



PLANNING COMMISSION
MEETING MINUTES
SEPTEMBER 2, 2021
ALPHARETTA CITY HALL
COUNCIL CHAMBERS | 2 PARK PLAZA | 6:30 PM

OFFICIAL MINUTES

The public is advised that the following minutes are not a verbatim transcription of business presented at the Planning Commission 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 or viewed online at <https://www.youtube.com/user/alpharettagov>.

I. CALL TO ORDER

Vice-Chair Brady called the meeting to order at 6:30 p.m.

II. ROLL CALL

Planning Commissioners present:

- Fergal Brady, Vice-Chair (serving as Chair for this meeting).
- Candy Waylock
- Larry Attig
- Martine Zurinkas
- William Perkins
- Valerie Manley, Alternate

Planning Commissioners absent:

- *Francis Kung'u, Chair*
- *Dana Davis*
- *Jamie Bendall, Alternate*

Staff present:

- Kathi Cook, Director of Community Development
- Michael Woodman, Senior Planner
- Eric Graves, Senior Transportation Engineer / Planner
- Lauren Shapiro, Planning + Zoning Coordinator

III. APPROVAL OF MEETING MINUTES

a. Approval of the Planning Commission meeting minutes from August 5, 2021.

- ❖ Commissioner Perkins offered a motion to approve the Planning Commission meeting minutes from August 5, 2021.
 - Commissioner Waylock seconded the motion.

- The motion was approved unanimously (6-0).

IV. ITEMS FROM BOARD MEMBERS

V. ITEMS FROM STAFF

VI. PUBLIC HEARING

- a. **PH-20-07 Horizon 2040 Alpharetta Comprehensive Plan - Transmittal Hearing**
Consideration of a request to transmit the Horizon 2040 Comprehensive Plan draft plan to the Atlanta Regional Commission (ARC) and Department of Community Affairs (DCA) for review.

Kathi Cook, Director of Community Development and Director of Economic Development, and Michael Woodman, Senior Planner, presented Horizon 2040.

- The 2035 Comprehensive Plan was adopted in 2017
- In March 2020, this item was placed on the Council Agenda to hire a planning consultant for \$250,000, but Community Development completed everything in house instead.
- We received about 1,200 responses from the public (in person and online surveys); in some years we have only received 30 responses.
- Steering Committee guided us in our efforts and feedback we received from the community.
- 6 Themes / Areas of Focus (Traffic & Walkability, Vacant Office & Retail, Growth Management, Housing, Placemaking, Open Space, and state requirement of Broadband Services)
- Community Vision addressed policies and strategies that were existing or created through the public participation process
- 2040 Future Land Use Map
 - Not a lot of changes
 - Added LCI areas to Future Land Use Map
 - Added the 6 Development / Redevelopment Priority Areas
 - General cleanup areas
 - Alpha Park Neighborhood (Downtown Residential Density to Low Density Residential) to protect existing neighborhoods
 - Regency Park and North Point Business Center Master Plans (Commercial and Corporate Office to Mixed Use) so that it is consistent with North Point LCI and North Point Overlay.
 - HP Property at corner of Windward Parkway and Westside Parkway (Change from Corporate office to Mixed Use); community identified this property as a mixed-use opportunity.
- Short Term Work Program (projects from Capital Improvement Element)

Planning Commission questions and comments:

- Economic Development Director?
 - Kathi Cook is serving as Director of Economic Development, and we are working on hiring a Director for that role.
- What does a public-private partnership for housing look like?
 - Senior Planner Woodman shared that he will go back and look at that because it was carried over from the previous plan.
 - Director Cook shared that we will see if we still need to incorporate that item.
- The Future Land Use change from LDR to PRO – is that off Mayfield? Is that the area that went to Milton?
 - Senior Planner Woodman shared that is the Mayfield property that backs up to Herrington Falls and he does not have the status of it. Fulton County tax records have Alpharetta listed as the owner of two of the properties.
- What is placemaking?
 - Senior Planner Woodman shared that placemaking is the term of creating an identity or sense of place where people want to live and work in; think of city center or Avalon.

- Short Term Work Program – cultural service plan? What does that mean?
 - Senior Planner Woodman shared that plan would be undertaken by the Parks and Recreation Department and that plan is part of the Capital Improvement Element that was approved by City Council; suspect that plan looks at whether we need a performing arts hall, public art, encourage historic preservation, etc.; can follow up with Parks on this one.
- 5 Changes to the Future Land Use Map; do you remember the last time this was done? Is this about the same amount or ratio of changes?
 - Senior Planner Woodman shared that he was not heavily involved in the previous plan, but believes that there were substantial changes that were made to the previous plan because of the Downtown Overlay. He has completed other comprehensive plans in other jurisdictions and in comparison we are not proposing that many changes.
- In Alpha Park, there were some other layer of requirements on that area that they couldn't combine lots – does the overlay now get removed because of the future land use change?
 - Senior Planner Woodman shared that there will be no change in the overlay. We have several neighborhoods in the Downtown Overlay that are Low Density Residential and we want to protect those; based on community feedback, we felt this should have never been changed.
- In that development, there are some parcels that are in construction. How does that change?
 - Senior Planner Woodman shared that those properties can maintain. One property on Devore Road was subdivided, but it was within the zoning of that property (R-12) and would be compliant with the low density.

There were no public comments for this item.

❖ Commissioner Attig offered a motion to approve.

- Commissioner Zurinkas seconded the Motion
- The motion was approved unanimously (6-0).

