

Mayor

Derek Easterling

City Manager

Jeff Drobney, ICMA-CM

City Clerk

Lea Alvarez, CMC

**Council**

Mayor Pro Tem Antonio

Jones

Madelyn Orochena

Tracey Viars

Pat Ferris

Anthony Gutierrez

City Council**Meeting Agenda**

November 18, 2024 6:30 PM

Council Chambers

(2529 J.O. Stephenson Avenue, Kennesaw, GA 30144)

Livestream: www.kennesaw-ga.gov/publicmeetings/

- 1. Invocation**
- 2. Pledge of Allegiance**
- 3. Call to Order**
- 4. Announcements**
- 5. Presentations**
- 6. Public Comment/Business from the Floor**
- 7. Old Business**
- 8. New Business**
- 9. Committee and Board Reports**
- 10. Public Hearing(s)**
 - A. Ordinance: Unified Development Code Text Amendment**

Consideration for approval of a text amendment request as submitted by the City of Kennesaw. Said request is to amend the Unified Development Code, Appendix A, Chapter 2 "Zoning Districts", Section 2.03.00 and Unified Development Code, Appendix A, Chapter 8 "Boards and Agencies", Section 8.04.00 of said chapters regarding public art exhibits and the City of Kennesaw Art and Culture Commission as submitted by the City of Kennesaw. Case #MISC2024-03
 - B. Ordinance: Rezoning Request for 2112 & 2114 Old 41 Highway, 1620 North Roberts Road**

Consideration for approval of an ordinance authorizing a rezoning request submitted by Fabric Housing Acquisitions, LLC, for the property located at 2112 & 2114 Old 41 Hwy, and 1620 N. Roberts Rd (20017501190, 20017501210, 20017500210, 20017400080). Case #RZ2024-04

11. Consent Agenda

- A. **Minutes: October 28, 2024 Work Session**
Approval of the October 28, 2024, City Council work session minutes.
- B. **Minutes: November 4, 2024 Regular Meeting**
Approval of the November 4, 2024, City Council regular meeting minutes.
- C. **Resolution: Master Fee Schedule Updates**
Consideration for approval of a Resolution to update various portions of the Master Fee Schedule.
- D. **Resolution: Cobb County Water and Sewer Easement Agreements**
Consideration to approve a Resolution authorizing Water and Sewer Easement Agreements with Cobb County Water System
- E. **Final Plat Application: 2652 South Main Street**
Consideration for approval of a final plat application submitted by Kennesaw Development Owner, LLC for 2652 S. Main St. (Parcel 20016700020); this application intends to revise the final plat to include sewer and water easements. Case #FP2024-05

12. General and Administrative

13. Public Safety

- A. **Crime Statistics: October 2024**
Consideration to accept the October 2024 Crime Statistics.

14. Information Technology

15. Public Works and Building Maintenance

- A. **Resolution: Emergency Stormwater Repair**
Consideration to approve a Resolution authorizing a proposal for Emergency Stormwater Repair from Proshot Concrete, Inc.

16. Recreation and Culture

17. Community Development

18. Public Comment/Business from the Floor

19. City Manager's Report

- A. Reports, Discussions, and Updates

20. Mayor's Report

- A. Mayor and Council (re)appointments to Boards and Commissions. This item is for (re)appointments made by the Mayor to any Board, Committee, Authority, or Commission requiring an appointment to fill any vacancies, resignations, and to create or dissolve boards and commissions, as deemed necessary.

21. Council Reports & Discussions

A. Public Comment: Work Sessions

Consideration to approve the continuation of the public comment section(s) for work sessions.

22. Executive Session

Pursuant to the provisions of O.C.G.A 50-14-3, the City Council could, at any time during the meeting, vote to close the public meeting and move to executive session to discuss matters relating to litigation, legal actions and/or communications from the City Attorney; and/or personnel matters; and/or real estate matters.

23. Adjourn



Item Report

TO: The Honorable Mayor and City Council

FROM: Darryl Simmons, Zoning Administrator

DATE: November 18, 2024

TITLE: **Ordinance: Unified Development Code Text Amendment**
 Consideration for approval of a text amendment request as submitted by the City of Kennesaw. Said request is to amend the Unified Development Code, Appendix A, Chapter 2 "Zoning Districts", Section 2.03.00 and Unified Development Code, Appendix A, Chapter 8 "Boards and Agencies", Section 8.04.00 of said chapters regarding public art exhibits and the City of Kennesaw Art and Culture Commission as submitted by the City of Kennesaw. Case #MISC2024-03

Summary:

Said request is to amend the Unified Development Code, Appendix A, Chapter 2 "Zoning Districts", Section 2.03.00 and Unified Development Code, Appendix A, Chapter 8 "Boards and Agencies", Section 8.04.00 of said chapters regarding public art exhibits and the City of Kennesaw Art and Culture Commission. This public hearing was advertised in the Marietta Daily Journal on October 18, 2024 and a public notice sign has been posted on-site. At their November 6, 2024 meeting, the Planning Commission voted to approve the Text Amendment with the addition of language pertaining "student artist" to the definition of "Artist" as in section 2.03.02.

Recommendation:

The Zoning Administrator recommends Approval.

Fiscal Impact:

Attachments:

1. 11-6-24 PC Action Minutes
2. ORD2024_Public Art Exhibits

**MINUTES OF PLANNING COMMISSION MEETING
CITY OF KENNESAW
Council Chambers
(2529 J.O. Stephenson Avenue, Kennesaw, GA 30144)
November 6, 2024
6:30 PM**

1. Call to Order / Roll Call

The meeting was called to order by Chairman Jackson at 6:31 p.m.

Roll Call: Commissioner Jackson, Commissioner Ragus, Commissioner Patterson, Vice Chair Bodenhamer, Commissioner Vande Zande, Commissioner Trim

Absent: Commissioner Greenall

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

Speakers: John Gray (President of Fabric Housing, LLC), Kevin Moore (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 the following link: <https://www.kennesaw-ga.gov/publicmeetings/>. 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 18, 2024.

3. Approval of the Meeting Minutes

- A. Approval of Meeting Minutes: October 2, 2024

Chairman Jackson called for a motion

Motion to approve by Vice Chair Bodenhamer

Seconded by Commissioner Trim

Chairman Jackson proceeded with a roll call for approval
Vote taken, Commissioner Ragus, Commissioner Patterson, Vice Chair Bodenhamer, and Commissioner Trim voted in favor. Commissioner Vande Zande abstained. Motion approved 4-0. Motion carried.

4. 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 the remaining 12,000 sq. ft of retail along N. Roberts Road. Property consists of 4.57 +/- acres and lies in land lot 174, 175, 206, and 207 tax parcel 21, 121, 119, and 8.

Chairman Jackson called for a motion

Motion by Commissioner Vande Zande to approve with the condition that 5ft sidewalks be added along the frontage of Old 41 Highway and North Roberts Road

Seconded by Commissioner Ragus

Chairman Jackson proceeded with a roll call vote

Vote taken, Commissioner Ragus, Commissioner Patterson, and Commissioner Vande Zande voted in favor. Vice Chair Bodenhamer and Commissioner Patterson voted to deny. Motion approved 3-2. Motion carried

- B. **MISC2024-03** - Consideration for approval of a text amendment request as submitted by the City of Kennesaw. Said request is to amend the Unified Development Code, Appendix A, " Unified Development Code" Section 2.03.00 and Section 8.04.00 of said chapters as submitted by the City of Kennesaw.

Chairman Jackson called for a motion

Motion by Vice Chair Bodenhamer to approve with the condition that "student artist" be added to the definition of "Artist" in section 2.03.02

Seconded by Commissioner Patterson

Chairman Jackson proceeded with a vote for approval

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

- C. **PP2024-01** - Consideration for approval of a preliminary plat as submitted by Tyler Shoop located at 3057 N. Main Street (Parcel ID: 20012702300) for the development of a 38 unit townhome community. The property is located on 5.98+/- acres, and lies in land lot 127, tax parcel 23.

Chairman Jackson called for a motion

Motion by Vice Chair Bodenhamer to approve

Seconded by Commissioner Trim

Chairman Jackson proceeded with a roll call vote.

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

5. Staff Comment

6. Adjourn

Chairman Jackson adjourned the meeting at 7:46 p.m.

CITY OF KENNESAW, GEORGIA

ORDINANCE NO. 2024-____, 2024

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF KENNESAW, GEORGIA, APPENDIX A, UNIFIED DEVELOPMENT CODE, SECTION 2.03.00 “PUBLIC ART EXHIBITS” AND SECTION 8.04.00 “CITY OF KENNESAW ART AND CULTURE COMMISSION”

WHEREAS, the Unified Development Code of the City of Kennesaw is designed for the purpose of promoting the health, safety, morals, convenience, order, prosperity and general welfare of the City of Kennesaw and its individual and corporate citizens;

WHEREAS, the Unified Development Code contains ordinances that regulate the use of land and also contains standards that regulate the development of land;

WHEREAS, public hearings were duly advertised in the Marietta Daily Journal; and

WHEREAS, pursuant to Section 1-4 of the Code of Ordinances, Kennesaw, Georgia, the Code of Ordinances of Kennesaw, Georgia is hereby amended.:

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KENNESAW, COBB COUNTY, GEORGIA, AS FOLLOWS:

SECTION 1.

THAT SECTION 2.03.00 of the Unified Development Code, of the Code of Ordinance of the City of Kennesaw, Georgia, is hereby amended to read as follows: by deleting the text that is stricken through and by adding the text that is underlined.

2.03.00 PUBLIC ART EVENTS/ EXHIBITS

2.03.01 Purpose

It is the intent of the City of Kennesaw to permit and encourage public art exhibits on a content-neutral basis. Public art exhibits are a unique medium of expression which serves the public interest. Public art exhibits have purposes distinct from signs and confer different benefits, including improved aesthetics; avenues for original artistic expression; public access to original works of art; community participation in the creation of original works of art; and community building through the presence of and identification with original works of art, particularly those of cultural, historic, or social significance.

(Ord. No. 2013-15, 9-16-13; Ord. No. 2015-03, 2-16-15)

2.03.02 Definitions

Terms, phrases or words not expressly defined in this section are to be construed in accordance with the customary usage of such terms, phrases, or words. When necessary for a

reasonable construction of this chapter, words in the singular shall include the plural, words in the plural shall include the singular, and words used or defined in one tense or form shall include other tenses or derivative forms.

~~Administrator means the administrator of the arts in public places program.~~

~~Approving authority means the city manager or designee follows the existing budget and procurement processes.~~

Art on loan means artwork provided to the city to display for a predetermined period, which must be returned to the lender or owner after the loan period has expired.

Arts Programming Coordinator means the city staff designee responsible for programming of the arts in public places program.

Artist means a practitioner in the visual or performing arts and includes student artists recognized by critics and peers as an individual with the ability to produce fine art.

Artist registry means the collection of artists and artworks used as a resource for the arts, the arts activities, and for the arts in public places program selection process.

Arts in public places means any artistically designed feature that is a display, performance, or demonstration in or on city-owned or city-controlled property. Arts in public places shall include a feature that enhances the aesthetics of a city structure, bridge, streetscape, or park.

Artwork or fine art means all forms of original creations of visual art, which may be portable or permanent. Artwork or fine art includes, but is not limited to:

- 1) Paintings of all media, frescoes, and murals;
- 2) Sculptures of any form and in any material or combination of materials, including statues, monuments, fountains, arches, or other structures intended for ornamentation or commemoration;
- 3) Inscriptions, stained glass, fiber works, carvings, mosaics, photographs, drawings, collages, textile works, and prints; and
- 4) Artist-designed landscapes and earthworks, including the artistic placement of natural materials or other functional art objects.

~~City of Kennesaw Art and Culture Commission (“Commission”). Comprised of seven (7) individuals that are appointed by the mayor and council whose duty is to provide review and regulatory oversight over all public art exhibits submitted for approval to the City of Kennesaw.~~

Cultural event is a vehicle through which cultural traditions and practices are transmitted through performances and exhibitions. They promote intercultural understanding and showcase various communities' rich and diverse cultural expressions.

Deaccessioning means the removal of artwork from the city's public art collection, including selling, auctioning, or trading of artwork from the public art collection.

Donation means art or monies donated to the city from a private individual, institution, or other outside source.

Murals. For purposes of this section, an original art mural exhibit means an original work of visual art which is tiled or painted directly upon or affixed directly to an exterior wall of a

building. A mural is not a "sign" as defined by and regulated by the City of Kennesaw Sign Regulations.

Permanent arts in public places means any permanent visual artwork that is approved to be displayed on or in a city park, right-of-way, or the interior or exterior of any city facility.

Project or art in public places project means the processes of commissioning, acquiring, selecting, or deaccessioning works of art on city property.

Public arts collection means all city-owned or controlled fine art.

Public Art Exhibits ("The Exhibit"). ~~Visual art is a fine~~ Art forms including sculptured works, performing arts, paintings, wall murals and any art arrangement located on private property that can be viewed by the general public on a permanent or temporary basis.

Performing Arts. A time-based fine arts form that features a live presentation to an audience and includes such arts as acting, poetry, music, dance, and theatre.

Temporary art in public spaces means any visual artwork on loan displayed in a city park, right-of-way, or the interior or exterior of any city facility. The artwork has a specified, temporary time period.

(Ord. No. 2013-15, 9-16-13; Ord. No. 2014-09, 7-21-14; Ord. No. 2015-03, 2-16-15)

2.03.03 General Regulations

1. Permitted locations: Public Art Exhibits and performing arts are allowed in all zoning districts within the corporate limits of the City of Kennesaw as well as publicly owned buildings and property approved by the city.
2. Public art exhibits and performing arts are subject to any and all additional zoning regulations in the district in which the exhibit will be located.

(Ord. No. 2013-15, 9-16-13; Ord. No. 2014-09, 7-21-14; Ord. No. 2015-03, 2-16-15)

2.03.04 Artist/Sponsor Acknowledgements and Title of Work

An incorporate image or attached plaque identifying the artist, financial sponsor(s) and title of work of the public art exhibit will be allowed. The plaque or image of acknowledgements and titles will be an appropriate scale to the public art exhibit, shall not exceed 6"x6" and will not be incorporated into the artwork.

2.03.05 Review and approval process of public art exhibits, murals, cultural events, and performing arts.

- A. All public art exhibits, performances and cultural events shall be required to submit a written application on forms provided by ~~the a~~ City of Kennesaw ~~Planning and Zoning Department~~ Arts Programming Coordinator staff designee for a site plan permit. A complete permit application will include an artist rendering or visual representation of the art work proposed, owners affidavits, photos of existing conditions on the property including location on permanent structures or buildings, description of materials to be

used in association with art work, maintenance agreement and schedules of maintenance, a rendering or visual representation of the plaque or image of acknowledgements and titles, and permit fee as adopted in the City of Kennesaw fee schedule. A complete application packet will be submitted to the ~~Planning and Zoning Administrator or staff~~ designee.

- B. The Kennesaw ~~Planning and Zoning Administrator or designee~~ Arts Programming Coordinator will process the application and forward for review to the ~~City of Kennesaw Art and Culture Commission on their prepared agenda~~ other appropriate staff members within thirty days of receipt of application. The ~~Planning and Zoning Administrator staff designee~~ upon receipt of application, will review property for issues dealing with traffic issues and other city ordinances prior to ~~processing for Art and Culture meeting agenda~~ rendering a decision to approve or deny the visual, performing art, and/or public art application. Final approval by the City Manager is required prior to issuance of application approval. The ~~Planning and Zoning Administrator or designee~~ will implement the following procedures for public notification: 1) Post a sign at the property at least ten days before the first public meeting alerting public of the time, date and location of the meeting where application will be considered; 2) Post application information and meeting information on the City of Kennesaw website; 3) Mailing of letters at least ten days prior to the first public meeting to property owners listed on the Cobb County Tax assessors records whose property are adjacent or abut the property that is referenced on the application. Said letter will provide application information, time, date and location of the Art and Culture Commission and Mayor and Council meetings. After the application has been reviewed, a written recommendation is rendered by the Art and Culture Commission. The application will then be forwarded to the Mayor and Council for final review and action by vote.
- C. The ~~commission~~ Arts Programming Coordinator will review and ~~render~~ provide the City's written recommendations to the Mayor and Council by vote on decisions to deny or approve to applicant (s) to all submitted site plan permit applications, ~~during a scheduled meeting~~. The property owner(s) or an official representative must be present at all meetings. The ~~commission~~ Arts Programming Coordinator will provide a findings document in the form of minutes that will provide the basis of decisions. ~~Permit applications will reflect the recommendation of the commission to the Mayor and Council with the appropriate signature from the chairperson of said commission.~~ contingent on City Departments venues, spaces, costs, and program availability/conflicts.
- D. Any proposed locations in the Central Business District, Historic Preservation District or other historic districts ~~will~~ may require a written recommendation from the Historic Preservation Commission.
- E. The applicant shall be required to attend all scheduled meetings, ~~of the commission and all scheduled meetings of the Mayor and Council.~~
- F. All approved site plan permits for permanent art exhibits will be in effect for ~~seven years~~ a determined time period (based on exhibit period and City programs) from the date of

approval. The ~~commission~~ Arts Programming Coordinator will accept a renewal application if the art exhibit is to continue.

- G. All site plan permits for temporary and rotating exhibits, ~~including acknowledgement and titles, cultural events, and performances~~ shall have expiration dates based on the time period scheduled for the event.
- H. All proposed changes to public art exhibits, including acknowledgement and titles, shall be submitted to the ~~commission~~ Arts Programming Coordinator for review and ~~approval~~ coordination with staff.

2.03.06 Denial of site plan permit applications

- A. In any instance where the application is denied by ~~the Mayor and Council~~ staff through the Arts Programming Coordinator, the applicant may file an appeal to ~~the Superior Court in the manner provided by law under O.C.G.A. tit. 5, ch. 3.~~ city manager's office who may refer the issue to a committee of internal and external stakeholders comprised of staff, arts organization representatives, and businesses to review the appeal for consideration.
- B. When an application for a permit under this chapter is denied ~~by the Mayor and Council~~, the city shall not accept or consider an application for a permit under this chapter from that applicant or for the same exhibit within ninety (90) days of the denial.

(Ord. No. 2013-15, 9-16-13; Ord. No. 2014-09, 7-21-14; Ord. No. 2015-03, 2-16-15)

2.03.07 City of Kennesaw Art and Culture ~~Commission~~ Administration

~~A. Duties~~

- ~~1. Provide review, recommendations and regulatory oversight over all public art exhibits submitted for approval to the City of Kennesaw Mayor and Council.~~
- ~~2. Provide recommendations to Mayor and Council, city departments and boards regarding programs and community outreach activities that promote local cultural and artistic awareness and education.~~

~~B. Structure~~

~~The commission will be comprised of seven (7) individuals appointed by Mayor and Council. The members will include:~~

- ~~1. A practicing architect licensed in the State of Georgia;~~
- ~~2. An active participant in local or state art councils or member of art/cultural foundations with professional background in art programs or art culture education;~~
- ~~3. An active student or professor from a college, university, technical school or other educational institution;~~

- ~~4. A business owner within the city limits of Kennesaw;~~
- ~~5. A current Cobb County resident; and~~
- ~~6. Of the seven (7) members, four shall be residents of the City of Kennesaw.~~
- ~~C. The commission will have staggered term limits as approved by the Mayor and Council.~~
~~The commission will have annual elections to elect a Chairperson, Vice Chairperson and Secretary. All meetings will follow the Roberts Rules of Order latest edition.~~

A. Art Programming Coordinator

The city manager shall designate an administrator of the arts in public places program to perform the functions described in this chapter. The Arts Programming Coordinator is responsible for maintaining an inventory of the city's public art collection, identifying and supervising maintenance plans for the city's public art collection, and serving as a liaison to staff and the community. The Art Programming Coordinator's duties include:

1. Reviews at least annually the approval process of public art exhibit requests to the City.
2. Provides oversight, coordinates with City staff, and obtains approval from the city manager's office regarding all public art exhibits, performing arts, and cultural events on private property.
3. Works with City departments to facilitate installation, arts opportunities, and performances based on timeline of annual and special event programs.
4. Issues artist contracts approved by the City Manager for installations, exhibits, and performances to address scheduling, and expiration of authorizations/permits.
5. With the Smith-Gilbert Gardens serving as an arts incubator to feed cultural resources into the City, develops partnerships with public and private organizations to provide arts and culture activities which extend from the Gardens other departments, stakeholders, and partners.
6. Provide review, and coordinate decisions over all public art exhibits, performing arts and cultural events submitted for approval to the City of Kennesaw.
7. Provide updates to Mayor and Council, city departments and boards regarding programs and community outreach activities that promote local cultural and artistic awareness and education.
8. Provide oversight and direction to the Art Advisory Committee regarding promoting of Art events, education, and partnerships with other public or private agencies.
9. Develop partnerships with City departments, and community organizations (local arts organizations, neighboring municipalities, school systems, and Downtown Develop Authority), to provide arts and culture activities to the City.

B. Art Advisory Committee

1. Creation of an Art Advisory Committee, Member Qualifications, and Appointment
 - i. There is hereby created an advisory committee called the "Kennesaw Public Art Advisory Committee."

- ii. The “committee” shall consist of community members with a professional interest in or outstanding knowledge of the arts that will be appointed by the City Manager.
 - iii. There shall be five community members whose qualifications shall include, but are not limited to, public art, visual art, architecture, environmental design, music, performance, literary art, or others who have demonstrated a professional interest in or outstanding knowledge of the arts.
 - iv. Qualifications of community members shall be reviewed and considered by the City Manager for their demonstrated background, education and expertise in the visual arts, public art, architecture, or related professions.
2. Member Terms
- i. Members of the committee shall serve two-year terms. Initial appointments shall consist of two members with one-year terms and three members with two-year terms. Members shall not receive compensation.
3. Meetings
- i. The committee shall meet on an as needed basis.
4. Duties and Powers
- i. The committee shall provide feedback to the Arts Programming Coordinator as needed for application reviews and proposals.
 - ii. The committee shall endeavor to increase the visibility and awareness of public art through outreach, education, and collaboration.

(Ord. No. 2013-15, 9-16-13; Ord. No. 2014-09, 7-21-14; Ord. No. 2015-03, 2-16-15)

2.03.08 Prohibited public art exhibits

Prohibited public art exhibits include:

- A. A "sign" as defined and regulated by the City of Kennesaw adopted sign ordinance.
- B. The exhibit contains sexually explicit conduct or sexually explicit nudity, as defined in the Code of Ordinances, Chapter 22 Article XIV, section 22-393.
- C. The exhibit contains gang affiliation symbols.
- D. The exhibit contains content or images which violate the criminal laws of the State of Georgia.
- E. The exhibit is distracting enough to create a public safety issue by impeding traffic flow.
- F. The exhibit incorporates materials that are not weather resistant or may be toxic in any way that may endanger the general public.
- G. The exhibit incorporates any materials in violation of the citywide architectural standards or the historic district standards.
- H. Art objects that are mass produced of standard design such as playground equipment, benches, statuary objects, or fountains.
- I. Reproductions of original works of art.

J. Existing works of art offered for sale or donation to the City which does not have an established and recognized significance as public art among art professionals and art appraisers.

K. Logos or corporate identity.

(Ord. No. 2013-15, 9-16-13; Ord. No. 2014-09, 7-21-14; Ord. No. 2015-03, 2-16-15)

2.03.09 Items not applicable to this ordinance

The following items are not subject to the application of this ordinance:

- A. Decorative or functional elements or architectural details, which are designed solely by the building architect as opposed to an artist commissioned for this purpose working individually or in collaboration with the building architect.
- B. Decorative displays located on single family attached and detached zoning districts including Planned Unit Development districts.
- C. Landscape architecture and landscape gardening except where these elements are designed by an artist and are an integral part of the work of art by the artist.

(Ord. No. 2013-15, 9-16-13; Ord. No. 2014-09, 7-21-14; Ord. No. 2015-03, 2-16-15)

2.03.10 Non-Conforming exhibits

- A. All exhibits that are in existence at the time of the adoption of this ordinance that meet the definitions of this chapter shall continue until there are improvements or physical change in the exhibit of 50% or more or if deterioration is identified as per section 2.03.11.
- B. All exhibits that do not meet the definitions of this chapter shall be reviewed for further action as set forth in section 2.03.11.

(Ord. No. 2013-15, 9-16-13; Ord. No. 2014-09, 7-21-14; Ord. No. 2015-03, 2-16-15)

2.03.11 Maintenance and violations

- A. The ~~Planning and Zoning Department~~ Arts Programming Coordinator shall be charged with authority to order the painting, repair, alteration, or removal of public art exhibits which violate the requirements of this chapter, become dilapidated or are abandoned. A public art exhibit shall be deemed to be dilapidated when 25% or more of the display surface area contains peeling or flaking paint, deteriorated components or parts, or is otherwise not preserved in the manner in which it was originally created.
- B. Violation of this ordinance will result in the City of Kennesaw issuing a written notice to address the violation of this chapter. Notice of violation will be sent certified mail to the

applicant and property owner of record. The applicant and property owner shall be granted 30 days from the date of said notice to comply with this ordinance or remove the exhibit. Failure to comply with this ordinance shall result in the revocation of the approved site plan permit requiring the removal of the approved art exhibit at the applicant and the property owner's expense.

C. If the public art exhibit is not brought into compliance or removed after notice is issued, the public art exhibit in violation shall be deemed a nuisance under section 46-31 and enforcement procedures defined under sections 46-500 through 46-505 ~~46-32, 46-33 and 46-34~~ of the Code of Ordinances of Kennesaw. Abatement of the nuisance may involve the painting, repair, alteration, or removal of the public art exhibit at the applicant and property owner's expense. The property owner shall be responsible for any and all costs and fees associated with the painting, repair, alteration or removal of the public art exhibit as set forth in section ~~46-33~~502.

D. All costs and fees, including reasonable attorney fees, shall be a lien against the real property upon which such cost was incurred in the same manner as set forth in section ~~46-33~~502.

(Ord. No. 2013-15, 9-16-13; Ord. No. 2014-09, 7-21-14; Ord. No. 2015-03, 2-16-15)

SECTION 2.

THAT SECTION 8.04.00 of the Unified Development Code, of the Code of Ordinance of the City of Kennesaw, Georgia, is hereby amended to read as follows: by deleting the text that is stricken through.

~~8.04.00 CITY OF KENNESAW ART AND CULTURE COMMISSION~~

~~8.04.01 Establishment of the Art and Culture Commission~~

~~A. The local governing body or bodies of one or more municipalities lying wholly or partially within such county may establish or designate an art and culture commission. If a joint commission is established, the local governing bodies of the county and the municipality or municipalities involved shall determine the residence requirements for members of the joint commission.~~

(Ord. No. 2013-15, 9-16-13; Ord. No. 2015-03, 2-16-15)

~~8.04.02 Creation~~

~~A. The Kennesaw Art and Culture Commission is hereby created, consisting of not more than seven members of which at least four members must be City of Kennesaw residents appointed by the Mayor and Council. The members shall include:~~

- ~~1. A practicing architect licensed in the State of Georgia;~~

- ~~2. An active participant in local or state art councils or member of art/cultural foundations with professional background in art programs or art culture education;~~
- ~~3. An active student or professor from a college, university, technical school or other educational institution;~~
- ~~4. A business owner within the city limits of Kennesaw;~~
- ~~5. A current Cobb County resident;~~
- ~~6. Of the seven (7) members, four shall be residents of the City of Kennesaw.~~
- ~~B. The members of the commission shall be appointed for two year staggered terms as vacancies occur.~~
- ~~C. Members shall be eligible for reappointment.~~
- ~~D. Members serve at the pleasure of the Mayor and Council and may be removed at any time with or without cause by a majority vote of the Mayor and Council.~~

~~(Ord. No. 2013-15, 9-16-13; Ord. No. 2014-09, 7-21-14; Ord. No. 2015-03, 2-16-15)~~

~~8.04.03 Meetings~~

- ~~A. The City of Kennesaw Art and Culture Commission shall meet as needed.~~
- ~~B. A public record shall be kept of the commission's resolutions, proceedings, and actions.~~
- ~~C. Meetings shall be conducted according to the most recent version of the Robert's Rules of Order, unless it is announced at the beginning of the meeting that those Rules will not be used.~~

~~(Ord. No. 2013-15, 9-16-13; Ord. No. 2014-09, 7-21-14; Ord. No. 2015-03, 2-16-15)~~

~~8.04.04 Conflicts of Interest~~

~~At any time the Kennesaw Art and Culture Commission reviews a project in which a member of the commission has ownership or other economic or vested interest including the involvement of relatives, that member will be restricted from presenting, voting or discussing the project, other than answering a direct question.~~

~~(Ord. No. 2013-15, 9-16-13; Ord. No. 2014-09, 7-21-14; Ord. No. 2015-03, 2-16-15)~~

~~8.04.05 Duties, Responsibilities and Powers~~

~~The City of Kennesaw Art and Culture Commission shall be authorized and encouraged to:~~

- ~~A. Recommend to the Mayor and Council, city departments and boards regarding programs and community outreach activities that promote local cultural and artistic awareness and education.~~
- ~~B. Review all applications requesting the issuance of a site plan permit and to provide a recommendation to Mayor and Council to grant or deny submitted applications in accordance with the provisions of this ordinance.~~

~~(Ord. No. 2013-15, 9-16-13; Ord. No. 2014-09, 7-21-14; Ord. No. 2015-03, 2-16-15)~~

8.04.06 Appeals

~~Appeals from decisions of the Mayor and Council may be taken to the Superior Court of Cobb County in the manner provided by law under O.C.G.A. tit. 5, ch. 3.~~

~~(Ord. No. 2013-15, 9-16-13; Ord. No. 2014-09, 7-21-14; Ord. No. 2015-03, 2-16-15; Ord. No. 2023-16, § 6, 8-21-23)~~

8.04.07 Guidance standards and maintenance of consistent policies

~~In order to provide guidance and insight into desirable goals and objectives for the City of Kennesaw Art and Culture Commission, the commission shall maintain a file containing records of all applications brought before the commission for review. Each file shall include: the action taken by the commission; drawings submitted; amendments of drawings approved pertaining thereto; and drawings and photographs or reproductions thereof showing structures in authentic Kennesaw character. Where in the commission's opinion these files or records serve as general guides to appropriateness or as expressions of objectives to property owners or artists, these files may be referred to for use on other applications. Such documents shall remain the property of the City of Kennesaw and be held in the custody of the Zoning Administrator.~~

~~(Ord. No. 2013-15, 9-16-13; Ord. No. 2015-03, 2-16-15)~~

SECTION 3.

BE IT FURTHER ORDAINED THAT this ordinance shall become effective on and after its adoption and execution by the mayor, pursuant to Section 2.11 of the City Charter of the City of Kennesaw.

PASSED AND ADOPTED by the Kennesaw City Council on this ____ day of _____, 2024.

ATTEST:

CITY OF KENNESAW:

Lea Alvarez, City Clerk

Derek Easterling, Mayor



Item Report

TO: The Honorable Mayor and City Council

FROM: Darryl Simmons, Zoning Administrator

DATE: November 18, 2024

TITLE: **Ordinance: Rezoning Request for 2112 & 2114 Old 41 Highway, 1620 North Roberts Road**
 Consideration for approval of an ordinance authorizing a rezoning request submitted by Fabric Housing Acquisitions, LLC, for the property located at 2112 & 2114 Old 41 Hwy, and 1620 N. Roberts Rd (20017501190, 20017501210, 20017500210, 20017400080).
 Case #RZ2024-04

Summary:

Said request is to amend the rezoning conditions outlined in Ordinance #2018-10 and #2022-09 on parcels located at 2112 & 2114 Old 41 Hwy and 1620N. Roberts Rd (Parcels 20017501190, 20017501210, 20017500210 & 20017400080). The project consists of 4.547 +/- acres, and lies in Land Lot 174, 175 and Tax Parcel 119,121,21 & 8. This public hearing was advertised in the Marietta Daily Journal on October 18, 2024 and public notice signs have been posted on site. The Planning Commission, at their regularly scheduled meeting on November 6, 2024, recommended approval of the request to amend the zoning conditions as outlined by the applicant with the conditions that sidewalks be added along the frontage of Old 41 Hwy and N. Roberts Rd. On November 8, 2024, staff received an attorney's letter requesting the pending application be postponed to the December 9, 2024, City Council work session and the December 16, 2024, City Council regular meeting.

Recommendation:

Zoning Administrator recommends accepting the attorney's letter dated November 8, 2024, to postpone the application to the December 9, 2024, City Council work session and the December 16, 2024, City Council regular meeting.

Fiscal Impact:

Attachments:

1. RZ2024-04 - Request to Table to 12-2024 M&C - 11-08-2024

2. RZ2024-04_2112 & 2114 Old 41 Hwy_Staff Analysis_MC
3. RZ2024-04_2112 & 2114 Old 41 Hwy_Application_Packet
4. 11-6-24 PC Action Minutes

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

MARIETTA, GEORGIA
EMERSON OVERLOOK
326 ROSWELL STREET
SUITE 100
MARIETTA, GEORGIA 30060
TELEPHONE (770) 429-1499

KNOXVILLE, TENNESSEE
408 N. CEDAR BLUFF ROAD
SUITE 500
KNOXVILLE, TENNESSEE 37923
TELEPHONE (865) 692-9039

JACKSONVILLE, FLORIDA
10201 CENTURION PARKWAY N.
SUITE 401
JACKSONVILLE, FLORIDA 32256
TELEPHONE (904) 428-1465

BRENTWOOD, TENNESSEE
12 CADILLAC DRIVE
SUITE 200
BRENTWOOD, TENNESSEE 37027
TELEPHONE (615) 425-7347

LEXINGTON, KENTUCKY
2408 SIR BARTON WAY
SUITE 375
LEXINGTON, KY 40509
TELEPHONE (859) 309-0026

ORLANDO, FLORIDA
390 N. ORANGE AVENUE
SUITE 625
ORLANDO, FLORIDA 32801
TELEPHONE (407) 367-6233

HARRISBURG, PENNSYLVANIA
101 ERFORD ROAD
SUITE 300
CAMP HILL, PA 17011
TELEPHONE (717) 790-2854

November 8, 2024

Via E-mail Only to dsimmons@kennesaw-ga.gov

Mr. Darryl Simmons
Zoning Administrator
Department of Community Development
City of Kennesaw, Georgia
2529 J.O. Stephenson Avenue
Kennesaw, Georgia 30144

RE: Application for Rezoning (Master Plan Amendment)
 Case No.: RZ2024-04
 Applicant: Fabric Housing Acquisitions, LLC
Property Owners: JLV Kennesaw Crossing, LLC;
 JLV Kennesaw Mixed Use, LLC
 Property: 4.547 acres, more or less, located at the
 intersection of Old 41 Highway and North
 Roberts Road, being more particularly known as
 2112 and 2124 Old 41 Highway and
 1620 N. Roberts Road; Land Lots 174 and 175,
 20th District, 2nd Section, City of Kennesaw,
 Cobb County, Georgia

Dear Darryl:

Please accept this correspondence as the request of Applicant and Owners in the above-referenced Application for Master Plan Amendment to table the pending Application from the November 12, 2024, Mayor and City Council Work Session and November 18, 2024, Mayor and City Council Hearing Agenda to the respective agenda dates in December 2024. As we discussed, there appears to be outstanding items or issues arising out of the initial rezoning in 2018; as well as, the subsequent master plan amendment approved in 2022, which need to be addressed and resolved with City Staff prior to consideration by the Mayor and City Council. Moreover, the additional time will provide the Applicant an opportunity to continue its work with City Staff to incorporate potential revisions in response to expressed concerns. In this regard, this correspondence also serves to request a meeting with you and the City Manager to review any outstanding items or issues from prior approvals to determine how best this Applicant may address the situation and satisfy the City's concerns.

MOORE INGRAM JOHNSON & STEELE

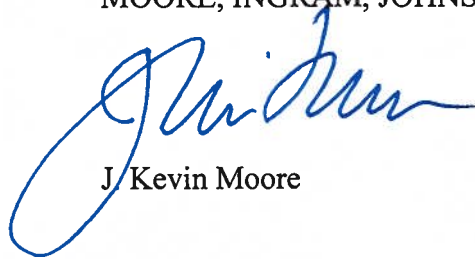
Mr. Darryl Simmons
Zoning Administrator
Department of Community Development
City of Kennesaw, Georgia
Page 2 of 2
November 8, 2024

As always, we appreciate your professional courtesy in handling of any application and would very much appreciate the opportunity to continue our work to produce a development that achieves the goals of all parties involved.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc

c: Channelle Campbell
Assistant Zoning Administrator/Planner
Department of Community Development
City of Kennesaw
(Via E-mail Only)

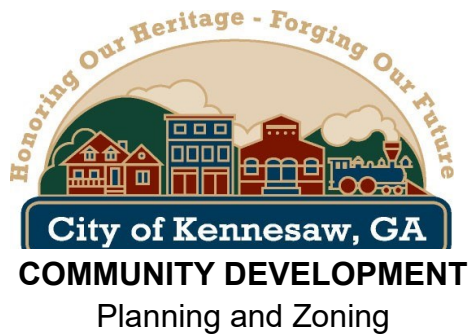
Fabric Housing Acquisitions, LLC
(Via E-mail Only)

ZONING ADMINISTRATOR
DARRYL SIMMONS

**ASSISTANT ZONING
ADMINISTRATOR/PLANNER**
CHANELLE CAMPBELL

CONTACT US

OFFICE: (770) 590-8268
WEBSITE: www.kennesaw-ga.gov
EMAIL: zoningdept@kennesaw-ga.gov



2529 J.O. Stephenson Avenue
Kennesaw, GA 30144

MAYOR AND COUNCIL
NOVEMBER 18, 2024

PLANNING COMMISSION
NOVEMBER 6, 2024

LEGAL ADVERTISEMENTS
OCTOBER 18, 2024

PUBLIC NOTICE SIGN
OCTOBER 18, 2024

APPLICATION SUBMITTED
SEPTEMBER 19, 2024

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2024-04

Property Addresses

2112 & 2114 Old 41 Hwy; 1620 N. Roberts Rd

Applicant

Fabric Housing Acquisitions, LLC

Representative

Moore, Ingram, Johnson & Steele, LLP - J. Kevin Moore

Property Owner

JLV Kennesaw Crossing, LLC
JLV Kennesaw Mixed Use, LLC

Current Zoning

Planned Village Community (PVC)

Future Land Use Category

Community Activity Center (CAC)

Project Request: Amend rezoning conditions from Ordinance #2018-10 and #2022-09.

[Please see page 5 project request description.](#)

PROPERTY DETAILS

Within 1/2 mi from Unincorporated Cobb Co: Yes

Historic District: No

Cemetery: No **Floodplain:** No **Stream:** No

Parcel ID #: 20017501190, 20017501210,
20017500210 & 20017400080

Land Lot #: 174, 175 **Tax Parcel #:** 119,121,21,8

Land Area: 4.547 +/-



Aerial view of subject property (Cobb Tax Assessor)



Aerial view of subject property (Cobb Tax Assessor)

RECOMMENDATION

Staff Recommendation: **DENIAL**

[Please see page 29 - 30 for basis for recommendation.](#)

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2024-04

AERIAL MAP

LOCATION:

The 4.547 +/- acre tract lies at the intersection of Old 41 Hwy and N. Roberts Rd. Surrounding uses to the south zoned county General Commercial (GC), county Low Rise Office (LRO), county Light Industrial (LI) and county Heavy Industrial (HI) with various commercial and office uses including Advance Auto Parts, Loud Security Systems and LGE Community Credit Union. To the north and east are zoned county Light Industrial (LI) with the FedEx Ground Warehouse to the north and office uses to the east. To the west is currently zoned county General Commercial (GC) and county Tourist Services (TS) district with uses including a Shell gas station and Waffle House.

BACKGROUND:

In 2018, the site was rezoned from General Commercial (GC) to Planned Village Community (PVC). The intent of the rezoning was to develop a mixed-use development consisting of a four-five story hotel, two (2) one-story retail building consisting of approximately 22,000 sq. ft, three (3) four-five story multifamily buildings and two (2) office condominium buildings consisting of 9,750 sq. ft.

The applicant submitted a rezoning application in 2022 to amend the master plan approved in 2018. The application requested to replace the hotel requirement with a mixed-use development consisting of 12,000 sq. ft. of ground floor commercial component and multifamily with no more than 208 additional units. The request was approved by Mayor and Council on November 21, 2022 with added stipulations including outdoor plaza spaces, a parking deck with enough spaces to meet the minimum standards found in [section 6.06.09](#) for the multifamily units and square footage of either commercial retail, office and/or eating and drinking establishment and an eight foot multi-use trail.



ADJACENT PROPERTY DETAILS

Surrounding Zoning Dist. and Future Land Use

North: No Street

Zoning: County Light Industrial (LI)

Future Land Use: County Industrial (I)

South: North Roberts Rd

Zoning: County General Commercial (GC), County Low Rise Office District (LRO) and County Heavy Industrial (HI)

Future Land Use: County Community Activity Center (CAC) and County Industrial (I)

East: No Street

Zoning: County Light Industrial (LI)

Future Land Use: County Industrial (I)

West: Old 41 Hwy

Zoning: County General Commercial (GC), County Tourist Service District (TS)

Future Land Use: County Industrial (I), County Community Activity Center (CAC)

[Please see pages 4 for zoning map.](#)

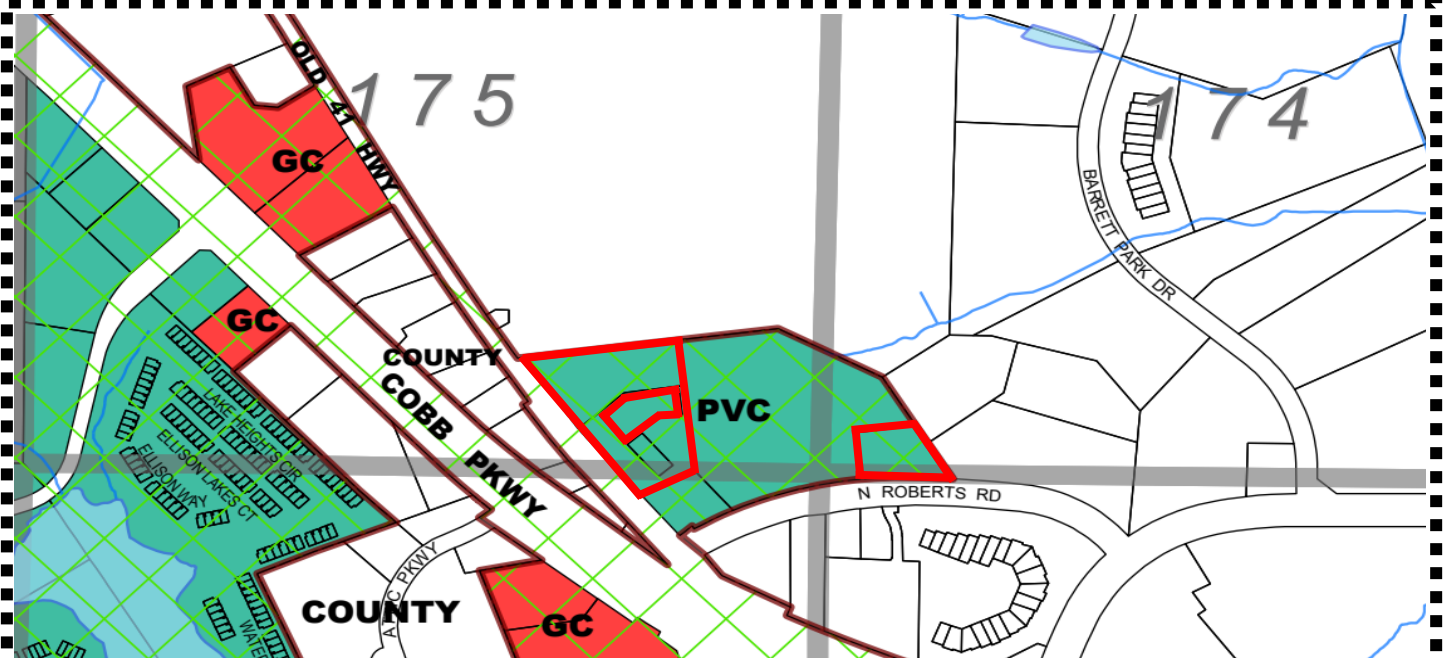


= Approximate project location

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2024-04

ZONING MAP



LEGEND

Zoning Districts				Form Based Code		Zoning Overlays	
CBD	HGB	NS	PVC	Open Space	Airport Hazard District	Acworth City Limits	
CRC	HI	OI	R-10	T-3	Conservation Subdivision	Kennesaw City Limits	
FST	LI	PBSH	R-12	T-4L	Historic Districts	Kennesaw Mtn Nat'l Battlefield	
GC	MHP	PSC	R-15	T-40	Historic Preservation Village	Land Lots	139
				T-5	Senior Living	Marietta City Limits	

PLANNED VILLAGE COMMUNITY(PVC)

The parcels were rezoned from General Commercial (GC) to Planned Village Community (PVC) in 2018. The Planned Village Community district is intended to create a vibrant, pedestrian-friendly commercial area within a village setting. The intent is to promote a mix of retail, dining and service businesses that fosters economic development and balances commercial needs with community focused development.

Per the [section 2.01.04](#) of the Unified Development Code, (1) Projects within the PVC should be designed to compact unified retail centers within the center of the community. (2) Projects developed within the PVC should occupy a quadrant of an intersection and only ingress and egress from a major or collector street or state highway. (3) Additionally, the desired quadrant location will provide for planned developments, one destination shopping, and service locations to serve [the] community, and to minimize traffic congestion.

STAFF ANALYSIS REPORT



ZONING CASE #: RZ2024-04

DESCRIPTION OF ZONING REQUEST

This is a rezoning amendment request to amend the zoning conditions approved under ordinances #2018-10 and #2022-09, specifically eliminating the ground floor commercial requirement and placing the remaining 12,000 sq. ft. of required retail along N. Roberts Rd. The project would eliminate the two office condominium buildings consisting of 9,750 sq. ft.

PROJECT DETAILS

PROPOSED MULTI-FAMILY

Number of Apartment Units: 120

Average Unit Size: 954 SF

Number of Floors: 4

PROPOSED OFFICE RETAIL

12,000 sq. ft. (consists of four 3,000 sq. ft suites)

PROPOSED PARKING DETAILS

Residential - 189 spaces (1.58 space/unit)

Retail Area - 50 spaces (1/200 SF)

Overflow Parking - 7 spaces

PROPOSED TRAIL

8-foot multi-use path

EXISTING COMMERCIAL

10,000 sq. ft. of retail

PROPOSED UNIT COUNT AND AVG. SIZES

# UNITS	BEDROOMS	AVG SF *
64	1-Bedroom	754 SF
48	2-Bedrooms	1,143 SF
8	3-Bedrooms	1,449 SF
120 Units Total		1,115 SF

* Sq. ft. of Heated Space

Pre-Application Meeting

August 15, 2024

Application Submitted

September 19, 2024

Fees Paid

\$375.00

Certified Letters Mailed

October 17, 2024

PROPERTY DETAIL #1

Address: 2112 Old 41 Highway

Parcel ID: 20017501210, 20017500210,

20017501200

Acres: +/- 2.02

Property Owner: JLV KENNESAW MIXED USE LLC

Current Zoning: PVC

PROPERTY DETAIL #2

Address: 2114 Old 41 Highway

Parcel ID: 20017501190

Acres: +/- 2.27

Property Owner: JLV KENNESAW CROSSING LLC

Current Zoning: PVC

PROPERTY DETAIL #3

Address: 1620 N. Roberts Rd

Parcel ID: 20017400080

Acres: +/- 1.10

Property Owner: JLV KENNESAW MIXED USE LLC

Current Zoning: PVC

EXISTING SITE CONDITIONS

The construction of the multi-family known as "The Ellison" was completed in 2021; the project consisted of 3 four story buildings totaling 250 units with singular access from N. Roberts Rd. The same year the construction of a 10,000 sq. ft. retail building was completed on parcel fronting Old 41 Hwy. The site consists of a total of 482 parking spaces; 414 parking spaces for the residential units and 68 for the retail/restaurant component of the project.

