



Planning Commission Meeting July 7, 2022

Department of Community Development

ALPHARETTA CITY HALL | 2 PARK PLAZA
6:30 PM

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I. CALL TO ORDER

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

II. ROLL CALL

- **Planning Commissioners present:**
 - Francis Kung'u (Chair)
 - Fergal Brady (Vice-Chair)
 - Jill Reynolds
 - Todd Stratton
 - Karen Richard
 - William Perkins
 - Jamie Bendall (Alternate)
- **Planning Commissioners Absent**
 - Martine Zurinkas
 - Valerie Manley (Alternate)
- **Staff present:**
 - Kathi Cook, Director of Community Development & Economic Development
 - Michael Woodman, Planning + Development Services Manager
 - Eric Graves, Senior Engineer, Development Services
 - Alexandra Callum, Planning + Zoning Coordinator

III. APPROVAL OF MEETING MINUTES

- ❖ Chairman Kung'u offered a motion to approve the Planning Commission Meeting Minutes from June 9, 2022.
 - Commissioner second the motion.
 - The motion was approved unanimously (6-0).

IV. ITEMS FROM BOARD MEMBERS

V. ITEMS FROM STAFF

VI. PUBLIC HEARING

A. Z-22-10 / V-22-12 / 1110 Upper Hembree Road

- Manager Woodman came forward to present this item.
 - The applicant, Richard Wernick, is requesting a rezoning and variance to allow for a single-family detached home to be converted to an office on approximately one (1) acre. A rezoning is requested from R-15 (Dwelling, 'For-Sale', Residential) to O-P (Office-Professional) and a variance is requested to allow gravel parking. The subject property is located at 1110 Upper Hembree Road on the north side of Upper Hembree Road and just west of Harris Road.
 - The property is developed with a single-family detached home. Surrounding properties are zoned R-12 (Dwelling, 'For-Sale', Residential) to the north and O-I (Office-Institutional) to the east, west and south. Birch Hollow subdivision is located to the north, Peach State Pool Service & Builders is located to the west, IT Security Compliance Group is located to the east and Alpha Medical Plaza is located to the south. The comprehensive land use plan designation of the property is 'Professional Business Office', which allows the proposed office use.
 - A variance is requested to allow parking on a gravel surface. Unified Development Code (UDC) Subsection 2.5.5(D) requires that off-street parking areas be surfaced with concrete or asphalt. The site plan depicts seven (7) parking spaces in the front yard of the property. Qualitatively speaking, gravel has more pores than asphalt or concrete, which is a benefit from a stormwater management and tree impact perspective. However, the City's UDC considers gravel impervious when it comes to driveways or parking due to the compacted base to support a vehicle.
 - Variance requests have been approved to allow gravel parking or driveways, including at Voysey, 62 & 72 Thompson Street and 12570 Hopewell Road. In addition, the City's Downtown Code allows gravel parking/driveways in the Downtown as an incentive for saving a historic structure. Past variance conditions have required a grid system under the gravel areas to address soil compaction.
 - The site plan depicts a one (1) story over basement single-family detached home being converted to an office, which includes the addition of a gravel parking lot accommodating seven (7) parking spaces. The existing structure is approximately 1,820 square feet and has access from a driveway off Upper Hembree Road. No additions are proposed to the structure. The structure is set back approximately 95' from Upper Hembree Road. The property complies with the district regulations in the O-P district.
 - Nine (9) parking spaces are depicted on the site plan, including seven (7) spaces in a gravel parking area at the front of the structure and two (2) spaces on the side of the structure. The Unified Development Code (UDC) requires one (1) parking space per 200 square feet for medical office and one (1) parking space per 250 square feet for professional office. Therefore, a maximum of nine (9) parking spaces would be required for an office use.
 - The applicant's arborist assessment identifies four (4) specimen trees in the front yard of the property, of which all four (4) will be saved. Additional tree groupings and trees of quality should be saved on the property. In addition, the 50' undisturbed buffer required at the rear of the property should be replanted where sparse in order to screen the property from the neighboring residential subdivision to the north.
 - The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that no comments were received.
 - CZIM was held on June 8, 2022. There were no public comments.
 - Approve Z-22-10/V-22-22 1110 UPPER HEMBREE ROAD, subject to the following conditions:
 1. Approximately 0.99 acres shall be zoned O-P and limited to professional or medical office. Site shall be developed substantially similar to the submitted site layout, dated 4/20/2022, except for

modifications required to comply with the conditions below and subject to meeting all City code requirements and conditions of zoning.