Vice-Chair Brady gave thanks to the Staff and Steering Committee for all of the time and thoughtfulness in creating the Comprehensive Plan, and for doing a great job.

b. MP-21-01/V-21-04 The Bailey/Northwinds

Consideration of a master plan amendment and variance to allow a 156,400 square foot wellness center, 53,000 square foot of office use, a 100-room boutique hotel, and 24,700 square feet of retail/restaurant use on 4.72 acres. A master plan amendment to the Northwinds Master Plan is requested to amend development standards, such as building setbacks, building heights and building coverage. A variance is requested to increase the maximum impervious area in the O-I district. The property is located at 2650 Northwinds Parkway and is legally described as being located in Land Lots 799, 805 and 806, 1st District, 2nd Section, Fulton County, Georgia.

Senior Planner Woodman presented consideration of a master plan amendment and variance to allow for The Bailey (A.K.A. Lux Atlanta) development on 4.72 acres in the Northwinds Master Plan. The development is proposed to include a 156,400 square foot wellness center, 24,700 square feet of retail/restaurant, 53,000 square feet of office, and a 100-room boutique hotel served by below-grade structured parking. A master plan amendment is requested to the Northwinds Master Plan Pod A to amend development regulations on the property, such as building setbacks, building height, and building coverage. A variance is requested to increase the maximum impervious area in the O-I (Office-Institutional) zoning district from 70% to 80%. The subject property is located at the northwest corner of Northwinds Parkway and Kimball Bridge Road.

The applicant amended the public hearing application after the 4/1/2021 Planning Commission meeting. The previous request was a comprehensive land use plan amendment, rezoning, master plan amendment, conditional use, and variances to allow a mixed-use development. The applicant has withdrawn the request to allow residential use and is now requesting a master plan amendment and variance to allow a non-residential development.

The undeveloped property is zoned O-I (Office-Institutional), subject to the Northwinds Master Plan Pod A. The

property received approval of a master plan amendment and rezoning in 2018 to allow an athletic facility, office, restaurant, and boutique/full-service hotel. The property is bound by Northwinds Parkway to the east and Kimball Bridge Road to the north. Surrounding properties are Jackson Healthcare to the east, Braeden subdivision to the north, Clear Springs Baptist Church and a cemetery to the west and the Northwinds VII office building to the south. The property has a Comprehensive Land Use Plan designation of 'Corporate Office'.

The Northwinds Master Plan was approved in 1986 and has been amended on a few occasions over the years. The Master Plan was approved for approximately 4.3 million square feet of office and retail/restaurant uses in Pods A & C. Retail/restaurant use in Pod A is required to be located within an office building and is limited to no more than 25% of the floor area of the building. A master plan amendment was approved in June 2017 for the Northwinds Summit mixed-use development, which is located at the northeast corner of Haynes Bridge Road and Georgia 400. That amendment utilized existing entitlements in the Northwinds Master Plan, including the approved residential uses that require an exchange for existing office density.

2018 Approval vs. Current Proposal		
Use	Current Proposal	2018 Approval
Wellness Center	156,400 SF	40,000 SF
Retail/Restaurant	24,700 SF (incl. 7,500 SF restaurant use)	12,800 SF Restaurant
Office	53,000 SF	10,000 SF
Hotel	100 rooms (boutique) 123,400 SF	60 rooms (St. Regis or similar) 60,000 SF
Building Heights	13 stories, 9 stories, 3 stories, 4 stories	4 stories, 4 stories, 4 stories, 2 stories
Non-residential	357,500 SF	122,800 SF

The average non-residential density of developments in the vicinity of the applicant's property is 23,562 square feet/acre. At the time that the Northwinds Master Plan was approved, it allowed non-residential densities between 12,000 to 40,000 square feet per acre. Higher densities were permitted closest to Georgia 400, which is similar to the applicant's property. Therefore, it is recommended that the applicant's density not exceed 40,000 square feet per acre. Furthermore, retail service uses should be limited to no more than 25% of the floor area of office use, or 13,250 square feet, for services incidental to the associated office and wellness use.

A variance is requested from Unified Development Code (UDC) Section 2.2, Table 2.1 List of Development Standards, to increase the maximum impervious area in the O-I district from 70% to 80%. The applicant states that the size and topographic challenges on the subject property contribute to the need for the requested variance. According to the applicant, there will be approximately 13,000 square feet of planted landscape areas on rooftop terraces. Due to the presence of rock close to the surface, the applicant does not believe a pervious paving system would achieve the desired stormwater infiltration.

The site plan depicts three (3) and four (4) story buildings, office over retail, along Kimball Bridge Road and Northwinds Parkway, respectively. A thirteen (13) story, 100-room boutique hotel is located in the southeast corner of the property and includes 17,700 square feet of restaurant and special event space. A nine (9) story, 156,400 square foot wellness center building is located in the western corner of the property and consists of a 58,600 square foot athletic facility, 75,000 square feet of medical and professional office and 22,800 square feet of retail/restaurant use. Site access is depicted at three (3) locations, including two (2) driveways on Northwinds Parkway and one (1) driveway on Kimball Bridge Road. Building setbacks are proposed to be 30' on Northwinds Parkway and 35' on Kimball Bridge Road. The maximum building height permitted in Pod A of the Northwinds Master Plan is twenty (20) stories; however, the tallest building in the area is 8 stories (see table below). If approved, it is recommended that the maximum building height not exceed eight (8) stories to ensure compatibility with surrounding developments.

As shown in the table below, the zoning proposal would require a total of 981 parking spaces, which includes a 25% shared parking reduction. The site calls out 940 parking spaces, which represents a deficit of 41 parking spaces. 883 parking spaces are proposed in below-grade parking decks. 57 surface parking spaces are provided

within the development.

The site plan includes an open space plan, which calls out 0.586 acres of open space, or 12.4% of the property. However, the applicant's open space plan does not account for the Alpha Loop, rooftop terraces, balconies, or the rooftop track/turf. Therefore, the applicant's total open space is likely to be much larger than indicated on the open space plan.

