



# Official City Council Meeting Minutes

October 22, 2018

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.

### I. CALL TO ORDER

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

### II. ROLL CALL

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

- Tom Harris, Director of Finance
- Shawn Mitchell, Budget Manager

### III. PLEDGE TO THE FLAG

### IV. PROCLAMATIONS AND PRESENTATIONS

#### A. Battle On The Border Trophy Presentation

### V. PUBLIC HEARING

#### A. MP-18-08/CU-18-19 Hyatt House Extended Stay Hotel/Preston Ridge

(Note: This item was deferred at the request of the applicant and will not be heard until the November 26, 2018 Council Meeting)

#### B. V-18-12 878 Third Street/Hot Tub Variance

(Note: This item has been Withdrawn by Staff. It will no longer be considered.)

#### C. PH-18-05 Unified Development Code Text Amendments/Fire Pit & Clearing and Grading Regulations

(Note: This item has been deferred to the November 5, 2018 City Council Meeting and will not be considered at this meeting.)

#### D. PH-18-13 Unified Development Code Text Amendments - Wireless Telecommunications Facilities

(Note: This item was tabled by the Planning Commission on October 12, 2018. It will not be considered at this meeting)

#### E. Z-18-05 / E-18-07: Kairos Old Milton LLC / DT-LW

- ❖ Council Member Richard offered a motion to remove from the table.
  - The motion received a second from Mayor Pro Tem Mitchell
  - The motion was approved unanimously 7-0
- Director of Community Development, Kathi Cook, came forward to present this item.
- Staff recommends Mayor and Council approve Z-18-05/E-18-07 Kairos/Old Milton Parkway, subject to the following conditions:
  1. The site, consisting of approximately 2.163 acres, shall be zoned DT-LW and developed substantially similar to site plan submitted by Paradigm Engineering Services, Inc., revised 8/20/2018, except for modifications required to comply with the conditions below. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.
  2. Maximum building height shall be 3 stories and 48' for Building 'A'. Maximum building height shall be 3 stories and 44' for Building 'B'.
  3. Minimum building setbacks shall be:
    - a. Front – 20'
    - b. Side – 0' (min. 10' between structures)

c. Rear – 3’

4. Architecture and materials shall be developed similar to the submitted renderings, except for modifications required to comply with these conditions and Downtown Consultant comments, and in compliance with the Alpharetta Downtown Code, subject to approval by the DRB.
  5. Final streetscape shall match the approved Downtown streetscape standards and include decorative pedestrian lighting as approved by Staff.
  6. Street trees shall be required along Old Milton Parkway within the beauty strip (as approved by GDOT), as well as behind the sidewalks as a continuation of what has been previously planted or designed in the Downtown and outside of any utility easements, as approved by Staff. In lieu of tree grates, the soil area around street trees shall be planted with evergreen ornamental grasses, groundcovers and/or shrubs.
  7. Amenity spaces shall be developed with a park-like setting with heavy decorative landscape, hardscape, walls and seating. The landscape shall include plant selections promoting the historic district. Developer shall remove exotic and invasive trees and shrubs within the area called out as amenity space at the rear of the property, as approved by Staff.
  8. Planting beds shall be required in front of buildings to accommodate shrubs and vines.
  9. The project entrance shall include a decorative knee wall and shall be heavily landscaped with ornamental plantings as approved by Staff. Landscape, hardscape, fences and walls shall complement materials used in the Downtown, as approved by Staff. Creeping fig or another creeping vine shall be planted to cover decorative and retaining walls as approved by Staff.
  10. Developer shall save trees as depicted on the plan prepared by Paradigm Engineering Services, Inc., revised 8/20/2018. In addition, developer shall save the following trees: #21 (37” Water Oak), #31 (38” Water Oak) and 20” Black Walnut. City Arborist may approve up to a 20% encroachment into the CRZ with additional tree care to offset the encroachment, as approved by Staff.
  11. Developer shall plant 6” (min.) caliper Willow Oaks, or other species approved by Staff, for every 50’ of frontage along Old Milton Parkway.
  12. Off-site tree encroachment shall be limited to no more than 20% on the CRZ and shall require notification/approval by property owner, as approved by administrative variance.
  13. Decorative paver aprons shall be required at project driveway(s), as approved by Staff.
  14. All new utilities shall be placed underground.
  15. Traffic study shall be required at LDP evaluating SR120/Haynes Bridge, SR120/Kingry and SR120/site driveway to determine if signal control changes are necessary, as well as appropriate driveway configuration.
- The applicant, Kairos Development Corporation, is requesting a rezoning of 2.163 acres from O-I (Office-Institutional) and R-12 (Dwelling, ‘For-Sale’ Residential) to DT-LW (Downtown Live-Work) to allow for the construction of a 30,000 square foot office building and a 22,260 square foot office building with a 3,000 square foot rooftop restaurant wrapping a parking deck.
  - An exception is requested to increase the building height of the 30,000 square foot office building from 40’ to 48’ and to increase the height of the 22,260 square foot office building from 3 stories and 40’ to 4 stories and 56’. The subject property is located at 2260, 2270 & 2300 Old Milton Parkway on the north side of Old Milton Parkway east of Haynes Bridge Road.

