



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

Commissioners:
Don Bergwall - Chairman,
Phillip Jackson - Vice-Chairman,
Lacey Ragus, Rebecca Patterson,
Trey Bodenhamer, Todd Vande Zande,
Carolyn Greenall

KENNESAW PLANNING COMMISSION

May 3, 2023 – 6:30 P.M.

Meeting Minutes

City Hall Council Chambers

This public meeting is being conducted via the use of real-time telephonic technology allowing the public simultaneous access to the public meeting. The meeting may be accessed using Facebook Live via the following link: www.Facebook.com/City of Kennesaw/. **Comments made on Facebook Live will not be visible by City staff.**

If you will 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 Mayor and Council unless otherwise noted.

Upcoming Mayor and Council Meeting: Monday, May 15, 2023 @ 6:30 P.M.

I. Call Meeting to Order/Roll Call

- Chairman Bergwall calls the meeting to order at 6:30 p.m.
- Roll Call: Don Bergwall, Phillip Jackson, Rebecca Patterson, Trey Bodenhamer, Todd Vande Zande, and Carolyn Greenall
- Absent: Commissioner Lacey Ragus
- Staff present: Darryl Simmons (Zoning Administrator) and Albert Trevino (Assistant Zoning Administrator and Planner)
- Applicant present: Mrs. Ann Moorman (homeowner for case LU2023-01)

II. Approval of Meeting Minutes: March 1, 2023

- Chairman Bergwall calls for a motion to approve the March 1, 2023 Meeting Minutes as submitted.
- Motion by Commissioner Bodenhamer, Second by Commissioner Greenall
- All in favor, 5-0. **Meeting Minutes approved.**
- Before the floor is opened for the new business item, Chairman Bergwall informs the Planning Commission and public about the rules of engagement. He says "I will state the ground rules for our public hearing meeting this evening and be will be accessible upon request and incorporated into the minutes here too, as exhibit A. A persons both favoring and opposing the proposed agenda items will be provided an opportunity to address the Commission, the applicant for the zoning case or the applicants designated representative, if any, will be entitled to speak for a total of 10 minutes. They will speak first collectively. Those who oppose the proposed zoning case will then be permitted to speak for a total of 10 minutes and then those who are proponents of the zoning case will also be allotted a total of 10 minutes to speak. We'll get into a little more detail on that as

The next scheduled meeting of the Kennesaw Planning Commission
June 7, 2023 at 6:30 p.m.





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

Commissioners:
Don Bergwall - Chairman,
Phillip Jackson - Vice-Chairman,
Lacey Ragus, Rebecca Patterson,
Trey Bodenhamer, Todd Vande Zande,
Carolyn Greenall

that unfolds. By a majority of vote, the Commission may increase the total time for speakers, provided that each side is given the same amount of time. If there is more than one speaker for a side, the chair will or presiding Commissioner may limit the time allowed to each individual speak. Other than the zoning applicant, be respectful of your time as you come up to make your comments. The zoning applicant may be given time after the public hearing is conducted for his or her rebuttal. Speakers must adhere to the common rules of the meeting. Prior to speaking, each speaker shall sign in first and then clearly state their full name and their current address. Each speaker shall speak only to factors pertinent to the proposed zoning application under consideration, and shall address remarks only to the Commission. During public comment, please note that all persons speaking shall refrain from commenting on issues that are unrelated to the zoning application on the agenda or making derogatory remarks. If this occurs, the presiding officer, the chairman of the Commission, may refuse a speaker the right to continue. After being cautioned, the speaker continues to violate the rules of the meeting they will be refused to speak any further. Ladies and gentlemen, you have heard our rules of conduct for the public hearing”.

III. New Business

1. **LU2023-01** – Consideration for approval of a land use permit request located at 1205 Mountain Springs Drive as submitted by Ann Moormann. Said request is for obtaining a home occupation business license for making soaps and bath related products. Property is zoned R-10 (Single-Family Residential), consists of 0.2 +/- acres and lies in land lot 128 tax parcel 278.
 - Chairman Bergwall proceeds to the first business item.
 - Mr. Albert Trevino approaches the podium and introduces the new business item. Mr. Trevino says “Good evening Planning Commissioners. This first agenda item tonight is for a land use permit application submitted by Ann Moormann located at 1205 Mountain Springs Drive and zoned R-10 (single-family residential). Ms. Moormann is requesting to obtain a home occupational business license to make soaps and bath related products. The city offers two types of residential business licenses: a limited home occupational license and a regular home occupational license. Due to the activities that are involved in creating these products, it exceeds the allotted rules for the limited home occupational license. She is here before you tonight for your consideration to approve a land use permit request to obtain a regular home occupational license. The applicant has supplied us with a product list that includes soaps, bath bombs, solid bubble bath bars, shampoo bars, shower steamer bars and lip balm. These products are crafted by the applicant with the list of ingredients that the applicant has provided you all within your agenda packets. In addition, the applicant has provided us with pictures of her work space and of the equipment that she uses which includes: impulse sealer, immersion blender, hand mixer, heat gun, bur grinder and hot plate. Most if not all of these items are commonly found

The next scheduled meeting of the Kennesaw Planning Commission
June 7, 2023 at 6:30 p.m.