The proposed uses would generate a total of 530 AM Peak Hour trips and 763 PM Peak Hour trips. The applicant's trip generation report estimates that approximately 80% of the Peak Hour trips will be on Northwinds Parkway. The applicant's current proposal represents a substantial increase in traffic generated, including an increase of 208 AM Peak Hour trips and 438 PM Peak Hour trips.

The Applicant did present their request at the August 11, 2021 Community Zoning Information Meeting, and there were no public comments in regards to this request.

Staff has reviewed the applicant's proposal and believes that the request for master plan amendment and variance does not conflict with the established review criteria, if conditions are approved limiting the overall intensity of the development. The current proposal represents a significant increase to the overall development intensity, including overall non-residential square footage, building heights and trips generated. Based on the character of the area and the original intent of the Northwinds Master Plan, it is recommended that the non-residential density does not exceed 40,000 square feet per acre. Additionally, building heights should be limited to no more than eight (8) stories and retail service use should be limited to no more than 25% of the floor area of office use, or 13,250 square feet, for services incidental to the associated office and wellness use.

The variance request can be supported, if the impervious area above 70% is constructed with a pervious paving system or green roof. If approved, it is recommended that the development meet the minimum parking requirements.

Senior Planner Woodman read Staff's Recommended Conditions.

Planning Commission questions and comments:

- The master plan allows up to 20 stories. Do we have any 20 story buildings around?
 - Senior Planner Woodman shared that we do not have any 20 story buildings.
- Why 8 stories? How do we determine that?
 - Senior Planner Woodman shared that we look at surrounding development. Jackson Healthcare building had 2, 3, 5, and 8 story buildings. The tallest building in the area is 8 stories, so that was the basis for the recommendation.
- The hotel at Avalon is 13 stories. As a hotel, should we treat that differently than an office building?
 - Senior Planner Woodman shared that if there were other hotels within this immediate area then yes, but we are purely looking at the buildings in the area.
- Topography looks like it drops from Kimball Bridge Road. The hotel is on the southern edge side of the property and it would not appear to be that tall.
 - Senior Planner Woodman shared that topography does drop down and the taller building would be at the lower spot of the site.
- If the Code says that 20 stories is okay, but no one has done it, it seems arbitrary.
 - Senior Planner Woodman shared that the 20-story requirement is not in the City's Code, it is in the Northwinds Master Plan regulations, and we cannot as a City go back and change those. The master plan was developed in the 1980s and allowed for a more intense type of development. We cannot change the Master Plan unless someone brings a request forward.
- There has already been a change to the land use prior to this property?
 - Senior Planner Woodman shared that the land use remained the same. They did rezone a small piece of property and incorporated it into Northwinds. The current approval on this property is the 2018

- approval, and the tallest building there was 4 stories on that development.
- Do we have a response from the Applicant as far as conditions?
 - Senior Planner Woodman shared that the Applicant provided markups and those are included in the agenda packet.
- It is our job to make sure that we are focused on the City Code and City Comprehensive Plan, it is not necessarily what Northwinds puts forward.
- The City does not have a code that says that we require less than a 20 story building.
 - Senior Planner Woodman shared that the zoning districts within the Unified Development Code address overall building height. Within Master Plans, you can have a building height approved over what is described in the zoning districts, or less.

Applicant Presentation (Brandon Wheelless, John Crow, Evan McGlashan, Jeff Morrison):

- Brandon Wheelless is a project developer from Sandy Springs, and plans to relocate to Alpharetta
- Bringing in 2 long-time hoteliers for this project
- 11 stories with 100 rooms, very unique hotel, higher quality than anything in the Atlanta area
- There are no 5-star hotels in Atlanta, and this hotel will have oversized rooms and will be a medic tourism destination for high end wellness and training.
- Would not compete with the 2 other hotels because this hotel would be a much higher quality and would bring new travelers into the market.
- At 60 rooms, would not make any money; would have to do a budget hotel.
- Copyrighted the term "hoteliterians" for staff, employees, and associates.
- Valor Hospitality has 85 properties around the world (50% = 4-5 star and 30% of those are 5-star luxury properties); owns a restaurant company
- Original plan had the Alpha Loop going through the site; modification brought the sidewalks in the front of the building and through the digital corridor.
- Digital corridor with digital art; want to bring people from the Alpha Loop through the site
- New renderings; no residential units; reduced building by 2 stories (13 to 11 stories); reduced hotel rooms from 119 to 100.
- Story height is different than building height; building height is 3 feet smaller than the Jackson Healthcare building
- Modified Site Plan:
 - Parking below grade as much as possible (challenging because of the rock)
 - Taller buildings on the lower end of the site
 - Orient the project towards the Alpha Loop and provide small scale restaurants, retail, and open active space
 - Current setback is 50 feet; bringing the buildings closer to the Alpha Loop is important to activate the uses between the loop and the buildings; requested a 30-foot setback.
- Staff Conditions:
 - Condition #3: Applicant suggests that office use functions should be limited to 40,000 square feet per acre maximum and that the project would be in compliance.
 - Condition #3(c): Applicant suggested the retail and restaurant be limited to 20% of total office use in the project (including wellness center office space)
 - Condition 3(d): Applicant suggests keeping hotel rooms at 100 rooms.
 - Condition 4: Applicant suggests that there is a distinction between building height in feet and in stories. Using the average grade plan of the project, the top the hotel is 130 feet tall from that point. Similarly, the Jackson Healthcare building (by drone) is 133 feet tall. An 8-story hotel would be about 30 feet shorter than an 8 story medical office building. The office buildings at North Point Summit are 18 stories. We cannot exceed the height of the Jackson Healthcare building, so long as that is defined in feet from the average grade plane, rather than the number of stories.
 - Condition 5: Applicant requests a variance to 79.5% impervious area
 - Condition 13: Applicant is happy to agree to increasing planting area

