

**MINUTES OF PLANNING COMMISSION MEETING
CITY OF KENNESAW
Council Chambers
(2529 J.O. Stephenson Avenue, Kennesaw, GA 30144)
February 4, 2026
6:30 PM**

1. Call to Order / Roll Call

Vice Chair Vande Zande called the meeting to order at 6:30 p.m.

Roll Call: Rebecca Patterson, Carolyn Greenall, Robert Trim, Todd Vande Zande

Absent: Trey Bodenhamer

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

Speakers Present: Kevin Moore (Applicant's Representative), Adam Rozen (Applicant's Representative), Cameron Heath (Applicant), Dave Schwickerath (HOA President, The Village at Pine Mountain), Stephen Snow (Representative, Cedar Creek Professional Office Association, Inc.), Charles Barge (President, Cedar Creek Professional Office Association), Al Colcombe (6205 Pine Mountain LLC), Caleb Hydrick (Resident, City of Kennesaw)

2. Announcements

- A. All interested parties may attend the meeting at the City Hall Council Chambers. For those unable to attend in person, the meeting may be accessed using the following link: <https://www.kennesaw-ga.gov/publicmeetings/>. Please note that the Planning Commission serves as an advisory board that makes recommendations to the Mayor and Council unless otherwise noted.
- B. Pending zoning applications may be viewed on an interactive map via the Planning & Zoning webpage or using the following link: <https://arcg.is/1q1ubX0>.
- C. New business items on this agenda will be heard by the Mayor and Council on February 16, 2026.

3. Approval of the Meeting Minutes

- A. Approval of meeting minutes: January 7, 2026

Vice Chair Vande Zande called for a motion.

Motion to approve by Commissioner Greenall

Seconded by Commissioner Trim

Vice Chair Vande Zande proceeded with a roll call for approval.

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

4. New Business

Vice Chair Vande Zande called for a motion to amend the agenda order.
Commissioner Trim motioned to amend the agenda order to allow case number RZ2026-01 to be heard first
Seconded by Commissioner Greenall
Vice Chair Vande Zande proceeded with a roll call for approval.
Vote taken, motion unanimously approved 3-0. Motion carried.

- A. **RZ2026-01** - Consideration to rezone the properties located at 1600 Old 41 Highway (parcel #20021200130 & 20021201560) from General Commercial (GC) and RM-12, Multiple-Family District to RM-16, Multiple-Family District as submitted by Walton Communities, LLC. Said request is to rezone the property for the development of a multi-family residential community. Property consists of 11.684 +/- acres and lies in land lot 140, tax parcels 13 & 156.

Ms. Chanelle Campbell presented this agenda item. This is a rezoning application submitted by Walton Communities, LLC requesting to rezone 11.68 +/- acres located at the intersection of Old 41 Hwy and Barrett Parkway. On January 23, 2026, staff received a letter from the applicant's representative, Attorney Kevin Moore, with Moore, Ingram, Johnson, and Steele, requesting that the case be postponed to the March calendar cycle. The additional time will allow staff to review the submitted traffic impact study and allow time to post the public notice for the accompanying variance application. Staff advertised the case in the Marietta Daily Journal (MDJ) and posted signs on the property on January 16, 2026. Because the case was legally advertised, a public hearing must be conducted. Staff recommended approval of the request to postpone.

Mr. Kevin Moore, representative for Walton Communities, requested the agenda item be postponed. He explained that additional time was needed for staff to review the submitted traffic study and to legally advertise a variance application for a reduction in the parking ratio.

Vice Chair Vande Zande opened the floor for public comment. Hearing no public comment, he closed the floor to public comment and opened the floor to Commissioner comment.

Hearing no Commissioner comment, Vice Chair Vande Zande called for a motion to postpone the agenda item to the March 4, 2026, meeting.
Motion by Commissioner Greenall to approve the request to postpone the application to the March 4, 2026, meeting.
Seconded by Commissioner Patterson
Vice Chair Vande Zande proceeded with a roll call for approval.
Vote taken, motion unanimously approved 3-0. Motion carried.

5. Old Business

- A. **RZ2025-03** - Consideration to rezone the property located at 6095 Pine Mountain Rd (parcel #20014001380) from Highway General Business (HGB) to Planned United Development – Residential (PUD-R) as submitted by DRB Group Georgia, LLC. Said request is to rezone the property for the

development of fee simple town homes. Property consists of 8.823 +/- acres and lies in land lot 140, tax parcel 138.

Ms. Chanelle Campbell presented this application. This is a rezoning application submitted by DRB Group, LLC. The case was postponed from the January agenda and is now before the Planning Commission for consideration to rezone 8.82 +/- acres from Highway General Business (HGB) to Planned Unit Development-Residential (PUD-R). The applicant is requesting to rezone to develop eighty-nine (89) "for-sale" fee-simple townhomes. In 2006, Mayor and Council approved the rezoning of the adjacent 2.88 +/- acre parcel to the east to HGB for the development of a business office complex known today as Cedar Creek Professional Center. The first building was completed in 2000 while the remaining 8.82 +/- acres were left undeveloped. In 2018, the City of Kennesaw Community Development Department received an application for a proposed nursing home known as Devi Manor. Construction for the project began, then stalled in 2019, leaving the property in its current condition. The Comprehensive Plan designates the site's future land use as Community Activity Center (CAC), an area intended to accommodate a balanced mix of commercial, civic and residential uses. Given the site's lack of direct frontage on a major roadway and limited visibility from the street network, the development of a townhome subdivision represents an efficient and appropriate use of the property. The residential character of the proposal is compatible with the established development pattern, including The Woodlands mobile home community to the west and the Village at Pine Mountain subdivision to the south.

