



# Official City Council Meeting Minutes

September 28, 2020

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

- o Mayor Jim Gilvin
- o Mayor Pro Tem Donald F. Mitchell
- o Jason Binder
- o Ben Burnett
- o John Hipes
- o Dan Merkel
- o Karen Richard

#### • Staff

- o Bob Regus, City Administrator
- o Sam Thomas, City Attorney
- o James Drinkard, Asst. City Administrator
- o Erin Cobb, City Clerk
- o Morgan Rodgers, Director of Recreation, Parks & Cultural Services
- o Kathi Cook, Director of Community Development
- o Pete Sewczwicz, Director of Public Works
- o John Robison, Director of Public Safety
- o Michael Woodman, Senior Planner

### III. PLEDGE TO THE FLAG

### IV. PRESENTATIONS & PROCLAMATIONS

#### A. Recognition of RangeWater-Avery for Land Donation

### V. CONSENT AGENDA

#### A. Council Meeting Minutes (Meeting of 9/21/2020)

- ❖ Council Member Burnett offered a motion to approve the consent agenda excluding the Tech Alpharetta Agreement Renewal
  - The motion received a second from Mayor Pro Tem Mitchell
  - The motion was approved unanimously (7-0)
- ❖ Council Member Burnett offered a motion to reconsider the Tech Alpharetta Agreement Renewal that was approved unanimously at the September 21, 2020 City Council Meeting
  - The motion received a second from Mayor Pro Tem Mitchell
  - The motion was approved unanimously (7-0)
- ❖ Council Member Burnett offered a motion to amend the Tech Alpharetta Agreement Renewal from \$100,000 to an amount not to exceed \$95,000 for the current fiscal year and authorize the Mayor to execute all necessary documents
  - The motion received a second from Council Member Richard
  - The motion was approved unanimously (7-0)

### VI. PUBLIC HEARING

#### A. PH-20-12 Farm House Settlement Historic Designation

*This item has been deferred by Staff to the Historic Preservation Commission Meeting on Thursday, November 12, 2020. If forwarded by the Historic Preservation Commission, it will be considered by City Council on Monday, December 14, 2020.*

#### B. PH-20-10 North Point Mall Redevelopment/Change to Conditions of Zoning

*This item has been deferred by the Applicant to the Monday, October 26, 2020 City Council Meeting, it will neither be heard nor considered at this time.*

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

*This item has been deferred by the Applicant to the Monday, November 2, 2020 City Council Meeting, it will neither be heard nor considered at this time.*

#### **D. CU-20-05 Brightmont Academy/1230 Upper Hembree Road**

- Senior Planner, Michael Woodman, came forward to present this item.
- Staff is recommending that Mayor and Council approve CU-20-05 Brightmont Academy/1230 Upper Hembree Road, subject to the following 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.
- The applicant, Brightmont Academy, is requesting a conditional use to allow a 'School, Academic' to operate in a 3,541 square foot suite within an existing office building. The proposed use requires approval of a conditional use in the O-P (Office-Professional) zoning district. The subject property is located at 1230 Upper Hembree Road, Suite 101 on the north side of Upper Hembree Road and east of Harris Road.
- The submitted request, if approved, would allow Brightmont Academy to operate a 'School, Academic' in a 3,541 square foot suite within an existing office building. The zoning of the property is O-P (Office-Professional), which allows 'School, Academic' with the approval of a conditional use. The subject property is located at 1230 Upper Hembree Road, Suite 101 on the north side of Upper Hembree Road and east of Harris Road.
- The 1.01-acre property was developed in 1994 with a two (2) story, 12,000 square foot office building. Surrounding properties are zoned O-P to the east, PSC (Planned Shopping Center) and City of Roswell to the south, O-I (Office-Institutional) to the west and R-10 (Dwelling, 'For-Sale', Residential) to the north. A medical office building is located to the east, the former Harry's Market (Whole Foods) and Roswell Business Center to the south, Spirit of God Church was recently approved to the west and Creekside at Hembree Subdivision to the north.
- There are 61 surface parking spaces serving the building with a parking ratio of 5.1/1,000 square feet. The Unified Development Code (UDC) requires one (1) space for each classroom and 2 administrative office, plus five (5) spaces for visitors. The applicant's suite would accommodate eleven (11) instructional offices. Therefore, the proposed use would require 16 parking spaces. There are sufficient parking spaces to serve the existing and proposed uses on the property.
- Brightmont Academy is a fully accredited private school offering one-to-one instruction for students in grades 6-12 and tutoring for students in grades 3-12. The school has been operating for 20 years and has 14 campuses in Arizona, Colorado, Illinois, Michigan, Minnesota, and Washington. Two (2) additional campuses are