- Condition 17: Applicant suggests that an area of the hotel was included as restaurant space and increased the required parking. We provided a parking count analysis that we believe is accurate and we intend to meet all regulations for parking and we are not in a deficit for parking, as submitted.
- 70% of occupancy leased before breaking ground

Planning Commission questions and comments:

- What number of hotel rooms do you anticipate being occupied by people using medical services?
 - Applicant shared that around 50% of occupancy will be from medical and fitness tourism side.
- This is not an extended stay hotel, but the stays may be longer than a typical weekend stay. How long do guests stay for medical tourism? For procedures, how long is the stay?
 - Applicant shared that the medical procedures are completed under LNR. These are same day; no overnight stay procedures. Probably will not have anyone stay for more than a weekend, may have weekend stays (stay at the spa or wine and dine).
- Aquarium in the lobby?
 - Applicant shared that the hoteliers have interesting concepts to bring in and there are some very unique things in development.
- Thank you for attending. The site is 4.6 acres and there is a lot of intensity. This is off the major gateway to the highway. I am trying to understand your larger concern. What is your pain point? What would you like to see? Limit the rooms or limit the height? What is most important to you?
 - Applicant shared that they are trying to bring a unique product to the market. There is nothing that will compete with this. You need to be able to produce enough revenue to pay staff. We need the room count we are asking for. We took out 20 rooms from our original submission. This site is on 5 acres; there is no 10-20 acre sites available in this area to build a site like this. We have taken mass reductions.
- Could your design accommodate a 50-foot setback?
 - Applicant shared that the building might have to get taller. Looking to activate the Alpha Loop.
- 133 on the slide but then there is 135 feet on the plan without reference to stories. Are you looking for building height or stories?
 - Applicant shared that we would like to cap it at 135 feet.
- The only other 5-star properties are at Sea Island. Alpharetta is a great place to be, but do you think that this is going to be enough to draw people to the same level that the properties at Sea Island bring in?
 - Applicant shared that the medical clientele is coming from all over the country and that clientele is used to staying in this type and quality of hotel. We are going to bring that market to here. Alpharetta and Milton have the highest proportion of professional athletes in the country, and there will be a training center for professional athletes here.
- Hoteliers have a large portfolio of brands.
- Will actual medical procedures take place at the spa?
 - Applicant shared that there is an orthopedic surgery center in the facility. We have a group that has submitted an LOI and gave a deposit; functional medicine, psych, primary care physician, and genetics lab.
- Applaud your tenacity – this is your third time we have heard your presentation. We appreciate your willingness to come back. This adds a unique element to Alpharetta. You are passionate for this and it shows. You agreed to 90% of a long list of conditions.
- For Staff, what was behind the recommendation for 60 rooms?
 - Senior Planner Woodman shared that this was consistent with what was requested in 2018. The previous applicant committed to a luxury boutique or similar to the St. Regis Hotel. We did not recommend the full 100 rooms, because here the Applicant did not commit themselves to that specific type of hotel and did not provide an explanation of the type of amenities within the hotel.
- Can you compare the 2018 approval to this application?

- Senior Planner Woodman shared that Staff felt comfortable with this proposal because the Northwinds Master Plan made reference to a non-residential density of 40,000 square feet per acre, which is why it is referenced in the conditions. The amount of non-residential has been increased since 2018 and believed there was a middle ground between what was approved in 2018 to this proposal.
- Commissioner Attig shared that he is honored to have this project in Alpharetta. This is something that is needed and to choose Alpharetta over all of the other places in the United States makes him feel good. He is in favor of approving with the applicant's recommended changes.

There were no public comments for this item.

- ❖ Commissioner Attig offered a motion to approve with the conditions, as stated by the Applicant.
 - Commissioner Waylock seconded the motion.
 - The motion was approved (4-2, with Commissioners Zurinkas and Perkins in opposition).

c. Z-21-06/V-21-17 Kimball 154

DEFERRED: This item has been deferred by the Applicant and will not be heard until October 7, 2021. The item will not be heard or discussed during this evening's meeting.

Consideration of a rezoning and variances to allow for a 3-story, 120,000 square foot office building and re-use of 2 existing buildings for office use and amenities on 4.44 acres. A rezoning is requested from SU (Special Use) to O-P (Office-Professional). Variances are requested to reduce parking, increase lot coverage, reduce front building setback, increase building height and reduce minimum driveway separation. The property is located at 154 Kimball Bridge Road and is legally described as being located in Land Lot 801, 1st District, 2nd Section, Fulton County, Georgia.

Vice-Chair Brady called for a short recess.

Vice-Chair Brady reconvened the meeting at 7:44 p.m.

d. Z-21-07 / V-21-24 236 / 244 North Main Street

Consideration of a rezoning from O-I (Office-Institutional) to DT-LW (Downtown Live-Work) and a variance to reduce the side setback between structures from 10' to 6' in order to allow for the construction of 11 single-family detached homes in the Downtown. The property is located at 236 and 244 North Main Street and is legally described as being located in Land Lot 1197, 2nd District, 2nd Section, Fulton County, Georgia.

Senior Planner Woodman presented Consideration of a rezoning from O-I (Office-Institutional) to DT-LW (Downtown Live-Work) and a variance to reduce the side setback between structures from 10' to 6' in order to allow for the construction of 11 single-family detached homes in the Downtown. The subject property is located at 236 and 244 North Main Street near the northwest corner of North Main Street and Mayfield Road.

