Official City Council Meeting Minutes

October 26, 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**
  - Mayor Jim Gilvin
  - Mayor Pro Tem Donald F. Mitchell
  - Jason Binder
  - Ben Burnett
  - John Hipes
  - Dan Merkel
  - Karen Richard
- **Staff**
  - Bob Regus, City Administrator
  - Steven Jones, Asst. City Attorney
  - James Drinkard, Asst. City Administrator
  - Erin Cobb, City Clerk
  - Morgan Rodgers, Director of Recreation, Parks & Cultural Services
  - Kathi Cook, Director of Community Development
  - Pete Sewczwicz, Director of Public Works
  - John Robison, Director of Public Safety
  - Michael Woodman, Senior Planner

III. PLEDGE TO THE FLAG

IV. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 10/19/2020)

- ❖ Council Member Merkel offered a motion to approve the consent agenda
  - The motion received a second from Council Member Burnett
  - The motion was approved unanimously (7-0)

V. OLD BUSINESS

A. PH-20-13 Unified Development Code Text Amendments – Animal Hospital, Small Animal (2nd Reading) NOTE: This item must be considered prior to the Public Hearing Item MP-20-04/CU-20-07 Veterinary Emergency Group

- Council Member Hipes recused himself from this item.
- Director of Community Development, Kathi Cook, came forward to present this item.
- Staff is recommending that Mayor and Council approve text amendments to the Unified Development Code related to Animal Hospital, Small Animal.
- This item was heard at the 10/1/2020 Planning Commission meeting. Staff recommended approval. There were no public comments. After discussion, Planning Commission recommended approval. Vote 6-0
- The first reading of this item was approved unanimously by Council at the October 19, 2020 City Council Meeting.
- Consideration of text amendments to Unified Development Code (UDC) Section 2.2 Permitted Use Districts and Regulations, to add 'Animal Hospital, Small Animal' as a conditional use in the O-I (Office Institutional) zoning district. The text amendment is at the request of Jessica Hill, which is the applicant and counsel for the Veterinary Emergency Group. The applicant provided information showing that the use is permitted by-right or by administrative permit in office zoning districts in nearby jurisdictions, including City of Milton, Johns Creek, Sandy Springs, and Roswell.

TABLE 2.2 LIST OF PERMISSIBLE AND CONDITIONAL USES
On the following table, an open circle "O" means that the use will be permitted in that district only if a Conditional Use Permit is granted by the City Council. An "X" means that the use is permitted in the zone district subject to the general provisions of the Unified Development Code. For uses not included in this list or when the Director of Community Development is unable to determine placement, application shall be made to the Board of Appeals for interpretation.

USES	AG	RE	R	R-22	R-15	R-12	R-10	R-4A	R-4D	R-8A/D	R-10M	CUP*	OI*	OP	C-1	C-2	PSC	LI	OS-R	SU	MU
Animal Hospital, Small Animal (Veterinarian)	O											O	O		O	O	O	X			

- Asst. City Attorney, Steven Jones, read the ordinance aloud.

- ❖ Council Member Richard offered a motion to approve PH-20-13 Unified Development Code Text Amendments – Animal Hospital, Small Animal and the ordinance as presented
  - The motion received a second from Mayor Pro Tem Mitchell
  - The motion was approved unanimously (6-0); Council Member Hipes recused himself from this item

VI. PUBLIC HEARING

A. V-20-11 Citgo/174 North Main Street Variance

- Director of Community Development, Kathi Cook, came forward to present this item.
- Staff is recommending that Mayor and Council deny V-20-11 Citgo/174 North Main Street Variance request to eliminate the 10' landscape strip.
- If approval is considered, the following conditions are recommended:
  1. Property shall be developed substantially in accordance with submitted plan prepared by Quality Civil Designs, dated 5/4/2020, except for modifications required to comply with the conditions below.
  2. Property owner shall remodel the exterior of the convenience store per the letter and plans prepared by Hotel Design Partners, dated May 15, 2020, with final approval by DRB. Canopy color shall be limited to one (1) neutral color that blends with the colors used on the convenience store, with final approval by DRB.
  3. Potted plantings of various sizes shall be required along the frontage of the convenience store, as approved by DRB.
  4. A minimum of 13 parking spaces, not including the spaces at the gas pumps, shall be provided on the subject property. Parking lot landscape tree islands, planted with a canopy tree, shall be provided as required by the Unified Development Code.
  5. Property owner shall install a row of shrubs, minimum 2' at planting, within the planter along North Main Street and within a minimum 2' green strip at the back of the sidewalk, as approved by DRB. If shrubs are removed during GDOT construction, said shrubs shall reinstalled.
  6. Property owner shall conduct an assessment of the required landscaping (parking lot landscape islands, dumpster enclosure screening, landscape strips along all property lines) and replace any dead, dying, or missing landscape material, as approved by DRB.
  7. Brick dumpster enclosure walls shall be extended to screen dumpsters if a taller dumpster is used.
- The applicant, General Convenience Store, LLC, is requesting a variance to eliminate the required 10' landscape strip on a commercial property located in the Downtown Overlay. The property is the Citgo gas station, which proposes to reconfigure the gas pump canopy as a result of impacts from the GDOT North Main Street project. The subject property is located at 174 North Main Street on the west side of North Main Street just south of Mayfield Road.

- The submitted request, if approved, would eliminate the required 10' landscape strip along North Main Street to allow for the re-configuration of a gas pump canopy associated with a Citgo gas station and convenience store. GDOT recently acquired right-of-way and easements along the subject property's frontage, which impacts the landscape strip and gas pump canopy. The subject property is located at 174 North Main Street on the west side of North Main Street just south of Mayfield Road.

- The subject property and surrounding properties are zoned C-1 (Neighborhood Commercial). CVS is located to the north, $20 Dollar Chiropractic is located to the east, and Main Street Commons office park is located to the south and west. The Comprehensive Land Use Plan designation of the property is 'Mixed Use'.

- A variance is requested from Unified Development Code (UDC) Subsection 3.2.8 (D), Landscape Strips, to eliminate the required 10' landscape strip along North Main Street in the Downtown. The landscape strip and existing gas pump canopy, which consists of four (4) gas pumps under a canopy oriented perpendicular to North Main Street, is being impacted by GDOT's roadway project on North Main Street. The additional right-of-way (approximately 11'-12') and easements (approximately 7') acquired by GDOT will result in the removal of the landscape strip and two (2) gas pumps nearest North Main Street. If the applicant were to utilize the remaining canopy and two (2) gas pumps, a variance would not be necessary to eliminate the landscape strip. However, the applicant proposes to re-configure the gas pump canopy and orient the 3-canopy parallel to North Main Street to allow for three (3) gas pumps (see below for before and after re-configuration). According to the applicant's letter of intent, the loss of two (2) gas pumps has created an economic hardship. However, the applicant has already been compensated for the right-of-way and easements acquired and any negative consequential damages to the remaining property. Therefore, the applicant's proposal to re-configure the gas pump canopy triggers compliance with the landscape strip requirement.

