



City of Alpharetta

Office of the City Clerk

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Public Hearing and City Council Meeting of February 23, 2015

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PUBLIC HEARING AND COUNCIL MEETING SUMMARY

I. CALL TO ORDER

❖ **Mayor Belle Isle called the meeting to order at 7:31 p.m.**

II. ROLL CALL

- Members Present
 - David Belle Isle (Mayor)
 - D.C. Aiken (Mayor Pro Tem)
 - Donald Mitchell
 - Mike Kennedy
 - Chris Owens
 - Jim Gilvin
 - Michael Cross*
*arrived at 7:35 p.m.
- Members Absent
- None
- Staff Present
 - Bob Regus, City Administrator
 - Sam Thomas, City Attorney
 - Coty Thigpen, City Clerk
 - James Drinkard, Assistant City Administrator
 - Mike Perry, Director – Recreation and Parks
 - Gary George, Director - Public Safety
 - Tom Harris, Director - Finance
 - Pete Sewczwicz, Director - Public Works
 - Kathi Cook, Director- Community Development

III. PLEDGE TO THE FLAG

- ❖ *Members of Scout Pack 841 led Mayor and Council in the Pledge of Allegiance.*

IV. PRESENTATIONS AND PROCLAMATIONS

A. Crime Free Housing Program

- ❖ *Mayor Belle Isle, Mayor Pro Tem Aiken and Officer Tobias presented plaques to the following apartment complexes for their participation in Alpharetta's Crime Free Housing Program:*

1. Belmont Apartments
2. Alara Apartments

V. PUBLIC HEARING

A. Community Development

1. PH-14-13: Downtown Master Plan

Consideration of approval of the Downtown Master Plan. The area boundaries generally include Mayfield Road and Canton Street to the North; South Main Street and Allyson Circle to the South; Wills Road to the West; Westside Parkway to the East.

- Eric Bosman, of Kimley Horn, came forward to present this item and field questions posed by Mayor and Council

Public Comment

- Dee Roodehchi, 8720 Rhapsody Ln, Cumming, GA 30041 came forward to speak on this item
- Mark Avren, 467 Jon Scott Dr, Alpharetta, GA came forward to speak on this item
- ❖ *Council Member Kennedy offered a motion to approve PH-14-13 Downtown Master Plan*
 - *The motion received a second from Council Member Owens*
 - *The motion passed by unanimous vote (7-0-0)*

2. MP-14-10: Regency Park / iFly

Consideration of a request to amend the Regency Park Masterplan in order to permit Commercial Recreation/Entertainment as a permitted use in POD 1.

- Director of Community Development, Kathi Cook, came forward to present this item
- Patrick Frammel, of iFly, came forward to present on behalf of the applicant
- Staff requests approval of MP-14-10 request for a Master Plan amendment for an indoor skydiving range with the following conditions:

1. Parking area shall provide a landscaped parking island every 72 foot of parking length, per Unified Development Code.
2. The maximum height of the building shall be 58'
3. Only 2 wall signs shall be permitted.
4. Building shall not be visible from GA 400.
5. Project shall require Design Review Board approval.
6. Applicant shall provide landscape screening of service areas and replace any missing or diseased trees. Bradford Pears shall be replaced with another tree species and size approved by the City Arborist.

