

**City of Decatur
Planning Commission**

**March 12, 2024 Regular Meeting
MINUTES**

Decatur City Hall
City Commission Room
509 North McDonough Street

Members Present: Rachel Cogburn (Chair), Marc Brambrut, Greg Chilik (Vice Chair), Jason Friedlander, John McFarland, and Jenny Stein

Member Absent: Joe Greco

City Staff: Angela Threadgill (Director), Kc Krzic (Planning Manager), Nahom Taye (Planner)

Call to Order at 7:00 p.m.

Ms. Cogburn confirmed a quorum and called the meeting to order at 7:00 p.m. She provided introductions of the Commission members and delivered an overview of the procedural process for the meeting.

Unfinished Business.

Approval of Minutes from January 9, 2024 regularly scheduled meeting.

On a motion by Mr. Friedlander, seconded by Mr. Brambrut, the minutes were approved as presented. The motion passed unanimously.

New Business.

Andrew Rutledge with Office of Design has requested a conditional use permit to construct twelve (12) townhomes at 111 Church Street.

Andrew Rutledge with Office of Design has requested a special exception height variance from 40 feet (max.) to 50 feet for townhomes at 111 Church Street.

Ms. Cogburn stated that the request for a conditional use permit and the special exception can be presented together, yet separate motions will be needed to each request.

The Applicant, Mr. Andrew Rutledge, 924 Sycamore Street, with Office of Design, provided the overview of both requests. He stated that the property is currently zoned C-2, which allows townhomes with a conditional use permit. He is seeking approval of 12 units; 2 of which are inclusionary units as defined within the UDO. The second request is to increase the height from 40 feet to 50 feet tall. If this was a commercial building, the height could be up to 80 feet tall. This site is the corner property where the one story building to the north is a commercial use, the railroad is to the south, and a mixed use mid-rise is to the east.

In a response to a question by Mr. Chilik, Mr. Rutledge stated that the large mature trees upon the site would be saved. Specifically, the magnolia, white oak, and hardwoods. There is a large tree that is diseased and another that did not flower last year. In accordance with the tree protection ordinance any trees removed will be replaced.

In a response to a question by Ms. Cogburn, Mr. Rutledge stated that the 50 feet height would apply only to the top ridge of the gables of the end units. Since the surrounding buildings are arts and crafts style, the intent was to keep a similar design. The way the UDO defines height is at the tallest point of the roof. The gables on the end units are 50 feet and the interior units are approximately 44 feet tall. Additionally, the roofline is stepped back towards the rear of the unit.

Mr. McFarland noted what pedestrians upon the sidewalk, looking up would see and perceive the height to be.

In a response to a question by Mr. McFarland, Mr. Rutledge stated no further variances are needed for the project.

In response to a question by Mr. Friedlander, Mr. Rutledge stated that units 9 and 10, which are the inclusionary units, have a 1 car garage. Other units have a 2-car garage. Additional on-street parking is available. In accordance with the UDO, 12 on-site parking spaces are required (1 per unit) and 22 parking spaces would be provided on site.

Ms. Stein clarified the parking upon the street.

In a response to a question by Mr. Brambrut, Mr. Rutledge explained the exterior stucco material would be a 3 coat Italian style plaster treatment that is durable, waterproof, and long lasting, not EIFS. He stated that his client has a sub-contractor that specialized in the arts and crafts style and continues the high quality and standards within his work.

Mr. McFarland stated he would like to see more variation in materials, primarily at the corner unit of Church Street and East Howard Avenue. Further discussion continued about the incorporation of brick on units #1 and #12.

In response to a question by Mr. McFarland, Mr. Rutledge stated that he designed the building having 10.5 feet height on the first floor and continued the design up to the roof tops and penthouses, while keeping with the existing architecture and gables. The final product was 50 feet tall at the side gables and stepped back in the center units.

Having no more questions for the applicant, Ms. Cogburn opened public comment. She asked if anyone wanted to speak in favor of the application.

Angela Threadgill, Planning & Economic Development Director stated that due to the location of the proposed project within the downtown area, the application is required to be heard by the Downtown Development Authority (DDA) for review and recommendation prior to final action by the City Commission. She stated that on Friday, January 12, 2024, the project was heard by DDA and they passed a resolution in support of the redevelopment of the site. She stated the mission of the DDA is to ensure that new land use patterns are supportive of trade, commerce, industry, and employment in the downtown core business district. While not a focus of the DDA, members of the DDA Board noted that the two inclusionary units are narrower in width at 15 feet wide than the other market rate units. Ms. Threadgill stated that the C-2 zoning district requires townhomes to have a minimum width of 16 feet, thus the narrower width would require a variance, which would be heard by the Zoning Board of Appeals. Ms. Threadgill stated her concerns with reduction in the width of the inclusionary units and that it does not meet the intent of the inclusionary housing ordinance. She cautioned the Planning Commission to not support an application that conflicts with the inclusionary housing ordinance and that the decision would set a

precedence for future development applications that include inclusionary housing. She referenced the four criteria within the ordinance, as follows:

1. Designed to have a number of bedrooms in the same proportion as the market rate dwelling units;
2. Interspersed and among the market rate dwelling units within the development;
3. Built concurrently with the market rate dwelling units; and
4. Designed to be functionally equivalent in style and quality with the market rate dwelling units in the development.

Ms. Threadgill stated that the last criteria in regards to quality of the inclusionary units compared to the market rate units was not met in the current proposal. She requested that if the Planning Commission recommend approval of the proposed development they include a condition of approval that the inclusionary dwellings meet the minimum width of 16 feet.

