

**MINUTES OF PLANNING COMMISSION MEETING
CITY OF KENNESAW
Council Chambers
(2529 J.O. Stephenson Avenue, Kennesaw, GA 30144)
March 5, 2025
6:30 PM**

1. Call to Order / Roll Call

Chairman Bodenhamer called the meeting to order at 6:32 p.m.

Roll Call: Trey Bodenhamer, Robert Trim, Rebecca Patterson, Carolyn Greenall, and Phillip Jackson

Absent: Todd Vande Zande and Lacey Ragus

Staff Present: Darryl Simmons (Planning & Zoning Administrator), Chanelle Campbell (Assistant Zoning Administrator & City Planner), and Rebecca Goldstein (Community Development Administrative Assistant)

Speakers Present: Mark Jackson (Applicant), Parks Huff (Applicant Representative), Elliot Van Dyke (Applicant), Rajpal Sagoo (Commercial Developer), Matt Olsen (Property Owner), Patrick Dixon (City Resident)

2. Announcements

- A. All interested parties may attend the meeting at the City Hall Council Chambers. For those unable to attend in person, the meeting may be accessed using the following link: <https://www.kennesaw-ga.gov/publicmeetings/>. Please note that the Planning Commission serves as an advisory board that makes recommendations to the Mayor and Council unless otherwise noted.
- B. Pending zoning applications may be viewed on an interactive map via the Planning & Zoning webpage or using the following link: <https://arcg.is/1q1ubX0>.
- C. New business items on this agenda will be heard by the Mayor and Council on March 17, 2025.

3. Approval of the Meeting Minutes

- A. Approval of Meeting Minutes: February 5, 2025

Chairman Bodenhamer called for a motion.

Motion to approve by Commissioner Trim.

Seconded by Commissioner Jackson.

Chairman Bodenhamer proceeded with a roll call for approval.

Vote taken, motion unanimously approved 4-0. Motion carried.

4. Appointment of Temporary Vice Chair

Chairman Bodenhamer stated that a special election would be held for a temporary Vice Chair who would only hold the position for the March 5th Planning Commission meeting. Chairmann Bodenhamer asked if there were any volunteers for the position. Commissioner Greenall volunteered for the position.

Chairman Bodenhamer announced that Commissioner Greenall would act as Vice Chair for the March 5th Planning Commission meeting.

5. New Business

- A. **RZ2024-04** - Consideration to amend the zoning conditions for the property located at 2112 & 2114 Old 41 Hwy, and 1620 N. Roberts Rd (20017501190, 20017501210, 20017500210, 20017400080) as submitted by Fabric Housing Acquisitions, LLC. Said request is to amend the zoning conditions outlined in ordinances #2018-10 and #2022-09 to eliminate the ground floor commercial requirement and replace the two condominium buildings consisting of 9,750 sq. ft with a publicly accessible park along N. Roberts Road. Property consists of 4.57 +/- acres and lies in Land Lots 174,175, 206, and 207 Tax Parcels 21, 121, 119, and 8.

Mr. Darryl Simmons introduced this agenda item. This is a tabled item that started in 2024. The rezoning request was to amend the zoning conditions approved in 2018 and 2022 for 2212 & 2114 Old 41 Highway, and 1620 North Roberts Road. The original request was to eliminate the groundfloor commercial requirement and replace the remaining 12,000 square feet of commercial space along North Roberts Road. The project would eliminate the two office condominium buildings consisting of 9,750 square feet. This was a master planned community and the applicants original attempts were to amend or change some of the rezoning conditions. After many meetings and tabling this item, the applicant and their attorneys prepared and submitted a letter to officially withdraw the application without prejudice. The letter was dated February 11, 2025 and was prepared by the law firm of Moore, Ingram, Johnson, and Steele, and was signed by their legal representative Mr. Kevin Moore. Staff received the letter after advertising materials for the case had been submitted, so the application must still go through public hearing process. Staff's recommendation is to accept the letter of withdrawal without prejudice.

Chairman Bodenhamer asked if the Planning Commission heard the case a few months ago. Mr. Simmons responded in the affirmative. Chairman Bodehamer asked if the agenda item had been tabled for Mayor and Council. Mr. Simmons responded in the affirmative. Chairman Bodenhamer invited the applicant to speak. Mr. Simmons stated that the applicant was not present.

