welding is not an option then the City moves to Option 2 - replacement of the hydraulic cylinders at a cost of \$126,815.
- Option 1 will take several weeks to complete; the total time required being dependent upon the magnitude and amount of welding that needs to be accomplished. Option 2 requires approximately 10 weeks to complete. This is due to the fact the hydraulic cylinders need to

be fabricated (approximately 8 weeks) and another 2 weeks for installation.

- The elevators in the parking deck cannot be safely reopened until the repairs are completed.
- While the elevators are no longer under warranty, Staff is researching the issue and will consult with the City Attorney to determine if the original installer may have any financial liability with respect to this issue. If such liability exists, Staff will advise City Council and make recommendation with respect to the viability of recouping some or all of the costs incurred for these repairs.

Public Comment

None

❖ *Council Member Burnett offered a motion to approve ThyssenKrupp's proposal in an amount not to exceed \$126,815.00 to furnish materials and labor to repair both elevators in the City's Parking Deck and authorize the Mayor to execute all necessary documents*

- *The motion was seconded by Council Member Richard*
- *The motion was approved unanimously 6-0*

VIII. WORKSHOP

A. Presentation and Discussion: Recommended Fiscal Year 2019 Budget (operations/capital)

- Director of Finance Tom Harris and Budget Manager Shawn Mitchell came forward to present this item on behalf of staff
- The purpose of this presentation is to provide an overview of the Recommended Annual Operating and Capital Budget (the "FY 2019 Budget") and allow for a question and answer dialogue.
- The Fiscal Year 2019 Budget was distributed electronically to the City Council on April 30, 2018, and is available on the City's website through the financial transparency portal (OpenGov) and as a downloadable pdf document.
- The Finance Department presented an overview at the May 7th and 21st City Council meetings.
- This meeting will focus on the overall budget including operations and capital.
- Public hearings and City Council action on the FY 2019 budget and millage levy are tentatively scheduled as follows:

Budget:

June 11, 2018 - Public Hearing and 1st reading of Budget Ordinance
June 18, 2018 - Public Hearing and 2nd reading of Budget Ordinance

Millage:

July 16, 2018 (11:30am) - Public Hearing

July 16, 2018 (6:30pm) - Public Hearing and 1st reading of Millage Ordinance

July 23, 2018 (6:30pm) - Public Hearing and 2nd reading of Millage Ordinance

B. PH-18-04 Unified Development Code Text Amendments/PSC District

Consideration of text amendments to Unified Development Code, Article II to amend the Planned Shopping Center (PSC) zoning district to add 'Dwelling, 'For-Sale' Attached/Detached, Residential' and 'Dwelling, 'For-Rent', Residential' as a conditional use.

- Director of Community Development, Kathi Cook, came forward to present this item on behalf of staff
- Item will come forward for formal consideration at a future Council Meeting

IX. PUBLIC COMMENT

None

X. REPORTS

- Council Member Burnett thanked Director Robison and Director Sewczwicz for their efforts to manage the impact of the recent major road closures
- Council Member Burnett also announced that there will be a forthcoming Council Workshop with Information Technology Director Bundy on 5G technology
- Mayor Gilvin – welcomed the new Wellstar campus to Alpharetta and congratulated them on their groundbreaking today

XI. ADJOURNMENT TO EXECUTIVE SESSION

- ❖ *Council Member Merkel offered a motion to adjourn to Executive Session*
 - *The motion was seconded by Council Member Binder*
 - *The motion was approved unanimously 6-0*

Respectfully submitted,

A handwritten signature in black ink that reads "Coty Thigpen". The signature is written in a cursive, flowing style.

Coty Thigpen, City Clerk