



OFFICIAL MINUTES OF
PUBLIC HEARING & COUNCIL MEETING
ON JANUARY 23, 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 Public Hearing & 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 Pro Tem Owens called the meeting to order at 6:32 P.M.*

II. ROLL CALL

- Council Members
 - Chris Owens (Mayor Pro Tem)
 - Jason Binder
 - Jim Gilvin
 - Mike Kennedy
 - Dan Merkel
 - Donald Mitchell
- Absent : Mayor David Belle Isle
- Staff
 - Bob Regus, City Administrator
 - Kathi Cook, Director of Community Development
 - Michael Woodman, Senior Planner
 - James Drinkard, Asst. City Administrator
 - Lisa Gurganus, Interim Director of Recreation and Parks
 - John Robison, Director of Public Safety
 - Tom Harris, Director of Finance
 - Coty Thigpen, City Clerk
 - Sam Thomas, City Attorney

III. PLEDGE TO THE FLAG

IV. PROCLAMATIONS AND PRESENTATIONS

- A. Proclamation - retirement of Director of Public Safety Gary George

V. CONSENT AGENDA

- A. Council Meeting Minutes (Meeting of 01/09/2017)
- B. Alcoholic Beverage License Applications
- C. Financial Management Report: Month Ending November 30, 2016

- ❖ Council Member Mitchell offered a motion to approve the Consent Agenda
- The motion received a second from Council Member Kennedy
 - The motion was approved 6-0

VI. PUBLIC HEARING

- A. MP-16-11/CLUP-16-07/Z-16-09 Sharp Residential Townhomes/Windward Pod 20A
This item was deferred by the Applicant until February 27, 2017.
Consideration of a request to rezone approximately 13.7 acres from O-I (Office-Institutional) and CUP (Community Unit Plan) to CUP in order to develop 82 townhomes. An amendment to the Windward Master Plan Pod 20A to add 'Dwelling, 'For-Sale' Attached' to the list of permitted uses is requested, as well as, a change to the Comprehensive Land Use Plan from 'Corporate Campus Office' to 'High Density Residential'. The property is located behind Union Hill Park at the southwest corner of McGinnis Ferry Road and Union Hill Road and is legally described as being located in Land Lots 1038, 1039, 1048 & 1049, 2nd District, 1st Section, Fulton County, Georgia.
- B. PH-17-01/V-17-03 Newvale Townhomes
This item has been deferred by the Applicant until February 27, 2017.
Consideration of a request to change previous conditions of zoning in order to allow for the construction of 23 'For-Sale' townhomes. A variance is requested to increase the maximum height from 40' to 45'. The property is located at the northeast corner of Canton Street and Church Street and is legally described as being located in Land Lot 1252, 2nd District, 2nd Section, Fulton County, Georgia.
- C. MP-17-03/CU-17-02 Cutter's Cigar Emporium/Fulton Greens
This item was tabled by the Planning Commission.
Consideration of a request to amend the Fulton Greens Master Plan, Pod A to add 'Tobacco Store' as a permitted use and a request for conditional use permit to allow a 'Tobacco Store' within an existing retail center. The property is located at 4915 Windward Parkway and is legally described as being located in Land Lot 1112, 2nd District, 2nd Section, Fulton County, Georgia.
- D. PH-16-08 Historic Preservation Incentive Zoning – UDC Text Amendments
This item was deferred by Staff until February 27, 2017.
Consideration of amendments to the Historic Preservation Incentive Zoning Ordinance to

remove and add historic properties to Appendix A: Historic Resources Inventory, as well as miscellaneous text amendments.

E. Z-16-13/CU-16-20/V-16-27 Perling/13 South Main Street/DT-MU

- Director of Community Development, Kathi Cook, came forward to present this item on behalf of staff
- Ms. Cook explained that this item was heard at the December 1, 2016 Planning Commission meeting. One resident spoke in favor of the request. Several residents spoke in opposition to the request, stating that they had concerns with density, apartments, traffic, and that the applicant was requesting too many variances to the Downtown Code. After discussion, the Planning Commission recommended to deny the request. Vote (6-1)
- The applicant was granted a deferral by Staff to the January 23, 2017 City Council meeting in an effort to address unresolved issues.
- The applicant provided a revised site plan, dated January 10, 2017, in an effort to address concerns from Staff, Planning Commission, and the public.
- If Council approves the request, staff recommends the following conditions:
 1. The property to be rezoned shall have a "DT-MU" zoning classification.
 2. Property shall be developed substantially in accordance with the submitted plan prepared by TSW, dated 1/10/2017, with heavily amenitized seating areas, final approval by Staff. However, lot yield depicted is not guaranteed and subject to meeting all City Code requirements and conditions of zoning.
 3. Architectural style of all buildings shall be Mercantile/warehouse or shall meet the architectural and building design requirements of the Alpharetta Downtown Code. Non-residential and mixed-use buildings shall be approved by the Design Review Board and residential buildings shall be approved by Staff. Townhome buildings shall have flat roofs.
 4. Development regulations shall be as follows:
 - a. Office – Maximum of 61,500 square feet. Building height shall be limited to 4 stories or 60 feet, whichever is less.
 - b. Retail/Restaurant – A maximum of 29,350 square feet of retail/restaurant use shall be permitted. A minimum 15,000 square foot and maximum 25,000 square foot shall be permitted to be a craft brewery. No more than two free standing restaurant buildings and one free standing retail/restaurant building shall be permitted. Freestanding retail/restaurant buildings shall be a minimum height of 18'. All restaurant uses shall include outdoor seating areas (min. 25% of space occupied by restaurants), including at least one building with rooftop dining. No drive-thru restaurants shall be permitted.
 - c. 'For-Rent' Residential – Maximum of 172 'For-Rent' dwelling units in accordance with UDC 'For-Rent' requirements shall be permitted. Maximum building height shall be 4 stories or 60 feet, whichever is less. Maximum building façade along the public right-of-

way shall be 200 feet with a minimum landscaped garden separation of 50 feet between building walls. No more than 50% of the units may be two (2) bedroom units. 'For-Rent' units shall be constructed concurrently with retail/restaurant, craft brewery, 'For-Sale' residential and 36,000 square feet of office development. A Certificate of Occupancy shall not be issued for rental units until 36,000 square feet of office and minimum 15,000 square feet craft brewery has been constructed and a certificate of occupancy issued for both. The units shall be part of a mixed-use development incorporating retail, brewery, 'For-Sale' residential units, connection to a neighborhood grocery, restaurant, and office. 'For-Rent' units shall have first class amenities, which shall include a private pool, fitness center, secure gated parking, resident's lounge, business center, on-site management office and secure elevator access. 'For-Rent' dwellings are prohibited on the first floor of the building on a Storefront Street. A maximum of 2 building sides shall be permitted first floor dwellings. All ground floor residential units shall be oriented to the sidewalk, provide individual unit entrance from the exterior of the building, provide individual stoops or porches, and provide a minimum of one ground floor window facing the sidewalk.

d. 'For-Sale' Residential –Up to 78 'For-Sale' Attached (townhome, semi-detached, and/or condominium) and Detached units shall be developed. 'For-Sale' townhomes, semi-detached, and detached product shall be oriented to Devore Road and/or the multi-use path and shall be rear-loaded. All other interior townhomes, semi-detached and detached product may be oriented to the internal driveway/street and may be permitted parking between the driveway/street and the residential structure.

e. Parking Decks – Maximum of 4 levels or 60 feet plus basement level, whichever is less. Parking decks visible from South Main Street and Devore Road shall be treated with comparable materials and finishes as the buildings they serve. Suitability of parking deck elevation, visibility and landscape screening shall be approved by the Design Review Board.

