



PLANNING COMMISSION MEETING
OFFICIAL MINUTES
NOVEMBER 7, 2024

ALPHARETTA CITY HALL
COUNCIL CHAMBERS
2 PARK PLAZA
6:30 PM

❖ During this meeting the AV System stopped working. There was a break called. The meeting proceeded with two audio recordings.

1. CALL TO ORDER

Chair Kung'u called the meeting to order at 6:30 p.m.

2. ROLL CALL

A. Commissioners Present

- o Francis Kung'u, Chair
- o Martine Zurinskas, Vice-Chair
- o William Perkins
- o Jeremy Scott
- o Todd Stratton
- o Valerie Manley
- o Katie Reeves

B. Staff present:

- o Kathi Cook, Director of Community Development & Economic Development
- o Michael Woodman, Planning + Development Services Manager
- o Elle Taylor Planning & Zoning Coordinator
- o George Doyle, Traffic Engineer
- o Molly Esswein, City Attorney

3. APPROVAL OF MEETING MINUTES

a. Approve Meeting Minutes of 10.3.24

- ❖ Commissioner Zurinskas offered a motion to approve.
 - Commissioner Perkins seconded the motion.

- The motion carried (7-0)

4. ITEMS FROM BOARD MEMBERS

5. ITEMS FROM STAFF

6. PUBLIC HEARING

a. Public Hearing Procedure

b. Z-24-14/V-24-22 Pinnacle Pg LLC/Karen Drive

Michael Woodman, Planning & Development Manager, presented consideration of a rezoning and variances to allow for the construction of 14 'For-Sale' single-family detached homes on 2.68 acres in the Downtown. A rezoning is requested from O-I (Office- Institutional) and C-2 (General Commercial) to DT-MU (Downtown Mixed-Use). Variances are requested from Unified Development Code (UDC) Appendix A: Alpharetta Downtown Code Subsection 2.3.3(G) to modify local street residential streetscape standards, UDC Appendix A: Alpharetta Downtown Code Subsection 2.4.6(C) to allow a street-facing garage without the required 20' setback from the front façade of the home, and UDC Subsection 3.2.8(D) to reduce the landscape strip requirement along a new local street. The property is located at 0, 297 & 315 Karen Drive and is legally described as being located in Land Lots 693 & 696, 1st District, 2nd Section, Fulton County, Georgia.

The 0.39-acre property with frontage on Karen Drive is zoned R-12 (Dwelling, 'For-Sale', Residential) and is developed with a single-family detached home. The 2.29-acre undeveloped property to the rear is zoned O-I and C-2 and is wooded with a non-perennial stream. The O-I property was depicted as part of the Colony Park Office Condominium development in a 1987 rezoning and 1995 variance request. It is unclear how the O-I and C-2 parcels were subdivided without access to the public street network, effectively creating landlocked parcels. The City's UDC requires a subdivision plat in order to subdivide a property, as well as at least 40' of frontage on a street. Surrounding properties are zoned R-12 and O-I to the north, O-I and C-2 to the west, R-8A (Dwelling, 'For-Sale', Attached Residential) and R-12 to the south and R-12 to the east. Alpha Park subdivision is located to the north, south and east, Colony Park Office Condominiums are located to the north and west, Comcast is located to the west, and Briargate subdivision is located to the south. The comprehensive land use plan designation of the portion of the property seeking rezoning is 'Mixed Use Live Work', which allows the proposed use.