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

Commissioners:
Don Bergwall - Chairman,
Phillip Jackson - Vice-Chairman,
Lacey Ragus, Rebecca Patterson,
Trey Bodenhamer, Todd Vande Zande,
Carolyn Greenall

within a household. Once the products are created, the applicant will sell her products through multiple avenues. She intends to sell at craft fairs and farmers markets as well as online through social media. Online orders will be delivered via local carrier services. The applicant has ensured staff that customers will not be allowed to pick up orders in person at her place of residence. The applicant's ultimate goal would be to sell her products wholesale or at consignment shops. If the land use permit request is approved, the permit is valid for 24-months per section 4.04.05 of the Unified Development Code. Staff is recommending approval with the following conditions:

- o The land use permit is limited to, exclusive for and only valid for the current applicant and the life of this particular business and use, and it is not transferrable. Any changes would require additional review and approval.
 - o There shall be no clients, customers or employees at this location. Nor shall there be any evidence of a home based business visible from the public right-of-way.
- Finally, for the record, proper notification for this land use permit application has been executed. Legal ads ran in the Marietta Daily Journal on April 14th and 21st. A public notice sign was posted on the property on April 18, 2023 and certified letters were mailed to all property owners within 200-feet of the property".
 - Chairman Bergwall asks the applicant to come to the podium for comments.
 - The applicant, Mrs. Ann Moorman comes to the podium and introduces herself and lets the Commission know she will take any questions they have.
 - Chairman Bergwall opens the floor to public comment. After no response he closes the floor to public comment.
 - Commissioner Bodenhamer asks the applicant to make sure she signed in.
 - Chairman Bergwall asks if there are any other questions or comments from the Commission. After no response he closes the floor for questions and calls for a motion in regard to the land use permit with the conditions as outlined by staff.
 - Motion by Vice-Chairman Jackson to approve the land use permit application with conditions.
 - Second by Commissioner Vande Zande.
 - Chairman Bergwall proceeds with a roll call for approval.
 - **All in favor 5-0. Motion Approved.**
2. **RZ2023-02** – Consideration for approval to rezone seven properties as submitted by the City of Kennesaw. Said request is to change the zoning from their current zoning designation to Central Business District (CBD). This is a city initiated rezoning project known as the CBD Expansion Project Phase 2. Each property address will be heard separately.
- RZ2023-02 (A)** – Consideration for approval to rezone subject property located at 0 Cobb Parkway or parcel number 20013900990 and owned by the City of Kennesaw. Property is a vacant detention pond located in Adams Park. It is currently zoned

The next scheduled meeting of the Kennesaw Planning Commission
June 7, 2023 at 6:30 p.m.





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

Commissioners:
Don Bergwall - Chairman,
Phillip Jackson - Vice-Chairman,
Lacey Ragus, Rebecca Patterson,
Trey Bodenhamer, Todd Vande Zande,
Carolyn Greenall

Highway General Business (HGB), consists of 0.36 +/- acres and lies in land lot 139 and tax parcel 99.

- Mr. Trevino introduces the next item of business and states “So agenda item 2 tonight is for the rezoning of seven properties from the current zoning category to our Central Business District. Each item was applied for by the City of Kennesaw, and each address will be of course, heard and voted on separately. So just to give a preface to this item, I'd like to start by going back to the origins of the Central Business District and why it was created. The City of Kennesaw created this district back in 2002, which laid the groundwork for a brand new comprehensive mixed-use zoning district that allows for a mixture of uses that are appropriate for a city's downtown. It also allows for flexibility and design standards, which means that design driven building placement is encouraged and reviewed. Also, standards on beautification of downtown, such as incorporating plazas, benches, lighting and art. The CBD zoning district continues today to aim and encourage quality development. It also aims at the preservation of our historical character of downtown Kennesaw. Council adopted the zoning district in 2002. In 2003, the city initiated a grand rezoning effort to invite various property owners throughout the downtown core to be a part of this progressive measure. More than 100 property owners agreed, and the city was able to apply this new zoning. Category throughout the downtown core of Kennesaw. In 2005, another attempt was made to bring more property owners into the Central Business District. About 30 more property owners agreed to be rezoned to CBD. Fast forward to present day, downtown Kennesaw has seen its successes through various projects both large and small and needless to say, downtown is thriving, but there is still more work to be done. We are here before you tonight because in January 2023, the City mailed out invitation letters to another round of property owners who own property in downtown Kennesaw to be a part of the CBD district. The goal for this is to plug in the holes where there are islands of residential and commercial districts surrounded by or adjacent to the Central Business District and to expand the Central Business District. Zoning case #RZ2023-02(A) is to rezone a city owned property. It is a vacant parcel so for the record I will identify it as 20013900990. The property is a vacant detention pond located in Adams Park. This detention pond appears to have been created in the late 1990s and early 2000s. It captures the water runoff from Adams Park and it is also connected to the City's regional detention pond facility located at 4025 Kennesaw Drive NW which is directly behind the QT gas station on Cobb Parkway and Pine Mountain Court. All this water funnels to the smaller pond as well as a regional. Our goal here is to create a contiguous zoning category for Adams Park. This is the last portion that remain a different category than Adams Park, which is CBD. Staff ran legal ads in the MDJ on April 14th and 21st. A public notice sign was posted on the property on April 18th and certified letters were mailed to all property owners within 200-feet of the property. Staff is recommending approval for RZ2023-02(A)”.
- Chairman Bergwall opens the floor up to public comment.

