

**Commissioners:**

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

**Planning Commission  
Meeting Agenda  
November 1, 2023 6:30 PM  
Council Chambers**

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**1. Call to Order / Roll Call****2. Announcements**

- A. This public meeting is being conducted via the use of real-time telephonic technology, allowing the public simultaneous access to the public meeting. The meeting may be accessed using 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 would like to provide public comment on a specific agenda item, you can email [kennesawcouncil@kennesaw-ga.gov](mailto:kennesawcouncil@kennesaw-ga.gov) no later than 6:00 p.m. the night of the regular meeting. Your comment will be read aloud or grouped into categories for the record. All interested parties may attend the meeting in person with limited seating available at the City Hall Council Chambers and the Ben Robertson Community Center, if needed. Please note that the Planning Commission serves as an advisory board that makes recommendations to the Mayor and Council unless otherwise noted.
- B. Pending zoning applications may be viewed on an interactive map via the Planning & Zoning webpage or using the following link: <https://arcg.is/1q1ubX0>.
- C. New business items on this agenda will be heard by the Mayor and Council on November 20, 2023.

**3. Approval of the Meeting Minutes**

- A. Meeting Minutes from October 4, 2023

**4. New Business**



- A. Consideration for approval of a variance application submitted by Piedmont Residential, LLC for the property located at 1651 McCollum Parkway (20009900010). Case #ZV2023-04.
- B. Consideration for approval of a rezoning application submitted by Piedmont Residential, LLC for the property located at 1651 McCollum Parkway (20009900010). Case #RZ2023-03

**5. Staff Comment**

**6. Adjourn**

**MINUTES OF PLANNING COMMISSION MEETING  
CITY OF KENNESAW  
Council Chambers  
October 4, 2023  
6:30 PM**

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**1. Call to Order / Roll Call**

- Meeting called to order at 6:30 p.m. by Don Bergwall.
- Roll Call: Phillip Jackson, Todd Vande Zande, Trey Bodenhamer, and Carolyn Greenall
- Absent: Rebecca Patterson and Lacey Ragus
- Staff present: Darryl Simmons (Zoning Administrator) and Natalie Faustine (Community Development Administrative Assistant)
- Applicants present: Mark Jackson (Representing applicant Ali Jackson)

**2. Announcements**

- A. This public meeting is being conducted via the use of real-time telephonic technology, allowing the public simultaneous access to the public meeting. The meeting may be accessed using 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 would like to provide public comment on a specific agenda item, you can email [kennesawcouncil@kennesaw-ga.gov](mailto:kennesawcouncil@kennesaw-ga.gov) no later than 6:00 p.m. the night of the regular meeting. Your comment will be read aloud or grouped into categories for the record. All interested parties may attend the meeting in person with limited seating available at the City Hall Council Chambers and the Ben Robertson Community Center, if needed. Please note that the Planning Commission serves as an advisory board that makes recommendations to the Mayor and Council unless otherwise noted.
- B. Pending zoning applications may be viewed on an interactive map via the Planning & Zoning webpage or using the following link: <https://arcg.is/1q1ubX0>.
- C. New business items on this agenda will be heard by the Mayor and Council on October 16th, 2023.

**3. Approval of the Meeting Minutes**

- A. Meeting minutes from September 6th, 2023

- Motion to approve the September 9, 2022 Meeting Minutes by Commissioner Greenall.
- Second the motion by Commissioner Jackson.
- **Approval forwarded with the vote totaling 3-0. Commissioner Bodenhamer abstains.**

#### 4. New Business

A. Consideration to approve a Land Use Permit application for the property located at 2800 Dominion Ln submitted by applicant Ali Jackson. Case #LU2023-02

- Chairman Bergwall introduces the first new business item.
- Mr. Darryl Simmons comes to the podium and states “This land use application submitted by Ali Jackson for the residential occupancy for a home-based business that is primarily for the creation and baking of cookies using the kitchen that’s located within the residential unit at the subject location. The existing building square footage is 17,140 square feet as per our ordinance is required to have for a land use permit. The different examples of the baked cookies that would be created at the location of the applicant can be seen in the staff analysis, provided by the applicant. The applicant also submitted photos showing the area that will be used, which is the kitchen in the townhouse unit, as well as the regular kitchen noncommercial grade equipment used to create these cookies. They also submitted the floor plan or a schematic showing the location of the kitchen and the area where the preparation would be conducted. You should have two documents in your packet, one is a letter from the Dominion of Kennesaw HOA board as well as a detailed e-mail which spells out the board directors approving the baking goods and cookies at 2800 Dominion Lane. The location again is an established townhome community located off of Paulding, which connects Jiles Road and N Main St. Dominion Lane is the main drive through the development.”
- Mr. Simmons proceeds with staff recommendation “we hereby recommend approval of the land use application for a period of 24 months with the following three conditions that shall be stated for the record. 1. The land use permit is limited to exclusive for and only ballot for the current applicant and the life of this particular business in use, and it is not transferable. Any changes would require additional review and approval by the City of Kennesaw. 2. 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. 3. The land use permit is valid for 24 months after the date of approval. Those are the three conditions by planning and zoning staff. We recommend approval, and if there's any questions or staff will be happy to answer them during this proceeding.”
- Chairman Bergwall invites the applicant to the podium.
- Mr. Mark Jackson (representative of applicant Ali Jackson) states that the only

business that would occur in the property of interest would be part-time decorating the cookies, as they are baked elsewhere. He states their advertising is limited so the customer base is small. All of the cookies are delivered, so there will be no traffic or obvious evidence that was decorating and selling cookies.

- Chairman Bergwall opens the floor for public comment.
- Mr. Emilio Gonzalez (2801 Dominion Ln) goes to the podium and explains that he is against changing the classification of the neighborhood because of his concerns regarding limited parking and the future of the neighborhood.
- Chairman Bergwall asks him to clarify his main concerns.
- Mr. Gonzalez claims he is concerned about the neighborhood becoming more commercial.
- Chairman Bergwall acknowledges his concerns and asks if anyone else has comments.
- Dr. Barry Leath (2808 Dominion Ln) comes to the podium and states "Good evening everyone, my name is Doctor Barry Leath and I'm a resident in the area. I think that the proposal presented really wasn't disseminated throughout the Community properly by the HOA. I just looked and saw where they went ahead and approved it, but there was never a meeting conducted by or invitation to a meeting prior to this being presented to the Commissioners, so I feel blindsided by the fact that, OK, the HOA is conducting business and making decisions, but no one in the Community was properly informed of their approval of this action. Truly, I have nothing against my neighbor. She's wonderful. It absolutely has nothing to do with her. It's the protocol that wasn't followed, or the protocol that you would expect from an HOA. Whenever we have other situations in the Community, we go to the HOA and they and they govern, and I mean strongly govern how we conduct our business in there, like to eliminate parking for the residents. They go out and paint red areas where you cannot even park in front of your own home. To say that this is treated so cavalier and just with open arms is really a huge conflict, and I would ask that the commission tables the item until the HOA comes back and informs us and allows us to speak on it, as opposed to just going ahead and approving it without consulting the community."
- Chairman Bergwall asks if it was the management association or the board of directors of the HOA that provided the approval and Dr. Leath claims that he believes it was the property management company, but the property management is responsible for communicating with the president of the board of directors of the HOA.
- Chairman Bergwall explains "Generally with an HOA, there are covenants, bylaws, and any other design standards, or rules and regulations that are the governing documents for the HOA. As long as the board has felt that they are in compliance with those, then they can make the approval. It doesn't require a vote of the entire community. Generally only things like a change to the bylaws or covenants would require the whole community to vote, and those require a 2/3 majority. If the management company made the approval without consulting the HOA, then either they were delegated to or based their review on the covenants and bylaws. That I guess maybe is an unknown at this point."
- Chairman Bergwall acknowledges Dr. Leath's concerns and asks if there are any

more comments.

- Renee Ellison (2806 Dominion Ln) comes to the podium and explains that she objects the land use permit because she is concerned that the lot will be considered commercial, which may increase the taxes in the community. She also notes that other people are cooking commercially in the neighborhood and it is a fire hazard.
- Chairman Bergwall responds that would be a separate issue of concern and should be addressed.
- Ms. Ellison goes on to explain that she believes if we give this house the permit, the other houses will too and it will be a continuous effect.
- Chairman Bergwall clarifies "For right now, let's say that every application that is made is an individual consideration for the request made by that individual for the particular type of activity that they're going to do. Now, if this individual was saying I'm going to be roasting chickens out in the driveway, which could be considered nuisance to the community because of smoke and smell and all that. Sort of thing, you know. This is confined to the kitchen area. And it even sounds like they're not even baking the cookies there. They're just decorating the cookies there."
- Ms. Ellison asks if her taxes will increase since there will be commercial activity.
- Chairman Bergwall responds they will not, because this is a land use permit in a multifamily townhouse area.
- Mr. Simmons takes the podium to further answer the questions raised. He explains that the property in question is residentially zoned, and the land use permit is only for a limited period of time for a specific activity that has to be approved by Mayor and Council. He noted some of the other concerns the citizens voiced, and explained that those will have to be handled individually. He restates the terms of this land use permit and adds that if any conditions are violated the city has the right to void the business license.
- Commissioner Bodenhamer clarifies that this is a land use permit, not an application for rezoning.
- Chairman Bergwall adds that comments regarding traffic and parking are covered in the stipulations that go with the permit.
- Mr. Simmons advises that the issues with the internal protocol for the neighborhood should be addressed internally.
- Chairman Bergwall responds that approval by the HOA board or Management Company is outside our jurisdiction. All comments by citizens were addressed by the stipulations.
- Chairman Bergwall opens the floor for comment.
- Mr. Gonzalez comes to the podium and asks that if there is no stipulation in the bylaws of Dominion in terms of trying to get a permit as a business and the HOA approved it, is it right for the Commission to approve something that's not in the community bylaws. He goes on to claim that the citizens of the community should have the opportunity to examine and discuss the case before the commission makes a decision.
- Chairman Bergwall reiterates that is an internal issue.

- Mr. Gonzalez asks if this permit will be approved on October 16<sup>th</sup> at the Mayor and Council meeting.
- Chairman Bergwall advises “We serve as a body that makes recommendations to the mayor and the City Council. You'll have your opportunity to go to the City Council meeting and register your same concerns with the mayor and City Council. They could agree or they might disagree with whatever recommendation that we would make. I have probably read covenants and bylaws from over 100 communities in the experience that I've had here in Georgia and in Ohio on planning commissions and I have not seen one that says that you can't work from home. Most say that you can't work from home if it is noticeable to the community as far as having employees come to your house, having large amounts of material coming in and out of your house, or having commercial vehicles that you can't get in your garage that are left in the driveway. All of those types of things are covered, but for somebody to just work out of their house and that be transparent to the community, I've never seen covenants or bylaws that restrict that.”
- Mr. Gonzalez and Chairman Bergwall discuss the Commission's obligation on the matter and the responsibilities and interests of the HOA.
- Commissioner Bergwall asks if there are any other comments.
- Mr. Jackson comes back to the podium to claim his daughter, the applicant, is just trying to do the right thing and restates her purpose. He ensures the commission that the business is transparent from the outside of the home and it will not generate traffic.
- Sheri Kelly Leath (2802 Dominion Ln) comes to the podium and requests more transparency in the communication from the city regarding the stipulations and conditions. She states that she felt the only way to get additional information was to attend the Commission meeting.
- Mr. Simmons responds that everything that was submitted to the City is available on our website, and recommends that the citizens present have a community meeting with their HOA and the management company. He reiterates that the applicant did her due diligence and followed the City's public notification process.
- Chairman Bergwall agrees that if there is something in the community management's bylaws that is different than the City's covenants, it should be brought to the Mayor and Council at the October 16<sup>th</sup> meeting.
- Chairman Bergwall opens the floor for comments by commissioners.
- Commissioner Jackson comments that Mr. Simmons did a great job with the stipulations, and points out the stipulation where the business cannot be noticeable from the street.
- Motion to approve the land use permit application by Commissioner Vande Zande with the following:
  - All staff conditions as outlined within the staff report.
- Second the motion by Commissioner Bodenhamer.
- Approval forwarded with the vote totaling 4-0. All in favor.

B. Approval of an ORDINANCE to amend the Unified Development Code, Appendix A, Chapters 4 and 5. Case #MISC2023-08

- Chairman Bergwall introduces the next agenda item.
- Mr. Simmons informs the Commission that the intent of this code amendment is to add clarification and more definition and depth to the home occupation ordinance.
- Mr. Simmons gives further detail on the item, explaining “To start off, there are two basic types. There's type A and Type B home occupation permits. Type A is only referred to as a limited home occupation, which is very limited to administrative office functions such as using your computer, filing, making calls, sending out correspondence, what you're doing at your home office. Type B is similar to the process of what we went through tonight, which is anything that is beyond a regular home office administration process, whether it's producing or putting together a product or creating something that's being consumed or will be sold to the general public. What we found is through review of our codes that post COVID a lot of folks decided that they want to work from home and we looked at our codes and we did not specifically define what we call a virtual office. A virtual office is a home office where you're using a computer and related accessories for business use.”
- Mr. Simmons outlines the notable changes to the general provisions and prohibited uses for all home occupation permits, including:
  1. Incorporating standards to not allow employees, customers, or clients at the property and to limit the delivery of goods and services that is beyond what is normally done in a residential area.
  2. Clarifying the responsibilities of the Planning and Zoning department, the Business License Department and Code Enforcement
  3. Address potential nuisances.
  4. Clarify that only people living in the dwelling can be employed in such occupation, and that all such use must be conducted within the dwelling.
- Mr. Simmons continues to explain the changes to section D, specific criteria for type A home occupations,
  1. More details on the allowance of delivery personnel for business use.
  2. Only one type A land use permit is allowed per dwelling in order to prohibit multiple businesses in one location.
- Mr. Simmons goes on to explain the changes to section E, specific criteria for type B home occupations,
  1. Adding the public notification process that is used for rezoning and variances from Chapter 10 of the UDC
  2. Add more details on how business should be conducted in a residential area
  3. A 24 month time period was instated that requires re-application, re-advertisement, and another public hearing of the case.
- Mr. Simmons points out the checks and balances in this process in order to protect the integrity of the neighborhood. The standards for decisions were



added to the ordinance to ensure that the safety, health, welfare, and concerns of the surrounding neighborhood are considered in the decision making process. These standards include

1. parking and traffic considerations
  2. number of nonrelated employees
  3. Number of commercial and business deliveries
  4. The city's general presumption that residential neighborhoods should not allow non-compatible business uses, compatibility of the business use to the neighborhood
  5. Hours of operation
  6. Existing business uses in the vicinity
  7. Effect on property values of surrounding property, circumstances surrounding neighborhood complaints
  8. Intensity of the proposed business use
  9. Location of use within the neighborhood.
- Mr. Simmons clarifies that these standards do not limit the additional questions that the Planning Commission or Mayor and Council may raise through the proceeding
  - Mr. Simmons explains item H, which states that in order to address the matter of type A land use applications submitted from multifamily apartment complexes, the city staff sent letters to all of the property management companies in the city stating our intentions with this ordinance amendment. It is clearly stated that if an HOA or a property management company are against this type of use, either through their rental agreement or their conditions, that the city would not override that in order to preserve the property rights of the management company. Therefore, if we do not have a written agreement from the apartment complex we are not going to approve a home-based business.
  - Mr. Simmons states that the ordinance amendment has been reviewed by the city attorney and continues to recommend approval and states he is happy to answer any questions.
  - Chairman Bergwall responds asking "On page two, under item D1, it says no clients, nonresident employees, customers, or delivery personnel are allowed on the premises. And how is it that you're going to be able to distinguish delivery personnel as relative to the business versus relative to the personal needs of the occupant of the residence?" He also points out item E, which states no deliveries of supplies for the use of the home occupation or pickups of the items produced. He acknowledges the importance of pickups not being allowed, but again he points out that it is difficult for the city to determine what deliveries are for personal use and which are for business.
  - Mr. Simmons responds that what we would determine as a gauge is not necessarily what is inside the packages, but rather the intensity and the capacity or amount of deliveries and what we feel is excess to a residential home.
  - Chairman Bergwall and Mr. Simmons discuss how the code could be more explicit, but the business license manager and their staff as well as zoning code enforcement do periodic inspections of every business, so it will not go unchecked.

- Chairman Bergwall states “it seems like that needs a little bit of rewording to be enforceable.” And continues that section E item 6 states that customers may only visit the site between the hours of 8 am and 8 pm, but this contradicts some previous ordinance items.
- Mr. Simmons clarifies that section refers to home occupation uses for people who require clients to come to their property by appointment such as counselors or tutors. Chairman Bergwall requests the code to be clearer on that matter. Mr. Simmons responds that they tried to make the code more generalized so it could apply to everyone, but he will look into the issue further with the city attorney.
- Mr. Simmons and Chairman Bergwall converse about the difference between type A and type B home occupation for customer visitation.
- Chairman Bergwall opens the floor for public comment.
- Mary Whitlock (2927 Larry St) asks about the limitations of equipment storage under this ordinance.
- Mr. Simmons answers that if it is a type A home occupation it is recommended that the business owner keeps storage off-site. In the case of type B home occupations, questions regarding the appropriateness and safety of equipment storage at the home would be addressed in the public hearings on the case.
- Commissioner Jackson asked Mr. Simmons about how this will be applied to people who are working from home for an existing company, and Mr. Simmons responds that the home occupation permit is only necessary for people who are operating an independent business from their home.
- Commissioner Bodenhamer reiterates the intent of the amendment.
- Motion to approve the ordinance by Commisioner Bodenhamer with the following:
  - Understanding of potential changes to items E2 and E6.
- Second the motion by Commissioner Greenall.
- **Approval forwarded with the vote totaling 4-0. All in favor.**

## 5. Staff Comment

## 6. Adjourn

- Adjourned at 7:43 p.m. by Chairman Bergwall



## Item Report

**TO:** The Planning Commission

**FROM:** Darryl Simmons, Zoning Administrator

**DATE:** November 1, 2023

**TITLE:** Consideration for approval of a variance application submitted by Piedmont Residential, LLC for the property located at 1651 McCollum Parkway (20009900010). Case #ZV2023-04.

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### Summary:

Applicant Piedmont Residential LLC., requests a variance to encroach into the required 75 foot stream buffer zone in order to provide rear access drives for proposed new residential development that includes 68 residential units.

### Recommendation:

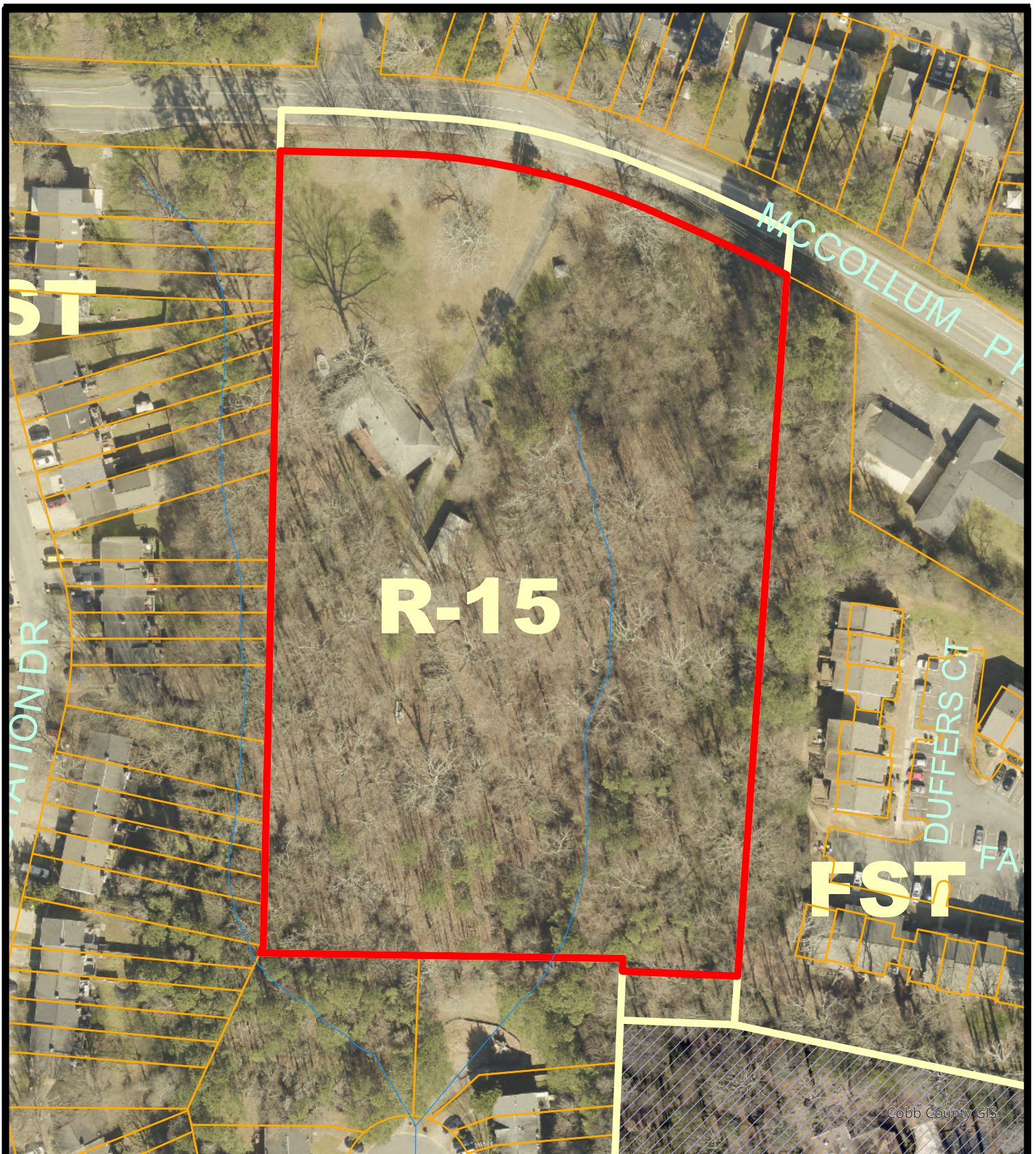
The Zoning Administrator recommends approval of the variance with outlined conditions.

### Fiscal Impact:

### Attachments:

1. COMPLETE ZV Application\_1651 McCollum\_Redacted
2. RZ2023-04\_ZV2023-03\_Staff Analysis\_1651McCollumPkwy





Cobb County GIS

| CASE NUMBER | LAND USE OR ZONING           |                                                                                                          |              | 1651 McCollum Pkwy<br>Land Lots 99 & 98, Tax Parcel 001<br> Subject Property                                                              | <br>Scale: 1" = 100'<br>Print Date: 9/28/2023<br>RZ2023_000 |
|-------------|------------------------------|----------------------------------------------------------------------------------------------------------|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
|             | FROM                         | TO                                                                                                       |              |                                                                                                                                                                                                                                |                                                                                                                                                  |
| AV          | LU                           |                                                                                                          |              |  <b>CITY OF KENNESAW</b><br>PLANNING & ZONING DEPT.<br>770-590-8268<br><i>Deirdre Esterling</i><br>MAJOR<br><i>Lee Murray</i><br>CITY CLERK |                                                                                                                                                  |
| AX          | <b>RZ 2023-004</b>           | <b>R-15</b>                                                                                              | <b>PUD-R</b> |                                                                                                                                                                                                                                |                                                                                                                                                  |
| DX          | AV – Administrative Variance |  ZONING               |              |                                                                                                                                                                                                                                |                                                                                                                                                  |
| HBR         | AX – Annexation              |  KENNESAW CITY LIMITS |              |                                                                                                                                                                                                                                |                                                                                                                                                  |
| SLUP        | HBR – Historic Board Review  |  COBB COUNTY          |              |                                                                                                                                                                                                                                |                                                                                                                                                  |
| ZV          | LU – Land Use                |  LAND LOT             |              |                                                                                                                                                                                                                                |                                                                                                                                                  |
|             | RZ – Re-zoning               |                                                                                                          |              |                                                                                                                                                                                                                                |                                                                                                                                                  |
|             | SLUP – Special Land Use      |                                                                                                          |              |                                                                                                                                                                                                                                |                                                                                                                                                  |
|             | ZV – Variance                |                                                                                                          |              |                                                                                                                                                                                                                                |                                                                                                                                                  |





Date Received 9/15/23

Staff's Initials NF  
**VARIANCE APPLICATION\***  
*Required Fee \$375.00*

Is this property located within the Kennesaw Historic District (yes) \_\_\_\_\_ (no) ✓

**A MINIMUM OF ONE CONSULTATION WITH PLANNING AND ZONING ADMINISTRATOR AND STAFF PRIOR TO THE SUBMISSION OF THE REQUESTED APPLICATION IS MANDATORY.**  
**(Applicant or agent must be present at all public hearings)**

Date of Consultation 8/22/2023 Staff's Initials \_\_\_\_\_

**PURPOSE OF VARIANCE REQUEST** 1) Removal of 75' stream buffer; 2) building height for 32 total units  
3) 3' distance between buildings

**LAND USE PROPERTY ADDRESS** 1651 McCollum Pkwy.

Land Lot 20 Tax Parcel 20009900010 Lot Size ±5.1 acres Current Zoning R-15

**APPLICANT** Piedmont Residential, LLC

**APPLICANT EMAIL** [REDACTED]

Applicant address 285 Parkway 575, Woodstock, GA 30188

(Home#) [REDACTED] (Work#) \_\_\_\_\_ (Cell#) \_\_\_\_\_

Applicant Signature See attached signature pages

Signed, sealed and delivered in presence of: \_\_\_\_\_  
Notary \_\_\_\_\_ Date \_\_\_\_\_

**REPRESENTATIVE** Parks F. Huff

(Fax #) \_\_\_\_\_ (Work#) [REDACTED] (Cell#) \_\_\_\_\_

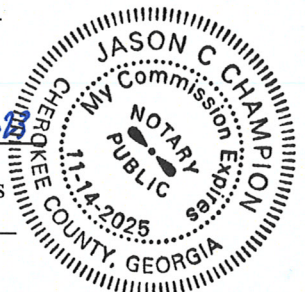
Representative Signature [Signature]

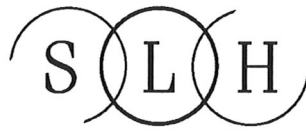
Signed, sealed and delivered in presence of: \_\_\_\_\_  
Notary [Signature] Date 9/15/23  
Linda S. Ross and Brenda R. Durham, Co-Executors of the Estate of Daisy Belle Ross

**TITLEHOLDER:** \_\_\_\_\_ **Telephone:** \_\_\_\_\_

**Signature:** see attached signature pages **Address:** \_\_\_\_\_

Signed, sealed and delivered in presence of: \_\_\_\_\_  
Notary \_\_\_\_\_ Date \_\_\_\_\_





GARVIS L. SAMS, JR.  
JOEL L. LARKIN  
PARKS F. HUFF

**SAMS, LARKIN & HUFF**  
A LIMITED LIABILITY PARTNERSHIP  
SUITE 100  
376 POWDER SPRINGS STREET  
MARIETTA, GEORGIA 30064-3448

770•422•7016  
TELEPHONE  
770•426•6583  
FACSIMILE

September 15, 2023

**VIA EMAIL:**

Mr. Darryl Simmons, Planning & Zoning Administrator  
City of Kennesaw  
2529 J. O. Stephenson Avenue  
Kennesaw, GA 30144

Re: Applications of Piedmont Residential, LLC to Rezone (with concurrent  
Variances) a 5.13 ± acre parcel from R-15 to PUD-R; Land Lots 98 and 99, 20<sup>th</sup>  
District, 2<sup>nd</sup> Section

**APPLICANT'S LETTER OF INTENT**

Dear Darryl:

Piedmont Residential, LLC proposes a new neighborhood on McCollum Parkway close to its intersection with Cherokee Street. The single-family neighborhood features a combination of sixty-eight attached and detached homes on 5.13 acres. The applicant proposes to rezone the property to PUD-R. The proposal is consistent with the development in the area and consistent with the city's Comprehensive Land Use Plan.

The design of the community was heavily influenced by multiple meetings with the city's professional planning and zoning staff. Key features of the proposed neighborhood include the following:

1. The homes that are adjacent to McCollum Parkway are all rear entry single family homes. These homes will be access via a rear alley so there is an attractive streetscape facing McCollum Parkway.
2. The homes along the west side of the property are accessed via a rear alley that runs along the stream buffer. This rear alley allows the garages to be below grade with the front of the attached homes facing the internal private street.
3. The other homes are paired units that are attached at the rear and accessed via driveways off of a private alley.





**VIA EMAIL:**

Mr. Darryl Simmons, Planning & Zoning Administrator  
City of Kennesaw  
August 2, 2021  
Page 2

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4. Parking includes two car garages for all units, guest parking spaces and parking spaces in driveways. The entire site will have a total of 245 parking spaces to ensure there is sufficient parking.
5. The community is located on an arterial road, close to its intersection with Cherokee Street making the community easily accessible to downtown Kennesaw, Kennesaw State University and Interstate 75. This access makes the neighborhood accessible to jobs, shopping and entertainment.

Piedmont looks forward to providing additional details about the proposed neighborhood during the zoning process. The applicant has a history of building quality communities in Kennesaw and is receptive to input and feedback from the city staff, Planning Commission and Mayor and Council. In the interim, please do not hesitate to contact me should you have any questions or need any additional information or documentation.

Very truly yours,

SAMS, LARKIN & HUFF, LLP

A handwritten signature in blue ink, appearing to read 'Parks F. Huff', with a long horizontal flourish extending to the right.

Parks F. Huff

[Redacted]

PFH/jcc  
Attachments



# SAMS LARKIN & HUFF, LLP

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.

JOEL L. LARKIN

PARKS F. HUFF

SUITE 100

376 POWDER SPRINGS STREET

MARIETTA, GEORGIA 30064-3448

770•422•7016

TELEPHONE

770•426•6583

FACSIMILE

October 27, 2023

## VIA EMAIL:

Mr. Darryl Simmons, Planning & Zoning Administrator  
City of Kennesaw  
2529 J. O. Stephenson Avenue  
Kennesaw, GA 30144

Re: Application of Piedmont Residential to rezone (with concurrent variances) 5.13± acres; property is located at 1651 McCollum Parkway

Dear Darryl:

As you know, we represent the Applicant, Piedmont Residential, with respect to the above-referenced application. The property is presently scheduled to be heard by Kennesaw's Planning Commission on November 1, 2023 with a final vote by the Mayor and Council on November 20, 2023.

The subject property comprises 5.13± acres located at 1651 McCollum Parkway. It is situated between the Kennesaw Station Townhome Community and the Pinetree Country Club Condominium neighborhood. The property is presently zoned R-15 and the Applicant seeks to rezone the property to PUD-R, as depicted on the attached revised site plan. The Applicant's requested stream buffer variance is also depicted on the site plan.

As you know, the Applicant proposes to develop 68 fee simple homes. Unlike many similar communities, the Applicant proposes a variety in its unit mix. The 8 units on the northern portion of the subject property (depicted as 1-4 and 65-68 on the site plan) facing McCollum Parkway will be detached single-family homes with rear-entry garages, each having an approximate square footage of 2,000 square feet. The buildings on the west side of the subject property (units 5-32) are back to back townhomes with a 3' separation between buildings. Each of these units is approximately 1,700 square feet. Finally, the remaining units (41-64) are back to back townhomes with approximately 1,500 square feet. Again, there is a 3' separation between these buildings.

The project is designed to be marketed to both first-time homebuyers who are seeking affordable fee-simple homes as well to buyers with higher incomes who will be attracted to the homes with higher-end features. Fourteen (14) units (the "Attainable Units") are specifically designed to target first-time home buyers.



# SAMS LARKIN & HUFF, LLP

A LIMITED LIABILITY PARTNERSHIP

## **VIA EMAIL:**

Mr. Darryl Simmons, Planning & Zoning Administrator

City of Kennesaw

October 27, 2021

Page 2

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245 total parking spaces are included on the plan. The 14 Attainable Units are to be served by on-street parking. The remainder of the units will have garages with additional parking on their driveways. There are also 14 guest parking spaces and 1 handicap parking space.

### **STIPULATIONS APPLICABLE TO THE OVERALL DEVELOPMENT**

The Applicant proposes that the following stipulations and conditions be made applicable to the requested rezoning and variance. These stipulations and conditions replace and supersede in full any and all prior stipulations and conditions in whatsoever form that have been previously proposed or which are currently in place concerning the Subject Property.

1. The architectural style and composition of the homes shall be traditional and in substantial conformity to the imagery which has been submitted to your office and as depicted in the imagery submitted concurrently herewith. The front, sides and rear of the homes shall include a mixture of components consisting of brick, stacked stone and other cementous components including Hardiplank and Hardiplank shake and similar products.
2. The fourteen units on the western portion of the development facing the street and identified as units numbered 5, 8, 9, 12, 13, 16, 17, 20, 21, 24, 25, 28, 29, and 32 on the site plan that was submitted to the City will be offered and sold with no garages and on-street parking and with other features that allow the Applicant to offer them at a lower price than the balance of the units (the "Attainable Units") in order to make them more affordable for policemen, teachers, fireman and/or first time homebuyers.
3. Applicant shall create a mandatory Homeowners Association ("HOA") and prepare and file a Declaration of Covenants, 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 that may be rented at any one time to no more than 10% of the total number of units.
4. Among other things, the Homeowners Association shall be responsible for the upkeep and maintenance of all common areas, including landscaped areas, fences, rights-of-way, lighting and strategically located guest parking spaces within the proposed residential community.



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## VIA EMAIL:

Mr. Darryl Simmons, Planning & Zoning Administrator

City of Kennesaw

October 27, 2021

Page 3

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5. The Community's entrance signage shall be ground-based, monument-style and in substantial conformity to the architectural style and composition of the homes.
6. Applicant shall submit a Landscape Plan prior to or concurrently with the Plan Review Process.
7. Compliance with recommendations from the Department of Transportation ("DOT"), including the following:
  - a) The installation of sidewalk, curb and gutter along the Subject Property's frontage on McCollum Parkway.
  - b) The installation of a deceleration lane with taper at the Subject Property's point of ingress and egress on McCollum Parkway.
8. Lighting within the proposed Community shall be environmentally sensitive, decorative and themed to the architectural style and composition as mentioned above. The lighting shall be designed so that illumination therefrom will not extend beyond the Subject Property's boundaries.
9. Compliance with recommendations from the Cobb County Water System with respect to the availability and accessibility of water and sewer for the site.
10. Subject to recommendations from the City of Kennesaw's Stormwater Management Division with respect to stormwater management, hydrology and water quality requirements, including the following:
  - a) The ultimate location and configuration of on-site detention and water quality.<sup>1</sup>
  - b) Ongoing upkeep and maintenance to the stormwater management/water quality facilities shall be the responsibility of the mandatory HOA in view of the fact that those facilities and the streets are private.
11. Compliance with recommendations from the Cobb County Fire Marshal's Office with respect to Life-Safety and Fire Prevention issues. Additionally, complying with guest parking regulations mentioned above and as shown on the Revised Site Plan.

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<sup>1</sup> The Applicant is seeking a variance for stream buffer encroachment for the west side of the Subject Property as depicted on the site plan.

# SAMS LARKIN & HUFF, LLP

A LIMITED LIABILITY PARTNERSHIP

## **VIA EMAIL:**

Mr. Darryl Simmons, Planning & Zoning Administrator

City of Kennesaw

October 27, 2021

Page 4

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Please do not hesitate to contact me should you or the City's Staff, Planning Commission Members or the Mayor, City Council and the City Manager require any further information or documentation prior to the Planning Commission's Zoning Hearing of Wednesday, November 1<sup>st</sup>. With kind regards, I am

Sincerely,

SAMS LARKIN & HUFF, LLP



Joel L. Larkin

PFH/jcc

Attachment





## **State Waters & Wetland Delineation Report**



**McCullum Parkway  
1651 McCullum Parkway  
Kennesaw, Georgia 30144  
May 19, 2023**

**Prepared for:  
Sydney Connaughton  
Piedmont Residential**





May 19, 2023

Ms. Sydney Connaughton  
Piedmont Residential

RE: State Water & Wetland Report  
McCollum Parkway  
1651 McCollum Parkway  
Kennesaw, Georgia 30144

Dear Ms. Connaughton,

Please find attached our State Water and Wetland Delineation Report for the McCollum Parkway site located in Kennesaw, Cobb County, Georgia. State waters were determined in accordance with the *Georgia Environmental Protection Division "Field Guidance for Determining the Presence of State Waters that Require a Buffer"* and the *North Carolina Division of Water Quality "Stream Identification Method"* guidance document. Wetlands were determined following the *Corps of Engineers Wetlands Delineation Manual* (1987) and the *Eastern Mountains and Piedmont Regional Supplement* (2012). No state waters requiring the mandated state stream buffer were located on the site, however one state water was found running parallel approximately 15 feet off the western property line. No area of wetlands was noted at the site.

We appreciate the opportunity to work with you. If you have any concerns, please contact us.

Sincerely,

*Kim Metcalf*

Kim Metcalf  
Partner

## Introduction

Riverbend Environmental Inc. was retained by Piedmont Residential to conduct a State Water and Wetland Determination/Delineation to determine the on-site extent of regulated state waters and jurisdictional wetlands for the McCollum Parkway site located in Kennesaw, Cobb County, Georgia. All site work was conducted on May 9, 2023, by Riverbend Environmental Inc. staff.

Riverbend Environmental Inc. conducted a comprehensive field investigation to evaluate the project site for potential state waters and jurisdictional wetlands. The evaluation included assessment of plant communities, soil conditions, and visible indicators of wetland hydrology. Features were field delineated and their limits were flagged within the project boundaries. State waters were determined in accordance with the *Georgia Environmental Protection Division (GA EPD) "Field Guidance for Determining the Presence of State Waters that Require a Buffer"* and the *North Carolina Division of Water Quality "Stream Identification Method"* guidance document. Wetlands were determined in accordance with the *Corps of Engineers Wetlands Delineation Manual* (1987) and the *Eastern Mountains and Piedmont Regional Supplement* (2012).

Although proper methodology was followed, no State Waters and Wetland Determination/Delineation can completely ensure that site conditions will not change. The report prepared must be considered in its entirety and Riverbend Environmental Inc. makes or implies no warranty or guarantee regarding the site. In addition, GPS locations are approximations and the field flags must be properly surveyed for an accurate determination of feature locations. Finally, the Local Issuing Authority (LIA) has the final determination for any state waters. If no LIA is associated with the site, the GA EPD is the final authority. USACOE has the final determination for Waters of the U.S. jurisdictional features.

## Site Description

The site under study is the McCollum Parkway located in Kennesaw, Cobb County, Georgia. The site is composed of 1 parcel of land and is found at N 34.039811 and W 84.599251. The parcel is 5.11 acres and has the Tax ID 20009900010. The site is located at approximately 1651 McCollum Parkway, Kennesaw, Georgia. See site and parcel maps.

The soils of the piedmont region are commonly a red color due to the intense weathering of feldspar-rich igneous and metamorphic rocks. The soils in the piedmont area tend to be sandy loams to clay loams (3). For the McCollum Parkway property, the main soils are listed as Madison Loam. The groundwater in the area is found in openings such as joints and fractures in the bedrock and the groundwater movement in this area is similar to that of surface water (1). The average yearly rainfall for this area is 53.0" (3).

The site under study is located in gently rolling hills with an overall slope to the south. See the topographic map.

Presently, the McCollum Parkway property under evaluation is a residential property with a mixture of grassy lawns and wooded areas. See the aerial photo of the site.



## Results

Site reconnaissance was conducted on May 9, 2023. Weather conditions were clear and significant rainfall had not occurred within 48 hours prior to the site investigation. After investigating the site, it was confirmed that there are no state waters and wetlands noted on the property. However, a creek flows offsite running parallel to the property line. The buffers from that feature will impact the site under investigation.

| Feature # | Label          | Description of origin, the direction of flow, and terminus.                                                                    |
|-----------|----------------|--------------------------------------------------------------------------------------------------------------------------------|
| 1         | Off Site<br>SW | This feature appears approximately 15 to 25 ft off the western property line and flows south running parallel to the property. |
|           |                |                                                                                                                                |
|           |                |                                                                                                                                |

## Feature Locations



Approximate locations of features – need field confirmation by the survey team to finalize locations.



## Photos



*Photo 1- General condition of wooded areas.*



*Photo 2 - General condition of wooded areas.*

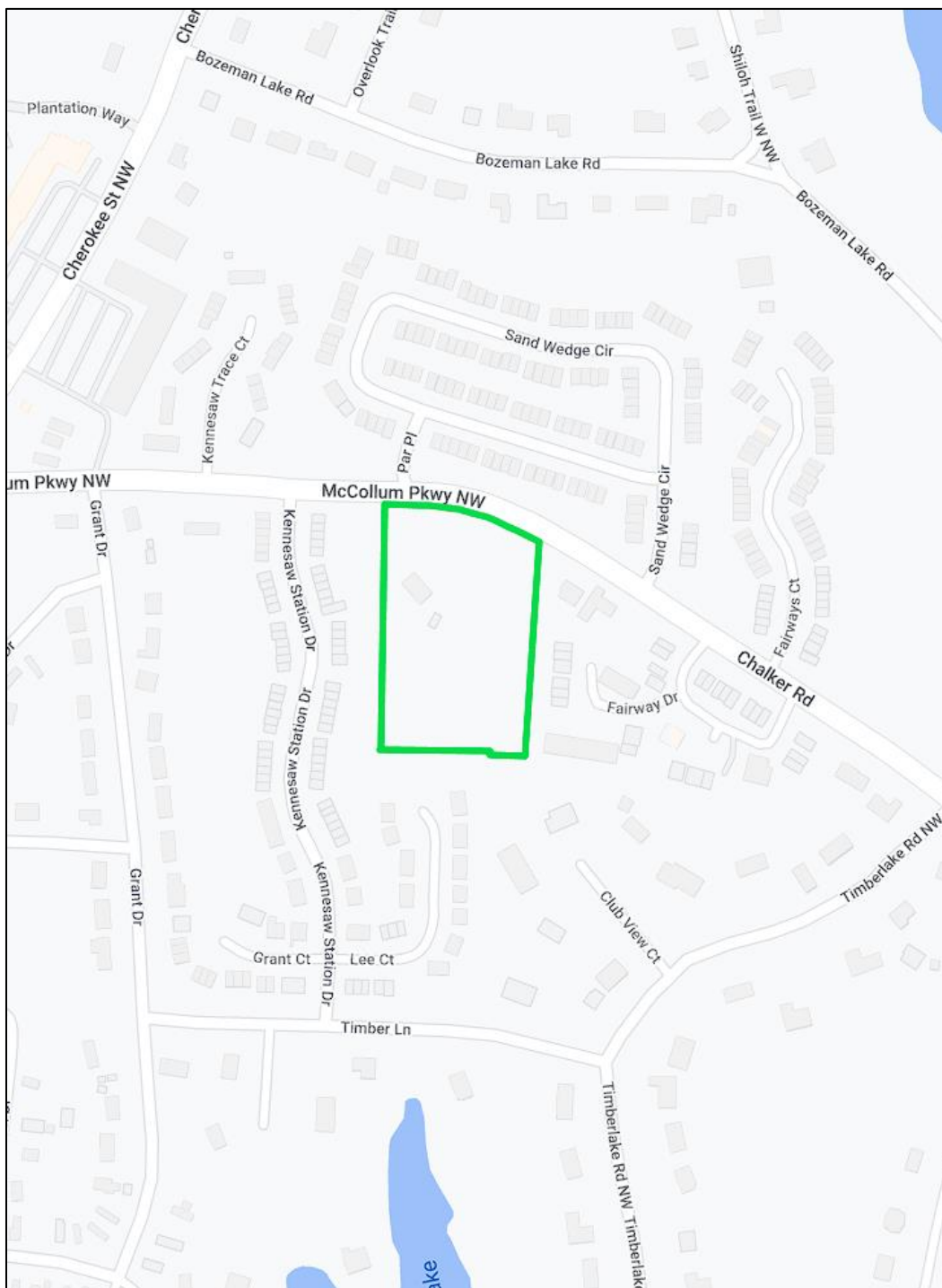
## **Conclusions**

After a thorough investigation of the site, it was determined no state waters are present on the property and no areas of wetlands were observed during the evaluation. Please note that the off-site feature will have a buffer extending into the subject site.

