



Official City Council Meeting Minutes

August 23, 2021

Office of the City Clerk

CITY HALL 2 PARK PLAZA | 6:30 PM

Official Minutes

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

I. CALL TO ORDER

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

II. ROLL CALL

• Council Members

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

• Staff

- Bob Regus, City Administrator
- Sam Thomas, City Attorney
- James Drinkard, Asst. City Administrator
- Erin Cobb, City Clerk
- Kathi Cook, Director of Community Development
- Tom Harris, Director of Finance
- Morgan Rodgers, Director of Recreation, Parks & Cultural Services
- Eric Graves, Senior Transportation Engineer/Planner
- Michael Woodman, Senior Planner

III. PLEDGE TO THE FLAG

IV. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 8-16-2021)

- ❖ Mayor Pro Tem Mitchell offered a motion to approve the consent agenda
 - The motion received a second from Council Member Hipes
 - The motion was approved (6-0); Mayor Gilvin abstained

V. PUBLIC HEARING

A. V-21-18 Edwards / 91 John Christopher Stream Buffer Variance

This item was tabled during the July 26, 2021 City Council Meeting and must be removed from the table prior to presentation or consideration.

- ❖ Council Member Richard offered a motion to remove V-21-18 Edwards / 91 John Christopher Stream Buffer Variance from the table
 - The motion received a second from Council Member Merkel
 - The motion was approved (6-0); Council Member Binder abstained
 - Council Member Binder recused himself from this item.
- Senior Planner, Michael Woodman, came forward to present this item.
- Staff is recommending that Council approve V-21-18 Edwards/91 John Christopher Drive Variance, subject to the following conditions:
 1. Stream buffer encroachment, front setback, tree removal and building placement shall be limited to site plan prepared by Eco Living, LLC, dated 6/5/2021, except for modifications required to comply with the conditions below.
 2. Property owner shall mitigate the stream buffer encroachment by recording a conservation easement on the subject property over the area located on the east side of the stream, as well as removal of invasive Bamboo in the stream buffer, with final approval by Staff.
- The applicants, Alistair and Angela Edwards, are requesting consideration of variances to reduce the front setback and a stream buffer encroachment to allow for the construction of a single-family detached home on a 0.65-acre undeveloped lot. The applicant requests a reduction of the platted front setback from 50' to 35' and a stream buffer reduction from 150' to 54'. The subject property is located at 91 John Christopher Drive near the northeast corner of John Christopher Drive and Jayne Ellen Way in the Coldridge Forest subdivision.
- The submitted request, if approved, would allow for a reduction in the front setback and a stream buffer encroachment for the construction of a single-family detached home on a 0.65-acre lot. The applicant requests a reduction of the platted front setback from 50' to 35' and a stream buffer reduction from 150' to 54'. The subject property is located at 91 John Christopher Drive near the northeast corner of John Christopher Drive and Jayne Ellen Way in the Coldridge Forest subdivision.
- The undeveloped property is zoned R-15 (Dwelling, 'For-Sale', Residential). An unnamed perennial stream runs north to south through the middle of the property and has 150' stream buffers. Surrounding properties are zoned R-15, except that

the property to the east is zoned CUP (Community Unit Plan). Single-family detached lots in the Coldridge Forest subdivision are located to the north, west and south and a single-family detached lot in the Henderson Village subdivision is located to the east.