- The applicant provided a series of Auto-Turn exhibits depicting vehicle turning movements in and out of the site based on no landscape strip and providing a reduced landscape strip (approximately 7'-8'). While the exhibits show that turning movements are not possible with the reduced landscape strip, the demonstrations with no landscape strip appear to be extremely tight and would likely result in conflicts between vehicles, curbing and the new multi-use sidewalk along North Main Street. In addition, vehicles with a larger turning radius would likely have more difficulty accessing the gas pumps. This could create unsafety situation where vehicles may need to reverse and make multiple movements in order to access the gas pumps.

- The applicant's site plan depicts a 1-story, 4,600 square foot convenience store with a 3-pump canopy oriented parallel to North Main Street. Ten (10) parking spaces are depicted at the rear of the building. The property has access by way of two (2) driveways off North Main Street and a private driveway at the rear of the property connecting to Mayfield Road.

- The subject property received approval of a land disturbance permit (LDP) in 2001. The site plan depicted a total of 13 parking spaces, of which two (2) handicap spaces were provided at the front of the convenience store. Based on a recent visit to the property, the property was not developed per the approved LDP and only has ten (10) parking spaces. The proposed reconfiguration of the gas pump canopy results in the elimination of the handicap spaces at the front of the convenience store. Current parking requirements in the Downtown would require two (2) spaces at each gas pump, plus one (1) space per 250 square feet of retail associated with the convenience store. A total of 18 parking spaces would be required, in addition to the spaces at the pumps, under the current Downtown parking regulations.

- The applicant proposes to remodel the exterior of the convenience store, as well as construct a new gas pump canopy.
- The City of Alpharetta Unified Development Code Article IV, Section 4.5.3 outlines the criteria set forth for granting a variance. The ordinance specifically states..."a variance may be granted in whole or in part, or with conditions, in such individual case of unnecessary hardship upon a finding that":

    1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography; or

        Response: The variance to eliminate the landscape strip is necessary because the applicant proposes to re-configure the gas pumps in order to allow a third gas pump. If the applicant were to utilize the existing gas pump canopy with the two (2) remaining gas pumps, a variance would not be required to eliminate the landscape strip. In addition, the applicant's proposal lacks financial data or market analysis to support the claim of economic hardship and lacks an alternative design, such as moving the building or alternate gas pump layout.

    2. The application of the Ordinance to this particular piece of property would create an unnecessary hardship; or

        Response: The application of the Ordinance would not create an unnecessary hardship on the subject property. The variance to eliminate the landscape strip is necessary because the applicant proposes to re-configure the gas pumps in order to allow a third gas pump. If the applicant were to utilize the existing gas pump canopy with the two (2) remaining gas pumps, a variance would not be required to eliminate the landscape strip. In addition, the applicant's proposal lacks financial data or market analysis to support the claim of economic hardship and lacks an alternative design, such as moving the building or alternate gas pump layout.

    3. There are conditions that are peculiar to the property which adversely affect its reasonable use or usability as currently zoned; or

        Response: The variance to eliminate the landscape strip is necessary because the applicant proposes to re-configure the gas pumps in order to allow a third gas pump. If the applicant were to utilize the existing gas pump canopy with the two (2) remaining gas pumps, a variance would not be required to eliminate the landscape strip. In addition, the applicant's proposal lacks financial data or market analysis to support the claim of economic hardship and lacks an alternative design, such as moving the building or alternate gas pump layout.

    4. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the City of Alpharetta ordinances.

        Response: Approval of the requested variance would cause substantial detriment to the public good. A lack of landscaping along the property's frontage would negatively impact the aesthetics along North Main Street. The canopy re-configuration with three (3) gas pumps could result in safety issues resulting from conflicts between vehicles attempting to access the gas pumps and the flow of traffic on North Main Street. In addition, elimination of the landscape strip would result in the loss of a protective barrier between the new multi-use sidewalks along North Main Street and vehicular areas surrounding the gas pumps, which could lead to conflicts between vehicles and pedestrians and cyclists.

- Staff has reviewed the applicant's proposal and finds that it cannot support the variance request to eliminate the landscape strip along North Main Street. The applicant's proposal lacks financial data or market analysis to support the claim of economic hardship and lacks an alternative design, such as moving the building or alternate gas pump layout. Granting the variance would negatively impact aesthetics along North Main Street and could result in safety issues due to conflicts between vehicles accessing the gas pumps and the flow of traffic on North Main Street. Elimination of the landscape strip would also result in the loss of a protective barrier between the new multi-use sidewalks along North Main Street and vehicular areas surrounding the gas pumps, which could lead to conflicts between vehicles and pedestrians and cyclists. Recent variances considered along Main Street have not included requests to eliminate the required landscape strip. In addition, the applicant's proposed site plan only depicts ten (10) parking spaces, whereas the 2001 land disturbance permit required thirteen (13) parking spaces.
- 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 CZIM was held on September 9, 2020. There were no public comments.
- Attorney, Paul Mitchell, 202 Tribble Gap Road, Cumming, GA, 30040, came forward to speak on behalf of the applicant.

Public Comment

- No Public Comment

❖ Council Member Richard offered a motion to deny V-20-11 Citgo/174 North Main Street Variance

- The motion received a second from Council Member Binder

❖ Council Member Burnett offered a substitute motion to table V-20-11 Citgo/174 North Main Street Variance

- The motion received a second from Mayor Pro Tem Mitchell
- The motion was approved (5-2); Council Member Merkel and Council Member Richard voting in opposition

B. MP-20-04/CU-20-07 Veterinary Emergency Group/2725 Old Milton Parkway

- Council Member Hipes recused himself from this item.
- Senior Planner, Michael Woodman, came forward to present this item.
- Staff is recommending that Mayor and Council approve MP-20-04/CU-20-07 Veterinary Emergency Group/2725 Old Milton Parkway, subject to the following conditions:

1. Add 'Animal Hospital, Small Animals' to Pod A of the Parkway 400 Master Plan as a conditional use.
2. 'Animal Hospital, Small Animals' shall be added as a conditional use at 2725 Old Milton Parkway, Suite A and limited to no more than 4,590 square feet.

