

CITY OF JOHNS CREEK

COUNCIL MEETING

October 24, 2011 @ 7:00pm

The City of Johns Creek Mayor and Council held a monthly meeting on Monday, October 24, 2011. The meeting was held at 7:00pm in the City Hall Council Chambers located at 12000 Findley Road, Suite 300 in Johns Creek, Georgia.

COUNCIL PRESENT: Post 1-Randall Johnson
Post 2-Dan McCabe
Post 3-Karen Richardson
Post 4-Ivan Figueroa
Post 5 Kelly Stewart
Post 6-Bev Miller
Mayor Mike Bodker

STAFF PRESENT: City Clerk Joan Jones
City Manager, John Kachmar
City Attorney Bill Riley

PLEDGE OF ALLEGIANCE: Led by Eagle Scouts Alexander Newton of Troop 2000 and Ojaswa Prasad of Troop 3143.

OPENING REMARKS: Mayor Bodker welcomed everyone to the meeting and noted staff and Council are wearing pink today in recognition of National Breast Cancer Awareness Month and to celebrate those who walked in the Susan G. Komen 3-day *Walk for the Cure*. He deferred to Councilmember Richardson who remarked although she was unable to walk this year; she participated by joining the Chattahoochee High School cheerleaders in cheering the walkers on. Mayor Bodker noted attending a farewell luncheon for members of the 93rd PGA Tournament, who wrapped up operations here in Johns Creek. He commented the PGA brought a lot of recognition to the City, mentioning a study of an estimated media value (both print and television) to be worth approximately \$35 million. Mayor Bodker congratulated the three high school football teams on their wins this weekend and wished them luck as they finish out their seasons; he extended congratulations to two recent local agencies appointees, Lamar Norton, Georgia Municipal Association and Doug Hooker, Atlanta Regional Commission. In closing, Mayor Bodker reminded citizens to check the City's website for news and upcoming events, such as the JCFD participation in the "Smoke Detector Blitz," program; the JCPD participation in the third annual National "Take Back Prescription Drug" initiative, Saturday, Oct. 29 from 10 a.m. to 2 p.m. in the parking lot of Target and JCFD's "Super CPR Saturday" returns Nov. 5 with free lifesaving CPR and AED classes for residents and business owners. The Mayor addressed the audience on the expected protocol for the zoning public hearings on the agenda.

MINUTES: Council Member McCabe motioned, seconded by Council Member Richardson to approve the October 10, 2011 Work Session Summary and Council Minutes as presented. There being no discussion, the motion carried unanimously.

MEETING AGENDA APPROVED: Council Member Miller motioned, seconded by Council Member Stewart to approve the meeting agenda as presented. There being no discussion, the motion passed unanimously and the amended agenda was approved.

PUBLIC COMMENT: No Public Comment.

CONSENT AGENDA: Council Member Figueroa motioned, seconded by Council Member McCabe, to approve the Consent Agenda, which included ***ACTION ITEM-*** Privileged Resolutions Recognizing Eagle Scouts Alexander J. Newton and Austin J. Solheim of Troop 2000 and Ojaswa J. Prasad and Druva T. Kota of Troop 3143 , ***ACTION ITEM-*** to Authorize and Approve Records Management System Contract Amendment with IXP for GIS and IT Services; ***ACTION ITEM-*** to Authorize and Approve the Amendment to the IGA between the City of Milton and City of Johns Creek for GIS/IT Services; and ***ACTION ITEM-*** to Authorize and Approve On-Call Engineering Services. There being no discussion, the motion carried unanimously and the Consent Agenda was approved.

ANNOUNCEMENTS: City Clerk Jones announced the following meetings:

- *Tuesday, 10/25/11 @4:00pm— RPAC*
- *Tuesday, 11/1/11 9:00am —CVB*
- *Tuesday, 11/1/11 7:00pm —Planning Commission Meeting*
- *Monday, 11/7/11 @5:00pm—Work Session, 7:00pm-City Council Meeting*

Clerk Jones also mentioned that early voting has started.

REPORTS & PRESENTATIONS: Council Member Figueroa read the following Privileged Resolution recognizing Eagle Scout Alexander James Newton of Troop 2000.