- Site Plan
- Variance Requests
- Renderings

- Traffic
- Standards for Zoning Changes
- The zoning proposal would result in residential lots that are approximately 80% smaller than the lots in Alpha Park, of which the proposed development depicts access through the Alpha Park neighborhood. It is unclear how the subject property was subdivided without access to the public street network. In addition, a request to rezone an Alpha Park property at the southwest corner of Karen Drive and Devore Road was considered in 2017 with the Planning Commission recommending denial to allow three (3) single-family detached homes on 0.82 acres. That applicant ultimately withdrew the request due to a lack of support.
- *The zoning proposal would adversely affect the existing use or usability of adjacent or nearby properties.* The proposed street connection through the Alpha Park subdivision would negatively impact adjacent residential lots to the north, south and east. The applicant's proposal is inconsistent with goals, policies, and strategies in the 2040 Comprehensive Plan
- The proposed development would adversely impact the natural environment. Trees in the stream buffer are depicted to be removed and critical root zone (CRZ) impacts appear to exceed twenty percent (20%) for several saved trees. Most of the tree saves depicted on the site plan are located in the stream buffer or are off-site boundary trees.
- The zoning proposal to allow a residential use would have impacts on schools and parks and recreation.
- The zoning proposal does not reflect a reasonable balance. The applicant's proposal is inconsistent with housing policies and strategies in the 2040 Comprehensive Plan related to promoting and designing quality and long-term value into residential subdivisions that foster a sense of community and promote pedestrian mobility, the natural environment, community recreation and public open space
- The City's office condominium market has a much lower vacancy rate (2.5%) as compared to the City-wide office vacancy rate, which is 23.2% (CoStar). The City's low vacancy rate in the office condominium market reflects a demand for that use, which is developed on the adjoining property to the north and permitted by-right on the subject property. Also, the O-I property was previously approved as part of the Colony Park Office Condominium development.
- The future land use designation of the portion of the property proposed to be rezoned is 'Mixed Use', which allows the proposed DT-MU zoning district, use and density.
- Variance Review Criteria

- The property does not have exceptional conditions due to its size, shape or topography that justify the requested variances. A residential local street section in compliance with the City's Downtown streetscape standards could be accommodate on the subject property.
- The property does not have peculiar conditions which adversely affect its reasonable use. A 50' residential local street section with planters, sidewalks, and landscape strips could be accommodated on the subject property.

Staff's Recommendation was to Deny Z-24-14/V-24-22 Pinnacle/Karen Drive request for rezoning and variances.

There was discussion from the Commission:

Previous subdivision of the property; recorded with Fulton County but was not relayed to the City of Alpharetta.

Applicant:

- Referred to approval of Alcovy Zoning.
- This is a single family development.

Michael Woodman, Planning & Development Manager discussed differences in the two cases.

Public Comment:

In Opposition:

1. John Cook, 325 Karen Dr.
2. Donna Tribble, 285 Karen Dr.
3. Julian Robinson, 336 Karen Dr.
4. Nicolas Baos, 310 Karen Dr.

Concerns:

1. Incompatible development with surrounding neighborhood.
2. Tree removal.
3. Traffic.

4. Negative impact on home values.
5. Variances set precedent and are not justified.
6. Car headlights in Alpha Park Homes.

Applicant gave brief rebuttal.

After discussion from the Board:

- ❖ Commissioner Stratton offered a motion to deny.
 - Commissioner Zurinkas seconded the motion.
 - The motion carried (7-0)

c. PH-24-17 Unified Development Code (UDC) Text Amendments – Short Term Rentals

Kathi Cook, Director of Community development and Molly Esswein, City Attorney presented consideration of text amendments to Section 1.4 Definitions of Article I, Table 2.2 List of Permissible and Conditional Uses of Article II, Section 2.7 Miscellaneous Regulations of Article II, and Section 4.5.5 Exceptions of Article IV of the Unified Development Code (UDC) to add regulations pertaining to Short Term Rentals.

Staff proposes to allow short-term rentals in all residential zoning districts, but with a five percent (5%) rental cap in platted subdivisions. In addition, annual licensing would be required for short-term rentals, which includes operational requirements. The short-term rental license application will require written confirmation of compliance from the governing HOA or POA. The City's definitions of 'Dwelling', 'For-Sale' and 'Family', prohibit the renting of portions of homes, such as renting a single room, and that use/activity does not fall under the proposed definition of 'Short-term Rental'.

Within Platted Subdivisions, no short-term rental may be located immediately adjacent to another short-term rental that is located along the same street or road.

Short term rental shall be limited to no more than twenty-five residential lots governed by a common homeowners/property owners association.

The allowance of Short-term Rental by the UDC does not prevent private enforcement of restrictive covenants or other private contractual agreements or arrangements.

Variances to the rental cap may be submitted for consideration by the City Council.

Use of GIS System to identify properties to ensure caps are not exceeded.

Map w STR calculations.

Proposed Licensing Ordinance.

Applications.

Operational Requirements.

Other Requirements.

Suspension or Revocation of License.

Violations and Penalties.

