

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

MEETING MINUTES
PLANNING COMMISSION SPECIAL CALL MEETING
CITY OF KENNESAW
Council Chambers
June 14, 2023
6:30 P.M.

1. Call to Order / Roll Call
 - o Chairman Bergwall calls the meeting to order at 6:29 p.m.
 - o Roll Call: Don Bergwall, Phillip Jackson, Lacey Ragus, Rebecca Patterson, Todd Vande Zande, Carolyn Greenall
 - o Absent: Trey Bodenhamer
 - o Staff present: Darryl Simmons (Zoning Administrator) and Albert Trevino (Assistant Zoning Administrator and Planner)
2. Announcements
 - A. Mr. Darryl Simmons reads the preamble: 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/](https://www.facebook.com/CityofKennesaw/), however, 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.
 - 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 Mayor and Council on June 19, 2023.
3. New Business
 - A. Approval of ORDINANCE to amend the Unified Development Code, Appendix A, Chapter 1, Section 1.06.01, Section 1.06.03 and Chapter 10. Said amendments are regarding changes to zoning procedure law as submitted by the City of Kennesaw. Case #MISC2023-05.
 - Mr. Albert Trevino comes to the podium to present the new business item. He states: “Thank you Chairman Bergwall. Good evening Planning Commissioners and good evening to our virtual audience tuning in on Facebook Live. Tonight’s agenda is very light. We have one item to discuss which is a text amendment to amend the Unified Development Code or UDC, Chapters 1 and 10. I wanted to be thorough but brief, so I have put together key highlights of the text amendments on powerpoint to go over with you all this evening. The Chapter 1 amendments covers updates to the titles of the City’s Building Official as well as the Zoning Administrator. The text amendments include referring to the Building Official within the UDC as the “Building Services Director,” and referring to the Zoning Administrator as the “Planning and Zoning Administrator. Chapter 10 updates includes a number of items. First being, where ever “Building Official” and/or “Zoning

Administrator” are found within this chapter, the UDC will now refer to them with their new titles. For the sake of time, these title changes can be found within the zoning code sections as listed on the screen. Second, last year, Georgia Legislators passed House Bill 1405, which lays new ground rules for public notice deadlines as well as new rules for local government initiated zoning changes of property from single-family to multi-family residential. Third, the UDC will be updated to match the states rules on initiating annexation requests. Fourth, we are updating the UDC’s section on the City’s Comprehensive Plan’s Future Land Use Map. The language within this section is out of date. And last, I’ll touch on changes to our final plat certificates and plat signature requirements. Section 10.00.05 (A) is for public notification procedures and the amendments include instead of listing out individual zoning applications like “rezonings and variances,” it requires that notification procedures be executed for “All applications that pertain to zoning decisions as defined in O.C.G.A. 36-66-3(4) that go for a public hearing before Mayor and Council and Planning Commission.” Of course, you all are aware that these public notification procedures are publishing a legal ad in the newspaper, posting of a yellow sign and mailing certified letters to surrounding property owners. Here on this slide lists how O.C.G.A. defines a “Zoning Decision.” In this section, an amendment is made to remove the requirement for the City to publish a legal advertisement in the newspaper for two consecutive weeks. Now the requirement is only one legal ad published once within the Marietta Daily Journal. In this section, it allows us to still hold a public hearing and for the Planning Commission and Mayor and Council to take action if when a public notice sign is posted on a property and it becomes vandalized or lost by natural occurrence before a decision has been made. It is the City’s responsibility to post the sign at least 15 days prior to the first public hearing. Regarding this section, staff needs to go over the changes that were made in great detail. This section 10.00.05 (G) that you all received in your packets will be marked out in its entirety. Staff along with our legal team had an in depth discussion today and decided that this section, although is mandated by House Bill 1405, does not apply to the City of Kennesaw. This is because the Kennesaw Planning Commission makes recommendations and can impose zoning conditions on zoning applications but they do not make the final zoning decision. This section will be struck through because it applies for those municipalities that have a Zoning Board of Appeals, where that board is a quasi-judicial board whereas they make final zoning decisions on appeals to the Zoning Administrative or decisions on variance applications. This section does not apply to the City and will be strike through on the final version. In its place, everything then got moved up. So what was section 10.00.05 (H) in your packets now gets moved up to section 10.00.05 (G). The new section 10.00.05 (G) is in regards to House Bill 1405. HB 1405 has a rule that if a local jurisdiction such as a city or a county initiate a rezoning request from single-family to multi-family, revise one or more single-family zoning classifications or definitions relating to single-family residential property so as to authorize multi-family residential, that the zoning decision must be adopted with the following rules; which I will cover on the next slide. Please note that this does not apply to a property owner wanting to file a rezoning for their property from single-family to multi-family. In addition to the existing public notification rules, the additional rules must take place: The additional new public notification rules are that: a zoning decision must be adopted at 2 regular Council meetings during a period of not less than 21 days apart; such public hearings shall be held at least 3 months and not more than 9 months prior to the date of final action on the zoning decision; at least one of the public hearing meetings must be held between 5 p.m. and 8 p.m.; when more than 500 parcels are affected, a public notice sign is required every 500-feet; A published notice must be at least nine column inches in size and shall not be located in the classified advertising section of the newspaper. A zoning decision must be adopted in accordance with the new rules also, if a local government makes: a request is made to abolish all single-family residential zoning classifications within the territorial boundaries of the city; or a zoning decision that result in the rezoning of all property zoned for single-family residential uses within the territorial boundaries of the city to multifamily residential uses of property. Again, these new rules on public notification procedures does not apply when a property owner or authorized agent of the owner of such property requests to rezone their property from single-family to multi-family. This section updates the City’s UDC to be consistent with the States rules how when we can accept or initiate annexation requests. This includes by local