The City of Johns Creek recognizes Alexander James Newton of Troop 2000 on obtaining the rank of Eagle Scout. Whereas, Eagle Scout Newton completed his community service project by removing overgrown foliage and constructing a 330 foot long split rail fence near the back parking lot of the Johns Creek Presbyterian Church; and Whereas, this fence extends the existing fencing and serves as a barrier between the parking lot and an open wooded area. Eagle Scout Newton's project will improve safety for the community and church members who use the parking lot and provides another opportunity for our citizens to appreciate the value scouting brings to our community. The Mayor and Council of the City of Johns Creek hereby recognize and applaud Eagle Scout Alexander James Newton and wish him well in all his future endeavors.

Council Member Stewart read the following Privileged Resolution recognizing Eagle Scout Ojaswa Prasad of Troop 3143.

The City of Johns Creek recognizes Eagle Scout Ojaswa L. Prasad of Troop 3143 on obtaining the rank of Eagle. Whereas, Eagle Scout Prasad completed his community service project by landscaping the flower beds at the Findley Oaks Elementary School; and Whereas Ojaswa raised funds to purchase supplies for the project and replaced annual plants with perennials, ensuring years of colorful blooms, he also added new mulch to the flower patches and flagpole near the entrance of the school. Eagle Scout Ojaswa's project will enhance the aesthetics of Findley Oaks Elementary for many years and his service to the community may inspire others to become involved in their community. The Mayor and Council of the City of Johns Creek hereby recognize and applaud Eagle Scout Ojaswa L. Prasad and wish him well in all his future endeavors.

Council Member Richardson read the following Privileged Resolution into the record recognizing Eagle Scout Druva Kota of Troop 3143.

The City of Johns Creek recognizes Druva Theja Kota of Troop 3143 on successfully completing all the rank requirements for Eagle. Whereas, Eagle Scout Kota has completed his Eagle Scout project by landscaping a steep hill at the North American Shirdi Sai Temple of Atlanta; and whereas, his project entailed clearing away debris from the hillside, planting over 90 shrubberies on a 2,500 square foot area in order to

provide a dense covering. Eagle Scout Kota's project will not only help with erosion control, but will increase safety for children who play in the area and enhance the aesthetics for all those who visit the Temple. Whereas, the Eagle Scout Award is a distinction that will follow Durva throughout his life, the Mayor and Council of the City of Johns Creek recognize and applaud Eagle Scout Druva Theja Kota and wish him well in all his future endeavors.

Council Member Figueroa read the following Privileged Resolution in to the record recognizing Eagle Scout Austin J. Solheim of Troop 2000.

The City of Johns Creek recognizes Austin J. Solheim of Troop 2000, on successfully meeting all the rank requirements for Eagle. Whereas Eagle Scout Solheim completed his Eagle project by constructing two picnic tables and landscaping a shaded seating area for use by the staff and children who attend the Preschool at Johns Creek Presbyterian Church; and Whereas Eagle Scout Solheim's project created a comfortable and colorful garden where the staff and students may gather or enjoy lunch during the warm weather, his project will benefit many and demonstrates his dedication and commitment to scouting and his community. The Mayor and Council of the City of Johns Creek recognize and applaud Eagle Scout Austin J. Solheim and wish him well in all his future endeavors

OLD BUSINESS: No Old Business.

NEW BUSINESS:

PROJECT FRAMEWORK AGREEMENT WITH GDOT FOR ITS IMPROVEMENTS:

As this item was discussed during a previous Work Session meeting, Council had no additional questions. Council Member McCabe motioned, seconded by Council Member Johnson to approved Resolution 2011-10-28 to Authorize and Approve the Project Framework Agreement with GDOT for ITS Improvements along Jones Bridge Road and Old Alabama Road. There being no further discussion, the motion passed unanimously. (***RESOLUTION 2011-10-28***)

MEMORANDUM OF UNDERSTANDING WITH GDOT FOR LANDSCAPING IMPROVEMENTS:

