



PLANNING COMMISSION MEETING MEETING MINUTES

AUGUST 5, 2021

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

OFFICIAL MINUTES

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I. CALL TO ORDER

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

II. ROLL CALL

Planning Commissioners present:

- Francis Kung'u, Chair
- William Perkins
- Dana Davis
- Candy Waylock
- Jamie Bendall, Alternate, arrived before the presentation of MP-21-05 / CU-21-10 George Animal Hospital / Windward Pod 4
- Valerie Manley, Alternate

Planning Commissioners absent:

- Fergal Brady, Vice-Chair
- Larry Attig
- Martine Zurinskas

Staff present:

- Kathi Cook, Director of Community Development
- Michael Woodman, Senior Planner
- Steven Jones, Assistant City Attorney
- Ben Kern, GIS Specialist / Special Projects Planner
- Lauren Shapiro, Planning + Zoning Coordinator
- Terry Bankhead-Farmer, Informational Technology Analyst

III. APPROVAL OF MEETING MINUTES

a. Approval of Planning Commission Meeting Minutes from July 1, 2021.

- ❖ Commissioner Perkins offered a motion to approve the Planning Commission Meeting Minutes from July 1, 2021.
 - Commissioner Manley seconded the motion.
 - The motion was approved unanimously (5-0).

IV. ITEMS FROM BOARD MEMBERS

V. ITEMS FROM STAFF

VI. PUBLIC HEARING

a. Z-21-06/V-21-17 Kimball 154

This public hearing item has been deferred by the Applicant. This item will not be heard or considered during this meeting.

Consideration of a rezoning and variances to allow for a 3-story, 120,000 square foot office building and re-use of 2 existing buildings for office use and amenities on 4.44 acres. A rezoning is requested from SU (Special Use) to O-P (Office-Professional). Variances are requested to reduce parking, increase lot coverage, reduce front building setback, increase building height and reduce minimum driveway separation. The property is located at 154 Kimball Bridge Road and is legally described as being located in Land Lot 801, 1st District, 2nd Section, Fulton County, Georgia.

b. MP-21-01/V-21-04 The Bailey/Northwinds

This public hearing item has been deferred by Staff. This item will not be heard or considered during this meeting.

Consideration of a master plan amendment and variance to allow a 158,000 square foot wellness center, 53,000 square foot of office use, a 100-room boutique hotel, and 25,500 square feet of retail/restaurant use on 4.72 acres. A master plan amendment to the Northwinds Master Plan is requested to amend development standards, such as building setbacks, building heights and building coverage. A variance is requested to increase the maximum impervious area in the O-I district. The property is located at 2650 Northwinds Parkway and is legally described as being located in Land Lots 799, 805 and 806, 1st District, 2nd Section, Fulton County, Georgia.

Commissioner Bendall joined the meeting prior to the presentation of MP-21-05 / CU-21-10 George Animal Hospital / Windward Pod 4.

c. MP-21-05 / CU-21-10 George Animal Hospital / Windward Pod 4

Kathi Cook, Director of Community Development, presented consideration of a master plan amendment and conditional use to allow an 'Animal Hospital, Small Animal' in a 2,600 square foot suite in the Market Forest strip center. A master plan amendment is requested to add 'Animal Hospital, Small Animal' to Pod 4 of the Windward Master Plan and a conditional use is requested to allow an animal hospital business owned by Erin George. The property is located at 6195 Windward Parkway, Suite 109 and is legal described as being located in Land Lots 1048 and 1107, 2nd District, 1st Section, Fulton County, Georgia.

Director Cook shared that the property was developed in 2007 with a 1-story, 18,172 square foot strip center building. Starbucks is located to the east, Shell gas station is located to the west, and Windward Plaza Office and Hilton Garden Inn are located to the south. 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 Commercial), O-I (Office-Institutional) and PSC (Planned

Shopping Center) districts.

Dr. Erin George proposes a new full-service veterinary clinic providing preventative care, medicine, surgery, dentistry and chemotherapy to cats and dogs. The applicant proposes to occupy Suite 109 and the hours of operation will be Monday – Friday from 7:00 AM to 6:00 PM and Saturday from 7:00 AM to 1:00 PM. The applicant anticipates 6-8 employees. Windward Market Forest shopping center is occupied by several tenants, including Secreto Southern Kitchen, Tarahumata Mexican Grill, Majestic Nails, Subway and Synergy Fitness. The end of the building has a drive-through lane, which were used by the former urgent care clinic. The applicant proposes to re-purpose the drive-through lane as a pet relief area. Improvements would include adding turf an accent fence of shrubs, as well as a pet bag station and trash can. Animal clinic staff will maintain the area on a daily basis. In addition, noise mitigation measures are proposed in the applicant's suite and client areas will be concentrated on the right-side of the suite.