- A variance is requested to reduce the front setback from 50' to 35'. The subdivision plat for Coldridge Forest has a 50' platted front setback. Variance hardship is related to the stream running through the middle of the property. The property is zoned R-15, which requires a 35' front setback on a local street. In addition, the adjacent lot to the south as a side corner setback along John Christopher Drive of 23' and 141 John Christopher Drive was granted a variance in 2004 to allow for the construction of the home on the front half of the lot with a 35' front setback.
- A variance is also requested from Unified Development Code (UDC) 3.3.6(C)(1)(b) Stream Buffer Protection, Land Development Requirements, to allow a stream buffer encroachment into a 150' perennial stream buffer. The buffer encroachment would allow for the construction of a 3,650 square foot single-family detached home on the front half of a 0.65-acre platted lot. As depicted in the exhibit to the right, seven (7) lots to the north of the applicant's property were developed with single-family homes with four (4) homes constructed on the back half of the property and three (3) homes constructed on the front half of the property. The City's Stormwater Engineer has worked with the applicant and prefers the applicant's proposal to construct the home on the front half of the property, which has the least impact to the stream.
- To mitigate the proposed stream buffer encroachment, the applicant proposes to record a conservation easement on the back half of the property, which would protect the property and associated stream buffer from further development in perpetuity. In addition, the applicant proposes to remove invasive Bamboo in the stream buffer.
- Coldridge Forest subdivision was platted in 1973, with most of the homes along John Christopher Drive constructed in the early 1970's. The table below provides a summary of the development of lots along the same stream that impacts the applicant's property. Staff has been unable to identify stream buffer variances associated with the addresses in the table below, except for the applicant's current request. In 1995, the City established a comprehensive stormwater management system, which included the City's current 150' perennial stream buffers. Therefore, all homes but one (1) were developed before the City required stream buffers.

Address	Year Built	Position of Home	Building Footprint	Notes
325 Jayne Ellen Way	1985	Front	828 SF	Stream on rear ½ of lot
335 Jayne Ellen Way	1982	Front	944 SF	Stream on center
345 Jayne Ellen Way	1971	Front	2,155 SF	Stream on center
355 Jayne Ellen Way	1974	Front	1,598 SF	Stream on rear ½ of lot
91 John Christopher	N/A	Front (proposed)	~1,925 SF (proposed)	Stream on center
101 John Christopher	1974	Rear	1,629 SF	Stream on center
111 John Christopher	1974	Rear	1,298 SF	Stream on front ½ of lot
121 John Christopher	1974	Rear	1,612 SF	Stream on front ½ of lot
131 John Christopher	1974	Rear	1,304 SF	Stream on center
141 John Christopher	2006	Front	899 SF	Stream on center, variance approved to reduce front setback from 50' to 35'
151 John Christopher	1970	Front	1,425 SF	Stream on rear ½ of lot
161 John Christopher	1974	Front	1,584 SF	Stream on rear ½ of lot

- There are past examples of stream buffer variance approvals. Alpharetta First United Methodist Church (AFUMC) was approved for at least two (2) stream buffer variances with the most recent approval in conjunction with The 1858 residential development along Cumming Street. East of Main 2 was approved for a stream buffer variance to reduce the stream buffer from 150' to 75'. Most recently, the

Board of Zoning Appeals approved 145 Cumming Street for a stream buffer variance to allow for a garage addition and swimming pool on a residential lot.

- The site plan depicts a 1-story single-family detached home with walkout basement on the front half of the 0.65-acre lot and with a 35' front setback. Because the perennial stream runs through the middle of the property, the entire property is encumbered by the 150' stream buffers. Dimensions on the site plan depict the south, rear corner of the home to be within approximately 54' of the stream and a rear deck within approximately 64' of the stream. The applicant's proposed building footprint is similar in size to the existing homes in the Coldridge Forest subdivision.
- VARIANCE REVIEW CRITERIA: 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 upon a finding that":
 1. 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 upon a finding that":

