

**MINUTES OF PLANNING COMMISSION MEETING
CITY OF KENNESAW
Council Chambers
November 1, 2023
6:30 PM**

1. Call to Order / Roll Call

Meeting called to order by Chairman Bergwall at 6:46 p.m.

Roll Call: Commissioner Greenall, Commissioner Jackson, Commissioner Vande Zande

Absent: Commissioner Patterson, Commissioner Bodenhamer, Commissioner Ragus

Staff present: James Friedrich (Assistant to the City Manager, representing the Zoning Administrator) and Natalie Faustine (Community Development Administrative Assistant)

Speakers: Michael Miller & Parks Huff (Applicant)

2. Announcements

- A. This public meeting is being conducted via the use of real-time telephonic technology, allowing the public simultaneous access to the public meeting. The meeting may be accessed using Facebook Live via the following link: [www.Facebook.com/City of Kennesaw/](https://www.facebook.com/CityofKennesaw/). However, comments made on Facebook Live will not be visible by City staff. If you would like to provide public comment on a specific agenda item, you can email kennesawcouncil@kennesaw-ga.gov no later than 6:00 p.m. the night of the regular meeting. Your comment will be read aloud or grouped into categories for the record. All interested parties may attend the meeting in person with limited seating available at the City Hall Council Chambers and the Ben Robertson Community Center, if needed. 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 November 20, 2023.

3. Approval of the Meeting Minutes

A. Meeting Minutes from October 4, 2023

Chairman Bergwall states that there were a few minor changes made to the draft minutes prior to the meeting. Those changes include correcting the square footage of the dwelling and some grammatical errors.

Chairman Bergwall opens the floor for comments to no response. He calls for a motion to approve.

Motion by Commissioner Vande Zande to Approve. Seconded by Commissioner Greenall.

Vote taken, motion unanimously approved 3-0.

4. New Business

- A. Consideration for approval of a variance application submitted by Piedmont Residential, LLC for the property located at 1651 McCollum Parkway (20009900010). Case #ZV2023-04.

Chairman Bergwall introduces the agenda item and turns the floor over to Mr. Friedrich for further introduction.

Mr. Friedrich explains the location of the proposed development and the applicant's request. The applicant, Piedmont Residential LLC, is asking for a stream buffer variance and to rezone the property at 1651 McCollum Parkway from R-15 to PUD-R as depicted on the site plan. The applicant wishes to build 68 fee simple homes of various styles and sizes to attract a variety of people. It is of note that 14 units are considered attainable units, meant to be more affordable to accommodate first-time buyers. There will be 269 parking spaces throughout the development. The 14 attainable units will utilize on-street parking, and the remainder will have garages with additional parking in their driveways. There are 14 guest spaces and 1 handicap space. The Zoning Administrator recommends approval of the variance with the following conditions: (1) Staff recommends incorporation of all 11 conditions as specified in the attorney letter dated October 27, 2023 prepared by Sams, Larkin, & Huff LLP. (2) Staff recommends the variance to encroach into the required stream buffer area for the purpose of providing rear-access drive for the townhome units. Mr. Friedrich turns the floor over to the applicant and their attorney.

Attorney Parks Huff approaches the podium and introduces himself. He asks the commission if the variance should be discussed first, or if the items could be discussed together. Chairman Bergwall explains that the variance must be voted on before the rezoning, but he can introduce both at the same time. Mr. Huff explains the process his colleagues went through with staff in order to put this proposal together to go before the Commission, which consisted of several meetings and edits to the plan. The intent of the project is to create a community with a diversity in housing options and price points. One of the ways this was achieved was by including surface parking for some units, which makes them cheaper since they are not paying for the square footage of a

garage.

On the site plan, Mr. Huff points out the stream located just west of the property, and explains that although the stream is not within the property lines, the back alley and driveway for some of the units are within the 25 foot impervious stream buffer. The applicant is asking for a variance for a minor encroachment of that stream buffer to allow access to the proposed garages of those units, and City staff recommends approval.

Mr. Huff goes on to discuss parking in the proposed development. The original plan had 245 total parking spaces, but staff requested additional parking to be added. An overflow parking lot was added, bringing the total number of parking spots up to 269. This includes garage parking, driveway parking, on-street parking, guest parking, and overflow parking. The parking ratio is 3.95 spaces per unit.

Mr. Huff mentions the location of the proposed development in relation to main roads such as McCollum Parkway and the interstate. According to the future land use map in the 2022 Comprehensive Plan, a high-density residential development is appropriate for this project.

Chairman Bergwall thanks Mr. Huff for his presentation and opens the floor for comments by citizens. There are none, so he moves on to comments by commissioners.

Commissioner Greenall asks about the location of the stream in relation to the proposed development and existing development. The applicant explains the landscaping around the stream allows for privacy between the developments.

Chairman Bergwall mentions that from McCollum Road to the back of the site there is about 50 feet of elevation difference going downhill towards the back of the property.

Commissioner Greenall asks about the location of parking for units 5, 8, 9, 12, 14, 16, 17, 20, 21, 24, 25, 28, 29 and 32, since they are facing the street and the units behind them get their own driveways.

Mr. Michael Miller of Piedmont Residential comes to the podium and describes another local development they built, Pritchard Park, as reference for the Commission, since the development being proposed is similar. He goes on to explain that the units in question are back-to-back townhomes, meaning there are units on the front of the structure, facing the proposed main road inside the development, and units on the back, facing the back alleyway. The people in the back units each have a 20-foot-long driveway and 2 garage spaces, while the people in the front units will have on-street parking on the other side of the proposed road. Mr. Miller and Commissioner Greenall discuss the impact of on-street parking on the aesthetic and functionality of the proposed development. Mr. Miller reiterates that the front units are designed to have on-street parking so the buyer does not have to pay for the square footage of a garage, making

the unit more affordable and attainable.