- The submitted request, if approved, will allow for the construction of a 30,000 square foot office building and a 22,260 square foot office building with 3,000 square foot rooftop restaurant wrapping a parking deck on 2.163 acres. The applicant proposes rezoning of the property from R-12 and O-I to DT-LW, as well as an exception to increase the building heights from three (3) stories and 40' to three (3) stories and 48' and four (4) stories and 56'. The subject property is located at 2260, 2270 & 2300 Old Milton Parkway on the north side of Old Milton Parkway east of Haynes Bridge Road.
- The subject property represents three (3) parcels of land, of which two (2) parcels are zoned O-I and one (1) is zoned R-12. The O-I properties are developed with a crematory and a former home that was converted to an office. The R-12 property is undeveloped. Surrounding properties are zoned DT-LW to the north, O-I to the east, O-I and R-12 to the south and C-2 to the west.
- Property owned by River Rock Development, LLC is located to the west, Thompson Street Flats (Kairos Development) to the north, State Bank to the east and My First Academy daycare and undeveloped land to the south. The proposed use is consistent with the Comprehensive Land Use Plan designation of the property, which is 'Mixed Use Live Work'.
- As shown in the table below, the applicant's proposed non-residential density is consistent with other Downtown developments. The applicant proposes 52,260 square feet of office and 3,000 square feet of restaurant, which represents a non-residential density of 25,583 square feet per acre. The applicant proposes structured parking, which helps off-set the higher density by providing more greenspace.
- An exception is requested from Appendix A: Alpharetta Downtown Code to increase the maximum building height allowed in the DT-LW district, which is three (3) stories and 40'. Building 'A' (30,000 square foot office building) is proposed to be three (3) stories and 48' and Building 'B' (22,260 square foot office building) is proposed to be four (4) stories and 56' to allow for a 3,000 square foot rooftop restaurant.
- The applicant provided an exhibit depicting Building 'A' with a 20' ground-floor and 14' 2nd- and 3rd-floors. Building 'B' has a 15' ground-floor, 14' 2nd and 3rd-floors and 13' 4th-floor. Larger ground floor heights are encouraged in the Downtown.
- Building heights along Old Milton Parkway and Thompson Street in the vicinity of the applicant's property typically do not exceed 40'. However, there are a few exceptions including the applicant's property to the north that received a height exception to 48', Old Milton Holdings – Liberty Village allows up to 45', City Center mixed use buildings are 60' and City Hall is 86'.
- The submitted site plan depicts a 4-story, 22,260 square foot office building (Building 'B') with a 3,000 square foot rooftop restaurant wrapping a 3-level parking deck on the western half of the property and a 3-story, 30,000 square foot office building (Building 'A') on the eastern half of the property. Both office buildings comply with the maximum permitted building footprint (10,000 square feet) in the DT-LW district.
- One (1) project driveway is depicted on Old Milton Parkway at the midpoint of the property frontage. 198 parking spaces are depicted within a 3-level parking deck, of which the UDC would require a total of 163 parking spaces for the proposed uses. A ten-foot (10') sidewalk is depicted along Old Milton Parkway and a 50' undisturbed buffer is proposed on the applicant's property to the north. Minimum building setbacks are consistent with the DT-LW development standards and other developments along Old Milton Parkway.
  - Front (Old Milton Parkway) – 20'
  - Side – 0'
  - Rear – 3'
- The applicant's site plan depicts 11,819 square feet, or 12.5%, of amenity space on the site, which includes a tree save area and walking trail at the rear of the site. The applicant's site plan exceeds the

minimum 10% amenity space required in the DT-LW district. If approved, amenity areas should be improved with landscape and hardscape to provide gathering and seating areas.