Response: A perennial stream runs through the middle of the platted lot, encumbering the entire property with stream buffers. The applicant is requesting variances to allow for the home to be laid out on the front half of the property, which has the least impact to the stream. The City's Stormwater Engineer supports the applicant's proposed layout and stream buffer mitigation.
 2. The application of the Ordinance to this particular piece of property would create an unnecessary hardship; or Response: Application of the Ordinance would not allow for a home to be built on the subject property.
 3. There are conditions that are peculiar to the property which adversely affect its reasonable use or usability as currently zoned; or Response: A perennial stream runs through the middle of the platted lot, encumbering the entire property with stream buffers. The applicant is requesting variances to allow for the home to be laid out on the front half of the property, which has the least impact to the stream. The City's Stormwater Engineer supports the applicant's proposed layout and stream buffer mitigation.
 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 variance should not cause substantial detriment to the public good. A front setback variance was granted in 2004 at 141 John Christopher Drive to allow for the home to be constructed on the front half of the property with a 35' front setback. In addition, the City's Stormwater Engineer supports the applicant's proposed layout and stream buffer mitigation.
- CONCURRENCES: Staff has reviewed the proposal and finds that the variance request is not in conflict with the established review criteria. The applicant proposes to construct the home on the front portion of the lot, which would have the least impact to the stream. In addition, the applicant proposes to record a conservation easement on the rear portion of the lot. A front setback variance was granted in 2004 at 141 John Christopher Drive to allow for the home to be constructed on the front half of the property with a 35' front setback. Approval of the variances should not cause substantial detriment to the public good, if the stream buffer encroachment is properly mitigated.
- CITIZEN PARTICIPATION PLAN: The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that in addition to mailed letters, the applicant met with some of their neighbors, of which two (2) households were supportive of the variance and a third household indicated their preference in the order of 1) no house on property, 2) house at rear, and 3) house at front. The applicant provided letters of support

from residents at 205, 270, 340 and 375 Jayne Ellen Way.

- City Staff received a letter of objection from the adjacent property owners to the north, 101 John Christopher Drive. The letter outlines the resident's concerns, which include the potential negative impact to the stream from building a home on the subject property, the lot was never built upon and should become a pocket park for the neighborhood, the residential structure is ill-suited for placement on the front of the lot, and the loss of privacy. If approval is considered, the adjacent property owners request that the applicant 1) remove boundary trees on the applicant's property that have been deemed hazardous by a certified arborist, 2) construct a six-foot (6') privacy fence if the home is conditioned to be constructed on the rear portion of the lot, and 3) the applicant acknowledge that they and their contractors will not trespass on the adjacent property during construction of the home.
- COMMUNITY ZONING INFORMATION MEETING: CZIM was held on June 9, 2021. There were a few public comments from Coldridge Forest residents with the following concerns: lot should remain undeveloped since developer did not develop, do not want the home built on the front portion of the lot, existing homes will view the rear of the proposed home, new home only benefits the applicant, construction traffic/noise, do not want tree removal, length of construction, and erosion on the stream.
- The applicant, Mr. Edwards, 215 Jayne Ellen Way, Alpharetta, GA, 30009, came forward to speak on behalf of the application.
- **Public Comment:**
 - Jonathan Hickel, 101 John Christopher Drive, Alpharetta, GA, 30009, came forward in opposition of this item.

❖ Council Member Richard offered a motion to approve V-21-18 Edwards/91 John Christopher Drive Variance, subject to the following conditions:

1. Stream buffer encroachment, front setback, tree removal and building placement shall be limited to site plan prepared by Eco Living, LLC, dated 6/5/2021, except for modifications required to comply with the conditions below.
2. Property owner shall mitigate the stream buffer encroachment by recording a conservation easement on the subject property over the area located on the east side of the stream, as well as removal of invasive Bamboo in the stream buffer, with final approval by Staff.
3. At the request of the neighboring property owner to the north, 101 John Christopher Drive, the applicant shall remove trees located on their property that have been deemed dangerous in the arborist report prepared by Atlanta Tree Preservation dated November 11, 2020, subject to final approval by the City Arborist
 - The motion received a second from Council Member Burnett
 - The motion was approved (4-2); Mayor Gilvin and Council Member Merkel voting in opposition

❖ Council Member Binder rejoined the meeting.

