



City Council Meeting  
April 22, 2019  
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 (absent)
  - 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, Parks & Cultural Services
  - Kathi Cook, Director of Community Development
  - Kim Zane, Cultural Services Manager

### III. PLEDGE TO THE FLAG

### IV. CONSENT AGENDA

#### A. Council Meeting Minutes (Meeting of 4/15/2019)

#### B. Alcoholic Beverage License Applications PH-19-AB-08 PLP Restaurant #7, LLC d/b/a Peace Love and Pizza 4055 Old Milton Pkwy. #14 Alpharetta, GA 30022

Consumption on Premises Beer, Wine,  
Sunday Sales

Owner: David Ardagna  
Registered Agent: Joseph Ardagna

❖ Council Member Merkel offered a motion to approve the Consent Agenda

- The motion received a second from Council Member Burnett
- The motion was approved (5-1); Mayor Pro Tem Mitchell abstained

### V. PUBLIC HEARING

#### A. PH-19-02 Solomon Brothers Fine Jewelers/Liberty Park Village

- Director of Community Development, Kathi Cook, came forward to present this item.
- Staff recommends Mayor and Council approve PH-19-02 Solomon Brothers Fine Jewelers/Liberty Park Village, subject to the following conditions (RED text below indicates changes from previous conditions of zoning):
  1. Office/Commercial portion of the site, consisting of approximately 3 acres, shall be zoned MU. Retail and restaurant uses shall be limited to a maximum of ~~25,000~~ 27,821 square feet, which represents currently vested retail on existing C1 parcel. Of the 27,821 square feet of retail, 4,850 square feet shall be limited to the sole use of Solomon Brothers Fine Jewelers. Upon the cessation or termination of that use by Solomon Brothers, said 4,850 square feet shall revert to office use. Retail and restaurant shall be restricted to the ground floor within multi-level buildings, except that Solomon Brothers shall be permitted to occupy 2nd floor space containing approximately 4,850 square feet and operating as a Jewelry Store. One stand-alone sit-down restaurant shall be permitted, no drive thru windows. A permit for a 2nd standalone restaurant may be permitted only after construction of a minimum of 12000 square feet of office space. The following uses shall be permitted:

- a. Office
  - b. Restaurant/No drive thru (all restaurants shall include outdoor seating)
  - c. Bakery
  - d. Beauty Shop
  - e. Print shop
  - f. Craftsman/artist studio
  - g. Florist
  - h. Shipping store
  - i. Bank (Internal Drive Thru Only)
  - j. Fitness studio
  - k. Wine Store
  - l. Phone Store
  - m. Coffee Shop/ Coffee House
  - n. jewelry store
  - o. spa services as a conditional use
2. Solomon Brothers Fine Jewelers shall be permitted at 2500 Old Milton Pkwy, Suite 250, limited to no more than 4,850 square feet.
  3. Hours of operation for Solomon Brothers shall be Monday & Wednesday 10:00 AM – 6:00 PM, Tuesday & Thursday 10:00 AM – 8:00 PM, Friday & Saturday 10:00 AM – 5:00 PM and Sunday 12:00 PM – 5:00 PM.
  4. One office wall sign shall be permitted on the upper floor of the building not to exceed 20 SF; however, the wall sign shall not be placed on the elevation facing Old Milton Parkway. There shall be no signage on the upper floor of the building facing Old Milton Parkway. Window signage shall be limited to no more than 10% of the window area. No lighting window trim.
  5. The approved Old Milton Holdings site plan may be subdivided into separate platted parcels through the City's subdivision plat process.
    - The applicant, Chris Massey, requests a change to previous conditions of zoning to increase the allowable commercial square footage for Solomon Brothers Fine Jewelers. Previous conditions of zoning limited the amount of retail/restaurant use to no more than 25,000 square feet and to the ground-floor of the building. The subject property is located at 2500 Old Milton Parkway, Suite 250 of Liberty Park Village, which is located within the Old Milton Holdings Master Plan.
    - The submitted request, if approved, would permit the applicant to increase the allowable commercial square footage in order to accommodate Solomon Brothers Fine Jewelers in a 2nd floor suite. Previous conditions of zoning limited the amount of retail/restaurant use to no more than 25,000 square feet and to the ground-floor of the building. The subject property is located at 2500 Old Milton Parkway, Suite 250 of Liberty Park Village, which is located in the Old Milton Holdings Master Plan.
    - The property is zoned MU (Mixed Use) and is subject to the Old Milton Holdings Master Plan, which allows 'Jewelry Store' as a permitted use. The master plan is limited to no more than 25,000 square feet of retail/restaurant use on the ground-floor of the building. Other businesses within the same building, include Burger 21, Bob Steele Salon, Clean Juice, Verizon and the Cheeley Law Firm.
    - The property was approved in 2015 for a comprehensive land use plan amendment, rezoning and variance to allow a mixed-use development, including office, retail/restaurant

