



City Council Meeting & Public Hearing

MARCH 6, 2023

OFFICIAL MINUTES

Office of the City Clerk

ALPHARETTA CITY HALL
COUNCIL CHAMBERS | 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 video recording for said meeting is a matter of public record and is available to be viewed at the City Clerk's office during normal business hours or viewed online at <https://www.youtube.com/user/alpharettagov>.

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 Dan Merkel
- Donald F. Mitchell
- Douglas J. DeRito
- Jason Binder (arrived late)

• Council Members Absent

- John Hipes
- Brian Will

• Staff

- Chris Lagerbloom, City Administrator
- Melissa Tracy, City Attorney with Jarrard & Davis
- James Drinkard, Asst. City Administrator
- Lauren Shapiro, City Clerk
- Adam Montgomery, Interim Director of Information Technology
- John Robison, Director of Public Safety
- Kathi Cook, Director of Community and Economic Development
- Morgan Rodgers, Director of Recreation, Parks, and Cultural Services
- Pete Sewczwicz, Director of Public Works

- Tom Harris, Director of Finance

III. PLEDGE TO THE FLAG

IV. BOARDS & COMMISSIONS

A. Natural Resources Commission- Alternate Appointment by Council Member Binder

- Council Member Binder was not yet present during the meeting, so Mayor Gilvin offered a motion to appoint Dana Davis.
- ❖ Mayor Gilvin offered a motion to appoint Dana Davis as an alternate to the Natural Resources Commission.
 - The motion was approved unanimously (4-0; as Council Member Binder was not yet present).

B. Development Authority – Appointment Nomination by Council Member DeRito

- ❖ Council Member DeRito offered a motion to appoint DC Aiken as a member to the Development Authority.
 - Council Member Mitchell seconded the motion.
 - The motion was approved unanimously (4-0; as Council Member Binder was not yet present).

C. Swearing-in of Board and Commission Members

- Mayor Gilvin swore in the following Board and Commission members: Dana Davis, DC Aiken, and Geri Chapple.

V. PRESENTATIONS & RECOGNITIONS

A. Recognition of Janet Rodgers

- Mayor Gilvin provided recognition and congratulatory remarks for Janet Rodgers and her accomplishments with the Alpharetta Convention and Visitors Bureau, as she was recently awarded the "Tom Kilgore Lifetime Achievement Award" by the Georgia Association of Convention & Visitors Bureau.
- Council Member Binder joined the meeting.

VI. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 2/27/2023)

Consideration of approval of the City Council meeting minutes from the meeting of February 27, 2023.

B. Alcoholic Beverage License Applications

Consideration of approval of the following alcoholic beverage license application:

1. PH-23-AB-03 Sulit Coffee and Wine Bar, LLC
4150 Old Milton Parkway, Suite 120, Alpharetta, GA 30005

Restaurant
Consumption on Premises

License Modification to Sell Distilled Spirits
Owner: Sulit Coffee and Wine Bar, LLC
Registered Agent: Danielle Crawford

PUBLIC COMMENTS

- There were no public comments.
- ❖ Council Member Mitchell offered a motion to approve the Consent Agenda.
 - Mayor Pro Tem Merkel seconded the motion.
 - The motion was approved unanimously (5-0).

VII. PUBLIC HEARING

A. V-23-06 130 Johns Christopher Drive

Consideration of a variance to reduce a side setback from 10' to 3' to allow for an addition to a single-family detached home. The property is located at 130 John Christopher Drive and is legally described as being located in Land Lot 1182, 2nd District, 2nd Section, Fulton County, Georgia.

- Director of Community and Economic Development, Kathi Cook, came forward to present this item.
- Staff is recommending that Mayor and Council approve V-23-06 130 John Christopher Drive Setback Variance, subject to the following conditions:
 1. Master bedroom addition/extension shall be permitted as depicted on the site plan, labeled Exhibit A, and with a 3' side setback along the north property line.
 2. A 6' privacy fence shall be maintained around the rear yard of the property as depicted on the site plan, labeled Exhibit A.
- The Exhibit A mentioned in the proposed conditions is attached hereto as "Exhibit A."
- The applicants, Scott Schneider and Jillian Van Blair, are requesting consideration of a variance to reduce the side setback from ten-feet (10') to three-feet (3') to allow for the construction of a master bedroom addition. The applicant proposes a 350 – 375 square foot extension of the existing master bedroom in order to accommodate an ensuite bathroom and closet space. The subject property is located at 130 John Christopher Drive in the Coldridge Forest subdivision.
- Director Cook mentioned that this exception approval would be specific for this site plan.
- The submitted request, if approved, would allow for an extension of the master bedroom to the rear of a single-family detached home with a reduced side setback of three-feet (3').
- The 0.41-acre property is zoned R-15 (Dwelling, 'For-Sale', Residential) and developed with a one (1) story, 1,584 square foot single-family detached home. A six-foot (6') privacy fence surrounds the back yard. Surrounding properties are zoned R-15 and are all located in the Coldridge Forest subdivision.
- Unified Development Code (UDC) Subsection 2.2.5(D) District Regulations notes the R-15 side yard setback as ten feet (10'). However the residence, which was built in 1974, is legal non-conforming with respect to the side setback on the north side of the home, which encroaches five-feet (5') into the required ten-foot (10') side setback currently. Therefore, the requested

variance would allow the home to encroach an additional two-feet (2') into the existing side setback.