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

- Director of Community Development, Kathi Cook, came forward to present this item.
- This item was considered at the 8/5/2021 Planning Commission meeting. Staff recommended approval subject to eight (8) conditions. There were no public comments. After discussion, Planning Commission recommended approval subject to staff's recommended conditions. Vote 6-0
- Staff is recommending that Council approve MP-21-05/CU-21-10 George Animal Hospital/6195 Windward Parkway, subject to the following 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.
- The applicant, Erin George, DVM, is requesting a master plan amendment and conditional use to allow an 'Animal Hospital, Small Animals' for Erin and Wade George in a 2,600 square foot suite within an existing shopping center. An amendment to the Windward Master Plan Pod 4 is requested to add the proposed use. The subject property is located at 6195 Windward Parkway, Suite 109 in the Windward Market Forest shopping center.
- The submitted request, if approved, would allow the applicant to operate a 'Animal Hospital, Small Animal' use in a 2,600 square foot suite within an existing shopping center. An amendment to the Windward Master Plan is requested to add the use to Pod 4 and a conditional use is requested to allow the use for Erin and Wade George. The subject property is located at 6195 Windward Parkway, Suite 109 in the Windward Market Forest shopping center.
- The property is zoned CUP (Community Unit Plan) and is subject to the Windward Master Plan Pod 4. The property was developed in 2007 with a 1-story, 18,172 square foot strip center building. Surrounding properties are zoned CUP. E-Trade Financial is located to the north, 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.

- Windward Master Plan was approved in 1980 with a substantial update in 1993 (MP-92-03) for a 3,000+ acre planned community, including residential, commercial, office, industrial and recreational uses. Windward Pod 4 has a land use designation of 'Commercial', which allows professional office, banks, restaurant, theater, health club, retail commercial, service commercial, gas station, civic buildings, medical facilities, hotel and conference center, specialty retail shops and boutiques and day care center. 'Commercial' pods in Windward represent less than 2%, or 60 acres, of the total land area within the Master Plan. The Windward Master Plan has been amended on a few occasions, including the non-residential master plan amendments as shown in the table below.

Windward Master Plan – Past Non-Residential Master Plan Amendments

File #	Project Name	Pod	Requested Change	Outcome	Date
MP-18-06	Starbucks	4	Restaurant with drive-through	Approved	8/27/18
MP-13-04 / CU-13-09	HealthSouth	66	60-bed acute inpatient rehabilitation hospital	Approved	8/26/13
MP-12-08 / CU-12-08	Karate Atlanta	56	Karate School	Denied	9/23/12
MP-11-03 / CU-11-01	Amana Academy	14A	School, Academic	Denied	12/19/11
MP-07-08 / CLUP-07-08	Windward Mill	66	80,000 SF retail, 800,000 SF office, 250-room full-service hotel (10,000 SF meeting space), 400 For-Sale Condominiums	Approved	4/28/08
MP-07-07 / CLUP-07-07	1st Baptist Church	66	Church and associated uses	Approved	10/22/07
MP-06-14 / CU-06-04	Habakkuk Center	56	Church use	Approved	1/22/06
MP-04-02 / CU-04-02	Comprehensive Martial Arts	56	Personal Training Studio with Office	Approved	6/21/04
MP-01-08	Source Fitness	14A	Health Club	Approved	9/24/01

- 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 business will not provide boarding or grooming services. 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 applicant proposes to occupy Suite 109, which is located at the end of the building and was formerly occupied by an urgent care clinic. 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, which is furthest from adjacent tenants in the shopping center. Access to the building will be through the front door.

- Staff prepared the table below to compare the applicant's proposal to existing animal hospitals in the City. There are seven (7) animal hospitals/clinics currently operating in the City. The applicant's business would be approximately 1.3 miles away from the nearest animal hospital, which is the Webb Bridge Animal Hospital.