- There are several trees on the subject property, consisting primarily of Hardwoods. Specimen trees are generally located along Old Milton Parkway and at the rear of the property. Half of the specimen trees identified on the property are listed in 'Poor' condition. Staff initially had concerns with the applicant's site plan, which did not save many trees. The applicant revised the site plan to incorporate additional tree save areas, including along Old Milton Parkway and at the rear of the property.
- The tree save area at the rear of the property adjoins a large tree save area on the applicant's adjacent property to the north. A 'Good' condition large specimen tree is proposed to be removed for the building and from impacts due to a decal lane and sidewalk along Old Milton Parkway. Underground detention is depicted within the pervious paver plaza area located between the buildings.
- The applicant's proposed renderings reflect Beaux Arts architectural style, which is an approved style in the Downtown Overlay. Building 'A' is depicted to have a 110' façade length and Building 'B' a 200' façade length. Both buildings having classic retail storefronts on the ground floor and are primarily brick.
- The office buildings comply with the 200' maximum façade length for 'General Building' type in the Downtown. Initially, Building 'B' was shown with a shorter façade length, but the parking deck was exposed to Old Milton Parkway. In an effort to screen the parking deck, the applicant extended Building 'B'.
- Teasley Place has a façade length of 200' along Milton Avenue and 255' along Canton Street, City Center mixed use buildings have a façade length of 240' along Academy Street and Commerce Street, and Liberty Village has façade lengths up to 225' along Old Milton Parkway.
- The City's Downtown Consultant reviewed the proposed building elevations and finds the buildings to be generally in compliance with the architectural, material and building design regulations in the Downtown Code. The following comments were provided by the Downtown Architect:
  - Need side and rear elevations, as well as floor plans
  - Difficult to understand the overall massing of Building 'B'
  - What is the extent of the penthouse floor? What are the materials and details of the penthouse?
  - Small balconies are difficult to understand without seeing floor plan and side views
  - Need more detail on parapet
  - Need more detail on glass railing, not convinced it works with building architecture
- The applicant provided a trip generation report, which shows that the proposed development would generate 151 PM Peak Hour trips.
- Staff has reviewed the applicant's proposal and finds that it can generally support the applicant's request for rezoning and height exception, if conditions are placed on the approval limiting the maximum height of both buildings to three (3) stories and 48'. The zoning proposal is consistent with the vision of the Downtown Master Plan and the City's Comprehensive Plan.
- The request to increase the building height by eight (8) feet to 48' is consistent with regulations in the Downtown Code, which encourage larger ground-floor heights. Although a rooftop restaurant is a desirable use in the Downtown, there is not enough information about the restaurant to justify the requested additional building story nor could Staff find similar approvals in the immediate area.

- The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that a few of the neighbors support the request and no concerns have been received.

**Public Comment**

None

- ❖ Council Member Richard offered a motion to approve Z-18-05/E-18-07 Kairos/Old Milton Parkway, subject to the following conditions:
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13. Decorative paver aprons shall be required at project driveway(s), as approved by Staff.

14. All new utilities shall be placed underground.

15. Traffic study shall be required at LDP evaluating SR120/Haynes Bridge, SR120/Kingry and SR120/site driveway to determine if signal control changes

16. Developer shall provide City approved bus shelter at the existing MARTA bus stop adjacent to the applicant's property as approved by staff

- The motion received a second from Mayor Pro Tem Mitchell
- The motion was approved unanimously 7-0

## VI. OLD BUSINESS

### A. PH-18-04: Unified Development Code Text Amendments / PSC, MU and North Point Overlay District *(2nd Reading)*

- Director of Community Development, Kathi Cook, came forward to present this item.
- Staff recommends Mayor and Council approve text amendments to the Unified Development Code as it relates to the PSC (Planned Shopping Center) and MU (Mixed Use) zoning districts and creation of North Point Overlay regulations.
- Consideration of text amendments to Unified Development Code (UDC) Subsection 2.2.16 PSC Planned Shopping Center District, Subsection 2.2.20 MU Mixed Use District and new Section 2.10 North Point Overlay.
- The North Point LCI includes a vision for the area to become a walkable, mixed-use EcoDistrict with connections to greenspace and between uses and alternative modes of travel. Most properties in the North Point LCI are zoned PSC, which currently does not permit residential uses.
- Text amendments are proposed to the PSC district to add 'Dwelling, 'For-Sale', Attached and Detached' and 'Drug Store (Pharmacy)' as conditional principal uses, as well as review criteria for considering master plans in the PSC district.
- Text amendments are proposed to the MU district to add 'Grocery Store', 'Drug Store (Pharmacy)' and 'Hardware Store' as conditional uses, amend open space requirements, mixed use percentages, district regulations.
- North Point Overlay regulations have been created to address a variety of development standards, including use and density, placemaking, site regulations, streets, parking, landscaping and screening, building design, signs, open space, and EcoDistrict measures.

