MINUTES OF PLANNING COMMISSION MEETING
CITY OF KENNESAW
Council Chambers
December 6, 2023
6:30 PM

---

1. Call to Order / Roll Call

Chairman Bergwall called the meeting to order at 6:31 p.m.

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

Absent: Commissioner Bodenhamer

Staff Present: Darryl Simmons (Zoning Administrator) and Natalie Faustine (Community Development Administrative Assistant)

Applicants Present: Michael Miller (Applicant), Nate Sirang (Applicant), Steve Sirang (Applicant) and Scott Peters (Applicant's Attorney)

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/. 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 Monday, December 18, 2023.

3. Approval of the Meeting Minutes

A. Approval of Meeting Minutes from November 1, 2023

Chairman Bergwall called for a motion to approve meeting minutes from November 1, 2023
Motion by Commissioner Vande Zande to approve
Seconded by Commissioner Jackson
Chairman Bergwall proceeded with a roll call for approval
Vote taken, motion unanimously approved 5-0. Motion carried.

4. New Business

Mr. Darryl Simmons requests a motion to change the order of the new business items, so item B is reviewed first and item A is reviewed second.
Chairman Bergwall asks if there are any objections from the Commissioners. Hearning none, he moves forward with item B.

A. Consideration for approval of a variance application submitted by Kennesaw Square Development, LLC for the properties located at 6997 Keene Street (20016700340), Keene Street (20016603670, 20016701130), 2570 N Cobb Parkway (20016700730, 20016701160), and 2590 Keene Street (20016700420). Case #ZV2023-04.

Mr. Simmons steps up to the podium to briefly introduce the eight variance requests. He points out that a portion of the site is in the Camp McDonald Historic District, so there are two variances that refer to the Historic District Design Standards. Those two variances dealt with the scale and mass of the buildings and the architecture and materials for external walls. Both variances were reviewed by the Historic Preservation Commission and recommended for approval with additional conditions as provided in the action minutes. He discusses with the Commission how to best present and discuss the requests, and decides to go through all of them before voting. Mr. Simmons yields the floor to the applicant to give further details on the requests.

Mr. Scott Peters introduces himself to the Commission and begins to review the variances.

The first variance regards the front set back or build-to line. He explains that if the previously discussed rezoning is approved and the three parcels are rezoned from HGB to CBD, the entire project will be in the Central Business District. It is important to note that there is not a front setback standard within the CBD. It is the staff's responsibility to establish the build-to line to be consistent with the surrounding buildings. As discussed, the real desire for this project is not to match what is already on Cobb Parkway, but to establish a new precedent for Cobb Parkway developments to have the buildings in the front and the parking behind them. The variance request is to establish the build-to line six and a half feet from the property line, as shown on the site plan.

Chairman Bergwall asks if the applicant has been in communication with the National Highway System about the potential right-of-way requirements along the route. Mr. Peters responds that as part of the permitting process, they will have to go through the Department of Transportation to get approvals, and in that process they will be working with the city's transportation department to advise if there are any planned projects for the future widening of the road. It is the applicant's current understanding that the existing property line and right of way for U.S. 41 provides sufficient space for the future designs that DOT has in place, and if needed they will make accommodations in their final site plan. Chairman Bergwall and Mr. Peters discuss the potential for future projects that may widen Highway 41 and whether this should be considered in the current site plan. Mr. Peters clarifies that the six and a half foot setback will be measured from the property line, not the road. The property line does not go directly up to the street, so it is presumed that there will be more than six and a half feet from the street to the proposed buildings. They continue to discuss the planned development in the area and what those setbacks will look like in comparison.

Commissioner Jackson asks how these proposed buildings will look in comparison to the other buildings along U.S. 41. Mr. Peters responds that they are the first project to redevelop that area, so there will be inconsistency at first, but the goal is to move toward a new design on Cobb Parkway that brings the buildings up to the front. Mr. Simmons adds that as mentioned in the comprehensive plan, they are reestablishing a new standard for Cobb Parkway. He discusses the difficulty of navigating the change in development standards in this area.