The next scheduled meeting of the Kennesaw Planning Commission
June 7, 2023 at 6:30 p.m.





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

Commissioners:
Don Bergwall - Chairman,
Phillip Jackson - Vice-Chairman,
Lacey Ragus, Rebecca Patterson,
Trey Bodenhamer, Todd Vande Zande,
Carolyn Greenall

- Citizen, Fred Moore (3001 N Main Street), comes to the podium to ask if the detention facility still be active and if it would be moved underground.
- Mr. Trevino answers that the detention facility will remain as is and the city will not be selling the property. The detention pond is city owned and will remain.
- Chairman Bergwall asks if there are any other questions from the public. After no response, he moves to ask if the Commissioners have any questions.
- Commissioner Bodenhamer asks if the property is ever sold it would be sold as one designation including the detention pond.
- Mr. Trevino responds and states the city has no intentions of ever selling a public domain and public park.
- Chairman Bergwall asks if there are any other questions from the Commissioners. After no response, he says he will entertain a motion
- Chairman Bergwall calls for a motion to approve the rezoning application as presented.
- Motion by Commissioner Greenall.
- Second by Commissioner Bodenhamer.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (B) – Consideration for approval to rezone subject property located at 2681 S Main Street or parcel number 20016700140 and owned by Old South Village, LLC c/o Kodiak Ventures. Property is an existing mobile home community known as “Old South Village.” The property consists of approximately 30 +/- mobile home lots. It is currently zoned Mobile Home Park (MHP), consists of 3.6 +/- acres and lies in land lot 167 and tax parcel 14.

- Mr. Trevino states “The next item of new business, zoning case number RZ2023-02(B) is to rezone the property located at 2681 S Main Street currently owned by Old South Village LLC c/o Kodiak Ventures. The mobile home park was built in the early 1980s. It was purchased by the current owner in 2015. During the 2022 Comprehensive Plan update adopted in June 2022, staff along with the input of the community through two public engagement meetings, coordinated efforts to expand the boundaries of downtown Kennesaw. The result of this decision can be seen within the Future Land Use Map as the Downtown Activity Center was carried down on South Main Street. South Main Street has seen a recent boom of activity with the current land clearing of 2652 S Main Street which will make room for multi-family residential, single-family townhomes and commercial establishments as well as the approved rezoning for thirty-five townhome unit subdivision at 1972, 1994 & 2004 Duncan Drive. Rezoning this piece from Mobile Home Park to Central Business District will allow the property owner the opportunities seen of its neighbors for future growth in greater housing densities, housing types and commercial businesses on

The next scheduled meeting of the Kennesaw Planning Commission
June 7, 2023 at 6:30 p.m.





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

Commissioners:
Don Bergwall - Chairman,
Phillip Jackson - Vice-Chairman,
Lacey Ragus, Rebecca Patterson,
Trey Bodenhamer, Todd Vande Zande,
Carolyn Greenall

Main Street. There are no pending or current plans for development for this mobile home park at this time. The mobile home park may carry on as a mobile home park. The Central Business District will still allow for new manufactured homes to be placed within this park if there are vacant spaces and under the guidance of the property owner. This rezoning is only to change the zoning designation from Mobile Home Park to Central Business District which will allow for a more contiguous zoning designation on South Main Street. For any future plans that may come into our office, staff would help facilitate that applicant or developer to go through our Central Business District Project application process. This process must meet all of the codes and standards found within the CBD zoning ordinance under section 4.02.03. The new development shall abide by the policies found within the 2022 Comprehensive Plan Update Policy Matrix for the Historic Central Business District Area, as well as be compatible to the Historic District Design Standards as adopted and referenced by the Kennesaw Historic Preservation Commission. The CBD project approval process is a three-step process. The applicant submits plans for development and it must go through the Kennesaw Downtown Development Authority for review and recommendation, the Historic Preservation Commission for review and recommendation and finally to Mayor and Council for a decision. Staff ran legal ads in the MDJ on April 14th and 21st. A public notice sign was posted on the property on April 18th and certified letters were mailed to all property owners within 200-feet of the property. Staff is recommending approval for RZ2023-02(B)".

- Chairman Bergwall asks if this property were to be rezoned from the MHP to CBD, can it remain as a mobile home park and is that only if it stays in the ownership of the current owner or can someone else buy the property and maintain it as a mobile home park?
- Mr. Trevino responds another owner could come in and continue the mobile home park use and maintain it.
- Chairman Bergwall asks if mobile home park an acceptable use in CBD.
- Mr. Trevino responds it is not but would be a grandfathered use for the CBD district so we would allow it because it is existing.
- Chairman Bergwall opens the floor to public comment. After no response, he moves to comments from the Commission.
- Commissioner Bodenhamer asks if the mobile home park were to be torn down if the grandfather clause disappear.
- Mr. Trevino states that once the occupancy and CO change from mobile home park to something else, then the grandfather clause disappears.
- Chairman Bergwall asks if there are any other questions from the Commission. After no response he proceeds to call to entertain a motion.
- Motion by Commissioner Vande Zande to approve as presented.

The next scheduled meeting of the Kennesaw Planning Commission
June 7, 2023 at 6:30 p.m.