On January 16, 2026, staff received a letter of opposition from the representative of the property located at 6095 Pine Mountain Road, which is the 2.88 +/- acre property fronting Pine Mountain Road. Additionally, staff received an application for rezoning from Cedar Creek Professional Office Association, located on the 2.88 +/- acre parcel at 6095 Pine Mountain Road, with a request to update the conditions from the 2006 rezoning ordinance to remove one of the conditions.

Staff recommends approval of the rezoning application submitted by DRB Group with conditions. Ms. Campbell announced that representatives for the applicant and the opposition party were present. Ms. Campbell invited the applicant to present.

Mr. Adam Rozen with Rozen, Rozen, and Reilly, introduced himself as the attorney representing DRB Group. He stated that they would be available to answer questions about the project, property access, and opposition from the adjoining property owner. He thanked the Commissioners for granting the applicant additional time to work with staff and the neighboring property owner on how to best develop the property. Mr. Rozen stated that the applicant began discussions with staff in August before submitting the application in October. After filing the rezoning application, the applicant voluntarily held a public input meeting in December. The only person in attendance is one of the owners at Cedar Creek Professional Office Center. No other community members were at that meeting and only the President of the adjoining residential subdivision communicated with the applicant directly.

Mr. Rozen addressed the zoning and future land use of the surrounding properties and

the property subject to the current rezoning case. He highlighted that parcels along Highway 41 are zoned HGB. The HGB zoning allowed the previous approval of two office buildings and, more recently, the Devi Manor assisted living facility, at 6095 Pine Mountain Road. Transitioning away from Highway 41, there are adjoining residential uses including fee-simple townhomes and a mobile home park. The applicant believes an appropriate transition between the two uses would be additional residential units under the proposed PUD-R zoning district. The future land use for the site and properties along Highway 41 is CAC, which envisions a mixture of uses. Mr. Rozen stated that the residential component in that mixture of uses envisioned for CAC was missing from the intersection of Pine Mountain Road and Highway 41/Cobb Pkwy. The applicant believes that their proposal completes the mixture of uses expected with the CAC future land use designation.

Ms. Cameron Heath introduced DRB as a national home builder operating in 14 states, predominately on the East Coast with multiple neighborhoods around Metro-Atlanta. One of their communities is Barrett Pointe in Cobb County. She stated that DRB has an A+ rating from the Better Business Bureau and expressed that they work hard to ensure they are responsive to those comments. Ms. Heath reviewed the details for the neighborhood signage developed by the marketing team. The development will have an entrance monument close to the corner of the property along Pine Mountain Road, some temporary signage, and a slot on the larger commercial sign structure.

Ms. Heath stated that their target market is working professionals, young families, or empty nesters seeking a low-maintenance lifestyle. Two types of home elevations were presented. The first set of building elevations are 1,900 square feet with three to four bedrooms, and two to three and a half bathrooms. The exterior colors were selected based on discussion with city staff. The elevations feature a mixture of materials including brick, hardie plank, cementitious siding, and shake. The second set of elevations are two-story, two-car floor plans with about 1,850 square feet, three to four bedrooms, and two and a half bathrooms. Both products will be sold in the low \$400,000 range. DRB feels the designs are congruent to the market and existing and new construction products currently being offered.

Mr. Rozen presented the proposed site plan for the project. The proposal consists of eighty-nine townhomes on just under nine acres. Along the west side of the development, there will be an undisturbed stream buffer. At the southern side of the proposed development, there will be a twenty-foot landscaping buffer with landscaping continuing around the perimeter of the property. Staff worked with the applicant to ensure the project included meaningful features and amenities. These features and amenities include courtyards, walking areas, sidewalk connectivity, a dog park, and park-like landscaping throughout the development. The applicant is proposing gated access to the property via Pine Mountain Road and Highway 41/Cobb Pkwy with a fence around the perimeter of the property as part of the conditions recommended by staff.

Mr. Rozen presented the results of a voluntary traffic study. The traffic study compared the estimated number of trips generated for the proposed development to the estimated

number of trips generated for the previously approved office buildings and assisted living facility. The presented results indicated that previously approved projects were estimated to generate more trips than the proposed town home development.

Mr. Rozen stated that one of the differences in discussion between the applicant and the Cedar Creek Professional Office Center is the issue of access on the property. He explained that the applicant believes access between the properties was intended to be connected so the property would have access to Pine Mountain Road. The applicant met with the counsel for the adjoining owner and the City to try and work through access concerns. The opposition submitted a letter that includes details about DRB not being consistent with a prior rezoning from 2006. He reminded the Commissioners that the prior rezoning was for the 2.88+/- acres adjacent to the property. He argued that while the subject property was envisioned to be office, it was not the subject of the rezoning and is not bound to the 2006 rezoning conditions. In the 2006 rezoning, condition fourteen provides access to the vacant eight acre parcel at the time of development. Mr. Rozen expressed the hope that now was the time for the property to be developed with access to Pine Mountain Road. He also shared that part of the access road to Pine Mountain Road was improved as part of a SPLOST project. The applicant shared a proposed timeline for the development of the project by DRB. They estimate completion of final build-out in the fall of 2029. Mr. Rozen announced that Ms. Heath and himself would be available if there were any questions.

Ms. Campbell stated that staff recommended approval of the application with conditions. She highlighted some of the twenty recommended conditions for the site. Ms. Campbell announced that staff was available for questions.

Vice Chair Vande Zande noted that a condition outlined by staff stated construction must begin within twenty-four months of the approval date. He asked if the applicant's slide stated that construction would not begin until 2029. Staff clarified that the slide stated that construction would be completed by 2029.

Vice Chair Vande Zande opened the floor for public comment.