Hearing no further staff comment, Chairman Bodenhamer opened the floor for public comment.

Mr. Patrick Dixon (City resident), asked how long the Public had been notified and when. He stated that he only saw the notice today. Mr. Simmons responded that signs were posted on the property, letters were sent out to surrounding properties within 200 feet, and a legal ad was posted in the Marietta Daily Journal starting in November. The same public notification procedures were followed for each month the application was tabled by Mayor and Council. Mr. Dixon asked when the signs were posted. Mr. Simmons stated that the signs were posted in November, December, January, and February. Mr. Dixon claimed Mr. Simmons's statement was false. Mr. Simmons stated that Planning and Zoning posts the signs and Staff goes out to take time stamped photographs to ensure the signs have been properly posted. Mr. Dixon asked if anyone else had seen the signs. Commissioner Trim stated he regularly passes the site and that signs are posted to the South of the cemetery and further down Old 41 Highway. Mr. Dixon stated that there was one in front of a junk yard that he did not see. Commissioner Trim stated that he thought the applicant was talking about a different project on the agenda. Mr. Dixon apologized.

Chairman Bodenhamer asked if there were additional public comments. Hearing no further public comment, Chairman Bodenhamer closed the floor to public comment.

Chairman Bodenhamer opened the floor for Commissioner comments.

Commissioner Greenall asked for clarification as to whether the project would be replaced with a park. She asked if the Commission was voting on the withdrawal or a secondary proposal that included a park. Mr. Simmons stated that there is no substitute site plan and the applicant will be withdrawing the entire application. Commissioner Greenall asked if the withdrawal was the only item commissioners were voting on. Mr. Simmons responded in the affirmative.

Chairman Bodenhamer closed the floor for Commissioner comments.

Chairman Bodenhamer called for a motion.

Motion to approve the withdrawal without prejudice by Commissioner Trim.

Seconded by Commissioner Greenall.

Chairman Bodenhamer proceeded with a roll call for approval.

Vote taken, motion unanimously approved 4-0. Motion to approve withdrawal without prejudice carried.

- B. **LU2025-01** - Consideration for approval of a land use request located at 4227 Carillon Trace (20006400290) submitted by Mark Jackson. Said request is to obtain a home occupation business license to print and ship T-shirts. Property is zoned Planned Unit Development - Residential (PUD-R), consists of 0.79 +/- acres and lies in land lot 64, tax parcel 29.

Chairman Bodenhamer recused himself for this agenda item.

Mr. Darryl Simmons introduced this agenda item. This is a land use permit application

for 4227 Carillon Trace submitted by Mark Jackson. The land use permit is required when a home occupation is being proposed in a residential area. This case is an application to print T-shirts in the basement of a single-family residential home. Diagrams, pictures, and a floor plan showing the designated area were located in the Commissioners' packets and shown on screen. The photos depicted the machine that would be used, ink, and T-shirt inventory. Mr. Simmons announced that the applicant was available to answer any additional questions and offer insight on the business. Mr. Simmons stated that the department did not receive any complaints about the proposal and Staff received an approval letter from the Legacy Park Homeowner's Association.

Mr. Mark Jackson asked if the Commissioners had any questions about the T-shirt business. Commissioner Jackson asked the applicant if he printed the shirt he was wearing. Mr. Jackson responded in the affirmative.

Commissioner Patterson asked if orders would be shipped from the home. Mr. Jackson responded that his business is print-on-demand, which involves printing one shirt at a time per customer. The product is individual shirts wrapped in mailers that are taken to the Post Office to ship.

Mr. Simmons stated that a staff analysis was completed for the application. Staff recommended approval with the following conditions:

1. The land use permit is limited to, exclusive for and only valid for the current applicant and the life of this particular business and use, and it is not transferrable. Any changes would require additional review and approval.
2. There shall be no clients, customers or employees at this location. Nor shall there be any evidence of a home based business visible from the public right-of-way including no signs and no more than one commercial vehicle dedicated to this business.
3. The land use permit is valid for 24-months starting from the date of final approval.