2. Exterior modifications to the existing structure shall be residential in character, as determined and approved by Staff.
 3. Developer shall dedicate necessary right-of-way along Upper Hembree Road and shall improve the streetscape with curb and gutter, minimum 6' planter planted with street trees, minimum 6' sidewalk and pedestrian lighting, as approved by Staff. Sidewalk shall be installed with minimal impacts to trees, as approved by Staff.
 4. Landscape strip along Upper Hembree Road shall be planted with appropriate landscape material in consideration of spacing limitations based on existing trees, as approved by Staff.
 5. Developer shall save the following specimen trees: #1020, 1022, and 1023 as listed on the arborist report prepared by Outdoor Spaces LLC, dated 3/16/2022. Tree groupings and trees of quality along Upper Hembree Road shall be saved where not impacted by the parking lot and parking lot shall be installed in a manner to limit impacts to existing trees, as approved by Staff.
 6. A 50' undisturbed buffer shall be provided at the rear of the property and shall be replanted where sparse with a mix of evergreen trees and shrubs, as approved by Staff.
 7. Gravel parking lot shall be permitted as depicted on the submitted site layout, dated 4/20/2022. To protect tree roots, a grid system and biobarrier shall be required under the gravel parking area and stone or paver edging material shall be required around the perimeter of the gravel parking area to maintain rock base, as approved by Staff.
- The applicant, Richard Wernick, came forward to speak on behalf of this application
 - The location will be used as an office for a startup business.
 - The owner may be trying to find another tenant to share the space.
 - We are concurrent with the conditions.
 - The tree cover is extensive, and none of what we are doing will require moving them.
 - The Planning Commission discussed the following:
 - What is the proposed use of the building? It will be professional or medical office. The applicant said he had additional information for you tonight
 - What is the justification of the single family changing? There's not a lot of history of single family switching over to professional use. It matches the future of this corridor.
 - Can you speak about the gravel parking lot and the grid system? The grid system is to help provide the stability of a parking lot without having to do a lot of compacting of the soil. The combination of the grid and the gravel will be porous and allow water through.
 - This helps to save the life's expectancy, correct? Yes. It allows water and oxygen to reach the roots.
 - I think this is in line with the precedence of the area.

Public Comment:

- There were no public comments for this item.
 - ❖ Vice-Chair Brady offered a motion to approve the item subject to Staff's conditions.
 - Commissioner Richard seconded the motion.
 - The motion was approved unanimously (7-0).

B. MP-22-03 / Z-22-05 / CU-22-02 / V-22-07 / North Point Redevelopment

- Director Cook came forward to present this item.
 - The applicant, Trademark Management, Ltd., requests a master plan amendment, rezoning, conditional use and variances to allow for the demolition of approximately 464,000 square feet of the existing mall including two (2) anchor boxes and redevelopment with 315,700 square feet of new retail, restaurants and creative office, 120,000 square feet of office, 150-room hotel, 900 'For-Rent' units, 36 'For-Sale' townhomes, and approximately eighteen (18) acres of open space on 83.67 acres in the North Point

Overlay. A master plan amendment is requested to the North Point Mall Master Plan to modify development regulations. A rezoning is requested from PSC (Planned Shopping Center) to MU (Mixed Use) and a conditional use is requested to allow Dwelling, 'For-Rent', Dwelling, 'For-Sale' Attached, and to increase the allowable density. Variances are requested to increase building height, encroach into the Georgia 400 buffer for the MARTA BRT and multi-use trail. The property is located at 1000 North Point Parkway, 4500 North Point Place, 0 & 5000 North Point Drive, 2000 & 6000 North Point Circle, and 0 Rock Mill Road.

- The property is zoned PSC and MU, subject to the North Point Mall Master Plan. Surrounding properties are zoned PSC, with properties to the south and west subject to the North Point Mall Master Plan and properties to the north and east subject to the North Point Business Center Master Plan. Surrounding properties include Residence Inn by Marriott to the northeast, a regional stormwater facility to the east, various commercial outparcels and Dillard's to the south, Von Maur and Encore Commons office buildings to the west and Georgia 400 to the north. The Comprehensive Land Use Plan designation of the property is 'Mixed Use', which allows the proposed development.
- The North Point Mall Master Plan (MP-90-04) was approved on March 19, 1990, allowing a 1,392,132 square foot regional shopping mall and commercial outparcels on 100 acres. As shown in the table below, the Master Plan has been amended several times including amendments to allow creative office space (SPACES) inside the Mall and redevelopment of the Sears anchor with a new mixed-use development. The later approval included a master plan amendment, rezoning, conditional use and variances to allow 300 'For-Rent' units, freestanding commercial and open space. Variances were approved to eliminate the neighborhood grocery in conjunction with 'For-Rent' use, allow interior common space in the Mall to count as amenity space, and allow ground-floor 'For-Rent' dwellings on a storefront street. The current master plan amendment, if approved, would significantly expand the redevelopment efforts at the Mall and would result in nearly half of the Mall being removed and replaced with a mixed-use development over three (3) phases and a 10-year development timeline.
- The submitted site plan depicts removal of approximately 464,000 square feet of existing space within the Mall (Sears, JC Penney and inline storefronts) and replacement with 900 'For-Rent' units in three (3), 5-story buildings (includes 24 'For-Rent' townhomes), 315,700 square feet of new retail and restaurant uses in several freestanding buildings, a six (6) story, 120,000 square foot office building, a six (6) story, 150-room hotel, 36 'For-Sale' townhomes, and approximately eighteen (18) acres of open space. Center Court, located in front of Macy's, will become the new front door to the Mall and significant interior renovations are proposed within the remaining portion of the Mall. Commercial buildings are proposed surrounding a plaza at the new entrance to the Mall, as well as in a retail square immediately adjacent to the plaza. 'For-Rent' buildings, including active uses along storefront streets, flank the retail area to the north and east and a hotel flanks the retail area to the south. An office building is proposed adjacent to the future MARTA BRT connection along Georgia 400 and 'For-Sale' townhomes are proposed adjacent to the regional stormwater park. Future development is depicted along North Point Circle in the parking lots outside of AMC, Von Maur and Dillard's; however, building size and proposed uses are not identified.
- A new storefront street is depicted extending west from the intersection at North Point Drive and North Point Circle to the new entrance of the Mall and two (2) new parallel streets are depicted extending north-south through the development and connecting to North Point Circle. Several secondary streets are proposed throughout the development providing connections between the primary storefront streets and North Point Circle. Sidewalks are depicted throughout the development along both sides of new storefront streets and secondary streets. New internal streets created in existing parking lots are identified in the North Point Overlay as Type D Corridors and North Point Circle is identified as a Type C Corridor, of which both require a minimum zero-foot (0') setback and maximum ten-foot (10') setback. Building setbacks depicted on the site plan are consistent with the established setback regulations.
- A total of 5,739 parking spaces are provided for the development, which includes the remaining