Stephen Snow introduced himself as the attorney representing Cedar Creek Professional Office Association and twenty-one-year resident of Kennesaw. He stated that they submitted a statement in opposition to the rezoning request. He argued that the proposed rezoning contradicts the City of Kennesaw's Future Land Use Map and violates multiple stipulations of Ordinance 2006-20, which rezoned Cedar Creek Professional Office Center's 2.88 +/- acre property to HGB. The stipulations include stipulation four, stipulation six, stipulation eleven, and stipulation thirteen. He argued that the proposed development of eighty-nine townhomes did not match the ordinance's expectation of two office buildings, that the proposed buffers and setbacks dwarfed what was originally approved, that the proposed materials were a different aesthetic from the originally required materials, and that the submitted traffic study indicated that traffic and stacking would be an issue on Pine Mountain Road contrary to the requirements of the ordinance.

Mr. Snow also discussed issues with DRB's plans showing two access points. He stated that in a private meeting, DRB claimed to not have access rights on Cobb Parkway. He stated that DRB was seeking an easement to use the private drive on the grounds that they were landlocked. He argued that if DRB only has one access point, they should not be able to submit plans and a traffic study showing two access points. According to Mr. Snow's research, there is a reciprocal easement that allows DRB access to Cobb Parkway through King Crossing Court. He argued that because DRB has access to King Crossing Court, it can be used as an access point instead of Cedar Creek Professional Office's private drive. He stated that stipulation number fourteen of the ordinance states inter-parcel access and shared access drive shall be designed with adjoining vacant property once future development of the adjoining parcel is pursued. He explained that DRB was attempting to use the stipulation to gain access to the private drive. If DRB does not have access to Cobb Parkway, all the development's traffic would be on the private drive. Mr. Snow argued that the stipulation was based on the expectations by the developer, the City, and local residents that two office buildings, not eighty-nine townhomes, would be built on the 8.8 +/- acre lot and should not apply given that the proposed development has changed.

Mr. Snow requested that the Planning Commission place the rezoning request on hold to give DRB the opportunity and time to find out if they have access to Cobb Parkway through King Crossing Court. He asked the Planning Commission if they moved forward with the request to either require the development to comply with Ordinance 2006-20. Mr. Snow stated that Cedar Creek Professional Office Association submitted a rezoning request to strike stipulation fourteen from the ordinance. As an alternative, he suggested that the Planning Commission could allow the development to move forward, but strike stipulation fourteen so access is not required through Cedar Creek Professional Office Center. Mr. Snow stated that he was available for any questions.

Commissioner Greenall asked how Cedar Creek Professional Office Association's building was situated on the property and whether the proposed development's access to Pine Mountain Road would run through the existing building. Mr. Snow showed where the existing office building was located on the site and indicated that the proposed access would require driving past the building rather than around the building or through the building. Commissioner Trim provided additional information that the offices were located behind the Bank of America.

Commissioner Greenall observed that Mr. Snow's opposition was not necessarily to the development and how it looks. Commissioner Greenall asked if Mr. Snow would be okay with the project if the development did not allow access onto Pine Mountain Road. Mr. Snow responded that the use of the exit onto Pine Mountain Road was the primary concern.

Commissioner Trim asked if it would be acceptable to Mr. Snow for the entrance on Pine Mountain Road to be a right-in and right-out only turn. Mr. Snow responded that it

would not be acceptable because traffic would still have to pass through the private drive. He stated that there is already an issue with the stacking of traffic outside on Pine Mountain Road trying to get to that intersection at Cobb Parkway. Commissioner Trim stated that if a left turn was eliminated, the stacking issue goes away. He explained that he looked into buying the eight-acre property years ago for a client and argued that only a portion of the access road off of Pine Mountain Road was private. Commissioner Trim also explained that the gate was put up because the property had become dangerous. The previous owner of Devi Manor abandoned the property and left it in its current half constructed state. Commissioner Trim agreed that there were safety concerns with the entrances but that stacking is not an issue if the entrance is right-in, right-out. Mr. Snow responded that right-in, right-out helps the situation, but does not eliminate people turning left off Pine Mountain Road to enter the subdivision. Commissioner Trim responded that a right-in, right-out would prohibit a left turn at that spot.

Commissioner Greenall asked how residents would enter the development without a second entrance. Commissioner Trim stated that the property has access to both Pine Mountain Road and Highway 41/Cobb Pkwy. Mr. Snow responded that they were told the applicant did not have access to both. Commissioner Trim stated that his research of the property indicated that there was access to both roads. Mr. Snow stated his research showed the same, but that they were told by the applicant that the Pine Mountain Road access was needed because the property was landlocked and had no other access. Commissioner Trim stated that he could only go off of what was submitted, not what was discussed in a private meeting. He asked the applicant if they were anticipating two points of ingress and egress. Mr. Rozen responded that they anticipated the development of the property to reflect what is conceptually shown on the site plan. He explained that they could not obtain a land disturbance permit to develop the proposed site plan if they do not have both access points. The applicant would have to come back to the Planning Commission to request one access point. He further explained that there were legal and real estate issues with both access points, including a concern with the easement to access Highway 41/Cobb Pkwy and a stipulation that binds the 2.88+/- acres on Pine Mountain Road to provide access to the property. Mr. Rozen argued that while the 2006 rezoning contemplated the future of the eight-acre property, the eight-acres were not subject to the conditions of the rezoning, hence why there was one set of plans for the two acres and another set of plans for the eight acres. He also stated that previous plans showed access from the eight-acre property to Pine Mountain Road without an issue when the proposed project was a large office building and then a large assisted living facility. Mr. Rozen reiterated that there were issues legally, but they believe they will be able to obtain what they have proposed. Commissioner Trim asked if the applicant was publicly stating in their plans that they want both points of access. Mr. Rozen responded in the affirmative.