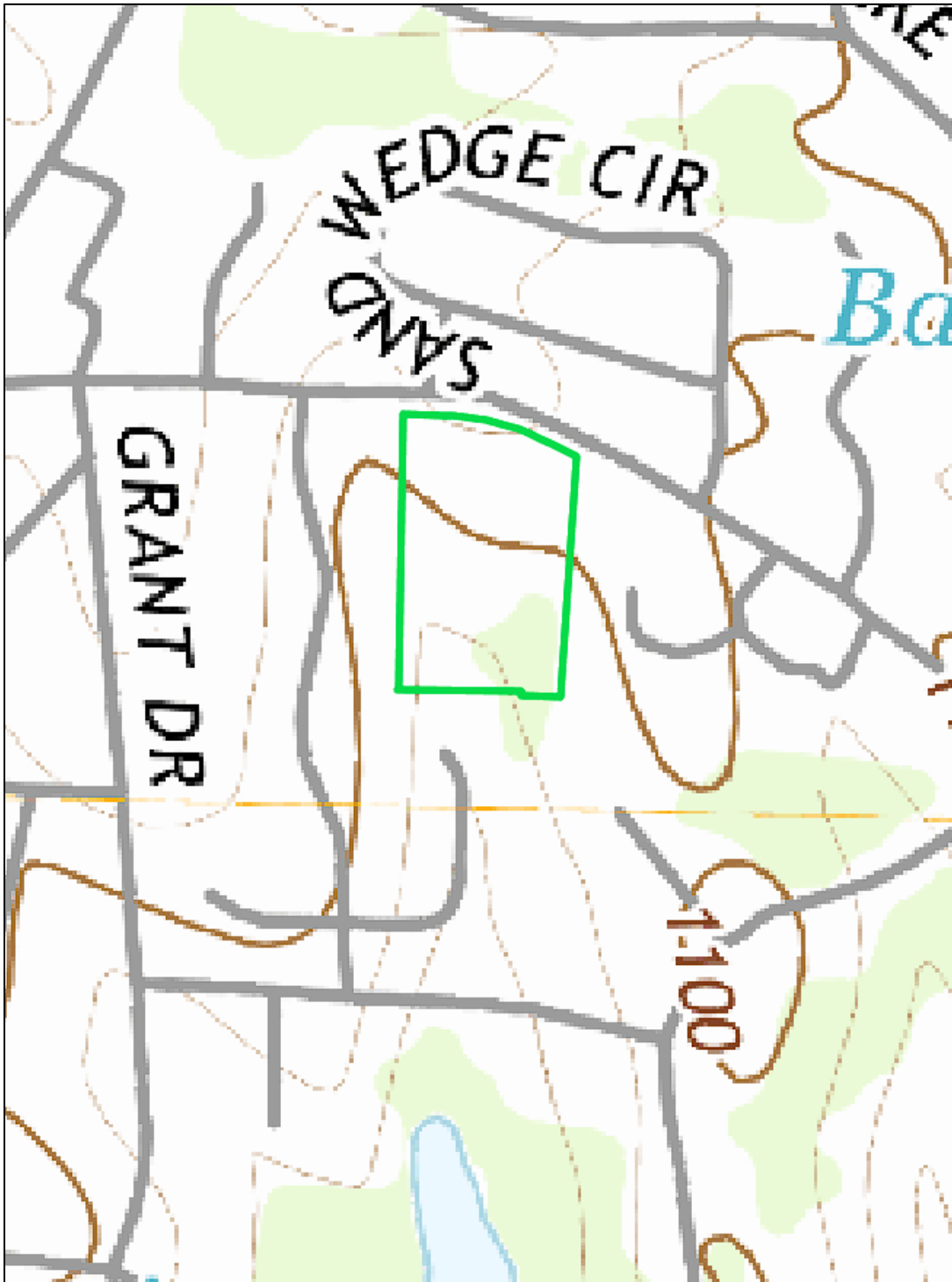
State buffer variances will be required for non-exempt activities in the state-mandated 25' warm water buffer areas. USACOE permitting may be required for any impacts to streambed or wetlands. Please contact Riverbend Environmental Inc. for assistance.



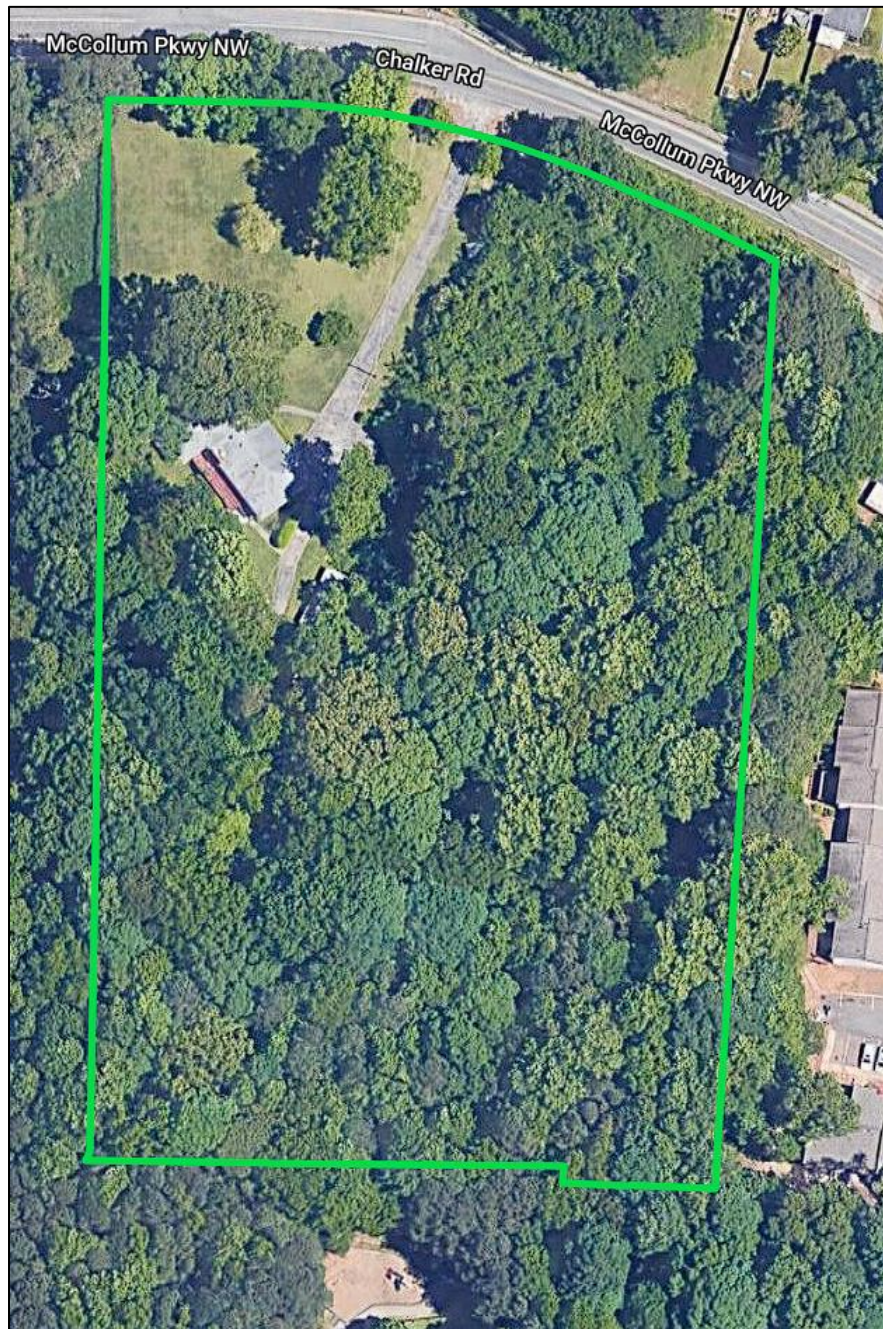
## Site Map



## Topography Map

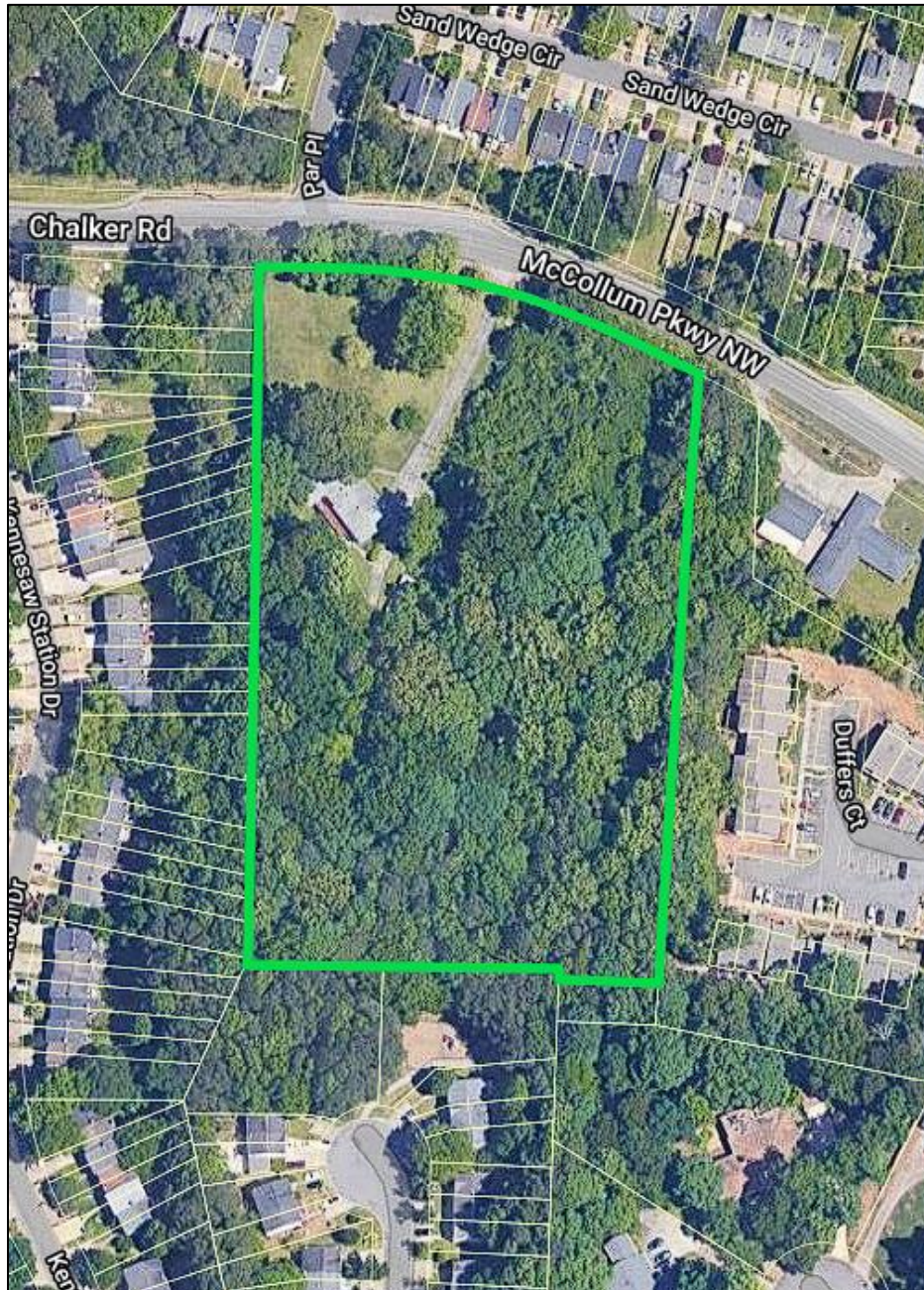


## Aerial photograph of the site

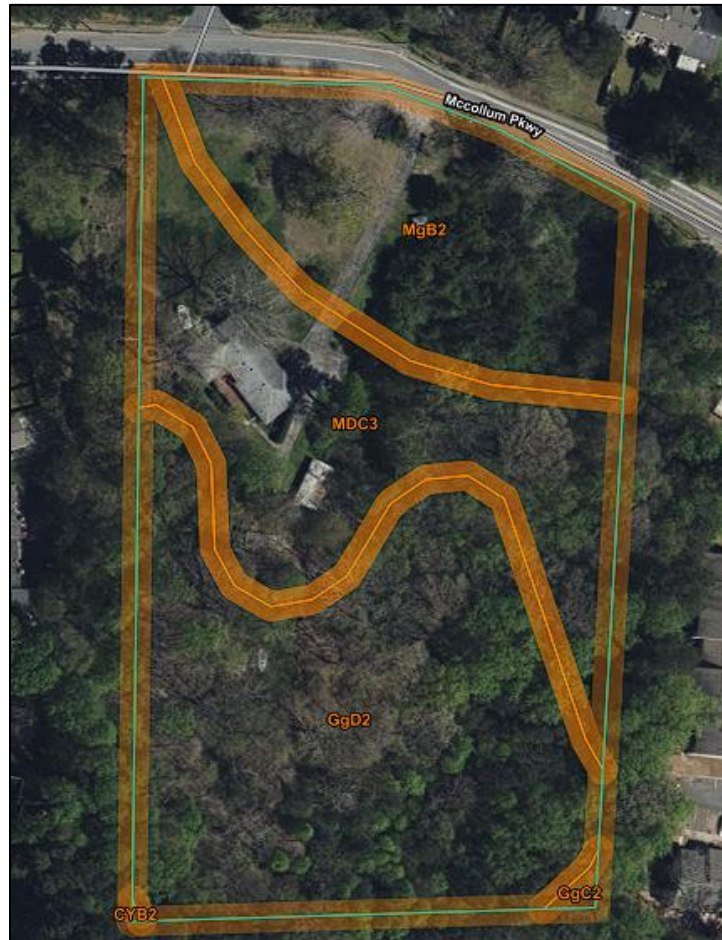




## Parcel Map



## Soils Map



## Soils Table

| Map Unit Symbol                    | Map Unit Name                                                | Acres in AOI | Percent of AOI |
|------------------------------------|--------------------------------------------------------------|--------------|----------------|
| CYB2                               | Cecil sandy loam, 2 to 6 percent slopes, moderately eroded   | 0.0          | 0.0%           |
| GgC2                               | Gwinnett loam, 6 to 10 percent slopes, eroded                | 0.0          | 0.3%           |
| GgD2                               | Gwinnett loam, 10 to 15 percent slopes, eroded               | 2.4          | 44.5%          |
| MDC3                               | Madison clay loam, 6 to 10 percent slopes, severely eroded   | 1.6          | 30.1%          |
| MgB2                               | Madison sandy loam, 2 to 6 percent slopes, moderately eroded | 1.3          | 25.0%          |
| <b>Totals for Area of Interest</b> |                                                              | <b>5.3</b>   | <b>100.0%</b>  |

### Weather Information for the Previous Week

| Date      | Rain (inches) |
|-----------|---------------|
| 05/2/2023 | 0             |
| 05/3/2023 | 0             |
| 05/4/2023 | 0             |
| 05/5/2023 | 0.01          |
| 05/6/2023 | 0             |
| 05/7/2023 | 0             |
| 05/8/2023 | 0.03          |



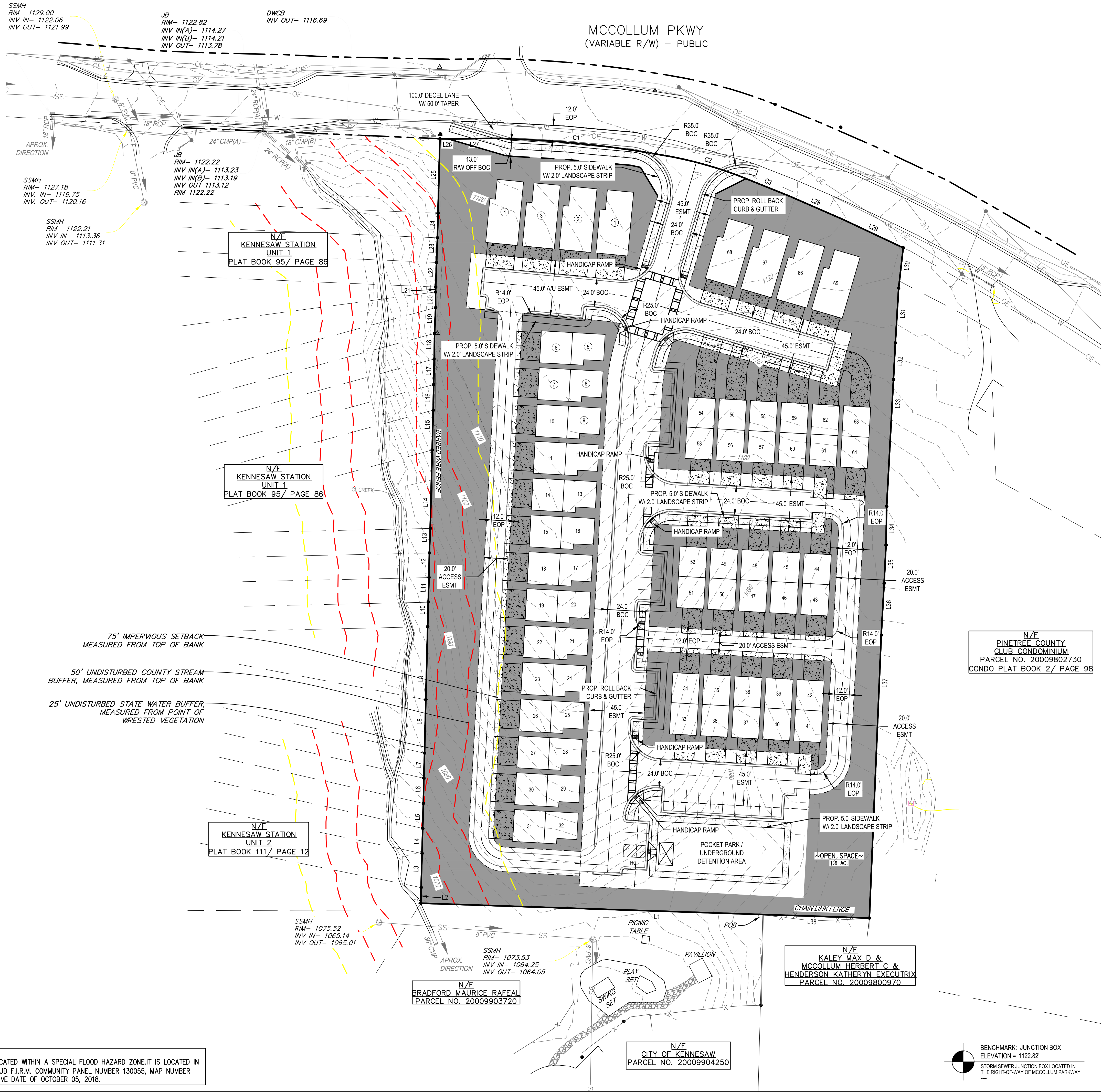
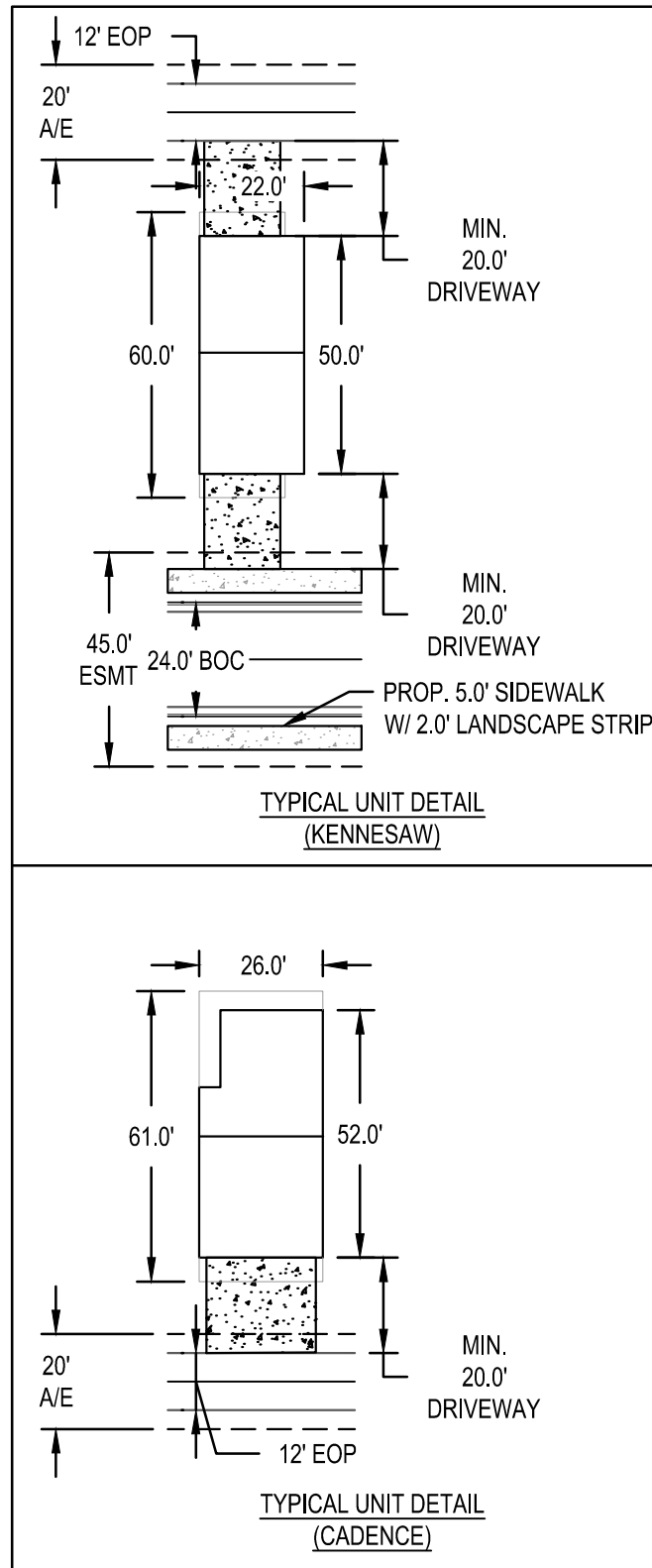
## National Wetland Inventory Map





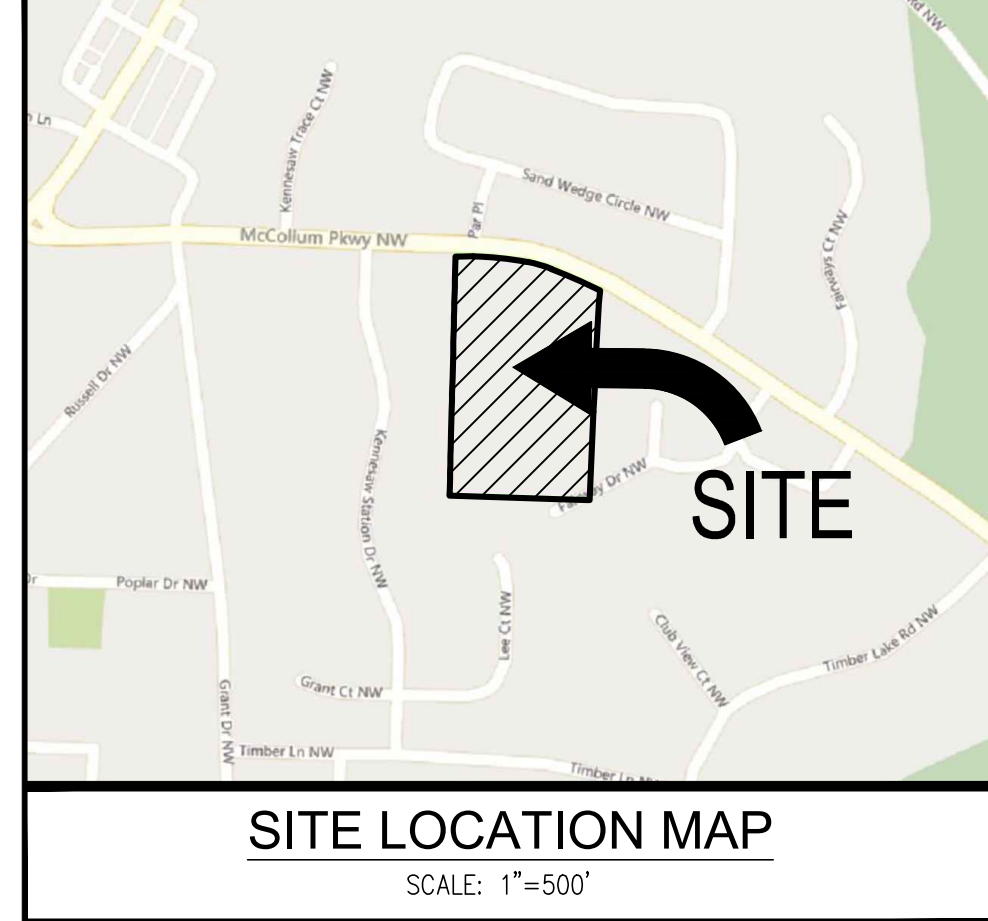
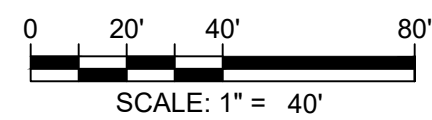


**FLOOD CERTIFICATION**  
SUBJECT PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE. IT IS LOCATED IN ZONE "N/A" AS DEFINED BY HUD F.I.R.M. COMMUNITY PANEL NUMBER 130055, MAP NUMBER 13067C0036H WITH AN EFFECTIVE DATE OF OCTOBER 05, 2018.



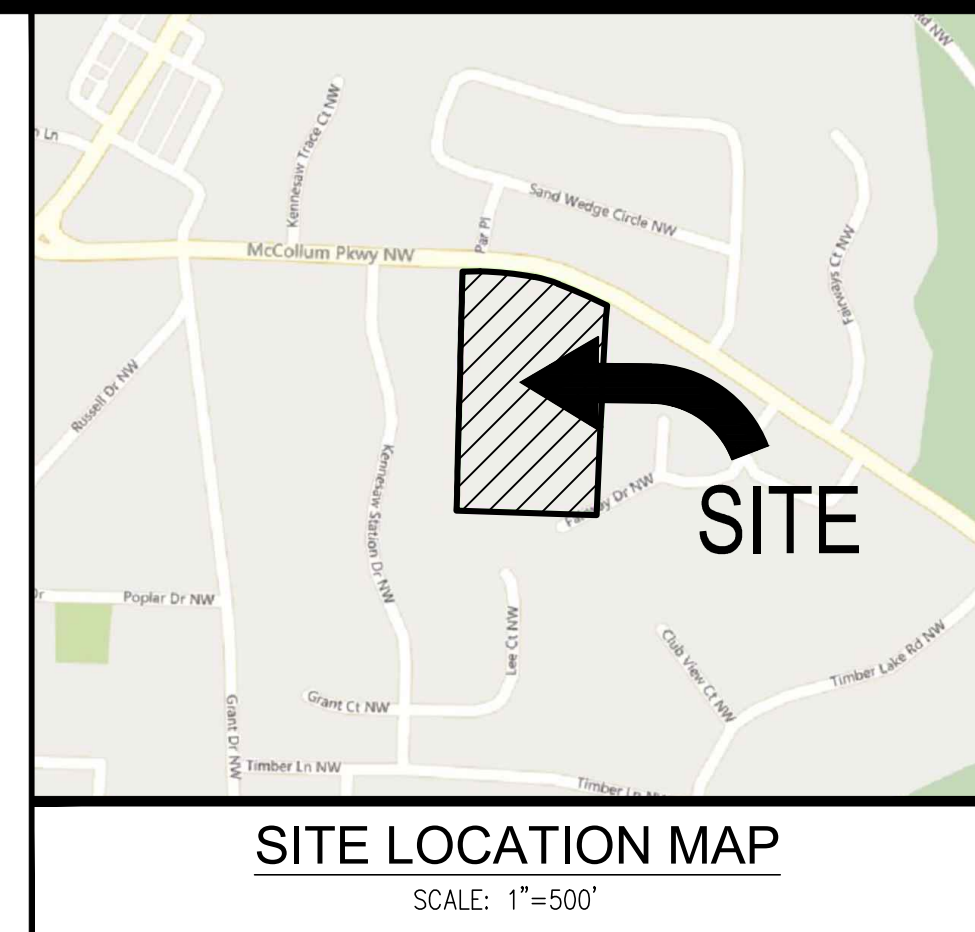
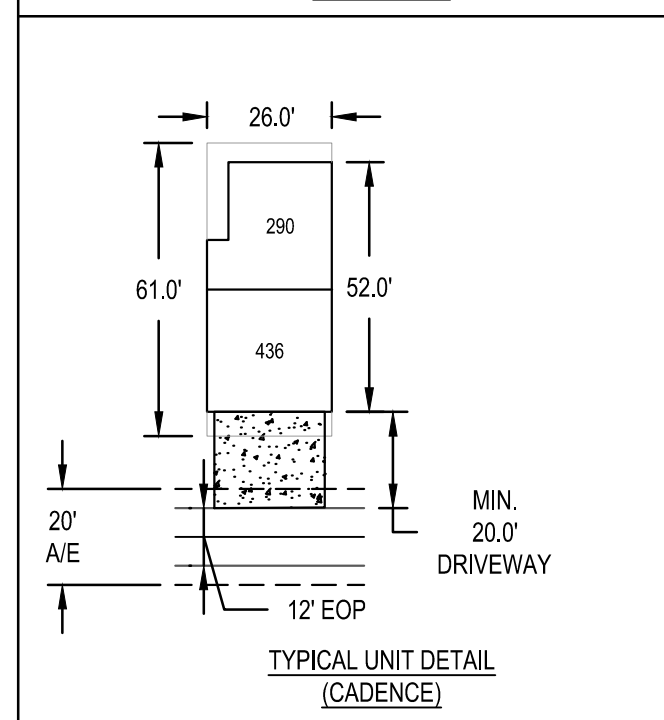
- GENERAL SITE NOTES:**
- TOTAL AREA = 5.13 ACRES
  - OPEN SPACE AREA = 1.80 ACRES (~31%)
  - TOTAL NUMBER OF PROPOSED UNITS = 68 UNITS
  - DENSITY = 13.26 DU/AC
  - OWNER: PIEDMONT RESIDENTIAL, LLC  
285 PARKWAY 575  
WOODSTOCK, GA  
30188
  - 24-HOUR CONTACT:  
RYAN BOBBITT  
404-483-8555
  - ZONING = PUD-R
  - MINIMUM LOT SIZE = NONE
  - BUILDING SETBACKS:
    - FRONT = 0'
    - SIDE = 0'
    - REAR = 0'
    - MINIMUM 3' BETWEEN BUILDINGS
  - ALL PROPOSED ROADS ARE PRIVATE
  - NO GATE SHALL BE ALLOWED AT ENTRANCE
  - PARKING PROVIDED:
    - TOTAL PARKING: 245 SPACES
    - GARAGE: 108 SPACES
    - DRIVEWAY: 108 SPACES
    - RESIDENT-ONLY ON-STREET PARKING: 14 SPACES
    - GUEST PARKING: 14 SPACES
    - HANDICAP PARKING: 1 SPACE
  - PEDESTRIAN ACCESS TO PUBLIC PARK TO THE SOUTH SHALL BE PROVIDED.
  - STREET PARKING IS PROPOSED FOR THIS DEVELOPMENT.
  - ALL ON-SITE WETLANDS AND BUFFERED STATE WATERS LOCATED ON OR WITHIN 200 LINEAR FEET OF THE PROJECT SITE HAVE BEEN DELINEATED.
  - NO CLEARING/DEMO SHALL OCCUR UNTIL EROSION CONTROL PHASE I PERIMETER BMP'S ARE INSTALLED AND APPROVED.
  - NO CONSTRUCTION EQUIPMENT SHALL BE PARKED IN RIGHT-OF-WAY AND WILL BE STORED WITHIN THE JOB SITE.
  - NOTIFY COUNTY INSPECTOR 24 HOURS PRIOR TO ANY WORK ON SITE.
  - MINIMUM DRIVEWAY LENGTH IS 20' FROM BACK-OF-CURB OR BACK-OF-SIDEWALK.
  - RIGHT-TURN LANE LENGTH IS 100' AND TAPER LENGTH IS 50'.

**24 HOUR CONTACT INFORMATION:**  
RYAN BOBBITT  
404-483-8555



|                                                                                                                                                |  |
|------------------------------------------------------------------------------------------------------------------------------------------------|--|
| DESIGNED BY: EV                                                                                                                                |  |
| DRAWN BY: DS                                                                                                                                   |  |
| REVIEWED BY: C.J.W.                                                                                                                            |  |
| <b>BCE</b><br>245 TOWNPARK DRIVE, SUITE 470<br>KENNESAW, GEORGIA 30144<br>WWW.BCEINC.COM<br>DIRECT: 470-705-0885<br>© 2020                     |  |
| <b>PIEDMONT RESIDENTIAL, LLC</b><br>285 PARKWAY 575<br>WOODSTOCK, GA<br>30188                                                                  |  |
| <b>MCCOLLUM PKWY PRELIMINARY ENGINEERING</b><br>CITY OF KENNESAW, GA<br>COBB COUNTY<br>LL 98 AND 99, 20TH DISTRICT, 2ND SECTION<br>ZONED: R-15 |  |
| <b>CONCEPT ZONING PLAN</b>                                                                                                                     |  |
| <b>SEAL</b>                                                                                                                                    |  |
| NOT ISSUED FOR CONSTRUCTION<br>FILE NUMBER: 11629-00<br>DATE: 10.25.23<br><b>C3.0</b>                                                          |  |





- GENERAL SITE NOTES:**
1. TOTAL AREA = 5.13 ACRES
    - 1.1. OPEN SPACE AREA = 1.60 ACRES (\*31%)
    - 1.2. TOTAL NUMBER OF PROPOSED UNITS = 68 UNITS
  2. DENSITY = 13.26 DU/AC.
  4. OWNER: PIEDMONT RESIDENTIAL, LLC  
285 PARKWAY 575  
WOODSTOCK, GA  
30188
  5. 24-HOUR CONTACT:  
RYAN BOBBITT  
404-483-8555
  6. ZONING = PUD-R
  7. MINIMUM LOT SIZE = NONE
  8. BUILDING SETBACKS:
    - 8.1. FRONT = 0'
    - 8.2. SIDE = 0'
    - 8.3. REAR = 0'
    - 8.4. MINIMUM 3' BETWEEN BUILDINGS
  9. ALL PROPOSED ROADS ARE PRIVATE
  10. NO GATE SHALL BE ALLOWED AT ENTRANCE
  11. TOTAL PARKING: 269 SPACES
    - 11.1. GARAGE: 108 SPACES
    - 11.2. DRIVEWAY: 108 SPACES
    - 11.3. RESIDENT-ONLY ON-STREET PARKING: 28 SPACES
    - 11.4. GUEST PARKING: 24 SPACES
    - 11.5. HANDICAP PARKING: 1 SPACE
  12. PEDESTRIAN ACCESS TO PUBLIC PARK TO THE SOUTH SHALL BE PROVIDED.
  13. STREET PARKING IS PROPOSED FOR THIS DEVELOPMENT.
  14. ALL ON-SITE WETLANDS AND BUFFERED STATE WATERS LOCATED ON OR WITHIN 200 LINEAR FEET OF THE PROJECT SITE HAVE BEEN DELINEATED.
  15. NO CLEARING/DEMO SHALL OCCUR UNTIL EROSION CONTROL PHASE I PERIMETER BMP'S ARE INSTALLED AND APPROVED.
  16. NO CONSTRUCTION EQUIPMENT SHALL BE PARKED IN RIGHT-OF-WAY AND WILL BE STORED WITHIN THE JOB SITE.
  17. NOTIFY COUNTY INSPECTOR 24 HOURS PRIOR TO ANY WORK ON SITE.
  18. MINIMUM DRIVEWAY LENGTH IS 20' FROM BACK-OF-CURB OR BACK-OF-SIDEWALK.
  19. TURN-RLN LANE LENGTH IS 100' AND TAPER LENGTH IS 50'.

|                                                                                                                                                                                                                                                                                                                                                                                              |              |     |  |     |      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-----|--|-----|------|
| <div> <div>  <div> <div>COA: PEF007149</div> <div>EXP: 06/30/2024</div> </div> </div> <div> <div> <div>245 TOWNPARK DRIVE, SUITE 470</div> <div>KENNESAW, GEORGIA 30144</div> </div> <div> <div>WWW.BCEINC.COM</div> <div>DIRECT: 470-765-0885</div> </div> </div> <div>© 2020</div> </div>               | DESIGNED BY: | EV  |  |     |      |
|                                                                                                                                                                                                                                                                                                                                                                                              | DRAWN BY:    | DS  |  |     |      |
|                                                                                                                                                                                                                                                                                                                                                                                              | REVIEWED BY: | CJW |  |     |      |
|                                                                                                                                                                                                                                                                                                                                                                                              |              |     |  | REV | DATE |
| <div> <div> <div>PIEDMONT RESIDENTIAL, LLC</div> <div> <div>236 PARKWAY, 575</div> <div>WOODSTOCK, GA</div> <div>30189</div> </div> </div> <div> <div> <div>MCCOLLUM PKWY</div> <div>PRELIMINARY ENGINEERING</div> </div> <div> <div>CITY OF KENNESAW, GA</div> <div>COSBY COUNTY, GEORGIA</div> <div>LL 88 AND 89, 100' WIDE RIGHT-OF-WAY AND SECTION ZONED R-15</div> </div> </div> </div> |              |     |  |     |      |
| CONCEPT ZONING PLAN                                                                                                                                                                                                                                                                                                                                                                          |              |     |  |     |      |
| <div> <div>SEAL</div> <div>NOT ISSUED FOR CONSTRUCTION</div> <div>FILE NUMBER: 11629-00</div> <div>DATE: 10.31.2023</div> <div>C3.0</div> </div>                                                                                                                                                                                                                                             |              |     |  |     |      |

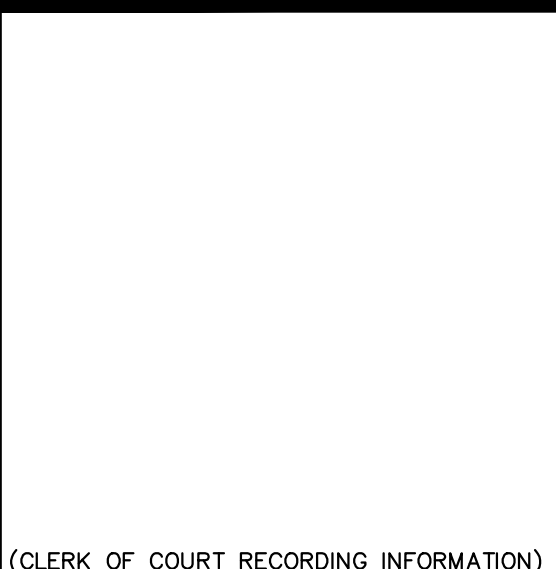


Know what's below.  
Call before you dig

**FLOOD CERTIFICATION**  
SUBJECT PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE.IT IS LOCATED IN ZONE "N/A" AS DEFINED BY HUD F.I.R.M. COMMUNITY PANEL NUMBER 130055, MAP NUMBER 13067C0036H WITH AN EFFECTIVE DATE OF OCTOBER 05, 2018.



G:\GAI\Projects\Piedmont\_Residential\11629-00-McCollum\_Pkwy\SV\01\_Cases\11629-00-McCollum\_Pkwy\Main.dwg Layout: BGE Survey Titleblock 24-36 Plotted: 6/8/2023 2:26:30 PM



(CLERK OF COURT RECORDING INFORMATION)

#### GENERAL NOTES

EQUIPMENT USED TO OBTAIN THESE MEASUREMENTS WAS A TRIMBLE S9 ROBOTIC TOTAL STATION, TRIMBLE R 12 GPS RECEIVER, AND TRIMBLE TSC7 DATA COLLECTOR. FIELD WORK WAS COMPLETED ON MAY 17, 2023.

THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR ENTITIES NAMED HEREON. NO EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE INFORMATION SHOWN HEREON IS TO BE EXTENDED TO ANY PERSON OR ENTITIES OTHER THAN THOSE SHOWN HEREON.

ALL EASEMENTS AND RIGHTS OF WAY OF WHICH THE SURVEYOR HAS KNOWLEDGE ARE SHOWN HEREON; OTHERS MAY EXIST OF WHICH THE SURVEYOR HAS NO KNOWLEDGE AND OF WHICH THERE IS NO OBSERVABLE EVIDENCE. STATE, COUNTY, AND LOCAL BUFFERS AND SETBACKS MIGHT EXIST ON THE SUBJECT PROPERTY THAT ARE NOT SHOWN HEREON.

THERE WAS NO OBSERVABLE EVIDENCE OF HUMAN BURIALS OR CEMETERIES ON SUBJECT PROPERTY AT THE TIME OF THE FIELD SURVEY.

THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA BASED ON THE FLOOD INSURANCE RATE MAP FOR THIS AREA. THE MAP NUMBER THIS AREA IS 13067C0036H AND THE DATE OF SAID MAP IS OCTOBER 5, 2018. THIS DETERMINATION WAS MADE BY GRAPHICALLY DETERMINING THE POSITION OF THIS SITE ON SAID FIRM MAPS UNLESS OTHERWISE NOTED.

THE DATUM FOR THIS SITE WAS ESTABLISHED UTILIZING GLOBAL POSITIONING SYSTEMS, AND BASED ON POSITIONAL VALUES FOR THE VIRTUAL REFERENCE STATION NETWORK DEVELOPED BY TRIMBLE VRS NOW. THE HORIZONTAL REFERENCE FRAME IS NORTH AMERICAN DATUM OF 1983 (2011)-STATE PLANE COORDINATE SYSTEM OF GEORGIA-WEST ZONE. THE VERTICAL REFERENCE FRAME IS NORTH AMERICAN VERTICAL DATUM OF 1988. ANY DIRECTIONS OR DIMENSIONS SHOWN ARE A RECTANGULAR, GROUND LEVEL PROJECTION OF THE STATE PLANE COORDINATE SYSTEM.

THE UNDERGROUND UTILITIES WERE MARKED AND ARE SHOWN HEREON BASED ON LOCATION OF MARKINGS PROVIDED BY:

UTILISURVEY, LLC  
154 GRANT ROAD  
FAYETTEVILLE, GEORGIA 30215

PROPERTY IN TITLE COMMITMENT NO. 22-0490 IS ONE IN THE SAME AS THE SURVEYED PROPERTY.

PROPERTY ADDRESS:  
1651 MCCOLLUM PARKWAY  
KENNESAW, GA 30144

THE SITE IS ZONED R-15 (SINGLE-FAMILY RESIDENTIAL DISTRICT - 15,000 SQ. FT. LOT SIZE) AS SHOWN THE CITY OF KENNESAW ZONING RECORDS.

SETBACKS:  
FRONT YARD(ARTERIAL & COLLECTOR)- 40'  
FRONT YARD(LOCAL)- 35'  
SIDE YARD- 10'  
REAR YARD- 30'

ACCESS STATEMENT:  
AT THE DATE OF THIS SURVEY, THE SUBJECT PROPERTY HAD ACCESS TO AND FROM A DULY DEDICATED PUBLIC RIGHT-OF-WAY, OF MCCOLLUM PARKWAY. THE SURVEYOR MAKES NO CERTIFICATION AS TO WHETHER OR NOT THESE ACCESS POINTS HAVE BEEN APPROVED OR PERMITTED BY JURISDICTIONAL AUTHORITIES.

#### ALTA CERTIFICATION TABLE "A" NOTES

Item 14 - The site is located at the intersection of McCollum Parkway and Par Place.  
Item 16 - No evidence of current earth moving work, building construction, or building additions was observed at the date of the survey.  
Item 17 - No evidence of recent street or sidewalk construction or repairs observed in the process of conducting the fieldwork.