There was discussion From the Commission:

Reason for need for this Ordinance.

Currently there are no regulations.

Licensing and Inspections procedures.

State law does not allow inspection of a rental property without probable cause.

Current Code does not allow renting of single rooms.

"First Come, First Serve" in small subdivisions.

Grandfathered requirements.

Renewals.

HOA Compliance.

Regulations in other cities.

10% long term rental clause.

We may be able outlaw STR's as a City or restrict even further.

Public Comment:

In Favor:

1. Joana Martins, 120 Denna Dr.

Reasons:

- There are situations that are conducive to Short-Term Rental vs Long-Term Rental, such as relocation, fire, storm damage, construction.
- Some people depend on STR income.

In Opposition:

1. Ed Unger, 300 Dashing Wave Ln.
2. Fraser Lynn, 3660 Schooner Ridge.
3. Pat Ostrom, 2115 Brookridge Terr, Henderson Village HOA.
4. Applicant for Pinnacle PG LLC., 1445 Woodmont Ln NW.

Concerns:

1. Commercial businesses operating in a neighborhood.
2. Noise, traffic, parking impacts.
3. Burden, costs to HOA to revise covenants to address STR's.
4. Difficult to enforce.
5. Do not think use should be allowed.
6. Issues with "grandfathered " properties.

After discussion:

- ❖ Commissioner Zurinkas offered a motion to support as presented by Staff.
 - Commissioner Manley seconded the motion.
 - The motion carried (4-3)(Perkins, Stratton, Reeves)

d. MP-24-10/CU-24-14 Lava Island/Regency Park Master Plan Pod 3

Michael Woodman, Planning & Development Manager, presented consideration of a master plan amendment and conditional use to allow a 'Recreation Facilities, Indoor' business within an existing shopping center in the North Point Overlay. A master plan amendment is request to the Regency Park Master Plan Pod 3 to add 'Recreation Facilities, Indoor' and a conditional use is requested to allow 'Recreation Facilities, Indoor' for Lava Island. The property is located at 7121 North Point Parkway and is legally described as being located in Land Lots 687 & 688, 1st District, 2nd Section, Fulton County, Georgia.

- Regency Park Master Plan
- Family Entertainment Venue.
- Hours of Operation.
- Approximate number of employees.
- Site Plan
- Required parking.
- Traffic.
- Standards for Master Plan Amendment.
- Conditional Use Criteria
- Location in the North Point Overlay where walkability, mix of uses, site design and EcoDistrict measures are key components to a successful development. The location and character of the proposed use is appropriate as it relates to the use and development of adjacent or nearby properties. Properties in the immediate vicinity are developed with a variety of retail, restaurant, office, and entertainment uses. The addition of an entertainment use to North Point will aid the continued innovation and reinvention of the area by providing more than

just a shopping experience.

Staff 's recommendation was to:

Approve MP-24-10/CU-24-14 Lava Island/Regency Park Master Plan Pod 3, subject to the following conditions:

1. Recreation Facilities, Indoor' shall be listed as a conditional use in the Regency Park Master Plan Pod 3.
2. 'Recreation Facilities, Indoor' shall be added as a conditional use at 7121 North Point Parkway and limited to no more than 40,000 square feet.
3. Conditional use approval shall be limited to Lava Island; no additional 'Recreation Facilities, Indoor' use or subleasing shall be permitted within the approved space.
4. 'Recreation Facilities, Indoor' shall be limited to a family entertainment venue with indoor play structures, trampolines, party rooms, and café.
5. Hours of operation shall be Sunday – Thursday 9:00 AM – 9:00 PM and Friday – Saturday 9:00 AM – 10:00 PM.
6. Any exterior changes shall be similar to type, style, and colors depicted in the North Point Overlay District Design Guidelines, with final approval by DRB.
7. Native and drought-tolerant shrubs and grasses shall be added to the foundation area along the front façade of the building, with final approval by DRB.

- Applicant gave a brief description of the business and stated they have no objections to the conditions.

There was discussion of:

- How long space has been vacant.
- Other locations in the U.S.
- Demographic
- First location in the SE.

There was no public comment.