5. Density shall be limited to a maximum of 19.36 dwelling units per acre.
6. All residential units along Devore Road shall be oriented to the street with their front door facing Devore Road.
7. Visible privacy fence shall be prohibited along Devore Road and the multi-use path.
8. A minimum 15' undisturbed buffer, heavily planted where sparse, and 10' graded/landscaped setback shall be provided adjacent to the east and north between residential and commercial. 5' path to neighborhood grocery may be placed within the landscape buffer. A 10' heavily planted landscape strip shall be provided between commercial uses and Dogwood Square along the multi-use path.
9. Impacts to off-site trees shall be minimized. Property owner(s) of off-site trees shall be notified of any encroachment greater than 20% or as directed by the City Arborist. This notification shall include a letter from the project Arborist detailing the extent of the encroachment and possible outcomes.
10. Pedestrian-scale lighting and amenities shall be required throughout the development.
11. The site shall provide a proportionate amount of civic and amenity space based on the density approved above the maximum 10 dwelling units per acre permitted in the DT-MU zoning district (a density of 19.36 du/ac would warrant 2.5 acres of civic space and 2.5

acres of amenity space). A minimum of 1 acre of civic space shall be set aside as passive green area adjacent to the multi-use path between the multi-family building and the 'For-Sale' residential.

12. Dedicate a minimum 15' public access easement to the City and construct a 12' multi-use path as depicted on the site plan with final location approved by Staff. Multi-use path shall be accessible and constructed of concrete, including an entrance gateway/arch on Devore Road, landscaping, low-level path lighting, seating areas, useable greenspaces, and bike share station as approved by Staff. Park impact fee credits shall be provided to the developer for improvements within the public access easement.
13. The frontage of South Main Street shall be developed with a minimum 2,000 square foot civic space and shall incorporate seating, decorative Downtown Alpharetta Entrance sign, and a focal point feature (sculpture) with final approval by DRB. Applicant shall include a minimum of 2 original sculptures located at prominent locations within the development. Sculptures and locations shall be approved by Staff and the local Art Committee. A minimum of 1 sculpture shall be installed prior to the issuance of the first CO.
14. A minimum 5' accessible path shall be provided from the project site to the property of the Walmart Neighborhood Market at the northeast corner of the site where the properties abut as approved by Staff.
15. All buildings along South Main Street and Devore Road shall face those streets or appear to face those streets. No backside of buildings or "back of house" functions (such as loading or dumpster area), shall be visible from those streets.
16. Alcohol license distance requirements from residential development shall be waived.
17. As depicted in the rendering prepared by TSW, a green roof and a rooftop amenity area shall be required and shall count toward required amenity space.
18. Civic spaces shall include decorative hardscape consisting of pavers or other materials approved by Staff, as well as green areas. Landscaping shall be required in the civic space in well-defined planting beds and trees in tree wells as approved by Staff. A bocce ball court, or an alternative outdoor recreational feature shall be required within an area designated civic space as approved by Staff.
19. Pedestrian connections shall be provided between buildings and across roadways within the development. Pedestrian crossings throughout development shall be ramped and the surface materials shall be brick pavers, cobblestones or architecturally treated concrete products as approved by Staff.
20. Detention facilities shall not be visible from South Main Street or Devore Road, except as a decorative water feature approved by Staff.
21. The developer shall provide bicycle racks, benches, trash receptacles, decorative crosswalks, planters, kiosks and other street furniture, where appropriate, throughout the development. A bus drop-off area with shelter and dedicated lane shall be incorporated into the plan design along South Main Street or at an alternative location acceptable to MARTA. Developer shall work in good faith with MARTA to add the development to city bus routes in order to assist with transportation service for employees.
22. Developer shall improve the realignment of Devore Road, per the GDOT design. The

developer shall improve the south side of South Main Street, per the GDOT design. Roadway improvements for the realignment of Devore Road shall be eligible for road impact fee credits.

23. New driveways on Devore Road shall align with existing intersections where practical. Intersection configuration and final design to be approved by Staff.
 24. Awnings shall be provided on buildings at street level where reasonably appropriate as determined by Staff in order to protect pedestrians from inclement weather. Awnings may encroach into the right-of-way per the Alpharetta Downtown Code.
 25. Streets within the development shall be private.
 26. All new on-site utilities shall be located underground, subject to utility provider consent and approval.
 27. Provide detailed street planting for South Main Street and Devore Road. Landscape plan shall have trees planted on each side of the sidewalk, including pedestrian lights and shall be approved by Staff at Land Disturbance Permit.
 28. South Main Street and Devore Road streetscape shall meet the requirements in the Downtown Code and shall incorporate tree wells, pedestrian lighting, landscaping and brick-banded sidewalk as approved by Staff.
 29. The new street corridor leading to the parking decks shall have street trees, pedestrian lighting and landscaping as approved by Staff.
 30. Prior to the first Certificate of Occupancy for residential use, improve the intersection at South Main Street and the realigned Devore Road to include the following: westbound left and right turn lanes; southbound left turn lane; and, signalize the intersection. Intersection design to be approved by staff.
 31. Provide a raised brick paver crosswalk, or alternative design approved by Staff, across Devore Road with direct access to the multi-use trail as approved by Staff.
 32. Rooftop signs shall be permitted subject to Staff approval.
 33. 'For-Rent' residential entitlement shall be extinguished, if a building permit for 'For-Rent' residential has not been issued by 1/23/2019.
- The applicant, Duke Land Group, is requesting a change in zoning for 12.913 acres from C-2 (General Commercial) to DT-MU (Downtown Mixed-Use) in order to develop 29,350 square feet of retail/restaurant, 25,000 square feet craft brewery, 61,500 square feet of office, 78 'For-Sale' townhome and detached units and 179 'For-Rent' units. A conditional use is requested to allow 'For-Rent' residential use and to allow a residential density of 19.90 dwelling units per acre. A variance is requested from Unified Development Code (UDC) Section 2.7.0 (b) to delete the requirement for an on-site neighborhood grocery, as well as variances from UDC Appendix A, Alpharetta Downtown Code to allow a different architectural style and increase the maximum front building setback.
 - The submitted request, if approved, will allow for the construction of a mixed-use development

on a 12.913-acre site consisting of 29,350 square feet of retail/restaurant, 25,000 square feet craft brewery, 61,500 square feet of office, 78 'For-Sale' townhome and detached units, and 179 'For-Rent' apartment units. The proposed residential density is 19.90 dwelling units per acre. The subject property is located at the southeast corner of South Main Street and Devore Road and extends along the north side of Devore Road.