Commissioner Greenall asks if a turn lane is going to be built, and Mr. Peters answers that the concept plan does include a new turn lane. Commissioner Greenall asks about the expected traffic pattern for people leaving the complex who need to go north, and Mr. Peters responds by referencing the two points of entry to the property, on Cobb Parkway and King Street. Commissioner Greenall asks if they are anticipating putting a traffic light there due to the volume of cars, and brings up some safety concerns regarding the traffic pattern. Mr. Peters responds that potential traffic issues will be evaluated throughout the development process.

Chairman Bergwall asks if the Commissioners have any other questions or comments. Hearing none, he moves on to review variance two.

Mr. Peters explains that variance two is a request to vary from the Historic District Design guidelines regarding building mass, scale, and form. The Central Business District does not have a height limit, but because this project is within the Camp McDonald Historic District, this project falls under those regulations. Section 4.2.03 of the Historic District Design Guidelines state that there is a three-story maximum. The applicant explains that the intention of the code is to ensure that future buildings match what is existing, and there are no existing structures in this area to match except for apartments that are under construction next door. Those apartments are four and five stories in height, and are at a higher topography. He reiterates that the request is for the buildings for this project to be permitted at a height of four, five, and six stories. This variance request was reviewed by the Historic Preservation Commission on December 6, who recommended approval.

Chairman Bergwall asks if they are going to make changes to the topography, and Mr.

Peters responds that they have not had engineering determine that yet.

Commissioner Jackson asks if it is possible to add a condition that ensures a certain amount of land will go towards the public green space. Mr. Peters responds that once the zoning process is complete, the city and developer will enter a development agreement that will provide those performance standards or obligations. Although the presented plan is conceptual, the applicant will not be allowed to make any substantial deviations from it without going back through the public process to receive the mayor and council's approval. Commissioner Jackson suggests that the approval of the variances should be contingent on a specific park size, as to ensure the park or public space will not be significantly downsized throughout the process. Mr. Simmons responds that this is a conceptual zoning plan, and performance items, such as standards pertaining to acreage, will be part of the development agreement. He clarifies that if this concept gets approved by the mayor and council, then the builder will go into further detail regarding the engineering and design. Commissioner Jackson expresses the importance of green space in the city and Mr. Simmons reassures the Commissioners that if the applicant wishes to vary significantly from the conceptual renderings they are presenting tonight, they will have to go through the approval process again. Mr. Simmons states that the city does not want to imply that any applicant will not follow through on what they present. The fine details of the development proposal cannot be confirmed when all that is presented is a conceptual design, as there are too many elements that have not yet been examined.

Commissioner Patterson asks if it is possible to have the applicant commit a percentage of the space that is being developed to green space. Mr. Peters responds that he understands the Commissioners want some assurance that there will be open public space, but that is something that will be determined on the final site plan, which will also have to go through the public process for approval. Mr. Sirang adds that the developers are aligned in wanting to maximize the public space and acknowledge that having these public spaces is essential for the success of the entire development. Mr. Steve Sirang, CEO of Wilshire Capital, also assures the Commissioners that the size of the proposed park plaza is one of the key features of this development, intended to give the community a place to come together and enjoy the space. He reiterates that the applicant has no interest in reducing the size of the park plaza, and would like to increase it if they have the opportunity.

Chairman Bergwall asks if buildings nine and ten (the parking garage and multifamily residential units) will be apartments or condos, to which Mr. Peters answers that they are presently designed to be apartments. He goes on to discuss the parking garage, stating that there will be 1,100 parking spaces in the garage. 600 of those parking spaces will be restricted for residential use, and 500 will be separate for public parking. Commissioner Greenall asks about the systemization of parking for residents, which is briefly discussed. Mr. Simmons interjects that it is likely that the project will not be built for four or five years, and requests that the Commissioners focus on the requested variances.

Chairman Bergwall asks the applicant to confirm how many stories the building with the rooftop sports complex will be, and the applicant responds that it is six, including the rooftop sports complex.

Chairman Bergwall asks if the Commissioners have any other questions with regard to the request for a variance on the building height. Hearing none, they continue to variance request three, which deals with the minimum floor area.