Commissioner Trim again asked Mr. Snow if right-in, right-out only turns solved his and his client's issue with the development. Mr. Snow responded that although it would help, it does not fully address the issue of the number of trips projected to come from the development. He argued that the nature of the development had completely changed. Commissioner Trim responded that the nature of real estate completely

change with the market going through major crashes in 2008 and during COVID. Commissioner Trim commented that to suggest that the Commission has to bind a property owner to stipulations and rules from an era that no longer exists would mean that nothing would get built. Mr. Snow agreed and expressed that holding Cedar Creek Professional Office Association to a stipulation made twenty years ago under different circumstances does not make sense. He stated that the Commission should allow the applicant to build their development, but that Cedar Creek Professional Office Association should not be held to stipulation fourteen from twenty years ago when the circumstances under which it was established no longer apply.

Commissioner Greenall asked the applicant why they were asking for two exits when only one was needed. She explained that she lives on Mack Dobbs Road and drives on Pine Mountain Road. She stated that she frequently sees people take a left onto Pine Mountain Road. She wondered if two exits were proposed because the applicant was unsure whether they had access to both exits. Mr. Rozen responded that there had been discussions that the property would be landlocked without access to Highway 41/ Cobb Pkwy. He stated that the applicant believes both access points are necessary because it would be better for the residents and traffic flow if entry and exit was divided between two exits instead of one exit.

Commissioner Greenall commented that the Planning Commission has heard from a lot of recently built communities with one exit and expressed that a single exit is possible. She did not understand why the applicant would want to risk traffic issues with the left turn on Pine Mountain Road. Commissioner Greenall described existing traffic issues on Pine Mountain Road including people speeding, people pulling out to make a left, the short distance between the left turn and the traffic light on Pine Mountain Road, and congestion on the road. She expressed that two exits seemed excessive when one would suffice and commented that the site had great flow if people were taking a right onto Cobb Parkway instead of waiting to take a left onto Pine Mountain Road. Mr. Rozen respectfully disagreed that one exit was sufficient. He claimed that for Cedar Creek Professional Office Association to allow prior developments access through property and then deny DRB access, even though previous developments generated more trips, was an instance of Cedar Creek Professional Office Association solely looking out for their best interest. The applicant believes that two access points is best for the development and traffic along Pine Mountain Road and Highway 41. Mr. Rozen expressed disappointment that a focus on real estate issues and legal issues detracted from conversations on what makes sense for the development and the two access points. He explained that both staff and the traffic study agreed that both access points are appropriate. He expressed that while it would be nice to compromise, Cedar Creek Professional Office Association's property is bound to give access to the applicant's property, a condition that runs with the land forever until it is changed. Mr. Rozen stated that Cedar Creek Professional Office Association wants the Commission to postpone the application until next month because it is when their application to remove the stipulation requiring access to his client's property will be heard. Mr. Rozen again expressed disappointment that the conversation was taking away from a good development that the applicant thinks should go on the property with two access points.

Commissioner Greenall asked Mr. Snow if he was opposed to the nursing home that would have generated a lot of cars coming through. Mr. Snow responded that he was not involved when the nursing home was proposed and cannot speak to what the circumstances were. Commissioner Greenall asked if there was any opposition from Mr. Snow's client under a different attorney when the nursing home was proposed. Mr. Snow responded that he was not aware of any opposition or another attorney. Commissioner Greenall commented that it seemed odd that Cedar Creek Professional Office Associates was okay with the potential traffic from a nursing home. Mr. Snow stated that his understanding was that a gate blocked off access and that the road was not intended to be used. Mr. Snow addressed Mr. Trim's point about a right-in, right-out turn on Pine Mountain Road. He commented that there was a comment in the gallery asking how someone would travel north on Cobb Parkway with a right-in, right-out turn. Mr. Snow argued that the intention would be to turn left, not right, out of the private drive onto Pine Mountain Road and then make a left onto Cobb Parkway, which would lead to a stacking problem. Mr. Snow stated that the traffic study showed twenty-eight vehicles exiting during morning peak hours. He asked why all those trips could not go onto Cobb Parkway if the traffic study states that there is zero impact on Cobb Parkway. Commissioner Greenall commented that twenty-eight cars turning left onto Pine Mountain through Cedar Creek's property was a lot of traffic. Commission Trim clarified that the access road does not turn into Cedar Creek's parking lot. To enter Cedar Creek Professional Office Center, a left turn needs to be taken off of the access road. Commissioner Trim stated then when he researched the property and spoke to Planning and Zoning, he found that the property had access to both roads by right. He stated that the two parties could dispute access in court.

Mr. Snow responded that his review of the meeting minutes and current negotiations indicated that the intended purpose for the site was three office buildings. He commented that the intention has completely changed and that the Commission could not approve the proposed rezoning without ignoring four stipulations and holding firm to one stipulation.

Commissioner Trim commented that he has tracked the property for a while and that there was no objection to the senior nursing home. He discussed the impacts of that proposed development which included a medical facility with emergency vehicle access and families visiting. He argued that if the opposition was going to talk about consistency with 2006, then Mr. Snow needed to speak with his client about why they did not have an objection to the traffic the nursing home would have caused. Mr. Snow responded that whatever the reason was, his client is objecting now to the proposed development. He stated that they have the right to object to a proposal that is contrary to the negotiated stipulations in the 2006 ordinance.

Commissioner Greenall asked how many employees were in the building. Mr. Snow responded that each of the units are individually owned and that each of the different units has a different set of employees. Mr. Snow's client estimated that there were fifty employees. Commissioner Trim stated that the office center had no retail.

Commissioner Greenall commented that she was trying to get an understanding of how many people would be trying to turn onto Pine Mountain in addition to the people from the proposed town homes. Mr. Snow responded that one unit in the office center is a compounding pharmacy, which is the highest volume unit.