3. Conditional use approval shall be limited to Veterinary Emergency Group; no additional 'Animal Hospital, Small Animals' businesses or subleasing shall be permitted within the approved space.
4. The business shall be permitted to operate 24-hours/day, 7 days/week.
5. Boarding of animals is limited to short-term care incidental to the hospital use.
6. Interior tenant improvements associated with Suite A shall include wall soundproofing, per letter from Thomas E. Arey, dated 7/16/2020.
7. Mobile resources supporting the business, such as a mobile MRI or X-ray, shall not be parked between the building and the street.

- This item was heard at the 10/1/2020 Planning Commission meeting. Staff recommended approval subject to seven (7) conditions. There were no public comments. After discussion, Planning Commission recommended approval subject to staff's recommended conditions. Vote 6-0
- The applicant, Veterinary Emergency Group, is requesting a master plan amendment and conditional use permit to allow an 'Animal Hospital, Small Animals' for Veterinary Emergency Group in a 4,590 square foot suite within an existing building. An amendment to the Parkway 400 Master Plan Pod A is requested to add the proposed use. The applicant has also requested, as a separate public hearing, a text amendment to the City's Unified Development Code (UDC) to allow 'Animal Hospital, Small Animal' as a conditional use in the O-I (Office-Institutional) zoning district. The subject property is located at 2725 Old Milton Parkway, Suite A in the Parkway 400 Master Plan.
- The submitted request, if approved, will allow the applicant to operate a 'Animal Hospital, Small Animal' use in a 4,590 square foot suite within an existing building. An amendment to the Parkway 400 Master Plan is requested to add the use to Pod A and a conditional use is requested to allow the use for Veterinary Emergency Group. The applicant has also requested a text amendment to the City's Unified Development Code (UDC) to allow 'Animal Hospital, Small Animal' as a conditional use in the O-I (Office-Institutional) zoning district. The subject property is located at 2725 Old Milton Parkway, Suite A in the Parkway 400 Master Plan.
- The property is zoned O-I and is subject to the Parkway 400 Master Plan Pod A. In 2008, the property was developed with a 1-story, 9,500 square foot commercial building. Approximately half of the building is occupied by Alpharetta Eye Clinic (A.K.A. Windward Eye Care), which is also the owner of the building. The applicant proposes to use the other half of the building, which was formerly occupied by Aomi Hibachi and Sushi. Surrounding properties are zoned O-I to the south and east, MU (Mixed Use) to the north, and C-2 and O-I to the west. Avalon is located to the north, The Atwater retail center and Even Hotel are located to the west, Courtyard by Marriott is located to the south and Fifth Third Bank is located to the east.
- Parkway 400 Master Plan was approved in 1998 (MP-98-01 Myrick Company) as an office park, including 435,000 square feet of office use and 63,000 square feet of retail/commercial use. Pod A has a land use designation of office with subordinate commercial uses permitted. The table below reflects the master plan amendments proposed in the Parkway 400 Master Plan.

Parkway 400 Master Plan – Past Master Plan Amendments

File #	Project Name	Pod	Requested Change	Outcome	Date
CLUP-17-07 / MP-17-06 / Z-17-20 / CU-17-18 / V-17-44	Greenstone	C	Add freestanding theatre and retail bldgs., 325 For-Rent units and accessory retail uses.	Withdrawn by Applicant	N/A
MP-16-08 / PH-16-11 / V-16-18	Courtyard by Marriott	C	Add Hotel use for 115-room Courtyard by Marriott hotel, reduce parking and setback, increase lot coverage	Approved	9/26/2016
MP-16-01 / V-16-03	Greenstone	C	Increase number of hotel rooms from 131 to 132, reduce and eliminate setbacks	Approved	3/28/2016
MP-15-06 / V-15-12	Courtyard by Marriott	C	Add Hotel use for 115-room Courtyard by Marriott hotel, reduce parking and setback, increase lot coverage	Denied	2/1/2016
MP-14-09 / V-15-14	Greenstone	C	Add Hotel use for 131-room Even Hotel, reduce parking	Approved	5/26/2015
MP-13-05 / V-13-14	Greenstone	C	Increase office density from 265,737 SF to 630,000 SF, allow freestanding restaurant, reduce buffer and parking	Approved	10/28/2013
MP-07-06	Nylo Hotel	C	Add Hotel use for 200-room hotel	Denied	8/27/2007
MP-06-15 / V-06-28	Greenstone	C	Increase office density from 323,100 SF to 826,623 SF, increase bldg. height, freestanding restaurant and service retail bldgs., allow hotel, eliminate buffer and reduce setbacks	Withdrawn by Applicant	N/A
MP-03-03 / V-03-18	Parkway 400	B	Allow 2 single story office bldgs., reduce setbacks and landscape strip	Approved	8/25/2003

- UDC Section 1.4.2 defines 'Animal Hospital, Small Animals' as, "A place where dogs, cats, birds or other animals normally kept as household pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use." The use is permitted by-right in the LI (Light Industrial) district and as a conditional use in the AG (Agriculture), CUP (Community Unit Plan), C-1 (Neighborhood Commercial), C-2 (General 3 Commercial), and PSC (Planned Shopping Center) districts. The applicant proposes a text amendment to add 'Animal Hospital, Small Animal' as a conditional use in the O-I district.
- Veterinary Emergency Group (VEG) is an emergency veterinary business serving cats and dogs primarily, as well as household pets such as rabbits, birds, guinea pigs and reptiles. VEG has 14 locations in New York, New Jersey, Massachusetts, Florida, and Texas and is currently expanding in Georgia, Colorado, and California. The business operates 24 hours per day, seven (7) days per week, with peak hours typically between 6:00 PM and midnight. The business does not perform routine or preventative care and does not board animals. The applicant anticipates 4-5 employees. Access to the building will be through the front door, as well as through the secured rear access. The applicant submitted a letter from the property owner who is also the adjacent tenant, Alpharetta Eye Clinic, stating that walls would be soundproofed.
- Staff prepared the table below in order to compare the applicant's proposal to existing animal hospitals in the City. There are six (6) animal hospitals and clinics in the City; however, there are no emergency animal hospitals currently located in the City. The nearest emergency animal hospitals are located at 900 Mansell Road (Animal Emergency Center of North Fulton) and 6460 Atlanta Hwy (All Pets Emergency & Referral).

Animal Hospital Located in the City

Project Name	Address	Zoning
Alpharetta Animal Hospital	80 Milton Ave	C-2
North Main Animal Hospital	562 North Main St	C-2
Paw Patch Animal Clinic	1150 Upper Hembree Rd	C-1
Webb Bridge Animal Hospital	3953 Webb Bridge Rd	AG
Country Place Animal Hospital	2165 Old Milton Pkwy	C-2
EasyVet Clinic	12850 Alpharetta Hwy, Suite 2200	C-2

- The applicant provided a trip generation report, which shows that the proposed use would generate approximately 19 fewer PM Peak Hour trips than a restaurant, which represents the former use of the subject suite.