Staff estimates that the 2,600 square foot animal hospital would generate twelve (12) PM Peak Hour trips.

Staff has reviewed the applicant's proposal and finds that the use does not conflict with the established review criteria for a master plan amendment and conditional use.

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 July 14, 2021. There were no public comments.

Director Cook read staff's recommended conditions:

1. 'Animal Hospital, Small Animals' shall be added as a conditional use to the Windward Master Plan Pod 4.
2. 'Animal Hospital, Small Animals' shall be added as a conditional use at 6195 Windward Parkway, Suite 109 and limited to no more than 2,600 square feet.
3. Conditional use approval shall be limited to Erin & Wade George; no additional 'Animal Hospital, Small Animals' businesses or subleasing shall be permitted in the approved space.
4. Business shall be permitted to operate Monday – Friday 7:00 AM – 6:00 PM and Saturday 7:00 AM – 1:00 PM.
5. Boarding of animals is limited to short-term care incidental to the hospital use.
6. Pet relief area shall be improved with artificial turf or sod and shall be screened with a decorative fence or shrubs, as approved by Staff. Wayfinding signage shall be provided in the parking area and at the front of the business directing patrons to the pet relief area.
7. Interior tenant improvements shall include noise mitigation measures.
8. Mobile resources supporting the business, such as a mobile MRI or X-ray, shall not be parked between the building and the street.

Planning Commission questions and discussion:

- Any reason why this use was not included in the original master plan? Any reason to keep this use off?
 - Director Cook shared that this plan was updated in 1993 and does not believe there

was a specific reason and likely just a use that was not thought of.

- Will noise mitigation measures have to be approved or is there a list of approved noise mitigation measures?
 - Director Cook shared that it will go through a building permit process to make sure that they meet the requirements.

Applicant presented:

Dr. Erin George presented the case for George Animal Hospital.

- She is a licensed veterinarian and currently practicing in Illinois.
- Her husband and her are relocating to the area because they fell in love with this town (tennis and pet-friendly town)
- Seeks to operate a small animal practice (dogs and cats only); no boarding and no grooming, just a full service animal hospital.
- The pandemic created a huge need for veterinarians and is looking to fill that void.

Planning Commission questions and discussion:

- What is short-term care in regards to boarding of animals?
 - Dr. George shared that short-term care would apply to animals that are visiting for surgical care (dental, neutering and spaying). Those animals would be boarded for the day and would go home before the office closes in the evening.
- Are you okay with the suggested changes / conditions?
 - Dr. George shared that yes, she was okay with the conditions.

There were no public comments for this item

- ❖ Commissioner Perkins offered a motion to approve, subject to conditions as set forth by Staff.
 - Commissioner Waylock seconded the motion.
 - The motion was approved unanimously (6-0).

d. MP-21-04 Adora Day Care Center / KB 400 Master Plan

This public hearing item has been rejected / withdrawn by Staff. This item will not be heard or considered during this meeting.

Consideration of a master plan amendment to add 'Day Care Center' as a permitted use in Pod B of the KB 400 Master Plan. The property is located at 5750 North Point Parkway and is legally described as being located in Land Lot 808, 2nd District, 1st Section, Fulton County, Georgia.

e. CU-21-09 Alpharetta Liquor & Wine / 11380 State Bridge Road

Michael Woodman, Senior Planner, presented consideration of a conditional use to allow a 'Liquor Store' for Alpharetta Liquor & Wine in a 4,960 square foot suite located in a new strip center. The property is located at 11380 State Bridge Road, Suites 130, 140 & 150 and is legal described as being located in Land Lot 129, 1st District, 1st Section, Fulton County, Georgia.

The submitted request, if approved, would allow Alpharetta Liquor & Wine to operate a 'Liquor Store' in a 4,960 square foot suite within a new shopping center. The property is zoned C-1 (Neighborhood Commercial), which requires approval of a conditional use to allow a 'Liquor Store'. The subject property is located at 11380 State Bridge Road, Suites 130, 140 & 150 at the northeast corner of State Bridge Road and Kimball Bridge Road in the Kimball Plaza shopping center.

The 1.15-acre property is developed as Kimball Plaza, which is a new 1-story, 9,464 square foot shopping center building. Surrounding properties are zoned C-1, except the property to the east and south is City of Johns Creek. Georgia Clinic and U-Store Climate Controlled Storage are located to the north, a commercial strip center and City of Johns Creek are located to the east, Honda Carland Service Center is located to the west and City of Johns Creek to the south. The Comprehensive Land Use Plan designation of the property is 'Commercial'.

Alpharetta Liquor & Wine is a new business. The applicant proposes to occupy Suites 130, 140 and 150, which have a combined area of 4,960 square feet. According to the applicant, products sold will include beer, wine, spirits and associated items related to alcohol package sales. Hours of operation are Monday – Thursday 9:00 AM – 9:30 PM, Friday – Saturday 9:00 AM – 10:30 PM and Sunday 12:30 PM – 7:00 PM. The applicant anticipates less than ten (10) employees.