- The applicant, iFly, is requesting a Master Plan amendment in order to allow a "Commercial Recreation/Entertainment" to the "Permissible Uses" within Regency Park Master Plan. A sign variance to permit three wall signs instead of two wall signs is also requested.
- The submitted request, if approved, will allow iFly to construct and operate an indoor skydiving range on a tract currently zoned PSC. The parcel was formerly the Champs restaurant which has been vacant for a number of years. The property is located on the east side of 400 and on the north side of Mansell Road. P. F. Changs restaurant is located next to the site and the applicant will demolish the old Champs restaurant and construct a new building that will be 58' in height.
- iFly is a sports and entertainment complex with a focus on indoor skydiving. The facility can host one diver at a time in each tunnel. Trainers teach each person how to fly in the tunnel and accompany them in the tunnel. The applicant states that most of its users are between the ages of 8 and 18 and one game takes about 15 minutes. iFly currently has facilities in Dubai, Singapore, Dallas and San Francisco Bay, amongst others.
- The parcel is 2.69 acres. The new building will be rebuilt slightly closer to Mansell Road but will meet the required 65' setback. The building is 58' in height and 5,034 square foot in size. The parking lot has a total of 150 parking spaces.
- The applicant is asking for a sign variance instead of 1 wall sign and 1 monument sign in order to permit three wall signs and no monument sign. Staff cannot support an additional wall sign because no hardship exists. The applicant is permitted two wall signs which should be sufficient for the location. A tree survey including all of the street trees and landscape trees and an assessment as to their condition will be required during plan review.
- The applicant will be required to preserve as many of oaks in the streetscape and landscape islands closer to Mansell as possible. The parking lot will be required to meet current code with the correct number of islands. The applicant will also be required to replace the Bradford Pears along Mansell and replace with a better species.
- The modern building will require Design Review Board approval. North Point has traditional architecture. However, Mansell Road has architecture that is more contemporary in style and is similar to the style of buildings like Cherokee Ford, Lincoln Mercury, Benihana Restaurant and Atlantic Sea Food. The Design Review Board will need to review the building design to ensure it compliments surrounding building style and materials.
- Currently, the following uses are permitted within Pod 1 of the Regency Park Master Plan:

Office, Hotel, Convention Center, Associations (non-fraternal), Broadcasting Studio, Restaurant, School (Commercial), Data Center Operation, Financial Institution, Clinic, public or private.

- The master plan limits “Commercial Recreation/Entertainment” uses in Pod 1 but it allows it in Pod 4 of the Regency Park Master Plan just to the east.
- Staff’s analysis finds that the requested master plan amendment should not have an impact on the surrounding area as long as the building is not visible from Georgia 400 and the design, although contemporary, compliments surrounding buildings. North Point Parkway has traditional architecture; however, more contemporary architecture exists along North Point Parkway.
- Staff supports only two wall signs instead of the three requested.
- This site will require Design Review Board approval and careful attention will be given to the site line plan. Additionally, missing and dead landscaping will require replacement.
- The report submitted by the applicant states that the applicant telephoned each property owner within of the subject property a letter stating his intent. We have received some concerns from surrounding property owners regarding the long term viability of the new use. They were also concerned that the building would be out of character with surrounding businesses.

Public Comment

- Scott Franklin, 2833 Rangewood Terrace, Atlanta, GA 30345, came forward to speak on this item
 - Richard Holladay, 705 Lake Forest Ct, Roswell, GA, came forward to speak on this item
 - Andrea Rioux, 1102 Parkview Lane, Alpharetta, GA, came forward to speak on this item
 - Kevin Tsens, 1102 Parkview Lane, Alpharetta, GA, came forward to speak on this item
 - Jamie Brummy, 620 Waterview Trl, Alpharetta, GA, came forward to speak on this item
 - Cindy Harris, of Wiggins Associates, came forward to speak on this item on behalf of the adjacent property owner
- ❖ *Council Member Kennedy offered a motion to deny without prejudice the MP-14-10 request for Master Plan amendment for an indoor skydiving range*
- *The motion received a second from Council Member Aiken*
 - *Council Member Owens offered a substitute motion to table the item until a future meeting when the applicant can bring forward an alternative for architecture or a different location*
- Second by Council Member Mitchell*
- *The motion passed by majority vote (5-0-2); Aiken and Gilvin voting no*

3. Z-14-10/V-14-25 Mull Estate

Consideration of rezoning 1.3 acres from R-12(For-Sale Residential) to permit O-P (Professional Office). The property is located at 2385 Old Milton Parkway and legally described as being located in Land Lot 748, 1st District, 2nd Section, Fulton County, Georgia.