Public Works Dir. Tom Black provided an overview of the project, informing Council the project is funded through a Transportation Enhancement grant awarded to the City for landscaping and Bio Retention projects. The City submitted the grant request for \$1M and as only \$500K was awarded he recommended all funds be used for landscaping improvements. Council Member Figueroa confirmed design specs will be provided to the Council at a future meeting. Council Member Figueroa motioned, seconded by Council Member Richardson to approve Resolution 2011-10-29 to Authorize and Approve of the Memorandum of Understanding with GDOT for Landscaping Improvements along State Bridge Road. There being no further discussion, the motion passed unanimously. (***RESOLUTION 2011-10-29***)

ATLANTA FULTON COUNTY WATER RESOURCE COMMISSION LEASE:

As this item was discussed during a previous Work Session meeting, Council had no additional questions. Council Member Johnson motioned, seconded by Council Member Stewart to approve the Action Item to Authorize and Approve the Lease Agreement with Atlanta Fulton County Water Resource Commission. There being no further discussion, the motion carried unanimously. (***ACTION ITEM***)

REZONING CASE SUP-11-002 & VS 11-002 GOOD NEWS ATLANTA CHURCH:

A Public Hearing and consideration of Ordinance 2011-10-23 to amend the Zoning Map SUP-11-002 and VS-11-002-1 –GOOD NEWS ATLANTA CHURCH – 10800 Block of Bell Road and

11000 Block of Rogers Circle – AG-1 (Existing Zoning) – to Allow a Church expansion with a concurrent variance to reduce the 100 foot setback from adjoining AG-1 District used for Single Family to 37 foot was held.

Planning and Zoning Administrator Justin Kirouac reviewed the Special Use application and Variance request from Good News Atlanta Church. The applicant's request is to allow a church expansion, add three new buildings with the three existing buildings to remain. The construction will be in phases. The variance request is to reduce the 100 foot setback required for churches adjacent to residentially-zoned or agriculturally zoned property used for single family to 37 feet in order to allow construction of a proposed gym, fellowship hall, and mission center. Mr. Kirouac said the expansion of the church is consistent with the Comp Plan use and scale for the Shakerag area; however the setback reduction is not. Mr. Kirouac reported that after the Planning Commission held their public hearing, they recommended approval of the SUP and denial of the Variance request.

Mayor Bodker asked and received Council consensus to combine the public hearing times for SUP-11-002 and VS 11-002. Mayor Bodker opened the public hearing on Ordinance 2011-10-23 to amend the Zoning Map SUP-11-002 and VS-11-002-1 –Good News Atlanta Church – 10800 Block of Bell Road and 11000 Block of Rogers Circle – AG-1 (Existing Zoning) – to Allow a Church expansion with a concurrent variance to reduce the 100 foot setback from adjoining AG-1 District used for Single Family to 37 foot.

City Clerk Jones read the zoning public hearing procedures for the record and Mayor Bodker called for those wishing to speak in support of the application.

Justin Park spoke on behalf of the applicant. He explained he is the architect for the property and is assisting the church on creating a master plan application for the SUP is to support future development on the church property. The Variance was requested for an immediate issue related to developing two existing buildings on the site, where the required set back of 100 feet would make the use of the structures inefficient. Mr. Park said the church attempted to work with the residential neighbors to gain support for the variance and this was unsuccessful. He requested Council approve the Special Permit and deny the variance request.

Mayor Bodker called for those wishing to speak in opposition of this applicant. As there was no one else wishing to speak on the application, Mayor Bodker closed the public hearing.

During discussion, Council Member Miller asked for clarification on the proposed use of one of the existing buildings, now a single family dwelling. Mr. Parks responded the property is to be converted for use as a meeting space for seminars and educating visiting missionaries. In response to Council Member Miller's inquiry about a Tour bus at the site, Mr. Parks translated for the Church representatives in attendance, who responded the bus was used for exchange students visiting from Korea to perform in the area, stayed with various families and not at the site. There was additional discussion on the uses for the building, recreation, fellowship hall, and accessory dormitory uses and the time line for the construction of the additional structures. Mr. Parks responded there is no current timeline for adding structures, but in the process of obtaining the necessary approvals to rehab the current buildings the church completed a master plan for planning purposes. Council commented without a variance on the set back, the site plan would have to be modified accordingly. Mr. Parks asked Council to consider allowing the current construction of enclosing a pavilion to proceed, pending submittal of a new site plan; Planning and Zoning Administrator Kirouac said the current zoning would not permit the construction to proceed. There was a brief discussion on when this item could be placed on an agenda, as the applicant would need to revise the site plan and clarify the specific uses/function