Proposed:

Land Use (ITE Code)	Intensity	Daily Total	AM Peak – In	AM Peak-Out	AM Peak Total	PM Peak – In	PM Peak – Out	PM Peak - Total
Animal Hospital - Veterinary Clinic (640)	4,500 SF	96	11	5	16	6	10	16
Clinic (630)	4,000 SF	152	12	3	15	4	9	13
TOTAL		248	23	8	31	10	19	29

Existing:

Land Use (ITE Code)	Intensity	Daily Total	AM Peak – In	AM Peak-Out	AM Peak Total	PM Peak – In	PM Peak – Out	PM Peak - Total
Quality Restaurant (931)	4,500 SF	378	2	1	3	23	12	35
Clinic (630)	4,000 SF	152	12	3	15	4	9	13
TOTAL		530	14	4	18	27	21	48

- The Planning Commission and the City Council shall consider the following standards in considering a rezoning application, giving due weight or priority to those factors particularly appropriate to the circumstances of each application:

a. 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. Properties in the immediate vicinity are primarily developed with office and retail uses.

b. 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 the existing use or usability of adjacent or nearby properties, which are primarily developed with office and retail uses.

c. Whether the zoning proposal will adversely affect the natural environment.

Response: The applicant's proposal should not have significant impacts on the natural environment. The applicant proposes to occupy suite within an existing building and does not propose any exterior changes to the site.

d. Whether there are substantial reasons why the property cannot or should not be used as currently zoned.

Response: The subject property is approved for office (medical and professional) with accessory retail uses. 'Animal Hospital, Small Animal' operates similar to a medical office.

e. Whether the zoning proposal will result in a use that will or could cause an excessive or burdensome use of public facilities or services, including but not limited to existing streets and transportation facilities, schools, water or sewer utilities, and police or fire protection.

Response: The zoning proposal should not have significant impacts on public facilities and services. The proposed use would generate nine (9) fewer PM Peak Hour trips than a restaurant.

f. Whether the zoning proposal is supported by new or changing conditions not anticipated or reflected in the existing zoning on the property.

Response: Not applicable.

g. Whether the zoning proposal reflects a reasonable balance between the promotion of the public health, safety, morality, or general welfare against the right to unrestricted use of property.

Response: The zoning proposal reflects a reasonable balance. The applicant's proposal would be compatible with surrounding uses and other locations for this business type, which are similarly situated along commercial corridors.

h. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.

Response: The subject property is approved for office (medical and professional) with accessory retail uses. 'Animal Hospital, Small Animal' operates similar to a medical office.

i. The extent to which the zoning proposal is consistent with the Comprehensive Plan.

Response: The zoning proposal is consistent with the Comprehensive Land Use Plan designation of the property, which is 'Corporate Office'.

- 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 was developed in compliance with site access development standards with access to Old Milton Parkway and Amber Park Drive from two (2) private driveways, as well as interparcel access to the property to the east. The use should not have significant impacts on vehicular and pedestrian access.

    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 subject property is in compliance with regard to refuse areas, loading and service areas, off-street parking, and buffers and screening.

    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 proposed use would be compatible with the surrounding retail uses and other locations for this business, which are similarly situated along commercial corridors. In addition, the City does not currently have an emergency veterinary office.

    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 proposed use would be compatible with the surrounding uses and other locations for this business, which are similarly situated along commercial corridors.

    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 proposed use would be compatible with the surrounding uses and other locations for this business, which are similarly situated along commercial corridors.

7. Ensuring that the conditional use is appropriately separated from similar uses and conflicting uses, such as residences, government buildings, parks, churches, or schools.

   Response: There are currently no emergency animal hospitals in the City and the nearest animal hospital is located approximately one (1) mile to the east at Country Place Animal Hospital. There does not appear to be any conflicting uses in the immediate vicinity of the applicant's property.

- City Staff has reviewed the applicant's proposal and finds that the use does not conflict with the established review criteria for a conditional use. The proposed use would be compatible with surrounding uses and other locations for this business type, which are similarly situated along commercial corridors. In addition, there are currently no emergency animal hospitals in the City and the nearest animal hospital is located approximately one (1) mile to the east. However, it is recommended that conditions be established as part of this application that regulate and limit any expansion of the business.

- 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 CZIM was held on September 9, 2020. There were no public comments.

- Attorney, Jessica Hill, 3343 Peachtree Road, NE, Atlanta, GA 30326, came forward to speak on behalf of the applicant.

- Chief of Staff for the Veterinary Emergency Group, Jennifer Hanlon, 7 Legion Drive, Valhalla, NY 10595, came forward to speak on behalf of the application.

- Owner of the building, Dr. Thomas Arey, 2725 Old Milton Pkwy, Alpharetta, GA 30009, came forward in support of the application.

Public Comment

- No Public Comment

❖ Council Member Richard offered a motion to approve MP-20-04/CU-20-07 Veterinary Emergency Group/2725 Old Milton Parkway, subject to the following conditions:

1. Add 'Animal Hospital, Small Animals' to Pod A of the Parkway 400 Master Plan as a conditional use.
2. 'Animal Hospital, Small Animals' shall be added as a conditional use at 2725 Old Milton Parkway, Suite A and limited to no more than 4,590 square feet.
3. Conditional use approval shall be limited to Veterinary Emergency Group; no additional 'Animal Hospital, Small Animals' businesses or subleasing shall be permitted within the approved space.
4. The business shall be permitted to operate 24-hours/day, 7 days/week.
5. Boarding of animals is limited to short-term care incidental to the hospital use.

6. Interior tenant improvements associated with Suite A shall include wall soundproofing, per letter from Thomas E. Arey, dated 7/16/2020.

7. Mobile resources supporting the business, such as a mobile MRI or X-ray, shall not be parked between the building and the street.

- The motion received a second from Council Member Binder
- The motion was approved unanimously (6-0); Council Member Hipes recused himself from this item

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

- The Director of Community Development, Kathi Cook, came forward to present this item.
- Staff is recommending that Mayor and Council approve PH-20-10 North Point Mall Redevelopment/Change to Previous Condition of Zoning, subject to the following conditions (RED text below indicates a change from the previous condition):

1. Subject to condition 30 below, if construction of these rental units also has not commenced by December 31, 2028, then new residential units shall revert to 'For-Sale' units; provided however, that if no portion of the proposed redevelopment has received a Land Disturbance Permit by December 31, 2022, then 'For-Rent' residential shall revert to 'For-Sale' residential units.