and 'For-Sale' residential uses on 21 acres. As shown below, the applicant proposes the following changes to previous conditions of zoning related to file# CLUP-14-07/Z-14-11/V-14-26 Old Milton Holdings/Thompson (~~Strike through = Delete, Underline = Add~~):

- 2. Office/Commercial portion of the site, consisting of approximately 3 acres, shall be zoned MU. Retail and restaurant uses shall be limited to a maximum of 25,000 sf which represents currently vested retail on existing C1 parcel. Retail and restaurant shall be restricted to the ground floor within multi-level buildings, except that Solomon Brothers shall be able to occupy second floor space containing approximately 4,850 square feet and operate as a jewelry store. Solomon Brothers shall be able to occupy approximately 2,821 square feet over the 25,000 square feet of retail allowed. One stand-alone sit-down restaurant shall be permitted, no drive thru windows. ~~A permit for a 2nd stand-alone restaurant may be permitted only after construction of a minimum of 12000 square feet of office space.~~ The following uses shall be permitted:
  - a. Office
  - b. Restaurant/No drive thru (all restaurants shall include outdoor seating)
  - c. Bakery
  - d. Beauty Shop
  - e. Print shop
  - f. Craftsman/artist studio
  - g. Florist
  - h. Shipping store
  - i. Bank (Internal Drive Thru Only)
  - j. Fitness studio
  - k. Wine Store
  - l. Phone Store
  - m. Coffee Shop/ Coffee House
  - n. jewelry store
  - o. spa services as a conditional use
  
- The four (4) buildings in Liberty Park Village consists of 42,562 square feet, of which no more than 25,000 square feet can be commercial and on the ground-floor. The proposed change would result in an increase to the total allowable retail/restaurant space to 27,821 square feet, or an increase of 2,821 square feet of retail use.
  
- Liberty Park Village – Existing and Proposed Uses:

Address	Suite #	Tenant	Retail/Restaurant (SF)	Office (SF)
2500	100	Burger 21	3,500	
	115	Clean Juice	1,100	
	120	Atlanta Audio & Automation	1,220	
	125	Vacant (Proposed Fitness Studio)	2,180	
	130	Bob Steele Salon	2,500	
	140	Verizon	2,000	
	200	Cheeley Law Firm		4,422
	210	Butler Rikard Mersereau, LLP		1,614
	250	Solomon Brothers Fine Jewelry	4,850	
		Office Common Area		2,722
2560	110	Salata	2,146	
	120	Chuy's	6,436	
2600		SunTrust Bank		2,997
2610	110	Engel & Volkers		2,986
	120	European Wax Center	1,889	
		<b>TOTAL (PROPOSED)</b>	<b>27,821</b>	<b>14,741</b>
		<b>CURRENT MASTER PLAN</b>	<b>25,000 (max.)</b>	<b>N/A</b>
		<b>NET CHANGE</b>	<b>+2,821</b>	

