



City Council Meeting  
December 17, 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 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, 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

### III. PLEDGE TO THE FLAG

### IV. CONSENT AGENDA

#### A. Council Meeting Minutes (Meeting of 12/10/2018)

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

### V. PUBLIC HEARING

#### A. PH-18-15 Waters Chase

(NOTE: This case was withdrawn by the applicant and will be neither heard or discussed.)

#### B. PH-18-14 360 Tech Village

(NOTE: This item was deferred by the Applicant until Monday, January 28, 2019. It will not be considered at this meeting.)

#### C. MP-18-09 Encore Commons

- Director of Community Development, Kathi Cook, came forward to present this item.
- Staff recommends Mayor and Council Approve MP-18-09 Encore Commons/North Point Business Center Master Plan, subject to the following conditions (RED text below indicates changes by the Planning Commission):
  1. Property shall be developed substantially as depicted on the plan prepared by Paulson Mitchell, Inc., dated 11/29/2018, except for modifications required to comply with these conditions. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.
  2. Restaurant/Retail buildings shall be limited to no more than 17,300 square feet. Total retail square footage shall not exceed 10,500 square feet.
  3. Pod 9 uses shall be limited to restaurant, office or service retail that serves office employees as stated below:
    - a. Office (professional and medical) – Primary Use
    - b. Animal Hospital, Small Animal
    - c. Art Gallery
    - d. Associations (Clubs and Lodges)
    - e. Athletic Facility/Fitness Studio
    - f. Bakery
    - g. Barber Shop
    - h. Beauty Shop
    - i. Book Store

- j. Brewery
  - k. Dance Studio
  - l. Drug Store (Pharmacy)
  - m. Dry Cleaning, Pick-up Station
  - n. Florist
  - o. Grocery Store
  - p. Hardware Store
  - q. Laundry, Pick-up Station
  - r. Pet Grooming
  - s. Print Shop
  - t. Restaurant (without drive-through)
  - u. Retail Establishment (not to exceed 5,000 square feet)
  - v. School, Commercial
  - w. ~~Services uses associated with office, which are located within office buildings, such as athletic facility/fitness studio, food service/restaurant, print shop, laundry/dry cleaning drop off, etc.)~~
4. Maximum building setbacks from North Point Parkway and Encore Parkway shall be 10'.
  5. Building elevations shall comply with the North Point Overlay with respect to building design and material regulations and shall be subject to final approval by DRB.
  6. Developer shall improve the North Point Parkway streetscape as provided for in Section 2.10 (B) Site Regulation Table, as approved by Staff. Developer shall dedicate sufficient right-of-way to accommodate the sidewalk along North Point Parkway in the public right-of-way.
  7. Property owner shall provide a mutually agreed upon easement over 2.28-acre property owned by BRI 1870 North Point LLC (PIN 12 261006870474). Easement shall allow City to develop property as a park. Permanent easement shall satisfy EcoDistrict measures for the proposed development. If agreement is not provided, applicant shall provide other means to provide compliance with EcoDistrict measures, with final approval by Council.
  8. Pedestrian amenities including pathways, lighting, and benches should be included throughout the development and amenity areas.
  9. Applicant shall make an effort to determine if any existing landscaping (trees and shrubs) can be spaded and relocated on-site to enhance the maturity level of landscaping at time of project completion.
  10. Replace any dead, dying or missing landscape material in required landscape strips and landscape islands.
  11. Dumpster enclosures shall maintain a 50' setback from the nearest public right-of-way.
  12. New utilities shall be placed underground.

- The applicant, Sidney Howman of Paulson Mitchell, is requesting an amendment to North Point Business Center Master Plan Pod 9 to add 'Restaurant without drive-through and 'Retail sales

establishment' to the list of permitted uses to allow for the construction of a 1-story, 10,500 square foot retail building and a 1-story, 6,800 square foot restaurant building on a 13.9 acre property developed with two (2), 6-story office buildings. The subject property is located at 100 & 200 North Point Center East at the northeast corner of North Point Parkway and Encore Parkway.