Mr. Peters explains that for discussion, variances three, five, and six will be grouped together because they all relate to unit size. He notes that variances such as these are seen throughout the Metro Atlanta area, where the ordinances that were written and adopted more than ten years ago regarding apartment sizes conflict with the demand of the market today. In the past, larger apartment sizes were more common, but now there is more of a demand for smaller living areas.

Mr. Peters introduces variance request number three, which is to vary from the 1,000 square foot minimum for condominiums. The request is to reduce that minimum to 725 square feet. He clarifies that the request is specifically for one-bedroom condominium units. Many units would be larger, but they request that the minimum size for one-bedroom condominium units be reduced from 1,000 square feet to 725 square feet.

Variance request five is to reduce the minimum floor area for apartments. The code requires a minimum of 1,000 square feet, but this request is to reduce the minimum floor area to 600 square feet for studio apartments and 725 square feet for one-bedroom apartments.

Variance request six is to allow for a minimum apartment size of 600 square feet, provided that such units shall account for a maximum of ten (10) percent of the total for-rent apartment units. Further, the applicant seeks to allow a total of not more than fifty-five (55) percent of the for-rent apartment units in the project to be less than 850 square feet in size. Mr. Peters explains that this will allow a maximum of ten (10) percent of for-rent apartment units to have the minimum size of 600 square feet and a maximum of forty-five (45) percent of for-rent apartments to have the minimum size of 725 square feet.

Chairman Bergwall asks about a discrepancy in the variance requests from the documents provided to Commissioners to what is being presented. Mr. Peters explains that the applicant increased the proposed minimum square footage based on feedback.

Commissioner Greenall asks how the apartments being built next door compare in size and Mr. Simmons responds that they are about the same size, as they had received similar variances. Mr. Simmons explains that independent research has shown that the consumer demand is for smaller units. Commissioner Greenall asks if they expect the consumer demand to be the same by the time this project is built in four or five years, and Mr. Simmons responds that there is no way to say for sure, but this is expected to be an ongoing trend. Chairman Bergwall comments on the variety of unit sizes in this project, and Mr. Peters discusses the current trends in apartment size and the related factors.

Chairman Bergwall and Mr. Peters briefly discuss another change that was made to the request. Chairman Bergwall asks if there are any other questions with regard to the minimum floor space for variance requests three, five, and six. Hearing none, they move on to discuss variance request four.

Mr. Peters introduces variance request four. The code states that gross floor area occupied by residential uses shall not exceed seventy-five (75) percent of the total gross floor area of the buildings or individual structures. The applicant is asking to slightly increase that to seventy-eight (78) percent. In other words, the code requires a seventy-five/twenty-five split between residential space and commercial space. However, with the 110,000 square feet of commercial space included in this project, twenty-two (22) percent is calculated to be commercial space and seventy-eight (78) percent is calculated to be residential space. Chairman Bergwall asks if the Commissioners have any questions about this request. Hearning none, they move on to discuss variance request seven.

Mr. Peters introduces variance request seven by showing the Commissioners a site plan depicting the property. He points out the drainage stream running through it, and that some areas of the stream are already piped. From end to end, there is about 150 feet of unpiped stream where the applicant would like to install a pipe that runs down to a large city-owned detention facility. Chairman Bergwall asks about the logistics of piping the open area of stream, and Mr. Peters responds that he is aware of the steps they will need to take and does not anticipate any issues. Mr. Peters points out that this is not a natural stream that should be protected, but rather a drainage stream from one area of the property to another.

Commissioner Jackson brings up a concern about how the stream buffer may affect the size of the park plaza. Mr. Peters responds that a good portion of the stream buffer area is planned to be green space, and no green space will be lost by piping this stream. Chairman Bergwall points out that building on a drainage easement is not allowed, so no buildings or parking structures will be built on top of the pipes.

Chairman Bergwall proposes that the Commission move on to discuss variance request eight. Mr. Peters explains that part of the proposed development is in the Camp McDonald Historic District, so this project is subject to the Historic District Design Standards. The applicant explains the Historic District Design Standards are geared more towards downtown development rather than Cobb Parkway, so it is appropriate for this project to deviate from the Historic District Design Standards. It is important to note that the portion of the Camp McDonald Historic District does not contain any structures, and this variance request was approved by the Historic Preservation Commission.