- There are 227 parking spaces within the commercial portion of Liberty Park Village, of which the Alpharetta Downtown Code requires 108 spaces. The applicant's request to convert a 4,850 square foot office space to retail would require less parking, since the Downtown parking requirements are greater for office use (3/1,000 square feet) than for retail/restaurant use (1/500 square feet).
- Solomon Brothers Fine Jewelers has been in operation for approximately 35 years with a location in Buckhead on the 17th floor of 100 Tower Place. According to the applicant, Solomon Brothers operates primarily by appointment only. Hours of operation are Monday & Wednesday 10:00 AM – 6:00 PM, Tuesday & Thursday 10:00 AM – 8:00 PM, Friday & Saturday 10:00 AM – 5:00 PM and Sunday 12:00 PM – 5:00 PM. Access to the proposed location will be through the office lobby of the building, with patrons being buzzed into the suite. The applicant anticipates 8 – 10 employees at the proposed location.
- City Staff has reviewed the applicant's proposal and finds that it can generally support the request to change previous conditions of zoning. Staff has concerns with additional retail along Old Milton Parkway; however, the applicant's proposal is part of a mixed-use, walkable development. The proposed changes would result in a use that complements existing uses in the center and is supported by sufficient parking. In addition, there is precedent for allowing a jewelry store in an office environment as evidenced by a jewelry store being a permitted support retail use in the O-P zoning district. If approved, conditions are recommended limiting the approval to Solomon Brothers Fine Jewelers, limiting any expansion of the business and requiring that the space revert to office at the time Solomon Brothers ceases operations at the subject location.
- The report submitted by the applicant states that property owners were contacted regarding the applicant's intent. The report states that no comments were received.
- The CZIM was held on April 10, 2019. There were no public comments reflected on the sign-in sheet.
- President of JWB Realty Services, Bill Butler, came forward to speak on behalf of the applicant.
- Councilmember Richard asked for clarification on the bar area depicted on the floor plan. The applicant is aware that he cannot sell alcohol without a license.

**Public Comment:**

- No Public Comment
- ❖ Council Member Richard offered a motion to approve the PH-19-02 Solomon Brothers Fine Jewelers/Liberty Park Village, subject to staff conditions:
  - Office/Commercial portion of the site, consisting of approximately 3 acres, shall be zoned MU. Retail and restaurant uses shall be limited to a maximum of 27,821 square feet, which represents currently vested retail on existing C1 parcel. Of the 27,821 square feet of retail, 4,850 square feet shall be limited to the sole use of Solomon Brothers Fine Jewelers. Upon the cessation or termination\_of that use by Solomon Brothers, said 4,850 square feet shall revert to office use. Retail and

restaurant shall be restricted to the ground floor within multi-level buildings, except that Solomon Brothers shall be permitted to occupy 2<sup>nd</sup> floor space containing approximately 4,850 square feet and operating as a Jewelry Store. The following uses shall be permitted:

- a. Office
  - b. Restaurant/No drive thru (all restaurants shall include outdoor seating)
  - c. Bakery
  - d. Beauty Shop
  - e. Print shop
  - f. Craftsman/artist studio
  - g. Florist
  - h. Shipping store
  - i. Bank (Internal Drive Thru Only)
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  - m. Coffee Shop/ Coffee House
  - n. jewelry store
  - o. spa services as a conditional use
- Solomon Brothers Fine Jewelers shall be permitted at 2500 Old Milton Pkwy, Suite 250, limited to no more than 4,850 square feet.
  - Hours of operation for Solomon Brothers shall be Monday & Wednesday 10:00 AM – 6:00 PM, Tuesday & Thursday 10:00 AM – 8:00 PM, Friday & Saturday 10:00 AM – 5:00 PM and Sunday 12:00 PM – 5:00 PM.
  - One office wall sign shall be permitted on the upper floor of the building not to exceed 20 SF; however, the wall sign shall not be placed on the elevation facing Old Milton Parkway. There shall be no signage on the upper floor of the building facing Old Milton Parkway. Window signage shall be limited to no more than 10% of the window area. No lighting window trim.
  - The approved Old Milton Holdings site plan may be subdivided into separate platted parcels through the City's subdivision plat process.
- The motion received a second from Council Member Binder
  - The motion was approved unanimously (6-0)

## VI. OLD BUSINESS

### A. PH-19-01: 333 Milton Avenue

- Director of Community Development, Kathi Cook, came forward to present this item.
- Staff recommends Mayor and Council approve PH-19-01 333 MILTON AVE HISTORIC DESIGNATION.
- The applicant is requesting that the property be moved from Contributing Historic Building status to the Designated as Historic List. The subject property is located at 333 Milton Ave and is legally described as Land Lot 1271, 2nd District, 2nd Section, Fulton County, Georgia.

