



City Council Meeting
October 28, 2019
Office of the City Clerk
CITY HALL 2 PARK PLAZA
6:30 PM

Official Minutes

The public is advised that the following minutes are not a verbatim transcription of business presented at the Council Meeting of the date shown; but are a synopsis of pertinent information. The public is further advised that the tapes recorded at said meeting are a matter of public record and are available to be heard at the City of Alpharetta's Clerk's office during normal business hours.

I. CALL TO ORDER

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

II. ROLL CALL

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

III. PLEDGE TO THE FLAG

IV. PRESENTATIONS

A. Winner of the Wire & Wood Drawing

- During this year's Wire & Wood Music Festival the City encouraged people to complete a short survey so they could be entered for a chance to win a Taylor 214CE CF Deluxe Guitar that retails for \$1,400. The City received almost 300 entries.
- Our in-kind sponsor for the grand prize was Righteous Guitars, located in Roswell. Representatives from Righteous Guitars came forward to present the winner, Kim Robertson from Alpharetta, with the prize.

V. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 10/21/2019)

- ❖ Council Member Merkel offered a motion to approve the consent agenda
 - The motion received a second from Mayor Pro Tem Mitchell
 - The motion was approved (5-0); Mayor Gilvin and Council Member Burnett abstained

VI. PUBLIC HEARING

A. PH-19-08 Gardner House/133 Cumming Street

NOTE: This item has been deferred by the Applicant and will neither be heard nor considered until Monday, December 9, 2019.

B. CU-19-05 Dunkin Donuts/Stonewood Village

- Senior Planner, Michael Woodman, came forward to present this item.
- Staff recommends Mayor and Council approve CU-19-05 Dunkin Donuts with Drive-Thru/Stonewood Village, subject to the following conditions:
 1. 'Restaurant w/Drive-Thru Window' shall be added as a conditional use at 670 North Main Street (outparcel at the corner of Cogburn Road and Highway 9) and limited to no more than 2,400 square feet.
 2. Conditional use approval shall be limited to Dunkin Donuts/Baskin Robbins; no additional 'Restaurant w/Drive-Thru Window' use or subleasing shall be permitted on the approved outparcel. No other drive-thru shall be permitted on the property. CU-08-11 Stonewood Village conditional use approval shall be void.
 3. Building shall be substantially similar to the submitted architecture and materials, with final approval by DRB. Windows and doors shall not have glass extending to the ground.
 4. Outside speakers shall not be audible from off-site properties.

5. Hours of operation shall be Monday – Sunday 5:00 AM – 10:00 PM.
 6. Parking lot screening, per the current UDC requirement, shall be provided along Highway 9 and Cogburn Road in the areas where currently not provided.
 7. Developer shall assess existing landscaping and replace any missing, dead or dying material.
 8. Developer shall provide a pedestrian connection from the sidewalk along Cogburn Road to the front door of the business, including adequate striping through the parking lot, as approved by Staff.
 9. Developer shall make accommodations for the GDOT Highway 9 project, including permanent and temporary easements, as well as future right-of-way. The required 20' landscape strip along Highway 9 shall be accommodated with the GDOT project.
 10. (New Condition) Properties shall be developed substantially in accordance with the submitted site and landscape plan prepared by Civilscapes, Inc. revised 10/14/2019, except for modifications required to comply with the conditions above.
 11. (New Condition) Signage shall be limited to two (2) perpendicular signs attached with decorative brackets, one (1) hallow-lit illuminated wall sign, and one (1) painted wall sign. Wall sign area shall not exceed the maximum permitted in the UDC regulations.
- The applicant, Ioan Donuts Holdings, LLC, is requesting a conditional use to allow Dunkin Donuts/Baskin Robbins to operate a 'Restaurant w/Drive-Thru Window' in a 2,400 square foot building on a pad-ready site within the Stonewood Village shopping center. The proposed use requires approval of a conditional use in the C-1 (Neighborhood Commercial) zoning district. The subject property is located at 670 North Main Street at the northwest corner of North Main Street and Cogburn Road.
 - The submitted request, if approved, would allow Dunkin Donuts/Baskin Robbins to operate a 'Restaurant w/Drive-Thru Window' in a 2,400 square foot building on a pad-ready site within the *Stonewood Village shopping center*. *The subject property is located at 670 North Main Street at the northwest corner of North Main Street and Cogburn Road.*
 - The property is a 0.32-acre pad-ready site within an existing shopping center with surrounding surface parking. The zoning of the property is C-1 (Neighborhood Commercial), which allows 'Restaurant w/Drive-Thru Window' with approval of a conditional use. Surrounding properties are zoned C-1 to the north, east, south and west. Stonewood Village shopping center is located to the north and west, Addington Place Assisted Living Facility is located to the east and an undeveloped parcel is located to the south. The Comprehensive Land Use Plan designation of the property is 'Commercial'.
 - Stonewood Village shopping center is approximately 13.75 acres and was developed in 1987 with a 110,282 square foot shopping center. Two (2) pad-ready sites were created in the parking lot for future outparcels, including the applicant's proposed location. Businesses occupying the shopping center include Queen of Hearts Antiques & Interiors, Dover Saddlery, and Anytime Fitness, to name a few. A conditional use (CU-08-11) was approved for a 'Restaurant w/Drive-Thru Window' at the shopping center in 2008. The conditional use was limited to Outparcel 'D', which is generally located along Highway 9 towards the middle of the property but was never developed (see below). Dunkin Donuts was the intended user of