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

Commissioners:
Don Bergwall - Chairman,
Phillip Jackson - Vice-Chairman,
Lacey Ragus, Rebecca Patterson,
Trey Bodenhamer, Todd Vande Zande,
Carolyn Greenall

- Second by Commissioner Patterson.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (C) – Consideration for approval to rezone subject property located at 2716 S Main Street or parcel number 20013801750 and owned by Hugh E. Byrd. Property currently has an occupied single-family detached home. It is currently zoned R-15 (Single-Family Residential), consists of 1.27 +/- acres and lies in land lot 139 and tax parcel 99.

- Mr. Trevino states “The next item of new business, zoning case number RZ2023-02(C) is to rezone the property located at 2716 S Main Street currently owned by Reverend Hugh E. Byrd. The property has an existing occupied single-family detached home. It is a four sided brick home built in 1966. It contains 1,687 square feet and has 2 accessory buildings, most likely sheds in the rear. The structure is not designated as historic nor is located within the historic district. The property is located within the Kennesaw Downtown Development Authority (KDDA) district and it is not located within the entertainment district. It is currently zoned R-15 (Single-Family Residential) and consists of 1.27 +/- acres. This property is nestled along the intersection of South Main Street and Duncan Drive. The existing senior apartment complex known as “The Enclave” is next door to the northwest and there are three vacant parcels to the east of the property. Mr. Byrd does not own the three vacant parcels to the East. Staff did mail out invitation letters to those property owners, however, we do not receive a response to partake in the CBD rezoning. This rezoning is only for the property located at 2716 S Main Street. By rezoning this parcel to CBD it would help establish a more contiguous zoning pattern along South Main Street. There are no plans pending or submitted to the City for this property at this time. This is merely just a zoning change from single-family to CBD. Any future proposed new development shall abide by the policies found within the UDC, the 2022 Comprehensive Plan Update Policy Matrix for the Historic Central Business District Area, as well as be compatible to the Historic District Design Standards as adopted and referenced by the Kennesaw Historic Preservation Commission. Anything new will have to go through the formal CBD Project approval three-step process. Staff ran legal ads in the MDJ on April 14th and 21st. A public notice sign was posted on the property on April 18th and certified letters were mailed to all property owners within 200-feet of the property. Staff is recommending approval for RZ2023-02(C)”.
- Chairman Bergwall adds in there are three other parcels on the side of the property that will remain R-15 and under a different owner.
- Mr. Trevino responds that we were unable to get ahold of the owner for those properties for this rezoning and they are not on the agenda tonight. There is a property to the right that was approved for 35 unit townhomes back in 2021 and still in the works.
- Chairman Bergwall opens the floor to public comment. After no response he moves to questions or comments from the Commission. After no response he moves to entertain a motion.
- Motion by Commissioner Greenall to approve as presented.

The next scheduled meeting of the Kennesaw Planning Commission
June 7, 2023 at 6:30 p.m.





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

Commissioners:
Don Bergwall - Chairman,
Phillip Jackson - Vice-Chairman,
Lacey Ragus, Rebecca Patterson,
Trey Bodenhamer, Todd Vande Zande,
Carolyn Greenall

- Second by Commissioner Bodenhamer.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (D) – Consideration for approval to rezone subject property located at 2753 Watts Drive or parcel number 20013900590 and owned by the City of Kennesaw. Property is the current location of the Ben Robertson Community Center. It is currently zoned Office/Institutional (O&I), consists of 2.61 +/- acres and lies in land lot 139 and tax parcel 59.

- Mr. Darryl Simmons introduces the next business item. He states “It is the Ben Robertson Community Center. This is the final piece as part of the Adams Park facility that is not in the Central Business District and is part of the proposed expansion of the Central Business. As noted before, the detention pond, which was to the left of the property, has been rezoned. This facility is part of the overall Adams Park facility and it will remain in ownership and operation under the City of Kennesaw in perpetuity. The staff analysis support lays out the location of the Ben Robertson Center in relation to the rest of the park. The city staff recommends approval of the rezoning to again continue the contiguity and make it contiguous. The Central Business District and making all of the Adams Park facilities under one zoning district”.
- Chairman Bergwall opens the floor to public comment. After no response he moves to questions or comments from the Commission. After no response he moves to entertain a motion.
- Chairman Bergwall calls for a motion to approve the rezoning application as presented.
- Motion by Commissioner Bodenhamer.
- Second by Vice-Chairman Jackson.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (E) – Consideration for approval to rezone subject property located at 2754 S Main Street or parcel number 20013801880 and owned by Bencivenga Gabriel Living Trust 7/9/02, Gabriel Bencivenga, LLC. Property has two commercial eating establishments within one building. It is currently zoned General Commercial (GC), consists of 0.67 +/- acres and lies in land lot 138 and tax parcel 188.

- Mr. Darryl Simmons introduces the next business item. He states “As mentioned before in the preamble, this property was given the invitation back in 2003, they opted out at that time as their right to do so. As the downtown developed and started to be revitalized again, phase two is to reach out to all of the property owners and asking for a second invitation to come into the city of Kennesaw's Central Business District. As you noted in the packet, there are two existing businesses. One is the Fern Gully Jamaican restaurant and the other one is a Thai restaurant. Fern Gully was established back in 2017 and a Thai restaurant was established back in 2012.

The next scheduled meeting of the Kennesaw Planning Commission
June 7, 2023 at 6:30 p.m.