The property is developed with two (2) single-family detached homes that have been converted to business use. 236 North Main Street is the Thomann Law Firm and 244 North Main Street is State Farm Insurance. Surrounding properties are zoned R-15 (Dwelling, 'For-Sale', Residential) to the west, O-I to the north and south, and C-1 (Neighborhood Commercial) to the east. North Fulton Chiropractic Center is located to the north, two (2) unplatted single-family detached lots are located to the east, Midas Auto Repair is located to the south, and Dogwood Forest is located to the east. The Comprehensive Land Use Plan designation of the property is 'Mixed Use Live Work', which allows the proposed single-family detached homes.

The applicant is requesting a variance to the DT-LW side setback minimum separation between structures to reduce the distance from ten-feet (10') to six-feet (6'). The applicant's site plan depicts a minimum 6' separation between structures. However, the separation between structures increases to approximately sixteen feet (16') for a length of approximately 30' to accommodate the side courtyard. When accounting for the side courtyard, the average side setback separation between structures is nearly ten-feet (10'). Similar Downtown residential developments have been granted variances to reduce the side setback separation between structures, with the

most recent request approved at The 1858.

The submitted site plan depicts eleven (11), two (2) and three (3) story single-family detached homes with side courtyards. Access is provided from North Main Street by way of a 24' private alley. Lots range in size from 4,417 to 6,427 square feet with an average lot size of 5,223 square feet. A minimum fifteen-foot (15') setback is provided along North Main Street, which is due to easements and overhead utilities along the property frontage. The site plan accounts for the new twelve-foot (12') sidewalk that will be installed by GDOT along the property frontage. Minimum building setbacks are consistent with the DT-LW development standards.

The Downtown Code requires 2.5 parking spaces per dwelling unit, or 28 parking spaces for the proposed subdivision. Each home is proposed to have three (3) side-by-side parking spaces within a garage and a Code-compliant driveway accommodating three (3) additional cars, for a total of 66 parking spaces.

The proposed development complies with the minimum 10% amenity space required in the DT-LW district. The site plan depicts 22.5% amenity space, which includes a tree save area, private courtyards, as well as internal sidewalks and property frontage along North Main Street.

Applicant details that the homes will be build in the Greek Revival architectural style with a primary exterior material of brick, stucco or siding. Homes will have a gable roof and covered front entry. Renderings were sent to the City's Downtown Consultant, however, Staff has not received comments on the most updated renderings.

CZIM was held on August 11, 2021. There were no public comments.

Staff has reviewed the applicant's proposal and finds that the request for rezoning and variance does not conflict with the established review criteria. The zoning proposal is consistent with the vision of the Downtown Master Plan and comprehensive land use plan designation of the property. Approval of the variance should not cause substantial detriment to the public good.

Senior Planner Woodman read Staff's Recommended Conditions.

Planning Commission questions and comments:

- The variance between the buildings is 6 feet, but the north and south setbacks remain at 10 feet?
 - Senior Planner Woodman shared that they would meet the 10 foot setback on North and South. The 6 foot setback is between the structures on the property.
- The Master Plan calls for residential or office along North Main Street. What will the mix be? Hodge podge? Office and homes mixed up? Will one area be more residential and then keep office in another area? How do we determine that?
 - Senior Planner Woodman shared that the Future Land Use shows what appropriate zoning districts would be. From Mayfield going south, that use is Mixed Use (which allows for Downtown Mixed Use), which is different and intense from Downtown Live Work. From Mayfield going north, the use is Mixed Use Live Work (which allows for Downtown Live Work), which allows residential and office combined in a development together or have office by itself or residential by itself. This is a less intense zoning district, as you move from the core, the intensity is supposed to decrease.
- We don't have a vision on how the homes or residential should be laid out – it is just basing on what is proposed by an Applicant?
 - Senior Planner Woodman shared that yes, for example, the other live work area that we have in the Downtown is Thompson Street. Thompson Street allows for Downtown Live Work zoning, and most of Thompson Street has become residential and office has not been seen as desirable along that section, but there was flexibility in those zoning districts to include office.

- When it says mixed use, it can be singular in use, depending on the Applicant at that time.
- During the comprehensive plan presentation, discussed incompatible infill, is this in line with that? There are small single-family homes on a single large property, does that go against those goals?
 - Senior Planner Woodman commented that he does not believe this plan does. If we were in one of the outlying neighborhoods outside of the downtown area, that is where we are seeing the incompatible development (one story ranch and then someone puts in a three-story larger home that is different than the rest of the neighborhood). There are 2 single lots behind this area, but this would not be incompatible.

Applicant presentation (Don Rolader, Brooks Hall, Barry Dunlop):

Don Rolader:

- 1.61 acres and convert it DTLW to construct 11 detached single-family homes
- Variance request to reduce distance between structures; this is probably the first time in the City that we have had these side facing corridors and have a water feature (pool or hot tub)
- Slopes down from the back to the street
- No public comment on this application
- 12-foot sidewalk in front of this development
- Internal access to the homes within the development

Brooks Hall (Architype Design):

- Courtyard is an extension of the interior space (indoor / outdoor spaces)
- The homes facing North Main will have a front door facing the 12 foot sidewalk and a garage and driveway on the internal street.
- The retaining wall is part of the interior structure of the home
- Rooftop unit (entertaining space)
- Varying porticos on the front of each home and the rear will have a garage with a side gate
- Rear alley will be the frontage for the rear units; these are two story units and have front loaded garages.
- Staff Conditions:
 - Condition #2: Applicant suggests stucco, stone, brick. Wants to do some architectural shingles and metal roof accents. The condition does not give design flexibility. Does not want to be limited to just brick.
 - Condition #4: Applicant suggests that given the 12-foot sidewalk, it is encroaching further into the landscape strip. Would like to have the front courtyards go inside of the landscape strip and bring landscaping materials into the courtyard (really talking about the 3 homes at the top of the site because of the geometry of the site.
 - Condition #6: Applicant is unsure what the low wall is and would like to understand what that is.
 - Condition #10: Applicant suggests a clarification that the homes on properties #5 & #6 have its courtyard walls be able to extend to the property line.