Outparcel 'D'; however, the approval was not conditioned to Dunkin Donuts.

- The subject property is located within the Highway 9 LCI, which was adopted by the Cities of Alpharetta and Milton in 2012. The property is located in the southern portion of the 'Transitional Area' and includes a vision to improve walkability and overall character of the area. Because the property is already pad-graded with surface parking at the perimeter, the applicant does not intend to bring the building up to the street. However, the applicant has provided additional landscaping within the parking lot and conditions are recommended requiring increased landscaping along Highway 9 and Cogburn Road. In addition, building elevations were revised using traditional architecture with brick and stone exterior materials. The City's Downtown Consultant believes the revised elevations meet the intent for the area, with the comment that windows and doors should not have glass extending to the ground. Walkability will be addressed with GDOT's roadway project along Highway 9, which includes the installation of 12' sidewalks.
- Dunkin Donuts/Baskin Robbins currently has one (1) location in the City at 3630 Old Milton Parkway, Suite 100. The applicant's proposal, if approved, would allow for a 2nd location in the City. Hours of operation are proposed to be Monday through Sunday 5:00 AM to 10:00 PM. The applicant anticipates up to 25 employees. According to the ITE trip generation report submitted by the applicant, the use would generate a total of 42 AM Peak Hour trips and 26 PM Peak Hour trips. There are sufficient parking spaces to serve the existing and proposed uses on the property, including 25 parking spaces for the proposed Dunkin Donuts/Baskin Robbins.
- City Staff has reviewed the applicant's proposal and finds that it can generally support the request for conditional use. The request is not in conflict with the established review criteria for a conditional use and the property is a shopping center, which typically have restaurants with drive-through facilities on outparcels. If approved, a condition is recommended removing the previous 'Restaurant with Drive-Thru Window' conditional use approval on Outparcel D.
- The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that no comments were received.
- The City received correspondence from a residential property owner within 500' with concerns over increased traffic.
- The CZIM was held on September 11, 2019. There were no public comments on the sign-in sheet.
- Attorney, Christopher Light, came forward to speak on behalf of the applicant.
- The applicant, Stephen Attard, came forward to speak on behalf of the item.

Public Comment:

- Martha Gross, 1467 Berkley Lane NE, Atlanta, came forward to speak in support of this item.

- ❖ Council Member Richard offered a motion to approve CU-19-05 Dunkin Donuts with Drive-Thru/Stonewood Village, subject to the following eleven conditions as read by Staff including a change to condition #2:
 1. 'Restaurant w/Drive-Thru Window' shall be added as a conditional use at 670 North Main Street (outparcel at the corner of Cogburn Road and Highway 9) and limited to no more than 2,400 square feet.
 2. Conditional use approval shall be limited to Dunkin Donuts/Baskin Robbins; no additional 'Restaurant w/Drive-Thru Window' use or subleasing shall be permitted on the approved outparcel. No other drive-thru shall be permitted in Stonewood Village. CU-08-11 Stonewood Village conditional use approval shall be void.
 3. Building shall be substantially similar to the submitted architecture and materials, with final approval by DRB. Windows and doors shall not have glass extending to the ground.
 4. Outside speakers shall not be audible from off-site properties.
 5. Hours of operation shall be Monday – Sunday 5:00 AM – 10:00 PM.
 6. Parking lot screening, per the current UDC requirement, shall be provided along Highway 9 and Cogburn Road in the areas where currently not provided.
 7. Developer shall assess existing landscaping and replace any missing, dead or dying material.
 8. Developer shall provide a pedestrian connection from the sidewalk along Cogburn Road to the front door of the business, including adequate striping through the parking lot, as approved by Staff.
 9. Developer shall make accommodations for the GDOT Highway 9 project, including permanent and temporary easements, as well as future right-of-way. The required 20' landscape strip along Highway 9 shall be accommodated with the GDOT project.
 10. Properties shall be developed substantially in accordance with the submitted site and landscape plan prepared by Civilscapes, Inc. revised 10/14/2019, except for modifications required to comply with the conditions above.
 11. Signage shall be limited to two (2) perpendicular signs attached with decorative brackets, one (1) hallow-lit illuminated wall sign, and one (1) painted wall sign. Wall sign area shall not exceed the maximum permitted in the UDC regulations.
 - The motion received a second from Mayor Pro Tem Mitchell
 - The motion was approved unanimously (7-0)