portion of the Mall. The UDC requires 5,074 parking spaces for the applicant's proposal and remaining areas of the Mall. Parking requirements include the 20% parking reduction in the North Point Overlay.

- The applicant's open space plan depicts 18.38 acres, or 22% open space, of which 11.4 acres is civic space and 6.98 acres is amenity space. The table below provides a breakdown of the proposed open space, which includes a variety of improvements such as plazas and squares, pocket parks, bike lanes and multi-use trail connections between MARTA BRT and North Point Parkway, stormwater park improvements, sports courts, multi-family pools and other amenity areas, yards, balconies and patios, outdoor dining areas, and mall interior common areas. The North Point Overlay requires 10% of the site be set aside as civic space and 5% be set aside as amenity space. Since a conditional use is requested to increase density above eight (8) dwelling units per acre, minimum civic space increases to 13.2%.
- Impacts to trees will be minimal given that the proposal represents redevelopment of an existing regional shopping mall and surface parking lot. Stormwater facilities are not depicted on the applicant's site plan; however, a regional stormwater facility exists to the east of the property and is proposed to be improved as a multi-use stormwater park. Bioretention is proposed throughout the development which helps satisfy required EcoDistrict points.
- Renderings and design standards were submitted by the applicant reflecting an eclectic industrial vernacular. The applicant's intent is to create a sense that buildings have been organically built over time with a cohesive but varied mix of materials and styles. The proposed development is broken up into three (3) distinct zones: Station (remaining Mall area and surrounding parking lots), Village (new outdoor retail area on the east end of the Mall), and Neighborhood (primarily residential areas created in parking lots on the east side of the Mall). Design standards are proposed for each zone and address interior mall renovations, new front door of the mall or 'Great Porch', facades and storefronts, illumination, and signage.
- Careful consideration should be given to maintaining a balance between 'For-Rent' versus 'For-Sale' product in the City. The Horizon 2040 Comprehensive Plan identifies the following policy as it relates to maintaining a balance of 'Owner-Occupied' versus 'Renter-Occupied' housing in the City: Housing Policy 2: Maintain a balance between 'owner-occupied' and 'renter-occupied' in Alpharetta such that at least 68% of the housing stock is 'owner-occupied'.
- There are several factors that should be considered with requests for apartments, such as mix of uses, design, long-term viability, impacts to City facilities and services, as well as traffic and school impacts. Office space already exists, or is proposed, within the LCI and high-density housing should be tied to office space where jobs exist and are created, and service uses are available to limit vehicular trips. The 561,575 square feet of existing office (Encore Commons), 30,000 square feet of co-working office space (SPACES) inside the Mall, and 120,000 square feet of new office would generate approximately 3,000-3,500 employees (1 employee per 200-250 square feet) to support the proposed mixed-use development.
- The City's Rental Housing Study (updated May 2022) recommends an annual target entitlement of approximately 116 'For-Rent' units per year in order to achieve Housing Policy 2, as stated above. While the minimum 68% 'owner-occupied' housing policy is included in the Horizon 2040 Comprehensive Plan, the annual target recommendation is not an approved City policy. The current US Census American Community Survey 5-year estimates (2016 – 2020) show that the City is at 67.7% owner-occupied housing units, which is just below the minimum 68% owner-occupied in Housing Policy 2. As shown in the table below, the City has approved 555 'For-Rent' units and 159 assisted living units since 2019. These approvals exhaust the annual 'For-Rent' target through the 2023. If the City decides to allow future 'For-Rent' approvals, a condition is recommended limiting a Certificate of Occupancy (CO) until 2024 in order to meet the housing policy. In addition, Staff adheres to a 5-year timeframe when making recommendations on public hearing requests for 'For-Rent' use. Housing policies are developed by the community as part of the City's Comprehensive Plan, which is updated