- The subject property is currently zoned C-2 (General Commercial) and is surrounded by C-2 to the west, north, and east and R-12 to the south. Dogwood Square, Walmart Neighborhood Market, Express Oil & Lube, Bank of America, QuikTrip and Alpha Park are located adjacent to the property. The property and adjacent properties are located in the Downtown Overlay and have a Comprehensive Land Use Plan designation of Mixed Use with the exception of Alpha Park, which has a designation of Downtown Residential Density.
- Conditional use permits are requested to allow 'For-Rent' residential units, as well as to allow the residential density to exceed ten (10) dwelling units per acre. The applicant proposes 179 'For-Rent' units and a residential density of 19.90 dwelling units per acre. In addition, a variance is requested to delete the requirement for an on-site neighborhood grocery in conjunction with 'For-Rent' residential use outside the Central Business District. Variances are also requested from Unified Development Code (UDC) Appendix A, Alpharetta Downtown Code to allow a mercantile/warehouse architectural style and increase the maximum front building setback.
- The Downtown Master Plan and Comprehensive Land Use Plan identify the DT-MU zoning district as the appropriate zoning district for the subject property.
- Consideration should be given to maintaining a balance between 'For-Rent' versus 'For-Sale' product in the City.
- The applicant's site plan depicts the mixed-use development being broken up into three (3) distinct areas. Several interconnected buildings are located at the corner of South Main Street and the Devore Road extension, including an office behind a craft brewery and parking, retail with office above, and a parking deck. There are also three (3) freestanding restaurants in this area. The remainder of the property along Devore Road is proposed for residential uses, including a multi-family building with internal parking deck and townhomes and detached product.
- Devore Road will be realigned as part of a GDOT project with the general location of the road moving north of the Bank of America building. If approved, the proposed development will include the realignment of Devore Road, as well as improvements on South Main Street. GDOT's timeline to begin this roadway project is behind the timeline of the mixed-use development. The traffic signal and continuation of Devore Road to Roswell Street would be completed by GDOT at a future time.
- The site plan proposes a total of 739 parking spaces. The total required parking for all uses, except the detached and townhome product is 678 parking spaces. Parking requirements for townhome and detached units will be met within garages, private driveways and surface guest parking.

- Full access driveways to the site are depicted along Devore Road at three (3) locations and at one (1) location on Janis Lane. The applicant has engaged Dogwood Square for an agreement to allow access through Janis Lane, which is a private right-of-way along the north side of the property.
- The site plan depicts the brewery/retail building on South Main Street with setbacks greater than the maximum 10' requirement. The building setbacks in the DT-MU zoning district are as follows:

Front Setback (South Main Street/Devore Road) – Min. 5 feet and Max. 10 feet
Side Setback – 0 feet

Rear Setback – Min. 3 feet (alley) and 6 feet (no alley)

- The undeveloped portion of the property is heavily wooded with a mixture of Pines and Hardwoods. However, the applicant's arborist report only identifies two (2) specimen trees on the site. The City Arborist has questions about the tree assessment and has requested additional information. The applicant has not provided the requested information.
- The applicant proposes a variance to deviate from the prescribed historic architectural styles in the Alpharetta Downtown Code and proposes Mercantile/warehouse architecture. However, the renderings provided by the applicant lack sufficient detail depicting the requested architectural style.
- Non-residential tenants and developer(s) of the residential uses have not been confirmed by the applicant.
- The DT-MU zoning district includes an open space requirement of a minimum 10% civic space and a minimum 10% amenity space. Civic space must be available for public use and may include a park, square, plaza, pocket park, and/or playground. Amenity space is intended for private use and may include rooftop decks, balconies, patios and porches, outdoor dining areas, pool areas, tennis courts and similar uses, yards and gardens, hardscape areas improved for pedestrian enjoyment, and wooded areas. The minimum 10% civic and amenity space requirements are based on a maximum density of ten dwelling units per acre in the DT-MU zoning district. Since the applicant is requesting a conditional use to allow a residential density of 1.99 times that permitted in the proposed zoning district, it is recommended that civic and amenity space minimum requirements are increased proportionate to the increased density.
- Civic space is depicted on the site plan as squares, courtyards, plazas and green space located primarily at the corner of South Main Street and Devore Road with a total acreage of 2.63 acres. As shown on the site plan and renderings, civic spaces consist of decorative hardscape appearing to be paver and/or architecturally-treated concrete, trees in tree wells, a fountain, and seating areas. Amenity spaces are depicted to include a rooftop deck between the brewery and office buildings, as well as amenity spaces for each of the residential uses. The total land area of all amenity space is 2.63 acres. A 12' multi-use path is shown along Devore Road and

cutting through the site before running along the eastern property line with Dogwood Square. The path lacks useable green spaces and seating areas as currently depicted on the site plan.

- Based on the American Community Survey estimates of average household size below, the applicant's proposed development would generate a population of 646 persons. Under the maximum density in the DT-MU, the site would generate approximately 351 persons. Due to the increased population generated by the applicant's proposal, it is recommended that the site provide a proportionate amount of civic and amenity space based on the increased density over the permitted ten (10) dwelling units per acre in the DT-MU. Therefore, the applicant's current proposal would require 2.57 acres of civic space and 2.57 acres of amenity space.
- Staff has reviewed the application and is generally in agreement with the applicant's requests for rezoning, conditional use, and variance. Redevelopment of the retail center with a mixed-use development is consistent with the vision of the Downtown Master Plan. However, careful consideration should be given to maintaining a balance between 'For-Rent' versus 'For-Sale' product in the City.
- The City's Rental Housing Study, which was prepared in May 2015 and recently updated, recommends that the City target an entitlement of no more than 93 and 159 'For-Rent' units per year in order to achieve a goal of reducing the current 36% rental in the City to 32%. It should be noted that although the City did adopt the recommended 32% rental maximum goal, the annual target recommendation is not an adopted City policy. The last 'For-Rent' entitlement was for the 168 units at City Center in 2015. Rental should only be approved as part of a mixed-use development that includes 'For-Sale' residential, office and service retail. Additionally, proximity to Georgia 400 should be a consideration because of the increased traffic.
- The proposed rezoning to DT-MU is consistent with the vision in the Downtown Master Plan and Comprehensive Land Use Plan, which includes a mix of uses within a walkable environment. However, the proposed number of 'For-Rent' units exceeds the remaining number of units identified in the Downtown Master Plan 5-Year Market Study and the increased density is not supported by sufficient open space. While Mercantile/warehouse architectural style may be complimentary to the historic architecture in the Downtown Overlay, sufficient information to support this variance request has not been provided.
- The Downtown Mixed-Use (DT-MU) district allows residential densities up to ten (10) dwelling units per acre along South Main Street and greater densities with approval of a conditional use permit. The applicant is requesting a residential density of 19.90 dwelling units per acre and to allow for the construction of 'For-Rent' units. Staff recommends that the number of 'For-Rent' dwelling units be capped at 172 units, which is consistent with the remaining number of 'For-Rent' units identified in the Downtown Master Plan 5-Year Market Study.
- Staff recommends that the civic and amenity space minimum requirements be increased proportionate to the approved residential density above the ten (10) dwelling units per acre permitted in the DT-MU zoning district. Compliance with these recommendations should lead to a quality mixed-use development with an appropriate density and mix of uses in the South Main Street corridor.