- The submitted request, if approved, would allow for the construction of a 1-story, 10,500 square foot retail building and a 1-story, 6,800 square foot restaurant building on a 13.9 acre property developed with two (2), 6-story office buildings.
- The property is subject to the North Point Business Center Master Plan Pod 9, which allows office as the primary use with accessory retail service uses allowed within an office building. The subject property is located at 100 & 200 North Point Center East at the northeast corner of North Point Parkway and Encore Parkway.
- The property is zoned PSC (Planned Shopping Center) and is developed with two (2), 6-story office buildings surrounded by surface parking. Surrounding properties are zoned PSC and subject to the North Point Business Center Master Plan, except that the North Point Mall property to the east is subject to its own Master Plan.
- Non-residential uses surround the property, including office buildings owned by the applicant to the north, North Point Mall to the east, Mansell Crossing shopping center to the west and Ethan Allen and flood plain owned by the applicant to the south. The Comprehensive Land Use Plan designation of the property is 'Mixed Use', which allows the proposed uses.
- The North Point Business Center (MP-91-07) Master Plan was approved in 1991 for a 320-acre master planned office, shopping center and other retail uses. The Master Plan includes eleven (11) pods, of which six (6) pods are designated 'Office', four (4) 'Retail/Shopping Center' and one (1) 'High Density Residential'.
- Pod 9 was approved for 'Office' with a maximum building height of 20 stories and maximum density of 547,200 square feet. Condition #7 required that Pod 9 to be developed as office use only.
- However, a stipulation in the condition allowed the applicant for Pod 9 to request retail use, if the property to the west is approved for a master plan to allow retail use. The property to the west is part of the Regency Park Master Plan and is approved for retail use. As shown in the table below, there have been several amendments to the North Point Business Center Master Plan over the years.

#### **Public Comment**

None

- ❖ Council Member Richard offered a motion to approve MP-18-09 Encore Commons/Northpoint Business Center with the following changes:

- Condition #3U shall read, "Phone Store (not to exceed 5000 sq ft)"
- Condition #7 shall read, Property owner shall provide a mutually agreed upon easement over 2.28-acre property owned by BRI 1870 North Point LLC (PIN 12 261006870474) prior to land disturbance permit. Easement shall allow City to develop property as a park. Permanent easement shall satisfy EcoDistrict measures for the proposed development. If agreement is not provided, applicant shall provide other means to provide compliance with EcoDistrict measures, with final approval by Council.
- Add Condition #13 that shall read, "Applicant shall provide a pavement marking and striping plan for the existing parking lot addressing access to the retail and restaurant building including necessary wayfinding signage at land disturbance permit as approved by staff
- The motion received a second from Council Member Merkel
- The motion was approved unanimously 7-0

#### D. CU-18-11 A-1 Driving School/11940 Alpharetta Highway

- Senior Planner, Michael Woodman, came forward to present this item.
- Staff recommends Mayor and Council approve CU-18-11 A-1 Driving School/11940 Alpharetta Highway, subject to the following conditions:
  1. 'School, Commercial' shall be added as a conditional use at 11940 Alpharetta Highway, Suite 112, and limited to no more than 1,300 square feet.
  2. Conditional use approval shall be limited to A-1 Driving School; no additional 'School, Commercial' businesses or subleasing shall be permitted within the approved space.
  3. Hours of operation shall be limited to Tuesday – Thursday 10:30 AM – 6:00 PM, Friday 10:30 AM – 7:00 PM and Saturday 8:00 AM – Noon.
  4. The business shall not have outside storage or outdoor displays, including storage of vehicles associated with the applicant's business.
  5. Property owner shall install the required landscape strip along Alpharetta Highway, as approved by Staff. Landscaping shall be installed within 30 days from the approval of the conditional use.
- The applicant, A-1 Driving School, is requesting a conditional use to allow a 'School, Commercial' in a 1,300 square foot suite within an existing office/industrial center. The proposed use requires approval of a conditional use permit in the O-I (Office-Institutional) district. The subject property is located at 11940 Alpharetta Highway, Suite 112, on the north side of Alpharetta Highway just west of Wills Road.
- The submitted request, if approved, will allow A-1 Driving School to operate a

'School, Commercial' in a 1,300 square foot suite within an existing office/industrial warehouse center. The subject property is located at 11940 Alpharetta Highway, Suite 112, on the north side of Alpharetta Highway just west of Wills Road.