VII. OLD BUSINESS

A. PH-19-07 Unified Development Code Text Amendments – Smoke Shop and Tobacco Store (2nd Reading) Sponsor: Council Member Burnett

- Staff recommends Mayor and Council approve amendments to the Unified Development Code as it relates to 'Smoke Shop and Tobacco Store'.
- Staff proposes an amendment to the definition of 'Smoke Shop and Tobacco Store'

to address vape products, as well as distance requirements from certain uses. 'Smoke Shop and Tobacco Store' is permitted by right in the LI (Light Industrial) zoning district and as a conditional use in the C-1 (Neighborhood Commercial) and C-2 (General Commercial) zoning districts.

- There have been no changes made to the ordinance since the first reading.
- City Attorney, Sam Thomas, read the ordinance aloud.

Public Comment:

- No Public Comment
- ❖ Council Member Burnett offered a motion to approve PH-19-07 Unified Development Code Text Amendments as it relates to 'Smoke Shops and Tobacco Stores'
 - The motion received a second from Council Member Binder
 - The motion was approved unanimously (7-0)

VIII. NEW BUSINESS

A. North Fulton Community Charities Temporary Use Permit

- Director of Community Development, Kathi Cook, came forward to present this item.
- Staff recommends Mayor and Council approve the request for a temporary use permit for North Fulton Community Charities Holiday Assistance Program through December 31, 2019.
- North Fulton Community Charities (NFCC) requests Council consideration to allow a temporary use permit for its annual Holiday Assistance Program. The temporary use regulations in the Unified Development Code (UDC), Subsection 2.3.2, do not address the applicant's specific circumstances, but allow the Community Development Director to forward such requests to Council for consideration. The subject property is located at 310 North Point Cir, between North Point Pkwy and North Point Cir.
- The 1.5-acre property is developed with a 16,000 square foot building, formerly Thomasville Furniture Store, and 88 parking spaces. Surrounding properties include California Pizza Kitchen to the east, North Point Mall and Cheesecake Factory to the north, Total Wine to the west and the former Fuddruckers building to the south.
- The former Thomasville Furniture Store has been donated to NFCC for temporary use from October 18, 2019 to December 31, 2019. NFCC's Holiday Assistance Program includes the following events: Warm Coat Distribution, Thanksgiving Senior Basket Delivery, Thanksgiving Meal Distribution, Christmas – Santa Shop, Christmas Senior Basket Delivery and Christmas – Family Sponsorship. NFCC will provide liability insurance, security, traffic control, utilities and sanitation. As shown in the table below, the number of families that will be served at the premises varies depending on the event.
- Executive Director of North Fulton Community Charities, Barbara Duffy, and Director of Programs, Eden Purdy, came forward to speak on behalf of the item.

Public Comment:

- No Public Comment
- ❖ Council Member Richard offered a motion to approve the request for a temporary use permit and a temporary banner for North Fulton Community Charities Holiday Assistance Program through December 31, 2019
 - The motion received a second from Council Member Binder
 - The motion was approved unanimously (7-0)

IX. PUBLIC COMMENT

- Bennett Bryan, 920 Memorial Drive, Atlanta, came forward to announce that he was running for the Georgia Court of Appeals in the May 2020 Election.

X. REPORTS

- Council Member Hipes encouraged the public to volunteer for the upcoming events sponsored by the North Fulton Community Charities.
- Council Member Richard encouraged residents to vote in the 2019 General Election.
- Assistant City Administrator, James Drinkard, announced the Atlanta Transit Authority Public Outreach Meeting that is taking place in the Community Room in City Hall on Tuesday, October 29th at 6:30 PM.

XI. ADJOURNMENT

- ❖ With no further business to discuss or items to be heard, Mayor Gilvin adjourned the meeting at 7:22 PM

Respectfully submitted,



Erin Cobb, City Clerk