SITE SURVEY (MULTI-FAMILY DEVELOPMENT)

ZONING CASE #: RZ2024-04



SITE SURVEY (DENSITY DETAIL)

ZONING CASE #: RZ2024-04

UNIT MIX		DESCRIPTION	BIDS	TOTAL PROJECT MIX					TOTAL			4019/8M	
UNIT TYPE	UNIT RENTABLE AREA			400	406K	TOTAL	BUILDING RENTABLE AREA	UNIT	TOTAL UNITS	TOTAL BIDS	HEATED*		UNHEATED*
		HEATED*	UNHEATED*	HEATED*	UNHEATED*	HEATED*	UNHEATED*	HEATED*	UNHEATED*	HEATED*	UNHEATED*	HEATED*	
1	1 BEDROOM / 1 BATH	1	722 SF	66 SF	15	4	20	14,440 SF	15,760 SF	A1	20	14,440 SF	15,760 SF
2	2 BEDROOM / 2 BATH	2	1,444 SF	132 SF	30	8	40	28,880 SF	32,584 SF	A2	40	28,880 SF	32,584 SF
3	3 BEDROOM / 3 BATH	3	2,166 SF	200 SF	45	12	60	43,320 SF	50,128 SF	A3	60	43,320 SF	50,128 SF
4	4 BEDROOM / 4 BATH	4	2,888 SF	264 SF	60	16	80	57,760 SF	67,040 SF	A4	80	57,760 SF	67,040 SF
5	5 BEDROOM / 5 BATH	5	3,610 SF	330 SF	75	20	100	71,600 SF	83,520 SF	A5	100	71,600 SF	83,520 SF
6	6 BEDROOM / 6 BATH	6	4,332 SF	396 SF	90	24	120	85,940 SF	100,560 SF	A6	120	85,940 SF	100,560 SF
7	7 BEDROOM / 7 BATH	7	5,054 SF	462 SF	105	28	140	100,280 SF	118,880 SF	A7	140	100,280 SF	118,880 SF
8	8 BEDROOM / 8 BATH	8	5,776 SF	528 SF	120	32	160	109,520 SF	130,240 SF	A8	160	109,520 SF	130,240 SF
9	9 BEDROOM / 9 BATH	9	6,498 SF	594 SF	135	36	180	118,760 SF	141,600 SF	A9	180	118,760 SF	141,600 SF
10	10 BEDROOM / 10 BATH	10	7,220 SF	660 SF	150	40	200	128,000 SF	154,400 SF	A10	200	128,000 SF	154,400 SF
11	11 BEDROOM / 11 BATH	11	7,942 SF	726 SF	165	44	220	137,240 SF	166,880 SF	A11	220	137,240 SF	166,880 SF
12	12 BEDROOM / 12 BATH	12	8,664 SF	792 SF	180	48	240	146,480 SF	178,240 SF	A12	240	146,480 SF	178,240 SF
13	13 BEDROOM / 13 BATH	13	9,386 SF	858 SF	195	52	260	155,720 SF	190,080 SF	A13	260	155,720 SF	190,080 SF
14	14 BEDROOM / 14 BATH	14	10,108 SF	924 SF	210	56	280	165,160 SF	201,520 SF	A14	280	165,160 SF	201,520 SF
15	15 BEDROOM / 15 BATH	15	10,830 SF	990 SF	225	60	300	174,600 SF	213,000 SF	A15	300	174,600 SF	213,000 SF
16	16 BEDROOM / 16 BATH	16	11,552 SF	1,056 SF	240	64	320	184,040 SF	224,480 SF	A16	320	184,040 SF	224,480 SF
17	17 BEDROOM / 17 BATH	17	12,274 SF	1,122 SF	255	68	340	193,480 SF	235,920 SF	A17	340	193,480 SF	235,920 SF
18	18 BEDROOM / 18 BATH	18	12,996 SF	1,188 SF	270	72	360	202,920 SF	247,360 SF	A18	360	202,920 SF	247,360 SF
19	19 BEDROOM / 19 BATH	19	13,718 SF	1,254 SF	285	76	380	212,360 SF	258,800 SF	A19	380	212,360 SF	258,800 SF
20	20 BEDROOM / 20 BATH	20	14,440 SF	1,320 SF	300	80	400	221,800 SF	270,240 SF	A20	400	221,800 SF	270,240 SF
21	21 BEDROOM / 21 BATH	21	15,162 SF	1,386 SF	315	84	420	231,240 SF	281,680 SF	A21	420	231,240 SF	281,680 SF
22	22 BEDROOM / 22 BATH	22	15,884 SF	1,452 SF	330	88	440	240,680 SF	293,120 SF	A22	440	240,680 SF	293,120 SF
23	23 BEDROOM / 23 BATH	23	16,606 SF	1,518 SF	345	92	460	250,120 SF	304,560 SF	A23	460	250,120 SF	304,560 SF
24	24 BEDROOM / 24 BATH	24	17,328 SF	1,584 SF	360	96	480	259,560 SF	316,000 SF	A24	480	259,560 SF	316,000 SF
25	25 BEDROOM / 25 BATH	25	18,050 SF	1,650 SF	375	100	500	269,000 SF	327,440 SF	A25	500	269,000 SF	327,440 SF
26	26 BEDROOM / 26 BATH	26	18,772 SF	1,716 SF	390	104	520	278,440 SF	338,880 SF	A26	520	278,440 SF	338,880 SF
27	27 BEDROOM / 27 BATH	27	19,494 SF	1,782 SF	405	108	540	287,880 SF	350,320 SF	A27	540	287,880 SF	350,320 SF
28	28 BEDROOM / 28 BATH	28	20,216 SF	1,848 SF	420	112	560	297,320 SF	361,760 SF	A28	560	297,320 SF	361,760 SF
29	29 BEDROOM / 29 BATH	29	20,938 SF	1,914 SF	435	116	580	306,760 SF	373,200 SF	A29	580	306,760 SF	373,200 SF
30	30 BEDROOM / 30 BATH	30	21,660 SF	1,980 SF	450	120	600	316,200 SF	384,640 SF	A30	600	316,200 SF	384,640 SF
31	31 BEDROOM / 31 BATH	31	22,382 SF	2,046 SF	465	124	620	325,640 SF	396,080 SF	A31	620	325,640 SF	396,080 SF
32	32 BEDROOM / 32 BATH	32	23,104 SF	2,112 SF	480	128	640	335,080 SF	407,520 SF	A32	640	335,080 SF	407,520 SF
33	33 BEDROOM / 33 BATH	33	23,826 SF	2,178 SF	495	132	660	344,520 SF	418,960 SF	A33	660	344,520 SF	418,960 SF
34	34 BEDROOM / 34 BATH	34	24,548 SF	2,244 SF	510	136	680	353,960 SF	430,400 SF	A34	680	353,960 SF	430,400 SF
35	35 BEDROOM / 35 BATH	35	25,270 SF	2,310 SF	525	140	700	363,400 SF	441,840 SF	A35	700	363,400 SF	441,840 SF
36	36 BEDROOM / 36 BATH	36	25,992 SF	2,376 SF	540	144	720	372,840 SF	453,280 SF	A36	720	372,840 SF	453,280 SF
37	37 BEDROOM / 37 BATH	37	26,714 SF	2,442 SF	555	148	740	382,280 SF	464,720 SF	A37	740	382,280 SF	464,720 SF
38	38 BEDROOM / 38 BATH	38	27,436 SF	2,508 SF	570	152	760	391,720 SF	476,160 SF	A38	760	391,720 SF	476,160 SF
39	39 BEDROOM / 39 BATH	39	28,158 SF	2,574 SF	585	156	780	401,160 SF	487,600 SF	A39	780	401,160 SF	487,600 SF
40	40 BEDROOM / 40 BATH	40	28,880 SF	2,640 SF	600	160	800	410,600 SF	499,040 SF	A40	800	410,600 SF	499,040 SF
41	41 BEDROOM / 41 BATH	41	29,602 SF	2,706 SF	615	164	820	420,040 SF	510,480 SF	A41	820	420,040 SF	510,480 SF
42	42 BEDROOM / 42 BATH	42	30,324 SF	2,772 SF	630	168	840	429,480 SF	521,920 SF	A42	840	429,480 SF	521,920 SF
43	43 BEDROOM / 43 BATH	43	31,046 SF	2,838 SF	645	172	860	438,920 SF	533,360 SF	A43	860	438,920 SF	533,360 SF
44	44 BEDROOM / 44 BATH	44	31,768 SF	2,904 SF	660	176	880	448,360 SF	544,800 SF	A44	880	448,360 SF	544,800 SF
45	45 BEDROOM / 45 BATH	45	32,490 SF	2,970 SF	675	180	900	457,800 SF	556,240 SF	A45	900	457,800 SF	556,240 SF
46	46 BEDROOM / 46 BATH	46	33,212 SF	3,036 SF	690	184	920	467,240 SF	567,680 SF	A46	920	467,240 SF	567,680 SF
47	47 BEDROOM / 47 BATH	47	33,934 SF	3,102 SF	705	188	940	476,680 SF	579,120 SF	A47	940	476,680 SF	579,120 SF
48	48 BEDROOM / 48 BATH	48	34,656 SF	3,168 SF	720	192	960	486,120 SF	590,560 SF	A48	960	486,120 SF	590,560 SF
49	49 BEDROOM / 49 BATH	49	35,378 SF	3,234 SF	735	196	980	495,560 SF	602,000 SF	A49	980	495,560 SF	602,000 SF
50	50 BEDROOM / 50 BATH	50	36,100 SF	3,300 SF	750	200	1,000	505,000 SF	613,440 SF	A50	1,000	505,000 SF	613,440 SF
51	51 BEDROOM / 51 BATH	51	36,822 SF	3,366 SF	765	204	1,020	514,440 SF	624,880 SF	A51	1,020	514,440 SF	624,880 SF
52	52 BEDROOM / 52 BATH	52	37,544 SF	3,432 SF	780	208	1,040	523,880 SF	636,320 SF	A52	1,040	523,880 SF	636,320 SF
53	53 BEDROOM / 53 BATH	53	38,266 SF	3,498 SF	795	212	1,060	533,320 SF	647,760 SF	A53	1,060	533,320 SF	647,760 SF
54	54 BEDROOM / 54 BATH	54	38,988 SF	3,564 SF	810	216	1,080	542,760 SF	659,200 SF	A54	1,080	542,760 SF	659,200 SF
55	55 BEDROOM / 55 BATH	55	39,710 SF	3,630 SF	825	220	1,100	552,200 SF	670,640 SF	A55	1,100	552,200 SF	670,640 SF
56	56 BEDROOM / 56 BATH	56	40,432 SF	3,696 SF	840	224	1,120	561,640 SF	682,080 SF	A56	1,120	561,640 SF	682,080 SF
57	57 BEDROOM / 57 BATH	57	41,154 SF	3,762 SF	855	228	1,140	571,080 SF	693,520 SF	A57	1,140	571,080 SF	693,520 SF
58	58 BEDROOM / 58 BATH	58	41,876 SF	3,828 SF	870	232	1,160	580,520 SF	704,960 SF	A58	1,160	580,520 SF	704,960 SF
59	59 BEDROOM / 59 BATH	59	42,598 SF	3,894 SF	885	236	1,180	589,960 SF	716,400 SF	A59	1,180	589,960 SF	716,400 SF
60	60 BEDROOM / 60 BATH	60	43,320 SF	3,960 SF	900	240	1,200	599,400 SF	727,840 SF	A60	1,200	599,400 SF	727,840 SF
61	61 BEDROOM / 61 BATH	61	44,042 SF	4,026 SF	915	244	1,220	608,840 SF	739,280 SF	A61	1,220	608,840 SF	739,280 SF
62	62 BEDROOM / 62 BATH	62	44,764 SF	4,092 SF	930	248	1,240	618,280 SF	750,720 SF	A62	1,240	618,280 SF	750,720 SF
63	63 BEDROOM / 63 BATH	63	45,486 SF	4,158 SF	945	252	1,260	627,720 SF	762,160 SF	A63	1,260	627,720 SF	762,160 SF
64	64 BEDROOM / 64 BATH	64	46,208 SF	4,224 SF	960	256	1,280	637,160 SF	773,600 SF	A64	1,280	637,160 SF	773,600 SF
65	65 BEDROOM / 65 BATH	65	46,930 SF	4,290 SF	975	260	1,300	646,600 SF	785,040 SF	A65	1,300	646,600 SF	785,040 SF
66	66 BEDROOM / 66 BATH	66	47,652 SF	4,356 SF	990	264	1,320	656,040 SF	796,480 SF	A66	1,320	656,040 SF	796,480 SF
67	67 BEDROOM / 67 BATH	67	48,374 SF	4,422 SF	1,005	268	1,340	665,480 SF	807,920 SF	A67	1,340	665,480 SF	807,920 SF
68	68 BEDROOM / 68 BATH	68	49,096 SF	4,488 SF	1,020	272	1,360	674,920 SF	819,360 SF	A68	1,360	674,920 SF	819,360 SF
69	69 BEDROOM / 69 BATH	69	49,818 SF	4,554 SF	1,035	276	1,380	684,360 SF	830,800 SF	A69	1,380	684,360 SF	830,800 SF
70	70 BEDROOM / 70 BATH	70	50,540 SF	4,620 SF	1,050	280	1,400	693,800 SF	842,240 SF	A70	1,400	693,800 SF	842,240 SF
71	71 BEDROOM / 71 BATH	71	51,262 SF	4,686 SF	1,065	284	1,420	703,240 SF	853,680 SF	A71	1,420	703,240 SF	853,680 SF
72	72 BEDROOM / 72 BATH	72	51,984 SF	4,752 SF	1,080	288	1,440	712,680 SF	865,120 SF	A72	1,440	712,680 SF	865,120 SF
73	73 BEDROOM / 73 BATH	73	52,706 SF	4,818 SF	1,095	292	1,460	722,120 SF	876,560 SF	A73	1,460	722,120 SF	876,560 SF
74	74 BEDROOM / 74 BATH	74	53,428 SF	4,884 SF	1,110	296	1,480	731,560 SF	888,000 SF	A74	1,480	731,560 SF	888,000 SF
75	75 BEDROOM / 75 BATH	75	54,150 SF	4,950 SF	1,125	300	1,500	741,000 SF	899,440 SF	A75	1,500	741,000 SF	899,440 SF
76	76 BEDROOM / 76 BATH	76	54,872 SF	5,016 SF	1,140	304	1,520	750,440 SF	910,880 SF	A76	1,520	750,440 SF	910,880 SF
77	77 BEDROOM / 77 BATH	77	55,594 SF	5,082 SF	1,155	308	1,540	759,880 SF	922,320 SF	A77	1,540	759,880 SF	922,320 SF
78	78 BEDROOM / 78 BATH	78	56,316 SF	5,148 SF	1,170	312	1,560	769,320 SF	933,760 SF	A78	1,560	769,320 SF	933,760 SF
79	79 BEDROOM / 79 BATH	79	57,038 SF	5,214 SF	1,185	316	1,580	778,760 SF	945,200 SF	A79	1,580	778,760 SF	945,200 SF
80	80 BEDROOM / 80 BATH	80	57,760 SF	5,280 SF	1,200	320	1,600	788,200 SF	956,640 SF	A80	1,600	788,200 SF	956,640 SF
81	81 BEDROOM / 81 BATH	81	58,482 SF	5,346 SF	1,215	324	1,620	797,640 SF					

PROPOSED SITE PLAN - RETAIL BUILDING

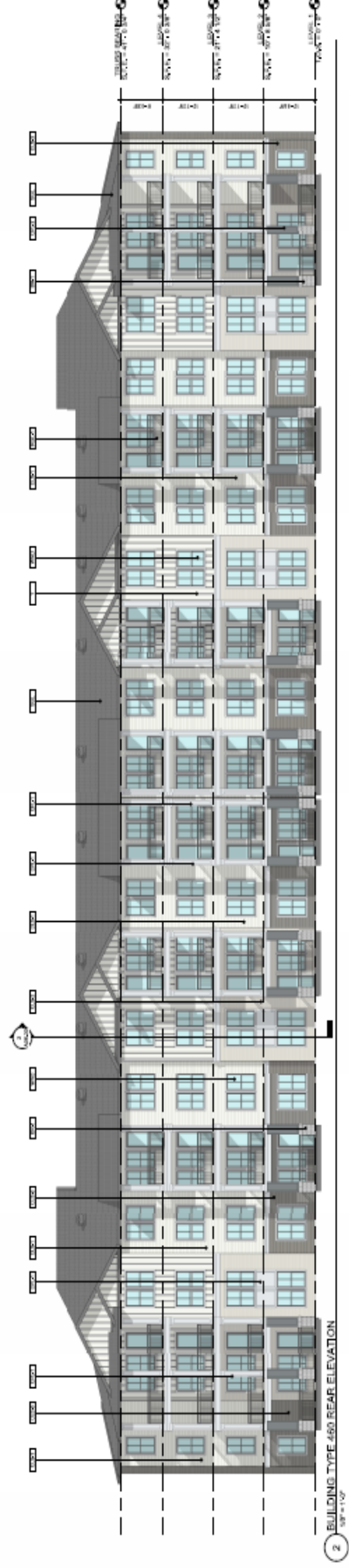
ZONING CASE #: RZ2024-04



PROPOSED RENDERING (PAGE 1 OF 5)

ZONING CASE #: RZ2024-04

REVISIONS	
NO.	DESCRIPTION
1	REVISION 1: ADDED NOTES TO THE FRONT ELEVATION
2	REVISION 2: ADDED NOTES TO THE REAR ELEVATION
3	REVISION 3: ADDED NOTES TO THE SIDE ELEVATION
4	REVISION 4: ADDED NOTES TO THE ROOF ELEVATION
5	REVISION 5: ADDED NOTES TO THE FLOOR PLAN



EXTERIOR FINISH SCHEDULE	
NO.	DESCRIPTION
1	EXTERIOR WALLS - STUCCO
2	EXTERIOR WALLS - BRICK
3	EXTERIOR WALLS - CONCRETE
4	EXTERIOR WALLS - METAL CLADDING
5	EXTERIOR WALLS - GLASS CURTAIN WALL
6	EXTERIOR WALLS - TERRAZZO
7	EXTERIOR WALLS - POLISHED CONCRETE
8	EXTERIOR WALLS - PAINTED CONCRETE
9	EXTERIOR WALLS - STONE
10	EXTERIOR WALLS - SLATE
11	EXTERIOR WALLS - SHALE
12	EXTERIOR WALLS - MARBLE
13	EXTERIOR WALLS - GRANITE
14	EXTERIOR WALLS - QUARTZITE
15	EXTERIOR WALLS - SOAPSTONE
16	EXTERIOR WALLS - SLATE
17	EXTERIOR WALLS - MARBLE
18	EXTERIOR WALLS - GRANITE
19	EXTERIOR WALLS - QUARTZITE
20	EXTERIOR WALLS - SOAPSTONE

EXHIBIT B

PROPOSED RENDERING (PAGE 2 OF 5)

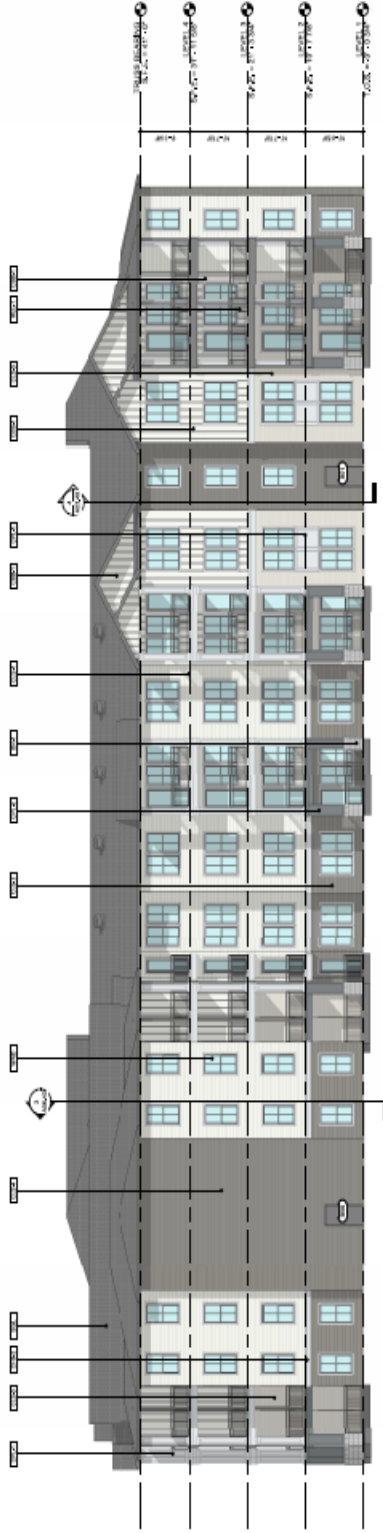
ZONING CASE #: RZ2024-04



PROPOSED RENDERING (PAGE 3 OF 5)

ZONING CASE #: RZ2024-04

REVISIONS	DATE	BY	DESCRIPTION
1	08/20/2024	MM	INITIAL DESIGN
2	08/20/2024	MM	REVISIONS TO EXTERIOR FINISH SCHEDULE
3	08/20/2024	MM	REVISIONS TO EXTERIOR FINISH SCHEDULE
4	08/20/2024	MM	REVISIONS TO EXTERIOR FINISH SCHEDULE
5	08/20/2024	MM	REVISIONS TO EXTERIOR FINISH SCHEDULE



1 BUILDING TYPE 400 L FRONT ELEVATION
1/8" = 1'-0"



2 BUILDING TYPE 400 L REAR ELEVATION
1/8" = 1'-0"

EXTERIOR FINISH SCHEDULE	
NO.	FINISH
1	BRICK
2	CONCRETE
3	GLASS
4	PAINT
5	ROOFING
6	STAINLESS STEEL
7	WOOD
8	WALL CLADDING
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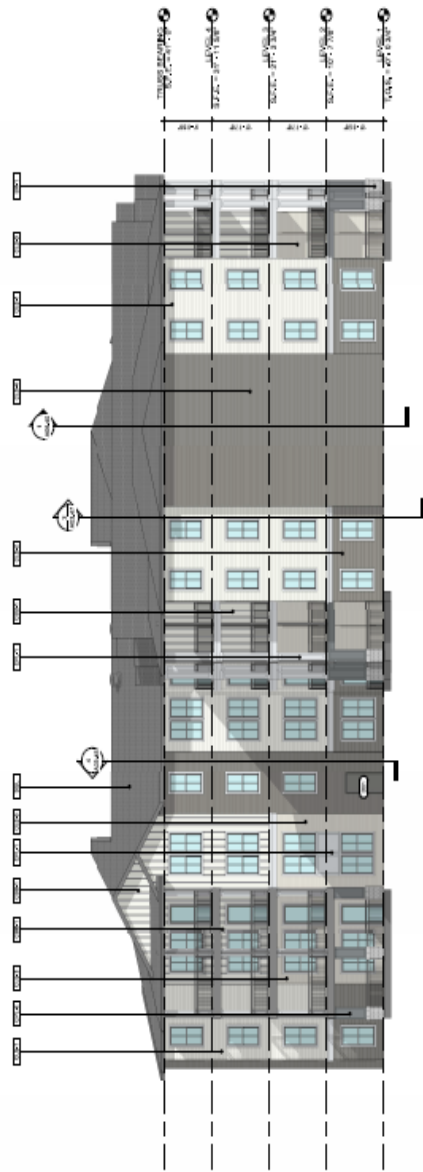
PROPOSED RENDERING (PAGE 4 OF 5)

ZONING CASE #: RZ2024-04

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1 BUILDING TYPE 460 L SIDE 1 ELEVATION
100' x 140'



2 BUILDING TYPE 460 L SIDE 2 ELEVATION
100' x 140'

EXTENSION (INCH) SCHEDULE	
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PROPOSED RENDERING (PAGE 5 OF 5)

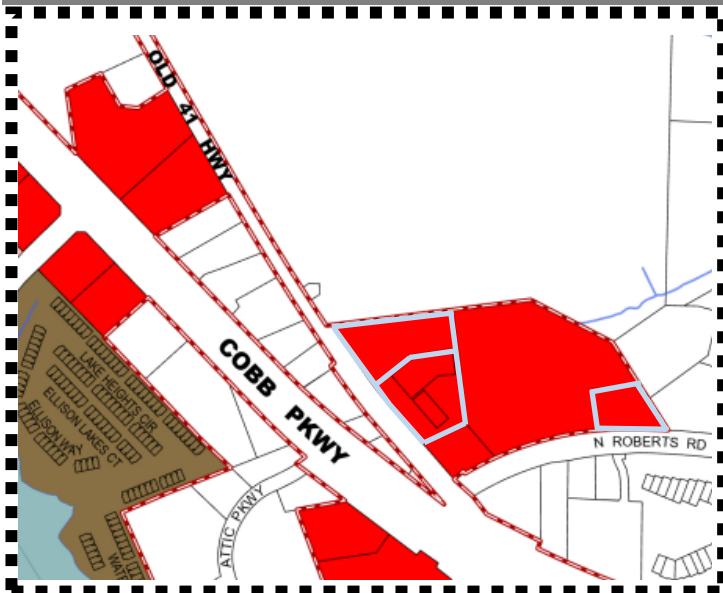
ZONING CASE #: RZ2024-04



STAFF ANALYSIS REPORT

ZONING CASE #: RZ2024-04

2022 COMPREHENSIVE PLAN - AREAS



LEGEND

-  NAC - Neighborhood Activity Center
-  CAC - Community Activity Center
-  DAC - Downtown Activity Center
-  RAC - Regional Activity Center
-  RL - Residential Low/Medium

FUTURE LAND USE CATEGORY

CAC—COMMUNITY ACTIVITY CENTER

These areas provide services to the community but are not as intense as the Regional Activity Center.

FUTURE LAND USE ANALYSIS

The Comprehensive Plan designates the subject property to the property as Community Activity Center (CAC). The Community Activity Center category aims to meet the immediate needs of several neighborhoods or communities. Encouraged land uses include low to medium intensity office, retail, and commercial services. Community Activity Center land uses are primarily located adjacent to Cobb Parkway with a portion of the Moon Station Road included. Cobb Parkway is home to retail and commercial uses, including strip mall retail centers, automobile services, restaurants and motels.

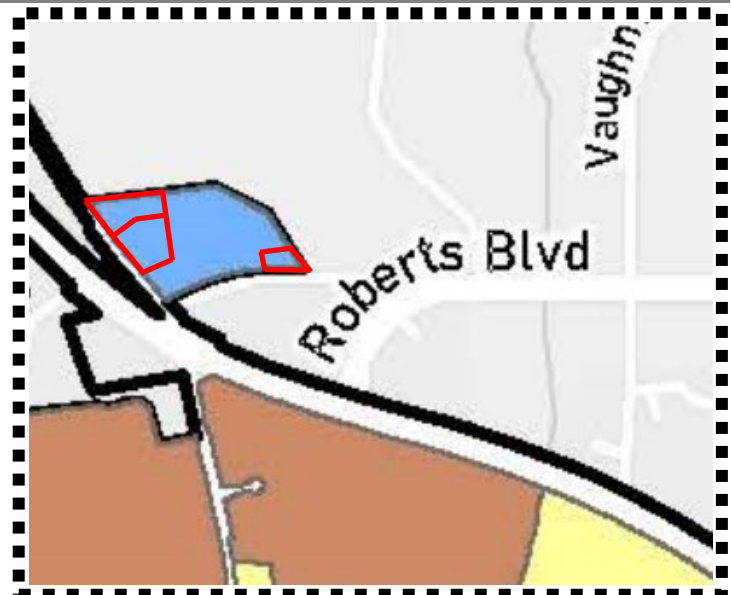
STAFF ANALYSIS REPORT

ZONING CASE #: RZ2024-04

2022 COMPREHENSIVE PLAN UPDATE

Kennesaw Areas

- Barrett and Old 41
- Campus Living
- Cherokee Street Commercial Corridor
- Cobb International Industrial Corridor
- Cobb Parkway Commercial Corridor
- East Pine Mountain Revitalization
- Historic Central Business District
- In-Town Living
- Jiles and Baker
- Kennesaw Due West
- Kennesaw Marketplace
- McCollum Industrial Corridor
- Moon Station Industrial Corridor
- North Cherokee



AREA DESIGNATION

COBB PARKWAY COMMERCIAL CORRIDOR

The Cobb Parkway Commercial Corridor is the most significant commercial corridor in Kennesaw. This approximately two-mile-long section of highway runs southeast to northwest through the lower third of the city limits. The corridor's appearance and function has been affected by vacant structures or structures that are in disrepair. Generally, there are no unifying architectural features, gateways or impressionable spaces or buildings that identify this corridor with a unique sense of place that is characteristic of Kennesaw; however, several segments of this corridor show promise.

AREA DESIGNATION ANALYSIS

The site is located within the Cobb Parkway Commercial Corridor. According to the Area Policy Matrix outlined in the Comprehensive Plan, development in this area should encourage redevelopment projects on multi-parcel basis, encourage a diverse mix of products and services and maintain adequate building and landscaping setbacks that promotes safety and market visibility. The project proposed eliminating the office component of the development and shifting the placement of the retail component from Old 41 Hwy to N. Roberts Rd. The intent of a commercial corridor is to enhance economic development by creating a dynamic environment where businesses can thrive by providing accessible commercial spaces and promoting pedestrian-friendly spaces.

FUTURE LAND USE CATEGORIES

- Regional Activity Center (RAC)
- Commercial Activity Center (CAC)
- Industrial (I)

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2024-04

TRANSPORTATION DATA

ROAD #1	AERIAL OF ROAD #1
Roadway Name Old 41 Hwy Roadway Classification Arterials Speed Limit 45 MPH Jurisdictional Control City of Kennesaw Minimum Width of Right-of-Way requirement 100-feet	
ROAD #2	AERIAL OF ROAD #2
Roadway Name North Roberts Rd. Roadway Classification Minor Collectors Speed Limit 35 MPH Jurisdictional Control Cobb County Minimum Right-of-Way Requirement N/A	

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2024-04

ENVIRONMENTAL

Floodplain:

- ☐ Yes
☐ No
☒ Not Verified

Wetlands:

- ☐ Yes
☐ No
☒ Not Verified

Drainage Basin:

- ☐ None
☐ FEMA 100-year floodplain area
☐ Flood Damage Prevention Ordinance¹
☐ Project subject to Cobb County Damage Prevention Requirements
☐ Dam Breach Zone (Upstream)²
☐ Owner/Developer is responsible for obtaining any required wetland permits from the United States Army Corps of Engineers

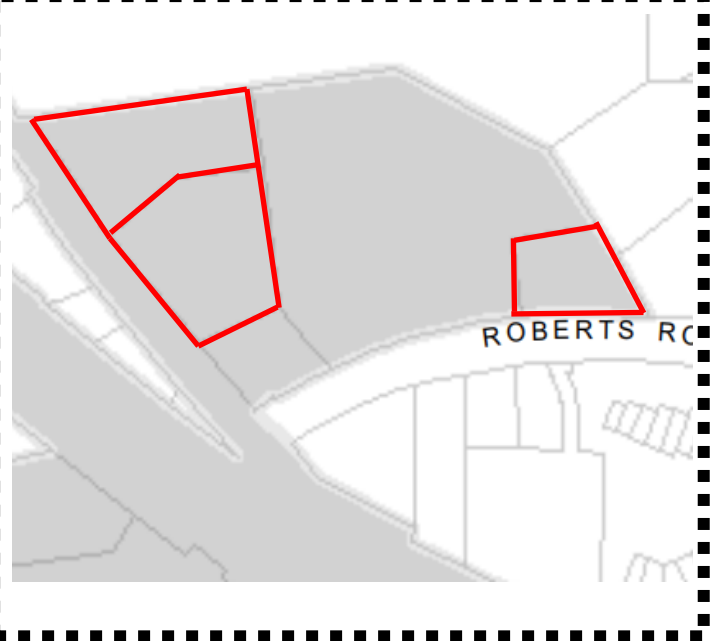
Streams and Creeks:

- ☐ Metropolitan River Protection Area³
☐ Chattahoochee River Corridor Tributary Area⁴
☐ Georgia Erosion-Sediment Control Law and County Ordinance⁵
☐ Georgia DNR Variance for work being done in 25-foot stream bank buffers (may be required)
☐ City Stream Buffer Required
☒ No Stream Buffer Required

Public Works Comments:

See page 28 for comments from Public Works.

FEMA FLOOD ZONE MAP



Special Flood Hazard Areas

2018 Flood Zones

- AE
- AE, FLOODWAY
- X, 0.2 Pct Annual Chance
- Land Lots
- Kennesaw City Limits
- Subject Property

ADDITIONAL COMMENTS REGARDING PROJECT:

- Developer may be required to install/upgrade water mains based on fire flow test results or Fire Department code. This will be resolved in the plan review process.
- Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains and obtaining on and/or off site easements, dedication of on and/or off site water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.
- Applicant will be responsible to meet all City of Kennesaw Development & Zoning Ordinance Standards, State, County and applicable Federal regulations as part of the plan review approval process. All conceptual representations submitted with the application and acted on by Mayor and Council does not relieve applicant and property owners from meeting all development standards.

1. Designated flood hazard
2. Need to keep residential buildings out of hazard.
3. Within 2000-feet of the Chattahoochee River. ARC review 35-feet undisturbed buffer each side of waterway.
4. Cobb County review (___-feet undisturbed buffer on each side)
5. State of Georgia and Cobb County review.

STAFF ANALYSIS REPORT



ZONING CASE #: RZ2024-04

ORDINANCE #2022-09 (PAGE 1 OF 11)

**CITY OF KENNESAW
GEORGIA**

ORDINANCE NO. 2022-09, 2022

**AN ORDINANCE TO AMEND
CONDITIONS OF REZONING UNDER ORDINANCE #2018-10, 2018
FOR THE PROPERTIES LOCATED AT 2112 & 2114 OLD 41 HIGHWAY
(LAND LOT 175 TAX PARCELS 21, 119 & 121)**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KENNESAW,
COBB COUNTY, GEORGIA, AS FOLLOWS:**

WHEREAS, VARNER DEVELOPERS, have submitted an application to amend conditions of rezoning under ordinance #2018-10, 2018 for the properties located at 2112 Old 41 Highway (20017500210), 2112 Old 41 Highway (20017501210) and 2114 Old 41 Highway (20017501190, identified as Land Lot 175 and Tax Parcels 21, 119 & 121 (as more particularly described below). The amendment is to eliminate any mention of a hotel component and replace it with a Mixed-Use Development of approximately 4.316 +/- acres; and

WHEREAS, notice was advertised in the Marietta Daily Journal on October 14, 2022 and October 21, 2022, of a public hearing before the Kennesaw Planning Commission held on November 2, 2022 and the Mayor and Council on November 21, 2022 and;

WHEREAS, the Kennesaw Planning Commission held a public hearing on this proposal at a meeting held on November 2, 2022 and;

WHEREAS, the Mayor and Council held a public hearing to consider this proposal at a meeting held on November 21, 2022

WHEREAS, the Mayor and Council have determined that the proposed amendment to the Official Zoning Map is in the public interest and meets the standards established in the Kennesaw Zoning Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE
CITY OF KENNESAW, COBB COUNTY, GEORGIA, AS FOLLOWS.**

SECTION 1. The Official Zoning Map of the City of Kennesaw, Georgia is hereby amended so as to change the previously approved zoning conditions under ordinance #2018-10, 2018 to eliminate any mention of a hotel component and replace it with a Mixed-Use Development of approximately 4.316 +/- acres for the following described property:

LEGAL DESCRIPTION OF TOTAL SITE

STAFF ANALYSIS REPORT



ZONING CASE #: RZ2024-04

ORDINANCE #2022-09 (PAGE 2 OF 11)

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 174, 175, 206 & 207 of the 20th District, City of Kennesaw, Cobb County, Georgia and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, commence from a point at the intersection of the northwesterly right-of-way line of North Roberts Road (Variable R/W) with the northeasterly right-of-way line of Old Highway 41 (Variable R/W); thence along said right-of-way line of Old Highway 41 North 41 degrees 0 minutes 19 seconds West a distance of 175.00 feet to a point and the TRUE POINT OF BEGINNING, from the TRUE POINT OF BEGINNING as thus established; thence continue Northwesterly along said right-of-way line North 41 degrees 0 minutes 19 seconds West a distance of 228.69 feet; thence 225.84 feet along an arc of a curve to the right, said curve having a radius of 1,730.66 feet and a chord bearing and distance of North 37 degrees 9 minutes 39 seconds West 225.68 feet to a point; thence North 33 degrees 56 minutes 58 seconds West a distance of 204.43 feet to a point; thence leaving said right-of-way line North 82 degrees 49 minutes 6 seconds East a distance of 517.77 feet to a point; thence North 82 degrees 49 minutes 6 seconds East a distance of 330.25 feet; thence South 62 degrees 34 minutes 4 seconds East a distance of 399.48 feet to a point; thence South 32 degrees 12 minutes 32 seconds East a distance of 436.81 feet to a point on said right-of-way line of North Roberts Road; thence along said right-of-way line the following courses and distances: North 87 degrees 10 minutes 20 seconds West a distance of 40.43 feet to a point; thence North 88 degrees 37 minutes 55 seconds West a distance of 127.46 feet to a point; thence 585.79 feet along an arc of a curve to the left, said curve having a radius of 1,334.05 feet and a chord bearing and distance of South 78 degrees 0 minutes 15 seconds West 581.09 feet to a point; thence North 41 degrees 22 minutes 57 seconds West a distance of 175.98 feet to a point; thence South 62 degrees 41 minutes 20 seconds West a distance of 197.70 feet to a point and the TRUE POINT OF BEGINNING.

Said tract containing 13.52 acres more or less.

SECTION 2. BE IT FURTHER ORDAINED THAT the amendment to the Official Zoning Map outlined in Section 1 above is adopted to change the zoning conditions under ordinance #2018-10, 2018 with the following stipulations adhered to with this rezoning as follows:

STIPULATION AMENDMENT OVERVIEW

All zoning stipulations under ordinance #2018-10 shall remain in effect; however, any reference to a hotel shall be replaced with a Mixed-Use Development of approximately 4.316 +/- acres, referred to as "Mixed-Use Development (4.316 +/- acres)" and consists of the following:

1. Multi-family residential of type IIIA construction with a maximum number of 208 units with the average unit size consisting of 975 square feet.
2. A minimum of 12,000 square feet of ground floor retail commercial
3. Outdoor plaza spaces as shown on the site plan prepared by Niles Bolton Associates and dated on October 19, 2022.

STAFF ANALYSIS REPORT



ZONING CASE #: RZ2024-04

ORDINANCE #2022-09 (PAGE 3 OF 11)

4. A minimum of 6,000 square feet for leasing and amenity space for the multi-family residential.
5. A parking deck with enough spaces to meet the minimum standards found in section 6.06.09 for the number of multi-family units and the square footages of either commercial retail, office and/or eating and drinking establishments. Surface parking, as shown on the site plan, may count towards meeting this requirement.
6. Pedestrian access points connecting the proposed mixed-use development with the existing multi-family apartments.
7. An eight-foot multi-use trail.

Varner Developers and FedEx shall come to an agreement on how to reduce or eliminate any chance of noise and light pollution from the FedEx facility spilling over onto the proposed Mixed-Use Development to ensure protection of all parties involved.

STIPULATIONS APPLICABLE TO THE OVERALL MIXED-USE DEVELOPMENT

1. The revised stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions in whatsoever form, which are currently in place concerning the Subject Property.
2. Varner Developers seek to rezone the Subject Property from GC to PVC in order to allow for the development and construction of a Mixed-Use Development in substantial conformity to the current revised site plan prepared by Planners and Engineers Collaborative, which is being submitted concurrently herewith.
3. The Subject Property consists of an approximate 13.52-acre tract of land, which shall be developed as a Mixed-Use Development including the components mentioned below with ancillary and permitted uses allowed under and pursuant to the PVC Zoning District, as follows:
 - a. A four-five story Hotel which will accommodate approximately 140 guest rooms with associated parking and commensurate amenities. A Mixed-Use Development (4.316 +/- acres) including the components mentioned above with ancillary and permitted uses allowed under and pursuant to the PVC Zoning District.
 - b. Two (2) one-story Class "A" Retail buildings consisting of a total amount of approximately 22,000 sq. ft. of Retail Commercial Space.
 - c. Three (3) four-five story Multi-Family buildings consisting of a total number of 274 Class "A", highly amenitized luxury Multi-Family homes.
 - d. Two (2) Office Condominium buildings consisting of a total 9,750 sq. ft. and consisting of approximately seven (7) Office Condo units ranging from 1,250 sq. ft. to 1500 sq. ft.
 - e. The positioning of future pedestrian connectivity to the Noonday Trail and other City and/or TCCID-planned pedestrian linkage and infrastructure.
4. Varner Developers shall be the Master Developer and will be involved with all aspects of the development including, but not limited to, all of the components located therein.
5. Concurrently with the issuance of final Certificates of Occupancy regarding the Multi-Family component, Varner Developers shall secure permits and commence the vertical construction of at least one of the two proposed retail buildings regarding the proposed Retail component as shown on the revised site plan.

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In addition, prior to the issuance of the final Multi-Family Certificates of Occupancy for the Multi-Family Development (4.316 +/- acres), Varner shall update the Master Protective Covenants for the Mixed-Use Development which shall include all phases. The Master Association will ultimately be responsible for the oversight, upkeep and maintenance of all entrance areas, common areas, community buildings and structures, open space areas, pedestrian connectivity and similar features contained within the overall Mixed-Use Development.

Varner Developers, shall guarantee (up to \$150,000.00) of the sums necessary for the demolition of the entirety of the shopping center, either within twenty-four (24) months from the Rezoning/Entitlement and/or prior to the issuance of Certificates of Occupancy regarding the Multi-Family component, whichever occurs first. If, for whatever reason, Varner Developers does not demolish the entirety of the existing shopping center within that time frame, then the City of Kennesaw shall be authorized to demolish the totality of the shopping center and place a lien on the retail and hotel components in an amount commensurate with the costs of demolition and associated remedial costs.

Varner Developers, upon the rezoning and entitlement of the Subject Property, either within twenty-four (24) months from the date of approval or prior to the issuance of Final Certificate of Occupancy permits for the Multi-Family component, whichever event first occurs, shall provide the City of Kennesaw with documentation which confirms that binding agreements with all existing tenants are in place reflecting the fact that the tenants' respective leases will terminate within a time frame which ensures that the entire shopping center (which solely references the multi-tenant building and NOT Hooter's Restaurant) will be demolished in its totality.¹

6. Prior to the issuance of the final Multi-Family Certificate of Occupancy, Varner Developers shall submit Master Protective Covenants for the Mixed-Use Development, which shall include all phases. Currently therewith, Master Association documents shall be submitted which will include all components of the proposed development. The Master Association will ultimately be responsible for the oversight, upkeep and maintenance of all entrance areas, common areas, community buildings and structures, Open Space areas, pedestrian connectivity and similar features contained within the overall Mixed-Use Development.
7. The Master Association shall have Architectural Design Regulations and other usual and customary Covenants and Restrictions to protect the quality and integrity of the Mixed-Use Development's architecture.
8. The architectural style and composition regarding the Mixed-Use Development shall be in reasonable conformity to the architectural renderings/elevations/photographs (depicting all components) which were submitted concurrently with the Applications on April 26, 2018 and May 1, 2018, respectively.

In addition, the architectural style and composition regarding the Mixed-Use Development (4.316 +/- acres) shall be in reasonable conformity to the architectural renderings/elevations/photographs (depicting all components) which were submitted concurrently with the Application on September 16, 2022. However, Varner will submit (under separate cover) renderings/elevations ("Imagery") depicting the

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architectural style and composition of the vertically-integrated components as seen from Old 41 Highway.

¹ The shopping center which is currently located on the Subject Property has experienced deferred maintenance, upkeep and attention. Many of its tenants operate businesses which are problematic on various levels and which, generally, do nothing to aesthetically enhance the Subject Property which is considered a "Gateway" to the City of Kennesaw.

In addition to the foregoing, the Multi-Family component's architectural style and composition (both interior and exterior) shall be in reasonable conformity to the photographs and additional imagery, which were submitted under separate cover on May 29, 2018.

9. Varner Developers agree to construct all of the necessary roadways and infrastructure improvements as more particularly shown and reflected on the current revised site plan. Additionally, Varner Developers agree to comply in all respects with the City's specifications concerning such infrastructure improvements, which are interior to the Mixed-Use Development.
10. Entrance signage shall be ground-based, monument-style signage with finish, materials and colors being in substantial conformity to the architectural style embodied in the Mixed-Use Development. Said signage may include building-attached, vertical marquee signage and other signage allowed under and pursuant to the City of Kennesaw Sign Ordinance. There shall be no temporary signs except for "Grand Opening" signage and signage indicating the coming development.
11. The entrance areas of the Mixed-Use Development shall be professionally designed, landscaped, maintained, irrigated and themed to the architectural style and composition of the proposed development.
12. Lighting with the proposed Mixed-Use Development shall be environmentally sensitive, decorative and themed to the architectural style and composition of the respective components of the development. Every effort shall be made to make all lighting as unobtrusive as possible.
13. All setback and buffer areas may be penetrated for purposes of grading, detention, utilities and storm water management as long as such encroachments satisfy City of Kennesaw developmental regulations and requirements.
14. All streets within the interior of the proposed Mixed-Use Development shall be private and shall be owned and maintained by Varner Developers and/or its successors in title and responsibility.
15. The granting of the following concurrent variances:
 - a. A reduction in the required parking spaces for high-rise Multi-Family luxury homes from 2.0 spaces per unit to 1.59 spaces per unit, which provides a minimum parking space count of 436 spaces.
 - b. A waiver of overall required parking spaces (parking ratio requirements) within the balance of the subject property to be reduced from 867 total spaces to 710 total spaces (a 6% reduction in required parking).
 - c. A reduction of the major side setback from twenty-five feet (25') to twenty feet (20').

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According to the Project's Multi-Family Developer and consistent with other information gleaned from the operational aspects of Multi-Family Communities in general, a parking ratio of 1.4 - 1.7 parking spaces per unit is sufficient for Multi-Family residents and guests. More specifically, Newport Developer Partners, LLC ("Newport") has stated that its last two Urban Multi-Family Communities were parked at 1.4 -1.41 parking spaces per unit, respectively. Newport's latest surfaced parked developed property is Aldridge Town Village, which is located just north of Town Center Mall. The parking ratio at that particular property is 1.50 for a Multi-Family Luxury Home Development at a density of 30 units per acre.

Ideally, the Multi-Family parking ratios which Newport currently uses provide 1.5 spaces for 1 bedroom homes, 1.75 spaces for 2 bedroom homes and 2.0 spaces for 3 bedroom homes. With Newport's anticipated mix of homes, that yields an overall ratio of 1.63 parking spaces per unit; however, alternatively, Newport also uses a ratio of 1.0 space per bedroom, which results in a 1.50 parking ratio per unit for its anticipated mix.

Evidently, current market indicators and trends are pointing in the direction of less parking rather than more parking particularly in light of ride services (such as Uber, Lyft, etc.) proliferating and the notable aversion of "millennials" concerning the ownership of cars makes sense of having less parking spaces for the overall development and less parking for the Multi-Family Community. Therefore, rather than establishing a "hardship" in connection with the granting of the requested parking ratio variances, it is important to note that the granting of said variances will not set an adverse precedent (and, in fact, are pointing the other way to the future) and do not impair the purpose, spirit and intent of the City's Zoning Ordinance regarding parking ratio requirements.²

16. Notwithstanding anything herein to the contrary, the maximum number of residential units shall not exceed 274 units and no more than 208 units for the proposed 4.316 +/- acre Mixed-Use Development.