#### SURVEY REFERENCES

- 1: ASSENT OF EXECUTRIX TO DEVISE BY DAISY BELLE ROSS, AS EXECUTRIX OF JAMES Melford ROSS, DECEASED, DATED 12/16/1986, FILED 12/17/1986, AND RECORDED IN DEED BOOK/PAGE 4252/25.
- 2: WETLAND DELINEATION REPORT PREPARED BY RIVERBEND ENVIRONMENTAL, DATED MAY 19, 2023.

#### TITLE EXCEPTIONS - SCHEDULE B, PART II

TITLE EXCEPTIONS ARE PER A TITLE COMMENT NUMBER 22-0490 PREPARED BY ATTORNEY CERTIFIED LAND TITLE, L.L.C., WITH AN EFFECTIVE DATE OF APRIL 7, 2023, WITH RESPECT TO THE PROPERTY SURVEYED DESCRIBED IN "EXHIBIT A", AND THE EXCEPTIONS LISTED IN "SCHEDULE B, PART II".

NO SPECIAL EXCEPTIONS PROVIDED IN TITLE REPORT.

#### SURVEYOR CERTIFICATION (GEORGIA)

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

Jason S. Morrow  
Georgia Professional  
Land Surveyor #3455 LICENSE NO. LSF\_001348

#### SURVEYOR CERTIFICATION (ALTA/NSPS)

To Piedmont Residential, LLC, A Georgia limited liability company and Attorney Certified Land Title, LLC;

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6(a), 8, 11(a), 11(b), 13, 16 and 17 of Table A thereof. The field work was completed on May 17, 2023.

Date of Plat: June 1, 2023

Jason S. Morrow  
Georgia Professional  
Land Surveyor #3455 LICENSE NO. LSF\_001348

#### CLOSURE STATEMENT

THE FIELD CLOSURE UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 43,873, AND AN ANGULAR ERROR OF 92" PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS METHOD. A TRIMBLE S-9 TOTAL STATION AND TRIMBLE TSC7 DATA COLLECTOR WERE USED TO COLLECT THIS FIELD DATA.

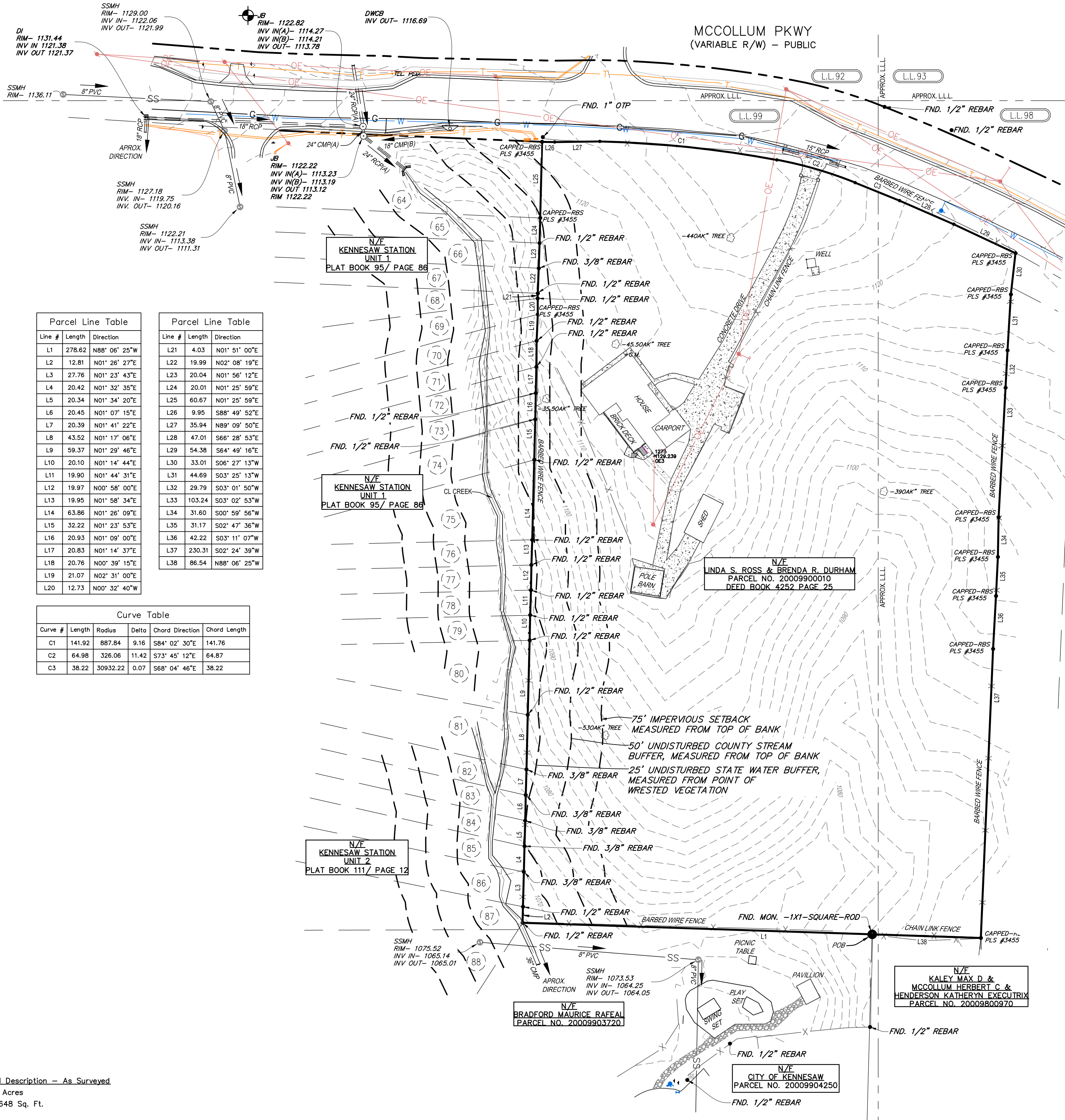
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 39,234 FEET.

#### Legal Description - As Surveyed

5.13 Acres  
223,648 Sq. Ft.

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

Beginning at a 1" square road found at the intersection of the northeasterly corner of the property now or formerly owned by the City of Kennesaw and the and the northwesterly corner of the property now or formerly owned by Max D. Kaley, Herbert C. McCollum and Kathryn Henderson, Executrix on the southerly line of the described property; Thence, N 88° 06' 25" W, 278.62 feet to a 1/2" rebar found; Thence, N 01° 26' 27" E, 12.81 feet to a 1/2" rebar found; Thence, N 01° 23' 43" E, 27.76 feet to a 3/8" rebar found; Thence, N 01° 32' 35" E, 20.42 feet to a 3/8" rebar found; Thence, N 01° 34' 20" E, 20.34 feet to a 3/8" rebar found; Thence, N 01° 07' 15" E, 20.45 feet to a 3/8" rebar found; Thence, N 01° 41' 22" E, 20.39 feet to a 3/8" rebar found; Thence, N 01° 17' 06" E, 43.52 feet to a 1/2" rebar found; Thence, N 01° 29' 46" E, 59.37 feet to a 1/2" rebar found; Thence, N 01° 14' 44" E, 20.10 feet to a 1/2" rebar found; Thence, N 01° 44' 31" E, 19.90 feet to a 1/2" rebar found; Thence, N 00° 58' 00" E, 19.97 feet to a 1/2" rebar found; Thence, N 01° 58' 34" E, 19.95 feet to a 1/2" rebar found; Thence, N 01° 26' 09" E, 63.86 feet to a 1/2" rebar found; Thence, N 01° 23' 53" E, 32.22 feet to a 1/2" rebar found; Thence, N 01° 09' 00" E, 20.93 feet to a 1/2" rebar found; Thence, N 01° 14' 37" E, 20.83 feet to a 1/2" rebar found; Thence, N 00° 39' 15" E, 20.76 feet to a 1/2" rebar found; Thence, N 02° 31' 00" E, 21.07 feet to a capped 1/2" rebar set; Thence, N 00° 32' 40" W, 12.73 feet to a 1/2" rebar found; Thence, N 01° 51' 00" E, 4.03 feet to a 1/2" rebar found; Thence, N 02° 08' 19" E, 19.99 feet to a 3/8" rebar found; Thence, N 01° 56' 12" E, 20.04 feet to a 1/2" rebar found; Thence, N 01° 25' 59" E, 20.01 feet to a capped 1/2" rebar set; Thence, N 01° 25' 59" E, 60.67 feet to a capped 1/2" rebar set on the right-of-way of McCollum Road (Variable R/W); Thence, continuing along said right-of-way, S 88° 49' 52" E, 9.95 feet to a point; Thence, N 89° 09' 50" E, 35.94 feet to a point; Thence, along a curve turning to the right, having a radius of 887.84 feet, an arc distance of 141.92, and a chord bearing S 84° 02' 30" E for 141.76 feet to a point; Thence, along a curve turning to the right, having a radius of 326.06 feet, an arc distance of 64.98, and a chord bearing S 73° 45' 12" E for 64.87 feet to a point; Thence, along a curve turning to the left, having a radius of 30932.22 feet, an arc distance of 38.22, and a chord bearing S 68° 04' 46" E for 38.22 feet to a point; Thence, S 66° 28' 53" E, 47.01 feet to a point; Thence, S 64° 49' 16" E, 54.38 feet to a capped 1/2" rebar set; Thence, leaving said right-of-way, S 06° 27' 13" W, 33.01 feet to a capped 1/2" rebar set; Thence, S 03° 25' 13" W, 44.69 feet to a capped 1/2" rebar set; Thence, S 03° 01' 50" W, 29.79 feet to a capped 1/2" rebar set; Thence, S 03° 02' 53" W, 103.24 feet to a capped 1/2" rebar set; Thence, S 00° 59' 56" W, 31.60 feet to a capped 1/2" rebar set; Thence, S 02° 47' 36" W, 31.17 feet to a capped 1/2" rebar set; Thence, S 03° 11' 07" W, 42.22 feet to a point; Thence, S 02° 24' 39" W, 230.31 feet to a capped 1/2" rebar set; Thence, N 88° 06' 25" W, 86.54 feet to a 1" square rod, said rod being the TRUE POINT OF BEGINNING.



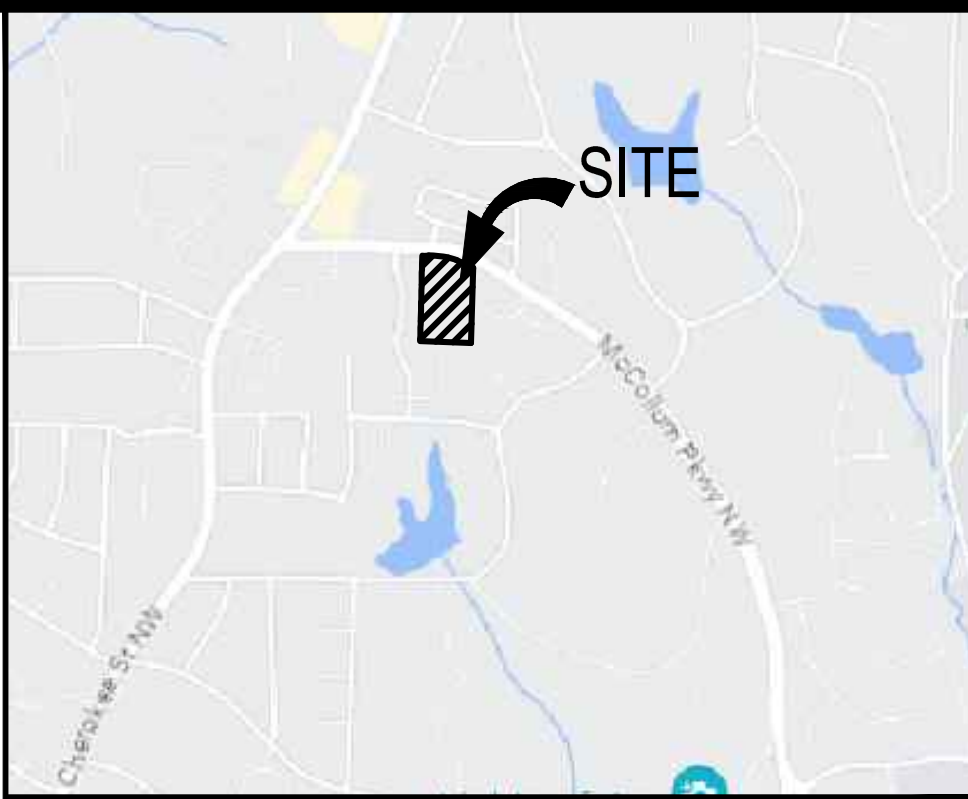
N/E  
PINETREE COUNTY  
CLUB CONDOMINIUM  
PARCEL NO. 2000990010  
CONDO PLAT BOOK 2/ PAGE 98

N/E  
KALEY, MAX D &  
MCCOLLUM HERBERT C &  
HENDERSON KATHRYN EXECUTRIX  
PARCEL NO. 20009800970

N/E  
BRADFORD MAURICE RAEAL  
PARCEL NO. 20009903720

N/E  
CITY OF KENNESAW  
PARCEL NO. 20009904250

#### SITE LOCATION MAP



#### ABBREVIATIONS LEGEND

|      |                                |
|------|--------------------------------|
| AE   | ACCESS EASEMENT                |
| APL  | ABOVE GROUND PIPELINE          |
| BFP  | BACK FLOW PREVENTER            |
| BM   | BENCHMARK                      |
| BP   | BRICK PAVERS                   |
| BSL  | BUILDING SETBACK LINE          |
| CI   | CURB INLET                     |
| CL   | CENTERLINE                     |
| CMF  | CONCRETE MONUMENT FOUND        |
| CO   | CLEANOUT                       |
| CTP  | CRIMPED TOP PIPE               |
| DI   | DROP INLET                     |
| DWCB | DOUBLE WING CATCH BASIN        |
| ELEC | ELECTRIC                       |
| FDC  | FIRE DEPARTMENT CONNECTION     |
| FES  | FLARED END SECTION             |
| FH   | FIRE HYDRANT                   |
| FND  | FOUND                          |
| GM   | GAS METER                      |
| GV   | GAS VALVE                      |
| HW   | HEADWALL                       |
| JB   | JUNCTION BOX                   |
| MON  | MONUMENT                       |
| OCS  | OUTLET CONTROL STRUCTURE       |
| OTR  | OPEN TOP PIPE                  |
| POB  | POINT OF BEGINNING             |
| POC  | POINT OF COMMENCEMENT          |
| R/W  | RIGHT-OF-WAY                   |
| SS   | SANITARY                       |
| SSMH | SANITARY SEWER MANHOLE         |
| STRM | STORM                          |
| SWCB | SINGLE WING CATCH BASIN        |
| YI   | YARD INLET                     |
| CMP  | CORRUGATED METAL PIPE          |
| HDPE | HIGH DENSITY POLYETHYLENE PIPE |
| PVC  | POLYVINYL CHLORIDE PIPE        |
| RCP  | REINFORCED CONCRETE PIPE       |

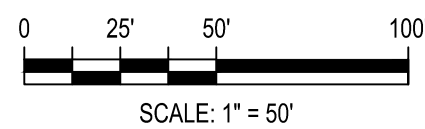
#### LINE TYPE LEGEND

|           |                      |
|-----------|----------------------|
| ---       | PROPERTY LINE        |
| ---       | LAND LOT LINE        |
| — — —     | GUARD RAIL           |
| —x—x—x—x— | OVERHEAD POWER       |
| —x—x—x—x— | UNDERGROUND ELECTRIC |
| —f—f—f—f— | FIBER OPTIC          |
| —s—s—s—s— | SANITARY SEWER       |
| ==        | STORM                |
| —v—v—v—v— | WATER LINE           |
| —g—g—g—g— | GAS LINE             |
| —x—x—x—x— | FENCE LINE           |
| —t—t—t—t— | TELEPHONE LINE       |
| ---       | EASEMENT LINE        |

#### SYMBOL LEGEND

|   |                           |
|---|---------------------------|
| + | BENCHMARK                 |
| ⊙ | EXISTING LOT NUMBER       |
| ⊙ | FIRE HYDRANT              |
| ⊙ | GRATE INLET               |
| ⊙ | GREASE TRAP               |
| ⊙ | GAS METER                 |
| ⊙ | GAS VALVE                 |
| ⊙ | HANDICAP PAVEMENT MARKING |
| ⊙ | POWER POLE                |
| ⊙ | WATER METER               |
| ⊙ | WATER METER VAULT         |
| ⊙ | WATER VALVE               |

BENCHMARK: JUNCTION BOX  
ELEVATION = 1122.82'  
STORM SEWER JUNCTION BOX LOCATED IN  
THE RIGHT-OF-WAY OF MCCOLLUM PARKWAY



ALTANSPS LAND  
TITLE &  
TOPOGRAPHICAL  
SURVEY  
PREPARED FOR  
PIEDMONT RESIDENTIAL, LLC &  
ATTORNEY CERTIFIED LAND TITLE, LLC

1651 MCCOLLUM  
PARKWAY  
LOCATED IN LAND LOTS 98 & 99,  
20TH DISTRICT  
CITY OF KENNESAW  
COBB COUNTY, GEORGIA

FILE NUMBER:  
11629-00  
DATE: 06/06/2023

FIELDWORK BY: TK

DRAWN BY: JSO

REVIEWED BY: JSM

245 TOWNPARK DRIVE, SUITE 470  
KENNESAW, GA 30144  
WWW.BGECOM.COM  
DIRECT: 404-950-3205  
©2023

DATE  
REV  
DESCRIPTION





Cadence Street View



McCollum Pkwy  
Kennesaw, GA





FRONT ELEVATION



REAR ELEVATION

Cadence A



McCollum Pkwy  
Kennesaw, GA





FRONT ELEVATION



REAR ELEVATION

Cadence B



McCollum Pkwy  
Kennesaw, GA





FRONT ELEVATION



REAR ELEVATION

Cadence C



McCollum Pkwy  
Kennesaw, GA





FRONT ELEVATION



REAR ELEVATION

Cadence D



McCollum Pkwy  
Kennesaw, GA





Kennesaw Street View



McCollum Pkwy  
Kennesaw, GA









Kennesaw C



Kennesaw D



McCollum Pkwy  
Kennesaw, GA





McCollum Pkwy

Street view on McCollum Pkwy





Dog Park

























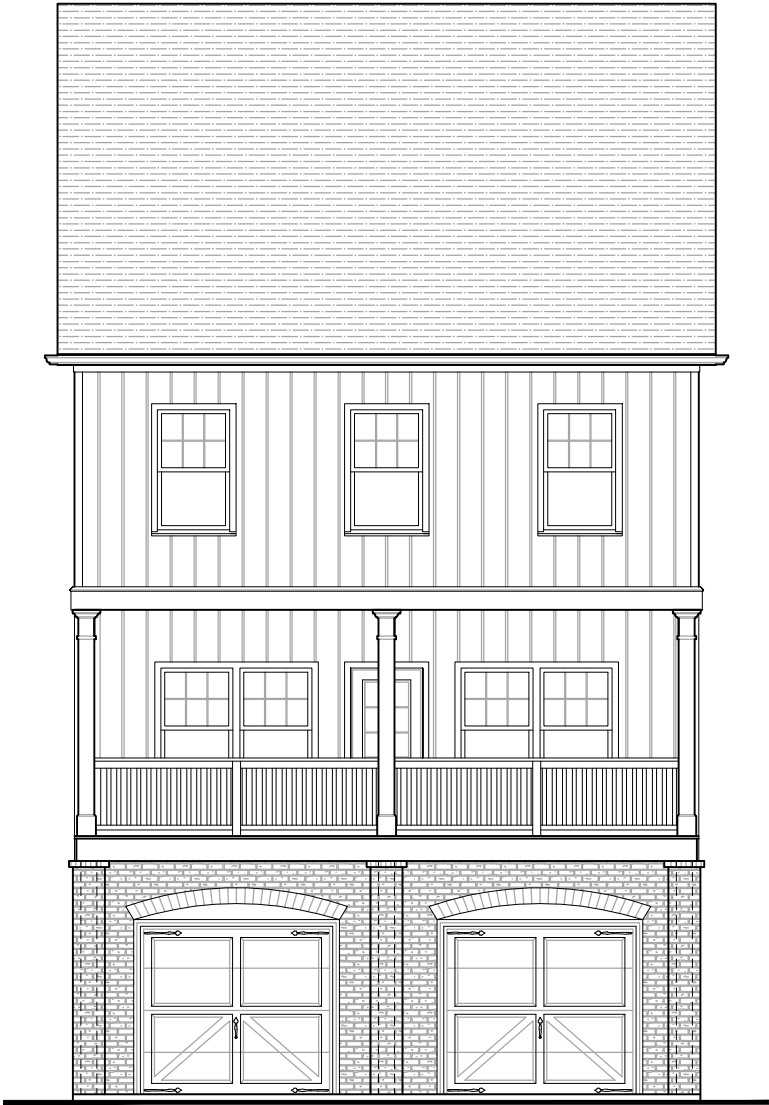


### Elevation A Front & Rear





Elevation B Front & Rear





Elevation C Front & Rear

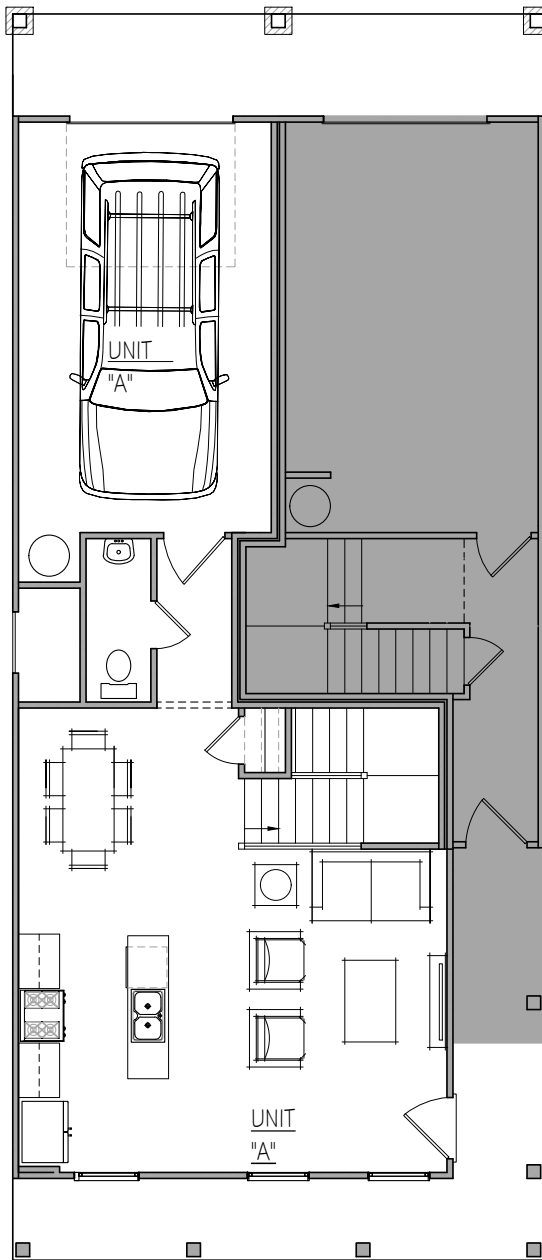




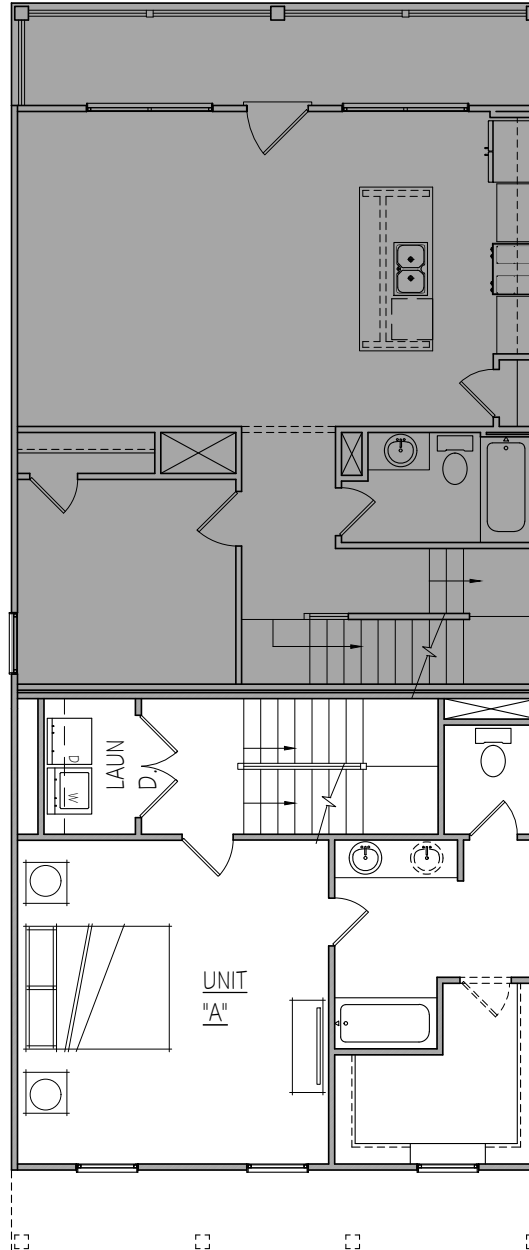
Elevation D Front & Rear



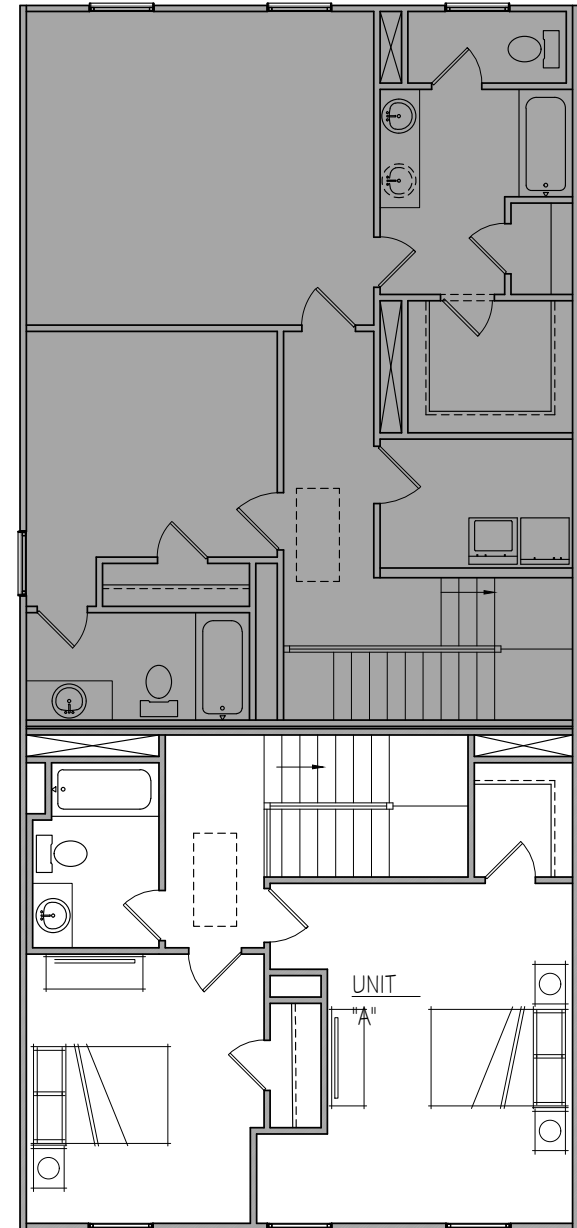




**MAIN FLOOR**

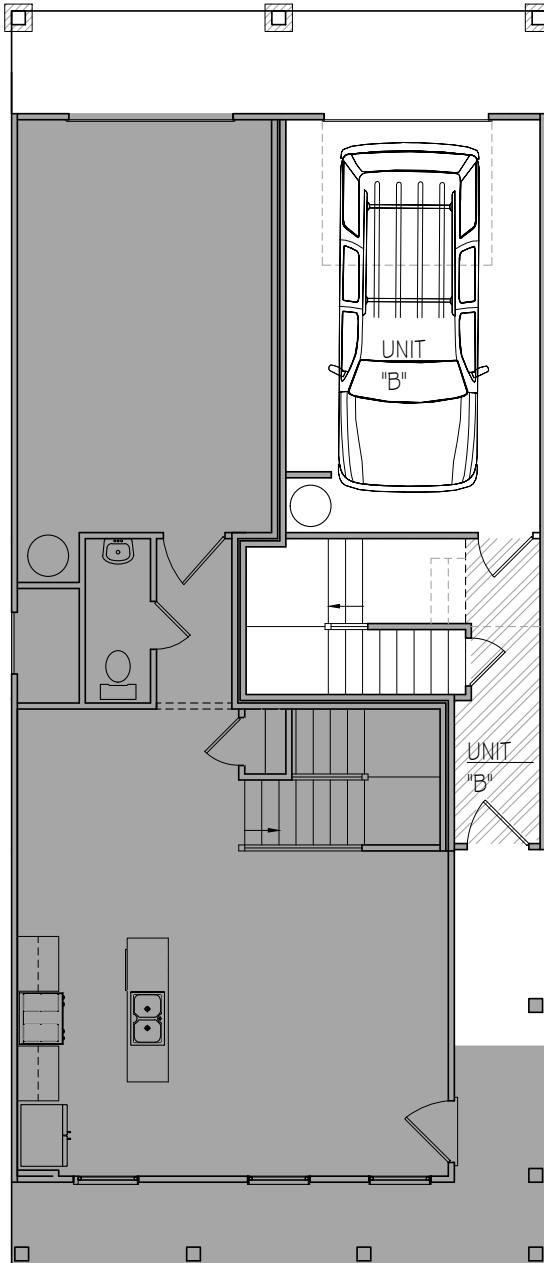


**SECOND FLOOR**

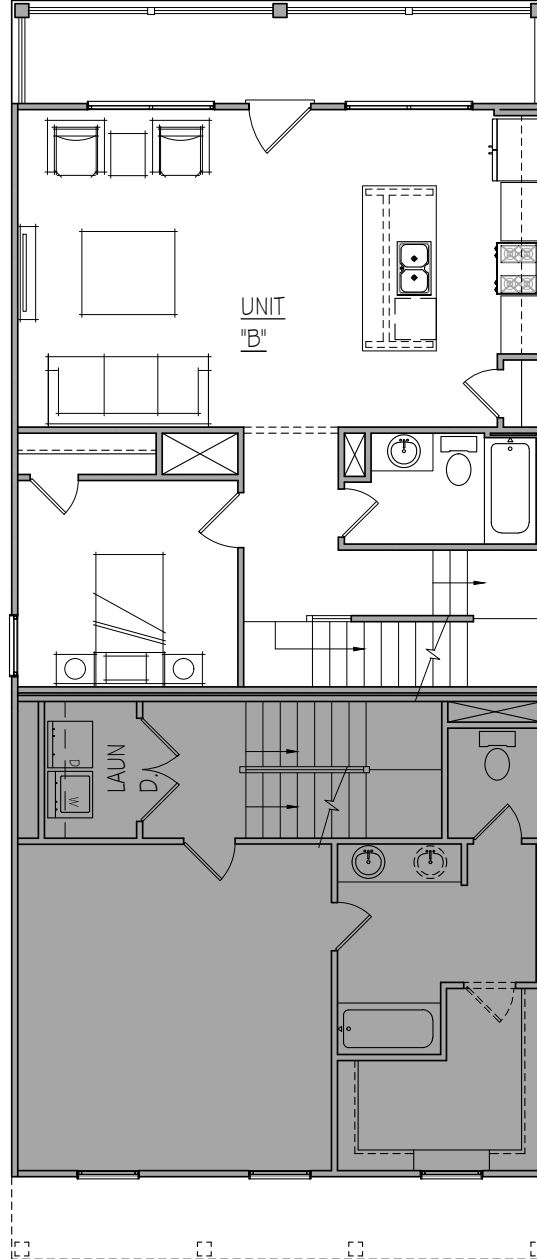


**THIRD FLOOR**

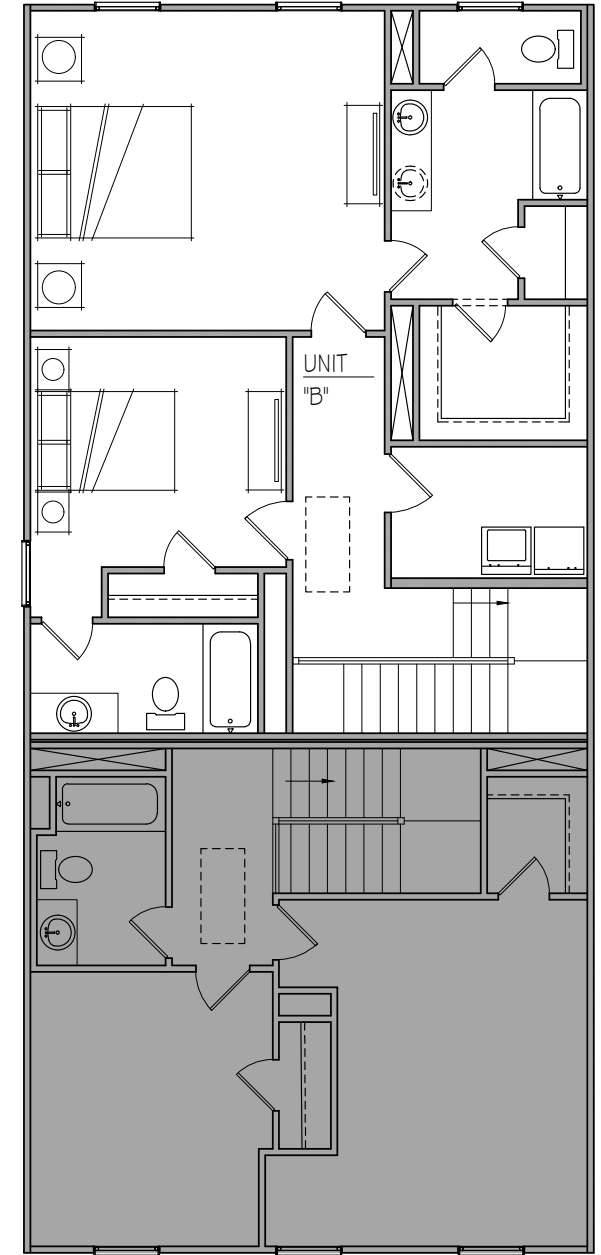




**MAIN FLOOR**



**SECOND FLOOR**



**THIRD FLOOR**



Piedmont Residential, LLC

Section 1909, Part 4 Standards for Decisions - Variances

1. There is extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.
  - a. The property is relatively narrow with a stream that runs adjacent to the property and a stream buffer that runs north and south along the length of the western property line. The applicant seeks to reduce the 75-foot stream buffer by 25 feet in the area depicted on the site plan.
  - b. The topography is steep, and the applicant has created a community with rear loaded lots making units 33-64 4 stories with a drive under two-car garage as the first floor.
  - c. Piedmont proposes a neighborhood with three-foot separation between homes throughout the neighborhood. This has been done in similar communities in Kennesaw.
2. The application of this chapter to this particular piece of property would create practical difficulty or unnecessary hardship.
  - a. The city desires rear loaded product along the street which requires a back alley which intrudes into the last 25 feet of the stream buffer.
  - b. The additional story is used to pick up the grades with the steep topography.
  - c. The three-foot separation allows a reasonable development on a narrow property with steep topography and a stream buffer running the entire western edge.
3. Such conditions are peculiar to the particular piece of property involved.
  - a. The property is unique with an offsite stream creating a buffer on the subject property. need for the variances.
  - b. The topography is steep, and the narrowness of the property makes the grade differential hard to handle without extra height for first floor garages.
  - c. The three-foot separation allows for grade differentials to be handled better than an attached town home product.
4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this chapter.
  - a. The proposed variances will not be a detriment to the public good or impair the intent of the ordinance. The end result will be homes accessed via a rear alley which is attractive.
  - b. The goal is to create an attractive community and the variances help achieve that by having homes face the road with a rear alley, homes with a first floor garage to pick up sloping grades and by having detached homes with three feet of separation rather than attached product.



**CERTIFICATE REGARDING CORPORATE AUTHORITY TO PURSUE REZONING**

1.

My name is JD España Jr. I am the officer who is delegated the responsibility for authenticating records of ***Piedmont Residential, LLC***. ("the Applicant Company"). I am of legal age and suffer from no disabilities which would affect my competence to give this Certificate which is being given on my own personal knowledge for use with respect to the Applicant's Application for Rezoning ("Application") regarding certain real property located in the City of Kennesaw, Cobb County, Georgia.

2.

In accordance with the Requirements for completing a City of Kennesaw Application, I hereby attest on behalf of the Applicant Company that I have reviewed the Application and related documents which are being filed simultaneously therewith on behalf of the Applicant to which this Certificate is attached and hereby certify:

- (a) That corporate seal or facsimile affixed to the Application is in fact the seal of the Applicant Company or a true facsimile thereof; and
- (b) That the officer or other representative of the Applicant Company who executed the Application does in fact occupy the official position indicated, that the position that the signer occupies has the authority to execute the Application on behalf of the Applicant Company, and that the signature of said officer or other representative is genuine; and
- (c) That the execution of the Application and the filing of the Application on behalf of the Applicant Company by the officer or other representative of the Applicant Company has been duly authorized by the Applicant Company.

***Piedmont Residential LLC***

By: \_\_\_\_\_

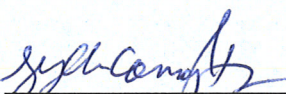
Print Name JD Espana Jr.

Date 8/10/23

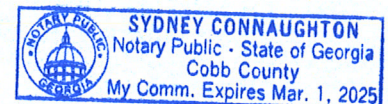
Its: President

Title

**NOTARY SEAL**

  
Signature of Notary Public

8/10/23  
Date







## CAMPAIGN DISCLOSURE REPORT<sup>1</sup> BY APPLICANT<sup>2</sup>

**Each applicant must complete a separate form**

Has the applicant made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating two hundred fifty dollars (\$250.00) or more or made gifts having in the aggregate a value of two hundred fifty dollars (\$250.00) or more to a member or members of the Mayor and Council or Planning Commission who will consider the application?

**Regarding the above statement, please answer "Yes" or "No":** No

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

Please supply the following information that will be considered as the required disclosure:  
The name of the member(s) of the Mayor and Council or Planning Commission to whom the campaign contribution or gift was made:

---

---

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

---

---

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

---

---

I certify that the foregoing information is true and correct, this 10 day of August, 2023

**Applicant Signature:**

[Signature]  
Piedmont Residential, LLC

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

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





## CAMPAIGN DISCLOSURE REPORT<sup>1</sup> BY APPLICANT<sup>2</sup>

**Each applicant must complete a separate form**

Has the applicant made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating two hundred fifty dollars (\$250.00) or more or made gifts having in the aggregate a value of two hundred fifty dollars (\$250.00) or more to a member or members of the Mayor and Council or Planning Commission who will consider the application?

**Regarding the above statement, please answer "Yes" or "No":** No.

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

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

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

---

---

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

---

---

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

---

---

I certify that the foregoing information is true and correct, this 15th day of September, 2023

**Applicant Signature:**

Parks F. Huff, Attorney for the Applicant

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

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





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

## PLEASE TAKE NOTICE

That the undersigned has applied to the Planning Commission and Mayor and Council of the City of KENNESAW for the following:

1. Rezone the property from Single family Residential (R-15) to Planned Urban Development – Residential (PUD-R)
2. Amend zoning conditions for removal of 75' stream buffer, building height for 32 units, and 3' distance between buildings

The property referred to is located at: **1651 McCollum Pkwy Kennesaw, GA 30144**

---

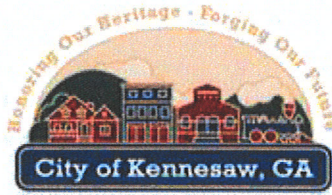
and is within a 200 foot radius of your property. It is described as Land Lot **099** 20<sup>th</sup> District, 2<sup>nd</sup> Section, Tax Parcel **001** in the City of Kennesaw.

The said application will come up for hearing before the Planning Commission on **November 1, 2023 at 6:30 p.m.** and the Mayor and Council on **November 20, 2023 at 6:30 p.m.** in the City Hall Council Chambers, 2529 J.O. Stephenson Avenue, Kennesaw, Georgia. You may appear in person or by attorney and may present any objections, which you may have to the granting of this request. All documents relating to this application are enclosed for your review. The applicant, by order of the Planning Commission, Mayor and Council, sends this notice to you.

Dated\_\_\_\_\_

Applicant\_\_\_\_\_





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

## CERTIFICATION AUTHORIZATION

I hereby attest to the fact that a certified mailing to property owners within 200-feet will be mailed out on or before October 13, 2023 in accordance with the application requirements.

9/15/2023

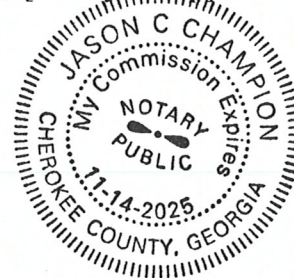
Date

Parks F. Huff, Attorney for the Applicant

Sworn and subscribed before me this 15th day of September 2023

Notary Public Signature

[Notary Stamp]





*Return Deed to  
K. M. L. Chalkley et al.  
Suite 404  
188 Anderson St.  
Marietta, GA 30060*

STATE OF GEORGIA  
COUNTY OF COBB

ASSENT OF EXECUTRIX TO DEVISE

WHEREAS, JAMES MELFORD ROSS died a resident of Cobb County, Georgia on the 10th day of March, 1985, leaving a will which has been probated in solemn form in said County at the March Term of the Probate Court thereof; and

WHEREAS, under the terms of said will the following described property was devised to DAISY BELLE ROSS:

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

BEGINNING at a point on the southwesterly side of Chalker Road 54 feet south as measured along the west line of Land Lot 98 from the northwest corner of Land Lot 98; running thence southeasterly along the southwesterly side of said road 90 feet to G. W. Chalker Estate; thence south along the west line of said Chalker property 576 feet; thence west along the north line of said Chalker property 90 feet to the west line of Land Lot 98 and to the property of G.R. Davis; continuing west along the north line of said Davis property 279 feet; thence north along the east line of said Davis property 663 feet to the north line of Land Lot 99; thence east along the north line of Land Lot 99, a distance of 279 feet to the northwest corner of Land Lot 98; thence south along the west line of Land Lot 98, a distance of 54 feet to the point of beginning, being improved property having a house located thereon.

\$87.40

Cobb County, Georgia      Real Estate Transfer Tax  
Paid 87.40  
Date 12-17-86  
Jay C. Stephenson  
Clerk of Superior Court

and

WHEREAS, the undersigned duly qualified as Executrix of the Estate of the said James Melford Ross and is now administering the estate under the terms of said will; and it has been determined that all debts and claims against the estate have been fully paid.

NOW, THEREFORE, the undersigned, as Executrix of the will of the said JAMES MELFORD ROSS, hereby assents to the devise of said property under the terms of said will, so that full fee-simple title thereto is vested in the same DAISY BELLE ROSS as provided in said will.

WITNESS my hand and seal, this 16 day of December, 1986.

Daisy Belle Ross  
Daisy Belle Ross, as Executrix Aforesaid

Signed, sealed and delivered  
in the presence of:

Lancey O. Brown  
Witness

Kenneth M. [Signature]  
Notary Public  
Notary Public, Cobb County, Georgia  
My Commission Expires Aug. 6, 1990

Executed on: 12-16-86



COBB SUPERIOR COURT CLERK

Jay C. Stephenson

86 DEC 17 NO 54

FILED AND RECORDED





Printed: 9/13/2023

## Cobb County Online Tax Receipt

Thank you for your payment!