Planning Commission questions and comments:

- Where are garages on the homes that face Main Street?
 - Applicant shared that they are on the second floor, and that the first floor has less square footage because of the basement retaining wall. The first floor would be more of an entertaining space (den / guest room).
- For Condition #10, in the areas where there is not a courtyard do you intend to meet the landscape requirement?
 - Applicant shared that is correct. This condition addition would apply to homes #5 and #6. The wall is essentially replacing vegetation.
- For Condition #7, the Applicant is looking for a complete removal of that for no public amenity area in

the space.

- Senior Planner Woodman shared that Staff would not agree to remove that condition. Amenity areas are private space; we are not trying to design the courtyards, we are looking at the frontage of the property or the tree save area.
- For Condition #2, in terms of the homes facing North Main and requiring them to be brick? What is Staff's thoughts on this?
 - Senior Planner Woodman shared that the preference would be to leave as proposed by Staff for now, and for Staff to work with the Applicant between now and City Council and the Downtown Consultant to see if Staff would be okay with the change.
- For Condition #4, Applicant wants to have the courtyards encroach into landscape strip, there would be trees there, but would the roots go into the wall?
 - Senior Planner Woodman shared that this might not be a concern and we could reach an agreement. It is not appropriate to strike the last sentence, but an agreement could be made here. Suggested instead "Courtyards may encroach into the landscape, provided that the required landscape material can be located in that area." Staff wants to make sure that shade trees whether they are within the landscape strip or inside the courtyard wall, are present. We could leave condition as proposed by Staff and work it out between now and Council.
- Could say "may encroach into the landscape strip, as approved by Staff." The intent is that we do not want all courtyards pushed out.
- 10-foot landscape strip – is GDOT responsible for that? How is that determined as to what type of landscape plan?
 - Senior Planner Woodman shared that it was his understanding that no landscape improvements were being made by GDOT. Senior Transportation Engineer, Eric Graves, shared that the landscape strip is typically on the property owner's property, and they can landscape within the Downtown Code requirements.
- Does Staff have any issues with the 10-foot landscape strip changes?
 - Senior Planner Woodman shared that he is not concerned with the changes, given that there is a 25-foot buffer there.
- Is the 25-foot buffer undisturbed?
 - Senior Planner Woodman shared that he would need to verify that; can plant evergreens where the courtyards do not come to the property line.
- Can Staff go over what conditions Staff is okay with and what needs to change?
 - Senior Planner Woodman shared that Staff's preference is for Condition #2 to stay as proposed by Staff, Condition #4 use Commissioner Zurinkas language, Condition #6 not overly concerned about removal of low wall, but it is typical of other requirements placed on subdivisions in the Downtown, Condition #7 to stay as proposed by Staff, and Condition #10 accept Applicant's proposed change.

There were no public comments for this item.

- ❖ Commissioner Zurinkas offered a motion to approve, subject to the following conditions, as presented by Staff with:
 - Condition #2 as proposed by Staff;
 - Condition #4 as proposed by Staff, but strike the last sentence which states "courtyards may encroach into the ten (10) foot required landscape, as approved by Staff;"
 - Condition #6 as proposed by Staff, but strike "and low wall;"
 - Condition #7 as proposed by Staff; and
 - Condition #10 the 5-foot landscape strips along the north and south property lines shall be planted with evergreens, with the exception of lots 5 and 6, where the courtyards meet the property line.
 - Commissioner Perkins seconded the motion
 - The motion was approved unanimously (6-0).

- e. **Z-21-08 / CU-21-11 Mayfair on Main / 217 South Main Street**
Consideration of a rezoning from C-2 (General Commercial) to DT-MU (Downtown Mixed-Use) and a conditional use to increase the density above 10 dwelling units per acre to allow for the construction of a 24-unit 'For-Sale' townhome development in the Downtown. The property is located at 217 South Main Street and is legally described as being located in Land Lot 694, 2nd District, 2nd Section, Fulton County, Georgia.

Director of Community Development, Kathi Cook, presented consideration of a rezoning and conditional use to allow for the construction of 24 'For-Sale' townhomes on 1.82 acres in the Downtown. A rezoning is requested from C-2 (General Commercial) to DT-MU (Downtown Mixed-Use) and a conditional use is requested to increase the residential density from ten (10) dwelling units per acre to 13.2 dwelling units per acre. The subject property is located at 217 South Main Street at the northwest corner of the new intersection at South Main Street and Devore Road.

The submitted request, if approved, would allow for the construction of 24 'For-Sale' townhomes on 1.82 acres in the Downtown. The applicant proposes a rezoning from C-2 to DT-MU and a conditional use to increase the residential density above ten (10) dwelling units per acre. The proposed residential density is 13.2 dwelling units per acre. The subject property is located at 217 South Main Street at the northwest corner of the new intersection at South Main Street and Devore Road.

The submitted site plan depicts 24, three (3) story 'For-Sale' townhomes in seven (7) buildings. Access to the development is from Roswell Street by way of a new private street providing access to several private alleys. A ten-foot (10') setback is provided along Roswell Street and a setback of approximately fifteen-feet (15') is provided along South Main Street. A ten-foot (10') sidewalk is depicted along South Main Street and a five-foot (5') sidewalk is depicted on Roswell Street. Minimum building setbacks are consistent with the DT-MU development standards.