- every five (5) years.
- 'For-Rent' buildings are proposed to be up to five (5) stories or 85' in height with structured parking decks and on-site amenities. Rental units are proposed in large multi-family buildings, except that the Phase 2 units include 24 'For-Rent' townhomes.
- The North Point Overlay requires that EcoDistrict measures be incorporated into all new developments. The applicant's proposal represents a significant redevelopment with a conditional use to increase density. Therefore, the proposed mixed-use development must achieve at least ten (10) EcoDistrict points. According to the applicant's letter of intent, a total of 39 EcoDistrict points are proposed for the development. Since the development will be constructed over several phases, the applicant broke the development up into five (5) project areas, or zones, with a minimum of seven (7) EcoDistrict points proposed for each zone. EcoDistrict points are requested for Green Building, Water Efficiency in Building Design, Bio-retention, Sustainable Landscaping, and Enhanced Bicycle Amenities. If approved, the developer should provide the EcoDistrict measures as requested in the applicant's letter of intent, as determined by Staff at LDP and building permit.
- The applicant submitted a trip generation report for the proposed mixed-use development. As shown in the table below, the proposed development would generate approximately 862 AM Peak Hour trips and 560 PM Peak Hour trips. The report notes that if the 277,000 square feet of vacant retail space in the Mall was occupied, it would generate approximately 10,456 net daily trips. With an estimated 9,960 net new trips, the site is expected to generate five percent (5%) less net traffic than the expected trip generation of a fully occupied mall.
- The applicant's proposal triggered a Development of Regional Impact (DRI) review, which requires a rigorous traffic impact assessment and allows input from neighboring jurisdictions and affected agencies. The traffic assessment also accounted for the City's current North Point Parkway Streetscape project and the current recommendation to right-size the North Point Parkway corridor by removing a travel lane in each direction and providing twelve-foot (12') multi-use sidewalks along each side of the street. When accounting for the lane reductions and the programmed uses from the applicant's proposal, projected 2030 traffic operations are accommodated with no physical improvements necessary to serve the anticipated traffic generated by the proposed development, as well as projected traffic growth within the study network.
- Residential development is known to increase school enrollment. Fulton County Schools calculated the potential number of children who may live on the property by using their standard calculation to distinguish the number of children that a residential development will generate. The following table outlines these figures:

FULTON COUNTY SCHOOLS – 900 'For-Rent' Units and 36 'For-Sale' Townhomes

School	Estimated # New FCS Students Generated
Northwood Elementary School	47 – 150
Haynes Bridge Middle School	4 – 54
Centennial High School	18 – 86
Total	69 – 290

- Based on the total figure for all three school levels, it can be assumed that the proposed development could house approximately 69 – 290 school age children. All three schools are shown to be under capacity.
- Staff has reviewed the applicant's proposal against the established review criteria for a master plan amendment, rezoning, conditional use and variances. The proposed mixed-use development is consistent with the vision for the North Point Overlay and specifically addresses objectives in the North Point LCI, such as 1) Create a "park once walk everywhere" walkable environment, 2) Induce

- redevelopment of large areas of surface parking, and 3) Improve the area's retail balance. The proposal also emphasizes sustainability, open space and connectivity between various modes of transportation, which are key components in the Overlay. Staff recommends that if additional rental (phase 3) is approved it should be contingent on construction of concurrent office which serves to capture employee/resident internal trips and support the requested hotel.
- The proposal adds a customer base to patronize the Mall's existing establishments during non-typical hours. This is important as traditional regional shopping malls are going dark across the country. The proposed Mall redevelopment should not generate significant changes in demand on public facilities and services and the proposed use would produce fewer vehicular trips than the expected trip generation of a fully occupied mall. While the applicant proposes an increase to the residential density, they are adding substantial open space and recreational opportunities within the development to minimize impacts to existing City facilities and services. More importantly, the proposal is consistent with the Comprehensive Land Use Plan designation of the property, which is 'Mixed Use'.
 - The report submitted by the applicant states that a variety of outreach measures were undertaken by the applicant including a tenant notice on 3/2/22, stakeholder meeting with North Point property owners in 3/15/22, tenant quarterly meeting on 3/31/22, North Point stakeholder meeting on 4/12/22, Greater North Fulton Strategic Leadership Visit on 6/9/22, and mailed public notices to properties within 500'. Questions and comments received from the public included how merchandise will be different from other projects in the market, adequate space for bike lanes and parallel parking, projected multi-family rents, will the project address workforce housing, provide electric vehicle charging stations, status of JC Penney and when construction will begin. The City also received feedback from the public including the status of JC Penney, ensuring that parking is convenient, and providing pet-friendly areas and restaurants.
 - The CZIM was held on May 11, 2022. There were public comments with questions regarding the status of JC Penney and if it has a place in the redevelopment plan, when demolition/ground breaking will begin, need workforce housing at this location, have Mall tenants been notified of this plan, what happened to the previous redevelopment plan, will the stormwater park be developed, and will there be a MARTA BRT stop at this location.
 - Approve MP-22-03/Z-22-05/CU-22-02/V-22-07 North Point Mall Redevelopment/New York Life, subject to the following conditions:
 1. Approximately 83.67 acres shall be zoned to MU and developed substantially similar to the site plan prepared by Kimley-Horn, dated 6/24/2022, except as modified by these conditions. Applicant shall provide a legal description of the property, as depicted in Exhibit A, prior to issuance of the LDP.
 2. Exterior modifications to existing buildings and new buildings shall be substantially similar to the images depicted in Exhibit H, with non-residential buildings (including 'For-Rent' buildings) approved by DRB and residential buildings approved by Staff.
 3. Development regulations shall be as follows:
 - a. Commercial – Maximum 315,700 square feet of retail, restaurant use shall be permitted in freestanding buildings (not including existing outparcels along North Point Parkway), which shall include a minimum 15,000 square foot food hall developed in Phase 1. Non-residential uses (retail, restaurant, office, and 'For-Rent' amenities) on the ground-floor of the 'For-Rent' buildings shall not count against the maximum commercial entitlement or require additional parking. Freestanding buildings shall be no greater than 4 stories and 60'. Drive-through restaurant, other than a coffee shop shall be prohibited. Rooftop and outdoor dining areas are encouraged and shall not count against the maximum commercial entitlement or require additional parking.
 - b. Office – Maximum 145,000 square feet of office (including co-working office space) shall be permitted in freestanding buildings no greater than 6 stories or 85'. Additional office shall be permitted when exchanged for commercial, "for-rent" residential, or hotel entitlement (800 SF