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

Payer:  
DAISY B ROSS

**ROSS DAISY BELLE**

**Payment Date: 8/30/2022**

| Tax Year | Parcel ID   | Due Date   | Appeal Amount |             | Taxes Due |
|----------|-------------|------------|---------------|-------------|-----------|
| 2022     | 20009900010 | 10/15/2022 | Pay:          | N/A or      | \$0.00    |
| Interest | Penalty     | Fees       | Total Due     | Amount Paid | Balance   |
| \$0.00   | \$0.00      | \$0.00     | \$0.00        | \$1,037.58  | \$0.00    |



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





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

# 2022 Property Tax Bill

|                                                                                                                                                                                                                                                                |                          |   |                   |                                       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|---|-------------------|---------------------------------------|
| Parcel ID                                                                                                                                                                                                                                                      | Tax District             |   | Bill #            |                                       |
| 20009900010                                                                                                                                                                                                                                                    | 3/3-BOND - KENNESAW CITY |   | 228360            |                                       |
| Property Owner/Location/Description                                                                                                                                                                                                                            |                          |   | Fair Market Value | Taxable Value                         |
| ROSS DAISY BELLE<br>1651 MCCOLLUM PKWY                                                                                                                                                                                                                         |                          |   | 377,940           | 151,176                               |
| Levies                                                                                                                                                                                                                                                         | Taxable Value            | - | Exemptions        | = Net Assessment X Tax Rate = Net Tax |
| CITY OF KENNESAW                                                                                                                                                                                                                                               | 151176                   |   | 151,176           | 0 8.0000000000 \$0.00                 |
| BOND                                                                                                                                                                                                                                                           | 151176                   |   | 151,176           | 0 1.5000000000 \$0.00                 |
| Exemptions:                                                                                                                                                                                                                                                    |                          |   |                   |                                       |
| 223 - Age 65 GA Net Inc                                                                                                                                                                                                                                        |                          |   |                   |                                       |
| 223 - Age 65 GA Net Inc                                                                                                                                                                                                                                        |                          |   |                   |                                       |
| 223 - Age 65 GA Net Inc                                                                                                                                                                                                                                        |                          |   |                   |                                       |
| 223 - Age 65 GA Net Inc                                                                                                                                                                                                                                        |                          |   |                   |                                       |
| >Per House Bill 960 calculation, interest will accrue at .875%. Penalty will accrue at 5% after 120 days with an additional 5% assessed after each successive 120 days to a maximum of 20% of the principle amount due (House Bill 960).                       |                          |   |                   |                                       |
| >Payments can be made online at <a href="http://www.municipalonlinepayments.com/kennesawga">www.municipalonlinepayments.com/kennesawga</a> , in person, by mail or via our dropbox. Tax bills are mailed annually on October 1, with a due date of December 1. |                          |   |                   |                                       |
| >Any questions concerning ownership changes or change of address should be directed to Cobb County Tax Commissioner's Office. For all other questions or concerns regarding this statement, give us a call at 770-429-4542.                                    |                          |   |                   |                                       |
|                                                                                                                                                                                                                                                                |                          |   | Current Year Tax  | \$0.00                                |
|                                                                                                                                                                                                                                                                |                          |   | Interest          | \$0.00                                |
|                                                                                                                                                                                                                                                                |                          |   | Penalty           | \$0.00                                |
|                                                                                                                                                                                                                                                                |                          |   | Other Fees        | \$0.00                                |
|                                                                                                                                                                                                                                                                |                          |   | Payments Received | \$0.00                                |
|                                                                                                                                                                                                                                                                |                          |   | Other Amounts Due | \$0.00                                |
|                                                                                                                                                                                                                                                                |                          |   | Total Due         | \$0.00                                |
|                                                                                                                                                                                                                                                                |                          |   | Due Date          | 12/01/2022                            |



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

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

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

Parcel ID: 20009900010  
Amount Due: \$0.00  
Bill#: 228360  
Due Date: 12/01/2022

|             |
|-------------|
| AMOUNT PAID |
|             |

ROSS DAISY BELLE  
144 FOUR SEASONS BLVD  
DALLAS, GA 30132

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



ATTACHMENT TO APPLICATION FOR REZONING

**Titleholder:**

**Linda S. Ross and Brenda R. Durham, Individually and as Co-Executors under the Last Will and Testament of Daisy B. Ross, a/k/a Daisy Belle Ross, Deceased of Paulding County, Georgia**

PIN: 20009900010

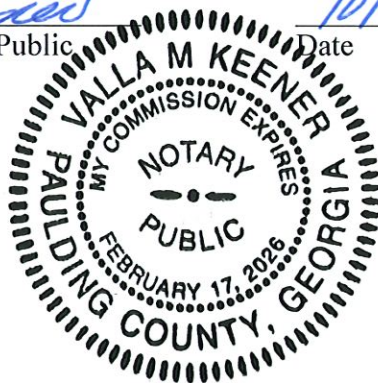
PROPERTY OWNER'S CERTIFICATION

The undersigned(s) below, or as attached, is the owner of the property considered in this application.

Brenda R. Durham 10/1/23  
Signature of Owner Date

*Brenda R. Durham, Individually and as Co-Executor  
under the Last Will and Testament of Daisy B. Ross,  
a/k/a Daisy Belle Ross, Deceased of Paulding  
County, Georgia*

[Signature] 10/1/23  
Signature of Notary Public Date  
(Notary Seal)





ATTACHMENT TO APPLICATION FOR REZONING

**Titleholder:**

**Linda S. Ross and Brenda R. Durham, Individually and as Co-Executors under the Last Will and Testament of Daisy B. Ross, a/k/a Daisy Belle Ross, Deceased of Paulding County, Georgia**

PIN: 20009900010

PROPERTY OWNER'S CERTIFICATION

The undersigned(s) below, or as attached, is the owner of the property considered in this application.

Linda S. Ross      10-2-2023  
Signature of Owner      Date

*Linda S. Ross, Individually and as Co-Executor  
under the Last Will and Testament of Daisy B. Ross,  
a/k/a Daisy Belle Ross, Deceased of Paulding  
County, Georgia*

Sydney Connaughton  
Signature of Notary Public

10/2/2023  
Date

(Notary Seal)





**EXHIBIT "A"**

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

BEGINNING at a point on the southwesterly side of Chalker Road 54 feet south as measured along the west line of Land Lot 98 from the northwest corner of Land Lot 98; running thence southeasterly along the southwesterly side of said road 90 feet to G. W. Chalker Estate; thence south along the west line of said Chalker property 576 feet; thence west along the north line of said Chalker property 90 feet to the west line of Land Lot 98 and to the property of G.R. Davis; continuing west along the north line of said Davis property 279 feet; thence north along the east line of said Davis property 663 feet to the north line of Land Lot 99; thence east along the north line of Land Lot 99, a distance of 279 feet to the northwest corner of Land Lot 98; thence south along the west line of Land Lot 98, a distance of 54 feet to the point of beginning, being improved property having a house located thereon.

Less and except approximately .05 acres north of Chalker Road, conveyed to Georgia Marietta Co., by James M. Ross by Warranty Deed dated June 25, 1973 and recorded in Deed Book 1446, Page 96 of the Cobb County Records.

FURTHER LESS AND EXCEPT: Any portion of the above-described property lying within the dedicated right-of-way of McCollum Parkway formerly known as Chalker Road.



## ADDENDUM TO APPLICATION FOR VARIANCE

### CONSTITUTIONAL CHALLENGE

COMES NOW the Applicant, Piedmont Residential, LLC (hereinafter referred to as the "Applicant") and asserts the following:

1.

By Application for Variance, the Applicant has applied for Variances as to requirements of the City of Kennesaw Zoning Ordinance (hereinafter the "Ordinance") which impose certain requirements as same apply to the property more particularly set forth in said Application (hereinafter referred to as the "Subject Property").

2.

The Applicant states that a literal interpretation and enforcement of Ordinance provisions creates a hardship.

3.

Enforcement of Ordinance requirements concerning the Subject Property creates an unnecessary and unreasonable hardship with no resulting substantial benefit to the public good.

4.

The Variances sought by the Applicant concerning the Subject Property will not impair the purpose, spirit and intent of the Ordinance and stand to alleviate any and all non-compliance of the foregoing requirements while causing no substantial detriment to the public good.



5.

Applicable Ordinance provisions concerning the required Variances are unconstitutional as applied to the Subject Property in that same deprive the Applicant of property under and pursuant to Article I, Section I, Paragraphs I and II of the Georgia Constitution of 1983 and the Equal Protection and Due Process Clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States of America. This deprivation of property without due process violates the constitutional prohibition against the taking of private property without just compensation.

6.

Applicable Ordinance provisions, as applied to the Subject Property, violate the Applicant's right to the unfettered use and development of the Subject Property in conformity with the existing Ordinance in that the Ordinance creates an unreasonable hardship totally unrelated to public health, safety, morality, or general welfare and is therefore confiscatory and void. Further, same is unconstitutional in that it is arbitrary, unreasonable and injurious resulting in relatively little gain or benefit to the public while at the same time inflicting serious injury and loss upon the Applicant.

7.

The Ordinance is further unconstitutional in that the procedures contained therein pertaining to the public hearing held in connection with Applications for Variances also violate Article I, Section I, Paragraphs I, II and XII of the Georgia Constitution of 1983 in that said procedures impose unreasonable time restraints, contain the absence of rebuttal, contain the inability to confront witnesses, contain the lack of procedural and evidentiary safeguards, do not restrict evidence received to the



issue at hand and are controlled wholly and solely by political considerations rather than the facts and considerations required by law. These procedures fail to comport with the due process requirements of the Constitution of the State of Georgia 1983 and the due process requirements of the Constitution of the United States of America.

This 15<sup>th</sup> day of September, 2023.

SAMS, LARKIN & HUFF, LLP

By:   
PARKS F. HUFF  
Attorney for Applicant  
Ga. Bar No. 375010



## Directions to City Hall from the Subject Property

### **1651 McCollum Pkwy NW**

Kennesaw, GA 30144



Head west on Chalker Rd/McCollum Pkwy NW toward Par Pl



0.3 mi



Turn left onto Cherokee St NW



459 ft



Continue straight to stay on Cherokee St NW



1.4 mi



Turn left onto S Main St



266 ft



Turn right onto Watts Dr

Destination will be on the right



420 ft

### **2529 J.O. Stephenson Ave**

Kennesaw, GA 30144



**MDJ-7907**  
**GPN-16**  
**CITY OF KENNESAW**  
**PUBLIC NOTICE**

Notice is hereby given that the City of Kennesaw shall hold public hearings to give consideration for a rezoning/variance request submitted by Piedmont Residential, LLC. Said request is to rezone a parcel located at 1651 McCollum Parkway (20009900010) from Single-Family Residential (R-15) to Planned Urban Development Residential District (PUD-R) and consists of 5.1 +/- acres. Said request is also to vary from section 46-423 to reduce the 75 stream buffer. Property lies in Land Lot 099 & 098 tax parcel 001 of the 20th District, 2nd Section, Cobb County Georgia.

Said meetings shall be held before the Planning Commission on November 1, 2023 at 6:30 P.M. and the Mayor and Council will hold a public hearing on November 20, 2023 at 6:30 P.M. Both meetings are to be held at 2529 J. O. Stephenson Avenue, Kennesaw, Georgia. Any interested persons may attend and be heard relative thereto.

Mayor and Council will be conducting their meeting in person and you can access the meeting via the following link: <https://www.facebook.com/CityofKennesaw/>

Any interested citizens are invited to email [kennesawcouncil@kennesaw-ga.gov](mailto:kennesawcouncil@kennesaw-ga.gov).

10:13,20-2023



**CITY OF KENNESAW  
LAND USE NOTICE**

APPLICATION # **RZ2023-04 / ZV2023-03**  
Rezonning from R-15 (single family residential) to PUD-R (Planned Urban Development-Residential) and zoning variance for 75' stream buffer for the construction of a residential townhome community.

PURPOSE

DATE OF PUBLIC MEETING: **11/1/2023** TIME: **6:30PM**

DATE OF PUBLIC MEETING: **11/20/2023** TIME: **6:30PM**

PLACE: **CITY HALL KENNESAW, GA**

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

**HTTP://WWW.KENNESAW-GA.GOV**

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

10.17.2023 09:06



**MAYOR**

Derek Easterling

**City Manager**

Jeff Drobney, ICMA-CM

**City Clerk**

Lea Alvarez, CMC

**COUNCIL**

Mayor Pro Tem Tracey Viars

Lynette Burnette

Pat Ferris

Antonio Jones

Trey Sinclair

October 4, 2023

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

Subject: City of Kennesaw Zoning Applications (Case #RZ2023-04, ZV2023-03)  
1651 McCollum Pkwy Kennesaw, GA 30144 – Parcel ID 20009900010

Dear Ms. Mabry,

Attached, please find a zoning applications submitted by the Piedmont Residential, LLC to petition for rezoning and variance requests for the above subject property. Because this case is within a half-mile from unincorporated Cobb County, this letter and enclosed application are being provided in accordance with the House Bill 489 Intergovernmental Agreement.

These cases are set to go before the Kennesaw Planning Commission on Wednesday, November 1, 2023 at 6:30 p.m. for public hearing and Mayor and Council on Monday, November 20, 2023 at 6:30 p.m. for public hearing as well.

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

Sincerely,

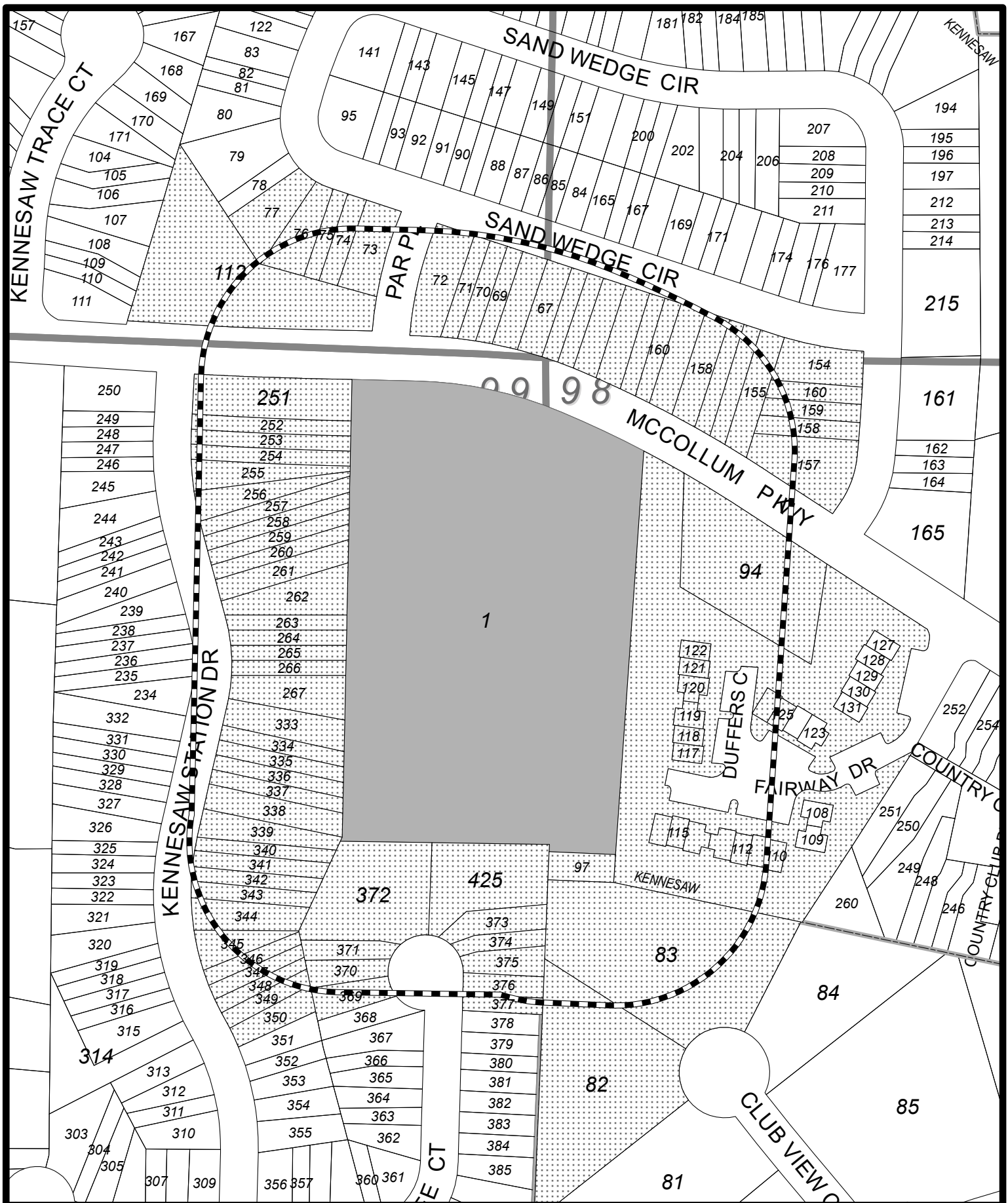
*Darryl Simmons*

Darryl Simmons  
Planning and Zoning Administrator

Enclosure: Zoning Application

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





-  Subject Parcel
-  200' Radius
-  Properties Notified

**1651 McCollum Pkwy**  
**Land Lot 20,**  
**Tax Parcel 001**

**RZ2023-004**  
**200' PROPERTY NOTIFICATION**



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

*Derek Easton*  
 MANOR  
*Lee Moore*  
 CITY CLERK

Date: 9/19/2023

RZ2023-000



1" = 167'



Tax Parcel - 20009904250

KENNESAW CITY OF  
2539 J O STEPHENSON AVE  
KENNESAW GA 30144

Tax Parcel - 20009902510

ILKOV SAMUIL LYUBOMIROV & ANDREA  
3590 KENNESAW STATION DR NW  
KENNESAW GA 30144

Tax Parcel - 20009801170

DASWANI ARUN DASWANI MAMTA  
270 17TH 3607  
ATLANTA GA 30363

Tax Parcel - 20009902630

TRAN NGAN  
145 CARLEE LN  
FINDLAY OH 45840

Tax Parcel - 20009902520

SOHANI MUIZZ  
1123 SADLERS WAY  
MARIETTA GA 30068

Tax Parcel - 20009801180

PRABHU DEEPALAXMI  
620 STONESTILE TRCE  
SUWANEE GA 30024

Tax Parcel - 20009903350

ROGERS VINCE M  
3552 KENNESAW STATION DR NW  
KENNESAW GA 30144

Tax Parcel - 20009802730

PINETREE COUNTRY CLUB CONDOMINIUM  
ASSOCIATION INC  
PO BOX 2484  
KENNESAW GA 30156

Tax Parcel - 20009801200

MIDWAY EXCHANGE BORROWER 8 LLC  
PO BOX 4090  
SCOTTSDALE AZ 85261

Tax Parcel - 20009801100

UNIVERSAL PROPERTY INVESTMENTS LLC  
1120 BRECKENRIDGE LN  
ALPHARETTA GA 30005

Tax Parcel - 20009900010

ROSS DAISY BELLE  
144 FOUR SEASONS BLVD  
DALLAS GA 30132

Tax Parcel - 20009801210

ROLNIK CONSTANCE  
P O BOX 801372  
ACWORTH GA 30101

Tax Parcel - 20009903490

GOVAHI KASHANI SHAHRIAR  
3524 KENNESAW STATION DR NW  
KENNESAW GA 30144

Tax Parcel - 20009200680

SURRENCY DAVID J & CAREY N  
3561 PINE BRANCHES CT  
ACWORTH GA 30102

Tax Parcel - 20009801220

ROLNIK CONSTANCE  
P O BOX 801372  
ACWORTH GA 30101

Tax Parcel - 20009200700

ASHMAN RONALD & ASHMAN MATTHEW  
3040 SHALLOWFORD PARK MANOR  
ROSWELL GA 30075

Tax Parcel - 20009200690

FAMILY NEST INVESTMENTS LLC  
2080 SAND WEDGE CIR  
KENNESAW GA 30144

Tax Parcel - 20009801250

EDWARDS WILLIAM H  
P O BOX 2286  
KENNESAW GA 30156

Tax Parcel - 20009902610

MYERS CARLENE  
3570 KENNESAW STATION DR  
KENNESAW GA 30144

Tax Parcel - 20009200710

CHIEFTAIN ATLANTA LP  
17 NE 4TH ST  
FORT LAUDERDALE FL 33301

Tax Parcel - 20009801260

ABRAHA LETERFUAEL  
18 FAIRWAY DR  
KENNESAW GA 30144-0000

Tax Parcel - 20009902650

VALLIAPPAN GAYATHRI  
2020 BROOK MEADOW DR  
ALPHARETTA GA 30005

Tax Parcel - 20009200720

SHI XI  
23 TANGLEWOOD HOLLOW RD  
SADDLE RIVER NJ 07458

Tax Parcel - 20009801570

ROWEDDER KAY F  
1000 SANDWEDGE CIR  
KENNESAW GA 30144-2065

Tax Parcel - 20009902660

VELARDI MICHAEL D  
3560 KENNESAW STATION DR  
KENNESAW GA 30144

Tax Parcel - 20009801190

GRANT GRACIELA M  
5 DUFFERS CT  
KENNESAW GA 30144-0000

Tax Parcel - 20009200660

REZ LLC  
3449 SHERIDAN CHASE  
MARIETTA GA 30067

Tax Parcel - 20009902670

SHAH JYOTI  
1013 TRAVELERS TRL NW  
KENNESAW GA 30144

Tax Parcel - 20009801160

GRACE REALTY OF GEORGIA LLC  
25 HARRIS DR  
MARIETTA GA 30067

Tax Parcel - 20009200670

MCCLUER SHU HUA & WARREN J  
5005 MELANIE CT NW  
ACWORTH GA 30102



Tax Parcel - 20009903450

SHAH JYOTI  
3162 BAYONET CT  
MARIETTA GA 30068

Tax Parcel - 20009903500

3522 KENNESAW STATION HOUSING LLC  
4707 MAPLE BRK SE  
MARIETTA GA 30067

Tax Parcel - 20009902550

WOOD BRITTANY  
3582 KENNESAW STATION DR  
KENNESAW GA 30152

Tax Parcel - 20009903460

FU JUNMEI  
4092 AMBERLY CT  
KENNESAW GA 30144

Tax Parcel - 20009903700

MAAROUF BASSEM R  
3479 LEE COURT  
KENNESAW GA 30144

Tax Parcel - 20009902560

FARIAS MICHELLE A  
645 N WILLOW AVE APT C  
LA PUENTE CA 91746

Tax Parcel - 20009903470

PK HOUSING LLC  
4707 MAPLE BRK SE  
MARIETTA GA 30067

Tax Parcel - 20009903710

BROOMFIELD MELISSA  
3481 LEE CT  
KENNESAW GA 30144

Tax Parcel - 20009301590

WHITE JOLEAH M  
1090 SAND WEDGE CIR  
KENNESAW GA 30144

Tax Parcel - 20009903480

VAN DYKE LEIGHTON A & GREYSON W  
3526 KENNESAW STATION DR NW  
KENNESAW GA 30144

Tax Parcel - 20009903720

BRADFORD MAURICE RAFEAL  
3483 LEE CT  
KENNESAW GA 30144-0000

Tax Parcel - 20009301600

ANGELI JAYSON M  
3093 ADDIE POND WAY  
MARIETTA GA 30064

Tax Parcel - 20009801110

HANNIGAN DONALD E HANNIGAN ROSE  
45 S VALLEY RD  
SAG HARBOR NY 11963

Tax Parcel - 20009903730

BARTHELUS ALYAH & VERTINI  
3504 LEE CT NW  
KENNESAW GA 30144

Tax Parcel - 20009301610

SANDWEDGE LLC  
1705 AMBERWOOD POINTE  
WOODSTOCK GA 30189

Tax Parcel - 20009801120

RAGOZZINO PHILIP A  
9 FAIRWAY DR  
KENNESAW GA 30144-0000

Tax Parcel - 20009903390

GADISETTI SRINIVASA R  
3544 KENNESAW STATION DR NW  
KENNESAW GA 30144

Tax Parcel - 20009201120

KENNESAW CITY OF  
2539 PARK DR  
KENNESAW GA 30144

Tax Parcel - 20009801130

11 FAIRWAY DRIVE LAND TRUST  
1025 ROSE CREEK DR STE 620-131  
WOODSTOCK GA 30189

Tax Parcel - 20009801580

TOTH DANIEL & VOROSMARTY DORA  
220 BLAIRSHIRE CLOSE  
ROSWELL GA 30075

Tax Parcel - 20009801590

LECHER NOEL L & LAURA E  
1020 SAND WEDGE CIR  
KENNESAW GA 30144

Tax Parcel - 20009801140

GRACE REALTY OF GEORGIA LLC  
25 HARRIS DR  
MARIETTA GA 30067

Tax Parcel - 20009301580

HARRISON KARL D  
1080 SAND WEDGE CIR NW  
KENNESAW GA 30144-2099

Tax Parcel - 20009801600

BEATTY KURT N  
4976 MILLWOOD DR  
CANTON GA 30114

Tax Parcel - 20009801150

ERVIN STEPHEN D & BORG ERIC  
1709 LATOUR DR  
MARIETTA GA 30066

Tax Parcel - 20009902530

ATLANTA REALTY PROS LLC  
3449 SHERIDAN CHASE SE  
MARIETTA GA 30067

Tax Parcel - 20009903360

SMITH MICHELLE D & RODNEY W  
3550 KENNESAW STATION DR NW  
KENNESAW GA 30144

Tax Parcel - 20009903690

GRACE REALTY OF GEORGIA LLC  
25 HARRIS DR  
MARIETTA GA 30067

Tax Parcel - 20009902540

CRAMER JEFFREY E  
3584 KENNESAW STATION DR  
KENNESAW GA 30144-0000

Tax Parcel - 20009903370

LEARY BRIAN QUINN  
3548 KENNESAW STATION DR  
KENNESAW GA 30144



Tax Parcel - 20009903380

SFR ACQUISITIONS 3 LLC  
120 S RIVERSIDE PLZ STE 2000  
CHICAGO IL 60606

Tax Parcel - 20009301640

KIM JEAN & CHUNG ALEXANDER EUNKWON  
2040 SAND WEDGE CIR  
KENNESAW GA 30144

Tax Parcel - 20009903740

RAY SANDRA E & HERMAN E  
3293 HIGH SHOALS RD  
DALLAS GA 30132

Tax Parcel - 20009800940

MOTES MORRIS JOHN % DWIGHT D MOTES  
EXECUTOR  
6405 VICKSBURG CT  
ACWORTH GA 30101

Tax Parcel - 20009301540

WILLIAMS GREG  
3154 N DRUID HILLS RD  
DECATUR GA 30033

Tax Parcel - 20009903750

ANDESHMAND SAYEED A & SUHAIL MOHAMED  
SHIHAAM  
125 CYPRESS LOOP  
HAYWARD CA 94544

Tax Parcel - 20009903400

3542 KENNESAW STATION HOUSING LLC  
4707 MAPLE BRK SE  
MARIETTA GA 30067

Tax Parcel - 20009301550

CARROZZA RICHARD PAUL  
1050 SAND WEDGE CIR  
KENNESAW GA 30144

Tax Parcel - 20009903760

CARPENTER ROBERT  
3498 LEE CT  
KENNESAW GA 30144

Tax Parcel - 20009301620

HAWES WILLIAM H & BEVERLY G HAWES  
2117 SUMMERCHASE DR  
WOODSTOCK GA 30189-6173

Tax Parcel - 20009301560

STRICKLAND RACHEL STURDIVANT  
1060 SAND WEDGE CIR NW  
KENNESAW GA 30144-2060

Tax Parcel - 20009903770

SHAH JIGISHA P & PREMAL K  
4528 LASHLEY CT  
MARIETTA GA 30068

Tax Parcel - 20009902570

GIRAGE KARA ELIZABETH  
3578 KENNESAW STATION DR NW  
KENNESAW GA 30144

Tax Parcel - 20009301570

MORALES RICHARD  
1070 SAND WEDGE CIR NW  
KENNESAW GA 30144

Tax Parcel - 20009800970

KALEY MAX D & MCCOLLUM HERBERT C &  
HENDERSON KATHERYN EXECUTRIX  
1554 LANCASTER DR  
MARIETTA GA 30066-5916

Tax Parcel - 20009902640

ISHAKON PROPERTIES LLC  
3162 BAYONET CT  
MARIETTA GA 30068

Tax Parcel - 20009200730

HARRINGTON SUSAN  
3020 SANDWEDGE CIR  
KENNESAW GA 30144

Tax Parcel - 20009903410

ONYANCHIA MOMANYI B & CHERONO  
CHRISTINE  
3540 KENNESAW STATION DR  
KENNESAW GA 30144

Tax Parcel - 20009902580

MIRZAI AJMAL & BAIRD ALEXANDRA  
5311 GOLDEN CANARY LN  
AUSTIN TX 78723

Tax Parcel - 20009200740

JAYCO PROPERTIES LLC  
P O BOX 613  
HOLLY SPRINGS GA 30142

Tax Parcel - 20009903420

THE HOUSE OF WALKER TRUST  
4632 LIBERTY SQUARE DR  
ACWORTH GA 30101

Tax Parcel - 20009902590

SAROCH RAMESH & KAMALJIT  
3574 KENNESAW STATION DR  
KENNESAW GA 30144

Tax Parcel - 20009200750

HELIOPOLIS DEVELOPMENT COMPANY LLC  
2275 MARIETTA BLVD SUITE 275-392  
ATLANTA GA 30318

Tax Parcel - 20009903430

3536 KENNESAW STATION DRIVE LAND TRUST  
FREEPORT TITLE & GUARANTY INC TRUSTEE  
2550 SANDY PLAINS RD STE 225-315  
MARIETTA GA 30066

Tax Parcel - 20009902600

RINAMAN RAINIKKA  
3572 KENNESAW STATION DR NW  
KENNESAW GA 30144

Tax Parcel - 20009200760

ROGERS CLINTON A  
194 FIELDS RD  
KINGSTON GA 30145

Tax Parcel - 20009903440

ISHAKON PROPERTIES LLC  
3162 BAYONET CT  
MARIETTA GA 30068

Tax Parcel - 20009301630

DIEP KENT BAO & HANG LINH LE  
5355 HAVERFORD MILL COVE  
LILBURN GA 30047

Tax Parcel - 20009200770

ZHAO JUAN  
360 SUMTER DR  
MARIETTA GA 30066

Tax Parcel - 20009903330

ISHAKON PROPERTIES LLC  
3162 BAYONET CT  
MARIETTA GA 30068



Tax Parcel - 20009903340

.....  
NAUSTDAL FREDRIK TAMM  
3970 PAPER MILL RD  
MARIETTA GA 30067

Tax Parcel - 20009902620

.....  
FU JUN MEI  
4092 AMBERLY CT  
KENNESAW GA 30144



ZONING ADMINISTRATOR  
DARRYL SIMMONS



MAYOR AND COUNCIL  
NOVEMBER 20, 2023

PLANNING COMMISSION  
NOVEMBER 1, 2023

LEGAL ADVERTISEMENTS  
OCTOBER 20, 2023

PUBLIC NOTICE SIGN  
OCTOBER 17, 2023

APPLICATION SUBMITTED  
SEPTEMBER 15, 2023

**COMMUNITY DEVELOPMENT**  
Planning and Zoning

2529 J.O. Stephenson Avenue  
Kennesaw, GA 30144

**CONTACT US**

OFFICE: (770) 590-8268

WEBSITE: [www.kennesaw-ga.gov](http://www.kennesaw-ga.gov)

EMAIL: [zoningdept@kennesaw-ga.gov](mailto:zoningdept@kennesaw-ga.gov)

# STAFF ANALYSIS REPORT

**ZONING CASE #: RZ2023-04/ZV2023-03**

**Property Addresses**

1651 McCollum Parkway

**Applicant**

Piedmont Residential

**Representative**

Parks F. Huff

**Property Owner**

Daisy Belle Ross

**Current Zoning**

R-15 (Single-Family - 15 Units/Acre)

**Current Future Land Use Category**

Residential High (RH)

**Project Request:** Rezone for construction of a residential townhome community, variance from stream buffer.



Street view of subject property (Cobb Tax Assessor)

## PROPERTY DETAILS

Within 1/2 mi from Unincorporated Cobb Co: Yes

Historic District: No

Cemetery: No Floodplain: No Stream: No

Parcel ID #: 20009900010

Land Lot #: 98 and 99 Tax Parcel #: 001

Land Area: 5.13 +/- acres or 223,462.8 SQFT

Existing Building Total SQFT: 2,209 SQFT

Proposed Building SQFT: N/A

Proposed Streets: N/A

## RECOMMENDATION

**Staff Recommendation**

**Approval with conditions**

**Planning Commission Recommendation**

**To be determined on November 1, 2023**

Please see page 16 for basis for recommendation.

## ADJACENT PROPERTY DETAILS

**Surrounding Zoning Dist. and Future Land Use**

**North:** McCollum Parkway

**Zoning:** FST (Fee Simple Townhome District)

**Future Land Use:** Residential High (RH)

**South:** No Street

**Zoning:** FST (Fee Simple Townhome District)

**Future Land Use:** Residential High (RH)

**East:** Fairway Drive NW

**Zoning:** FST (Fee Simple Townhome District)

**Future Land Use:** Residential High (RH)

**West:** Kennesaw Station Drive NW

**Zoning:** FST (Fee Simple Townhome District)

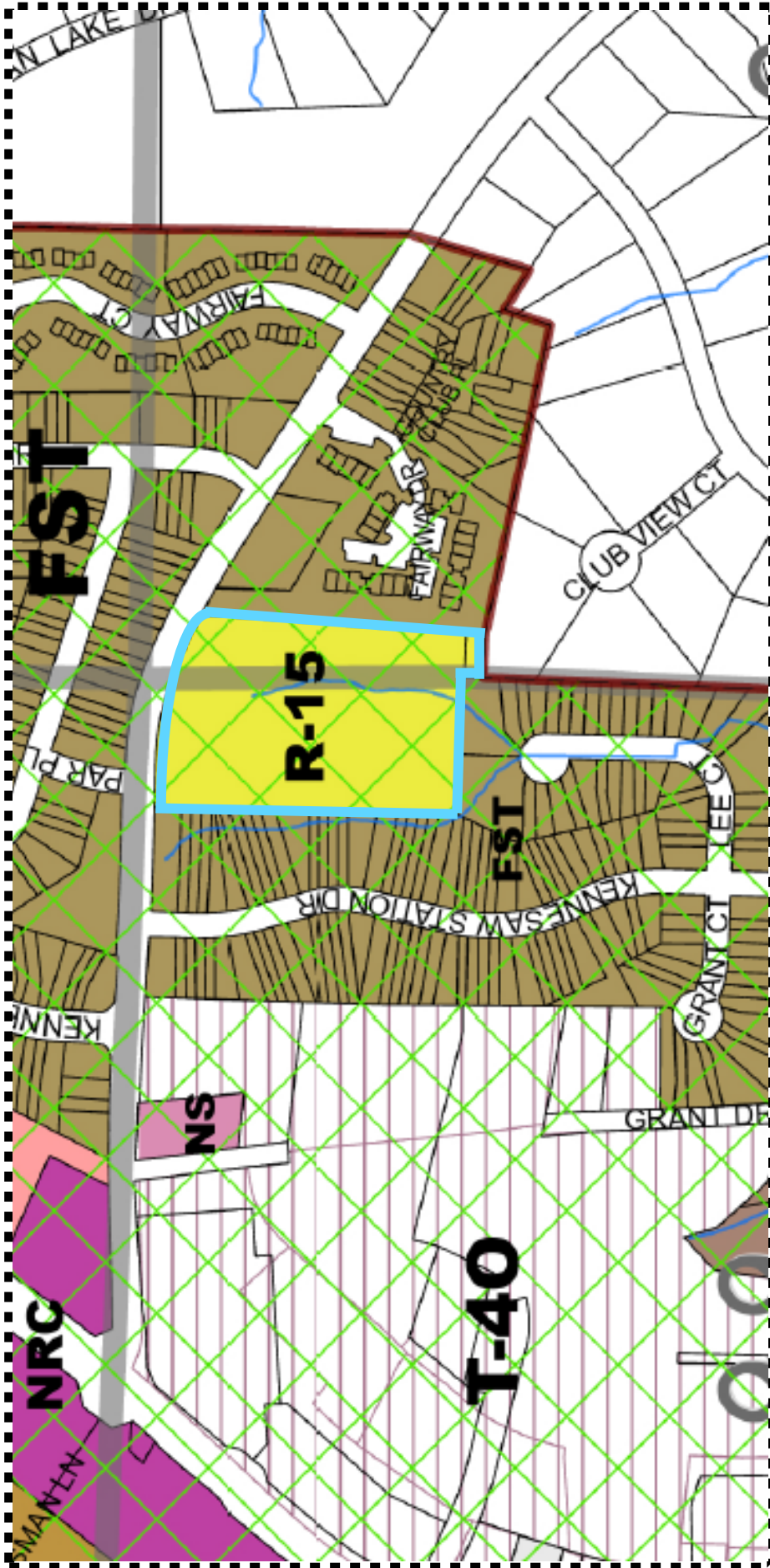
**Future Land Use:** Residential High (RH)

Please see pages 2 for zoning map.



# ZONING MAP

ZONING CASE #: RZ2023-04/ZV2023-03



## Zoning Districts

|     |     |
|-----|-----|
| CBD | HGB |
| CRC | HI  |
| FST | LI  |
| GC  | MHP |
| NRC | NS  |

## Zoning Districts

|     |       |
|-----|-------|
| OI  | PUSH  |
| PSC | PUD-R |
| PVC | R-10  |

## Zoning Districts

|      |      |
|------|------|
| R-12 | R-15 |
| R-20 | R-30 |
| R-40 | RA-4 |

## Zoning Districts

|       |       |
|-------|-------|
| RA-5  | RA-6  |
| RM-8  | RM-12 |
| RM-16 | UVC   |

## Zoning Overlays

|                               |                    |
|-------------------------------|--------------------|
| Airport Hazard District       | Historic Districts |
| Historic Preservation Village | Senior Living      |

|                     |                      |                                |           |                      |
|---------------------|----------------------|--------------------------------|-----------|----------------------|
| Acworth City Limits | Kennesaw City Limits | Kennesaw Mtn Nat'l Battlefield | Land Lots | Marietta City Limits |
|---------------------|----------------------|--------------------------------|-----------|----------------------|



# GOOGLE EARTH AERIAL VIEW

ZONING CASE #: RZ2023-04/ZV2023-03



 = Approximate project location











# PROPOSED RENDERING (PAGE 1 OF 12)

ZONING CASE #: RZ2023-04/ZV2023-03



Cadence Street View



McCollum Pkwy  
Kennesaw, GA



# PROPOSED RENDERING (PAGE 2 OF 12)

ZONING CASE #: RZ2023-04/ZV2023-03



Cadence A



McCollum Pkwy  
Kennesaw, GA



# PROPOSED RENDERING (PAGE 3 OF 12)

ZONING CASE #: RZ2023-01 & AX2023-01



FRONT ELEVATION



REAR ELEVATION

Cadence B



McCollum Pkwy  
Kennesaw, GA



# PROPOSED RENDERING (PAGE 4 OF 12)

ZONING CASE #: RZ2023-04/ZV2023-03



FRONT ELEVATION



REAR ELEVATION

Cadence C



McCollum Pkwy  
Kennesaw, GA



# PROPOSED RENDERING (PAGE 5 OF 12)

ZONING CASE #: RZ2023-04/ZV2023-03



FRONT ELEVATION



REAR ELEVATION

Cadence D

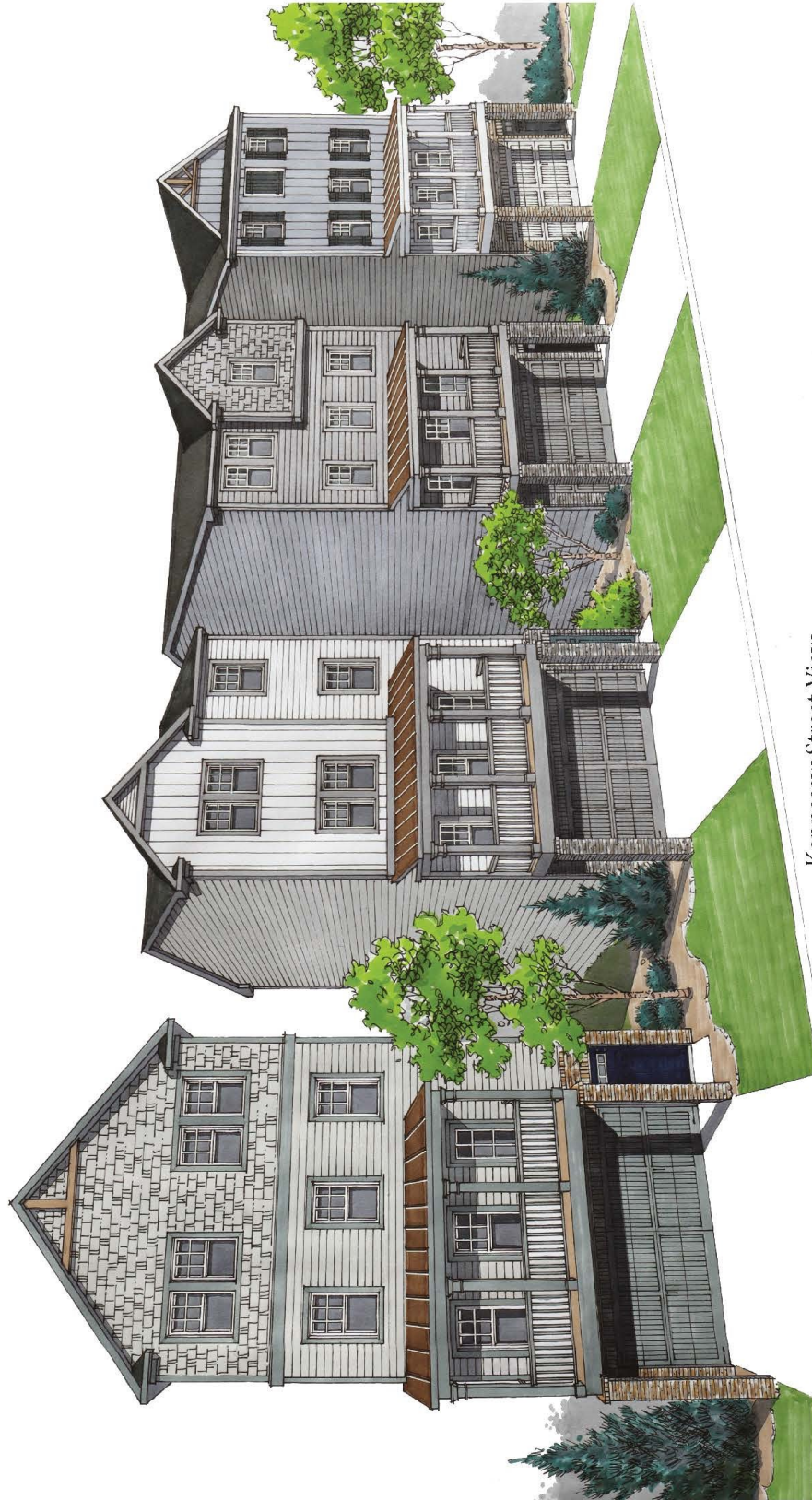


McCollum Pkwy  
Kennesaw, GA



# PROPOSED RENDERING (PAGE 6 OF 12)

ZONING CASE #: RZ2023-04/ZV2023-03



Kennesaw Street View

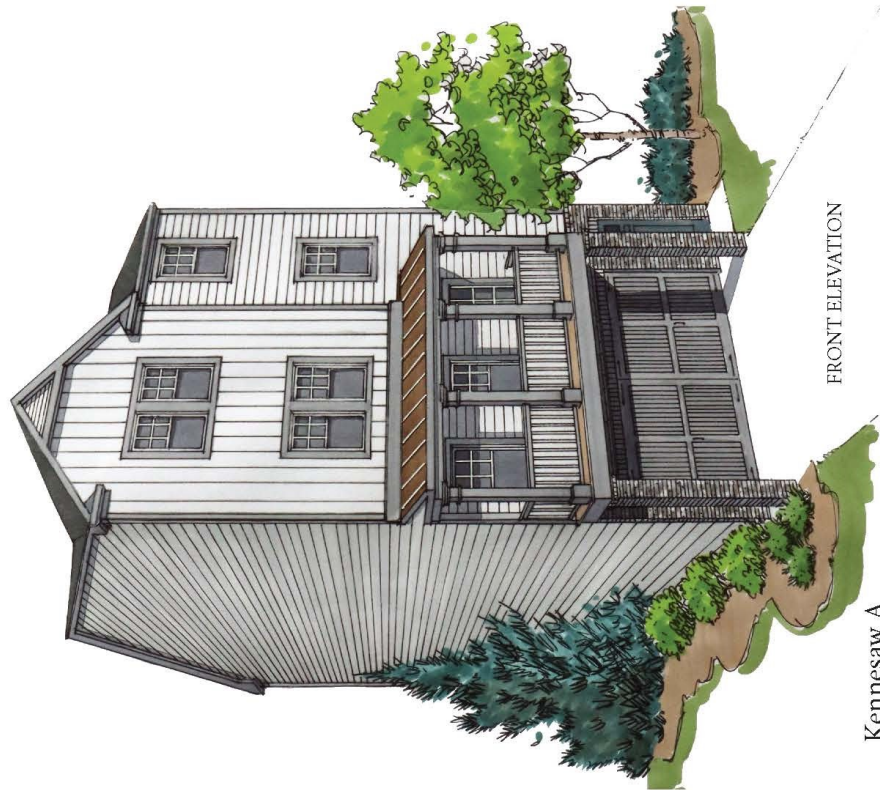


McCollum Pkwy  
Kennesaw, GA



# PROPOSED RENDERING (PAGE 7 OF 12)

ZONING CASE #: RZ2023-04/ZV2023-03



Kennesaw A

FRONT ELEVATION



Kennesaw B

FRONT ELEVATION



McCollum Pkwy  
Kennesaw, GA



# PROPOSED RENDERING (PAGE 8 OF 12)

ZONING CASE #: RZ2023-04/ZV2023-03



McCollum Pkwy  
Kennesaw, GA



# PROPOSED RENDERING (PAGE 9 OF 12)

ZONING CASE #: RZ2023-04/ZV2023-03



McCollum Pkwy

Street view on McCollum Pkwy





# PROPOSED RENDERING (PAGE 10 OF 12)

ZONING CASE #: RZ2023-04/ZV2023-03



Dog Park



McCollum Pkwy  
Kennesaw, GA



# PROPOSED RENDERING (PAGE 11 OF )

ZONING CASE #: RZ2023-04/ZV2023-03





# PROPOSED RENDERING (PAGE 12 OF 12)

ZONING CASE #: RZ2023-04/ZV2023-03





# STAFF ANALYSIS REPORT



## ZONING CASE #: RZ2023-04/ZV2023-03

### DESCRIPTION OF ZONING REQUEST: **REZONING AND ZONING VARIANCE**

This is a rezoning and variance request for the development of a residential townhome community.