- ❖ Commissioner Perkins offered a motion to approve subject to Staff's recommended conditions.
- Commissioner Zurinkas seconded the motion.
- The motion carried (7-0)

e. MP-24-09/CU-24-12 Alpharetta Hotel Holdings LLC/Hybrid Hotel

Michael Woodman, Planning & Development Manager, presented consideration of a master

plan amendment and conditional use to allow 'Hotel, Hybrid' on 9.89 acres in the Preston Ridge Master Plan. A master plan amendment is requested to the Preston Ridge Master Plan Pod H to add 'Hotel, Hybrid' as a conditional use and a conditional use is requested to allow a 'Hotel, Hybrid' for a dual brand Marriott hotel. The property is located at 12140 Morris Road and is legally described as being located in Land Lot 1262, 2nd District, 2nd Section, Fulton County, Georgia.

The property is zoned O-I (Office-Institutional) and subject to the Preston Ridge Master Plan Pod H. A hotel, as defined in the City's Unified Development Code (UDC), is a permitted use in Pod H of the master plan. The property is situated in the Mayfair at Webb Bridge development, which is home to Phase Family Learning Center. Phase is a concept integrating a day care facility, conference/event center, and coworking space. Two (2) undeveloped outparcels within the development were approved for a hotel and office building. Surrounding properties are zoned O-I. Village Park is located to the north, Home2Suites to the east, undeveloped outparcel to the south and Phase Family Learning Center to the west. The comprehensive land use plan designation of the property is 'Corporate Office'.

The UDC defines 'Hotel, Hybrid' as, "A building in which lodging along with customary lodging facilities and services, such as meeting rooms, restaurant, maid service and fitness center, are provided for transient guests for a mix of short- and long-term stays. The hybrid hotel primarily provides lodging for transient guests for an average stay of less than 7 days and offered to the public for compensation. No more than 30% of guest rooms may provide lodging for transient guests for long-term stays up to one year. Hotel services shall include the provision of food and beverage services suitable for both guests and groups, on-site restaurant, lounges, group meeting space with banquet facilities and selective amenities, such as but not limited to spas, banquets rooms, doormen, valet parking, concierge, and high-end restaurant and boutiques. Guest rooms within the building shall not contain equipment for food preparation other than a mini-fridge and/or microwave, except that rooms provided for longer stays may have equipment for food preparation. There shall be no self-laundry facilities (for guest's use) within the building, except that rooms provided for longer stays may have self-laundry facilities. Access to each guest room shall be through an inside lobby supervised at all hours."

The applicant proposes a dual-brand hotel to include Tribute Portfolio and Apartments by Marriott Bonvoy. Information submitted by the applicant states that Marriott's Tribute Portfolio is a full-service, upscale hotel for corporate and leisure travelers defined by attractive aesthetics and a focus on connecting guests to the surrounding community. Tribute Portfolio properties are defined by memorable design elements and art installations. Some examples of Tribute Portfolio hotels in the Atlanta metro area include the Ellis Hotel, Bellyard, and The Burgess Hotel which are all 4-star hotels.

According to information provided by the applicant, the Apartments by Marriott Bonvoy brand is a new concept announced in late 2022 offering premium and luxury stays with larger units and residential amenities. In a November 2022 article by *Business Traveller*, Marriott International stated that they are, "seizing upon the growing consumer interest among families and friends seeking more space for stays, propelled by the blending of work and leisure travel,

and the desire among younger travelers for wider accommodations options.” The brand will be positioned in the upper-upscale and luxury segments. Units will include a separate living room and bedroom, full kitchen, and in-unit washer and dryer. The design approach to this brand is on par with Autograph Collection and Tribute Portfolio, which offer consumers independent, uniquely distinguished hotel experiences. The product offering will include a mix of 1-, 2-, and 3-bedroom units with full kitchen, in-unit washer and dryer, public space (lounge, gym, concierge), and housekeeping. According to the applicant, Casa Costera is an existing Apartments by Marriott Bonvoy hotel in Isla Verde Puerto Rico, as well as two (2) planned locations in St. Louis and Detroit.

Site Plan

The Mayfair at Webb Bridge development was approved for shared parking with Phase Family Learning Center and the hotel and office outparcels sharing 420 parking spaces. 355 surface spaces have been developed on the property with another 65 deck spaces approved under the future office building. Sufficient parking exists to support the approved uses in the development.

Renderings.