- The submitted request, if approved, will allow the applicant to change the property status from Contributing Historic Property to designated as Historic per the Historic Preservation Ordinance.
- The property meets the Criteria for Designation:
  - This home possesses historic significance and association as a home to one of the founding families of Alpharetta. It was owned by Q.A. Wills.
  - It is deemed worthy of preservation as it is 88 years old and is an outstanding representative of a Vernacular Style home from that time period.
  - Tracy Ward, the downtown consultant for the City agrees that this property should be designated as Historic as it is an outstanding example of a rural southern cottage from that time period...
  - The Georgia Historic Preservation Trust supports the designation of the property due to its significance as a good example of vernacular architecture in the 1930's.
    - A. Is the property of historic, cultural, aesthetic or architectural significance to the City, the region, the State, or the nation; or
    - B. Does the property possess historic integrity (in terms of its location, design, setting, materials, workmanship, feeling, and association) for all periods related to the significance of the property; and the property has aesthetic and architectural significance as an example of a rural southern farmhouse cottage,
    - C. Is the property deemed worthy of preservation (and the benefits available due to such status) following reasons:
      - I. It is an outstanding example of a building representative of its era and over 75 years old; the building is representative of an example of authentic vernacular architectural style.
      - II. It is one of the few remaining examples of a past architectural style or type and over 75 years old; or according to Fulton County tax records, the home was built in 1930. It is approximately 88 years old.
      - III. Is the property a place associated with an event or person(s) of historic or cultural significance to the City, the region, the State, or the nation and over 75 years old.
- In the book, Alpharetta, Milton County the Early Years, Connie Mashburn notes that the Stephens family resided in this home.
  - Q. A. Wills – Alpharetta, Milton County the Early Years by Connie Mashburn
    - Served as Mayor of Alpharetta
    - Convinced Fulton County Officials to deed courthouse and lot to Alpharetta at no cost which made way for a new City Hall to be built in 1955.
    - He served on the building committee for Alpharetta First United Methodist Church in 1938 when the Sanctuary was completed
    - Was a regular for dances at FFA Log Cabin
    - Opened a Cotton Brokerage and warehouse building in the late 1930's located at the northwest corner of Milton Avenue and Old Canton Street.

- Operated Wills Warehouse where he bought, stored and sold bales of cotton to Roswell Mills
  - Operated a store in the Barnett Brothers/Parsons Building
  - Operated a Chenille Factory in the 1940's in building known as the Waters Building
  - Wills Park exists because he sold property to Fulton County at a substantial discount. A condition of sale was that the county would build a park on the property for area residents.
- Virgil and Lillian Stephens
    - Lived in this home from 1929 – 1938
    - A Wills owned the house and they worked the surrounding fields as tenant farmers
    - Children – Herbert, Helen, Harold, Nolan
    - Grandchild – Bob Burgess
  - Harold Stephens
    - Played third base on the Alpharetta Baseball Team in 1947. (p.70-71, Alpharetta, Milton County the Early Years)
    - Was a U.S. Marine during WWII (p.134)
- City Attorney, Sam Thomas, read the Ordinance into the record.
- ❖ Council Member Richard offered a motion to approve PH-19-01 333 MILTON AVE HISTORIC DESIGNATION and the Ordinance as read by the City Attorney
    - The motion received a second from Mayor Pro Tem Mitchell
    - The motion was approved unanimously (6-0)

## VII. NEW BUSINESS

### A. Funding of Art on Loan Program (Formally Miscellany)

- Director of Recreation, Parks & Cultural Services, Morgan Rodgers, came forward to present this item.
- Staff recommends Mayor and Council award previously budgeted funds in the amount of \$85,000 to Arts Alpharetta to continue the rotating public sculpture on land program (coined this year as "Omnium Gatherum" meaning a collection of all things) and authorize the City Attorney and City Staff to award contract memorializing formally the terms of said award and authorize the Mayor to execute all necessary documents.
- This is year two of the Public Art on Loan program, formally known as Miscellany. This project is a partnership with Arts Alpharetta and provides for numerous public art pieces to be displayed in Alpharetta. The exact number of pieces and locations will be determined through the process. Exhibit "A" explains the Scope of Services, the Exhibition date and time line and proposed

budget. Arts Alpharetta has coined the phrase "OMNIUM GATHERUM" as the title for the overall exhibit.