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

Commissioners:
Don Bergwall - Chairman,
Phillip Jackson - Vice-Chairman,
Lacey Ragus, Rebecca Patterson,
Trey Bodenhamer, Todd Vande Zande,
Carolyn Greenall

Well, as you can see in the location, it is totally surrounded by the Central Business District. We feel that as part of the contiguity for downtown, this is a great opportunity to fill that hole along Main St. as mentioned before. The properties that are the commercial with an existing business will continue. This rezoning will not affect the operation or the rights of the property owner to continue the business. It is going to continue under central business district, if rezoned, there is no grandfathering required because eating and drinking establishments are allowed by right in the Central Business District anyway. So the recommendation from staff is to recommend the rezoning of this property and to allow the businesses to continue on under the Central Business District”.

- Chairman Bergwall opens the floor to public comment.
- Citizen, Danny Toledo (4041 Single Post Lane Roswell, GA), comes to the podium and says his uncle is the property owner of the property in question and wants to know what long term benefits he can see by the changing of zoning.
- Mr. Simmons responds “One of the biggest benefits of being in the Central Business District is flexibility regarding setbacks. In other words, if the property owner wishes to redevelop the property or add on square footage, or add to the back of the property you would not be subject to the standard zoning setback regulations, the Central Business District is design driven. It gives the property owner more flexibility as far as how to design additions or improvements to the property”.
- Mr. Toldeo asks if a restaurant or apartments an option.
- Mr. Simmons says yes but there are specific guidelines for apartments in the Central Business District.
- Citizen, Fred Moore (3001 N Main Street), comes to the podium and makes the comment that he and other citizens in the community are concerned and realize that there is a large increase in high density across the city and they would like to not see that increase. Kennesaw isn't the small village that it used to be and there are apartments everywhere.
- Chairman Bergwall states the Commission is a citizen advisory board and have no control over the increase in density and understands the communities concerns and these cases are heard on a case by case basis.
- Mr. Toldeo states the property owner has no desire to change what is currently there and wants to keep it with the restaurants.
- Chairman Bergwall asks if there are any questions from the Commissioners.
- Commissioner Bodenhamer asks for the website where you can see all the zonings in the city.

The next scheduled meeting of the Kennesaw Planning Commission
June 7, 2023 at 6:30 p.m.





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

Commissioners:
Don Bergwall - Chairman,
Phillip Jackson - Vice-Chairman,
Lacey Ragus, Rebecca Patterson,
Trey Bodenhamer, Todd Vande Zande,
Carolyn Greenall

- Mr. Simmons responds the zoning dashboard on the city's website under the GIS tab and introduces one of the creators and the GIS specialist Jon Paul Faix that is in the audience.
- Mr. Simmons states the purpose of the zoning dashboard is to show the ratio and breakdown of single-family residential and multi-family in the city.
- Commissioner Bodenhamer advises the public to visit the website and says compared to the other surrounding cities, Kennesaw has a much smaller ratio of residential and it is not as large as it seems.
- Chairman Bergwall asks are there any other questions or comments from the Commission. After no response he moves to entertain a motion.
- Motion by Vice-Chairman Jackson calls for a motion to approve the rezoning application as presented.
- Second by Commissioner Vande Zande.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (F) – Consideration for approval to rezone subject property located at 2817 Sardis Street or parcel number 20013800770 and owned by the City of Kennesaw. Property is vacant and located in Depot Park. It is currently zoned R-15 (Single-Family Residential), consists of 0.9 +/- acres and lies in land lot 138 and tax parcel 77.

- Mr. Darryl Simmons introduces the next business item. He states “As you can see in the aerial, this is going to be the property that was purchased by the City of Kennesaw. It was a former homestead of a family in Kennesaw. This parcel was purchased as part of our improvement, not just along Sardis Street but also as part of a key element in expanding the contiguous portion of Depot Park. As you can see this property is now part of a permanent addition to the Depot Park. The parcel has been absorbed into the redevelopment and creation of Depot Park and the last remaining item is to again clear up the zoning to make it more contiguous instead of the original R-15 zoning, since that use has gone away. It is no longer used for single family residential. It is now part of the Depot Park. It will always be part of Depot Park and this again is to continue the contiguity and cleaning up of our Central Business District”.
- Chairman Bergwall asks if this parcel is going to be a part of the amphitheater.
- Mr. Simmons says that is further over from this parcel. The amphitheater is under construction right now and in a few months you will actually see the boundaries start to come out of the ground but this is on the other side. We do recommend approval.
- Chairman Bergwall opens the floor to public comment. After no response he moves to questions or comments from the Commission.
- Commissioner Vande Zande asks why this parcel took so long to be rezoned and not included when the rest of the park was done.
- Mr. Simmons says there were many other issues dealing with transportation and there were particular deadlines that needed to be met and that was the main focus for the Depot part. There were some setbacks that pushed the timeline back so a

The next scheduled meeting of the Kennesaw Planning Commission
June 7, 2023 at 6:30 p.m.





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

Commissioners:
Don Bergwall - Chairman,
Phillip Jackson - Vice-Chairman,
Lacey Ragus, Rebecca Patterson,
Trey Bodenhamer, Todd Vande Zande,
Carolyn Greenall

rezoning wasn't the priority at that time. The Depot Park improvements and creation were top priority.