- Staff has reviewed the applicant's proposal against the review criteria for a variance. The home was originally built five-feet (5') into the required ten-foot (10') side setback on the north side of the property. Given the location of the master bedroom, the proposed extension pushes the home further into the side setback approximately an additional two-feet (2'). However, a six-foot (6') privacy fence surrounds the rear yard which helps mitigate the impact of the extension on the adjacent property to the north. Additionally, the applicant provided a letter of no objection from the adjacent property owner to the north and this is an addition to an existing home versus a new build. The overall size of the home is still compatible with the neighborhood and adjacent properties.
- The applicant notified all properties within 500' of the subject property. According to the report, no comments were received, except that the adjacent property to the north provided a letter of no objection to the applicant's request.
- CZIM was held on February 8, 2023. There was one (1) public comment with concerns that the variance could set a precedent for future developers to build larger homes that encroach into the established setbacks within the Coldridge Forest subdivision.
- The applicants, Scott Schneider and Jillian Van Blair, came forward to speak on behalf of this application.

PUBLIC COMMENTS

- There were no public comments.
 - ❖ Mayor Pro Tem Merkel offered a motion to approve V-23-06 130 John Christopher Drive Setback Variance, subject to the following conditions:
 1. Master bedroom addition/extension shall be permitted as depicted on the site plan, labeled Exhibit A, and with a 3' side setback along the north property line.
 2. A 6' privacy fence shall be maintained around the rear yard of the property as depicted on the site plan, labeled Exhibit A.
 - Council Member DeRito seconded the motion.
 - The motion was approved unanimously (5-0).

B. PH-23-02 Unified Development Code (UDC) Text Amendments – Procedures to Establish a Residential Infill Overlay District

Second Reading

The first reading occurred during the February 27, 2023 City Council Meeting and Public Hearing.

Consideration of text amendments to the Unified Development Code (UDC) to add procedures for establishing a residential infill overlay district.

- City Attorney, Melissa Tracy, read the ordinance title aloud.
- Director Cook shared that this Ordinance is pertaining to subdivisions that do not have an HOA and compared sections (B) and (D). Further, it takes 30% of property owners residing in the proposed district to get the ball rolling to allow staff to begin reviewing a proposed

overlay but would require 75% of property owners (all property owners, no residing requirement) prior to adoption.

CITY COUNCIL DISCUSSION

- Council Member DeRito asked about the term “residing.”
 - Director Cook shared that it could not be a rental home and they are residing somewhere else.
- Council Member Mitchell shared that he has concerns with the 75% requirement of all property owners.
- Council Member Binder shared that he would not mind seeing the requirement be 2/3.

PUBLIC COMMENTS

- Michael Buchanan (135 Pebble Trail, Alpharetta, Georgia)
 - ❖ Mayor Pro Tem Merkel offered a motion to approve PH-23-02 Unified Development Code (UDC) Text Amendments – Procedures to Establish a Residential Infill Overlay District.
 - Council Member DeRito seconded the motion.
 - Council Member Mitchell offered a friendly amendment that 75% is changed to 60% and it specifically state owner-occupied.
 - Mayor Pro Tem Merkel did not accept the friendly amendment.
 - Council Member Binder offered a friendly amendment that 75% is changed to a 2/3 majority of the property owners.
 - Mayor Pro Tem Merkel accepted the friendly amendment.
 -
 - The motion was approved unanimously (5-0).

VIII. NEW BUSINESS

A. RUCKER ROAD PARK DESIGN CONCEPTUAL SITE PLAN APPROVAL

Consideration of approval of the conceptual site plan for Rucker Road Park designed by Columbia Engineering & Services Inc.

- Director of Recreation, Parks and Cultural Arts, Morgan Rodgers, came forward to present this item.
- Staff is recommending that Mayor and Council approve the conceptual site plan for Rucker Road Park designed by Columbia Engineering & Services Inc.
- The rolling topography of the property is highlighted by a small stream that runs through the park. While a small section of the site has been developed into our operating educational farm, the Farm at Old Rucker Park, approximately 7.5 acres remain to be planned and developed into a passive recreational space. The project would include the design, construction, and installation of trails, restrooms, and amenities necessary to create a functional passive park space for the undeveloped 7.5 acreage that currently accompanies the smaller section of the site developed into the city’s operating educational farm.
- To ensure resident engagement with the surrounding neighborhoods and the citizens of Alpharetta at large, staff held virtual and in-person public input meetings in May 2021. For

those unable to attend the public meetings, an online survey was made available on the City's website to allow for additional comments.