Mr. Snow commented that he does not believe there has been a request from DRB to revise ordinance 2006-20. He argued that the stipulations in the ordinance specifically address the adjacent property to be developed and that the stipulations would not allow the development to go in as currently proposed.

Mr. Dave Schwickerath introduced himself as a real estate investor and representative of the Village of Pine Mountain home owner's association (HOA) who has lived in Kennesaw since 1984. He stated that no homeowners from the subdivision have voiced an opposition to the project to the HOA. He expressed to the Planning Commission that the HOA is supportive of a quality development on the site and believes the current proposal is one. He described the Village of Pine Mountain as a community of 133 two-bedroom and three-bedroom homes built between 1992 and 1993. Approximately half of the units are renter occupied and half are owner occupied. Mr. Schwickerath believes that both proposed entrances are necessary from a traffic safety standpoint and suggested that the City considers adding an additional left turn lane to alleviate traffic from population growth in the county. He thought that it is better to have more tax payers in quality units that have access to the City of Kennesaw. Mr. Schwickerath also expressed a concern about affordability and noted that while he was unsure how affordable the proposed homes were at \$400,000, he stated that it was more affordable than the homes selling for \$600,000 or \$700,000 on Pine Mountain Road. He further expressed the need for two entrances and exits and stated that people coming home would want to turn left onto Pine Mountain instead of having to make a U-turn near the funeral home.

Commissioner Greenall commented that there are people who live in apartments and subdivisions along 41 that need to make a U-turn, so making the U-turn was doable. She also commented that she did not think it was any less crazy or dangerous to ask someone to take a left onto Pine Mountain Road than it was to cross three lanes to turn left off Cobb Parkway. Mr. Schwickerath responded he was not an expert in that field. Commissioner Greenall commented that she thought two exits would be an issue and then putting in a traffic light would be another issue given it would be 100 feet or less from an existing light.

Mr. Al Colcombe introduced himself as a representative for 6205 Pine Mountain Road, LLC speaking in opposition to the rezoning. He described the property as between Bank of America and the private drive. He stated that there are about fifteen to twenty people working at the property. He stated that he frequently enters the property by turning left from Pine Mountain and then turning right into the lot. Mr. Colcombe expressed concerns about traffic at the property and on Pine Mountain Road, noting an accident, multiple-near misses, a stacking issue when turning right to exit the property, and heavy traffic coming off Cobb Parkway. Mr. Colcombe restated his opposition to

the rezoning on the grounds that traffic in the area was already bad and stated that they did not want more congestion or accident risk in the area.

Commissioner Greenall asked if Mr. Colcombe and 6205 Pine Mountain Road LLC were opposed to the nursing home. Mr. Colcombe responded that their business has only been at the location since 2019 and was not there at the time the nursing home was proposed.

Mr. Charles Barge introduced himself as president of Cedar Creek Professional Office Association. He stated that their attorney, Mr. Snow, was primarily speaking for them but wanted to address whether they opposed the Devi Manor medical facility. He explained that Devi Manor did not require a rezoning. No public notices were sent for the project. Therefore, Cedar Creek Professional Office Association was not aware of the project. Mr. Barge stated that he researched the minutes from previous board and annual meetings and found no mention of Devi Manor.

Commissioner Greenall asked if Mr. Barge would have opposed the nursing home if he knew about the traffic. Mr. Barge answered probably. He explained that he visits the site daily and sees traffic coming to the compounding pharmacy throughout the day. He said the only other use at the building that has customers coming and going is a State Farm insurance agent. He stated that the remaining business did not have much customer traffic and that most traffic came from employees.

Caleb Hydrick introduced himself as a City resident who lives in the neighborhood across from Big Shanty Park. He explained that he uses Pine Mountain Road everyday to get to work and banks at the Bank of America on the corner. He stated that even though the entrance at Bank of America is right-in, right-out, he constantly sees people turning left onto Pine Mountain Road. He also expressed concern that the proposed community would generate more traffic if it was gated and the gate broke down. He believed that the proposed development would add traffic and other problems to the intersection, especially if another red light was needed. He lodged his opposition to the rezoning application as someone who frequents the area.

Vice Chair Vande Zande asked if anyone else wished to speak regarding the request. Hearing no additional public comment, he closed the floor to public comment.

Ms. Campbell sought to provide clarification regarding information and questions brought up during the public comment period. She explained that Ordinance 2006-20 only pertained to the 2.88 +/- acres of land. While there were conceptual plans for the entire eleven acre lot, the concept never materialized. Stipulations were only placed on the 2.88 +/- acres of land. Staff made clear to both sides what was originally proposed, but due to an unfavorable market, it was not completed. Ms. Campbell addressed the comments about different setback requirements. She explained that the old setbacks were in place because the property was zoned HGB. Because the applicant is asking for fee simple townhomes, a less intense use than HGB, the setbacks and the buffers are smaller.

Ms. Campbell also discussed the possibility of more intense uses on the property. Currently, the 8.8 +/- acres of land has no zoning conditions other than the HGB requirements. The zoning district allows hotels, assisted living facilities, or Fraternity or Sorority houses to be built by right. Staff had conversations with both sides about the best option for the site. The majority of the concern is traffic. Ms. Campbell explained that townhomes with a capped number of units would significantly reduce the traffic in comparison to a hotel, an assisted living facility, or a medical facility. Staff came to the conclusion that the site should be suitable for CAC. CAC is meant for a mixture of uses that produce a vibrant commercial-civic blend, which is what the applicant is proposing. Staff has taken all of these things into consideration. Ms. Campbell acknowledged that traffic will always be a concern. She stated that traffic will always be added when there is development. She explained that the only way there will never be traffic is if the site remains vacant in its current state.