Staff estimates that the 4,960 square foot 'Liquor Store' would generate 503 daily trips and 95 PM Peak Hour trips.

Senior Planner Woodman shared that one of the criteria for a conditional use states:

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 similar uses in the immediate vicinity of the subject property. Royal Liquor Store is located in the Publix shopping center at 4305 State Bridge Road, Suite 109 and Old Milton Beverage is located in Brookside Station at 4045 Old Milton Parkway, which are approximately 1,350' and 3,915' away, respectively. In addition, there are two (2) liquor stores in Johns Creek to the northeast and south, which are approximately 1.75 miles and 0.5 miles away, respectively. The nearest residence to the proposed 'Liquor Store' is located to the west in the Park Brooke subdivision, which is approximately 630' away. Ocee Elementary School is located to the south, which is approximately 1,240' away. All distances above were measured in a straight-line distance, as the crow flies.

City Staff has reviewed the applicant's proposal and finds that the request is in conflict with the established review criteria for a conditional use. There are two (2) liquor stores in Alpharetta and one (1) in Johns Creek within $\frac{3}{4}$ -mile of the applicant's proposed location, as well as residential and an elementary school.

The CZIM was held on July 14, 2021. There were no public comments.

Lastly, Staff's recommendation is to deny CU-21-09 Alpharetta Liquor & Wine/11380 State Bridge Road request for conditional use permit.

Planning Commission questions and discussion:

- Are there separation distances in the code in regards to other conflicting uses?
 - Senior Planner Woodman shared that there are no separation distances in the code. There are separation distances in the code for things such as spa services, massage therapy, but not for liquor stores within the UDC. There are alcohol license distances

within the Code of Ordinances, but not specific to distances to other liquor stores or conflicting uses.

- Without anything in the code, is this based on Staff judgement?
 - Senior Planner Woodman shared that without the prescribed distance requirements in the Code, it is based on Staff's opinion of reviewing the item in respect to the review criteria. It was apparent that there are quite a few of this same / similar use in the area.
- In terms of accessibility (ingress / egress) of this site, is it occupied by other tenants?
 - Senior Planner Woodman shared that he is not aware of the tenants currently, but the Applicant may be able to answer that.
- Procedurally, if a conditional use was approved through this process, would the Applicant still be required to obtain a liquor license through a different process?
 - Senior Planner Woodman shared that is correct.
- When other businesses selling alcohol, liquor, wine (cvs, grocery stores, other liquor stores) go to get a liquor license, do they also go through a similar process?
 - Senior Planner Woodman shared that is correct.
- Are there any regulations or state mandates about how close a liquor store can be from a school?
 - Senior Planner Woodman states that he was not aware of any, but the City Attorney is present and may be able to answer that question.
- I know there are laws about serving alcohol, but what about packaged liquor?
 - Assistant City Attorney, Steven Jones, shared that there are laws regarding distance requirements for off premise consumption, but does not know off of the top of my head. The Applicant would have to meet those at the time of acquiring a liquor license.
- Trip generations: would it be reasonable to infer that the Royal or Old Milton Package store would be generating comparable trips? When they cite daily trips, is that in addition to traffic flow already in the area?
 - Senior Planner Woodman shared that for this particular use, it is a rate tied to the square footage of the building for the liquor store. If the other liquor stores are comparable in size, then the answer is yes, they would generate a similar number of trips.
- Commissioner Waylock commented that this is kind of confusing. If you have trips generated by existing stores, you wouldn't have another 500 people going to this place, you would have 500 people that have options now. Are you assuming that this is additional traffic that this business would draw or are we just diluting traffic?
 - Senior Planner Woodman shared that we are using the ITE rates that transportation engineers and planners use to estimate, and we are just looking at that specific use.

Applicant presented:

Paul Suda, attorney for the Applicant presented this item.

- On page 2 of the Staff Report, the Applicant accepts all four of Staff's conditions that are at the top of page 2.
- On page 3 of the Staff Report, in regards to the conditional use criteria, it says that the criteria is "objective" not subjective.
- There are seven conditional use criteria here, and we do not need to deal with criteria

numbers 2 or 4.