17. Minor modifications to the within and foregoing stipulations/conditions, lighting, landscaping, signage, architecture, site fixtures and the like may be approved by the City's Planning and Zoning Administrator or his designee as needed or necessary.

18. In the event that Varner Developers does not close on the Subject Property; is determined to be undevelopable by Varner Developers; or, if at least one (1) developmental permit is not issued within a twenty-four (24) month period from the date of approval by the Mayor and City Council then the Subject Property's zoning classification shall revert to its current classification of GC without further action by the City of Kennesaw or the owner of the Subject Property.

19. Compliance with recommendations from the Manager of Cobb County International Airport ("McCollum Field") with respect to the height of buildings and construction equipment (such as cranes, etc.) utilized in connection with the construction of the Mixed-Use Development.

20. Recognizing the complexity, costs and developmental challenges associated with the development of Kennesaw Crossing, the City has indicated that it will consider

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subsequent requests by Varner Developers, together with supporting documentation and evidence to sufficiently demonstrate:

- i. "But -for" the requested incentives, Varner Developers' project would have difficulty going forward;
- ii. Positive economic impact for the City of Kennesaw; and,

² Without a doubt, the consensus among Multi-Family Developers is that parking problems are untenable with the result being that proximity to the targeted demographics' luxury Multi-Family residences is much more important than the extra parking which historically goes unused. Finally, the positioning, configuration and number of parking spaces is a critical design issue inherent with all High-End Multi-family Communities and the Developers of those Communities.

- iii. Any other such material as may be reasonably required by the City of Kennesaw. However, nothing contained herein shall be construed to legally obligate the City of Kennesaw to provide any incentives for Varner Developers' proposed project.

21. Varner Developers agree to voluntarily convey and donate an easement in perpetuity to allow the construction of the Multi-Use Trail as shown on the revised site plan submitted concurrently herewith in order to ensure connectivity between Old Highway 41 and North Roberts Road, traversing the Subject Property, in order to ultimately connect to the Noonday Creek Trail System.

STIPULATIONS APPLICABLE TO THE NON-RESIDENTIAL COMPONENTS OF THE PROPOSED MIXED-USE DEVELOPMENT

1. Varner Developers propose a Hotel a Mixed Use Development (4.316 +/- acres) as stated verbatim in the "Stipulations Amendment Overview" section, Retail and Office Condo Space by utilizing the Mixed-Use Concept by varying facades, roof elevations and other aesthetically pleasing treatments in substantial conformity to the architectural renderings/elevations/ photographs & other imagery which were mentioned hereinabove and is attached.
2. The architectural style and composition shall be substantially similar to the architectural renderings/elevations and imagery or as may be approved during the Plan Review Process. It is understood that said architectural imagery is conceptual in nature and shall be refined, clarified and focused as the Mixed- Use Development proceeds through the Plan Review Process. Additionally, it is also understood that the positioning of certain components of the architecture; for example, windows, and patios and other such features, etc. may be revised during the final Plan Review Process as well.
3. The proposed Non-Residential components shall include a flexible mix of Hotel, a Mixed Use Development (4.316 +/- acres), Commercial, Retail and Office Space which will also include ancillary Commercial type uses for the Multi-Family Residential component (consisting of Leasing Offices, Recreational Amenities, Business Center, etc.).
4. Landscaping for the proposed development shall be pursuant to a specific landscape plan, which shall be submitted during the Plan Review Process, with reference being

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- made to said landscape plan for more particular delineation and location of the plantings and species to be planted.
5. Parking area lighting shall be a maximum height of thirty feet (30') and shall be environmentally sensitive, energy efficient, horizontal cut-off luminaries, which will eliminate light pollution in order to prevent illumination from penetrating outside of the boundaries of the Subject Property.
 6. Hooded security lighting shall be utilized on the buildings within the Non-Residential areas as required by Kennesaw Developmental Regulations.
 7. Varner Developers agree to install and construct site lighting to a site lighting/ photometric plan, which shall be submitted to the City Staff for review and approval during the Plan and Review Process.
 8. Dumpsters will be positioned so as to prevent visual intrusion from streets, connection points to the community spaces and, wherever possible with screening by landscaping, walls and/or vegetation. Dumpsters shall have rubber lids and bumpers to minimize noise during their emptying. At grade trash compaction shall also be allowed and screened as appropriate.
 9. Any exhaust from restaurant facilities, which may be constructed, shall be filtered and/or attenuated to minimize odors.
 10. There shall be no outdoor paging system, phone bells or loud speakers. However, outdoor music systems and outdoor musical performances shall be allowed.
 11. The following uses shall be prohibited:
 - a. Video arcades as a primary use.
 - b. Adult themed book and novelty stores as a primary use.
 - c. Automotive sales, repair and/or service facilities.
 - d. Movie theaters.
 - e. Gas stations and convenience stores with gas sales.
 - f. Pawn shops.
 - g. Automotive wash service.
 - h. Boat sales and repairs.
 - i. Boarding and breeding kennels.
 - j. Dry cleaning plants.
 - k. Farm equipment sales and service.
 - l. Lumber, hardware and other building material establishments.
 - m. Mobile home and travel trailer sales.
 - n. Motorcycle sales and service.
 - o. Check cashing establishments.
 - p. Service stations.
 - q. Station terminals for bus and/or rail passenger service.
 - r. Taxi stands.
 - s. Tattoo parlors.
 - t. Massage parlors.
 - u. Pool halls.
 - v. Package stores (except within the context of wine/spirits sold in a market or specialty shop).
 12. The Non-Residential components will include pedestrian walkways between the proposed buildings and throughout the parking area subject to review and approval by the City's Staff. There will be pedestrian connectivity between the Non-Residential and the Residential components, including sidewalks along the Subject Property's

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respective frontages on North Roberts Road and Old Highway 41 and the use of a multi-use path/trail as shown on the revised site plan and as mentioned above.

STIPULATIONS APPLICABLE TO THE RESIDENTIAL (MULTI-FAMILY LUXURY HOMES) COMPONENT OF THE PROPOSED MIXED-USE DEVELOPMENT

1. Within the Residential area of the proposed Mixed-Use Development (9.0± acres) there shall be a total maximum number of 274 highly amenitized Class A Luxury Multi-Family Homes.

Within the Residential area of the proposed Mixed-Use Development (4.316 +/- acres) there shall be a total maximum number of 208 highly amenitized Class A Luxury Multi-Family Homes, in addition to the stipulations as outlined below.

2. The proposed Residential Community shall have state of the art recreational facilities and amenities for the use and enjoyment of its residents as follows:
 - a. Conveniently located pool area, which will include a clubhouse, which will feature a lounge and flex coffee-style bar area.
 - b. A fitness center which will be fully equipped and which shall contain a separate yoga studio.
 - c. An outside courtyard and connectivity to existing and planned pedestrian connectivity by virtue of multi-use sidewalks and TCCID's existing or proposed Circulator Route.
 - d. Bicycle racks and storage.
 - e. Pet spa and dog walk area.
 - f. Controlled/gated vehicular and pedestrian access.
3. Floor plans and finishes within the Multi-Family homes shall consist, at a minimum, of the following:
 - a. A minimum of 9 feet ceiling heights from floor to finished ceilings and greater and a minimum of 10 feet between floors.
 - b. Wood framed cabinetry or its equivalent.
 - c. Enhanced granite, Corian, marble or other solid surface countertops.
 - d. High-end appliances consistent with luxury apartment and condominium finishes.
 - e. Deep stainless-steel kitchen sinks.
 - f. Wood-inspired plank flooring throughout.
 - g. Spacious, open floor plans including spacious walk-in closets.
 - h. High-speed internet wiring in all units.
 - i. Upgraded lighting package throughout each unit.
 - j. Brushed nickel or chrome bathroom and kitchen fixtures.
 - k. Wood-inspired plank flooring in all bathrooms and laundry rooms. Also, tile tub surround and tile showers in select units.
 - l. Window treatments throughout the units to present a uniform appearance.
 - m. First class landscape and hardscape throughout the proposed developed.
 - n. Energy efficient construction, which will meet and exceed the Georgia Energy Code.
 - o. Double paned, insulated windows in all units; and
 - p. Controlled access to buildings, parking and amenity areas.

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4. The leases concerning the luxury Multi-Family homes shall not include any provisions for indemnification, financial assistance or any other components requiring the signature of a Guarantor.
5. The overall lighting within the proposed development shall be environmentally sensitive, decorative and themed to the architectural style and composition of the buildings
6. Pedestrian lighting style and concept will be subject to review and approval by the Planning and Zoning Administrator during the Plan Review process. Additionally, hooded lighting shall be utilized on the buildings and throughout the walkways and surface parking areas.
7. Signage for the proposed development shall be ground-based, monument style and shall be constructed in the style and of the materials, which are complimentary to the proposed architecture as aforementioned and shall include vertical, building-attached marquee-type signage.
8. Compliance with recommendations from the City Engineer and Public Works Director with respect to hydrology, detention and downstream considerations.
9. Compliance with recommendations from the City Engineer and Public Works Director with respect to traffic and transportation issues. Additionally, compliance with the recommendations from the Traffic Assessment/Traffic Impact Study ("TIS") prepared by Calyx Engineers which was submitted under separate cover on May 29, 2018. Additionally, compliance with the following:
 - a. The construction of deceleration lanes and a dedicated and turning lanes as recommended by Calyx's TIS and based upon local City of Kennesaw standards.
 - b. Points of ingress/egress to the site with respect to turning movements shall follow the recommendations of Calyx Engineers with ultimate review and approval by the City of Kennesaw Staff.
10. All construction and employee vehicles and equipment will be parked and otherwise located on the Subject Property during the development of infrastructure and construction of the buildings unless agreements with adjacent property owners are negotiated.
11. Landscaping for the entrance area, signage areas, amenity and courtyard areas and all other common areas immediately surrounding the proposed buildings shall be professionally designed, implemented and maintained.³
12. All landscaping referenced herein shall be approved by the City of Kennesaw Arborist as a part of the Plan Review process and incorporated into the overall landscape plan for the proposed development.
13. All utilities servicing units within the proposed development shall be located underground.
14. Any retaining walls exposed to public rights-of-way or adjacent properties shall be faced with hard surfaced materials such as brick, stone, stacked stone and/or split-faced segmented block wall.
15. Any sidewalk, curb or guttering damaged or destroyed during construction shall be repaired or fully replaced during the completion of the project.

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³ The Multi-Family luxury home Developer is Newport Developer Partners, LLC and its President/ CEO, Robert F. Krause, Jr. As he did as a Principal of Post Properties, Mr. Krause and Newport will ensure the installation of compelling landscaping including colorful seasonal plantings and indigenous vegetation.

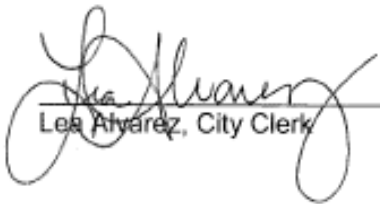
SECTION 3. BE IT FURTHER ORDAINED THAT it is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses, and phrases are severable, and if any section, paragraph, sentence, clause, and phrase are declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance.

SECTION 4. BE IT FURTHER ORDAINED THAT this Ordinance shall become effective from and after its adoption and execution by the Mayor, pursuant to Section 2.11 of the City Charter of the City of Kennesaw.

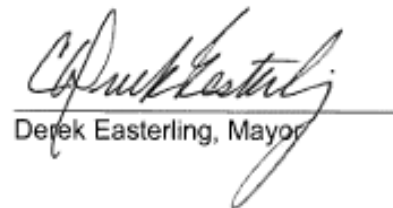
PASSED AND ADOPTED by the Kennesaw City Council on this 21st day of November 2022.

ATTEST:

CITY OF KENNESAW:


Lea Alvarez, City Clerk




Derek Easterling, Mayor

STAFF ANALYSIS REPORT



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PLANNING AND ZONING

Site Visit:

☒ Yes
☐ No

Staff Member:

Name: Chanelle Campbell
Date of Visit: 10/24/24

Land Use Recommendation:

Mixed – use development is compatible

Historic Preservation:

Not in the historic district

Cemetery Preservation:

No cemeteries on site; however site is located adjacent to the Roberts Cemetery in Cobb County.

Variance Approved in 2018 for the following:

- Reduction of parking from 2.0 to 1.59
- Reduction of overall parking for the entire site from 867 to 710 spaces
- Reduction of major side setback from 25 feet to 20 feet

DEPARTMENT COMMENTS

ENGINEERING:

No Comments

PUBLIC WORKS:

- Old Hwy 41 Improvement - per approved site plan in 2019, commercial site will include paving overlay Old 41 Hwy in required areas.

BUILDING SERVICES:

No Comments

COBB COUNTY FIRE:

None provided

COBB COUNTY WATER:

None provided

STAFF ANALYSIS:

The applicant, Fabric Housing Acquisition, LLC is requesting to amend the rezoning conditions on parcels 20017501190, 20017501210, 20017500210 & 20017400080. In 2018, Mayor and Council approved the rezoning of the parcels from General Commercial (GC) to Planned Village Community (PVC) with the intent of developing a mixed-used development. The proposal included a four-five story hotel, two (2) one story retail buildings consisting of approximately 22,000 sq. ft. retail commercial space, three (3) four-five story multi-family buildings consisting of 274 units and two (2) office condominium buildings consisting of a total of 9,750 sq. ft.

In 2022, the applicant received approval from Mayor and Council to amend the initial rezoning conditions eliminating the hotel stipulation from the development and replacing it with a mixed-used development to consist of:

1. Multi-family residential of type IIIA construction with a maximum number of 208 units with the average unit size consisting of 975 square feet.
2. A minimum of 12,000 square feet of ground floor retail commercial
3. Outdoor plaza spaces as shown on the site plan prepared by Niles Bolton Associates and dated on October 19, 2022. (Exhibit A, Please see page 31)
4. A minimum of 6,000 square feet for leasing and amenity space for the multifamily residential
5. A parking deck with enough spaces to meet the minimum standards found in section 6.06.09 for the number of multi-family units and the square footages of either commercial retail, office and/or eating establishments. Surface parking as shown on the site plan, may count towards meeting this requirement.
6. Pedestrian access points connecting the proposed mixed-use development with existing multi-family apartment.
7. An eight foot multi-use trail.

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The submitted application requests the elimination of ground retail from the proposed mixed used development fronting Old 41 Hwy and the relocation of the required 12,000 sq. ft. retail component to parcel with frontage on N. Roberts Rd. The new proposal includes eliminating the two office condominium buildings totaling 9,750 sq. ft. and reducing the number of proposed multifamily units from 208 to 120, with an average unit size of 954 sq. ft.

Old 41 Hwy falls within the Cobb Parkway Commercial Corridor intended to enhance economic development by creating a dynamic environment where businesses can thrive by providing accessible commercial spaces and promoting pedestrian-friendly spaces. The corridor aims to provide accessible commercial spaces and promote pedestrian-friendly areas. It is characterized by multi-parcel redevelopment projects that encourages a diverse mix of products and services while maintaining adequate building and landscaping setbacks to promote safety and market visibility.

Historically, the development pattern along both Cobb Parkway and Old 41 Hwy has been commercial, with office and retail services fronting both sides of these roadways. According to [section 2.01.04.08](#), the Planned Village Community (PVC) zoning district is intended for planned developments serving as destination shopping and service locations for the community and aimed at reduce traffic congestion.

Old 41 Hwy hosts a variety of retail and commercial uses, including retail centers, automobile services, restaurants and office spaces. The development of residential units along Old 41 would be contrary to the existing development pattern of retail, commercial, and office space currently in place; for these reasons, staff recommends denial of the proposed amendments to the master plan.

ZONING ADMINISTRATOR'S RECOMMENDATION: **DENIAL**

Based on the findings outlined in the analysis section of this staff report, City staff recommends **denial** to amend the zoning conditions as outlined in the request case #RZ2024-04.

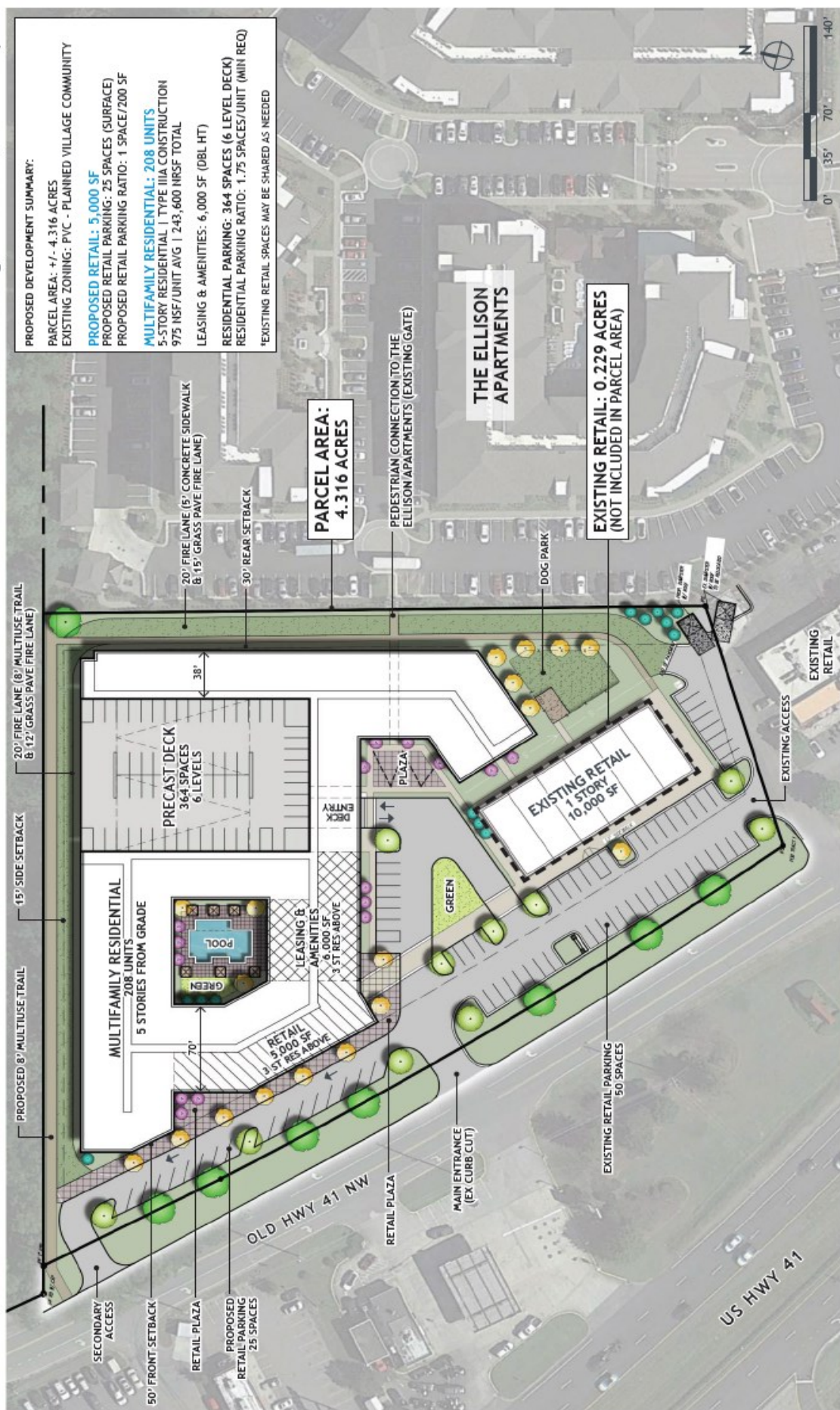
PLANNING COMMISSION RECOMMENDATION:

The Planning Commission, at their regularly scheduled meeting on November 6, 2024 recommended approval of the request to amend the zoning conditions as outlined by the applicant with conditions that sidewalks be added along the frontage of Old 41 Hwy and N. Roberts Rd.

MAYOR AND COUNCIL DECISION:

To be determined on November 18, 2024

Conceptual Site Plan



NILES BOLTON ASSOCIATES



REZONING APPLICATION

Required Fee \$375.00

Date Received 09/19/2024

Staff's Initials CMC

Is this property located within the Kennesaw Historic District (yes) _____ (no) X ?

A MINIMUM OF ONE CONSULTATION WITH PLANNING AND ZONING ADMINISTRATOR AND STAFF PRIOR TO THE SUBMISSION OF THE REQUESTED APPLICATION IS MANDATORY.

Date of Consultation 08/14/2024; 09/13/2024

Staff's Initials _____

REZONING PROPERTY ADDRESS 2112 & 2114 Old 41 Highway; 1620 N. Roberts Road

Land Lot 174, 175, 206, 207 Tax Parcel 21, 121, 119, 8 Lot Size 4.547+/-

Resident Population 0 Housing Units 0 Other Buildings Existing Retail Building

Zoning Request from:

Present Zoning PVC To: PVC

For the purpose of: Master Plan Amendment

APPLICANT EMAIL

Applicant Name: Fabric Housing Acquisitions LLC

Applicant Address 233 South Wacker Drive, Suite 4700, Chicago, IL 60606

(Phone #) _____

Applicant Signature BY: Moore Ingram Johnson & Steele, LLP

Date September 19, 2024

Signed, sealed and delivered in presence of: J. Kevin Moore, Attorneys for Applicant

September 19, 2024

Notary

Commission Expires: January 10, 2027



REPRESENTATIVE Moore Ingram Johnson & Steele, LLP - J. Kevin Moore

(Fax #) _____

(Work #) _____

(Cell #) _____

Representative Signature BY: J. Kevin Moore, Attorneys for Applicant and Titleholders

Date September 19, 2024

Signed, sealed and delivered in presence of: Carolyn E. Cook

September 19, 2024

Notary

Commission Expires: January 10, 2027

Date



TITLEHOLDER: JLV Kennesaw Crossing, LLC

(Phone #) _____

Signature BY: John L. Varner, Manager

Address 120 Interstate North Parkway, Suite 154, Atlanta, GA 30339

Signed, sealed and delivered in presence of: Carolyn E. Cook

September 18, 2024

Notary

Commission Expires: January 10, 2027

Date





CAMPAIGN DISCLOSURE REPORT¹ BY APPLICANT²

Each applicant must complete a separate form

Has the applicant made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating two hundred fifty dollars (\$250.00) or more or made gifts having in the aggregate a value of two hundred fifty dollars (\$250.00) or more to a member or members of the Mayor and Council or Planning Commission who will consider the application?
No.

If "Yes," the applicant and the attorney representing the applicant must file a disclosure report with the Mayor and Council of the City of Kennesaw within ten (10) days after this application is first filed.

Please supply the following information that will be considered as the required disclosure:

The name of the member(s) of the Mayor and Council or Planning Commission to whom the campaign contribution or gift was made:

Not Applicable.

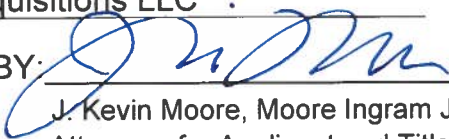
The dollar amount of each campaign contribution made by the applicant to the member(s) of the Mayor and Council or Planning Commission during the two (2) years immediately preceding the filing of this application and the date of each such contribution:

Not Applicable.

An enumeration and description of each gift having a value of two hundred fifty dollars (\$250.00) or more made by the applicant to the member(s) of the Mayor and Council or Planning Commission during the two (2) years immediately preceding the filing of this application:

I certify that the foregoing information is true and correct, this 19th day of September, 2024
Fabric Housing Acquisitions LLC

Applicants Signature BY:


J. Kevin Moore, Moore Ingram Johnson & Steele, LLP
Attorneys for Applicant and Titleholders

¹ If the answer to any of the above is "Yes," then the member of the Mayor and Council or Planning Commission must immediately disclose the nature and extent of such interest, in writing, to the Mayor and Council of the City of Kennesaw, Georgia. A copy should be filed with this application. Such disclosures shall be a public record and available for public inspection at any time during normal working hours.

² Applicant means any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action.



CAMPAIGN DISCLOSURE REPORT¹ BY APPLICANT²

Each applicant must complete a separate form

Has the applicant made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating two hundred fifty dollars (\$250.00) or more or made gifts having in the aggregate a value of two hundred fifty dollars (\$250.00) or more to a member or members of the Mayor and Council or Planning Commission who will consider the application?
No.

If "Yes," the applicant and the attorney representing the applicant must file a disclosure report with the Mayor and Council of the City of Kennesaw within ten (10) days after this application is first filed.

Please supply the following information that will be considered as the required disclosure:

The name of the member(s) of the Mayor and Council or Planning Commission to whom the campaign contribution or gift was made:

Not Applicable.

The dollar amount of each campaign contribution made by the applicant to the member(s) of the Mayor and Council or Planning Commission during the two (2) years immediately preceding the filing of this application and the date of each such contribution:

Not Applicable.

An enumeration and description of each gift having a value of two hundred fifty dollars (\$250.00) or more made by the applicant to the member(s) of the Mayor and Council or Planning Commission during the two (2) years immediately preceding the filing of this application:

I certify that the foregoing information is true and correct, this 19th day of September, 2024
Moore Ingram Johnson & Steele, LLP

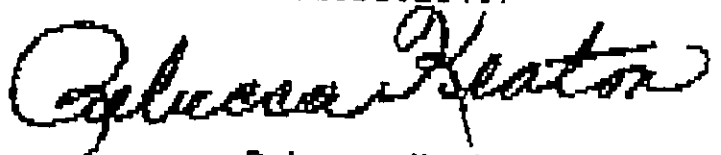
Applicants Signature BY: J. Kevin Moore

J. Kevin Moore; Georgia Bar No. 519728
Attorneys for Applicant and Titleholders

¹ If the answer to any of the above is "Yes," then the member of the Mayor and Council or Planning Commission must immediately disclose the nature and extent of such interest, in writing, to the Mayor and Council of the City of Kennesaw, Georgia. A copy should be filed with this application. Such disclosures shall be a public record and available for public inspection at any time during normal working hours.

² Applicant means any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action.

Deed Book 15570 Pg 6492
Filed and Recorded Sep-12-2018 03:01pm
2018-0118489
Real Estate Transfer Tax \$2,750.00
0332018023457


Rebecca Keaton
Clerk of Superior Court Cobb Cty. Ga.

After recording return to

David A. Weissmann
3495 Piedmont Road
Building 11, Suite 950
Atlanta, Georgia 30305

STATE OF GEORGIA

COUNTY OF COBB

TRUSTEE'S DEED

THIS DEED made this 5th day of September, 2018, between **SUNTRUST BANK, formerly known as TRUST COMPANY BANK, AS TRUSTEE UNDER AGREEMENT WITH THOMAS C. ERWIN III, DATED AUGUST 20, 1992 AS RENAMED THE THOMAS C. ERWIN, III REVOCABLE TRUST DATED MAY 13, 1997, AS AMENDED AND RESTATED ON MAY 14, 2012 ("Grantor") and JLV KENNESAW CROSSING, LLC, a Georgia limited liability company ("Grantee") (the terms Grantor and Grantee to include their respective heirs, successors and assigns, where the context hereof requires or permits).**

WITNESSETH THAT: Grantor, for and in consideration of the sum of ten and no/100ths Dollars (\$10.00) and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt, adequacy and sufficiency of which being hereby acknowledged by Grantor, has granted, bargained, sold and conveyed, and by these presents does hereby grant, bargain, sell and convey unto Grantee, the following described real property (the "Property"), to wit:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 174, 175, 206 AND 207 OF THE 20TH DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED ON THE ATTACHED EXHIBIT A, WHICH BY REFERENCE IS INCORPORATED HEREIN IN ITS ENTIRETY.

TO HAVE AND TO HOLD the above described tract or parcel of land, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of Grantee, forever, in **FEE SIMPLE**: in as full and ample a manner as the same was held, possessed and enjoyed, or might have been held, possessed and enjoyed, by the said deceased.

IT IS THE INTENT and express desire of the parties hereto and it is further expressly acknowledged and agreed that, notwithstanding that Grantee may be affiliated with Lender, neither Grantor nor Grantee intends that there be, and there shall not in any event be, a merger of any of the leasehold interest by the lease described on Exhibit B attached hereto and made a part hereof (the "Ground Lease") with the title or other interest of Grantee arising by virtue of this conveyance, and Grantor and Grantee expressly provide that the Ground Lease and leasehold interest created by the Ground Lease on the one hand, and the title hereby conveyed on the other hand, be, and shall remain at all times, separate and distinct, unless and until Grantee evidences contrary intent with regard to the Property, or any portion or portions thereof, at any time or times.

IN WITNESS WHEREOF, Grantor has signed and sealed this Deed t by its duly authorized representatives he day and year first above written.

Signed, sealed, and delivered
In the presence of:

Felicia Cleveland
Unofficial Witness

Debra Kay Brooks
Notary Public

My Commission Expires:

August 29, 2021

SUNTRUST BANK, formerly known as
TRUST COMPANY BANK, AS TRUSTEE
UNDER AGREEMENT WITH THOMAS C.
ERWIN III, DATED AUGUST 20, 1992 as
renamed the Thomas C. Erwin, III
Revocable Trust dated May 13, 1997, as
amended and restated on May 14, 2012

By:

Robin Boyd
Name: Robin Boyd

Title: Vice President

[BANK SEAL]

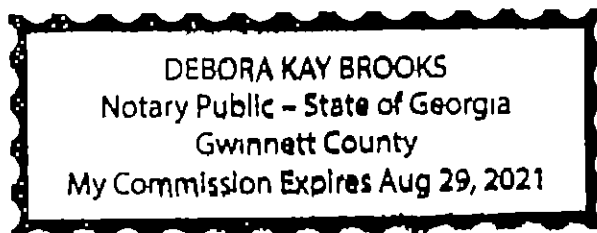


EXHIBIT A
LEGAL DESCRIPTION

TRACTS I and IV

All that tract or parcel of land lying and being in Land Lots 174, 175 and 206 of the 20th District, 2nd Section of Cobb County, Georgia, being more particularly described as follows:

BEGINNING at an iron pin placed at the intersection of the northwesterly right-of-way of Roberts Road (70-foot right-of-way) and the northeasterly right-of-way of Old U.S. Highway 41 (100-foot right-of-way); running thence along the northeasterly right of way of U.S. Highway 41 and following the curvature thereof a distance of 200.0 feet (said curve having a chord distance of 199.97 feet with a bearing of north 42 degrees 3 minutes west) to a point; running thence along the northeasterly right of way of Old U.S. Highway 41 and following the curvature thereof 500.0 feet (said curve having a chord distance of 499.68 feet with a bearing of north 41 degrees 18 minutes west) to a point; leaving said northeasterly right of way, running thence north 80 degrees 49 minutes east a distance of 180.0 feet to a point; running thence north 9 degrees 11 minutes west 133.1 feet to a point; running thence north 80 degrees 49 minutes east 600.8 feet to an iron pin found; running thence south 65 degrees 9 minutes 30 seconds east a distance of 181.3 feet to a point; running thence south 9 degrees 11 minutes east a distance of 496.4 feet to a point on the northwesterly right of way of Roberts Road; running thence along the northwesterly right of way of Roberts Road and following the curvature thereof 369.7 feet (said curve having a chord distance of 368.62 feet with a bearing of south 70 degrees 31 minutes 30 seconds west) to a point; running thence along the northwesterly right of way of Roberts Road and following the curvature thereof 150.0 feet (said curve having a chord distance of 149.98 feet with a bearing of south 61 degrees 53 minutes west) to an iron pin; running thence north 42 degrees 36 minutes 30 seconds west a distance of 19.0 feet to an iron pin; running thence south 47 degrees 23 minutes 30 seconds west a distance of 50.3 feet to a point on the northeasterly right of way of Old U.S. Highway 41, said point being the **POINT OF BEGINNING**; shown as Tracts I and IV and containing 11.31 acres on that certain plat of survey entitled "Kennesaw Crossing Shopping Center Prepared for NAJCO, Inc., Wachovia Bank, Chicago Title Insurance Company," prepared by David W. Lynch Surveyors, bearing the seal and certification of David W. Lynch, Georgia Registered Land Surveyor No. 1845, dated March 1, 1999.

TRACT II

All that tract or parcel of land lying and being in Land Lots 174 and 175 of the 20th District, 2nd Section, Cobb County, Georgia, more particularly described as follows:

TO FIND THE POINT OF BEGINNING OF TRACT II, commence at an iron pin placed at the intersection of the northeast right-of-way of Old U.S. Highway 41 (100-foot right-of-way) and the northwest right-of-way of Roberts Road (70-foot right-of-way); running thence north 47 degrees 23 minutes 30 seconds east a distance of 50.3 feet to an iron pin; running thence south 42 degrees 36 minutes 30 seconds east a distance of 19.0 feet to an iron pin placed on the northwesterly right-of-way of Roberts Road; running thence northeasterly along the curve of the

northwestern right-of-way of Roberts Road a distance of 150.0 feet (said curve having a chord distance of 149.98 feet with a bearing of north 61 degrees 53 minutes east); running thence northeasterly along the curve of the northwestern right-of-way of Roberts Road a distance of 369.7 feet (said curve having a chord distance of 368.62 feet with a bearing of north 70 degrees 31 minutes 30 seconds east) to the POINT OF BEGINNING OF TRACT II; running thence north 9 degrees 11 minutes west a distance of 496.4 feet to a point; running thence south 65 degrees 9 minutes 30 seconds east a distance of 219.0 feet to an iron pin; leaving said northwestern right of way, running thence south 35 degrees 08 minutes 30 seconds east a distance of 450.0 feet to an iron pin placed on the northwesterly right-of-way of Roberts Road; running thence south 88 degrees 51 minutes west along the northwesterly right-of-way of Roberts Road a distance of 36.2 feet to a point; leaving said northwesterly right-of-way, running thence north 35 degrees 2 minutes 30 seconds west a distance of 180.0 feet to a point; running thence south 72 degrees 4 minutes 30 seconds west a distance of 140.0 feet to a point; running thence south 18 degrees 02 minutes 30 seconds east a distance of 120.0 feet to the northwesterly right-of-way of Roberts Road; running thence southwesterly along the curve of the northwesterly right-of-way of Roberts Road a distance of 144.1 feet (said curve having a chord distance of 144.01 feet with a bearing of south 80 degrees 38 minutes west) to the POINT OF BEGINNING OF TRACT II; shown as Tract II and containing 2.12 acres on that certain plat of survey entitled "Kennesaw Crossing Shopping Center Prepared for: NAJCO, Inc., Wachovia Bank, Chicago Title Insurance Company," prepared by David W. Lynch Surveyors, bearing the seal and certification of David W. Lynch, Georgia Registered Land Surveyor No. 1845, dated March 1, 1999.

TRACT III

All that tract or parcel of land lying and being in Land Lot 175 of the 20th District, 2nd Section, Cobb County, Georgia; more particularly described as follows:

TO FIND THE POINT OF BEGINNING, commence at an iron pin placed at the intersection of the northeast right-of-way of Old U.S. Highway 41 (100-foot right-of-way) and the northwest right-of-way of Roberts Road (70-foot right-of-way); running thence along the curve of the northeast right-of-way of Old U.S. Highway 41 a distance of 200.00 feet (said curve having a chord distance of 199.97 feet with a bearing of north 42 degrees 03 minutes west); running thence along the curve of the northeast right-of-way of Old U.S. Highway 41 a distance of 500.0 feet (said curve having a chord distance of 499.68 feet with a bearing of north 41 degrees 18 minutes west) to the POINT OF BEGINNING; running thence north 36 degrees 38 minutes 30 seconds west along the northeast right-of-way of Old U.S. Highway 41 a distance of 150.0 feet to an iron pin found; leaving said northeast right of way, running thence north 80 degrees 49 minutes east a distance of 249.2 feet to a point; running thence south 9 degrees 11 minutes east a distance of 133.1 feet to a point; running thence south 80 degrees 49 minutes west a distance of 180.0 feet to the POINT OF BEGINNING; shown as Tract III and containing 0.65 acres on that certain plat of survey entitled "Kennesaw Crossing Shopping Center Prepared for: NAJCO, Inc., Wachovia Bank, Chicago Title Insurance Company," prepared by David W. Lynch Surveyors, bearing the seal and certification of David W. Lynch, Georgia Registered Land Surveyor No. 1845, dated March 1, 1999.

All that tract or parcel of land lying and being in Land Lot 174 of the 20th District, 2nd Section of Cobb County, Georgia, being more particularly described as follows:

BEGINNING at an iron pin placed at the intersection of the northwesterly right-of-way of Roberts Road (70-foot right-of-way) and the northeasterly right-of-way of Old U.S. Highway 41 (100-foot right-of-way) running thence north 47 degrees 23 minutes 30 seconds east a distance of 50.3 feet to an iron pin; running thence south 42 degrees 36 minutes 30 seconds east a distance of 19.0 feet to an iron pin; running thence along the northwesterly right-of-way line of Roberts Road and following the curvature thereof a distance of 150.0 feet (said curve having a chord distance of 149.98 feet with a bearing of north 61 degrees 53 minutes east) to a point; continuing thence along the northwesterly right-of-way of Roberts Road and following the curvature thereof a distance of 369.7 feet (said curve having a chord distance of 368.62 feet with a bearing of north 70 degrees 31 minutes 30 seconds east) to a point; continuing thence along the northwesterly right-of-way of Roberts Road and following the curvature thereof a distance of 144.1 feet (said curve having a chord distance of 144.01 feet with a bearing of north 82 degrees 3 minutes east) to the POINT OF BEGINNING; leaving said northwesterly right of way, running thence north 18 degrees 02 minutes 30 seconds west a distance of 120.0 feet to a point; running thence north 72 degrees 04 minutes 30 seconds east a distance of 140.0 feet to a point; running thence south 35 degrees 8 minutes 30 seconds east a distance of 180.0 feet to a point on the northwesterly right-of-way of Roberts Road; thence following the northwesterly right-of-way of Roberts Road and following the curvature thereof a distance of 200.0 feet (said curve having a chord distance of 199.90 feet with a bearing of south 87 degrees 08 minutes west) to the POINT OF BEGINNING; shown as Tract V and containing 0.53 acres on that certain plat of survey entitled "Kennesaw Crossing Shopping Center Prepared for NAJCO, Inc., Wachovia Bank, Chicago Title Insurance Company," prepared by David W. Lynah Surveyors, bearing the seal and certification of David W. Lynah, Georgia Registered Land Surveyor No. 1245, dated March 1, 1999,

TOGETHER WITH the buildings and improvements presently located on said land until the expiration or earlier termination of the lease.

EXHIBIT B

Lease dated December 17, 1969, between The Trust Company of Georgia, as the duly qualified and acting Trustee of the Trust created by Item VI of the Last Will and Testament of Mrs. Elsie C. Erwin, deceased, as Lessor, and Cousins Properties Incorporated, a Delaware corporation, as Lessee, for certain real property located in Fulton County, Georgia, as amended by that certain First Amendment to Lease dated December 15, 1977, between Trust Company Bank, formerly Trust Company of Georgia, as the duly qualified and acting Trustee of the Trust created by Item VI of the Last Will and Testament of Mrs. Elsie C. Erwin, deceased, as Lessor, and Lessee, wherein certain real property located in Land Lots 174, 175 and 206 of the 20th Land District, Second Section of Cobb County, Georgia, commonly known as Kennesaw Crossing Shopping Center was substituted for the real property located in Fulton County, Georgia, as further amended by that certain Second Amendment to Lease dated April 15, 1984, between Lessor and Lessee, as assigned by that certain Lease Assignment and Conveyance dated March 8, 1999, between Cousins Properties Incorporated, a Georgia corporation, as Assignor, and Najjar Holdings, LLC, a Georgia limited liability company, as Assignee, recorded in Deed Book 12282 Page 490, Cobb County, Georgia records, as terminated as of April 30, 2009, according to that certain Affidavit Concerning Termination of Leasehold Estate, executed by James N. Nevin, Vice-President of SunTrust Bank, f/k/a Trust Company Bank, f/k/a Trust Company of Georgia, as Trustee of the Elsie C. Erwin Trust and the Thomas C. Erwin, III Revocable Trust, dated July 15, 2009, recorded July 16, 2009 in Deed Book 14710, Page 3710, aforesaid records, as reinstated according to that certain Affidavit Concerning Reinstatement of Leasehold Estate by James N. Nevin, Vice-President of Sun Trust Bank, f/k/a Trust Company Bank, f/k/a Trust Company of Georgia, as Trustee of the Elsie C. Erwin Trust and the Thomas C. Erwin, III Revocable Trust, and recorded January 23, 2012 in Deed Book 14913, Page 2987, aforesaid records, as further amended by that certain Third Amendment to Lease dated January 24, 2011, between Sun Trust Bank, Inc. f/k/a SunTrust Bank, N.A. d/b/a SunTrust Bank, Atlanta, as sole Trustee of the Thomas C. Erwin, III Revocable Trust, as Lessor, and The Piedmont Bank, successor to Najjar Holdings, LLC, as Lessee, as assigned by The Piedmont Bank to TPB RE Holdings LLC, a Delaware limited liability company pursuant to that certain Assignment and Conveyance of Leasehold Estate dated February 28, 2012, recorded in Deed Book 14924, Page 5176 Cobb County, Georgia records, as further amended by Fourth Amendment to Lease dated as of June 28, 2018 Sun Trust Bank, Inc. f/k/a SunTrust Bank, N.A. d/b/a SunTrust Bank, Atlanta, as sole Trustee of the Thomas C. Erwin, III Revocable Trust, as Lessor, and TPB RE Holdings LLC, as assigned to JLV Kennesaw Crossing, LLC, as further assigned to Sea Marshes Development, LLC.

Deed Book 15604 Pg 1751
Filed and Recorded Feb-07-2019 02:47pm
2019-0013980
Real Estate Transfer Tax \$1,000.00
0332019002097


Rebecca Keaton
Clerk of Superior Court Cobb Cty. Ga.

Record and Return to:
MARTIN BAGWELL LUKE, P.C.
J. Marshall Martin III, Esq.
400 Northridge Road, Suite 1225
Atlanta, GA 30350

GENERAL WARRANTY DEED

4
THIS INDENTURE, made this 1st day of February, 2019, between **JLV KENNESAW CROSSING, LLC**, a Georgia limited liability company, as party of the first part, hereinafter referred to as "Grantor", and **JLV KENNESAW MIXED USE, LLC.**, a Georgia limited liability company, as party of the second part, hereinafter referred to as "Grantee", (the words "Grantor" and "Grantee" to include their respective heirs, successors, successors-in-title and assigns where the context requires or permits).

WITNESSETH THAT:

Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee all that tract or parcel of land lying and being in Cobb County, together with all improvements located thereon, and as more particularly described on Exhibit "A" attached hereto and made a part hereof.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

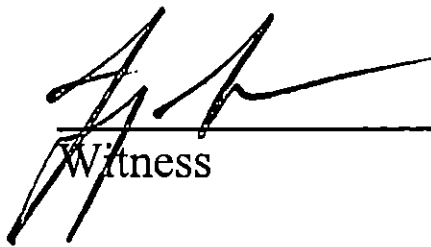
AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever, subject to taxes and assessments for the year 2019 and subsequent years, not due and payable.

IN WITNESS WHEREOF, the Grantor has signed and sealed this Deed, the day and year first above written.

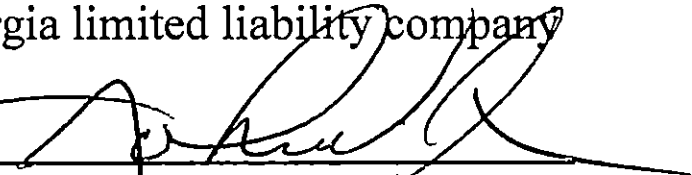
Signed, sealed and delivered
in the presence of:

GRANTOR:

JLV KENNESAW CROSSING, LLC,
a Georgia limited liability company



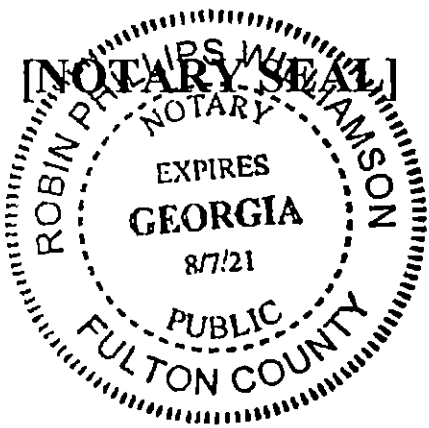
Witness

By: 
Name: John L. Varner
Title: Manager



Notary Public

My Commission Expires: _____



[COMPANY SEAL]

Exhibit "A"**Legal Description****Retail Parcel**

All that tract or parcel of land lying and being in Land Lots 175 and 206 of the 20th District, 2nd Section, City of Kennesaw, Cobb County, Georgia and being more particularly described as follows:

To Reach the TRUE POINT OF BEGINNING commence at an iron pin set at the intersection of the Northwesternly Right of Way of Roberts Road (variable Right of Way), and the Easterly Right of Way of Old U.S. Highway 41 (100' right of Way); thence running along said Right of Way of Old U.S. Highway 41 along a curve to the left an arc length of 199.89 feet, (said curve having a radius of 3,333.25 feet, with a chord bearing of North 39° 17' 03" West, and a chord length of 199.86 feet) to an iron pin set and the TRUE POINT OF BEGINNING; thence running along a curve to the right an arc length of 315.39 feet, (said curve having a radius of 4033.97 feet, with a chord bearing of North 39° 51' 50" West, and a chord length of 315.31 feet); thence leaving said Right of Way North 48° 59' 41" East a distance of 191.82 feet to an iron pin set; thence North 82° 48' 21" East a distance of 203.15 feet to an iron pin set; thence South 07° 07' 54" East a distance of 316.11 feet to an iron pin set; thence South 66° 31' 49" West a distance of 200.00 feet to the TRUE POINT OF BEGINNING.

Said tract contains 2.273 Acres (99,027 Square Feet).

Office Parcel

Tract 1 as described on that certain Minor Subdivision Plat prepared for Kennesaw Crossing, LLC of Kennesaw Crossing, prepared by Technical Survey Services, dated November 6, 2018.

All that tract or parcel of land lying and being in Land Lots 174 & 207 of the 20th District, 2nd Section, City of Kennesaw, Cobb County, Georgia and being more particularly described as follows:

To Reach the TRUE POINT OF BEGINNING commence at an iron pin set at the northerly Right of way of Roberts Road (Variable R/W) and the northeasterly Right of Way of Old U.S. Highway 41 (100' R/W), thence running along said Right of Way of Roberts Road the following courses: North 50° 08' 19" East a distance of 50.30 feet to an iron pin set; thence South 39° 51' 41" East a distance of 19.00 feet to an iron pin set; thence North 64° 37' 49" East a distance of 149.98 feet to an iron pin set; thence running along a curve to the right an arc length of 445.51 feet, (said curve having a radius of 1375.95 feet, with a chord bearing of North 75° 09' 16" East, and a chord length of 443.57 feet) to an iron pin set and the TRUE POINT OF BEGINNING, from point thus established and leaving said Right of Way North 07° 10' 54" West a distance of 181.76 feet to an iron pin set; thence North 82° 49' 06" East a distance of 200.07 feet to an iron pin set;

1415526

thence South 32° 23' 21" East a distance of 237.81 feet to a 1/2" rebar and cap found on the northerly Right of Way of Roberts Road (Variable R/W); thence running along said Right of Way along a curve to the left an arc length of 235.49 feet, (said curve having a radius of 4142.07 feet, with a chord bearing of North 89° 54' 21" West, and a chord length of 235.45 feet) to an iron pin set; thence along a curve to the left an arc length of 67.90 feet, (said curve having a radius of 1375.95 feet, with a chord bearing of South 85° 50' 38" West, and a chord length of 67.89 feet) to the TRUE POINT OF BEGINNING,

Said tract contains 1.103 Acres (48,038 Square Feet).

Tract 4 as described on that certain Minor Subdivision Plat prepared for Kennesaw Crossing, LLC of Kennesaw Crossing, prepared by Technical Survey Services, dated November 6, 2018



Printed: 9/18/2024

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
Phone: 770-528-8600
Fax: 770-528-8679

Payer:
John Varner

JLV KENNESAW MIXED USE LLC

Payment Date: 11/7/2023

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2023	20017400080	10/15/2023	Pay: N/A or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$61.29	\$333.57	\$0.00	\$0.00	\$7,066.33	\$0.00



Scan this code with your
mobile phone to view this
bill!!!