4. Development regulations shall be as follows: c. Residential – After July 1, 2020 up to 50% of the maximum 300 'For-Rent' units shall be permitted a Certificate of Occupancy (CO) in accordance with UDC 'For-Rent' requirements, except as approved below. The remaining 'For-Rent' units shall be permitted a CO after January 1, 2021. 'For-Rent' buildings shall be no greater than 4 stories or 60', whichever is less, and all units shall be one (1) and two (2) bedrooms. A maximum of sixty percent (60%) of units shall be studios or one bedroom and no 3-bedroom units shall be permitted. Studio units shall have a minimum square footage of 550 square feet. One-bedroom units shall have a minimum size of 700 square feet and two-bedroom units shall have a minimum size of 1,050 square feet. 'For-Rent' block shall be as depicted in Exhibit C, Current Proposed. 'For-Rent' units shall be constructed concurrently with all required open space areas, infrastructure and freestanding retail/restaurant uses. A CO shall not be issued for 'For-Rent' use until onsite open space and infrastructure have been constructed and inspected by the City. Offsite improvements must be under construction. 'For-Rent' units shall have first class amenities and shall include a private pool, fitness center, secured parking, resident's lounge, business center, on-site management office and secure elevator access. Surface parking and garages associated with 'For-Rent' use shall be heavily screened from North Point Circle. ~~If construction does not commence by February 25, 2021, residential units shall revert to 'For-Sale' only.~~

30. At such time as MARTA stipulates and funds its intention to move forward with a future Georgia 400 MARTA bus rapid transit and/or train station on Georgia 400 at North Point Mall, Developer, its successors and assigns; shall dedicate land to the City as depicted on Exhibit A or an equivalent reasonably substituted tract of like size within the Georgia 400 buffer agreed upon by owner and City. If at any time MARTA stipulates that the land is not needed; or if MARTA has not begun construction by December 31, 2028; then there shall be no obligation to dedicate the land or, if already conveyed to the City, it shall be conveyed back to the

Developer, its successors or assigns. This reservation does not in any way entitle MARTA or the City to use any part of the balance of the Mall property, and Developer, its successors and assigns is/are under no obligation to allow such use. Nor does this reservation entitle MARTA customers to park on Mall property to access the station.

31. Applicant shall dedicate right-of-way and/or easements, as shown in Exhibit B, as required for the construction and maintenance of the City's planned streetscape improvement along North Point Parkway. Anticipated impacts are related to enhanced sidewalks, landscaping, and traffic signal upgrades.

- The applicant, Brookfield Properties Retail, Inc., requests a change to previous condition of zoning on an 83.67-acre property approved for a mixed-use development. The requested changes would allow for an extension to the reversion clause associated with the 'Dwelling, 'For-Rent' product. The subject property is located at 1000 North Point Circle.

- The submitted request, if approved, would allow for a change to previous condition of zoning related to the Brookfield/North Point Mall Master Plan. The proposed change would allow for an extension to the reversion clause associated with the 'Dwelling, 'For-Rent' product. The subject property is located at 1000 North Point Circle.

- The 83.67-acre property was approved on February 25, 2019 for a master plan amendment, rezoning, conditional use, and variance to allow a mixed-use development, including retail/restaurant, 'For-Rent' residential, and open space. At the time of approval, the applicant had anticipated breaking ground by late 2019 or early 2020. Due to the financial uncertainty resulting from COVID-19, Brookfield Properties is unable to guarantee that construction will commence by February 25, 2021. Therefore, the applicant proposes the following changes to the previous conditions of zoning related to file # MP-18-07/Z-18-10/CU-18-08/V-18-10 Brookfield/North Point Mall:

1. Subject to condition Paragraph 30 below, if construction of these rental units also has not commenced by December 31, 2028, then new residential units shall revert to "For Sale" units; provided however, that if no portion of the proposed redevelopment has received a Land Disturbance Permit by December 31, 2022, then "For-Rent" residential shall revert to "For Sale" residential units.

2. At such time as MARTA stipulates and funds its intention to move forward with a future Georgia 400 MARTA bus rapid transit and/or train station on Georgia 400 at North Point Mall, Developer, its successors and assigns; shall dedicate land to the City as depicted on Exhibit A or an equivalent reasonably substituted tract of like size within the Georgia 400 buffer agreed upon by owner and City. If at any time MARTA stipulates that the land is not needed; or if MARTA has not begun construction by December 31, 2028; then there shall be no obligation to dedicate the land or, if already conveyed to the City, it shall be conveyed back to the Developer, its successors or assigns. This reservation does not in any way entitle MARTA or the City to use any part of the balance of the Mall property, and Developer, its successors and assigns is/are under no obligation to allow such use. Nor does this reservation entitle MARTA customers to park on Mall property to access the station.

- Staff has reviewed the applicant's proposal and finds that it can generally support the request to extend the reversion clause associated with the 'Dwelling, 'For-Rent' product. According to the applicant, the proposed change to the previous condition of zoning is directly related to the financial uncertainty associated with the COVID-19 pandemic.

- 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 CZIM was held on August 12, 2020. There was a question about why distressed malls are not just torn down. The applicant responded that it is likely due to the long-term ground leases.

- Attorney, Kathy Zickert, 1230 W Peachtree St NE # 3100, Atlanta, GA 30309, came forward to speak on behalf of the applicant.

Public Comment

- No Public Comment

❖ Council Member Richard offered a motion to approve PH-20-10 North Point Mall Redevelopment/Change to Previous Condition of Zoning, subject to the following conditions:

1. Subject to condition 30 below, if construction of these rental units also has not commenced by December 31, 2028, then new residential units shall revert to 'For-Sale' units; provided however, that if no portion of the proposed redevelopment has received a Land Disturbance Permit by December 31, 2022, then 'For-Rent' residential shall revert to 'For-Sale' residential units.

4. Development regulations shall be as follows:

    c. Residential – After July 1, 2020 up to 50% of the maximum 300 'For-Rent' units shall be permitted a Certificate of Occupancy (CO) in accordance with UDC 'For-Rent' requirements, except as approved below. The remaining 'For-Rent' units shall be permitted a CO after January 1, 2021. 'For-Rent' buildings shall be no greater than 4 stories or 60', whichever is less, and all units shall be one (1) and two (2) bedrooms. A maximum of sixty percent (60%) of units shall be studios or one bedroom and no 3-bedroom units shall be permitted. Studio units shall have a minimum square footage of 550 square feet. One-bedroom units shall have a minimum size of 700 square feet and two-bedroom units shall have a minimum size of 1,050 square feet. 'For-Rent' block shall be as depicted in Exhibit C, Current Proposed. 'For-Rent' units shall be constructed concurrently with all required open space areas, infrastructure and freestanding retail/restaurant uses. A CO shall not be issued for 'For-Rent' use until onsite open space and infrastructure have been constructed and inspected by the City. Offsite improvements must be under construction. 'For-Rent' units shall have first class amenities and shall include a private pool, fitness center, secured parking, resident's lounge, business center, on-site management office and secure elevator access. Surface parking and garages associated with 'For-Rent' use shall be heavily screened from North Point Circle.