- The report submitted by the applicant states that letters were mailed to each property owner within 500' of the subject property stating the applicant's intent. In addition, the applicant held a public participation meeting on October 27, 2016. According to the public participation report, residents were most concerned with traffic, specifically on Devore Road. Residents also requested that the applicant address a pedestrian crossing on Devore Road. However, the City has received correspondence from the public indicating that high density and 'For-Rent' product is not supported at this location.
- Attorney Don Rolader came forward to make a brief presentation on behalf of the applicant and introduce various members of the development team to address questions and concerns posed by Council

Public Comment

- Pam Reddeman, 1081 Colony Dr, Alpharetta, GA, came forward to speak on this item
- Jonathan Perling, Alpha Development (subject property land owner), came forward to speak on this item
- Angie Trapino, 12420 Peyton Farm Way, Alpharetta, GA, came forward to speak on this item
- Don Nahser, 305 Karen Dr, Alpharetta, GA, came forward to speak on this item
- Alexander Williamson, 12535 Wexcroft Lane, Alpharetta, GA, came forward to speak on this item
- David Power, 4049 Dover Ave, Alpharetta, GA, came forward to speak on this item
- Audrey Power, 4049 Dover Ave, Alpharetta, GA, came forward to speak on this item
- Patricia Whittall, 2610 Eldwick Dr, Alpharetta, GA, came forward to speak on this item
- Francene Taylor, 2017 Hidden Alley, Alpharetta, GA, came forward to speak on this item on behalf of Victoria Square
- Christine Kujawski, 151 Arrowood Ct, Alpharetta, GA, came forward to speak on this item
- Edward Kujawski, 151 Arrowood Ct, Alpharetta, GA, came forward to speak on this item
- Sam Sparks, 2298 Bascomb Carmel Rd, Woodstock, GA, submitted a public comment card, but was not present to speak
- Valerie Manley, 5140 Southlake Dr, Alpharetta, GA came forward to speak on this item on behalf of Windward Community Services Association
- Tom Miller, 4025 Walnut Creek Trail, Alpharetta, GA, came forward to speak on this item on behalf of the Windward Homeowners, Inc.
- Richard Price, 3016 Westwood Way, Alpharetta, GA, submitted a public comment card, but was not present to speak
- Tom Armistead, Sr. 1780 Providence Farms Lane, Alpharetta, GA, came forward to speak on this item

- Tommy Armistead, 701 Wedgewood Dr, Alpharetta, GA, submitted a public comment card, but was not present to speak
 - Robert Trapino, 630 Brookford Dr, Alpharetta, GA, came forward to speak on this item
 - Andrew Denney, 364 Karen Dr, Alpharetta, GA, came forward to speak on this item
 - Donna Tribble, 285 Karen Drive, Alpharetta GA, came forward to speak on this item
 - Cory Ciarci, 6320 Keith Bridge Rd, Gainesville, GA, came forward to speak on this item as the broker for the subject property
 - Jimmy Tester, 255 South Main St, Alpharetta, GA, came forward to speak on this item
 - Ann Perling, came forward to speak on this item as the subject property land owner
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- Staff came forward to answer questions posed by Council
 - Mr. Rolader came forward for a rebuttal on behalf of the applicant
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- ❖ Council Member Kennedy offered a motion to approve Z-16-13/CU-16-20/V-16-27 Perling/13 South Main Street/DT-MU with the following revisions to conditions:
 - #4B –Retail/Restaurant – A maximum of 29,350 square feet of retail/restaurant use shall be permitted. A minimum 12,000 square foot and maximum 25,000 square foot shall be permitted to be a craft brewery. No more than two free standing restaurant buildings and one free standing retail/restaurant building shall be permitted. Freestanding retail/restaurant buildings shall be a minimum height of 18'. All restaurant uses shall include outdoor seating areas (min. 25% of space occupied by restaurants), including at least one building with rooftop dining. No drive-thru restaurants shall be permitted
 - #4C- 'For-Rent' Residential – Maximum of 129 'For-Rent' dwelling units in accordance with UDC 'For-Rent' requirements shall be permitted. Maximum continuous building height shall be 4 stories or 60 feet, whichever is less. Maximum continuous building façade along the public right-of-way shall be 200 feet with a minimum landscaped garden separation of 50 feet between building walls. No more than 50% of the units may be two (2) bedroom units. 'For-Rent' units shall be constructed concurrently with retail/restaurant, craft brewery, 'For-Sale' residential and 35,200 square feet of office development. A Certificate of Occupancy shall not be issued for rental units until 35,200 square feet of office and minimum 12,000 square feet craft brewery has been constructed. The units shall be part of a mixed-use development incorporating retail, brewery, 'For-Sale' residential units, connection to a neighborhood grocery, restaurant, and office. 'For-Rent' units shall have first class amenities, which shall include a private pool, fitness center, secure gated parking, resident's lounge, business center, on-site management office and secure elevator access. The two sides of the ground floor of the apartment building facing Devore Road and the park area will contain a mix of commercial and residential ("live work") space. The commercial space shall contain at least 5,000 Square Feet and may include the leasing office, business center, fitness center and club room which serves the

apartments. The residential ground floor units which face Devore Road and the park area ("live work") will offer workspace with living quarters and shall be designed in a way to activate the streetscape by providing direct access to these units with a covered awning over a landing and/or stooped entryway. All ground floor residential units shall be oriented to the sidewalk, provide individual unit entrance from the exterior of the building, provide individual stoops or porches, and provide a minimum of one ground floor window facing the sidewalk.

- #5- Density shall be limited to a maximum of 16.03 dwelling units per acre
- #8- A minimum 10 foot undisturbed buffer, heavily planted where sparse, and 15 foot graded/landscaped setback shall be provided adjacent to the east and north between residential and commercial. A sidewalk shall be required within the 15' graded/landscaped buffer or elsewhere as approved by staff. 5' path to neighborhood grocery may be placed within the landscape buffer. A 10' heavily planted landscape strip shall be provided between commercial uses and Dogwood Square along the multi-use path.
- #11 – change the civic area space and the amenity space to 2.0 acres each.
- #22- adding a sentence to the end of condition that shall read, "Public right of way along the north side of Devore shall be dedicated to the back of sidewalk."
- The motion received a second from Council Member Binder with the following amendments:
 - #4C- add the following sentence, "If the existing shopping center has not been demolished by 12-31-19, applicant shall dedicate the office site fronting South Main as civic or amenity space."
 - #11- revised to read, "Applicant shall provide 2.6 acres of civic space and 2.6 acres of amenity space as shown on the site plan."
 - Council Member Kennedy accepted both amendments
- The motion was approved 5-1; with Gilvin voting no

F. MP-16-14/Z-16-15 Notting Hill Old Milton Holdings MU

- Senior Planner, Michael Woodman, came forward to present this item on behalf of staff
- Staff recommended approval of MP-16-14/Z-16-15 Notting Hill/Old Milton Holdings/MU subject to the following conditions:
 1. The site, consisting of approximately 5.68 acres, shall be zoned MU and developed substantially similar to site plan submitted by AEC, dated 1/4/2017, except for modifications required to comply with the conditions below.
 2. The 5.68-acre property shall be designated Phase II of the Old Milton Holdings Master Plan. To the extent of any conflict between these conditions and prior Master Plan conditions, these conditions control. Additionally, these conditions supersede and replace in their entirety the original conditions applicable to Phase II.