City of Kennesaw
PROPERTY TAX DIVISION
2529 J. O. STEPHENSON AVE
KENNESAW, GA 30144-2780
(770) 429-4542

2023 Property Tax Bill

Parcel ID	Tax District		Bill #						
20017400080	3/3-BOND - KENNESAW CITY		237234						
Property Owner/Location/Description			Fair Market Value	Taxable Value					
JLV KENNESAW MIXED USE LLC 1620 N ROBERTS RD			553,190	221,276					
Levies	Taxable Value	-	Exemptions	=	Net Assessment	X	Tax Rate	=	Net Tax
CITY OF KENNESAW	221,276		0		221,276		7.7500000000		\$1,714.89
BOND	221,276		0		221,276		1.5000000000		\$331.91

Exemptions:

Interest will accrue monthly at a rate of .96% per month, based on an annual calculation of Federal Prime Rate (8.5%) plus 3%. To arrive at the new monthly interest rate, divide the Federal Prime Rate by 12. This annual interest rate will changes when the Federal Reserve announces the new bank prime loan rate each January (House Bill 960).

Penalty will accrue at 5% after 120 days with an additional 5% assessed after each successive 120 days to a maximum of 20% of the principle amount due (House Bill 960).

Any questions concerning payment instructions should be directed to the City of Kennesaw Property Tax Department at (770) 429-4542 or taxoffice@kennesaw-ga.gov

Current Year Tax	\$2,046.80
Interest	\$0.00
Penalty	\$0.00
Other Fees	\$0.00
Payments Received	\$2,046.80
Other Amounts Due	\$0.00
Total Due	\$0.00
Due Date	12/01/2023



City of Kennesaw
PROPERTY TAX DIVISION
2529 J. O. STEPHENSON AVE
KENNESAW, GA 30144-2780

*Please make check or Money Order Payable to :
City of Kennesaw Property Tax Division and
include the Parcel ID on your check.*

*For your convenience, you may pay by check,
money order, Discover, Mastercard, AMEX,
VISA.
3% fee and \$3.50 per transaction fee added to
debit/credit card payments. \$1.25 fee per
ECheck transaction paid online.*

Parcel ID: 20017400080
Amount Due: \$0.00
Bill#: 237234
Due Date: 12/01/2023

AMOUNT PAID

JLV KENNESAW MIXED USE LLC
120 INTERSTATE NORTH PKWY SUITE 154
ATLANTA, GA 30339

City of Kennesaw
PROPERTY TAX DIVISION
2529 J. O. STEPHENSON AVE
KENNESAW, GA 30144-2780



CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
Phone: 770-528-8600
Fax: 770-528-8679

Printed: 9/18/2024

Cobb County Online Tax Receipt

Thank you for your payment!

Payer:

JLV KENNESAW MIXED USE LLC

Payment Date: 1/1/0001

Tax Year	Parcel ID	Due Date	Appeal Amount			Taxes Due
2024	20017500210	10/15/2024	Pay:	N/A	or	\$0.00
Interest	Penalty	Fees	Total Due	Amount Paid		Balance
\$0.00	\$0.00	\$0.00	\$0.00			\$0.00



Scan this code with your
mobile phone to view this
bill!!!



City of Kennesaw
PROPERTY TAX DIVISION
2529 J. O. STEPHENSON AVE
KENNESAW, GA 30144-2780
(770) 429-4542

2023 Property Tax Bill

Parcel ID	Tax District		Bill #						
20017500210	3/3-BOND - KENNESAW CITY		237744						
Property Owner/Location/Description			Fair Market Value	Taxable Value					
JLV KENNESAW MIXED USE LLC 2112 OLD 41 HWY			100	40					
Levies	Taxable Value	-	Exemptions	=	Net Assessment	X	Tax Rate	=	Net Tax
CITY OF KENNESAW	40		0		40		7.7500000000		\$0.31
BOND	40		0		40		1.5000000000		\$0.06
Exemptions:									
Interest will accrue monthly at a rate of .96% per month, based on an annual calculation of Federal Prime Rate (8.5%) plus 3%. To arrive at the new monthly interest rate, divide the Federal Prime Rate by 12. This annual interest rate will changes when the Federal Reserve announces the new bank prime loan rate each January (House Bill 960).									
Penalty will accrue at 5% after 120 days with an additional 5% assessed after each successive 120 days to a maximum of 20% of the principle amount due (House Bill 960).									
Any questions concerning payment instructions should be directed to the City of Kennesaw Property Tax Department at (770) 429-4542 or taxoffice@kennesaw-ga.gov									
			Current Year Tax		\$0.00				
			Interest		\$0.00				
			Penalty		\$0.00				
			Other Fees		\$0.00				
			Payments Received		\$0.00				
			Other Amounts Due		\$0.00				
			Total Due		\$0.00				
			Due Date		12/01/2023				



City of Kennesaw
PROPERTY TAX DIVISION
2529 J. O. STEPHENSON AVE
KENNESAW, GA 30144-2780

Please make check or Money Order Payable to :
City of Kennesaw Property Tax Division and
include the Parcel ID on your check.

For your convenience, you may pay by check,
money order, Discover, Mastercard, AMEX,
VISA.
3% fee and \$3.50 per transaction fee added to
debit/credit card payments. \$1.25 fee per
ECheck transaction paid online.

Parcel ID: 20017500210
Amount Due: \$0.00
Bill#: 237744
Due Date: 12/01/2023

AMOUNT PAID

JLV KENNESAW MIXED USE LLC
120 INTERSTATE NORTH PKWY STE 154
ATLANTA, GA 30339

City of Kennesaw
PROPERTY TAX DIVISION
2529 J. O. STEPHENSON AVE
KENNESAW, GA 30144-2780



Printed: 9/18/2024

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
Phone: 770-528-8600
Fax: 770-528-8679

Payer:
John Varner

JLV KENNESAW MIXED USE LLC

Payment Date: 11/7/2023

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due	
2023	20017501210	10/15/2023	Pay: N/A or	\$0.00	
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$97.16	\$528.77	\$0.00	\$0.00	\$11,201.23	\$0.00



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mobile phone to view this
bill!!!



City of Kennesaw
PROPERTY TAX DIVISION
2529 J. O. STEPHENSON AVE
KENNESAW, GA 30144-2780
(770) 429-4542

2023 Property Tax Bill

Parcel ID	Tax District		Bill #						
20017501210	3/3-BOND - KENNESAW CITY		238628						
Property Owner/Location/Description			Fair Market Value	Taxable Value					
JLV KENNESAW MIXED USE LLC 2112 OLD 41 HWY			876,890	350,756					
Levies	Taxable Value	-	Exemptions	=	Net Assessment	X	Tax Rate	=	Net Tax
CITY OF KENNESAW	350,756		0		350,756		7.7500000000		\$2,718.36
BOND	350,756		0		350,756		1.5000000000		\$526.13

Exemptions:

Interest will accrue monthly at a rate of .96% per month, based on an annual calculation of Federal Prime Rate (8.5%) plus 3%. To arrive at the new monthly interest rate, divide the Federal Prime Rate by 12. This annual interest rate will changes when the Federal Reserve announces the new bank prime loan rate each January (House Bill 960).

Penalty will accrue at 5% after 120 days with an additional 5% assessed after each successive 120 days to a maximum of 20% of the principle amount due (House Bill 960).

Any questions concerning payment instructions should be directed to the City of Kennesaw Property Tax Department at (770) 429-4542 or taxoffice@kennesaw-ga.gov

Current Year Tax	\$3,244.49
Interest	\$59.53
Penalty	\$0.00
Other Fees	\$0.00
Payments Received	\$3,304.02
Other Amounts Due	\$0.00
Total Due	\$0.00
Due Date	12/01/2023



City of Kennesaw
PROPERTY TAX DIVISION
2529 J. O. STEPHENSON AVE
KENNESAW, GA 30144-2780

*Please make check or Money Order Payable to :
City of Kennesaw Property Tax Division and
include the Parcel ID on your check.*

*For your convenience, you may pay by check,
money order, Discover, Mastercard, AMEX,
VISA.
3% fee and \$3.50 per transaction fee added to
debit/credit card payments. \$1.25 fee per
ECheck transaction paid online.*

Parcel ID: 20017501210
Amount Due: \$0.00
Bill#: 238628
Due Date: 12/01/2023

AMOUNT PAID

JLV KENNESAW MIXED USE LLC
120 INTERSTATE NORTH PKWY SUITE 154
ATLANTA, GA 30339

City of Kennesaw
PROPERTY TAX DIVISION
2529 J. O. STEPHENSON AVE
KENNESAW, GA 30144-2780



Printed: 9/18/2024

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
Phone: 770-528-8600
Fax: 770-528-8679

Payer:
John Varner

JLV KENNESAW CROSSING LLC

Payment Date: 11/7/2023

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2023	20017501190	10/15/2023	Pay: N/A or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$67.35	\$366.53	\$0.00	\$0.00	\$7,764.55	\$0.00



Scan this code with your
mobile phone to view this
bill!!!



City of Kennesaw
PROPERTY TAX DIVISION
2529 J. O. STEPHENSON AVE
KENNESAW, GA 30144-2780
(770) 429-4542

2023 Property Tax Bill

Parcel ID	Tax District		Bill #						
20017501190	3/3-BOND - KENNESAW CITY		238624						
Property Owner/Location/Description			Fair Market Value	Taxable Value					
JLV KENNESAW CROSSING LLC 2114 OLD 41 HWY			607,850	243,140					
Levies	Taxable Value	-	Exemptions	=	Net Assessment	X	Tax Rate	=	Net Tax
CITY OF KENNESAW	243,140		0		243,140		7.7500000000		\$1,884.34
BOND	243,140		0		243,140		1.5000000000		\$364.71

Exemptions:

Interest will accrue monthly at a rate of .96% per month, based on an annual calculation of Federal Prime Rate (8.5%) plus 3%. To arrive at the new monthly interest rate, divide the Federal Prime Rate by 12. This annual interest rate will changes when the Federal Reserve announces the new bank prime loan rate each January (House Bill 960).

Penalty will accrue at 5% after 120 days with an additional 5% assessed after each successive 120 days to a maximum of 20% of the principle amount due (House Bill 960).

Any questions concerning payment instructions should be directed to the City of Kennesaw Property Tax Department at (770) 429-4542 or taxoffice@kennesaw-ga.gov

Current Year Tax	\$2,249.05
Interest	\$0.00
Penalty	\$0.00
Other Fees	\$0.00
Payments Received	\$2,249.05
Other Amounts Due	\$0.00
Total Due	\$0.00
Due Date	12/01/2023



City of Kennesaw
PROPERTY TAX DIVISION
2529 J. O. STEPHENSON AVE
KENNESAW, GA 30144-2780

*Please make check or Money Order Payable to :
City of Kennesaw Property Tax Division and
include the Parcel ID on your check.*

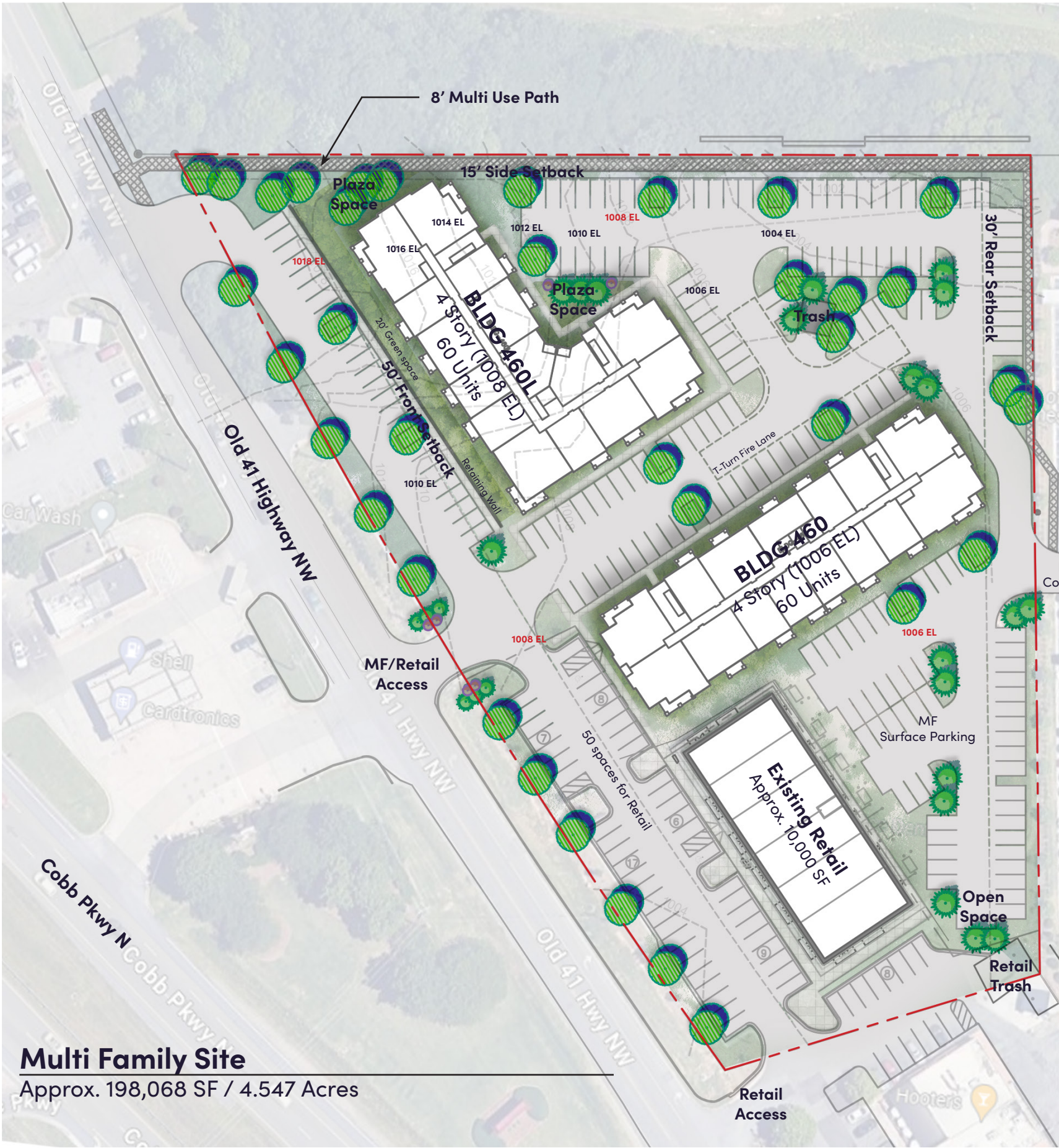
*For your convenience, you may pay by check,
money order, Discover, Mastercard, AMEX,
VISA.
3% fee and \$3.50 per transaction fee added to
debit/credit card payments. \$1.25 fee per
ECheck transaction paid online.*

Parcel ID: 20017501190
Amount Due: \$0.00
Bill#: 238624
Due Date: 12/01/2023

AMOUNT PAID

JLV KENNESAW CROSSING LLC
120 INTERSTATE NORTH PKWY SUITE 154
ATLANTA, GA 30339

City of Kennesaw
PROPERTY TAX DIVISION
2529 J. O. STEPHENSON AVE
KENNESAW, GA 30144-2780



UNIT MIX							TOTAL PROJECT MIX						TOTAL						4/17/2024	
UNIT TYPE	DESCRIPTION	BEDS	UNIT RENTABLE AREA			460	460L	TOTAL UNITS	TOTAL BEDS	BUILDING RENTABLE AREA		UNIT	TOTAL UNITS	TOTAL BEDS	TOTAL RENTABLE AREA					
			HEATED*	BALCONY	TOTAL**					0	0				HEATED*	GROSS*	HEATED*	GROSS*		
1 BEDROOM UNITS																				
A1	1 BEDROOM / 1 BATH	1	722 SF	66 SF	788 SF	16	4	20	20	14,440 SF	15,760 SF	A1	20	20	14,440 SF	15760 SF				
A1A	1 BEDROOM / 1 BATH	1	746 SF	66 SF	812 SF	16	16	32	32	23,872 SF	25,984 SF	A1A	32	32	23,872 SF	25984 SF				
A2	1 BEDROOM / 1 BATH	1	737 SF	66 SF	803 SF	4	0	4	4	2,948 SF	3,212 SF	A2	4	4	2,948 SF	3212 SF				
A3	1 BEDROOM / 1 BATH	1	759 SF	66 SF	825 SF	0	0	0	0	0 SF	0 SF	A3	0	0	0 SF	0 SF				
A4	1 BEDROOM / 1 BATH	1	804 SF	45 SF	849 SF	0	8	8	8	6,432 SF	6,792 SF	A4	8	8	6,432 SF	6792 SF				
TOTALS						0	0	136	64	47,692	51,748		64	64	47,692	51748				
2 BEDROOM UNITS																				
B1	2 BEDROOM / 2 BATH	2	1,082 SF	66 SF	1,148 SF	8	4	12	24	12,984 SF	13,776 SF	B1	12	24	12,984 SF	13776 SF				
B1A	2 BEDROOM / 2 BATH	2	1,075 SF	66 SF	1,141 SF	0	8	8	16	8,600 SF	9,128 SF	B1A	8	16	8,600 SF	9128 SF				
B2	2 BEDROOM / 2 BATH	2	1,196 SF	142 SF	1,338 SF	12	12	24	48	28,704 SF	32,112 SF	B2	24	48	28,704 SF	32112 SF				
B3	2 BEDROOM / 2 BATH	2	1,220 SF	168 SF	1,388 SF	0	4	4	8	4,880 SF	5,552 SF	B3	4	8	4,880 SF	5552 SF				
TOTALS						0	0	48	96	55,168	60,568		48	96	55,168	60568				
3 BEDROOM UNITS																				
C1	3 BEDROOM / 2 BATH	3	1,449 SF	143 SF	1,592 SF	4	4	8	24	11,592 SF	12,736 SF	C1	8	24	11,592 SF	12736 SF				
TOTALS						0	0	8	24	11,592	12,736		8	24	11,592	12736				
TOTAL UNITS						0	0	192	184	114,452 SF	125,052 SF		120	184	114,452 SF	125052 SF				
													UNIT AVERAGE				954 SF			

Residential

Zoning: PVC Planning Village Community

Building
-Type V-A Wood Construction
-NFPA 13R Fire Protection@ Residential

Total Site: **Approx.. 4.547 Acres**

Residential - 4 Story Building
Average Unit Size: 954 SF

Residential - 4 Story Building
Building 460 Prototype
60 Units x 1 Building = 60
Building 460L Prototype
60 Units x 1 Building = 60
Total Units **- 120 Units**

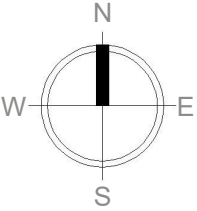
Parking Required:
Residential **- 210 spaces (1.75 space/unit)**
Multi Family = 1.75 Spaces per unit

Parking Provide:
Residential **- 189 spaces (1.58 space/unit)**
189 Surface Parking

Existing Retail Area
Approx. 10,000 SF

Parking Required:
Retail **- 50 spaces (1/200 SF)**
50 Spaces Parking

Parking Provided:
Retail **- 50 spaces (1/200 SF)**
Overflow **- 7 spaces**



Multi Family Site
Approx. 198,068 SF / 4.547 Acres

FDC

1. DECORATIVE LIGHTING, CENTER OVER GARAGE DOORS.
2. REFER TO CIVIL DRAWINGS FOR SITE RETAINING WALLS AND GRADING INFORMATION
3. COVER ALL JOINTS BETWEEN CEMENTITIOUS BOARD WITH 3-1/2" BATTEN STRIPS
4. Z-FLASHING AT HORIZONTAL BREAK AT FLOOR/CEILING FOR BOARD AND BATTEN



S.F.E. = 32' - 0 3/8"

S.F.E. = $21' - 4 \frac{1}{2}"$

$$\overline{\text{S.F.E.}} = \frac{\text{LEVEL 2}}{10' - 8 \frac{5}{8}''} \quad \text{[Symbol]}$$

LEVEL 1
T.O.S. = 0' - 0" 

1 BUILDING TYPE 460 FRONT ELEVATION
1/8" = 1'-0"



S.F.E. = 32' - 0 3/8" LEVEL 4

S.F.E. = 21' - 4 1/2" LEVEL 3

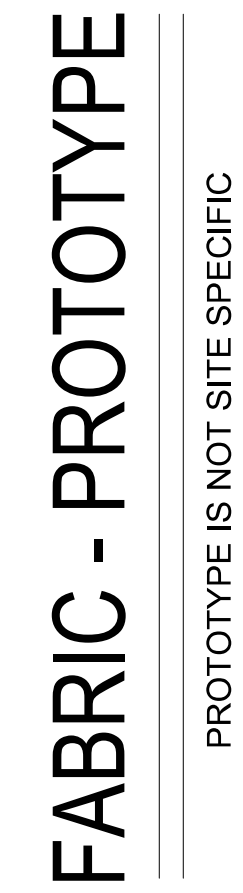
LEVEL 2
S.F.E. = 10' - 8 5/8"

LEVEL 1
T.O.S. = 0' - 0"

2 BUILDING TYPE 460 REAR ELEVATION
1/8" = 1'-0"

EXTERIOR FINISH SCHEDULE			
NO.	MATERIAL DESCRIPTION	MANUFACTURER	REMARKS
	CEMENTITIOUS TRIM - DARK		
BR-1	BRICK	BASIS OF DESIGN: TBD	
CB8-1	CEMENTITIOUS SIDING	BASIS OF DESIGN: TBD	HIGH REFLECTIVE WHITE SW 7757
CL-1	CEMENTITIOUS LAP SIDING- 6"EXPOSURE	BASIS OF DESIGN: TBD	HIGH REFLECTIVE WHITE SW 7757
CL-2	CEMENTITIOUS LAP SIDING- VARIED EXPOSURE	BASIS OF DESIGN: TBD	MODERNE WHITE SW 6168
CL-3	CEMENTITIOUS LAP SIDING- 6"EXPOSURE	BASIS OF DESIGN: TBD	CLASSIC FRENCH GRAY SW 0077
CL-4	CEMENTITIOUS LAP SIDING- VARIED EXPOSURE	BASIS OF DESIGN: TBD	CLASSIC FRENCH GRAY SW 0077
CP-1	CEMENTITIOUS PANEL	BASIS OF DESIGN: TBD	MODERNE WHITE SW 6168
CP-2	CEMENTITIOUS PANEL	BASIS OF DESIGN: TBD	
RGL-1	THREE LINE METAL RAILING WITH VERTICAL PICKETS	BASIS OF DESIGN: TBD	
SGL	ROOF SHINGLES	BASIS OF DESIGN: TBD	
WND	VINYL- INSULATED GLAZING	BASIS OF DESIGN: TBD	

EXHIBIT B



PROTOTYPE IS NOT SITE SPECIFIC

FABRIC[illegible]

REVISION		
DATE	DESCRIPTION	REV

THESE DRAWINGS AND ASSOCIATED DOCUMENTS ARE THE EXCLUSIVE PROPERTY OF DWELL DESIGN STUDIO, AND ARE NOT TO BE REPRODUCED OR COPIED IN WHOLE OR IN PART, EXCEPT AS AUTHORIZED FOR THE STATED PROJECT. THEY ARE ONLY TO BE USED FOR THIS PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN, AND ARE NOT TO BE USED ON ANY OTHER PROJECT WITHOUT WRITTEN CONSENT OF DWELL DESIGN STUDIO.

COPIES AS NOTED ON THIS DRAWING ARE MADE ON THE ORIGINAL DRAWING ONLY. THE DIMENSIONS OF WHICH ARE 30 x 42 INCHES.

BUILDING TYPE 460 - PERSPECTIVES

OB NUMBER: 2350701

DRAWN BY TA	CHECKED BY JT / IH
----------------	-----------------------

A05.32



**dwell
design
studio**

**1280 HIGHTOWER TRAIL
ATLANTA, GA 30350
PHONE: 770.864.1035
dwelldesignstudio.com**



FABRIC - PROTOTYPE

PROTOTYPE IS NOT SITE SPECIFIC

FABRIC

[illegible]

REVISION		
DATE	DESCRIPTION	REV

354

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SCALES AS NOTED ON THIS DRAWING ARE VALID ON THE ORIGINAL DRAWING ONLY. THE DIMENSIONS OF WHICH ARE 30 x 42 INCHES.

SHEET NAME:

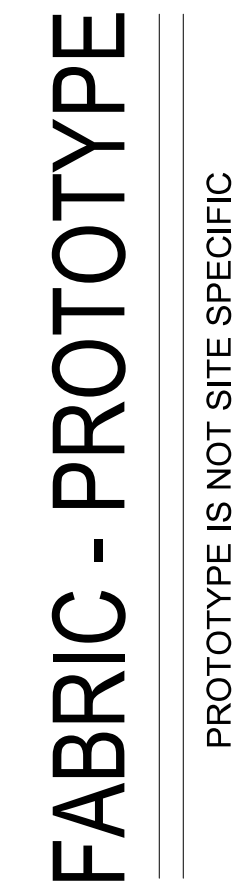
BUILDING TYPE
460L -
OVERALL
ELEVATIONS

JOB NUMBER: 2350701

DRAWN BY	CHECKED BY
TA	JT / JH

A05.40

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PROTOTYPE IS NOT SITE SPECIFIC

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REVISION		
DATE	DESCRIPTION	REV

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ALL DIMENSIONS AS NOTED ON THIS DRAWING ARE BASED ON THE ORIGINAL DRAWING ONLY. THE DIMENSIONS OF WHICH ARE 30 X 42 INCHES.

BUILDING TYPE 460L - PERSPECTIVES

OB NUMBER: 2350701

DRAWN BY TA
CHECKED BY JT / IH

A05.42





MAYOR

Derek Easterling

City Manager

Jeff Drobney, ICMA-CM

City Clerk

Lea Alvarez, CMC

**COUNCIL**

Mayor Pro Tem Antonio Jones

Madelyn Orochena

Tracey Viars

Pat Ferris

Anthony Gutierrez

10/16/24

Pamela Mabry, County Clerk
Cobb County
100 Cherokee Street, #355
Marietta, Georgia 30090-9679

Subject: City of Kennesaw Zoning Application (Case# RZ2024-04)
2112 Old 41 Hwy, 2114 Old 41 Hwy & 1620 N. Roberts Rd, Kennesaw, GA 30144
Parcel #: 20017501190, 20017501210, 20017400080 & 20017500210

Dear Ms. Mabry,

Attached, please find a zoning application submitted by Fabric Housing Acquisition, LLC to amend the zoning conditions for the above subject property. Because this case is within a half-mile from unincorporated Cobb County, this letter and enclosed application are being provided in accordance with the House Bill 489 Intergovernmental Agreement.

This case is set to go before the Kennesaw Planning Commission on November 6th at 6:30 p.m. for public hearing and Mayor and Council on November 18th at 6:30 p.m. for public hearing as well.

Thank you for your attention. Should you have any questions, you may call me at 770-590-8268 or send an e-mail to dsimmons@kennesaw-ga.gov.

Sincerely,

Darryl Simmons

Darryl Simmons
Planning and Zoning Administrator

Enclosure: Zoning Application

cc: Jessica Guinn, AICP, Community Development Agency Director (Via E-mail)
Dr. Jackie McMorris, Cobb County Manager (Via E-mail)
Phillip Westbrook, Senior Planner, Cobb County Community Development (Via E-mail)
Donald Wells, Intergovernmental Coordinator/Planner III, Cobb County Community Dev. (Via E-mail)
Dr. Jeff Drobney, City Manager, City of Kennesaw (Via E-mail)
Chanelle Campbell, Assistant Zoning Administrator & Planner, City of Kennesaw (Via E-mail)
Rebecca Goldstein, Community Development Administrative Assistant, City of Kennesaw (Via E-mail)

**CITY OF KENNESAW
LAND USE NOTICE**
APPLICATION # RZ2024-04
PURPOSE Amend the rezoning conditions
DATE OF PUBLIC MEETING 11/18/2024 TIME 6:30PM
DATE OF PUBLIC MEETING 11/18/2024 TIME 6:30PM
PLACE CITY HALL KENNESAW, GA
Due to the priority for public health and safety,
the City of Kennesaw will implement a public meeting
protocol / system for community participation
in compliance to social distancing protocol.
For specific public meeting guidelines and access to all
application information please visit our website
[HTTP://WWW.KENNESAW-GA.GOV](http://www.kennesaw-ga.gov)
FOR FURTHER INFORMATION PLEASE CALL:
PLANNING AND ZONING DEPARTMENT 770-430-8268

10.18.2024 11:55

**CITY OF KENNESAW
LAND USE NOTICE**

APPLICATION # **RZ2024-04**

PURPOSE **Amend the rezoning conditions**

DATE OF PUBLIC MEETING: **11/6/2024** TIME: **6:30PM**

DATE OF PUBLIC MEETING: **11/18/2024** TIME: **6:30PM**

PLACE: **CITY HALL KENNESAW, GA**

Due to the priority for public health and safety,
the City of Kennesaw will implement a public meeting
protocol / system for community participation
in compliance to social distancing protocol.
For specific public meeting guidelines and access to all
application information please visit our website

[HTTP://WWW.KENNESAW-GA.GOV](http://www.kennesaw-ga.gov)

FOR FURTHER INFORMATION PLEASE CALL :
PLANNING AND ZONING DEPARTMENT 770-590-8268

10.18.2024 11:56



WARNING/NOTICE
PRIVATE PARKING
ALL VEHICLES ENTERING
THIS AREA AT ANY TIME
ARE SUBJECT TO THE
ENFORCEMENT OF THE
Kennesaw Police Department
953-1176
1176-1176
1176-1176
1176-1176

**CITY OF KENNESAW
LAND USE NOTICE**
APPLICATION # **RZ2024-04**
PURPOSE **Amend the rezoning conditions**
DATE OF PUBLIC MEETING: **11/6/2024** TIME: **6:30PM**
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PLACE: **CITY HALL KENNESAW, GA**
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FOR FURTHER INFORMATION PLEASE CALL:
PLANNING AND ZONING DEPARTMENT 770-590-8268

10.18.2024 11:53

TIMES JOURNAL, INC.
P.O. BOX 1633
ROME GA 30162-1633
(770)795-3050

ORDER CONFIRMATION

Salesperson: ROSE MILLER

Printed at 10/16/24 13:04 by rmill-tj

Acct #: 110016

Ad #: 442524

Status: New WHOLD

CITY OF KENNESAW
2529 J.O. STEPHENSON AVE
KENNESAW GA 30144

Start: 10/18/2024 Stop: 10/18/2024

Times Ord: 1 Times Run: ***

LEG 1.00 X 2.96 Words: 200

Total LEG 2.96

Class: 8003 PUBLIC HEARING

Rate: LEGL Cost: 30.00

Ad Descrpt: PH-7909 RZ2024-04

Descr Cont: MDJ-7909 GPN-16 CITY OF K

Given by: CHANELLE CAMPBELL

P.O. #:

Contact: LEA ALVAREZ

Phone: (770)424-8274

Fax#:

Email: LALVAREZ@KENNESAW-GA.GOV

Agency:

Created: rmill 10/16/24 13:00

Last Changed: rmill 10/16/24 13:04

PUB ZONE EDT TP RUN DATES
MDJ A 95 S 10/18

AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

Name (print or type)

Name (signature)

.

MDJ-7909
GPN-16
CITY OF KENNESAW
PUBLIC NOTICE

Notice is hereby given that the City of Kennesaw shall hold public hearings to give consideration for a rezoning request submitted by Fabric Housing Acquisitions, LLC. Said request is to amend the zoning conditions for parcels located at 2112 Old 41 Highway, 2114 Old 41 Highway, and 1620 N. Roberts Road (20017501190, 20017501210, 20017400080 & 20017500210), and lies in Land Lots 174 and 175, Tax Parcels 119, 121, 8, 21 of the 20th District, 2nd Section, Cobb County Georgia.

Said meetings shall be held before the Planning Commission on November 6, 2024 at 6:30 p.m. with a final scheduled hearing and adoption by the Mayor and Council to be considered on November 18, 2024 at 6:30 p.m. Meetings will be held in the Kennesaw City Council Chambers, 2529 J.O. Stephenson Avenue, Kennesaw, GA. Any interested persons may attend and be heard relative thereto.

Mayor and Council will be conducting their meeting in person and you can access the meeting via the following link:

<https://www.kennesaw-ga.gov/publicmeetings/>

Any interested citizens are invited to email kennesawcouncil@kennesaw-ga.gov.

10:18-2024

**MDJ-7909
GPN-16
CITY OF KENNESAW
PUBLIC NOTICE**

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Mayor and Council will be conducting their meeting in person and you can

8003	Public Hearing
------	----------------

access the meeting via the following link: <https://www.kennesaw-ga.gov/publicmeetings/>
Any interested citizens are invited to email kennesawcouncil@kennesaw-ga.gov.

10:18-2024



Community Development
Planning & Zoning Department
2529 J. O. Stephenson
Kennesaw, GA 30144

CERTIFICATION AUTHORIZATION

I hereby attest to the fact that a certified mailing to property owners within 200 feet was mailed out on October 17, 2024. in accordance with the application requirements.

MOORE INGRAM JOHNSON & STEELE, LLP

October 21, 2024

Date

BY:

J. Kevin Moore

Applicant or Authorized Agent

Georgia Bar No. 519728

Attorneys for Applicant and Property Owners

Sworn and subscribed before me this 21st day of October 2024

Carolyn E. Cook

Notary Public

My Commission Expires: January 10, 2027



Attach to this document a copy of the property/s that have been served notification along with the documentation supplied in the certified mailing.

MOORE INGRAM JOHNSON & STEELE, LLP

Attorneys at Law
326 Roswell Street, Suite 100
Marietta, Georgia 30060
(770) 429-1499

October 17, 2024

RE: NOTIFICATION OF NEARBY MASTER PLAN AMENDMENT APPLICATION

Applicant: Fabric Housing Acquisitions LLC
Applicant's
Representative: J. Kevin Moore, Esq., Moore Ingram Johnson & Steele, LLP
(770) 429-1499 – jkm@mijs.com
Property: 2112 and 2114 Old 41 Highway; 1620 N. Roberts Road
Parcel ID Nos.: 20017501190; 20017501210; 20017500210; and 20017400080

To Whom It May Concern:

The undersigned and this firm represent Fabric Housing Acquisitions LLC, who is the Applicant in the proposed Master Plan Amendment of certain property located in the City of Kennesaw, Cobb County, Georgia. This correspondence is to formally notify you the City of Kennesaw Planning and Zoning Department has received a Master Plan Amendment Application for property within two hundred (200) feet of your property. As a nearby property owner, you have the right to be informed of potential Master Plan changes.

The Application details are as follows:

Applicant Name:	Fabric Housing Acquisitions LLC
Property Address:	2112 and 2114 Old 41 Highway; 1620 N. Roberts Road
Parcel Identification Nos.:	20017501190; 20017501210; 20017500210; 20017400080
Description of Proposal:	Amend Conditions to the Master Plan

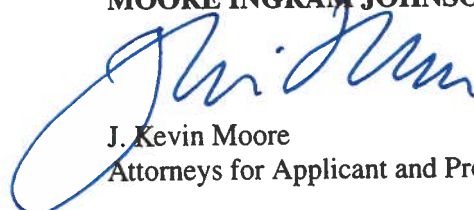
The Application will be reviewed and voted on at Public Hearings by the Planning Commission and the Mayor and City Council. The meeting details are as follows:

Planning Commission Meeting	Mayor and City Council Meeting
Date: November 6, 2024	Date: November 18, 2024
Time: 6:30 p.m.	Time: 6:30 p.m.

Both meetings occur in the City Hall Council Chambers located at 2529 J.O. Stephenson Avenue, Kennesaw, Georgia 30144. You may appear in person or be represented by an attorney to present any objections you may have. A copy of the Application, together with other documentation required by the City, is enclosed for your review. This notice is being sent to you by order of the Planning Commission and the Mayor and Council.

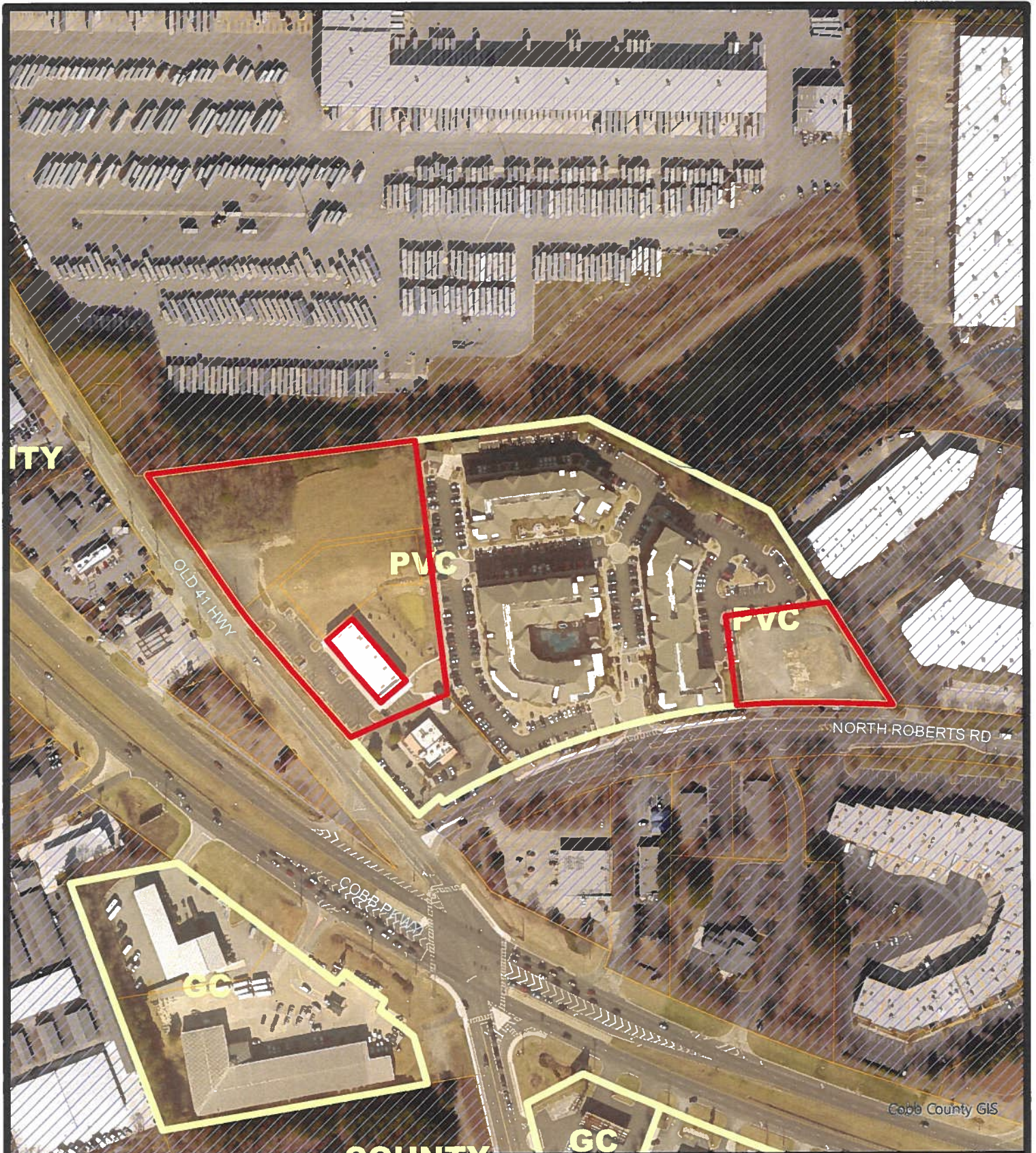
Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



J. Kevin Moore
Attorneys for Applicant and Property Owners

Enclosures



CASE NUMBER		LAND USE OR ZONING		2112, 2114 Old 41 Hwy & 1620 N Roberts Rd Land Lot 175, Tax Parcels 21, 119 & 121 Land Lot 174, Tax Parcel 08  Subject Property	  CITY OF KENNESAW PLANNING & ZONING DEPT. 770-590-8268 <i>David Eastman</i> Mayor <i>Lee Murray</i> City Clerk	Scale: 1" = 250' Print Date: 9/20/2024 RZ2024_004
AV	LU	FROM	TO			
AX	RZ 2024-003	PVC	PVC			
DX	AV – Administrative Variance AX – Annexation DX – De-annexation HBR – Historic Board Review	 ZONING  KENNESAW CITY LIMITS  COBB COUNTY  LAND LOT				
HBR	LU – Land Use RZ – Re-zoning SLUP – Special Land Use ZV – Variance					
SLUP						
ZV						



REZONING APPLICATION

Required Fee \$375.00

Date Received 09/19/2024

Staff's Initials CMC

Is this property located within the Kennesaw Historic District (yes) _____ (no) X ?

A MINIMUM OF ONE CONSULTATION WITH PLANNING AND ZONING ADMINISTRATOR AND STAFF PRIOR TO THE SUBMISSION OF THE REQUESTED APPLICATION IS MANDATORY.

Date of Consultation 08/14/2024; 09/13/2024

Staff's Initials _____

REZONING PROPERTY ADDRESS 2112 & 2114 Old 41 Highway; 1620 N. Roberts Road

Land Lot 174, 175, 206, 207 Tax Parcel 21, 121, 119, 8 Lot Size 4.547+/-

Resident Population 0 Housing Units 0 Other Buildings Existing Retail Building

Zoning Request from:

Present Zoning PVC To: PVC

For the purpose of: Master Plan Amendment

APPLICANT EMAIL

Applicant Name: Fabric Housing Acquisitions LLC

Applicant Address 233 South Wacker Drive, Suite 4700, Chicago, IL 60606

(Phone #) _____

Moore Ingram Johnson & Steele, LLP

Applicant Signature BY: [Signature] Date September 19, 2024

Signed, sealed and delivered in presence of: Carolyn E. Cook September 19, 2024

Notary _____ Date _____
Commission Expires: January 10, 2027



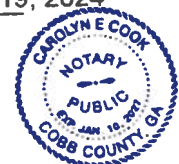
REPRESENTATIVE Moore Ingram Johnson & Steele, LLP - J. Kevin Moore

(Fax #) _____ (Work #) _____ (Cell #) _____

Representative Signature BY: [Signature] Date September 19, 2024

Signed, sealed and delivered in presence of: Carolyn E. Cook September 19, 2024

Notary _____ Date _____
Commission Expires: January 10, 2027



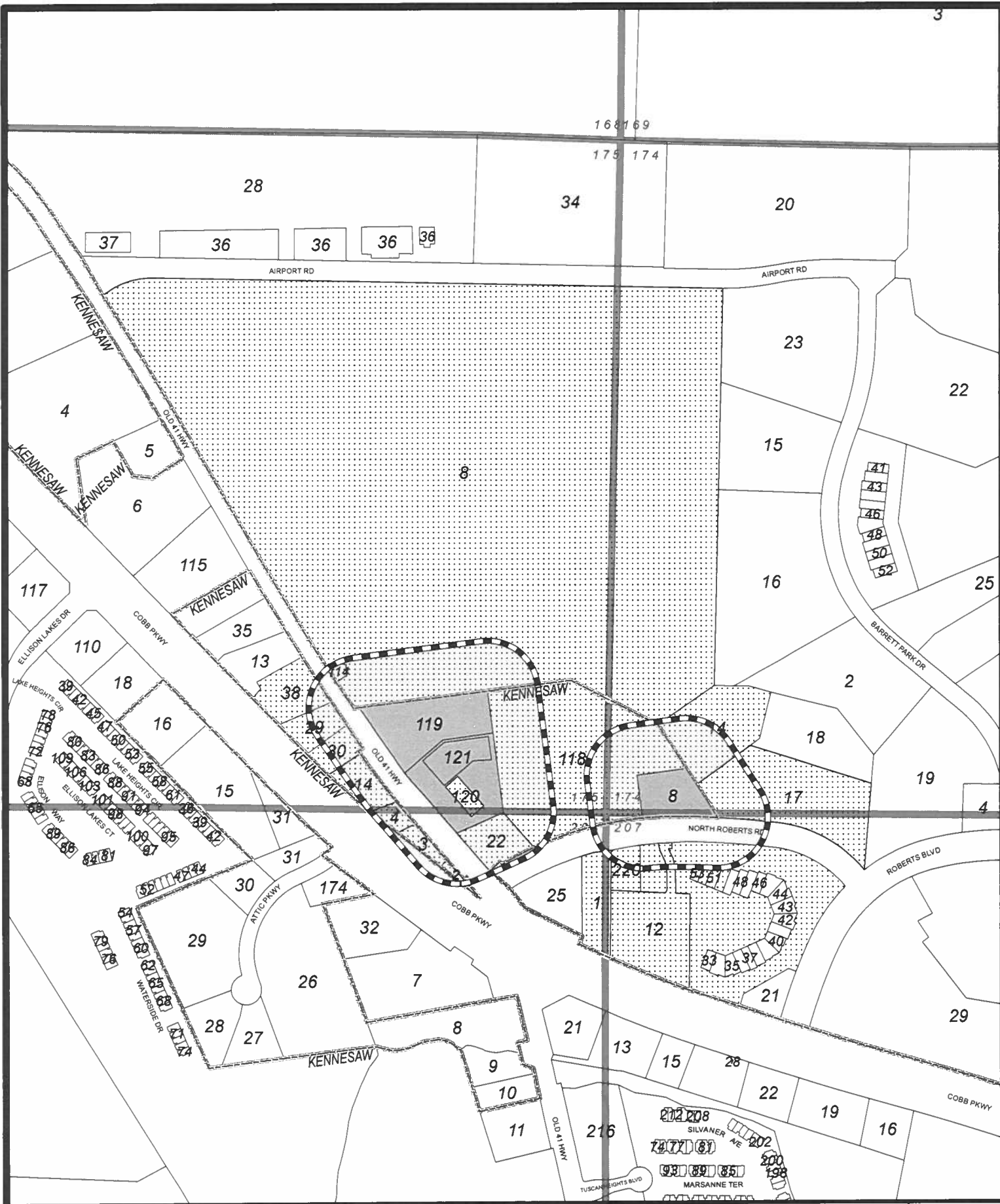
TITLEHOLDER: JLV Kennesaw Crossing, LLC
JLV Kennesaw Mixed Use, LLC (Phone #) _____

Signature BY: [Signature] Address 120 Interstate North Parkway, Suite 154, Atlanta, GA 30339

Signed, sealed and delivered in presence of: Carolyn E. Cook September 18, 2024

Notary _____ Date _____
Commission Expires: January 10, 2027





-  Subject Parcel
-  200' Radius
-  Properties Notified

2112, 2114 Old 41 Hwy & 1620 N Roberts Rd
Land Lot 175, Tax Parcels 21, 119, & 121
Land Lot 174, Tax Parcel 08

RZ2024-004
200' PROPERTY NOTIFICATION



CITY OF KENNESAW
 PLANNING & ZONING DEPT.
 770-590-8268

David Estroff
 Mayor
Jim Blasing
 City Clerk

Date: 9/30/2024
 RZ2024_004



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 ETHAN WAID REAL ESTATE LLC
 316 HARVEST VIEW TERRACE
 WOODSTOCK, GA 30188

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 3700 DEKALB TECHNOLOGY PARKWAY LLC
 450 EAST PACES FERRY ROAD
 ATLANTA, GA 30305

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 FEDEX GROUND PACKAGE SYSTEM, INC.
 1000 FEDEX DRIVE
 MOON TOWNSHIP, PA 15108

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LANG, INC.
1613 OLD HUNTERS TRACE
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D & S PROPERTY, LLC
307 BROOKE AVENUE
CANTON, GA 30114

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WAFFLE HOUSE, INC.
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NORCROSS, GA 30091-6450

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419 PONDEROSA TRAIL
DALLAS, GA 30132

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KARLEBACH PROPERTY MANAGEMENT LLC
833 HALLBROOK LANE
MILTON, GA 30004

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 KEYCHEM INTERNATIONAL, INC.
 1690 ROBERTS BLVD., SUITE 118
 KENNESAW, GA 30144

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KENNESAW, GA 30144

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1690 ROBERTS BLVD., N.W., SUITE 121
KENNESAW GA 30144

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REDHOUSE LLC
5201 OLD GAYDON ROAD
POWDER SPRINGS, GA 30127

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C/O MARY BULLOCK WARREN ANGELUCCI
4014 STONEBRIDGE LANE
RANCHO SANTE FE, CA 92091

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 Planning & Zoning
 2529 J.O. Stephenson Avenue
 Kennesaw, GA 30144

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City of Kennesaw
5520 J.O. Stephenson Avenue
Kennesaw, GA 30144

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9590 0656 2575 2730 93

RZ2024-04

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CITY OF KENNESAW
Attention: Planning Commission

Attention: Planning & Zoning
City of Kennesaw
2529 J.O. Stephenson Avenue
Kennesaw, GA 30144

[The page contains dense handwritten notes in cursive script, which are mostly illegible due to blurring.]