NOTE: This item was deferred at the request of applicant

4. CLUP-14-09 / Z-14-14 / V-14-31: Atwater Retail And Restaurant

Consideration of a request to rezone approximately 2 acres from O-P and O-I to C2 as well as site plan approval on a C2 portion. A change to the Future Land Use Plan from "Corporate Office Campus" to "Commercial" and a parking variance. The property is located at 2665 and 2705 Old Milton Parkway and is legally described as being located in Land Lot 801, 802 1st District, 2nd Section, Fulton County, Georgia.

❖ *Council Member Cross recused himself from this item*

- Senior Engineer, Eric Graves, came forward to present this item
- Staff requests approval of CLUP-14-09/Z-14-14/V-14-31 Atwater Retail and Restaurant request for a Land Use amendment, Zoning change, and Variance with the following conditions:
 1. The development shall be limited to three buildings with a combined square footage not to exceed 26,500 square feet.
 2. Drive through shall be restricted to only one building and configuration to be approved by staff. No standalone drive thru restaurant use building shall be permitted.
 3. Public access to buildings shall be provided on street facing side of buildings, and may also be provided on the rear and/or sides of buildings.
 4. The development shall incorporate a focal pedestrian gathering area and public spaces, other gathering areas, dining areas, and associated hardscape, and landscape of at least 1,500 square feet excluding sidewalks.
 5. Following uses shall be prohibited: Assisted Living, Automobile Service State, Automobile Parts, Automotive Service, Congregate Housing, Contractor's Office with and without outside storage, Convenience Market with or without gas pumps, Pain Management Clinic, Pet Day Care, Rental Services Establishment without outside storage, Check cashing, Bowling Alley, No standalone fast food restaurant.
 6. Inter-parcel access to the south shall be accommodated. Curb cut configuration shall require final approval by Staff.
 7. Architectural front and sides shall include significant detail. Design Review Board approval shall be required.
 8. Parking shall be a maximum of 163 spaces or 6.25 spaces per 1,000 square feet, whichever is greater, and a minimum of 5 spaces per 1,000 square feet.
 9. Exterior façade shall be significantly composed of brick and stone as approved by staff.

- The applicant, Atwater Retail and Restaurant, is requesting a land use change from “Corporate Office Campus” to “Commercial”, a change in Zoning for the approximately 2 acres from O-P and O-I to C-2, and a variance in parking for entire 3 acre parcel.
- The submitted request, if approved, will allow Atwater Retail and Restaurant to construct and operate a series of three commercial buildings. The property is located on the south side of Old Milton Parkway across from Avalon and next to the Racetrac. The property is about ½ mile west of the new Gwinnett Technical College North Fulton campus.
- The applicant is proposing to build three commercial buildings with one entrance off Old Milton Parkway. Additionally, there are two separate access points proposed to a private drive isle along the property to the east. Currently there are three curb cuts on Old Milton Parkway.
- One of the existing curb cuts off of Old Milton Parkway is within the right of way for Tribble Alley, which the applicant is requesting to be abandoned. They intend to work with Racetrac to acquire the total Tribble Alley right of way if the abandonment is approved.
- The proposed buildings are shown set back approximately 100 feet from the Old Milton right-of-way. When measured from the right-of-way to the front of building on adjacent parcels, building set backs are approximately 100 feet, consistent with the proposed.
- The proposed buildings approach 26,000 square feet with some parking along front but most parking is located to the rear of the buildings. The applicant is seeking a variance to the parking requirements which are based on individual uses. Because they are not sure of the mix of uses, they are asking for up to 163 spaces which is approximately 1 parking space for every 160 square feet. This proposal is in line with the mixed use parking recommendations recently updated for North Point.
- Staff’s analysis finds that the requested rezoning should not have a negative impact on the surrounding area. The Comprehensive Land Use Plan identifies part of this property (eastern half, +/- 1.817 acres) as “Corporate Office Campus” which is defined as office development with commercial uses ancillary to the office development.
- In 2011, the City rezoned the Racetrac property to C-2 and reclassified it to “Commercial”. The eastern half of this property is currently zoned C-2 and classified as “Commercial”. The approximately 2 acre parcel in the middle is zoned O-P (Office-Professional) and O-I (Office-Institutional) with Corporate Office Campus.
- The City’s Comprehensive Plan has specially designated certain areas for retail use in an attempt to concentrate those uses, and avoid the opportunity for “retail creep” along major roadways. The City’s Comprehensive Land Use Plan does not envision additional retail on Old Milton Parkway and an expansion should be prohibited. However, in this case a portion is already zoned commercial and there is the opportunity to limit some C-2 uses which may not be appropriate.
- This item was heard at the February 5 Planning Commission meeting. After discussion, the Commission recommended approval of the request with conditions as amended.
- Dan Webb, came forward to present this item on behalf of the applicant and field questions posed by Mayor and Council