Hybrid Hotel Conditional Use Permit Criteria.

Tribute Portfolio and Apartments by Marriott Bonvoy are both considered premium, upscale brands. Local examples of Tribute Portfolio hotels include Ellis Hotel, Bellyard, and The Burgess Hotel, which are all 4 stars or better.

The applicant proposes a total of 148 rooms, of which no more than 30%, or 44 rooms, would be utilized for long-term stays.

The proposed hybrid hotel is situated on an outparcel in the Mayfair at Webb Bridge development. The master development includes Phase Family Learning Center, consisting of a 62,500 square foot conference/event center.

The location and character of the proposed use is appropriate as it relates to the use and development of adjacent or nearby properties, which are developed primarily with a variety of non-residential uses. A ‘Hotel’ is a permitted use on the subject property. Approval of the applicant’s proposal would provide certainty on the hotel brand and ensure, at a minimum, a 4-star hotel. Prior to Covid, a 3-star Cambria Hotel was issued permits on the subject property.

Parking - The Mayfair at Webb Bridge development was approved for shared parking with a total of 420 spaces shared by the hotel, future office, and Phase Family Learning Center. The UDC parking rate for a hybrid hotel would require approximately 200 spaces for the proposed hotel. Corporate travelers typically do not have vehicles, instead utilizing Uber/Lift for local travel. Staff looked at parking utilization at three (3) full-service hotels and one (1) extended stay hotel in the City and found that parking utilization typically does not exceed

approximately 50% (see table below). The hotels listed below, as well as The Hotel at Avalon were contacted and confirmed the parking utilization observed by Staff in the aerial imagery. The Hotel at Avalon indicated that less than half of their designated parking is utilized on a typical day and Home2 Suites indicated that approximately 50% of parking is utilized on their busiest days. Hotel personnel confirmed that these hotels primarily cater to corporate business travelers with their busiest days being Monday – Wednesday (and Saturdays at Hotel Avalon) and the slowest day being Sunday. It is anticipated that the proposed hotel will utilize less than the City's minimum parking requirement.

The subject property is one of several sites in the City that could be developed with a hotel without a public hearing. The proposed dual-brand hotel would bring a hotel product that does not currently exist in the City and would be a good alternative on this site.

Approval of the applicant's proposal would provide certainty on the hotel brand and ensure, at a minimum, a 4-star hotel.

Citizen Participation Plan.

There was discussion from the Commission:

- Height of hotel is governed by the MasterPlan. The POD regulation is eight stores.
- A hotel is allowed on this site by right.
- Parking Calculations for original hotel included restaurant.
- Concept of Shared Parking. Approved at LDP was for daycare and auditorium. Church had not come forward yet.
- Other Hotels that have space as a separate unit.
- 3 bedroom apartment component , living component, unintended consequences.
- Lodging vs. dwelling.
- Different parking requirements for Hybrid Hotel.
- Square Footage of Phase Family Learning Center.
- Auditorium 62500 SF
- Office 59500 SF
- Extended Stay with 3 bedrooms in the City.
- 3 bedroom Apts. built the in last 10- 15 years.
- New Hotel Product.

Applicant gave a presentation.

- Not an Extended Stay product.

- History of Hotel Project.
- POA Shared Parking Agreement.
- Parking.
- Demographic is professional Business Traveler.
- Desire to be a good neighbor.
- Proposed designated parking solution for the Church.
- Aerial Photographs of Church services.
- “The Brand” Tribute Portfolio. – growth & pillars.
- Apartments-
 - No leases.
 - Booked as a hotel stay.
 - Average 3-5 nights.
 - Guest profile.
 - Commitment to remove 3 bedroom apt. from the Mix.

There was discussion from the Commission:

- Pricing is market driven.
- Not traditional extended stay.
- Impact on Schools.
- Mix.

Public Comment:

1. Kyle Williams 312 Sycamore St, Decatur GA, representing Futures Church.

Concerns:

- Parking.
- Traffic.
- Procedural Deficiencies.
- Change in use from ‘Hotel’ to ‘Hotel Hybrid’, ‘Hotel Hybrid’ core uses are different, and parking should be increased to offset the change in use.
- Purchased based on “Hotel” Parking

Appreciates:

- Opportunity for designated parking.
- Removal of 3 bedroom unit.
- Requested deferral or denial of the Application.