- The property is developed with a 1-story office/industrial warehouse building. The zoning of the property is O-I (Office-Institutional), which allows 'School, Commercial' with conditional use approval. Surrounding properties are zoned C-1 to the east, R-15 (Dwelling, 'For-Sale', Residential) to the north and C-2 (General Commercial) and O-I to the west.
- Village Park Assisted Living Facility is under construction on the property to the east, Arrowood Subdivision is to the north, Cambridge Square and Cash America Pawn to the west and City of Roswell to the south.
- The property was developed in 1988 with an 82,973 square foot office/industrial warehouse building. Suite 112 was previously part of Suite 110, which is occupied by Erin's Hope for Friends. Other businesses occupying the building include Roswell Farmer's Market and North Fulton Compounding Pharmacy. There are sufficient parking spaces to serve the uses on the property.
- Unified Development Code (UDC) Section 1.4.2 defines 'School, Commercial' as, "Any building or part thereof which is designed, constructed or used for education or instruction in any branch of knowledge or vocational pursuit, other than an academic school."
- A-1 Driving School has been in business since 1987 with 19 locations in the Atlanta metro area, including a previous location at 11060 Alpharetta Highway in Roswell. The applicant's business provides DUI School and Risk Reduction classes, defensive driving courses, driver's education and driving lessons.
- According to the applicant, the business will be served by one (1) employee with approximately 1 – 3 clients per day Tuesday – Friday and approximately 10 clients on Saturdays. Hours of operation are Tuesday – Thursday 10:30 AM – 6:00 PM, Friday 10:30 AM – 7:00 PM and Saturday 8:00 AM – Noon.
- GDOT has a roadway project along Alpharetta Highway, which will include a 10' multi-use sidewalk along the frontage of the subject property. The GDOT project will not require additional right-of-way from the property, only temporary construction easements to facilitate the re-construction of the driveways. The existing strip of land between the sidewalk and parking lot along Alpharetta Highway will remain, which provides sufficient planting area to accommodate landscape strip material.
- City Staff has reviewed the applicant's proposal and finds that it can generally support the request for conditional use. The request is not in conflict with the established review criteria for a conditional use. However, it is recommended that conditions be established as part of this application that regulate and limit any expansion of the business.
- Development along the South Main Street Corridor is typically auto-oriented, free-standing businesses with separate parking lots and curb cuts. Properties along the South Main Street Corridor generally lack aesthetic improvements and property maintenance. Given the property's location at the southern entrance into the City, conditions are recommended requiring aesthetic improvements.

- The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that no comments were received.
- The CZIM was held on November 14, 2018. There were no comments left on the sign-in sheet.

#### Public Comment

None

- ❖ Council Member Richard offered a motion to approve the CU-18-11 A-1 Driving School/11940 Alpharetta Highway, subject to the staff conditions
  - The motion received a second from Council Member Hipes
  - The motion was approved unanimously 7-0

#### E. MP-18-10 Notting Hill of Alpharetta

NOTE: This item has been deferred at the request of the applicant. It will be neither heard nor discussed during this meeting. The case will be placed on the January 14, 2018 City Council agenda.

### VI. NEW BUSINESS

#### A. Authorize Additional Funding to Development Authority for Tech Alpharetta

- City Administrator, Bob Regus, came forward to introduce this item
- Karen Cashion, CEO of Tech Alpharetta, came forward to answer questions from Mayor and Council
- Council Member Burnett suggested increasing the funding to a total amount of \$39,534.00 to bring the funding in line with the end of the fiscal year
- Council Member Binder requested that we implement metrics to effectively evaluate their deliverables to be presented in mid-February

#### Public Comment

None

- ❖ Council Member Burnett offered a motion to extend city support for Tech Alpharetta through the end of fiscal year (June 30, 2019) and move \$18,700 from unallocated capital to cover the extended time period in addition to the \$20,834 for a total of \$39,534.00
  - The motion received a second from Council Member Merkel
  - The motion was approved unanimously 7-0

**B. Resolution Approving Execution of Amended and Restated Declaration and Omnibus Agreement**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA APPROVING THE EXECUTION OF (1) AN AMENDED AND RESTATED DECLARATION OF CONDOMINIUM FOR ALPHARETTA CONFERENCE CENTER AND HOTEL AVALON AND (2) OMNIBUS CONFORMING CONVEYANCE, BOUNDARY, QUITCLAIM AND AMENDATORY AGREEMENT

- City Attorney, Sam Thomas, provided a brief overview of this item and read the Resolution aloud

**Public Comment**

None

❖ Mayor Pro Tem Mitchell offered a motion to approve the Resolution as read by City Attorney

- The motion received a second from Council Member Merkel
- The motion was approved unanimously 7-0

**VII. PUBLIC COMMENT**

- Don Nahser, 305 Karen Drive, Alpharetta, GA, came forward to speak to Mayor and Council to thank them for their support for the arts community

**VIII. REPORTS**

- Council Member Hipes expressed his thanks Detectives Bochniak and Braithwaite who solved a crime on an outstanding murder case and were recognized as Fulton County District Attorney Law Enforcement Officers of the Year
- Council Member Binder expressed his appreciation for Recreation & Parks and announced a final food drive on December 21<sup>st</sup>
- Council Member Binder also announced that the City recently received a grant from the Atlanta Audubon Society for the greenway
- Council Member Merkel thanked Mayor, Council and staff for a great 2018 and is looking forward to a great 2019
- Mayor Gilvin also thanked staff for a great year and appreciated Mayor Pro Tem's leadership during his time as Mayor

**IX. ADJOURNMENT**

❖ Mayor Gilvin adjourned the meeting 7:27 p.m.

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