



PLANNING COMMISSION MEETING SEPTEMBER 3, 2020

ALPHARETTA CITY HALL
COUNCIL CHAMBERS
2 PARK PLAZA
6:30 PM

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I. CALL TO ORDER

Chairman Kung'u called the meeting to order at 6:30 p.m.

II. ROLL CALL

Members

- Francis Kung'u (Chair)
- Fergal Brady (Vice-Chair)
- Larry Attig
- John Goss
- William Perkins
- Candy Waylock
- Martine Zurinkas
- Jamie Bendall (Absent)(Alternate)
- Jill Bernard(Absent)(Alternate)

Staff Present

- Kathi Cook, Director of Community Development
- Michael Woodman, Senior Planner
- Elicia Taylor Planning and Zoning Coordinator

III. APPROVAL OF MEETING MINUTES

a. August 6, 2020

- ❖ Commissioner Zurinkas offered a motion to approve
- Commissioner Perkins seconded the motion
- The motion was approved (7-0)

IV. ITEMS FROM BOARD MEMBERS

V. ITEMS FROM STAFF

VI. PUBLIC HEARING

a. MP-20-03/CU-20-06 C3 North Atlanta Church /5815 Windward Parkway

Kathi Cook, Senior Planner, presented consideration of a master plan amendment to Windward Master Plan Pod 66 to add 'Church, Synagogue' and a conditional use to allow a 'Church, Synagogue' for C3 North Atlanta Church. The property is located at 5815 Windward Parkway, Suite 302 and is legally described as being located in Land Lot 1112, 2nd District, 1st Section, Fulton County, Georgia.

- Background on C3 North Atlanta Church
- Parking
- Windward Master Plan POD 66 Amendments and "Church" use
- Religious facilities located in Commercial Areas
- Standards for Master Plan Amendments:
 - Whether the zoning proposal will permit a use that is suitable in view of the zoning use and development of adjacent and nearby property.

Response: The zoning proposal would be suitable as it relates to the use and development of adjacent or nearby properties. The applicant proposes to utilize coworking office space on Sundays when the space is not being used by others. In addition, the space is located on the 2nd floor of the building, which is designated for office use. Therefore, the proposed church use would not take away from the retail synergy of the shopping center.

- Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

Response: The zoning proposal should not adversely affect existing businesses within the retail/office center. However, approval of the church would impact new requests for alcoholic beverage licenses, which require a minimum 300' distance from a church. The 300' distance, as measured from door to door, would cover all buildings on the subject property and including the two (2) outparcels.

Director Cook stated while it doesn't impact existing alcohol licenses, it would impact future licenses. They would have to apply for a variance in order to obtain an alcohol

license which would be an additional process.

- Read Staff recommended conditions

There was discussion of

- Variances for future restaurants and alcohol variances
- Applicant not objecting to an alcohol variance request for future restaurants
- Impacts to existing properties with Faith based use
- Hours of operations
- Trigger for needing a police officer
- Expense and time frame of Variance process
- Chair did not think it would be the proper procedure to condition the Applicant to not object to a variance request to obtain an alcohol license
- Distance requirements for alcohol license from a church
- Approval of Conditional Use will eliminate the distance requirements for existing businesses. Confirmed by City Attorney.

Applicant presented:

- Have been in existence for 3 years
- Have been in ROAM facility since June.
- Came to this Board to follow proper procedures
- Hosting one service with plans to go to 2 services.
- Requested hours from 7 a.m. to 7 p.m.
- Will support current or new tenants for alcohol licenses
- Future growth plans

There was no public comment.

Board Discussion:

- Consideration of 10th Condition “ Applicant shall not object to a variance request to reduce the distance requirement associated with an alcohol license”
- Variance fee of \$400.00
- Impact of restaurants having to go through a variance in the future that they don't have to go through today.
- Issues of Faith Based uses
- If they wanted changes to hours in the future Applicant would have to go before the Council
- Citizenship Part B Report had no comments from property owners within 500'

- ❖ Commissioner Attig offered a motion to approving all the conditions as listed except for Condition #5 with the hours of operation to be changed from 7 a.m. to 7 p.m.
- Commissioner Waylock seconded the motion
- The motion was approved (7-0)

Final Conditions:

1. 'Church, Synagogue' shall be added as a conditional use in Pod 66 of the Windward Master Plan at 5815 Windward Parkway, Suite 302, and limited to no more than 2,044 square feet.
2. Conditional use approval shall be limited to C3 North Atlanta Church; no additional 'Church, Synagogue' uses or subleasing shall be permitted within the approved space.
3. Maximum number of seats permitted for a single worship service shall not exceed 100 seats.
4. The use shall be limited to Sunday worship service. There shall not be ancillary services, such as Mother's morning out, day care (except during service), vacation bible school, or similar services.
5. Hours of operation shall be limited to Sundays from 7:00 AM to 7:00 PM.
6. There shall be no outside speakers or broadcasts, including music which is audible from outside the building or off the property.
7. An officer shall be utilized for services in order to manage and direct traffic, if determined by the City to be necessary.
8. Signage shall comply with the City's Sign regulations required for an office building. The church shall not have outdoor displays, including displaying vehicles with church advertisements that are visible from the street.
9. C3 North Atlanta Church shall obtain a business license from the City.

b. CU-20-05 Brightmont Academy/1230 Upper Hembree Road Michael

Michael Woodman, Senior Planner, presented consideration of a conditional use to allow a 'School, Commercial' on a property zoned O-P (Office-Professional). The property is located at 1230 Upper Hembree Road and is legally described as being located in Land Lot 553, 1st District, 2nd Section, Fulton County, Georgia.

Mr. Woodman presented:

- Background of school
- Conditional Use Criteria
- Table of Academic and Commercial Schools locate in Commercial & office Zoning Districts
- Parking
- Citizen Participation Plan had no comments
- Community Zoning Information Meeting had no comments
- Read Proposed Staff Conditions
- Street view of property
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There was discussion from the Board:

- Renovations to the building will be interior

Applicant Presented

There was no public comment.

There was discussion from the Board:

- Liked revitalization of the area
- Liked the proposed use

❖ Vice Chair Brady offered a motion to approve

- Commissioner Zurinkas seconded the motion
- The motion was approved (7-0)

Final Conditions:

1. 'School, Academic' shall be added as a conditional use at 1230 Upper Hembree Road, Suite 101, and limited to no more than 11 instructional offices and a total of 3,541 square feet.
2. Conditional use approval shall be limited to Brightmont Academy; no additional 'School, Academic' uses or subleasing shall be permitted within the approved space.
3. The use shall be limited to one-on-one academic school instruction and tutoring.
4. Hours of operation shall be limited to Monday – Thursday 8:30 AM – 6:00 PM and Friday 8:30 AM – 5:00 PM.

VII. ADJOURNMENT

Chairman Kung'u adjourned the meeting at 7:15 p.m.