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RZ2024-04

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City of Kennesaw
2529 J.O. Stephenson Avenue
Kennesaw, GA 30144

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 2. *Phragmites australis*
 3. *Phragmites australis*
 4. *Phragmites australis*
 5. *Phragmites australis*
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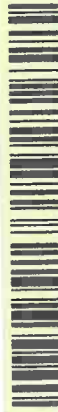
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SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
■ Print your name and address on the reverse so that we can return the card to you.
■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Tax Parcel - 20020702200
REDHOUSE LLC
5201 OLD GAYDON ROAD
POWDER SPRINGS, GA 30127



9590 9402 7567 2098 2132 39

2. Article Number (Transfer from service label)

7022 0410 0001 4901 7130

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☒ Agent ☐ Addressee
B. Received by (Printed Name) C. Date of Delivery
Guy Walters 10/21/24
D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

3. Service Type
☐ Priority Mail Express®
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail (over \$500)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
■ Print your name and address on the reverse so that we can return the card to you.
■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Tax Parcel - 20017501140
NOBLE BEN F.
438 CHOWNING PLACE
MARIETTA GA 30064



9590 9402 7567 2098 2131 54

2. Article Number (Transfer from service label)

7022 0410 0001 4901 7031

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

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- Complete items 1, 2, and 3.
■ Print your name and address on the reverse so that we can return the card to you.
■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Tax Parcel - 20017400140
DIODATI RAY L. & DIODATI RICH
POST OFFICE BOX 2595
KENNESAW, GA 30156



9590 9402 7567 2098 2130 93

2. Article Number (Transfer from service label)

7022 0410 0001 4901 6966

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

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■ Print your name and address on the reverse so that we can return the card to you.
■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Tax Parcel - 20017400170
DIODATI RAY L. & DIODATI RICH
POST OFFICE BOX 2595
KENNESAW, GA 30156



9590 9402 7567 2098 2131 09

2. Article Number (Transfer from service label)

7022 0410 0001 4901 6973

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☒ Agent ☐ Addressee
B. Received by (Printed Name) C. Date of Delivery
Marie Walter 10/21/24
D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

3. Service Type
☐ Priority Mail Express®
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail (over \$500)

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☒ Agent ☐ Addressee
B. Received by (Printed Name) C. Date of Delivery
Marie Walter 10/21/24
D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

3. Service Type
☐ Priority Mail Express®
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
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☐ Signature Confirmation Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail (over \$500)

USPS TRACKING #



9590 9402 7567 2018 2132 84 R22024-04

United States
Postal Service

Sender: Please print your name, address, and ZIP+4® in this box.
Oct 28 2024

CITY OF KENNESAW Planning & Zoning
City of Kennesaw
2529 J.O. Stephenson Avenue
Kennesaw, GA 30144

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

USPS TRACKING #



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United States
Postal Service

Sender: Please print your name, address, and ZIP+4® in this box.
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9590 9402 7567 2018 2132 84 R22024-04

United States
Postal Service

Sender: Please print your name, address, and ZIP+4® in this box.
Oct 28 2024

CITY OF KENNESAW Planning & Zoning
City of Kennesaw
2529 J.O. Stephenson Avenue
Kennesaw, GA 30144

As in past elections,
USPS Postage & Fees Paid
USPS
If you chipscan to pay mail,
please mail early.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Tax Parcel - 20020700120
LGE COMMUNITY CREDIT UNION
POST OFFICE BOX 1188
MARIETTA, GA 30061



9590 9402 7567 2098 2132 22

2. Article Number (Transfer from service label)

7022 0410 0001 4901 7086

PS Form 3811, July 2020 PSN 7530-02-000-9053

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Tax Parcel - 20017500080
FEDEX GROUND PACKAGE SYSTEM, INC.
1000 FEDEX DRIVE
MOON TOWNSHIP, PA 15108



9590 9402 7567 2098 2131 16

2. Article Number (Transfer from service label)

7022 0410 0001 4901 6980

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Justin Brown ☐ Agent ☐ Addressee
- B. Received by (Printed Name) Justin Brown C. Date of Delivery
- D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

3. Service Type ☐ Priority Mail Express®
- ☐ Adult Signature ☐ Registered Mail™
- ☐ Adult Signature Restricted Delivery ☐ Registered Mail Restricted Delivery
- ☐ Certified Mail® ☐ Signature Confirmation™
- ☐ Certified Mail Restricted Delivery ☐ Signature Confirmation Restricted Delivery
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PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

- A. Signature CLK ☐ Agent ☐ Addressee
- B. Received by (Printed Name) CLK C. Date of Delivery 8/10/20
- D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

3. Service Type ☐ Priority Mail Express®
- ☐ Adult Signature ☐ Registered Mail™
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SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Tax Parcel - 20017501200
ETHAN WARD REAL ESTATE LLC
316 HARVEST VIEW TERRACE
WOODSTOCK, GA 30188



9590 9402 7567 2098 2132 84

2. Article Number (Transfer from service label)

7022 0410 0001 4901 6942

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Ward ☐ Agent ☐ Addressee
- B. Received by (Printed Name) Ward C. Date of Delivery 10-12-20
- D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

3. Service Type ☐ Priority Mail Express®
- ☐ Adult Signature ☐ Registered Mail™
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PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

First-Class Mail
Postage & Fees Paid
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Permit No. G-10

USPS TRACKING#
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9590 90257058 111123
RECEIVED

United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box*
OCT 23 2024

CITY OF KENNESAW
Planning & Zoning
City of Kennesaw
2529 J.O. Stephenson Avenue
Kennesaw, GA 30144

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COMPLETE THIS SECTION ON DELIVERY

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Tax Parcel - 20017500140
LANG, INC.
1613 OLD HUNTERS TRACE
MARIETTA, GA 30062



9590 9402 7567 2098 2131 23

2. Article Number (Transfer from service label)

7022 0420 0001 4901 6997

PS Form 3811, July 2020 PSN 7530-02-000-9053

A. Signature

Agent

☐ Addressee

C. Date of Delivery

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D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

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MINUTES OF PLANNING COMMISSION MEETING
CITY OF KENNESAW
Council Chambers
(2529 J.O. Stephenson Avenue, Kennesaw, GA 30144)
November 6, 2024
6:30 PM

1. Call to Order / Roll Call

The meeting was called to order by Chairman Jackson at 6:31 p.m.

Roll Call: Commissioner Jackson, Commissioner Ragus, Commissioner Patterson, Vice Chair Bodenhamer, Commissioner Vande Zande, Commissioner Trim

Absent: Commissioner Greenall

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

Speakers: John Gray (President of Fabric Housing, LLC), Kevin Moore (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 the following link: <https://www.kennesaw-ga.gov/publicmeetings/>. 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 18, 2024.

3. Approval of the Meeting Minutes

- A. Approval of Meeting Minutes: October 2, 2024

Chairman Jackson called for a motion

Motion to approve by Vice Chair Bodenhamer

Seconded by Commissioner Trim

Chairman Jackson proceeded with a roll call for approval
Vote taken, Commissioner Ragus, Commissioner Patterson, Vice Chair Bodenhamer, and Commissioner Trim voted in favor. Commissioner Vande Zande abstained. Motion approved 4-0. Motion carried.

4. 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 the remaining 12,000 sq. ft of retail along N. Roberts Road. Property consists of 4.57 +/- acres and lies in land lot 174, 175, 206, and 207 tax parcel 21, 121, 119, and 8.

Chairman Jackson called for a motion

Motion by Commissioner Vande Zande to approve with the condition that 5ft sidewalks be added along the frontage of Old 41 Highway and North Roberts Road

Seconded by Commissioner Ragus

Chairman Jackson proceeded with a roll call vote

Vote taken, Commissioner Ragus, Commissioner Patterson, and Commissioner Vande Zande voted in favor. Vice Chair Bodenhamer and Commissioner Patterson voted to deny. Motion approved 3-2. Motion carried

- B. **MISC2024-03** - Consideration for approval of a text amendment request as submitted by the City of Kennesaw. Said request is to amend the Unified Development Code, Appendix A, " Unified Development Code" Section 2.03.00 and Section 8.04.00 of said chapters as submitted by the City of Kennesaw.

Chairman Jackson called for a motion

Motion by Vice Chair Bodenhamer to approve with the condition that "student artist" be added to the definition of "Artist" in section 2.03.02

Seconded by Commissioner Patterson

Chairman Jackson proceeded with a vote for approval

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

- C. **PP2024-01** - Consideration for approval of a preliminary plat as submitted by Tyler Shoop located at 3057 N. Main Street (Parcel ID: 20012702300) for the development of a 38 unit townhome community. The property is located on 5.98+/- acres, and lies in land lot 127, tax parcel 23.

Chairman Jackson called for a motion

Motion by Vice Chair Bodenhamer to approve

Seconded by Commissioner Trim

Chairman Jackson proceeded with a roll call vote.

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

5. Staff Comment

6. Adjourn

Chairman Jackson adjourned the meeting at 7:46 p.m.



Item Report

TO: The Honorable Mayor and City Council

FROM:

DATE: November 18, 2024

TITLE: **Minutes: October 28, 2024 Work Session**
Approval of the October 28, 2024, City Council work session minutes.

Summary:

Recommendation:

Fiscal Impact:

Attachments:

1. 2024-10-28 City Council Work Session Minutes - DRAFT

**MINUTES OF CITY COUNCIL WORK SESSION MEETING
CITY OF KENNESAW
Council Chambers
(2529 J.O. Stephenson Avenue, Kennesaw, GA 30144)
Livestream: www.kennesaw-ga.gov/publicmeetings/
October 28, 2024
6:30 PM**

Present Mayor Derek Easterling
 Mayor Pro Tem Antonio Jones
 Councilmember Madelyn Orochena
 Councilmember Tracey Viars
 Councilmember Pat Ferris
 Councilmember Anthony Gutierrez
 City Clerk Lea Alvarez
 City Manager Jeff Drobney
 City Attorney Randall Bentley, Sr.

1. Invocation

2. Pledge of Allegiance

3. Call to Order

Mayor Easterling called the meeting to order at 6:30 p.m.

4. Announcements

- A. If you are not able to attend a meeting in-person and would like to provide public comment on a specific agenda item, you can email kennesawcouncil@kennesaw-ga.gov no later than 6:00 PM the night of the regular meeting. Your comments on a specific agenda item will be read aloud or grouped into categories for the record.

5. Presentations

6. Old Business

7. New Business

- A. **Appeal Hearing: Churras Brazilian Steakhouse (Licensee: Valeriano Cano Serradilha Neto)**
Appeal of Alcohol License Application denial for Churras Brazilian Steakhouse (Licensee: Valeriano Cano Serradilha Neto) located at 3940 Cherokee Street, Kennesaw, GA 30144.

This item will be presented at the November 4, 2024, regular City Council meeting.

8. Committee and Board Reports

9. Public Hearing(s)

10. Consent Agenda

A. Minutes: October 14, 2024 Work Session

Approval of the October 14, 2024, City Council work session minutes.

B. Minutes: October 21, 2024 Regular Meeting

Approval of the October 21, 2024, City Council regular meeting minutes.

11. General and Administrative

A. Resolution: Banking Services

Consideration for approval of a Resolution awarding the bid and contract to Cadence Bank for banking services.

Assistant Finance Director Jennifer Gordy presented a resolution awarding the bid and contract to Cadence Bank for banking services. The City issued a request for proposals for Banking Services, which was duly advertised in the Marietta Daily Journal on August 23, August 30, and September 6, 2024. Two bids were received from Cadence Bank and United Bank. After reviewing the bids, the evaluation team recommended Cadence Bank.

Councilmember Ferris asked how long it had been since this service had been bid. Ms. Gordy responded that the City bids the service out every five years. However, this term, the City utilized a one-year extension.

After receiving confirmation from the Council, Mayor Easterling suggested moving the item to the Consent Agenda for the regular meeting.

B. Alcohol License: Hi & Hello Mart

Consideration for approval of an Alcohol License for Beer, Wine, and Sunday Sales for Karikrishna 108 LLC d/b/a Hi & Hello Mart located at 3055 N Main St Suite 108 Kennesaw, GA 30144. Applicant: Kartik Bhatt

Business License Manager LaMaya Edmonds presented an Alcohol License for Beer, Wine, and Sunday Sales for Karikrishna 108 LLC d/b/a Hi & Hello Mart located at 3055 North Main Street, Suite 108. The applicant has completed all requirements for the alcohol workshop and signage.

The applicant will be present at the November 4, 2024, regular City Council meeting.

12. Public Safety

A. Purchase Authorization: Axon "Taser 10"

Consideration to authorize the purchase of Axon "Taser 10" approved in the Fiscal Year 2025 budget.

Chief Bill Westenberger requested authorization for the purchase of Axon "Taser 10" approved in the Fiscal Year 2025 budget. The Kennesaw Police Department needs to update its inventory of tasers and would like to proceed with the budgeted purchase. The multi-year contract is for 87 tasers at a total of \$354,840.40 over 60 months, which is savings of \$131,856.60.

Councilmember Ferris asked if the tasers would be purchased at a state contracted price. Chief Westenberger stated they were not on state contract. The vendor is the department's only option as they are the only company that makes tasers and have been since the late 1990s.

After receiving confirmation from the Council, Mayor Easterling suggested moving the item to the Consent Agenda for the regular meeting.

13. Information Technology

14. Public Works and Building Maintenance

A. Street Dedication: Cantrell Crossing

Consideration to accept dedication of street in Cantrell Crossing.

Public Works Director Ricky Stewart presented a street dedication in Cantrell Crossing. The developer has made a request to dedicate a single street within the development, Hedgeway Circle. It would encompass 1.845 acres with a 50-foot right of way. Mr. Stewart recommends not accepting the dedication as it would not financially benefit the City to own it.

Councilmember Gutierrez asked if there was a specific reason the developer wanted to dedicate one part of the road. Mr. Stewart said it was the only road within city standards.

Councilmember Orochena asked about the design of the dead ends on the plat and if they were meant for future connectivity. Mr. Stewart stated the dead ends were designed to maximize the unit spaces while still allowing a sanitation truck to maneuver to service the units.

15. Recreation and Culture

A. Road Closures: Day with Santa

Consideration to approve road closures for the 2024 Day With Santa event.

Parks and Recreation Director Bill McNair presented the road closures for the 2024 Day with Santa event. Road closures were submitted and approved back in March, but Mr. McNair stated he needed to change the hours for the parade. The original closure start time was 12:45 p.m., and now Parks and Recreation would like to change it to 1:45 p.m.

The parade road closures are as follows:

- Main Street will be closed from Park Drive to Watts Drive from 1:45 p.m. to 3:30 p.m. (access entrance from Watts Drive)
- Cherokee Street will be closed from Big Shanty Drive to Main Street from 1:45 p.m. to 3:30 p.m. (access entrance from Watts Drive)
- The following roads will be closed at Main Street from 1:45 p.m. to 3:15 p.m.: Park Drive, Lewis Street, Dallas Street, Whitfield Place, J.O. Stephenson Avenue NW, Moon Station Road, J.O. Stephenson Avenue, Cherokee Street NW, and Watts Drive.

The event road closures are as follows:

- Main Street will be closed from Summers Street to J.O. Stephenson Avenue from 10:00 a.m. to 8:00 p.m.
- Mr. McNair noted a change from what was listed on the agenda. The amended road closure is that Watts Drive will be closed from Dallas Street (not Little General Cloggers Lane) to Main Street from 10:00 a.m. to 8:00 p.m. Further, Little General Cloggers Lane will be closed from J.O. Stephenson Avenue to Watts Drive from 10:00 a.m. to 8:00 p.m.
- The city parking lot at Tunnel Plaza will be closed from 8:00 a.m. – 9:00 p.m. on Saturday, December 7

After receiving confirmation from the Council, Mayor Easterling suggested moving the item to the Consent Agenda for the regular meeting.

16. Community Development

17. Public Comments

6:40 p.m. Floor Open for Public Comments

No comments.

6:41 p.m. Floor Closed for Public Comments

18. City Manager's Report

A. Reports, Discussions, and Updates

Dr. Drobney shared all the city events that happened over the weekend, including Life in the Cemetery, Candy Crawl, and the 5K. He thanked city staff and city volunteers for all the hard work and time that went into making these events successful.

19. Mayor's Report

- A. Mayor and Council (re)appointments to Boards and Commissions. This item is for (re)appointments made by the Mayor to any Board, Committee, Authority, or Commission requiring an appointment to fill any vacancies, resignations, and to create or dissolve boards and commissions, as deemed necessary.

20. Council Reports & Discussions

Councilmember Ferris spoke about the Life in the Cemetery event. It was a wonderful event and is great exposure for our city cemetery since most people do not know the cemetery is in our downtown. He also mentioned that the Candy Crawl was incredibly busy.

Councilmember Gutierrez reminded everyone that Election Day is next Tuesday, November 5th. Over 3 million people have voted early in Georgia!

Councilmember Orochena dressed up as a blow-up shark and had a great time at the Candy Crawl.

Mayor Pro Tem Jones thanked the Kennesaw Police Department for the drug-take-back event.

Councilmember Viars recognized the Kennesaw Downtown Merchants Association and the Kennesaw Downtown Development Authority for their efforts regarding the Candy Crawl. She also highlighted the volunteer efforts of the Bramlett family who donated their time and talents to multiple city events this weekend.

21. Executive Session

Pursuant to the provisions of O.C.G.A 50-14-3, the City Council could, at any time during the meeting, vote to close the public meeting and move to executive session to discuss matters relating to litigation, legal actions and/or communications from the City Attorney; and/or personnel matters; and/or real estate matters.

22. Adjourn

Mayor Easterling adjourned the meeting at 6:50 p.m. The regular meeting will be held on Monday, November 4, 2024, at 6:30 p.m. in the Council Chambers. The public is encouraged to attend.

Lea Alvarez, City Clerk

**Names and Addresses will be disclosed in the Permanent Minutes of the
City of Kennesaw**

PLEASE MAKE SURE YOUR NAME IS LEGIBLE AND CLEAR

**City Council Work Session
10/28/2024
Public Comment Sign-in**

	Name	Address	Topic
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Item Report

TO: The Honorable Mayor and City Council

FROM:

DATE: November 18, 2024

TITLE: **Minutes: November 4, 2024 Regular Meeting**
Approval of the November 4, 2024, City Council regular meeting minutes.

Summary:

Recommendation:

Fiscal Impact:

Attachments:

1. 2024-11-04 City Council Meeting Minutes - DRAFT

**MINUTES OF CITY COUNCIL MEETING
CITY OF KENNESAW
Council Chambers
(2529 J.O. Stephenson Avenue, Kennesaw, GA 30144)**

**Livestream: www.kennesaw-ga.gov/publicmeetings/
November 4, 2024
6:30 PM**

Present	Mayor Derek Easterling Mayor Pro Tem Antonio Jones Councilmember Madelyn Orochena Councilmember Tracey Viars Councilmember Pat Ferris Councilmember Anthony Gutierrez City Clerk Lea Alvarez City Manager Jeff Drobney City Attorney Randall Bentley, Sr.
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1. Invocation

City Attorney Randall Bentley, Sr. led the invocation.

2. Pledge of Allegiance

City resident Andrew Bramlett led the Pledge of Allegiance.

3. Call to Order

Mayor Easterling called the meeting to order at 6:30 p.m.

4. Announcements

- A. If you are not able to attend a meeting in-person and would like to provide public comment on a specific agenda item, you can email kennesawcouncil@kennesaw-ga.gov no later than 6:00 PM the night of the regular meeting. Your comments on a specific agenda item will be read aloud or grouped into categories for the record.

Mayor Easterling made the announcement that the City would no longer be utilizing kennesawcouncil@kennesaw-ga.gov. The email address was a COVID solution when the City's meetings were closed to the public. Since the City is fully open, Mayor Easterling encouraged the public to come and provide comments during the meetings.

5. Presentations

6. Public Comment/Business from the Floor

6:31 p.m. Floor Open for Public Comments

No comments.

6:32 p.m. Floor Closed for Public Comments

7. Old Business

8. New Business

A. Appeal Hearing: Churras Brazilian Steakhouse (Licensee: Valeriano Cano Serradilha Neto)

Appeal of Alcohol License Application denial for Churras Brazilian Steakhouse (Licensee: Valeriano Cano Serradilha Neto) located at 3940 Cherokee Street, Kennesaw, GA 30144.

APPEAL WITHDRAWN BY APPLICANT

On October 31, 2024, the Licensee of Churras Brazilian Steakhouse, Valeriano Cano Serradilha Neto, signed a letter of withdrawal and acknowledged that he would be eligible to reapply for the alcohol license on September 5, 2025.

Motion by Councilmember Viars to accept the withdrawal letter dated October 31, 2024, with prejudice. Seconded by Mayor Pro Tem Jones.

Vote taken, motion unanimously approved 5-0. Motion passed.

9. Committee and Board Reports

10. Public Hearing(s)

11. Consent Agenda

A. Minutes: October 14, 2024 Work Session

Approval of the October 14, 2024, City Council work session minutes.

B. Minutes: October 21, 2024 Regular Meeting

Approval of the October 21, 2024, City Council regular meeting minutes.

C. Resolution: Banking Services

Consideration for approval of a Resolution awarding the bid and contract to Cadence Bank for banking services.

Resolution No. 2024-52, 2024

D. Purchase Authorization: Axon "Taser 10"

Consideration to authorize the purchase of Axon "Taser 10" approved in the Fiscal Year 2025 budget.

E. Road Closures: Day with Santa

Consideration to approve road closures for the 2024 Day With Santa event.

Motion by Councilmember Gutierrez to approve the Consent Agenda engross.
Seconded by Mayor Pro Tem Jones.

Vote taken, motion unanimously approved 5-0. Motion passed.

12. General and Administrative

A. Alcohol License: Hi & Hello Mart

Consideration for approval of an Alcohol License for Beer, Wine, and Sunday Sales for Karikrishna 108 LLC d/b/a Hi & Hello Mart located at 3055 N Main St Suite 108 Kennesaw, GA 30144. Applicant: Kartik Bhatt

Business License Manager LaMaya Edmonds presented an Alcohol License for Beer, Wine, and Sunday Sales for Karikrishna 108 LLC d/b/a Hi & Hello Mart located at 3055 North Main Street, Suite 108. Ms. Edmonds stated that the applicant has submitted the required alcohol workshop paperwork, signs have been posted and advertised, and the current background check results are on file. The Finance Director recommended approval.

Motion by Mayor Pro Tem Jones to approve an Alcohol License for Beer, Wine, and Sunday Sales for Karikrishna 108 LLC d/b/a Hi & Hello Mart located at 3055 North Main Street, Suite 108 as presented. Seconded by Councilmember Viars.

Vote taken, motion unanimously approved 5-0. Motion passed.

13. Public Safety

14. Information Technology

15. Public Works and Building Maintenance

A. Street Dedication: Cantrell Crossing

Consideration to accept dedication of street in Cantrell Crossing.

Public Works Director Ricky Stewart presented a request to dedicate a street in Cantrell Crossing. Mr. Stewart explained this was a request by the developer for Hedgeway Circle. Hedgeway Circle is only a single road within the development; the other three alleys would not be included. The road in question would be an area of 1.845 acres with a 50-foot right of way. Hedgeway Circle has been inspected as it was constructed and meets City standards. Mr. Stewart noted the street has gone through its warranty period, so it is up for the Council's consideration. Mr. Stewart's recommendation is to not accept the dedication. The City has not accepted any roads within townhome developments in several years. This development was originally presented to staff in 2018. It falls outside City staff's current procedure, which is making clear to the developer at the beginning of the process which streets the City will accept. The proposed street dedication does not provide a benefit to the City operationally or financially.

Councilmember Ferris stated that looking at the plat, it shows a 50-foot right of way. He asked if that was accurate. Mr. Stewart said it would be for the entire right of way, including the street. Mr. Ferris stated it looked like the 50-feet would go right to the

buildings. Mr. Stewart said it is close, which is why the City does not want to accept street dedications from townhome developments because the right of ways go so close to the buildings. Councilmember Ferris asked if the original plat notated the streets as public or private. Mr. Stewart said if you look at the plat, it says public. The developers create the plats with plans as they have been presented to City staff, but do so with the understanding that the plat does not signify the roads are under City ownership until the Council formally approves them. Councilmember Ferris does not see where the City's needs will be met by accepting this street.

Motion by Mayor Pro Tem Jones to accept the street dedication in Cantrell Crossing. Seconded by Councilmember Viars.

Vote taken, motion denied 0-5 (Mayor Pro Tem Jones, Councilmembers Orochena, Viars, Ferris, and Gutierrez oppose). Motion failed.

16. Recreation and Culture

17. Community Development

18. Public Comment/Business from the Floor

6:40 p.m. Floor Open for Public Comments

ANDREW BRAMLETT: Mr. Bramlett presented local history regarding a presidential connection to Kennesaw in honor of Election Day [see **Exhibit A**].

6:42 p.m. Floor Closed for Public Comments

19. City Manager's Report

A. Reports, Discussions, and Updates

Dr. Drobney did not have any updates or reports to provide.

20. Mayor's Report

- A. Mayor and Council (re)appointments to Boards and Commissions. This item is for (re)appointments made by the Mayor to any Board, Committee, Authority, or Commission requiring an appointment to fill any vacancies, resignations, and to create or dissolve boards and commissions, as deemed necessary.

21. Council Reports & Discussions

Councilmember Ferris shared that the weather was wonderful for Taste of Kennesaw this weekend. He praised everyone who put the event together.

Councilmember Gutierrez echoed what Councilmember Ferris said and thanked everyone involved for making the event run smoothly.

Councilmember Jones thanked Mr. Stewart and Public Works for removing the trash

that was along McCollum Parkway.

Councilmember Orochena and Councilmember Viars invited the public to come out to Cobb County Department of Transportation's Cobb Parkway at McCollum Parkway Realignment Study Public Open House on November 13, 2024, at 5:00 p.m. in the Ben Robertson Community Center.

Mayor Easterling mentioned the Veterans Luncheon on Friday, November 8 at 12:00 p.m. at the Ben Robertson Community Center and the Kennesaw Concert Series with G Clef and the Playlist and the Georgia Symphony Orchestra Jazz Ensemble on Saturday, November 9 at 1:30 p.m. at the Piedmont Bank Amphitheater.

22. Executive Session

Pursuant to the provisions of O.C.G.A 50-14-3, the City Council could, at any time during the meeting, vote to close the public meeting and move to executive session to discuss matters relating to litigation, legal actions and/or communications from the City Attorney; and/or personnel matters; and/or real estate matters.

23. Adjourn

Mayor Easterling adjourned the meeting at 6:46 p.m. The next work session will be held on Tuesday, November 12, at 6:30 p.m. in the Council Chambers. The public is encouraged to attend.

Lea Alvarez, City Clerk

DRAFT

KENNESAW HISTORY

Elections

Grover Cleveland's train at
Kennesaw Mountain.

Image from the October 22,
1887, *Frank Leslie's
Illustrated Newspaper*



Since tomorrow is Election Day, I would like to take this opportunity to focus on a strange presidential connection to Kennesaw. In 1888, incumbent Grover Cleveland fought Benjamin Harrison for the White House. Strangely, both had connections to our area.

In 1864, Benjamin Harrison made his way through Georgia during the Atlanta Campaign. A colonel in the 70th Indiana Infantry, he would see action at Resaca, New Hope Church, Peachtree Creek, and Atlanta. While he was in our area, he did not fight at Kennesaw Mountain due to a poison ivy infection.

Grover Cleveland arrived in Kennesaw as part of a whistle stop tour in October 1887, becoming the first sitting president to visit our area. He was campaigning for the next year's election. His arrival was just one month after the city's incorporation. While here, he met future Governor Joseph M. Brown and newspaper titan Henry W. Grady. The train next took him to Kennesaw Mountain for a fireworks show, and then Atlanta. Cleveland hated giving speeches, so he said nothing to the crowds gathered in our county.

In the 1888 election, Harrison would defeat Cleveland, and both would run again in 1892. Since then, no election has seen both candidates have such unique ties to our area.

Presented by Andrew J. Bramlett at the November 4, 2024,
City of Kennesaw Mayor & Council Meeting

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City of Kennesaw

PLEASE MAKE SURE YOUR NAME IS LEGIBLE AND CLEAR

Mayor & Council Regular Meeting

11/4/2024

Public Comment Sign-in

	Name	Address	Topic
1	<u>Andrew J. Brantlett</u>	<u>2990 Emerald Ct.</u>	<u>Local History</u>
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Item Report

TO: The Honorable Mayor and City Council

FROM: Lea Alvarez, City Clerk

DATE: November 18, 2024

TITLE: **Resolution: Master Fee Schedule Updates**
Consideration for approval of a Resolution to update various portions of the Master Fee Schedule.

Summary:

The Master Fee Schedule has been updated to reflect the following changes:

The Southern Museum amended the active military fee to reflect Active Duty, Reserve, Guard, and military retiree (w/ ID), removed The Depot from its inventory of rental spaces, and updated the name of the Cobb EMC Gallery.

Events Committee removed the "Race Fee" in its entirety as the City does not allow for private races.

The Finance Department made some administrative changes to add clarification and remove redundancy from fees, added a Bail Bonds Application Fee of \$75.00, and included fees for manual and E-file methods of filing or releasing liens on properties for delinquent taxes.

The Cemetery Preservation Commission is increasing the employee cost to purchase a lot to be half what a lot costs a current resident, increasing the Cremation Garden Scattering costs, along with the memorial only option, to help cover the cost of the plaque purchased for the Cremation Garden wall. Further, the Commission is removing all fees associated with memorial trees and adding a fee for plaque replacement.

The City Manager's Office is adding filming permit fees for public parking space usage and barricade or cone replacement.

Smith-Gilbert Gardens amended the active military fee to reflect Active Duty, Reserve, Guard, and military retiree (w/ ID), added the acceptance of SUN Bucks, and changed the cost of Guided Tours for Adult Groups.

Parks and Recreation clarified that Non-Resident fees refer to residents outside the Cobb County limits per the most recent House Bill 489 agreement and removed the Community House/Carrie House from their inventory of rental spaces.

Public Works added grading permit and land disturbance permit fees and Planning and Zoning updated plat, rezoning application, zoning verification letter, and sign permit fees.

Recommendation:

The City Clerk recommends approval.

Fiscal Impact:

Attachments:

1. RESOLUTION - Master Fee Schedule Updates
2. November 2024 - Master Fee Schedule
3. November 2024 - Master Fee Schedule Briefer

**CITY OF KENNESAW
GEORGIA**

RESOLUTION NO. 2024-____, 2024

**RESOLUTION TO UPDATE PORTIONS OF THE KENNESAW MASTER FEE SCHEDULE
TO REFLECT CHANGES BY DEPARTMENTS**

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF KENNESAW, COBB COUNTY, GEORGIA, AS FOLLOWS:

WHEREAS, the Southern Museum amended the active military fee to reflect Active Duty, Reserve, Guard, and military retiree (w/ ID), removed The Depot from its inventory of rentable spaces, and updated the name of the Cobb EMC Gallery; and

WHEREAS, the Events Committee removed the “Race Fee” in its entirety as the City does not allow for private races; and

WHEREAS, the Finance Department made some administrative changes to add clarification and remove redundancy from fees, added a Bail Bonds Application Fee of \$75.00, and included fees for manual and E-file methods of filing or releasing liens on properties for delinquent taxes; and

WHEREAS, the Cemetery Preservation Commissions is increasing the employee cost to purchase a lot to be half what a lot costs a current resident, increasing the Cremation Garden Scattering costs, along with the memorial only option, to help cover the cost of the plaque purchased for the Cremation Garden wall. Further, the Commission is removing all fees associated with memorial trees and adding a fee for plaque replacement; and

WHEREAS, the City Manager’s Office is adding filming permit fees for public parking space usage and barricade or cone replacement; and

WHEREAS, the Smith-Gilbert Gardens amended the active military fee to reflect Active Duty, Reserve, Guard, and military retiree (w/ ID), added the acceptance of SUN Bucks, and changed the cost of Guided Tours for Adult Groups; and

WHEREAS, Parks and Recreation clarified that Non-Resident fees refer to residents outside of the Cobb County limits and removed the Community House/Carrie House from their inventory of rentable spaces; and

WHEREAS, Public Works added the grading permit and land disturbance permit fees and Planning and Zoning updated plat, rezoning application, zoning verification letter, and sign permit fees.

WHEREAS, the Master Fee Schedule is hereby updated to reflect all changes as shown in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED the Kennesaw City Council hereby adopts the revised Master Fee Schedule as presented (Exhibit A).

PASSED AND ADOPTED by the Kennesaw City Council on this ____ day of November 2024.

ATTEST:

CITY OF KENNESAW:

Lea Alvarez, City Clerk

Derek Easterling, Mayor

RESOLUTION NO. 2024-13, 2024
Exhibit A
CITY OF KENNESAW
MASTER FEE SCHEDULE

DEPARTMENT	FEE TYPE	FEE	REFERENCE
911 Communications	Pre-paid Cellphones	\$1.50 per cellphone, one-time fee when purchased	Resolution No. 2018-35 HB 751 (2018)
911 Communications	Post-paid cellphones	\$1.50	Resolution No. 2018-36 HB 751 (2018)
911 Communications	Certify documents & CDs	\$5	
All Departments	CDs, DVDs	\$0.25; \$10 for bodycam or in-car videos (only)	OCGA 50-18-71(f); OCGA 50-18-96(g) [HB 976 - 2016]
All Departments	Copies (8 ½ X 11, Legal & 11 x 17)	\$0.10 per page, and administrative charges for search, retrieval, and other direct administrative costs, such administrative charges and supervising records research not to exceed the salary of the lowest paid full-time employee who, in the discretion of the custodian of the records, has the necessary skill and training to perform the request.	Per Open Records Law OCGA 50-18-70 (The requester is not charged for the first fifteen minutes of time.)
All Departments	Returned Check Charge	\$25	
Building	Building Permits Residential/Commercial New or Remodel & Additions Permits	Minimum Fee \$50 Non—refundable, non-transferrable	Reference fee schedule in Section 18-6 in Code of Ordinances. Ordinance No. 2006-06

DEPARTMENT	FEE TYPE	FEE	REFERENCE
Building	Construction Trailer Permit	\$50 Non—refundable, non-transferable	Ordinance No. 2008-22
Building	Electrical Permit: phone system, data system, security system, fire alarm system, CATV system	Minimum Fee \$50 Non—refundable, non-transferable	Ordinance No. 2006-06
Building	Conditional Foundation Only Permit	Minimum \$50 Non—refundable, non-transferable	Reference fee schedule in Section 18-6 in the Code of Ordinances. Ordinance No. 2006-06
Building	Grading Permit	\$50 Non—refundable, non-transferable	Issued only after Land Disturbance procedures are followed.
Building	House Moving Permit	\$75 Non—refundable, non-transferable	Ordinance No.2008-22.
Building	HVAC Permit	Minimum Fee \$50 Non—refundable, non-transferable	Ordinance No. 2006-06
Building	Impact Fee	\$699 (residential) Commercial fees – see Attachment A	Ordinance No. 2010-04.
Building	Land Disturbance Permit	\$50	Issued only with approval of the Plan Review Committee

DEPARTMENT	FEE TYPE	FEE	REFERENCE
		Non—refundable, non-transferable	
Building	Mobile Home Permit	\$75 Non—refundable, non-transferable	Ordinance No. 2008-22
Building	Move In C.O. Permit	\$50 Non-refundable, non-transferable	This is required before a new business can occupy a building & Business License is issued. Ordinance No. 2006-06
Building	Multi-Family Permit	Flat Fee: Plumbing - \$50 per Unit HVAC – \$50 per Unit Electrical- \$50 per Unit Non-refundable, non-transferable	
Building	Plumbing Permit	Minimum Fee \$50 Non—refundable, non-transferable	Ordinance No. 2006-06
Building	Re-activate expired permits	Same as the new permit fee	
Building	Re-inspection Fees	\$25 - 1 st \$50 - 2 nd \$75 - 3 rd \$100 - 4 th	Ordinance No.2006-06
Building	Replacement permit card	\$5 Non—refundable, non-transferable	

DEPARTMENT	FEE TYPE	FEE	REFERENCE
Building	After hours Inspection	After 5 PM Monday- Friday or on Weekends (any time before or after normal business hours) \$300 Fee Non-refundable, non- transferable	
Building	Swimming Pool Permit	The minimum Fee of \$50 is based on the cost of construction Non—refundable, non- transferable	
Building	Technology	1% of each permit issued, \$10.00 minimum fee per permit	
Building Services	Construction/Sales Office	\$50	
Building/Zoning	Demolition Permit	\$75 Non—refundable, non- transferable	If in the historic district, they must be approved by HPC. Application is filed w/ P&Z. Fee via Ordinance No. 2006- 06
Business License	Convenience Fee	4% fee for debit or credit card payment \$5 for E-check payment	Government Window
Business License	Alcoholic Beverage License	\$350 Application Fee	This fee type has many situational aspects that will depend on the type of applicant and where the alcohol will be sold. See Chapter 6 in the

DEPARTMENT	FEE TYPE	FEE	REFERENCE
			Code of Ordinances for specifics. See Code of Ordinances Section 6-52 for License Fee Schedule. The application fee will cover the cost of advertising 2 times, fingerprinting & background check.
Business License Fee	<u>Occupational Tax</u> Based on Gross Receipts	Class 1 through Class 6	See attached Schedule A "City of Kennesaw Business Tax Schedule"
Business License Fee	Massage Work Permit New Application	\$25	See Code of Ordinances Chapter 22, Article IX. Section 22-231(b)
Business License Fee	Massage Work Permit Renewal	\$15	See Code of Ordinances Chapter 22, Article IX. Section 22-231(b)
Cemetery Fees	Residents	1,500	Lots are 5'x10' The remains must be in a vault Resolution No. 2014-21, 2014 Cremations up to 4 in one lot; includes the cost of a burial permit Monday through Friday (except holidays)
	Non-Residents	2,000	
	Employees	\$500 <u>\$750</u>	
	Burial Permit	\$100	
	Cremation Internment in a lot	\$200	
	Cremation Garden Service + Engraved Bronze Plaque	\$600 <u>\$800</u>	
	Memorial Garden - engraved bronze plaque only	\$300 <u>\$400</u>	
	Cremation Garden only – no bronze plaque	\$300 <u>\$400</u>	
	Business donation for zinc plaque	-----	Contact Cemetery Foundation

DEPARTMENT	FEE TYPE	FEE	REFERENCE
	Memorial Tree <u>Plaques</u> Includes marker + stake	<u>\$250 \$75</u>	<u>Yoshino Cherry</u>
	Active or retired City Employees - Cremation Garden Service + Engraved Plaque	<u>\$250 \$400</u>	<u>Weekdays Monday through Friday</u> (except holidays)
City Clerk	Certified Copies of Records, upon request	\$25	OCGA 50-18-71(c)(1)
City Clerk	Convenience Fee	4 % fee for online open record request payments	Government Window
City Manager	Permit Fees – television, video, filming	\$100 (non-refundable) \$500 per day, per street \$250 per day, per street <u>\$50 per day, per space</u> <u>\$275 per barricade or cone</u> <u>replacement</u> See prices outlined by Off Duty Management web- based service <u>https://www.kennesaw-</u> <u>ga.gov/hire-off-duty/</u> \$300 per day \$250 per day \$300 per day \$300 per day \$250 per day \$250 per day \$2,000 per day \$2,500 per day	Application Processing Fee Street Closures Intermittent Street Closures <u>Parking Space Use</u> <u>Charged if barricade or cone is stolen</u> <u>or damaged</u> Police Officer (Security) Police Officer (Security for alcohol event) Police Officer (Traffic) City Parks City Cemetery Court/Council Chambers Community Center Historic Train Depot The Community House Southern Museum Smith-Gilbert Gardens

DEPARTMENT	FEE TYPE	FEE	REFERENCE
Court	Fines and Cash Bonds	--	See Chapter 38 of the Kennesaw Code of Ordinances
Court	Certified Records	\$5	
Court	Convenience Fee	7% fee for online citation payments and 6.5% for credit/debit card payments.	Government Window
Events Committee	Event Application Fee	\$50 nonrefundable application fee for all events	to be waived only when a City department or board is a primary or co-applicant
Events Committee	Police Officer Alcohol Beverage Concession Support	See prices outlined by Off Duty Management web-based service https://www.kennesaw-ga.gov/hire-off-duty/ .	2 hour minimum
Events Committee	Police Officer Support for City Sanctioned Events	See prices outlined by Off Duty Management web-based service https://www.kennesaw-ga.gov/hire-off-duty/ .	The number of required officers at an event is determined by the type of event
Events Committee	Police Officer Special Events at City Facilities for external rentals	See prices outlined by Off Duty Management web-based service https://www.kennesaw-ga.gov/hire-off-duty/ .	2 hour minimum
Events Committee	Public Works Street Closings	\$48 per hour, with a 4-hour minimum plus \$20 per sign required (based on special event application)	Based on the rate for a two-person crew
Events Committee	Barricade Replacement	\$275 each	Only charged if barricade is damaged or stolen
Events Committee	Maintenance Dept	\$50 per hour, per person with a 4-hour minimum for custodial support	Charge for non-city events

DEPARTMENT	FEE TYPE	FEE	REFERENCE
Events Committee	Maintenance Dept	\$50 per hour, per person, with a 2-hour minimum for other maintenance (such as electrical)	Charge for non-city events
Events Committee	Race Fee	\$2,000	In effect January 2013. The fee covers the City's costs; the City contract required
Events Committee	Recreation Staff	\$48 per hour, per employee if requested in Special Event Application	
G & A	Tent Permit (Temporary)	\$15	Fire Marshall
G & A	Bail Bonds Application	Regulatory fee \$100 Each employee \$50 Fingerprint fee \$45 <u>Application fee \$75</u>	See Code of Ordinances Section 22-71. Approval of M&C is required on new applications only. License based on gross receipts if located with <u>in</u> the <u>in</u> City only.
G & A	Business License Fees	Based on gross receipts	See attached Schedule A "City of Kennesaw Business Tax Schedule". Also, See Code of Ordinances, Ch. 22
G & A	Business License Fees – Rush process fee	\$50 fee to process a business license same day after receiving a completed application or renewal form with all appropriate approvals	
G & A	Insurance or licensed agent: Annual license fee upon each insurer doing business within the City A licensed agent of an insurer for insurance said insurer shall	\$100 \$35 per location	O.C.G.A. § 33-8-8(b)(1); Ordinance No. 2011-27

DEPARTMENT	FEE TYPE	FEE	REFERENCE
	pay an additional license fee per location		
G & A	Massage Therapist License	No application fee. License based on gross receipts - See Code of Ordinances 22- 45 <u>11</u> . \$45 Fingerprint Fee	See Code of Ordinances Chapter 22, Article IX. Approval of M&C is required on new applications only. A state license is required before a business license is issued. See attached Schedule A "City of Kennesaw Business Tax Schedule".
G & A	Pawn Broker License	No application fee. License based on gross receipts - See Code of Ordinances 22-45. \$45 Fingerprint Fee	See Code of Ordinances Section 22-276. Approval of M&C is required on new applications only. See attached Schedule A "City of Kennesaw Business Tax Schedule"
G & A	Property Tax FIFA fee for placing <u>or releasing</u> a lien on property for delinquent taxes	\$12.00 for Recordings \$25 for Cancellation <u>Manual - \$12.00 total to file/release</u> <u>E-file - \$50 total to file/release</u>	Code Section 82-28
G & A	Property Tax "Tax Sale" fee for Pre-Sale Collection Cost	\$65	Code Section 82-27
G & A	Property Tax Title Search and Certified Mail Fee	\$175	Code Section 82-27
G & A	Sanitation Deposit	Residential & Commercial \$100	
G & A	Sanitation Service	Residential: \$32.50 per month for one can. (Receive one month free if annual bill is paid in advance)	

DEPARTMENT	FEE TYPE	FEE	REFERENCE
		Commercial: \$32.50 per month for one can	
G & A	Sanitation Extra Carts	Garbage: \$18.56 per month per can Recycle: \$5.75 per month per can	
G & A	Sanitation Replacement Carts	\$100	Customer Damaged/ Customer Lost
G & A	Sanitation Call Back Service	Regular hours \$25 After hours \$55	
G & A	Sanitation Reinstatement Fee	\$50	
G & A	Sanitation Bulk Materials Collections	Cost is based on the type of material, weight, & time required for collection of the material. \$45 (up to 30 minutes) \$10 for each additional ten minutes over 30 minutes initial work	Additional fees will be charged for materials that incur added dumping fees (based on dumping fee)
G & A	Soliciting Permit Commercial Only-(Door to Door)	\$25 (30 day period)	Need I.D. badges to be issued by the Business License Department with photo and expiration date.
G & A	Fundraising Counsel or Professional Solicitor	\$200 plus \$25,000 bond	Permit valid one year, all expire on December 31 st ; Ordinance No. 2011-02
G & A	Yard Sale Permit	No Fee	No more than 3 days in succession; no more than 3 weekends per calendar year; Code Sec 22-302(2)
G & A/Public Works	Convenience Fee	\$5 fee to pay Sanitation, Streetlight or Stormwater over the phone with a city representative. If you choose to pay online with	

DEPARTMENT	FEE TYPE	FEE	REFERENCE
		VISA, MC, AMEX, or Discover, a \$2 per transaction fee for online credit/debit card payments. \$2.50 fee per ECheck transaction paid online.	
G & A	Convenience Fee	3% fee for credit card payments at the property tax window.If you choose to pay online with VISA, MC, AMEX, or Discover, a 3% fee and \$3.50 per transaction fee for online credit/debit card payments. \$1.25 fee per ECheck transaction paid online.	
GIS	Map Costs	8.5"x11" – (Vector Map \$0.50, Aerial Photo \$1.00) 11"x17" – (Vector Map \$1.00, Aerial Photo \$2.00) 18"x24" – (Vector Map \$3.00, Aerial Photo \$5.00) 24"x36" – (Vector Map \$5.00, Aerial Photo \$7.50) 34"x44" – (Vector Map \$7.50, Aerial Photo \$10.00)	

DEPARTMENT	FEE TYPE	FEE	REFERENCE
		Legal 8.5"x14" – (Vector Map \$0.75, Aerial Photo \$1.50) A \$5.00 setup fee is applied to any existing maps requested in different paper sizes; specialty maps will be priced and billed at an hourly rate.	
KDDA	Scarecrow On Main Registration Fee	\$25	
KDDA	Farmers Market fees	\$10 weekly for farmers/growers \$20 weekly for crafters/makers/resellers \$170 – full-season grower/farmer \$340 – full-season crafter/maker/reseller	
KDDA	Holiday Market Fees(Seasonal)	\$50 for 10 x10 ft Tent	
Museum	Admission Fees	Adult regular \$10; Senior regular (65+) \$8; Active <u>Duty, Reserve, Guard, and military retiree Military</u> (w/ID), University Student (w/ID), Child/Youth (3-17) All \$5; Toddlers 2 and under – Free with Family; Adult AAA \$9; Senior AAA (65+) \$7; Child/Youth AAA (3-17) \$4	Library pass good for up to 4 people No Special Events (not eligible for special events or programs)

DEPARTMENT	FEE TYPE	FEE	REFERENCE
Museum	Admission Fees Group Rates – (Group Rates consist of 10 individuals or more). A minimum flat fee is charged if there are less than 10 individuals.	Student Guided Tour \$5.00 per student \$50 minimum flat fee \$50 Deposit for Guided Tour Adult Guided Tour \$8.00 per adult \$80.00 minimum flat fee	Guided School Tours – Teachers and school employees enter free during the tour, any additional adult chaperones pay \$5 each. Guided Homeschool Group Tours- One parent teacher may enter free for every 10 paid children, remaining adult chaperones pay \$5 each
Museum	Archival Documents Reproduction and Duplication Fees	\$0.10 per page, plus the staff research fee	The handling fee applies after the first 100 pages. Duplication fees do not include the cost of shipping.
Museum	Staff Research fee	\$20 fee per hour after the first 30 minutes and \$20 for each additional hour	
Museum	Archives Researcher Fee	\$10 per day per researcher or \$20 per week	
Museum	Digital Image Duplication Services	\$10 for the first image duplicated digitally (This may include the Staff Researcher Fee depending on the time needed for the request) \$1 for each additional page after the first page	If the file is sent via physical media (CD, flash drive, etc.) cost of media used and shipping fees apply.
Museum	The Depot	\$75 per hour during normal operating hours with a	10% discount for City Employees, Non-Profits, or Museum Members (no combined discounts)

DEPARTMENT	FEE TYPE	FEE	REFERENCE
	This option is available during and after normal operating hours. All events must be finished by 11 PM	2-hour minimum (Tues— Sat, 9:30 AM— 5 PM) \$75 deposit \$150 per hour after normal operating hours with a 2-hour minimum (Tues— Sat, 5 PM— 11 PM) \$150 deposit Damage deposit \$250 Returnable if the facility is left clean and not damaged. Payable only via check. Staff Fee— \$20 per hour with a 30-minute minimum Outside alcohol is permitted with a required City of Kennesaw police officer presence. See prices outlined by Off Duty Management web-based service https://www.kennesaw-ga.gov/hire-off-duty/. Optional \$125 staff room set-up/ breakdown fee.	Max capacity is 40 people in the depot— Restroom Access Rentals are not available on city holidays or the evening before a holiday after normal operating hours. Rentals are not available on Sunday or Monday.
Museum	Museum Classroom	\$75 per hour during operating hours with a 2-hour minimum for up to 25	Max capacity is 50 people in the classroom

DEPARTMENT	FEE TYPE	FEE	REFERENCE
	This option is available during and after normal operating hours. All events must be finished by 11 PM	guests; each additional guest is \$3 (Tues – Sat, 9:30 AM – 5 PM) \$75 deposit \$150 per hour after normal operating hours with a 2-hour minimum (Tues – Sat, 5 PM – 11 PM) \$150 deposit Damage deposit \$250 Returnable if the facility is left clean and not damaged. Payable only via check. Optional \$125_staff room set-up/breakdown fee	10% discount for City Employees, non-profits, government agencies, or Museum Members (no combined discounts) Rentals are not available on city holidays or the evening before a holiday after normal operating hours. Rentals are not available on Sunday or Monday.
Museum	Full Museum Rental – Museum Exhibit Galleries/Cobb EMC Energy Gallery (excludes Theater, Jolley Education Center, and other Museum areas) *This option is only available after normal operating hours. All events must be finished by 11 PM.	\$500 per hour after normal operating hours with a 2-hour minimum (Tues – Sat, 5 PM – 11PM) \$500 deposit Damage deposit \$500 Returnable if facility is left clean and not damaged. Payable only via check. Outside alcohol is permitted with a required City of Kennesaw police officer presence. See prices outlined by Off Duty Management web-based	10% discount for City Employees, non-profits, government agencies or Museum Members (no combined discounts) Max capacity for the museum is 1,646 total; see staff for individual room limits and structure. Rentals are not available on city holidays or the evening before a holiday after normal operating hours. Rentals are not available on Sunday or Monday.