of the buildings. Mr. Kirouac, as a point of information, informed Council the Planning Commission will meet on November 1st. Council Member Figueroa motioned, seconded by Council Member Richardson to table the item until the November 7th Council Meeting. There being no further discussion, the motion carried 6 -1, with Council Members, Figueroa, Richardson, McCabe, Johnson, Stewart and Mayor Bodker in favor and Council Member Miller in opposition.

REZONING CASE 11-006 & VC-11-006 01-,02 and 03 - JC FLEX, LLC: A Public Hearing and consideration of Ordinance 2011-10-24 for Zoning Case RZ-11-006 and VC-11-006-1, 2 and 3 - JC FLEX, LLC–11300 Block of Technology Circle and 11400 Block of Lakefield Drive –M-1A Conditional to A Conditional – to allow a 268 unit apartment complex with the following concurrent variances: 1) Reduce required parking from 536 spaces to 436 spaces; 2) Reduce the 25-foot landscape strip to 10 feet; and 3) Reduce the 40-foot setback to 20 feet was held.

Planning and Zoning Administrator Justin Kirouac informed Council the property consist of 23.82 acres and is currently vacant land. It is located in Character Area 2, Technology Park, which suggests primarily office and institutional uses and mixed-use residential, which would be consistent with this proposed use. Mr. Kirouac noted Council denied a similar request for development due to the proximity to Ciba Vision and concerns about the noise impact of an industrial use adjacent to residential; explaining this would not be the case here, as this property is surrounded by a large amount of open space. He informed Council the topography of the area, natural grading and streams makes it suitable for residential development. The residential development would allow the preservation of more open space than would be required to create large building pads for commercial buildings. Mr. Kirouac reported that following a review of the application and public hearing the Planning Commission recommended denial of the application. Staff recommends approval with conditions; and he corrected staff's condition #4 to reflect a reduction of 536 parking spaces to 436 and not the 438 noted this is a scribner error.

Mayor asked Council if they would like to hold public hearing on the rezoning and concurrent variances together or separately. There was consensus to hold public hearings together (40 minutes) and Mayor Bodker called the public hearing on Ordinance 2011-10-24 for Zoning Case RZ-11-006 and VC-11-006-1, 2,and 3 - JC FLEX, LLC – 11300 Block of Technology Circle and 11400 Block of Lakefield Drive – M-1A Conditional to A Conditional – to allow a 268 unit apartment complex with the following concurrent variances: 1) Reduce required parking from 536 spaces to 436 spaces; 2) Reduce the 25-foot landscape strip to 10 feet; and 3) Reduce the 40-foot setback to 20 feet and called for all those wishing to speak in support of the application.

Pete Hendricks spoke in support of the application and informed Council the Zoning Impact analysis completed by the applicant indicted the proposed project would not negatively affect the adjacent properties and stated the owner had made significant attempts to market the property as currently zoned and was not successful in this effort. He explained the land use analysis performed demonstrated an apartment complex would be a suitable use for the space, reiterating staff's point this type of development would allow more open space than an industrial use and includes enhanced walking trails; the design would be consistent with the current design standards of the City and Technology Park. He noted the applicant agrees with all staff conditions and will also add upgrades to the interior of the units. Mr. Hendricks commented the JCCA made three recommendations and said the applicant would comply with those as well. He introduced Mr. Rick Bradshaw, President of Technology Park.

Mr. Bradshaw addressed Council to explain this project should be supported as it is a reasonable use of the space. The applicant has considered the concerns raised and is confident the issues can be sufficiently addressed. He said studies have been completed to evaluate traffic impacts

and student increase in the schools. He reviewed an aerial view of the area showing the traffic flow and the utilities which will support the project. Mr. Bradshaw reviewed the history of Tech Park and its' involvement in the community and its' anticipated ongoing development. He outlined TPA's commitment to beautifying the area, including a plan to landscape McGinnis Blvd and the high standards established in their covenants with their tenants. The proposed complex will be located where there is the highest concentration of jobs in the City, with a goal to expand the live, work, play environment, with the nearby amenities available, such as Life Time Fitness and Kroger's. He introduced Reese Waite to provide a detailed overview of the development.