Chairman Bergwall opens the floor for public comment regarding all variance requests to no response.

Chairman Bergwall calls for a motion to approve the first variance request. This is a request to vary from the Unified Development Code Section 4.02.03.B.3.a by allowing a 6.5 foot setback on Cobb Parkway.
Motion to approve by Commissioner Ragus
Seconded by Commissioner Patterson
Chairman Bergwall proceeds with a roll call for approval
Vote taken, motion unanimously approved 5-0. Motion carried.

Chairman Bergwall calls for a motion to approve the second variance request. This is a request to vary from the Unified Development Code Section 4.02.03.B.4 regarding building mass, scale, and form in the Central Business District
Motion to approve by Commissioner Vande Zande
Seconded by Commissioner Ragus
Chairman Bergwall proceeds with a roll call for approval
Vote taken, motion unanimously approved 5-0. Motion carried.

Chairman Bergwall calls for a motion to approve the third variance request. This is a request to vary from the Unified Development Code Section 4.02.03.G.1 by reducing the minimum floor area for condominiums from 1,000 square feet to no less than 725 square feet.
Motion to approve by Commissioner Greenall
Seconded by Commissioner Ragus
Chairman Bergwall proceeds with a roll call for approval
Vote taken, motion unanimously approved 5-0. Motion carried.

Chairman Bergwall calls for a motion to approve the fourth variance request. This is a request to vary from the Unified Development Code Section 4.02.03.G.2.b by increasing the the gross floor area occupied by residential use to seventy-eight (78) percent.
Motion to approve by Commissioner Ragus
Seconded by Commissioner Vande Zande
Chairman Bergwall proceeds with a roll call for approval.
Vote taken, motion unanimously approved 5-0. Motion carried.

Chairman Bergwall calls for a motion to approve the fifth variance request. This is a request to vary from the Unified Development Code Section 4.02.03.G.2.c by reducing the minimum floor area for all residential units from 1,000 square feet to 600 square feet for studio units and 725 square feet for one-bedroom units.
Motion to approve by Commissioner Vande Zande
Seconded by Commissioner Greenall
Chairman Bergwall proceeds with a roll call for approval
Vote taken, motion unanimously approved 5-0. Motion carried.

Chairman Bergwall calls for a motion to approve the sixth variance request. This is a

request to vary from the Unified Development Code Section 4.02.03.G.5.d by allowing a minimum apartment size of 600 square feet, provided that such units shall account for a maximum of 10% of the total For-Rent apartment units for the project and to allow a total of not more than 55% of the For-Rent apartment units in the Project to be less than 850 square feet in size.
Motion to approve by Commissioner Ragus
Seconded by Commissioner Patterson
Chairman Bergwall proceeds with a roll call for approval
Vote taken, motion unanimously approved 5-0. Motion carried.

Chairman Bergwall calls for a motion to approve the seventh variance request. This is a request to allow the 150 foot section of exposed stream near the northwestern corner of the property to be piped and to therefore eliminate all stream buffers associated therewith.
Motion to approve by Commissioner Vande Zande
Seconded by Commissioner Ragus
Chairman Bergwall proceeds with a roll call for approval
Vote taken, motion unanimously approved 5-0. Motion carried.

Chairman Bergwall calls for a motion to approve the eighth variance request. This is a request to vary from the Kennesaw Historic District Design Standards, Section 5.4 pertaining to exterior walls, to allow for architectural treatments consistent with the architectural renderings submitted in conjunction with the application. The Historic Preservation Commission recommends approval.
Motion to approve by Commissioner Greenall
Seconded by Commissioner Vande Zande
Chairman Bergwall proceeds with a roll call for approval.
Vote taken, motion unanimously approved 5-0. Motion carried.

B. Consideration for approval of a rezoning application submitted by Kennesaw Square Development, LLC for the properties located at 2590 Keene Street (20016700420) and 2570 N Cobb Parkway (20016700730, 20016701160) to zone from HGB to CBD. Case #RZ2023-04.