planned for Georgia (Alpharetta) and Illinois. Brightmont Academy does not operate like a traditional school, students arrive and depart at various times throughout the day. Brightmont does not provide transportation (bussing) to students and locations do not include cafeterias, gymnasiums, or outdoor space. Hours of operation are Monday – Thursday from 8:30 AM to 6:00 PM and Friday from 8:30 AM to 5:00 PM. The number of employees is estimated to be between eight (8) to twelve (12). The applicant estimates that the proposed location would house eleven (11) instructional offices with approximately 17 students at the facility at any one time. Other Brightmont Academy locations are found in retail strip centers or on the ground floor of office buildings.

- Staff prepared the table below in order to compare the applicant's proposal to existing, similarly situated academic and commercial schools in the City. The applicant's proposal appears to be consistent with schools located in commercial and office areas.

**Academic and Commercial Schools Located in Commercial & Office Zoning Districts**

| <b>Name</b>                 | <b>Location</b>      | <b>Zoning</b>        | <b>Year</b> |
|-----------------------------|----------------------|----------------------|-------------|
| A-1 Driving School          | 11940 Alpharetta Hwy | O-I                  | 2018        |
| Creative Studios of Atlanta | 274 North Main St    | O-I                  | 2011        |
| Aloha Math Tutoring         | 350 Prospect Place   | CUP (Park Bridge MP) | 2009        |
| Language School (Ramirez)   | 271 North Main St    | O-I                  | 2005        |
| The Goddard School          | 4875 Windward Pkwy   | C-1                  | 2003        |

- City staff has reviewed the applicant's request and compared it to the conditional use standards established in UDC Sec. 4.2.3 (B) which are as follows:
- A conditional use otherwise permitted within a zoning district shall be considered to be compatible with other uses permitted in the district, provided that due consideration is given to the following objective criteria at a public hearing and satisfactory provisions or arrangements are made for:
  1. Access into and out of the property with regard to traffic and pedestrian safety, volume of traffic flow, and emergency vehicles, as well as the type of street providing access;
    - Response: The subject property has access from Upper Hembree Road. The proposed use should not have significant impacts on vehicular and pedestrian access. The school does not function like a traditional school, students are dropped off and picked up at various times throughout the day.
  2. The extent to which refuse areas, loading and service areas, off street parking, and buffers and screening are provided on the property;
    - Response: The above improvements are sufficiently addressed on the subject property.
  3. Ensuring that the conditional use will not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity or diminish and impair property values within the surrounding neighborhood;
    - Response: The proposal should not have significant impacts on surrounding properties. If approved, conditions are recommended limiting expansion and services offered by the school.

4. Ensuring that the conditional use will not increase local or state expenditures in relation to the cost of servicing or maintaining neighboring properties;
    - Response: Not applicable.
  5. Ensuring that the conditional use will not impede the normal and orderly development of surrounding property for uses predominant in the area; and
    - Response: The proposal should not have significant impacts on development in the area. Academic and commercial schools are similarly situated in retail and office buildings. If approved, conditions are recommended limiting expansion and services offered by the school.
  6. Ensuring that the location and character of the conditional use is considered to be consistent with a desirable pattern of development for the city, in general.
    - Response: The school is proposed in an existing office building, which has sufficient parking and circulation to serve the use and is consistent with academic and commercial schools that are similarly situated in retail and office buildings. If approved, conditions are recommended limiting expansion and services offered by the school.
- City Staff has reviewed the 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 use is consistent with academic and commercial schools in the City that are similarly situated in commercial and office areas. In addition, the applicant has stated that the other tenants in the building do not object to the school. However, it is recommended that conditions be established as part of this application that regulate and limit any expansion of the school.
  - 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.
  - This item was heard at the 9/3/2020 Planning Commission meeting. Staff recommended approval subject to 4 conditions. There were no public comments. After discussion, Planning Commission recommended approval subject to staff's recommended conditions. Vote 7-0
  - The CZIM was held on August 12, 2020. There were no public comments.
  - President at RDW Companies, Inc., Duane Wood, 1875 Old Alabama Road, Roswell, GA 30076, came forward to speak on behalf of the application.