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, Ste 2200	C-2
Veterinary Emergency Group	2725 Old Milton Pkwy, Ste A	O-I

- TRAFFIC: Staff estimates that the 2,600 square foot animal hospital would generate twelve (12) PM Peak Hour trips.
- STANDARDS FOR MASTER PLAN AMENDMENTS: 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:
 1. 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 commercial and office uses.
 2. 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 commercial, and office uses.
 3. 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 a suite within an existing shopping center.
 4. Whether there are substantial reasons why the property cannot or should not be used as currently zoned. Response: The subject property is approved for commercial use.
 5. 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 is estimated to generate twelve (12) PM Peak Hour trips.
 6. 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.
 7. 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.

8. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning. Response: The subject property is approved for commercial use
 9. 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 'Commercial'.
- **CONDITIONAL USE REVIEW CRITERIA:** 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: Windward Market Forest shopping center was developed in compliance with site access development standards with access from Windward Parkway and Market Place. 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 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.
 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: The nearest animal hospital is located approximately 1.3-miles to the south at the Webb Bridge Animal Hospital. There does not appear to be any conflicting uses in the immediate vicinity of the applicant's property.

- **CONCURRENCES:** 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 proposed use would be compatible with surrounding uses and other locations for this business type, which are similarly situated along commercial corridors. In addition, the nearest animal hospital is located approximately 1.3-miles away to the south. It is recommended that conditions be established as part of this application that regulate and limit any expansion of the business.
- **CITIZEN PARTICIPATION PLAN:** 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.
- **COMMUNITY ZONING INFORMATION MEETING:** The CZIM was held on July 14, 2021. There were no public comments.
- The applicant, Erin George, 1581 Southridge Trail, Algonquin, IL, 60102, came forward to speak on behalf of the application.

- **Public Comment:** No Public Comment

❖ Council Member Richard offered a motion to approve MP-21-05/CU-21-10 George Animal Hospital/6195 Windward Parkway, subject to the following 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 shall not exceed a 24-hour period and is limited to 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.

- The motion received a second from Mayor Pro Tem Mitchell
- The motion was approved unanimously (7-0)

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

- Senior Planner, Michael Woodman, came forward to present this item.
- This item was heard at the 8/5/2021 Planning Commission meeting. Staff recommended denial. There were no public comments. After discussion, Planning Commission recommended approval subject to staff's recommended conditions. Vote 6-0
- Staff recommends denial but if approved staff is recommending that Council require the following conditions (Condition in RED added by Staff):
 1. 'Liquor Store' shall be added as a conditional use at 11380 State Bridge Road, Suites 130, 140, & 150 and limited to no more than 4,960 square feet.
 2. Conditional use approval shall be limited to Alpharetta Liquor & Wine; no additional 'Liquor Store' use or subleasing shall be permitted within the approved space.
 3. Liquor Store shall be limited to package sales of beer, wine and distilled spirits.
 4. Hours of operation shall be Monday – Thursday 9:00 AM – 9:30 PM, Friday – Saturday 9:00 AM – 10:30 PM and Sunday 12:30 PM – 7:00 PM.
 5. There shall be no neon signage, no window lighting trim, and no primary colors used on signage or awnings.
- The applicant, Ramzanali Sadruddin, is requesting a conditional use to 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 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.

- The UDC allows a 'Liquor Store' by-right in the C-2 (General Commercial) and LI (Light Industrial) zoning districts and with approval of a conditional use in the CUP (Community Unit Plan), O-I (Office-Institutional), C-1 (Neighborhood Commercial), PSC (Planned Shopping Center) and MU (Mixed Use) zoning districts. The table below provides a list of 'Liquor Stores' operating in the City, as well as past public hearing requests for 'Liquor Store' use.