Temporary Vice Chair Greenall opened the floor for public comment. Hearing none, Temporary Vice Chair Greenall closed the floor for public comment.

Temporary Vice Chair Greenall opened the floor for Commissioner comments.

Commissioner Trim asked why the land use permit has a 24-month time limit. Mr. Simmons stated that 24 months is the maximum amount of time allowed per the Ordinance. After the 24 months, the applicant would have to reapply. The intent is to encourage successful home-based businesses to migrate into commercial spaces.

Temporary Vice Chair Greenall asked if there were any other Commissioner comments. Hearing none, temporary Vice Chair Greenall closed the floor to Commissioner comment.

Temporary Vice Chair Greenall called for a motion to approve.

Motion by Commissioner Patterson to approve with conditions as outlined by staff.

Seconded by Commissioner Jackson.

Vote taken, motion unanimously approved 3-0. Motion carried.

- C. **RZ2025-01** - Consideration to rezone the property located at 2615 South Main Street (20016700990) from Light Industrial (LI) to Central Business District (CBD) as submitted by Highpoint Acquisitions, LLC. Said request is to rezone the property for the development of a mixed-used development consisting of 300 class A multifamily units and 5,000 sq. ft. of retail/commercial area. Property consists of 3.635 +/- acres and lies in land lot 167, tax parcel 99.

Commissioner Trim recused himself from this agenda item.

Ms. Chanelle Campbell introduced this agenda item. She noted that rezoning and zoning variance agenda items would be presented together, but the Planning Commission will be required to make separate recommendations. This is a rezoning request submitted by Highpoint Acquisitions to rezone 2615 S. Main Street from Light Industrial (LI) to Central Business District (CBD) to construct a mixed-use development consisting of a multifamily and retail component. The site located at 2615 S Main Street is currently being used as an Auto-Recovery, Auto- Impound, and Auto-Wrecker services by Kennesaw Wrecker Company. The development will consist of 300 apartments units, a parking deck, and 5,00 square feet of commercial retail with amenities such as a state-of-the-art fitness center, modern pool with outdoor grilling stations, and community courtyards and gathering places. Staff reviewed the request to rezone based on requirements and goals outlined in various planning documents, including the Unified Development Code, Comprehensive Plan, and the Livable Center Initiative. The comprehensive plan designates the subject property as downtown activity center with a zoning of Central Business District (CBD). The flexibility of the CBD zoning district allows for a diverse development that will serve residential and commercial needs of the community while encouraging connectivity to the city's downtown. The proposal, as stipulated, will create a vibrant, walkable community that seamlessly integrates residential, retail, and recreational space, enhancing the overall appeal and connectivity of the area. Staff recommends approval with conditions. Ms. Chanelle Campbell stated that the applicant's representative was present to answer any questions. She announced that Staff would review their recommendations once the applicant completed their presentation.

Mr. Parks Huff (Applicant Representative) introduced the site involved in the project. The site includes two properties. The southern property is an auto-towing and impound lot zoned Light Industrial (LI). The northern property is a mobile home park zoned Central Business District (CBD). The property owner for the mobile home park had the idea to create a 200 unit multi-unit development on 2681 N Main Street. Mr. Huff stated that using the parcels at 2681 North Main and 2615 North Main provides an opportunity to create a larger development with better amenities without excluding the auto wrecker. The applicant believes the proposal is an appropriate use for the site and is supported by staff recommendation.

Mr. Huff summarized that the northern part of the site is zoned CBD, and the request is to rezone the southern parcel from Light Industrial (LI), to Central Business District (CBD), which is consistent with the Future Land use Plan.

Mr. Elliot Van Dyke presented the outcomes from Phase 1 of their development to show the applicant's capabilities and the quality of the development product they typically deliver. When coupled with Phase 2, Phase 1 will become part of the entrance into downtown if approved. There are a number of uses in Phase 1, including 44 for-sale town homes, 318 apartment units across two buildings, 8000 square feet of club, amenity, and fitness center space, a shared parking deck, which is shared with the city, park space at the front of the site, a dog park to the middle of the site, and 10,000 square feet of ground floor commercial. Mr. Van Dyke reviewed the exterior architectural features of the townhome component and the multifamily component, which featured red brick on the facades. Details of the interior design for the townhome and multifamily component were also reviewed. Mr. Van Dyke also highlighted the parking deck for phase one, which was painted blue, consists of 100 parking spaces, and includes bike racks and EV charging stations.