#### PROJECT INTENT

The applicant is requesting to rezone the property to PUD-R to build a single-family neighborhood with 68 attached and detached homes on 5.13 acres.

#### Pre-Application Meeting

#### Application Submitted

September 15, 2023

#### Fees Paid

\$750.00

#### Certified Letters Mailed

October 13, 2023

#### GOOGLE STREET VIEW OF THE RESIDENCE





# FUTURE LAND USE MAP

ZONING CASE #: RZ2023-04/ZV2023-03



## Future Land Use

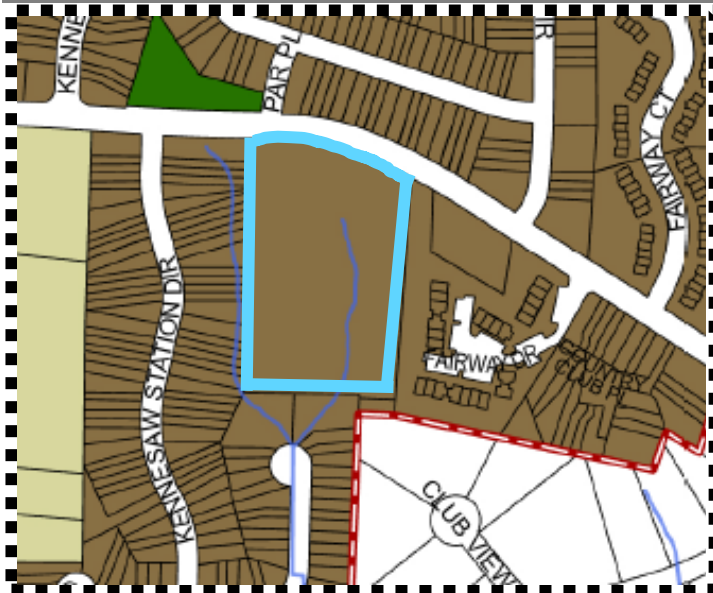
|  |                                    |  |                                    |  |                                              |  |                               |
|--|------------------------------------|--|------------------------------------|--|----------------------------------------------|--|-------------------------------|
|  | NAC - Neighborhood Activity Center |  | I - Industrial                     |  | RH - Residential High                        |  | Acworth City Limits           |
|  | CAC - Community Activity Center    |  | PI - Public Service/Institutional  |  | PUD - Planned Unit Development               |  | Kennesaw City Limits          |
|  | DAC - Downtown Activity Center     |  | PRC - Park/Recreation/Conservation |  | TCU - Transportation Communication Utilities |  | Kennesaw Mtn Natl Battlefield |
|  | RAC - Regional Activity Center     |  | RL - Residential Low/Medium        |  | Kennesaw City Limits                         |  | Land Lots                     |
|  |                                    |  |                                    |  |                                              |  | Marietta City Limits          |



# STAFF ANALYSIS REPORT

## ZONING CASE #: RZ2023-04/ZV2023-03

### 2022 COMPREHENSIVE PLAN UPDATE



#### LEGEND

|                                                                                     |                                    |
|-------------------------------------------------------------------------------------|------------------------------------|
|  | RH - Residential High              |
|  | RL - Residential Low/Medium        |
|  | PRC - Park/Recreation/Conservation |
|  | NAC - Neighborhood Activity Center |
|  | CAC - Community Activity Center    |

The Future Land Use Map is a general guide for the character of development within the City. A description of the identified category is provided below. New development should be monitored for its impact on water quality within the City and region.

As a built-out city, any new growth within the City of Kennesaw will be redevelopment. Currently, within the city, 86% of the city's parcels are residential which is a challenge for any new development. The Future Land Use Map is a general guide for character of development within the city.

#### FUTURE LAND USE CATEGORY

##### RH - Residential High

These are areas of residential land uses within the City. This may be single-family or multi-family housing. New development should reflect the character of the surrounding development.

##### Recommendations:

- Density: 4-16 units per acre
- Internal amenities
- Walkable; Connectivity to adjacent parcels
- Conservation of natural resources
- Percentage of housing dedicated to being affordable



# COMPREHENSIVE PLAN AREAS MAP

ZONING CASE #: RZ2023-04/ZV2023-03

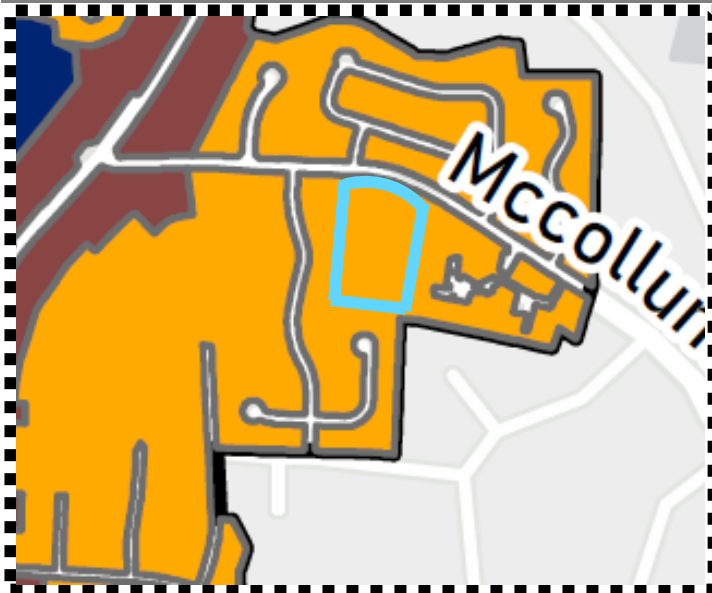


- |                                                                                                                              |                                                                                                                          |                                               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

# STAFF ANALYSIS REPORT

## ZONING CASE #: RZ2023-04/ZV2023-03

### COMPREHENSIVE PLAN - AREAS



### LEGEND

-  North Cherokee
-  Campus Living
-  Cherokee Street Commercial Corridor

### COMPATIBLE FUTURE LAND USE

- Neighborhood Activity Center (NAC)
- Park/Recreation/Conservation (PRC)
- Planned Unit Development (PUD)
- Residential High (RH)
- Residential Low/Medium (RL)

In addition to the established Future Land Use Map, the City would like to further define an appropriate development atmosphere to ensure compatible and unified development within specified areas of the City.

Furthermore, please refer to the Policy Matrix which should be used for new development within each of the described areas.

### NORTH CHEROKEE

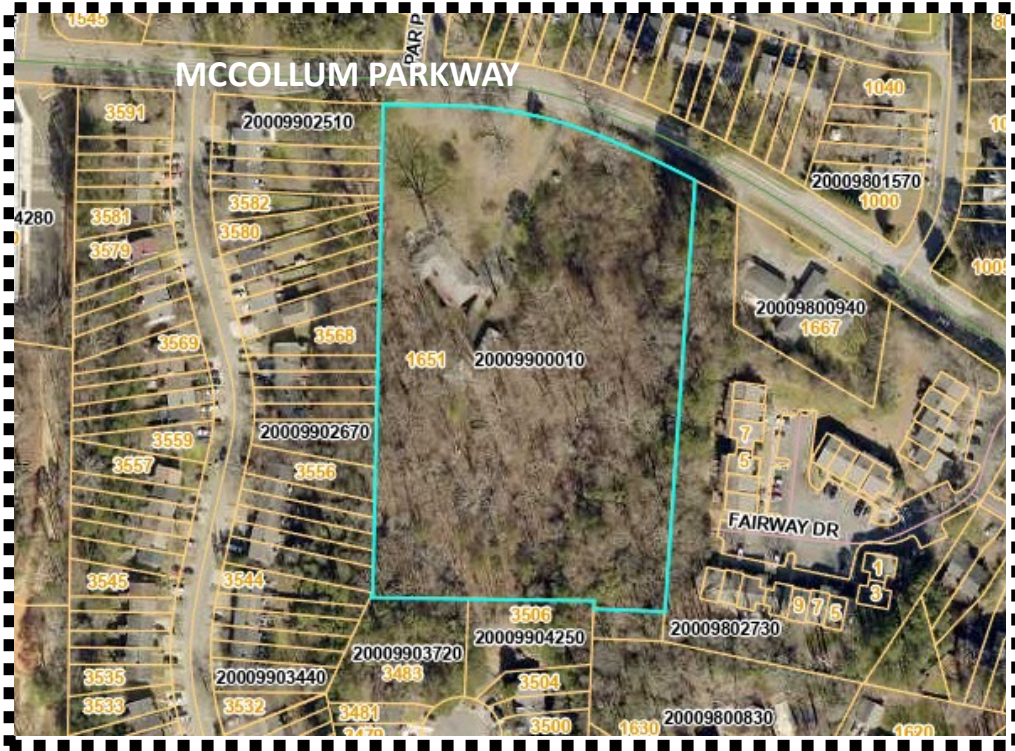
The North Cherokee area is a residential area consisting of multi-tenured, low-to-medium density housing options ranging from single-family detached homes and manufactured housing to duplexes and even high density townhome developments. This area is located along the Cherokee Street corridor from Ben King Road/Twelve Oak Circle and north to Bozeman Lake Road. This area is unique in that it borders a well-defined commercial corridor along Cherokee Street that is as diverse in character and tenure as the neighborhoods themselves.



# STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-04/ZV2023-03

## TRANSPORTATION DATA

| ROAD #1                                        | AERIAL OF ROAD #1                                                                    |
|------------------------------------------------|--------------------------------------------------------------------------------------|
| <b>Roadway Name</b><br>McCollum Parkway        |   |
| <b>Roadway Classification</b>                  |                                                                                      |
| <b>Speed Limit</b>                             |                                                                                      |
| <b>Jurisdictional Control</b>                  |                                                                                      |
| <b>Minimum Right-of-Way Requirement</b>        |                                                                                      |
| ROAD #2                                        | AERIAL OF ROAD #2                                                                    |
| <b>Roadway Name</b><br>N/A                     |  |
| <b>Roadway Classification</b><br>N/A           |                                                                                      |
| <b>Speed Limit</b><br>N/A                      |                                                                                      |
| <b>Jurisdictional Control</b><br>N/A           |                                                                                      |
| <b>Minimum Right-of-Way Requirement</b><br>N/A |                                                                                      |

# STAFF ANALYSIS REPORT

## ZONING CASE #: RZ2023-04/ZV2023-03

### ENVIRONMENTAL

#### Floodplain:

- ☐ Yes  
☒ No  
☐ Not Verified

#### Wetlands:

- ☐ Yes  
☒ No  
☐ Not Verified

#### Drainage Basin:

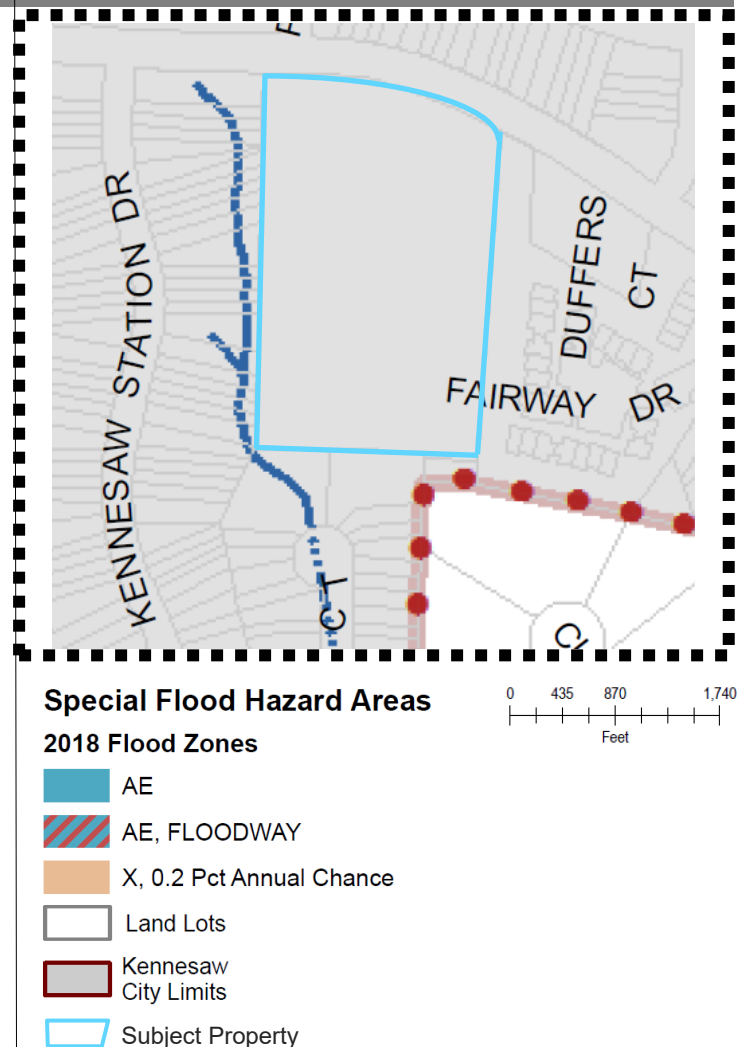
- ☒ None  
☐ FEMA 100-year floodplain area  
☐ Flood Damage Prevention Ordinance<sup>1</sup>  
☐ Project subject to Cobb County Damage Prevention Requirements  
☐ Dam Breach Zone (Upstream)<sup>2</sup>  
☐ Owner/Developer is responsible for obtaining any required wetland permits from the United States Army Corps of Engineers

#### Streams and Creeks:

- ☐ Metropolitan River Protection Area<sup>3</sup>  
☐ Chattahoochee River Corridor Tributary Area<sup>4</sup>  
☐ Georgia Erosion-Sediment Control Law and County Ordinance<sup>5</sup>  
☐ Georgia DNR Variance for work being done in 25-foot stream bank buffers (may be required)  
☒ City Stream Buffer Required  
☐ No Stream Buffer Required

#### Public Works Comments: N/A

### FEMA FLOOD ZONE MAP



### ADDITIONAL COMMENTS REGARDING PROJECT:

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

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



# STAFF ANALYSIS REPORT



ZONING CASE #: RZ2023-04/ZV2023-03

SAMS LARKIN & HUFF, LLP STIPULATION LETTER

## SAMS LARKIN & HUFF, LLP

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.  
JOEL L. LARKIN  
PARKS F. HUFF

SUITE 100  
376 POWDER SPRINGS STREET  
MARIETTA, GEORGIA 30064-3448

770•422•7016  
TELEPHONE  
770•426•6583  
FACSIMILE

October 27, 2023

### VIA EMAIL:

Mr. Darryl Simmons, Planning & Zoning Administrator  
City of Kennesaw  
2529 J. O. Stephenson Avenue  
Kennesaw, GA 30144

Re: Application of Piedmont Residential to rezone (with concurrent variances) 5.13± acres; property is located at 1651 McCollum Parkway

Dear Darryl:

As you know, we represent the Applicant, Piedmont Residential, with respect to the above-referenced application. The property is presently scheduled to be heard by Kennesaw's Planning Commission on November 1, 2023 with a final vote by the Mayor and Council on November 20, 2023.

The subject property comprises 5.13± acres located at 1651 McCollum Parkway. It is situated between the Kennesaw Station Townhome Community and the Pinetree Country Club Condominium neighborhood. The property is presently zoned R-15 and the Applicant seeks to rezone the property to PUD-R, as depicted on the attached revised site plan. The Applicant's requested stream buffer variance is also depicted on the site plan.

As you know, the Applicant proposes to develop 68 fee simple homes. Unlike many similar communities, the Applicant proposes a variety in its unit mix. The 8 units on the northern portion of the subject property (depicted as 1-4 and 65-68 on the site plan) facing McCollum Parkway will be detached single-family homes with rear-entry garages, each having an approximate square footage of 2,000 square feet. The buildings on the west side of the subject property (units 5-32) are back to back townhomes with a 3' separation between buildings. Each of these units is approximately 1,700 square feet. Finally, the remaining units (41-64) are back to back townhomes with approximately 1,500 square feet. Again, there is a 3' separation between these buildings.

The project is designed to be marketed to both first-time homebuyers who are seeking affordable fee-simple homes as well to buyers with higher incomes who will be attracted to the homes with higher-end features. Fourteen (14) units (the "Attainable Units") are specifically designed to target first-time home buyers.

# STAFF ANALYSIS REPORT



## ZONING CASE #: RZ2023-04/ZV2023-03

### SAMS LARKIN & HUFF, LLP STIPULATION LETTER

#### SAMS LARKIN & HUFF, LLP

A LIMITED LIABILITY PARTNERSHIP

#### VIA EMAIL:

Mr. Darryl Simmons, Planning & Zoning Administrator  
City of Kennesaw  
October 27, 2021  
Page 2

245 total parking spaces are included on the plan. The 14 Attainable Units are to be served by on-street parking. The remainder of the units will have garages with additional parking on their driveways. There are also 14 guest parking spaces and 1 handicap parking space.

#### STIPULATIONS APPLICABLE TO THE OVERALL DEVELOPMENT

The Applicant proposes that the following stipulations and conditions be made applicable to the requested rezoning and variance. These stipulations and conditions replace and supersede in full any and all prior stipulations and conditions in whatsoever form that have been previously proposed or which are currently in place concerning the Subject Property.

1. The architectural style and composition of the homes shall be traditional and in substantial conformity to the imagery which has been submitted to your office and as depicted in the imagery submitted concurrently herewith. The front, sides and rear of the homes shall include a mixture of components consisting of brick, stacked stone and other cementous components including Hardiplank and Hardiplank shake and similar products.
2. The fourteen units on the western portion of the development facing the street and identified as units numbered 5, 8, 9, 12, 13, 16, 17, 20, 21, 24, 25, 28, 29, and 32 on the site plan that was submitted to the City will be offered and sold with no garages and on-street parking and with other features that allow the Applicant to offer them at a lower price than the balance of the units (the "Attainable Units") in order to make them more affordable for policemen, teachers, fireman and/or first time homebuyers.
3. Applicant shall create a mandatory Homeowners Association ("HOA") and prepare and file a Declaration of Covenants, 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 that may be rented at any one time to no more than 10% of the total number of units.
4. Among other things, the Homeowners Association shall be responsible for the upkeep and maintenance of all common areas, including landscaped areas, fences, rights-of-way, lighting and strategically located guest parking spaces within the proposed residential community.



# STAFF ANALYSIS REPORT



## ZONING CASE #: RZ2023-04/ZV2023-03

### SAMS LARKIN & HUFF, LLP STIPULATION LETTER

#### SAMS LARKIN & HUFF, LLP

A LIMITED LIABILITY PARTNERSHIP

#### VIA EMAIL:

Mr. Darryl Simmons, Planning & Zoning Administrator  
City of Kennesaw  
October 27, 2021  
Page 3

5. The Community's entrance signage shall be ground-based, monument-style and in substantial conformity to the architectural style and composition of the homes.
6. Applicant shall submit a Landscape Plan prior to or concurrently with the Plan Review Process.
7. Compliance with recommendations from the Department of Transportation ("DOT"), including the following:
  - a) The installation of sidewalk, curb and gutter along the Subject Property's frontage on McCollum Parkway.
  - b) The installation of a deceleration lane with taper at the Subject Property's point of ingress and egress on McCollum Parkway.
8. Lighting within the proposed Community shall be environmentally sensitive, decorative and themed to the architectural style and composition as mentioned above. The lighting shall be designed so that illumination therefrom will not extend beyond the Subject Property's boundaries.
9. Compliance with recommendations from the Cobb County Water System with respect to the availability and accessibility of water and sewer for the site.
10. Subject to recommendations from the City of Kennesaw's Stormwater Management Division with respect to stormwater management, hydrology and water quality requirements, including the following:
  - a) The ultimate location and configuration of on-site detention and water quality.<sup>1</sup>
  - b) Ongoing upkeep and maintenance to the stormwater management/water quality facilities shall be the responsibility of the mandatory HOA in view of the fact that those facilities and the streets are private.
11. Compliance with recommendations from the Cobb County Fire Marshal's Office with respect to Life-Safety and Fire Prevention issues. Additionally, complying with guest parking regulations mentioned above and as shown on the Revised Site Plan.

<sup>1</sup> The Applicant is seeking a variance for stream buffer encroachment for the west side of the Subject Property as depicted on the site plan.

# STAFF ANALYSIS REPORT



ZONING CASE #: RZ2023-04/ZV2023-03

SAMS LARKIN & HUFF, LLP STIPULATION LETTER

SAMS LARKIN & HUFF, LLP

A LIMITED LIABILITY PARTNERSHIP

**VIA EMAIL:**

Mr. Darryl Simmons, Planning & Zoning Administrator

City of Kennesaw

October 27, 2021

Page 4

Please do not hesitate to contact me should you or the City's Staff, Planning Commission Members or the Mayor, City Council and the City Manager require any further information or documentation prior to the Planning Commission's Zoning Hearing of Wednesday, November 1<sup>st</sup>. With kind regards, I am

Sincerely,

SAMS LARKIN & HUFF, LLP

Joel L. Larkin

PFH/jcc  
Attachment



# STAFF ANALYSIS REPORT



## ZONING CASE #: RZ2023-04/ZV2023-03

### PLANNING AND ZONING

**Site Visit:**

☐ Yes  
☒ No

**Staff Member:**

Name: N/A  
Date of Visit: N/A

**Land Use Recommendation:****Historic Preservation:**

Not in a historic district

**Cemetery Preservation:**

No cemeteries on site

**Required Parking:** minimum of 2 parking spaces per unit plus .35/per unit for guest parking

### DENSITY ANALYSIS

**COMMERCIAL:** None proposed

**RESIDENTIAL:** 13.26 DU/AC

**Proposed Parking:** 68 units will require 160 parking spaces with guest parking. Tenant parking equals 136 spaces. Guest spaces for development equals 24 spaces. However there is specifically 14 lots that will not have a garage and will depend on on street parking so that applicant will be designing site plan to accommodate 2 spaces for these 14 units as well as ample guest parking  
\*additional parking spaces can be provided

### ZONING ADMINISTRATOR'S RECOMMENDATION: **APPROVAL WITH CONDITIONS**

The Zoning Administrator, Darryl Simmons, recommends **approval with conditions** of case #RZ2023-04 and ZV2023-03.

**Conditions:**

1. Staff recommends the incorporation of all eleven conditions as specified in the attorney letter dated October 27, 2023 prepared by Sams Larkin & Huff, LLP.
2. Staff recommends the variance to encroach into the required stream buffer area for the purpose of providing rear access drive for town home units .

### BASIS FOR ZONING ADMINISTRATOR'S RECOMMENDATION

1. The request for rezoning is compatible with the adopted comprehensive plan for this portion of McCollum Parkway. This development contains a unique housing configuration that will allow a specific number of residential units to be affordable or obtainable. This meets one of the City of Kennesaw's long range goals for the citizens regarding promotion of accessible housing for purchase.
2. The configuration of the townhome units required easier secondary access to the rear units and the variance approval to encroach into the stream buffer area will accomplish the goal of meeting the criteria for easier drive access specific to this site.

### PLANNING COMMISSION RECOMMENDATION:

**To be determined on November 1, 2023.**

### MAYOR AND COUNCIL DECISION:

**To be determined on November 13, 2023.**



## Item Report

**TO:** The Planning Commission

**FROM:** Darryl Simmons, Zoning Administrator

**DATE:** November 1, 2023

**TITLE:** Consideration for approval of a rezoning application submitted by Piedmont Residential, LLC for the property located at 1651 McCollum Parkway (20009900010). Case #RZ2023-03

---

### Summary:

Consideration to approve a rezoning request to change the zoning from Single-Family Residential (R-15) to Planned Urban Development - Residential (PUD-R) as submitted by Piedmont Residential, LLC. The property lies in land lots 99 and 98, tax parcel 001, and consists of 5.1+/- acres.

### Recommendation:

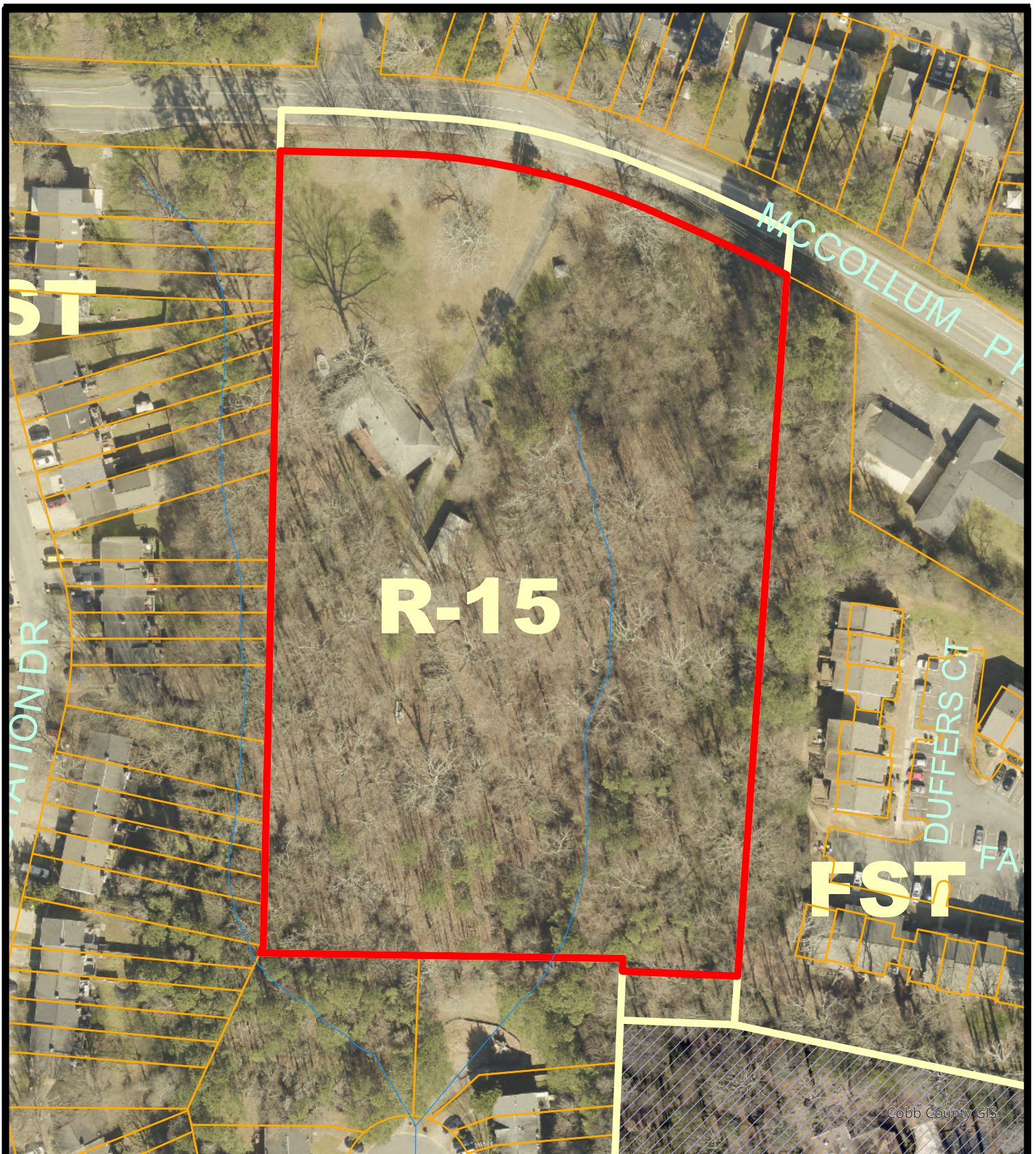
The Zoning Administrator recommends to approve the rezoning.

### Fiscal Impact:

### Attachments:

1. COMPLETE RZ Application\_1651 McCollum\_REDACTED
2. RZ2023-04\_ZV2023-03\_Staff Analysis\_1651McCollumPkwy





Cobb County GIS

| CASE NUMBER | LAND USE OR ZONING           |                                                                                                          |              | 1651 McCollum Pkwy<br>Land Lots 99 & 98, Tax Parcel 001<br> Subject Property                                                              | <br>Scale: 1" = 100'<br>Print Date: 9/28/2023<br>RZ2023_000 |
|-------------|------------------------------|----------------------------------------------------------------------------------------------------------|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
|             | FROM                         | TO                                                                                                       |              |                                                                                                                                                                                                                                |                                                                                                                                                  |
| AV          | LU                           |                                                                                                          |              |  <b>CITY OF KENNESAW</b><br>PLANNING & ZONING DEPT.<br>770-590-8268<br><i>Deirdre Esterling</i><br>MAYOR<br><i>Lee Murray</i><br>CITY CLERK |                                                                                                                                                  |
| AX          | <b>RZ 2023-004</b>           | <b>R-15</b>                                                                                              | <b>PUD-R</b> |                                                                                                                                                                                                                                |                                                                                                                                                  |
| DX          | AV – Administrative Variance |  ZONING               |              |                                                                                                                                                                                                                                |                                                                                                                                                  |
| HBR         | AX – Annexation              |  KENNESAW CITY LIMITS |              |                                                                                                                                                                                                                                |                                                                                                                                                  |
| SLUP        | HBR – Historic Board Review  |  COBB COUNTY          |              |                                                                                                                                                                                                                                |                                                                                                                                                  |
| ZV          | LU – Land Use                |  LAND LOT             |              |                                                                                                                                                                                                                                |                                                                                                                                                  |
|             | RZ – Re-zoning               |                                                                                                          |              |                                                                                                                                                                                                                                |                                                                                                                                                  |
|             | SLUP – Special Land Use      |                                                                                                          |              |                                                                                                                                                                                                                                |                                                                                                                                                  |
|             | ZV – Variance                |                                                                                                          |              |                                                                                                                                                                                                                                |                                                                                                                                                  |





**REZONING APPLICATION**

Required Fee \$375.00

Date Received 9/15/23  
Staff's Initials NF

Is this property located within the Kennesaw Historic District (yes) \_\_\_\_\_ (no) ✓ ?

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

Date of Consultation 08/22/2023 Staff's Initials \_\_\_\_\_

**REZONING PROPERTY ADDRESS** 1651 McCollum Pkwy.

Land Lot 20 Tax Parcel 20009900010 Lot Size ±5.1 acres

Resident Population \_\_\_\_\_ Housing Units 68 Other Buildings \_\_\_\_\_

Present Zoning R-15 To: PUD-R

For the purpose of: construction of a residential townhome community

**APPLICANT NAME** Piedmont Residential, LLC

**APPLICANT EMAIL** \_\_\_\_\_

Applicant Address 285 Parkway 575, Woodstock, GA 30188

(Phone #) \_\_\_\_\_

**Applicant Signature** See accompanying documents Date \_\_\_\_\_

Signed, sealed and delivered in presence of: \_\_\_\_\_  
Notary \_\_\_\_\_ Date \_\_\_\_\_

**REPRESENTATIVE** Parks F. Huff, Attorney for the Applicant

(Fax #) \_\_\_\_\_ (Work#) \_\_\_\_\_ (Cell#) \_\_\_\_\_

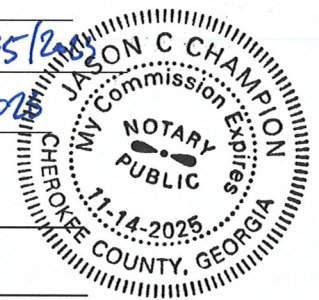
Representative Signature [Signature] Date 9/15/2023

Signed, sealed and delivered in presence of: \_\_\_\_\_  
Notary [Signature] Date 9/15/2023

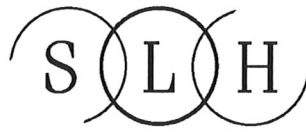
Linda S. Ross and Brenda R. Durham, Co-Executors of  
**TITLEHOLDER:** the Estate of Daisy Belle Ross (Phone #) \_\_\_\_\_

**Signature:** See accompanying signature pages Address \_\_\_\_\_

Signed, sealed and delivered in presence of: \_\_\_\_\_  
Notary \_\_\_\_\_ Date \_\_\_\_\_







GARVIS L. SAMS, JR.  
JOEL L. LARKIN  
PARKS F. HUFF

**SAMS, LARKIN & HUFF**  
A LIMITED LIABILITY PARTNERSHIP  
SUITE 100  
376 POWDER SPRINGS STREET  
MARIETTA, GEORGIA 30064-3448

770•422•7016  
TELEPHONE  
770•426•6583  
FACSIMILE

September 15, 2023

**VIA EMAIL:**

Mr. Darryl Simmons, Planning & Zoning Administrator  
City of Kennesaw  
2529 J. O. Stephenson Avenue  
Kennesaw, GA 30144

Re: Applications of Piedmont Residential, LLC to Rezone (with concurrent  
Variances) a 5.13 ± acre parcel from R-15 to PUD-R; Land Lots 98 and 99, 20<sup>th</sup>  
District, 2<sup>nd</sup> Section

**APPLICANT'S LETTER OF INTENT**

Dear Darryl:

Piedmont Residential, LLC proposes a new neighborhood on McCollum Parkway close to its intersection with Cherokee Street. The single-family neighborhood features a combination of sixty-eight attached and detached homes on 5.13 acres. The applicant proposes to rezone the property to PUD-R. The proposal is consistent with the development in the area and consistent with the city's Comprehensive Land Use Plan.

The design of the community was heavily influenced by multiple meetings with the city's professional planning and zoning staff. Key features of the proposed neighborhood include the following:

1. The homes that are adjacent to McCollum Parkway are all rear entry single family homes. These homes will be access via a rear alley so there is an attractive streetscape facing McCollum Parkway.
2. The homes along the west side of the property are accessed via a rear alley that runs along the stream buffer. This rear alley allows the garages to be below grade with the front of the attached homes facing the internal private street.
3. The other homes are paired units that are attached at the rear and accessed via driveways off of a private alley.



**VIA EMAIL:**

Mr. Darryl Simmons, Planning & Zoning Administrator  
City of Kennesaw  
August 2, 2021  
Page 2

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4. Parking includes two car garages for all units, guest parking spaces and parking spaces in driveways. The entire site will have a total of 245 parking spaces to ensure there is sufficient parking.
5. The community is located on an arterial road, close to its intersection with Cherokee Street making the community easily accessible to downtown Kennesaw, Kennesaw State University and Interstate 75. This access makes the neighborhood accessible to jobs, shopping and entertainment.

Piedmont looks forward to providing additional details about the proposed neighborhood during the zoning process. The applicant has a history of building quality communities in Kennesaw and is receptive to input and feedback from the city staff, Planning Commission and Mayor and Council. In the interim, please do not hesitate to contact me should you have any questions or need any additional information or documentation.

Very truly yours,

SAMS, LARKIN & HUFF, LLP

A handwritten signature in blue ink, appearing to be "Parks F. Huff", with a large, stylized initial "P" and a long horizontal stroke extending to the right.

Parks F. Huff

PFH/jcc  
Attachments



# SAMS LARKIN & HUFF, LLP

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.  
JOEL L. LARKIN  
PARKS F. HUFF

SUITE 100  
376 POWDER SPRINGS STREET  
MARIETTA, GEORGIA 30064-3448

770•422•7016  
TELEPHONE  
770•426•6583  
FACSIMILE

October 27, 2023

**VIA EMAIL:**

Mr. Darryl Simmons, Planning & Zoning Administrator  
City of Kennesaw  
2529 J. O. Stephenson Avenue  
Kennesaw, GA 30144

Re: Application of Piedmont Residential to rezone (with concurrent variances) 5.13± acres; property is located at 1651 McCollum Parkway

Dear Darryl:

As you know, we represent the Applicant, Piedmont Residential, with respect to the above-referenced application. The property is presently scheduled to be heard by Kennesaw's Planning Commission on November 1, 2023 with a final vote by the Mayor and Council on November 20, 2023.

The subject property comprises 5.13± acres located at 1651 McCollum Parkway. It is situated between the Kennesaw Station Townhome Community and the Pinetree Country Club Condominium neighborhood. The property is presently zoned R-15 and the Applicant seeks to rezone the property to PUD-R, as depicted on the attached revised site plan. The Applicant's requested stream buffer variance is also depicted on the site plan.

As you know, the Applicant proposes to develop 68 fee simple homes. Unlike many similar communities, the Applicant proposes a variety in its unit mix. The 8 units on the northern portion of the subject property (depicted as 1-4 and 65-68 on the site plan) facing McCollum Parkway will be detached single-family homes with rear-entry garages, each having an approximate square footage of 2,000 square feet. The buildings on the west side of the subject property (units 5-32) are back to back townhomes with a 3' separation between buildings. Each of these units is approximately 1,700 square feet. Finally, the remaining units (41-64) are back to back townhomes with approximately 1,500 square feet. Again, there is a 3' separation between these buildings.

The project is designed to be marketed to both first-time homebuyers who are seeking affordable fee-simple homes as well to buyers with higher incomes who will be attracted to the homes with higher-end features. Fourteen (14) units (the "Attainable Units") are specifically designed to target first-time home buyers.



# SAMS LARKIN & HUFF, LLP

A LIMITED LIABILITY PARTNERSHIP

## **VIA EMAIL:**

Mr. Darryl Simmons, Planning & Zoning Administrator

City of Kennesaw

October 27, 2021

Page 2

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245 total parking spaces are included on the plan. The 14 Attainable Units are to be served by on-street parking. The remainder of the units will have garages with additional parking on their driveways. There are also 14 guest parking spaces and 1 handicap parking space.

### **STIPULATIONS APPLICABLE TO THE OVERALL DEVELOPMENT**

The Applicant proposes that the following stipulations and conditions be made applicable to the requested rezoning and variance. These stipulations and conditions replace and supersede in full any and all prior stipulations and conditions in whatsoever form that have been previously proposed or which are currently in place concerning the Subject Property.

1. The architectural style and composition of the homes shall be traditional and in substantial conformity to the imagery which has been submitted to your office and as depicted in the imagery submitted concurrently herewith. The front, sides and rear of the homes shall include a mixture of components consisting of brick, stacked stone and other cementous components including Hardiplank and Hardiplank shake and similar products.
2. The fourteen units on the western portion of the development facing the street and identified as units numbered 5, 8, 9, 12, 13, 16, 17, 20, 21, 24, 25, 28, 29, and 32 on the site plan that was submitted to the City will be offered and sold with no garages and on-street parking and with other features that allow the Applicant to offer them at a lower price than the balance of the units (the "Attainable Units") in order to make them more affordable for policemen, teachers, fireman and/or first time homebuyers.
3. Applicant shall create a mandatory Homeowners Association ("HOA") and prepare and file a Declaration of Covenants, 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 that may be rented at any one time to no more than 10% of the total number of units.
4. Among other things, the Homeowners Association shall be responsible for the upkeep and maintenance of all common areas, including landscaped areas, fences, rights-of-way, lighting and strategically located guest parking spaces within the proposed residential community.



# SAMS LARKIN & HUFF, LLP

A LIMITED LIABILITY PARTNERSHIP

## VIA EMAIL:

Mr. Darryl Simmons, Planning & Zoning Administrator

City of Kennesaw

October 27, 2021

Page 3

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5. The Community's entrance signage shall be ground-based, monument-style and in substantial conformity to the architectural style and composition of the homes.
6. Applicant shall submit a Landscape Plan prior to or concurrently with the Plan Review Process.
7. Compliance with recommendations from the Department of Transportation ("DOT"), including the following:
  - a) The installation of sidewalk, curb and gutter along the Subject Property's frontage on McCollum Parkway.
  - b) The installation of a deceleration lane with taper at the Subject Property's point of ingress and egress on McCollum Parkway.
8. Lighting within the proposed Community shall be environmentally sensitive, decorative and themed to the architectural style and composition as mentioned above. The lighting shall be designed so that illumination therefrom will not extend beyond the Subject Property's boundaries.
9. Compliance with recommendations from the Cobb County Water System with respect to the availability and accessibility of water and sewer for the site.
10. Subject to recommendations from the City of Kennesaw's Stormwater Management Division with respect to stormwater management, hydrology and water quality requirements, including the following:
  - a) The ultimate location and configuration of on-site detention and water quality.<sup>1</sup>
  - b) Ongoing upkeep and maintenance to the stormwater management/water quality facilities shall be the responsibility of the mandatory HOA in view of the fact that those facilities and the streets are private.
11. Compliance with recommendations from the Cobb County Fire Marshal's Office with respect to Life-Safety and Fire Prevention issues. Additionally, complying with guest parking regulations mentioned above and as shown on the Revised Site Plan.

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<sup>1</sup> The Applicant is seeking a variance for stream buffer encroachment for the west side of the Subject Property as depicted on the site plan.