Name	Address	Zoning	Approval Process
Royal Liquor Store	4305 State Bridge Rd	C-1	Allowed by Annexation – Fulton County conditions excluded free-standing liquor stores
Old Milton Beverage	4045 Old Milton Pkwy	C-2	Allowed By-right
Total Wine	6290 North Point Pkwy	PSC	Allowed by-right under North Point Business Center MP, Pod 3
Reds Package Store	270 South Main St	C-2	Allowed By-right
Costco Liquors	2855 Jordan Ct	O-I	Allowed by Oxford Green MP Tract A
Total Wine	380 North Point Cir	PSC	Approved for conditional use in North Point Mall MP in 2008
Westside Wine & Spirits	2125 Hembree Rd	CUP	Denied 5/24/2021
Arrowhead Liquor Store	3675 Old Milton Pkwy	O-I	Withdrawn July 2015

- TRAFFIC: Staff estimates that the 4,960 square foot 'Liquor Store' would generate 503 daily trips and 95 PM Peak Hour trips. Staff compared the proposed 'Liquor Store' use to other uses that are similarly situated in strip shopping centers. The table below shows that the proposed 4,960 square foot 'Liquor Store' would generate significantly more PM Peak Hour trips than other uses typically found in a shopping center.

Use	Daily Trips	PM Peak Hour trips
Liquor Store (Proposed Conditional Use)	503	95
Medical/Dental Office	173	17
Variety Store	315	34
Pharmacy (w/out drive-thru)	447	42
Hair Salon		7
Copy/Print Center		37
High Turn Over Sit-Down Restaurant	556	48

- CONDITIONAL USE REVIEW CRITERIA: 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:
 - 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: Access into and out of the subject property is limited. The property is located at a high-traffic intersection, which has an unusual geometry. Access to the property from State Bridge Road (Old Milton Parkway) consists of a restricted right-in/right-out curb cut and access from Kimball Bridge Road is through an adjoining shopping center property, which also has a restricted right-in/right-out curb cut. Vehicular access is a concern given that the 'Liquor Store' would generate 95 PM Peak Hour trips. A 'Liquor Store' generates significantly more PM Peak Hour trips than other uses typically found in a shopping center.
 - The extent to which refuse areas, loading and service areas, off street parking, and buffers and screening are provided on the property; Response: The applicant's site plan complies with the above-mentioned improvements.

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 could have impacts on surrounding properties. While the intersection of State Bridge Road and Kimball Bridge Road is developed as a commercial node, the properties immediately behind the commercial development are developed as residential subdivisions and an elementary school. In addition, there are two (2) liquor stores in Alpharetta and one (1) in Johns Creek within ¾-mile of the applicant's proposed location.
 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; Response: The proposal could have impacts on surrounding properties. While the intersection of State Bridge Road and Kimball Bridge Road is developed as a commercial node, the properties immediately behind the commercial development are developed as residential subdivisions and an elementary school. In addition, there are two (2) liquor stores in Alpharetta and one (1) in Johns Creek within ¾-mile of the applicant's proposed location.
 6. Ensuring that the location and character of the conditional use is consistent with a desirable pattern of development for the city, in general; and Response: While the intersection of State Bridge Road and Kimball Bridge Road is developed as a commercial node, the properties immediately behind the commercial development are developed as residential subdivisions and an elementary school. In addition, there are two (2) liquor stores in Alpharetta and one (1) in Johns Creek within ¾-mile of the applicant's proposed location.
 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.
- CONCURRENCES: 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. Vehicular access is a concern given that the 'Liquor Store' would generate 95 PM Peak Hour trips. A 'Liquor Store' generates significantly more PM Peak Hour trips than other uses typically found in a shopping center. Also, there are concerns that the proposed 'Liquor Store' is not appropriately separated from similar uses and conflicting uses. There are two (2) liquor stores in Alpharetta and one (1) in Johns Creek within ¾-mile of the applicant's proposed location. Residential subdivisions have been developed adjacent to and behind the commercial development in all four (4) quadrants of the intersection, as well as, Ocee Elementary School, which is less than ¼-mile from the applicant's property to south in Johns Creek.