Mr. Van Dyke described the linear park fronting Phase 1, which was designed to mirror the aesthetic of Gateway Park. He then detailed the building that wraps the parking deck, which includes the ground floor retail space. The ground floor retail spaces are fully built out and are move-in ready for businesses. Their first tenant, a Kennesaw clothing company, signed a lease in the past week. They also have interest and letters of intent from a financial advisor, a pastry shop, and a nail salon.

Mr. Van Dyke stated that the final component of the project was an outparcel retail space. Per zoning stipulations, the applicant graded and put in utilities for the site. They also have put in landscaping and hardscaping on the site as well as an underground detention pond and 50 parking spaces. Highpoint Acquisitions is partnering with Mr. Rajpal Sagoo to complete the leasing for the outparcel component, but Highpoint has full approval rights over design and any tenant or user. Mr. Rajpal Sagoo (Commercial Developer) reiterated that they were partners with Highpoint Acquisitions. He described challenges they had with meeting Cobb Water requirements to divide the outparcel component into five separate parcels. Mr. Sagoo is targeting office, coffee shops, restaurants, and retail space as uses for the outparcels. He anticipates that interest will increase going into the second quarter and that they will hopefully have more updates about the end users on the site in another month. He stated that the initial stipulation was for 10,000 square feet of commercial space; they are hoping to double or triple the square footage. Mr. Elliot Van Dyke asked if there were any questions. Chairman Bodenhamer asked if the outparcels would be developed before tenants were found or if construction would occur after tenants were found. Mr. Sagoo stated that the development would be tenant driven to avoid waste. He mentioned that the building will match the aesthetic design of the rest of the development and have a two-story plus rooftop height restriction. Commissioner Bodenhamer commented that he understood Highpoint's right to refuse aesthetics based on Mr. Sagoo's response. Mr. Van Dyke stated that the right to refusal was based on their understanding that the City wants the

site to be used for walkable and family oriented restaurant and retail space. Chairman Bodenhamer responded that he understood because it would be difficult for a use like a restaurant to get into a space meant for clothing or another type of retail.

Mr. Van Dyke oriented the Commissioners to the site for Phase 2. One of the goals with Phase 2 is to solidify the southern gateway into downtown. He explained how the concept and proposal for Phase 2 came about, noting the discussions and negotiations that took place between the City, Highpoint Acquisitions, and the owners of the mobile home park and auto wrecker. Mr. Van Dyke noted several constraints on the site, including the small site size, challenging topography, the price of the property, and a creek running through the site. To address the challenges, the applicant will be asking for a higher density, constructing basement units, working with the Army Corps of Engineers to pipe the creek, and configuring the project so no building is on top of the creek.

Mr. Van Dyke then discussed the feature and amenities of the proposal. The proposal includes a 0.3 acre park, a 2,800 square foot restaurant, 2,500 to 3,000 square feet of ground floor commercial, 8,000 square feet of club and fitness space, a resort style pool, a parking deck, a dog park, 300 apartments units, pedestrian connectivity features, and on-street parking. For the retail portion, the applicant is agreeing to build the restaurant and ground-floor commercial white box ready. The restaurant and commercial component will be built concurrently with the residential. The applicant will not be able to get the last 20 percent of Certificate of Occupancies on the apartments until the commercial spaces are built. The pedestrian connectivity will include two signaled crosswalks with raised medians to connect Phase 1 to Phase 2. The median design will include either brick or stamped concrete and some small shrubbery to make an aesthetically pleasing entrance into downtown. The applicant will also be installing a new five-foot sidewalk between The Lacy and Sardis Street to promote connectivity to downtown. The applicant also plans to install and pay for 18 parking spaces on South Main Street. Mr. Van Dyke stated that the combination of pedestrian amenities and parking spaces would provide a traffic-calming benefit.