- ❖ *Council Member Kennedy offered a motion to approve CLUP-14-09 / Z-14-14 / V-14-31 request for zoning change and variance with the staff recommended conditions and add a condition #10 which states, "Applicant shall work with the staff to save trees along the western property line to the greatest extent possible."*
 - *The motion received a second from Council Member Owens with the addition of a condition #11 which shall state, "Applicant shall provide staff with documentation of access easement to access the drive to the east."*
 - *Council Member Kennedy accepted and added a condition #12 which shall state, "site plan shall be substantially similar to the site plan submitted dated January 23, 2015 and provided at the Council Meeting on February 23, 2015."*
 - *Accepted by Council Member Owens*
 - *Mayor Belle Isle offered a substitute motion to deny*
 - *Motion failed due to lack of second*
 - *The motion passed by majority vote (5-0-1); Belle Isle voting no*

5. PH-14-22: Tribble Alley Abandonment

Consideration of abandonment of a portion of the Tribble Alley Right of Way.

- ❖ *Council Member Cross recused himself from this item*
 - Senior Planner, Eric Graves, came forward to present this item
 - Dan Webb came forward on behalf of the applicant
 - Staff requests approval of PH-14-22, Tribble Alley Abandonment for the abandonment of the remaining .15 acre portion of Tribble Alley if mutually agreeable terms are reached for the sale of the property.
 - The applicant, Atwater Retail and Restaurant, is requesting that Tribble Alley, an unused City right-of-way, be abandoned and that the property be deeded to the adjacent property owners.
 - Tribble Alley was a City maintained right of way that extends south from Old Milton Parkway across from Avalon. Atwater Retail and Restaurant, is proposing the abandonment and plans to use the property for an expansion of their retail center.
 - The portion of Tribble Alley that is proposed for abandonment is about half of the original right of way. In December of 2011 the original portion (south half) was abandoned at the request of Racetrac. The subject right of way is about 213 feet long and 30 feet wide. The parcel is approximately .15 acres.
 - Tribble Alley is not currently maintained or utilized for vehicular traffic. Atwater Retail and Restaurant is requesting this abandonment and is working with Racetrac to acquire the other portion of this right of way.

- Staff has reviewed the applicant's request and is of the opinion that the requested abandonment will have no impact on the adjoining properties and will not affect existing traffic patterns in the area.
- Other City departments were consulted on this issue and expressed no concerns with the applicant's request.
- This item was heard at the February 5 Planning Commission meeting. After discussion, the Commission recommended approval.

Public Comment

None

- ❖ *Council Member Kennedy offered a motion to approve PH-14-22 Tribble Alley Abandonment for the abandonment of the remaining .15 acre portion of Tribble Alley if mutually agreeable terms are reached for the sale of the property*
 - *The motion received a second from Council Member Owens*
 - *The motion passed by majority vote (5-0-1); Belle Isle voting no*

6. CLUP-15-02 / Z-14-13: Spruell Subdivision

NOTE: This item was tabled by the Planning Commission and will be neither heard nor considered during this meeting.