3. The residential density within Phase II of the Old Milton Holdings Master Plan shall be limited to no more than 7.40 dwelling units per acre. The overall residential density for the Old Milton Holdings Master Plan shall be limited to no more than 6.53 dwelling units per acre.
4. Office portion of the site shall be limited to a 40,000 square foot, minimum 2-story building and use limited to professional office, medical office, clinic and bank without drive-through. Any additional uses listed as conditional in the O-I zoning district shall require approval of a conditional use permit.
5. Building setbacks shall be: 30' on Thompson Street, 20' on Old Milton Parkway, 10' on Park Street, and 5' internal property lines.
6. Thompson Street shall generally be improved as follows: 36' half width right-of-way to incorporate 8' sidewalk (concrete with brick paver banding), 6' planting area, 8' on-street parking, and 10' travel lane with final approval by Staff. Final streetscape shall match the approved Thompson Street streetscape standards and include decorative pedestrian lighting as approved by Staff.
7. On-street parking shall be provided on Park Street, if feasible, as approved by Staff.
8. Roadways with on-street parking shall incorporate curb extensions at intersections. Internal road shall include on-street parking and sidewalk, if feasible, as approved by Staff.
9. A tree save area shall be set aside at the corner of Old Milton Parkway and Park Street, as identified on the site plan, dated 1/4/2017. Encroachment into the CRZ of the 30" Pecan (#89), 20" Water Oak, 7" Water Oak, 6" Water Oak, 5" Water Oak, and 4" Water Oak shall be limited to no more than 20%, as approved by Staff. Tree save area shall be recorded on the final plat. The applicant shall conduct a climbing inspection of the 30" Pecan to determine the viability of the tree, including a determination that the area where the tree forks is structurally sound. If the 30" Pecan is determined to be a 'good' save, tree care plan shall be provided to staff for approval within 4 weeks of the City Council decision on this matter and shall include cabling, soil compaction reduction, fertilization, and insect and borer control among other items to be approved by the City Arborist. If the 30" Pecan is determined to be unworthy of saving, the tree save area at the corner shall be replanted with 3 times the inches removed (90") with trees that have a minimum caliper of 12" – 15", as approved by Staff.
10. Stacked flats shall accommodate required parking underneath each building. Guest parking may be surface parking and shall be heavily screened from the public right-of-way.
11. Linear Park shall be developed along Thompson Street frontage with a minimum width of 30', including an 8' sidewalk and improved green space as approved by Staff. The linear park shall include stacked stone, brick or granite wall between the stacked flats and the linear park with final approval by Staff. Under ledge wall lighting shall be required. Benches and a public art pedestal shall be provided as approved by Staff.
12. Linear Park, corner of Old Milton Parkway and Park Street, and amenity lawns shall include a mix of trees, shrubs, and ground covers of varying heights, textures and colors as approved by Staff.

13. Applicant shall provide an easement to the City for the linear park, including seating areas along Thompson Street. Linear park shall be maintained by the HOA.
14. Development shall not be gated.
15. Stacked flats architecture and materials shall be developed substantially as submitted and in compliance with the Downtown Code subject to Staff approval. 4-sided architecture and materials shall be required. Garage doors shall be a custom, decorative design and material as approved by Staff.
16. Office building architecture and materials shall be developed substantially as submitted and subject to DRB approval.
17. A pedestrian and bicycle connection shall be provided from the linear park along Thompson Street through the stacked flats and to the rear of the office building. Connection shall be an accessible linear green path as approved by Staff.
18. Parking areas and internal driveways shall be heavily screened from Old Milton Parkway, Park Street and Thompson Street.
19. A minimum 5' heavily planted landscape strip shall be required adjacent to the property to the west, including between the stacked flats and office building parcels and shall be expanded up to 15', where possible.
20. Internal sidewalks shall be provided to the fronts of units and shall be a minimum 5' with pedestrian-scale lighting provided throughout the development.
21. All buildings shall have connectivity to the sidewalk system.
22. Fencing visible from the public right-of-way shall be decorative as approved by Staff.
23. 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.
24. Delete previous Old Milton Holdings (CLUP-14-07/Z-14-11/V-14-26) zoning condition #34.
25. The corner of Old Milton Parkway and Park Street shall be a minimum 2,000 square feet and heavily landscaped with a seating area and decorative wall or other feature as approved by Staff.
26. The corner of Thompson Street and Park Street shall be heavily landscaped, including a decorative wall and sculpture and/or water feature as approved by Staff. Additional landscaping shall be providing to screen the rear of the building facing Park Street.
27. Decorative paver aprons shall be required at each of the 4 driveways as approved by Staff.
28. Provide a pedestrian crosswalk (brick paver) across Park Street providing a midblock connection between Phase 1 and 2 of the Old Milton Holdings Master Plan, as approved by Staff.
29. Landscape, hardscape, fences and walls shall compliment materials used in Phase 1 of the Master Plan.

30. Developer shall provide easement to allow for a future connection between the property and the Post Office property through the East-West street/driveway.

- This item was heard at the December 1, 2016 Planning Commission meeting. One resident from Academy Park spoke in opposition to the request, stating that the applicant should work with the City to save trees on the site. After discussion, the Planning Commission recommended to table the request. Vote (7-0)
- This item was removed from the table by the Planning Commission on January 5, 2017. One resident from Academy Park stated that he had concerns over how stormwater management would be handled. After discussion, the Planning Commission recommended to approve the request subject to staff's recommended conditions with a few modifications as requested by the applicant.
- The applicant, Old Milton Holdings, LLC, is requesting a master plan amendment to the Old Milton Holdings Master Plan to add a 2.82-acre tract of land to the master plan, transfer previously approved stacked flat units to the 2.82-acre tract, and change previous conditions of zoning on 2.86 acres in order to allow for the construction of 42 stacked flats and a 40,000 square foot office building on a total of 5.68 acres designated Phase II of the Old Milton Holdings Master Plan. A rezoning is requested for the 2.82-acre tract from DT-LW (Downtown Live-Work) and R-12 (Dwelling, 'For-Sale' Residential') to MU (Mixed-Use) in order to add the property to the Old Milton Holdings Master Plan. The subject property is located on the west side of Park Street between Thompson Street and Old Milton Parkway.
- The submitted request, if approved, will allow Old Milton Holdings, LLC to construct 42 stacked flats ('For-Sale' Condominiums) and a 40,000 square foot office building on 5.68 acres, designated Phase II of the Old Milton Holdings Master Plan, with an overall master plan residential density of 6.53 dwelling units per acre. The property is located on the west side of Park Street between Thompson Street and Old Milton Parkway. The Old Milton Holdings Master Plan is zoned MU with 2.86 acres in Phase II of the Master Plan currently approved for 54 stacked flats. Adjacent properties proposed to be rezoned to MU and incorporated into the master plan, represent 2.82 acres and are zoned DT-LW and R-12.
- Properties surrounding the subject property are zoned MU to the east, DT-LW to the north, and O-I and OP to the west. Surrounding properties include the Old Milton Holdings development to the east, Thompson Street Investments (Edward Andrews Homes) to the north, and the US Post Office and office buildings to the west. The subject property and surrounding properties have a land use designation of Mixed Use Live Work, which allows office and stacked flats.
- Phase II of the Master Plan is 5.68 acres represented by a 2.86-acre property currently within the master plan and a 2.82-acre property proposed to be rezoned and incorporated into the master plan. The Old Milton Holdings Master Plan was approved on March 30, 2015 as a mixed-use development. Stacked flats were approved on the 2.86-acre property. A portion of the 2.82-acre property was rezoned to DT-LW on March 28, 2016 to allow seven (7) 'For-Sale' townhome units and ten (10) single-family detached homes. The two (2) R-12 properties are currently developed with one (1) single-family detached home each. The applicant's proposal to construct 42 stacked flats will result in a reduction in the overall residential density by 31 units.
- The Downtown Master Plan 5-Year Market Study shows the 5-year 'For-Sale' condominium demand to be 220 – 250 units within the Downtown. Including the 54 stacked flats approved for Old Milton Holdings Master Plan, a total of 102 'For-Sale' condominium units have been approved since the 5-Year Market was prepared.