Ms. Campbell corrected the comment Mr. Snow made in reference to the gate. She explained the gate was not to block off access. As Commissioner Trim highlighted, the site was becoming unsafe due to trash, dumping, and residents illegally entering the property. To protect residents and ensure no further code enforcement issues occurred at the site, the gates and fence were installed. Ms. Campbell also addressed stipulation fourteen of Ordinance 2006-20. She read aloud the condition, which states that inter-parcel access and shared access drive shall be designed with adjoining vacant property once future development of adjoining parcel is pursued. She explained that the condition did not highlight that the site needs to be commercial, it says once future development is pursued. She stated that staff understood that there are limitations to the site and expressed the desire for inter-parcel connection to ensure the subject property could be developed by DRB or someone else in the future. Ms. Campbell again announced that staff was available answer any questions.

Commissioner Greenall stated that to Ms. Campbell's point, a hotel or nursing home could be developed on the site and not require a rezoning. She asked if Mr. Snow's client would oppose those kinds of development. She was skeptical about the opposition's ability to contest a by-right development. Mr. Snow responded that under the changing conditions, his client would oppose the use of the private drive for that purpose when it has access to Cobb Parkway. Commissioner Greenall asked if Mr. Snow would want a future development to only have access through 41 no matter what was built there. Mr. Snow responded that the intended use for the site was specifically noted to be three office buildings. He stated that stipulation number two of the rezoning says for the purpose of general business slash office development with reference to that rezoning drawing prepared for Pebblebrook Development, LLC on April 14, 2006. He argued that the office buildings were the specific future development being referred to. Mr. Snow stated that as long as that future development is different, he anticipated his clients would object to the use of the private drive for that purpose when they have full ready access to Cobb Parkway through King Crossing Court.

Commissioner Trim commented that the proposed design does not have the same

accent, look, and feel to match what is existing on surrounding properties. He asked if there was a reason staff did not require more stone. Ms. Campbell responded that the initial designs presented to staff did not include any stacked stone. After conversations with the applicant, the initial submission was revised. She stated that staff was open to stacked stone and noted that there was a condition to insure the development is in congruence with the existing environment. Commissioner Trim did not see much stacked stone and asked the applicant for further information. Ms. Heath responded that there was at minimum a brick water table and that some elevation had brick up to the first floor. She noted that brick was not a required architectural feature and that the proposed elevations were customary to new home communities currently on the market. She explained that in trying to balance affordability, aesthetics, and the surrounding area, DRB thought the presented elevations were the best compromise. Commissioner Trim located the brick on the elevations after zooming in and noted the difference was hard to see because of the similar color. Ms. Heath stated that the colors could be changed. Commissioner Greenall asked if homeowners could repaint to whatever color they wanted. Ms. Heath responded that there would be an HOA with an architectural board to come up with standards so every townhome is not a different color. She stated that the goal was a uniform look and that homeowners would probably not be able to chose whatever color they wanted. She stated that they worked with staff and the proposed elevations seemed to appease everyone.

Vice Chair Vande Zande asked if there was reference earlier in the presentation that SPLOST funding was used to develop the access point on Pine Mountain Road. Mr. Rozen showed the project plans for the SPLOST project and right-of-way. He showed that the access road has a yellow line on a portion of the access road that then stops. He said that SPLOST funds were used to develop a portion of the road. Vice Chair Vande Zande commented that SPLOST funds could not be used to develop a private road. He asked if up until the striping ended, the road was considered a county or city road instead of a private drive. Mr. Rozen responded that he thought the road was public up until the point where the striping on the road ends and that is was a public right-of way. Vice Chair Vande Zande asked if Mr. Snow agreed that a portion of the drive is public. Mr. Snow responded that his understanding was that the private drive was constructed with the building between 2006 and 2009 but lacked the topping on the surface. He guessed that the road might have been topped under SPLOST but was unsure. Vice Chair Vance Zande asked if Mr. Snow knew for sure that SPLOST funds were used to develop that section of the road. Mr. Barge stated that the SPLOST project was to add a third lane on Pine Mountain Road. He agreed with Mr. Snow that the original road was developed by Pebblebrooke Development but did not have the top coating. He commented that they just put the top coating on the parking lot last year. Vice Chair Vande Zande commented that it appeared that all the way up until the striping stops is owned by the public right-of-way. Mr. Barge stated that the entire road was not repaved. Vice Chair Vande Zande responded that he understood that the entire road was not topped. Mr. Rozen stated that his intention was not to say that the entire road was improved, just a portion. Vice Chair Vande Zande stated that he did not know how far back the improvements with SPLOST funds went. Mr. Rozen responded that the driveway goes into the subject property expecting it to be accessed but that the

public used funds on the paving topping does not go all the way back. Mr. Colcombe stated that their understanding was that the drive was topped because of stormwater concerns related to the road improvements, not to improve the drive. Vice Chair Vande Zande stated that his question was about whether the county, city, or someone used SPLOST funds to improve a private road, not the purpose. He explained that he lived in a neighborhood with private roads where they have to pay for the improvements themselves. He wanted to know if someone else had gotten SPLOST funds to cover a private road, and if so, how they did so.

Vice Chair Vande Zande asked if there were any additional Commissioner comments. Hearing no additional Commissioner comments, Vice Chair Vande Zande called for a motion.