- The conceptual site plan (attached hereto as "Exhibit B") will enhance the existing farm and land by including the park entrance off Rucker Road with parking areas, a restroom, park pavilions, benches, open green space, soft surface walking paths and park operations/maintenance area.

PUBLIC COMMENTS

- There were no public comments.

CITY COUNCIL DISCUSSION

- Council Member Binder shared a huge thank you to the parks team for their hard work with this project.
- ❖ Council Member Binder offered a motion to approve the conceptual site plan for Rucker Road Park designed by Columbia Engineering & Services Inc.
 - Council Member Mitchell seconded the motion.
 - The motion was approved unanimously (5-0).

IX. WORKSHOP ITEMS

A. Mayfield Grow-A-Row Partnership City of Alpharetta and City of Milton

Presentation and discussion on possible expansion of the Mayfield Property partnership between the Cities of Alpharetta and Milton to include a joint Grow-A-Row program.

- Director of Recreation, Parks and Cultural Arts, Morgan Rodgers, came forward to present this item.
- The Mayfield property was a family homestead, where three families lived off the land, raising animals and vegetables to sustain themselves. In addition to the three homes and gardens, the families had chickens, hogs, goats, and cattle, each with their own outbuildings and a smoke house to cure the meat. The Mayfield property is an example of what many homesteads in the North Fulton area looked like in the 1970's, when the area was still primarily agricultural.
- In April 2017, the cities of Milton and Alpharetta jointly purchased the properties located at 1470, 1480, and 1490 Mayfield Road. At that time, an MOU was drafted and signed, outlining the shared ownership, operations, improvement, maintenance, and programming of the future park.
- To date, no development or improvements have been made to the property, except for the two cities hiring landscape companies to mow the fields.
- The Grow-A-Row Program is a community food growing effort with coordinated training, scheduled plantings, harvest days, and weekly delivery of fresh produce to NFCC, making this collaborative agricultural effort impactful for all participants. The Grow-A-Row Program was developed in 2021 to support and encourage members of the community to grow and harvest organic produce to donate to the NFCC food pantry.
- The community interest in Alpharetta's Community Agriculture Program has crossed city boundaries and the City of Milton is interested in partnering with the City of Alpharetta to

pursue the expansion of the Grow-A-Row Program at the Mayfield property to aid those most in need in our communities.

- In order to do the necessary work to get the Mayfield property ready to host the Grow-A-Row Program in the Spring of 2024, staff would like the Mayor & Council's support to develop an MOU to expand the existing partnership with the City of Milton for the Mayfield property.

CITY COUNCIL DISCUSSION

- Mayor Gilvin asked about the future costs and how this program would be planned with the current staffing and programming at Old Rucker Farm. He shared concerns about the costs that would be associated with this program.
- City Administrator, Chris Lagerbloom, shared that he would like to be able to say to Milton that our City Council is supportive of removing the structures currently on the property to avoid any sort of liability or attractive nuisance issues in the future.
 - Mayor Gilvin shared that there was a consensus of City Council to move forward with that.

B. Text Amendment to The Code of the City of Alpharetta, Georgia – Alcohol Ordinance

Presentation and discussion of text amendments to Chapter 4 of The Code of the City of Alpharetta, Georgia to revise provisions related to delivery, consumption sales, and retail establishments and to add provisions related to mixed drink sales; to provide an effective date; and for other purposes.

- City Clerk, Lauren Shapiro, came forward to present this item.
- During, and as a result of, the pandemic, the state passed and codified a few laws pertaining to alcoholic beverage sales and deliveries (O.C.G.A. § 3-3-10 and O.C.G.A. § 3-3-11). This is permitted under state law, unless the local jurisdiction passes an ordinance that prohibits such sales and deliveries.
- Currently, the city's alcohol ordinance allows eating establishments (not brewpubs) to sell package wine customers, so long as package wine sales do not exceed 10% of their revenue.
- This workshop is to discuss whether or not to add beer (all manufacturers, craft beer, or private label beer) as a package sale option for eating establishments. If so, Sections 4-49 and 4-137 would need amendment.
- The consensus from Council was to repeal Section 4-31, since this is allowed by state law (O.C.G.A. § 3-3-10 and O.C.G.A. § 3-3-11), and there was not an interest in prohibiting this within the City of Alpharetta.
- The consensus from Council was to permit sales of wine and beer from eating establishments by a future amendment to 4-49 and 4-137, as is allowed by State Law.