30. At such time as MARTA stipulates and funds its intention to move forward with a future Georgia 400 MARTA bus rapid transit and/or train station on Georgia 400 at North Point Mall, Developer, its successors and assigns; shall dedicate land to the City as depicted on Exhibit A or an equivalent reasonably substituted tract of like size within the Georgia 400 buffer agreed upon by owner and City. If at any time MARTA stipulates that the land is not needed; or if MARTA has not begun construction by December 31, 2028; then there shall be no obligation to dedicate the land or, if already conveyed to the City, it shall be conveyed back to the Developer, its successors or assigns. This reservation does not in any way entitle MARTA or the City to use any part of the balance of the Mall property, and Developer, its successors and assigns is/are under no obligation to allow such use. Nor does this reservation entitle MARTA customers to park on Mall property to access the station.

- The motion received a second from Council Member Binder
- The motion was approved unanimously (7-0)

D. V-20-13 STACK Data Center Parking and Stream Buffer Variances

- Senior Planner, Michael Woodman, came forward to present this item.
- Staff is recommending that Mayor and Council approve V-20-13 STACK Data Center Variances, subject to the following conditions:

1. Property shall be developed substantially in accordance with site plan titled "STACK ATLL2 Site Plan with Proposed Parking", prepared by Corgan, dated 8/31/2020, except for modifications required to comply with the conditions below.
2. Building and equipment enclosure materials and design shall comply with the applicable Data Center regulations, as approved by DRB.
3. Data Center shall not exceed 131,720 square feet.
4. Security fence shall be located behind the required 40' heavily planted landscape buffer.
5. 40' landscape buffer shall include required landscape strip plantings along street frontage. The full width of the buffer shall be heavily planted to screen the equipment compound and shall not include improvements, such as parking.
6. Site shall comply with parking lot tree island requirements.
7. Land for additional parking, per site plan titled "STACK ATLL2 Site Plan With Code Required Parking", dated 9/1/2020, shall be set aside, at the southeast corner of the site, and preserved as greenspace until such time as additional parking is determined to be needed by the City or the use changes. The utility courtyard shall be reserved for additional parking should the use of the property change in the future.
8. Property owner shall be required to construct up to 39 additional parking spaces in the future, as depicted on the site plan titled "Site Plan As Indicated", dated 6/1/2020, if the City determines and can document that a parking shortage exists.
9. Stream buffer variance shall be limited to site plan titled "STACK ATLL2 Site Plan with Proposed Parking", prepared by Corgan, dated 8/31/2020.

10. In addition to the proposed 85% TSS removal rate, developer shall provide additional measures to mitigate the stream buffer encroachment, as approved by Staff, such as:

    a) Provide an additional 20% runoff reduction or water quality volume for the project's new impervious area, which is in addition to the standard requirements.

    b) Provide an ecological assessment of existing vegetation for the entire onsite riparian buffers, including recommendations for vegetative management. The plan shall detail means and methods of exotic and invasive plant removal, as well as, revegetation of the area with native riparian plants (trees, shrubs, and groundcovers) in order to fill-in existing gaps or gaps created by the removal of exotic and invasive plants. Provide a list of proposed plants and quantities. Vegetative management plan shall be implemented for four-times (4x) the proposed undisturbed buffer encroachment.

    c) Provide onsite stream or wetland restoration if site conditions warrant such a project.

    d) Other options that provide an ecological lift, as approved by Staff.

11. Prior to issuance of land disturbance permit, the property owner shall provide the City with a copy of the approved 25' vegetated stream buffer encroachment application from the State of Georgia Environmental Protection Division (EPD).

- The applicant, Landis Evans + Partners, is requesting parking and stream buffer variances to allow for the construction of a 2-story, 131,720 square foot data center on 6.5 acres. STACK Infrastructure owns and operates a data center on the neighboring property (3200 Webb Bridge Road) and proposes to construct a second data center on the subject property. The subject property is located at 3250 Webb Bridge Road just west of the intersection of North Point Parkway and Webb Bridge Road.

- The submitted request, if approved, would allow for the construction of a 2-story, 131,720 square foot data center on 6.5 acres for STACK Infrastructure. The applicant requests a variance to reduce parking and a variance to allow for a stream buffer encroachment. STACK Infrastructure owns and operates the data center on the neighboring property and proposes to construct a second data center on the subject property. The subject property is located at 3250 Webb Bridge Road just west of the intersection of North Point Parkway and Webb Bridge Road.

- The property is zoned CUP (Community Unit Plan) and is subject to the Preston Ridge Master Plan Pod G. Surrounding properties are zoned CUP, except that the properties to the west are zoned O-I (Office-Institutional). Village Park of Alpharetta and STACK Data Center (F.K.A. T5 Data Center) are located to the west, Autumn Leaves is located to the east, Preston Ridge Commons office park is located to the south and Parkview One office building is located to the north. The Comprehensive Land Use Plan designation of the property is 'Corporate Office'.

- As shown in the table below, there are ten (10) data centers currently operating in the City. Most of the sites went through the City's public hearing process to reduce the required parking, including the adjacent property, which is also owned by STACK Infrastructure. That property received variance approval in 2011 to reduce required parking for a 100,000 square foot data center from 206 to 50 parking spaces.