Mr. Van Dyke reviewed inspiration pictures for the development. A project in Brookhaven from one of the applicant's partners is design inspiration for the restaurant. The restaurant will feature a courtyard space where the adults can eat and the kids can play in the middle. Inspiration for the color scheme and balcony elements came from a project in Buckhead designed by the applicant's architect. Commissioner Bodenhamer commented that the restaurant would be bigger than 2,800 square feet because it has a rooftop element. Mr. Van Dyke stated that the goal was to have a rooftop component. If the rooftop component was heated, the square footage would be closer to 4,000. Mr. Van Dyke then presented the renderings for the project. He highlighted that the buildings would be along the frontage of the street and the parking for the development would be hidden behind the buildings to create a more urban feel.

The building elevations were presented to show the exterior appearance of the

development. The building will mostly consist of a light brick, contrasted with black cementitious siding. Mr. Van Dyke then showed images of club areas, unit interior, and amenities to reiterate that the applicant and their partners have done high-quality work in the past and intend to produce a high-quality product for this project.

A relocation plan for the mobile home park residents was shared. Mr. Van Dyke stated that the mobile home park had nineteen tenants in the middle of last year and there are currently approximately thirteen residents. The mobile home park residents do not own the homes and will not be paying to relocate the units. The tenants are all on month-to-month leases. The residents must receive a 60-day notice to vacate. The applicant will be providing at least a 90-day notice. The property owner intends to return the residents' full deposit, which is about \$700. Highpoint Acquisitions will give any remaining residents \$1000 in relocation assistance when the property is conveyed over to Highpoint Acquisitions.

Ms. Channele Campbell stated that staff recommended approval with conditions for the rezoning and variance application. There are twenty-two conditions recommended by staff for the rezoning application, which were provided to Commissioners in the staff analysis located in their packets. Ms. Campbell highlighted a few of the conditions.

Ms. Campbell stated that the rezoning and variance applications were advertised in the Marietta Daily Journal on February 14th, and public notice signs were placed on the property. She announced that Staff, the applicant, and their representatives were present to answer any questions.

Chairman Bodenhamer asked if the 80 percent condition placed by the HPC was for 80 percent design or 80 percent built. Ms. Campbell responded that the condition was for 80 percent design.

Chairman Bodenhamer asked if the proposed on-street parking would cut into the green space or come out into the street. Mr. Van Dyke responded that the spaces would be slanted. He stated that a normal parking spot was 20 feet deep. The slanted spots would be around 17 feet deep. The proposed site plan was brought on screen to show the location of on-street parking. The site plan in the presentation widens South Main Street by two feet. Public Works requested that South Main Street be narrowed by 1ft on both sides of the road. With an additional 3 feet to work with, the spots will cut in by ten to twelve feet. With the parking, the park would likely shrink from 0.30 acres to 0.26 acres. Commissioner Bodenhamer asked if restaurant customers would park in the back of the site or in the parking deck on Phase 1 if the front on-street parking spaces were full.

Mr. Van Dyke stated that they will be adjusting the parking to add additional parking spaces in the rear. He noted that an additional twenty-five spaces were added to the site plan and that there was room for additional spaces. Chairman Bodenhamer commented that he and his wife find it difficult to locate parking close to the restaurants in downtown Kennesaw. Mr. Van Dyke understood the concern. He

stated that there were ways to add additional parking to the site. For the restaurant space, the intent would be for customers to park in the back once the street parking is full.

Chairman Bodenhamer commented that he was glad the applicant has a relocation plan in place for the mobile home park residents. He asked if there had been any pushback or complaints from the residents. Mr. Matt Olsen, owner of the mobile home park, stated he had owned the community since 2011. He stated that he takes good care of the residents and the property. His on-site manager has not reported any issues. The residents know a potential project is coming, but once the applicants and property owners know there is a project, the goal would be to give the residents more than 90 days to relocate. Chairman Bodenhamer appreciated the efforts being taking, stating that ample relocation time and assistance does not happen in many places. He commented that the notice and assistance likely keeps the tension down.

Chairman Bodenhamer opened the floor for public comment.