- CITIZEN PARTICIPATION PLAN: 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.
- COMMUNITY ZONING INFORMATION MEETING: The CZIM was held on July 14, 2021. There were no public comments.
- The applicant, Ramzanali Sadruddin, 450 Virginia Highlands, Fayetteville, GA, 30215, came forward to speak on behalf of the application.
- **Public Comment:**
 - Roman Goldsman, 11915 Little Creek Crossing, Alpharetta, GA, 30005 came forward to speak in opposition of this item.
 - Ruth Ann Tatum, 250 Pebble Trail, Alpharetta, GA, 30009, came forward in opposition of this item.
- ❖ Council Member Richard offered a motion to table CU-21-09 Alpharetta Liquor & Wine / 11380 State Bridge Road until the next City Council Meeting
 - The motion received a second from Mayor Pro Tem Mitchell
 - The motion was approved (5-2); Council Member Burnett and Council Member Binder voting in opposition

VI. NEW BUSINESS

A. Resolution Approving Annual Update to City Pay Plan Sponsored By: CM Burnett & CM Merkel

- Director of Human Resources, Cris Randall, came forward to present this item.
- Staff is recommending that Council approve a resolution to confirm the adoption of the City's Pay Plan and to provide annual CPI adjustment to the plan.
- Consideration of resolution to annually update the City's Pay Plan, subject to the following:
 - Pay Plan to be automatically adjusted on an annual basis based upon the consumer price index (CPI) from the prior twelve-month calendar period;
 - CPI as provided by the Bureau of Labor Statistics publication;
 - Adjustment capped at three percent;
 - Adjustments are subject to the availability of funding as determined in the City's mid-year budget review and appropriation procedures;
 - Effective the first pay period in March of each year;
 - Employees whose wages fall below the minimums as a result of adjustments will be brought up to the new minimums as soon as practical in accordance with the City's Finance Department standard procedures;

- The continue evaluation and maintenance of the City's Pay Plan strongly align with the City's Core Values of Excellence, by the pursue of continuous improvement in our results and how they are achieved; Stewardship, by reflecting professionalism, ethics, industry standards and best practices; Integrity, by providing a fair and careful assessment and transparency of information; and Service, by our commitment to efficient, effective, and responsive service delivery.
- Asst. City Attorney, Steven Jones, read the resolution aloud.
- **Public Comment:** No Public Comment
- ❖ Council Member Burnett offered a motion to approve a resolution to confirm the adoption of the City's Pay Plan and to provide annual CPI adjustment to the plan
 - The motion received a second from Council Member Merkel
 - The motion was approved unanimously (7-0)

B. Atlanta Regional Commission Grant Application PE Funding

- Director of Community Development, Kathi Cook, came forward to present this item.
- Staff is recommending that Council approve authorization for submittal of the Milton Avenue Streetscape and Pedestrian Plaza and Alpha Link Connector grant applications to the Atlanta Regional Commission and approve resolutions of funding commitment for the projects.
- The Atlanta Regional Commission is currently accepting applications for Preliminary Engineering Funding of projects identified in adopted LCI Plans. Only one project per LCI Area will be considered. Staff is recommending pursuing this funding for the Milton Avenue Streetscape and Pedestrian Plaza, within the Downtown Alpharetta Master Plan LCI Area. Within the Northpoint LCI, staff recommends seeking funding for design of the Alpha Link Connector.
- The Milton Avenue Streetscape and Pedestrian Plaza has been before council and developed through concept phase. Similarly, the Alpha Link connector recently completed its concept development in the North Point Area and Alpha Loop Trail Connectivity Feasibility Study. Each of these projects represent extensive public input and support.
- The recent TSPLOST 2 effort estimated construction cost for the Milton Avenue project at nearly \$4.0 million. Using construction costs as a basis, the Milton Avenue Preliminary Engineering Phase is estimated at \$600,000, with the 20% City match of \$120,000.
- For the Alpha Link project, construction costs are estimated near \$6.5 million. Preliminary engineering phase effort is assumed at \$1.25 million with a required 20% city match of \$250,000. The North Fulton CID is assisting with the preparation of this application.
- The Finance Department has confirmed that these matching funds are available in the City's unallocated capital project account. The applications are due to be submitted by August 27, 2021.
- Asst. City Attorney, Steven Jones, read both resolutions aloud.
- **Public Comment:** No Public Comment