- per hotel room).
- c. Hotel – Maximum 150 rooms shall be permitted in a freestanding building no greater than 6 stories or 85'. Hotel shall be full-service with a separate entrance for patrons of a full-service, sit-down restaurant. Hotel shall include a minimum of 5,000 square feet of event space.
- d. 'For-Rent' Residential – Up to 320 'For-Rent' units shall be immediately eligible for a Certificate of Occupancy (CO). After January 1, 2026, an additional 330 'For-Rent' units (Phase 2) shall be eligible for a CO. 'For-Rent' buildings shall be no greater than 5 stories or 75' and all units shall be one (1), two (2) and three (3) bedrooms. A maximum of sixty percent (60%) of units shall be studios or one bedroom and no more than ten percent (10%) shall be 3-bedroom units. A CO shall not be issued for the Phase 1 'For-Rent' building until the retail plaza and pocket park, retail square, remaining interior mall renovations, primary north-south and east-west streets and associated infrastructure have been constructed and inspected by the City. A CO for Phase 2 rental shall not be issued until a market/grocery with a minimum square footage of 6,000 square feet has been constructed and inspected by the City. 'For-Rent' units shall have first class amenities, including a pool, fitness center, secured parking, resident's lounge, business center, on-site management office and secure elevator access. If construction does not commence by July 25, 2027, residential units shall revert to 'For-Sale' only.
- e. (Phase 3)'For-Sale' Residential – 286 'Dwelling, 'For-Sale', Attached or Detached' units shall be permitted in buildings no greater than 4 stories or 60'. No more than 10% of 'For-Sale' units shall be permitted to be rented, as recorded in the HOA covenants and declarations.
- f. Parking Decks – Maximum height shall not exceed the height of the building they serve. Parking decks visible from North Point Circle or Georgia 400 shall be treated with comparable materials and finishes as the building they serve or screened from view with evergreen landscaping, as approved by DRB. Suitability of parking deck elevation, visibility and landscape screening shall be approved by the DRB.
- 4. Active uses, including service retail, restaurant, office and 'For-Rent' amenities, shall be required in each 'For-Rent' building and located on the ground-floor space along the storefront street (new east-west street) and shall have a minimum first floor height of 14' and depth of 30'. Ground-floor residential units shall have walkouts similar to Exhibit B.
- 5. The Master Plan area shall be limited to the following uses and further restricted by conditions of zoning:
 - a. Retail
 - b. Restaurant
 - c. Office (professional, medical and research and development)
 - d. Hotel
 - e. Residential ('For-Sale' and 'For-Rent')
- 6. Uses shall be customarily accessory to or amenities for residential and office uses, limited to the following:
 - a. Amphitheater
 - b. Animal Hospital, Small Animal
 - c. Art Gallery
 - d. Athletic Facility
 - e. Auditorium
 - f. Bakery
 - g. Bank
 - h. Barber Shop
 - i. Beauty Shop
 - j. Book Store
 - k. Bowling Alley
 - l. Brewery or Distillery

- m. Dance and Fitness Studio
 - n. Day Care Facility
 - o. Drug Store (Pharmacy)
 - p. Dry Cleaning, Pick-up Station
 - q. Florist, Retail without Greenhouse
 - r. Golf, Miniature and Driving Range
 - s. Grocery Store
 - t. Hardware and Garden Supply Store
 - u. Home Improvement Store
 - v. Liquor Store (conditional use)
 - w. Museum and Libraries
 - x. Nail Salon
 - y. Park and Playground
 - z. Pet Grooming and Pet Day Care
 - aa. Public Building
 - bb. Recreational Facilities, Indoor and Outdoor
 - cc. Restaurant (no drive-thru)
 - dd. Retail Establishment
 - ee. School, Academic and Commercial
 - ff. Shop or Studio, Craftsman/Artist
 - gg. Spa Services (conditional use)
 - hh. Special Event Facility
 - ii. Theater, Cinema
7. New internal streets shall be private and shall be consistent with the streetscape exhibits on Slides 26-36 of the submitted application, labeled Exhibit C, with final approval by Staff.
 8. Minimum 18 acres of open space (11.4 acres of civic space and 6.6 acres of amenity space), consisting of squares and plazas (village lawn/event green), trails, stormwater park, yards, patios and balconies, outdoor dining, sports court, pocket parks, pool courtyards and amenity area, mall interior common areas, etc. shall be provided as depicted on the submitted renderings and site plan prepared by Kimley-Horn, dated 6/24/2022.
 9. Multi-use trail, pedestrian trail and bike lanes shall be improved as depicted on Exhibit D, with final design approved by Staff. Multi-use trail shall include a minimum 12' concrete path, landscaping and lighting and pedestrian trail shall include a minimum 6' concrete path, landscaping and lighting. Dedicated bike lane shall include striping and min. 3' wide protective buffer (striping with delineators every 25') between the vehicular travel lane and the bike lane and shared bike lane shall include striping.
 10. Developer shall construct a City-approved MARTA bus shelter at the two existing bus stops and improve landscaping at the northeast corner of North Point Parkway and the eastern and middle access roads to the Mall, provided the Owner, at the property on which bus stops are located allows access for the work. Applicant shall apply for the NFCID bus shelter program. Expenditures not reimbursed by the CID shall be eligible for impact fee credits.