## Public Comment

- Den Webb, 1230 Peachtree St, Atlanta, GA, came forward to speak on this item
- ❖ Council Member Richard offered a motion to approve the text amendments to the Unified Development Code as it relates to the PSC (Planned Shopping Center) and MU (Mixed Use) zoning districts and creation of North Point Overlay regulations per the Ordinance as read by City Attorney
  - The motion received a second from Council Member Hipes
  - The motion was approved unanimously 7-0

## VII. WORKSHOP

### A. Northside Hospital Sponsorship

- Director of Recreation and Parks, Morgan Rodgers, came forward to present this item.
- Staff recommends Mayor and Council Staff approve the sponsorship plan as outlined, with a MOU to be written and brought back to Council for final approval.
- Northside Hospital has proposed a three year sponsorship program focusing on the Health and Wellness aspects of the parks and programs. Northside would provide the City of Alpharetta \$50,000.00 per year for three years. In return, the City would enhance/develop facilities at Wills Park Wacky World Playground, at Wills Park Trail Head and at the Alpharetta Greenway Trail Head, and fund free quarterly fitness programs throughout the City of Alpharetta during the three year program. Signs would be installed at each of the three facilities during the first year. Appropriate signage will be placed at the site of the sponsored programs and through appropriate social media.

### Public Comment

None

### B. MOU with the City of Johns Creek for certain Recreation Programs

- Director of Recreation and Parks, Morgan Rodgers, came forward to present this item.
- Staff recommends Mayor and Council In 2017, Alpharetta and Johns Creek continued the MOU establishing a program to waive non-resident fees for selected youth recreational sports programs: Youth Softball, Youth Baseball, and Youth Lacrosse. This MOU will expire before the Spring 2019 season and needs to be renewed. This MOU allows citizens from both cities to choose where they would like to participate in the above programs, without concern for city limit restrictions. All participating Athletic Associations (Alpharetta Youth Softball Association, Newtown Recreation and Ocee Park Athletic Associations are in favor of continuing the MOU. Alpharetta Staff have meet with Johns Creek staff and the renewing of the MOU is being done concurrently in both cities. The Alpharetta Recreation Commission voted unanimously at their October 9, 2018 meeting to approve the renewal of the MOU

### Public Comment

None

### C. Renewal of Lease and Management Agreement with the YMCA

- Director of Recreation and Parks, Morgan Rodgers, came forward to present this item.
- Staff recommends Mayor and Council Staff recommends approval of the updated Lease and Management Agreement with the YMCA
- The City of Alpharetta and the Ed Isakson YMCA entered into a Lease and Management Agreement in March, 2007 to lease certain City property to the YMCA, allow for public access to the Greenway and provide program activity by the City. The City and the YMCA wish to amend and modify the Agreement to allow the two entities to work collaboratively to serve the residents of Alpharetta, to fulfill unmet needs, to provide scholarships to those residents otherwise unable to participate and to enhance the range and quality of programs and services in the community. The City Attorney has reviewed the document and has approved the form of the document. The Recreation Commission approved the renewal at their September Meeting.

**Public Comment**

None

**D. Eastside Community Center**

- Director of Recreation and Parks, Morgan Rodgers, came forward to present this item.
- As part of the 2016 Bond Issue, \$2.5 million dollars was allotted for an Eastside Community Center. Various sites and scenarios were studied, but proved to either be unbuildable or exceed the budgeted amount.
- The YMCA developed a proposal to expand their current footprint, and allocate the area as community space. The space would be jointly programmed between the YMCA staff and the City of Alpharetta staff. Such usage would be covered under the Lease and Management Agreement between the City of Alpharetta and the YMCA.

**Public Comment**

None

**VIII. PUBLIC COMMENT**

- Ruth Ann Tatum, 250 Pebble Trail, Alpharetta, GA came forward to remind the public that the Alpharetta is an early voting location and encouraged everyone to vote

**IX. REPORTS**

- Council Member Richard – Reminded the public that David Shostak, of the City’s Community Development Department, will be having a Community Meeting this Thursday night at 7:00PM at City Hall to review findings of a recent study on trees and stormwater.
- Council Member Burnett brought up a question, as a point of privilege, about the City’s policy on political activity/events on City property. The item will come forward at a future workshop to discuss any potential amendments to the current policy/practice.

**X. ADJOURNMENT**

❖ *Mayor Gilvin adjourned the meeting at 7:26 p.m.*

Respectfully submitted,

*Coty Thigpen*

Coty Thigpen, City Clerk