Alpharetta Data Centers

Name/Location	Bldg Size / Site Acreage	Req'd Parking	Provided Parking	Land Set Aside	Notes
Applicant's Proposal / 3250 Webb Bridge Rd	131,720 SF / 6.5 ac	153 + 264 (land)	47	Yes, 39 spaces	Variance requested to reduce req'd parking
STACK (F.K.A. T5) / 3200 Webb Bridge Rd	100,000 SF / 12 ac	206	50	Yes, 200 spaces	V-10-17, Approved 1/24/2011
Ascent / 4905 North Point Pkwy	185,000 SF / 38.8 ac	434	40	Yes, 394 spaces	MP-08-09/V-08-15, Approved 10/27/08
Sungard Availability Services / 11650 Great Oaks Way	183,322 SF / 15.7 ac	387	79	Yes, 367 spaces	V-12-31, Approved 1/28/13
E-Trade / 1650 Union Hill Rd	167,705 SF / 14.5 ac	323	170	Yes, 143 spaces	V-99-09, Approved 7/15/99
GE Digital / 1001 Windward Concourse	187,919 SF / 19.4 ac	188	310	No	No PH - Constructed 1988/1999
ADP / 5880 Windward Pkwy	194,460 SF / 40.9 ac	388	47	Yes, 389 spaces	V-04-32 (withdrawn) & V-05-07 Approved
Flexential / 12655 Edison Dr	74,393 SF / 12.1 ac	85	204	No	No PH – Constructed 1996
HP / 2525 Westside Pkwy	283,746 SF / 44.1 ac	2,326	140 + 2,044 (shared)	Yes, 567 spaces	AV-2006-011, Approved 7/27/06 (Shared parking w/adj. office bldgs)
Cingular Wireless / 11610 Great Oaks Way	35,229 SF / 12.2 ac	78	41	Yes, 37 spaces	V-04-08, Approved 5/24/04
AT&T Mobility / 11610 Great Oaks Way	55,200 SF / 12.2 ac	189	35	Yes, 155 spaces	V-08-08, Approved 5/27/08

- The applicant's requested stream buffer variance relates to the smaller of two (2) unrelated streams on the property, which is located on the northeast side of the property and underneath the proposed placement of the building pad. The larger stream, located along the property's frontage on Webb Bridge Road, will be preserved and will not being impacted by the proposed development. Given the location of the larger stream and the unusual shape of the property, the applicant is requesting a variance to allow encroachment over the smaller stream buffer.

- The State of Georgia has jurisdiction over the first 25' of buffer associated with a stream. In addition, Unified Development Code (UDC) Section 3.3.6(C)(1)(a) Stream Buffer Protection – Land Development Requirements, requires a 50' undisturbed natural vegetative buffer on both banks of a non-perennial stream and an additional 25' impervious setback for a total of 75'. The UDC prohibits impervious cover within the 25' impervious setback, which includes man-made structures that impede the natural infiltration of water into the ground.

- According to the applicant, the stream in question is small, of little benefit to the drainage basin and has been compromised by previous development activity. The property was previously used as a spoils area for the construction of an infrastructure project. The proposed encroachment into the stream buffer is proposed to be offset with increased water quality treatment downstream of the project. The applicant's Erosion and Sediment Control Plans and Water Quality calculations show that the proposed project will exceed the required Total Suspended Solids (TSS) removal rate of 80% by providing an 85% removal rate. The applicant provided a copy of the 25' vegetated stream buffer encroachment application that has been submitted with the State of Georgia Environmental Protection Division (EPD).

- A variance is requested from UDC Subsection 2.5.1(B), to reduce the required parking for a data center. The applicant believes that the City's parking requirements for a data center are excessive for their intended use and would result in excess impervious surface, increased storm water runoff and unnecessary removal of trees. The City requires that a data center provide:

- One (1) space per 1,000 square feet per gross area of unmanned space together with parking as required for space dedicated to manned space at 1 space per 300 square feet. Land for additional parking calculated at 1 space per 500 square feet of gross area shall be set aside and preserved until such time as additional parking is needed and/or use changes. This land shall not be subdivided from the remainder of the property so that it can be used for parking in the future.

- The data center is proposed to have 8,977 square feet of manned space and 122,743 square feet of unmanned space. Therefore, 153 parking spaces and a land set aside to accommodate 264 additional parking spaces (417 total spaces) is required for the data center use. The applicant's site plan depicts 47 parking spaces, which is approximately 69% less parking required to be constructed. An alternate site plan was provided showing that an additional 39 parking spaces could be accommodated at the southeast corner of the site if a parking shortage can be documented by the City. If the use changes in the future, the applicant has demonstrated that the total required parking (153 required spaces + 264 additional spaces) could be 4 accommodated by parking over the utility courtyard and constructing a 4-level parking deck in the southeast corner of the site.

- The City of Alpharetta Unified Development Code Article IV, Section 4.5.3 outlines the criteria set forth for granting a variance. The ordinance specifically states..."a variance may be granted in whole or in part, or with conditions, in such individual case of unnecessary hardship upon a finding that":

  (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography; or

  Response: The property has an unusual shape, as well as topographic issues associated with two (2) unrelated streams on the property. Land is available in the southeast corner of the property to accommodate 39 additional parking spaces, if the City determines that a parking shortage exists. In addition, the applicant has demonstrated that the total required parking could be accommodated on the subject property should the use change in the future.

  (2) The application of the Ordinance to this particular piece of property would create an unnecessary hardship; or

  Response: The application of the Ordinance to the subject property would result in an excessive amount of impervious area and unnecessary tree removal.

  (3) There are conditions that are peculiar to the property which adversely affect its reasonable use or usability as currently zoned; or

  Response: The property has an unusual shape, as well as topographic issues associated with two (2) unrelated streams on the property. Land is available in the southeast corner of the property to accommodate 39 additional parking spaces, if the City determines that a parking shortage exists. In addition, the applicant has demonstrated that the total required parking could be accommodated on the subject property should the use change in the future.

(4) Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the City of Alpharetta ordinances.

Response: Approval of the requested parking variance should not cause substantial detriment to the public good, if conditions are approved requiring a land set aside for additional parking, as well as limiting the size of the data center.

- Stream buffer variance requirements: Requests for variances shall follow the procedures described in Section 4.5 and Section 5.2. Variances will be considered only in the following cases:

- Requests for variances shall follow the procedures described in Section 4.5 and Section 5.2. Variances will be considered only in the following cases:

1. When a property's shape, topography or other physical conditions existing at the time of the adoption of this ordinance prevents land development unless a buffer variance is granted.

   Response: The property has an unusual shape and is impacted by two (2) unrelated streams. According to the applicant, the stream in question is small, of little benefit to the drainage basin and has been compromised by previous development activity (used as a spoils area). The applicant proposes to offset the stream buffer encroachment with increased water quality treatment downstream of the project. The applicant's Erosion and Sediment Control Plans and Water Quality calculations show that the proposed project will exceed the required Total Suspended Solids (TSS) removal rate of 80% by providing an 85% removal rate. If approved, it is recommended that the applicant provide additional mitigation measures as recommended by the City's Stormwater Management Engineer.

2. Unusual circumstances when strict adherence to the minimal buffer requirements in the ordinance would create an extreme hardship.

   Response: The property has an unusual shape and is impacted by two (2) unrelated streams. According to the applicant, the stream in question is small, of little benefit to the drainage basin and has been compromised by previous development activity (used as a spoils area). The applicant proposes to offset the stream buffer encroachment with increased water quality treatment downstream of the project. The applicant's Erosion and Sediment Control Plans and Water Quality calculations show that the proposed project will exceed the required Total Suspended Solids (TSS) removal rate of 80% by providing an 85% removal rate. If approved, it is recommended that the applicant provide additional mitigation measures as recommended by the City's Stormwater Management Engineer.