- Vice-Chairman Jackson makes the suggestion of reducing the speed limit in the parking lot of the Depot Park from 35-mph to 25-mph. It is a good idea to have everything in the central business district at 25.
- Commissioner Bodenhamer asks if that is something the city controls
- Mr. Simmons says yes and he will definitely relay the comment to the City Manager and the Police Department to see what the procedures are.
- Chairman Bergwall asks are there any other questions or comments from the Commission. After no response he moves to entertain a motion.
- Motion by Commissioner Greenall to approve the rezoning application as presented.
- Second by Commissioner Bodenhamer.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (G) – Consideration for approval to rezone subject property located at 2971 N Main Street or parcel number 20013900200 and owned by David & Kathryn Collier. Property currently has an unoccupied historic single-family detached home located in the North Main Street historic district. It is currently zoned R-15 (Single-Family Residential), consists of 1.5 +/- acres and lies in land lot 139 and tax parcel 20.

- Mr. Darryl Simmons introduces the next business item. He states "I would like to give you some background on this particular request, as Mr. Trevino mentioned, we sent out letters of invitation to a number of parcels. We identified this property as being close to or adjacent to the Central Business District. The property owner, Ms. Collier responded that she would be in favor of being considered to be included in the Central Business District. This property, as noted, is in the Historic District on North Main Street. The North Main Historic District goes back down towards Lewis Street. It is the WB Adams house built in 1907. It has gone through some changes over the years such as ownership, the use, inside and outside improvements like the color of the home. One of the interesting things staff realized about this location is that it is on the cusp of two things. One you're leaving the central business district along, Lewis and Main Street. It is directly next to our budding residential character of North Main Street, which is predominantly residential and very well maintained. One of the things that we take into consideration with each rezoning consideration is the fact that we try to balance the needs of the Community, the concerns of the Community as well as the needs and the concerns for the property owner. Through this process hopefully find out what is appropriate here. Obviously the central business district has a long list of allowed uses, some of which would cause concern for anyone within the immediate area. Before I go any further, I want to make sure I mentioned for the record that we did receive emails of opposition. The first one that was dated April 18th was written and submitted to the city by Mr. Dane Thomas, and he wrote.

The next scheduled meeting of the Kennesaw Planning Commission
June 7, 2023 at 6:30 p.m.





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

Commissioners:
Don Bergwall - Chairman,
Phillip Jackson - Vice-Chairman,
Lacey Ragus, Rebecca Patterson,
Trey Bodenhamer, Todd Vande Zande,
Carolyn Greenall

Letter of opposition regarding and his concern for this rezoning application and recommends and disagrees with the proposal and he asked that this this rezoning application be denied. The second. E-mail was a collaborative e-mail with signatures from concerned citizens and residents of North Main Street. It was dated April 27th, 2023, and there was an attachment of all of the signatures of property owners along Main Street from 2981 all the way through 3001 North Main Street. The e-mail or the letter gave specific concerns regarding the rezoning application and that was entered into the record. I would also like to mention that we did attempt to receive an e-mail that was prepared and sent by Miss Cindy Thomas. I spoke to her on the phone. She did try to resend it. I did not receive it, but she is in attendance and she'll have the opportunity during public comment to reiterate her concerns for the records. I just want to make sure that that was placed in the record before I continue my presentation. As you can see up on the monitor, the blue indicates the current historic district for North Main Street and it extends beyond the subject property we're discussing this evening down Lewis St. almost touching at Dallas Rd. The reason I'm mentioning that is the North Main Street, though predominantly residential, does have more than one type of residential component to it and there is one portion that is commercial. The real issue here is what is the appropriate use or types of uses for this. Obviously there's a couple of things that would make the retail as a challenge for this property. One, the limited access to the property. Two, if you look across the street, there is a church directly across the street. Close proximity to church would rule out alcohol license or any type of alcohol application for this location. A couple of definitive things I want to state because of the location is this. The 2022 update to our comprehensive plan clearly identified this property as being in the downtown activity center, which means that this rezoning request is in line with the currently adopted comp plan. It also says all the properties north of this property is in low density residential and there is no intent or even a consideration for any further encroachment up North Main Street. I know that is a concern for citizens. I want to make sure I definitively say that on record that there had never been or has been any discussions for any type of change in the North Main Street residential area. It is a protected by our comp plan. It's protected by our Historic District standards to be residential in nature. The second thing is this property has a historic home or structure on it. There were discussions in the past from developers wanting to add townhomes, apartments, two, three story flats, tiny homes, etc. We've had a number of requests and proposals, all have been thrown out and rejected. The primary function here is it is an established historic structure in the Historic District and the character is to preserve that property whether it's in CBD or residential. This structure is going to stay and is going to be maintained under our Historic District standards. I just wanted to make sure that was clearly stated. Staff realized in our staff analysis that we went through line by line and we looked at some of the questionable central business district uses that we felt would not be appropriate at this location if the rezoning is considered. We went through a number of things,

The next scheduled meeting of the Kennesaw Planning Commission
June 7, 2023 at 6:30 p.m.