Commissioner Trim motioned to approve with the following conditions as outlined by staff:

1. The rezoning of the Subject Property to the Planned Unit Development– Residential (PUD-R) district shall be consistent with the technical and conceptual site plans submitted with the application and shall comply with the proposed minimum front, side, and rear setbacks, as well as the overall density of 10.08 units per acre.
2. The Subject Property shall be developed as maximum of eighty-nine (89) ‘For Sale’ Fee Simple Townhomes.
3. Applicant agrees the minimum floor area of all residential units shall be 1,400 sq. ft. Applicant also agrees that the maximum height of the overall development will adhere to the development standards outlined in the Unified Development Code.
4. The architectural style and composition of the buildings to be constructed on the Subject Property shall be in reasonable conformity to the architectural renderings/elevations submitted with the rezoning application and should include a mixture of components consisting of brick, stacked stone, and other cementitious components including Hardie plank and Hardie plank shake and similar products.
5. Compliance with the recommendations from the City Engineer and/or the City’s Public Works Director with respect to stormwater management, hydrology and water quality requirements as outlined in the Unified Development Code.
6. Prior to issuance of a land disturbance permit, the applicant shall coordinate with a qualified geotechnical firm and civil engineer to design and implement measures to capture any groundwater encountered on-site associated with the spring ,subject to review and approval by the City Engineer and/or the City’s Public Works Director.
7. Subject to review and approval by the City Engineer and the Public Works Department, all stormwater management components shall comply with the recommendations of the City of Kennesaw’s Stormwater Management Division, including requirements related to stormwater management, hydrology, and water quality.
8. Applicant agrees to the protection of all required stream buffers affecting the

Property; any potential impact to the stream(s) due to revisions to the site plans will require a variance.

9. Applicant shall create a mandatory Homeowners Association (“HOA”) and prepare and file a Declaration of Covenant, Conditions and Restrictions (“CCRs”) to be made applicable to the Property, which shall include, among other components, a restriction on the total number of units
10. The homeowners association shall be solely responsible for the upkeep and maintenance of all common areas, mail kiosk, amenities, and amenity areas; including the entrance areas, boundary landscape buffers, stormwater management systems, driveways and parking lot.
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, which shall include the installation of an irrigation system in areas where appropriate.
12. The applicant agrees to the installation of a privacy fence constructed of solid weather resistant materials such as wood, wrought iron, with a height no greater than 8 ft along the portion of the rezoned parcel adjacent to existing commercial properties.
13. The developer agrees to construct all of the necessary roadways and infrastructure improvements as more particularly shown and reflected on the 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 subdivision.
14. The proposed development shall include amenities for use and enjoyment of its residents as follows:
 - a) Community courtyards, gathering places
 - b) Pedestrian connectivity
 - c) A dog park
15. Sidewalks shall be provided throughout the subdivision, with all amenity areas connected to the nearest internal sidewalk to ensure continuous pedestrian access.
16. The proposed community shall utilize the City or Cobb County; utility services as is typical for such residential development.
17. Compliance with recommendations from Cobb County Fire Marshal’s Office with respect to Life Safety and Fire Prevention issues. The development shall also comply with all applicable guest parking regulations, consistent with the parking layout and quantities depicted on the submitted site plan.
18. 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 subdivision.
19. All utilities servicing the residences with the proposed community shall be underground.
20. The applicant agrees that construction will begin in 24 months of the approval date of the rezoning. If no land development activity is initiated, then the subject property will automatically revert back to the original zoning.

Seconded by Commissioner Greenall

Vice Chair Vande Zande proceeded with a roll call for approval.

Vote taken. Commissioner Patterson and Commissioner Trim voted in favor.

Commissioner Greenall voted against. Motion approved 2-1. Motion carried.

6. New Business

- B. **RZ2026-02** - Consideration to rezone the unassigned right-of-way (ROW) fronting 2995 & 2997 N Main Street (parcel # 20013900140 & 20013900130) to R-15, Single-Family Residential as submitted by Dean Klein. Property consists of 0.11 +/- acres and lies on land lot 139, tax parcels 14 & 13.

Ms. Chanelle Campbell presented this agenda item. This is a request to rezone the unassigned right-of-way consisting of 0.11 +/- acres fronting 2995 and 2997 North Main Street. The request is to rezone the property to R-15, Single Family Residential, as submitted by the applicant Dean Klein. In 2025, Mayor and Council approved the sale of the right-of-way fronting the properties located at this address. This action authorized the transfer of the right-of-way area to the applicant, allowing the land to be incorporated into their existing residential parcels. The request is consistent with the established residential pattern and does not introduce any changes that would impact the adjacent parcels or modify the existing neighborhood character. For these reasons, staff recommended approval of the request to rezone. Staff advertised this case in the Marietta Daily Journal (MDJ) and posted public notice signage on the property on January 16, 2026.

Ms. Campbell clarified that the rezoning was for a piece of right-of-way highlighted on the survey as "Proposed Tract A" and "Proposed Tract B". The city has approved the transfer and sale of the right-of-way. As part of the process to combine the right-of-way with the existing property, the applicant will be completing a final plat application to combine the right-of-way into their parcel.

Vice Chair Vande Zande opened the floor for Public Comment. Hearing no public comment, he closed the floor to public comment and opened the floor for Commissioner comments. Hearing no Commissioner comments, Vice Chair Vande Zande closed the floor to Commissioner comment.

Vice Chair Vande Zande called for a motion.

Motion to approve by Commissioner Greenall

Seconded by Commissioner Patterson

Vice Chair Vande Zande proceeded with a roll call for approval.

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

- C. **PP2026-01** - Consideration for approval for a preliminary plat submitted by Mark Allen for parcel #20016700640 for the development of a restaurant and distillery. Property consists of 0.61 +/- acres and lies in land lot 167, tax parcel 64.

Ms. Chanelle Campbell presented this agenda item. This is a Preliminary Plat submission for the proposed development of a distillery and a restaurant located at

2690 Keene Street consisting of 0.61 +/- acres. As part of the preparation for this new development on a vacant parcel, the applicant submitted a Preliminary Plat to formally outline the proposed site layout and confirm addressing for future units. An internal review of the submission was completed by staff, which also included Cobb Fire and Cobb Water. The proposed layout is consistent with applicable development standards and zoning requirements for the site. Staff recommends approval of the Preliminary Plat contingent upon the applicant addressing any outstanding development issues related to the site. This step will ensure proper addressing, infrastructure coordination, and align with the city's procedure as the project continues to move forward. Ms. Campbell announced that the applicant was present should the Commissioners have any questions. She also announced that she was available to answer any questions.

