



Official Minutes of  
Public Hearing & Council Meeting

JANUARY 25, 2016

COUNCIL CHAMBERS

2 PARK PLAZA

7:30 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 Belle Isle called the meeting to order at 7:33 p.m.*

II. ROLL CALL

Members Present:

Mayor Belle Isle, Mayor Pro Tem Owens, Council Members Kennedy, Merkel, Binder, Mitchell and Gilvin

Members Absent:

None

Staff Present:

City Administrator Bob Regus, Assistant City Administrator James Drinkard, City Attorney Sam Thomas, City Clerk Coty Thigpen, Director of Community Development Kathi Cook, Director of Public Works Pete Sewczwicz, Director of Finance Tom Harris, Director of Public Safety Gary George, Director of Recreation and Parks Mike Perry, Senior Engineer Eric Graves

III. PLEDGE TO THE FLAG

IV. PROCLAMATIONS

A. Alpha Bikes - Michael Horwitz

V. CONSENT AGENDA

**A. Alcoholic Beverage License Applications**

- ❖ *Council Member Owens offered a motion to approve the Consent Agenda*
  - *The motion was seconded by Council Member Kennedy*
  - *Motion approved (7-0)*

**VI. PROJECT UPDATES**

**A. Convention Center**

**B. City Center - Public Development**

- Mr. Regus reported that the only update is that it rained some last week and some leaks still occurred on the 3<sup>rd</sup> floor. Our contractor continues to look for solutions.

**C. City Center - Private Development**

Public Comment

None

**VII. BOND DISCUSSION**

**A. Overview of Potential Transportation Projects**

- Director of Public Works, Pete Sewczwicz, came forward to present potential transportation plans for purposes of public information and feedback. Projects for discussion included:
  1. Rucker Road Project – 2 phases
  2. Kimball Bridge Road Project
  3. Windward Parkway – from Westside Parkway to SR 9
  4. Lily Garden connector
  5. Sidewalks

Public Comment

None

**B. Overview of Recreation and Parks Projects**

- Director of Recreation and Parks, Mike Perry, came forward to give a brief overview of potential recreation and parks projects. A more detailed presentation will come forward at the next Council Meeting. Projects for discussion included:
  1. Greenway connection

2. Arts Center – former Canton Library
3. Renovation of Wills Park pool
4. Park land Acquisition
5. Potential partnership with the YMCA for Community Center

**Public Comment**

None

**VIII. PUBLIC HEARING**

**A. CLUP-15-15/Z-15-16/CU-15-14/V-15-26 Koza/Volleyball Courts**

- Director of Community Development, Kathi Cook, came forward to present this item on behalf of staff
- Staff recommends approval of CLUP-15-15/Z-15-16/CU-15-14/V-15-26 Koza/Volleyball Court subject to the following conditions:
  1. The property shall have an "AG" zoning classification and a "Park/Recreation/Open Space" land use.
  2. The conditional use to allow existing volleyball court shall be approved but shall cease when the property is sold or transferred.
  3. Additional landscaping shall be installed on the south, east and west side of the property to completely screen the volleyball courts, bathrooms, and other structures from Old Milton Parkway and neighboring properties. A planting plan shall be submitted to the City for Staff approval.
  4. Applicant shall post a sign in the parking area stating, "No parking is permitted in the Wills Park parking lot".
  5. Volleyball courts can only be used from 9:00 am to 9:00 pm.
  6. No expansion of the volleyball court facility or use shall be permitted.
  7. Photometric plan shall be provided to the City for review and approval. Spillover light shall not exceed one half (0.5) of one foot-candle when measured six feet above grade at the residential property line.
  8. ADA compliant restrooms shall be installed on the site close to the house location and screening to be approved by staff.
  9. Undisturbed 5' buffer on all sides of the property. A 50' undisturbed buffer shall

be required adjacent to North. Existing front setback shall remain.

10. Gravel or a crusher run product shall be used for the parking area. Site plan shall be submitted to Staff for review and approval and shall not extend beyond garage structure.

11. Yearly renewal of business license shall be dependent upon review of the business impact to the site and surrounding residencies. The impact of the use shall be reviewed and considered. If complaints are received from surrounding residents or if a parking shortage or traffic problem can be demonstrated by the City, then the business license for athletic facility shall not be renewed at this location. Applicant shall have 60 days to stop use in the event that the business license is denied.