Applicant Rebuttal:

- Additional parking requirements have been incorporated into the City Code.
- No variance is needed. Parking exceeds requirements.
- History of parking analysis.
- Removal of full parcel from original submittal to accommodate parking.

There was more discussion from the Commission:

- Do not like 3 bedroom units.
- Liked Hotel Brand, high end amenities.
- Hotel allowed by right.
- Tribute Brand is not a new product.
- Needs more discussion on parking.
- Scenario if this type of hotel failed.
- Change to Condition #5.

Staff recommended to Approve MP-24-09/CU-24-12 Alpharetta Hotel Holdings Hybrid Hotel – Preston Ridge Master Plan Pod H, subject to the following conditions:

1. Property shall be developed substantially in accordance with the submitted site plan prepared by Paradigm, revised 4/20/20, except for modifications required to comply with the conditions below.
2. Architecture and materials shall be developed substantially similar to the submitted renderings prepared by Matt Mitchell Design, dated 7/17/23, subject to final approval by DRB. Building shall be constructed with architectural detail and ornamental features on all 4 sides, with final approval by DRB.
3. Foundation plantings shall be required around the perimeter of the building. Parking lot tree islands shall be planted with shade trees, shrubs, and ground cover. Landscape plan shall require DRB approval.
4. 'Hotel, Hybrid' shall be listed as a conditional use in Preston Ridge Master Plan Pod H.
5. 'Hotel, Hybrid' shall be added as a conditional use at 12140 Morris Road and limited to no more than 148 rooms in one freestanding building no greater than 5 stories. No more than 44 rooms shall be used for stays up to one (1) year and rooms shall be limited to no more than 2

bedrooms. Hotel shall be a Tribute Portfolio and Apartments by Marriott Bonvoy dual-brand hotel.

6. Conditional use approval shall be limited to Tribute Portfolio and Apartments by Marriott Bonvoy dual brand hotel; no additional 'Hotel, Hybrid' use or subleasing shall be permitted within the approved space.
7. A Certificate of Occupancy for the hotel shall not be issued until the Webb Bridge Road streetscape improvements have been constructed, including a minimum 6' planter planted with street trees, minimum 8' sidewalk, and decorative pedestrian lighting, as approved by Staff.
8. Generator and dumpster shall be maintained within an enclosure and screened with landscaping, with final approval by DRB. Enclosure shall have a metal gate and materials that match the building, as approved by DRB.

❖ Commissioner Stratton offered a motion to approve subject to the conditions as read by Mr. Woodman and I have an edit to Condition #5 that at the end of the sentence that starts with " No more than 44 rooms shall be used for stays up to one (1) year " We add to that sentence " and rooms shall be limited to no more than 2 bedrooms."

- Commissioner Reeves seconded the motion.
- The motion carried (6-1)(Kung'u)

f. CLUP-24-03/MP-24-06/Z-24-11/V-24-18 TPG/Brookside Master Plan Pod B

Kathi Cook, Director of Community Development, presented consideration of a comprehensive land use plan amendment, master plan amendment, rezoning and variance to allow 160 'Dwelling, 'For-Sale', Attached' units on 9.89 acres. A master plan amendment is requested to the Brookside Master Plan Pod B to add 'Dwelling, 'For-Sale', Attached' as a permitted use. A comprehensive land use plan amendment is requested from 'Corporate Office' to 'High Density Residential' and a rezoning is requested from O-I (Office-Institutional) to R-10M (Dwelling, 'For-Rent' or 'For-Sale', Residential). Variances are requested to Unified Development Code (UDC) Section 2.5 Parking and Loading to reduce parking and allow uncovered/unenclosed parking, UDC Subsection 3.2.8 Tree Replanting, Buffer, and Landscape standards to reduce the undisturbed buffer requirements, and UDC Subsection 2.2.10(D) to increase building height and reduce setbacks. The property is located at 3750 Brookside Parkway and is legally described as being located in Land Lots 43, 44, 49 & 50, 1st District, 1st Section, Fulton County, Georgia.