CITY COUNCIL DISCUSSION:

- Mayor Pro Tem Merkel asked about pricing and whether the beer package sales would be the same price as purchasing a beer to be consumed at the eating establishment.
- Council Member DeRito inquired if the City could place limitations on times in which package beer could be sold by an eating establishment.
- Council Member Binder would like to know more about resources from public safety and community development that may be needed if the package sales ordinance section is amended.
- Mayor Gilvin mentioned that he may like to see additional considerations added to a future package sales ordinance that would prohibit an employee of an eating establishment from selling packaged beer and then allowing the patron to drink the beer at the establishment, rather than taking it home / to-go.

X. REPORTS

- City Administrator, Chris Lagerbloom, provided a follow-up report on municipal elections. The City of Milton and the City of Johns Creek have both provided recent updates on costs and proposals for hosting their own elections. Johns Creek specifically looked at the same level of service that Fulton County is currently providing to their residents. The number of polling places dictated the numbers (and difference in numbers) for both of the cities. City Administrator Lagerbloom inquired if Mayor and Council could provide a sense of what their expectation is on convenience for the electorate (a number between 2 and 13 polling places). Additionally, staff will present more information on elections during a City Council work session on March 20th. We would need a final decision by the March 27th meeting.
- Mayor Gilvin shared that Fulton County has several locations for election day, but only one location for early voting. It would be more important to have better locations for early voting (lower turnout for municipal elections).

XI. EXECUTIVE SESSION

- ❖ Mayor Pro Tem Merkel offered a motion to recess to executive session.
 - Council Member Mitchell seconded the motion.
 - The motion was approved unanimously (5-0).
- Mayor Gilvin recessed the meeting at 8:15 p.m.
- ❖ Mayor Pro Tem Merkel offered a motion to reconvene the meeting.
 - Council Member Mitchell seconded the motion.
 - The motion was approved unanimously (5-0).
- Mayor Gilvin reconvened the meeting at 8:31 p.m.

XII. ADJOURNMENT

- ❖ Council Member DeRito offered a motion to adjourn the meeting.

- Mayor Pro Tem Merkel seconded the motion.
 - The motion was approved unanimously (5-0).
- With there being no further items to consider or discuss, Mayor Gilvin adjourned the meeting at 8:32 p.m.

Respectfully submitted,

A handwritten signature in blue ink that reads "Lauren Shapiro". The signature is written in a cursive, flowing style.

Lauren Shapiro, City Clerk

EXHIBIT A

EXHIBIT A

MAJOR

BEDROOM extension:

375 sq ft

25' x 15' (max)

14

11.5

162 sq ft

200 sq ft

BACK YARD

PSD ROOM EXT

DECK

FENCE

15 FT
BEDROOM
EXTENSION

FENCE/PROPERTY LINE

15 FT EXTENSION OF 10 FT

15 FT - 3.5' SET BACK, 10 FT SET BACK IS 1 FT

HOUSE

FRONT DECK

HOUSE AT 5' SETBACK

DRIVE WAY

FRONT YARD

130 JOHN CHRISTOPHER DR

EXHIBIT B

LEGEND

- A PROPOSED ASPHALT PARKING LOT WITH 35 PERVIOUS PAVER PARKING SPACES
(5 ADA SPACES TO BE ASPHALT)
- B RESTROOM WITH SEPTIC DRAINFIELD
- C 8" WIDE COMPACTED GRANITE CHIP TRAIL WITH STEEL EDGER
- D SMALL PAVILION 1
- E SMALL PAVILION 2
- F LARGE PAVILION
- G STONE SEATING WALL
- H UPPER LAWN AREA
- I NATURAL PLAY AREA (CLEAR UNDERSTORY AND GROUND COVER)
- J EXISTING WATER WELL TO REMAIN
- K ORCHARD GROVE
- L MAINTENANCE SHED
- M 150' CITY IMPERVIOUS SETBACK
- N 100' CITY UNDISTURBED BUFFER
- O 25' STATE STREAM BUFFER
- P WETLANDS
- Q CREEK
- R BOARDWALK TRAIL THROUGH THE WETLANDS (FUTURE PHASE)
- S IMPROVED PARKING AREA WITH 10 ADDITIONAL PERVIOUS PAVER SPACES
AND MAINTENANCE TRAIL ACCESS
- T 10' WIDE CONCRETE MAINTENANCE TRAIL
- U SEGMENTAL RETAINING WALL
- V EXISTING FARM AREA
- W EXISTING FARM GARDEN BEDS
- X EXISTING FARM CHICKEN COOP
- Y MAPLE TREE GROVE
- Z GREEN INFRASTRUCTURE (BIO-SWALE / RAIN GARDEN)



OLD RUCKER PARK
CITY OF ALPHARETTA
DECEMBER 2022