- Staff has reviewed the applicant's proposal and finds that it can generally support the request for stream buffer and parking variance. The property has an unusual shape and is impacted by two (2) unrelated streams. According to the applicant, the stream in question is small, of little benefit to the drainage basin and has been compromised by previous being used as a spoils area for development activity. The applicant proposes to offset the stream buffer encroachment with increased water quality treatment downstream of the project by increasing the required Total Suspended Solids (TSS) removal rate from 80% to 85% removal rate. The proposed parking variance is similar to previous requests for parking variance approved at other data center locations in the City.

- If approved, conditions are recommended requiring additional stream buffer encroachment mitigation measures, additional landscaping to improve aesthetics and screening, as well as a land set aside and reservation for future parking.

- The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The applicant provided letters of support from the Preston Ridge Owners Association and UPS Supply Chain Solutions. The report states that no public concerns were received.

- The CZIM was held on October 14, 2020. There were no public comments.

- Vice President of Business Development for Landis Evans + Partners, Chris Owens, 7425 Mid Broadwell Trace, Alpharetta, GA 30009, came forward to speak on behalf of the applicant.

- Chief Data Center Officer at STACK Infrastructure, Mike Casey, 3200 Webb Bridge Road, Alpharetta, GA 30009, came forward to speak on behalf of the application.

- Project Landscape Architect, Pat Corkill, 1235 Chasewood Trail, Alpharetta, GA 30005, came forward to speak on behalf of the applicant.

Public Comment

- No Public Comment

❖ Council Member Richard offered a motion to approve V-20-13 STACK Data Center Variances, subject to the following conditions:

1. Property shall be developed substantially in accordance with site plan titled "STACK ATLL2 Site Plan with Proposed Parking", prepared by Corgan, dated 8/31/2020, except for modifications required to comply with the conditions below.
2. Building and equipment enclosure materials and design shall comply with the applicable Data Center regulations, as approved by DRB.
3. Data Center shall not exceed 131,720 square feet.
4. Security fence shall be located behind the required 40' heavily planted landscape buffer.
5. 40' landscape buffer shall include required landscape strip plantings along street frontage. The full width of the buffer shall be heavily planted to screen the equipment compound and shall not include improvements, such as parking.
6. Site shall comply with parking lot tree island requirements.
7. Land for additional parking, per site plan titled "STACK ATLL2 Site Plan With Code Required Parking", dated 9/1/2020, shall be set aside, at the southeast corner of the site, and preserved as greenspace until such time as additional parking is determined by the City to be needed or the use changes. The utility courtyard shall be reserved for additional parking should the use of the property change in the future.

8. Property owner shall be required to construct up to 39 additional parking spaces in the future, as depicted on the site plan titled "Site Plan As Indicated", dated 6/1/2020, if the City determines and can document that a parking shortage exists.

9. Stream buffer variance shall be limited to site plan titled "STACK ATLL2 Site Plan with Proposed Parking", prepared by Corgan, dated 8/31/2020.

10. In addition to the proposed 85% TSS removal rate, developer shall provide additional measures to mitigate the stream buffer encroachment, as approved by Staff, such as:

    a) Provide an additional 20% runoff reduction or water quality volume for the project's new impervious area, which is in addition to the standard requirements.

    b) Provide an ecological assessment of existing vegetation for the entire onsite riparian buffers, including recommendations for vegetative management. The plan shall detail means and methods of exotic and invasive plant removal, as well as, revegetation of the area with native riparian plants (trees, shrubs, and groundcovers) in order to fill-in existing gaps or gaps created by the removal of exotic and invasive plants. Provide a list of proposed plants and quantities. Vegetative management plan shall be implemented for four-times (4x) the proposed undisturbed buffer encroachment.

    c) Provide onsite stream or wetland restoration if site conditions warrant such a project.

    d) Other options that provide an ecological lift, as approved by Staff.

11. Prior to issuance of land disturbance permit, the property owner shall provide the City with a copy of the approved 25' vegetated stream buffer encroachment application from the State of Georgia Environmental Protection Division (EPD).

12. Brick accents shall be added in select locations on the Webb Bridge Road elevation, with final approval by the DRB.

- The motion received a second by Council Member Binder with a friendly amendment to add "or stone accents" to condition #12
- Council Member Richard accepted the friendly amendment
- The motion was approved (6-1); Mayor Gilvin voting in opposition

VII. NEW BUSINESS

A. Consideration of an Ordinance to Amend Chapter 30 of the City Code - Loitering (1st Reading) Sponsored By: Council Member Burnett

- Director of Public Safety, John Robison, came forward to present this item.
- Staff is recommending that Mayor and Council approve an ordinance to amend Chapter 30 of the City Code to add an article IV (Loitering for the Purpose of Engaging in the Solicitation of Sex Acts).
- This ordinance amendment reflects state law regarding loitering and solicitation of sex acts. Having a local ordinance will provide law enforcement more discretion in the handling of these types of cases.

- The goal is to create additional enforcement options for law enforcement officers encountering loitering and solicitation of sex crimes activity.
- Asst. City Attorney, Steven Jones, read the ordinance aloud.

Public Comment

- No Public Comment

❖ Council Member Burnett offered a motion to approve an ordinance to amend Chapter 30 of the City Code to add an article IV (Loitering for the Purpose of Engaging in the Solicitation of Sex Acts)

- The motion received a second from Council Member Merkel
- The motion was approved unanimously (7-0)

VIII. WORKSHOP

A. Park Rules Ordinance Update

- Director of Recreation, Parks & Cultural Services, Morgan Rodgers, came forward to present this item.
- Staff seeks input and requests permission to work with the City Attorney to draft appropriate language to codify the updated rules in preparation for final consideration and adoption by City Council
- Currently, the City Ordinance that deals with Park Rules is outdated. The City has added many parks, facilities, and services; however, the Park Rules Ordinance does not reflect the changes and additions that have been made to the park system.
- The Recreation Commission utilized several of its monthly workshop meetings to review the current City Ordinance and to develop a new set of Park Rules that are in keeping with the current status of our City. Subsequently, the Recreation Commission approved unanimously at its November 12, 2019 meeting to recommend for adoption by City Council the attached Park Rules.

IX. PUBLIC COMMENT

- No Public Comment

X. REPORTS

- No Reports

XI. ADJOURNMENT

- With no further business to discuss or items to be heard, Mayor Gilvin adjourned the meeting at 9:00 P.M.

Respectfully submitted,

Erin Cobb

Erin Cobb, City Clerk