Design Conditions:

11. Minimum 10' landscape strip shall be required along North Point Circle adjacent to the proposed development.
12. Site access driveway at the intersection of North Point Drive and North Point Circle shall require pedestrian and bicycle access. Geometry, lighting, and materials shall provide emphasis on the pedestrian environment and safety, as approved by Staff. Assuming right-of-way is available, streetscape improvements shall include a 10' sidewalk, 6' planting strip and decorative pedestrian lighting spanning the distance to the stormwater park on the south side and to the hotel curb cut on

- the north side. Applicant shall be eligible to receive impact fee credits for off-site work within the City right-of-way.
13. Developer shall meet EcoDistrict measures as outlined on Slide 56 of the submitted application, labeled Exhibit E. Developer shall provide detailed information at LDP and building permit regarding compliance with each requested EcoDistrict measure. Total EcoDistrict points to be confirmed by Staff.
 14. Village lawn/event green shall include a permanent or temporary stage of sufficient size to accommodate events as identified on Slide 25 labeled 'Program Opportunities'.
 15. Developer shall improve a stormwater park on its property, as depicted in Exhibit F, including trails, landscaping and overlook. Northern half of the stormwater pond shall be improved prior to a CO for the first 'For-Rent' building and remaining portion of the stormwater pond improved prior to a CO for the second 'For-Rent' building, as approved by Staff. Public access shall be granted and eligible for impact fee credits. Developer shall maintain storm water park improvements.
 16. At-grade pedestrian and bicycle connections shall be provided throughout the site, including between buildings and open space within the development and across North Point Circle. Pedestrian crossings throughout development shall be ramped and the surface materials shall be brick pavers, cobblestones or architecturally treated concrete products, as approved by DRB.
 17. Minimum 2,500 square feet civic space shall be developed at the corner of North Point Circle and North Point Drive. Civic space shall include decorative hardscape, landscape, and EcoDistrict monument/sculpture or Creative Placemaking District Threshold, as approved by the Cultural Arts Commission (CAC). Hardscape, landscape and monument/sculpture or district threshold shall be maintained by the HOA. Minimum 6 monument/murals/sculptures or district thresholds (or water feature) shall be provided at prominent locations throughout the development, with unique monuments/murals/sculptures approved by CAC. Approval and construction of at least 1 monument/sculpture or district threshold shall be required concurrent with the first CO for the 'For-Rent' building. A minimum of 1 additional monument/sculpture or district threshold shall be required concurrent with the CO for the 'For-Rent' building in each subsequent phase of development. All sculptures shall be required prior to final CO issued for the last building constructed.
 18. Retaining walls shall receive architectural façade treatment and be heavily landscaped. Retaining walls visible from developed areas exceeding 16' in height shall be terraced with landscaping to break up large expanse of retaining wall.
 19. Developer shall provide bicycle racks, benches, trash receptacles, decorative crosswalks, planters, kiosks and other street furniture, where appropriate, throughout the development.
 20. Prior to LDP, applicant shall submit for approval a document to be titled 'North Point Mall Redevelopment Design Standards'. This document shall include elevations or architectural themes, specifications for street furniture (benches, trash receptacles, lighting, bicycle racks, etc.), bus shelter, signage, storefronts, and landscaping and shall be substantially similar to the renderings filed with the 2022 application. Design standards will be presented to the DRB for review and approval. This document also shall detail entrance treatment for the North Point Drive/North Point Circle and easternmost Access Drive/North Point Circle intersection with new private streets.
 21. Awnings, or similar overhead structure, shall be provided at the ground level in commercial areas where reasonably appropriate in order to protect pedestrians from inclement weather.
 22. Development shall include at least 1 rooftop amenity within the non-residential portion of the development.
 23. Provide detailed street planting for North Point Circle and new private streets. Landscape plan shall be approved prior to issuance of a LDP and shall retain landscape trees, if possible, as approved by DRB.
 24. Surface parking areas shall comply with UDC requirements for screening and tree islands.
 25. Backside of buildings or 'back of house' functions (such as loading or dumpster area) shall be

- screened from new streets and North Point Circle, as approved by DRB.
26. Prior to the first LDP, applicant shall submit a revised master plan to the City, which shall incorporate the approved conditions, as well as the following:
- Approved specifications and standards identified for each use within the total development.
 - Pedestrian network.
 - Overall planned open space areas.
 - Phasing plan demonstrating how construction will be staged and implemented in a manner that screens construction views from adjacent roadways.