# SAMS LARKIN & HUFF, LLP

A LIMITED LIABILITY PARTNERSHIP

## VIA EMAIL:

Mr. Darryl Simmons, Planning & Zoning Administrator

City of Kennesaw

October 27, 2021

Page 4

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Please do not hesitate to contact me should you or the City's Staff, Planning Commission Members or the Mayor, City Council and the City Manager require any further information or documentation prior to the Planning Commission's Zoning Hearing of Wednesday, November 1<sup>st</sup>. With kind regards, I am

Sincerely,

SAMS LARKIN & HUFF, LLP



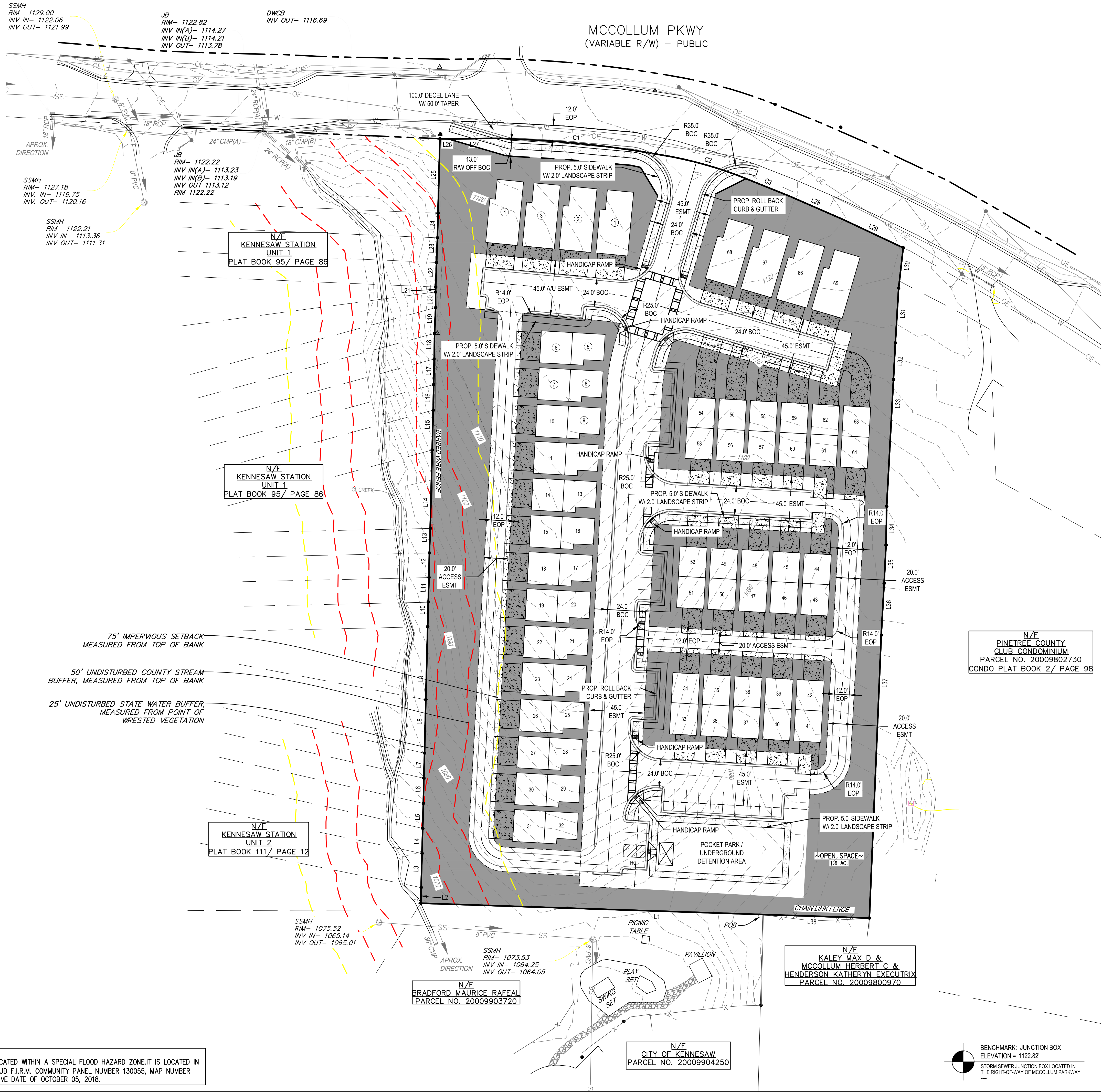
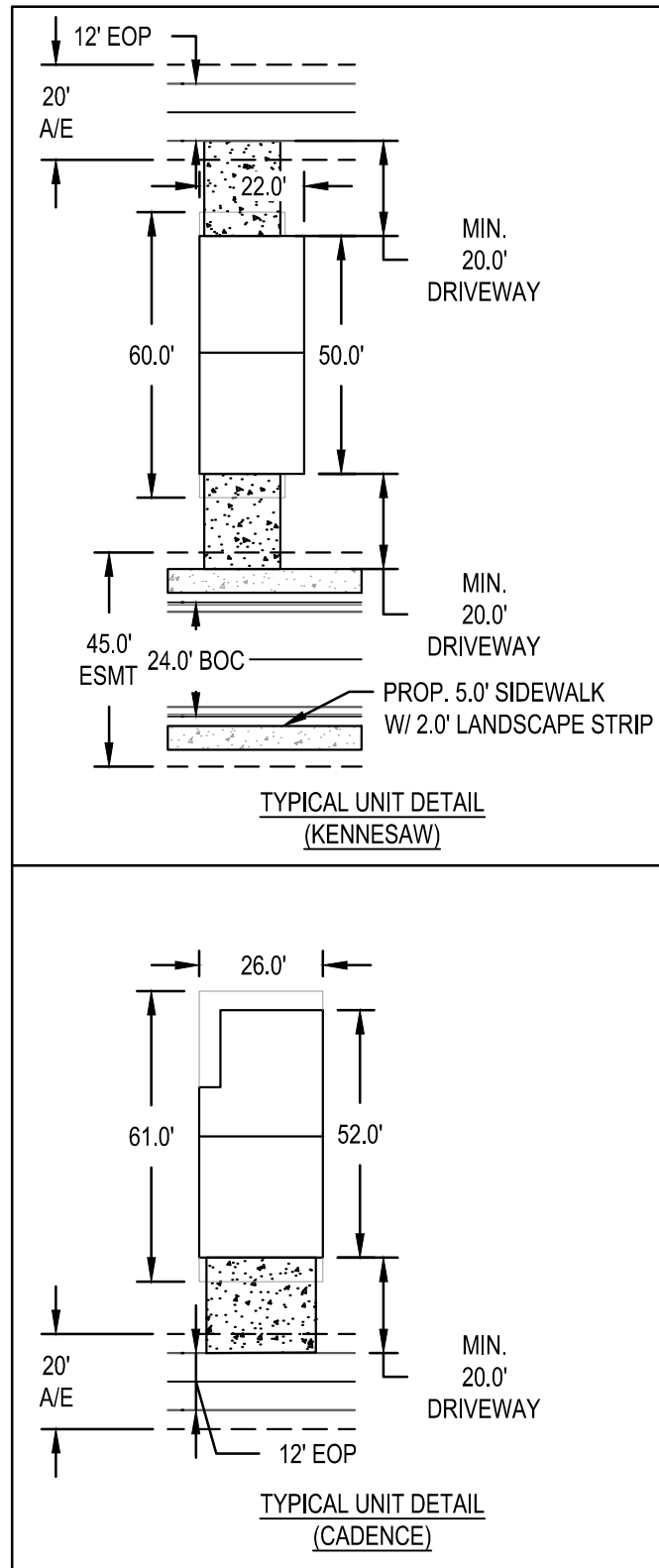
Joel L. Larkin

PFH/jcc  
Attachment





**FLOOD CERTIFICATION**  
SUBJECT PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE. IT IS LOCATED IN ZONE "N/A" AS DEFINED BY HUD F.I.R.M. COMMUNITY PANEL NUMBER 130055, MAP NUMBER 13067C0036H WITH AN EFFECTIVE DATE OF OCTOBER 05, 2018.



- GENERAL SITE NOTES:**
- TOTAL AREA = 5.13 ACRES
  - OPEN SPACE AREA = 1.80 ACRES (~31%)
  - TOTAL NUMBER OF PROPOSED UNITS = 68 UNITS
  - DENSITY = 13.26 DU/AC
  - OWNER: PIEDMONT RESIDENTIAL, LLC  
285 PARKWAY 575  
WOODSTOCK, GA  
30188
  - 24-HOUR CONTACT:  
RYAN BOBBITT  
404-483-8555
  - ZONING = PUD-R
  - MINIMUM LOT SIZE = NONE
  - BUILDING SETBACKS:
    - FRONT = 0'
    - SIDE = 0'
    - REAR = 0'
    - MINIMUM 3' BETWEEN BUILDINGS
  - ALL PROPOSED ROADS ARE PRIVATE
  - NO GATE SHALL BE ALLOWED AT ENTRANCE
  - PARKING PROVIDED:
    - TOTAL PARKING: 245 SPACES
    - GARAGE: 108 SPACES
    - DRIVEWAY: 108 SPACES
    - RESIDENT-ONLY ON-STREET PARKING: 14 SPACES
    - GUEST PARKING: 14 SPACES
    - HANDICAP PARKING: 1 SPACE
  - PEDESTRIAN ACCESS TO PUBLIC PARK TO THE SOUTH SHALL BE PROVIDED.
  - STREET PARKING IS PROPOSED FOR THIS DEVELOPMENT.
  - ALL ON-SITE WETLANDS AND BUFFERED STATE WATERS LOCATED ON OR WITHIN 200 LINEAR FEET OF THE PROJECT SITE HAVE BEEN DELINEATED.
  - NO CLEARING/DEMO SHALL OCCUR UNTIL EROSION CONTROL PHASE I PERIMETER BMP'S ARE INSTALLED AND APPROVED.
  - NO CONSTRUCTION EQUIPMENT SHALL BE PARKED IN RIGHT-OF-WAY AND WILL BE STORED WITHIN THE JOB SITE.
  - NOTIFY COUNTY INSPECTOR 24 HOURS PRIOR TO ANY WORK ON SITE.
  - MINIMUM DRIVEWAY LENGTH IS 20' FROM BACK-OF-CURB OR BACK-OF-SIDEWALK.
  - RIGHT-TURN LANE LENGTH IS 100' AND TAPER LENGTH IS 50'.

**24 HOUR CONTACT INFORMATION:**  
RYAN BOBBITT  
404-483-8555

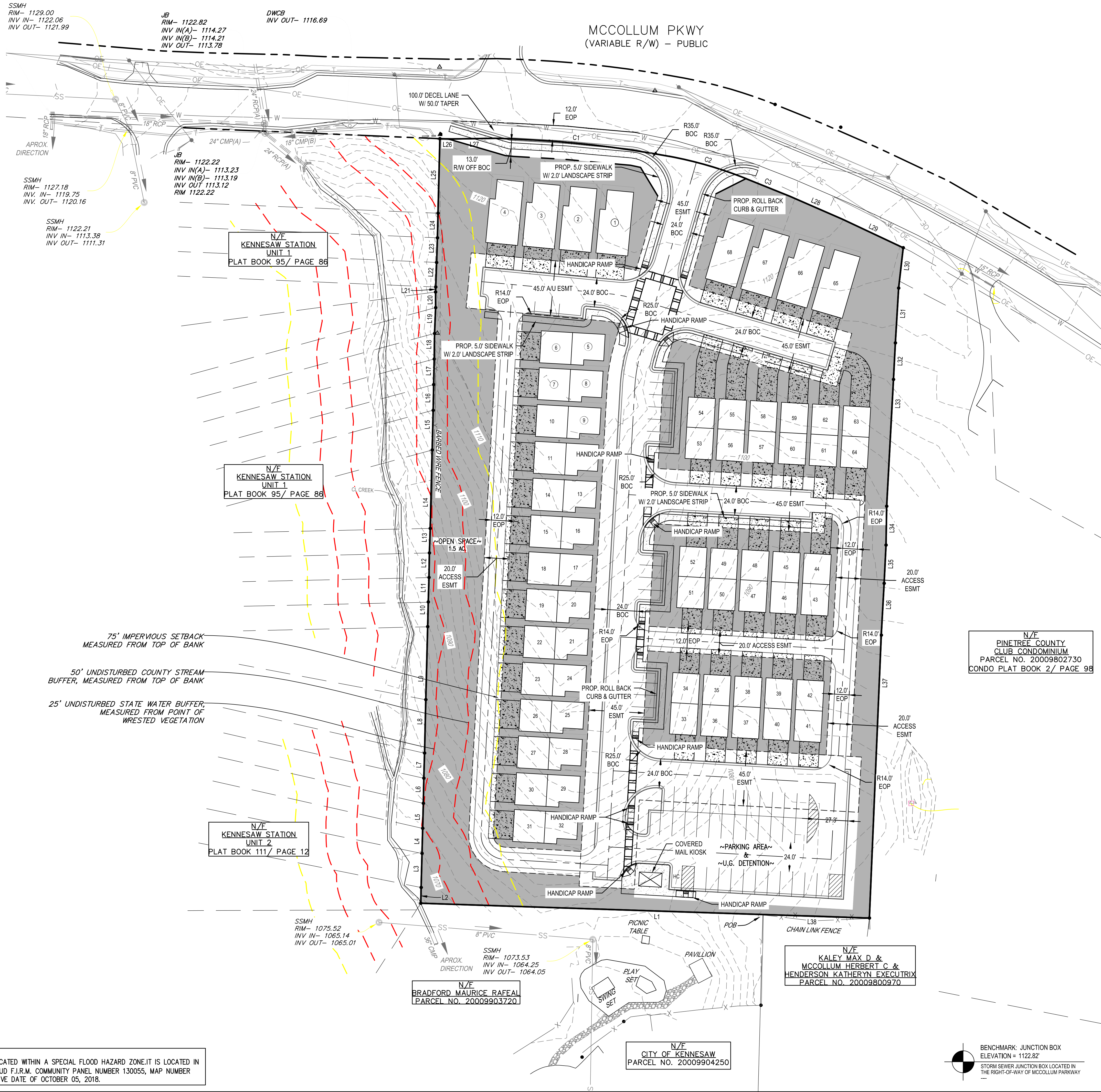
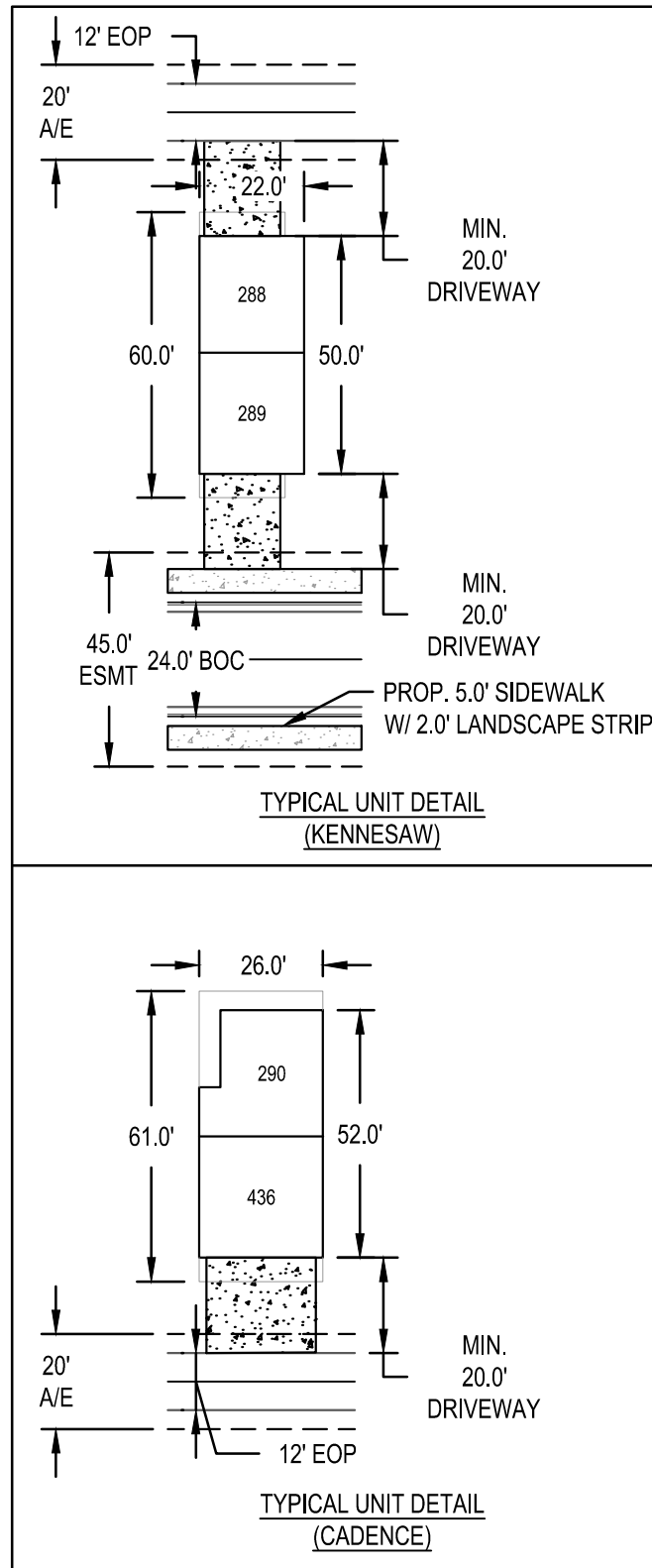


| DESIGNED BY:                                                                                                                               | EV  |
|--------------------------------------------------------------------------------------------------------------------------------------------|-----|
| DRAWN BY:                                                                                                                                  | DS  |
| REVIEWED BY:                                                                                                                               | CJW |
| COA: PEF007149<br>EXP: 06/30/2024                                                                                                          |     |
| PIEDMONT RESIDENTIAL, LLC<br>285 PARKWAY 575<br>WOODSTOCK, GA<br>30188                                                                     |     |
| MCCOLLUM PKWY<br>PRELIMINARY ENGINEERING<br>CITY OF KENNESAW, GA<br>COBB COUNTY<br>LL 98 AND 99, 20TH DISTRICT, 2ND SECTION<br>ZONED: R-15 |     |
| CONCEPT ZONING PLAN                                                                                                                        |     |
| SEAL                                                                                                                                       |     |
| NOT ISSUED FOR CONSTRUCTION                                                                                                                |     |
| FILE NUMBER:<br>11629-00                                                                                                                   |     |
| DATE: 10.25.23                                                                                                                             |     |
| C3.0                                                                                                                                       |     |





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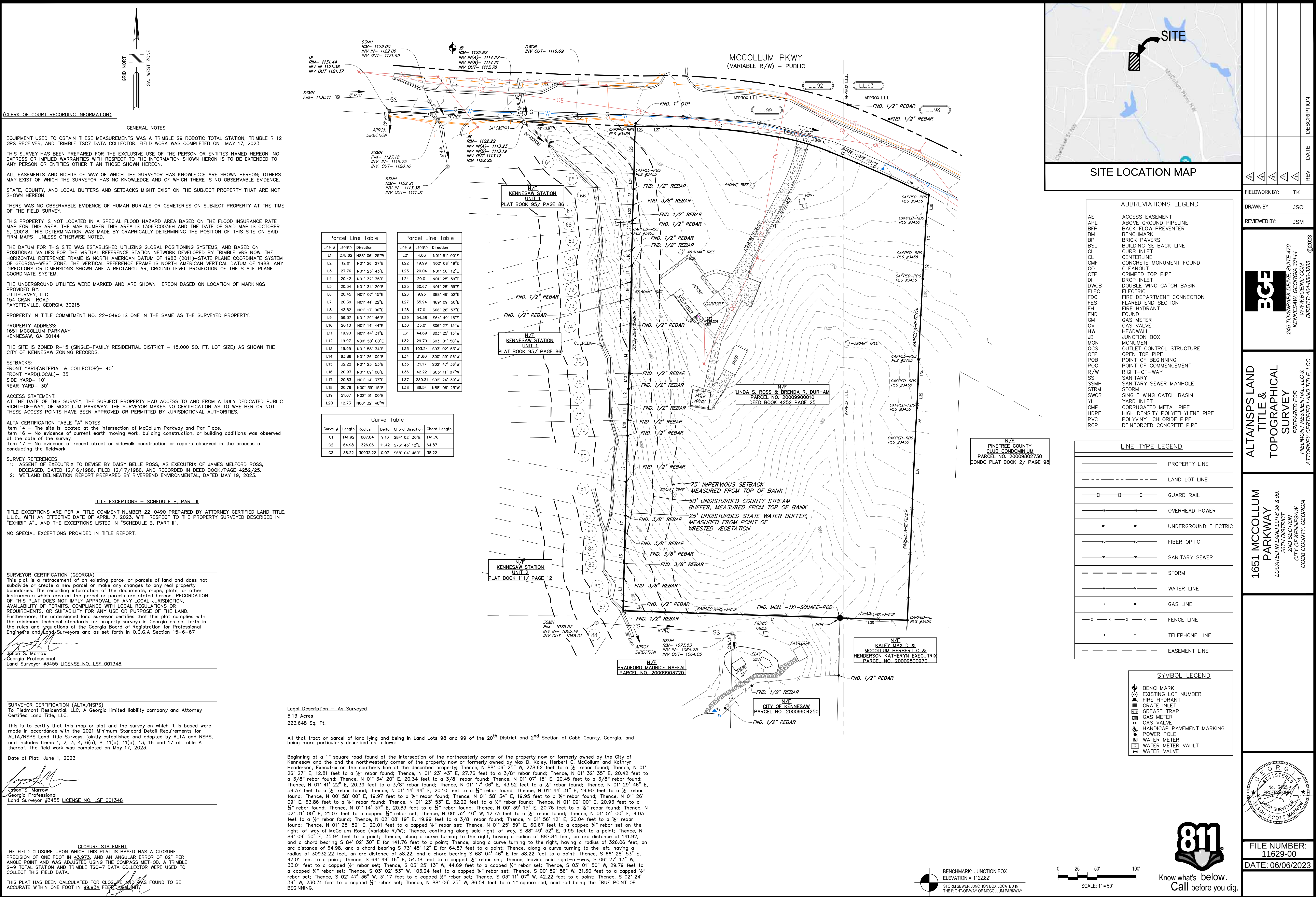
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285 PARKWAY 575  
WOODSTOCK, GA  
30188
  - 24-HOUR CONTACT:  
RYAN BOBBITT  
404-483-8555
  - ZONING = PUD-R
  - MINIMUM LOT SIZE = NONE
  - BUILDING SETBACKS:
    - FRONT = 0'
    - SIDE = 0'
    - REAR = 0'
    - MINIMUM 3' BETWEEN BUILDINGS
  - ALL PROPOSED ROADS ARE PRIVATE
  - NO GATE SHALL BE ALLOWED AT ENTRANCE
  - TOTAL PARKING: 269 SPACES
    - GARAGE: 108 SPACES
    - DRIVEWAY: 108 SPACES
    - RESIDENT-ONLY ON-STREET PARKING: 28 SPACES
    - GUEST PARKING: 24 SPACES
    - HANDICAP PARKING: 1 SPACE
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RYAN BOBBITT  
404-483-8555



| DESIGNED BY:                                                                                                                                      | EV  |
|---------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| DRAWN BY:                                                                                                                                         | DS  |
| REVIEWED BY:                                                                                                                                      | CJW |
|                                                                                                                                                   |     |
| 245 TOWNPARK DRIVE, SUITE 470<br>KENNESAW, GEORGIA 30144<br>WWW.BCEINC.COM<br>DIRECT: 470-705-0885<br>© 2020                                      |     |
| <b>PIEDMONT RESIDENTIAL, LLC</b><br>285 PARKWAY 575<br>WOODSTOCK, GA<br>30188                                                                     |     |
| <b>MCCOLLUM PKWY</b><br>PRELIMINARY ENGINEERING<br>CITY OF KENNESAW, GA<br>COBB COUNTY<br>LL 98 AND 99, 20TH DISTRICT, 2ND SECTION<br>ZONED: R-15 |     |
| <b>CONCEPT ZONING PLAN</b>                                                                                                                        |     |
| <b>SEAL</b>                                                                                                                                       |     |
| NOT ISSUED FOR CONSTRUCTION<br>FILE NUMBER:<br>11629-00<br>DATE: 10.31.2023<br><b>C3.0</b>                                                        |     |









Cadence Street View



McCollum Pkwy  
Kennesaw, GA





FRONT ELEVATION



REAR ELEVATION

Cadence A



McCollum Pkwy  
Kennesaw, GA





FRONT ELEVATION



REAR ELEVATION

Cadence B



McCollum Pkwy  
Kennesaw, GA





FRONT ELEVATION



REAR ELEVATION

Cadence C



McCollum Pkwy  
Kennesaw, GA





FRONT ELEVATION



REAR ELEVATION

Cadence D



McCollum Pkwy  
Kennesaw, GA





Kennesaw Street View



McCollum Pkwy  
Kennesaw, GA





McCollum Pkwy  
Kennesaw, GA





Kennesaw C



Kennesaw D



McCollum Pkwy  
Kennesaw, GA





McCollum Pkwy

Street view on McCollum Pkwy





Dog Park

























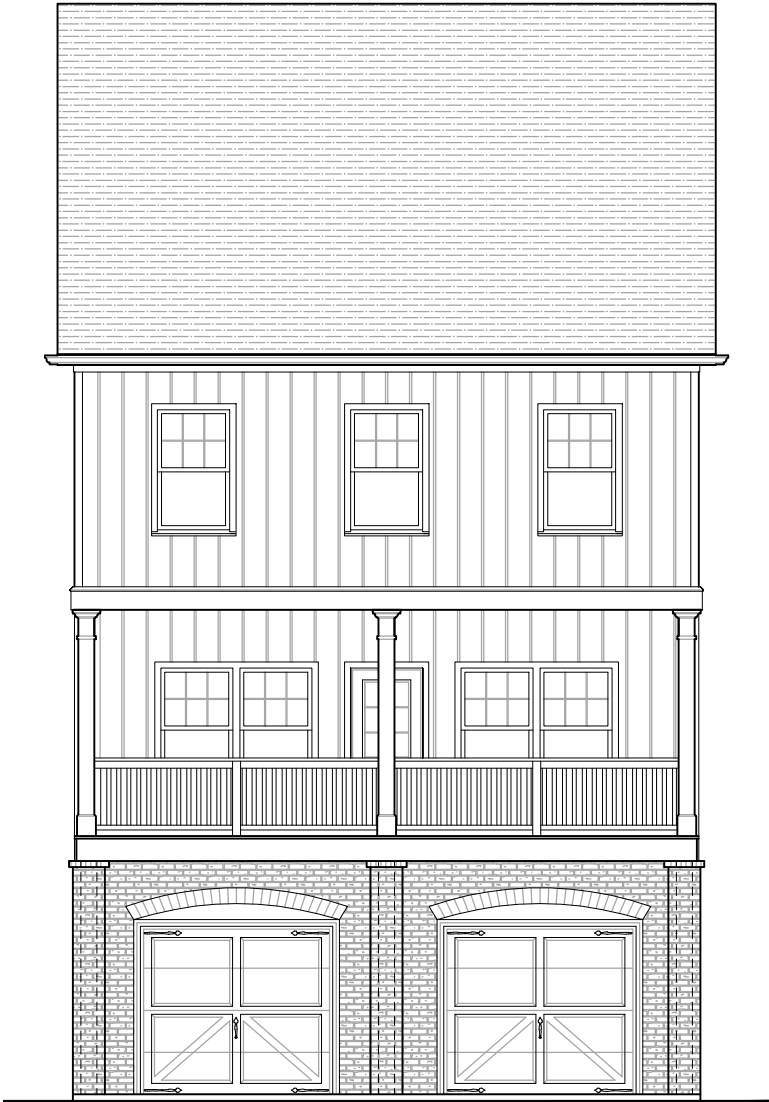


### Elevation A Front & Rear





Elevation B Front & Rear





Elevation C Front & Rear

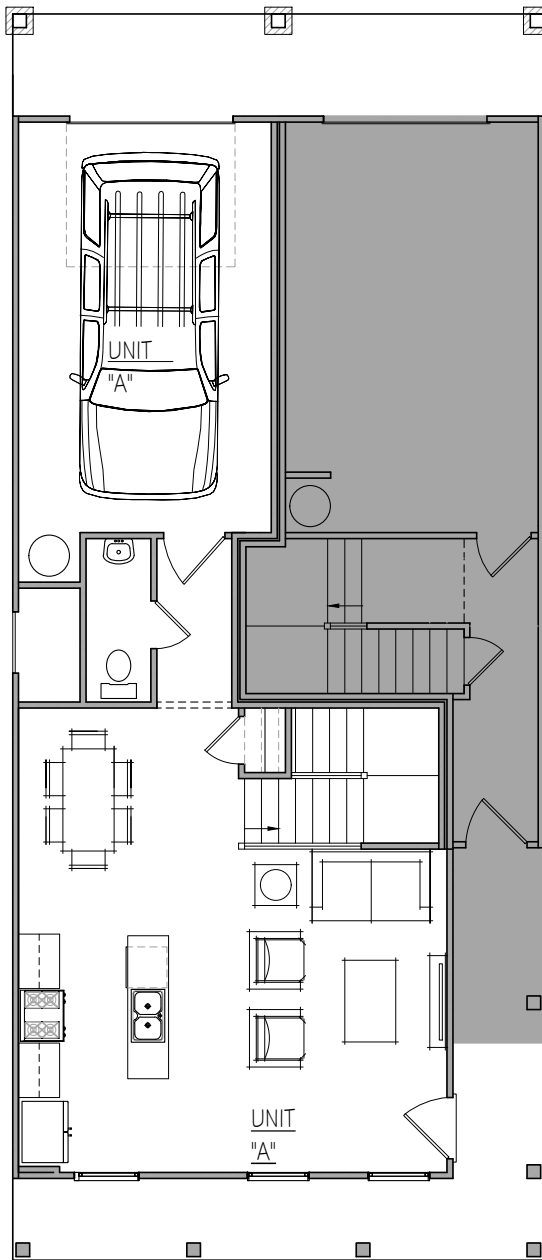




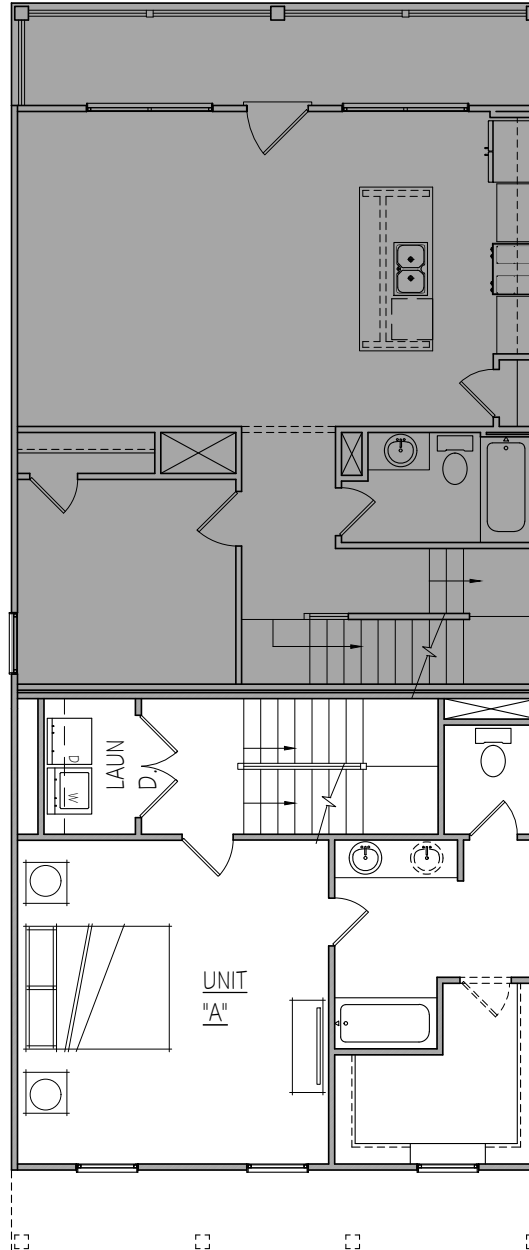
Elevation D Front & Rear



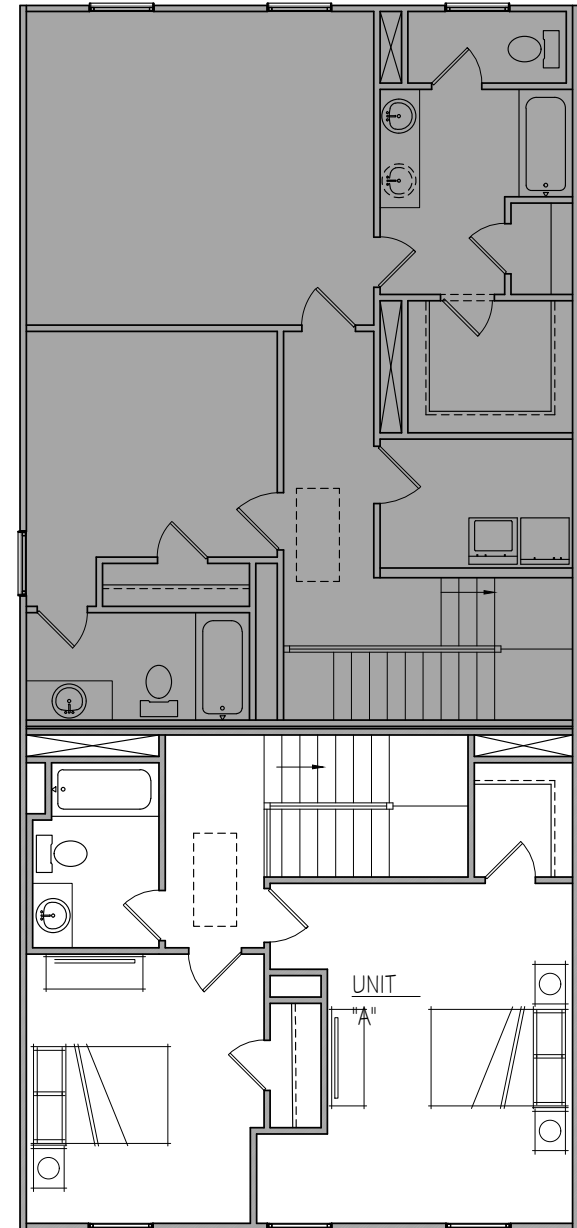




**MAIN FLOOR**

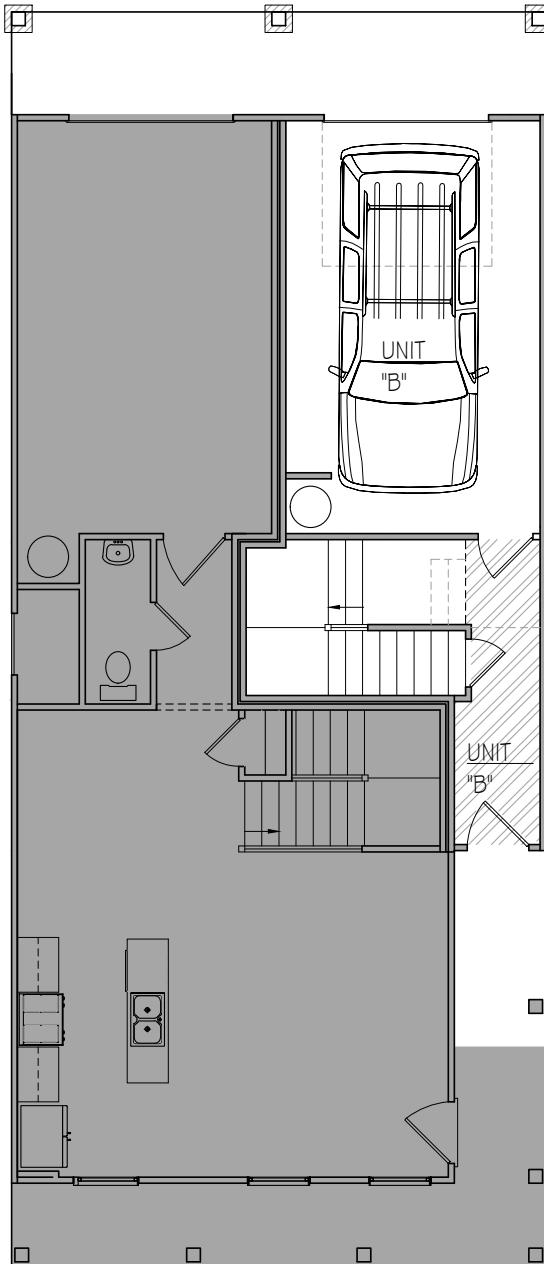


**SECOND FLOOR**

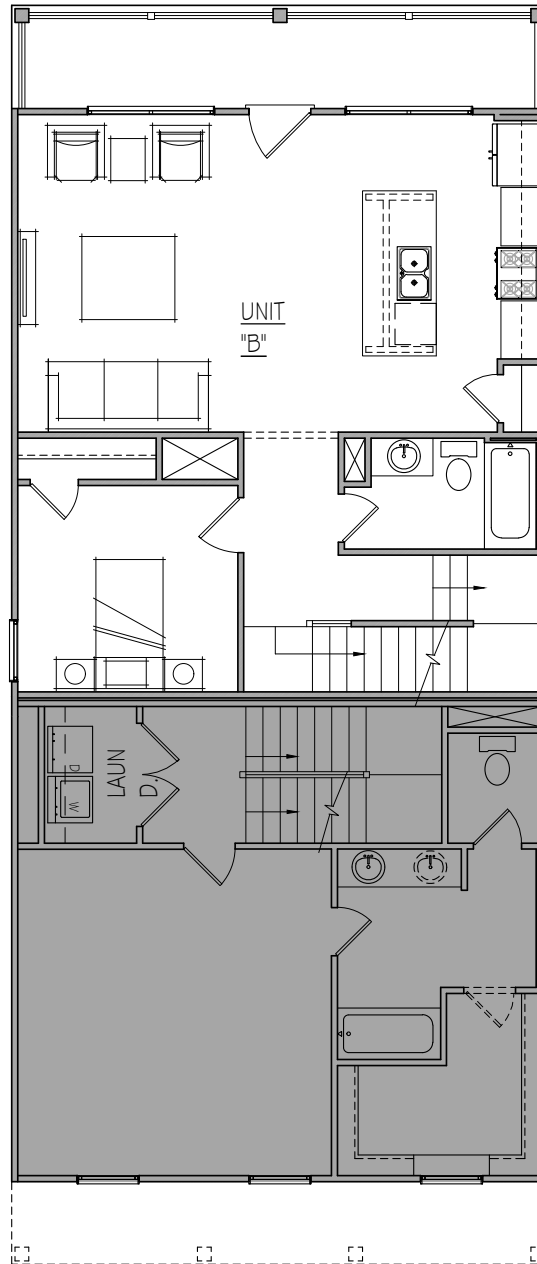


**THIRD FLOOR**

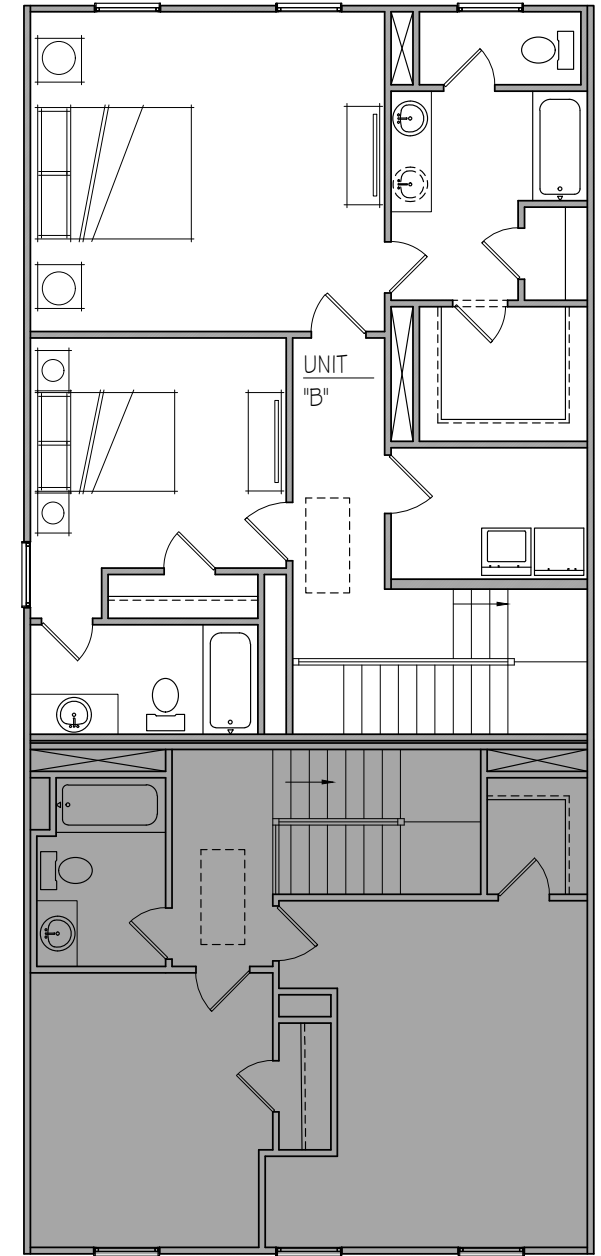




**MAIN FLOOR**



**SECOND FLOOR**



**THIRD FLOOR**



Piedmont Residential, LLC  
Section 1908 Standards for Decisions

(1) Would the proposed amendment be consistent and compatible with the City's land use and development, plans, goals and objective?

The proposed amendment will be consistent and compatible with the City's land use and development, plans, goals and objective.

2) Would the proposed amendment tend to increase, decrease, or have no impact on traffic safety and congestion in the streets?

The new neighborhood is located on an arterial road close to another arterial road with quick access to jobs, shopping and jobs.

(3) Would the proposed amendment tend to increase, decrease, or have no relationship to safety from fire and other dangers?

The proposed amendment will have no relationship to safety from fire and other dangers.

(4) Would the proposed amendment tend to promote, diminish, or have no influence on the public health and general welfare of the city?

The proposed amendment will have no influence on the public health and general welfare of the city.

(5) Would the proposed amendment tend to increase, decrease, or have no influence on the adequate (provisions) of light or air?

The proposed rezoning will have no influence on the adequate provisions for light or air.

(6) Would the proposed amendment tend to cause, prevent, or have no influence on the overcrowding of land?

The proposed amendment will have no influence on the overcrowding of land.

(7) Would the proposed amendment tend to cause, prevent, or have no relationship on the population distribution within the city creating any area as dense in population as to adversely affect the health, safety, and general welfare of the city?



The proposed neighborhood has appropriate density with higher density being developed closer to Cherokee Street and this density being a transition to lower density on McCollum Parkway.

(8) Would the proposed amendment tend to impede, facilitate, or have no impact on the adequate provision of transportation, water, sewerage, other public services, utilities or facilities?

The proposed amendment will not impede, facilitate, or have no impact on the adequate provision of transportation, water, sewerage, other public services, utilities or facilities .

(9) Would the proposed amendment tend to be compatible with environmental conditions in light of surrounding developments? If compatible, what factors, if any, would diminish the value, use and enjoyment of surrounding properties?

The Applicant's proposal will be compatible with environmental conditions in light of surrounding developments and would not diminish the value, use and enjoyment of surrounding properties.

(10) Would the proposed amendment tend to require only reasonable expenditures of public funds, or would the amendment tend to require an excessive or premature expenditure of public funds?

The proposed neighborhood will have minimal expenditures of public funds that will be more than offset by the tax base created by the new community.

(11) Would the proposed amendment tend to promote, diminish or have no influence upon the aesthetic effect of existing and future uses of property and the surrounding area?

The proposed neighborhood will be an attractive neighborhood with the homes fronting on McCollum Parkway creating an attractive streetscape.

(12) Would the proposed amendment have measurable adverse economic effect on the value of the surrounding or adjacent property?

The neighborhood will only have a positive impact on surrounding properties because the new neighborhood will be priced higher per sq. ft.



**CERTIFICATE REGARDING CORPORATE AUTHORITY TO PURSUE REZONING**

1.

My name is JD España Jr. I am the officer who is delegated the responsibility for authenticating records of ***Piedmont Residential, LLC***. ("the Applicant Company"). I am of legal age and suffer from no disabilities which would affect my competence to give this Certificate which is being given on my own personal knowledge for use with respect to the Applicant's Application for Rezoning ("Application") regarding certain real property located in the City of Kennesaw, Cobb County, Georgia.

2.