Mr. Waite provided an aerial view of the property and its location within the City. He gave a brief history of this property and the current plans to develop and design the area for residential use. This project includes walking trails, an urban vegetable garden, a dog park, a large open space, and due to the topography, the streams will be left undisturbed. There will not be a playground and the variances for the setbacks will allow more open green space and all the plantings will be up to the buffer standards. This will be a gated community geared toward married professionals and retirees, and will only offer 26 three-bedroom units out of 268 units, the remaining to be a mix of one and two-bedroom units. The buildings will comply with the strict TPA covenants and the units will contain high-end upgrades - granite counters, hard surface floors and stainless steel appliances. He compared the density of this complex one unit per 11.2 to the more dense development of other nearby apartment complexes. There will be two entrances to alleviate congestion, adding studies show commercial development would add more traffic than residential. Mr. Waite provided a chart demonstrating the need for residential apartments vs. the current vacancies and lack of demand for office space. He introduced Dr. Debbie Phillips who provided a presentation on the demand for apartments in today's market, citing several statistics for apartment dwellers, changing demographics, households and lifestyle changes. She said this project is ideal to meet the current market needs. She commented on safety concerns with apartments and noted safety is enhanced by offering rental discounts to law enforcement officers. Dr. Phillips introduced Marie Kastens a principal at TPA who lives in the City and commented on the balance in services available to residents and said the current and prospective tenants of TPA would like housing options for their employees. She reviewed a study provided to Council on the impact of the project on schools and cited her discussion with the schools, and indicated the schools would have capacity for additional students.

Doug Russ, as former Chair and current member of the Johns Creek Chamber of Commerce and resident of the City spoke in support of the project saying the City is underserved with multifamily homes. The Chamber works on economic development initiatives to bring more businesses to the City, housing varieties should be available, and the proposed site is suitable for this type of development. Nathan West, a resident, business owner and developer, addressed Council saying he attempted to develop commercial condos in the area and had difficulty finding buyers, he said there is no need for additional office space in the area; Wayne Carrel addressed Council and voiced support of the project and complimented the TPA developer and said this project will be a positive growth for the City; Paul Dietrick also spoke in support of the project saying he is a 25 year resident of the community and said he does not think the project will negatively impact the schools, he would like to have the opportunity to have a choice of rental options; Lee Roberts a Johns Creek business and property owner voiced support for the project saying Tech Park is a great development and adds value to and has been a great steward for the community. The applicant reserved the balance of his time for rebuttal.

As there was no one else wishing to speak in support of the application, Mayor Bodker called for those speaking in opposition.

Shaun Lockhart, a resident of the Brookhaven addressed Council and voiced opposition to the project saying it is a safe community and she would not have purchased her home if she had known about this project. Ms. Lockhart said her community is not completely built out and the apartment complex could deter potential buyers. David Kornbluh spoke on behalf of the Johns Creek Community Association (JCCA) and informed Council a zoning information meeting was held with the community and there were concerns on the impact this project would have on safety, property values, schools and traffic. The JCCA proposed three conditions which may mitigate the concerns including; 1) requiring there be no playground area or playground equipment installed; 2) the entry gates shall be installed prior to the issuance of the final CO. The gated entrances shall be monitored at all times by video surveillance and recording or personnel when video is not available 3) if the landscape strip is reduced to 10ft, it shall be planted to buffer standards.