12. No alcohol shall be permitted/provided as a part of this request.

- The applicant, Jim Koza, is requesting a change in zoning from R-15 to AG to allow the existing house and two commercial volleyball courts to remain as currently configured. A change to the Comprehensive Land Use Plan (CLUP) from "Low Density Residential" to "Parks/Recreation/Open Space" conditional use in order to allow an "Athletic Facility" use of two commercial volleyball courts is also requested. The applicant is also requesting variances for parking in gravel, reduction of the 50' buffer, and a reduction of the minimum lot size with AG to just over 1 acre.
- The submitted request, if approved, will allow Mr. Koza to operate two existing outdoor sand volleyball courts on land on which his existing house lies. The parcel is currently zoned R-15 with his house on the site. The property is located at 1720 Old Milton Parkway just east of Wills Road, across the street from the tennis courts at Wills Park.
- Property to the north, east and west is zoned R-15 and contains homes within the Meadowbrook Park Estates subdivision. Property to the south is zoned SU for Wills Park. Across from Old Milton Parkway and west of Wills Park is R-8D for the Enclave at Wills Park neighborhood that is currently under construction. On the northwest corner of Rucker Road (OMP) and Wills Road sits the baseball field of the American Legion.
- In July of 2014, the applicant installed two professional sand volleyball courts in his front yard. He did not have permission to install them or to run a commercial facility on the courts. Staff saw the use and it had no permit and found through website searches that he was operating a commercial business and instructed the applicant he was required to stop and could request a conditional use through the public hearing process.
- The applicant has requested to rezone the 1.2 acres to AG from R-15 which permits an "athletic facility" as a conditional use under semipublic uses. The applicant also

requests to change the CLUP from "Low Density Residential" to "Parks/Recreation/Open Space," which will allow him to have commercial volleyball courts. AG is the only zoning category that will allow the existing house to stay and the commercial volleyball courts to be used on the same property.

- The parcel is elevated above Old Milton Parkway by about 10-12 feet so the courts cannot be seen from the road. The courts are also behind 8 -10 feet of landscaping that consists of crepe myrtles and Loropetalum bushes. On the east side of the courts there are trees which block the view of the neighboring houses. The courts are set in the southern and western end of the front yard of the home. To the west are two City of Alpharetta owned parcels with no houses on the property.
- The subject property, if rezoned, will have a 50-foot buffer around the inside edge of the lot. Because the applicant's house will remain and courts are between the road and house, the 50' buffer should be reduced to 5' as long as no other athletic facilities are located on the site. This requirement is due to the conditional use business being located on the property.
- The lighting on the volleyball courts is planned to be low with lighting mostly on the underneath side of the ball. Lighting fixtures shall be about 10 – 15 feet high and mounted to poles that are outside of the finished courts. There will be 12 lights on 6 poles per courts. The lighting plan shows lights less than 1 foot candle at the property lines. There are also 3 poles which hold the barrier netting on the perimeter of the courts the fourth is on the corner of the house. These poles are two telephone line poles and one 20' metal pole. The one metal barrier netting pole can only be seen from Old Milton Parkway which is why Staff put a condition to address it.
- The applicant's current hours of operation are about 9:00 AM to dark. With the lights, he would like to be open until 10:00 PM. The courts are used 7 days per week. The users of the court are local junior players, adult leagues and other volleyball players.
- Parking for the site includes a two-car garage and 10 additional surface spaces behind the fence for additional cars. If this project is approved the site will need to add 8 additional parking spaces to the south. The applicant will add 8 spaces west of the driveway behind the crepe myrtles, which is above the site lines of view for motorists on Old Milton Parkway and is blocked by the existing landscaping. The 6 crepe myrtles will be moved to the neighboring property to the east with the adjoining owner's permission or replanted on the subject site, if they cannot be moved.
- The traffic report shows the requested use would generate 30 trips per day. The weekday AM Peak Hour is 2 trips and the weekday PM Peak Hour is 16 trips. Traffic for the existing development was calculated using equations and rates contained in the Institute of Transportation Engineers' (ITE) Trip Generational Manual, Ninth Edition, 2012. The trip generation was calculated assuming a residential unit and multipurpose recreation facility (Land Use 210 and 435).

