



CITY OF MILTON, GEORGIA

Joe Lockwood, Mayor

CITY COUNCIL

Karen Thurman
Julie Zahner Bailey
Bill Lusk
Burt Hewitt
Tina D'Aversa
Alan Tart

Monday, February 4, 2008

Regular Council Meeting Agenda

6:00 PM

INVOCATION

1) **CALL TO ORDER**

2) **ROLL CALL**

3) **PLEDGE OF ALLEGIANCE** *(Led by the Mayor)*

(Agenda Item No. 08-495)

4) **APPROVAL OF MEETING AGENDA** *(add or remove items from agenda)*

5) **PUBLIC COMMENT**

6) **CONSENT AGENDA**

(Agenda Item No. 08-496)

1. Approval of the December 6, 2007 Regular Meeting Minutes.
(Jeanette Marchiafava, City Clerk and Clerk of the Court)

7) **REPORTS AND PRESENTATIONS**

1. Presentation by the City of Milton Public Safety Foundation.
(Presented by Jan Fowler, Milton Public Safety Foundation)

8) **FIRST PRESENTATION**

(Agenda Item No. 08-497)

1. **ZM07-07-005/VC07-014**, Webb Road (No address for this parcel) - To request a Zoning Modification to modify Condition 2a to modify the site plan (05Z-029) and a 3 part

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Milton City Hall
City Council Chambers
13000 Deerfield Parkway, Suite E
Milton, GA 30004

Persons needing special accommodations in order to participate in any City meeting should call 678-242-2500.

concurrent variance: 1) To reduce the side yard setback from twenty (20) feet to ten (ten) feet along the east and west property line (Article 8.1.3.C.) 2) To reduce the rear minimum setback from twenty-five (25) feet to ten (10) feet along the south property line (Article 8.1.3.D.); 3) To reduce the 10-foot landscape strip along the east, west, and south property lines to allow for a retaining wall (Article 4.23.1.).

(Presented by Tom Wilson, Community Development Director)

9) UNFINISHED BUSINESS *(none at this time)*

10) NEW BUSINESS

(Agenda Item No. 08-498)

1. Approval of a Resolution Amending Resolution No. 08-01-10, a Resolution Appointing Members to the City of Milton Construction Board of Adjustment and Appeals (District 4).

(Presented by Tom Wilson, Community Development Director)

(Agenda Item No. 08-499)

2. Approval of a Resolution Amending Resolution No. 08-01-16, a Resolution Appointing Members to the City of Milton Bike & Pedestrian Path Committee (Districts 1, 2 and 4).

(Presented by Tom Wilson, Community Development Director)

(Agenda Item No. 08-500)

3. Approval of a Resolution of the City of Milton to Establish a Franchise Fee applicable to holders of cable and video franchises issued by the State of Georgia.

(Presented by Mark Scott, City Attorney)

10. MAYOR AND COUNCIL REPORTS

11. STAFF REPORTS

1. Discussion on Agreement of mutual city limits boundary with the City of Alpharetta.

(Presented by Tom Wilson, Community Development Director)

12. EXECUTIVE SESSION *(if needed)*

(Agenda Item No. 08-501)

13. ADJOURNMENT

The minutes will be
Provided
electronically

PETITION NUMBER(S):
ZM07-005
VC07-014

PROPERTY INFORMATION	
ADDRESS	Webb Road
DISTRICT, LAND LOT	2/2, 1048
OVERLAY DISTRICT	State Route 9
EXISTING ZONING	O-I (Office-Institutional) Z05 -029
EXISTING USE	Undeveloped and single family residence
PROPOSED USE	Office

PETITIONER Ken Morton, Webb Road Associates
ADDRESS 2915 Webb Road
PHONE 770-475-3138

APPLICANT'S REQUEST:

To modify Condition 2.a. of 05Z-029, to revise the approved site plan in order to provide 33,286 square feet of two-story office buildings. The applicant is requesting three concurrent variances:

- 1) To reduce the side yard setback from twenty feet to ten feet along the east and west property lines (Article 8.1.3.C).
- 2) To reduce the minimum rear setback from twenty-five feet to ten feet along the south property line (Article 8.1.3.D).
- 3) To reduce the ten foot landscape strip to the extent necessary to allow for retaining wall within the ten foot landscape strip (Article 12G.4.A.2).