- Criteria #1: In terms of the access in and out of the property, the builder gave the contractor the opportunity to build the building in the first place, so this item is not relevant because they knew people would be entering and exiting the plaza.
 - In terms of the peak hour visits, not sure how it is going to be that much.
- Criteria #3: "will not" is either plus or minus and "could have" is a subjective response; the criteria is objective, and the words "could have" are subjective and therefore, not applicable.
- Criteria #5: same situation as Criteria #3; this is subjective again, and the criteria requires an objective review
- Criteria #6: it is already in a commercial area and the City gave permission to build the plaza
- Criteria #7: going to contest the distances that are referenced here. In reference to the Royal Liquor and Old Milton Beverage those are on the other side of the street, and everyone in Alpharetta knows that if something is on the other side of the street (and this is a divided highway) often times you are not going to turn around and come back. With it being across the street, it is very important.
- Report of survey: reference a subdivision being 630 feet away, yet the survey says that it is 2,635 feet to the property line of the nearest residence and 2,400 feet to a school bus stop; that's half a mile. In respect to churches, there is approximately 2/5th of a mile and Ocee Park is a mile away. The liquor store is plenty far away and will not impact either residences or neighborhoods or anything of that nature.
- The state looks at whether or not you are close enough to another liquor store, a school, place of worship, and all of the distances are much further away than what the state law requires.
- Additionally, there is a 2 step process before this would be permitted (a city license and a state license).
- We accept the Staff's conditions, and this is an objective standard and believe that subjective standards have been used. Likewise, there has been comment that this was an opinion, and there should not have been an opinion.

Assistant City Attorney Jones commented that the Alpharetta Code says 300 feet or 100 yards from a school or church.

Planning Commission questions and discussion:

- This Applicant meets that distance from the Alpharetta Code.
 - The Applicant shared it is not from a straight-line measurement, but how you would walk there.
- The Applicant is not a first-time package store owner?
 - The Applicant shared that is correct and has been in this business for almost 25 years (owns another location in Greenville, GA).
- When was the last liquor store application approved?
 - Senior Planner Woodman shared that he does not know. The last liquor store that came before you a few months ago at Hembree and Westside was denied. There was a liquor store that was submitted in 2015 which was never brought forward to Planning Commission or Council. Total Wine was next in line, but not 100% on that

item.

- How are Royal Liquor and Old Milton beverage as close as they are?
 - Senior Planner Woodman shared that #7 of the Conditional Use Review Criteria was added to the Criteria about 2 years ago, so it was not likely in there at the time those items were brought forward. Those 2 locations were possibly there and might have been part of an annexation from Fulton County.
- This property seems unusual. There are divided highways on both sides and a one-way road. When properties like that are developed, is there a more rigorous thought process that goes into the kinds of businesses that are compatible with the traffic flow? Is that something that is most likely to be used by the people who live within that immediate vicinity?
 - Senior Planner Woodman shared that the zoning C-1, is neighborhood commercial. It is intended to be utilized by surrounding neighborhoods.
- Entering the property / stopping at the liquor store if only coming from one direction of travel
 - Senior Planner Woodman commented that the geometry of this intersection is very unusual, as usually you have streets coming together at a 90 degree angle and you do not have that here. So you might have limited access or less availability to complete a u-turn at this type of intersection.
- The existence of an unusual parcel does not impact the analysis of whether a conditional use is appropriate or not?
 - Senior Planner Woodman shared that we did look at access in the review criteria. I did speak with our transportation engineer, Eric Graves, and this site does have some limited access (right in and right out) and we did have some concerns about it. Eric does believe that the access can handle the number of trips, but the bigger concern was review criteria #7.
- Where are the curb cuts?
 - Senior Planner Woodman shared that there is a right in and right out off of State Bridge Road and a right in and right out off of Kimball Bridge Road is through a separate property with a fireworks store, you would have to go through other properties to get to the center.
- You would have to zig-zag through the parking lot in order to get to State Bridge Way.
 - Senior Planner Woodman shared that you can come through the Storage Facility and there is a curb cut through that property.
- There are no citizen objection letters.
- Commissioner Waylock shared that this is a very commercial area and it is difficult to get around in that area, but does not believe that because someone is last at the table that you should be held to a different standard than the people who are already there. The distances are far away, not up against Ocee Elementary (it is across the street). The biggest thing is that there is no one objecting to this. If it were to be true that 500 more people were going to be on that street, I would totally say that is a lot going in there, but I don't see that happening because people have options who are traveling in that area.
- Commissioner Manley shared that this body is not here to consider things like market saturation. The large strip mall across from Kimball Bridge has a lot of empty space. I am concerned that because of the complex traffic patterns here that the business owner is not doomed to failure and that the empty space across the road is not a bad omen. It is not our power to decide if this is a business risk worth taking, and if there is no objections and

consistent use (it's commercial) it is hard to find an objection.

- Chairman Kung'u shared that these are the type of applications that I have struggled with over the years, but that is why we are Planning Commissioners and would like to make a recommendation as it moves forward.

There were no public comments for this item.

- ❖ Commissioner Waylock offered a motion to approve subject to all conditions as noted by Staff.
 - Commissioner Davis seconded the motion.
 - The motion was approved unanimously (6-0).

VII. ADJOURNMENT

Chairman Kung'u adjourned the meeting at 7:13 p.m.