DEPARTMENT	FEE TYPE	FEE	REFERENCE
		service https://www.kennesaw-ga.gov/hire-off-duty/. Optional \$250 staff room set-up fee.	Custom Rental packages based on the fee schedule are available upon request.
Museum	Cobb EMC Energy Gallery (no access to museum exhibits or galleries) This option is available during and after normal operating hours. All events must be finished by 11 PM.	\$300 per hour during and after normal operating hours with a 2-hour minimum (Tues – Sat, 5 PM – 11 PM) \$300 deposit Damage deposit \$500 Returnable if the facility is left clean and not damaged. Payable only via check. Outside alcohol is permitted with a required City of Kennesaw police officer presence. See prices outlined by Off Duty Management web-based service https://www.kennesaw-ga.gov/hire-off-duty/. Optional \$350 staff room set-up/breakdown fee.	10% discount for City Employees, non-profits, government agencies, or Museum Members (no combined discounts) The maximum capacity is 250 people in the Annex Gallery. Rentals are not available on city holidays or the evening before a holiday after normal operating hours. Rentals are not available on Sunday or Monday.
Museum	Cobb EMC Energy Gallery Annex (no access to museum exhibits or galleries)	\$100 per hour during and after normal operating hours with a 2-hour	10% discount for City Employees, non-profits, government agencies, or Museum Members (no combined discounts)

DEPARTMENT	FEE TYPE	FEE	REFERENCE
	This option is available during and after normal operating hours. All events must be finished by 11 PM.	minimum (Tues – Sat, 9:30 AM – 11 PM) \$100 deposit Damage deposit is \$250 returnable if the facility is left clean and not damaged. Payable only via check. Outside alcohol is permitted with a required City of Kennesaw police officer presence. See prices outlined by Off Duty Management web-based service https://www.kennesaw-ga.gov/hire-off-duty/. \$150 Set Up/ Break down fee	Max capacity is 50 people (100 if ceremony only) in the Cobb Annex Rentals are not available on city holidays or the evening before a holiday after normal operating hours. Rentals are not available on Sunday or Monday.
Museum	Outreach Programs	Single class visits are \$75 (40 students max); each additional class is \$50. A standard mileage fee based on the current city rate will be charged for visits to schools outside of a 20-mile radius of the Museum.	
Museum	Theater only <i>*This option is only available after normal operating hours.</i>	\$150 per hour after normal operating hours with a 2-hour minimum (Tues – Sat, 5 PM – 11 PM) \$150 deposit	10% discount for City Employees, non-profits, government agencies, or Museum Members (no combined discounts)

DEPARTMENT	FEE TYPE	FEE	REFERENCE
	All events must be finished by 11 PM	Damage deposit \$250 Returnable if the facility is left clean and not damaged. Payable only via check. Outside alcohol is permitted with a required City of Kennesaw police officer presence. See prices outlined by Off Duty Management web-based service https://www.kennesaw-ga.gov/hire-off-duty/. Optional \$200 staff room set-up/breakdown fee	The maximum capacity is 100 people in the theater. Rentals are not available on city holidays or the evening before a holiday after normal operating hours. Rentals are not available on Sunday or Monday.
Museum	Travel Trunk	\$75 per week	Renters are responsible for picking up the Traveling Trunk from the Museum and returning it after seven days.
Museum	Venue Supply Rental	\$10 per table linen (white/black)	
Parks & Rec	Recreation Center Memberships	Student - \$5.00 Resident - \$10.00 Non-Resident - \$20.00	Memberships are active for 1 year from the registration date. Single Day Passes available for \$5.
Parks & Rec.	After Operating Hours Fees	Community Center Rooms \$40 per hour Banquet Hall \$50 per hour	Rooms, Banquet Hall, and gymnasiums will have the added cost for overtime for employees.

DEPARTMENT	FEE TYPE	FEE	REFERENCE
		Recreation Center Rooms \$40 per hour Gymnasiums \$100 per hour	
<u>Parks & Rec.</u>	<u>Non-Resident Fees</u>	<u>Varies, see below</u>	<u>All Non-Resident fees refer to residents outside of the Cobb County limits.</u>
Parks & Rec.	Cancellation Fees – With Notice	\$5 \$15 \$25 \$30 31+ Days Notice - 100% Refund 30-22 Days Notice - 75% Refund 15-20 Days Notice - 50% Refund 8-14 Days Notice - 25% Refund 7 or Less Days - 0% Refund	Programs/activities Pavilion rentals All other facility rentals Camps Code section 66-16(c)(18)
Parks & Rec.	Cancellation Fees Without Notice	Forfeit rental fees	Code section 66-16(c)(4): If facilities are not used during the reserved time for any reason and no prior cancellation was given
Parks & Rec.	Cleaning/Security Deposit Fee	May lose all or a portion of the cleaning deposit.	Code section 66-16(e); The decision of whether the deposit shall be

DEPARTMENT	FEE TYPE	FEE	REFERENCE
			refunded is solely up to the director of the Parks and Recreation department or his or her designee.
Parks & Rec.	Community Center Banquet Hall	RESIDENTS: \$150 per hour; NON-PROFITS: \$100 per hour; NON-RESIDENTS: \$250 per hour \$150 Security Deposit Portable dance floor including set up and take down available for \$150. Platform Setup available for \$50.00 Full stage set up Available for \$150 \$50 AV Equipment Add-On	2-hour minimum for all rentals The deposit is refunded once confirmed there are no problems. **The person who is renting the facility must be the person who uses the facility
Parks & Rec.	Community Center – Conference Room	RESIDENTS: \$20 per hour; NON-PROFIT: \$15 per hour; NON-RESIDENTS: \$30 per hour Security Deposit \$50	1-hour minimum for all rentals

DEPARTMENT	FEE TYPE	FEE	REFERENCE
Parks & Rec.	Community Center – Large Meeting Room	RESIDENTS: \$55 per hour; NON-PROFITS: \$45 per hour; NON-RESIDENTS: \$80 per hour \$50 Security Deposit \$50 AV Equipment Add-On	2-hour minimum for all rentals The deposit is refunded once confirmed there are no problems
Parks & Rec.	Administration Fee	All classes will have a \$5.00 Administration Fee to cover the cost of transaction fees and departmental cost of cleaning materials and staffing. <u>5% for all transactions</u>	<u>Admin fee will cover the cost of transaction fees</u>
Parks & Rec.	Community Center – Craft Lab	RESIDENTS: \$25 per hour; NON-PROFIT: \$20 per hour; NON-RESIDENT: \$40 per hour \$50 Security Deposit	2-hour minimum for all rentals The deposit is refunded once confirmed there are no problems
Parks & Rec.	Community Center - Painting Lab	RESIDENTS: \$25 per hour NON—PROFIT: \$20 per hour NON-RESIDENTS: \$40 per hour	2-hour minimum for all rentals The deposit is refunded once confirmed there are no problems

DEPARTMENT	FEE TYPE	FEE	REFERENCE
		\$50 Security Deposit	
Parks & Rec.	Community Center – Fitness Room	RESIDENTS: \$40 per hour NON-PROFIT: \$30 per hour NON-RESIDENTS: \$55 per hour \$50 Security Deposit	2-hour minimum for all rentals The deposit is refunded once confirmed there are no problems
Parks & Rec.	Community Classes	NON-RESIDENT: (Monthly programs) \$15 NON-RESIDENT: (All other classes) \$20	These fees are over and above the standard registration fees for participation in sports and classes. 66-17(a)(2) age 65 years or older are exempt from paying any non-resident user fees but are required to pay all standard registration fees.
Parks & Rec.	Community House/Carrie House	RESIDENTS: \$100 per hour; NON-PROFIT: \$75 per hour; NON-RESIDENT: \$200 per hour \$50 Security Deposit	2-hour minimum for all rentals Available Monday through Sunday, 8:00 AM to 10:00 PM Maximum capacity is 13. Rentals are not available on city holidays or the evening before a holiday after normal operating hours.

DEPARTMENT	FEE TYPE	FEE	REFERENCE
Parks & Rec.	Dance Rooms	RESIDENTS: \$30 per hour; NON-PROFIT: \$25 per hour; NON-RESIDENT: \$45 per hour \$50 Security Deposit	2-hour minimum for all rentals The deposit is refunded once confirmed there are no problems
Parks & Rec.	Outdoor Classroom at Depot Park	RESIDENTS: \$30 per hour; NON-RESIDENTS: \$50 per hour \$50 Security Deposit	2-hour minimum for all rentals Rented Monday through Sunday from 9 AM to 8 PM. Maximum capacity is 60. Rentals are not available on city holidays, the evening before a holiday, or during a city special event.
Parks & Rec.	Outdoor Pickleball Court Rental	RESIDENTS: \$15/court, per hour NON-RESIDENTS: \$20/court, per hour	
Parks & Rec.	Electric charging station: (Revival Parking Deck and Adams Park)	\$.85 per hour for the first four (4) hours; After 4 hours, the fee increases to \$4.00 per hour; and A maximum of \$10.00 per day.	

DEPARTMENT	FEE TYPE	FEE	REFERENCE
Parks & Rec.	Park Pavilions	RESIDENTS: \$30 per hour; NON-RESIDENTS: \$50 per hour \$50 security Deposit	2-hour minimum for all rentals Resolution No. 2008-22 and in accordance with Municipal Code 66-16
Parks & Rec.	Park Use Permit (Swift-Cantrell Park)	Exterior Track: \$500 for 4 hours Field A (approx. 8.4 acres): \$300 per hour Field A-Section 1 (approx. 1.5 acres): \$100 per hour Field A-Section 3 (approx. 2.85 acres): \$150 per hour Field B (approx. 4.51 acres): \$250 per hour Field B-Section 4 (approx. 2.12 acres): \$125 per hour Field B-Section 5 (approx. 2.21 acres): \$125 per hour \$100 Security Deposit	2-hour minimum for all rentals (excluding Exterior Track) Exterior Track can only be rented between 8 PM-Noon (not exclusive) *Includes Section 1 of Field A Field A-Section 2 (approx. 3.8 acres): -Used for parking overflow -Not a standalone rental -Exclusive to Field A Rentals The deposit is refunded once confirmed there are no problems

DEPARTMENT	FEE TYPE	FEE	REFERENCE
Parks & Rec.	Recreation Center Fitness Rooms	RESIDENTS: \$30 per hour NON-PROFIT: \$25 per hour NON-RESIDENTS: \$45 per hour \$50 Security Deposit	2-hour minimum for all rentals The deposit is refunded once confirmed there are no problems
Parks & Rec.	Recreation Center Gymnasiums	\$75 per hour during operating hours - per gym (2-hour minimum) Max \$750 until 10 PM \$75 deposit - per gym \$175 per hour after operating hours \$ 200 per gym fee to lay down carpet tiles for gym floors. Returnable if the facility is left clean and not damaged.	2-hour minimum for all rentals The deposit is refunded once confirmed there are no problems
Parks & Rec.	Skate Park	RESIDENTS: \$150 per hour NON-RESIDENTS: \$200 per hour	3-hour minimum
Parks & Rec.	Special Event Permits	\$15	
Parks & Rec.	Splash Pad Admission	\$3.00 per person	Children under the age of 14 years must be accompanied by an adult
Parks & Rec.	Splash Pad – Private Rental	\$40 per hour	2-hour minimum for all rentals Standard entry fees apply per person

DEPARTMENT	FEE TYPE	FEE	REFERENCE
Parks & Rec.	Sports Participants	Baseball Association Non-Resident fee \$35; Softball Association Non-Resident fee \$32; Soccer Association Non-Resident fee \$28; Football Association Non-Resident fee \$27	Resolution No. 2004-26
Parks & Rec.	Sports Association Facility - Per participant: (resident & non-resident)	Baseball Association -\$7 Softball Association - \$5 Soccer Association -\$5 Football Association -\$5	Resolution No. 2004-26 These fees are over and above the standard registration fees for participation in sports and classes.
Parks & Rec.	Field Rental	Ball Fields -\$50 (2hr minimum- 4 hr maximum) Lights- \$75 per hour Tournaments only-\$50 per game with lights an additional \$10 per game <u>\$50 per field deposit</u>	<u>Deposit is refundable unless rental is canceled, then it will be withheld.</u>
Parks & Rec.	Tennis Court Rental Fee – ALTA/USTA Leagues	<u>Adult Team</u> RESIDENTS: \$200 per season; NON-RESIDENT: \$300 per season <u>Senior Team</u> RESIDENTS: \$140 per season; NON-RESIDENTS: \$210 per season <u>Youth Team</u>	When instructional programs offered through Parks & Recreation are not scheduled, court play is available on a first-come, first-served basis. Instructional programs offered through Parks & Recreation always take priority over public use. Leagues must book the courts with the Parks & Recreation Department to ensure court use.

DEPARTMENT	FEE TYPE	FEE	REFERENCE
		RESIDENTS: \$170 per season; NON-RESIDENT: \$255 per season	
Parks & Rec.	Tennis Court Rental Fee – Group Rate	Minimum 1 court and 1-hour rental; RESIDENTS: \$15 per court, per hour; NON-RESIDENTS: \$20 per court, per hour	When instructional programs offered through Parks & Recreation are not scheduled, court play is available on a first-come, first-served basis. Instructional programs offered through Parks & Recreation always take priority over public use. To ensure court space at the desired time, the court needs to be rented.
Planning & Zoning	Administrative Variance Application	\$100	Unified Development Code, Chapter 9
Planning & Zoning	Charitable Donation Bins	\$100 annually	Unified Development Code, Chapter 5
<u>Planning & Zoning</u>	<u>Minor Plat Review (includes lot split less than 3 lots, lot combination less than 3 lots, lot line rearrangements)</u>	<u>\$200 + Final Plat Application fee</u>	
Planning & Zoning	Final Plat Review – 1 st time	\$350 <u>\$400</u>	Unified Development Code, Chapter 10
Planning & Zoning	Final Plat Review – Resubmittal	\$150 <u>\$200</u> each	Unified Development Code, Chapter 10
Planning & Zoning	Final Plat Application	\$250 <u>All plans to be approved by the Plan Review Committee before any scheduled public hearing</u>	Unified Development Code, Chapter 10
Planning & Zoning	HPC Certificate of Appropriateness	\$50 fee to cover administrative time,	Unified Development Code, Chapter 4

DEPARTMENT	FEE TYPE	FEE	REFERENCE
		research, and review + \$150 if demolition.	
Planning & Zoning	Rezoning Application	\$375 <u>Single Family detached:</u> <u>\$375 + \$10/ acres</u> <u>Townhouse /Multifamily:</u> <u>\$550 + \$10/acres</u> <u>Commercial/Official</u> <u>Institutional: \$750 +</u> <u>\$10/acres</u> <u>Mixed Use/PUD: \$750 +</u> <u>\$10/acres</u> <u>Industrial: \$800 + \$10/acres</u>	Unified Development Code, Chapter 10
Planning & Zoning	Preliminary Plat Application	\$250	Unified Development Code, Chapter 10
Planning & Zoning	Preliminary Plat Review – 1 st time	\$500 All plans to be approved by the Plan Review Committee before any scheduled public hearing (Separate application fee) <u>Residential: \$350 + \$10/lot</u> <u>Commercial: \$350 +</u> <u>\$20/acres</u>	Unified Development Code, Chapter 10
Planning & Zoning	Preliminary Plat Review – Resubmittal	\$250 each <u>50% of initial submission fee</u>	Unified Development Code, Chapter 10
Planning & Zoning	Public Art Exhibits	\$50	Unified Development Code, Chapter 2

DEPARTMENT	FEE TYPE	FEE	REFERENCE
Planning & Zoning	Special Called Meeting (Rezoning or Land Use)	\$250	Unified Development Code, Chapter 10
Planning & Zoning	Special Land Use Permit Application	\$250	Fees to cover advertisement and signs issued to post; Unified Development Code Chapter 10
Planning & Zoning	Variance Application Request	\$375	Unified Development Code, Chapter 10
Planning & Zoning	Zoning Verification Letter	<u>Tier I - \$50 per parcel</u> <u>Tier II - add \$25</u>	Unified Development Code, Chapter 10 <u>Tier I - Current zoning, surrounding zoning, permitted use</u> <u>Tier II - Zoning conditions, variances, planned development, zoning violation, special or conditional uses, nonconforming, etc.</u> <u>** Additional information such as Certificate of Occupancy, Building Code Violations, Permit details, will require an Open Record request through the City Clerk.</u>
Police	Accident Reports	\$5	
Police	DVD copy of bodycam or in-car videos	\$10.00	OCGA 50-18-96(g) [HB 976]
Police	Certified Records	\$5	
Police	Criminal History	\$20	
Police	Expungement of Arrest Records	\$25 each incident	O.C.G.A. 35-3-37
Police	Incident Reports	\$0.10 per page	
Police	Pouring License (Server Permit)	\$30 Initial License \$20 Additional Establish. \$5 Replacement Card	

DEPARTMENT	FEE TYPE	FEE	REFERENCE
Police	Precious Metals	\$25 Permit Fee \$10 Annual Permit Renewal Fee	See Section 22-141 Code of Ordinances and State Law 43-37-1
Police (Jail)	Fingerprints (Card Provided by KPD)	\$15	
Police (Jail)	Fingerprints (Card Provided by Requester)	\$15	
Public Work	Landscape/Tree Resubmittal	\$150 each	
Public Works			
Public Works	Driveway, Curb Cut Permits	\$25 Residential \$50 Commercial	Ordinance No. 2006-06.
Public Works	Sanitation – See G&A		
<u>Public Works</u>	<u>Grading Permit</u>	<u>\$50 + technology fee (minimum \$10)</u>	<u>Issued only after Land Disturbance procedures are followed.</u>
<u>Public Works</u>	<u>Misc. Land Disturbance</u>	<u>\$50 + technology fee (minimum technology fee \$10)</u>	<u>(<0.9 acres or 1 per permitted structure)</u>
<u>Public Works</u>	<u>Land Disturbance</u>	<u>1 - 4.9 disturbed acres: \$250</u> <u>5+ disturbed acres: \$500</u>	<u>Issued only with approval of the Plan Review Committee</u>
Public Works	Small Cell (1) Fee for each application for the collocation of each small wireless facility on an existing pole per small wireless facility (2) Fee for each application for each replacement pole with an associated small wireless facility	\$100 per small wireless facility \$250 \$1,000 per pole	Georgia HB 184 (2019)

DEPARTMENT	FEE TYPE	FEE	REFERENCE
	(3) Fee for each application for each new pole with an associated small wireless facility		
	(4) An annual right of way occupancy rate for nonexclusive occupancy of the right of way as follows:	\$100 per year	
	(i) For each small wireless facility collocated on any existing or replacement pole, including an existing or replacement City pole; or	\$200 per year	
	(ii) For each new pole, other than a replacement pole, with an associated small wireless facility	\$40 per year per small wireless facility	
	(5) Annual attachment rate for collocations on City poles;		
	(6) Fee to make ready any City pole to enable that pole to support a proposed small cell facility, including replacement of the pole if necessary;	Actual cost	
	(7) Penalty for failure to restore the right-of-way to the condition pre-installation O.C.G.A. §36-66C-5 (where a vendor that is permitted seeks to remove with notice to the City	\$500	

DEPARTMENT	FEE TYPE	FEE	REFERENCE
	(8) Penalty for failure to restore the right of way to the condition pre-installation O.C.G.A §36-66C-6(b) (unpermitted collocation or location of facilities - where vendor installs without a permit) (9) Penalty for failure to remove abandoned facility, support structure or pole under O.C.G.A §36-66C-7(p)(1)	\$1,000 \$500	
Public Works	Stormwater Utility	\$5 Residential \$1.13 per 1,000 sq. ft.; minimum fee \$5 Non-Residential	Ordinance No. 2014-16 Resolution No. 2014-45 “Stormwater Utility Credit Manual”
Public Works	Street Lighting	Single-family residential: \$2.15 per month Multi-family residential: \$2.15 per unit per month (using 90% of actual units) Commercial, industrial, and institutional: \$2.15 per unit per month at 0.95 units per acre	Ordinance No. 2018-07, 2018
Public Works	Tree Removal Permit and Inspection – Residential and Commercial Properties	\$25.00 \$50.00 if historical property	4” tree caliper
Public Works	Landscape/Tree Review	\$250	
Public Works	Borrow/Fill Permit	\$50	Follow the same procedures as the Land Disturbance Permit.

DEPARTMENT	FEE TYPE	FEE	REFERENCE
		Non—refundable, non-transferable	
Public Works	Construction Document Review	\$500 \$750 \$1,000	Under 5 acres (Type 1) 5-15 acre (Type 2) Over 15 acres (Type 3)
Public Works	Construction Document Resubmittal	\$250 \$375 \$500	Under 5 acres (Type 1) 5-15 acre (Type 2) Over 15 acres (Type 3)
Smith-Gilbert Gardens	Non-Commercial After-Hour Photography Session Available only Tuesday – Saturday 4:30 – 6:30 PM Capacity: 75 people	\$225 No alcohol permitted. Payment due at the time of reservation	All payments made with credit cards are subject to an online service fee. Commercial photo/video shoots must be scheduled through the Communications office. Casual photography for personal use is welcome during Garden hours – regular admission and parking limitations apply.
Smith-Gilbert Gardens	Admission Museums for All and	\$10 Adults; \$8 Seniors (ages 65 & up); \$5 Children (ages 3-17); Free - Children Under age 3; \$5 Military (with I.D.); University Student (with I.D.); <u>Active Military, Reserve, Guard, and Military Retiree (with I.D.);</u> <u>University Student (with I.D.);</u> \$3 for Adults and free for	All transactions made with credit cards are subject to online service fees.

DEPARTMENT	FEE TYPE	FEE	REFERENCE
	GA Foster Friendly	children	Must show proof of ID with SNAP/ EBT Card & or SUN Bucks & proof of GA FF program membership
	Blue Star	Active Duty Military Families free with ID	Discounts available from Armed Forces Day until Labor Day only
Smith-Gilbert Gardens	Guided Tours – School Groups (Public, Private, Homeschool)	\$7 per child. 1 teacher per 10 students admitted free. Additional teachers/parent chaperones pay regular admission.	By reservation only at least 2 weeks prior to date. All payments made with credit cards are subject to an online service fee.
	Self-Guided Tours – School Groups	\$5 per child. 1 teacher per 10 students admitted free. Additional teachers/parent chaperones pay regular admission.	
	Virtual Field Trips and Outreach in-school visit	\$175 for all grade levels up to 30 students \$90 for each additional class for the same topic	
	Guided Tours – Adult Groups	\$13 per person <u>\$5 plus admission</u> with a minimum of 10 people	
	Self-Guided Adults Group	Minimum of 10 people at 10% off regular adult admission	

DEPARTMENT	FEE TYPE	FEE	REFERENCE
Smith-Gilbert Gardens	Homeschool, scout, birthday, and reserved group education workshops	\$20 for each initial (non-member) parent and child pair \$10 for each additional child Members receive discounted registration	By reservation only All payments made with credit cards are subject to an online service fee.
Smith-Gilbert Gardens	Outdoor garden rentals are available with use as follows: Full Garden rental	Fees as noted by operational and after hours All require: Cleaning Fee of \$150 is required. Damage deposit (\$500) - returnable if the facility is left not damaged. During Business hours Tuesday -Saturday 9am to 4pm - \$250 per hour with a two-hour minimum. After 4 PM- \$500 per hour with a two-hour minimum. Outside alcohol is permitted after business hours with a required City Permit plus City of Kennesaw police officer presence. See prices outlined by Off Duty Management web-based service https://www.kennesaw-ga.gov/hire-off-duty/.	One hour is allotted for set up and another hour for tear down. Rental tear-down during business hours must be completed by 5 PM and rental tear-down after hours must be completed by 10 PM Additional load-in/breakdown and clean-up time will be charged at \$250 per hour if done after Garden operational hours, and \$125 per hour if done during Garden operational hours. Wedding rehearsal time is available the day before the event. Must be scheduled at the time of rental; time limit applies. Add-on options: Bridal Suite \$250 Note for all rentals during Garden Hours – normal Garden operations continue.

DEPARTMENT	FEE TYPE	FEE	REFERENCE
		Normal Garden operating hours are Tues – Sat, 9 AM – 4 PM	All payments made with credit cards are subject to an online service fee. 10% rental discount available for City of Kennesaw residents and businesses, non-profits as well as Garden members. This offer cannot be combined with other discounts. In order to qualify for the discount, the person/entity renting the Gardens must also be the Person/entity using the Gardens for said event. No indoor option for rain Seating available – white resin padded folding chairs (75) 60" round tables (12) 8' tables (3) (If the ceremony plus reception requires additional chairs or tables, then all chairs and tables must be rented) The rental party is responsible for securing and paying any additional fees including Kennesaw Alcohol Permit, Off-duty police officer, tent, valet, Fire Marshall, caterer, décor, chair/tables beyond what is included, flowers, portable restrooms, music, dance floor, etc.

DEPARTMENT	FEE TYPE	FEE	REFERENCE
Zoning	Sign Permits	Subject to the type of sign: Banners—\$25 per event <u>Temporary Signs: \$30 + technology fee</u> Banners-New Businesses first 60 days free Semi-directional-\$50 (renewed annually) \$25 plus 1% of construction costs exceeding \$1,000 1% of each permit issued, \$10.00 minimum fee per permit (technology fee) <u>Monument Sign/Freestanding Sign: \$150 + Technology Fee</u> <u>Wall/Canopy/Awning: \$75 + Technology Fee</u> <u>Wall/Canopy/Awning: \$75 + Technology Fee</u> <u>Sign Face Changes: \$50 + Technology Fee</u> Non—refundable, non- transferable	Unified Development Code Chapter 10
Zoning/Building	Cell Towers & Antennae (radio, television, and communication)	\$250	Unified Development Code, Chapter 5

SCHEDULE A – CITY OF KENNESAW BUSINESS TAX SCHEDULE

The Business License Tax is Determined by Gross Receipts and class of Business According to SIC

The \$55 administrative fee is included in the tax amounts below

	Gross Receipts	Class 1	Class 2	Class 3	Class 4	Class 5	Class 6
1	\$0 - \$50,000	\$86.33	\$103.24	\$113.18	\$122.84	\$132.49	\$142.43
2	\$50,001 - \$150,000	\$140.29	\$138.00	\$144.65	\$143.45	\$133.26	\$164.29
3	\$150,001 - \$250,000	\$221.05	\$218.19	\$263.66	\$261.90	\$234.22	\$256.10
4	\$250,001 - \$350,000	\$288.62	\$284.33	\$285.75	\$303.16	\$308.12	\$303.70
5	\$350,001 - \$450,000	\$290.78	\$287.21	\$299.13	\$307.50	\$313.17	\$309.48
6	\$450,001 - \$550,000	\$474.67	\$469.66	\$496.14	\$517.02	\$489.10	\$478.16
7	\$550,001 - \$650,000	\$488.92	\$483.20	\$508.94	\$521.35	\$526.63	\$514.95
8	\$650,001 - \$750,000	\$523.26	\$500.64	\$549.86	\$557.22	\$566.11	\$553.70
9	\$750,001 - \$850,000	\$622.49	\$654.62	\$691.05	\$706.79	\$659.31	\$696.34
10	\$850,001 - \$1,000,000	\$664.66	\$657.51	\$694.67	\$726.79	\$721.06	\$707.90
11	\$1,000,001 - \$1,250,000	\$1,449.56	\$1,433.83	\$1,359.91	\$1,394.41	\$1,437.31	\$1,406.86
12	\$1,250,001 - \$1,500,000	\$1,456.06	\$1,442.47	\$1,518.85	\$1,546.92	\$1,579.86	\$1,563.65
13	\$1,500,001 - \$1,750,000	\$1,462.56	\$1,451.12	\$1,529.70	\$1,559.92	\$1,595.00	\$1,581.00
14	\$1,750,001 - \$2,000,000	\$1,469.06	\$1,459.76	\$1,540.56	\$1,572.92	\$1,625.72	\$1,684.24
15	\$2,000,001 - \$4,000,000	\$2,878.05	\$2,834.31	\$3,039.85	\$2,813.84	\$2,893.30	\$2,874.88
16	\$4,000,001 - \$4,999,999	\$2,884.55	\$2,858.03	\$3,050.71	\$3,107.44	\$3,184.75	\$3,164.12
17	\$5,000,000 - \$9,999,999	\$5,036.88	\$5,016.86	\$5,197.71	\$5,265.29	\$5,342.60	\$5,321.98
18	\$10,000,000 - \$19,999,999	\$7,413.00	\$7,459.90	\$7,568.24	\$9,667.82	\$7,713.13	\$7,692.51
19	\$20,000,000 - \$39,000,000	\$9,621.22	\$9,601.21	\$9,816.61	\$10,823.12	\$9,961.51	\$9,940.88
20	\$40,000,000 - \$79,999,999	\$11,723.60	\$11,703.58	\$11,970.09	\$11,950.07	\$12,114.98	\$12,094.36
21	\$80,000,000 - \$99,999,999	\$14,366.17	\$14,346.15	\$14,532.36	\$14,512.34	\$14,677.25	\$14,471.70
22	\$100,000,000 and above	\$20,510.27	\$15,060.90	\$15,040.19	\$15,020.17	\$15,486.81	\$15,466.19

CITY OF KENNESAW IMPACT FEE SCHEDULE

Attachment "A" of Impact fee Ordinance

Land Use Category	Parks & Recreation	Police	Adminis- tration (3%)	TOTAL IMPACT FEE	Unit of Measure*	
<i>Residential</i>						
Single-Family Detached Housing	\$627.8500	\$50.1800	\$20.9700	\$699.000	per	dwelling
Apartment	\$627.8500	\$50.1800	\$20.9700	\$699.000	per	dwelling
Residential Condominium/Townhouse	\$627.8500	\$50.1800	\$20.9700	\$699.000	per	dwelling
<i>Port and Terminal</i>						
Truck Terminal	-	\$519.1625	\$15.5749	\$534.737	per	acre
<i>Industrial</i>						
General Light Industrial	-	\$0.1023	\$0.0031	\$0.105	per	square foot
General Heavy Industrial	-	\$0.0811	\$0.0024	\$0.083	per	square foot
Manufacturing	-	\$0.0806	\$0.0024	\$0.083	per	square foot
Warehousing	-	\$0.0565	\$0.0017	\$0.058	per	square foot
Mini-Warehouse	-	\$0.0020	\$0.0001	\$0.002	per	square foot
High-Cube Warehouse	-	\$0.0081	\$0.0002	\$0.008	per	square foot
<i>Lodging</i>						
Hotel	-	\$27.5621	\$0.8269	\$28.389	per	room
All Suites Hotel	-	\$31.4597	\$0.9438	\$32.404	per	room
Business Hotel	-	\$4.4328	\$0.1330	\$4.566	per	room
Motel	-	\$31.5113	\$0.9453	\$32.457	per	room
<i>Recreational</i>						
Campground/Recreational Vehicle Park	-	\$2.9687	\$0.0891	\$3.058	per	camp site
Golf Course	-	\$10.8830	\$0.3265	\$11.210	per	acre
Multipurpose Recreational Facility	-	\$22.1547	\$0.6646	\$22.819	per	acre
Movie Theater	-	\$0.0664	\$0.0020	\$0.068	per	square foot
Arena	-	\$147.6835	\$4.4305	\$152.114	per	acre
Amusement Park	-	\$402.9875	\$12.0896	\$415.077	per	acre
Tennis Courts	-	\$10.8065	\$0.3242	\$11.131	per	acre
Racquet Club	-	\$0.0162	\$0.0005	\$0.017	per	square foot
Bowling Alley	-	\$0.0443	\$0.0013	\$0.046	per	square foot
Recreational Community Center	-	\$0.0372	\$0.0011	\$0.038	per	square foot
<i>Institutional</i>						
Private School (K-12)	-	\$0.3584	\$0.0108	\$0.369	per	square foot
Church/Synagogue	-	\$0.0228	\$0.0007	\$0.024	per	square foot
Day Care Center	-	\$0.1126	\$0.0034	\$0.116	per	square foot
Cemetery	-	\$3.6079	\$0.1082	\$3.716	per	acre
Lodge/Fraternal Organization	-	\$44.3095	\$1.3293	\$45.639	per	employee

Medical

Hospital	-	\$0.1438	\$0.0043	\$0.148	per	square foot
Nursing Home	-	\$28.6967	\$0.8609	\$29.558	per	bed
Clinic	-	\$44.3095	\$1.3293	\$45.639	per	employee

Office

General Office Building	-	\$0.1469	\$0.0044	\$0.151	per	square foot
Corporate Headquarters Building	-	\$0.1507	\$0.0045	\$0.155	per	square foot
Single-Tenant Office Building	-	\$0.1416	\$0.0042	\$0.146	per	square foot
Medical-Dental Office Building	-	\$0.1797	\$0.0054	\$0.185	per	square foot
Research and Development Center	-	\$0.1297	\$0.0039	\$0.134	per	square foot

Retail

Building Materials and Lumber Store	-	\$0.0651	\$0.0020	\$0.067	per	square foot
Free-Standing Discount Superstore	-	\$0.0425	\$0.0013	\$0.044	per	square foot
Specialty Retail Center	-	\$0.0806	\$0.0024	\$0.083	per	square foot
Free-Standing Discount Store	-	\$0.0870	\$0.0026	\$0.090	per	square foot
Hardware/Paint Store	-	\$0.0427	\$0.0013	\$0.044	per	square foot
Nursery (Garden Center)	-	\$0.0722	\$0.0022	\$0.074	per	square foot
Nursery (Wholesale)	-	\$0.0738	\$0.0022	\$0.076	per	square foot
Shopping Center	-	\$0.0740	\$0.0022	\$0.076	per	square foot
Factory Outlet Center	-	\$0.0740	\$0.0022	\$0.076	per	square foot
Quality Restaurant	-	\$0.3305	\$0.0099	\$0.340	per	square foot
High-Turnover (Sit-Down) Restaurant	-	\$0.3305	\$0.0099	\$0.340	per	square foot
Fast-Food Restaurant	-	\$0.4830	\$0.0145	\$0.497	per	square foot
Quick Lubrication Vehicle Shop	-	\$93.0499	\$2.7915	\$95.841	per	service bay
Auto-Care Center	-	\$0.0634	\$0.0019	\$0.065	per	square foot
New Car Sales	-	\$0.0786	\$0.0024	\$0.081	per	square foot
Auto Parts Store	-	\$0.0425	\$0.0013	\$0.044	per	square foot
Self-Service Car Wash	-	\$8.8619	\$0.2659	\$9.128	per	stall
Tire Store	-	\$0.0567	\$0.0017	\$0.058	per	square foot
Wholesale Tire Store	-	\$0.0567	\$0.0017	\$0.058	per	square foot
Supermarket	-	\$0.0563	\$0.0017	\$0.058	per	square foot
Convenience Market (Open 24 Hours)	-	\$0.0798	\$0.0024	\$0.082	per	square foot
Convenience Market (Open 15-16 Hours)	-	\$0.0775	\$0.0023	\$0.080	per	square foot
Convenience Market with Gasoline Pumps	-	\$0.0798	\$0.0024	\$0.082	per	square foot
Wholesale Market	-	\$0.0363	\$0.0011	\$0.037	per	square foot
Discount Club	-	\$0.0575	\$0.0017	\$0.059	per	square foot
Home Improvement Superstore	-	\$0.0425	\$0.0013	\$0.044	per	square foot
Electronics Superstore	-	\$0.0425	\$0.0013	\$0.044	per	square foot
Apparel Store	-	\$0.0740	\$0.0022	\$0.076	per	square foot
Pharmacy/Drugstore	-	\$0.0740	\$0.0022	\$0.076	per	square foot
Furniture Store	-	\$0.0184	\$0.0006	\$0.019	per	square foot

Services

Drive-in Bank	-	\$0.1614	\$0.0048	\$0.166	per	square foot
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**"square feet" means square feet of gross building floor area.*

Impact Fees reflect credit given for forecasted SPLOST and general fund contributions.

Master Fee Schedule Updates Brief (November 2024)

Department	Page #	Current Fee	Proposed Fee	Notes
Business License	Page 5	Business License Fee: Based on Gross Receipts	Business License: <u>Occupational Tax</u> Based on Gross Receipts	Proposed change to clarify fee type
Cemetery	Page 5	Employees: \$500	Employees: \$750	Proposed change to update employee fee for cemetery lots, which was updated in September 2023. Employee rate is traditionally half of resident rate.
Cemetery	Page 5	Cremation Garden Service + Engraved Bronze Plaque: \$600	Cremation Garden Service + Engraved Bronze Plaque: \$800	Proposed change to increase fee to cover actual costs of plaque
Cemetery	Page 5	Memorial Garden - engraved bronze plaque only: \$300	Memorial Garden - engraved bronze plaque only: \$400	Proposed change to update fee which is traditionally half of the service + plaque
Cemetery	Page 5	Cremation Garden only - no bronze plaque: \$300	Cremation Garden only - no bronze plaque: \$400	Proposed change to update fee which is traditionally half of the service + plaque
Cemetery	Page 6	Memorial Trees Includes marker + stake: \$250	Memorial Tree <u>Plaques</u> Includes marker + stake: \$75	Proposed change to remove the sale of memorial trees and update the costs of replacement tree plaques
Cemetery	Page 6	Active or retire City employees - Cremation Garden Service + Engraved Plaque: \$250	Active or retire City employees - Cremation Garden Service + Engraved Plaque: \$400	Proposed change to update employee fee for cremation service + plaque. Employee rate is traditionally half of resident rate.
City Manager's Office	Page 6		Permit Fees - television, video, filming: \$50 per day, per parking space	Proposed change to add a permit fee for the use of public parking spaces
City Manager's Office	Page 6		Permit Fees - television, video, filming: \$275 per barricade or cone replacement	Proposed change is charged only in event of barricade/cone is stolen or damaged
Events Committee	Page 8	Race Fee: \$2,000	Striking out Race Fee entirely	Proposed change to remove the Race Fee as private races are not allowed within city limits.
General & Administrative	Page 8	Bail Bonds Application: Regulatory fee \$100 Each employee \$50 Fingerprint fee \$45	Bail Bonds Application: Regulatory fee \$100 Each employee \$50 Fingerprint fee \$45 Application fee \$75	Proposed change to add an application fee for Bail Bonds applications.
General & Administrative	Page 8	Business License Fees: Based on Gross Receipts	Striking out Business License Fees: Based on Gross Receipts entirely	Duplicate fee type which can be found under Business License
General & Administrative	Page 9	Property Tax FIFA fee for placing a lien on property for delinquent taxes: \$12.00 for Recordings \$25.00 for Cancellation	Property Tax FIFA fee for placing or releasing a lien on property for delinquent taxes: <u>Manual - \$12 total to file/release</u> <u>E-file - \$50 total to file/release</u>	Proposed change to update the fee to account for both placing and releasing a lien as well as filing type.
Southern Museum	Page 12	Admission Fees: \$5.00 for Active Military (w/ID)	Admission Fees: \$5.00 for <u>Active Duty, Reserve, Guard, and Military Retiree</u> (w/ID)	Proposed change to clarify discount to include all listed military statuses.
Southern Museum	Page 13-14	The Depot	Striking out all fees associated with The Depot entirely	Proposed change is a result of the Depot no longer being a rentable venue.



Item Report

TO: The Honorable Mayor and City Council

FROM: Ricky Stewart, Public Works Director

DATE: November 18, 2024

TITLE: **Resolution: Cobb County Water and Sewer Easement Agreements**
Consideration to approve a Resolution authorizing Water and Sewer Easement Agreements with Cobb County Water System

Summary:

In order to provide water and sewer for a proposed development, Ross Pointe, on McCollum Parkway, Cobb County Water System has requested that PR Land Investments, LLC, the developer, acquire two easements through the City-owned park on Lee Court. There is an existing Cobb County Water System easement in the park that is depicted in gray in the exhibit titled, "Composite Easements." The proposed easements will be a 20' wide sewer easement, depicted in pink, and a 5' wide water easement, depicted in purple, in the exhibit titled "Composite Easements". The sewer easement will allow the developer to tie the proposed sewer line into an existing sewer manhole, while the water easement will allow sufficient separation between the existing sewer line and the proposed water line.

Recommendation:

The Public Works Director recommends approval of the agreements.

Fiscal Impact:

Attachments:

1. RESOLUTION - CCWS Easements
2. Ross Point - Composite Easements
3. Ross Point - Offsite Water Easement
4. Ross Pointe - Offsite Sewer Easement

**CITY OF KENNESAW
GEORGIA**

RESOLUTION NO. 2024- ___, 2024

**RESOLUTION TO GRANT WATER AND SEWER EASEMENTS TO COBB COUNTY
WATER SYSTEM**

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF KENNESAW, COBB COUNTY, GEORGIA, AS FOLLOWS:

WHEREAS, in order to provide water and sewer to a proposed development named Ross Pointe, there is a need to install utilities through a City owned Park on Lee Ct; and

WHEREAS, Cobb County Water System has requested that PR Land Investments, LLC, the developer, acquire two easements through the City owned park; and

WHEREAS, the proposed easements will be a 20' wide sewer easement, and a 5' wide water easement, as depicted in the exhibit titled "Composite Easements".

BE IT RESOLVED the Kennesaw City Council authorizes the Mayor to execute the easement agreements with Cobb County Water System titled as "Offsite Water Easement" and "Offsite Sewer Easement".

BE IT FURTHER RESOLVED this Resolution shall become effective from and after its adoption and execution by the mayor.

PASSED AND ADOPTED by the Kennesaw City Council on this ___ day of November 2024.

ATTEST:

CITY OF KENNESAW

Lea Alvarez, City Clerk

Derek Easterling, Mayor

\\geincdata\GA\Projects\Piedmont_Residential\1629-00-McCollum_Pkwy\SV01_Calcs\Exhibits\Water Easement\1629 McCollum Pkwy-Main - Offsite Waterline Exhibit.dwg

FOR RECORDING PURPOSES ONLY

WATER LINE EASEMENT AREA = 0.019 ACRES (829.12 SQ. FT.)