Other Conditions:

27. At such time as MARTA stipulates and funds its intention to move forward with a future Georgia 400 MARTA bus rapid transit and/or train station on Georgia 400 at North Point Mall, Developer, its successors and assigns; shall dedicate land to the City as depicted on Exhibit G or an equivalent reasonably substituted tract of like size within the Georgia 400 buffer agreed upon by owner and City. If at any time MARTA stipulates that the land is not needed, or if MARTA has not begun construction by December 31, 2028, then there shall be no obligation to dedicate the land or, if already conveyed to the City, it shall be conveyed back to the Developer, its successors or assigns. This reservation does not in any way entitle MARTA or the City to use any part of the balance of the Mall property, and Developer, its successors and assigns is/are under no obligation to allow such use. Nor does this reservation entitle MARTA customers to park on Mall property to access the station.
28. Developer shall be responsible for planting and maintenance of any medians within the development and for medians located on North Point Circle or the Access Roads.
29. Developer's financial responsibility for offsite improvements shall not exceed its impact fees, nor shall credits be given for meeting minimum EcoDistrict and open space requirements.
30. It is acknowledged that the approved site plan may be subdivided into separately platted parcels with individual tax numbers, that the separate development parcels are to be developed by separate owners/developers, and that the public amenities are to be platted and owned by the Developer. Zoning compliance for conditions uniquely applicable to an individual owner's parcel will be the responsibility of that owner and that non-compliance by such an owner does not render, by itself, the remaining parcels "non-conforming" uses under the Zoning Code.

General Conditions of Approval to GRTA Development of Regional Impact Notice of Decision:

Bicycle, Pedestrian & Transit Facilities

- Provide pedestrian connectivity between all buildings and uses.
 - Install pedestrian and bicycle wayfinding signage on-site to direct pedestrian and bicycle traffic to and from Big Creek Greenway, bike lanes, and transit.
 - Upgrade existing MARTA stops near the northern mall entrance drives to include transit shelter as approved by MARTA.
 - Design site driveways to service pedestrians and cyclists.
 - Address curbside activities including parking, deliveries, ride-hailing, bicycling and micromobility use, and pedestrian activity.
- The Planning Commission discussed the following:
 - Regarding the square footage to be demolished, what is the actual number? I have 464,000, but I can confirm on the other site plans we have received.
 - Everyone is aware of how people are shopping now – many times, people will go if there is pedestrian activity. The mall has the capability to connect to the Greenway and the Alpha Loop, which creates

walkability.

- Regarding the stormwater park, I assume it will be sized for manage of the runoff in the drainage area. Yes, and there will be a reduction in stormwater runoff. Our stormwater engineer will be looking for improvements.
- Where do you find the right balance without overwhelming mixed-use with one type of use? This project is heavy on retail from the start. There are so many outparcels that are empty, and we think more development will take place. A reduction in retail was important to us. We wanted to see a full-service hotel built.
- How does the projected traffic compare to actual? We were within 2-5% of the projected traffic with Avalon, so we were very close.
- What have you seen in the last ten years of Avalon's impact regarding apartments? We changed the code years ago. Having an office component is important. Some people who want this lifestyle may not have a car, so having MARTA is important. Our research has shown that apartments in mixed-use have the highest occupancy.
- The largest number of school age children we in Avalon last time we checked a few years ago was 8.
- The entry point from Haynes Bridge – that corridor looks tired. What was your thought process on this? we did not condition the improvements. The applicant can maybe touch on this.
- The corridor along GA400 – do the plans show the reduction of the buffer? Are you comfortable with the buffer on the circular road? Yes, we are still comfortable.
- Is the city pushing the elongated phasing? Why not just do two phases and have the construction done in a shorter time? We were concerned about the timeline as well, and the applicant can explain why.
- On page 6 and 7, with regards to the old application – the open space information showing 18.38 acres. With the Sears redevelopment, we were rezoning for 30 acres, not the entire 83.67. A lot of the 83.67 acres is surface parking. What they added are areas where they can't remove parking.
- The civic space – we need to make sure they're including all the balconies.
- The visual shows a trail inside the park, so there is an internal pedestrian trail inside? No, that is the property line.
- The crosswalk is required by the Providence Group in their improvements.
- The project seems very apartment heavy. What is the timeline of for-rent vs. for-sale? This is the only for-sale component, and it is a part of phase 3.
- Is 11.2 density units per acre standard? It's a conditional use.
- At what point do you figure out applicant markups? Let's wait for the applicant to present.
- I've heard a couple different data points on the timeline. We are showing 9 years.
- When you were looking at other developments, were there other redevelopments that had 900 apartments? Yes. We looked at Gwinnett Place, North DeKalb Mall, North Lake, Cumberland.
- On the retail aspect, are some of the stores being demolished relocating? The applicant has not told us what stores are not staying. Von Maur and Dillard's are not part of this application.
- How will this project affect the remaining properties? I think it will help with their redevelopment, and you will see a halo effect.
- Is there a reduction of square footage that would cause this to fall from a regional impact? It is still considered a regional impact.
- Conditions 3a and 3d, you include specific uses. Can you speak why you are including some of those specific uses? The food hall was shown on the site plan, and we captured what was shown for phase 1. In 3d, there will be high-density residential. They should have access to things such as grocery stores.
- There seems to be a significant amount of density nearby that would support a grocer. Are there hardships that we don't know about? Not that I'm aware of.
- How do you feel about having a full-service hotel? We do recommend this. We found 9 in the area that are considered limited service.
- Has Trademark invited you to look at other developments? No, but we did participate in an event at

Avalon where they brought architects from around the county to show what the best plan would be for North Point.