Patrick Dixon, city resident, is a tenant in the mobile home park. He commented that Mr. Olsen does take good care of his tenants. He raised concerns about the traffic impacts on South Main Street. He stated it was already a two-lane road and it turns into bumper-to-bumper traffic during business hours. He asked the Planning Commission to take that into consideration. He commented that he enjoys the wildlife at the mobile home park. Mr. Dixon stated that many species of wildlife, including raccoons, possums, and foxes, travel through the mobile home park and previously traveled through the site of The Lacy. He asked the Planning Commission to try a make sure no additional wildlife is killed.

Chairman Bodenhamer asked if the applicant completed the traffic study. Mr. Van Dyke responded that they completed a traffic study and a signal warrant study. The signal warrant study found that a signal was not warranted between Phase 1 and Phase 2. The applicant will need to install a south-bound deceleration lane. They studied four intersections: Duncan Drive and Main Street, McCollum Road and Main Street, Duncan Drive and Pine Hill Drive, and Big Shanty Drive and Duncan Drive. Mr. Van Dyke stated that the left turn from Duncan Drive onto South Main Street is currently a failing condition and will be a failing condition after construction. He stated that the proposed project would add approximately 20 seconds to the average car taking a left turn onto Main Street. The traffic study results were based on engineer analysis that included a fully occupied and built-out Phase 1 and a fully occupied and built-out phase 2. Ms. Campbell stated that staff was also concerned with the traffic. Multiple meetings were held to discuss traffic-calming, which resulted in the raised medians and pinched lanes on South Main Street. Based on the applicant's traffic study and discussions with staff, they believe traffic can be limited but not completely eliminated. Mr. Darryl Simmons added that over the past four years, city staff has seen a change in commuting patterns. There is a general assumption that everyone is going to hit the road at 7 a.m. or 8 a.m., which is not necessarily the case when more people are working from home, working remotely, or working off-shifts. He noted that the matrices for calculating traffic

estimates have changed in the last four or five years and that traffic counts cannot be exactly predicted based on calculating the number of units times the number of cars. He highlighted the role of people's lifestyle choices in determining traffic and stated that all these factors need to be considered with a traffic impact analysis.

Commissioner Jackson asked where the turn lane would be. Mr. Van Dyke asked if Commissioner Jackson was referring to the deceleration lane or the failing condition at the intersection. Commissioner Jackson clarified that he meant the deceleration lane. The deceleration lane will be in front of the club amenity building for the right turn on Main Street into the development. Commissioner Jackson asked how long the deceleration lane would be. Mr. Van Dyke estimated that the deceleration lane would be about 120 feet. The deceleration lane would not exceed the property line and the applicant would give the city the right-of-way to put in the deceleration lane. Commissioner Jackson clarified that the speed limit on Main Street was 25 MPH. He commented that given the speed limit, a long decal lane was not needed. Mr. Van Dyke reiterated that the lanes would be within the property. He stated that the deceleration lanes are about 10ft, so the building will slide back by about 10 feet.

Chairman Bodenhamer asked if there was additional public comment. Hearing no public comment, he closed the floor to public comment.

Chairman Bodenhamer opened the floor to Commissioner comment.

Commissioner Greenall asked if the traffic from the incomplete apartments on Cobb Parkway was considered in the traffic study. Mr. Van Dyke stated that the only future trip analysis was with a fully built-out and occupied Phase 1. Mr. Huff stated that the engineer used a background five-year growth rate of 5.1 percent, which would take into account growth from other projects. Mr. Simmons explained that mitigating traffic from other developments would be outside the scope of the proposal. He also explained that actions by the city and county, including the McCollum realignment and the SPLOST-funded Sardis Street expansion would both help to reduce traffic on Main Street. Commissioner Greenall mentioned that other projects with traffic impacts had also not yet started. Mr. Simmons acknowledged the concern but noted that the referenced projects had onto major roads like Cobb Parkway or had multiple exits.

Commissioner Jackson complemented the applicant on the design of The Lacy. He stated that the site design was exceptional. Mr. Van Dyke thanked Commissioner Jackson for the comment. Commissioner Jackson commented that he has been a traffic engineer for over 18 years and stated that Commissioner Greenall was right about taking surrounding developments into account when conducting a traffic study. He explained that cities and counties typically make a table of all current projects and all planned projects and use the information when completing a traffic study. Commissioner Jackson would recommend that the future study portion of a traffic analysis include traffic generated by incomplete developments. Commissioner Jackson stated that he saw in the traffic study the mention of a round-about in the signal warrant study. He asked if there was a plan for a round-a-bout instead of a signal. Mr. Van Dyke

stated that there were dreams of a traffic circle at one point, but ultimately it was going to be more expansive than the applicant could manage or that Public Works would be willing to accept.