Each townhome will have two (2) side-by-side parking spaces within a garage and there are 103 parking spaces provided on the site plan. The site plan depicts 24,100 square feet, or 30% amenity space. The DT-MU district requires a minimum 10% amenity space. There are seven (7) specimen trees on the subject property, consisting primarily of Hardwoods. The site plan does not depict any tree saves. If approved, it is recommended that the grouping of hardwoods just north of the central amenity area be saved.

The submitted renderings depict the townhomes to be three (3) stories, with a rooftop deck located within the gable of the roof. The Downtown Consultant reviewed the renderings and had the following comments:

- Base material should be cast stone or limestone.
- No glass railings on rooftop deck. Use traditional guardrail detail.
- Window surround at 3rd floor should match the window surround shown at 2nd floor.
- Use correct brick mould detail with correct masonry jack arch detail.
- For courtyards, use masonry piers at corners with inset masonry walls between.
- At front entry, provide engaged partial column or pilaster.
- Use proper entablature detailing, scale, and proportion. Locate column properly so that column shafts align with face of frieze above. Use proper Classical column design.
- Renderings do not depict the rear elevation. 4-sided architecture, materials and details is recommended.

The applicant provided a trip generation report, which estimates that the proposed 24-lot single-family detached subdivision would generate 18 AM Peak Hour trips and 24 PM Peak Hour trips.

Staff has reviewed the applicant's proposal and finds that the request for rezoning and conditional use do not conflict with the established review criteria. The zoning proposal is consistent with the vision of the Downtown

Master Plan and comprehensive land use plan designation of the property. If approved, the site layout should be revised to meet the Downtown Overlay streetscape requirements along Roswell Street and the new internal street, as well as to identify tree saves.

Director Cook read Staff's Recommended Conditions.

Planning Commission questions and comments:

- There are 10 units per acre in the downtown and this is shifting to 13.2 units per acre. What does this set for precedent? This is 30% more density and worried about the precedent going forward.
 - Director Cook shared that the Code does allow for more than 10 with a conditional use. Each property has to be looked at on its own based on where it is located. South Main Street is much denser than on Thompson Street (10 units to acre); you have to look at each property on its own merits.
- Looking at the Comprehensive Plan, are we looking to increase density?
 - Director Cook shared that we are moving towards higher density at North Point, but in 2015, we set up the Downtown to allow requests over 10 units per acre where it makes sense.
- The new Devore Road has not gone in yet. Mentioned parcel and green space – a little confused?
 - Director Cook shared that we are not sure of the ownership and if it will be maintained by GDOT and be maintained as remnant ROW or if the owner is going to maintain and keep this parcel. The triangle is not attached to this project.
- Who owns the parcel?
 - Director Cook shared that we do not have the ownership right now. We did want to put in there the option in case it does turn out to be a remnant piece of right-of-way, we could give impact fee credits if it was something that the public could use.
- It does not look like that much space. Currently used for GDOT construction set-up.
- This will be 30% over Thompson Street, Maxwell, Teasley – they can go over the Code? Over the 13%?
 - Director Cook shared that they can go over the 13% as long as they increase amenity space, the Code says 10 units to the acre with 10% amenity space, so as they increase the density they must increase the amenity space, and this Applicant has. We look at the area around it and each property on its own to determine density, like greenspace, trees, topography to see if it makes sense to have a denser site.
- Is the thought process that the City wants to encourage redevelopment in this area and would like to have this kind of development?
 - Director Cook shared that it is. This area is converting to more walkable uses instead of stand alone retail. The previous use on the property was older, auto oriented retail. South Main Street is converting to a mix of residential. This is across from Wills Park, and is a great location to the park. Roswell Street is a quieter street compared to South Main Street.

Applicant presentation (John Boniface and Jason Joseph)

- 24 Townhome Units with 30% greenspace (tripled the requirements)
- Courtyard feature – leverage the landscape strip and create the façade we want on Main Street
- This is the new southern entrance to Downtown Alpharetta
- Applicant's Proposed Conditions:
 - Condition #3: pointed out that 13.2 equated to 24 units, in line with site plan
 - Condition #5: speaks to the courtyard
 - Condition #7: speaks to impact fees; in our experience, we want to make sure that the scope is fine, want to make sure that the budget is in line with what the compensation would be
 - Condition #8: adjusting the width of the private road to meet what is represented on our plan
 - Condition #9: could not discern what interparcel access was asking for
 - Condition #10: loops back to #5 and the idea of what the plantings will be; will meet the

intentions of the landscape strip

- Condition #18: clarifying that our intentions is to have the underground detention isolated within the amenity area; it is not on a separated lot but separated from the residential pads.
- Condition #20: impact fee scope again
- Condition #21: giving the HOA the ability to govern what the rental program will look like.

Planning Commission questions and comments:

- In terms of the HOA, is that out of your hands or are you just wanting to stay out of it?
 - Applicant shared that the HOA would establish the guidelines for the rental program for the homeowners, so they have the ability to determine what that is.
- Condition #8: the overlay streetscape standards – trying to understand the 40 feet that was mentioned in the markups?
 - Director Cook shared that the code allows the transportation engineer to look at different widths that are needed along local streets, and can make that determination for lower widths, and from talking with the transportation engineer earlier today, he said that the widths in the ROW was sufficient.
- Can Staff go through the conditions?
 - Staff is okay with Conditions 3, 5, 7, 8, 10, 20
 - Condition #9: Staff wants to keep the interparcel access shall be required to the north, in case there is future redevelopment to the north.
 - Condition #18: until we have a hydrology study, we don't know what we are going to have. In general it looks okay, but the preference would be not to have that redline addition..
 - Condition #21: Staff always includes that condition and would want to keep #21.
- The HOA could develop a policy that says we are going to allow all rentals, and I would like to have structure instead.
- Vice-Chair Brady shared that the density gets him; fears that it is setting poor precedent, but understands. I like the design, but would like to see more design on the 2nd and 3rd level.
- Really good project and love the idea of taking out a parking lot and putting homes in. The 13% density is the issue.
- Commissioner Waylock shared that it doesn't set precedent because we are relying on Staff and looking at each case. It is dense, but it fits that location.
- If the applicant meets the amenity requirement for open space, no problem with density.
- Concerned with density, but the project does have something going for it – the access point is on a lesser used road and that is thoughtful (not on South Main Street). Wish we could save more trees, but hopefully they will put the right ones in.
- Guest parking; when adult children or high school students with cars are home, you have more vehicles and there is no way of accommodating that here.
 - Applicant shared that there are 4 parking spaces per unit and there is centralized guest parking (7 spaces). We have over parked for what is required. Also sitting 20 feet from Wills Park entrance, could create an opportunity for walking down Roswell Street.

There were no public comments for this item.

- ❖ Commissioner Zurinkas offered a motion to approve, subject to the following conditions, using Staff conditions with the red markup, we will accept everything except for Conditions #9, #18, and #21 will stay as proposed by Staff
 - Commissioner Manley seconded the motion
 - The motion was approved (5-1, with Vice-Chair Brady in opposition).

- f. PH-21-14 UDC Text Amendments - Permitted and Conditional Uses and Temporary Uses**
Consideration of text amendments to Unified Development Code (UDC) Article II, Use of Land and Structures and Appendix A: Alpharetta Downtown Code to amend permitted and conditional uses in several zoning districts, as well as amendments to temporary uses.

Director of Community Development, Kathi Cook, presented Consideration of text amendments to Unified Development Code (UDC) Article II Use of Land and Structures, to amend permitted and conditional uses in several zoning districts and to amend temporary uses, including outdoor tent sales, not-for-profit seasonal events, religious meetings, and open lot sales of Christmas trees, fruits and vegetables and other harvested products.

In conjunction with a recent request for a 'Church', Staff reviewed the List of Permitted and Conditional Uses in the Unified Development Code (UDC) for compliance with the "equal terms" provision of the Religious Land Use and Institutionalized Persons Act (RLUIPA). While the UDC generally complies with the "equal terms" provision, a few uses were identified as needing to be changed from permitted to conditional use. Those uses include, 'Club, Association, or Lodge', 'Public Building', 'Recreation Facilities, Indoor', 'Recreational Facilities, Outdoor' and 'Theater, Cinema'.

Staff recommends an amendment to the 'Builder's Equipment/Material' use to change it from permitted to conditional use in the C-2 (General Commercial) district. There are many C-2 properties in the Downtown, of which 'Builder's Equipment/Material' is not appropriate. Staff also identified some general cleanup items in Table 2.2, List of Permitted and Conditional Uses, which included adding two (2) designations to the table for Accessory Uses and Subordinate Uses.

Staff recommends amendments within the Temporary Uses subsection to limit certain temporary uses to properties that are zoned or used for non-residential use and to add regulations for seasonal events associated with a for-profit entity.

Planning Commission questions and comments:

- Has there been a corn maze request?
 - Director Cook shared that not yet, but we used to have the haunted house.
- ❖ Commissioner Zurinkas offered a motion to approve as presented by Director Cook.
 - Commissioner Manley seconded the motion.
 - The motion was approved unanimously (6-0).

g. PH-21-16 UDC Text Amendments - Medical Marijuana Production and Dispensary Use
Consideration of text amendments to the Unified Development Code (UDC) to add a definition and regulations addressing medical marijuana production and dispensary use.

Director of Community Development, Kathi Cook, presented consideration of text amendments to Unified Development Code (UDC) Article II Use of Land and Structures, to add definitions for Medical Marijuana Dispensary and Production Facility and assign uses to zoning districts. Staff proposes to allow 'Medical Cannabis or Marijuana Dispensary' in the LI (Light Industrial) zoning district with approval of a conditional use and to prohibit 'Medical Cannabis or Marijuana Production Facility' in all zoning districts.

Planning Commission questions and comments:

- No reference to a drive thru window (jokingly).
- Allowed in light industrial, but not 2,000 feet from any of these things. Where can it go?
 - Director Cook shared that it is limited within light industrial, but without having a definition, we would have to determine what use it is most similar to within our code and go through the Board of Zoning Appeals to determine what use is closest to, so it is best to add a definition.
- Do we have a lot of applications?
 - Director Cook shared that we have had a few requests and several people looking; most locations are not within light-industrial
- Closest use would likely be a pharmacy, would that be a good comparison?

- Director Cook shared that no, that is why we are putting this definition in there. It is a drug that can be dispensed within a pharmacy, but as a stand-alone, we do not believe that it is a similar use.
- Does the state have requirements that say which zoning districts you can or cannot allow it?
 - Director Cook shared that the state has not yet. We have looked at their website, and they do not have the applications available yet. Even though they have allowed the dispensaries, their website does not have applications available to look at to see what the regulations will be. We may have to come back and update this as the state comes up with their regulations and the application process. We found a lot of regulations regarding the production facilities (heavy chain linked fencing), but we are looking at prohibiting those. We want to get out in front of it and establish it as it comes forward.
- It is important that we are proactive and put these safeguards in place.
- ❖ Commissioner Zurinkas offered a motion to approve, as presented by Director Cook.
 - Commissioner Waylock seconded the motion
 - The motion was approved unanimously (6-0).

VII. ADJOURNMENT

Vice-Chair Brady adjourned the meeting at 10:23 p.m.