- According to the applicant, the stacked flats will consist of 3-bedroom units with an anticipated target price in the \$600,000's.
- The submitted site plan depicts 42 stacked flat units in eight (8), three (3) story buildings with parking underneath each building along Thompson Street and Park Street. Each building will consist of six (6) units, except that two (2) small buildings will have three (3) units each. A two (2) story, 40,000 square foot office building with parking underneath and surface parking is depicted along Old Milton Parkway. Stacked flat buildings are oriented to Thompson Street and the office building is oriented to Old Milton Parkway
- 151 parking spaces are proposed in conjunction with the office building, of which 44 are depicted underneath the office building. The Downtown Code requires three (3) parking spaces per 1,000 square feet; therefore, 120 parking spaces are required. Stacked flats require 2 parking spaces per unit, plus 0.15 parking spaces per unit for guests. Each stacked flat building provides two (2) parking spaces per unit plus additional parking. Guest parking is provided in 16 surface parking spaces, as depicted on the west side of the property and as parallel parking along the internal east-west driveway.
- Two (2) driveways are depicted on Thompson Street to access the stacked flats. Access for the office building is depicted as one (1) driveway on Park Street and one (1) driveway on Old Milton Parkway. 12' sidewalks are proposed along Thompson Street and Old Milton Parkway and 8' sidewalks are proposed along Park Street. Building setbacks are shown as follows:
 - Old Milton Parkway – 20'
 - Park Street – 10'
 - Thompson Street – 30'
 - Internal Setbacks – 5'
- A 30' wide linear park (civic area) is depicted along Thompson Street, including a 12' sidewalk and green space. The Thompson Street streetscape standards require an eight (8) foot sidewalk on the south side of Thompson Street. It is recommended that the applicant's plan be modified to create more green area within the linear park, including improvements such as seating areas, pedestrian lighting, and public art pedestals.
- There are several specimen trees on the site, consisting of a mixture of Hardwoods, Pines, and Magnolias. The site plan depicts a tree save area at the corner of Old Milton Parkway and Park Street. A 30" Pecan, 20" Water Oak, 7" Water Oak, 6" Water Oak, 5" Water Oak, and 4" Water Oak are shown to be saved in this area. The City Arborist conducted a field assessment and believes that the proposed tree save area is a 'good' save, subject to a climbing assessment of the Pecan tree. If the Pecan is determined to be unworthy of saving, Staff recommends tree replacement within the tree save area with 12" – 15" caliper trees.
- The applicant's initial site plan was sent to the City's On-Call consultant for review and comment. The City's consultant provided initial comments and recommended revising the site plan, as shown below, depicting greater connectivity, integration of uses, and central green space. The site plan does depict townhomes instead of stacked flats; however, stacked flats or townhomes could be accommodated on the site with the same design principles.
- City Staff has reviewed the applicant's proposal and finds that it can generally support the request for

master plan amendment and rezoning. The proposal will result in uses that are consistent with the Downtown Master Plan and Comprehensive Plan. The applicant's proposal reduces overall residential density while adding office use, which provides employment opportunities in the Downtown Overlay and Thompson Street/Old Milton Parkway corridors.

- Staff had concerns with the applicant's initial site plan, which did not depict any tree saves on the subject property due to topographic limitations. Staff encouraged the applicant to re-examine the proposed site plan and the applicant's revised site plan now incorporates a tree save area at the corner of Old Milton Parkway and Park Street. Staff recommends conditions to improve overall connectivity and integration of uses on the site in order to provide for a quality mixed-use development.
- Attorney Jill Arnold, came forward on behalf of the Applicant
- Steve Rowe, AEC came forward to speak to engineering details of the project

Public Comment

None

- ❖ Council Member Kennedy offered a motion to approve MP-16-14/Z-16-15 Notting Hill Old Milton Holdings MU subject to the following condition revisions:
 - #1- change date to January 22, 2017
 - #14- accept applicant suggested language, "Development shall not be gated, however a gate may be installed between the office tract and residential stacked flat tract for stacked flat resident use only."
 - #17- keep staff recommended condition, but add, "If determined to be feasible by the Director of Community Development."
 - #24- changing the deleted condition to #34
 - #30- retain staff condition, but add, "If a future connection is constructed, access may not be gated by either party without City Council approval."
- The motion received a second from Council Member Mitchell
- The motion was approved 6-0

G. V-17-02 Haley/165 Cumming Street

- Director of Community Development, Kathi Cook, came forward to present this item on behalf of staff
- Staff recommends approval of V-17-02 Haley/165 Cumming Street Variance subject to the following conditions:
 1. The location and size of the garage shall be limited to the submitted plans, dated 10/27/16.

2. Garage structure shall be constructed of brick to match the existing exterior of the home. Garage door shall be decorative and consistent with the architecture of the home as approved by Staff.
 3. Property owner shall provide a 10' easement for a future sidewalk along Cumming Street.
 4. All trees within 30' of the proposed garage, including off-site trees, shall be identified at the time of residential lot land disturbance permit (ENG) and any tree impacts shall be subject to Staff approval.
- The applicants, Julie and Michael Haley, are requesting a setback variance to reduce the side yard setback from ten (10) feet to 2'-4" to allow for the construction of an attached garage on an existing single-family detached home. The subject property is zoned R-15 (Dwelling, 'For-Sale' Residential), which has a side yard setback of ten (10) feet. The property is located at 165 Cumming Street, on the south side of Cumming Street east of Cricket Lane.
 - Unified Development Code (UDC) Section 2.2.5 (D) requires a ten (10) foot side yard setback in the R-15 zoning district. The applicant's site plan depicts the garage 2' – 4" from the eastern side property line, which is adjacent to vacant property zoned SU (Special Use) and owned by Alpharetta Presbyterian Church. The church property includes a narrow strip of land, approximately 70 feet wide, that was intended to be used as a secondary driveway for church access from Cumming Street. According to the applicant, the church conducted a feasibility study and decided not to construct the driveway.
 - The applicant recently purchased the property for their permanent residence and is currently undergoing renovations. The 0.89-acre property includes a ranch style single-family detached home with a carport and covered pavilion. The pavilion is depicted on the survey just south of the proposed garage and encroaches into the side yard setback up to the property line. The property is heavily wooded in the front and rear yards and a stream is located along the rear of the property. A 75-foot stream buffer covers approximately a third (1/3) of the property at the rear of the existing home. The proposed 26' x 26' garage addition will be located in an area that is already paved as a residential driveway. The proposed garage addition will face Cumming Street, which is consistent with many of the homes along Cumming Street having open carports or garages facing Cumming Street.
 - Staff has reviewed the application and is in general agreement with the requested setback variance. If approval is considered, conditions are recommended to limit the size and materials used to construct the garage, as well as to protect the existing tree canopy.
 - The applicant notified adjacent property owners of the variance request and intent for the property. The citizen participation report states that no comments were received. Alpharetta Presbyterian Church provided a letter of support for the applicant's variance request.
 - Julie Haley came forward as the applicant

❖ Council Member Kennedy offered a motion to approve V-17-02 Haley/165 Cumming Street subject to the staff conditions with one revision to condition #2:

- "The garage structure shall be constructed of brick and similar material to match the existing exterior of the home."
- The motion received a second from Council Member Merkel
- The motion was approved 6-0

H. MP-17-02/CU-17-04 Milton Park Promenade II

- Senior Planner, Michael Woodman, presented this item on behalf of staff
- This item was heard at the January 5, 2017 Planning Commission meeting. One resident spoke in favor of the applicant's request, stating that Milton Park needed more retail uses to support the surrounding office and residential. After discussion, the Planning Commission recommended to approve the request subject to staff's recommended conditions. Vote (7-0)
- Staff recommends approval of MP-17-02/CU-17-04 Milton Park Promenade II subject to the following conditions:
 1. Development shall be limited to office, restaurant, and bank use only with up to 13,900 square feet of retail. Of the 13,900 square feet of retail, 5,386 square feet shall be limited to the sole use of Steinway Piano. Upon the cessation or termination of that use by Steinway Piano, said 5,386 square feet shall revert to office use. All other uses shall require City Council approval, remaining 8,514 shall be permitted use from Condition 4 in file MP-08-07/CLUP-08-02/Z-08-02/V-08-05 Milton Park Promenade II. No freestanding retail or restaurants shall be permitted. Applicant agrees to transfer 19,000 square feet of retail density from Town Square in exchange for the 13,900 square feet of retail in this application. No additional retail will be allowed within the Milton Park Master Plan.
 2. Density shall be limited to 15,000 square feet per acre (previously approved). Densities are as follows: Up to 13,900 square feet of retail for Steinway Piano and uses as listed below in Condition 4; up to 10,784 square feet restaurant, with the remaining density O-I, provided the developer meets all zoning conditions.
 3. Buildings shall not include one single tenant, shall be multi-tenant with support services. Upper level limited to office uses only. Lower level limited to the following permitted retail uses:

• Art Gallery/Art Framing/Art Sales • Bakery • Barber Shop • Beauty Salon/Supply • Book/Video Store • Card/Gift Shop • Carpet and Rug Sales • Cellular Phone Sales • Clinic • Clothing Boutique/Tuxedo Rental • Coffee/Bagel Shop • Commercial School	• Consumer Electronic Sales • Custom Alterations/Tailoring • Day Spa • Drug Store • Dry Cleaners – Pick Up Only • Florist • Food Store (specialty or gourmet only) • Hair/Nail Salon • Hardware and Garden Supply Store
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- Hobby Shop/Children's Toy Store
 - Home Décor and Furniture Sales
 - Home Entertainment and recreation sales
 - Ice Cream Shop
 - Jewelry Store
 - Musical equipment sales and showroom
 - Pet Grooming
 - Postal/Package Store
 - Print Shop
 - Recreation/Fitness Facilities
 - Restaurant is a conditional use under the current O-I zoning
 - Travel Agency
4. 'Ice Cream Shop' shall be added as a conditional use at 5950 North Point Parkway, Suite 129.
 5. Conditional use approval shall be limited to Scream'N Nuts Donuts & Ice Cream; no additional 'restaurant' businesses or subleasing shall be permitted within the approved space.
 6. Provide a double row of shrubs, minimum 2' at planting, within the landscape strips along North Point Parkway and Mill Creek Avenue to screen the parking lot. Existing shrubs may remain where provided, but shall be supplemented where necessary to meet the Code requirement for parking lot screening.
 7. Provide sod in the areas between the road (North Point Parkway and Rock Mill Avenue) and the sidewalk.
 8. Awning(s) associated with the proposed ice cream store suite and faded awnings throughout the center shall be replaced with black awnings. Any future awning replacement shall be restricted to black awnings for the entire center.
 9. Previous conditions of zoning shall remain in effect, except as modified by these conditions.
- The applicant, Adam Hale on behalf of Hale Retail Group, is requesting a master plan amendment to the Milton Park Master Plan to allow an ice cream/donut shop within a 3,100 square foot suite at the Milton Park Promenade II center. Previous master plan conditions limited the space to Steinway Piano or an office use. A conditional use is also requested to allow the proposed ice cream shop, which is classified as a 'Restaurant' use. The subject property is located at 5950 North Point Parkway, at the southwest corner of North Point Parkway and Mill Creek Avenue.
 - The Milton Park Master Plan was approved on November 22, 1999. The original master plan was approved for 300,000 square feet of office, 490 'For-Rent' apartments, 150 'For-Sale' single-family units, 50,000 square feet of retail and 25,000 square feet of free-standing commercial use. The subject property was not part of the original master plan approval; however, it was later incorporated through a master plan amendment approved on May 27, 2008 for the Milton Park Promenade II center. The Milton Park Promenade II master plan amendment approval limited the development to 17,000 square feet of retail, 9,000 square feet of restaurant, and the remaining density to office use. The applicant proposes the following changes to the previous master plan conditions related to MP-08-07/CLUP-08-02/Z-08-02/V-08-05 Milton Park Promenade II:
 2. Development shall be limited to office, restaurant, and bank use only with up to 17,000 square feet of retail of the 17,000 square feet of retail, ~~8,500~~ 5,386 shall be limited to the sole use of Steinway Piano. Upon the cessation or termination of that use by Steinway Piano, ~~said 8,500~~ 5,386 square feet shall revert to office use. All other uses shall require City Council

approval, remaining 6,800 shall be permitted use from Condition 4 below. No freestanding retail or restaurants shall be permitted. Applicant agrees to transfer 19,000 square feet of retail density from Town square in exchange for the 17,000 square feet of retail in this application. No additional retail will be allowed within the Milton Park Master Plan.

3. Density shall be limited to 15,000 square feet per acre (Previously approved). Densities are Condition 4; up to ~~9,000~~ 10,784 square feet restaurant, with the remaining density O-I, provided the developer meets all zoning conditions.

4. Buildings shall not include one single tenant, shall be multi-tenant with support services. Upper level limited to office uses only. Lower level limited to the listed permitted retail uses and 'add ice cream shop'

- The Milton Park Promenade II center is 27,579 square feet. Steinway Piano has reduced the size of their suite from 8,500 to 5,386 square feet. Based on previous master plan condition #2 above, the 3,114 square foot space shall revert to office use. The applicant proposes to utilize this space for an ice cream shop, which is classified as a restaurant use and requires approval of a conditional use permit. An ice cream shop is very similar to a coffee/bagel shop, which is listed as a permitted use in Condition #4 above. Previous conditions of zoning also restricted the overall restaurant square footage to no more than 9,000 square feet. The proposed ice cream shop will increase the total restaurant space at Milton Park Promenade II to 10,784 square feet.
- The Milton Park Master Plan includes established parking regulations, as provided in the table below. The Milton Park Promenade II center has 145 parking spaces existing on the site. The applicant's request to change the 3,100 square feet space from office to restaurant use would require 128 parking spaces for the Milton Park Promenade II center.
- The proposed ice cream/donut shop tenant is Scream'N Nuts Donuts & Ice Cream. The artisan ice cream and donut shop is a new concept and if approved, Milton Park Promenade II will be the business' first location. The floor plan below depicts seating to accommodate 42 customers. The customer seating area is 896 square feet, which represents just 29% of the total space.
- City Staff has reviewed the applicant's proposal and finds that it can generally support the applicant's request for master plan amendment and conditional use. In the past staff has had concerns with additional retail along North Point Parkway; however, the applicant's proposal is part of a mixed use, walkable development. The original master plan permitted up to 50,000 square feet of retail use and 25,000 square feet of free-standing commercial use. However, with the exception of the Milton Park Promenade II center, the only retail developed within the Milton Park Master Plan is the small amount of ground floor retail at the corner of Mill Creek Avenue and Cicero Drive. In addition, the proposed use is similar to a coffee/bagel shop, which is listed as a permitted use on the subject property. Also, the proposed use would complement existing uses in the Milton Park Promenade II center and is supported by sufficient parking. The use should generate fewer vehicular trips since the ice cream shop would likely benefit from patrons of the surrounding restaurants, as well as generate pedestrian trips from the adjacent residential areas. Staff recommends conditions that limit expansion of the proposed use, as well as limitations on the overall amount of retail and restaurant density at Milton Park Promenade II.
- The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that an objection was received from a resident that believes the proposed space should revert to office use due to concern over increased vehicular traffic.
- Adam Hale came forward on behalf of the applicant