Mr. Trisher Patel addressed Council, saying he was speaking on behalf of about 2000 homeowners who oppose the project, he presented a power point showing the 12 communities represented and mentioned signed petitions were provided to Council. In his presentation, he noted there was a need for more business space in the City, citing the City's Comp plan which supports growth of the business community, mentioning more commercial use will ease the tax burden of the residential properties, and he noted recent commercial leases in Tech Park which demonstrates a demand for commercial space. He provided an overview of the current apartments within the City saying there have been several new units added in the last several months; in a one mile radius, adjacent to the current project; and stated the current schools are at capacity, providing statistics which indicates/demonstrates apartments negatively impact school performance. When citing income levels and demographics on school performance, City Attorney Riley interjected and cautioned Council testimony on demographics cannot be considered, per the Federal Fair Housing Act, during their deliberation. Mr. Patel also commented on the builder's lack of accreditation with the Better Business Bureau. He introduced Mike Chancey of the Brookhaven community who also identified himself as an attorney and asked the Council to deny the re-zoning request, saying it is not in the best interest of the community; Duane Armstrong of Brookhaven addressed Council and asked them to deny the application, indicating there is a responsibility of government to listen to the will of people and the majority has spoken out in opposition of this project; Eight year old Shakerag student Nima Surani addressed Council and read a statement on the enhanced educational opportunity she has received since relocating to the city and expressed sentiment that approval of the apartment project could impact the quality of the education she receives. Raghu Mannam, addressed Council and commented during a recent visit in Korea, he was surprised how the City was known there for its excellent schools and relayed his experience attempting to lease office space several months ago, when he was offered a large discount and noted since the completion of the McGinnis Ferry Road, the same office complex is now at capacity with no vacancies. Mr. Mannam further commented on his long commute saying he moved here for the schools and statistics show families without children live closer to Atlanta or the Perimeter area; he introduced his daughter who attends River Trail Middle School who commented due to current student population, she does not have a school locker; Charlene Clark a resident of the Gates spoke and said because of the new developments, her area has been re-districted from Wilson Elementary to Medlock Crossing and she attributes the behavioral issues in that school to the number of apartments in that district and opposes this project; Surya Pandiem asked Council to consider the testimony of those who spoke and deny the application as the project will affect the community and apartments will impact the schools; Mr. Patel asked council to deny the application.

Mr. Bradshaw responded in rebuttal, stating the school issues were addressed. There being no more time, Mayor Bodker closed the Public Hearing and ordered a five minute recess, the time being 9:25 p.m.

Mayor Bodker resumed the meeting at 9:30 p.m. and called for questions/discussion on this rezoning application. Council Member Figueroa asked for clarification on the features of the site and the suitability for a particular type of development; Mr. Kirouac reiterated there are two streams which traverse the property, it is a heavily wooded site, offering natural buffers and undevelopable space, providing an opportunity for maximum open green space; topography requires less grading for residential than would be necessary for a commercial building; Council Member Johnson inquired on the comparison with this project and the previously proposed project adjacent to Ciba Vision and the traffic impact of this project; Mr. Kirouac noted the proximity of the heavy industrial use to the proposed residential would have created noise conflicts and a commercial development at this location would have more daily traffic volume than a residential use, added traffic mitigation conditions have been recommended by Public Works. Council Member Miller asked Tech Park for the total number of residential units projected in their Master Plan, currently there are about 992 residential units. Council Member Johnson commented on the requirements of the TPA covenants. Mr. Waite responded the protective covenants address the quality of construction and maintenance of the properties within the Park. Council Member Figueroa asked Mr. Waite if there were concerns presence of an apartment would affect home sales in the Brookhaven Community, he commented Jim Chapman is the developer on that project and he was not equipped to respond on sales there; Mr. Bradshaw interjected the apartments offer a choice for renting, whereas Brookhaven is an option to purchase and there are no other apartments available in this area, and he offered that TPA would be willing to commit to not seek any re-zoning in this area for additional apartments. Mayor Bodker asked if there had been a letter of support from Jim Chapman Homes. Mr. Bradshaw responded Mr. Waite had contacted the developer and no objections were raised; Council Member Miller asked for clarification on the suitability for residential vs. commercial, Mr. Waite reiterated the topography is more suitable as garden style apartments are smaller and the alternative would be commercial condos, but there is no market for this type of development and standard office buildings would be more disruptive; Council Member Richardson commented on modifications made in the Comp Plan to balance the use of commercial and residential use and low density and high density areas and Tech Park is considered a high density area for which this type of development is suitable. Council Member Miller inquired on the reduction in parking from 538 to 436, and Mr. Waite responded the amount of parking was adequate for the mix of units and the reduced parking allows more open space retention noting this does not take into consideration the garages.