The property is zoned O-I subject to the Brookside Master Plan Pod B and was developed in 2001 with a two (2) story, 105,236 square foot office building and surface parking lot. Surrounding properties are zoned O-I to the west and south, C-2 (General Commercial) to the east, and CUP (Community Unit Plan) and R-8A (Dwelling, 'For-Sale', Attached Residential) to the north. The Mansions at Alpharetta is located to the west, an office building and an undeveloped property owned by Georgia State University is located to the south, Zyka and Bruster's Real Ice Cream are located to the east, and Folia and Camden Pond are located to the north. The property has a comprehensive land use plan designation of 'Corporate Office', which requires an amendment to allow a residential development.

Brookside Master Plan was approved in 1997 as an office park with retail nodes along Old Milton Parkway. Pod B, which is approximately 30 acres, was approved for office use with a maximum density of 18,000 square feet per acre, or 540,000 square feet and a maximum building height of six (6) stories.

The Horizon 2040 Comprehensive Plan identifies Old Milton Parkway east of Georgia 400 as a priority area in need of redevelopment and promotes retrofitting, repurposing, and mixed-use patterns to create activity nodes near or within existing suburban office parks. In response, the Brookside Small Area Plan was created and adopted in 2022. The plan's vision is to re-imagine the area as a walkable, connected environment in an effort to re-position the suburban office park which currently has one of the highest office vacancy rates in the City. The Plan does not include land use recommendations and the future land use designation of Brookside remains 'Corporate Office'.

- Applicant's Variance Requests.
- Site Plan.
- Renderings.
- School Info.
- Traffic.
- Standards for CLUP Amendments.
 - The Horizon 2040 Comprehensive Plan identifies Old Milton Parkway east of Georgia 400 as a priority area in need of redevelopment and promotes retrofitting and mixed-use patterns to create activity nodes near or within existing suburban office parks. While the Brookside Small Area Plan does not include land use recommendations, the plan envisions creating a walkable, connected environment in an effort to re-position the suburban office park. Adding residential development is a means to re-position office parks by bringing residences closer to where people work.
 - The Horizon 2040 Comprehensive Plan includes policies to allow mixed use patterns that will create activity nodes in appropriate areas near or within existing suburban office developments.
- Variance Review Criteria
 - *The subject property has extraordinary and exceptional conditions due to its topography. The property sits approximately twenty feet (20') lower than the elevation of Old Milton Parkway. Reducing the setback along Old Milton will allow for buildings to be partially buried, limiting the height of those buildings nearest to Old Milton Parkway. The Brookside Small Area Plan recommends that buildings be pulled up to the sidewalk along Brookside Parkway, which is consistent with the*

requested setback variance along that street. The Brookside Master Plan allows commercial building heights up to six (6) stories, of which the applicant requests a variance to allow a three (3) story product with a partially buried basement. A variance to allow uncovered parking was approved at Ecco Park on North Point Drive, which was directly tied to the applicant's unique product type (townhouse-style condominium units).

- *Application of the ordinance would create an unnecessary hardship. The requested variances relate to re-positioning the Brookside office park by introducing residential use and seeking compliance with the vision in the Brookside Small Area Plan.*
- *The property has peculiar conditions that adversely affect its reasonable use as currently zoned. The requested variances relate to re-positioning the Brookside office park by introducing residential use and seeking compliance with the vision in the Brookside Small Area Plan.*

- Citizen Participation Plan

There was discussion from the Commission:

- Rental.
- Back patios.
- DOT Old Milton Parkway Improvements have not been finalized.
- Existing Interconnectivity to Assisted Living Facility.

Applicant gave a presentation.

- Zonings issues on the property.
- Changes in Office Market.
- Transformation of office building into 160 TH units is in alignment with the City's vision in the area.
- Brookside Small Area Plan.
- Stacked TH product.
- In agreement with Staff Conditions.
- Met with Staff on colors.
- Benefits of housing type.
- HOA maintains all properties.
- Demographic is young professionals.

- Porches.
- Price Point.
- Bedroom Mix.

There was no public comment.

Applicant spoke about issue of adding additional 4 parking spaces and consequences to not receiving the variance.

Chair Kung'u commended the Applicant on their preparation.

After discussion and consideration of:

- Applicant requested markups.
- Additional condition for 10% rental.
- Additional condition for no unfinished wood visible from Brookside Pkwy.
- Dates for Niles Bolton and Lessard Design.