SURVEYOR CERTIFICATION (GEORGIA)

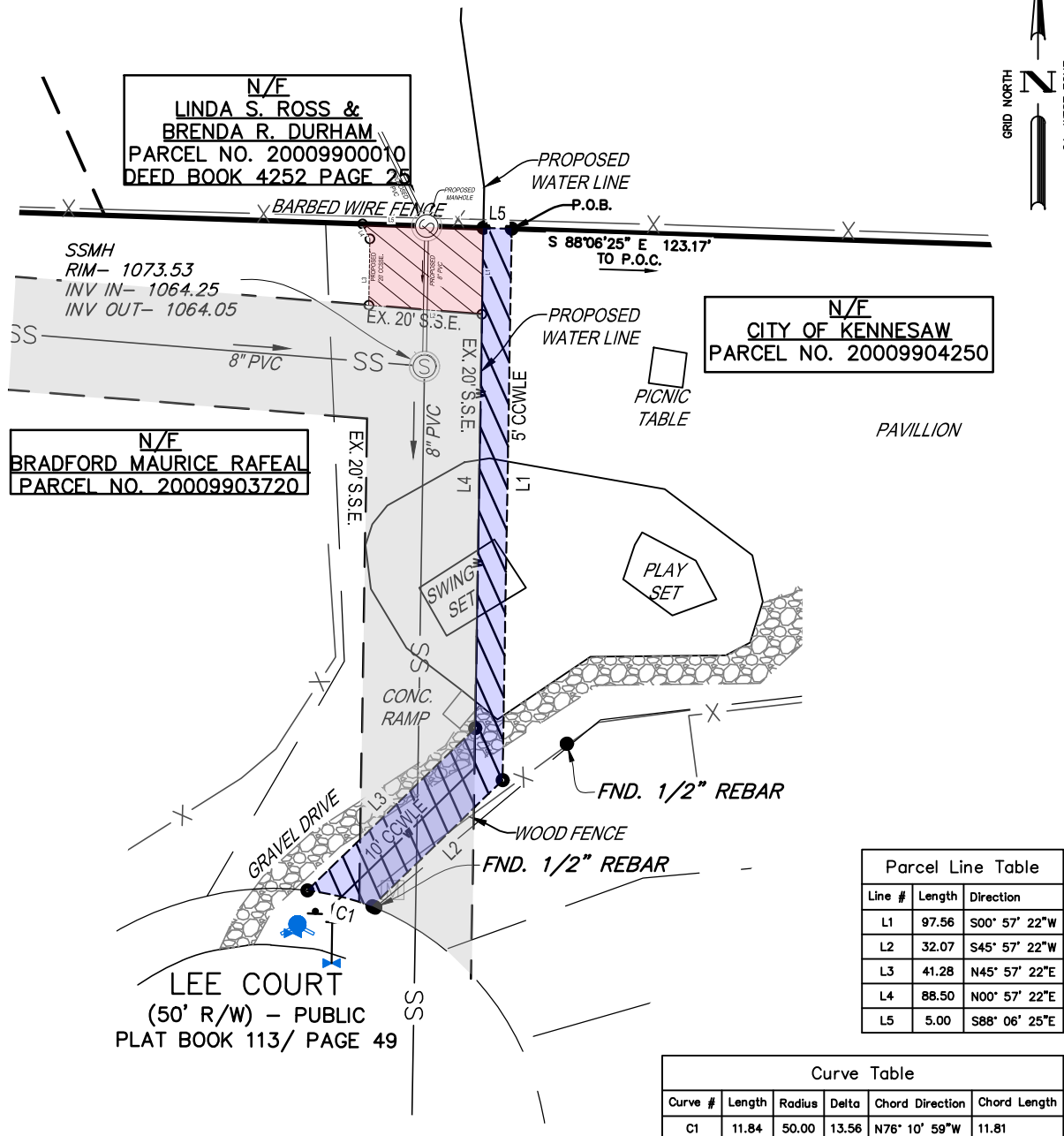
This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67

BGE 245 TOWNPARK DRIVE, SUITE 470
KENNESAW, GEORGIA 30144
www.bgeinc.com
DIRECT: 404-850-3205

WATER LINE EASEMENT EXHIBIT
FOR PR LAND INVESTMENTS, TO BE DEDICATED TO COBB WATER AND SEWER SYSTEM
LOCATED IN LAND LOTS 98 & 99
20TH DISTRICT, 2ND SECTION
CITY OF KENNESAW, COBB COUNTY, GEORGIA

DATE: 09/09/2024

0 15' 30'
SCALE: 1" = 30'



After Recording Return To:
Cobb County Water System
660 South Cobb Drive
Marietta, Georgia 30060
Attn: Angela Robinson

(For Recording Information Only)

GRANT OF WATER EASEMENT

STATE OF GEORGIA
COUNTY OF COBB

THIS GRANT OF WATER EASEMENT (hereinafter referred to as the “**Easement**”) is made and entered into this _____ day of _____, 20____, by and between _____ **City of Kennesaw** _____, (hereinafter referred to as “**Grantor**”) and _____ **PR Land Investments, LLC** _____, hereinafter referred to as “**Grantee**”) and **COBB COUNTY**, a political subdivision of the State of Georgia (hereinafter referred to as “**Intended Final Grantee**”) (to include their respective heirs, beneficiaries, legal representatives, employees, contractors, agents, tenants and sub-tenants, successors, and assigns, where the context hereof requires or permits).

WITNESSETH

WHEREAS, Grantor is the owner of that certain real property located in Land Lot 99 of the 20th District, 2nd. Section, Cobb County, Georgia and being commonly known as 3506 Lee Court, according to the present system of numbering houses/businesses in Cobb County, Georgia, being more particularly described in Deed Book _____ Page _____ (“**Property**”); and

WHEREAS, Grantee is desirous of obtaining from Grantor certain temporary and permanent easements over, across, and under a portion of Grantor’s Property as described herein and depicted in the drawing attached hereto and made a part hereof by reference as Exhibit “A” for constructing the water line and facilities for _____ **Ross Pointe** _____ (“**Project**”).

WHEREAS, Intended Final Grantee is desirous of obtaining a permanent easement over, across and under a portion of the Property for the construction, use, maintenance, repair and/or replacement of such water line and facilities.

NOW, THEREFORE, in consideration of the foregoing recitals, the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby grant, bargain, sell and convey unto Grantee and Intended Final Grantee, easements over, upon, through, under, and across Grantor’s Property as follows:

1. **TEMPORARY CONSTRUCTION EASEMENT:** A non-exclusive temporary construction easement (“Temporary Easement”) with the full right of use for all purposes in connection with construction of the water line and facilities for the Project, said Temporary Easement being 829.1 square feet, more or less, as further depicted in **Exhibit “A”** (“Temporary Easement Area”). The right to use the Temporary Easement shall terminate upon the final completion and acceptance of the Project by Intended Final Grantee.
2. **PERMANENT EASEMENT:** A nonexclusive permanent easement (“Permanent Easement”) for purposes of constructing, using, maintaining, repairing, inspecting, and reconstructing water lines and facilities as may be required from time to time, together with the full right of access to and egress from the Permanent Easement. Said Permanent Easement being **One Hundred Twenty Eight** (128) linear feet and five (5) feet in width to ten (10) feet in width abutting and crossing the sanitary sewer line (829.1 square feet, more or less), as further depicted in **Exhibit “A”** (“Permanent Easement Area”). Upon final completion and acceptance of the Project by Intended Final Grantee, the Permanent Easement shall become a publicly dedicated easement for all purposes without any further action required of the parties hereto. Grantee’s right to use the Permanent Easement shall terminate upon its dedication and acceptance by Intended Final Grantee.
3. **EASEMENT TERMS:**
 - a. Grantee shall have the right to clear the Temporary and Permanent Easement Areas.
 - b. Intended Final Grantee shall have the right, but not the obligation, to keep the Permanent Easement Area clear at all times, and to remove all brush, trees, structures, and other obstructions.
 - c. Grantor shall have the right to use the easement areas, provided such use shall in no manner obstruct, interfere with, or be inconsistent with the use thereof by Grantee or Intended Final Grantee, as provided herein and in the Official Code of Cobb County. Grantor agrees to keep the Permanent Easement Area clear of all buildings, structures, and other obstructions and acknowledges that any landscaping placed within the Permanent Easement Area shall be at Grantor’s own risk.
 - d. Grantee shall install the water lines and facilities to Cobb County standards and at no cost or expense to Grantor. Grantee shall restore the easement areas to approximately the same grade as existed before construction and shall seed and straw all disturbed areas, with the exception that disturbed sodded areas shall be replaced with sod.

ADDITIONAL STIPULATIONS ARE SOLELY BETWEEN GRANTOR AND GRANTEE:

1. Grantee shall....

TO HAVE AND HOLD said Easement unto said Grantee and Intended Final Grantee and their successors and assigns, upon the terms and for the periods set forth above.

Grantor hereby covenants with Grantee and Intended Final Grantee that it is lawfully seized and possessed of the real property previously described herein and that he has good and lawful right to convey it, or any part thereof, and that he will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.

Signatures on following page.

IN WITNESS WHEREOF, Grantor and Grantee have hereunto set their hands and seals the day and year above first written.

Sworn to and subscribed before me
This ____ day of _____, 20 ____.

Witness Signature

Witness Printed Name

NOTARY PUBLIC

(SEAL)

Sworn to and subscribed before me
this ____ day of _____, 20 ____.

Witness Signature

Witness Printed Name

NOTARY PUBLIC

(SEAL)

GRANTOR:

Signature

Printed Name

GRANTEE:
COMPANY NAME

Signature

Printed Name

Title

(SEAL)

Cobb County Water System
Approval ____
Date ____
Stipulations ____

\\geincdata\GA\Projects\Piedmont_Residential\1629-00-McCollum_Pkwy\SV01_Calcs\Offline Easements\Water Easement\1629 McCollum Pkwy-Main - Offsite Waterline Exhibit.dwg

FOR RECORDING PURPOSES ONLY

WATER LINE EASEMENT AREA = 0.019 ACRES (829.12 SQ. FT.)

SURVEYOR CERTIFICATION (GEORGIA)

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A Section 15-6-67

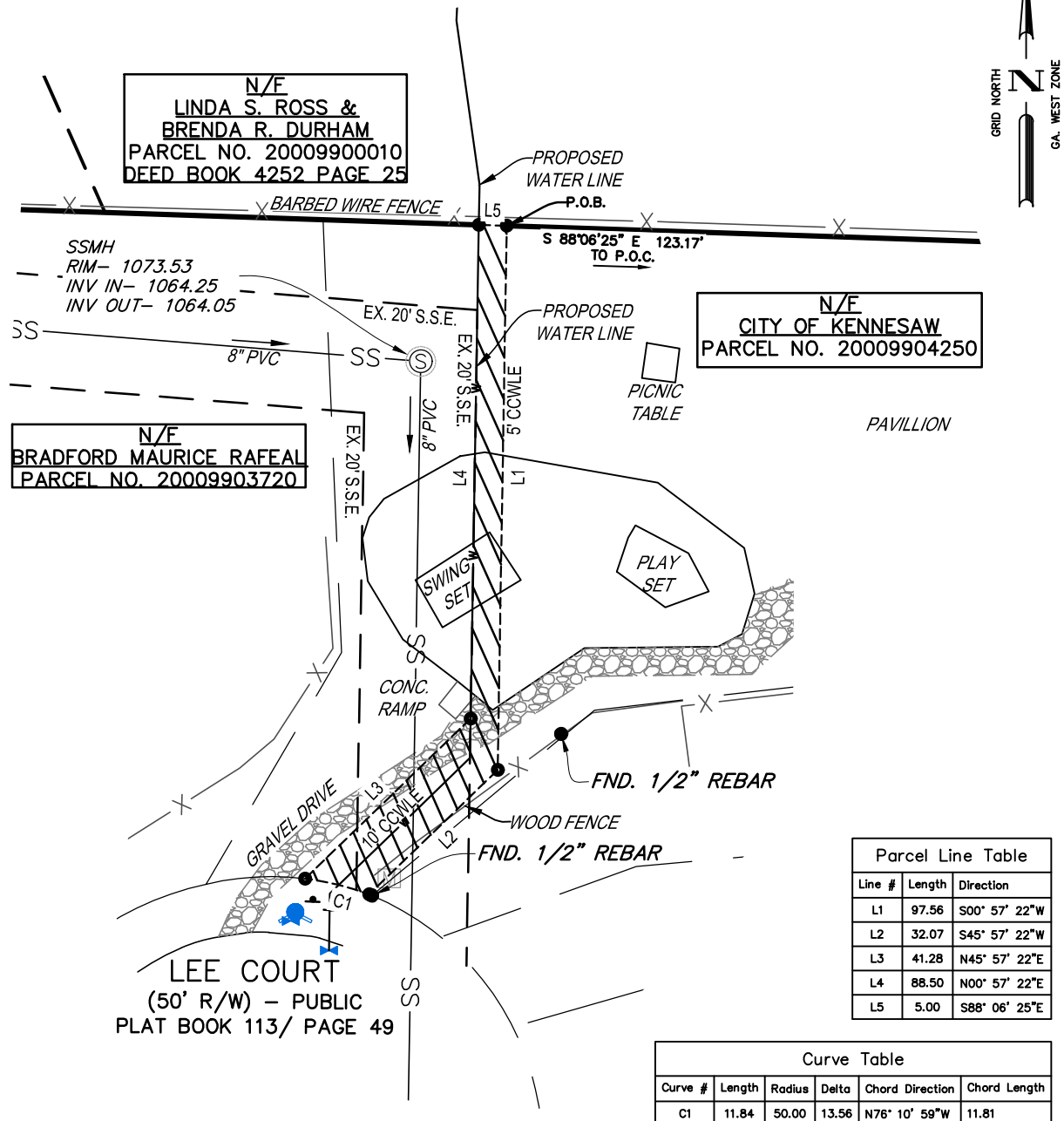

Jason S. Marrow
Georgia Professional
Land Surveyor #3455



BGE 245 TOWNPARK DRIVE, SUITE 470
KENNESAW, GEORGIA 30144
www.bgeinc.com
DIRECT: 404-850-3205

WATER LINE EASEMENT EXHIBIT
FOR PR LAND INVESTMENTS, TO BE DEDICATED TO COBB WATER AND SEWER SYSTEM
LOCATED IN LAND LOTS 98 & 99
20TH DISTRICT, 2ND SECTION
CITY OF KENNESAW, COBB COUNTY, GEORGIA

DATE: 09/09/2024
0 15' 30'
SCALE: 1" = 30'



Legal Description – 5' Water Line Easement

0.019 Acres

829.12 Sq. Ft.

All that tract or parcel of land lying and being in Land Lots 98 and 99 of the 20th District and 2nd Section of Cobb County, Georgia, and being more particularly described as follows:

To find the True Point of Beginning, commence at a 1" square road found at the intersection of the northeasterly corner of the property now or formerly owned by the City of Kennesaw and the and the northwesterly corner of the property now or formerly owned by Max D. Kaley, Herbert C. McCollum and Kathryn Henderson, Executrix on the southerly line of the property owned by PR Land Investments, LLC; Thence, N 88° 06' 25" W, 123.17 feet to a point, said point being the True Point of Beginning;

Thence, S 00° 57' 22" W, 97.56 feet to a point; Thence, S 45° 57' 22" W, 32.07 feet to a point on the right-of-way of Lee Court (50' R/W); Thence, along said right-of-way, along a curve turning to the left, having a radius of 50.00 feet, an arc distance of 11.84, and a chord bearing N 76° 10' 59" W for 11.81 feet to a point; Thence, leaving said right-of-way, N 45° 57' 22" E, 41.28 feet to a point; Thence, N 00° 57' 22" E, 88.50 feet to a point; Thence, S 88° 06' 25" E, 5.00 feet to a point, said point being the TRUE POINT OF BEGINNING.

After Recording Return To:
Cobb County Water System
660 South Cobb Drive
Marietta, Georgia 30060
Attn: Angela Robinson

(For Recording Information Only)

GRANT OF SANITARY SEWER EASEMENT

STATE OF GEORGIA COUNTY OF COBB

THIS GRANT OF SANITARY SEWER EASEMENT (hereinafter referred to as the “**Easement**”) is made and entered into this ____ day of _____, 20____, by and between **City of Kennesaw**, (hereinafter referred to as “**Grantor(s)**”) and **PR Land Investments, LLC**, (hereinafter referred to as “**Grantee**”) and, **COBB COUNTY** a political subdivision of the State of Georgia (hereinafter referred to as “**Intended Final Grantee**”) (to include their respective heirs, beneficiaries, legal representatives, employees, contractors, agents, tenants and sub-tenants, successors, and assigns, where the context hereof requires or permits).

W I T N E S S E T H

WHEREAS, Grantor(s) is the owner of that certain real property located in Land Lot **99** of the **20th** District, **2nd** Section, Cobb County, Georgia and being commonly known as **3506 Lee Court**, according to the present system of numbering houses/businesses in Cobb County, Georgia, being more particularly described in Deed Book ____ Page ____ (“**Property**”); and

WHEREAS, Grantee is desirous of obtaining from Grantor(s) certain temporary and permanent easements over, across, and under a portion of Grantor’s(s’) Property as described herein and depicted in the drawing attached hereto and made a part hereof by reference as **Exhibit “A”** for constructing the sanitary sewer line and facilities for **Ross Pointe** (“**Project**”).

WHEREAS, Intended Final Grantee is desirous of obtaining a permanent easement over, across and under a portion of the Property for the construction, use, maintenance, repair and/or replacement of such sanitary sewer line and facilities.

NOW, THEREFORE, in consideration of the foregoing recitals, the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor(s) does hereby grant, bargain, sell and convey unto Grantee and Intended Final Grantee, easements over, upon, through, under, and across Grantor’s(s’) Property as follows:

1. **TEMPORARY CONSTRUCTION EASEMENT:** A non-exclusive temporary construction easement (“Temporary Easement”) with the full right of use for all purposes in connection with construction of the sewer line and facilities for the Project, said Temporary Easement being 297.5 square feet, more or less, as further depicted in **Exhibit “A”** (“Temporary Easement Area”). The right to use the Temporary Easement shall terminate upon the final completion and acceptance of the Project by Intended Final Grantee.
2. **PERMANENT EASEMENT:** A nonexclusive permanent easement (“Permanent Easement”) for purposes of constructing, using, maintaining, repairing, inspecting, and reconstructing sanitary sewer lines and facilities as may be required from time to time, together with the full right of access to and egress from the Permanent Easement. Said Permanent Easement being Fifteen (15) linear feet and twenty (20) feet in width (297.5 square feet, more or less), as further depicted in **Exhibit “A”** (“Permanent Easement Area”). The center line of said Permanent Easement shall be the center line of the sanitary sewer line hereinafter installed. Upon final completion and acceptance of the Project by Intended Final Grantee, the Permanent Easement shall become a publicly dedicated easement for all purposes without any further action required of the parties hereto. Grantee’s right to use the Permanent Easement shall terminate upon its dedication and acceptance by Intended Final Grantee.
3. **EASEMENT TERMS:**
 - a. Grantee shall have the right to clear the Temporary and Permanent Easement Areas.
 - b. Intended Final Grantee shall have the right, but not the obligation, to keep the Permanent Easement Area clear at all times, and to remove all brush, trees, structures, and other obstructions.
 - c. Grantor(s) shall have the right to use the easement areas, provided such use shall in no manner obstruct, interfere with, or be inconsistent with the use thereof by Grantee or Intended Final Grantee, as provided herein and in the Official Code of Cobb County. Grantor(s) agrees to keep the Permanent Easement Area clear of all buildings, structures, and other obstructions and acknowledges that any landscaping placed within the Permanent Easement Area shall be at Grantor’s(s’) own risk.
 - d. Grantee shall install the sanitary sewer lines and facilities to Cobb County standards and at no cost or expense to Grantor(s). Grantee shall restore the easement areas to approximately the same grade as existed before construction and shall seed and straw all disturbed areas, with the exception that disturbed sodded areas shall be replaced with sod.

ADDITIONAL STIPULATIONS ARE SOLELY BETWEEN GRANTOR AND GRANTEE:

1. Grantee shall....

TO HAVE AND HOLD said Easement unto said Grantee and Intended Final Grantee and their successors and assigns, upon the terms and for the periods set forth above.

Grantor(s) hereby covenants with Grantee and Intended Final Grantee that it is lawfully seized and possessed of the real property previously described herein and that he has good and lawful right to convey it, or any part thereof, and that he will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.

Signatures on following page.

IN WITNESS WHEREOF, Grantor and Grantee have hereunto set their hands and seals the day and year above first written.

Sworn to and subscribed before me
This ____ day of _____, 20____.

Witness Signature

Witness Printed Name

NOTARY PUBLIC

My Commission Expires ____/____/____

(SEAL)

GRANTOR:

Signature

Printed Name

Sworn to and subscribed before me
This ____ day of _____, 20____.

Witness Signature

Witness Printed Name

NOTARY PUBLIC

My Commission Expires ____/____/____

(SEAL)

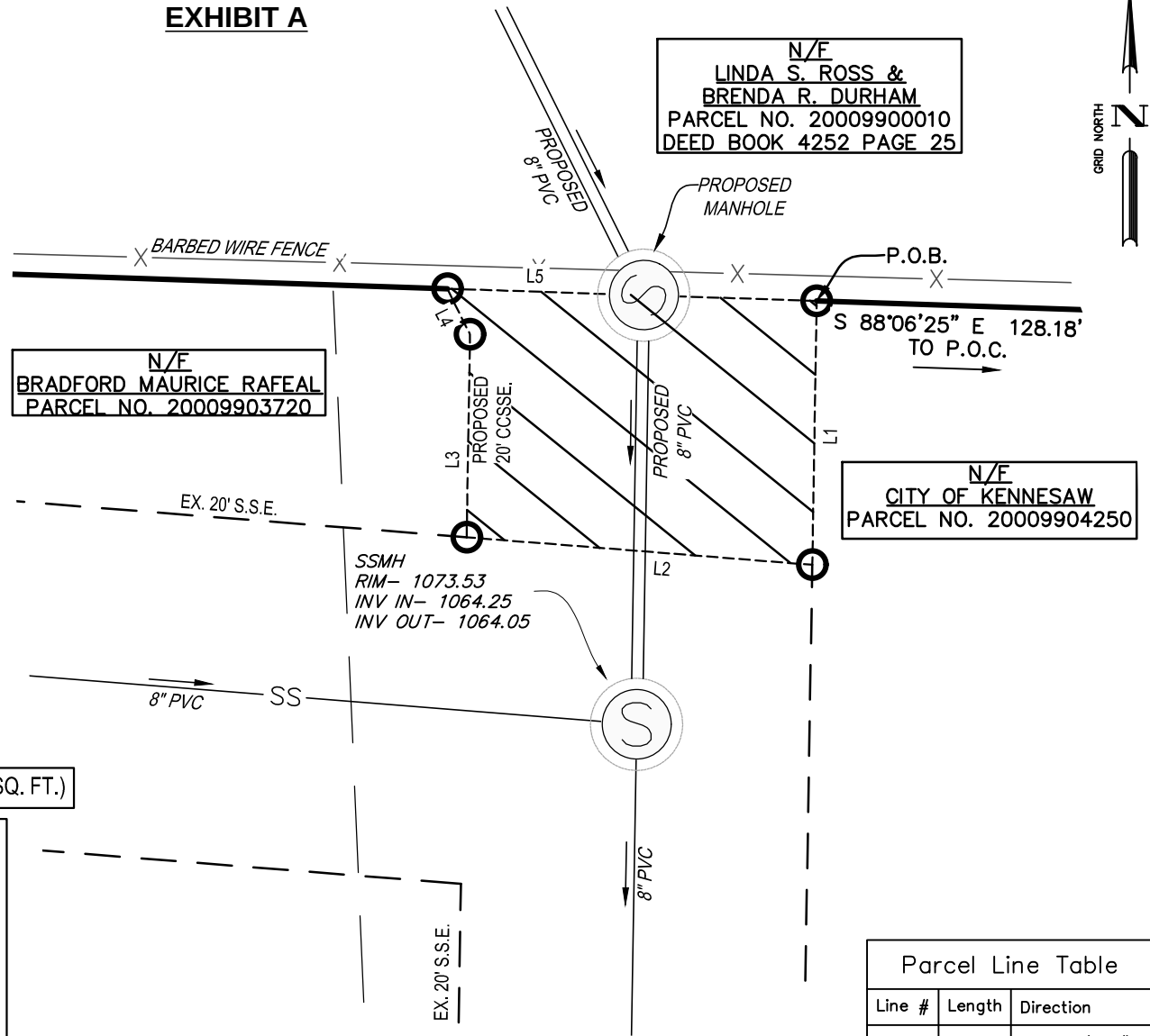
GRANTEE:
COMPANY NAME

Signature

Printed Name

Cobb County Water System
Approval _____
Date _____
Stipulations _____

EXHIBIT A



FOR RECORDING PURPOSES ONLY

20' SANITARY SEWER EASEMENT AREA = 0.007 ACRES (297.57 SQ. FT.)

SURVEYOR CERTIFICATION (GEORGIA)

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67

Jason S. Marrow
Georgia Professional
Land Surveyor #3455



Parcel Line Table		
Line #	Length	Direction
L1	15.26	S00° 57' 22"W
L2	20.04	N85° 26' 02"W
L3	11.72	N00° 57' 22"E
L4	2.95	N26° 25' 09"W
L5	21.36	S88° 06' 25"E

BGE 245 TOWNPARK DRIVE, SUITE 470
KENNESAW, GEORGIA 30144
www.bgeinc.com
DIRECT: 404-850-3205

20' SANITARY SEWER EASEMENT EXHIBIT
FOR PR LAND INVESTMENTS, TO BE DEDICATED TO COBB WATER AND SEWER SYSTEM
LOCATED IN LAND LOT 99
20TH DISTRICT, 2ND SECTION
CITY OF KENNESAW, COBB COUNTY, GEORGIA

DATE: 08/08/2024
0 5' 10'
SCALE: 1" = 10'

Legal Description – 20' Sanitary Sewer Easement

0.007 Acres

297.57 Sq. Ft.

All that tract or parcel of land lying and being in Land Lot 99 of the 20th District and 2nd Section of Cobb County, Georgia, and being more particularly described as follows:

To find the True Point of Beginning, commence at a 1" square road found at the intersection of the northeasterly corner of the property now or formerly owned by the City of Kennesaw and the and the northwesterly corner of the property now or formerly owned by Max D. Kaley, Herbert C. McCollum and Kathryn Henderson, Executrix on the southerly line of the property owned by PR Land Investments, LLC; Thence, N 88° 06' 25" W, 128.18 feet to a point, said point being the True Point of Beginning;

Thence, S 00° 57' 22" W, 15.26 feet to a point; Thence, N 85° 26' 02" W, 20.04 feet to a point; Thence, N 00° 57' 22" E, 11.72 feet to a point; Thence, N 26° 25' 09" W, 2.95 feet to a point; Thence, S 88° 06' 25" E, 21.36 feet to a point, said point being the TRUE POINT OF BEGINNING.



Item Report

TO: The Honorable Mayor and City Council

FROM: Darryl Simmons, Zoning Administrator

DATE: November 18, 2024

TITLE: **Final Plat Application: 2652 South Main Street**
 Consideration for approval of a final plat application submitted by Kennesaw Development Owner, LLC for 2652 S. Main St. (Parcel 20016700020); this application intends to revise the final plat to include sewer and water easements. Case #FP2024-05

Summary:

The application was submitted to revise the final plat recorded in 2022 to notate water and sewer easement. The Plan Review Committee has reviewed the final plat and deemed the plat is in compliance and recommends approval.

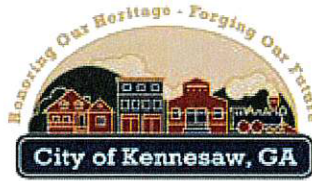
Recommendation:

Zoning Administrator recommends approval of the final plat.

Fiscal Impact:

Attachments:

1. FP2024-05_2652 South Main St_ Final Plat_Packet
2. FP2024-05_2652 South Main St_ Final Plat



Date Received 10/23/24

Staff's Initials CMC

PRELIMINARY, FINAL AND REVISE PLAT APPLICATION

Required Fee \$250.00

Preliminary Plat _____ Final Plat ✓ Revised Plat ✓ Parcel Combination _____ Parcel Split _____

Is this property located within the Kennesaw Historic District (yes) _____ (no) X

A MINIMUM OF ONE CONSULTATION WITH PLANNING AND ZONING ADMINISTRATOR AND PLAN REVIEW STAFF PRIOR TO THE SUBMISSION OF THE APPLICATION IS MANDATORY.

Date of Consultation _____

Staff Initials _____

DEVELOPMENT NAME

THE LACY

Number of Units _____

PURPOSE OF DEVELOPMENT MULTIFAMILY

WHAT IS THE REVISION BEING MADE REVISE FINAL PLAT TO INCLUDE EASEMENTS

ADDRESS OF PROPERTY 2652 SOUTH MAIN STREET

Parcel ID 20016700020 Lot Size 12.97 ACRE Present Zoning CBD

Current Use MF Proposed Use MF

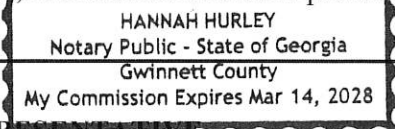
APPLICANT KENNESAW DEVELOPMENT OWNER, LLC

Applicant address _____

(Phone # _____ Email Address _____

Applicant Signature [Signature]

Signed, sealed and delivered in presence of: Hannah Hurley 10/27/2024



Notary

Date

REPRESENTATIVE _____ (Phone # _____ Email Address _____

Representative Signature _____

Signed, sealed and delivered in presence of: _____

Notary

Date

TITLEHOLDER APPLICANT IS TITLE HOLDER (Phone # _____

Titleholder Signature _____ Address _____

Signed, sealed and delivered in presence of Notary _____ Date _____



CAMPAIGN DISCLOSURE REPORT ¹ BY APPLICANT²

A separate form must be completed by each applicant

Has the applicant made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating two hundred fifty dollars (\$250.00) or more or made gifts having in the aggregate a value of two hundred fifty dollars (\$250.00) or more to a member or members of the Mayor and Council or Planning Commission who will consider the application? NO

If "Yes," the applicant and the attorney representing the applicant must file a disclosure report with the Mayor and Council of the City of Kennesaw within ten (10) days after this application is first filed.

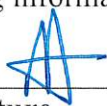
Please supply the following information that will be considered as the required disclosure:

The name of the member(s) of the Mayor and Council or Planning Commission to whom the campaign contribution or gift was made:

The dollar amount of each campaign contribution made by the applicant to the member(s) of the Mayor and Council or Planning Commission during the two (2) years immediately preceding the filing of this application and the date of each such contribution:

An enumeration and description of each gift having a value of two hundred fifty dollars (\$250.00) or more made by the applicant to the member(s) of the Mayor and Council or Planning Commission during the two (2) years immediately preceding the filing of this application:

I certify that the foregoing information is true and correct, this 22nd day of OCTOBER, 2024



Applicants Signature

¹ If the answer to any of the above is "Yes," then the member of the Mayor and Council or Planning Commission must immediately disclose the nature and extent of such interest, in writing, to the Mayor and Council of the City of Kennesaw, Georgia. A copy should be filed with this application. Such disclosures shall be a public record and available for public inspection at any time during normal working hours.

² Applicant means any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action.

UPON RECORDING RETURN TO:

Alston & Bird LLP
One Atlantic Center
1201 West Peachtree Street
Atlanta, Georgia 30309-3424
Attention: Alison B. Jones, Esq.

Tax Parcel 20016700020
NCS 1086870

LIMITED WARRANTY DEED

STATE OF GEORGIA

COUNTY OF COBB

THIS INDENTURE, made as of July 20, 2022, between **BULLDOG ACQUISITIONS, LLC**, a Georgia limited liability company (herein called "Grantor"), and **KENNESAW DEVELOPMENT OWNER, LLC**, a Delaware limited liability company (herein called "Grantee"), whose mailing address is c/o TPA Residential, LLC, 1776 Peachtree St., NW, Atlanta, Georgia 30309.

WITNESSETH: That Grantor, for the sum of Ten Dollars (\$10.00) and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed and by these presents does grant, bargain, sell, alien, convey and confirm unto Grantee all that tract or parcel of land described on Exhibit A, attached hereto and made a part hereof (the "Property").

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in any wise appertaining, to the only proper use, benefit and behoof of Grantee, forever, **IN FEE SIMPLE**.

Without expanding by implication the limited nature of this warranty, this Deed and the warranty of title contained herein are made expressly subject to the list of permitted exceptions set forth on Exhibit B attached hereto and made a part hereof (collectively, the "Permitted Exceptions").

Grantor will warrant and forever defend the right and title to the above described property unto Grantee against the lawful claims of all persons owning, holding or claiming by, through or under Grantor, but not otherwise.

EXHIBIT A**LEGAL DESCRIPTION**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 167 AND 168 OF THE 20TH DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8-INCH REBAR SET AT THE POINT OF INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY OF THE NORTH CAROLINA & ST. LOUIS RAILROAD SPUR LINE (50-FOOT R/W) AND THE EASTERLY RIGHT-OF-WAY OF OLD HIGHWAY 41 (60-FOOT R/W), SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY THE FOLLOWING COURSES AND DISTANCES: NORTH 02 DEGREES 40 MINUTES 39 SECONDS EAST 319.53 FEET TO A 5/8-INCH REBAR SET; ALONG A CURVE TO THE LEFT, AN ARC DISTANCE OF 183.62 FEET, SAID CURVE HAVING A RADIUS OF 6475.28 FEET AND BEING SUBTENDED BY A CHORD OF 183.61 FEET, AT NORTH 01 DEGREE 51 MINUTES 55 SECONDS EAST, TO A 5/8-FOOT REBAR SET; THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY SOUTH 83 DEGREES 45 MINUTES 19 SECONDS EAST, 528.11 FEET TO A 1/2-FOOT REBAR FOUND; THENCE NORTH 00 DEGREES 23 MINUTES 14 SECONDS EAST, 326.11 FEET TO A ROD SET IN CONCRETE FOUND ON THE SOUTHERLY RIGHT-OF-WAY OF DUNCAN DRIVE (60-INCH R/W); THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY THE FOLLOWING COURSES AND DISTANCES: NORTH 89 DEGREES 34 MINUTES 56 SECONDS EAST, 226.05 FEET TO A PK NAIL SET; ALONG A CURVE TO THE LEFT, AN ARC DISTANCE OF 537.96 FEET, SAID CURVE HAVING A RADIUS OF 57553.50 FEET AND BEING SUBTENDED BY A CHORD OF 537.96 FEET, AT NORTH 89 DEGREES 18 MINUTES 52 SECONDS EAST, TO A 5/8-INCH REBAR SET; NORTH 89 DEGREES 02 MINUTES 48 SECONDS EAST 136.91 FEET TO A 1/2-INCH REBAR FOUND; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY SOUTH 00 DEGREES 21 MINUTES 52 SECONDS EAST, 848.37 FEET TO A 1/2-INCH REBAR FOUND ON SAID NORTHERLY RIGHT-OF-WAY OF THE NORTH CAROLINA & ST. LOUIS RAILROAD SPUR LINE (50-FOOT R/W); THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY THE FOLLOWING COURSES AND DISTANCES: NORTH 74 DEGREES 45 MINUTES 53 SECONDS WEST, 446.40 FEET TO A 5/8-INCH REBAR SET; ALONG A CURVE TO THE LEFT, AN ARC DISTANCE OF 360.32 FEET, SAID CURVE HAVING A RADIUS OF 27114.88 FEET AND BEING SUBTENDED BY A CHORD OF 360.32 FEET, AT NORTH 75 DEGREES 08 MINUTES 43 SECONDS WEST, TO A 5/8-INCH REBAR SET; NORTH 75 DEGREES 31 MINUTES 34 SECONDS WEST, 62.19 FEET TO A 5/8-INCH REBAR SET; ALONG A CURVE TO THE LEFT, AN ARC DISTANCE OF 195.98 FEET, SAID CURVE HAVING A RADIUS OF 809.69 FEET AND BEING SUBTENDED BY A CHORD OF 195.50 FEET, AT NORTH 82 DEGREES 27 MINUTES 36 SECONDS WEST, TO A 5/8-INCH REBAR SET; ALONG A CURVE TO THE LEFT, AN ARC DISTANCE OF 91.46 FEET, SAID CURVE HAVING A RADIUS OF 368.78 FEET AND BEING SUBTENDED BY A CHORD OF 91.23 FEET, AT SOUTH 83 DEGREES 30 MINUTES 05 SECONDS WEST TO A 5/8-INCH REBAR SET; ALONG A CURVE TO THE LEFT, AN ARC DISTANCE OF 187.31 FEET, SAID CURVE HAVING A RADIUS OF 570.35 AND BEING SUBTENDED BY A CHORD OF 186.47 FEET, AT SOUTH 66 DEGREES 59 MINUTES 17 SECONDS WEST TO A 5/8-INCH REBAR SET; SOUTH 57 DEGREES 34 MINUTES 46 SECONDS WEST, 188.42 FEET TO A 5/8-INCH REBAR SET SAID POINT BEING THE TRUE POINT OF BEGINNING.

EXHIBIT B

PERMITTED TITLE EXCEPTIONS

1. Taxes and assessments for the year 2022 and subsequent years, not yet due and payable.
2. Terms and provisions of Easement from James E. Owenby and Mrs. Frances Owenby to Leroy Hamlin, Jr., dated April 23, 1974, filed for record April 25, 1974, and recorded in Deed Book 1522, Page 100, aforesaid records.
3. Easement from LeRoy Hamlin, Jr. to Georgia Power Company, dated January 14, 1975, filed for record January 30, 1975, and recorded in Deed Book 1581, Page 406, aforesaid records.
4. Easement from Tug Manufacturing to Georgia Power Company, dated January 22, 1992, filed for record February 6, 1992, and recorded in Deed Book 6457, Page 269, aforesaid records.
5. Permanent Drainage Easement from Tug Manufacturing Corporation to City of Kennesaw, Georgia, dated September 24, 1998, filed for record May 26, 2000, and recorded in Deed Book 13265, Page 2234, aforesaid records.
6. Permanent Guardrail / Maintenance Easement from Tug Manufacturing Corporation to City of Kennesaw, Cobb County, Georgia, dated September 24, 1998, filed for record August 21, 2000, and recorded in Deed Book 13286, Page 4259, aforesaid records.
7. Permanent Guardrail / Maintenance Easement from Tug Manufacturing Corporation to City of Kennesaw, Cobb County, Georgia, dated September 24, 1998, filed for record August 21, 2000, and recorded in Deed Book 13286, Page 4261, aforesaid records.
8. Matters shown on that certain ALTA/ACSM survey of 2652 South Main Street for TPA Residential and First American Title Insurance Company, prepared by John T. Newman, GRLS 3324, of GeoSurvey, dated October 21, 2021.
9. Declaration of Reciprocal Easements for 2652 South Main Street dated July 14, 2022, filed for record July 15, 2022, and recorded in Deed Book 16072, Page 2700, aforesaid records.
10. Subdivision Plat dated May 2, 2022, and recorded on July 20, 2022, in Plat Book 281, Page 227, aforesaid records.



Printed: 10/17/2024

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
Phone: 770-628-8600
Fax: 770-628-8679

Payer:
KENNESAW DEVELOPMENT OWNER LLC

KENNESAW DEVELOPMENT OWNER LLC

Payment Date: 9/30/2024

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2024	20016700020	10/15/2024	Pay: N/A or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$38,677.74	\$0.00



Scan this code with your
mobile phone to view this
bill!



Printed: 10/17/2024

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
Phone: 770-528-8600
Fax: 770-528-8679

Payer:
KENNESAW DEVELOPMENT OWNER LLC

KENNESAW DEVELOPMENT OWNER LLC

Payment Date: 7/10/2024

Tax Year	Parcel ID	Due Date	Appeal Amount		Taxes Due
2023	20016700020	8/15/2024	Pay:	N/A or	\$0.00
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$38,677.74	\$0.00



Scan this code with your
mobile phone to view this
bill



City of Kennesaw
PROPERTY TAX DIVISION
2529 J. O. STEPHENSON AVE
KENNESAW, GA 30144-2780
(770) 429-4542

2024 Property Tax Bill

Parcel ID	Tax District		Bill #	
20016700020	3/3-BOND - KENNESAW CITY		260733	
Property Owner/Location/Description			Fair Market Value	Taxable Value
KENNESAW DEVELOPMENT OWNER LLC 2652 S MAIN ST			3,207,110	1,282,844
Levies	Taxable Value	- Exemptions	= Net Assessment	X Tax Rate = Net Tax
CITY OF KENNESAW	1,282,844	0	1,282,844	7.7500000000 \$9,942.04
BOND	1,282,844	0	1,282,844	1.5000000000 \$1,924.27



City of Kennesaw
PROPERTY TAX DIVISION
2529 J. O. STEPHENSON AVE
KENNESAW, GA 30144-2780

Please make check or Money Order Payable to :
City of Kennesaw Property Tax Division and
include the Parcel ID on your check.

For your convenience, you may pay by check,
money order, Discover, Mastercard, AMEX,
VISA.
3% fee and \$3.50 per transaction fee added to
debit/credit card payments. \$1.25 fee per
ECheck transaction paid online.

Parcel ID: 20016700020
Amount Due: \$0.00
Bill#: 260733
Due Date: 12/01/2024

AMOUNT PAID

KENNESAW DEVELOPMENT OWNER LLC
1776 PEACHTREE ST NW
ATLANTA, GA 30309

City of Kennesaw
PROPERTY TAX DIVISION
2529 J. O. STEPHENSON AVE
KENNESAW, GA 30144-2780



City of Kennesaw
PROPERTY TAX DIVISION
2529 J. O. STEPHENSON AVE
KENNESAW, GA 30144-2780
(770) 429-4542

2023 Property Tax Bill

Parcel ID	Tax District		Bill #						
20016700020	3/3-BOND - KENNESAW CITY		254887						
Property Owner/Location/Description			Fair Market Value	Taxable Value					
KENNESAW DEVELOPMENT OWNER LLC 2652 S MAIN ST			3,207,110	1,282,844					
Levies	Taxable Value	-	Exemptions	=	Net Assessment	X	Tax Rate	=	Net Tax
CITY OF KENNESAW	1,282,844		0		1,282,844		7.7500000000		\$9,942.04
BOND	1,282,844		0		1,282,844		1.5000000000		\$1,924.27
Exemptions:									
You are receiving this bill due to the finalization of your appeal.									
Interest will accrue monthly at a rate of .96% per month, based on an annual calculation of Federal Prime Rate (8.5%) plus 3%. To arrive at the new monthly interest rate divide the Federal Prime Rate by 12. This annual interest rate will change when the Federal Reserve announces the new bank prime loan rate each January (House Bill 960). Penalty will accrue at 5% after 120 days with an additional 5% assessed after each successive 120 days to a maximum of 20% of the principle amount due (House Bill 960).									
Any questions concerning payment instructions should be directed to the City of Kennesaw Property Tax Department at (770) 429-4542 or taxoffice@kennesaw-ga.gov.									

Current Year Tax	\$11,866.31
Interest	\$17.09
Penalty	\$0.00
Other Fees	\$0.00
Payments Received	\$11,883.40
Other Amounts Due	\$0.00
Total Due	\$0.00
Due Date	06/25/2024



City of Kennesaw
PROPERTY TAX DIVISION
2529 J. O. STEPHENSON AVE
KENNESAW, GA 30144-2780

Please make check or Money Order Payable to :
City of Kennesaw Property Tax Division and
include the Parcel ID on your check.

For your convenience, you may pay by check,
money order, Discover, Mastercard, AMEX,
VISA.
3% fee and \$3.50 per transaction fee added to
debit/credit card payments. \$1.25 fee per
ECheck transaction paid online.

Parcel ID: 20016700020
Amount Due: \$0.00
Bill#: 254887
Due Date: 06/25/2024

AMOUNT PAID

KENNESAW DEVELOPMENT OWNER LLC
1776 PEACHTREE ST NW
ATLANTA, GA 30309

City of Kennesaw
PROPERTY TAX DIVISION
2529 J. O. STEPHENSON AVE
KENNESAW, GA 30144-2780



Community Development Department
Plan Review Committee

Plan Review Coordinator
Scott Banks, Building Official

Plan Review Committee Members
Darryl Simmons, Zoning Administrator
Ricky Stewart, Public Works Director
Luke Howe, Economic Development Director

To: Mayor and Council

From: Plan Review Committee

Date: November 12, 2024

The final plat (FP2024-05) was submitted by the applicant Kennesaw Development Owner, LLC for 2652 South Main Street (20016700020) and it was received and reviewed by the Plan Review Committee. The application was submitted to revise the final plat submitted and recorded in 2022 to include water and sewer easements. All members of the Plan Review Committee have verified said plat, and all comments were addressed. The final plat is in compliance and ready for your consideration and approval.

Scott Banks, Plan Review Coordinator

(CLERK OF COURT RECORDING INFORMATION)

CITY OF KENNESAW
GEORGIA

ORDINANCE NO. 2021-15, 2021

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF KENNESAW, GEORGIA SO AS TO CHANGE THE ZONING DISTRICT DESIGNATION FROM CITY LIGHT INDUSTRIAL (LI) TO CITY CENTRAL BUSINESS DISTRICT (CBD) FOR PROPERTY LOCATED AT 2652 SOUTH MAIN STREET (LAND LOT 167 & 168 AND TAX PARCEL 2)

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KENNESAW, COBB COUNTY, GEORGIA, AS FOLLOWS:

WHEREAS, Bulldog Acquisitions, LLC has made an application to amend the Official Zoning Map of the City of Kennesaw, Georgia so as to change the zoning designation from CITY LIGHT INDUSTRIAL (LI) TO CITY CENTRAL BUSINESS DISTRICT (CBD); for property located at 2652 South Main Street, identified as 20th District, Land Lot 167 & 168 Tax Parcel 2 containing +/- 19.1 acres (as more particularly described below); and

WHEREAS, notice was advertised in the Marietta Daily Journal on September 17, 2021, September 24, 2021, October 15, 2021, October 22, 2021, November 12, 2021 and November 19, 2021 of a public hearing before the Kennesaw Planning Commission held on October 6, 2021, November 3, 2021 and December 1, 2021 and the Mayor and Council on October 18, 2021, November 15, 2021 and December 20, 2021; and

WHEREAS, the Kennesaw Planning Commission held a public hearing on this proposal at a meeting held October 6, 2021, November 3, 2021 and December 1, 2021; and

WHEREAS, the Mayor and Council held a public hearing to consider this proposal at a meeting held October 18, 2021, November 15, 2021 and December 20, 2021; and

WHEREAS, the Mayor and Council have determined that the proposed amendment to the Official Zoning Map is in the public interest and meets the standards established in the Kennesaw Zoning Code.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KENNESAW, COBB COUNTY, GEORGIA, AS FOLLOWS.

SECTION 1. The Official Zoning Map of the City of Kennesaw, Georgia is hereby amended so as to change the zoning district designation from CITY LIGHT INDUSTRIAL (LI) TO CITY CENTRAL BUSINESS DISTRICT (CBD) for the following described property:

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lots 167 and 168 of the 20th District, 2nd Section, Cobb County, Georgia, and being more particularly described as follows:

Commencing at a 5/8" rebar set at the point of intersection of the northerly right-of-way of the North Carolina & St. Louis Railroad spur line (50' R/W) and the easterly right-of-way of Old Highway 41 (60' R/W); said point being the TRUE POINT OF BEGINNING;

Thence along said easterly right-of-way the following courses and distances: North 02 degrees 40 minutes 39 seconds East, 319.53 feet to a 5/8" rebar set; along a curve to the left, an arc distance of 183.62 feet, said curve having a radius of 6475.28 feet and being subtended by a chord of 183.61 feet, at North 01 degrees 51 minutes 55 seconds East, to a 5/8" rebar set; Thence leaving said easterly right-of-way South 83 degrees 45 minutes 19 seconds East, 526.11 feet to a 1/2" rebar found; Thence North 00 degrees 23 minutes 14 seconds East, 326.11 feet to a rod set in concrete found on the southerly right-of-way of Duncan Drive (60' R/W); Thence along said southerly right-of-way the following courses and distances: North 89 degrees 34 minutes 56 seconds East, 226.05 feet to a PK nail set; along a curve to the left, an arc distance of 537.96 feet, said curve having a radius of 57553.50 feet and being subtended by a chord of 537.96 feet, at North 89 degrees 18 minutes 52 seconds East, to a 5/8" rebar set; North 89 degrees 02 minutes 48 seconds East, 136.91 feet to a 1/2" rebar found; Thence leaving said southerly right-of-way South 00 degrees 21 minutes 52 seconds East, 848.37 feet to a 1/2" rebar found on said northerly right-of-way of the North Carolina & St. Louis Railroad spur line (50' R/W); Thence along said northerly right-of-way the following courses and distances: North 74 degrees 45 minutes 53 seconds West, 446.40 feet to a 5/8" rebar set; along a curve to the left, an arc distance of 360.32 feet, said curve having a radius of 27114.88 feet and being subtended by a chord of 360.32 feet, at North 75 degrees 08 minutes 43 seconds West, to a 5/8" rebar set; North 75 degrees 31 minutes 34 seconds West, 62.19 feet to a 5/8" rebar set; along a curve to the left, an arc distance of 195.98 feet, said curve having a radius of 809.69 feet and being subtended by a chord of 195.50 feet, at North 82 degrees 27 minutes 36 seconds West, to a 5/8" rebar set; along a curve to the left, an arc distance of 91.46 feet, said curve having a radius of 368.78 feet and being subtended by a chord of 91.23 feet, at South 83 degrees 30 minutes 05 seconds West, to a 5/8" rebar set; along a curve to the left, an arc distance of 187.31 feet, said curve having a radius of 570.35 feet and being subtended by a chord of 186.47 feet, at South 66 degrees 59 minutes 17 seconds West, to a 5/8" rebar set; South 57 degrees 34 minutes 46 seconds West, 188.42 feet to a 5/8" rebar set said point being the TRUE POINT OF BEGINNING.