Mr. Simmons explains the first item being discussed is an application to rezone a few parcels that are part of the overall proposal for Kennesaw Square, a 12.3 acre mixed use development. In the proposed project area, there are 3 parcels along Cobb Parkway that are zoned Highway General Business, while the rest are zoned Central Business District. An application was submitted to rezone those HGB parcels to keep the zoning consistent throughout the development. The proposed development will include components of multifamily residential units for sale and for rent, commercial retail space, and a park plaza for the public's utilization. Additionally, there will be a parking garage for residential and public use. The project will have a total of 337 multifamily residential units, with 367,250 gross square feet of building area. There will be a total of 110,000 gross square feet of commercial retail space.

Mr. Simmons goes on to explain that with each proposed multifamily development, the Planning and Zoning Department staff strategically examine the Comprehensive Plan and Future Land Use map, as well as the density and traffic implications of the proposed development. The Planning and Zoning Department, in cooperation with the city's GIS department, have put together an online zoning dashboard that is intended to give users a visual representation of the zoning data for current zoning applications and projects. Commissioners and the public alike are encouraged to utilize this resource.

Mr. Simmons highlights that this project will provide pedestrian connectivity from Cobb Parkway to Main Street, and that this project will help the city initiate the redevelopment of the Cobb Parkway corridor on the northern side of the city of Kennesaw, as recommended in the Comprehensive Plan. He briefly discusses the history of the properties to be included in this project before yielding the floor to the applicant.

Mr. Michael Miller (Applicant) introduces himself. He states he is with local developer Piedmont Residential, and the applicant, Kennesaw Square LLC, is a joint venture between Piedmont Residential and Concord Wilshire. He introduces Mr. Scott Peters, the attorney representing Kennesaw Square, LLC, and Mr. Nate Sirang of Concord Wilshire.

Mr. Nate Sirang (Applicant) introduces his real estate development company, Concord Wilshire, and tells the Commissioners about their previous and current developments throughout the country. He describes this proposed project as a Cobb Parkway corridor improvement project that is intended to create a destination mixed-use development located along the northeast side of Cobb Parkway. He goes on to explain that the portion of the project that is southeast of the existing King Street right of way is currently zoned Highway General Business, while the portion of the project that is northwest of the existing Keene Street right of way is in the Central Business District. They have requested to rezone the three parcels southeast of Keene Street from HGB to CBD. These three parcels consist of 3.58 acres and are within the Kennesaw Downtown Development Authority, but not the Historic District. It is to be noted that all three parcels have a future land use designation of Community Activity Center, which is consistent with the proposed rezoning.

Mr. Sirang gives further details regarding the development. The proposed project consists of 371 units, 337 of which are designated to be multifamily and 34 are designed to be for-sale condominiums. There are four buildings that are planned to be strictly retail, and five that are planned to be mixed-use, consisting of retail on the first floor and residential units above. He presents conceptual renderings of developments that are similar to their vision for Kennesaw Square, as well as a bird's eye view of the property with the proposed buildings. He describes the variety of amenities and facilities to be included, such as the park plaza, an entertainment center, and a rooftop pool.

Next Mr. Sirang describes the proposed six-story parking garage with a grocery market and other retail space on the first floor and a rooftop sports center. He also presents some building elevation renderings to show what the development would look like from Main Street, Cemetery Street, Summers Street, and Cobb Parkway. He yields the floor.

Commissioner Bergwall asks if there are any public comments regarding the rezoning request. With no response, he moves on to comments by Commissioners. Hearing none, he entertains a motion.

Chairman Bergwall calls for a motion to approve the rezoning application from Kennesaw Square Development LLC to rezone parcels 20016700420, 20016700130, and 20016701160 from Highway General Business to the Central Business District.
Motion to approve by Commissioner Vande Zande
Seconded by Commissioner Ragus
Chairman Bergwall proceeds with a roll call for approval.
Vote taken, motion unanimously approved 5-0. Motion carried.

5. Staff Comment

Mr. Simmons thanks the Commissioners for their service in 2023. Chairman Bergwall announces that this will be his last Planning Commission meeting, and thanks the Commissioners for working alongside him.

6. Adjourn

Chairman Bergwall adjourns at 8:34 p.m.