Staff's recommendation was to:

Approve MP-24-06/CLUP-24-03/Z-24-11/V-24-18 The Providence Group/3750 Brookside Parkway, subject to the following conditions:

1. The 9.89-acre property shall be zoned R-10M and the site shall be developed substantially similar to the site plan prepared by Travis Pruitt & Associates, Inc., dated 11/8/24, except for modifications required to comply with the conditions below. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.
2. Architecture and materials shall be substantially similar to the submitted renderings prepared by Niles Bolton Associates, dated 10/30/24, and Lessard Design, dated 11/6/24, with final approval by Staff. Where the side of a building faces Brookside Parkway, side elevation shall include a front entrance or have the appearance of a front entrance, as approved by Staff.
3. Up to 160 'Dwelling, 'For-Sale', Attached' units shall be permitted with a maximum building height of 3 stories over a basement and 47'. Residential entitlement shall be deducted from the Brookside Master Plan Pod B non-residential max. density at an exchange rate of 800 square feet of non-residential density for each residential unit.
4. 'Dwelling, 'For-Sale' Attached shall be added as a conditional use in Brookside Master Plan Pod B.
5. Development shall comply with the City's UDC parking rates. Uncovered and unenclosed parking shall be permitted as depicted on the site plan.
6. Building setbacks shall be 50' along Old Milton Parkway, except that a 45' section shall have a 14' setback. Building setback shall be 25' along Brookside Parkway.

7. New internal streets and alleys shall be substantially similar to the site plan prepared by Travis Pruitt & Associates, Inc., dated 11/8/24. New internal street shall be private and maintained by the HOA.
8. Open space shall be substantially similar to the open space depicted on the site plan prepared by Travis Pruitt & Associates, Inc., dated 11/8/24.
9. Retaining walls shall receive architectural façade treatment and/or be heavily landscaped, as approved by Staff. Retaining walls visible from developed areas exceeding 16' in height shall be terraced with landscaped areas between terraces.
10. Minimum 15' planted buffer shall be provided along the east property line and minimum 25' planted buffer shall be provided along the west property line, as shown on the site plan prepared by Travis Pruitt & Associates, Inc. dated 11/8/24.
11. The proposed development shall not be gated.
12. Developer shall provide stairway access from the site to the sidewalk along Old Milton Parkway at the northeastern corner of the site, as approved by Staff.
13. Developer shall provide a traffic calming/enhanced pedestrian crosswalk on Brookside Parkway, as depicted on the site plan prepared by Travis Pruitt & Associates, Inc., dated 11/8/24.
14. Developer shall improve a green pedestrian connection along the west side of the property, as depicted on the site plan prepared by Travis Pruitt & Associates, Inc., dated 11/8/24. A public access easement shall be provided for the green pedestrian connection. Pedestrian connection shall include an 8' concrete multi-use trail, park-like landscaping, wayfinding signage, seating and outdoor workspace or alternative placemaking improvement, as approved by Staff. Seating shall be similar to Exhibit A, including 2 sections of 3 benches. String lighting shall be installed over entrance along Brookside Parkway. Improvements for the green pedestrian connection, as well as the land value of the public access easement, shall be eligible for impact fee credits.
15. Developer shall identify a project in the Brookside Small Area Plan and implement the project in exchange for impact fee credits, as approved by Staff.
16. No more than 10% of the units shall be rented as stated in the HOA covenants.
17. No unfinished wood shall be visible from Brookside Parkway.

❖ Commissioner Zurinkas offered a motion to approve MP-24-06/CLUP-24-03/Z-24-11/V-24-18 The Providence Group/3750 Brookside Parkway and Deny variance to reduce parking, subject to the following conditions;

#2 using the redline Architecture and materials shall be substantially similar to the submitted renderings prepared by Niles Bolton Associates, dated 10/30/24, and Lessard Design, dated 11/6/24, and including all the strikethroughs and then on #16 include the Condition as Kathi read it: No more than 10% of the units shall be rented as stated in the HOA covenants/documents and then #17 No unfinished wood shall be visible from Brookside Parkway.

- Commissioner Perkins seconded the motion.
- The motion carried (7-0)

7. ADJOURNMENT

Chair Kung'u adjourned the meeting at 11:30 p.m.