SECTION 2. BE IT FURTHER ORDAINED THAT the amendment to the Official Zoning Map outlined in Section 1 above is adopted to change the zoning district designation from CITY LIGHT INDUSTRIAL (LI) TO CITY CENTRAL BUSINESS DISTRICT (CBD) +/- 19.1 acres with stipulations as follows:

CITY OF KENNESAW
ORDINANCE NO. 2021-15, 2021

STIPULATIONS APPLICABLE TO THE OVERALL MIXED-USE DEVELOPMENT

- The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions in whatever form which are currently in place concerning the Subject Property.
- The Subject Property will be rezoned from LI to CBD in order to allow for the development and construction of a Mixed-Use Development in substantial conformity to the current revised site plan prepared by J. Lancaster Associates, Inc. which is being submitted concurrently herewith.
- The Subject Property consists of an approximate 19.125 acre tract of land which shall be developed as a Mixed-Use Development including the components mentioned above with ancillary and permitted uses allowed under and pursuant to the CBD Zoning District.
- There shall be the Master Developer and will be involved with all aspects of the development including, but not limited to, all of the components located therein.
- Prior to the issuance of Final Certificates of Occupancy regarding the Multi-Family component, the developer will develop the entire infrastructure and have completed the linear park, pad ready the commercial building. Additionally, the townhomes will begin construction prior to the final CO's for the multifamily building.
- Prior to the issuance of the final Multi-Family Certificate of Occupancy, a final plat shall be recorded and the developer shall submit Master Protective Covenants for the Mixed-Use Development which shall include all phases. Currently therewith, Master Association documents shall be submitted which will include all components of the proposed development. The Master Association will ultimately be responsible for the oversight, upkeep and maintenance of all entrance areas, common areas, community buildings and structures, Open Space areas, including the new Gateway Park extension and all of its associated amenities, pedestrian connectivity and similar features contained within the overall Mixed-Use Development.
- The Master Association shall have Architectural Design Regulations and other usual and customary Covenants and Restrictions to protect the quality and integrity of the Mixed-Use Development's architecture.
- The architectural style and composition regarding the Mixed-Use Development shall be in reasonable conformity to the architectural renderings/elevations/photographs (depicting all components) which were submitted concurrently with the Application.
- The developer agrees to construct all of the necessary roadways and infrastructure improvements as more particularly shown and reflected on the current revised site plan. Additionally, the developer agrees to comply in all respects with the City's specifications concerning such infrastructure improvements which are interior to the Mixed-Use Development. The developer will work with the city on improvements to Duncan Drive including potentially extending sidewalks to Big Shanty Road.
- Entrance signage shall be ground-based, monument-style signage with finish, materials and colors being in substantial conformity to the architectural style

CITY OF KENNESAW
ORDINANCE NO. 2021-15, 2021

embodied in the Mixed-Use Development. Said signage may include building-attached, vertical marquee signage and other signage allowed under and pursuant to the City of Kennesaw Sign Ordinance.

- The entrance areas of the Mixed-Use Development shall be professionally designed, landscaped, maintained, irrigated and themed to the architectural style and composition of the proposed development.
- Lighting with the proposed Mixed-Use Development shall be environmentally sensitive, decorative and themed to the architectural style and composition of the respective components of the development. Every effort shall be made to make all lighting as unobtrusive as possible. All proposed lighting plans will be subject to approval during the City of Kennesaw Plan Review process.
- All setback and buffer areas may be penetrated for purposes of grading, detention, utilities and stormwater management as long as such encroachments satisfy City of Kennesaw developmental regulations and requirements and if approved by the City of Kennesaw Public Works Director and Planning and Zoning Administrator.
- All streets within the interior of the proposed Mixed-Use Development shall be private and shall be owned and maintained by the developer.
- Notwithstanding anything herein to the contrary, the maximum number of residential multifamily units shall not exceed 318 units and the minimum number of single-family residential townhome units shall be 44 units.
- Minor modifications to the within and foregoing stipulations/conditions, lighting, landscaping, signage, architecture, site fixtures and the like may be approved by the City's Planning and Zoning Administrator or his designee as needed or necessary.
- The Master Association would have a structure to handle the utilities and payment of utilities for the development.
- Applicant will work with the City of Kennesaw to connect South Main Street and Big Shanty Drive by way of a continuous sidewalk.
- At 80% of occupancy, applicant will fund a traffic signal warrant study and if warranted, will fund the installation of a traffic signal, as read into the record and discussed.

STIPULATIONS APPLICABLE TO THE SINGLE-FAMILY RESIDENTIAL ATTACHED TOWNHOME COMPONENT OF THE PROPOSED MIXED-USE DEVELOPMENT

- The exterior material of the townhomes will consist of masonry material (i.e., brick, brick veneer, stone, stacked stone or any combination thereof) on any and all sides visible from Duncan Drive.
- The minimum square footage of each townhome unit shall be 1,800 square-feet. The minimum heated floor area of each townhome unit shall be 1,400 square-feet. All townhomes shall have a minimum two-car garage with a minimum 20-foot driveway. The garage shall be primarily used for the parking of vehicles and shall not be converted to other uses.
- The maximum number of single-family rental units may not exceed 10% of the townhome development.

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ORDINANCE NO. 2021-15, 2021

SECTION 3. BE IT FURTHER ORDAINED THAT it is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses, and phrases are severable, and if any section, paragraph, sentence, clause, and phrase is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance.

SECTION 4. BE IT FURTHER ORDAINED THAT this Ordinance shall become effective from and after its adoption and execution by the Mayor, pursuant to Section 2.11 of the City Charter of the City of Kennesaw.

PASSED AND ADOPTED by the Kennesaw City Council on this 20th day of December, 2021.

ATTEST:

Lea Alvarez
Lea Alvarez, City Clerk



CITY OF KENNESAW

Derek Easterling
Derek Easterling, Mayor

CITY OF KENNESAW
ORDINANCE NO. 2021-15, 2021

- Gas stations and convenience stores with gas sales.
- Pawn shops.
- Automotive wash service.
- Boat sales and repairs.
- Boarding and breeding kennels.
- Dry cleaning plants.
- Farm equipment sales and service.
- Lumber, hardware and other building material establishments.
- Mobile home and travel trailer sales.
- Motorcycle sales and service.
- Check cashing establishments.
- Service stations.
- Station terminals for bus and/or rail passenger service.
- Taxi stands.
- Tattoo parlors.
- Massage parlors.
- Pool halls.
- Package stores (except within the context of wine/spirits sold in a market or specialty shop).

11. The Non-Residential components will include pedestrian walkways between the proposed buildings and throughout the parking area subject to review and approval by the City's Staff.

STIPULATIONS APPLICABLE TO THE RESIDENTIAL (MULTI-FAMILY LUXURY HOMES) COMPONENT OF THE PROPOSED MIXED-USE DEVELOPMENT

- Within the Residential area of the proposed Mixed-Use Development (9.0+ acres) there shall be a total maximum number of 318 highly amenitized Class A Luxury Multi-Family Homes.
- The proposed Residential Community shall have state of the art recreational facilities and amenities for the use and enjoyment of its residents as follows:
 - Conveniently located pool area which will include a clubhouse which will feature a lounge and flex coffee-style bar area.
 - A business center with shared work space for residents.
 - Bicycle racks and storage.
 - A minimum of 10 electric car charging stations located inside the parking deck for multi-family residential use and a minimum of 4 electric car charging stations for the surface parking lots in close proximity to the detached retail building.
- Floor plans and finishes within the Multi-Family homes shall consist, at a minimum, of the following:
 - A minimum of 9 feet ceiling heights from floor to finished ceilings and greater and a minimum of 10 feet between floors.
 - Wood framed cabinetry or its equivalent.
 - Enhanced granite, quartz, marble or other solid surface countertops.

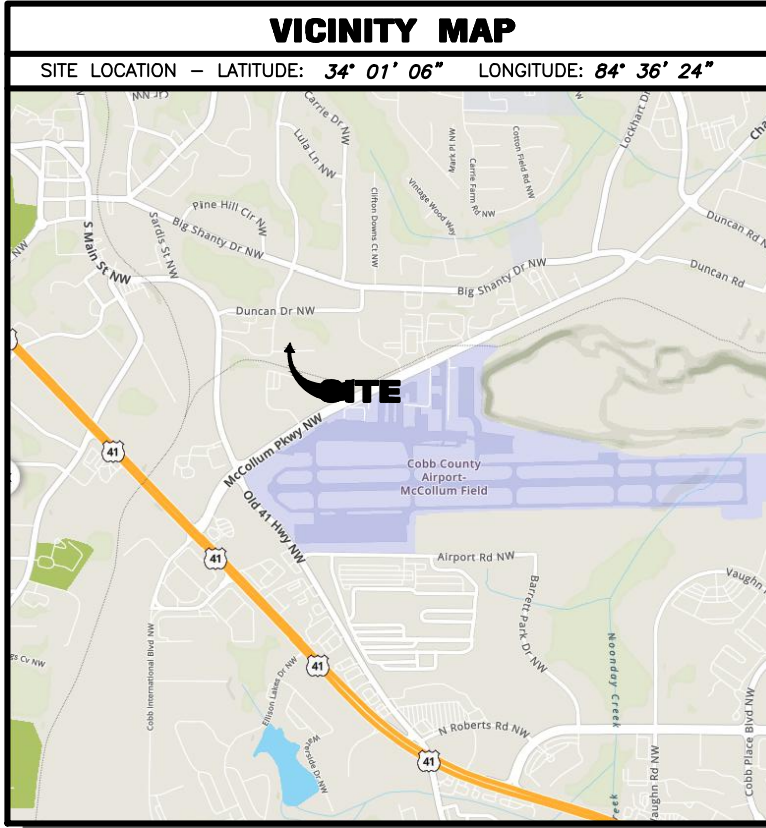
CITY OF KENNESAW
ORDINANCE NO. 2021-15, 2021

- High-end appliances consistent with luxury apartment and condominium finishes.
- Deep stainless-steel kitchen sinks.
- Wood-inspired plank flooring throughout.
- Open floor plans including spacious walk-in closets.
- High speed internet wiring in all units.
- Upgraded lighting package throughout each unit.
- Window treatments throughout the units to present a uniform appearance.
- First class landscape and hardscape throughout the proposed development.
- Energy efficient construction which will meet and exceed the Georgia Energy Code.
- Controlled access to buildings, parking and amenity areas.

- The overall lighting within the proposed development shall be environmentally sensitive, decorative and themed to the architectural style and composition of the buildings.
- Pedestrian lighting style and concept will be subject to review and approval by the Planning and Zoning Administrator during the Plan Review process. Additionally, hooded lighting shall be utilized on the buildings and throughout the walkways and surface parking areas.
- Signage for the proposed development shall be ground-based, monument style and shall be constructed in the style and of the materials which are complementary to the proposed architecture as aforementioned and shall include vertical, building-attached marquee-type signage.
- Compliance with recommendations from the City Engineer and Public Works Director with respect to hydrology, detention and downstream considerations.
- Compliance with recommendations from the City Engineer and Public Works Director with respect to traffic and transportation issues. Additionally, compliance with the recommendations from the Traffic Assessment/Traffic Impact Study ("TIS") that was submitted with the application.
- All construction and employee vehicles and equipment will be parked and otherwise located on the Subject Property during the development of infrastructure and construction of the buildings unless agreements with adjacent property owners are negotiated.
- Landscaping for the entrance area, signage areas, amenity and courtyard areas and all other common areas immediately surrounding the proposed buildings shall be professionally designed, implemented and maintained.
- All landscaping referenced herein shall be approved by the City of Kennesaw Arborist as a part of the Plan Review process and incorporated into the overall landscape plan for the proposed development.
- All utilities servicing units within the proposed development shall be located underground.
- Any retaining walls exposed to public rights-of-way or adjacent properties shall be faced with hard surfaced materials such as brick, stone, stacked stone and/or split-faced segmented block wall.
- Any sidewalk, curb or guttering damaged or destroyed during construction shall be repaired or fully replaced during the completion of the project.

CITY OF KENNESAW
ORDINANCE NO. 2021-15, 2021

CITY OF KENNESAW
ORDINANCE NO. 2021-15, 2021



GENERAL NOTES

THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR ENTITIES NAMED HEREON. NO EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE INFORMATION SHOWN HEREON IS TO BE EXTENDED TO ANY PERSONS OR ENTITIES OTHER THAN THOSE SHOWN HEREON.

REVISIONS LISTED ON THIS SURVEY APPLY ONLY TO THE SPECIFIC CHANGES REFERENCED, AND DO NOT CONSTITUTE AN UPDATE OF OTHER DATA ON THIS SURVEY. THE "SURVEY DATE" SHOWN HEREON IS THE APPLICABLE DATE AS RELATED TO PROVISIONS OF STATUTES OF LIMITATION UNLESS SPECIFICALLY NOTED OTHERWISE.

THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA BASED ON THE FLOOD INSURANCE RATE MAP FOR THIS AREA. THE MAP NUMBER FOR THIS AREA IS 1306700050N, AND THE DATE OF SAID MAP IS MARCH 4, 2013. THIS DETERMINATION WAS MADE BY GRAPHICALLY DETERMINING THE POSITION OF THIS SITE ON SAID FIRM MAPS UNLESS OTHERWISE NOTED.

RIGHT-OF-WAY LINES SHOWN ON THIS SURVEY THAT ARE NOT ACTUAL BOUNDARIES OF THE SUBJECT TRACT(S) ARE DEPICTED GRAPHICALLY AND ARE SHOWN APPROXIMATELY FOR INFORMATIONAL PURPOSES ONLY. SAID RIGHT-OF-WAY LINES SHOULD NOT BE UTILIZED FOR DESIGN PURPOSES.

THE DATUM FOR THIS SITE WAS ESTABLISHED UTILIZING GLOBAL POSITIONING SYSTEMS, AND BASED ON POSITIONAL VALUES FOR THE HORIZONTAL REFERENCE FRAME IS NORTH AMERICAN DATUM OF 1983 (NAD83). THE VERTICAL REFERENCE FRAME IS NORTH AMERICAN VERTICAL DATUM OF 1988. ANY DIRECTIONS OR DIMENSIONS SHOWN ARE A RECTANGULAR, GROUND LEVEL PROJECTION OF THE STATE PLANE COORDINATE SYSTEM.

THE SITE IS ZONED "CBD" (CITY CENTRAL BUSINESS DISTRICT) PER APPROVED ZONING LETTER BY THE CITY OF KENNESAW, DATED DECEMBER 20, 2021.

PLEASE NOTE: ZONING AND SETBACKS SHOULD BE CONFIRMED AND VERIFIED BY PLANNING AND ZONING PRIOR TO DESIGN OR CONSTRUCTION ACTIVITIES.

ALL FIRE LANE EASEMENTS WILL ALSO SERVE AS PUBLIC ACCESS EASEMENTS.

SURVEY REFERENCES

1. ALTA/ACSM LAND TITLE SURVEY FOR ASHLEY KENNESAW, LLC, PREPARED BY GEOSURVEY, LTD., DATED SEPTEMBER 9, 2008.

STIPULATIONS APPLICABLE TO THE NON-RESIDENTIAL COMPONENTS OF THE PROPOSED MIXED-USE DEVELOPMENT

- The developer proposes a retail, apartment and townhome Mixed-Use Concept by varying facades, roof elevations and other aesthetically pleasing treatments in substantial conformity to the architectural renderings/elevations/photographs & other imagery which was mentioned hereinabove and attached hereto.
- The architectural style and composition shall be substantially similar to the architectural renderings/elevations and imagery or as may be approved during the Plan Review Process. It is understood that said architectural imagery is conceptual in nature and shall be refined, clarified and focused as the Mixed-Use Development proceeds through the Plan Review Process. Additionally, it is also understood that the positioning of certain components of the architecture, for example, windows, patios and other such features, etc. may be revised during the final Plan Review Process as well.
- Landscaping for the proposed development shall be pursuant to a specific landscape plan which shall be submitted during the Plan Review Process, with reference being made to said landscape plan for more particular delineation and location of the plantings and species to be planted.
- Parking area lighting shall be a maximum height of thirty feet (30') and shall be environmentally sensitive, energy efficient, horizontal cut-off luminaries which will eliminate light pollution in order to prevent illumination from penetrating outside of the boundaries of the Subject Property. Lighting fixtures shall be substantially similar in design to those found within Downtown Kennesaw.
- Hooded security lighting shall be utilized on the buildings within the Non-Residential areas as required by Kennesaw Developmental Regulations.
- The applicant agrees to install and construct site lighting to a site lighting/photometric plan which shall be submitted to the City Staff for review and approval during the Plan and Review Process.
- Dumpsters will be positioned so as to prevent visual intrusion from streets, connection points to the community spaces and, wherever possible with screening by landscaping, walls and/or vegetation. Dumpsters shall have rubber lids and bumpers to minimize noise during their emptying. At grade trash compaction shall also be allowed and screened as appropriate.
- Any exhaust from restaurant facilities which may be constructed shall be filtered and/or attenuated to minimize odors.
- There shall be no outdoor paging system, phone bells or loud speakers. However, outdoor music systems and outdoor musical performances shall be allowed.
- The following uses shall be prohibited as well as all use limitations found within Section 4.02.03 (E) of the City of Kennesaw Unified Development Code:
 - Video arcades as a primary use.
 - Adult themed book and novelty stores as a primary use.
 - Automotive sales, repair and/or service facilities.
 - Movie theaters.

CITY OF KENNESAW
ORDINANCE NO. 2021-15, 2021

ZONING APPLICATION APPROVAL DATES

- REZONING APPLICATION (CASE #2021-06)
 - PLANNING COMMISSION: 12/01/2021 (APPROVAL WITH CONDITIONS)
 - MAYOR AND COUNCIL: 12/20/2021 (APPROVED WITH CONDITIONS)
- VARIANCE APPLICATION (CASE #2021-05)
 - PLANNING COMMISSION: 12/01/2021 (APPROVAL)
 - MAYOR AND COUNCIL: 12/20/2021 (APPROVED)
- CENTRAL BUSINESS DISTRICT PROJECT APPLICATION (CASE #2020-04)
 - KENNESAW DOWNTOWN DEVELOPMENT AUTHORITY: 9/14/2021 (APPROVAL)
 - HISTORIC PRESERVATION COMMISSION: 11/12/2021 (APPROVAL WITH CONDITIONS)
 - MAYOR AND COUNCIL: 12/20/2021 (APPROVED WITH CONDITIONS)

NO STREET PARKING HAS BEEN APPROVED FOR THIS DEVELOPMENT.

2 SHEET
OF 2

MINUTES OF MAYOR & COUNCIL MEETING
CITY OF KENNESAW
DECEMBER 20, 2021

MINUTES OF MAYOR & CITY COUNCIL MEETING
CITY OF KENNESAW
Council Chambers
Monday, December 20, 2021
6:30 P.M.

Present: Mayor Derek Easterling
Mayor Pro Tem Tracey Viars
Councilmember James Eaton
Councilmember Pat Ferris
Councilmember Chris Henderson
City Manager Jeff Drotney
City Clerk Lea Alvarez
City Attorney Randall Bentley, Sr.

Absent: Councilmember Nimesh Patel

I. INVOCATION

City Attorney Randall Bentley Sr. led the invocation.

II. PLEDGE OF ALLEGIANCE

Cub Scout Pack 002 led the pledge of allegiance.

III. CALL TO ORDER

IV. ANNOUNCEMENTS

- A. This public meeting is being conducted via the use of real-time telephonic technologies allowing the public simultaneous access to the public meeting. You may also attend in person with limited seating available at both the Council Chambers and the Ben Robertson Community Center, if needed. Mayor and Council will be conducting their meeting through Zoom Meeting and Facebook Live and you can access the meeting via the following link: <https://www.facebook.com/CityofKennesaw/>
- B. If you would like to provide public comment on a specific agenda item, you can email kennesawcouncil@kennesawga.gov no later than 6:00 P.M. the night of the regular meeting. Your comments on a specific agenda item will be read aloud or grouped into categories for the record. Facebook Live is not monitored for public comment.

[The City Attorney swore-in any witnesses or individuals offering comments on the agenda].

V. PRESENTATIONS

No items.

VI. PUBLIC COMMENT/BUSINESS FROM THE FLOOR

6:34 P.M. Floor Open for Public Comments

No comments.

6:35 P.M. Floor Closed for Public Comments

VII. OLD BUSINESS

No items.

VIII. NEW BUSINESS

No items.

IX. COMMITTEE AND BOARD REPORTS

No items.

X. PUBLIC HEARING(S)

- A. Approval of **ORDINANCE NO. 2021-15, 2021** granting a rezoning request submitted by Bulldog Acquisitions, LLC for the property located at 2652 South Main Street. Case #RZ2021-06. The applicant is seeking to rezone property from Light Industrial (LI) to Central Business District (CBD). The property consists of 19.125 +/- acres and lies in Land Lots 167 & 168 and Tax Parcel 02 of the 20th District, 2nd Section, Cobb County Georgia. The intent of the project is to construct a mixed-use development with a minimum of 44 for-sale townhomes, 318 multi-family apartment units, 5,000 to 10,000 square feet of commercial that wraps around a multi-level parking deck, an additional detached retail building with 10,000 to 25,000 square feet of commercial space, a multi-level parking deck, southern extension of the City's existing Gateway Park along Main Street, interconnected trails and pedestrian connectivity. The rezoning request was advertised in the Marietta Daily Journal on September 17 & 24, 2021, October 15 & 22, 2021 and November 12 & 19, 2021 and a public notice sign has been posted on site. At their October 6, 2021 meeting, the Planning Commission recommended to postpone the rezoning application to their regularly scheduled November 3, 2021 meeting. On November 3, 2021, the Planning Commission did not have enough commission members present at City Hall to make quorum. At their December 1, 2021 meeting, the Planning Commission recommended approval with the conditions as outlined in staff analysis report as well as the following additional conditions: 1) The maximum allowable number of townhomes is 65 units and 2) There shall be no business in the combined vertical commercial/residential building that utilizes fryers or grills. Vote 3-0. STAFF RECOMMENDATION: Zoning Administrator recommends approval with conditions.

Zoning Administrator Darryl Simmons presented an ordinance granting a rezoning request submitted by Bulldog Acquisitions, LLC for property located at 2652 South Main Street. Mr. Simmons pointed out the applicant and his legal representative were not

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present in the Chambers at this time. He began his presentation by mentioning the proposal consists of four components: 44 for-sale townhomes, 318 multifamily apartment units, 5,000 to 10,000 square feet of commercial space that wraps around a multi-level parking deck, and an additional detached retail building slated for 10,000 to 25,000 square feet of commercial space. Mr. Simmons read conditions recommended by both staff and the Planning Commission and made clear incorporating those recommendations are up to Mayor and Council. One of the major points of discussion from the work session was a stipulation letter received by staff from the applicant's attorney, Parks Huff, of Sams Larkin & Huff LLP. Mr. Simmons asked for the stipulation letter to not be used as a point of reference for the motion. Staff's recommendation is based on the staff analysis, not the stipulation letter.

Due to the applicant and his attorney still being absent, Mr. Simmons briefly touched on traffic, another key issue discussed at the work session. One of the recommendations provided by Council was for the applicant to entertain and fund a traffic study to determine whether a traffic light is needed. After talking to the applicant's legal representative, the applicant would be open to using the proper financial vehicle to fund a traffic impact study, and if determined necessary, a traffic light.

Motion by Councilmember Eaton to lay item X-A on the table until the end of the meeting, seconded by Councilmember Henderson. Vote taken, approved 3-1-1 [Councilmember Ferris opposed and Councilmember Patel absent]. Motion carried.

Motion by Mayor Pro Tem Viars to lay item X-B on the table until the end of the meeting, seconded by Councilmember Henderson. Vote taken, approved 3-1-1 [Councilmember Ferris opposed and Councilmember Patel absent]. Motion carried.

[At this time, Mayor Easterling proceeded to item X-C on the agenda].

[After voting on item XII-D (see page 10), Council voted to take from the table items X-A and X-B].

The applicant's attorney, Parks Huff, apologized for being late. Mr. Huff explained how the case started with the property owner coming to the City with a Light Industrial piece of property. Since TUG Technologies is leaving the facility, the owner collaborated with Mr. Huff's client to create a mixed use development as a gateway to the city. Mr. Huff walked Council through the different components on the site plan including surface parking, independent commercial, improved walkability, as well as marketable and highly amenitized residential.

Mr. Huff wanted to address several questions mentioned at the work session. First, the applicant has committed to doing a traffic warrant study to see if a signal is needed at the intersection at 80% of occupancy. If justified, the applicant would enter a development agreement with the City to pay for any signalization installation. Mr. Huff pointed out his client is flexible on the percentage of occupancy. The second question was regarding the difference in the square footage on the commercial spaces. The range is to allow flexibility in what is built out in regards to common spaces, patios, etc. The third question Mr. Huff wanted to address is the detached retail building. He stated it is different from the vertical mixed-use because it is an independent commercial space. He emphasized the

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importance of having it purpose built for a tenant, and that his client is confident it will be built with the entire infrastructure in place, so when the right tenant comes along, it can go vertical and be activated. Until then, it will be a viable commercial space. Mr. Huff asked Mayor and Council to follow staff's recommendation for approval as well as the Planning Commission's recommendation for approval.

7:15 P.M. Floor Open for Public Comments

No comments.

7:16 P.M. Floor Closed for Public Comments

Councilmember Ferris stated he is not comfortable with this proposal. He shared if anyone has driven around here in the mornings or afternoons, he or she knows how congested it can get. He appreciates Mr. Huff's applicant funding a traffic study; however, it will be a year or two after it is developed, so essentially, everything will already be completed at that point.

Mr. Simmons stated Mayor and Council might want to incorporate the agreements that were made in regards to the funding of a traffic signal warrant study, and potentially, a traffic signal itself, into the motion. Mr. Huff agreed it was correct.

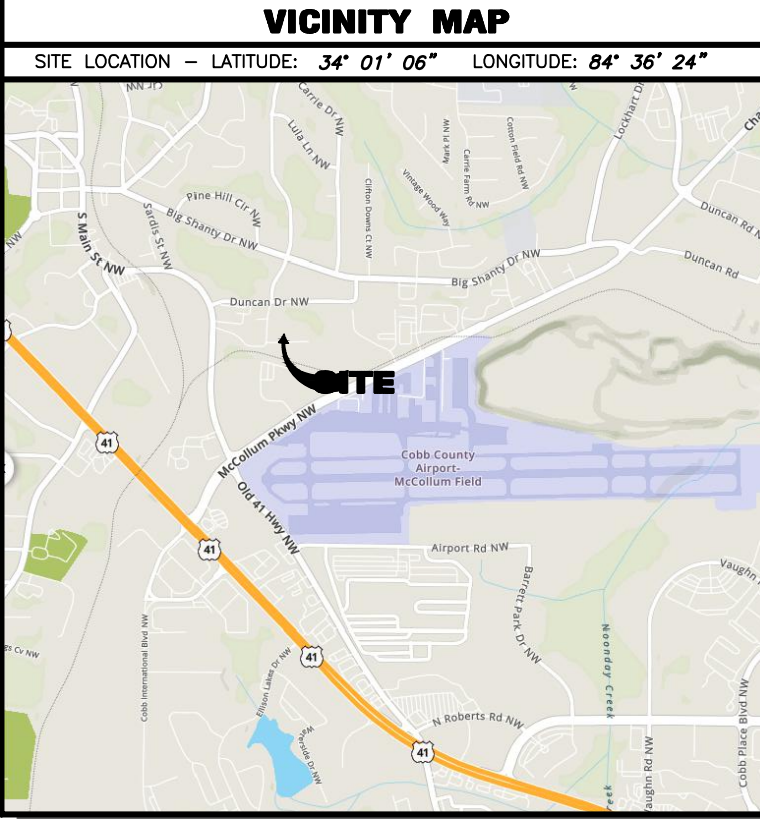
Amended motion by Mayor Pro Tem Viars to approve an ordinance granting a rezoning request submitted by Bulldog Acquisitions, LLC for the property located at 2652 South Main Street from Light Industrial to Central Business District using the city's staff analysis as our guiding document and excluding the applicant's attorney's stipulation letter. Additionally, removing two stipulations listed by the Planning Commission to allow restaurants with fryers and grills in the commercial space under the multifamily residences and to revert back to the original guideline to allow a minimum of 44 for-sale townhomes rather than have a cap of 65. Further, at 80% of occupancy, the applicant will fund a traffic signal warrant study, and if warranted, will fund the installation of a traffic signal, as read into the record and discussed, seconded by Councilmember Henderson.

Vote taken, approved 3-1-1 [Councilmember Ferris opposed and Councilmember Patel absent]. Motion carried.

- B. Consideration of a variance request for property submitted by Bulldog Acquisitions, LLC for property located at 2652 South Main Street. Case No. ZV2021-05. This application involves two variance requests for the following:

CITY OF KENNESAW
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GENERAL NOTES

THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR ENTITIES NAMED HEREON. NO EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE INFORMATION SHOWN HEREON IS TO BE EXTENDED TO ANY PERSONS OR ENTITIES OTHER THAN THOSE SHOWN HEREON.

REVISIONS LISTED ON THIS SURVEY APPLY ONLY TO THE SPECIFIC CHANGES REFERENCED, AND DO NOT CONSTITUTE AN UPDATE OF OTHER DATA ON THIS SURVEY. THE "SURVEY DATE" SHOWN HEREON IS THE APPLICABLE DATE AS RELATED TO PROVISIONS OF STATUTES OF LIMITATION UNLESS SPECIFICALLY NOTED OTHERWISE.

THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA BASED ON THE FLOOD INSURANCE RATE MAP FOR THIS AREA. THE MAP NUMBER FOR THIS AREA IS 1306700025H, AND THE DATE OF SAID MAP IS MARCH 4, 2013. THIS DETERMINATION WAS MADE BY GRAPHICALLY DETERMINING THE POSITION OF THIS SITE ON SAID FIRM MAPS UNLESS OTHERWISE NOTED.

RIGHT-OF-WAY LINES SHOWN ON THIS SURVEY THAT ARE NOT ACTUAL BOUNDARIES OF THE SUBJECT TRACTS ARE DEPICTED GRAPHICALLY AND ARE SHOWN APPROXIMATELY FOR INFORMATIONAL PURPOSES ONLY. SAID RIGHT-OF-WAY LINES SHOULD NOT BE UTILIZED FOR DESIGN PURPOSES.

THE DATUM FOR THIS SITE WAS ESTABLISHED UTILIZING GLOBAL POSITIONING SYSTEMS, AND BASED ON POSITIONAL VALUES FOR THE VERTICAL REFERENCE STATION NETWORK DEVELOPED BY GPS SOLUTIONS. THE HORIZONTAL REFERENCE FRAME IS NORTH AMERICAN DATUM OF 1983 (NAD83) STATE PLANE COORDINATE SYSTEM OF GEORGIA-WEST ZONE. THE VERTICAL REFERENCE FRAME IS NORTH AMERICAN VERTICAL DATUM OF 1988. ANY DIRECTIONS OR DIMENSIONS SHOWN ARE A RECTANGULAR, GROUND LEVEL PROJECTION OF THE STATE PLANE COORDINATE SYSTEM.

THE SITE IS ZONED "CBD" (CITY CENTRAL BUSINESS DISTRICT) PER APPROVED ZONING LETTER BY THE CITY OF KENNESAW, DATED DECEMBER 20, 2021.

PLEASE NOTE: ZONING AND SETBACKS SHOULD BE CONFIRMED AND VERIFIED BY PLANNING AND ZONING PRIOR TO DESIGN OR CONSTRUCTION ACTIVITIES.

ALL FIRE LANE EASEMENTS WILL ALSO SERVE AS PUBLIC ACCESS EASEMENTS.

SURVEY REFERENCES
1) ALTA/ACSM LAND TITLE SURVEY FOR ASHLEY KENNESAW, LLC, PREPARED BY GEOSURVEY, LTD., DATED SEPTEMBER 9, 2008.

- 1.) reduce the average floor area of residential units from 1,000 square feet to 935 square feet per sections 4.02.03(G)(2)(c) & 4.02.03(G)(5)(c). 2.) reduce the minimum square footage from 850 square feet to 705 square feet per section 4.02.03(G)(5)(d). Parking ratio variance requested on the original application submittal was withdrawn. Said variance requests have been filed concurrently with a rezoning application. Request to change the zoning designation of the subject property from Light Industrial (LI) to Central Business District (CBD). The variance request was advertised in the Marietta Daily Journal on September 17 & 24, 2021, October 15 & 22, 2021, and November 12 & 19, 2021 and a public notice sign has been posted on site. At their October 6, 2021 meeting, the Planning Commission recommended to postpone the variance application to their regularly scheduled November 3, 2021. On November 3, 2021, the Planning Commission did not have enough commission members present at City Hall to make quorum. At their December 1, 2021 meeting, the Planning Commission recommended approval of both variances. Vote for variance #1 was 2-1 and vote for variance #2 totaled 3-0. STAFF RECOMMENDATION: Zoning Administrator recommends denial of the two variance requests.

Zoning Administrator Darryl Simmons stated staff's recommendation to deny the variance requests is based on what is written in the zoning ordinance, and as such, a clear hardship was not met. Mr. Simmons stated he would defer to the applicant's data that was presented as well as discussions held during the December 1, 2021 Planning Commission meeting.

Motion by Councilmember Eaton to approve a variance request submitted by Bulldog Acquisitions, LLC for the property located at 2652 South Main Street, as presented, seconded by Mayor Pro Tem Viars.

7:23 P.M. Floor Open for Public Comments

No comments.

7:24 P.M. Floor Closed for Public Comments

Vote taken, approved 3-1-1 [Councilmember Ferris opposed and Councilmember Patel absent]. Motion carried.

Councilmember Ferris wanted to clarify that the other councilmembers understand staff recommended denial but they voted in the affirmative. Mayor Pro Tem Viars and Councilmembers Eaton and Henderson responded yes.

[Mayor Pro Tem Viars recused herself from item X-C].

- C. Consideration of a variance request submitted by Mark Allen for the property located at 2950 Moon Station Road. Case No. ZV2021-06. Consideration to review and approve an 8-foot tall side-yard wooden privacy fence located at 2950 Moon Station Road. This is a variance request to go

CITY OF KENNESAW
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as per Sec. 6-36. Current application, background check and fingerprint results are on file. Sec. 6-42 refers to all locations within 300 feet of a private residence. This location is within 300 feet of a private residence. Sec. 6-42 states the Mayor and Council may waive the distance requirement if the quiet enjoyment of the premises by the residents thereof shall not be adversely affected and the granting of such license shall not have any adverse effect on the private residence. Finance Director recommends approval. 100.0000.32.1100 Application Fee \$350.00.

Finance Director Gina Auld presented a beer, wine, liquor, and Sunday sales package license for Monte Cristo Spirits, LLC d/b/a Monte Cristo Beer, Wine, and Liquor located at 1635 Old US 41 Highway, Suite 110. Ms. Auld explained this application is for a new owner and she recommended approval.

Motion by Mayor Pro Tem Viars to approve of a Beer, Wine, Liquor, and Sunday Sales Package License for Monte Cristo Spirits, LLC d/b/a Monte Cristo Beer, Wine, and Liquor located at 1635 Old US 41 Hwy, Suite 110, as presented, seconded by Councilmember Ferris. Vote taken, approved 4-0-1. [Councilmember Patel absent]. Motion carried.

Motion by Councilmember Eaton to take from the table items X-A and X-B, seconded by Councilmember Henderson. Vote taken, approved 4-0-1. [Councilmember Patel absent]. Motion carried.

XIII. PUBLIC SAFETY
BILL WESTENBERGER, Police Chief
RYAN SOLIS, 911 Communications Director

No items.

XIV. INFORMATION TECHNOLOGY
RICK ARNOLD, Co-Director
JOSHUA GUERRERO, Co-Director

No items.

XV. PUBLIC WORKS
RICKY STEWART, Director
ROBBIE BALENGER, Building & Facilities Manager

No items.

XVI. RECREATION AND CULTURE
RICHARD BANZ, Museum and Agency Director
STEVE ROBERTS, Parks and Recreation Director
ANN PARSONS, Smith-Gilbert Gardens Director

No items.

XVII. COMMUNITY DEVELOPMENT
LUKE HOWE, Economic Development Director
DARRYL SIMMONS, Zoning Administrator
SCOTT BANKS, Building Official

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- A. Approval of a Central Business District (CBD) project submitted by Bulldog Acquisitions, LLC for the property located at 2652 South Main Street. Case # CBD2021-04. The applicant is seeking approval of a Central Business District (CBD) project located at 2652 S Main Street. The property consists of 19.125 +/- acres, and lies in Land Lots 167 & 168 and Tax Parcel 02 of the 20th District, 2nd Section, Cobb County Georgia. The intent of the project is to construct a mixed-use development with for-sale townhomes, 318 multi-family apartment units, 5,000 to 10,000 square feet of commercial that wraps around a multi-level parking deck, an additional detached retail building with 10,000 to 25,000 square feet of commercial space, southern extension of the City's existing Gateway Park along Main Street, interconnected trails and pedestrian connectivity. The CBD project approval process requires a business plan review and approval by the Kennesaw Downtown Development Authority (KDDA) and the conceptual design approval by the Kennesaw Historic Preservation Commission (HPC). At their regularly scheduled meeting held on September 14, 2021, the KDDA recommended to approve the CBD application. Vote 4-0. On a special call meeting held on November 12, 2021, the HPC recommended to approve the application with the stipulation that the applicant will submit for approval and review to the HPC the design and schematics for landscaping, architectural elevations and the commercial buildings within that property for twenty five percent (25%) submittal, and subsequent submittals to be further evaluated and decided by the HPC with respect to the final approval and final design plans. Vote 4-0. The Zoning Administrator recommends approval with the stipulations as defined by the HPC.

Zoning Administrator Darryl Simmons stated now that the 2652 South Main Street project is in the Central Business District (CBD), the applicant followed the CBD project approval process. The business plan was reviewed and approved by the Kennesaw Downtown Development Authority. Additionally, the conceptual design was approved by the Historic Preservation Commission (HPC) with the following condition: the applicant will submit for approval and review to the HPC the design and schematics for landscaping, architectural elevations and the commercial buildings within that property for twenty five percent (25%) submittal, and subsequent submittals to be further evaluated and decided by the HPC with respect to the final approval and final design plans.

Motion by Councilmember Henderson to approve a Central Business District (CBD) project submitted by Bulldog Acquisitions, LLC for the property located at 2652 South Main Street as presented, seconded by Councilmember Eaton. Vote taken, approved 3-1-1. [Councilmember Ferris opposed and Councilmember Patel absent]. Motion carried.

XVIII. PUBLIC COMMENT/BUSINESS FROM THE FLOOR

7:27 P.M. Floor Open for Public Comments

ANN PRATT [City Resident]: Ms. Pratt wanted to give out praises regarding the Inclusive Playground at Swift Central Park. Ms. Pratt recognized City Manager Jeff Drotney as he set up meetings regarding the playground before Parks and Recreation Director Steve Roberts started working here. When Mr. Roberts arrived, he took the ball and started running with it. He put together a committee including members of the public to review

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NO STREET PARKING HAS BEEN APPROVED FOR THIS DEVELOPMENT.

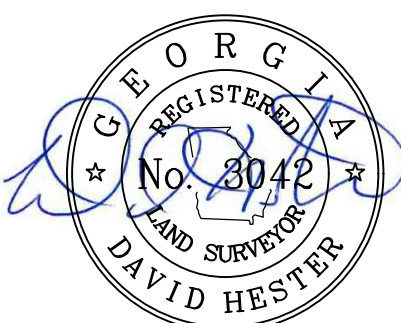


Land Surveying • 3D Laser Scanning

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Marietta, Georgia 30062

Phone: (770) 795-9900
Fax: (770) 795-8880

www.geosurvey.com
EMAIL: info@geosurvey.com
Certificate of Authorization #LSF-000621



3 SHEET
OF
3

SUBDIVISION PLAT OF

2652 South Main Street

FOR

BULLDOG ACQUISITIONS, LLC

GS JOB NO:	20073092	DRAWING SCALE:	1"= 50'	PLAT DATE:	5-2-2022
FIELD WORK:	JS	CITY:	KENNESAW	REVISIONS (SEE GENERAL NOTES)	
PROJ MGR:	MDG	COUNTY:	COBB	STATE:	GA
REVIEWED:	DLH	LAND LOT:	167 & 168	No. Date Description	
OWG FILE:	20073092-05.awg	DISTRICT:	20TH	SECTION:	2ND
				1. 10/22/2024	Added CCSS & AAU Emt's



Item Report

TO: The Honorable Mayor and City Council
FROM: Bill Westenberger, Chief of Police
DATE: November 18, 2024
TITLE: **Crime Statistics: October 2024**
Consideration to accept the October 2024 Crime Statistics.

Summary:

Recommendation:

Fiscal Impact:

Attachments:

1. October 2024 Crime Statistics (M+C)



October 2024 Crime Statistics

Crimes	Oct 2024	Oct 2023	YTD (01/01/24 - 10/31/24)	YTD (01/01/23 - 10/31/23)
Assault Offenses	45	37	289	326
Motor Vehicle Theft	5	0	27	11
Burglary	3	3	31	26
Homicide Offenses	0	0	2	0
Larceny	11	16	117	146
Sex Offenses	0	3	14	19
Robbery	1	1	3	9
Total	65	60	483	537

	Oct 2024	Oct 2023	YTD (01/01/24 - 10/31/24)	YTD (01/01/23 - 10/31/23)
Dispatched Calls for Service	854	797	7,731	8,281
Self-Initiated Activity	1,276	865	10,560	10,052
Traffic Citations	586 (-95)	681	5,680 (-2,086)	7,766
Traffic Warnings*	630(+330)	300	6,098 (+3,487)	2,611
Arrests**	59	81	881	860

* Warnings do not include verbal warnings

** Arrests do not include juvenile arrests

	Oct 2024	Oct 2023	YTD (01/01/24 - 10/31/24)	YTD (01/01/23 - 10/31/23)
Auto Accidents	138 (+28)	110	1079 (+1)	1078
Accident W/ Injury	8 (+4)	4	87 (-23)	110
Hit and Run	20 (+7)	13	120 (-33)	153
Hit and Run W/ Injury	0	0	1	1
Person Hit by Auto W/ Injury	0 (-1)	1	5	5

Bill Westenberger
Chief of Police



Kennesaw Police Department
2539 J. O. Stephenson Ave., Kennesaw, GA, 30144
911 Call Center: (770) 422-2505
Criminal Investigations Division: (770) 429-4533





Item Report

TO: The Honorable Mayor and City Council

FROM: Ricky Stewart, Public Works Director

DATE: November 18, 2024

TITLE: **Resolution: Emergency Stormwater Repair**
Consideration to approve a Resolution authorizing a proposal for Emergency Stormwater Repair from Proshot Concrete, Inc.

Summary:

Shortly after the rain event associated with Hurricane Helene, the Public Works Department was contacted by the resident at 2979 Pine Hill Drive stating that the storm line parallel to her home had become exposed and a portion of her yard was no longer there. Upon inspection, staff identified that there were damaged sections of the pipe which caused the soil around and above the pipe to be washed away. Public Works currently has an active pipe rehabilitation project with Proshot Concrete, Inc and made a request that they present a proposal to repair the damaged line. Two methods of repair were proposed with the lowest cost alternative being \$96,500.00.

Recommendation:

The Public Works Director recommends accepting the proposal from Proshot Concrete, Inc for \$96,500.00 and requests the Mayor and Council to approve the resolution and authorize the proposal.

Fiscal Impact:

560.4320.54.142000.00000 Stormwater Construction and Improvement

Attachments:

1. RESOLUTION - Emergency Repair 2979 Pine Hill Dr
2. Proposal 2979 Pine Hill

**CITY OF KENNESAW
GEORGIA**

RESOLUTION NO. 2024-____, 2024

**RESOLUTION TO APPROVE PROPOSAL FOR EMERGENCY STORMWATER
REPAIR AT 2979 PINE HILL DRIVE**

**BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF KENNESAW,
COBB COUNTY, GEORGIA, AS FOLLOWS:**

WHEREAS, the City owns and maintains a storm line that parallels the property line of 2979 Pine Hill Drive; and

WHEREAS, the line has been damaged and is causing property damage to 2979 Pine Hill Drive; and

WHEREAS, Public Works currently has an active pipe rehabilitation project with Proshot Concrete, Inc; and

WHEREAS, a proposal to repair the damaged pipe was submitted by Proshot Concrete, Inc at the request of Public Works; and

WHEREAS, the proposal was for the amount of \$96,500.00.

NOW, THEREFORE BE IT RESOLVED, the City of Kennesaw Council approves the resolution and authorizes the proposal for \$96,500.00.

PASSED AND ADOPTED by the Kennesaw City Council on this ____ day of November 2024.

ATTEST:

CITY OF KENNESAW

Lea Alvarez, City Clerk

Derek Easterling, Mayor



PROSHOT CONCRETE, INC.

SHOTCRETE CONTRACTORS & ENGINEERS

Telephone: 256.764.5941

4158 Musgrove Drive
Florence, AL 35630

Fax: 256.764.5946

PROPOSAL

Amanda Stevens
Stormwater Manager
City of Kennesaw GA
3080 Moon Station Road
Kennesaw, GA 30144

October 21, 2024

Re: City of Kennesaw 2024 Pipe Rehabilitation Project – 2979 Pine Hill Drive

Attention: Ms. Stevens,

After the site visit, we are pleased to present the following recommendations and pricing to complete the additional work at 2979 Pine Hill Drive.

Recommendations:

Rework and restructure the upstream and downstream headwalls.
Pump flowable fill into all the invert voids in the CMP sections.
Pressure Grout the voids in the joints of the concrete sections of pipe.
Pull a thermoform PVC lining through the entire section of drainage, eliminating any joints or misalignment issues.

Option 1: This would be using wire mesh and dry mix shotcrete. The pipe would end up being about 32 inches inside diameter.

Two Headwalls
Flowable Fill in the invert
Pressure Grout
2 Inch shotcrete liner with wire

TOTAL PRICE -- \$ 96,500.00

Accepted _____, 20____

By _____

PROSHOT CONCRETE, INC.

By _____

Approved _____



PROSHOT CONCRETE, INC.

SHOTCRETE CONTRACTORS & ENGINEERS

Telephone: 256.764.5941

4158 Musgrove Drive
Florence, AL 35630

Fax: 256.764.5946

Option 2: This would be using the PVC Fold and Form Liner system; this creates smooth flow with minimal flow interruption.

Two Headwalls
Flowable Fill in the invert
Pressure Grout
PVC Thermoform Liner

TOTAL PRICE -- \$ 118,500.00

If you have any questions or need additional information, please let us know.

Respectfully Submitted,
Proshot Concrete

Craig Carson
Project Manager

Accepted _____, 20____

By _____

PROSHOT CONCRETE, INC.

By _____

Approved _____



Item Report

TO: The Honorable Mayor and City Council
FROM:
DATE: November 18, 2024
TITLE: Reports, Discussions, and Updates

Summary:

Recommendation:

Fiscal Impact:

Attachments:
None



Item Report

TO: The Honorable Mayor and City Council

FROM:

DATE: November 18, 2024

TITLE: Mayor and Council (re)appointments to Boards and Commissions. This item is for (re)appointments made by the Mayor to any Board, Committee, Authority, or Commission requiring an appointment to fill any vacancies, resignations, and to create or dissolve boards and commissions, as deemed necessary.

Summary:

Recommendation:

Fiscal Impact:

Attachments:

None



Item Report

TO: The Honorable Mayor and City Council

FROM: Lea Alvarez, City Clerk

DATE: November 18, 2024

TITLE: **Public Comment: Work Sessions**
Consideration to approve the continuation of the public comment section(s) for work sessions.

Summary:

Recommendation:

Fiscal Impact:

Attachments:

None