**Public Comment:**

- No Public Comment

- ❖ Council Member Richard offered a motion to approve CU-20-05 Brightmont Academy/1230 Upper Hembree Road, subject to the following 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 – Friday 8:30 AM – 6:00 PM.
    - The motion received a second from Council Member Burnett
    - The motion was approved unanimously (7-0)

## VII. OLD BUSINESS

### A. Consideration of an Ordinance for the Creation of the City of Alpharetta Cultural Arts Commission (2nd Reading)

- Director of Recreation, Parks & Cultural Services, Morgan Rodgers, came forward to present this item.
- Staff is recommending that Mayor and Council approve an ordinance for the creation of the City of Alpharetta Cultural Arts Commission.
- During the September 10, 2019 Alpharetta Recreation Commission Meeting the proposal for the Alpharetta Cultural Arts Commission was approved unanimously. The proposal was also reviewed by Arts Alpharetta and was passed by a vote of 4 to 2 in favor of support. Additionally, this item was presented to Mayor and Council as a workshop during the January 6, 2020 and September 8, 2020 City Council Meetings.
- The purpose of this Commission is to help arts and culture grow and thrive in the City of Alpharetta. Along with supporting art and cultural initiatives throughout the year, the Cultural Arts Commission would advise the City Council on art acquisition, promote strategic arts planning, and support local Art Leader Groups in Alpharetta.
- The duties of the Cultural Arts Commission are outlined in the proposed ordinance and will be as follows:
  - o Reviews and recommends the acquisition of all works of art by the City, either purchase, gift or otherwise.
  - o Reviews and make recommendations as needed for pieces to be acquired and their proposed locations.
  - o Reviews and encourages programs for the cultural enrichment of the City.
  - o Reviews and recommends guidelines for art and culture contract programs that support community art and culture programming projects and may make annual funding recommendations to the City Council.
  - o Proposes methods to encourage private initiative in arts and culture.

- o May advise City Council regarding the participation in or sponsoring by the city of artistic performances, programs, or other cultural endeavors.
  - o May advise City Council on the preservation and care of all cultural landmarks owned by the city and on the design and location of city-owned or other statuary and works of art.
  - o Support and strengthen existing local organizations in the arts and culture fields.
  - o Increases public understanding, appreciation and enjoyment of cultural activities and all forms of art and culture.
  - o Advises and assists with the development of an Art & Culture Master Plan for the City.
- The first reading of the ordinance was approved during the September 21, 2020 City Council Meeting. There have been no changes made since the first reading.
  - City Attorney, Sam Thomas, read the ordinance aloud.
- ❖ Mayor Pro Tem Mitchell offered a motion to approve an ordinance for the creation of the City of Alpharetta Cultural Arts Commission
    - The motion received a second from Council Member Merkel
    - The motion was approved (6-1); Council Member Hipes voting in opposition

## VIII. PUBLIC COMMENT

- No Public Comment

## IX. REPORTS

- Assistant City Administrator, James Drinkard, reminded everyone that October 5, 2020 is the deadline for voter registration for the November 3, 2020 General Election.
- Mayor Gilvin commented on the grand opening of the playground at Alpharetta Elementary. The new adaptive equipment provides space for Alpharetta Elementary's special needs population and a public park after hours. It was created between a partnership with the City, Resurgens Foundation, North Metro Miracle League, Northside Hospital, and the Fulton County Board of Education.

## X. ADJOURNMENT TO EXECUTIVE SESSION

- ❖ Council Member Merkel offered a motion to adjourn into Executive Session
  - The motion received a second from Mayor Pro Tem Mitchell
  - The motion was approved unanimously (7-0)
- ❖ With no further business to discuss or items to be heard, Mayor Gilvin adjourned the meeting to Executive Session at 7:05 P.M.

Respectfully submitted,

A handwritten signature in cursive script that reads "Erin Cobb".

Erin Cobb, City Clerk