In accordance with the Requirements for completing a City of Kennesaw Application, I hereby attest on behalf of the Applicant Company that I have reviewed the Application and related documents which are being filed simultaneously therewith on behalf of the Applicant to which this Certificate is attached and hereby certify:

- (a) That corporate seal or facsimile affixed to the Application is in fact the seal of the Applicant Company or a true facsimile thereof; and
- (b) That the officer or other representative of the Applicant Company who executed the Application does in fact occupy the official position indicated, that the position that the signer occupies has the authority to execute the Application on behalf of the Applicant Company, and that the signature of said officer or other representative is genuine; and
- (c) That the execution of the Application and the filing of the Application on behalf of the Applicant Company by the officer or other representative of the Applicant Company has been duly authorized by the Applicant Company.

***Piedmont Residential LLC***

By: \_\_\_\_\_

Print Name JD Espana Jr.

Date 8/10/23

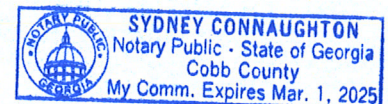
Its: President

Title

**NOTARY SEAL**

*Sydney Connaughton*  
Signature of Notary Public

8/10/23  
Date







## CAMPAIGN DISCLOSURE REPORT<sup>1</sup> BY APPLICANT<sup>2</sup>

**Each applicant must complete a separate form**

Has the applicant made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating two hundred fifty dollars (\$250.00) or more or made gifts having in the aggregate a value of two hundred fifty dollars (\$250.00) or more to a member or members of the Mayor and Council or Planning Commission who will consider the application?

**Regarding the above statement, please answer "Yes" or "No":** No.

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

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

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

---

---

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

---

---

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

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---

I certify that the foregoing information is true and correct, this 15th day of September, 20 23

**Applicant Signature:**

Parks F. Huff, Attorney for the Applicant

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

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





## CAMPAIGN DISCLOSURE REPORT<sup>1</sup> BY APPLICANT<sup>2</sup>

**Each applicant must complete a separate form**

Has the applicant made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating two hundred fifty dollars (\$250.00) or more or made gifts having in the aggregate a value of two hundred fifty dollars (\$250.00) or more to a member or members of the Mayor and Council or Planning Commission who will consider the application?

**Regarding the above statement, please answer "Yes" or "No":** No

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

Please supply the following information that will be considered as the required disclosure:  
The name of the member(s) of the Mayor and Council or Planning Commission to whom the campaign contribution or gift was made:

---

---

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

---

---

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

---

---

I certify that the foregoing information is true and correct, this 10 day of August, 2023

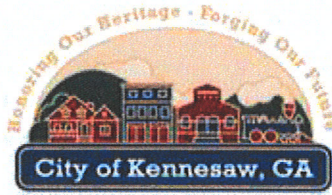
**Applicant Signature:**

[Signature]  
Piedmont Residential, LLC

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

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



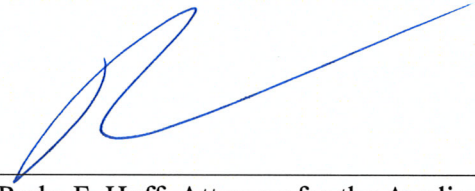


Community Development  
Planning & Zoning Department  
2529 J. O. Stephenson  
Kennesaw, GA 30144

## CERTIFICATION AUTHORIZATION

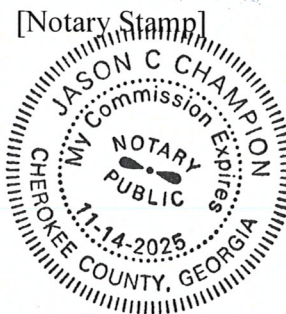
I hereby attest to the fact that a certified mailing to property owners within 200-feet will be mailed out on or before October 13, 2023 in accordance with the application requirements.

9/15/2023  
Date

  
Parks F. Huff, Attorney for the Applicant

Sworn and subscribed before me this 15th day of September 2023

  
Notary Public Signature





*Return Deed to  
K. M. L. Chalkley at  
Suite 404  
188 Anderson St.  
Marietta, GA 30060*

STATE OF GEORGIA

COUNTY OF COBB

ASSENT OF EXECUTRIX TO DEVISE

WHEREAS, JAMES MELFORD ROSS died a resident of Cobb County, Georgia on the 10th day of March, 1985, leaving a will which has been probated in solemn form in said County at the March Term of the Probate Court thereof; and

WHEREAS, under the terms of said will the following described property was devised to DAISY BELLE ROSS:

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

BEGINNING at a point on the southwesterly side of Chalker Road 54 feet south as measured along the west line of Land Lot 98 from the northwest corner of Land Lot 98; running thence southeasterly along the southwesterly side of said road 90 feet to G. W. Chalker Estate; thence south along the west line of said Chalker property 576 feet; thence west along the north line of said Chalker property 90 feet to the west line of Land Lot 98 and to the property of G.R. Davis; continuing west along the north line of said Davis property 279 feet; thence north along the east line of said Davis property 663 feet to the north line of Land Lot 99; thence east along the north line of Land Lot 99, a distance of 279 feet to the northwest corner of Land Lot 98; thence south along the west line of Land Lot 98, a distance of 54 feet to the point of beginning, being improved property having a house located thereon.

\$87.40

Cobb County, Georgia

Real Estate Transfer Tax

Paid

87.40

Date

12-17-86

Jay C. Stephenson  
Clerk of Superior Court

and

WHEREAS, the undersigned duly qualified as Executrix of the Estate of the said James Melford Ross and is now administering the estate under the terms of said will; and it has been determined that all debts and claims against the estate have been fully paid.

NOW, THEREFORE, the undersigned, as Executrix of the will of the said JAMES MELFORD ROSS, hereby assents to the devise of said property under the terms of said will, so that full fee-simple title thereto is vested in the same DAISY BELLE ROSS as provided in said will.

WITNESS my hand and seal, this 16 day of December, 1986.

*Daisy Belle Ross*  
Daisy Belle Ross, as Executrix Aforesaid

Signed, sealed and delivered  
in the presence of:

*Lancey O. Brown*  
Witness

*Kenneth M. [Signature]*  
Notary Public  
Notary Public, Cobb County, Georgia  
My Commission Expires Aug. 6, 1990

Executed on: 12-16-86



COBB SUPERIOR COURT CLERK

*Jay C. Stephenson*

86 DEC 17 NO 54

FILED AND RECORDED





Printed: 9/13/2023

## Cobb County Online Tax Receipt

Thank you for your payment!

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

Payer:  
DAISY B ROSS

**ROSS DAISY BELLE**

**Payment Date: 8/30/2022**

| Tax Year | Parcel ID   | Due Date   | Appeal Amount |             | Taxes Due |
|----------|-------------|------------|---------------|-------------|-----------|
| 2022     | 20009900010 | 10/15/2022 | Pay:          | N/A or      | \$0.00    |
| Interest | Penalty     | Fees       | Total Due     | Amount Paid | Balance   |
| \$0.00   | \$0.00      | \$0.00     | \$0.00        | \$1,037.58  | \$0.00    |



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





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

# 2022 Property Tax Bill

|                                                                                                                                                                                                                                                                |                          |   |                   |               |                |   |              |   |         |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|---|-------------------|---------------|----------------|---|--------------|---|---------|
| Parcel ID                                                                                                                                                                                                                                                      | Tax District             |   | Bill #            |               |                |   |              |   |         |
| 20009900010                                                                                                                                                                                                                                                    | 3/3-BOND - KENNESAW CITY |   | 228360            |               |                |   |              |   |         |
| Property Owner/Location/Description                                                                                                                                                                                                                            |                          |   | Fair Market Value | Taxable Value |                |   |              |   |         |
| ROSS DAISY BELLE<br>1651 MCCOLLUM PKWY                                                                                                                                                                                                                         |                          |   | 377,940           | 151,176       |                |   |              |   |         |
| Levies                                                                                                                                                                                                                                                         | Taxable Value            | - | Exemptions        | =             | Net Assessment | X | Tax Rate     | = | Net Tax |
| CITY OF KENNESAW                                                                                                                                                                                                                                               | 151176                   |   | 151,176           |               | 0              |   | 8.0000000000 |   | \$0.00  |
| BOND                                                                                                                                                                                                                                                           | 151176                   |   | 151,176           |               | 0              |   | 1.5000000000 |   | \$0.00  |
| Exemptions:                                                                                                                                                                                                                                                    |                          |   |                   |               |                |   |              |   |         |
| 223 - Age 65 GA Net Inc                                                                                                                                                                                                                                        |                          |   |                   |               |                |   |              |   |         |
| 223 - Age 65 GA Net Inc                                                                                                                                                                                                                                        |                          |   |                   |               |                |   |              |   |         |
| 223 - Age 65 GA Net Inc                                                                                                                                                                                                                                        |                          |   |                   |               |                |   |              |   |         |
| 223 - Age 65 GA Net Inc                                                                                                                                                                                                                                        |                          |   |                   |               |                |   |              |   |         |
| >Per House Bill 960 calculation, interest will accrue at .875%. Penalty will accrue at 5% after 120 days with an additional 5% assessed after each successive 120 days to a maximum of 20% of the principle amount due (House Bill 960).                       |                          |   |                   |               |                |   |              |   |         |
| >Payments can be made online at <a href="http://www.municipalonlinepayments.com/kennesawga">www.municipalonlinepayments.com/kennesawga</a> , in person, by mail or via our dropbox. Tax bills are mailed annually on October 1, with a due date of December 1. |                          |   |                   |               |                |   |              |   |         |
| >Any questions concerning ownership changes or change of address should be directed to Cobb County Tax Commissioner's Office. For all other questions or concerns regarding this statement, give us a call at 770-429-4542.                                    |                          |   |                   |               |                |   |              |   |         |
|                                                                                                                                                                                                                                                                |                          |   | Current Year Tax  |               | \$0.00         |   |              |   |         |
|                                                                                                                                                                                                                                                                |                          |   | Interest          |               | \$0.00         |   |              |   |         |
|                                                                                                                                                                                                                                                                |                          |   | Penalty           |               | \$0.00         |   |              |   |         |
|                                                                                                                                                                                                                                                                |                          |   | Other Fees        |               | \$0.00         |   |              |   |         |
|                                                                                                                                                                                                                                                                |                          |   | Payments Received |               | \$0.00         |   |              |   |         |
|                                                                                                                                                                                                                                                                |                          |   | Other Amounts Due |               | \$0.00         |   |              |   |         |
|                                                                                                                                                                                                                                                                |                          |   | Total Due         |               | \$0.00         |   |              |   |         |
|                                                                                                                                                                                                                                                                |                          |   | Due Date          |               | 12/01/2022     |   |              |   |         |



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

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

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

Parcel ID: 20009900010  
Amount Due: \$0.00  
Bill#: 228360  
Due Date: 12/01/2022

|             |
|-------------|
| AMOUNT PAID |
|             |

ROSS DAISY BELLE  
144 FOUR SEASONS BLVD  
DALLAS, GA 30132

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



ATTACHMENT TO APPLICATION FOR REZONING

**Titleholder:**

**Linda S. Ross and Brenda R. Durham, Individually and as Co-Executors under the Last Will and Testament of Daisy B. Ross, a/k/a Daisy Belle Ross, Deceased of Paulding County, Georgia**

PIN: 20009900010

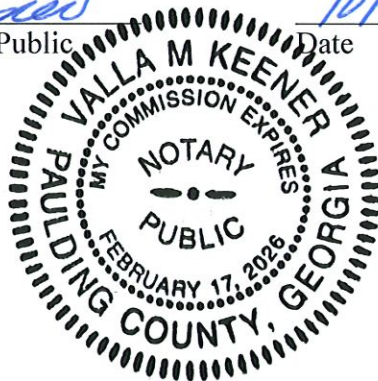
PROPERTY OWNER'S CERTIFICATION

The undersigned(s) below, or as attached, is the owner of the property considered in this application.

Brenda R. Durham 10/1/23  
Signature of Owner Date

*Brenda R. Durham, Individually and as Co-Executor  
under the Last Will and Testament of Daisy B. Ross,  
a/k/a Daisy Belle Ross, Deceased of Paulding  
County, Georgia*

[Signature] 10/1/23  
Signature of Notary Public Date  
(Notary Seal)





ATTACHMENT TO APPLICATION FOR REZONING

**Titleholder:**

**Linda S. Ross and Brenda R. Durham, Individually and as Co-Executors under the Last Will and Testament of Daisy B. Ross, a/k/a Daisy Belle Ross, Deceased of Paulding County, Georgia**

PIN: 20009900010

PROPERTY OWNER'S CERTIFICATION

The undersigned(s) below, or as attached, is the owner of the property considered in this application.

Linda S. Ross      10-2-2023  
Signature of Owner      Date

*Linda S. Ross, Individually and as Co-Executor  
under the Last Will and Testament of Daisy B. Ross,  
a/k/a Daisy Belle Ross, Deceased of Paulding  
County, Georgia*

Sydney Connaughton  
Signature of Notary Public

10/2/2023  
Date

(Notary Seal)





**EXHIBIT "A"**

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

BEGINNING at a point on the southwesterly side of Chalker Road 54 feet south as measured along the west line of Land Lot 98 from the northwest corner of Land Lot 98; running thence southeasterly along the southwesterly side of said road 90 feet to G. W. Chalker Estate; thence south along the west line of said Chalker property 576 feet; thence west along the north line of said Chalker property 90 feet to the west line of Land Lot 98 and to the property of G.R. Davis; continuing west along the north line of said Davis property 279 feet; thence north along the east line of said Davis property 663 feet to the north line of Land Lot 99; thence east along the north line of Land Lot 99, a distance of 279 feet to the northwest corner of Land Lot 98; thence south along the west line of Land Lot 98, a distance of 54 feet to the point of beginning, being improved property having a house located thereon.

Less and except approximately .05 acres north of Chalker Road, conveyed to Georgia Marietta Co., by James M. Ross by Warranty Deed dated June 25, 1973 and recorded in Deed Book 1446, Page 96 of the Cobb County Records.

FURTHER LESS AND EXCEPT: Any portion of the above-described property lying within the dedicated right-of-way of McCollum Parkway formerly known as Chalker Road.



## ADDENDUM TO APPLICATION FOR VARIANCE

### CONSTITUTIONAL CHALLENGE

COMES NOW the Applicant, Piedmont Residential, LLC (hereinafter referred to as the "Applicant") and asserts the following:

1.

By Application for Variance, the Applicant has applied for Variances as to requirements of the City of Kennesaw Zoning Ordinance (hereinafter the "Ordinance") which impose certain requirements as same apply to the property more particularly set forth in said Application (hereinafter referred to as the "Subject Property").

2.

The Applicant states that a literal interpretation and enforcement of Ordinance provisions creates a hardship.

3.

Enforcement of Ordinance requirements concerning the Subject Property creates an unnecessary and unreasonable hardship with no resulting substantial benefit to the public good.

4.

The Variances sought by the Applicant concerning the Subject Property will not impair the purpose, spirit and intent of the Ordinance and stand to alleviate any and all non-compliance of the foregoing requirements while causing no substantial detriment to the public good.



5.

Applicable Ordinance provisions concerning the required Variances are unconstitutional as applied to the Subject Property in that same deprive the Applicant of property under and pursuant to Article I, Section I, Paragraphs I and II of the Georgia Constitution of 1983 and the Equal Protection and Due Process Clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States of America. This deprivation of property without due process violates the constitutional prohibition against the taking of private property without just compensation.

6.

Applicable Ordinance provisions, as applied to the Subject Property, violate the Applicant's right to the unfettered use and development of the Subject Property in conformity with the existing Ordinance in that the Ordinance creates an unreasonable hardship totally unrelated to public health, safety, morality, or general welfare and is therefore confiscatory and void. Further, same is unconstitutional in that it is arbitrary, unreasonable and injurious resulting in relatively little gain or benefit to the public while at the same time inflicting serious injury and loss upon the Applicant.

7.

The Ordinance is further unconstitutional in that the procedures contained therein pertaining to the public hearing held in connection with Applications for Variances also violate Article I, Section I, Paragraphs I, II and XII of the Georgia Constitution of 1983 in that said procedures impose unreasonable time restraints, contain the absence of rebuttal, contain the inability to confront witnesses, contain the lack of procedural and evidentiary safeguards, do not restrict evidence received to the



issue at hand and are controlled wholly and solely by political considerations rather than the facts and considerations required by law. These procedures fail to comport with the due process requirements of the Constitution of the State of Georgia 1983 and the due process requirements of the Constitution of the United States of America.

This 15<sup>th</sup> day of September, 2023.

SAMS, LARKIN & HUFF, LLP

By:   
PARKS F. HUFF  
Attorney for Applicant  
Ga. Bar No. 375010



## Directions to City Hall from the Subject Property

### **1651 McCollum Pkwy NW**

Kennesaw, GA 30144



Head west on Chalker Rd/McCollum Pkwy NW toward Par Pl



0.3 mi



Turn left onto Cherokee St NW



459 ft



Continue straight to stay on Cherokee St NW



1.4 mi



Turn left onto S Main St



266 ft



Turn right onto Watts Dr

Destination will be on the right



420 ft

### **2529 J.O. Stephenson Ave**

Kennesaw, GA 30144



**MDJ-7907**  
**GPN-16**  
**CITY OF KENNESAW**  
**PUBLIC NOTICE**

Notice is hereby given that the City of Kennesaw shall hold public hearings to give consideration for a rezoning/variance request submitted by Piedmont Residential, LLC. Said request is to rezone a parcel located at 1651 McCollum Parkway (20009900010) from Single-Family Residential (R-15) to Planned Urban Development Residential District (PUD-R) and consists of 5.1 +/- acres. Said request is also to vary from section 46-423 to reduce the 75 stream buffer. Property lies in Land Lot 099 & 098 tax parcel 001 of the 20th District, 2nd Section, Cobb County Georgia.

Said meetings shall be held before the Planning Commission on November 1, 2023 at 6:30 P.M. and the Mayor and Council will hold a public hearing on November 20, 2023 at 6:30 P.M. Both meetings are to be held at 2529 J. O. Stephenson Avenue, Kennesaw, Georgia. Any interested persons may attend and be heard relative thereto.

Mayor and Council will be conducting their meeting in person and you can access the meeting via the following link: <https://www.facebook.com/CityofKennesaw/>

Any interested citizens are invited to email [kennesawcouncil@kennesaw-ga.gov](mailto:kennesawcouncil@kennesaw-ga.gov).

10:13,20-2023



**CITY OF KENNESAW  
LAND USE NOTICE**  
APPLICATION # **RZ2023-04 / ZV2023-03**  
Rezonning from R-15 (single family residential) to PUD-R (Planned Urban Development-Residential) and zoning variance for 75' stream buffer for the construction of a residential townhome community.  
PURPOSE  
DATE OF PUBLIC MEETING: **11/1/2023** TIME: **6:30PM**  
DATE OF PUBLIC MEETING: **11/20/2023** TIME: **6:30PM**  
PLACE: **CITY HALL KENNESAW, GA**  
Due to the priority for public health and safety, the City of Kennesaw will implement a public meeting protocol / system for community participation in compliance to social distancing protocol. For specific public meeting guidelines and access to all application information please visit our website  
**HTTP://WWW.KENNESAW-GA.GOV**  
FOR FURTHER INFORMATION PLEASE CALL :  
PLANNING AND ZONING DEPARTMENT 770-590-8268

10.17.2023 09:06



**MAYOR**

Derek Easterling

**City Manager**

Jeff Drobney, ICMA-CM

**City Clerk**

Lea Alvarez, CMC

**COUNCIL**

Mayor Pro Tem Tracey Viars

Lynette Burnette

Pat Ferris

Antonio Jones

Trey Sinclair

October 4, 2023

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

Subject: City of Kennesaw Zoning Applications (Case #RZ2023-04, ZV2023-03)  
1651 McCollum Pkwy Kennesaw, GA 30144 – Parcel ID 20009900010

Dear Ms. Mabry,

Attached, please find a zoning applications submitted by the Piedmont Residential, LLC to petition for rezoning and variance requests for the above subject property. Because this case is within a half-mile from unincorporated Cobb County, this letter and enclosed application are being provided in accordance with the House Bill 489 Intergovernmental Agreement.

These cases are set to go before the Kennesaw Planning Commission on Wednesday, November 1, 2023 at 6:30 p.m. for public hearing and Mayor and Council on Monday, November 20, 2023 at 6:30 p.m. for public hearing as well.

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

Sincerely,

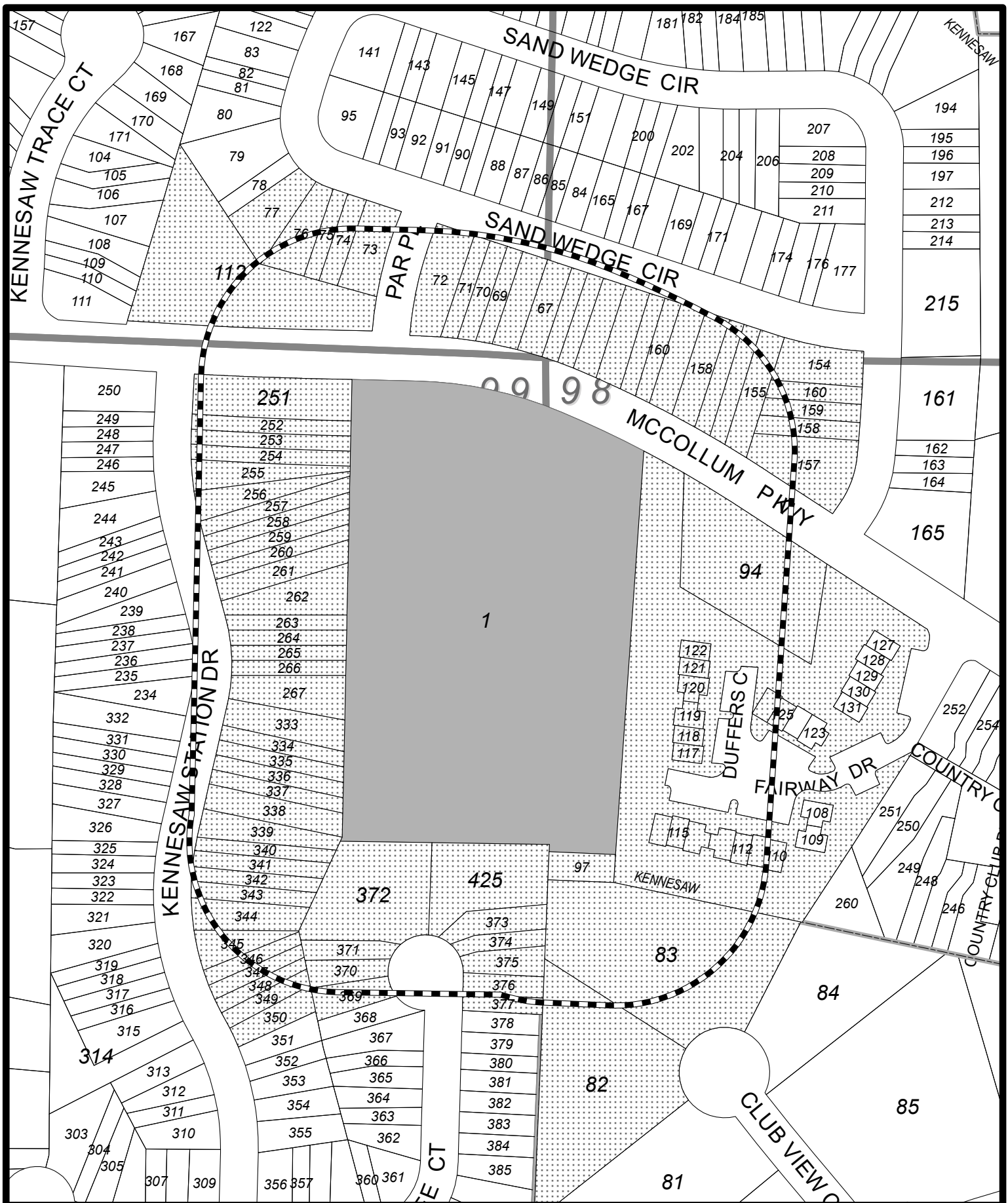
*Darryl Simmons*

Darryl Simmons  
Planning and Zoning Administrator

Enclosure: Zoning Application

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





-  Subject Parcel
-  200' Radius
-  Properties Notified

**1651 McCollum Pkwy**  
**Land Lot 20,**  
**Tax Parcel 001**

**RZ2023-004**  
**200' PROPERTY NOTIFICATION**



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

*Derek Eastering*  
 MANOR  
*Lee Murray*  
 CITY CLERK

Date: 9/19/2023

RZ2023-000





Tax Parcel - 20009904250

KENNESAW CITY OF  
2539 J O STEPHENSON AVE  
KENNESAW GA 30144

Tax Parcel - 20009902510

ILKOV SAMUIL LYUBOMIROV & ANDREA  
3590 KENNESAW STATION DR NW  
KENNESAW GA 30144

Tax Parcel - 20009801170

DASWANI ARUN DASWANI MAMTA  
270 17TH 3607  
ATLANTA GA 30363

Tax Parcel - 20009902630

TRAN NGAN  
145 CARLEE LN  
FINDLAY OH 45840

Tax Parcel - 20009902520

SOHANI MUIZZ  
1123 SADLERS WAY  
MARIETTA GA 30068

Tax Parcel - 20009801180

PRABHU DEEPALAXMI  
620 STONESTILE TRCE  
SUWANEE GA 30024

Tax Parcel - 20009903350

ROGERS VINCE M  
3552 KENNESAW STATION DR NW  
KENNESAW GA 30144

Tax Parcel - 20009802730

PINETREE COUNTRY CLUB CONDOMINIUM  
ASSOCIATION INC  
PO BOX 2484  
KENNESAW GA 30156

Tax Parcel - 20009801200

MIDWAY EXCHANGE BORROWER 8 LLC  
PO BOX 4090  
SCOTTSDALE AZ 85261

Tax Parcel - 20009801100

UNIVERSAL PROPERTY INVESTMENTS LLC  
1120 BRECKENRIDGE LN  
ALPHARETTA GA 30005

Tax Parcel - 20009900010

ROSS DAISY BELLE  
144 FOUR SEASONS BLVD  
DALLAS GA 30132

Tax Parcel - 20009801210

ROLNIK CONSTANCE  
P O BOX 801372  
ACWORTH GA 30101

Tax Parcel - 20009903490

GOVAHI KASHANI SHAHRIAR  
3524 KENNESAW STATION DR NW  
KENNESAW GA 30144

Tax Parcel - 20009200680

SURRENCY DAVID J & CAREY N  
3561 PINE BRANCHES CT  
ACWORTH GA 30102

Tax Parcel - 20009801220

ROLNIK CONSTANCE  
P O BOX 801372  
ACWORTH GA 30101

Tax Parcel - 20009200700

ASHMAN RONALD & ASHMAN MATTHEW  
3040 SHALLOWFORD PARK MANOR  
ROSWELL GA 30075

Tax Parcel - 20009200690

FAMILY NEST INVESTMENTS LLC  
2080 SAND WEDGE CIR  
KENNESAW GA 30144

Tax Parcel - 20009801250

EDWARDS WILLIAM H  
P O BOX 2286  
KENNESAW GA 30156

Tax Parcel - 20009902610

MYERS CARLENE  
3570 KENNESAW STATION DR  
KENNESAW GA 30144

Tax Parcel - 20009200710

CHIEFTAIN ATLANTA LP  
17 NE 4TH ST  
FORT LAUDERDALE FL 33301

Tax Parcel - 20009801260

ABRAHA LETERFUAEL  
18 FAIRWAY DR  
KENNESAW GA 30144-0000

Tax Parcel - 20009902650

VALLIAPPAN GAYATHRI  
2020 BROOK MEADOW DR  
ALPHARETTA GA 30005

Tax Parcel - 20009200720

SHI XI  
23 TANGLEWOOD HOLLOW RD  
SADDLE RIVER NJ 07458

Tax Parcel - 20009801570

ROWEDDER KAY F  
1000 SANDWEDGE CIR  
KENNESAW GA 30144-2065

Tax Parcel - 20009902660

VELARDI MICHAEL D  
3560 KENNESAW STATION DR  
KENNESAW GA 30144

Tax Parcel - 20009801190

GRANT GRACIELA M  
5 DUFFERS CT  
KENNESAW GA 30144-0000

Tax Parcel - 20009200660

REZ LLC  
3449 SHERIDAN CHASE  
MARIETTA GA 30067

Tax Parcel - 20009902670

SHAH JYOTI  
1013 TRAVELERS TRL NW  
KENNESAW GA 30144

Tax Parcel - 20009801160

GRACE REALTY OF GEORGIA LLC  
25 HARRIS DR  
MARIETTA GA 30067

Tax Parcel - 20009200670

MCCLUER SHU HUA & WARREN J  
5005 MELANIE CT NW  
ACWORTH GA 30102



Tax Parcel - 20009903450

SHAH JYOTI  
3162 BAYONET CT  
MARIETTA GA 30068

Tax Parcel - 20009903500

3522 KENNESAW STATION HOUSING LLC  
4707 MAPLE BRK SE  
MARIETTA GA 30067

Tax Parcel - 20009902550

WOOD BRITTANY  
3582 KENNESAW STATION DR  
KENNESAW GA 30152

Tax Parcel - 20009903460

FU JUNMEI  
4092 AMBERLY CT  
KENNESAW GA 30144

Tax Parcel - 20009903700

MAAROUF BASSEM R  
3479 LEE COURT  
KENNESAW GA 30144

Tax Parcel - 20009902560

FARIAS MICHELLE A  
645 N WILLOW AVE APT C  
LA PUENTE CA 91746

Tax Parcel - 20009903470

PK HOUSING LLC  
4707 MAPLE BRK SE  
MARIETTA GA 30067

Tax Parcel - 20009903710

BROOMFIELD MELISSA  
3481 LEE CT  
KENNESAW GA 30144

Tax Parcel - 20009301590

WHITE JOLEAH M  
1090 SAND WEDGE CIR  
KENNESAW GA 30144

Tax Parcel - 20009903480

VAN DYKE LEIGHTON A & GREYSON W  
3526 KENNESAW STATION DR NW  
KENNESAW GA 30144

Tax Parcel - 20009903720

BRADFORD MAURICE RAFEAL  
3483 LEE CT  
KENNESAW GA 30144-0000

Tax Parcel - 20009301600

ANGELI JAYSON M  
3093 ADDIE POND WAY  
MARIETTA GA 30064

Tax Parcel - 20009801110

HANNIGAN DONALD E HANNIGAN ROSE  
45 S VALLEY RD  
SAG HARBOR NY 11963

Tax Parcel - 20009903730

BARTHELUS ALYAH & VERTINI  
3504 LEE CT NW  
KENNESAW GA 30144

Tax Parcel - 20009301610

SANDWEDGE LLC  
1705 AMBERWOOD POINTE  
WOODSTOCK GA 30189

Tax Parcel - 20009801120

RAGOZZINO PHILIP A  
9 FAIRWAY DR  
KENNESAW GA 30144-0000

Tax Parcel - 20009903390

GADISETTI SRINIVASA R  
3544 KENNESAW STATION DR NW  
KENNESAW GA 30144

Tax Parcel - 20009201120

KENNESAW CITY OF  
2539 PARK DR  
KENNESAW GA 30144

Tax Parcel - 20009801130

11 FAIRWAY DRIVE LAND TRUST  
1025 ROSE CREEK DR STE 620-131  
WOODSTOCK GA 30189

Tax Parcel - 20009801580

TOTH DANIEL & VOROSMARTY DORA  
220 BLAIRSHIRE CLOSE  
ROSWELL GA 30075

Tax Parcel - 20009801590

LECHER NOEL L & LAURA E  
1020 SAND WEDGE CIR  
KENNESAW GA 30144

Tax Parcel - 20009801140

GRACE REALTY OF GEORGIA LLC  
25 HARRIS DR  
MARIETTA GA 30067

Tax Parcel - 20009301580

HARRISON KARL D  
1080 SAND WEDGE CIR NW  
KENNESAW GA 30144-2099

Tax Parcel - 20009801600

BEATTY KURT N  
4976 MILLWOOD DR  
CANTON GA 30114

Tax Parcel - 20009801150

ERVIN STEPHEN D & BORG ERIC  
1709 LATOUR DR  
MARIETTA GA 30066

Tax Parcel - 20009902530

ATLANTA REALTY PROS LLC  
3449 SHERIDAN CHASE SE  
MARIETTA GA 30067

Tax Parcel - 20009903360

SMITH MICHELLE D & RODNEY W  
3550 KENNESAW STATION DR NW  
KENNESAW GA 30144

Tax Parcel - 20009903690

GRACE REALTY OF GEORGIA LLC  
25 HARRIS DR  
MARIETTA GA 30067

Tax Parcel - 20009902540

CRAMER JEFFREY E  
3584 KENNESAW STATION DR  
KENNESAW GA 30144-0000

Tax Parcel - 20009903370

LEARY BRIAN QUINN  
3548 KENNESAW STATION DR  
KENNESAW GA 30144



Tax Parcel - 20009903380

SFR ACQUISITIONS 3 LLC  
120 S RIVERSIDE PLZ STE 2000  
CHICAGO IL 60606

Tax Parcel - 20009301640

KIM JEAN & CHUNG ALEXANDER EUNKWON  
2040 SAND WEDGE CIR  
KENNESAW GA 30144

Tax Parcel - 20009903740

RAY SANDRA E & HERMAN E  
3293 HIGH SHOALS RD  
DALLAS GA 30132

Tax Parcel - 20009800940

MOTES MORRIS JOHN % DWIGHT D MOTES  
EXECUTOR  
6405 VICKSBURG CT  
ACWORTH GA 30101

Tax Parcel - 20009301540

WILLIAMS GREG  
3154 N DRUID HILLS RD  
DECATUR GA 30033

Tax Parcel - 20009903750

ANDESHMAND SAYEED A & SUHAIL MOHAMED  
SHIHAAM  
125 CYPRESS LOOP  
HAYWARD CA 94544

Tax Parcel - 20009903400

3542 KENNESAW STATION HOUSING LLC  
4707 MAPLE BRK SE  
MARIETTA GA 30067

Tax Parcel - 20009301550

CARROZZA RICHARD PAUL  
1050 SAND WEDGE CIR  
KENNESAW GA 30144

Tax Parcel - 20009903760

CARPENTER ROBERT  
3498 LEE CT  
KENNESAW GA 30144

Tax Parcel - 20009301620

HAWES WILLIAM H & BEVERLY G HAWES  
2117 SUMMERCHASE DR  
WOODSTOCK GA 30189-6173

Tax Parcel - 20009301560

STRICKLAND RACHEL STURDIVANT  
1060 SAND WEDGE CIR NW  
KENNESAW GA 30144-2060

Tax Parcel - 20009903770

SHAH JIGISHA P & PREMAL K  
4528 LASHLEY CT  
MARIETTA GA 30068

Tax Parcel - 20009902570

GIRAGE KARA ELIZABETH  
3578 KENNESAW STATION DR NW  
KENNESAW GA 30144

Tax Parcel - 20009301570

MORALES RICHARD  
1070 SAND WEDGE CIR NW  
KENNESAW GA 30144

Tax Parcel - 20009800970

KALEY MAX D & MCCOLLUM HERBERT C &  
HENDERSON KATHERYN EXECUTRIX  
1554 LANCASTER DR  
MARIETTA GA 30066-5916

Tax Parcel - 20009902640

ISHAKON PROPERTIES LLC  
3162 BAYONET CT  
MARIETTA GA 30068

Tax Parcel - 20009200730

HARRINGTON SUSAN  
3020 SANDWEDGE CIR  
KENNESAW GA 30144

Tax Parcel - 20009903410

ONYANCHIA MOMANYI B & CHERONO  
CHRISTINE  
3540 KENNESAW STATION DR  
KENNESAW GA 30144

Tax Parcel - 20009902580

MIRZAI AJMAL & BAIRD ALEXANDRA  
5311 GOLDEN CANARY LN  
AUSTIN TX 78723

Tax Parcel - 20009200740

JAYCO PROPERTIES LLC  
P O BOX 613  
HOLLY SPRINGS GA 30142

Tax Parcel - 20009903420

THE HOUSE OF WALKER TRUST  
4632 LIBERTY SQUARE DR  
ACWORTH GA 30101

Tax Parcel - 20009902590

SAROCH RAMESH & KAMALJIT  
3574 KENNESAW STATION DR  
KENNESAW GA 30144

Tax Parcel - 20009200750

HELIOPOLIS DEVELOPMENT COMPANY LLC  
2275 MARIETTA BLVD SUITE 275-392  
ATLANTA GA 30318

Tax Parcel - 20009903430

3536 KENNESAW STATION DRIVE LAND TRUST  
FREEPORT TITLE & GUARANTY INC TRUSTEE  
2550 SANDY PLAINS RD STE 225-315  
MARIETTA GA 30066

Tax Parcel - 20009902600

RINAMAN RAINIKKA  
3572 KENNESAW STATION DR NW  
KENNESAW GA 30144

Tax Parcel - 20009200760

ROGERS CLINTON A  
194 FIELDS RD  
KINGSTON GA 30145

Tax Parcel - 20009903440

ISHAKON PROPERTIES LLC  
3162 BAYONET CT  
MARIETTA GA 30068

Tax Parcel - 20009301630

DIEP KENT BAO & HANG LINH LE  
5355 HAVERFORD MILL COVE  
LILBURN GA 30047

Tax Parcel - 20009200770

ZHAO JUAN  
360 SUMTER DR  
MARIETTA GA 30066

Tax Parcel - 20009903330

ISHAKON PROPERTIES LLC  
3162 BAYONET CT  
MARIETTA GA 30068



Tax Parcel - 20009903340

.....  
NAUSTDAL FREDRIK TAMM  
3970 PAPER MILL RD  
MARIETTA GA 30067

Tax Parcel - 20009902620

.....  
FU JUN MEI  
4092 AMBERLY CT  
KENNESAW GA 30144



ZONING ADMINISTRATOR  
DARRYL SIMMONS



MAYOR AND COUNCIL  
NOVEMBER 20, 2023

PLANNING COMMISSION  
NOVEMBER 1, 2023

LEGAL ADVERTISEMENTS  
OCTOBER 20, 2023

PUBLIC NOTICE SIGN  
OCTOBER 17, 2023

APPLICATION SUBMITTED  
SEPTEMBER 15, 2023

**COMMUNITY DEVELOPMENT**  
Planning and Zoning

2529 J.O. Stephenson Avenue  
Kennesaw, GA 30144

**CONTACT US**

OFFICE: (770) 590-8268

WEBSITE: [www.kennesaw-ga.gov](http://www.kennesaw-ga.gov)

EMAIL: [zoningdept@kennesaw-ga.gov](mailto:zoningdept@kennesaw-ga.gov)

# STAFF ANALYSIS REPORT

**ZONING CASE #: RZ2023-04/ZV2023-03**

**Property Addresses**

1651 McCollum Parkway

**Applicant**

Piedmont Residential

**Representative**

Parks F. Huff

**Property Owner**

Daisy Belle Ross

**Current Zoning**

R-15 (Single-Family - 15 Units/Acre)

**Current Future Land Use Category**

Residential High (RH)

**Project Request:** Rezone for construction of a residential townhome community, variance from stream buffer.



Street view of subject property (Cobb Tax Assessor)

## PROPERTY DETAILS

Within 1/2 mi from Unincorporated Cobb Co: Yes

Historic District: No

Cemetery: No Floodplain: No Stream: No

Parcel ID #: 20009900010

Land Lot #: 98 and 99 Tax Parcel #: 001

Land Area: 5.13 +/- acres or 223,462.8 SQFT

Existing Building Total SQFT: 2,209 SQFT

Proposed Building SQFT: N/A

Proposed Streets: N/A

## RECOMMENDATION

**Staff Recommendation**

**Approval with conditions**

**Planning Commission Recommendation**

**To be determined on November 1, 2023**

Please see page 16 for basis for recommendation.

## ADJACENT PROPERTY DETAILS

**Surrounding Zoning Dist. and Future Land Use**

**North:** McCollum Parkway

**Zoning:** FST (Fee Simple Townhome District)

**Future Land Use:** Residential High (RH)

**South:** No Street

**Zoning:** FST (Fee Simple Townhome District)

**Future Land Use:** Residential High (RH)

**East:** Fairway Drive NW

**Zoning:** FST (Fee Simple Townhome District)

**Future Land Use:** Residential High (RH)

**West:** Kennesaw Station Drive NW

**Zoning:** FST (Fee Simple Townhome District)

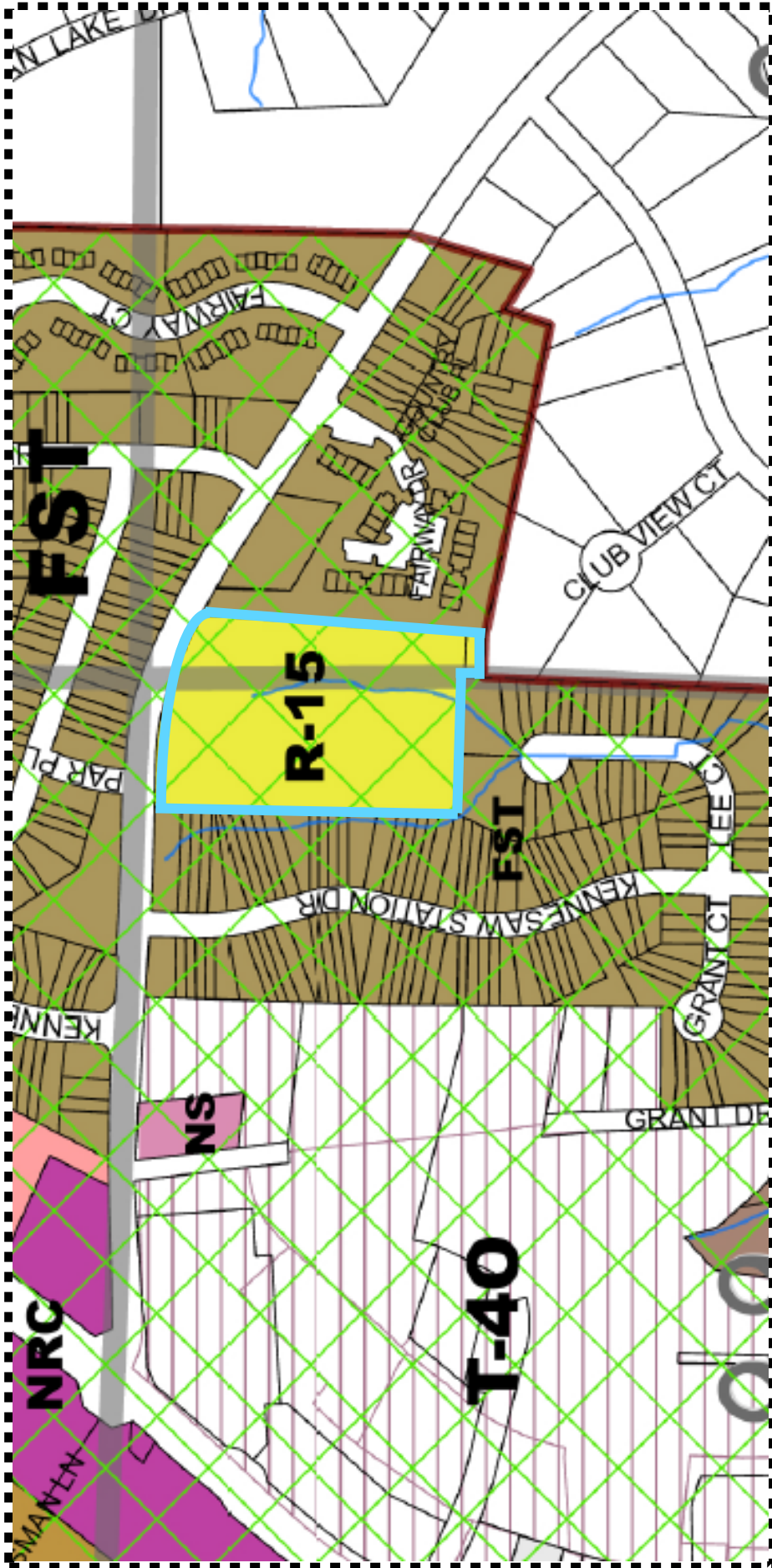
**Future Land Use:** Residential High (RH)

Please see pages 2 for zoning map.