- City Staff has reviewed the applicant's proposal and is of the opinion that the proposal can be supported with conditions that lighting and landscaping are addressed. The ADA restrooms will be reviewed by Staff for architectural and code compliance. Conditions should be required to limit the hours during which the volleyball courts may be used and to address light spillover to adjacent properties.
- The property should remain as close to its existing state as possible. The variances should also be granted with gravel for the parking lot plan and the crepe myrtle trees that are to be moved as part of the parking solution should be required to be planted elsewhere on the site. Additional landscaping should be planted in the front where drivers and pedestrians along Old Milton Parkway can see the barrier netting. The variance for the lot size set at the current size of 1.22 acres should also be granted. Also, the buffer variance should be granted as this is a home site with a flat open space that is used as a commercial athletic facility.
- The report submitted by the applicant states that the applicant telephoned or visited each property owner within 500 feet of the subject property with a letter stating his intent. One person commented they were concerned with noise, but it was fixed with the removal of the courts from the back yard to the front yard.
- This item was heard at the January 4 Planning Commission meeting. Four people spoke in favor of the request. No one spoke against the request. The Planning Commission added a condition prohibiting alcohol sales or use on the property. After discussion, the Commission unanimously recommended approval of the request.
- Jim Koza, applicant, came forward to make a brief presentation

#### Public Comment

- Chris Shelton, 1202 Pine Heights Drive, Atlanta, GA, came forward to speak on this item
- Greg, 335 Waverly Hall Drive, Roswell, GA, came forward to speak on this item
- Kathleen Pernon of Brookhaven, GA, came forward to speak on this item
- Greg, 3445 Indian Hills Drive, Marietta, GA, came forward to speak on this item

❖ *Council Member Kennedy offered a motion to approve CLUP-15-15/Z-15-16/CU-15-14/V-15-26 Koza/Volleyball Court subject to the staff and Planning Commission conditions with a few minor additions:*

- *Condition #1- propose another sentence that shall read, "Property shall be restricted to residential use and volleyball courts only as depicted on site plan dated Dec 2, 2015."*
- *Condition #2- propose adding the word "leased", so it should read "when the property is sold, leased, or transferred..."*

- *Condition #7 in regard to lighting, adding a sentence that states, "Lights shall be turned off when volleyball courts are not in use."*
- *The motion was seconded by Mayor Pro Tem Owens*
- *Motion approved (7-0)*

#### B. PH-15-24 Sign Ordinance and Text Amendments

- Director of Community Development, Kathi Cook, came forward to present this item on behalf of staff
- Staff recommends approval of PH-15-24 UDC Changes- Sign Ordinance and Text Amendments.
- Several changes are proposed by Staff and the City Attorney's office as a result of use trends and clarifications needed in the Unified Development Code.
- Consideration of changes to the Unified Development Code are proposed that include changes to the sign ordinance in the UDC Article II, Section 2.6., and changes to the UDC to define 'wood' as a durable product for treatment of weather proofing as well as other general clarifications. Considerations of amending the UDC Section 4.3.1 and 4.2.2 to insert Director. Considerations of amending the UDC Section 4.4.5 to remove residential and commercial plan requirements and removing building inspections to refer to the residential or commercial inspection procedures are also included.
- Sign Ordinance changes are proposed that provide for the modifications, deletions and/or add definitions and addition of other provisions related to certain types of signs, and for other purposes.
- This item was heard at the December 3, 2015 Planning Commission meeting for the text amendments and at the January 7, 2016 Planning Commission for the Sign Ordinance. At the December 3 meeting, one person spoke about the fence ordinance requesting additional language be added to address fence maintenance such as prevention of leaning. It was explained that the property maintenance code could be changed. After discussion, the Planning Commission voted 5-0-0 to recommend approval of the text amendments and they voted 4-0-0 to recommend approval of the Sign Ordinance.
- City Attorney, Sam Thomas, read the Ordinance aloud constituting a 1<sup>st</sup> reading

#### Public Comment

- Duane Goodwin, 1275 Mid Broadwell Road, Alpharetta, GA, came forward to speak on this item

- Beverly Iffland, 320 Jayne Ellen Way, Alpharetta, GA, came forward to speak on this item
  - ❖ *Council Member Kennedy offered a motion to approve the Ordinance as read by City Attorney with the understanding that there may be revisions before the 2<sup>nd</sup> reading*
    - *The motion was seconded by Mayor Pro Tem Owens*
    - *Motion approved (7-0)*

#### C. PH-15-25 Update to Comprehensive Land Use Plan

- Consultant Eric Bosman of Kimley Horn came forward to present the plan for updating the City's Comprehensive Land Use Plan
- The Georgia Department of Community Affairs requires elements of the Comprehensive Land Use Plan to be updated every 5 years. They establish standards and procedures for comprehensive planning by all local governments in Georgia. Those standards and procedures emphasize preparation of plans that help each local government address its immediate needs and opportunities while moving toward its long-term goals for the future. The Plan is also a guide for the community and businesses to predict possible future development. In order to maintain qualified local government certification, and remain eligible for selected state funding and permitting programs, each local government must prepare, adopt, maintain, and implement a comprehensive plan.
- A Steering Committee is required to begin the update process and a group of 14 individuals representing different stakeholder groups has been selected to begin the process in February. After the Steering Committee meets the first of several public meetings will be scheduled to gather public input. A draft of the update is planned to be presented to the Planning Commission and City Council for adoption in May.