Vice Chair Vande Zande opened the floor for public comment. Hearing no public comment, he closed the floor to public comment and opened the floor to Commissioner comment.

Vice Chair Vande Zande asked if the application was to move the distillery up the road to a new location. Ms. Campbell responded in the affirmative.

Hearing no additional Commissioner comment, Vice Chair Vande Zande closed the floor to commissioner comment and called for a motion.

Motion to approve by Commissioner Greenall

Seconded by Commissioner Trim

Vice Chair Vande Zande proceeded with a roll call for approval.

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

- D. **MISC2026-02** - 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" Chapter 2, Section 2.01.03 "Residential Zoning Districts" and Chapter 9, Section 9.01.00 "Nonconforming Uses" of said chapters as submitted by the City of Kennesaw.

Ms. Chanelle Campbell presented this agenda item. This is an application for a text amendment submitted by the City of Kennesaw. In 2023, staff received a variance application for a lot within Woodland Acres. The property was zoned R-15, which requires a minimum lot size of 15,000 square feet. The subject lot, however, contained only 11,999 square feet and was required to come through the variance process. This discrepancy prompted a 2024 text amendment to formally identify Woodland Acres as a non-conforming subdivision. During further research, staff determined that on March 18, 1996, a major update to the Unified Development Code and zoning districts established new zoning districts with revised development standards. The revisions did not address the status of existing lots that no longer met those standards. As a result, several older subdivisions, such as Woodland Acres, contained legally established lots that became non-conforming solely due to the 1996 code changes. Staff went through all the subdivisions in the city and checked them against current development standards. Staff found a significant number of parcels were non-conforming. A majority of the parcels were located in Kennesaw Woodland Acres, which had 240 non-conforming lots.

Stilesboro Cove had 180 non-conforming lots, Tara had 133, and Westover had 164. Prior to 1996, there was a zoning district that had a minimum lot size of 8,000 square feet. After the rezoning and creation of new districts in 1996, those 8,000 square foot lots remained but were rezoned to R-10, which requires a 10,000 square foot minimum lot size.

Ms. Campbell explained that under the current ordinance, a variance would be required to rebuild a house on a non-conforming lot if it was significantly damaged or destroyed. The variance process would involve public notices and a public hearing. The proposed ordinance would give staff the responsibility to administratively review these lots to ensure the property could be rebuilt within the existing lot size. The proposed change adds language allowing any existing structures developed prior to 1996 to go through a staff review instead of the public hearing process. Staff also updated the language for the non-conforming uses in Section 9 of the Unified Development Code, which states that if there were any issues regarding the non-conforming lots, staff would complete an administrative review to consider lot size, setbacks, and other factors, so these properties could be rebuilt.

Vice Chair Vande Zande asked if the process would be automatic or if the homeowner would need to initiate a request for legally non-conforming status. Ms. Campbell responded that the public would not need to initiate a request. She explained that staff went through and identified the legally non-conforming parcels on a map that will be used internally to identify the properties. GIS will also add a notation internally that a property is legally non-conforming. The information would be used to notate the status of the property in the event that a property owner comes to staff.

Vice Chair Vande Zande opened the floor for Commissioner comment.

Commissioner Trim asked if the proposed ordinance makes it easier for people with non-conforming lots. Ms. Campbell responded in the affirmative.

Vice Chair Vande Zande opened the floor for public comment. Hearing no public comment, he closed the floor to public comment. Vice Chair Vande Zande reopened the floor for Commissioner comment. Hearing no additional Commissioner comment, he closed the floor to Commissioner comment.

Vice Chair Vande Zande called for a motion.

Motion to approve by Commissioner Greenall

Seconded by Commissioner Trim

Vice Chair Vande Zande proceeded with a roll call for approval.

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

- E. **MISC2026-03** - Consideration for approval to adopt the official "2026 Zoning Map" for the City of Kennesaw.

Ms. Chanelle Campbell presented this agenda item. This application is a consideration to adopt the official 2026 Zoning Map for the City of Kennesaw. The official zoning map

adoption is completed annually to update the map and reflect any zoning transaction that occurred in the last year. Last year, there was one rezoning, which was for The Lacy located at 2615 South Main Street. The case rezoned the property from Light Industrial (LI) to Central Business District (CBD). The map will be updated to reflect the change. The updated map will also eliminate the identification placed around Woodland Acres since staff has identified more non-conforming properties. Rather than placing all the information on a single map, there will be a separate non-conforming map that highlights those properties. The application was advertised in the Marietta Daily Journal (MDJ) on January 16, 2026.

Vice Chair Vande Zande opened the floor for Commissioner comment. Hearing no Commissioner comment, he closed the floor to Commissioner comment and opened the floor to public comment. Hearing no public comment, he closed the floor to public comment.

Vice Chair Vande Zande called for a motion.
Motion to approve by Commissioner Patterson
Seconded by Commissioner Greenall
Vice Chair Vande Zande proceeded with a roll call for approval.
Vote taken, motion unanimously approved 3-0. Motion carried.

7. Staff Comment

Ms. Chanelle Campbel announced that two cases would be on the March agenda. The first is a rezoning application from Cedar Creek Professional Office Associates to remove a condition from the ordinance. The second rezoning case is the postponed case for 1600 Old 41 Highway.

8. Adjourn

Vice Chair Vande Zande called for a motion.
Motion to adjourn by Commissioner Trim
Seconded by Commissioner Greenall
Vice Chair Vande Zande adjourned the meeting at 8:11 p.m.