Council Member Johnson motioned to approve Resolution 2011-10-24, subject to staff recommendations 1 thru 14; with #3 to read *75% stacked stone and/or brick*; and #10 amended to include *“Interior units features shall include stainless steel fronts for kitchen appliances, kitchen back splashes, hard surface floors in foyers, kitchens and baths, ceramic tile tubs/shower surrounds, craftsman style interior trim and doors and oiled bronze finished hardware”*.

1. *Restrict the use of the property to a gated multifamily development with a maximum of 268 units. There shall be a maximum of 26 three-bedroom units and a maximum of 148 two-bedroom units.*
2. *The site shall be developed in general accordance with the site plan received July 25, 2011 with changes allowed to meet these conditions of rezoning.*
3. *All units shall be constructed of at least 75% stacked stone on all sides. The balance may be brick, cedar shake or fiber-cement siding. The roofs shall use architectural shingles.*

All elevations shall be subject to review and approval of the Director of Community Development prior to issuance of a building permit.

- 4. The parking may be reduced to 436 spaces (VC-11-006-1).*
- 5. Provide a 25 foot wide landscape strip along Lakefield Drive and a 25 foot wide buffer along Technology Circle. Both shall include a wrought-iron style fence with stacked stone columns (max. 30-feet on-center) for the entire frontages. Plantings shall be subject to review and approval of the City Arborist. The landscape strip may be reduced to 10 feet as depicted on the site plan (VC-11-006-2).*
- 6. The 40-foot front yard setback may be reduced to 20 feet as depicted on the site plan (VC-11-006-3).*
- 7. Open space shall remain undisturbed except for trails/walking paths which shall be installed prior to issuance of a certificate of occupancy. Any clearing shall require approval of the Community Development Department. Trail location and design shall be subject to review and approval of the Director of Community Development.*
- 8. Provide external pedestrian connectivity to walking trail system.*
- 9. The active recreational area shall be installed prior to the first certificate of occupancy.*
- 10. All units shall have a minimum 9-foot interior ceiling and counter tops shall be of granite or similar materials, as approved by the Community Development Staff and shall be noted on all building permits.*
- 11. Property shall be limited to no more than one (1) full access drive from Technology Circle and (1) full access drive from Lakefield Drive. Location and design shall be subject to review and approval of the Department of Public Works.*
- 12. Owner/Developer shall provide deceleration lane at each project entrance off Lakefield Drive and Technology Circle or as may be required by the City of Johns Creek Traffic Engineer.*
- 13. Owner/Developer shall dedicate at no cost to the City of Johns Creek along the entire frontage on Lakefield Drive and Technology Circle a minimum of thirty feet (30ft) from the existing centerlines of the roads and dedicate at no additional cost to the City of Johns Creek such additional right-of-way as may be required to provide at least 11 feet of right-of-way from back of curb or 1 foot from edge of sidewalk whichever is greater, of all abutting road improvements or as necessary prior to the issuance of a Land Development Permit as approved by the City of Johns Creek Director of Public Works.*
- 14. Owner/Developer shall dedicate the entrance drive off of Technology Circle as right-of-way. The right-of-way shall start at the southwest property corner and run north for a minimum of 200 feet measured along the property line for a width of fifty feet (50 feet) measured perpendicular to the west property line or as necessary prior to the issuance of a Land Development Permit as approved by the City of Johns Creek Director of Public Works. Right of way dedication shall not restrict landscaping along the entrance drive outside the Technology Circle right-of-way.*

There was discussion on the modifications to the building materials and Council Member Stewart seconded the motion. Council Member Figueroa motioned to amend the motion to approve condition # 3 as proposed by staff. Council Member Richardson seconded the amendment. During discussion Council Member Figueroa commented he would like the structure to have the best aesthetics and would prefer the 75% to be only stacked stone. The amendment to the motion carried 4-1 with Council Members Figueroa, Richardson, Miller and Mayor Bodker voting in support of the motion and Council Members Johnson, Stewart and McCabe voting in opposition.