COMMUNITY DEVELOPMENT DEPARTMENT RECOMMENDATION

ZM07-005 - APPROVAL W/ CONDITIONS
VC07-014 - PARTS 1-3 APPROVAL W/CONDITIONS

Condition to be Modified:
(Z05-029)

1. To the owner's agreement to abide by the following:
 - a. To the revised site plan received by the Community Development Department on ~~March 29, 2005~~ **January 29, 2008**. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning ~~Resolution~~ **Ordinance** and these conditions prior to the approval of a Land Disturbance Permit. In the event the Recommended Conditions of Zoning cause the approved site plan to be substantially different, the applicant shall be required to complete the concept review procedure prior to the application for a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.

Analysis and Recommendation:

The subject site is currently undeveloped and has a single family residence, which is zoned O-I (Office-Institutional) pursuant to Z05-029. The applicant is requesting to modify the existing site plan to provide 33,286 square feet of two-story office buildings.

It is Staff's opinion that the proposed development of 3 – 2 story office buildings is consistent with the future land use designation of the site. Staff is also of the opinion that the proposed modification would have minimal adverse impact on adjacent properties. Therefore, Staff recommends **APPROVAL CONDITIONAL OF ZM07-005**.

Concurrently, the applicant is requesting three variances; 1) To reduce the side yard setback from twenty feet to ten feet along the east and west property lines; 2) To reduce the minimum rear setback from twenty-five feet to ten feet along the south property line; 3) To reduce the ten foot landscape strip to the extent possible to allow for a retaining wall within the ten foot landscape strip. Staff notes that the submitted site plan indicates that the encroachment into the 50' City stream buffer area is approximately 0.8 acres of structural encroachment. Additionally, the site plan indicates that the 75' non-impervious setback contains approximately 0.6 acres. The applicant states that the lack of buildable area, due to most of the site being dedicated to a stream buffer, is a major hardship that is not self imposed.

Parking Space Analysis:

Requirement	Spaces Required	Spaces Provided
Office (35,840 sq. ft.) 3 spaces per 1,000 sq. ft.	$3/1000 \times 35,840 = 108$ spaces 108 spaces	111 spaces (+3)
Retail (110,000 sq. ft.) 1 spaces per employee 1 space per 5,000 sq. ft	1 employee = 1 space $1/5000 \times 110,000 = 22$ spaces 23 spaces	23 spaces
TOTAL	131 spaces	134 spaces (+3)

Through the parking analysis of the submitted site plan, Staff notes that the applicant meets the parking requirements as set out by Article 18.2.1. Staff recommends that the applicant reduce the number of parking spaces by 3 to provide more flexibility in the placement of the buildings.

Because of the required stream buffer and non-impervious setback that limits the buildable area Staff is of the opinion that the applicant has presented a hardship that is not self-imposed and recommends **APPROVAL CONDITIONAL of Parts 1-3 of VC07-014.**