Consideration of a request to rezone approximately 5 acres from AG to R-8D in order to develop 20 single family detached homes. A request to change the Comprehensive Land Use Plan from "Low Density" Residential to "High Density" Residential is also requested.

7. PH-14-14: Unified Development Code Amendment (MU District And For-Rent Housing Regulations)

Consideration of a change to the Unified Development Code in order to revise MU zoning district regulations and Dwelling, For-Rent Housing Regulations.

- Director of Community Development, Kathi Cook, came forward to present this item
- Acting City Attorney, Scott Hastey, read the Ordinance aloud

Public Comment

- Tom Miller, 4025 Walnut Creek Trail, Alpharetta, GA, came forward to speak on this item
- Kathy Zeiger, of Smith, Gambrell and Russell, 1230 Peachtree St, Atlanta, GA, came forward to speak on this item on behalf of MetLife

- ❖ *Council Member Kennedy offered a motion to approve the Ordinance*

- *The motion received a second from Council Member Owens*
- *The motion passed by unanimous vote (7-0-0)*

VI. OLD BUSINESS

A. Administration

1. Ordinance Amendment: Second Reading

An ordinance of the Mayor and Council of the City of Alpharetta, Georgia providing for certain amendments to Chapter 3 (Alcoholic Beverages) of the Code of the City of Alpharetta, Georgia; to provide for an effective date, and for other purposes

- Acting City Attorney, Scott Hastey, read the ordinance aloud constituting a second reading
- ❖ *Council Member Owens offered a motion to approve the Ordinance, as read into the record, with the exception of adding a clause under section 3-42, titled #3, that alcohol sales for off premise consumption shall not be computed in the 50/50 ratio requirement for on premise consumption for alcoholic beverages to food sales*
 - *The motion received a second from Council Member Mitchell*
 - *The motion passed by unanimous vote (7-0-0)*

B. Finance

1. Fiscal Year 2015 Mid-Year Budget Amendment: Second Reading

An ordinance of the Mayor and Council of the City of Alpharetta, Georgia to adopt the mid-year 2015 Budget for certain funds of the City of Alpharetta, Georgia appropriating the amount shown in each budget as expenditures; adopting the item of revenue anticipation; prohibiting expenditures to exceed appropriations; and prohibiting expenditures to exceed actual funding available

- Acting City Attorney, Scott Hastey, read the Ordinance aloud, constituting a second reading
- ❖ *Council Member Mitchell offered a motion to adopt the 2015 mid-year budget*
 - *The motion received a second from Council Member Gilvin*
 - *The motion passed by unanimous vote (7-0-0)*

VII. PUBLIC COMMENTS

- Brad Sturgeon, 3780 Sheridan Ridge Ct, Alpharetta, GA came forward to speak about the hotel/motel tax

VIII. WORKSHOP

A. Conference / Convention Center

- City Administrator, Bob Regus, came forward to provide a brief update on the item and introduce Mark Toro of North American Properties to provide further details on status and futurther development of potential project
- Jim Stormont of Stormont Hospitality Group to present conceptual designs of an Alpharetta Conference Center and hotel

Public Comment

- Alexander Williamson, 12535 Wexcroft Ln, Alpharetta, GA, came forward to speak on this item
- Karen Cashion, 3035 Brierfield Lk, Alpharetta, GA, came forward to speak on this item
- Frank Paterno, 11760 Ashwick Pl, Johns Creek, came forward to speak on this item
- Senator Brandon Beach, 3100 Briarfield Rd, Alpharetta, GA came forward to speak on this item

IX. REPORTS

- Council Member Gilvin commended the Department of Public Works on their response to the “see click fix” app

X. ADJOURNMENT

❖ *Mayor Belle Isle adjourned the meeting at 11:20 p.m.*