#### Public Comment

None

### IX. NEW BUSINESS

#### A. City Center Town Green Drainage

- Director of Recreation and Parks, Mike Perry, came forward to present this item on behalf of staff
- Staff requests that Mayor and Council award \$49,730.86 to TriScapes, Inc. in for Drainage Improvements to the City Center Town Green and authorize the Mayor to execute all necessary documents.



- The City Center Town Green between the fountain and Main Street has been holding water along the perimeter of the fountain and grass. The first occurrence of ponding water occurred in Summer 2015. City staff was informed that once the sod "took", the issue of ponding water would be resolved; unfortunately this was not the case. The Department of Public Works along with the Department of Recreation and Parks worked closely with the engineering firm AECOM to develop a solution that maintains the aesthetics of the Town Green but also eliminates ponding of water during rain events. The detailed engineering design is attached for reference.
- The design consists of installing multiple measures to ensure ponding water does not occur as well as prevent any water from potentially entering adjacent city streets. Step one is to remove all of the existing sod, and soil to a depth of 18 inches, Based off conversations with CHOATE construction as well as soil boring obtained by the City the majority of the soil is made-up of clay. Once the top 18 inches of soil has been removed the next 6 inches of soil will be tilled to break up the soil. Once this is complete, 6 inches of drainage rock will be installed. Then a mixture of 80% sand and 20% peat will be installed to a depth of 10 inches and the area will be laser graded before the sod is installed.
- Instead of installing a visible trench drain along the perimeter of the Town Green, the design team recommends installing an 18" deep by 4" wide drain below grade. Along the northeast corner of the Town Green the drain will be connected to an 18" AdvanEDGE pipe which will be connected to the nearby street storm drains. Several sections of the concrete walkway will have to be removed and repaved to allow drainage systems connection to the storm drains.
- Once a design was finalized, the Departments of Public Works and Recreation and Parks obtained a quote from TriScapes (\$49,730.86) which successfully completed the same scope for the City Center Garden project last year. TriScapes is recommended to be awarded this project as a single source vendor due to their unique knowledge of the scope of work (having just completed the same scope for the City Center Garden project) as well as the accountability benefits (TriScapes currently maintains the City Center Parks and the City will receive the additional benefit of eliminating potential finger-pointing between the maintenance company and the installation company).

#### Public Comment

None

- ❖ *Council Member Binder offered a motion to award \$49,730.86 to TriScapes, Inc. in for Drainage Improvements to the City Center Town Green and authorize the Mayor to execute all necessary documents*
  - *The motion was seconded by Mayor Pro Tem Owens*
  - *Motion approved (7-0)*

X. PUBLIC COMMENT

None

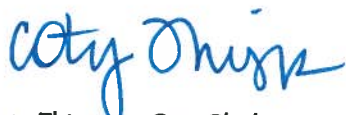
XI. REPORTS

- Mayor Pro Tem Owens – Public Works and Georgia Department of Transportation have been collaborating on a program to work on signals on state routes through the Regional Traffic Operations Program. Tomorrow will be the 1<sup>st</sup> day that the signals are on that system. State officials will be at Public Works monitoring the signals and the State will take on some maintenance going forward. Mayor Pro Tem Owens would like public feedback on the signals and their timing.
- Council Member Gilvin- Reminded everyone that the Public Safety Awards Ceremony is this Friday from 10a-12:30p at Alpharetta Presbyterian Church.
- Mayor Belle Isle – Reported that at the most recent North Fulton Mayor’s Association meeting, the various cities had discussed TSPLOST and MARTA. More specifically, discussed having some sort of measurement as to the forecast improvement for traffic, whether it be heavy rail or bus rapid transit. As a result of that discussion, Kimley Horn has been asked to do a cost estimate and report back to the group.
- Mayor Pro Tem Owens – As a follow up to the Mayor’s report, he stated that he has started conversations with Kimley Horn to define that scope. MARTA is evaluating traffic impacts from various potential station locations. He suggested having Kimley Horn start by evaluating MARTA’s scope.

XII. ADJOURNMENT

❖ *Mayor Belle Isle adjourned the meeting at 9: 27 p.m.*

Respectfully Submitted,



Coty Thigpen, City Clerk