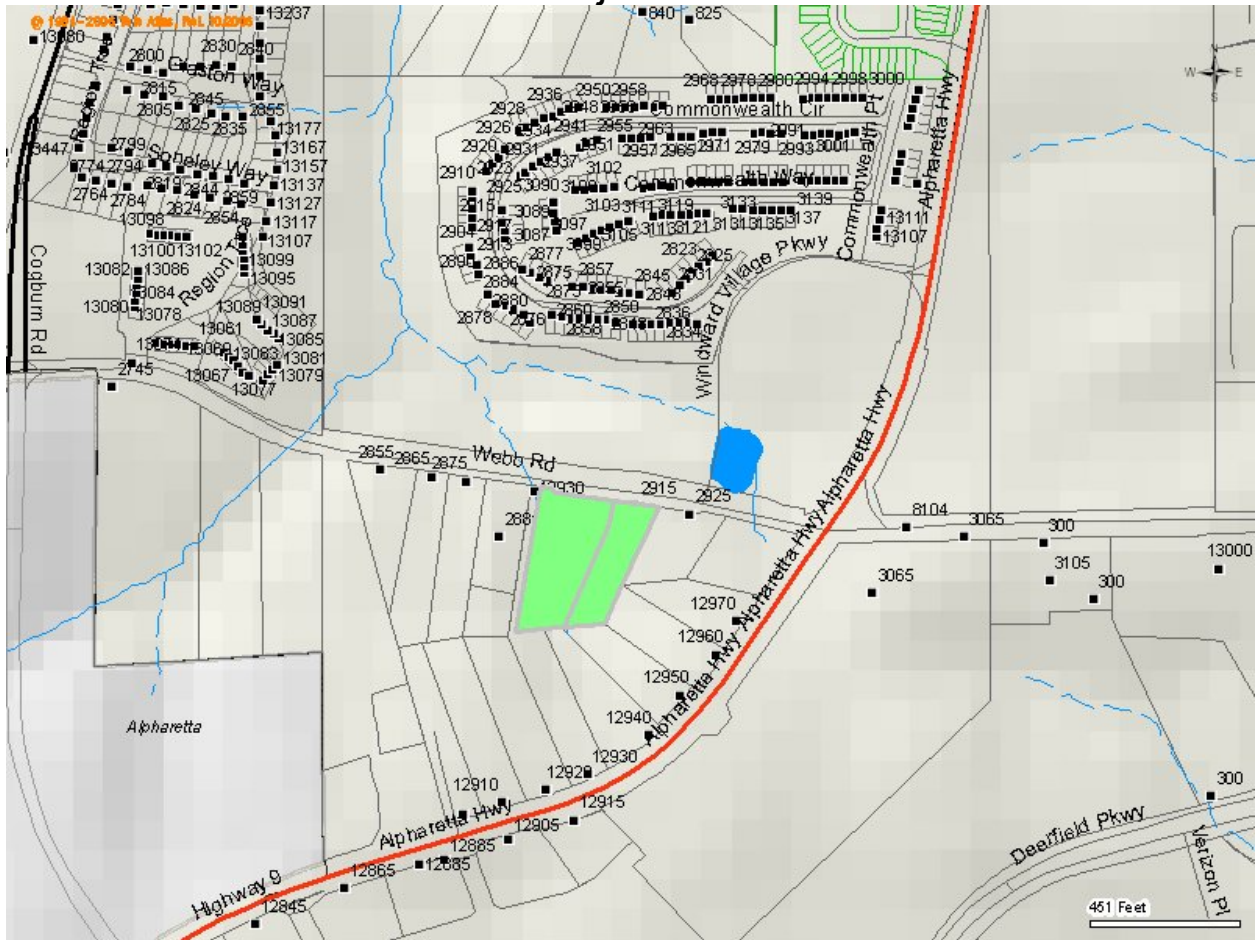
CONCLUSION:

Should the Mayor and City of Council approve this petition, the Recommended Conditions (Z05-029, ZM07-005) should be revised to read as follows:

2. To the owners agreement to abide by the following:
 - a. To the revised site plan received by the Community Development Department on January 29, 2008. (ZM07-005) This site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. In the event the Recommended Conditions of Zoning cause the approved site plan to be substantially different, the applicant shall be required to complete the concept review procedure prior to the application for a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.