# ZONING MAP

ZONING CASE #: RZ2023-04/ZV2023-03



## Zoning Districts

|     |     |
|-----|-----|
| CBD | HGB |
| CRC | HI  |
| FST | LI  |
| GC  | MHP |
| NRC | NS  |

|       |      |       |
|-------|------|-------|
| OI    | R-12 | RA-5  |
| PUSH  | R-15 | RA-6  |
| PSC   | R-20 | RM-8  |
| PUD-R | R-30 | RM-12 |
| PVC   | R-40 | RM-16 |
| R-10  | RA-4 | UVC   |

## Zoning Overlays

|                               |
|-------------------------------|
| Airport Hazard District       |
| Historic Districts            |
| Historic Preservation Village |
| Senior Living                 |

|                     |                      |                                |           |                      |
|---------------------|----------------------|--------------------------------|-----------|----------------------|
| Acworth City Limits | Kennesaw City Limits | Kennesaw Mtn Nat'l Battlefield | Land Lots | Marietta City Limits |
|---------------------|----------------------|--------------------------------|-----------|----------------------|



# GOOGLE EARTH AERIAL VIEW

ZONING CASE #: RZ2023-04/ZV2023-03



 = Approximate project location

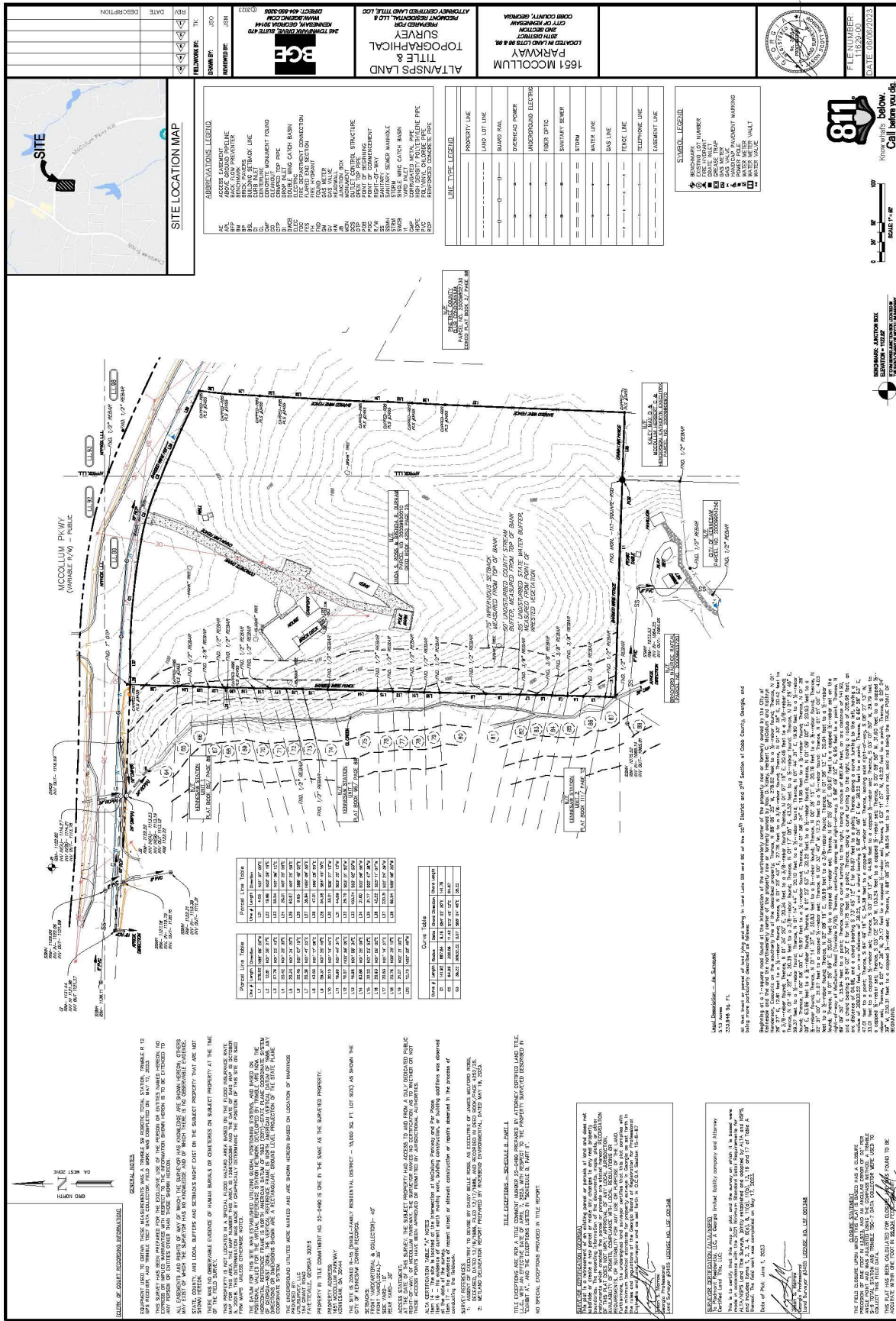






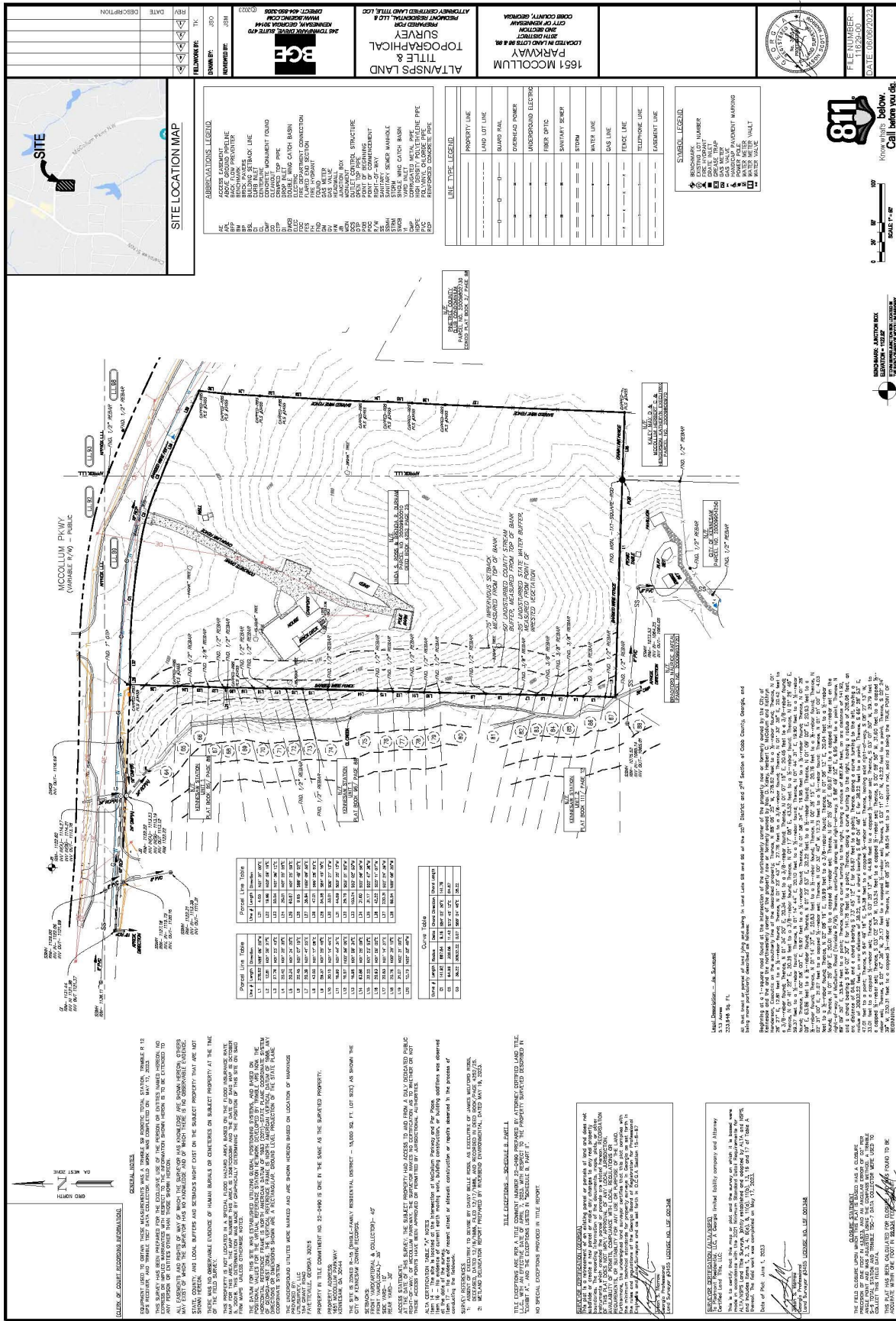
# PROPOSED SITE PLAN

ZONING CASE #: RZ2023-04/ZV2023-03



# PROPOSED SITE PLAN

ZONING CASE #: RZ2023-04/ZV2023-03





# PROPOSED RENDERING (PAGE 1 OF 12)

ZONING CASE #: RZ2023-04/ZV2023-03



Cadence Street View



McCollum Pkwy  
Kennesaw, GA



# PROPOSED RENDERING (PAGE 2 OF 12)

ZONING CASE #: RZ2023-04/ZV2023-03



Cadence A

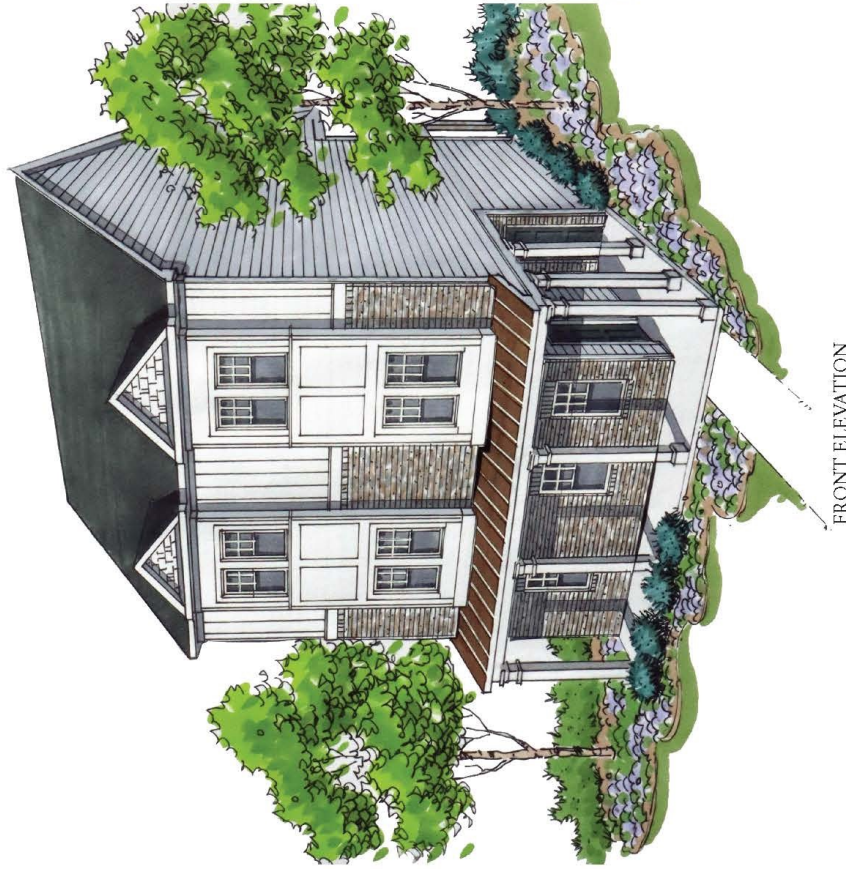


McCollum Pkwy  
Kennesaw, GA



# PROPOSED RENDERING (PAGE 3 OF 12)

ZONING CASE #: RZ2023-01 & AX2023-01



FRONT ELEVATION



REAR ELEVATION

Cadence B



McCollum Pkwy  
Kennesaw, GA



# PROPOSED RENDERING (PAGE 4 OF 12)

ZONING CASE #: RZ2023-04/ZV2023-03



FRONT ELEVATION



REAR ELEVATION

Cadence C



McCollum Pkwy  
Kennesaw, GA



# PROPOSED RENDERING (PAGE 5 OF 12)

ZONING CASE #: RZ2023-04/ZV2023-03



FRONT ELEVATION



REAR ELEVATION

Cadence D

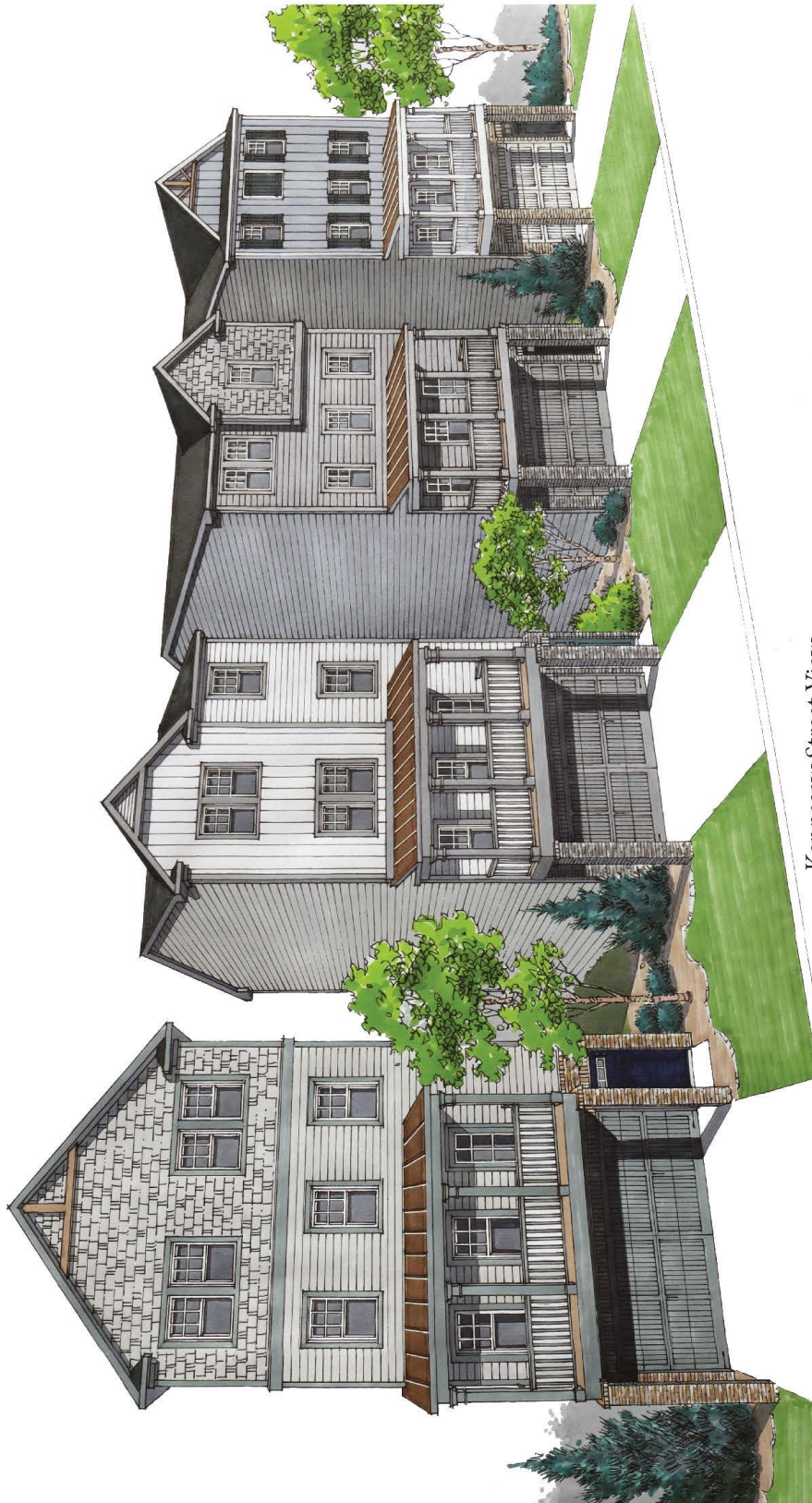


McCollum Pkwy  
Kennesaw, GA



# PROPOSED RENDERING (PAGE 6 OF 12)

ZONING CASE #: RZ2023-04/ZV2023-03



Kennesaw Street View

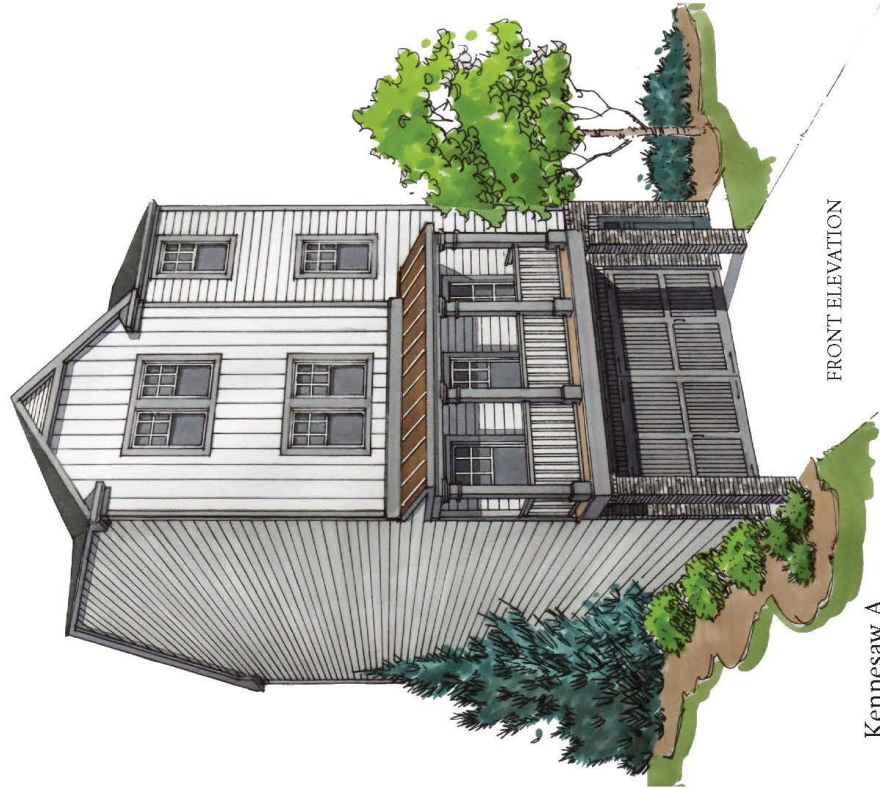


McCollum Pkwy  
Kennesaw, GA



# PROPOSED RENDERING (PAGE 7 OF 12)

ZONING CASE #: RZ2023-04/ZV2023-03



Kennesaw A

FRONT ELEVATION



Kennesaw B

FRONT ELEVATION



McCollum Pkwy  
Kennesaw, GA



# PROPOSED RENDERING (PAGE 8 OF 12)

ZONING CASE #: RZ2023-04/ZV2023-03



McCollum Pkwy  
Kennesaw, GA



# PROPOSED RENDERING (PAGE 9 OF 12)

ZONING CASE #: RZ2023-04/ZV2023-03



McCollum Pkwy

Street view on McCollum Pkwy





# PROPOSED RENDERING (PAGE 10 OF 12)

ZONING CASE #: RZ2023-04/ZV2023-03



Dog Park



McCollum Pkwy  
Kennesaw, GA



# PROPOSED RENDERING (PAGE 11 OF )

ZONING CASE #: RZ2023-04/ZV2023-03





# PROPOSED RENDERING (PAGE 12 OF 12)

ZONING CASE #: RZ2023-04/ZV2023-03





# STAFF ANALYSIS REPORT



## ZONING CASE #: RZ2023-04/ZV2023-03

### DESCRIPTION OF ZONING REQUEST: REZONING AND ZONING VARIANCE

This is a rezoning and variance request for the development of a residential townhome community.

#### PROJECT INTENT

The applicant is requesting to rezone the property to PUD-R to build a single-family neighborhood with 68 attached and detached homes on 5.13 acres.

#### Pre-Application Meeting

**Application Submitted**  
September 15, 2023

**Fees Paid**  
\$750.00

**Certified Letters Mailed**  
October 13, 2023

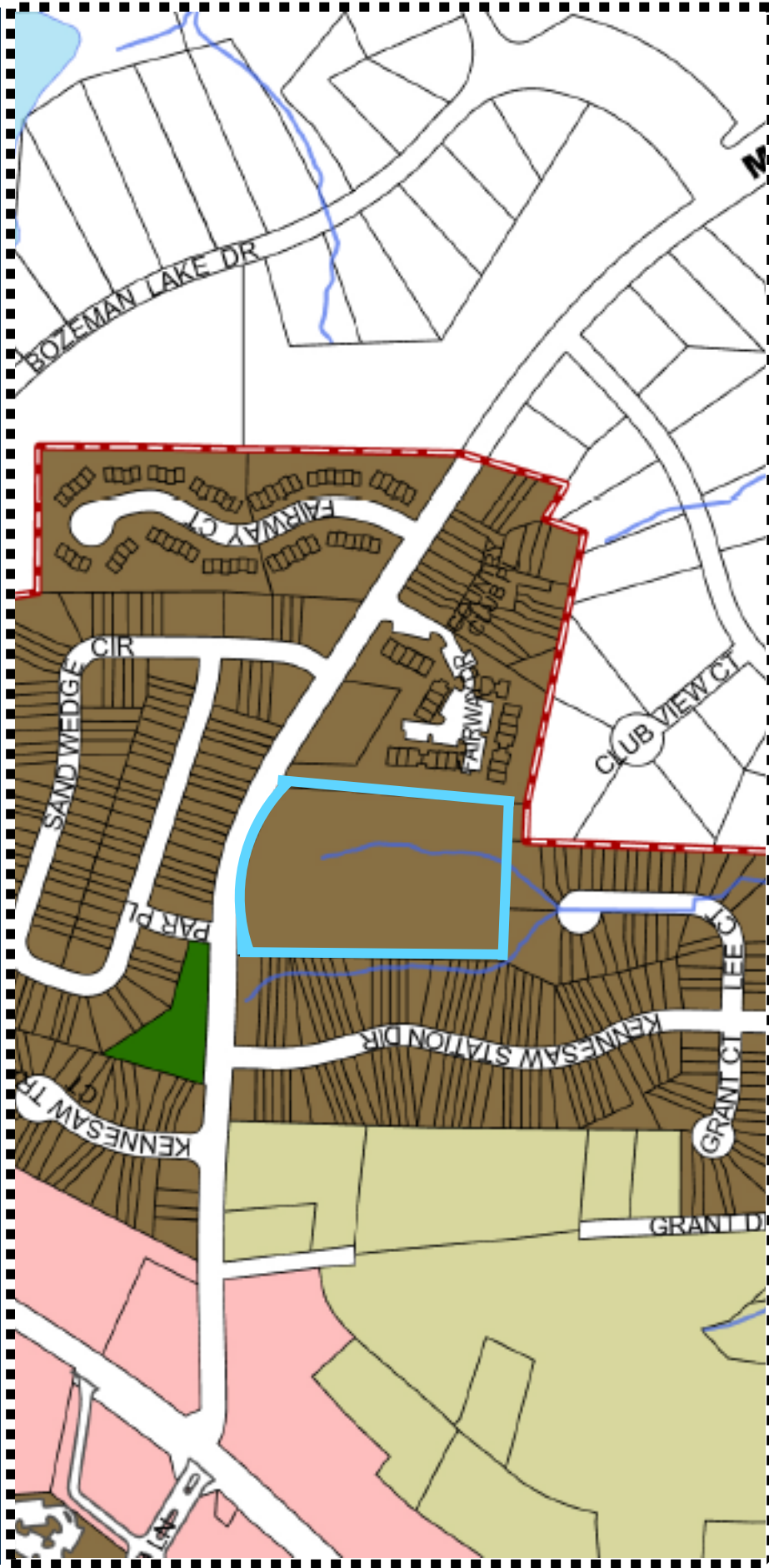
#### GOOGLE STREET VIEW OF THE RESIDENCE





# FUTURE LAND USE MAP

ZONING CASE #: RZ2023-04/ZV2023-03



## Future Land Use

|  |                                    |  |                                    |  |                                              |  |                               |
|--|------------------------------------|--|------------------------------------|--|----------------------------------------------|--|-------------------------------|
|  | NAC - Neighborhood Activity Center |  | I - Industrial                     |  | RH - Residential High                        |  | Acworth City Limits           |
|  | CAC - Community Activity Center    |  | PI - Public Service/Institutional  |  | PUD - Planned Unit Development               |  | Kennesaw City Limits          |
|  | DAC - Downtown Activity Center     |  | PRC - Park/Recreation/Conservation |  | TCU - Transportation Communication Utilities |  | Kennesaw Mtn Natl Battlefield |
|  | RAC - Regional Activity Center     |  | RL - Residential Low/Medium        |  | Kennesaw City Limits                         |  | Land Lots                     |
|  |                                    |  |                                    |  |                                              |  | Marietta City Limits          |

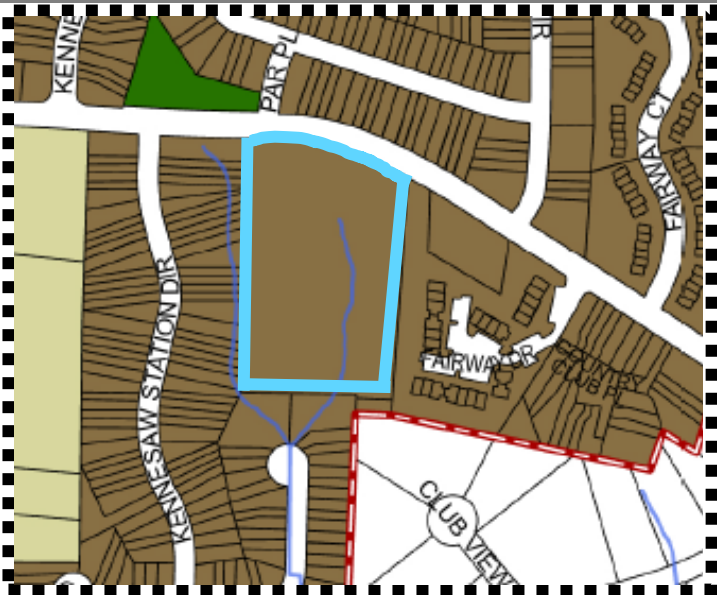


# STAFF ANALYSIS REPORT

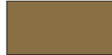
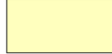


## ZONING CASE #: RZ2023-04/ZV2023-03

### 2022 COMPREHENSIVE PLAN UPDATE



#### LEGEND

|                                                                                    |                                    |
|------------------------------------------------------------------------------------|------------------------------------|
|  | RH - Residential High              |
|  | RL - Residential Low/Medium        |
|  | PRC - Park/Recreation/Conservation |
|  | NAC - Neighborhood Activity Center |
|  | CAC - Community Activity Center    |

The Future Land Use Map is a general guide for the character of development within the City. A description of the identified category is provided below. New development should be monitored for its impact on water quality within the City and region.

As a built-out city, any new growth within the City of Kennesaw will be redevelopment. Currently, within the city, 86% of the city's parcels are residential which is a challenge for any new development. The Future Land Use Map is a general guide for character of development within the city.

#### FUTURE LAND USE CATEGORY

##### RH - Residential High

These are areas of residential land uses within the City. This may be single-family or multi-family housing. New development should reflect the character of the surrounding development.

##### Recommendations:

- Density: 4-16 units per acre
- Internal amenities
- Walkable; Connectivity to adjacent parcels
- Conservation of natural resources
- Percentage of housing dedicated to being affordable



# COMPREHENSIVE PLAN AREAS MAP

ZONING CASE #: RZ2023-04/ZV2023-03



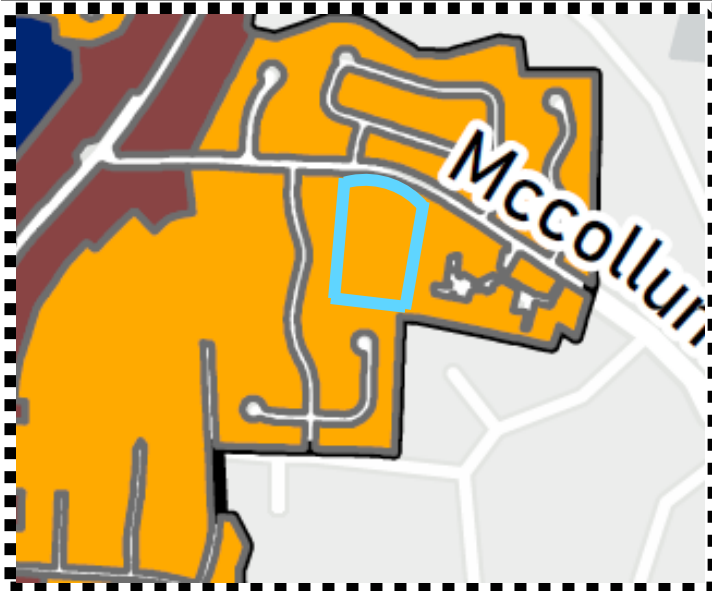
- |                                                                                       |                                        |                                                                                       |                                    |                                           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



# STAFF ANALYSIS REPORT

## ZONING CASE #: RZ2023-04/ZV2023-03

### COMPREHENSIVE PLAN - AREAS



### LEGEND

-  North Cherokee
-  Campus Living
-  Cherokee Street Commercial Corridor

### COMPATIBLE FUTURE LAND USE

- Neighborhood Activity Center (NAC)
- Park/Recreation/Conservation (PRC)
- Planned Unit Development (PUD)
- Residential High (RH)
- Residential Low/Medium (RL)

In addition to the established Future Land Use Map, the City would like to further define an appropriate development atmosphere to ensure compatible and unified development within specified areas of the City.

Furthermore, please refer to the Policy Matrix which should be used for new development within each of the described areas.

### NORTH CHEROKEE

The North Cherokee area is a residential area consisting of multi-tenured, low-to-medium density housing options ranging from single-family detached homes and manufactured housing to duplexes and even high density townhome developments. This area is located along the Cherokee Street corridor from Ben King Road/Twelve Oak Circle and north to Bozeman Lake Road. This area is unique in that it borders a well-defined commercial corridor along Cherokee Street that is as diverse in character and tenure as the neighborhoods themselves.



# STAFF ANALYSIS REPORT



## ZONING CASE #: RZ2023-04/ZV2023-03

### TRANSPORTATION DATA

| ROAD #1                                                                                                                                                                                                               | AERIAL OF ROAD #1 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| <p><b>Roadway Name</b><br/>McCollum Parkway</p> <p><b>Roadway Classification</b></p> <p><b>Speed Limit</b></p> <p><b>Jurisdictional Control</b></p> <p><b>Minimum Right-of-Way Requirement</b></p>                    |                   |
| ROAD #2                                                                                                                                                                                                               | AERIAL OF ROAD #2 |
| <p><b>Roadway Name</b><br/>N/A</p> <p><b>Roadway Classification</b><br/>N/A</p> <p><b>Speed Limit</b><br/>N/A</p> <p><b>Jurisdictional Control</b><br/>N/A</p> <p><b>Minimum Right-of-Way Requirement</b><br/>N/A</p> |                   |



# STAFF ANALYSIS REPORT

## ZONING CASE #: RZ2023-04/ZV2023-03

### ENVIRONMENTAL

#### Floodplain:

- ☐ Yes  
☒ No  
☐ Not Verified

#### Wetlands:

- ☐ Yes  
☒ No  
☐ Not Verified

#### Drainage Basin:

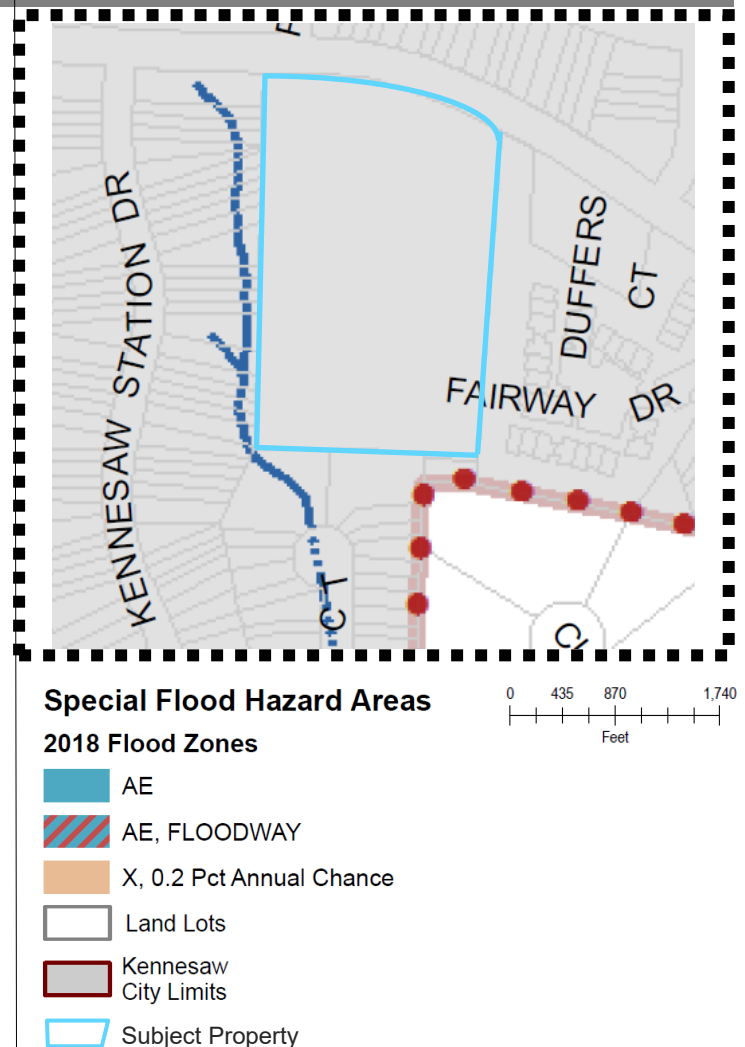
- ☒ None  
☐ FEMA 100-year floodplain area  
☐ Flood Damage Prevention Ordinance<sup>1</sup>  
☐ Project subject to Cobb County Damage Prevention Requirements  
☐ Dam Breach Zone (Upstream)<sup>2</sup>  
☐ Owner/Developer is responsible for obtaining any required wetland permits from the United States Army Corps of Engineers

#### Streams and Creeks:

- ☐ Metropolitan River Protection Area<sup>3</sup>  
☐ Chattahoochee River Corridor Tributary Area<sup>4</sup>  
☐ Georgia Erosion-Sediment Control Law and County Ordinance<sup>5</sup>  
☐ Georgia DNR Variance for work being done in 25-foot stream bank buffers (may be required)  
☒ City Stream Buffer Required  
☐ No Stream Buffer Required

#### Public Works Comments: N/A

### FEMA FLOOD ZONE MAP



### ADDITIONAL COMMENTS REGARDING PROJECT:

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

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



# STAFF ANALYSIS REPORT



ZONING CASE #: RZ2023-04/ZV2023-03

SAMS LARKIN & HUFF, LLP STIPULATION LETTER

## SAMS LARKIN & HUFF, LLP

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.  
JOEL L. LARKIN  
PARKS F. HUFF

SUITE 100  
376 POWDER SPRINGS STREET  
MARIETTA, GEORGIA 30064-3448

770-422-7016  
TELEPHONE  
770-426-6583  
FACSIMILE

October 27, 2023

### VIA EMAIL:

Mr. Darryl Simmons, Planning & Zoning Administrator  
City of Kennesaw  
2529 J. O. Stephenson Avenue  
Kennesaw, GA 30144

Re: Application of Piedmont Residential to rezone (with concurrent variances) 5.13± acres; property is located at 1651 McCollum Parkway

Dear Darryl:

As you know, we represent the Applicant, Piedmont Residential, with respect to the above-referenced application. The property is presently scheduled to be heard by Kennesaw's Planning Commission on November 1, 2023 with a final vote by the Mayor and Council on November 20, 2023.

The subject property comprises 5.13± acres located at 1651 McCollum Parkway. It is situated between the Kennesaw Station Townhome Community and the Pinetree Country Club Condominium neighborhood. The property is presently zoned R-15 and the Applicant seeks to rezone the property to PUD-R, as depicted on the attached revised site plan. The Applicant's requested stream buffer variance is also depicted on the site plan.

As you know, the Applicant proposes to develop 68 fee simple homes. Unlike many similar communities, the Applicant proposes a variety in its unit mix. The 8 units on the northern portion of the subject property (depicted as 1-4 and 65-68 on the site plan) facing McCollum Parkway will be detached single-family homes with rear-entry garages, each having an approximate square footage of 2,000 square feet. The buildings on the west side of the subject property (units 5-32) are back to back townhomes with a 3' separation between buildings. Each of these units is approximately 1,700 square feet. Finally, the remaining units (41-64) are back to back townhomes with approximately 1,500 square feet. Again, there is a 3' separation between these buildings.

The project is designed to be marketed to both first-time homebuyers who are seeking affordable fee-simple homes as well to buyers with higher incomes who will be attracted to the homes with higher-end features. Fourteen (14) units (the "Attainable Units") are specifically designed to target first-time home buyers.



# STAFF ANALYSIS REPORT



## ZONING CASE #: RZ2023-04/ZV2023-03

### SAMS LARKIN & HUFF, LLP STIPULATION LETTER

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#### VIA EMAIL:

Mr. Darryl Simmons, Planning & Zoning Administrator  
City of Kennesaw  
October 27, 2021  
Page 2

245 total parking spaces are included on the plan. The 14 Attainable Units are to be served by on-street parking. The remainder of the units will have garages with additional parking on their driveways. There are also 14 guest parking spaces and 1 handicap parking space.

#### STIPULATIONS APPLICABLE TO THE OVERALL DEVELOPMENT

The Applicant proposes that the following stipulations and conditions be made applicable to the requested rezoning and variance. These stipulations and conditions replace and supersede in full any and all prior stipulations and conditions in whatsoever form that have been previously proposed or which are currently in place concerning the Subject Property.

1. The architectural style and composition of the homes shall be traditional and in substantial conformity to the imagery which has been submitted to your office and as depicted in the imagery submitted concurrently herewith. The front, sides and rear of the homes shall include a mixture of components consisting of brick, stacked stone and other cementous components including Hardiplank and Hardiplank shake and similar products.
2. The fourteen units on the western portion of the development facing the street and identified as units numbered 5, 8, 9, 12, 13, 16, 17, 20, 21, 24, 25, 28, 29, and 32 on the site plan that was submitted to the City will be offered and sold with no garages and on-street parking and with other features that allow the Applicant to offer them at a lower price than the balance of the units (the "Attainable Units") in order to make them more affordable for policemen, teachers, fireman and/or first time homebuyers.
3. Applicant shall create a mandatory Homeowners Association ("HOA") and prepare and file a Declaration of Covenants, 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 that may be rented at any one time to no more than 10% of the total number of units.
4. Among other things, the Homeowners Association shall be responsible for the upkeep and maintenance of all common areas, including landscaped areas, fences, rights-of-way, lighting and strategically located guest parking spaces within the proposed residential community.



# STAFF ANALYSIS REPORT



## ZONING CASE #: RZ2023-04/ZV2023-03

### SAMS LARKIN & HUFF, LLP STIPULATION LETTER

#### SAMS LARKIN & HUFF, LLP

A LIMITED LIABILITY PARTNERSHIP

#### VIA EMAIL:

Mr. Darryl Simmons, Planning & Zoning Administrator  
City of Kennesaw  
October 27, 2021  
Page 3

5. The Community's entrance signage shall be ground-based, monument-style and in substantial conformity to the architectural style and composition of the homes.
6. Applicant shall submit a Landscape Plan prior to or concurrently with the Plan Review Process.
7. Compliance with recommendations from the Department of Transportation ("DOT"), including the following:
  - a) The installation of sidewalk, curb and gutter along the Subject Property's frontage on McCollum Parkway.
  - b) The installation of a deceleration lane with taper at the Subject Property's point of ingress and egress on McCollum Parkway.
8. Lighting within the proposed Community shall be environmentally sensitive, decorative and themed to the architectural style and composition as mentioned above. The lighting shall be designed so that illumination therefrom will not extend beyond the Subject Property's boundaries.
9. Compliance with recommendations from the Cobb County Water System with respect to the availability and accessibility of water and sewer for the site.
10. Subject to recommendations from the City of Kennesaw's Stormwater Management Division with respect to stormwater management, hydrology and water quality requirements, including the following:
  - a) The ultimate location and configuration of on-site detention and water quality.<sup>1</sup>
  - b) Ongoing upkeep and maintenance to the stormwater management/water quality facilities shall be the responsibility of the mandatory HOA in view of the fact that those facilities and the streets are private.
11. Compliance with recommendations from the Cobb County Fire Marshal's Office with respect to Life-Safety and Fire Prevention issues. Additionally, complying with guest parking regulations mentioned above and as shown on the Revised Site Plan.

<sup>1</sup> The Applicant is seeking a variance for stream buffer encroachment for the west side of the Subject Property as depicted on the site plan.



# STAFF ANALYSIS REPORT



ZONING CASE #: RZ2023-04/ZV2023-03

SAMS LARKIN & HUFF, LLP STIPULATION LETTER

SAMS LARKIN & HUFF, LLP

A LIMITED LIABILITY PARTNERSHIP

**VIA EMAIL:**

Mr. Darryl Simmons, Planning & Zoning Administrator

City of Kennesaw

October 27, 2021

Page 4

Please do not hesitate to contact me should you or the City's Staff, Planning Commission Members or the Mayor, City Council and the City Manager require any further information or documentation prior to the Planning Commission's Zoning Hearing of Wednesday, November 1<sup>st</sup>. With kind regards, I am

Sincerely,

SAMS LARKIN & HUFF, LLP

Joel L. Larkin

PFH/jcc  
Attachment



# STAFF ANALYSIS REPORT

## ZONING CASE #: RZ2023-04/ZV2023-03

### PLANNING AND ZONING

**Site Visit:**

☐ Yes  
☒ No

**Staff Member:**

Name: N/A  
Date of Visit: N/A

**Land Use Recommendation:****Historic Preservation:**

Not in a historic district

**Cemetery Preservation:**

No cemeteries on site

**Required Parking:** minimum of 2 parking spaces per unit plus .35/per unit for guest parking

### DENSITY ANALYSIS

**COMMERCIAL:** None proposed

**RESIDENTIAL:** 13.26 DU/AC

**Proposed Parking:** 68 units will require 160 parking spaces with guest parking. Tenant parking equals 136 spaces. Guest spaces for development equals 24 spaces. However there is specifically 14 lots that will not have a garage and will depend on on street parking so that applicant will be designing site plan to accommodate 2 spaces for these 14 units as well as ample guest parking  
\*additional parking spaces can be provided

### ZONING ADMINISTRATOR'S RECOMMENDATION: **APPROVAL WITH CONDITIONS**

The Zoning Administrator, Darryl Simmons, recommends **approval with conditions** of case #RZ2023-04 and ZV2023-03.

**Conditions:**

1. Staff recommends the incorporation of all eleven conditions as specified in the attorney letter dated October 27, 2023 prepared by Sams Larkin & Huff, LLP.
2. Staff recommends the variance to encroach into the required stream buffer area for the purpose of providing rear access drive for town home units .

### BASIS FOR ZONING ADMINISTRATOR'S RECOMMENDATION

1. The request for rezoning is compatible with the adopted comprehensive plan for this portion of McCollum Parkway. This development contains a unique housing configuration that will allow a specific number of residential units to be affordable or obtainable. This meets one of the City of Kennesaw's long range goals for the citizens regarding promotion of accessible housing for purchase.
2. The configuration of the townhome units required easier secondary access to the rear units and the variance approval to encroach into the stream buffer area will accomplish the goal of meeting the criteria for easier drive access specific to this site.

### PLANNING COMMISSION RECOMMENDATION:

**To be determined on November 1, 2023.**

### MAYOR AND COUNCIL DECISION:

**To be determined on November 13, 2023.**