There being no further public comment for or against the application in person or virtual, Ms. Cogburn closed public comment and opened the meeting to board discussion.

Mr. McFarland noted that he was not comfortable supporting the application with so many unknowns and that a variance would be needed for the width of the inclusionary units. He expressed that the applicant should come back with a different proposal. He stated his concerns with the building renderings and the lack of human scale referenced within the project documents.

Ms. Cogburn reminded everyone that they have two requests before them. One for the conditional use and the other for the increase in height.

Ms. Stein stated her concern of a variance for the 16 feet and that the request would be heard and a final decision would be rendered by the Board of Zoning Appeals without further review by the Planning Commission.

Mr. Chilik stated his concern that the lesser width of the inclusionary units is not in the spirit or intent of the inclusionary housing ordinance and would be concerned with the precedent that would be set if the variance was only applied to the inclusionary units.

Mr. Rutledge stated that the reason for the one-car garage and narrower width would allow two inclusionary units instead of the one required unit. He cited the financial infeasibility to produce inclusionary units in a townhome project. The other units will be sold for market value and will offset the loss of the two inclusionary units. He stated if the development needs to be reconfigured to meet the 16 feet minimum width, there would only be one inclusionary unit.

Ms. Cogburn believes this is a good location for townhomes since it is close to MARTA, downtown shopping, and downtown dining. It is a very walkable location and the increase in height is acceptable given the site context.

Mr. Friedlander stated he did not have any issue with the height of the townhomes but would like the inclusionary units to be more compatible. Specifically, the width of the inclusionary units and that the inclusionary units also provide a two car garage as provided in the market rate units. To which, Mr. McFarland agreed and suggested that the adjacent market rate units that are much wider be reduced to allow the inclusionary units to meet the minimum width.

Ms. Cogburn restated the inclusionary unit criterion, "Designed to be functionally equivalent in style and quality with the market rate dwelling units in the development." She stated that a one car garage is not functionally equivalent to a two-car garage. She added that a condition could be added to ensure all four criteria shall be met for the inclusionary housing units.

Mr. Chilik agreed that the inclusionary units are an inferior product when compared to the market rate units.

Mr. Brambrut stated his concerns with the exterior materials.

In response to a question by Ms. Coburn, Ms. Threadgill stated that the typical condition of approval is that the development shall be constructed substantially similar to the approved plans. A reduction in the number of units may not be considered substantially similar and the plans would need to re-reviewed by the Planning Commission.

In response to a question by Mr. Brambrut, Mr. Friedlander stated that specific building materials and architectural details were not within the purview of the Planning Commission and would be an overstep of the role of the Planning Commission authority, to which Mr. Chilik agreed that architectural design review would be an overstep. .

Mr. Chilik stated he would like a condition of approval to ensure that the tree replacement occur on-site and not paid into the bank.

Mr. Rutledge noted t that the street trees and streetscape design was per the City Engineer and would require the removal of all the Elm trees along the street. New street trees would be planted as required.

There was a discussion among the board member about ingress and egress along East Howard Avenue, which is a one-way street.

There being no further discussion Ms. Cogburn called for a motion.

On a motion by Mr. Chilik, seconded by Mr. Friedlander, the Planning Commission unanimously recommended approval of the conditional use permit with the following conditions:

- 1. Per Section 6.3.1.F.2.b., the inclusionary dwelling units in the proposed development shall be:*
 - i. Designed to have a number of bedrooms in the same proportion as the market rate dwelling units;*
 - ii. Interspersed and among the market rate dwelling units within the development;*
 - iii. Built concurrently with the market rate dwelling units; and*
 - iv. Designed to be functionally equivalent in style and quality with the market rate dwelling units in the development.*
- 2. All tree canopy cover conserved or planted requirements shall be made or installed onsite and not paid in lieu of into the tree bank.*

Ms. Cogburn opened further discussion on the request for a special exception to increase the building height. She referenced the review criteria listed in the Staff Report.

In response to questions by Ms. Cogburn, Ms. Threadgill confirmed that if the use was commercial the height could be up to 80 feet per the code, which would be equivalent to the height of the adjacent Arlo apartment building. She also stated that the step back requirement is only required when a proposed development is adjacent to a residential zoning district, such as R-60 or R-85, which does not apply to the proposed site development.

Mr. McFarland considered criterion related to the light, air and shading of the property to the north and noted the angle of the sun and the winter solstice. There was further discussion on what a 6 feet tall person on the street would see and the vertical element in relation to the two streets. He wished the applicant would have submitted an exterior elevation angle from the street looking at an angle upwards, rather than the isometric vantage point from above the site.

Ms. Cogburn called for a motion.

On a motion by Mr. Friedlander, seconded by Ms. Stein, the Planning Commission voted 5 to 1 to recommend approval of special exception for an increase in height from 40 feet to 50 feet.

The vote was 5 to 1. Mr. Brambrut, Mr. Chilik, Ms. Cogburn, Mr. Friedlander, and Ms. Stein voted in favor and Mr. McFarland voted in opposition.

Other Business.

None

Next Regular Meeting. The next meeting will be held on April 9, 2024. The agenda has a request from Smarties Academy.

Adjournment. There being no other business, the meeting adjourned at 8:02 pm.

Consistent with the requirements of O.C.G.A. §50-14-1(e)(2)(B) these minutes were approved at the next regularly scheduled meeting on April 9, 2024 and made part of the record.

(DRAFT)

Kc Krzic
Planning & Zoning Manager
Acting Secretary to the Planning Commission