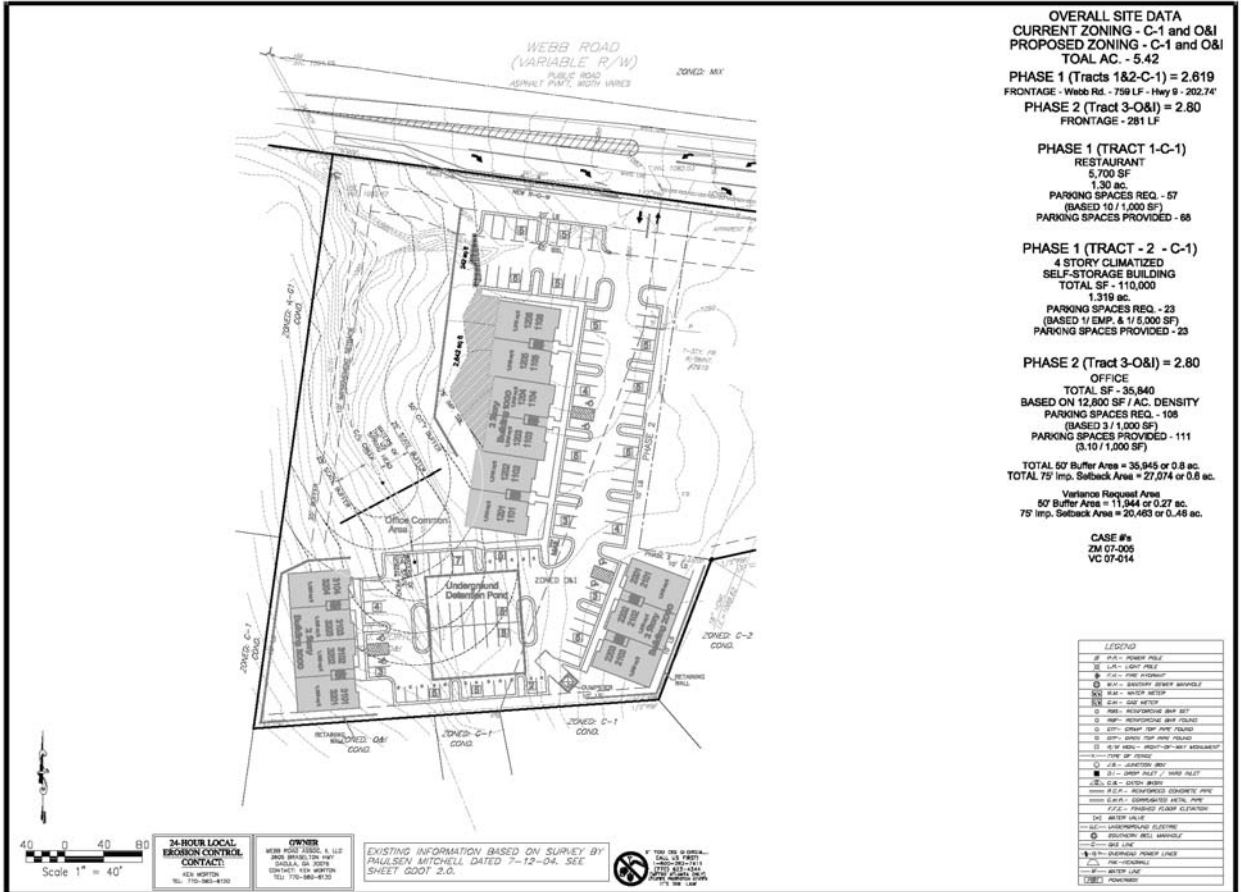
3. To the owners' agreement the following site development considerations:
 - b. To provide a ten (10) foot building setback along the east and west property lines (VC07-014, Part 1).
 - c. To provide a ten (10) foot building setback along the south property line (VC07-014, Part 2).
 - d. To delete the ten (10) foot landscape strip to the extent necessary to allow the retaining wall to encroach into the 10-foot landscape strip along the south, east and west property lines (VC07-014, Part 3).

ZM07-005 LOCATION MAP Subject Site



Prepared by the Community Development Department for the
Mayor and City Council Meeting on February 20, 2008
(X:Boards of Commissions/modifications/ZM07-005)

ZM07-005 SITE PLAN Subject Site



Prepared by the Community Development Department for the Mayor and City Council Meeting on February 20, 2008 (X:Boards of Commissions/modifications/ZM07-005)

STATE OF GEORGIA
COUNTY OF FULTON

RESOLUTION NO. 08-02-__

**A RESOLUTION AMENDING RESOLUTION NO. 08-01-10, A RESOLUTION
APPOINTING MEMBERS TO THE CITY OF MILTON CONSTRUCTION BOARD
OF ADJUSTMENT AND APPEALS**