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

Commissioners:
Don Bergwall - Chairman,
Phillip Jackson - Vice-Chairman,
Lacey Ragus, Rebecca Patterson,
Trey Bodenhamer, Todd Vande Zande,
Carolyn Greenall

including, of course, multifamily, townhomes, massage therapy, retail, or growlers. There's a number of things, and as part of our recommendation, we're going to clearly state some of the uses that are strictly prohibited as additional restrictions if this is to be considered. I had the opportunity to talk with some of the citizens prior to this meeting, and I did listen, we did understand the concerns because there's obvious pride in this community. The city of Kennesaw is very proud of the historic districts and this is one of the few remaining districts that kept the character through today and we want to make sure that is not undermined in any way through any actions by the City of Kennesaw. I wanted to make sure that I state that because my tenure here, we know exactly what our responsibilities are, and that is to maintain and preserve the character of our existing neighborhoods and at the same time open up opportunities for property owners. In this case, this property is heading into downtown and we felt that it is an appropriate location to consider bringing the central business district given what's immediately to the South of the property and also what some of the uses that cannot be entertained there. I would like to state the recommendations from staff with some very specific zoning conditions, if the city of Kennesaw wishes to consider this rezoning.

- Chairman Bergwall grants Mr. Simmons additional time for this application with no objection from the other Commissioners.
- Mr. Simmons continues "The additional zoning conditions that staff is recommending is as follows:
 - o General retail uses prohibited: animals hospitals, butchers, bakeries, fraternity and sorority house, residence halls, growlers establishments, massage therapy establishments, Pets stores
 - o Service and professional uses prohibited: banks and other financial institutions, medical and dental laboratories.
 - o Services and facilities uses prohibited: auction houses, bed and breakfast inns and residential type inns, broadcast studios, butcher shops, caterers, alternative wireless communication facilities, hotels, laundromats, motels, hotels, parking lot and garages, commercial or public, pet boarding, tobacco shops, taverns, cocktail lounges, eating and drinking establishments.
 - o Residential uses prohibited: condominiums, mixed-use, residential, commercial, townhomes and apartments.
 - o If the property is brought into the Central Business District prior to occupancy, a minimum 20 foot landscaping buffer zone shall be established along any property line that abuts a single family residential district prior to issuance of a certificate of occupancy. This is part of the Central Business District Ordinance as it is currently adopted.

The next scheduled meeting of the Kennesaw Planning Commission
June 7, 2023 at 6:30 p.m.





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

Commissioners:
Don Bergwall - Chairman,
Phillip Jackson - Vice-Chairman,
Lacey Ragus, Rebecca Patterson,
Trey Bodenhamer, Todd Vande Zande,
Carolyn Greenall

- o The WB Adams House must be preserved and any repairs must be done in full compliance with the adopted Historic Preservation design standards and the review process.
- We understand the sensitivity of the location. We also understand that what we have is a vacant piece of property that the city would like to see occupied, whether by a family and/or a business. The Central Business District would not restrict this house to be used as residential. It does open up opportunities for more flexible occupants that would give a greater probability for occupancy or sale. We do understand the issues and concerns from our citizens and we are hoping that we can find a common ground somewhere in the middle. Hopefully through this process and through this continued discussion and of course the Planning Commission's insightful questions to staff and the Community”.
- Chairman Bergwall asks for those in the public that have comments or questions to come forward to the podium and sign in. More time will be given to the citizens.
- Citizen, Kimberly Watkins (2975 N Main Street) comes to the podium and reads a letter from her and neighbors opposing the rezoning of this property and details how this is a viable single family neighborhood that the city should acknowledge and protect.
- Citizen, James Stewart (2975 N Main Street) comes to the podium and expresses his denial for the rezoning and says he is concerned about what a thriving business would do to the families in the neighborhood there encroaching into what is traditionally and historically been a family neighborhood.
- Citizen Madeline Orochena (2981 N Main Street) comes to the podium and expresses denial for the rezoning and says houses like theirs are hard to find and rezoning this home would price out any residential buyers who want to make the historic district their forever home.
- Citizen John Powell (3410 Jiles Rd & 3015 N Main Street) comes to the podium and says his denial for the rezoning.
- Citizen Jerry Weeks (property owner on Main Street) comes to the podium and expresses his denial for the rezoning. He says he has been in Kennesaw 77 years and appreciates everyone coming to show support.
- Citizen Mary Kline (2995 N Main Street) comes to the podium and expresses her denial for the rezoning. She says there is no need for this home to be vacant and it should remain residential and a historic home.
- Chairman Bergwall asks are there any questions or comments from the public. After no response he asks if the property owner is present and would like to speak in favor of the rezoning. After no response he moves to take questions or comments from the Commission.

The next scheduled meeting of the Kennesaw Planning Commission
June 7, 2023 at 6:30 p.m.





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

Commissioners:
*Don Bergwall - Chairman,
Phillip Jackson - Vice-Chairman,
Lacey Ragus, Rebecca Patterson,
Trey Bodenhamer, Todd Vande Zande,
Carolyn Greenall*