The applicant felt that the raised median islands made an aesthetically pleasing entrance into downtown. Mr. Van Dyke mentioned that the traffic circle design would have been a gateway into downtown, and thus he asked the traffic engineer whether a round-a-bout would be an acceptable improvement.

Commissioner Jackson asked who would own and maintain the park. Mr. Van Dyke stated that Highpoint Acquisitions would own the park and maintain it. He stated that they have given an easement for the city and the public to use the park.

Commissioner Greenall asked if residents have to pay extra to use amenities or if amenity access is included in rent. Mr. Van Dyke stated that amenities were part of the rent. Commissioner Greenall asked if tenant would be able to move in, say they would not use the amenities, and get a different rent. Mr. Van Dyke said the described scenario would not be possible.

Hearing no further Commissioner comment, Chairman closed the floor to Commissioner comment.

Chairman Bodenhamer called for a motion to approve with staff conditions.
Motion by Commissioner Jackson to approve with conditions as outlined by staff.
Seconded by Commissioner Patterson.
Chairman Bodenhamer proceeded with a roll call for approval.
Vote taken; motion unanimously approved 3-0. Motion carried.

- D. **ZV2025-01** - Consideration for a variance application submitted by Highpoint Acquisitions, LLC for the properties located at 2615 & 2681 South Main Street (20016700990, 20016700140). Said request is to vary from the minimum floor area and average minimum floor area required for multifamily development in the Central Business District (CBD). Property consists of 7.096 +/- acres and lies in land lot 176, tax parcels 99 and 44.

Commissioner Trim recused himself from this agenda item.

Ms. Channele Campbell presented this agenda item. The applicant has submitted a zoning variance application to reduce the average floor area of residential units from a minimum of 1000 square feet to a minimum of 900 square feet, and to reduce the minimum multifamily floor area from 850 square feet to 705 sq ft as required by Section 4-02-03 of the Unified Development Code. In 2021, the applicant requested a similar variance for the development of multifamily units in Phase 1, known as The Lacy. Their variance request was reviewed and approved by the Planning Commission and Mayor and Council in 2021. The zoning variance request was advertised in the Marietta Daily Journal on February 14th, and public notification signs were posted on the site. Based on the pattern of development in downtown and surrounding areas, staff recommends

approval of the variance.

Mr. Parks Huff, applicant representative, presented the requested variances on the unit sizes. He stated that the minimum unit size of the proposed project is 705 square feet and the average unit size is 908 square feet. He stated that the code requirements, which includes an average unit size of 1000 square feet, do not account for bedroom count. The proposed development has a large number of 1-bedroom units. The applicant is marketing towards smaller household sizes, including couples and single-person households. Mr. Huff stated that the census data for Cobb County shows an average household size of 2.5 people, indicating a larger number of one-person households. He mentioned that the applicant anticipates the tenants in Phase 2 to share some of the same characteristics as the tenants of The Lacy. The Lacy's tenants include retirees, self-employed people, healthcare workers, hospitality workers, and public welfare workers. He summarized that the variance request was to accommodate for the smaller bedroom count and the intended tenants.

Chairman Bodenhamer opened the floor for public comment. Hearing no comment, he closed the floor to public comment.

Chairman Bodenhamer opened the floor to Commissioner comments. Hearing no comments, he closed the floor to commission comment.

Chairman Bodenhamer called for a motion.
Motion to approve by Commissioner Jackson.
Seconded by Commissioner Greenall.
Chairman Bodenhamer proceeded with a roll call for approval.
Vote taken, motion unanimously approved 3-0. Motion carried.

6. Staff Comment

Mr. Darryl Simmons stated that there was no staff comment.

7. Adjourn

Chairman Bodenhamer called for a motion to adjourn.
Motion to adjourn by Commissioner Jackson.
Seconded by Commissioner Greenall.
Meeting adjourned at 7:53 p.m.