- Carl Westmoreland came forward to speak on behalf of this application.
 - This projected plan is in line with the comprehensive plan for North Point.
 - We may need to work with staff to get a more defined idea of what a full-service hotel would look like.
 - The amount of multi-family units has to do with the finance to make this project move forward.
 - We may need more time to come up with answers to some of the condition changes.
 - The number of units will not change per the client.
- The applicant, Weston Graves, came forward to speak on behalf of this application.
 - New York Life saw the opportunity with great real estate and the area and didn't want to see the mall in a negative light.
 - We have looked at this with a timeline of decades.
 - We want to "right-size" the uses in this development.
 - We wanted a mix of uses that brings energy at different times of day and night.
 - The financial viability of those uses was a factor as well.
 - There is a big focus on pedestrian experience – we want it to be more than just a place to buy things.
 - We made this such a big application because we didn't want to draw this out and wanted this to be a whole plan.
 - We believe you need to start with creating the place people want to associate with and take their families to, and it should be in the middle of the development.
 - A lot of existing tenants need to be moved.
 - There will also be an initial investment in the mall that is remaining- we want to make it a reenergized environment.
 - We want to prove what our story is and capitalize it over time.
 - We don't want to flood the market immediately, which is why we want phases.
 - We have submitted design guidelines that would hold us accountable and be approved by DRB.
 - We ask for some flexibility with the EcoDistrict zones if some have more points than others to not require the same amount for each zone.
 - I do believe we are under calculating open space.
 - The common area of the mall is considered amenity space.
 - This is a more aggressive redevelopment of a mall than you typically see because we own more than an average mall.
 - Having a brand name hotel in your project can validate your development, and we want to capitalize on opportunity.
 - We have seen a growing interest in three-bedroom apartments which is why we are adding them.
 - We won't short sight these apartments on any amenities.
- The Planning Commission discussed the following:
 - A lot of people are continuing to work from home, which is something to consider. Does mixed-use support this?
 - 464,000 square feet will be demolished.
 - Did you mention the food court? That is something we plan on working with staff on defining the term food hall.
 - We will work with staff on defining a full-service hotel.
 - I don't think we should make the bike lanes smaller.
 - It's challenging to nail down these conditions because a lot of your condition markups still seem fluid.
 - I was hoping you would share your vision of the emotional vision you want for your customers. You've said a lot about financial viability. We want to know what experience this is going to create for our residents. We want to bond with your vision. You need certain pieces to come together. I want to know

- why you need 900 units instead of mixing in more townhomes or for-sale units.
- We don't view our staff as "handcuffed" because they're following the vision of our city. Help us see your vision, and we hope you see our vision.
 - The vision is that we do believe in developing the place. The goals are having a mix of uses that drive activity, high quality but causal environment. I picture families and kids visiting here. We view this as being as asset for the community.
 - Essentially, you're developing half the mall. What if the mall doesn't survive? What would you do with that part? We truly believe the plan we're putting in front of you is a complete plan.
 - When I see the timeline of the for-sale development, I wonder if it will even happen at all? There was a lot of thought to where that part would fit in. We want to provide the quality we desire.
 - Is it a deal breaker to remove some for-rent and add some for-sale? We don't look at it as it a 97-3 because we look at all the uses. We originally asked for 1200 units because we think that's what the market is looking for.
 - Could you do 900 in five years? I could build that, but I don't know if the market wants that.
 - Director Cook, do you agree that the 900 units work over a 9–10-year period? Our recommendation is based on a five-year plan. Our rental study is not policy, but it is a guideline.
 - I'm concerned about the construction lasting so long.
 - What if the person who wants to rent high end is the homeowner that everyone was chasing years ago?
 - We do not want this development to be defined as a mall moving forward.
 - I appreciate that you want to redefine the existing building.
 - Let's go through the dates of how this will happen. LDP is our next hurdle after DRB, which DRB should take place in the first four months of 2023. We have been negotiating with tenants in regards of relocation. Demolition would start in Q3 of 2023. 6-8 months for demolition and infrastructure work. The village and multifamily would be first phase, with renovations to the interior of the mall. We would start turning over first units to residents in 18 months and complete them in 26 months. The next phase would begin when we're turning over the units. The hotel and retail anchors will be actively marketed during this time. Christmas of 2025 we'd be open with phase 1.
 - The plan itself is great. But I feel there are some open-ended issues that should be worked through, starting with the reconciliation of conditions.
 - Would staff be willing to deviate from the comprehensive plan a little bit? The board can make recommendations if they want to change the ratio.
 - The board would like to see a reduction in the number of for-rent and an increase in the amount of for-sale
 - We also need a good estimate on the open space
 - Concerning the grocery – I believe this is critical and should be considered in phase 2.

Public Comment:

- There were no public comments for this item.
- ❖ Vice-Chair Brady offered a motion to defer the item to the August 4, 2022 Planning Commission meeting.
 - Commissioner Richard seconded the motion.
 - The motion was approved unanimously (7-0).

VII. ADJOURNMENT

- Chairman Kung'u adjourned the meeting at 11:03 p.m.

Respectfully submitted,

Alexandra Callum

Alexandra Callum, Planning + Zoning Coordinator