- Vice-Chairman Jackson asks if the property owner sent a letter to withdraw the application.
- Mr. Simmons says no it was a concerned citizen trying to send an email of opposition and there were some technical issues with receiving it. The citizen, Cindy Michael is in the audience and he spoke with her before the meeting to hear her concerns.
- Commissioner Bodenhamer asks the question if this building were to become commercial what standards it would be held to since the CBD standards and historic district standards overlap.
- Mr. Simmons says it would be held in the historic district standards regarding the architecture and all the contributing elements must remain. It will be subject to the building standards for a commercial occupancy such as ADA ramp access, parking lots and handicap parking. Internal improvements would be needed as well to fit commercial standards. A freestanding sign would be entitled. Both standards would have to be upheld central business district and historic district. There are several examples around Kennesaw that match this description. The intent is to not create a high traffic or high volume area.
- Commissioner Bodenhamer makes reference to the future use map and what is current in the area. According to the comp plan is supposed to stay residential and the city would be subjected to litigation if they went against the comp plan and added something completely different. The comp plan is really a city's guide.
- Mr. Simmons states the state of Georgia allows all the jurisdictions every five years to go through an amendment for things like this. The comp plan was written by input from those in the community through meetings and surveys and the city put it together.
- Commissioner Patterson asks if this rezoning doesn't get approved if this will be revisited when it comes time to create a new comp plan.
- Mr. Simmons states staff would take feedback from the community and decide on something everyone can live with.
- Chairman Bergwall says the best use for this property is finding balance for the community.
- Commissioner Vande Zande states it would have been great to hear from the property owner and why they chose to rezone.
- Commissioner Greenall states the property hasn't been publicly put up for sale but there has been interest expressed in buying it so it isn't left vacant.
- Chairman Bergwall calls for a motion to deny the rezoning application as presented.
- Motion by Vice-Chairman Jackson. Second by Commissioner Patterson
- **4-1 in favor of denial. Motion Denied.**
 - o Commissioner Bodenhamer opposed the decision for denial.

**The next scheduled meeting of the Kennesaw Planning Commission
June 7, 2023 at 6:30 p.m.**





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

Commissioners:
Don Bergwall - Chairman,
Phillip Jackson - Vice-Chairman,
Lacey Ragus, Rebecca Patterson,
Trey Bodenhamer, Todd Vande Zande,
Carolyn Greenall

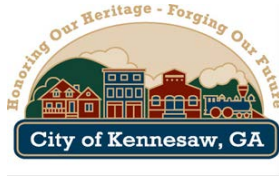
3. **MISC2023-02** – Consideration for approval of a text amendment request as submitted by the City of Kennesaw. Said request is to amend the Unified Development Code, Appendix A, Chapter 5 “Standards for Accessory and Temporary Uses,” Section 5.03.14 and Section 5.03.18 of said chapter regarding political campaign signage.
- Mr. Simmons introduces the last business item. He states “This item is simply just to bring our sign ordinance that's pertaining to campaign signs in alignment with the OC GA standard. In the OC GA16-7-5A.A2 it states in part that no municipal, county or consolidated government may restrict by regulation or other means the length of time a political campaign sign may be displayed, or the number of signs which may be displayed on private property for which permission has been granted. Under that section there was a conflict in our sign ordinance that was identified and our city attorney drafted the text amendments that would bring it more in line with the state statutes. There were exemptions and the sections that are proposed to be inserted refers back to OC GA16-7-58.82 in all four of the sections, and it's pretty much says the same thing. This section in the sign ordinance does not apply to political campaign signs, which are governed by the O.C.G.A standard. We added additional language which talks about the general sign location. Our protocol is no sign should be on our public right away and with this text amendment we wanted to make sure it was clearly written. No sign shall be erected on or encroached on any public right away except as authorized by governmental unit or agencies. Of course they went on into more detail on setbacks and what is allowed in easements. The main purpose is to make sure that the sign ordinance is in alignment with the OG code dealing with campaign signs. We recommend approval of the text amendment as submitted and reviewed by our city attorney”.
 - Chairman Bergwall confirms if signs can't be on the public right of way but the owner has to provide prior approval that it is allowed to be on their property.
 - Mr. Simmons says yes.
 - Chairman Bergwall asks if there are any comments from the public.
 - Citizen, Fred Moore (3001 N Main Street), comes to the podium to ask if there is a time limit for political signs and can't have a sign up all year.
 - Mr. Simmons responds, “Yes, the way the current code reads says between the date of qualification and finally termination of each ballot issue or candidate of a political election. Each lot may display an unlimited number of standard informational signs so what they took out was the time period. O.C. G.A clearly states that the municipality cannot regulate the length of time a political sign can be displayed so that is the change”.
 - Chairman Bergwall asks are there any questions or comments from the Commission. After no response he moves to entertain a motion for approval.
 - Motion by Commissioner Greenall to approve the text amendment as presented.
 - Second by Vice-Chairman Jackson.
 - **All in favor 5-0. Motion Approved.**

IV. Zoning Administrator & Staff Comments

1. CivicPlus Civic Clerk – New program for meeting agendas, minutes and recordings

The next scheduled meeting of the Kennesaw Planning Commission
June 7, 2023 at 6:30 p.m.





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

Commissioners:
Don Bergwall - Chairman,
Phillip Jackson - Vice-Chairman,
Lacey Ragus, Rebecca Patterson,
Trey Bodenhamer, Todd Vande Zande,
Carolyn Greenall

- Mr. Trevino speaks about the new program Civic Clerk that is being launched by the City Clerk's office as an organized and user friendly way to access meeting agendas, minutes, and recording. Links will be sent out to the Commissioners in order to access meeting agendas on the civic clerk site. This will start on the next scheduled Planning Commission meeting.
- 2. Commissioner City e-mail accounts and City internet policy form
 - Mr. Trevino lets the Commissioners know that there city email accounts have been created and ready for them to use. They are informed to sign a city internet policy form agreeing to the policy on conducting business using city email accounts
 - He thanks everyone for a job well done.

V. Adjourn

- **Adjourn 8:42 p.m.**

The next scheduled meeting of the Kennesaw Planning Commission
June 7, 2023 at 6:30 p.m.