Mayor Bodker called for any further discussion with the main motion as amended. Council Member Richardson motioned, seconded by Council Member Figueroa to amend the motion as follows:

5. *Provide a 25 foot wide landscape strip along Lakefield Drive and a 25 foot wide buffer along Technology Circle. Both shall include a wrought-iron style fence with stacked stone columns (max. 30-feet on-center) for the entire frontages. Plantings shall be subject to review and approval of the City Arborist. The landscape strip may be reduced to 10 feet as depicted on the site plan (VC-11-006-2) and shall be planted to buffer standards.*
9. *The active recreational area shall be installed prior to the first certificate of occupancy. There shall be no playground area or playground equipment installed at any time.*
14. *Owner/Developer shall dedicate the entrance drive off of Technology Circle as right-of-way. The right-of-way shall start at the southwest property corner and run north for a minimum of 200 feet measured along the property line for a width of fifty feet (50 feet) measured perpendicular to the west property line or as necessary prior to the issuance of a Land Development Permit as approved by the City of Johns Creek Director of Public Works. Right of way dedication shall not restrict landscaping along the entrance drive outside the Technology Circle right-of-way. The entry gates shall be installed prior to the issuance of the final Certificate of Occupancy. The gated entrances shall be monitored at all times by video surveillance and recording or personnel when video is not possible.*

There being no discussion on this amendment, Mayor Bodker called the motion and the motion carried unanimously and the main motion was back on the floor. Mayor Bodker and Council voiced their thoughts on the case before them and thanked everyone for taking the time to be involved and voicing their concerns. There being no further discussion, Mayor Bodker called the question he motion on the table for Ordinance 2011-10-24 to approve Zoning Case RZ-11-006 and VC-11-006-1, 2 and 3 with staff recommendations 1 thru 14, incorporating the amendments to Conditions 5, 9, 10 and 14. There being no further discussion, the motion carried unanimously. (**ORDINANCE 2011-10-24**)

RESOLUTION OF CHARTER COMMISSION FORMATION: Council Member Figueroa motioned, seconded by Council Member Miller to approve Resolution 2011-10-30 establishing rules for the Charter Commission Formation. There was discussion on Council's participation with the Commission, the requirement for a super majority vs. majority approval of appointments and Commission votes, required attendance for Commission members. Council Member Figueroa motioned, seconded by Council Member McCabe to amend item 4(d) to require a 75% attendance instead of 80%. The motion carried 5-2 with Council Members Figueroa, McCabe, Johnson, Stewart and Mayor Bodker voting in favor of the motion and Council Members Richardson and Miller voting in opposition. There being no further discussion the amendment passed and the Mayor called the question on the main motion to approve Charter Commission Formation Resolution as amended which carried unanimously. (**RESOLUTION 2011-10-30**)

OTHER BUSINESS: None

PUBLIC COMMENT: Mike Chancey expressed his dissatisfaction with Council's approval of tonight's re-zoning case; Council did not listen to the public and failed to ask follow-up questions from the opposition. Dwayne Armstrong also expressed disappointment with Council's decision commenting they listened to the minority and not the majority, that opposition did not

just give their “opinions”. Surya Pandier said he was upset with the decision as he lives in the City for the schools and the apartments will have a negative impact and said Council just ignored the opposition. Kanche Kumar a resident of the Gates commented he moved here from Duluth for safety and is concerned the effect the apartments and the impact on the current traffic congestion. Mr. Seansep also commented on traffic conditions that were not discussed. Trisher Patel expressed dissatisfaction with the decision and shared the opinion Council did not listen to community nor question the builder’s accreditation with the Better Business Bureau. Mark Endres commended Council on their decision to approve the rezoning, commenting Council made valid considerations in their final deliberation and voted for the individual’s property rights.

MAYOR’S COMMENT: Mayor Bodker thanked everyone for attending, explaining the Council does not take the opinions of the citizens lightly and makes every attempt to consider all points of view in making decisions. He thanked all for their participation and wished everyone a good evening and safe travels.

EXECUTIVE SESSION: No Executive Session.

ADJOURNMENT: There being no further business, Council Member Johnson made a motion to adjourn the meeting, Council Member Richardson seconded this motion. The motion carried unanimously and the meeting was adjourned.

Approved:

Attest:

Michael E. Bodker, Mayor

Joan C. Jones, City Clerk