Commissioner Greenall asks if a traffic evaluation has been done in the area, and the applicant responds that there is one in the works that will be presented to staff during the permitting process and implemented by their engineers.

Commissioner Jackson asks if the builders have considered doing anything to offset the environmental impact of building into a stream buffer zone.

Mr. Miller explains that they are encroaching on the impervious buffer in some areas, but in others they are staying well beyond it, so he cannot determine a per square foot trade off.

Commissioner Jackson expresses that they have been presented with many stream buffer variances, and if all of them were granted that would defeat the purpose of the stream buffer.

Mr. Miller responds that staff recommended the approval of this variance because it is a relatively minor encroachment, as the stream itself is not on the property, just the buffer. He explains the other environmental regulations they meet and emphasizes that the City's staff do not take stream buffer variances lightly and would not recommend approval if it was not appropriate.

Mr. Friedrich confirms that the Zoning Administrator met with stormwater staff at Public Works to get their input.

Chairman Bergwall mentions that on some county maps of the property, there is a stream running through the middle of the proposed development. The applicant explains that Riverbend Environmental has done a full environmental survey and report of the property and no such stream was found.

Chairman Bergwall explains that in order for a variance to be approved, the applicant must show practical difficulties and unnecessary hardship placed on the property. However, Georgia is a Buyer Beware state, so buyers know exactly what they're getting. He states that he believes the development could be designed to avoid the stream buffer altogether, but the applicant chose not to do that. He also brought up the issue of traffic, which is something the citizens are very concerned about. Chairman Bergwall reiterates that he is not one that treads lightly on stream buffers being encroached on for the benefit of higher density on the site, so his position is that the variance would not be needed if changes were made to the plan.

He opens the floor to other commissioners for comment. Upon no response, he opens the floor for the developer to respond.

Mr. Miller goes to the podium to state that the plan was created with a lot of input and support from City staff, and he would not have filed the plan without a lot of thought and

consideration. He states that the developers and staff think that the best way to handle the stream buffer is to have the alley in the back for the garages, as it is only a minor encroachment on the last 25 feet of the buffer, not the 50 foot undisturbed, critical buffer.

Chairman Bergwall asks if they will be putting a retaining wall along that area because of the slope change. Mr. Miller responds that engineering will determine whether that is possible. He goes on to reiterate that our land use plan says that it is recommended to put high-density residential developments in this spot. He also makes the point that putting residential properties close to jobs and traffic corridors actually reduces traffic.

Commissioner Jackson mentions that if they say yes to this case, then other developers will look at land in the City, see a 75 foot stream buffer, and assume they can get a variance and build on it anyway, so the price they are willing to pay for the land will go up. He states that, in his opinion, they are looking at whether they need to put an extra 10 houses on a 25-foot stream buffer that is important for the environment.

Chairman Bergwall adds that it is possible to take six houses out of the grouping and move the drive over a bit to eliminate the need for a variance.

Mr. Miller responds that the plan they originally came to the city with had all of the driveways in the front of the homes, no alley in the rear, and did not encroach on the buffer. The plan was redesigned based on staff feedback, and they ultimately lost units in the process. It was determined by the applicant and staff that the neighborhood would look better and the streetscape would flow better if the units were rear loaded rather than front.

Chairman Bergwall asks if the Commissioners have any other comments. With no response, he entertains a motion.

Motion by Commissioner Greenall to Approve. Seconded by Commissioner Jackson.

Vote taken, 1 in favor (Vande Zande) 2 opposed (Greenall, Jackson). Motion denied.

- B. Consideration for approval of a rezoning application submitted by Piedmont Residential, LLC for the property located at 1651 McCollum Parkway (20009900010). Case #RZ2023-03

Chairman Bergwall introduces the rezoning request and invites Mr. Friedrich to elaborate.

Mr. Friedrich explains that this is a consideration to approve the rezoning request to change the zoning from Single Family Residential or R-15 to planned Urban Development Residential or PUD-R as submitted by Piedmont Residential LLC. The property lies on land lots 99 and 98, tax parcel 001 and consists of roughly 5.1 acres. He turns the floor over to the developer and their attorney.

Mr. Huff states that the argument for the rezoning case was discussed while discussing the variance case, and asks if he needs to present it further.

Chairman Bergwall claims that Mr. Huff and Mr. Miller have given a good explanation of why this is a planned development unit, and the Commission has a good understanding of the various products and general layout of the project. The Chairman asks if the applicant would like to speak with regard to the rezoning.

The applicant responds asking if the Commissioners have any questions. When he receives no answer, he reminds the Commissioners that staff recommended approval, and the project is consistent with the goals of our comprehensive plan.

Chairman Bergwall opens the floor to citizen comment. With no response, he opens the floor to comments by the Commissioners with regard to the rezoning. With no response, Chairman Bergwall states he believes the layout and variety of the development are good. Hearing no other comments, he asks for a motion to approve the rezoning.

Motion by Commissioner Jackson to Approve. Seconded by Commissioner Vande Zande.

Vote taken, motion unanimously approved 3-0.

5. Staff Comment

Mr. Friedrich thanks the Commissioners for allowing him to fill in for Mr. Simmons and states he will be giving him a full report when he returns on Monday.

Chairman Bergwall thanks Commissioner Vande Zande for rearranging his schedule on short notice so the meeting would not have to be postponed.

6. Adjourn

Motion to adjourn by Commissioner Greenall, second by Commissioner Vande Zande.

Meeting adjourned at 7:37 p.m.