- ❖ Council Member Richard offered a motion to approve authorization for submittal of the Milton Avenue Streetscape and Pedestrian Plaza and Alpha Link Connector grant applications to the Atlanta Regional Commission and approve resolutions of funding commitment for the projects
 - The motion received a second from Council Member Burnett
 - The motion was approved unanimously (7-0)

C. MOU with the City of Milton for Football Cooperation
Sponsored By: CM Merkel & CM Hipes

- City Administrator, Bob Regus, and Director of Recreation, Parks & Cultural Services, Morgan Rodgers, came forward to present this item.
- Staff is recommending approval of a Memorandum of Understanding (MOU) with the City of Milton regarding the parks and recreation football program and authorize the Mayor to execute all necessary documents.
- The purpose of this MOU is to take another step to continue to foster a long-term mutually beneficial relationship between Alpharetta and Milton as it relates to parks and recreation programs and services as a way to better serve the Cities' respective citizens, offer a wider variety of recreational services, and grow the relationship between the Cities such that similar opportunities can be developed over time.
- The following provisions are included in the MOU:
 - a. Alpharetta and Milton will jointly operate the football program through the North Atlanta Football League (NAFL) subject to NAFL's continuing compliance with each City's requirements. The board of the NAFL will have equal representation from both cities and will notify both cities of board meetings.
 - b. Under this agreement all participants from either City will pay resident fees and there will be no distinction of cities for the formation of teams.
 - c. Full time employees of each City and their immediate family members living in the same household will be considered residents of the city in which they are employed. These guidelines are not applicable for part-time and seasonal employees, contract vendors, and volunteers.
 - d. The MOU shall become effective September 1, 2021 and will renew automatically for one-year terms on January 1st of each subsequent year.
 - e. This MOU shall continue unless either City delivers written notice of non-renewal to the other City at least one hundred eighty (180) days prior to the expiration of the then-applicable term. If written notice of nonrenewal is given, this MOU will terminate upon the expiration of the existing term. Nothing stated herein shall obligate either City to extend this MOU beyond the term or any renewal term.
 - f. At the conclusion of each Fall season, Alpharetta, and Milton officials (to include the Mayors and City Manager/Administrator, or their designees), shall evaluate the effectiveness of the MOU in the meeting goals established in Section 1 of this MOU. Officials shall evaluate participation in the recreational youth NAFL, and the other terms of the MOU to ensure they are fair and just for both parties. The parties shall exercise their best efforts to resolve any issues.

- **Public Comment:** No Public Comment
- ❖ Council Member Merkel offered a motion to approve a Memorandum of Understanding (MOU) with the City of Milton for football cooperation
 - The motion received a second from Council Member Hipes
 - The motion was approved unanimously (7-0)

VII. PUBLIC COMMENT

- No Public Comment

VIII. REPORTS

- Council Member Merkel announced that the Recreation, Parks & Cultural Services secured a grant from the Fulton County Arts Commission for the Music Match Program.
- On behalf of Mayor Gilvin, Council Member Binder reappointed Shuntel Beach to the Recreation Commission.
- Council Member Binder also appointed Gina Kellis and Cheryl Sims as his appointees to the Board of Ethics.
- On behalf of Mayor Gilvin, Council Member Hipes appointed Jeremy Scott to the Recreation Commission.
- Council Member Burnett announced that Ron Freeman recently signed an agreement with TSA and DHS.
- City Administrator, Bob Regus, came forward to discuss the recent state grant opportunities in three categories: rural broadband, water & sewer, and economic impact.

IX. ADJOURNMENT

- ❖ With no further items to be heard or business to discuss, Mayor Gilvin adjourned the meeting at 8:32 P.M.

Respectfully submitted,


Erin Cobb, City Clerk