- As in Phase I, Arts Alpharetta will handle the call for artists, the jury process, and the installation of all the artwork including the payment of all the artists.

**Public Comment:**

- No Public Comment
- ❖ Council Member Binder offered a motion to award the previously budgeted funds in the amount of \$85,000 to Arts Alpharetta to continue the rotating public sculpture on land program (coined this year as Omnium Gatherum) and authorize the City Attorney and City Staff to award contract memorializing formally the terms of said award and authorize the Mayor to execute all necessary documents.
  - The motion received a second from Mayor Pro Tem Mitchell
  - Mayor Gilvin made a friendly amendment to the motion to state "up to" the amount of \$85,000
  - The motion was approved unanimously (6-0)

**B. Recommendation for a Short-term Adjustment to the City's Residency Requirements for Team Formation with Current Youth Athletic Association Partners**

- Director of Recreation, Parks & Cultural Services, Morgan Rodgers, came forward to present this item.
- Earlier this year, the City of Milton decided not to renew the Memorandum of Understanding (MOU) with the City of Alpharetta. This MOU allowed citizens of both cities to register for recreation programs offered by either city and pay residents fees. The MOU also allowed travel teams to use residents of both cities to comply with the 50 percent residency issue.
- Staff recommends Mayor and Council's consideration of the recommendation by the Alpharetta Recreation, Parks and Cultural Services Staff and the Recreation & Parks Commission to allow a twelve (12) month period of time for the Youth Athletic Organizations Milton non-residents to be counted as residents in the process of travel team formation. Additionally, they will be subject to non-resident fees.
- Organizations affected by dissolution of the Milton MOU residency requirements are as follows: Alpharetta Youth Softball Association; Alpharetta Youth Baseball Association; North Atlanta Football League and Ambush Soccer.

**Public Comment:**

- No Public Comment

- ❖ Council Member Binder offered a motion to approve the recommendation by the Alpharetta Recreation, Parks and Cultural Services Staff and the Recreation & Parks Commission to allow a twelve (12) month period of time (beginning May 1<sup>st</sup>, 2019 and ending May 1<sup>st</sup>, 2020) for the Youth Athletic Organizations Milton non-residents to be counted as residents in the process of travel team formation. Additionally, they will be subject to non-resident fees. Organizations affected by dissolution of the Milton MOU residency requirements are as follows: Alpharetta Youth Softball Association; Alpharetta Youth Baseball Association; North Atlanta Football League and Ambush Soccer.
  - The motion received a second from Council Member Merkel
  - The motion was approved unanimously (6-0)

#### VIII. PUBLIC COMMENT

- No Public Comment

#### IX. REPORTS

- Councilmember Binder appointed Bob Myers, to replace Ben Hollingsworth, on the Historic Preservation Commission. Additionally, the Recreation, Parks, and Cultural Services Department is having their summer kick-off at Wills Parks on Saturday, April 22<sup>nd</sup> at 11:00 am – 2:00 pm.
- Councilmember Richard announced that on Tuesday, April 30<sup>th</sup> at 6:00 pm in the Community Room of City Hall, City Staff and design professionals will be having an open workshop discussing North Point LCI placemaking, public space activation, infrastructure improvements, conceptual streetscape plans, potential amenities, connections to other public spaces, and how it can all be integrated into surrounding private development.
- Councilmember Burnett welcomed two staff members of Congresswomen Lucy McBath, who were in the audience and asked for letters of support/cooperation for future grants that have been applied for by our Public Safety Department.
- Mayor Pro Tem Mitchell thanked the Alpharetta and Milton Fire Departments for safely handling the fire that was four houses down from his house. Additionally, Mayor Pro Tem Mitchell thanked the following members of the Public Works Department; Jason Waters, Earl Chatham, Nick Perriello, Phillip Eckstrom, Harry Bentley, Dennis Roland, and Adam Orberon, who worked over the weekend from about 7:00 am – 8:00 pm due to flooding issues, numerous trees that were down in neighborhoods and major roads, and power outages.

#### X. ADJOURNMENT

- ❖ With no further business to discuss or items to be heard, Mayor Gilvin adjourned the meeting at 7:18 PM

Respectfully submitted,



Erin Cobb, City Clerk