act of the general assembly, by 100% of landowners, by 60% of the land and 60% of electors or by resolution and referendum. This section adds in language to allow for the Planning Commission and Mayor and Council to motion for an item be withdrawn “with prejudice.” Currently, the UDC is silent on “with prejudice” within this section. Section 10.01.03 gets an update to align with our most recent Comprehensive Plan Update in 2022. All previous comp plans included a section called “Character Areas” and “Character Area Map.” In the 2022 Comp Plan, we decided to move away with the term “Character” and just shorten it to “Area” or “Area Map.” Areas will comprise of a conglomerate of neighborhoods and that usually have a distinction from other areas such as “Jiles and Baker Area” or “Old 41 and Barrett Area.” We eliminated the word “Character” altogether within this section since our current comp plan does not use that term any longer. And finally, the last of the text amendments that I want to touch on is updating our final plat certificate requirements. Currently, our final plat ordinance requires two signatures from the City Engineer and two signatures from the Mayor. We have updated this section to allow for each of them to only have to sign the plat one time. That is all of the text amendments to cover this evening. Staff has advertised this item within the Marietta Daily Journal on May 26 and June 2, 2023. We will be taking your recommendation to Mayor and Council at their regularly scheduled meeting on June 19, 2023. Staff is recommending approval. Thank you”.

- Chairman Bergwall asks if there is someone that periodically checks or patrols the signs posted.
- Mr. Trevino states there is a sign technician that creates and checks on signs that are posted on properties. If he notices a sign has been removed or vandalized, he will notify city staff right away and replace the sign as needed.
- Chairman Bergwall asks if there are any other questions from the Commissioners. After no response, he says he will entertain a motion to approve the text amendment changes as presented.
- Motion by Commissioner Ragus.
- Second by Commissioner Greenall.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

4. Staff Comments

- Mr. Trevino comes up to the podium and talks to the Commission about subscribing to the city's public portal website in order to get city communications.

5. Adjourn

- Time: 6:57 p.m.