BE IT RESOLVED by the City Council of the City of Milton, GA while in regular session on February ____, 2008 at 6:00 p.m. as follows:

SECTION 1. That (To Be Determined) (District 1) is hereby appointed for a term commencing February ____, 2008 and ending December 31, 2009 and,

SECTION 2. That (To Be Determined) (District 2) and (To Be Determined) (District 4) are hereby appointed for a term commencing February ____, 2008 and ending December 31, 2011; and

SECTION 3. That this Resolution shall become effective upon its adoption.

RESOLVED this ____ day of February, 2008.

Approved:

Joe Lockwood, Mayor

Attest:

Jeanette R. Marchiafava, City Clerk
(Seal)

STATE OF GEORGIA
COUNTY OF FULTON

RESOLUTION NO. 08-01-__

**A RESOLUTION AMENDING RESOLUTION NO. 08-01-16, APPOINTING MEMBERS TO
THE CITY OF MILTON BIKE AND PEDESTRIAN PATH COMMITTEE**

BE IT RESOLVED by the City Council of the City of Milton, GA while in a Regular Meeting on February ___, 2008 at 6:00 p.m. as follows:

SECTION 1. That the Mayor, City Council, and Georgia State Representative Jan Jones nominated individuals to serve on the Bike and Pedestrian Path Committee; and

SECTION 2: (To be Determined) shall be appointed by Councilmember Karen Thurman; and

SECTION 3. (To be Determined) shall be appointed by Councilmember Burt Hewitt, and (To be Determined) shall be appointed by Councilmember Julie Zahner Bailey; and

SECTION 5. Committee members shall serve terms consistent with the term of the elected official who nominated them to the committee.

SECTION 6. That this Resolution shall become effective upon its adoption;

SECTION 7. That resolutions in conflict with this resolution are hereby repealed.

RESOLVED this _____ day of February 2008.

Approved:

Joe Lockwood, Mayor

Attest:

Jeanette R. Marchiafava, City Clerk
(Seal)

STATE OF GEORGIA
COUNTY OF FULTON

RESOLUTION NO. 08-_____

**A RESOLUTION OF THE CITY OF MILTON
TO ESTABLISH A FRANCHISE FEE APPLICABLE TO
HOLDERS OF CABLE AND VIDEO FRANCHISES
ISSUED BY THE STATE OF GEORGIA**

The Council of the City of Milton hereby resolves while in regular session on the ___ day of February, 2008 at 6:00 p.m.:

WHEREAS, the City of Milton has received notice that an application has been filed with the Georgia Secretary of State for a state franchise to provide cable and video service within the City of Milton; and

WHEREAS, pursuant to O.C.G.A. § 36-76-6(a)(1), the City of Milton is required to establish a franchise fee rate and to notify the Secretary of State and applicants for such a franchise of said established rate; and

WHEREAS the City of Milton currently collects a franchise fee from cable or video providers utilizing public rights of way as compensation to the public for the use of the rights of way and as a means of promoting the public health, safety, welfare and economic development of the City and to protect public works infrastructure; and

WHEREAS, the City of Milton is authorized by federal and state law to collect a franchise fee of up to 5%, of each cable or video provider's gross revenues generated within the City.

NOW, THEREFORE, BE IT RESOLVED BY THIS COUNCIL OF THE CITY OF MILTON, GEORGIA, AND IT IS RESOLVED BY THE AUTHORITY OF SAID CITY COUNCIL, that pursuant to O.C.G.A. § 36-76-1 et seq. that the City of Milton hereby establishes a franchise fee rate of five percent (5%) for any state cable or video franchise providing services within the City of Milton; and

IT IS FURTHER RESOLVED that the City Staff is hereby directed to notify in writing the Secretary of State and applicants for such franchises of the designated rate

RESOLVED this ___ day of February, 2008.

Approved:

Joe Lockwood, Mayor

Attest:

Jeanette R. Marchiafava, City Clerk
(Seal)