Public Comment

None

- ❖ Council Member Kennedy offered a motion to approve MP-17-02/CU-17-04 Milton Park Promenade II subject to the staff conditions

- The motion received a second from Council Member Mitchell
- The motion was approved 6-0

VII. OLD BUSINESS

A. Alcohol License Amendment (1st reading)

(Item was tabled at the 1/9/17 Council Meeting and must be removed from the table for discussion)

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA PROVIDING FOR CERTAIN AMENDMENTS TO CHAPTER 3 (ALCOHOLIC BEVERAGES) OF THE CODE OF THE CITY OF ALPHARETTA, GEORGIA PERTAINING TO CIGAR SHOPS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

Council Member Kennedy offered a motion to remove this item from the table

- The motion received a second from Council Member Owens
- The motion was approved 6-0

- Sam Thomas read the Ordinance aloud constituting a 1st reading

Public Comment

None

- ❖ Council Member Gilvin offered a motion to approve the version of the Ordinance stating, "For the purposes of this Section only, annual gross revenues shall mean revenues from the sale of alcohol and the in-store sale of cigars"

- The motion received a second from Council Member Kennedy
- The motion was approved 6-0

VIII. NEW BUSINESS

A. Parks without Borders Program with Johns Creek Recreation and Parks

- Interim Director of Recreation and Parks, Lisa Gurganus, came forward to present this item on behalf of staff
- Staff recommends the approval of the renewal of the Memorandum of Understanding ("MOU") between the City of Alpharetta and City of Johns Creek to waive non-resident fees for youth recreational sports including baseball, lacrosse, and girls softball for 2017 and 2018 spring and fall sports seasons, and authorize Mayor and Council to execute all necessary documents
- In 2016, the City of Alpharetta ("Alpharetta") and the City of Johns Creek ("Johns Creek") continued the "Parks without Borders" program to waive non-resident fees for selected youth recreational sports programs: youth softball, youth baseball, and youth lacrosse. This Memorandum of Understanding ("MOU") has expired for 2016, and if there is a desire for this program to continue, the MOU would need to be renewed. Alpharetta and Johns Creek staff have independently and collectively

evaluated the effectiveness of the 2016 program and agree it continues to meet the goal of being beneficial to residents of both cities.

- Staff recommends renewing the MOU to continue the current program for the 2017 and 2018 spring and fall sports seasons. Staff further recommends inserting auto-renewal language into the latest MOU.
- The "Parks without Borders" agreement between Alpharetta and Johns Creek began in 2015 with waiving non-resident fees for youth recreational girls softball. In 2016, the agreement was continued and expanded to include youth recreational baseball and lacrosse. Due to the success of the program, both Alpharetta and Johns Creek staff recommend confining the agreement to the existing sports and inserting auto-renewal language in the latest MOU.
- In 2016, neither City had to turn away its respective residents as a result of this MOU. As stated in the 2017 MOU, staff and officials from both Cities will continue to evaluate the effectiveness of the MOU in meeting established goals.

Public Comment

None

- ❖ Council Member Binder offered a motion to approve the renewal of the Memorandum of Understanding ("MOU") between the City of Alpharetta and City of Johns Creek to waive non-resident fees for youth recreational sports including baseball, lacrosse, and girls softball for 2017 and 2018 spring and fall sports seasons, and authorize Mayor and Council to execute all necessary documents.
 - The motion received a second from Council Member Gilvin
 - Motion includes provision that agreement can be approved in future years by Director of Recreation and Parks, Mayor and City Administrator or designee
 - The motion was approved 6-0

B. Grant Funding for Camp Happy

- Recreation Supervisor, Christine Young, came forward to present this item on behalf of staff
- Approve the Recreation and Parks Department's request to apply for grant funding in the amount of \$15,000.00 for the Request for Proposal 17RFP110042017 Community Services Program, administered by the Fulton County Department of Housing and Community Development; authorize the Mayor to execute all documents; and authorize the Director of Recreation and Parks to approve the final application.
- Since 2004, the Alpharetta Recreation and Parks Department has applied for and received grant funding through Fulton County Department of Housing and Community Development (FCDHCD). This grant, formerly known as the F.R.E.S.H. grant, has been used to offset expenses associated with Camp Happy Hearts, a summer day camp for children age 6 to 12 who have mild disabilities.
- In 2016, FCDHCD changed the name of the grant and the way they award monies to

approved applicants. The name of the grant is Request for Proposal 17RFP110042017 Community Services Program. The amount we are requesting this year is \$15,000. Funds would be used for bus transportation rental and employee salaries. No matching funds are required.

- The goal of FCDHCD is to partner with agencies that fill specific needs in the communities they serve and to consolidate the number of funds paid out to agencies that collaborate with one another. The Lionheart School has once again agreed to be the fiscal agent for Camp Happy Hearts for the purpose of the 501c3 status for funding. In addition to partnering with the Lionheart School, we will also partner again with the City of Milton (Camp Joyful Soles for children age 12 to 17 who have mild disabilities).
- Due to the deadline for this grant, our application has already been submitted. Should City Council not support this request, however, the application will be withdrawn.
- City Attorney, Sam Thomas, read the Resolution aloud

Public comment

None

❖ Council Member Binder offered a motion to approve the Recreation and Parks Department's request to apply for grant funding in the amount of \$15,000.00 for the Request for Proposal 17RFP110042017 Community Services Program, administered by the Fulton County Department of Housing and Community Development; authorize the Mayor to execute all documents; and authorize the Director of Recreation and Parks to approve the final application.

- The motion received a second from Council Member Gilvin
- The motion was approved 6-0

IX. PUBLIC COMMENT

None

X. REPORTS

- Mayor Pro Tem Owens announced that Boy Scout Troup 51 held its 1st Annual Flag Retirement Ceremony at the American Legion this past Saturday.
- Mayor Pro Tem Owens also announced that the City of Alpharetta held a successful open house meeting for input on the Webb Bridge Road project last Thursday night at City Hall.
- Assistant City Administrator announced that there will be an open house on the Kimball Bridge Road project this Tuesday night at 6:30p.m. at New Prospect Elementary.
- The City of Alpharetta is working on additional meetings for other road projects with details to come at a later date
- Community Development held a successful open house on the loop project last Tuesday at City Hall

- Congratulations to Design Review Board chair Richard Kramer who was recently named President of the Atlanta Chapter of the American Institute of Architects for 2016

XI. ADJOURNMENT

- ❖ Mayor Pro Tem Owens adjourned the meeting at 11:54 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